



Parshas Tazria/Metzora 5767

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*Rav Sternbuch shlita was not able to review this week's sheet.*

We have dealt with many of the Halachos of Yom Tov and Chol Hamoed and have now decided to revert back to Hilchos Shabbos. We intend be"H to discuss some of the halachic concepts regarding *Melech Machsheves*, such as *p'sik reisha, davar she'eni miskavein* but will start with the mitzvah of *zachor es yom hashabbos lekadsho*.

***Please explain the mitzvah of zachor es yom hashabbos lekadsho.***

The *Rambam* writes (*Shabbos* 29:1) that the Torah commanded us to verbally sanctify (*lekadesh*) the Shabbos - meaning that one should praise and sanctify the Shabbos – וקידוש שבת זכירת. The *Rambam* uses the word *shevach* but several versions read וקידוש שבת זכירת, which probably means that one must verbally pronounce the words *Shabbos* and *kiddush*.

***When is one supposed to pronounce these words?***

The *Rambam* writes that one is to proclaim the sanctity of Shabbos at its onset and *havdalah* when Shabbos goes out. *Chazal* instituted these holy words as part of the Shabbos prayers, where the central *b'rocho* of *Sh'moneh Esrei* on Friday night concludes with the words ברוך אתה, מקדש השבת, Hashem sanctifies the Shabbos. These very words are proclaimed once again during *kiddush*, over a full cup of wine.

***Is one supposed to have in mind something specific when saying these words?***

Optimally one should have intention when pronouncing these words that one is fulfilling a positive mitzvah – a *mitzvas aseh*.

There is a major *machlokes* as to whether מצוות צריכות כוונה (must one be aware that one is performing a mitzvah for it to count as a mitzvah or whether the actual performance of the mitzvah is sufficient without the specific intention to fulfill the mitzvah). According to the opinion that one must have intention to fulfill the mitzvah, it would seem that when one pronounces the words מקדש השבת, one must intend to fulfill the mitzvah.

***Why do you say "it would seem", is it not simply so?***

One could say that when praying the Shabbos prayers one intends on fulfilling everything *Chazal* wanted us to do and they knew that we are required to fulfill the mitzvah of *zachor* and instituted it into the *tefilla*, thereby relieving us of the need to have specific intent to fulfill this mitzvah. <sup>1</sup> *L'chatchila* though, one should have intention when reciting the words מקדש השבת to fulfill this holy mitzvah of *zachor*.

***Why do we repeat these words during kiddush?***

The *gemora* in *Pesachim* is cited by the *Rambam* (*Shabbos* 29:6) saying that even though one recited *kiddush* in davening it must be recited again over a cup of wine.

Wine is used many times in conjunction with *simchas* such as *kiddush*, *havdalah*, at a wedding, *b'ris milah* and a *pidyon haben* (redeeming the first born).

The idea is to exalt the *b'rocho* by saying it over a cup of wine, due to the importance and significance of wine. The *poskim* discuss the issue of drinking the wine after the *b'rocho* and several

<sup>1</sup> See the *Tikunim Umiluim* (S.S."K 3<sup>rd</sup> vol.) chapter 47 footnote 16.

hold that drinking is of secondary importance, being that the main point is the recital over the wine.

### Are women obligated with the mitzvah of zachor?

Yes, women are obligated as much as men. Even though women are not obligated to fulfill *mitzvos* that are *zman g'rama*, i.e. *mitzvos* dependent on time such as lulav, which occurs only on Sukkos; eating in a sukkah, for the same reason; hearing the shofar on Rosh Hashana, because it only falls on Rosh Hashana and many others, nevertheless, women are obligated to recite *kiddush* and fulfill the mitzvah of *zachor*.

### Why the discrepancy between Shabbos and other mitzvos?

The reason is because *zachor* is linked to *shamor es yom hashabbos* written in Parshas VoEshchanan - *shamor* means to abstain from violating any of the *melachos* of Shabbos, which women must adhere to as it is not a positive commandment that they are exempt from (when time related) rather it is a negative mitzvah. Since women are obligated to fulfill the mitzvah of *shamor*, so too they must adhere to the mitzvah of *zachor*.<sup>2</sup> This includes other *mitzvos d'rabanan* that are Shabbos related, such as *lechem mishneh* (two loaves of challa at each meal), Shabbos meals and lighting Shabbos candles.

### Where in the torah is it written which melachos are prohibited?

The Torah does not specifically mention particular *melachos*, save for *hav'arah* – burning fire, rather they are learned from the *Mishkan*. *Chazal* tell us that 39 *melachos* were used in the construction of the *Mishkan*<sup>3</sup> and the words *melacha* and *melachos* are written 39 times, indicating that there are 39 prohibited *melachos*.

<sup>2</sup> In the first *dibros* it says *zachor es yom hashabbos* and in the second *dibros* it says *shamor es yom hashabbos*, and *Chazal* teach us that it is to teach us that whoever is *chayav* in *shamor* is *chayav* in *zachor*.

<sup>3</sup> The *Iglei Tal* (p'sicha footnote 8) learns that it is a *machlokes Rishonim* as to whether *Chazal* only learned from the construction of the *Mishkan* or from the *korbanos* as well.

### But surely there more than 39 prohibited activities on Shabbos?

Indeed there are. There are 39 *Avos melachos*, which are activities used in the actual construction of the *Mishkan*, such as sewing, trapping, skinning etc. There are many *tolados*, which are offspring of the *avos*.

*Tolados* were not used to construct the *Mishkan*<sup>4</sup> but are similar in concept. For example:- planting seeds is an *av melacha* but watering them is a *toladah* of planting. The *toladah* here differs in action from the *av*, because the *av* deals with the seeds whereas the *toladah* deals with water, but it shares similar characteristics in that both activities cause the seeds to grow.

A *toladah* can also be the same action but having a different purpose to the *av*. For example:- grinding wheat is an *av* but grinding metal is a *toladah* - the difference being that the wheat is eaten and the metal dust is not.<sup>5</sup>

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### Vort on the Parsha

The Torah says that women after childbirth are required to bring two *korbanos*, an *olah* and a *chatas*. *Rashi* comments that although the Torah states the *olah* before the *chatas* but in reality the *chatas* is offered before the *olah*.

Rav Sternbuch *shlita* explains that one usually sacrifices a *chatas* before an *olah*, being that the *olah* is an appeasement offering, which cannot be offered before one has atoned for one's sin with the *chatas*, but women who gave birth did not really sin and therefore the torah states that ideally she should be permitted to offer the *olah* before the *chatas* and it is only not to differentiate between the different types of *korbanos* that she first offers the *chatas* and then the *olah*.

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<sup>4</sup> Some say that some *tolados* were used to construct the *Mishkan* but are not significant enough to be an *av*.

<sup>5</sup> *Rambam* and *calceles Shabbos*.

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**Note:** The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.