

This Shabbat is the 327th day (of 354); the 47th Shabbat (of 50) of 5766

We read/learn the FIRST perek of Avot (in Chu"l: 6th perek)

**אָנִי לְדוֹדֵי יְהוּדֵי לִי...** שיר השירים וג

## The Irreversible, Ironclad Deal

In Parshat Yitro, right after the Aseret HaDibrot, the Torah tells us that the People said to Moshe: You speak to us, and G-d should not speak to us, lest we die. Moshe's response was that the people shouldn't worry, G-d is testing them, and in order to instill fear in the hearts of the people, as a deterrent against sin. In other words, "to put the fear of G-d into them (us)."

In Va'etchanan, when Moshe is retelling the episode of Matan Torah, this "conversation" between Moshe and the people is found in much greater detail. Essentially, it is the same deal that the People are offering to Moshe (and to G-d). You, Moshe, speak to us, not G-d. And we will do what you tell us He tells you to tell us. And in Va'etchanan, the Torah tells us that G-d approved of the offer. He accepted the deal, so to speak.

In R'ei, we find the first potential problem with the "deal" - namely, NAVI SHEKER, false prophet. One can assume that direct communication from G-d will be incontrovertible. With Moshe Rabeinu, also no problem. But prophets that announced themselves to the Jewish People in later generations, there is room to question their authenticity. So the Torah must set down the rules of recognizing and dealing with false prophets. Not an easy situation, but a necessary byproduct of the deal with G-d to let a prophet speak on His behalf.

Next comes this week's sedra of Sho- f'tim. It addresses three different authority figures in Jewish Life: Judges (Sanhedrin), Kings, and Prophets.

Concerning prophets, the Torah expands on the rules introduced in R'ei and includes the command to listen to a true prophet, further tips (so to speak) on recognizing a prophet who does not speak in G-d's name, and the prohibition of over-testing a prophet.

Sanhedrin and halachic authorities are spokesmen of sorts for G-d, different from prophets, but very significant in what they are empowered to teach us. Kings are powerful authority figures of a different sort. And we have also been warned about the Enticer to idolatry, and - in this week's sedra, about practicing the Black Arts. It is a complex deal, but one we must take seriously.

## Word of the Month



A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

**The molad was THU morning. Three days later is Sunday morning. That means that the first opportunity for Kiddush L'vana this month (according to Minhag Yerushalayim) is Sunday night. For 7-day after the molad opinion followers, first op for KL is THU night, August 31.**



**Minhag to hear Shofar each weekday morning from Friday Rosh Chodesh (not Thursday), except for Erev Rosh HaShana. From 1 Elul through Hoshana Raba, we say Psalm 27 - L'DAVID, HASHEM ORI V'YISH'I - at the end of Shacharit and... Maariv (for Nusach Ashkenaz), Mincha (for Nusach S'fard).**

**S'faradim begin saying S'lichot from 2 Elul; Ashkenazim begin on the Motza'ei Shabbat before Rosh HaShana (when RH is Thursday of Shabbat; when RH is Monday or Tuesday, Slichot begins the previous Motza'ei Shabbat).**

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Regular and (earliest)  
**CANDLE LIGHTING & Havdala times**  
Israel Summer Time

Correct for TT 729 • Rabbeinu Tam (l'm) - 8:26pm		
<b>6:36pm</b> (5:51)	Jerusalem	<b>7:49pm</b>
6:53pm (5:53)	Raanana	7:52pm
6:52pm (5:52)	Beit Shemesh	7:50pm
6:54pm (5:53)	Netanya	7:51pm
6:53pm (5:53)	Rehovot	7:50pm
6:33pm (5:53)	Petach Tikva	7:50pm
6:53pm (5:52)	Modi'in	7:50pm
6:53pm (5:52)	Be'er Sheva	7:50pm
6:51pm (5:51)	Gush Etzion	7:48pm
6:52pm (5:52)	Ginot Shomron	7:50pm
6:36pm (5:51)	Maale Adumim	7:48pm
6:52pm (5:51)	K4 & Hevron	7:49pm
6:42pm (5:51)	Tzfat	7:49pm

Ranges are FRI-FRI • 1-8 ELUL • (Aug 25 - Sep 1)

Earliest Talit & T'filin - 5:18-5:23am  
Sunrise - 6:10-6:14am  
Sof Z'man K' Sh'ma - 9:25-9:26 am (8:38-8:40am)  
Sof Z'man T'fila - 10:30-10:30am (9:59-9:59am)  
Chatzot (halachic noon) - 12:41-12:39pm  
Mincha Gedola (earliest Mincha) - 1:14-1:12pm  
Plag Mincha - 5:51-5:44pm  
Sunset - 7:17-7:08pm (7:12-7:03½pm)

In the Wolinetz Family Shul  
OHEL SHMUEL (entrance floor)  
Early Shabbat Minyan  
**Mincha 5:36pm** (before PLAG)  
Shabbat Shiur 5:00pm Mincha 6  
**Rabbi Yaakov Moshe Poupko**

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## SHO F'TIM STATS

48th of the 54 sedras; 5th of 11 in D'varim  
 Written on 191.6 lines in a Torah (rank: 27)  
 18 Parshiyot; 3 open, 15 closed  
 97 p'sukim - rank: 36 (tied with Tzav, but larger)  
 1523 words - ranks 28th  
 5590 letters - ranks 31st  
 7th in D'varim in all categories  
 Relatively large p'sukim, like most of D'varim

## MITZVOT

41 mitzvot - 14 positive, 27 prohibitions;  
 ranks 6th in mitzvot among the sedras

## Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

## Kohen - First Aliya - 18 p'sukim - 16:18-17:13

[S> 16:18 (3)] Judges to clarify the law (and try cases) and agents of the court to enforce the law are to be appointed throughout the Land [491, A176 16:18], and they are to carry out their duties fairly. They must not slant the law, nor show favoritism, nor take bribes which blind and pervert even the fairest and most righteous of people. Justice is to be ardently pursued so that we will be worthy of living and flourishing in Eretz Yisrael.

What if a judge was going to vote in favor of the briber, even without the bribe. Justice is still being served. Is the bribe any less a serious offense? The answer is NO. A bribe is a bribe. One leads to another, and justice will be perverted.

**SDT** TZEDEK TZEDEK TIRDOF - Justice you shall surely pursue. The doubling of the word TZEDEK can be seen as a reminder that not only shall justice be pursued, but the means employed in the pursuit of justice shall also be just. We do not subscribe to the concept that the end justifies the means. Perpetrating a mockery of justice and claiming that it is justice, is the greatest offense of all. TZEDEK (B')TZEDEK, justice with justice...

[S> 16:21 (2)] Planting trees in the courtyard of the Mikdash (or near the Mizbei'ach) is forbidden [492, L13 16:21] - it is an idolatrous practice. (This prohibition still applies today.)

Erecting monuments (as is done in idol worship) to G-d (even with "proper" motives) is forbidden [493, L11 16:22]

*Perversion of justice is juxtaposed to idolatry to emphasize how serious is the former sin. Pirkei Avot states that "the sword comes to the world because of perversion of justice... exile comes because of idolatry." Both sins cause us to lose our hold on Eretz Yisrael. And conversely, remaining faithful to G-d and dealing with each other with honesty and justice will secure us our hold on our Land. The Gemara states that "appointing inappropriate judges is tantamount to planting a tree near the Altar". Planting a tree in an attempt to beautify the Temple, is a completely misguided act. The beauty of the Beit HaMikdash flows from itself and its spiritual essence. To think that external decoration can contribute to the beauty is to lack understanding of what the Beit HaMikdash is. So too, to appoint a judge because of personal appearance, wealth, stature, etc. (and not because of scholarship and worthiness to judge) is equally "missing the point".*

[S> 17:1 (1)] Sacrificing blemished animals is forbidden [494, L95 17:1]. (Elsewhere the Torah enumerated types of blemishes, but the mitzva is counted here in Shoftim; the Gemara deals with the details.)

[S> 17:2 (6)] The Torah next stresses that idolatry is a most serious sin. If we find among us a fellow Jew who worships anyone (or thing) other than G-d, we must most scrupulously investigate the case against him (or her). If the person is convicted by the court, the punishment is death by stoning, thereby uprooting evil from our midst.

It is the eye-witness testimony of a minimum of two that shall be necessary to convict. No one can be sentenced to die (or be otherwise punished) by the testimony of only a solitary witness. The witnesses themselves are often to be

involved in the carrying out of the sentence.

**[P> 17:8 (6)]** The Torah next establishes the mechanism for the perpetuation of Judaism throughout the generations (by emphasizing, among other things, that if disputes arise or a halachic point needs clarification, that we are to consult the judges IN OUR TIME) and the dynamic applicability of Halacha for all times (by giving the Sages the mechanism to enact laws for the protection of the Torah and its proper observance).

We are required to do all that the Sanhedrin (the Supreme Halachic Authority) teaches and commands **[495,A174 17:10]**. We must not veer from their rulings "neither to the right nor to the left" **[496,L312 17:11]**.

## MitzvaWatch

Rambam's Book of Mitzvot contains 14 "rules" by which Rambam counts the Torah's 613 mitzvot. Rule #1 states that rabbinic mitzvot such as Chanuka and Purim shall not be counted among the Taryag. This might seem obvious, but Rambam feels compelled to state this rule in opposition to mitzva-counters who DID include some "rabbinic mitzvot" among Taryag.

Why would someone consider the post-biblical mitzvot of Chanuka and Purim as Torah law? Similarly, why is it that the bracha for mitzvot, which states "...Who has sanctified with his mitzvot and commanded us..." is also recited for 6 rabbinic commandments? (Shabbat & Yom Tov candles, Chanuka candles, Megilat Esther and the other Megilot, Netilat Yadayim, Hallel, and the three types of Eiruv.)

The answer to both questions is based on the p'sukim in the beginning of this week's sedra which speak about the authority of the Sanhedrin - mitzvot 495 & 496 above. In essence, the Torah commands us to observe rabbinic law. Therefore, it can be argued that rabbinic law IS Torah Law. It follows that one might consider counting Chanuka and Purim among the 613, and it makes sense to use the mitzva-bracha formula for Rabbinic mitzvot. Rambam does not argue against this. He insists, however, that we cannot possibly count Rabbinic mitzvot separately among the 613. This could lead to the untenable situation of having to re-adjust the mitzva count each time a Sanhedrin would make a new rabbinic mitzva.

One who does not light Chanuka candles, for example, is at the same time in non-fulfillment of a rabbinic command and double violation of the Torah's mitzvot of TAASEH and LO TASUR. Does this mean that violations of rabbinic law are equivalent to (or even more severe) than violations of Torah law? The general understanding is that the Torah "put its authority" behind rabbinic law, but rabbinic law remains "one notch", so to speak, below Torah law. Without this distinction, Rabbinic Law might have been forbidden because of BAL TOSIF (adding to the Torah).

Included in Sanhedrin-edicts which we are obligated to follow, are their presentation of Oral Law, their derivation of Torah Law by the 13 "Talmudic" principles of analysis, both of which would be considered "D'O'rayta" (Torah law), and the various decrees and measures that the Sanhedrin enacts as protection for Torah Laws, or because of similarity to Torah Law, or for

whatever other reason they have for their rulings. We who stood at Sinai, accepted a "package deal" of Judaism - D'Oraita and D'Rabbanan.

A Torah scholar with authority to render Halachic decisions who defies the Sanhedrin and encourages others to disregard their ruling, can (under certain circumstances) be put to death. Such an individual is known as ZAKEN MAMREI and is ultimately judged by the Great Sanhedrin. This shall serve as a deterrent to the People not to behave similarly. The average Jew is not similarly subject to possible execution, but still is warned of the seriousness of flouting Rabbinic authority. [It is likely that there never actually was an individual who was executed as a Zaken Mamrei, yet the idea adds tremendous weight to the seriousness of Rabbinic Law.] We might say that G-d's Plan and his Torah included Rabbinic Law in the total picture of what He wants of us.

## Levi - Second Aliya - 7 p'sukim - 17:14-20

**[S> 17:14 (7)]** When the People will enter the Land, conquer it, and settle down, and they will ask for a king (like the nations around them - this phrase contains an implicit warning against asking for the wrong reasons), it is a mitzva to "place over us" a king (of G-d's choosing) from among the Jewish People **[497,A173 17:15]**; we may not choose a non-Jew as king **[498,L362 17:15]**. The king must not possess too many horses **[499,L363 17:16]** (i.e. in excess of those necessary for his army, etc.) nor may he lead the People back to Egypt - it is forbidden for us to dwell in Egypt **[500,L46 17:16]**. (Visits are permitted.) A king may not have an excessive number of wives (more than 18) **[501,L364 17:17]**, nor may he amass excessive wealth **[502,L365 17:17]**. (referring to wealth for its own sake; any funds necessary for running the kingdom are excluded from the prohibition.)

A king must write a Sefer Torah for himself **[503,A17 17:18]** (in addition to the one he is commanded to write as a Jew - mitzva #613). This Torah is to be copied from THE Sefer Torah of the Beit HaMikdash.

A king of Israel has awesome powers over his subjects. He therefore requires the "humbling force" and moral restraints of the Torah constantly before him. The Torah is his guide for proper rule. A king who is guided by Torah law and values is a great asset to the People of Israel. A king who isn't, is our worst liability.

## Shlishi - Third Aliya - 5 p'sukim - 18:1-5

**[S> 18:1 (2)]** The Kohanim-Leviyim are not to receive land in Eretz Yisrael **[504,L169 18:1]** (other than the cities which are given to them by the Tribes) nor share in the spoils of war **[505, L170 18:1]** - their holy service in the Mikdash is considered their share.

**[S> 18:3 (3)]** (Among other gifts to the kohen,) the kohen is to receive specific parts of every animal slaughtered for food - the forelimb, tongue and surrounding cheeks, stomach and surrounding fat **[506,A143 18:3]**, Truma from produce **[507,A126 18:4]**, and the first-shearing of the sheep **[508,A144 18:4]**. These gifts are due the kohen because of his sacred service.

Note: Whereas Truma and other gifts which are sacred, cannot be given at the present time because of issues of ritual impurity, both "gifts" **[506]** and Reishit HaGeiz **[508]** apply today and can be given. If this is practical issue for you, consult a Rav for details.

First shearing applies only in Eretz Yisrael, even though it is not related to the Land. This is learned from its partner in the pasuk, TRUMA, and by the use of the word REISHIT.

## **R'VI' - Fourth Aliya - 8 p'sukim - 18:6-13**

**[S> 18:6 (3)]** Kohanim and Leviyim are supposed to distribute their workloads at Holiday time equally among the different family units **[509,A36 18:6]**.

**[S> 18:9 (14)]** Another warning follows, to be on guard against learning from and adopting any of the abominable practices of the nations that we will encounter in Eretz Yisrael. The implication here is that we must not "learn to do" the terrible things, but we may learn about them in order to understand their ways and to better instruct our fellow Jews in this area. (Tur Shulchan Aruch, based on the Gemara)

On the practical side of this ruling, one has to be very well established in his own Judaism before reading and learning about other world religions and pagan practices. Such a study should be done under the supervision of one's mentor.

Shun the practices of passing one's children through fire (a vivid example of a reprehensible pagan practice, counted elsewhere), divination and certain types of meditations meant to "read the future" **[510,L3 18:10]**, astrological predictions [counted elsewhere; some other aspects of astrology are not halachically objectionable, but one must be careful], reliance on omens [counted elsewhere], conjuring & witchcraft **[511, L34 18:10]**, incantations **[512,L35 18:10]**, mediums **[513,L36 18:11]**, oracles **[514,L37 18:11]**, and necromancy (seances, contacting the dead) **[515,L38 18:11]**. All the above-mentioned practices - and there are different opinions as to exactly what each Torah-term refers to - pull a Jew away from his straight-forward, "pure" relationship with G-d. We must strive for that direct, honest relationship.

Apropos the point of the Lead Tidbit, the practice of these Black Arts can be seen as an alternative to prophecy, yet they are "unkosher" and must be shunned. How much more so when they are attempts to bypass or defy the divine intention.

## **Chamishi - Fifth Aliya - 22 p'sukim - 18:14-19:13**

It is the other nations who listen to the practitioners of the occult arts. G-d did not make us so. We have prophets (like Moshe) who arise from our midst, and it is their prophecies to which we must hearken **[516,A172 18:15]**.

This was part of the "deal" made with G-d at Sinai, when we asked that we not hear G-d's "voice" directly. G-d agreed with our request on the condition that we would listen to true prophets who would communicate to us what G-d asks of us. Anyone who does not listen to the Word of G-d through the prophet will be "answerable to Him". But a prophet dares not speak in G-d's name under false pretenses **[517,L27 18:20]**, or speak in the name of an idolatry **[518,L26 18:20]**. How are we to know what is and what isn't G-d's word? A prophet must have a 100% "track record" - anything less is an indication of a false prophet. (Prophecies of bad things to befall the People can be reversed through sincere repentance and therefore do not cast doubt upon the prophet.)

We must not be afraid to defy a false prophet and bring him to justice (and execution) **[519,L29 18:22]**.

Of course, we are not supposed to be afraid to do any mitzva in the Torah. In the case of a false prophet, we are often dealing with a charismatic individual who might have a very large following. Defying him might be a very unpopular thing to do. The Torah is bolstering our resolve to rid ourselves of false prophets by commanding us not to be afraid. Perhaps we can draw from this mitzva a lesson to apply to all mitzvot. Do not be afraid to keep the Shabbat, be kosher, daven Mincha, avoid Lashon HaRa, etc. etc. etc. even when doing so will meet with scoffing of others. Adhere to halacha and don't be afraid or embarrassed to do so.

**[S> 19:1 (10)]** When matters are settled in Eretz Yisrael, we are required to designate another three cities of refuge **[520,A182 19:3]**. Roads to the cities are to be prepared and identified so that the killer can easily find refuge. The cities will protect the inadvertent killer from the blood-avenging relative of the the victim. If (when) we will merit expansion of our Land, another three cities will be selected. This is to avoid unnecessary bloodshed.

**[P> 19:11 (3)]** An intentional murderer also flees to a city of refuge, but is removed therefrom to stand trial. We must not ignore these situations - and those concerning assault **[521,L279 19:13]**, so that we will thereby eliminate the shedding of innocent blood and merit a good life.

Rashi raises an interesting argument against capital punishment, which he rejects. On the words, Do not have pity on him (the killer), Rashi says, don't say that the victim is dead anyway, why should we take another life and there will be two people dead. The implication is clear that despite that argument, capital punishment stands. (One can be opposed to capital punishment in today's society without it being considered clashing with Torah.)

## Shishi - Sixth Aliya - 17 p'sukim - 19:14-20:9

[S> 19:14 (1)] One may not encroach upon another's territory [522,L246 19:14]. This literally refers to the prohibition of moving a boundary-marker between your land and your neighbor's thereby stealing some of his property. Although stealing is already forbidden (and counted among the 613), this prohibition comes to emphasize the seriousness of stealing land, specifically in Eretz Yisrael.

This prohibition extends to other forms of encroachment, e.g. unfair competition that steals someone's business.

[S> 19:15 (7)] It is forbidden to render judgments (in most cases) based on the testimony of a single witness [523,L288 19:15]; a minimum of two witnesses are required. (Sometimes, what only one person says will point the judges in a certain direction, but not as formal testimony.)

If false witnesses shall plot to victimize the accused (and their plot is uncovered in a specific way and at a specific point in the trial) they are to be punished in the manner that they plotted against their fellow [524,A180 19:19].

This topic is known as EIDIM ZOM'MIM - plotting witnesses. It is a subset of false witnesses that differs from "regular" false witnesses in several interesting and sometimes enigmatic ways.

[S> 20:1 (9)] When we go out to battle our enemies and see their horses and vehicles, armaments, etc. and we might tend to panic... we are forbidden to be afraid, because G-d is on our side [525,L58 20:1,3].

A kohein is anointed as chaplain (sort of) and delivers the pre-battle speech to the potential army [526,A191 20:3] He and the Sho-t'rim speak to the people and send home those that have recently built a house, become engaged to marry, and/or planted a vineyard. (In all three cases, the point is that each pursuit is as yet "unfinished". Such a person faces serious distraction from the goals of battle.) They also dismiss from service someone who fears that he has insufficient merit to survive battle. (This is one of several ways of looking at this topic.)

## Sh'vi'i - Seventh Aliya - 20 p'sukim - 20:10-21:19

[S> 20:10 (9)] Before attacking an enemy city, an offer of peace must be sent [527,A190 20:10]. (This applies to all enemies including Amalek!, but excluding Amon and Moav.) This offer is conditional upon the acceptance of the 7 Noahide Laws and other restrictions. If these terms are not met, we attack and destroy the male population. Female captives and spoils of war may be taken, except for the "7 nations" [528,L49 20:16]. These nations are to be totally eradicated at G-d's command, in order to eliminate their evil influence.

[S> 20:19 (2)] When laying siege to a city, care must be taken not to destroy fruit trees [529,L57 20:19]. Only shade trees may be cut down so that siege equipment can be built. This prohibition of BAL TASHCHIT is expanded by Chazal to include many types of wanton wastefulness.

[P> 21:1 (9)] If a corpse is found in a field, and it is not known who has committed the murder, measurements are made to determine the nearest town. The elders of that town perform a ceremony which includes killing a calf [530,A181 21:1] to emphasize the senselessness of bloodshed. The area where the ceremony is performed may never be planted nor worked [531, L309 21:4]. The elders proclaim that they are not responsible for the loss of life. The whole procedure has a sobering effect on all involved, and hopefully there is sincere mending of ways and atonement granted by G-d because all the People now take "life" more seriously. [3-pasuk Maftir.]

## Haftara - 24 p'sukim - Yeshayahu 51:12-52:12

4th of the 7 haftarot of consolation. The predominant message of the haftara is that G-d has a special relationship with the People of Israel (an appropriate reminder for the beginning of Elul) and that we have nothing to be afraid of, because the end to difficult times is coming. This can be summed up by the end of the famous saying (song) of Rabbi Nachman - "And the essential thing is not to be afraid at all".

## THE JERUSALEM INSTITUTE OF JEWISH LAW - Rabbi Emanuel Quint, Dean

Lesson 345 (part two)

### Right of First Refusal

At the end of the last lesson, we discussed that the right of first refusal does not apply to a gift that Reuven gives to Levi. Is the alleged gift a subterfuge to deprive Shimon of his right of first refusal because it is not really a gift but rather a sale? Several tests are set up to show what is the true nature of the transaction. If the deed of gift of the land from Reuven to Levi contained a warranty clause, it will be strong evidence that it was not a gift since donors do not generally warrant title to a gift of land, and the law of right of first refusal applies. Shimon will pay to Reuven the appraised value of the land. If Levi admits it was an attempted fraud, then Levi can take an oath how much he paid Reuven and if his alleged purchase price approximates the appraised value, Shimon will pay to Levi the price included in the oath. There is an opinion that if the price Levi alleges he paid is approximately that of the appraised valuation, he need not take an oath, and Shimon must pay that price if Shimon exercises his right of first refusal.

There is a dispute among the authorities regarding the following fact situation: Levi purchases the land from Reuven and before Shimon can exercise his right of first refusal, Levi

gives the land by gift to Yehuda. According to some authorities the law of the right of first refusal does not apply to Yehuda, and Shimon cannot exercise his right of first refusal, while according to other authorities the law of the right of first refusal does apply. Even according to the first authority, Beth Din should closely scrutinize to see if the gift from Levi to Yehuda is really a gift since these facts are rather unusual.

The law of the right of first refusal does not apply if Reuven sells several parcels of land to Levi, which parcels are not contiguous to each other. Shimon cannot exercise his right of first refusal regarding the parcel that is contiguous to his parcel. Shimon may not exercise his right of first refusal even if he offers to purchase all of the parcels that Reuven sold to Levi.

The law of the right of first refusal does not apply if Reuven sells the land to the person from whom he purchased the land. For example, Reuven purchased the land from Naftali. He now resells the land to Naftali or to Naftali's heirs if Naftali is dead. Shimon has no right of first refusal. A person does "what is right and just" when he resells the land to the original owner. However, if Reuven purchased the land from Naftali and then sells the land to Levi, and now Levi sells the land to Naftali, Shimon may exercise the right of first refusal.

The law of the right of first refusal does not apply if Reuven sells the land to his son.

The law of the right of first refusal does not apply if Reuven sells the land in an emergency situation. Levi will not purchase if he knows that Shimon may force him to sell to Shimon and thus Reuven will not find a ready buyer and he cannot wait until Shimon goes to the bank to obtain funds to purchase. It also does not apply if Reuven must raise immediate cash to pay the tax collectors of the king who will arrest him unless the tax is paid within minutes. Or Reuven must raise immediate cash to bury a close relative. If Levi is willing to purchase within these few minutes, then Shimon cannot exercise his right of first refusal. The law is the same if Reuven borrows money from Levi in these emergency situations and now wants to sell the land to Jacob to repay Levi. Shimon cannot exercise his right of first refusal against Jacob. However, if Reuven needs money for his business, the nature of the requirement is not enough of an emergency to make Shimon lose his right of first refusal. Merchants very often need cash in a hurry and to have the right of first refusal not apply to those situations will essentially emasculate the law. There is authority that the emergency exception can be extended to any situation when it would require hardship on Levi a member of the community to require him to transfer title to Shimon, the contiguous neighbor. For example, Levi purchases Reuven's house and he cannot find any other place to live. For Shimon the gain is to expand his land to include the land sold by Reuven to Levi. This opinion holds that it is up to the Beth Din to weigh the conflicting interests between Levi and Shimon. Many authorities do not agree and hold that to include this exception would result in emasculation of the law of the right of first refusal.

The law of the right of first refusal does not apply in land for land exchanges situations. For example, Reuven exchanges his parcel of land, parcel #1, for a parcel of land parcel #2 owned by Levi. Shimon may not exercise the right of first refusal and acquire parcel #1 from Levi. There is no way that Shimon can give to Reuven a piece of land that is the same as Reuven

receives from Levi. Also, Levi would not give up his land except for the land he receives from Reuven. However, if Reuven exchanges his land for an animal or other personal property belonging to Levi, Shimon can have the animal or personal property appraised and pay to Levi the appraised value to acquire the land from Levi. Levi cannot demand that Shimon obtain from Reuven the animal or personal property that Levi gave to Reuven for the land. In this last described situation, Beth Din will be within its rights to suspect fraud, or at least an attempt to circumvent the right of first refusal on the part of Reuven and Levi, since it is unusual for a person to give up land for a animal or personal property.

The right of first refusal does not apply against a partner. If Reuven and Naftali are partners in the ownership of the land or joint tenants in the ownership of the land or even partners in another business, Reuven can sell his interest to Naftali. Shimon the contiguous neighbor to the land does not have right of first refusal.

In the next lesson, IYH more exceptions to the right of first refusal. Part 2)

*The subject matter of this lesson is more fully discussed in volume V chapter 175 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: [orders@gefepublishing.com](mailto:orders@gefepublishing.com) and via website: [www.israelbooks.com](http://www.israelbooks.com) and at local Judaica bookstores. Questions to [quint@inter.net.il](mailto:quint@inter.net.il)*

## TANACH

### SPIRITUAL AND ETHICAL ISSUES IN THE BEREISHIT STORIES by Dr. Meir Tamari

#### These are the Sons of Yaakov [6]

"This People, whose calling is to be a holy nation and a kingdom of priests, the standard bearer of G-d, had to experience at the very beginning a moral outrage upon its own flesh and blood. It had to suffer this outrage so that the world could see in our swift and uncompromising reaction the sacred character of its purity" (Rabbi S. R. Hirsch").

The incident of Dina's abduction is seen by the commentators to have been in punishment for sins committed by Yaakov and Leah. This is based on the wording of the opening verse: "Now Dina, daughter of Leah whom she had borne to Yaakov, went out to look over the daughters of the land" (Ber. 34:1).

"Why was Dina not referred to as the daughter of Yaakov as is common in the Torah? Because she went out bedecked in jewelry and all her finery in violation of the codes of modesty; Leah too had lacked modesty when she went out to meet Yaakov" (Midrash Tanchuma; Abarbanel). "It is difficult for us to fathom even to the slightest, the depth of the workings of divine justice. Even though all of Leah's intentions were holy and were meant solely to establish the Tribes of Israel, Issachar and Zevulun, nevertheless, there was a very slight degree of immodesty in her going out to Yaakov and that led to the incident of her daughter Dina" (Harav Shach). "A person goes into a store and sees various items but decides that the price is inflated or the quality inferior or they simply do not like the goods. Yet, the

salesman is able to tempt the customer by stressing their uniqueness, or by persisting that the price has been specially reduced just for that person until it is almost at his cost, or by other stratagems. The customer, even without desire to buy, nevertheless, all too often succumbs to temptation. We can learn a most basic and important lesson of the danger that temptation places before all of us from the actions of Leah, Dina, the Imahot and Avot. Avraham, who despised material wealth, nevertheless took an oath that he would not benefit from the gifts of the king of S'dom. He was convinced of the power of temptation to move one even though one has every intention of not doing a certain action, so he felt that he needed the strength of an oath to help him withstand it. Leah, even though G-d rewarded her going towards Yaakov, by granting her two tribes, nevertheless, bequeathed her slight immodesty to Dina" (Daat Torah, Rabbi Livowitz, Yeshivat Mir).

"When Yaakov said to Lavan (30:33), "Let my integrity testify for me in the future", G-d said: "Does any mortal know what the future has in store for him? In the future your daughter will be humiliated." Yaakov hid Dina in a chest so that Eisav should not have the opportunity to see her and marry her. Thus he showed a lack of faith in G-d that perhaps she would cause Eisav to repent. ["You feared that she would marry a circumcised man, verily, she will fall to an uncircumcised one" (Midrash Rabba)]. Furthermore, Yaakov was arrogant in referring to himself as lord of the lower world [Gur Aryeh on 33:20]. For all these statements, Yaakov was punished by the abduction of Dina" (Rabbenu Bachya). "His error lay in not going directly to Bet El and redeeming his vow there. Instead he built the altar in Shechem. So Hashgacha caused the incident of Dina so that he was forced to leave Shechem and go to Bet El" (Malbim).

G-d's evaluation of human ethical and moral behavior and His subsequent punishment, in no way justify the acts of the instruments He chooses to carry out that punishment. For instance, Bayit Rishon and Bayit Sheni were both destroyed because of Israel's sins, nevertheless, both the destroyers, Bavel and Rome, were punished for exceeding their mandate. This is an essential truth to remember in the world of today where often perpetrator and victim are considered to be equally to blame. Killers of innocent bystanders and non-combatants are seen not as murders and terrorists but as liberating soldiers. Victims of business fraud are faulted for being naive or for their misplaced trust.

In a recent serial rape case, the rapists claimed that the victim consented, that they did not know that she was below the statutory age of consent and that she was a disturbed girl; all of which may or not have been true, nevertheless, ethically, only an immoral society would consider them blameless. So too, the Divine Judgments in our case, important as they are and containing serious lessons for all the generations, in no way minimize or justify the immoral and objectionable action of Shechem.

It in this light that the reaction of the brothers to the news must be seen: "And they were distressed and they were fired deeply with indignation" (34:7). "They saw it as a disgrace to them but this distress was mild compared to their indignation concerning the breach of the high moral standards of Israel" (Abarbanel). His was an act

unacceptable even to Bnei Noah who had guarded themselves against sexual immorality after the Flood. Their distress and indignation were a message that was followed centuries later by their descendants. This was when the Tribes of Israel went to war against their brothers of Binyamin over their unwillingness to punish the men of Givah (Shoftim, 19-20).

"The first time that the Avrahamic People are referred to as Israel is in the incident of Shechem, and this even before Yaakov's name was changed to Israel. They already considered themselves part of the Holy Nation called upon to fight for G-d. What a magnificent concept of duty and morality is thus connected with this great name, that the struggle for G-d inherent in that name should be in defense of the sacred ideal of moral purity; the first mission of Israel is to safeguard that ideal" (Rabbi Munk).

*This is installment #142 in Dr. Tamari's series on "Tanach and its messages for our times"*

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### **[1] From the virtual desk of the OU **VEBBE REBBE****

*The Orthodox Union – via its website – fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...*

**In honor of the publication this week of the sixth volume of our Hebrew responsa work, B'mareh Habazak, we proudly bring you a question and answer from that forum (siman 45). It is not only translated from Hebrew but also adapted to the different format we employ in Hemdat Yamim. (Copies of the sefer are available in our office, along with other of our publications.)**



Is it permitted, while serving on Shabbat, to transfer vegetables or kenaidelach from the soup to the bowls with the use of a special spoon that has holes in it?



The baraita (cited in Shabbat 74a) mentions cryptically that selecting (borer) some food from other types of food is sometimes forbidden and sometimes permitted. The following three distinctions that are brought to explain the various possibilities are accepted by the Shulchan Aruch (Orach Chayim 319:1-2) as halacha.

- 1) The selection is done by hand, not by a utensil whose purpose is selection.
- 2) The food which one wants to eat is removed from that which he does not want now.
- 3) The food which is removed will be used in the short term. Only if all three are satisfied will it be permitted to select (see also Tosafot, Shabbat 74a).

At first glance, our question fails the first test, as a utensil is being used, not hands. One could try to apply the following important rule which Rav M. Feinstein used (Igrot Moshe, Orach Chayim I, 124). One is allowed to remove food that he wants to eat from its surroundings with a spoon or fork if the selection could have been done as efficiently by hand and the utensil was used for a side reason (e.g., to keep his hands clean). One could claim that in our case one would use his hand if not for technical factors such as hygiene and not wanting to dirty or burn his hands. On the other hand, the spoon in question here is a special one which is made to have the effect of a strainer. It is likely that in such a case Rav Feinstein would not have been lenient.

However, we can permit using the spoon in this context for a combination of factors. The Maharitatz (Shut 203) says that it is not considered borer when one removes a solid from the medium of a liquid. He used this rule to explain his ruling that one may remove a fly that fell into a drink. It is true that many argue (including the Taz, Orach Chayim 319:13) and the more accepted halachic practice is to take out some liquid along with the fly (Biur Halacha to 319:4). The Yalkut Yosef (319:28) rules that the halacha is like the Maharitatz, just that it is preferable to remove some liquid with the fly. Furthermore, the Shevitat Shabbat (Borer, 11) says that when the solid pieces inside the liquid are large, even those who argue on the Maharitatz should agree that removing the pieces is not borer.

In the standard case you refer to, there is another significant reason to be lenient. The person who takes out the vegetables presumably does not care if a modest amount of liquid is transferred along with the vegetables. His intention is just to efficiently move a large amount of vegetables from one place to another. Thus, even if liquid falls out along the way, it is not considered borer. Based on this concept, the Yalkut Yosef (ibid.:28) allows using a spoon with holes to remove pieces of meat from chulent even though some gravy slips out in the process. He bases himself partially on a similar ruling in Shemirat Shabbat K'hilchata (3:54). There, Rav Neuwirth says that one can use a ladle with holes to quickly remove wet spaghetti from a pot to a plate in such a way that he does not have a significant amount of water fall out in the process.

In summary, there are several reasons for leniency to allow using a spoon with holes to move vegetables from the pot of soup to people's bowls on Shabbat, and it is permitted to do so.

*Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this*

*section or the entire Hemdat Yamim at [www.ou.org](http://www.ou.org) or [www.erezhemdah.org](http://www.erezhemdah.org). And/or you can receive Hemdat Yamim by email weekly, by sending an email to [info@erezhemdah.org](mailto:info@erezhemdah.org) with the message: *Subscribe/English (for the English version) or Subscribe/Hebrew (for the Hebrew version)*. Please leave the subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel*

## [2] Candle by Day

**Has it ever occurred to anyone that other centuries were not so rich in inventions as our own because, stressing values different from our own, they saw no great need for inventions.**

From "A Candle by Day" by Rabbi Shraga Silverstein

A Candle by Day • The Antidote • The World Of Chazal by Rabbi Shraga Silverstein • Now available at 054-209-9200

## [3] CHIZUK and IDUD

for Olim & not-yet-Olim respectively

We are accustomed to describing mitzvot as either Bein Adam L'chavero (between man and his fellow) or Bein Adam LaMakom (between man and G-d). A third category sometimes suggested is Bein Adam L'atzmo (between man and himself). In this third category we find, for example, the mitzva of Torah study, for we must study Torah to achieve personal growth.

This week's parsha deals with a fourth category which is often overlooked due to our long exile. These mitzvot can be called Bein Adam LaChevra or Bein Adam LaMedina (between man and society or between man and state). These are laws that cannot be fulfilled by the individual. Rather they are the collective obligations of society. Only a society can establish a government, courts, law enforcement agencies, an army and rules of combat. Without an independent state, these mitzvot are relegated to theoretical study without practical implementation. If a Jew does not live in an independent Jewish state, he cannot fulfill these mitzvot.

Our generation is blessed. In our time, in our country, these mitzvot are no longer merely theoretical. Being self-governing, we are challenged to bring this dormant area of Torah to life. Establishing a police force, an army, courts and government are mitzvot when they are done in Israel.

I once heard an interesting interpretation of the verse in Tehilim 147:19: "He declares His word to Ya'akov, His statutes and His judgments to Yisra'el." When we are Ya'akov, a name that represents Galut, many parts of the Torah are merely words. But when we become Israel, those parts of the Torah become living statutes and judgments.

**Rabbi Yosef Wolicki, Beit Shemesh**

*TORAH THOUGHTS as contributed by Aloh Naaleh members for publication in the Orthodox Union's 'Torah Insights', a weekly Torah publication on Parshat HaShavu'a*

## [4] A Touch of Wisdom, A Touch of Wit

After the Malbim's departure, the community of Mohilew remained without a Rav for a number of years. Thus, when R' Yoshe Ber left Slutsk, the leaders of Mohilew came to him and invited him to be their Rav. R' Yoshe Ber turned them down

out-right.

"Why did you turn us down, Rebbe," they asked. "Is being the rabbi of Mohilew beneath you?"

"Heaven forbid," answered R' Yoshe Ber. "Mohilew is a marvelous town, an important town, and what greater honor can a Rav have than to occupy the position once held by the Malbim? But let me give you a parable. If a person needs to marry a widow, he should look for a woman who was widowed recently. Such a woman feels that she cannot survive without a husband. After all, who will support her? Who will make kiddush and havdala for her? We can rest assured that such a woman will appreciate being remarried. On the other hand, if a woman has been a widow for a number of years, she already knows that she can survive without a husband. Thus she will not be as appreciative of her second husband.

"So too, if a community has just lost its rabbi, it believes that it cannot do without one. Who will make halachic decisions? Who will give the sermons? Such a community will appreciate having a new rabbi. However, Mohilew, which has been without a rabbi for years, has no doubt reached the conclusion that a Jewish community can survive quite satisfactorily without a rabbi."

*Shmuel Himmelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and "Wisdom and Wit" — available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder*

## [5] Parsha Points to Ponder - SHO-F'TIM

1) What does the Torah mean when it states that one should be perfect WITH G-D? (18:13) Shouldn't it say that we should be perfect IN THE SERVICE OF G-D or something like that? What is the significance of the word WITH?

2) Why does the Torah state that a prophet will arise both FROM YOUR MIDST and FROM YOUR BROTHERS? (18:15)

3) Why do the Sages nearest to the city where a corpse is found have to declare that OUR EYES DID NOT SEE? (21:7) Do we really suspect that they might have seen this horrible crime committed and ignored it?

## THESE ARE THE ANSWERS

Ponder the questions first, then read here

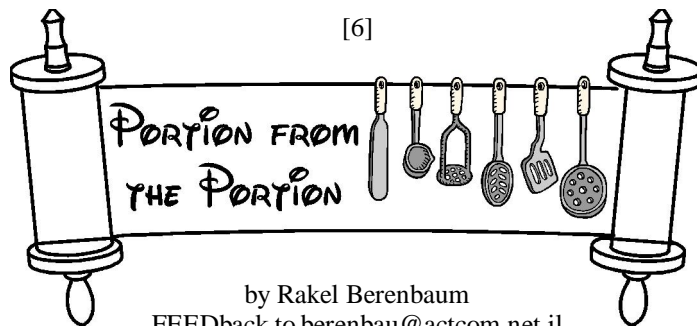
1) The Alshich explains that the word WITH teaches that one must be perfect in the service of G-D even when there is no one else around and it is literally just the person WITH G-D. Our perfection in serving G-D must be motivated by our understanding of G-D and our connection to Him and not by what other people will see and think of us.

2) The Sfat Emet answers that FROM YOUR BROTHERS teaches that the Jewish people only merit prophecy when in a status of brotherhood and unity. Thus, the Torah is saying that a prophet arises from our acting as brothers.

3) The Chatam Sofer teaches that this phrase is actually an acceptance of guilt by the Sages of the city. They first state that OUR HANDS HAVE NOT SPILLED THIS BLOOD, indicating that no one from their city performed this murder. However, for such a crime to take place near this town, it

indicates the city's lowly spiritual level. Thus, they proclaim AND OUR EYES DID NOT SEE - we did not notice the weakened spiritual state of our people, and, this incident has brought this failure of ours to our attention.

*Parsha Points to Ponder is prepared by Rabbi Dov Lipman, who teaches at Reishit Yerushalayim, Tiferet, and Machon Maayan in Beit Shemesh and RBS and is the author of "DISCOVER: Answers for Teenagers (and adults) to Questions about the Jewish Faith", soon to be re-published by Feldheim ppp@israelcenter.co.il*



## DO NOT DESTROY THE TREES

Alongside the terrible loss of so many lives in the recent war, many properties and natural parks have been damaged. It will take many years till the nature reserves return to their beauty. This portion which gives guidance on how to behave when going out to battle, on relations with comrades-in-arms, the enemy and prisoner, also includes verses that deal with man's relationship to the plant world.

While describing how we should behave while besieging an enemy during the time of war the verses state, "Do not destroy - LO TASHCHIT - the trees... because you can eat from them." The verse continues "KI HADAM ETZ HASADEH LAVO MIPANECHA BAMATZOR". This part of the verse is a bit difficult to understand and any translation is already a type of commentary.

Rashi explains it as a rhetorical question - "Really? is the tree of the field a man who is besieged by you, to suffer famine and thirst just like the inhabitants of the city? Why then should you cut it down?" Meaning you shouldn't cut down the tree because it isn't your enemy and didn't harm you in any way.

Ibn Ezra explains in a different way. He explains as follows: "because you may eat them and you shouldn't cut it down because the tree is man's life". As the Sifri explains "the life of man is only from the tree."

Nechama Leibowitz sees in these two divergent grammatical interpretations of the verses, actual differences in meaning and implication. According to Rashi's explanation the law is inspired by compassion for whatever Hashem created, whereas according to Ibn Ezra it is motivated by considerations of human welfare.

The Rabbis have actually seen the tree in the text just as an example, a prototype. They see the prohibition of BAL TASHCHIT as implying that it is forbidden to willfully destroy anything that could be of benefit to mankind. We are commanded to make use of Hashem's creations, but we are not allowed to willfully destroy these gifts of nature.

# RICE BROCCOLI (TREES) FOREST

- Cooked rice
- Frozen broccoli
- Seasonings

Fill a baking dish with the cooked rice. Scatter the broccoli pieces over the whole baking dish placing each piece stem down into the rice. It will look like a broccoli forest. Bake for 25 minutes at 180°C.

## [7] Torah from Nature

### Mountain Pygmy Possum

small, mouse-sized (45g, less than this TT you are holding - Ed. note: This was written for the hard copy, which weighs 55g this week), nocturnal marsupial of Australia... approx. 11cm long (not counting its long prehensile tail); eats insects, fleshy fruits, nuts... thought to be long extinct until 1966, when a living specimen was accidentally discovered... most of the year, males and females live apart... survival threatened...

## [8] MicroUlpan עָרִיס ♦ עָרִיסָה

Similar words: ARIS and ARISA - Pergola and baby crib respectively.

## [9] G'matriya Match

צֶדֶק צֶדֶק תִּרְדּוּף לְמַעַן תִּחְיֶינָה וְיִרְשׁוּתָּהּ

אַתְּ-הָאָרֶץ אֲשֶׁר-הִיא א' לְהִיָּד גִּתָּן כָּף: דברים ט"ז

D'varim 16:20 - TZEDEK TZEDEK TIRDOF... Justice, only justice shall you pursue, that you may live, and inherit the land which HaShem your G-d gives you. And if not... Dvarim 28:25 - HaShem shall cause you to be defeated before your enemies... and (you) shall be removed into all the kingdoms of the earth.

יִתְנֶה ה' | נְתָה לְפָנַי אִיבִיךָ בְּדַרְךָ אֲנֹד תִּצְלָה

אֵלָיו וּבִשְׂבָעָה דְרָכִים תִּנְוֶם לְפָנָיו וְהִיָּת

לְיַעֲזֶה לְכֹל מִמְלְכוֹת הָאָרֶץ: דברים כ"ח

These two p'sukim (the whole p'sukim; no fudging here) have the same g'matriya - 4441.

## [10] ELUL א ל ו ל

The letters of ELUL - ALEF-LAMED-VAV-LAMED - are the Rashei Teivot (initial letters) of 57

4-word sequences in the sequences in the Tanach, most of which do not have an ELUL message for us... but several do.

The famous phrase from Shir HaShirim, ANI L'DODI V'DODI LI, describes the relationship between G-d and the People of Israel.

In D'varim we have: And you shall circumcise ET L'VAV'CHA

V'ET L'VAV of your offspring... These words speak to the task of T'shuva during Elul.

In Megilat Esther we find the mitzva of giving gifts (of food) from ISH L'RE'EIHU U'MATANOT LA'EYONIM. This highlights the interpersonal aspect of the T'shuva process, which commands special focus and effort.

In Divrei HaYamim we have our declaration: And now, our G-d, we acknowledge and thank you and praise Your glorious Name - modim ANACHNU LACH UMHAL'LIM L'SHEIM tif'artecha - this points to the significance of prayer during this special month.

In Yirmiyahu's prophecy of G-d's accepting our T'shuva and returning us from the exile, G-d promises to return ISH L'NACHALATO V'ISH L'ARTZO - each person to his Heritage and his Land.

We have a thrice-repeated phrase that describes two korbanot, each of which addresses a different aspect of sin. ECHAD L'CHATAT V'ECHAD L'OLAH, one as a Sin Offering and one as a Burnt Offering. The former sacrifice is part of the process of seeking atonement from G-d for acts that were inadvertent violations of certain sins. The latter is for the wrong kind of thoughts, and sometimes for the non-fulfillment of positive mitzvot.

## [11] Divrei Menachem

This week we read the fourth in the series of Haftarot of Comfort that follow Tish'a B'Av, the day that marks the epitome of Jewish suffering. How apt - in the aftermath of our recent travails in Israel - that we should now turn our thoughts to the soothing words of the prophet Yeshayahu.

The opening words are poignant: They remind us that G-d is the ultimate comforter, for, "It is I. I am He who comforts you" (51:12). These words, however, stand in stark contrast to the manner in which G-d describes Himself a few verses later as, "Hashem your G-d (Elohim)... Hashem, Master of the Legions, is His name."

In reality, we see juxtaposed the two classic sides of G-d: The strict Master who represents the side of Justice (Din) and the concerned Father who conveys the attribute of loving-kindness (Chesed). The prophet parallels these aspects, castigating a raucous people for deserting their G-d while alternately stirring them to joyous fulfillment with his cry of: "Wake up! Don your strength, O Zion!"

For this is our life, our destiny, our hope and our expectation. Yes, even as we mourn the victims of war, we continue to yearn for peace. Surely, though, our conception of this lofty goal has to be reconciled with the prophet's exhortation in our Haftara, whereby he proclaims: "How beautiful are the footsteps of the herald making heard, 'Shalom!'... 'Salvation!'... [and] who says to Zion, 'Your G-d has reigned!'"

Shabbat Shalom, Menachem Persoff

## Towards Better Torah reading and Davening

### Watch your SH'VAs

SHO-F'TIM V'SHO-T'RIM

The SH'VAs are NA, sound like short vowels, and begin

their syllables. The PEI and TET belong with TIM and RIM-not to SHO and SHO.

This occurs often. In the Amida, for example: NO-F' LIM, SHO-F' TEINU, O-Y' VECHE, O-Y' VIM, SO-F' REIHEM, LI-SHU-A-S' CHA, v'li-ru-shayim I-R' CHA and more.

## **SHEYIBANEH BEIT HAMIKDASH...**

*A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.*

### **The Shulchan and the Lechem HaPanim**

The Shulchan, the table upon which the Lechem HaPanim was placed every Friday, was located 2½ Amot from the northern wall of the Heichal, in close proximity to the Parochet. Prepared by the kohanic family of Beit Garmu and placed on the Shulchan every Shabbat, the Lechem HaPanim consisted of 12 large unleavened loaves made of the finest wheat flour set in golden moulds. Josephus, while ostensibly describing the Shulchan of the Mishkan (Sh'mot 25:23-29), paints us a multicolored (though somewhat unclear) picture of the Shulchan as it appeared in his day. "But in the holy place he (Moses) placed a table like those in Delphi (?) ... It had feet also, the lower half of which were complete feet, resembling those, which the Dorians put to their bedsteads; but the upper parts towards the table were wrought into a square form. The table had a hollow towards every side, having a ledge of four fingers depth, that went around like a spiral, both on the upper and lower part of the body of the work. ... Upon every one of the feet was there also inserted a ring, not far from the cover, through which went bars of wood beneath, but gilded to be taken out upon occasion, there being a cavity where it was joined to the rings; for they were not entire rings; but before they became quite round they ended in acute points, the one of which was inserted into the prominent part of the table, and the other into the foot; and by these it was carried when they journeyed (in the wilderness CS). Upon this table which was placed on the north side of the Temple, not far from the most holy place, were laid twelve unleavened loaves of bread, six upon each heap, and one above the other" (Antiquities Bk. 3; chap. 6:6). The Shulchan was one of the treasures stolen by Antiochus Epiphanies (I Mac. 1:23) and later replaced by Judah Maccabee when he purified and restored the Mikdash to divine worship.

Beit Garmu prepared the Lechem HaPanim in a special room called the Lishkat Osei Lechem HaPanim, "Chamber of the Showbread Makers", located in the Beit HaMokeid, on the northern side of the Azara. The employment of a kohanic family in the Mikdash to bake the Lechem HaPanim was actually an innovation instituted during Bayit Sheini. In Bayit Rishon, the Levitical family Bnei Hakehati "were over the Lechem Hama'arechet" (i.e. Lechem HaPanim) to prepare it every Shabbat" (I Divrei Hayamim 9:32). The salary of the bakers and the cost of the flour were taken from the Machatzit Hashekel, the half-shekel Temple tax, that was paid annually to the Mikdash treasury, by every adult male Israelite (Shekalim 4:1). Aside from what is written in the Torah (Vayikra 24:6-9), our primary source relating to the placement of the Lechem HaPanim, is the Mishna in Menachot and its attendant Gemarot and commentaries. When a festival occurred on Friday, the

Kohanim of Beit Garmubaked the Lechem HaPanim on Thursday. It is likely that the Lechem HaPanim remained in the Lishkat Osei Lechem HaPanim under lock and key until the appointed time on Shabbat when the Kohanim brought them into the Bayit.

Two groups of four Kohanim entered the Bayit every Shabbat to place fresh Lechem HaPanim on the Shulchan and to remove the loaves of the previous week. Two of the Kohanim of the first group carried the twelve new loaves with their golden moulds into the Ulam and placed them on the marble table that was located north of the Great Gate. The Mishna relates, "In the Ulam - the entrance hall - there were two tables; one of marble and one of gold. On the table of marble they laid the new Lechem HaPanim when it was brought in and they laid the old Lechem HaPanim on the table of gold when they brought it out of the Heichal" (Menachot 11:7). The Mishna explains why the old Lechem HaPanim, after having been removed from the Shulchan, was placed on a gold table in the Ulam, while the new Lechem HaPanim only "rated" a marble table. "What is holy must be raised (in honor) and not lowered." The old Lechem HaPanim had reposed on a gold table; for it to be placed on a marble table would be a "comedown." Balancing six loaves and their moulds required great agility and strength because they were certainly heavy and unwieldy. (In light of the well-known Biblical passage, "In the multitude of the people is the glory of the King, (Mishlei 14:28)", frequently quoted as a reason to increase the number of Kohanim participating in other Avodot, it is surprising that only two Kohanim were designated to carry all those loaves and their gold moulds. It would have been considerably less exhausting for the Kohanim involved, and it would have considerably lessened the risk of the Lechem HaPanim falling on the floor, if the task would have been delegated to more Kohanim in accordance with the philosophy of the quoted dictum. IMHO.) "They who brought the loaves in, stood on the north side with their faces towards the south (and their backs against the northern wall of the Heichal); those who removed the old Lechem HaPanim from the Shulchan stood on the south with their faces to the north. Those who removed the old loaves... [and other Kohanim] replaced them with the new loaves and there was always one Tefach where one overlaid the other, as it is written, 'Before Me continually'" (Sh'mot 25:30, Menachot 11:7). However, there is another opinion that "even if the old (Lechem HaPanim) was removed in the morning and the new set down only in the evening," it was tolerable. What was important, according to R. Yosi's rejected opinion, was that the Shulchan should not be bereft of Lechem HaPanim overnight (Menachot 99b). The other two Kohanim in this group carried flat-bottomed ladles holding the new frankincense. This frankincense was placed on top of the two piles of loaves. (This is according to the description in Antiquities bk. 3, ch. 6:6 cited above. However, the Rambam accepts the ruling of Abba Sha'ul, Menachot 11:5, which states that the flat-bottomed ladles containing the frankincense were placed between the piles of Lechem HaPanim loaves. Note Hilchot Temidin U'musafin 5:2) The four Kohanim charged with removing the Lechem HaPanim were members of the Mishmeret beginning one of its two annual weeks of service in the Mikdash: the Kohanim in the second group were members of the Mishmeret that was concluding its week of service. Upon exiting the Heichal, the Kohanim placed the old loaves on the gold table located south of the entrance of the Ulam. Then they were removed from the Heichal and distributed among the Kohanim of both Mishmarot. The two ladles of frankincense that accompanied the Lechem HaPanim were also replaced weekly;

the old frankincense once removed was burnt on the Mizbei'ach. The Kohanim could not eat their allotted Lechem HaPanim until the frankincense (later salted like all other Korbanot) had been cast into and consumed by the sacrificial fire ablaze on the southwest corner of the Mizbei'ach.

The Gemara tells us that one of the miracles of the Beit Hamikdash was that the Lechem HaPanim, even after being exposed to the open air for an entire week - from Shabbat to Shabbat - remained as fresh and as piping hot as the moment when the Kohanim took them out of the oven (Menachot 29a).  
-to be continued-

*Catriel's book in progress: The Temple of Jerusalem, A Pilgrim's Perspective; A Guided Tour through the Temple and the Divine Service*

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- ✚ Upper-left are the symbols of SHO-F'TIM (gavel) and SHO-T'RIM (sheriff's star).
- ✚ Negation circle over the planting of a sapling = prohibition of planting trees in the Mikdash or Mizbei'ach area.
- ✚ Tilted scales = perversion of justice - a recurring theme in the sedra.
- ✚ Crown is for the mitzva of appointing a king. • He must write a special Torah (quill & parchment). • He may not own an excessive number of horses (3 chess knights is too many).
- ✚ Gift-wrapped present represents MATANOT, the gifts to a kohein, specifically the parts of an slaughtered animal.
- ✚ Negation of veering to the right or left times 2 because all are commanded so, and the king is additionally commanded the same thing.
- ✚ Rabbit in hat stands for magic (but is not the same kind that the Torah forbids - That's why it is not in a negation circle.)
- ✚ Ax handle detached from head (kills someone) - classic SHOGEH situation.
- ✚ Bulldozer (earth mover, as it is called today) (below gavel and above crown) is to prepare the roads to IR MIKLAT for better access to the cities of refuge.
- ✚ Bottom, from left. Three military deferments: Building new house, engagement to marry, and vineyard.
- ✚ Lower-right is KI HA'ADAM EITZ HASADEH, for man is like the tree of the field.
- ✚ Home Sweet Home picture with the pyramids is negated because we are not allowed to return to Egypt to live there.
- ✚ There is an eye with the letter I in it, which is a play on AYIN B'AYIN. The phrase appears only three times in all of Tanach. Two of those times are Parshat Sho-f'tim and the haftara for Parshat Sho-f'tim!
- ✚ The dice are double-4, which is for the 4 double words in the haftara - check them out.
- ✚ The peace symbol in a speech bubble stands for the mitzva to offer peace to an enemy before engaging it in battle.

- ✚ The recycling symbol reminds us to avoid the prohibition of BAL TASHCHIT.
- ✚ The negation of the snake is for the prohibition of NICHUSH (play on words). The snake is a KING cobra, so it also refers to the prohibition of choosing a king from another nation (Cobra isn't a Jewish name.)
- ✚ The king of hearts is lying down since the king's heart must not be raised above his brothers.

## TTRIDDLES...

are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal

### Last issue's (R'EI) TTriddles:

**[1] 2 Sh'mot, 18 D'varim, 43 rest of Tanach - stay away from them all**

The term ELOHIM ACHEIRIM occurs 63 times in Tanach. Specifically, it occurs twice in Sh'mot, 18 times in D'varim (including 4 times in R'ei - the most of any sedra). Yirmiyahu ties D'varim for the books with the most occurrences. Stay away from them all.

The phrase ELOHIM ACHEIRIM is a curious one. Why did G-d lend His name to idolatry? (The four letter name of G-d, YUD-KEI-VAV-KEI, is exclusive to Him; ELO-HIM is not.) Rabbi Z. Leff explained that it comes to teach us that in the core of all idolatry, pagan worship, other religions, Avoda Zara, is a belief in something superior to humans. Those beliefs, no matter how distorted, obscured, perverted, corrupted, they are all essentially belief in HaShem. That doesn't take away the universal prohibition of Avoda Zara, but it is in there someplace.

**[2] Mix the sea and the wind and get?**

YAM = sea and RU'ACH = wind. Mix them together, including rearranging the letters, you get YACHMUR, one of the seven types of CHYOT T'HOROT, kosher "wild" animals, that the Torah lists in Parshat R'ei. R' Aryeh Kaplan z"l in The Living Torah translates YACHMUR as antelope in general and the white rumped antelope in particular. He writes that some identify the YACHMUR as a large white goat or a buffalo, or a roe deer or fallow deer. Whatever it is, the YACHMUR is kosher. YACHMUR, by the way, is mentioned only once more in Tanach - in Melachim Alef.

**[3] Curse & mall places are also sons of whom?**

The curse place is Har EIVAL. The mall place is Malcha, known in Hebrew as MANACHAT. EIVAL and MANACHAT are also the sons of SHOVAL, one of BNEI SE'IR HACHORI.

**[4] For 5 in Boro Park, not Bnei Braq**

This is a reference to the end of Parshat R'ei which is the Torah reading of the 8th day of Pesach, the 2nd day of Shavuot, and Sh'mini Atzeret. These readings are for Chutz LaAretz only -

we don't have an 8th day of Pesach or a 2nd day of Shavuot, and our Sh'mini Atzeret is the same day as Simchat Torah, so we read V'zot HaBracha and the beginning of B'reishit. This portion at the end of R'ei, then, is for the 5 people called to the Torah on Yom Tov in Boro Park, but not in Bnei Braq.

**[5] Once each in the two firsts, twice in Eikev, once in R'ei**

The two firsts refer to the first pasuk (or commandment) of the Aseret HaDibrot, from Yitro and Va'etchanan. The phrase of being taken out MEI-ERETZ MITZRAYIM MIBEIT AVADIM, from Egypt, from the house of bondage, occurs three other times in Chumash besides the two times in the first DIBUR. Once more in Va'etchanan, once in Eikev, and once in R'ei. The wording of the TTriddle is in error, it does not appear twice in Eikev, only once.

**[6] Two-word phrase that can imply an equation between one prohibition in R'ei to all mitzvot**

"Only be strong that you eat not the blood; for the blood is the life; and you may not eat the life with the flesh." This pasuk (D'varim 12:23) prohibits EIVER MIN HACHAI, limb from a living animal. This prohibition is not just our mitzva number 452 (Sefer HaChinuch's count), but it is one of the "Universal Laws", one of the 7 Noahide Mitzvot. The command is introduced by the words RAK CHAZAK, Just be strong... This is a rare phrase and an unusual introduction to a command. The phrase occurs only twice more in Tanach, in the first chapter of the book of Yehoshua. There, it is not mitzva-specific, as it is with EIVER MIN HACHAI, but is an encouragement to keeping all the mitzvot. In Yehoshua, the full phrase is RAK CHAZAK VE'EMATZ M'OD, Only be VERY strong and courageous, that you may observe to do according to all the Torah, which Moshe My servant commanded you; turn not from it to the right nor to the left, that you may prosper wherever you go. EIVERMIN HACHAI is the only mitzva to carry part of that introduction.

**[7] See when you come how happy you can be**

Ed. note: As I remember, this was a fairly easy TTriddle, disguised in TT with a fancy font to make it look like some kind of maxim. That's what I remember (from last week!). What I don't (yet) remember is the solution. It happens once in a while. My wife asked me why I don't write down the solutions immediately upon composing the TTriddles in the first place. Good question. A combination of overconfidence in my memory and the desire to be able to actually solve some TTriddles, not just make them up. As I said, this one was easy-ish. See (R'ei, I think), coming to Eretz Yisrael (KI TAVO or something like that), a SIMCHA word, and some form of YIHYEH. Each occurs with the common phrase that is the solution to the TTriddle. I'll still work on it, but if any TTreaders can figure it out, please let me know. --PC

## NachKwestion of the Week

None last week; here's this week's:

### Alef-Bets in Tanach and near Alef-Bets

#### This week's TTriddles:

- [1] One of 6 ending on a high
- [2] No'ach, Avraham, korbanot, we, and?
- [3] Yitzchak, the potential soldier, seeks life and wisdom