

O H R N E T

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DEVARIM · VA'ETCHANAN · EIKEV · RE'EH · SHOFTIM

BUILDING WITH TEARS

“Why are all these people sitting on the ground and crying?” This was a natural question for six-year old Chaim to ask his father on his first visit to the Western Wall — the Kotel — on Tisha B’Av.

RABBI MENDEL WEINBACH

“Well, my son, right next to the place we are standing there once stood the holiest building in the world, the *Beit Hamikdash*. This is where Jews served Hashem with sacrifices throughout the year, and here all Jews came at least three times a year. It was the most magnificent building ever seen. It stood on the mountain where our forefather Avraham brought his son Yitzchak and was prepared to offer him as a sacrifice to Hashem. Surrounding this *Har Habayit* (Temple Mount) were four walls. But because of our sins the *Beit Hamikdash* was destroyed on this day almost 2000 years ago, and all that is left of the walls around the mountain upon which it stood is this *Kotel*. Isn't that enough of a reason for Jews to cry?”

With the eternal optimism which is such a beautifully innocent part of childhood, Chaim looked up at his father, whose eyes too were filled with tears, and said:

“But Abba, don't we believe that Jerusalem and the *Beit Hamikdash* and the walls around it will someday be rebuilt? Look at it this way — one wall is already up, so we only need to put up three more!”

The concept of rebuilding Jerusalem and the *Beit Hamikdash* is not limited to the arrival of *mashiach* (messiah). That the Redeemer will merely complete the job which we have started is evident from our daily prayer for the rebuilding of Jerusalem. The prayer

which begins with the plea for Hashem to “return His Divine Presence to Jerusalem and rebuild it, soon in our days, as an eternal structure” concludes with the words praising Hashem as the “One Who is building Jerusalem.” The use of the present tense indicates that this construction is taking place right now, and leads the great biblical commentator Rabbi Moshe Sofer (Chatam Sofer) to present an interesting approach to understanding the meaning of this title:

The Third *Beit Hamikdash*, which represents Jerusalem's ultimate building, will not be the product of human effort. The Midrash informs us that it will come down from Heaven as a finished product. This indicates that its construction is going on all the time. But what are the materials with which Hashem is building this sacred edifice? The answer is — our tears! The tears which are shed by Jews on Tisha B’Av and throughout the year are supernaturally transformed into the brick and mortar used by the Divine Builder Who now is “building Jerusalem.”

Each generation in which the *Beit Hamikdash* is not rebuilt, say the Talmudic Sages, is considered as if it was guilty of its destruction. On the surface this seems like a pretty heavy indictment of so many generations of saintly Jews during the past two millennia who did not merit to see the *Beit Hamikdash* rebuilt. But if we apply the aforementioned concept of building with tears, the indictment is limited only to the generations

continued page six.

PARSHA INSIGHTS

IN FRONT OF THE CHILDREN

“These are the words” 1:1

Last Shabbat, as I was standing in synagogue, my five-year old son came over to me. We had reached the part of the service where the *Kohanim* ascend the steps in front of the Holy Ark, cover their heads and arms with their prayer shawls and bless the congregation. The *Kohanim* have been blessing the people like this for over three thousand years. I covered my own head with my prayer shawl and I felt a light tug from outside. “Daddy, can I come under your *tallit*?” whispered a young voice.

I brought my son under my *tallit*, and as the priests were blessing us, our eyes met. I thought, G-d willing, one day my son will be standing in my place, and he too will be looking down into his son’s face.

Sometimes you feel like a link in a chain that stretches back across the millennia. Sometimes you understand what

tradition really means.

Tradition doesn’t mean bagels and lox. Tradition doesn’t mean chicken soup and *kneidlach*. Tradition means passing down the heritage of our fathers intact to our children. Tradition means “My father told me that his father told him that his father told him...that G-d gave us the Torah at Sinai.”

The Jewish People believe in G-d, not because the odds that the universe just “happened” out of some primordial cosmic “soup” are gastronomically impossible. The Jewish People believe in G-d not because some missionary landed on our shores and told us some fable that happened away in a manger. The Jewish People believe in G-d not because some whirling Dervish told us to convert or die (a very persuasive theological argument). The Jewish People believe in G-d because we are the great, great, great, great...grandchildren of those same Jews who stood at Sinai and saw and heard G-d speak to them.

We believe in G-d because we hold it axiomatic that parents don’t lie to their children about things which are important for the children to know — and G-d speaking to an entire nation and making them the chosen instrument of His world-plan certainly qualifies as something important for one’s children to know.

This week we begin the synagogue reading of the fifth book of the Torah — *Devarim* or Deuteronomy. The Greek title is apt. It means repetition. In the last five weeks of his life, Moshe repeated the entire Torah — and the entire history of the Jewish People.

Nothing in the Torah is superfluous. Maybe Moshe’s intent was to symbolize that the lifeblood of Judaism is the repetition of the parents to the children. For it is this repetition which has carried Judaism across the millennia in an unbroken chain down to a little boy looking up into his father’s face under a *tallit* one Shabbat morning some 3300 years later.

PARSHA OVERVIEW

Devarim

This Parsha begins the last of the Five Books of The Torah, *Sefer Devarim*. This Book is also called *Mishneh Torah*, “Repetition of the Torah” (hence the Greek/English title Deuteronomy). *Sefer Devarim* relates what Moshe told *Bnei Yisrael* during the last five weeks of his life, as they prepared to cross the Jordan into *Eretz Yisrael*. Moshe reviews the *mitzvot*, stressing the change of lifestyle they are about to undergo: From the supernatural existence of the desert under Moshe’s guidance to the apparently natural life they will experience under Yehoshua’s leadership in the Land.

The central theme this week is the sin of the spies, the *meraglim*. The Parsha opens with Moshe alluding to the sins of the previous generation who died in the desert. He describes what would have happened if they hadn’t sinned by sending spies into *Eretz*

Yisrael. Hashem would have given them without a fight all the land from the Mediterranean to the Euphrates, including the lands of Ammon, Moav, and Edom. He details the subtle sins that culminate in the sin of the spies, and reviews at length this incident and its results: The entire generation would die in the desert, Moshe would not enter *Eretz Yisrael*. He reminds them that their immediate reaction to Hashem’s decree was to want to “go up and fight” to redress the sin; he recounts how they wouldn’t listen when he told them not to go, that they no longer merited vanquishing their enemies miraculously. They ignored him and suffered a massive defeat. They were not allowed to fight with the kingdoms of Esav, Moav or Ammon — these lands were not to be part of the map of *Eretz Yisrael* in the meantime. When the conquest of Canaan will begin with Sichon and Og, it will be via natural warfare.

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DAYS OF SLEEPLESSNESS

How long can a human survive without any sleep? The answer supplied by Rabbi Yochanan in our *gemara* has a number of applications throughout the Talmud.

If a person takes an oath that he will not sleep for three days, we relate to his oath differently than if he took an oath to abstain from sleep for one or two days, or to abstain from food for even three days. In the former case his oath is considered invalid because he has committed himself to something which is impossible for him to fulfill. Therefore, he immediately receives lashes for taking a vain oath. He may sleep at once, as he is not bound by this oath.

This biological limitation on sleeplessness is cited elsewhere (*Mesechta Yevamot 121b*) in regard to an incident related by Rabbi Meir about a man who fell into a deep pool and surfaced alive after three days underwater. This sage proposed this as support for his opinion that even if a man falls into a body of water, all of whose shores are visible to us, we cannot testify that he is dead and that his wife may remarry. The majority of the sages, however, rule that such a body of water is not like an ocean or large lake where it may be suspected that the missing person came ashore far away from our range of vision. Since we would have seen him had he come ashore, we can assume that he drowned, and the incident cited by Rabbi Meir must be dismissed as a miracle rather than proof that one can survive for so long under water.

Why, asks the *gemara*, is it unnatural to survive for three days in the water? It cannot be because of not eating for so long a period, because we find that the Jews in Shushan fasted for three days and nights (*Megillat Esther 4:16*) to deserve the Purim miracle. The unnaturalness of the survival, concludes the *gemara*, was in the fact that he did not sleep for three days.

Another reference to sleeplessness for three days is found in the account of the seven-day *Simchat Beit Hashoeva* celebrations which took place in the *Beit Hamikdash* on the Festival of Succot. Rabbi Yehoshua ben Chanina describes the busy schedule that he and his fellow Levites had in those days. After a day filled with sacrificial service, prayers and a holiday meal, they spent the night in the festivities surrounding the drawing of the water for the special Succot libations on the altar. His statement that “when celebrating *Simchat Beit Hashoeva* we did not sleep” is challenged by the *gemara* on the basis of Rabbi Yochanan’s definitive ruling that one cannot survive without sleep for even three days, let alone seven. The answer given is that Rabbi Yehoshua and his colleagues did not enjoy a *real* sleep during those festive days, but they certainly dozed off in snatches upon each other’s shoulders.

• *Nedarim 15a*

WHEN A BENEFIT IS NOT A BENEFIT

How do we view the benefit which a Jew derives from the fulfillment of a *mitzvah*? Although the reward for such fulfillment is immeasurable, it is not considered a bene-

fit when relating to matters in which deriving benefit is forbidden. This is clearly expounded by the Sage Rava (*Mesechta Rosh Hashana 28a*) in regard to one who takes the horn of a sacrificial animal and blows into it to fulfill the *mitzvah* of shofar on Rosh Hashana. Even though it is forbidden to derive any benefit from any part of an animal consecrated as a sacrifice, the benefit which one derives from fulfilling a *mitzvah* is not considered a benefit, and his fulfillment of the *mitzvah* is therefore in order. Similarly, if one has taken a vow not to derive any benefit from an ordinary shofar, he may still use it for the *mitzvah*.

There is one problem, however, in regard to applying Rava’s rule to sitting in a Succah. Only a *daf* earlier (*15b*) the Ran cites a *gemara* (*Rosh Hashana ibid.*) which states that if one has taken a vow not to benefit from a certain spring, he may immerse himself in it for a *tevila* (immersion) of *mitzvah* in the winter but not in the summer. The reason is that in the winter, his only benefit is the spiritual one of *mitzvah* fulfillment, whereas in the summer he has the added physical benefit of cooling off. Should this not also disqualify sitting in a Succah from which he is prohibited to benefit because of his vow, since he also enjoys the physical benefit of shade from the sun? The answer is that since he has a home in which he could enjoy the same protection from the sun, his sitting in a Succah is not considered a physical benefit to him.

• *Nedarim 16b*

continued on page 14

HAFTARA

YESHAYA 1:1 - 27

Devarim

This, the final *haftara* of “Three of Affliction” trilogy, is always read on the Shabbat before Tisha B’Av.

The ninth of Av wasn’t always a day of tragedy. During the days of the Second Temple, it was turned into a day of great joy at the celebration of rebuilding the *Beit Hamikdash*. When the Second Temple was destroyed, Tisha B’Av reverted to its former sadness.

Every generation in which the Holy Temple is not rebuilt, it is as though we ourselves destroyed it. The Prophet Yeshaya laments not for the Temple’s destruction, but rather for those evils that caused its destruction. For it is not enough for us to bemoan what was. We must realize that it is within our power to bring the Redemption. We must use this time of national mourning to analyze our mistakes and correct them.

It’s up to us.

Devarim

1. How do we see from the beginning of *Parshat Devarim* that Moshe was concerned for the Jewish People's honor?
2. How much time elapsed between leaving Mt. Sinai and sending the spies?
3. Moshe rebuked the Jewish People shortly before his death. From whom did he learn this?
4. Why did Moshe wait until he had smitten the Amorite kings before rebuking the Jewish People?
5. What were some of the achievements that resulted from the Jewish People's "dwelling" at Mt. Sinai?
6. Why does the Torah single out the names of the *avot* in connection with the giving of the Land?
7. What did Moshe convey to the Jewish People by saying: "You today are like the stars of the Heavens"?
8. "*Apikorsim*" (those who denigrate Talmud scholars) observed Moshe's every move in order to accuse him. What did they observe, and what did they accuse him of?
9. Moshe was looking for several qualities in the judges he chose. Which quality couldn't he find?
10. Moshe told the judges, "the case that is too hard for you, bring it to me." How was he punished for this statement?
11. Why did Moshe describe the desert as great and frightful?
12. Which tribe was not represented among the spies?
13. Which city did Calev inherit?
14. How many kingdoms was Avraham promised? How many were conquered by Yehoshua?
15. Why were the Jewish People forbidden to provoke Ammon?
16. Why were the Jewish People not permitted to conquer the Philistines?
17. How did Hashem instill the dread of the Jewish People into the nations of the world?
18. Why did Moshe fear Og?
19. Who was instrumental in destroying the *refa'im*?
20. What was the advantage of Reuven and Gad leading the way into battle?

Answers to Devarim's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 1:1 – Moshe mentions only the names of the places where the Jewish People sinned, but does not mention the sins themselves.
2. 1:2 - 40 days.
3. 1:3 - From Yaakov, who rebuked his sons shortly before his death.
4. 1:4 – So that no one could say, "What right has he to rebuke us; has he brought us into any part of the land as he promised?"
5. 1:6 - They received the Torah, built the *mishkan* and all its vessels, appointed a Sanhedrin, and appointed officers.
6. 1:8 - Each of the *avot* possessed sufficient merit for the Jewish People to inherit the Land.
7. 1:10 - They are an eternal people, just as the sun, moon and stars are eternal.
8. 1:13 – They observed the time he left home in the morning. If Moshe left early, they accused him of having personal problems (which drove him from his home). If he left late, they accused him of staying home in order to plot evil against them.
9. 1:15 - Men of understanding.
10. 1:17 - When the daughters of Tzlofchad asked him a halachic question, the law was concealed from him.
11. 1:19 - Because the Jewish People saw huge, frightening snakes and scorpions in the desert.
12. 1:23 - Levi.
13. 1:36 - Hebron.
14. 2:5 - Avraham was promised the land of ten kingdoms. Yehoshua conquered seven. The lands of Moav, Ammon and Esav, will be received in the time of *mashiach*.
15. 2:9 - This was a reward for Lot's younger daughter, the mother of Ammon, for concealing her father's improper conduct.
16. 2:23 - Because Avraham had made a peace treaty with Avimelech, King of the Philistines.
17. 2:25 - During the battle against Og, the sun stood still for the sake of the Jewish People, and the whole world saw this.
18. 3:2 - Og possessed merit for having once helped Avraham.
19. 3:11 - Amrafel.
20. 3:18 - They were mighty men, and the enemy would succumb to them.

TV FOR DUMMIES

NameWithheld@ufl.edu

Dear Rabbi,

If G-d gave us everything to enjoy and use (i.e., cars, wealth, entertainment, etc.), what is the purpose of TV? I know many Jews who do not watch TV, and I do not understand why.

Dear NameWithheld@ufl.edu,

You are asking a very good question! I would say that the technology itself is given to us to utilize and benefit from; what we do with it is a totally different issue. Nuclear Technology, for example. We can clearly see the good in it, but when a fundamentalist Islamic state starts to contemplate why G-d gave them the capability to use it, it makes us shudder.

The same with pharmaceuticals. We cannot thank G-d enough for the advancements made in this area over the last few decades, but again, as time progresses new and improved designer drugs hit the streets and wreak havoc to the population. Do you remember when crack hit the streets? How about XTC?

Judaism for thousands of years remained strong because

we didn't let the cultures and values of our enveloping nations influence us. We wouldn't be here if we had decided that the Babylonian street scene was where it's at. Or if we had listened to the Romans who told us that we are antiquated, and that its time we drop this monotheistic stuff and get down to boogie with Zeus and all the ensemble.

Television is the flagship for American culture.

A few years ago, there was a large multinational meeting of government ministers of culture. It was hosted in Canada and attended by representatives from most western nations. Except one.

The United States. Canada's downstairs neighbor had not been invited. This made them a little upset, but not as much as when they found out the reason for this meeting.

How to protect themselves from the onslaught of American culture and values and how to stop the havoc it is wreaking in the prospective countries. Movies and television programs were introducing values (sic) that undermined the very fabric that held these countries together. Teenage birth, drugs, violence, etc. They had to find a way to put a stop to it.

Can't we see the damage done by television? All those public commissions scream about the damage television is having on today's youth; and after many years of counseling, I have seen it myself.

YIDDLE RIDDLE

Last Week We Asked:

Certain health defects make an animal into a "treifa." A *treifa* is not kosher; it may not be eaten. In what case does an animal's being a *treifa* cause its offspring to be kosher (or, more exactly, prevent its offspring from automatically being non-kosher.)

Answer:

If an animal is slaughtered when it has a fully grown calf in its womb and afterwards the calf is born alive, that calf is called a "*ben pakua*." By Torah law, a *ben pakua* is not required to be ritually slaughtered in order to be eaten, because it is considered already slaughtered. (By rabbinic decree, even a *ben pakua* must be slaughtered if it is to be eaten.)

If this *ben pakua* then fathers a calf, the new calf can never be slaughtered and thus never eaten (assuming the mother is a regular cow, not a *b. pakua*). This is so because at birth this new calf is regarded as "half-slaughtered." Thus, it cannot be slaughtered to be eaten, because the act of ritual slaughter is regarded as if it has taken too long (i.e., from when it was born — it is already half-slaughtered — until it is actually slaughtered). Ritual slaughter must be instantaneous.

If however the original cow (the one that was slaughtered at the start of this episode) was itself a *treifa*, then its child will not be a *ben pakua*, thus allowing the new calf to be slaughtered and eaten.

Thus, the "grandmother" cow's being a *treifa* causes the "grandson" to be kosher (or, more exactly, prevents it from automatically being "half-slaughtered" and non-kosher.)

Sources:

• Shulchan Aruch, Yoreh Deah 13:4, Shach 12

TO LONG

"Ascend to the top of the cliff, and raise your eyes westward, northward...and see with your eyes, for you shall not cross this Jordan" (3:27).

Moshe wanted dearly to enter *Eretz Yisrael*. Why, then, did Hashem "tantalize" him by commanding him to climb the cliff and gaze at the Land that he would not enter?

Moshe is associated with the power of *Netzach*, Eternity. Everything that Moshe did was forever. He took us out of Egypt, never to return there as slaves; he taught us the Torah which we study and observe until this day. Therefore, Hashem wanted Moshe to gaze upon every blade of grass of *Eretz Yisrael*, so that throughout our long exile, the Jewish People would never lose that longing for *Eretz Yisrael* that Moshe felt when he stood on the top of that cliff gazing into the Land.

• Heard from Rabbi Yerucham Uziel Milevsky zt"l

PARSHA OVERVIEW

Although Moshe is content that Yehoshua will lead the nation, Moshe nevertheless prays to enter the Land of Israel in order to fulfill its special *mitzvot*. Hashem refuses. Moshe reminds *Bnei Yisrael* of the gathering at Sinai when they received the Torah — that they saw no visual representation of the Divine, but only the sound of words. Moshe impresses on *Bnei Yisrael* that the Sinai revelation took place before an entire nation, not to a select elite, and that only the Jews will ever claim that Hashem spoke to their entire nation. Moshe specifically enjoins *Bnei Yisrael* to "pass over" the Sinai event to their children throughout all generations.

Moshe predicts, accurately, that when *Bnei Yisrael* dwell in

Eretz Yisrael they will sin and be scattered among all the peoples. They will stay few in number but will eventually return to Hashem.

Moshe designates three "refuge cities" to which an inadvertent killer may flee. Moshe repeats the 10 Commandments and then teaches the *Shema*, the central credo of Judaism, that there is only One G-d. Moshe warns the people not to succumb to materialism and thus forget their purpose as a spiritual nation. The *parsha* ends with Moshe exhorting *Bnei Yisrael* not to intermarry when they enter *Eretz Yisrael*, as they cannot be a treasured and holy nation if they intermarry, and they will become indistinguishable from the other nations.

HAFTARA

YESHAYA 40:1 - 26

The Shabbat immediately following Tisha B'Av is called *Shabbat Nachamu* — The Shabbat of Consolation. It takes its name from the first word of this week's *haftara*: "Comfort, comfort my people," says your G-d. The Prophet reminds the people that the time of Jerusalem's

exile has come to an end. The Midrash tells us that Hashem asks Avraham to comfort Jerusalem, but he does not succeed. He is followed by Yitzchak and Yaakov and Moshe who are also unsuccessful. Finally Hashem Himself comes to comfort the Holy City.

BUILDING WITH TEARS...continued from page one

who face the absence of a *Beit Hamikdash* with a sense of complacency, as if the destiny of the Jewish People is not dependent on this building coming down from Heaven.

This is the issue which has faced every generation since the destruction of the *Beit Hamikdash* on Tisha B'Av so long ago, and which faces our own generation. Do we realize how much is missing in our personal and

national self-fulfillment because we lack this spiritual generator? And is this sense of unfulfilled spiritual potential profound enough to move us to tears?

Both Chaim and his father were right. We only have three more walls to build. But it is the tears in the eyes of his father and all the other Jews at the *Kotel* and throughout the world which are building those walls — today.

PARSHA Q&A ?

Va'etchanan

1. "And I prayed to Hashem at that time." Why "at that time"?
2. What characteristic trait is represented by Hashem's "strong hand"?
3. What is *ha'levanon*?
4. What did Hashem tell Yehoshua after the battle of Ai?
5. What will happen if the Jewish People fail to keep the *mitzvot* properly?
6. How did the decree that Moshe not enter the Land affect him even in death?
7. What is hinted by the word *v'noshantem*?
8. Why were the Jewish People exiled two years earlier than indicated by Moshe's prophecy?
9. "You'll serve man-made gods." Is this literal?
10. Why is east called *mizrach*?
11. "Keep the Shabbat day as I have commanded you." When did Hashem command us to keep Shabbat?
12. Where did the Jewish People first receive the command to honor parents?
13. What is meant by "Hashem, our G-d, Hashem is One"?
14. What are two meanings of loving Hashem "with all your might"?
15. How well-versed must one be in Torah?
16. Where does the word *Totafot* come from?
17. Who is fit to swear in Hashem's name?
18. What does it mean that the Jews are the "smallest nation"?
19. When someone serves Hashem with love, how many generations receive reward?
20. Why are evil-doers rewarded in this world?

PARSHA Q&A!

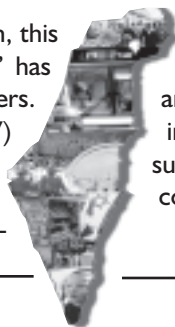
1. 3:23 - Defeating Sichon and Og, whose lands were part of *Eretz Canaan*, Moshe thought perhaps Hashem had annulled the vow against his entering the Land.
2. 3:24 - His willingness to forgive.
3. 3:25 - *Ha'levanon* means the *Beit Hamikdash*, which "whitens" (*lavan*), i.e., atones for, the Jewish People.
4. 3:28 - Yehoshua must lead the army into battle.
5. 4:9 - The non-Jewish world will regard them as foolish.
6. 4:22 - Even his remains weren't buried in the Land.
7. 4:25 - The *gematria* of *v'noshantem*, 852, hints at the number of years until the first exile.
8. 4:25 - So that the rest of the prophecy "that you shall utterly perish" would not be fulfilled.
9. 4:28 - No. It means you'll serve others who serve idols.
10. 4:41 - It's the direction from which the sun shines (*mizrach* means shining).
11. 5:13 - Before the giving of the Torah, at Marah. (*Shmot 15:25*)
12. 5:16 - At Marah. (*Shmot 15:25*).
13. 6:4 - Hashem, who is now our G-d, but not [accepted as] G-d of the other nations, will eventually be [accepted as] the One and only G-d.
14. 6:5 - 1) With everything you own. 2) Whether Hashem treats you with kindness or harshness.
15. 6:7 - If asked a Torah question, one should be able to reply quickly and clearly.
16. 6:8 - *Tot* means two in Caspi. *Fot* means two in Afriki. Together they allude to the four sections of tefillin.
17. 6:13 - One who serves Hashem and reveres His name.
18. 7:7 - *Bnei Yisrael* are the humblest nation.
19. 7:9 - 2,000.
20. 7:10 - So that they get no reward in the next world.

LOVE OF THE LAND

Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

PETACH TIKVA

Founded in 1878 by *chareidi* Jews from Jerusalem, this so-called "Mother of Agricultural Settlements" has developed into one of Israel's major urban centers. Its name comes from the prophecy of Hoshea (2:17) "I shall give her vineyards from there and the Valley of Achor for a *petach tikva* (door of hope)." The pioneers who established this, the oldest Jewish agri-



cultural settlement of modern Israel, fought a heroic battle against malarial swamps, and the area's citrus abundance and industrial activity are living monuments to their fortitude. Petach Tikva has a substantial religious community and boasts one of the country's leading yeshivot, Yeshivat Ohr Yisrael.

PARSHA INSIGHTS

THE SECRET INGREDIENT

“For Man does not live on bread alone, rather on all that comes from the mouth of Hashem man lives” (8:3).

How is it possible for the soul whose very essence is spiritual to be sustained by something as physical as food?

In reality, the universe exists only as a result of the power

of Hashem’s original utterance at the time of Creation (as it says in Psalms, “By the word of Hashem, the heavens were created...”). It is this same power of Hashem’s word wrapped *inside* the food which nourishes the soul. When a Jew takes an apple and says a blessing on it, he awakens the latent spiritual power implanted in the fruit at the time of the Creation of the world. This is the real soul-food!

• Adapted from *The Arizal*

PARSHA OVERVIEW

If *Bnei Yisrael* carefully observe even those “minor” *mitzvot* that are usually “trampled” underfoot, Moshe promises them that they will be the most blessed of the nations of earth. Moshe tells *Bnei Yisrael* that they will conquer *Eretz Canaan* little by little, so that the land will not be overrun by wild animals in the hiatus before *Bnei Yisrael* are able to organize and settle the whole land. After again warning *Bnei Yisrael* to burn all carved idols of Canaanite gods, Moshe stresses that the Torah is indivisible and not open to partial observance. Moshe describes the Land of Israel as a land of wheat, barley, grapes, figs, and pomegranates, a land of oil-yielding olives and date-honey. Moshe cautions *Bnei Yisrael* not to become haughty and think that their success in *Eretz Yisrael* is a result of their own powers or vigor; rather, it was Hashem who gave them wealth and

success. Nor did Hashem drive out the Canaanites because of *Bnei Yisrael*’s righteousness, but rather because of the sins of the Canaanites; for the road from Sinai had been a catalogue of large and small sins and rebellions against Hashem and Moshe. Moshe details the events after Hashem spoke the 10 Commandments at Sinai, culminating in his bringing down the second set of Tablets on Yom Kippur. Aharon’s passing is recorded as is the elevation of the *levi’im* to Hashem’s ministers. Moshe points out that the 70 souls who went down to Egypt have now become like the stars of the heaven in abundance. After specifying the great virtues of the Land of Israel, Moshe speaks the second paragraph of the *Shema*, conceptualizing the blessings that accompany keeping *mitzvot* and the curse that results from non-observance.

HAFTARAH

YESHAYA 49:14 - 51:3

TO THE LIGHTHOUSE

No matter how far the Jewish people fall from favor, they can never lose their status as Hashem’s Chosen People. That is the underlying theme of *Parshat Eikev* and its *haftara*. This is the second of the seven *Parshiot* of consolation after Tisha B’Av. This *haftara* is the source of

the famous phrase “light unto the nations.” Yeshaya tells the Jewish People that despite the terrible tragedies and hardships of exile, he does not despair — he knows that the end of the exile is coming. And so he pleads with his contemporaries and all of their offspring throughout all the generations to remember that they are the children of Avraham and Sarah, and that Hashem will surely comfort them.

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PARSHA Q&A ?

Eikev

1. What must the Jewish People do to ensure that Hashem will fulfill His promise to do good for us?
2. What were the: a) wonders; b) strong hand; c) outstretched arm — that the Jewish People saw in Egypt?
3. When a group performs a *mitzvah*, whose name is attached to the *mitzvah*?
4. How did the Jewish People do their laundry in the *midbar*?
5. How did the Jewish People obtain clothing for their growing children in the *midbar*?
6. How many days did Moshe spend on Mt. Sinai altogether?
7. On what day did Moshe come down from Mt. Sinai having received complete forgiveness for the Jewish People?
8. How was Aharon punished for his role in the golden calf?
9. Who made the ark in which Moshe placed the second set of tablets? What special function did it later serve?
10. Which sin of the Jewish People was prompted by the death of Aharon?
11. Why were the *levi'im* chosen by Hashem?
12. Why do the *levi'im* have no portion in the land?
13. All aspects of man's life are in Hashem's "hands" except one. What is this?
14. What is the "added benefit" of observing the *mitzvot*?
15. What is meant by circumcising one's heart?
16. What are the sources of water for the fields of Egypt and *Eretz Yisrael*?
17. What path does the Torah prescribe for gaining new knowledge?
18. Which activity is "serving Hashem with the heart"?
19. When the Jewish People sin, why are they considered worse than the generation of the flood?
20. How does one "cleave to Hashem"?

PARSHA Q&A!

Answers to Eikev's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 7:12 - Guard even the "light" commandments.
2. 7:19 - The: a) Plagues; b) Pestilence; c) Slaying of the firstborn.
3. 8:1 - The person who finishes it.
4. 8:4 - The *ananei kavod* (clouds of glory) cleaned and bleached their clothes.
5. 8:4 - As their children grew, their clothing grew with them.
6. 9:18 - 120 days.
7. 9:18 - The tenth of Tishrei, Yom Kippur.
8. 9:20 - His two sons died.
9. 10:1 - Moshe. This ark would accompany the Jewish People into battle.
10. 10:6-7 - When Aharon died the *ananei kavod* departed, causing many Jews to fear war with the King of Arad and to retreat toward Egypt.
11. 10:8 - Because they did not participate in the sin of the golden calf.
12. 10:9 - Since they served in the Temple, thus they were not free to work the land.
13. 10:12 - Fear of Heaven, which is dependent upon the person.
14. 10:13 - There is reward.
15. 10:16 - To remove those things that block the words of Torah from entering.
16. 11:10 - Egypt is irrigated by manually carrying water up from the Nile. *Eretz Yisrael* is supplied by rainwater requiring no work on the part of its inhabitants.
17. 11:13 - By repeatedly reviewing what one knows, one more easily acquires new knowledge.
18. 11:13 - Prayer.
19. 11:17 - Because the generation of the flood had no one from whom to learn.
20. 11:22 - Attaching oneself to Torah scholars.

PUBLIC DOMAIN

Comments, quibbles and reactions concerning previous "Ohrnet" features

Re: Jews in July (Ohrnet Chukat):

A short note regarding your excellent reply about Jews observing July 4th: July 4, 1776, the day the Continental Congress signed the Declaration of Independence, was the 17th of Tamuz, the day Jews worldwide fast, and which begins the period of mourning for the destruction of the Temple. Could this have been a coincidence?

Let me express my admiration of the adroit way you handle the tricky questions thrown at you.

• Raphael N. Levi <rnlevi@Earthlink.net>

Such a good answer regarding the 4th of July. I really appreciate your thoughtful answers. Sometimes your emails are my only taste of Judaism during the week.

• Ilya <tillyonline@ivillage.com>

PARSHA INSIGHTS

“See! I am putting in front of you today a blessing and curse...”
(11:26).

Wealth and poverty don't effect everyone in the same way. Wealth influences some for the good, and through the blessing of wealth they come to a greater appreciation of Hashem. Had they been poor, these people might have been so occupied trying to find food that they would have forgotten their Creator. (This was the case in Egypt, where *Bnei Yisrael* were so exhausted by the hard labor that they didn't listen to Moshe.) On the other hand, there are people whose wealth removes them from the path of righteousness, as we see so often in our history that the Jewish People become successful and self-satisfied and forget Who gave them what they have.

When a person is poor, however, and “broken,” Hashem never ignores his supplications. Thus, the verse says: “I am setting before you today a blessing and a curse” — and don't think that the blessing is wealth and the curse is poverty; rather everything depends on how a person deals with his riches or poverty. Whether he be rich or poor, if he turns his focus to the Torah and *mitzvot* he receives the blessing.

• L'Torah U'Moadim

“You shall tithe the entire crop of your planting...” (14:22).

In the first, second, fourth and fifth years of the seven-year *shmita* cycle, Jews living in Israel were instructed to separate a tenth of their crops to bring to Jerusalem to eat. In the third and sixth years of the cycle, that tenth was given to the poor instead.

Why weren't the landowners required to share first with the poor and only then to enjoy their produce in Jerusalem? The Rambam writes that one must give *tzedaka*, charity, with a joyous countenance. He writes that giving with a disgruntled demeanor negates the *mitzvah*. It is not enough to *do chesed* (kindness), one must *love chesed*. More than any other positive *mitzvah*, writes the Rambam, *tzedaka* is a sign of the essence of a Jew. By commanding us to bring a tenth of our crops to Jerusalem to rejoice there, Hashem taught us two vital lessons: That our material possessions are a present from Hashem and He can dictate how we use them, and that using material wealth in the way prescribed by Hashem generates feelings of joy and sanctity. Once we internalize these lessons in the first two years of the cycle, we can offer that bounty to the poor in the third year — not perfunctorily, but with a true love of *chesed*.

• Rabbi Zev Leff

PARSHA OVERVIEW

Moshe presents to the nation the blessing of a spiritually oriented life, and the curse of becoming disconnected from Hashem. When the nation enters *Eretz Yisrael* they must burn down any tree that had been used for idol-worship, and destroy all idolatrous statues. Hashem will choose only one place where the Divine Presence will dwell. Offerings may be brought only there; not to a private altar. Moshe repeatedly warns against eating animal blood. In the desert, all meat was slaughtered in the *Mishkan*, but in *Eretz Yisrael* meat may be *shechted* anywhere. Moshe lists the categories of food that may only be eaten in Jerusalem. He warns the nation against copying ways of the other nations. Since the Torah is complete and perfect, nothing may be added or subtracted from it. If a “prophet” tells the people to permanently abandon a Torah law or indulge in idol worship, he is to be put to death. One who entices others to

worship idols is to be put to death. A city of idolatry must be razed. It is prohibited to show excessive signs of mourning, such as marking the skin or making a bald spot. Moshe reiterates the classifications of kosher and non-kosher food and the prohibition of cooking meat and milk. Produce of the second tithe must be eaten in Jerusalem, and if the amount is too large to carry, it may be exchanged for money with which food is bought in Jerusalem. In certain years this tithe is given to the poor. *Bnei Yisrael* are instructed to always be open-hearted, and in the seventh year all loans must be discounted — Hashem will bless the person in all ways. A Jewish bondsman is released after six years, and must be sent away with generous provisions. If he refuses to leave, his ear is pierced with an awl at the door post and he remains a bondsman until the Jubilee year. The Parsha ends with a description of the three pilgrimage festivals of Pesach, Shavuot and Succot.

HAFTARAH

YESHAYA 54:11-55:5

THINGS TO COME

In this, the third of the “seven of consolation” *haftarot*, the Prophet Yeshaya (Isaiah) depicts a future time when it will be recognized that Hashem has glorified Israel, and the people will

hasten to the scion of David who will lead Israel.

In this lyrical evocation of the Messianic Era, the prophet speaks of a world where protection will come openly from Hashem, and where those who hearken to Hashem will be satisfied in abundance, whereas material efforts alone will not suffice.

PARSHA Q&A ?

Re'eh

1. What were the sites designated for the “blessings and the curses” to be pronounced by the people?
2. On what condition will *Bnei Yisrael* receive the blessings from Hashem?
3. Why does the Torah use idolatry as an example when describing one who strays from the path that Hashem commanded?
4. What was to be the sign for the Jewish People that they would inherit the Land?
5. During the 14 years of the conquest and division of the Land, what types of offerings were permitted on private altars?
6. What must one do with consecrated animals that develop a blemish?
7. In what ways does a consecrated animal that develops a blemish retain a degree of *kedusha* (holiness) even after it has been redeemed?
8. Why was the tribe of Yehuda not permitted to conquer Jerusalem?
9. In consecutive verses, the Torah repeats the prohibition against eating blood. What two types of blood are referred to?
10. Why were the Jewish People allowed to see the extermination of the Canaanites?
11. What forms of idol worship are punishable by death?
12. If a person performs miracles in the name of Hashem and then says that the laws of the Torah have been revised, what is done to this person?
13. The Torah says, “to Him (Hashem) you shall cleave.” How does one fulfill this command?
14. The trial of a person accused of encouraging others to worship idols differs from the trial of other capital cases. How?
15. Who has the primary responsibility of inflicting the punishment on one who tried to entice others to worship idols?
16. What is the “source” of the Jewish People being an *am kadosh* (holy nation)?
17. How should the Jewish People maintain themselves as an *am kadosh*?
18. What is the order of priority regarding to whom one should give charity?
19. What *mitzvah* recalls the Exodus from Egypt?
20. Which four individuals are under Hashem’s “special protection”?

PARSHA Q&A!

Answers to Re'eh's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 11:26 - Mt. Gerizim and Mt. Eval, respectively.
2. 11:27 - On condition that they listen to Hashem's commandments.
3. 11:28 - Because those who worship idols are considered as if they have strayed from the entire Torah.
4. 11:31 - The miracles that would occur while crossing the Jordan River.
5. 12:8 - Vow offerings or free-will offerings.
6. 12:15 - They must be redeemed and may then be eaten.
7. 12:15 - Eating it is permitted, but use of its milk or fleece is forbidden.
8. 12:17 - When Avraham bought *ma'arat hamachpelah*, he made a covenant of peace with the Hittites who sold it; his descendants honored this pact regarding the Hittite descendants in Jerusalem.
9. 12:24-25 - 1) Blood that seeps slowly from the incision as soon as the cut is made and again after it no longer gushes. 2) Blood absorbed into the limbs of the animal.
10. 12:30 - To learn not to follow in their depraved ways.
11. 12:30 - Slaughtering or burning a sacrifice on an altar, pouring libations, prostrating oneself, and any normal manner of worshipping that idol.
12. 13:2-6 - He is put to death.
13. 13:5 - One should emulate Hashem's actions by performing good deeds, assisting in burying the dead and visiting the sick.
14. 13:10 - If he was acquitted and new information of a condemning nature arises, he is retried. If he was judged guilty, he is not returned to court to plead in his favor.
15. 13:10 - The person whom the guilty one attempted to entice.
16. 14:2 - The *kedusha* is inherited from the *avot*.
17. 14:21 - By avoiding excesses even in permitted matters.
18. 15:7 - The most needy, a brother from one's father, a brother from one's mother, the poor of one's city, the poor of another city.
19. 16:3 - Eating the *korban pesach* and the *matzah* on the night of Pesach.
20. 16:10 - A *levi*, convert, orphan, and widow.

YOU BE THE JUDGE

“Judges and officers shall you appoint for yourselves...” (16:18).

The Torah could just as easily have written “Judges and officers shall you appoint.” The words “for yourselves” seem superfluous. Yet, the Torah here hints that a person needs to appoint himself as judge over himself to adjudicate whether his actions are befitting. He needs to be his own “policeman” to ensure that he carries out that which he has judged fitting, and to “fine” himself if necessary if his behavior is not up to this standard.

• Rabbi Moshe Feinstein

WAYS AND MEANS

“Righteousness, righteousness, you shall pursue” (16:20).

This verse teaches us the opposite of the popular adage “The end justifies the means.” The Torah insists that we pursue righteousness only with righteousness and not by any means and at all costs.

• Rabbi Bunim m’Pshische

PARSHA OVERVIEW

Moshe tells *Bnei Yisrael* to appoint judges and officers in their cities. A bribe of even an insignificant sum is forbidden. Trees are not to be planted near Hashem’s altar, as was the way of idolaters. Blemishes in animals designated for offerings and other points of disqualification are listed. The Great Sanhedrin is to make binding decisions on new situations according to Torah criteria to prevent the fragmentation of the Torah. A very learned scholar who refuses to accept the Halachic decisions of the Sanhedrin incurs the death penalty. A Jewish king may only have possessions and symbols of power commensurate with the honor of his office, but not for self-aggrandizement. He is to write for himself two *sifrei Torah*, one to be kept with him wherever he goes, so that he doesn’t become haughty. Neither the *kohanim* nor the *levi'im* are to inherit land in the Land of Israel, rather they are to be supported by the community by a system of tithes. All divination is prohibited. Hashem promises the Jewish People that He will send them prophets to guide them, and Moshe

explains how a genuine prophet may be distinguished from a false one. Cities of refuge are to be provided an accidental killer to escape the blood-avenger from the deceased’s family. However, someone who kills with malice is to be handed over to the blood-avenger. Moshe cautions *Bnei Yisrael* not to move boundary markers to increase their property. Two witnesses who conspire to “frame” a third party are to be punished with the very same punishment that they conspired to bring upon the innocent party. A *kohen* is to be anointed specifically for when Israel goes to war, to instill trust in Hashem. Among those disqualified from going to war is anyone who has built a new house but not lived in it yet, or anyone who is fearful or fainthearted. An enemy must be given the chance to make peace, but if they refuse, all the males are to be killed. Fruit trees are to be preserved and not cut down during the siege. If a corpse is found between cities, the elders of the nearest city must take a heifer, slaughter it, and wash their hands over it, saying that they are not guilty of the death.

THE OTHER SIDE OF THE STORY

Giving People the Benefit of the Doubt

Misconstrued clues to health history lead to...

MEDICAL SLIP

My mother was doing some checking into a certain young lady as a prospective date for me (object: possible matrimony!) Next to the phone, my mother left a slip of paper with information she’d written about the girl. The last lines of the note said something about a medical problem and that our Rabbi suggests that my mother consult a doctor about it.

I discussed this with my family, and I flared up about them

suggesting for me a girl with a medical problem that we need to do research on!

“What? What medical problem?” said my mother.

“You wrote it yourself with your own handwriting!” I said. I went and got the slip of paper and showed it to her.

When my mother saw it, she explained what really happened. She had called our Rabbi to discuss this young lady along with various other issues, among them, my mother’s own medical condition. The medical condition had nothing to do with the girl!

• <Name@Withheld>

Send your stories about judging favorably to info@ohr.org.il

PARSHA Q&A ?

Shoftim

1. What is the role of *shoftim*? What is the role of *shotrim*?
2. What qualifications should one look for when appointing a judge?
3. May a judge accept a bribe if only for the purpose of judging fairly?
4. What is the source for the concept “seek out a good *beit din*”?
5. Although the *avot* built *matzevot*, the Torah later forbade doing so. Why?
6. “You will come to...the judge who will be in those days.” It’s impossible to visit a judge living at a different time, so why must the Torah add these apparently extra words?
7. What does Hashem promise a king who doesn’t amass much gold, doesn’t raise many horses and doesn’t marry many wives?
8. How many Torah scrolls must the king have?
9. How was King Shaul punished for disobeying a minor command of the Prophet Shmuel?
10. Certain kosher animals are not included in the law of “*chazeh, shok, and keiva*.” Which ones?
11. Families of *kohanim* served in the *Beit Hamikdash* on a rotational basis. When was this rotation system implemented?
12. Which three categories of false prophets are executed?
13. What does it mean to “prepare the way” to the cities of refuge?
14. How many witnesses are meant when the Torah writes the word *eid* (witness)?
15. “Through the mouth of two witnesses....” What types of testimony does this verse invalidate?
16. If witnesses in a capital case are proven to be *zomemim* (false-conspirators) before their intended victim is executed, how are they punished?
17. Why does the section about going to war follow the laws governing witnesses?
18. The Jewish army is warned of four “scare-tactics” the enemy might employ. What are they?
19. When a murder victim is found in a field, who determines which city is closest?
20. What happens if the murderer is found after the calf’s neck was broken?

PARSHA Q&A!

Answers to Shoftim’s Questions!

All references are to the verses and Rashi’s commentary unless otherwise stated.

1. 16:18 - *Shoftim* are judges who pronounce judgment. *Shotrim* are officers who enforce it.
2. 16:18 - That he is expert in the law and that he is righteous.
3. 16:19 - No, because it will sway his judgment.
4. 16:20 - “*Tzedek tzedek tirdof...*”
5. 16:22 - Because the Canaanites used them for idolatry.
6. 17:9 - To teach that although a judge may not be as eminent as judges of previous generations, we must obey him nevertheless.
7. 17:18 - That his kingdom will endure.
8. 17:18 - Two. One stays in his treasury and one he keeps with him.
9. 17:20 - He lost his kingship.
10. 18:3 - *Chayot* (non-domestic-type animals).
11. 18:8 - During the time of David and Shmuel.
12. 18:20 - One who prophesies something he didn’t hear, something told to another prophet, or prophecies in the name of an idol.
13. 19:3 - To post direction signs saying “refuge” at the crossroads.
14. 19:15 - Two, unless otherwise specified.
15. 19:15 - Written testimony and testimony translated from a language which the judges don’t understand.
16. 19:19 - They are put to death.
17. 20:1 - To teach that if the Jewish People execute fair judgment they will be victorious in war.
18. 20:3 - 1) Clanging their shields; 2) Making their horses stomp and whinny; 3) Shouting; 4) Blowing horns.
19. 21:2 - The Sanhedrin.
20. 21:9 - He is tried and, if guilty, executed.

HAFTARAH

YESHAYA 51:12-52:12

This *haftara* is the fourth in the series of the “Seven *haftarot* of Consolation.” In this prophetic view, Yeshaya alternates between visions of the future redemption and the dark past, warning the Jewish nation against repeating past mistakes.

Why, says G-d, must you fear your mortal oppressors who are destined to die and become dust? Where now are those great nations which sought to oppress you? If you will only keep my Torah then I will protect you and declare you to be My people.

TWO KINDS OF FIRE

Whoever becomes angry, said Rabbi Shmuel bar Nachmani in the name of Rabbi Yonatan, has all sorts of *Gehinnom* (purgatory) controlling him.

This condemnation of losing one's temper is the subject of various interpretations.

Ran explains, on the basis of a *gemara* (*Mesechta Shabbat 105b*) which tells us to view one who breaks vessels in his wrath as if he were an idol worshipper, that anger can bring one to a momentary abandonment of his faith for which he will be punished in *Gehinnom*. The comparison of the angry fellow to an idol worshipper is elucidated by Rabbi Moshe Chaim Luzatto in his classic "Mesillat Yesharim." One who is quick to anger over anything which is not to his liking loses control of his senses and would destroy the entire world if he only could. He is as out of control as a wild beast and is ready to commit all the sins in the world if his anger should lead him to do so, because he is completely dominated by that anger. One who is in such a state is equivalent to an idol worshipper who lacks any sense of discipline in regard to his Creator.

Rosh offers a different perspective. Anger is physically self-destructive and it causes damage to a person's health as if the fires of *Gehinnom* had harmed him.

Maharsha focuses on the term "all sorts of *Gehinnom*" and traces the fire of human fury to the purgatory fire of *Gehinnom*. One of the Hebrew terms for anger is "*chaima*" which is similar to the word for heat — "*cham*." One who loses his temper invites the fires of *Gehinnom* into his being.

There is, he notes, another sort of anger born of fire. This is the anger of the Torah scholar, discussed in another *gemara* (*Mesechta Taanit 4a*).

"If you see a Torah scholar getting upset over something," says the Sage Rava, "it is the Torah which is burning within him." The Torah scholar's anger is also rooted in fire, not in the fire of hell but in the fire of Torah.

Rashi there explains how this fire of the Torah scholar works: "He has such a broadness of heart as a result of his Torah that he becomes much more sensitive than others to things that are wrong. Rava therefore urges us to judge him favorably when we see him getting excited."

Rava's source for tracing the fire of the Torah scholar to the Torah is Hashem's comparison of His Torah to fire, in the passage (*Yirmiyahu 23:29*) "Is not My word like fire? says Hashem."

• *Nedarim 22a*

WHEN THE TRUTH IS A LIE

When a *beit din* (Torah court) requires a litigant in a monetary case to take an oath to verify his claim, the judges issue this warning: "You must be aware that the oath you are taking is not in accordance with what you have in mind but rather with what we have in mind."

This warning is necessary, explains the *gemara*, because of situations like the one which arose in the court of the Sage Rava. When challenged by his creditor about an unpaid loan, the defendant claimed that he had already made partial payment. Because Torah laws requires one who makes such a partial admission of liability to swear to his claim of partial payment, Rava ordered him to take a Torah scroll in hand while taking the oath. This fellow had surreptitiously put some money into the hollow section of his walking stick. Before taking the *Sefer Torah*, he asked his creditor to hold his cane for him. When he then boldly took the oath, the creditor became so infuriated by his brazenness that he smashed the cane. When the money came spilling out on the floor it became evident how the borrower had attempted to lie and yet circumvent taking a false oath.

To avoid such subterfuges, our Sages instituted the procedure of warning that such circumvention is invalid, and that such an oath is a false one.

The question arises, however, how the fellow in Rava's court imagined that he could get away with his trick. Rava was certainly aware of the warning to be issued. If Rava had cautioned the defendant, why did the defendant go ahead with what would be only an exercise in futility?

Tosefot (*Mesechta Shavuot 29b*) offers a simple answer. Before Rava had a chance to warn him, this fellow seized the Torah scroll and took the oath. The trickery used by this fellow serves us, however, as the classic example of why such a warning is necessary.

• *Nedarim 25a*

WHAT MAKES THE WORLD GO ROUND

"How great is the *mitzvah* of *milah* (circumcision)," says Rebbie, "for if not for *milah*, heaven and earth would not be sustained."

Rabbi Eliezer pays the exact same tribute to the importance of Torah study.

Both of these sages base their statements on the passage (*Yirmiyahu 33:25*) in which Hashem declares, "If not for My covenant by day and night I would not sustain the orders of heaven and earth." They disagree, however, as to whether the day and night covenant refers to the sign of the covenant

of circumcision made with Avraham, which is inscribed in the flesh of his offspring by day and by night, or whether it refers to the Torah study which Jews are commanded to be involved in by day and by night.

Maharsha presents a challenge to both of these opinions. In *Mesechta Avot (1:18)* Rabbi Shimon ben Gamliel states that “the world stands on three things — on justice, on truth and on peace.” Why, he asks, is there no mention of *milah* or Torah study as one of the world sustainers?

His resolution of the problem is to distinguish between the elements necessary for sustaining human society and what is essential for sustaining the universe in its entirety. Without justice mankind cannot survive, because anarchy leads to violence. The same may be said regarding truth and peace, for falsehood and war destroy human society. These are the three elements which preserve human society which Rabbi Shimon calls “the world.” The sages in our *gemara*, on the other hand, refer to the entire physical universe — what they call “heaven and earth” — which is sustained only by the merit of an outstanding *mitzvah* such as *milah* or Torah study.

• *Nedarim 32a*

FRINGE BENEFIT

“*T*ovat *Hana’ah*” describes a hardly discernible monetary value belonging to the owner of something he has to give away. It is described in detail in another *gemara* and referred to in ours.

In *Mesechta Bechorot (27a)* we are taught the following: If a person tithed his grain, he may be approached by a non-*kohen* before giving away the *terumah* and offered a sum of money in order to direct this *terumah* to the non-*kohen*’s daughter’s son, who is a *kohen*. A *kohen*, however, may not make such an offer — either on his own behalf or on behalf of another *kohen* — because this has the appearance of a *kohen* helping out in the granary in order to gain preference in receiving *terumah*, behavior which is considered a corruption of Hashem’s covenant with the *kohanim*. Even when a non-*kohen* makes the offer, it is limited, adds the Jerusalem Talmud, to a situation in which the tither was planning to give the *terumah* only to one of two specific *kohanim*, and he uses the monetary inducement to influence his choice.

The potential for thus receiving such a monetary offer is called *tovat hana’ah*.

Whether this *tovat hana’ah*, with its potential for income, is considered actual money is discussed at length in other *gemaras* (*Mesechta Pesachim 46b*, *Kiddushin 58a*) and a practical application is whether a man can make *kiddushin* with a woman by giving her this right instead of actual money. Our

ruling is in accordance with the view of the Sage Ulla that it is not considered real money.

In our own *gemara*, the question arises in regard to a situation in which one Jew uses his own grain to tithe the grain of another Jew. The conclusion of the *gemara* is that he can do so without the express consent of the other Jew. Although there is an argument to be made that the Jew benefiting from his generosity may object to his initiative because he wants to perform the *mitzvah* of tithing with his own grain, we nevertheless conclude that he considers it a benefit, and in such cases there is no need for actually appointing him an agent to do the tithing.

But who has the *tovat hana’ah*, asked Rabbi Yirmiyahu of Rabbi Zeira? The tither, or the owner of the grain which was tithed? The question is based on the fact that both of them are indispensable to the tithed part becoming *terumah*. The conclusion is that the tither, who used his grain to create *terumah*, has the right to the *tovat hana’ah*.

It is interesting to note that in describing a non-*kohen*’s offer to “buy” the *tovat hana’ah*, the *gemara* speaks of his influencing the tither to give the *terumah* to his grandson who is a *kohen*. Why does it not suggest that he may be making such an offer in order to have the *terumah* given to his son-in-law, his grandson’s father who is certainly also a *kohen*? Rambam (*Laws of Terumah 12:20*) writes to “daughter’s son or sister’s son or anything like that.” This seems to indicate that a person is most likely to make the effort of paying for *tovat hana’ah* for a blood relative like a grandson or nephew rather than for a son-in-law or brother-in-law.

• *Nedarim 36b*

MITZVOT WITHOUT LIMIT

Each morning after saying the blessings on the Torah which Hashem gave us to study and live by, it is customary to actually study some Torah through reciting excerpts from Chumash, Mishna and Gemara. The *mishna* we recite is the first one in *Mesechta Pe’ah* which lists those *mitzvot* which have no set limits.

After learning in our *gemara* that *bikur cholim* — visiting and caring for the sick — is a *mitzvah* with no limits, which the Sage Rava explains as meaning that it is a *mitzvah* to visit even a hundred times in a day, we must wonder why this *mitzvah* is not included in the *mishna*’s list. This question is actually raised by Rash in his commentary on *Mesechta Pe’ah*.

His resolution is that there is a distinction between *bikur cholim* performed with one’s body and that performed by spending money to care for the sick. The Jerusalem Talmud states that the “no limit” standard mentioned in our *gemara* relates only to what one does with his body to tend to the

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ill, but does not apply to how much money to spend in that regard, because that has a limit just as there is a limit to how much charity one should give. Since the monetary facet of *bikur cholim* is not without limit, he concludes, it is omitted from the *mishna* because the bodily aspect is already included in “*gemilut chasadim*” — acts of kindness — already mentioned in the *mishna*.

(Maharsha must have had a version of Rash’s commentary different than the one we have, because he offers what he calls an alternative resolution to that of Rash which is actually nothing more than what the Rash himself writes in our version of the text.)

Iyun Yaakov, however, does offer a genuine alternative response to the challenge of the Rash. Rambam (*Laws of Mourning 14:4*) writes in regard to the limitless nature of this *mitzvah* that “whoever increases his visits is considered praiseworthy so long as these visits do not constitute a disturbance.” In contrast to the other things in the *mishna* which have no limit at all, *bikur cholim* can have a limit because at a certain point it can become counterproductive. For this reason it is left out of the *mishna* we recite each morning.

• *Nedarim 39b*

HOW FAR THE BAN?

If one makes a vow forbidding another to have any benefit from him, the “vowee” cannot make use of anything belonging to the “vower.” But should the “vower” own a bathhouse which he rents out to someone else and from which he does not receive a percentage of the income, the “vowee” may use that bathhouse.

This ruling of the *mishna* is challenged by Ran on the basis of a *gemara* (*Mesechta Erachin 21a*) which states that one who rents a house to another has the power to transfer ownership to the Sanctuary. If one can thus sanctify rented property on the strength of his ownership, it should follow that one can declare rented property forbidden to another based on his ownership of that property.

The resolution Ran offers is that if the bathhouse owner explicitly prohibited him use of the bathhouse, the “vowee” certainly would be forbidden to use it. But because he made only a general statement proscribing benefit from his property, we assume that he only intended this ban to extend to property *now* in his control, and not to that which has been leased to another.

This approach seems to run into a problem with an earlier *gemara* (*Nedarim 43b*) which suggested the very same idea of limited intention and then rejected it. Rabbi Yossi’s position is that if one prohibits another to have any benefit

from him and subsequently finds himself as the only source for providing food for that other person, he cannot circumvent this ban by relinquishing ownership of the food and enabling the other to acquire possession. This is so, adds Rabbi Yossi, only when the ban preceded the relinquishing of ownership, but not when the relinquishing of ownership preceded the ban. Rabbi Abba suggested that the reason for Rabbi Yossi’s leniency in the latter case is that we assume that one does not intend his ban to extend to property which he has removed from his ownership. This approach is successfully challenged by the Sage Rava from another *gemara* (*Bava Batra 148b*), and it is abandoned. Since the *gemara*’s conclusion is that even something which he has relinquished ownership of is included in his ban, why do we assume that the bathhouse leased to another is not included in his ban?

The Ran answers by explaining Rabbi Yossi’s position as follows: Until someone claims ownership of abandoned property, it is still considered the property of the original owner who still has the option of retracting his act of abandonment. It can therefore be assumed that he intended his ban to extend even to such property, since it is still within his control. A bathhouse leased to another, however, is completely out of his control, despite the fact that he owns it. Thus, he does not have it in mind when he prohibits the use of his property.

• *Nedarim 46b*

TO OUR OHRNET READERS

Best wishes for
a happy &
safe summer.

We will resume publication Parshat Ki Tezei
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