

INTERNET PARSHA SHEET  
ON SHOFTIM - 5758

B'S'D'

To receive these Parsha sheets by e-mail, contact crshulman@aol.com and cshulman@cahill.com  
To subscribe to individual lists see www - torah.org virtual.co.il shamash.org shemayisrael.co.il  
jewishamerica.com ou.org/lists youngisrael.org 613.org & members.aol.com/crshulman/torah.html

ravfrand@torah.org "RavFrاند" List - Rabbi Frاند on Parshas Shoftim

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frاند's  
Commuter Chavrusah Tapes on the weekly portion: Tape # 249, May A Daughter Say Kaddish.

A Kaddish Story Since the halacha portion (delivered in the live class, but not included in the e-mail version) of this week's shiur discussed the saying of Kaddish, I would like to begin this portion with a Kaddish story, based on a true (and verifiable) incident which happened a number of years ago. Rav Gifter was once traveling from Cleveland to Baltimore with a group of students in order to attend a wedding. The routing for their flight was through Pittsburgh and the connecting flight was late. They waited for a long time, until they realized that they would not arrive in Baltimore until well past the time of the Chuppah. Rav Gifter decided that they would be better off boarding the next plane back to Cleveland and passing up on the wedding altogether. However, since it was getting late in the day, they decided to daven Mincha [recite afternoon prayers] at the airport in Pittsburgh. They did not want to daven in the middle of the terminal, so they found a fellow with a big ring of keys who looked like he worked in the maintenance department and asked him to open up a private room so that they could pray. The man agreed, quickly found a room for them, and they all gathered there to daven Mincha. When they concluded the prayers, the man approached them and asked if someone could teach him to recite Mourner's Kaddish. Someone helped him recite the Kaddish, one word at a time. Rav Gifter inquired of the man the reason he needed to say Kaddish. The man related the following story: "Last week my father died. I come from an alienated home that observes nothing. However, I had a dream the other night in which my father appeared to me and told me that he wanted me to say Kaddish for him. I protested to my father that I did not know how to say it or even where to go to recite it. My father told me, during this dream, 'Don't worry. I'll get you a minyan.'" This is a true story. His father did get him a minyan!

The Month of Elul: A Time Zone of Refuge This week's parsha contains the mitzvah of the Cities of Refuge. If a person unintentionally kills, he must run to the nearest City of Refuge and remain there until the death of the Kohain Gadol. The Torah refers to this law in Parshas Mishpatim [Shmos 21:13] as well. "And concerning the one who did not hunt, but G-d brought (the victim) into his hand, and I will setup a place for him to flee there." The Rabbis point out that 4 consecutive words in this verse "...Eenah L'yado V'samti Lecha..." begin with the letters Aleph, Lamed, Vov, Lamed which spell out the name of the month of Elul. This is a hint to the month of Elul, which we are now beginning as a preparation to the High Holy Days. There is perhaps a more commonly known acronym applied to the letters of the name of this month. Ani L'Dodi V'Dodi Lee ("I am to my Beloved and my Beloved is to me") [Shir HaShirim 6:3]. This latter acronym seems to be more appropriate. It connotes the fact that in Elul we feel a special closeness to G-d and He reciprocates that feeling. It seems rather stretched and inappropriate, by comparison, to have a hinted connection between the concept of the City of Refuge, someone who killed by accident having a place to flee, to the month of Elul. What connection could there be?

I recently heard an explanation of this Chaza"l, this saying of our Sages, on a Torah tape from Rabbi Zev Leff, who is a Rav in Eretz Yisroel (formerly of Miami Beach). When a person kills unintentionally we see that he needs some form of atonement. The atonement is going to the City of Refuge and staying there until the Kohain Gadol dies. We can ask two questions: (1) Why does he need atonement -- what did he do wrong, it was an accident! (2) What type of atonement is it to go to the City of Refuge? The answer must be that if one kills, even by accident, there

is an indication that this person does not properly value human life. Had he valued human life the way it should be valued, he would have taken the necessary precautions. It was an accident, but he should have been more careful. Had he valued human life the way it should be valued, he would have been more careful. One might object -- what does it mean "he doesn't value life" -- doesn't everyone value life? Unfortunately, there are people who do not value life. If a person does not appreciate what he can do in his lifetime, he does not appreciate life sufficiently. It has always puzzled me that there are people in the world who will put their lives in danger for sporting and fun activities. I do not understand people who jump out of a plane, fall ten thousand feet and at the very last minute pull the cord, just for fun. Perhaps it is because they feel that their lives are so empty that they need the fear of death to put meaning in their lives. Perhaps they don't value what one can do in a lifetime.

At the opposite end of the spectrum was Rabbeinu HaKadosh. The Talmud [Avoda Zarah 17a] tells us of the wicked Elazar ben Durdaya who had an inspiration to repent at the end of his life and thereby acquired the World to Come. Concerning this, Rebbi cried and said "A person can acquire his World in a single moment." It seems strange that Rebbi cried. Was he upset that he himself had to be religious his whole life to acquire the World to Come and this wicked person was admitted with one second's worth of effort? No, that was not why Rebbi cried. Rebbi saw how much could be accomplished with a single second of effort. If one can get the World to Come with one second of effort, how much more can be accomplished by devoting every second of one's life to such effort. Rebbi cried because he valued life. If one views this world, not as an end in and of itself, but sees Eternities that he can accomplish with this world, then he has a different aspect and a different outlook on life. Life becomes so much more precious.

The person who kills unintentionally doesn't have this appreciation of life. Therefore, his punishment is to go to the City of Refuge. Who lives in the Cities of Refuge? The Levites. What did the Levites do with their time? They devoted themselves to Holy Work. They worked in the Beis HaMikdash. They sang in the Beis HaMikdash. They were the teachers of Torah. The person who killed unintentionally would now have the opportunity to get an appreciation of what one can do with life. Such an experience will forever change the person. Seeing a Levi who spends his morning, afternoon, and evening immersed in Torah and mitzvos will change his view of life. That is what living in the City of Refuge accomplishes. This is not a jail sentence. The person had a problem. He didn't appreciate life. He didn't value life. He didn't realize what he could accomplish with life. Go to the Levites and see what one can do with life. That is what the City of Refuge accomplishes.

Now we can understand what this has to do with the month of Elul. That which the City of Refuge is supposed to be in space, the month of Elul is supposed to be in time. Just like there is a city of refuge to which one can run and contemplate what life is all about, the month of Elul is the month of refuge in which one must also contemplate what he can do with his or her life. In less than a month we will get up and request "Remember us for Life... Inscribe us for Life...". G-d says, "Before you ask for Life, I want you to spend a month in a Time Zone of Refuge to reflect what life is really about." The only way to enter Rosh HaShanah is by first contemplating what life is really about. People who are in a Yeshiva have the benefit of hearing ethical lectures about the importance of the month of Elul, the davening becomes slower, and life slows down. One comes into the High Holidays with somewhat of a preparation. I hear constantly from people who have recently left Yeshiva that the most difficult adjustment they have, when they are out in the working world, is that 'there is no month of Elul'. That is unfortunately the lot of so many of us. But we have to slow down and set aside time to think about life. Rosh HaShanah and Yom Kippur are holidays that one cannot enter unprepared. That is what Elul is about. We enter into a Time Zone of Refuge to contemplate the value of Life.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org 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 for further information. Now Available: Mesorah / Artsroll has recently published a collection of Rabbi Frاند's essays. The book is entitled: Rabbi Yissocher Frاند: In Print RavFrاند, Copyright (c) 1998 by Rabbi Y. Frاند and Project Genesis, Inc. To

Peninim Ahl HaTorah Parshas Shoftim by Rabbi A. Leib Scheinbaum  
Hebrew Academy of Cleveland

"You shall be wholehearted with Hashem your G-d." (18:15)

Rashi interprets the pasuk as an admonishment against going to the pagans to discover the future. One should follow Hashem with simplicity, accepting His decree without question. The Piazneser Rebbe, zl, offers two approaches towards understanding this pasuk. Every individual accepts upon himself the resolution to do the right thing and live the proper way in the future. "Tomorrow we will be good" is a popular aphorism among those who choose to defer their responsibility for the moment or simply to gloss over their current errors. The yetzer hora, evil inclination, attempts to persuade us to disregard the present, while focusing upon the future. In this manner, we indulge in the present as we place all of our "hope" in the future. The Torah responds to this incorrect attitude, "do not concern yourself with the future," while permitting the present to waste away. One who attempts to mitigate his capricious behavior by saying he will be better the next day, probably will not.

The Rebbe offers a second insight, one that is consistent with his perspective and the situation in which he was living as he wrote this explanation. Confined to a concentration camp, he hid his writings on Chumash which were later printed as a sefer. He explains that when an individual is confronted with an eis tzarah, a situation of extreme affliction be it persecution or serious illness it is obviously easier to face the situation if one maintains hope that things will "work out" in the future. When all avenues for salvation have virtually collapsed, when the doctors have given up, when the enemy seems to be successful despite every attempt to vanquish him, then one tends to give up hope. Depression sets in when one feels that he has no escape, nothing for which to hope, nowhere to turn, no one who can or will help.

The Torah encourages us not to fall prey to the ominous threat of "no future". Do not lose hope because you do not see anything for which to hope. Do not give up because the prospects for success are not real. Remember that Hashem is with you in every affliction; He shares your torment; He commiserates in your misery; He will bring about your salvation and He will deliver you from your pain. Do not concern yourself when you sense a bleak future, for Hashem's redemption can come about within the blink of an eye. Place your wholehearted trust in Him, and He will respond to you.

"He (the unintentional murderer) shall flee to one of these cities (of refuge) and live." (19:5) The importance of hju, "he shall live," is underscored by the Rambam in Hilchos Rotze'ach 7:1 where he states, "A student who is exiled to the cities of refuge, his Torah teacher is exiled with him, as it says in the Torah, "He shall live; make it for him that he shall live." For those who are wise and who seek wisdom (of Torah), the inability to learn Torah properly (without their rebbe) would be like death. This same halachah is applicable in the event a Torah teacher is exiled; his students are exiled with him. Conversely, when addressing the needs of the eved Canaani, the gentile slave who was exiled, the Rambam states that the master is not subject to supporting him. This is based upon the Talmud in Gittin 12a which derives from hju, "he shall live," that it is sufficient simply to provide for the slave. This can be accomplished through the slave's labor in the city of refuge.

We have before us two disparate interpretations of the word hju, "he shall live". In regard to a rebbe and talmid, we are to go to the limit to provide for them so that they shall "live". Concerning the slave, however, as long as he has enough to "live," it is sufficient. Do not these variant interpretations represent some sort of double standard? Horav Boruch Ber Leibowitz, zl, presents a distinction between material and spiritual needs as the rationale supporting these two interpretations. When we provide material needs, it is sufficient for one to have only the bare necessities of food and shelter. When man's spiritual dimension is the subject of our concern, when his Torah study is in question, no limitations apply. The Torah is Toras Chaim, the Torah of life. It is one's essence, and,

consequently, we can never view it as a luxury. After all, is air a luxury?

"Our hands have not spilled this blood." (21:7) Chazal question how anyone could imagine that the elders of Klal Yisrael could be murderers. When they say, "Our hands have not spilled this blood," they disclaim responsibility for not addressing the needs of the victim as he was leaving town. The Torah demands that leadership respond to the needs of every Jew.

How far does this responsibility extend? At what point are the elders not held culpable for their lack of "sensitivity"? The Yerushalmi in the Talmud Sotah makes an interpretation of this pasuk which carries with it remarkable ramifications. They posit that "this blood" is a reference to the killer himself! The Yerushalmi is speaking of a unique situation in which a man who is completely alone and in abject poverty could stoop to the level that he attacks another Jew out of desperation. The elders of that city must declare that in their city they would never permit one to remain in such poverty that he would resort to perform a criminal act.

The words of Chazal are absolutely mind-boggling! They express a demand for the concern of our fellow man that goes beyond the code of any civilized religion. We are, after all, not just any religion. We are Klal Yisrael, and our standard for chesed, kindness, is on a unique plateau. Imagine that someone in our community lacks the fortitude or self-esteem so that he would resort to a life of crime simply because he has no legitimate means of earning a livelihood. If this is the case, it is the collective fault of the entire Jewish community if he capitulates and gives in to his weakness. This should be a lesson for every Jew. Let us look around our communities; are there Jews in dire economic need? Are there people who have become so seriously depressed that they might resort to anything? If we do not heed this lesson, the onus of guilt for this unfortunate individual's actions will be on our heads.

We must endeavor to understand the rationale behind the eglah arufah ritual. The Torah demands that the elders take a heifer with which no work had been done, who had not pulled a yoke, and axe the back of its neck. This procedure is not consistent with the majority of korbanos we were accustomed to offer.

It also does not follow the usual patterns for atonement offerings. Furthermore, what is signified by brining an animal that has never worked or had a yoke put on it? Chopping off the heifer's head is a procedure which is uncommonly rare; what is its significance in this situation?

Horav Elchanan Sorotzkin, zl, addresses these questions and offers an insightful response. The ritual of the eglah arufah acknowledges the problem of a lack of sensitivity on the part of communal leadership to the plight of the individual Jew. Whether as a result of indifference or indolence, the elders failed to share in the "yoke" with the Jew who was down and out=C4or simply all alone. They did not use their heads to recognize the problem. Because of their lack of interest, a man lays dead. Had they not been impervious to the needs of a fellow Jew, another Jew might still be alive.

Everyone concerns himself with himself, his family and his immediate friends. Had the people been more sympathetic, this Jew might well be alive. They must, therefore, take a heifer which never carried a yoke and axe its head. The head that did not think about another Jew, the head that did not carry together in the heavy yoke of anxiety that rested upon the shoulders of his fellow man. The elders must step forward and declare that they are not responsible for this man's death. They were concerned about every Jew. They thought about ways to help the Jew in need. Such elders have the privilege of declaring, "Our hands have not spilled this blood."

yated-usa@mailserver.ttec.com

Olas-shabbos@torah.org Olas Shabbos beShabbato: Rabbi Eliyahu Hoffmann Truth and a Place Called Kushta Tzedek, tzedek tirdof - Righteousness, right-eousness you shall pursue. (16:20) How does one pursue tzedek/righteousness? Rashi sees this as a command to pursue civil justice - "Seek reliable civil courts [for your litigation]." Targum Onkelos has an unusual understanding of this pasuk (verse); he sees it as a call for honesty and integrity: "Kushta, kushta tirdof - Truthfulness, truthfulness you shall pursue." Making use of the Targum's explanation, the continuation of the pasuk connects beautifully to its beginning. The Talmud (Sanhedrin 97a)

tells the following story: Rava said: At first I thought there was no truth in this world. [Then] a certain Torah scholar (some say his name was Rav Tavus, some say his name was Rav Tavyumi) told me that even were he given all the riches of the world, he would never lie. [He then told me the following story:] Once I came to a certain place, which was called Kushta (Truth), where the people never lied, and no one ever died young. I married a woman from Kushta, and bore from her two children. One day, when my wife was washing herself, a neighbour came knocking on the door [looking for my wife]. I thought, "It's not appropriate [to say what she's doing]," so I told her, "She's not home." Both his children died. The townspeople came to investigate. They said to him: What happened? He told them. They said to him, "With all due respect, please leave our city, and do not bring [untimely] death upon us!" Tzedek, tzedek tirdof - Truth, truth (Kushta) you shall pursue: Lema'an tichyeh - That you may live! The Torah's use of double wording (Tzedek, tzedek) for emphasis, as well as its unusual instructions to \*pursue\* truth, give strength to Onkelos' interpretation. In regards to lying and falsehood the Torah warns: Mi-devar sheker tirchak - Distance yourself from words of falsehood (Shemos 23:7). Judging from its choice of imperatives, it is evident the Torah holds honesty and truthfulness in very high esteem. Why is truthfulness and honesty so important? I once saw a penetrating insight from the Chassidic giant R' Pinchus of Koritz regarding this. It is told that R' Pinchus used to warn his disciples: "Never fool yourselves! Above all a Jew must be thoroughly honest with himself!" Once one of his students challenged him. "But Rebbe," he said, "one who fools himself actually thinks he is being honest with himself. So how are we ever to know if we are being honest, or just fooling ourselves?" "You have asked wisely, my son," the Rebbe said. "The answer, however, is simple. It is written in Tanna d-Bei Eliyahu (an ancient Midrashic source) that anyone who is careful to speak words of truth, will be sent a malach (an angel) who shows him the truth. One who speaks words of sheker (falsehood) will be sent a malach who fools and deceives him. So, if you will be careful to always tell the truth, you will never 'fool yourself'. If not, well..." This is a very telling incident. One can live his/her entire life in deception - of others and of himself, and not have even the faintest notion he is doing so. R' Pinchus also used to tell his disciples: "It is better to choke, than to utter a lie." Taken out of context, this seems like a very strong statement. If, however, the quality of one's life - his perception of himself and of the world around him and of the truth - are directly tied to his own level of honesty, then it begins to make sense. A life spent deceiving oneself is a life hardly worth living. He was telling his disciples: Rather be truthful and bear the consequences than be deceitful and lose touch with life. Perhaps, based on this, Rashi's interpretation that our pasuk deals with the pursuit of competent batei din (civil courts) and Onkelos' understanding that it deals with the pursuit of truth and honesty, are related. No one is more in need of an unbiased and truthful view of the world than the dayan (judge). Onkelos is telling us that the first prerequisite to being a good dayan is being a man of honesty and truth. Justice, justice you shall pursue. How? Truth, truth you shall pursue. The quality of truth in our times is sorely in need of improvement. Rabb Peysach Krohn tells the story of the man who purchased a hat in a Boro Park store. A few days later, he returned there to have his initials stamped into the hat. The owner recognized him as the man who had bought the hat a few days earlier, and promptly gave him five dollars. "I'm so glad you came back," he said. "After you bought your hat, we received a notice from the supplier that we had been quoted the wrong price, and the hats were actually cheaper than we were first told. I had charged you based on the wrong price. The actual price should have been five dollars less!" The man's joy at being able to do the right and honest thing was tangible. Rabbi Krohn was so excited by this rare display of truthfulness and honesty that he immediately called Rabbi Noson Scherman, a close friend of his, to tell him the story. Listening to the story, R' Scherman responded insightfully, "Isn't it sad that we live in a generation for which this is such a rare and beautiful story!" By striving to be honest, truthful people, we will be blessed with the rare quality of truthful insight. As we pray every day, "Give truth to Yaakov (Michah 7:20)!" And do you know what? - It actually feels

good to throw all the deception and craftiness away and just be truthful.

Good Shabbos. This week's publication is sponsored by Dr. Yisrael Ingber in honour of the great neis Hashem performed with him, and by R' Zalman Deutsch in honour of the Yohrtzeits of the Satmar Rebbe (26 Av) and of the Yeitav Lev (6 Elul), zichronam li-berachah. Olas Shabbos, Copyright (c) 1998 by Rabbi Eliyahu Hoffmann and Project Genesis, Inc. The author is a Maggid Shiur (teacher) and Menahel (principal) in Mesivta Chassidei Bobov of Toronto. Project Genesis: Torah on the Information Superhighway 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215

<http://www.jpost.co.il/Columns/Article-1.html> The Jerusalem Post

SHABBAT SHALOM: Simple justice isn't so simple

By RABBI SHLOMO RISKIN

(August 27) "Justice, justice shall you pursue that you may live, and inherit the land which the Lord your God has given you." (Deut.16:20) Why repeat the word "justice" in the verse quoted above? Is there a form of justice which might otherwise be overlooked? Furthermore, our portion of Shoftim contains laws dealing with every conceivable subject. So why does the Torah predicate the inheritance of the land on the establishment of a judicial system? What is the connection? Rashi quotes the Sifri's explanation of the reiteration of the term zedek (justice): the Torah wants to tell us that in order to pursue justice, one must find a "just" court. The implication - unfortunately borne out by bitter experience - is that one could end up in a room with all the trappings of justice but which contains mean-spirited judges who are prone to prejudice, or who consider only the letter of the law.

In more recent times, the great 19th century Polish hassidic master, Menahem Mendel of Kotzk, argued that the word zedek is repeated in order to teach us that justice has a double edge: not only must the goal be pure, but the means must be pure as well. Pursue justice with just means! This may tie in with Rashi's interpretation as well. After all, a court of law is the usual means for arriving at ethical and proper judicial decisions; see to it that you rely on a truly just group of judges for the rendering of a just result. The link between justice and our inheritance of the Land of Israel touches the very heart of the Jewish religion and mission. Our Torah expresses an ideal of ethical monotheism, a God Whose very essence is compassion, justice, tolerance and truth. Our God-given task is to educate the world toward a period of peace and truth, universal harmony and justice. Our acceptance of Torah must be predicated upon our acceptance of justice as an absolute value and ideal. Hence our right to live eternally, as well as our right to the Land of Israel as a sovereign nation, are predicated upon our exemplifying justice in our national and familial lives. So important is this fundamental principle that it is expressed in the very beginning of our Torah. In fact, the very first commentary of the most classical of commentaries, Rav Shlomo Yitzhaki, known as Rashi (1040-1105), makes exactly this point - and it is often misunderstood.

Rashi queries why the Torah begins with the account of God creating the world rather than with the first commandment. He explains: "If the nations of the world should say to Israel: 'You are robbers, because you have seized by force the lands of the seven nations,' they [Israel] could respond to them: 'The entire world belongs to God; He created it and gave it to whomever was upright (yashar) in His eyes'" (Rashi, Genesis 1:1). The language which Rashi uses is ve-natna l'asher yashar be-einav, which is usually understood to mean that He who created the world can certainly choose the recipients of His creativity. But this understanding overlooks the straightforward meaning of the words. Rashi is not merely telling us that God can do what He wants; rather, he is saying that God will give Israel to whomever is righteous in His eyes. In fact, Rashi's choice of the word yashar may be a subtle allusion to the very name of Israel, which spells out yashar el, (lit. righteous to God). Hence without a proper judicial system, we will never be permitted to maintain sovereignty over Israel. In modern times, yet another interpretation may be offered. The Jewish people stand before the world with two legitimate claims. First, it is right and moral for us to be able to live as a separate and distinct religious group in the various countries of the world. Nazi Germany and Communist Russia did not believe we had this right; they were wrong. Our right to live - and the absolute condemnation and extirpation of genocide which made the Holocaust so sui generis - must be pursued as a fundamental expression of righteousness. The

people of Israel have a right to live anywhere on the globe. Secondly, our inheritance of the Land of Israel and our right to be a sovereign nation in the Middle East must also be pursued as a just demand. We have lived in this part of the world for almost 4,000 years. Despite exile and persecution, we have never ceased dreaming of return. Furthermore, we inhabit the areas that we now inhabit - in some cases disputed lands but never occupied lands - because we fought back against aggressive enemies who wished to push us into the sea. These rights have even been documented both in the Treaty of Versailles after WW1, wherein we were "guaranteed" both sides of the Jordan, and then, in a separate document signed by the king of Jordan and Chaim Weizmann, several years later, wherein we were granted the West Bank.

I can certainly understand the clash of two claims - even the clash of two claims on the basis of "righteousness" - which, given peaceful intent on both sides, can be decided fairly on the basis of granting national sovereignty to each nation over the areas which it inhabits. But we certainly have a just right to continue living in Judea and Samaria, especially on the lands we have settled. On the basis of our just claim we shall indeed inhabit the land of our ancestors, and on the basis of both claims of justice - for Jews in the Diaspora as well as in Israel - the entire world shall inch a bit closer to the era of peace for which we all yearn. Shabbat Shalom Rabbi Riskin, dean of the Ohr Torah Stone colleges and graduate programs, is chief rabbi of Efrat.

---

Weekly@virtual.co.il \* TORAH WEEKLY \* Highlights of the Weekly Torah Portion Parshas Shoftim <http://www.ohr.org.il/tw/5758/devarim/Shoftim.htm>

Women And Children First "When you go out to the battle to meet your enemy...the officers shall speak to the people, saying: 'Who is the man who has built a new house and not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it. Who is the man who has planted a vineyard and not redeemed it? Let him go...lest he die in the war and another man redeem it. Who is the man who had betrothed a woman and not taken her to be his wife? Let him go...lest he die in the war another man take her....' " (20:1-8) A dangerous mission behind enemy lines. Chance of coming back alive? Not more than 50/50. Who do you send? The single men, of course. If they die it will be a tragedy for their loved ones, but at least there will be no grief-stricken widows and orphans. So says conventional wisdom. In this week's Parsha the Torah writes "Who is the man who betrothed a woman and not taken her to be his wife? Let him go...lest he die in the war and another man take her...." This means that an engaged man is exempt from the war but married men with children are sent out to battle. Let's look at the other categories of military exemption: "Who is the man who has built a new house and not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it." Rashi says that the reason is that he will be distressed that someone else will inaugurate it. Let me ask you a question: Does a person really care if someone else inaugurates a house that he never lived in? Shouldn't we be more concerned about someone who already has a house? Shouldn't we be concerned about the anguish he'll feel when he thinks that someone else will take it over? Similarly regarding a spouse -- isn't a person more likely to suffer distress at losing the wife that he already knows and loves rather than losing his fiancée with whom he hasn't yet bonded deeply? The Torah is concerned here with the spiritual angst that we feel when we have started a mitzvah and we fear that we won't be able to complete it. When our soul sees a spiritual project about to be cut off in its prime, we experience great loss and sadness. The three scenarios in the above verse each represent a spiritual project in progress: When we build a house, our soul knows that when we finish the building we will be able to do the mitzvah of making a parapet around the roof. In the time of the Holy Temple, when we planted a vineyard, the soul longed for the fourth year when there would be the opportunity to bring up the produce to Jerusalem and eat it there in holiness and joy. When we get engaged to someone, our soul yearns to fulfill the commandment to be

fruitful, to multiply and bring children into the world. The Torah is expressing here the longing of the soul. Not the longing of the body. Source: heard from Rabbi Yehuda Samet in the name of Rabbi Yisrael Rokowsky, based on the Abarbanel

No Stone Unturned "Do not erect for yourself an altar of only one stone" (16:22) "Organized religion" is one of those phrases which is guaranteed to bring distaste to the Western liberal sensitivity. Being part of a group smacks of regimentation. A person educated in the "liberal enlightened" tradition is taught to cherish the moment alone with one's Creator in a field, on top of a hill, or under the stars. To be sure, the individual communicating with his Creator not only finds a place in Judaism but is Judaism's bequest to the world. But there is another side to Divine worship. One that is much maligned and misunderstood -- that of the entire group, the klal, and its Maker. There are two kinds of altars. An altar made from a single block of stone and an altar made from many distinct stones. There are two kinds of Divine service -- that of the individual and that of the klal. The single block represents the service of the individual; that of many stones represents the service of the complete group. In this week's Parsha, we learn that the Torah forbids an altar consisting of only one stone. Even though in the days of the Avos (the fathers of the Jewish People) the single-stone altar was beloved, subsequently however, it became the preferred method of idolatry and thus was no longer fitting for the service of G-d. The Prophet Eliyahu erected an altar of 12 stones. Twelve is the number of the Tribes of Israel. The altar of 12 symbolizes the unity of the Jewish People in the service of G-d; the klal becoming like one person. The stones are separate but they join together and become the instrument through which Man can serve his Creator. The individual's desire finds its appropriate expression when channeled through this mystical "one person" who is the Jewish People. Thus it was that the forefathers were able to build altars of only one stone. For they were the entire Jewish People in embryo. But once the Jewish People are "born" at Sinai, the service of the individual finds its proper fulfillment in making up the "one person" who is Israel. The spiritual light that we receive in this world is radiated as a totality to all parts of Creation. There is no place which is devoid of Hashem's radiance. Thus, when we approach our Creator, it must be as a totality, joined like the stones of the altar. For with even one stone missing, there is no altar. Source - Shem MiShmuel, heard from Rabbi C. Z. Senter

Haftorah: Yishayahu 51:12-52:12 Cold Comfort This is the fourth of the "Haftorahs of Consolation" after Tisha B'Av. The prophet combines descriptions of oppression, the Jewish People trampled by the nations, with the comfort that Hashem is never far from them and will save them. Our Sages teach that in the future when Mashiach comes, Hashem will turn to the nations of the world to comfort Israel. Israel will immediately come and complain that after such a long and hard exile full of trials and tribulations, couldn't Hashem find anybody else to comfort us besides those same nations that enslaved and oppressed us? Hashem will reply that if we will accept consolation only from Him -- then He will console us. In fact, this whole dialogue is played out in the opening lines of this and the three previous Haftorahs of consolation: In Parshas Vaeschanan: "Comfort, be of comfort My people..." To which Israel replies in the Haftorah of Parshas Eikev: "Hashem has forsaken me, My Lord has forsaken me," by sending the nations to comfort us; to which Hashem replies in the Haftorah of Parshas Re'eh: "Oh afflicted, storm-tossed, unconsolated one" -- if you are unconsolated by the nations and will accept consolation only from Me, then "It is I, I who comfort you." \* Rabbi Meir Shapiro of Lublin

Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International (C) 1998 Ohr Somayach International

---

Shabbat-zomet@virtual.co.il Shabbat-B'Shabbato - Parshat Shoftim  
A JUDGE IS APPOINTED BEFORE A KING by Dr. Itamar Varhaftig, Machon Zomet ("Techumin"), and the Department of Law, Bar Ilan University This week's Torah portion is concerned with government in Yisrael, both the justice system ("judges and officers") and the rule of a

king. The different attitude of the Torah to these functions can be understood from the way the Torah relates to them. Appointing a king is a mitzva related to life in Eretz Yisrael: "When you arrive in the land ... and you inherit it and settle in it ... appoint a king over you" [Devarim 17:14-15]. On the other hand, the requirement to appoint judges is relevant in all communities at all times: "Appoint judges and officers within all your gates ... in order that you may live and inherit the land" [Devarim 16:18,20]. In addition, the appointment of judges is an absolute command, while appointing a king depends on the will of the people: "And you will say, I will appoint a king over me" [Devarim 17:14] (see the commentary of the Ha'amek Davar). While the sages felt that everyone in Yisrael is a potential king and that everybody in the nation has the status of children of a king, the Torah portion puts special emphasis on a king's required personal qualities. He must be close to G-d, not a Gentile, have a fear of G-d, and be humble. Such a person can expect to reign for many years, and to be the start of a dynasty of his children. Judges, on the other hand, are not described in personal terms, and in this week's portion no specific characteristics are required of them, except that they fulfill their roles faithfully: "Let them judge the nation righteously" [Devarim 16:18]. This would seem to be related to the fact that judging is a professional role, necessary for existence of a society. If not for the fear of justice, each man might be willing to swallow the others whole (the exact quote in Avoda Zara 4a is "the fear of government," but this refers to the role of justice). It is possible to exist without a king. Yisrael had no king for many generations, until they finally decided to ask for one. A king was not necessary not only when the nation lived away from its own land; even while living on the land the nation was led for many years by judges, the Sanhedrin, heads of the court, or by a "nassi." It was after a period of many years of leadership by judges that the incident of the concubine in Giv'a occurred, showing the people that if there is no king "everybody will do as he pleases" [Shoftim 21:25]. This led them to understand that without a king something was missing. The task of a king is to unify the nation, since "his heart represents the entire community of Yisrael" [Rambam, Melachim 3:6]. A king is a symbol of the continuity of the nation, and it is therefore reasonable to expect his children to inherit his position. It is only through the existence of a king that the ways of the whole world can be mended, so that the people "will serve G-d in unity" [Rambam, ibid 11:4]. He is the one who will build the Temple (Rambam ibid, 1:2, 11:1), and that is why the laws of the Kohanim appear in the Torah after those of kings. All of these functions were fulfilled in the era of David and Shlomo - unity, stability, continuity, and building of the Temple. This was the time when "each man sat under his vine and under his fig tree" [I Melachim 5:5]. The time of the judges prepared us for this idyllic period. Thus, righteous judgement and the existence of judges are not the ultimate goal, but they may be a precursor of a kingdom and the Temple.

---

machon\_meir@virtual.co.il Shabbat Shalom to all subscribers.

Harav Shlomo Aviner Emunat Hahamim (Trust in the Sages) How far does it go? Question A Rav was consulted about a sick person. He referred the questioner to the physicians desk, this patient died. Likewise there were Jews during the Holocaust who on their Rabbi's instructions refused to seek an escape route to Palestine and perished. Is one obligated to follow the Sages instructions even if they are evidently wrong? Answer: At times it might occur that even the Sages are mistaken. Even about Moshe Rabbenu, the greatest of all Sages and Prophets, we are told that he erred three times. Only the Pope claims infallibility. Contrarily, we say that even the greatest of human beings might err at times. The Torah commands a special "Sin Offering" to be brought by the Sanhedrin (Highest court) in case they handed down a wrong decision and the nation acted wrongly because of that. The tractate of Horayot ( Mishnah) opens with the statement: If the court instructed to transgress one of the Laws of the Torah and the individual erred because of this, he is not guilty because he relied on the Court. If so, what is the authority of the Sages? Sefer Hachinuch ( Mitzvah 78) explains that it is preferable to follow the instructions of the Sages in each generation,

who may err occasionally, than to follow one's own opinion and be wrong all of the time. It would be devastating if everyone in Israel would claim that the truth lies with him alone and act upon it. Yet, by following the Sages' instructions, we supplement G-d's Laws. Even if, G-d forbid, they arrive at a wrong decision, it will be their responsibility and not ours. Indeed, even the expert may be mistaken. Therefore, a student is permitted to argue with his Rabbi if he does it respectfully and in awe. When Rabbi Yehudah HaNasi questioned an opinion of Rabbi Yossi, his Rabbi, he states "In all modesty, I must raise a point concerning the words of Rabbi Yossi" (The end of the sixth chapter of Gittin, Talm. Yerushalmi.) Trust in the Sages is not a superficial matter. It is a deep attachment lasting throughout one's life. The true fact must be accepted - compared to us the Sages belong to a different world; they are from a different planet, for they have devoted all their mental activity throughout their life to deepening their understanding of G-d's Torah. Our great teacher, Maimonides, writes: "It is proper for the masses of the people to rely completely on the prophets who are endowed with true insight and be content with what they teach them, because one opinion might be right and another one wrong. However, the prophets, the Sages, investigate and pursue for days and nights all opinions and positions in order to establish which one is true and which one is false.(Iggeret Teman, Mossad Harav Kook page:166) Therefore, we have Emunat Hahamim, confidence in the Sages, confidence in those who handed down the Torah up to this day. "Moshe received the Torah from Sinai and handed it down to Joshua, Joshua to the Elders, the Elders to the Prophets and they handed it down to the people of the Great Synod."( Avot 1,1) This Faith is the faith in the Oral Law - the essence of our lives

---

Drasha@torah.org] DRASHA / PARSHA PARABLES PARSHAS SHOFTIM HEAR OH ISRAEL -- FEAR NOT, ISRAEL Rabbi Mordechai Kamenezky

Approaching war correctly may be more difficult than waging war itself. In order to prepare Klal Yisrael for war a series of queries were presented to them. Soldiers who were newlywed or had recently built new homes or planted new vineyards were told by the officer in charge to leave the army and return home. Furthermore, soldiers who were faint of heart morally or spiritually were asked to return home so as not to weaken the hearts of others in battle. But war must begin with encouragement. So before the officers ask the questions that may relieve some soldiers from active duty, the kohen gives a moral boosting speech. The kohen opens with Judaism's most famous words, "Sh'ma Yisrael - Hear Oh Israel! You are about to approach battle on your enemies. Let your hearts not wither and do not fear, tremble, or be broken before them. For Hashem who will go with you, fight with you, and save you" (Deuteronomy 20:3-4). Rashi comments on the hauntingly familiar expression of "Sh'ma Yisrael - Hear oh Israel!" Those words are the national anthem of the Jewish nation whose doctrine of belief is contained in the declarative that follows. "The L-rd our G-d the L-rd is One" (Deuteronomy 6:4). Rashi connects the pre-battle pep-talk in Parshas Shoftim with the famous words read week's earlier in Parshas Va'eschanan. He explains that the expression, "Hear oh Israel" used in the kohen's prologue is actually used as a hint to Hashem. The kohen is in essence reminding Hashem of the unofficial anthem that Jews recite twice daily, world-over. The kohen is in essence declaring that "even if the Jewish people have only the merit of the words Hear oh Israel, they are worthy to be victorious and saved (from the ravages of war)." I was wondering. Isn't the kohen talking to the people? If Rashi tells us that with this choice of words there is a subtle message to Hashem, can we not also presume that there is perhaps, an important, if only subtle message to His nation as well?

Refusenik Yosef Mendelevitch, imprisoned in a work camp by Soviet authorities refused to give up his religious convictions. He made a kipah, which he wore proudly in the work camp. Once the KGB colonel in charge of the camp heard of Mendelevich's behavior, he summoned him to his office and threatened him. "Take that off your head or I will kill you!" he demanded. Mendelevich was not moved. "You can kill me, but I will not

take it off." The officer was shocked by Yosef's calm attitude. In desperation he grilled him. "Are you not afraid to die?" Mendelevich just smiled softly. "Those who will die by the commands of Brezhnev are afraid of death. However those who believe that our death will be by the command of G-d are not afraid of His command." Perhaps the symbolism of using the words of the Sh'ma Yisrael, which connect to our sincere faith in the oneness and unity of the Almighty is profoundly significant.

The kohen is commanding the Jews to enter the battlefield without fear. There is no better familiar declaration than that of Sh'ma Yisrael. Those words kept our faith and calm-headedness throughout every death-defying and death-submissive moment throughout our history. During the Spanish inquisition, it was on our lips. During the Crusades it was shouted in synagogues about to be torched. And during the Holocaust Sh'ma Yisrael was recited by those who walked calmly to meet the Author of those hallowed words that captured the faith of Jewish souls more resolutely than the fetters that held the frail bodies. The Chofetz Chaim would urge soldiers to constantly repeat the paragraph of the Sh'ma Yisrael during battle. It would sustain their faith as it would calm their fears. And the words Sh'ma Yisrael remain the battle cry of the simple Jew who maneuvers through a world filled with land-mines of heresy and temptation. It is the battle-cry of our faith and in encouraging a nation to be strong and remembering that Hashem is with us. And no matter what the message is, there is no better introduction than, Sh'ma Yisrael. And there are no better words during the battle either.

Good Shabbos Dedicated in honor of the marriage of Meir Frankel to Chevi Hartstein! Special Mazel Tov to Mrs. Mati Frankel and the entire Rosenberg - Margules Family! Mordechai Kamenetzky - Yeshiva of South Shore [rmk@torah.org](http://www.torah.org) 516-328-2490 -- Fax 516-328-2553 <http://www.yoss.org> for drasha <http://www.torah.org/learning/drasha> Drasha, Copyright (c) 1998 by Rabbi M. Kamenetzky and Project Genesis, Inc. Rabbi Mordechai Kamenetzky is the Rosh Mesivta at Mesivta Ateres Yaakov, the High School Division of Yeshiva of South Shore, <http://www.yoss.org/> Project Genesis: Torah on the Information Superhighway [learn@torah.org](mailto:learn@torah.org) 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800

[hamaayan@torah.org](mailto:hamaayan@torah.org) Hamaayan / The Torah Spring Edited by Shlomo Katz Shoftim 7 Elul 5758 Today's Learning Mikvaot 6:10-11 Pesachim 13

R' Moshe Schwab z"l (1918-1979) writes: With the arrival of the month of Elul, we are faced with the question, "What is Elul?" How is this month different from every other month? R' Yisrael Salanter z"l said, "Every month should be Elul, but Elul is Elul." R' Schwab explains: All year long, a person should act the way we try to act during Elul. At the very least, when Elul arrives, one should be aware that his life, both the material and spiritual aspects, hangs in the balance. This is true of oneself, of one's family, and of every member of the Jewish people. Elul is the time to prepare for Rosh Hashanah and Yom Kippur, the days on which, we believe with perfect faith, we will be judged. We understand that everything that will happen, whether on a personal or communal level, depends on those days. Yet, one cannot "leap" into Rosh Hashanah. One must prepare for it. To the degree that one prepares himself, to that extent he will experience Rosh Hashanah. Conversely, to the degree that one is lax in preparing for Rosh Hashanah, to that extent he will miss out when Rosh Hashanah comes.

A person who knows that he has a court date in the distant future does not let his life be overshadowed by that upcoming event. However, when that date looms near, the litigant begins to fixate on it. So should we be when Elul approaches. All year long, we know that Rosh Hashanah is in the distant future, and we ignore it. When Elul comes, it is time to start focusing on our upcoming court date. Chazal say that on Rosh Hashanah, "Every living creature passes before Hashem." This really means, "Every living creature." There are no exceptions. (Ma'arachei Lev Vol. I, p. 57)

"Judges and police officers you shall appoint lecha/for yourself in all your cities . . . You shall not pervert judgment, you shall not show favoritism, you shall not accept a bribe . . . Pursue righteousness . . ." (16:18- 20) The word lecha/for yourself appears to be superfluous. R' Moshe Feinstein z"l explains it as follows: One should judge himself to determine whether his actions are proper. In addition, one should be a police officer who enforces the judgments that one renders against himself. If

necessary, one should punish himself. When one judges himself, he should not pervert the judgment; he should be honest. One should not show favoritism to himself and say that because he is learned his actions must be correct. One should not allow himself to be bribed by his perceived self interest. How can one judge himself honestly? By pursuing righteousness, i.e., having a qualified teacher. (Darash Moshe)

"So that his heart does not become haughty over his brethren. . . ." (17:20) R' Chaim of Krasna z"l (died 1793) taught: The Torah obligates the king to lord over his subjects. A king may not even show honor to a prophet or a Torah scholar. [See below.] Nevertheless, this trait should only be for show. Inside, he must be humble, as the Torah says, "So that his heart does not become haughty." However, a Jew other than the king should not say, "I will be humble in my heart but haughty on the outside." Rather, we read in Pirkei Avot (Ch. 4), "Be humble before every person," i.e., even when you are before people. (Mayim Chaim, Section 25) Rambam writes: "We show great honor to the king and we instill awe and fear of the king in every person, as it is written [in our parashah - 17:15], 'You shall place a king over yourself,' i.e., that his awe should be 'over' you. "All the people must come to the king whenever he wishes, and they stand before him and bow to the ground. Even a prophet, when he comes before the king, must bow to the ground, as it is written [Melachim I 1:23], 'They told the king, "Here is Nathan, the prophet," and he came before the king and he bowed to the ground.' However, the Kohen Gadol need not come before the king unless he wishes to, and he does not stand for the king; rather, the king stands for him. Nevertheless, the Kohen Gadol must honor the king, and he should ask the king to sit, and he should stand when the king enters. "Similarly, the king who study Torah, and when the Sanhedrin and scholars come before him, he should stand for them and seat them beside him. This is what King Yehoshaphat did - when a Torah scholar would enter, he would stand from his throne, kiss him, and call him, 'My master, my teacher.' When does this apply? In the privacy of the king's home. However, in public, the king should not do this, and he should not stand for any man. He also should not speak gently to anyone and should not call anyone except by his first name, all so that people will fear him." (Mishneh Torah: Hilchot Melachim 2:1 & 2:5)

Whether the honor of the king or the honor of a prophet is greater was the subject of a dispute between King Chizkiyahu and the prophet Yishayah. The gemara (Berachot 10a) states: "'Who is like the wise man and who knows how to forge a compromise?' [Kohélet 8:1] - Who is like Hashem who knows how to forge a compromise between two tzaddikim? Chizkiyah said, 'Yishayah should come to me just as Eliyahu went to King Achav.' Yishayah said, 'Chizkiyah should come to me just as King Yehoram went to Elisha.' What did Hashem do? He caused Chizkiyah to be ill and He instructed Yishayah to perform the mitzvah of bikkur cholim/visiting the sick." Chizkiyah was one of our most righteous kings and Yishayah, one of our greatest prophets. Surely their disagreement was not egotistical. Rather, they appear to have disagreed over whose honor the halachah ranks higher, the king's or the prophet's. Why did Hashem forge a compromise? Why didn't He resolve their dispute? Because, although the honor of a prophet is greater than the king's personal honor, the honor of the institution of the monarchy is greater than the honor of the prophet. Thus Rambam writes (Sefer Hamitzvot, mitzvah 173), "The level of the King should be greater than the level of the prophet in our eyes." It is only in our eyes that the honor of the king should be greater. In private, the honor of the prophet is greater. (R' Yisroel Reisman shlita, Pathways to the Prophets, Shmuel I, Tape #35)

Hamaayan, Copyright (c) 1998 by Shlomo Katz and Project Genesis, Inc. Posted by Alan Broder, [ajb@torah.org](mailto:ajb@torah.org). The editors hope these brief 'snippets' will engender further study and discussion of Torah topics ("lehagdil Torah u'leha'adirah"), and your letters are appreciated. Web archives are available starting with Rosh HaShanah 5758 (1997) at <http://www.torah.org/learning/hamaayan/>. Text archives from 1990 through the present are available at <http://www.acoast.com/~sehc/hamaayan/>. Donations to HaMaayan are tax-deductible. Project Genesis: Torah on the Information Superhighway [learn@torah.org](mailto:learn@torah.org) 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

Weekly-halacha@torah.org Parshas Ekev-Problems of Zimun  
WEEKLY-HALACHA FOR 5758 SELECTED HALACHOS RELATING  
TO PARSHAS RE'EH [From last week]

By Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav. (EDITOR'S NOTE) This issue should have been sent out last week for Parshas Ekev. You will eat and you will be satisfied and bless Hashem...(8:10) Rabbi Yishmael said, "And you shall bless" refers to Birkas ha-Zimun... (Yerushalmi Berachos 7:7)

**PROBLEMATIC SITUATIONS OF ZIMUN QUESTION:** In order for the obligation of zimun to be in force, how many people have to be eating? **DISCUSSION:** Three men who ate a meal together are Rabbinically(1) required to recite Birkas ha-Mazon together(2). One of them recites the zimun and the first blessing of Birkas ha-Mazon aloud, so that the others can hear him clearly. For this reason, when there is a big crowd, a man with a powerful voice should be chosen for the honor(3). If two people sit down to a meal which includes bread, and a third person wants to join them, they should ask him to eat bread along with them so that they can recite zimun. If he refuses to eat bread, then even if he eats a k'zayis' worth of any food (approx. 1 fl. oz.), zimun is recited(4). If the third person drank wine or any natural fruit juice, zimun may definitely be said(5). Many poskim rule that coffee or tea is also sufficient to require zimun(6). Some poskim allow even soda or lemonade(7), while others do not(8). If the third person drank water only, no zimun is said(9). A minimum of seven people can get together for a meal including bread, and join with three other men who did not eat bread in order to recite the name of Hashem [Elokeinu] when reciting zimun, provided that the three men ate or drank something, as stated above(10).

**QUESTION:** What are the rules of zimun when five men eat together? **DISCUSSION:** Five men who eat together must recite Birkas ha-Mazon together. They may not separate before the zimun is recited(11). If one or two need to leave early, they should ask the other three to join them in the zimun. If only one of the other three joins them, the remaining two may not join with the one who joined previously, even if they all eat again together(12). If, however, there were six(13) or more men eating together and two of them finished early, the one who joins them for zimun may join the next two when they are finished(14).

**QUESTION:** May two groups of five people, sitting in a yeshiva dining room at two separate tables, join together for a zimun of ten and recite Elokeinu? **DISCUSSION:** Zimun can only be said in one of the following two cases(15): a) by those who sat together at one table, even though each is eating his own meal; b) by members of one household, even though they are seated at separate tables. Therefore: If the two groups consider themselves as members of one household - in other words, they would have liked to sit together but could not do so because there was no room for all of them at one table - then they may join together for a zimun of ten(16). The tables should be in close proximity to each other(17). If, however [as is frequently the case], the groups are split according to classes or cliques, and each group wants to sit separately, then they may not join together for a zimun of ten, unless the two groups had the specific intention at the start of the meal to join together(18).

**QUESTION:** May two groups of five people, sitting in a yeshiva dining room at two separate tables, join together for a zimun of ten and recite Elokeinu? **DISCUSSION:** Zimun can only be said in one of the following two cases(15): a) by those who sat together at one table, even though each is eating his own meal; b) by members of one household, even though they are seated at separate tables. Therefore: If the two groups consider themselves as members of one household - in other words, they would have liked to sit together but could not do so because there was no room for all of them at one table - then they may join together for a zimun of ten(16). The tables should be in close proximity to each other(17). If, however [as is frequently the case], the groups are split according to classes or cliques, and each group wants to sit separately, then they may not join together for a zimun of ten, unless the two groups had the specific intention at the start of the meal to join together(18).

**QUESTION:** May two groups of five people, sitting in a yeshiva dining room at two separate tables, join together for a zimun of ten and recite Elokeinu? **DISCUSSION:** Zimun can only be said in one of the following two cases(15): a) by those who sat together at one table, even though each is eating his own meal; b) by members of one household, even though they are seated at separate tables. Therefore: If the two groups consider themselves as members of one household - in other words, they would have liked to sit together but could not do so because there was no room for all of them at one table - then they may join together for a zimun of ten(16). The tables should be in close proximity to each other(17). If, however [as is frequently the case], the groups are split according to classes or cliques, and each group wants to sit separately, then they may not join together for a zimun of ten, unless the two groups had the specific intention at the start of the meal to join together(18).

**FOOTNOTES:** 1 Sha'ar ha-Tziyun 197:16; 199:19, according to most Rishonim. See, however, Chazon Ish O.C. 31:1, who maintains that zimun is min ha-Torah. 2 O.C. 192:1. 3 Mishnah Berurah 193:17. A microphone should not be used. 4 O.C. 197:3 and Mishnah Berurah 22. 5 O.C. 197:2 and Mishnah Berurah 20. L'chatchilah, a revi'si (3.3 fl. oz.) should be drunk. B'dieved 1.7 fl. oz. is sufficient; Beir Halachah, ibid. 6 Teshuvos v'Hanhagos 1:183; VeZos ha-Berachah, pg. 130. 7 Aruch ha-Shulchan 197:5. 8 Harav Y.Y. Fisher (quoted in VeZos ha-Berachah, ibid.). 9 Ruling of the Mishnah Berurah 197:12. Shulchan Aruch Harav and Chayei Adam rule that zimun may be said over water. 10 O.C. 197:2. 11 O.C. 193:1. 12 Mishnah Berurah 200:9. Aruch ha-Shulchan 200:5 and Chazon Ish 31:5, however, hold that if they eat together again they can recite zimun. 13 Mishnah Berurah, quoting the Magen Avraham, says: seven or eight men, but Levushei Serad and Shoneh Halachos say six or more. 14 Mishnah Berurah 200:9. 15 Mishnah Berurah 193:18. 16 Harav S.Y. Elyashiv (quoted in VeZos ha-Berachah pg. 133). This is the reason why guests at a wedding may join together for a zimun even when there are not ten people at their table. See also Sova Semachos, pg. 111. 17 Beir Halachah 167:11. 18 Harav S.Z. Auerbach and Harav C.P. Scheinberg (VeZos ha-Berachah, ibid.). There are other poskim who hold that yeshiva students can join together at any time, see Minchas Yitzchak 8:8 and Beis Baruch 48:24. Harav Elyashiv recommends that to avoid any questions and doubts, it is best that the groups clearly intend not to join together, as the Igros

Moshe O.C. 1:56 suggests to a guest who cannot stay late at a wedding.

Weekly-Halacha, Copyright (c) 1998 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

Daf-insights@shemayisrael.com Insights to the Daf: Pesachim 6-8 brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemayisrael.co.il

Pesachim 6b

**THE MECHANICS OF "BITUL CHAMETZ" OPINIONS:** The Gemara says that Bitul works to get rid of Chametz to prevent one from transgressing the prohibitions of Bal Yera'eh and Bal Yimatzei. Elsewhere, the Gemara says that even Bitul b'Lev (non-verbal, mental Bitul) is enough. How does Bitul work? In what way does it avoid transgressing the prohibitions of Bal Yera'eh and Bal Yimatzei? (a) TOSFOS (4b, DH mid'Oraisa) explains that Bitul is a type of Hefker. It makes the Chametz Hefker and ownerless. Since the Chametz is no longer his, he may retain it in his house during Pesach.

(b) The RAN at the beginning of the Maseches proves that Bitul cannot be a normal way of making Chametz Hefker, because the wording prescribed for Bitul ("This Chametz should be like the dust of the earth") makes no mention of Hefker. In addition, it is the opinion of Rabbi Yosi in Nedarim (45a) that an object which one makes Hefker does not leave one's possession until someone else picks it up. If so, according to Rabbi Yosi Bitul should not work at all! Also, the Ran asks, where do we ever find that Hefker helps when done mentally? It must be done verbally. How, then, does Bitul work when done non-verbally, in one's heart? Because of these questions, the Ran explains that Bitul works in the following way. When Pesach arrives and a person has Chametz in his possession, in theory he should not be guilty of transgressing Bal Yera'eh and Bal Yimatzei, because the Chametz is not his anymore as a result of being forbidden to him (Asur b'Hana'ah), and something which is Asur b'Hana'ah does not belong to him. However, the Gemara says here that even though Chametz should not be considered to be in a person's possession once Pesach arrives, nevertheless the Torah put it in his possession by ruling that he will transgress Bal Yera'eh and Bal Yimatzei. Therefore, in order to get the Chametz out of his possession, it is not necessary to make the Chametz Hefker with the normal formula of making Hefker. Rather, he merely needs to do something to keep the Chametz from being put in his possession after it is Asur b'hana'ah. For this, all he has to do is decide that he considers it worthless. If he considers it worthless, then the Torah does not put it back into his possession when Pesach begins and it becomes Asur b'Hana'ah, and therefore he will not transgress Bal Yera'eh and Bal Yimatzei. It is not a normal form of Hefker, because it is easier to be Mafkir Chametz, since it is already out of his possession and he just has to prevent it from coming back into his possession by not considering it to have any value.

(c) RASHI (4b, DH b'Bitul b'Alma) and the RITVA explain that Bitul has nothing to do with Hefker at all. When the Torah says "Tashbisu," it means that one must either burn the Chametz, or one must decide that it is valueless to him. By considering it in one's mind that it is like dirt, it is not considered food anymore and is not Chametz. "Tashbisu" means to physically destroy the Chametz or to \*mentally\* destroy it by making it no longer considered a food. This also appears to be the opinion of the RAMBAM (Hilchos Chametz u'Matzah 2:2) according to the MAHARIK (Shores 142).

**HALACHAH:** The MISHNAH BERURAH (434:8), based on the BACH, says that when a person is Mevatel his Chametz he should say, "... it shall be nullified and be Hefker like the dust of the earth," mentioning Hefker because of the opinion of Tosfos. In many of the texts of Bitul Chametz used today, mention is made of Hefker only during the day at the time when we burn the Chametz, while at night, after Bedikas Chametz, we simply say, "... it shall be like the dust of the earth"-- without mentioning Hefker. This is a compromise meant to satisfy both opinions, that of Rashi and the Ran (that Bitul Chametz does not make it into the normal Hefker) and that of Tosfos.

**PESACHIM 7 HALACHAH: THE TIME FOR BITUL** The Gemara explains that we do Bitul Chametz at the time of Bedikah, because since we are involved with getting rid of the Chametz at that moment, we will remember to be Mevatel it. We cannot do Bitul during the sixth hour of the fourteenth of Nisan because the Chametz at that time is already forbidden. We do not do Bitul before the sixth hour, when it is still permitted to derive benefit from (but not to eat) the Chametz, because since no designated act or moment will be associated with the Bitul, one might forget to perform the Bitul. **HALACHAH:** The ROSH (1:9) cites a Teshuvah from RASHI in which he says that nowadays we should do Bitul not only at the time of Bedikah but \*also\* at the end of the fifth hour, which is indeed a time "designated" by an act - this is when we burn our Chametz, since it is about to become forbidden entirely. This second Bitul is done in order to be Mevatel any Chametz that might have remained from the bread that we ate on the morning of the fourteenth, which we were not yet Mevatel. This is the ruling of the SHULCHAN ARUCH (OC 434:3).

**7b RECITING A BERACHAH FOR A MITZVAH "OVER L'ASIYASAH" QUESTION:** The Gemara says that one recites a Berachah for a Mitzvah "Over L'Asiyasah," before doing the Mitzvah. Why does the Gemara use this unusual phrase and not say simply "Lifnei Asiyasah?" **ANSWERS:** (a) The NIMUKEI YOSEF (Hilchos Tefilin D'H Over) explains that "'\*Over\* B'Asiyasan," means "ahead of" and not "before," the Mitzvah that is to be performed. That is, one first begins to become \*involved\* in the performance of the Mitzvah (such as by lifting the Shofar or Lulav or beginning to wrap the Tefilin on one's arm), and then one "runs ahead of the Mitzvah" and recites the blessing right before actual \*fulfilling\* the Mitzvah. This meaning of "Over" is evident from the verse that is cited as a proof for the meaning of "Over," "And Achima'atz ran... and overtook (va'Ya'avor) the Kushi." That is, the Kushi was ahead of him, but Achima'atz overtook him and went right before him. The second and third verses cited by the Gemara use the word Over in a similar manner. Yakov first lined up his family before him, then he passed before them; similarly, after the nation lines up, the king passes before them to lead them (he does not wait in front for the formation to form behind him). (b) The SHA'AGAS ARYEH (#26) explains that the word Over can mean \*either\* before, or after (past: Avar). The Gemara means to teach us that b'Dieved, one may recite the Berachah on a Mitzvah even \*after\* the Mitzvah has been performed, as the Hagahos Oshri (Berachos 1:13) maintains (and not like the Rambam (Hil. Berachos 11:5), who disagrees). (c) One

of the Gemara's sources that the word Over means "before" is the verse "Their king passed before them (Over), and Hashem was at their head." Perhaps the word Over is used with reference to when Berachos are recited, to hint to this verse, which is a clue as to the proper format for a Berachah: every Berachah must begin with a mention of the name of Hashem and His kingship, as the Gemara tells us in Berachos 49a.

**Pesachim 8 GIVING TZEDAKAH IN ORDER TO RECEIVE REWARD QUESTION:** The Gemara says that if a person says, "I hereby give this money to Tzedakah in order that my child be healed," he is considered a complete Tzadik and has fulfilled the Mitzvah of giving Tzedakah perfectly. How can he be considered to be performing the Mitzvah perfectly if he is doing it in order to receive reward? That is not a perfect fulfillment of a Mitzvah! As the Mishnah (Avos 1:2) says, "Do not be like a servant who serves his master on condition to receive payment!" How can the Gemara call such a person a "complete Tzadik?" **ANSWERS:** (a) TOSFOS in many places explains, based on the Gemara in Rosh Hashanah (4a), that it is only when the person concedes give the Tzedakah in any event, whether or not the child recuperates, that he is considered a complete Tzadik. He is going to give the Tzedakah anyway, and he just appends to it a prayer that in the merit of giving Tzedakah his son should be healthy. That is not considered serving one's master in order to receive payment. The Mishnah in Avos refers to one who does the Mitzvah \*only\* for the purpose of receiving reward. (b) TOSFOS RABEINU PERETZ suggests that the Mishnah in Avos, which says that a person should not serve his master with intent to receive payment, does not mean that it is a \*bad trait\* to do so. There is nothing wrong with serving Hashem in order to receive reward. It just shows that the person has not yet reached the level of being a Chasid, someone who does the Mitzvos only in order to do the will of Hashem with no ulterior motives. When the Gemara says he is a complete Tzadik, it means he is only a Tzadik -- he is not yet a Chasid. (c) The TUR (YD 247) says that although it is normally prohibited to test Hashem by saying that one will do a Mitzvah to see if Hashem will reward him for it, it is permitted to test Hashem when it comes to Tzedakah by saying that one is giving Tzedakah in order to see if Hashem will reward him for it. If so, the Mitzvah of Tzedakah might be an exception to the rule expressed in Avos that a person should not serve Hashem in order to receive reward. Here, it is permitted to test Hashem since the reward is certain (Hashem promises to give reward to those who give Tzedakah; see Malachi 3:10; Devarim 15:10) then perhaps he can be called a complete Tzadik even if he gives Tzedakah in order to receive reward. (The TUR, when he says this difference between Tzedakah and other Mitzvos, does not say it in the context of explaining our Gemara.) However, the BEIS YOSEF and the REMA there point out that in Maseches Ta'anis (9a), which seems to be the source for the Tur's words, the Gemara implies that not all types of Tzedakah will result in a reward. Only with regard to the Tzedakah of Ma'aser given to the Levi does Hashem promise to give a reward. The other Acharonim agree to them on this point, as cited by the Pischei Teshuvah. If so, this will not suffice to explain our Gemara, which is not discussing Ma'aser.

**8b OWNING LAND AND THE MITZVAH OF "ALIYAH L'REGEL" QUESTION:** The Gemara says that a person who does not own land is exempt from the Mitzvah of going up to Yerushalayim (Aliyah l'Regel) on the three festivals. The TZELACH was asked by RAV YESHAYA BERLIN (author of the bracketed marginal notations in the Vilna Shas) why it is that the RAMBAM never mentions this Halachah. Why does the Rambam not record this ruling, with which nobody seems to argue? **ANSWER:** The TZELACH answers that this exemption from Aliyah l'Regel is actually subject to a dispute in our Gemara. The Gemara says that the verse, "No one will covet your land" teaches that no harm will befall one who is on his way to perform a Mitzvah. Another verse ("In the morning you shall turn and go back to your dwelling") teaches that while \*returning\* from performing a Mitzvah one will suffer no harm. The Gemara asks that if one is assured that he will not be harmed while returning from a Mitzvah, then certainly he will not be harmed while on his way to perform a Mitzvah, and if so, why is the first verse needed to teach that one will not be harmed while on his way to perform a Mitzvah? The Gemara concludes that the first verse is needed to teach something else -- the Halachah that one must have land in order to be obligated in the Mitzvah of Aliyah l'Regel. The Tzelach says that Rav, in the previous Gemara, seemed uncertain about whether a person would be protected while returning from a Mitzvah, because he did not want to guarantee the students of the Yeshivah that they could be assured that no harm will occur to them when they returned home alone at night. If Rav maintains that they might be harmed while returning, then obviously no verse teaches that one will not be harmed while returning from the performance of a Mitzvah, and the first verse cited above \*is\* needed to teach that one will not be harmed while on his way to perform a Mitzvah. If so, the verse is no longer available to teach the Halachah of Rav Ami, and therefore the Rambam is justified in not ruling like Rav Ami. He is ruling like Rav, that a person performing a Mitzvah is only protected supernaturally from all harm on his way to perform the Mitzvah, but not while returning.

<http://www.shemayisrael.co.il/dafyomi2> Mordecai Kornfeld |Email:  
kornfeld@virtual.co.il|Tl/Fx(02)6522633 6/12 Katzenelbogen St.  
kornfeld@netvision.net.il|US:(718)520-0210 Har Nof, Jerusalem,ISRAEL|  
kornfeld@shemayisrael.co.il|POB:43087, Jrslm

Dafyomi@virtual.co.il The Weekly Daf Pesachim 9 - 15 Parshas Shoftim  
<http://www.ohr.org.il/yomi/yomi237.htm>

Who is a Prophet? A charming play on words is used by the Sage Rava in his challenge to a point made by his colleague, the Sage Abaye. The background for their dialogue is an apparent contradiction between two mishnayos. One mishna (9a) informs us that once you have inspected one corner of a room and head for another corner, you need not fear that a chulda (a rodent) has dragged chametz to the corner you checked, and therefore there is no need for a new inspection. The very next mishna (10b) states that whatever chametz one leaves after inspection should be carefully hidden so it does not get dragged away by a rodent; otherwise, there is a need for a new inspection. Do we suspect rodent intervention or not? Abaye suggests that the inspection referred to in the first mishna takes place on the 13th of Nissan, two days before Pesach, when plenty of bread is still to be found in homes, and the chulda therefore has no motivation to snatch chametz and store it. The second mishna, however, discusses an inspection which takes place at the regular time, the evening of the 14th, when the chulda observes that there is a scarcity of bread; therefore, the chulda is likely to snatch any chametz it can find. "Is a chulda a prophetess?" asks Rava. Does a simple rodent possess the prescience to know that no more bread will be baked

that day, and that it therefore must take desperate measures to snatch whatever chametz is in sight?

Rava therefore suggests his own solution, that the need to hide the chametz mentioned in the second mishna is that otherwise we may actually see the chulda snatch some of the chametz, and consequently we would be required to search the house again. "Is a chulda a prophetess?" is a take-off on the name of the Prophetess Chulda mentioned in Melachim II 22:14, in reference to a Torah scroll which the Kohen Gadol found concealed beneath the floor of the Beis Hamikdash. The scroll was brought before the righteous King Yoshiyahu, who asked his scribe to read aloud from the column to which the scroll opened. When he heard the words "Hashem will lead you into exile along with your king," the Torah's warning of the Divine punishment which will be visited upon a sinful nation, the king rent his garments out of fear that this was directed at him. Since the Prophet Yirmiyahu was away at the time, the king sent emissaries to the Prophetess Chulda to seek a clarification of the Heavenly message. She informed the emissaries in Hashem's Name that this grim prophecy would indeed be fulfilled because of the Jewish People's idolatrous ways. But because the king had reacted to the message with such repentance, it would not happen in his days.

In her message to the king, however, she indicated a slight amount of haughtiness. Her words were: "Say to the man who sent you to me." She indicated a haughtiness for failing to refer to him as king. Our Sages (Mesechta Megillah 14b) say that it was this haughtiness which caused her name to be synonymous with that of a rodent. Pesachim 9b ...Written and Compiled by Rabbi Mendel Weinbach General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International