



Ohr Yerushalayim News

12th September 2020 - Volume 13 - Issue 10 - נצבים וילך - כ"ג אלול תש"פ

News This Week

מזל טוב

Mazel Tov to the Rov & Rebbetzin on the occasion of the bar mitzvah of their grandsons Pinny Reuben in London and Saadya Ellituv in Hale and also the engagement of their granddaughter Rochelle Cohen from Gateshead to Mordechai Dunner from Manchester.

Mazel Tov to Michael and Anne Wilks on the engagement of their grandson.

Chaim Aruchim

We wish Chaim Aruchim to Vicky Krebs for the Yahrzeit of her father on Thursday 28th Elul.

Farewell

We wish much Hatzlocho to Donny and Miriam Wilks on their Aliya.

Yomim Tov Shiurim

Rabbi S F Zimmerman, Rov and Av Beis Din Federation, will be giving a pre-Rosh Hashono Shiur especially for our Kehilla - 'Teshuva - Why Aren't We Getting Anywhere?' on Monday 14th September at 8.30pm

The Shul ladies are invited to two shiurim:

Rabbi Cohen - "Preparing for Rosh Hashana & Yom Kippur" on Tuesday 15th September at 8.30pm

R' Shaya Klyne - "Preparing for Succos" on Wednesday 30th September at 9.00pm

ALL Shiurim via Zoom - Meeting ID: 317 332 0821 Password: 157061

King Alfred's Challos

Dani Epstein

Whilst the New Lammas Lands Defence Committee (NLLDC) will in all likelihood fail to garner more than a passing mention in the most obscure realms of the minutiae in the footnotes of London's history, they did enjoy a brief exposure to the public eye with their Quixotic attempts to halt the colossus known as the Olympic Committee. Back in the halcyon days of the early noughties when our brave and rambunctious Prime Minister was the Mayor of London, a fever pitch excitement washed across London in the anticipation of the quadrennial celebration of sweat, grunting and agony which form the core rituals of the Grecian worship embodied in the Olympics.

Not quite everyone was swept away with the excitement. The members of the NLLDC were up in arms as the monoliths that were the London Development Agency and the Olympics Development Agency were encroaching on Marsh Lane Fields in order to construct yet another edifice devoted to the pantheon of athletic prowess.

What was the significance of this otherwise inconsequential patch of earth? Well, you see, the Marsh Lane Fields form part of the Lammas lands granted to the general public by King Alfred in 895. The word "Lammas" is a contraction of the phrase "Loaf Mass", referring to the First Fruits Festival at the start of harvest. Between Lammas Day in August and Lady Day in March, land designated as Lammas would be "common", allowing locals to graze their cattle and sheep there. As Leyton, where the Marsh Lane Fields are situated, became more urban, Lammas Land was used more for recreation and sport, and less and less for grazing. Eventually a 1904 Act of Parliament enshrined this in law.

The argument from the LDA and ODA was that building sports facilities falls under the same rubric as public recreation, but the NLLDC were having none of it, and argued that these lands were protected by the Lammas Land covenant for over a millennium and therefore could not be restricted by wire fences or construction of any kind.

Pre-Y.T. Collection - URGENT

This fund is for top-ups to help members of our Kehilla with extra Yom Tov expenses. This year especially, with financial difficulties being experienced by many. Every donation is important, however small or large and will be gratefully accepted.

Bank transfers can be made to ZY Gemach, sort code 77-19-09, A/c 29350768 reference R.H.C.

Vouchers and cheques made payable to "ZY Gemach" and cash can be left in the office or give to the Rov in Shul or home.

Many thanks in advance, **תזכו למצוות ולמעשים טובים.**

Alas and alack, their brief moment of glory attempting to halt the twin juggernauts ended very swiftly and they were relegated to the dustier realms of history's record. As powerful as a covenant is within the canons of the English Law, more powerful are the oodles of boodle and fringe benefits that the Olympic Committee bring to the table. As the saying goes: **על שלשה על דברים העולם עומד על הכסף, על הממונ ועל המעות**.

Not so with us. We have immutable laws that are not subject to the whims of the local potentates, nabobs, satraps and panjandrums. Covenants are a serious business.

In fact this week we read about Moshe abjuring the assembled populous about a covenant that was about to be entered into by the Bnei Yisroel and Hashem: **אתם נצבים היום כִּלְכֶם לִפְנֵי ה'** - you are all standing before Hashem!

He waxes quite loquacious when it comes to listing everyone present by rank and file: **ראשיכם שבטיכם זקניכם וְשֹׁטְרֵיכֶם כָּל אִישׁ יִשְׂרָאֵל** - tribal leaders, elders, officials - all men of Yisroel. He did not stop there either, but continued to list: **טפכם נשיכם וגרך אשר בקרב מחניך** - children, wives, converts amongst them; **מחטב עציך עד שאב מימיך** - from the wood chopper to the water drawer.

After some preamble, he delivers the phrases that have immortalised in our lexicon of bon-mots: **כי את אשר יִשְׁנוּ פה עמנו עמד היום** - "for those who are here with us today", **ואת אשר איננו פה עמנו היום** - "and those who are not with us today". That is to say, the covenant which was about to be concluded that day would be binding not only on the participants standing there that

Davening Times

פרשת נצבים וילך

Mincha & Kabbolas Shabbos	6.30pm
Candle Lighting	6.43pm-6.55pm
Shacharis - Hashkomo	7.30am
סוף זמן ק"ש	9.51am
2nd Shacharis	9.30am
1st Mincha	2.00pm
2nd Mincha	6.00pm
3rd Mincha	7.16pm
Rov's Shiur	Following
Motzei Shabbos	8.21pm
Sun Selichos	6.00am / 7.30am / 8.00am
Mon / Thurs Selichos	6.00am / 6.45am / 7.45am
Tues / Wed Selichos	6.00am / 6.55am / 7.45am
Fri Selichos Erev Rosh HaShana	6.00am / 6.45am / 7.45am
Mincha & Maariv	7.10pm
Late Maariv	10.00pm

day, but also on the unborn generations of the future.

After a moment's reflection one ought to ask, just how is that supposed to work? How can one group of people impose an agreement on another group who not only are unaware of the agreement, but are not even born yet – unable to protest! This thorny problem, records the Abravanel, was hotly debated at the time by the Chachomim of Aragon.

We could look back to dear old King Alfie and apply the same logic, that much in the same way the Lammas Covenants ensured the perpetuity of the commons, so should the covenant under discussion apply in much the same manner.

These two types of covenants, however, are not quite isomorphic as they initially appear, in that the Lammas Lands Covenants granted nothing but rights to the commoners with no corresponding duties, whereas the same could hardly be said of the תירב-covenant about to be concluded here.

Furthermore, imposing an agreement on the unborn stretches the credulity of the concept beyond any understanding – they have not come into existence that they might agree or object! In יא **קטן שנתגייר** we observe that: **מטבילין אותו על דעת בית דין ואם הגדיל יכול למחות** – a child that converts is to be converted on the cognisance of the Beis Din, and may object when he matures. Surely if a child present at his initial conversion can object upon maturity, how much more so a child who was not yet born?

Arguing from the Tanchuma that all the neshomos were present at Har Sinai and therefore were participants albeit in spirit form lacks an essential component that would validate this theory in that the neshomos had no obligation to undertake anything, since they were not “people” at the time.

This is because Halocho defines a principle of “thirdparty acquisition” - זכין אין חבין לאדם שלא בפניו משנה עירובין ז: - לאדם שלא בפניו. A person can acquire something without their knowledge, but cannot be obligated without their knowledge. Furthermore, there is the law: אין אדם מוריש שבועה לבניו – an oath cannot be passed on to a person's offspring. As purely a soul, there is no possibility of validating any agreement when later it is fused with a human body, since it is the combination of the soul and body that instantiates a human being. Since the newly created individual has no knowledge of the soul's obligations, it cannot be imposed upon as it has no possibility of agreeing or objecting.

With such a fundamental question on the very basis of the תירב we need to examine the entire concept very closely.

The first issue to tackle is the principle of **וינפב אלש קדאָל ינבּח ויא**. This is not quite the absolute it initially appears to be. For example, a man who borrows a sum of money before he has any children will pass this obligation on to his inheritors. So, even if his children were not born at the time of the loan, the obligation is still extant upon them to settle the outstanding debt post-mortem, even though they were not conceived at the time the debt was raised.

As odious as the institution of slavery is to us today, since the dawn of civilisation up until a mere century or two ago, it was an accepted practice amongst every civilisation and sadly it continues until today in some countries. There is a facet, however, that we are required to comprehend in order to be able to respond to the intractable question raised here.

In parshas Behar we read with regards to non-Jewish slaves: **והתנחלתם אתם**; **ולבניכם אתם** – “and you shall inherit them to your children after you”. The principle being, since they are regarded in the same light as any other acquisition a person might make, they are passed on as an inheritance to the next generation.

Concerning the Beni Yisroel, once Hashem had redeemed them from the iron crucible that was Egypt, He acquired them in much the same way a master will purchase a slave. Whilst they were freemen within the framework of the Torah, they were nonetheless the property of Hashem. In His wisdom, He created a milieu within His “slaves” that provided them with freedoms and pleasures that would otherwise be available to common slaves; but this in itself did not change the status of the Beni Yisroel in terms of their relationship with their Master, as we see in **עבדים עבדי** – **כי-לי בני-ישראל עבדים** – **יקרא (כ"ה נ"ה):** – “For it is to me that the Beni Yisroel are slaves, they are my slaves, who I took out from the land of Egypt”.

To this end, writes the Abravanel, we said **נעשה ונשמה** – with our bodies we will perform our duties and serve You as slaves, and with our souls we will hear as a pupil will from a teacher.

Now that Hashem wished to present them with an entirely new deal, a land of their own, this required a covenant in and of itself. This was not to be a simple inheritance or a conquest by sword, but something more akin to a loan. The binding terms of the covenant was to be that they served no other

power than Hashem, and that they were to be subjugated to him as serfs. They would have to bring the first fruits to the Beis Hamikdash and undertake all the mitzvos associated with the land such as maaser and terumah. In that way, when they entered the land it was not an acquisition as such but more of a rental that was guaranteed to every generation provided they adhered to the terms of the agreement.

Due to the nature of this arrangement, the future generation were not bound by an oath, but by the conditions of the covenant that were eternally binding due to their very nature. Therefore, when the Tanchuma writes that all the neshomos were at Har Sinai and therefore bound by this agreement, it clearly refers to this concept of the serfdom-like covenant as opposed to a binding oath which could certainly not be applied to the generations unborn. This explains how Moshe could have said **ואת אשר איננו פה עמנו היום** – “and those who are not with us today”. He was not attempting to press upon them an oath with a novel clause, but simply explaining what they were getting in to.

Given the weight and nature of this covenant, Moshe assembles them all to ensure that every single person understood what was being undertaken. Rather than wait until the Beni Yisroel had crossed the Jordan and conquered the land, at which point the probability of gathering them all in one place becomes very unlikely, Hashem wanted everyone signing on the dotted line at the same time. But not like some mob or a disorganized crowd: **שְׁבִיטֵיכֶם זָקְנֵיכֶם וְשֹׁטְרֵיכֶם לְאִישׁ יִשְׂרָאֵל**, everyone was organised according to rank.

Why, though, did he want everyone present for this covenant? Since the people had passed through many lands and observed their cultures, arts and their intelligentsia some of them might have had some questions or be swayed by what they had seen. Rather than allow any dissent to fester in the background he invited anyone – from the clan chiefs right down to the wood choppers – to raise any doubts they had or challenge him right there in public in order that he could dispel their concerns.

To this end, Moshe addressed them as being **נצבים**. This word is usually translated as simply “standing”, but it loses some context in the process. In parshas Korach we read: **ודתן ואבירם יצאו נצבים פתח אהליהם** – Doston and Aviram went out standing by their doors. Here they were clearly standing in their doorways getting ready for a fight. In Beshalach we read: **התיצבו וראו את** – stand and observe the deliverance of Hashem. That is to say, His deliverance will answer all your complaints and arguments.

Essentially, **נצב** denotes readiness for an argument or dispute. Therefore, Moshe employed the term **נצבים** to say that he was ready for all the arguments anyone cared to voice in order to answer them. He reinforces this by saying: **אתם נצבים היום כלכם** – the reason you are standing here today – every single one of you – because this is your last chance to argue with me in order to back out, and everyone here may do so, no matter your rank.

It is possible to argue that the reason for this unusual arrangement was due to the very nature of the covenant. Hashem required absolute fealty from the entire nation at the individual level. Not that the sins of a few people could be diluted into the righteousness of the masses, but that if anyone failed to pull their weight this could affect the entire nation. This might have been because of the nature of the guarantees Hashem was willing to provide them with. As long as they undertook what they were bound to, He was going to take them under His wing and provide for them and protect them in a way no nation had ever witnessed. They had already observed how Hashem dealt with their enemies, and now their children would benefit from a similar level of protection, and therefore required a continuous commitment from everyone in every generation to the national cause.

What is fascinating about this covenant is that it largely concerned the **מצות** – the agricultural commandments. In order for them to hang on to the land, they had to work the land. In the process, they would have to fulfil all the relevant mitzvos, but these mitzvos only come into force once they had settled and engaged in farming and business. It seems a little odd that the balance between a cornucopia of blessings and abject terror and suffering ultimately required them to become farmers. This, however, is a central theme that runs throughout the Torah. Hashem wanted us to become a **ממלכת כהנים** – a kingdom of priests, yet the only way to achieve that is through a Torah-centric occupation with daily life. A kingdom requires farmers, bakers, butchers, bakers and candle stick makers. A kingdom of priests requires these same individuals to elevate their occupations to the divine.

This is probably best expressed by Chazal when they said: **רבן גמליאל בנו של רבי יהודה הנשיא אומר, יפה תלמוד תורה עם דרך ארץ, שיגיעת שניהם משכחת עון** – Rabban Gamliel the son of Rabi Yehudoh haNossi said: good is Torah with Derech Eretz (i.e. having a job) since the toil in both of them prevent sin.