

בס"ד

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*Authentic
Torah in a
Modern World*

מיום שחרב בית המקדש אין לקב"ה
בעולמו אלא ד' אמות של הלכה

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Designed by: **Dove Press Ltd** | design@dovepresspublishing.com
Editor: Raphael Amablo | raphael@Torahplatform.org
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TORAH
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Welcome

DAYAN YOSEF-HAIM DAVID

There has been a growing culture of dog and cat ownership within the *Torah* observant community in recent years. Many understand the covid pandemic as being the primary catalyst of this new trend. As families were barricaded in their homes during lockdowns, running out of ways to occupy their children, some turned to buying a pet as a source of comfort and entertainment.

The truth of the matter is that the culture of ‘pet ownership’ has never really been an authentically Jewish one. Even amongst the gentile nations of the world, the concept of keeping animals as ‘pets’ began only a couple of centuries ago. Whilst certain animals have always been domesticated since the creation of mankind, they primarily served a practical purpose, such as herding, hunting, guarding, pest control, and as a source of food, clothing, etc. But in the 18th century, in Europe in particular, more and more people began bringing animals like dogs and cats into their homes and gradually the perception of keeping animals as pets began to change and become culturally acceptable.

Has anything changed, though, from a *Torah* or Hashkafic perspective?

Is there anything essentially wrong with keeping an animal for companionship or entertainment?

The Talmud is tractate **Bava Kama**¹ says, in the name of **Rebbi Natan**, that whoever keeps an evil dog transgresses a *Torah* prohibition. This is because its bark can scare a pregnant woman and cause her to miscarry. Many Halachic authorities have debated what is defined as an “evil dog” and whether the prohibition is restrictive to that category of dogs only.

Regardless of that debate, one thing we can be sure of is that in the period of the Talmud no observant Jew ever allowed dogs and cats to dwell inside their homes. Dogs in the period of the Talmud were kept outdoors for guarding or herding.

As mentioned, keeping pets in the home only became normalised much later on in Europe. So even the authorities who explain the statement of Rebbi Natan to exclude tame and friendly dogs, it is plausible to say that they would have for sure raised eyebrows at the very notion of bringing animals into the home to be kept as pets.

The **Medrash Rabah** on Kohelet² says there are activities that bring about “הבל” (frivolity or levity), such as keeping cats, monkeys, ferrets, etc. We also see that the **Arukh** (Rabbi Nathan ben Yehiel of Rome,

1. דף טו.

2. יב, ו.

1035-1106)³ was very much against keeping animals like dogs, which cannot find their own food and rely on their owners for food. He justifies the raising of chickens and game-birds, as these types of fowl can be a source of meat or eggs for their owners. But he still stresses that such a practice is an issue of increasing הבל in a person's life.

The Arukh explains that keeping dogs is an additional problem, as you need to exert the financial and physical effort to provide for them. The **Sefer Hassidim** (Rebbi Yehudah HaHassid of Germany, 1150-1217) echoes the same warning – that taking care of pets increases frivolity and warns that the money spent on their upkeep should have been used for supporting the poor.

Rabbi Yaakov Emden (Germany, 1697-1776) holds a stark position that it is completely forbidden to own any type of dog as a pet, even if it is tied up in the garden. He explains that the idea of playing with

an animal transgresses the issur of מושב ליצים (*in the company of fools*) and also calls 'pet-keeping' as מעשה ערלים (*practices of the uncircumcised*).

HaShem created this world for mankind and gave us animals for our physical usage. Our main mission and focus in this world is to follow the Ways of HaShem and strive to acquire His various virtuous Attributes. One of His Attributes is Gemilut Hassadim – to be a giver. This beautiful trait, to give of ourselves both emotionally and physically, is such a profound opportunity to benefit our fellow brethren in their times of need.

We also have a *Mitzvah* of showing love and compassion towards our family members and fellow Jews. This is demonstrated through the expression of endearing words and through meaningful actions. What a shame it would be if all these fundamental qualities were diluted or wasted on years of raising and maintaining an animal.

3. ערוך ערך דבר.





Is One Allowed to Neuter an Animal?

DAYAN YOSEF-HAIM DAVID

Societal norms are not always ‘normal’ from a *Torah* perspective. It has become common practice all over the world for pet owners to have their dogs, cats, rabbits, etc. neutered. Physical neutering is the surgical castration of a male animal, or the spaying of a female, in order to remove their reproductive organs.

In western countries today, most pet owners are advised and even encouraged by breeders and vets to have their animals neutered. Statistics show that the UK has one of the highest neutering rates in the world.¹ For example, over 80% of male and female dogs seen in veterinary practices in this country have been surgically neutered.² In the animal farming industry as well, various methods of physical castration of cattle is also common practice.

There are several reasons why animals are neutered, some more common than others. Pets are usually neutered to prevent unwanted litters, to produce more calm or docile animals, or to reduce the risk of infections and cancers associated with reproductive organs.

In more extreme cases, male pets are castrated in order to reduce aggression. Farm animals, and specifically male calves, are castrated to produce calmer animals that are easier to handle, as well as to yield better quality and softer beef.

Despite the fact that so many animals are neutered

on a daily basis, this culturally accepted practice is in fact considered immoral and forbidden according to our holy *Torah*. Unfortunately, some uneducated Jews are unaware of this prohibition and have their pets neutered without knowing the severe *Torah* transgression inherent in this practice.

In this write-up we will look into the sources of this prohibition, the different Halachic opinions in the Rishonim and Aharonim on the subject, as well as whether there is any room for leniency in extreme circumstances.

We will begin our analysis by citing the source of this prohibition in the *Torah*, in Sefer Vayikra. In P'rashat Emor³ the *Torah* lists the types of physical blemishes that would disqualify an animal from being brought as a sacrifice in the Beth HaMikdash.

Amongst the list of blemishes given, the *Torah* prohibits the sacrificing of male animals that have had their reproductive organs either accidentally damaged, intentionally damaged, or removed. The exact wording of this prohibition is as follows:

ומעורך וכתות ונתוק וכרות לא תקריבו לה' ובארצכם לא תעשו.

“AND THOSE WHOSE testicles or spermatic cords/ligaments are mashed, crushed, disconnected, or cut off, you shall not offer to HaShem, nor shall you do in your land.”

1. Von Heimendahl, A. November 2011, “The neutering of dogs in the UK & Europe.”

2. *ibid.*

3. ויקרא, כ"ב, כ"ד.

We learn several Biblical prohibitions from the verse above. Firstly, that animals which have already been castrated in these four types of ways cannot be used as a sacrifice. The latter part of the verse (“*nor shall you do*”) teaches another prohibition, which is the actual act of physically castrating an animal, whether it is intended for sacrificial use or not. Since the only animals that are allowed to be brought as a sacrifice are cattle, sheep and goats, one may have thought (in error) that this prohibition is restrictive to these three species only.

Rashi on the *Torah*⁴ clarifies that this is not the case, explaining that the prohibition of castration includes that of any domesticated or wild animal, whether *Kosher* or not. Rashi’s source is the Talmud in tractate Hagigah, which records a question that was asked to the great Amora, Ben Zoma, regarding whether one is allowed to castrate a dog:⁵

שאלו את בן זומא מהו לסרוסי כלבא? אמר להם ובארצכם לא תעשו כל שבארצכם לא תעשו.

THEY ASKED BEN Zoma; *Can one neuter a dog? He said to them [the verse states:] “Nor shall you do in your land”. [These words are expounded to mean:] To any [animal] in your land you shall not do.*

It is clear why Ben Zoma was asked this question specifically in relation to a dog, because a dog is not only a non-*Kosher* animal that cannot be sacrificed, but the *Torah* also forbids offering the ‘exchange of a dog’ for a sacrifice⁶, i.e. using the monies from the sale of a dog to purchase a sacrificial animal. We could have originally deduced that the prohibition of castration should not apply to dogs at all, as they are so far removed from anything to do with sacrificial service. Yet we see that Ben Zoma expounds the latter part of the verse (ובארצכם לא תעשו), that seems superfluous, to teach us that one cannot castrate any type of animal period!

The Rambam⁷ codifies this prohibition in Halachah,

4. שם.

5. דף יד:.

6. דברים כ"ג:”ט (לא תביא אתנן זונה ומחיר כלב וכו’).

7. רמב"ם, הלכות איסורי ביאה, פרק ט"ז, הלכה י'.

making it forbidden from the *Torah* to castrate any male, whether human, animal, or bird:

אסור להפסיד איברי זרע בין באדם בין בבהמה חיה ועוף אחד טמאים ואחד טהורים בין בארץ ישראל בין בחוצה לארץ אע"פ שנאמר ובארצכם לא תעשו מפי השמועה למדו שדבר זה נוהג בכל מקום... וכל המסרס לוקה מן התורה בכ"מ...

“IT IS FORBIDDEN *to destroy male reproductive organs, either in a person, or in a domesticated animal, wild animal and a fowl, whether unclean or pure, either in Eretz Yisrael or outside the Land. Even though it says “and in your land you shall not do” we have learnt by the Oral Law that this law applies to every place. and whoever castrates is given lashes from the Torah in any place.”*

The obvious question arises whether this prohibition also extends to the surgical spaying of females. The Rambam does in fact make a ruling that surgical spaying a female is forbidden:⁸

והמסרס את הנקבה בין באדם בין בשאר מינים פטור אבל אסור

AND ONE WHO *surgically spays a female, whether in a person or in another species, is Patur but it is still forbidden.*

The source of the Rambam is in the Safrā (Torat Kohanim),⁹ which was written in the period of the Talmud. The Safrā brings an argument between the great Sages, Rabbi Yehuda and the Hachamim, as to whether the prohibition of neutering applies to females as well:

מנין שהנקבות בסירוס? ת"ל כי משחתם בהם מום במ. ר' יהודה אומר בהם אין הנקבות בסירוס.

The Hachamim learn from the double expression of the prohibition, together with the plural word 'בהם' in the pasuk, ¹⁰ כי משחתם בהם מום במ. For their injury is upon them there is a defect on them. To prove that the *Torah* prohibition applies also to the spaying of females. Rabbi Yehuda argues that the word 'בהם' is

8. שם, הלכה י"א.

9. ספרא על ויקרא כ"ב, קכ"ג.

masculine¹⁰ and we are therefore being taught that the prohibition applies only to males.

The Ra'avad¹¹ (Rabbi Avraham ben David of 12th century Spain) is a major authority who also comments on the Safra above and explains that when the Tanna Kama forbids spaying a female they meant specifically in a case of סירוס בידים “*neutering by hand*”, i.e. physically cutting and removing the uterus. According to the Ra'avad it is only this action which is forbidden by the *Torah*. He clarifies, however, that if contraceptive medication is given to a female that would not constitute a prohibition.

Going back to the Rambam's viewpoint on spaying females. It is interesting to observe that when the Rambam states it is forbidden to spay a female he uses the consequential language of “פטור” which implies there are no lashes administered for such an action. It is subsequently heavily debated amongst several Halachic authorities as to whether the Rambam considers the prohibition of female spaying to be on a Biblical level, or a Rabbinic level.

According to the Vilna Gaon's¹² (Rabbi Eliyahu ben Shlomo Zalman, 1720-1797) understanding of the Rambam, it is indeed forbidden from the *Torah* to spay a female, which is in line with the opinion of the Tanna Kama quoted in the Safra above. The Vilna Gaon is of the view that the reason why the Rambam wrote one is פטור for such an action is because this prohibition was not included in the *Torah's* list of forbidden actions (לא תעשו) cited in the verse we quoted above from Emor.

The Magid Mishnah (Rabbi Vidal of Tolosa – 14th century Spain) argues and maintains that the Rambam is ruling according to Rebbi Yehuda in the Safra, i.e. that spaying a female is only forbidden on a Rabbinic level.¹³ This is his understanding of why the Rambam uses the lashon of פטור to describe the level of consequence. Either way, whether Biblical or Rabbinic, we see that the neutering of both males and females is forbidden.

Let us add a new layer to our discussion. The question we can now ask is whether a non-Jew is

allowed to be instructed by a Jew to neuter his animal. Can someone take their dog or cat to the vet and pay for neutering?

The Terumat HaDeshen (Rabbi Yisrael Isserlein of Austria, 1390-1460)¹⁴ was asked a similarly related question, but from a different angle. The question was whether a Jew is allowed to sell his rooster to a non-Jew, knowing that the non-Jew intends to castrate it for his own purposes. Why should the Jew be concerned with what the non-Jew does with the rooster once it is sold? The Terumat HaDeshen explains that there are Halachic authorities who are of the opinion that non-Jews are also restricted by the *Torah* prohibition of neutering animals. These authorities maintain that neutering is a violation of one of the Noahide laws that non-Jews are bound by. Amongst those who are of this viewpoint, the Terumat HaDeshen quotes the Sefer Mitzvot Gadol,¹⁵ otherwise known as the S'mag, which was written by Rabbi Moshe of Coucy (one of the Ba'alei Tosafot of 13th century France). The S'mag forbids selling one's animal to a non-Jew if you know for certain that he intends to neuter it. This is because the Talmud in tractate Bava Metziah quotes the opinion of the Tana, Rav Hidka, who says it is forbidden even for non-Jews to neuter an animal!¹⁶

אמר רב פפא בני מערבא סברי לה כר' חידקא דאמר בני נח מצווין על הסירוס

RAV PAPA SAYS, *The people of West hold like [the opinion of] Rav Hidka, who said; 'Bnei Noah are commanded on the prohibition of neutering.'*

Therefore, according to Rav Hidka, if a Jew sells their animal to a non-Jew, knowing that the non-Jew intends to neuter it, the Jew would have transgressed the prohibition of ¹⁷לא תתן מכשול, one should not put a stumbling block in front of a blind person, i.e. his actions would facilitate the non-Jew's transgression of one of the Noahide laws.

The Terumat HaDeshen then brings the opinion of the Ritsba (Rabbi Yitzhak ben Avraham 1199-1210,

10. עיין ביאור חפץ חיים על ת"כ שביאר פירוש "בהם" שיהיה השחתה ניכרת.

11. על ת"כ.

12. שם על הש"ע בביאור הגר"א אות כה, וע"ע בתורה תמימה אות קס"א.

13. במנ"ח מצוה רצא הביא בשם הקרבן אהרן טעם האיסור משום חבלה.

14. סימן רצ"ט.

15. לאוין ק"כ וכן דעת השאלות אמר ק"ה.

16. דף צ:.

17. ויקרא י"ט:ד.

who was also one of the Ba'alei Tosafot from France), together with the opinion of the Ashiri (Rabbenu Asher ben Yehiel of Cologne, 1250-1327) – otherwise known as the Rosh, who argue with the S'mag and say we do not follow the ruling of Rav Hidka.¹⁸

The Ristba and Ashiri would therefore allow a Jew to sell their animals to non-Jews, knowing that they intend to neuter them, as they are of the opinion that there is no transgression of לפני עיור when it comes to non-Jews neutering animals, i.e. it is not one of the Noahide laws in their view.

The Terumat Hadeshen returns to the position of the S'mag, who forbids selling an animal to a non-Jew, and suggests a potential scenario where even the S'mag would be lenient. He says that if the non-Jew buying your animal does not plan to neuter the animal himself, but rather via another non-Jew, then it is a case of a non-Jew instructing another non-Jew (לפני דלפני עיור) and there is an accepted principle in Halacha not to be stringent in such a scenario (אלפני דלפני לא מקפידין).

The Rema¹⁹ (Rabbi Moshe Isserles of Poland, 1530-1572) relies on this leniency and makes a ruling that one is allowed to sell their animal to a non-Jew if he knows the non-Jew buying it will be using another non-Jew to neuter it.

The above question dealt with selling your animal to a non-Jew, knowing the non-Jew will neuter it for himself.

he Rambam and Maran in the Shulhan Aruch²⁰ address our original question as to whether a Jew is allowed to instruct a non-Jew to neuter his animal for his own purposes. Maran is stringent in this regard and forbids it:

אסור לומר לכותי לסרס בהמה שלנו, ואם לקחה הוא מעצמו וסרסה מותר, ואם הערים ישראל בדבר זה קונסין אותו...

“IT IS FORBIDDEN to tell a non-Jew to neuter an animal of ours. And if [the non-Jew] took the animal on his own accord and neutered it, it is permitted. And if a Jew tries to cheat in this matter he will be fined.”

18. וכן דעת הרמב"ם פ"ט מהל' מלכים.

19. אבן העזר ה', ט"ז.

20. שם, ורמב"ם שם הל' י"ז.

We see from the above that Maran also forbids a Jew to cheat in this matter (Arama) by putting motions in place that would intentionally, but indirectly, cause his animal to get neutered by a non-Jew. Maran makes this ruling in line with the Talmud in Baba Metzia.²¹

Based on the majority consensus of Halachic authorities we have so far quoted, it is clear that non-Jews are not restricted on neutering and there is therefore no issue of לפני עיור if one instructs them to do so. However, as we have also learnt from the Rambam's and Maran's ruling above, that a Jew is not allowed to instruct a non-Jew to do an action that is forbidden for the Jew to do (אמירה לגוי).

But what if we were presented with the leniency we mentioned by the Terumat Hadeshen and the Rema? i.e. If someone wanted to neuter their pet, would they be allowed to sell their pet to a non-Jew with the understanding that he will instruct another non-Jew to do the neutering, and then buy it back from him? Would this still be considered an 'Arama' (cheating the halachic system), which is obviously undesirable, even if the Jew will not be legally owning the animal at the time the neutering is done?

We need to first address the alleged Halachic issue of אמירה לגוי, instructing a non-Jew to do an action that is forbidden for the Jew, and see if it is really applicable to our case of neutering. The Rambam together with the Rosh²² have an argument against the Ra'avad on a portion of the Talmud in Bava Metzia,²³ which discusses whether אמירה לגוי is applicable to all forbidden actions, or only to actions restricted on Shabbat and Yom Tov.


The Ra'avad is לקולא and says this question in the Talmud was not concluded (באיה ולא אפשטא) and we can therefore be lenient in this regard. The Rambam and Rosh are לחומרא and argue that the concept of אמירה לגוי is a Halachic restriction that applies to other Issurim as well and not just to the Malachot of Shabbat and Yom Tov.

Back to our question of whether a Jew can sell his animal to a non-Jew to be neutered by another non-Jew, and then buy it back again. We see other examples in Halacha where the authorities have allowed selling

21. דף צ'.

22. הובא בראש פ"ז ס"ו וכ"כ המאירי וכנראה שכיון לספר השלמה.

23. שם.



something in order to avoid a potential transgression from the *Torah* and then buy it back again. Examples of this are selling your Hametz before Pesah, and selling your animal to avoid transgressing שביתת בהמתו. Since these two permitted examples are done to avoid *Torah* transgression, could we therefore say that selling our animals to be neutered by another non-Jew, to avoid the Rabbinic issue of אמירה לגוי, should for sure be allowed?

The Tevuot Shor (Rabbi Alexander Sender of Zholkov, 1660-1737) discusses²⁴ whether it is permissible for Jewish farmers to sell their animals to a non-Jew before Pesah in order for the non-Jew to feed and fatten the animal with Hametz-feed during Pesah.

He takes issue with this practice because selling the animal with a condition that it is fattened weakens the strength of the sale, which in turn could make the Jewish farmer transgress a *Torah* prohibition of benefitting from Hametz on Pesah.

Apart from the Mekor Hayim who argues with the Tevuot Shor on this point, our case should indeed be allowed, because we are discussing selling an animal to avoid a Rabbinic prohibition, whereas the Tevuot Shor's case is talking about selling an animal to avoid a *Torah* prohibition.

Rashi, on the Talmud in tractate Shabbat,²⁵ explains that doing an Arama to avoid a Rabbinic transgression is permitted.

The Maharam Schick (Rabbi Moshe Schick of Hungary, 1807-1879)²⁶ gives us some more details of how one can sell their animal to a non-Jew for neutering purposes and then buy it back again. He stresses that it has to be a proper Halachic binding Mechira (sale), so much so that the non-Jew can decide to keep the animal if he wishes.

Furthermore, we see that the Havot Yair (Rabbi Yair Hayim Bacharach of Germany, 1638-1702)²⁷ says that asking a non-Jew to instruct another non-Jew makes this a case of שבות דשבות, and not אמירה לגוי, which is allowed in מקום פסידה (monetary loss). The reason being because all the authorities who hold that אמירה is forbidden, they only do so in cases of Hilchot Shabbat. Anyhow, in our scenario we are saying that the Jew must sell to a non-Jew who instructs another non-Jew, which is אמירה לאמירה, i.e. another step removed from the potential issue.

In conclusion, in the first instance one should not purchase any animal that would require neutering. In a situation where a person has an animal and they would suffer some sort of הפסד (loss) by not neutering, then they should consult a competent Halachic authority and seek guidance on how to make a proper sale to a non-Jew. The non-Jew will then be able to instruct a vet to do the procedure. As an aside, a Jew should not practice as a vet if his job would require the neutering of animals.



24. בכור שור, פסחים כ"א.

25. דף קל"ט:.

26. אבן העזר, תשובה י"א.

27. סימן נ"ג.



Lab-Grown Meat

**RABBI SHRAGA FEIVEL ZIMMERMAN, ROV & AV BEIS DIN,
THE FEDERATION OF SYNAGOGUES – LONDON**

INTRODUCTION

Lab grown meat is produced by the following process: A stem cell from a cow's muscle tissue is taken, it is then cultured and multiplied with nutrients and growth promoting chemicals. This produces a thin strip of muscle fibre; when many thousands of these are put together, one will have a hamburger. This hamburger will have cost you £25,000. It looks, tastes and feels like a regular burger. (The hope is that they will one day find a cheaper way of doing it; then lots of meat will come from one cow.).

Addressing this innovation from a halachic perspective, there are several fundamental questions:

1. What is the halachic status of lab grown meat?
2. Is it *kosher*?
3. If indeed it is *kosher*, is it meaty or not?

A critical issue which will lead to answers for each of the above issues is whether meat needs to come from an animal, alternatively, does the mere appearance of meat define the substance as meat?

Early Sources for Meat which did not Emerge from Animals

The Gemara¹ says that Adam sat in Gan Eden and the *malachim* roasted meat for him; the Gemara states that this was meat flew down from the heavens. Rabbi Shimon ben Chalafta was once traveling and attacked by some hungry lions, he recited the following

1. Sanhedrin 59b.

passuk: הכפירים שואגים לטרף. Two pieces of meat then flew down from שמים, the lions ate one of them and left him alone. Rabbi Shimon then entered the Beis Hamidrash and recalled seeing meat from heaven, he asked if he was permitted to eat the second piece of meat. They told him that anything which comes from heaven is not *tamei*, it is *kosher*.

The Gemara continues that Rabbi Zeira asked Rabbi Abahu the following question: If the likeness of a donkey came from heaven, what would its halachic status be? Rabbi Abahu answered that a *davar tamei*, an impure entity cannot come from heaven. In other words, anything from heaven by definition cannot be *treif*. Some have pointed out that the Gemara only says that it cannot be *treif*, however, this does not mean that it is not meat.

On the other hand, Rav Moshe Feinstein² writes that if it were to be meat without the signs of being *kosher*, it would be *treif*. Therefore, it emerges that if something *kosher* comes down from heaven, it is not classed as meat at all. In essence, at something can have all the properties of meat and not be meat, at the very least if it comes into being in a miraculous way.

The above discussion is about without human intervention; we will now address the case of a person making miraculous meat. The Gemara³ records that Rav Chanina and Rav Oshaya would learn *Sefer*

2. Dibros Moshe.

3. Sanhedrin 65b.

Yetzira every Friday, by way of this *sefer*, they would make a calf and eat it. What is the status of the calf made with *Sefer Yetzira*?

The *Shelah*⁴ states that Yosef suspected his brothers of eating *eiver min hachai* (a limb from a living animal), the same point is stated earlier by Rashi.⁵ The *Shlah* explains that this was not in fact the case, because if such food was made with *Sefer Yetzira*, it was not an animal and therefore not subject to the restriction of *eiver min hachai*. Avraham Avinu served milk and meat to the angels, how could he do this? The Malbim answers that this was meat produced by *Sefer Yetzira*, it was not halachically defined as meat, and was therefore permitted.

The Gemara in *Bechoros*⁶ asks how we know that milk is permitted, after all it appears to be *eiver min hachai*. The Gemara answers that the prohibition of milk and meat together implies that milk alone is permissible, however the Gemara then counters that meat and milk together are forbidden to a stricter extent, as one cannot even benefit from the mixture, perhaps milk on its own is simply forbidden to consume. Ultimately, the Gemara cites the *passuk* ארץ זבת חלב ודבש as conclusive proof that milk is permitted.

Rav Yonatan Eibeshitz⁷ asks why the fact that Avraham Avinu served milk to his guests is not brought as proof. The *Cheshek Shlomo*⁸ answers that the milk which Avraham served them was also made with the *Sefer Yetzira*. In summary, the *Shelah*, *Malbim* and *Cheshek Shlomo* all maintain that something can look like meat, possess the properties of meat, and yet, such a substance is not to be classed as meat. From the *Cheshek Shlomo*, it is clear that something can look like milk and taste like milk, and technically could be milk, but it is not a *yotzei min hachai*, as it did not come from an animal.

It should be noted that there is a fundamental difference, all of those things did not start with an animal. In the first case cited, there was food which came from heaven, in the later cases, Avraham Avinu or the *shevatim* made animals. In the case of lab grown meat, the story starts with the cell of an animal, it

began with something meaty, which may even have been *treif*. Therefore, the cases cannot necessarily be compared.

Invisible Organisms

If the cell came from a live animal, the initial cell may be *eiver min hachai*. If it originated from a non *kosher* animal, it would be *treif*.

There are those that wish to say that the cell with which the process starts is not visible to the eye, as indeed there are no *Torah* level prohibitions on things smaller than the eye can see (as stated by the *Aruch Hashulchan*⁹). If one looks a cup of water through a microscope, it contains amoeba and all types of *sheratzim*, so why are you allowed to drink water?

The *Aruch Hashulchan* answers that the *Torah* does not forbid things smaller than the eye can see, because the *Torah* was not given to angels. The stem cell with which the process of forming lab-grown meat began was also microscopic, can one viably claim that it lacks halachic significance?

Rav Shlomo Zalman Auerbach¹⁰ addresses this when discussing genetic engineering in regard to *kilayim*. If a tree is grafted with a molecule of another tree on it, Rav Shlomo Zalman rules that this would be forbidden as *kilayim*. In his view, the halacha that something invisible is not forbidden is when people do not ascribe significance to it and they do not use it, and they do not intentionally use it. The intentional grafting of a cell from one tree in another cannot be viewed as meaningless. Here too, the stem cell used from a cow is targeted to create a hamburger.

Davar Hama'mid

The original cell started from a cow, it is cultured or fed by plants, which are vegetable based. If one had a mixture of meat and vegetables, it is defined by the rule of *shishim*. (In other words, if it is within a mixture with a ratio of 60:1, it can be assumed to be annulled.) The amount of meat with which one starts is microscopic, the quantity of growth hormones is far greater. Therefore, even if it began as meat, one would perhaps assume that it becomes annulled. However, this would be incorrect because *davar hamaamid, lo*

4. Parshas Vayeishev.

5. Bereishis 37:2 s.v. את דבתם רעה.

6. Bechoros 6b.

7. In his commentary on Shulchan Aruch, Kreisi Upleisi.

8. Yoreh De'ah 98.

9. Yoreh De'ah 84:36.

10. Minchas Shlomo Chelek 2 siman 92 os 27.

batil afilu be'elef, in other words, if something which is the essential ingredient to produce whatever one is making, it can never be annulled.

There is a dispute in whether this concept of *davar hama'amid* is a *din de'oraisa* or not.¹¹ The *Magen Avraham* maintains that it is forbidden *min haTorah*, while the *Chok Yaakov* holds that it is *midrabanan*. Either way, it will not be annulled. If it comes from a *neveila* (an animal which was not slaughtered in accordance with the halacha) or from a non-*kosher* animal, this cell will not be annulled, and it will always be forbidden to eat the burger as a result of this little cell.

Yotzei

Besides the *klal* (general rule) of *davar hama'amid*, there is another pertinent *klal*. The Mishna¹² rules that if a non-*kosher* animal, such as a camel, gives birth to a cow, the young is forbidden, or there is a principle that *hayotzei min hatamei tamei*, i.e., that which emerges from something *tamei* is itself *tamei*. When something comes out of another thing, even if its properties are different, it too is forbidden.

The Gemara provides the example the milk of a non-*kosher* animal which is forbidden for the same reason. Even though such milk is not meat, it is still subject to the rule of *hayotzei min hatamei*.

If one starts with a cell which is forbidden for whatever reason, (either because it is from a living animal or *neveila* or because it is from a non-*kosher* species) everything which emerges from it will also be forbidden. The question is what happens if one shechts a cow and it is *kosher*, one then takes a cell from it before feeding it other things which make it grow. Do we assume a principle that everything that emerges from meat is meat, and apply the concept of *yotzei*?¹³ Rav Chaim Brisker explains that there are two *dinnim* of *yotzei*:

1. If a camel gives birth to a cow, although it looks like a cow, if one eats from it, one is liable to malkus (lashes).

11. Orach Chaim 442.

12. Bechoros 5b.

13. In response to a question, the Rav mentioned that although all milk emerges from meat, this may not be indicative, as this is limited as *gezeiras hakasuv*, a scriptural decree; such a concept cannot be applied beyond the case(s) in which it is stated.

2. The milk of a camel is forbidden, but one is not subject to lashes for consuming it. It is indeed milk, but *hayotzei min ha'assur*, *assur* – that which emerges from the forbidden is also forbidden.

There is a concept that something which emerges from the forbidden is likewise forbidden, but there is no *klal* that something which emerges from meat is also meat. Do we apply the first of these *dinnim* in our case? Is something which comes from meat classed as belonging to meat? The answer is *tzarich iyun*, it requires further analysis.¹⁴

Gidulim

Another angle from which this question can be viewed is the rule of *gidulim* (growths). If one plants fruits of *bikkurim* and/or *ma'aser*, the resulting fruits have the same status.¹⁵ Do *gidulim* of meat have a *din* of meat? Why aren't all *gidulim* forbidden as *yotzei*? To resolve this issue, one will need to define the difference between *yotzei* and *gidulim*, this issue is addressed, among others, by the *Keren Orach* in *Nedarim* and the *Kehillos Yaakov*.

Cooking Lab-grown Meat with Milk

A further possibility is that *mid'oraisa*, only meat and milk from a *kosher* animal are subject to the prohibition of cooking meat and milk together. The *chachamim* forbade cooking milk with chicken meat and meat from *chayos* (fowl), because they look like meat. Within that restriction, did they include everything that looks like meat, or did they forbid bird and *chaya* because that was what existed at the time? The lab grown meat has even more of a meat-like appearance, yet according to the second possibility, it is nevertheless not included within the decree.¹⁶

Maris Ayin

Famously, the *Rema*¹⁷ states that one may not cook meat in almond milk unless one places almonds next to it, because although it is almond milk, there

14. In response to an inquiry about the problem posed by the lack of shechita, the Rav answered said that such food is meat, but it is not an animal.

15. Mishna Bikkurim 2:2.

16. Fish is not subject to this decree, because its appearance is not confused with meat.

17. Yoreh De'ah 87:3.

is an issue of *maris ayin*, i.e., one appears to be doing something forbidden. In the case of lab-grown meat, the same issue may apply: This substance looks like meat, perhaps it should have the *halachos* of meat because it looks like meat. Likewise, soy burgers look like meat.

The *Kreisi Upleisi* addresses the question of when the issue of *maris ayin* is relevant. (There used to be a type of wine which was thick and looked like blood, it was the only *kosher* wine available in its time.) If a person is drinking wine which looks like blood, such wine does not pose an issue.

In the locale of Rabbi Yossi Haglili, people would eat chicken meat with milk. Why was there no issue of *maris ayin*? Rav Yonasan Eibeshitz teaches that *maris ayin* is only applicable when the permitted permutation is uncommon and the forbidden permutation is common. Since almond milk is rare and cow's milk is common, one will assume that the person is using cow milk. Wine is common, so one would not assume it to be blood. Similarly, due to the local custom, one would not suspect a person of eating meat and milk together in Rabbi Yossi Haglili's surroundings.

It is well known that one must judge a person favourably,¹⁸ at the same time, the *Torah* states והייתם נקיים - one should not bring oneself to be subject to suspicion. How can there be an imperative of והייתם נקיים when others are commanded to judge favourably? The Rambam and Rabbeinu Yonah comment there that one is only commanded to judge others favourably in cases of fifty-fifty of *mitzva* vs. *aveirah*.

When there is a setting where the possibility of an *aveirah* is greater, there is no obligation to judge favourably unless the person is known as a *tzaddik*. In such a case, it makes sense to assume that he acted properly.¹⁹ The first type of artificial butter was coconut oil. At one time, upon seeing whitish spread, one would assume it is butter. When it became more popular, this concern went away, as people knew there is something called margarine. In terms of how people's impressions would change over time, either the first few people transgressed *maris ayin*, but it is now permitted, alternatively, if one placed almonds next to the milk, it is permitted. Likewise, the Maharsham²⁰ says that one can place a margarine wrapper next to it. Through this practice, this butter became popular, and now one no longer needs to leave a wrapper.

Conclusion

Until the point in time when these hamburgers become a bit cheaper and more popular, there will be an issue of *maris ayin*. If such a stage is reached and one takes the cells from a *kosher* animal which underwent *shechita*, will there be a *klal* that something which emerges from meat is also meat?

A further relevant issue will be if such meat will be included in the rabbinic decree of chicken meat which cannot be cooked with milk or not, as explained above. *Maris ayin* does not necessitate a need to differentiate between regular meat and lab-grown meat, as *maris ayin* only applies when one substance is common and one is uncommon.



18. Pirkei Avos 1:6.

19. There are many books on the topic of judging favourably which bring true stories of scenarios where someone acted properly when their actions appeared most likely to be incorrect, but they are not halachically binding.

20. Da'as Torah.



Current Events Ab Rachman 5785

RABBI ABRAHAM HASSAN, MANCHESTER

Current events, by definition, keep on changing. I write this in AbRachman 5785, almost two years since the October 7th massacre. Unbelievably, we are still mired in the aftermath. International antisemitism has not abated; if anything, it may be intensifying. These are momentous times. What's happening? How come, only 80 years after the Nazis and World War II, when the world saw how far antisemitism can go, we seem to be back at square one? Jews shouted, "Never Again", and here it is again.

By the time this gets to print, hopefully, the situation may have improved, but the hopes of antisemitism disappearing are unrealistic.

Is Iran finished? Is Hamas finished? Is Hizbolla finished. Are the Houthis finished? And Gaza continues and nations all over condemn us for it and boycott Israel and attack Jews outside Israel. People who want to destroy us call us genocidal.

Current affairs change but the perspectives of the *Torah* are eternal. Whether the situation has improved or not by the time you read this, it is worthwhile to review some points from the *Torah*.

What can the Torah tell us to help us understand what is going on?

When the brothers of Yosef HaTzaddik were confronted by an intractable Egyptian Viceroy, they asked themselves, "What is this that G-d has done to us?"

Not the viceroy. G-d.

Their hearts sank, and trembling, they turned to one another, saying, "What is this that God has done to us?"¹

וַיֵּצֵא לָפָם וַיְחַרְדּוּ אִישׁ אֶל־אָחִיו לְאִמּוֹר מַה זֶה אֲשֶׁר עָשָׂה אֱלֹדִים לָנוּ

"WHAT IS THIS that G-d has done to us?"

So did our Holy ancestors respond to a difficult situation. So should we also ask!

Let us look into our *Torah* to see whether we can find an understanding to coping with this difficult national situation.

We believe beEmunah Shelemah that HaKadosh Baruch Hu is in charge and nothing happens in the world of which He is not aware.

Maimonides principle number 10 is that HaShem is omniscient and that He responds to human behaviour. (Providence).² השגחה

So, we ask ourselves "What is this that G-d is doing to us?"

Let's consider something Yeshayahu Hanabi said: – Yeshayahu,³ dealt with the difficulty in relating to national calamities.

1. Breshit 42 28.

2. Mishna Commentary Sanhedrin 10 1 27.

3. Chapter 42 23-25.

"**WHO AMONGST YOU** will listen to this, will pay attention and understand for the future?"

WHO HANDED JACOB over to be trampled, and Israel to thieves? Was it not G-d, because we sinned against him? They did not want to walk in His paths, and they did not listen to His Torah.

AND HE Poured upon him (Jacob) His anger and the viciousness of battle.

AND THE FLAMES licked Israel round about and Israel did not know, and it burnt him, and he did not take it to heart.

Yeshayahu acknowledged that we all find it naturally difficult to confront these issues, even when literally surrounded.

What is HKBH doing to us? Why is all this happening? What are we meant to take to heart?

What does the *Torah* say?

The answers are there but we have to look for them in the right place.

In Sefer Shofetim we read, "Now these are the nations which the L-rd left through whom to test Israel,"⁴ HaKadosh Baruch Hu uses the nations for a purpose. Rebbi Moshe Cordovero זצ"ל, devotes considerable attention to this topic in his Sefer, "Shiur Komah" Chapter 54. He quotes:⁵

הַי אֲשׁוּר שֶׁבֵט אֶפְי וּמִטָּה הַתּוֹא בְיָדָם זַעֲמֵי

"**WOE THAT ASSYRIA** is the rod of My wrath, and My fury is a staff in their hand[s].

Hakadosh Baruch Hu uses the nations of the world to guide us, to correct us, to draw our attention to the fact that something is not in order with us.

The accusations and suggestions being hurled at us, even by world leaders, are so illogical, that they seem to be telling us that HaShem is orchestrating this.

Can we try and work out the possible message we are receiving from Heaven via the current increase in antisemitism?

4. Shofetim 3 1.

5. 10 5.

RaMBaM writes:

"**IT IS NATURAL** for a man's character and actions to be influenced by his friends and associates and for him to follow the local norms of behaviour. Therefore, he should associate with the righteous and be constantly in the company of the wise, so as to learn from their deeds.

CONVERSELY, HE SHOULD keep away from the wicked who walk in darkness, so as not to learn from their deeds. This is what Shlomo said "He who walks with the wise will become wise; he who walks with the foolish will be destroyed (Proverbs 13:20); and what is said "Happy is the man who has not followed the counsel of the wicked, or taken the path of sinners, or joined the company of the insolent" (Psalms 1:1).⁶

This is observable human nature; we are all powerfully influenced by society. HaShem made us that way.

There is a positive side to this, and a negative side. Education is based on this human characteristic and so is corruption. We can learn good from a good environment and bad from a bad environment.

Which leads us to one of the challenges of Galut, exile. Our nature wants to imitate our hosts. No one can deny that world assimilation rates are at a probably all-time high.

The 2020 Pew research placed assimilation (intermarriage) amongst non-Orthodox and non-affiliated Jews in the USA at 72%.

"Jewish Policy Research" reports that "Nearly 70% of secular Jews in the USA and almost 50% in Europe are married to non-Jews. 1 August 2023. Dr Daniel Staetsky."

The Jewish News Syndicate (JNS) quotes on their website; "Sixty per cent of European Jewry has been lost to assimilation since WW II. In Poland, the figure stands at 70%. In the former Soviet Union, it reaches 90%. These are shocking statistics."

It continues: – "Israel is also far from immune, with a 38 % jump in intermarriage from 2011 to 2018. Recent work by Dr. Netanel Fisher showed that there are 85,000 intermarried couples in Israel. The majority are Jewish men married to non-Jewish women from the former Soviet Union. A total of 7% of marriages

6. Deot 6 1.

in Israel are mixed. And the story becomes even more disturbing when analysing the number of Israelis who emigrated to America and subsequently intermarried. It is estimated that the rate of intermarriage among second-generation Israelis living in the United States is close to 75 percent. Professor Lilach Lev Ari.⁷

One may conclude that if not for the orthodox, Judaism would disappear.

Would it be presumptuous of this author to suggest that Hakadosh Baruch Hu is trying to attract our attention and is using antisemitism to combat assimilationist tendencies?

See what Yechezkel HaNabi said in the name of HaShem: – ⁸

1. But what enters your mind shall not come about, what you say, 'Let us be like the nations, like the families of the lands...
2. As I live, says the L-rd G-d, surely with a strong hand and with an outstretched arm and with poured out fury, will I reign over you.

לֹב וְהַעֲלָה, עַל רִוְחָכֶם הָיוּ, לֹא תִהְיֶה: אֲשֶׁר אַתֶּם אֹמְרִים, נִהְיֶה כַּגּוֹיִם כְּמִשְׁפְּחוֹת הָאֲרָצוֹת לְשֵׁרָת, עֵץ וְאֶבֶן. חִי-אֲנִי, נֹאמֵר אֲד-נִי יְדוּה: אִם-לֹא בְּיַד חֲזָקָה וּבְזִרְעֵי נְטוּיָה, וּבְחִמָּה שְׂפוּכָה אֶמְלֹךְ עֲלֵיכֶם.

YOU WANT TO *be like the families of the earth? Trouble ahead. One response amongst many is that they will reject you, if nothing worse.*

Is this, maybe, the key to the whole situation? Israel has been fighting its neighbours since the neighbours got wind that the Jews wanted to make a state.

How did the state of Israel start?

Theodore Herzl was a very assimilated Viennese reporter, “Historians know about Herzl’s Christmas tree because he wrote about an incident regarding the tree in his diary. It was on December 24, 1895, when an important Viennese rabbi, Moritz Gudemann, came to his home as Herzl, then 35, was “lighting the Christmas tree for my children.” [Gudemann] seemed upset by the “Christian custom.” Well, I will

not let myself be pressured! But I don’t mind if they call it the Hanukkah tree — or the winter solstice.”⁹

His newspaper sent him to cover the Dreyfus trial. The antisemitism he saw there in France shook him to the core; an assimilated reporter observing antisemitism against an assimilated French Jew! Antisemitism is particularly hard to swallow for assimilated Jews.

Torah Jews, on the other hand, know that אָמַר רַבִּי, שְׂמִיעוּן בֶּן יוֹחָאֵי, הִלְכָה הִיא בְּדוּעַ שְׁעֵשׂו שׁוֹנֵא לְיַעֲקֹב. We know that it is a rule of spiritual nature, Esav will always hate us.¹⁰

Theodore Herzl decided he wanted to solve the problem of antisemitism so he decided for a Jewish State.

“In his 1896 pamphlet ‘The Jewish State’, he argued that the establishment of a modern, European homeland for Jews would provide a refuge for a persecuted people and prevent competition with non-Jews. Antisemitism would disappear and Jews would be able to ‘live at last as free men on our own soil’¹¹

Rabbi Elchonon Wasserman (1874 – 1941) observed in his day that many Jews in Europe thought that we should have our own country like everybody else has, and when that happens, there will be no more antisemitism.¹²

That was the dream; but the opposite happened. Because of the state we are hated outside the state. Oh no, it’s not antisemitism, they say, its anti-Zionism!

‘U.S. Antisemitic Incidents Skyrocketed 360% in Aftermath of Attack in Israel’, according to Latest ADL Data.¹³ (Anti-Defamation League website)

Galut is a test in assimilation. We are given a nature which wishes to blend into the surroundings, a nature which apes society. Those who resist are the ones who survive as Jews.

We could postulate that Hakadosh Baruch Hu loves us too much to see us assimilate ourselves out of existence.

So, based on the principle that He uses the nations as tools to regulate us,

9. The Forward Dec 12 2016.

10. Sifrei Beha’alotecha 69.

11. History Today. Herzl’s Troubled Dream: The Origins of Zionism.

12. Recorded in his publications gathered in Kovets Ma’amaram, Ikvesa deMeshicha.

13. Anti-Defamation League website.

7. Available on the ww.b. JNS Article by Dr Joseph Frager.

8. 20 32 – 34.

“NOW THESE ARE the nations which the L-rd left through whom to test Israel,”¹⁴

“WOE THAT ASSYRIA is the rod of My wrath, and My fury is a staff in their hand[s].”¹⁵

We can understand the principle, that if we try to assimilate it will provoke Heaven’s wrath, for our good, to stop our decline.

Is today a manifestation of our above quotations? And the next one?

Yechezkel Hanabi saying (Chap 20):

1. But what enters your mind shall not come about, what you say, 'Let us be like the nations, like the families of the land.
2. As I live, says the L-rd G-d, surely with a strong hand and with an outstretched arm and with poured out fury, will I reign over you.

So, I, as an individual, whoever I am, have this psychological challenge because I am human. Communities, too, have the challenge; the nation also has the challenge, and the initial purpose of founding a Jewish state was, in the eyes of many, to be like other nations. All other peoples have a state, why can we not also have one?

When we try to assimilate HaShem will respond. And we have seen that He uses the Nations of the World as executors of His will.

History Through the eyes of the Torah.

Yishmael was Abraham’s first born, but he was bypassed for Yitschak

Esav was Yitschak & Rivka’s first born but he was bypassed for Ya’akob.

Their resentment is Eternal. Esav’s Xtianity and Yishmael’s Islam are the two major roots of antisemitism. Both the so-called New Testament¹⁶ and the Islamic Hadiths¹⁷ are very explicit in their hatred.

Chazal have foretold everything we are going through. A few examples follow.

Hundreds of years before Muhammad, when Arabians were just scattered nomads in the Arabian

desert and there was no Ishmaelite religion, Rabbi Eliezer (1st C CE) predicted that at the end of time we would suffer at the hands of Yishmael¹⁸. One reason why he was called Yishmael was to tell us that when he rises against us, HaShem (E-l) will hear, (yishma’a), our prayers to be saved from him. Our only solution will be prayer: Tefillah.

במדורש פרקי דרבי אליעזר פרק לא: 'למה נקרא שמו ישמעאל שעתיד לשמוע הקדוש ברוך הוא באנקת העם ממה שעתידין בני ישמעאל לעשות בארץ באחרית הימים לפיכך נקרא שמו ישמעאל

Some 500 years ago, Rabbi Moshe Cordovero, in his commentary on the Zohar,¹⁹ predicted, based on pesukim, that the day would come when nations would rise against us because we will have made a government for ourselves in the land of Israel.

1700 or so years ago the Gemara Ketubot²⁰ recorded that if we pre-empt the redemption, our flesh will be slaughtered as wild deer are slaughtered.

”בצבאות או באילות השדה”, אמר רבי אלעזר: אמר להם הקדוש ברוך הוא לישראל, אם אתם מקיימין את השבועה - מוטב, ואם לאו - אני מתיר את בשרכם בצבאות וכאילות השדה.

For example, just between 1948 and 1997 over 20 000 Israelis died in combat.²¹ Apar from those killed in terrorist attacks. Many more figures are available on-line.

The Gemara Avodah Zara²² records that two out of the four kingdoms which caused us great harm in the past will still be around at the end of days. The so-called Arba Galuyot were Babel (Iraq), Paras/Madai, (today’s Iran), Yavan (today’s Greece), and Rome, today’s Xtian Western Nations.

The two which will still be around at the end of days will be Rome & Persia, Iran.

Iraq and Greece are comparative nonentities today.

Western Europe has continued to cause us trouble since Rome got its clutches on Eretz Yisrael 2200 years ago. Either by killing us or by offering us the lure of

14. Shofetim 3 1.

15. Amos 10 5.

16. Too many examples to refer to.

17. E.g. (Sahih Bukhari 4:52:177; see also Sahih Bukhari 4:52:176; Sahih Muslim 41:6985....).

18. Pirke Rebbi Eliezer .13

19. Bereshit 119.

20. 111a.

21. Source: MFA.gov.il.

22. 2b.

assimilation. Probably more Jews have disappeared in the melting pot of the USA by assimilation than the 6 000 000 killed by the Nazis.

So, 1700 years ago, Chazal foretold today’s scenario. Israel is caught between the assimilationist lure of the USA and Europe, and the physical threat of Iran/ Islam. For good measure the Baalei Tosafot, (French Scholars in the 7-8th centuries) throw in on that page that we have a tradition that Persia will fall to Rome close to the coming of Mashiach. This has become a plausible scenario in recent times.

Human nature tends to “assimilate”. And, maybe, therefore, that is why the *Torah* itself warned against following the practices of other nations.

One of the 613 Mitzvos is “not to go in the ways of the nations” –

וְלֹא תִלְכוּ בְּחֻקֵּי הַגּוֹי אֲשֶׁר-אֲנִי מְשַׁלַּח מִפְּנֵיכֶם כִּי אֶת-כָּל-אֱלֹהֵי עֲשׂוֹ וְאֶקְנָז בָּם

“**YOU SHALL NOT** follow the practices of the nation that I am sending away from before you, for they committed all these [sins], and I was disgusted with them.”²³

We have a world-Jewry in which masses wish to be like their neighbours. If we assimilate, we disappear. Plain and simple, HKBH does not want us to disappear.

Rashi Bereshit Chap 37²⁴ quotes Chazal: –

THIS CAN BE compared to a pearl that falls into the sand: A person searches in the sand and sifts it with a sieve until he finds the pearl, and when he finds it, he casts the pebbles from his hand and keeps the pearl.

This hints to a major historical principle. Rav Zadok HaKohen (1823 – 1900) calls it Birrur; a “sorting out”. Throughout history HaShem is trying to find the pearls, the precious souls which will draw close to Him. Hashem puts us in Galut, says Rebbi Zadok,

to test us. Who will turn to Me and remain faithful despite the conditions? Those are my children.²⁵ In truth, this idea was already predicted by the prophet Amos²⁶

FOR, BEHOLD, I command, and I shall scatter the house of Israel among all the nations, as it is shaken in a sieve, and not a pebble falls to the earth.

כִּי־הִנֵּה אֲנֹכִי מִצְוֶה וְהִנְעוּתִי בְּכָל־הַגּוֹיִם אֶת־בַּיִת יִשְׂרָאֵל כַּאֲשֶׁר יִנּוּעַ בַּבְּבִרָה וְלֹא־יִפּוֹל צֶרֶד אֶרֶץ

In this parable, however, the pebble is what survives, as opposed to Rashi’s parable where the pearl survives and the pebbles are rejected. But the idea is the same. HaShem is searching the Galut to find who are his people. So, what can we do in these times of Galut in response to the reminders coming through loud and clear?

1. Be aware of the psychological trend to imitate the rest of society and not to fall for it.
2. Be aware of the lure to our children. So many of our kids are falling through the cracks. Make them aware of the temptation to imitate society.
3. Tefillah! For your family and for all Jews. כִּי מִיִּגְוֵי גְדוֹל אֲשֶׁר־לֵן אֱלֹדִים קִרְבִּים אֱלֹו כִּידוּה אֱלֹדִינוּ בְּכָל־קִרְאֵנוּ אֱלֹו: For what great nation is there that has God so near to it, as the L-rd our G-d is at all times that we call upon Him?²⁷ We have the power.

We have to beware of the influences which seep in from society. In this case, magazines, women’s magazines, films, social media. We have to be on guard for ourselves and our families: when we try to get too close, there is going to be a backlash.

To conclude with a witty folk-saying attributed to Rabbi Chaim of Valozhyn:²⁸ –

“**WHEN THE JEWS** don’t say Kiddush, the Gentiles say *Habdalah*.”



23. Vayikra 20 23.

24. 37 1.

25. E.g. Peri Tsadik Vayigash 5.

26. Amos 9 9.

27. Debarim 4 7.

28. Prime disciple of Gaon of Vilnius. 1749 – 1821.



Whisky Matured in Sherry Barrels

RABBI SHMUEL EIS, GOLDERS GREEN

One of the fascinating halachic questions raised by various rabbinic authorities over the last few years has been the status of whisky matured in casks where non-Jewish wine or sherry was stored.

Whisky aged in sherry barrels, also known as sherry cask whisky, is a type of whisky that has been matured in oak barrels previously used to age sherry wine. This process imparts unique flavours and characteristics to the whisky, including dried fruits, nuts, and spice notes. The sherry influence can deepen the colour of the whisky, giving it a richer hue. Sherry casks, typically made of European oak, are seasoned with sherry for several years before being used for whisky maturation.

Surprisingly the question of the permissibility of this whisky has only been widely discussed over the last few years considering that the practice of maturing spirits in sherry barrels was already well established in the late 1800s. It may have to do with the increasing sophistication of the *kosher* consumer who has only relatively recently been exposed to the higher end varieties of these whiskeys.

This article is based on an essay firstly published in Hebrew in the half-yearly *Torah* periodical “*Kol HaTorah*” including some later correspondence and discussions which did not appear in the original essay.

On first glance, this Halacha seems to be clear in the *Shulchan Aruch*¹:

כלים האסורים מחמת יין של עובד כוכבים מותר ליתן לתוכם
בין מים בין שכרבין שאר משקים

VESSELS WHICH ARE *assur because they stored* יין נסך, *may still be used to store either water or other liquids. This seems to indicate that one may store whisky in wine barrels.*

However, this Halacha needs further explanation as there are two obvious questions:

- Since the יין נסך gives flavour to the whisky via the cask, how come the whisky is not forbidden like any food or drink which has absorbed a forbidden taste נותן טעם?
- Even if there are enough water or other liquids to nullify the taste of the wine absorbed in the cask, one still should not be allowed to store these liquids because of the *Halacha* of אין מבטלין איסור², one may not intentionally nullify a *issur*; the *Halacha* of *bitul* is only said if it got mixed together by accident בדיעבד.

1. שו"ע יו"ד סי' קל"ז סי' ד'
2. שם סי' צ"ט סי' ה'

The unique Halacha of נותן טעם
in a case of יין נסך

To answer this question, we need to explore the unique halacha of נותן טעם in a case of יין נסך.

The *Shulchan Aruch*³ rules that יין נסך mixed with מינו (any permitted food having a different flavour of the *issur*) is forbidden if its taste is noticeable.

However, by a mixture of water and יין נסך the Halacha is not clearcut. The *Rema*⁴ brings two opinions for this case, firstly the opinion of the *Tur* that you need a ratio of נתינת טעם, which is usually one to sixty, for nullification – ביטול – like other mixtures. However, the *Beit Yosef* in the name of the *Rashba* rules that it becomes nullified in six measures of water. This Halacha is also brought in *Shulchan Aruch*⁵, if there are six parts water against one-part יין נסך one is allowed even to drink this mixture.

This surprising ruling has its source in the *Gemara Avoda Zara*⁶

אמר רבי אמרי אמר רבי יוחנן, ואמרי לה אמר רבי אסי אמר רבי יוחנן: שני כוסות, אחד של חולין ואחד של תרומה, ומזגן ועירבן זה בזה – רואין את ההיתר כאילו אינו, והשאר מים רבין עליו ומבטלין אותו

“IT WAS TAUGHT in the name of Rabbi Yochanan that if two cups of diluted wine, one of them Teruma and the other non-sacred got mixed up, the water will nullify the wine.”

The *Ran* brings two opinions if the relation of the water to wine is like the accepted dilution ratio, which is one to six or the ratio is one to sixty. The *Ran* explains that the reason that a ratio of one to six might be sufficient is that wine gets נפגם - “damaged” by more than six parts of water.

This condition is known as נותן טעם לפגם, when a forbidden food gives instead a good taste, a *pagum* – damaged taste. In such a case the mixture is allowed even if the taste of the forbidden food is tasted. The *Ran* says that the flavour of the wine is not *mashbiach*-enhancing but “*kiyuha*” sour – like vinegar.

The *Pri Megadim* (Rabbi Joseph ben Meir Teomim (1727–1792), a prominent Galician rabbi and *Torah* scholar)⁷ speculates if this *din* goes under the regular Halacha of נותן טעם לפגם or this *heter* is unique to wine where the mixture with water creates a *din* of *kiyuha*. Rabbi Moshe Feinstein⁸ explains this reasoning a bit further. The question which was brought to him was the usage of wine to filter and clarify whisky, the wine being יין נסך.

Rabbi Moshe Feinstein explains that the פגם which water brings to wine is not in the flavour of wine but rather the status and the identity of the wine becomes נפגם. The rationale is that wine is different from other fruit juices since it's not considered merely derivative of grapes but considered as the essence fruit itself in contrast to fruit juices like apple juice, where the juice is called זיעה, merely moisture which has been extracted from the fruit but not the fruit itself.

Therefore, argues Rabbi Feinstein, wine, in order to keep its special status, cannot be diluted by more of the usual proportion (in Talmudic times wine was always diluted by up to six parts of water) if it gets diluted by more water it becomes *zeiah* and is not considered wine anymore. Rabbi Feinstein disagrees strongly that a wine-water mixture of more than 1-6 but less than 1-60 is נותן טעם לפגם.

However, we find the opinion of the *Rema*⁹ who says that one needs sixty to nullify the taste. The *Shulchan Aruch*¹⁰ forbids to buy apple-wine and vinegar made of beer, from a non-Jew if they are more expensive than wine as we suspect the non-Jew mixed in some יין נסך. The *Rema* explains that we suspect that there won't be sixty to nullify the taste. The *Turei Zahav*¹¹ asks on the *Rema* that his opinion seems to contradict the previously mentioned *Shulchan Aruch* which concludes, that the taste of wine is nullified in six portions of water or other flavoured liquids. The *Turei Zahav* therefore concludes that wines are *batel* in six portions of water or other liquids like the conclusion of the *Shulchan Aruch* and not like the *Rema*.

3. יורה דעה קל"ד ס' א-ג.

4. שם קכ"ג ס' ה'.

5. שם ס' קלד ס' ה', "והכי קי"ל" לשון הש"ך קכ"ג ס' ק ט"ז.

6. ל"ג.

7. בהקדמה להלכות תערובות.

8. אגרות משה יו"ד ח"ג ס' י"ט.

9. הרמ"א בס' קי"ד ס' ד'.

10. שם.

11. שם ס' ק"ד'.

The *Shach* in his notes on the *Taz*, *Nekudath Hakesef*¹², disagrees with the *Taz* and distinguishes between *bitul* in water which works by a ratio of six and *bitul* in other liquids which needs sixty.

The reasoning seems to be that *bitul* in water, since water has no taste on its own, the inherent taste of the wine gets diluted and the status of wine gets lost, whereas *bitul* in other liquids is not a dilution but blending of different tastes in which case the usual *din* of nullification in sixty applies.

To summarise we have three opinions regarding *bitul* of יין נסך in six measures of water: 1. The *Ran* that wine in more than six parts water is *pagum*. The *Taz* understands that this happens by water and by other liquids. 2. The opinions of the *Pri Megadim* and Rabbi Moshe Feinstein that the wine becomes *kiyuha* and like Rabbi Moshe Feinstein explains the status of wine rather than the taste becomes *nifgam*. 3. The *Nekudath Hakesef* who differentiates between dilution of water in wine and wine in other liquids.

Coming back to the second question regarding the *Halacha* of לכתחילה אין מבטלין איסור we need to examine a *Gemara in Avoda Zora*¹³ regarding the *kashering* of a wine vessel which has been used by יין נסך.

אמר ליה רבי ירמיה: כך הורה רבי אמי הלכה למעשה - ממלאן מים שלשה ימים ומערן. ואמר רבא: צריך לערן מעת לעת

ONE FILLS THE skins with water for three days, so that the water will absorb the flavour of the wine and then pours the water out. And Rava says: In addition, one must pour out the water from them every twenty-four-hour period and then refill them.

The *Rishonim* ask that this *Din* seems to contradict the *Halacha* of לכתחילה אין מבטלין איסור. The understanding being that this form of *hachshara* is different than *hachshara* with boiling water where the forbidden taste actually gets expelled from the vessel and no *issur* remains. However, as the *Ran* explains, such a *hachshara* needs boiling water, but in our case where only soaking is involved, this procedure is only *pogem* the taste of the wine in the skins but the *pagum* taste remains. This should now fall under the category of

12. בהערה על דיברי הט"ז שם ועיין עוד בדיברי הש"ך ס' קל"ד ס"ק כ"א ועיין עוד באריכות דיברי המ"א או"ח ס' ר"ד ס"ק ט"ז לענין ברכת בורא פרי הגפן

13. ד"ל"ג

אין מבטלין איסור לכתחילה similar to using a vessel which is not *ben yomo* – (has not been used for twenty-four hours) which should not be used without *hachshara*.

The *Rishonim* give several answers:

- The *Ran* firstly suggest that the water not only is *pogem* the wine but actually chemically changes it – the *Ran* uses the expression שורפין burning the absorbed wine.

- Secondly the *Ran* answers that the *issur* of אין מבטלין איסור only applies if one wants to nullify the *issur* in order to eat or have use of the *issur*, in our case he does not need the *issur* but wants to remove it as much as possible.

- The *Rashba* explains that the taste of the יין נסך is so minute that it will never come to a proper נותן טעם in such a case there is no *issur* of אין מבטלין איסור לכתחילה¹⁴.

- In a similar way the *Rosh* answers that water and wine is always *pagum* and since it cannot come to a proper נותן טעם we are allowed to nullify.

In view of the above opinions regarding the unique *Halacha* of נותן טעם by יין נסך, and the opinions and answers *Rishonim* regarding לכתחילה אין מבטלין איסור lets re-examine the *Halacha* brought earlier from the *Shulchan Aruch* שאר בין שכר בין מים בתוכן בין מים בין שכר בין שאר *Shulchan Aruch* דמותר ליתן בתוכן בין מים בין שכר בין שאר “one is allowed to put into these vessels water, beer or other liquids”.

Now according to the opinion of the previously mentioned *Nekudath Hakesef* who is of the opinion that there is a difference between *bitul* in water and *bitul* in other liquids, where *bitul* in other liquids falls under the normal category of נותן טעם how come the *Tur* and *Shulchan Aruch* hold that one may store other liquids in a barrel which held יין נסך?

According to the before mentioned opinion of the *Ran* one can answer that there is a difference between a regular case of a mixture of liquids and the specific case of *bitul* of liquids absorbed in a vessel. That even if there is a need for sixty parts of liquid to nullify the taste of pure wine, however wine absorbed in a vessel won't need a *bitul* of sixty parts, since by adding the liquids, we consider the taste of the absorbed wine to be burned and removed and therefore there is no difference between water and other liquids.

14. השו"ע מביא שיטתו בס' צ"ט ס' ז' וס' קכ"ב ס' ה'.



[However, according to the *Rosh* that the reason one is allowed to *kasher* with water is because it is *pagum*, the question remains according to the *Shach* how come one can *kasher* with other liquids if only water is נותן טעם לפגם?]

Therefore, for the above-mentioned reasons, there is an explanation how come one is allowed to store and drink whisky matured in a sherry cask and not worry about the טעם of the wine and not because of the prohibition of איסור לכתחילה.

20th-21st Century Authorities

As mentioned before Rabbi Moshe Feinstein considers even a proper mixture of wine and other liquids, not just a case of absorbed taste, as “kiyuha”-sour as the status of the wine rather than the taster of the wine is considered *pagum*. Accordingly, his position seems clear whisky from a sherry cask should be ok.

The *Minchas Yitzchak*¹⁵, Harav Y Weiss, Rav of the *Eida Hachareidith* in Jerusalem in his deliberation argues that sherry that was put intentionally in the barrels to give taste to the whisky is more stringent and could be forbidden.

This argument needs explanation; firstly according to the *Pri Megadim* and Rabbi Moshe Feinstein the mixture of wine in other liquids becomes “kiyuha” sour, loses its status of wine and אין נסך and cannot become *assur*, but even according to the opinions which agree with the *Nekudath Hakesef* who holds that there is a difference between water and other liquids where only water is נותן טעם לפגם will agree that wine which is absorbed in a vessel is נותן טעם לפגם like we see from the *Shulchan Aruch* who allows to store liquids in a vessel previously used for storing wine.

To understand the *Minchas Yitzchak* one could possibly bring the following consideration: The *Terumath Hadeshen*¹⁶ (medieval Talmudist and Halakhist, Rabbi Israel Isserlein c. 1390–1460) explains the prohibition of *kosher* wine stored in a non-*kosher* wine barrel, even though the absorbed taste of the אין נסך is a (אינו בן יומו) as we consider any taste absorbed in a vessel *pagum* after 24 hours), is that if wine is filled in a barrel for long time storage, that storage will be able to absorb the taste of the previously stored wine and change

it to נותן טעם לשבח. Therefore, it is possible that this *Halacha* applies also to other liquids like whisky, that if they are stored for long time in a wine barrel especially if this wine barrel was primed with a flavour to be absorbed in whisky this would be *assur* according to the opinions that the main reason for *bitul* is because of נותן טעם לפגם.

This is the essence the of the essay I wrote some years ago, however I would like to bring some further discussions and insights I had since:

Rabbi Shraga Kallus, a noted Israeli Rosh Yeshiva and Posek, published a fascinating book a few years ago dealing with the technical and halachic aspects of this problem. Following his research he takes a very stringent view saying “There is no longer any opinion to rely on to be lenient!” His main argument is that the absorption of the wine in the cask is made intentionally so thorough, that the whole internal structure of the cask and not only the inner layer of the cask is full of the wine and that therefore the whisky stored in it cannot nullify the wine. He even claims that there might be even a ratio of less to one to six between the liquid and the wine. [However, as a side note I want to mention the opinion of the *Shach*¹⁷ that by אין נסך the *Halacha* is to be lenient when the exact amount of absorption is not known. Therefore, in a case where the exact ratio is not known we should also use this specific leniency and allow the whisky¹⁸]

A further observation was mentioned to me by Dayan Schmall of Antwerp. To avoid the problem with sherry casks some people will only buy whisky from a Jewish manufacturer with a reliable *hechsher*. However, as whisky needs maturing over several years, these Jewish companies need to sell the whisky before *Pessach* to a non-Jew. This complicates matter for those who will not eat Chametz sold over *Pessach* to a non-Jew. They have therefore the option of buying whisky manufactured by a non-jewish company without a *hechsher* where there might be the problem of the


17. בס' קל"ז ס"ק ט'.

18. ואפי' נסכים לדבריו דבלעית של חביות "שררי" הוא בכולו אפי' לדברי הט"ז, מ"מ הרי לשיטת הט"ז עצמו עדין יכול להתבטל בו, ואף שכתב דייתכן דמפני עובי החביות אפשר דאפי' כנגד ו' ליכא, מ"מ מידי ספיקא לא יצא, ובוזה יכולין לאומר דכמו שכתב הש"ך בס' קל"ז ס"ק ט' דאף דמעיקר הדין היינו צריכין לשער בקנקן כנגד כולו. מ"מ בסתמא כל שלא ידוע בבירור דהיה בהכלי מעל"ע מקילין ביין נסך דרבנן להתיר בקליפה, כ"כ נאמר דאף דאפשר דאין כאן כנגד הבליעת אפי' ו', מ"מ בסתמא ביין נסך דרבנן יכולין להקל דיש כאן ו'.

15. מנחת יצחק ח"ב סי' כ"ח.

16. סי' ר"א.





taste of the wine from the sherry cask or buying with a *hechsher* and consuming *chametz* which has been sold over *Pessach* to a non-Jew.

In conclusion, I would like to quote the London Beth Din which permits any whisky where the label does not mention storage of the whisky in wine, sherry or port casks. Whisky which has been stored in wine casks is mentioned as allowed according to some authorities. A new technique of “Wine Cask Finishes” where whisky “fully aged and mature whisky

is returned to specially commissioned and primed wine casks for a further period of maturation” seems to be more problematic and accordingly some may wish to avoid these whiskeys.

The full Hebrew essay and my letter to Rabbi Kallus can be downloaded at:

https://drive.google.com/drive/folders/1gU_drs_o5JZsVH0zTwsGCJtwyjamNkme?usp=sharing





Time for Talmud Torah

RABBI YAAKOV MOSHE ALLEN, GOLDERS GREEN

DO I NEED TO USE ALL MY FREE TIME TO LEARN OR DOES A SHORT AMOUNT EACH DAY SUFFICE

In an ideal world many people would like to commit themselves more to the confines of the *beis hamidrash*, but due to the many commitments that can take over one's time, this is in many cases not a viable reality. On the contrary for many, finding adequate time to learn anything significant at all can sometimes unfortunately be a real struggle.

Yet most others do have free time in the day when they are not working etc., and may be unsure if, from a halachic point of view, they must use that time for learning *Torah* or can just fulfil their obligation with a bare minimum each day? Accordingly, a proper understanding is necessary of the actual halachic 'shiur haMitzvah' of *Talmud Torah* as a basic guideline for how we should conduct ourselves.

Some Background Sources

The first *Mishnah* in *meseches Peah* lists *Talmud Torah* amongst the *mitzvos* that has no specific shiur, and R'Ovadia Bartenurah there explains there is no maximum *shiur* since the verse states about *Talmud Torah* "והגית בו יומם ולילה", one should meditate in them day and night. The *sefer, Mishnah Rishonah*, asks on the Bartenurah's comment, that this would imply

that there is an obligation to learn *Torah* all the time, but he argues this can't be, for all the other *mitzvos* mentioned in that *Mishnah* such as doing *chessed* and bringing the *bikurim*, have no maximum limit, but there is no obligation to do more than the minimum.

Another important source for this discussion is the *Gemara* in *Menachos* 99b, where there seems to be some very conflicting views on this matter. There is a dispute in the *Mishnah* between Rabbi Yossi and the Rabanan about the *Mitzvah* of *Lechem Hapanim* and how long the Showbread needed to be kept on the *Shulchan* in the *Mikdash*. From this seemingly inconspicuous argument the *Gemara* derives a connection to the *shiur* of *Talmud Torah* and understands that an argument exists too between Rabbi Yossi and Rabanan on this matter too.

According to the Rabanan the Showbread must be on the *Shulchan* always as understood from the plain reading of the verse in *Shemos* 25 that says "לפני תמיד", 'Before Me Always'. According to Rabbi Yossi the Showbread did not need to be always there and it would suffice if it was on the *Shulchan* all night. In his view the above verse should be interpreted to mean that the *Shulchan* should never be totally without bread, but it is enough to remove the old bread in the morning and then replace it by night.

From here Rabbi Ami understands from the view of Rabbi Yossi that 'Always' can be understood in this

way, that so too one can fulfil his obligation to study *Torah* with פרק אחד שחרית ופרק אחד ערבית, meaning that it suffices to learn a small portion of *Torah* by day and also a small portion by night. Rabbi Yochanan in the name of Rabbi Shimon Bar Yochai (Rashbi) then goes one step further and says one can also fulfil his obligation to learn *Torah* and the obligation of the verse “לא ימוש ספר התורה הזה מפין והגית בו יומם ולילה” by the mere recital of *krias shema* each day, once in the morning and once by night.

According to what we have seen so far it would seem that the *shiur* of *mitzvas Talmud Torah* is subject to a Tannaic dispute between Rabbi Yossi and the Rabanan and that according to Rav Ami and Rashbi indeed there is no obligation to learn more than a bare minimum, just like the commentary *Mishnah Rishonah* above wanted to explain in the first *Mishnah* in *Peah*.

However, the *Gemara* there continues that Ben Damah asked his Uncle Rabbi Yishmael the following question: since I have learnt already the entire *Torah*, am I now permitted to learn a certain wisdom called *Chochmas Yevanis*?

Rabbi Yishmael's strong reply was to quote the above-mentioned verse “לא ימוש וכו' והגית בו יומם ולילה”, the Book of the *Torah* shall not be removed from your mouth and you should meditate in it day and night”, Rabbi Yishmael said find a time that is neither day or night and then learn *Chochmas Yevanis*!

Clearly Rabbi Yishmael's view was that despite his nephew already being proficient in the entire *Torah*, there was still an obligation to learn by day and by night. Similarly, the Tury Aven¹ explains that even though the above-mentioned *Mishnah* in *Peah* groups *Talmud Torah* together with other *mitzvos*, it is not comparable to them as unlike the other *mitzvos* listed over there, with *Talmud Torah* there is an obligation to do past the minimum *shiur* and to in fact learn as much as one is able to.

Yet the *Gemara* in *Menachos* still goes further and says that Rabbi Shmuel Bar Nachmeni in the name of R' Yonasan argues with the above view of Rabbi Yishmael that says there is an obligation to learn all the time. He instead explains that the above quoted verse “לא ימוש וכו' והגית בו יומם ולילה” The Book of the *Torah* shall not be removed from your mouth and

1. In his comments to Chagigah 7a.

you should meditate in it day and night is not meant as an obligation or even as a *Mitzvah* for a person to fulfil, but the verse is just a blessing that Hashem gave to Yehoshua when he saw how beloved the *Torah* was to him.

It would seem that once again we have a *Tannaic* dispute about how much one is obligated to learn and that while Rabbi Yishmael's view accords with that of the Rabanan, R' Yonasan sides with Rabbi Yossi that there is no obligation to learn all the time.

The View of the Rishonim in Nedarim

The view of the *Rishonim* on this matter comes very much to light in the *Gemara Nedarim* 8a where the view of Rabbi Shimon Bar Yochai is brought again, that one can fulfil the obligation of learning *Torah* with the recital of *Shema* that every person says by day and by night. The Rosh, the Ra"m and the Nimukei Yosef all seem to indicate with their comments that learning *Torah* during the rest of the day or night is only a רשות, not an obligation, the obligation of learning being fulfilled by saying *Shema*.

The Ritva however in his first explanation on the *Gemara* seems to take a different approach. He explains that when Rabbi Shimon Bar Yochai says one can fulfil his obligation to learn with the recital of *Shema*, he is specifically talking about אומונין, tradesmen, who due to their preoccupation throughout the day in eking out a living have no time at all to learn. Such people fulfil the obligation to learn when they say *Shema*.

The Ran on the other hand takes a very different view to all the aforementioned opinions. He says that in fact Rabbi Shimon Bar Yochai's comment must be explained differently in the context of that *Gemara*² because, says the Ran, it is impossible to say that saying *Shema* is sufficient to fulfil one's obligation to learn. He says one is required to be proficient in knowledge of the whole *Torah* and that to achieve this one must learn all the time.

The View that Seems to be Accepted in Several Different Passages of the Gemara

The above-mentioned view that one can fulfil his

2. We will not go into the details of how he reconciles the comment of Rashbi in the context of that sugya, as it is not pertinent to our present discussion.

obligation in learning by learning a little in the morning and evening is difficult to reconcile with quite a few passages in the *Gemara* that seem to contradict this. The *Gemara* in *Yoma* 19b brings Rava who says someone who speaks idle chatter transgresses the positive command in the *Torah* of “וְדַבַּרְתֶּם בָּם”, “You Should Speak in them, for it is learnt out בָּם, וְלֹא בְדַבְרִים אֲחֵרִים”, “In them (the words of *Torah*) you shall speak and you shall not speak of other things. The implication from the *Gemara* is that there is a constant obligation to learn *Torah* when possible.

The *Gemara Sanhedrin* 99b brings the verse “כִּי דַבַּר בָּהֶם וְזָכַר בְּזֵאת וְזָכַר” for he has despised the word of G-d”, upon which R’ Noharai comments that this verse refers to one who is able to learn *Torah* and doesn’t.

The *Gemara Kiddushin* 30a derives from the verse “וְשָׁנַתָּם” that one should divide up one’s years of life so that he spends a third on learning scripture, a third on *Mishnah* and a third on *Gemara*. The implication being that one needs to know the whole *Torah*. The *Gemara* continues to derive from the same verse that a person’s learning should be ‘sharp on his tongue’ so that he does not need to stammer when asked a question but can reply immediately with the answer. Again, this kind of scholarship in *Torah* that is required for a person to reach according to this Talmudic passage cannot be gained by learning just a short time in the morning and evening or by reciting *Shema* twice a day! This is in essence the exact argument that the Ran put forward, as mentioned above.

How the Chofetz Chaim deals with these issues

The Chofetz Chaim in his *sefer Likutei Halachos*³ actually raises this difficulty with the way R’Ami and Rashbi understand the view of Rabbi Yossi in *Menachos*. He brings some of the fore mentioned *Gemaras* that indicate that one is obligated to learn all that one can and asks that surely Rabbi Yossi would agree that one must learn all the time that one has free. In fact he questions the very nature of the dispute between Rabbi Yossi and Rabanan and in what case can they actually be arguing, for surely Rabanan would agree that if a person has little time free to learn because he

is preoccupied with other necessary activities, then he is not obligated to learn all day and if a person is free to learn, then as mentioned, surely Rabbi Yossi agrees that he must learn during that time.

Two Different Obligations

The Chofetz Chaim explains that there are two distinct obligations learnt out of the above quoted verse in *Yehoshuah*. The first is that one should spend at least some time during the day and some time at night learning *Torah* and this is what the verse means by “וְהָגִיתָ בּוֹ יוֹמָם וּלְיָלֵיָה” You should meditate in them by day and by night, i.e. a small amount of time by day and a small amount of time by night. The second obligation is to learn the entire time and is learnt from the first part of the verse “לֹא יִמוּשׁ סֵפֶר הַתּוֹרָה הַזֶּה” “This book of the *Torah* shall never be removed from your mouth, i.e. you should learn the entire day.

Accordingly, the Chofetz Chaim explains what the actual argument between R’Yossi and the Rabanan is. He says that they argue in a case of אֲוֹמְנִין, people who have to work to eke out a living and have practically no time at all to learn *Torah*. The Rabanan maintain that very simply by learning a small amount of time by day and by night or by reciting *Shema* each day, one might be fulfilling the first of the above obligations, but they are not fulfilling the second as clearly, they are not even coming close to learning the entire day.

Rabbi Yossi however takes a very novel stance on the matter and says that since the tradesman are restricted by their commitments to work from learning any more than the very minimum and are far from simply wasting their time from learning but are doing the best they can, they not only fulfil the first obligation mentioned in the verse, but the second one too and it is reckoned as if they had in fact learnt the entire day!

This understanding of the Chofetz Chaim in the *Gemara* fits well with his view in *Mishnah Berura*⁴ that one should only work to earn enough for one’s needs to live and not more than this, as it takes time away from one’s *Torah* learning.

Since he explains here that at least according to the view of R’ Yossi someone who is working and learns for only a very little time is considered as if he learnt

3. In *Zeveh Todah* there on *Menachos* 99b.

4. *Siman* 156 *Seif koton* 2.

the entire day, it makes sense that this would only be the case where one is not working to earn luxuries etc. but is learning as much as one can and is unavoidably prevented from learning any more.

The words of the Chofets Chaim may well be based on those of the Vilna Gaon, who in his well-known comments⁵ to the first Mishnah in Peah does not address there the argument between R'Yossi and the Rabanan but also explains in a similar fashion that there are indeed two distinct obligations with respect to the shiur of Talmud *Torah*.

The Aruch Hasulchan⁶ also seems to understand the argument between R'Yossi and the Rabanan like the Chofets Chaim.

A Debate in the Rishonim as to who the Halacha follows

We have already mentioned that the view of many *Rishonim* such as the Rosh and the Ra'e"m in *Gemara Nedarim*, is that one is only obligated to learn a bit each day and each night and that even *Shema* suffices. This would seem to be in accordance with the view of R'Yossi.

The Radbaz⁷ indeed maintains that in fact these particular *Rishonim* in *Nedarim* are of the view that one is not obligated to learn all the time one is free and that one does fulfil his obligation each day even by just saying *Shema*.

The Chofetz Chaim explains further that the above-mentioned argument in the *Rishonim* between the Ritva and the Ran in *Maseches Nedarim* (see above) was essentially whether we rule in *halacha* like the view of R'Yossi or the Rabanan.

The Vilna Gaon in his glosses on Shulchan Aruch also says that the Ran is following the view of the Rabanan.

It is noteworthy that the Ritva in *Maseches Moed Koton*⁸ does not mention tradesmen as he does in *Nedarim* and seems to say that *anyone* can fulfil their obligation of *Talmud Torah* by simply saying *Shema*.

Tosefos in *Maseches Brachos*⁹ asks how can *Birkas*

HaTorah, the blessings recited before learning once a day in the morning, count for the whole day, when surely one interrupts from his learning at times during the day? The answer given is that even when one takes a break from learning, a persons' mind is always on the learning as a person is obligated to learn throughout the entire day, hence the breaks are not considered an interruption and the *brocho* still counts for the entire day.

The Ohr Zarua¹⁰ on the other hand also discusses *Birkas HaTorah* and says to the contrary that one only makes a blessing before a *Mitzvah* that one is not obligated in continuously but at fixed times, such as learning *Torah* which one fulfils his obligation with *Shema*, but mitzvas like honouring one's parents and visiting the sick are continuous mitzvas and that is why we do not make a blessing when performing them¹¹.

The Rambam says one is obligated to set aside some time for learning once in the morning and evening and makes no explicit mention that one is obligated to learn the entire day. This seems to be the view of Rabbi Yossi and in fact the *Lechem Mishnah* on the Rambam there says that he does rule like R'Yossi on the matter. We will see other views on what is actual opinion of the Rambam later on.

What Does it Say about this in Shulchan Aruch?

It would seem *Lhalacha* at first, that that in fact we follow the view of R'Yossi, for the Shulchan Aruch also writes based on the words of the Rambam that one is obligated to set aside some time for learning once in the morning and evening and makes no explicit mention that one is obligated to learn throughout the day. In fact, the Rema based on the view of the Smag¹² and Hagaos Maimonios¹³ seems to go further when he comments there that sometimes בדחוק, when really pressed for time one can fulfil his obligation by just saying *Shema*. The Vilna Gaon indeed comments that the Rema seems to have taken the view that the *halacha* accords with R'Yossi.

5. In Shnos Eliyahu there.

6. Simon 246 seif koton 7.

7. חלק ג' סימן תט"ז.

8. 15a.

9. ד"ה ורבנן ב 11.

10. חלק ג' הלכות ברכת המוציא ס"י ק"מ.

11. See the Yalkut Yosef in Siman 47 page 75 who questions this view based on many sources that surely one is obligated to learn all the time and struggles there to find an answer.

12. עשין 13.

13. Chapter 1 of *Hilchos Talmud Torah*.

How the Chofetz Chaim Rules L'Halacha

The Chofetz Chaim is renowned for his authority in *psak* and his opinion is often considered to be the final ruling on matters. In the *Mishnah Berura*¹⁴ he mentions the obligation to learn the whole day and that those who can't should at least set aside fixed times to learn, but he does not go into detail over there to indicate if we rule like R' Yossi or the Rabanan. However, in *Likutei Halochos* he reveals his clear understanding on the matter is that the *halacha* is like Rabanan.

Just as he explained the *Gemara* above to be speaking about the specific case of tradesmen, so too he says that when the *Shulchan Aruch* rules in accordance with what is brought down by the Rambam that one is obligated to set aside time to learn a bit by day and a bit by night, this is talking specifically about אומנין, tradesmen and points us to the Vilna Gaon's comment on the words of the *Shulchan Aruch* there that indeed the case being spoken about is that of tradesmen with no time at all to learn.

As mentioned previously, the Chofetz Chaim understands that in such a case the Rabanan also concede that one can fulfil his obligation to learn by learning a bit in the morning and in the evening.

Since he explains that the *halacha* is like Rabanan, this means he is of the view that a person who can only learn a little each day will fulfil the obligation of תורה, as above, but not the obligation of לא ימוש and therefore it is not considered as if he has learnt the entire day, even when he has learnt that day as much as was possible for him in his particular circumstances.

The Explanation of the Sefer Ohr Torah

Rabbi Yitzhak Isaac Chaver in his *sefer Ohr Torah*¹⁵ understands the passage of *Gemara* in *Menachos* and the argument between Rabbi Yossi and the Rabanan differently to the Chofetz Chaim. He says also that in fact there are different levels of fulfilling ones' obligation to learn, but that the *Gemara* is not referring specifically to tradesmen, but instead it is simply referring to people who have free time but are not learning as much as they could.

He goes to great length to emphasise that one

14. Siman 155 Seif Koton 4. He also comments similarly in *Toras Habayis* at the beginning of the first chapter.

15. Page 67.

should not make the mistake to think that the only obligation to learn is a bit by day and a bit by night, or just by reciting the *Shema* twice a day. He explains that this passage of *Gemara* is used as an excuse by people who do not wish to learn as much as they could and that in fact one is charged to learn as much as one can throughout the day.

He says that the *Gemara* is just coming to say that those who are not learning as much as is required of them, that they too nonetheless fulfil a *Mitzvah* when they are learning. He explains that one might think that since such a person could learn much more and is in fact obligated to do so, that the mere learning of a few minutes each day is considered as חצי שיעור, as if one has not met the requirements at all of the *shiur* of the *Mitzvah* and has not fulfilled any *Mitzvah* at all. Whilst this may be the view of the Rabanan, R'Ami and Rashbi understand that this is not the view of R'Yossi and that one does fulfil a *Mitzvah* of learning *Torah* even when just learning a very small amount.

According to this explanation, even if it seems that the *Shulchan Aruch* indeed does rule *l'halacha* like R'Yossi, this does not mean that one is not in fact obligated to learn as much as possible the entire day. All we see is that if one does not learn as much one can, he still fulfils a *Mitzvah* with the learning he *does* do during the day.

How it Seems the Beis Yosef viewed these issues

Having struggled to explain the words of the *Rishonim* on the matter, it will be very pertinent to the discussion to consider some comments of the Beis Yosef in *Orach Chaim*¹⁶ about *Birkas HaTorah* that can perhaps shed a little light on our issue too and help us further understand his own *psak* in *Shulchan Aruch*. He brings the question of the Rashba why we do not recite a *brocho* after learning *Torah* as well, to which the Beis Yosef answers that it is simply not practical to make a blessing afterwards since there is a *Mitzvah* to learn all day and all night and there is no time that one is not obligated to learn.

The *Sdei Chemed*¹⁷ explains that the Rashba was not happy with this answer himself for he too understands like those *Rishonim* who are of the view that there is

16. Siman 47 ד"ה כתוב בתשובת הרשב"א.

17. מערכה ו' כלל ט"ו.

no obligation to learn all day. He explains that the fact that the Beis Yosef did not point out this view of the *Rishonim* to very simply explain the Rashba and why the Rashba himself did not answer like this, shows that the Beis Yosef himself is of the clear view that there is for sure according to all views an obligation to learn all the time and so accordingly makes no mention at all that there is any argument on the matter.

The Beis Yosef is accordingly not of the view of the Radbaz mentioned earlier who said that those *Rishonim* do maintain that there is not an obligation to learn the rest of the time. The Sdei Chemed says there that even the Radbaz would concede however that these *Rishonim* who say there is no obligation beyond reading *Shema*, do at least maintain that there is a *Mitzvah* to learn *Torah* the rest of the time and not literally a רשות as one would understand from a literal interpretation of their comments.

In light of the Beis Yosef's understanding that there is no argument about the obligation to learn *Torah* whenever possible, it behooves us all the more so to explain the comments of those *Rishonim* who seem to indicate that there is no obligation but only a רשות, or at the most only a *Mitzvah* to learn beyond the recital of *Shema*.

The Understanding of the Sefer Ohr Sameach

The Ohr Sameach¹⁸ on the Rambam has an interesting understanding of the *shiur* of *Talmud Torah*. He says that it is not possible that Hashem would have put explicitly in the *Torah* an equal obligation of *Torah* study on all Jewish men, when every person's personal strength and ability to learn are very different and no two people's circumstances are the same. Rather the general obligation on everyone the same is in fact only to say the *Shema* twice daily and not more, or one should fulfil his obligation not necessarily with *Shema* alone, but as the Rambam explains to set aside a fixed time for learning in the morning and in the evening. This general obligation is the one that is explicit in the *Torah* applying to all Jewish men equally.

He goes on to explain that beyond that there is an individual obligation on each man to learn *Torah* as much as he possibly can, according to his

own personal nature and capabilities and that the *Torah* and *sefarim* are replete with statements as to the enormous importance of total and continual diligence in *Torah* study. This obligation is just as important but just not explicit in the *Torah* since it is an individualised obligation as we have mentioned. He compares this obligation to that of עבודת המדות, refining one's character traits, which is also not explicitly mentioned in the *Torah*, again since it is a very individual obligation since no two people have the same personality and make-up¹⁹.

Perhaps now along this line of thinking, there is room to suggest that the above mentioned *Rishonim* who said there is only an obligation to learn a bit in the morning and in the evening and that one can fulfil his obligation by merely reading the *Shema*, were in fact only referring to the explicit and general obligation of the *Torah* but they too would agree that there is also an individual obligation far beyond that to learn as much as a person is able too. In this way their view could be reconciled with the many *Gemaras* that imply that the obligation in learning is far more than *Shema*.

Another Way of Explaining the View that One is Not Obligated to Learn More than the Bare Minimum

There are according to some views, at least, two parts to *Talmud Torah*, the *Mitzvah* to learn and the *Mitzvah* to know the *Torah*. This was the view of the Shulchan Aruch HaRav, the Birkei Yosef and also the Igros Moshe, who also largely base their views on the words of the Rambam and in their view there is a definite obligation to learn throughout the day, whenever is possible, which comes from the *Mitzvah* to know the whole *Torah*. According to the Birkei Yosef and Igros Moshe the very fact that there is so much to know necessitates one to learn whenever one can.

19. The above explanation is my convinced understanding of what the Ohr Sameach is coming to say and not how I have seen some others interpret his words that he is of the view that there is no obligation at all on a person beyond learning a bit each morning and evening, and that further learning is only a רשות. It is clear to me from his arguments that he recognises an individual obligation to learn as much as one is able to.

18. Hilchos Talmud Torah Perek 'א Halacha 'ג.



The obligation to learn itself, on the other hand only necessitates in their view to be *kovea itim*, to set aside fixed times each day to learn and when pressed for time one even fulfils his *Mitzvah* with the reading of *Shema*. Accordingly, one could say that those *Rishonim* who say one fulfils his obligation by just saying *Shema* are also only referring to the *Mitzvah* to learn and are not referring to the *Mitzvah* to know the *Torah*²⁰.

Halachic Summary

We have gone to great length to understand the words of the *Rishonim* who seem to say one is not obligated to learn except for a bare minimum each day. As mentioned, the Radbaz does say that according to these *Rishonim* learning a bare minimum is sufficient but it seems the Beis Yosef on the other hand did not believe there was any argument on the matter and one must learn whenever one can.

In any case there are definitely other views too in the *Rishonim* such as the view of the Ran, who certainly maintains that one must learn all the time one is able to, as is implied from so many passages of the *Gemara*.

The main view expressed in the *Achronim* is certainly that one must learn as much as one can and that only when one is really preoccupied that day and can't learn any more at all, should he fulfil his obligation with the real bare minimum.

We have seen that this is the view of the Shulchan Aruch HaRav and Vilna Gaon and this is how the Chofets Chaim understands the view of R' Yossi and Rabanan in the *Gemara* and how he understands the *halacha* as brought down in the Shulchan Aruch. So, it seems was the view of R'Yitschak Isaac Chaver in *Ohr Torah* and the view of the Turei Aven, the Ohr Sameach and the Igros Moshe.

Accordingly, if one is preoccupied with absolutely necessary activities such as eking out one's living (and including time needed to rest etc.), then one is not expected to learn at those times even according to the view that one is obligated to learn all day.

There is obviously, however, a great practical difference between an obligation to learn all day and only an obligation to learn a very small amount each day. The *Sefer Hasidim*²¹, the Chofets Chaim in *Toras Habayis*²² and the Caf Hachaim²³ for example, all refer specifically to just this point that there is a great obligation incumbent on a person to learn whenever in the day he finds he has no work that is incumbent to do and he has free time²³.

We will conclude by also mentioning that the Shulchan Aruch at the very beginning of *Hilchos Talmud Torah* says that someone who is really just unable to learn because he just does not know how or is just too preoccupied, should financially support others who are learning and as the Rema comments there, it will be considered then as if he is learning himself.

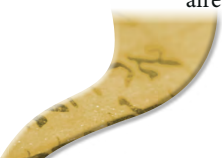


20. There are circumstances when the *Mitzvah* to learn applies and not the *Mitzvah* to know such as when a person has already learnt the *Torah* and possesses its knowledge.

21. Siman 553.

22. Beginning of the first chapter.

23. See also the explanation of the Redak to Tehillim 1:2.





The Psychology of Change

RABBI DANIEL NISSEN, MANCHESTER

As we approach Rosh Hashanah, a significant aspect is reflecting on the past year and how we can improve ourselves for the better. Change is a constant in life, yet it rarely feels easy. How often do we begin making changes in our lives only to fail miserably? Change is both a psychological and biological challenge. Understanding how our minds respond to it can make the difference between giving up and breaking through.

Why Change Feels Hard:

Our brains are wired for efficiency. The neural pathways we use most often become “default routes,” enabling us to act without much conscious thought. This is why habits—good or bad—are so entrenched. Psychologists call this status quo bias¹- our tendency to prefer what’s familiar, even when the familiar isn’t working. There can be several reasons for this, including the fear of change, but it also frees up the brain’s processing power for other tasks.

Now, there are several components to change, so let's look at some of these:

Awareness

Awareness is always the first stage of change. If we are not aware of what needs to change or where our failings are then how can we change? Sometimes we notice that

something is not right in the world, but we can sometimes attribute this to external factors. It's not me, it's my spouse or the community's fault. This kind of thinking is only going to lead to not fulfilling our own potential.

This needs the concept of introspection, where

The Four Laws of Behavior Change



1. Festus, F., Liam, J., & Craig, S. (2025). The Neuroscience of Status Quo Bias: Cognitive Load, Fear, and the Aversion to Change.

we analyse our internal processes, motivations and cognitions. Without this, the ball doesn't get rolling.

This is what we call Cheshbon Hanefesh, the ability to self-reflect, be honest with ourselves, and take account of what needs to change in our lives.

This was the strategy of Pharaoh² to create so much work for Beni Yisroel in Egypt that they never had any time to think about their situation:

תַּכְבֵּד הָעֲבֹדָה עַל־הָאָנָשִׁים וַיַּעֲשׂוּ בָהּ וְאֵלֵי־יְשׁוּעוֹ בְּדַבְרֵי־שָׁקָר:

“**MAKE THE WORK** more strenuous for the men and let them keep at it; let them not speak of vain matters.”³

This led them to not be able to take in what Moshe spoke to them about:

וְלֹא שָׁמְעוּ אֶל־מֹשֶׁה מִקִּצְרֵי רוּחַ וּמֵעֲבֹדָה קָשָׁה

BUT THEY DID not listen to Moses, because of their anguish of spirit, and because of the harsh labour.⁴

Motivation

Once we have identified areas for improvement, we need to next work on our motivation. In order to do things, we need to be motivated towards that goal. Herein lies the realm of mussar. Mussar stresses the need for change, and so can have a positive impact on motivation.

Motivation concerns energy, direction, persistence and equifinality – the idea that people will gain motivation from different sources⁵. What is important about motivation is thinking about what may drain our energy. Lack of sleep, depression and negative people around us will make it hard to motivate ourselves. Sometimes, low self-confidence can be

linked to motivation⁶. If we don't really believe that we will be successful, then why try?

Depression and other mental health issues can sap our energy. Identifying the reason behind our low motivation and addressing it can be the key to regaining our motivation.

Momentum

Motivation gets you started. Momentum keeps you going. Psychologists find that small wins are vital for maintaining change. Each small success releases dopamine, reinforcing the new behaviour and making it easier to repeat. This is why beginning with manageable, specific actions works better than large, vague goals. For example, “walk for 10 minutes daily” is more likely to stick than “get fit this year”; here, sometimes people struggle. What's the point in small changes? Is it really going to change my life? The problem is that having a goal-motivated mindset means you are constantly putting off happiness until you reach the goal. Where small steps can each be their own reward.

Here's a compelling story⁷ that highlights the power of small changes:

The British professional cycling team had over a century of mediocre results, and they had never claimed victory at the prestigious Tour de France. In 2003, the team appointed David Brailsford as their new director. He didn't overhaul the team but introduced a strategy called the ‘aggregation of marginal gain’s. This approach focused on numerous tiny improvements rather than sweeping changes. He redesigned the bike seats for comfort, made slight adjustments to the wheels and handlebars, and had riders wear electrically heated shorts to keep their muscles warm. They used biofeedback sensors to monitor responses to workouts, tested fabrics in wind tunnels, and switched to lighter, more aerodynamic racing suits. They experimented with massage gels to speed recovery and taught proper handwashing techniques to prevent colds. They also optimised sleep for each rider. While each change

2. See Mesilas Yesharim ch 2.

3. Shemot 5:9.

4. Shemot 6:9.

5. Deci, E. L., & Ryan, R. M. (2000). Self-determination theory and the facilitation of intrinsic motivation, social development, and well-being. *American Psychologist*, 55(1....).

6. Diseth, Å. (2011). Self-efficacy, goal orientations and learning strategies as mediators between preceding and subsequent academic achievement. *Learning and Individual Differences*, 21(2), 191–195.

7. Clear, James. *Atomic Habits: An Easy and Proven Way to Build Good Habits and Break Bad Ones*. London: Random House Business, 2018.

alone had little effect, combined, they significantly boosted team performance.

By 2008, five years later, the British Cycling team dominated road and track cycling at the Olympics, winning about 60% of the gold medals. That same year, a British cyclist won the Tour de France.

By starting this 5-minute seder a day, are we really going to become a Tamid Chacham? No, yet small changes compound. A 5-minute seder here and a 5-minute seder there, and that's 10 minutes a day—equivalent to 60 hours a year. Over five years, that adds up to about 300 hours of extra learning. That means you will have 300 hours of knowledge accumulated from starting two small seders a day. Moreover, good habits tend to lead to other good habits, and before you realise it, that 300 hours can turn into 3,000 hours. Such is the power of small changes.

Rabbi Aryeh Rottman zzl used to say that when Chazal tell us:

פְּתַח־לִי פְּתִיחָא כְּחַדְוָא דְּמַחְטָא, וְאֲנָא אֶפְתַּח לְךָ תְּרֵעִין עֲלָאִין.⁸

“**OPEN TO ME** an opening no bigger than the eye of a needle, and I will open for you the supernal gates.”

Now, if you put your finger into a ball, it makes a big hole, but pull your finger out, and it reverts back to its shape. However, if you stick a needle in it, it makes a very small hole, but that hole is permanent. Permanent small changes are what secure success.

Identity and Self-Concept

It is crucial to ground any changes to your identity. Connect your new habit to the kind of person you want to become because lasting change isn't just about what you do but also about who you believe yourself to be. Research on self-perception theory indicates that people tend to strengthen habits when they align with their self-identity. It's the difference between: “I'm trying to quit smoking,” “I'm not a smoker,” “I am not eating chocolate,” and “I am a healthy person.” When applying this to our spiritual growth, we need to consider how we view ourselves and our underlying beliefs, self-perception. It's one thing to say I'm the

8. Zohar Emor 26.

type of person who wants this. It's something very different to say I'm the type of person who is this⁹.

How to create healthy habits and break negative ones

“All our life, so far as it has definite form, is but a mass of habits”¹⁰. While we recognise the big moments and decisions we make throughout our lives, it can be seen that the small habits are what build us as people. In fact, some research has suggested that habits dictate 40-50% of our day¹¹. So, how do we create positive habits, and how do we break negative ones? Let's look at how we develop habits:

First, we have a cue; for example, we see a bar of chocolate. This triggers a craving—, hunger—which then leads to an action: eating the bar and then a reward, such as feeling full or experiencing a sugar hit.

To establish a good habit, we need to make the cue more obvious to strengthen its effect on us. The more accessible things are to us, the more they can trigger associations with the habit. Then, we can make it more appealing by pairing it with doing something enjoyable immediately before a challenging habit. Being around a culture that has similar goals can help make things more enjoyable. For example, an exercise partner or joining a Chaburah learning programme. Next, we should make the response as easy as possible. The simpler we make it, the more likely it is to become a habit. Create an environment where doing the right thing is as straightforward as possible—keep a sefer at your desk instead of on a shelf in the other room. This also relates to our discussion about making small changes. If we take on a task that is too big, it is hard to form a habit because we need to build up to it. So, start small and let the habit grow gradually. The final stage is to make it satisfying. Use positive reinforcement and reward yourself immediately after completing your habit. Habit trackers are also helpful, as seeing progress can be a motivating factor.

If we want to break a habit, it follows that we

9. Oyserman, D. (2009). Identity-based motivation: Implications for action-readiness, procedural-readiness, and consumer behavior. *Journal of Consumer Psychology*, 19(3), 250–260.
10. Attributed to William James.
11. Wood, W. (2006). *Habits across the lifespan*. University of Southern California.

should do the opposite of what we have been doing. Instead of making the cue obvious, we want to make it invisible. The less available the cues are, the less the motivation system will be activated. But it is also not just the main object of the habit but other things that are connected can also be cues. Maybe it's a place, an activity or even an emotion. Take a moment to consider what things may trigger your bad habit. Instead of making it attractive, we want to make it unattractive.

You need to reframe your mindset and highlight the benefits of avoiding it, as well as the costs of doing so. Next, make it as difficult as possible. The more complex something is, the less likely we are to develop a habit. If you are trying to limit your time on your phone at night, try putting it on charge downstairs, so that even if you do get a craving, it's much harder to respond to that craving.

The final inversion is to make it unsatisfying. The problem is the habit is usually pleasurable, which is why it became a habit in the first place.

Here is where we need to think out of the box. You could create a habit contract that incurs a cost if you break it.

Perhaps we could get an accountability partner. Ask someone to watch your behaviour, or someone you will have to own up to if you break the contract.

We also need to remember that we don't always succeed on the first attempt, and our attitude towards failure is almost as important as our attitude towards success.

One study¹² found that missing opportunities to perform the behaviour did not significantly affect the habit formation process if the gap is not too wide. If we fail, we should get up and try again.

All this is no guarantee of success, but it is the way to slowly build up lasting success.

Daniel Nissen

Psychotherapist

Clinical Lead, Jewish Action for Mental Health.

info@danielnissen.co.uk



12. Lally, P., et al. (2010). How are habits formed: Modelling habit formation in the real world. *European Journal of Social Psychology*, 40(6), 998–1009.



The Timing of a Berit Mila

AARON ISAAC, LONDON

רבי ישמעאל אומר: גדולה מילה, שנכתרו עליה שלש עשרה בריתות. רבי יוסי אומר: גדולה מילה שדוחה את השבת חמורה. רבי יהושע בן קרחה אומר: גדולה מילה – שלא נתלה לו למושה הצדיק עליה מלא שעה.

רבי נחמיה אומר: גדולה מילה – שדוחה את הנגעים. רבי אומר: גדולה מילה, שכל המצוות שעשה אברהם אבינו לא נקרא שלים עד שקול, שנאמר: "התהלך לפני ויהיה תמים". **דבר אחר:** גדולה מילה – שאלמלא היא, לא ברא הקדוש ברוך הוא את עולמו, שנאמר: "כה אומר ה' אם לא בריתי יומם ולילה חקות שמים וארץ לא שמתי".

RIBBI YISHMA'EL SAYS: *So great is Berit Mila that thirteen covenants were sealed with it.*¹ *Ribbi Yosei says: So great is Berit Mila that it pushes aside the strictures of Shabbat. Ribbi Yehoshu'a ben Qorcha says: So great is Berit Mila that Moshe the Righteous's punishment² was not delayed even a full hour.*

RABBI NECHEMYA SAYS: *So great is Berit Mila that it pushes aside strictures associated with tzara'at. Ribbi [Yehuda] says: So great is Berit Mila that of all the mitzvot which Avraham our Forefather performed, he was not called whole until he was circumcised, as it is stated: "walk before be and be perfect."*³

1. See Bereshit 17, where the term 'berit' (covenant) is used 13 times.
2. Because of delaying his son's berit, the angel wanted to kill him (see Shemot 4:24 with Rashi and see the Gemara that follows the Mishna....).
3. Bereshit 17:1.

FURTHERMORE: SO GREAT is the mitzva of Berit Mila that if not for it, the Holy One Blessed is He would not have created His world, as it is stated: "So says HaShem: If My Covenant was not day and night, there would be no natural order to the heavens and earth."⁴

The week that follows the birth of a baby boy can be tumultuous. Between responding to a myriad of Mazal Tov wishes, sterilising bottles and navigating sleepless nights, one must also contend with organising a Berit Mila, the circumcision of one's son. The Talmud in Masekhet Pesachim 4a and in Yevamot 28b both quote a Baraita:

כל היום פולו כשר למילה, אלא שזרזין מקדימים למצות, שנאמר: "וישכם אברהם בבקר"

THE ENTIRE DAY⁵ is suitable for Berit Milla, but the proactive are early to mitzvot, as it is stated: "And Abraham arose early in the morning".⁶

Both elements of this statement are taken on in halacha. HaRambam⁷ emphasises that even though the whole day is acceptable, there is a mitzva to bring it forward to the earliest time of the day. The other authorities

4. Yirmeya 33:25.
5. Daytime, and not night.
6. Bereshit 22:3.
7. Hilkhhot Mila 1:8.

use the language of the Gemara, including SeMaG,⁸ Tur,⁹ and Shulchan Arukh.¹⁰

The Me'iri¹¹ writes that one must perform the Berit early in the morning to avoid a careless attitude to the *mitzva*. The Gilyonei HaShas¹² deduces from his language that *zerizin* isn't obligatory in of itself, but rather the appropriate way to follow in the footsteps of our forefathers.

The 'Arukh Hashulchan¹³ notes that when the Mishna in Megila¹⁴ says that the whole day is acceptable for various mitzvot including Berit Mila, it does not add anything about it being ideal to do those mitzvot at their earliest opportunity. The reason that it is pertinent to the *mitzva* of Mila specifically, as stated in the Baraita, is because it is the moment a child is inducted in to the holiness of Israel.¹⁵ He goes on to berate those who choose to delay a Berit Mila by a couple of hours just to wait for a few extra guests and says that it is "criminal" to delay until the afternoon unnecessarily.

So far, it would seem unthinkable to entertain the idea of performing the Mila at any time other than straight after Shacharit.¹⁶ However, there are many who point out that we have another concept in the Talmud, stemming from the verse "בְּרַב־עַם הַדֶּרֶת מִלְּךָ" in a numerous people is the glory of the King.¹⁷ This would mean that an ideal way to perform mitzvot is in a large gathering. We are therefore be faced with a potential dilemma: Should one delay a berit mila to later in the day to facilitate more guests in the spirit of *berov-am*?

To answer this question, we must first look at a sugya in Rosh Hashana (32b):

מִתְנִי' הָעוֹבֵר לְפָנַי הַתִּיבָה בְּיוֹם טוֹב שֶׁל רֹאשׁ הַשָּׁנָה, הַשְּׂנִי מִתְקִיעַ. וּבִשְׁעַת הַהֶלֶל, הָרֹאשׁוֹן מִקְרָא אֶת הַהֶלֶל. גָּמַ' מֵאֵי

שָׂנָא שְׂנִי מִתְקִיעַ - מִשּׁוּם דְּ"בְרוּב עַם הַדֶּרֶת מִלְּךָ", אֵי הָכִי הֶלֶל נְמִי - גִּימָא בְּשְׂנֵי מִשּׁוּם דְּ"בְרוּב עַם הַדֶּרֶת מִלְּךָ"! אֶלְא: מֵאֵי שָׂנָא הֶלֶל דְּבְרֵאשׁוֹן - מִשּׁוּם דְּזִרְזִין מִקְדִּימִין לְמִצְוֹת, תְּקִיעָה נְמִי נִעְבֵּיד בְּרֵאשׁוֹן, מִשּׁוּם דְּזִרְזִין מִקְדִּימִין לְמִצְוֹת! אָמַר רַבִּי יוֹחָנָן: בְּשְׁעַת הַשְּׂמֻד שָׁנָו.

THE MISHNA THERE tells us that on Rosh Hashana, the second prayer leader (the one who leads Musaf) is the one who blows the shofar, whereas on Yamim Tovim which have Hallel, it is the first prayer leader (the one who leads Shacharit) who leads Hallel.

The Gemara asks: Why delay the Shofar blowing until Musaf? Perhaps it's because we want to allow for more people to arrive? And if so, surely the same principle would apply to Hallel?

The Gemara then asks: Why should Hallel be recited at Shacharit? Perhaps it's because the proactive are early to mitzvot? And if so, surely the same principle would apply to Shofar?

Ribbi Yochanan answers: the reason the Mishna taught that Shofar is delayed until Musaf is because it was written at a time of persecution.¹⁸

We can therefore infer that, as the delay to Musaf was only circumstantial, the original practice would have been to blow Shofar in Shacharit¹⁹ and the principle of *zerizin makdimin* trumps *berov-am*. This is indeed how many *poseqim* interpret the Gemara's conclusion, including Rabbi Moshe Galanti II (d.1689) in Qorban Chagiga 86, Rabbi Eliyahu Yisrael (d. 1784) in Responsa Qol Eliyahu Vol. 2 OCh 17, the Chid"ra (d. 1806) in Birkei Yosef OCh 1:7 and in Machzik Berakha OH 229:7, and Rabbi Tzadok Hakohen of Lublin (d. 1900) in Tzidqat Hatzadiq (178).

It would seem from here quite clear that, in a situation in which waiting for guests will delay the berit mila, it must be done at the earliest opportunity, with no consideration for attendance. However, as noted earlier, the Me'iri and Gilyonei HaShas categorised the concept of *zerizin* as something of an ideal, rather than an explicit requirement.

Rabbi Yisrael Isserlin (d.1460) in his *mangum opus* Terumat HaDeshen (35) discusses the question of

8. Asin 28.

9. YD 262.

10. Ibid.

11. Yevamot 28b.

12. Pesachim 4a.

13. YD 262:8.

14. 20a.

15. See also the Zohar in Parashat Lekh-Lekha 89a.

16. We wouldn't perform the Berit before Shaharit for various practical reasons, chiefly among them: "tadir veshe'eino tadir" – we perform a frequent *mitzva* before an infrequent one. Arukh Hashulchan YD 262:9.

17. Mishle 14:28.

18. As Rashi there explains, the decree forbade the Shofar to be blown, and guards would be deployed to ensure that the Jews didn't perform the *mitzva* all morning, and thus the Rabbis delayed it until Musaf.

19. See Tosafot s.v. "Bish'at".

what to do if one sees the new moon on a weeknight at the time it is appropriate to make Birkat Halevana; is it better to make the beracha then and there, or to wait until the following Motza'e Shabbat when one is still dressed in Shabbat clothes?²⁰ He opines that if a *mitzva* that can be done in a better way when waiting, then it is appropriate to do so. He supports this with a Gemara in Yevamot 39a which discusses whether it is preferable for a younger brother to perform the *mitzva* of Yibbum²¹ or an older brother performing Chalitza.²² In the conclusion, the Gemara says that where one of the brothers is unavailable, even if the method involving that brother would have been preferable, we do not delay the performance of a *mitzva*. However, notes the Terumat Hadeshen, this is only because the Gemara was concerned that the *mitzva* won't come to be performed at that later date. If the *mitzva* was *assured* of being performed at that later time, then we would want to do it in the better way i.e. wearing our Shabbat clothes.

As a support for this, Rabbi Meir Hakohen (d. 1298) in Hagahot Maymoniyot (Berachot, 10:16), says that the reason Maharam of Rothenburg was sometimes seen reciting Birkat Halevana in special clothing on a weekday was only in situations where if he would wait until the next Motza'e Shabbat, he would have missed the *mitzva*. This means he also holds that normally one *should* wait.

Interestingly, regarding Birkat Halevana, the Chemdat Yamim²³ (Part 2, Laws of Birkat Halevana, 17-18) writes that one shouldn't wait until after Yom Kippur or Tish'a Be'Av to perform Birkat Halevana because one shouldn't delay mitzvot. However, he says, if one only has the chance of performing the *mitzva* in the manner of *berov-am* after Yom Kippur/Tish'a Be'Av, then they must wait for the others to join him.

Whilst the ruling of the Terumat Hadeshen was brought in halacha by the Rem"a,²⁴ his argument was rejected by some *poseqim*²⁵ and it's not entirely clear

whether we can rely on this in our case. Furthermore, it's also doubtful whether he himself held it was applicable, based on a recorded incident where ladies were late bringing the baby to a Berit Mila and he made them wait in punishment for delaying.²⁶

Earlier, we brought the Talmud Bavli in Rosh Hashana and subsequent halachists who ruled based on it. However, the version of events given in the Talmud Yerushalmi (Rosh Hashana 4:8) is subtly different from its Bavli counterpart and sheds more light on the story.

רבי יעקב בר אבהו בשם רבי יוחנן. מפני מעשה שאירע. פעם אחת תקעו בראשונה והיו השונאים סבורין [שפוא] עליהן הם הולכין ועמדו עליהן והרגום. מיגו דאינון חמי לון קראי שפמע ומצליין וקוראין באורייתא ומצליי ותקעין. אינון אמרין. בנמוסון אינון עסיקין. ואמר אף בהלל פן. לית כל עפא תפון. ואמר אף בתקיעה פן. לית כל עפא תפון.

RIBBI YAAQOV BAR Acha in the name of Ribbi Yochanan said: the reason we blow at Musaf is because of that which happened: Once they blew early²⁷ and the enemy thought "perhaps they want to go against us".²⁸ So they attacked them and killed them. Since, they see that they are occupied with reciting the Shema, praying, and reading the Torah, and praying while blowing Shofar, they are saying that they are occupied with their secret rites.

Perhaps say that Hallel is the same concern?²⁹ Not all people are there yet. Then say the same regarding blowing of the shofar – are not all the people there yet?³⁰

This last statement of incredulity appears to be a full rejection of the explanation of Ribbi Yochanan. Why indeed should we expect there to be fewer people at Shacharit than Musaf on the Day of Judgement? Thus, this certainly calls into question the widely

Ma'arekhet Zayin, Kelal Alef. Rabbi Yakkov Chayyim Sofer (d.1939) in Kaf Hachayyim OCh 426:23.

26. The story is recorded by his student Rabbi Yosef Ostreicher (d.1490) in LeqeT Yosher YD, Berit Mila, 8.

27. I.e. in Shacharit.

28. Because a shofar sounds like a call to war. See Yehoshua 6, ShofeTim 7, Shemu'el Bet 20, Nechemia 4, Yechezke'el 33 and Yirmeya 4.

29. Because of the loud raucous caused by the crowds answering Halleluya so many times, perhaps it sounded like a war cry.

30. The translation here follows the understanding of Rabbi David Frankel (d.1762) in his monumental commentary to the Talmud Yerushalmi named Qorban Ha'eda.

20. See Tractate Soferim 20:1.

21. Levirate marriage – performed in Biblical times when an older brother died and left a widow behind.

22. The ceremony performed when not consummating levirate marriage.

23. The authorship of this book is subject to much debate, though its content is widely accepted.

24. OCh 426:2.

25. See Rabbi Chaim Chizkiya Medini in Sde Chemed,

quoted conclusion implied by the Bavli, as this is not a dispute between the two Talmuds, but rather providing more essential information.

In this vein, Rabbi Shelomo Hakohen of Vilna³¹ (d.1905), the famed editor of the Vilna Shas, writes that he wishes to find merit for those who delay a Berit Mila because of *berov-am*. He says that the Bavli in Rosh Hashana isn't a proof that *zerizin* is preferred, as there is a doubt as to whether more people would come for Musaf, so the fulfilment of *berov-am* would have been subject to a doubt. In a case of a doubt versus a certainty, we have no choice but to rule according to the certainty – in our case, *zerizin*. But, he says, when we have the two concepts on an equal footing,³² then *berov-am* takes preference. He goes on to say he submitted his opinion to the Chief Rabbi of Vilna, Rabbi Yechezkel Landau (d. 1869), and the latter agreed with this understanding.

The contemporary *poseqim*, however, unanimously take on the more mainstream understanding of the Bavli. Rav Ovadia³³ was asked about the

practice in Egypt of holding a Berit Mila in the afternoon, to allow all the family members to be present and concluded that *zerizin* is more important than *berov-am*, and one mustn't delay beyond the fifth hour unless a minyan was not yet present.³⁴

Rav Mordechai Eliyahu³⁵ writes that one should preferably perform the Berit early, but in a situation where this will cause strife, it is better to wait, as there should not be fighting in the home of the mother.

Rav Ben-Tzion Mutzafi³⁶ (b.1946) writes that his father Rav Salman Mutzafi (d. 1974) was very particular not to delay a Berit, and that the latter said that the reason the modern generation of children lack basic respect and have no shame in this regard is because of the tendency to delay performing the Berit Mila.

We remain with a difficulty of how to resolve the Yerushalmi's version of the sugya. However, it is certainly sufficient to rely on HaRambam, Maran and the vast majority of *poseqim* to ensure one performs the Berit at the earliest possible opportunity.



31. Responsa Meqor Chayyim, 3.

32. He sees both as rabbinical required. If one views *zerizin* as a Biblical level requirement (see, for example, Rabbi David Hakohen of Corfu (d.1530) in his Responsa, Bayit 2, Cheder 5), this argument wouldn't hold.

33. Responsa Yabia Omer Vol. 2, YD, 18.

34. It's worth noting that Maharam Shiq (d.1868) in his Responsa (YD 386) writes that even that is not a valid reason to delay.

35. Berit Eliyahu, 48.

36. Berit Tzion, p.153.

TORAH
PLATFORM



לע"נ ראובן בן רפאל הכהן ז"ל

