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PARSHA ENCOUNTERS

28 Shevat 5770 / Feb. 12, 2010

Parshas Mishpatim ✍️ Rabbi Shimon Zehnwirth

Potential for Greatness

“All that Hashem says we will do and we will hear.” (Shmos 24:7)

The Jewish people’s declaration of loyalty and obedience to Hashem, na’aseh v’nishma – we will do and we will hear – was an earth-shattering utterance. Rabbeinu Bechaya (ibid. 23:20) tells us that at the moment B’nei Yisrael made this statement, Hashem responded: “I gave Adam HaRishon only one commandment to fulfill, and I compared him to the angels in heaven. Certainly this generation, that accepted 613 commandments, should live forever!” The Midrash Rabbah (Shmos 32:1) relates a similar thought, opening with the statement, “[If the Jews would have not made the Golden Calf] neither exile nor the Angel of Death would have been able to rule over them.”

We could understand that an individual who has succeeded in keeping all of Hashem’s many commandments may deserve to live for eternity. The merit of fulfilling the mitzvos, especially those connected to the study of Torah – the “tree of life” – would provide a powerful force to ward off any negative influences, such as the Angel of Death. However, here we are dealing with B’nei Yisrael at the moment they said “we accept the Torah.” They had not yet even been given the Torah, much less performed even a single mitzvah. Why would they be deserving of eternal life? Why is the mere acceptance of the mitzvos so extraordinary? Similarly, Adam HaRishon received one commandment from Hashem, why does that alone deserve such a great compensation?

There is a natural human tendency to judge people solely by their accomplishments. We look at someone’s resume and assign him a value accordingly. The Torah, however, has a different standard of measurement. Hashem looks beyond one’s accomplishments – He sees the potential of the person and what he can achieve in the future as well. When we said

na’aseh v’nishma we accepted upon ourselves the lifelong, eternal goal of a life focused on serving Hashem – a life of constant struggle for spiritual growth. But it wasn’t the acceptance itself. Adam HaRishon didn’t “accept” his mitzvah. He was simply commanded, and still he deserved to live forever. Rather, the very fact that we are now engaged in a struggle – a struggle which pits our mind and neshama against our physical desires – elevates us to the level of angelic beings. In fact, we are greater than the angels, for they are created as purely spiritual creatures, and have no temptations to pull them away from Hashem and from perfection. We, on the other hand, are striving to exercise our bechira – our free will – to choose between our base instincts and the sublime yearnings of our souls. Just being faced with the challenge of overcoming one’s very own nature, is such a lofty privilege, so exalted and holy a status, that it deserves eternity.

Of course, once the Jews had sinned with the Golden Calf, their sin was a negative factor that weighed against them and the scales of judgment were no longer so overwhelmingly tipped in their merit that they could live forever. Still, the greatness remains in every one of us, because we all have free will and we all can struggle to overcome our yetzer hara. That potential has never left us, and as we look at our fellow Jews, and perhaps more importantly, as we look at ourselves, we must see the grandeur of our potential for holiness. We should appreciate the profound love that Hashem feels for us, to endow us with this incredible blessing of bechira, a potential so lofty that it deserves eternity.

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HALACHA ENCOUNTERS

Amira L'Akum - part 2

Rabbi Dovid Greenberg

In last week's Encounters, we discussed the prohibition against asking a gentile to perform forbidden work on Shabbos for a Jew. In addition, we are instructed not to benefit from such actions even if the gentile acted on his own initiative, unless the benefit is additional or indirect. In this article, we will focus on the many categories of situations when *Amira L'Akum* is permitted.

Shvus D'Shvus

The *issur* of *Amira L'Akum* is Rabbinically ordained. Therefore, if the forbidden act that the gentile is asked to perform is also of Rabbinic origin, Chazal ruled leniently under the pressing circumstances outlined below (*O.C.* 307:5). (This situation is termed *shvus d'shvus*.)

a. **Hefsed Meruba** - a significant loss: On Shabbos, one may ask a non-Jew to plug in a freezer full of meat (which was accidentally unplugged), because the act of connecting an appliance to electricity is a Rabbinic prohibition according to many opinions (*M.B.* 307:22).

b. **Mitzvah necessity**: One may ask a gentile to carry a *machzor* to *shul* in an area which is a *karmelis* (a domain in which the prohibition against carrying is Rabbinic (i.e. a town without human traffic of 600,000 people).

c. **Painful ailments**: If one's friend has a sore throat and lacks access to hot water, one may send a gentile through a *karmelis* to deliver some tea (*Aruch Hashulchan* 307:18).

d. **Kavod Habriyos** - Human dignity: If one will be humiliated due to a sudden tear in one's clothing or the realization that one forgot to buy drinks for a *Shalom Zachor*, a gentile may carry the necessary items through a *karmelis* (*M.B.* 302:36).

Bein HaShmoshos

The twilight zone between sunset and nightfall is halachically called *Bein Hashmoshos*, and it is treated as possibly day and possibly night. The exact parameters of this time period are beyond the scope of this article. Rav Moshe Feinstein *zatzal* wrote that in America, within thirty minutes after sunset is surely included in this determination. Due to its uncertain status, the time period of *Bein Hashmoshos* is subject to certain leniencies in relation to *Amira L'Akum*.

a. **Shabbos needs**: One may instruct a gentile to perform even a *melachah d'oraisa* during *Bein Hashmoshos* in order to enhance one's enjoyment of Shabbos (i.e. turn on a light in the living room that was mistakenly left off) (*O.C.* 261:1).

b. **Hefsed Meruba** - a significant loss: One may ask a gentile to drive one's car into the garage during *Bein Hashmoshos* if there is a concern that it may be stolen (*M.B.* 261:16).

The *Poskim* differentiate between *Bein Hashmoshos* on Friday night, when one may surely ask a gentile, and that of *Motzei Shabbos*, when one should preferably refrain from asking (*M.B.* 342:2). In case of extreme necessity, one may rely on the lenient opinion. According to Rav Moshe Feinstein *zatzal*, the *Bein Hashmoshos* of *Motzei Shabbos*

starts after 10 minutes past sunset (*I.G.M.*, *O.C.* vol. 4 s 62).

P'sik Reisha

The term "*P'sik Reisha*" refers to a permissible act (i.e. opening a refrigerator door), which will inevitably result in a prohibited *melachah* (i.e. the light bulb turning on). Such an act is forbidden by the Torah on Shabbos. However, one is permitted to tell a non-Jew to do a *P'sik Reisha* on Shabbos. The *Shulchan Aruch HaRav* (23:10) explains that since the Jew sent the gentile to perform a permissible act (i.e. opening the refrigerator door), the forbidden act which inevitably follows the permissible act, cannot be considered a result of the Jew's command (see *M.B.* 253:99 for an alternate explanation). Therefore, one may ask a gentile to turn on the hot water on Shabbos, even though cold water will enter the boiler and be cooked as a direct result of the original action.

Sickness

One may ask a gentile to perform any *melachah* for the sake of a *Choleh Shein Bo Sakana*, a person whose illness is not life-threatening. This state is defined as one who requires bed rest or one who has a pain that weakens the entire body (i.e. a migraine headache). For example, a gentile may be sent to drive to the pharmacy to purchase medicine, or to boil water for the sick person (*O.C.* 328:17).

Chazal determined that any individual might become sick when not provided with adequate warmth. Therefore, a gentile may be asked to turn on or raise the heat in a house that is very cold (*M.B.* 276:40). Similarly, young children are considered easily susceptible to illness; any need for the health of a young child may be addressed by a gentile (*Rema*, *O.C.* 328:17).

Amira L'Amira

In a case of substantial loss, one may instruct a gentile to tell a different gentile to perform a *melachah d'oraisa* (for a *melachah d'rabbanan*, one may ask the first gentile under the rules of *Shvus D'Shvus*). This type of instruction is called *Amira L'Amira*, telling one to tell another. If the second gentile knows that the work is being done for a Jew, it is considered as if the first gentile was acting as a direct agent of the Jews, and the Jew could be forbidden to benefit from the *melachah*. An example of *Amira L'Amira* would be a situation in which one needs an important document to be delivered on Shabbos in order to avoid a substantial loss. One may send it by "overnight express" on Friday. By doing so, one is in effect instructing the clerk, who will in turn transmit the document to a different gentile for delivery (*M.B.* 307:24).

Mitzvah and Michshol D' Rabim

If a group of people will be unable to fulfill a mitzvah due to some hindrance, a non-Jew may be summoned to correct the problem, even if his actions will involve a *melachah d'oraisa*. Hence, if the lights were turned off in *shul* so that the congregation cannot daven or learn, a non-Jew may be asked to turn on the lights. Similarly, if the community is in danger of transgressing a prohibition inadvertently, e.g., the *eruv* strings fell down on Friday night, a non-Jew may be told to repair the *eruv* (*M.B.* 276:25).

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