

A PARASHA THOUGHT

The Transformative
Power of Torah

There is a fascinating *Ohr HaChaim* at the beginning of this week's *parasha*. He asks a simple question: why does the Torah introduce the laws of the red heifer with the phrase *zos chukas hatorah, this is the law of the Torah?* Does it not make more sense to say *zos chukas hatuma/hatara, this is the law of impurity/purity*, since the Torah will be discussing the laws of impurity and then to, subsequently, become pure again? To answer his question, he brings a striking contrast in the laws of impurity: on the one hand, the Torah speaks about one becoming impure by coming into contact or under the same roof as a dead body and being unable to become pure again unless going through the process of having the red heifer's ash-water sprinkled upon him. Yet, the Gemara in *Nazir* (61b) states that a non-Jew who comes into contact with a dead body, even if he touches it directly,

does not become impure. Furthermore, the dead body of a non-Jew can only impart impurity through direct contact; merely being under the same roof would not render a person impure. What, the *Ohr HaChaim* asks, is the difference? He explains that the answer is found in the phraseology the Torah uses in our *parasha* and the question we started off with: the **Torah** is what makes the difference—the fact that we accepted the Torah and it is now part of our life. Only through the Torah, he writes, can one achieve levels of holiness which then has a direct effect on him both in life and death: when a Yid comes into contact with a dead person, the impurity clings to him and doesn't want leave until he has gone through the proper process, and when a Yid dies, the impurity that emanates from him has a more profound effect on its surroundings. (He gives a fantastic proof to this concept from the Pesach sacrifice that is worthwhile to see inside.)

But isn't this counter-intuitive? Shouldn't a person who has more *kedusha* (holiness) be less affected by impurity? To this he brings an awesome *mashal* (parable): let's say a person has two jars, one filled with honey and the other filled compost. When he discards the jars after he has used up its contents, which jar attracts more bugs? Obviously the one that used to contain the honey, as insects are attracted more to the traces of what content used to be in there. So too, says the *Ohr HaChaim*, is with impurity: it's attracted to and emanates more strongly from people who have more *kedusha* in them.

If this transformation occurs by

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LEARNING WITH THE KOLLEL
(CHOSHEN MISHPAT)

WITH
RABBI MEIR MINSTER

Moshe requests passage for the Jewish people through the lands of Sichon and promises not to veer into fields and vineyards or to take any well water. In a parallel passage in *Devarim* (2:28), Moshe adds that they will pay for any food and water that they need. Instead, Sichon engages the Jewish people in battle, and when he and his people are destroyed, the Jews take possession of his lands and wealth.

Moshe's initial insistence on purchasing what they will need is very much in line with the conclusion of the Gemara (*Baba Kama* 113b) that it is forbidden to steal or take anything from non-Jews without paying. One of the sources for this prohibition is from the verse in *Devarim* (7:16), which deals with this very type of situation. "You will consume all [the possessions of the] nations that Hashem your G-d will deliver to you," from which Rav Huna derives that they may only take property during battle, not at any other time. (See there for other verses as well.)

It seems, though, that the regular prohibitions of theft do not apply to the property of non-Jews. This lends itself to a debate among the commentaries whether these prohibitions concerning non-Jewish property are Torah law or only Rabbinic in nature. Also, various explanations are offered for these special prohibitions. Rashi (*Sanhedrin* 57a) says that the reason is to avoid *chillul Hashem* (desecration of G-d's name), the Maharshal (*Baba*

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LEARNING WITH THE KOLLEL (CHOSHEN MISHPHAT)

CONTINUED

Kama 10:20) says that it is to avoid developing improper behaviors and character traits that will lead to stealing from Jews as well. It is said in the name of R. Chaim Brisker and others, that from a careful reading of the Rambam (*Genaivah* 1:1-2 and *Gezailah* 1:1-2) it appears that the Rambam holds that the prohibition of *Genaivah* applies from the Torah while at least some forms of *Gezailah* are only prohibited from the Rabbis.

Technically, the different nature of these prohibitions allows for some loopholes concerning non-Jewish property in various situations. However, the *Baer Hagolah* (*Choshen Mispat* 348:5) cautions us and all future generations that in his experience (and citing *Sefer Chasidim* #1074) he has seen wealthy people who have ultimately lost their fortunes relying on these loopholes, leaving behind no blessing at all, while those that sought to bring honor to Hashem's name, going beyond the letter of the law, increased their wealth and success, leaving much behind for their descendants. 🕊️

A SHINING EXAMPLE

RABBI EPHRAIM SKOLNIK

In 1937-38 the Kindertransports were bringing fleeing German children, mostly Jewish, to safety in England to be housed by families. Unfortunately, many of these orthodox Jewish children were being housed by either non-Jewish or unaffiliated Jewish families. Rabbi Yechezkel Abramsky, the leading English rabbi at the time, understood that this was a spiritual death sentence for these children, as they would assimilate into the secular society. He quickly went about raising funds to have these children housed in religious homes. He made a phone call to a wealthy Jew who grew up religious but, unfortunately, completely abandoned Judaism. He tried to explain to him that it was a matter of life and death for these kids. The man responded, "Rabbi, you can't fool me. This is not a matter of *pikuach nefesh* (life and death). When I was little my sister got hurt on Shabbos and my father rushed her to the hospital despite it being Shabbos. That was a matter of *pikuach nefesh*. These

TEFILLA TIDBITS

RABBI YAAKOV MARCHUK

In truth, the *Mishna Breurah* writes that *Pesukai Dzimrah* really begins with *Baruch Sh'amor*, and ends with *Yishtabach*. That being the case, *Mizmor Shir* seems to be an introductory *tefillah*. Why this *perek* in particular? Rav Shimon Schwab, in his *Iyun Tefillah*, writes that through our *davening* we hope to compensate in some way the *Avodah* (service) done in the *Bais Hamikdash* and we therefore recite the psalm written in honor of the inauguration of the *Bais Hamikdash*. 🕊️

children have many places to live. It's all a matter of religion." The man then promptly hung up the phone. That Friday night after dark the man was sitting down with his family for dinner when the phone rings. He picks it up and says hello. "Good Shabbos," says the voice on the other side, "this is Abramsky speaking. It's a matter of *pikuach nefesh* for these children." Torah, not just what we do but who we are. 🕊️

A PARASHA THOUGHT

CONTINUED

merely accepting the Torah, how much more so does Torah transform and develop us as individuals when we learn it. How does it do this? We don't know how, it's a *chok* (law we cannot understand), as the Torah states, but it does. On a personal level when we learn on our own, on a family level when

we learn together, on a community level when there are (10!) individuals devoted to learning day and night, the Torah's transformative properties are unfathomable and its power immeasurable. As soon as one learns and he's in an atmosphere of Torah learning, he's already a changed person for the better! 🕊️

THE TRAGIC ARREST & IMPRISONMENT OF MAHARAM OF ROTHENBERG (PART I)

RABBI NOSSON WIGGINS

The undisputed Torah leader of German Jewry in the 13th century was the eminent Rebbe Meir ben Baruch, universally known as Maharam of Rothenberg (or Maharam M'Rutenberg). Maharam was born in the heart of the Rhineland in Worms, Germany, around 1215, and studied Talmudic law under the distinguished Rebbe Yitzchak ben Moshe in Wurzburg, author of the classic *halachic* work *Or Zarua*. Afterward, as was the common practice of many fledgling German scholars, Maharam travelled to France and studied under the leading French *Tosafist*, Rebbe Yechiel of Paris.

By the time Maharam returned to Germany, his repute as a prodigious Torah scholar and *halachic* authority was widespread and he was thus highly sought after by various German communities. Maharam initially assumed a rabbinic position in Worms but sometime afterward moved to Rothenburg, where he accepted a rabbinic position. From the hundreds of *responsa* which Maharam penned, it is evident that he was considered the leading *halachic* authority of his generation and his rulings were sought out by all the Ashkenazic communities in France and Germany.

In the Medieval period it was common that the rabbi was also the local *Rosh Yeshiva* and, aside from his rabbinic duties, Maharam opened a *yeshiva* in Rothenburg. Due to Maharam's extraordinary stature in Torah scholarship, the *yeshiva* quickly gained a reputation as the most prestigious *yeshiva* in all of Germany, and thus, Maharam's name is eternally associated with the German town of Rothenberg.

It has been said that Maharam produced the most noteworthy group of students in all of history, and their Talmudic and *halachic* compilations have left an indelible mark on the world of Torah scholarship. They are: Rebbe Mordechai ben Hillel (author of *Sefer Mordechai*), Rebbe Asher ben Yechiel (Rosh), Rebbe Yitzchak of Duren (author of *Sharei Dura*), Rebbe Meir ben Yekusiel (author of *Ha'gahos Maimoniyos*), and Rebbe Shimshon ben Tzadok (author of *Tashbeitz*).

At the height of his career, Maharam felt compelled to leave Germany, a journey which would prove to be all too fateful.

To be continued... 🕊️