



YOUNG ISRAEL OF GREAT NECK

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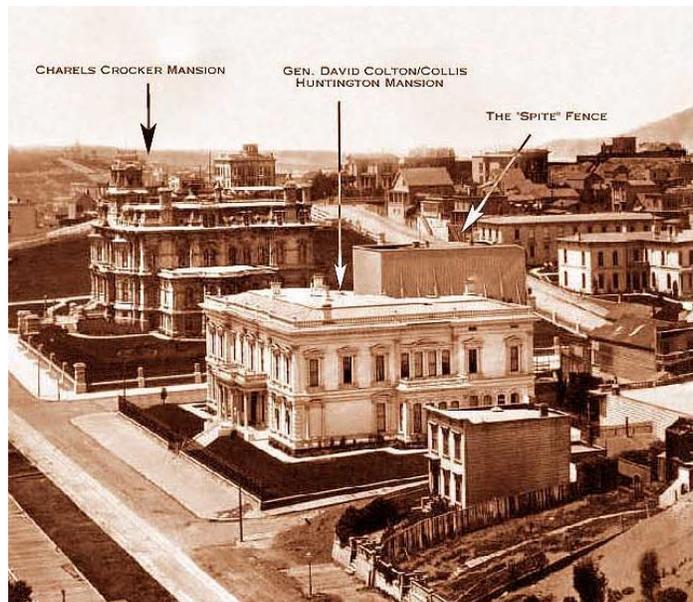


The Parsha in Practice

The Spite Fence

Nicholas Yung enjoyed his hilltop home and garden on the top of California Street Hill in San Francisco. In fact, he enjoyed it so much that when, in 1876, Charles Crocker, a wealthy railroad baron wanted to purchase his cottage to expand his palatial estate, Yung refused. You can read about the full negotiations [here](#), but eventually, they reached an impasse, and Yung was simply not going to sell.

Our Parsha contains the section concerning soldiers who would be offered a deferment just before going to war. As the pasuk describes (Devarim 20:5):



Then the officials shall address the troops, as follows: "Is there anyone who has built a new house but has not dedicated it? Let him go back to his home, lest he die in battle and another dedicate it. Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another harvest it. Is there anyone who has paid the bride-price for a wife, but who has not yet married her? Let him go back to his home, lest he die in battle and another marry her."

The Torah enumerates three scenarios in which a soldier could return home: if they had built a home, planted a new vineyard, or recently gotten married.

What is the reason for this exemption?

Rabeinu Bachya understands that these three things occupy the mind and that a distracted soldier is an ineffective one. These three projects speak to the core human needs of shelter,

sustenance, and settling with one's life partner and understandably can be the focus of a person's attention, or distraction.

A verse in the Tochacha we read in Ki Tavo might lend to another explanation. There, in the rebuke that describes the misfortunes of one who sins, it relates that: *If you marry a wife, another man shall enjoy her. If you build a house, you shall not live in it. If you plant a vineyard, you shall not harvest it.* (Devarim 28:30) This curse is the curse of unrealized experience. To have waited so long for a milestone moment but - at the very last opportunity - be frustrated from achieving it. A soldier with that angst and uncertainty might be too preoccupied to fight.

Rashi seems to offer an entirely different perspective on the nature of this exemption. On the words relating to the new home, "ואיש אחר יחנכנו", and another man will dedicate it" he writes,

וְדָבָר שֶׁל עֲגָמַת נִפְּשׁ הוּא זֶה:

Which is a matter that causes grief of mind.

What "grief of mind" is Rashi describing? It seems that Rashi is focusing on the outcome described in the pasuk itself: "and **someone else** will dedicate/harvest/marry" what you were meant to. Rashi seems to be addressing a real - if flawed - human phenomenon. This person seems more concerned that someone else will get what was coming to him, even if he wouldn't be alive to know it! Such a person was unfit to serve in the Jewish army.

We know this middah by another name: **spite**. I may have to come to terms with the fact that I can't have something, but if I can't have it, then you can't have it either!

Back to Yung vs. Crocker, this was precisely Crocker's plan. He spent \$3,000 (in 19th century dollars) to build a 40-foot wall that would surround Yung's property on three sides. Yung's garden wilted, his cool breeze disappeared and his view was lost. But he stayed on the property and dug in his heels. There were many, public, back and forth volleys in this feud and it outlived them both. This "spite fence," as it would come to be called, and the story that surrounded it, led to [laws being passed](#) to outlaw such "If I can't have it, neither can you" - style behavior.

Do we ever build a "spite fence" to cast shade over another? Do we attempt to minimize the success and achievement of others to diminish our own sense of defeat? If so, we too are disqualified from fighting alongside our brethren. If our biggest fear is not our own loss but someone else's gain, what sort of teammate - or soldier - will we be?

Remember, spite fences darken the view. On both sides.

Shabbat Shalom!

Shmuel Ismach