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MY POST OFFICE :: Rabbi Berel Wein

Well, it really isn't my post office. It is only the post office that is located in my neighborhood. The postal service in Israel has allegedly been recently privatized but in my post office there are, to my expert eyes, no recognizable differences from the time when it was government operated.

Over the last ten years I visit the post office at least once a week. My mail delivery person decides arbitrarily which mail is too burdensome to place in my mailbox. Instead he or she (postpeople sightings are quite rare here in Jerusalem) deposits a notice in my mail box inviting me to come to the post office to pick up my mail which I foolishly thought was somehow the job of the post office to deliver to my mailbox at my home.

Be that as it may, I find myself at the post office quite often and regularly. The post office also serves as a bank and one can pay one's utility bills, governmental obligations and conduct other sundry monetary transactions there.

All of the above guarantees that there is always – and I mean always – a long line of people waiting to be served. The people who service the counters are hard-working and usually courteous and helpful but the place is seriously undermanned and the five service counters are never in operation at the same time. So a visit to the post office invariably means a wait in line that can sometimes stretch from ten to twenty minutes or even longer.

There are therefore important life lessons that are omnipresent in a visit to the post office. The most obvious one and perhaps the most important one is the virtue of patience. Eventually, one's turn at the counter will arrive.

Nevertheless the scenes of impatience at the post office are common. And the cardinal sin there is somehow letting someone go before you no matter how necessary and reasonable that situation warrants it. There are always complaints against people taking too much time at the counter from those who are still waiting in line. However, I do not notice that those very same complainers conduct their business at the counter when they reach it with any greater alacrity than those about whom they have complained.

Waiting in line brings out the best in people and the worst in people. It only depends on which side of one's personality one wishes to exhibit publicly. I have noticed that patience can also induce an attitude of tolerance towards others and their human foibles. Remaining calm and even good-natured while waiting in line is excellent training for life in general. One can meet interesting people and conduct stimulating conversation while waiting in line.

There is a Jewish expression that what intelligence and planning often cannot accomplish can nevertheless be achieved through the passage of time and patience. Jews, especially here in Israel, are not particularly known for their patience. The post office is a good place to practice incorporating this virtue within ourselves.

While standing in line at the post office I have the opportunity to view the posters advertising the latest series of postage stamps printed by the postal authority. As a child, I was once a stamp collector, but long ago gave up the hobby. However I have never really lost my fascination for stamps. I especially enjoy gazing on the Holiday stamp series that always has a beautiful graphic display of traditional Jewish themes and Jewish history.

Just as the street names of Jerusalem teach us a great deal about the Jewish faith and past, so too do the stamps that one can purchase at the post office. I remember that as a child I was vividly impressed by my father's expression of joy at receiving a letter from then British mandatory Palestine that had a stamp that bore Hebrew lettering on it.

The stamp also had a picture of the Mosque of Omar and English and Arabic lettering on it as well but that was all irrelevant to my father who was the quintessential believing Eastern European Jewish scholar. To him, the only thing that mattered on that stamp was its Hebrew lettering. To such Jews, a Jewish postal service in a sovereign Jewish state in the Land of Israel was a piece of fulfillment of Biblical prophecy.

While once waiting in line with me at the post office my father noticed my impatience at the slow progress of the line. He gently said to me: "We waited two thousand years to have a Jewish post office. We can wait another ten minutes to use its services." And so we can.
Shabat shalom.

Weekly Parsha :: NOACH :: Rabbi Berel Wein

The deleterious effects of alcohol abuse are clearly evident in this week's parsha. Noach, after the trauma of the great flood and the destruction of his society and world, somehow drowns his sorrows in wine and becomes drunk and loses control over himself. From that incident, further tragedies, curses and disasters arise until it seems that the entire exercise of the flood seems to have been purposeless and irrelevant.

The scourge of alcohol related tragedies that was for many years almost unknown in the Jewish world is today commonplace in our society. Binge drinking by kippah-wearing youths is now an accepted way of life in the Diaspora and here in Israel as well. If one has any doubts about the effects of such behavior on family life, employment success and social interactions, let him spend five minutes speaking to Dr. Abraham Twerski. He will quickly disabuse (no pun intended) you of such a fanciful untrue notion. Automobile fatalities, broken families and homes and marriages, violent behavior and an attitude of uncontrolled hedonism all are products of the vineyard of Noach.

Because of this alarming situation in the Jewish world there are now synagogues that ban any form of liquor except for kiddush wine from being served or located on its premises. The excuses of Purim and Simchat Torah may have been valid for previous generations of sober minded Jews. In a generation of over indulgence and uncontrolled materialism, such as ours resembles, alcohol has become lethal to Jewish life, behavior and values.

There is a wonderfully true and pithy Yiddish aphorism that states: "What a sober person has on one's lung (controlled within) a drunken person has on one's tongue (exhibits in one's outside behavior.)" I knew Jews who when drunk on Purim would pour their hearts out to God and recite the entire Yom Kippur services by heart. Others who were great scholars would repeat countless sections of the Mishnah by pure memory.

When wine enters then the inner secrets of a person are revealed is certainly a correct assessment. Therefore I was mightily disturbed when on the night after Simchat Torah "religious" Jews who were visibly drunk went on a stone-throwing binge at passing cars here in Jerusalem. No matter what type of dress they wore on the outside, their true inner selves was revealed to be one of hatred, violence and vandalism. By such behavior, Jews can revert back to be Sons of Noach instead of Sons of Avraham.

I think that Noach's failure to realize the inevitable consequences of his drunkenness is one of the saddest narratives in the Torah. We will meet another incident of the dangers of an alcoholic binge in the story of Lot and his daughters. There too, as in the case of Noach, future generations of history are affected negatively by the drunken behavior of an ancestor.

I therefore think that the story of Noach in this week's parsha is most relevant to us and our times. To ignore that lesson is truly to place ourselves personally and society-wise in a very dangerous and unfortunate position.

Shabat shalom.

Ohr Somayach :: Torah Weekly :: Parshat Noach
For the week ending 13 October 2007 / 1 Heshvan 5768
by Rabbi Yaakov Asher Sinclair
Overview

It is ten generations since the creation of the first human. Adams descendants have corrupted the world with immorality, idolatry and robbery, and G-d resolves to bring a flood which will destroy all the earths inhabitants except for the righteous Noach, his family and sufficient animals to repopulate the earth. G-d instructs Noach to build an ark. After forty days and nights, the flood covers even the tops of the highest mountains. After 150 days the water starts to recede. On the 17th day of the 7th month, the ark comes to rest on Mount Ararat. Noach sends out a raven and then a dove to ascertain if the waters have abated. The dove returns. A week later Noach again sends the dove, which returns the same evening with an olive leaf in its beak. After another seven days Noach sends the dove once more; the dove does not return. G-d tells Noach and his family to leave the ark. Noach brings offerings to G-d from the animals which were carried in the ark for this purpose. G-d vows never again to flood the entire world and designates the rainbow as a sign of this covenant. Noach and his descendants are now permitted to slaughter and eat meat, unlike Adam. G-d commands the Seven Universal Laws: The prohibitions against idolatry, adultery, theft, blasphemy, murder, eating meat torn from a live animal, and the obligation to set up a legal system. The worlds climate is established as we know it today. Noach plants a vineyard and becomes intoxicated from its produce. Ham, one of Noachs sons, delights in seeing his father drunk and uncovered. Shem and Yafet, however, manage to cover their father without looking at his nakedness, by walking backwards. For this incident, Canaan is cursed to be a slave. The Torah lists the offspring of Noachs three sons from whom the seventy nations of the world are descended. The Torah records the incident of the Tower of Babel, which results in G-d fragmenting communication into many languages and the dispersal of the nations throughout the world. The Parsha concludes with the genealogy of Noach to Avram.

Insights

The Hands of the Artist

“May G-d extend Yafet, but he will dwell in the tents of Shem...” (9:27)

Any recorded medium, be it video or sound, has a tremendous advantage and serious drawback — and ironically they are both the same.

You can change things forever.

In a concert hall, the singer has only one chance to hit that top C — if he or she blows it, that’s it. In the recording studio, the possibility exists to go for that top C ad infinitum — and often ad nauseam.

As in so many things, possibility commands necessity. “Let’s just give it one more take...” The road to insanity is paved with the millstone of perfectionism.

Worse however, perfectionism very often leads to mediocrity.

A well-known record producer used to quip in the studio, “Let’s improve it till it’s dreadful.”

He told me that whenever he finished a record there were parts with which he was less than satisfied; maybe a certain instrument could have been louder or softer, or a piece of the vocal wasn’t quite smooth enough.

Ironically, if the record became a hit, often the parts with which he was the least enamored were the parts that made the record original and unique.

Why?

One of the prerequisites of being a good artist is knowing how to get out of your own way.

All creation begins with imitation. But if art never escapes imitation then it is doomed to blandness; it will never be more than a recapitulation of what preceded it. Great art has the ability to lead you down the path of the familiar and then reveal something you never dreamed of.

How does it do this?

The greatest artist whoever lived was called Betzalel. It was Betzalel who built the Mishkan in the desert after the Jewish People left Egypt. The greatness of Betzalel’s creation was that succeeded in doing what every artist dreams of — to make heaven dwell on earth. To make the spiritual dwell within the physical. The Mishkan was the way in which the Shechina, the Divine Presence became apparent in this world.

Betzalel knew how to take the building blocks of creation, the aleph bet, and with mystical kavanot (thoughts) combine the letters to create G-d,’s

dwelling place on earth, similar to the way G-d Himself created the whole universe with those same letters.

Betzalel’s name means “In the shadow of G-d” — B’tzeil Keil. The greatest artist is he who can get out of his own way and allow G-d to paint the picture.

Noach’s son, Yafet, was the father of Yavan, who was the founder of Ancient Greece. Greece, and all its gifts to the world: aesthetics, poetics, drama — the depiction of the world as it looks from the outside in, finds its true purpose when Yafet dwells in the tents of Shem, the tents of Torah — for it is the Torah that gives us a view of the world from the inside out.

The greatest art comes when the artist recognizes that he is merely a tool in the Hands of The Artist.

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Peninim on the Torah by Rabbi A. Leib Scheinbaum PARSHAS NOACH

Noach was a righteous person.Noach walked with G-d. (6:9)

The Torah attributes a number of impressive titles to Noach. At the end of Parashas Bereishis (6:8), the Torah records that “Noach found chin, grace/favor, in the eyes of Hashem.” This is truly noteworthy. Finding favor is not an appellation that applies to just anyone. In the beginning of our parsha, the Torah describes Noach as a tzadik, righteous person, and tamim, perfect (6:9). Later, after the Flood, the Torah calls him, ish ha’adamah, the man of the earth (9:20). In contrast to Noach, the righteous, the perfect, the builder, we find Chazal in the Midrash noting that had he lived during the generations of either Avraham, Moshe or Shmuel Ha’Navi, he would not have been considered a tzadik. Last, the Midrash maintains that even Noach would not have been worth saving during the Flood, if not for the fact that he had found favor in the eyes of Hashem. What is the meaning of “finding favor”?

Apparently, something about Noach is not completely right. Indeed, at every juncture that the Torah mentions his name in a positive way, it always presents a contrasting image. Hashem “regrets” creating man, but Noach found favor. It is not that he himself was that great; rather, he found favor and “lucked out.” Indeed, Noach seems to have cared more about himself than the people of his generation. The plaudits that the Torah attributes to him are valid only when couched in the words, b’dorosav, his generations. He could not compare with the great leaders of other times such as Avraham, Moshe and Shmuel. The Jewish people are the children of Avraham, while the gentile world hails from Noach. We know that Noach preceded Avraham, yet we are considered Avraham’s descendants. Why?

The Sefas Emes explains that Noach was a complete tzadik, yet he required Hashem’s support. This did not mitigate his righteousness, because this is how Hashem established the world. A tzadik needs Hashem’s support, and this need is not to be perceived as a deficiency. A tzadik shalem, complete tzadik, is one who is able to exert self-control to the point of righteousness. He still requires Hashem’s support. but that is a way of life. Nonetheless, Noach’s righteousness was not sufficient to the degree that he could become the progenitor of Klal Yisrael. For that honor, we needed Avraham Avinu.

Avraham was more than a tzadik. He was a chasid, pious person, who went lifnim meshuras ha’din, beyond the measure of just law. His level of self-sacrifice for the honor and holiness of Hashem’s Name was consummate. He did not exist b’derech ha’teva, according to the norms of nature. He went beyond, living by the standard of mesiras nefesh, self-sacrifice. His devotion was the greater and more intense devotion that was necessary to father the Jewish nation. Being a tzadik was not sufficient. It was necessary to have the added attribute of chasid to form the core of our people, since we do not subsist by the laws of nature. Reason does not apply to the history of the Jewish people, since—according to the laws of reason—we should not be here. There is nothing wrong with Noach’s approach. It just is not sufficient for us. We go beyond righteousness to the realm of chassidus.

Furthermore, as a man of the earth, Noach was able to elevate nature to the point that he could utilize it to serve Hashem. When all was said and done,

however, nature was nature, and heaven was heaven. He did not have the ability to transform earth into heaven. Avraham Avinu actually did not distinguish between heaven and earth. Both were a medium for serving Hashem, so that earth became heaven. No boundaries existed in Avraham's frame of mind. His service embodied every opportunity to serve the Almighty. The physical and the spiritual united into a single entity, since they were both integral to a single ideal.

To explain this concept further, we may employ a thought from the Baalei Mussar, Ethicists, concerning Yaakov Avinu's transplanting the cedar trees of Eretz Yisrael in Egypt, so that his descendants would take them when they left. These cedars would one day be used in the wilderness to build the Mishkan. Imagine if someone were to have walked by and notice Yaakov planting the saplings. He would have assumed that it was as it appeared: an old man planting trees. Great! It would have seemed to be a wonderful and lofty endeavor, especially when he found out that these cedars would one day serve a holy purpose. Yaakov Avinu, however, had something else in mind. To him, he was building the Mishkan. Yaakov was not simply planting trees; he was building the Mishkan!

Likewise, when we raise our children, our attitude should be that we are building Klal Yisrael. We must look beyond the actual endeavor to envision it as part of the larger picture. Thus, we sanctify it, transforming an earthly project into a Heavenly endeavor.

He sent out the raven, and it kept going and returning. Then he sent out the dove from him. (7:7,8)

Noach sent out the raven to ascertain whether the air was still too wet for the raven to tolerate. The raven flew around the Ark, but it did not carry out its assigned task because it foolishly suspected Noach of impropriety with its mate. Seven days later, Noach sent out the dove who accomplished its mission. Klal Yisrael is compared to the dove, as we are the ones who execute Hashem's mission in the world. The raven revealed its true colors and, as a result, proved to be an untrustworthy creature.

In the Talmud Gittin 45, Chazal reveal that Rav Illish refused to believe the raven's communication when he was in prison. Once, when Rav Illish was imprisoned by the government, he shared a cell with an individual who claimed to be proficient in deciphering the language of birds. One day, a raven flew over to the window of their cell and banged upon the window as it made some kind of noise. Rav Illish asked the man what the raven was saying. He replied that the raven was screaming, "Illish, run! Illish, run!" Apparently, it was a propitious time for him to escape. Rav Illish said, "The raven is a liar," and, therefore, cannot be trusted. The Maharsha explains that Rav Illish based his comment on the deceitful actions of the raven in Parshas Noach. Shortly afterwards, a dove came to the window and also transported a form of communication. Rav Illish asked his fellow prisoner for an explanation. He received the same explanation as before, "Illish, run! Illish, run!" The sage said, "The Jewish people are compared to a dove. I will listen to its message." He successfully escaped from prison.

Rabbi Akiva Eigar, zl, cites the Aruch who proves from here that Rav Illish was proficient in the language of birds. This is not credible, since, if anything, the story supports a contrasting opinion. He asked his cellmate to explain to him what the birds were saying. The Maharsha wonders how Rav Illish could have trusted the integrity of his gentile cellmate in a situation concerning a matter of life and death.

Horav Chaim Shmuelevitch, zl, offers the following insightful explanation of this Chazal. Rav Illish was incarcerated under conditions that certainly left much to be desired. Birds are visiting his window, banging away. In their "language," they were conveying a critical message. Rav Illish was not the type of person to ask his fellow prisoners for assistance in interpreting the birds' message; nor did he need their assistance. He knew what the birds were saying, because he was well-versed in their language. Why, then, did he ask the gentile to decipher the birds' message for him? If he knew, why did he ask?

Rav Chaim explains that a person hears what he wants to hear. Someone who is in a dungeon is constantly dreaming of his release. If an opportunity were to present itself in which he could escape, he would certainly not call a meeting to discuss the feasibility; he would run! Now, if he heard the raven say, "Illish, run! Illish, run!" he knew that he must think twice before

accepting what he had heard. Perhaps, it was wishful thinking, and his vested interests were clouding his perspective. Perhaps he was convincing himself that the birds were encouraging him to run but, in reality, he knew that he had better stay put. What does one do under such circumstances? Rav Illish asked the gentile to interpret the birds' message, because he was well aware that the gentile had nothing to benefit from his interpretation. He had no negios, vested interests. He would be likely to relate the truth. If what he heard supported what Rav Illish had originally heard, then he would take action and escape. He could not take a chance, however, by trusting himself, because he so wanted to hear "run, run," that he might err and run prematurely.

This is a powerful lesson in life. We hear what we want to hear, and we see what we want to see. This applies to all of us, regardless of background, level of scholarship, or piety. We are human, and this is a human failing that seems to apply across the board. Great people take great pains not to deceive others - even themselves.

And all flesh that moves upon the earth. (7:21)

In the Talmud Zevachim 113, Chazal teach us that the waters of the Mabul, Flood, did not penetrate Eretz Yisrael. "If this is so," questions the Zohar Hakadosh, "why did Noach have to leave the land? Indeed, building the Ark was not necessary, since the flood waters never reached the Holy Land." The Zohar explains that, while the actual waters of the deluge did not enter into Eretz Yisrael, the wind, heat and the torrential rains created such a climatic change that it was impossible to continue living there. There was no flood - but, nonetheless, it was impossible to remain there as a result of the flood's backlash. Horav Yaakov Galinsky, Shlita, derives a powerful idea from this. When there is a flood in the world, its effect is all-consuming, encompassing not only the immediate area, but also the entire surrounding geography. Without a teivah, protecting ark, one will perish as a result of the flood that is affecting the world.

This idea applies in ruchniyus, the spiritual realm, as well as in gashmiyus, the physical dimension. When there is a flood of moral and spiritual decay inundating the environment, it is crucial for those who want to live to cloister themselves in an ark that permits them to maintain their individual and spiritual integrity. Regrettably, this occurs on a daily basis, as we are besieged and inundated with the filth of the street. The moral decay to which contemporary society has plummeted presents an imminent threat to the spiritual survival of those who are not protected. Just as the physical climate in Eretz Yisrael was adversely affected by the deluge outside its perimeters, so, too, are we affected by the spiritual climate that seeps into our community from outside our boundaries. The only means of protection is the ark that we build for ourselves.

Rav Galinsky relates that some thirty-five years earlier, he was visiting with the venerable sage, the Steipler Gaon, zl. Suddenly, one of his granddaughters burst in and exclaimed, "Sabba! Sabba! There is a hechsher, Rabbinic supervision, on the chewing gum!" The Steipler smiled and said to Rav Galinsky, "Rav Yankele, look. They do not ask if they may chew gum or not. The only issue is kashrus. If there is a hechsher, it is already permissible to chew the gum. Perhaps, chewing gum might not be the proper thing to do."

The Maggid continues his discourse with the notion that we are trying to emulate the society "out there." To a certain extent, "they" influence the way we dress, the way we speak, the way we walk down the street, the way we eat, and where we eat. We have become "victims" of the society that engulfs us, no different than the effect of the flood on the Holy Land's environment. I recently had occasion to go out to dinner in a city I was visiting. The only semblance of Judaism in the establishment was the owner sitting in his office wearing a yarmulke and the sign that stated, "This establishment is under Rabbinic supervision." Otherwise, I could have been in Japan or in the Himalayas. The food did not have a "Jewish" appearance. It certainly was not served by anyone Jewish. The ambience in the restaurant was as far from Jewish as one can get. Yet, it was strictly kosher l'mehadrin! This is the way we have chosen to live and the lifestyle that we have chosen to adopt. The question is: Is this what "we" are all about? Do we really need the chewing gum? Did the Chafetz Chaim eat Chinese? Did he have a "yen" for it, or did he maintain a more "sophisticated" life? How did it affect his perspective on life? Did he lose

out? I doubt it. I am only focusing on what seems to be an incessant need on our part to do everything as “they” do - as long as it’s kosher. There is more to Judaism than “kosher.” In other words, there is more to kosher than the ingredients and how the food is prepared.

Instead of taking pride in our individuality, our uniqueness, our distinctiveness, we are bending over backwards to mimic everything that contemporary society has chosen to venerate. Apparently, there must be something lacking in our collective self-esteem. Our sense of pride must have been left in another world, another culture, another lifestyle.

Rav Galinsky notes that when Leah Imeinu named her firstborn Reuven, Chazal suggest that she was intimating, Reu mah bein I’ben chami. “See the difference between my son and (Eisav) the son of my father-in-law. Eisav contemptuously sold the birthright to Yaakov - and then vowed to kill him. My son, Reuven, however, lost the birthright to Yosef, yet, not only did not hate him, he tried to save his life.” Look at the difference. Leah emphasized the extraordinary character of her son. In contrast, we are trying to demonstrate how much like Eisav we can be - as long as it’s kosher, of course. An admixture of kosher meat and cholov Yisrael is still treifah. It is not only the food that must be kosher. The person must be kosher. How he mixes his foods; how he eats them and under what circumstances: his total demeanor determines if he is an adam kosher.

The whole earth was of one language, and it came to pass when they migrated from the east they found a plain in the land of Shinar. (11:1,2)

At that time the world was united in language and goal. They all gathered in a central location. The stage was set for greatness to be achieved. Alas, the result was the opposite, as their unity in mind and location led to rebellion. One wonders why Hashem allowed them to convene in a place that eventually led to their downfall. If Hashem wanted to spare them from destruction, why did He allow them to assemble in the bikaah, plain/valley, as one consolidated unit? Eventually, He would have to intervene anyway. Why not do it before the fact, rather than later on?

Horav Yitzchak Elchanan Valdshein, zl, explains that the valley was the perfect setting for them to carry out their plans. They feared exile, because they wanted to achieve the ultimate expression of their physical natures and innate character traits. By remaining together, they could amalgamate their evil ways with one another. This way they could develop to the fullest and express the human potential for both bad and good. The Gaon, zl, m’Vilna writes that each country has its own unique character and evil traits. In Germany, it is immorality. In Russia, it is thievery. Thus, a city like Danzig, which is on the border, “excels” in both. The people who built the Tower of Bavel had this goal in mind: meld together all of their individual evil traits to produce a nation capable of super evil which would battle with the Almighty.

Avraham Avinu was alive then. He taught monotheism and the love of one Superior G-d to the world. His teaching did not coincide with the objectives of the organizers of this valley of evil. They directed slanderous remarks against him, saying that he was incapable of procreation. Why were they threatened by him? He could not produce a following, an heir to his legacy.

They feared that, because he had no family of his own, he would make it his life’s mission to proselytize to the world. Thus, it was crucial that they unite against him to offset his influence. Horav Nachman, zl, m’Breslov comments that just as the righteous find it difficult to overcome their physical side, so, too, do the wicked find it cumbersome to deal with their intellect. In other words, when the righteous triumph over their base desires, when they succeed in quelling the physical passions that arise within a human being, they feel a sense of satisfaction, a sense of fulfillment. Likewise, the wicked must do battle with their consciences, with the logic that tells them that they are wrong, that the path upon which they are treading leads to destruction. In order to continue on their path of iniquity, they must suppress the stirring of reason, the dynamic of logic that tells them that they are dead wrong.

It was evident to everyone that Avraham’s path demanded extreme devotion and total self-sacrifice in the pursuit of good. To offset this, his antagonists knew that they had to dedicate themselves equally to the demanding task of evil by building the Tower of Bavel. When the world

would take note of their intense efforts, their extreme devotion and sacrifice, it would deprecate the impact that Avraham was having.

They erred in one area. They were dedicating themselves to a vacuum, to emptiness and falsehood. All the sacrifice in the world is ineffective if the ideals are false. This is the nature of idol worship. It is vacuous. It is an attempt to shore up a false belief and to demonstrate to the world that what is wrong is right. This deception cannot work. Sooner or later, it will backfire, since it does not have a foundation of truth.

Hashem allowed them to locate the geographical presence which they needed to inhabit in their ruse. Why? Because He wanted all subsequent generations to learn from their shortcomings. They would serve as a model of how the many and the mighty could fall. The powerful were incapacitated when confronted by only one man - Avraham. He represented the truth. Falsehood cannot and will not prevail over the truth. The forces of evil mustered such incredible effort to stifle him. Yet, they were vanquished because the truth eventually shines forward and triumphs. We can win - if we continue fighting. If we believe in what we are doing; if we struggle with sincerity and integrity, we will succeed and emerge triumphant, for this battle is within our power and ability to win.

Va’ani Tefillah

I who have always trusted in Your loving kindness, my heart may jubilate because of Your salvation, I want to sing to Hashem when He brings His promises to fruition.

When a person receives an unexpected salvation: either because of a diminished sense of bitachon, trust, on his part, or, because the situation had seemed hopeless to him, the individual will feel a great sense of joy. After all, he thought it was over, and Hashem, as usual, came to the rescue. On the other hand, when the individual believes firmly that salvation will occur, he will not feel an unusual amount of joy, because he had never thought otherwise. He was always secure in the belief that he would emerge unscathed, successful from this situation. This person, however, has the opportunity to praise Hashem and to extol the incredible Kiddush Shem Shomayim, sanctification of the Name of Heaven., that resulted from his salvation. This, of course, can only be executed after the fact. So, as Horav Shalom Mordechai Schwadron, zl, the author of Techeilas Mordechai, sees it, the individual with bitachon expresses his joy only after salvation, because he always believed it would occur. His joy is not for his personal salvation, but, rather, for Hashem, whose Name becomes glorified. This is the meaning of the tefillah, “I have always trusted in Your salvation.” Therefore, I always was secure in my belief that it would come. Nonetheless, afterwards, “My heart jubilates because of Your salvation,” because now I am able to “sing to Hashem when He brings His promises to fruition.”

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Rabbi Yissocher Frand :: Parshas Noach Noach Did Not Become Wicked, He Just Became Plain

Following the emergence of Noach and his family from the Tayva [Ark], the Torah teaches: “And Noach, the man of the earth, debased himself (vayachel Noach) and planted a vineyard.” [Bereshis 9:20]. Rashi explains that the word vayachel comes from the root of chulin (profane or secular). Rashi states: He should have occupied himself with some other kind of vegetation as his first planting (after emerging from the Tayva).

The parsha begins with “Noach was a perfectly righteous person (tzadik tamim) in his generation” but at the end of the parsha, Noach is on a lower spiritual level. He had become regular, plain, or mundane—depending on how exactly we translate the word chulin. Rather than possessing lofty goals, he became a mundane person. What was his crime? He planted a vineyard.

We might speculate why he planted a vineyard. He had been in the Tayva for a lengthy period of time. When he left the Tayva, he found a world that had literally been destroyed. Is there a more disheartening and depressing scene than to realize that humanity has to begin all over again? It is so surprising then that Noach planted a vineyard? “Give wine to the bitter of soul” [Mishlei 31:6]. It is natural for a depressed and bitter person to look

for ways to cheer himself up. “Wine will gladden the hearts of man” [Tehillim 104:15]. Noah’s actions were very understandable. He felt lonely and forsaken. It was about time that he did do something for himself!

Rav Simcha Wasserman says that this is exactly the definition of “he made himself profane (chulin)”. It was not a crime. It was not a sin. It was simply chulin ?- not holy, but rather the mundane and pedestrian approach. Noah should have continued on what had been his mission during these many days in the Tayva.

What did he do in the Tayva? He fed the animals. He took care of that which remained on the face of the earth. Therefore, as tired as he was, his goal should have been: “I need to carry on for humanity. I need to feed the rest of the world. I need to make sure that humanity continues.”

If a person saw his mission as feeding the rest of the world, he would plant wheat or at least vegetables. Planting a vineyard for one who is depressed might be understandable, but is chullin. It is not continuing on the path of greatness that Noah had been following until now. This is the essence of the comment of Chazal: He made himself profane.

It is ironic that in the life story of Avraham, we find that he also planted. Avraham planted an “Eishel” [Bereshis 21:33]. According to one interpretation in Rashi, “Eishel” is an acronym for Eating (Achila), Drinking (Shtiyah), and Lodging (Lina). Avraham’s inclination was to do for others. He wished to provide an inn and take in guests. Noah was different. He did not sin by planting the vineyard. He merely highlighted the difference between himself and Avraham. He made himself chullin.

Bavel Builders Lost Sight Of the Forest

The parsha contains the story of the Tower of Bavel.

“The entire world was of one language and of unified words... Let us make for ourselves a city and a tower with its top in heaven. Let us make for ourselves a name, lest we be dispersed over the face of the entire land.” [Bereshis 11:1, 4].

The people had the best intentions. They were trying to form a centralized government. They were trying to protect themselves and trying to preserve the society they had achieved. Their ideals were lofty. They wanted to work for the good of mankind.

Pirkei D'Rebi Eliezer provides some background to this narration. There were no bricks where they lived. They needed to create bricks. [Bereshis 11:3]. Pirkei D'Rebi Eliezer describes that if a person fell off the tower during construction, the workers ignored the accident. However, if a brick fell during the course of construction, they would sit down and mourn its loss.

Two things were needed to build the tower: People and bricks. Every brick was a precious commodity. The people were not that precious.

The whole purpose of building the tower was to preserve humanity (lest we become dispersed) and yet when a worker was killed there was no reaction. What happened to their concern with humanity?

The lesson is that too often we lose sight of the forest because of the trees. We lose sight of the goal because we get so wrapped up in the means to achieve that goal. There are all sorts of organizations whose purpose is to help people but sometimes they get so caught up in the bureaucracy of the organization that the people become secondary.

This was the crime of the Generation of Dispersion. This is an all too common phenomenon. The example I always cite is when people come into shul because they have Yahrzeit for a parent. They want to daven for the amud. Why? They want to make a Kiddush Hashem [Sanctify G-d’s Name in memory of the departed as a source of reward for his/her soul] by reciting blessings and Kaddish publicly.

What happens when two people approach the amud, each having Yahrzeit? Each inevitably claims precedence and arguments ensue. The result is Chilul Hashem [Desecration of G-d’s Name] ?- the antithesis of what they were ostensibly trying to accomplish. They have lost sight of what “Kiddush Hashem” is all about. ‘Davening for the amud’ is only a means to create Kiddush Hashem. Too often, the means becomes the goal in and of itself.

The tower “for the sake of humanity” became the goal itself, rather than the means. We always need to be on guard that we don’t lose sight of what we are “in this for” in the first place.

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Rabbi Mordechai Willig The TorahWeb Foundation

Inheritance Without a Fight: Writing a Will in Modern Times

I

Cham said to his brothers, “Adam had two sons, and one killed the other because of the inheritance of the world” (Rashi, 4:25)

Unfortunately, arguments within a family over inheritance continue to this day. Even within the halachic community, governed by the Torah’s clear laws of inheritance (Bamidbar 27:7-11), families are sometimes torn asunder by disputes, large and small financially, yet heated and protracted emotionally.

Sometimes, tragically, it is precisely a lack of appreciation of the Torah’s laws which contribute to severe tensions in Orthodox families. The Torah provides that sons inherit their parents, while daughters inherit only if there are no sons. In a world of gender equality, this halacha can lead to resentment and worse by women who feel entitled to an equal share of the estate.

The double portion allotted by the Torah (Devarim 21:17) to a first-born son can cause jealousy and worse, especially in a world in which primogeniture is an anachronism. The special status of bechor is the theme of many quarrels, including murder and attempted murder, throughout Sefer Breishis (examples include Kayin (4:8), Yishmael (Rashi 21:4), Esav (27:41)). The unique position of a first-born son no longer exists in modern society. This leads to animosity over a bechor’s double portion.

In the interests of peace within a family, a surviving spouse should arrange that his or her assets be divided equally among the children. However, according to most authorities, a typical last will and testament is halachically ineffective. One cannot bequeath property posthumously (Pischei Choshen 9:134).

Nonetheless, one can indemnify himself to his daughters, a common practice six hundred years ago (see Maharil Siman 88). A conditional obligation (shtar chatzi zachar) was used to grant a daughter a half-share (Rama Choseh Mishpat 281:7)

A will should be written to avoid a fight among one’s children (see Rama Choshen Mishpat 257:7). A will which calls for the Torah’s exclusion of daughters leads to hatred and a split in the family (Gesher Hachaim p.42). Today, bequeathing equal shares to all children is the most likely way to avoid these terrible results.

Women who do not receive equal shares halachically may be tempted to secure them in secular court. This attempt constitutes a violation of the prohibition to litigate in secular court (Shulchan Aruch Choshen Mishpat 26:1), and, if successful, of theft of money which belongs to their brothers. This practice became so commonplace in the modern era that it led to the abandonment of the Rama’s shtar chatzi-zachar (Maharsham 2:224:29, cited in Mishpat Hatzava’a p.164).

II

Recent authorities have called for the reinstatement of a note of indebtedness to make a will halachically effective (Rav Zalman Nechemia Goldberg, Techumin vol. 4, p. 350. Rav Feivel Cohen, Kuntras Midor Ledor. See Pischei Choshen, vol. 9, p. 168-175). The will should provide that a token portion of the estate, such as seforim, should be divided according to the Torah’s laws (Techumin p. 349). Since the change from the Torah’s law is achieved through an indebtedness and not a bequest, it is permissible, just as one may transfer assets during his lifetime (see Nachlas Shiva 21:6).

The following document was drafted many years ago, upon consultation with both rabbonim and attorneys, to make a will halachically effective.

While circumstances may vary, peace within a family should be parents' main concern, during their own lifetimes and beyond.

[1] The reason for the Torah's laws are not completely clear, but we believe the Torah is perfect and just. Perhaps the Torah provides incentives for different gender roles by its laws, including inheritance. See "Women in Judaism" (Orchos Aliyah, S.O.Y., Dec. 1995, p. 15)

[2] Halachically, a husband inherits his wife's assets. A wife is entitled only to support from her husband's estate until she remarries (Even Hoezer 93:3). Nowadays, it seems advisable that the wife should inherit her husband's assets. In the common case of joint ownership of a home or other assets, the surviving spouse is likely the sole owner according to halacha as well. Otherwise a note of indebtedness to one's wife can achieve the same net result.

Note: a PDF version of the document is available at http://www.torahweb.org/torah/special/2007/rwll_obligation.pdf

Introduction

Jewish religious law does not recognize the validity of a will. Except for unusual circumstances, one cannot arrange for his estate to be divided in a manner different from Torah law. However, by creating a conditional obligation, one can achieve the same net result as that of a will and other government laws, in a way which conforms to Torah law.

A person who writes a will should obligate himself to pay a sum of money greater than his total assets. It is stipulated that the obligation is retractable, and is not payable until one moment before death. Therefore, the obligation has absolutely no effect during one's lifetime.

If one wills his entire estate to one person, e.g. to his wife, he should obligate himself to pay her a sum of money greater than his total assets. In such a case, paragraph two in the obligation for should be omitted.

If the will includes many persons, the obligation is made to the prime beneficiary, or several beneficiaries. In this case it is further stipulated that if the Torah heir(s) carry out the terms of the will and other government laws, then the obligation is null and void.

The obligation becomes effective when the form below is executed and delivered to the beneficiary or any other party (e.g. a rabbi or a Jewish attorney) who receives it on the beneficiary's behalf even without the beneficiary's knowledge.

THE OBLIGATION

I, the undersigned, hereby obligate myself

to _____.

effective immediately, but not payable until one minute before my death, on the condition that I do not retract this obligation at any time prior to my death. All the property, which is mine at that time, both real and personal, should serve as security for the payment of the said obligation.

I hereby stipulate that my heirs, as defined by the Torah, shall be given the option of paying the above obligation, or, in lieu thereof, of carrying out the terms as specified in my last Will and Testament and, in addition, carrying out all transfer of property upon my death which are considered "non-testamentary transfers" in accordance with the laws of the state of _____. If my Torah heirs abide by the terms of my will and aforementioned State laws, then the above obligation is null and void.

The above obligation is undertaken by a Kinyan Suder in a Beis Din Chosuv (A proper means of transaction in an important Jewish court). The above condition(s) is (are) made in accordance with the laws of the Torah, as derived from Numbers Chapter 32.

Signed

this _____, 20__ at _____

h a a r e t z

Portion of the Week / 'And a dove and a youth still knock'

By Benjamin Lau

The Flood is over. Noah floats in his ark on the flood waters for days before deciding to check whether the waters have receded. The Bible describes Noah's dispatching of the raven and dove to test the land's surface: "And he sent forth a raven, which went forth to and fro, until the waters were dried up from off the earth. Also he sent forth a dove from him, to see if the waters were abated from off the face of the ground" (Genesis 8:7-8).

Noah relates differently to the two birds. Unlike the dispatching of the raven - "And he sent forth a raven" - the description of the dove's first dispatching is far from laconic: "Also he sent forth a dove from him, to see if the waters were abated from off the face of the ground." Noah sends the dove "from him": A special connection between Noah and the dove is evident.

When the birds return, we sense his different attitude toward each. The raven does not return to Noah; at least, the raven's return is not explicitly mentioned. The vague phrase "which went forth to and fro" hints at no special relationship between Noah and the raven. The dove's return to the ark is described differently: "But the dove found no rest for the sole of her foot, and she returned unto him into the ark, for the waters were on the face of the whole earth: Then he put forth his hand, and took her, and pulled her in unto him into the ark" (Gen. 8:9).

The seeming redundancy of "returned unto him into the ark" expresses a close relationship between Noah and the dove: The dove returns to the ark and "unto him" - to the man who dispatched her, Noah. Similarly, the description of Noah's actions on the dove's return is surprising: "Then he put forth his hand, and took her, and pulled her in unto him." The syntax suggests the intimacy between man and wife. A special connection exists between Noah and his dove and can perhaps be understood if we recall the explanation of his name that is given earlier: "This same shall comfort us concerning our work and toil of our hands" (Gen. 5:29). This prayer links Noah's name to consolation. When the dove seeks dry land, the Bible says: "But the dove found no rest for the sole of her foot" (Gen. 8:9).

A delicate, subtle thread connects the two. Apparently, in Noah's story, the dove symbolizes longing for a nest; for an intimate, private home; for family. In the post-flood world Noah faces devastation. He seeks a handhold - some starting-point to return to, from which the world's renewal can begin. Noah's search is common to all mortals. Perhaps that is why the homing pigeon [yonat hado'ar, mail dove, in Hebrew] symbolizes the location of an address. In describing the Jews' return to Zion, after their homeland was destroyed and they have been exiled, the Prophet Isaiah writes: "Who are these that fly as a cloud, and as the doves to their windows?" (60:8)

While some people battle storms and clouded skies to return home, others are privileged with a gentle return, like doves returning to their windows. However, sometimes even doves must wander great distances, enduring suffering before returning home.

In a sad Psalm, David describes his desperate situation as he flees King Saul. In the depth of despair, he seeks refuge among his enemies, the Philistines: "For the Leader; upon Jonath-elem-rehokim [or "a silent dove of distance"]. [A Psalm] of David; Michtam; when the Philistines took him in Gath. Be gracious unto me, O God, for man would swallow me up; all the day he fighting oppresseth me (Psalms 56:1-2)." The phrase "a silent dove of distance" describes David's feelings far from home. Not a sound is heard; the destination cannot be perceived. Nothing is heard or seen. The medieval Jewish poet Judah Halevi dedicates a poem to that "silent dove of distance": "Silent dove of distance/Lily of the valley/You search the marketplace/Which bewails its children/Once splendid/Now an object all revile/Once glorious in their wonderful features..."

The dove is depicted as a creature wandering aimlessly: "Now an object all revile." She is a homeless exile; aimlessly she "search[es] the marketplace," like the woman seeking her lover in the Song of Songs. In another poem, Judah Halevi speaks of the dove that has "found ... rest for the sole of her foot." That poem has become a regular "guest" - and is sung - at the Sabbath table of Jewish families, Ashkenazic and Sephardic alike. Diaspora Jews, weary from their daily toil and distant from their homeland,

find shelter in the Sabbath: "The dove has found there rest for the sole of her foot/There the weary can rest."

Similarly depicting Jews as a dove, Hebrew poet Haim Nahman Bialik, in his "Behind the Gate," imagines a dove leading him to the Promised Land. Traveling so great a distance in time and space, he does not know how to open the gate: "'Alas!' cry the waves/And the fish of the deep waters/How will I enter my gate, the special land, when my key is broken/And the door locked? No voice is heard, nobody answers/And a dove and a youth still knock at the gate."

Israeli songwriter Shimrit Or once wrote, with great longing in her heart, about a dove flying high above the towers. The yearning to see the dove find a resting-place has accompanied us for years; the song ends, "Keep going, keep going, you still have a long way to go."

Rav Kook on the Torah Portion :: Shabbat The Sabbath Influence

Rabbi Shimon bar Yochai and the Old Man

It took an old man holding myrtle twigs to calm down Rabbi Shimon bar Yochai and stop him from destroying the world.

The Talmud in Shabbat 33b relates the story of how Rabbi Shimon bar Yochai and his son secreted themselves in a cave, hiding from the Romans. They spent twelve years secluded in Torah study and prayer, living off the fruit of a carob tree and a spring of water.

When at last they heard that the Roman decree had been nullified, Rabbi Shimon and his son left the cave. But after years of seclusion, the two scholars had changed greatly. When they saw people engaged in everyday activities, plowing fields and sowing grains, they became incensed. "They are abandoning eternal life for temporal life!" they exclaimed. In their zeal, wherever they looked was immediately consumed by fire. Unable to reconcile themselves to the realities of everyday life, a heavenly voice commanded them to return to their cave for an additional twelve months.

Upon their second excursion from the cave, they came across an old man holding two twigs of myrtle branches. It was twilight, just before the approach of the Sabbath, and the old man was running. Rabbi Shimon questioned the old man: What are the myrtle twigs for?

"They are in honor of the Sabbath," the old man replied. And why two twigs? "One is for Zachor ('Remember the Sabbath') and one is for Shamor ('Keep the Sabbath')."

Rabbi Shimon remarked to his son, "See how beloved the mitzvot are to the Jewish people!" And their mind was put to rest.

What was it about the old man and his myrtle twigs that finally reconciled Rabbi Shimon bar Yochai and his son to this world and its mundane activities?

Shamor and Zachor

We first need to analyze the significance of the two ways that the mitzvah of Shabbat appears in the Decalogue, Shamor [Deut. 5:12] and Zachor [Ex. 20:8]. According to the Sages, they are two sides of the same coin - Shamor and Zachor were spoken in one utterance. "God spoke once, but I heard twice" [Ps. 62:12].

Shamor and Zachor correspond to the two principle aspects of Shabbat. Shamor ("Keep the Sabbath day holy") relates to how the Sabbath sanctifies and elevates the Jewish people. It refers to the intrinsic sanctity of the day, above and beyond all mundane activities, as it inspires us to a higher realm of holiness.

"Zachor" ("Remember the Sabbath day"), on the other hand, refers to the influence of the Sabbath on the other days of the week. While we fulfill the mitzvah of Shamor on the Sabbath day by avoiding all forms of halachically defined work, the mitzvah of Zachor is performed during the weekdays. As the Sages explained, if one comes across a nice portion of food, it should be set aside for the Sabbath [Mechilta Yitro].

Zachor thus represents the power of the Sabbath to draw forth the energy of the days of activity, with all of their mundaneness, and elevate them with the special holiness of Shabbat. True, this is just a reminder of the Sabbath, and during the week we are primarily occupied with worldly

activities. Yet the soul is naturally drawn to holiness, and the elevated purpose of life is ingrained deep within us - an ultimate goal rooted in holiness.

It was precisely the aspect of Zachor that allowed Rabbi Shimon and his son to view everyday life in a positive light. The Sabbath influence on the days of work reveals the soul's innate closeness to God, according to the measure that it pursues goodness and holiness.

Honoring the Sabbath

Now we can examine many of the details in the story. Why the emphasis that it was twilight time? Why was the old man running? Why was he holding myrtle twigs?

Twilight (bein hashemashot) is a bridge between past and future. Twilight between Friday and the Sabbath is the hour that connects the profane and the holy. The old man was running at twilight Friday eve; thus his activity reflected the influence of the Sabbath on the rest of the week through its connection to it.

Why did the old man honor the Sabbath with fragrant myrtle twigs? Superficially, the weekdays appear mundane and lowly. In truth, they contain an inner resource of holiness, but this inner holiness can only be perceived through a fine spiritual sensitivity. The myrtle twigs reflect this refined sensitivity, since we appreciate their fragrance through our sense of smell (the Sages wrote that of our five senses, the sense of smell is the most refined, providing enjoyment to the soul [Berachot 43b]). The two twigs correspond to the two aspects of Shabbat, one for Zachor, the connection of the Sabbath to the rest of the week, and one for Shamor, guarding the essential sanctity of the Sabbath, regardless of its positive influence on the weekdays.

And what is the significance of the old man running? The elderly do not usually run; what gave him this youthful energy and liveliness? The old man held in his hands fragrant myrtle twigs - he was aware of how the Sabbath influences and redeems the other days of the week.

Combining the Temporal and the Eternal

We must still clarify: how did this sight allow Rabbi Shimon bar Yochai and his son to accept the mundane activities of everyday life?

The key lies in Rabbi Shimon's statement, after witnessing how the old man honored the Sabbath: "See how beloved the mitzvot are to the Jewish people!"

The two scholars were no longer troubled by the phenomenon of eternal life being neglected due to occupation with day-to-day activities. The image of the old man running with myrtle twigs brought home the realization that the mitzvot are truly the inner life-force of all our activities. They saw that even in everyday life, the Jewish people is tightly bound to eternal values. This connection gives strength to the weak and tired, so that even the elderly can serve God with exuberance and vitality.

Their mind was put to rest when they realized that such a transformation of weary old age to youthful energy is only possible when worldly activity leaves its usual boundaries and enters the realm of holiness. They now understood that there is an added value to be gained precisely through this wonderful combination of the temporal with the eternal.

[adapted from Ein Ayah vol. III pp. 207-208]

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

Ohr Somayach :: TalmuDigest :: Ketubot 44 - 50 For the week ending 13 October 2007 / 1 Heshvan 5768 by Rabbi Mendel Weinbach Worse Than the Cruel Raven

How long is a father obligated to provide for his child? Ketubot 49b

There are two stages in the life of a child in regard to the support due him or her from the father. In a later gemara (Ketubot 65b) it is clearly stated that he must support his child until the age of six. But in our own gemara we learn that when the seat of the Sanhedrin was located in Usha a decree was made that a father should support his children until they reach bar/bat mitzvah age.

While the first stage support is mandatory and can be enforced by the rabbinical court through confiscation of resources, the second stage is enforced only through the kind of social pressure mentioned in our gemara.

When the case of a father reluctant to support his children beyond the age of six came before Rabbi Chisda he insisted that the fellow embarrass himself by publicly declaring that he is worse than the cruel raven who cares for his offspring. The Sage Rava tickled the conscience of a reluctant father by asking him whether he was comfortable with the idea of his children being dependent on charity. This last point leads to the final halachic aspect of this issue. Although no coercion is carried out when the child is over six this applies only when the father is not a man of considerable means capable of giving substantial charity. If he does have such means he can indeed be coerced to support his children as a form of charity.

The Weekly Daf :: The Weekly Daf :: Ketubot 39 - 45
For the week ending 13 October 2007 / 1 Heshvan 5768
by Rabbi Mendel Weinbach

Sinai and Mountain Mover

A halachic issue troubled the two leading sages of Babylon, Rabbah and Rabbi Yosef, for 22 years. Only after Rabbah passed away and was succeeded by Rabbi Yosef as Rosh Hayeshiva was the problem finally resolved.

The background for this incident is provided by Rashi. At one point both Rabbah and Rabbi Yosef were candidates for the position of Rosh Hayeshiva and each had his own special qualification. Rabbi Yosef was known as "Sinai" because of his encyclopedic knowledge while Rabbah was reputed as "a mover of mountains who grinds them together" because of his sharp analytic powers. The Babylonian community turned for guidance to the Sages in Eretz Yisrael, who advised appointing Rabbi Yosef because "everyone is dependant on the supplier of the wheat," a reference to that sage's store of information.

Despite the fact that he was offered this prestigious position, Rabbi Yosef declined to accept it. He had earlier learned from astrologers that he was destined to serve as Rosh Hayeshiva for two years and he reckoned that if he accepted the position, his life would come to an end in a couple of years. He therefore chose to wait for 22 years during which he completely deferred to the leadership of Rabbah and began his own term of leadership after Rabbah's passing. It was only then that the 22-year-old problem was solved.

How was it that a problem whose solution eluded both of these sages for so many years was suddenly solved by the new Rosh Hayeshiva?

This, concludes Rashi, was an act of heavenly intervention. Since Rabbi Yosef was not as distinguished for the brilliance of his analysis as was his predecessor, there was a danger that he would not command the same respect of the Torah scholars. He was therefore provided with Heavenly assistance in solving the problem so that the "Sinai" would also be revered as a "mountain mover." Ketubot 42b

Hold That Tiger!

An animal which does damage in an unusual manner obligates its owner to pay a penalty equal to half the value of the damage. This includes the classic case of an ox goring the first three times or the parallel of a dog eating sheep. This is considered a penalty rather than payment because the owner was not expected to be aware of the wild nature of his animal. But because it is only a penalty imposed by the Torah to make people more careful in guarding their animals, only a court of judges with semicha such as existed in Eretz Yisrael had the jurisdiction to impose it upon the offender. In Babylon in Talmudic times, and everywhere today, a rabbinical court cannot force the owner of such an animal to pay the aforementioned penalty.

If, however, the victim confiscates property of the animal's owner in order to cover the cost of this penalty, the court will not take it away from him. What exactly constitutes legal confiscation is the subject of a major dispute amongst the commentaries.

Tosefot cites the view of Rabbeinu Tam that only if the victim seizes the offending animal itself do we allow him to keep it in order to cover the penalty. Should he seize other property it will be removed from him. His reasoning is that if we allow him to confiscate other items, he may seize property worth much more than the sum due him and the court will not be able to remove from him the extra amount because it has no jurisdiction to get involved in litigation concerning penalties.

This view is sharply contested by Rabbeinu Asher (Rosh) and others who contend that confiscation of any property is effective. Should the value of the property confiscated exceed the amount of the penalty the court will compel the confiscator to return the difference. This is not considered judging a case of penalty because that facet of the case has already been concluded with the initial confiscation, and the court is merely dealing with the reclamation of the extra money.

Rabbeinu Tam's approach is the subject of much discussion by later commentaries. Although in our gemara he is quoted only as limiting confiscation to the offending animal, another condition is added in Tosefot Bava Kama (15b): The confiscation must take place at the time of the damage. Some commentaries interpret this as confiscation before the animal returns to the home of its owner, drawing a parallel to a later gemara (Ketubot 84b) which distinguishes between confiscation of property for debt payment before it enters the domain of the heirs or afterwards. Another view is that Rabbeinu Tam limited confiscation to the very time of damage. The logic of this is that this was a special rabbinic dispensation for the victim who

cannot be expected to restrain himself from seizing the offending animal at that moment of anger. This approach may also serve to answer the challenge of the Rashash that even according to Rabbeinu Tam there is the problem of the offending animal being worth more than the penalty and requiring court action to reclaim the difference. Ketubot 41b

Halacha Discussion
by Rabbi Doniel Neustadt

LIGHTING THE SHABBOS CANDLES
WHOSE OBLIGATION IS IT?

The obligation to light Shabbos candles rests equally on all members of a household. Nevertheless, our Sages placed the responsibility for the actual lighting upon the wife. One of the reasons given¹ is that candle-lighting atones for Chavah's part in the sin of the eitz ha-da'as (Tree of Knowledge): Chavah caused Adam to eat of the forbidden fruit for which Man was punished by losing his immortality. Since Chavah extinguished "the candle of the world,"² it is the woman who sets aright Chavah's misdeed by assuming the obligation of lighting candles for her household.³ Consequently:

Even if a husband demands that he light the candles, the wife has the right to protest and prevent him from doing so.⁴ It is recommended, though, that the husband take part in the mitzvah by lighting and quickly extinguishing the candle wicks, thereby making them easier to light.⁵ If candles are lit in other rooms in addition to the eating area,⁶ it is the husband who lights them.⁷

If one has no wife, or if he sees that his wife is running late and will be unable to light on time, then he should light the candles with the blessing.⁸ If one's wife is not home for Shabbos, it is preferable that the husband himself light candles and not one of the daughters.⁹ If, however, a daughter who is over twelve years old lights for him, he fulfills the mitzvah through her lighting. One cannot, however, fulfill his obligation by having a daughter under twelve light candles for him.¹⁰

In the event that a brother and sister are at home without their parents, it is preferable that the sister light the candles.¹¹

Years ago, it was customary for a woman who gave birth not to light candles on the first Friday night after giving birth. For that one Shabbos, candles were lit by the husband.¹² Several reasons are offered in explanation of this custom, but apparently the main concern was that women were too weak after childbirth to get out of bed and light candles.¹³ In view of the improved health conditions prevalent nowadays, many poskim agree that the custom is no longer valid and the wife should light candles as she does every Friday night.¹⁴

LIGHTING ELECTRIC SHABBOS CANDLES

Question: How has electrical lighting affected the traditional way of lighting Shabbos candles?

Discussion: When electricity became commonplace, the poskim debated whether the mitzvah of lighting Shabbos candles could be fulfilled by turning on electric lights. While the vast majority of poskim were of the opinion that one could indeed fulfill this obligation with electrical lighting, and some even held that it was preferable to use electricity, most women opted to continue lighting the traditional candle or oil-based lights. This remains the prevalent custom today. Still, there is a prominent role for electric lights to play in the performance of this mitzvah and indeed, almost every Jewish household relies on electricity in order to properly and completely fulfill the mitzvah of hadlaks neiros Shabbos. Let us explain:

The halachah states that one is obligated to have light in any room that will be used on Friday night.¹⁵ Our Sages instituted this ordinance so that household members would be able to safely move about the house without fear of injury that would disrupt the harmony of Shabbos. Today, most homes rely on some electrical source (night-light, bathroom-light, etc.) to illuminate the areas in which they will find themselves on Friday night. Thus, they fulfill this part of the mitzvah with electric lights.¹⁶

The appropriate procedure, then, is as follows. When the wife is ready to light candles in the dining room, all the electrical lights in the rooms which

will be used on Friday night should be shut off. Those lights should then be turned on by the husband (or another family member), with the intention that they are being turned on for the sake of the mitzvah of Shabbos candles. The wife then lights the candles, and the blessing she recites covers all of the lights in the house, both electrical and otherwise.

There are a number of other scenarios in which electric lights may be used in conjunction with candles in order to properly fulfill the mitzvah:

- Students residing in a dormitory or guests staying at a hotel are obligated to light Shabbos candles. Even if they light candles in the dining hall, they are still required to light in the area where they sleep. Since it is usually unsafe to leave candles burning in a dormitory or in a hotel room, we must rely on electric lights to fulfill that part of the mitzvah. A small light should, therefore, be turned off and on in honor of Shabbos before Shabbos starts. A blessing, however, should not be made, since the blessing is recited over the candles which are lit in the main dining room.

- Shabbos guests can technically fulfill the mitzvah of lighting Shabbos candles through the lighting of their hosts. Even though they are not required to light a special candle of their own, it has nevertheless become customary that all married women light their own candles. But since the guests are required to have some light in their sleeping area (to fulfill the halachic obligation mentioned above), the proper procedure for them is as follows: Turn on an electric light in or near one's sleeping quarters, proceed quickly to the dining room and light candles, and have the blessing apply to both acts of lighting.¹⁷

Sometimes a situation arises where the mitzvah of hadlakas neiros can be performed by using electric lights only. For instance:

- Moments before Shabbos is about to begin, one realizes that there are no candles in the house and none can be gotten on such short notice. Instead of panicking, the dining room lights should be turned off and then turned on again *lichvod* Shabbos.

- In a situation where using candles would be difficult or dangerous, such as in a hospital, the poskim agree that one should rely on the electric lights for Shabbos candles. They should be turned off and then turned on again for the sake of the mitzvah.¹⁸

Many poskim hold that the blessing of *lehadlik ner shel Shabbos* is recited even when the mitzvah is performed by lighting electric lights only.¹⁹ Others hold that in such a case the blessing should be omitted.²⁰ No clear-cut custom exists and one should follow his or her *rav's* directives.

Question: Does it matter whether or not the electric lights in the dining room are off or on at the time the Shabbos candles are lit?

Discussion: Contemporary poskim debate this issue.²¹ Some question the custom of lighting candles when the electric lights are on, since the candles are not adding any more light to the room. In their opinion, reciting the blessing over candles which are lit in a brightly illuminated room may be a *berachah l'vatalah*. Other poskim dismiss that argument and maintain that since the candles are lit *lichvod* Shabbos and add a measure of festivity and ambiance to the Shabbos table, the candle-lighting is significant enough to warrant the recitation of a *berachah*.

In order to avoid a possible *berachah l'vatalah*, it is recommended that either the husband or the wife turn off the lights in the dining room before the candles are lit, and then turn them on again *lichvod* Shabbos right before the candles are lit. This way, the blessing which the wife recites over the candles will cover the electric lights as well.²²

(FOOTNOTES)

1 Tur, O.C. 263.

2 This is how the Midrash (Tanchumah, Metzora 9) refers to Adam.

3 Contemporary poskim debate whether or not the custom that all of the girls in a household over the age of chinuch light candles with a blessing — is valid; see Aruch ha-Shulchan 263:7; Az Nidberu 6:67-68 and Yechaveh Da'as 2:32.

4 Mishnah Berurah 263:11.

5 Mishnah Berurah 263:12; 264:28. See Tosfos Rav Akiva Eiger, Shabbos 2:6. [The Chazon Ish, however, is quoted as ruling that nowadays, when the candles are of superior quality, there is no reason to light and extinguish them first; see Dinim v'Hanhagos 9:6 and Eहेlech be-Tamar, pg. 17.]

6 See follow-up discussion for explanation of why candles [or electric lights] need to be lit in other rooms.

7 Shulchan Aruch ha-Rav 263:5; Ketzos ha-Shulchan 74 (Badei ha-Shulchan 11). See also Beir Halachah 263:6 s.v. bachurim.

8 Mishnah Berurah 262:11.

9 Rav M. Feinstein (oral ruling quoted in The Radiance of Shabbos, pg. 7); Shemiras Shabbos K'hilchasah 43, note 46.

10 Shemiras Shabbos K'hilchasah 43:7.

11 Rav S.Z. Auerbach (quoted in Shemiras Shabbos K'hilchasah 45, note 34).

12 Mishnah Berurah 263:11.

13 See Toras Shabbos 263:4; Tehilah l'David 88:3; Aruch ha-Shulchan 263:7; Hagahos Imrei Baruch 263:6.

14 Rav M. Feinstein (oral ruling quoted in The Radiance of Shabbos, pg. 7); Rav S.Z. Auerbach (oral ruling, quoted in Halichos Bas Yisrael 15:18); Shemiras Shabbos K'hilchasah 43:9.

15 Mishnah Berurah 263:2, 29, 31. See Shevet ha-Levi 3:24.

16 Rav Y.Y. Weiss (Kol ha-Torah, vol. 42, pg. 17 and pg. 36).

17 Rav Y. Kamenetsky recommended this procedure for hotel guests as well; see Emes L'yaakov, O.C. 263, note 274.

18 Based on Rama, O.C. 263:4 (concerning candles). See Teshuvos v'Hanhagos 2:157 quoting Rav M. Feinstein.

19 Teshuvos Beis Yitzchak, Y.D. 120; Machazeh Avraham 41; Melamed Leho'il 47; Rav A. Kotler (quoted in Kochvei Yitzchak 1:2); Rav Y.Y. Henkin (Eidus l'Yisrael, pg. 122); Yechaveh Da'as 5:24. See also Tzitz Eliezer 1:20-11.

20 Har Tzvi 2:114, quoting the Gaon of Rogatchov; Mishpatei Uziel, O.C. 1:7; Tchebner Rav (quoted in Shraga ha-Meir 5:11); Rav M. Feinstein (oral ruling quoted in The Radiance of Shabbos, 2, note 26). Rav S.Z. Auerbach (quoted in Shemiras Shabbos K'hilchasah, 43, note 22) maintains that a blessing could be made over a flashlight but not over other lights.

21 See the various views in Igros Moshe, O.C. 5:20-30; Shemiras Shabbos K'hilchasah 43, note 166 and 171, quoting Rav S.Z. Auerbach; Shulchan Shlomo, addendum to vol. 1, pg. 20; Divrei Yatziv, O.C. 120; Az Nidberu 3:2; Chut Shani, Shabbos, vol. 4, pg. 65-66, quoting Rav N. Karelitz.

22 This was the custom in the homes of a number of prominent poskim: Rav M. Feinstein (The Radiance of Shabbos, pg. 20); Rav Y. Kamenetsky (Ko Somar l'Beis Yaakov, pg. 50), who turned on the electricity after his wife lit the candles but before she recited the blessing; Rav S.Z. Auerbach (after his wife's passing) turned off the lights, lit the candles and then turned on the lights (reported by his grandson in Kol ha-Torah, vol. 40, pg. 16). See also Be'er Moshe 5:32 and Az Nidberu 1:79-9, 3:2, for a concurring opinion.

..Covenant & Conversation

Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - currently 5766] <http://www.chief Rabbi.org/tt-index.html>

Noach

Is there such a thing as an objective basis of morality? For some time, in secular circles, the idea has seemed absurd. Morality is what we choose it to be. We are free to do what we like so long as we don't harm others. Moral judgments are not truths but choices. There is no way of getting from "is" to "ought", from description to prescription, from facts to values, from science to ethics. This was the received wisdom in philosophy for a century after Nietzsche had argued for the abandonment of morality - which he saw as the product of Judaism - in favour of the "will to power". Recently, however, an entirely new scientific basis has been given to morality from two surprising directions: neo-Darwinism and the branch of mathematics known as Games Theory. As we will see, the discovery is intimately related to the story of Noah and the covenant made between G-d and humanity after the Flood.

Games theory was invented by one of the most brilliant minds of the 20th century, John von Neumann (1903-1957). He realised that the mathematical models used in economics were unrealistic and did not mirror the way decisions are made in the real world. Rational choice is not simply a matter of weighing alternatives and deciding between them. The reason is that the outcome of our decision often depends on how other people react to it, and usually we cannot know this in advance. Games

theory, von Neumann's invention in 1944, was an attempt to produce a mathematical representation of choice under conditions of uncertainty. Six years later, it yielded its most famous paradox, known as the Prisoner's Dilemma.

Imagine two people, arrested by the police under suspicion of committing a crime. There is insufficient evidence to convict them on a serious charge; there is only enough to convict them of a lesser offence. The police decide to encourage each to inform against the other. They separate them and make each the following proposal: if you testify against the other suspect, you will go free, and he will be imprisoned for ten years. If he testifies against you, and you stay silent, you will be sentenced to ten years in prison, and he will go free. If you both testify against one another, you will each receive a five-year sentence. If both of you stay silent, you will each be convicted of the lesser charge and face a one-year sentence.

It doesn't take long to work out that the optimal strategy for each is to inform against the other. The result is that each will be imprisoned for five years. The paradox is that the best outcome would be for both to remain silent. They would then only face one year in prison. The reason that neither will opt for this strategy is that it depends on collaboration. However, since each is unable to know what the other is doing - there is no communication between them - they cannot take the risk of staying silent. The Prisoner's Dilemma is remarkable because it shows that two people, both acting rationally, will produce a result that is bad for both of them.

Eventually, a solution was discovered. The reason for the paradox is that the two prisoners find themselves in this situation only once. If it happened repeatedly, they would eventually discover that the best thing to do is to trust one another and co-operate.

In the meantime, biologists were wrestling with a phenomenon that puzzled Darwin. The theory of natural selection - popularly known as the survival of the fittest - suggests that the most ruthless individuals in any population will survive and hand their genes on to the next generation. Yet almost every society ever observed values individuals who are altruistic: who sacrifice their own advantage to help others. There seems to be a direct contradiction between these two facts.

The Prisoner's Dilemma suggested an answer. Individual self-interest often produces bad results. Any group which learns to cooperate, instead of compete, will be at an advantage relative to others. But, as the Prisoner's Dilemma showed, this needs repeated encounters - the so-called "Iterated (= repeated) Prisoner's dilemma". In the late 1970s, a competition was announced to find the computer program that did best at playing the Iterated Prisoner's Dilemma against itself and other opponents.

The winning programme was devised by a Canadian, Anatole Rapoport, and was called Tit-for-Tat. It was dazzlingly simple: it began by co-operating, and then repeated the last move of its opponent. It worked on the rule of "What you did to me, I will do to you", or "measure for measure". This was the first time scientific proof had been given for any moral principle.

What is fascinating about this chain of discoveries is that it precisely mirrors the central principle of the covenant G-d made with Noah:

Whoever sheds the blood of man,
by man shall his blood be shed;
for in the image of G-d
has G-d made man.

This is measure for measure [in Hebrew, middah keneged middah], or retributive justice: As you do, so shall you be done to. In fact, at this point the Torah does something very subtle. The six words in which the principle is stated are a mirror image of one another: [1] Who sheds [2] the blood [3] of man, [3a] by man [2a] shall his blood [1a] be shed. This is a perfect example of style reflecting substance: what is done to us is a mirror image of what we do. The extraordinary fact is that the first moral principle set out in the Torah is also the first moral principle ever to be scientifically demonstrated.

Tit-for-Tat is the computer equivalent of (retributive) justice:

Whoever sheds the blood of man, by man shall his blood be shed.

The story has a sequel. In 1989, the Polish mathematician Martin Nowak produced a programme that beats Tit-for-Tat. He called it Generous. It overcame one weakness of Tit-for-Tat, namely that when you meet a particularly nasty opponent, you get drawn into a potentially endless and destructive cycle of retaliation, which is bad for both sides. Generous avoided this by randomly but periodically forgetting the last move of its opponent, thus allowing the relationship to begin again. What Nowak had produced, in fact, was a computer simulation of forgiveness.

Once again, the connection with the story of Noah and the Flood is direct. After the Flood, G-d vowed: "I will never again curse the ground for man's sake, although the imagination of man's heart is evil from his youth; nor will I again destroy every living thing as I have done." This is the principle of Divine forgiveness.

Thus the two great principles of the Noahide covenant are also the first two principles to have been established by computer simulation. There is an objective basis for morality after all. It rests on two key ideas: justice and forgiveness, or what the sages called middat ha-din and middat rachamim. Without these, no group can survive in the long run.

In one of the first great works of Jewish philosophy - Sefer Emunot ve-Deot (The Book of Beliefs and Opinions) - R. Saadia Gaon (882-942) explained that the truths of the Torah could be established by reason. Why then was revelation necessary? Because it takes humanity time to arrive at truth, and there are many slips and pitfalls along the way. It took more than a thousand years after R. Saadia Gaon for humanity to demonstrate the fundamental moral truths that lie at the basis of G-d's covenant with humankind: that co-operation is as necessary as competition, that co-operation depends on trust, that trust requires justice, and that justice itself is incomplete without forgiveness. Morality is not simply what we choose it to be. It is part of the basic fabric of the universe, revealed to us by the universe's Creator, long ago.

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