

OHRNET

THE OHR SOMAYACH TORAH MAGAZINE ON THE INTERNET

PARSHA INSIGHTS

THE BABY AND THE BATH WATER

“And Yitzchak loved Esav, as trapping was in his mouth, whereas Rivka loved Yaakov.” (25:28)

There’s an old adage which runs: *Don’t throw out the baby with the bath water.* Meaning, don’t confuse the essential with the subordinate.

What does the Torah mean when it says “trapping” was in Esav’s mouth? Rashi explains that Esav knew how to trap with his mouth, to deceive. He asked his father how to tithe salt and straw, things which don’t require tithing. His father assumed from these questions that he was very pious.

Why did Esav choose to ask his question about salt and straw? Surely there were many other ways he could have paraded his “piety.” Why specifically did he chose salt and straw?

All things are not created equal. Some things are of the essence, others are subordinate. Every palace has an entrance hall. No one would confuse the importance of the entrance hall with the palace itself. The palace is the essence. The entrance hall has importance only because it is the only way into the palace.

Similarly, this world is not the be-all-and-end-all of existence. This world is merely an entrance hall to a great palace of light — the world to come. The world to come is the essence. This world is subordinate to it. This world derives its importance only from the fact that it is the only access to the world to come. By itself, it has no value.

In the realm of time, Shabbos is the essence. The six days of the week derive their importance because they

lead to Shabbos. By themselves they are insignificant.

The spiritual is of the essence. The physical is subordinate to it. The physical is only significant to the extent that it provides a stage on which Man may grow in spiritual stature.

Yaakov represents the spiritual. Esav, the physical. The relationship between Yaakov and Esav was supposed to be that of essence and subordinate. As long as Yaakov remains pre-eminent, the world can reach its fruition, and Esav himself, while being

The Jewish People — Yaakov — are the “wheat of the world.” The nations of the world are the “straw” — the means by which the Jewish People can fulfill their spiritual mission.

In the mind of Esav, however, straw and salt were of the essence. Thus, he could ask his father how to tithe them. Esav’s question betrayed his true intentions. Esav was trying to overturn the Divine order of Creation. Esav was trying to turn the bath water into the baby.

MY SON, THE DOCTOR

“And these are the generations of Yitzchak, the son of Avraham; Avraham gave birth to Yitzchak.” (25:19)

If a poor person has a rich relative, he will not hesitate to identify himself with his rich relative. “My cousin — the millionaire.” The reverse, of course, is rarely true. No one exalts himself by saying “My cousin — the pauper.”

The beginning of this week’s Parsha is tautological: “Yitzchak, the son of Avraham; Avraham gave birth to Yitzchak.” If we know that Yitzchak was the son of Avraham, we don’t need to be told that Avraham gave birth to Yitzchak.

Rather, when the Torah says that Yitzchak was “the son of Avraham,” it is telling us the greatness of Avraham; for Yitzchak is no more than the “son of Avraham” — my cousin the millionaire. In other words, Avraham was greater than Yitzchak.

On the other hand, when the Torah says that “Avraham gave birth to Yitzchak” — Avraham is defined as the person who gave birth to Yitzchak. Meaning that Avraham’s status was no

“All things are not created equal. Some things are of the essence, others are subordinate.”

the incarnation of the physical, can also achieve spirituality by supporting Yaakov. Esav, however, wasn’t satisfied with his role. He wanted to be the star of the show. He wanted to be the essence of Creation.

Esav betrayed his true intentions, to star in Creation, when he asked his father how one tithes salt and straw. Salt has no intrinsic value. It finds its value as a condiment to other food. It is always subordinate. Straw, too, is subordinate to wheat. It is the vessel which carries the wheat, its support, its method of existence. But it is not the essence. The wheat is the essence.

PARSHA OVERVIEW

After twenty years of marriage without children, Yitzchak's prayers are answered and Rivka conceives twins. The pregnancy is extremely painful. Hashem reveals to Rivka that the suffering is a microcosmic prelude to the world-wide conflict that will rage between the two great nations descended from these twins — Rome and Israel. Esav is born first, and then Yaakov holding onto Esav's heel. As they grow, the contrast between the twins becomes apparent: Esav is a hunter, a man of the field, of the physical world, whereas Yaakov sits in the tents of Torah developing his soul. On the day of their grandfather Avraham's funeral, Yaakov is cooking lentils, the traditional mourner's meal. Esav rushes in, ravenous from a hard day's hunting, and sells his birthright (and its concomitant spiritual responsibilities) for a bowl of lentils, clearly demonstrating his unworthiness for the position of the firstborn. Yitzchak tries to escape to Egypt when a famine strikes Canaan, but Hashem tells him that because of the *akeida* (where he was offered as a sacrifice) he has become holy

and must remain in the Holy Land. He relocates to Gerar in the land of the Plishtim, where, to protect Rivka, he has to say that she is his sister. Yitzchak arouses jealousy when he becomes immensely wealthy, and Avimelech the king asks him to leave. Yitzchak re-digs three wells dug by his father, prophetically alluding to the three future Temples. Avimelech, seeing the blessings Hashem has bestowed on Yitzchak, makes a treaty with him. When Yitzchak senses the end of his days approaching, he summons Esav to give Esav his blessings. Rivka, acting on a prophetic command that the blessings must go to Yaakov, arranges for Yaakov to impersonate his brother and receive the blessings. When Esav in a rage of frustration complains to his father that his brother has bought his birthright, Yitzchak realizes that the birthright has been bestowed correctly on Yaakov who has valued its responsibilities rather than its privileges, and confirms the blessings he has given. Esav vows to kill his brother, so Rivka sends Yaakov to her brother Lavan where he may find a suitable wife.

HAFTORAH: MALACHI 1:1-2:7

THE IMPORTANCE OF IMPORTING

"You say 'Behold! It is so burdensome!' and you sadden Him...and you bring stolen, lame and sick animals...for an offering..." (1:13)

Things don't change. We lavish so much care and attention on our physical exist-

tence. Our clothes, cars, furniture and food. However when it comes to spending an extra thirty dollars on a first class *mezuzah*...well the other one is kosher, isn't it?

The Rambam writes that beyond the requirement to offer only blemish-free animals on the *mizbe'ach* (holy altar), we are obliged to give our very best to Hashem. When

Bnei Yisrael were righteous, they imported choice rams from Moav for offerings, special lambs from Chevron, as well as the best doves. When we import, let's make sure it's not just smoked salmon from Scotland to go on the *mizbe'ach* of our appetites!

• Based on *The Midrash Says*

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I DIDN'T KNOW THAT!

"Do not descend to Egypt; dwell in the land that I shall indicate to you." (26:2)

Yitzchak was born in *Eretz Yisrael* and was never allowed to leave. The *gematria* (numerical value) of Yitzchak's name hints to this, since it has the same value as *ben-tzion* — son of Zion.

This issue is dedicated
in honor of the fiftieth anniversary of
MR. AND MRS. DAVID DOMBEY
Detroit - Jerusalem

May they share many years of *nachas* together.

From their children, grandchildren
and great-grandchild

PARSHA INSIGHTS

more than Yitzchak's progenitor. This implies that Yitzchak was greater than Avraham.

So which is it? Was Avraham greater than Yitzchak, or was Yitzchak greater than Avraham?

The answer is...both.

Avraham was greater than Yitzchak because Avraham, unlike Yitzchak, had no teacher. He alone came to a recognition of his Creator. There was no one to educate him in the ways of G-d. Yitzchak, however, had his father Avraham and his mother Sara. And they were the greatest of teachers.

On the other hand, Avraham turned his back on a world of evil to become the representative of truth in the world. A choice which is as clear as day and night. Yitzchak, however, changed from good — to good. A much more difficult achievement. It's always easier to follow in someone else's footsteps rather than to blaze one's own path on the spiritual road. Yitzchak was not content to duplicate his father's spiritual achievements. He wanted to use his own uniqueness to serve G-d.

It's more difficult to change from one good to another good, than from bad to good.

EXTREMITY AND MEDIOCRITY

"Yitzchak entreated opposite his wife because she was barren. Hashem allowed Himself to be entreated by him." (25:21)

Picture two worlds. A world of black and white, of extreme good and total evil. And a world

of gray mediocrity. In which world would you prefer to live? Is true moral excellence worth the price of a concomitant great evil, or is it better that neither extreme should exist, at the price of great blandness?

When Rivka conceived, world history could have taken one of two paths: Rivka could give birth to twins — one the personification of good and truth and the other one evil and falsehood. Alternatively, she could give birth to one child who would be a synthesis of great good and great evil — a great blandness.

Yitzchak prayed that there should be two children. Rivka prayed that there should be only one.

"Hashem allowed himself to be entreated" by Yitzchak's prayer, meaning to the exclusion of Rivka's. Why did Hashem listen to Yitzchak and not to Rivka?

Yitzchak was a "tzaddik ben tzaddik," a righteous person descended from righteous parents, Avraham and Sara. Rivka was a "tzaddik ben rasha," a righteous person descended from evil parents. Rashi tells us that you can't compare the prayer of a righteous person who comes from righteous parents, to that of a righteous person whose parents were evil. That of a righteous person is heeded more.

Ostensibly one would think the reverse to be true: That the prayers of someone who is righteous in spite of their background would be more effective and reach higher in the Heavens. After all, someone coming

from negative influences has to put more effort into making themselves into a good person. Their greater effort should make their supplications more powerful. Hashem, however, listened to Yitzchak's prayer and Rivka gave birth to twins, Yaakov and Esav.

Yitzchak was a righteous person who came from a background of holiness. He knew what moral excellence was. He had seen his father Avraham walk this planet. It was untenable for him to think that in the next generation there would be no one like his father in the world, no one of outstanding righteousness. Even if there would be a price to pay — that there would also be someone in the world of incomparable evil — the existence of superior good and truth would be worth it. Yitzchak thought this because he was a "tzaddik ben tzaddik," a righteous person of righteous lineage. He knew, first hand, what true righteousness was.

Rivka, however, was a righteous person who came from evil parents, a "tzaddik ben rasha." She knew true evil first hand. It was untenable to her that there should be someone in the next generation of such evil. Infinitely preferable would be that evil should be diluted with good in one body. Better mediocrity than infamy.

Sources:

The Baby and The Bath Water - Shem MiShmuel
My Son, The Doctor - Ohr HaChaim Hakadosh, Rabbi Eliyahu Dessler
 as heard from Rabbi Yehoshua Bertram
Extremity and Mediocrity - Rav Mendel of Kotzk
 as heard from Rabbi Reuven Lauffer

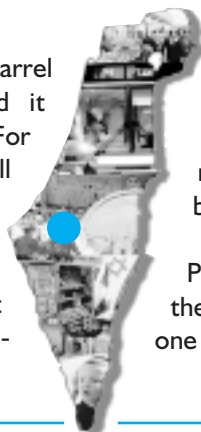
LOVE OF THE LAND

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

RECHOVOT

"They dug another well and did not quarrel over it, so he (Yitzchak) called it Rechovot (expanses) and he said: 'For now Hashem has made room for us and we shall be fruitful in the land.'" (Bereishis 26:22)

After bitter disputes with the Philistines over the right to two wells Yitzchak's shepherds had dug, the third well is named Rechovot (expanses) to signify that this one was not contested.



The great Biblical commentaries, Nachmanides and Sforno, interpret the first two wells as symbols of the first two Temples, whose histories were marred by internal and external strife, while the third well represents the Third Temple which will be blessed with universal peace.

The name and its significance was adopted by Polish settlers in 1890 for the settlement which they established, and which has developed into one of Israel's major cities, Rechovot.

WEEKLY DAF

PESACHIM 93 - 99

THE MYSTERIOUS APOSTATE

The Korban Pesach cannot be eaten, says the Torah, by one who is not circumcised, nor by one whose actions are alienated from his Father in Heaven.

“The uncircumcised one,” explains Rashi, refers not to a Jew who rejects the commandment of circumcision; rather, it refers to one who justifiably fears circumcision because his brothers died as a result of circumcision. Although his caution is correct, the Torah excludes him from partaking of the Pesach sacrifice, reserving it for those who have the covenant with Hashem inscribed in their flesh.

But how do we understand the exclusion of the apostate? As a Jew, he is obligated like all Jews to eat the *korban Pesach*. If we cannot interpret his exclusion as an exemption from this obligation, how are we to understand the Torah prohibition on his eating of this sacrifice?

Tosefos (*Pesachim 120a*) provides a fascinating resolution to this problem. This command refers to one who was an apostate at the time of the slaughtering of the *korban Pesach* and therefore refused to subscribe to any company formed for offering a sacrifice. He repented his sin before nightfall and wishes to take part in the mitzvah of eating of the sacrifice. Although he is now a fully observant Jew, he is denied the opportunity to eat from this offering because he was not a member of a company offering the sacrifice.

Both of these Jews excluded from eating the *korban Pesach* are required to eat the *matza* and *maror* which accompany it. The Torah finds it necessary to use special language in both cases to indicate their inclusion in this mitzvah. Had only an uncircumcised one been included in the eating of *matza* and *maror*, we might have reasoned that this was so because he had always been observant, which is not true of the apostate. On the other hand, had the inclusion been mentioned only in regard to the repentant apostate we might have reasoned that this was because there was nothing unbecoming about his body, which is not true of the uncircumcised one whose physi-

cal state is considered a blemish. The Torah therefore tells us that while neither of them may eat from the *korban Pesach*, both of them must eat the *matza* and *maror*.

• *Pesachim 96a*

BLESSED SILENCE?

Silence is good for the wise, say our Sages, and even more so for the fools, as King Solomon observes in Proverbs: “Even a fool who remains silent shall be thought of as wise.” (*Mishei 17:28*)

This tribute to silence seems to echo the words of Rabbi Shimon ben Gamliel (*Mesechta Avos 1:17*) who declared: “I have grown up all my life among the wise and I have found nothing as beneficial for a person as silence.”

But what sort of silence is being advocated?

The case cited in our section of *gemara* is the avoidance of superfluous verbiage which can create problems, such as the example cited regarding statements made by the members of a company whose animal designated as a *korban Pesach* went astray. Rabbi Shimon, on the other hand, refers to the long suffering silence of the person who does not respond to insults hurled at him.

This positive dimension of silence is in accordance with the traditional text of the *mishna* in *Avos* cited by Rabbi Ovadia of Bartanura. The Tiferes Yisrael cites a different text which he interprets as a condemnation of silence: “I have found nothing beneficial for a person from silence.” Silence here, he explains, refers to the Torah student who fails to express himself when seated before his teacher. Not only will his silence create the impression of his being either too stupid to say anything or too arrogant to bother commenting, but it will also impede his learning. This is so because only through his questions and his teacher’s answers can the subject matter be properly clarified. Learning aloud is also an aid to memory. The *gemara* (*Eruvin 54a*) points out that when one studies Torah in silence he faces the danger of quickly forgetting what he has learned.

• *Pesachim 99a*

Weekly Parsha newsletter, Monthly Seasons of the Moon, Weekly Daf, Ask the Rabbi, Holiday specials, Ohrnet magazine, Yossi & Co., Poetry, Essays on Jewish thought and contemporary issues, Excerpts of books by Ohr Somayach faculty, Audio catalog on-line, Jewish Educational Extensions - University on-line, Explore Jerusalem, Mark Twain’s Concerning the Jews, JLE summer & winter programs in Israel, ChoppedLiver cartoons, Meet the children of Odessa, The Center for Torah Studies, A road map to Jewish learning, Top Ten lists, and much, much more...two billion bytes of Torah literature and information. Join tens of thousands of people from around the world and...get connected to Ohr Somayach on the Web at...

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PARSHA Q&A ?

1. Why was it important that Yitzchak look like Avraham?
2. Why does the Torah stress that Rivka was the daughter of Besuel and the sister of Lavan?
3. What are the two differences between Tamar's pregnancy and Rivka's pregnancy?
4. Why was Esav named Esav?
5. Who gave Yaakov his name?
6. How did Esav deceive his father?
7. Why was Esav faint when he returned from the field?
8. Why are lentils a food for mourners?
9. What was the birth right that Yaakov bought from Esav?
10. Why was Yitzchak not permitted to go to Egypt?
11. Why did the Philistines plug up the wells?
12. What caused Yitzchak to lose his sight?
13. At what age should one anticipate his own death?
14. Why did Rivka ask Yaakov to bring two kid goats?
15. Why did Esav leave his special garments with Rivka?
16. What fragrance did Yitzchak detect on Yaakov's garments?
17. What was the "fat of the land" promised to Esav?
18. When will Esav be freed from subjugation to Yaakov?
19. What inspired Esav to marry the daughter of Yishmael?
20. If we know that Machalas was Yishmael's daughter, it's self-evident that she was the sister of Nevayos. Why, then, does the Torah state that Esav married "Yishmael's daughter, the sister of Nevayos?"

SHERLOX

SHERLOX HOLMES AND THE TWIN MYSTERY

“Mr. Barnsworth says he’s English, but I have my doubts,” said world famous detective Sherlock Holmes. “The English are a nation. As a nation, they have particular manners. For one, they never hold their fork in their right as Barnsworth does. A nation is so much more than just a lot of people.”

“Speaking of nations,” said Watstein, “please help me understand this text: *And G-d told her: Two goyim (nations) are in your womb....*”

(Bereishis 25:23)

“What better describes Yaakov and Esav — the progenitors of antithetical empires — than *two nations*?” said Sherlock.

“My question exactly!” said Watstein. “The verse is perfectly understandable as is. Why then, does Rashi comment? Rashi says that *goyim*, nations, is spelled *gei'im*, princes, referring to the two mighty princes, Rabbi Yehuda Ha'nasi and Antoninus Caesar, who would in the future emerge from Rivka's womb.”

“How prophetic!” said Sherlock. “Aside from reason, prophecy is my favorite subject!”

“But why does Rashi explain thus? Instead of a straightforward view of the verse, we end up with a midrashic one which seems, forgive me for saying it, far from the plain meaning.”

“Rashi tells us why he comments: He wants to explain the word *gei'im* as spelled,” said Sherlock.

“You know as well as I, Mr. Holmes, that Rashi makes no comment in dozens of similar instances where a word is spelled other than it is read. Why must he here?”

“A nation,” said Sherlock, “is more than just a lot of people.”

answer on page eight

PARSHA Q&A!

Answers to this Week's Questions!

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

1. 25:19 - So that everyone would agree that Avraham was indeed his father.
2. 25:20 - To praise her, that even though her family was evil she was righteous.
3. 25:24 - Rivka gave birth at full term to two children, one righteous and one wicked. Tamar gave birth after seven months to two righteous children.
4. 25:25 - Because he was born fully developed. The name Esav is based on the Hebrew word for “made.”
5. 25:26 - Hashem.
6. 25:27 - Esav deceived Yitzchak by asking questions that suggested that he was very strict in mitzvah observance.
7. 25:29 - From having murdered.
8. 25:30 - They are round like a wheel and mourning is like a revolving wheel that eventually touches everyone.
9. 25:31 - The right to bring sacrifices.
10. 26:2 - Through the *akeida* he had attained the status of a *korban* and was forbidden to leave *Eretz Canaan*.
11. 26:15 - They felt that either marauders would attack to capture the wells, or if attacking for other reasons, they would use the wells as a water supply.
12. 27:1 - The smoke from the incense offered by Esav's wives to their idols.
13. 27:2 - When he reaches five years from the age his parents were when they passed away, until five years after.
14. 27:9 - One for Yitzchak and the other to offer as a *korban Pesach*.
15. 27:15 - He suspected that his wives might steal them.
16. 27:27 - The scent of *Gan Eden*.
17. 27:36 - Italy.
18. 27:40 - When the Jewish People transgress the Torah.
19. 28:7 - When he saw that his father despised his current wives, he resolved to take a wife from his father's family.
20. 28:9 - To indicate that Yishmael died between her betrothal and her wedding, and that it was Nevayos who gave his sister in marriage to Esav. Knowing the date of Yishmael's death we can determine the date of Esav's marriage and thus Yaakov's age, 63, at the time of his flight from Esav.

HARD WORK ON SHABBAT

Email@Withheld wrote:

Dear Rabbi,
Our family has a kid-related problem every Shabbat. It starts out great with family activities together and with my husband and I taking turns with the kids, aged 9 and 3. But I suffer from a painful chronic illness that requires rest. By about 2 o'clock on Saturday afternoon I am exhausted and need about 3 to 4 hours sleep. My husband finds it difficult to keep the kids occupied for this amount of time with acceptable Shabbat activities such as books, blocks, and playing in the yard or going for walks. At most, this amuses the kids for an hour or two. There are no other Shabbat observant families nearby and we cannot afford a baby-sitter. Do you have any ideas to help us with shalom bayit (household tranquillity) under these circumstances? My husband suggested that we turn on a small TV in an out-of-the-way spot before Shabbat and that we let the kids watch without changing the channel during the time that is difficult for him. But somehow this doesn't strike me as kosher.

Dear Email@Withheld,

I sympathize with you in what sounds like a difficult situation. And I agree that letting your children watch TV on Shabbat is "not kosher," as you wrote. The analogy may sound harsh but if your children were a little hungry you wouldn't feed them non-kosher food. Shabbat is soul "food" and shouldn't be tainted, even if your kids are a little bored.

But what to do? As a parent, my experience is that children don't need to be entertained every moment of the day. Perhaps your husband is spending too much energy in trying to keep your children entertained. I think they would entertain themselves if he also had a rest. I realize that your children's ages are too disparate to allow them to really play together, but, nevertheless,

children have a tremendous talent to adapt themselves to different situations.

Try to think creative solutions. Offer your nine-year old a special prize or privilege for "baby-sitting" the three-year old for an hour or so. Keep favorite toys and books separate and make them available on Shabbat afternoon when you want to nap.

May Hashem grant you a complete recovery, and may your children be a source of constant joy to you and to all the Jewish People.

SISTER MARRY

Email@Withheld wrote:

Dear Rabbi,
Is it halachically permissible for a man to marry the daughter of his mother's husband from a previous marriage?

Dear Email@Withheld,

Marriage between a step-brother and a step-sister is permitted, and such is accepted practice. The Chafetz Chaim, Rabbi Yisrael Meir Kagan, married his mother's husband's daughter. I personally know a couple like this who have been happily wed for the past 30 years.

According to *Tzava'at Rabbi Yehudah Hechasisd* step-siblings should not marry. However, this ruling seems not to have been accepted even by those who generally adhere to the other rulings of *Tzava'at Rabbi Yehudah Hechasisd*.

Sources:

- *Shulchan Aruch Even Haezer 15:11*
- *Sefer Shmirat Haguf v'Hanefesh 178*

CHARMING AMULETS

Helen Block

<hblock@fm.ucsf.com> wrote:

Dear Rabbi,
I am intrigued by the age-old use of *kemiot* (amulets), particularly ones with the human hand. Apparently the Persian Jews especially used to employ quite a variety of *kemiot* for protection in marriage, childbirth

etc. What is the halachic and rabbinical positions on these?

Dear Helen Block,

Amulets or *kemiot* are mentioned in the Talmud in many places and are not forbidden as superstitious. The amulets mentioned in the Talmud were parchments with prayers in them written by pious scholars, and they are like continuous prayers. An amulet which is just a symbol or hand, while not forbidden, does not have the same impact. Nevertheless they can serve to remind a person of Divine Protection and Providence (the 'Hand of G-d') and to focus on G-d. As Maimonides states in the Guide for the Perplexed, "The degree of Divine Providence is directly proportional to the degree of attachment of the person to the Divine."

It's said that the towering sage Rabbi Akiva Eiger once wrote a very effective amulet. Curious about what mystical letter permutations or Kabbalistic incantations lay within, someone opened the scroll. What did he find? A single paragraph of *Tosefos*'s logical, straightforward commentary to the Talmud! The amulet was "powered" simply by the merit of Rabbi Eiger's sincere Torah study.

RETIRING WOMEN

R. Berzack

<robert.berzack@pixie.co.za> wrote:

Dear Rabbi,

I'd like to know the details of the commandment of the bedtime *shema* regarding women's obligation. I've heard that you are not allowed to talk after you have said it, is this true? And what about reading a book afterwards?

Dear R. Berzack,

Women should recite *shema* and the *hamapil* blessing immediately before retiring at night. Married women customarily say the blessing with their hair covered.

One shouldn't interrupt between

the *hamapil* blessing and sleeping. Therefore, one should not eat, drink, or talk after saying *hamapil*. Some even have the custom to omit *hampil* altogether, or they say it but omit G-d's Name and the phrase "King of the universe," out of concern that they will converse afterwards.

If one says the bedtime *shema* and then has difficulty sleeping, he should keep repeating the first paragraph of the *shema* or other supplicatory verses until sleep overtakes him. Thinking Torah thoughts is also permitted, so reading a *sefer*, a book of Torah thoughts, is okay.

Rav Yehuda Segal, the late Rosh Yeshiva in Manchester, used to actually fall asleep while reciting the bedtime *shema*, and he would wake from time to time and carry on exactly from the place he left off!

Sources:

- *Shulchan Aruch* 239:1
- *Mishna Berura*, *ibid.* 4,7
- *Halichos Bas Yisrael* 2:40, Rabbi Y.Y. Fuchs

DEATH PENALTY - A CAPITAL IDEA?

Saul "The Maven" Caplan <Maven@donet.com> wrote:

Dear Rabbi,

In the Reform High Holiday services we repeat several times that it is not the death of sinners that G-d wants,

but that they should turn away from their unholy ways (this may be part of the Orthodox and/or Conservative services, too). Is there any scriptural basis for that statement, or is it just part of the prayer writers' rhetoric? If there is scriptural basis, it seems to me that it would be a good rebuttal to those who claim that capital punishment is Biblically mandated.

Dear Saul "The Maven" Caplan,

The phrase you mentioned is from a verse in Yechezkel (*Ezekiel* 33:11). In context, this passage doesn't contradict the Biblical death penalty but rather supports it.

Here's the context: In the previous verses (7-10) G-d tells the Prophet Yechezkel to warn the wicked people to repent or die; if Yechezkel fails to warn them then he will be blamed for their death, but if he does warn them, then their death will be their fault. Why? Because "I don't desire the death of the wicked person; but rather that he return from his ways and live." That is, the death penalty is not that G-d wants revenge, but rather it is a warning to repent before it's too late. (This shows the danger of taking an isolated verse without studying the context.)

The Biblical death penalty is mentioned explicitly several times throughout the Torah, however it was very rarely performed (less than once every 70 years).

Sources:

- *Tractate Makkot* 7a

PUBLIC DOMAIN
Comments, quibbles and reactions concerning previous "Ohrnet" features

Re: Internet New Under the Sun? (Ohrnet Lech Lecha):

In a recent Ask the Rabbi, a reader, Gaon <gaon@earthlink.net> wrote:

"What on earth was the wisest of the wise thinking when he said, 'There's nothing new under the sun?' I wonder if King Solomon would have said the same thing if he had had Internet access."

The Netziv (Rabbi Naftali Tzvi Yehuda Berlin) was once asked this question: How could Koheles write that there's nothing new under the sun, when we have such new creations as the phonograph, electricity, and the telescope?

The Netziv answered that their *potential* existed ever since the time of Creation, but were only revealed in modern times. So, you see, even Gaon's question isn't new! The Netziv also goes on to give Torah Sources for the use

of a telescope (*Tractate Eruvin* 43b), a lightning rod (*Tosefta Shabbos* 7:10), and a phonograph (*Mechilta Parshas Yisro* 18:19). Rabbi David Koppelman writes this story about the Netziv in his excellent book, *Glimpses of Greatness*.

An Ohrnet Reader <lightsd@mail.internet-zahav.net>

Re: Sherlock:

Please publish a Sherlock book.

Dede Toledano-Efromson <dedef@internet-zahav.net>

Re: Vegetarians (Ohrnet Noach):

Your wrote that before Noach everyone was vegetarian, yet in Gemara Sanhedrin 59b it says that Adam ate meat. Also, the Tosefos on 56b clearly points out that people were allowed to eat an animal that dies of its own accord. Were people really vegetarians before Noach?

Ken Siegel, Lannet, Israel <ksiegel@lannet.com>

Ohrnet responds:

The Talmud implies that Adam ate heavenly meat roasted for him by the angels in the Garden of Eden, whereas our article was post-Eden. Regarding animals that died on their own, while they may not have been strictly forbidden, being that the ancients understood the spiritual cleanliness and uncleanness imparted by food, we assume that at least the righteous people (everybody who's anybody) avoided such meat.

For spiritual fitness, you sometimes need to assume that others are working on their physical fitness; and remember not to...

JUMP ROPE TO CONCLUSIONS

It was a beautiful spring night and the next day was a civil holiday, so I was off from work. I said to myself that I can't stay inside on this warm night, and so I grabbed my jump rope and water bottle and headed to

the park.

Two days later, at the Friday night Shabbos meal, my brother said: "A co-worker told me that his wife saw you walking the street late at night carrying a beer bottle and a gun!"

Now, I ask you, why wouldn't she think to herself: "That's Morris; he can't be carrying a gun in the street." Instead, she assumed the worst and told her husband, who told my brother, and who knows who else!

• Email@Withheld

Concept based on "The Other Side of the Story"
by Yehudis Samet, ArtScroll Series

YIDDLE RIDDLE

Last week we asked: Twin brothers are born from the same mother on the very same morning. Both are perfectly healthy. Yet, the proper day for one's *brit mila* is 8 days later, while the proper day for the other one's *brit mila* is not until the 9th day. Why?

Answer: The babies are born Shabbat morning. The first one is a normal birth, and the second one is born by cesarean section.

Brit mila on the eight day from birth supersedes Shabbat. However, this is only true of a natural birth. *Brit mila* after a cesarean section does not supersede Shabbat. Hence, the first baby has his *brit* eight days later, on Shabbat, while the second one must wait till the ninth day from birth, Sunday.

Source:

• Shulchan Aruch Yoreh De'ah 266:10

continued from page five

SHERLOX ANSWER!

"A nation is more than just a lot of people," said Sherlock. "But a lot of people it is."

"I don't follow," said Watstein.

"A nation, Dr. Watstein, is a large group of people. Did Rivka have a large group of people in her womb?"

"Ha! Do you mean that Rashi was bothered by the literal meaning, namely, that there were two entire nations-full of people in her womb?" asked Watstein.

"You must admit, that is what the verse says literally," said Sherlock. "If the verse had said: 'Two heads of nations

are in your womb Rashi may not have commented. And if the verse had meant that two nations will 'emerge' from her womb, the verse could have said so."

"Yes," said Watstein, "as in the very next phrase: *Two kingdoms will depart from your womb (Bereishis 25:23)*. So, since the strict literal meaning — two nations in one womb — is hard to bear, so to speak, Rashi therefore offers a midrashic look at the verse."

"Spoken like a true Englishman, Dr. Watstein."

• Based on Maskil L'David
Sherlox is by Reuven Subar

RECOMMENDED READING LIST

RAMBAN

25:23 Two Nations
26:1 Yitzchak in Exile
26:5 The Avos and Mitzvah Observance
26:20 The Wells and the Future
27:4 Rivka's Secret
27:33 Why Yitzchak Trembled

SFORNO

25:24 Esav's Name
25:26 Yaakov's Name
27:1 Yitzchak's Blindness
27:29 Yaakov's Portion