

O H R N E T

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PARSHA INSIGHTS

BY RABBI YEHUDA SPITZ

TORAH FROM THE (NON) RIGHTEOUS?

We often find that the Torah's description of even simple actions of our great Forefathers impart to us a treasure trove of *hanhaga*, *hashkafa*, and even *halacha*. Sometimes, though, it is the exact opposite — a *halacha* is gleaned from the acts of those far from being paragons of virtue. In our Torah portion for this week we learn fascinating halachic insights from people whom we would not consider role models by any stretch of the imagination.

Double Agents

Parshat Shlach details at length the grave sin of the *meraglim*, the spies, whose evil report about Eretz Yisrael still echoes, with repercussions continuing to be felt until today. Of the twelve spies sent, only two remained loyal to G-d: Yehoshua bin Nun and Calev ben Yefuneh. The other ten chose to slander Eretz Yisrael instead, and consequently suffered immediate and terrible deaths. Due to their vile report, the Jewish People was forced to remain in the desert an additional forty years, and eventually die out, before the children ultimately were allowed to enter Eretz Yisrael.

G-d called this rogues' gallery of spies an 'eidah', literally a congregation. The *Gemara* famously derives from this incident that the minimum requirement for a *minyan* is a quorum of ten men, since there were ten turncoat 'double-agents' who were contemptuously called a congregation. If ten men can get together to conspire and hatch malevolent schemes, then ten men can assemble to form a congregation for 'devarim shebekedusha' (matters of holiness). This exegesis is duly codified in *halacha*, and all because of the dastardly deeds of ten misguided men.

Covetous Carnivores

Another prime example of *halacha* being set by the actions of those less than virtuous is the tragic chapter of

the "rabble rousers" who lusted after meat, and disparaged G-d's gift of the Heavenly bread called manna (*mann*), chronicled at the end of *Parshat Beha'alotcha*. The verse states that "the meat was still between their teeth" when these sinners met their untimely and dreadful demise. The *Gemara* extrapolates that since the Torah stressed that point it means to show us that meat between the teeth is still considered tangible meat, and that one must wait before having a dairy meal afterwards.

There are actually several different ways to understand the *Gemara's* intent, chief among them Rashi's and the Rambam's opinions. The Rambam writes that meat tends to get stuck between the teeth and is still considered meat for quite some time afterward. Rashi, however, doesn't seem to be perturbed about actual meat residue stuck in the teeth, but simply explains that since meat is fatty by nature its taste lingers for a long time after eating.

Yet, the *Gemara* does not inform us what the mandated waiting period is. Rather, it gives us several guideposts that the *Rishonim* use to set the *halacha*. The *Gemara* informs us that Mar Ukva's father would not eat dairy items on the same day that he had partaken of meat, but Mar Ukva himself (calling himself 'vinegar the son of wine') would only wait 'from one meal until a different meal'. The various customs that *Klal Yisrael* keep related to waiting after eating meat before eating dairy (including the most common *minhag* of waiting six hours) are actually based on how the *Rishonim* understood this cryptic comment.

To sum it up, although we know "*minhag avoteinu Torah hi*" — the custom of our ancestors is Torah — it is nevertheless interesting to note that the core requirement of waiting is based on the actions of those with less than perfect intentions. As it is stated in *Pirkei Avot* (4:1): "Who is wise? One who learns from everyone."

BAVA BATRA 144 - 150

“YOU’RE GETTING HOTTER!”

Rabbi Chanina said, “Everything is in the hands of Heaven except for sickness from cold and heat, as the verse states, “Cold and heat are traps on the path; one who wants to be safe from them will keep at a distance from them.” (Prov. 22:5)

The verse actually states the dangers are “*Tzinim pachim*”, which means cold and heat according to one explanation offered by the Rashbam, and is also the explanation stated in Tosefot. Another translation cited by the Rashbam is that that verse mentions only cold (“*tzinim*”), and *pachim* refers to the cold being a harmful “trap”. According to all explanations, the verse teaches about the danger to a person posed by adverse climatic conditions.

Rabbi Chanina’s teaching is cited in our *sugya* to answer what is meant by the expression in the *gemara* of “illness through negligence”. One might think that a person’s well-being is always decreed from Above, and a person’s negligent conduct will not affect his health and physical condition. The verse in Proverbs, Rabbi Chanina states, is proof that a person has the free-will to choose to be negligent, which can lead to sickness or injury.

Tosefot explains a *gemara* in Bava Metzia (107b) which elucidates the verse in Deut. 7:15, “And G-d will remove from you all sickness” — “sickness” meaning cold — which seems to imply that G-d, and not the individual, controls whether a person gets sick from the cold. This would mean that if it was not decreed, then a person could walk outside indefinitely in Arctic weather and remain perfectly healthy. Tosefot explains that the accurate meaning of that verse is not that G-d controls whether a person is cold or not, but rather that G-d gives the person wisdom to guard against the cold by choosing to wear warm clothing.

The Talmud Yerushalmi tells a story, as quoted by Tosefot, that the Roman ruler Antoninus was setting out to travel and asked Rebbie (his close friend with whom he studied Torah) to pray for his welfare. Rebbie prayed, “May it be the will of G-d that you be saved from the cold.” “Is that a fitting prayer?” said Antoninus with disappointment. He knew that he could put on a warmer coat if needed. So Rebbie then prayed, “May it be the will of G-d that you be saved from extreme heat.” Antoninus replied, “That is certainly a helpful prayer, as it’s written (in Ps. 19:7) ‘And no one can escape its (the sun’s) heat.’ ”

Which reminds me. A number of years ago I was in a classroom on a cold day, and a dispute broke out between two students. One said, “Close the window, I’m too cold!” The other argued that he was not cold (even a bit warm, if anything) and needed the fresh air from outside. The teacher settled the matter by quoting a ruling that he had heard from his rabbi about what to do in a case such as theirs: the person who is warm and wants the window open “wins”. The cold student should put on warmer clothing. And the source for this decision? The verse that Tosefot cites, “No one can hide from its heat.” (Ps. 19:7) The cold person can add layers of clothing for warmth, but what can the warm person do to not be hot — step out from his skin!

• Bava Batra 144b

A STEADY DIET

Shmuel said: “A sharp change in one’s eating pattern (All week long he eats dry bread, and on the festive days he eats meat — Rashbam) is the beginning of digestive problems.”

The great Talmudic Sage and medical doctor named Shmuel made this statement as a means to explain what appears to be a difficulty in the following verse in the Book of Proverbs:

“All of the days of the impoverished person are *bad* ones.” (Prov. 15:15)

While it may certainly be unpleasant to be financially impoverished, Rabbi Yehoshua Ben Levi questions the meaning of this verse. How can King Solomon state in the verse that *all* of the poor person’s days are bad due to a lack of food? Some days are Shabbats and Festivals, when impoverished people are provided with charity funds in order to enjoy extremely delicious meals. Aren’t these “days of plenty” considered *good* days for a poor person?

Shmuel explains that the verse is teaching that “A sharp change in one’s eating pattern is the beginning of digestive problems.” Therefore, even those days of “good food” are also “bad” in a sense for a poor person who is not accustomed to such feasts. He should keep in mind that a “yo-yo” change in his eating pattern is actually a detrimental health factor.

• Bava Batra 146a

PARSHA Q&A ?

1. Why is the portion about the *meraglim* written immediately after the portion about Miriam's *tzara'at*?
2. To what was Moshe referring when he asked the *meraglim* "Are there trees in the Land"?
3. Who built Hebron?
4. Which fruits did the *meraglim* bring back?
5. How many people carried the grape cluster?
6. Why did G-d shorten the *meraglim's* journey?
7. Why did the *meraglim* begin by saying the Land is "flowing with milk and honey"?
8. Why did the *meraglim* list Amalek first among the hostile nations they encountered?
9. How did Calev quiet the people?
10. Why did the Land appear to "eat its inhabitants"?
11. Besides the incident of the *meraglim*, what other sin led to the decree of 40 years in the desert?
12. On what day did *Bnei Yisrael* cry due to the *meraglim's* report? How did this affect future generations?
13. "Don't fear the people of the Land...their defense is departed." (14:9) Who was their chief "defender"?
14. Calev and Yehoshua praised Eretz Canaan and tried to assure the people that they could be victorious. How did the people respond?
15. "How long shall I bear this evil congregation?" G-d is referring to the 10 *meraglim* who slandered the Land. What halacha do we learn from this verse?
16. How is the *mitzvah* of *challah* different from other *mitzvot* associated with Eretz Yisrael?
17. What is the minimum amount of *challah* to be given to a *kohen* according to Torah Law? Rabbinic Law?
18. Verse 15:22 refers to what sin? How does the text indicate this?
19. Moshe's doubt regarding the punishment of the *mekoshesh etzim* (wood-gatherer) was different than his doubt regarding the punishment of the blasphemer. How did it differ?
20. How do the *tzitzit* remind us of the 613 commandments?

PARSHA Q&A!

Answers to This Week's Questions!

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

1. 13:2 - To show the evil of the *meraglim* (spies), that they saw Miriam punished for *lashon hara* (negative speech) yet failed to take a lesson from it.
2. 13:20 - Were there any righteous people in the Land whose merit would "shade" the Canaanites from attack?
3. 13:22 - Cham.
4. 13:23 - A cluster of grapes, a pomegranate and a fig.
5. 13:23 - Eight.
6. 13:25 - G-d knew the Jews would sin and be punished with a year's wandering for each day of the spies' mission. So He shortened the journey to soften the decree.
7. 13:27 - Any lie which doesn't start with an element of truth won't be believed. Therefore, they began their false report with a true statement.
8. 13:29 - To frighten the Jews. The Jewish People were afraid of Amalek because Amalek had once attacked them.
9. 13:30 - He fooled them by shouting, "Is this all that the son of Amram did to us?" The people quieted themselves to hear what disparaging thing Calev wished to say about the "son of Amram" (Moshe).
10. 13:32 - G-d caused many deaths among the Canaanites so they would be preoccupied with burying their dead and not notice the *meraglim*.
11. 13:33 - The golden calf.
12. 14:1 - The 9th of Av (Tisha B'av). This date therefore became a day of crying for all future generations: Both Temples were destroyed on this date.
13. 14:9 - Iyov.
14. 14:10 - They wanted to stone them.
15. 14:27 - That ten men are considered a congregation.
16. 15:18 - The obligation to observe other *mitzvot* associated with Eretz Yisrael began only after the possession and division of the Land. The *mitzvah* of *challah* was obligatory immediately upon entering the Land.
17. 15:20 - No fixed amount is stated by the Torah. Rabbinic Law requires a household to give 1/24 and a baker to give 1/48.
18. 15:22 - Idolatry. "All these commandments" means one transgression which is equal to transgressing all the commandments - i.e. idolatry.
19. 15:34 - Moshe knew that the *mekoshesh etzim* was liable for the death penalty, but not which specific means of death. Regarding the blasphemer, Moshe didn't know if he was liable for the death penalty.
20. 15:39 - The numerical value of the word *tzitzit* is 600. *Tzitzit* have eight threads and five knots. Add these numbers and you get 613.

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THE TRANSGRESSION OF THE SPIES

This week's Torah portion presents numerous and obvious difficulties. The nation is poised to enter the Land of Israel, a fertile and bountiful Land, promised to our forefathers hundreds of years earlier. The people experienced one miracle after another when G-d had taken them out of Egypt and sustained them in a barren desert. Why does G-d tell Moshe to send spies to check out the Land? What could they possibly discover that would make any difference to them?

Abarbanel maintains it was the people themselves who wanted to send the spies and have them report back to them directly. G-d knew that if they were prevented from sending spies they would be suspicious that the Land was not suitable. At the same time, if G-d allowed them to bypass Moshe and send the spies themselves, this would be seen as a rebellion against their leader. Therefore, Moshe, as G-d's prophet, would send them, and they would report directly back to him.

In any case, there clearly was no need to send spies and it was evident that the faith of the people was not strong enough to deal with the looming challenge. The people knew that the direct Divine intervention they had been experiencing, such as the pillars of cloud and fire that directed them, and the manna that sustained them, would cease once they entered the Land. The responsibility to conquer the Land and sustain themselves in it would be in their own hands. They couched their request in purely

military terms, which was more acceptable, but their real concern was much deeper. Their emphasis on tactics and strategy was merely a subterfuge for their more fundamental lack of trust in G-d about the worth of the Land in all respects, and their own worthiness to benefit from it. If their motivation was simply to prepare for a successful military campaign, one or two nameless spies would have been sufficient and prudent. But since Moshe understood their true motivation, he made sure to appoint respected leaders from each of the diverse tribes. In this way each tribe would be able to look out for its own unique interests. For this reason Moshe did not send a representative from the tribe of Levi, since they had no inheritance in the Land.

Their fundamental lack of faith in the desirability and importance of the Land of Israel is clearly evident from the initial words of the spies when they returned from their mission: "We came to the Land to which you sent us." They should have said, "... to which the L-rd our G-d gave to us," or "to the Land which G-d promised to our Forefathers." It was their opinion that they were not worthy of this gift, and they thus did not have an overwhelming desire to go and see it in the first place.

This fundamental disconnect from their unique connection to the Land of Israel clouded all of their perceptions and interpretations of what they saw and experienced during their forty days in the Land.

LOVE OF THE LAND

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

NABI SAMUEL — TOMB OF THE PROPHET SHMUEL

On a hill overlooking Jerusalem is the village of Nabi Samuel, where the Prophet Shmuel is buried. Because of its strategic location this site played an important role in several wars. During World War One the British defeated the Turks in this area, opening the road to Jerusalem. In



Israel's War of Independence the Arabs bombed Jewish Jerusalem from their fortress at the site. They did it again in the Six-Day War, but Israeli soldiers quickly captured it, making it possible for Jews to once again come to pray at the tomb of the great prophet and judge.

BEFIT TO BLESS

From: Dennis

*Dear Rabbi,
In our shul, there are kohanim who I am sure are not observant and who even transgress in public. I am wondering if they are allowed to perform the priestly blessing for the community, or if their blessing might be a curse, G-d forbid.*

Dear Dennis,

This question should rightly be addressed to, and answered by, the Rabbi of your shul. I therefore only raise the issues involved, but defer to the Rabbi of the shul regarding what should be done in practice in the specific instance of his community.

On the one hand I empathize with your concern. It's hard to imagine that hands which transgress the will of G-d are fit to bless in the name of G-d.

That being said, it is a positive Torah commandment incumbent upon *kohanim* to bless the Jewish People in the name of G-d:

"Speak to Aaron and his sons, saying: So shall you bless the children of Israel, saying to them: 'May the L-rd bless you and watch over you. May the L-rd cause His countenance to shine upon you and favor you. May the L-rd raise His countenance toward you and grant you peace.' The *kohanim* shall bestow My name upon the children of Israel, so that I will bless them" (Num. 6:23-27).

Based on this, Rambam (Laws of Prayer 15:4) writes that even if a *kohen* transgresses major, severe sins (aside from murder and idolatry), so much so that the community is openly disdainful of him, the *kohen* is nevertheless commanded to bless. The reason for this, as explained by Rambam, is that we don't say to a wicked person, "Increase your wickedness by declining to perform *mitzvot*."

Anticipating your concern, Rambam continues, "Don't wonder what worth is the blessing of such a sinner. The blessing is not dependent on the *kohen* but rather upon G-d,

as in the verse, 'They shall bestow My name upon the children of Israel, so that I will bless them'. The *kohanim* (even sinners) are to perform the mitzvah incumbent upon them, and G-d, in His great mercy, will bless Israel according to His will".

One possible exception to this, which would bar a *kohen* from blessing, would be public desecration of the Sabbath, G-d forbid. Since in many cases, brazen, intentional desecration of the Sabbath is considered tantamount to idolatry, it might also, like idolatry and murder, disqualify a *kohen* from fulfilling this mitzvah. This opinion is accepted by the Mishna Berura (128:27, note 134).

However, this very question was presented regarding the community of South Africa to one of the greatest Torah leaders of recent times, Rabbi Chaim Ozer Grodzinski, *zatzal* (Vilna, 1863-1940).

Somewhat surprisingly, Rabbi Chaim Ozer answered that in this case even *kohanim* who publicly transgress the Sabbath may be encouraged and *should* be encouraged to bless the priestly blessing. His reasoning was that since these Jews were far-removed from observance, their Sabbath desecration should not be viewed as brazen and intentional, but rather without proper knowledge and understanding, as would be the case regarding a young Jewish child who was taken from his family and raised among non-Jews. In such a case, innocent ignorance mitigates culpability.

Furthermore, he argued that if these *kohanim* were to be prevented from performing the priestly blessing, they and their children would forget their *kohen* status, and thereby come to transgress in other ways, such as contracting marriages that are forbidden to *kohanim*, or exposing themselves to the impurity of dead bodies. In addition, he argued, enabling and encouraging them to fulfill their obligations as *kohanim* would maintain their connection to Judaism, to Jewish practice, and to their priestly pride — all of which might stem the tide of assimilation or even inspire a return to observance!

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A PRELUDE TO PRAYER

“My Master, open my lips, and my mouth will relate Your praise.”

The Sages instituted the recital of this verse from Psalms at the outset of the Shemoneh Esrei to help remind the worshiper that speaking to G-d is a very serious matter. Ideally, one should pause momentarily before beginning his prayers so as to properly focus one’s thoughts and emotions on what he is saying. Since its function is to help enhance the quality of one’s prayers, it is considered as part of the prayer itself, and is therefore not considered an interruption. (Levush)

Humility

Asking for something as simple as opening our lips expresses our utter dependence on G-d for everything we do. Meditating on this idea before beginning to pray can help bring a person to feel humble and insignificant. Humility is praised as one of the ideal attitudes to have when approaching G-d — and it can enable one’s prayers to be accepted.

Embarrassment

Another idea: As a result of the first sin, Man dwells in a coarse and unrefined physical body, which is the root of all the negative attributes to be found in him (See *Derech Hashem*, part I section 3, by the Ramchal). When a person

stands in the presence of his Maker with all of his shortcomings, he will feel shame and embarrassment to the point where even opening his lips to speak becomes difficult.

Fear of Heaven

Another explanation: Most of the day, we are involved in casual conversation with co-workers, friends and acquaintances. These situations are hardly intimidating. But how would we feel when pleading with a judge, or when being interrogated by an officer or prosecutor. Even asking our boss for what we feel to be a well-deserved raise would intimidate the average person. How much more should the idea of facing the Omnipotent Creator arouse great fear and trepidation within us! By meditating on the fact that we are now standing before G-d, the Creator of Heaven and earth, great fear and awe will be aroused within us, rendering us unable to speak.

This is why we refer to G-d in the first person, as if we are speaking directly to Him. The term “Adon-ai” relates to G-d as our Ruler, and that we are His subjects. This idea should further enhance the intensity one should feel when uttering these words. This explains why we ask G-d for help to open our lips.



SPY VERSUS SPY

Conventional linguists trace the origins of the English word “tourist” to the Old French word *tourner* (“to turn”). However, Dr. Isaac Elchanan Mozeson — an unconventional linguist — finds the etymology of the word “tourist” in the Hebrew word *tor*. The infinitive form of that word *la-tor* (“to scout”) is used, *inter alia*, to describe the actions of the twelve spies which Moshe sent to scout the Holy Land. They are known in the Bible as *tarim* (“scouts” or “spies”). The conceptual similarity between “tourists” and *tarim* is striking: the Hebrew word refers to one who scouts a land to gather information, and the English word refers to one who explores a land for ostensibly recreational purposes. Nonetheless, the twelve spies which Moshe sent are generally known as *meraglim* — not *tarim*. What then is the difference between the words *le’ragel* and *la’tor* if both refer to spying/scouting a foreign land?

Rabbi Yaakov Tzvi Mecklenburg (1785-1865) explains that *la’tor* denotes the act of searching for the good, while *le’ragel* denotes searching for the bad. *La’tor* seeks to identify the positive attributes of that which is being spied upon, while *le’ragel* seeks to find its weaknesses and vulnerabilities.

When Moshe sent spies to scout the Holy Land, he did not do so for conventional military reasons. G-d had already promised the Jews the Holy Land, and they were destined to conquer that Land no matter what. So why did Moshe dispatch spies to scout out the Land? He did so in order to strengthen the nation’s conviction. He hoped that the spies would observe all of the good of the Holy Land and report it back to the people, who would then be more excited to help realize G-d’s promise. However, ultimately, the spies betrayed their mission and instead began to gather information about the perceived disadvantages of the Holy Land, dashing the nation’s hopes for a “good Land”.

Because the spies were originally commissioned to investigate the positive aspects of the Holy Land, they and their actions are always described in Numbers as *tarim*. However, in the hindsight of Deuteronomy — which Moshe orated at the very end of his life (about forty years after the incident of the spies) — the actions of the spies are described as *vayachperu* (Deut. 1:22), or *le’ragel* (Deut. 1:24). The former word is the verb form of “digging” and refers to the deliberate mining of damning information.

Rabbi Mecklenburg points out that the word *chafirah* (“digging”) is related to the word *cherpah* (“disgrace”), and in the case of Moshe’s spies refers to them “digging” for negative information about the Holy Land. Perhaps we can add that the second word, *le’ragel*, is derived from the Hebrew word *regel* (“foot”), which is the lowest part of the body. It is thus appropriately applied to refer to the spies’ searching out the lowest elements of the Holy Land to describe in their testimony.

Moshe’s spies are traditionally referred to as *meraglim*. That term is never used by the Bible to describe these people, but is rather derived from the verb *le’ragel* that Deuteronomy uses to describe their actions. The word *mergalim* does, however, appear in the Bible in the context of spies when Yosef-in-disguise, as viceroy of Egypt, accuses his brothers of being spies. In that situation, the term *mergalim* is used, and appears seven times in a decidedly negative context (Gen. 42). Besides the story of Joseph and his brothers, the term *meraglim* also appears in the Bible to describe the two unnamed spies whom Joshua sent to scout the vulnerabilities of the Canaanite city Jericho before the Jews arrived there (Josh. 2:1). These and other instances of the word *megalim/meragel* in the Bible denote people sent to expose the susceptibilities and weaknesses of an enemy. (Interestingly, the popular Midrashic understanding is that the two men whom Joshua sent were Calev and Pinchas. However, Pseudo-Philo identifies them as Kenaz and Seenamias, the sons of Calev. Another Midrash says that they were Peretz and Zerach — Judah’s twin sons.)

In short, *meraglim* are spies who focus on their enemy’s weaknesses and points of vulnerability, while *tarim* are, so to speak, “tourists” who explore enemy territory for the purposes of collecting positive information about their land. Fascinatingly, David Curwin notes that the Hebrew words *tor* (“scout”) and *tor* (“dove”) have a conceptual link, because doves are first mentioned in the Bible when Noah sent such a bird from his ark to explore the land and see if the waters of the deluge had yet subsided. The dove which he sent was expected to report something *positive* about the land outside of Noah’s ark.

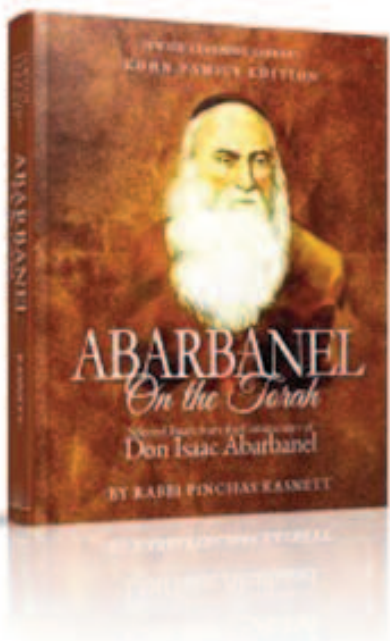
Author’s note:

Le’Zechut Refuah Shleimah for Bracha bat Chaya Rachel

PARSHA OVERVIEW

At the insistence of *Bnei Yisrael*, and with G-d's permission, Moshe sends 12 scouts, one from each tribe, to reconnoiter Canaan. Anticipating trouble, Moshe changes Hoshea's name to Yehoshua, expressing a prayer that G-d not let him fail in his mission. They return 40 days later, carrying unusually large fruit. When 10 of the 12 state that the people in Canaan are as formidable as the fruit, the men are discouraged. Calev and Yehoshua, the only two scouts still in favor of the invasion, try to bolster the people's spirit. The nation, however, decides that the Land is not worth the potentially fatal risks, and instead demands a return to Egypt. Moshe's fervent prayers save the nation from Heavenly annihilation. However, G-d declares that they must remain in the desert for 40 years until the men who wept at the scouts' false report pass away. A

remorseful group rashly begins an invasion of the Land based on G-d's original command. Moshe warns them not to proceed, but they ignore this and are massacred by the Amalekites and Canaanites. G-d instructs Moshe concerning the offerings to be made when *Bnei Yisrael* will finally enter the Land. The people are commanded to remove *challa*, a gift for the *kohanim*, from their dough. The laws for an offering after an inadvertent sin, for an individual or a group, are explained. However, should someone blaspheme against G-d and be unrepentant, he will be cut off spiritually from his people. One man is found gathering wood on public property in violation of the laws of Shabbat and he is executed. The laws of *tzitzit* are taught. We recite the section about the *tzitzit* twice a day to remind ourselves of the Exodus.



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