



MENUCHAV'SIMCHA

Candle Lighting 6:37PM

Vol. 12 Issue 35

Parshas Ki Savo 5776

WHO'S THE BOSS

BY RABBI MOSHE SPIEGEL

The conclusion of the Rambam's Mishna Torah rendition of the mitzvos has two important mitzvos, one which begets the other. These mitzvas are Bikkurim, which is the bringing forth of the first fruit, and vidui maser, which is a vow that all obligated tithes in the Shmita cycle were done according to Halacha.

Many questions come to mind, and exploration of them will develop a fundamental insight. First, why are these mitzvahs brought at the end of the Mishna Torah? What special significance do these mitzvos have relative to the preceding 611 mitzvos? Second, all mitzvos that are dependent on land apply only in Eretz Yisroel, and this is a known constant. Naturally, Bikkurim cannot be performed before entrance into Eretz Yisrael. For mitvos that are entirely dependent on Eretz Yisroel, why do we need the Torah to add a pasuk to explain that there is a mitzvah in Eretz Yisroel of Bikkurim, and, additionally, the pasuk asserts, this mitvah shall be performed when they enter into Eretz Yisrael? This is obvious! Third, let's think about the meaning of Vidiuy Ma'aser. This is a special mitzvah to directly make a statement attesting to the halachic completion of certain mitzvahs, including Trumas, Ma'asers, and Bikkurim. The very announcement that these mitzvahs were completed according to halacha is a mitvah itself! Where else do we find a need to affirm that a mitzvah was properly

performed, let alone a mitzvah that has the sole purpose of affirming another mitzvah? Last, and this might be the most troubling, the specifics of the mitzvah of Bikkurim are to take the first fruits of the seven fruits for which Eretz Yisrael is praised, bring them to the Bais Hamikdash and

give them to the Kohen with much pomp and ceremony. Surely one can appreciate that the idea here is to show gratitude to the Creator for giving another crop. First fruits only have a unique significance to the individual farmer who worked towards their eventual harvesting. Why can't any fruits suffice to convey this message of thanks? Moreover, if there is nothing particularly

WHY CAN'T ANY FRUITS SUFFICE TO CONVEY THIS MESSAGE OF THANKS?

special about these fruits to the receiving Kohen why deprive the farmer of them?

The answer lies in the general theme we see running through these mitzvos. By looking into what these mitzvos signify, one can understand the basic facts about our history and the core standards of our national mission. The purpose of G-d creating this world is for us to spread the glory of heaven. In order to adequately accomplish this feat we were given tools, one of them being our own homeland. With this it can be understood why these mitzvos were given such prominence at the end of the Mishna Torah. Our second question is answered as well. There is an accent placed on the fact that these

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DVAR HALACHA



Laws of Hataras Nedarim

BY RABBI YOCHANAN ESKENAZI

The custom is to matir nedarim (annul vows) on Erev Rosh Hashanah in order to free ourselves from the punishment of not fulfilling a vow (Chayei Adom 138:8). If one was not matir nedar on Erev Rosh Hashanah, he should do so during the Aseres Yemei Teshuva (Ten Days of Repentance) (See Mateh Ephraim 581:49). One may matir nedarim at night (Koveitz Halachos [Piskei Reb Shmuel Kamenetsky shlit"a] 5:3). The prevalent custom is to be matir after shachris.

The Gemara [Nedarim 23b] says, "One who wants that his nedarim should have no force throughout the year, at the beginning of the year should proclaim that this coming year my vows should be nullified." The Rishonim explain that one may make this proclamation any day of the year. The Gemara is merely mentioning that if one wants that his nedarim should not take effect for the entire year, then one should proclaim this at the beginning of the year –(Ritva & Rosh ibid). Even though the case of the Gemara is not the exact case of what we do by hataras nedarim, many Rishonim understand that this Gemara is the source for this custom (See Tosfos s.v. tanna mistam (1) & Ran s.v. u'linyana).

By saying Hataras Nedarim a person is nullifying all previous vows that he has forgotten about (Koveitz Halachos 5:ftnt. 1). However, any nedarim that a person remembers are not nullified, unless he specifies it (Shulchan Aruch YD 228:14). If one began performing a good practice at least three times without saying "bli neder" (without taking a vow), it is considered as if he took a vow to preform that act (See Shulchan Aruch YD 214:1). The opinion of Harav Shlomo Zalman Auerbach zt"l is when

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Kollel News

MAZEL TOV:

Omid and Rachel Niknam on the bar mitzvah of their son, Yosef Nachman!

Richie and Janis Fine on the engagement of their granddaughter, Chana Lieberstein to Zecharia Greenfield!

Drs. Paul and Jordanna Ufberg on the birth of a baby girl!

Selichos 5776/5777

- Sunday Morning, September 25: 7:15 a.m.
- Monday-Friday, September 29-30: 7:00 a.m.
- Erev Rosh Hashanah, Sunday, Oct. 2: 6:30 a.m.
- Tzom Gedaliah Wednesday, October 5: 7:00 a.m.
- Aseres Yemai Teshuvah, Oct. 6/7/9/10: 6:55 a.m.
- Erev Yom Kippur, Tuesday, October 11: 7:30 a.m.

Hasheeveinu: Final Week!

New Sunday Morning Program for Men and Boys During Elul

Hasheeveinu is a brand new, 4-week Sunday morning program, for men and boy (grades 1-7). The first step to Teshuvah is to strengthen our commitment to the study of Torah, as we say in davening: Hasheeveinu Avinu Lesorasecha. Come to the Kollel for the next four Sunday mornings and study a different topic each week related to the upcoming Yomim Naroim/High-Holidays. Men will join a group led by Kollel Rabbis, and boys will enjoy a special presentation on the lower level each week. A special breakfast prepared by our chef Jonathan will be available.

Selichos 7:15 am

To receive Menucha Vesimcha by weekly email or to dedicate/sponsor an issue

PLEASE CONTACT THE EDITOR AT: menuchavesimcha@phillykollel.org

DAVENING TIMES:

Friday, September 23:

6:37PM Candle Lighting
6:55PM Shkiya/sunset

Shabbos, September 24:

8:15AM Shacharis
9:11AM/9:47AM Latest Krias Shema
5:53PM Mincha
6:53PM Shkiya/Sunset
7:48 Ma'ariv
8:05PM 72 Minutes

This Tuesday!

Kollel Women's Annual Yom Tov Bake Sale Event!

Featuring

Mrs. Rochel Baum

Application within Supplication:

The Power of the 13 Attributes of Mercy

Tuesday, September 27, 2016 7:00pm

At the home of Shani Daniel

300 Highland Avenue, Merion Station

Full Salad Bar, Famous Cake Sale, Inspiration for Yom Tov

Couvert \$36

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we recite hataras nedarim on Erev Rosh Hashanah, it helps to annul vows these practices as well (Shu"t Minchas Shlomo 1:91:20).

All agree that men are obligated. Whether or not women are obligated is a dispute amongst the Poskim. Harav Shlomo Zalman Auerbach zt"l held that the custom is that women are not matir neder rather they rely on Kol Nidrei to annul all vows (Halichos Shlomo 1:10 & ftnt. 13). Children do not need to recite it (Halichos Shlomo Moadim 1:1:ftnt. 38 & Koveitz Halachos 5:10).

One may not matir nedarim thru a shaliach (messenger) (Shulchan Aruch YD 228:16). The one exception is that a married man may act as a messenger for his wife (Shulchan Aruch YD 234:56), even if his wife did not specifically appoint him as long as he can assume that she would want him to be (Halachically Speaking 1: pg. 239 quoting Harav Yisroel Belsky zt"l). In a case where the husband is acting as his wife's messenger, he should mention this to the Dayanim (judges). This can be accomplished by adding the words "v'chein l'ishtee kain" (and same for my wife) (Halachically Speaking 1: pg. 239 quoting Harav Yisroel Belsky zt"l).

The recitation of hataras nedarim, will only nullify one's vows if he understands what he is saying (Chayei Adom 138:8). Therefore, if one does not understand the text, he should either read through a translation beforehand (Halachically Speaking 1: pg. 240) or say it in the language that he understands (Chayei Adom 138:8).

The Bais Din that is nullifying the nedarim should consist of at least three men (Shulchan Aruch YD 228:1 & Shach YD 228:4). If possible, he should try to make sure that all the Dayanim are full halachically men [i.e. are 13 years of age and have physically matured] (Hagaos Rebbe Akiva Eiger YD 228:3 & Pischei Teshuva YD 228:3). The Bais Din may consist of relatives of the one annulling his vow or to each other (Shulchan Aruch YD 228:3). Although generally practice is the person annulling his vows stands and the Bais Din sits, neither is required. Therefore the one annulling his vows may sit and the Bais Din may stand (Shach YD 228:9 & Koveitz Halachos 5:7-8).

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mitzvos are to be performed upon our arrival to Eretz Yisroel, to remind us of our purpose in receiving our land, to better fulfill our national mission through mitzvah performance. What separates man from the animal kingdom is the ability to speak. If one's words have no meaning he remains on par with the animal world. Therefore because of the primacy of these mitzvos, we are given a special mitzvah to verbally express that we did as we were told and are people, not animals. This answers our third point.

Last, it is now self-evident why we give our first fruits and of what meaning they have to the Kohen. Doing G-d's will implies we are

subservient to Him. What allows Him to subjugate us is the fact that He created us with a specific purpose in mind. The land and its fruit are in effect His, lent to us to achieve our goals in this world. Had we kept these fruits for ourselves and not tithed our produce, we would be deprived of the opportunity to embed in our psyche the message that we are not the true owners. The Kohen, Chazal tell us, receives his gifts from G-d's table, as it were, not from the one bringing forth gifts. In truth all we are doing is giving the true 'Farmer' his own first fruits.

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