

BS"D

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INTERNET PARSHA SHEET ON SHOFTIM - 5762

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From: RABBI YISSOCHER FRAND [ryfrand@torah.org] Sent: August 08, 2002 To: ravfrand@torah.org Subject: Rabbi Frand on Parshas Shoftim "RavFrand" List - Rabbi Frand on Parshas Shoftim -

'Life Without Parole' For Unintentional Murder Would Be Inhumane
It a person killed someone unintentionally, the Torah stipulates that he is exiled to a city of refuge and he must remain there until the death of the Kohen Gadol [High Priest] [Bamidbar 35:38]. The Talmud discusses the connection between the Kohen Gadol and the unintentional murderer. The Kohen Gadol should have prayed that such tragic accidents not occur in the Land of Israel.

The Talmud mentions that there were 6 cities of refuge, 3 on the eastern side of the Jordan River and 3 on the western side. The 3 cities on the eastern side were set aside even before the Jews entered the Land of Israel proper (the western side). Nevertheless, they were not "effective" as cities of refuge until the corresponding cities on the western side were conquered and set aside as cities of refuge as well. The Meshech Chochmah [Rav Meir Simcha HaKohen of Dvinsk 1843-1926] offers an interesting insight into this phenomenon. As we stated previously, a person exiled to a city of refuge had to remain there until the death of the Kohen Gadol. When the Jews entered the Land of Israel, the Kohen Gadol was Elazar, who succeeded his father Aharon in that position. Elazar was guaranteed to remain in that role throughout the period of conquest and division of the land (a period consisting of 14 years) [Bamidbar 34:17]. It follows that anyone who would kill unintentionally before the Jews entered and conquered the main part of the Land of Israel would have no chance of getting out of his confinement for many years.

Under normal circumstances, any person in a city of refuge could think to himself on any day of the year "today I may get out" (i.e. - perhaps the Kohen Gadol will die today). But if we were to put a person in a city of refuge before the process of conquering the Land of Israel began, this fellow would have no hope of immediate release. The Torah guaranteed that the Kohen Gadol would remain alive throughout the period of conquest and division. The Meshech Chochmah suggests that to place a person in a city of refuge with no hope of getting out any time soon would have been inhumane. "Life without parole" for an unintentional murderer would be a punishment that did not fit the crime. For this reason, the cities of refuge did not function in TransJordan until the land was divided and the role that the Torah guaranteed to Elazar was complete. At that point, the possibility of an early release from confinement was realistic.

"When They Gossip In Vilna, They Desecrate The Sabbath In Paris"
The Talmud [Eruchin 16a] teaches that there are two forbidden actions, for which there is no atonement achievable via regular sacrifices; atonement is only achievable via other means. Those two forbidden actions are murder and tale bearing (lashon hara). The example given of the atonement for murder is the 'Eglah Arufah' [Decapitated Calf]. The pasuk [verse] at the end of the section of Eglah Arufah [Devorim 21:9] in fact states, "And you shall eradicate the innocent blood from your midst by doing that which is upright in the eyes of G-d."

The simple meaning of this pasuk is that by performing the mitzvah of Eglah Arufah one is "doing what is upright in the eyes of G-d" and thereby that atones for the sin of the innocent blood being spilled. The Ibn Ezra (1089-1164) offers a novel alternate interpretation of this pasuk. The Ibn Ezra reads the pasuk as an admonition -- You should do that which is upright in the eyes of G-d -- meaning fulfill the mitzvos in general -- and thereby G-d will see to it that no innocent blood is spilled in your midst. The Ibn Ezra quotes this as an application of the principle "the reward for one mitzvah is another mitzvah". The pasuk thus means "You, the Jewish Court, keep your commandments in order to prevent the spilling of innocent blood in your midst. (For example, fulfill the command of escorting wayfarers and seeing that the needs of itinerant travelers are met.)

If the righteous people, the scholars, and the elders do what they are supposed to do, then all levels of society will behave properly and innocent blood will not be spilled in the land.

This is akin to the famous teaching repeated in the name of Rav Yisroel Salanter (1809-1883): "When Lashon Hara [gossip] is spoken in Vilna, the consequence is Chillul Shabbos [desecration of the Sabbath] in Paris". Vilna was the "Jerusalem of Lithuania" and Lithuania was the "Land of Israel of Europe". Vilna had a reputation for being the home of great scholars and Torah leaders. Obviously people there maintained a high level of observance. What were their sins? They lapsed into the virtually unavoidable sin of talking improperly about their neighbors. But spiritual laxity of any sort in Vilna had a "snowball effect" throughout the Jewish world. Therefore, in a city like Paris (which was already then known for looser behavior) the consequence will be sins of much greater magnitude such as Sabbath desecration.

This is exactly how Ibn Ezra interprets the last pasuk of our parsha: "If you want to ensure that there will be no innocent blood spilled in your land, then you must elevate society by doing even the "regular" commands such as escorting one's guests, acts of kindness, and fulfilling that which is upright in the eyes of G-d." People complain that "The country is morally declining; morality is terrible; society is amoral, etc. etc.". We sometimes have the attitude that "What can I do about it? I'm sitting here in Yeshiva doing what I am supposed to be doing. I pray. I learn. What do you want from me? I'm good!"

However, the lesson is that if we truly do what we are supposed to be doing then, metaphysically, that has an effect on the planet. But if we speak Lashon Hara in Vilna... or in Baltimore or in Boro Park or in Monsey or where ever we live, then that can have a detrimental effect and enable the worst type of sins committed everywhere else.

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From: torahweb@zeus.host4u.net Sent: Thursday, August 08, 2002 6:34 PM To: weekly1@torahweb.org Subject: RABBI HERSCHEL SCHACHTER - THE JEWISH ARMY
to subscribe, email: weekly@torahweb.org to unsubscribe or for anything else, email: torahweb@torahweb.org the HTML version of this dvar Torah can be found at:
http://www.torahweb.org/torah/2002/parsha/rsch_shoftim.html
Rabbi Herschel Schachter The Jewish Army
The Torah tells the soldiers of the Jewish army not to fear the enemy (Devorim 20:3). Rambam understands this as a prohibition, i.e., it is forbidden for the soldiers to be afraid. Rambam obviously understood

that it is possible for one to control his emotions, to the extent that one can be commanded not to fear. Raavad disagrees and understands the posuk as a promise, i.e. the Torah is telling us that there will be no need for the soldiers to be afraid. (See Rambam's listing of the mitzvot, Prohibition No. 58).

The pasuk continues and says that there will be no need to be afraid because Hashem will be with the Jewish army, saving them and fighting on their behalf. This theme is repeated again in parshas Ki Teitze (23:14-15), where the soldiers are commanded to be careful to have a clean camp, and to dress properly out of respect for the shechinah. The rabbis of the Talmud also applied these laws (of cleanliness and proper dress) to one who is praying or learning Torah, but the original source in the chumash is regarding the soldiers who are fighting "G-d's battles". When a minyan gathers to recite kaddish, kedushah, or barechu, we consider that a "davar shebikdushah". The Rabbis derived from the chumash that whenever ten Jews gather together for a davar shebikdushah that the shechinah will be present. The Jerusalem Talmud (end of first chapter of Eruvin) understands that only if there are ten soldiers together does the group have the status of "an army camp." The minyan who are fighting "G-d's battles" constitute a Davar Shebikedusha, and the Torah promises that the Shechinah will be with them. The Chazon Ish points out that these ten soldiers have to be such individuals who can be mitztareph (included) in a minyan.

The Rabbis of the Mishna had a further tradition that individuals who were ba'alei aveira (sinners) were not taken into the army (see Rashi to Devarim 20:8). The success of the Jewish army depends on the participation of the Shechinah, and the Shechinah will only feel comfortable amongst a minyan of tzadikim.

<http://www.torahweb.org/> From last year

RABBI BENJAMIN YUDIN
HEAD, HEART, AND HASHEM

The Torah prescribes (mitzva 526 in the Sefer Hachinuch) that prior to going to war (milchemes r'shus – an "optional" war. For example, a war to expand the territory of the Jewish nation) a designated Kohan address the pool of potential soldiers and announce three types of exemptions to taking part in the war: one who has built a home and has not yet begun to live in it, one who has planted a vineyard and has not yet redeemed its first crop, and one who has betrothed a woman and has not yet married her. Then a fourth exemption is announced by the officers: is there any man among you who is afraid or faint-hearted? Let him go home rather than have his cowardliness demoralize the other soldiers.

The Talmud (Sotah 44a) has a dispute regarding the last exemption. Rabbi Akiva believes it is to be taken literally, and this is how the Rambam in the Laws of Kings (7:15) rules. Rav Yosi Haglili, however, understands the verse to be a fantastic cover-up. The fearful person is one who is afraid of sins he has committed. While the Torah earlier (Dvarim 20:4) assures the Jewish people, "for Hashem your god is the one who goes with you, to fight for you with your enemies, to save you", the sinner is nervous that this refers only to those worthy of special divine protection. The Torah lists three circumstances so that when the soldier leaves the battleground people will attribute his departure to one of the listed circumstances. The Torah is especially sensitive to the feelings and character of the sinner. Rather than leave to our imagination what type of sin would exempt the Jewish soldier, the Talmud (Sotah 44b) informs us. The transgression is having spoken and interrupted between the hand and head T'filin.

The Talmud (Menachos 36a) teaches that one is forbidden to speak or interrupt between the donning of the hand and head T'filin. In the Shulchan Aruch (Orach Chaim 25:9,10) this is codified, and moreover, if one hears even a davar Shebikedusha (kaddish, kedusha, borcho) between his hand and head T'filin he is to listen but not respond. AT first glance this seems most strange. This is the sin he is afraid of? It appears to be but a misdemeanor!

I'd like to suggest that the severity of his act can be understood if we examine the purpose of the two T'filin. The Chinuch in mitzvah 421

and similarly this is reflected in the L'shaim yichud (declaration of intent) before putting on T'filin which states that the hand T'filin is to train the Jew to channel his actions to Hashem, while the head T'filin reflects the intellect and beliefs of the Jew. Ideally there is no gap and separation between the two. If however one pauses between the hand and head T'filin believing that it is his actions that bring victory and success on the battlefield, such an individual is not to represent or fight on behalf of Klal Yisroel.

It is interesting to note that the Tur (Orach Chaim 51) cites a Yerushalmi that if one interrupts between Yishtabach (closing blessing of Pesukei D'zimra) and Yotser Ohr (the first blessing of the next section which is comprised of the Shema and its blessings), that individual returns from the battlefield. Perhaps this may be explained similarly in light of the following: the Menoras HaMeor suggests that the term "Pesukei D'zimra" might have an additional meaning other than "Verses of Song and Praise". The Hebrew word 'zmr' can also be a verb which means to prune. Thus the introduction to the shacharis prayer is designated as "verses of pruning or cutting". Just as a gardener prunes his vines, removing the unhealthy branches in order to improve the fruit-bearing ability of the superior ones, so too recitation of Pesukei D'zimra removes all spiritual and metaphysical obstructions and hindrances from our prayers, enabling our prayers to enter before the divine throne. Pesukei D'zimra may thus be seen as man's struggle to break through the many layers of impurity in his environment and enable him to connect with the Holy. Here too, there cannot be success with 'zmr' without the shema yisroel. If one believes he can rid society of its immorality and problems without shema yisroel, he is "to return from the battlefield" or, more succinctly, cannot represent Klal Yisroel. The strong connection between one's military initiatives and a spiritual base may be demonstrated from the following two historical events. In parshas Matos. Moshe assembles a force to fight against Midyan. "A thousand from a tribe, a thousand from a tribe" (Bamidbar 31:4). The Midrash Tanchuma understands that the repetition in the pasuk indicates that each tribe provided a thousand warriors to fight as well as a thousand warriors to pray. Those who prayed were the real warriors, as explained in Rashi (Bamidbar 31:8), "Israel is victorious by virtue of its prayers".

In addition, the Talmud (Berachos 54a) teaches that if one sees a place where a miracle occurred to the Jewish nation, he recites a blessing, "blessed is the one who performed miracles for our ancestors at this location". The Talmud states that if one sees the stone upon which Moshe sat when the Jewish nation fought successfully against Amalek he is to recite the above blessing. The Maharsha (Berachos 54b) asks: did not the military victory take place in the valley, while Moshe sat high on the mountain? The Maharsha answers the question by explaining that the real miracle was the acceptance of Moshe's prayer.

The Baal Hatanya explains the name Amalek to be a derivative of "m'lika", which is a severing or separation. Amalek separated between recognizing and knowing G-d, which they did, and acting on that knowledge, which they did not.

We are living in most difficult times, Eretz Yisroel, and indeed the Jewish nation, is at war. The timely message of Parshas Shoftim is most critical: we need Tzahal – a Jewish army – but our success will only come when we recognize that victory comes from Hashem. We cannot interrupt between the hand and head T'filin, nor between Yishtabach and Birchah Krias Shema.

[From last year] From: listmaster@shemayisrael.com To: Peninim Parsha

PENINIM ON THE TORAH
BY RABBI A. LEIB SCHEINBAUM
PARSHAS SHOFTIM

You shall not turn from the word that they will tell you, right or left. (17:11)

The spiritual leadership of Klal Yisrael makes their decision only after careful deliberation into the halachah, law. It is rendered by individuals whose relationship with Torah is of a singular nature. Their exemplary

love for the Torah goes hand in hand with their profound scholarship. Their interpretation of the Torah is law. We are commanded to listen to them, even when the decision they render seems unjustified or incorrect. They represent the final word. To undermine the words of Chazal is to attack the Torah. The following incredible story was related by Horav David Puvarsky.

The story takes place in Russia where Horav Moshe Feinstein, zl, was rav. In his city there lived a malshin, informer, who went out of his way to endear himself to the authorities at the expense of his Jewish brethren. As a result of his close relationship with the government, people were afraid of him, never knowing whether they would be his next sacrifice. Undoubtedly, he caused great difficulty and anxiety for the small Jewish community. People shied away from him, as they developed an intense hatred for him.

Everybody is destined to leave this temporary world at one time or another. The informer's turn had come to return his soul to his Maker. On the last day of his life, he asked for the chevra kadisha, Jewish burial society, to come visit him, so that he could make one special request of them. When they arrived, the informer told them that he was acutely aware of the many sins that plagued his life. He fully understood the evil he had perpetrated and the terrible hurt he had caused to so many people. In his desire to expiate a malevolent life, he asked them to bury him in the ground in a fashion similar to that of a donkey - with his legs standing in a vertical position.

The men standing around the informer's bed were moved by the wicked man's plea. Thus, they gave him their word and afterward signed a document stating that they would accede to his request to be buried as a donkey.

After the informer died, word got back to the rav, Rav Moshe Feinstein, that they were about to bury a Jewish person in a manner antithetical to Torah dictate. Rav Moshe was vehement; he would not permit a Jew to be buried in such a denigrating manner.

As soon as he spoke, the people accepted his decision and buried the informer in the proper manner. The next morning, the mishtarah, secret police, showed up immediately following the burial, demanding to have the corpse exhumed so that they could see in what manner the informer was buried. The chevra kadisha refused to exhume the body. They claimed it was against Jewish law to dig up a body. The police said that it was not their responsibility if the Torah law was being undermined or not. They wanted to view the body, and no one could prevent them from doing what they wanted to do.

The chevra kadisha saw that arguing with the police was to no avail. They had made up their mind to exhume the informer. They proceeded to dig up the grave. They peered inside, saw the manner in which the informer was buried and left peacefully. It was only then that the members of the chevra kadisha realized the incredible miracle that had just occurred for them. The reason that the police sought to search the burial site was because the informer told his gentile friends that the Jews hated him, and they would surely bury him like a donkey. Even as he stood at his death's threshold, the miscreant attempted to take one last shot at his People. This person's self-hate prevailed over his sense of reason. He was willing to go to his death, to his eternal punishment, with one more sin on his record. Had he been buried in accordance with his wish, the entire Jewish community's lives would have been in danger. Such was his evil.

It was only the Daas Torah, the wisdom that is the result of being immersed in Torah that characterized Rav Moshe, that prevented a tragedy from occurring. This narrative is a tribute to the greatness in Torah that personified the individual who was the posek hador, halachic arbiter, whose decisions encompassed and addressed every area of human endeavor. We also note the evil that permeates some people. The informer knew he was dying. Rather than repent, he was determined to make one more attempt to hurt the People from whom he had become estranged. While condemning this person is easy, we might want to ask ourselves what could have happened in his life that prompted such virulent hatred towards his People?

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From: Shema Yisrael Torah Network [shemalists@shemayisrael.com]
Sent: August 07, 2002 7:32 PM To: Peninim Parsha Subject: PENINIM ON THE TORAH BY RABBI A. LEIB SCHEINBAUM PARSHAS SHOFTIM You shall not deviate from the word that they will tell you, right or left. (17:1) The command to listen to our sages, Torah leaders of each individual generation is a command that stands at the very foundation of our nation. As Rashi and Ramban explain, the enjoinder is to obey their decision, even if we are convinced that they are wrong, even if they seem to be telling us that right is left and left is right. We listen to them even contrary to our own perception, because they represent Hashem's edict. To listen to them is to listen to Hashem; to defy Chazal or the Torah leaders of each generation is tantamount to defying Hashem. The reason is simple, as Horav Yechezkel Abramsky, zl, explains. One whose vision is better because he is closer to a given place -- or on a higher plane and can consequently see further -- is believed over someone who does not have this advantage. Our Torah leaders are on a higher plane and can, therefore, develop a perspective that eludes us. The problem with some of us is that we refuse to recognize their ability to see what we cannot.

In addition, the perspective expounded by Chazal is one that is applicable to the spiritual arena, as well. We are to listen to them concerning areas of human endeavor and life. Hashem gives them the ability to see what the average human eye cannot perceive.

In a thesis on this subject, Horav Mordechai Gifter, zl, explains the individuality and distinction of the Torah scholar vis-?-vis the nation. First, we must recognize that Torah can exist among the Jewish people only to the extent that the nation is capable of evaluating and appreciating the Torah scholar - the talmid chacham whose personality symbolizes a Torah presence. Torah lives on in the Jew whose soul mirrors the image of what Torah demands of us. Our teachers must embody the Torah.

The Torah, unlimited in her depth and breadth, must have followers who will strive to draw from her life-sustaining waters. The talmid chacham seeks and discovers new horizons in Torah. There is no end for him as he delves deeper and deeper into the Torah's profundities. Indeed, for such a person the experience of Revelation occurs daily. Every moment of study is for him a continuation of the Giving of the Torah at Har Sinai.

"We dare not," says Rav Gifter, "make the error of thinking that this process may be treated in the same manner as if we were approaching a human/secular code of laws." As in every area of science or body of knowledge, one must first prepare himself to evaluate properly that science according to its unique perspective. A good doctor is one who approaches medicine with a profound inner desire and zeal to study and master it. He must appreciate his work.

Torah wisdom is no different in approach. The distinction lies, however, in attitude. If one wishes to master Torah wisdom and to become an embodiment of Torah, he must approach it according to the nature of Torah wisdom, as a revelation of Divine will. Torah must be studied in the same manner that it was given - with awe and fear - with profound inner trembling. Only then does his Torah study achieve legitimacy, and only then can he hope to begin to reap its profundity.

A talmid chacham is a student of Torah who directs his life and study according to the Torah path. He represents the continuation of the Giving of Torah to our People. He is more than a teacher; he symbolizes the phenomenon of the Torah being transmitted to the Jewish People from Hashem. He upholds the continual Revelation through which Hashem gave the Torah at Sinai. We now understand the fundamental principle of emunas chachamim, faith in Torah sages. Regardless of the judgment they render, even if it does not seem appropriate in our eyes, we dare not turn away from what they tell us. Their understanding of the Torah is wholly different than ours. They and the Torah are one. To defy a Torah leader is to repudiate the basic foundation of Torah.

Regrettably, an interesting phenomenon has occurred. With increased learning and greater Torah knowledge, people also manifest increased arrogance accompanied by a greater license to criticize. We have

become distant from the concept of emunas chachamim of old, when one would never dare to utter a word against a gadol b'Yisrael, Torah leader. We have become so obsessed with gaining greater knowledge that we have lost sight of the source of this knowledge, Har Sinai. The titles -- sage, rabbi, Torah leader -- all have meaning when they affirm and represent the studying of Torah. One who is missing the fundamental ingredient of emunas chachamim misrepresents his position and carries a title that is bogus. What remains is a Torah that is devoid of Har Sinai. Once we take the Sinai out of the Torah, we unfortunately understand where the road leads.

The judges shall inquire thoroughly. (19:18)

The judges have a halachic and moral responsibility to be absolutely certain that they render their decision based upon the integrity of the witnesses. They must question them thoroughly until they are satisfied that they speak the truth. At times, a potential catastrophe has been averted through the sheer brilliance of the judge. The Austrian government appointed Horav Yosef Shorr, zl, to the position of municipal judge. While this might have been viewed as a great honor for a Jew, it also placed the rav in a difficult position. Whenever a Jew ascends to a distinguished position, he incurs the envy and wrath of the gentiles.

It happened once that five gentiles came to the court over which Rav Shorr was presiding and accused a Jew of setting fire to a house. This was a serious allegation, since in those days all the houses were nothing more than wooden tinderboxes built close to each other. A fire in one home could conceivably devastate a large portion of the town before it could be brought under control.

These five men swore that the Jew set the fire. The prosecutor had very little to do. The witnesses were all that was needed to put the Jew away for a long time. During the entire testimony, Rav Shorr sat impassively, staring out into space. His colleagues deliberated the case back and forth and came to a unanimous decision that the Jew was guilty beyond any doubt. They wondered why the presiding judge remained quiet during the entire interchange. Perhaps he was embarrassed by the actions of one of his co-religionists. They wrote up their decision and sentenced the accused to five years of hard labor. They each affixed their name to the official document and brought it to Rav Shorr to sign. Rav Shorr said, "It is my opinion that the accused is innocent. Instead, I am holding his five accusers in contempt of court for perjuring themselves in order to place the onus of guilt on this man. Indeed, each of the witnesses should immediately be placed under arrest and be required to serve two years in prison for his malicious lies."

The other judges looked at each other in shock. What was Rav Shorr saying? It was clear from the witnesses' testimony that the Jew was to blame. Understanding their astonishment, Rav Shorr explained, "My friends, let me ask you. Five able-bodied men see a weak Jew set fire to a house. Will they not do something about it? Do you believe for one moment that one puny Jew would get away with setting a house ablaze with five strong gentiles just watching him? Would they permit him to light a fire that could quite possibly destroy the entire town? No! These men are certainly lying." The judges acted upon his advice. After inquiring, they discovered that the witnesses were "truly" false! In another instance, it was the rav's sensitivity that saved a person's livelihood and probably his life. Horav Menachem zl, m'Kosov was once approached by a group of laymen complaining about the moral behavior of the town's shochet, ritual slaughterer. They enumerated a number of rumors about the man and demanded that he be dismissed from his position. There was, however, one person who disputed their claims, citing their envy and hatred towards the shochet as the motivating factor behind their "rumors."

To the people's surprise and chagrin, Rav Menachem rendered his decision in favor of the shochet, dismissing the witnesses' testimony as being nothing more than hearsay. When the witnesses' complained about the decision, Rav Menachem explained, "I have proof from the Torah to substantiate my decision. When Avraham was told by Hashem to sacrifice his son, he immediately listened. On the other hand, it was an angel that told Avraham to desist from sacrificing his

son. Why did he listen to the angel? Why did he not wait for Hashem to issue an order to halt the proceedings?" The answer is that when it concerns killing a human being, one needs to hear Hashem's command. When it involves saving a person's life even an angel is sufficient. Similarly, the testimony to destroy a person's life must be free of any taint or doubt. On the other hand, to save a person, any testimony which speaks positive of the defendant is acceptable.

Our hands have not spilled this blood. (21:7)

The parsha of Eglah Arufah, axed heifer, ends with Bais Din declaring that the people had no culpability in regard to the death of the person that was discovered near their town. This means that they attested to the fact that he was accompanied and assisted as he left their community. The Torah implies the critical importance of seeing to the needs of those who visit our community, who live in our community, but are like visitors - since they are alone. All too often, something occurs to a member of our community who lives alone either by choice or by constraint, and we then ask ourselves: What could I have done to have prevented this? Veritably, most of us wake up after the fact, after someone has been hurt, humiliated, or become ill. We have justifiable excuses, or at least they "seem" justifiable. The fact that we have legitimized our indifference does not absolve us. We cannot say, "Our hands have not spilled this blood."

Why is this? Why should our excuses absolve us from responsibility? I recently read a simple story with a poignant -- but compelling -- message, which I feel addresses the integrity of our excuses. A scholarly, observant Jew, whom we will call Reuven, went out one evening to purchase medicine from the corner pharmacy. It was a nice evening, a bit cool, in an average neighborhood in Brooklyn. As he left the store, he noticed an elderly woman sitting on his neighbor's porch. Knowing fully well the members of his neighbor's family, he knew that this woman was a stranger. Moreover, she looked lost. He asked her if she needed anything. She replied that she was lost and wanted to go home.

He helped her to his car and drove to the address that she gave him. Regrettably, that address did not exist. He drove her around in an attempt to locate a familiar area. She claimed she lived near a synagogue. He drove her to the synagogue with the same results. No home, no address, no place to go.

Finally, Reuven drove the woman to the police station. They would know what to do. The sergeant listened to the all too familiar story and said, "You can go now, sir. We will take over. Sooner or later, someone will come looking for her." Reuven looked at the sergeant and said, "No. My mother is about her age. If she was lost or in trouble, I know I would want someone to be with her, not just dropped off."

So he remained with her. He asked her if she was hungry, and she said yes. He went out and bought her a meal from the nearest restaurant. Above all, he did not leave her. He kept her company for a few hours, until someone called the police station reporting a lost mother.

Why did he do this? What motivated him to stay and not do the "usual." He thought of his own mother. If this woman would have been his mother, he would have wanted someone to stay with her. So, he stayed. "What if it was my mother?" is a question that erodes the very foundation of our excuses, because surely we would not be indifferent if it was "ours." We must begin to view those in need, those who are alone and who do not even realize that they are in need, through the prism of self-examination. What if it would be me or mine? Would I act in the same manner?

The story is not yet over. A few days later, Reuven received a call from his mother. "You must hear what just happened to me," she said excitedly. She had accidentally locked her keys in her car. It was night, and she was not in one of the finer, safer neighborhoods of Brooklyn. Suddenly, as if from nowhere, two young men appeared. They were dressed in contemporary summer garb: shorts, tank tops, with a couple of tattoos for good measure. Reuven's mother was scared, to say the least. These men could be members of one of the prominent gangs that roamed the city. She was almost ready to hand over her purse, with the hope that they would then leave her alone, when one of them

asked, "Can we help you, ma'am?" She nervously explained her predicament. They left and searched various gas stations for an attendant capable of entering a car without a key. They soon returned with a mechanic, who successfully opened the car door. She was very appreciative and attempted to pay the two men for their time. One of the men looked up at her and said, "We won't accept any money, lady. Just take care of yourself. If this would be my mother, I would want someone to help her out, too."

Perhaps this is something we should think about next time: What if this was my mother - or father - or son or daughter? We can always refer to this as preventive chesed. This attitude might circumvent a problem from occurring to one of "ours." Speaking about our responsibility to the wider community on a preventative basis, I am reminded of an unnerving incident that recently occurred. A Jewish youth, regrettably very far-removed from the observant community, tragically died as a result of an overindulgent, chemically-induced lifestyle. For some reason, his single mother decided that he should have an orthodox burial. This is not uncommon; people choose to live one way and die another. It was after the taharah, purification and washing ritual, that the members of the chevra kadisha, sacred society, were outside of the funeral home, and the distraught mother came over to the leader. She looked at him and asked, "Are you the rabbi who just took care of my son?" The leader of the group very quietly responded, "Yes." Suddenly, the mother turned to him with a wild look on her face, a look that reflected years of tension, anxiety and depression and asked, "Where were you when he was alive? I do not need you any more. He is dead!" With those few words, she turned and walked away.

She was wrong in blaming the local chevra kadishah for years of neglecting her son. The closest he ever came to religion was the local secular temple on Yom Kippur. Whose fault was it? Yet, this does not change or justify our responsibility towards reaching out to all Jews. Can we say, "Yadeinu lo shafcha es ha'dam ha'zeh?"

Sponsored by Rabbi and Mrs. Sroy Levitansky in memory of Mr. Sol Rosenfeld

From: Yated USA [yated-usa@ttec.com] Sent: Thursday, August 08, 2002 11:25 AM To: Yated Subscribers Subject: Yated USA, 08-08-2002 Parshas Shoftim:

"DON YOUR CLOTHES OF SPLENDOR"
BY RAV NOCHUM EISENSTEIN Lakewood, NJ

Ish Lerey'hu Giving others the benefit of the doubt.

"V'Shoftu es ha'am mishpat tzedek.-They shall judge the people with righteous judgement." (16:18)

The Midrash interprets this pasuk as an injunction to the nation's leaders to speak of the people's merits before HaKadosh Boruch Hu in an effort to influence the judgment of His people. We know that Jewish leaders are to be advocates for their people from the shofet Gideon ben Yoash. The Midrash teaches that, during the time of Gideon ben Yoash, Klal Yisroel suffered many calamities and HaShem sought out a person who would be a proponent for the people. HaShem did not find anyone suitable for the task because the generation was severely lacking in mitzvos and good deeds. Finally, merit was found in Gideon, who pleaded the nation's case and, immediately, "The angel of HaShem appeared to him," and HaShem said to him, "Go with this strength of yours-the strength that you have earned for being a proponent for My children-and you shall save Yisroel..." (Shoftim 6). This is an example of "You shall judge the people with righteous judgment," concludes the Midrash. This means that the nation's case must be pleaded before the Ribono Shel Olam. Similarly, commenting on the pasuk "Avraham came forward and said, 'Will You also stamp out the righteous along with the wicked?'" Pinchas HaKohein bar Chama said that HaKadosh Boruch Hu does not wish to penalize His creations. As it is written, "For I do not desire the death of one who should die." (Yechezkel 18:32) What does HaShem desire? The vindication of His creations. As the pasuk states, "HaShem desires (Bnei Yisroel's) righteousness." (Yeshaya 42:21) This must be the case, continues Pinchas HaKohein bar Chama, for when HaShem's creations sin before Him and cause Him to become angry, what does He do? He seeks out a proponent for His people and paves the way for him. (Tanchuma - Vayera) "It is known," writes the Pele Yoetz, "that HaKadosh Boruch Hu wants us to defend His children-as a nation and as

individuals. Eliyohu Hanavi, z"l, was punished for incriminating the Jewish people when he said, 'I have acted with great zeal for HaShem, G-d of Legions, for Bnei Yisroel have forsaken Your covenant...' (Melachim I, 19:10) Yeshaya was also punished for saying 'I dwell among a people with impure lips...' (Yeshaya 6:5) Gideon, on the other hand, was rewarded for defending the nation in that he was chosen to be the one who would save Bnei Yisroel. This is so because whatever a person says on earth has an impact in Heaven. If one speaks accusingly, he stirs up the prosecuting angels, and if he defends his people, his words bear fruit in that he invokes the defending angels." Nevertheless, according to the Satmar Rov, HaGa'on R' Yoel Teitelbaum, zt"l, a person's defense of a wicked man should be expressed to the Ribono Shel Olam alone. If one were to defend a wicked person in the presence of others, he might cause them to believe that he endorses the wicked person's behavior. This is one of the reasons why Avraham Avinu left the city of Sedom early in the morning when he prayed to HaShem to spare the city. He did not want people to hear while he defended the people of Sedom before HaKadosh Boruch Hu lest they be led to believe that Avraham saw no problem with their behavior. (Sefer Ta'am V'da'as-R' Moshe Sterbuch quoting what he heard from the Satmar Rov) Finally, in one of his lectures on the Yomim Noraim, R' Yoel Kluff, zt"l, a disciple of the Chofetz Chaim, emphasized that the best way to earn oneself a positive ruling on Rosh HaShana is to defend one's fellow Jews before the Ribono Shel Olam. If a person ignores the faults of others and dwells instead on their good qualities and positive deeds, HaShem will judge him mercifully and not according to the strict letter of the law.

"Therefore," R' Yoel testifies, "during that special time between Kol Nidrei and Ma'ariv on Yom Kippur, the Chofetz Chaim used to speak in defense of the Jewish people rather than devote the time to inspiring his disciples to repent." (Da'as Yoel- Ma'amarim. (See chapter 26, where R' Yoel quotes the Chofetz Chaim on the subject of defending one's fellow Jews on the Day of Judgment.) It is told that R' Yosef Chaim Sonnenfeld, zt"l, the rabbi of Yerushalayim, always found merit in other people-even in the biggest sinners. A close acquaintance of R' Yosef Chaim related that he had once been sitting together with the rov when the latter defended the nation's sinners. "We must defend them!" R' Yosef Chaim said. "I don't understand," I declared. "You are the fiercest fighter for our faith, and you, of all people, are defending sinners? Moreover, how is it possible to defend all of them? Say, for example, you see a bare-headed Jew walking together with a sinner on Yom Kippur, eating forbidden foods and smoking a cigarette. What would you say in his defense?" R' Yosef Chaim answered in a soft tone. "Hear me, my son. Yosef Chaim is not as silly as you think. You see, every sin that is transgressed publicly also constitutes a chilul HaShem. The sin of chilul HaShem, desecrating HaShem's name, cannot be atoned for. However, if I try to excuse the behavior of such a person, as difficult as it may be to do so, it may, at least, remove the aspect of chilul HaShem. Even the example that you provided might be excused to some degree. I could say that the man is bare-headed for health reasons and that he is eating the food and smoking because his life depends on these things. He is walking together with a sinner because he is blind and needs the man to lead him. Even if he is not blind, perhaps he is dizzy and needs help walking. If I am right, his behavior would not be considered a chilul HaShem, and I would have seen to it that in some way there is still room for atonement." (Bishishim Chochma)

Preserving another's source of revenue. "Lo sasig gevul re'acha asher govlu rishonim.-You shall not move a boundary of your fellow, which the early ones marked out." (19:14) The principal meaning of this pasuk is the prohibition against expanding one's property by moving his fence over onto his neighbor's land, thereby stealing his property. One who does so outside of Eretz Yisroel transgresses the injunction against theft, while inside Eretz Yisroel he transgresses two negative commandments of the Torah-"You shall not steal" and "You shall not move a boundary of your fellow." However, the term "hasogas g'vul-overstepping boundaries," was coined by chazzal as an expression of any form of infringement on another person's livelihood. For example, choosing your neighbor's profession and offering the same services as he, would be considered "hasogas g'vul," as would snatching an opportunity away from him. (see Kiddushin 59A) Interestingly, chazzal have also extended this prohibition to attributing a quote to someone other than he who actually said it. For instance, if one were to quote the words of R' Eliezer as having been said by R' Yehoshuah, that, too, would be considered "trespassing." This principle is alluded to in the words of the pasuk above "...which the early ones marked out." That is to say, one should not mix up words that "the early ones"

previously established as the words of R' Eliezer or the words of R' Yehoshuah. Conversely, one who is particular to mention the correct name of the originator "brings redemption to the world, as it is written, 'And Esther said to the king in the name of Mordechai...' " (Avos 6:6) Besides the prohibition of hasogas g'vul, the Midrash teaches that plagiarism is considered theft. R' Tanchum declared: It was passed down to me from R' Yoshiya, and to R' Yoshiya from the sages, halacha l'Moshe miSinai: Anyone who does not quote a d'var Torah in the name of the person who said it, concerning him the pasuk says, "Do not rob the destitute because he is destitute." (Mishle 22:22). However, one who repeats a thing in the name of the person who said it, Yisroel will be redeemed in his merit. (Tanchuma - Bamidbar) Finally, the Shla"h HaKadosh asserts that repeating a d'var Torah that one read from a sefer or heard from a friend without mentioning the name of the originator is actually worse than stealing his money since, by stealing his Torah, you are hurting his soul. The Torah and the souls of the Jewish people are like one. (It is for this reason that, in this column, we are extremely careful to quote the source of every d'var Torah and story.) Before publishing his seforim, the Chofetz Chaim earned his living from his grocery store. The rebbetzin ran the store on a daily basis and the Chofetz Chaim would come to help out on market days. The store was open for only half a day. "Half a day is enough," the Chofetz Chaim used to say. "Other storekeepers also need to earn a living." When the Chofetz Chaim realized that people were coming especially to patronize his store, he feared that there might be a problem of hasogas g'vul. Therefore, he decided to close the front door of the shop. He explained to the rebbetzin, "For us it is enough that the neighbors shop here. They know how to get in through the back door." (Amud HaChesed)

Humility. "L'vilti rum l'avvo me'echav...so that his (the king's) heart does not become haughty over his brethren." (17:20) This pasuk teaches us to rid our hearts of any feelings of haughtiness and that a great person should not feel he is better than anyone else. Even a king should consider himself no greater than his citizens; rather, he must exercise control over his feelings just as he controls his people. Everyone should maintain a humble spirit, for haughtiness is a grave sin which destroys and consumes the soul. As the pasuk (Mishle 16:5) says, "Every haughty heart is the abomination of HaShem." (Rabbeinu Yona in Sharei Teshuvah 3:34) In Messilas Yeshorim, the Ramcha"l describes the various types of haughty people. We shall mention each briefly: The first type is one who believes that he is an exceptionally skilled and praiseworthy person. Consequently, he feels that he must behave in an exclusive manner. He walks slowly, leans back in his chair and rises from his seat slowly and sinuously like a snake. He talks only to aristocrats and limits his words. The second type feels that his superiority is reason for others to revere him. He expects the world to fear him. A third type of so-called big shot is one who thinks he is so great that he doesn't even need honor. He will go out of his way to behave modestly, even degradingly. In his heart he tells himself, "I am so far above everyone else, I don't need the respect of others." Fourth is he whose haughtiness is so deep-seated that he honestly believes that there is no one wiser than he. He pays no attention to what others say and completely ignores anyone who disagrees with him. The Ramcha"l sums up by saying, "All these forms of haughtiness set great people back and make them foolish. Regarding all of them Shlomo HaMelech said, "Every haughty heart is the abomination of HaShem." (Mishle 16:5) They must cleanse their hearts with the midda of purity and understand that haughtiness is blindness. It blinds a person from seeing his own faults and acknowledging his insignificance. (Messilas Yeshorim, chapter 11) A close friend of R' Eliyohu Lopian, zt"l, related the following story: "When I met R' Eliyohu in Eretz Yisroel in 1958, he was teaching in the Kfar Chasiddim yeshivah and counseling the students in spiritual matters. I was visiting Kfar Chasiddim for several days and R' Eliyohu invited me to stay at his home. I accepted the invitation, of course, and shared a room with him. "One morning I awoke earlier than usual and saw R' Eliyohu standing beside the window. It seemed as if he were talking to himself, but he did so very quietly so as not to wake me. I strained my ears to hear what he was saying and could hear him repeating the pasuk 'Lo sovi so'eva el besecha - Do not bring an abomination into your homes,' over and over again. I couldn't understand why R' Eliyohu would rise so early in the morning to repeat this pasuk seemingly without end, so I got out of bed and asked him for an explanation. "Please, with all due respect, what is the meaning of this?" I asked. "Oh, I'm so sorry," R' Eliyohu said with a sigh. "I woke you from your sleep." "Not at all," I replied. "I was up anyway and tried to hear what you were saying. Now tell me, please, why are you repeating this

pasuk?" "As you know," R' Eliyohu began, "we will soon be going to the yeshivah to daven. We will be sitting at the front of the bais medrash and the students in the yeshiva will honor me by rising when I enter the room and by waiting for me to finish krias shema and shmone esrei. Hence there is a great fear that I might become haughty from all this honor. Even if I do not become haughty, there is still a chance I will feel some degree of pride in my heart, and the pasuk says, 'Every haughty heart is the abomination of HaShem.' The pasuk says every haughty heart-even those who are proud of being a respected teacher in a yeshiva. Who can honestly discern between personal pride and pride which is for the sake of Torah? Thus, if I were to derive any pleasure at all from this honor, I would definitely be considered an abomination, Heaven forbid! How could an abomination guide students in matters of spirituality? "So now you know why I repeat the pasuk 'Do not bring an abomination into your homes,' again and again..." (Lev Eliyohu) Machon Ahavas Emes is currently in dire need of financial assistance. Please help us continue spreading Ahavas Yisroel by sending your donation. Any amount will be gratefully received. This is how to reach us: 2 Rechov Ibn Ezra Jerusalem Tel/fax: 972-2-567-1812 ahavemet @netvision.net.il

From: ohr@ohr.edu Sent: Tuesday, August 06, 2002 9:10 AM To: weekly@ohr.edu Subject: Torah Weekly - Parshat Shoftim * TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshat Shoftim For the week ending 10 August 2002 / 2 Elul 5762 Sponsored by Kof-K www.kof-k.org | info@kof-k.org

Did You Hear That?

"When you go out to battle against your enemy... and you see horse and chariot... Let not your hearts be faint; do not be afraid, do not panic, and do not be broken before them. For Hashem, your G-d is the One who goes with you, to fight for you with your enemies, to save you." (20:1-4)

The Torah give four warnings here: "Let not your hearts be faint; do not be afraid, do not panic, and do not be broken before them." Rashi comments that these four warnings correspond to four strategies that the kings of the nations use in battle: Letnot your hearts be faint - from the sound of the stamping of horses' hooves and their neighing. Do not be afraid - of the sound of shields being banged together. Do not panic - from the sound of horn blasts. And do not be broken before them - from the sound of their shouting.

All of these fears are based on sound. The power of sound is that it draws from the world of imagination, intimation. It lacks the immediacy of sight but therein lies its power.

Sound suggests much more than it says: A creaky door in a gothic house; the sound of the wind whistling through a cracked window. These are only sounds but they have the power to petrify. Why? Sound is always alliterative. It hints. It suggests. The nature of sound is that the person who hears has to assemble the sound and make it meaningful.

Sight is unambiguous. When the Jewish People were sinning with the golden calf, G-d told Moshe to go down and see what was happening in the camp. Wouldn't Moshe have believed G-d if He had told him what was happening? If you can't believe the Almighty, who can you believe? And yet G-d wanted Moshe to see with his own eyes what was going on. Because you can't compare hearing to seeing. The very ambiguity of sound is what makes it so frightening. Did you hear that? Or was it just me?

Written and compiled by RABBI YAAKOV ASHER SINCLAIR To subscribe to this list please e-mail weekly-subscribe@ohr.edu (C) 2002 Ohr Somayach International - All rights reserved.

http://www.ou.org/torah/tt/5762/shoftim62/specialfeatures_mitzvot.htm
MEANING IN MITZVOT BY RABBI ASHER MEIR

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh.

Judging in a Torah Court

Our parsha begins with the commandment to appoint judges. Of course even without an explicit mitzva the Jewish people would have had to establish some system of justice, just to ensure an orderly society. The fact that this arrangement is a Torah commandment seems to show some kind of religious significance to the area of monetary judgments. The same conclusion follows from the fact that the Torah encompasses not only religious laws but also a vast number of what we would call civil laws, including detailed regulation of commerce and of the judicial system. Indeed, Torah law is very jealous of its jurisdiction over these seemingly mundane matters. One reason for this is the desire to rule according to the statutes of Divine law. As legal scholars readily acknowledge, any system of "impartial" laws necessarily embodies a certain system of values; only if we base our judgment on the laws of the Torah can we be certain that the laws we apply are based on the eternal principles of fairness and morality which HaShem commands us. However, this consideration is only part of the story. The halakha explicitly forbids bringing a case between Jews to a non-Jewish court even if the secular law in their particular dispute is the same as the Jewish one (SA CM 26). Conversely, it is a mitzva to bring a suit to the Jewish Beit Din even though they generally judge according to commercial custom and according to customary secular laws regulating commerce (SA CM 74:7). One idea behind these laws is that ultimately judgment is a Divine prerogative. Human beings can administer utilitarian regulations, but human judges can administer true justice only as deputies of the Divine Judge Himself. "Don't show favoritism in judgment, hear the small as the great, and fear no man; for judgment belongs to G-d." (Devarim 1:17) Indeed, the Hebrew word "Elohim" is not only one of the appellations of G-d but also a word for human judges. And the verse in the Ten Commandments which warns us against making "gods of silver and gods of gold" (Shemot 20:7) is also interpreted to mean that we shouldn't appoint judges who receive their position because of their wealth or influence (Sanhedrin 7b). In our generation we are acutely aware of the danger posed by judges who view themselves as gods. The Torah demands that judgment be carried out in accordance with Divine decree, not human whim; and by individuals who recognize that they are merely the arbiters of justice, and not its authors. Rabbi Meir has completed writing a monumental companion to Kitzur Shulchan Aruch which beautifully presents the meanings in our mitzvot and halacha. It will hopefully be published in the near future.

Rabbi Meir authors a popular weekly on-line Q&A column, "The Jewish Ethicist", which gives Jewish guidance on everyday ethical dilemmas in the workplace. The column is a joint project of the JCT Center for Business Ethics, Jerusalem College of Technology - Machon Lev; and Aish HaTorah. You can see the Jewish Ethicist, and submit your own questions, at www.jewishethicist.com or at www.aish.com.

From: Yated USA [yated-usa@ttec.com] Sent: Thursday, August 08, 2002 11:24 AM To: Yated Subscribers Subject: Yated USA, 08-08-2002 Halacha Discussion: WHAT IS PERMITTED FOR A NON-JEW TO DO FOR A JEW ON SHABBOS?

BY RABBI DONIEL NEUSTADT

The prohibition of amirah l'akum (telling a non-Jew to do a melachah for a Jew on Shabbos) is a Rabbinical ordinance, which has a Biblical source(1). It is, therefore, considered a severe Rabbinic prohibition. We will attempt to establish the parameters of this multi-faceted halachah: General Rules In order to employ a non-Jew to do a melachah on Shabbos, there are two separate restrictions [often confused] that must be borne in mind. Only when neither of the restrictions applies is it permitted for a non-Jew to do work for a Jew on Shabbos. The two restrictions are: To command a non-Jew to do any work that would be prohibited for a Jew to do on Shabbos. The command may not be made either on Shabbos or before Shabbos(2); To benefit directly from work done by a non-Jew for a Jew on Shabbos, even if the non-Jew was not commanded to do the work(3). Our Sages enacted this prohibition so that a person will not be tempted to transgress the prohibition of amirah l'akum and ask a non-Jew to do a melachah for him(4). Consequently, if a) a non-Jew was not commanded to do the melachah and b) the Jew will not directly benefit from his work, it would be permitted for a Jew to use a non-Jew to work on Shabbos, for in this way, neither prohibition is being transgressed.

How does one avoid the first restriction-commanding the non-Jew? This prohibition can be avoided if the non-Jew understands what he has to do without being explicitly commanded. The Jew may hint to a non-Jew what he wants done, but the hint may not be in the form of a command. For

example, it is permissible to tell a non-Jew: "My bedroom lights are on and I will not be able to sleep"; "It is a pity that so much electricity is being wasted"; "The food on the stove is burning(5)" etc. It is forbidden, however, to add: "Will you please help me out?" since then the hint is accompanied by a form of a command(6). Even if the non-Jew asks: "Should I turn the light off for you?", it is forbidden to answer: "Yes." Hints in the form of a command are prohibited even if no words are exchanged and one merely gestures or nods(7).

How does one avoid the second restriction-benefiting directly from a non-Jew? As we mentioned before, our Sages prohibited only direct benefit, such as turning on a light or cooking food, etc. Moreover, they prohibited new benefit only, not indirect, or additional benefit. Let us explain those terms: Indirect benefit is when the benefit is not a direct result of the melachah, but a by-product of it; when the melachah removes an obstacle which then enables one to benefit from something. For example: Putting out a light in a bedroom does not directly enable a person to sleep; it merely removes the light which until now made it difficult for him to fall asleep(8). Additional benefit is when a benefit was previously available to some extent, but the melachah performed by the non-Jew makes it easier to do that which was possible to do even without the melachah that the non-Jew did. For example: Additional lights are turned on by a non-Jew in a room which is already lit(9). Note: Although the restriction of benefiting from a non-Jew's melachah is lifted when the action is indirect or additional, it is still forbidden to command him to do the indirect or additional melachah, since the first prohibition still applies.

Some practical applications: A non-Jew, without being told, turns on a light in a dark room for the benefit of a Jew. It is forbidden to read in that room or to derive any other use from the light, since the benefit is new and direct. [There are exceptions to this rule when the situation involves a public mitzvah, an ill person-even if not dangerously ill-and other specific situations. A rav must be consulted.] A non-Jew turns off the light in a bedroom. One is permitted to sleep there since he is benefiting indirectly. It is not permitted, however, to instruct the non-Jew to turn the light off(10). A non-Jew, without being told, turns on a light in a dimly lit room so that the Jew can see better. The Jew may continue using the room for whatever use he was making of it before the non-Jew turned on the light, even though it is now much easier for the Jew to work in the room(11). A room is lit by faint, natural daylight. If a non-Jew turns on an electric light, the Jew may continue using the room as long as there is some degree of daylight. Once it turns dark, however, the non-Jew's melachah is producing new, not additional, benefit. It is, therefore, prohibited to derive any benefit from the light that was turned on. It is prohibited to hint to a non-Jew that it is hot in the room, hoping that he will turn on an air conditioner, since the benefit that the Jew will have from the air conditioner, cool air circulating in the room, is direct and new(12). Note: The illustrations above are merely samples of the general principles governing amirah l'akum. There are many more details, exceptions and conditions that are involved in the practical halachah, both l'chumrah and l'kulah, which cannot be included here. A rav should be consulted.

1Mishnah Berurah 243:7 and Sha'ar ha-Tziyon 7. See also Mor u'Ketziyah O.C. 243. 2O.C. 307:2 and Biur Halachah; Avnei Nezer O.C. 43:6; Aruch ha-Shulchan 307:12. 3O.C. 276:1. 4Mishnah Berurah 276:2; 325:28. 5Mishnah Berurah 307:76; Shemiras Shabbos K'hilchasah 30:7. According to Harav S.Z. Auerbach, however, this is permitted only in a hotel or at the home of the non-Jew-see written responsum published in Me'or ha-Shabbos, vol. 1, pg. 515 and 518. 6When the command to do work on Shabbos is given before Shabbos, or when a command to do work is given on Shabbos for work to be done after Shabbos, it may be given as a hint in the form of a command- Rama 307:22; Mishnah Berurah 307:10. 7Chayei Adam 62:2. 8See Kalkeles Shabbos (Amirah L'akum 5); Mishnah Berurah 307:11; Shemiras Shabbos K'hilchasah 30:5; 30:36; The Sanctity of Shabbos, pg. 11. 9Mishnah Berurah 306:76. 10According to some poskim, turning a light off is only an issur d'Rabbanan. Accordingly, in certain situations one may even instruct a non-Jew to turn the lights off- see The Sanctity of Shabbos, pg. 26. See, however, Me'or ha-Shabbos vol. 1, pg. 513, a written responsum from Harav S.Z. Auerbach who is hesitant to allow this. 11O.C. 276:4. 12Igros Moshe Y.D. 3:47-2.

From: RABBI MORDECHAI KORNFIELD [kornfeld@NETVISION.NET.IL] Sent: Wednesday, August 07, 2002 10:30 PM To: michael plaskow; daf-discuss@shemayisrael.com Subject: Vilna Gaon's Sidur

THE DAFYOMI DISCUSSION LIST brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel Rabbi Mordecai Kornfeld ask@dafyomi.co.il VILNA GAON'S SIDUR Rev. Michael Plaskow <michaelpaskow@hotmail.com> asks:

In the Vilna Gaon's Siddur it shows "L'DOVID HASHEM ORI" in the davening for shacharit. Yet, in his Simonim at the end of his Siddur ("Ma'aseh Rav"), he states

(Siman 53) that Tehillim 27 (which is l'dovid hashem ori) must not be said after the yom for the day nor indeed can any mizmor be said. Yet, he has it in his Siddur. Have I overlooked something or is this a stira?

Rev. Michael Plaskow ----- The Kollel replies:

The Sidur was not printed by the Gaon himself. After the Gaon passed away, a printer simply took a handy text for the Sidur and added to it a compendium of commentaries by the Gaon and his family. (The commentary to the text of l'David is from his son's Sefer on Tehillim, as cited there, and not from a Perush on the Sidur.) For this reason, the text printed in that Sidur in no way reflects what the Gaon Davened.

In fact, in a recent attempt at a "true" Vilna Gaon Sidur (i.e. the text that the Gaon might have actually Davened), called "Eizor Eliyahu," l'David was intentionally omitted from the Sidur based on the Ma'aseh Rav that you quoted. Neither does it appear in the Kabbalistic Sidur ha'Gra (Rav Naftali Hertz), in which much more care was given to recording the proper text of the Tefillos than in the other Sidur.

Our custom (to say l'David) is based on teaching of the Mekubalim and on the Chida in "Moreh b'Etzba."

M. Kornfeld

From: National Council of Young Israel [YI_Torah@lb.central.com] To: List Member Subject: Parshat Shoftim

2 Elul 5762 August 10, 2002 Daf Yomi: Baba Batra 143

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The casualties that occur during war is a subject few soldiers wish to contemplate. However, the Torah recognizes this potential reality and thoroughly addresses it in this weeks Sedrah.

An anointed Cohain offers words of encouragement for his troops to be mentally prepared for battle. There are some individuals who are given an honorable discharge. There are three specific exemptions: one who has built a house but hasn't inaugurated it, one who planted a vineyard but hasn't redeemed it, and one who is engaged but hadn't yet completed the marriage process. Rashi comments that these people have Agmas Nefesh - anguish of the soul. As Baltasar Graci'an, who lived in northeast Spain during the 1600's, once said, "For a thing to remain undone, nothing more is needed than to think it done." These individuals won't fight properly since their minds are preoccupied on finishing what they started.

The difficulty with this explanation is why are these the only exceptions? Suppose the soldier was in the middle of earning his doctorate that he's been working on for years, wouldn't this too constitute Agmas Nefesh? Yet the Torah doesn't consider this a valid exemption. To compound the problem, the Torah then gives a more generalized exemption, Hayaray Vrach Halayvuv- anyone fearful and fainthearted. Why is it necessary to state these aforementioned examples altogether? The blanket statement of Hayaray Vrach Halayvuv is sufficient grounds to exonerate each of the three people. Why then, do we need to have these two, seemingly interrelated categories? As a general rule of thumb, the Dibbor Hamatchel quoted at the onset of each Rashi indicates what the rest of the Rashi will be focusing and elaborating upon. When Rashi offered the explanation of Agmas Nafesh, he purposefully quoted, as the Dibbur Hamatchel, Vaish Achair Yachnichenu - another man will inaugurate it. It is clear according to Rashi, the Agmas Nefesh is coming about only because the soldier is afraid that he will die in battle and someone else will complete what he started. A situation where nobody can pick up from where one left off, would not leave one with this level of Agmas Nefesh and wouldn't hinder his ability to fight properly.

Nonetheless, the reason for these people being absolved from combat is because they themselves wouldn't fight properly. However, they would more than likely keep their concerns to themselves. Why would they relay such information to their fellow soldiers? His very concern of worry and dismay is that someone may get word of his quasi acquired possessions and acquiesce it for themselves. This is the term Agmas Nefesh, for this person's anguish remains buried deep within as he wishes not to share his personal situation with others.

The more generalized exemption of Hayaray Vrach Halayvuv is due to a much graver issue. The Passuk states, "Who is the man who is fearful and fainthearted? Let him go and return to his house, and not let him melt the heart of his fellows, like his heart." This person has the capability of negatively influencing others with his fear of being engaged in combat. As opposed to the feelings of Agmas Nefesh, the sense of fear is an emotion which is often outwardly expressed uncontrollably by the one who is afraid. Therefore, the Torah is more lenient and allows anyone with such feelings, for whatever reason, to leave so as not to have a counterproductive influence on the troops.

Earlier in the Parsha, we find an elaborate discussion of a man who kills negligently and flees to the Aray Miklat- the cities of refuge. These cities were designed to protect the manslayer from the avenger of the deceased. These cities didn't always provide protection. Only when the three cities of Eretz Canaan were constructed did the three cities on the other side of the Jordan river offer protection. It wasn't until the days of Yehoshua that these cities were eventually constructed.

The Gemara (Makkos 10A) asks in the name of Rav Simai, what is the meaning of the verse: Ohaiv Kesef Lo Yisbah Kesef- a lover of silver will not be satiated with silver? The Talmud answers that this verse is referring to Moshe Rabainu- our teacher. He knew that the three cities across the Jordan would not provide refuge as long as the three in the land of Canaan were not chosen, but he nonetheless said, "the Mitzvah that has come my way I shall fulfill." He then went and constructed the three across the Jordan river. Moshe had the same desire to perform Mitzvot as an individual who has the continual thirst for acquiring property and assets. Toward the final moments of Moshe's life, we find him pleading to HaShem for the opportunity to enter into Canaan. Why did Moshe express such a desire to enter the land? The Gemara (Sotah 14A) provides for us the reason for his intentions. Moshe wished to perform the Mitzvot which could be only be fulfilled in Israel proper. Of course, he was denied the privilege of completing his life-long mission and was compelled to hand over the reigns to his disciple Yehoshua. Can you even begin to imagine how grief stricken Moshe must have been? He started the Mitzvah of the Aray Miklat but wasn't able to complete it. Instead he was faced with the realization that after his death someone else (Yehoshua) would come along and complete the task he had started. Moshe would die knowing full well that Yehoshua would complete the journey of bringing the Bnai Yisroel into Canaan, yet another thing Moshe started but couldn't complete. This is true Agmas Nefesh!

Moshe's official title is Moshe Rabainu since he is our teacher in everything he says and does. His actions humble us by letting us realize how far we have to reach and where our priorities lie. When we are at war, our thoughts are on our possessions. Our Agmas Nefesh is in the thought of knowing after our death someone may acquire a recently built house. Moshe is concerned in doing as many righteous acts in his lifetime as he possibly can. We both have uncompleted projects, however the focuses of he and I are quite diverse.

Our grieving stems from the outrage of someone else taking what was coming to us. With the foresight of knowing who would take our property, we would likely display high levels of rage and anger toward that person. In Parshat Pinchas we find HaShem shows to Moshe Eretz Canaan and informs him that he wouldn't enter the land. Upon hearing such news many of us would hope for chaos among the nation. "If I can't get it then nobody can!" This is a selfish approach, but is the instinct of many of us who wish to feel important and indispensable. Moshe, our mentor, teaches us the appropriate way in which to respond. He turns to HaShem and requests a successor for the nation. "And let the nation not be like sheep that have no shepherd." HaShem then instructs Moshe to lean one hand upon Yehoshua. However, when he actually performed this task, the Torah states Vayismoch Es Yaduv-that he leaned both of his hands on him (Yehoshua) to express that he accepted this decision wholeheartedly. These are difficult feats to achieve, to emulate the likeness of Moshe Rabbeinu. Throughout his life he was constantly working to perfect the attribute of humility. But we too have the responsibility to try to improve our character and disposition. It is easy to feel that the world owes us and be frustrated or angry at the success of others. A greater task is to embrace life's challenges Bisimscha - with genuine happiness. We must be our own Shoftim- judges to analyze the situations and conflicts that may face us. When we do this, we are better equipped to accept whatever life hands to us without envy or resentment.

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BAVA BASRA 141 (30 Av) - This daf has been dedicated l'Ilyu Nishmas Esther Chaya Rayzel (Friedman) bas Gershon Eliezer, upon her Yahrzeit and Yom Kevarah, by her daughter and son-in-law, Jeri and Eli Turkel. Esther Friedman was a woman of valor who was devoted to her family and gave of herself unstintingly, inspiring all those

around her. BAVA BASRA 145 (4 Elul) - dedicated l'Illuy Nishmas Chaim Yissachar (ben Yaakov) Smulewitz of Cleveland on his Yahrzeit, by his daughter and son in law, Jeri & Eli Turkel of Raanana, Israel.

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Bava Basra 141

1) ONE WHO LEAVES NO SONS TO INHERIT HIM OPINIONS: Rabbi Yochanan says in the name of Raban Shimon bar Yochai that Hashem becomes "filled with anger upon" anyone who leaves no son to inherit him. What is the meaning of this statement?

(a) The YAD RAMAH (116a) writes that this applies only when the person did not engage in fulfilling the Mitzvah of Piryah v'Rivyah. If, however, he did attempt to fulfill the Mitzvah but was unable to because of circumstances beyond his control, then Hashem does "not" become angry with him.

(b) The RASHASH explains that this refers to one who has a son but does not let the son inherit him, but rather he gives away all of his possessions as a gift to someone else.

(c) The KOVETZ SHI'URIM (#480) explains that having no sons is not a "reason" for why Hashem becomes angry at a person; it is beyond a person's control to have sons. Rather, the fact that he has no sons is a "sign" that Hashem is angry with him for some other reason, and Hashem therefore is not granting a son to him. (I. Alsheich)

2) HAVING NO SONS QUESTION: Rabbi Yochanan says in the name of Raban Shimon bar Yochai that Hashem becomes "filled with anger upon" anyone who leaves no son to inherit him. However, earlier (116a) the Gemara relates that Rabbi Yochanan himself would comfort mourners who had lost children by showing them the tooth or bone (see Background to the Daf there) of his tenth son who died. If Rabbi Yochanan maintains that one who leaves no sons is subject to Hashem's anger, then why was he publicizing the fact that he left no sons? Having no sons is indicative of wrongdoing (see previous Insight), and one is supposed to be ashamed and hide his wrongdoing from others, as they verse states, "Praiseworthy is the one who bears his iniquity, who hides his sin" (Tehilim 32:1), as the Rashbam writes earlier! Indeed, the Gemara there already questioned Rabbi Yochanan's actions from a different statement of Rabbi Yochanan. The Gemara asks how could Rabbi Yochanan comfort mourners by showing them that he had lost all of his sons, when Rabbi Yochanan himself stated that the verse, "Asher Ein Chalifos Lamo..." (Tehilim 55:20), refers to one who leaves no sons after him. Why, though, does the Gemara there not find any difficulty with the statement of Rabbi Yochanan in the name of Raban Shimon bar Yochai? How could Rabbi Yochanan say that Hashem is filled with anger with one who leaves no sons to inherit him, when Rabbi Yochanan himself would publicize the fact that he left no sons?

ANSWERS: (a) The RASHASH explains, based on his approach (see (b) of previous Insight) to the meaning of Rabbi Yochanan's statement in the name of Raban Shimon bar Yochai, that in truth Hashem does "not" become angry with someone who has no sons. Rather, He becomes angry only with someone who has sons and redirects his inheritance away from his sons, giving his property to other people. Accordingly, there is no contradiction in the acts and statements of Rabbi Yochanan.

(b) The RAMBAN (116a) writes that the Gemara earlier answers its question by saying, "This statement is his, and the other statement is his teacher's." That is, the statement that Rabbi Yochanan said in which he applied the verse, "Asher Ein Chalifos Lamo," to a person who leaves no sons was actually his teacher's statement, and he, personally, did not agree with that way of expounding the verse. Accordingly, the statement that Rabbi Yochanan says here in the name of Raban Shimon ben Gamliel might also be merely his teacher's opinion, but Rabbi Yochanan himself does not agree. (I. Alsheich)

3) DAUGHTERS ARE MORE PREFERABLE OPINIONS: The Gemara discusses why a man would prefer to have a daughter than a son, as the Mishnah (140b) implies. The Gemara suggests that the Mishnah is referring to a woman giving birth to her first child, and it is in accordance with the view of Rav Chisda who says that having a daughter as the first child is a "Siman Tov," a "good sign," for sons (the Gemara goes on to explain why that is so). Rav Chisda adds, "And as for me, daughters are more preferable to me than sons."

Why did Rav Chisda personally prefer daughters over sons?

(a) The RASHBAM explains first that Rav Chisda was referring to the first child that was born to him, consistent with Rav Chisda's own statement that a daughter born first is a good sign. However, he immediately rejects this explanation, since the Rav Chisda's wording does not imply that he is referring here only to a daughter who was born first. Instead, the Rashbam explains that Rav Chisda said that he prefers daughters because none of his sons survived, and therefore he cherished his daughters so much more. The Rashbam concludes, however, that he is not satisfied with this explanation of the statement of Rav Chisda.

(b) TOSFOS questions the Rashbam's explanation as well, saying that we know that Rav Chisda had many sons, and we do not find that they died before him. Among his sons mentioned throughout the Gemara are Rav Nachman bar Rav Chisda, Mar Yenuka and Mar Keshisha, Rav Chanan bar Rav Chisda, Rav Mari and Rav Pinchas. Tosfos therefore explains that the reason why Rav Chisda said that daughters are preferable to him is because even though his sons were great Amora'im, his "sons-in-law", the husbands of his daughters, were the Gedolei ha'Dor-- Rava, Rami bar Chama, and Mar Ukva bar Chama (as mentioned in Bava Basra 12b and Berachos 44a).

RAV YAKOV EMDEN gives a similar explanation to that of Tosfos, but he adds that perhaps at the time that Rav Chisda made this statement, his daughters were already married to the Gedolei ha'Dor, while his sons were still young and he did not know yet whether they would achieve such greatness or not. He also adds that certainly the daughters of Rav Chisda were great and wise women in their own right, as the Gemara in Berachos (56a) implies, where Rava says to Bar Hedy, the dream-interpret, that he could forgive Bar Hedy for all of the hardships that he caused him except for the death of his wife, the daughter of Rav Chisda.

Rav Yakov Emden writes further (as printed in the new Wagshal Gemara) that Rav Chisda's sons-in-law were also his students, and thus he considered them to be like his own sons. Therefore, he said that his daughters are more preferable to him, because not only are their husbands the Gedolei ha'Dor, but their husbands are like sons to him, since they are his students as well.

(c) REBBI TZADOK HA'KOHEN (in Divrei Sofrim) writes that Rav Chisda already had seven sons who were Talmidei Chachamim, but he did not yet have one daughter. Therefore, he prayed to Hashem to have a daughter so that he could properly fulfill the Mitzvah of Piryah v'Rivyah, and he prayed for additional daughters because daughters bring propagation to the world (as the Gemara says earlier on 16b; see Insights there). (I. Alsheich)

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THE MAN WHO HAD EVERYTHING

"...And Hashem blessed Avraham with everything (bakol)" (Bereishet 24:1).

Both Rabbi Meir and Rabbi Yehuda understood this passage as a reference to the question of whether Avraham had a daughter. While Rabbi Meir saw the blessing as his not having a daughter, Rabbi Yehuda's view is that he did indeed have a daughter and her name was Bakol (the Hebrew word for everything).

Ramban, in his commentary on the Torah, explains why it was a blessing for Avraham not to have a daughter. He certainly could not have married her to one of his cursed Canaanite neighbors. To find a husband for her in his homeland as he found there a wife for his son was also not an option. Not only would he be reluctant to let her go live with such a husband because it would mean that a child born from the righteous Sarah would have to abandon Eretz Yisrael, but he would also be concerned that she would become an idol worshipper like her husband. Hashem spared him this agony and made his happiness complete by withholding a daughter from him. Rabbi Yehuda, however, viewed the lack of a daughter as something missing in the blessing of Hashem. "Even a daughter was not lacking" is his interpretation of the totality of this blessing. As Ramban phrases it, "he had everything that people desire with nothing missing." In regard to the significance of Rabbi Yehuda informing us that this daughter's name was Bakol, there is an elaborate esoteric explanation to be found in the aforementioned commentary of Ramban. Bava Batra 141a

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