



GUEST CONTRIBUTOR RABBI RAFI WEINSCHNEIDER

Fruit of the (Holy) Land

I (Moshe) implored Hashem... "Please let me cross [the river] and see the good land that is on the other side of the Jordan..." (3:23-25)

Rabbi Simlai taught: Why did Moshe Rabbeinu desire to enter the Land of Israel? Did he need to eat its fruit? Did he need to be satiated from its goodness? Rather, this is what Moshe said: "[The people of] Israel were given many mitzvos, and they can't be fulfilled outside of the Land of Israel. Let me go in, so they can be fulfilled by me." Hashem responded to Moshe, "Are you only asking so you can earn a reward?" [According to Mahara'tz Chiyos, Hashem then answered His own rhetorical question: "No, you just want to do the mitzvos:"] "I give you credit as if you did them." (Talmud, Sotah 14a)

The Gemara is clearly telling us that the point of being in Israel is not "eating its fruits" and "being satiated from its goodness." It's the mitzvos—the special connection to Hashem we can attain there.

The problem is that whenever we say the "B'racha Achas Mey'ein Sheva" (commonly referred to as "Al haMichya") after eating and drinking certain foods, we start out by thanking Hashem for giving us

A precious, good, wide land... that You gave as an inheritance to our forefathers, to eat of its fruits and to be satiated from its goodness.

We then proceed to ask Hashem:

...Rebuild Jerusalem, the holy city, speedily, in our time; raise us into it, gladden us with its rebuilding, and we shall eat of its fruits and be satiated from its goodness—and we will bless You for it, in holiness and purity.

I can understand being thankful for fruit and saying that it was Hashem's benevolence which gave it to us; but asking Hashem to bring us back for some fruit? Didn't the Gemara imply that's inappropriate?

Another question: How can we ask to eat "the fruits of Jerusalem?" Jewish law states (Maimonides, *Hilchos Beis hab'chira* 7:14) that we may not plant gardens and orchards in Jerusalem!

And, finally, does Jewish law require that blessings be recited "in holiness and purity?"

Beis Halevi explains that the blessing actually refers to *ma'aser sheini*—a tithe, from a crop grown in Israel, which must be consumed in Jerusalem. When a Jew takes his physical fruit; separates the *ma'aser sheini*; brings it up to Jerusalem; and offers it as a gift to Hashem by eating it in holiness and

PRACTICAL HALACHA

RABBI CHAIM HEINEMANN

In recent weeks, we've discussed the need for a way to give non-halachic heirs (e.g., charities and daughters) portions of one's estate without violating Jewish law. We spoke about Rabbi Moshe Feinstein's opinion—that a will drafted in compliance with civil law is also valid in Jewish law, and that the heirs set forth in such a will are not guilty of theft, even if they wouldn't have inherited anything otherwise, according to Jewish law. However, many authorities disagree with this opinion, for various reasons.

Today I would like to share two other methods of dealing with this issue:

1) Another means of presenting daughters or institutions with a share in one's inheritance is to make the gift during one's lifetime. Although daughters and charities can't inherit someone's estate, a person is perfectly permitted to present them with monetary gifts during his lifetime. However, there are two serious drawbacks to this method.

- If parents make substantial gifts to outsiders, considerable resentment by the sons may arise.
- Jewish law doesn't allow a person to give something away if he doesn't yet own it or if it doesn't yet exist (in Hebrew, *ein adam makneh davar shelo ba la'olam*). A person can only give his daughter something that he already owns, as noted by the Rama (C.M. 281:7). It is therefore difficult to provide for an equal distribution of assets between all of one's children using

— CONTINUES ON NEXT PAGE —>

purity, that is truly a fulfillment of Hashem's promise (Sh'mos 28:8):

I will dwell among them.

Kollel Women's Learning

special guest speaker!

Shabbos Afternoon Series

on alternating weeks all summer: 5-6PM

Shabbos, August 5: Rabbi Raphael Mendlowitz

Finding Consolation in Shabbos

at the Heinemann residence: 6645 W. Farm Acres Dr.
for women only • babysitting will be provided

Sponsorship & feedback:

parasha@cincykollel.org

sponsored by

Brian & Judy Wallace

in honor of Efraim's bar mitzvah

Cincinnati Torah

is distributed weekly to local shuls and the community e-mail list.



PRACTICAL HALACHA

CONTINUED

outright gifts during one's lifetime.

2) Another way to distribute an inheritance to non-halachic heirs is through a *Shtar Chatzi Zachar* (literally, a "Contract for Half of [the Inheritance of] a Male"). The Rama records (E.H. 113:2 and C.M. 281:7) that this was the commonly accepted way to provide every daughter with a share in an estate. This involves the father committing, at the time of his daughter's wedding (as part of her dowry), to pay her a very large sum of money—more than the expected value of his estate—to be payable an hour before his death. This debt will pass to the father's halachic heirs (i.e., the sons). However, the contract includes a provision voiding the debt if the halachic heirs present the daughters with a share in the estate—in this example, 50% of the value of each brother's share. The truth of the matter is that one can just as well use a *Shtar Zachar Shaleim* (a "Contract for a Complete [Inheritance of a] Male"), which gives his daughter a full share in the inheritance. (*K'tzos haChoshen* 33:3) Exactly how to do so nowadays is fairly complex, and it should be done in conjunction with both a competent rabbi and a Torah-observant lawyer. 📖

GREAT ACTS OF ORDINARY PEOPLE

IT WAS THE CHAMPIONSHIP GAME AT CAMP Ruach—the much-awaited culmination of the camp playoffs. It was now the bottom of the ninth—two outs, bases loaded—and, with his team down by two runs, the best hitter in camp, Mutty Green, stepped up to the plate. The pitch came. Mutty swung and hit a hard drive to left-center.

Shua Perlstein, the center-fielder, desperately tried to get to the ball. He dove—but the ball brushed the top of his glove and went winging away. Three runs scored before the ball returned to the infield—game over.

Shua felt horrible. "I could've won the game, and I blew it!" he told himself.

In all the excitement, no one noticed his anguish except one person.

At lunch time, Rabbi Krohnberg, the head counselor, began to announce: "In today's baseball game..." He was drowned out by the cheering that erupted in the dining room, and he waited for the noise to subside.

At the Kollel

EVERY DAY

EVERY WEEK

📖 **"Dirshu" Gemara Shiur**
(Maseches Makkos)

Rabbi Yitzchok Preis.....
Sunday 7:15–8:15 AM
Monday–Friday 5:50–6:45 AM

📖📖 **Kollel Yisgaber K'ari**
(amud-a-day of Mishnah B'rurah)

Rabbi Chaim Heinemann.....
Monday–Friday 6:55–7:20 AM

📖 **Daf Yomi**

Rabbi Meir Minster.....
Sunday–Thursday 8–8:45 PM
Shabbos (at CZE) 1:00 pre-mincha

📖📖 **Night Seder Chabura**

in the Annex Library
(Maseches Avodah Zara)
led by Rabbi Tzvi Fishman
Sunday–Thursday 9–9:55 PM
followed by Ma'ariv at 9:55

KEY: 📖 Beginners 📖 Intermediate 📖 Advanced 🕒 for men and women

Chavrusos are available for private and group learning—

speak to Rabbi Chaim Heinemann! weekdays noon–1 PM • Sun.–Thurs. 8–9:45 PM

DAVENING TIMES CAN BE FOUND AT CINCYKOLLEL.ORG/MINYAN-SCHEDULE/

THIS WEEK IN JEWISH HISTORY

RABBI MOSHE TZVI CRYSTAL

On **8 Av, 5547 (1787)**, the Jews of the Austria-Hungarian Empire were required by Emperor Joseph II to take on family names. This would, in theory, allow the Jewish population to be more easily taxed and drafted into the military. Although Jews in Spain had adopted surnames as early as the 1100's, as had German Jews in the 1600's, the Jews of Eastern Europe resisted taking on surnames until compelled to do so by their respective governments. Austria-Hungary was the first European nation to require them, and Russia was the last in 1844. At first, people were allowed to pick their own names, but eventually authorities began assigning names to families. Sometimes bribes were necessary to keep officials from picking embarrassing names, e.g., Eselkopf ("donkey's head") or Galgenstrick ("gallows rope"). In fact, officials in many Hungarian towns, looking for entertainment, would gather townspeople and divide them into four groups: Gross, Klein, Schwartz, and Weiss (Big, Small, Black, and White). 📖

Someone near him tried to get his attention. "Psst—Rabbi Krohnberg!"

Rabbi Krohnberg turned and saw it was Mutty Green. "Please don't announce the score! Go on to another announcement."

Surprised, Rabbi Krohnberg did as he was asked.

Afterward, Rabbi Krohnberg asked Mutty about his strange request. After all, this was his moment to enjoy!

But Mutty's answer showed he was more than just a good baseball player. "Shua's embarrassed that he didn't make the catch. It isn't really his fault, but he feels like he made an error. Announcing the score would've just made him feel worse."

Rabbi Krohnberg was left rooted to the spot, floored by the sensitivity of a twelve-year-old. 📖

Editor's note: Mr. Hugo Eichelberg has pointed out some differences between our retelling of last

week's story and the way he received it—among them, that the teacher was hosting the Ponevezher Rav for Shabbos, and that the Rav asked him why he was teaching Torah in Cincinnati.

A RIDDLE FOR YOU

Who was allowed to perform the mitzvah of circumcision at night?

The answer will appear next week.

LAST WEEK'S RIDDLE:

Q Name a mitzvah from which women are exempt, even though it is not time-bound. (There's more than one!)

A Giving the annual half-shekel; learning (and teaching) Torah; circumcision; having children (which is the husband's obligation); and redeeming a first-born son (*pidyon haben*). 📖