

THE BAIS HAVAAD

HALACHA JOURNAL

Family, Business, and Jewish Life through the Prism of Halacha



A PUBLICATION OF THE
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לע"נ הרב יוסף ישראל
ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l

VOLUME 5783 • ISSUE XXIII • PARSHAS VAYIKRA



SINS OF THE FATHERS: PAYING FOR THE CRIMES OF OTHERS

Adapted from the writings of Dayan Yitzhak Grossman

The Associated Press reports:

Payments of \$5 million to every eligible black adult, the elimination of personal debt and tax burdens, guaranteed annual incomes of at least \$97,000 for 250 years, and homes in San Francisco for just \$1 a family.

These were some of the more than 100 recommendations made by a city-appointed reparations committee tasked with the thorny question of how to atone for centuries of slavery and systemic racism. And the San Francisco Board of Supervisors, hearing the report for the first time Tuesday, voiced enthusiastic support for the ideas listed, with some saying money should not stop the city from doing the right thing...

The draft reparations plan, released in December, is unmatched nationwide in its specificity and breadth. The committee hasn't done an analysis of the cost of the proposals,

but critics have slammed the plan as financially and politically impossible. An estimate from Stanford University's Hoover Institution, which leans conservative, has said it would cost each non-black family in the city at least \$600,000.¹

Without addressing the specifics of the perplexing San Francisco proposal (for starters, California was never even a slave state!), is there any discussion in our tradition of the idea of reparations due to the descendants of victims of wrongdoing?

The notion first appears in Megillas Ta'anis, which records three parallel narratives of reparations claims made by various nations against the Jewish People for alleged historical injustices, and the counterclaims by Cviha ben Psisa on behalf of the Jews for injustices of greater magnitude

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¹ Janie Har. San Francisco board open to reparations with \$5M payouts. AP News. <https://apnews.com/article/san-francisco-black-reparations-5-million-36899f7974c751950a8ce0e444f69169>
Cf. Janie Har. What are the next steps for Black reparations in San Francisco? AP News. <https://apnews.com/article/black-reparations-san-francisco-5-million-d0568061c05e23e19c0d19f45f3ca>



PARSHAS VAYIKRA

HOLY GROUND

Excerpted and adapted from a shiur by
Dayan Yehoshua Grunwald

When we recite the Hagadah, we fulfill the mitzvah *de'Oreisa* of *sipur yetzias* Mitzrayim (telling the story of leaving Egypt). Why don't we make a *bracha* on this mitzvah as we do on others?

The Me'iri (Brachos 12b) cites one view that a *bracha* should in fact be made. The Tashbeitz maintains that "*Baruch Hamakom*" in the Hagadah serves as the *bracha*. (According to his approach, perhaps one should have this intent when reciting it.)

Rabeinu Peretz and the Shibalei Haleket answer that we already fulfilled the mitzvah of *sipur* before the Seder—either in kiddush with the words "*zeicher litzias* Mitzrayim" or in Ma'ariv with the *bracha* of "*ga'al* Yisrael"—so we may no longer recite a *bracha* on the mitzvah. Although the mitzvah of *sipur* may include reciting the entire Hagadah, perhaps these *Rishonim* understood that to be required only *mideRabanan*, while the mitzvah *de'Oreisa* is fulfilled with just a few words.

The Abudraham answers that no *bracha* is recited on mitzvos without a minimum requirement. The Maharal answers that no *bracha* is made on mitzvos fulfilled primarily in

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Vehicle Inspection

Q Do I need to do *bedikas* chametz in my car?

A You must search your car for chametz, unless you are certain you didn't bring any into it. Alternatively, you can sell the car through your *rav*, just as many people sell parts of their home, and thereby obviate the need to check it.

The Chok Yaakov writes that although one must check his pockets for chametz if he puts food there, this *bedikah* doesn't require a *bracha*, because the primary obligation is in one's home. He also says that the time for checking pockets does not need to be the night of *bedikas* chametz, because pockets are best checked by emptying and feeling rather than by candlelight. R' Shmuel Kamenetsky is quoted as saying that a car should be searched on the night of the 14th like a house,

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perpetrated by the claimants.² The best known of these narratives involves reparations for slavery:

Another time, the Egyptians came to contend with the Jews before Alexander of Macedon. They said to him, "Behold it says, 'And Hashem gave the people favor in the eyes of the Egyptians, and they lent them.' Give us the silver and gold that you took from us!" Gviha ben Psisa said to the Chachamim: "Give me permission, and I will go and debate them before Alexander. If they defeat me, say to them, 'It is but an ordinary one among us that you have defeated.' And if I defeat them, say to them, 'The Torah of Moshe Rabeinu has defeated you!'" They gave him permission and he went and debated them. He said to them, "From where do you bring proof that we took gold and silver from you?" They said to him, "From the Torah." He said to them: "I, too, will bring you proof only from the Torah! For it is stated, 'And the stay of Bnei Yisrael that they stayed in Egypt was four hundred and thirty years.' Give us the wages for the labor of the six hundred thousand men that you enslaved in Egypt for four hundred and thirty years!" Alexander of Macedon said to them, "Respond to him!" They said to him, "Give us three days' time." He gave them the time, and they searched but did not find an answer. Immediately, they abandoned their fields, sown as they were, and their vineyards, planted as they were, and they fled...³

It must be noted, however, that unlike modern liberal thought, the Torah does not consider *all* slavery to be fundamentally unjust. While in this episode, the unanswerable counterclaim of the Jewish people was a claim for reparations for apparently *unjust* slavery, in one of the other episodes in this group, our winning counterclaim was predicated on our rights based on the claimant nations having been designated as *our* slaves!

When the Africans came to contend with the Jews before Alexander of Macedon, they said to him, "The Land of Kna'an is ours, for it is written, 'the Land of Kna'an according to its borders,' and Kna'an was the ancestor of these very people standing before you!" Gviha ben Psisa said to the Chachamim: "Give me permission, and I will go and debate them before Alexander. If they defeat me, say to them, 'It is but an ordinary one among us that you have defeated.' And if I defeat them, say to them, 'The Torah of Moshe Rabeinu has defeated you!'" They gave him permission and he went and debated them. He said to them, "From where do you bring proof that the Land of Kna'an belongs to you?" They said to him, "From the Torah." He said to them: "I, too, will bring you proof only from the Torah! For it is

stated, 'And No'ach said, Accursed is Kna'an; a slave of slaves shall he be to his brothers.' Now, if a slave acquires property, to whom belongs the slave and to whom the property? Certainly the master! Since your ancestor Kna'an was the slave of Sheim and Yeffess, the Land of Kna'an belongs to us, the descendants of Sheim! And not only that, but it is now many years that you have not served us!" Alexander the King said to them, "Respond to him!" They said to him, "Give us three days' time." He gave them the time, and they searched but did not find an answer. Immediately, they abandoned their fields, sown as they were, and their vineyards, planted as they were, and they fled...

Another episode revolving around a claim for reparations appears in Sefer Shmuel:

In the days of Dovid there was [once] a famine for three years, year after year. Dovid inquired of Hashem, and Hashem said, "It is for Sha'ul and for the House of Blood, for his having killed the Giv'onim."

So the king called the Giv'onim and spoke to them...Dovid said to the Giv'onim, "What can I do for you, and how can I atone [for this sin], so that you will bless the heritage of Hashem?" The Giv'onim replied to him, "We have no [claim of] silver or gold against Sha'ul nor against his house..." They said to the king, "The man who annihilated us and who schemed against us that we be eliminated from remaining within the entire border of Israel—let seven men of his sons be given to us and we will hang them for the sake of Hashem in the Giv'ah of Sha'ul (the chosen one of Hashem)." The king then said, "I will give [them to you]."

So the king took [seven descendants of King Sha'ul]...He delivered them into the hand of the Giv'onim, and they hanged them on the mountain before Hashem...⁴

While some commentaries suggest that the seven executed descendants of King Sha'ul had actually participated in the crime against the Giv'onim,⁵ Chazal apparently took for granted that they had not:

But it is written, "Fathers shall not be put to death because of sons and sons shall not be put to death because of fathers." R' Chiya bar Abba said in the name of R' Yochanan: It is preferable that one letter of the Torah be uprooted and the Name of Heaven not be desecrated in public.⁶

Do Chazal mean that innocent men were sent to their deaths to avoid chillul Hashem? The Ritva, in an apparent attempt to avoid this conclusion, asserts that "without a doubt" these men (who Chazal explain were chosen by Hashem via a miraculous procedure involving the *aron*) were

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because a car, unlike pockets, is similar to a house. But if he is *only* searching his car (e.g., he is already away for Pesach), then *misafek*, he makes *no bracha*.



DAYAN YEHOASHUA GRUNWALD

If one rents a car on Erev Pesach or Chol Hamo'ed, he must immediately search it for chametz left by previous renters. (Though rental companies clean cars between rentals, this cleaning may be insufficiently thorough.)

deserving of death for other reasons, but Chazal still referred to their execution as an uprooting of the law of the Torah because we normally punish people only for revealed sins.⁷ The Me'iri, however, apparently takes the statement at face value and explains that as a *hora'as sha'ah* (provisional edict issued in exigent circumstances), children may indeed be put to death for the sins of their fathers.⁸

The Radak and Abarbanel take a third approach to the apparent violation of the principle that people are not put to death for the sins of others. They distinguish between human and Divine justice and explain that the principle in question does not apply to the latter, insofar as the children follow in the sinful ways of their fathers, as Chazal themselves explain elsewhere:

But it is written, "visiting the sins of the fathers upon the sons." And it is written elsewhere, "and sons shall not be put to death because of fathers." And we pointed out a contradiction between these two *psukim*, and we answered: There is no difficulty. This is where the sons retain their fathers' practices, and that is where the sons do not retain their fathers' practices.⁹

So like the Ritva, the Radak and Abarbanel assume that the executed men were sinners, but unlike him, they apparently assume that the executed men were not necessarily deserving of death for their crimes per se, but they were punished for the crime of their ancestor Sha'ul Hamelech, because Divine justice does indeed punish sinful children for the sins of their fathers.¹⁰

⁷ Chidushei HaRitva ibid.

⁸ Chidushei HaMe'iri ibid. See here for a discussion of whether the dispensation of *hora'as sha'ah* applies to mitzvos *sichliyot*.

⁹ Brachos 7a.

¹⁰ Radak ibid.; Abarbanel ibid. R' Moshe Alshich, in his *Mar'os Hatzvo's* ibid., sharply critiques Abarbanel's approach and insists that Chazal's approach should be accepted.

² Megillas Ta'anis, Sivan.
³ Sanhedrin 91a.

⁴ Shmuel 2 213-9

⁵ Rav Sa'adia Gaon, cited in Radak ibid. v. 1; Radak himself, in one approach.

⁶ Yevamos 79a.

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the mind, and this one is mainly about thoughts

of gratitude to Hashem. The Sfas Emes answers that no *bracha* was instituted for mitzvos *sichliyot* (logical mitzvos)—which this one is,

because we would be expected to praise Hashem for taking us out of Mitzrayim even without an explicit command.

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