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## THE PERFECT BALANCE

by Ezra Seplowitz

There is a dispute amongst the Amora'im and Rishonim with regard to the proper balance between Bitachon, trust in God, and Hishtadlut, human effort. Rav Acha states (Berachot 60a) that when a person is undergoing a medical procedure, he should pray to God, saying, "May it be your will, Hashem, my God, that this therapy should serve me as a remedy, and that you should heal me, for you are God, the faithful Healer, and it is your remedy that is genuine, for it is not the place of people to seek medical treatment, but so they have accustomed themselves." Rashi (ibid. s.v. *She'Ein Darkam Shel Bnei Adam*) explains that this prayer is suggesting that one have absolute Bitachon in Hashem, since all matters are decided by Him; prayer can completely replace medical treatment. However, Abayei immediately interjects and cites a teaching from Rabi Yishma'eil's Yeshiva, explaining that the Torah's statement (Shemot 21:19) with regard to damage liability, "*VeRapo YeRapei*", "And he shall provide for healing," grants permission to doctors to heal patients. In light of this teaching, Abayei allows room for human Hishtadlut.

This interpretation of the verse, which is accepted as Halacha (see Shulchan Aruch Yoreh Dei'ah 336:1), disproves the notion that man should not attempt to alter his fate. However, the Rishonim still dispute the extent to which one can, or even must, go to in order to be healed from an illness. Rambam famously notes (Hilchot Dei'ot 4:1) that a man must do anything within his power to ensure that he is healthy, both physically and mentally; if he becomes ill, it is impossible "*SheYavin O Yeida Davar MiYedi'at HaBorei*", "For him to understand or know any knowledge of the Creator." The Rambam implies that a man must put in as much Hishtadlut as necessary so that he can properly study *Divrei Torah* and *Divrei Chachmah*. On the other hand, Ramban (VaYikra 26:11 s.v. *VeNatati Mishkani BeTochechem*) contends that in an ideal world, one would not need Hishtadlut whatsoever. Righteousness and prayer would suffice to heal the body from any illness. Ramban mentions the Gemara in Berachot, and he explains the academy of Rabi Yishma'eil specifically granted permission to doctors to heal, but not to patients to seek medical help; while the doctor is not guilty of a lack of Bitachon, the patient undoubtedly is.

Rav Eliyahu Dessler, who lived in England and Israel in the 20th century, writes that while Ramban's conception of the ideal world is accurate, we do not live in such a world due to the sin of Adam HaRishon. Therefore, we act in accordance with the Ramban,

who believes that we should put maximum Hishtadlut into all areas of our lives. The Ramban's view is not incorrect, but merely inapplicable until the time of *Mashiach*.

In Parashat Terumah, God's instructions for the construction of the Shulchan are juxtaposed to His instructions for the construction of the Menorah. The Gemara (Bava Batra 25b) quotes a Pasuk (Kohélet 1:6) that describes the sun and wind as follows: "*Holeich El Darom, VeSoveiv El Tzafon, Soveiv Soveiv Holeich HaRuach*", "[The sun] travels to the south, and turns northward; ever-turning travels the wind". Rav Yisrael Meir Kagan of Radin, commonly referred to as the Chafeitz Chaim, relates the northward and southward directions to the Menorah located in the south of the Mishkan and to the Shulchan located to the north of the Mishkan, while he explains that the sun relates to a person. Intuitively, everyone wants to face the Menorah, whose flames resemble the spiritual fire of Torah and Bitachon in Hashem. Nevertheless, it is necessary to turn to the Shulchan, whose bread symbolizes physical well-being and Hishtadlut. The Chafeitz Chaim explains the second half of the Pasuk, which describes the continuous northward turning of the sun, as referring to one who completely abandons his Bitachon in Hashem and solely relies on Hishtadlut. Such a person will experience a feeling of "*Holeich HaRuach*", "The wind travels", meaning the complete departure of his spiritual being. Such a person will ultimately regret his decision to neglect belief and only rely on action.

Therefore, while it is important for us to exercise Hishtadlut in everything that we do each and every day, it is imperative that we retain proper Bitachon in Hashem. Let us all take this message to heart and combine pragmatic action with unwavering trust.

## WOMEN'S TORAH EDUCATION PART II - THE POSITIONS OF THE TANNA'IM, AMORA'IM, & RISHONIM

by Ned Krasnopolsky (Editor -in- Chief Emeritus '19)

**Editors' Note:** The following four part series by Ned Krasnopolsky ('19) on the topic of women's Torah education is based on a set of Shiurim given by Rabbi Daniel Fridman to the Y18C Gemara shiur at TABC in the spring of 2018. Part I can be found on [koltorah.org](http://koltorah.org).

### Introduction

In last week's issue of Kol Torah, we began our discussion regarding the permissibility of women's Torah education, and of the various concerns presented by the Tanna'im, Amora'im, and Rishonim. We noted that the Mishnah (Sotah 20a) quotes Ben Azai who obligates a father in teaching his daughter Torah in order that "*Teida SheHaZechut Toleh Lah*", "She will know that some Zechut that she has delayed it [the Sotah punishment] for her". We also noted that Rabi Eliezer ben Hurkanos felt that this would result in "*Tiflut*", literally "promiscuity". In this chapter, we will present Ramban's

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view on this topic and delve into his application of the Mishnah in Sotah.

#### *Peirush HaMishnayot LeRambam*

In his earliest work, his commentary on the Mishnah, Rambam (1135-1204 CE) presents Ben Azai's "Zechut" as the Zechut of Torah, and further elaborates on the meaning of Tiflut. He writes (Hilchot Sotah 3:4): "And they said 'she has a merit', that is to say, the merit of Torah. And [this is true] even though she is not commanded in this, as the Mitzvah of Talmud Torah only applies to males, as the Pasuk says: 'and you shall teach them [Torah] to your sons to speak with them'- your sons and not your daughters. And that which they [Rabi Eliezer ben Hurkanos] said 'he [the father] has taught her Tiflut', we answered that it is only 'as if he taught her Tiflut', [meaning] that it is pointless and futile".

Rambam's interpretation of Ben Azai's edict can be explained in two different ways: either there is a quasi-Chiyuv (obligation) to teach one's daughter Torah, or the learning is purely protective (and completely optional). Rambam also interprets Rabi Eliezer ben Hurkanos' Tiflut to mean a pointless endeavor, a waste of time. The exact language used in Hebrew is "*HaShav VeDivrei Hevel*", "[The words taught to her are] in vain and words of futility". She will not grasp it — the effort is fruitless. In the presentation of Rambam, we find that there is no Issur (prohibition) to teach women Torah. Unlike the Meiri and Bartenura we presented last chapter, Rambam believes that her education will not result in anything positive or negative.

But why does Rambam view women's Torah education as a worthless endeavor? Similar to the Meiri's explanation of Rabi Eliezer ben Hurkanos's declaration that we examined in the first part of this series, Rambam seems to be operating on some principle that precludes the efficacy of women's Torah education. A further inspection of Rambam's later works will shed light on the principle at play.

#### *Mishneh Torah: Hilchot Talmud Torah*

Fascinatingly, Rambam begins his Hilchot Talmud Torah by describing individuals who are not *Chayav* in the Mitzvah: "*Nashim, VeAvadim, UKetanim Peturim MeTalmud Torah. Aval Katan, Aviv Chayav LeLamdo Torah, SheNe'emar: VeLimadetem Otam Et Beneichem LeDabeir Bam*", "Women, slaves, and minors are free from the obligation of Torah study. Nevertheless, a father is obligated to teach his son Torah while he is a minor, as it is said (Devarim 11:19): 'and you shall teach them [Torah] to your sons to speak with them'" (Hilchot Talmud Torah 1:1).

It is unusual to introduce a concept with those who are exempted from it. It would make more sense logically to introduce the Mitzvah by establishing those who *are* obligated in Talmud Torah. And yet, Rambam clearly emphasizes the exemption of women, slaves, and children from the Mitzvah. Once again, it bears noting that Rambam maintains the position he developed in his earlier work: it is not Assur to teach women Torah. A lack of *obligation* does not translate into a *prohibition*.

This lack of prohibition allows Rambam to contemplate a scenario in which a woman *does* learn Torah. In

Hilchot Talmud Torah 1:13, he writes: "*Ishah SheLamdah Torah Yesh Lah Sachar, Aval Eino KiSchar HaIsh, Mipnei Shelo Nitztaveit, VeChol Ha'Oseh Davar She'Eino Metzueh Alav La'Asoto, Ein Secharo KiSchar HaMetzueh She'Asah, Ela Pachot Mimenu*", "A woman who learns Torah receives reward, but it is not like the reward of a man, because she was not commanded [to learn], and anyone who does something that they are not commanded to do, their reward is not like the reward of the commanded who did it, rather it [the former's reward] is less than [the latter's reward]".

Essentially, due to the fact that they are not obligated, women receive less reward for learning than men do. This is a well-established principle found throughout the oral Torah. However, despite the presence of reward for her learning, Rambam cites Chazal, who commanded "*Shelo YeLameid Adam Et Bito Torah, Mipnei SheRov HaNashim Ein Da'atan MeChuvonet LeHitlameid, Ela Hein Motzi'ot Divrei Torah LeDivrei Havai Lefi Ani'ut Da'atan*", "That a person should not teach his daughter Torah, because most women cannot concentrate their attention on study, and thus transform the words of Torah into idle matters because of their lack of understanding"<sup>1</sup> (ibid.).

Rambam expresses his belief that there is some factor that prevents many women from studying Torah properly; namely, a lack of concentration. (Again, it is important to highlight the era in which Rambam wrote. He lived in the 12th century CE, a time in which the societal role of women differed drastically from what it is today.)

Rambam's inclusion of the word 'Rov', 'most', deviates from Rabi Eliezer ben Hurkanos' original proclamation. As cited in the Mishnah in Sotah (20a), Rabi Eliezer ben Hurkanos is far more comprehensive: "*Kol HaMelamed*", "**All** who teach", in every scenario. Rambam's presentation, on the other hand, allows for some leeway, shifting from a blanket statement to a policy that is dependent upon a woman's personal initiative.<sup>2</sup> Those who are self-motivated to learn, although they are not obligated to do so, can learn, and will even receive reward for their efforts.

#### *Torah SheBa'al Peh versus Torah SheBichtav*

Rambam's addition of "*Rov*" is not his only innovation. In his analysis and application of Rabi Eliezer ben Hurkanos' "*Tiflut*" assertion, he also differentiates between Torah SheBichtav and Torah SheBa'al Peh. Rambam writes: "*Amru Chachamim, 'Kol HaMelameid Et Bito Torah Ke'Illo Lomdah Tiflut'. BaMeh Devarim Amurim? BeTorah SheBa'al Peh, Aval Torah SheBichtav, Lo Yelameid Otah LeChatchilah, Ve'Im Lamdah Eino KeLamdah Tiflut*", "The Sages said, 'Anyone who teaches their daughter Torah, it is as if he has taught her *Tiflut*.' To what do these words refer? To the oral Torah, but [with regard to] the written Torah, ideally one should not teach her; but if he did, it is not as if he has taught her *Tiflut*" (Hilchot Talmud Torah 1:13).

Rambam limits the resultant Tiflut to a case in which she learned Torah SheBa'al Peh. Interestingly, Rambam once again

<sup>1</sup> Shulchan Aruch Yoreh Dei'ah Hilchot Talmud Torah 246 quotes Rambam verbatim.

<sup>2</sup> Some points to ponder: [1] If she does show initiative, does this permit her father to teach her? The Chachamim seemingly prevented a man from initiating his daughter's education, but is it also forbidden to teach her? [2] The Chachamim seem to be operating with R. Yehoshua's concern in mind, viz. the belief that women are disinterested in Torah learning. But what if an individual woman expresses interest?

deviates from the original text of the Mishnah: Rabi Eliezer ben Hurkanos did not differentiate between Torah SheBa'al Peh and Torah SheBichtav, but rather spoke of "Kol HaMelameid Bito Torah", seemingly referring to *any situation* in which a woman was taught *any part* of Torah, irrespective of discipline or personal initiative. What motivated Rambam's differentiation?

It appears that Rambam was focused on women's ability to receive the Torah properly. (Also, his citation of the Chachamim's outright prohibition hints at his growing concern for the continued integrity of the Torah, similar to the position of the Meiri which we analyzed in the first part of this series.) According to Rambam, it makes sense that only the more complex features of the Torah, namely Torah SheBa'al Peh, are not taught to women for the specific reason of *Tiflut*. Again, his approach is centered on the issue of mindset; he does not believe that women's education in Torah SheBa'al Peh will amount to anything more than futility, as was mentioned above, "*Lefi Ani'ut Da'atan*". Additionally, his preclusion of women's Torah SheBichtav education, at least *ab initio*, may be due to the fact that some areas of Tanach are more complex than others. However, as we will see, Rambam's differentiation between women's education in Torah SheBichtav and Torah SheBa'al Peh might not be clear cut.

*Oops! Ta'ut Sofer?*

The Tur (c. 1269-1343) inverts the "*BaMeh Devarim Amurim*" portion in his citation of the above Rambam (Tur Y.D. 246). He quotes Rambam as saying, "*BaMeh Devarim Amurim? BeTorah SheBichtav, Aval Torah SheBa'al Peh Lo Yelameid Otah LeChatchilah, Ve'Im Lamdah Eino KeLamdah Tiflut*". Thus, the Tur places Rambam's concern for *Tiflut* on Torah SheBichtav instead of Torah SheBa'al Peh. The Beit Yoseif (c. 1488-1575) argues that this modification of the Tur was a "*Ta'ut Sofer*", a publishing error. An inherent difficulty with the Tur's Girsas (text) is the obligation for women to participate in Hakheil, the gathering of the entire nation in the Beit HaMikdash on the Sukkot after Shemitah. There, the king reads from the Torah, a public dissemination of Torah SheBichtav directed at both men and women. However, the Turei Zahav (16th century) notes that Hakheil does not constitute true learning, as it only involves "*Peshutei HaDevarim*", simple matters.<sup>3</sup> Interestingly enough, the Perishah (1555-1614) acknowledges the existence of the Tur's typo, but still advocates for its implementation. The Perishah also develops the idea that despite this prohibition, women are obligated to learn Halachot that are relevant to them (*Lilmod Dinim HaShayachin Le'Ishah*). According to the Tur and Perishah, Torah SheBichtav is more vulnerable to becoming "Havai", and is thus deserving of more protection.<sup>4</sup>

Additionally, in Hilchot Nedarim 6:7, Rambam writes: "*U'Melamdo Torah SheBa'al Peh SheHarei Assur Litol Aleha Sechar, Aval*

*Lo Torah SheBichtav SheNotlin Aleha Sechar, Ve'Im Ein Darkan Sham Litol Sechar Al Torah SheBichtav, Harei Zeh Muttar, U'Vein Kach U'Vein Kach Muttar LeLameid Et Beno*", "[One who forswears Hana'ah (benefit) from his friend] can teach him Torah SheBa'al Peh, as it is prohibited to take payment for it. But he cannot teach him Torah SheBichtav when the custom is to be paid for it. Regardless [of the local custom regarding payment], he can teach his friend's son".

In his Bi'ur HaGra (Yoreh Dei'ah 246), the Vilna Ga'on (1720-1796) points out Rambam's exclusion of "*Bito*" from the conclusion of the above Halachah. He reasons that it must be that Rambam holds that it is Assur to teach women Torah SheBichtav *ab initio*. This is in direct contradiction with the Tur's Girsas. An implicit rejection of the Tur can also be found within Rambam's structuring of Hilchot Talmud Torah 1:12-13. In 1:12, Rambam discusses the gradual progression of intensity of learning a person undergoes throughout his lifetime, starting with Torah SheBichtav. According to each individual's intellectual capacity, he may choose to focus more on talmudic analysis. Then, in 1:13, Rambam immediately discusses the reward a woman receives for learning Torah. However, he also notes "*SheRov HaNashim Ein Da'atan MeChuwenet LeHitlameid*", "Most women cannot concentrate their attention on study". Rambam does not mention an intellectual progression in 1:13; they will never reach the point of learning Torah SheBa'al Peh, the level of attainment mentioned just beforehand in 1:12. As such, it seems that the Tur's version of the Rambam is incorrect. The teaching of Torah SheBichtav to women is permitted only *BeDi'eved (ex-post-facto)*; the teaching of Torah SheBa'al Peh, due to this lack of intellectual progression for women in which the Rambam seems to believe, is not recommended in order to ensure that Torah is not reduced to Divrei Havai. It is once again important to point out that Rambam never used the word '*Assur*',<sup>5</sup> and even allowed for the education of some highly motivated women.

*The Huntington Manuscript: Rambam's Authorized Copy of his Mishneh Torah*<sup>6</sup>

Reopened in 1602 by Sir Thomas Bodley, the Bodleian Library at Oxford University contains hundreds of Hebrew manuscripts.<sup>7</sup> In recent years, the library has digitized their manuscripts of Rambam's Peirush HaMishnayot and Mishneh Torah, which were both purchased by the library from Robert Huntington, a British churchman, in 1692. Most notably, the Huntington copy of the Mishneh Torah was proofread and corrected by Rambam himself. The following inscription, written in Rambam's handwriting, is found in the manuscript at the

<sup>3</sup> The Bach (Rav Yoel Sirkes, 1561-1640) distinguishes between the passive process of *Shemi'ah*, listening, and the active process of learning. Learning requires a certain sense of regularity, while *Shemi'ah* entails much less involvement. *Shemi'ah* is much more practical, i.e. knowing to perform what when. Ironically, the Keri'at HaTorah of Hakheil does not include much practical Halachah.

<sup>4</sup> An extreme result of misinterpreting Torah SheBichtav can be seen by the development of the Sadducee sect, which denied the existence of Torah SheBa'al Peh. If Torah SheBichtav is haphazardly disseminated without the complementary interpretation of Torah SheBa'al Peh, the result can be disastrous.

<sup>5</sup> The Vilna Ga'on understood that Rambam held that it was Assur to teach *Torah SheBichtav* *ab initio*. It is likely that Rambam was bothered by the half step taken by Rashi and the Bartenura in their interpretation of *Tiflut*, and therefore avoided using such definitive language. If the result is so disastrous (actual promiscuity, as we discussed last chapter), then why only say "*Ein Tov SheTilmod*", as the Bartenura (Sotah 3:4 s.v. *Ke'Illo Lomdah Tiflut*) does? Instead, Rambam opts for the Hevel interpretation of *Tiflut*, one that does not result in the creation of a quasi-Issur. It is simply not recommended.

<sup>6</sup> The following section was developed by the author, and was not presented by Rabbi Daniel Fridman.

<sup>7</sup> <http://maimonides.bodleian.ox.ac.uk>

conclusion of Sefer Ahavah (M.S Huntington 80, 165a): “*Hugah MeiSifri, Ani Moshe BeRabi Maimon Z’L*”, “corrected from my own book, I am Moshe son of Rabi Maimon of blessed memory”.

A previous owner of the manuscript, Elazar ben Perachya, wrote in his will that the manuscript “in its entirety be placed in the keeping of the Beit Din forever, that it not be sold or redeemed, nor should any single person ever take possession of it. It should rather be kept available so that scholars can correct their own version against it...” Historically, this copy was used to correct many different manuscripts in the 13th through 16th centuries.<sup>8</sup>

What, then, is recorded in the Huntington manuscript of Hilchot Talmud Torah 1:13? As Rambam would have crossed out and corrected any publishing errors, we can now compare the Tur’s Girsa with Rambam’s actual intended text. The manuscript edition of Hilchot Talmud Torah 1:13 (M.S Huntington 80, 58a) does not contain any corrected portions of text, and records that the concern of Tiflut exists only by Torah SheBa’al Peh, and not Torah SheBichtav: “*BaMeh Devarim Amurim, BeTorah SheBa’al Peh, Aval Torah SheBichtav Lo Yelameid Otah LeChatchilah, Ve’Im Lamdah Eino KeLamdah Tiflut*”. This directly rejects the possibility of the Tur’s Girsa, and confirms the Beit Yoseif’s “*Ta’ut Sofer*” argument.

#### Conclusion

In our next issue of Kol Torah, we will further develop the point made by the Perishah, that women are obligated to learn “*Dinim HaShayachin Le’Ishah*”, Halachot that are relevant to women, in light of Rama, Aruch HaShulchan, and Beit HaLevi.

## KASHERING GLASS PART III

by Rabbi Chaim Jachter

**Editors’ note:** The following article by Rabbi Chaim Jachter is the third part of a series on Kashering Glass. For the first and second parts, please visit [koltorah.org](http://koltorah.org).

#### VI - Contemporary Poskim

It is generally accepted that Sepharadim follow Rav Karo’s ruling that glass does not absorb even hot food and need not be koshered even for Passover. Similarly, it is generally accepted that Ashkenazim do not kosher glass for Passover, save perhaps for exceptional circumstances. However, there is an active debate whether one may kosher glass utensils for use other than for Passover. Rav Waldenberg (Tzitz Eliezer 9:26) cites Rav Yehudah Leib Zirelson who believes that the accepted practice is never to permit glass utensils to be koshered. This is also the opinion of Rav Shmuel Wosner (Teshuvot Sheivet HaLeivi Yoreh Dei’ah 1:43). On the other hand, Rav Aharon Felder (Oholei Yeshurun p. 87 n. 82) cites Rav Moshe Feinstein, who accepts the opinion that glass utensils do not absorb even hot foods and need not be koshered for non-Passover use.<sup>1</sup>

Many authorities adopt a compromise position regarding non-Pesach use. They rule that glass absorbs hot foods and but may be koshered. Adherents of this view include Rav Waldenburg (Teshuvot Tzitz Eliezer 6:21), Chacham Ovadia Yosef (Teshuvot Yechaveh Da’at

1:6 - regarding Ashkenazim), Rav Yechiel Yaakov Weinberg (Teshuvot Seridei Eish 2:36), and Rav Weisz (Teshuvot Minchat Yitzchak 1:86). These authorities, generally speaking, do not base their ruling on the Talmud’s comparison of glass to metal. Rather, it is a compromise between the opinions which rule that glass may not be koshered and those who rule that glass need not be koshered because it does not absorb.

Rav Menachem Genack, Rabbinic Administrator of the Kashruth Division of the Union of Orthodox Jewish Congregations of America, reported (in 1989) that his organization inquired of Rav Moshe Feinstein whether one may wash glass utensils on a non-kosher dishwasher. Rav Feinstein ruled that one is permitted to do so. When his organization posed this question to Rav Yosef Dov Soloveitchik, however, the Rav ruled that it is forbidden to do so.<sup>2</sup>

Accordingly, it appears that the majority of the outstanding contemporary authorities rule for Ashkenazic Jews that glass is not considered to be nonporous even for non-Passover use, but may be koshered. Rav Hershel Schachter, Rosh Kollel of Yeshiva University, rules that glass may be koshered; however, he requires it to be koshered three times.<sup>3</sup> Similarly, one should not use glass utensils for both meat and milk if either type of food is hot.<sup>4</sup>

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<sup>2</sup>A similar question may be raised whether one may wash dairy glass utensils in a “meat” dishwasher and vice versa. The answer depends on how one resolves the issue of whether Halacha regards glass as nonporous regarding non-Passover issues.

<sup>3</sup>Rav Schachter requires this to accommodate the opinion of Baal Ha’Ittur (Sha’ar Hechsher HaBasar) that earthenware may be rendered kosher by placing it in boiling water three times. Although Baal Ha’Ittur’s opinion is not accepted as normative Halachic practice, it is used as a consideration in rendering Halachic opinions; see Aruch HaShulchan, Yoreh Dei’ah 121:26-27; Teshuvot MeLameid LeHo’il 2:52; and Teshuvot Iggerot Moshe 3:26-29). Accordingly, Rav Schachter wishes to use the opinion of the Baal Ha’Ittur as a consideration (“*Senif Lehakeil*”) to rule that one may kosher glass.

<sup>4</sup>The halachic standard for determining whether something is hot is *Yad Soledet Bo*, the temperature which causes one’s hand to be withdrawn spontaneously for fear of being burnt. Contemporary equivalents range from 110 degrees to 120 degrees fahrenheit (see Rav Shlomo Zalman Auerbach, Teshuvot Minchat Shlomo 91:8, and Rav Shimon Eider, Halachos of Shabbos p.243 n.19).

<sup>8</sup> *ibid.*

<sup>1</sup> A number of prominent Rabbanim have expressed their opinion to this author that common practice reflects this opinion (see Rav Shimon Eider, Halachos of Pesah, p. 139).