

PROTECTION FOR THE WAY

by Rabbi Yochanan Zweig

"If a corpse will be found on the land..." (21:1)

When a Jew is murdered and the perpetrator is not found, the city closest to the corpse assumes the responsibility of performing the ritual which will bring atonement to Bnei Yisroel for this heinous act. During the procedure, the elders of the city declare, "yadeinu lo shafchu es hadam hazeh" - "Our hands have not spilled this blood."¹ The Talmud questions the need for this statement. How could we suspect the elders for culpability in this crime? The Talmud explains that they must declare that they were not responsible for allowing the victim to leave town unescorted and without provisions.² Implicit in the Talmud's answer is that if the victim would have been accompanied and supplied with provisions, he would not have been killed.

The Maharal brings out an important point which raises a question: The mitzva of "levaya"- accompanying a guest, does not require escorting him to the next city. Additionally, we do not find anywhere that one must be armed when accompanying a wayfarer. How would accompanying him have helped? The Maharal offers an esoteric solution. He explains that when Jews show solidarity towards one another, as in this case by accompanying the guest a short distance and providing him with provisions, Hashem provides the wayfarer with protection for the duration of the journey. If we do not show this solidarity, then Hashem does not offer His protection.³

Perhaps there is also a practical explanation to the Talmud's answer. A visitor to a city or a person who is lost is generally more susceptible to being mugged or robbed, than a person who lives in that city. The reason for this is that there is a certain profile which a mugger searches out to identify his "mark". A person who is unfamiliar with his surroundings tends to project his lack of confidence in the manner by which he carries himself. Thus, he is more prone to being attacked. When we accompany a guest for even a short distance, we convey the message that we are disappointed that he is leaving us and we wish we could be with him. This gives a person a strong sense of belonging. He feels connected to the community from which he just departed. Such a person walks with an air of confidence which dissuades most muggers from attacking. Contradistinctively, if one is not afforded this feeling when he leaves a city, he feels disconnected. This feeling is expressed by a gait which projects his lack of confidence, resulting in a greater propensity for a crime to be perpetrated against him.

1.21:7 2.Sotah 45b 3.Chidushei Aggados Sotah 45b

Good Excuse

"Then the officers shall speak to the people, saying, 'Who is the man who has built a new house and has not inaugurated it? Let him go and return to his house...' (20:5)

The Torah records three categories of people who are exempt from military service: "Ha'ish asher banah bayis velo chanacho" - the man who built a house and has not yet inaugurated it, "Ha'ish asher natah kerem velo chilelo" - the man who planted a vineyard and has not yet redeemed it, i.e. has not benefited from the fruit of his labor, and "Ha'ish asher aras isha velo lakacha" - the man who betrothed a woman and has not yet married her.¹

Many of the commentaries understand this law to be a practical measure. A soldier who falls into one of these three categories will be preoccupied with the thought of what he left back home, and consequently his performance will be impeded. His lack of focus may even impact negatively on his comrades, lowering their morale. Therefore, the Torah releases him from his duty as a soldier.² Why does the Torah specifically choose these three situations to release a soldier from his military duty, when there are numerous other situations which could cause a soldier to be preoccupied?

Rashi comments that the soldier is released due to "agmas nefesh" - "torment of the soul".³ If Rashi is interpreting that his mental state will cause him to be ineffective, why does Rashi have to wax poetic, saying "the torment of his soul" rather than simply stating that the soldier will be preoccupied?

The Talmud teaches that forty days prior to the formation of a fetus, a heavenly voice proclaims the future spouse, residence, and livelihood of this child.⁴ Forty days prior to the formation of the fetus is the moment of conception, when all the genetic data contained in the DNA of the fetus has already been formed, i.e. the intelligence, appearance, abilities and propensities of the child.⁵ This data, which makes up the basic definition of the child, is present at conception. Why does a person's spouse, home and livelihood have to be determined at conception?

Clearly, Chazal are teaching us that although these three factors appear to be external to a person's essence, they are major factors in defining and expressing the essence of the person. A spouse is the completion of a person's soul. A person's home and profession are both manners in which he is defined; a doctor is called by the name "Doctor", for the profession has become his name. Similarly, a person is known as a Ba'al Habayis, for having a home has made him complete.⁶ The Rambam gleans from these verses that a person should have a livelihood and own a home prior to marrying a woman. It is apparent that the Rambam interprets planting a vineyard as an example of having a

livelihood.⁷

The Torah is teaching us that beginning a marriage, starting a new business and owning a new home create a particularly strong preoccupation within a person, for they define his very being. The inability to complete these processes, together with the knowledge that another person may harvest the fruits of his labor, brings torment to the soul of the soldier, for it is these three ways that a soul both defines and expresses itself.

1. 20:5-7 2.Rabbeinu Bachya, Ibn Ezra, Ramban 3.20:5 see Gur Arye 4.Sotah 2a 5.Niddah 30a 6.See Yevamos 63a "Any person without a spouse, home or livelihood is not complete. 7.Yad Hilchos Dayos 5:11 "a person should first have a livelihood, then a home, and only then should he marry" see Kesef Mishna and Chasam Sofer who ask that the Rambam's sequence contradicts that of the verse.