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Noach: A Model Employee

by *Rabbi David Einhorn*

One of the interesting questions prompted by the first few Parashiyot in Sefer BeReishit is why Avraham was worthy to start a chosen nation, and not Noach, who was a "perfectly righteous man." R' Shimshon Pincus explains the difference between the two figures with the following powerful parable:

A business has employees and owners/partners. An employee can be hardworking, loyal and honest, but ultimately what he cares about is his paycheck. If the company has a division in Malaysia that's having financial difficulties, it's not his concern as long as it doesn't impact his own livelihood. In addition, with all due respect to "town hall meetings," an employee has little if any say over the direction of the business. A partner is different in these regards. He cares very deeply about every aspect of the company because it is his, he is invested in the entire company.

Noach was a model "employee" of God, righteous and pious. Yet we don't see him working for the salvation of his generation or praying for them to be spared from the great flood. In contrast, Avraham Avinu dedicated his life to spreading knowledge of G-d throughout the world. When he was told of the impending destruction of Sodom, he challenged God by pleading for the lives of the inhabitants of the city (BeReishit 18). He viewed himself as a partner in G-d's creation, with a responsibility to the world as a whole and with the standing to try to influence matters. With this attitude, he was fit to be the father of the chosen people. We, as his descendants, should view the world through the same lens-- not as employees but as partners.

As we enter into the long and dark "vinter necht" (winter nights) we must strive to maximize our time. This is a period of the year where there are no Holidays. There is little sunlight and much darkness. We must shine the light through our Limmud HaTorah and performance of Mitzvot. We must view ourselves as partners with God in the creation of the world and do the best we can to bring Kavod Shamayim through all

of our actions.

May we merit seeing the ultimate light on all of Klal Yisroel with the coming of Mashiach Tzidkeinu BeMiheira BeYameinu, Amen!

BEIN ADAM LECHAVEIRO

by *Mr. Arthur J. Poleyeff¹, Principal*

Editors' note: The following article was originally published in Volume 15 of Kol Torah in 2005/5766. To read more Parashah and Halachah articles from previous editions of Kol Torah, please visit koltorah.org.

In the first Pasuk of Parashat Noach (6:9), Noach's name is mentioned three times. This is due to the three Midot Tovot attributed to Noach: (1) He was a Tzadik, (2) a Tam, and (3) a Mit'haleich Et HaElokim. Many of the events in Noach's life also revolve around the number three – he had three sons, and he saw three different worlds in his lifetime: The world before the flood, the world destroyed during the flood, and a new world created after the waters receded. Later in Tanach, Daniel also saw three worlds during his lifetime. He saw the world during Bayit Rishon, after the destruction of Bayit Rishon, and during Bayit Sheini.

Why does Rashi have to say that there is a doubt whether Noach would have been considered a Tzaddik had he lived at the same time as Avraham? Why make Noach out to be a questionable Tzaddik? We can learn from this that a person has to make a name for himself in his generation, notwithstanding the circumstances. No excuses! We must try to make an impact on our generation and to rise above its challenges and conquer them.

Later in Parashat Noach, the Torah tells us of two generations of sinners, The Dor HaMabul (the generation of the flood), and the Dor HaFelagah (the generation of division). The Dor HaMabul lost its fear in Hashem. They partook in all types of immoral and destructive activity, as the Torah states, "VaTimalei HaAretz Chamas," "The Earth was filled with robbery" (6:11). In short, the Dor HaMabul is described as a very wicked generation. Yet, the Dor HaFelagah is even worse; they lost their morals to an even greater degree, rebelling directly against Hashem's authority. They attempted to build a tower, go up to Heaven, and conquer the heavens (BeReishit Rabbah 38:7). This is defiance at its pinnacle.

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¹ With thanks to Yair Manas, class of 2003.

Which Dor was inferior? The Dor HaMabul lost its fear of Hashem, and its Bein Adam LaChaveiro skills were very lacking. One might think that the Dor HaFelagah's violation (not fearing Hashem's authority) was worse, but quite the opposite is true. Hashem needs us to think of our fellow men first. He can forgive, to a certain degree, defiance of His authority. For this reason, the punishment for the Dor HaMabul was more severe than the punishment for the Dor HaFelagah.

Let us learn from these lessons that Bein Adam LaChaveiro is paramount. How our fellow man is treated and how we become role models for our children (and students) are of supreme importance.

THREE STRIKES, BUT YOU'RE NOT OUT²

by Menachem Kravetz ('20)

Imagine that you are a baseball player about to take another turn at bat. This time, however, is different than usual; your team is down to their last out in a World Series game, and besides from the fans in the stand, there are millions more people watching you on TV. The pitcher throws the first pitch for strike one. You swing and miss on the second pitch for strike two. When pitch number three arrives, you take a big swing, and strike out to end the game. But, suddenly, you are given another chance.

Throughout the Torah, Hashem demonstrates his incredible Middah of Rachamim. In Parashat BeReishit, for instance, Adam and Chavah carelessly eat from the Eitz HaDa'at. Despite this mistake, Hashem refrains from killing Adam and Chavah, and grants them a second chance.

Hashem again displays His Middah of Rachamim in Parashat Noach. The Parashah initially describes Noach as an "Ish Tzaddik" (Bereishit 6:9). Noach was the only man in his generation who remained loyal to Hashem. Everyone else were considered Resha'im in the eyes of Hashem, and did not deserve to live. Therefore, Hashem told Noach that He is going to destroy the world with a flood, but Noach will be saved. In order to survive, Hashem instructed him "Aseih Lecha Teivah," "Make for yourself an ark" (Bereishit 6:14).

Why did Hashem require Noach to build a Teivah, where there were so many other ways that Hashem could have saved him? Why did Hashem burden Noach with constructing an enormous ark that would take him 120 years to complete? Rashi answers that Hashem wanted people to become intrigued when they notice Noach building the ark, and ask him what he was constructing,

Noach would then be able to notify people of Hashem's plan to destroy the Earth with the flood, unless they do Teshuvah. Chizkuni disagrees with Rashi and argues that Hashem knew that nobody would do Teshuvah, so the construction of the Teivah was merely to establish his Middat HaRachamim. Hashem already told Noach to provide his generation with initial warning, and as a final resort, He even caused some rain to fall before the Mabul itself. Hashem offering the most wicked of people several opportunities to repent truly established him as a merciful God.

Chizkuni's point is not restricted to the story of Noach, but it is applicable throughout the remainder of the Torah, and in our lives. People make mistakes, and Hashem is teaching us that we must be able to forgive them. From Adam HaRishon to Moshe Rabbeinu, some of the greatest historical figures have sinned. Yet, every time, Hashem was able to forgive them. This is an important message of Rachamim that we should apply to our lives.

SEPARATING CONJOINED TWINS: PART II - RAV MOSHE'S POSITION ON RODEIF & RELATIVE DEGREES OF PURSUIT

by Rabbi Chaim Jachter

Editors' note: To read the first part of this series, please visit the Halachah Files section on the Kol Torah website, www.koltorah.org/rav-jachters-halachah-files.

We began last week to discuss the landmark case presented to Rav Moshe Feinstein in 1977 as to whether one may sacrifice one conjoined twin to save the other. Rav Moshe permitted the surgery but did not compose a responsum to explain his reasoning. Various explanations are offered to explain his ruling and we continue with the attempt to explain this decision, based on the Halachot of Rodeif.

Rodeif

Another circumstance in which Halachah permits (and even requires) killing one individual to save another, is a situation of Rodeif (Rambam *Hilchot Rotzeiach Ushmirat HaNefesh* 1:9). One must kill an individual who is attempting to kill someone. Perhaps one of the twins can be construed as a Rodeif since she is threatening the life of her twin. The Rambam (*ibid.*) seems to believe that even a baby potentially may be classified as a Rodeif even though it has no malicious intent.

Nonetheless, the status of each twin as a Rodeif neutralizes the license to kill one to save the other. Rav Akiva Eiger (*Ketubot* 33b) states that Halachah forbids lethal intervention in a situation of mutual pursuers. For example, if one were witness to the duel between Aaron Burr and Alexander Hamilton one would be forbidden to kill one of them to save the life of the other. Similarly, since each of the two twins

² *Inspired by Rabbi Rothwachs' 5779 Shabbat Shuva Drasha.*

very existence of the designated victim poses a threat to others and hence he is judged to be a "Rodeif". The situation depicted in the Talmud Yerushalmi, then, involves two pursuers: the victim who endangers those who continue to harbor him and the others who seek to deliver the designated victim to the murderers and who thereby themselves become the victim's pursuers. However, the nature of their pursuit is quite different from the "pursuit" of the designated victim. The victim, by virtue of his continued existence and presence among the members of the group threatens the normal longevity anticipation of those surrounding him; the others, in delivering the victim, jeopardize only the brief period of time (Chayei Sha'ah) that the victim's life would have been prolonged until he is actually seized by those making the threat.

Thus, argues Rav Moshe, Rabi Yochanan reasons that, although both parties are pursuers, the victim poses a threat to the others that is qualitatively greater than their threat to him. Elimination of the designated victim rather than allowing the others to be put to death results in a net gain in the qualitative category of life preserved, normal longevity anticipation as opposed to Chayei Sha'ah (temporary elongation of life).

In support of this approach Rav Moshe cites a discussion of the Talmud Yerushalmi (Shabbat 14:14). That discussion focuses upon whether the law of *Rodeif* is applicable in instances in which the pursuer is a Katan (minor). In a tentative attempt to demonstrate that a Katan, by virtue of his lack of legal capacity, cannot be designated as a Rodeif, the Yerushalmi cites the statement of the Mishnah (Ohalot 7:6) "If the major portion (of the fetus) has emerged he may not be touched for one life may not be set aside on behalf of another." In effect, the Yerushalmi regards the emerging fetus as a Rodeif as indeed does Rav Chisda in a similar discussion recorded in the Talmud Bavli (Sanhedrin 72b). However, unlike the Gemara, Sanhedrin 72b, the Talmud Yerushalmi rebuts that contention with the declaration that, in the situation to which reference is made in Ohalot, "You do not know who is killing whom," i.e., mother and child are mutual pursuers. Korban HaEedah and Penei Moshe, in their commentaries ad locum, explain that comment in explaining that, since each is endangering the other, it is not possible to make a determination that the child is pursuing the mother, or vice versa, that the mother is pursuing the child. Accordingly, there are no grounds for intervention. Rav Moshe further asserts that, in light of the comments of the Talmud Yerushalmi, the distinction drawn by the Gemara, Sanhedrin 72b, that in the case of the women in very difficult labor "it is Heaven that pursues her," must be understood in an identical manner, i.e., as an assertion that since nature causes mother and child to become locked in mutual pursuit of one another, they must be regarded as mutual pursuers with the result that the law of Rodeif becomes irrelevant.

Rav Moshe further maintains that Reish Lakish, who disagrees with Rabi Yochanan in maintaining that the specified victim may not be delivered to death even though he has been marked for death by the murderers and is destined to die in any event, does not challenge the basic thesis concerning relative degrees of Rodeif. Reish Lakish, argues Rav Moshe, maintains that a person cannot be deemed to be a Rodeif simply because evildoers arbitrarily and capriciously seek his death and will cause others to perish in order to kill their intended victim as well. In effect, Reish Lakish contends that the only Rodefim are the murderers; the individual designated by them, who is entirely passive, is not a pursuer but a victim. Only when the individual identified for execution deserves the death penalty does Reish Lakish agree that he may be delivered to the heathens, i.e., only when he has committed an overt act that gave rise to the danger is he regarded as a Rodeif. Consistent with that view, Rav Moshe cites the Taz (Yoreh Deah 157:8) in insisting that the act for which the murderers seek to punish the designated victim need not necessarily constitute a capital crime according to Halacha, but that any act sufficient to disturb the murderers renders the individual a pursuer. The case of a fetus threatening its mother in very difficult labor is significantly different from the case of an individual whom the murderers demand be delivered to them. It is not simply the existence of the fetus that threatens the life of the mother, but rather the activity of the fetus as it attempts to force its way through the birth canal that constitutes the source of danger. That activity is, of course, both natural and not the chosen act of the fetus; however, as both the Talmud Yerushalmi and the Talmud Bavli, Sanhedrin 72b, conclude (in Rav Moshe's view), the law of Rodeif applies even to an unintentional pursuer.

Conclusion

In next week's issue of Kol Torah, we will present Rav Bleich's explanation of Rav Moshe's conjoined twin ruling in light of his approach regarding the relative degrees of pursuit found by the case of Rodeif.

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