



Parashat Ki Tetzei 5770

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On the Parashah... Guarding Your Tongue

[Tal Chermon]

One of the Mitzvot of this week's Torah Parashah is not too well known: "Remember that which Hashem your G-d did to Miriam on the way as you came out of Egypt" (Devarim 24:9). Rashi explains that this constitutes a command to remember how Miriam spoke "Lashon Hara" - derogatively - about Moshe Rabbenu and how she was punished. However, it is difficult to comprehend exactly what her sin was, and why she was punished. All she did was discuss the fact with her brother Aharon that her brother Moshe had separated from his wife. She did not approve of this behavior, since no other prophets saw fit to separate from their wives.

There doesn't seem to be anything wrong with what she said since:

1. She spoke the truth.
2. It was a private conversation with her brother.
3. She spoke to a relative and not to a stranger.
4. Her intentions were only for the good.
5. Moshe was not even insulted, as the Torah tells us that no one was as humble as he was.
6. She did not intend to insult him, merely to compare him to other prophets.
7. The person she spoke about was her beloved brother, whose life she had saved when he was a baby.
8. She was a righteous person, but received a very serious punishment for a seemingly small transgression.

In truth, these points do not raise questions, but rather provide the answers, as the Rambam (Mitzvat Tumat Tzaraat 16:9), and the Ramban (Sefer Ha-Mitzvot, Mitzvah 7, and commentary on the Torah, Parshat Metzora) explain:

1. "Lashon Hara" is forbidden, even if it is true.
2. It is forbidden even in a confidential conversation.
3. It is even forbidden to speak derogatively about relatives.

4. It is even forbidden when one has the best intentions.
5. It is even forbidden when the person spoken about is not insulted.
6. It is even forbidden when nothing really bad is said.
7. Loving someone deeply does not grant permission to speak badly of him.
8. It is not a “small” transgression, but rather a very serious one.

How is the Mitzvah of remembering what Miriam did to be fulfilled? Our Rabbis rule that it must be performed verbally (Sifrei on Parshat Bechukotai). When must we fulfill this Mitzvah? Some Rabbis rule that this verse should be read out loud after the daily morning prayers (Sefer Charedim, ch. 4), while others rule that once a year is sufficient, during the Shabbat Torah Reading (Magen Avraham, 60). The Arizal wrote that when we recite the words “to thank You” in the blessing preceding the Shema every morning, we should remember that our mouths were intended not only to praise and thank G-d, but also to refrain from speaking “Lashon Hara.” This too is a way of remembering the lesson we are taught through Miriam.

Rav Aviner on...

Don't Copy!

[Be-Ahavah U-Be-Emunah – Shoftim 5770 – translated by R. Blumberg]

Don't copy. Don't copy discs, software, songs, “or anything else that belongs to your neighbor” (Shemot 20:13). Your neighbor worked and toiled and invested his best efforts and resources. Will you benefit without paying? Where is your integrity? Where is your morality? Even without the Torah, where is your natural morality? Have you forgotten the Mitzvah of “Do what is good and right” (Devarim 6:18), which according to Ramban is a positive Torah precept? How can you be such a scoundrel with the Torah's license? Yet here, this is not with the Torah's license, but against the Torah's license. Our Sages long ago ordained patent rights (see Techumin 6-7). The Sages enact ordinances, and the public may as well (Baba Batra 9b). Open your eyes and see the warning of the sages of Italy from 500 years ago regarding the book “Ha-Bachur” by Rabbi Eliyahu Bachur HaLevi: “The wording of the opinion handed down in Rome, the capital, by its Rabbis and Sages: They passed a decree of excommunication on any person who steals his neighbor's handiwork... And since we know that this man... wrote the above-mentioned writings with great toil, forfeiting his time over many days... and perhaps there is among you a root whose fruit is gall and wormwood (Devarim 29:17), who will have the nerve to publish even those aforementioned writings, all of them or some of them, in a more attractive format, taking the profits for himself, while the original authors will lose out.

“We have therefore demonstrably set ourselves apart, to be against the destroyers. As it says in Kiddushin 59a: “If a poor man is examining a cake, and someone else comes along and takes it from him, that person is called an evildoer.” We also say, “Fishing nets must be kept away from the hiding-place of a fish which has been spotted by another fisherman the full length of the fish's swim, because that is called interfering with the other's livelihood” (Baba Batra 21b)... And since printed books can move from ocean to ocean, we have not set any limit. Rather, we decree across the board: Whoever knows of our decree, having seen it or heard it, must not publish these books. And whoever publishes them, he, himself or his agents, will be classed as a trespasser and excommunicated. And whoever knowingly buys it from him after hearing our decree, will be covered by the curse and the excommunication, and may all Israel be blessed.”

Therefore, my friends, be very careful to avoid such trespassing, for “cursed is he who trespasses his neighbor's territory” (Devarim 27:17). Don't watch copied movies. Don't

listen to copied songs. If you've got a copied CD, throw it in the trash. "Keep a shovel with your weapons to cover your excrement. Let your camp remain holy" (Devarim 23:14).

One might say: I'll do what I feel like. I'll do what everyone else does. Everybody copies. Everybody downloads. If you say that, it's not your wisdom talking. It's not your integrity talking. It's your evil impulse. Such is not what "everybody" does. It's what thieves do. "Rabbi Yehoshua ben Chanania said: 'I have never been out-argued by anyone except by a woman, a young boy and a young girl... What was the case of the girl? One time I was walking down a road that passed through a field. A girl asked me, 'Rabbi! Is that not a field?' I replied, 'No, it's a beaten path' (that does no harm to the field). She replied, 'Thieves like you beat it down' (One is forbidden to walk in the middle of a field, and thieves like you trod on it until they created a path'. Eruvin 53b. See first comment of Ben Ish Chai on Parashat Nitzavim).

Yet you might still argue that the owners gave up on it. They know in advance that this is what is going to happen, so it's like a lost object swept away by the river (Baba Batra 24b).

But that isn't so, my friend. All such things are said about natural disasters, regarding which people are impotent, since they can do nothing, so they give up hope. In our case, however, they cry out and protest the theft, and if they can, they call the police. There have already been cases of people paying hundreds of thousands of Shekalim because they downloaded things from the Internet illegally. Moreover, Ha-Rav Moshe Isserlis wrote that with lost objects, even after the original owner loses hope of its return, we should go beyond the letter of the law and return it. According to the Mordechai, we can even force a finder to return such an object to the original owner. In our own case, however, the issue is real theft.

You might argue: Here, one party benefits and the other loses nothing (Baba Batra 20). But don't say that, for we only argue that retroactively, after the deed, but not a priori (Tosafot ibid.). As we already noted, the Rabbis enacted patent laws. Moreover, there are Federal laws and international laws. So, if you wouldn't buy it in the first place, you can copy a book for personal use, for that the law allows. But you can't copy a CD.

And when we quoted the Torah saying, "Don't covet anything belonging to your neighbor," the point was not to exempt theft from non-Jews, for it is well-known that stealing for non-Jews is likewise forbidden. Moreover, such theft profanes G-d's name. Woe to us for our sins, for the State of Israel appears on the list of countries in which copyright laws are not enforced. G-d says, "You have profaned My great name amongst the nations, who say, 'G-d caused His Presence to rest on a nation of thieves.'"

Thus you have three reasons for the mitzvah of not copying, and each suffices: 1. To be ethical and good. 2. Our Sages' decrees regarding copyrights. 3. National and International laws, which have halachic force. We are further tempted to say: "The items are overpriced! Who can buy it?" That is irrelevant. Don't buy it. The evil impulse further says, masquerading as the good impulse: "I only copy Torah content, so that I can learn Torah, for the sake G-d's name." That's worthless. That's a mitzvah via a sin. G-d doesn't want that kind of Torah learning. Something else: Don't download even one song. Don't do even one sin. Don't make yourself a CD with a collection of copied songs, with each song stolen from a different CD. Even one song has a price. A person can be recognized by three things, and one of this is his relationship to money. How wonderful honesty is! How wonderful kosher wealth is! "If you eat by the sweat of your own brow, how fortunate you will be" (Tehillim 118:2).

Shut She'eilat Shlomo - Questions of Jewish Law

Internet

Question: In last week's Parashah Sheet Ha-Rav listed two websites that relate to matchmaking, but then in the Text Message Responsa, he says that the Internet is filled with

filth and nonsense and one shouldn't use it to learn Torah -- even though he is knowingly doing just that with his weekly e-mails. How can we understand this seeming contradiction? Answer: If one can do without the Internet or is considering not using it, it is preferable. If, however, one is using it, we should at least encourage proper use, including proper filtering and worthwhile content.

Kitzur Tefilat Amecha - #6

[adapted for middle-schoolers by Rabbi Shmuel Jablon from Rav Aviner's three-volume commentary on the siddur "Tefilat Amecha"]

In Adon Olam we say: "Hashem is my G-d, my living Redeemer." He is concerned with the whole world, of course. But he is also concerned with every single individual person. When we daven, we have to remember that Hashem cares about each and every person. It's not just that He knows what we are doing, He cares. He loves us and so He wants our Tefillot. "Rock of my pain in time of distress." In times of trouble, He is My Rock. Hashem is there for us - where we are happy or sad. And He wants us to daven to him. And since we know this, we can say: "Hashem is for me, and I will not be afraid."

Family Matters - Ha-Rav writes weekly for

the parashah sheet "Rosh Yehudi" on family relationships

Which is more precious?

A man's wife would make challah for Shabbat, but on account of the large size of their family, he had to buy extra challah from the bakery so that there was enough. The challah from the bakery was tastier than his wife's homemade challah. He was in doubt on which challah to make the blessing. On the one hand, the Halachah states that one should recite the blessing on the more precious challah. On the other hand, perhaps he should recite the blessing on his wife's challah in order to honor her. He asked his Rabbi, who answered: "Beloved is man, for he was created in G-d's image" (Avot 3:14), and all the more so your wife is more beloved to you than any person, and her challah is therefore more precious.

Another question: A man was in doubt whether to recite the blessing over his wife's Challah or his mother's challah. His Rabbi said to him: Your question is not phrased correctly. From the time you were married, you and your wife are one person. The correct phrasing is therefore: You and your wife have a question as to how to honor your mother. The Torah says: "And they become one flesh" (Bereshit 2:24), and obviously one spirit and one soul. Figure it out together and your will find a solution. Perhaps recite the blessing on both.

Text Message Responsa

Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

Text Message Questions

Q: Why do people ask such stupid text message questions?

A: We should not judge one who asks a question, since in his wholeness and pure faith he asks what is bothering him. It is not appropriate to ridicule someone, and one who mocks him in a cynical manner is revealing much about himself.

Charedim or Religious Zionists

Q: What makes us different from the Charedim?

A: We are Charedim, and we have an extra Klal Yisrael level.

Q: Why do most Baalei Teshuvah become Charedim?

A: That is incorrect, a mistaken impression.

Q: Why are so many Religious Zionists willing to compromise?

A: In truth, we should not compromise, but be Charedi and more.

Past Girlfriend

Q: I broke up with my girl friend since we were not a good match. How should I relate to her if she calls?

A: Be polite.

Music for a Mourner

Q: May a mother who is in mourning put on music for her children to listen to?

A: Yes, but she should not listen (Pesachim 25b).

Mayim Achronim

Q: Is a woman obligated to wash Mayim Achronim? Why?

A: She is obligated in order to recite the blessing after eating with clean hands (Shut She'eilat 1:111).

Cemetery

Q: May a woman who is engaged enter a cemetery?

A: Yes, unless the custom of her community is otherwise.

Pants for a Girl

Q: May a girl wear pants which belonged to her brother under her skirt on a fieldtrip?

A: Yes (Shut She'eilat Shlomo 2:323).

Witnesses for a Loan

Q: When one gives a loan, is there a need for two witnesses, one witness or just a document?

A: Is it sufficient to write a document (Aruch Ha-Shulchan, Choshen Mishpat 70. Shut Shevet Ha-Levi 10:268).

Movies about the Expulsion

Q: Should one watch movies about the Expulsion from Gush Katif?

A: It is forbidden to read books which stir up inclinations. Shulchan Aruch, Orach Chaim 307:16. This includes the inclination to hate, and applies all the more so to movies.

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