

INTERNET PARSHA SHEET
ON BESHALACH - 5758

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bshalach.98 Shiur HaRav Soloveichik ZT"L on Bshalach (Shiur date: 2/9/71)

"And Moshe and Aaron told Bnay Yisrael: in the evening you will know that Hashem took you out of Egypt. And in the morning you will see the glory of Hashem etc." (Shemos 16:6-7). The Ibn Ezra interprets these verses to mean that via the events of the evening and the morning you will come to know that Hashem took you out of Egypt and you will see the glory of Hashem. Rashi says that the difference in the presentation of the Manna and the Slav was related to the appropriateness of the request. The request for Manna was a legitimate request for a basic necessity, hence it was granted by day, representing a pleasant countenance (Bsever Panim Yafos). However the request for meat was a desire for a luxury, something they should not have asked for in the desert. Therefore it was granted at night, representing Panim Chashechos, a dark, less receptive demeanor. The Rav interpreted the first 2 verses of Bircas Kohanim in this manner. The blessings of Yevarechecha and Vyishmerecha can be granted in a way that is simple and easy for the recipient to accept. They may also be granted in a way that may be accompanied by some degree of hardship. The second verse of Yaer Hashem is the blessing that the Yevarechecha and Vyishmerecha just granted in the previous verse should occur Bpanim Maeyros, with a pleasant and shining demeanor, without any associated difficulties. Bnay Yisrael's request was also inappropriate in that they requested luxury before the necessity, "As we sat by the fleshpots and ate bread till we were sated". The Manna was granted with Panim Maeyros (both Yevarechecha and Yaer) because it was a legitimate request for a basic staple, while the Slav, an out of order request for a luxury that was not necessary, was granted with Panim Chashechos (with associated hardship, only with Yevarechecha). The Ramban says that the difference between the Manna and the Slav was the ease with which each miracle was perceived. The Slav was carried on the wind, and to the untrained eye might have appeared to be an act of nature. Only those that realized that this was a gift from Hashem appreciated the miracle that occurred. Hence the use of the word Vyedatem, and you shall know or understand the great hidden miracle performed by Hashem. However the Manna was an open miracle for all to see as it was Yesh M'ayin, ex nihilo, all Bnay Yisrael realized that this was truly a miraculous event. Therefore the word Ureysem, and you shall see, the great miracle performed by Hashem for you, as the greatness of the miracle will be evident to all. The Rav explained that Rashi's interpretation carries a practical implication for us all: one prays for that which he absolutely needs. One should not pray for frivolous things. Man has the right to pray for the basics. This is seen from the story of Akilas the convert who asked Rabbi Eliezer (Breishis Rabba 70:5) if Hashem loves the convert why does He provide the convert only with bread and clothing? Rabbi Eliezer answered that the convert is no worse off than Jacob who prayed for bread to eat and clothing to wear. Jacob prayed only for the basics. Our prayers should also be for the basics. The Rambam refers to Shemoneh Esray as the place where man asks Hashem to provide for his basic needs. It is inappropriate to request luxuries in the Amidah. The Rav said that King David (Psalms 131) was careful not to ask for his personal luxuries in Tefilah. However, Klal Yisrael has no limits on what it can ask for [as long as it asks appropriately, which was not the case with the request for meat in Parshas Bshalach]. The Rav continued the thought of the Ramban regarding Erev and Boker. Erev represents the time since the destruction of the Temple and our long exile. The time of Erev is most closely associated with Hester Panim, Hashem remains hidden from us and we must try very hard to find Him. The untrained eye might assume that nature and the normal course of events are responsible for all that has happened to the Jews and the world during these years of Hester Panim. Only the discriminating faithful

B'S'D' recognize (Vyedatem) that everything happens only through the will of Hashem. In the time of Moshiach, when it will be Boker, all will see (Ureysem) the hand of Hashem and recognize His greatness.

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yhe-parsha.ml@jer1.co.il To: tsc-all; tsc-parsha PARSHAT B'SHALACH - last year's shiur

NOTE / REMINDER - For subscribers in the NY area. This Motzei Shabbat [8pm], I will be giving a shiur at a Melava Malka at the Young Israel of Holliswood, 86-25 Francis Lewis Blvd. Queens. For details call 718-776-8500. On Sunday morning, I will be giving a shiur at 9:30 am at the Bnei Yeshurun Synagogue in Teaneck NJ [topic Megillat Esther]. [If you are coming, looking forward to meeting you, & be sure to bring a Tanach.] Due to the trip, this week's shiur is a repeat from last year. THE TANACH STUDY CENTER [<http://www.virtual.co.il/torah/tanach>] In Memory of Rabbi Abraham Leibtag This week's shiur is dedicated in commemoration of the first Yarzeit of Rachel Garfinkel z"l by her friends and family.

PARSHAT B'SHALACH

On their journey from Egypt towards Har Sinai, Bnei Yisrael encounter situations of frightening war, terrible hunger, and life-threatening thirst. Are they expected not to complain; to passively accept this fate, to wait patiently for God's salvation? Is God simply 'testing' their patience? To answer these question, Part I of this week' shiur considers these events in light of overall purpose of Yetziat Mitzraim. In Part II we more specifically on connection between "milchemet Amalek" & Ma'amad Har Sinai.

PART I - ALL ON THE WAY TO HAR SINAI

INTRODUCTION - THREE DAYS OR SEVEN WEEKS? According to God's promise to Moshe at the "sneh" (3:8,17), Bnei Yisrael should have travelled directly from Egypt to Eretz Canaan, with possibly a stop over at Har Sinai (after a three day journey) to offer korbanot of thanksgiving. However, the actual events unfold quite differently. Instead of travelling directly into the desert, God re-routes their journey towards Yam Suf (the Red Sea). After crossing the Red Sea, Bnei Yisrael do travel the 'three day journey' into the desert, however, they arrive at Mara - NOT at Har Sinai. Later, during their five week journey from Mara to Har Sinai, they run out of food at Midbar Sin, they run out of water at Rfidim, and they engage in battle with Amalek. Only after some seven weeks do they finally arrive at Har Sinai. Are these events incidental, or are they part of some Divine plan? If so, what is their purpose?

A SECOND CHANCE Recall from our shiur on Parshat Va'eyra, God's original intention was for Bnei Yisrael to accept God BEFORE the Exodus. [See Yechezkel 20:4-10.] Had they done so, one could assume that they would have proceeded directly from Egypt to Har Sinai in three days. However, Bnei Yisrael did not heed God's original call. Although offering the "korban Pesach" made them worthy enough to survive the final Plague, they are far from being spiritually ready for Matan Torah. Owing to this unfortunate circumstance, God finds it necessary to 'change His plan'.

THE NEW PLAN The following table lists the key events that take place during this 'round about' journey to Har Sinai:

LOCATION EVENT

- 1) Yam Suf (14:11) Am Yisrael is ATTACKED by the Mitzrim;
- 2) Mara (15:24) the WATER is bitter;
- 3) Midbar Sin (15:2) there is no FOOD to eat;
- 4) Rfidim (17:3) there is no WATER to drink;
- 5) Rfidim II (17:8) Am Yisrael is ATTACKED by Amalek.

[See further Iyun Section for an explanation of the chiastic structure: war-water-food-water-war.]

Despite the distinctive nature of each of these events, they all share a

common purpose, i.e. each incident helps prepare Bnei Yisrael for Matan Torah. In other words, God INTENTIONALLY initiates these events IN ORDER to catalyze Bnei Yisrael's spiritual growth - to 'train' them to become His Nation!

To appreciate the specific purpose of each individual event, we must first consider why Bnei Yisrael had not performed proper "teshuva" in Egypt.

BREAKING SLAVE MENTALITY It is extremely difficult for a slave, even after he has gained his freedom, to act or think like a free man. As we explained in Parshat Va'eyra, Bnei Yisrael do not listen to God's original call because of their 'crushed spirits and hard labor' - "v'LO SHAMU el Moshe, mikotzer RUACH u'mAVODAH KASHA" - (6:9). The strain of their prolonged bondage and the fatigue of their daily routine had deprived them of all spirituality. It is BECAUSE of their bondage, that Bnei Yisrael grow instinctively dependent on their masters - the Egyptians.

Therefore, before they can become God's servants (accepting His laws at Har Sinai), they must transform their instinctive physical dependence on Egypt to a cognitive spiritual dependence on God. We all know how difficult it is for an individual to change his character, how much more so for an entire nation. Therefore, the rebuilding of Am Yisrael's character becomes a very complex process. A change of character usually occurs in one of two ways: 1) A traumatic experience - which will usually facilitate a sudden change. 2) A change of daily routine - which slowly changes instinctive behavior. We will show how God employs both approaches.

1) **KRIYAT YAM SUF - SPLITTING OLD TIES** Kriyat Yam Suf (the splitting of the Red Sea) can be understood as a traumatic experience that helps Bnei Yisrael break their instinctive dependence on Mitzraim. At Kriyat Yam Suf, God inflicts His final punishment upon Pharaoh and his army (14:4). Clearly, if God's lone intention was to punish the Egyptians, He could have done so during the Plagues. The fact that Bnei Yisrael must witness this event, while they themselves face a situation of peril, indicates that Kriyat Yam Suf served an additional purpose. To find that purpose, we must examine the psukim which describe the events which lead up to Kriyat Yam Suf.

When first confronted by the Egyptian army, Bnei Yisrael's spontaneous complaint already echoes their instinctive dependence on the Egyptians: "And they complained to Moshe saying... What have you done to us taking us out of Egypt? Is this not the very thing WE TOLD YOU IN EGYPT: Let us be and WE WILL SERVE THE EGYPTIANS, for it is better for us to SERVE the Egyptians than die in the desert." (14:11-12) [See Ibn Ezra (14:13) which explains why Bnei Yisrael did not even consider encountering the Egyptians in battle.]

Examining God's response will show that He is not only calming their fear, but He is also commanding them to break this instinctive dependence: "Do not fear, stand upright and watch God's salvation... for the manner in which you see Mitzraim today - you will NEVER SEE THEM AGAIN" ["LO TOSIFU li'rotam od ad olam".] (14:13)

Although God's reassurance appears to be a PROMISE, Chazal interpret this statement as a COMMANDMENT! According to Ramban (14:13), Chazal interpret this pasuk as follows: "In this manner by which you look at Mitzraim today -DO NOT LOOK AT THEM THIS WAY EVER AGAIN." (14:13)

God is NOT promising His nation that they will never face an Egyptian army again: rather He is COMMANDING them to NEVER again look to Egypt for their salvation. Although this interpretation of "Lo tosifu li'rotam" does not appear to be the simple "pshat" of this pasuk, it does finds support in a parallel pasuk in Sefer Dvarim. At the conclusion of the "Tochacha" in Kitavo (28:1-69), God warns Bnei Yisrael that should they disobey Him, they will be exiled and sold into slavery (see Dvarim 28:62-67 / note "ki lo shamata b'kol Hashem..."). Their predicament will be so bad, the Torah warns, that they will actually HOPE that someone will PURCHASE THEM AS SLAVES. To express this point, the Torah employs the same phrase used at Kriyat Yam Suf: "And God will return you to Egypt in ships, in the manner that I told you: 'LO TOSIF OD LI'ROTA' - [Do not look at them this way again] and you will offer yourselves to your enemies for sale as slaves and maidservants, but no one will purchase you" (28:68). [The

word "ba'derech" - in the manner - should not be understood as a description of the ship route to Egypt, rather as a description of Am Yisrael's predicament when they will be exiled to Egypt in those ships.]

In other words, the last stage of the "tochacha" ironically returns Am Yisrael to the same state they were in when they left Egypt- a state of yearning for total dependence on their human masters, in Egypt! [Further proof of this interpretation of LO TOSIFU can be deduced from Parshat ha'Melech/ Dvarim 17:16, and from Yeshayahu 31:1-3!]

Based on this understanding of "Lo Tosifu ...", we find the primary purpose of Kriyat Yam Suf: God orchestrates a situation that encourages Bnei Yisrael to break their instinctive dependence on Egypt.

God's plan appears to succeed. Upon seeing the drowning of the Egyptians in the sea, Bnei Yisrael conclude: "...and Yisrael recognized His great Hand.. and the people FEARED GOD and BELIEVED in God and Moshe His servant." (14:30-31)

Instinctively, Bnei Yisrael respond in a song of praise to God: "Az ya'shir Moshe u'bnei Yisrael..." (15:1)

2) **MARA - A DESERT SEMINAR** Crossing the Red Sea makes it possible to commence the 'three day journey' into the desert. However, instead of arriving at Har Sinai, Bnei Yisrael travel to Mara, a site where the water is bitter. Having severed their ties with Egypt, the time is now ripe to offer Bnei Yisrael a second chance to accept God's commandments and 'cure' their attitude problem of "V'LO SHAMMU EL MOSHE...": "An He said - iym SHMOA TISH'MAU l'kol Hashem Elokecha - Should you LISTEN to the voice of God, and do what is proper in His eyes, and listen to commandments, then the affliction that I put on the Egyptians I will not put on you, for I am God your Healer" (15:26) [See conclusion of shiur on Parshat Va'eyra where these psukim were discussed in further detail.]

Once Bnei Yisrael agree to obey God and follow His laws, the 'bitter' water of Mara becomes drinkable. Obviously, Bnei Yisrael had become thirsty for water. However, by linking the sweetness of the water to Bnei Yisrael's willingness to obey Him and follow His laws, God teaches Bnei Yisrael an important lesson of spiritual dependence. [The 'message' of the "eytz" which God instructs Moshe to cast into the water obviously relates back to Gan Eden, the motif of an environment that requires obedience to God. The famous "drash" of "ein mayim elah Torah", i.e. when the Torah mentions water it is actually referring to Torah, almost emerges as "pshat"! See also Mishlei 3:18 and its context ("etz chayim hi l'machazakim bah...").]

In the ideal situation at Eylim (15:27), where there is plenty of water and food, no one complains. However, when the going gets tough in Midbar Sin, they quickly revert to their stubborn ways. The short 'seminar' at Mara needed some follow up.

3) **MIDBAR SIN - BASIC TRAINING** After arriving in Midbar Sin the food supply runs out, setting off another round of complaints (16:2-3). Even though Bnei Yisrael have the right to ask for food, HOW they ask is inexcusable: "If only we had died by the Hand of God in Egypt, when we had plenty of meat and bread to eat. Now you have brought us out into this desert to die in famine" (16:3)

The tone of their complaint indicates that Bnei Yisrael had remained instinctively dependent on Mitzraim. When hungry, they reminisce about the 'good old days' in Egypt. The traumatic experiences were not sufficient to totally change their character. Now, they require a DAILY ROUTINE that will slowly change their instinctive behavior. The manna served this very purpose. It provided a daily routine that transformed their physical dependence on Mitzraim to a physical dependence on God. As explained in Sefer Dvarim: "And He tormented you and starved you, then gave you 'manna' to eat... IN ORDER TO TEACH YOU that man does not live on bread alone, rather, that man lives by whatever God commands" (Dvarim 8:3)

By allowing Bnei Yisrael to gather only enough food for one day at a time, Bnei Yisrael learn to become dependant solely on God. To emphasize this point, their food falls directly from heaven. In describing this process, The Torah uses a key word - "nisayon" (a test): "Behold I will rain down bread for you from the heaven, and the people shall go out and gather each

day that day's portion - I'maan A'NA'SENU (= "nisayon") - IN ORDER THAT I MAY TEST THEM, to see whether or not they WILL FOLLOW MY INSTRUCTIONS..." (16:4).

The word "nisayon" should not be understood simply as a test to measure the level of man's relationship with God. God already knows the heart of every individual. Rather, a Divine 'test' raises man to the level required for a relationship with God. For example, at the Akeyda, God 'tests' Avraham (Br. 22:1), not to find out IF he is worthy, rather He tests him IN ORDER TO make him worthy. Similarly, by the manna. God is not testing Bnei Yisrael to find out IF they obey Him, He is TRAINING them in order that they LEARN TO obey Him.

4) RFIDIM - PREPARING FOR HAR SINAI Before actually arriving at Har Sinai, Bnei Yisrael stop at Rfidim, a site WITHOUT water (17:1-3). Why does God lead them to such a location? Does He expect Bnei Yisrael to survive without water? When Bnei Yisrael cry for water at Rfidim, their complaint is not as before: that they would rather die in Egypt. In light of the fact that they might perish in the desert, Bnei Yisrael question only the purpose of Yetziat Mitzraim, but they do not express any yearning to return (17:3). Finally, at least some progress has been made. What could be the purpose of this terrible predicament? Moshe himself doesn't know how to deal with this situation. He too cries for God's assistance (17:2,4). The answer is - God WANTS Bnei Yisrael to complain! He purposely leads them to a location where there is no water. WHY?

God's scheme at Rfidim had tremendous significance. It prepares Am Yisrael for 'Matan Torah'. Instead of providing Bnei Yisrael with water at Rfidim, God instructs Moshe to gather the elders (17:5-6) and go to the rock at Har Chorev (= HAR SINAI / see 3:1,12 & Dvarim 5:2). Upon hitting the rock the water gushes out, thence flowing from Har Chorev until the camp in Rfidim! The next step is obvious - Bnei Yisrael will travel from Rfidim to set up camp at Har Sinai, their NEW SOURCE of water. [For proof that hitting the rock created a gushing river flowing down the mountain - see Dvarim 9:21]

Not only have the heavens replaced the earth as the source of bread (food), Har Sinai has replaced the Nile as the constant source of water. Natural dependence on Mitzraim has now been replaced by natural dependence on God. Thus, Har Sinai becomes a source of water for Bnei Yisrael before it becomes the source of Torah. In order to be appreciated as the source of spiritual life, it must first be identified as the source of physical life.

5) THE WAR WITH AMALEK - LOOKING UP TO HAR SINAI While Bnei Yisrael begin to journey from Rfidim to Har Sinai (their new source of water), Amalek attacks the 'slow travellers' left behind at Rfidim (as explained in PART I). War breaks out, and God commands Moshe to instruct Yehoshua to lead Bnei Yisrael in battle. In contrast to Kriyat Yam Suf, this time Bnei Yisrael themselves do the fighting. In order for the people to recognize that even though they are fighting, it is God who brings them their victory, God instructs Moshe to climb the hill and raise his staff high heavenward. What hill is Moshe standing on? Based on the juxtaposition between this narrative and "masa u'mriva", Ibn Ezra explains that Moshe is standing on Har Sinai! Just as Har Sinai has become their source of water, it now becomes a source of military salvation as well. For Yisrael to become victorious, Moshe must raise his hands (17:11) to show and teach the people that they must look to Hashem, to Har Sinai, for their salvation. [See Midrash quoted by Rashi (17:11 / Rosh Hashana 29:1).]

FROM PHYSICAL TO SPIRITUAL - FROM PASSIVE TO ACTIVE We have shown that during the six week period after the Exodus, Bnei Yisrael encounter several traumatic experiences and changes in daily routine which help transform their instinctive physical dependence on Egypt to their instinctive physical dependence on God. During this 'training period', they have also become more active in the process of their redemption. Now, they are ready to take on a spiritual challenge: to receive the Torah in order to become God's special Nation.

shabbat shalom, Menachem ...

FOR FURTHER IYUN - PART I

A. Relate the above shiur to Chazal's understanding of the seven weeks between Pesach and Shavuot as preparation for Matan Torah.

B. Read Tehilim perek 78. Note that this perek describes most of the events that take place in Parshat B'shalach. Note also the use of "dor lo hechin libo" in pasuk 8 & 37. 1. How does this phrase "dor lo hechin libo" explain why Bnei Yisrael were never successful in achieving the proper level? 2. How does this perek enhance our understanding of the Parsha (based on the above shiur)? 3. Read pasuk 38 : "v'hu rachum y'chaper avon v'lo yashchit ..." [sounds familiar]. Based on the above shiur, this perek, and its context, explain the deeper meaning of this pasuk, and how it applies to daily life. Why do you think Chazal included it in our daily davening, shacharit and maariv?

C. Chiastic structure (as noted in the shiur) war - water - food - water - war (1) As in any chiastic structure (ABCBA), emphasis is placed on the center (C). In this case, the food, indicates that the most important process towards change is daily routine. Use this to explain why the manna was placed next to the Aron. (2) War-> War & Sefer Yehoshua The contrast between the war at the beginning and end is also interesting. Note that at Yam Suf, the victory is miraculous and Am Yisrael is passive. ["God will fight for you, and you shall be silent "(14:14)]. By Amalek, the victory is natural and Bnei Yisrael do the fighting, Moshe's staff serves as a symbol of God's help. The next step is Matan Torah. In Sefer Yehoshua, we find a striking similarity. Yericho, is a miraculous victory, Am Yisrael is passive. The Ai, is a natural victory, Am Yisrael do the fighting. Yehoshua uses his staff in this battle as a sign (8:26) Immediately afterward, Am Yisrael goes to Har Eival to re-enact Matan Torah (8:30-35)! 1. What does tell you about the need for Am Yisrael to be 'active' in nature before receiving the Torah? 2. Why is the symbol of the staff so important. What is the danger of winning of natural victory. Was is the danger of God constantly performing miracles to save Am Yisrael.

PART II - AMALEK - V'LO YA'RAY ELOKIM Many nations have attacked Am Yisrael throughout its history, yet for some reason, Amalek is singled out as Israel's 'arch enemy'. What was so terrible about Amalek's attack that requires a battle for all generations? By carefully reading the Torah's description of this event, this week's shiur uncovers some amazing details which will enhance our understanding of "Milchemet Amalek".

WHO'S IN RFIDIM? "And Amalek came, and attacked Israel at RFIDIM..." (Shmot 17:8) When we read these psukim, we assume that ALL of Bnei Yisrael are encamped in Rfidim when Amalek attacked. However, a careful reading of the previous 'parsha' - the story of MASSA U'MRIVA - suggests quite the opposite! When Amalek attacks, Bnei Yisrael appear to be 'on the road' - on their WAY from Rfidim TO HAR SINAI. To prove this, we must review the story of MASA U'MRIVA, which begins with Bnei Yisrael's arrival at Rfidim: "And Bnei Yisrael travelled from MIDBAR SIN... and encamped it RFIDIM, and there was NO WATER for the people to drink... and they quarrelled with Moshe... (17:1-3)

We all know how the story continues. God instructs Moshe to take his staff and STRIKE the ROCK. Water then gushes forth from the rock and Bnei Yisrael quench their thirst - end of story. Not so fast... There is a small detail in this story which is often overlooked. The rock which Moshe hits is NOT in Rfidim, RATHER, it is located at HAR SINAI! "God said to Moshe, PASS BEFORE the people, TAKE with you SOME OF THE ELDERS, and take the staff... I will be standing before you at the ROCK at CHOREV, strike the rock [there] and water will issue from it... (17:5-6) In other words, God tells Moshe to go to CHOREV (=Har Sinai/ see 3:1,12), taking along a select group of national leaders to witness this miracle at the rock. Now the Torah informs that Moshe performed this miracle before the eyes of these elders (17:6), however, there are NO details of precisely how Bnei Yisrael drank this water. Considering that the rock is at Chorev and the people are at Rfidim, is it not likely that the elders carried back with them a sufficient supply of water to provide for the entire camp. More likely, the water gushing out from Har Chorev started a small river bed which meandered its way to Rfidim. That water quenched the people's thirst, but

let's be realistic, if you had spent several days at Rfidim suffering from terrible thirst in a hot desert with no water to drink, and you saw a new river bed forming, you (and everyone else in your camp) would follow that river right to its source! Therefore, it is reasonable to assume that Bnei Yisrael, upon seeing this water, immediately decided to move their camp from Rfidim directly to Har Sinai. One could also assume that this journey was not very organized. The stronger people most probably ran ahead to secure the water and set up the new camp site, while those who were 'weak and tired' lingered behind. **AMALEK ATTACKS** It is precisely at this point when Amalek attacks! - "Amalek came, and attacked Israel at Rfidim..." (17:8), but who is in Rfidim? Only a remnant of the camp - the weak and the tired - the women and children. Agreed, our interpretation thus far has been based on conjecture and 'reading between the lines', however, in the parallel account of this story in Sefer Dvarim, we find precisely these missing details: "Remember what Amalek did to you BA'DERECH (on your journey) when you left Egypt - for he surprised you BA'DERECH [i.e. while you were travelling], and cut down ALL THE STRAGGLERS IN YOUR REAR, while you were FAMISHED & WEARY..." (25:17-18)

Attacking in this fashion, Amalek takes advantage of Am Yisrael's predicament. [They break the laws of the 'Geneva Conference'.] Even in war there are accepted norms of conduct; men fight men, armies engage armies. Amalek's attack is unethical.

YIRAT ELOKIM Further support of this interpretation is found in the conclusion of the pasuk which we quoted above from Sefer Dvarim: "...v'LO YARAY ELOKIM - and he (Amalek) did not fear God" (Dvarim 25:18) This phrase - YARAY ELOKIM - in the context of unethical (or immoral) behavior, is found numerous times in Chumash. For example, in Avraham's explanation to Avimelech why he lied to him about Sarah: "And Avraham explained (to Avimelech), for I said (to myself) there is no YIRAT ELOKIM in this place, and therefore they will kill me... (to take my wife)" (Breishit 20:11) In this context, a lack of YIRAT ELOKIM describes a person who would kill a visitor in order to take his wife. [Quite unethical according to most any standards.] Similarly, Yosef's release of his imprisoned brothers is described as an act of YIRAT ELOKIM - ethical behavior: "... ET ELOKIM ANI YA'RAY... [therefore] only one of you must remain in jail and the rest of you can bring food to your family and bring back your youngest brother [to prove that you are telling the truth]..." (See 42:15-18)

THE COUNTER ATTACK This interpretation also explains a strange detail in the Torah's description of the counter attack, as detailed in Parshat Bshalach. When Moshe hears of Amalek's attack, he instructs Yehoshua to launch a counter attack - MACHAR - the next day: "Go fight Amalek... MACHAR - TOMORROW - I (Moshe) will be standing at the top of the hill with the MATEH ELOKIM..." (17:9/ See Ibn Ezra - "givah"=Har Sinai!)

Shouldn't Yehoshua engage Amalek immediately? Based on our explanation, since the leaders (Moshe & the elders) and most of the men are already at Har Sinai, it will take a day for Yehoshua to organize the troops and march them back towards Rfidim.

SPOILING HAR SINAI Up until this point we have discussed the unethical nature of Amalek's attack. Yet, the eternal mitzvah to 'erase the memory of Amalek' for all generations suggests a spiritual theme as well. Recall from last year's shiur, that the entire journey from Egypt to Har Sinai served as sort of a 'training mission' to spiritually prepare Bnei Yisrael for Matan Torah. As we explained above, in their first encounter, Bnei Yisrael perceive Har Sinai as a spring flowing with water, the source of their salvation from their terrible thirst. The 'stage has been set' for Matan Torah.

Amalek's attack almost 'spoils' this encounter. [See Shir Ha'shirim 1:4.] Amalek attempts to prevent Am Yisrael from achieving their Divine destiny. The nature of this struggle remains throughout our history. Even once Am Yisrael conquers its internal enemy and is finally prepared to follow God, forces of evil in mankind, unwilling to allow God's message to be heard, will always make one last attack. Am Yisrael must remain prepared to fight this battle against Amalek for all generations: "ki yad al kes Kah, MILCHAMA HASHEM b'AMALEK, m'dor dor" (17:16)

[From 3 weeks ago:] yhe-parsha.ml@jer1.co.il Shalom, Some important info./ announcements. For those of you living in the NY area; Rabbi Marc Penner of the Young Israel of Holliswood, Queens [HJC] has invited me to spend Shabbat Shira - Parshat B'shalach [Feb 6-7] as scholar in residence. Below is a copy of shul announcement: Young Israel of Holliswood/HJC 86-25 Francis Lewis Boulevard Holliswood NY Shabbat Shira - Parshat B'shalach [Feb 6-7th] Shabbaton With Rav Menachem Leibtag Shiurim on: Leil Shabbat Tish, misc. short topics Shabbat Luncheon - Why did Pharaoh 'change his mind' Shabbat afternoon [4:00 PM] - When did David first meet Shaul Seudah shlishit [5:15 YIJE] - From Rfidim, via Amalek, to Har Sinai MOTZEI SHABBAT - Melava Malka - 8pm Shiur (interactive) - Why David Hamelech was not permitted to build the Beit Hamikdash (followed by food and music/ Cost \$10) This event is co-sponsored by the YIHJC and Yeshivat Har Etzion Alumni (Home hospitality available for Alumni) ...

tsc-navi@virtual.co.il To: tsc-all; tsc-navi Cc: yhe-yehoshua Subject: N'VIIM RISHONIM - INTRO THE TANACH STUDY CENTER [http://www.virtual.co.il/torah/tanach] In Memory of Rabbi Abraham Leibtag

N'VIIM RISHONIM Welcome (after several months of delay), to the Nviim Rishonim series. Our goal is to slowly cover Nviim Rishonim [and Acharonim] over the next several years. Our approach will be quite similar to the approach we use in our shiurim on Chumash. We will study each "sefer" as a "sefer", i.e. we will look for its primary theme, and then consider that theme while studying each individual chapter. As usual, we will place an emphasis on studying "psht". Each shiur will conclude with a set of study questions to help you prepare for the next shiur. Even though you should be able to follow the shiur without preparation [as most of you requested], preparing those questions should qualitatively enhance your study. [Our planned pace is weekly [or at least bi-weekly]. Periodically we may send out a shiur on Haftara or special topic instead. In case you miss a shiur or questions for preparation, all back shiurim will be available on the TSC Web-site.] Our opening shiur will briefly discuss the definition of what we refer to as "n'viim rishonim". This will be followed by a short explanation of what (and how) to prepare for the first shiur on Sefer Yehoshua. As usual, it is suggested that you use a Tanach Koren [or similar] as use study. This will help you in recognizing patterns and following flow of parshiot. It is also suggested that you use a "mikraot gedolot" to look up the classical commentators when ever you encounter a problem (or when looking for additional insights) in your study. b'hatzlacha, menachem

N'VIIM RISHONIM - INTRODUCTION The name "n'viim rishonim" - the EARLY prophets, [used to describe the books of Yehoshua, Shoftim, Shmuel, & Melachim] can be very misleading! This name implies that the PRIMARY difference between "n'viim RISHONIM" and what we refer to as "n'viim ACHARONIM" [the LATER prophets, i.e. Yeshayahu, Yirmiyahu, Yechezkel, & Trei Asar], is simply WHEN those respective prophets lived. However, even though most of "n'viim rishonim" does deal with an earlier time period, this distinction remains far from accurate. Let's explain why. There is a very basic difference in style between these two groups of seforim. The four books of N'viim Rishonim are what we call 'NARRATIVE based'. In other words, each sefer is presented as an ongoing story. In fact, Sefer Yehoshua actually continues the story of Chumash (i.e. its narrative picks up right where the narrative of Chumash ends). Similarly, Shoftim continues from where the story in Sefer Yehoshua ends, Shmuel continues Sefer Shoftim, and Sefer Melachim continues from Sefer Shmuel. Therefore, even though each sefer is written by a different prophet, we could almost consider "n'viim rishonim" as one continuous series. [We will return to this point in a future shiur.] In contrast, the books of "N'viim Acharonim" are what we call 'PROPHECY based'. In other words, each sefer contains a COLLECTION of various prophecies delivered by each respective navi. Even though these books often

do contain several stories, those stories are not part of a continuous narrative, rather they either introduce or support a certain prophecy. To prove this distinction, simply take a quick look at the opening pasuk of each Sefer of N'viim Acharonim. Note how each sefer begins by introducing a set of prophecies. For example: * "The VISIONS [chazon] of YESHAYAHU, son of Amotz..." (1:1) * "The WORDS [divrei] of YIRMIYAHU, son of Chilkiyahu..." (1:1) * "And it came to pass on the thirtieth year... the WORD OF GOD [dvar Hashem] came to YEchezkel ben Buzi..." (1:1-3) * "The WORD OF GOD [dvar Hashem] which came to HOSHEA..." (1:1) * "The WORD OF GOD [dvar Hashem] which came to YOEL..." (1:1) etc. [Note also how after these introductions, we find a collection of prophecies, one after the other, with very little narrative connecting them.]

In contrast, the books of Nviim Rishonim all begin with a continuing story. For example: * "And it came to pass after Moshe (God's servant) died..." * "And it came to pass after Yehoshua died..." (Shoftim 1:1) etc.

Each sefer obviously will contain certain prophecies, but those prophecies are an integral part of that ongoing story! In fact, the names of Sefer Yehoshua and Sefer Shmuel are very different than the names (let's say) of Sefer Yeshayahu or Hoshea. For example: When we say Sefer Hoshea, we mean a COLLECTION of prophecies given by the prophet Hoshea. When we say Sefer Yehoshua, we mean the STORY of what happened to Bnei Yisrael during the TIME PERIOD of the prophet Yehoshua. [Even though Yehoshua himself wrote Sefer Yehoshua (see Baba Batra 14b), the sefer is NOT a collection of his prophecies, rather the story of Bnei Yisrael's conquest and inheritance of the land during his life time.]

So, why is this distinction important? The reason is simple. Whenever we begin to study a SEFER, we must always take into consideration not only who wrote the sefer, but also WHY it was written - for what purpose. Then, by understanding the purpose of each sefer, we can better appreciate what stories and detail are included (and which stories are not included). Therefore, when we begin our study of Sefer Yehoshua, we should expect to find the STORY of what happens to Bnei Yisrael after the death of Moshe. For example: How does God fulfill His promises to Am Yisrael concerning conquering the land? Do Bnei Yisrael fulfill their obligations during this time period? etc. Not only should we expect each sefer to contain a story, but more so, a prophetic perspective concerning those events. Therefore, in our study, we will analyze both the presentation and progression of those stories to uncover their prophetic message.

In closing, one brief, but important comment on the word prophet ["navi"]. When we say a 'prophet', we instinctively think of someone who can 'foresee the future'. However, this is hardly the case in "nviim rishonim". Take for example Sifrei Shoftim and Melachim, they were written by n'viim (Shmuel & Yirmiyahu, respectively) see Baba Batra 14b) who lived at the CONCLUSION of those time periods. And even in Sifrei Yehoshua and Shmuel, rarely do we find the navi predicting future events. So what is a "navi"? A prophet is a person of the highest moral and religious standard who reaches the level where he can receive "nevuah" from God, and then convey that divine message to man - sort of a conduit between God and man. [Note use of "Aharon achicha y'hiyeh N'VIECHA" in Shmot 7:1, where "navi" implies a conduit between Moshe and Pharaoh, ie. Aharon will serve as Moshe's spokesman to deliver Moshe's message to Pharaoh (see 7:1-2).]

In this sense, prophets do not necessarily 'see the future'. Instead, they relay God's message to man. Now God [via the navi] may periodically warn Bnei Yisrael that should they continue sinning a certain catastrophe may befall them; or should they obey Him, they can expect a certain reward; but this should not be considered as simply 'predicting the future'. In fact, quite often, the navi will comment on events which have ALREADY TAKEN PLACE, and explain WHY those events happened [see for example Shoftim 2:11-23]. A navi could be considered more of a 'guidance counsellor' than a 'forecaster'. Therefore, as we study N'viim Rishonim, we should focus primarily on 'what lessons we can learn from our past', more than searching for hidden clues concerning 'what will happen to us in the future'. With this in mind, we can begin our first set of study questions.

SEFER YEHOSHUA PART I - Questions to consider BEFORE reading ... [See <http://www.virtual.co.il/torah/tanach/thist.txt>]

ravfrand@torah.org "RavFrاند" List - Rabbi Frاند on Parshas B'Shalach

Did Pharaoh Forget All That Happened In One Week? In this week's Parsha the Jewish people, having just left the slavery of Egypt, camped by the Red Sea. The verse tell us that "Pharaoh heard that the people had escaped and his heart and the heart of his servants changed vis a vis the nation, saying "What is it that we have done to send Israel from serving us?" [Shmos 14:5] Here it is a week later -- the seventh day of Pesach -- and Pharaoh wakes up and says to himself, "We had such a great deal going for us all these years -- 600,000 people working for us free labor -- why did we do such a stupid thing as sending them out?" This is amazing -- it doesn't make sense! Everyone knows that Pharaoh didn't "send them out." The country of Egypt was suffering through nine terrible plagues; finally the Plague of the First Born came. By this point it was well established that this was the Hand of G-d and that Pharaoh had no choice in the matter but to let the Jews go. How can he say "we sent them out"? Rav Yaakov Kamenetsky, zt"l, says that we see from this verse an insight into human nature. We see this insight everyday -- when we look at our friends and acquaintances. The trouble is that we don't always see it when it comes to ourselves. There are two things that vie for control of a human being -- his emotion and his reason, his heart and his intellect. Whenever there is a conflict between the emotions and the rational part of a human being, the emotions will overcome and make the rational part forget the things that were so clear just yesterday. If the emotions can find even the smallest excuse to understand something in a way that will coincide with the wants and desires of a person, the emotions will twist and corrupt that which is so obvious to any rational person. The emotions and passions will overcome the intellect. Pharaoh had a good thing going. The free labor was an economic boon for Egyptian society. Their desire, more than anything else, was to re-enslave the Jewish people. Pharaoh, seeing the Jews encamped in front of Ba'al Tzefon [14:2] (Ba'al Tzefon was an Egyptian idol), reasoned as follows: "G-d was victorious over all our other gods, but now that I see that they are encamped in front of Ba'al Tzefon, the Ribbono shel Olam has met his match." Even though any rational person would have to conclude after all that had happened that G-d is Almighty, Pharaoh was so desperate to find a justification to re-enslave the Jews that he reached out and grasped this far-fetched theory. When Pharaoh came to the Red Sea and saw that the Sea was miraculously split, with the Jewish people marching through in the middle, he did not draw the conclusion that would be obvious to every rational person -- that this must be the Hand of G-d. What kind of idiot would chase after Klal Yisroel under these circumstances? People are afraid to walk under a ladder because it may fall on them -- so how could he do such an insane act as to follow them into the middle of the sea? No. He again came up with a far-fetched theory -- "a strong easterly wind" [14:21] was responsible for the water's separation, not the Hand of G-d. The emotion says, "it must be the east wind". Rational reasoning says, "it must be the Hand of G-d". But if a person wants something, his emotions will distort that which is obvious to every other individual in order to satisfy his own desire and passion. This is the moral lesson of "we sent Israel out from being our slaves". Whenever we are in a situation where we know that our emotions are in conflict with our logic, we have to be extremely careful and on the lookout. We have to seek counsel from disinterested third parties. We ourselves cannot judge the situation. Emotions and passions can be terribly blinding.

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yhe-parsha@jer1.co.il VBM - Parashat Hashavua by Yeshivat Har Etzion Faculty PARASHAT BESHALACH ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM) This shiur is dedicated in commemoration of the first yearzeit of Rachel Garfinkel z"l by her friends and family.

THE "WAY OF THE LAND OF THE PHILISTINES" AND THE "WAY OF THE DESERT BY THE RED SEA": - THE MEANING OF THE PROHIBITION ON RETURNING TO EGYPT

By Rav Yoel Bin Nun

It happened that when Par'o sent the nation forth, God (Elokim) did not guide them along the way of the land of the Philistines, which is close; because God said, "Lest the nation have a change of heart when they see war and return to Egypt. So God led the nation roundabout, along the way of the desert by the Red Sea; the Israelites left Egypt armed." (Shemot 13:17-18)

Despite the many interpretations that have been offered, the meaning of these verses is very problematic and they seem as baffling as ever. There are three basic questions: 1) What is the meaning of "which is close" (KI karov hu)? 2) Which war is being referred to in the phrase "if they see war"? 3) Why is the phrase, "the Israelites left Egypt armed," included in this context?

There are three further difficulties we must raise: 1) Why do these verses refer to God as ELOKIM, the only such instance in the Exodus narrative, rather than God's "personal" or "historical" name Y-H-V-H, the only Name which appears from the burning bush story onward?

2) The goal of the exodus has been repeatedly defined in relation to Sinai, which lies on the "way of the desert" and not the "way of the Philistines." For example: "When you bring the nation out of Egypt you will worship the Lord on this mountain." (Shemot 3:18) Indeed, Par'o's permission to worship at Sinai is the expressed goal of all Moshe's negotiations, threats, and wonders, and it is with this understanding that Par'o finally gives his permission: "Get up and leave my nation - you and the Israelites; go and worship the Lord as you say." (Shemot 12:31)

But this directive of Par'o is diametrically opposed to our verses, which imply that the Revelation at Sinai was virtually accidental, merely an outcome of God's concern that "the nation would have a change of heart" if they encountered war on the shorter, more direct coastal road.

3) The basic assumption in all the traditional interpretations is that God wanted to avoid confronting Israel with war at all costs, at least at the outset, since He was concerned that this would inspire them to abandon their cause and physically turn around and return to Egypt. The difficulty in this assumption is that in actuality, the alternate route through the desert led them INTO war with Egypt almost immediately, causing an instant public outcry to return to Egypt. God's action seems to have achieved the opposite of its intention. Furthermore, why could God not have saved them from disaster on the desert route in exactly the same miraculous manner that He saved them at the Sea? After all, the reaction of the Jews when the Egyptian army caught up with them - "for it is better for us to serve Egypt than to die in the desert" - was exactly the reaction that God feared "should they see war," and God nevertheless dealt with it - "God will fight for you and you shall be still." This repeated itself several times during the journey to the land of Israel, so that it is clear that changing the route did not solve the problem. The longer route did not, in fact, lead them away from war.

The classical commentators, noting this difficulty, proposed solutions which seem somewhat contrived. For example: "... if the circuitous route resulted in their saying: 'Let us...return to Egypt,' how much worse would the direct route have been!" (Rashi, based on the Mekhilta)

According to Rashi, the phrase "which was close" means "close to Egypt," making it easier to return there. Taking the nation to Canaan along the more distant desert road would deter the people from returning. The Rashbam reads "close" - to Eretz Yisrael; the shorter route would have brought the war for the Land earlier. By delaying the Canaanite wars, the people were less psychologically connected to Egypt when the crisis struck.

The Rambam is of a similar opinion: "... it is contrary to human nature that a person be raised in slavery, doing the most menial of tasks, and promptly wash the filth off his hands and go wage war with the gigantic Sons of Anak ... God's wisdom led them roundabout, through the desert, until they learnt to be brave. It is well-known that traveling in the desert without luxuries such as washing and the like gives rise to bravery, while the opposite gives rise to cowardice. Furthermore, men not habituated to subservience and slavery were born in the desert." (Guide, 3:32; see also chap. 24) The Ramban, on the other hand, interprets "which was close" as referring to the path traversing the land of the Philistines. Even though this route was shorter, God wished to avoid war with the Philistines. However, the Ramban is confronted with the difficulty that on the longer route they meet Amalek instead of the Philistines.

All of these interpretations contain important points but do not address the cardinal problem: the war at the Red Sea with Egypt, the superpower to whom they had been enslaved for centuries and with whom they had struggled for independence. This war was potentially far more deadly than any war with the Amalekites, Canaanites or Philistines could have been. This war came immediately, and at a time when Israel was weak and confused.

Modern scholars offer a different solution to our problem, which resembles the Ramban's interpretation. Bas reliefs on the walls of the temple at Karnak, dating to the rule of Par'o Seti I (toward the end of the thirteenth century BCE), show that the entire northern Sinai coastal region was under direct Egyptian sovereignty, with Egyptian military outposts all along the way. Israel, fearing a trap, avoided the coastal road from the outset. Plausible though this theory may sound, the reason it proposes for the change of route is not that mentioned in the Torah. God did not fear an Egyptian trap but rather the desire of the Jews to return to Egypt.

Various early commentators hinted that there is a hidden reason for the change of routes - God's plan to drown the Egyptians. For Abarbanel, God's motive was not concern for Israel's fear, but rather His will to give the Torah at Sinai (see Abarbanel, the second question; Mekhilta ad loc.).

I would like to propose a different interpretation for these verses: "... which is close" - and therefore should have been the route of travel (following the Ramban), "... God said, 'Lest the nation have a change of heart if they see war'" - any war, whether for the Land or at any point in history, "... and return to Egypt" - to request aid and patronage from Par'o; "so God led the nation roundabout, along the Way of the desert by the Red Sea" - SO THAT Par'o would pursue them, guaranteeing that war would take place, "... and the Israelites left Egypt armed."

Contrary to the accepted opinion, God's intention was not to avoid war and save Israel undue fear, but precisely the opposite - to drag them straight into a confrontation, and achieve final, total independence at the Red Sea. The Jews need to be liberated not only politically and economically, but also mentally, as is evident from their demand:

"... Leave us be and we will serve Egypt, because we prefer serving Egypt to dying in the Wilderness." (Shemot 14:12) This complete liberation will result from the experience of war ("the Lord will fight for you") and through the rejoicing and singing of victory.

The expression "to return to Egypt" refers to seeking support from Egypt, as is clear from the repeated words of the prophet Yeshayahu:

"Woe to those who descend to Egypt for aid, who rely on the ir multitude of chariots, and on the immense power of their horsemen, but did not desire s holy (God) and did not consult the Lord." (31:1) "They who go and descend to Egypt and did not consult Me, to be powerful in Par'o's power, and be safe in Egypt's shadow." (30:2) "Egypt is human, not divine; her horses are flesh, not spirit; God will spread out His arm; helper will fail, and helped will fall - all will be destroyed together." (31:3)

This last quotation contains more than one allusion to the Parting of the Sea. The prophet Hoshea also condemned reliance on Egypt, probably referring to King Hoshea's request for the protection of So, king

of Egypt (II Melakhim 17:3): "Ephraim is like a silly dove without a heart; they call to Egypt, they go to Assyria." (Hoshea 7:11) "Now their sin will be remembered and their error recalled; they will return to Egypt. (8:13) Yirmiyahu offers a similar condemnation: "... You will be shamed by Egypt as you were shamed by Assyria. From this one too you will depart with your hands on your head, for the Lord has rejected those you trust; you will not prosper with them." (2:36,37) These prophecies do not see returning, or "going down," to Egypt as the physical emigration of all or part of the nation to Egypt. Suffice it that an Israelite king send messengers to Par'o saying, "I am your servant and son" (I Melakhim 16:7), and the prohibition against "returning" has been violated.

The Torah itself, in describing the duties of the king, commands that he "not return the nation to Egypt in order to acquire many horses" (Devarim 7:16). It is clear that this refers to seeking military support from Egypt. King Shlomo, for example, disobeyed the commandment not by sending this entire royal house to Par'o, but rather by dispatching to him a handful of merchants (I Melakhim 10:28,29).

"Returning to Egypt" not to dwell there but rather to gain support and patronage is the spiritual opposite of the independence gained via the Exodus.

The tokhecha (rebuke) of Sefer Devarim ends with the same theme: "The Lord will return you to Egypt in ships, on a route I told you that you would never see again; there you will be offered to your enemies for sale as slaves, but no one will buy you." (26:68) But did Israel leave Egypt in ships, that God is threatening them with return along the same route? The Torah is not describing the route of return to Egypt, but rather the implication of return to Egypt - renewed bondage. The common denominator of a request for Egyptian protection, physical return to Egypt of one's own free will, and sale into Egyptian captivity is forfeiture of independence. The route God said Israel should never see again is the route of slavery. The Rabbis understood this point as being the crux of the commandment to pierce the ear of the voluntary slave: "An ear which heard (at Sinai), 'I am the Lord your God' and went and bought itself a master - should be pierced." (Rashi to Shemot 21:6, based on Yerushalmi Kiddushin 1:2; Sifra Vayikra ad loc.)

At this point, we can take a new look at the prohibition against returning to Egypt and serving her: "... and the Lord said you would never return this way again." (Devarim 17:16) "... on the road I told you that you would never see again." (28:26) Where and when did God previously tell Moshe that they would not return this way? The recurring theme of "never seeing Egypt again" leads us to Moshe's words to Israel before the parting of the Sea as they cried out, in their panic, that they preferred slavery: "The Lord will fight for you... for as you have seen Egypt today you will never see them again." (Shemot 14:13) In my opinion, the verse reads thus: "...as you have seen Egypt today" - in the MANNER that slaves look up to their masters - "you will never see them again."

That the halakha understood patronage to be the true meaning of "returning to Egypt" is clear from the following midrash: "The Torah warned Israel three times against returning to Egypt (here the Talmud quotes the three verses we saw above)... but Israel returned to Egypt three times, and as is written, 'Woe to those who descend to Egypt for aid;' three times they failed. The first was in the time of Sancherev; the second was in the time of Yochanan ben Keire'ach; and the third was in the time of Torginos." (Mekhilta Beshalach, mas. 2, par. 2; Yerushalmi Sukka 5:1; Bavli Sukka 51)

Three prohibitions and three "returns" mean three different kinds of submission. The first is asking for Egyptian patronage, as Chizkiyahu did when he was threatened by Sancherev (according to the prophecies quoted earlier). The second is actual physical emigration to Egypt, as the Judeans, led by Yochanan ben Keire'ach, did (Yirmiyahu 40-43). The third kind of "return" is that of the Jewish community of Alexandria, which lived under Egyptian patronage from the time of Alexander the Great (c. 333 BCE) until the period of the Roman emperors Trajan

(evidently the Torginos of our text) and Hadrian. The defeat spoken of is the decimation of the Alexandrian community after hatred and persecution drove the Diaspora Jewry to all-out revolt, forty-five years after the destruction of the Temple.

It is submission that the Rabbis see as the true meaning of "return," as is evidenced by the conclusion of the Yerushalmi: "One may not return to Egypt to live there, but one may return there for trade, for business, and for conquest." (Sanhedrin, end of ch. 10) Financial dealings do not imply submission, and are therefore permitted.

We can now return to our parasha. The Exodus came about based on Par'o's consent. Our verses call God ELOKIM ("God"), the "general" or "international" name known to all nations, which is used, as a rule, when the Torah presents dialogue with gentiles (see Bereishit 20, 31:40-41; Shemot 5:1-4; see also Ibn Ezra to Shemot 3:15; Kuzari, fourth chap.). The reason for its use here is precisely because the Jews finally left Egypt with Par'o's permission. This account of the exodus describes a political-historical event which takes place along natural, political lines; its goal is not revelation at Sinai.

Only when the Torah returns to describe the "other" exodus, the journey towards complete freedom, with no foreign protection whatsoever, and where the goal is the Torah, does it speak of Revelation and Lawgiving, and does God reveal Himself through His transcendental, historical attribute Y-H-V-H: "HaShem went before them by day..." (v.21) The "Way of the Land of the Philistines" was an official route under Egyptian jurisdiction, as were considerable portions of Canaan. Had Israel taken Par'o's road, they would have displayed good faith to him, and de facto recognition of his protection. At every checkpoint along the road, they would have shown Par'o's letter of safe passage; the sentries would have passed them through, and entered in their logs that Par'o's SUBJECTS passed through according to his instructions. Israel would have sent Par'o a letter of thanks. Whenever they found themselves in danger, especially in situations of war, they would have sent Par'o letters similar to the petition for aid sent to Par'o by Biridia, king of Shekhem: "To my king, my lord and my sun: So speaks Biridia, the King's faithful servant. Beneath the feet of my king, my lord and my sun, I grovel on my belly and on my back." (from the Tel El-'Amarna letters) Had Israel left Israel in this fashion, Par'o would never have pursued them at all. He could have granted them the mountain region and even made them his representatives there. In times of war, the people would have returned to Egypt to seek protection. Needless to say, this exodus would not have been conducive to Revelation. A slave-nation which progressed from slave status in Egypt to vassal status in Canaan would not have achieved true freedom, even if it would have been freed from hard labor. A nation which is not free could not have received the Torah. God's sovereignty is possible only after all other sovereignties have been renounced: "I am the Lord your God ... you will not have other gods beside Me." Moshe's prophecy and leadership - including God's revelation at Sinai giving the Torah - stem from a state of complete independence from Par'o. For this reason, God led them on the desert route, into confrontation, into war, into salvation and singing, and into complete freedom - "You will never see them (through the eyes of slaves) again." (14:13) [An expanded version of this article appears in Megadim 3.]

For further study: 1. According to the shiur, the purpose of the splitting of the Sea was to change the attitude of the Jews to Egypt. Is this contradicted by 14:31? 2. Does the repeated request of the Jews in Sefer Bamidbar contradict the conclusion of the shiur? 3. Does 15:14-16 suggest another purpose for the splitting of the Sea? Can this be introduced to the verse at the beginning of the parasha? (See Yehoshua 2:10.)

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drasha@torah.org DRASHA -- PARSHAS BSHALACH- WORDS OF

REMEMBRANCE [by Rabbi Mordechai Kamenetzky]

This week's portion begins with the event that merits the title of the book - Exodus. The Jews finally are chased from Egypt. Hastily, they gather their meager possessions and with the gold and silver that the Egyptians miraculously gave them they flee. But one of them, their leader no less, does not take gold and silver. He takes Joseph's bones. The Torah tells us why. Decades prior, Joseph beseeched his children, "pakod yifkod - G-d will surely remember you and you shall bring my bones up with you out of here" (Genesis 50:25). Slavery can make one forget commitments - especially about old bones. However, despite more than a century of servitude, Moshe kept the promise. What baffles me is the wording of the request and its fulfillment. Why did Yoseph juxtapose the words "pakod yifkod" (G-d shall remember) with the petition to re-inter his bones? It is repeated in this week's portion. "Moshe took the bones because Joseph said that pakod yifkod - G-d will remember you and bring my bones up" (Exodus 13: 19). It is wonderful that Joseph assured redemption, but is that the reason Moshe took the bones? Didn't he take the bones simply to fulfill a commitment to Joseph? What does pakod yifkod have to do with it? Why is it inserted in both the request and response?

Twelve years ago, our Yeshiva established an audio Torah tape library. I looked in the Yellow Pages and found a company that sold tape labels. A very knowledgeable representative took my call. Clearly Jewish, she had a Brooklyn accent, and spiced her words with some Yiddish expressions. I felt comfortable dealing with someone who I believed, knew about Jewish institutions. I said I would call her back and asked for her name. She answered proudly, "Esther." "Last name?" I inquired. After a brief pause, I received an answer that surprised me. "Scatteregio." "Scatteregio?" I repeated in amazement. Stepping where perhaps I should not have, I explained my perplexity. "Actually," I offered, "I was expecting Cohen or Goldberg." She paused, "you are right, I am Jewish and my first husband was Goldman." Another pause. "But now I'm remarried, and its "Scatteregio." She took a deep breath. "But I have a Jewish son, Rick, and he really wants to observe. In fact, he wants me to allow him to study in an Israeli Yeshiva." I knew that this was not destined to be a telephone call only about tape. For half an hour, I talked about the importance of Yeshiva, and how Rick could be her link to her past and connection with her future. I never knew what kind of impact my words made. I remember leaving my name and talking about my namesake's influence on an Esther of yesteryear. I ended the conversation with the words "Esther, es vet zain gut!" (Yiddish for it will be well!) Ten years later, during the intermediate days of Passover I took my children to a local park. Many Jewish grandparents were there, watching the next generations slide and swing. An older woman wearing pants and smoking a cigarette was holding the hand of a young boy who was wearing a large kipah and had thick payos (sidecurls). As one of my children offered to play with the little boy, I nodded hello and smiled. With tremendous pride, she began talking about her grandchildren. "Do you know my son Reuvain? He was studying in a Far Rockaway yeshiva until now and just took a job in the city." "Wonderful," I said, "but I don't know your son." She told me about the struggles of making a living, and I had no choice but to listen and smile. Instinctively I responded, "Es vet zain gut!" Things will be fine. Her eyes locked on me. She stared in disbelief. "Mordechai?" "Esther?" We just shook our heads in disbelief, and to my amazement, she told me that Rick did go to Yeshiva, these were his children, and they were truly her nachas (pride and joy). I never will know if my words helped turn Rick into Reuvain, but I am sure that the words, "es vet zain gut" assuring someone that things will be all right, was a statement not easily forgotten.

When Yoseph made his children promise that they will take his bones with them, he added an assurance. He promised them that G-d would surely remember them. Even Hashem, appearing to Moshe said, "pakod pakadti," "I have remembered" (Exodus 3:16). Yoseph, too, requested to be remembered. Two hundred years of slavery can take an awful toll on people. It can make them give up their pride, it can make them forget about family, it surely it can cause them to forget about bones. But when requests are linked with comforting words, they endure. Moshe took Yoseph's bones

because they were linked with words of reassurance that remained an anthem of the Jews in exile, "G-d will remember you." And Moses remembered, too. Good Shabbos

Dedicated in loving memory of Aaron Beck by Marilyn and Jules Beck
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weekly-halacha@torah.org WEEKLY-HALACHA FOR 5758 SELECTED HALACHOS
RELATING TO PARSHAS BESHALACH By Rabbi Daniel Neustadt A discussion of
Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

There he established a decree and an ordinance (14:25) In Mara they were given the rules of
civil law... (Rashi)

BUSINESS COMPETITION BETWEEN INDIVIDUALS: WHEN IS IT PROPER?
QUESTION: How does the Halachah view an insurance or travel agent who tries to wrest away an
established client from another Jewish agent? Is it proper for a Judaica store owner, a wig stylist or a
kosher caterer to recruit the established clients of his Jewish competitor? DISCUSSION: Many
poskim maintain that it is prohibited to actively pursue a client or a customer, Jewish or non-Jewish,
if the client has developed an ongoing business relationship with a competitor. The classic case
quoted in Rama(1) is that of a medieval tailor who for many years had an exclusive account with a
local non-Jew. When another Jewish tailor actively sought the non-Jew's business, the dispute
between the two tailors was brought before the Rashba. The Rashba ruled that the second tailor was
acting improperly and that the account should remain the exclusive right of the first tailor. The
Rashba explains that his ruling is based on the following halachic concept: The long-term business
relationship and apparent commitment between the tailor and his client gives the tailor a certain
sense of semichus da'as, a well-founded assumption and expectation that this particular account is
his. Even though there was no explicit verbal or contractual agreement between them regarding
future business, still it was clearly understood that he will continue to be the tailor for this non-Jew.
No other Jew is allowed, therefore, to infringe on that existing relationship and understanding, and
one who does so is acting improperly and should be censured(2). Nevertheless, rules the
Rashba, if by the time bais din was notified, the second tailor had already succeeded in wresting the
account away from the first tailor, bais din is powerless to force him to relinquish it, since in a very
literal sense, the second tailor did not actually take something which is not his. Technically speaking,
the account was not sealed and delivered and, therefore, it was open to bidding from competition.
[This is especially true when dealing with a non-Jewish customer, since more often than not,
non-Jews do not have a sense of loyalty towards their Jewish tradesmen and will readily drop one
business relationship in favor of another(3).] Indeed, the Rama quotes opinions who disagree
with the Rashba altogether and permit - or at the very least, do not object to - the second tailor's
actively pursuing any account that he can, regardless of any long-term relationship his competitor
may have had with an existing account(4). In the years since the Rashba's ruling, various
customs evolved in European communities in regard to this issue. Some communities strictly forbade
their members from pursuing each other's steady business accounts, going so far as to invalidate such
contracts and returning the accounts to the original vendor or tradesman(5). Other communities
prohibited such dealings but did not invalidate them if they already transpired, while yet others
allowed such competition and did not restrict it in any way(6). Although today a clear-cut
custom does not exist, the opinion of the majority of the poksim(7) is to follow the
middle-of-the-road ruling of the Rashba, which is to prohibit and discourage this type of competition
whenever possible(8), but not to invalidate a business deal once it has been transacted. Based
on the above, the answer to our original question concerning the insurance or travel agent, Judaica
store owner, wig stylist and caterer should be very clear: If a Jewish vendor or tradesman has a
long-term(9) steady customer with whom he assumes and expects to continue doing business,
another Jew is not allowed to lure that customer away. If, however, the competitor was ignorant of -
or disregarded - this rule and was successful in collaring the account, he cannot be forced to give it
up, nor is one allowed to refer to him as a rasha, a wicked person. There are, however, two
very important considerations which may drastically affect the halachah in several of the cases
mentioned above. It is obvious that one is restricted from soliciting another person's steady
business only if all other competitors will also restrict themselves from soliciting established
accounts. If, however, the particular business field is full of non-Jewish or non-observant salesmen
who will not restrict their customer-baiting activities, then the restriction is lifted(10). The
insurance field, for instance, is filled with agents who are constantly attempting to lure established
accounts from other agents or agencies. This is a legal procedure and considered normal business
practice. There is no restriction, therefore, on an observant Jewish agent soliciting business from
another agent's established accounts, since, as explained, even if he will not solicit the account,
others surely will. There is no requirement for the observant agent to place himself at a disadvantage.
The halachah is different, however, in regard to Judaica store owners, wig stylists or kosher
caterers. These types of businesses are generally run by observant Jews who follow the dictates of
the halachah. Consequently, when a particular vendor regularly assumes and expects that a steady
long-term account will remain his for the foreseeable future, one may not pursue that account.
In the final analysis, therefore, there is no blanket answer. The halachah will depend on the type of
business and on the general business climate in that particular field. If - as is the case in many
service-type of businesses - customers are generally not pursued by others in the field and are

usually loyal to their service provider, then the observant businessman may not chase after their business. On the other hand, a type of business where competition is the norm (e.g., commission-based businesses), is unrestricted to the observant businessman. Another important point to remember is that the restriction applies only to a competitor soliciting or enticing a client to buy his product over his competition's. It is permitted, however, for the client or customer to solicit a different provider or agent, even though he has been doing steady business with a particular concern business for a long period of time(11). NOTE: As in all matters of halachah, one should consult a rav before deciding how to approach a questionable situation. Especially in regard to business related issues, where it is almost impossible for one to be completely objective as it is his livelihood which is at stake, the halachic perspective of a competent authority is imperative.

FOOTNOTES: 1 C.M. 156:5, based on Teshuvos Rashba 6:259 2 Rashba offers two Talmudical sources for this ruling: a) Bava Basra 21a, concerning fish which were almost netted by a fisherman and then swept away at the last moment by a competing fisherman; b) Gitin 30a, concerning the laws of Makirei kehunah, which give a kohen the right to claim his steady stipend from the yisrael because of the assumption that they are his, based on their long-term relationship. 3 Indeed, some poskim are of the opinion that the Rashba's ruling applied only to competitors pursuing a non-Jew's business, as in the case of the two tailors. If the tailors were competing for a Jewish customer, the first tailor would have an even stronger case, since Jewish customers have a greater degree of loyalty and commitment to their service providers, tradesmen, etc., and the first tailor would have had a firmer assumption that the account would remain his - Chasam Sofer C.M. 79; Beis Efrayim 29; Mharsham 1:151; See Seridei Eish 3:66 for a different approach. 4 The logic behind this view may be explained in one of two ways: a) Semichus da'as, assumptions and expectations, are not legally nor halachically binding (Beir ha-Gra C.M. 156:5; Aruch ha-Shulchan C.M. 156:); b) In a fiercely competitive business world, there are no assumptions and expectations since the threat of competition is always present (Teshuvos Mahrshal 36). 5 Teshuvos Mahrshal 36 as explained in Ma'asas Binyamin 27 and Chasam Sofer C.M. 61. 6 The various views are quoted in Rama and Be'er Heitev ibid. See also Teshuvos Chavos Yair 42. 7 Chasam Sofer C.M 61.; Beis Efrayim 27; Yeshuos Malko C.M. 19; M'haril Diskin (pesakim 1); Minchs Yitzchak 2:94; 3:127. See also Shulchan Aruch Harav (Hasagas Gevul 13) that a G-d fearing person should be stringent in this. 8 Even if the competitor is offering the potential client a lower price, still he may not pursue a client who "belongs" to his competitor - Teshuvos Lechem Rav 216. See also Teshuvos Beis Shelomo Y.D. 19. 9 The exact length of the relationship is not clearly defined, although some poskim suggest three years (or three deals) as a rule of thumb, see Chavos Yair 42. 10 See Teshuvos Kol Aryeh 135 and Yeshuos Malko C.M. 19 for an explanation of this issue. 11 Sma C.M. 386:

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dafyomi@jer1.co.il Insights into Daf Yomi from Ohr Somayach The Weekly Daf #208 Shabbos 65-71 By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions

Is Ignorance of the Law an Excuse? If a person violates the Sabbath because he is unaware of the law in the Torah prohibiting creative labor on that day, is he considered completely free from sin because of his ignorance? Or is he placed in the same category as one who merely forgot that today is the Sabbath, or forgot that this particular type of activity is prohibited on the Sabbath, and is therefore obligated to bring a sin offering as atonement? This issue is debated by the greatest of the Talmudic Sages. The halachic authorities rule that even one who is ignorant of the law because he was taken into heathen captivity as a child and never heard of the laws of Shabbos is obligated to bring a sin offering as atonement. This rule is also applied later in this perek (72b) to one who commits idolatry or eats forbidden animal fat on the assumption that it is permissible to do so. (The only exception to the rule, points out Tosafos, is the case of manslaughter, where ignorance of the law is considered different than an act of involuntary murder, and therefore does not obligate the perpetrator to be exiled to one of the cities of refuge.) How can we understand the need for atonement in such a case? An understanding can be gained from the explanation provided by Rambam (Vayikra 4:2) for the need of sacrificial atonement for any involuntary sin. The very experience of sin, he writes, even if it is not a willful act, contaminates man's soul and renders him incapable of approaching his Creator until he achieves rehabilitation through the sacrifice. Beyond the question of sacrificial obligation, the issue of ignorance of the law crops up in other areas of halacha. We shall cite two issues which seem to take this concept in opposite directions because of the radically different circumstances. Torah law forbids a man to remain married to a wife who has willingly been unfaithful to him, but condones perpetuation of the marriage (unless the husband is a kohen) if she was forced into adultery against her will or through error. What if she willingly committed adultery because she thought it was permissible? In Shulchan Aruch Even Haezer 178:3 the Rema rules, on the basis of a landmark decision of the Maharik (Shoresh 168), that she is forbidden to her husband. His reasoning is that the Torah explains the termination of the marriage on the grounds that she was unfaithful, and not on the basis of how severe her sin was. In regard to

the halachic ramifications of a Jew publicly violating the Sabbath, we find an interesting point made a little over a century ago by Rabbi Yaakov Ettinger in his Responsa Binyan Zion (Vol. II, Resp. 23), about considering a Jew brought up in a non-observant environment a "tinok shenishba" and not to be regarded as one who willingly violates the Sabbath. Shabbos 68b

An Appeal for Prayer A Jew whose improper behavior has brought upon him the leprosy-like condition of being a "metzora" is obligated not only to rend his garments, let his hair grow and isolate himself from his family and community, but also to call out to those who pass near him that he is tamei (ritually impure). What is the reason for requiring him to make his condition public knowledge? One approach (Toras Kohanim quoted by Rashi on Vayikra 13:45) is that his announcement serves as a warning to people to stay away from him and thus avoid contaminating themselves through contact with him. In our gemara, however, we are told that the purpose of his declaration is to make others aware of his plight and thus inspire them to pray for his recovery. This concept is extended to painting a tree which prematurely sheds its fruit. Painting a tree calls public attention to its condition and inspires prayer for its recovery. While it is readily understood that the ailing tree must have humans praying for it, there is a definite difficulty in understanding why the metzora cannot pray for himself. Why must he be so dependent on the prayers of others? Iyun Yaakov cites the Zohar in Parshas Metzora, which states that the anti-social behavior of the metzora has disqualified him from having his own prayer accepted. He is therefore totally dependent on the prayer of others. In support of this approach he cites the example of Miriam who needed her brother Moshe to pray for her when she was afflicted with this metzora condition, and was not capable of praying for herself. Shabbos 67a

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Shabbos 63 1) THE WORLD IN THE TIMES OF MASHIACH QUESTION: There are two opinions concerning what the world will be like in the times of Mashiach. According to Shmuel, the world will be the same as it is now, with the exception that the Jewish people will be autonomous and not subjugated to foreign dominion. According to Rabbi Chiya bar Aba, the world will fundamentally change; all of the prophecies of the prophets will come true, and war and poverty will be nonexistent. The RAMBAM, when describing the times of Mashiach, appears to contradict himself. In Hilchos Teshuvah (8:7), the Rambam writes that all the prophecies of the prophets apply to the times of Mashiach, and not to Olam ha'Ba. Similarly, in Hilchos Melachim (12:1.5) he writes that there will be no more war or starvation in the times of Mashiach. The Rambam is clearly ruling in accordance with the opinion of Rabbi Chiya bar Aba. However, in the same chapter (12:2), the Rambam quotes the words of Shmuel, "There is no difference between this world and the times of Mashiach except the lack of subjugation to foreign dominion," who argues with Rav Chiya bar Aba and the other statements that the Rambam writes! ANSWER: The Rambam himself gives the key to answering this contradiction. In Hilchos Melachim (12:1), the Rambam writes that all of the prophecies in Yeshayah (ch. 11) such as the wolf living with sheep are all metaphorical, representing the fact that there will be peace between the Jews and the seventy "wolves," the other nations of the world. The Rambam understood that Rav Chiya Bar Aba was saying that although the prophecies *will* come to pass in the days of Mashiach, the natural order of the world will *not* change. There will be no miraculous changes in the physical nature of the world. Any prophecy that alludes to a miraculous change is in truth just a metaphor. According to Shmuel, on the other hand, the prophecies will not come to pass at all in the times of Mashiach, and there will *not* be peace among the other nations. That is why the Rambam -- who says that the prophecies *will* come true in the time of Mashiach (not like Shmuel) -- can still say that there will be no change in the actual *nature* of the world. (See LECHEM MISHNAH in Hilchos Teshuvah 8:7) Why, then, does the Rambam use the words of Shmuel to express this thought, when Shmuel himself meant his words literally -- that there is no difference between this world and the times of Mashiach even with regard to peace in the world, and not just with regard to the physical nature of the world. Why does the Rambam use those same words to refer to a different concept -- that there *will* be a significant difference between this world and the times of Mashiach? It can be proven from many places that the Rambam was so fond of using the phraseology of Chazal that he often used the words of Chazal when they express his point, even when they were originally stated in a completely different, and even opposite, context (see, for example, Hilchos Isurei Bi'ah 1:3). Here, the words of Shmuel are quoted to express the Rambam's view, even though Shmuel himself meant something entirely different. (M. Kornfeld 2) CONCLUSION: THE WORLD IN THE TIMES OF MASHIACH OPINIONS: What will the world be like in the times of Mashiach, according to the Chachamim who hold that the prophecies of the prophets will come true? (a) The RAMBAM (Hilchos Melachim 12:1) writes that the prophecies will come true, but they are all metaphors. The nature of the world will not change; it will only change as far as peace and plenty are concerned, but the physical properties of the world will not change. (b) The RA'AVAD disagrees, citing as proof the verse, "And I will cause all wild animals to cease..." (Vayikra 36:6). The Ra'avad apparently means that even if the words of the prophets can be understood figuratively, the words of the Torah can be understood only literally (as we find in the 32 Midos of Rabbi Eliezer ben Rabbi Yosi ha'Gelli, Midah #26). Since the Torah says that the physical properties of animals will change in the times of Mashiach, we see that there will also be physical changes in the nature of the world. (c) The RABBAZ on the Rambam (ad loc.) compromises, suggesting that in the land of Israel, the words of the prophets will come true literally, while outside of Israel, they will occur only in a figurative sense.

64b-----64b HALACHAH: WOMEN WEARING WIGS OPINIONS: The Mishnah says that a woman may go out into Reshus ha'Rabim on Shabbos with hair tied around her hair, whether it is her own hair that is tied on or whether it is hair from someone else or from an animal. Similarly, says the Mishnah, a woman may go into a Chatzer (but not into Reshus ha'Rabim) while wearing a Pe'ah Nachris (a wig). Rashi (here and in Erchin 7b) explains that the purpose of this wig is to give the appearance that the woman has a lot of hair. (a) THE SHILTEI GIBORIM proves from here that a woman is normally allowed to wear a wig in public, and that the Torah only requires her to cover the hair that is attached to her head. He explains that the Mishnah

must be talking about married women, because the Gemara says that the reason she may wear certain articles, such as the wig, in a Chatzer is in order that she not become loathsome to her husband. This also shows that the wig is not covered (because otherwise her husband would not be able to see it). (b) The BE'ER SHEVA (Teshuvah #18) quotes Rav Yehudah Katzenelenbogen who explains that according to Rashi -- who said that the purpose of a wig is to give the appearance that she has more hair -- it must be that she wears the wig the same way other women wear their natural hair, that is, covered. One may ask, what is the point of wearing a wig that is covered if even her husband cannot see her hair? The answer is that the wig gives her hair a fuller look from beneath the kerchief. If the purpose of the wig is to stuff the kerchief, why does the woman not simply stuff up her kerchief with wool? He answers that sometimes the kerchief slips from its place and the hair under it is visible, and it would be very embarrassing for wool to show up there instead of hair. Second, Rav Yehudah Katzenelenbogen says that even if the Shiltei Giborim is correct that the wig is worn uncovered, perhaps it is only worn uncovered in a Chatzer (which is what the Mishnah is talking about) which very few people enter. In such a Chatzer where people do not commonly walk, it is permitted for a woman to go even with her natural hair uncovered, m'likar ha'Din. (NOTE: This explanation seems a bit forced, for the Rishonim make it clear that a Pe'ah Nachris cannot be worn in Reshus ha'Rabim *only* because of the Isur Tiltul, see Tosfos and Rishonim 57b DH Iy -M. Kornfeld) Third, even if the Mishnah is talking about a Chatzer where many people do commonly walk, it is only talking about the laws of Shabbos, and is not discussing the laws of modesty and Das Yehudis. That is, from the perspective of the laws of Shabbos, she may go into a Chatzer with an uncovered wig (but from the perspective of the laws of Das Yehudis, she may not). He points out that this is similar to what the Rosh wrote in the beginning of Maseches Shabbos, at the end of 1:1, with regard to Lifnei Iver. (This also seems forced, since the *Rabanam* permitted the woman to wear the Pe'ah Nachris in order that she should not become loathsome to her husband, implying that it is a proper thing for a woman to do.) We may suggest another reason why a woman wears a covered Pe'ah Nachris. The main purpose of the Pe'ah Nachris may be to appeal to her husband when in the house, where it is permitted to leave her hair uncovered. However, since it was complicated to put on and remove the wig of the Gemara (which may have not been as convenient to remove as today's wigs), the woman would often leave it on even in Reshus ha'Rabim, and cover it so as not to stand out. In any case, Rav Katzenelenbogen concludes that wearing an uncovered wig is certainly forbidden. HALACHAH: The MAGEN AVRAHAM (OC 75:5) sides with the Shiltei Giborim and permits wearing a wig. Today there are different practices among different communities regarding wearing wigs.

65b-----65b HALACHAH: IMMERSING IN A RIVER TOSFOS (DH d'Amar Shmuel, and Bechoros 55b, DH Ein) cites RABEINU TAM who rules in accordance with the statement of Shmuel that a river's waters increase from the river's own subterranean sources, and therefore one may immerse in a river throughout the entire year. Rabeinu Tam (Bechoros ibid.) adds that even those who prohibit Tevilah in rivers during certain seasons, based on the rulings of Shmuel's father and the other Amora'im, would have to admit that: (a) All the rivers in Israel are fit for Tevilah. Since it is higher than all other lands (Zevachim 54b), it sheds its rainwater and its rivers flow from subterranean sources alone. (See Mikv'a'os 8:1, "Eretz Yisrael is Tahor and its Mikva'os are Tahor" -- M.K.) (b) The same may apply to all other mountain rivers. (c) Rabeinu Tam adds that all Amora'im agree that according to Torah law, one may immerse in a river even during the rainy season. It was the Rabanan who prohibited Tevilah in a river due to Mar's Ayin (that is, it *looks as if* the person is immersing in rainwater). He offers two logical grounds for this assertion: (1) Rain water trickles into the river drop by drop and is therefore Batel (annulled) by the river water. (2) All rivers join with the sea at some point (Kohelos 1:4), and since the sea is valid for Tevilah, so are the rivers. HALACHAH: The SHULCHAN ARUCH (YD 201:2) rules that if there is more rain water than river water in a river, one may immerse only if the water is kept stationary. Although REMA recommends following this ruling, he adds that there is an opinion (Rabeinu Tam) that one *may* immerse in a river with more rain water than river water. The REMA concludes that the custom is to immerse in rivers throughout the entire year in places where there are no Mikva'os.

Shabbos 66 HALACHAH: GOING TO "RESHUS HA'RABIM" WITH CRUTCHES ON SHABBOS May a person walk in Reshus ha'Rabim with crutches on Shabbos? Are crutches considered tools that a person is *carrying*, and prohibited, or are they considered a piece of apparel, and permitted to be taken into Reshus ha'Rabim? The Shulchan Aruch O.C. 301:17 distinguishes between two situations: 1) A person who cannot walk without using a crutch is permitted to use crutches in Reshus ha'Rabim, as they are considered garments like shoes (Mishnah Berurah #63) 2) A person who is able to walk without crutches but uses crutches to assist in walking is not permitted to use his crutches in Reshus ha'Rabim. They are considered a Masuy. The Mishnah Berurah (#64) writes that if a person walks without using a cane when at home and only uses it when he walks outside, he falls into category #2 above. However, Mishnah Berurah #65 quotes the Taz that if a person has difficulty walking and must use a stick in wet or icy conditions, he is in category #1, and permitted to use a cane in Reshus ha'Rabim. The Mishnah Berurah himself argues, citing several Acharonim who disagree with the Taz and are stringent in this situation, but the Aruch Hashulchan (301:70) agrees with the Taz and permits the use of a cane in icy conditions. The Shulchan Aruch 301:18 writes that a blind person may not go out with his cane. Mishnah Berurah explains that since the blind person can walk unaided and the cane is only used to steady himself, he is in category #2. The Aruch haShulchan 302:72 limits the ruling of the Shulchan Aruch to a situation when the blind person is walking in a familiar area. When he is in a strange place, he is unable to walk unless he has his cane to feel ahead for obstacles. It is therefore permitted for him to carry a cane, as he falls into category #1.

Shabbos 67 1) HEALING WITH VERSES FROM THE TORAH QUESTION: How can the Gemara here permit one to use verses from the Torah for healing? The Gemara (Shavuos 15b) states that it is forbidden to use verses for healing! ANSWERS: (a) When one's intention is to heal a spiritual ailment with verses, it is permitted. (MAHARSHA) (b) If the illness poses risk of mortal danger, one may use verses for healing. (TOSFOS, Shavuos 15b and Pesachim 111a)

2) "DARCHEI HA'EMORI" IN AN ACT DONE FOR "REFU'AH" OPINIONS: Abaye and Rava rule that any act which is done for Refu'ah does not constitute Darchei Emori, while anything which is not for Refu'ah constitutes Darchei Emori. What is considered something done for Refu'ah? (a) RASHI (Chulin 77b, DH Yesh) says that the category of Refu'ah includes a liquid, potion, or

incantation which one says over a wound. Rashi (ibid.) explains that something done not for Refu'ah refers to an act which is not done "on a sick area," such as burying a Shilya at a junction. The PANIM MEIROS (1:36) understands Rashi to mean that we are allowed to do an act over the body of the sick person, but not from a distance. For this reason he prohibits making an amulet to be hung in a tree to help a baby sleep better. (b) RASHI here (DH sh'Yesh) defines Refu'ah as an act which works to heal from a medical standpoint. This would seem to exclude an incantation whispered over a wound. The RAMBAM (Moreh Nevuchim) also says that the act must have some medical quality to its healing ability. The RASHBA (Teshuvos 1:413) questions the Rambam's opinion from the case of the fox tooth, which the Rambam himself rules (Hilchos Shabbos 19:13) is permitted. (c) The RAN (Chulin 77b) quotes Rashi in Shabbos and asks, as did the Rashba, that the Gemara permits one to wear a fox-tooth as a sleeping potion even though its properties cannot be understood from a medical perspective. The Ran therefore defines an act for the sake of Refu'ah as any act which we know works to heal -- even if it works metaphysically. An "act done not for the sake of Refu'ah" is an act which has no known results.

daf-discuss[SMTP:daf-discuss@shemaisrael.com] Shabbos 063b: The Tzitz in Rome Yitzchak Kasdan <ikasdan@gkmg.com> asked: Although R. Eliezer attested that the words "Kodesh Lashem" were written on one line on the tzitz that he saw in Rome, the Rambam paskins that the words "Kodesh Lashem" should be written on two lines and holds like R. Eliezer (that one line is also "kasher") only b'deved (see Hilchos Klei HaMikdash 9,1 and the Kesef Mishneh there). Why doesn't the Rambam hold like R. Eliezer l'chatiah -- after all he saw the actual tzitz! [For one explanation see Michtav MaEliyahu chelek 4, page 57, ed. note 1.] More generally -- when, if ever, may we *determine* the Halacha based on the metzius that existed in the past that we later re-discover? Or can we never *determine* Halacha in that fashion but still be able to *rely* on such rediscoveries as *proof* of what the Halacha is. For example, the S'mag and the Mordechai (and I believe the Rambam himself) brought proof to the Halacha of the order of the parshiyos in t'filin in accordance with Rashi (as opposed to Rabbeinu Tam) from the discovery of an old pair of (Rashi's sh'tah) t'filin at kever Y'chezkel. Others did not agree that such t'filin could be relied on as "proof" of the Halacha. See, e.g., Bach on Tur, OC 34. Similarly, there are those today who bring "proofs" re: the "real" color of t'cheiles based on tzitzis found at Masada. Is that a legitimate approach in terms of p'sak? Any m'koros that you have regarding archeological finds and their significance, if any, on p'sak Halacha would be much appreciated. Thanks.

The Kollel replies: (a) Halacha cannot be determined by things such as archaeological finds, because it is impossible to know all of the details of the issue based on archaeology. One example is from our Sugya of Tzitz. The Rambam himself writes that it was occasionally written (for whatever reason) entirely on one line, and perhaps the one that Rabbi Eliezer saw in Rome was one such Tzitz. Even though such a Tzitz was valid, it was preferable to have it written on two lines. (b) We find in Bava Basra (78a) that the Rabanan rebuked Rabah bar bar Chanah who had been traveling in the desert and found the bodies of the Jews who had died in the desert after the Exodus, and he failed to count the knots on their Tzitzis in order to determine whether the Halachah is like Beis Shamai or Beis Hillel (who argue concerning the number of knots on the Tzitzis). Rabah bar bar Chanah, on the other hand, may have maintained that no proof can be adduced from such finds, and therefore he did not bother counting them. (c) In the book "Midos u'Mishkalos Shel Torah" (Rav Yosef Weiss), the author cites the Nodah b'Yehudah who wrote (with regard to measurements based on the size of an egg) that eggs have changed and have become smaller than they used to be. Rav Weiss points out that in the pyramids and in Pompei, eggs from early generations were found (from the times of the Tana'im and earlier), and they were all the same size as they are today. However, he himself writes that those eggs that were found may have been smaller eggs than the normal egg of that time (similar to what we wrote above in (a)).

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