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The Lives of the Givonim Mattered to G-d

Rabbi Adam Friedmann

After the Jews entered the Land of Israel, they were deceived into making a pact with one of the local Canaanite tribes, the Givonim. (Yehoshua 9) According to our Sages this group actually converted to Judaism (see Rashi Yevamot 78b s.v. *netinim*), becoming second-class citizens of the Jewish nation as a result of their fraud.

This arrangement persisted for hundreds of years until Shaul, the first king of Israel, sought to uproot a perceived rebellion against him among the Kohanim. This campaign led to the murder of the Givonim, who were water-drawers and woodchoppers for the Kohanim of the city of Nov. Ultimately, Shaul embarked upon a further program of violent disenfranchisement of the Givoni community, which he viewed as aligned with the priestly revolt. They were to be destroyed or expelled from the land, as Amorites rather than Israelites. [See introduction of Malbim to Shemuel II 21.]

Years later, after Shaul's death, there were three consecutive years of famine in Israel. The new king, David, sought G-d's explanation for the punishment. The response: "[It is due to] Shaul and his blood-drenched house, because he killed the Givonim." (Shemuel II 21:1) The plight of the Givonim, which had apparently been sidelined by Israeli society, was not forgotten by G-d, who had now brought the entire country to its knees on its account. David understood that he needed to appease the Givonim. He asked them what he could do. How could he atone for Shaul's sins? The Givonim demanded

a price not of money or power, but heads. Seven people were to be selected from Shaul's descendants and impaled at Givat Shaul, where the last members of his family lived. It was a vicious request for revenge, and King David felt he had no choice but to comply.

The Talmud's reading of this story (Yevamot 78b-79a) highlights its fraught moral elements. How could Shaul's descendants be punished for his sins? Doesn't the Torah state that children will not be punished for parental sin (Devarim 24:16)? How could the bodies be publicly displayed for so long? Doesn't the Torah command that bodies not be hanged for prolonged periods (Devarim 21:23)? The Talmud directs these questions at G-d, who engineered the whole scenario. The answer: It is better for a letter to be uprooted from the Torah than to allow for the public defiling of G-d's Name. This defiling would continue as long as the oppression of Givonim was not avenged. (Rashi 79a s.v. *ve'al yechallel*)

On the other hand, our Sages write that David was disturbed by the Givoni request. One of the defining characteristics of the Jewish people is mercy; the request of the Givonim was wantonly cruel and thus demonstrated a lack of this trait. Without it, David concluded, the Givonim could not be part of the nation. As a result, even though David conceded to the Givonim, he also decreed against Jewish intermarriage with them. This resulted in their splintering away from general Israeli society.

Even though the analogy is not exact,

this story holds important lessons for us in relating to the current wave of protests for social justice that are sweeping the United States and the globe.

First and foremost we see that the unaddressed oppression of a group within society is, in Chazal's direct language, a public *chillul Hashem*. Even if our own eyes would callously roll away from injustice, G-d's are watching. When the day comes to right the wrongs, even the rules of the Torah are set aside to appease the injured. As those who seek to follow in G-d's ways, we have a responsibility to be compassionate, aware of the oppressed within our societies, and willing to lend them voice and action.

At the same time, the story of the Givonim teaches us that responding to injustice with cruelty and violence is wrong, even if G-d will allow it. Mercy is part of our ethical heritage. Therefore, even as we are compassionate upon the victims, we must also declare that responding to oppression with violence, destruction, and more death is not the Jewish way. As our own history demonstrates, this kind of reaction only serves to deepen the fissures in society, not to heal them.

afriedmann@torontotorah.com

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Synopsis

Our chapter continues the story of David's adventure as he runs away from Shaul, with the dramatic last meeting between the king whose star is setting and the king-to-be whose sun is rising. Tipped off by locals, Shaul leads an army of three thousand people against David, who is hiding in the desert of Ziph. (26:1-3)

David, spying on the incoming force, uses the cover of night to infiltrate, together with his aide Avishai, into his persecutor's camp. There they find the camp asleep, with no proper guard, enabling them to reach the sleeping king. David strongly refuses Avishai's suggestion to kill the king; he was anointed by G-d, and only G-d may take his life. Instead, David takes Shaul's spear and water jug. G-d miraculously (see 26:12) keeps the camp asleep, and so the two infiltrators are able to slip away. (26:4-12)

David then climb a distant hill, and shouts from there to Shaul's men, taunting them for their inability to protect their leader. Shaul recognizes David's voice, and instantly

understands that David has spared his life a second time (see chapter 24). David asks Shaul to stop chasing him, as he is only a flea in comparison to the king, and he poses no threat. The regretful Shaul responds by admitting that his hunting of David was a grave sin and a foolish mistake. Upon hearing that, David returns the king's spear to one of his aides, and the two men separate for the last time - peacefully. (26:13-25)

Analysis

Reading this unforgettable chapter immediately brings to mind a verse that would be written many years after the incident by David's son: "If your enemy is hungry, feed him bread, and if he is thirsty, give him water to drink; for you will be scooping coals on his head, while Hashem will reward you." (Mishlei 25:21-22) David's chivalry towards Shaul, in the face of the latter's murderous intentions, breaks down Shaul's attack more than any physical response could have. Even if David would have heeded Avishai's advice and killed Shaul on the spot - following the midrashic rule: "If someone comes to kill you, rise

early and kill him first (Berachot 62b)" - we must assume that the bloody cycle would not have stopped there. Shaul's blood would have been avenged by the royal family and its loyal army, and the whole nation would have been sucked into a vicious civil war. By "outclassing" his rival, David was able to put the tension between them to (some) rest.

In a more general - and practical - view, the question of how to respond when one finds himself gravely wronged by others is as ancient as Kayin and Hevel. There is no one-size-fits-all answer to the dilemma between responding in kind, which may feel just but can pull us all down the rabbit hole of unending violence, and replying with a brave and courageous nobility, which alone has the power to transform a foe into a friend.

bweintraub@torontotorah.com

Holy Land Halachah: Selling Via Amazon Israel on Shabbat

Ezer Dena

Note: This article is based on the research and views of Rabbi Binyamin Chuta, a well-known Rabbi in Beitar Illit, as of February 2020 (<https://www.kikar.co.il/abroad/347589.html>). Any personal questions should be referred to one's Rabbi.

May an Amazon Israel seller leave their account active on Shabbat?

In regular Internet commerce, a buyer selects a product and enters payment information, and then the seller processes the order whenever they are able. Thus, for any Jew with a website that operates on Shabbat, they can process the order any time after Shabbat, thus avoiding violating Shabbat prohibitions.

The Amazon platform works differently:

- 1) When one registers as a seller through Amazon, Amazon has the seller ship merchandise to an Amazon warehouse, but Amazon does not purchase it; it remains the property of the seller.
- 2) When a purchase is made, Amazon processes the order (they receive the money), and ships the merchandise from the warehouse to the buyer.
- 3) Amazon later pays the seller the price of the merchandise, minus certain commissions and fees.

In terms of Shabbat, this means that if a sale comes in to a Jewish seller on Shabbat itself, Amazon employees (or robots) might be packaging and shipping merchandise on behalf of the seller on Shabbat - is that permitted?

Shulchan Aruch (Orach Chaim 252:2, as interpreted by Mishnah Berurah ad loc.) writes that it is permitted to have a

non-Jew perform *melachah* on objects owned by a Jew on Shabbat, with the following conditions:

- The price for the non-Jew's *melachah* must be preset.
- The *melachah* must take place on the non-Jew's premises.
- The Jew must not cause the *melachah* to be done exclusively on Shabbat, either by telling them to do it on Shabbat, or by giving the job to the non-Jew shortly before Shabbat and requesting its completion by the end of Shabbat.

In the case of an Amazon sale, the price is preset, the work is taking place in Amazon's warehouse, and since packaging and shipping is usually not immediate, the Jew is not considered to be causing the work to be done on Shabbat specifically.

However, since most people in Israel are Jewish, the above issues are of greater concern, since it may be **Jews** who are performing these prohibited labours. In addition, having local sellers offer merchandise on the Israeli Amazon site on Shabbat may fall under the prohibition of *lifnei iver* (causing people to stumble), potentially causing a Jew to buy on Shabbat because of the ease and low cost of a local purchase, when they otherwise would not have done so.

Based on these concerns, an Israeli Amazon seller would need to set the account on vacation mode over Shabbat, deactivating the possibility of purchasing anything from that seller until the account is reactivated after Shabbat. For precise directions on how to do this, see the above link.

ediena@torontotorah.com

Biography
Rabbi Shlomo Zalman
Auerbach
Rabbi Josh Gutenberg

Rabbi Shlomo Zalman Auerbach was one of the great halachic authorities of the 20th century. He was born into a rabbinic family in Jerusalem in 1910. As a teenager, he studied in Yeshivat Eitz Chaim, headed by Rabbi Isser Zalman Melzer. After he married, he studied in Midrash Bnei Tzion, a kollel dedicated to studying the laws relevant to the land of Israel, headed by Rabbi Zvi Pesach Frank.

In 1949, Rabbi Auerbach became Rosh Yeshiva at Yeshivat Kol Torah, where he remained for 46 years until his death. Despite receiving prestigious offers to serve as Chief Rabbi of Jerusalem and as a judge in the top rabbinical court, Rabbi Auerbach refused to accept any position beyond his role at Yeshivat Kol Torah.

Rabbi Auerbach published his first major work, titled *Me'orei Eish*, when he was 25. The book discusses, at length, the use of electricity as it pertains to Jewish law. He received approbations from many leading authorities, including Rabbi Avraham Yitzchak Kook and Rabbi Chaim Ozer Grodzenski. Other books that he authored include *Minchat Shlomo*, a collection of responsa, and *Ma'adanei Eretz*, which deals with the laws of *shemita* and tithes. His oral rulings regarding the laws of Shabbat and medicine also form the core of several important books written by his students. These books include *Shemirat Shabbat keHilchatah*, written by Rabbi Yehoshua Neuwirth, and *Nishmat Avraham*, written by Rabbi Dr. Avraham Sofer Abraham.

Rabbi Auerbach was meticulous in studying modern technology and science before offering rulings on these matters. For example, he had doctors and scientists perform experiments to help him determine the exact moment a person is considered dead, and the minimum temperature at which cooking on Shabbat is prohibited.

Rabbi Auerbach passed away in 1995. Over 250,000 people attended his funeral, demonstrating the tremendous impact he had upon the wide spectrum of Jews living in Israel and abroad.

jbgutenberg@gmail.com

Torah and Translation
Volunteering for Medical Trials
R' S. Z. Auerbach, Minchat Shlomo II 82:12 (new edition)
Translated by Rabbi Mordechai Torczyner

אף שבמלחמת רשות דהוי רק להרווחה בעלמא גם המלך אינו מוציא את העם אלא עפ"י בי"ד של ע"א, מ"מ במלחמת מצוה יתכן דאף שלענין מחית עמלק וז' אומות מבואר דלכתחלה שייך רק למלך, אבל מ"מ כשצבור נרדפים מדובים ואריות אשר צריכים להלחם אתם ולגרשם, אפשר דלבד ממאי דחשיב הצלת נפשות, ומצוה על כל אדם לחלל שבת וכדומה בכדי להציל, אפשר דחשיב נמי כמלחמת מצוה, ואף שאין לנו מלך ובי"ד, מ"מ יכולין טובי העיר לכוף ולסכן בכך חיי אנשים כמו במלחמה, אפי' בכה"ג שהיחיד לא היה חייב משום הצלת נפשות.

ואם כנים אנו בזה אפשר דגם מלחמה נגד מחלות האורבות לחיי האדם, הוי נמי כעין מלחמת מצוה, ואם היינו זוכים שהכל יעשה עפ"י דעת תורה, אפשר שהבי"ד היה רואה בצורך של נסיון תרופות כמלחמת מצוה של הצלת נפשות. ולכן בזמננו אף שלא נעשה ע"י דעת תורה, מ"מ כיון שנעשה עכ"פ ע"י מומחים גדולים ובהירות רבה, מסתבר שאין איסור להתנדב לכך.

גם חושבני דנסיון תרופות חשיב כ"חולה לפנינו", ואין זה דומה לנתוחי מתים (באופן כללי) להרבות ידיעות הרופא, דשאני הכא שהמחלות והחולים כבר בעולם, וגם התרופה המסופקת נמצאת בעולם, ה"ז חשיב כפעולה ישירה של ספק הצלת נפשות ולא רק להרבות מחקר וידע.

גם יש אשר נשים מכניסות עצמן לספק סכנה של הריון רק בגלל רצון חזק לילד, ואין מוחין בהן, אף שמצד הדין מותרות הן למנוע את ההריון.

עכ"פ מי שחולה במחלה קשה אשר אין הרופא רואה סיכוי להצילו בתרופות רגילות, ה"ז דומה לנתוח דאף שיש ספק שאם לא יצליח ימות מיד אפי"ה מותר, וה"גם כאן שפיר רשאי להשתמש בתרופה מסופקת.

Although in a discretionary war, which is just for profit, even the king cannot take the nation to war without a court of 71, still, for a mitzvah war it is possible to suggest that even though eradicating Amalek and [battling] the seven nations *ab initio* required a king, still, when the community is pursued by bears and lions, and they need to fight them and chase them out, perhaps, aside from the fact that this is considered life-saving and there is a mitzvah for each person to desecrate Shabbat and the like to save lives, perhaps it is also considered a "mitzvah war", and although we lack a king or court, still, the town council could compel and endanger the lives of individuals, as with war, even where an individual would not be obligated to save lives.

And if we are correct in this, then perhaps war against illnesses which lie in wait for people, as well, would be like a mitzvah war. And if we would merit that all would be done [to combat it] according to the Torah, perhaps a court would see the need to test medicines as a mitzvah war of saving lives. Therefore, in our day, even though it is not done according to Torah, still, since it is done via great experts with great care, logically, there is no prohibition against volunteering for this.

I also think that testing medicines is considered a case of "an ill person is in front of us" [such that these tests are considered direct acts of saving lives]. It is not like (general) autopsies done to increase medical knowledge; this is different, for the diseases and patients already exist, and the uncertain cure also exists. This is considered a direct act of potentially saving lives, and not just increasing research and knowledge.

There are also women who introduce themselves into potential danger for pregnancy solely due to a great desire to produce children, and we do not protest – even though the law would permit them to prevent the pregnancy.

In any case: If one is suffering from a difficult illness, for which the doctor does not see a chance of saving him with standard medicine, this is like the case of surgery. Even though it is possible that if the surgery were unsuccessful he would die immediately, it is still permitted. Here, too, one may use the uncertain medicine.

This Week on Zoom!

**Click Underlined Lines to Open Zoom Sessions
or look for clickable Zoom links at www.torontotorah.com/letslearn**

SPECIAL PROGRAMMING

Sunday June 14 to Friday June 19, with BAYT

SHAVUA-TON: JEWISH COMMUNITY IN THE ERA OF COVID-19

**7:45 PM Sun. June 14: Panel: The Synagogue: Force for Change or Leading From Behind?
R' Daniel Korobkin *mara d'asra*, R' Mordechai Torczyner, R' Jonathan Ziring; R' Sammy Bergman moderator**

8:00 PM Mon. June 15: Communal Policy in a City with Many *Marei d'Asra*?, R' Sammy Bergman

8:00 PM Tue. June 16: What Do We Lose Without a Shul Kiddush?, R' Alex Hecht

8:00 PM Wed. June 17: When Our Political Allies are Our Halachic Opposites, R' Mordechai Torczyner

8:00 PM Thu. June 18: Tzedakah Priorities During a Crisis, Ezer Diena

6:45-7:00 PM Fri. June 19: Derashah: Power of the Tzibbur: Beware of High Voltage, R' Sammy Bergman

All Zooms: tiny.cc/jcommunity. For advance materials: www.torontotorah.com/community

Sunday June 14

Legal Ethics - Access to Justice: Pro Bono vs Quid Pro Quo

9:30 AM-11:00 AM EDT, with Rabbi Mordechai Torczyner, Accredited for 1.5 Professionalism Hours

Wednesday June 17

Rabbis in the New World! The Rabbinate in Early American Life

10:00 AM EDT with Rabbi Mordechai Torczyner, Week 3: The Slave Trade, and Kosher Food

DAILY

Adult Seder Boker, with Rabbi Moshe Yeres

Mondays-Thursdays at 10:00 AM EDT (men)

Mondays and Wednesdays: Gemara, Orot haTeshuvah / Tuesdays and Thursdays: Parshah, Tanach

WEEKLY

Sunday June 14

9:30 AM EDT Contemporary Halachah with Netanel Klein: Tevilat Keilim

10 AM EDT Gemara Shabbat for university students, with Rabbi Aaron Greenberg (pwd: 613613)

11 AM EDT Contemporary Halachah Rotation (university students): Car Keys on Shabbat, Ezer Diena

Monday June 15

8:45 AM EDT She'arim baTefillah Chabura for university students, with Rabbi Alex Hecht

8:30 PM EDT Gemara Shabbat, Chap. 13, with Rabbi Moshe Yeres

Tuesday June 16

1:30 PM EDT Yeshayah, with Rabbi Mordechai Torczyner

Wednesday June 17

7:00 PM EDT Stories from the Talmud, with Rabbi Alex Hecht

Thursday June 18

1:30 PM EDT Shemuel, with Rabbi Mordechai Torczyner (women)

2:15 PM EDT Mishlei for university students, with Ezer Diena

7:30 PM EDT Gemara b'Iyun: Laws of Yom Tov for university students, with Rabbi Sammy Bergman (women)

8:30 PM EDT Gemara Beitzah, with Ezer Diena (men)

Friday June 12

8:30 AM EDT Parshah Chabura for university students, with Rabbi Mordechai Torczyner

10:30 AM Bava Metzia Perek 6, with Rabbi Sammy Bergman and Rabbi Mordechai Torczyner

Not This Week

Sunday 7:30 PM EDT Gemara Avodah Zarah, with Rabbi Mordechai Torczyner (men) (not this week)

Tuesday 7:30 PM EDT Shoftim, with Rabbi Mordechai Torczyner (men) (not this week)

Wednesday 7:40 PM EDT Ancient Texts, Modern Meanings, with Rabbi Sammy Bergman (not this week)

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