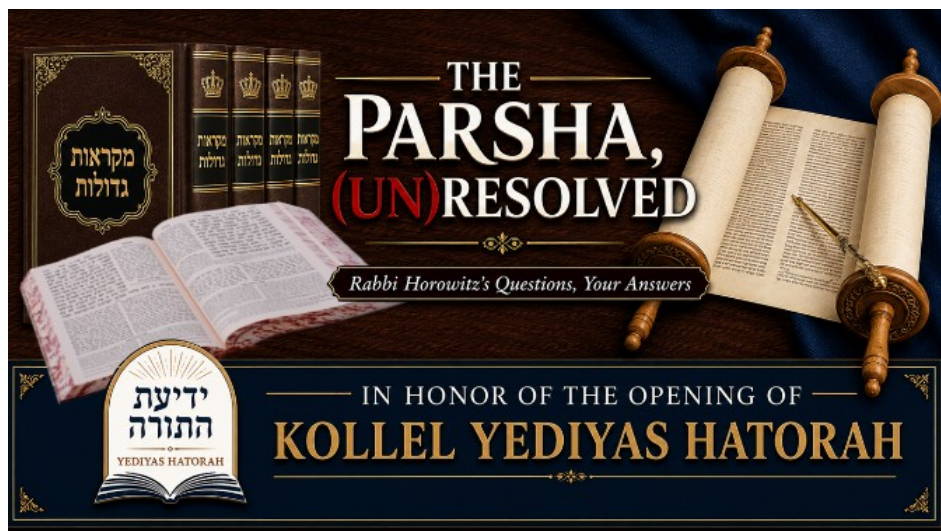




פרשת נצבים-וילך

שנת תשפ"ו

THIS WEEK'S QUESTION

When did communal responsibility begin?

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THIS WEEK'S QUESTION

Arvus: When Did It Begin?

Parshas Nitzavim–Vayelech 5786

כט: כח הַנִּסְתַּרְתָּ לָּהּ אֱלֹהֵינוּ וְהַנִּגַּלְתָּ לָּנוּ וּלְבָנֵינוּ עַד-עוֹלָם לַעֲשׂוֹת אֶת-כָּל-דִּבְרֵי הַתּוֹרָה הַזֹּאת:

The hidden sins are for Hashem our God, but the revealed sins are for us and our children forever, to carry out all the words of this Torah.

Rashi comments-based on the *Gemara Meseches Sanhedrin* 43b-that the dots above the letters in the *Possuk* teach us that we were not held responsible for others' transgressions until crossing the Yarden River and accepted the oaths on Har Gerizim and Har Eival and accepted responsibility for one another.

How does Rashi know that *arvus* (communal responsibility) began at Har Gerizim and Har Eival? After all, the *Gemara* there only mention the crossing of the Yarden? Also there Rashi adds that the intention is to the event of Har Gerizim and Har Eival. How does Rashi know to add this interpretation, which appears inconsistent with the straightforward meaning of the *Gemara*, that immediately upon crossing the Jordan they became obligated in *arvus*, rather than many days later when they arrived at Har Gerizim and Har Eival, which occurred after the battles of Yericho and Ai, as stated explicitly in Sefer Yehoshua Perek 8.

Rashi provides us with a clue at the end of his remarks in *Sanhedrin*, continuing: "As we say in *Meseches Sotah 37b*." There, the *Gemara* deals with the episode of Har Gerizim and Har Eival, and calculates the number of responsibilities we took upon ourselves in accepting the *mitzvos*. Each mitzvah has a general and specific *Bracha* and *Arur*. Each mitzvah carries the responsibility to learn, teach, safeguard and perform. This is multiplied by the three different instances that we accepted the covenant upon us – at Har Sinai, in the Plains of Moav, and at Har Gerizim and Har Eival. Rabbi Shimon adds that each mitzvah also contains within it 603,550 covenants – the responsibility for each and every Jew.

It appears that Rashi understands the words of Rabbi Shimon as a continuation of the details regarding Har Gerizim and Har Eival, and his intention is that the principle of *arvus* began only then. Yet, one cannot interpret it in this manner, for Rabbi Shimon himself disagrees with the

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calculation of the first Tanna to multiply the covenants in these three locations, and states that we should exclude Har Gerizim and Har Eival, and insert the *Ohel Moed* in the *Midbar*." Thus, when R' Shimon speaks on the subject of *arvus*, is not referring to Har Gerizim and Har Eival whatsoever!

Furthermore, how does R' Shimon express the obligation of *arvus* – that each mitzvah contains an additional 603,550. When did the count of Klal Yisroel match this number – in the beginning of Sefer Bamidbar, On the first day of the second month, in the second year after they were come out of the land of Mitzrayim, and not the census of when they stood at Har Gerizim and Har Eival, nor when they crossed the Yarden! Rather, it seems clear that even if we do not say that Rabbi Shimon disagrees entirely with the passage in *Meseches Sanhedrin* (which holds that *arevut* applies only once they crossed the Yarden, he at least agrees with Rabbi Yehuda that regarding revealed transgressions, *arvus* was already established from the initial giving of the Torah at Har Sinai, and Rabbi Shimon here is speaking regarding that same *arevut*.

In conclusion, we have no source indicating that when the Gemara says "until Klal Yisroel crossed the Jordan," it refers to the assembly at Har Gerizim and Har Eival.

Not only have we found no source for his interpretation of the Gemara contrary to its plain meaning, but his words stand in direct contradiction to the entire discussion in the Gemara in *Sanhedrin* where we see that Achan in fact transgressed similar *charamim* in the time of Moshe Rabbeinu and Klal Yisroel were not punished, and to explain this inconsistency the Gemara explains that there was no responsibility of *arvus* before they crossed the Yarden. And when did Achan transgress the *cherem* of Yehoshua - after the battle of Ai. And when did they stand upon Har Gerizim and Har Eival - after the incident of Achan, as is clear from the order of the pesukim in Yehoshua, and as is also implied by the continuation of the Gemara in *Sanhedrin* 44a, that Yehoshua was faulted on the defeat of Klal Yisroel in its first attempt to capture Ai because of his delay in carrying out the assembly at Har Gerizim and Har Eival.

THE QUESTION How does Rashi know that the Gemara's reference to crossing the Yarden means the assembly at Har Gerizim and Har Eival?

Consider the question and send your approach before next week's issue.

LAST WEEK'S QUESTION & ANSWERS

LAST WEEK'S QUESTION

Parshas Ki Savo 5786

Our *Parsha* contains the blessings and curses that were to be pronounced at Mt. Gerizim and Mt. Eval when Klal Yisroel would enter *Eretz Yisroel*.

We begin with the first curse:

כז:טז אָרֹר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמַסֵּכָה תּוֹעֵבֹת יִהְיֶה מַעֲשֵׂה יָדָיו חֲרָשׁ וְשֵׁם
בְּסִתֵּר וְעָנִי כָל-הָעָם וְאָמְרוּ אָמֵן:

Accursed is the man who will make a graven or molten image, and abomination of HASHEM. A craftsman handiwork, and emplaces it in secret. And the entire people should say Amen.

In a *Sefer Torah* we see this *possuk* as its own paragraph, there is a blank space both before and after it. They are both *Parshos Stumos*, represented in a Chumash with the letter *Samech*.

As we progress through the remainder of the curses we see this pattern; each curse is its own paragraph with a *Parash Stuma* both before and after.

The exception is the fourth and fifth curses:

כז:יט אָרֹר מַטֵּה מְשַׁבֵּט גֵּר-יָתוֹם וְאַלְמָנָה וְאָמַר כָּל-הָעָם אָמֵן:

Accursed is one who mperverts a judgment of a proselyte, orphan, or widow. And the entire people shall say, Amen.

כז:כ אָרֹר שֹׁכֵב עִם-אִשְׁתּוֹ אָבִיו כִּי גִלָּה בְּנֶרְ אָבִיו וְאָמַר כָּל-הָעָם אָמֵן:

Accursed is the one who lies with the wife of his father, for he will have uncovered the robe of his father. And the entire people shall say, Amen.

Between these two curses there is no delineating space, effectively grouping them together into one paragraph.

This seems to imply to us that these two curses are somehow connected to one another. As of yet though, I have not been able to see any special connection between these two curses more than any of the others on the list.

THE QUESTION Why are these two curses uniquely joined into a single paragraph without a *parashah setumah* between them?

LAST WEEK'S ANSWERS

Unbelievable! I would not have believed that so many answers could be found for this question, yet this very special group indeed succeeded in finding solutions for our *Parsha*!

Before presenting the answers, it is important to note that the assertion that there is no *parashah setumah* between these curses is not universally agreed upon. According to several *sefarim*, there is indeed a *parashah setumah* between them, and such is also the text in certain variants of the Rambam (Hilkhos Sefer Torah 8:4). See the Kesef Mishneh there, as well as the Minchas Shai, who conclude that the proper text follows the version in our *Sifrei Torah*—namely, not to place a break between them.

1. R' Baruch Clein (Beitar Illit) noted that one's father's wife remains forbidden to him even after the father's death. In such a scenario, the son who committed the *aveira* was an orphan, and his father's wife was a widow. It is possible that the Torah comes to emphasize that just as we do not pervert their judgment to harm them when they are innocent, so too we do not show them misplaced mercy in judgment if they transgressed—even though the *Beis Din* ends up executing both an orphan and a widow.

2. For two consecutive weeks now, my question has been directly addressed in the writings of the great Rabbanim of Germany; it appears that my community has had an influence upon me. **R' Yitzchak Neckameyer** (a member of the shul) and **R' Chesky Feld** (Beitar Illit) directed me to the words of **HaRav Samson Raphael Hirsch ztz"l**, who highlighted the balance in these curses between *aveiros bein adam le-chaveiro* and the transgressions of *arayos*, to demonstrate to us the severity of these prohibitions. For one might argue that *arayos* performed in secret, which no one knows or feels, are not as severe as transgressions that directly destroy peaceful human society. On the other hand,

some appreciate the gravity of *arayos* but consider interpersonal transgressions less significant. To both, the text emphasizes that they are equal in their severity. And specifically here, where the first five curses concerning *aveiros bein adam le-chaveiro* transition to address the *arayos*, no break is made, to show that they are all equal.

3. All the other answers are based on the Gemara in Shabbos 56a, which states that whoever says Reuven sinned is mistaken... Is it possible that his descendants were destined to stand on Har Eival and proclaim 'Cursed be he who lies with his father's wife,' and this sin should come to his hand? Rather, the correct explanation of the *possuk* is that he said: If my mother's sister was a rival to my mother, shall the handmaid of my mother's sister also be a rival to my mother? He arose and rearranged her bed.

The intent of the *Gemara* is not merely that Reuven's descendants were present alongside the other tribes on Har Gerizim and Har Eival, but as Rashi already explained to us that there eleven curses corresponding to eleven of the tribes, and regarding Shimon he did not write a curse, since he had no intention to bless him before his death along with the other tribes, therefore he did not wish to curse him. If we calculate each curse as corresponding to one tribe, it turns out that the curse of one who lies with his father's wife—the sixth curse—is the curse stated regarding the tribe of Reuben. This works out whether counting from the end, starting with Naphtali as explained by the Maharil Diskin zt"l, or counting from the beginning while skipping Shimon as mentioned above.

Accordingly, **R' Shimon Verbiv** (Beitar Illit) cited in the name of the **Maharil Diskin zt"l** that in order to conceal the matter, the Torah combined it with the preceding curse, so that it should not explicitly appear as the sixth curse, rather merely part of the fifth curse and not stated against Reuven at all.

4. A similar idea is found in **HaKsav VeHaKabbalah**. The Torah combined this curse with the curse of "perverting the judgment of the *ger*, etc.," to show that what is written regarding Reuven was not the actual transgression of *arayos*, but merely a rearrangement of her bed which is more similar to the idea of perverting the judgment of the *ger*," which speaks of the treatment of the vulnerable among us. Bilhah too, being a handmaid, was among the vulnerable and suffered distress due to Reuven's act. This same concept is also found in the **Chasam Sofer** on the Torah, albeit with a slightly different calculation (see there).

5. Along these lines, an **anonymous** reader answered that there are two curses here that one might attribute to the *Shevatim* themselves as having transgressed: "perverting the judgment of the orphan" in the sale of Yosef, and "lying with his father's wife" in the incident of Reuven. They are written together to show that in truth these curses were not stated against them. For just as Reuven did not actually lie with his father's wife, and was not present with them at the sale of Yosef, we learn that the *Shevatim* likewise did not violate the prohibition of perverting the judgment of an orphan, but rather judged him properly according to their understanding of the situation.

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