

**Rabbi Yissocher Frand**  
**Parshas Noach**  
**Definition of Tzadik Tamim**

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Series on the weekly portion: #1309 – Dilemma of Day School Rabbi: A Non-Jewish Child in His Class – Can He Teach Him? Good Shabbos!

The Gemara (Avodah Zarah 51a) interprets the term tzadik tamim that is used to describe Noah as tamim (perfect) in his ways and tzadik (righteous) in his activities. Rashi interprets the expression "tamim in his ways" as connoting "modest and humble of spirit" and the expression "tzadik in his activities" as connoting "without chumus" (violence/theft). We see from this Rashi that the yardstick for proclaiming a person to be a tzadik is his level of honesty regarding dinei mamonos (monetary matters). In a similar vein, the Rambam writes (Hilchos Sechirus 13:7) that a worker needs to serve his employer with all his strength (b'chol kocho). A worker must strive to do an honest day's work for the pay of that day. As proof for this halacha, the Rambam cites "For the tzadik Yaakov stated (to his wives) 'for with all my strength, I served your father.'" We are familiar with the description of how hard Yaakov worked and how faithful he was when he worked for Lavan: "...By day, scorching heat consumed me, and frost by night; my sleep drifted from my eyes..." (Bereshis 31:40)

It is noteworthy in this citation from the Mishna Torah that the Rambam does something quite rare: He refers to Yaakov as a tzadik. Yosef is widely referred to as "Yosef Hatzadik". I did a word search to see where else the Rambam uses the word hatzadik. The Rambam uses it by Yosef Hatzadik. The Rambam also uses it several times in reference to Shimon Hatzadik (the Kohen Gadol and head of the Sanhedrin during the Second Bais Hamikdash). Other than these reference to Yosef Hatzadik and Shimon Hatzadik, this reference to Yaakov Hatzadik is the only other time in all of Mishna Torah that a personality in Tanach or Jewish History merits this title. Apparently, the Rambam's intention is (like we saw in Rashi above) that Yaakov was called a tzadik because of his outstanding honesty in monetary matters.

The Kav Hayashar (Rav Tzvi Hirsch Kaidanover (1648-1712); Frankfurt) makes this point even more explicitly and dramatically. He writes: "Remember this rule: A person who does not wish to get benefit (even legitimately) from his friend's money, and certainly a person who goes out of his way to avoid misappropriation of money or theft, and whose business transactions are faithful – is certainly a righteous person and a man of integrity, because the essence of fear (of G-d) and tzidkus relates to money, and someone who is careful about dinei mamonos is a tzaddik gamur (completely righteous person)."

Thus, according to the Kav Hayashar, a tzadik gamur is not defined as someone who davens a long Shemoneh Esrei or someone who refrains from speaking Lashon Harah. Of course, those are very important things. But according to the Kav Hayashar, there is ONE measure of a tzadik gamur and that is a person who maintains his righteousness regarding dinei mamonos.

These statements carry a lot of weight in our day and age.

Cross-Generational Praise:

The parsha says that Noah was perfect and righteous (tzadik tamim) in his generations (plural). The Meshech Chochmah infers that Noah exhibited these two attributes: tzadik and tamim. Tzadik, as we said, meant that he was careful to avoid theft. In the generation prior to the flood (which was full of theft), Noah was distinguished as a tzadik because he did not engage in theft like the rest of humanity. Tamim indicated that he was humble and of lowly spirit. Imagine: Noah walks out of the teivah. He and his family are the only people in the world and it is now up to him to populate the entire world. Out of the entire universe, only Noah was saved by the Ribono shel Olam. How does such a person feel about himself? "I must be someone very special."

Nonetheless, Noah was humble and of lowly spirit. This means that in the generation subsequent to the flood, he was still a tamim, he was still humble.

This is the meaning of "in his generations." In the generation prior to the flood, he was a tzadik in his monetary conduct and in the generation subsequent to the flood, he was a tamim, meaning he was humble and lowly of spirit. Noah was perfect and righteous in both generations.

Their Decree Was Sealed Over Theft of Less Than a Perutah

The Torah says, "Now the earth had become corrupt before G-d; and the earth had become filled with robbery. And G-d saw the earth, and behold it was corrupted, for all flesh had corrupted its way upon the earth. G-d said to Noah, 'The end of all flesh has come before Me, for the earth is filled with robbery through them; and behold, I am about to destroy them from the earth.'" (Bereshis 6:11-13)

Besides robbery, the generation of the flood was guilty of many other things as well. They were guilty of idolatry and sexual immorality. However, despite all of that, Rashi writes that their decree was only sealed by virtue of their "chumus" (robbery). They were terribly corrupt and immoral in many ways and yet the straw that broke the camel's back was their "chumus".

The Talmud Yerushalmi asks: What is the definition of "chumus" and what is the definition of "gezel"? The Gemara answers that "gezel" involves theft of money worth at least a perutah and "chumus" involves theft of less than a perutah in value. This is amazing. "Chumus" does not mean robbing a bank. "Chumus" means stealing something that may be worth no more than a fraction of a cent! This exacerbates our question. For illicit relations, the decree was not sealed. For adultery, idolatry, and all types of gross immorality, the decree was not sealed. But "chumus" – meaning even less than a perutah's worth of theft – broke the camel's back! What does this mean?

I saw an interesting insight in Rabbi Avrohom Buxbaum's new sefer on Chumash: The lesson is that when a person steals a single pea or a single needle or something worth less than a perutah, he is abusing the legal system because he knows that he can get away with it. If you know you can "get away with it," you are doomed!

When a person commits adultery, he knows that he is doing something wrong. When a person worships idols, he also knows that he is doing something wrong. There is a sense of guilt. When a person feels guilty, he is close to repentance. Eventually, his conscience will bother him and he will come to the realization that he needs to stop what he has been doing because it is sinful.

When the generation of the flood committed these major aveiros, the Ribono shel Olam was willing to have mercy and wait, in the hope that eventually they would do teshuvah. But when a person does something wrong and he says, "There is nothing wrong with this," then he is distant from teshuvah. When he is distant from teshuvah, he will never repent. That is why the final decree of the generation of the flood was only sealed over the sin of "chumus". The Almighty realized that they would never repent for this. When a person tries to abuse the system and "get away with murder" (or whatever it may be), even though technically it may be legal, he knows he is "gaming the system" and he feels that he never did anything wrong. If I feel that I never did anything wrong, I will never feel remorse and I will never do teshuvah.

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**Individual and Collective Responsibility**

**Noach**

**Rabbi Jonathan Sacks**

I once had the opportunity to ask the Catholic writer Paul Johnson what had struck him most about Judaism, during the long period he spent researching it for his masterly A History of the Jews? He replied in roughly these words: "There have been, in the course of history, societies that emphasised the individual – like the secular West today.

And there have been others that placed weight on the collective – communist Russia or China, for example.”

Judaism, he continued, was the most successful example he knew of that managed the delicate balance between both – giving equal weight to individual and collective responsibility. Judaism was a religion of strong individuals and strong communities. This, he said, was very rare and difficult, and constituted one of our greatest achievements.

It was a wise and subtle observation. Without knowing it, he had in effect paraphrased Hillel’s aphorism: “If I am not for myself, who will be (individual responsibility)? But if I am only for myself, what am I (collective responsibility)?” This insight allows us to see the argument of Parshat Noach in a way that might not have been obvious otherwise.

The Parsha begins and ends with two great events, the Flood on the one hand, Babel and its tower on the other. On the face of it they have nothing in common. The failings of the generation of the Flood are explicit. “The world was corrupt before God, and the land was filled with violence. God saw the world, and it was corrupted. All flesh had perverted its way on the earth” (Gen. 6:11-12). Wickedness, violence, corruption, perversion: this is the language of systemic moral failure.

Babel by contrast seems almost idyllic. “The entire earth had one language and a common speech” (Gen. 11:1). The builders are bent on construction, not destruction. It is far from clear what their sin was. Yet from the Torah’s point of view Babel represents another serious wrong turn, because God scatters all the builders, and immediately thereafter He summons Abraham to begin an entirely new chapter in the religious story of humankind. There is no Flood – God had, in any case, sworn that He would never again punish humanity in such a way. As He said:

“Never again will I curse the soil because of man, for the inclination of man’s heart is evil from his youth. I will never again strike down all life as I have just done.”

Gen 8:21

But it is clear that after Babel, God comes to the conclusion that there must be another and different way for humans to live.

Both the Flood and the Tower of Babel are rooted in actual historical events, even if the narrative is not couched in the language of descriptive history. Mesopotamia had many flood myths, all of which testify to the memory of disastrous inundations, especially on the flat lands of the Tigris-Euphrates valley (See Commentary of R. David Zvi Hoffman to Genesis 6) who suggests that the Flood may have been limited to centres of human habitation, rather than covering the whole earth). Excavations at Shuruppak, Kish, Uruk, and Ur – Abraham’s birthplace – reveal evidence of clay flood deposits. Likewise the Tower of Babel was a historical reality. Herodotus tells of the sacred enclosure of Babylon, at the centre of which was a ziggurat or tower of seven stories, 300 feet high. The remains of more than thirty such towers have been discovered, mainly in lower Mesopotamia, and many references have been found in the literature of the time that speak of such towers “reaching heaven”.

However, the stories of the Flood and Babel are not merely historical, because the Torah is not history but “teaching, instruction.” They are there because they represent a profound moral-social-political-spiritual truth about the human situation as the Torah sees it. They represent, respectively, precisely the failures intimated by Paul Johnson. The Flood tells us what happens to civilisation when individuals rule and there is no collective. Babel tells us what happens when the collective rules and individuals are sacrificed to it.

It was Thomas Hobbes (1588-1679), the thinker who laid the foundations of modern politics in his classic *Leviathan* (1651), who – without referring to the Flood – gave it its best interpretation. Before

there were political institutions, said Hobbes, human beings were in a “state of nature”. They were individuals, packs, bands. Lacking a stable ruler, an effective government and enforceable laws, people would be in a state of permanent and violent chaos – “a war of every man against every man” – as they competed for scarce resources. There would be “continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.” Such situations exist today in a whole series of failed or failing states. That is precisely the Torah’s description of life before the Flood. When there is no rule of law to constrain individuals, the world is filled with violence.

Babel is the opposite, and we now have important historical evidence as to exactly what was meant by the sentence, “The entire land had one language and a common speech.” This may not refer to primal humanity before the division of languages. In fact, in the previous chapter the Torah has already stated, “From these the maritime peoples spread out into their lands in their clans within their nations, each with its own language” (Gen. 10:5). The Talmud Yerushalmi, Megillah 1:11, 71b, records a dispute between R. Eliezer and R. Johanan, one of whom holds that the division of humanity into seventy languages occurred before the Flood.

The reference seems to be to the imperial practice of the neo-Assyrians, of imposing their own language on the peoples they conquered. One inscription of the time records that Ashurbanipal II “made the totality of all peoples speak one speech.” A cylinder inscription of Sargon II says, “Populations of the four quarters of the world with strange tongues and incompatible speech . . . whom I had taken as booty at the command of Ashur my lord by the might of my sceptre, I caused to accept a single voice.” The neo-Assyrians asserted their supremacy by insisting that their language was the only one to be used by the nations and populations they had defeated. On this reading, Babel is a critique of imperialism.

There is even a hint of this in the parallelism of language between the builders of Babel and the Egyptian Pharaoh who enslaved the Israelites. In Babel they said, “Come, [hava] let us build ourselves a city and a tower . . . lest [pen] we be scattered over the face of the earth” (Gen. 11:4). In Egypt Pharaoh said, “Come, [hava] let us deal wisely with them, lest [pen] they increase so much . . .” (Ex. 1:10). The repeated “Come, let us . . . lest” is too pronounced to be accidental. Babel, like Egypt, represents an empire that subjugates entire populations, riding roughshod over their identities and freedoms.

If this is so, we will have to re-read the entire Babel story in a way that makes it much more convincing. The sequence is this: Genesis 10 describes the division of humanity into seventy nations and seventy languages. Genesis 11 tells of how one imperial power conquered smaller nations and imposed its language and culture on them, thus directly contravening God’s wish that humans should respect the integrity of each nation and each individual. When at the end of the Babel story God “confuses the language” of the builders, He is not creating a new state of affairs. He is in fact restoring the old.

Interpreted thus, the story of Babel is a critique of the power of the collective when it crushes individuality – the individuality of the seventy cultures described in Genesis 10. (A personal note: I had the privilege of addressing 2,000 leaders from all the world’s faiths at the Millennium Peace Summit in the United Nations in August 2000. It turned out that there were exactly 70 traditions – each with their subdivisions and sects – represented. So it seems there still are seventy basic cultures). When the rule of law is used to suppress individuals and their distinctive languages and traditions, this too is wrong. The miracle of monotheism is that unity in Heaven creates diversity on earth, and God asks us (with obvious conditions) to respect that diversity.

So the Flood and the Tower of Babel, though polar opposites, are linked, and the entire Parsha of Noach is a brilliant study in the human condition. There are individualistic cultures and there are collectivist ones, and both fail, the former because they lead to anarchy and violence, the latter because they lead to oppression and tyranny.

Paul Johnson's insight turns out to be both deep and true. After the two great failures of the Flood and Babel, Abraham was called on to create a new form of social order that would give equal honour to the individual and the collective, personal responsibility and the common good. That remains the special gift of Jews and Judaism to the world.

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**Parshat Noach: Words Make Worlds – Outreach or In-reach?  
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“These are the generations of Noach...” (Genesis 6:9)

The story of Noach is framed by two major disasters. The parsha starts with notice of the impending Flood that will destroy the world's population, except for those saved in Noach's ark. It ends with the building of the Tower of Babel, an act that destroys the world's single language. Although the link between these two destructions may not be obvious at first, I think that if we examine Noach's ark on a symbolic level, we can establish the intimate connection between these two milestones of human history.

God commands Noach to build an ark (tevah), yet the Zohar points out that the Hebrew word *tevah* is primarily to be translated as 'word'. Consider the verse, 'And the earth was corrupt before God, and the earth was filled with violence' (Genesis 6:11). Very often acts of violence are preceded by words of violence. The methods of the silent sniper – those distant, aloof characters poised on top of high towers – are the exception and not the norm. Incarceration for violence – even between husband and wife – can be traced back to verbal insults and verbal abuse. Had the violent language been nipped in the bud, everything may have been different. Therefore, it might be reasonable to assume that if we change our vocabulary and treat language with respect, then we will have a far greater chance of creating a peaceful world around us. This helps us to appreciate how the biblical usage of the term 'tevah' for 'ark-word' offers another perspective on protecting ourselves from violence. In a world where even the animals had violated their innate natures by cohabiting with other species, Noach escapes into an 'ark-word' where God's directions prevail. Noach's word is a very select place where pure animals are taken in groups of seven males with seven females and impure animals can only arrive in pairs. According to the Talmud (Pesachim 3a), the Torah doesn't refer to the latter as 'tamei' (impure), but rather describes them as 'einena tehora' (not pure) (Genesis 7:8), in order to impress upon the reader the importance of purity of speech.

The Ba'al Shem Tov, the founder of Hassidism, complements the literary theme of Noach's Word by examining its measurements: it was 300 cubits long, 50 cubits wide and 30 cubits high (Genesis 6:15). He demonstrates how the actual physical dimensions of the ark reflect the essence of language as the letters representing the numeric value of each of these dimensions are shin (300), nun (50), lamed (30), which spells the word *l-sh-n* (or *lashon*), meaning 'language.'

Taking this symbolism one step further, we can connect the beginning and ending of Noach. When Aristotle called the human being a 'social animal' he was echoing an idea introduced by Targum Onkelos, who translated the final two words of 'Then the Lord God formed the human of the dust of the ground, and breathed into his nostrils the breath of life and he/she became a living soul (*nefesh haya*)' (Genesis 2:7) as '*ruah memalehah*' – a speaking spirit. The term 'social animal' reminds us that

if not for the ability of speech, the human being would be an animal on two legs. The ability to communicate, to socialize and to share language with other creatures, defines our humanity. If we were to be deprived of language or the ability to communicate, we would be reduced to the level of animals.

This explains why solitary confinement is such a powerful instrument of torture. One of the great strengths of Natan Sharansky was his ability to survive, and even thrive, through the long years of solitary confinement imposed upon him by the Soviet prison system. Gifted with a power to concentrate, he was able to create an inner world through books, chess games, inner dialogues, and his tiny book of Psalms. His body may have been in solitary confinement, but his inner world of words and ideas allowed him to maintain his dignity as a human being. In a sense, Sharansky is a modern-day Noach, the survivor of the Deluge that ultimately brought Soviet Russia to its knees.

Toward the end of Parashat Noach, we confront another aspect of language where '...the whole earth was of one language and of one speech' (Genesis 11:1), resulting in the building of the Tower of Babel.

The Midrash tells us that in their zeal to build the tower, if a brick would fall from the top of the tower, everyone would mourn, but if a human being would fall, the event would pass unnoticed. Their unity was deceptive for it didn't enable human communication and didn't allow for individual opinions or individual personalities. The process of building the Tower of Babel left no room for the diversity of ideology or discrepancy of thought. A word (*tevah*) requires at least two letters or two separate characters communing together; the 'single language' of the Tower of Babel precluded discussion or communication between two respected people with differing but respected views who were sharing their individualized uniqueness with each other – the real purpose of communication.

And so, God punished them 'measure for measure' with multiple languages where they really could not understand each other or conduct even the most minimal conversation. They were destroyed by the very words that they had used – not as a means of sensitive communication but rather as an instrument of materialistic violence.

So far, we have only considered how Noach's *tevah*-ark-word was a positive development. However, some commentators feel that Noach and his *tevah* were incomplete expressions of true religiosity. After all, the *tevah* only saved Noach and his family. The goal should be to produce not only a *tevah*-word, but rather a Torah-book, in order to save all of humanity! Noach only understood the importance of God's word to save himself and his family from violence and corruption. He did not see beyond his own immediate responsibilities.

The Zohar goes on to maintain that Moses was a repair (*tikkun*), a necessary and therapeutic improvement, upon Noach. There are at least two interesting similarities between these two personalities: while Noach saves himself in the *tevah*, Moses is also saved by the *tevah* (an ark of bulrushes made by his mother and sister) that floats down the Nile; while Moses lived to be 120 years old, Noach, according to the Midrash, spent 120 years building his *tevah*, enduring sarcastic remarks from cynical onlookers.

But there is one major difference between the two: when God declares His plan to destroy the world and to save only Noach, Noach silently acquiesces to God's plan and constructs the *tevah*. But after the Israelites worship the golden calf, and the Almighty is ready to destroy the nation and start anew with Moses alone, the prophet of Egypt cries out: 'Erase me from your book...[but save the nation]!' (Exodus 32:32).

The letters of the word ‘erase me’ (mem, het, nun, yud), the Zohar tells us, can be rearranged to spell out ‘the waters of Noach’ (mei Noach). In effect, Moses is telling God that he is not like Noach. He cannot countenance his safe journey when humanity is drowning. ‘Destroy me, please’ said Moses ‘but save the people!’

Noach constructs a tevah – a word; Moses transmits a Torah – a book. It is a book which spells out the name of God, a book which will ultimately bring peace and redemption – sensitive communication and concord – to the entire human civilization. Moses is a tikkun for Noach; and the Sefer (book of) Torah is a tikkun for the tevah (word). As the prophets declare, our ultimate vision is for the Book of Torah to emanate from Jerusalem, teaching that ‘nation shall not lift sword against nation and humanity shall not learn war anymore’ (Isaiah 2:4).

Shabbat Shalom

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## Perceptions

By Rabbi Pinchas Winston

Parshas Noach  
Comforting

RASHI LAST WEEK brought a disagreement about the basis of Noach’s name:

He named him Noach, saying, “This one will give us rest from our work and from the toil of our hands from the ground, which God has cursed.” (Bereishis 5:29)

This one will give us rest—yenachameinu. He will give us rest from the toil of our hands. Before Noach came they did not have plowshares, and he made [these] for them. Also, the land was producing thorns and thistles when they sowed wheat because of the curse of the first man, but in Noach’s time, it [the curse] subsided. This is the meaning of yenachameinu. If you do not explain it that way, but from the root nacheim—comfort, the sense of the word does not fit the name [Noach], and you would have to call him Menachem instead. (Rashi)

In other words, Rashi is saying, if we explain the word according to its apparent meaning, “this one will console us,” Noach should have been named Menachem, which means consoler, instead. Since he was called Noach we have to assume that his father saw Noach has a kind of savior of the generation, at least far as working the land was concerned.

But is there really that much a difference between the two ideas? Either way, Noach comforted his generation, so why all the words to tell them apart? What deeper message, if any, is there emanating out from within this seemingly mundane explanation of a seemingly mundane Biblical name?

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Well, for one, if you hold up the name Noach (Ches-Nun) to a mirror you see chayn (Nun-Ches). That’s what Noach found in the eyes of God to be saved from world-wide destruction. That doesn’t work with the name Menachem. Not good enough? Okay, then let’s go deeper.

Comforting others who are going through a difficult time is a great mitzvah, which is why we have halachos like sitting shivah after a death. But those doing the comforting can often turn it on when they have to, and turn it off when they are done. It’s kind of like a performance, even if sincere. It doesn’t mean we do not care about the person or their suffering, just that we were not that personally affected by their pain beyond while in their presence.

But do something to make the lives of others easier? That goes way beyond just the time we spend together with others who are struggling. It usually means that, we are involved in their situation before we are together with them, and remain with it even after we have left them. It means that we don’t only take responsibility for how they feel at the moment, but for how they will feel the rest of their life.

Had Noach only been Menachem, someone who only comforts others in their times of need, he might not have found the necessary chayn to be saved from strict Divine justice, and the destructive flood it brought on mankind. It’s because he did things that bettered the lives of others that he caught God’s attention, and mercy, and survived to talk about it with the post-apocalyptic world.

This may also be why the word zeh in last week’s parsha introducing Noach gets such attention with its extra cantillation note. The same word, in the song at the sea, means this:

Zeh—this is my God. He revealed Himself in His glory to them, and they pointed at Him with their finger (indicated by zeh). By the sea, [even] a maidservant perceived what [the future] prophets would not perceive. (Rashi, Shemos 15:2)

How did Noach, living in such a selfish world, know to be more concerned about others than himself? Because he perceived God in the world, and chose to emulate Him. It takes quite the tzaddik to remain a tzaddik in a dog-eat-dog, look-out-for-number-one type of society. But as the Torah testifies in this week’s parsha, Noach was a tzaddik in his generation...despite all the forces working against him.

The Gemora says that both Rabbah and Abaye descended from the house of Eli, whose descendants were cursed with short lives (Rosh Hashanah 18a). Rabbah focused primarily on Torah learning, and became a famous talmid chacham until this day, even though he died at age 40. Abaye however also emphasized gemilus chassadim, acts of lovingkindness, and merited to live until 60 years of age.

There is probably more to the story than the Gemora is sharing, but its main point is, look how powerful caring for and taking care of others is! There is nothing more valuable to God than His Torah, and learning it is, seemingly, the most important thing we do as Jews.

But it is one thing to go through Torah, and something very different for Torah to go through you. We learn Torah to learn more about God. We learn more about God to become more like Him, and He is always doing acts of lovingkindness. We were created in the image of God. When we take care of others, we live in His image.

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## Parashat Noach

by Rabbi Nachman Kahana

The Drafting of Haredim

On the face of it, the issue of drafting hardcore Haredim is complex and controversial. When in reality it’s a one “main-shock” issue that began 130 years ago with the beginning of political Zionism, that has over the years produced secondary after-shocks.

“Bereishiet” (to begin with), I must clarify that “Haredim” do not stem from a one-cloth fabric. There are many haredim who willingly and proudly serve in Tzahal, including selected units such as the paratroopers, commandos, Golani, Givati, etc. There are Haredim who are buried in military cemeteries and others who will bear the scars of their loyalty and sacrifices as long as they live.

Then there are the anti-military Chassidic and “Lithuanian” rabbinic leaders who put forward their narrative to sever all connection with Tzahal based on three reasons:

1- Torah study is the life insurance policy of the Medina. A full-time occupation where the individuals involved are dedicated solely to this spiritual umbilical cord connected on one side to the upper strata of sanctity and the other to the ongoing struggles of Am Yisrael’s survival. According to this narrative, the contribution of a full-time Torah learner to the goal of victory is not less than that of a fighter pilot of a F-35 when dropping a 2-ton bomb on Hezbollah headquarters in Beirut.

2- The draft exemption is necessary to preserve the Haredi way of life, and that it benefits Israeli society as a whole by providing a source of religious scholarship and tradition.

3- The religious level of a Hareidi young man will be compromised when interacting with non-observant soldiers, especially women soldiers.

As stated above, however the veracity of these claims, they are not the core reason for escaping the draft which is hidden away in a never to be disclosed ideological safe.

As with all serious matters in life we can find the roots of this controversy within the wells of wisdom of Chazal, as stated in the Gemara:

The Gemara (Pesachim 56a) describes the last hours of Ya'akov's physical existence in this world, when he gathered his 12 sons to reveal to them what lies in store for the Jewish nation at the "end of days". However, at the precise moment when their hearts and minds were at their peak attentiveness, HaShem withdrew His Shechina (Divine spirit) from Ya'akov and the revelations became obscured.

Ya'akov voiced his fear to his sons that HaShem's withdrawal of the holy spirit might be due to one or more of his sons being a heretic. For just as his grandfather Avraham had begot the sinful Yishmael and his own father Yitzchak begot the evil Esav, he too might be cursed with a wayward son. Upon hearing this the brothers turned to their father and in unison recited:

שמע ישראל ה' א-לקינו ה' אחד  
"Hearken Yisrael (our father), the Lord is our God, the Lord is One"

Ya'akov then replied:

ברוך שם כבוד מלכותו לעולם ועד  
"Blessed be the name of His glorious kingdom forever"

Question: How could the single statement "Shema Yisrael" diffuse Ya'akov's deep seated suspicion of heresy? Why did Ya'akov not consider the possibility that the "heretical son or sons" (if there was one or more) was lying?

I suggest:

The brothers waited impatiently to hear of the future geula. When Ya'akov realized that HaShem did not want the details to be disclosed, he turned to his sons with suspicion that they might be the cause. At that moment, HaShem placed His holy Shechina on the brothers and they announced the Shema in unison.

Ya'akov was stunned, because this statement was the essence of the prophecy that he had intended to reveal to his sons. Instead, it was taken from him and given to them.

The prophecy states that just as the "Shema" consists of three phrases:

- 1) Shema Yisrael — Hearken Yisrael
- 2) HaShem Elokeinu — the Lord is our God
- 3) HaShem Echad — the Lord is One

So too will the redemption of the Jewish people evolve in three stages:

1) In the initial phrase of "Shema Yisrael", the name of Am Yisrael is mentioned but HaShem's name is omitted.

This refers to the first stage of redemption with the in-gathering of Bnei Yisrael from the far corners of the globe to Eretz Yisrael. They will return for a variety of reasons but not necessarily religious ones. Most will come to escape anti-Semitism, or totalitarian regimes, or to build a state based on secular socialist Zionism. That is why the name of HaShem is excluded in the initial phrase of the Shema and the initial phase of redemption.

2) Phase two "HaShem Elokeinu" includes two names of HaShem: the ineffable (unutterable) YH... representing HaShem's quality of compassion, and the name "Elokeinu" representing HaShem's quality of harsh justice.

This second stage of redemption will be characterized by a bitter conflict between Torah leaders as to how to view the Medina. Religious-Zionist rabbanim will see the Medina as the expression of HaShem's quality of compassion for His people Yisrael. The Medina is HaShem's declaration that the Shoah was the last major test in the 2000-year period of anger and galut (exile), and the beginning of a new period of our renaissance leading to the fulfillment of all our prophets' visions.

Millions of Jews have already returned, our sovereignty over Yerushalayim and the Temple Mount and the extraordinary military victories are undeniable signs that the geula is at hand.

In contrast, other Torah scholars will claim that the period of "Elokeinu" – harsh judgment – is still in effect, with the Medina just a stage in the natural development of political societies or a temporary retreat from anti-Semitism. The Medina has no connection to the future redemption of our people still in galut.

3) Phase three "HaShem Echad", is when HaShem's quality of compassion will reign alone, and all rabbinic leaders will unite in the reality that the Medina is HaShem's avenue for the advent of Mashiach and our final redemption.

Yaakov, upon hearing the revelations voiced by his sons, added a fourth stage: "Baruch shem kevod malchuto le'olam va'ed" – blessed be the name of His glorious kingdom forever – signaling the universal acceptance of HaShem's total mastery as Creator and Preserver of all things.

Today, with a near majority of the world's halachic Jews in the Land, we are in the midst of the second stage of HaShem Elokeinu where most of the Haredi rabbinic leadership do not hear the footsteps of the Mashiach in Medinat Yisrael.

The third stage of total unity will come about when we witness the miraculous demise of our enemies, as stated at the end of the first chapter of Tractate Berachot, that we will witness miracles far surpassing those of the exodus from Egypt.

We are not far from a religious awakening among the people of Eretz Yisrael, unparalleled since the time of Ezra Ha'Sofer. HaShem will "shine His countenance" upon all those who are here to receive it.

May HaShem grant our gallant soldiers victory over the forces of evil, for the final redemption of our people will come about in the merit of the mesirut nefesh (self-sacrifice) of His loyal children residing in Eretz Yisrael.

This negation of the belief that the semi-secular Medina can be a part of the redemption process is the underlying reason for the Haredi leaders' efforts to reject the drafting of their young people. They are willing to sacrifice for a Medina based on Torah, but not for a secular political state.

But the leaders will not admit this openly, so they substitute other reasons to reject army service:

- 1- Torah study is the life insurance policy of the Medina.
- 2- The preservation of the Haredi way of life benefits Israeli society.
- 3- The religious level of a Haredi young man will be compromised.

The three stages of redemption were revealed to Ya'akov and his sons thousands of years ago.

The pivotal question regarding the essence of Medinat Yisrael as the basic stage of the Jewish nation's redemption is the dividing factor between those who say Hallel with a bracha on Yom Ha'atzmaut and who leave their wives and children, parents and comfort in order to face the cut-throats of Hamas and Hezbollah, and those who do not.

HaShem doesn't need great numbers of troops to bring about a miraculous victory. But we who make up the chosen people of HaShem are now being put to the test to see who will take part in the grand master plan of the restoration of the glory of HaShem and His nation in Eretz Yisrael.

In closing: With the absence of a Sanhedrin or empirical evidence to decide the question is Medinat Yisrael an essential part of the final redemption of the Jewish nation centered around the Bet Hamikdash with all that it implies, or just one more chapter in our long and circuitous history? The decision rests with every individual.

There are those who feel intrinsically that our generation living in Eretz Yisrael has been designated by HaShem to open the initial chapter of our historic-religious redemption versus other good Jews who negate the idea; and of course, the ubiquitous silent majority who sit on the fence unable to decide.

In the light of what I have seen and experienced in the sixty-two years since making aliya, I have no doubt that we are on the fast track to the final goals set for us by HaShem. We are the foundation stone upon which future generations will build. We are a major part of the fulfillment of HaShem's promises to our forefathers.

And if it should come about that in the world of absolute truth, I will be told that I was mistaken, I will admit to the sin of loving too much; whereas the other side if told that they were in error would have to admit that they loved too little.

Shabbat Shalom,  
Nachman Kahana

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### **Haredi enlistment is not the question**

**Why does Netanyahu, a decorated IDF hero, go along with the haredi exemption national shame? Why is he working on an Enlistment Law that perpetuates the haredi exemptions?**

**Tzvi Fishman**

Tzvi Fishman was awarded the Israel Ministry of Education Prize for Jewish Culture and Creativity. Before making Aliyah to Israel in 1984, he was a successful Hollywood screenwriter. He has co-authored 4 books with Rabbi David Samson, based on the teachings of Rabbis A. Y. Kook and T. Y. Kook. His other books include: "The Kuzari For Young Readers" and "Tuvia in the Promised Land," available on Amazon. He directed the movie, "Stories of Rebbe Nachman."

Everyone seems to be expressing their disappointment (some would even say disgust) , and rightfully so, with Israel's large haredi community for not stepping forward to join their Jewish brothers in the ongoing year-long existential war, an actual Milchemet Mitzvah, which Israel has been waging.

During the years that Israeli decision-makers believed we needed a small, smart army, the haredi exemption from the draft was justified - but with the IDF declaring that it is in need of more soldiers and is therefore calling up older reservists who leave wives and children at home, there is no justification at all for the thousands of haredi young men who are not learning seriously (some say, as well as those who are) to be exempt from defending the Jewish state that also supports their yeshivas.

Needless to say, Netanyahu, a true patriot and proven soldier, is more than likely disgusted with this behavior as well. Why then does he go along with this national shame? Why is he working on an Enlistment Law that perpetuates the haredi exemptions?

First of all, he realizes that unmotivated soldiers who are forced to serve are of no use. The haredi sector has to change the way its young men look at the IDF and for their part, the IDF must create a suitable environment for the haredi soldier and, unlike its broken promises in the past, keep its word and refrain from trying to reeducate him.

But more crucial that that, it is because every decision has consequences and the prime minister knows the followings things are very likely to happen if the haredi parties withdraw from the coalition, causing the government to fall:

-The new government will be formed by the Left with an Arab party joining the new coalition and receiving hundreds of millions of shekels for the service.

-Paper-thin peace treaties will be signed with the Hezbollah and Hamas leading to a far worse war in the future.

-The hostages in Gaza will be freed for the release of thousands of terrorists.

-Jewish settlement in Yesha will be frozen.

-Arab illegal settlement throughout the country will increase.

-Hilltop youth and settlers will be imprisoned without trial.

-The Two-State Solution will become a reality.

-Gay organizations will receive massive State funding.

-Reform prayer services will be authorized at the Kotel.

-Tens of thousands of haredim will leave the country.

-The Supreme Court will turn Israel into a legal police state

-Arutz 14 will be closed.

-Arutz 7 will be closed.

-Political witch hunts against the Right and false charges of assassination plots will abound.

-Iran will be allowed to develop a nuclear bomb.

Yes, it is a disgrace to enact a law allowing haredim to remain draft dodgers while the rest of the nation goes to war. But the alternative would be far worse.

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Since this coming Shabbos is also Rosh Chodesh, this question may become very germane.

**What if I goofed and said Tikanta Shabbos by mistake?  
By Rabbi Yirmiyohu Kaganoff**

Question: In the middle of davening Musaf on Shabbos Rosh Chodesh, I realized that I was reciting the Musaf for a regular Shabbos rather than the special Musaf for Shabbos Rosh Chodesh. What should I have done?

Answer:

This Shabbos is also Rosh Chodesh, requiring the recital of a special text for the middle beracha of Musaf. This special Musaf includes elements of the usual Shabbos Musaf, the usual Rosh Chodesh Musaf, and a special introductory passage. This passage, beginning with the words Atah Yatzarta, actually bears close resemblance to the introductory part of the Yom Tov Musaf rather than to Musaf of either Shabbos or Rosh Chodesh. The rest of the middle beracha of Musaf combines elements of both Shabbos Musaf and Rosh Chodesh Musaf.

I once edited an article in which the author quoted several anthologies, each of which ruled that someone still in the middle beracha of shemoneh esrei should immediately stop where he is, and go to the beginning of Atah Yatzarta, and recite the entire beracha. However, I believe that this ruling is in error, which I will explain shortly. But first...

I attempted to trace the sources quoted in the article to see if perhaps I was missing some logic or information that I would clarify in the course of my research.

What I did discover was that each source was simply quoting a previous one, and that they all traced to one obscure 19th century work, which did not explain at all the reason for the ruling. Classic group-think.

I will now explain why I believe this ruling is in error, and what one should do. My major concern is that the approach that these works advocate results in repeating many parts of the shemoneh esrei, and that this repetition constitutes a forbidden interruption in the tefillah. Furthermore, to the best of my knowledge, there is no essential requirement to recite this middle beracha of the shemoneh esrei precisely in order. Obviously, one should maintain the order as is, but there is ample evidence from major halacha authorities that, in general, mistakenly rearranging the order of a beracha is not calamitous (see, for example, Rosh, Taanis 1:1; Shu"t Igros Moshe, Orach Chayim 4:18 and 4:70:14). Thus, when left with the choice of rearranging the order of a beracha to avoid repetition, or repeating parts of the beracha and ignoring what was already said, one should follow the first approach (cf., however, Biur Halacha 127:2 s.v. Aval).

Based on the above, it appears that someone who discovers that they began reciting Tikanta Shabbos rather than Atah Yatzarta should mention only those parts of the beracha that they had as yet not recited, but not repeat any theme or part of the beracha that one has already said. Although fulfilling this may be confusing to someone unfamiliar with the beracha, this should provide us with a valid reason to pay more attention to the details of this beracha and understand its different parts.

In order to explain how one does this correctly, I will divide the beracha of Atah Yatzarta into its constituent parts, so that we can identify which parts we should not repeat. We can divide it into the following seven sections:

1. The introduction – from the words Atah Yatzarta until (and including) the words shenishtalcha (some recite the text hashelucha) bemikdashcha.
2. The prayer for our return – beginning with the words Yehi Ratzon – until (and including) the word kehilchasam.
3. The sentence that introduces the mention of the pesukim of the Musaf –Ve'es Musafei Yom HaShabbos hazeh... until (and including) the word ka'amur.
4. Mention of the pesukim of the korban Musaf of Shabbos.

5. Mention of the pasuk of the korban Musaf of Rosh Chodesh and the passage Uminchasam... until (and including) the word kehilchasam.
6. The paragraph Yismechu Vemalchusecha that concludes with the words zeicher lemaasei vereishis.
7. The closing of the beracha -- Elokeinu Veilokei avoseinu.

On a regular Shabbos we recite the following sections: I have numbered them in a way that parallels the previous list:

1. Tikanta Shabbos – the introduction.
2. Yehi Ratzon – the prayer for our return. This passage then introduces the mention of the pesukim of the Musaf, which includes only the pesukim of Shabbos.
3. Ve'es Musaf Yom HaShabbos hazeh... until the word ka'amur.
4. Mention of the pesukim of the korban Musaf of Shabbos.
6. The paragraph Yismechu Vemalchusecha that concludes with the words zeicher lemaasei vereishis.
7. The closing of the beracha -- Elokeinu Veilokei avoseinu. We should note that the closings of the Shabbos and the Shabbos Rosh Chodesh shemoneh esrei prayers are very different. On Shabbos Rosh Chodesh we recite a version that is almost identical to what we recite on a weekday Rosh Chodesh, but we insert three passages to include Shabbos.

See chart next page.

Parts 2, 4 and 6 of the two brachos are identical, whether it is Shabbos or Shabbos Rosh Chodesh. Therefore, one should not repeat these sections if one has said them already.

Part 1 on Shabbos Rosh Chodesh, Atah Yatzarta, is very different from what we usually recite on a regular Shabbos. Therefore, someone who mistakenly said the regular Shabbos beracha should go back and recite this passage (part 1).

If someone missed part 5, which mentions the pesukim of Rosh Chodesh, and is still in the middle of this section, they should recite – the pasuk that describes the korban of rosh chodesh and introduce it with part 3 above, which introduces the Musaf korbanos. However, if they already recited the pesukim of Shabbos korban Musaf (part 4) above, omit the reference to Shabbos in this piece and only mention Rosh Chodesh. In the latter case, one should change the plural Musafei to a singular Musaf since now he is now referring only to the Rosh Chodesh Musaf.

Having explained the rules governing these halachos, I will now present the conclusions in a hopefully clearer way, depending on when you discover your mistake:

- A. If you were still reciting the beginning of Tikanta Shabbos, and had not yet reached Yehi Ratzon:  
Return to Atah Yatzarta and recite the beracha in order, without any changes.
- B. If you had already begun Yehi Ratzon, but are before Ve'es Musaf Yom HaShabbos hazeh:  
Complete the Yehi Ratzon until Ve'es Musaf; then recite Atah Yatzarta until the words Yehi Ratzon, then resume from the words Ve'es Musafei Yom HaShabbos hazeh veyom Rosh Hachodesh hazeh from the Shabbos Rosh Chodesh Musaf and continue through the rest of the tefillah.

C. If you had just begun Ve'es Musaf Yom HaShabbos hazeh:

Add the words Ve'es Musaf Yom Rosh Hachodesh Hazeh, then continue in the Shabbos Rosh Chodesh Musaf until Yismechu Vemalchusecha. Immediately prior to saying Yismechu Vemalchusecha insert the words from Atah Yatzarta until the words shenishtalcha bemikdashcha (part 1). Then return to Yismechu Vemalchusecha and recite the rest of the tefillah in order.

D. If you are already in the middle of Ve'es Musaf Yom HaShabbos hazeh:

Recite Uveyom Hashabbas... until veniskah. Then insert the words from Atah Yatzarta until the words shenishtalcha bemikdashcha. Then return to the words Ve'es Musaf but say the following: Ve'es Musaf Yom Rosh Hachodesh hazeh until the word ka'amur. Then say Uverashei Chadshechem in the Shabbos Rosh Chodesh section and continue in order.

E. If you are in the middle of Yismechu Vemalchusecha, complete it until Zecher lemaasei vereishis, and then insert the words from Atah Yatzarta until the words shenishtalcha bemikdashcha. Then return to the words Ve'es Musaf but say the following: Ve'es Musaf Yom Rosh Hachodesh hazeh until the word ka'amur. Then say Uverashei Chadshechem in the Shabbos Rosh Chodesh section. Then go to Elokeinu Veilokei avoseinu (after Yismechu Vemalchusecha) and finish the end of the beracha.

F. If you are already in the middle of the closing part of the beracha (Elokeinu Veilokei Avoseinu) complete the clause that you are saying, and then insert the words from Atah Yatzarta until the words shenishtalcha bemikdashcha. Return to the words Ve'es Musaf but say Ve'es Musaf Yom Rosh Hachodesh hazeh until the word ka'amur. Say Uverashei Chadshechem from the Shabbos Rosh Chodesh section. Then return to chadeish aleinu beyom haShabbos hazeh es hachodesh hazeh and finish the end of the beracha in the Shabbos Rosh Chodesh section.

If he completed the entire beracha of Tikanta Shabbos, but mentioned in the middle of the brocha some reference to the korban Musaf of Rosh Chodesh, he has fulfilled the requirements of his prayer and he should continue Retzei (see Mishnah Berurah 423:6). If he completed the beracha of Tikanta Shabbos but did not yet begin Retzeih, he should say "venaaseh lefanecha korban Rosh Chodesh hazeh" – "and we shall do before You this Rosh Chodesh offering" – and then continue with Retzeih (ibid.).

#### Conclusion

Although all this may sound confusing, if you spend a few minutes familiarizing oneself with the divisions of this beracha that I have made, you will easily realize how the parts of the Shabbos and Shabbos Rosh Chodesh davening are aligned. Then you will be ready to make the necessary adjustments should you find that you have erred. This readiness has, of course, a tremendous value on its own: It familiarizes one with the shemoneh esrei, something we always should do, but, unfortunately, is something to which we often do not pay adequate attention.

Understanding how much concern Chazal placed in the relatively minor aspects of davening should make us even more aware of the fact that davening is our attempt at building a relationship with Hashem. As the Kuzari notes, every day should have three very high points -- the three times that we daven (or four times on days that we recite Musaf). Certainly, one should do whatever one can to make sure to pay attention to the meaning of the words of one's Tefillah. We should gain our strength and inspiration for the rest of the day from these prayers. Let us hope that Hashem will accept our tefillos together with those of Klal Yisrael

#### Reverence for Sacred Vessels

##### Rav Kook Torah

The Torah commands us to show reverence for the human body, even after the soul has departed. A body should be buried quickly, we are taught, lest its dignity be compromised. Leaving a body exposed is "a blasphemy of God" (Deut. 21:23).

However, in cases where the body is at risk of desecration — if there is a fear that robbers or enemies may abduct the remains for ransom — the Torah permits us to act in ways that, under ordinary circumstances, would seem disrespectful. To protect the body, one is allowed to conceal it in a sack and even sit upon it.

The Talmud in Berachot 18a teaches that these guidelines of respect shown to human remains also apply to Torah scrolls.

Like a Torah Scroll

This comparison, Rav Kook explains, is highly instructive.

Why do we honor Torah scrolls? We do so to instill within ourselves a love of Torah and a commitment to fulfill its words. We cherish these vessels of divine wisdom, recognizing that they facilitate our spiritual growth.

The same applies to the respect given to human remains. Honoring the body after death reminds us of the profound connection between the physical and the divine. This reverence underscores a vital truth: our bodies are instruments through which we pursue holiness. With our limbs and physical senses, we observe the Torah's mitzvot, pursue its paths of purity and righteousness, and grow in wisdom and sanctity.

What emerges is a unified teaching: reverence for the human body, like that for Torah scrolls, strengthens our resolve to live a life aligned with the ways of God, which are "life to those who find them and healing to all their flesh" (Proverbs 4:22)

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#### Ohr Somayach Insights into Halacha

##### Fish with Legs?!

##### Rabbi Yehuda Spitz

In Parshas Noach we read about how Hashem brought the Mabul (Great Flood / Deluge) and destroyed all living creatures, save for those inside Teivas Noach (Noach's Ark).[1] Additionally, we find that the fish in the oceans were spared as well.[2] It would be fascinating to find out on which side of the Ark a "fish with legs" would have been. Would it have been considered a fish, and therefore spared, or an animal and two might have been sheltered inside while the rest of the species were wiped out?

##### A Fishy Tale?

Far from being a theoretical question, this issue was actually brought up almost 400 years ago, when a certain Rabbi Aharon Rofei (perhaps Rabbi Dr.?) [3] placed such a fish, known as a Stincus Marinus in front of the then Av Beis Din of Vienna, the famed Rabbi Gershon Shaul Yom Tov Lipman Heller, author of such essential works as the Tosafos Yom Tov, Toras HaAsham and Maadanei Yom Tov, and asked for his opinion as to the kashrus status of such a "fish", unknowingly sparking a halachic controversy.

##### What is a (Kosher) Fish?

This was no simple sheilah. It is well known that a kosher fish must have both fins and scales.[4] This so-called "fish" presented actually had scales, but legs instead of fins. Yet, technically speaking would that astonishing characteristic alone prove it as non-kosher?



Chazal set down a general rule that “Whatever has scales has fins as well”.[5] and should still be presumably kosher. This means that if one would find a piece of fish that has scales noticeably present, one may assume that since it has scales, it must therefore have fins as well, and is consequently considered kosher. This ruling is codified as halacha by the Rambam, as well as the Tur and Shulchan Aruch.[6]

As for our *Stincus Marinus*, which had scales but legs instead of fins, the Tosafos Yom Tov[7] averred that this “fish” cannot be considered kosher, as the above mentioned ruling was referring exclusively to actual fish and not sea creatures. Since the *Stincus Marinus* has legs instead of fins, it could not be considered a true fish, and must therefore not be kosher.

Many authorities, including the Mahar”i Chagiz, the Knesses HaGedolah, Rav Yaakov Emden, the Malbim, and the Aruch Hashulchan, agreed to this ruling and considered the *Stincus Marinus* an aquatic creature and not a true fish and thus decidedly non-kosher.[8] This is similar to the words of the Rambam,[9] that “anything that doesn’t look like a fish, such as the sea lion, the dolphin, the frog, and such - is not a fish, kosher or otherwise.”

However, the Pri Chodosh[10] rejected the opinion of the Tosafos Yom Tov, maintaining that Chazal’s rule that “whatever has scales also has fins, and is presumed kosher”, equally applies to all sea creatures, not just fish, and actually ruled that the *Stincus Marinus* is indeed kosher, irregardless of whether or not it is considered a true fish.

The Bechor Shor[11]wrote that in his assessment, this whole disagreement was seemingly borne of a colossal misunderstanding, and all opinions would agree to an alternate interpretation. He opined that although it would be considered a sea creature, the *Stincus Marinus* should still indeed be considered kosher for a different reason. As although this “fish” has no true fins, still, its feet are the equivalent of fins, and accordingly, it still fits the halachic definition of a fish![12]

#### Rule of Thumb (or Fin)

The renowned Rav Yonason Eibeshutz, although agreeing in theory with the Pri Chodosh that Chazal’s rule meant to include all aquatic life and not just fish, conjectured that possibly said rule was not meant to be absolute; rather it was meant as a generality. Generally, if a fish has scales one may assume it will also have fins; this does not exclude the possibility of ever finding one fish which does not. According to this understanding, apparently the *Stincus Marinus* would be considered an exclusion to the rule and therefore non-kosher. This is also the understanding of several other authorities including the Yeshuos Yaakov, the Shoel U’Meishiv, and HaKsav V’HaKabbalah.[13]

In strong contrast to this understanding of Chazal’s statement, the Taz emphatically declared, “No fish in the world has scales but no fins”, meaning that Chazal’s rule was meant to be unconditional, and consequently, by definition there cannot be an exception. Most authorities agree to this understanding, with many of them, including the Pri Chodosh, the Chida, and the Kaf Hachaim[14] ruling accordingly that the *Stincus Marinus* is indeed kosher based on this, since it did actually have scales[15].

#### Scientifically Speaking

A scientific study published in 1840 by Rabbi Avraham Zutra of Muenster identified the *Stincus Marinus* as a relative of the scorpion, or a type of poisonous toad.[16] Similarly, the Chasam Sofer[17] wrote that he accepted the findings of “expert scientists” who confirmed that the *Stincus Marinus* is not actually a sea creature at all. Rather, it lives on the shore and occasionally jumps into the water, as does the frog. According to both of these Gedolim, our “fish” was most definitely not a fish, rather a sheretz (non-kosher crawling land animal)! This would make the entire preceding halachic discussion irrelevant, as the *Stincus Marinus* would not fall under the category of Chazal’s statement, and would thereby be 100% non-kosher. The Kozeglover Gaon[18] actually uses this “fish” as a testament to the Divinity of the Torah, as the only

known exception to Chazal’s rule turned out to be not a fish at all, but rather a type of lizard!

On the other hand, not only does the Darchei Teshuva[19] not accept Rabbi Avraham Zutra’s scientific study, but even writes a scathing response that he does not understand how one can place these findings from non-Halachic sources between teshuvos HaGaonim without a clear proof from Chazal or Poskim “sherak mipeehem unu chayim”. Accordingly, this opinion of the Darchei Teshuva would also unsubstantiate the conclusion of the Chasam Sofer, for although the Chasam Sofer agreed to the Tosafos Yom Tov’s conclusion that the *Stincus Marinus* is not kosher, his claim that it is not a true sea creature is based on “scientific experts”. Therefore, this scientific analysis that the *Stincus Marinus* be considered a lizard or scorpion, may not actually be acknowledged by all.

#### Practical Impracticality

The Gemara questions Chazal’s rule that scales suffice to render a fish kosher, “Why then does the Torah mention fins altogether? The Gemara answers in an extremely rare fashion: “l’hagdil Torah ulha’adirah”, ‘to magnify and enhance the Torah[20]. The Magen Avraham in his peirush on the Yalkut Shimoni[21] takes this a step further. He writes that l’hagdil Torah ulha’adirah was not limited to the topic of fins and scales. Rather, it was also referring to our *Stincus Marinus*. Similar to Rashi’s explanation to the famous last Mishna in Makkos[22], that Hashem wishes to grant Klal Yisrael extra reward and He therefore added effortless Torah and Mitzvos, such as refraining from eating repulsive creatures that one wouldn’t want to eat anyway. So too, by our “fish”, since it is poisonous, one wouldn’t have any sort of desire to eat it, thus possibly taking it out of the realm of practical halacha. Nevertheless, this whole issue of finding out its kashrus status was meant for us to delve into exclusively to get rewarded in the Next World, an infinitely more appealing approach.

So was the strange looking sea creature swimming in the ocean outside the Teivah or was it found within? It seems like we probably will never fully know the answer, although it certainly is fascinating that it seemingly would depend on how the *Stincus Marinus* is classified halachically!

#### Postscript:

Scientifically, it appears that the classification *Stincus Marinus* is a misnomer, as it is categorized as a lizard from the skink family, known as a *Scincus Scincus*, or a Sandfish Lizard. See <http://runeberg.org/nfcd/0703.html>. Although non-aquatic, it has been proven in the prestigious Science journal (vol. 325, July 17, 2009, in a published study by Daniel I. Goldman, “Undulatory Swimming in Sand: Subsurface Locomotion of the Sandfish Lizard”) via high speed X-ray imaging that below the surface, it no longer uses limbs for propulsion but “generates thrust to overcome drag by propagating an undulatory traveling wave down the body”. In other words, although deemed a lizard, it does possess fish-like characteristics, as it “swims” through the sand beneath the surface.[23]

Scientists are even trying to understand and mimic its unique abilities to help search-and-rescue missions.[24] So it is quite understandable how many of the above-mentioned Gedolim felt that the *Stincus Marinus* was a fish or aquatic creature, even according to those who side with the Chasam Sofer’s conclusion that it is truly a sheretz ha’aretz.

[1] Parshas Noach (Ch. 7, verses 21 - 23).

[2] Midrash Rabbah (Bereishis 32, 9), cited by Rashi (Noach Ch. 7: 22, s.v. asher).

[3] The Lev Aryeh (Chullin 66b, end s.v. b’gm’) seems to understand that the questioner was indeed a doctor and the moniker given was not actually referring to his name.

[4] Parshas Shmini (Vayikra Ch.11, verses 9 - 13) and Parshas Re’eh (Devarim Ch. 14, verses 9 - 10).

[5] Mishna Nida (51b) and Gemara (Chullin 66b).

[6] Rambam (Hilchos Maachalos Asuros Ch. 1, 24); Tur and Shulchan Aruch (Yoreh Deah 83, 3).

[7] Maadanei Yom Tov (Chullin 66b, 5).

[8] Mahar"i Chagiz (Shu"t Halachos Ketanos vol. 1, 255, and vol. 2, 5; cited by the Chida in Shiyurei Bracha, Yoreh Deah 83, 1), Knesses HaGedolah (Yoreh Deah 83, Haghos on Tur 6), Rav Yaakov Emden (Siddur Yaavetz, Migdal Oz, Dinei Dagim 8 & 9; quoted in the Darchei Teshuva 83, 27 - 28), Malbim (Parshas Shemini, 80; he writes that a sea creature with four legs is not considered a fish, rather a non-kosher "Chai HaYam"), and Aruch Hashulchan (Yoreh Deah 83, 10).

[9] Rambam (Hilchos Maachalos Assuros Ch. 1, 24).

[10] Pri Chodosh (Yoreh Deah 83, 4).

[11] Bechor Shor (in his commentary to Chulin 66b, cited by the Darchei Teshuva *ibid.*). He actually wrote that the whole disagreement was a colossal misunderstanding, and all opinions would agree to his understanding.

[12] There seemingly is precedent for such a theory based on the words of several Rishonim describing the Pelishti Avodah Zarah 'Dagon' (Shmuel I Ch. 5: 2 - 7), which many, including Rashi (ad loc. 2 s.v. eitzel), the Raavad (in his commentary to Avodah Zarah 41a), and R' Menachem Ibn Saruk (Machaberes Menachem; London, 1854 edition, pgs. 61 - 62) describe as a 'fish-god', meaning an idol in the shape of a fish. Yet, the Navi explicitly writes that the idol had "hands" (that were cut off). This implies that a fish's flippers or fins can indeed justifiably be called a "yad" in the Torah. See also Radak (Shmuel I Ch. 5:4) and Teshuvos Donash al Machberes Menachem (London, 1855 edition, pg. 58), as well as Hachraos Rabbeinu Tam (ad loc.) for alternate interpretations, including that of a hybrid half-man half-fish idol, in which case, as the top half was in human form, would have had human hands. According to this interpretation, this passage would not yield any proof to the Bechor Shor's assessment. Thanks are due to Rabbi Reuven Chaim Klein for pointing out this interesting tangent.

[13] Kreisi U'Pleisi (Yoreh Deah 83, 3), Yeshuos Yaakov (ad loc. 2), Shu"t Shoel U'Meishiv (Mahadura Kamma, vol. 3, 54), and HaKsav V'HaKabbalah (in his commentary to Vayikra Ch. 11, 9).

[14] Taz (Yoreh Deah 83, 3), Pri Chodosh (*ibid.*), Chida (Machazik Bracha, Yoreh Deah 83, 7 and Shiyurei Bracha, Yoreh Deah 83, 1; also mentioned in his Shu"t Chaim Sha'al vol. 2, 19), and Kaf Hachaim (Yoreh Deah 83, 6 and 15).

[15] The Pri Megadim (Yoreh Deah 83, Mishbetzos Zahav 2; also writing that this seems to be the Prisha's shittah (ad loc. 7) as well; see however Mishmeres Shalom, Be"ד3, who attempts to answer the Pri Megadim) and the Maharam Shick (in his commentary on the Mitzvos, Mitzva 157, cited by the Darchei Teshuva *ibid.*) maintain this way as well; however they do not definitively rule on the kashrus status of this "fish". The Aruch Hashulchan (Yoreh Deah 83, 5) as well as his son, the Torah Temima (Shemini Ch. 11: 9, 32), also held this way, that this rule is Halacha from Sinai, yet, the Aruch Hashulchan himself, still ruled that this specific "fish" non-kosher, as he considered the Stincus Marinus a sea creature, not a fish, like the Rambam. The Eretz Tzvi (see footnote 16) as well, although maintaining that it is not kosher for a different reason, writes emphatically that this rule of Chazal is absolute, and is even testimony to the Divinity of the Torah.

[16] Shomer Tzion HaNe'eman (vol. 91, pg 182), cited by the Darchei Teshuva (*ibid.*) without quoting the author, as well as cited in Kolmus (Pesach 5769 - Fish Story by R' Eliezer Eisikovits) without citing the source.

[17] Chasam Sofer, (commentary to Chulin daf 66b s.v. shuv).

[18] Eretz Tzvi on Moadim (Yalkut HaEmuna, Maamar Sheini, Inyan Sheini ppg. 251 - 252).

[19] Darchei Teshuva (Yoreh Deah 83, 28).

[20] Nida (51b) and Chullin (66b). For an interesting explanation of this dictum, see Lev Aryeh (Chullin 66b s.v. v'ulam).

[21] Zayis Raanan (Parshas Shemini, commentary on the Yalkut Shimoni; explanation on pg 146a). The Lev Aryeh (Chullin 66b, end s.v.

b'gm') explains that it seems from the Magen Avraham's elucidation that he seems to agree with the opinion of Rav Yonason Eibeschutz that Chazal's fish rule was not meant to be absolute. For, if it was, why would the Gemara conclude that extra reward is given for staying away from a poisonous Stincus Marinus that would technically have been kosher? L'hagdil Torah ulha'adirah would only have been applicable if this "fish" turned out to be the exception to the rule, and even though it had scales was still not kosher. Accordingly, although we would avoid this "fish" because it was poisonous, we would nonetheless still attain sechar for doing so, as it would not have been deemed kosher.

[22] Gemara Makkos (23b) and Rashi (ad loc. s.v. l'zakos).

[23] A clip showcasing the sandfish lizard's amazing ability is available here: <https://www.youtube.com/watch?v=P4bxRj-BjFg>, as well as a picture of several of them preserved in a German Museum: <http://i0.wp.com/themuseumtimes.com/wp-content/uploads/2014/12/IMAG1193.jpg>.

Thanks are due to R' David Hojda for providing these fascinating links.

[24] See here <https://www.youtube.com/watch?v=Xzt1iJbwNXE&spfreload=10>.

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: [yspitz@ohr.edu](mailto:yspitz@ohr.edu).

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda. This article was written L'iluy Nishmas R' Chaim Baruch Yehuda ben Dovid Tzvi, L'Refuah Sheleimah for R' Shlomo Yoel ben Chaya Leah, and l'Zechus for Shira Yaffa bas Rochel Miriam v'chol yotzei chalatzeha for a yeshua sheleimah teikif u'miyad!

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## Chief Rabbi Mirvis

### Noach Noach Words produce light

This powerful message emerges at the commencement of Parshat Noach. Hashem commanded Noach to construct an ark, instructing him, "tzohar ta'aseh latevah" — "make a window for the Ark", enabling it to be bathed in light so that it can reflect that light.

The Sefat Emet brilliantly comments that the Hebrew word "tevah," which means "Ark", also means "word" in Mishnaic Hebrew. At a homiletical level, he suggests that Hashem was saying to Noah: "tzohar ta'aseh latevah"—enable the word to be bathed in light so that it can reflect light. Where were we standing at that point?

Hashem had seen how the first ten generations on earth were a disaster. As a result, He was just about to press the reset button, making Noah, an 'Adam mark two'. Hashem was indicating to Noah that the violence and destruction prevalent during these generations were predominantly produced by words — the darkness of words, and the danger arising from them.

As we were about to recommence life in a new era, Hashem wanted us to know that we can ensure our words transmit and reflect light. Words can produce light.

This message is particularly relevant today, given the harm caused by negative statements that poison minds around the globe. For the sake of

our peace, our tranquillity, and the future of our fragile world, let's guarantee that our words will always produce light!  
Shabbat Shalom

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### **Parshas Noach Rabbi Yochanan Zweig**

This week's Insights is dedicated in loving memory of Sheindil bas Mordechai.

#### **It's Not About You**

These are the offspring of Noach – Noach was a righteous man, perfect in his generations; Noach walked with God. Noach gave birth to three sons: Shem, Cham, and Yefes (6:9-10).

Rashi, in his comments on this possuk, quotes the Midrash; "To teach you that the primary 'offspring' of the righteous are good deeds" (see Rashi ad loc and Midrash Rabbah 30:6). In other words, our sages are bothered by the structure of the verses; the first verse begins with the introduction of "these are the offspring of Noach" and then goes on to describe how righteous Noach was instead of telling us who his children were. From here, Chazal conclude that the fundamental "offspring" of a tzaddik are his good deeds.

Maharal (see Gur Aryeh ad loc) elaborates on this Chazal: "There are three partners in the creation of a child; the man, the woman and, most importantly, Hashem. On the other hand, a person's deeds are solely his own. Therefore, the primary offspring of someone are his good deeds."

Yet, if this is the basis for the Midrash, why did Chazal teach us that the "primary offspring of the righteous are their good deeds;" the fundamental offspring of every person should be their good deeds!

Most people focus on their own existence with their lives primarily revolving around themselves and their needs. At the same time, they have an innate sense that they are a perishable product (i.e. they have an "expiration date"). There are a couple of ways that people respond to these instincts: Some constantly seek pleasure, knowing that this "ride" will at some point come to an end. Others seek to connect to something outside of themselves and expand their existence by loving others and being loved.

This is the motivation for most people to have children. They want to connect to something outside of themselves; to give and receive love and to see themselves continue on, even after they are no longer physically here on earth. Having children, who are similar to oneself in so many ways, is a very palpable and satisfying way of perpetuating one's existence.

In contrast, those who are truly righteous do not focus on their own existence or their narrow needs. They have internalized that they are living in a theocentric world and that their primary objective is to forward Hashem's agenda for the world. Their good deeds actually serve to define who they are, and therefore become an absolute reflection of themselves. Their good deeds reflect their righteousness.

Of course, righteous people desire children as well. However, they recognize that their fundamental reason for existence is not to figure out how to perpetuate themselves, but rather what they themselves can do to perfect the world. Maharal (ad loc) actually points out that in this manner the good deeds of the righteous actually serve to give birth to them; because that is a perfect definition of who they are.

#### **East of Eden**

Then Hashem said to Noach, "Come to the ark, you and your entire household, for it is you that I have seen to be righteous before Me in this generation. From the pure animals take for yourself seven by seven a male and its mate [...]" (7:1-2).

The Midrash (Bereishis Rabbah 34:9) explains that Hashem commanded Noach to take from the "pure" (i.e. kosher) animals more than he took from the rest of the animals in order to bring them as sacrifices. That is to say that from all the animals in the world Noach took in only a single pair, but from the kosher animals he took into the teivah seven pairs (although according to some, Noach brought a total of seven from the kosher animals – four males and three females).

The teivah wasn't a pleasant place to be, it was crowded and smelly and mostly dark. In addition, Noach and his sons were constantly on call to feed and care for all of the animals (compounding this misery was the fact that animals eat at different times of the day and night). Rashi (7:23) comments that Noach was actually coughing up blood from the stress of caring for the animals. In fact, according to the Midrash (Tanchuma Parshas Noach) Noach was so miserable that he davened to Hashem to shorten the time necessary to be on the ark (he was turned down).

Seeing as this was the case, why did Hashem tell Noach to bring even more animals into the ark (the extra kosher ones that were to be brought as sacrifices)? Surely Noach, who lived for over three hundred years after the Great Flood, could have waited a decade or two for the animals to give birth and build large herds. At that time, he would have had plenty of the kosher animals on hand from which to sacrifice. Why did Hashem ask him to bring them onto the teivah?

Hashem was giving Noach and his children an important message. Even though Hashem had decreed that the world had to be destroyed because mankind had totally perverted it, Hashem still desired a relationship with man. Hashem wanted Noach and his children to be able to offer sacrifices immediately after leaving the teivah in order to begin to reconnect and repair His relationship with mankind.

This would also explain Noach's seemingly outrageous behavior of making it a priority to build a vineyard upon exiting the ark. Bal Haturim comments on the verse "and Noach, man of the earth, set out to plant a vineyard" (9:20), that Noach actually planted what he had taken from the Garden of Eden – according to one opinion in the Gemara (Brachos 40a) the Tree of Knowledge was a grapevine – because Noach thought that he was to replicate the Garden of Eden.

In other words, Noach misunderstood Hashem's desire for a relationship with mankind. Noach thought that once he came out of the ark he and his children would be back at the level of Adam prior to the original sin and that they would be welcomed back to the Garden of Eden, so he took the vines that he had brought into the ark and planted them to begin that process.

However, in reality, Hashem was giving him a more powerful message. Hashem was letting him know that He desired to have a relationship with us even in our world, outside of the Garden. Hashem did not want him to have to wait many decades in order to bring sacrifices, He wanted Noach to open the lines of communication right away upon leaving the ark.

שרה משא בת ר' יעקב אליעזר ע"ה  
ביילא בת (אריה) לייב ע"ה  
אנא מלכה בת ישראל