

INSIGHTS FROM OUR CHABUROS

Edom had no claim to Eretz Yisroel

העורר על השדה והוא חתום עליה בעד אדמון אומר השני
נוח לי והראשון קשה הימנו וחכמים אומרים איבד את זכותו

When the Jewish nation in the desert was passing near the nation of Edom, Moshe Rabeinu sent them a message (Bamidbar 20:17): "Let us pass through your land." Rashi elaborates and explains the nature of the request which was being conveyed. Moshe said, "There is no reason for you, the nation of Edom, to object about our inheriting Eretz Yisroel, as you have not paid the debt. Please help us a little bit and allow us to cross through your country." The "debt" to which Moshe referred was the fact that the Jews had gone into exile and had suffered the travails of the servitude, as a fulfillment of the prophecy given to Avraham Avinu at the הבתרים בין ברית.

Why did Moshe expect the nation of Edom to respond favorably and to allow the Jewish nation to pass through their land specifically due to the fact that Edom had not gone into exile in Egypt? What did one thing have to do with the other?

The 12 on Chumash, in his דבר'י דוד explains the appeal of Moshe based upon our Mishnah. Reuven approaches Shimon and claims that the field Shimon bought from Levi actually belongs to him (Reuven), and that Levi had stolen it from him. Yet, Reuven himself signed upon the document with which the field was sold from Levi to Shimon. Shimon therefore claims that Reuven's having served as a witness to the sale of the land between Levi and Shimon proves that Reuven is not the owner of the land.

Admon rules that Reuven can defend his actions. When asked to explain why he signed on such a document selling his own field between two other parties, Reuven now claims that Levi was a difficult opponent, and that he preferred to contend with Shimon, who was easier to defeat in court. This is why he participated in the sale of the field from Levi to Shimon, and that his acting as a witness should not be seen as an acknowledgement of the legitimacy of the sale itself.

If Edom would have simply been asked to assist the Jewish nation and allow them to cross their territory on their way to Eretz Yisroel, Edom might have resisted. Edom might have responded by saying, "How can we allow you access to the Land? We ourselves plan to protest your ownership in the land, and we plan to claim it as our own!" Therefore, in anticipation of this response, Moshe introduced his remarks by saying that Edom had to admit that they had no claim to the land. They had not paid the debt, and they could now be asked to help the Jews.

STORIES OF THE DAF

The Defender of Orphans

אמר אב"י האי מאן דמוקים אפיטורפא וקים כי האי דידע
לאפוכי בזכותא דיתמי

One who appoints a guardian for orphans should make sure that he is one who will fight for the orphans' rights! Sometimes, it seems as though Hashem Himself provides the "guardian" to ensure the security of orphans.

In January 1903, Rav Shalom Ber of Lubavitch, zt"l, traveled to Vienna with his son, Rav Yosef Yitzchak, zt"l. The next morning, instead of conducting the business for which they had come to Vienna, the Rebbe asked his son if they had any money. Their funds were tight, but since his father obviously needed some money, Rav Yosef Yitzchak pawned his silverheaded cane. He gave the proceeds to his father, and the Rebbe left. Later, a series of deliveries arrived at the hotel, all of them filled with trousseau articles. Rav Yosef Yitzchak assumed they were meant for their family.

Later that evening, Rav Shalom Ber returned and told his son to make preparations for another journey. It was only at the station that the Rebbe indicated he wanted to travel to Pressburg. When they arrived, instead of hiring a carriage, Rav Shalom Ber insisted on traveling by foot. While walking down the street, they met a yeshiva bochur who was in a great hurry. When the Rebbe stopped him and asked for directions to a particular hotel, the young man said, "Walk that way and ask someone else. I have no time." Rav Shalom Ber asked, "Is this the way you treat strangers?"

The young man felt chided, so he accompanied them. When they arrived at the hotel, they saw that the proprietor's wife and three daughters were sitting shivah. They checked in, rested, and then the Rebbe headed out for a walk. They soon found themselves at the local yeshiva; the Rebbe spoke in learning to a number of the bochurim (including their guide from the day before), and seemed especially taken with one particularly apt student. Over the next few days, the Rebbe made several condolence calls to the grieving family under the guise of being a distant relative. Eventually, the Rebbe broached the subject of shiduchim for the two unmarried daughters. The widow moaned, "What can I do for them now?"

The Rebbe made two suggestions: the promising yeshiva student, and the young man whom he had scolded in the street. As for trousseaus, he said, "Why should you worry when I already have everything prepared for them?" Having arranged the marriages, the Rebbe and his son left Pressburg and returned anonymously to Vienna!

HALACHA HIGHLIGHT

Signing a contract without knowing its contents

אין העדים חותמים על השטר אלא אם כן קראוהו

Witnesses do not sign on a document unless they have read it

Rashba¹ was asked the halacha of a man who signed a document admitting to a debt but the document was written in a language he claims that he does not understand. Is the contract binding by virtue of the fact that he signed it, or perhaps it is not binding since he does not understand the language of the document? Rashba responded that as long as his signature is affixed to the document it is binding² and offers two explanations for this halacha. Firstly, even if we were to accept that one is not bound by a document that he doesn't understand, what evidence is there that this person does not understand the language of the document? It is more reasonable to assume that if the person signed the document he read it and is aware of its meaning. Even if most people do not speak the language of the document there is a presumption (חזקה) that people understand documents before they sign them. Secondly, even if it is known that he did not understand the document, e.g. the lender admits that the borrower doesn't understand the language of the document, it is still binding. The reason is that once the borrower signs the document he places his trust in the scribe and once one puts his trust in someone else he binds himself to all the decisions of that other person. Therefore, once he decides to trust the scribe and signs the document he is bound by its contents even if it obligates him in a loan that did not take place. This is similar to R' Yochanan's earlier ruling (101b) that one becomes liable to pay a debt that never occurred by simply admitting to its existence.

Chasam Sofer³ writes that when one signs a document he becomes bound by everything that is written in the document, even those things that seem unrelated to the primary purpose of the document. In contrast, if one does not sign the document but the document testifies to the fact that the obligated party made a kinyan to accept the obligations of the document, e.g. a kesubah, he is only bound by those obligations that are commonly found in that type of document but not those that seem extra.

1. שו"ת הרשב"א המיוחסות להרמב"ן סי' ע"ז ומובא בערו"מ סי' מ"ה סע' ג'.
2. ע"ש שכתב שגובין מבי חרי ולא ממשועבדים.
3. שו"ת חת"ס חר"מ סי' ה' ומובא דבריו בפת"ש חר"מ סי' ס"א סק"ו.

REVIEW AND REMEMBER

1. What is a man's leverage if his future father-in-law does not honor his promises?
2. What is the dispute between Admon and Chachamim concerning one who signed as a witness to a field he claims is his own?
3. What did the guardian do to find favor in Abaye's eyes?
4. Are two halves the same as a whole?

PARSHA CONNECTION

In this week's daf the משנה discusses someone who had a "דרך" through someone else's field and lost his "דרך" when he was away overseas. יום כיפור represents our challenge to "find our way back to the right path". In fact the הפטרה that we read on יום כיפור begins with the words: "סולו סולו פנו דרך". The הרימו מכשול מדרך עמי" offers an insight to the message conveyed in this פסוק. Oftentimes people are overwhelmed by their sins, and are unable to "see" a return path to the הקב"ה. The נביא is offering a solution to this challenge, by suggesting that one needs to start by clearing a narrow path, and then clearing another narrow path, and this way they will eventually clear the "מכשול" which is the הרע. We read this דרשו את ה' בהמצאו יום כיפור on every other fast day, why do we read the הפטרה on every other fast day, why do we read a different הפטרה highlight the difference between יום כיפור and every other fast day. On every fast day, we must seek out the רבש"ע hence the words "דרשו". By contrast, on יום כיפור we are privileged that the הקב"ה "comes" to us and actually clears a path for our return. This may also explain why the whole year, we go to the ספר תורה and kiss it, while on יום כיפור the ספר תורה is brought to every single person. Let's take advantage of this unique opportunity! גמר חתימה טובה!

POINT TO PONDER

אבי said that everyone should try and get a אפוטרופוס like the one who came in front of him and knew what to say. Since the rule is that אבי speak on behalf of orphans, wouldn't אבי have to do the same for the יתומים even if the אפוטרופוס did not know what to claim?

Response to last week's Point to Ponder:

The Mishna describes a case where one accused his friend of owing him oil in a jug and the person confessed only to owing an empty pitcher. Why did the Mishna change from a jug to pitcher? Are they different containers?

The שיטה מקובצת explains that קנקנין refers to the containers when they are empty, while כדים refers to them when they are full.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

To share an insight from your Chabura please email info@dafaweek.org

The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

To sponsor a publication, please contact Rabbi Zacharia Adler, Executive Director at info@dafaweek.org or call 507-daf-week. Sponsorship for one week is \$100

Sections reprinted with permission from the Chicago Torah Center