



Yesodos m' ha Sedra

LESSONS IN HASHKAFa & HALACHA FROM THE PARSHA

In memory of R' Shmuel Shmelka ben HaRav Moshe Kizelnik z"l



*From the desk of
the Rosh Kollel...*

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- Rabbi David Lewin

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כ"י - תצא

תשפ"ו

WEIGHING IN ON TAKING REVENGE ON AMALEIK

As a rule, the Torah forbids taking revenge or even so much as holding a grudge. Taking nekama is so wrong that in our parsha, the Torah tells us not to oppress people from Edom of Mitzrayim, either because of our relationship or because we owe them for hosting us, respectively. Yet, at the end of the parsha, the Torah commands us to take revenge against Amaleik, completely wiping them out, and the posuk stresses, because they attacked us when we were most vulnerable. How are we to understand this?

In addition, the Torah here repeats that the attack took place while we were "ba'derech" - traveling on the way. Why stress the fact that we were "ba'derech"?

The Ozneyim la'Torah asks these two questions and offers an approach which borders on the kabalistic. We would like to suggest an answer which is not only fundamental, but can serve us well in our everyday lives.

First, we have to understand what is wrong with taking nekama. If Reuvein hurt Shimon, why can't Shimon "get back" at him, especially if Reuvein did so with malicious intentions?

The answer is that as Jews, we believe in hashgacha pratit and part of our emunah is that anything that happens to us, be it physically, emotionally, or financially, was all orchestrated by Hashem. If somebody hurt me, insulted me or damaged my property, it happened because the Ribono shel Olam wanted it so and made it happen. This is certainly true if the damage was unintentional, but even if Reuvein's actions were deliberate, ultimately, it only happened because Hashem wanted it to be so. Although Reuvein is certainly responsible for his actions and Shimon is not only allowed

and encouraged to protect himself and collect compensation for damages, this does not negate the fact that Reuvein is a shaliach of Hashem.

Everything that we experience in our lifetime is part of the journey Hashem has mapped out for us. This is true on an individual level, and on a communal level. The fact that we were enslaved in Mitzrayim was a major factor in the birth of the Jewish people, and the Torah wants us to recognize this. Life is a journey and anything that anyone does to us, both positive and negative, is there to build and shape us. Taking nekama against an Egyptian or against anyone who has harmed us negates the understanding that everything that ever happened to us is the yad Hashem.

This is almost always true. Almost, because when it comes to Amaleik the Torah almost wants us to ignore the fact that their attack on the B'nei Yisroel was also organized by Hakadosh Boruch Hu, and the reason why is because the attack of Amaleik was an attack against our emunah. The Amaleiki philosophy was the antithesis of hashgacha pratis. Amaleik held that things just happen without reason. According to them, there is no journey of life. A person just lives and things just happen, and so the Torah stresses "asher karcha ba'derech", as if to say that Amaleik tried to deny the fact that life is a journey and whatever happens along the way bears significance. So the Torah wants us to obliterate Amaleik and his approach to life and recognize that everything that happens to us is preordained by Hakadosh Boruch Hu.

Based on this approach, we can also understand the significance of the juxtaposition of parshas Ameilek to the parsha which precedes it. The Torah commands us to do business fairly and prohibits even owning inaccurate weights and measures. A person who cheats in business is lacking in emunah and bitachon; not only is Hashem the One who provides a person with parnasa, but his income is predetermined. As long as he makes the necessary hishtadlus, he will make the same amount. More hishtadlus than necessary won't help him profit anymore, but it is difficult for most people to determine at what point regular hishtadlus becomes excessive. Certainly though, being dishonest and cheating won't help his profit margin one iota. This is the lesson of the Torah's ban against inaccurate weights and measures, which segues into the Torah command to obliterate the nation of Amaleik that denies Hashem's role in our everyday lives.

רָנִי עֲקָרָה לֹא יִלְדָּה פְּצָחִי רָנָה וְצִהְלִי לֹא-חֵלָה כִּי-רַבִּים בְּנֵי-שׁוֹמְמָה מִבְּנֵי בְעוּלָה אָמַר ה' (ישעיה נד:א)

The navi likens us to a barren woman rejoices and thanks Hashem for her lot when she realizes that despite the pain and loneliness of not having a family to raise, appreciates the trials and tribulations that she was spared. The gemara records an exchange between Beruriah, the astute wife of R' Meir, and a local Tzadoki who mocked the idea that a barren woman could rejoice in her lot. Beruriah explained that the Jewish people rejoice in the fact that we don't produce too many heretics who end up in gehinom along with this neighbor.

The navi promises that Hashem will redeem us with tremendous mercy, and then almost out of nowhere, mentions the mabul and that Hashem swore to never bring the total destruction of a flood ever again. The connection needs to be understood. The Chasam Sofer (parshas Noach) explains that the Ribono shel Olam made a similar oath never to send the Jewish people back into golus after redeeming them. Accordingly, Hashem would never redeem us until we would become completely refined and ready for a final redemption. Still, when He saw how bad things became, Hakadosh Boruch regretted making this oath and so, wishing to redeem us, announced his charatah 'out loud', in an effort to have this vow annulled.

Chazal liken the day of Shabbos to a kallah and to a queen. Both of these are special guests that demand proper preparation and welcoming. While we must certainly prepare for Shabbos in advance - because without cooked food one will not have what to enjoy at his Shabbos meal - we need to understand that Chazal's mashal was intended to convey more than this: Imagine a kallah walking down to the chupah as a team of workers are just finishing up decorating it with flowers, etc. or if as a queen enters the royal dining room for dinner and her servants are just laying on the tablecloths and setting the table. Shabbos preparation involves much more and goes far beyond cooking and cleaning; Chazal tell us to prepare to greet Shabbos. This means that ideally, when Shabbos comes in one should be dressed for Shabbos and the table should be set or at least covered with a tablecloth. The seforim ha'kedoshim applaud those who just sit and wait for Shabbos to begin. Clearly this doesn't mean that one should sit and stare at the wall for an hour, but that one should be ready and dressed before Shabbos and sit down to study the parsha or say Tehillim before candle lighting or mincha. One who does so enhances the kedusha of Shabbos from its onset. Some have said that while our generation was able to save Shabbos, we lost our erev Shabbos. In an effort to enhance Shabbos, let us try to reclaim erev Shabbos as a first step.

In the times of the gemara, Chazal instituted a series of blasts of the shofar as Shabbos approaches to signal that people should cease from work and close their businesses as Shabbos approaches, ending with a final blast close to Shabbos. In later generations, the gabbaim in each community would go around and publicly announce the arrival of Shabbos. Today in many communities (mostly, but not exclusively, in Eretz Yisroel), a siren is sounded as Shabbos to signal that it is time to light Shabbos candles. Needless to say, in the absence of such a system (or even where it does exist), one should be aware of what time Shabbos begins and make sure that he or she is aware of the time as Shabbos approaches.

Regarding Yom Kippur, there is a Torah obligation to 'add' to the kedusha of the day by ushering it in before it 'arrives'. There is a dispute among the poskim as to how much time one is obligated to add, and it ranges from two to around ten minutes. According to most rishonim, this obligation applies to every single Shabbos by Torah law. Although the Rambam disagrees, he too agrees that one must add to every Shabbos by rabbinic decree. One who wishes can add more time and accept Shabbos as early as 'plag' (one and a quarter halachic hours before shkiah), or according to some, even earlier. Adding a couple of minutes however, is an absolute obligation, and the Chayei Adam writes that it happens automatically, meaning that no acceptance is necessary and that one who does melacha during this time of 'tosefes Shabbos' has desecrated Shabbos on a Torah level; the only difference is that it does not carry the penalties associated with 'ordinary' chilul Shabbos. Accordingly, one should not do melacha until the last minute on Friday, even if he still sees the sun still just above the horizon, and most certainly, if he doesn't. If one did perform melacha right up until shkiah, it is debatable if he or she may benefit from the melacha (see Pri Megadim).

Most poskim understand that in order to fulfill one's obligation of tosefes Shabbos, he or she must do or say something (such as lighting candles, or saying mizmor shir l'yom ha'shabbos) to accept Shabbos. Many recommend verbally articulating the acceptance of Shabbos to fulfill this obligation. According to some, a mental commitment or acceptance of the heart is also sufficient. A minority opinion understands that one only need to deliberately cease from melacha in advance of shkiah.

Although there are different approaches in the rishonim in defining shkiah and tzeis ha'kochavim, the consensus of the poskim is that when it comes to Shabbos, bein hashemashos begins with the setting of the sun below the horizon. (The fact that some communities may daven mincha after shkiah is a separate topic and beyond the scope of this week's edition.) It is however worth noting that according to one opinion (the Yereim), bein hashemashos in fact begins approximately a quarter of an hour before the sun sets, and there were many communities who conducted themselves stringently in accordance with this opinion. Many authorities have posited that this shita is the basis for the widespread minhag to light candles 18 or 20 minutes before shkiah (since this would also add a few minutes of tosefes Shabbos as

well). Although the basic halacha is to assume that bein hashemashos begins at shkiah (and not earlier), accepting Shabbos in fulfillment of this opinion is commendable for many reasons (as above).

Once the sun sets however, Shabbos begins and it is forbidden to do any melacha. However, the period immediately following shkiah until tzeis ha'kochavim is known as bein hashemashos. This twilight period is a time between day and night. There is much discussion in the poskim regarding its status, but is beyond the scope of these pages. For all intents and purposes Shabbos has definitely begun with full force. However, Chazal tell us that they did not fully enact many of their decrees during bein hashemashos and left room for leniency in cases of great need for the performance of mitzvos. The classic examples of this include forming an eiruv chatzeiros (the collection and designation of bread for an eiruv; not the construction of fences, poles and wires as that would be a bona fide Torah prohibition). The rules of when and how to apply this leniency are complex and one should consult a competent halachic authority for guidance.

It is also important to note that although we don't set tzeis ha'kochavim until much later (depending on when you are geographically located), with regards to relying on the above leniency, most authorities limit the extension of bein hashemashos to 10 to 15 minutes after shkiah.

Truthfully however, this is mostly academic; since many poskim rule that the leniencies of bein hashemashos only apply if one has not explicitly accepted Shabbos, either through davening, candle lighting, or an oral declaration. If one did accept Shabbos, the halacha views it as Shabbos in its complete reality and these leniencies do not apply. Since there is an obligation of tosefes Shabbos, this then, would only apply if one neglected to do so. If however, it is still well before shkiah (such as one who makes 'early Shabbos' in the summertime), one may ask someone who hasn't done so to do melacha for him, unless the entire community has already accepted Shabbos. If there are other mitigating factors, there may be room for leniency in asking a non-Jew to perform certain actions even during bein hashemashos, even if one has fully accepted Shabbos, and one should consult a competent halachic authority for guidance.



THE TOSFOS YOM TOV

6 Elul 5414

R' Gershon Shaul Yom Tov Lipman Heller was born as Yom Tov Lipman (the names Gershon Shaul were added when he was ill towards the end of his life) in the town of Wallerstein in southern Germany in 5339 (1579). Orphaned from his father before he was born, he was raised by his grandfather, R' Moshe who served as the Chief Rabbi for German Jewry. In his youth, he studied under the Maharal in Prague, and R' Shlomo Ephraim Luntshitz, author of Kli Yakar and Olelos Ephraim.

As a youngster, he was recognized as an ilui and gaon and at the age of 18, became a dayan in Prague where the Maharal served as Av Beis Din. He later served as Av Beis Din in Nikolsberg, and then in Vienna, eventually returning to Prague to head the Beis Din there.

When he was about 30 years old, he published his magnum opus, the Tosafos Yom Tov peirush on Mishnayos. He later published the Maadanei Melech and Lechem Chamudos (commentary on the Rosh) and the Malbushei Yom Tov, a commentary to the Levush, among other works.

When R' Yom Tov Lipman arrived in Vienna, it was a newly established kehillah, and he instituted several minhagim and takanos including a daily study of Orchos Chaim l'haRosh before Shacharis, which he translated into Yiddish so that everyone could understand it.

When he was appointed as Av Beis Din of Prague in 5387, it was a chaotic and uncertain time for the Jews there. It was war time, and the government imposed heavy taxes on the Jewish community to refill their coffers. Generally, the wealthier and more powerful people shirked the responsibility, leaving the poorer and weaker Jews with the bulk of the burden. This greatly upset the Tosfos Yom Tov and so he got involved in overseeing the collection of taxes. This intensified the anger of some of his opponents and they started a libel against him, claiming that he had written derogatory and insulting things about the non-Jews in his published works and so he was brought in chains before King Ferdinand II who accepted the false rumors.

On the 4th of Tamuz, the judge ruled that he was to be transported from Prague to Vienna for trial and on the next day, he fasted and decreed it as a fast day for his descendants for generations. In Vienna, where he was accused, interrogated and imprisoned while awaiting final judgment, his life was in great danger. The leaders and heads of the community rose up and took action to defend him and secure his release; even non-Jewish officials and ministers who had met him defended his innocence and protested his imprisonment on an offense that was nothing more than a false libel. After 40 days, the community's efforts bore fruit and while he was released and exonerated from the capital offense, but was ordered to pay a huge sum the Jews of Vienna and Prague together were unable to raise. Furthermore, his seforim were ordered to be burned and he was forbidden from serving as an Av Beis Din in the entire region, which essentially meant a loss of livelihood. Eventually the sentence was commuted, his seforim were censored instead and he was allowed to serve as a rav but not in Prague.

In 5392, he was appointed Av Beis Din in Nemirov, Poland, and then a few years later, he became the Av Beis Din of Ludmir, Volhynia, when he was once again met with opposition when he tried to ban the buying and selling of positions in rabbanus. He was undeterred and eventually overcame his enemies when their plots failed and he was exonerated. His honor was restored when he was soon thereafter appointed to serve as Ave Beis Din and Rosh Yeshiva in Cracow.

He is buried at the edge of the courtyard of the Rema's shul in Cracow, near 'Yosseleh the meiser' but that is a whole other story!