

B'S'D'
INTERNET PARSHA SHEET
ON VAEIRA - 5761

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From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash
:yhe@vbm-torah.org Subject: SICHOT61 -14: "If I Forget You, O Jerusalem"

Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm)
Student Summaries of Sicha of the Roshei Yeshiva
"IF I FORGET YOU, O JERUSALEM, LET MY RIGHT HAND FORGET ITS CUNNING"

SICHA OF HARAV YEHUDA AMITAL SHLIT"A
Summarized by Yitzchak Barth Translated by Kaeren Fish

In his Guide of the Perplexed (III:45), the Rambam points out that the Torah does not mention the exact location of Jerusalem and the Temple, but rather makes use of expressions such as "the place which G-d will choose." However, in the Rambam's view, Avraham dedicated the place where he bound Yitzchak as the site of the future Temple. Furthermore, he adds,

"In my opinion there is also no doubt that the place singled out by Avraham in virtue of prophetic inspiration was known to Moshe and to many others, for Avraham had recommended to them that that place should be a house of worship."

This being the case, the Rambam needs to answer the question that immediately arises: If Moshe indeed knew the exact location of the future Temple, why is it not mentioned explicitly in the Torah?

The Rambam proposes three different answers to this question, two of them relating to the gentile world. First, he claims that were the Torah to make known the location of the mountain chosen by G-d as His dwelling place, the nations of the world would fight for that mountain in order to keep it out of our grasp. Second, there would arise a real danger that they would destroy the mountain altogether in order to prevent us from building the Temple there.

Basically, the Rambam regards all of Israel's wars as being fought on a religious basis. He explains that the aim of the Canaanites and the Philistines in their wars was not to defend their LAND so much as to defend their FAITH. Judaism had declared war on idolatry. In contrast to the pagans, whose faith centered around lifeless statues and images, Judaism placed at the center of the Holy of Holies the Tablets of the Covenant, upon which was engraved the command "You shall not make for yourself a carved idol or any image." If the Canaanites had known the exact location of the prospective Temple, they would have tried to destroy the place or at least to maintain their own control over it. For this reason the Torah obscures the location of the "place which G-d will choose."

At first glance, it would seem that the Rambam's view of war applies exclusively to the biblical period. In our days and so it is generally believed and wars are waged between nations for territorial or ethnic reasons rather than religious ones. However, surprisingly enough, the Rambam sets down for all generations in his halakhic magnum opus, the Mishneh Torah, the very perception discussed above, when he encourages the Israelite army as it goes out to war: "When a person goes to war, he should rely on the Hope of Israel and their Savior in times of trouble, and know that he is fighting for the oneness of G-d."

(Hilkhos Melakhim 7:15)

Although modern wars would appear to be waged for territory or power, the Rambam explains that all wars between the nations of the world and Israel are ultimately directed against the Holy One, against Jewish belief, and specifically against Jerusalem, the holy city, the site of the Temple. If we remove from the Arab- Israeli conflict all the outer layers of territory, the nature of the Palestinian state and the problem of the refugees the crux of the conflict remains an insoluble problem: Jerusalem and the Temple Mount.

Already in 1961, Teddy Kollek, the mayor of Jerusalem, told me that the President Nasser of Egypt once declared that peace would never reign between Israel and the Arab world because of the insoluble problem of Jerusalem. Even Nasser never imagined that there would be Jews who would agree to transfer control of the Temple Mount into Moslem hands. I have often repeated my belief that the entire purpose of the Yom Kippur War was, in truth, the control over Jerusalem, rather than the issues that were claimed to be at stake. In that war we were victorious, but today there are those amongst us who are ready to give the Temple Mount to the Palestinians, in the belief that such a step will bring peace.

To my mind, such a concession is incompatible with a Jewish outlook. Just as the life of an individual is not the absolute, supreme value and there are some prohibitions for which we know we are commanded to give up our lives rather than to transgress them, so it is on the national level: there are values which society and the state are obligated to uphold, at whatever risk. Specifically in our national life there are "red lines" which must not be crossed, comparable to those issues for which an individual must be prepared to give his life.

A society that values "the sanctity of life" above all, and which does not include "a life of sanctity" as its supreme value, is destined to degenerate into corruption and moral decay. Peace, too and despite its great importance is not the exclusive, absolute, supreme value, and there are things that cannot be sacrificed even for peace.

When the Prime Minister returned from the Camp David summit, I was appreciative of his aspiration to achieve peace on the one hand, and of his declaration that he would never sign a document giving sovereignty over the Temple Mount to the Arabs on the other. I believe that today, just as then, all the discussions concerning a peace agreement are irrelevant. In the current climate no peace agreement will be signed, since the Palestinians will not consent to declaring an end to the conflict between us and them. Nevertheless, a declaration that we are in principle not prepared to relinquish the Temple Mount is of great significance, and any Prime Minister in the present and in the future should swear his allegiance to our sovereignty over that site.

It should be emphasized that the importance of our sovereignty over the Temple Mount is not a halakhic or religious matter. The Rambam rules that the original sanctity with which Jerusalem was bestowed was a sanctity that remains for all eternity, since "the sanctity of the Temple and Jerusalem is such because of the Divine Presence, and the Divine Presence is never removed." Jerusalem and the site of the Temple retain their holiness for all time and in all conditions, whether under Israeli sovereignty or otherwise.

We must retain our sovereignty over the Temple Mount for nationalistic reasons, not for halakhic or religious ones. Firstly, the Moslems have claimed all along that the Temple never existed on that site, and if we transfer it to them they are likely to perceive our move as an admission to that claim. Moreover, transferring control of the Temple Mount into Arab hands represents, in effect, a severance from our historical Jewish identity. Since the dawn of our existence, Jews have upheld the importance of Jerusalem and the Temple Mount at its heart: from there the world was created, there Avraham bound his son, there King Shlomo built a dwelling place for G-d, and it was to there that Jews turned in all generations and in all their places

of exile ϕ with the prayer, "And You shall return to Jerusalem in mercy."

Transferring this site, and the severance from historical Judaism which this would entail, would have fateful ramifications for one of the most grievous, existential problems facing Am Yisrael today ϕ the alienation of great sectors of the nation from their Judaism. Only our historical national identity, based on the longing for thousands of years for Jerusalem and the aspiration to rebuild it and to re-establish the Temple, can unite all parts of the nation.

Some Orthodox rabbis do not attach much importance to the issue of unity between ourselves and the secular Jewish community, nor do they emphasize the significance of our historical Jewish identity; they are even agreeable to a transfer of the Temple Mount to Arab hands. We, on the other hand, feel a responsibility towards the entire nation and understand the critical importance of closely guarding those values that characterize and mold our comJewish identity. R. Tzadok Ha-kohen of Lublin (Tzidkat Ha-tzaddik, #54, from manuscript) writes that there are those among our nation whose sole characteristic defining them as Jews is their own self-definition:

"The crux of Judaism is being called by the name of Israel ... even if only by virtue of the fact that he is known as a Jew, that is sufficient ... for them to be joined together as one nation, and not divided to join with the other nations and to be included among them."

A person's self-definition as a Jew means, first and foremost, a feeling of belonging to historical Judaism. If, heaven forbid, we relinquish our sovereignty over the Temple Mount to the Arabs, we will be cutting with our own hands the thin thread that binds all parts of the nation, nullifying the single element that binds those Jews who are not Torah-observant to Judaism.

Like all the wars of Israel, the hidden significance of the battle being waged right now over Jerusalem is that it is really being fought for the Divine Name. Those who wish to force us to give up the Temple Mount want to cut us off from Jewish history, to nullify our national identity, and to create an unbridgeable breach among Am Yisrael. We must insist on maintaining Jewish control over the holy mountain, and pray in these difficult times that very soon we may merit the realization of the prayer that has remained unchanged for two thousand years, which we have always prayed facing the site of the Temple:

"And to Jerusalem, Your city, may You return in compassion, and may You dwell within it, as You have spoken. May You rebuild it soon, in our days, as a building for eternity, and may You soon re-establish the throne of David within it."

May this be the will of the Almighty, Amen.

(This sicha was delivered on Asara Be-Tevet 5761 [2001].)

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From: RABBI YISSOCHER FRAND ryfrand@torah.org Subject: Rabbi Frand on Parshas Vaera

"RavFrand" List - Rabbi Frand on Parshas Va'eyra - Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand

Pausing To Think

Prior to the Plague of Hail, Pharaoh and the people of Egypt were warned. They were told that the land would be smitten with a hail the likes of which they had never witnessed, and that anything left out in the field would be crushed and destroyed by the hail.

The Torah relates that anyone who feared the Word of G-d brought all his cattle and property into his home. Only those who did not heed G-d's word left their servants and cattle out in the field. The Medrash identifies "the one who feared the Word of G-d" as Iyov (Job) and "the

one who did not fear the Word of G-d" as Bilaam (the Talmud says that both Iyov and Bilaam were advisors to Pharaoh [Sotah 11a]).

If we consider the circumstances, one would have to be quite obtuse (not to say "stupid") to not "get" what was happening. Hail was already the 7th plague. By this time, Moshe had an established track record! How could Bilaam not at least take some precautions, fearing that "perhaps" Moshe would be right again?

The answer is that this was the very essence of Bilaam. He exemplified the attribute described by the Torah as "asher lo sam leebo", literally meaning that he never paid attention. He was a person who never stopped to think and consider or ponder. People like that can be banged over the head six times and it will not make an iota of difference, because they have a disease called "he does not stop to think" (asher lo sam leebo).

Later in the Chumash, we see that this attribute did not only plague Bilaam in Egypt. It plagued him throughout his life. When Bilaam was hired to curse the Jews, he initially declined, but when he was offered more money, G-d allowed him to go. He mounted his trusted donkey and began the journey. Then his donkey suddenly stopped in the middle of the road. The donkey refused to budge because an Angel was standing in the middle of the road blocking the way. Bilaam, who did not see the Angel, became angry and hit and cursed the donkey. G-d opened the mouth of the donkey who began to question Bilaam. "Is this my normal pattern of behavior? Have I not been your trusted donkey for all these years? Have I ever stalled on you once or given you a moment of trouble?" In other words, the donkey was telling its master, "Don't you think something extraordinary is happening here? Why don't you wake up and look, Bilaam?" But that was always Bilaam's problem -- he did not pay attention to the obvious. He did not open his eyes and pay attention to what was happening around him.

The Chofetz Chaim makes the following fantastic observation: in the entire narrative of the blessings that Bilaam gave to the Children of Israel, there is not one pause in the entire reading. Throughout the entire story of Bilaam, from the beginning of Parshas Balak virtually through Bilaam's departure from the scene at the end, there is not a single pause. There is neither a "full break" [to the end of the line] nor a "closed break" [in the middle of the line]. The parsha is certainly long enough to warrant multiple "paragraphs," as is common throughout the Torah.

The Chofetz Chaim explains as follows: The reason why there are parsha divisions in the Torah is that they were given to allow Moshe Rabbeinu pause to ponder and reflect on the previous set of verses. The purpose of the breaks is to allow for a period of introspection and analysis of what is transpiring. Parshas Balak does not have any breaks, because Bilaam never paused to think or ponder.

We dismiss Bilaam; we think to ourselves "how stupid!" But let us ask ourselves - do we ever stop to ponder and think about what is happening around us? We suffer from the same disease. Our whole life is rushing. Everything is quick -- on to the next thing.

We have an array of conveniences to speed up our lives. We do not need to do laundry by hand any more. We do not need to walk to where we are going anymore. We can cook in less than an hour. Life is so easy. But does anyone feel that his life is slower and more relaxed than his parents' lives? Inevitably, our lives are quicker and more high-pressured than our parents' lives. Everyone is in a rush. It is always so hectic.

Why should it be like that? Dinner takes less time to prepare. We can even buy it ready-made. It takes less time to do everything. The disease is that the more time we are given, the more we feel we are on a treadmill. As a result, we try to rush to try to accomplish more. When one is in a rush, one doesn't stop to think or ponder.

This is a terrible disease. It can become so bad that one can see 6 miracles and it will not make an impression on him.

I once saw an interesting observation from Rabbi Zev Leff. The Talmud [Brochos 43b] relates that a person should not take big steps,

for the Master taught that big steps diminish one's eyesight by 1/500th. The remedy, it is taught, is Kiddush and Havdalah. What is the meaning of this Gemara?

The Gemara is allegorical. A person who is continuously taking big steps - i.e. - a person who is in a perennial rush - causes his perspective to be affected. Such a person has no time to stop and ponder. His physical eyesight is not affected, rather his VISION is affected - the way he perceives life -- becomes diminished. What is the remedy? Kiddush and Havdalah. Kiddush and Havdalah represent distinctions in life. People must realize that there are differences between holy and profane. These differences must be thought about, and pondered.

The Gemara says that Rabbi Akiva started out as an ignoramus. When he was 40 years old he decided that he wanted to learn. It was a daunting task to begin study at that age - so what made him do it? The Talmud says that he was at a pond and noticed water dripping on a stone. He observed how the water had made the stone smooth, and reasoned to himself that if water could make even a hard stone smooth, then Torah (which is compared to water) could penetrate his hard head as well.

How many people, in the history of mankind, looked at water falling on a hard stone and making it smooth, and changed their lives? It took a Rabbi Akiva - a person who did pay attention, who did stop to think. Because he was a person who pondered, he became the great Rabbi Akiva.

Sometimes in life we must slow down to think and reflect. Rav Simon Schwab (1908-1995) related how he once spent Shabbos Parshas Be'Shalach in the home of the Chofetz Chaim (1838-1933). They were discussing the Manna. The Medrash relates that the Manna would taste like whatever a person would desire. If you thought fried chicken, it would taste like fried chicken; if you thought macaroni, it would taste like macaroni, etc. So they asked the Chofetz Chaim - what if someone ate the Manna without thinking about anything - then what would it taste like? The Chofetz Chaim responded, if you did not think - then it had no taste! [oib me'tracht nisht; es haat ken ta'am nisht.]

We must "take things to heart". It is necessary to stop and think about what is going on around us - globally, in our community, in our family. When a person goes through life without thinking, then life itself has no "taste". It is just "living" life on a treadmill.

Transcribed by David Twersky; Seattle, Washington
twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org This dvar Torah was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 267, Secular Names of G-d. Good Shabbos! Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208

From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu
Subject: Torah Weekly - Vaera
INVASION OF THE FROG

"Aharon stretched out his hand over the waters of Egypt and the frog-infestation ascended and covered the land." (7:2)

One of my indelible childhood memories was the time I saw Walt Disney's "Fantasia." I can remember to this day the elephant in the pink tu-tu dancing the "Sugar Plum Fairy." But the image that remains most vivid in my imagination is Mickey Mouse's performance as the "Sorcerer's Apprentice."

The story of the sorcerer's apprentice goes like this: The apprentice finds himself alone one day with the sorcerer's book of spells. The

sorcerer has gone out (probably to an interminable sorcerers' convention). Mickey has been charged, in the sorcerer's absence, with the cartoon equivalent of sponge-a -- mopping the floor. Lazy and over-confident, as sorcerers' apprentices are prone to be, he decides to take the book of spells for a small "test drive round the block." With the help of the appropriate spell, he succeeds in bringing to life the sponge-a stick to do his work for him. Mickey laughs with delight as the newly animated mop goes back and forth to the well, drawing heavy buckets of water and bringing them to the house.

With no work to do, Mickey dozes off. When he awakes, he practically has a heart attack. The house is flooded as the enchanted mop keeps drawing more and more water! All Mickey's efforts to stop the mop are in vain. Finally, he seizes an ax and tries to chop the mop into oblivion; the mop, however, divides like an amoeba into two. Now there are two magic mops flooding the house with water! Mickey chops these mops as well, and they divide into four. In a frenzy of panic and rage, Mickey slices and hacks, creating a new mop with each whack. When the sorcerer returns, armies of mops are flooding his house with gallons of water.

If ever there was a case of art borrowing from reality, this must be it. I doubt Walt Disney ever read the Midrash on this week's Parsha (Disney was known to employ neither Jews nor blacks), but if not, there's an uncanny "coincidence."

In this week's Parsha we learn of the plague of the frogs: "Aharon stretched out his hand over the waters of Egypt and the frog-infestation ascended and covered the land." This translation is according to Rashi. The literal translation of the verse, however, is: "Aharon stretched out his hand over the waters of Egypt and the frog ascended and covered the land." The Torah says that only one frog came out of the river. On this, the Midrash comments that it was a giant frog, and that it only multiplied when the Egyptians started hitting it. Every time the Egyptians hit the frogs they would multiply exponentially.

Now there's something that doesn't quite make sense here. If the Egyptians saw that hitting the frogs just made things worse, why didn't they stop hitting the frogs?

One aspect of having bad character traits is not just that they exert a negative influence on a person, but that they also dominate and distort his view of reality.

What made Pharaoh and the Egyptians refuse to let the Jews leave Egypt? Pride and anger. The Egyptians were so wrapped up in their anger that it never occurred to them to stop beating the frogs. It's true that at the beginning the frogs were the cause of the anger, but once the Egyptians started beating the frogs, the frogs became merely a means to vent their anger, and the more frogs -- the merrier (or the angrier).

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Parashah Talk

Parshas Vaera

Excerpt from Darash Moshe, by RABBI MOSHE FEINSTEIN, ZT"L

This was the Aaron and Moses (Exodus 6:26)

Parshas Vaera

This was the Aaron and Moses (Exodus 6:26)

Rashi comments that in some places Aaron is mentioned before Moses while in others Moses is mentioned first to teach us that they were equal. This is indeed surprising; Moses was the greatest prophet and sage of all times, to such an extent that he was master of the whole world and Hashem chose to give His holy Torah to the world through him. If so, how can it be said that Aaron, for all his merits, was Moses = equal?

This question can be answered in two ways: Firstly, although

Moses = power was greater than Aaron = s, they were still considered equal because they were both needed for the redemption of the Jews. To give an analogy, even though one partner in a business has a greater role than the other, if the business could not function without both of them, they are equals in that sense.

Secondly, Aaron was considered Moses = equal since, like Moses, throughout his life he performed Hashem = s will to the utmost of his ability and with complete faith. Even though Moses = abilities were greater, and he was therefore given more significant tasks to perform, both of them dedicated themselves totally to the things they were given to do.

With this principle, we can explain a well-known story told by the Sages (Bava Basra10b): Joseph, the son of R = Joshua, became weak and fell into a coma, appearing to be dead. When he revived, his father asked him, What did you see?

The son replied, I saw an upside-down world; the superior ones were on bottom, and the inferior ones were on top.

Said the father, You saw a world in which everything is clear.

On the surface, this story is difficult to understand. Why did the son think the world he had seen was upside-down? It would seem obvious that in this world we can perceive only what meets our eyes, while in the world of truth a person = s real worth would be apparent.

Therefore, we must say that those whom we consider superior in our world are also thought to be superior there, but are nevertheless given a lower status; while people whom we consider inferior in this world are thought inferior there also. But still they occupy a more prominent position. This is what the son meant in reporting that it was an upside-down world. His wiser father, however, understood that Hashem judges each person according to his abilities and does not demand from someone more than he is capable of. Therefore, those whose talents are inferior but who manage to achieve their full potential are given a higher status in the next world than those with superior talents who fail to utilize them fully. Thus, a superior person might have a lower position than an inferior one, even though the former may have achieved much more than the latter.

Similarly, Moses and Aaron, even though they differed in their abilities, could be considered equal since both achieved their full potential.

Excerpt from Darash Moshe, by Rabbi Moshe Feinstein, zt"l

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From: Josh Rapps <jr@sco.COM> Subject: Shiur HaRav Soloveichik ZTL on Parshas Vaayra Date: Thu, 22 Jan 98 23:30:53 EST [3 years old] vaayra.98

Shiur HaRav Soloveichik ZT"L on Parshas Va'Ayra (Shiur Date: 1/16/81)

The Torah tells how Moshe was told by Hashem to return to Egypt and tell the people of their imminent redemption. He was also to appear before Pharo and tell him to release the people from bondage. Moshe did not want to go and eventually argued that he was handicapped, he stuttered. Hashem tells him that Aaron will serve as his prophet or messenger. Moshe then agrees to go and he meets Aaron who agrees to serve as Moshe's messenger. They meet the elders who accept their message of redemption. They appear before Pharo who blasphemes G-d and increases the burden on the people by making their jobs harder. Moshe is dejected and complains that his going to Pharo has only made matters worse. Hashem then tells him about the patriarchs and gives him another message to bring to Bnay Yisrael: the 4 (or 5) terms of redemption, Leshonos Geula. Moshe relays the message to the people but they do not pay any attention to him out of Kotzer Ruach, shortness of breath, which means that their suffering reached new heights. Hashem sends Moshe back to Paroh and this time Moshe asks why would Paroh listen to him if Bnay Yisrael refused to listen to him, a stutterer? Hashem orders Moshe and Aaron to free the people and the Torah presents a biography of Moshe and Aaron starting with Reuven and then repeats that Moshe/Aaron and Aaron/Moshe were commanded to free the people.

The above synopsis captures the apparent redundancy of the Parshios. The Torah seems to repeat several times that Moshe did not want to go to either Pharo or Bnay Yisrael. The Torah seems to repeat that Moshe and Aaron were commanded to take the people out of Egypt. Also, the details about Moshe and Aaron's lineage seems out of place. Where is the continuity between the sections?

The Rav explained that when Hashem appeared to Moshe at the burning bush and told him to act as His messenger to Paroh and Bnay Yisrael Moshe refused to accept the responsibility. As the Torah says: Go and I will send you to Paroh. Hashem told Moshe that he was to act as the Shaliach, messenger, of Hashem. Moshe refused the assignment, not because he was lazy, but rather because Moshe said that the messenger must be an acceptable representative of the sender. Moshe argued that he was not an acceptable messenger because he was handicapped and could not do an adequate job as the representative of Hashem to Pharo and Bnay Yisrael. Hashem told Moshe that if His intention was to find a great warrior or political leader or spokesman for Bnay Yisrael, perhaps Moshe would not be the one selected. However, Moshe is told that this will be your sign, after the exodus you shall

worship Hashem on this mountain. Hashem told Moshe that the main reason for the exodus is that the people should accept the Torah and Mitzvos Hashem. In order to do that they must transform themselves from a nation of slaves to a kingdom of priests and a holy nation in a short time. For that, the people need a teacher, and Moshe you are the only candidate for that position. At that time Hashem granted Moshe a spokesman, Aaron, who would be Moshe's representative to bring this message to Bnay Yisrael. However, Moshe was still the only one entrusted with the mission of redemption and to speak to Pharo. (The Rav mentioned that these Parshios present some of the fundamental concepts of Shlichus).

Moshe returns to Egypt and he and Aaron bring the people the message of redemption, and the people believe them. They appear before Pharo and their mission meets with disaster. Pharo is blasphemous towards Hashem and makes life even more difficult for the people. Moshe complains to Hashem saying that he is not the man for the job, as he has only made matters worse. Hashem tells him that he does not see the results of his mission yet, but soon enough he will.

At this second communication between Hashem and Moshe, Hashem mentions the patriarchs and entrusts Moshe with the mission to bring the Leshonos Hageulah, and the entire Judaic Philosophy that these words represent, to the Bnay Yisrael. Hashem tells Moshe about the difference in the names through which Hashem appeared to the patriarchs and to Moshe. The typical example of Shlichus is where someone seeks out the messenger to perform an act on his behalf. Avraham recognized Hashem at an early age, but Hashem did not communicate with him for many years till He told Avraham to go to Eretz Canaan. In this case, Avraham was the one searching for Hashem. Hashem did not search for Avraham. Avraham's relationship (and that of Isaac and Jacob as well) with Hashem was one of friendship: Elokim Haroeh Osi Mayodi (see the Ramban who explain Roeh as meaning friendship). They were not messengers of Hashem. Moshe was the first to enjoy a dual relationship with Hashem: that of friend and that of messenger. As the Torah says Vayishlach Malach Vayotzianu M'Mitzrayim, and Hashem sent a messenger and delivered us from Egypt, and the Ramban interprets Malach as Moshe.

Moshe then goes to the people to bring them the Leshonos Hageulah. His mission again meets with disaster. This time it is not Pharo who ignores him, but Bnay Yisrael themselves. They ignore him M'kotzer Ruach, they were in such a desperate state that they had lost all recognition of their suffering and were ready to give up. After this depressing mission Hashem tells Moshe to go to Pharo and tell him to release the people. At this point Moshe says that if he could not get Bnay Yisrael to listen to him, what hope does he have of convincing Pharo?

At this point Hashem, Kvayachol, acquiesces to Moshe's request. Hashem tells Moshe that if he feels that he is not capable of speaking to Pharo, he will send Aaron along with him. However, Moshe must pay a price for this. Up till this point Moshe was the sole messenger of Hashem to free the people. Aaron's place in history was to be simply the messenger of Moshe but not as a redeemer. Hashem offers to elevate Aaron to the level of redeemer alongside Moshe, but Moshe must pay the price of relinquishing half of the title of redeemer of Bnay Yisrael. The message of Pakod Yifkod was to be delivered and fulfilled by one individual. Now that tradition was to be turned on its head as there will be two redeemers. Moshe was ready to pay this steep price. It is at that point that Aaron is elevated and they are mentioned interchangeably, Hu Moshe V'Aharon, Hem Hamedabrim Aharon UMoshe. And at this point it became Vayetzavem, and Hashem commanded both of them to redeem the people from Egypt. Some of the plagues were brought upon Egypt by Aaron alone, others were brought by Moshe alone, yet others were done jointly, showing that both were equal in this effort to free the people. Moshe retained his status of Sholiach, messenger of Hashem. It is interesting to note that Aaron retained his status as the messenger of

Moshe and that of redeemer alongside Moshe.

Aaron could be made an equal partner with Moshe in the redemption process. However, this did not change the responsibility given to Moshe at the burning bush. Moshe alone was the teacher of the people. He did not share this title or responsibility with Aaron. Moshe alone was the greatest of all prophets, and Aaron and Miriam were on a lower level. Aaron's role as Moshe's partner was limited to the task of freeing the people from Egypt.

The Rav mentioned that he often notes that Jewish History would have turned out differently if certain situations that arose during the exodus and their sojourn in the desert would have ended differently. For example had the spies not been sent, the people would have marched into Eretz Yisrael without delay with Moshe leading them. The Rav noted that Moshe's refusal to be the sole Shaliach of Hashem to free the people was another such opportunity lost.

The sharing of the role of redeemer was a sensational event. It was unique that a brother would surrender part of his role to another brother. We often find that when someone does something extraordinary, his biography is written up and displayed in the media. This was such an event. The Torah tells us who were these brothers, what family did they come from that might have led one brother to relinquish his place in Jewish History in order to allow his brother to share the title with him. That is why the Torah concludes the lineage description after Shevet Levi and Moshe and Aaron. The Torah started with Reuven because it had to go in birth order to get to Levi (see Rashi). After this description, where both are the redeemers of the people, Hashem orders them both to go to Pharo to tell him to free Bnay Yisrael.

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http://www.torahweb.org/torah/2000/parsha/rros_vaera.html [Last year]

**RABBI MICHAEL ROSENSWEIG
MOSHE RABBEINU'S LEGACY OF LEADERSHIP**

The beginning of Sefer Shemot chronicles the development of Moshe Rabbeinu, the penultimate exemplar of Jewish leadership, as he increasingly assumes this mantle. In two crucial and formative encounters, Moshe's special role, as well as his unique relationship with Hashem, is strikingly formulated by contrasting the Divine name invoked in connection with his mission with that utilized in connection with the avot (forefathers). A brief examination of Rambam's interpretation of these two episodes and formulations may further illuminate Moshe's special legacy of leadership.

In the first revelation, in the context of the "burning bush", Moshe inquires how G-d is to be represented to the nation--"ve-amarti lahem elokei avoteikhem shelahani aleikhem; ve-amru li mah shemo, mah omar aleikhem?" He is told to respond with a new and unusual Divine reference, albeit to remind the nation that He remains the G-d of the avot (Shemot 3:14-15). Rambam (Moreh Nevukhim I:63) notes that while the avot and perhaps others had previously experienced individual Divine revelation, Moshe's encounter constituted the first prophetic mission in history, as he was mandated to share the prophetic message with the nation. The integration of the highly personal prophetic experience with national destiny required a different approach, reflected in the different representation of G-d's identity.

In the beginning of parshat Va-Eira, with Moshe already having embarked upon his mission to liberate Kelal Yisrael from Egypt, Hashem takes the initiative in accenting His different relationship with Moshe, again as signified by means of a different Divine representation. We are informed (Shemot 6:2,3): "Va-yedaber Elokim el Moshe, va-yomer elav ani Hashem. Va-eira el Avraham...u-shemi Hashem lo nodaati la-hem". Rambam (2:35; Perush ha-Mishnah Sanhedrin 10:1:7; Yesodei ha-Torah

7:6; Ramban, Shemot 6:2) suggests that these pesukim establish the unparalleled quality of Mosaic prophecy, hinted at elsewhere in the Torah (Bamidbar 12:6-8; Devarim 34:10-12), which forms one of the thirteen principle tenets of Judaism, and serves the foundation for yet another- the immutability of the Torah, the content of that unique prophecy.

The two episodes-formulations underscore two contrasting dimensions of Moshe =s personality and leadership, the integration of which constitute his special legacy, establishing the model for ideal Jewish leadership. Moshe =s special qualities and capabilities, as well as his potential stature as a spiritual giant were apparently innate. The Torah (Shemot 1:2) records that "va-tera oto ki tov hu". Hazal indicate that Moshe =s presence illuminated the home. They understand that his special qualities were apparent not only to his family, reflected in the construction of his teva, in which the stench of the tar was kept outside, but were evident even to Paroh =s daughter, drawn to an extraordinary baby exhibiting the behaviour and character of both naar and yeled (1:6). Although, he was the object that was drawn from the water, she instinctively named him Moshe, connoting that he would exercise initiative and leadership (Ibn Ezra and other mefarshim Shemot 1:10). At the same time, it is noteworthy that Moshe initially expresses and develops his greatness not in the spiritual realm, but precisely through his humanity, by means of his empathy with Klal Yisrael- "Vayehi ba-yamim ha-hem va-yigdal Moshe va-yeze el ehav va-yare be-sivlotam..." (Shemot 1:11). Hazal understand that his initial encounter with the Shechinah was consequent upon his development as a shepherd, a process which inculcated sensitivity and responsibility (3:1-2).

It is consistent with this theme, that the special representation of the Divine name that emerges from that initial encounter accents precisely Moshe =s national obligation, underscoring that his spiritual stature is inherently intertwined with the destiny of Klal Yisrael. Moreover, it is in keeping with the dialectical, yet integrated nature of Moshe =s personality and leadership that once committed to the political role, he would now be made aware of his unique personal spiritual status as an unsurpassed prophet whose communication with Hashem defied all previous and future models. We might have anticipated that these two developments be transposed given the distinctive contexts. After all, the sneh encounter was an intensely personal religious experience while the formulation of a different relationship in Va-Era is enmeshed within the strategic approach to Paroh and Klal Yisrael. Moreover, Moshe =s innate potential and charisma preceded his empathy, and undoubtedly it was his spiritual credentials that qualified him for that initial revelation as well. The Torah projects a powerful lesson by reversing its emphasis in these two episodes.

The intricate relationship between Moshe and Aharon, reflected in Va-Era and later in their diverse formal functions, confirms the complexity and multidimensionality of Jewish leadership. While both are crucial to the process of yeziat mizrayim, the Torah occasionally reverses the order of their priority (Shemot 6:13, 26-27). Some commentators suggest a practical explanation: Aharon was well-known and trusted by Klal Yisrael, while Moshe, a virtual stranger to his own people, was a familiar figure in Paroh =s court (Neziv, 6:27). Rashi, however, insists that the Torah simply intended to establish their equal contributions. Hazal indicate that the initial charge to redeem Klal Yisrael was issued simultaneously to both Moshe and Aharon (Yalkut Shimoni, Shemot no. 174). Rashi =s comment is not inconsistent with the accepted view of Moshe =s spiritual superiority, but undoubtedly reflects the complex agenda and diverse nature of Jewish leadership.

In this light, it is particularly interesting that Moshe emerged as the national leader of Klal Yisrael and the symbol of malkhut, while Aharon was entrusted with the institution of kehunah, with its spiritual and ideal emphasis on the mikdash and purity. While both Moshe and Aharon integrated the spiritual-national dialectic of "ameikh ami" and "elokayikh

elokai" (Ruth 1:16), one might have expected that the unsurpassed "eved Hashem", Moshe, who had a special affinity to the laws of sacrifices and purity, would find his ultimate fulfillment in kehunah (see Yalkut Shemoni, beg. of Vayikra). This expectation might also have been rooted in an assessment of the personalities of Moshe and Aharon, as well. Moshe, occasionally impatient with the flaws of Klal Yisrael, is described as the rigid idealist who eschews compromise in favor of "yikov ha-din et ha-har" (Sanhedrin 6b), while Aharon, who earned the epithet of "ohev shalom ve-rodef shalom", projects pesharah (compromise) as an ideal, and developed the kind of relationship with the entire Klal Yisrael that is reflected in the reaction of "va-yivku et Aharon sheloshim yom kol beit yisrael" (Bamidbar 20:29) to his passing. Upon further reflection, however, it may be suggested that this ambitious integration of national destiny and personal spirituality is particularly well-served precisely by projecting the strongest emphasis of spiritual standards in national leadership, even as the values of intense human empathy and sensitivity reflected by Aharon ha-Kohen, are associated with the purist realms of kodashim and taharot.

Perhaps it is no coincidence that the Torah, precisely in this context in Vaera (6:14-29) finds it necessary to locate Moshe and Aharon within the framework of the rest of the shevatim - "hu Aharon u-Moshe...hem ha-medabrim el Paroh...hu Moshe ve-Aharon"(6:26-27):- lest their impressive spiritual credentials and charismatic feats be misconstrued. It is important that we appreciate that their common origins in Klal Yisrael, as well as their special spiritual and leadership qualities qualified them for their unique role in this particularly challenging and defining era in Jewish history.

The final pesukim of the Torah itself, in summing up Moshe =s legacy, and perhaps by implication, the Torah =s special perspective on spirituality and leadership, focuses precisely on the dialectic of national-spiritual achievement (Devarim 34:10-12). While the initial emphasis is on Moshe =s unique prophecy- "ve-lo kam navi od be-yisrael ke-Moshe asher yedao Hashem panim el panim"--, the immediate transition to his mission of national destiny--"lekol ha-otot ve-hamoftim asher shelaho Hashem laasot be-eret Mizrayim"-- as well as to his effective leadership vis a vis Paroh-- "le-Paroh u-lekol avadav u-lekol arzo." underscores the various dimensions of his leadership.

In addition to his status as the unsurpassed navi, as "eved Hashem"(Devarim 34:5), and as national leader, Moshe was also the vehicle for mattan and kabbalat ha-Torah, also serving as the first link in the historic chain of the tradition of Torah she-baal peh. It is evident that in this capacity, quite simply captured in the title Moshe "Rabbenu", all of his other functions and dimensions converge. Hazal characterize Torah, too, as a realm, but emphasize that this crown, in contradistinction to the keter malkhut and kehunah, is accessible to all. Indeed, it is precisely the content of Torah and the process of Torah study that most fully integrates all of the spiritually and nationally ambitious dimensions reflected in both of Moshe =s early encounters

From: RABBI JONATHAN SCHWARTZ jschwartz@ymail.yu.edu
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Parshas Vo'era 5759

Prologue: Sometimes words can bring a person to life. At other times, words kill.

Moshe Rabbeinu claims that he is unfit to speak with Pharaoh as the latter is on a more distant spiritual plane from Moshe than Bnei Yisroel was and they too did not hear him. He adds that he too, is unqualified to state his case to Pharaoh as he lacks the speaking ability due to his speech impediment. "Hein Bnei Yisroel Lo Shamu Eilai"

In last week's parsha, Moshe was punished with immediate tzaraas (See Rashi) for speaking badly about Bnei Yisroel, Hashem's bride. In fact, Rav Eliyahu Shick from Lida notes that it was the definitiveness of

Moshe's statement "Hein" instead of the possible "Pen" that was the seal to his own death. Chazal tell us that when Hashem came to Moshe and told him "Hein Karvo Yameicha LaMoot", Moshe was perplexed as to how Hashem could use the word Hein to signal his death if Moshe used the word to note "Hein L'Hashem Elokim Hashomayim". Hashem told him that he used Hein for evil as well when he accused Bnei yisroel of not listening to him. His death was to be as definite as the statement of Bnei yisroel's non-compliance to Moshe's nevuah. He died with the word hein as a midda K'negged Midda.

We too, have a powerful advantage in the world with the use of our mouths to liven one's life or to kill him with a simple use of a word about him. Particularly in the realm of shidduchim, where one simple word of possibility spoken in definitive tones can have the Moshe effect, we too, must be sure to exercise great caution before uttering a definite "Hein". Moshe breached the connection of a potential Chosson and Kalla and was immediately punished for it. We must be VERY careful of the halachos before we do as well. As Such, This week's chaburah entitled:

On Maintaining a Personal Confidence: Terms of Engagement

Much has been written lately about professional confidentiality and halacha in the realm of medicine, of mental health and even the clergy. However, there is a certain degree of confidence that we all are involved in daily and that is the personal confidence placed within us from our friends and neighbors who ask us about associates and the sense we have about them in the realm of shidduchim. Where do our allegiances lie?

(A Reminder: This chaburah is not a forum for psak halacha. Rather it is a forum for discussion of pertinent sources for the development of a clarity in halachic issues. Any final halachic opinion should be formulated with the assistance of one's local halachic authority.)

Judaism places strong restrictions upon the disclosure of confidential information regardless of whether the information is received in the course of a professional relationship, a secret non-professional discussion, accidental information or through a third party.

The primary issur of reporting personal information is derived from the possuk "Lo Teileich Rachil b'Amecha (VaYikra 19:16) . Such activity is assur even when it is not accompanied by malicious intent or personal gain and even if the information is not derogatory in nature. It is, as formulated by the Rambam (Deot 7:2) even when telling the truth akin to destroying the world.

Now there are times when the revealing of personal information is called for. (See Assia Av 5738, Chelkat Yaakov III:136, Noam, II, Tzitz Eliezer 13:81, Yichaveh Daas 6:57, Contemporary Halachic Problems (Bleich, vol II) to discuss professional cases). For instance, the Poskim discuss the instance where the information will become known after a Shidduch has been made and will ruin that particular situation. Thus, it would be Assur to hide information concerning a serious medical condition which could pose danger to one side of a Shidduch (Shut Mishneh Halachos 5:254). The Chofetz Chaim (Hil. Richilus Klal 9) actually rules that in such an instance one who was not asked should provide the information . One who does not do so is of the category "Lo Ta'amod Al Dam Reiacha" (See Shut Chelkat Yaakov 3:136).

There are times when the non-revealing of information might lead to the ruining of a potential shidduch. (See Even HaEzer 39:5) based upon the Gemara's ruling in Kesuvos (73b) that one who marries a woman who later turns out to have Mumin (the gemara and shulchan Aruch discuss these mumin) is "Mikudeshes Misafek." The Otzar HaPoskim notes that in serious medical conditions there is not even a chance of Safek Kiddushin and that the same rules seem to apply to men possessing these Mumin today as well. The Poskim note that continuing to live together married under these conditions creates a status of living in sin. (Otzr haPoskim 39:32:7-22). Rabbi Yehuda HaChossid (Sefer HaChassidim (388) notes that one is not allowed to lie about one's

selling points in a Shidduch but recommends that all information be checked for accuracy.

Still, the same poskim who permit and require one to reveal essential information concerning a potential mate even when not asked, insist that caution be used in the revealing of non-essential information. Rav Menashe Klein (Mishneh Halachos 5:254) actually warned an asker not to reveal information concerning a non-threatening medical diet that a particular woman was taking because of its sensitive nature which could ruin her prospective match. According to Rabbi Klein, the diet was not an essential factor in determining the health of the woman - or her character-- which would make her an unfit wife and as a result telling her Fiancee about it would fall into the category of Richilut if it were to be revealed unnecessarily. Similarly the Chavatzes HaSharon (63) writes that one need not reveal that the Kalla is a few years older than the Chosson if this information is not asked beforehand (though it should be noted that Maran HaGaon Harav Hershel Schachter (Shiurei Chumash 5756) quoted HaGaon Harav Eliyashiv who said that information that is potentially volatile should be discussed by the various parties before the third date).

What then are the guidelines for information to be discussed about a particular suitor? There are situations where speaking about a particular shidduch is appropriate. They involve cases where information could not be found directly and would adversely affect the shidduch objectively. These, according to the chofetz Chaim include serious medical conditions or a situation where a prospective suitor is a heretic (Apikores = non-believer in mitzvos or 13 principles of faith). In those situations (and those alone), the Chofetz Chaim reminds the speaker not to overdo the reporting -keeping exaggeration down. He must be sure that his activity will serve a purpose as if through his reporting of the allowed information, there will be a benefit. If the parties will not listen anyway, he should remain silent. In Shidduch situations often the words will fall on deaf ears leading only to pure Rechilus. Hence one should be careful when choosing whether to report information or not. The Minchas Yitzchak (Vol. 6) goes one step further advising those who are making a Shidduch for a Baal Teshuva to reveal his status as a Baal Teshuva (perhaps within the guidelines of the Chofetz Chaim's Gedder Apikores) and to be extra careful to encourage the Shidduch more so because of the sterling qualities required to change one's Derech.

Either way, the Chofetz Chaim notes that something that is recognizable without the revelation should not be discussed. Similarly, a subjective piece of information like one's level of effort in learning or how people like him, requires serious scrutiny before undertaking to reveal. To overstep one's bounds is to be oiver on Rechilus for the speaker, on Lifnei Iver for the listener, and is in the category of those the Chofetz Chaim davens "better that their tongues be cut off" due to the terrible effect of their crimes. Additionally, such situations when one reveals unnecessary information (or even subjective or untrue information) he humiliates one person and causes great rifts in Klal Yisroel which is a grave situation indeed. To sum so far: Lashon Hara and Rechilus involve a serious breach of confidence even on the personal level. In the case of the Shidduch, all Jews often find themselves in a potential catch-22 where they must decide to reveal or not reveal certain information. The Poskim seem to align themselves behind the Chofetz Chaim's 4 conditions for revealing information about perspective suitors. They are:

1) That the revealer be certain that the information he is reporting is 100% accurate, Serious (like a medical condition or apikorsus) and objective (not like level of learning or one's perception of him)

< This is based upon Rabbeinu Yona Bava Basra 39b who requires that one actually witness the event by himself and not be reporting from others. The Chofetz Chaim actually notes that there is less Toelet here than in the case of Chazaka in Bava Basra (Be'er Mayim Chaim Hil. Lashon Hara 10:5)>

2) That the revealer be sure not to exaggerate the extent of the difficulty one iota. <See Erichin 15a that such a person who violates this part is within the category of liars.>

3) That there be a chance that his words would be accepted and believed and would help at least one of the interested parties (i.e. if he has no credibility with the certain party he is aiming to help, he should remain quiet) 4) That his interests be 100% pure and he not acting out of other interests (see Rabbeinu Yona to Bava Basra 39a and Rashi to Bava Metziah 57b) such as harming the other person or personal gain.

From: Eretz Hemdah - Machon HaTorah Ve'Hamedinah
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Hemdat Yamim
Moreshet Shaul (from the works of Hagaon Harav Shaul Yisraeli zt"l)
Pre-nuptial Agreements - Obligation with Escape Clause (from Chavat Binyamin, siman 111)

A proposal was raised to draft a pre-nuptial agreement by which a prospective husband and wife would each obligate themselves to pay a prohibitively high sum to the other. Subsequently, they would also sign a document which relinquishes their rights to receive payment until such a time as they are civilly divorced and one side refuses to give/receive a get [Ed. note - an outright obligation with an escape clause is a way out of the problem of *asmachta*, which disqualifies many penalty payment because of lack of informed consent - see P'ninat Mishpat, Toldot 5761]. According to this approach, if the husband gives a get in order to avoid payment of his obligation, this is not a get *m'useh* (invalid, coerced get). We are not punishing him for refusing to give a get, but rewarding him for giving a get, which is permitted according to all opinions. The idea of giving a get to extricate oneself from a self-imposed penalty payment is presented by the Rama (Even Haezer 134:4) as a *machloket* between the Rashba who calls it a coerced get, and the Maharik and Tashbetz, who are lenient. Supporters of the above proposal tried to claim that the Rashba was misquoted, but those claims do not hold water (see original article). On the contrary those who read the original sources will find that in many cases, the lenient sources agree with the Rashba. (As opposed to the Rama, the Beit Yosef (EH 134) implies that there is no *machloket*, as we shall explain). The Rashba (IV, 40) refers to a case where the husband, after agreeing to a get and accepting a penalty should he renege, actually does renege. Since he gave the get only as the pressure on him to pay mounted, the Rashba calls it a get *m'useh*. Rav Maimon, who is brought as a lenient opinion, is discussing a man who agreed to give a get, reinforced it with a self imposed penalty clause, and showed no indication of change of heart. The Beit Yosef implies that were he to refuse to give the get and then give in out of fear of payment, there might very well be a problem of get *m'useh*. In an attempt to reconcile the Rashba with the Tashbetz II, 68, the Torat Gittin (siman 134) distinguishes between different circumstances when a get is given to extricate oneself from a debt. If the debt was created in order to pressure the giving of a get, then a get given to avoid it is a coerced get. If the husband owed his wife money for a reason not related to giving the get (e.g. he owed money for his marital obligations), then his giving a get to exempt himself is a positive incentive, not a negative coercion. The Mabit (II, 138) may go a step further. He says that even if there is no formal linkage between the monetary obligation and the get, if the intention of the obligation was to force the husband to give a get, it creates a get *m'useh*. In the proposed agreement, the intention, the prohibitively large sum of money, and the fact that written into the set of agreements is the exemption if he gives a get all point to a clear linkage between the money and the get. Thus, even if formally giving a get is described as an incentive, practically and halachically it is considered a get *m'useh*.

P'ninat Mishpat - Pre-Nuptial Agreements - Part I - Introduction

The concept '*agunah*', a very old one in halachic tradition, has undergone great changes. Classically, it involved to a woman whose husband disappeared and was presumed dead based on questionable evidence. If a way was not found to verify the death, the woman would almost certainly remain unable to marry forever.

A modern '*agunah*' is, for the most part, a woman whose husband refuses to give a get for an extended period of time. In almost all cases, a get is eventually given, with the problem being that precious months or years are wasted on painful power struggles. While divorces need not be provided immediately on the demand of one side and sometimes divorce settlements (financial, custody) may legitimately take

time and be difficult, the get must not be used as a "bargaining chip." In practice, the main causes of husband's reluctance/refusal to give a get are as follows: 1) a real or imagined hope that the marriage is salvageable. 2) a desire to ensure a favorable settlement. 3) a desire for vengeance (wickedness). Each case needs to be handled in its own way and can usually be resolved with the help of communal rabbis, batei din, psychologists, friends and/or relatives. Pre-nuptial agreements do not, as a rule, deal with the problems at their root. However, they make it much less likely for the situation of an extended period of refusal to give a get to arise. We will discuss its mechanism and advantages in the weeks to come.

P'ninat Mishpat - Pre-nuptial Agreements - Part II - Penalty Payments

The main point of pre-nuptial agreements is to make it difficult for a husband to "hold on" halachically to his wife after the union has ended for all intents and purposes. If we can make him pay a substantial penalty for making his wife an *agunah*, then he will almost certainly give in. The question is whether this can be done halachically. As we have mentioned in the past, there are many cases where a husband should give a get but cannot be coerced to do so. Monetary coercion is also coercion and can raise questions about the get. But perhaps if the monetary penalty is self-imposed by a pre-nuptial agreement, then it is permitted, as he forced himself? The poskim struggle with this issue (see Rama, Even Haezer 134:5 and Noseih Keilim ad. loc.) and no clear consensus, which would allow us to institute such a practice on a widespread basis, exists. (See the opinion of Rav Yisraeli in this week's Moreshet Shaul). The main problem is that the payment is too closely linked to his refusal to divorce. The breakthrough of Rav Mordechai Willig and Rav Zalman N. Goldberg in the "new" pre-nuptial agreement is in creating a monetary incentive to divorce without penalizing the husband for refusing to give a get. Rather, it cleverly creates a normal financial obligation which ceases when the husband ends their halachic marriage. [There will be more discussion of this topic in the weeks to come.]

P'ninat Mishpat - Pre-Nuptial Agreements φ Part III Mechanism and Rationale of "New" Agreement (I)

We saw last week that pre-nuptial agreements based on penalty payments, even if self-imposed and semi-disguised, cast shadows over *gittin* (divorces) which they induce. However, if a person divorces because it is too expensive to support his wife, the get is perfectly "kosher." The problem is that, according to secular law, once there is a civil divorce, a woman will get no marital, financial support. Thus, even though, halachically, the couple is married, the husband will, practically, not have any monetary obligations. Even if he is paying alimony, the husband has no monetary incentive to give a get, as he will continue paying the same amount even after giving the get. What needs to be done is to continue financial obligations of marriage as long as the woman is married according to Jewish Law (hasn't received a get). Without a special agreement, the husband may not be obligated to support her, halachically, for the following reasons: 1. While a husband must provide for all his wife's needs, she must surrender her salary (or choose to keep her salary and not receive support) (Sh. Ar., EH 80:1); 2. a wife is entitled to support while she is living with her husband. If she leaves him, she cannot demand support, unless she can prove that she left for reasons that were unavoidable and his fault (Beit Shmuel 70:34). One or both of the above factors will cause a situation where halacha will entitle her to limited or no marital support while the couple is separated. Of course, just as one can obligate himself to an extra large *ketubah*, one can accept conditions regarding financial support which are particularly advantageous to his wife. This is the idea behind the RCA promulgated, pre-nuptial agreement, designed by Rabbi Mordechai Willig. [More on the topic next week].

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From: Jeffrey Gross[SMTP:jgross@torah.org]
WEEKLY-HALACHA FOR 5761 SELECTED HALACHOS
RELATING TO PARSHAS VAERA
BY RABBI DONIEL NEUSTADT Rav of Young Israel of
Cleveland Heights

A discussion of Halachic topics related to the Parsha of the week.
For final rulings, consult your Rav.

LISTENING TO KERIAS Ha-TORAH

There are two basic opinions among the early poskim concerning the nature of the obligation of Kerias ha-Torah on Shabbos morning. One opinion holds that every adult male is obligated to listen to the weekly parshah read every Shabbos morning from a kosher Sefer Torah. He must pay attention to every word being read, or he will not fulfill his obligation.(1) The second opinion(2) maintains that the obligation of Kerias ha-Torah devolves upon the congregation as a whole. In other words, if ten or more people are together on Shabbos morning, they must read from the weekly parshah. While each member of the congregation is included in this congregational obligation, it is not a specific obligation upon each individual, provided that there are ten people who are paying attention.

There are some basic questions concerning Kerias ha-Torah whose answers will differ depending on which of these two opinions one follows:

Is one actually required to follow each word recited by the ba'al koreh without missing even one letter [and, according to some opinions, even read along with him to make sure nothing is missed(3)], or is one permitted - even l'chatchilah - to be lax about this requirement?

Is it permitted to learn or to recite shnayim mikra v'eachd targum during Kerias ha-Torah?

If an individual missed a word or two of the Torah reading, must he hear the Torah reading again?

If ten or more people missed one word or more from the reading, should they take out the Sefer Torah after davening and read the portion which they missed?

If one came late to shul and arrived in time for Kerias ha-Torah, should he listen to the Torah reading first and then daven?

If a situation arises where tefillah b'tzibur and Kerias ha-Torah conflict, which takes precedence?

If a situation arises where, by listening to Kerias ha-Torah, one would not be able to daven altogether, which takes precedence? Should one interrupt his private Shemoneh Esrei to listen to Kerias ha-Torah?

The answer to these and other such questions depends, for the most part, on which of the two views one is following. Clearly, according to the first opinion, one must give undivided attention to each and every word being read. Davening, learning or reciting shnayim mikra v'eachd targum during Kerias ha-Torah would be prohibited and even b'diavad one would have to make up any missed words. But according to the second opinion, the answers to all these questions would be more lenient, for as long as the congregation fulfilled its obligation to read the Torah correctly, and as long as ten individuals paid attention to the reading, the individual's obligation is no longer a matter of concern.

Shulchan Aruch does not give a clear, definitive ruling concerning this dispute. Indeed, while discussing the laws regarding the permissibility of learning during Kerias ha-Torah, he quotes both opinions without rendering a decision. Instead, he concludes that "it is proper for a meticulous person to focus on and pay attention to the words of the reader". This indicates that Shulchan Aruch and many other prominent poskim(4) hold that while it is commendable to be stringent, it is not absolutely essential. Mishnah Berurah,(5) though, quotes several poskim who maintain that the halachah requires that each individual listen to every word of kerias ha-Torah.(6) Harav M. Feinstein rules that even b'diavad one does not fulfill his obligation if he misses a word and he must find a way to make up what he missed.(7) There are, however, a host of poskim who maintain that kerias ha-Torah is a congregational obligation, not an individual's.(8)

Several contemporary poskim suggest what looks like a compromise. Clearly, l'chatchilah we follow the view of the poskim that each individual is obligated to listen to Kerias ha-Torah and it is standard practice for each individual to pay undivided attention to each word that is recited. Indeed, in the situation described above where kerias ha-Torah

conflicts with tefilah b'tzibur, the obligation to hear kerias ha-Torah takes precedence, in deference to the poskim who consider it an individual's obligation.(9)

But, b'diavad, if it were to happen that a word or two was missed, one is not obligated to go to another shul to listen to the part of the reading that was missed. Rather, we rely on the second opinion which maintains that so long as the congregation has fulfilled its obligation, the individual is covered(10). Accordingly, if listening to Kerias ha-Torah will result in missing davening altogether, davening takes priority, since we rely on the poskim who maintain that kerias ha-Torah is a congregational obligation.(11) Similarly, one should not interrupt his private Shemoneh Esrei to listen to Kerias ha-Torah.(12)

But regardless of the above dispute and compromise, the poskim are in agreement about the following rules: There must be at least ten men listening to the entire Kerias ha-Torah. If there are fewer than ten, then the entire congregation does not fulfill its obligation according to all views.(13) Conversing during Kerias ha-Torah is strictly prohibited even when there are ten men paying attention. According to most poskim, it is prohibited to converse even between aliyos, *bein gavra l'gavra*.(14) One who converses during kerias ha-Torah is called "a sinner whose sin is too great to be forgiven."(15) Even those who permit learning during Kerias ha-Torah stipulate that it may only be done quietly, so that it does not interfere with the Torah reading.(16) "Talking in learning" *bein gavra l'gavra* is permitted by some poskim and prohibited by others. An individual, however, may learn himself or answer an halachic question *bein gavra l'gavra*.(17)

FOOTNOTES:

1 Shiblei ha-Leket 39, quoted in Beis Yosef O.C. 146. This also seems to be the view of the Magen Avraham 146:5 quoting Shelah and Mateh Moshe. See also Ma'asei Rav 131. See, however, Peulas Sachir on Ma'asei Rav 175.

2 Among the Rishonim see Ramban and Ran, Megillah 5a. Among the poskim see Ginas Veradim 2:21; Imrei Yosher 2:171; Binyan Shelomo 35; Levushai Mordechai 2:99 and others. See also Yabia Omer 4:31-3 and 7:9.

3 Mishnah Berurah 146:15.

4 Sha'arei Efrayim 4:12 and Siddur Derech ha-Chayim (4-5) clearly rule in accordance with this view. This may also be the ruling of Chayei Adam 31:2 and Kitzur Shulchan Aruch 23:8.

5 146:15. Aruch ha-Shulchan 146:6 and Kaf ha-Chayim 146:10,14 concur with this view.

6 There are conflicting indications as to what, exactly, is the view of the Mishnah Berurah on this issue; see Beur Halachah 135:14 (s.v. ein) and 146:2 (s.v. v'hanachon).

7 Igros Moshe O.C. 4:23; 4:40-4-5. If ten or more people missed a section of the Torah reading, then they should take out the sefer after davening and read that section over; *ibid*.

8 See also Eimek Berachah (Kerias ha-Torah 3).

9 Minchas Yitzchak 7:6; Harav S.Z. Auerbach and Harav Y.S. Elyashiv (oral ruling, quoted in Avnei Yashfei on Tefillah, pg. 140).

10 Harav S.Z. Auerbach (quoted in Siach Halachah 6:8 and Halichos Shelomo 12:1; see also Minchas Shelomo 2:4-15); Harav Y.S. Elyashiv (oral ruling quoted in Avnei Yashfei on Tefillah, pg. 140)

11 Harav Y.S. Elyashiv (oral ruling, quoted in Avnei Yashfei on Tefillah, pg. 140).

12 Harav S.Z. Auerbach (Halichos Shelomo 12:4). Also, a diaspora Jew who may have missed an entire parashah when travelling to Eretz Yisrael after a Yom Tov (when Yom Tov Sheini was on Shabbos), does not need to make-up what he missed (*ibid*. 6). See *Ishei Yisrael* 38:29 for a dissenting opinion.

13 Aruch ha-Shulchan 146:5.

14 Bach, as understood by Mishnah Berurah 146:6 and many poskim. There are poskim, however, who maintain that the Bach permits even idle talk *bein gavra l'gavra*, see *Machatzis ha-Shekel*, Aruch ha-Shulchan, and Shulchan ha-Tahor. See also *Pri Chadash* who allows conversing *bein gavra l'gavra*. Obviously, they refer to the type of talk which is permitted in shul and on Shabbos.

15 Beur Halachah 146:2 (s.v. v'hanachon) who uses strong language in condemning these people.

16 Mishnah Berurah 146:11.

17 Mishnah Berurah 146:6.

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From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il] Subject: Insights to the Daf: Sotah 34-36

RABBI MORDECHAI KORNFELD INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, http://www.dafyomi.co.il
SOTAH 31-35 - These Dafim have been dedicated by Mrs. Estanne Abraham-Fauer in honor of the first Yahrzeit (18 Teves 5761) of her father, Reb Mordechai ben Eliezer Zvi (Weiner). May the merit of supporting and advancing the study of the Talmud be Iluy Nishmaso.
SOTAH 36 - Dedicated by Lawrence and Judy Turkel to Mr. and Mrs. David Kornfeld and their lovely family. May they always be blessed with good health and all that they need.
SOTAH 37 (3 Shevat) - Dedicated Il'uy Nishmas: R' Zvi ben R' Zev zt'l -- HaRav Hirschel Milner, who passed away on 3 Shevat 5755 (January 4, 1995), by his granddaughter, Chani (Pogrow) Shaw and family.
SOTAH 38 - dedicated by Dr. Moshe and Rivkie Snow to the memory of their mother/mother-in-law, Rebbetzin Leah Tilla bas Rav Yosef (Rabinowitz), the Manostrihtcher Rebbetzin. (Yahrzeit: 15 Teves) *** Please send your D.A.F. contributions to: ** D.A.F., 140-32 69 Ave., Flushing NY 11367, USA

Sotah 28 THE PROHIBITION OF A "SAFEK SOTAH" The Gemara teaches that we learn from the verse "v'Nitma'ah" (Bamidbar 5:29) that a Safek Sotah is prohibited to her husband after Kinuy and Setirah.

(a) Why is it necessary for a verse to teach that a Safek Sotah is prohibited to her husband? Since she is suspected of having relations with another man, she should be Asur because of the normal principle of Safek Isur! (TOSFOS DH Mah)

(b) Even if a Safek Isur would normally be judged leniently, there is still no necessity for a special verse to prohibit the Safek Sotah, because even without the verse there is reason to be stringent in the case of a Safek Sotah! This is because, like the Gemara says in Nidah (3a), when the woman secludes herself with another man after Kinuy, there is "Raglayim l'Davar" that she sinned! (TOSFOS DH Eino)

ANSWERS: (a) TOSFOS explains that the reason why we normally treat a Safek Isur stringently is because we must suspect the worst. If a person takes the risk of committing a sin when he is not supposed to, and it turns out that there was no Isur, he has not transgressed a Mitzvah of the Torah (he just needs atonement for being disrespectful for the Mitzvos and not being cautious of the Safek Isur; see Nazir 23b). However, the prohibition of a Safek Sotah to her husband is an independent Mitzvah in and of itself (a Mitzvas Aseh of "v'Nitma'ah"; some even say that Malkus is administered for transgressing this Mitzvas Aseh -- see Tosfos Yevamos 11b, DH Mai, and Insights to Sotah 71:a).

Similarly, when an object that is Safek Tamei is found in Reshus ha'Yachid, the rule is that it is considered definitely Tamei, and if it is an item of Terumah it may be burned. (However, in contrast to the case of Sotah, in the case of Tum'ah if the Safek is clarified and we determine that there was no Tum'ah, then retroactively anything that touched the object is Tahor.)

Another possibility is that normally we would be lenient in the case of a Safek regarding whether the wife became prohibited to her husband or not, because she has a Chezkas Heter that she is permitted to her husband. The verse of "v'Nitma'ah" teaches us not to rely on the Chezkas Heter. (See Tosfos 28b, DH mi'Kan.)

(b) TOSFOS explains that without the proof of "Raglayim l'Davar" there is not even a doubt that the woman committed adultery, because Jewish women are not suspected of committing such terrible transgressions (she has a Chezkas Kashrus). The "Raglayim l'Davar" is what turns it into a Safek; but it remains a Safek until the verse of "v'Nitma'ah" teaches that she is Asurah mi'Vadai -- she is prohibited for certain, with no doubt.

The RASHBA (Kesuvos 9a) explains that the "Raglayim l'Davar" offsets the woman's claim of certainty (her "Ta'anas Bari") that she knows for sure that she is Tehorah, and it makes her case into a Safek.

Rebbi Shimon in Nidah (3a), however, rules that, indeed, when there is no "Raglayim l'Davar," a Safek Tum'ah in Reshus ha'Yachid is only Tamei mi'Safek. In the case of Sotah, the "Raglayim l'Davar" together with the verse of "v'Nitma'ah" makes it into a Vadai.

Sotah 32b OUR FOREFATHER -- LAVAN? QUESTION: Rebbi Shimon bar Yochai says that a person should speak his praise quietly, and speak his disgrace loudly. We learn that one should speak his disgrace loudly from the laws of Mikra Bikurim, where the person who brings the Bikurim recites out loud the verse, "Arami Oved Avi" (Devarim 26:5). The Gemara concludes that Rebbi Shimon bar Yochai did not mean that one should say one's disgrace loudly, but that one should relate one's *suffering* loudly (so that others will pray for him).

When the Gemara initially understood that Rebbi Shimon bar Yochai was referring to one's disgrace, RASHI explains that "Arami Oved Avi" is a self-effacing statement because the people "are admitting that their father, Lavan ha'Arami, was a Rasha." Rashi seems to be translating the verse, "Arami Oved Avi," as, "My father (Lavan) was a hopelessly lost (wicked) Arami."

How can Rashi say that the Torah refers to Lavan as "our father?" The Gemara in Berachos (16b) says that the only ones to whom we refer as our "fathers" are Avraham, Yitzchak, and Yakov. Moreover, a number of Midrashim teach that the Jewish people are not considered to be related to Terach, and the other parents of the Patriarchs (such as Besuel and Lavan).

Second, how can the continuation of the verse be explained according to this interpretation? The verse continues and says, "and he descended to Mitzrayim." How can Rashi say that the subject of the verse is Lavan? Lavan never went to Mitzrayim! Obviously, the subject of the verse is Yakov Avinu. The verse is translated either like the Targum Unkelos and the Hagadah of Pesach explain, that "[Lavan] the Arami wanted to destroy my father," which would not appear to be disgraceful for us, since we are not mentioning Lavan in the context of being our ancestor, or the verse means -- like the Ibn Ezra and Chizkuni explain --

that "my father [Yakov] was a wandering Arami." The verse continues and says that Yakov then descended to Mitzrayim.

What, then, does Rashi here mean? (See MINCHAS YAKOV in the name of HA'GAON RAV AHARON SHECHTER shlit'a.)

ANSWERS: (a) The Rishonim ask a similar question regarding the statement in the Hagadah of Pesach, "Our forefathers were idol-worshippers," and it cites a verse that says that Terach was an idol-worshipper. How can we call Terach our "forefather?" (Based on the RAMBAM in Hilchos Avodas Kochavim 1:3, who says that Avraham Avinu was raised among the idol-worshippers and participated by rote in their service with his parents and family members until the age of 40, it could be that the Hagadah is referring to Avraham Avinu himself. See Hagadah mi'Beis Levi, page 125, in the name of the Beis ha'Levi. However, the Rambam himself (Hilchos Chametz u'Matzah 7:4) and the Ritva in Pesachim says that the Hagadah is referring to Terach and those who preceded him.)

The OR ZARU'A (1:106) and the TOSFOS RID in Pesachim answer that the Gemara in Berachos is referring to saying words of praise, taking pride in someone and giving someone the honor of calling him the "father" of our nation. When we are not giving honor but we are relating something disgraceful, we can call even Terach "our father" since it is not an honor to be called our father in such a context. (See also RASHBA and RITVA in Berachos 16b.)

The Or Zaru'a adds that the Gemara only means that one cannot ask Hashem to remember the Zechus Avos of anyone other than the three Avos, Avraham, Yitzchak, and Yakov. This seems to be based on the RA'AVAD cited by the Rashba in Berachos, who says that the Gemara means that we should not pray to Hashem saying, "May He Who answered Reuven our father answer us as well."

Regarding the meaning of the verse, "Arami Oved Avi," the Gemara might have thought that the verse should be divided, and "Arami" is referring to Lavan, and "he descended to Mitzrayim" is referring to Yakov, and the verse is just mentioning different sources of shame.

(b) Rashi might be explaining the verse like the RASHBA, that "Arami" refers to Avraham Avinu who came from Padan Aram (and not to Yakov Avinu, who only passed through there). When the verse says that he went to Mitzrayim, it is referring to the nation that he bore. The disgrace of the verse is that we are referring to Avraham Avinu's early days in Aram before he began to serve Hashem, when he was still "Oved," wandering among the idol-worshippers. This is the same type of disgrace to which the Mishnah refers in Pesachim (116a) according to Rav, when it says that we are "Maschil b'G'nus." The words "Lavan ha'Arami" in Rashi seem to be a mistake and the original text might have read "Avram" or "Avraham" (and the printers changed it, because they could not understand what Avraham Avinu had to do with the verse "Arami Oved Avi" and how Rashi could call Avraham a "Rasha").

According to the Gemara's conclusion that Rebbi Shimon bar Yochai is referring to relating one's suffering out loud and not to relating one's disgrace, the verse can be translated either like the Targum Unkelos or like the other Rishonim (as referring either to Avraham or to Yakov's years of being oppressed).

Sotah 33 ASKING THE ANGELS TO HELP QUESTION: The Gemara implies that a person should Daven in a language which the angels understand so that they will advocate on his behalf. Does this Gemara support reciting prayers such as "Malachei Rachamim" that some say in Selichos?

ANSWER: The commentators explain that this Gemara does not support the practice of reciting prayers such as "Malachei Rachamim." Even though it is true that the angels help the prayers find favor before Hashem, we are not permitted to *ask* them for their involvement. We must speak only to Hashem directly; the angels are Hashem's emissaries, not ours. We may merely make it easier for the angels to do their job by using a language which they understand.

Those whose practice is to say the prayer "Malachei Rachamim," however, are not in error. They are not making *requests* of the angels, but rather they are *acknowledging* to themselves that the angels are helping their prayers. They find support and encouragement in the knowledge that the angels are advocating on their behalf.

PRAYING IN ARAMAIC [I] DO ANGELS KNOW OUR THOUGHTS QUESTION: The Gemara here says that the angels do not understand the language of Aramaic. TOSFOS in Shabbos (12b, DH she'Ein Malachei ha'Shares) asks how the Gemara can say that the angels do not understand Aramaic, when we know that they understand our thoughts. If they understand the thoughts of man, certainly they understand the words that he uses to articulate those thoughts, even if those words are Aramaic!

What is Tosfos' source that angels know our thoughts? There seem to be a number of sources to the contrary, that indicate that angels do *not* know our thoughts! First, the MA'ADANEI YOM TOV (Berachos 2:6) points out that the verse says, "You [Hashem] alone know the thoughts of man" (Divrei Ha'Yamim II 6:30), and, "Who knows [the thoughts in the hearts of men]? I, Hashem, probe thoughts..." (Yirmiyah 17:9-10).

Second, the SEFAS EMES points out that the Zohar (I:101b, Parshas Va'yera) explicitly states that the angels asked Avraham where Sarah was because they only know that which Hashem lets them know. From where, then, does Tosfos know that the angels know man's thoughts?

ANSWER: THE VILNA GA'ON (BI'UR HA'GRA, SHULCHAN ARUCH 101:11) suggests a source for Tosfos' assertion. The Gemara (Berachos 55a) states that "Iyun Tefilah" causes one's sins to be reviewed in heaven. The Gemara explains that "Iyun Tefilah" is when a person prays and expects that his prayers will be answered because he prays with concentration. The angels, seeing this person so self-confident in his righteousness, ask Hashem to review whether he is really righteous or not and thus they examine his sins (Rashi ibid.). This implies that the angels know his thoughts, because it is only his thoughts that cause the angels to review his sins. It must be that the angels assigned to Tefilah are given permission to understand thoughts in order to appropriately advocate for or against the

fulfillment of one's prayers, because part of their advocacy depends on what the person was thinking at the time that he recited his prayers.

[II] WHY DO ANGELS NOT KNOW ARAMAIC? QUESTION: In light of Tosfos' question, how are we to understand the Gemara? Why do the angels not understand Aramaic, if they understand thoughts?

(a) Perhaps Tosfos is incorrect, and the angels do not understand thoughts (as many Acharonim assert, see above).

(b) The RA'AVAD (TAMIM DE'IM, cited by the Gilyon ha'Shas in Shabbos) suggests that even though the angels understand thoughts and therefore they understand prayers that are recited in Aramaic, Hashem does not want the angels to advocate for prayers that were recited in Aramaic, lest the people start using that language for their prayers and not use Lashon ha'Kodesh. (According to the Ra'avad, this would also apply to the vernacular, no matter which language it may be. However, if a person is not able to pray in Lashon ha'Kodesh, the angels would help him, since he is not rejecting Lashon ha'Kodesh by choice.)

(c) The ROSH (Berachos 2:2) and the RA'AVAD (in Tamim De'im) suggest that the angels do understand Aramaic, since they understand thoughts, but it is a repulsive language to them because it is a perversion of Lashon ha'Kodesh, the holy language. They therefore do not advocate on behalf of someone who prays in Aramaic.

The TOSFOS SHANTZ, though, says that our Gemara implies that the reason why the angels do not hear prayers recited in Aramaic is not because they do not like the language and consider it repulsive. Rather, it is because they do not understand it altogether, since the Gemara says that only Gavriel was able to teach the seventy languages to Yosef, and not any other Mal'ach.

(d) The ROSH and RA'AVAD (ibid.) mention another explanation. The angels only listen to Lashon ha'Kodesh and to *no* other language. The Gemara mentions Aramaic because one might have thought that the angels do listen to prayers recited in Aramaic because it closely resembles Lashon ha'Kodesh. Therefore, the Gemara says that the angels do not listen *even* to Aramaic.

Sotah 34 THE COVENANT OF THE RIVERBED QUESTION: The Gemara tells us that the Jewish people placed twelve stones in the Jordan River while they were walking through the dry riverbed. On these twelve stones they wrote the words of the Torah. While they were crossing the river, Yehoshua also made them accept upon themselves the Mitzvah of conquering Eretz Yisrael from the seven nations, telling them that if they do not accept it, the waters will come back down and drown them. Why did they do these acts while crossing the riverbed?

ANSWERS: (a) The reason it was necessary to put stones in the Jordan River, according to the MABIT (in Beis Elokim), even though the stones would eventually become covered with water, is similar to the purpose of the Mezuzah that is placed on the doorway to one's home. The point was to remind them of the Bris with Hashem every time they would enter into Eretz Yisrael.

(b) The IYUN YAKOV explains that they accepted the Mitzvos that came along with Eretz Yisrael while walking through the Jordan, because when giving someone a present on condition, the condition must be stated before the present is given (RAMBAM, Hilchos Ishus 6:4). After they had entered Eretz Yisrael it would have been too late to obligate them to accept the Mitzvah as a condition for receiving Eretz Yisrael. Therefore, Hashem made them accept the Mitzvah immediately before entering Eretz Yisrael, so that the gift of Eretz Yisrael would be given with that condition.

The Iyun Yakov seems to be following the opinion of Rabbi Yehudah ben Beseirah (Bechoros 55a) who maintains that the Jordan is not considered part of Eretz Yisrael. Rabbi Shimon there argues and holds that it was considered part of Eretz Yisrael. According to Rabbi Shimon, the reason they needed to accept the Mitzvah of conquering Eretz Yisrael while standing in the riverbed of the Jordan might be similar to the way that Hashem had them accept the Torah while standing underneath Har Sinai. It was in order to show them that there is no life without the Torah. (See MAHARAL in introduction to Tiferes Yisrael.)

The reason the Jewish people were given Eretz Yisrael is because it is the place which is most conducive to learning Torah (see Kesuvos 110b, Bava Basra 158b, and Bereishis Rabah 16:4). The gift of Eretz Yisrael is analogous to the gift of the Torah (especially according to Rabbi Shimon bar Yochai himself who rules (Berachos 35b) that one should not dedicate himself to working the land in Eretz Yisrael but should dedicate himself exclusively to the study of Torah).

34b KALEV'S PRAYER QUESTION: The Gemara relates that Kalev went to pray in Chevron at the burial place of the Avos to ask for mercy that he be saved from joining the evil scheme of the Meraglim. The Gemara says that Yehoshua did not need to go pray at the burial place of the Avos, because Moshe Rabeinu had already prayed for him to be saved from the evil scheme of the Meraglim. The Torah says that since Kalev had a "Ru'ach Acheres," "a different spirit," than the Meraglim, he was rewarded by being given the city of Chevron.

Why did Moshe Rabeinu pray only for Yehoshua and not for Kalev?

ANSWERS: (a) The simple answer is that a Rabbi's prayers are much more potent when he prays for a close Talmid. Yehoshua, who was a close Talmid of Moshe Rabeinu, would be protected by the prayer of his Rabbi. In contrast, Kalev -- who did not have that relationship with Moshe Rabeinu -- needed to pray for himself since Moshe's prayer would not be as effective for him.

This is also why Kalev was granted a specific reward for his righteousness, the city of Chevron, while Yehoshua did not receive a specific reward. Since Kalev had to struggle with his Yetzer ha'Ra and pray from the depths of his heart in order to reject the plan of the Meraglim, he was rewarded, while Yehoshua never entertained any thoughts of joining the Meraglim, because Moshe Rabeinu had prayed for him. See Kalev's struggle was greater, he was rewarded. (See ALSHICH Bamidbar 14:22, OR HA'CHAIM Bamidbar 14:24.)

(b) The CHAFETZ CHAIM (Parshas Shelach) suggests a different approach. He says that

there are two types of Tzadikim. One Tzadik protests loudly as soon as he sees anyone doing something wrong. The other Tzadik does not say anything, but instead he waits for the opportune time to speak up and explain to the wrongdoer what he did wrong in order to influence him to do Teshuvah.

Each of the two approaches has an advantage and a disadvantage. The advantage of the first approach is that the Tzadik will not be influenced by the evil ways of the others. However, the disadvantage is that his words have less of a chance of influencing them, and they might even attempt to physically harm him in order to stop him from rebuking them. The advantage of the second approach is that he has a greater chance of being listened to, but the disadvantage is that he might soften up and become desensitized to the sins by constantly seeing the wrongdoers sinning without protesting, until the sin eventually becomes light in his eyes as well.

Moshe Rabeinu knew that Yehoshua was the first type of Tzadik. He did not need to pray that Yehoshua not be persuaded to join the Meraglim in their evil ways, because he knew that Yehoshua would protest loudly and reject them from the start. However, Moshe realized that he did need to pray to Hashem to protect Yehoshua from the plots the Meraglim might make to harm him so that Yehoshua not foil their plans.

Kalev, on the other hand, was the second type of Tzadik, and therefore Moshe Rabeinu did not have to pray that he be protected from physical harm. Instead, Kalev needed protection from falling into the trap of the Yetzer ha'Ra and following the scheme of the Meraglim. A person can only pray for someone else to be protected from physical harm, but not from being seduced by the Yetzer ha'Ra. That is why Moshe Rabeinu's prayer would only be effective to protect Kalev from physical harm, but not to protect him from his Yetzer ha'Ra. Kalev would have to fight that battle himself by praying from the depths of his heart in Chevron. This is the meaning of the verse when it says that Kalev was of a "different spirit" -- he was "Echad b'Peh v'Echad b'Lev," what he said was not what he was thinking (Rashi). He told the Meraglim that he agreed with them, but later when he found the opportune time he displayed his true intentions -- to foil the plot of the Meraglim.

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