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What dreams are made of :: Rabbi Berel Wein

Last Shabbat afternoon I took my traditional Shabbat afternoon rest. I slept more soundly than usual and I dreamed a dream that was so visibly etched in my mind that I awoke with a start. The dream was about a sermon that I was somehow going to give that Shabbat in the synagogue. My subconscious completely neglected the fact that I had already delivered my immortal sermon for that Shabbat in the morning services a number of hours earlier.

But the dream was so real to me that when I awoke I looked at my watch. The watch read 2:50 p.m., but under the influence of the dream I saw it as reading 8:50 a.m. I exclaimed to my wife, "I am late for the synagogue services!" My wife gave me that long-suffering look that only wives know how to perfect and said sweetly, "It is only 10 minutes to three in the afternoon, and I have no concept what you are talking about."

Shocked out of my reverie by her astute observation, I realized that even when I awoke and jumped out of bed, I was essentially still dreaming. And I also realized that once more that it is a very thin line indeed that separates one's self from dreams and reality. In fact, dreams sometimes are better indicators of reality than is so-called reality itself. We are taught by Jewish tradition that prophecy reaches humans through the medium of dreams. And prophecy certainly turns into ultimate reality.

We read in Psalms that when God restores the exile of Zion we will view it as though in a dream. The real truth is that the survival of the Jewish people over the millennia of exile and persecution is nothing less than a wild dream. And the dream of a Jewish sovereign state in the Land of Israel was held to be an impossible dream by many Jews and certainly by the "experts" in politics and international relations.

But these dreams were realities. And it was the genius of the Jew that always saw them as reality and not only as far-fetched hopes and wild schemes. In the 18th century, Rabbi Nahman of Breslav typified this dream/reality situation of the believing Jew when he stated, "Every step in life that I take is toward Jerusalem." And so it turned out to be for his followers centuries later.

Our father Jacob dreamed a great dream on his way to an uncertain future in the house of Laban. The dream, however, was so real to him that all of his life was influenced by it. To a great extent, that dream has remained the dream and the sense of reality of his descendants until our very day. Jews never gave up on the dream of Zion and Jerusalem, no matter where they lived and no matter how unlikely - in fact impossible - the reality that that dream could be fulfilled in actuality. The brothers of Joseph mocked him, saying, "Here comes the dreamer." But the dreamer was the realist and not the practical-minded brothers.

Part of what ails the Jewish world today, both here and in the Diaspora, is the absence of great dreams. We are so sunk into the difficult situations that we face that we have forgotten to dream. Post-Zionism has robbed us of the dream of Zion and Jerusalem rebuilt, united from within and spiritually and physically secure. Secularism has devastated the great dreams of Israel, the traditions of Sinai and the sanctity of the Torah, which alone has preserved us to this moment in our story. The political infighting is so fierce and loud that we no longer hear each other, let alone are able to listen to one another.

Without dreams, reality becomes almost too difficult to deal with intelligently and confidently. It is only the ability to dream and to believe in our dreams that sweetens the bitter and smooths the hurdles in our path. Just as every individual needs private dreams and aspirations to move ahead and succeed in life, so too does a nation require such great dreams and to be able to dream together collectively and hopefully.

In our time, leadership must be defined in the dream for the nation that is being articulated and projected. The mission of Israel as expressed in the Torah and the words of the prophets - a holy people, a light unto the

nations, etc. - is a realizable one. But only if we will dream in those terms and work toward those goals.

The writer is a noted scholar, historian, speaker and educator.

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TORAH WEEKLY :: Parshat Shlach

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by Rabbi Yaakov Asher Sinclair

OVERVIEW

At the insistence of Bnei Yisrael, and with G-d's permission, Moshe sends 12 scouts, one from each tribe, to investigate Canaan. Anticipating trouble, Moshe changes Hoshea's name to Yehoshua, expressing a prayer that G-d not let him fail in his mission. They return 40 days later, carrying unusually large fruit. When 10 of the 12 state that the people in Canaan are as formidable as the fruit, the men are discouraged. Calev and Yehoshua, the only two scouts still in favor of the invasion, try to bolster the people's spirit. The nation, however, decides that the Land is not worth the potentially fatal risks, and instead demands a return to Egypt. Moshe's fervent prayers save the nation from Heavenly annihilation. However, G-d declares that they must remain in the desert for 40 years until the men who wept at the scouts' false report pass away. A remorseful group rashly begins an invasion of the Land based on G-d's original command. Moshe warns them not to proceed, but they ignore this and are massacred by the Amalekites and Canaanites. G-d instructs Moshe concerning the offerings to be made when Bnei Yisrael will finally enter the Land. The people are commanded to remove challa, a gift for the kohanim, from their dough. The laws for an offering after an inadvertent sin, for an individual or a group, are explained. However, should someone blaspheme against G-d and be unrepentant, he will be cut off spiritually from his people. One man is found gathering wood on public property in violation of the laws of Shabbat and he is executed. The laws of tzitzit are taught. We recite the section about the tzitzit twice a day to remind ourselves of the Exodus.

INSIGHTS

The Forty-Day Trippers

"Moshe sent them forth at G-d's command; they were all distinguished men; heads of the Children of Israel." (13:3)

There are two ways you can go through life. As a tourist or as an inspector. A tourist goes looking to be impressed. An inspector goes looking for trouble.

As a child, few things were more impressive than the prospect of a day-trip to the seaside. Off we would go from Fenchurch Street Station in a bright red carriage. Even the wheels of the train seemed to echo our excitement, "Going to the sea. to the sea .to the sea .the sea .the sea." they chattered away incessantly.

And at the end of an endless day we would return, red as lobsters, clutching our treasures: sea shells that spoke of ancient mariners, starfishes that would languish in some saucer over the sink until they would putrefy, and, of course, the mandatory stick of rock proudly proclaiming its heritage "Southend" imprinted into its very heart.

There's a lot to be said for being a tourist. It's certainly better than being an inspector.

An entire generation of the Jewish People perished as the result of the incident of the spies.

Ostensibly, however, it's difficult to reconcile the punishment with the crime. True, the Jewish People showed a lack of trust in G-d's ability to bring them safely into the Land, but that was only after the spies caused panic amongst the people with their negative report.

Moreover, before the spies set out, the Torah emphasizes that they were all great people, righteous to a man.

Why, then, were the people punished en masse, and what corrupted these great men?

In principle, G-d was not opposed to the spies entering the Land, as we see from the subsequent foray of Yehoshua and Calev. However, the trip of the spies to Eretz Yisrael was supposed to be no more than an excursion, sufficient to breathe the holy air of the Land, absorb its sanctity, and return refreshed and invigorated. At the beginning of their journey the spies were untainted; they were embarked on an appropriate enterprise sanctioned by G-d.

It was the people who wanted the Land checked out, not the scouts. They were not content that these spies be mere day-trippers returning with a few souvenirs and glowing memories.

They wanted an inspection.

They wanted chapter and verse, an in-depth survey: Is the Land fertile or barren? Is it possible to make a living? Are the locals going to be difficult to deal with?

These are things that G-d decides, not man.

The demands of the nation set up the spies to stumble and fall. Thus when G-d's anger flared, it encompassed the entire people and they found themselves on the longest day-trip in history - forty years, each year corresponding to the forty-day trip of the spies.

Peninim on the Torah by Rabbi A. Leib Scheinbaum

PARSHAS SHELACH

Send forth men, if you please. (13:2)

The Midrash Tanchuma cites a pasuk in Mishlei 26:6 which seems to equate the meraglim, spies, with a kesil, fool. This is enigmatic. The spies were anything but fools. The Torah refers to them as anashim, men of distinction, righteous persons - certainly not fools. If, in fact, they are denigrated because they disparaged Eretz Yisrael, they should be described with another derogatory term. Perhaps we are to view them as reshaim, wicked men, but surely not as fools. Is one who reports unfortunate tidings a fool? Indeed, in the Shulchan Aruch at the end of Hilchos Aveilus, it is stated that one who relates bad news is considered a fool. Why?

Horav Michel Peretz, Shlita, explains this based upon Chazal's dictum, "One does not sin unless he has first been possessed by a ruach shtus, spirit of foolishness." Now, let us ask ourselves: What is really the difference between a fool and a wise man? Chazal teach us that a chacham, wise man, is one who is roeh es ha'nolad, "sees what will be born, what will be the consequences of his actions." A fool, on the other hand, acts without forethought, with no purpose, no goal, and no objective. He acts in response to his whim of the moment.

The meraglim were not sent to discern if war were necessary, or if it would, in fact, be a successful campaign. They were sent to determine how they should fight, what tactics to employ, what methods would be most beneficial. Instead of returning with the correct information, they came back to the nation with defeat written over their faces and spewing from their mouths. They did not follow orders; they did not spy the land for the purpose for which they were sent. By disparaging the land, they only managed to dishearten the people and frighten them into believing that they had no chance for success. This was their act of foolishness: they did not fulfill their goal and objective in spying the land. They were sent for one purpose; they shifted the focus of their mission. This was foolish.

What really is the purpose of the slanderer? What benefit does he derive from tarnishing someone's reputation? What does he gain by causing untimely pain to another person? If that person deserves pain, Hashem will see to it that it afflicts him in due time. It is not the slanderer's function to execute Hashem's task. The disparager talks for no reason, no purpose, no benefit. One who acts without goals and objectives is a fool. He acts to gratify his own momentary needs. This is the meaning of the phrase, "One does not sin unless a spirit of shtus has entered him." Sin has no long-term purpose. It is an act of gratification that serves only to satisfy the moment. The sinner destroys his future in response to the whim of the present. Is that not foolish? Simply, one who acts without purpose, without goal and objective, just to satisfy his yetzer hora, evil inclination, is foolish.

This is the very definition of religion: recognizing that life has purpose and that one lives with that purpose in mind. The nature of the Jewish journey throughout history has been the recognition that history has a purpose and that humanity has a destiny. Through savage suffering and deprivation, we have clung to this belief. Through heroic persistence and overwhelming dedication, we have maintained our vision of this destiny. We have resolutely maintained our dignity, because we have understood that it is all part of a grand design. That is purpose. Those who disagree are not necessarily evil. They are simply foolish.

The entire congregation broke out in wailing. The people wept on that night. (14:1)

In the Talmud Taanis 29a, Chazal teach us that "that night" was none other than Tisha B'Av. Hashem said to the people, "On this night you cried for no reason at all; I will make this into a night of tears throughout your exile." Tisha B'Av has gone down in history as the night of weeping: the day of our national mourning; the day that our Batei Mikdash were destroyed; the day that many of our national tragedies occurred. All this was the result of unwarranted weeping. When we cried for nothing, Hashem gave us something about which to cry. We have no way of measuring the multitude of tears that have been shed during the millennia of Tisha B'Avs that we have experienced. Every exile has brought with it its own Tisha B'Av, but they all revert back to that fateful night when we cried for no reason. Is there a reprieve? Will these many tears ever become a source of consolation, comfort - even joy? In an essay on the sin of the meraglim, spies and their tragic ramifications, Horav Moshe Eisemann, Shlita, explains the concept of tears. I think we may be able to apply his explanation to a broader picture of tragedy and joy, exile and redemption.

We cry for two reasons; sometimes from joy, but, more often, from sorrow. Why would Hashem create us in such a way that we express both of these contrasting emotions in the same manner? It is not as if Hashem limited the many resources with which He has endowed us. Was there not an appropriate, less ambiguous way to differentiate between joy and sorrow? On a purely physiological level, tears are an expression of strong emotion. Thus, when one is either very happy or very sad, his tear ducts constrict and emit tears. Tear ducts do not "understand" the source of strong emotion, therefore, we have a technical explanation for tears being the same medium of expression for both joy and sorrow. Does it have to be that way? Are joy and sorrow intrinsically connected?

The Navi Zecharyah says, "Thus speaks the Lord of Hosts: The fast of the fourth month (Shivah Asar b'Tamuz), the fast of the fifth month (Tisha B'Av) the fast of the seventh month (Tzom Gedalyah) and the fast of the tenth month (Asarah B'Teves) will ultimately be transformed into days of joy and celebration for the family of Yehudah, provided only that the (people) will learn to live in truth and peace." (Zecharyah 8:19) The Navi's words are striking. Had he simply said that one day these days of mourning will end and joy will commence, we would have understood him. He goes further than this, however, when he says that these days will not simply disappear, but, rather, they will be transformed and reappear as days of joy and festivity. This is certainly far more than we had hoped for.

In reality, the theme that sorrow will one day not only give way to joy, but actually turn into joy; that mourning and grief will be transformed in celebration and joy seems to be a staple of Jewish history. Yirmiyahu HaNavi also predicts, "I will turn their mourning into joy. I will comfort them and cheer them in their grief." (Yirmiyahu 31:12) He is not presaging some new joyous celebration with no connection to the past. He predicts that the past will be transformed into joy. The Navi's vision that the future is grounded in the past results from viewing the past destruction in a different perspective. He views the past through the prism of the future Messianic era of Redemption.

While there needs to be more space dedicated to a topic of such import and sublimity, I will attempt to encapsulate Rav Eisemann's words and include my personal supplement. The Tanna, Rabbi Akiva, sums up life in his famous dictum, Kol mah d'avid Rachamana l'tav avid, "Anything at all which Hashem does is ultimately for the good." Thus, in the global view of the Torah, no tragedy is completely tragic, and no sorrow, is completely dark. There is light beneath the darkness of sorrow and hope within the

tragedy. There is no destruction, other than the one that carries redemption on its wings.

We find that when Yosef revealed himself to his brothers, he addressed all of them equally, comforting them. When he came to Binyamin, he was overwhelmed and began to cry on Binyamin's shoulder, and Binyamin did the same on Yosef's shoulder. Chazal teach us that each one wept in anticipation of the destruction of the Sanctuary that the other one would experience in his portion of Eretz Yisrael. Why would two brothers who had been separated for so long choose this moment of great joy to mourn tragedies that were yet to occur in the distant future?

In his Gur Arye, the Maharal presents an alternative interpretation of Chazal's statement. He suggests that the reconciliation between Yosef and his brothers was a portent of the future reunion of the Ten Lost Tribes, symbolized by Yosef and the remnant of the Jewish nation, which, in turn, was symbolized by Yehudah who remained as the bearer of Jewish history. That reunion will be accompanied by much weeping, which he feels is substantiated by Yirmiyahu HaNavi in 31:5-9, at which point he speaks of the return of the Ten Tribes. Why are they weeping? This is a moment of heightened joy, a moment for which they have waited and hoped for thousands of years. Apparently, the tears about which Yirmiyahu speaks are tears of joy, tears representing the ultimate realization that the horrors of the bitter exile and persecution have finally ended. To paraphrase the Maharal, "When Yehudah and Yosef finally meet, they will cry about the sorrows and destructions that have overtaken them." The tears of joy will be in response to the sorrow and persecution which they have sustained. Does this make sense?

Certainly, the Maharal supports our previous axiom that the tears of sorrow which they shed during the painful galus will be transformed into tears of joy once the exile has reached its culmination. Apparently, what we had originally thought was a technical explanation carries a more profound, meaningful reality. The very same troubles that cause our expression of tears during the immediate period of pain and misery will later bring us the tears of joy when the troubles are resolved. It is all the Hand of G-d speaking, directing, guiding. He strikes, and He heals. He causes pain, and He brings happiness; it is the same Hand. The sorrow is the mask; the rejoicing is the reality.

How true this is. Ask anyone who has undergone a period of travail which culminated in salvation and redemption. His joy is more elevated; his sense of satisfaction and pleasure are heightened. The joy increases with the measure of pain that one has sustained. We Jews have suffered so much. How great will be our tears of joy. We must, however, believe that it will one day reach its culmination with our Redemption, bimheirah b'yameinu.

Yehoshua bin Nun and Calev ben Yefuneh, of the spies of the Land, tore their garments. (14:6)

In a display of grief, purposefully carried out to raise attention and shock the people into acknowledging their sinful behavior, Yehoshua and Calev rent their garments in mourning. Indeed, when we observe people, who know better acting in a manner that is reprehensible, in a manner unbecoming a Jew, rather than talk about them or criticize them, we should mourn. First, we have just witnessed an attack on the integrity of Jewish belief. Hashem's Name has been impugned. Furthermore, the mere fact that we have witnessed this assault on Torah Judaism is indicative of our own personal failing in this area. Hashem shows a person the area in which he himself is deficient. This is the simple p'shat, explanation.

The Kotzker Rebbe, zl, offers an alternative explanation that is both practical and, regrettably, a tragic commentary on Jewish history. The meraglim, spies, were anashim chashuvim, distinguished Jewish leaders. Forty days of insecurity and fear of what life in Eretz Yisrael would mean for them brought them to their knees. It catalyzed within them a reaction that would have been totally atypical of their lofty position when they left on their mission. Yehoshua and Calev could not tolerate that these men who had "gone wrong" stood there in all of their glory, wearing the distinguished garb of leadership, with the kapota, Rabbinic frock, and top hat, trashing Eretz Yisrael and speaking with impunity against Hashem and His chosen agents who were to lead Klal Yisrael into the Holy Land. They did not tear their clothing. Rather, they tore the fine garments worn by the meraglim, who had impugned and denigrated themselves. They no longer

deserved distinction. I think that the practical aspect of this thought needs no elaboration.

And Moshe said to Hashem, "Then the Egyptians shall hear it, for You brought up this People in Your might from among them.the nations (which have heard Your fame) will speak, saying, "Because Hashem was notably to bring this people in to the land.therefore He has slain them in the wilderness." (14:13, 16)

In the Talmud Berachos 32a, Chazal note that the pasuk should have read, Mibilti yachol - "Because (Hashem) was not able," using the masculine form (yachol), rather than the way in which it is written, mibilti yecholes, in the feminine form. This prompts Chazal to relate that Moshe Rabbeinu said to Hashem, "Ribono Shel Olam, now the nations of the world will say that the G-d of the Jews has grown weak like a female, and He is not able to save His People." Hashem then replied, "Have they not already seen the wonders and miracles that I performed for them at the Red Sea?" Moshe Rabbeinu responded, "Yes, but they still might say that You could stand up to one king (Pharaoh), but not to thirty-one kings." Chazal conclude that Hashem pardoned Klal Yisrael as a result of Moshe's response.

Horav Mordechai Rogov, zl, notes the severe and exact nature of chillul Hashem, desecration of Hashem's Name. The exchange between Moshe and Hashem basically revolves around the impact that a possible chillul Hashem might have. Indeed, it was this prospect that catalyzed Hashem's annulment of the decree to destroy His People. Let us consider this idea.

The miracles that Hashem wrought against the Egyptians were unprecedented and unparalleled both in terms of number and nature of severity. The defeat of the Egyptians was a convincing display of military might which certainly promoted the Jewish People as a strong nation with whom to be reckoned. At the time these miracles took place, literally no one in the world doubted Hashem's ability to do as He pleased- however, whenever, and wherever. Only a fool would have thought that Hashem's powers were limited and that defeating thirty-one kings was beyond His capability. If Hashem were to punish the Jews at this point in time, no rational person would think that it was due to His inability to vanquish the kings of Canaan.

Yet, based upon this very concern, Moshe was able to negotiate a stay of punishment for the Jews. As remote as it was, the chance that someone, some place might hypothesize that Hashem was weak was a risk of chillul Hashem not worth taking. A risk of desecrating Hashem's Name was a chance that could not be taken - regardless of how unreasonable and unfeasible it might be. Hashem acquiesced to Moshe's request due to this remote liability. The critical consideration of avoiding a chillul Hashem at all costs spared the Jewish People from their fate.

There is a powerful lesson to be gleaned from here, one that each one of us should review scrupulously. The need to avoid any element of chillul Hashem is paramount. Regardless of the remoteness of the possibility, it is a fear that one must take into consideration. It goes without saying that this certainly applies to any behavior unbecoming a member of Klal Yisrael, perceived by the world community, and rightfully so, as the Chosen People. We have an obligation to uphold Hashem's Name to the world - a world that is, at best, hostile to the Jewish concept of religion. When we damage that image that we are to present to the world as representatives of the Almighty, we create an unpardonable chillul Hashem. It is certainly not worth the few dollars we might save with an act of misrepresentation. If the need to avoid a chillul Hashem has the power to overturn a decree against an entire nation, it must be that the devastation caused by this breach is exceedingly great.

And it shall constitute Tzitzis for you, that you may see it and remember all the commandments of Hashem. (15:39)

By seeing the fringe, one will be reminded of the many other mitzvos that Hashem has instructed us to observe. In the Talmud Menachos 43b, this pasuk is interpreted differently. Chazal say that the "seeing" is a reference to seeing "Him," Hashem. By performing this mitzvah with the proper intention, one can learn to realize that Hashem guides the world. Thus, when one "sees" Hashem, he integrates his perception with his duty to serve the Almighty. The Maharal m'Prague takes a different approach to explaining this pasuk. When Hashem created the world, all of the creatures of the world came before Adam, so that he could give them all their proper

names. With his unparalleled perception, Adam was able to delve in to the essence of each creature, giving it a name that aptly defined its essence. Adam was named for his source, the place from whence the "materials" that comprised his body were taken. Adamah is earth and, thus, Adam received his name. Maharal adds that man's purpose and goal are parallel to those of the earth. The earth causes flowers and herbage, which sustain the world, to sprout forth from its ground. Likewise, man is to also bring forth and realize his potential. As the seed is hidden deep beneath the surface of the ground, so that after it germinates, it will grow into a life-sustaining force, so too, does man have incredible potential to sustain life—both physical and spiritual. This process is called *kiyum ha'mitzvos*, mitzvah performance, because the world is sustained through mitzvah observance.

When a person wears and gazes at his *Tzitzis*, he is reminded of his goal in life. The Hebrew term *Tzitzis* may be derived from the phrase *tzitz ha'sadeh*, flowers of the field. Thus, when a man sees the *Tzitzis* that hang at the fringes of his garment, he understands that they represent his function to be *motzi min ha'koach el ha'poel*, "maximize his potential" in order to realize his goal and objective in life.

This might be the difference between the *Tallis Katan*, small individual garment that one wears as a *bachur*, young man prior to marriage, and the *Tallis Gadol*, larger *Tallis* that one wraps around himself when he takes a wife. Marriage brings with it added responsibilities. One can no longer concern himself only with personal issues. He now has a partner in life, catalyzing the need to think globally - not personally. Until now, his goal in life has quite likely been more individualistic, revolving around his own potential. Now, he has taken a step forward in responsibility. He must see to it that the potential of others is also realized. He no longer thinks only of himself. He "wraps" himself with responsibility towards others. This does not mean that one should wait until he enters matrimony before he assumes a more public, communal stance. It is just that, at this point, one is obligated to shift his focus.

Va'ani Tefillah

V'Hu Rachum yechapeir avon v'lo yashchis.

But He, the Merciful One, is forgiving of iniquity, and does not destroy.

This pasuk is recited a number of times daily. Its significance, therefore, cannot be understated. Simply, it means that Hashem is merciful. If it had been not for His unsurpassed mercy, we would have long ago been punished for our iniquities. Horav Shimon Schwab, zl, explains that *V'Hu Rachum*, in the passive pual form, means "He responds mercifully." In other words, if we pray for mercy, He will give it to us. Otherwise, the punishment we deserve for our sins would be immediate and severe. We temper this punishment through our request for mercy.

When we refer to Hashem as merciful, we are saying that He alone is intrinsically merciful. Horav Avigdor Miller, zl, explains that all of the others are merciful contingent upon certain circumstances, but not intrinsically. Also, their mercies originate from Hashem, Who is the Source of all mercy. Thus, the word *rachum* implies more than Hashem's specific actions in displaying mercy, but, rather, His "profession" and vocation, for He - and only He - is intrinsically merciful, and, therefore, merciful at all times.

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"RavFrاند" List - Parshas Sh'lach

Novel Interpretation of Shemen HaTov Answers Three Questions

Parshas Sh'lach contains the well-known incident of the Spies. When describing the *Meraglim*, the Torah states "They were all men (*kulam anashim*); the heads of the Children of Israel were they." [Bamidbar 13:3] Rashi points out that the term "they were all men" is specifying more than just the gender of these individuals. Biblical use of the term "*anashim*" indicates people of distinction, prestigious individuals.

How did it happen that such great people committed such a grievous offense as that of slandering *Eretz Yisrael*? Rashi says cryptically: "At that moment, they were worthy." It was only later that they "turned evil", so to speak.

It seems confusing that just a few verses later, Rashi cites a Talmudic teaching [Sotah 34a] that seems to contradict the fact that the Spies were righteous when they set out on their mission. The pasuk says, "And they went and they came (to Moshe and Aaron and to the entire assembly of the Children of Israel...)" [Bamidbar 13:26]

The Gemara states that this pasuk contains a linkage between their setting out and their coming back. Just they returned with evil intentions, so too they set out with evil intentions (*b'eitzah ra'ah*).

There is another issue we must consider as well. This term "*eitzah ra'ah*" and the similar expression used elsewhere "*atzas ha'meraglim*" seems to indicate that the sin of the Spies involved something more than just speaking *Lashon HaRah* [slander] against the Land of Israel. "*Eitzah ra'ah*" seems to indicate they had some kind of evil plan. What is meant by this term "evil plan"?

Finally, there is a third question we need to ponder. The end of Parshas Nasso contains the section about the Princes. Every tribe had a *Nasi* [Prince] who was the leader of his tribe. It would seem that the Princes would be the most logical choice for representatives from each tribe to go on the spy mission to check out *Eretz Yisrael*. Why did Moshe Rabbeinu pass over the Princes and come up with a new set of tribal representatives for this important mission?

The *Shemen HaTov* offers a very interesting interpretation that explains all of these issues. The *Shemen HaTov* suggests that when Moshe Rabbeinu sent out the Spies, he wanted 12 different opinions of what *Eretz Yisrael* was like. He did not want a consensus report. More specifically, Moshe Rabbeinu did not want a "committee". The purpose of a committee report is to hash out an issue among a group and to produce a unified recommendation. Moshe Rabbeinu did not want that. He saw that such an approach was fraught with danger.

It was for this reason that Moshe Rabbeinu specifically bypassed the Princes for this mission. The Princes of the tribes had a track record of unanimity and uniformity. Every Prince was given the opportunity of bringing his own special offering and yet they turned around and each brought an identical set of offerings. Therefore, Moshe intended to send 12 distinct personalities—*kulam anashim*—each with his own unique perspective, each a leader, not a follower.

But the first thing that they did before they started out was... they had a meeting. At this meeting, they decided that they would come back with a consensus report—exactly the approach Moshe Rabbeinu had been afraid of. This decision was not wicked on their part, but it was an error. This is the "*atzas haMeraglim*" [the plan of the Spies] that Chazal speak about. It was the idea that "we have to speak with one voice and with one voice only."

This resolves the contradiction in Rashi. They were in fact all worthy individuals at that time and yet their departure was with an "*eitzah ra'ah*"—a bad plan, because it led to a uniform report that did not reflect the individuality and the unique perceptions of each of the spies. It was exactly this "*eitzah ra'ah*" that Moshe Rabbeinu had tried to avoid by NOT selecting the Princes for the mission. Unfortunately, Moshe was mistaken because the new group of tribal representatives also came back with a unified negative report about *Eretz Yisrael*.

The Power of Ulterior Motives

The Targum Yonasan ben Uziel provides an interesting elaboration of the famous pasuk: "... and Moshe called Hoshea bin Nun, Yehoshua." [Bamidbar 13:16]. The Targum adds: "When Moshe saw his extreme humility, he called Hoshea bin Nun, Yehoshua." The changed name implies (as Rashi notes) may G-d (*Yud-Hay*) save you from the plot of the Spies."

What does this Targum mean? Where did Moshe note the extreme humility of his disciple Hoshea? Both the *Koshnitzer Maggid* and the *Avodas Yisroel* offer the following idea. In fact, the idea can be traced to a passage in the *Zohar*.

The Spies were great and distinguished individuals. They were singular leaders of the nation. What caused them to return on that night of Tisha B'Av and caused us the troubles we are still suffering from to this very day? The Zohar explains that the Meraglim realized that when they would enter the Land of Israel, the whole system would change. There would be a new government and new leadership. They sensed that with the entry into Eretz Yisrael, they would lose their positions of leadership.

The Sefas Emes expresses this idea as follows: They enjoyed the close relationship with the Almighty that existed in the Wilderness. They felt that this unique and unprecedented type of spiritual living was the ultimate existence. They were loath to forsake this Open Hand of the Almighty by moving into a more natural existence without Manna, a Divine Water supply, the protection of the Clouds, and all that the Midbar experience implied. They knew that in Eretz Yisrael they would have to farm and work for a living. Everything would change to a natural means of living. The miraculous modes of existence that they were experiencing in the Wilderness would be a thing of the past.

Subconsciously, this ulterior motive, colored their perception of what they saw in Eretz Yisrael and what they reported back to Moshe and the rest of the people. We all know what ulterior motives can do to us. They color our judgment.

The lesson of the Spies is that even if a person is a great person—if he is affected by personal motivation (negius) -- be it money, be it power, be it position, be it security—that plays tricks with his mind.

There can be “treife” [improper] ulterior motives, but there can also be “kosher” [proper] ulterior motives. Last week’s parsha contains an example of “kosher” ulterior motives: Eldad and Meidad were prophesizing in the camp” [Bamidbar 11:27]. Yehoshua suggested that Moshe Rabbeinu “throw them in jail” (kela'em).

What was the crime of saying a prophecy? What upset Yehoshua so much? Yehoshua was upset that their prophecy was that Moshe was going to die and Yehoshua would lead the Jews into Israel. Any other second in command who would have heard such a prophecy would have been jumping for joy. Yehoshua’s reaction was just the opposite: “Throw them in jail!”

Moshe Rabbeinu saw Yehoshua’s great humility in that reaction. Yehoshua was a person who fled from honor. He did not want leadership. Moshe Rabbeinu concluded that Yehoshua also had an ulterior motive to not want to go into the Land of Israel. Yehoshua knew that when the Jews entered Eretz Yisrael, it would be without Moshe. Yehoshua would be the leader. Yehoshua’s unbelievable modesty augured in favor of saying “I don’t want to let that happen.”

This is the meaning of the Targum Yonasan ben Uziel. When Moshe saw Yehoshua’s great humility, he understood that Yehoshua would also be vulnerable to an ulterior motive that might lead him to color his report in favor of NOT going into Eretz Yisrael. It was a beautiful laudatory and “kosher” ulterior motive, but it was an ulterior motive nevertheless and it could have affected his judgment. For that reason, Moshe blessed him that the Almighty spare him from lining up with the Spies who had less noble ulterior motives: “Yehoshua, don’t get snared in the plot of the Meraglim.”

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Cheit Hameraglim: Then and Now

I

“It flows with milk and honey, but the people that dwell in the land is powerful and the cities are very greatly fortified” (Bamidbar 13:27, 28). This initial, factual report of the spies seems to be a proper fulfillment of their mission. What was their sin?

Perhaps the initial statement was not sinful. However, when Calev interjected, “We shall surely ascend and conquer it, for we can surely do it” (ibid 30), the other spies responded, “We cannot ascend to that people, for it is too strong for us” (ibid 31). This was their sin.

The Shelah explains that the initial statement was the very point of their mission. Hashem wanted Am Yisroel to know that it was impossible to conquer Eretz Yisroel without divine assistance.

Indeed, in his parting message Moshe says, “Hear, Yisroel, you will cross the Jordan to drive out nations that are greater and mightier than you, cities that are great and fortified up to the heavens...you will know that Hashem, your God, He crosses before you, He will destroy them and He will subjugate them before you” (Devarim 9:13).

Thus, the purpose of the mission was to demonstrate that victory would be achieved only with Hashem’s help. Calev, who believed, was sure they would prevail. The other spies responded that the enemy is too strong for us. Their lack of faith led Chazal to translate their words to mean that the enemy is too strong for Him (Rashi 13:31).

II

What is the reason that the Torah begins with Braishis? Because, “the power of His acts he told to his people in order to give them the estate of nations” (Tehillim 111:6). So that if the nations of the world will say to Yisroel, “You are bandits, for you have conquered the land of seven nations”, Yisroel will respond, “The whole Earth belongs to Hashem. He created it and ... he gave it to us” -Rashi Braishis 1:1

Why can’t every thief justify his theft in this manner? The Be’er Yosef answers that had Am Yisroel conquered Eretz Yisroel by natural means, the charge of “you are bandits” could not be refuted. However, since the conquest was clearly a result of divine intervention, and even our enemies recognized that, we are clearly entitled to the land.

Indeed, the spies exclaimed, “we were like grasshoppers in our eyes, and so we were in their eyes” (Bamidbar 13:33). Grasshoppers steal the grain of everyone (Rashi Bava Kamma 116b). Without belief in the divine promise of victory, the people did not merely reject Calev’s advice not to fear (14:9-10), but also viewed themselves as thieves. As a result, the nations reached the same conclusion.

“All of the people we saw in the land were men of middos” (13:32). To buttress their subsequent claim of theft, the spies attributed good character traits, middos, to our enemies (Kli Yakar). Since they are just and righteous, we have no right to destroy them, and we will be vanquished. In reality, the Canaanites were the most perverted of all the nations (Rashi Vayikra 18:3). Precisely because of their wickedness Hashem drove them away (Devarim 9:5).

The spies ignored this fact to support their claim that conquering Eretz Yisroel is theft. This claim enabled them to refuse to fight the enemy they feared. This fear was due to a lack of belief in Hashem.

III

The sin of the spies led to a forty-year sojourn in the desert, and the death of the sinners there (Bamidbar 14:32-35). It was not until forty years elapsed that the lessons of the events of the first two years could be properly understood (Rashi, Devarim 29:6).

Exactly forty years ago, Hashem enabled the Israeli army to achieve a swift and stunning victory over powerful enemies and very greatly fortified positions. The conquest of huge swaths of land in six days was clearly a result of divine intervention.

This conclusion was reached not only by observant Jews. Even non-observant Jews understood, leading to a teshuva movement unprecedented in modern times. Even non-Jews attributed the incredible events to supernatural forces, stating, “No natural cause can explain this awesome phenomenon” (see, for example, Hamodia, 13 Sivan 5767, page B14).

The dire threat to the safety of Am Yisroel by enemies who threatened to kill us was suddenly lifted. The return to the Old City of Yerushalayim led to a spiritual euphoria unforgettable for those privileged to experience it firsthand. The triumph of a beleaguered people over vicious enemies by Hashem’s grace united Am Yisroel. Everyone realized that Hashem had allowed us to conquer our ancestral homeland, which, as Rashi teaches, He gave us in the first place.

Even in the murderous cities of Chevron and Shechem our enemies cowered at our men’s presence. Israelis traveled Judea, Samaria, and Gaza fearlessly.

IV

Alas, forty years later all this has changed. We fear our enemies. Some Israelis view our conquest as theft, and, as then, consider the Palestinians just and righteous, ignoring their murderous acts. Even observant, believing Jews have good reason to fear. After all, we have no divine guarantee of our security. Yet we must unabashedly state, to others as well as to ourselves, our belief in our Biblical right to Eretz Yisroel. And we dare not ignore the wickedness of our implacable foes.

Moreover, our tradition teaches that our conquest of Eretz Yisroel will continue uninterrupted until the messianic era (see Rashi Eicha 4:22 and "Double Consolation" - http://www.torahweb.org/torah/2004/moadim/rwil_nachamu.html).

Setbacks may be part of the redemptive process (see Shir Hashirim Rabba 2:9(3)). But patience, based on absolute certainty that we will prevail, is critical both religiously and strategically.

We do not know when or how we will prevail, but we echo Calev, who rejected the spies of then, as we reject today's pessimists and post-Zionists and explain, "We shall surely ascend and conquer it, for we can surely do it."

Spiritual Schizophrenia

The Identity Crisis of the Jew

By Yosef Y. Jacobson [Algemeiner.com](http://www.algemeiner.com)

The story is told that the Israeli parliament, or Knesset, recently convened an emergency session to figure out a solution for the devastated Israeli economy.

One brilliant minister said, "Let's declare war on the U.S., and then, in the wake of the utter destruction America will bring upon us, we will receive billions of dollars for reconstruction, like Germany and Japan.

"Sounds great," responded another member of the Knesset. "One problem: What will we do if we win the war?"

History Rearranged

This week's Torah portion tells the dramatic episode that unfolded 15 months after the Jewish Exodus from Egyptian slavery. The people of Israel were poised to enter and conquer the land promised by G-d to their ancestors when Moses dispatched 12 men -- "all prestigious individuals, leaders of Israel (1)" -- to survey the Holy Land and report back to the people on the nature of its terrain, its produce and its inhabitants.

Forty days later, on the eighth day of Av of the year 2449 since creation, or 1312 BCE, the spies returned, bearing samples of the land's huge and luscious fruit and the following assessment (2):

"We arrived at the Land to which you sent us," the spies said, "and indeed it flows with milk and honey and this is its fruit. But the people that dwells in the land is powerful, the cities are tremendously fortified and we also saw giants there. The Amalekites dwell in the South, the Hittites, the Jebusites and the Emorites in the hills, and the Canaanites at the sea and on the banks of the Jordan..."

"We cannot go up against those people, for they are mightier than He," the spies proclaimed.

Who is "He"? Should they have not said, "Mightier than us"? The Talmud explains (3) that the spies were referring to G-d. The spies were, in effect, saying that "they are mightier than He" -- that the conquest of the Holy Land is beyond the capacity of the Almighty Himself!

Only two of the 12 spies, Joshua and Caleb, returned with a different message (4): "If G-d desires us," they declared to their 10 colleagues, "He will bring us to this Land and give it to us... But do not rebel against G-d! Fear not the people of the Land, for they are our bread... G-d is with us; do not fear them."

The people, however, would not listen to the two isolated voices. "The entire assembly said to pelt them with stones," the Bible relates (5). The report that the other 10 spies brought back demoralized the Jewish nation and drained it of the motivation to enter the Land. All night, says the Bible (6), the Jewish people wept and bemoaned their fate, crying to Moses: "If only we had died in Egypt! If only we had died in the wilderness! Why is

G-d bringing us to this land to fall by the sword, and for our wives and children to fall into captivity? Is it not better for us to return to Egypt?!"

As a result, G-d informed Moses that the generation that received the Torah at Sinai was not fit to enter the Land of Canaan. He decreed that the people should live out their lives as wanderers in the desert until a new generation could take up the challenge of conquering the land of Canaan and develop it as a "Holy Land," as the focus of G-d's presence in the material world.

Indeed, only 38 years later, in the year 1276 BCE, did the children and grandchildren of this generation cross the borders of the Jordanian river and settle the Promised Land.

What Really Happened?

At first glance, the entire story makes little sense.

In all of history, one cannot encounter a generation whose lives were more saturated with Divine miracles than Moses' generation. These 10 spies, and all of the Jews they were addressing, had witnessed how Egypt, the most powerful nation on earth at the time, was devastated with 10 supernatural plagues. They had experienced how this mighty empire was forced to free them because "the mighty hand" of G-d directly intervened -- for the only time in history -- to combat evil.

Just a short while before this debacle with the spies, these 10 men and all of their brethren saw how, when Pharaoh's armies pursued them, the sea split to let them pass and then drowned the Egyptians.

In the desert, the Bible describes (7) how miracles were the stuff of their daily lives: manna from heaven was their daily bread; "Miriam's well," a miraculous stone which traveled along with the Israelite camp, provided them with water; and "clouds of glory" sheltered them from the desert heat and cold, kept them clothed and shod, destroyed the snakes and scorpions in their path, and flattened the terrain before them to ease their way.

These were the people who, just a few months earlier, stood at the foot of Sinai and experienced, for the first and last time in history, how G-d revealed His presence to humanity, granting it His blueprint for living, His roadmap for peace in the world. This generation was accustomed to G-d's miracles like New Yorkers are accustomed to parking tickets. For them not to acknowledge the supernatural powers of G-d was a blatant denial of reality.

Yet these very same people declared, "We cannot go up against those people for they are mightier than He (G-d)!"

Imagine if you had turned to one of these 10 spies as he was speaking of the impossibility of conquering the Land and had asked him, "What did you have this morning for breakfast"? He would certainly answer that it was the manna. When you'd ask him, "Did you purchase this manna in the grocery store?" he would look at you with astonishment and respond, "A store? What store? We receive our daily food from heaven."

"Really?" you'd persist. "And how exactly does food fall from heaven?"

The man would probably respond, "Listen, young man. Let me present you with religion 101: G-d created the world and He owns nature. He knows how to make food fall from heaven, if He wishes so."

Yet this very same spy, who had just enjoyed breakfast from heaven's kitchen and had just quenched his thirst from a miracle well, could stand before an entire nation and declare without hesitation, "Boys! We've got no hope to take over the Promised Land; G-d Himself can't help either. If we fight 'em, we are gonners!"

The entire nation not only was convinced but began mourning over its hopeless fate! And this is a people that just over a year earlier supernaturally crushed and defeated Egypt, the world's superpower!

Now, if the spies dispatched by Moses had been some lowly rabble-rousers or crude troublemakers, we would attribute their mutiny to brute instincts. We would assume that they employed chutzpah to deny the undeniable and reduce reality to myth.

But the Bible clearly states that the spies were no ordinary individuals: "They were all men of distinction, leaders of the children of Israel (1)." They are described as some of the greatest spiritual men of Israel living at the time, respective leaders of their tribes, men of profound integrity, faith and vision.

What happened to them? What happened to the people?

There's one more important question.

When the two faithful spies, Joshua and Caleb, challenged the conclusion of the other 10 spies, they used these words: "If G-d desires us, He will bring us to this Land and give it to us... But do not rebel against G-d! Fear not the people of the Land... G-d is with us; do not fear them."

Why did they not make their point infinitely stronger by substituting their message of hope and faith with a message of facts and reality? Why did they not tell the Jews, "Don't you remember how we left Egypt? Have you forgotten how we crossed the Sea of Reeds? Don't you recall what you ate for breakfast this morning? Don't you see the clouds encircling you?"

Jewish ambivalence

The answer to these questions is at the heart of what may be one of the deepest psychological struggles confronting the Jewish psyche for close to 4,000 years: namely, our ambivalence concerning who we are and what is our role in the world.

Groucho Marx once remarked, "I wouldn't belong to a club that would have me as a member."

Sidney Morgenbesser wittily said to Britain's chief rabbi (8) that the Jewish maxim of recent history has been: Incognito, Ergo Sum, "I am invisible, therefore I am."

What is at the essence of this identity crisis?

A human being (or a people or a culture) may perceive himself as a religious man, a heavenly creature, a transcendental heart, a sublime soul, a celestial brain, a spiritual existence, a fragment of eternity.

A human being (or a people or a culture) can also perceive himself as a secular humanist, an earth-bound creature, an intelligent Homo sapiens, a mundane, materialistic and bodily phenomenon.

Here is the origin of the "Jewish problem." Since the Jew cannot be reduced to either of the above categories, the Jew deep down struggles to come to terms with himself or herself on the deepest levels of self awareness.

The Jew feels and knows inside that he is not a purely celestial creature, a piece of transcendence, an otherworldly soul. The Jew is keenly aware of the truth that he enjoys money, food, fame, sport, intimacy, power, leisure (and sometimes music, art, literacy and knowledge) as powerfully as any good gentile. In that sense, the Jew sees himself as a proud normal member of our planet.

On the other hand, when the Jew begins to define himself as a purely secular creature, a physical human being craving to enjoy life, he experiences an illogical emptiness. Deep inside, the Jew is not content with his position as an earthly creature. Even if he convinces himself that he is authentically happy as an assimilated member of the larger society, the non-Jew around him senses that the Jew is "irregular." The non-Jew instinctively feels that there is something "different" about the Jew, that he is not part and parcel of "the world;" he is a "stranger among us."

So who is the Jew? If the Jew is not an angel and he is not a man, who is he?

Intellectually, we may contrive some cute equation to solve the problem. But existentially and emotionally it is difficult for the Jew to come to terms with his inner destiny. This also was the profound struggle that the generation exiting the desert en route to conquer and settle a land faced.

A Tale of Two Lives

The first generation of Jews who left Egypt lived on a spiritual island, a transcendental oasis, a celestial plain. Encompassed by heavenly clouds, nourished with food from heaven, learning Divine wisdom from Moses, the greatest teacher of all time, and witnessing miracles on a daily basis transformed their lives into an absolute soul-oriented experience, a veritable paradise on earth.

For them, the definition of Jewishness was sublimity and transcendence: to discover your inner soul and fly with it. They had become so deeply in tune with this perspective on life that when many of them ate meat -- the symbol of crude physical life -- they died (as described in the previous week's Torah portion, Behaalosah), because it was too alien an experience for them.

This is the real reason why the spies and their generation were loath to enter the land. They were well aware that once they entered the land, the supernatural environment they enjoyed in the desert would come to a halt. Becoming a people with a land to keep up would inevitably turn them into politicians, soldiers, lawyers, businessmen, soldiers, farmers and ordinary mundane people stressed by the burden to survive and obsessed with the physical delights of life.

Settling the land, they well knew, would entail plowing, sowing and harvesting; it would mean engaging in commerce and levying taxes; it would require a bureaucracy to run the land and an army to defend it. Their underlying problem with the land was, as the spies expressed it in dramatic prose, that "it is a land that consumes its inhabitants." it consumes one's time and energy with its corporeal demands and infringes on a person's capacity to be real and deep and live with one's soul permanently.

They were unwilling to relinquish their spiritual utopia for the entanglements of an earth-bound life. They refused to accept what was, in their perception, a new definition of Judaism -- an attempt to survive and thrive in the physical world.

Now we can well understand the spies' argument that "We cannot go up against these people, for they are mightier than He," notwithstanding the tremendous miracles which G-d had performed and was performing for them during those very moments.

We cannot have it both ways, argued the spies. Either we are to be a spiritual people engaged exclusively in spiritual pursuits and sustained by supernatural means, or else we are to enter the natural world of the farmer, merchant and soldier and become subject to its laws. And under this paradigm, which decrees that the numerous, mighty and well-fortified will defeat the few and the weak -- there is no way we can defeat the inhabitants of Canaan.

The spies argued that if G-d wishes for us to live a spiritual life, then, certainly, He can sustain us with miracles as He has in the past. But if His desire is that we abandon our supra-natural existence to enter the land and assume a natural life, then He Himself

essentially has decreed that natural law will govern our fate. In that case, He cannot empower us to miraculously conquer the land, since were He to do so, this would defeat the entire purpose of entering the "land."

So, the spies concluded, "they are mightier than He;" even G-d cannot help us if He Himself has chosen to transform us from celestial nomads into a materially structured nation.

Let G-d decide once and for all, the spies continued, what exactly is the purpose of the Jew. If He wishes us to be a sublime, supernatural people akin to fragments of heaven walking the earth, let Him not send us into a land in which we will have to assume the status of a natural people governed by politics, economics and survival of the fittest.

If G-d wishes us to be part of planet earth, subjected and defined by the laws of the earth, so be it! But then we must consider what the media and political and military strategists have to say about reality. And from their perspective, our attempt to conquer the land is doomed to failure.

Their message was that at some point you have to decide what you are, a spirit or a body.

So, we come right back to our previous question of who and what is a Jew? Is he a living resonance from heaven or a hard-core businessman? Does the Jew believe in G-d, or does he believe in Washington? Should the Jew ignore the world or must the Jew please the world? Is the Jew part of Kofi Annan's United Nations or are we an isolated people who just don't really fit into this planet?

Since the era of the spies, Jews have argued about their self-definition. The great debate taking place these days about Israel and its future among its Arab neighbors boils down to this fundamental question of what is a Jew.

The bridge

One cannot begin to answer the question if one does not become comfortable with the concept of paradox. The Jew is a paradox.

The first generation of Jews who left Egypt was indeed the most spiritual assembly of Jews in our entire history. Due to their profound spiritual status, most of them could not fathom the ultimate purpose and role of the

Jew and Judaism. They could understand the Jew as a creature of heaven or as a creature of earth. But the Jew, in his or her deepest place, is neither. He is a bridge.

The Jew serves as the road that originates in heaven and culminates on earth. The Jew was chosen to become the bridge between the spiritual and the mundane, between soul and body, and between G-d and money. As such, the Jew feels comfortable neither in heaven nor on earth; he finds no place for himself in the physical or in the spiritual per se. His role is to become a rope that links the holy to the unholy, that transforms the unholy into holy.

The Jew enjoys money, food, fame and leisure because his function is to bring the light of G-d into the egocentric space of earth. He may own a profane heart or a beastly disposition because G-d desired that the Jew transform a cesspool - both his own and the world's - into a home for G-d (9).

The Generation Gap

What the spies and their generation failed to understand is that the entire role of the Jew is to imbue our plowing, sowing and commerce with a holy and G-dly purpose; to create a land that is holy, a nature that is miraculous, to make the ordinary extraordinary (10).

So does the Jew believe in G-d or in Washington?

He believes that in a very deep place, the two are truly one. G-d is not only the G-d of heaven but also the G-d of earth. G-d is not only the core of the sublime and the supernatural but also the core of the earthly and the natural.

If G-d wants you to undertake a task, He need not resort to heavenly means to ensure its success. Nature itself may become a reflection of G-d as much as the supernatural.

This was the message of Joshua and Caleb, the two faithful spies who believed that the Jews would be triumphant in their attempt to settle their land. They could not discuss the miraculous past of the people, for the spies were exploring the natural future of the same people. What Joshua and Caleb said was, "If G-d desires us, He will bring us to this Land and give it to us... But do not rebel against G-d! Fear not the people of the Land, for they are our bread... G-d is with us; do not fear them."

In other words, though G-d desires from us to become part of the natural world while employing natural means for our survival, let us remember that if we follow G-d's course, He will allow His supernatural light to flow through the natural channels of politics, economics and military prowess.

Because at the end of the day, G-d and the world are one.

(This essay is based on an address by the Lubavitcher Rebbe, Shabbas Shelach 5722 (June 30 1962) 11).

Footnotes:

1) Numbers 13:3.

2) *ibid.* 13:27-31.

3) Sotah 35a.

4) *Ibid.* 14:8-9.

5) *Ibid.* 14:10.

6) *Ibid.* 14:1-3.

7) All of these stories are recorded in detail in the book of Exodus and in various Midrashim. See Michilta to Exodus 13:21; 15:22; Sifri to Numbers 10:34; Bamidbar Rabah 1:2; Tanchumah Beshalach 3 and 18; Yalkut Shimono Remez 255 and 729.

8) Quoted in *Radical Then, Radical Now*, by Rabbi Jonathan Sacks, pp. 203-4.

9) See Tanya chapter 36.

10) Despite this, G-d placed Moses' generation in a totally spiritual environment, as a preparation to then entering and settling the land. For to sanctify the land, one requires a time in which he is isolated from the material. However, this phase of our national existence was not an end in itself, but the way in which to acquire the tools and resources to miraculize the natural and elevate the everyday.

11) Published in *Likkutei Sichos* vol. 4 pp. 1041-1047. For another lovely rendition of this talk by the Rebbe, see *Week In Review* (edited by Yanki Tauber, published by VHH) Shlach 5758.

Shelach: Offering Wine and Grain

Temple offerings involved more than just bringing a bull, goat or sheep. In Numbers 15:1-16, the Torah commands that korbanot be accompanied by wine libations, called nesachim, and grain offerings (menachot). What was the purpose of these additional offerings?

The answer to this question may be found in a Talmudic statement comparing the Temple service with our daily recital of the Shema. Rabbi Yochanan taught:

"Reading the Shema without tefillin is like offering an Olah (a burnt-offering) without the grain offering, or a sacrifice without the wine." [Brachot 14b]

What is the connection between an incomplete Temple offering and reciting the Shema while not wearing tefillin?

Engaging All of Our Faculties

The Temple service, Rav Kook explained, was meant to encompass all aspects of creation. Each offering contained elements from each of the four basic realms of the universe - human, animal, vegetable, and mineral. There is the individual bringing the offering (human), the sacrifice (animal), the grain and wine offerings (vegetable), and the altar (filled with earth, from the mineral realm). Without the wine and grain, the offering would lack a component from the world of plants.

Including wine and grain is an important lesson in how we should serve God. We have elevated faculties, such as the intellect and the power of speech, as well as the lower, more physical powers. Just as the Temple service incorporated all aspects and levels of the universe, so too our Divine service should engage all of our God-given natural powers. If we were to serve Him only with our more elevated faculties, we would not attain genuine shleimut and spiritual growth in all aspects of our being.

What does this have to do with saying Shema while wearing tefillin? The Shema proclaims God's unity and the obligation to love Him "with all your heart, all your soul, and all your might" [Deut. 6:5]. By reciting these verses while wearing tefillin (as the Shema directs, "Bind these words as a sign on your arm"), we demonstrate that we engage our entire being, even our physical powers, in serving God.

Now Rabbi Yochanan's comparison becomes clearer. Reciting the Shema without tefillin is like offering a korban without the wine and grain. Such a person only utilizes his more refined faculties - his mind and speech - in his service of God. This is like an offering that lacks an element from the lower level of life, from the vegetable realm.

Turn From Evil, Do Good

This explanation also clarifies a puzzling Halacha. The Talmud in Menachot 90b rules that not all korbanot are accompanied by wine and grain. Offerings brought to atone for sins - chatat and asham - do not have nesachim [Mishneh Torah, Ma'aseh HaKorbanot 2:2]. Why not?

Our spiritual service may be divided into two components. There are our efforts to avoid evil, as we keep the 365 negative mitzvot; and there are our strivings to draw nearer to God through the 248 positive mitzvot. As the verse in Psalms [34:15] states succinctly: "Sur meira" - turn from evil - "va'asei tov" - and do good.

The concept of serving God with all aspects of our being, even our lower, physical powers, applies specifically to the second category, to our positive efforts for spiritual growth. For this reason, the Talmud [Nedarim 32b] comments that, with the mitzvah of brit milah (circumcision), "God gave Abraham control over all of his 248 organs." Why 248 organs? This is a reference to the 248 positive mitzvot. With brit milah, even his lowest, most physical nature was fully directed towards that which is good and holy.

With regard to avoiding evil, however, the situation is different. When a person stumbles, his moral and intellectual faculties are responsible for the error. The lower forces do not determine our moral choices, and they are not rewarded or punished for their behavior. The body can digest forbidden food just as well as kosher food. Thus, the service of "sur meira" only reflects the functioning of one's higher faculties.

Now we understand why sin offerings are not accompanied by wine and grain. These korbanot come to atone for our failure to avoid bad choices,

and only our intellectual/moral side is at fault. But offerings such as the Olah and holiday korbanot are brought to attain a special closeness to God. They are a positive service of God - "asei tov" - and should be accompanied by grain and wine from the vegetable realm, demonstrating that this service should engage all levels of our existence.

[adapted from Ein Ayah vol. I, p. 72]

Comments and inquiries may be sent to: RavKookList@gmail.com

YatedUSA Parshas Shelach 22 Sivan 5767

Halacha Talk

by Rabbi Yirmiyohu Kaganoff

Plagiarizing, Loshon Hora, and Employee Responsibility

Recently I received the following inquiry:

"Hi Rabbi Kaganoff,

"While editing an article I discovered that the author had 'borrowed' large sections of the article from another source. This is plagiarizing!

"I called the writer and informed her that I could not pass the article on for proofreading. She asked why — if I would tell her what the problem was, she said she could change it. When I explained that I had found much of the article under a different byline, the writer told me that she had been instructed that she could use material from the Internet; that she had been given an unrealistic deadline to write the article; that she had found no other sources on the subject, and other excuses.

"I tried to sound sympathetic and I patiently explained that although it is perfectly fine to gather information from a previously published source, it is unethical to quote entire sections from someone else's writing. I am not sure that she understood, although she did rewrite the article, which I then edited and sent to the proofreader.

"With this introduction, I can now ask my questions:

"1. Am I required to notify our joint employer that the author originally submitted a plagiarized article?

"2. If I am required to tell the employer, should I have told him about this problem before I told the writer? Although I sincerely hope that this problem never reoccurs, I would like to know the halacha for future reference.

"Any additional comments and insights are welcome.

"Sincerely yours,

"Meirah Goldstein"*

Answering this shaylah requires us to understand several halachic issues and some legal matters as well. We need to clarify:

I. Did Meirah satisfy her responsibility to her employer by educating the writer?

II. Does the employer still have a right to know about the writer's shortcomings?

III. Is it loshon hora to tell him?

I will first explain some basics of the halachic issues that we have just mentioned, and then discuss how they apply to our situation. Many of the topics that I will mention require much fuller treatment, which I hope to address in a different article.

TOCHACHA

The mitzvah of tochacha is to call to someone's attention that he or she has violated the Torah's mitzvah and to give positive encouragement to do teshuvah. To paraphrase the Rambam (Hilchos Dei'os 6:7):

One who sees a fellow Jew sin or acting in a wrongful manner is required to influence him positively by speaking to him in a soft way, privately, educating him that it serves his own self-interest to correct his ways for this earns him olam haba.

Thus, Meirah's first step of explaining gently, patiently, and sympathetically to the writer that she had done something wrong fulfilled the Torah's mitzvah in an exemplary fashion (VaYikra 19:17). (The subject of tochacha is a subject much larger than I can cover in this article.)

IS PLAGIARISM EVIL?

Has a writer who lifted paragraphs done something wrong?

Although Meirah and most writers, editors, and publishers would be appalled at a writer lifting extensive material from a source without crediting it, is this indeed halachically prohibited? Some might argue that there is no evidence that the Torah bans plagiarizing. They will argue that although the Gemara (Megillah 15a) states, "One who quotes his source brings redemption to the world, as we see from Esther, who told the king in the name of Mordechai," this quotation demonstrates the contrary -- that although it is meritorious to credit one's sources, it is certainly not required.

If the writer ascribes to this opinion and contends that she has done nothing wrong, it may be forbidden to tell the employer unless she is endangering him. As the Rambam teaches, "Telling something that will damage someone else's person or property is loshon hora" (Hilchos Dei'os 7:5). If the writer's act is halachically justifiable, then jeopardizing her employment violates the halacha.

Nonetheless, several halachic concerns may be involved in using plagiarized material:

1. Since publishing norms disallow copying without reference, the employer expected an original article. Therefore, submitting an article that one has not written herself as original work is deceptive and violates the laws of Choshen Mishpat.

2. Because plagiarizing is considered unacceptable to the outside world, it may be prohibited halachically either as potential Chillul Hashem (desecrating Hashem's name) or under the heading of dina dimalchusa dina, the halachic obligation to obey the laws of one's country of residence. Although both of these subjects are very important, their details are beyond the scope of our current topic and will have to wait for a different article.

3. If a publisher of copyrighted or plagiarized material can be held liable, a writer submitting such material may be jeopardizing the publisher.

MY LETTER TO THE ATTORNEY

In order to verify the answer to this last question, I penned some questions to an attorney I know:

"I trust this letter finds you and yours well.

"I was recently asked a shaylah for which I need some legal information:

"Is it illegal to take paragraphs from an article on an Internet site and include it in an article published under one's own name? Is the magazine or newspaper liable even if they are unaware this was done? What are the legal ramifications/penalties that could be involved for either the author or the publisher? Is this usually/sometimes/never prosecuted?"

THE ATTORNEY'S RESPONSE

"Dear Rabbi,

"It is illegal to publish material written by someone else under your own name. Although there may be criminal penalties in the case of deliberate fraud, most of the cases are civil complaints. In cases of fraud, treble damages could be assessed. In the United States, this is usually a misdemeanor punishable by fines up to \$50,000 and a year in jail. In some jurisdictions and under certain circumstances, it could be a felony, or even a federal felony punishable by up to \$250,000 and 10 years in jail.

"In addition, both the magazine publisher and author can be held liable for damages resulting from the infringement. If a writer plagiarizes without the knowledge of the publisher, the publisher can still be held liable. The writer is his agent, and the acts performed under the scope of his duties make the publisher liable.

"There are three different classes of damages - actual, ill-gotten-gains, and statutory. The prevailing party can also be awarded attorney's fees.

"The frequency with which this is prosecuted depends on the level of outrage on the part of the infringed upon author; also on the intent of the plagiarist. This case is actually worse because it shows a deliberate effort to steal work."

I must admit that I did not realize that plagiarizing an article could involve such serious penalties. Although I do not plagiarize other author's halachic writings, I now have an added appreciation of the importance of writing my articles myself!

TELLING THE EMPLOYER

Since we now recognize the liability for publishing plagiarized, must Meirah notify the owner that he may have a plagiarizer on staff?

In general, if I am aware that a fellow Jew is being harmed financially, I am responsible to bring it to his attention. By doing so, I fulfill these different mitzvot:

A. *Lo saamod al dam rei'echa*, do not stand by idly while your neighbor is in danger. (VaYikra 19:16).

This mitzvah includes not only saving someone's life or limb, but even saving his money (see *Sefer HaMitzvos*, *Lo Saaseh* #297; *Shaarei Teshuvah* 3:70; cf., however *Shaar Mishpat*, 28:2). For this reason, if I see someone damaging another person's property, I am required to attempt to stop the person from damaging. (I am not required to if I may be injured or suffer a loss as a result.) Similarly, if I witness a fire on someone's property, I must call the fire department, even if there is no risk to anyone.

B. *Hashavas aveidah*, returning lost objects

Alerting someone to a potential loss of property is also part of the mitzvah of returning his lost object (*Gemara Bava Metzia* 31a; *Shaarei Teshuvah* 3:70). Therefore, if I see someone's automobile left with its lights on, I am responsible to tell him so that he can turn them off and not waste his car battery. The same halacha applies if I discover that someone's employee is using company time for private matters without permission.

C. *Vi'ahavta li'rei'acha komocha*, love your neighbor as yourself

This mitzvah includes making sure that someone else does not suffer a loss since I would certainly want someone else to forewarn me and protect my interests (*Maadanei Yom Tov*, *Niddah* 9:5:6).

It would seem that one must tell an employer if his employee is not performing his job properly, either because he is lacking the necessary skills, is unaware of his responsibilities, or is unethical. However, the details of these halachos are more complicated. For example, several other details must be met, including that the notifying person must be certain of the facts himself, and reasonably sure that he can rectify the problem by discussing it with the employer. In addition, he should clarify that the employee will not suffer more than halacha permits in the situation (*Chofetz Chayim* Chapter 10). For example, if the employee is less skilled than others, but can perform the task adequately, one may not inform the employer. This is because informing the employer may jeopardize the employee's job unjustifiably. Similarly, if the employee erred once and will not likely repeat the error, there is no reason to inform the employer. However, if the employee is likely to repeat the error and jeopardize the employer, it is a mitzvah to tell the employer.

Therefore our question now becomes:

Is the writer now aware of what she is expected to do? Is the employer still at risk because the writer does not know or care?

Assuming that one is absolutely certain that the author now understands why she may not simply plagiarize someone's article, there is no reason to tell the employer. Since the writer feels remorseful for what she did and understands why it was wrong, there would be no reason to inform the employer of her misdeed. The author may simply have been unaware of these laws and misunderstood her instructions; one should be careful that she does not lose what is rightfully hers since the employer may jump to conclusions and fire her unjustifiably (*Chofetz Chayim* 2:9:5).

JUDGING FAVORABLY

But what is the halacha if the editor is uncertain whether the author understands that it is wrong to plagiarize? In this instance, we should examine the halachos referred to as *dan likaf zechus*, judging favorably. Let us examine these laws:

There are three categories of people.

1. Someone who is known to be G-d-fearing

One is required to assume that he did not do something wrong even if the situation implies that he did. Thus, if you see a well-respected *rav* do something that appears to be dishonest, one should assume there must have been a proper reason for his act, even if it seems very unlikely. Nevertheless, one may consider the possibility that a wrongdoing was

performed to the extent of protecting oneself from harm (*Chofetz Chayim* 1:6:10).

2. Someone who is usually careful in halacha but occasionally slips

A. If he did something that can be interpreted either negatively or positively, one should assume that he did the correct thing.

B. If circumstances imply that he did something wrong, you should regard it as unresolved.

3. Someone who regularly does evil

One should assume that he will continue to do evil, even if the chances are more likely that he did the correct thing (*Shaarei Teshuvah* 3:218).

WHAT SHOULD MEIRAH DO?

In our case, the practical question is whether Meirah may and should assume that the writer now understands her responsibility and will be careful. If the writer was indeed a halachically meticulous person, one should mentally assume that she is now careful. However, one may double check periodically to see that the material submitted is original.

Should she share her concerns with her employer?

Unless Meirah feels comfortable that the writer now fully understands her responsibility, she should still be concerned that maybe the writer does not understand her responsibility. If Meirah feels that the writer may not, she is required to tell her employer about the writer's indiscretion (*Maadanei Yom Tov*, *Niddah* 9:5:6, quoted by *Be'er Mayim Chayim* 6:29). In the case at hand, if Meirah felt that the author did not take her admonition seriously – she felt that the writer does not realize that what she did was wrong, but was simply placating the editor – then she should bring this to the attention of the employer.

EPILOGUE

Based on my halachic advice, Meirah apprised her employer of the situation, and advised the writer to discuss the matter with the employer. In her note to the employer, she wrote:

"I am worried because neither shame nor remorse was expressed. I do not actually know if she understood the problem or how she feels about it.

After much thought and after receiving halachic advice, I sent her an e-mail that I think this matter should be discussed with you.

Kol tuv and hatzlacha,"

The employer responded:

"I think the lack of remorse stems from the writer not even realizing what she had done was wrong. I have now made it clear to her that when researching articles the writer must actually rewrite every single word of the information she is using. Furthermore, I gave her other clear and specific guidelines."

Meirah's final comments to me on the subject:

"The employer gave no indication that he is planning to fire the writer, which had been one of my major concerns in this whole incident - and possibly would have been a reason not to report her actions to the employer. I hope we can work together well in the future and that she now understands what was wrong with what she was doing."

So do I.

*Please note that names and some details have been changed to protect privacy.

YatedUSA Parshas Shelach 22 Sivan 5767

Halacha Discussion

by Rabbi Doniel Neustadt

Food Preparation on Shabbos (Part 1)

In several places in the Torah, Hashem commands the Jewish People to rest on the Shabbos day, just as He himself "rested" after the Six Days of Creation. Obviously, the concepts of "working" and "resting" do not apply to Hashem, but the Torah uses these terms to establish the principle that Shabbos "Labor" does not depend on how physically strenuous an act is. A forbidden Shabbos Labor is not measured in terms of physical exertion, but rather in terms of productive accomplishment regardless of how much or how little "work" is entailed.1

Consequently, there are several Shabbos Labors which are forbidden even though they require virtually no physical exertion, like “choosing” or “carrying.” Because such Labors involve no discernible “work”, many people unknowingly commit severe Shabbos transgressions on a constant basis, thinking that they are not “working” on Shabbos. Food preparation in particular is an area entailing such Labors where ignorance can result in serious Shabbos violations. Every observant Jew — man and woman alike — must, therefore, learn and review constantly the correct procedures for preparing dishes that are commonly prepared on Shabbos.²

In this summary we will describe the correct method for preparing foods that are often prepared on Shabbos.

Eggs and onions

Preparation of this dish, or similar ones, can involve many Shabbos Labors, among them: washing and peeling the eggs and the onions (choosing); mashing the eggs (grinding); dicing the onions (grinding); mixing the eggs and onions together (kneading); salting the onions;³ adding oil as a binding ingredient (kneading); removing egg shells from the mixture (choosing).

In view of all these potential Shabbos violations, it is strongly recommended that the eggs and onions be prepared before Shabbos.⁴ When it is not possible or practical to do so, however, this is the permissible way to prepare it on Shabbos:

Preparing the ingredients

Both the eggs⁵ and onions should be peeled immediately before the meal.⁶ This means that if the meal⁷ is to start at 12:00 o’clock, for example, and it takes about thirty minutes to prepare for the meal, then the eggs and onions may be peeled at about 11:30, but not earlier.⁸ Even if the housewife would like to prepare her meal before going to shul or taking a walk, it is forbidden to do so.⁹

The eggs and onions may be peeled by hand or with the aid of a knife only.¹⁰

The eggs may be mashed with a fork¹¹ or sliced with an egg slicer.¹² A grinder [or a masher¹³] may not be used.¹⁴ [If the eggs were peeled before Shabbos,¹⁵ they may be mashed earlier, and not necessarily immediately before the meal.¹⁶]

It is strictly forbidden to cut up the onions into very small pieces (diced).¹⁷ But in the event that it is difficult to eat bigger pieces of onion [or if the food is being prepared for a child], most poskim permit dicing the onions into small pieces, provided that they are diced immediately before the meal.¹⁸ [Another option is to cut the onions into little pieces in an unusual manner - with a spoon or with the handle of a knife or fork,¹⁹ but this is not practical.]

Mixing the ingredients

The eggs and onions may be mixed together.²⁰

The eggs and onions together may be salted, especially if the mixture is going to contain oil or mayonnaise.²¹ But the onions alone should not be left salted [or immersed in vinegar²²] for any length of time.²³

The proper method for the next step in making eggs and onions — adding oil to the mixture — was hotly debated among the poskim of the past generations, since adding oil may be a violation of the forbidden Shabbos Labor of “kneading.” Apparently, it was a widely-held custom to add oil to the mixture in the normal manner, and many leading poskim approved of it.²⁴ Indeed, several contemporary authorities agree that the custom is firmly grounded in Halachah and may be followed.²⁵ The oil should be added immediately before the meal, and in small quantities only.

Nonetheless, the poskim are of the opinion that it is halachically preferable to add and mix the oil in a way that is altogether different from the way it is done ordinarily: a) the oil must be poured into the bowl first, and then the eggs and onions added;²⁶ b) the mixture may not be stirred vigorously — it may only be mixed in one of the following ways, in order of halachic preference: with one’s finger;²⁷ by shaking the bowl;²⁸ with a knife, fork, or spoon but only in a criss-cross pattern²⁹ (up and down and left to right), not around and around in the normal mixing motion;³⁰ with a utensil not normally used for mixing;³¹ with the handle of a knife or a spoon.³²

When mayonnaise is being used instead of oil, the same procedure is followed, except that there is no need to reverse the order and place the mayonnaise in the bowl before the eggs and the onions (as is required when using oil).³³

Serving the mixture

Pieces of cooked potato may be added and mixed into the egg-onion mixture.³⁴

If, after the mixture is prepared, an eggshell is found in it, the shell may not be removed from the mixture. Rather, the proper procedure is to leave the eggshell and the food that is around it in the bowl, and lift all of the rest of the mixture out of the mixing bowl and into another dish. Some poskim are more lenient and permit removing the shell provided that some of the mixture is removed with it.³⁵ Other poskim strictly prohibit removing the shell in this manner,³⁶ and it is proper to be stringent.³⁷

When the mixture is ready, it is proper to leave it as is and not smooth it down, shape it,³⁸ etc. It is permitted, however, to use a scoop for serving individual portions.³⁹

(Footnotes)

1 Ohr ha-Chayim, Yisro 20:11.

2 See Chafetz Chayim’s preface to Mishnah Berurah, Hilchos Shabbos.

3 It may be prohibited because salting is part of the pickling process, which resembles cooking (Rambam), or because salting can alter the texture of the food and is similar to me’abed, tanning hide, since that too is accomplished by using chemicals to alter the texture of the hide (Rashi).

4 Indeed, in the home of the Chazon Ish and Harav Y.Y. Kanievsky, this food was always prepared before Shabbos, so as to not get involved in potential Shabbos Labors (Ayil Meshulash, pg. 157; Orchos Rabbeinu). Also, it is noteworthy that the custom in many homes is that the men, not the women, prepared this dish. Possibly this is due to the complexity of the issues involved. It is also reported that several tzaddikim insisted on preparing this dish themselves, and it was done right at the table.

5 Eggs in a pot of water are not considered to be “mixed” with the water. It is permitted to discard the water from the pot and leave the eggs; Harav Y.S. Elyashiv, quoted in The Laws of Borer, pg. 30.

6 Rama, O.C. 321:19.

7 Zemiros which are sung prior to the meal are considered as part of the meal (Harav Y.S. Elyashiv, quoted in The Laws of Borer, pg. 25 and Harav N. Karelitz, quoted in Ayil Meshulash, pg. 117).

8 Igros Moshe, O.C. 4:74-13; Harav Y.S. Elyashiv and Harav N. Karelitz (quoted in Ayil Meshulash, pg. 118). There is a minority view which holds that it is permitted to begin the preparation half an hour before the meal even if the actual preparation does not take that long (Harav S. Wosner, mi-Beis Levi 6, Borer 2).

9 Mishnah Berurah 321:45.

10 Beur Halachah 321:19; Igros Moshe, O.C. 1:124.

11 Mishnah Berurah 321:31 and 36, since it is only prohibited to mash foods that grow from the ground. Mashing eggs may be permitted even according to the Chazon Ish (O.C. 57) who generally rules that mashing applies even to items that do not grow from the ground. See Otzros ha-Shabbos, pg. 344 for a detailed explanation.

12 Igros Moshe, O.C. 4:74-4; Harav S.Z. Auerbach (Shemiras Shabbos K’hilchasah 6:3); Harav S. Wosner (Otzros ha-Shabbos, pg. 157).

13 Harav S.Z. Auerbach (Me’or ha-Shabbos 1:457).

14 O.C. 321:10, since that is considered a “week-day activity.”

15 See The Weekly Halachah Discussion on Parashas Va’eschanan concerning the danger of leaving shelled eggs over night.

16 Mishnah Berurah 321:31.

17 O.C. 321:12.

18 Mishnah Berurah 321:45. While Chazon Ish (O.C. 57) disagrees with this leniency, Igros Moshe (O.C. 4:74-2) rules that when the need arises, even a ba’al nefesh need not be stringent. This is also the ruling of Harav S.Z. Auerbach (Shemiras Shabbos K’hilchasah and Tikunim u’Miluim 6:6)

19 O.C. 321:7 and Mishnah Berurah 25.

20 Since no liquid is being added, there is no problem of kneading.

21 Mishnah Berurah 321:14; since the oil [or the bit of vinegar which is poured over the salt and washes it away] weakens the potency of the salt. Even if no oil or mayonnaise will be mixed in, it is still permitted, since it is permitted to salt eggs (Mishnah Berurah 321:18 and 21) and it is permissible to salt the onions once they are mixed with the eggs.

22 See Mishnah Berurah 321:15 concerning cucumbers in vinegar.

23 O.C. 321:3 and Mishnah Berurah 13, 14, 15.

24 Several poskim of previous generations attest to the prevalence of this practice; see Rav S. Kluger (ha-Elef Lecha Shelomo 139), Eglei Tal (Tochen 123:7); Tehilah l'David 321:22, 25; Eishel Avraham Tanina 321; Minchas Shabbos 80:38; She'arim Metzuyanim b'Halachah 80:23.

25 Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 8, note 81); Tzitz Eliezer 11:36; Be'er Moshe 6:46.

26 Since normally the eggs and onions are put in first and then the oil is poured on them.

27 Rama 321:16. Wearing a glove is prohibited; Chazon Ish 58:8.

28 Mishnah Berurah 321:63.

29 Between each change of direction the utensil should be lifted out of the mixture; Chazon Ish 58:6; Igros Moshe O.C. 4:74-5.

30 O.C. 324:3.

31 Minchas Yitzchak 1:74.

32 These last two options are halachically the least desirable since they are not mentioned by any early authority, and some contemporary poskim specifically disallow the practice in a thick mixture such as eggs and onions. See, however, Igros Moshe O.C. 4:74-6 who seems to allow it in all cases. See also Tzitz Eliezer 11:36, who quotes a similar ruling.

33 Since no binding takes place until the actual stirring and mixing begins.

34 Since the forbidden Shabbos Labor of kneading involves only small particles, not large pieces.

35 Based on Mishnah Berurah 319:61 concerning a fly that fell into a drink. See also Mishnah Berurah 504:20 concerning matzah crumbs.

36 Chazon Ish 54:3.

37 Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 5, note 21), since an eggshell in a salad is considered more "mixed in" than a fly in a drink, and possibly all poskim would prohibit this.

38 Kitzur Shulchan Aruch 80:25. See also Chayei Adam 39:1-10. Other poskim, however, are not concerned with this; see Da'as Torah 31:19 and Cheishev ha-Eifod 2:77. See also Binyan Shabbos, Boneh, Miluim 8.

39 Since the purpose is to aid in the serving process, not to shape the food; see Be'er Moshe 6:43 and 8:134.

THE WEEKLY DAF :: Yevamot 34 - 40
For the week ending 2 June 2007 / 16 Sivan 5767
from Ohr Somayach | www.ohr.edu
by Rabbi Mendel Weinbach
THE TEN-YEAR DEADLINE

The daughter of Rabbi Chisda married the Sage Rava after ten years of widowhood. When she became pregnant it caused a stir amongst Rava's colleagues, because Rabbi Yochanan had stated a law of nature that a woman who remains unmarried for ten years after her first marriage is no longer capable of bearing children.

Rava's wife cleared up the mystery by informing him that during her widowhood she had in mind to marry him, and the rule stated by Rabbi Yochanan had been qualified by Rabbi Nachman who declared that if the woman had in mind to get married she could conceive even after ten years. The background for this dialogue is supplied by Tosefot on the basis of an incident related in Mesechta Bava Batra (12b) to illustrate that since the destruction of the Beit Hamikdash, prophecy was removed from the prophets and allocated to fools and children. Rabbi Chisda's little daughter sat in his lap as two of his disciples, the Sages Rava and Rami bar Chama sat before him. "Which of these two do you want to marry?" he asked the child. "Both," she announced, to which Rava quickly responded "and me last."

She did indeed marry Rami bar Chama first, and after his death she was certain that her childhood prophecy would be fulfilled and that she would marry Rava. The latter, however, had a wife already and she had to wait ten years until that woman died. Having her mind on eventually marrying Rava during all these years saved her from losing her ability to bear children.

On the basis of the rule and qualification found in our gemara, the Midrash thus explains a passage from the Book of Ruth (1:12). In it, Naomi discourages her widowed daughter-in-law from accompanying her to Eretz Yisrael in the hope of someday marrying other sons she may eventually bear. "I have grown too old to marry a man," she told them, "and even if I said that I have hope, and even if tonight I would marry a man and then give birth to sons, would you wait until they grow up?"

Naomi explained that, since it was ten years short a day since the death of her husband, her ability to bear children in a new marriage would depend on one of two things:

- 1) "I said that I have hope" that she had her hopes set on marriage;
- 2)

"If tonight I would marry a man" before the ten years came to an end. - (Yevamot 34b)

THE PREFERRED MITZVAH

Should a man die childless, the Torah made it a mitzvah for his brother to perform yibum by marrying the widow. The Torah thus put aside the prohibition on a man marrying his brother's wife even after his death in order for this mitzvah to be done.

But what if the brother is not motivated to marry her for the sake of the mitzvah but only because of her beauty or some other ulterior motive? The Sage Abba Shaul viewed this as bordering on a violation of the ban on marrying a brother's wife, and he even considered the idea that a child born from such a marriage would be a mamzer. The other Sages disputed this approach and held that regardless of the motive, the yibum was a valid fulfillment of the mitzvah.

These two conflicting opinions determine whether today we encourage yibum or its alternative, chalitzah. The mishna in Mesechta Bechorot (13a) quoted in our gemara declares that in earlier generations when people had the right attitude and did yibum for the sake of the mitzvah, it was preferable for yibum to be done. Since in later generations people began to perform yibum for different reasons and not for the sake of the mitzvah, it is preferable to do chalitzah. This is clearly in line with the view of Abba Shaul.

The Sage Rami bar Chama, however, quotes Rabbi Yitzchak as stating that this position of endorsing the view of Abba Shaul was subsequently abandoned in favor of the view of the other Sages which makes yibum preferable even today.

There is a major debate amongst the commentaries as to whether we rule like Abba Shaul or the other Sages. Rabbeinu Alfis (Rif) cites the statement of Rami bar Chama as support for the view of the other Sages and therefore concludes that yibum is preferable. Rabbeinu Tam of the Tosefists and Rabbeinu Chananel rule like Abba Shaul and conclude that chalitzah is preferable.

The accepted practice in virtually every Jewish community today is to avoid yibum in favor of chalitzah. - (Yevamot 39b)

TALMUDIGEST :: Yevamot 37 - 43
For the week ending 9 June 2007 / 23 Sivan 5767
from Ohr Somayach | www.ohr.edu
by Rabbi Mendel Weinbach
THE SILENT TREACHERY

One should not marry a woman whom he intends to divorce. This statement, quoted in our gemara in the name of Rabbi Eliezer ben Yaakov, is based on what is written (Mishlei 3:29) that "one should not secretly plot evil against another who trusts him enough to live with him."

The commentaries, however, refer us to another gemara (Meshechta Gittin 90a) in which this passage is applied by the Sage Rava to forbid a man to live with his wife if he is secretly plotting to divorce her. The children born from a union with such a thought in mind are adversely affected and are referred to (Mesechta Nedarim 20b) as "the offspring of one with divorce in his heart".

What is most interesting is the word in the above-mentioned passage that is the verb describing the act of betrayal of a "trusting wife". Tacharosh literally means "to plow". How it applies to the man secretly plotting divorce is understood in two different ways.

Rashi explains that just as one who plows the earth to prepare it for planting, so does the plotter prepare the ground for carrying out his scheme. Maharsha, however, prefers to relate this word to cheresh, which means silent or secret and which describes the thought of divorce this treacherous husband is concealing.

WHAT THE SAGES SAY

“There is no comparison between the hunger of a man who has bread in his basket and one who has none.”
An oft-quoted maxim ascribed in Yoma 74b to either Rabbi Ami or Rabbi Asi - Yevamot 37b

**Please address all comments and requests to
HAMELAKET@hotmail.com**