

LOOK BEFORE YOU LEAP

by Shlomo Katz

Parshas Shoftim

Look Before You Leap

Volume 21, No. 43
4 Elul 5767
August 18, 2007

Today's Learning:

Bava Metzia 10:3-4

O.C. (Mishnah Berurah) 2:4-6

Daf Yomi (Bavli): Yevamot 107

Daf Yomi (Yerushalmi): Yoma 9

R' Moshe Schwab z"l (1918-1979) writes: With the arrival of the month of Elul, we are faced with the question, "What is Elul?" How is this month different from every other month?

R' Yisrael Salanter z"l said, "Every month should be Elul, but Elul is Elul." R' Schwab explains: All year long, a person should act the way we try to act during Elul. At least, when Elul arrives, one should be aware that his life, both the material and spiritual aspects, hangs in the balance. This is true of oneself, of one's family, and of every member of the Jewish People.

Elul is the time to prepare for Rosh Hashanah and Yom Kippur, the days on which, we believe with perfect faith, we will be judged. We understand that everything that will happen, whether on a personal or communal level, depends on those days. Yet, one cannot "leap" into Rosh Hashanah. One must prepare for it. To the degree that one prepares himself, to that extent he will experience Rosh Hashanah. Conversely, to the degree that one is lax in preparing for Rosh Hashanah, to that extent he will miss out when Rosh Hashanah comes.

A person who knows that he has a court date in the distant future does not let his life be overshadowed by that upcoming event. However, as that date looms near, the litigant begins to fixate on it. So should we be when Elul approaches. All year long, we know that Rosh Hashanah is in the distant future, and we ignore it. When Elul comes, it is time to start focusing on our upcoming

court date. Chazal say that on Rosh Hashanah, "Every living creature passes before Hashem." This really means, "Every living creature." There are no exceptions. (Ma'archei Lev Vol. I, p. 57)

"The officers shall continue speaking to the people and say, 'Who is the man ha'yarei / who is fearful and fainthearted? Let him go and return to his house, and let him not melt the heart of his fellows, like his heart'." (20:8)

R' Meir Horowitz z"l (1819-1877; the Dzikover Rebbe) notes that the word "ha'yarei" appears twice in the Torah - here and in Shmot (9:20), regarding the plague of hailstones: "Ha'yarei / Whomever among the servants of Pharaoh feared the word of Hashem chased his servants and his livestock to the houses." What is the significance of this pairing?

At first glance, we would assume that a person who is afraid of everything, even his own shadow, so-to-speak, does not fear G-d. A G-d-fearing person knows that we have nothing to fear but G-d Himself. However, our initial presumption might be wrong. A righteous person does fear something else - his own sins and their consequences.

Our Sages say that when the officers announced that whoever is fearful and fainthearted is exempt from army service, they referred to those who were fearful of dying in battle because of their sins. [In particular, the Gemara singles out the sin of talking in the middle of davening.] Our Sages' interpretation is alluded to by the two appearances of the word "ha'yarei." Do not think that the fearful person in our verse is one who does not fear G-d. He is fearful because he fears G-d. (Imrei Noam)

"They shall speak up and say, 'Our hands have not spilled this blood, and our eyes did not see'." (21:7)

These words were said by the elders of a city in proximity to which a corpse was found. Our Sages ask: Would we think for a moment that the elders murdered a hapless traveler? Rather, the elders are saying: We did not see this traveler. Had we seen him, we would have given him provisions for the road, which might have saved his life.

R' Chaim Yosef David Azulai z"l (Chida; died 1806) quotes a certain R' Ephraim who notes that the Hebrew words "lo shafchu" are an acronym for "Levayah / accompaniment, achilah / food, shetiyah / drink, parnassat kol ha'derech / provisions for the whole way." (Nachal Kedumim)

Shemittah

[This coming year - 5768 - will be a shemittah / sabbatical year, when certain agricultural activities are prohibited in Eretz Yisrael. In preparation, we are devoting a portion of each issue to legal and/or philosophical aspects of the sabbatical year. The following laws are taken from Chapter 2 of Sefer

Ha'shemittah, by R' Yechiel Michel Tukochinski z"l (1872-1956), a prominent halachic authority in Yerushalayim, probably best known outside of Israel for his work *Gesher Ha'chaim* on the laws of mourning.]

The shemittah includes four general commandments:

1) Letting the earth rest from agricultural work, as the Torah says (Vayikra 25:2), *"The land shall observe a Sabbath rest for Hashem."* The Torah also states (Shmot 34:21), *"You shall desist from plowing and harvesting,"* and (Vayikra 25:4-5), *"Your field you shall not sow and your vineyard you shall not prune; the aftergrowth of your harvest you shall not reap and the grapes you had set aside for yourself you shall not pick."*

One does not transgress the law of *"You shall desist from plowing and harvesting"* unless he physically works the field of a Jew, whether his own field or the field of another Jew. However, the owner of a field transgresses the positive commandment of *"The land shall observe a Sabbath rest for Hashem"* if his field is worked by anyone, even a non-Jew.

2) It is a mitzvah to abandon the produce of one's fields that grows in the seventh year and to declare it hefker / ownerless, as it is written (Shmot 23:11), *"And in the seventh, you shall leave it untended and unharvested, and the destitute of your people shall eat . . ."*

All produce that grows on its own, whether on trees or in the fields, must be treated as hefker. One may bring from them into his house like anything that he acquired from hefker. However, one may not lock his gardens. One who does lock his garden or who gathers all of his produce into his house [at one time] transgresses this positive commandment.

If one did guard his produce, most poskim / halachic authorities hold that the produce does not thereby become prohibited [although a mitzvah was transgressed].

Fields that are adjacent to non-Jewish communities, like fields on the borders of Eretz Yisrael, may be guarded so that they will not be looted. In such a case, it appears [R' Tukochinski writes] that one may bring more than his immediate needs home at one time; however, one should harvest with a shinui / a change from the ordinary method. Of course, even in such a field, one must let any Jew take from the produce.

3) It is a mitzvah to treat the produce of shemittah with sanctity and not to market or waste it. This is learned from the verse (Vayikra 25:6), *"The Sabbath produce of the land shall be yours to eat,"* [i.e., to eat, but not to market or waste]. This mitzvah includes the requirement to destroy all of the remaining produce at a certain time, for the next verse continues, *"And for your animal and for the beast that is in your land shall all its crop be to eat."* [Ed. note: From here our Sages learned that each type of produce of the shemittah may be eaten only so long as it is found in the wild. This mitzvah, called "Biur," will be discussed in a future issue.]

4) The fourth commandment is not dependent upon the Land. It is to forgive outstanding loans at the

end of the shemittah year. [This, too, will be discussed in a future issue.]

More "Ma'aseh Rav" from the Diaries

In addition to the historical interest of Eleh Masei, subtitled "A Journal of the Journey of the Rabbis, Members of the Committee to Raise the Crown of Judaism in Our Holy Land, Who Toured All the Settlements of Shomron [Samaria] and Galil [Galilee] in the Winter of 5674 [1914]," the work from which we have been presenting excerpts this past year is significant as a source of reliable information about the halachic practices of some of the leading Torah figures of early 20th-century Eretz Yisrael, especially R' Avraham Yitzchak Hakohen Kook z"l, later Ashkenazic Chief Rabbi of the Holy Land, and R' Yosef Chaim Sonnenfeld, z"l, later Chief Rabbi of the Eidah Ha'chareidit in Yerushalayim. Such halachic rulings, derived not from the express rulings of Torah scholars, but rather from their actions, are referred to as Ma'aseh Rav / action of the rabbi. We presented some examples two weeks ago, and below are some additional ones.

In Teveryah, R' Kook, who was a kohen, did not enter the place commonly referred to as the grave of Rabbi Meir Ba'al Ha'nes. [Even though there are authorities who maintain that the graves of tzaddikim do not generate ritual impurity and there are others who maintain that nobody is buried in the "grave" of Rabbi Meir Ba'al Ha'nes - at least not a Jew - R' Kook acted stringently.]

In Poriah, the rabbis praised the actions of the settlers, who caught an Arab thief and turned him over to the governing [non-Jewish] authorities rather than taking the law into their own hands. The rabbis noted their awe of the settlers who, because it was late at night when the thief was caught, gave him dinner and a comfortable bed for the night.

Upon leaving the settlement of Merchaviah, the rabbis opted to travel in the less comfortable and less dignified wagon owned by a Jew over the nicer wagon of a non-Jew. [By so doing, they fulfilled one or both of the following mitzvot: (1) doing business with a Jew; and (2) giving charity, since the wagon driver likely was poor, and the highest form of charity is to give someone a job.]

[Finally, one of the participants in the rabbis' tour, R' Ben Zion Yadler z"l, recorded in his own diary that R' Sonnenfeld would get down from the wagon from time-to-time and walk alongside because, he explained, walking in Eretz Yisrael is itself a mitzvah.]

Copyright © 2007 by [Shlomo Katz](#) and [Torah.org](#).

The editors hope these brief 'snippets' will engender further study and discussion of Torah topics ('lehagdil Torah u'leha'adirah'), and your letters are appreciated. Web archives at [Torah.org](#) start with 5758 (1997) and may be retrieved from the [Hamaayan](#) page.

Hamaayan needs your support! Please consider sponsoring Hamaayan in honor of a happy occasion or

in memory of a loved one. Did you know that the low cost of sponsorship - only \$18 - has not changed in seventeen years? Donations to HaMaayan are tax-deductible.