

Volume 2, Issue 35

פרשת כי תבוא



Shaare Ezra is a one of a kind, multi-faceted organization that's there for the community. Under the leadership of HaRav Shay Tahan שליט"א, Shaare Ezra feels that proper Halachic guidance should be accessible to everyone, therefore we offer the community the opportunity to call, text, WhatsApp, or e-mail any halachic questions they may have, through the Bet Horaah, where qualified, trained and ordained Rabbis are available to answer your questions in English, Hebrew and Russian. Shaare Ezra is from the community—for the community.

Call/Text:

347-918-4088

WhatsApp:

347-666-3467

Email: askhala-

cha1@gmail.com

Website:

www.askhalacha.com

Rabbishaytahan.com

# Bet Horaah

## בית הוראה

# Shaare Ezra

## שערי עזרא

Parshat Ki Tavo

Zmanim for New York:

Candle Lighting: 6:45pm

Shabbat ends: 7:43pm

R"t: 8:14pm

We would like to show our deepest thanks to our generous donor who made it available for us to continue printing the newsletter. May Hashem grant him with a good, happy, healthy and successful new year. May Hashem help that his children will grow to be big Talmidei Chachamim. Thank you.

### SELLING THE MERIT OF THE MITZVOT

RABBI SHAY TAHAN

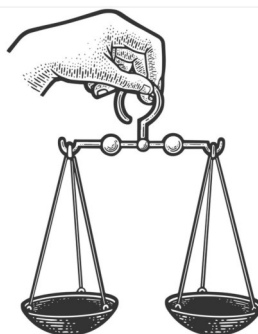
\*SUBSCRIBE TO OUR NEW EMAIL NOW\* PARASHADELIGHT@SHIURENJOYMENT.COM  
SUBJECT RABBISHAYTAHAN

The correct way to prepare for Rosh Hashanah and Yom Kippur, which are quickly approaching, is to do Teshuva, do more Mitzvot and get closer to Hashem. But in a generation in which one is able to buy and sell to his heart's content, maybe one would actually be able to buy Mitzvot that others have fulfilled for a proper payment. Is such a thing permitted to do, and if so, would such a sale be valid?

Indeed this idea is intriguing and original. Let's see what our Torah thinks about this.

Rabbi Hai Gaon (quoted in the Maharam Alshakar סימן קא) addressed this very question. Rabbi Hai Gaon was asked if a person who fasts every Monday and Thursday may sell the merit of his Mitzvah to another. Rabbi Hai Gaon replied that when one sells a Mitzvah to another, the recipient did not gain, but the giver lost his reward (because it's considered as if he renounced it and despised it). It is impossible to sell the merit of any Mitzvah to another. He proves this from a Pasuk (Yechezkel 18,20): "The righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him", we see from here that just as no man is caught in the wrongs of another, so may no man receive the merit of another.

It is also logical that one can't acquire the merit of another, since merit isn't like an object that a person carries on his shoulders and can sell as he wishes. Moreover, if one knew what precious rewards he will receive for his good deeds, he would not forsake it for any amount. Thus this sale is considered an invalid sale that was agreed upon by mistake.



The Natziv, Rav Naftali Zvi Yehudah Berlin (נשיב דבר ח"ג סי' יד) also discussed the above when he was asked about a great rabbi who sold half of his merits to another. After the sale took place, the buyer was informed via a dream that this sale was invalid and that the buyer's status is the same as before. The buyer requested his money back as it was clear that the sale didn't go through, but the seller insisted on keeping the money. They came before the Natziv to ask if the sale was valid. The Natsiv first rebuked the seller at length for attempting to give away his Mitzvot for the sake of money, just as Esav sold his firstborn right- בכורה for money (according to the interpretation of

the Rashbam he didn't sell it for lentils, but that the acquisition was made with lentils). The Pasuk considered this sale a disgrace to the בכורה. In our case, where the seller gave up his rights to the Mitzvah, is compared to one who was honored by the king with a badge of honor and afterwards turns away and sells it to another. This act is a total disgrace to the king and thus deserves to be punished.

To the Halachic concepts of the question, he replied that the sale isn't valid for several reasons. First of all, the reward of the Mitzvot is given by the King of the world, and the Creator desires to honor those who fulfilled his Mitzvot, not those who didn't perform the Mitzvah, even if they pay for it. Furthermore, that reward has yet to come to the world, and is only granted in the world to come, which brings us to the Halachic concept of not being able to acquire things that have yet to come to the world. Another concept is that one may not acquire things that aren't tangible, as is the case here

## SELLING THE MERIT OF THE MITZVOT

where the reward isn't tangible but spiritual. (ב"ב קמ"א).

### Questions on this concept.

Rabbi Kanievsky (דרך שיחה עמוד 70) was challenged on this concept with a known story of a severely ill woman who came in front of the Chafetz Chaim for help. The Chafetz Chaim asked a rabbi that was with him to grant the woman the merit of his Shabbat observance, and indeed after having done so, the lady was healed. Rabbi Kanievsky replied that the rabbi didn't give her the *merit of the Mitzvah*; rather, the Chafetz Chaim told the rabbi that in the merit of his Shabbat observance, his prayer for her should be answered.

Another story is about the Vilna Gaon, who, one year, couldn't find any Hadasim for Sukkot. After much searching and inquiry, one of his students found some Hadasim in the garden of a gentile woman. When the woman heard that the Hadasim are intended for the Vilna Gaon, she agreed to sell them but on condition: a promise that the reward for that Mitzvah would be credited to her. When her request was brought before the Gr"a, he immediately agreed and said that he doesn't have any desire for the reward of a Mitzvah, but rather he desires to fulfill Hashem's commandments.

Rabbi Kanievsky dismissed the story saying he doesn't believe it's true since a gentile woman wouldn't have such a desire for Mitzvot.

I would add that the explanation to this phenomena is that a reward for a Mitzvah isn't like an object which can be handed from one to another; rather the reward is a change in the soul of the person; the reward uplifts him to higher levels. This can be better understood with a parable of a person who goes through laser eye surgery to improve his eyesight. One would never imagine that this better eyesight can be given to another. The same can be applied here, once a person performs a Mitzvah it's a change to improve himself and that change isn't possible to be given to another.

### Yisachar and Zevulun

It's important to note that the idea of selling Mitzvot is indeed valid in one place only: that is the partnership of 'Yisachar and Zevulun'. There—and only there—may one who studies Torah share his reward with the person supporting him (there are various opinions as to how this works and such a lengthy discussion is for another time).

### Selling Averot.

Now that we concluded that one can't buy Mitzvot, we still need to see if one can sell sins by giving the buyer money to take his sins.

Although the two seem to be similar but from an amazing story which is recorded to have happened with the Maharsha (תוכחת מוסר למהרש"א), it's seems like one is able to sell his sins. The story is about two merchants

who went out for business. After they bought a large amount of merchandise, one of the partners went to get a wagon to deliver the goods, leaving the other behind alone for the night. That night, while staying all by himself, the person unfortunately succumbed to a terrible sin. The next morning when his partner came back with the wagon to pick him up, he saw that his partner was broken, upset and ashamed. But when asked why he was feeling that way, he didn't get a straight answer, until finally the partner opened up and told him what happened. When the partner heard about his sin, he responded with laughter saying he shouldn't worry about such things. When he saw that all he said didn't help make him feel better, the partner decided to offer to buy his sin, hoping that this would resolve the issue and so it was, one partner bought the sin from the other. Years after the person who bought the sin passed away, he came back in a dream to his partner with a complaint that in heaven, he was being punished for the sin he didn't commit, and that his partner is responsible for it since he was the one who actually sinned. First, he ignored the dream. After it was repeated over and over again, he decided to seek counsel with the Maharsha. The Maharsha told him that next time he appears to him in a dream, he should tell the buyer that he should come to a Din Torah in his Bet Din, and so he did. When the day came, the Maharsha invited the entire town to see how serious sins are. When the buyer finally appeared, he was first strongly rebuked by the Maharsha for daring to buy another person's sin. Afterwards the Maharsha offered him a remedy for this matter and with that, things were finally resolved.

### Sources proving one can sell sins:

The poskim reference many sources from the Torah and Gemara to show that one can sell and buy sins.

For example, Rachel told her son Yaakov (על בראשית כז, יג) when she directed him to take the blessings. This indicates that she is effectively "transferring" the curses aimed towards Yaakov and receiving them herself.

Another source is from the Gemara (קידושין לא, ב) stating that after one's father passes away, he should say כפרת הריני, meaning that he takes the sins of his father on himself.

Another interesting source is what the great Rabbi Shimon Bar Yochai said (סוכה מה, ב, רש"י) that he can carry the sins of the entire world together with his son Rabbi Elazar.

Another Gemara (סנהדרין מט, ב) points out that Shlomo Hamelech accepted upon himself all the curses that his father intended for Yoav, which eventually came upon Shlomo's children.

### A Contrasting View:

Rabbi Chaim Sofer (מחנה חיים ח"מ סי' כ) was also asked

## SELLING THE MERIT OF THE MITZVOT

about a person who sold his sins and said that it's impossible to sell or buy such things. He also addressed the story we mentioned from the Maharsha and wrote that the story isn't true. The simple proof to that is what the Gemara says: אין עון בלא חטא ואין יסורין בלא עון, meaning that one would not be punished (through suffering) without sinning, indicating that there is no other way of being punished—even if one buys sins.

Regarding the above sources citing Pesukim and Chazal, he

explains that they aren't meant to be understood literally, and offers an explanation to each one.

### Conclusion

We can conclude that on one hand, one should never sell his Mitzvot, as we've learned from the rebuke of the Natziv, since even if the sale falls through, it's a disgrace to the holy Mitzvot and we lose the reward. On the other hand though, one should definitely not rely on buying Mitzvot or selling his Averot, as those transactions aren't valid.

## MONOLOGUE VS DIALOGUE

The high days of Elul, as we are approaching Rosh Hashana, are a perfect time to build a relationship with the Creator. But how is a relationship actually formed? Doesn't the very basic building block for such relationships require having a dialogue? Is that possible with Hashem? Imagine having an actual conversation with Hashem. What would we say to Him? What would He say to us?

Would He shower us with loving words, or maybe rebuke us angrily for our wrong doings?

Would we want to have a conversation with Hashem or would we pass on it since it's probably too stressful and scary in so many different ways?

Well, we could have a conversation with the Creator, with give and take dialogue.

We all know that when we pray we are actually talking to Hashem, but did we ever wonder about when He ever talks to us back? Well, that is done when we learn His holy Torah. When one learns Torah, he's really listening to the words and instructions of how we should live our life; and those Godly messages come directly from Hashem.

When we do the above, we are having a monologue—we either talk to Hashem or listen to Him. A monologue is good, but it's missing the very important feeling of the other responding.

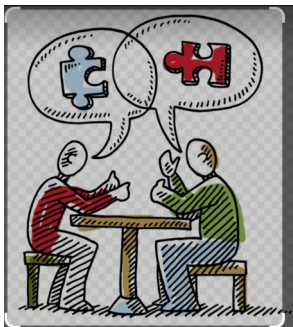
We all would rather have a dialogue, but do we have such a thing? When do we have a two-way conversation with Hashem? Meaning talking to Him and listening to what He has to say back to us, and then again responding to Him?

Well, that is precisely what Tehillim is all about. When we read Tehillim we aren't just praying, we can also listen to the very important messages of those Pesukim. We spill our heart on the touching words, while we also read the encouraging words which uplift our souls.

The simple proof to the fact that reading Tehillim is a back and forth conversation with Hashem, is that the Poskim keep using two different terminologies when referring to Tehillim. Sometimes they refer to it as **reading**

Tehillim while other times they call it **learning** Tehillim. Why do they use such different terms? It's possible because there are two different aspects to Tehillim. One is a simple reading without understanding the words and the other is saying Tehillim with a mindset of trying to understand the words; thus it would be considered learning.

One can see that, unlike prayer which is made of simple requests and pleas; reading Tehillim has that and more: it has requests and praises, but also contains messages and instructions for living a better and more fulfilling life. Take for example the very first chapter, it teaches us a very important lesson of how one should conduct himself (תהלים א,א):



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

Rather, the teaching of Hashem is his delight, and he studies those teachings day and night.

### The correct intention one should have when reading Tehillim

It is interesting to note that there are two very different views on what intention one should have when reading Tehillim. According to some opinions, one should have the intention that he is praying, thus his words are words of prayer as he is talking to Hashem.

Other opinions (הליכות שלמה לרש"י אורבך, תפלה עמוד קה) feel that one should have in mind that he is learning Torah, thus while saying the words of the Tehillim he should try to understand what they mean.

According to the latter opinion, the words he is reading are the message that Hashem is sending to him.

If one has both intentions while reading, meaning he has intention to pray and to learn those very words, he is then actually having a conversation, a dialogue with Hashem. On one hand he is talking to Hashem, but on the other he also listens to what Hashem is saying to him.

One of the differences between this dispute is the

## MONOLOGUE VS DIALOGUE

need to understand the meaning of the words. While the opinion which holds that one should read Tehillim with the intention of learning Torah would also have an obligation to understand what he is saying, since learning without an understanding isn't considered learning (משנה ברורה סי' נ סק"ב), the opinion that holds that reading is a form of praying, it would still be considered a prayer even without understanding what one is saying (פלא יועץ ערך זהר וערך תהלים), [although while praying, lechatchila, one must try to understand what he is saying] his prayer is still accepted, though it wouldn't be as powerful as one who connected his heart.

### May one read without saying the words from his mouth?

Another difference between the opinion that holds that Tehillim is Torah and those who hold it's Tefilah would be whether one is allowed to read without voicing the words. If he is merely learning Torah, he doesn't have to actually utter the words out of his mouth, and would be sufficient to merely read them with his eyes.

True, Torah learning is much more powerful when one says the learning out of his mouth, as the Gemara (עירובין נדא) tells about a student who was rebuked by Brurya for learning while whispering the words, and the student of Rabbi Eliezer who forgot all of his teachings was due to the fact he was learning quietly.

Moreover, the Shulchan Aruch Harav (פ"ב סי"ב) says that one doesn't fulfill the Mitzvah of learning Torah if he doesn't say the words out of his mouth, but many argue on his approach (גר"א סי' מז ס"ד).

For the opinions who hold that Tehillim is a form of prayer however, this discussion wouldn't even begin, as one must utter the words of prayer from his mouth.

### Reading in immodest places

While the Halacha clearly forbids one to pray in front of immodest women within eyesight (for example, legs or neckline showing) even if he doesn't say the words out of his mouth; Halacha does permit learning Torah without saying the words in front of them, since the Pasuk says:

דבור אסור, ולא יראה בך ערות דבר (שבת קנא), the rabbis taught, meaning it's permitted to learn by heart in front of those women.

Therefore, if, for example, one rides the bus with such women, he can read Tehillim without saying the words out of his mouth if he has specific intentions to read for Torah and not for praying.

### Dressing for reading

When one prays he stands in front of Hashem and he is therefore absolutely required to dress accordingly (מב"ם). One isn't permitted to pray while wearing shorts and slippers, as it is disrespectful to speak to the Creator of the world in such a way, as the Mishna Berura (סי' עד סכ"ד) explains that when one prays he must view himself as if standing before a king. But when one learns Torah, none of that is required. One may learn Torah even if not dressed very respectfully (although it is more correct to dress properly even for learning).

For further discussion on this matter please refer to my new **Sefer Shaf V'yativ on the Halachot of Tehillim**.



## נ ת י ב ה ת מ ה

Sometimes a sofer means to write a ך but doesn't stretch the head sufficiently. When that happens it may give the appearance as a ן instead. Although the ן is normally much shorter, but if it looks like a big ן it is pasul. Especially since we have a big vav (called "Vav Rabbati") in the Torah.

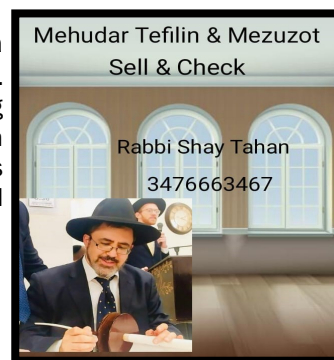


In this picture of Tefilin, the Sofer meant to write the ך in the word מצוך, but didn't extend the head of the ך in order to align with the lines above and below, not realizing that

he mistakenly wrote a ן.

It can also be mistaken for a long nun (נון סופית פשוטה). Although the head of a long nun usually stretches on both sides; nonetheless, it is also Kosher if the head comes out only to the left.

(מלאכת שמים, משנת סופרים)



We would like to extend our warmest thanks to Harav Yochanan Pilchick Shlita for helping us with distribution of this newsletter in his Chashuv Beis Midrash.