

O H R N E T

SHABBAT PARSHIOT HA'AZINU · 5769-5770 · 2009 · VOL. 16 NO. 52

S P E C I A L C H A G I M I S S U E

PARSHA INSIGHTS

Ha'azinu

KREPLACH AND KABBALA

“Moshe spoke the words of this song...” (31:30)

Is there another religion in the world that combines Kabbala and kreplach? Is there another faith that soars from “The Jewish Mother” to Our Father in Heaven?

There’s something very unusual about Judaism. It combines the most *heimish* with the most holy.

There may be religions with deep ideas (usually borrowed from Judaism), but there is no other religion in the world that manages to be both so down-to-earth and at the same time so transcendent.

I remember someone saying to me on hearing that Judaism teaches that there is a correct and incorrect way to put on one’s shoes, “Rabbi, I find it hard to believe that G-d actually cares about which shoe I tie up first.”

I said to him that seeing as G-d made everything in the world, it would be to accuse Him (*chalila v’chas*) of extreme sloppiness if there was anything in this world that was superfluous. Everything must be in some way connected with His

plan. That there might be vast or even small areas of unnecessary *stuff* in this world is theologically impossible.

This week’s Torah reading is called Ha’azinu. The whole of Ha’azinu is a song. The Torah is called a song.

Nothing is superfluous in a song. The chorus and the verse have to segue perfectly. Nothing is ‘just there’.

The Torah is music. Every piece of music in the world from the most arcane warbling of an Afghan sheep herd to Julie Andrews shares something in common — a scale.

The word scale comes from the Latin *scala*, meaning a ladder. Every ladder in the world connects the top and the bottom. No ladder, to the best of my knowledge, just stops in the middle.

Just as the musical scale connects the highest and the lowest, likewise the song that is the Torah connects the highest worlds to this lowest of all worlds.

It connects the kreplach with the Kabbala.

PARSHA OVERVIEW

Ha'azinu

Almost all of Ha’azinu is a song, written in the Torah in two parallel columns. Moshe summons the Heavens and the earth to stand as eternal witnesses to what will happen if the Jewish People sin and do not obey the Torah. He reminds the people to examine the history of the world and note how the Jewish People are rescued from obliteration in each generation — that G-d “pulls the strings” of world events so that *Bnei Yisrael* can fulfill their destiny as His messengers in the world. G-d’s kindness is such that Israel should be eternally grateful, not just for sustaining them in the wilderness, but for bringing them to a land of amazing abundance and for defeating their enemies. But this physical bounty leads the people to become over-indulged. Physical pleasures corrupt the morals of the people. They worship empty

idols and powerless gods and indulge in all kinds of depravity. G-d will then let nations with no moral worth subjugate Israel and scatter them across the world. However, their only purpose is as a rod to chastise the Jewish People. When these nations think that it is through their own power that they have dominated Israel, G-d will remind them that they are no more than a tool to do His will. The purpose of the Jewish People is fundamental — that man should know his Creator. Neither exile nor suffering can sever the bond between G-d and His people, and eventually in the final redemption this closeness will be restored. G-d will then turn His anger against the enemies of Israel, as though they were His own enemies, showing no mercy to the tormentors of His people. G-d then gives His last commandment to Moshe: That he should ascend Mount Nevo and be gathered there to his people.

# The Old and the New

BY RABBI MENDEL WEINBACH

“Wring out the old, ring in the new.” No, the first word is not a spelling mistake or a typo. It is a play on similar sounding words with a very serious message.

The transition from one year to another that takes place on Rosh Hashana presents us with a challenge and opportunity to learn from the past in order to enrich the future. We must therefore dedicate ourselves to the soul-searching that will enable us to “wring out” from the year gone by those experiences which we can analyze with the objectivity of retrospect and apply the lessons we have learned from them.

“Let the (old) year with its curses come to an end; let the (new) year with its blessings begin.”

This is the prayer traditionally said by Jews as one year fades into another. The curses of the past year must, however, be viewed in the proper perspective. All individual or collective suffering serves the purpose of awakening us to a realization that we must try to improve ourselves. If we turn this realization into action we transform the curses into blessings.

It is a bitter comment on our times that the “man of the year” who made the most headlines is the Iranian dictator threatening the world with his potential for nuclear capacity. As we listen to the great debate as to whether he should be prevented from developing this capacity by force or by diplomacy, it is important for us to reflect on the prayer we

will be saying four times a day on Rosh Hashana:

“And so instill a sense of fear, O L-rd our G-d, in all of Your creations... and all Your creations will bow before You and they will all join together to wholeheartedly do Your will.”

While we respect and appreciate the human efforts being made by leaders of the free world to eliminate the Iranian threat, it is incumbent on us, as Jews who understand Rosh Hashana as a time for reinforcing our recognition of G-d as Creator and Master of the world, to internalize that the inevitable outcome of this saga is in His hands. The greater our faith is in Heavenly control of world events, the greater is the likelihood of our prayers being answered for G-d to provide the deterrent to a nuclear threat which the nations of the world have not been able to provide.

The truth is that this is really what Rosh Hashana is all about. Although it is the first of the “Ten Days of Repentance” we make no confession of our sins on this day. For the beginning of a genuine return to G-d must be a profound recognition that He is the Creator and Ruler of the world to Whom we are responsible and Who ultimately determines the reward for fulfillment and the consequences of negligence. This is the theme expressed in the above-quoted prayer and in virtually all of the prayers and the sounding of the shofar.

Internalizing this theme will enable us to truly “wring out the old” and ring in a new year blessed with peace and prosperity.

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*This publication contains words of Torah. Please treat it with due respect.*

A digest of the topics covered in the seven weekly pages of the Talmud studied in the course of the worldwide Daf Yomi cycle along with an insight from them

## TALMUDigest

## BAVA BASRA 30 - 36

- A dispute over whether the one in the house is an owner or squatter
- Is encouraging a buyer to purchase your property from a squatter proof that you sold to the squatter
- Can one correct an earlier claim made in court
- The status of witnesses whose testimony was contradicted by other witnesses
- The problem of a court reversing a ruling based on new testimony
- The claimant who admits that the document he presented to prove his case was invalid
- The dispute between the debtor and the guarantor
- The claim against orphaned minors
- The dispute as to who was the closest relative and entitled to inherit property
- Status of the crops consumed by a squatter whose claim to ownership is refuted
- The mystery of the stolen silver
- Settling a dispute over ownership of a ship
- Protecting ownership of a field rented to sharecropper
- If unprotected plowing proves purchase of a field
- Dispute over ownership of mobile property

### CAN WE BELIEVE THEM

**T**wo pairs of witnesses in a financial lawsuit contradict the testimony of one another. The testimony of neither has any credibility because we have no way of knowing which of them is telling the truth and which is lying. What about the credibility of either pair in regard to future testimony in financial cases?

The position of Rabbi Huna is that as long as each pair testifies alone in that next case we can accept their testimony. Although there is the possibility that they were the liars in the earlier case and therefore disqualified as wit-

nesses, we cannot, on the basis of doubt, challenge their *chazakah* (status) as kosher witnesses.

An opposing position is taken by Rabbi Chisda who asks, "How can we have anything to do with witnesses who are liars?" His approach is also based on the concept of *chazakah*, but this time the status referred to is that of the money that the testimony of the suspected witnesses will affect. In matters of doubt we apply the rule of status quo, in that we cannot rule on the ownership of contested money on the basis of witnesses who may indeed be liars.

• *Bava Batra 31b*

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- If owner of trees in another's field owns any of the land
- Must protest against a squatter be made in his presence
- The proper text for a formal protest
- How frequently must the protest be made
- Disclaimer made before forced transaction
- The need for a claim to accompany three-year possession as proof of purchase
- The flood-wrecked boundary mistakenly replaced
- When there is a consensus of testimony despite a conflict between witnesses
- When several parties make up the three-year possession used as proof of purchase
- Those who cannot claim ownership on the basis of possession
- When judges and witnesses are ineligible to rule or testify because of conflict of interest
- Other examples of such conflicts which disqualify witnesses

## AN UNRELIABLE SILENCE

“I won't tell anyone what you said.” This is what the witnesses told the man who stated in their presence a protest against someone squatting on his field. Does their statement rule out the effectiveness of the protest in preventing the squatter from claiming ownership of the field?

The position of Rabbi Papa is that since they declared that they would not tell anyone about the protest we can safely assume that word of it will not get back to the squatter. This will allow him to claim that since he never

heard of any protest during three years of possessing the field, he no longer held on to the document that proved that he purchased the field.

Rabbi Huna, the son of Rabbi Yehoshua, challenges this opinion. His argument is that we can assume that word of the protest will eventually get to the squatter because the witnesses are likely to mention it to someone. Despite the fact that they said that they would not tell anyone, we cannot take their statement seriously because when revealing something has no relevance for a person he does not take his pledge to heart.

• Bava Batra 39a

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- The degree of responsibility for a sale which ends up in confiscation
- The conflicting claims of the owner and his hired craftsmen
- The sharecropper's claim to ownership
- Validity of a sale or marriage made under pressure
- Disclaimer made before forced sale
- When witnesses are believed to discredit their past testimony
- A husband's claim of purchase of property his wife brought into marriage
- When one can relinquish the rights granted to him by rabbinic law

## SHOTGUN WEDDINGS

If a person is coerced into selling property but made no disclaimer to witnesses prior to the sale, we consider the transaction to be valid. Rabbi Huna offers this explanation for such a ruling:

Most people sell only because circumstances force them to part with their property, and such sales are considered valid by Torah law. We can therefore extend this concept to a sale made under pressure from the buyer as well.

This applies, however, only to a case in which the coerced seller receives payment for his property; a gift made under such pressure is not considered valid.

What is the rule regarding a woman receiving *kiddushin* (becoming betrothed) under pressure from a man who wishes to marry her against her will?

If she accepted money or anything of value as the instrument of *kiddushin* it would seem that such a transaction should be valid.

Despite this consideration, however, the *halacha* is that such a *kiddushin* is not valid. As one of the Sages put it, "He acted out of order so we will deal with him in the same fashion." The Sages therefore nullified the act of *kiddushin*.

What happens in a case where the man was forced into a marriage against his will? There is a difference of opinion amongst the commentaries as to whether in such a case the Sages nullified the improperly made *kiddushin* since the coerced man has the Torah-given option of ending an unwanted marriage through divorce. (See *Shulchan Even Haezer* 42:1)

• *Bava Batra* 48b

## WHAT THE Sages SAY

"If someone declares that he is going to take some dates from another's tree which he claims he purchased, we believe his claim because no one has the audacity to eat the fruit which belongs to someone else."

• *Rabbi Yehuda - Bava Batra* 33b

"Anything which is not a person's responsibility to keep as a secret he is likely to unwittingly reveal."

• *Rabbi Huna ben Rabbi Yeshoshua - Bava Batra* 39a

"He (the one who forced a woman to marry him) acted out of order so we deal with him in the same fashion."

• *The Sage Mar, son of Rabbi Ashi - Bava Batra* 48b

"Chatzuva is the name of the tree which Yehoshua planted as a boundary (between one tribe and another and one individual and another) when he divided up Eretz Yisrael."

• *Rabbi Yehuda in the name of the Sage Rav - Bava Batra* 56a

- Status of slave owned by wife and employed by husband
- Inability of either husband or wife claiming ownership of the other's property on the basis of three-year possession
- How real estate transactions are consummated
- Sale of property between husband and wife
- Receiving from married women, minors or slaves items for safekeeping
- Claims made by sons and fathers against each other or brothers against each other
- How one gains possession of property of a convert who dies without heirs
- Purchasing a property from a non-Jew
- The impact of the law of the land on transactions
- What separates adjoining fields in regard to matters of *halacha*
- Witnesses to a claim based on three-year possession who become discredited
- What is considered as inaccurate "half-testimony"
- Gaining rights in another's property based on his failure to protest

## GUARDING THE EYES

When the Assyrian forces surrounded Yerushalayim and threatened to conquer the city and exile its inhabitants as they had done to the ten tribes, there was a sense of impending doom in the city. Then came to the Prophet Yeshayahu an encouraging message of hope. In the merit of the righteous King Chizkiyahu and the other *tzaddikim* of the city, Yerushalayim would be spared.

At the end of the list of qualities of these righteous Jews was the tribute to one "who shuts his eyes to avoid seeing evil." (*Yeshayahu* 33:15) To what sort of evil is the passage referring?

Rabbi David Kimchi (RaDAK) writes in his commentary

that this can be a reference to either evil actions or evil people. In our *gemara*, however, Rabbi Chiya bar Abba, interprets this as a tribute to the man who does not stare at women who are doing laundry at the riverside because their legs are exposed.

If one does not have to pass alongside that river and does so he is considered a sinner for thus placing himself in moral danger. The tribute in this passage is for one who has no alternative route and still makes a strenuous effort to avoid looking at the laundry women.

This principle is applied in *halacha* to any situation in which one is challenged by the danger of his eyes being exposed to immodest dress.

• *Bava Batra 57b*

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## WHO IS THE OWNER?

**O**n the threshold of a new year, one in which we hope to see an end to the many threats to the security of Israel, it is worthwhile reflecting on a lesson taught by Rabbi Yitzchak Zilberstein, the rav of the Ramat Elchanan community in Bnei Brak.

When Jaffa was captured by Israeli forces in the War of Independence most of its Arab residents fled this city adjoining Tel Aviv. Among the many Jews who rushed to see Jaffa for the first time was Rabbi Zilberstein. As he passed one of the houses vacated by the Arabs he heard shouting which alerted him to the possibility that there was some danger to life. What he discovered upon entering the large apartment from where the shouting came was two Jews vehemently arguing over who had a right to this dwelling. One claimed that as one of the soldiers who

captured the city he was entitled to gain the deserted home, while the other claimed that it originally belonged to a relative of his and was rightfully his.

Nothing could be done to settle the argument, which threatened to erupt into violence, until another Jew arrived with documents proving that he had title to the home and was giving it to his relative. The fellow claiming a right to what he thought was abandoned Arab property, based on his participation in capturing the city, meekly departed, and silence reigned.

This, concluded Rabbi Zilberstein, is what is going to be the conclusion of the Israel-Arab conflict. G-d, Who is the real owner of the land, will declare "I am the owner of the land" and all our enemies will shamefacedly depart, granting peace to Israel forever.

## LOVE OF THE LAND

Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

## MAYAN HASHILOACH – A POPULAR TASHLICH SITE

**M**ayan Hashiloach – otherwise known as the Silwan Pool – is a popular place for many Jerusalemites to perform the custom of *Tashlich* on Rosh Hashanah. It is here that the

waters of the Gichon enter through a passage in a mountain.

Many legends surround this body of water, regarding its source and its final destination.



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# LOVE of the LAND

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## PARSHA Q&A ?

### Ha'azinu

1. Why were heaven and earth specifically chosen as witnesses?
2. How is the Torah like rain?
3. How is G-d "faithful without injustice"?
4. Why is G-d called "tzaddik"?
5. How many major floods did G-d bring upon the world?
6. What group of people does the Torah call "fathers"?  
Cite an example.
7. Why did G-d separate the world's nations into exactly 70?
8. Why is the merit of the Jewish People's ancestry called a "rope"?
9. How is G-d's behavior toward the Jewish People like an eagle's behavior toward its offspring?
10. Regarding the Jewish People's punishment, G-d says, "I will spend my arrows on them." What is the positive aspect of this phrase?
11. How does the idea of "chillul G-d" prevent the nations from destroying the Jewish People?
12. What will happen to the nations that conquer the Jewish People?
13. When G-d overturns a nation that persecutes the Jewish People, His attribute of Mercy is "replaced" by which attribute?
14. When G-d punishes the heathen nations, for whose sins does He exact punishment?
15. How will G-d's punishment change the way the nations view the Jewish People?
16. On what day was *Ha'azinu* taught to the Jewish People?
17. Verse 32:44 calls Yehoshua "Hoshea." Why?
18. In verse 32:47, what does "it is not empty from you" mean?
19. Why did G-d tell Moshe that he would die a similar death to that of Aharon?
20. If Moshe had spoken to the rock rather than striking it, what would the Jewish People have learned?

## PARSHA Q&A!

### Answers to Ha'azinu's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 32:1 - They endure forever.
2. 32:2 - The Torah gives life and promotes growth like rain.
3. 32:4 - He is "faithful" by rewarding the righteous, and "without injustice" by rewarding even the wicked for any good deeds.
4. 32:4 - All will agree that His judgments are righteous.
5. 32:7 - Two. One in the time of Adam's grandson Enosh and one in the time of Noach.
6. 32:7 - The Prophets. Elisha called the Prophet Eliyahu "My Father." (*Melachim II 2:12*)
7. 32:8 - To correspond to the 70 *Bnei Yisrael* who entered Egypt.
8. 32:9 - Their merit is "woven from" the merits of the *Avot*.
9. 32:12 - He mercifully wakes them gently, hovering over them, and carrying them on His "wings".
10. 32:23 - "The arrows will be spent" implies that the afflictions will cease but the Jewish People will not.
11. 32:27 - The nations would attribute their success to their might and the might of their gods. G-d would not let His name be desecrated like this.
12. 32:35 - They will eventually be punished.
13. 32:41 - His attribute of Justice.
14. 32:42 - For their sins and the sins of their ancestors.
15. 32:43 - They will view the Jewish People as praise-worthy for cleaving to G-d.
16. 32:44 - The Shabbat upon which Moshe died.
17. 32:44 - To indicate that although he was the Jewish People's leader, he still maintained a humble bearing.
18. 32:47 - That you will receive reward for studying Torah and that there is nothing meaningless in the Torah.
19. 32:50 - Because Moshe wanted this.
20. 32:51 - The Jewish People would have reasoned as follows: If a rock, which receives neither reward nor punishment, obeys G-d's commands, all the more so should we.



## MILK AND HONEY

**From: Matthew**

*Dear Rabbi,  
If the Land of Israel is supposed to be flowing with milk and honey, why don't we see that kind of abundance in the Land of Israel today?*

Dear Mathew,

First of all, while Israel may not be oozing milk and honey, there is definitely an agricultural and material abundance, which in this semi-desert region is unprecedented in the last two millennia and far exceeds any other country of modern times in the area.

Israel has a thriving, modern, industrial, high-tech based economy as well as a broad, varied, productive, export-oriented agricultural market. This is due to great effort and ingenuity that is literally fueled by Israel's need to survive.

Still, even if we are to understand the description of milk and honey as referring to material abundance alone, G-d doesn't mean that this abundance is an indigenous, natural quality of the Land. Rather, there is a spiritual connection between the Jewish people on the Land and its bounty.

A proof is that the Land remained desolate for the last two thousand years because nature alone doesn't sustain it. Even human enterprise could not cajole its growth, and other peoples and empires were not able to seduce its blessing. Even the industrious, powerful and modern Great Britain, after extensive geological surveys, concluded that the Land was basically useless for the needs of mass settlement and could never sustain a modern nation.

Considering this, the blessing enjoyed in Israel today is miraculous. Israeli effort and ingenuity alone is not enough without G-d commanding the land to issue its bounty to His

children on the Land. But the degree of that blessing also depends on the extent to which the Jewish people are acting as His children while in the Land. An appreciative and loyal son will enjoy the full bounty of his Father's table; a brazen, self-centered son's portion might be limited. Perhaps this is why we don't see, despite the blessing, the Land flowing with milk and honey.

Interestingly, descriptions of the Land in Talmudic sources, written at a time when Jews had a very heightened awareness of G-d, portray a Land with such bounty. A rabbi was once walking through the countryside of Israel when he saw hundreds of robust she-goats eating luscious figs from large trees. The juice that burst forth from the figs mixed with milk oozing from the goats' udders to form rivulets of milk and honey flowing down the valley. In another discussion, the Talmud describes the fruits growing on the bank of Lake Kinneret as being so luscious, potent and concentrated, that they were actually intoxicating.

This blessing was not only prosaic, but also so palpable that it had Halachic implications as well. We find that quantity or volume is relevant in many discussion of Halacha. These values are calibrated by the standard/average size of fruits such as a pomegranate, fig, date, olive or egg. From the Talmudic discussions of these "standard" volumes it becomes apparent that their olive was the size of our eggs, and their eggs were the size of our tomatoes. And in Biblical times, the fruits and produce were even larger!

This goes to show us that the material quality of "milk and honey" of the Land is a direct function of G-d's willing the Jewish People there, and the extent to which they do G-d's will there. If today that quality seems lacking, it may be because our connection to G-d is lacking. However, if we will endeavor to extract the spiritual milk and honey indigenous to the Land of Israel which is the Torah and the *mitzvot*, and we cause our lives to overflow with their sustenance and sweetness, then will G-d shower upon us both spiritual and material blessing in the Land.

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## QUESTION MARKET

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### KEEPING THE HOLY DAY HOLY

**Question:** On Rosh Hashana the custom of *Tashlich* in our community brings a large crowd of men and women to the banks of our local river to recite the special prayers and ceremonially “cast their sins” into the water. It disturbs me, however, to observe the lack of seriousness which some people demonstrate at such an occasion, turning a religious experience into a social event. What is the right thing to do?

**Answer:** Jews who go to *Tashlich* are basically serious about this opportunity to symbolically rid themselves of the sins they have accumulated in the year gone by. But

they do need to be reminded that their awareness of this holy day does not end when departing from the synagogue. In some communities steps are taken before the holiday to designate separate areas for men and women and place the signs necessary for directing people to their assigned area.

It would also be a good idea for the local rabbis to make mention in their holiday sermons of the need for decorum at *Tashlich* or to at least post some announcement on the synagogue bulletin board regarding the above-mentioned separation of men and women at the riverside.

## THE HUMAN SIDE OF THE STORY

### THE SECRET OF THE SCORPIONS

The poor, lonely fellow who enjoyed the warm hospitality of the Jerusalem couple had a strange habit of constantly repeating his life story to his hosts. The delay that this caused in beginning their meal caused his hosts to consider asking him to discontinue his regular visits to their home, but they didn't have the heart to disappoint him.

Their opportunity finally came when the growth of the family necessitated a move to another apartment. They decided not to inform their disturbing guest about their move, in the hope that when he discovered that they lived elsewhere he would no longer bother them.

A short while after entering their new home their tranquility was interrupted by the appearance of a giant scorpion. They managed to kill it, but a few hours later another

one appeared. It too was killed, but scorpions continued to arrive in a constant stream. The exterminator they called in desperation told them that he was unable to find from where the scorpions were coming.

With no solution in sight the couple went to see Rabbi Chaim Pinchas Scheinberg, rosh hayeshiva of Yeshivat Torah Ohr in Jerusalem. This sage took from his shelf a copy of *Perek Shira*, which beautifully describes what each living thing sings in praise of its Creator. He read to them the scorpion's song “G-d is good to all and merciful to all of His creations” and asked them if they were perhaps guilty of not showing mercy to one of G-d's creations. The couple needed no further explanation. They located their poor guest and invited him to continue his visits.

And the scorpions disappeared.

*הנהיג*  
The Ohr Somayach Family wishes you and yours and all  
of Israel a year filled with happiness, health and peace.