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# HEMDAT YAMIM

חֶמְדָּה יָמִימִים

## PARASHAT HASHAVUAH

R'ei 25 Av 5769

### Targum Yerushalmi and Nachum Ish Gamzu vs. Targum Unkelus and R. Akiva Harav Moshe Ehrenreich

Our *parasha* opens with the *pasuk*: "See, I am placing before you today the blessing and the *kelala*" (Devarim 11:26). Unkelus translates *kelala*, simply, as a curse. However, the Targum Yonatan and Targum Yerushalmi translate it as "*chilufa* (the alternative) [to the blessing]," which implies something that resembles the *beracha*. Why do they change the apparent meaning?

The *gemara* (Berachot 60b) deals with an apparent contradiction between *mishnayot*. One says to bless Hashem on bad news like he does on good news. Another *mishna* says that there is a different *beracha* for bad news (*Dayan Haemet*). Rava answers that the idea of the same blessing refers to the mindset of happiness that one should have when reciting *Dayan Haemet*. The *gemara* continues with a story about R. Akiva that epitomizes his statement, "*kol d'avid Rachamana l'tav avid* (whatever the Merciful does is for the good)." R. Akiva was forced to sleep in a field, where his light blew out and his donkey and rooster were killed by wild animals. R. Akiva repeated to say that all Hashem does is for the good. It turned out that bandits wreaked havoc in town that night and would have done so to R. Akiva had they noticed him due to his light or his animals' noises.

The Maharsha wonders why the *gemara* did not bring the more impressive story of Nachum Ish Gamzu. He was sent to the Caesar with a gift, a box of precious jewels, but thieves removed the jewels and replaced them with dirt. The Caesar decided that the Jews were taunting him and decided to kill Nachum, who was repeating "*gam zu l'tova* (this too is for the good)." Eliyahu Hanavi appeared as a Roman officer and "proved" to the Caesar that the dirt was Avraham's secret weapon that enabled him (and now the Romans) to win battles. Nachum was rewarded, for, as he would say, "this too was for the good."

Why was R. Akiva's statement in Aramaic, whereas Nachum's was in Hebrew? Harav Michel Zilber says that this has to do with the fact that Hebrew is on a higher level than Aramaic, which is known in Kabbalistic thought, as the rear of the Holy Language. Nachum's story illustrates a higher level than R. Akiva's. R. Akiva saw a situation of curse but with optimistic belief knew it would turn out retroactively for the better. Nachum saw, in the first place, the dirt as something good that would save. Maybe Nachum's case was not brought because it refers to a higher level than we can relate to.

Unkelus's translation relates to Bavel, a dark place where curses are seen as curses, which only later turn out to be good. Yonatan and Yerushalmi look at things on a higher level, whereby apparent curses are alternative blessings. As we read in the *haftara* "I am, I am your consoler,"- the double language indicates that we see mercy within the pain of exile. In contrast, "I am" at the giving of the Torah, where open miracles abounded, in which good was seen in a one-sided manner.

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# Ask the Rabbi

**Question:** In my shul, some people correct the *ba'al kri'ah* when he reads a *kamatz katan* like a regular (classic Ashkenazi) *kamatz* (as in the word, "nut") instead of like a *cholam* (as in, "note"). Not all *ba'alei kri'ah* appreciate this, and one refuses on principle to read it as the "correctors" want. What are we to do?

**Answer:** If your *shul* has a rabbi, this public policy matter is his decision. Since not all *shuls* have a rabbi and not every rabbi wants to rule on matters of *dikduk*, we will present our opinion.

A major difference between classic Ashkenazic and Sephardic (or Israeli Zionist Ashkenazic, which is popular in Modern Orthodox day schools) pronunciation is that the former has different pronunciation for the different vowels, just as each has its own symbol. Sephardim pronounce *kamatz* and *patach* the same (as opposed to *Teimanim*), as well as *tzeireh* (two dots) and *segol* (three dots). Ashkenazim will argue that if the *ba'alei mesorah* (of Teveria) wanted us to read the vowels the same, they wouldn't have made different symbols. Sephardim apparently accepted the Tiverian vowel symbols, which are representative of grammatical distinctions, but not the pronunciation. (Note that *kamatz* and *tzeira* are *tenuot gedolot* (long vowels), and *patach* and *segol* are *tenuot ketanot* (short vowels).) Thus, Sephardim are consistent in pronouncing a *kamatz katan* not like their *kamatz* (which is like an Ashkenazi *patach*, as in, "not") but as a *cholam*, despite the *kamatz* symbol. However, it is inconsistent with Ashkenazic grammatical logic to pronounce a *kamatz katan* like a *cholam*; rather it is to be pronounced like a *kamatz*. (The idea of a longer *kamatz katan* symbol than that of a regular *kamatz* was "instituted" only decades ago by some publishers as a convenience).

Why is there a *kamatz katan* if all *kamatzes* are the same? Grammatically, there are significant differences (for Ashkenazim, too) between the *kamatzes*. A *kamatz katan* comes primarily when the vowel "should have been" a *cholam* but, because the word is joined with additional words or syllables, the rules of pronunciation turn it into a *tenuah ketana* that is read like a *kamatz*. (Some *ba'alei kri'ah* make a somewhat shorter *kamatz*, with the same basic sound.) Since it is a *tenuah ketana*, if it is followed by a *sheva*, it is a *sheva nach* unless that letter contains a *dagesh chazak*. [Apologies to those who are confused.] It is illogical, though, according to the Ashkenazic approach, to change a *cholam* into a *kamatz* because it is hard to pronounce a *cholam* and yet pronounce it precisely as if it remained a *cholam*. Under similar circumstances, when a *kamatz* is shortened into a *patach* (e.g., *yum* (sea) turns into *Yam Soof*), Ashkenazim change the pronunciation.

Admittedly, there are at least some *dikduk* experts who agree with the correctors. However, many Ashkenazi *ba'alei dikduk* (and we would argue, the majority) agree with the stubborn *ba'al kri'ah*. More importantly is the matter of *minhag*. This respondent has been *laining* and listening to expert *ba'alei kri'ah* for several decades and has, of late, been asking older *ba'alei kri'ah* if they, before the last decade, ever heard a classic Ashkenazi *ba'al kri'ah* read a *kamatz katan* like a *cholam*. No one has! We would discourage either side in this debate from correcting the other, especially since the words' meaning rarely changes as a result (a complicated discussion of its own). The correctors' intentions are noble, as the "young experts" are convinced the new approach is correct, and perhaps, despite our arguments, it is. However, it borders on *chutzpa* to correct a system of reading which has been followed by their fathers' and grandfathers' generations (to which I can attest) and, likely, hundreds of years before. Those (whom we respect) who switch to the pronunciation experts consider most authentic should probably sound more like *Teimanim*.

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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## The Root of One's Peaceful Relationships With Other

(based on Ein Ayah, Berachot 2:20)

**Gemara:** Rav said: Whoever says "Shalom" to his friend before he prays is like one who made him into a *bamah* (forbidden altar), as the *pasuk* says: "Refrain yourself from a person whose soul is in his breath, for in what (*bameh*) does he have importance" (Yeshaya 2:22). Do not read the word as "*bameh*" but as "*bamah*."

**Ein Ayah:** The foundation of peace and unity between people can find expression in one of two ways. It can be based on an internal realization of the Divine desire for the goal of peace and unity between human beings. Hashem wants this because we are all brothers of our Father in Heaven and because peace and unity is conducive to producing the great, desired situations of completeness in wisdom, justice, and straightness.

There is also a simple reason that draws people to peace. A person realizes that he is social by nature. If he were to be isolated, he would not succeed in attaining the things he wants, nor would he be able to gain the upper hand over those more powerful than he. In contrast, when many band together through the peace that exists between them, they will attain that which they desire, and each individual will fulfill his desires.

Obviously, the first approach to harmonious relationships can be built only on the foundation of recognition of the honor of Heaven and the prominence of Divine Providence over mankind. In contrast, the simple, natural, second approach exists even for atheists. Upon contemplation, we will see that there are significant differences between the unity that exists due to the first, true and high reason and the self-serving approach.

The first one is based on true love of the collective. As such, as the days go on, the love of the collective will only grow, which is the idea behind what Chazal call a gathering that is for the sake of Heaven, which is destined to continue (Avot 4:11). In contrast, unity based on one's love of himself is unity by coincidence, as it is actually based on concern for the individual, not the collective. Therefore, the unity is not destined to continue over time because it has no true focal point. Although the unity appears to grow, ultimately all the individuals will try to pull maximum benefit toward themselves specifically, out of which hatred and civil war can grow.

When we lived in our Land and built the Beit Hamikdash, it served as the center and the place where our unity was most strongly manifested. That is why the local, private altars (*bamot*) were forbidden, even though it was possible to band together around the *bamot* to form small groups. The problem is that such small-minded requests bring disunity in regard to the major center, thus reducing national unity, which is necessary for the Divine desire to be fulfilled properly.

For the same reason, the *gemara* speaks negatively about one who greets his friend with "Peace" before he prays. He thereby demonstrates that he does not view recognition of Hashem as a matter of essence, the basis for peace and the cause for its survival, but as a coincidence. Such a person thinks that peace should come from a natural recognition of one's interests. This sort of connection with others actually separates them. In that way he turns his friend into a *bamah*, which appears to bring people together to serve Hashem, but on a larger scale, distances people from the greater goals of unity. Similarly, when one raises the banner of joint humanity without mentioning Hashem and showing that the Name of the King to Whom peace belongs is the foundation of peace, is dangerous. While it can unify in the short term, limiting the honor of Heaven will of necessity bring on bad characteristics, and each individual's self-love will grow to the point that true peace will not be able to exist, and the misguided unity will cause rifts and major lacking in society.

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# P'ninat Mishpat

## Laws of Shomrim (Watchmen) – part IV – A Borrowed Object That “Died” During Use (based on Sha'ar Ladin - Halacha Psuka, vol. 60)

The *gemara* (Bava Metzia 96b) deals with a *shoel* (borrower) of an animal, where the animal's value depreciated due to the normal work that it was used for. One would expect that, since a *shoel* is obligated to pay in a case of *oness* (extenuating circumstances), he would pay for the depreciation of the animal as well. However, Rava exempts him even if the animal died as a result of the work (*meita machamat melacha = mmm*). The reason given is: “He did not borrow it to place it under a canopy.”

The *gemara's* argument is surprising. While no one blames the *shoel*, since he is obligated for an *oness*, why is he exempt if the animal dies during the work? *Rishonim* argue about the explanation. The Ramban (ad loc.) says that while the *shoel* is obligated when there is an *oness*, in *mmm* he is exempt because the lender is considered negligent as a lender, as it was irresponsible to give an animal that could not withstand the work for which it was borrowed.

The Rashba (ad loc.) explains differently. Since the lender was aware that depreciation was likely to occur and he made no stipulation to be compensated for it, we see that he did not expect to be paid for depreciation or the animal's death. In other words, the exemption is based on *mechilla* (relinquishing of rights).

The *gemara* (ibid. 97a) discusses the case of one who borrowed a cat to rid a place of mice but died in doing so (either the mice ganged up on her or she overate) and considered it *mmm*. Based on the first version of the story, the Ramah (cited in Tur, Choshen Mishpat 340:6) says that if one borrowed an animal that was attacked on a (normal) road by wild animals or bandits, it is *mmm*. The Rosh argues (cited ad loc.) because the cat is different, as it was borrowed to overcome the mice, whereas the animal in the Ramah's case would have died the same way had its presence on the road had nothing to do with its work. The Beit Yosef (ad loc. and in Shulchan Aruch, CM340:3) agrees with the Ramah, arguing that it died on a road that it traveled specifically due to its work. The Rama (ad loc.) agrees with the Rosh.

The Shach (340:5) claims that the Rosh is based on the Ramban's thesis. Since the animal died in a manner that was unrelated to the appropriateness of the animal the lender gave, there is no reason to exempt the *shoel*. According to the Rashba, though, it is logical that since the lender was aware of dangers and made no stipulation, he was *mochel*. Along the lines of the Rashba, the Terumat Hadeshen says that when a *shoel* borrowed a sword for battle, which he lost, and the sword was captured, it is *mmm*. Again this is a danger that is “par for the course” for battle and, therefore, the lack of stipulation is significant. If the issue is the lender's negligence, we would not penalize him when the *shoel* lost the battle for reasons unrelated to the sword.

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# Hemdat HaDaf HaYomi

Studies in Choshen Mishpat Related to the Daily Daf

Av 19 – Av 25, Bava Metzia 106-112

## The Right of the Bordering Neighbor

Rav Ofer Livnat

This week in the Daf Hayomi, the Gemara (108) states that, when a person sells a field, the adjacent field owner (=bar metzra) is given precedence on the purchase of the field. Even if one already sold his field, the bar metzra can dismiss the buyer and purchase the field for himself. This Halacha is based on the commandment "thou shalt do that which is right and good" (Devarim 6, 18). Thus, even though a person may sell his field to anyone he chooses, the Sages ruled that it is proper that the bar metzra proceed anyone else, since it would be of great benefit to him to own the field adjacent to his.

As mentioned, the Gemara stated this law regarding fields. The Rishonim discuss whether this Halacha is applicable in other areas. The opinion of Rabeinu Tam (Tosafot 108b d"h Ara'a), is that there is no law of bar metzra on houses. His reasoning is that, only for a field, where a person can combine the two fields into one and work them together, did the Sages institute the Halacha of bar metzra.

However, the opinion of most of the Rishonim (quoted by the Tur and Beit Yosef Choshen Mishpat 175:81), is that the bar metzra is given precedence for houses as well. Their reasoning is that, for houses too, it is possible that a person will have use for an adjacent house or apartment, or that he could enlarge his house by connecting it to the adjacent one.

Another situation that the Rishonim deal with is that of seats in a shul. It was once customary that people would buy the seats in the shul, and a person could sell his seat to someone else. The question arose whether the person with the adjacent seat has priority on the purchase of the seat. The opinion of the Ra'avad (quoted by the Tur 175, 85) is that, if the seat is on a crowded bench, the rest of the bench owners can buy his seat so that they will have more space. However, if this is not the case, the adjacent seat owner does not have priority over someone else. The Beit Yosef explains that the Ra'avad's reasoning is that, if one already has a seat, he does not need a second one.

However, other Rishonim write that, in any case, the bar metzra has the first right to purchase the adjacent seat, and the Shulchan Aruch (ibid) accepts their opinion. The Pitchei Teshuvah (ibid 23) explains that a person wants his family members to sit next to him in shul, and therefore the law of bar metzra is applicable here as well. According to this reasoning, there are those who wrote (Mishpetecha Leya'akov 2, 16) that for graves too, family members have first right to purchase the grave next to where one of their relatives is buried, since family members want to be buried next to each other.

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