



PARSHA

ENCOUNTERS

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Parshas Vayakhel-Pikudei ✍️ Rabbi Ari Maryles

Achdus

“Vayakhel Moshe es kol adas Bnei Yisroel”

“And Moshe gathered together the entire congregation of Bnei Yisroel.”

The word “*aidah*” (or “*adas*” – “congregation”) has the same root as the word “*ad*” – “ornament.” This word appears in last week’s *Parshah*.

“Vayishma ha’am es hadavar hara hazeh... v’lo shasu ish edyo olav. Vayomer Hashem el Moshe... V’atah horeid edyicha mayalecha.”

“The nation heard [that they would not enter the Land]... and no one put his **ornament** upon him. Hashem said to Moshe... and now remove your **ornaments** from upon you.” (*Shemos* 33:4-5)

The Torah there refers to the ornaments that Bnei Yisroel were required to return after they sinned by worshipping the Golden Calf at Har Sinai. These ornaments were the two crowns that each Jew received at Har Sinai at the time of the Giving of the Torah, when they declared “*na’aseh v’nishma*”; they received one crown for “*na’aseh*” and one crown for “*nishma*” (*Shabbos* 88a).

The holy Arizal, in *Pri Etz Chaim*, explains where these ornaments went when they were taken away from Bnei Yisroel. Moshe Rabbeinu lost his own “thousand lights” on account of the sin of Bnei Yisroel. To compensate for this loss, Moshe Rabbeinu was given all of the radiant crowns of Bnei Yisroel, the light of which replenished his lost light.

Each week, on Shabbos, Moshe’s original lights were returned to him for the duration of Shabbos. Therefore, he told Bnei Yisroel that he would always return their “*adayim*” – ornaments to them every Shabbos if they would keep Shabbos in its entirety.

This is alluded to by the verse “*Vayakhel Moshe es kol adas Bnei Yisroel*” as well as the following two verses which discuss the *mitzvah* to observe Shabbos. The verse means, “And Moshe gathered all of the *ornaments* of Bnei Yisroel.” The Torah continues:

“Sheshes yamim ta’oseh melachah u’beyom hashevi’i yehiyeh lachem kodesh Shabbos Shabboson la’Hashem.”

“Six days your work shall be done, and on the seventh day it shall be to

you” – “*lachem*.” What will be to you? The ornaments will be returned to you, but only if “*Shabbos Shabboson la’Hashem*” – you keep Shabbos in its entirety.

This verse also teaches us how Hashem prepared Bnei Yisroel to receive the *Shechinah* in their midst in the future when the Mishkan would be built. A prerequisite for the *Shechinah* to dwell among the people is that there must be *achdus*, unity among them. We know (*Yoma* 9b; see also *Gittin* 55b) that the Beis Hamikdash was destroyed and the *Shechinah* departed from the people because of *sinas chinom*, baseless hatred, which is the opposite of *achdus*, unity and harmony.

It is often difficult for a person to constantly strive for true *achdus* with his fellow man. The pressures of earning a livelihood and other types of competition among people sometimes disrupt the *achdus*. There is one time, however, when these impediments to *achdus* do not exist, when a person can achieve true *achdus*. That time is Shabbos. On Shabbos, one views all of his work as finished, an attitude which diffuses feelings of competitiveness and enables one to feel true unity with his fellow man. The verse alludes to this unique quality of Shabbos when it says, “*Vayakhel Moshe es kol adas Bnei Yisroel*” – “And Moshe gathered all of Bnei Yisroel” – that is, he gathered them in unity. How did he achieve this unity? This *achdus* was a result of observing Shabbos in its entirety, as the very next verse says, “Six days your work shall be done, and on the seventh day it shall be to you holy” – having achieved a state of unity on Shabbos, you will truly be holy.

A similar concept is expressed through the use of the head of a lamb (or fish) as one of the *simanim* on Rosh Hashana. We say “*Nihiyeh l’rosh v’lo l’zanav* – May we be for the head and not for the tail.” Why is the wording, “May we be *for* the head” (“*Nihiyeh l’rosh*”) and not simply, “May we be *the* head” (“*Nihiyeh rosh*”)”? Rebbe Shimon Maryles zt”l, the Yoruslaver Rebbe, answers that if everyone seeks to be “*rosh*,” the head, then there will be no peace or unity. Only if we all work in unison and “head” in the same direction – “*larosh*” – towards serving Hashem together, will there be *shalom* and *achdus*.

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This Dvar Torah was written in honor of Chaim Maryles’ bar mitzvah.

HALACHA ENCOUNTERS

Living in Spain

Rabbi Hensch Plotnik

The Halacha Encounters of *Parshas Beshalach* extensively addressed the topic of residing in Egypt. The article concluded with a short paragraph discussing the supposed ban that was issued after the expulsion from Spain in 1492, forbidding Jews from settling there again. One line of reasoning enabling us to be *melamed z'chus* on those who have returned, is that the ban on living in Spain would not have been declared with any more stringencies than the Torah's *issur* of returning to Egypt, as mentioned in *Yabia Omer* Vol. 7, #14. Because engaging in commerce or even dwelling with the intent of not establishing permanent residence is permitted even in Egypt, the *Chachamim* who instituted the Spanish ban would certainly have allowed similar leniencies. However, this reasoning would not suffice to explain how entire communities such as Madrid and Barcelona were established since the expulsion. We will expound on that aspect of the *sheilah* in this issue.

Although it has been widely assumed that some form of edict was issued by the *Rabbanim* of yesteryear following the expulsion of Jews from Spain by Ferdinand and Isabella in 1492, no formal record of such a *cherem* exists. *Poskim* have referred to the supposed declaration as either an oral transmission (*kabbala ish m'pi ish*) or a well-established rumor (*kol d'lo pasik*). The lack of clear information, and more specifically the details of any such ban, is very significant.

Assuming the worst case scenario, that an actual *cherem* was declared, we would have to treat it with utmost severity. The Ramban (*Shailos U'Teshuvos Hameyuchos* 288) holds that a *cherem* is valid even if its intended subjects are not present and never accepted it upon themselves. Everyone needs to keep his distance and totally disassociate from the subject and/or objects of the *cherem*. Defiance can even be punishable by death, as we find in the case of Achan who was guilty of defying a *cherem* and was condemned to death by *Yehoshua*. Even a *safek cherem* would be treated stringently because of the general rule "*s'feika d'oraisah l'chumra*" (Radvas Vol. 3, #518). The *Shach* (Y.D. 218:3) mentions the words of the Maharshah and Terumas Hadeshen that bans on communities do indeed carry the same status as *issurei d'oraisah*. In our case, however, because the historical accuracy of there having been an actual *cherem* has never been confirmed, there are grounds to be lenient. *Safek cherem l'chumrah* would only apply if the *cherem* was definite, but the details doubtful. In this instance, the entire *cherem* is in doubt, therefore leaving room for leniency (*Knesses Hagedolah* Y.D. 334 and others as quoted in *Yabia Omer*). If there had been an official ban of any sort, the Abarbanel would not have omitted it when he described all the events of the period in his introduction to *Sefer Melochim* (*Yabia Omer* ibid). The Bais Yosef, who as a ten year old boy was part of the expulsion as well, makes no mention of a *cherem* of any sort, unless he was

afraid of reprisal from the authorities (see *Minchas Elazar* Vol. 5 #11). None of the other recorders of various *charomim* over the years include the Spanish ban either, leading the vast majority of *Poskim* to conclude that we are dealing with a *safek* at best and may conduct ourselves leniently.

Yet another reason favored by the *Mincha Elazar* is that the victims of the expulsion settled in Turkey, Italy and the environs (thus retaining the title "*Sefardin*"). If there was indeed a ban, it was logically incumbent upon those specific families who were expelled. Similarly, Rav Yoseph Susmanovitz zt"l, the son-in-law of Rav Moshe Mordechai Epstein zt"l held that the decree was only imposed on those who were actually expelled and could be reversed by a later *Bais Din*. Based on these facts, a majority of *Poskim* tend towards the conclusion that most Jews of the last hundred years were never subjected to a ban. Of historical interest is the origin of the family name Toledano, which is a combination of the word "Toledo," the name of the ancestral hometown, and "non" which translates as "no." This was an allusion to their resolve to never return to Toledo). Aside from the above arguments, it is debatable if after the closing of the Talmud any *Rabbinic* body could enforce a *takana* or *gezeirah* on Jews throughout the world. This would also lead one to believe that at most there was a personal *kabbalah* of those that were actually expelled, and perhaps of their descendants (see *Yabia Omer* for a lengthy discussion of this issue). Because of all the various *sfeikos*, the slant of *Poskim* who discuss the issue is towards leniency. The *Tzitz Eliezer* (Vol. 5, #17), however, is reluctant to be *makil*, and reinforces his conviction through a personal conversation he had with the Rishon L'Tzion, Harav Uziel zt"l, who also discouraged even *klei kodesh* from accepting positions in Spain.

Some non-traditional sources also shed light on this intriguing topic. The archives of the Sephardic *kehillah* in Hamburg contain a document stating that in 1658, that community resolved not to give an *aliyah* or any *kibbud* for 2 years to anyone who visits Spain or Portugal (quoted by Rabbi Bleich, Vol. 1 pg. 208 from an edition of *Hamodia*, 1954). Furthermore, a certain Professor A.S. Yahuda (a *chareidisha* historian) revealed the text of the expulsion order from Ferdinand and Isabella. It stated that any Jew remaining in Spain would have to either convert to Christianity or be hanged r"l. Therefore, even without an official *cherem*, nobody would have been able to return to Spain unless they would pretend to be Christians, which is forbidden in and of itself. This alone could be grounds for *kehillas* to distance themselves from the visitors and returnees to Spain. If that was really all that was ever decreed, it is obviously a bygone edict which would have no relevance anymore. To suggest that this is the "ban" spoken about in the *Poskim*, however, is pure conjecture, adding to the aura and mystique of this *halachic* and historical mystery.

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