

The Path To Follow

Ke Teitzei

457

A Hevrat Pinto Publication

Under the Direction of Rabbi David H. Pinto Shlita

www.hevratpinto.org | hevratpinto@aol.com

Editor-in-Chief: Hanania Soussan

32 rue du Plateau 75019 Paris, France • Tel: +331 48 03 53 89 • Fax: +331 42 06 00 33

Elul 14th, 5772

September 1st, 2012

Rabbi David Pinto Shlita

Placing a Fence on Your Roof: Making a Fence Around the Torah

In this week's parsha we find a special mitzvah that applies to anyone building a home. It is the mitzvah to make a ma'akeh (fence), as it is written: "When you build a new house, you shall make a fence for your roof, so that you will not place blood in your house ki yipol hanofel [if the fallen falls] from it" (Devarim 22:8).

The commentators have thoroughly questioned why the verse uses the double expression ki yipol hanofel (literally "if the fallen falls"), rather than "if one falls." Here Rashi says, "This one deserves to fall. Nevertheless, you should not be the one to bring about his death, for meritorious things are executed through meritorious people, while things of ill-fortune are executed through guilty people." In other words, although the person who has fallen from this place deserved to fall – for man does not move a finger below unless it has been decreed above – even in that case, we are commanded to place a fence around our roofs so as not to be the ones through whom this decree is executed.

Rabbeinu Bechaye cites the Midrash in commenting at length on this subject. He says the following: " 'You shall make a fence for your roof, so that you will not place blood in your house if the fallen falls from it' – from the six days of Creation, it was foreseen that he would fall from it, but you should not be the one through whom his fall takes place." This Midrash is telling us that all created beings were made according to their desire and their will. From the beginning of Creation, the Holy One, blessed be He, declared everything that would happen to everyone, and all the events that would occur to them. He also announced how many days they would live and how they would die, as well as the ease or difficulty of their livelihood, and whether they would obtain it through their own means or through the intermediary of others. The Sages have said that all things have been created in function to their own will and characteristics, as it is written: "and all their hosts" (Bereshith 2:1) – all living beings agreed and accepted. In this context, it is said that from the six days of Creation it was foreseen that this individual would fall, and yet the one through whom it occurs deserves a grave punishment. Hence "you shall make a fence for your roof."

Although a decree already existed in regards to this person, each individual must be careful not to be the one through whom such a decree takes place.

In reflecting upon this, we see that a great lesson is concealed in this verse. We note the importance that the Torah places on caring for each individual – to the point of issuing a special mitzvah to make a fence on our roofs – all so as not to cause an accident for someone to whom it was nevertheless decreed. In addition, the Torah describes a failure to do so as placing "blood in your house," as if the homeowner had committed murder.

Thus when someone deliberately, not accidentally, harms another person by vexing him, wronging him, or shaming him in public, how much more is he called a murderer!

As a result, we must be exceedingly careful to demonstrate respect for others.

Furthermore, since the holy Torah warns us even for such unlikely scenarios – simply in order for the person in question not to be the one through whom an evil decree occurs – how much more should we pay attention to more likely scenarios, ones in which an evil decree occurs through us! In such situations, we ourselves will be guilty! In fact the Sages have said, "Evil comes about through sinful men, and good through worthy men" (Sanhedrin 8a). This is not just a simple phrase or a nice saying – it is the truth: If a person merits it, good things will happen through him. Conversely, evil will occur through him.

As a result, if we want evil not to occur through us, it is not enough to place a

fence on our roofs. We are also obligated to better ourselves. Then and only then, because we merit it, nothing evil will occur through us.

Upon further reflection, it may be that this concept is alluded to in the verse: "You shall make a ma'akeh [fence] for your roof." Nowhere else in the Torah do we find the term ma'akeh, a fact which the commentators have noted. The Rashbam says that the term ma'akeh has no equivalent in the Torah, coming from the same root as the term akat ("oppression") in the expression akat rasha ("the oppression of the wicked" [Tehillim 55:4]). Rabbi Avraham ibn Ezer also cites this viewpoint, adding: "It is not by coincidence that the only root corresponding to the term ma'akeh is akat, telling us that putting up this fence is not only a physical endeavor, but a spiritual one as well. It does not consist of protecting one standing there from falling, but preventing one from becoming wicked and committing sins by rectifying what is not right and preserving what is."

It may be that "if the fallen falls" is written as a warning to a person destined to fall – and one who has already started to fall – so he can repent and change his ways. In other words, it is written so he can put up a fence, search his soul, and repent. Thus we read, "Repent, O wayward sons, and I will heal your waywardness" (Jeremiah 3:22), which is the call hidden in the construction of such a fence. In other words: Repent, O wayward sons, and correct your ways! Construct fences that will prevent you from returning to your old sins.

Thus the verse states, "if the fallen falls" – meaning that one who has already fallen will continue to fall. Do not say that since he has already fallen, he can no longer fall, for in the Gemara we find that whoever commits a sin and repeats it, to him it seems permitted (Yoma 86b). In other words, one who has fallen once is not like one who has fallen numerous times. He will have regrets upon falling the first time, but little by little, upon falling more, he will get used to having committed evil, and eventually he will see nothing wrong in it. This is what constitutes, "if the fallen falls." We have a special mitzvah to prevent the fallen from falling once again and continuing to fall, for even children who have sinned on numerous occasions, to the point of being called "wayward sons," have the ability to repent, such that G-d Himself will heal them of their waywardness.

It may be that this is one of the three things which the Men of the Great Assembly mentioned at the beginning of Pirkei Avoth: "Make a fence around the Torah" (1:1). In fact a person has an obligation to sanctify himself in what is permitted, to set limits and make vows, and to build a fence for himself in order to progress in the service of Hashem.

I have found something similar to this in the book Peh Eliyahu, which states that a person is obligated to constantly add to and improve everything he does, as the Sages have said: "Regarding old Torah scholars...the older they grow, the clearer their minds become" (Kinim 3:6). This is due to the fact that they are constantly working to strengthen their good middot. As for the ignorant, as they grow older they tend to lose their clarity of mind, for they have distanced themselves from good middot. The result is that their minds become clouded.

Hence a person is obligated to protect himself through Torah and mitzvot so as not to fall. Even if a person has fallen often – even if he is in the same state as "the fallen who falls" – he can still strengthen himself and completely repent. However if he remains obstinate and acts in the opposite way, the verse explicitly tells us "not [to] place blood in your house" – meaning that he will be spilling blood, his very own.

What Have You Lost?

It is written, “So shall you do for any lost article of your brother which may become lost from him and you find it” (Devarim 22:3).

A respected Jew from the city of Ropshitz lost the bag in which he placed his tallit and tefillin. He was very sad and grew downhearted, for he had lost something that he dearly cherished.

One day he met the tzaddik Rabbi Naphtali of Ropshitz Zatzal, who could see his distress and began to console him: “You yourself realize that a tallit is made of Turkish wool. As for your tefillin, you have a pair of Rashi and another pair of Rabbeinu Tam. So what have you lost? Your bag? That’s not so bad.”

Weighing His Words

It is written, “What has emerged from your lips, you shall observe and do” (Devarim 23:24).

We find the following account in a book devoted to the memory of the gaon Reb Moshe Feinstein Zatzal:

Reb Moshe expected yeshiva students to act according to the standards of Torah in terms of truth and integrity. One day he received a very unusual phone call from a yeshiva student, who had gotten involved in a friendly discussion with someone. They bet that whoever was wrong would not shave on the eve of the following Shabbat. The student on the phone had thus lost, and now he was asking Reb Moshe if there was some way he could extricate him from his vow.

Reb Moshe began to lecture him: “What happened to the mitzvah of, ‘What has emerged from your lips, you shall observe and do’? How can a yeshiva student escape a vow from his mouth without honestly trying to fulfill it?”

Reb Moshe could have found a way to extricate the student from his vow, but he refused to do so. From then on, that student would have to weigh his words much more carefully.

Worse than Forbidden Relations

It is written, “You shall not have different measures in your home” (Devarim 25:14).

The commentators are surprised by the statement of Rabbi Levi in the Gemara: “The punishment for [false] measures is more severe than for forbidden relations” (Bava Batra 88b). The punishment for forbidden relations is stoning and other forms of execution carried out by the Beit Din, whereas for false measures there is only a prohibition (lav), nothing else. In that case, how can we say that it is more severe?

In his book *Ohel Yesharim*, Rabbi Avraham Antebi Zatzal answers this question with a scholarly analysis: According to the Halachah, if someone is so ill that his life is in danger and he needs to eat, we are permitted to slaughter an animal for him on Shabbat. The Rishonim have asked why this is permissible, given that it encompasses a prohibition whose punishment is stoning. It would seem preferable to give him meat that is treif or nevela, which just encompasses a simple prohibition (lav). The Rishonim explain that one who eats

treif or nevela meat is guilty for every kezayit [volume equal to that of an olive] that he eats, and that a large quantity of lav is even worse than stoning.

Along the same lines is the prohibition against false measures: A merchant who steals by using a false measure each day will end up transgressing this prohibition countless times. His punishment will therefore be worse than that of forbidden relations, as the Sages have said: “Most people [are guilty] of theft, a minority of lewdness” (Bava Batra 165a).

In the Light of the Parsha

The Guardrail: A Spiritual Fence Within the Jewish Home

It is written, “When you build a new house, you shall make a guardrail for your roof, that you should not bring any blood upon your house if anyone falls” (Devarim 22:8). I would like to explain why the passage on the guardrail appears in Parsha Ki Teitzei. In fact, the war against the evil inclination is incumbent upon every man in all places and at all times. Everyone must go out and wage war against his evil inclination, so as not to let it control him. Instead, he must control it. Once he has conquered it, he must build his house. Now every Jew resembles a “house,” which is where the Shechinah dwells, as the Sages have said: “‘Let them make a Sanctuary for Me, so that I may dwell among them’ [Shemot 25:8]. It does not say ‘in it,’ but ‘among them,’ among each of them” (Rabbeinu Ephraim). Therefore when we build a house, the Torah tells us to ensure that we build a guardrail in order to prevent the evil inclination from coming inside and making people fall, for we must not allow blood in our homes.

We also note that the roof is the highest place in the house. Now the Torah states, “When you go out to war against your enemies, and Hashem your G-d will deliver him into your hand” (Devarim 21:10), meaning that we must be careful not to grow proud by thinking: “Now that I’ve conquered my evil inclination and built a new house where the Shechinah can dwell, why should I serve my Creator? I’ve already conquered my evil inclination!” Hence the Torah commands, “You shall make a guardrail for your roof.” That is: You trust in yourself and think that your service of Hashem has reached a state of perfection, but the Sages have said, “Do not be sure of yourself until the day you die” (Pirkei Avot 2:4).

In order for a person not to fall from the level he has reached, thereby placing blood in his house, the Torah states: “Remember what Amalek did.” Now the name Amalek has the same numerical value as the term ram (“elevated”), which designates pride. These are the forces of impurity of Amalek, which makes Jews sin. Furthermore, the term hama’akeh (“the guardrail”) has the same numerical value as rach (“soft”), alluding to a teaching of our Sages: “A man should always be as soft [i.e., pliable] as the reed, never unyielding as the cedar” (Taanith 20a). That is, his heart should never grow proud, nor should he ever think: After defeating the evil inclination, there’s nothing left for me to do. In fact we read, “He who increases [his knowledge through study] will have his life prolonged” (Taanith 31a). All throughout his life, a person must fight against his evil inclination and defeat it.

Prayer and Action Go Hand in Hand

In this week's parsha we find the verse, "You shall not see the donkey of your brother or his ox falling on the road and hide yourself from them. You shall surely lift them up with him" (Devarim 22:4). In this regard, it is said that if the owner of the donkey goes and sits down, but tells his friend, "Since you have a mitzvah to help unload, start unloading," at that point his friend is no longer obligated to unload it. This is derived from the words, "You shall surely lift them up with him" – with him, together.

From here, writes Rabbi Israel Meir HaCohen Kagan Zatzal of Radin in his book *Chafetz Chaim*, we learn a lesson in regards to everything pertaining to man's service of Hashem: If a person sanctifies himself below and puts an effort into walking in the ways of Hashem, then Heaven will help him and he will be sanctified from above. Thus if a person stands before his Creator in prayer and fervently asks: "My G-d, guard my tongue from evil and my lips from speaking deceitfully. Let my soul be silent to those who cures me; let my soul be as dust to all," and he carefully pays attention to these things, he thereby sanctifies himself below. Heaven will then help him not to speak evil, not to deceive others with his lips, and so on. A person will therefore be sanctified from above because of these pure desires.

Yet when a person rejects all the requests that he has made in prayer, not even lifting a finger to guard himself from all the things mentioned in prayer, how dare he expect Hashem to prevent his mouth from speaking evil, his lips from speaking deceitfully, and so on? After all, he is making no effort to control his own tongue!

This idea is contained in the commandment found in this week's parsha: "You shall surely lift them up with him." The Holy One, blessed be He, is prepared to help you, to lift you up, to help you live and deliver you from the yoke of the evil inclination. However this is only on condition that you sanctify yourself a little below and put an effort into all that is possible to sanctify yourself; that you purify yourself and do the will of your Father in Heaven. In that case, you are truly promised to be "sanctified from above." Now who wouldn't want that?

Along the same lines, the *Chafetz Chaim* notes that in our daily prayers we ask for help in learning the holy Torah, as we say: "Our Father, merciful Father, Who is compassionate, have mercy on us and grant our heart understanding to comprehend and to discern, to perceive, to learn and to teach, to observe, to practice, and to fulfill all the teachings of Your Torah with love. Enlighten our eyes in Your Torah, cause our hearts to cleave to Your commandments, and unite our hearts to love and fear Your Name." Likewise for the rest of our daily prayers.

Now if a person does not set aside a fixed time, each day, to learn something immediately after prayer, his prayer will be completely useless, not being accepted by Hashem.

To what can this be compared? The *Chafetz Chaim* provides us with a nice parable to explain:

There was a poor man who lived in complete destitution, literally being without a cent. In walking down the street, he saw a wealthy individual who lived in the city, and he was coming towards him. This individual was known for giving a great deal of tzedakah and doing much chesed.

The poor man did not hesitate for a second. He immediately addressed the wealthy man and said, "In your generosity, please be kind enough to lend me five rubles. Please save me from hunger!"

"All right," replied the wealthy man. "But I don't have anything on me to lend you, and I'm also quite busy now. However you can come to my home tonight around seven, and I will gladly give you five rubles."

That night, the wealthy man made certain to be home at the set time, even waiting an entire hour for the poor man to show up. However he failed to appear. The wealthy man thought to himself that something must have certainly happened to prevent him from coming.

On the following day, the wealthy man was making his way along the streets of the city. At that point, he again met the poor man, who began to plead with him for compassion and to lend him five rubles. The wealthy man replied, "As I mentioned yesterday, come to my home and I will gladly give you five rubles. I even waited a long time for you last night, but you didn't show up. If you want the money, come tonight at seven and I will give it to you."

This time as well, the wealthy man made certain to be home at the set time, but the poor man did not show up on that night either!

On the third day, he again met the poor man, who as usual begged the wealthy man to be generous with him. No longer able to control himself, the wealthy man began to tell him in anger: "You're not being truthful with me! You don't need five rubles, for if you really needed it, you would have come to see me yesterday or the day before at the set time. I have the impression that you simply want to make fun of me, and that you're not telling me the truth."

The lesson is clear: The Holy One, blessed be He, wants to do good to His people Israel by giving them wisdom, understanding and discernment so they can comprehend, perceive, learn, and teach the words of the holy Torah. On His part, so to speak, there are no obstacles. On the contrary, He helps everyone who performs mitzvot and grants them everything possible. However the Holy One, blessed be He, asks us for just one thing, just as the wealthy man asked the poor man: He asks us to come to His home. Now since the destruction of the Temple, this consists of four cubits of Halachah.

When a person asks Hashem to enlighten his eyes in His Torah, He replies: "You have asked well. Therefore sit down and take the Gemara, or some mishnayot, or Chok L'Yisrael, etc., and I will enlighten your eyes as you have asked." If the person making this request rushes out of synagogue as soon as prayers end, without trying to study (as he should), his prayers will have been said in vain. He will be like the poor man in our parable, whom the wealthy man eventually rebuffed by shaming him.

The gaon Rabbi Yechezkel Abramsky Zatzal explained the teaching of the Sages, “Torah scholars increase peace in the world” (Berachot 64a) in the following way: This does not mean that Torah scholars go from house to house trying to make peace between man and wife, or between man and fellowman. Rather, it means that peace is the opposite of resentment and anger, sentiments that arise when a person is not content, when he is bitter and unsatisfied. He then gets upset with everyone and becomes angry whenever the smallest thing goes wrong, and he terrorizes everyone around him. However a true Torah scholar is defined as a man who is filled with joy, satisfaction, and peace. He enjoys unimaginable pleasure from the Gemara that he studies, deriving greater joy from Torah than the wealthy derive from their millions. A true Torah scholar is therefore upset with no one, for he is filled with joy and satisfaction from his learning. Other things do not matter, for they hold no interest to him. In this way, he increases peace in the world.

The gaon Rabbi Yitzchak Zilberstein Shlita, who heard this teaching directly from the mouth of Rabbi Abramsky, added that one day he saw Rav Shach Zatzal arriving in the large synagogue of Bnei Brak on Shabbat to pray Mincha. Rav Shach just happened to sit in someone’s seat, but the person in question did not recognize him. Thus he began to scream at Rav Shach for having had the chutzpah to steal his seat.

The most surprising and joyful thing was seeing Rav Shach trying to embrace the man who was upset with him. Instead of answering him in kind, as people generally do, Rav Shach calmly told him that he had no idea that he had taken his place, and that if he had known, he would certainly not have done so. One could clearly see how Rav Shach’s entire persona was infused with Torah, which is why the man’s anger did not affect him in any way. In fact Rav Shach was able to embrace the man, even showering him with countless blessings!

The Lesson of the Vault

During the Second World War, Germany’s powerful forces were unable to invade Great Britain by land, which is why the British were subjected to a heavy aerial attack. The Germans bombed the English without respite, with London being their principle target, the city which endured the heaviest bombing and experienced vast destruction. Night after night, the English were exhausted and terror-stricken, being forced into underground shelters that had been built at the start of the war to protect their citizens.

During that chaotic time, Rabbi Yechezkel Abramsky was living in London, where he served as Av Beit Din and Dayan. His apartment was located in a building that housed a bank, whose managers allowed their employees to seek shelter in a special place, namely the bank’s underground vault!

As a prince of Torah, Rabbi Abramsky’s name earned great respect. Even the non-Jewish managers of the bank considered it an honor to be around him. In fact they invited the Rav and his family to join them in their underground vault. Not only that, but they also took the time to build special steps that went from the Rav’s apartment directly to the vault below.

Night after night, the non-Jewish employees followed the Rav with

a look of respect as he descended into the bank. While he was in the vault, they noticed that he was careful to say something in a whisper. They saw this happening constantly, and to satisfy their curiosity they asked the Rav’s son what he was saying.

He told them, “As long as my father’s feet are walking on the floor of the vault, he repeats the words of King David: ‘The Torah of Your mouth is better to me than thousands in gold and silver’ [Tehillim 119:72]. Here at the bank, my father finds himself surrounded with millions of pounds sterling, an enormous fortune that everyone dreams of having. For my father, however, nothing in the world has greater value than the wisdom of the eternal Torah.

“My father never had the chance to truly compare these two things, for he was never near such an immense fortune. Yet now, when he has the opportunity to be near such great wealth, he proclaims his absolute preference, something that will never change: ‘The Torah of Your mouth is better to me than thousands in gold and silver.’ ”

You Will be my Son-in-Law!

The gaon Rabbi Eizel Charif Zatzal, the Rav of Slonim, was visiting the Volozhin yeshiva to settle a contentious dispute that had arisen among the yeshiva’s directors. He used this opportunity to announce that he was looking for the most gifted student to be his son-in-law. Since he did not have the chance to speak to each student individually, he presented a very difficult question to them. The student with the correct answer would become his son-in-law.

The students listened to the question, and for numerous days a lineup formed in front of his room. Each student presented his solution, for who would not want to become the son-in-law of one of the greatest figures of the generation? Yet to their great disappointment, the Rav of Slonim accepted none of their answers.

Rabbi Eizel eventually left the Volozhin yeshiva to return home. As he took to the road, however, a yeshiva student by the name of Yosef Sholfer began to run after his carriage. The Rav asked the driver to stop, thinking that this student had certainly found a new answer to his question. Yet when the student approached, he said, out of breath: “Rabbi, I want to know what the answer is! What’s the answer to your incredibly difficult question?”

The Rav of Slonim rejoiced, immediately telling the student: “You will be my son-in-law! Do you know why? Because of your burning desire for Torah! It’s not the test that you’re concerned with, but the question itself! That’s why I choose you among everyone else. You will be my son-in-law!”

In fact Rabbi Eizel Charif kept his word and gave his daughter in marriage to that student. After the death of Rabbi Eizel, he inherited his position as the Av Beit Din of Slonim.

Guard Your Tongue!

Forbidden to Reveal

If someone has done something wrong, and Reuven asks Shimon who did it, then even if Shimon realizes that Reuven suspects him of being responsible, Shimon cannot exonerate himself by telling Reuven who really did it, even if Shimon himself saw the person. All that Shimon may say is, “It wasn’t me.”

– Chafetz Chaim