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"You shall not Add"

Rav Yuki Meir, former Rosh Kollel, Montevideo

A person goes to the bank and looks over his account statements. He finds a list of expenses that are more or less familiar to him, and familiar sources and amounts of income, too. Suddenly, he spots something that looks quite strange. He questions the clerk, who tells him that it's a new directive from the bank, to deduct a fixed sum from his account every month. Within seconds the man is shouting angrily, demanding to see the bank manager. Once inside the manager's office, he demands an explanation as to why these things always happen to him, and why he must suffer just because he wanted to open a small account at the bank and live in peace and quiet.

Thus far the story is more or less routine. But what happens if the clerk's answer is just the opposite: that the bank has issued a new directive to the effect that a certain sum must be credited to the account each month? Would the man still demand to see the manager? Would he still threaten to take his account elsewhere? Hardly. In fact, in such a situation the man would most probably want to open another two or three accounts right away!

In our parsha, in contrast, we find that God behaves differently. God "opened an account", as it were, with Bnei Yisrael. Into this account He deposited 613 mitzvot. Anyone who thinks he can "deduct" something from this account - i.e., lower the number of mitzvot that he is obligated to observe - finds himself face to face with an explicit command in the Torah: "You shall not detract". We have a fixed list of mitzvot, and God does not allow us to detract even a single detail of any of them.

But, on the other hand, there may be people who would like to add mitzvot. What does God say to this? Would He be pleased if we decided to "deposit" into His account? No. In exactly the same verse that commands us not to detract any commandments, the Torah also

forbids us to add any. A person who adds to the "account" is considered exactly like someone who "detracts" from it; he is not considered more righteous for this addition.

It's easy to understand the command not to diminish the mitzvot, but what is the logic behind the prohibition against adding some? Why should God object to a person being strict with himself and adding more commandments, without harming that which God commanded?

The answer lies in a proper understanding of the relationship between the mitzvot. That which we received at Mount Sinai is fundamentally different than an initial investment in a bank account. The money in an account represents a coincidental collection of such-and-such shekels, or dollars, or pesos. There is no essential difference between one currency and another. Our sole desire in managing the account is that it should contain as much money as possible - nothing else. The Torah that was given to us is much more than a collection of 613 individual commandments. It is more of a system, in which all the parts are inter-dependent.

Let us think, for example, of a famous painting. Abraham goes with his wife, Sarah, to the Louvre and sees the Mona Lisa. "Believe me, Sarah," he tells her, "although it's a bit expensive, to my mind, it's not a bad painting at all. But it would be better if it could be touched up to remove the smile." Sarah, on the other hand, thinks that everything in the picture is just perfect, but that it would be much more beautiful if a cigarette were dangling from the corner of the Mona Lisa's mouth. Ultimately, their ideas may produce a pretty picture, but it wouldn't be Da Vinci's Mona Lisa; rather, it would be an entirely different creation, by Abraham and Sarah.

Similarly, we received a complete system comprised of 613 parts. We must accustom ourselves to thinking that kashrut, charity, Shabbat, and family purity are not separate concepts, but rather individual stones in a great mosaic. A system may suffer from two different problems: missing parts may cause the system to break down, but - in the same measure - extra parts will also impede its functioning. A person who adds or detracts creates a new system that is not the Divinely-given Torah, but rather a different, human creation.

This idea is relevant to each and every one of us. Sometimes it is difficult for us to sense the light that lies within Torah. We carry out one law and another law, without feeling that it's all part of something truly great. But before we blame Torah, we should examine ourselves: are we relating to what we are doing as an integrated system, or as a collection of details? Are we accepting upon ourselves to fulfill "Torah", or just a representative sample of some commandments? A Jew who fulfills one mitzvah isn't doing something bad, but he can't expect to sense the great light that is the essence of Torah. He will only experience this when he subjects himself and immerses himself in the system as a whole.

Good Faith and "Midat Sedom"
Simon M Jackson, Legal Advisor to Torah MiTzion

In Bereshit 20:1-7, we read how Abraham says of Sarah, his wife, in Gerar, "She is my sister." Avimelech, the king of Gerar, sends for and takes Sarah. But Hashem appears to Avimelech in a dream and tells him that he will die because of the woman he has taken, "for she is a man's wife." Avimelech counters that he is innocent. After all, Abraham told him that Sarah was his sister and she, too, told him that Abraham was her brother: "In good

faith (literally, "in the innocence of my heart" - *be'tom levavi*) and the integrity of my hands have I done this" (Bereshit 20:1-7).

According to the Rabbis, the first question a person is asked on being ushered into the heavenly court is: "Did you conduct your business negotiations *in good faith*?" (Shabbat 31a).

The expression "good faith," or *tom lev* as it is called in Hebrew, based on the above Biblical passage, forms a central part of various modern, Israeli laws. The most important of these is the Contracts (General Part) Law, 5733-1973, which states in two separate clauses:

12. "**In negotiating a contract**, a person shall act in customary manner *and in good faith*" (be'tom lev)."
39. "**An obligation or right arising out of a contract** shall be fulfilled or exercised in customary manner *and in good faith*" (be'tom lev)."

Indeed, the law even goes so far as to extend the duty to act in good faith "also to legal acts *other than* contracts and to obligations that *do not* arise out of a contract" (clause 61(a)). And the new draft Civil Code clearly states: "A person shall act in good faith in the use of *any right*, the execution of any legal *act* and the performance of any *obligation*."

But what does "good faith" actually mean?

We can usually immediately tell when someone has *not* acted in good faith. Examples include where an insurance company agrees to insure a claimant under certain terms and conditions and later sends him a policy which contains different terms and conditions, which are written in small print, on the assumption that no regular individual will actually bother to read or check them; or where the insured person fails to disclose to the insurance company all the material points on the basis of which the insurer company agrees to insure him. After all, contracts are built on trust between the parties.

Bad Faith - *Midat Sedom*

"The men of Sedom were wicked and sinners before the Lord, exceedingly so" (Bereshit 13:13). But what exactly was the sin of the "Sodomites" ("Midat Sedom")? According to the *peshat*, they were a selfish society with no social justice; they hated any and every act of righteousness and charity to others. In the Prophet Ezekiel's words: "Behold, this was the sin of Sedom, your sister: She and her daughters [the surrounding cities] had pride, a surfeit of bread and peaceful serenity, *but she did not strengthen the hand of the poor and the needy*" (16:49).

However, Chazal understood "Midat Sedom" somewhat differently: as *an abuse of legal rights and unethical conduct* - the precise opposite of the attribute of *tom lev*. It is likely, teach Chazal, that a society which condones the abuse of an individual's legal rights will eventually come to adopt invalid legal norms.

The Mishnah in Pirkei Avot (5:10) gives sharp expression to the egoistical conduct characterized by Sedom: "Someone who says: What is mine is mine and what is yours is yours - this is an average character type, but others say this is a characteristic of Sodom (*Midat Sedom*)." According to the first understanding, such a person is of average disposition - he is doing nothing wrong; he is not benefiting from anyone else's property. However, according to the second approach, it is a bad trait, akin to that practised by the inhabitants of Sedom, for by preventing others benefiting from one's own property, one

thus avoids the need to show hospitality to the stranger, to the less fortunate, to the poor and to the needy in society.

"This party benefits, but the other party does not lose out"

According to Rav Ovadiah MiBartenura, the problem with the "what's mine is mine, and what's yours is yours" approach is that people who keep themselves to themselves become *used* to such conduct, and will not want others to benefit, *even in a situation where they themselves do not lose out!*

In an earlier article, I noted that one significant modern-day application of this principle in the State of Israel is the timing for tree trimming by the Jerusalem Municipality (the *Iriyah*) in preparation for the winter months when storms can cause damage to electricity lines. **The *Iriyah* deliberately carries out the trimming on the days preceding the Sukkot holiday in the fall**, thus concomitantly providing *schach* (thatch/roofing material) for the city's residents to build their sukkot! This is a prime example of what the Talmud calls: *ze nehene ve'ze lo chaser* (one party benefits, but the other party does not lose out).

"The courts can enforce to prevent the vice of Sedom"

A person who behaves in an unjustifiably spiteful manner - someone who refuses to help his fellow human being even though he stands to lose nothing by it - may be compelled by the courts to do the right thing: *kofin al midat sedom*. It is clear that such enforcement is not aimed at the person's property, but rather at his virtue, in an effort to set him on the proper moral path.

The Talmud, in Masechet Ketubot 103a, relates an incident in which a certain individual ("Reuven") rented out a mill to his fellow ("Shimon"), in return for which it was agreed that Shimon would mill sufficient grain for Reuven's household and be exempt from paying any cash rental to Reuven. In the course of time, Reuven grew wealthy and he was able to afford a mill and donkey of his own to provide for the needs of his household. No longer requiring his milling services, Reuven informed Shimon that he must now pay the rent in cash! Shimon refused - arguing that he was entitled to continue milling for Reuven rather than pay him a cash rental, as was originally agreed between them.

The Gemara concludes that Shimon can only continue milling for Reuven where Shimon does not have sufficient milling of his own for the full-time operation of the mill, in which case he is fully entitled to use the time he would otherwise sit idle at the mill to grind grain for Reuven. However, if he does have sufficient milling time for the full-time operation of the mill, even without Reuven's milling, Shimon can be coerced to pay in cash [even though such payment was not provided for by the original contract], *for in refusing he exhibits the wicked traits of the inhabitants of Sedom*.

Next Column: When is a person entitled to insist on the literal fulfilment of a contract?

Family Learning: Parshat Va'etchanan
Meira Reich

1. In which manner should Benei Yisrael observe the mtzvot? What shouldn't they do?
2. There are two warnings to Benei Yisrael, one in 4:9 and the other in 4:15. Why is there a need for the second warning?
3. According to Rashi on 6:4-5, who acknowledges God's oneness today, and will this change in the future?
4. In 7:8 Moshe gives two reasons for Hashem's choice of Am Yisrael. What were they (ramban)?
5. In 4:41, we see that Moshe sets aside three cities on the eastern side of the Yarden. Why can't these cities serve as cities of refuge right away? And if they aren't considered cities of refuge, then why would Moshe set them aside? (Rashi)

Answers follow below

Jerusalem Corner: Dreaming and Dancing in the Streets of Jerusalem
Elyada Bar Shaul

As the man walked, his glance fell upon a young woman sitting in the shade of some trees. From her appearance he deduced that this respectable, modest girl was from the area. At a slight distance from her he stopped and sat down.

"Excuse me, sir; do you perhaps have some water?" she asked. He moved a little closer, opening his bag. He took out his water bottle and passed it to her, and offered some of his bread. In return, as it were, he asked her: "Could you tell me a little about this place, and about the wadi down below?"

The girl nodded, and after a few sips of water she spoke: "Gehennom. The valley ('gai") of Hennom. It used to be the entrance to Gehennom (Hell), and apparently still is." She looked towards the horizon, speaking and describing, one period of history melting into another in her words, and all dotted with specific events.

She described how she had arrived as a young child with no family, how she had been welcomed warmly and had found a common language with people of her nation who had come from other countries. She recalled the difficulties that had been their lot owing to the proximity of the enemy, located above them and missing no opportunity to attack. She described how, in the face of death, poverty and destitution, they had struggled on with the Jewish wisdom that they had brought with them from their exile. With longing she spoke of the elderly people who would quote by heart the words of the prophet Yirmiyahu, who cried out in anguish at those who passed their children through fire. Up there, opposite us - do you see? In that same place where the enemy used to dwell - that is where Yirmiyahu stood. And here on the right, on the southern slopes of the valley, were Molekh and the fire. And those old people added that afterwards the Jews were exiled again, because they did not love each other.

In our neighborhood, she told him, everyone said that the love would return because of people like Sir Moses, who came to build the ruins of Jerusalem. He succeeded in imbuing some of his great love for the city to all those who went out to live in the neighborhoods

that he built for them, and thus all of them rejoiced over Jerusalem and loved its inhabitants - their neighbors.

"Sir Moses?" asked the man.

"Sir Moses Montefiore. He was the most famous Jew of the last century. Agnon wrote that "Reb Moshe Montefiore was a greatly righteous man, and all of his endeavors were directed towards helping others."

In our neighborhood, Yemin Moshe, lived the Mamilla traders and many poor families. It wasn't easy, but thanks to him they had a roof over their heads. Every year, on the 15th of Av - his yartzeit - we held a modest "hilula" in his memory.

The man thanked the girl and got up to go. Then she added, "I had a dream. Here to the north is Jurat al-Aanab - the grape pits. They told us that beside them "the daughters of Jerusalem would go out and dance in the vineyards".

Out of their love for one another they would all wear borrowed clothes, so that those who did not have fancy clothes would not be ashamed. I always dreamed about the day when we would no longer have to hide from the enemy, and I myself would be able to dance here as an equal with all the girls, rich and poor alike.

On the 15th of Av in the first year after the city was liberated, some important people from the municipality came and threw us out - the people who dreamed and suffered her - and sent us to the southern part of the city. They wanted to sell our land to people with means. What a pity that Montefiore is gone. What a pity that there aren't more like him. He and his wife are in the Garden of Eden, and we had to leave the valley. It used to be the entrance to Gehennom, and it seems that it is still.

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Answers, family learning:

1. They are commanded to observe the mitzvot exactly how they received them. They are not permitted to add to them nor subtract from them.
2. In verse 4, they are warned not to forget the revelation at Sinai. However, Moshe realizes that Benei Yisreal might make carved Images in order to remind themselves of this event. Therefore, there is a need for the second warning in 4:15- where Moshe forbids Bemei Yisrael to give Hashem a materialistic figure.
3. In today's world only Am Yisrael recognizes Hashem as the One and Only. However, during the time of Geula, the entire world will acknowledge that Hashem is One.
4. (a) He found them worthy of his love; and (b) because of his oath to the avot (Patriarchs)
5. Until the three other cities (of refuge) on the western side of the Yarden are designated, the cities that Moshe set aside will not assume the status of cities of refuge. In spite of this, Moshe wished to fulfill as many Mitzvot as he possibly could, since he loved them so greatly and therefore he set them aside.