

תורה מציון Torah MiTzion

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Responsibility

Rav Ephrayim Beck, former Rosh Kollel, Caracas

Parshat Shoftim, as its name suggests, deals with matters related to judges and justice, law and order in the day-to-day workings of Jewish society. At the end of the parsha we read one of the strangest and most unique sections of the Torah: the commandment concerning the "egla arufa" – the "heifer that is beheaded". In the case of an unsolved murder, the elders of the city closest to the place where the body is found assume a certain responsibility for this killing and they hold a special ceremony in which they ask forgiveness from God. In the words of the Torah: "They shall answer and say: 'Our hands did not spill this blood, nor did our eyes see. Grant atonement to Your nation, Israel, whom You redeemed, O God, and do not place innocent blood amongst Your nation Israel, and let the blood be forgiven them.' Thus shall you put away the innocent blood from your midst, when you do that which is right in God's eyes." (Devarim 21)

The Gemara records the Sages' questioning as to the nature of the responsibility borne by the city's elders – the leaders, the statesmen – for a murder that occurred outside of their city, where their only apparent connection to the scene is their physical proximity to the place where the body was found:

"Our Sages taught: ... Would it ever enter our mind that the 'beit din' committed murder? [Obviously not;] rather, [the elders are declaring,] "He did not come to us such that we sent him off without food; nor did we see him, such that we let him go without an escort..." (Sotah 46b).

But even this answer leaves us puzzled. Are the elders of the city then responsible to feed and escort everyone who visits the city? Would this have ramifications that could lead to the visitor being killed? This is quite unclear.

In order to understand what the Torah is teaching us, we must pay attention to what lies behind the elders' declaration: a state of passivity. The job of the elders of the city is characterized by their responsibility to do, perform, cause things to happen. They are not allowed to be passive. Where there is passivity, there is a vacuum – which can then be filled with all kinds of negative actions.

This is the perception of the responsibility that rests upon the elders of the city, as the Gemara presents it: they are responsible for active norms and procedures that apply to every person. When they fail to fulfill this responsibility, their state of passivity allows things to develop in a disorganized way, leading to all the negative phenomena associated with chaos – even to the point of murder. And then the elders of the city are called upon to assume a certain degree of responsibility for these results.

The practical lesson that we can learn from this parsha is the importance of action as opposed to standing by and doing nothing; this is of particular importance as regards what is going on in the society around us. When we are passive towards what is going on, we become – to some degree – responsible for the results. Passivity does not remove us from the midst of society; on the contrary – it makes us partners in society's results, and especially the negative aspects. It is only by means of activity and an active approach that we may influence and bring about positive results.

Using a Tap in the Garden on Shabbat **Rav Moshe Speter, from Rosh Kollel, Greater Washington**

Question:

A new water fountain was installed on the lawn outside the dining room. When one presses the tap, the water falls onto the body of the fountain fitting, flows down to the concrete base, from there onto the gravel, and then seeps down into the ground. Is it permissible to use this tap on Shabbat?

Answer:

Watering a garden is forbidden on Shabbat, "de-oraita" (by biblical law, rather than rabbinical enactment), as it falls under the category of labor (melakha) known as "zore'a" – sowing (since the water helps the plants to grow), and also because of "horesh" – plowing (since the water softens the ground, potentially preparing it for sowing).

Someone who opens the tap in order to drink does not mean to water the grass or the nearby tree, but it is clear that some of the water will eventually reach the ground and will cause it to be irrigated. This situation is known as "psik reishia" (literally, "its head is cut off": one cannot cut off a chicken's head without causing it to die.) "Psik reishia" – an act that necessarily results in a melakha being performed – is forbidden on Shabbat, and therefore one may not wash one's hands or play water games in the garden on Shabbat. In light of the above it would appear that the water fountain presents a similar problem. However, in this case the water does not fall directly onto the ground, but rather gets there via several stations along the way. An act that is not performed in a direct way is called "grama" (indirect causation). "Grama" is forbidden on Shabbat by rabbinical enactment.

In our case there is a combination of "grama" and an act that is not intended for the purposes of irrigation ("psik reishia"), and therefore one may use the tap for drinking on Shabbat. Rav Neuwirth, in his work "Shemirat Shabbat ke-Hilkhata", (12, 18) writes: "If the

water that pours into a basin flows through a pipe until it reaches the ground where plants are growing, one may wash one's hands there on Shabbat, and it is likewise permissible to pour water into the basin for any other purpose, and there is no need to concern oneself with the irrigation of the plants that thereby occurs, if indeed that is not his intention. However, it is certainly forbidden to pour water onto plants, or any place that is sown or has anything growing in it, even if he does not mean to water the plants at all."

Family Learning, Parshat Shoftim

1. What qualifications should one look for when appointing a judge?
2. What is the first stage of war that Benei Yisrael are required to obey by? What happens next?
3. What does Hashem promise a king who doesn't amass much gold, doesn't raise many horses and doesn't marry many wives?
4. When a murder victim is found in a field, who determines which city is closest?
5. Although certain men were excused from going to war along with the rest of Benei Yisrael, they still managed to help their fellow brothers at war. What help did they offer? (Rambam)

Answers follow below

Jerusalem Corner: The Man Behind "Hevron – for Now and Forever" Elyada Bar Shaul

One after another, messengers arrived bearing the terrible news of the Arab riots and the slaughter of the Jews in Hevron. R. Yehezkel Sarna, who had spent Shabbat "Ekev", 5689 (1929) in Jerusalem, comforted his terrified students, calmed them, and offered words to strengthen them. At the funerals for the twenty-three students of the Slobodka yeshiva, he promised over and over that our enemies would not achieve their aims, and that the voice of Torah that emanated from the yeshiva would not be stilled.

Five years earlier, the yeshiva had found itself in deep crisis, following a decision by the Lithuanian government to recruit the students into the army, thereby preventing them from their Torah study. Following fruitless attempts to avert this decree, a revolutionary decision was taken: to transfer the yeshiva (or part of it, as a first step) to Eretz Yisrael!

A large yeshiva moving itself from the Diaspora to Eretz Yisrael – this was a plan that opened the door to saving the world of Torah in Europe. The spiritual director of the yeshiva, R. Avraham Grodzinsky, arrived in Palestine together with R. Yehezkel, and together they sought a suitable place in Jerusalem. Put off by the conflicts and controversies that raged in the city at that time among the various camps comprising the religious community, they decided that Hevron – the city of the patriarchs – would be the yeshiva's future home. A few months later, Rav Grodzinsky returned to Lithuania to continue running the yeshiva there. He was later murdered by the Nazis.

R. Yehezkel Sarna remained in Eretz Yisrael, and became the organizational as well as spiritual director of the yeshiva; he lectured to students who gathered from all over the country. The yeshiva struck roots, grew, and flourished... but then came Av 5689 and the riots...

Rav Sarna gathered his surviving students and moved the yeshiva to Jerusalem. Already by the month of Elul, the study schedule resumed – first in the synagogue in the Ahva neighborhood, and later on in a building on Haggai Street in Geulah.

The yeshiva, by this stage known as "Yeshivat Hevron", quickly made a name for itself. The demand for places was immense, and when a new study hall was built, hundreds of students crowded in – making this (together with "Merkaz" and "Etz Haim") one of the three largest yeshivot in Jerusalem.

While Jewish underground activities were being organized against the British, R. Yehezkel silently gave his blessing to students of the yeshiva who chose to participate. In 1948 he sent his students to the fortifications in Romema, Tel Arza, Geula, Beit Yisrael and elsewhere, as part of the "Tuvia Battalion".

On the first Yom ha-Atzma'ut that the State of Israel celebrated, a flag was hoisted atop the roof of the yeshiva, and festive prayers of thanksgiving were recited. However, in light of the deep disappointment at a Jewish regime adopting the ways of the gentiles, this was the last time that the day was commemorated in this way.

Although R. Yehezkel grew physically frail, he continued to nurture great Torah scholars, to lecture his students on matters of "mussar", and to establish many other Torah academies and institutions. After the Six-Day War, he wanted to reestablish the yeshiva in Hevron right away. He was greatly moved by the miracles that had taken place; to his view, these were the first signs of the redemption. Indeed, he viewed all of the developments of the time - the growth of Jewish settlement in the land, the ingathering of the exiles – in a similar light, and he exhorted towards strengthening faith and repentance. His demands were directed principally towards observant Jews and Torah sages, since "among those far from Torah we discern manifold signs of coming closer, while the believers remain frozen in their place".

On the 6th of Elul, 5729 – at the age of 79 – R. Yehezkel Sarna passed away. Many of his students – including Rabbis of some of Israel's larger cities, the Chief Rabbi, roshei yeshivot and "mashgihim", participated in his funeral procession; he was buried on the Mount of Olives.

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Answers, family learning:

- 1) [16:18 - That he is expert in the law and that he is righteous]
- 2) [20:10-18 – Am Yisrael must give its enemy an opportunity to make peace, before attacking them. Those who accepted this offer were required to pay taxes, perform national service and keep the seven mitzvot of Noach (if planning to stay and live in the land)]
- 3) [17:18 - That his kingdom will endure]
- 4) [21:2 - The Sanhedrin]
- 5) [20:5 - They were responsible to assist the army by supplying food and water]