

Potomac Torah Study Center
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NOTE: Devrei Torah presented weekly in Loving Memory of Rabbi Leonard S. Cahan z"l, Rabbi Emeritus of Congregation Har Shalom, who started me on my road to learning 50 years ago and was our family Rebbe and close friend until his untimely death.

Devrei Torah are now Available for Download (normally by noon on Fridays) from www.PotomacTorah.org. Thanks to Bill Landau for hosting the Devrei Torah. New: a limited number of copies of the first attachment will now be available at Beth Sholom on the Shabbas table!

Why are the Aseret Dibrot (Ten Commandments) so important? A basic answer is that they are summary statements that cover all the 613 mitzvot in the Torah. After the first presentation of the Aseret Dibrot in Yitro, Mishpatim presents 53 mitzvot (Chabad.org), primarily based on our obligations toward fellow humans. After Moshe's restatement of the Aseret Dibrot in Vaetchanan, he continues with more than 20 chapters of laws and rules with 195 of the 613 mitzvot in the Torah (Rambam's counting). Ki Teitzei is the mitzvah climax of this section, with 74 of the 195 mitzvot.

A few examples illustrate two basic points. First, many mitzvot focus on themes common throughout Tanach. Second, many mitzvot translate incidents from earlier events in the Torah and translate them into specific mitzvot.

Chapter 25 gives one example, yibum (levirate marriage). If two brothers live in close proximity and one dies with a wife but no children, the surviving man is to marry the widow and give her a son. That son is to be the son of the deceased brother and inherit his land and assets (25:5-10). This mitzvah protects the legacy of the deceased brother and provides for his widow and children. The chapter ends with the eternal commandment to destroy Amalek and his memory (25:17-19). Amalek "struck those of you who were hindmost, all the weaklings at your rear, when you were faint and exhausted. . ." (Devarim 25:18). Rabbi Fohrman connects these two mitzvot by looking back to the war with Amalek (Shemot 17:8-16). While Yehoshua led the fighting, Moshe went up on a hill for spiritual support. When Moshe held up his hands, the Jews prevailed. When he dropped his hands, Amalek prevailed. Moshe needed his brother (Moshe) and nephew (Chur) to support and hold up his hands long enough for the Jews to weaken Amalek. What connects these incidents is that both involved brother supporting brother – the mitzvah of helping the weak and vulnerable members of society.

A famous mitzvah from Ki Teitzei is Shiluach Ha'kan, one may not take eggs or young chicks from a nest without first chasing away the mother bird (Devarim 22:6-7). The reward for obeying this mitzvah is long life. The only other mitzvah whose reward is long life is honoring ones mother and father. What connects these two mitzvot? Rabbi David Fohrman explains the connection. Since a bird can fly, it is very difficult to catch a bird, except if she is hovering around the nest trying to protect her young. Rabbi Fohrman connects this situation to Yaakov's dilemma when he was about to meet Esav after more than twenty years, when his brother was approaching with four hundred of his closest friends (large men) (Bereishis ch. 32). Yaakov prayed to Hashem to save him from Esav, lest he "strike me, mother and children" (32:12). Yaakov was in a situation equivalent to that of a mother bird – he would need to fight to death to save himself, his wives, and his young children, because none of the adults would leave if they had any prospect of saving the young children. Esav passed on the opportunity to kill his brother, the four wives, and the young children. His reward was that his twelve sons all became kings and established nations – a legacy of successful descendants. The person who refrains from catching a mother bird who is protecting her nest and Esav, who refrains from killing his brother, the wives, and the children, both honor parents in doing so. Indeed, the one positive trait that Jewish tradition has for Esav is that he loved and honored his parents, especially his father.

The climax of Ki Teitzei is the commandment to wipe out Amalek and the memory of this cursed nation. What lesson are we to derive today from this message? One lesson is that we should battle evil in the world. Nations that persecute minorities, disadvantaged, and needy people tend to be evil. Amalek, in particular, represents the opposite of the mitzvah

of honoring parents with its focus on attacking and killing family members whom any parent should wish to protect. Plenty of nations, most of them enemies of Israel, fit this description. The Arab nations that hide their weapons and aggressors in hospitals and schools, attack Israel regularly, and try to kill as many civilians as possible, fit this description of evil.

Rabbi Jonathan Sacks, z"l, in his Devar Torah (below), distinguishes rational and irrational hatred. Rabbi Sacks states that discussion can change the views of those with rational hatred and transform it into something positive, but that irrational hatred is a hopeless target. Nations with irrational hatred tend to be modern forms of Amalek – targets that moral nations should oppose actively. During the time of the Torah, we could have expected such nations to be included with nations that B'Nai Yisrael were to wipe out. (Obviously we no longer receive direct messages from Hashem and therefore cannot derive this command today, but we can observe Rabbi Sacks' warning about seeking a way to cope with irrational hatred.)

The Torah gives us a methodology to appreciate good in our lives and the world around us – and also a way to understand evil where it exists. My beloved Rebbe, Rabbi Leonard Cahan, z"l, helped me and generations of his friends and congregants to recognize and support good while fighting evil among us. It is our job as parents and grandparents to share these lessons with the next generations. Intelligent people can differ on the best ways to cope with evil in our midst. Rabbi Cahan would not necessarily have agreed with my interpretation, but he would have encouraged me to ponder and seek sound reasons for my views.

Shabbat Shalom,

Hannah & Alan

Much of the inspiration for my weekly Dvar Torah message comes from the insights of Rabbi David Fohrman and his team of scholars at www.alephbeta.org. Please join me in supporting this wonderful organization, which has increased its scholarly work during the pandemic, despite many of its supporters having to cut back on their donations.

Please daven for a Refuah Shlemah for Mordechai ben Chaya, Hershel Tzvi ben Chana, David Leib ben Sheina Reizel, Uzi Yehuda ben Mirda Behla, Dovid Meir ben Chaya Tzippa; Zvi ben Sara Chaya, Eliav Yerachmiel ben Sara Dina, Reuven ben Masha, Meir ben Sara, Oscar ben Simcha, Ramesh bat Heshmat, and Regina bat Simcha, who need our prayers. I have removed a number of names that have been on the list for a long time. Please contact me for any additions or subtractions. Thank you.

Hannah & Alan

Drasha: Ki Seitzei: Gratitude Attitude

By Rabbi Mordechai Kamenetzky © 2019

[Please remember Mordechai ben Chaya for a Mishebarach!]

In Parshas Ki Seitzei, the Torah tells us about the ills of Amon and Moav, the two nations descending from the daughters of Lot, the nephew of Avraham. The passuk says, "An Ammonite or Moabite shall not enter the assembly of Hashem... Because they did not greet you with bread and water on the way, when you left Egypt, and because they hired Balaam the son of Beor... to curse you." (23:4,5)

Each of these nations had a strike against them. Moav tried to destroy the Jews by hiring Bilaam to curse them, and Amon did not greet the Jews with food and water.

Are these two sins equal? Seemingly, the sin of Moav is much worse, as they wanted to kill the Jews, yet Amon simply sat back and refrained from an extraordinary act of kindness. Why are they treated equally?

Rabbi Chaim Boruch Wolpin zt"l, a Seattle native, rose to Torah greatness and became the rosh yeshiva of Yeshivas Karlin Stolin in Brooklyn. He once entered the study of Rav Shmuel Kamenetzky shlita, rosh yeshiva of Yeshiva of Philadelphia, to visit him, and was surprised that Rav Kamenetzky stood up for him and said, "I must thank you for saving my life!"

Rav Wolpin was taken aback, as he did not recall saving the life of Rav Shmuel Kamenetzky, yet he listed as Rav Shmuel explained.

Rav Yaakov Kamenetzky zt"l, Rav Shmuel's father left his home in Lithuania and travelled to America alone in 1937, seeking a position as a Rabbi. Through a series of events, he was able to secure a job as an interim Rabbi in Seattle. During his time in Seattle, he met the two Wolpin brothers, Chaim Boruch and Nissim, who attended the local Jewish Day School. Rav Kamenetzky spent some time talking to them before he proceeded to quiz the boys on what they were learning in class. Young Chaim Boruch Wolpin not only knew Baba Kama, but he amazed the new Rav with his clear understanding of the concepts in the gemara. Rav Yaakov was duly impressed.

After a short time, Rav Yaakov secured a steady job in Toronto, and moved there himself, while trying to bring his family over to Canada. One day, he received a letter from his brother-in-law in Lithuania, Rav Avraham Grodzinsky zt"l hy"d, who was taking care of his family while he was abroad. He wrote that although he allows the younger children and the girls to travel to America, he is hesitant to allow Rav Yaakov's two older sons, Binyamin and Shmuel, to travel to America, as they are already studying in yeshivos in Europe. With a weak infrastructure of yeshivos in America, Rav Grodzinsky was concerned about their spiritual well-being, and their ability to learn Torah properly in America.

But Rav Yaakov would not hear of it. "If Chaim Boruch Wolpin, a young child in Seattle, can master Bava Kama, then my children can also study Torah and master it here in America." With that, he insisted that his entire family, including his two older sons, come to Canada.

Rav Shmuel Kamenetzky smiled at Rav Wolpin. "Now you know how you saved my life. Your mastery of Bava Kama gave my father the confidence to bring my brother and myself over to Canada just before the war broke out!"

My grandfather Rav Binyamin Kamenetzky zt"l would explain based upon the Ramban's understanding.

The Ramban explains that both Amon and Moav are descendants of Lot, who was miraculously saved by Avraham from the war of the four kings against the five. Lot and his descendants should have been forever grateful to Avraham. Yet only a few generations later, Moav acted with conniving brazenness to curse the children of their benefactor.

But that is not the only sin perpetrated by the children of Lot. Amon too, acted with ungratefulness and disgust. As the Jews left Egypt and passed by the land of Amon, they had the opportunity to show appreciation from the kindness which Avraham did for them. Instead, they snubbed them by ignoring their need for bread and water.

This sin, although not as dramatic as Moav's is rooted in the same trait of ungratefulness. Therefore, explains the Ramban, Amon is also not welcome to marry into our nation.

To enter into our nation, one needs to have an appreciation of deeds done to him in the past, and one's attitude must always display his gratitude.

Good Shabbos!

<https://torah.org/torah-portion/drasha-5779-ki-seitzei/>

A Rabbi and a Scientist Walk into a Room...
by Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2016

Can new discoveries in science and advances in technology bring about changes in halakha? The question is not whether halakha can address phenomena that did not exist in the time of the Talmud, such as electricity, surrogate motherhood, and organ transplants; that is the regular work of halakha. The question, rather, is whether a halakha formulated on certain scientific or technological assumptions can change once those assumptions are proven incorrect. The Gemara, for example, states that a baby born in the eighth month of pregnancy is not viable and that her mother cannot even nurse her on Shabbat because the baby is “like a stone” and will definitely die. This is in contrast to a baby born during the seventh month, which the Gemara considers to be viable. In another case, the Gemara makes it forbidden to eat meat and fish cooked in the same oven because it poses a health hazard. Since we now know it to be otherwise, should the halakha change to reflect our current knowledge?

A number of people would object to the notion that the Rabbis of the Talmud could make errors in science. Rambam was certainly not bothered by this; he wrote that the Rabbis’ possessed scientific knowledge no more advanced than the scientists of the time (Guide to the Perplexed, II:8 and III:14). Others not prepared to concede this point but unable to deny that their direct experience of the world ran contrary to statements in the Talmud argued that nature had changed since the time of the Talmud: *nishtaneh ha’tevah* (see, for example, Tosfot Avoda Zara 24b, s.v. *parah*). Either way, once it was accepted that reality was not as the Talmud described, the question arose: Will halakha change as a result? The answer has implications for many halakhot and mitzvot, two of which appear side by side in our parasha. In the first, the Torah admonishes us regarding a number of people who cannot enter into “the congregation of the Lord,” that is, who cannot marry another Jew. One of these is the *petzuah dakah*, the man with crushed testicles; another is the *mamzer*, the person born from an illicit union (23:1–2).

In February 1963, Rav Moshe Feinstein was asked about the case of a man who had a testicular biopsy so that the doctors might determine why he had been unable to have children (Igrot Moshe Even Ha’Ezer 2:3). If any part of the testicle was removed, the man would be considered a *petzuah dakah* according to the Gemara, and he would be forbidden to continue living with his wife. Rav Moshe noted that the procedure in question could quite likely help—and it certainly would not hurt—the man’s fertility. Thus, he concluded, if it could be established, first, that the Gemara’s determination was not based on the physical condition of the organ alone but on the assumption that such a condition made the man sterile and, second, that the Gemara’s ruling could be reassessed based on current scientific knowledge, we could then conclude that the man would not be a *petzuah dakah*.

This led Rav Moshe to analyze at length the question of whether halakha can change with new scientific knowledge. This had actually been discussed extensively through the centuries with the issue of *treifot*, animals with injuries considered to be fatal. Rambam ruled that the list of injuries cannot be updated based on new medical knowledge, even to be more strict (Laws of Shechita 10:12–13). This point was passionately reiterated by Rashba in a responsum (1:98), as it has been by many *poskim* since. But Rav Moshe argued that the case of *treifot* was an exception to the rule, being that the *treifot* were ultimately known and concretized through tradition and not science. For other halakhot, the matter was different:

[F]or we find in many other cases that the Torah relied on the Rabbis’ assessment of reality, regarding absorption and transfer of taste [of foods in vessels], and when a planting takes root, and similar issues....[And when it comes to matters other than treifah,] the determination is based on the assessment of the doctors of any given time....We thus see that unless we are compelled otherwise, we should assume that matters that are dependent on nature should be based on the assessment of the rabbis of every given time.

For Rav Moshe, any halakha based on an assumption relating to science or the natural world can be reassessed as our knowledge changes.

Does this mean every halakha should be reassessed on this basis? The answer is no. The process of changing halakha based on science can be threatening and disruptive; acknowledging error can serve to undermine faith in the authority of the Rabbis or the divinely-binding nature of the system. Allowing science to dictate halakhic change also locates ultimate authority outside of the system, with science and scientists and not with the Rabbis; this is why Rav Moshe spoke about the determination of the Rabbis and not scientists. Beyond all of this, change is disruptive. Any legal system must be

fundamentally conservative: the law must be stable so that it can support, guide, and direct behavior. No posek worth his salt is interested in doing a wholesale audit of halakha to determine which halakhot are out of sync with science to then change them accordingly.

The opposite—that no halakha should ever be revisited—is equally not true. A good posek knows that sometimes the law must be flexible; it must be able to respond to the human condition. The ability to reassess a halakha based on science can be an effective tool in finding halakhic solutions to challenging cases. Thus, Rav Moshe used his principle to rule that the man is not a petzuah dakah, but he did not use it to reassess the laws of kashrut, which he could have easily done, and with good reason. Today's pots are made from stainless steel, and they don't absorb the taste of non-kosher food. If we were to reassess the laws of absorption of taste, we would wind up jettisoning half the laws of kashrut. Rav Moshe wisely lets that possibility lie dormant. (Interestingly, just this week Rav Eliezer Melamed of Yeshivat Har Bracha reawakened that possibility, arguing that after the fact, food cooked in a clean stainless steel pot is always kosher, regardless of what it was used for in the past!)

The balance between stability and responsiveness can also be seen in the cases mentioned at the outset. In the case of a baby born in the eighth month, with a human life at stake, almost all poskim state that the ruling of the Gemara is no longer operative; the baby is considered viable and Shabbat must be broken to protect his life. However, there is no major need to reassess the prohibition of cooking meat and fish in the same oven, so that halakha remains.

This brings us to the second mitzvah, the prohibition against a mamzer marrying anyone who is not a mamzer. In July 1977, Rav Waldenberg dealt with the question of child support: In a case where the paternity of the child was in doubt, could a blood test be used to demonstrate that a particular person could not be the father? Rav Waldenberg argued that halakha could not recognize the results of such a test, inasmuch as the Talmud states that the red matter in a person, including the blood, comes from the mother and not the father. To argue this way seems nonsensical: the Talmud passage in question isn't a halakhic ruling, and there is no question about the science behind a blood test. But Rav Waldenberg knew what he was doing. To have allowed a blood test to be used in halakha would mean that we could determine that someone's father was not the man married to his mother, in other words, that the person was a mamzer. This would be highly disruptive to the system, which goes to great lengths to minimize cases of mamzeirut, and disastrous in terms of the human cost.

The introduction of change into the system brings about consequences, both seen and unforeseen, and it is just as likely that it will make things worse rather than better. The ability to reassess halakha based on science is a powerful tool in the hand of a posek, and it must be wielded responsibly. A good posek is one who knows that halakha must be as responsive as possible to human needs and that it must remain stable, consistent, and true to our mesorah. While different poskim will strike this balance differently, it is on every posek to ensure that our Torah remains both a Torat emet and a Torat chayim.

<https://library.yctorah.org/2016/09/a-rabbi-and-a-scientist-walk-into-a-room/>

Parshas Ki Seitzei -- Compounded Interests

by Rabbi Mordechai Rhine © 2014 Teach 613

The prohibition against charging interest is a fascinating one. In the world of banking, it is normal for a lender to charge interest on a loan. This charge is similar to the charge that a compounded interest car rental company imposes if you want to use their product. If you want to use someone else's money, it seems fair that interest should be charged. Yet, the Torah prohibits us from charging interest when we grant another Jew a personal loan. For example, if a person has fallen on hard times and has trouble paying his utility bill, while it is a mitzvah to loan him the money he needs, interest may not be charged.

The Sefer HaChinuch explains the mitzvah in the following way. "G-d wanted the world to be a success. G-d did not want that one person should swallow up another person's assets without anyone realizing that it is happening. The way of compounded interest is that suddenly the person is left with nothing."

The Torah recognizes the enormous power of compounded interest. A person may start with a little loan to pay his utility bill. But if he leaves the interest process going unchecked, the amount that he owes can grow exponentially. Day after day the amount owed is recalculated. The Torah prohibits us from unleashing this destructive power against another Jew.

The power of compounded interest is that without realizing it the amount owed keeps getting bigger. Once the system is in place, a person doesn't realize it, but the numbers are constantly being recalculated.

The question I would like to pose is, after recognizing the enormous power of charging interest, is it possible to channel this power in a meritorious manner?

I believe it is.

Consider this example. In our time it is common for people to subscribe to automatic investment plans. "Pay yourself first," is the slogan of many investment companies. Indeed, if a person places an automatic investment plan in place, he can come back years later and find that simply by putting a system in place he has managed to accumulate significant wealth. Similarly, I would suggest, if a person gets into a routine of doing a certain mitzvah, then without even realizing it, over time the mitzvos accumulate.

I knew a couple who used to do "hospital rounds" every day after work. They simply scheduled in an extra half hour to visit the ill before they went home from work. Over years they put in thousands of hours of mitzvah time; they spread good cheer to hundreds of patients. Their dedication became so much a part of their life that they didn't even realize that they were doing anything special. Such is the power of setting up the system of a mitzvah routine. Day after day the mitzvos accumulate without our even realizing the accomplishment.

Let's try another application. It is well known that Judaism is an action focused religion. We should often be asking ourselves, "What mitzvos have I done today?" But the concept of compounded investments means that you can put a system in place which will allow you to accrue merit daily, even on days that you aren't involved in a particular mitzvah.

Consider a person who welcomes a person warmly into the synagogue. The newcomer feels at home and decides to attend synagogue more frequently. Soon he becomes an initiator of programs that benefit the Jewish community. All of his accomplishments can be traced to the warm smile of the person who welcomed him warmly on his first day. With time, the merit of that original smile grows exponentially, and becomes a formidable fortune. Such is the power of setting a good thing into motion.

The Torah recognizes the amazing impact of compounded interest. If we can channel that energy in a positive way, then we are capable of multitasking in a way never dreamed possible. Set good projects into motion; give people a kind encouraging word. Each day you will be paid a percentage of merit for the good deeds performed because of your investment.

G-d wants the world to be a success. G-d wants that a person should increase his merits without even realizing what is happening. So go ahead. Set good things into motion. The nature of compounded interest is that suddenly you will find yourself a wealthy person indeed.

With best wishes for a wonderful Shabbos.

<http://www.teach613.org/parshas-ki-seitzei-compounded-interests/>

Electronic Lashon Hara: Thoughts on Parashat Ki Tetzei, September 10, 2011

by Rabbi Marc D. Angel *

At a recent lunch meeting with friends, we were discussing the ugliness and lack of civility which too frequently characterize blog sites and online comments. Modern technology makes it quite easy for people to post hostile remarks against those with whom they disagree. These ad hominem attacks gain lives of their own, being forwarded to readers who then forward them to others etc. In a matter of a few seconds, people can spread "lashon hara" to a wide audience.

My friend told me of a woman who had been viciously attacked by online critics for statements she had made. She patiently searched for the telephone numbers of as many of the critics as she could identify. And then she called each of them.

They were startled to actually be speaking with the person they had so harshly maligned online. When they realized that the person they had attacked was a real human being with real feelings, they became somewhat apologetic for the rashness of their remarks. It is one thing to write an anonymous comment against an anonymous person; it is another thing to confront the person directly, as a fellow human being.

Modern technology makes it easy to dehumanize others. People can lodge the cruelest and most outlandish charges — without ever having to face the victims of their venom, without ever having to consider the ultimate impact of their “lashon hara”. They feel that it’s ok for them to vent, to call names, to discredit others — because they don’t see these “others” as fellow human beings. The victims are merely targets on a computer screen, to be shot down just as one shoots down enemies in other computer games.

Rabbi Eliezer Papo, one of the great sages of the 19th century, offered an important insight to authors. He suggested that if author A wished to write a critique of a work by author B — even if author B had died long ago — author A should imagine that author B was in the same room with him. He should not write down even one word that he wouldn’t say to author B face to face. This advice inculcates respectfulness to fellow human beings. If we wish to critique ideas or opinions, we should not use ad hominem attacks. Rather, we should focus on the issues themselves, and offer calm and cogent arguments. Name-calling never establishes truth; only careful and thoughtful reasoning can lead us to truth.

In this week’s Torah reading, we are commanded to “remember what the Lord your God did unto Miriam by the way as you came forth from Egypt” (Devarim 24:9). According to rabbinic tradition, Miriam was struck with leprosy due to her sin of speaking “lashon hara,” evil-spirited gossip against Moses. The Torah insists that we remember the consequences of “lashon hara”, that we recognize that it plagues the speaker as well as the victim.

“Lashon hara” has always been considered by Jewish tradition to be among the most heinous sins. It is a sin that causes affliction to the speaker, to the listener, and to the victim. In the modern era, “lashon hara” has reached new magnitudes of danger and harmfulness, due to the instant communications made possible by new technologies. If Miriam was punished for spreading a little gossip among a relatively few people, imagine the culpability of one who electronically spreads slander and disparagement to many thousands of people.

Here is some advice for coping with electronic “lashon hara”.

- Don’t post any comment or critique that you would not say to the victim in person.
- Don’t write ad hominem attacks or engage in character assassination. If you object to someone’s opinions, then focus on the opinions. Show why they are wrong. Offer cogent arguments. Be respectful.
- If you receive a comment/blog/email that contains “lashon hara”, delete it immediately. Do not forward it to anyone else. If possible, communicate with the sender and register your disapproval of his/her spreading of “lashon hara.”
- Do not trust the reliability of anyone who sends around ad hominem attacks.
- Remember what the Lord your God did unto Miriam by the way as you came forth from Egypt.

* Founder and Director, Institute for Jewish Ideas and Ideals.

<https://www.jewishideas.org/electronic-lashon-hara-thoughts-parashat-ki-tetzei-september-10-2011> **The Institute for Jewish Ideas and Ideals has experienced a significant drop in donations during the pandemic. The Institute needs our help to maintain and strengthen our Institute. Each gift, large or small, is a vote for an intellectually vibrant, compassionate, inclusive Orthodox Judaism. You may contribute on our website [jewishideas.org](https://www.jewishideas.org) or you may send your check to Institute for Jewish Ideas and Ideals, 2 West**

Non-Frum Rabbis??!! Blog by Rabbi Marc D. Angel

By Rabbi Marc D. Angel *

The Jewish Press newspaper recently printed an article: “Can Shuls be Forced to Hire a Non-Frum Rabbi?” The author discussed the legal boundaries of religious institutions when they engage staff. Must the candidate live according to the religious rules of the employer? Or is an applicant protected by civil rights legislation, so that no one can be discriminated against based on their levels of religious observance? This is a serious issue with far-reaching ramifications, and legal clarity will ultimately come through decisions of the courts.

The article triggered in my mind another question: “Should Shuls Have Non-Frum Rabbis?” The question seems impertinent since it would seem obvious that rabbis are, by definition, living as frum, religiously observant Jews. And if a rabbi should be found to be engaging in egregiously non-halakhic behavior, I hope we would all agree that the rabbi should not be hired or maintained. After all, if the “religious leader” isn’t himself “religious”, how can he be a role model and teacher of religion to his community?

Yet, the question hinges on how we define “frum” and “non-frum.” Often, being frum is identified with being scrupulous in observing ritual laws—Shabbat, kashruth, taharat hamishpaha etc. But is a rabbi to be considered frum if guilty of rude behavior, publically embarrassing others, speaking lashon hara? Is a rabbi to be considered frum if he regularly skips daily minyan, or if he chats and jokes during prayer services, or if he seems rarely to be available to congregants—unless they are rich or influential in the congregation? Is a rabbi frum if he takes a full salary from the congregation but doesn’t work to his full capacity?

I like to believe that most rabbis are indeed frum in the full sense of the term. But there are, unfortunately, some rabbis who are non-frum when it comes to proper interpersonal relationships, when it comes to reverence during prayer, when it comes to genuine commitment to serve the congregation with full energy and full commitment.

Should Shuls have non-frum Rabbis? No, they shouldn’t. Should non-frum people be serving as rabbis? No, they shouldn’t.

As a general rule, congregations have the rabbis they deserve. If they hire and maintain proper rabbinic leadership, that is to their credit. If they hire and maintain “non-frum” rabbis, this reflects poorly on their own religiosity and communal responsibility.

* Founder and Director, Institute for Jewish Ideas and Ideals.

<https://www.jewishideas.org/blog/non-frum-rabbis-blog-rabbi-marc-d-angel>

Ki Seitzei: Serving G-d For Our Sake

by Rabbi Yehoshua Singer * © 2021

One of the many mitzvos we are taught in this week’s parsha is the mitzva of *Shilu’ach Hakein* – sending away the mother bird. When we find a nest with a mother bird incubating her young, we are not allowed to take the eggs or the chicks and the mother bird together. Rather, we must first send the mother bird away. (Devarim 22:6-7) Many of the early commentaries explain that this mitzva teaches us sensitivity. We must even have mercy towards a mother bird, and not take her chicks out from under her. We must also learn to appreciate the world and train ourselves to preserve all of the gifts of G-d’s world. We, therefore, do not take the mother bird, allowing her to lay more eggs so the species can continue.

However, there is a difficult Gemara that seems to contradict these sentiments. The Mishna in Berachos (Chapter 5 Mishna 3) teaches that if one is leading the community in prayer and says, “Your mercies are upon the bird’s nest,” we

silence him. The Gemara explains according to one opinion that the reason we silence him is because he is misinterpreting G-d's commandments. "He is making the measures of the Holy One, Blessed is He, into mercies, and they are only decrees." (Berachos 33b) This Gemara seems to indicate that this mitzva is not based on mercy at all, but is only a decree of G-d. Why then do the commentaries explain that this mitzvah is an expression of mercy? The Ramba"n in our parsha (ibid.) adds another difficulty with this Gemara. It seems to indicate that all of the mitzvos are decrees of G-d and are not based on mercy and reason. Yet, we know that all of the mitzvos have deeper reasons and meaning. Why would the Gemara say that the mitzvos are only decrees of G-d, as if there are no lessons to learn from them and no messages behind them?

The Ramba"n explains this Gemara based on a Medrash Tanchuma (Shemini 8). The Medrash asks why it matters whether we eat kosher or non-kosher food? What we eat has no impact on G-d. The Medrash answers that the mitzvos are given to refine and purify us. The lessons and gains of the mitzvos are for our benefit alone. They do not benefit G-d. The Ramba"n explains that this concept applies to all mitzvos. Some teach us mercy and kindness, some teach us to recognize G-d, and some enable us to remember and recognize G-d throughout our days and throughout our lives. This, he explains, is the refinement and purification which the Medrash speaks of. The mitzvos of G-d purify us and elevate us, each mitzvah in its own way. The opposite is true of the prohibitions. Each sin is an activity which would dampen our sensitivities, or hamper in some way our recognition of G-d and our ability to connect with Him.

This, says the Ramba"n, is the meaning of the Gemara in Berachos. There is indeed a message and meaning to each and every mitzvah we are commanded. However, a person who says G-d's mercies have come upon the bird's nest, has drastically misunderstood all of Torah and mitzvos. G-d does not need us to protect the animal kingdom, any more than G-d needed us when He created the world. Rather, the reason G-d has given us this commandment is to teach us to be merciful. The mitzvah is not an expression of G-d's mercy. It is an expression of G-d's concern and love for us that He has commanded us to train ourselves to be merciful.

As we approach the High Holidays and seek to grow and reflect, we must take this lesson of the Ramba"n to heart. When we strengthen our observance, we are strengthening ourselves. Each mitzvah has a particular lesson for us and is an opportunity to raise ourselves beyond mere survival to a life of meaning and depth. Whether we wish to enhance our sensitivities and our morality in the coming year, or whether we wish to deepen our recognition and appreciation of G-d in our lives, mitzvos are the means to achieve our goals. It is for this very reason that G-d has given us these mitzvos. Through Torah and mitzvos, G-d is guiding us to elevate and purify ourselves, enabling each of us to become the best that we can be.

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A Movie Recommendation

By Rabbi Moshe Rube *

Do you enjoy movies? I do. But lately, I have not watched a lot. It's not that I've lost the taste for it. It's just that with the plethora of options, it's hard to separate the wheat from the chaff. There is quality programming out there that is worth our time. Movies and art that make you think, reflect, and see the world from a new or deeper perspective. But it's hard to find them just flipping through Netflix. So instead I've turned more to reading and other interests.

But once in a while, a movie jumps out to me that for some reason, gets me to commit the 2 or 3 hours to watch it and restart the streaming service where it lives. A year or two ago, I saw trailers for an animated feature called *The Breadwinner*. Set 20 years ago in Afghanistan, it tells the story of a family from Afghanistan living under the Taliban whose father is arrested for teaching his daughters and speaking disrespectfully to a Taliban member. His daughter Parvana dresses up as a boy so she can find work to support her family. Throughout, we get a glimpse into her mind as she tells herself stories like her father taught her to give her strength as she tries to rescue her father.

The animation is sublime with rich scenery. The characters are richly drawn, and the story pulls you in. But most of all this movie showed me a world I've never seen before. I'm an American Jew who spent his whole life in the Jewish community. What do I know of Afghanistan? Seeing this film helped me see and experience the humanity of those over there. Those desperately trying to make things work in an impossible situation. (As many of us saw in the news this week, much of the Afghanistani people do not wish to be ruled by the Taliban).

Usually when we hear about countries in the Middle East that are not Israel, the connotation is negative. It's hard to separate the blustering anti-Israel rhetoric from those in these countries that are just trying to survive. But we must do so. Allow me to illustrate this point with two halachot (Jewish laws).

Rosh Hashanah is coming up, the day of the Jewish New Year. However, there is one prayer we don't say that we usually say on a Festival. Hallel. The Talmud says that we don't say Hallel because it's wrong to sing joyous praise while the "Books of Life and Death are open in front of a God" for the entire world, even if today is a Jewish Festival.

We also do not say the full Hallel on the seventh day of Passover, because we cannot express full praise on the day that the Egyptians, God's creations, drowned in the Sea of Reeds. Even our enemies -- we are so careful not to be happy in their destruction even when we need to rise up in strength. Jews are not pacifists. But we do not delight in the destruction of fellow human beings, all of whom are made in God's image.

If this was said about our enemies and enslavers, how much more so is our obligation to feel a common humanity with those who are not our enemy. The people of Afghanistan, those just trying to get by and don't want or mean any harm to Jews, are not our enemy. We pray that they be okay and that Hashem looks after them. We pray for everyone under the thumb of evil rulers. We hope that eventually all nations including Afghanistan will join the Jewish people in partnership and work towards peace and prosperity for all humanity.

So allow me to recommend The Breadwinner to you. It's currently streaming on Netflix. If it affected me enough that I'm writing this email about Afghanistan, then it may just have an effect on you too.

Shabbat Shalom!

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Rav Kook Torah

Ki Teitzei: Remembering Miriam's Punishment

Six Zechirot

Six times the Torah commands us to remember certain events. These six zechirot (remembrances) are listed after the morning prayers:

- The Exodus from Egypt.
- The Torah's revelation at Sinai.
- The attack of Amalek and the command to destroy him.
- The rebellious acts of the Israelites in the desert.
- The Sabbath day.
- Miriam's punishment for slandering Moses.

The first five are clearly important for us to remember, as they are major events or fundamental principles of faith. Yet the last one, Miriam's punishment for slandering Moses, doesn't seem to fit with the rest of the list. Does it make sense to consider Miriam's mistake in judgment on par with historical milestones such as the Exodus from Egypt or the revelation of Torah at Sinai?

In order to appreciate the fundamental lesson of Miriam's punishment, we must understand the essence of her error.

Moses' Prophetic Level

The Torah relates (Num. 12:1-15) that Miriam spoke against her younger brother Moses for neglecting his wife. Miriam felt that the fact that Moses was a prophet did not justify his behavior. "Is it only to Moses that God speaks? Does He not also speak to us?" Even though we — Miriam and Aaron — are also prophets, we still maintain normal family relations.

God responded to this accusation by appearing suddenly to Miriam and Aaron:

"Listen carefully to My words. If someone among you experiences Divine prophecy, then I make Myself known to him in a vision; I speak to him in a dream. This is not true of My servant Moses ... With him, I speak face to face ... so that he sees a true picture of God."

Far worse than her sin of slander, Miriam erred in her evaluation of the nature of Moses' prophecy. Had Moses been just a regular prophet, Miriam would have been correct in her criticism. But in fact, Moses' prophetic vision was on a higher plane than common prophecy. Moses' vision was not distorted and murky, but crystal-clear — he saw through an *aspaklariah me'irah*, a clear lens. As a result, the Five Books of Moses are on a higher level than the other books of the Bible. No prophet may challenge or contradict Moses' prophecies.

It is for this reason that we are commanded to remember Miriam's punishment for speaking against Moses. By recalling her mistake, we are reminded to appreciate the unique nature of Moses' prophetic vision.

(Adapted from Olat Re'iyah vol. I, p. 334.)

http://www.ravkooktorah.org/KI_TEZE58.htm

Two Types of Hate (Ki Teitse 5777)

By Lord Rabbi Jonathan Sacks, z"l, Former Chief Rabbi of the U.K.*

It is by any standards a strange, almost incomprehensible law. Here it is in the form it appears in this week's parsha:

Remember what the Amalekites did to you along the way when you came out of Egypt. When you were weary and worn out, they met you on your journey and attacked all who were lagging behind; they had no fear of God. When the Lord your God gives you rest from all the enemies around you in the land He is giving you to possess as an inheritance, you shall blot out the name of Amalek from under the heaven. Do not forget. (Deut. 25:17-19)

The Israelites had two enemies in the days of Moses: the Egyptians and the Amalekites. The Egyptians enslaved the Israelites. They turned them into a forced labour colony. They oppressed them. Pharaoh commanded them to drown every male Israelite child. It was attempted genocide. Yet about them, Moses commands:

Do not despise an Egyptian, because you were strangers in his land. (Deut. 23:8)

The Amalekites did no more than attack the Israelites once^[1], an attack that they successfully repelled (Ex. 17:13). Yet Moses commands, "Remember." "Do not forget." "Blot out the name." In Exodus the Torah says that "God shall be at war with Amalek for all generations" (Ex. 17:16). Why the difference? Why did Moses tell the Israelites, in effect, to forgive the Egyptians but not the Amalekites?

The answer is to be found as a corollary of teaching in the Mishna, Avot (5:19):

Whenever love depends on a cause and the cause passes away, then the love passes away too. But if love does not depend on a cause then the love will never pass away. What is an example of the love which depended upon a cause? That of Amnon for Tamar. And what is an example of the love which did not depend on a cause? That of David and Jonathan.

When love is conditional, it lasts as long as the condition lasts but no longer. Amnon loved, or rather lusted, for Tamar because she was forbidden to him. She was his half-sister. Once he had had his way with her, "Then Amnon hated her with intense hatred. In fact, he hated her more than he had loved her." (2 Sam. 13:15). But when love is unconditional and

irrational, it never ceases. In the words of Dylan Thomas: "Though lovers be lost, love shall not, and death shall have no dominion."

The same applies to hate. When hate is rational, based on some fear or disapproval that – justified or not – has some logic to it, then it can be reasoned with and brought to an end. But unconditional, irrational hatred cannot be reasoned with. There is nothing one can do to address it and end it. It persists.

That was the difference between the Amalekites and the Egyptians. The Egyptians' hatred and fear of the Israelites was not irrational. Pharaoh said to his people:

'The Israelites are becoming too numerous and strong for us. We must deal wisely with them. Otherwise, they may increase so much, that if there is war, they will join our enemies and fight against us, driving [us] from the land.' (Ex. 1:9-10)

The Egyptians feared the Israelites because they were numerous. They constituted a potential threat to the native population. Historians tell us that this was not groundless. Egypt had already suffered from one invasion of outsiders, the Hyksos, an Asiatic people with Canaanite names and beliefs, who took over the Nile Delta during the Second Intermediate Period of the Egypt of the pharaohs. Eventually they were expelled from Egypt and all traces of their occupation were erased. But the memory persisted. It was not irrational for the Egyptians to fear that the Hebrews were another such population. They feared the Israelites because they were strong.

(Note that there is a difference between "rational" and "justified." The Egyptians' fear was in this case certainly unjustified. The Israelites did not want to take over Egypt. To the contrary, they would have preferred to leave. Not every rational emotion is justified. It is not irrational to feel fear of flying after the report of a major air disaster, despite the fact that statistically it is more dangerous to drive a car than to be a passenger in a plane. The point is simply that rational but unjustified emotion can, in principle, be cured through reasoning.)

Precisely the opposite was true of the Amalekites. They attacked the Israelites when they were "weary and weak." They focused their assault on those who were "lagging behind." Those who are weak and lagging behind pose no danger. This was irrational, groundless hate.

With rational hate it is possible to reason. Besides, there was no reason for the Egyptians to fear the Israelites any more. They had left. They were no longer a threat. But with irrational hate it is impossible to reason. It has no cause, no logic. Therefore it may never go away. Irrational hate is as durable and persistent as irrational love. The hatred symbolised by Amalek lasts "for all generations." All one can do is to remember and not forget, to be constantly vigilant, and to fight it whenever and wherever it appears.

There is such a thing as rational xenophobia: fear and hate of the foreigner, the stranger, the one not like us. In the hunter-gatherer stage of humanity, it was vital to distinguish between members of your tribe and those of another tribe. There was competition for food and territory. It was not an age of liberalism and tolerance. The other tribe was likely to kill you or oust you, given the chance.

The ancient Greeks were xenophobic, regarding all non-Greeks as barbarians. So still are many native populations. Even people as tolerant as the British and Americans were historically distrustful of immigrants, be they Jews, Irish, Italian or Puerto Rican – and for some this remains the case today. What happens, though, is that within two or three generations the newcomers acculturate and integrate. They are seen as contributing to the national economy and adding richness and variety to its culture. When an emotion like fear of immigrants is rational but unjustified, eventually it declines and disappears.

Antisemitism is different from xenophobia. It is the paradigm case of irrational hatred. In the Middle Ages Jews were accused of poisoning wells, spreading the plague, and in one of the most absurd claims ever – the Blood Libel – they were suspected of killing Christian children to use their blood to make matzot for Pesach. This was self-evidently impossible, but that did not stop people believing it.

The European Enlightenment, with its worship of science and reason, was expected to end all such hatred. Instead it gave rise to a new version of it, racial antisemitism. In the nineteenth century Jews were hated because they were rich and because they were poor; because they were capitalists and because they were communists; because they were exclusive

and kept to themselves and because they infiltrated everywhere; because they were believers in an ancient, superstitious faith and because they were rootless cosmopolitans who believed nothing.

Antisemitism was the supreme irrationality of the age of reason.

It gave rise to a new myth, The Protocols of the Elders of Zion, a literary forgery produced by members of the Czarist Russia secret police toward the end of the nineteenth century. It held that Jews had power over the whole of Europe – this at the time of the Russian pogroms of 1881 and the antisemitic May Laws of 1882, which sent some three million Jews, powerless and impoverished, into flight from Russia to the West.

The situation in which Jews found themselves at the end of what was supposed to be the century of Enlightenment and emancipation was stated eloquently by Theodor Herzl, in 1897:

We have sincerely tried everywhere to merge with the national communities in which we live, seeking only to preserve the faith of our fathers. It is not permitted us. In vain are we loyal patriots, sometimes superloyal; in vain do we make the same sacrifices of life and property as our fellow citizens; in vain do we strive to enhance the fame of our native lands in the arts and sciences, or her wealth by trade and commerce. In our native lands where we have lived for centuries we are still decried as aliens, often by men whose ancestors had not yet come at a time when Jewish sighs had long been heard in the country . . . If we were left in peace . . . But I think we shall not be left in peace.

This was deeply shocking to Herzl. No less shocking has been the return of antisemitism to parts of the world today, particularly the Middle East and even Europe, within living memory of the Holocaust. Yet the Torah intimates why. Irrational hate does not die.

Not all hostility to Jews, or to Israel as a Jewish state, is irrational, and where it is not, it can be reasoned with. But some of it is irrational. Some of it, even today, is a repeat of the myths of the past, from the Blood Libel to the Protocols. All we can do is remember and not forget, confront it and defend ourselves against it.

Amalek does not die. But neither does the Jewish people. Attacked so many times over the centuries, it still lives, giving testimony to the victory of the God of love over the myths and madness of hate.

Shabbat Shalom

FOOTNOTE:

[1] Of course, there were subsequent attacks by Amalek (including, according to tradition, in Bamidbar 21:1) but the decree to obliterate Amalek was issued after their first attack.

* Note: because Likutei Torah and the Internet Parsha Sheet, both attached by E-mail, normally include the two most recent Devrei Torah by Rabbi Sacks, I have selected an earlier Dvar. See

<https://rabbisacks.org/two-types-hate-ki-teitse-5777/>

Chai Elul: Foundations of the Chassidic Movement

by Chaya Mushka and Nechama Krimmer

This coming Thursday is the Chassidic holiday of Chai Elul, the 18th day of the Hebrew month of Elul. On this holy and auspicious day, we celebrate the lives of three Torah giants, schooled in both the revealed Torah and its mystical underpinnings, three tzaddikim who forever changed the course of Jewish history.

First, Chai Elul is the *yahrzeit* (in 1609) of Rabbi Yehuda Loewe, known as the Maharal of Prague. The Maharal is famous for creating the golem, reportedly through incantations of Hashem's Divine Names over a stagnant lump of clay. This giant, animated humanoid, according to Jewish lore, protected the Jews of Prague from rabid antisemitism. This golem is

rumored to still be hidden in the attic of the Altneuschul, the synagogue of the Maharal of Prague and one of the oldest synagogues in Europe. If you visit, don't go in the attic! Who knows what you might find!

Chai Elul is also the birthday of two giants in the Chassidic World: the Baal Shem Tov, the founder of the Chassidic movement, and Rabbi Shneur Zalman of Laidy, founder of the Chabad Chassidic Dynasty, as we will explain later.

The Baal Shem Tov was born in 1698 in what is now known as Belarus. His father passed away when the Baal Shem Tov was only five years old. Before his death, however, the Baal Shem Tov's father instructed his young son to "Fear nothing but Hashem and love every Jew with all your heart and soul." The Baal Shem Tov took his father's words to heart as ahavas yisroel, love of a fellow Jew, was central to the teachings of the Baal Shem Tov.

It's almost impossible to speak of the Baal Shem Tov without recounting one of the innumerable stories of his joy in serving Hashem, his mystical insights, and his ability to see the G dliness in simple folk, ones often devalued by those more educated or refined.

One Yom Kippur during Neilah, the Baal Shem Tov, with a heavy heart, lead the prayer service, slowly and mournfully. The congregation easily observed the anguish in his voice and the room buzzed with alarm as it was the nature of the Baal Shem Tov to always pray with a joyful countenance. Something was definitely wrong!

Suddenly, a lowly farmhand, who did not know how to read, write, or understand the prayers, entered the shul. He felt the tension in the room and wanted desperately to call out to Hashem. The farmhand, however, knew no prayers or psalms to recite, but he did know one thing: the many sounds of the animals he tended.

Mustering all his strength, from the back of the shul, the farm hand loudly began crowing like a rooster. Cock-a-doodle-do!

Immediately, the man was admonished by the congregation for his unorthodox outburst yet the mood of the Baal Shem Tov suddenly changed, and he concluded the Neilah prayer with renewed joy and contentment.

Afterwards, the Baal Shem Tov explained that at the beginning of Neilah, he witnessed a harsh decree being signed in heaven that would put the lives of many Jews in jeopardy. The sincere "Cock-a-doodle-do" of the farm hand, however, had burst through the heavens annulling the harsh decree.

The foundations of mysticism, ahavas yisroel, and serving Hashem with joy, embodied by the Baal Shem Tov, were passed on to the Maggid of Mezeritch as Chassidic dynasties began to form.

Rabbi Shneur Zalman of Laidy, grandson of the Maharal of Prague, was also born on Chai Elul (in 1745). Rabbi Shneur Zalman, commonly known as the Alter Rebbe, became the founder of the Chabad dynasty. His name truly reflects his essence. The name Shneur is a combination of the Hebrew words "shnei ohr" meaning "two lights." In the case of the Alter Rebbe, the two lights indicate his genius and scholarship in both the revealed Torah and in the Jewish mystical traditions, elucidated in works such as the holy Zohar.

Rabbi Shneur Zalman wrote both the Shulchan Aruch HaRav, an in depth code of Jewish law, as well as the heart of Chabad Chassidus, the Tanya. The Tanya is a complex and precise work that addresses Kabbalistic principles such as the nature of both the animal and the G dly soul, the power of the mind over the heart, the importance of our thoughts, speech, and actions, and of course, the importance of teshuvah, rectifying our behaviors and returning to Hashem in earnest.

Teshuvah is the main objective of the month of Elul that we find ourselves in today. During this month, we analyze our actions throughout the past year and resolve to work on the parts of ourselves that need improving in both our relationships to others and our relationship with Hashem.

Just as we ask Hashem to purify our hearts and pardon our wrongdoings on the High Holidays, during the month of Elul, we humbly ask forgiveness from those we may have hurt, either intentionally or unintentionally, in the past year. We soul search and focus on inner work which provides the space needed to develop a deeper relationship with ourselves, and through that, a deeper relationship with Hashem.

As we mentioned last week, Elul is the time of year when "the King is in the field," when Hashem comes down from his holy throne and walks among us, so to speak. But it is up to us to utilize this opportunity to go out and greet the King.

Wishing all a productive and reflective month of Elul and a joyous and inspired Chai Elul. May we take a gleamer of wisdom from the three Sages honored on this day to increase in ahavas yisroel, our dedication to Torah and mitzvot, and serving Hashem with a pure and joyous hearts.

https://www.chabaddayton.com/templates/articlecco_cdo/aid/5221963/jewish/Chai-Elul.htm

On Attempting to "Understand" Torah: An Essay on Ki Teitzei

By Adin Even-Israel (Steinsaltz) *

Parshat Ki Teitzei is full of diverse topics. According to Maimonides' enumeration of the mitzvot, this parshah contains over seventy mitzvot, and several observations can be made regarding the connection between the various subjects in the parshah.

According to the Talmud, though it is disputed whether halachic inferences can generally be derived from the juxtaposition of two topics, all agree that in the book of Deuteronomy such inferences may be drawn.¹ The reason for this is that Deuteronomy is full of repetition of material that is found earlier in the Torah. Because the reason for this repetition is not always clear, our sages provided us with this tool to help us identify distinctions between two otherwise identical passages or verses.

It is said that the Torah can be interpreted in seventy ways, and so many Torah fundamentals are derived by exegesis, often by expounding upon the juxtaposition of two sections. An examination of the various juxtaposition-based interpretations by our sages reveals that the laws derived by this kind of interpretation – particularly in the book of Deuteronomy – are very basic laws.

Juxtaposition can explain the reasons behind many laws. For example, why is the wayward and rebellious son punished with the death penalty, a punishment that seems overly severe? Our sages say, based on the juxtaposition of the section on the wayward and rebellious son to the section on those to be executed by the court, that "the wayward and rebellious son is condemned on account of his inevitable end."² He is punished when still a boy so that he should not commit more serious crimes in the future.

Another type of juxtaposition-based interpretation teaches us not only the reason behind the law, as in the case of the wayward and rebellious son, but the actual law itself. For example, the fact that one is liable to receive the punishment of lashes for violating a negative command (that has no associated positive command) is inferred from the juxtaposition of the section on lashes to the section of "Do not muzzle an ox when it is treading grain."³

A much more basic type of interpretation is when there is juxtaposition within a section. In parshat Ki Teitzei, a basic law is derived from the juxtaposition of words in the Torah, as in our sages' interpretation of the words, "she leaves...and becomes,"⁴ linking the woman's marriage to another man with her divorce from her former husband.⁵

Thus, very basic laws are derived from the juxtaposition of sections. Still, in this parshah the combination of subjects is so puzzling that, according to Ibn Ezra, although many have already tried to find connections and links within the parshah, they succeeded only on the homiletical level.⁶ No one has been able to show how all the subjects in the parshah fit together.

Categories of Mitzvot

Parshat Ki Teitzei deals with both major categories of mitzvot: those between man and G d and those between man and his fellow man. From here, as well as from other places in the Torah, it appears that our most common method of categorizing mitzvot into groups is not a division that the Torah seems to follow.

The lack of this division is evident in the Torah in various ways. Not only is there no differentiation between mitzvot concerning the man - G d relationship and mitzvot concerning interpersonal relationships, but, most surprisingly, neither is

there differentiation between major and minor matters, between major principles and mitzvot that seem supplementary or marginal. There are matters that we would categorize as basic principles, on which the world stands and, by contrast, there are matters that we would categorize as details. In the Torah, this type of distinction seems to have no place. Even within the Ten Commandments, major and minor precepts are, to a certain extent, equated. Prohibitions against idolatry, adultery, and murder, which are major doctrines, appear beside prohibitions such as “Do not covet”⁷ and “Do not take the Name of G d...in vain,”⁸ which, as serious as they are, are not often thought of as equal in severity to the former prohibitions.

Why is there no differentiation between categories of mitzvot? It seems clear that it is not the Torah's purpose to present a system of laws to prevent people from eating each other alive. It is also clear that the Torah is not a book of remedies; that is not the basis on which the Torah stands. The fact that the diverse categories of mitzvot are mixed together in the Torah, and that we are unable to explain the sequence of the subjects, teaches us an essential lesson: If we are to receive the Torah, the only way is to accept it as it is. We can receive the Torah only if we accept it with all its various components, because the Torah itself does not differentiate between them or see any difference between them.

In this parshah, precisely because it is replete with various subjects and themes, it is possible to delve into the Torah's essence. There are very few other places where there is such a mixture of major and minor precepts, more important and less important, daily matters and matters that arise once in a lifetime, as in this parshah. It teaches us that in the Torah there is no such thing as more important and less important mitzvot. The totality of all the mitzvot, in all the different areas, forms a kind of definition of the Torah's essence. There is a bridge that stretches from here to G d – for the Jewish people, there is no other bridge (according to Maimonides, this applies to all the nations as well) – and this bridge goes through the Torah. The Torah is what connects man to G d. All other paths that man tries to find may seem acceptable, but they are flimsy. The wind carries them off; they are merely products of the imagination. A person can imagine that a path exists from here to there, but altogether only one path extends from our reality to G d, and that is the path of the Torah.

They Come From One Shepherd

The Torah contains several instances where the juxtaposition of sections is extraordinary and calls for interpretation. Toward the end of parshat Shoftim, the Torah details the mitzvah of destroying the Canaanite cities: “Of the cities of these nations, which G d your Lord is giving you for an inheritance, do not let a soul stay alive. You must wipe them out completely.”⁹ This is followed by a second mitzvah: “When you lay siege to a city and wage war against it a long time...You may eat of them but you must not cut them down. For the [existence of] man is the tree of the field.”¹⁰ The Canaanite city must be destroyed and all its inhabitants wiped out, but when one comes across a fruit tree, you must not harm it. This juxtaposition is very difficult to comprehend. The Torah seems to condone incredibly harsh actions when they are performed in the context of war. But cutting down a tree – that is where the Torah draws the line!

There is a whole list of mitzvot that present this difficulty. A siege is laid on a city “until it is subjugated,”¹¹ and many people are killed in the war, yet in the very next verses, when a slain person is found and “the identity of the slayer is not known,”¹² the members of the Sanhedrin perform an intricate ritual of measuring the distance to the nearest city, because they must atone for its residents.

On the one hand, we “do not take the mother along with her young,”¹³ and “do not muzzle an ox when it is treading grain,”¹⁴ where the Torah spares no detail in its concern for preventing the suffering of the ox; yet at the end of the parshah, after the command, “Fathers shall not be put to death because of sons, and sons shall not be put to death because of fathers,”¹⁵ we are commanded to obliterate the entire people of Amalek.

Thus, in order that donkeys should not be overworked, or so that birds should not see their young taken from them, the Torah institutes special laws in this parshah. There is concern for trees, donkeys, and sometimes even people, as in the case of taking a pledge upon giving a loan: “You shall not go to sleep holding his pledge.”¹⁶ Yet the same parshah in the Torah that is so merciful to animals is full of mitzvot commanding us to administer blows and lashes, and sometimes even to kill.

The upshot is that, in truth, it is far from simple to always give the Torah a friendly face, because the Torah contains many different aspects, sometimes ranging even to the extreme. One can fill an entire book with quotations from Tanach on how peace is a paramount value, but one can also write a book demonstrating just the opposite, filling it with quotations seemingly supporting the antithesis of peace. Instead of citing, “And they shall beat their swords into plowshares,”¹⁷ one

can cite, "Beat your plowshares into swords."¹⁸ The problem with both of these theoretical books is not that they would be inaccurate, but because they would be portraying the Torah as a product of only one aspect.

The parashah contains a small mitzvah that one generally does not have the opportunity to fulfill – the mitzvah of chasing away the mother bird before taking her eggs. The Talmud says of this mitzvah, "If one says, 'Your mercies extend to a bird's nest'...he is silenced."¹⁹ One explanation for this prohibition is that "he makes the commands of The Holy One, Blessed Be He, simply acts of mercy, whereas they are merely decrees."²⁰ But what is wrong with saying that G d's commands are rooted in mercy? Why must we insist that G d's commands are "merely decrees," a seemingly arbitrary system?

From here and from other places as well, we see that the Torah's basic structure is not built on bringing people satisfaction. There are mitzvot in which one can experience spiritual exaltation, and there are mitzvot in which one cannot. It is hard to tell someone who is receiving forty lashes in court that he should be excited about fulfilling the mitzvah. One who says, "Your mercies extend to a bird's nest" tries to show that the Torah is based on human logic, as though the Torah were a book of remedies or a guidebook for life, whose purpose is to teach people how to lead a proper life. But the truth is that G d's commands are indeed merely decrees, and the only way for us to comprehend the Torah is as a bridge between us and G d.

The Work of G d

When one tries to define and reduce the Torah to one aspect, one is left with only part of the Torah, one that is essentially deficient. Usually, the intention is to give the Torah a human face, a face that can be comprehended in its totality and entirety. However, the Torah is the work of G d, and thus cannot truly be defined in such a way; it cannot be fashioned like a human face.

Sometimes, when one looks at the world, one's immediate reaction is, "Why does everything go awry? Why are there so many problems?" If one were to build a machine to fulfill a certain function, one would surely strive to create an efficient product. In the world, however, everything goes awry. It is not clear, then, what the world's purpose is and what function it fulfills.

The sequence of sections in the Torah teaches us that the world cannot be compared to a machine that a person might create. When a person builds a device, he does it in a way that he hopes will efficiently fulfill certain purposes. However, when G d creates something, He does not operate on a level that we can comprehend; He creates a unique structure that is built according to His own plans. When a human being attempts to study this structure, he will never be able to entirely understand it, regardless of the number of attempts he might make, and no matter how much he tries to learn how it works. One can live in the world, but there is a limit to one's ability to change it. The Torah, too, is the work of G d, and all one can do is stand before it and gaze upon it.

The Kotzker Rebbe was once asked how he understands G d's frequent mercilessness, and he answered with one sentence, "A G d who can be understood by anyone is not worth serving." That is the essence of it. If one thoroughly understands G d and feels that he can make improvements on Him, then such a G d is no longer worth serving.

Our attempt to understand everything and create a unified and complete picture is an attempt to take G d, or at least the Torah, and make it a simplistic plaything, and that is precisely what the Torah forbids. The fact that some parashot seem to juxtapose disparate elements means that while each one of these elements can be understood on its own using a range of exegetical tools, one must always understand that the Torah is merely a bridge to G d. One end is here on earth and the other end is in heaven, and it is on this bridge that G d wants us to walk. If we do this, we will find that the other end of the bridge reaches to the highest heavens.

FOOTNOTES:

1. Brachot 21b
2. Sanhedrin 72a
3. Deut. 25:4
4. Deut. 24:2

5. Kiddushin 5a
6. Deut. 24:6
7. Ex. 20:14
8. 20:7
9. Deut. 20:16–17
10. 20:19
11. Deut. 20:20
12. 21:1
13. Deut. 22:6
14. 25:4
15. 24:16
16. 24:16
17. Is. 2:4
18. Joel 4:10
19. Brachot 33b
20. Megilla 25a.

https://www.chabad.org/parshah/article_cdo/aid/4942522/jewish/On-Attempting-to-Understand-Torah.htm

* Rabbi Adin Even-Israel (Steinsaltz) (1937-2020), internationally regarded as one of the leading rabbis of this century, was best known for his monumental translation of and commentary on the Talmud.

Ki Teitzei: True Gender Equality by Rabbi Mosdhe Wisefsky © 2021

Moses told the Jewish people, “A man’s attire must not be worn by a woman”
(Deuteronomy 22:5).

This directive implies that men should strive to actualize all their G-d-given potential as men, and women should strive to actualize all their G-d-given potential as women, in accordance with the Torah’s guidelines for self-refinement. Although we all comprise male and female qualities, our biological gender clearly indicates which qualities we are meant to chiefly manifest.

Manifesting our G-d-given potential—free of any societal pressure to be something we are not—is true “equal rights.” When a woman mistakenly thinks that she must behave like a man and pursue a man’s path, she implicitly affirms that women are intrinsically inferior to men. In order to cultivate a sense of self-worth, she must therefore compete with men.

The Torah forbids such an affront to the status of women. Instead, it celebrates and values women’s femininity, encouraging them to develop their innate female qualities. In this way, women can make their unique and crucial contributions to society, bringing the world to its ultimate, Divine fulfillment.

* From *Daily Wisdom* #1

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Shabbat Parashat KiTetze

5781 B"H

Covenant and Conversation

Rabbi Jonathan Sacks, z"l

Against Hate – Ki Teitse contains more laws than any other parsha in the Torah, and it is possible to be overwhelmed by this embarrassment of riches of detail. One verse, however, stands out by its sheer counter-intuitiveness: Do not despise an Edomite, because he is your brother. Do not despise the Egyptian, because you were a stranger in his land. (Deut. 23:8)

These are very unexpected commands. Examining and understanding them will teach us an important lesson about society in general, and leadership in particular.

First, a broader point. Jews have been subjected to racism more and longer than any other nation on earth. Therefore, we should be doubly careful never to be guilty of it ourselves. We believe that God created each of us, regardless of colour, class, culture or creed, in His image. If we look down on other people because of their race, then we are demeaning God's image and failing to respect kavod ha-briyot, human dignity.

If we think less of a person because of the colour of their skin, we are repeating the sin of Aaron and Miriam – “Miriam and Aaron spoke against Moses because of the Cushite woman whom he had married, for he had married a Cushite woman” (Num. 12:1). There are midrashic interpretations that read this passage differently, but the plain sense is that they looked down on Moses' wife because, like Cushite women generally, she had dark skin, making this one of the first recorded instances of colour prejudice. For this sin Miriam was struck with leprosy.

Instead we should remember the lovely line from Song of Songs: “I am black but beautiful, O daughters of Jerusalem, like the tents of Kedar, like the curtains of Solomon. Do not stare at me because I am dark, because the sun has looked upon me” (Song of Songs 1:5).

Jews cannot complain that others have racist attitudes toward them if they hold racist attitudes toward others. “First correct yourself; then [seek to] correct others,” says the Talmud. (Baba Metzia 107b) The Tanach contains negative evaluations of some other nations, but always and only because of their moral failures, never because of ethnicity or skin colour.

Now to Moses' two commands against hate,[1] both of which are surprising. “Do not despise the Egyptian, because you were a stranger in his land.” This is extraordinary. The Egyptians enslaved the Israelites, planned a programme

against them of slow genocide, and then refused to let them go despite the plagues that were devastating the land. Are these reasons not to hate?

True. But the Egyptians had initially provided a refuge for the Israelites at a time of famine. They had honoured Joseph when he was elevated as second-in-command to Pharaoh. The evils they committed against the Hebrews under “a new King who did not know of Joseph” (Ex. 1:8) were at the instigation of Pharaoh himself, not the people as a whole. Besides which, it was the daughter of that same Pharaoh who had rescued Moses and adopted him.

The Torah makes a clear distinction between the Egyptians and the Amalekites. The latter were destined to be perennial enemies of Israel, but the former were not. In a later age, Isaiah would make a remarkable prophecy – that a day would come when the Egyptians would suffer their own oppression. They would cry out to God, who would rescue them just as He had rescued the Israelites:

When they cry out to the Lord because of their oppressors, He will send them a saviour and defender, and He will rescue them. So the Lord will make Himself known to the Egyptians, and in that day they will acknowledge the Lord. (Isaiah 19:20-21)

The wisdom of Moses' command not to despise Egyptians still shines through today. If the people had continued to hate their erstwhile oppressors, Moses would have taken the Israelites out of Egypt but would have failed to take Egypt out of the Israelites. They would have continued to be slaves, not physically but psychologically. They would be slaves to the past, held captive by the chains of resentment, unable to build the future. To be free, you have to let go of hate. That is a difficult truth but a necessary one.

No less surprising is Moses' insistence: “Do not despise an Edomite, because he is your brother.” Edom was, of course, the other name of Esau. There was a time when Esau hated Jacob and vowed to kill him. Besides which, before the twins were born, Rebecca received an oracle telling her, “Two nations are in your womb, and two peoples from within you will be separated; one people will be stronger than the other, and the elder will serve the younger.” (Gen. 25:23) Whatever these words mean, they seem to imply that there will be eternal conflict between the two brothers and their descendants.

At a much later age, during the Second Temple period, the Prophet Malachi said: “Was not

Esau Jacob's brother?” declares the Lord. “Yet I have loved Jacob, but Esau I have hated...” (Malachi 1:2-3). Centuries later still, Rabbi Shimon bar Yochai said, “It is a halachah [rule, law, inescapable truth] that Esau hates Jacob.” [2] Why then does Moses tell us not to despise Esau's descendants?

The answer is simple. Esau may hate Jacob, but it does not follow that Jacob should hate Esau. To answer hate with hate is to be dragged down to the level of your opponent. When, in the course of a television programme, I asked Judea Pearl, father of the murdered journalist Daniel Pearl, why he was working for reconciliation between Jews and Muslims, he replied with heartbreaking lucidity, “Hate killed my son. Therefore I am determined to fight hate.” As Martin Luther King Jr. wrote, “Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate, only love can do that.” [3] Or as Kohelet said, there is “a time to love and a time to hate, a time for war and a time for peace” (Eccl. 3:8).

It was none other than Rabbi Shimon bar Yochai who said that when Esau met Jacob for the last time, he kissed and embraced him “with a full heart.” [4] Hate, especially between family, is not eternal and inexorable. Always be ready, Moses seems to have implied, for reconciliation between enemies.

Contemporary Games Theory – the study of decision making – suggests the same. Martin Nowak's programme “Generous Tit-for-Tat” is a winning strategy in the scenario known as the Iterated Prisoner's Dilemma, an example created for the study of cooperation of two individuals. Tit-for-Tat says: start by being nice to your opponent, then do to them what they do to you (in Hebrew, middah keneged middah). Generous Tit-for-Tat says, don't always do to them what they do to you, for you may found yourself locked into a mutually destructive cycle of retaliation. Every so often ignore (i.e. forgive) your opponent's last harmful move. That, roughly speaking, is what the Sages meant when they said that God originally created the world under the attribute of strict justice but saw that it could not survive through this alone. Therefore He built into it the principle of compassion. [5]

Moses' two commands against hate are testimony to his greatness as a leader. It is the easiest thing in the world to become a leader

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by mobilising the forces of hate. That is what Radovan Karadzic and Slobodan Milosevic did in the former Yugoslavia and it led to mass murder and ethnic cleansing. It is what the state-controlled media did – describing Tutsis as *inyenzi*, (“cockroaches”) – before the 1994 genocide in Rwanda. It is what dozens of preachers of hate are doing today, often using the Internet to communicate paranoia and incite acts of terror. Finally, this was the technique mastered by Hitler as a prelude to the worst-ever crime of humans against humanity.

The language of hate is capable of creating enmity between people of different faiths and ethnicities who have lived peaceably together for centuries. It has consistently been the most destructive force in history, and even knowledge of the Holocaust has not put an end to it, even in Europe. It is the unmistakable mark of toxic leadership.

In his classic work, *Leadership*, James MacGregor Burns distinguishes between transactional and transformational leaders. The former address people’s interests. The latter attempt to raise their sights. “Transforming leadership is elevating. It is moral but not moralistic. Leaders engage with followers, but from higher levels of morality; in the enmeshing of goals and values both leaders and followers are raised to more principled levels of judgement.”[6]

Leadership at its highest level transforms those who exercise it and those who are influenced by it. The great leaders make people better, kinder, nobler than they would otherwise be. That was the achievement of Washington, Lincoln, Churchill, Gandhi and Mandela. The paradigm case was Moses, the man who had more lasting influence than any other leader in history.

He did it by teaching the Israelites not to hate. A good leader knows: Hate the sin but not the sinner. Do not forget the past but do not be held captive by it. Be willing to fight your enemies but never allow yourself to be defined by them or become like them. Learn to love and forgive. Acknowledge the evil men do, but stay focused on the good that is in our power to do. Only thus do we raise the moral sights of humankind and help redeem the world we share.

[1] Whenever I refer, here and elsewhere, to “Moses’ commands,” I mean, of course, to imply that these were given to Moses by Divine instruction and revelation, and thusly did he pass them onto us. This, in a deep sense, is why God chose Moses, a man who said repeatedly of himself that he was not a man of words. The words Moses spoke were those of God. That, and that alone, is what gives them timeless authority for the people of the covenant.

[2] *Sifrei*, Bamidbar, Beha’alotecha, 69.

[3] *Strength to Love* (Minneapolis, Minn.: Fortress Press, 1977), 53.

[4] *Sifrei* ad loc.

[5] See Rashi to Genesis 1:1, s.v. bara.

[6] James MacGregor Burns, *Leadership*, Harper Perennial, 2010, 455.

Shabbat Shalom: Rabbi Shlomo Riskin

“If a man has a wayward and rebellious child, who does not listen to the voice of his father and the voice of his mother, and they warn and flog him, but he still does not obey them; then his parents may take him out to the judges of the city, telling them that ‘this our son is wayward and rebellious, he does not obey our voice, he is a glutton and a drunkard.’ Upon which all the people of the city pelt him with stones and he dies, so that you rout out the evil in your midst and all of Israel will take heed and be frightened.” (Deuteronomy 21:18–21)

What defines a “wayward and rebellious” child? How is he to be punished? Whose fault is it – his, his parents’, or society’s?

This week’s Torah portion of Ki Tetze, and especially the Talmudic sages who comment on it, deal with the tragedy of such a problematic situation with amazing courage and sensitivity – and provide important directions for parenting, even today!

The words of the Bible itself, as quoted above, are rather stark, even jarring to the modern ear. However, our Written Torah is defined, expanded upon, and even limited by the Oral Torah and the sages of the Talmud (Sanhedrin, chapter 8, especially pages 68b-71), who initially take the approach that here is the case of a youngster who seems to be growing into a menacing, murderous monster. They limit the time period of the punishment to three months following the onset of puberty, insist that he must have stolen a large amount of meat and wine from his parents which he himself consumed, and conclude that “this youth is punished now for what will inevitably happen later on; it is better that he die [more or less] innocent rather than be put to death after having committed homicide.”

Despite these limitations, the case still seems rather extreme. Many modern commentaries argue that our Bible is actually limiting an ancient practice in which parents had unlimited authority over their children, even to the extent of putting their rebellious children to death, and here the waywardness is defined, the time span is limited, and the judges of the Sanhedrin must be brought into the situation. Nevertheless, the very axiom of “punishing now for what will inevitably happen later on” runs counter to everything else in our entire biblical and judicial system, and is even countermanded by a famous Midrash.

The Bible tells us that Sarah, the wife of Abraham, saw Ishmael, the son of Abraham’s mistress Hagar, “sporting (*metzahek*)”; she believes that he will be a bad influence on her son Isaac, and God agrees with her that the mistress and her son are to be banished into the desert. An angel sees them wandering and suffering, hungry and thirsty, and comforts

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Hagar: “Do not fear; God has heard the [crying] voice of the lad from where he is now” (Gen. 21:9–17). On these last biblical words, Rashi cites the Midrash which seems to defy the Talmudic position of the wayward child:

“From where he is now” – He is judged in accord with his present actions and not for what he will eventually do. The angels in heaven began to prosecute [Ishmael] saying, “Master of the Universe, for someone whose children will eventually slay your children [the Israelites] with thirst, You are miraculously providing a well with water in the desert?!” And [God] responded “Now what is he, righteous or wicked?” They responded, “Righteous [in the sense that he was not yet worthy of capital punishment].” [God] answered, “In accordance with his present actions do I judge him, from where he is now.”

If God is thus explaining the foundations of Jewish jurisprudence, how do we begin to justify the previous Talmudic explanation of “punishment now for what will eventually happen”?

An anonymous source cited by the Talmud goes so far as to declare that “the case of a stubborn and rebellious son never existed and never will exist; the only reason for its inclusion is so that we may expound the verses and receive reward” (Sanhedrin 71a). And so, R. Yehuda explicates the biblical words, interpreting the Mishna to teach that “if the mother was not an appropriate spouse for the father, if the parents were not equal in voice and stature” – i.e. if they were pulling in different directions, with each expressing a different lifestyle and set of values – then we cannot condemn the emergent rebellious child. He is merely a product of the mixed and confusing messages, the existential identity crisis, he has received at home.

Moreover, “if one of the parents was without hands or legs, was mute, blind, or deaf, the young teenager cannot be blamed” (Sanhedrin 8:4). Rabbi Joseph Lookstein, spiritual leader of Manhattan’s prestigious Kehillath Jeshurun Synagogue and founder and principal of Ramaz Elementary and Secondary schools (1902–1979), would homiletically explain that parents must invest in their children, must be available for them to observe, to listen, and to informally convey. Despite the school that the child attends, the parent remains the primary educator. Hence if a parent lacks the hands to embrace and to admonish, the legs to accompany the child to where he/she wishes to go, the eyes to see what the teenager is doing, even when he thinks he’s not being observed, the ears to hear what he/she is thinking and planning and dreaming, the voice to enter into true dialogue of give-and-take, then the youngster cannot be blamed, no matter how obnoxious his actions may be. Parenting is an awesome responsibility and a full-time job, in which quantity of time is quality time. Just as

babies do not relieve their bodily functions at predetermined times, youngsters cannot be expected to fit into parents' busy schedules. It takes at least two parents to share the commitment, guidance, and sensitivity which parenting truly demands.

All of this leads to a ringing Talmudic declaration: "The case of the wayward and rebellious child never was and never will be. Expound the verses and you will receive reward" (Sanhedrin 71a). We must be aware of what tragedy can occur within the context of the family and try to prevent the tragedy by taking to heart, mind, and action the depth of the responsibility. After all, our children are our posterity, our future, and our eternity.

I would merely add a few words regarding Ishmael. There were many reasons for his exoneration by the Almighty. After all, Abraham and Hagar did not provide a unified standard of behavior and values; the two were certainly not fit for each other. Hagar and Ishmael were of lesser status than Sarah and Isaac. And Hagar was far removed from Abraham's monotheism, compassionate righteousness, and moral justice. Moreover, Ishmael himself repents at the end of his life (Bava Batra 16b), and God apparently forgives him, since he makes him into a great nation with twelve princes emerging from his loins (Gen. 25:16).

Finally, the Mishna teaches that even if only one parent forgives the wayward and rebellious son, he is not to be punished (Mishna Sanhedrin 8:4). And our sages maintain that "there are three partners to every individual, the Holy One blessed be He, the father, and the mother" (Kiddushin 30b). Now if flesh and blood parents can prevent execution – in most instances, because they realize that they share the blame – our Divine Parent must certainly have the right to stay the execution. Only God knows that sometimes the genetic makeup of the child is of such a nature, or a traumatic event caused such a rupture in his personality, that neither he nor his flesh-and-blood parents can be held accountable. But whatever the case may be, it's crucial that parents do everything they can to the best of their ability, to give their children the basic three things which every child deserves from his/her parents: love, limits, and personal and sensitive involvement in their development.

The Person in the Parsha
Rabbi Dr. Tzvi Hersh Weinreb
Words Can Never Harm Me?

For many of us, the first pieces of wisdom which we learned were from nursery rhymes and schoolyard jingles. Sometimes these childish lessons had value, but more often they were off the mark and had the effect of distorting a truer perspective on life.

Take, for example, this ditty: "Sticks and stones may break my bones, but words can

never harm me." The implicit message, which had some utility on the playground, is that we can safely ignore insults to our emotions and feelings, and need to only be concerned about physical injury. The truth, however, is quite different.

Obviously, we want to protect ourselves from physical harm. The trauma of bodily injury is something which none of us wishes to bear. But we cannot minimize the harmful effects of psychological trauma, whether it comes in the form of insults, embarrassment, or shame.

During the years I spent as a psychotherapist, I dealt with quite a few victims of domestic violence. I saw the effects that abuse could have upon people, but I noticed that those who suffered emotional abuse were less amenable to successful treatment than those who were physically battered.

Let's face it. Words hurt.

The power that words have to do damage is something which is recognized by our Torah. That emotions can be grievously wounded, reputations ruined, and relationships damaged beyond repair through "mere words," is illustrated in biblical narratives, Talmudic tales, and Hassidic stories.

In this week's Torah portion, Parshat Ki Tetzei, we are instructed to "remember what the Lord your God did unto Miriam, on the road out of Egypt." The Torah is referring to the fact that Miriam was punished by a leprous infection.

The full episode of Miriam's sin and its consequences appears in an earlier portion of the Torah, at the very end of Parshat Beha'alotcha, Numbers 12:1-16. There we learn that Miriam and Aaron spoke against Moses because of his Cushite wife. They went on to belittle Moses' importance, and spoke condescendingly about him.

It seems from the context of the story that Miriam, as the instigator of this critique, did so privately. Nevertheless, the Almighty was angry with her and she was healed, ironically, only because of Moses' prayerful intervention.

Thus, our sages understand this command to remember Miriam as an injunction against speaking lashon hara, malicious gossip.

Much closer to our time, at the beginning of the last century, the sage and saint Rabbi Israel Meir Kagan of Radin, became convinced that the central evil of modern times was the abuse of words. So confident was he of the certainty of his diagnosis of the social ills of our time that he devoted a major work to the subject of lashon hara. The name of that work is Chafetz Chaim, "Desirous of Life," after the verse in Psalms, which reads, "Who is the person who desires life? Let him guard his tongue against speaking evil."

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Recalling Miriam's misdeeds, and taking seriously the comprehensive teachings of the author of Chafetz Chaim, is especially valuable today. Because, you see, words have become even more powerful and potentially destructive than a rabbi living a hundred years ago could possibly imagine.

Nowadays, through the power of electronic instant communication, words can be sent to millions of people in microseconds of time. If these words are negative, they can harm individuals instantly, without even the possibility of recourse or recall. The power of words has exponentially increased in scope and effect in our day and age.

Our tradition teaches that using words to offend another human being is akin to a snake and its venom. The snake's venom kills, yet the snake has no benefit from its fiendish action. So too, human beings usually benefit from every other sin imaginable, but gain nothing by harming others verbally. Because of this, lashon hara is the least justifiable of sins.

Not a day goes by when we do not receive e-mails or read Internet reports which damage reputations of individuals, without due process and without the remotest possibility of defending themselves. This goes against both our Jewish heritage and our democratic ideals in a very fundamental way.

It is already the first week of Elul, the last month of the Jewish year. At this time, it behooves us to introspectively examine our faults. It is the season of teshuvah, repentance, which precedes and heralds the imminent High Holidays. We must give thought to how we have offended others with words and with deeds.

Although the unimaginable spread of verbal abuse that postmodern technology has instigated is beyond the capacity for any one of us to correct, we have no option but to try individually to control the way we use words and the words which we use. None of us is innocent of lashon hara, and none of us is exempt from sincerely addressing this weakness.

In conclusion, I call to your attention the rabbinic dictum that the power of Good exceeds the force of Evil manifold. Thus, if words have the ability to harm, they have the infinitely greater ability to soothe and to heal. The way to undo our sins of the negative use of language is to resolve to use language positively.

Imagine if e-mails were limited to complimentary statements and words of praise. Imagine if the blogs and websites were replete with stories of human accomplishment, altruism, and heroism. It would be a happier world for sure.

And it would be a world closer to that which the Almighty intended. Now, less than a month before Rosh Hashanah, is the ideal time for each of us to commit, in a deeply personal way, to bring about that better world.

Torah.Org: Rabbi Yissocher Frand

A “Tense” Struggle with the Yetzer HaRah
Parshas Ki Seitzei begins: “When you will go out to war against your enemies, and Hashem, your G-d, will deliver him into your hand, and you will capture captives; and you will see among its captivity a woman who is beautiful of form, and you will desire her, you will take her to yourself for a wife.” [Devorim 21:10-11].

This is an amazing halacha. On the battlefield or among the people who were captured, the Jewish soldier sees a beautiful woman and desires her. He is permitted to marry her. This is a unique law in which the Torah gives a special dispensation to man’s evil inclination.

The Torah specifies a procedure whereby the Jewish soldier brings this captured non-Jewish woman into his house and allows her a period of mourning for her father’s house, while going through a process of “de-beautification.” If after this process of making her less desirable it turns out that he decides he does not want to marry her, he is commanded to set her free and is forbidden to sell her as a slave.

I saw an observation in the name of the Ohel Moed: The Torah switches here. Originally it tells us the soldier’s reaction was v’chashakta bah (and you have a strong desire for her, more literally, you lusted after her). So, we would expect that the converse situation which the Torah describes at the end of the section should read “and if it will come to pass that lo chashakta bah”—that you no longer lust after her! This would indicate a change of mind, switching from a strong desire for her to no strong desire for her. More to the point, even if the Torah wants to switch verbs from the verb of cheshek (strong desire or lust) to the verb of chafetz (“wants”), the correct grammatical formulation should be “v’haya im lo chafetz bah” (and it will be that he does not want her anymore) in the present tense. Instead the Torah uses the term “v’haya im lo chafetzta bah” (and it will be that he did not want her) in the past tense!

The Torah is saying something we all need to know. Many times in life we become blinded by our passion and we lose our common sense and perspective. We become so bribed and obsessed with something, that we throw caution to the wind, and everything else out the window. This fellow saw a beautiful woman and he had a passion for her—he lusted for her. That lust, that tayvah, blinded him to the fact that “you do not really want this woman.” This woman is not for you!

In the heat of battle, the woman looks attractive to you. But he only saw the looks, he

did not see the personality. He did not see what she is really like, her values. She is a Yefas Toar—beautiful! That is it. End of story. Then he brings her home for a while. Suddenly, he realizes: “Do you know what? I didn’t want this woman! I never wanted this woman. But I was so blinded and obsessed by my passions that I did not realize what I was doing.” That is the hidden meaning of the past tense in “v’haya im lo chafetzta (rather than chafetz) bah.” You fell in love with a mirage. But then, like all mirages, you realize that there is really nothing there.

This is something that we need to be careful about from time to time. Sometimes we become obsessed with a mishuga’as (crazy idea), we become blinded by it. The Torah therefore warns us: Watch out!

Anticipating the Future and Ungratefulness are Opposites

The pasuk says that an Ammonite and Moavite cannot enter the Congregation of Hashem—even the tenth generation [Devorim 23:4]. Whereas the Egyptians who enslaved us are only prohibited for two generations from entering Klal Yisrael, an Ammoni or a Moavi can never marry into the Jewish nation. The Torah explains the reason “because they did not greet you with bread and water on your journey when you left Egypt and because they hired Bilaam son of Be’or of Aram Naharayim to curse you” [Devorim 23:5].

This pasuk sounds like a multi-count indictment. However, the indictment sounds like the following scenario. A fellow parks his getaway car in a tow-away zone while robbing a bank. He goes into the bank and pulls a gun on the teller. He shoots up the whole place, takes the money, gets into the car and drives off. The police catch him and they indict him. How does the indictment read? “Armed robbery; bank robbery; parking in a tow-away zone.” That is how this pasuk seems.

The fact that Ammon and Moav tried to destroy the Jewish people by hiring Bilaam to curse them should dwarf the significance of the fact that they did not offer us food and drink! Why is this last fact mentioned? Why is it even significant?

Rabbi Dr. Abraham Twerski quotes an interesting pair of Mishnayos in Maseches Avos [2:8-9] to answer this question:

Rav Yochanon ben Zakkai had five disciples. Rav Eliezer ben Hurkenos, Rav Yehoshua ben Chananya, Rav Yosi haKohen, Rav Shimon ben Nesanel, and Rav Elazar ben Arach. He told them: “Go out and seek the good path that a person should cling to.” They each proceed to give their opinion regarding the most important quality for which a person should strive. Rav Eliezer said Ayin Tov—“A Good Eye.” Rav Yehoshua said Chaver Tov—“A Good Friend.” Rav Yossi said Shachen Tov—“A Good Neighbor.” Rav Shimon said ha’roeh

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es ha’nolad—“The ability to anticipate what is going to be in the future.” Rav Elazar ben Arach said Lev Tov—“A Good Heart”.

Then Rav Yochanon ben Zakkai asked them to find the quality which a person should most avoid, and his five disciples each enumerated, in turn, their five “bad qualities.”

Unsurprisingly, the student’s bad qualities were the mirror images of their “good qualities.” Rav Eliezer said “A Bad Eye.” Rav Yehoshua said “A Bad Friend.” Rav Yossi said “A Bad Neighbor.” Rav Elazar ben Arach said “A Bad Heart.” Rav Shimon (who said the good attribute was ha’roeh es ha’nolad) gave as the “polar opposite attribute,”—“One who borrows and does not pay back”. Rav Shimon seemed to have broken the pattern. Everyone else gave as the worst attribute the exact mirror image of their suggested best attribute.

Dr. Twerski explains. The attribute of roeh es ha’nolad is someone who sees which actions lead to other actions. Someone who recognizes someone who does him a favor (makir tova) is fundamentally a good person. He can never go very far off the mark. This attribute of hakaras ha’tov will always allow him to act appropriately. Someone who is not a roeh es ha’nolad and does not realize the implications of being an ingrate (Kafui Tov) is destined for trouble.

Being a Kafui Tov can lead one to the worst of actions. A person who is a roeh es ha’nolad knows the importance of midos tovos (good character traits); he knows the importance of being a makir tov. He won’t become corrupted. He won’t develop rotten character traits. The opposite of that quality is a loveh v’ayno m’shalem. I borrow money from someone. He does me a favor and I repay him with wickedness where he granted me kindness. That is the first step towards a long downward spiral that can lead a person to the worst of behaviors.

That is why these two attributes are polar opposites. A roeh es ha’nolad knows that I always need to be appreciative and grateful when someone does me a favor. I can never turn on the people who were good to me. If someone does not have that attribute, he is paving the way to the worst of actions. Anyone who borrows without repaying is the polar opposite of being a roeh es ha’nolad. Someone who turns on his benefactor can turn on his parents. He can turn on his wife. He can turn on society. All this stems from the fact that he is an ingrate.

This is how we are to understand the aforementioned pasuk. An Ammonite and Moavite cannot enter the Congregation of Hashem. Why? Because they did not greet you with food and drink. The beginning of the deterioration of Ammon and Moav to the extent that they wanted to wipe out Klal Yisrael was their not being appreciative. They purposely ignored the fact that “Avraham, the

patriarch of the Jewish people saved our great grandfather's life." (Ammon and Moav were the sons respectively of the two daughters of Avraham's nephew, Lot.) If it would not have been for the fact that Avraham save Lot, they would not be here as nations. That puts a responsibility on them that when Avraham's descendants ask to buy bread and water from them, the least they could do is to respond positively. Turning their backs to such a modest request is the first step on the terrible downward spiral that led to them hiring Bilaam son of Beor to destroy the Jewish people.

They were not roeh es ha'nolad and did not allow themselves to become aware of how destructive it is to a human being to not appreciate favors done to them and their family. It was not merely a crime of "parking in a tow-away zone while robbing a bank." It was doing something fundamentally evil and destructive to the human condition—being unappreciative and ignoring favors done to them. This led to the inevitable next descent—hiring Bilaam to destroy us.

Dvar Torah

Chief Rabbi Ephraim Mirvis

Parents should never be jealous of their children. In Parshat Ki Teitsei, the Torah gives us the mitzvah "קִיִּי־קָה אִישׁ אֶשְׁתּוֹ" – it is a mitzvah to get married. The Gemara in Mesechet Pesachim, Daf 49a, describes for us a couple well suited to marriage with these words "ענבי הגפן בענבי הגפן דבר נאה ומתקבל" – when you have the fruit of the vine with the fruit of the vine it is something lovely and absolutely acceptable". So here we have a description of a bride and groom who are similar in their aspirations, their attributes, their qualities, they are similar in their values and they both come from similarly wonderful families.

But the question we need to ask is, why are they compared to "ענבי הגפן" – the fruit of the vine? – to grapes?

Well you see, when it comes to the laws of brachot, the blessings we recite over food, it is well known that the Bracha for fruit is בּוֹרֵא פְּרִי – we thank Hashem for creating the fruit of the tree. When that fruit produces, say orange or apple juice, then we have a downgrading of Bracha. The Bracha on the juice is שהכל נהיה בדברו – it is the general blessing thanking Hashem for creating everything according to his will. This is because the juice has lost the special identity of the fruit. But there is one exception – and that is grapes. The Bracha over grapes is בּוֹרֵא פְּרִי הַעֵץ, thanking Hashem for creating the fruit of the tree. But when we make a Bracha over the juice that comes from grapes, which of course is used to make wine, then we have an elevation of the blessing to בּוֹרֵא פְּרִי הַגֶּפֶן. A special blessing for wine, thanking Hashem who has created the fruit of the vine. So,

therefore, we see that grapes produce a juice which actually becomes superior to the grapes themselves.

And here we have a description of parents under a Chuppah. They are looking at their children with such pride and they're deriving so much nachat from them because they can see that they have internalised their values and continued to practise the good deeds learned from them. However they've gone one further, and now they're even better than their parents in so many respects. But rather than being jealous of their children, for the parents, this is a דבר נאה ומתקבל. It is something that's lovely and most definitely acceptable.

You know, it's so nice when we describe children with the old adage that and the apple doesn't fall far from the tree. But it's even better when we can say the tree is finding it difficult to catch up with the apple that fell from it. That is the ultimate nachat that we can derive.

Ohr Torah Stone Dvar Torah

Parshat Ki Tetze – A Women's Protection Program - Pnina Omer

In light of the laws in practice in the ancient Near East, and even in comparison with the laws described in the Book of Exodus, the discourse on the status of women takes a different course in the Book of Deuteronomy. This week's parsha presents a humane approach that calls on us to uphold a woman's dignity and status, and most importantly, to preserve her rights.

When addressing the issue of women being slandered because they are despised, the Torah defends these women's reputations and punishes any man who would falsely accuse his wife of impropriety, ensuring that in the future, he would "not be able to send her off [divorce her] all of his days."

The parsha then discusses protection of the rights of a newly married woman, exempting her husband from military service in unexpected circumstances, so that her husband can be available "to make his wife happy".

Even when it comes to the harsh reality of captives taken during war – "a beautiful woman..." – the Torah requires us to allow the woman to mourn her family, whom she had lost. "She shall spend a month's time in your house lamenting her father and mother."

Other examples appear later in the parsha. We then see a number of laws that protect a women's rights during a marriage, including the requirement to prepare a get, or a bill of divorcement, for a woman whose husband had lost interest in her – "and he writes her a bill of divorcement, hands it to her, and sends her away from his house". This law is designed to allow women to continue living their lives and to marry someone else.

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The commandments of yibum and chalitzah are also designed to defend women's status. Yibum, or the levirate marriage, is a well-known practice in the civilizations of the ancient Near East, while chalitzah reflects a progressive and innovative law. The brother of a married man who had passed away is required to marry his widowed sister-in-law, if she remained childless. Though the main rationale for this commandment is to continue the brother's family line – "... the first son that she bears shall be accounted to the dead brother" – and to ensure that the family's assets remain in their possession, the concept of levirate marriage also protects the widow's rights and her legal status. Otherwise, the widow, now bereft of any family or legal status, may find herself destitute and humiliated.

What happens if the yabam, the brother of the deceased, does not want to marry his brother's widow? "But if the man does not want to marry his brother's widow, his brother's widow shall appear before the elders in the gate...". The community is responsible. The woman has the right to appeal to the elders and ask them to act on her behalf by requesting that the ceremony of "chalitzah" be performed. It is notable that the woman is not allowed to marry anyone until chalitzah had been performed. Chalitzah, like the get, depends on another person's good will. No one can be compelled to perform it, and a forced chalitzah is considered a chalitzah me'usa, or coerced, and thus is invalid. Dozens of chalitzah ceremonies are performed in Israel nowadays.

Parshat Ki Tetze establishes a hierarchy of values that we are to follow, which distinguishes between social standards and Jewish ethics. In the spirit of Jewish morality, the Torah states that we must make a real effort to preserve the rights and the dignity of women, even if their status is inferior. In the case of the commandments of yibum and chalitzah, the Torah requires us to address how social realities affect women's private lives. It provides women with a "protection program" in the form of yibum, and even introduces a Plan B, in case Plan A doesn't work. All of this is done to ensure the woman's freedom.

What happens if chalitzah cannot be performed? This could happen if the deceased's brother is a minor, in which case the widow would need to wait until he becomes an adult and can release her through chalitzah. What if the yabam had converted to a different religion, is mentally handicapped, does not wish to perform chalitzah, or is someone whose whereabouts are unknown? That's a problem. In the spirit of what the text has taught us, Jewish law needs to "wrack its brains" to find a solution to these cases as well.

The Rama (Rabbi Moshe Isserles) had already argued that a tnai kaful (in which one states the terms of both compliance and non-compliance) can be set during the betrothal ceremony, in

order to extricate the woman from certain situations that may arise. The Rama states: "If a person who betroths a woman has a brother who had converted, he may perform the betrothal ceremony while making a *tnai kaful* stipulating that if his wife is required to appear before the converted brother for *yibum*, she shall no longer be considered betrothed". In other words, her betrothal with her first husband will be cancelled retroactively, as if it had never happened. Rabbi Uziel, who was known as a wise individual who enacted many edicts meant to preempt certain social problems and prevent thorny situations from occurring, suggested that a term be set during the betrothal ceremony to cover situations such as a brother who refuses to perform *chalitzah*, or a converted brother.

Various other attempts were made to use the precept of "prenuptial terms" to solve other pressing issues. These types of terms can truly provide salvation in cases of recalcitrant husbands and *aginit* ("bound women" who may not remarry). Some support this proposal, though many of the *poskim* have sadly rejected it. Let us hope that, in the spirit of the Jewish morality we've studied here, a solution will be found and brought to fruition.

Dvar Torah: TorahWeb.Org

Rabbi Benjamin Yudin

Mankind: God's Reflection

Parshas Ki Teitzei has the distinction of having the most mitzvos of any parsha; according to the Sefer HaChinuch there are seventy four mitzvos. I'd like to focus on one of these mitzvos, namely the mitzvah of burial. What is most interesting to note is that the Torah does not say that if a citizen in Israel should die, they are to be buried. Rather, the Torah (Devarim 21:22-23) teaches that the body of a criminal who was hung is to be buried, "You shall surely bury him on that day, for a hanging person is a curse of G-d". Amazing! If we are to bury a criminal, the Torah teaches, all the more so an upright citizen should be buried. Why, however, does the Torah teach this very important law in the extreme? Rashi answers that the explanation is found in the verse itself, i.e. that the individual hung is a curse of G-d. Rashi goes on to explain that man is created in the image of G-d, and when that personification of His image is presented in a most negative way, it is an embarrassment to Hashem, his Maker. (Rashi cites the example of identical twins, one of whom becomes a king and the other a gangster. When the gangster is caught and hung, people look with astonishment and say, "the king has been hung!" We honor even the body of a criminal as he, too, represents the handiwork of Hashem, and by honoring even the criminal we are honoring Hashem.) Extending honor to man is acknowledging that man has supreme worth and value, and we are therefore honoring the Creator of man from whom these traits emanate.

This concept is further demonstrated in the mishna (Avos 4:1) where Ben Zoma teaches, "Who is honored, he who honors others, as it is written 'For those who honor Me I will honor, and those who scorn Me shall be degraded.'" (Samuel I, 2:30). Rav Chaim Volozhiner, in his commentary Ruach Chaim, asks how does this verse substantiate the idea that he who deserves to be honored is the one who honors others? After all, the verse is speaking about honoring Hashem? He answers precisely in keeping with the above, that the one who honors man is really honoring Hashem who made man.

After Bilam struck his donkey three times, the angel says to Bilam (Bamidbar 22:33) that he really should have killed Bilam and left the donkey alive. Rashi proceeds to teach us that the angel killed the donkey for if it was left alive people would point to it and say, "this is the animal that humiliated Bilam as he was unable to respond to the rebuke of his donkey." Rashi cites from the (Medrash Rabba 20:14) that Hashem has compassion for the dignity of man. Note what kind of man is Hashem showing dignity to, a lowlife like Bilaam, for even he was created in the image of G-d. Similarly the Torah teaches (Vayikra 20:14) that one who commits sodomy with an animal is not only to be executed, but the animal is put to death as well, lest people say, "this animal caused a man to be stoned" (Sanhedrin 54a).

Rabbi Akiva teaches that, "v'ohavto l'raicha kamocha" (Vayikra 19:18) this is a fundamental rule of the Torah. Ben Azzai, cites (Bereshis 5:1), "This is the account of the descendants of Adam, on the day that Hashem created man, He made him in the likeness of G-d", and says that this verse supersedes that of Rabbi Akiva. The Ra'avad explains that Rabbi Akiva's verse uses the individual as the yardstick of treatment of another. Therefore, if an individual treats himself with low esteem, he would thus be entitled to treat others accordingly. The latter verse of Ben Zoma precludes that from happening, as man is created in the image of G-d and therefore is created to be regarded in the highest esteem.

We are now one week into the month of Elul, three weeks before Rosh Hashana. The Gemara (Rosh Hashana 16a) teaches that Hashem says, "Recite before Me on Rosh Hashana verses of Kingship, Remembrance, and Shofar: Verses of kingship in order to accept My sovereignty upon yourselves." It is understandably most challenging and difficult to accept Hashem's Kingship on the Day of Judgement without prior preparation. It is for this reason that we sound the Shofar daily in the month of Elul to charge and prepare ourselves for the acceptance of His sovereignty.

The Talmud (Shabbos 31a) teaches that when a person is escorted to his final Heavenly judgement, he is asked six questions, including: 1. Did you conduct your business

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transactions faithfully? 2. Did you set aside fixed time for Torah study? 3. Did you engage in procreation. 4. Did you hope for the Messianic salvation? 5. Did you delve into wisdom? 6. When you studied Torah, did you learn it deeply, and infer one thing from another?

I would like to share with you a seventh question, as found in Reishis Chochma (4:46). He adds that one will be asked, "Himlachta L'Konecha - did you crown your Maker? Himlachta es Chavercha - did you 'crown'-afford great respect to - each individual?" By affording honor and respect to man - one bestows great honor to Hashem.

As we prepare for Rosh Hashana, the Reishis Chochma is challenging us to broaden our understanding of sovereignty. Crowning Hashem includes not only our personal relationship with Hashem and the realization that He controls every aspect of our being, but we are also further reminded that if we wish to avail ourselves of His love and compassion, we must reciprocate in kind by our love and compassion of our fellow man.

Torah.Org Dvar Torah

by Rabbi Label Lam

Choose Your Battles

When a man takes a new wife, he shall not go out in the army, nor shall he be subjected to anything associated with it. He shall remain free for his home for one year and delight his wife, whom he has taken. (Devarim 24:6)

Let us appreciate that here we have a brilliantly sensible Mitzvah. A new husband and wife-duet need time to get to know each other and to build trust. Therefore the groom is exempt from communal service that might take him away from his bride. What a great opportunity is this Shana Rishona – First Year for newlyweds! Before children arrive and life gets more hectic and expensive and pressurized it is crucial that the couple gets to talk things out in longhand first so that later they can communicate in shorthand.

What once took hours of discussion can later be summarized in a single glance. After a while older couples can easily anticipate the needs of their spouse. However, initially, wrong assumptions and misunderstandings need time, plenty of time to be carefully untangled and resolved. Later there may not be sufficient time or patience to unpack messy matters carefully when the pace and intensity of life quickens. Therefore, we can admire and appreciate the wisdom of this gift by the Almighty for every bride and groom!

A dear friend who was married a year before me, told me about a terrible mistake he made in Shana Rishona. He shared it with me so I would not fall into the same trap and he told me to tell others so they can be saved as well. There is a custom that during that first year a husband gets permission from his wife before

he goes out – away from home. This fellow was very dutiful and precise about this all during the year. As the sun set on the first year of marriage and “Shana Rishona” was concluding, he stood by the door and declared, “I don’t have to tell you where I’m going now and when I’ll be back.” He coolly left.

Of course he was joking and he was just going out to pray Maariv. When he came home, he found his wife surrounded by a puddle of tears. She was saying, “You didn’t want to be here with me this whole year!” He called his Rebbe in a panic wondering what he could do to repair the hurt. The Rebbe told him, “You have to start again and do “Shana Rishona” all over again. (He got left back in Shana Rishona!) It’s not a time period. It’s, whenever and however long it takes

Reb Wolbe ZTL writes in his Kuntres HaChasanim, that he asked young men what foundation they wanted to build their marriage upon. The most universal answer was two words, “love and understanding”. He then goes on to explain that it is impossible to build a relationship on “love and understanding” because there is not sufficient understanding yet and since love is a byproduct of giving, the real love bank account is miniscule and superficial to begin with. It turns out that “love and understanding” are not the foundations but rather goals and ideals that are realized over time.

At a Sheva Brochos, one of my teachers once whimsically quipped, “Why is a new groom exempt from going to war – Milchama!? Because of the principle, ‘Osek b’Milchama, Patur M’Milchama’, “Someone who is busy with a war is exempt from a war.” This is a play on the true concept of, “Osek B’Mitzvah, Patur Min HaMitzvah – Someone who is busy with a Mitzvah is exempt from a Mitzvah”. Of course he was kidding and he followed up with a valuable qualification. “Marriage is a war! It’s a war of who’s going to give and give in more!”

Maybe what he was saying is that marriage and maybe all of life is a war. The only question is, “Why type of war?” Will it be a war of giving or a war of taking? Will it bring you to greater love and understanding or resentment and dismissiveness!? That is the question! That is the choice! Carefully choose your battles!

Weekly Parsha KI TEITZEI 5781

Rabbi Wein's Weekly Blog

The Torah speaks of making war upon one's enemy. Who is this enemy? The simple explanation is that it is a physical or national enemy that wishes to harm the Jewish people or the commonwealth of Israel. To defend oneself from such an enemy, there are circumstances that dictate a type of preventive war that avoids later defeat or catastrophe. This is certainly the simple and literal interpretation of the verse and subject of the Torah reading this week.

There is a rabbinic tradition, running through the works of many of the commentators over the centuries, regarding another layer of meaning to this verse. The enemy described is not so much a physical or national enemy as it is a spiritual or societal foe. In the immortal words of the famed comic strip character Pogo "we have met the enemy and they are us."

We are all aware that many times in life we are our own worst enemy. We engage in harmful practices and commit acts that we know to be detrimental and self-destructive. Yet, we are driven by our desires, and we often allow ourselves to be trapped into a situation that can only lead to disappointment. The Torah as it is wont to do, vividly describes the struggle that we have with ourselves for self-improvement and personal accomplishment. It describes this struggle as a war, a battle against the ferocious and aggressive enemy who must be combated.

This idea, that our struggle in life is to be viewed as an inner battle in the war of life, is meant to impress upon us to develop within ourselves as wholesome personalities. At one and at the same time, we are bidden to deal with eternity and heavenly ideals, and simultaneously, we are occupied with the mundane fact of everyday living.

Caught in this contradiction of circumstances, we are oftentimes prone to succumb to our daily problems and issues, completely ignoring the larger spiritual picture that is present. It is at such moments of self-absorption that temptation translates itself into reality, and we create situations that ultimately prove to be enormously harmful to our well-being.

Great generals oftentimes engage in a tactical retreat, to achieve a strategic victory. War is always a long-term situation, filled with temporary reversals and plans that remain unfulfilled or even abandoned. But the overarching reality is that basic strategy requires tenacity, courage, flexibility, and a stubborn refusal to succumb to the societal, political, and worldly pressures that beset all of us. It is interesting that despite all our pleas and prayers for peace, war is a constant in human history. It may take on different forms, cold, economic, or military, but it is ever present within our world. By reminding us of this fact, the Torah prepares us for victory in the struggles of life.

In My Opinion ELUL

Rabbi Wein's Weekly Blog

The Hebrew month of Elul has traditionally been the month of intensive reflection and spiritual preparation. It is the month that precedes the holy days of judgment, and time of repentance and forgiveness. It personifies for us the preparations necessary for an individual who was about to go on trial regarding a serious matter, even one of life and death. No rational person would enter such a trial in a human court without preparation, proper representation, and a careful analysis of the evidence, both pro and con, that will undoubtedly be introduced during the duration of the trial. How much more so must our attitude and thoughts be sharpened for the heavenly trial that awaits us all on the day of judgment, Rosh Hashanah.

This intensification of attitude has become the hallmark of the preparatory month of Elul. We live in a frivolous time, where society generally is much more occupied with issues of meager substance, rather than with the serious business of life and society. Because of this, it is very difficult for us to achieve any sort of intensive mood regarding the month of Elul.

There was a time, not so far distant in the past, that it was said in Eastern Europe, that even the fish in the rivers trembled when they heard the announcement that the month of Elul had arrived. That certainly is not the case today. People are still

on vacation, in the midst of trips and visits, that by their very nature are meant to be a diversion from the serious business of life itself. Tradition trembles when human beings are no longer serious.

The German iron Chancellor Bismarck reputedly once characterized the situation in the Austro-Hungarian Empire of his time, as being hopeless but not serious. There were many times in history when it was clear that governments and leaders embarked upon actions and provocations that ultimately led to war and disaster, simply out of a mood of almost frivolity and lack of seriousness.

In a permissive society such as ours is today, when people are not held accountable for their behavior, when felonies are now only misdemeanors and misdemeanors are no longer punishable under any circumstances, it is difficult to really take a serious view of life.

Judaism holds every individual personally responsible for his or her actions, attitudes, speech, and behavior. Judaism is aware of mitigating circumstances, but never accepts excuses or blame of others for one's own faults and misdeeds. Judaism believes that human beings are responsible creatures, and that their behavior engenders consequences that cannot be ignored. We are judged on our behavior, and not on the quality of our excuses.

The month of Elul always imparted to the Jewish people this fundamental lesson of heavenly judgment and correct human performance. When understanding the full import of this message, it is no wonder that even the fish in the rivers trembled at the advent of the month of Elul.

The month of Elul also brings with it a note of optimism and goodness. The spirituality of the holidays that follow this month remain a source of strength for all of us during the forthcoming new year that will soon be upon us. We are confident that our sins and shortcomings will be forgiven and ameliorated, and that the Lord of goodness and kindness will embrace us and our actions and turn them into positive and fruitful ones. Judaism is built upon optimism, good cheer and a balanced view of life and its vicissitudes. We may not be able to change the past, but we are certainly capable of improving our future. This is also one of the basic lessons of the month of Elul. We may tremble in anticipation, but even in our moments of trembling, there is an innate belief that eventually things will come right, and all will be well. Elul prepares us for the majesty of the holidays that will follow.

By realizing the impending moments of majesty and eternal memory, Elul transforms us into vessels that can receive holiness and eternal reward. Achieving this level of human character is itself a joyful experience that one can achieve in life. It is this mixture of trepidation and joyful expectation that the month of Elul produces within us that allows us to appreciate and treasure this final month of the Jewish calendar year of 5781.

Shabbat shalom

Berel Wein

Against Hate (Ki Teitse 5781)

Rabbi Jonathan Sacks ZL

Ki Teitse contains more laws than any other parsha in the Torah, and it is possible to be overwhelmed by this embarrass de richesse of detail. One verse, however, stands out by its sheer counter-intuitiveness:

Do not despise an Edomite, because he is your brother. Do not despise the Egyptian, because you were a stranger in his land. (Deut. 23:8)

These are very unexpected commands. Examining and understanding them will teach us an important lesson about society in general, and leadership in particular.

First, a broader point. Jews have been subjected to racism more and longer than any other nation on earth. Therefore, we should be doubly careful never to be guilty of it ourselves. We believe that God created each of us, regardless of colour, class, culture or creed, in His image. If we look down on other people because of their race, then we are demeaning God's image and failing to respect kavod ha-briyot, human dignity.

If we think less of a person because of the colour of their skin, we are repeating the sin of Aaron and Miriam – "Miriam and Aaron spoke against Moses because of the Cushite woman whom he had married, for he had married a Cushite woman" (Num. 12:1). There are midrashic interpretations that read this passage differently, but the plain sense is that they looked down on Moses' wife because, like Cushite women generally, she had dark skin, making this one of the first recorded

instances of colour prejudice. For this sin Miriam was struck with leprosy.

Instead we should remember the lovely line from Song of Songs: “I am black but beautiful, O daughters of Jerusalem, like the tents of Kedar, like the curtains of Solomon. Do not stare at me because I am dark, because the sun has looked upon me” (Song of Songs 1:5).

Jews cannot complain that others have racist attitudes toward them if they hold racist attitudes toward others. “First correct yourself; then [seek to] correct others,” says the Talmud. (Baba Metzia 107b) The Tanach contains negative evaluations of some other nations, but always and only because of their moral failures, never because of ethnicity or skin colour.

Now to Moses’ two commands against hate,[1] both of which are surprising. “Do not despise the Egyptian, because you were a stranger in his land.” This is extraordinary. The Egyptians enslaved the Israelites, planned a programme against them of slow genocide, and then refused to let them go despite the plagues that were devastating the land. Are these reasons not to hate?

True. But the Egyptians had initially provided a refuge for the Israelites at a time of famine. They had honoured Joseph when he was elevated as second-in-command to Pharaoh. The evils they committed against the Hebrews under “a new King who did not know of Joseph” (Ex. 1:8) were at the instigation of Pharaoh himself, not the people as a whole. Besides which, it was the daughter of that same Pharaoh who had rescued Moses and adopted him.

The Torah makes a clear distinction between the Egyptians and the Amalekites. The latter were destined to be perennial enemies of Israel, but the former were not. In a later age, Isaiah would make a remarkable prophecy – that a day would come when the Egyptians would suffer their own oppression. They would cry out to God, who would rescue them just as He had rescued the Israelites:

When they cry out to the Lord because of their oppressors, He will send them a saviour and defender, and He will rescue them. So the Lord will make Himself known to the Egyptians, and in that day they will acknowledge the Lord. (Isaiah 19:20-21)

The wisdom of Moses’ command not to despise Egyptians still shines through today. If the people had continued to hate their erstwhile oppressors, Moses would have taken the Israelites out of Egypt but would have failed to take Egypt out of the Israelites. They would have continued to be slaves, not physically but psychologically. They would be slaves to the past, held captive by the chains of resentment, unable to build the future. To be free, you have to let go of hate. That is a difficult truth but a necessary one.

No less surprising is Moses’ insistence: “Do not despise an Edomite, because he is your brother.” Edom was, of course, the other name of Esau. There was a time when Esau hated Jacob and vowed to kill him. Besides which, before the twins were born, Rebecca received an oracle telling her, “Two nations are in your womb, and two peoples from within you will be separated; one people will be stronger than the other, and the elder will serve the younger.” (Gen. 25:23) Whatever these words mean, they seem to imply that there will be eternal conflict between the two brothers and their descendants.

At a much later age, during the Second Temple period, the Prophet Malachi said: “Was not Esau Jacob’s brother?” declares the Lord. “Yet I have loved Jacob, but Esau I have hated...” (Malachi 1:2-3). Centuries later still, Rabbi Shimon bar Yochai said, “It is a halachah [rule, law, inescapable truth] that Esau hates Jacob.”[2] Why then does Moses tell us not to despise Esau’s descendants?

The answer is simple. Esau may hate Jacob, but it does not follow that Jacob should hate Esau. To answer hate with hate is to be dragged down to the level of your opponent. When, in the course of a television programme, I asked Judea Pearl, father of the murdered journalist Daniel Pearl, why he was working for reconciliation between Jews and Muslims, he replied with heartbreaking lucidity, “Hate killed my son. Therefore I am determined to fight hate.” As Martin Luther King Jr, wrote, “Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate, only love can do that.”[3] Or as Kohelet said,

there is “a time to love and a time to hate, a time for war and a time for peace” (Eccl. 3:8).

It was none other than Rabbi Shimon bar Yochai who said that when Esau met Jacob for the last time, he kissed and embraced him “with a full heart.”[4] Hate, especially between family, is not eternal and inexorable. Always be ready, Moses seems to have implied, for reconciliation between enemies.

Contemporary Games Theory – the study of decision making – suggests the same. Martin Nowak’s programme “Generous Tit-for-Tat” is a winning strategy in the scenario known as the Iterated Prisoner’s Dilemma, an example created for the study of cooperation of two individuals. Tit-for-Tat says: start by being nice to your opponent, then do to them what they do to you (in Hebrew, middah keneged middah). Generous Tit-for-Tat says, don’t always do to them what they do to you, for you may find yourself locked into a mutually destructive cycle of retaliation. Every so often ignore (i.e. forgive) your opponent’s last harmful move. That, roughly speaking, is what the Sages meant when they said that God originally created the world under the attribute of strict justice but saw that it could not survive through this alone. Therefore He built into it the principle of compassion.[5]

Moses’ two commands against hate are testimony to his greatness as a leader. It is the easiest thing in the world to become a leader by mobilising the forces of hate. That is what Radovan Karadzic and Slobodan Milosevic did in the former Yugoslavia and it led to mass murder and ethnic cleansing. It is what the state-controlled media did – describing Tutsis as inyenzi, (“cockroaches”) – before the 1994 genocide in Rwanda. It is what dozens of preachers of hate are doing today, often using the Internet to communicate paranoia and incite acts of terror. Finally, this was the technique mastered by Hitler as a prelude to the worst-ever crime of humans against humanity.

The language of hate is capable of creating enmity between people of different faiths and ethnicities who have lived peaceably together for centuries. It has consistently been the most destructive force in history, and even knowledge of the Holocaust has not put an end to it, even in Europe. It is the unmistakable mark of toxic leadership.

In his classic work, *Leadership*, James MacGregor Burns distinguishes between transactional and transformational leaders. The former address people’s interests. The latter attempt to raise their sights. “Transforming leadership is elevating. It is moral but not moralistic. Leaders engage with followers, but from higher levels of morality; in the enmeshing of goals and values both leaders and followers are raised to more principled levels of judgement.”[6]

Leadership at its highest level transforms those who exercise it and those who are influenced by it. The great leaders make people better, kinder, nobler than they would otherwise be. That was the achievement of Washington, Lincoln, Churchill, Gandhi and Mandela. The paradigm case was Moses, the man who had more lasting influence than any other leader in history.

He did it by teaching the Israelites not to hate. A good leader knows: Hate the sin but not the sinner. Do not forget the past but do not be held captive by it. Be willing to fight your enemies but never allow yourself to be defined by them or become like them. Learn to love and forgive. Acknowledge the evil men do, but stay focused on the good that is in our power to do. Only thus do we raise the moral sights of humankind and help redeem the world we share.

Parshat Ki Tetze (Deuteronomy 21:10 – 25:19)

Rabbi Shlomo Riskin

Efrat, Israel – “If a man has a wayward and rebellious child, who does not listen to the voice of his father and the voice of his mother, and they warn and flog him, but he still does not obey them; then his parents may take him out to the judges of the city, telling them that ‘this our son is wayward and rebellious, he does not obey our voice, he is a glutton and a drunkard.’ Upon which all the people of the city pelt him with stones and he dies, so that you rout out the evil in your midst and all of Israel will take heed and be frightened.” (Deuteronomy 21:18–21)

What defines a “wayward and rebellious” child? How is he to be punished? Whose fault is it – his, his parents’, or society’s?

This week’s Torah portion of Ki Tetze, and especially the Talmudic sages who comment on it, deal with the tragedy of such a problematic situation with amazing courage and sensitivity – and provide important directions for parenting, even today!

The words of the Bible itself, as quoted above, are rather stark, even jarring to the modern ear. However, our Written Torah is defined, expanded upon, and even limited by the Oral Torah and the sages of the Talmud (Sanhedrin, chapter 8, especially pages 68b-71), who initially take the approach that here is the case of a youngster who seems to be growing into a menacing, murderous monster. They limit the time period of the punishment to three months following the onset of puberty, insist that he must have stolen a large amount of meat and wine from his parents which he himself consumed, and conclude that “this youth is punished now for what will inevitably happen later on; it is better that he die [more or less] innocent rather than be put to death after having committed homicide.”

Despite these limitations, the case still seems rather extreme. Many modern commentaries argue that our Bible is actually limiting an ancient practice in which parents had unlimited authority over their children, even to the extent of putting their rebellious children to death, and here the waywardness is defined, the time span is limited, and the judges of the Sanhedrin must be brought into the situation. Nevertheless, the very axiom of “punishing now for what will inevitably happen later on” runs counter to everything else in our entire biblical and judicial system, and is even countermanded by a famous Midrash.

The Bible tells us that Sarah, the wife of Abraham, saw Ishmael, the son of Abraham’s mistress Hagar, “sporting (metzahek)”; she believes that he will be a bad influence on her son Isaac, and God agrees with her that the mistress and her son are to be banished into the desert. An angel sees them wandering and suffering, hungry and thirsty, and comforts Hagar: “Do not fear; God has heard the [crying] voice of the lad from where he is now” (Gen. 21:9–17). On these last biblical words, Rashi cites the Midrash which seems to defy the Talmudic position of the wayward child:

“From where he is now” – He is judged in accord with his present actions and not for what he will eventually do. The angels in heaven began to prosecute [Ishmael] saying, “Master of the Universe, for someone whose children will eventually slay your children [the Israelites] with thirst, You are miraculously providing a well with water in the desert!” And [God] responded “Now what is he, righteous or wicked?” They responded, “Righteous [in the sense that he was not yet worthy of capital punishment].” [God] answered, “In accordance with his present actions do I judge him, from where he is now.”

If God is thus explaining the foundations of Jewish jurisprudence, how do we begin to justify the previous Talmudic explanation of “punishment now for what will eventually happen”?

An anonymous source cited by the Talmud goes so far as to declare that “the case of a stubborn and rebellious son never existed and never will exist; the only reason for its inclusion is so that we may expound the verses and receive reward” (Sanhedrin 71a). And so, R. Yehuda explicates the biblical words, interpreting the Mishna to teach that “if the mother was not an appropriate spouse for the father, if the parents were not equal in voice and stature” – i.e. if they were pulling in different directions, with each expressing a different lifestyle and set of values – then we cannot condemn the emergent rebellious child. He is merely a product of the mixed and confusing messages, the existential identity crisis, he has received at home.

Moreover, “if one of the parents was without hands or legs, was mute, blind, or deaf, the young teenager cannot be blamed” (Sanhedrin 8:4). Rabbi Joseph Lookstein, spiritual leader of Manhattan’s prestigious Kehillath Jeshurun Synagogue and founder and principal of Ramaz Elementary and Secondary schools (1902–1979), would homiletically explain that parents must invest in their children, must be available for them to observe, to listen, and to informally convey. Despite the school that the child attends, the parent remains the primary educator. Hence if

a parent lacks the hands to embrace and to admonish, the legs to accompany the child to where he/she wishes to go, the eyes to see what the teenager is doing, even when he thinks he’s not being observed, the ears to hear what he/she is thinking and planning and dreaming, the voice to enter into true dialogue of give-and-take, then the youngster cannot be blamed, no matter how obnoxious his actions may be. Parenting is an awesome responsibility and a full-time job, in which quantity of time is quality time. Just as babies do not relieve their bodily functions at predetermined times, youngsters cannot be expected to fit into parents’ busy schedules. It takes at least two parents to share the commitment, guidance, and sensitivity which parenting truly demands.

All of this leads to a ringing Talmudic declaration: “The case of the wayward and rebellious child never was and never will be. Expound the verses and you will receive reward” (Sanhedrin 71a). We must be aware of what tragedy can occur within the context of the family and try to prevent the tragedy by taking to heart, mind, and action the depth of the responsibility. After all, our children are our posterity, our future, and our eternity.

I would merely add a few words regarding Ishmael. There were many reasons for his exoneration by the Almighty. After all, Abraham and Hagar did not provide a unified standard of behavior and values; the two were certainly not fit for each other. Hagar and Ishmael were of lesser status than Sarah and Isaac. And Hagar was far removed from Abraham’s monotheism, compassionate righteousness, and moral justice. Moreover, Ishmael himself repents at the end of his life (Bava Batra 16b), and God apparently forgives him, since he makes him into a great nation with twelve princes emerging from his loins (Gen. 25:16).

Finally, the Mishna teaches that even if only one parent forgives the wayward and rebellious son, he is not to be punished (Mishna Sanhedrin 8:4). And our sages maintain that “there are three partners to every individual, the Holy One blessed be He, the father, and the mother” (Kiddushin 30b). Now if flesh and blood parents can prevent execution – in most instances, because they realize that they share the blame – our Divine Parent must certainly have the right to stay the execution. Only God knows that sometimes the genetic makeup of the child is of such a nature, or a traumatic event caused such a rupture in his personality, that neither he nor his flesh-and-blood parents can be held accountable. But whatever the case may be, it’s crucial that parents do everything they can to the best of their ability, to give their children the basic three things which every child deserves from his/her parents: love, limits, and personal and sensitive involvement in their development.

Shabbat Shalom!

Drasha Parshas Ki Seitzei

Rabbi Mordechai Kamenetzky

Hide and No Seek

This week’s parsha is replete with a potpourri of commandments, all encompassing both negative and positive directives that affect our dealings with fellow humans as well as our Creator.

Among the directives is the mitzvah of hashavas aveidah, returning the lost items of your fellow Jew.

“You shall not see the ox of your brother or his sheep or goat cast off, and hide yourself from them; you shall surely return them to your brother. If your brother is not near you and you do not know him, then gather it inside your house, and it shall remain with you until your brother inquires after it, and you return it to him. So shall you do for his donkey, so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him and you find it; you will not be able to hide yourself” (Deuteronomy 22:1-3).

The Talmud spends a great amount of time and effort detailing this mitzvah in the second chapter of Tractate Bava Metziah. But the last few words of the commandment needs clarification.

The Torah tells us to return lost items and not to shirk our responsibility. But it does not tell us you are not allowed to hide, rather it tells us, “lo suchal, you will not be able to hide.” Why not? Who is stopping you?

Surely Hashem does not intervene in our free choice to shun our responsibilities?

The Chofetz Chaim travelled across Poland to distribute his works. Throughout his travels, he came across a variety of characters and experienced many incidents that he retold in his many lectures on Lashon Harah, and fear of Heaven.

He recounted that once he was going in a wagon, when the driver saw an orchard with delicious fruit trees. The driver turned to his passenger and schemed. Listen, my friend. I am making a short detour. I am going into the field to help myself to some of that fruit. If anybody is watching me, let me know immediately. I don't want to get in trouble here!"

The man parked the wagon on the side of the road and stealthily moved toward the orchard with a small sack in his hand. He was about to fill it with the fine, pilfered fruit when the Chofetz Chaim shouted from the wagon, "Someone is watching!"

The man quickly ran back to the carriage and meandered around as if he were just taking a rest.

A few moments later, he snuck back into the orchard, and slowly made his way toward the fruit-laden trees. Once again, as he was about to snatch the fruit off the tree, he heard the old man shout! They're watching! They're watching!"

This time the man dropped his sack and looked all around. He saw no one. Hands on his hips, he approached the wagon.

"I don't see anyone! Who's watching?" he demanded.

The Chofetz Chaim, shrugged, smiled, and rolled his eyes heavenward as he pointed his finger upwards.

"He is!" he replied.

As the saying goes, "you can run, but you can't hide." The Torah is telling you more than dos or don'ts. It is telling you what you can do, and what is virtually impossible for you to do. When you want to look away, and make it appear as if you do not see, the Torah, in addition to a prohibition, reminds him of the simple fact. Not only are you prohibited from making it appear as if you did not see, but in fact, "you cannot hide! You cannot look away." We sometimes forget that Hashem is everywhere and his vision is ever peripheral. We think He is focused on one place and is not interested in the tiny details of a man and a lost object.

Such thinking is as silly as the story of the kids at a Bar-Mitzvah, when the rabbi stacked a bunch of apples on one end of a table with a sign saying, "Take only one apple please G-d is watching." On the other end of the table was a pile of cookies where a friend of the bar-mitzvah boy had placed a sign on saying, "Take all the cookies you want – God is watching the apples."

When it comes to involving ourselves in communal responsibilities whether it is returning lost souls or lost items, we may try to appear as if we do not know what is happening around us. We may act lost ourselves. But we are hiding from no one. Because if we play the fool, "the only thing we have to fool is fool ourselves."

Good Shabbos!

Dedicated to Baila bat Rachel, and Aharon ben Leah for a complete recovery-refuah shelaymah – with Hashem's Help – by Devorah.

Rabbi Yissocher Frand

Parshas Ki Seitzei

Serenity at the Extremes: We All Struggle—But That's a Good Sign

Moshe Rabbeinu tells Klal Yisrael at the beginning of our parsha: "You are standing today, all of you, before Hashem your G-d:" (Atem Nitzavim hayom kulchem lifnei Hashem Elokeichem) [Devarim 29:9] There is a very famous Medrash Aggadah quoted by Rashi here [Pasuk 12]: "Why was this passage juxtaposed with the curses (at the end of Parshas Ki Savo)? Since they had just heard ninety-eight frightening curses besides the forty-nine curses at the end of Sefer VaYikra, their faces turned pallid. They asked – 'Who can withstand all of this?' Moshe therefore came to mollify them and calm them down. You are still standing here today. You have angered the Almighty very often and He has not destroyed you." As if to say – "You have been bad before, you will be bad again. You will get through it all! Don't worry." This is the context of "Atem Nitzavim haYom..."

A famous question is asked on this Rashi. Moshe appears to be defeating the whole purpose of his mussar schmooze. He gets them really shaken up. They are trembling in their boots – "What is going to be with us?" And he tells them "Chill. Don't worry about it." This is equivalent to a Mashgiach Ruchani getting up in the Yeshiva and reading the riot act to the bochurim. The bochurim are trembling that because of their behavior they are all going to burn in Gehinnom. And then the Mashgiach gives them all a wink and tells them "Don't worry!"

So "what did the Sages accomplish with their enactment?" The point of the Tochacha was to read them the riot act and to put the fear of G-d in them!

I saw in the sefer Avir Yosef a very interesting observation from Rav Elya Ber Wachtfogel, the Rosh Yeshiva of the Yeshiva of South Fallsburg. The Tosefta in Maseches Shabbos notes that of all the city dwellers in the world, the people of Sodom are the calmest. They have the most menuchas haNefesh. The Tosefta says that, in fact, that is what brought Lot to Sodom. He checked out all the cities around and he saw that the people of Sodom were the most serene.

What does this Tosefta mean? Why were the people so serene in Sodom? Rav Elya Ber Wachtfogel explains: Lot lived with Avraham Avinu. With Avraham Avinu he saw great serenity. He saw a man that was at peace with himself. He was calm and content with life. Lot said to himself "I want that kind of life. I want the same serenity that my uncle Avraham has."

Why was Avraham Avinu able to achieve such serenity? The rest of us experience this ongoing tension between our guf (body) and our neshama (soul). Our flesh wants one thing and our neshama wants something else. It is a battle from Day One. As soon as the neshama enters a person, the neshama is not happy. "I don't want to be in this world. I don't want to deal with the physicality and material nature of Olam HaZeh." On the other hand, the body wants the physical pleasures of life.

That is the ongoing battle and tension that exists in every human being. For this reason, we are not all calm, serene, and content. One day we are like this and one day we are like that. Or, one minute we are like this and one minute we are like that. We may be one type of person when we are in shul, and another type of person when we are at work.

Avraham Avinu solved the problem. He was 100% spiritual (kulo ruchniyus). He devoted his life to improving his neshama. Therefore, there was no tension. There was this enviable calm and serenity in his lifestyle.

I once had the opportunity to spend ten minutes with Reb Aharon Leib Shteinman (zt"l). If you ever were in his little house, he sat there on a roll-away sofa bed. They put up a chair that served as a backing. The man was so at peace. It would seem like he didn't have a worry in the world. He had patience for everyone. Besides the tzidkus (piety) that emanated from him, there was also this serenity. That is because—to a very large extent—he also solved this human dilemma by choosing a very ascetic life.

Lot envied this. Except, Lot said to himself, "But I can't live that type of life." Lot knew that he could not live such a spiritually-infused lifestyle. He still lusted for the pleasures of the flesh. Therefore, his only option was the other way of achieving serenity – at the other end of the spectrum. The people of Sodom also did not have a conflict. They also felt no tension between the desires of their guf and the desires of their neshama. They threw out the ruchniyus and lived by the motto of "Eat, drink, and be merry – for tomorrow you may die!"

They opted to completely forget about satisfying the neshama and just concentrated on satisfying their bodily needs and desires. This is a path to you-know-where, but it is serene. There is no tension. That is why Lot chose Sodom—it was the most serene and contented spot on the globe.

Moshe Rabbeinu addressed the Jewish people and told them: You are all standing here before Hashem today. Don't worry!

We asked that Moshe destroyed his whole mussar schmooze! The answer is that Moshe Rabbienu was telling them in the Tochacha, "What happened to Sodom will happen to you." [Devarim 29:22]. But it will only happen to you like it happened to Sodom if you, like them, forsake

ruchniyus totally. As long as you feel this tension, as long as you are still fighting the battle, and the struggle with your neshama still bothers you, then what happened to Sodom will not happen to you.

Moshe Rabbeinu tells them the ninety-eight curses and their faces paled, but he tells them – the fact that your faces paled—that is a good sign. It shows that you are still battling; you are still in the fight. As long as you are still waging the battle and are still trying to choose ruchniyus, even though you have already sinned to the Almighty many times, nevertheless you still want what is right, and it still bothers you when it is not right. Therefore, do not worry – the Ribono shel Olam will not wipe you out like He did to Sodom. Sodom's fate is only for those who have totally forsaken the world of spirituality.

These are very encouraging words as we approach Rosh HaShannah. We all have our issues that we need to deal with. We are now approaching the Great Day of Judgement. It is scary, because we look back on our past year and we know that we have fallen down like we have sometimes fallen down in the past. But we are still in the battle, and we are still fighting. It still bothers us. A person only needs to worry when it DOES NOT bother him anymore. Only when a person has achieved the serenity of Sodom is it necessary to really be concerned. The mere fact that our faces are pale and that we feel the need and desire to improve is the biggest testament that we are still fighting the battle. Please G-d, with that merit of our seeking ruchniyus, the Ribono shel Olam shall bless us with the rest of Klal Yisrael and Eretz Yisrael for a year of life and health, financial well-being, and peace upon Yisroel.

Insights Parshas Ki Seitzei - Elul 5781

Yeshiva Beis Moshe Chaim / Talmudic University

Based on the Torah of our

Rosh HaYeshiva HaRav Yochanan Zweig

This week's Insights is dedicated in loving memory of Yoram Ben Meir, Nechama bas Ozer, and Shmuel Favish ben Michael HaLevi, z"l by Mrs. Barbara Dahav and family. "May their Neshamas have an Aliya!"

Double Vision

Remember what Amalek did to you on the way, when you came forth out of Egypt; how he attacked you on the way and struck at your rear those who were feeble... (25:17-18).

This week's parsha ends with a short retelling of the story of Amalek attacking Bnei Yisroel after leaving Mitzrayim, and the exhortation that we never forget what they did to us. Rashi (ad loc) explains that the word "korcha – attacked you" has its roots in the Hebrew word "kor," which means cool. In other words, they cooled off the Jewish people. Meaning, until now the other nations were afraid of the Jewish people and wouldn't fight them, but when Amalek came and attacked them it "cooled them off" and showed the other nations that it was possible to fight Bnei Yisroel.

Rashi continues with the following analogy: There was a bath that was scalding hot, to the point that it was unusable. One fellow came along, jumped into the bath, and got severely burned. However, since he had bathed in it, he succeeded in cooling it sufficiently to be usable for others. So too, Amalek attacked us and cooled us to the point where other nations were now able to conceive of the idea that they too could fight us.

Superficially, this sounds like an acceptable way of looking at what Amalek achieved. But if we probe just a bit deeper we begin to see how perplexing the logic behind this analogy really is. Amalek came and fought with Bnei Yisroel and Amalek was decimated. Wouldn't their epic failure serve as an incredible statement and proof of the power of Bnei Yisroel? In fact, logically, this story seems to convey quite the opposite – that the Jewish people are absolutely not to be messed with. Amalek's defeat literally showcased the power and might of the Jewish people! What can Rashi possibly mean that "they cooled us off?"

When Bnei Yisroel left Mitzrayim they were supposed to get the Torah and go right into Eretz Yisroel and begin the era of messianic times with Moshe as King Moshiah. The splitting of the Red Sea, according to Chazal, reverberated across the world to the point that everyone was aware of it. The Jewish people were supposed to lead a revolution

against idol worship and fulfill Avraham's vision of monotheism for the world. We were supposed to bring everyone back to Hashem. When we left Mitzrayim, we were on an unstoppable mission of bringing the world to its final resolution.

Then Amalek came and made an incredible statement. They attacked knowing that they would be annihilated – which was EXACTLY their point. Their startling statement was: This world is not worth living in if it is to be the world of the Jewish people – we would prefer to die than live in a world where God is revealed and relevant. This is a powerful statement (and the obvious precursor to suicide murderers), and resembles those who perform self-immolation to bring attention to their cause; suicides are powerful arguments against the status quo. Amalek succeeded in saying that there is an alternative to living in this world according to the vision of the Jewish people.

What Rashi means by "they cooled us off" is that other nations then contemplated whether or not our vision was right for them. Once Amalek attacked, we no longer had the overwhelming singular truth of our world vision because Amalek succeeded in placing doubt in other people's minds. Even though they lost terribly, they succeeded in raising the question as to whether or not this world was worth living in if it was a world according to the Jewish vision. They gave credence to other nations; allowing them to consider fighting us and our vision for the world. This was a devastating loss of credibility – something we can never forgive.

Family Interest

You shall not lend upon interest to your brother; [...] to a stranger you may lend upon interest; but to your brother you shall not lend upon interest (23:20-21).

This week's parsha contains the prohibition of lending money with interest to another Jew. It is prohibited to charge interest or pay interest to another Jew. Yet at the same time, the Torah makes it very clear that it is permissible to lend money to non-Jews and charge them interest. In fact, Maimonides (Yad – Malveh Veloveh 5:1) rules that it is a positive commandment to charge non-Jews interest. This dichotomy in lending practices has often been used as a pretext to attack Jews all over the world during the last two millennia.

In truth, the laws against charging interest and paying interest require a deeper understanding. As an example: Reuven needs money to pay for his daughter's wedding, and he happens to know that his friend Shimon has a lot of money sitting in the bank earning 2% interest. Reuven wants to borrow some of that money but he feels very uncomfortable asking Shimon, especially knowing that Shimon would be losing that two percent interest that the bank is paying him. Reuven also realizes that he is already asking for a big favor because he knows that Shimon is taking a bigger risk by withdrawing it from the bank and lending it to him. Moreover, by Shimon lending Reuven the money and thereby losing his two percent earned interest, Reuven now feels like a charity case.

In reality, Reuven would MUCH prefer to pay interest so that he isn't uncomfortable asking Shimon for the loan and isn't made to feel like he is receiving charity; so why should Reuven not be allowed to pay interest?

The answer is that the Torah is teaching us that paying interest between two Jews isn't appropriate. Why not?

Let's say that a person's mother needed money; would a healthy person charge his own mother interest? Or his son, or a brother? Of course not. Functional families are devoted to each other even at a cost. Moreover, a son asking his parents for a loan doesn't feel like he is receiving charity by not paying interest. The Torah is teaching us that the reason you aren't allowed to charge interest isn't because one should take advantage of another; the reason is because one Jew is obligated to treat another as family. This is why the Torah characterizes the borrower as family (23:20-21), "You shall not lend upon interest to your brother; [...] to a stranger you may lend upon interest; but to your brother you shall not lend upon interest."

This also explains why it is not only okay to charge non-Jews interest but actually a mitzvah to do so. We need to internalize that they aren't our family. Obviously, we shouldn't charge exorbitant interest, just

something reasonable that they are happy to accept. Non-Jews understand that they aren't family and they, in fact, are more comfortable asking for a loan and paying interest because otherwise it would be like receiving charity.

Did You Know...

This week's parsha, contains more mitzvot than any other parsha in the Torah. One specific mitzvah, the very unique mitzvah of Shiluach Hakein – sending away the mother bird before taking its offspring, has some rather obscure halachos as to how exactly it is fulfilled.

1. This mitzvah may be performed both by men and women (Sefer HaChinuch 545).

2. Only kosher birds are eligible for this mitzvah. However, not only may we use the birds that we know we can eat (which require a mesorah), we can also use birds which exhibit kosher signs, yet do not have a clear mesorah, like sparrows, robins, cardinals, and orioles.

3. The mitzvah is only performed when sending away the mother bird. This is usually the bird that is resting on the nest at night. Therefore, night is the optimal time to perform the mitzvah.

4. The mitzvah may only be performed before the chicks develop the ability to fly on their own (approximately two weeks after hatching) (Shulchan Aruch Y.D. 292:7).

5. The mitzvah must be performed on an ownerless nest (Shulchan Aruch Y.D. 292:2). Therefore, if one has a nest on one's property the mitzvah may not be performed. However, some authorities hold that one may be mafkir it (declare it ownerless) thereby allowing the mitzvah to be performed.

6. The mitzvah may not be performed on Shabbos or Yom Tov (Responsa Chasam Sofer O.C. 100).

7. According to Raavad, Rokeach, the Aruch HaShulchan (292:10), and others, one recites a bracha before fulfilling this mitzvah. But most Rishonim and many Acharonim disagree; which seems to be the prevailing custom. Some recommend saying the following blessing without mentioning Hashem's name: "Baruch atah melech ha'olam asher kid'shanu bmitzvosav v'tzivanu l'shaleia'ch ha'kein" (Shaleiach Tishlach Hebrew ed. p. 38).

8. One doesn't need to pick up the mother and send her away, but rather, scaring the mother away is sufficient (Rashi; Chulin 141b, Chazon Ish Y.D. 175:2).

9. Once the mother bird has flown away, one may pick up the eggs or chicks (Chazon Ish Y.D. 175:2).

10. Even if the mother bird is watching, one still fulfills the mitzvah. To perform the mitzvah, the eggs/chicks should be lifted to a height of about 12 inches (Beur Halacha O.C. 366 s.v. tzarich).

11. You do not need to keep them (Shiluach Hakan, Feldheim, p. 65). Talmudic College of Florida Rohr Talmudic University Campus 4000 Alton Road, Miami Beach, FL 33140

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For the week ending 21 August 2021 / 13 Elul 5781

Rabbi Yaakov Asher Sinclair - www.seasonofthemoon.com

Parashat Ki Teitzei

Beating the Beast

"When you go out to war against your enemies..." (21:10)

The BBC ran an article on July 21st about Lee Butler.

"Butler was a cocaine addict and he hated himself. But now Lee hasn't had a drink or taken drugs for four years — and insists he never will again.

"Lee tried Alcoholics Anonymous, which has helped millions of people around the world, but didn't like their 12-step approach. He wanted to feel powerful, not — as the first step states — powerless. He wanted to beat his addiction, not battle it every day.

"I just couldn't buy into this 'addiction is a disease, you're powerless, and you have to surrender.' They say you have to take one day at a time, for the rest of your life, and every day you wake up you're an addict. I just thought — I don't want that future."

"It was while visiting one recovery service that Lee met Chris Farrell, a counselor who introduced him to Addictive Voice Recognition

Technique. AVRT was coined by an American ex-alcoholic, Jack Trimpey, who calls it a 'very simple thinking skill that permits anyone to recover immediately and completely from alcohol or drugs.'

"The technique is not that well known in rehabilitation circles. Some experts contacted by the BBC had not heard of it; one charity — while not dismissing it — said it was not 'evidence-based.' 'As I understand it, there is not any evidence base to support it — but that may be because no one has researched it,' said one professor from a different organization.

But for Lee, AVRT "just clicked immediately."

"In effect, says Lee, AVRT recognizes that 'two parts of you are at war' — the rational voice and the addictive voice; the real you and, as Trimpey dubs it, 'the beast.'"

"When you go out to war against your enemies..."

When we go out against our greatest enemy, our Negative Drive; when we try to do Teshuva, to return to Hashem, our first step is recognizing that our 'addictive voice' is not us.

In the service of Yom Kippur, two identical goats are selected. One is brought as a korban and the other is hurled from the summit or a peak in the Judean desert known as Azazel. The goat that is brought on the mizbeach — the Holy Altar — represents the Yetzer HaTov — the 'rational voice.' The goat that is sent to the desert is the 'beast.' They are almost identical. The message is that the only way a person can rescue himself from the many addictions of this world is to sort out the 'rational voice' from 'the beast.'

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Ki Teitzei: The Rich Fruits of Forgiveness

Rabbi Dr. Tzvi Hersh Weinreb

The spirit of forgiveness is in the air.

Since the beginning of this month, the month of Elul, Sephardic communities have been reciting selichot, prayers petitioning the Almighty for his forgiveness. They have been doing so each and every day, rising before dawn in order to get to the synagogue on time. Ashkenazic communities, following their custom, will delay the recitation of these petitionary prayers until the week before Rosh Hashanah.

No matter one's liturgical custom, the theme of forgiveness is uppermost in the consciousness of every Jew. For some, beseeching the Almighty for His forgiveness is their primary concern. Others focus upon obtaining forgiveness from those whom they have offended during the course of the past year. Still others struggle with that most difficult task: begging forgiveness from those whom they have offended. One way or the other, forgiveness is our dominant concern for at this time of year.

When we turn to the Torah portions during these weeks it is only natural to search the text for references to this important theme. Sometimes those references are readily apparent. For example, last week we read this moving prayer: "Our hands did not shed this blood...Absolve, O Lord, Your people Israel...And do not let guilt for the blood of the innocent remain among Your people Israel...And they will be absolved of bloodguilt." (Deuteronomy 21:7-8).

But this week's Torah portion, Ki Teitzei (Deuteronomy 21:10-25:19), presents us with a challenge. Don't get me wrong. This week's parsha contains numerous laws about some very important topics, such as moral warfare, returning lost objects, proper treatment of runaway slaves, divorce, honesty in business affairs, and the concluding cautionary paragraph, urging us not to forget that vilest of our enemies, Amalek. But explicit references to forgiveness are absent.

Several years ago, I decided to meet the challenge and to burrow beneath the surface and find such references. The Talmud teaches us, "If you toil, you will find." Following this Talmudic advice, I toiled indeed. And I did not toil in vain, for I found quite a few hidden references to our central theme, one of which I hereby share with you.

There is a passage in this week's Torah portion which, far from exuding a spirit of forgiveness, reflects almost inexplicable harshness. Near the

very beginning of our parsha, is the passage that deals with the ben sorer u'moreh, the wayward and defiant son. It reads:

"If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, his father and mother shall take hold of him and bring him out to the elders of his town... They shall say to the elders of his town, 'This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard.' Thereupon the men of his town shall stone him to death. Thus you will sweep out evil from your midst..." (Deuteronomy 21:18-21)

There is no trace of forgiveness in these verses. Our Sages questioned the fairness of such a harsh punishment for such a young lad. Rashi, following Talmudic sources, reasons that this boy is not being punished for his current behavior. Rather, this behavior is indicative that he is headed for a life of great criminality, in which he will eventually steal and even murder in order to satisfy his gluttony and desire for drink. But those of us who read the text, especially if we are or have been parents ourselves, understandably search for some ray of hope for this wayward teenager.

One such ray of hope is found in this passage in the Babylonian Talmud, Tractate Sanhedrin 88b: "This wayward and defiant son, this ben sorer u'moreh, if his parents wish to forgive him, he is forgiven."

At first blush, we wonder about this leniency. After all, if we are to follow Rashi's explanation of why he is so harshly condemned, we should be concerned that by forgiving him his parents have let loose a dangerous murderer upon society. The Torah seems convinced that this young lad is inevitably destined for a severely antisocial career. A strict reading of the text demands that we eliminate this potential murderous hazard from our midst. Why should parental mercy of a father and mother be allowed to endanger the welfare of society?

One approach to understanding the power of parental forgiveness is provided by Rabbi Chaim Zaitchik, in a collection of masterful essays, entitled Maayanei HaChaim (Wellsprings of Life). He argues that whereas it can generally be assumed that a young man so wayward and so defiant can never overcome his perverse tendencies, such an assumption must be abandoned if experts can testify that he can be rehabilitated. Asks Rabbi Chaim, "What greater experts can there be than this boy's own parents?" They know him better than anyone else and if they forgive him, it must be that they have detected in him the capacity to shed the passions of youth which have heretofore led him astray.

This is one lesson of forgiveness. If you know a person well, you know that he can change his ways, and hence merit our forgiveness.

I would like to suggest another approach to understanding this passage in the Talmud. My approach rests upon my own observations during the course of my career as a psychotherapist. It was during those years of psychotherapeutic practice that I learned that forgiveness changes the behavior of the person who is forgiven. People who have offended others are often so moved by the fact that those others have forgiven them that they commit to a future of exemplary behavior. The experience of having been forgiven by the others signals them that those others trust them. They are so inspired by that new experience of being trusted that their behavior improves radically.

In the words of a preacher that I overheard on the radio long ago, "We don't forgive people because they deserve it. We forgive them because they need it."

Sometimes we think that there is a risk to forgiving those who have offended us. After all, we ask ourselves, "Are we not letting him 'off the hook'? Are we not absolving him from his responsibilities? Does he not consider us 'suckers' for having forgiven him?"

But I have found that the opposite is often true. Forgiving the offender ennobles him, and sends him a message which enables him to correct his past habits. In the words of none other than Abraham Lincoln: "I have always found that mercy bears richer fruits than strict justice."

I must conclude by citing a "higher authority" than the greatest of American presidents. I present you with a verse from Psalms, as explicated by the great medieval commentator, Abraham ibn Ezra. The

verse is Psalm 130:4, recited in many communities during the period from Rosh Hashanah until Yom Kippur.

The verse reads: 'But with You there is forgiveness; therefore, You are feared.'

As some of you know, I authored a volume of essays on the Book of Psalms. Here is how I phrased the difficulty of this verse: "How does God's forgiveness lead to our fear of Him? Quite the contrary; one would think that we would be less fearful of a forgiving God, knowing that he would not punish us, but would readily forgive us?"

And here is how I presented ibn Ezra's response: "He points out that if sinners were convinced that there was no forgiveness for their iniquities, they would persuade themselves that repentance is hopeless. Why reform one's ways if one was damned to punishment anyway? Precisely the fact that God does forgive removes that hopelessness from them. They realize that if, out of fear of God, they approach Him and beg His forgiveness, they can be hopeful of attaining it. The fact that God forgives...motivates repentance and personal change."

As we approach the High Holidays, Days of Awe, but also Days of Mercy and Forgiveness, let us be moved by the Almighty's power of forgiveness to forgive others, to forgive ourselves, and to improve our ways so that we deserve His blessings for a blessed New Year

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Rabbi Buchwald's Weekly Torah Message

Kee Teitzei 5781-2021 - "Transforming an Enemy into a Friend"

(updated and revised from Kee Teitzei 5762-2002)

Rabbi Ephraim Z. Buchwald

We are now well into the month of אֱלוּל, Elul, the month that leads into the special times of the High Holidays.

Tradition states that the acronym of "E-I-u-l" reminds us of the verse,

אֶלֵּי יְהוָה יָדוּחִי לֵי,

(Song of Songs 6:3) "I am to my beloved and my beloved is to me." Elul is a time when "G-d is in the field," when the Al-mighty is considered especially close and accessible, waiting for the "return" of His beloved children

Following on the timely motif of repentance, this coming week's parasha, parashat Kee Teitzei, contains a particular statute that allows us to explore a profoundly important principle with respect to Teshuva, (return), even though on the surface the statute does not seem to have much to do with repentance.

The Talmud (Yoma, 86b), declares that repentance during the High Holidays, achieves forgiveness only for sins committed between a person and the Al-mighty. However, forgiveness for sins committed between fellow human beings needs to be accomplished on a personal basis.

A most profound Torah insight into interpersonal relations is found in this week's parasha. On the surface it appears to deal merely with the Torah's sensitivity towards animals. Deuteronomy 22:4 reads: לֹא תִרְאֶה אֶת חֲמֹר אֶחָד אוֹ שֹׂרֵר, נִפְלִים בְּדַרְךְ, וְהִתְעַלְמָתָם מִקָּדֶם, הֵקֵם תִּקֵּם עִמּוֹ , You shall not see the donkey of your brother or his ox fall on the way, and you look aside. You must load them with him. This mitzvah, which is known as the mitzvah of טְעִינָה —T'ee'nah, requires one to help the owner of an animal when the animal's load is falling.

An interesting parenthetical observation is the comment of the Sifre cited by Rashi, indicating that the master of the animal may not say to the person who is trying to be helpful, "Since it's your mitzvah, you do it. I'll stand aside and watch you." After all, the verse clearly says to load the animal "with him,"—with the owner.

The mitzvah of t'ee'nah, of securing a load that is falling, parallels another mitzvah known as פְּרִיקָה —p'ree'kah—unloading, that is found in parashat Mishpatim, Exodus 23:5 וְהִדַּלְתָּ מִשְׁאֹו, וְהִדַּלְתָּ . When you see the donkey of your enemy falling under his load, would you refrain from helping him? You must help him. The Talmud in tractate Baba M'tziah 32b, has a fascinating discussion of these two mitzvot. The sages ask, which of these two mitzvot takes precedence, t'eeh'nah, loading, or p'ree'kah, unloading? Clearly

unloading, since it involves **צער בעלי חיים**, the concern of not causing undue pain to an animal.

The Talmud justifies the priority of unloading through the following analysis. Both unloading and loading involve the basic mitzvah of helping one's neighbor. However, *p'ree'kah*, unloading is a double mitzvah, helping one's neighbor and preventing unnecessary pain to an animal.

The Talmud then asks a question that seems almost to be a set-up, **אוקב**, *לפרוק ושוניא לשוניא*? What do we do when we are faced with two animals: the animal of one's friend that needs to be unloaded, and the animal of one's enemy that needs to be loaded? Which has priority? At first glance, we would clearly say *לפרוק*, unloading, since it is always a double mitzvah. However, the Talmud concludes: *משונה בשונוא*, that if the friend understands what's going on, then the priority is to load an enemy's donkey. Why? Because by helping an enemy, a person has an opportunity to overcome enmity, and convert an enemy into a friend.

But why should that be, after all, unloading is a double mitzvah, and the animal is suffering? With startling clarity, our rabbis imply that "enemies" are also "animals" in pain, and relieving human pain always takes priority over an animal's pain.

Many are familiar with the aphorism cited in Pirkei Avot, Ethics of Our Fathers 4:1, **איהו גבור? הכובש את יצרו**, Who is a hero? Who is powerful? they ask—he who controls his temper. A less well-known version of Ethics of Our Fathers, known as Avot of Rabbi Natan 23, also asks, **איהו גבור? מי שעושה שונוא אוהבו**, Who is the greatest hero? Who is the most powerful? One who is able to convert an enemy into a friend!

As we enter the month of Elul, these edifying statutes are of critical importance. After all, these are the relationships to which we must attend in anticipation of the High Holy days. NOW is the precise time for all to be heroic!

May you be blessed.

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Rabbi Zvi Sobolofsky - One Mitzvah Leads to Another

מצות presents two divergent trajectories in life to choose from. The **פרשה** begins with the option of marrying a non-Jewish woman captured in battle, and the consequences of this action become apparent very quickly. Strife in their marriage, a child who rebels, and the tragic end to the life of this child are direct results of the path chosen by the soldier who could not control his desires. In contrast to this downward trajectory, the **תורה** portrays the upward trajectory of a life full of **מצות**. comments on the natural progression from one **מצוה** to another; fulfillment of a relatively simple **מצוה** to perform, such as **שילוח הקן** (sending away the mother bird before taking her eggs) sets into motion an array of **מצות**. One then merits to build a new house, thereby having the opportunity to construct a **מעקה** (a fence around the roof to protect everyone from falling) which itself is a **מצוה**. Next, one plants a vineyard and a field which necessitate more **מצות**. Following these are even more opportunities for **מצות**, such as **ציצית** for the beautiful garments one merits to wear.

מצות teaches us **מצוה** leads to another, and equally true is the teaching that **עבירה** leads to another. Neither the **מצוה** nor the **עבירה** that precipitates the different chains of events in this **פרשה** are categorized as **מצות** - exceptionally strict commandments. The **עבירה** of taking the captive woman is not actually an **עבירה** in the classic sense, since technically the action taken is permissible. And yet, even an action that is not in the spirit of holiness can potentially have disastrous consequences. Similarly, the **מצוה** of **שילוח הקן** is categorized as a **מצוה קלה** - a "light" **מצוה**. One would not have expected such a **מצוה** to be a catalyst for an entire series of **מצות** to follow. **מצוה** instruct us to be careful with even the "light" **מצוה** as we do not know the reward of any given **מצוה**. **מצוה** continue to say that even such **מצות** can result in other **מצות**, as part of the reward for any **מצוה** is that it leads one down the path to perform others.

As we approach **ראש השנה**, the significance of even one **מצוה** or one **עבירה** becomes even more apparent. **מצוה** describe the three books that are

opened on **ראש השנה**. The book of those whose **מצות** and **עבירות** are equal is left open until **כיפור** day, giving a person the opportunity to be inscribed in the book of the righteous. The **הלכות תשובה** in **רמב"ם** elaborates upon this statement of **הז"ל**, as follows: every **מצוה** counts because even one can transform a person into a **צדיק** deserving to be inscribed and sealed in the book of life. Conversely, even one **עבירה** at this time can result in one no longer being a **בנינוי** - one who is neither a **צדיק** or **רשע** - and being written in the book of **רשעים**. Why is even one **מצוה** or **עבירה** so significant to change one's entire being? Perhaps it is not just a question of actual quantity of one's actions but the trajectory one has chosen.

The words of **רש"י** in the beginning of the **פרשה** take on a new meaning particularly at this time of the year. The **בן סורר ומורה** - the rebellious son - is punished severely for actions that don't seem to warrant such a response. His indulging in meat and wine and his embracing a life of crime to support his behavior falls into the category of **שם סופו** - he is judged based on what his future will inevitably become. His seemingly trivial offenses will result in significantly more serious crimes.

We are all about to be judged by Hashem. He is looking at the path we have chosen. Even a small deviation can undermine our entire status in the books of heaven as we veer down a path of **חטא**. However, even the smallest improvement can become a catalyst that enables us to be inscribed in the book of the righteous. Let us begin with the **מצות** **קלות** that can change our lives. **מצוה** **גוררת מצוה** can bring us to new heights and transform us from being mediocre **בנינוי** to becoming **גמורים**. **צדיקים**.

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Rav Kook Torah

Ki Teitzei: Advice to a Troubled Father **Chanan Morrison**

Ki Teitzei: Advice to a Troubled Father

כי יתה לאיש בן סורר ומורה, איננו שמע בקול אביו ובקול אמו...

A grief-stricken father turned to Rav Kook for advice. Rabbi Dov Ber Milstein was a diligent scholar and a Hasidic Jew, the owner of a thriving lumber business in Warsaw. His two younger sons, however, were expelled from their yeshiva. Influenced by socialist and Polish-nationalist friends, they had abandoned religious life. They even took part in the failed 1905 coup attempt against the Russian Tsar.

What should the father do? How should he respond to this betrayal of his values and lifestyle? Should he cut off all ties from his sons and sit shiva over their lost souls? Should he argue with them and rebuke them? In a series of letters, Rav Kook consoled the father and offered a number of practical suggestions.

1. Don't Reject Them

The first and most important principle is not to break off contact. Rav Kook was adamant that a parent should not sever his connection with his children, despite their rejection of their religious upbringing.

"I understand well your heartache and grief," he wrote. "But if you think, like most Torah scholars do, that in our times it is fitting to reject those children who have left the path of Torah and faith due to the turbulent currents of the era - then I say, unequivocally, this is not the path that God desires."

We should never give up on a single Jewish soul. "A myrtle among the reeds is still a myrtle and is called a myrtle" (Sanhedrin 44a).

2. Appreciate Their Motives

Rav Kook's second point was that we must accurately judge the next generation and appreciate their motives. In these turbulent times of social movements and uprisings, our sons and daughters who have abandoned Judaism should be viewed as acting under duress. "God forbid that we should judge them as having rebelled willfully." They are motivated, not by selfish desires, but by aspirations to repair societal inequalities and fight political corruption. Their yearnings for fairness and compassion are rooted in "the inner soul of Israel's holiness that lies hidden within their hearts."

They have been led astray, not because of hedonist passions, but because they pursue justice and kindness. If we don't push them away, but do our best to draw them back, they will be ready to return to Judaism.

3. Support Them Financially

Practically speaking, Rav Kook advised the father "to assist them, as much as you are able, toward their livelihood and pressing needs." It is not easy to financially support children who have rejected your way of life. But this will maintain your connection with them, and "provide an opportunity to express words of mussar, chosen judiciously, in your letters. It is in the nature of words that come from the heart to have an impact, whether much or little."

4. Encourage Them to Stay Connected to The Jewish People

Rav Kook further advised the father to remind his children of their Jewish heritage. Counsel them not to abandon their people due to false dreams that they will gain a secure place of honor and respect among the nations of the world. "The [nations] befriend you when it serves them, but in times of trouble, they will rejoice in your downfall."

If you are successful in awakening a love of the Jewish people in their hearts, this will lead to sparks of faith and holy aspirations. And it may eventually result in complete teshuvah.

5. Their Teshuvah will be Intellectually Motivated

Rav Kook's final observation: our children left Judaism due to mistakes of the intellect, thinking that this way will enable them to perform greater good in the world. Their return to Judaism will not be spurred by impassioned speeches of fire and brimstone, but by an intellectual recalculation.

"We need not picture their return to Judaism as penitence accompanied by terrible anguish and the fear of utter collapse, like the common perception of ordinary teshuvah. Rather, it will be a simple reassessment, like a person who corrects a mistake in arithmetic after clarifying the numbers."

To summarize:

Keep a connection with your children.

Recognize their positive qualities and good - if misguided - motives.

Continue to support them financially, as this concretizes your connection to them.

Encourage them to stay connected to the Jewish people.

They will return to Judaism, not through emotional pleas and feelings of guilt, but when they reassess their thinking and reconsider their decisions.

Postscript:

The father's rabbi in Poland, the Rebbe of Porisov, instructed Rabbi Milstein to sever all contact with his two younger sons who had abandoned religion. But the father followed Rav Kook's guidance and reconciled with his sons. He continued to support them financially, even when they were far away in France and Brussels.

Was Rav Kook's advice successful? What happened to the two sons?

Sadly, neither son returned to religious observance. The middle son, Shmulka, worked as an economist for the Polish bank, while the youngest son, Naftali, served as a Polish diplomat in Belgium and France.

The family, however, always stayed connected. Over time, the financial situation of the Milstein family reversed. The father's profitable business began to fail. Instead of the wealthy father supporting his sons, his sons supported their father.

After Rabbi Milstein and his firstborn son immigrated to Jerusalem, Shmulka and Naftali continued to send money to support their father and elder brother. Naftali even visited his father in Jerusalem and bought him a large three-room apartment.

Naftali Milstein did not return to his religious upbringing, but never denied his Judaism. He wrote extensively about anti-Semitism, predicting that tens of thousands of Jews would be exterminated in Poland. Active in Jewish causes, he assisted Eastern European Jews to emigrate to South America, Canada, and Israel.

Only the eldest son, Rabbi Chaim-Ze'ev, remained fully committed to Jewish observance, moving to Israel and raising many descendants who continued in his father's path.

(Adapted from Iggerot HaRe'iyah vol. 1, letter 138 (19 Iyyar 5668/1908). Background information from 'A journey in the footsteps of the mysterious figures in Rav Kook's letters' by Rabbi Ari Shevat, Makor Rishon (08/14/2018). Copyright © 2021 Rav Kook Torah, All rights reserved.

The Heter Mechirah Controversy

By Rabbi Yirmiyohu Kaganoff

In a few short weeks, we will begin shmittah year. In preparation, I present:

Several shmittah cycles ago, I was working as a mashgiach for a properly run American hechsher. One factory that I supervised manufactured bread and muffin mixes. This company was extremely careful about checking its incoming ingredients: George, the receiving clerk who also managed the warehouse, kept a careful list of what products he was to allow into the plant and what kosher symbols were acceptable.

On one visit to the plant, I noticed a problem, due to no fault of the company. For years, the company had been purchasing Israeli-produced, freeze-dried carrots with a reliable hechsher. The carrots always arrived in bulk boxes, with the Israeli hechsher prominently stamped in Hebrew and the word KOSHER prominently displayed, in English. George, who always supervised incoming raw materials, proudly showed me through "his warehouse" and noted how he carefully marked the arrival date of each new shipment. I saw crates of the newest shipment of Israeli carrots, from the same manufacturer, and the same prominently displayed English word KOSHER on the box. However, the Hebrew stamp on the box was from a different supervisory agency, one without the same sterling reputation. The reason for the sudden change in supervisory agency was rather obvious, when I noted that the Hebrew label stated very clearly "Heter Mechirah."

Let me explain the halachic issues that this product entails.

The Torah (Vayikra 25:1-7) teaches that every seventh year is shmittah and prohibits working the land of Eretz Yisroel. During that year, one may not plough, plant or work the field in any way. Furthermore, the farmer must treat whatever grows on his land as ownerless, allowing others to pick and keep his fruit. Many laws apply to the produce that grows during shmittah, including, for example, that one may not sell the produce in a business manner, nor may one export it outside Eretz Yisroel.

For the modern farmer, observing shmittah is indeed true mesiras nefesh, since, among the many other concerns that he has, he also risks losing customers who have been purchasing his products for years. For example, a farmer may be selling his citrus or avocado crop to a distributor in Europe who sells his produce throughout the European Community. If he informs his customer that he cannot export his produce during shmittah year, he risks losing the customer in the future. Of course, a Jew realizes that Hashem provides parnasah and that observing a mitzvah will never hurt anyone. Therefore, a sincerely observant farmer obeys the Torah dictates, knowing that Hashem attends to all his needs. Indeed, recent shmittos have each had numerous miracles by which observant farmers were rewarded in this world for their halachic diligence. Who can possibly imagine what reward awaits them in Olam Haba!

Unfortunately, the carrot farmer here was not committed to this level of bitachon and, instead, explored other options, deciding to rely on heter mechirah. He soon discovered that his regular, top-of-the line hechsher would not allow this, so he found an alternative hechsher that allowed him to be lenient, albeit by clearly forewarning customers who may consider this product non-kosher. Although he realized that sales would suffer without his regular hechsher, he figured that selling some product is better than selling none.

WHAT IS HETER MECHIRAH?

The basic concept of heter mechirah is that the farmer sells his land to a gentile, who is not required to observe shmittah. Since a gentile now owns the land, the gentile may farm the land, sell its produce and make a profit. The poskim dispute whether a Jew may work land owned by a

gentile during shmittah (Tosafos, Gittin 62a s.v. ein odrin, prohibits; Rashi, Sanhedrin 26a s.v. agiston, permits).

IS THIS ANY DIFFERENT FROM SELLING ONE'S CHOMETZ FOR PESACH?

Although some poskim make this comparison (Shu't Yeshuos Malko, Yoreh Deah #53), many point out differences between selling chometz to a gentile and selling him land in Eretz Yisroel. Indeed, although the Mishnah (Pesachim 21a) and other early halachic sources (Tosefta, Pesachim 2:6) mention selling chometz to a non-Jew before Pesach, no early source mentions selling land in Eretz Yisroel to avoid shmittah (Sefer Hashmittah pg. 71). The earliest source I found discussing this possibility was an eighteenth-century responsum penned by Rav Mordechai Rubynow, the Rosh Yeshivah in Hebron at the time, who discusses the tribulations of a Jew owning a vineyard in Eretz Yisroel in that era (Shu't Shemen Hamor, Yoreh Deah #4; this sefer was published posthumously in 1793).

HISTORY OF MODERN HETER MECHIRAH

Before explaining the halachic background to the heter mechirah question, I think it is important to understand the historical context of the shaylah.

Rav Yechiel Michel Tukachinski, one of the great twentieth-century poskim of Eretz Yisroel, describes the history and development of the use of heter mechirah. (My source for most of the forthcoming historical material is his work, Sefer Hashmittah.)

The first modern shmittah was in the year 5642 (1882), when there was a mere handful of Jewish farmers in Israel, located in Petach Tikvah, Motza and Mikveh Yisroel. The highly observant farmers in these communities were uncompromising in their commitment to keep shmittah in full halachic detail. [Apparently, at the same time, there were some Sefardi farmers in Israel whose rabbonim did allow them to sell their fields to a gentile for the duration of shmittah (see Shu't Yeshuos Malko, Yoreh Deah #53; Shu't Yabia Omer 3:Yoreh Deah #19:7).]

By the next shmittah, 5649 (1889), there was already a much larger Jewish agricultural presence in Eretz Yisroel. Prior to that shmittah year, representatives of the developing Israeli agricultural communities approached several prominent Eastern European gedolim, claiming that the new yishuv could not survive financially if shmittah was observed fully, and that mass starvation would result. Could they sell their land to a gentile for the duration of shmittah and then plant the land and sell its produce?

THE BEGINNINGS OF A CONTROVERSY

Rav Naftali Hertz, the rav of Yaffo, who also served as the rav of most of the agricultural communities involved, directed the shaylah to the gedolei haposkim of the time, both in Israel and in Europe. The rabbonim in Europe were divided, with many prominent poskim, including Rav Yehoshua Kutno, Rav Yosef Engel and Rav Shmuel Mahliver, approving the sale of the land to non-Jews as a hora'as sha'ah, a ruling necessitated by the emergency circumstances prevailing, but not necessarily permitted in the future. They permitted the heter mechirah, but only with many provisos, including that only non-Jews perform most agricultural work. On the other hand, many great European poskim prohibited this heter mechirah, including such luminaries as the Netziv (Rav Naftali Tzvi Yehudah Berlin, the Rosh Yeshivah of the preeminent yeshiva of the era in Volozhin, Lithuania), the Beis Halevi (3:1; Rav Yosef Dov Halevi Soloveichik), the Aruch HaShulchan (Rav Yechiel Michel Epstein) and Rav David Karliner.

Rav Yitzchak Elchanan Spector, the rav of Kovno, Lithuania, whom many viewed as the posek hador, ruled that Rav Hertz could perform the sale and instructed him to have the great poskim of Yerushalayim actuate the sale.

This complicated matters, since the Ashkenazi rabbonei Yerushalayim universally opposed the heter mechirah and published a letter decrying it stridently. This letter, signed by the two rabbonim of Yerushalayim, Rav Yehoshua Leib Diskin and Rav Shmuel Salant, and over twenty other gedolim and talmidei chachamim, implored the farmers in the new yishuv to keep shmittah steadfastly and expounded on the Divine blessings guaranteed them for observing shmittah. The letter also noted

that Klal Yisroel was punished severely in earlier eras for abrogating shmittah (see Avos Chapter 5). As Rashi (Vayikra 26:35) points out, the seventy years of Jewish exile between the two batei hamikdash correspond to the exact number of shmittos that were not observed from when the Jews entered Eretz Yisroel until the exile. The great leaders of Yerushalayim hoped that if Klal Yisroel observed shmittah correctly, this would constitute a collective teshuvah for the sins of Klal Yisroel and would usher in the geulah.

Rav Hertz, who had originally asked the shaylah, was torn as to what to do. Although he had received letters from some of the greatest poskim of Europe permitting the mechirah, the poskei Yerushalayim adamantly opposed it. He decided not to sell the land himself, but arranged mechirah for those who wanted it through the Sefardi rabbonim in Yerushalayim, who had apparently performed this mechirah in previous years.

What happened? Did the Jewish farmers observe the shmittah as instructed by the rabbonei Yerushalayim, or did they rely on heter mechirah? Although the very committed farmers observed shmittah according to the dictates of the gedolei Yerushalayim, many of the more marginally observant farmers acceded to the pressure and relied on heter mechirah. Apparently, many farmers were subjected to considerable financial and social pressure to evade observance of shmittah.

Prior to shmittah year 5656 (1896), Rav Hertz again considered what to do in the coming shmittah and approached the rabbonei Yerushalayim. This time, both Rav Shmuel Salant and Rav Yehoshua Leib Diskin approved the mechirah and even suggested to Rav Hertz how to arrange this mechirah in a halachically-approved fashion.

WHAT CHANGED?

Why were the very same rabbonim who vehemently opposed the mechirah seven years earlier not opposed to it this time? Initially, these rabbonim felt that since we had now merited returning to Eretz Yisroel, we should make sure to observe all the mitzvos of Eretz Yisroel without compromise, and evading shmittah with heter mechirah runs totally counter to this spirit. However, upon realizing that few farmers had observed the previous shmittah properly, the feeling of these great gedolim was that without the option of heter mechirah, most farmers would simply conduct business as usual and ignore shmittah completely. Therefore, it was better to permit heter mechirah, while at the same time encourage farmers not to rely on it.

Prior to the next shmittah, in 5663 (1903), Rav Hertz re-asked his shaylah from the rabbonim of Yerushalayim, Rav Shmuel Salant and the Aderes, Rav Eliyahu Dovid Rabinowitz Teumim (Rav Diskin had passed on in the meantime), since the original approval stipulated only that shmittah. These rabbonim felt that there was still a need for heter mechirah in 5663. Rav Hertz, himself, passed away before the heter mechirah was finalized, and his son-in-law, Rav Yosef Halevi, a talmid chacham of note, finalized the mechirah in his stead, following the instructions of the rabbonei Yerushalayim.

Seven years later (5670/1910), Rav Avraham Yitzchak Kook was the rav of Yaffo and continued the practice of the mechirah, while at the same time encouraging those who would observe shmittah correctly to do so. He continued this practice of performing the heter mechirah for the several subsequent shmittos of his life.

In addition, Rav Kook instituted a new aspect to heter mechirah. Prior to his time, the heter mechirah involved that the owner of the farm appointed a rav as his agent to sell the land, similar to what we usually do to arrange selling the chometz. Rav Kook added that a farmer who was not going to observe shmittah but did not appoint a rav to sell his land was included in the mechirah, since it is in his best interest to have some heter when he works his field, rather than totally desecrating the Holy Land in the holy year. Although there is merit in protecting the farmer from his sin, now, a practical question results that affects a consumer purchasing this farmer's produce. If the farmer did not authorize the sale, perhaps the produce indeed has the sanctity of shmittah. For this latter reason, many individuals who might otherwise accept heter mechirah produce do not rely on this heter.

By the way, although the original heter mechirah specified that gentiles must perform all plowing, planting and harvesting, this provision is no longer observed by some farmers who rely on heter mechirah. Many farmers who rely on heter mechirah follow a “business as usual” attitude once they have dutifully signed the paperwork authorizing the sale. Indeed, who keeps the profits from the shmittah produce, the Jew or the non-Jew to whom he sold his land? One can ask -- is this considered a sale?

Another point raised is that, although Chazal also contended with much laxity in observing the laws of shmittah, they did not mention selling the land to evade the mitzvah. This is underscored by the fact that there are indeed precedents where Chazal mention ways to avoid observing mitzvos. For example, the Gemara mentions methods whereby one could avoid separating maaser, for those who want to evade this mitzvah, although Chazal did not approve doing so. Furthermore, when Hillel realized that people were violating the halachos of shmittas kesafim, he instituted the pruzbul. Yet, no hint of avoiding shmittah by selling land to a gentile is ever mentioned, thus implying that there is halachic or hashkafic difficulty with this approach (Sefer Hashmittah pg. 82).

SELLING ERETZ YISROEL

In addition to the question of whether one should evade performing a mitzvah of the Torah, the issue of heter mechirah involves another tremendous halachic difficulty. How can one sell any land of Eretz Yisroel, when the Torah prohibits selling it to a non-Jew (Avodah Zarah 20a), and Chazal prohibit even renting the land (Mishnah, Avodah Zarah 20b)?

Different poskim have suggested various approaches to avoid this prohibition. Some contend that selling land temporarily, with an expressed condition that it return to the owner, preempts the violation (Shu't Shemen Hamor, Yoreh Deah #4), while others permit the sale since its purpose is to assist the Jewish presence in Eretz Yisroel (Shu't Yeshuos Malko, Yoreh Deah #55; Yalkut Yosef pg. 666, quoting Rav Reuven Katz, the late rav of Petach Tikvah). Others contend that the prohibition extends only to selling land to an idol-worshipper, but not to a gentile who does not worship idols (Sefer Hashmittah, pg. 74; Yalkut Yosef pg. 665, quoting Mizbei'ach Adamah), whereas still others maintain that one may sell land to a gentile who already owns land in Israel (Shabbas Ha'aretz, Mavo 12). The original contracts approved by the rabbanei Yerushalayim designed that sale to incorporate many aspects to avoid this concern (Sefer Hashemittah, pg. 75). However, each of these approaches is halachically controversial. In fact, the problem of selling the land to a gentile is so controversial that many poskim consider such a sale invalid because of the principle of ein shaliach lidvar aveirah, that transacting property through agency in a halachically unacceptable manner is invalid (Chazon Ish, Shvi'is 24:4).

Among contemporary poskim there is wide disagreement whether one may eat produce on the basis of heter mechirah. Some contend that one may, whereas others rule that both the produce and the pots used to cook this produce become non-kosher. Others follow a compromise position, accepting that the pots should not be considered non-kosher, although one should carefully avoid eating heter mechirah produce. Because of the halachic controversies involved, none of the major hechsherim in North America approve heter mechirah produce. Someone visiting Eretz Yisroel during shmittah who wants to maintain this standard should clarify his circumstances in advance.

FRUITS VERSUS VEGETABLES

Some rabbonim ruled that the fruits produced under heter mechirah may be treated as kosher, but not the vegetables. The reason for this distinction is as follows:

SEFICHIM

The Torah permitted the use of any produce that grew on its own in a field that was not worked during shmittah. Unfortunately, though, even in the days of Chazal, it was common to find Jews who deceitfully ignored shmittah laws. One practice of unscrupulous farmers was to plant grain or vegetables and market them as produce that grew on its own. To make certain that these farmers did not benefit from their misdeeds, Chazal forbade all grains and vegetables, even those that grew on their own, a prohibition called sefichim, or plants that sprouted.

Several exceptions were made, including that produce of a non-Jew's field is not prohibited as sefichim. Thus, if the heter mechirah is considered a charade and not a valid sale, the grain and vegetables growing in a heter mechirah field are prohibited as sefichim.

WHY NOT FRUIT?

Chazal did not extend the prohibition of sefichim to fruit, because there was less incentive for a cheating farmer. Although trees definitely thrive when pruned and attended to, they will produce even if left unattended for a year. Thus, the farmer has less incentive to tend his trees.

PERENNIALS

Similarly, perennials that do not require planting every year are not included in the prohibition of sefichin. Although perennials benefit when pruned and cared for, most will produce, even if left unattended for a year, and the farmer has less incentive to violate shmittah by caring for such plants.

Thus, tree fruits, nuts, strawberries and bananas do not involve the prohibition of sefichin. If they grew in a field whose owner was not observing shmittah, they might involve the prohibition of shamur, as explained below.)

“GUARDED PRODUCE”

I mentioned above that a farmer must allow others to help themselves to the produce that grows on his trees and fields during shmittah. What is the halacha if a farmer refused to allow others access to his produce during shmittah?

The rishonim dispute whether this fruit is forbidden. Some contemporary poskim prohibit the use of heter mechirah fruit on the basis that since heter mechirah is invalid, this fruit is now considered shamur, “guarded,” and therefore forbidden. Other poskim permit the fruit, because they rule that working an orchard or treating it as private property does not prohibit its fruit (see Shu't Igros Moshe, Orach Chayim 1:186).

BACK TO OUR CARROT MUFFINS

What about our carrot muffins? If we remember our original story, the company had unwittingly purchased heter mechirah carrots. The hechsher required the company to return all unopened boxes of carrots to the supplier and to find an alternative source. However, by the time I discovered the problem, muffin mix using these carrots had been produced bearing the hechsher's kashrus symbol and had already been distributed. The hechsher referred the shaylah to its posek, asking whether they were required to recall the product from the stores as non-kosher, or whether it was sufficient to advertise that an error occurred and allow the customer to ask his individual rav for halachic guidance. What would you advise?

....

לע"נ

שרה משה בת ר' יעקב אליעזר ע"ה
ביילא בת (אריה) לייב ע"ה

Parshas Ki Seitzei: The First Jewish Family

By Rabbi Yitzchak Etshalom © 2011

I. "DARSHINAN S'MUKHIN B'MISHNEH TORAH"

In the past few shiurim, we have focused on the Halakhot (laws) of each given Parashah from a "broad" perspective - looking at an overarching theme which binds these laws together and which explains their inclusion in Sefer D'varim, as well as the sequence of presentation.

Before addressing this week's Parashah, one note about this perspective in interpretation is in order.

The Gemara (in several place, e.g. BT Yevamot 4a) notes that although there is a dispute among the Tannaim as to whether or not it is appropriate to make contextually-driven inferences (known as "S'mukhin") in the Torah, this dispute only obtains in reference to the first four books of the Torah. In other words, whether we can infer details of one law from a "neighboring" law simply by virtue of their juxtaposition is subject to debate among the scholars of the Mishnah. This is, however, not true with regards to Sefer D'varim - there is a consensus that juxtaposition is meaningful in D'varim and that such inferences are valid. This principle is known as "Darshinan S'mukhin b'Mishneh Torah" - we allow for juxtapositionally-driven inferences in "Mishneh Torah" (D'varim).

What is the rationale behind the distinction? As we have discussed in several shiurim on Sefer D'varim (see the first two shiurim: Introductory Shiur and This is the Torah), the entire endeavor of Sefer D'varim is educational - Mosheh Rabbenu is educating the new generation and preparing them to enter the Land. The scope of Mitzvot which are mentioned in D'varim as well as the order of their presentation is not predicated on chronological considerations (i.e. in what order they were originally given), rather on pedagogic method - in what order their presentation will effect the most critical educational and spiritual messages to the new nation. For that reason, Hazal (the Rabbis) are comfortable maintaining a consensus regarding the significance of order of presentation specifically in this, the final book of the Torah.

II. NATIONAL UNITY - > LEADERSHIP -> FAMILY

As we discussed in our shiur on Parashat R'eh, the focus of the Mitzvot of that Parashah is twofold: Actualizing the commitment we are to have towards God (loving Him and declaring His Oneness) and realizing the essential fellowship of all Jews. In our discussion of Parashat Shoftim, I pointed out that the entire Parashah is geared towards the establishment of leadership and the quadri-cameral government of the Jewish Nation.

Our Parashah, Parashat Ki Teitzei, contains many Mitzvot (along with Parashiot Mishpatim and Kedoshim, Ki Teitzei is the most critical and dense Parashah, from a legislative perspective). Unlike the Mitzvot presented in Parashiot R'eh and Shof'tim, the Mitzvot in our Parashah are presented in terse form, generally lacking the motivational features so prominent in the earlier Parashiot. For instance, there are few references to the Exodus in our Parashah, just as there are hardly any references to the ideal relationship with God, so prevalent in the presentation of Mitzvot in the previous two Parashiot. It would be easy to posit that, unlike the previous two Parashiot, Ki Teitzei is merely a law compendium, restating many laws which either expand on earlier presentations or are new laws, not seen in earlier Humashim (see Ramban's introduction to D'varim).

There is, however, a theme which ties most of the Parashah together and which is a likely candidate to follow the themes of R'eh and Shof'tim.

A subject which occupies a major part of our Parashah is marriage, divorce and related issues (e.g. adultery, rape, levirate marriage ["Yibbum"] etc.). Although there seem to be some exceptions to this generalization, the Mitzvot in our Parashah are focused around issues of family. We have moved from a definition of the national polity - both in mission and in constitution (R'eh) to the national government (Shof'tim) to the micro-unit upon which the success (or failure) of the national endeavor rests - the family.

As mentioned, there seem to be some exceptions to this categorization (such as the Mitzvah to send away the mother bird and keep the eggs) and it might take some homiletic gymnastics to "make everything fit"; yet, there seems to be a subtle theme which runs through the Parashah and helps explain the inclusion of some of these "poor fits" into our Parashah. In addition, it may give us some insight into the nature and desiderata of the Jewish family.

III. THE FIRST THREE PARASHIOT:

AN INAUSPICIOUS BEGINNING

(I strongly recommend that you use a Tanakh or Humash to follow the rest of the shiur).

Our Parashah opens with three brief parashiot:

A) "Y'fat To'ar" (beautiful woman taken as a captive in war);

B) "Ben haS'nu'ah" (firstborn of the rejected wife)

C) "Ben Sorer uMoreh" (rebellious son)

(Note that the Midrash, quoted by Rashi, connects these three and understands that there is a causal relationship between them - i.e. if you marry the "Y'fat To'ar", you will come to despise her and her son (who is your first-born) - and that son will ultimately become a rebellious child. Another example of "S'mukhin" in D'varim).

This is certainly an unpleasant slice of family life - taking a woman as a "captive wife" on account of her physical appeal, "hating" a wife and your own flesh-and-blood who you sired with her - and a rebellious child. Why does the Torah begin the series of "family-oriented" Mitzvot on such a sour note?

IV. "KADESH/K'DESHAH" AND "ET'NAN ZONAH"

There are a couple more Halakhot mentioned in our Parashah which don't seem to "fit" with the theme. Besides the more obvious "intrusions", we find the following law in the middle of Halakhot directly related to issues of family:

No Israelite woman shall be a "K'deshah", nor shall any Israelite man be a "Kadesh". You shall not bring an "Et'nan Zonah" (fee for a whore)...[as an offering]. (23:18-19) Note that these two laws, which are joined together in one parashah, are presented in between laws directly related to family (22:13-23:9 and 24:1 ff.). Why are they mentioned here?

An almost immediate passage is even more startling:

"If you make a vow to Hashem your God, do not delay fulfilling it..." (vv. 22-24)

What is the reason for the placement of these verses here?

One final question: Even though the theme of this Parashah is family, as noted above, the Parashah ends on a seemingly unrelated note: The Mitzvah to wipe out - and preserve the memory of - Amalek and their wickedness. What does this have to do with "family"?

SUMMARY

In sum, we have several questions about the inclusion and sequence of several Mitzvot in our Parashah:

- 1) Why does the Parashah begin with the laws of the Y'fat To'ar and rejected wife/firstborn?
- 2) Why is the Kadesh/K'deshah law, along with the "Et'nan Zonah" law, placed in the middle of laws relating to family?
- 3) Why is a section relating to fulfilling vows in a timely fashion placed in the middle of that same section?
- 4) Why does our Parashah end with the Mitzvot relating to Amalek and their remembrance?

V. THE "UNDERCURRENT" OF OUR PARASHAH:

OUR FIRST FAMILY

Although we generally consider Avraham to be the first father of our people, we do not refer to ourselves - nor does the Torah refer to us - as B'nei Avraham (this is the appellation reserved for converts - a subject we will take up in next week's shiur). We are not called B'nei Yitzchak either - for the same reason. The nations of Yishma'el can equally claim lineage from Avraham - and the seed of Esav can refer to themselves as the children of Yitzchak. The first of our fathers who is our father and our father only is Ya'akov - hence, we are known alternatively as B'nei Yisra'el (=Ya'akov) or Beit Ya'akov.

The first "Jewish" family (certainly an anachronistic cognomen, considering that the first person to be called a Jew lived roughly a thousand years after Ya'akov) is the family of Ya'akov. Ya'akov and his two wives, his two concubines, his twelve sons and one daughter - that is the first in the chain of Jewish families.

The Torah seems to be reminding us of this identification specifically in the Parashah devoted to family, as follows:

A) Ki Teitzei - Vayetze.

The beginning of our Parashah uses the verb "Y* Tz* A*" - to go out:

"When you go out to war against your enemies..."

Although certainly not a unique verb, it appears in the opening of only one other Parashah - "Vayetze Ya'akov miB'er Sheva..." (B'resheet 28:10). Even though he didn't know it at the time, Ya'akov was "going out to war" against the man who would prove to be his most difficult enemy - father-in-law Lavan. This subtle reminder at the beginning of our Parashah sets the tone for the next two Parashiot.

B) Y'fat To'ar.

There is only one woman in the Torah who is described as "Y'fat To'ar" - and that is the beautiful Rachel, the beloved of Ya'akov. (B'resheet 29:17). Once again, we are given a strong reminder and association with Ya'akov and his family..

C) Ishah S'nuah

In the next parashah, we are told about a man who has two wives - one beloved and the other "S'nuah" (hated/rejected). Again, there is only one wife or woman in the Torah who is described this way - Leah, the first wife of Ya'akov and Rachel's "competition".

D) B'khor haS'nu'ah

The Torah here seems to take issue with Ya'akov's behavior.

"When he wills his property to his sons, he may not treat as first-born (B'khor) the son of the beloved wife in disregard of the son of the unloved wife who is older" (D'varim 21:16).

Looking back into B'resheet (or ahead to Divrei HaYamim I 5:1), we see that Ya'akov did exactly what the Torah prohibits here. He took the B'khorah (rights of the first-born) away from Re'uven, the firstborn son of the "hated" wife, Leah, and gave them to Yoseph, the firstborn son of the beloved wife, Rachel.

This brings up an issue which is quite beyond the scope of this shiur (but will be addressed in the shiurim on B'resheet later this year) - namely, how we regard those actions of the Patriarchs and Matriarchs which seem to contradict Toraic norms or ethics. We may note, however, that S'forno does address this problem in our Parashah and notes that if a firstborn son is not worthy of that inheritance (which includes a double portion and a position of power in the estate), it may be withdrawn from him and granted to another brother. This is why, as S'forno points out, the verse in Divrei HaYamim notes that Re'uven's sin with Ya'akov's concubine, Bilhah, was the cause of his losing the B'khorah.

Be that as it may, the Torah again calls our attention to the "first family".

E) K'deshah and Et'nan Zonah.

One of the most central chapters in B'resheet - especially with regard later Israelite history - is the story of Yehudah, his sons and Tamar (Chapter 38). In that narrative, we are told how Tamar dressed up like a harlot in order to achieve union with Yehudah (read the chapter for the full story). She is the only woman in the Torah who is called a "K'deshah" (see B'resheet 38:21,22). Furthermore, the goat that Yehudah sends for her payment is, of course, the only instance of an "Et'nan Zonah" about which we read in the Torah. Again, the Torah draws our attention to the family of Ya'akov.

F) Nidrei Hekdesh and Bal T'acher

As noted above, a seemingly incongruous parashah regarding fulfillment of vows and not delaying such fulfillment (a prohibition known as "Bal T'acher") is placed in our Parashah. Again, we look back to B'resheet and to the life of Ya'akov for a clue. In the aftermath of the "ladder dream", Ya'akov takes a vow (see our shiur on the topic: Ya'akov's Vow) Until the Jewish people take a vow related to the first K'na'ani war (Bamidbar 21:2), Ya'akov's vow is the only one recorded in the Torah. (the slave's commitment to Avraham was an oath - "Sh'vu'ah", not a "Neder"). Yet again, the Torah is creating an subconscious association with Ya'akov and his family throughout the Parashah.

G) Yibum - the levirate marriage

This one is almost too obvious to mention. The only instance of Yibum in the Torah is, again, in the Yehudah/Tamar story. Yehudah's second son, Onan, refuses to perform Yibum with his dead brother's wife, Tamar, and is killed by God for this sin. Our parashah, with its strong words about anyone who refuses to keep his brother's name alive, is a clear condemnation of Onan.

VI. AMALEK

These "hints" are interesting - but why is the Torah using them to keep Ya'akov's family in the background as it presents laws relating to family?

We might find an answer in the inclusion of the Amalek section at the end of our Parashah - our final question above.

Much of our Parashah is devoted to inclusion and exclusion - who may marry into the Jewish people and who is excluded. One of the properties of exclusion is that it defines inclusion; i.e. by clarifying who may not enter, we begin to understand the unique qualities of those who may enter.

As we read in the genealogy of Esav, Amalek is a direct descendant of Ya'akov's brother. (B'resheet 36:12). Much as we maintain a powerful connection with family - even when they err (e.g. Onan), our lines are drawn around us and we can also define who is "not family". Although Amalek might be considered a "cousin", the Divine selection which firmly placed Ya'akov on the inside track - also pushed Esav out. His seed, though they may be genealogically related to us, are not our family.

This exclusion, as mentioned above, helps define the inclusion which is the undercurrent of the Parashah. Even if the sons and grandsons of Ya'akov sinned - even if we need to question grandfather Ya'akov's behavior - we are all still family with each other and we bear the responsibility that comes with that relationship.

The strong and uncompromising exclusion of Amalek helps to define the notion of Jewish inclusion for those who are truly of the family of B'nei Yisra'el and Beit Ya'akov.

This message runs underneath the explicit laws of family which form the basis of our Parashah and help us further understand our responsibilities towards each other - expanding on the second theme of Parashah R'eh - "Banim Atem laShem Eloheikhem" - You are children of God. (See my shiur there)

Shabbat Shalom,

Yitzchak Etshalom

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Shiurim in Chumash & Navi by Menachem Leibtag

PARSHAT KI-TETZEH - shiur #1

Mitzvot, and more mitzvot; and all kinds of mitzvot - that would certainly sum up Parshat Ki-Tetzeh. Yet, it's not clear why we find such a wide assortment and random progression of laws specifically at this point in Sefer Devarim?

In this week's shiur, we attempt to explain why - by exploring an intriguing parallel to the Ten Commandments, while considering (once again) the overall theme of the 'main speech' of Sefer Devarim.

INTRODUCTION

As Parshat Ki-Tetzeh is located towards the end of the main speech of Sefer Devarim, we begin our study with a quick review of the overall structure of that speech in order to appreciate its location:

*** MOSHE'S INTRODUCTORY REMARKS (5:1-6:3)**

Explaining **when** these mitzvot were originally given (i.e. at Ma'amad Har Sinai) and **why** Bnei Yisrael heard them from Moshe (and not directly from God).

*** THE 'MITZVA' SECTION (chapters 6 - 11)**

Mitzvot relating primarily to 'ahavat Hashem':- the proper attitude towards God and the underlying obligation to observe His mitzvot and not to follow other gods.

*** THE 'CHUKIM & MISHPATIM' SECTION (chapters 12-26)**

A wide assortment of commandments pertaining to the establishment of an 'am kadosh' [a holy nation], its institutions, and various laws pertaining to daily life in the Land of Israel.

Therefore, Parshat Ki-Tetzeh (chapters 21 thru 25) forms an integral part of the **chukim & mishpatim** section, and continues the laws found in Re'eh (chapters 12 thru 16) and Shoftim (chapters 17 thru 20).

Nonetheless, the laws in Ki-Tetzeh appear to be quite different. Recall how the mitzvot in Re'eh focused on the establishment of national institutions such as the national center - 'ha-makom asher yivchar Hashem', and 'shmitta' economic system, and the national pilgrimage holidays, etc. Similarly, Parshat Shoftim discussed the institutions of national leadership such as the judges, the supreme court, the king, the 'navi', etc, cities of refuge and laws governing the army and war.

In contrast, the focus of Parshat Ki-Tetzeh seems to shift from mitzvot related to the **nation** as a whole to mitzvot directed towards the **individual**. As you scan through the Sedra, note how virtually all of its mitzvot, despite their variety, all relate in one manner or other to the behavior of the **individual** within the framework of the society, and most all of them fall within the category of 'bein adam le-chavero'.

A LOGICAL PROGRESSION

One could suggest a very logical reason for this order of presentation. Considering that the purpose of these mitzvot in the main speech is Bnei Yisrael's creation of an am kadosh in the land which they prepare to conquer (see 6:1, 14:1-2 & 26:16-19), the speech must first and foremost address the establishment of the national institutions. Once this national framework is achieved (e.g. a judicial system, an organized system of educators and national leaders, a national center, etc.), a more suitable environment will exist to facilitate and encourage the fulfillment of the numerous mitzvot bein adam le-chavero that relate to the daily life of each individual. Without an organized court system and a functioning political entity, it would be quite difficult to establish a society characterized by 'tzdek u-mishpat'.

Although this reasoning line adequately explains the overall structure of this unit (i.e. the progression from Parshat Shoftim to Parshat Ki-Tetzeh), it does not account for the internal sequence within this Parsha. To explain this arrangement, our shiur will follow the approach of Rav David Tzvi Hoffman, who demonstrates that the mitzvot of the main speech in Sefer Devarim follow the order of the **aseret ha-dibrot** [the Ten Commandments].

THE PARALLEL TO THE DIBROT

To properly identify and appreciate this parallel, we must first draw a distinction between the first two commandments and the remaining eight.

Recall that the first two dibrot deal primarily with the concept of 'emuna', fundamental belief in God, and the consequent prohibition against worshipping other so-called deities. As such, these two dibrot form the very foundation of our relationship with God. The remaining eight commandments involve concrete, practical mitzvot, through which this fundamental principle is implemented and manifest in daily life.

[Recall as well that the first two **dibrot** are recorded in **first** person, while the remaining eight are in **third** person. See Ramban's explanation for this in his commentary on Shmot 20:4 (i.e. the reason for the switch from first to third person in the third dibbur).]

Corresponding to this division within the dibrot, the mitzvot of the main speech of Sefer Devarim also divide into two very distinct categories:

- 1) The **mitzva** section, dealing primarily with the issue of emuna, and hence parallel to the first two dibrot
- 2) The **chukim & mishpatim** section, the practical mitzvot and hence, parallel to the remaining eight dibrot

Taking this parallel one step further, one may suggest that the dibrot also provide the general **framework** for all the mitzvot in the main speech of Sefer Devarim, and hence its mitzvot progress in topical order, similar and corresponding to the sequence of the Ten Commandments. In this sense, each group of mitzvot in Sefer Devarim could be understood as an 'expansion' upon the underlying principle of each dibbur.

[To borrow an analogy from Hilchot Shabbat, the **dibrot** serve as 'avot' (primary categories), while the mitzvot in the main speech may be considered 'toladot' (secondary categories).]

The rationale for this parallel is clear. The mitzvot of the main speech are the laws to be observed upon entering the Land (see 6:1). Thus, these laws apply the abstract principles established in the dibrot to the realities of life in the Land of Israel - conquering, occupying, settling and establishing a nation.

Let's use a table to show how our analysis works:

CHAPTERS	DIBUR	TOPIC IN THE MAIN SPEECH
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[THE 'MITZVA' SECTION]

6 -11	I	'Ahavat Hashem', emuna
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- II Not worshipping 'avoda zara'
(parallel to the first two dibrot)

[THE 'CHUKIM U-MISHPATIM' SECTION]

- 12-14 III Establishing God's **Name** in the mikdash
["ba-makom asher yivchar Hashem leshaken **shmo** sham..."]
(parallel to not saying God's **Name** in vain)
- 15-16 IV The **seven** year Shmitta cycle and the **holidays**
(parallel to **Shabbat**)
- 17-18 V The national **leaders** (shoftim, kohanim & levi'im, melech, and navi)
(parallel to honoring parents)
- 19-21 VI Laws of war, murder, and capital punishment
(parallel to 'lo tirtzach')
- 21-25 VII-X Misc. laws 'bein adam le-chavero'
(parallel to the final dibrot)

[Before analyzing this structure in detail, a word of clarification is in order. The fact that the dibrot create the **framework** for the entire speech does not mean that there can be no digression whatsoever from this general arrangement. The dibrot merely establish a general pattern; this does not constrain the internal structure of the individual parshiot. We may (and should) find isolated exceptions to this structure, but they in no way undermine or violate the general pattern.]

Let's take a few minutes to explain the parallels cited in the table above.

THE 'MITZVA' SECTION AND THE FIRST TWO DIBROT

As we explained in detail in our shiur on Parshat Va-etchanan, the **mitzva** section of the main speech contains primarily mitzvot relating to ahavat Hashem as well as numerous warnings against avoda zara (worshipping other gods). These mitzvot of the **mitzva** section simply apply the principles of the first two dibrot to the realities of conquering and settling the Land.

For example, to ensure God's assistance and continued 'Hashgacha' (providence) throughout the conquest, Bnei Yisrael must maintain the proper religious outlook and exhibit general belief in, and devotion to, God ('Anochi...'). They must also be careful not to fall into the trap of 'over-confidence' or fall prey to the influences of the decadent Canaanite culture ('Lo Yihyeh...').
[Scan chapters 6-11 to verify this point. Pay particular attention to 11:22-23.]

THE 'CHUKIM & MISHPATIM' SECTION

Likewise, the mitzvot in the 'chukim u-mishpatim' section apply the underlying principles of the remaining dibrot to the realities of forming a nation in the Promised Land.

We will now explain how each general topic in this section relates to its corresponding dibbur:

LO TISA (chapters 12-14)

As we explained in our shiur on Parshat Re'eh, the primary topic of these chapters is '**ha-makom asher yivchar Hashem leshaken *shmo* sham**'. In order to make God's Name great (both to ourselves and to other nations), Bnei Yisrael must build a bet mikdash, frequent that site, and gather there on the national holidays.

This commandment relates to the third dibbur - not to utter God's Name in vain. Just as it is forbidden to defile His Name through irreverent and inappropriate misuse, so is it imperative that we **proclaim** His Name in the **proper** manner. The primary vehicle designated by the Torah to accomplish this goal is the bet mikdash - 'ba-makom asher yivchar... leshaken **shmo** sham' (see Melachim I 8:15-21, 41-43!).

At this site the levi'im sing and praise God (see 10:8, 21:5), proclaiming and sanctifying His Name. Ideally, Am Yisrael's service of God at the bet mikdash would lead all mankind towards the recognition of His Name (see Isaiah 2:1-4, Melachim I 8:41-42).

[To confirm this point, simply read the second paragraph of the 'Aleinu leshabeiach' prayer, the section of 'al ken nekaveh...' (in case you never paid attention to the words before).]

[The 'digressions' from this theme in Parshat Re'eh, i.e. the warnings against those who encourage idolatry (chapter 13) and the dietary laws (14:3-21), may also relate to this general theme. The worship of other gods by definition detracts from God's Name and honor, and the dietary laws involve the general obligation to be an am kadosh (14:2,21). In our shiur on Parshat Kedoshim, we connected this topic to the mishkan, as well.]

SHABBAT [Devarim chapters 15-16]

In the second half of Parshat Re'eh, we find two types of tolados or derivations of Shabbat. First, there appears the law of shmitta, which follows a **seven** year cycle, similar to the seven-day cycle of Shabbat. These laws require that we **rest** from working the land on the **seventh** year. In fact, we can even consider the laws of 'ma'aser sheni' & 'ma'aser ani' - which are functions of this seven year shmitta cycle - as the beginning of this section and a suitable 'transition' from the topic of 'ha-makom asher yivchar Hashem' (note 14:22-23).

The second 'tolada' is the 'shalosh regalim' - the three pilgrimage holidays described in chapter 16. Their most basic and obvious resemblance to Shabbat is the prohibition of work (note Vayikra 23:1-3). Furthermore, the number **seven** emerges as the prominent number in the context of these holidays. For example, on chag ha-matzot we celebrate **seven** days (16:3, note also 16:8! - cute?) and then we count **seven** weeks until Shavuot (16:9). On Sukkot, we once again celebrate for **seven** days (16:13).

[In fact, these holidays are actually referred to as shabbatot in Parshat Emor! The laws of 'bechor' which precede this section (15:19-23), clearly connect to the discussion that immediately follows, the laws of Pesach (see Shmot 13:1-2, 11).]

"KABED ET AVICHA..." - HONORING PARENTS (16:18 -18:22)

The concept of respecting authority at the family level can easily be expanded to the national level as well, thus requiring us to honor our national leaders. Therefore, the next general topic - the national institutions of leadership: the shofet, kohen, levi, navi, and melech - can be understood as a tolada of 'kibbud horim'. This section includes the laws regarding proper and effective leadership - judges, officers, priests, the king, and nevi'im - as well as laws pertaining to leaders who must be eliminated: those who lead others to idol worship (17:2-7), false prophets (18:20-22), and dissenters who disobey and snub the authority figures (see 17:12).

LO TIRTZACH [chapters 19-21]

The tolados of 'lo tirtzach' are the most obviously identifiable, as almost all the laws in these three chapters expand upon (or apply) this **dibbur**. For example:

- * Cities of Refuge - 'arei miklat' (19:1-10);
- * How to conduct war (20:1-20);
- * 'Egla arufa' (21:1-9) - an entire city takes responsibility for a homicide perpetrated in its vicinity;
- * Yefat to'ar (21:10-15) - laws relating to prisoners of war;
- * Ben sorer u-moreh (21:18-21) - the obligation to kill a rebellious son;
- * Hanging the body of a criminal executed by bet-din (21:22-23);
- * The mitzva of 'me'akeh le-gagecha' - putting a fence on one's roof to prevent accidental death (22:8-9), etc.

[Many laws presented in this section digress from the specific context of murder and related issues. However, even those digressions relate in one form or other to mitzvot bein adam le-chavero.]

LO TIN'AF [22:10-23:19]

This section includes various laws relating to forbidden sexual relationships. For example:

- * 'Motzi shem ra' (22:13-21);
- * The classic 'affair' (22:22);

- * The various instances of 'na'ara ha-me'orasa' (22:23-29);
- * Forbidden marriages (23:1-9) and harlotry (23:18-19).

[Once again, this section contains several other laws, in addition to these derivations of 'lo tin'af'. Many of these digressions are tangentially related to the central theme. The prohibition of 'kil'ayim' (working two animals together) and 'sha'atnez' (weaving two types of thread) [22:10-11] may be perceived as relating to illegal marital relationships. Likewise, the mitzva of tzitzit (22:12) could be understood as a prevention of 'lo tin'af', as suggested by Bamidbar 15:39.]

LO TIGNOV (23:20-26)

- * The prohibition against taking interest (23:20-21);
- * Stealing from 'hekdesh' by neglecting one's vow (23:22);
- * Stealing produce from one's neighbor's field (23:25-26).

Various other tolados of 'lo tignov' sneak in at different places throughout Parshat Ki-Tetzeh, mostly as 'digressions' within other sections (see below).

LO TA'ANEH BE-RE'ACHA ED SHAKER (19:15-21)

The situation of 'eidim zomemim' could be considered a tolada of 'lo ta'aneh...'. It is included in the lo tirtzach section as a 'digression' from the laws of capital punishment (19:11-13). Admittedly, this case does not fit 'perfectly' into the overall structure, but is included within the framework of bein adam le-chavero (see below).

LO TACHMOD (chapter 24)

'Lo tachmod' is so general that almost any law can be considered its tolada. Most likely, the laws of divorce (24:1-4) and the prohibition of the divorcee to remarry his remarried wife prevent a 'legal affair' (read 24:4 carefully), and could be considered a tolada of coveting.

Also, throughout the mitzvot in Parshat Ki-Tetzeh we find many references to 're'echa' (as in 've-chol asher le-re'echa' 5:17, such as the laws of eating while walking through one's neighbor's vineyard or field (see 23:25-26). These laws could also be considered tolados of lo tachmod. [Note the word 're'echa' in that commandment.]

VI-X - AN IMPORTANT NOTE

As we noted several times in our analysis, we encounter many exceptions to this general pattern within Parshat Ki-Tetzeh (what we have called 'digressions'). Not all the mitzvot line up perfectly as tolados of each dibbur in exact sequence. Additionally, the various tolados of the last five **dibrot** seem intermingled within these chapters. Nonetheless, almost all the mitzvot in this Parsha are tolados of at least **one** of the last five dibrot.

One could suggest that these final five dibrot actually comprise a single, general category - 'mitzvot bein adam le-chavero'. They all involve conduct and relationships amongst people. [Significantly, within the 'aseret ha-dibrot' these final five commandments are merged into one pasuk (according to the 'ta'am tachton').]

THE FINALE

The final mitzvot of the **chukim u-mishpatim** section include the mitzva to destroy Amalek (25:17-19) and 'mikra bikkurim' (26:1-15).

One could view the law of destroying Amalek as a tolada of 'lo tirtzach' and the finale of this unit of the last five dibrot. [Why this mitzva was chosen to close this unit will be discussed in a shiur for Parshat Zachor.]

Similarly, the laws of 'mikra bikkurim' in chapter 26 complete the topic of 'ha-makom asher yivchar Hashem' and hence close the entire chukim & mishpatim section which now forms a chiasmic structure. [We will deal with this parsha in next week's shiur.]

SIGNIFICANCE

This parallel may emphasize the point that all of the laws of the Torah originate from Har Sinai. The dibrot, given directly by God, serve as avot - the very basic principles of the covenant between God and Bnei Yisrael. The mitzvot of the main speech serve as tolados, applying these principles to govern our national and individual conduct. This model of 'avot and tolados' teaches us that we must apply the principles of Matan Torah to every aspect of daily life.

Furthermore, this model teaches us that when we apply the principles of the dibrot, we raise them to a higher level. For example, not only is one forbidden to steal, one is also required to return a lost item to its owner. In this manner, the laws of 'hashavat aveida' and the obligation to help even one's neighbor's animal in distress, both tolados of lo tignov, expand the fundamental precept established by this dibbur to maintain a heightened sensitivity to the property of others, beyond the actual prohibition of stealing.

Expanding the principles of Har Sinai to every aspect of our daily life, as exemplified by Sefer Devarim, forms the basis and foundation of our development into an am kadosh.

shabbat shalom,
menachem

FOR FURTHER IYUN

A. As explained in earlier shiurim, Parshat Mishpatim, which was transmitted after Matan Torah at Har Sinai, also features a collection of mitzvot, quite similar to the main speech in Sefer Devarim.

1. Skim through that set of mitzvot (20:19-23:33) and try to find within its structure, as well, a parallel to the dibrot.
2. Can you detect the chiasmic structure towards the end?

B. Aside from Parshat Mishpatim and Sefer Devarim, the only other collection of laws focusing on issues bein adam le-chavero appears in Parshat Kedoshim. As your review Vayikra chapter 19, see if you can find a parallel to the dibrot.

C. Use the above shiur to explain why Moshe deemed it necessary to repeat the dibrot in chapter 5, as part of his introduction to the main speech.

D. Relate the nature of shabbat in the dibrot as recorded in Parshat Va-etchanan (as opposed to the dibrot in Yitro) to the nature of the laws of shmitta as recorded in Sefer Devarim (chapter 15) and in Parshat Behar. Pay particular attention to the aspect of social equality and justice, etc.

for PARSHAT KI-TETZEH [& CHODESH ELUL!] Shiur #2

There are two psukim in this week's Sedra that can be understood in many different ways, yet no matter how we interpret them, their underlying message is especially important for the month of Elul (and the rest of the year as well). In the following shiur, we take a break from our thematic study of Sefer Devarim, to delve into the world of 'parshanut' [Biblical commentary].

INTRODUCTION

Although most of the laws in Parshat Ki-Tetzeh deal with 'mitzvot bein adam le-chavero' [man and his fellow man], one exception calls our attention:

"Be very careful with regard to [the laws concerning] a 'nega tzara'at' (a type of skin disease) - do exactly as the levitical priests instruct you" (24:8).

Let's explain why this type of warning - i.e. to observe the laws of 'tzara'at' [leprosy] - is an anomaly in Sefer Devarim.

First of all, the laws of leprosy were first presented in Sefer Vayikra (see chapters 13 & 14) together with numerous other laws of 'tum'a' & 'tahara' [spiritual uncleanness]. Yet, we never find a mention of any those laws of 'spiritual uncleanness' in Sefer Devarim, other than this lone warning to keep the laws of tzara'at.

Secondly, most all of the other laws in Parshat Ki Tetzeh deal with 'bein adam la-Makom' [matters between man and God], while this warning seems to relate primarily to the category of 'between man & God..

Finally, this pasuk doesn't appear to teach us anything new.

Therefore, when studying this pasuk, we must consider these three issues: i.e.

- 1) Why do we find here a mitzva bein adam la-Makom?
- 2) What specific law is being added that has not already appeared in Sefer Vayikra?
- 3) Why does Sefer Devarim introduce, uncharacteristically, a law from the first half of Sefer Vayikra?

LEPROSY & MIRIAM [Rashi]

The simplest answer to the above questions is based on its connection to the next pasuk:

"Remember what God did to Miriam, on your journey when you left the land of Egypt" (24:9).

This pasuk clearly refers to the incident recorded in Parshat Beha'alotcha, when Miriam contracts tzara'at following her complaints regarding Moshe's marriage to an 'isha kushit' (see Bamidbar 12:1-16).

This juxtaposition of the commandment to remember how Miriam was punished with tzara'at for speaking 'lashon ha-ra' [evil talk] against her brother, leads many commentators to the obvious conclusion that the Torah's 'reminder' concerning tzara'at is in essence a reminder not to slander. In other words, by reminding us not to speak lashon ha-ra immediately after the warning concerning the laws of tzara'at, the Torah seems to enlist the laws of tzara'at as a (polite) reminder not to speak lashon ha-ra!

For example, Rashi's opening commentary to this pasuk seems to make exactly this point:

["Remember what God did to Miriam" (24:9):]

"If one wants to be careful not to contract tzara'at at all - then don't speak lashon ha-ra [in the first place]. Remember what happened to Miriam when she spoke against her brother..." (see Rashi 24:9).

Not only does this interpretation reveal the underlying significance of these laws, it also answers the questions raised earlier. The laws of tzara'at are mentioned in Parshat Ki Tetzeh specifically because they in fact do relate to bein adam le-chavero! It also explains why the pasuk here includes only a very general warning concerning tzara'at, to get to the point of lashon ha-ra. However, there is no need to repeat the technical details of tzara'at, as they have already been discussed in Sefer Vayikra.

DRASH = PSHAT [Ibn Ezra]

It is worthwhile to note in this context Ibn Ezra's comments on this pasuk. Not only does he apparently agree with Rashi's interpretation, he even adds a comment that the pshat of these psukim in Devarim, supports a midrashic interpretation in Sefer Vayikra:

"From here (this pasuk) we find support for the midrash (of Vayikra Rabba 16:1): don't read 'MeTZo'RA' - rather 'MoTZi shem RA'" (a cute abbreviation).

In other words, Ibn Ezra (a big 'fan' of pshat) finds support for the midrash in Sefer Vayikra concerning the laws of metzora based on the pshat of the psukim in Sefer Devarim!

NOT SO FAST

Despite the simplicity and beauty of this interpretation, several serious questions emerge.

First of all, why doesn't the Torah just tell us 'don't speak lashon ha-ra'? What is gained by merely inferring this conclusion from the story of Miriam and the laws of tzara'at?

Furthermore, does it make sense for the Torah to recall a 'bad story' concerning Miriam in order to teach us not to tell 'bad stories' about other people?!

Finally, why does the Torah emphasize (in 24:8) that we must follow the procedures specifically in accordance with the kohanim's instructions? If the message is simply not to speak lashon ha-ra, the first half of the pasuk would have sufficed as ample warning.

Due to these difficulties, Rashbam & Chizkuni will explain these two psukim in a radically different manner. On the other hand, Rashi and Ramban will remain 'loyal' to the lashon ha-ra approach; however, their commentaries will reflect how they grappled with these difficulties as well.

[It is highly recommend that you first study (or at least read) those commentaries on your own before continuing.]

DON'T BE YOUR OWN DOCTOR! [Rashi]

Let's begin with the 'simple' question: If 24:8 simply serves as a general warning to follow the proper procedures regarding tzara'at (as we concluded above), then it would have sufficed to say, "Be careful to keep the laws of tzara'at." What are we to learn from the second clause: "follow exactly what the levitical priests instruct you" (see 24:8)?

Based on this redundancy, the Gemara in Makkot (22a) concludes that this pasuk includes more than just a general warning; rather it teaches us an additional law. Rashi cites the Gemara's explanation that this pasuk forbids an individual to surgically remove a tzara'at infection from his skin (by himself) before showing it to the kohen.

Basically, according to this interpretation, this pasuk teaches us that one 'cannot be his own doctor' with regard to tzara'at. Instead, he must show his infection to the kohen (priest) and obediently follow the kohen's 'diagnosis'.

Here we find a classic example of midrash halacha. Chazal derive an additional halacha (which does not appear explicitly in the text) from an 'extra' phrase in a pasuk, based on the content and context of the otherwise superfluous expression.

[It is important to note that this midrash halacha does not contradict our earlier conclusion concerning the connection between tzara'at and lashon ha-ra; it simply adds an additional law. Note that Rashi brings down both interpretations! See also Further Iyun section.]

Let's continue now with the more obvious question: i.e. what does the Torah gain by recalling the incident with Miriam? Would it not have been more effective to simply admonish in straightforward fashion: 'Don't speak lashon ha-ra'?

Most probably for this reason, Rashbam and Chizkuni's suggest a very different approach.

NO ONE IS ABOVE THE LAW! [Rashbam]

In contrast to the approach of Rashi & Ibn Ezra (and our original explanation), that the primary purpose of these psukim is to prohibit lashon ha-ra, Rashbam points us in a totally different direction. Let's take a look:

"Be careful to keep the laws of tzara'at: [This comes to teach us that] even with regard to [an important person] like King Uziyahu - do not honor him (should he become a metzora / see Divrei Hayamim II 26:11-22). Instead, send him outside the camp [as Miriam was sent]... for remember what happened to Miriam: Even though she was a prophetess and Moshe's sister, they did not honor her; instead, they sent her outside the camp..."

[See Rashbam 24:8-9 / In that story in Divrei Hayamim, King Uziyahu was struck with tzara'at after he haughtily entered the kodesh kodashim to offer ketoret.]

According to Rashbam, the primary focus of these psukim relates indeed to the laws of leprosy and 'protektzia' - and hence has nothing to do with lashon ha-ra.

Note how this interpretation resolves almost all our questions (raised above). Although the technical details of tzara'at have already been recorded in Sefer Vayikra, Sefer Devarim (in its discussion of various laws concerning daily life in the community of Israel) commands us not to make any exceptions for special people - i.e. no 'protektzia'!

Hence, the Torah mentions the case of Miriam to emphasize precisely this point of 'no exceptions' (with regard to tzara'at). We cannot, therefore, according to Rashbam, infer from these psukim a conclusive connection between the cause for tzara'at and lashon ha-ra.

Note as well that the story of Miriam in Parshat Beha'alotcha provides only 'circumstantial evidence' for such a connection. Recall that the Torah never states explicitly that lashon ha-ra was the cause of Miriam's leprosy! In fact, most other occurrences of tzara'at in Tanach involve the problem of 'ga'ava' [arrogance] - e.g. the cases of Uziyahu (see Divrei Hayamim II 26:16-20) and Na'aman and Gehazi (see Melachim II chapter 5). See also Shmot 4:6-8, 'Ve-akmal'.]

Rashbam is not alone in his approach. Chizkuni (on 24:8-9) explains these psukim in a similar fashion: "Keep the laws of tzara'at: Do not grant special honor to important people by exempting them from banishment from the camp. Remember what God did to Miriam - even though she was sister to the king and high priest, she was nevertheless banished outside the camp for the entire seven-day period."

Rashbam and Chizkuni agree that the primary purpose of these psukim is to teach us that everyone is equal under the law, and hence, not to make exceptions for VIP's. Note, that this approach as well provides us with a good reason for including this law in Parshat Ki Tetze, as it falls into the category of bein adam le-chavero, and it reflects God's expectation that Am Yisrael live by higher moral standard.

How about Ramban? We've intentionally saved him for last, because his approach (as usual) is the most comprehensive, addressing textual and thematic parallels to other parshiot in Chumash. We will show how his approach (in this case) is both 'educational' like Rashi's and faithful to pshat no less than Rashbam's. [Incidentally, this is why Ramban's commentary is usually much longer and complex than Rashi's. On the other hand, specifically because of his brevity, Rashi has earned more widespread popularity.]

REMEMBER THE OTHER 'ZACHOR'S'! [Ramban]

Note, that just about all of the interpretations of 24:8-9 thus far have considered the warning to follow the laws of leprosy in 24:8 ['hi-shamer...'] as the primary point- and the 'reminder' to remember what happened to Miriam in 24:9 ['zachor...'] as secondary. Ramban will do exactly the opposite, showing how the Torah's primary commandment is zachor in 24:9, and hishamer in 24:8 simply serves as a lead up to the primary point in 24:9!

Ramban begins by quoting Rashi's explanation that guarding one's tongue against lashon hara prevents the onset of tzara'at; and (for a change), this time Ramban actually quotes Rashi because he agrees (and not as a set up to disagree). However, Ramban takes Rashi's approach one step further, demonstrating that what Rashi considers 'drash' may be not only 'pshat', but

should even be counted as one of the 613 mitzvot!

"In my opinion this [commandment of zachor in pasuk 24:9] should be considered a positive commandment - [i.e. it should be counted as] an actual mitzvah aseh" [see Ramban 24:9].

To our amazement, Ramban considers zachor - what appeared to be simply a 'reminder' - as a positive commandment to daily remember (or possibly even recite) the incident involving how Miriam contracted tzara'at after speaking about her brother.

How does Ramban reach such a daring conclusion that this should be counted as one of the 613 mitzvot!?

One could suggest that Ramban's approach stems from his 'sensitive ear' to the Torah's use of key phrases. When Ramban hears the opening phrase: "Zachor et asher asa Hashem..." he is immediately reminded of three other instances where the Torah introduces a mitzvah with a similar expression:

- * 1) Shabbat - "Zachor et yom ha-shabbat" (Shmot 20:7)
- * 2) Yetziat Mitzrayim - "Zachor et ha-yom..." (Shmot 13:3)
- * 3) amalek - "Zachor et asher asa lecha Amalek..." (see Devarim 25:17)

Ramban cites these three examples as proof that a pasuk beginning with the word zachor... constitutes a positive commandment (a 'mitzvah aseh'); and hence, our case should be no different.

But what is this mitzvah? Why would the Torah have us remember a 'not so nice' story about Miriam?

Like an artist, Ramban beautifully 'puts all the pieces together,' explaining this seemingly enigmatic pasuk in light of our earlier questions. Like Rashi and Ibn Ezra, he points to lashon ha-ra as the central topic of these psukim. This is why the incident of Miriam is introduced and why the issue of tzara'at is mentioned altogether in Parshat Ki-Tetze, in the context of mitzvot bein adam le-chavero.

However, Ramban's interpretation also explains the advantage of employing Miriam to present this mitzvah (rather than stating it explicitly):

"... Hence, this is a warning (of the Torah) not to speak lashon ha-ra, commanding us to remember the terrible punishment that Miriam received [even though she was] a righteous prophetess, and she spoke only about her brother (not someone outside the family) and only privately with her brother (Aharon), not in public, so that Moshe himself would not be embarrassed... But despite these good intentions, she was punished. How much more so must we be careful never to speak lashon ha-ra... (see Ramban 24:9).

According to Ramban, the Torah doesn't mention Miriam to tell us how bad her sin was. On the contrary, the incident of Miriam (who, as everyone knows, was righteous and had only good intentions) emphasizes how careful we must all be in all matters which may involve even the slightest degree of lashon ha-ra. This pasuk reminds us that punishment was administered even in the case of Miriam's mild lashon ha-ra.

Based on the parallel to other instances of the word zachor, the Ramban concludes that mere recollection does not suffice. We are obligated to verbally recount this unfortunate incident every day [just as Kiddush on Shabbat fulfills the obligation of 'zachor et yom ha-shabbat lekadsho...']! Ramban understands these psukim as not merely some good advice, but as a commandment to retell this incident on a daily basis, in order that we remember not to make a similar mistake, even should we have 'good intentions'.

[See also Sifra on Vayikra 26:14 [Torat Kohanim Bechukotai Alef 2-3]. This probably explains the 'minhag' [custom] of reciting this pasuk each day after shacharit - see the six 'zechrot' at the conclusion of shacharit in your siddur!]

Ramban's closing remarks are most significant, as they reflect another important aspect of his exegetical approach: "For how could it be that lashon ha-ra - which is equivalent in its severity to murder - would not be considered a [full fledged] mitzva in the Torah! ...

Rather, this pasuk serves as a serious warning to refrain [from lashon ha-ra], be it in public or in private, intentional or unintentional...and it should be considered one of the 613 mitzvot..." (see Ramban 24:9).

Ramban here employs 'conceptual logic' - the very essence of his pshat approach - to support his comprehensive interpretation of these psukim. Because logically there must be a mitzva in the Torah against speaking lashon ha-ra, Ramban prefers to interpret this pasuk as one of the 613 mitzvot.

In this manner, Ramban utilizes a wider perspective of pshat to reach a conclusion not only similar to the Midrash, but also more poignant.

[If you would like to see an 'enhanced version' of Ramban's explanation of this mitzva, read his commentary to Ramban's Sefer Ha-mitzvot. At the conclusion of the 'mitzvot aseih' section, Ramban adds several mitzvot which (in his opinion) Ramban had overlooked. In 'hasaga' #7, Ramban adds this mitzva, that we must constantly remind ourselves of the incident of Miriam in order to remember not to speak lashon ha-ra.]

An 'AM' KADOSH with a 'PEH' KADOSH

Note as well that according to Ramban's interpretation, the mitzva which emerges from these two psukim in Parshat Ki Tetzeh is not only yet another mitzva bein adam le-chavero, it also forms one of the most basic 'building block' towards achieving the ultimate goal of Sefer Devarim to create and establish an am kadosh.

Recall how the mitzvot of the main speech form the guidelines for the establishment of God's model nation in the land of Israel. Imagine an entire nation, where each individual reminded himself daily of these stringent guidelines concerning lashon ha-ra!

Anyone who would like to be 'machmir' [adhere to a more stringent opinion] - especially on the 'de-oraita' level, is invited to take upon himself this 'chumra' [stringency] explicated by Ramban.

shabbat shalom,
menachem

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FOR FURTHER IYUN

A. Try to arrange the various opinions of the Rishonim mentioned above into the following categories. Who considers:

- 1) 24:8 is the primary pasuk - 24:9 supports it.
- 2) 24:9 is the primary pasuk - 24:8 introduces it.
- 3) 24:8-9 should be read together, like one long pasuk.

B. Carefully review Rashbam and Chizkuni's comments on our psukim. According to them, to whom is the prohibition in 24:8 directed? According to Rashi / Ramban?

A corresponding debate exists regarding Vayikra 13:2: "Ve-huva el Aharon ha-kohen..." ("He shall be brought before Aharon..."). See Sefer Hachinuch 169 as opposed to the Rosh's commentary on Masechet Zavim 3:2.

C. We noted Chazal's Midrash Halacha that interprets the first of our two psukim as forbidding the surgical detachment of a tzara'at infection. As we pointed out, Rashi adopts this peirush of that pasuk, despite the fact that he understands the reference to tzara'at here as primarily related to lashon ha-ra.

The question, of course, arises, why would the Torah mention specifically this particular detail of the laws of tzara'at if the main focus here is on lashon ha-ra? Why is this prohibition

singled out from all of hilchot tzara'at for mention here in the context of the prohibition of lashon ha-ra?

Try to answer this question by reviewing the general process imposed upon the metzora. See Rashi, Vayikra 13:47 & 14:4. In light of this, explain the prohibition of removing a tzara'at infection and how this may reflect the severity of lashon ha-ra. Bear in mind as well that the Ramban here (24:8) extends this prohibition beyond severing the infection, to mere refusal to show it to the kohen (thus avoiding the entire process).

In honor of Elul, relate this concept to the process of 'teshuva' in general.

D. Those Rishonim who do not derive the prohibition of removing a tzara'at infection from 24:8 (as the Gemara in Makkot does) would presumably derive the prohibition from Vayikra 13:33 - see Torat Kohanim there. Based on the context of that pasuk, what advantage is there to learning the prohibition from our pasuk instead? What might be the difference between these two prohibitions? See Sefer Hachinuch 170, as opposed to Ramban in his 'hasagot' to Ramban's Sefer Hamitzvot lo ta'aseh 307-8. [There is also some question as to the precise text of that passage in Torat Kohanim - see Sefer Hachinuch's citation of Torat Kohanim in mitzva 170 and Torah Shleima, Vayikra 13:109.]

E. Recall that according to Rashbam and Chizkuni, 24:9 teaches us not to make exceptions for public figures with regard to the laws of tzara'at. Review their comments and note that the 'hava amina' (original possibility) of exempting leaders from these laws evolved from the honor and respect due to them. We may, however, add another element to this hava amina: national interests. A nation would understandably be very reluctant to quarantine an important public official for an indefinite period of time. Explain how, along the lines of the Rashbam & Chizkuni but with our variation, we may explain a seemingly superfluous phrase in the pasuk: "... on your journey when you left the land of Egypt." (For a subtle hint, see Targum Yonatan's explanation of this phrase.) Consider especially the final clause of Bemidbar 12:15. (If you want to cheat, look up Rav Zalman Sorotzkin's 'Oznayim La-Torah' on our pasuk.)

F. For an interesting twist, see Targum Yonatan Ben Uziel on 24:9. According to his understanding, what sin does this pasuk address? Is this wrongdoing related to lashon ha-ra? Based on this Targum Yonatan, explain more fully Rashi's comments on Shemot 4:6.

G. Note that the mitzva of 'kil'ayim' (see 22:9-12) is another mitzva bein adam la-Makom, and hence seems out of place in Parshat Ki Tetzeh. Based on the various laws concerning forbidden marriages which continue in 22:13-23:9, can you suggest a thematic connection between these mitzvot?

In this context, note Ramban's association between the prohibition of plowing with an ox and donkey (pasuk 10) and that of interbreeding (Vayikra 19:19). See also Ramban, Moreh Nevuchim 3:49, who explicitly bases the prohibition here with the halacha forbidding interbreeding. [Regarding sha'atnez, however, he offers a much different explanation - Moreh Nevuchim 3:37.]