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## PARASHAT SHELACH

### “SALACHTI KIDVARECHA”

by Eitan Mermelstein ('21)

When the spies return to the camp and disparage the land, the Jewish people believe their negative report. Consequently, Hashem tells Moshe that he will eradicate the Jews in a plague, and start a new nation from Moshe. However, Moshe is able to convince Hashem not to kill the Jews; he beseeches God to forgive the people, telling Hashem that the people of Mitzrayim will say that You, Hashem, are all powerful if you don't kill the Jews. Hashem agrees not to kill the Jews: *“VaYomer Hashem Salachti KiDvarecha”* (BeMidbar 14:20). Yet Hashem seemingly reverses his previous statement only two Pesukim later, saying: *“Ki Kol Ha'Anashim HaRo'im Et Kevodi Ve'Et Ototai Asher Asiti BeMitzrayim UBaMidbar VaYinasu Oti Zeh Eser Pa'amim VeLo Shamu BeKoli. Im Yiru Et Ha'Aretz Asher Nishbati La'Avotam VeKol Mina'atzai Lo Yira'uha”* (14:22-23). So why does Hashem seemingly retract his earlier statement to forgive Am Yisrael?

The Chizkuni explains as follows: when Hashem tells Moshe that He has *“Salachti KiDvarecha,”* it is in the past tense. Hashem is saying that yes, I told you that if the Jews ever sin, then you can invoke my 13 attributes and they will be forgiven; however some sins are too large to be forgiven. I forgave the Eigel HaZahav, but you are still punished throughout the ages for it, slowly paying for the sin-- *“VeTamid Ke'Efkod Aleihem Avonoteihem UPakadeti Aleihem Me'at Min Ha'Avon HaZeh Im She'ar Ha'Avonot”* (Rashi Exodus 32:34). Hashem says that the punishment for this sin is too large to punish on just one generation, it must be extended. Yet, the Ramban says that the sin of the golden calf was not an attack on God, they were looking for a new leader to be a messenger of God; *“Aval Hayu Mevakshin Moshe, Amru, Moshe SheHorah Lanu HaDerech MiMitzrayim Ve'Ad Hinei, SheHayu HaMa'asim Al Pi Hashem BeYad Moshe, Hinei Avad Mimenu. Na'aseh Lanu Moshe Acher SheYoreh HaDerech Lifneinu Al Pi Hashem Beyado. VeZeh Ta'am Hizkiram Moshe Ha'Ish Asher He'elanu, Lo HaKeil Asher Ha'Olam, Ki Yetztarchu Le'Ish Elokim”* (Ramban Exodus 32:1). A sin that is described as a rebellion against God, however, would entail an even larger punishment.

Therefore he had extended the sin of the spies forever, it will be too large; too great of a punishment for us to ever overcome.

However, the Chizkuni also offers another interpretation of this Pasuk; when Hashem says *“Salachti KiDvarecha”*, Hashem is saying that you, Moshe, evoked the thirteen attributes of Hashem - in the verse that you stated it is written that I hold the sins of the fathers onto their next generations. Therefore I will forgive them by not punishing the next three generations; rather, I will allow this generation to die slowly, and that will be the continued punishment for the next generation.

In contrast, the Seforno believes that Hashem was being merciful when He slowly killed the Jewish people. He had planned to kill us all in a plague, to eradicate the Jewish people swiftly and permanently; yet, Moshe convinced Hashem to kill the generation of sinners slowly. This allowed the next generation to grow older and take the place of those who die every year because of the punishment.

When the latter positions of the Chizkuni and the Sferno's opinion are synthesized, it is clear what Hashem means when he says that *“He has forgiven us”*. Hashem is being merciful by killing the generation of the sinners slowly. He allows the Jewish people to continue to thrive even after a tragedy with the magnitude of the Eigel HaZahav. He shows that He cares about us and wants us to survive as a nation. He will always look upon us with favor and mercy; as the Ibn Ezra comments to the next Pasuk, while Hashem is still *“living,”* so too what He says will be true. Hashem will punish us in an honorable way; it will be in such a manner that even the other nations will see Hashem's glory. The nations of the land can never say that God does not have the power to be merciful, and even though this generation will never see the land, Hashem will ultimately give us Israel (Bechor Shor BeMidbar 14:21).

## PARASHAT BALAK

### CULTIVATING EMUNAH THROUGH FREE Will

by Dovi Lederer ('20)

In Parashat Balak, the Torah records the difficulty Billam had in his journey to curse the Bnei Yisrael. Through a variety of mediums, Hashem tries to notify Billam of his wrongful nature of his intentions. Hashem appears to Billam in multiple dreams, his donkey stops three times and speaks, and he encounters an angel. Reb Nosson MiBreslov, the main disciple and scribe of Rebbe Nachman MiBreslov, points out that the strength of Billam's perseverance in light of these divine interventions is seemingly preposterous. Billam knew that Hashem did not want to him to go;

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yet, his free will was so strong that completely disregarded Hashem's message. Billam was blessed with Nevuah, and he still was unable to see the will of Hashem. He instead opted to go on a journey to curse the Bnei Yisrael.

Reb Nosson, in his Likutei Halachot, describes free will as the strongest force in the world-- the "Koach Bechirah". He uses this story of Billam to convey the power of free will, and to show how the potential of the Yetzer Harah to sway one from the will of Hashem. Rebbe Nachman teaches that if a person is convinced through miracles or unworldly occurrences about the greatness and the validity of the Torah and Hashem, then he will serve Hashem fully. The Yetzer Harah will also use wonders and miracles as an enticement. Reb Nosson gives the example of someone who wants to travel to Eretz Yisrael. There will be many obstacles in his way, whether it be financial, physical, or emotional. The Yetzer Harah will go to all costs to try to stop them. Conversely, if someone wants to go do something corrupt, then Hashem will create challenges and obstacles to stop them.

Reb Nosson teaches that there is always a balance between the Yetzer Harah and Yetzer Tov. However, it may not always appear as balanced equation. He explains that a person should pray for clarity to discern which Derech they are on. If one opens themselves up to Hashem, he will achieve clarity. If not, then a person will remain on his current path, whether it benefit his existence or not. This is the real purpose of the Koach HaBechirah-- it is a demonstration of a person's choices to Hashem. Part of Bechirat HaChafshit is recognizing that one cannot choose everything on his own, as choices are heavily influenced by external factors and errors. Therefore, one cannot arrive at certain decisions by means of free will alone. The idea of choosing to let Hashem guide us is supported by Tehillim 24, where David HaMelech asks Hashem to show him His ways: "*Derachecha Hashem Hodi'eini; Orchotecha VeLamdeini*", "Show me Your ways, Hashem; teach me your paths.

Prayer is the ultimate clarification, and has the strength to help one decide what to do when presented with the paths of the Yetzer Tov and Yetzer Harah.

*This Dvar Torah was adapted from a shiur given by Rabbi Meir Elkabas, a leading Breslov Rabbi at the Breslov Research Institute.*

## PARASHIYOT VAETCHANAN/EIKEV

### THE FEAR OF BERACHOT by Eitan Leff ('18)

In Parashat Va'Etchanan we are instructed, "Et Hashem Elokecha Tira", "Hashem your God you shall fear" (Devarim 6:13). While in Parashat Eikev, Moshe tells Bnei Yisra'el, "Ve'Atah Yisra'el, Ma Hashem Elokecha Sho'el Mei'Imach, Ki Im Le'Yir'ah Et Hashem Elokecha", "And

now, Yisra'el, what does Hashem ask from you? Only to fear Hashem your God" (Ibid 10:12). In both instances, Moshe Rabbeinu is instilling within us the importance of Yir'at Hashem (fear of Hashem).

In Berachot (33b), Rabi Chanina states that everything is in the hands of Hashem, except for Yir'at Hashem, which he derives from our Pasuk in Eikev. Rabi Chanina continues that the only item in Hashem's treasury is the treasure of Yir'at Hashem, based on the Pasuk of "Yir'at Hashem Hi Otzaro" "the fear of Hashem is His treasure" (Yeshayahu 33:6). Yir'at Shamayim is clearly something that Hashem does not control, yet it is still very precious to Him; therefore, it is our job to fear Hashem, not Hashem's job to fear Himself.

In Menachot (43b), Chazal understand the words "Ma Hashem Sho'el Mei'Imach" as a Remez (hint) to the word "Mei'ah." Therefore, instead of "What does Hashem ask from us", the Pasuk means, "Hashem asks for one hundred from us." This is the source requiring a person to recite 100 Berachot every day. Chazal connect the two words "Ma Hashem" in the context of Yir'at Hashem to Berachot, so clearly there must be a link between them. But what could possibly relate Yir'at Shamayim to reciting 100 Berachot a day?

Rav Yosef Beifus, in his Sefer Chayim Shel Torah, records a Mashal about a village with a small road, usually empty, passing straight through the town. As the road became busier and busier, the town was eventually split down the middle by this popular road. The town, in an effort to reunite the two halves, decided to add speed bumps to the road to slow down the traffic. The town represents every individual, and the road represents life. When life was just a quiet, seldom used road, keeping the Mitzvot was easy. Then life became much busier and observing the Mitzvot consequently became more difficult. When this happens, we need to establish speed bumps to slow down life's pace and regain focus of what's important, keeping the Mitzvot. This Mashal of Rav Yosef Beifus comes to teach us that throughout life, we must always consider how we can best fulfill the Mitzvot, and realize that we are constantly standing in the presence of HaKadosh Baruch Hu..

The Rama, at the beginning of Orach Chaim (1:1) records that "Shiviti Hashem LeNegdi Tamid", "I have placed Hashem before me constantly" (Tehillim 16:8). Remembering that Hashem is omnipresent is of the utmost importance, because a person will act much more appropriately if they always keep this in mind. This could explain why Chazal instruct us to make 100 Berachot a day. Each one of these Berachot, made with proper Kavana, reminds us of Hashem's presence, and leads to a heightened sense of Yir'at Shamayim.

*A special thank you to all of our staff and readers for another incredible year of Kol Torah!*

# PARASHAT KI TEITZEI

## Ki Killelat Elokim Talui: THE TENUOUS ROLE OF HANGING IN HALAKHA *Daniel Beckger ('20)*

According to the Oxford Dictionary, hanging is a method of death by suspension of the neck, and has been a capital punishment since ancient times. It is still utilized as a method of execution in numerous countries around the world.

In Judaism, there are four capital punishments *Sekilah*: stoning, *Sereifah*: burning, *Chenek*: strangulation, and *Hereg*: cutting off someone's head. The Rambam holds that these are four different mitzvot, while the Ramban says that none of these are mitzvot. All maintain that there is no capital punishment of hanging in Judaism, but there is a *din* of hanging after the death of someone to show that they did something wrong and that no one else should do this or else they will receive the same punishment as explained in the Torah in *Sefer Devarim*, 21:22-23.

These *Pesukim* go on to say that after this man who sinned was killed, then hanged on a 'tree', that we must take him down before nightfall because he should be buried on the same day he was executed. If you leave him hanging overnight, you violate a *lav* of "Lo Talin".

What is the problem of leaving the body unburied overnight, and why do you violate a *Lav* for doing this? The *Pasuk* continues, "Ki Killelat Elokim Talui," a hanging person is an insult of God, and "VeLo Titamei Et Admat'cha", you should not make the land impure, which Hashem, your God gives you. These *Pesukim* are somewhat ambiguous, but the main question we are going to focus on is what is "Ki Killelat Elokim Talui;" what does this phrase really mean, and how does it connect to the phrase after it, "VeLo Titamei Et Admat'cha"?

Targum Onkelos translates "Ki Killelat Elokim Talui" as a *Chiyuv* or a sin before Hashem. Meaning that this sin, which was committed, is more offensive before Hashem. The *Sifrei* takes a similar approach and says that "Ki Killelat Elokim Talui" means that someone who curses Hashem is hanged. The *Sifrei* then records a *Machloket* between Rabi Eliezer and the *Chachamim* regarding one who is hanged after being stoned: the *Chachamim* say only one who worships idols and one who curses Hashem (*Megadef*) is hanged after being stoned. Rabi Eliezer, in contrast, maintains that any person who is stoned also is hung. Once again, these opinions seem to place the primary focus on *Kevod Shamayim*.

Rashi takes a slightly different approach, he explains "Ki Killelat Elokim Talui" as referring to the hanging body being a degradation to Hashem, as He created all of humanity in His image. Rashi presents a *mashal* of a pair of twins who look very

similar. One becomes a king and one becomes a thief; the thief is eventually caught, executed and hung. People see the robber hanging, who looks like the king and proclaim 'the King has been hung'. This would be an embarrassment to the king that his brother who looks like him is hung. So too in our case, people would see this Jewish man being hanged, and since Jews are considered the children of Hashem (parallel to brothers in the analogy), and we are created in Hashem's image, this would be an embarrassment to Hashem. Rashi, subtly differentiating himself from the aforementioned views of Targum Onkelos and the *Sifrei*, links *Kavod HaAdam* and *Kavod Shamayim*: Man is created in the Divine Image of Hashem. If he is degraded, then it is a degradation or a *Chilul Hashem* to God, Himself.

The Rashbam takes a fundamentally different approach to the enigmatic words "Ki Killelat Elokim Talui". Rashbam notes that *Kelala* means to curse, but it's not a curse on Hashem. He explains that when people walk by a hanged body, they may curse the *Beit Din*. Rashbam brings an example of the *Mekoshesh Eitzim*-- even though he did what many may perceive of as a small *Aveirah*, he was stoned, leading to the cursing of the *Beit Din*<sup>1</sup>.

Ibn Ezra, eschewing the approach of *Kavod Shamayim* endorsed by Rashi, Onkelos, and *Sifrei*, as well as the *Kevod Beit Din* approach of Rashbam, cultivates his own perspective in interpreting the first clause, "Ki Killelat Elokim Talui," in light of the second clause in the *pasuk*, "VeLo Titamei Et Admat'cha." The Ibn Ezra says that we are not doing this for *Kevod HaAdam*, but rather for *Kedushat Eretz Yisrael*, protecting the holiness of the land. In this manner, Ibn Ezra cites the incident from *Sefer Yehoshua* pertaining to Yehoshua's insistence that even the bodies of the five gentile kings who had allied in an attempt to destroy the city of *Givon* must be taken down prior to sunset as evidence that the impetus for this *halakha* is *kevod ha-aretz*.

Ramban, characteristically, synthesizes aspects of Rashi and the Ibn Ezra together but takes *Kedushat Haaretz* a step further as he enumerates an additional *lav* if one leaves over a body in the land of Israel. Also, he takes components from Rashi by talking about how degrading hanging is. He also says that you are only obligated to bring in the body if you hang the person. Ramban, at great length, analyzes the story of the *Givonites* hanging *Shaul's* grandchildren. After the destruction of *Nov*, the *Givonites* were furious with *Shaul* and wanted revenge. After three years of famine, David asked Hashem how he could stop the famine, and Hashem answered that he must appease the *Givonites*. David asked the *Givonites* what they wanted, and they answered that they wanted to kill seven of *Shaul's* children. David tried to appease them with something else, but they did not accept. David gave over seven grandchildren of *Shaul*, and the *Givonites* hanged them, and left them there in order to publicize their revenge. *Ritzpah*, the mother of two of these grandchildren, took care of the bodies for around seven months.

<sup>1</sup> Implicit in Rashbam's approach is the fact that the Torah utilizes precisely the same word for the Divine and for judges, which itself is a fundamental lesson concerning the significance of *Beit Din* in *halakha*.

Countless rabbinic statements testify to the manner in which judges who judge accurately bring the presence of Hashem into this world.

Later on, David made a decree that the Givonites could not marry Jews anymore because they lacked the attribute of mercy, as they refused to take anything except for the death of Shaul's grandchildren. This shows how bad leaving the bodies of hanged people is, as it brought the Givonites to be excluded from the community. In addition, we see how Ritzpah prevented the recreation of the case of the Sar Haophim, by protecting the bodies from degradation, not allowing birds and other animals to come and eat the flesh of the bodies. The Ramban says that David wasn't obligated to bury the seven grandchildren because he didn't hang them, but he did so out of respect for Shaul's royalty.

Rambam takes a different approach and says that this is all about Kevod Shamayim. It's a disgrace to Hashem when the body is still hanging because of what people will talk about, they will discuss the cursing of Hashem which led to this hanging and thereby lead to further decrease in Kevod Shamayim. He also has some aspects of Kevod HaAdam as he says that "Meit Mitzvah" is a Mitzvah Deoraita, showing how important burying a person is; meaning that David was actually obligated to bury the seven grandchildren of Shaul, unlike the Ramban's opinion. Also, in contrast to the Ramban, the Rambam has no mentioning of Kedushat Ha'Aretz, while the Ibn Ezra and Ramban placed major emphasis on it.

The great precision with which the Din of Teliyah must be implemented reflects the importance, on the one hand, of stigmatizing the most serious of Aveirot (be it idolatry or blasphemy), while maintaining great sensitivity to Kevod Shamayim, Kevod Ha'Adam, and Kedushat Ha'Aretz. As always, the Torah sought to calibrate an exquisite balance in protecting the ultimate form of sanctity, Kedushat Hashem, which is so brazenly assaulted by the Oveid Avodah Zarah or the Megadef, while ensuring that other forms of sanctity, such as Kedushat HaAdam and Kedushat Ha'Aretz, or sacred institutions, such as are not undermined in the process.

## CHARGING INTEREST

by Akiva Sturm ('19)

On its surface, Parashat Ki Teitzei appears to simply be a list of Mitzvot, ostensibly just Moshe's way of recording all of the commandments that needed to be said. The contents of the Parashah range from the Halachot pertaining to Ben Soreir UMoreh (the wayward son) to laws regarding Hashavat Aveidah (returning lost objects), vastly different Mitzvot. But even though the Mitzvot in Ki Teitzei appear to be entirely unrelated, in reality, there is a powerful underlying theme that unites these commandments. The Mitzvot, while seemingly small and unrelated, are actually potent catalysts for increased unity among the Jewish people. The Mitzvot of Parashat Ki Teitzei require the Jews to act more kindly to one another and hold themselves to a higher standard than any of the other surrounding nations.

A prime example of such a Mitzvah is Lo Tashich, the prohibition of charging interest to other Jews.

The prohibition of charging interest first appears in Sefer Vayikra (25: 36-37). The Pasuk writes "*Al Tikach Mei'Ito Neshech VeTarbit VeYareita Mei'Elokecha VeChai Achicha Imach,*" "*Do not take from him advanced or accrued interest, but fear your God and let your brother live among you.*" The Seforno (s.v. Al Tikach Me'Ito) writes that refraining from charging interest is the ethically proper way of supporting a fellow Jew who is experiencing financial difficulty. For the first time, we see that charging interest is not an inherently criminal act; it is a perfectly acceptable method of conducting business amongst the other nations. The Torah seemingly prohibited this business practice, however, to foster unity among the Jewish people. By going above and beyond the standard practices that other nations utilize, a much greater sense of unity is created. This point is further solidified by the conclusion of the Pasuk. After prohibiting the charging of interest, the Torah writes that you must let your brother live among you (if they are in great financial trouble). This juxtaposition suggests that both components of the Pasuk have similar messages. Refraining from charging interest accomplishes the same goal as providing your brother with a home, it is an act of brotherly kindness that fosters greater unity.

There are two other sources for the prohibition of charging interest: Shemot (23:24) and Devarim (23: 20-21). In Shemot, the Pasuk records "*Im Kesef Talveh Et Ami Et Ha'Ani Imach Lo Tihiyeh Lo KeNosheh Lo Tesimun Alav Neshech,*" "*If you lend money to my nation, to the poor among you, do not be a creditor for them, do not take interest from them.*" The Pesukim in our Parashah, Ki Teitzei, share some similarities, but also have numerous differences: "*Lo Tashich LeAchicha Neshech Kesef Neshech Ochel Neshech Kol Davar Asher Yishach: LaNochri Tashich ULe'Achicha Lo Tashich...*" "*You shall not charge your brother interest, whether it be money, food, or anything that can be charged as interest: You may charge interest to foreigners, but not your brothers...*" Rav Yoel Bin Nun wrote in article entitled "Practical Mitzvot" that these sources emphasize the fraternal context of the Mitzvot. The Torah repeatedly states that you may not charge interest to your brother or the poor among you, but it is permitted where non Jews are concerned. He stated that "*This indicates that interest is not an absolute moral prohibition, like theft, but rather a special kindness or consideration shown to Jews, by virtue of the Exodus.*"

A similar theme is developed by the Ibn Ezra in his commentary to the Pesukim in Ki Teitzei. He explains (Devarim 23:20 s.v. Lo Tashich LeAchicha) why the Pasuk needed to include the words "*LaNochri Tashich,*" "*You may charge a foreigner interest.*" Since the Torah had stated just three Pesukim earlier that you may not oppress a non-Jewish slave, you may have assumed that charging interest is included in that category. Therefore, by specifying that you are still permitted to charge a non-Jew interest, it shows that it is not an inherently problematic action. It is not considered oppression that the Pasuk would have otherwise forbidden. Similarly, the Ramban (ibid s.v. Lo Tashich Le'Achicha) writes that the prohibition against charging interest is different from all other Mitzvot that involve money, because it applies both to the lender and the borrower. Not only is the lender prohibited

to charge interest, but a borrower cannot accept a loan that includes interest. The Ramban explains that this double prohibition was created to ensure that a sense of brotherhood and kindness is perpetuated among the Jewish people. It is not prohibited because it is an inherently criminal action, like stealing, but rather as an extension of "VeAhavta LeRei'acha Kamocha." This idea is the true message of the seemingly piecemeal nature of Parashat Ki Teitzei. Simply treating a Jew in a neutral manner, neither positive nor negative, is not acceptable. You must go above and beyond, and do whatever you can to help a fellow Jew through acts of kindness.

## THE ZECHIROT OF KI TEITZEI

by Yehoshua Kanarek ('19)

In Judaism, as is well known, there are Sheish Zechirot: Ma'amad Har Sinai, Ma'aseh Ha'Eigel, Shabbat, Ma'aseh Miriam, Yetziat Mitzraim, and Amalek. Of these six, the latter three are all found, remarkably, in a dense section towards the coda of Parashat Ki Teitzei.

The Torah juxtaposes Zechirat Miriam(24:9) with the affliction of Tzara'at (24:8), caused by transgressing the sin of Lashon HaRa. The Ramban (Ibid) emphasizes the gravity of this and other Zechirot by explaining that they are all Mitzvot Assei, requiring Zechirah SheBaLeiv as well as BaPeh.

In addition to Ramban, Chizkuni and Rashbam add to the weight of the Zechirah by noting that despite Miriam's greatness, being the sister of a king and priest, despite her own great merits, despite the privacy of her Lashon HaRa, and, above all, despite the fact that it was 'just her brother,' whose very life she saved in infancy, she was still punished. She had to remain exiled from all three camps of the Jewish people, remain outside of the rings of Kedushah that permeated from the Mishkan all the way to the edge of Machaneh Yisrael, for this seemingly casual transgression of Lashon Hara.

This can be explained by looking at the nature of Lashon Hara and its relation to the Parashah's theme. When one speaks Lashon HaRa, the catastrophic effects are immediate, and they spread like wildfire. First the rumors spread, whether true or false<sup>2</sup>, and people start whispering about him behind his back. He then becomes isolated from everyone else, feeling distances and shunned by all others, just because someone spoke ill of him. One who causes another to feel like he doesn't belong, like he is an outsider, has no place among the Kedushah of Am Yisrael and must therefore be exiled, even if it is someone as great as Miriam.

The next Zechirah of Yetziat Mitzraim (24:18)- which appears in other places throughout Tanach- is brought up in the context of the Lav of Lo Tateh (24:17), do not pervert the judgment for a Ger or Yatom, people who, as Rashi (Ibid) notes, are especially vulnerable. The Ger and the Yatom are individuals who, due to their circumstances, often find themselves already distanced from the community: the Ger, because he was born an outsider; the Yatom, because of the terrible tragedy which has struck his family.

Chizkuni (Ibid) writes that the reason for this Zechirah is that we must remember that we were once slaves and needed the help of others. As such, how can we ever allow someone who needs that help, who has that same desperate feeling which is all too familiar to us, to be further distanced from the community? How can we actively push away and take advantage of people like the Geirim and the Yetomim who need the very same help that we did?

Ramban elaborates upon this position in drawing parallel between the Jewish historical experience and that of the Ger or Yatom. When we were forced to work back breaking labor, when we cried out in pain, only Hashem, who sees "*Dimat Ha'Ashukim Asher Ein Lahem Menacheim*," was there to comfort us. There is a mandate of '*VeHalachta BeDrachav*' (Devarim 28:9), that we should attempt to emulate Hashem's ways. As Hashem had compassion upon us during our period of Egyptian bondage, surely, *imitatio dei* requires our showing the same degree of compassion for those in greatest need.

This understanding of Zechirat Yetziat Mitzraim in the context of the admonition regarding the Ger and Yatom segues into the third and final Zechirah of the Parashah, which is of course Zechirat Amalek (25:17-18). The Torah commands us to remember what Amalek did to us during our journey from the Exodus from Egypt, that "*VaYizaneiv Becha Kol HaNecheshalim Acharecha*." Onkelus (Ibid) writes "*VeKatel Bach Kol DeHavu Mitacharin Batrach*," which means that Amalek killed those who were straggling behind the rest of the Jews. Ramban (Ibid) explains that we must relay the crimes of Amalek to future generations so that the reason for the annihilation of Amalek is clear to these unborn descendants.

In each of the three Zechirot of this Parashah, we see that the less fortunate tend to find themselves straggling behind, distanced, and marginalized. Each individual Zechirah seems to be accompanied by some form of Lav, or just a generally negative statement: don't speak Lashon Hara, don't take advantage of the Ger and Yatom, Amalek did terrible things to the stragglers.

I heard from Rabbi Daniel Fridman that each Zechirah enables us to internalize, and ultimately, practice, a critical lesson. In Megillat Esther, the key reason given for attempting to eradicate the Jews was the fact that they were "*Mefuzar UMeforad*" (Ester 3:8). They were a scattered and dispersed nation. The turning point in the whole story is when Ester gathers the nation together to fast, *Leich Kenos Et Kol HaYehudim*. From that point on, things only get better, as we well know. The very same thing applies to Amalek's attack of the Jews in the desert. The reason they were able to attack us was because even then we were, to some extent, "*Mefuzar UMeforad*." Had we been united, there would have been no stragglers to attack. We left the weakest amongst us vulnerable to the attacks of a brutal and cynical adversary.

When reviewing the Mitzvot of Ki Teitzei, it is easy to get lost in all of the negative commands of things that do not belong

<sup>2</sup> In a technical sense, if the information is false, it is classified as Motzi Sheim Ra.

together, things that don't belong in Am Yisrael, that is becomes so easy to lose sight of our need for internal improvement. Not only must we avoid spiritually insidious activities and persons, but we must make sure that those within the Jewish people, especially those who are the easiest victims, never again find themselves left behind.

As members of the nation that were once Geirim, who have been attacked so many times, we must, above all, try and emulate Hashem's nature by protecting those most likely to be marginalized. As he clothes the naked, and visits the sick, and comforts the mourners, so must we (Sotah 14a). And, as the triad of Zechirot in Ki Teitzei illustrate, this is a lesson surely worth remembering.

## Rabbi Jachter's Halachah Files

### Four Pro TVAC Rulings

by Rabbi Chaim Jachter

I share four Halachic rulings I have issued to congregants at Congregation Shaarei Orah, the Sephardic Congregation of Teaneck and students at Torah Academy of Bergen County, concerning TVAC as an expression of continued support of this most worthy institution.

#### *Ruling #1 - Responding to Secondary Calls on Shabbat and Yom Tov*

On or about Shavuot 2002 two leading Teaneck Rabbanim delivered Shiurim articulating and explaining their positions regarding TVAC volunteers keeping their radios on during Shabbat and Yom Tov, in order to be ready to respond to secondary calls if necessary. If the on-call responders are busy with another emergency, secondary responders are requested to respond to the emergency. One leading Rav argued that Jews should be available six days a week and non-Jews can respond on Shabbat and Yom Tov. This Rav reasons that providing emergency services is the responsibility of the municipality and Jews can and should contribute more than our fair share during the week but others should assume the responsibility on Shabbat and Yom Tov.

Another leading Rav argues that this is a matter of Pikuah Nefesh (a matter of life and death) and when a call goes out asking for desperately needed help when a minute can mean the difference between life and death, we should be ready to respond even on Shabbat and Yom Tov. I have been asked numerous times whose opinion should be followed. My response has been based on an idea articulated by Rav Soloveitchik.

Rav Soloveitchik (Hamesh Derashot in the essay VaYahalom Yosef Halom and Nefesh HaRav page 88) believes that history may be used as a tool to determine which opinion should be followed. For example, Rav Soloveitchik in the 1950's vociferously opposed the fledgling Israeli government accepting German reparation money (in accordance with the view of Menahem Begin). However, in 1983 Rav Soloveitchik told me that in retrospect, Prime Minister David Ben Gurion was correct in accepting the reparation money, for had Israel not accepted the

money it could not have developed into the thriving nation its has (with Hashem's help) emerged.

Rav Hershel Schachter (Nefesh Harav op. cit.) cites Yoma 9b, Bava Metzia 85b (with Rashi and Maharsha) and Teshuvot Seridei Eish (3:105) as support and precedent for Rav Soloveitchik's approach. Regarding the dispute about secondary calls, the matter was clarified within hours after the Shiurim had been delivered that Shavu'ot night. A beloved neighbor was experiencing heart failure Shavuot afternoon and a call was placed to TVAC for help. The primary responders were busy handling another emergency and a call went out for secondary responders. A Jewish person who followed the opinion to keep the radio on, was the only secondary responder to arrive at the scene. He managed, Baruch Hashem, to save the life of the neighbor. Had the Jewish secondary responder followed the opinion to refrain from turning on the radio on Shabbat and Yom Tov, the neighbor would have died.

In my view, the dispute was resolved by this poignant incident. While both rabbis made convincing arguments, the dramatic experience and juxtaposition makes it clear, in my opinion, as to whose opinion should be followed. Thus, I instruct those who seek my opinion, that TVAC volunteers should leave their radios on for Shabbat and Yom Tov and respond whenever necessary.

#### *Ruling #2*

In a similar vein, I instruct those seeking my opinion, to follow the ruling of Rav Moshe Feinstein permitting volunteer emergency responders to drive home from a call. This ruling is disputed by other great Rabbanim including Rav Shlomo Zalman Auerbach in the first volume (number eight) of his monumental Teshuvot Minchat Shlomo. They believe that emergency workers may violate only a rabbinic prohibition during their return from a rescue mission (I review this dispute at length in my Gray Matter 2:24-34). Rav Moshe permits violation even of Torah level prohibitions due to concern that participation in volunteer rescue missions is not sustainable in practice if volunteers are not been permitted to drive home after an emergency. Moreover, if volunteers are not permitted to drive home they will be unable to respond quickly if another emergency arises on Shabbat. Therefore, I have permitted those who ask me to drive home from an emergency on Shabbat.

#### *Ruling #3 - Refueling an Ambulance on Shabbat or Yom Tov*

A number of years ago, a TABC alumnus who is a leading member of TVAC informed me that TVAC protocol calls for refueling the ambulance if the tank dips down to less than one half of a tank. This discipline is instituted so that the ambulances will not God forbid be short on fuel in case of an emergency. The TABC alumnus asked if it permissible to refuel the ambulance in such circumstances on Shabbat or Yom Tov.

This is a serious issue since Halacha permits violation of Shabbat or Yom Tov only for a current situation of Pikuah Nefesh (Holeh L'Faneinu) following the rulings of the Noda BeYehudah and Hatam Sofer. A very serious question was posed to Rav Yechezkeil Landau (Teshuvot Noda BeYehudah Y.D. 2:210) in the late-eighteenth century. This case involved the permissibility of

performing an autopsy on a patient that died in London due to complications that arose during a routine surgical procedure. The surgeons sought permission to perform an autopsy on the patient to learn if it was they who had made a mistake during the surgery. This, they believed, would help them avoid making similar mistakes in the future.

Rav Landau replied that Halacha forbids the autopsy. He argues that although the Gemara (Hullin 11b) seems to sanction an autopsy to save a life, the circumstance presented to him differs. He asserts that the Torah sanctions autopsy only to save the life of someone who is presently in danger of losing his life (Holeh Lefaneinu). He reasons, *reductio ad absurdum*, that if one considers the circumstance in London as *Pikuah Nefesh*, all medical preparations would be permitted on Shabbat, because perhaps a dangerously ill person may suddenly appear and be in need of these preparations. Moreover, he argues, if he were to permit the autopsy in this situation, surgeons would cite him out of context to allow autopsies on every patient who died under their care. Rav Landau considered this to be highly intolerable. The Hatam Sofer (Teshuvot Y.D. 336) agrees with the Noda BeYehudah.

However, the definition of *L'Faneinu* is much broader in regards to a *Tzibbur*/community, as noted by Rav Yehiel Yaakov Weinberg (Tehumin 12:382-384). In fact, the *Hazon Ish* (Ohalot 22:32) rules that one may violate Shabbat not only if the dangerously ill person (*Holeh*) is *Lefaneinu*, but even if the sickness (*Holi*) is *Lefaneinu*. A precedent for the ruling of the *Hazon Ish* is the story of Rav Yisrael Salanter ordering his entire congregation to eat on Yom Kippur in the midst of a cholera epidemic. Rav Salanter ordered even those who were not presently ill to eat, because the danger of contracting cholera was a live threat.

Rav Moshe Feinstein follows in this same path in his permitting emergency responders to drive home from a call on Shabbat and Yom Tov. Rav Moshe considers not only the current situation but the future as well since a much broader definition of *L'faneinu* must be adopted in regards to meeting communal needs.

In regard to refueling the ambulance, I feel that the same approach should be applied. Strict adherence to protocols and discipline is essential for the functioning of an emergency squad. Deviation from protocol can lead to a breakdown in practice and can cause the loss of life. For this reason I permitted the refueling of an ambulance even if there is no immediate *Pikuah Nefesh* need.

#### *Ruling #4 - Kohanim Service on TVAC*

Shaarei Orah member Ariel Douek reached out to me in 2003 as to whether it is permissible for him to join TVAC, in light of his being a *Kohein*. This is a very serious issue as Halacha strictly forbids a *Kohein* from contact with the dead. They are forbidden even from being in the same building as the dead (*Tumat Ohel*). In 1981 I asked Rav Soloveitchik if it is permitted for a *Kohein* to attend medical school. Rav Soloveitchik responded with a resolute no. The firmness of Rav Soloveitchik's respond remains a vivid and poignant memory.

However, I recall Rav Aharon Lichtenstein citing the *Hazon Ish* as asserting that most mistakes made by Halachic

decisors occurs due to an improper investigation of the facts (*Brachot 47b* regarding the venerable Rami bar Hama is an example). Thus, I follow the example of Hashem regarding Migdal Bavel (*Bereishit 11:5* with Rashi) and Sodom (*Bereishit 18:21* with Rashi) and investigated the *Metzi'ut*/facts. For example, I spoke with Teaneck community leader Elie Katz who is a *Kohein* and a very long time member of TVAC. Mr. Katz clarified that he did never encountered a conflict between his rescue work and his status as a *Kohein*.

Similarly, TABC alumnus Jacob Finkelstein (who is a *Kohein*) told me that his Rav, Rav Zvi Sobolofsky, permitted him to join TVAC. Thus, armed with this information I permitted Ariel Douek to join TVAC. It turned out to be a life changing decision, as it was at TVAC, Ariel met his wife Yael Bellin who also is a dedicated and longtime TVAC volunteer.

#### *Conclusion*

In my experience with congregants at Shaarei Orah and TABC students and alumni, service at TVAC has proven to be a very positive experience for both practical and spiritual reasons. I have witnessed positive growth in all areas for the participants.

Moreover, Orthodox Jewish participation in TVAC has brought manifold blessings to the community. This accounts for the overwhelming support for TVAC from the RCBC.

I do, routinely caution volunteers to bolster their commitment to Shabbat and Yom Tov. Concern for spiritual decline when violating Shabbat even for permitted purposes is significant, as is apparent from *Eruvin 40b*. I encourage volunteers to take time to learn *Shemirat Shabbat Kehilchata* to enhance their already careful observance of Shabbat and Yom Tov. In practice, this precaution has worked.

All considered, Orthodox Jewish participation in TVAC works in both theory and in the field. The community and its *Rabbanim* have just confirmed firm agreement with this assessment. I wholeheartedly join in this approval of our continued participation in TVAC.

**Editors-in-Chief:** Ned Krasnopolsky, Akiva Sturm

**Publishing Managers:** Moshe Dergel, Harry Meister, Yonason Rutta

**Publication Editors:** Avrumi Davis, Ephraim Helfgot, Yehoshua Kanarek

**Business Managers:** Avraham Gellman, Eli Schloss

**Rabbinic Advisor:** Rabbi Chaim Jachter

Questions, comments? Contact us at:

*Kol Torah*

*c/o Torah Academy of Bergen County*

*1600 Queen Anne Road*

*Teaneck, NJ 07666*

*Phone: (201) 837-7696*

*koltorah@koltorah.org*

To subscribe to *Kol Torah* via email, message  
webmaster@koltorah.org

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