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Parshat Naso

Zmanim for New York:

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Shabbat ends: 9:12pm

R"T 9:34pm

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ASHKENAZIM VS. SEPHARDIM.

RABBI SHAY TAHAN

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Coming off the exalted Yom Tov of Shavuot, which commemorates the special day of receiving the holy Torah in Mt. Sinai from Hashem; one might come to ponder how the Torah branched off from one single unifying text to rulings so different as seen between Ashkenazim and Sephardim.

After our nation was exiled from its land, we were scattered to different places in the world. Some were exiled to Europe while others to Spain and the countries in the Middle East. The distance between the places had a great impact on their culture, language, genetics, food, and nuances of prayer.

For the last 1,000 years the Jewish people have, for the most part, been divided into two main groups: Ashkenazi and Sephardi. Contemporary Ashkenazim are European Jews and descendants of Yiddish-speaking Jews.

Sephardim originate in the Iberian Peninsula and the Arabic lands. Although in this generation, those differences are rapidly fading as Ashkenazim and Sephardim mostly live together and their children go to the same schools. Many even marry each other, having children that are Sephardi from one side and Ashkenazi from the other.

One of the differences between the two groups which is still very relevant today is the way each follows their halacha.

Why the Psakim differ?

Many of those differences developed due to the Psakim of the Rabbis which they follow, mostly the Shulchan Aruch and the Rema (though there are many more differences as well, but that is beyond the scope of this article). The Sephardim follow the rulings of Rabbi Yosef Karo in the Shulchan Aruch, and Ashkenazim follow Rabbi Moshe Isserlish in the Rema.

Let's first try to understand how each of those two giants arrived at their respective psakim.

When one learns Gemara, he would usually begin

learning the words of the text with the interpretation of Rashi, as it is almost impossible to understand the Gemara without the guidance of Rashi. After learning the words of Rashi, one usually continues with learning the Tosfot and other Rishonim like the Rosh, Rif, Rambam, Rashba, Ramban and others. The question one needs to ask is whether those Rishonim wrote their rulings

L'ehalacha or did they just write an interpretation to the Gemara but didn't mean that it should be the way one should rule as Halacha Le'maase.

Rav Moshe Insight

Rav Moshe Feinstein (אגרות משה)

(אה"ע ח"ד סימן פג אות א') says that the Shulchan Aruch and the Rema argued over those points, as the Shulchan Aruch understood that most of the Rishonim didn't write a clear Halacha since their main objective was to interpret the Gemara by asking questions on the Gemara's difficulties and answering them, with the exception of three Rishonim, whose main objective was to give a clear, definitive ruling on each topic: the Rambam, the Rif and the Rosh. Therefore, the Shulchan Aruch ruled according to those three Rishonim over others. The Rema, on the other hand, felt that although all other Rishonim wrote many questions and answers to reconcile the difficulties of the Gemara, but those were not done without a Halachic purpose; rather those answers were geared towards Halacha, and therefore they can be counted that way as well:

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ASHKENAZIM VS. SEPHARDIM.

אלא פלפלו בברור הדברים להקשות ולהביא ראיות לזה או לזה, שמצד העיון עוד בראיות וקושיות אין מי אשר יערב לבו להכריע בזה. ולכן הסכים שיפסוק רק בשנים מאלו השלשה שהם אמרו דין ברור להלכה פסוקה, היינו משום שיש לסמוך יותר על אלו שכל כוונתם היה להעמיד דין ברור ולא על הגאונים עולם אשר היתה כוונתם רק לברר בקושיא וראיות השיטות שכל שיטה ושיטה הם דברי אלקים חיים שלא ידו כל כך להכריע אף שבדבריהם משמע שהכריעו, וגם הרבה מספרי הוראה כהסמ"ק והאגור קצרו הרבה ואין יכולין לדעת שום דין בהלכתו. והרמ"א פליג עליו בזה שאף בעלי התוס' וכן שאר גדולי עולם, שאף שעיקר דבריהם הם לבאר ולפרש, הם שיטה גם להוראה, וגם שיש להורות בבתראי שג"כ פסקו להלכה בין בספריהם בין בתשובותיהם."

The Rema Insight

Still this answer is not complete, as the Rema himself said in his introduction that he wrote his essay because he disagreed on Rabbi Karo, who ignored the principle that whenever latter commentaries conclude differently than the earlier commentaries, we follow the latter ones. The reason being that since the latter Poskim saw what the earlier Poskim wrote and still decided to rule differently than them, we therefore must assume that they took that knowledge into account and still decided that the Halacha should be different.

The Rema argued that Rabbi Karo didn't follow that principle, therefore he saw that he must write his ruling accordingly.

As we see, the Shulchan Aruch restricted his ruling to only three poskim, while the Rema on the other hand saw more widely to include all Poskim as well. This system seemed to change later in history, as the Psak of the later Sephardi Poskim differ from their Ashkenazi contemporaries on this very point.

The Ben Ish Chai Insight

The Ben Ish Chai (בהקדמה לרב פעלים) writes that the Ashkenazi Poskim way is to look only at what the earlier Poskim, the Rishonim, wrote without opening the works of contemporary Poskim, implying that the Sephardi Poskim did search in many contemporary books to see if they can find something which they didn't think of in order to apply it to their ruling:

"ויש שאין דרכם לתור ולדרוש בספרי האחרונים בכל ענין אשר יבוא לפניהם, אלא פונים דוקא אל דברי הפוסקים הראשונים [=מלפני חמש מאות שנה]

וכותבים מה שנראה באותו ענין לפי הכרעת דעתם וסבבתם כאשר תשיג ידם באותו ענין, לקיים מה שנאמר: "כי תשב ללחום את מושל, בין תבין את אשר לפניך", ובדרך זה מתנהגים על הרוב גאוני אשכנז."

Pshat vs. Kabbala

Another very basic difference in the Psak is based on the Machloket between Pshat and Kabbala.

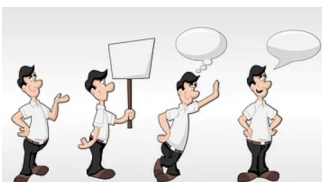
The Bet Yosef wrote (סימן קמא) that the Zohar overrides the ruling of the Poskim: "לא שבקינן דברי הזוהר מפני דברי הפוסקים" on the contrary, the Rema argued that we follow the Poskim over the Zohar: "אין לזוז מדברי הפוסקים אף אם היו דברי הזוהר חולקים עליהם כן נראה לי דלא בבית יוסף."

The Bet Yosef explained (או"ח סי' כה) that in reality any Posek who says differently than the Zohar, is only doing so because he didn't see the Zohar's opinion, but if they would have seen the Zohar, surely, they would change their mind and rule in accordance with the Zohar. The reason the Poskim didn't see what the Zohar says is because the Zohar was hidden for about 1500 years since Rabbi Abba wrote all those wonderful secrets that were given to him by Rabbi Shimon Bar Yochai.

Later poskim followed this principle as well. The Mishna Berura (סימן כה, ס"ק מב) who is the main Posek of the previous generation for the Ashkenazim, wrote to follow the Gemara and the Poskim over the Zohar and Kabbala, with exception to whenever the Poskim didn't state their opinion or whenever the Poskim argue over a certain law, then the Zohar would determine the outcome. Another exception is if the Kabbala is more stringent than the Pshat then we should follow the Kabbala. Contrary to that, the Kaf Hachayim a late Sefaradi Posek, wrote (סימן כה, ס"ק עה) that the Sefaradi approach is the way the Bet Yosef stated (see above), that Le'halacha we go with the Zohar's ruling. Since the Sephardim always follow the Shulchan Aruch, in this very case it isn't any different, and one must follow his Psak that Kabbala overrides the Pshat and all other Poskim. Moreover, even if the Bet Yosef himself says differently than the Kabbala, Sephardim must follow the Kabbala.

"Bli Neder": ENSURING CLARITY AND INTENTIONS

We often encounter intriguing practices that hold deep significance. One such practice is that of saying "Bli Neder" (without a vow), which serves as a precautionary measure to prevent misunderstandings or unintended consequences that may arise from our spoken words. When engaging in conversations, it is common for individuals to add the words "Bli Neder" after expressing their plans or intentions, be it regarding shopping or going on a trip. But why is it done? And how does this practice contribute to maintaining clarity and ensuring our intentions are understood?



What is a Neder?

In Jewish customs and traditions, there are practices that hold deep significance; one such practice is the concept of "neder," which represents a solemn commitment and a sacred bond between individuals and Hashem. It goes beyond a simple promise, serving as an act of self-dedication where people voluntarily undertake to fulfill a spiritual obligation or engage in

righteous acts.

The Torah's position on promises made to Hashem is quite clear, stating: "If a man makes a vow to Hashem or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips" (Bamidbar 30:3). This verse emphasizes the significance of fulfilling one's promises to Hashem.

While the practice of "neder" holds immense value, it also comes with its challenges and potential pitfalls. The Sages recognized that hasty or thoughtless vows could lead to unintended consequences or burdensome obligations. Therefore, they advised individuals to exercise caution and discernment before making such commitments. The Gemara advises, "One should be deliberate in making vows, but once made, one must fulfill them" (Nedarim 10a). This advice highlights the significance of thoughtful consideration and genuine intention when undertaking a "neder."

"Bli Neder": ENSURING CLARITY AND INTENTIONS

Does Bli Neder helps?

The Shulchan Aruch addresses the concept of vows and their requirements. He explains that vows only apply to tangible objects or actions, and mere statements about speaking, serving, or accompanying someone do not create a vow. The Shulchan Aruch writes (יו"ד סימן ר"ג ס"א):

"נדרים אין חלין על דבר שאין בו ממש. כיצד? אמר קונם שאני מדבר עמר, שאני עושה לך, שאני מהלך לך וכו' אינו נדר, ומיהו מדרבנן צריך שאלה."

"Vows do not apply to intangible substances. For example, if one says: 'Konam that I speak to you, or serve you, or go with you...' this is no vow. However, Rabbinically one should have these annulled."

We learn from the words of the Shulchan Aruch however, that on a Rabbinic level, it is required to have these statements annulled as a precautionary measure to avoid any potential misunderstandings.

Still, the requirement to be careful on a Rabbinic level only applies when one says openly that it is a neder or uses the word "Konam", but if he merely says that he will do something he isn't obligated to mention "Bli Neder".

This distinction between vows and non-vows leads us to the concept of expressing intentions related to performing Mitzvot. Regarding Mitzvot, even though the words may pertain to intangible substances, they are considered vows. The Talmud states, "Rav Giddel said: One who says, 'I will learn this chapter,' has made a great vow to the G-d of Israel" (Nedarim 8a).

The Shulchan Aruch further affirms this, stating that when one declares their intention to perform a mitzvah, it is considered as if they made a vow. For example, when someone says, "I will

learn this chapter," it is deemed equivalent to making a vow to give charity (Shulchan Aruch, Yoreh De'ah 213:2).

The Chochmat Adam, echoes this sentiment, emphasizing the binding nature of such statements related to Mitzvot. It states, "One who says, 'I will learn this halacha' or 'I will do this matter,' and it is a Mitzvah, it is considered a vow... and he is obligated to fulfill it. Therefore, a person should accustom himself that in every matter they intend to do, they say 'Bli Neder' (without a vow)" (Chochmat Adam, Chapter 6, Halacha 7).

Saying Bli Neder even if it's not Mitzva-related.

So where did the idea that one should say "Bli Neder" over everything he says come from?

After repeating that the vow takes effect only when one says he will do a Mitzvah, The Kitzur Shulchan Aruch (סימן סז הלכה ד') adds a recommendation that one should say Bli Neder even on plans that aren't Mitzvah-related. The reason, he says, is to avoid one mistakenly saying a real vow.

Drawing from these sources, we can understand the origin and purpose of the practice of saying "Bli Neder." The recommendation to say "Bli Neder" even for non-Mitzvah plans stems from the desire to maintain clarity and avoid misunderstandings while using real vows. By incorporating this phrase into our conversations, we take an additional measure to prevent any potential confusion or unintended vows.

By saying "Bli Neder," we clarify our intent and reinforce the understanding that our statements are not meant to be binding obligations. It serves as a safeguard, ensuring that our words are not mistakenly taken as commitments.

BIRKAT KOHANIM

In our Parsha we learn about Birkat Kohanim, the Mitzvah of the Kohanim to bless the congregation.

Although there aren't many Halachot related to performing this Mitzvah, many manage to make simple mistakes which can result in either not fulfilling the obligation correctly, or even sometimes not fulfilling it at all.

Raising Hands:

Let's start with the basics.

Birkat Kohanim is also called נשיאת כפיים, meaning raising hands. We learn the requirement to raise the hands during the Beracha from Aharon Hakohen, who raised his hands when he blessed the nation with Birkat Kohanim, as it says: ויניח אהרן את ידיו אל העם ויברכם.

Although all Kohanim raise their hands, many don't raise them high enough. The minimum height required to raise the hands is shoulder-height (קנה) (שולחן ערוך סימן קכ"ה). Since raising hands is crucial for the performance of the Mitzvah, a Kohen who raised his hands below the shoulder height does not fulfil the obligation at all, and his Beracha is invalid (שולחן ערוך סימן קכ"ה). Since raising hands is crucial for the performance of the Mitzvah, a Kohen who raised his hands below the shoulder height does not fulfil the obligation at all, and his Beracha is invalid (שולחן ערוך סימן קכ"ה).

According to the Arizal, a Kohen should raise his hands higher than his shoulders, to the height of his head.

Some of the Poskim (כפ החיים סימן קכ"ה) explain that the Pshat and the Arizal aren't necessarily arguing, since when one raises his hands, his arm is at

shoulder-height, while the hands are higher, by the head.

One who is physically unable to raise his hands at least to the level of his shoulders, should not go up to perform the Mitzvah.

Spreading fingers:

There are various ways written in the Poskim of how the Kohen should spread his fingers. According to the Shulchan Aruch (סימן קכ"ה) the Kohanim spread out the fingers of both hands separated so as to make five spaces between them; the spaces are (1) between the ring finger and middle finger of each hand, (2) between the index finger and thumb of each hand, and (3) the two thumbs touch each other at the knuckle and the aperture is the space above or below the touching knuckles.

According to the Zohar (פרשת נשא דף קמ"ב) all the fingers should be spread out.

Either way that a Kohen spreads his fingers are acceptable (בן איש חי פרשת תצוה אות יד).

The Kohen should also try to raise his fingers upwards a bit.

Some compromise both opinions saying (אור לציון ח"ב עמוד עט) that one should spread all fingers but widen the spaces between the fingers that the Shulchan Aruch required.

The Kohen should also raise his right hand a bit higher than his left hand.

A Kohen should go up for the blessing even if he isn't able to spread his fingers in any of the above ways.



BIRKAT KOHANIM

Raising the Voice

The Torah says: "אמור להם" to teach that the Kohanim must raise their voice so it could be heard by the entire congregation. If he isn't able to do that, he should make sure that at least nine people would be able to hear him (אורלייז ח"ב עמוד פ). The Mitzvah is invalid if at least nine people didn't hear his voice (שלח ערוך) (סעיף יד ובמשני).

This doesn't mean that the Kohanim should scream out the blessings, rather they should say it loud enough that the entire place should hear him.

One who isn't able to raise his voice to that level due to loss of voice or weakness should not go up to perform the Mitzvah.

Saying the Brachot after the people finished answering Amen: The Shulchan Aruch (סעיף יח) warns that: the Hazan who calls out "Kohanim" is not permitted to call out "Kohanim" until the congregation finishes answering "Amen" that they answer after the blessing of Modim, and the Kohanim are not permitted to start the blessing until the Hazan finishes calling out "Kohanim". After the Kohanim make their blessing, they are not permitted to start "Yvarechecha" until the entire congregation finishes answering "Amen". Similarly, they are not permitted to start each word until the Hazan finishes enunciating that word; and the congregation is not permitted to answer "Amen" until the Kohanim finish enun-

ciating each blessing.

Face to Face:

Up to now we spoke about the mistakes some Kohanim do, but here are some mistakes the people in the shul do at the time of Birkat Kohanim:

A mistake that is pretty common is when the father covers his children with his Talit, the children turn towards the father with their back to the Kohanim. Chazal learn from a Pasuk that the Kohanim and the congregation must face each other, just like one faces the person who gives him a Beracha (סוטה לט).

The congregation should try to close their eyes and concentrate at the time of the blessings, the same way one does during the Amidah prayer (ש"ע סעיף כג וכן איש חי שם אות יט).

Standing in front of the Kohanim:

Another mistake people commonly do, especially those who pray in the front of the shul by the east, is that they don't move and ensure that they're in front of the Kohanim, rather they keep standing there, behind the Kohanim. The only way they'll receive the Beracha is if they are in front of those giving the Beracha (ש"ע סעיף כד).

If a person stands to the side of the Kohen, he is still counted in the blessing (משנ"ב ס"ק צה).

קריעה לחכם שנפטר.

ועכשיו הוסיפו להקל שלא לקרוע גם כשנמצאים בעת יציאת הנשמה, שאם לא כן ימנעו אנשים מלילך ולהיות אצל אדם הגוסס כדי שלא יתחייבו בקריעת בגדיהם ונמצא אדם מת יחידי (כה"ח סי' תקנז סעיף כה).

ולגבי קריעה עבור תלמידי חכמים הסביר בשלחן גבוה (סימן שמ סט"ו) שכיון שבכל עיר ומדינה בישראל ישנם כמה וכמה תלמידי חכמים, ואם באנו לקרוע עליהם לא יאשר לנו בגד ליום קרה.

הסבר נוסף כתב הרב נהר מצרים (דף קלז ע"א) שהיום כמעט ולא למדים ישירות מהרב אלא מן הספרים, לכן אין לרב בזה דין של רבו מובהק שרוב חכמתו ממנו.

ובספר חינוך וחסדא (ח"א דף נט ע"ג) כתב שחששו שמה אנשים שאינם מהוגנים יבואו לדבר לשון הרע על הנפטר לומר שלא היה נזהר בקיום המצוות כדי להיפטר מקריעת לבושם, הובאו טעמים אלו בחזון עובדיה (אבלות ח"א עמוד רכז).

ולכן נהגו להקל שלא לקרוע, אולם יש אומרים שבדאי לקרוע כשנפטר גדול הדור שנחשב רבם של כל ישראל.



שאלה לכבוד הרב בבקשה. האם תוכל להדריך אותנו לגבי חיוב קריעה כשנפטר אדם גדול בתורה?

שלום רב.

מעיקר דין הגמרא אכן יש חיוב קריעה אפילו על כל אדם כשר שאינו חשוד לעבור על שום עבירה, וכן שאינו חשוד לבטל אף מצוה ממצוות התורה, אף על פי שהוא אינו גדול בתורה (שלח ערוך יו"ד סימן שמ ס"ו).

, וכל שכן שיש חיוב קריעה על תלמידי חכמים (שם ס"ז).

מכל מקום כתבו הפוסקים הבאים אחריו שהיום נהגו להקל כדעת הרמ"א שאין חיוב לקרוע על אדם כשר, אלא אם כן עומד עליו בשעת יציאת נשמה, ולגבי תלמידי חכמים כתב שאין קורעין על חכם אלא אם כן הוא רב או שידועים משמעותית שחידש (דהיינו חידושי תורה שחידש).

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