

Rabbi Yuki Meir , former Rosh Kollel, Montevideo

Picture the Parasha

## *The Nation of the book and of the Family*

Have you ever read a book in which pages from a different book had mistakenly been pasted? Sometimes one doesn't notice the problem right away, but after a few lines of the "transplanted" text the reader suddenly finds himself in an altogether different world.

This strange sort of feeling arises upon reading the opening verses of the Book of Shemot: "These are the names of the children of Israel who came to Egypt with Yaakov; each man coming with his household: Reuven, Shimon, Levi, Yehuda..."

The transition from the Book of Bereishit to the Book of Shemot is clearly defined. Bereishit is about individuals and a family, while Shemot is a Book about a nation. The first time that the Torah uses the concept of "Am Yisrael" – or, more precisely, "Am Bnei Yisrael" ("the nation of the children of Israel") is in the ninth verse of the Book of Shemot.

Flouting the distinction we have just noted between the two Books, Sefer Shemot begins with "the names of the children of Israel who came to Egypt with Yaakov, each man coming with his household: Reuven, Shimon, Levi, Yehuda, Yissaskhar, Zevulun, Binyamin, Dan, Naftali, Gad and Asher". The text speaks here not of a nation, but rather of individuals and families; we get the impression that this is a continuation of the same Book. And this sense is only strengthened by the fact that these verses appear almost verbatim at the end of Bereishit: "These are the names of the children of Israel who came to Egypt, Yaakov and his sons: Yaa-

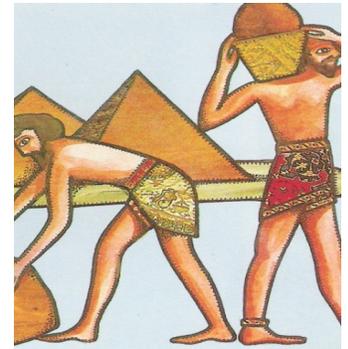
kov's firstborn was Reuven..."

If someone were to postulate that the Torah had to repeat this closing section of Bereishit in order to create some connection between the two Books, a quick reference to the beginning of Vayikra is enough to demonstrate that the Torah launches there into the laws of sacrifices without any superfluous introduction, and with no attempt to connect the text to the end of Shemot.

Why, then, does the Torah introduce Sefer Shemot – the Book of the nation – with a return to Sefer Bereishit – the Book of individuals and the family?

The answer appears simple, but it carries an important message. When building a nation, no matter how important that nation will be, the individual and the family must be kept in mind. Those regimes that tried to break apart the family unit in order to build, on its ruins, a nation or a Party, failed spectacularly. The Torah introduces the Book of Shemot, the Book of the nation, with a few verses concerning the family – not in order to recall the Book of Bereishit, but rather to guide the way for Sefer Shemot: the building of the nation entails the building of the family.

Anyone who is engaged as an emissary of the nation must internalize this message, so as not to forget or neglect his own family. Investment in and attention to the institution of family does not come at the expense of the nation; on the contrary – it contributes, in the most profound sense, to building the nation. ◻



### Shabbat Times

	Local	Jerusalem
In		16:20
Out		17:36

## The Special Nature of the Public Domain

Simon Jackson, Legal Advisor to Torah Mitzion

“A pot belonging to partners is neither hot nor cold” (Bava Batra 24b). The Gemara teaches us that a pot belonging to two people really belongs to neither of them, in the sense that both may try to shift the burden of attending to it.

On this basis, the Gemara explains the difference between the Mishnah’s ruling concerning a pit (viz. that if a person planted a tree close to his fellow’s pit and the pit was dug first – the owner of the pit can cut down the tree provided he compensates the person who planted the tree) and its different ruling concerning a person who plants a tree close to the city (viz. that anyone in the city can chop down the tree and *has no obligation to compensate the person who planted it*).

Rashi explains: “Since no particular individual is obligated to pay compensation, much time will pass until the money will be found to compensate the tree owner, and if it were necessary to wait until the money is found the tree would not be cut down!” Nor can one say that this is an internal matter for the people of the town, and if they do not wish to attend to their own needs so be it, “because this is not becoming of the Land of Israel.”

The special nature of the public domain is exemplified by this principle, because it does not belong to any specific individual. On the one hand, this can entitle the public domain to special safeguards, because it serves the public as a whole, who are thus entitled to special protection against environmental pollution. On the other hand, certain liberties may be taken in the public domain, which would otherwise constitute a nuisance in a private domain, being that the public domain includes seas, deserts and wide tracts of land which are far removed from the cities. The injury to people would thus be far less. Moreover, in truth, it is in the public interest that waste materials and effluence should not remain within a person’s private domain, should not pollute his domain and should not emit bad smells outside his territory.

There is no sense in prohibiting the use of the public domain. It suffices, rather, to delineate the boundaries of what is permissible and what is not: which areas may be used and which not; when use may take place and when not; the distinction between harmful waste material (such as industrial waste, which is liable to pollute the rivers; or oil spillages which pollute the sea and the beaches) and non-destructive waste products, etc.

In an earlier article, we related the incident, quoted in the Tosefta, of the person who thought he was throwing stones from his own private territory (which he was later forced to sell) into the public ‘ownerless’ domain (in which he himself stumbled on the same stones later). He learned to appreciate that the terms “private domain” and “public domain” are not

necessarily identical to the concepts “mine” and “not mine.” What was once my private domain might one day not be mine, while the public domain will always remain my domain. At the end of the day, a person who damages the public domain is only damaging himself and certainly the society in which his children and grandchildren will have to live.

However, the prohibition of removing stones from the private to the public domain is not merely good advice. The Gemara makes it very clear (using the above story as an illustration) that “A person **may not** clear stones from his own domain into the public domain” (Bava Kamma 50b). And the Rambam summarizes the law in the following words: “Moreover, one may not dig a tunnel beneath the public domain, nor pits, cisterns or caves, even though carts can drive over them laden with stones, for fear that the ground might cave in without his knowledge; however, one who digs a hole for the public good – this is permissible” (Hilchot Nizkei Mamon 13:23).

Other activities are viewed as praiseworthy, but are not mandated: “The early Chassidim would bury thorns and glass to a depth of three tefachim beneath their fields so as not to damage the plough; others would burn them with fire; while still others would cast them into the sea to prevent damage to others” (ibid. 13:22).

Another source concerning the use of the public domain for the preparation of building materials or materials for fertilizing fields is the Mishnah in Bava Metzia (10:5): “Regarding a person who puts manure out into a public domain: as soon as one person takes the manure out into the street, another person should be ready to carry it away for use as fertilizer. One may not soak clay or make bricks in the public domain, but one may knead clay in a public domain [to be used immediately as cement in building], provided it is not used in the manufacture of bricks [which takes longer than kneading clay for mortar]. Regarding a person who builds on private property but needs to use the adjacent public domain, as soon as the one bringing the stones to be used in the building brings them into the public domain, the builder must take them from him and build with them.”

From the Mishnah we see that one is permitted to use the public domain, but only for a limited time, in a manner that will cause the least amount of damage to the public.

Especially interesting in this regard is the sanction prescribed for a person who puts out straw and hay into the public domain with the aim that this will get trodden into the ground by other members of the public, for eventual use as fertilizer on his field. Since human beings are liable to slip on these materials and get hurt, Chazal fined the damager by depriving him of his ownership of the straw and the hay that he re-

## Calling a Jew: "Wicked"

Courtesy of Yeshivat Ateret Yerushalayims website

The Gemara in Kiddushin (28a) gives clear halachic guidelines for one who calls another Jew by a disparaging name:

"Someone who calls his fellow "wicked" will have his livelihood negatively affected (Rashi, Tosafot and Ri Ha-Zaken ibid.). Our Sages state it clearly: It is absolutely forbidden to call a fellow Jew "wicked." Referring to another Jew as evil is a type of forgery and falsification of reality, a shocking falsification. Rabbi David Tabil of Minsk, one of the great and first students of Rabbi Chaim of Volozhin and author of "Nachalat David" on the Gemara, wrote a great philosophical book called "Beit David," in which he explained at length that the discord and fragmentation found in the Nation of Israel is also a denial of the unity of Hashem. A division within the Divine Presence is a division within "And I dwell within the Children of Israel" (Shemot 26:45 and Melachim 1 6:13). Our connection to the oneness of Hashem obligates the holy Nation of Israel to be united together in love, brotherhood, and friendship, tied tightly together like one person without any separation or division. In effect, the unity of the holy Nation of Israel testifies to the oneness of Hashem. In turn, the sin of dispute is truly like idol worship, since dispute is the opposite of unity, and it is as if the disputant testifies about himself that he does not have a part in the G-d of Israel (Beit David, darash 6 quoted in Olat Re'eiyah vol. 2, p. 468).

It is thereof not possible to have a reality in which one Jew calls another "wicked"! The Gemara in Sanhedrin (58b) does state, however, that "One who raises his hand against his fellow, even though he does not strike him, is called wicked," and it brings a proof from the verse (Shemot 2:13): "He [Moshe] said to the wicked one: Why would you strike your fellow?" If so, it appears that a reality does exist in which one Jew called another "wicked"?! But one must pay close attention to the words of the Gemara. It is true that he is called "wicked," but this does not mean that it is permissible for one Jew to call his fellow Jew "wicked". Therefore, in the incident with Moshe Rabbenu, we learn that when one Jew was striking another and causing a division among Israel, he is referred to as "wicked" by the Torah, i.e. Hashem. We, however, are not to do the same. A similar example is found in the Gemara in Kiddushin (59a) which speaks of a person abandoning a cake in the public domain. A poor person notices it and wants to take it; but before he grabs it, another person jumps in front of him and snatches it. It is difficult to call him a thief, but he is referred to as "wicked." This does not mean that it is permissible for one Jew to call another Jew "wicked", but only that his level is designated as wicked by Hashem. ◻

[Sichot Ha-Rav Tzvi Yehudah – Shemot pp. 45-46]

## The Special Nature of the Public Domain / continued from page 2

moved from his possession, and declared it ownerless. "But even though they are ownerless, he is still bound to pay damages to anyone injured by the straw or hay" (Rambam, ibid. 13:14).

When the city of Jerusalem was reclaimed, the founders of the new neighborhoods imposed sanctions against environmental offenders. The regulations enacted for the "Zichron Moshe" neighborhood (near Mea Shearim) in Jerusalem, which was founded in 1905, were one such example. "Once the roads have been constructed, private individuals who wish to build in the public domain may not leave stones and dust or cut stones in the public domain, unless they have first deposited with the Committee a minimum of sixty franks in cash. This will only be returned once the individual has properly cleaned up the public domain immediately upon completion of the

construction work... and if he does not do this within two weeks of the date on which he concludes his building work, he shall lose the right to the deposited sum, and the money will go into the Corporation's purse. Under no circumstances will a member be entitled to use the public domain in such a manner for a term longer than three months in duration." The public domain in Eretz Yisrael has merited special attention. The Gemara, at the end of Masechet Ketubot (112a) recounts ways in which various Amoraim expressed their love for Eretz. Thus Rabbi Chanina "attended to the obstacles and the unevenness of the roads in Eretz Yisrael," i.e. he went out of his way to remove all the dangerous obstacles that were on the road on account of his love for the Land of Israel and to ensure that the roads would not receive a bad reputation if someone was hurt through one of these obstacles (Rashi). ◻

## Avraham Stern - the Birth of a leader

This day in History - 18 of Tevet 5668

Avraham Stern, alias Yair (December 23, 1907 – February 12, 1942) was a Jewish urban revolutionary who founded and led the Zionist organization later known as Lehi (also called the "Stern Gang" by the British colonial authorities).

Stern was born in Suwałki, Poland and at the age of 18 immigrated on his own to Palestine.

Stern studied at the Hebrew University on Mount Scopus specializing in Classical languages and literature (Greek and Latin). His first political involvement was to found a student organization called "Hulda," whose regulations stated it was dedicated "solely to the revival of the Hebrew nation in a new state. During the 1929 riots in Palestine, Jewish communities came under attack by local Arabs, and Stern served with the Haganah.

Stern's commander and friend Avraham Tehomi quit the Haganah because it was under the authority of the local labor movement and union. Hoping to create an independent army, and also to take a more active and less defensive military position, Tehomi founded the Irgun Zvai Leumi (known as the Irgun). Stern joined the Irgun and completed an officer's course in 1932.

Between 1932 and 1934 Stern wrote dozens of poems embodying a physical, almost sensual, love for the Jewish homeland and a similar attitude towards martyrdom on its behalf. His song Unknown Soldiers was adopted first by the Irgun and later by the Lehi as an underground anthem.

Stern became one of the university's top students. He was awarded a stipend to study for a doctorate in Florence, Italy. Avraham Tehomi made a special trip to Florence to recall him, in order to make him his deputy in the Irgun.

Stern spent the rest of the 1930s traveling back and forth to Eastern Europe to organize revolutionary cells in Poland and promote immigration of Jews to Palestine in defiance of British restrictions (this was therefore known as "illegal immigration").

Stern developed a plan to train young Jews to sail for Palestine and take over the country from the British colonial authorities. He succeeded in enlisting the Polish government in this effort. The Poles began training Irgun members and arms were set aside, but then Germany invaded Poland and began the Second World War. This ended the training, and immigration routes were cut off. Stern was in Palestine at the time and was arrested the same night the war began. He was incarcerated together with the entire High Command of the Irgun in the Jerusalem Central Prison and Sarafand Detention Camp.

The Lehi – While under arrest, Stern and the other members of the Irgun argued about what to do during the war. He founded Lehi in

August 1940 (though it did not adopt that name, which is a Hebrew acronym for Lohamei Herut Israel, meaning Fighters for the Freedom of Israel, until after his death), by splitting from the Irgun, when the latter adopted the Haganah's policy of supporting the British in their fight against the Nazis.

Stern rejected collaboration with the British, and claimed that only a continuing struggle against them would lead eventually to an independent Jewish state and resolve the Jewish situation in the Diaspora. Stern defined the British Mandate as "foreign rule" regardless of their policies and took a radical position against such imperialism. Stern was unpopular with the official Jewish establishment leaders of the Haganah and Jewish Agency and also those of the Irgun. Stern began organizing his new underground army by focusing on four fronts: 1) publishing a newspaper and making clandestine radio broadcasts offering theoretical justifications for urban guerilla warfare; 2) obtaining funds for the underground, either by donations or by robbing British banks; 3) opening negotiations with foreign powers for the purpose of saving Europe's Jews and developing allies in the struggle against the British in Palestine; 4) actual military-style operations against the British.

### Death

Wanted posters appeared all over the country with a price on Stern's head. Stern wandered from safe house to safe house in Tel Aviv. Eventually he moved into a Tel Aviv apartment rented by Moshe and Tova Svorai, who were members of Lehi. Moshe was caught. Stern's Lehi "contact," stopped bringing messages. On 12 February 1942 she came with one last message, from the Haganah, offering to house Stern for the duration of the war if he would give up his fight against the British. Stern gave Shapiro a letter in reply declining the safe haven and suggesting cooperation between Lehi and the Haganah in fighting the British. A couple of hours later British detectives arrived to search the apartment and discovered Stern hiding there. He was told to sit on the couch. One detective held a gun to his face, another stood next to the couch and pointed a gun to his head. Stern was handcuffed and told to stand, then shot from behind.

Tovah Savorai, resident of Mizrachi Street in Florentin who hid Avraham Stern in her apartment, was arrested during the raid. She heard Stern being shot by the British police.

Avraham Stern's memorial day is attended every year by Israeli political and government officials. In 1978, a postage stamp was issued in his honor. His son, Yair, born a few months after Stern's murder. In 1981 the town of Kochav Yair (Yair's Star) was founded and named after Stern's nickname. 

After reading, please be sure to place this Torah Sheet in a Geniza (Sheimus)

**Torah MiTzion** establishes Religious Zionist Kollels (centers of Jewish learning and outreach) in Diaspora Jewish communities to strengthen the study of Torah, Jewish identity, the unity of the Jewish people, and the connection between Torah study and Israel.

The Kolllels, led by a *Rosh Kollel*, are comprised of Israeli shlichim (emissaries) - married men and their wives, or young single men, graduates of Yeshivot Hesder in Israel - who serve in the communities for a period of one-three years.

Torah MiTzion is also proud to be a partner of the "**Jewish Learning Initiative**" program on college campuses.

**The Head Office in Jerusalem:**  
Beit Meir, 54 King George Street  
PO Box 71109  
Jerusalem, 91710  
Israel

**Tel: +972-2-620-9020**

**Email:** office@torahmitzion.org

**Look for us on the web:** [www.TorahMitZion.org](http://www.TorahMitZion.org)

**For support and sponsoring options, please visit our website.**

