

**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 more than 50 years ago and was our family Rebbe and close friend until his untimely death.**

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**Devrei Torah are now Available for Download (normally by noon on Fridays) from [www.PotomacTorah.org](http://www.PotomacTorah.org). Thanks to Bill Landau for hosting the Devrei Torah archives.**

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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, the most of any parsha.

Why are so many mitzvot in the chapters immediately following the two statements of Aseret Dibrot? The specific mitzvot clarify the Ten Statements through concrete examples, many of them echoing significant incidents in earlier parts of the Torah. A recurring theme in the specific mitzvot presented after Aseret Dibrot is that we must protect the most vulnerable members of society. This theme recurs frequently in Navi, especially (in my impression) in the later prophets (warning of the coming destruction of the Second Temple).

Rabbi David Fohrman and his associates at alephbeta.org have a series of videos exploring fairly obvious and more hidden connections between specific mitzvot and other sections of the Torah. An excellent example is Shiluach Ha'kan, the mitzvah of chasing away a mother bird before taking eggs from a nest (22:6-7). The obvious rationale for this mitzvah is that it is cruel to force a mother to see someone killing her children – even when the mother and children are birds (Rambam). The Ramban argues that killing multiple generations of a species could lead to species extinction. In both cases, the mitzvah relates back to the commandment of honoring a mother and father – protecting the sentiments of a parent, especially a mother. Rabbi Fohrman cements this connection by noting that the rewards for shiluach ha'kan and for honoring ones parents are the same. These are the only two mitzvot in the Torah for which the reward is long life.

I am calling the connection of Shiluach Ha'Kan and honoring ones parents the fairly obvious connection. Rabbi Fohrman observes that the language in Shiluach Ha'kan mirrors the language in Yaakov's prayer the night before his fateful meeting with Esav twenty years after he ran away to escape his brother's death threat. Yaakov prays to Hashem and states his fear that Esav will come and strike him, mother upon children. He reminds God of His promise of long life to Yaakov – the reward for observing the mitzvah of the mother bird. Yaakov realizes that he is caught like a mother bird, because he must protect his young children – and he asks God's help lest Eisav come and make a nest of him, trap him by using his children as bait. Rabbi Fohrman observes that Eisav is the one who can but decides not to capture the mother and kill the children. Does Eisav earn long life? The Torah reports that Eisav has a long list of descendants who rule parts of Canaan after his time. His long life is in his legacy , both during his lifetime and after.

On another subject, Tadhg Cleary, a second year Rabbinic student at Yeshivat Chovevei Torah (who visited and spoke at Beth Shalom recently), relates the parsha to the enclosure movement in Europe during the 16<sup>th</sup> through 19<sup>th</sup> centuries. The enclosure movement involved local landlords taking over formerly common land and preventing local workers from using the land to raise produce and animals to help support their families. Combining land holdings into larger privately owned lots permitted land owners to afford capital improvements that greatly increased productivity. The workers displaced from traditional grazing and growing rights were much worse off and risked starvation and disease (from worse nutrition). Were enclosures beneficial or destructive in overall terms? The tradeoff is that the displaced generation suffered greatly – but once the workers could move to new occupations or emigrate, their children lived in times of much

higher standards of living. Under Jewish law (in Israel), the needy had the right to enter others' fields and take the produce that they needed to satisfy their hunger. (They could not take processed products or take away food for future meals – only for their immediate needs.) In more modern times, most countries (especially ours) have systems of transfer payments to provide an income and often food for the needy. The history of immigration in most countries is that immigrants often increase their standards of living in their new locations. Their children and grandchildren do far better. To an economist, changes such as enclosures greatly increase productivity and enable large increases in the standard of living and in population. To a Torah scholar, the way to judge economic changes is to see whether a society and individuals protect the most vulnerable members of society. The analysis requires investigation of changes in productivity, protections for the vulnerable, and behavior of individual members of society. Both economic analysis and insights from the Torah help in this evaluation.

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.

Note: I hope to post early again next week – but if I cannot, it will be because of other obligations and out of town company. For the week before Rosh Hashanah, we have company and then will be tied up hosting a large gathering for one of our organization. I definitely shall not be able to post that week. For the next two weeks, I recommend that you look to my archives from the past two years at PotomacTorah.org .

Shabbat Shalom.

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**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](http://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.**

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**Please daven for a Refuah Shlema for Yehoshua Mayer HaLevi ben Nechama Zelda, Yonatan Ophir ben Ilana, Leib Dovid ben Eitel, Asher Shlomo ben Ettie, Mordechai ben Chaya, Hershel Tzvi ben Chana, Uzi Yehuda ben Mirda Behla, David Moshe ben Raizel; Zvi ben Sara Chaya, Eliav Yerachmiel ben Sara Dina, Reuven ben Masha, Meir ben Sara, Oscar ben Simcha; Sharon bat Sarah, Noa Shachar bat Avigael, Kayla bat Ester, and Malka bat Simcha, who need our prayers.** Please contact me for any additions or subtractions. Thank you.

Shabbat Shalom,  
Hannah & Alan

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### **Dvar Torah: Ki Seitzei: Possessions Belong to People**

by Rabbi Dovid Green © 1997, 2002

The Torah, in this week's parsha, teaches us about many civil obligations. Among them is the commandment to return lost articles to our fellow. Under most circumstances one may not turn away from the obligation to take in and return something one's fellow lost. There are many rules regarding when one may keep a lost article, and when one must advertise that he found it. Even then when one must advertise, there is a time limit.

One of the procedures one must follow is that the object must be returned in a way that it will not end up as an expense to the fellow the object was returned to. For instance, if it is an animal that needs to be fed, the finder will end up presenting the owner with a bill for the food. The owner may end up paying the animal's worth to the finder, and not really gain anything in its having been returned.

Our Rabbis in the oral law explain to us that under such circumstances one must do as follows. If the animal can work, such as an ox, than it must "pay its way" by working. If it gives milk, it can pay its way by giving milk to the finder who will

in turn feed it. Something which doesn't produce in any way should be sold, and the money should be held for the owner until he tracks down the whereabouts of the finder.

The following story is recorded about Rabbi Chanina Ben Dosa, a very pious sage who lived in the Mishnaic period approximately 2000 years ago. He once found chickens which had been tied at the legs and forgotten. He took them home, but they multiplied and became a great burden, and nuisance. He decided to sell them and buy goats which require less hands on, but also multiplied to abundance. When the man who lost the chickens finally tracked them down and identified them, he was surprised to find a herd of goats in their place. "This must be a mistake. I didn't lose goats, I lost chickens." "You are right, replied Rabbi Chanina, but these are the goats that I purchased with your chickens which I sold. You may take your goats."

Imagine a world where people demonstrate such regard for each other communally, on a large scale. This would create a major revolution, because this idea is the basis for an important conclusion. If one must demonstrate this level of concern for a fellow's possessions, how much more so toward one's fellow himself. The Torah is the key to elevated behavior, and as a result, a more elevated society in general.

Good Shabbos!

<https://torah.org/torah-portion/dvartorah-5757-kiseitzei/>

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### **Parenting and the Dangers of a Shared Voice**

by Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2021

I want to say something that might sound a little shocking. When it comes to child-rearing and parenting, I believe that two parents should not speak in the same voice, at least not all the time, and at least not between themselves. What do I mean by this?

In Ki Teitzei, we read about a son who is brought by his mother and father to the court because his parents cannot control his rebellious ways. In the Torah's telling, the court executes the child because he is headed down a path that will ultimately result in a life of violent crime. The horror and injustice of this story prompts the Rabbis to state that such a punishment was never meted out in real life, and that this passage exists in the Torah only for the sake of the lessons that it has to teach.

But how did the court avoid actually acting on this law? And what are those lessons that we are supposed to be learning?

One set of answers can be found in Rabbi Yehudah's statement in Talmud Sanhedrin (71a). Rabbi Yehuda states that a child cannot be found guilty of being a rebellious son unless both his mother and father have the exact same voice. His belief is based on the verse: "He does not listen to our voice" – a voice that is equally shared between the two of them.

This statement is often understood to mean that the voices literally sound the same. A person can tell whether it is one's father or the mother speaking. Since it will never happen that the sound of a person's parents' voices will be identical, no child will ever be legally deemed to be a rebellious son.

The 16th-century Polish commentator Maharsha offers a different interpretation and a deep insight. For him, what is at issue here is not the sound of the parents' voices, but the content of what they are saying. The case of a rebellious son can only occur, and such a child can only be brought to court, if the parents are speaking with same, single voice. Only if both mother and father assess the facts of his behavior identically, fully agree that the root cause is characterological and intractable and that he will end up living a life of violent crime, and then, only if they agree that the sole solution is to bring their son to the court to have him executed, will the case as described in the Torah ever occur. It is shocking enough to imagine that one parent would come to such a conclusion, but to imagine that both would, and would do so in one voice, in a way in which there was no air between their two opinions, is truly unfathomable. This is why, says Maharsha, the case of the rebellious child never actually happened in real life.

A shared, single voice is something to be wary of in parenting and in decision-making in general. When there are no dissents, when only one, consensus voice is being heard, then someone is being silenced, and questions and

perspectives which are necessary to consider are being ignored. In a rabbinical court, when the deliberations open with everyone finding the defendant guilty, he is let go. If all its members have such shared tunnel vision, there is no hope that the court can fully get to the truth and nuances of the case. Better to let a guilty man go free than to risk an innocent man being found guilty by a court that can only see through one set of eyes and that can only speak in one voice.

Presenting a shared, unified front to one's children, once a decision has been made, is a wise parenting policy. Children should not learn to play one parent off the other or to work around one parent by going to the one from whom they can hope to get the "better" answer. But that is after the parents have had a chance to discuss the issue among themselves. In those discussions away from the children, multiple voices need be heard. If both parents are always on exactly the same page as to how to assess a given situation and how to best handle it, then rest assured that one of their voices is being silenced. If they speak in exactly one voice, then they are only speaking in the voice of one of them.

Critical perspectives, alternative solutions, and a general orientation towards openness, flexibility, and nuance, should never be sacrificed on the altar of (false) consensus. When we do so, we rob ourselves of our roles as parents and – more consequentially – we rob our children of the parenting that we can provide them.

As parents, we must strive to speak neither in a cacophony of sounds nor in a monotone, but with our distinct voices coming together symphonically. "Hear my child the instruction of your father and do not abandon the Torah of your mother" (Prov. 1:8).

Shabbat Shalom.

\* President and Rosh HaYeshiva, Yeshivat Chovevei Torah.

<https://library.yctorah.org/2021/08/parenting-and-the-dangers-of-a-shared-voice/>

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### **The War Within: Thoughts for Parashat Ki Tetsei**

by Rabbi Marc D. Angel \*

The Torah portion opens with a discussion about going to war. Many of our rabbinic commentators have expanded the meaning of the text to refer not to wars against external enemies, but to wars against our own evil inclinations. These internal wars are battles for self-definition. Either we can win and live meaningfully and happily; or we can lose by succumbing to pressures that lead us to abandon our own values and ideals.

UBS Wealth Management Americas issued a report several years ago based on a survey of 2,215 United States investors with more than one million dollars net worth. It found that while these wealthy individuals are pleased with their good fortune, "they feel compelled to strive for more, spurred on by their own ambition, their desire to protect their families' lifestyle, and an ever-present fear of losing it all. As a result, many feel stuck on a treadmill, without a real sense of how much wealth would make them satisfied enough to get off." The majority of those interviewed felt that they achieved financial success at the cost of losing precious time with family. Most felt that their children ran the risk of being spoiled, of not really knowing the value of money. And most felt the need to "keep up with the Joneses" thereby increasing their expenditures in maintaining their place in the rat race.

Rabbi Harold Kushner wrote a popular book, *When All You've Ever Wanted Isn't Enough*. He describes how people strive to attain certain goals, but when they achieve these goals they are not necessarily happy. They have climbed the mountain and have an immediate sense of elation; but then they wonder what was gained by all that time and effort. Rabbi Kushner writes about people who have all the outward trappings of success, yet feel hollow inside. "They can never rest and enjoy their accomplishments. They need one new success after another. They need constant reassurance from the people around them to still the voice inside them that keeps saying, If other people knew you the way I know you, they would know what a phony you are." (p. 17)

When I was a student at Yeshiva College, I was once in the 181st Street IRT subway station and noted a sentence that had been scribbled onto one of the large advertisement posters on the wall of the subway platform. That sentence, by Alan Watts, had a profound impact on me then, and still resonates strongly with me fifty years later. "For when a man no

longer confuses himself with the definition of himself that others have given him, he is at once universal and unique." (*Psychotherapy East and West*, p. 9)

People are inauthentic when they strive to live according to the values and standards of others, and in the process forfeit their own values and standards. They know in themselves that they want to live happy and meaningful lives; yet they find themselves drawn into a rat race in which they fear to fall behind. They compete; they see others as antagonists; they adopt external standards of success and want to live in a big house, drive an expensive car, be important and have important friends. And when they have become "successful" they realize that the success is hollow. They've lost themselves in the process.

In his novel, *Babbitt*, Sinclair Lewis describes a highly successful businessman who seems to have everything he could have wanted. Yet, Babbitt felt a tremendous lack within himself. He had a beautiful house with appropriate furnishings. Yes, he had a house...but he felt he did not have a home. He was living someone else's life, someone else's dream.

If we spend our lives allowing others to define us, we will always feel a hollowness within, a sense of betrayal of our real selves. If we find that we are successful, and yet feel that our lives are vanity and striving after wind, then we know — perhaps too late — that we've taken the wrong path.

The war within ourselves is a war we cannot afford to lose. If we betray our ideals and our values, we end up betraying others, betraying our faith; and worst of all, we end up betraying ourselves.

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

**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 70th Street, New York, NY 10023. Ed.: Please join me in helping the Institute for Jewish Ideas and Ideals at this time.**

<https://www.jewishideas.org/war-within-thoughts-parashat-ki-tetse>

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### **The Generation of the Lie...Thoughts for 9/11 \***

by Rabbi Marc D. Angel \*\*

*He who justifies the wicked and he who condemns the righteous, even they both are an abomination to the Lord. (Proverbs 17:15)*

*Death and life are in the power of the tongue; and they who indulge it shall eat the fruit thereof. (Proverbs, 18:21)*

The United States suffered a horrible and horrifying terrorist attack on September 11, 2001. Arab terrorists flew airplanes into the Twin Towers killing thousands of people. Two other airplanes were hijacked leading to the murder of all the passengers. One of the hijacked airplanes was flown into the Pentagon, not only killing the passengers but killing or grievously wounding many individuals in the Pentagon that day. The trauma of that day for the survivors and the families of the victims will never entirely disappear.

Moral clarity prevailed in many circles. The terrorists were murderers, hateful and misguided individuals who believed that they would be rewarded in heaven if they murdered Americans. They were willing to sacrifice their own lives for the sake of inflicting damage on the United States. But, there were those who justified the wicked and who condemned the righteous. They described the murderers as "martyrs." They rejoiced that America, the great devil, had suffered a serious blow. The same pattern often is evident when acts of terror are committed against Israel. The murderers are described as "militants" or as "martyrs." The Israeli victims are blamed for their own deaths, and the murderers are honored by the societies from which they emerged. The United Nations routinely condemns Israel for defending itself against terrorism, and routinely ignores the heinous acts of murder committed against Israel.

We should not be surprised by the massive hypocrisy that justifies the wicked and condemns the righteous. This has been going on for many centuries. Not only does Solomon note this phenomenon in Mishlei, his father David screamed out against it in his Psalms. Psalm 12 has been described by Martin Buber as a prophecy "against the generation of the lie." The Psalmist cries out: "Help, O Lord, for the pious cease to be...They speak falsehood each with his neighbor, with flattering lip, with a double heart they speak." The generation is led by oppressors who say "our tongue will make us mighty," who arrogantly crush the downtrodden. They act sinfully but are confident that their smooth talking propaganda will keep them immune from retribution.

Buber comments: "They speak with a double heart, literally 'with heart and heart'...The duplicity is not just between heart and mouth, but actually between heart and heart. In order that the lie may bear the stamp of truth, the liars as it were manufacture a special heart, an apparatus which functions with the greatest appearance of naturalness, from which lies well up to the 'smooth lips' like spontaneous utterances of experience and insight" (*Good and Evil*, p. 10). The Psalmist is not merely condemning his "generation of the lie," but future generations that also will be characterized by lying, bullying, oppressing; that will be led by smooth talking and corrupt demagogues. But the Psalmist turns prophet and proclaims that God will arise and protect the victims of the liars. Truth will prevail. "It is You, O Lord, who will guard the poor, You will protect us forever from this generation." Although the Psalmist is confident that God will set things right, meanwhile the ugly fact remains: "But the wicked will strut around when vileness is exalted among humankind." Although God will ultimately redeem the world from the "generation of the lie," this will not happen right away. As long as people submit to the rule of the wicked, the wicked will stay in power. If the wicked are not resisted, they will continue to strut around and feel invincible.

The Nazis understood the power of propaganda. If you tell a big lie often enough and loud enough, people begin to believe it. Even if they do not fully believe it, they will lose the spiritual courage to resist the liars. They will either remain passive or will actively conspire with the wicked. The "generation of the lie" continues to flourish in our day, when tyrannies are viewed favorably and democracies are judged negatively. Every vote that justifies wickedness is an act of complicity with the wicked. Every abstention that refrains from condemning wickedness is also an act of complicity with the wicked. Albert Einstein described the moral decay which he felt was setting into society. "One misses the elementary reaction against injustice and for justice — that reaction which in the long run represents man's only protection against a relapse into barbarism. I am firmly convinced that the passionate will for justice and truth has done more to improve man's condition than calculating political shrewdness which in the long run only breeds general distrust. Who can doubt that Moses was a better leader of humanity than Machiavelli?" (*Out of My Later Years*, p. 10).

\* The Generation of the Lie (reprinted from Marc D. Angel, *The Wisdom of Solomon and Us*, Jewish Lights Publishers, 2016.)

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

<https://www.jewishideas.org/article/generation-liethoughts-911>

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### **Parshas Ki Seitzei -- The House with Many Rooms**

by Rabbi Mordechai Rhine \*

The Parsha begins with a great tragedy, the story of the Jewish soldier who brings home a girl from the battlefield. The soldier already has a wife, a nice Jewish woman. But in the stress or thrill of the battlefield he finds a woman who had been sent there by the enemy to distract the Jewish men from the battle and to distract them from the sacred standards of the Jewish community. It is this woman that the Jewish soldier brings home. One wonders: Is this a good Shidduch; is this a woman with whom he thinks he can build a Bayis Ne'eman B'Yisroel?

Indeed, the commentaries explain that this behavior should be forbidden. Usually, when the Torah encounters bad behavior it simply forbids it. Yet, in the case of the Jewish soldier, the Torah recognizes the Yetzer Hora that this man is dealing with and makes a most unusual accommodation for him. If he follows the prescribed protocol, then he can indeed marry her.

What kind of person is this Jewish soldier that the Torah is ready to make an accommodation for him? He must be a really good person for the Torah to "go out of its way" for him. But, if he is indeed such a good person, what went wrong?

The Nesivos Shalom suggests that the key lies in the opening words of the Parsha, "Ki Seitzei" – He went out. This Jewish soldier was a really good person, raised in the finest family and educated in the most prestigious Yeshivos. But when he was assigned to a task outside the walls of the Yeshiva, he viewed it as a "going out," leaving the system of the Yeshiva. Interestingly, in Tehillim 27 (which we recite during the month of Elul), we find that Dovid asks "To dwell in the house of Hashem all the days of my life." Rav Matisyahu Salomon asks, "Isn't it odd for Dovid to daven to be in the house of Hashem all the days of his life? Dovid was a king, a warrior, a judge, and so much more. Certainly he was a Talmid Chochom, but to think that he would be in Yeshiva 'all the days of his life,' seems to be a bit of a disconnect. Dovid wasn't exactly a Kollel yungerman (fellow)."

Rav Salomon explains that everyone has a place that they call "home," a place they are answerable to. Dovid davened that his "home" should always be the Beis Medrash. In contrast, the Jewish soldier of this week's Parsha finds himself in a compromising situation because he "went out," he viewed his new orbit as independent of the Beis Medrash. He had always been a good person, so the Torah is willing to work something out for him. But if you want to know how a good person ended up in such a complicated situation, it is because he "went out."

I have a friend whose father had to retire from his real estate business due to health reasons. My friend was offered to take over the business, and he accepted. On his first day at work, his father saw him with his Tzitzis strings out and suggested that he tuck them into his pants where no one would see them. Without changing the position of his Tzitzis, my friend simply replied, "It will be okay, Dad."

At the first deal of the day, the buyer noticed the strings, and asked, "What's that about?" The young man replied, "These are of religious significance. They remind us of the commandments. When in business, they remind me to be totally honest with you." The buyer nodded with satisfaction and settled in for negotiations.

The decision for a young man to wear his Tzitzis in or out is one to be made individually by each person in consultation with a mentor. But the principle that when we go "out" we are still "in," is an important one.

A Yeshiva graduate once approached Rav Hutner and said that since he began a job he felt conflicted, as if he was living two lives, one in the Beis Medrash which he still frequented daily, and the other in the workplace. Rav Hutner shared that a healthier perspective is not to see the Beis Medrash and the workplace as worlds apart, but rather to see them as different rooms in the same house of serving Hashem. "A house has many rooms. There is a dining room, a bedroom, a kitchen, and a bathroom. Each one has its function. So it is in life. There are different endeavors in life, but you need to recognize the role of each. If this is your attitude you will be able to expand your Avodas Hashem to new frontiers without contradiction."

Later in the Parsha we have a second description of the battlefield, but this time replete with Halachos and warm blessings for success. "Hashem is with you to save you; your camp shall be holy." The message of the Torah is that wherever you go, stay connected to Hashem. He will help you as you make your place a place of holiness.

With best wishes to you and yours for a wonderful Shabbos.

Rabbi Mordechai Rhine is a certified mediator and coach with Rabbinic experience of more than 20 years. Based in Maryland, he provides services internationally via Zoom. He is the Director of TEACH613: Building Torah Communities, One family at a Time, and the founder of CARE Mediation, focused on Marriage/ Shalom Bayis and personal coaching. To reach Rabbi Rhine, his websites are [www.care-mediation.com](http://www.care-mediation.com) and [www.teach613.org](http://www.teach613.org); his email is [RMRhine@gmail.com](mailto:RMRhine@gmail.com). For information or to join any Torah613 classes, contact Rabbi Rhine.

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### Parshas Ki Seitzei

by Rabbi Yehoshua Singer \* © 2020

As we continue to prepare for very different High Holidays, it is critical for us to find ways to inspire ourselves. The most tried and true method for self-inspiration is reflection and contemplation on the concepts we already know. One blessing that this pandemic has bestowed on many of us, is that we have the time to stop and think. It is critical that we use what time we may have to reflect on the messages of the High Holidays.

One message of the High Holidays which I personally find inspiring and meaningful is the message of the gift of life. Each and every year, we begin the year by recognizing that right now as the year begins, G-d is determining whether or not we will live and how we will live. We begin the year with an awareness that our possessions, our community, our friends and families and even our very lives should never be taken for granted. Every aspect of our lives is a gift from G-d, and G-d grants those gifts for each of us individually.

This year this message is particularly easy to appreciate and contemplate, and it is of particular significance as we approach the Days of Judgement. The Torah lists a seemingly random list of mitzvos – sending away the mother bird, building a fence on a roof, forbidding mixtures for planting, plowing and sewing, and *tzitzis*. (Devarim 22:6-12) Rash'i (ibid. 8) quotes a Medrash Tanchuma teaching us that these mitzvos are placed together because the reward for doing each mitzvah in the list is the material blessings which obligate the next mitzvah. If one sends away the mother bird, they will be blessed with a house to build a fence. If they build the fence they will then be blessed with the field to plant, and so on.

The Gur Aryeh (ibid.) notes that these mitzvos were not intended as examples for what the reward would be. Rather, each of the specific mitzvos mentioned here is rewarded specifically with the next mitzvah on the list. The list begins with one who sends away the mother bird before taking the eggs or the chicks. In doing so, this person has taken a measure to ensure the continuity of the species of bird he is eating and to preserve G-d's world. As a reward he merits to settle the world and is given a house. If he uses the house appropriately and fulfills the surrounding obligations he will further be blessed with a field to further settle him in this world. If he follows the laws of planting, he will be blessed with animals to plow, and following that clothing to sew. If he follows the relevant laws of sewing he will be blessed with a shawl for *tzitzis*.

A careful reading of the Gur Aryeh raises an interesting distinction. When discussing the first mitzvah, he explains how doing the mitzvah is settling the world. For the rest of the list the Gur Aryeh only explains how the reward is further settling the individual, but he does not discuss the relevant mitzvah. The Gur Aryeh is telling us that all of the subsequent mitzvos were chosen because of his initial act of sending away the mother bird. If so, then why did those rewards only come in stages? Why didn't he receive them all at once?

Clearly, the reward for the first mitzvah was only the house. The Gur Aryeh is telling us that if he recognized the house and used G-d's gift of settling him in this world appropriately, then G-d will continue to bless him and further settle him in the world. When G-d sees that He can trust us with His gifts to use them appropriately, then He chooses to shower more gifts upon us.

As we approach the Day of Judgement and pray and hope to be blessed with a good year, we must ask ourselves what we have done with the gifts G-d has already given us. We each must reflect upon all the gifts in our personal lives and consider how we have lived with those gifts. Have we used them to serve G-d, or have we used them for our own purposes? The more we can plan to use those gifts as G-d intended, the more blessings G-d will bestow upon us this coming year. May we all merit to properly appreciate and utilize our gifts, and may we all merit a new year of health, blessing, community and all good things.

\* Rabbi, Am HaTorah Congregation, 5909 Bradley Blvd., Bethesda, MD 20814. I must post my Devrei Torah package early this week, so Rabbi Singer has permitted me to use a Dvar Torah from his archives.

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### Ki Teitze: Finding Humanity in Captivity \*\*

By Rabbi Haim Ovadia \*

The opening paragraph of Parashat Ki Tetze (Deut. 21: 10-14) is shocking. In it, the Torah instructs Israelite soldiers how to capture and then violate the women of the enemy:

*10: When you wage war on your enemies, they will be delivered to you by God, and you will capture them. 11: Among the captives you will see a woman of beauty, and you will desire her, and you will take her to be your wife. 12: You will bring her into your house, she will shave her hair and will do her nails. 13: She will take off her robe of captivity, she will sit in your house and mourn her father and mother for a month, and then you will come to her, cohabit with her, and*

*she will be your wife. 14: In case you do not want her, set her free and do not sell her, [because] you cannot make gains from her after you have tortured her.*

The meaning of the last part of verse 12 is unclear. Is doing nails clipping them [- the opinion of the Yerushalmi translation] or letting them grow [Rashi's opinion]?

The Yerushalmi translation represents a minority opinion, while most commentators understood "doing nails" as letting them grow. In their view, this is part of an orchestrated attempt by the Torah to make the captive woman repugnant in the eyes of the captor, and inevitably lead to verse 14 – you will not want her.

Rashi develops this theory along verses 12 and 13:

*She should grow her nails to look ugly; She should remove her robe of captivity because it is beautiful. The nations' daughters would wear pretty clothes at war to attract enemy soldiers; She should sit in your house so you will bump into her constantly, and when you see her crying, you will detest her; She should mourn her parents for a month, a longer period than usual, to emphasize the difference between the Israelite wife, who is joyous and beautiful, and the captive one, who is sad and repugnant.*

Rashi's great commentator, Rabbi Eliyahu Mizrahi (1450-1526), aka the Re'em, struggles with this explanation. On verse 12, he remarks that Rashi contradicts his own commentary to Genesis 1:7. On verse 13 he writes that captivity garments are usually torn and worn-out, that bringing the captive into the house is counter-intuitive, and that it does not make sense to allow the captive to mourn her parents. The Re'em, faithful to his commentary's agenda, apologetically rejects all arguments against Rashi, but he insinuates that there is maybe a different way to read the whole paragraph. I would like to take the hint from R. Eliyahu Mizrahi and suggest here this alternative reading, which I believe is more in accordance with the Peshat, the literal meaning of the text.

War is the upheaval of normal life, of peace. People lose their land, home, family, and life. The survivors, conquerors and conquered alike, are at risk of losing their human dignity and sensitivity. The conqueror, hardened after facing death and losing dear friends, is now in a position of power, and becomes insensitive to and detached from the suffering of others. The conquered has lost everything and is now in a position of extreme vulnerability. This is the setting in which the Israelite conqueror lays eyes on the beautiful captive. There is an additional element of disparity here, that of the difference between a man and a woman, where men usually strive for power and control.

The captive woman, then, is powerless and defenseless. She is at the mercy of the conquering man, who sees her as an object for fulfilling his desires. The Torah emphasizes this by using the verb *רָצַח* – desire, the same term used in Genesis 34:8 to describe Shechem's feelings towards Dinah after assaulting and violating her. The man does not love the woman but rather objectifies her, which can explain the irregular term – a double construct which should be translated as "the woman who belongs to beauty." In this state of vulnerability, the Torah steps in between captor and captive to serve as a protective shield for the woman. The man is told that the woman is not his to be taken by force, and that he should marry her as an equal member of his nation.

If the man, hopefully, abides by the Torah's words, he brings the woman to his house. This is the first step in the humanization of the captive. She is transformed, from the state of homelessness and landless, into that of a landlady. She lives in the same space of the conqueror, and he is forced to see her as an equal. The next step is taking care of her appearance, not to make her more attractive or less attractive for him, but rather to help her regain her dignity and confidence. She trims her hair (*נָלַח* – does not mean clean-shave, as can be seen in Gen. 41:14), clips her nails, and changes from her torn garments of captivity into decent new clothes. She is no longer disheveled and neglected, and her external appearance affects the way she feels about herself.

She is not ready yet to return to society, and she must be left alone to mourn her parents. This is the final step in the Torah's attempt to change the captor's attitude towards her. At this point, he should realize that she is not an object, a captive, a nameless and identity-less woman whom he brought home to satisfy his desires, but a human being, dignified yet distraught, who once had a family, just like him. After all that is done, the Torah tells the man that he is allowed to come to the woman. He does not take her, but rather comes to her, a subtle change which points to the change in the power structure. If the educational process has been successful, though, the man will not feel comfortable to marry the woman, and here the Torah intervenes again and instructs the man to behave in stark contradiction to the norms of the

time.

“Don’t think” that Torah tells the man, “that this woman is an object which can be sold for gain, like the spoils of war.” The words – mean making gains on her expense. This term is found only one more time in Tanakh, in Deut. 24:7, which is also in Parashat Ki Tetze – to describe an Israelite who kidnaps one of his brethren and sells him to make gains. The Torah admonishes the man against using the woman as an object, whether to satisfy his desire or to make a profit.

In conclusion, we must say that there are other war-related instructions in the Torah which are hard to understand, specifically the call for total annihilation of nations such as Amalek and the people of Canaan. There is also no doubt that the manual for treating a captive woman does not apply in modern times and was maybe the first step towards a humane treatment of enemy captives in a barbarian world. However, the Torah shows considerable effort in trying to alter the mentality and perception of the strong towards the weak, of the conqueror towards the conquered. Most of us are not part of the latter, but we probably find ourselves quite often in a relationship which falls under the former category. When we are in such a relationship, with family, acquaintances, or strangers, we must remember the concern of the Torah, and search for humanity and equality in others, weak, vulnerable, and different as they might seem.

Shabbat Shalom

\* Torah VeAhava (now SephardicU.com). Rabbi, Beth Sholom Sephardic Minyan (Potomac, MD) and faculty member, AJRCA non-denominational rabbinical school). **New: Many of Rabbi Ovadia's Devrei Torah are now available on Sefaria: <https://www.sefaria.org/profile/haim-ovadia?tab=sheets>** Hebrew quotes from the Torah, omitted here, are in Rabbi Ovadia's original in Sefaria. (My word processing software cannot handle the Hebrew accurately in Rabbi Ovadia's software.)

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## Ki Tetzei: The Legacy of Enclosure: What Biblical Workers' Rights can Teach us about Privatizing the Public Domain

By Tadhg Cleary \*

*The law locks up the man or woman  
Who steals the goose from off the common  
But leaves the greater villain loose  
Who steals the common from off the goose.  
The law demands that we atone  
When we take things we do not own  
But leaves the lords and ladies fine  
Who take things that are yours and mine.  
The poor and wretched don't escape  
If they conspire the law to break;  
This must be so but they endure  
Those who conspire to make the law.  
The law locks up the man or woman  
Who steals the goose from off the common  
And geese will still a common lack  
Till they go and steal it back.*

Written anonymously, this poem expresses the frustration with the process of enclosure which gradually evolved in Europe from the 16th to 19th centuries. “Enclosure” is the legal term for the appropriation of waste and common land into private hands. Between the 16th to 19th centuries in Europe, enclosure turned huge swaths of communally-owned land into private holdings. Free grazing and farmland for commoners became the private property of lords and business people.

Marx and others prefer to term this “land-grabbing” and “class robbery.” Indeed, riots and mass civil unrest erupted as a result. Those who could no longer support themselves in the country were forced to migrate to cities and take waged jobs in the burgeoning industrial economy – often for low pay and under horrific conditions.

From an economic perspective, however, enclosure was an unmitigated success. Common land was used incredibly inefficiently, and chronically over-farmed. Privatizing the land maximized its potential, and wealth production exploded. Everyone benefits when society as a whole is wealthier – there is more capital to be spent, traded, and invested.

The problem is that privatization also deprived the common person of one of the major means to access the wealth produced, so that the share of society's wealth became slowly concentrated in a smaller and smaller number of hands. Wealth production exploded, but over time wealth inequality also radically increased. This effect of privatization was never compensated for.

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In Parashat Ki Teitzei, Moshe continues to describe Am Yisrael's divinely mandated society. Despite its commitment to social justice and welfare, a Torah society is not a socialist utopia – "to each according to his need, from each according to her ability." Surprisingly, the Torah promotes radical private ownership. With the exception of Yerushalayim, there is arguably not a single inch of public land in Eretz Yisrael – the entire land was to be divided equally by lottery among every qualifying citizen.

To be sure, measures like remission of lands in the Yovel do aim to ensure a very large proportion of society are in the landed class. But there will still be a significant unlanded population – Gerim (foreigners, proselytes), Levites, widows, people forced to sell their land etc..

Woven throughout the Parasha, there are in-built protections for this class – the forgotten sheaf, the dropped ear of grain, the deformed cluster. In other places in the Torah, there are further resources allocated for the poor – tithes of the third and sixth year, the corner of the field, the obligations of Tzedakah.

These are not, rightly understood, imperfect duties of charity. The Gemara (*Bava Metzia* 11a) discusses the concept of Gezel Ani'yim (theft from the poor). Impeding the impoverished from accessing these resources is not a failure to give charity, it is theft of property to which they have a right.

Let's closely examine one of the mitzvot in this class in Ki Teitzei (Dev. 23:25-26):

*When you enter your peer's vineyard, you may eat your fill of grapes, but do not collect them in your vessel. When you enter your peer's field, you may pluck ears by hand, but do not raise a scythe against your peer's crop.*

The consensus position in the Torah She'B'Al Peh is that this right is only extended to a hired worker. However, from the plain text of the Torah, this is not clear at all.

Indeed, one of the Tanai'im (Isi ben Yehuda) is of the opinion that it refers to a universal right – 'let all who are hungry come and eat, let those in need come and recline.' Rav contends that this view is impractical, bordering on impossible – "Isi has not left livelihood for anyone" (*Bava Metzia* 92a). As people literally eat into the profits of the landowner, it ultimately makes his investment unsustainable. People won't sow fields if they cannot confidently recover their costs and make a profit, and the land will ultimately lie fallow and unsown. Over and above this practical concern, Rambam highlights the beginning of the verse " 'when you enter your peer's vineyard' – for were he not hired, who permitted him to enter the vineyard or the field without the owner's permission?" (*Sechirut* 12:1)

Even according to the Chachamim, the consensus is that this mitzvah is not really about appropriate working conditions. It is not a duty owed by employers to their employees. The employee may eat more produce than she will be owed in wages. They are only prohibited to eat beyond satiation. Moreover, the Torah explicitly addresses the worker, not the landlord. This is one of the rare occasions where the Torah creates a right, without imposing an obligation. (However, contrast Rambam's formulation of the Mitzvah in *Aseh* 201 and the Koteret of *Hilchot Sechirut*, with his formulation in *Sechirut* 12:1.)

Obviously, this is a limited right. Some of the limitations are very illuminating. First, the right begins only when the food is fully ripe and extends only until it becomes obligated for the various Tithes. Second, the worker may not juice the grapes she plucks – even for immediate consumption. They must consume the fruit in its natural form.

Rav Hirsch attempts to explain the idea behind this mitzvah:

*"while they are growing, the permission only starts when they are ripe, when Nature has finished her work and Man stands ready with "basket and sickle" to take to "himself" that which Nature has completed, and the permission with [harvested produce] lasts as long as they have not reached the stage of being ready for human use as shown by the duty arising to give [tithes]..."*  
(Commentary on the Torah, Deut. 23:25&26)

Perhaps the Halakha is telling us this: on some fundamental level, the resources produced by the world cannot be captured and owned by any individual – they belong to God, after all. Indeed, the commentators point out that elements of Isi ben Yehuda's opinion are retained in the final Halakha (e.g. the permission to consume more than the value of wages). This ideal is beautiful and appealing, but it's ultimately impractical in the world we actually live in – as Rav pointed out. Maybe it could work when human populations were very small, but any large, complex society needs to develop robust property rights to succeed.

I think the Torah is trying to toe a very fine line: Private property is legitimate and helpful. In our mission to conquer the natural world, improve it, and make it flourish, we will need to encourage and reward individual ingenuity and industry through private property. But the efficient creation of wealth cannot be our sole concern. We must be concerned about effective universal access to wealth as well.

Rav Hirsch continues:

*"At the threshold of Man's mastery of Nature, so apt to beget the selfish thought "mine, mine own," God strews the seeds of the thoughts of "duty" in both directions effecting brotherly love and justice, that which is right."* (ad Loc., emphasis added)

Our achievements, our innovations, are never truly in a vacuum. The model of the 'self-made man' is a lie. We are all contributors and stakeholders in the planet and the community we share. The Torah's careful, judicious system of duties to the less fortunate attempts to ensure that we all reap the dividends of these incredible assets – fairly and sustainably.

Never so clearly expressed than in the laborer's right: when God's world has finished producing the fruit, but before it is turned into private human chattel – at that transition point between vegetation and produce – then access to the wealth of the world is assured to all. The hired laborer – who has permission to enter the field of the landowner – is guaranteed the right to eat and benefit from the wealth her world has produced.

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Modern society is moving towards ever-increasing privatization. With unparalleled historical speed, public lands and institutions are being turned over to private interests – often in the name of efficiency and effective economic production. The scope of intellectual property is eating away at the public domain. Some are terming this expansion of IP "the Second Enclosure Movement."

The same ills of the first enclosure movement accompany the second – inequality of wealth has never been higher. According to the UN World Inequality Report 2022, the richest 10% of the human population own 76% of the world's wealth whilst the poorest half owns less than 2%. This inequality in ownership parallels a stark inequality in income (i.e. wealth access): the top 10 percent earns 52% of the income, while the bottom half accesses just 8%.

Is this advancing privatization a good thing or not? I leave that question to political and economic minds much greater than my own. This week, the Torah reminds us: whatever view we take on privatization – we must remember to consider, value, and legislate – not just the efficient, sustainable creation of wealth – but the fair, effective universal access to that wealth as well – "that which is right".

Shabbat Shalom.

\* Tadhg Cleary, a second year Rabbinic student at Yeshivat Chovevei Torah, divided the last ten years between New Zealand and Israel - learning, teaching, and building Jewish community.

## Why Create a Community of Accidental Killers? \*

by Adam Cohen \*\*

Someone with a drug addiction has two main options when it comes to rehab, and both are completely different extremes. They could choose normality. I want to keep things as normal as possible, live my every-day life, have my family and friends there to support me and go to a rehab in my local community.

The other extreme, the other option, is to put their life on hold and go and live in a residential rehab in the middle of nowhere. They cut themselves off from everything and everyone that they know and can then solely focus on this major issue in their life.

And the research shows a marked difference in results from these two opposing approaches. For those people who went to a rehab in their local community, 35% of them stayed clean for five years. This is in contrast with a 47% success rate for people who went to live in the bubble of a residential camp, with some of these rehabs having success rates as high as 60-80 percent.

One of the major reasons given for this stark difference in results is the type of people you are surrounded by. At the residential camp, you are around like-minded people 24 hours a day, all going through that same issue that you are going through. You can understand and lean on each other, in a way that you just cannot, to the same extent, with family, friends or others in your community.

This week's parsha introduces the concept of the 'Arei Miklat', bizarre communities of on-the-run, accidental killers (Dev. 19:1-8). What is the purpose of creating such a niche concept? Of grouping together a section of society with such an odd common link?

The Talmud explains that when an accidental killer would arrive at a city of refuge, he could not be honored until he had admitted his past. He had to state, 'Rotzeach ani', 'I am a killer'. If the city's residents respond, 'even so', he can accept the honor. (Masechet Makkot, 12b) This teaches us what the city of refuge was all about. From the moment a person arrived, they were engaging in a process of teshuvah. They were sharing their wrong-doings and felt that this was a safe space to do so. After all, every other person there had gone through the same journey and knew what it was like to stand in their shoes.

These cities of refuge allowed each of these accidental killers to realize and regret their deed. After all, they were careless and could not be fully absolved of blame. Living in the city of refuge was a respite, a protective haven where the perpetrator lived with others who could relate to their experience and could help them grow from it. So too when we make a mistake, it is important to find others who are experiencing similar challenges. We can then lean on each other for support and drive each other on to achieve spiritual growth and teshuvah.

Shabbat shalom!

\* This Dvar Torah reached me after my deadline last week. Because I must post early again this week, in case the Yeshivat Chovevei Torah Dvar Torah reaches me too late, I am running the Shoftim Dvar this week.

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<https://library.yctorah.org/2022/09/shoftim/>

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## A Movie Recommendation

By Rabbi Moshe Rube \* © 2021

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 Afghani 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!

\* Rabbi Rube is in the process of moving from Alabama to Auckland, NZ, where he will be Senior Rabbi of Auckland Hebrew Congregation. We look forward to his completing this move and returning to send us new learning weekly. During his period in transition, with his permission, I am reprinting a Dvar Torah from his archives.

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### Rav Kook Torah Ki Teitzei: The Rebellious Son -- Preventive Medicine

#### **Only Theoretical**

Is there really a death penalty for rebellious children? Even in Talmudic times, it was clear that the severe punishment for the "wayward and rebellious son" (Deut. 21:18-21) is only "on the books."

*“There never was, nor will there ever be, a child who meets all of the legal qualifications of the ‘wayward and rebellious son.’ Why then was this law written? That you may study it and receive reward [for the Torah learning, despite its lack of practical application].”* (Sanhedrin 71a)

Does this law serve no other purpose other than as a theoretical area of study?

### **Preventative Medicine**

While the field of medicine has made tremendous strides over the centuries, it is widely recognized that its greatest successes have been in the area of preventive medicine. Efforts to ensure clean air and water, sewage treatment, public education on healthy lifestyles and food, and immunization against infectious diseases, have been the most important factors in fighting disease and increasing life expectancy.

We should similarly appreciate the benefit of the Torah and its mitzvot in terms of the most effective assistance: preventing harm and ruin. Thus, God promised, “If you obey God … keeping all His decrees, I will not strike you with any of the sicknesses that I brought on Egypt. I am God, your Physician” (Ex. 15:26). The healing powers of the Torah should be compared to preventive medicine. It provides a healthy lifestyle that does not leave room for affliction. God did not promise that He will cure us of the sicknesses of Egypt. Rather, by faithfully following the Torah, we will not be visited by those maladies.

What does this have to do with the hypothetical “rebellious son”? By educating the people about the draconian punishment for the rebellious child, the Torah helps prevent this tragic breakdown in family and society from occurring in the first place. This is what the Talmud means by “Study it and receive reward” — the very study of the subject is its own reward. As each generation is educated about the dangers of the “rebellious son” and absorbs the message of the gravity of the offense, this deplorable situation is avoided.

### **Teaching For Free**

We often take for granted the truly important things in life, such as peace, freedom, mental and physical health. They safeguard our happiness and well-being, yet we only properly appreciate them in their absence. Inconsequential matters, on the other hand, are just the opposite. They come to our attention only when they are present and visible. As the Talmud (Sotah 8a) teaches, “The evil inclination only rules over what the eyes can see.”

This explanation can shed light on why one should not accept payment for teaching Torah. “Just as I taught for free, so you shall teach for free” (Nedarim 37a). The most vital aspects of life, protecting our health and well-being, cannot be procured with money. Thus, a doctor who heals a sick patient may request remuneration for his services, but one who chases away a lion and averts damage to his neighbor’s possessions may not demand a reward. What is the difference? The doctor may be paid for after-the-fact healing, but the greater benefit — preventing potential injury — must be provided free of charge.

This is the lesson of the “rebellious son,” the Torah’s preventive medicine to safeguard familial and social order. “Study it and receive reward.”

*(Gold from the Land of Israel, pp. 324-326. Adapted from Otzarot HaRe’iyah vol. II, p. 187.)*

<https://www.ravkooktorah.org/KITEZE63.htm>

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### **Two Types of Hate (5771, 5577)**

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 Mishnah:

*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.* Avot 5:19

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.

#### **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.

<https://www.rabbisacks.org/covenant-conversation/ki-teitse/two-types-of-hate/>

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## **Progress and Prevention**

By Yossy Goldman \* © Chabad 2022

*When you build a new house, you must build a guardrail for your roof, so that you will not place blood in your house if a fallen one falls from it.* Deuteronomy 22:8.

In days of old, flat roofs on homes were, apparently, the norm. Whether for entertainment spaces or storage areas, I'm not sure, but the Torah this week cautions us to build a secure maakeh, a parapet or guardrail, around these flat roofs. Sure, we believe in miracles, but we may not rely on them, and all safety precautions must be taken.

"When you build a new home" can be understood literally, to mean that a flat roof needs a physical fence. But it can also be understood figuratively, in reference to a bride and groom who may be building a new home. They, too, need protective cover, some form of spiritual security.

And it goes beyond homes and houses. Any new endeavor requires checks and balances to ensure it remains safe.

Does Judaism decry change? Of course not. Is something treif just because it's new? G d forbid. Not at all. Progress is permissible, positive, and necessary. We should be building, developing, expanding, and growing all the time, never satisfied with the status quo. That's what progress is all about. At the same time, we must remember our guardrails.

Some examples come to mind.

Nuclear power can generate much-needed energy to millions of homes across entire continents. Nuclear medicine, too, can bring healing to patients for whom traditional treatments were inadequate. But, left unbridled and unchecked, this 'new house' can destroy the world!

Or what about genetic engineering? It can solve many health problems, and eliminate genetic diseases which have been the cause of so much human misery. It brings new advances in fertility treatments offering people the previously unattainable gift of parenthood. But, left to its own devices, you end up taking "The Boys from Brazil" from science fiction to reality. Imagine laboratories cloning supermen!

Then there are all the new technologies we enjoy today. The Internet, social media, instant global communication—all fantastic—but without a "guardrail" they can be downright dangerous and very much abused. Do we want to spawn a generation of illiterate zombies? A fantasy-obsessed planet of digital dunces who cannot speak more than three mono-syllabic words to another human being? A generation of immature, impersonal, techno-robots? And how many youngsters have lost their innocence by unlimited access to all the wrong websites?

And what about in the Jewish world?

At the turn of the last century, millions of Eastern European Jewish immigrants came to the New World, establishing new homes in new countries. But for too many there were no guardrails.

Caught up in the pressures of eking out a living, many were so single-mindedly focused on affording their kids a better material life than they themselves had had, and sadly, had little time left for their children's Jewish education. The malady was so commonplace that it gave birth to a well-known cliché: They were so busy giving their children what they never had that they forgot to give them what they did have, i.e., a Jewish upbringing and an appreciation of their Jewish identity, history and heritage.

Today, too, when families relocate from one country or community to another they often feel that they need all their resources to resettle and cannot possibly afford a private Jewish day school education for their children. But without a Jewish education, what chance do they have to resist the enticing lure of the melting pot?

Sometimes we make these choices knowingly. What can I do, Rabbi? I live too far from any Jewish community. But why did you move there in the first place? It reminds me of the teenager who killed his own parents and then appealed to the court for mercy on the grounds that he was an orphan!

Progress is permissible, and indeed desirable, but not at any cost.

Please G-d, we will all build, grow, and develop new homes, communities, ventures, and innovations. And at the same time, let us remember to build those fences and railings to safeguard our security, both physically and spiritually.

\* Founding director of the first Chabad in South Africa (1976). Since 1986, rabbi of the iconic Sydenham Shul, where he is now Life Rabbi Emeritus. He is also president of the South African Rabbinical Association.

[https://www.chabad.org/parshah/article\\_cdo/aid/4942524/jewish/On-Attempting-to-Understand-Torah.htm](https://www.chabad.org/parshah/article_cdo/aid/4942524/jewish/On-Attempting-to-Understand-Torah.htm)

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### **Teitzei: Partnering with G-d**

by Rabbi Moshe Wisnefsky \*

*"If you enter your neighbor's vineyard, you may eat as many grapes as you desire, until you are sated, but you may not put any into your container." Deuteronomy 23:25*

We can conceive of ourselves in our "working" relationship with G-d as His servants, as His employees, or as His partners. A servant's master is obliged to feed, clothe, and house him. An employer provides more for his employee: he pays him (enabling him to provide for his own needs as he chooses), provides him with the means to do his job, and must even allow him (as this verse describes) to partake of the produce he is harvesting. A partner not only is provided by his partner with everything he needs to do his part and is paid for his work by the partnership, he also shares in the profits.

Thus, once we accept our role as G-d's partners in transforming the world into His ultimate home, G-d not only provides for all our needs, rewards us for our efforts, and allows us to benefit from the world as we refine it – we will even share the "profits" of our work (the great Divine revelations of the Messianic future) with Him.

– from *Daily Wisdom #3*

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Kehot Publication Society  
291 Kingston Ave., Brooklyn, NY 11213

\* A Chasidic insight that Rabbi Wisnefsky selected for the parsha.

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#### Covenant and Conversation

Rabbi Jonathan Sacks, z"l

#### Does Love Conquer All?

Our parsha contains more laws than any other. Some of them have generated much study and debate, especially two at the beginning, the law of the captive woman and that of the “stubborn and rebellious son.” There is, however, one law that deserves much more attention than it has generally received, namely the one placed between these two. It concerns the laws of inheritance:

If a man has two wives, and he loves one but not the other, and both bear him sons but the firstborn is the son of the wife he does not love, when he wills his property to his sons, he must not give the rights of the firstborn to the son of the wife he loves in preference to his actual firstborn, the son of the wife he does not love. He must acknowledge the son of his unloved wife as the firstborn by giving him a double share of all he has. That son is the first sign of his father’s strength. The right of the firstborn belongs to him. (Deut. 21:15-17)

Note that the Hebrew word here translated as “does not love” or “unloved” is *senuah*, which normally means “hated.” We will see later why this strong word is used.

On the face of it, this is a straightforward, logical law. It tells us that love must not override justice. The firstborn, in ancient Israel and elsewhere, have special rights, especially in connection with inheritance. In most societies they tended to succeed to their father’s position. That was the case in Israel in relation to kingship and priesthood[1]. They did not inherit all the father’s property, but they did inherit twice as much as the other children.

It was important to have rules like the above to avoid damaging family splits every time a death occurred or was imminent. The Torah gives us a graphic example of the court intrigue that went on, as David lay dying, as to which of his children should be his heir. More recently, *lehavdil*, there have been several examples of Hassidic dynasties irreparably torn apart because different groups wanted different individuals to inherit the leadership.

There is a tension between individual liberty and the common good. Individual liberty says, “This wealth is mine. I should be able to do with it what I like, including deciding to whom to hand it on.” But there is also the welfare of others, including the other children, other family members, and the community and society that are damaged by family disputes. The Torah here draws a line, acknowledging

the rights of the biological firstborn and circumscribing the rights of the father.

The law as such is straightforward. What makes it remarkable is that it reads as if it were directed against a specific biblical figure, namely Jacob. One connection is linguistic. The key terms in our law are an opposition between *ahuvah*, “loved,” and *senuah*, “hated/unloved.” This opposition occurs ten times in the Torah. Three have to do with the relationship between us and God: “those who hate Me and those who love Me.” That leaves seven other cases. Four are in the paragraph above. The other three are all about Jacob: two of them about his love for Rachel in preference to Leah (Genesis 29:30-31, 32-33), the third about his love for Joseph in preference to the other sons (Genesis 37:4). Both caused great grief within the family and had devastating consequences in the long run.

This is how the Torah describes Jacob’s feelings for Rachel: Jacob loved Rachel and said, “I’ll work for you (Laban) seven years in return for your younger daughter Rachel” ... So Jacob served seven years for Rachel, but they seemed like only a few days to him because of his love for her ... And Jacob cohabited with Rachel also; indeed, he loved Rachel more than Leah. And he served him (Laban) another seven years. (Genesis 29:18-30)

And this is its description of the impact it had on Leah: When the Lord saw that Leah was hated, He enabled her to conceive, but Rachel remained childless. Leah conceived and bore a son, and named him Reuben; for she declared, “It means: ‘The Lord has seen my affliction’; it also means: ‘Now my husband will love me.’” She conceived again and bore a son, and declared, “This is because the Lord heard that I was hated and has given me this one also,” so she named him Simeon. (Gen. 29:31-33)

I have translated the word *senuah* here as “hated” simply to give a sense of the shock of the text as it is in Hebrew. We also understand why this word is used. Leah was, as the text says, loved less than Rachel. Jacob did not hate her, but she felt hated, because less loved, thus unloved. This feeling dominated her marriage as we see in the names she gave her eldest children. The rivalry continues and intensifies in the next generation: When his brothers saw that their father loved him (Joseph) more than any of his brothers, they hated him and could not speak a peaceful word to him. (Genesis 37:4)

Less loved, the brothers felt hated, and so they hated the more loved Joseph. Love generates

conflict, even though none of the parties want conflict. Jacob didn’t hate Leah or her sons or the sons of the handmaids. He did not deliberately decide to love Rachel and later Joseph. Love doesn’t work like that. It happens to us, usually not of our choosing. Yet those outside the relationship can feel excluded and unloved. This feels like being hated. The Torah uses the word *senuah* to tell us how serious the feeling is. It is not enough to say “I love you too,” when every act, every word, every look says, “I love someone else more.”

Which brings us to inheritance. Joseph was the eleventh of Jacob’s twelve sons, but the firstborn of Jacob’s beloved Rachel. Jacob proceeded to do what our parsha tells us not to do. He deprived Reuben, his and Leah’s firstborn, of the birthright, the double portion, and gave it instead to Joseph. To Joseph he said: Now, your two sons, who were born to you in the land of Egypt before I came to you in Egypt, shall be mine; Ephraim and Manasseh shall be mine no less than Reuben and Simeon. (Gen. 48:5)

Later in the same chapter, he says: “I am about to die; but God will be with you and bring you back to the land of your fathers. And now, I assign to you one portion more than to your brothers, which I wrested from the Amorites with my sword and bow” (Gen. 48:21-22). There are many interpretations of this verse, but according to Rashi, “This refers to the birthright, that Joseph’s children should receive two portions when Canaan would be divided amongst the tribes.” Jacob’s other children would receive one portion, while Joseph would receive two, one for each of his sons Ephraim and Manasseh.

It is against this practice that the law in our parsha is directed. That is what is extraordinary. Jacob/Israel is the father of our people. But specifically in this respect, his conduct must not be taken as a precedent. We are forbidden to act as he did.

The Torah is not telling us that Jacob did wrong. There are all sorts of explanations that reconcile his behaviour with later law. Jacob did not keep the Torah except in the land of Israel (Ramban), and his gift of a double portion to Joseph happened in Egypt. We are forbidden to transfer the birthright on grounds of love alone, but we may do so if we believe that the firstborn has significant character.

deficiencies, which Jacob believed to be true of Reuben (Gen. 49:3-4; Abarbanel).

But the law is telling us something very profound indeed. Love is the highest of emotions. We are commanded to love God with all our heart, soul and might. But it is also, in family contexts, fraught with danger. Love ruined Jacob's life, time and again: in his relationship with Esau (Isaac loved Esau, Rebecca loved Jacob), in the relationship between Leah and Rachel, and in the relationship between Joseph and his brothers. Love brings joy. It also brings tears. It brings some people close, but makes others feel distanced, rejected.

Therefore, says the Torah, in our command: when love is likely to be the cause of conflict, it must take second place to justice. Love is partial, justice is impartial. Love is for someone specific; justice is for everyone. Love brings personal satisfaction; justice brings social order.

Judaism is the most effective attempt in history to provide the proper balance between the particular and the universal. It is both. It worships the universal God by way of a particular faith. It believes in a universal connection between God and humanity – we are all in God's image (Gen. 1:27) – and a particular one – "My child, My firstborn, Israel" (Ex. 4:22). It believes in a universal covenant with Noah, and a particular one, with Abraham and later the Israelites. So, it believes in the universality of justice and the particularity of love and the importance of both.

When it comes to the relationship between humans, there is an order of priority. First create justice, then express love. For if we let those priorities be reversed, allowing injustice in the name of love, we will divide and destroy families and groups and suffer the consequences for a long time.

A seemingly minor law about inheritance is in fact a major statement of Jewish values. I believe that Judaism got it right by placing love at the heart of the religious life – love of God, neighbour and stranger – but at the same time recognising that without justice, love will not save us. It may even destroy us.<sup>[2]</sup> [1] Significantly, this was not the case when it came to Torah and positions based on it. See Nedarim 81a. [2] The quote, "Love conquers all," comes from the Roman poet Virgil. The Prioress in Chaucer's The Canterbury Tales wears a brooch engraved "Amor Vincit Omnia" (Love conquers all). The Prioress' Tale is notorious for its antisemitism: it contains a 14th century version of the Blood Libel. This itself should give us pause.

**Rabbi. Dr. Norman J. Lamm, z"l**

**An Unforgettable Dvar Torah\***

Memory and forgetfulness are subjects for study by psychologists, neurologists, and cyberneticists. It is for them to learn and

explain the "how" of these processes, the mechanisms and the dynamics.

But these two themes are also the substance of spiritual life. Many Torah commandments refer to remembering and forgetting. We are commanded to remember, amongst other things: the Sabbath, the day we left the Land of Egypt, what the Lord did to Miriam (and, thus, the teaching that no one is infallible), how we angered the Lord in the desert, and, to be aware of our own penchant for ingratitude.

Similarly, there are commandments concerning forgetfulness. Most prominent is the commandment of shikheḥa (Deuteronomy 24:19) – that if one has harvested his field and forgotten a corner, he must not return to it but leave that forgotten corner for the poor. Even more paradoxical is a commandment to forget (although it is not worded explicitly in that manner). We must forget grudges, insults, hurt: "You shall not take revenge, you shall not bear a grudge" (Leviticus 19:18). Forgetfulness is even considered a blessing. The Talmud (Pesahim 54b) teaches: "It is ordained that the dead be forgotten from the heart." Rabbenu Bechayeh has pointed out that this is a great blessing, for if man were always to remember the dead, he soon would be laden with such grief that he could not survive emotionally or spirituality.

But most often, and most usual, forgetfulness is regarded as an evil, as a sin. Thus, the Rabbis taught (Avot 3:8), "If one forgets a single item from his studies, Scripture considers it as if he were guilty with his life."

And, of course, the source of all these commandments is the concluding portion of our sidra: Remember what Amalek, that barbaric and savage tribe, did to you... "You shall not forget" (Deuteronomy 25:17).

But this commandment not to forget is problematic. After all, everyone forgets. Forgetting is natural; it is part of both our psychological and physiological selves. It is not a volitional or deliberate act. How, then, can the Torah consider it a sin if we forget?

Permit me to recommend to you an answer suggested by Rabbi Yitzchak Meir Alter, the first Gerer Rebbe, known to posterity by the name of his great halakhic work, *Ḥidushei HaRim*. Forgetfulness, he says, often depends upon man. For we are not speaking here of simple recollection of facts, but the kind of forgetfulness that implies the emptying out of the mind, the catharsis of the heart of its most basic spiritual principles, of the very props of its identity. And this kind of forgetfulness has its roots in arrogance.

When a person's mind is preoccupied with itself, it has little place for what is really important – and thus forgets it. Hence we read (Deuteronomy 8:14): "And your heart shall be lifted up, and you will forget the Lord your

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God who takes you out of the Land of Egypt, out of the house of slaves."

Similarly, we are commanded to remember and not to forget Amalek. Now, the numerical value of the Hebrew word Amalek is 240 – the very same numerical value as the word ram, the word we use when we say that the heart is being lifted, raised, exalted, supercilious! When a person is filled with conceit, he falters and forgets.

Too much ego results in too little memory. An absent mind is the result of a swelled head. A high demeanor results in a low recall. If your heart is arrogant, you will forget Amalek. This is the arithmetic of mind and character.

Indeed, this potential for forgetting who we truly are is a human, if not a specifically Jewish, weakness. Rabbi Abraham Isaac Kook has taught us that the root of all evil is that we forget who we are, our higher selves. We turn cynical and act as if man is only an amalgam of base drives, of ego-satisfactions, of sexual and material grasping. We forget that, in addition, man is capable of noble action, of sublime sentiment, of self-sacrifice. When we forget that, we are in desperate trouble.

Most Jews who assimilate today, unlike those of the early and middle parts of this century, do not do so primarily because of self-hatred, but because of a massive act of ethnic forgetfulness. And such national absent-mindedness, of forgetting our higher identity, is often the result of "And your heart shall be lifted up." Our memory is weakened by excessive affluence and too much self-confidence. We American Jews act as if our liberties and successes are self-evidently our right. We act as if our good fortune is deserved. And so, "And your heart shall be lifted up," leads to "and you will forget the Lord your God." And what do we most often forget? Amalek!

I read recently that a Swedish gentile woman, who has several times been proposed for the Nobel Peace Prize because of the hundreds of Jews she saved during the Nazi occupation, said in an interview that only once in her life did she entertain hatred for a fleeting moment. It occurred during a visit she paid to Yad Vashem, the Holocaust museum, in Jerusalem. She noticed an American Jew who was there, and who said to the guide: "I don't understand why they didn't fight? Why weren't they real men?" She was seized with anger, and said to him: "You look fat and prosperous! Have you ever been hungry a day in your life? Do you have any idea what it is like to be starved almost to insanity, surrounded by powerful enemies, aware that no one in the world cares for you – and you have the unmitigated nerve to ask that question?"

I confess that in reading the interview, I shared her hatred – but only for a fleeting moment.

One cannot hate fools. One can only have contempt for them.

Certainly, we are subject to that weakness of forgetting time and again. Only a year ago Israelis – and Jews throughout the world – were afflicted by over-confidence, and the Yom Kippur War was the result. I should hope that we Jews are bright enough to have learned from this experience.

Most importantly, one of the things we must never dare to forget is the contemporary Amalek, the Holocaust. The news that the younger generation of Germans does not want to be reminded of it, that they feel they did not participate in it, comes as no surprise to me. But Jews must never fall into the trap of “And your heart shall be lifted” and hereby forget Amalek. Remember and do not forget! The Holocaust must constantly become part of our education, commemoration, and motivation for further study and spiritual development.

Conversely, if we remember Amalek, that will lead to a realistic assessment of ourselves, and we shall be able to avoid the pitfall of a “lifted heart.”

The United States and the entire Western world are today in the doldrums. We are, all of us, in a pessimistic mood about the economy, something which affects each and every one of us. If the Lord helps, and we all escape economic disaster, then perhaps we will have learned to rid ourselves of the cultural and psychological and moral signs of decadence in our culture, all these corruptions the result of “And your heart shall be lifted,” over-confidence inspired by affluence.

So, the Hidushei HaRim has given us an unforgettable devar Torah about forgetfulness and arrogance. It is a lesson worthy of our deep thought and meditation. Remember it. Do not forget.

\* August 31, 1974

#### **Torah.Org: Rabbi Yissocher Frand**

#### **Vilna Gaon (Quoting Zohar): Sending Away Mother Bird Tests – Cruelty with a Purpose**

The pasuk teaches in Parshas Ki Seitzei: “You shall surely send away the mother (bird) and the offspring you shall take for yourself, in order that it will be good for you, and your days will be lengthened.” [Devarim 22:7]. This is one of two mitzvos in the Torah regarding which the Torah says the reward for its fulfillment is a long life. The other famous mitzva for which the Torah tells us the reward is Arichas Yomim is the mitzvah of Kibud Av v’Eim (honoring one’s parents).

What is the commonality of the mitzvah of Shiluach haKen (sending away the mother bird) and the mitzvah of Kibud Av v’Eim? The Yerushalmi in Masechta Peah says that these two mitzvos are the polar opposite of one another. The Yerushalmi calls Kibud Av v’Eim “Chamurah she’b’chamuros” (the hardest of

the hard mitzvos). It is one of the most difficult mitzvos to fulfill. That is why we find Amoraim in the Talmud who say “I would be better off if I had never seen my parents”. It is very difficult for a person, at least at some point in his or her lifetime, not to have treated his or her parents improperly. The respect that we owe and should give to our parents is incalculable!

On the other hand, the Yerushalmi categorizes Shiluach haKen as “Kal she’b’kalos” (the easiest of the easy mitzvos). It is a mitzvah that does not cost anything and does not require preparation. This is how the Yerushalmi formulates the “common denominator” between these two mitzvos. The Torah specifies the exact same reward for the hardest of mitzvos as it does for the simplest of mitzvos, to emphasize that we have no way of figuring out the reward for mitzvos based on evaluation of the level of difficulty to perform them.

The Vilna Gaon has a different take on this, based on the Zohar. The Gaon says that when a person examines both of these mitzvos, he assumes that the reason why the Torah gives the exact same reward for each of them is because they are apparently similar in nature. Shiluach HaKen appears to be a mitzvah teaching compassion: Do not take the baby birds in front of their mother. Have mercy on the mother bird by first sending her away and only then taking her chicks. (As the Ramban emphasizes, this is not a question of compassion for animals in the style of PETA (People for Ethical Treatment of Animals) but rather, the Torah wants to teach us compassion: If we need to have compassion even for a bird, kal v’chomer, we must have compassion on people!).

Likewise, Kibud Av v’Eim is a mitzvah of compassion. People need to take care of their parents and be beholden to them. They need to respect them. Our parents brought us into this world! They educated us. They clothed us. Kibud Av and Shiluach haKen seem to be the same type of mitzvah, and therefore they have the same type of reward.

The Vilna Gaon points out that according to the Zohar, just the reverse is true. Rather than being a mitzvah of compassion, the Zohar claims that Shiluach HaKen is a mitzvah of cruelty (Achzariyus). The mitzvah of Shiluach HaKen is to send away the mother from off of her nest so that the mother bird will suffer! The Zohar explains that the goal is for the mother bird to feel pain and want to kill herself in anguish of losing her chicks!

The Torah is not asking us through this mitzvah to be compassionate, but to be cruel! It is not cruelty for cruelty’s sake. The goal is to arouse Mercy in the Ribono shel Olam so that He will have Mercy on His creatures. But the bottom line is that unlike the comfort we

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are to provide our parents, Shiluach HaKen requires us to cause pain to the mother bird.

If these mitzvos are in fact polar opposites of one another, why then do they have the exact same reward? The Gaon explains – it is because that is what the Torah demands of us as human beings: To be in charge of our emotions. Sometimes the Ribono shel Olam says “I want you to be compassionate” and sometimes He says “I want you to be an Achzar” because there is a purpose in this cruelty. These two mitzvos have the same reward because, in combination, they bring a person to Shleimus (completion).

For a person who is compassionate by nature, Kibud Av v’Eim is an easy mitzvah to fulfill. If a person’s parents are old or infirm and they need help, a compassionate person reasons, “Listen, my parents fed me when I was a baby and I would spit out my food at them. Now that my parents are older and cannot take care of themselves, I am going to do the same for them that they did for me!”

That same person, who by nature is a compassionate person, finds it very difficult when he is asked to send away the mother bird so she will cry. But that is what the Torah wants from human beings. The Torah wants people to put aside their human emotions and natural inclinations and follow Divine commands that do not necessarily go with their own grain. Do something that is hard! Do something that goes against your personal middos and proclivities.

The tenth and final test of Avraham Avinu (according to most Rishonim) was Akeidas Yitzchak. “...Now I know that you fear Elokim...” [Bereshis 22:12]. What is with this emphasis on “now I know”? After the other nine tests, the Ribono shel Olam did not see that Avraham was G-d fearing? The answer is that the Almighty said, “I know that Avraham is a ba’al chessed. I know that acts of kindness come naturally to him. I know that he is a kind-hearted person. But the true test of how devoted a person is to the Ribono shel Olam is to see whether he is capable of doing something that goes against every sinew in his body – when asked to do such by the Almighty.”

Therefore, the Ribono shel Olam commanded Avraham: Slaughter you son! “Slaughter my son? Destroy my whole life’s work – what I stood for?” That is when Hashem could say “Now I know that you fear Elokim!” after Avraham did something that did not fit with his personality.

That is why the Talmud says [Berochos 33b] “One who praises Hashem by saying ‘His Mercy reaches the nest of the bird’ must be silenced!” The Gaon explains that Shiluach haKen, – at least according to the Zohar – is not about rachmanus. It is about achzariyus, but it is about an achzariyus which can have a

positive result. And that, explains the Gaon, is the reason for the equation of reward between these two “book-end mitzvos.” The commonality is that they each, in their own way, create Shleimus (completion) in a person who needs to subjugate his own natural middos and inclinations to the Will of a Higher Power. At the end of the day, that is what it is all about.

I saw this thought in an essay by Rav Avrohom Bookspan.

### The Special Segulah Reward for Returning Lost Objects

This week’s parsha also includes the mitzvah of HaShavas Aveidah: “You shall not see the ox of your brother or his lamb wandering about and ignore them; you shall surely return them to your brother.” [Devorim 22:1]. Returning a lost object fulfills a positive Biblical command. If someone finds something in the street, he should pick it up, take care of it, try to find the owner and he will thereby fulfill the mitzvah of HaShavas Aveidah.

At first glance, it would seem like this is a relatively simple mitzvah to fulfill. However, we can see from the Rambam [Gezelah v’Aveidah Chapter 13] that this is far from an easy mitzvah to fulfill and in fact is a very difficult mitzvah to fulfill.

“One who finds a lost object that obligates him to return it, must announce that he has found such and call upon anyone who has lost an object of this type to come and give identifying marks and then claim it...” (Halacha 1)

Where and how does someone make such an announcement? The Rambam writes: “Originally, anyone who found a lost object would announce his find for three consecutive Festivals....” When a person came to the Beis HaMikdash for the Shalosh Regalim, there was a special rock near the Beis HaMikdash. People would stand on the rock and announce whatever they had found. A person had to make this announcement three times – on each of the Shalosh Regalim.

Then, following the third Festival (if no one has yet claimed the article) he must stick around in Yerushalayim an extra week and announce for seven more days about the lost object he found. This is so that someone who heard the announcement has time to go home, search his possessions, realize that he does not have this item of his that must have gotten lost, and come back to Yerushalayim to claim it from the finder! In the meantime, the finder is taking care of this thing. He feeds it if it needs feeding. He makes sure it is safe and well kept, etc., etc. This is not an easy mitzvah.

If no one claims it after all these announcements, the Rambam writes that the finder must keep it “Until Eliyahu HaNavi comes (in pre-Messianic times).”

If the lost object is a coat, fine, it can sit in the closet. If it is an umbrella, fine, it sits in his umbrella stand. However, if it is a cow – he needs to feed and take care of this cow until Eliyahu comes!

The Rambam writes that following the destruction of the Beis HaMikdash, the Rabbis enacted that people should make announcements in the local synagogues and study halls. What do we do today? We put up a sign in the shul and the Beis HaMedrash.

This is not such an easy mitzvah. Far from it. Listen to the following observation:

If you do a word search for the expression “mi’shecharav Beis HaMikdash” (after the Temple was destroyed) in the Talmud, it appears fifteen times. Sometimes it appears two or three times on the same daf in Shas. But there are at least ten specific places in Shas where the Gemara uses the expression “After the Temple was destroyed...”

In Rosh HaShanah 29b it says: “When the Temple was destroyed, Rabbi Yochanan Ben Zakkai enacted that they may blow shofar (on Rosh HaShanna that falls on Shabbos) in any place where a Beis Din exists”.

In Rosh HaShanah 30b it says: “When the Temple was destroyed, Rabbi Yochanan Ben Zakkai enacted that the witnesses for the New Month be accepted the entire day” (unlike the decree during the time of the Beis Hamikdash, where mix-ups in the Shira (Temple Song) could occur so they no longer accepted the witnesses after Mincha).

In the same Gemara it says that “When the Temple was destroyed, Rabbi Yochanan Ben Zakkai enacted that on the day they brought the Omer offering, the entire day was forbidden to eat of the new wheat crop.”

In Succah 41a it says: “When the Temple was destroyed, Rabbi Yochanan Ben Zakkai enacted that the Lulav be taken throughout the country seven days, as a commemoration of the Temple (practice).

Without going through all fifteen cases, it is always the same format: “When the Temple was destroyed, Rabbi XXX enacted...”. However, there is one place in all of Shas that we find a variant expression and that is in Bava Metzia 28b regarding the laws of HaShavas Aveidah. This Gemara, which is the source of the aforementioned citation from the Rambam, teaches: “Originally anyone who found a lost article would proclaim it for three Festivals and for seven days following the final Festival, in order to give the loser three days to go home and three days to return, and still have the finder proclaiming the lost item that seventh day. WHEN THE TEMPLE WAS DESTROYED – MAY IT BE SPEEDILY REBUILT IN OUR DAYS, they enacted that

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the proclamations should be done in the synagogues and in the houses of study.

This is the only place among all fifteen times in Shas that the Gemara throws in a prayer – She’Yibaneh bimheira b’yameinu – after the frequently-used expression “Mi’shecharav Beis HaMikdash” (After the Temple was destroyed). How do we understand this? Are the Gemaras in Rosh HaShannah and Succah and Beitzah and Moed Katan and Sanhedrin and Menochos not concerned “that the Temple be speedily rebuilt in our days?” Why suddenly in Bava Metzia, by HaShavas Aveidah is this prayer inserted after the expression “When the Temple was destroyed?”

Rav Yosef Engel has a beautiful explanation for this oddity. He explains that HaShavas Aveidah is a Segulah that the Beis HaMikdash will be rebuilt. The reason for that is the Gemara [Makkos 24a] where Rav says, “I am afraid of the pasuk (in the tochacha) ‘And you shall be lost among the nations of the world’ [Vayikra 26:38]”. He feared that this pasuk was predicting the final doom of Klal Yisrael. Rav Pappa calmed him down with an alternate interpretation. “No. This is not a death sentence for the Jewish people. Yes, we are a lost object, but we are a lost object that has Someone looking for it. We are like a lost object whose Owner has not given up on us yet. The Ribono shel Olam wants us back!”

Rav Yosef Engel says that if a person is meticulous in the mitzvah of HaShavas Aveidah (i.e. – he returns lost objects), then midah k’neged midah (measure for measure), the Ribono shel Olam will also find and take back His ‘lost object’ as well. He will take us back from Galus. That is why this is the only place in Shas where when it says “M’She’Charav Beis HaMikdash”, the Gemara immediately adds the prayer “She’Yibaneh bim’hera b’yameinu.” HaShavas Aveidah is a Segulah that the Ribono shel Olam will once again bring us back.

Just like Shiluach HaKen has this aspect according to the Zohar – that HaKaodosh Baruch Hu sees the pain and He says “What am I doing to My children? – I am going to take them back” so too Hashavas Aveidah has that aspect as well. Our returning of lost objects prompts the Almighty to look for and return His ‘lost object’ as well.

Returning lost objects is indeed not the easiest of mitzvahs. It involves effort and caring for the item. But there is a payoff for this mitzvah. The payoff is She’Yibaneh Beis HaMikdash Bim’hera b’Yameinu.

### Dvar Torah: Chief Rabbi Ephraim Mirvis

We must always remember the Ammonites and the Moabites. Why? Who were they? What’s this all about?

In Parshat Ki Teitsei, the Torah tells us how

when the Israelites were moving towards the promised land, they came to the territories of the Ammonites and the Moabites. However, the Torah says (Devarim 23:5),

"Al d'var asher lo kidmu etchem balechem uvamayim," - these two nations "did not come out to greet us and to offer us bread to eat and water to drink."

Because of their inhospitable nature, the Torah says that they should be remembered always and should never be allowed to enter into the assembly of God.

Now, we can well imagine that a nation that had been travelling for a long time desperately needed something to eat and to drink. However in the Midrash, we are told that Rabbi Shimon in the name of Rab Eliezer posed a great question: At that time the Israelites were blessed. They were receiving manna from heaven, and water was coming miraculously out of a rock for them every day, so they really didn't need anything to eat or drink!

Nonetheless, we remember how inhospitable the Moabites and the Ammonites were! Therefore, Rav Shimon taught that if the Moabites and Ammonites should be remembered for all time for being inhospitable towards people who didn't really need food or drink, how much more so is it a great mitzvah for us to show hospitality to those who really need it?

I believe this is so relevant to us right now. As, Thank God, we are gradually moving towards the post-Covid Era, for me, one of the most exciting elements of some regulations being removed is the opportunity we now have once again for hachnasat orchim, to bring people into our homes, to have them around our tables, to offer them food and drink.

It's something which perhaps we took for granted in previous times and which we should never take for granted again - the beautiful opportunity to share what we have with others. And from Parshat Ki Teitsei, we learn that hachnasat orchim, hospitality, is not just giving food and drink to people, because perhaps they have enough in their homes. Actually it's a mitzvah which goes well beyond that by forging a close connection between people and between families, something which enhances our lives.

Baruch Hashem we now have this opportunity - so let's never be like the Ammonites and the Moabites.

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#### Rabbi Dr. Nachum Amsel Encyclopedia of Jewish Values\*

##### Antisemitism – Then And Today

Our Torah Portion ends with three verses describing the one people in the world, according to the Rabbis, whose goal, in each generation, is to destroy the Jewish people. The verses are a combination of narrative of

that first battle with Amalek prior to the Giving of the Torah and the commandment to destroy Amalek, but never let what they did be forgotten (Deuteronomy 17-19). Throughout the ages, antisemitism, a euphemism for Jew hatred, has often led to hardships and pain for the Jewish people. Antisemitism has existed in all generations and in all countries. This phenomenon began with the very first Jew, Abraham, who was set to be killed by being thrown into a furnace because of his belief in one God. Fortunately, God saved him miraculously (Midrash Beraishit Rabbah 38:13). This set the pattern that continued, in somewhat different form, in each generation, as mentioned at the Passover Seder (Passover Haggadah, Vehi She'amda). Even in countries where few or no Jews lived, antisemitism was present. Thus, antisemitism exists in all places and all times, irrespective of circumstances. How can this phenomenon be understood? How can we explain why and how it occurs?

##### Reasons For Antisemitism

Many explanations for antisemitic feelings and behavior have been offered. The best place to begin is in the Torah itself. Why was the first Jew, Abraham, hated so much as a Jew? The Midrash (Midrash Beraishit Rabbah 42:8) says that Abraham was called a Hebrew because the whole world was on one side, and he was on the other side (Ever). Therefore, we see that, because Abraham was different (in his belief), he was hated. This is somewhat understandable, as it is natural to be uncomfortable around anyone who is a little different. This natural reaction does not make it morally correct or justified, but understandable. Being different is not unique to Abraham, but it has become a characteristic of the Jewish people of all ages. When most nations would assimilate after being conquered, the Jews held fast to their religion, by and large, even after they were forced to leave their homeland, the Land of Israel. This is most clearly expressed in the Purim Megillah when, at first, Mordechai was different by refusing to bow to Haman. Then, when convincing the King to destroy the Jewish people, Haman's argument was that their laws and religion is different from any other religion (Megillat Esther 3:8). The fact is that the Jewish people are supposed to remain different (Leviticus 18:3), which naturally engendered much anger and hostility by the surrounding non-Jewish community.

A second reason that can be seen in the Torah as well as in many countries today, is jealousy. Non-Jews jealous of success of the Jews tend to hate them for this success. This was first seen in the blessings given by Isaac to his son. Not only was Esau angry because Jacob "stole" the blessings, but he was also jealous that Jacob somehow always got ahead (that is the meaning of the word Jacob), and that Jacob would now get much merit while he, Esau, would get less. Esau felt outwitted, according to Rashi (Rashi on Genesis 27:35-36). According to most commentaries, the stories of Jacob and Esau are

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prototypes for what will transpire in all generations between Jew and non-Jew.

A third possible reason explaining antisemitism is that Jews tended to live separately from others around them. This began when the Jews came down to Egypt and asked to live apart in the land of Goshen (Genesis 47:4). (The excuse that a place was needed for cattle was merely a ruse, as Joseph had instructed them to say this [Genesis 46:31-34]). Of course, there are reasons why Jews throughout the generations tended to live isolated. Firstly, all people like to live in neighborhoods with people who are culturally like them. That is why Black people tend to live in Black neighborhoods, Italian Americans in Italian American neighborhoods, etc. Furthermore, because of the necessity of walking to the synagogue on Shabbat, traditional Jews always had to live in close proximity to the centrally located synagogue, since they had to walk there on Shabbat. While this explains why Jews grouped together, non-Jews tended to dislike Jews anyway, because it appeared to them that the Jews did not want to live with them, as if the non-Jews were "not good enough."

A fourth reason, whose roots are again found in the Torah, is fear. Pharaoh was afraid the Jews will become too numerous and eventually rebel against the natives (Exodus 1:9-10). This phenomenon continued, as Jews were always perceived as foreigners who may one day rebel against the government and cause difficulties. Non-Jews feared a loyalty to God or to the Land of Israel, and not to the country in which the Jews lived. That is why Napoleon made the Jews sign an oath of loyalty to him. Even today in the United States, the most tolerant country in history, Jews are often accused of dual loyalty whenever any kind of friction occurs between the United States and the State of Israel.

In their book, "Why the Jews?" Dennis Prager and Joseph Telushkin suggest yet another reason. It is because the Jews gave the world a code of ethical behavior, they are hated. Even though the world has, by and large, accepted the Torah's code of ethical behavior as morally correct, the Jews still face resentment because of it. It is like the child who resents his or her parent who tells the child what to do. Even though the child knows it is right, the child still resents the parent for imposing the restrictions (accept the message and shoot the messenger?). This concept can be seen in the Talmud in a play on words, when it says that Sinai caused the hatred (Sinah) by non-Jews (Shabbat 89a).

Sometimes There Is No Reason!! - By analyzing the details of our Parsha's description of the events of the battle with Amalek, we can understand another facet of antisemitism. Why does the Torah go into all the (seemingly irrelevant) details of the battle between the Jews and Amalek in our Parsha? Throughout history, even until today, there are essentially four reasons why one nation attacks another nation: 1) to gain land 2) to show power to other

nations (and sometimes to themselves) 3) fear of being attacked, so they attack first 4) a holy war. The way the Torah describes the attack of Amalek (Deuteronomy 25:18) it is clear that none of these reasons applied. The verse starts off by saying that the Jews were attacked "on the way" meaning in no man's land. Therefore, the reason could not have been to gain territory. The next phrase in the verse is "they smote the weakest in the back ranks." Therefore, they could not have demonstrated power even if they had been victorious since they had attacked only the weakest. The verse continues, "when you (the Jewish people) were faint and weary." Therefore, the reason could not have been fear of an attack by the Jews since they were tired. Finally, the verse concludes "and they did not fear God." Therefore, it could not have been a holy war.

If all the usual reasons were not present, why, then, did the Amalekites attack the Jews? There are always some non-Jews who hate Jews for no reason at all, other than they are Jews. Thus, this form of antisemitism is not based on anything specific, just the fact that Jews exist. This phenomenon is expressed in a unique way by the Midrash (Midrash, Sifri, Behaalotcha 11). It says that it is a "known law" that Esau hates Jacob, i.e., the non-Jew hates the Jew. What kind of law is this that non-Jews hate Jews? Most people think of laws as a demonstration of a man-made justice system. But there is another kind of law, the laws of nature, which are not man made but God made. These laws are neither good nor bad, but, rather, true, or not true. Therefore, the Midrash seems to indicate that there is a natural law that the non-Jew will hate the Jew, an inescapable part of nature. Similarly, the Midrash describes the Jewish people as one lamb among seventy wolves (Midrash Tanchuma, Toldot 5), as a natural state of things, where the wolf desires to eat the lamb, and that all the nations hate the Jews. Of course, this does not mean that all non-Jews hate Jews, only that some non-Jews hate Jews without any logical reason or provocation. Part of this "law of nature" is also the ebb and flow of the Jews and gentile nations in an inverse relationship: when the Jews are on top, the non-Jewish nations are usually falling and when the non-Jewish nations are on top, the Jews are often falling (Pesachim 42b).

This, then, is the definition of Amalek today, according to Rabbi Chaim Soloveitchik. Although there are no longer any physical remnants of Amalek, there are spiritual heirs. Anyone who hates Jews and tries to destroy Jews just because they are Jews (and without any concrete reason) would be considered Amalek today.

**The Traditional Response to Antisemitism in Jewish History** - In the Bible, the response to the antisemitism of Haman was the legal option. Esther went to the king and obtained legal permission to be armed and fight back. However, the traditional response to group antisemitism during the last thousand years,

when the government itself was usually behind the antisemitic attacks, has been to ignore the attack and attacker. The rationale was that the less the Jews protested, the less the damage would occur. It was wiser to accept the pain, the damage and even the killings of a few - if the community could survive. Often, Jews would have to move from town to town or even from country to country, but the Jewish community survived. Although it was a painful experience, this response worked best to preserve the Jewish community.

But the Holocaust changed this traditional response. During the Holocaust, most Jews responded to Hitler's antisemitism as they always had accepted the pain and killings, wait the mad man out and the community will survive. In this instance, however, this reaction did not work, as the entire Jewish community of Europe was virtually destroyed. Clearly, this time, the traditional response was not the correct one.

Following the Holocaust, the Jews adapted, and learned this lesson well. Since this terrible period, the Jewish reaction to antisemitism has been very vocal, both in Israel and in the Diaspora. Any physical attack on the State of Israel today causes a speedy retaliation, usually causing much more damage than the original attack. Gone are the days when Jews will be silent when attacked. In the Diaspora, where the response is usually verbal, the reaction there, too, is not silent but very loud indeed. Even the smallest act of antisemitism is not tolerated. It is publicized, reported to the media and examined. The days of the ignoring the non-response to antisemitism are over. As we have demonstrated, antisemitism will never be completely eradicated. But it is up to all Jews to do their maximum to minimize this terrible and painful phenomenon.

**Minimizing Antisemitism** - Since it is a "natural law" that there will always be some antisemitism, no action today will be able to completely prevent antisemitism. However, Jews can minimize antisemitic acts in a number of ways. By continuing to speak out publicly and virulently when antisemitism does occur, Jews can remind the world how intolerable this type of action is. General society must be reminded to continue to believe that antisemitism is an antisocial behavior and will never be condoned. Jews also have a responsibility to ensure that non-Jews have little or no reason to commit antisemitic acts towards them, as Jews should not behave in a way that invites an antisemitic reaction. Every public immoral act by a Jew not only desecrates God's name, but also encourages antisemitism. Finally, the Jew must constantly be on the lookout for signs of latent antisemitism and fight it wherever possible. By recognizing the signs of latent antisemitism early, overt antisemitic acts can often be prevented.

\* This column has been adapted from a series of volumes written by Rabbi Dr.

## Likutei Divrei Torah

Nachum Amsel "The Encyclopedia of Jewish Values" available from Urim and Amazon. For the full article or to review all the footnotes in the original, contact the author at [nachum@jewishdestiny.com](mailto:nachum@jewishdestiny.com)

### Ohr Torah Stone Dvar Torah

#### "If brethren dwell together...": Limiting Permitted Prohibitions - Marina Rivline

Parashat Ki Tetze is an extremely dense parasha. Moshe reaches the end of his main speech in the plains of Moav in the 39th year of wandering in the desert. He addresses the new generation of Bnei Israel, about to enter the Land of Israel, the children of those who left Egypt and were at Mount Sinai.

If Moshe's speech is at times historical and general, Ki Tetze holds a very legal aspect. It has an astronomical number of laws and topics, famous ones such as the beautiful captive, rebellious son, sending away the mother bird or remembering Amalek.

One of these laws is the law of Yibbum, the levirate marriage (Devarim 25:5-10). It is alluded to in the story of Yehuda and Tamar (Bereishit 38:8) yet appears for the first time as a command in our parasha. The command is as follows: when a man dies without children, his brother marries the widow. The general rule prohibiting the union of a man and his brother's wife is pushed aside.

The text in Devarim points to one of the main purposes of Yibbum (though not the only one): the perpetuation of the deceased's name, "that his name may not be blotted out of Israel" (25:6). But how is a name perpetuated? How is a legacy of a deceased kept, enriched, passed on?

"If brethren dwell together..." (Devarim 25:5). The starting point of Yibbum is brothers living together. If one stops and ponders over those three words, endless family stories appear, carrying the complexity and beauty of familial cohesion, the uniqueness and differences of siblings, their closeness and distance. The text insists: these siblings dwell together.

The Sages will learn from these words that the brother born after the death of his brother does not do Yibbum (Mishna Yevamot 2:1). This makes sense, only a brother who dwelled with his sibling would know how to perpetuate a name. To truly know what the deceased carried, they must have lived together. They must have experienced their differences, their common, but separate identities.

The Torah is aware that not all men would accept Yibbum. Yet if the psukim give a way out of Yibbum, the Halitza ceremony, it appears clearly that the Torah regards it very negatively. The very essence of the ceremony is a humiliation of the brother refusing to do perpetuate his brother's name.

On the one hand, it seems that the Torah recognizes a man would not agree to sacrifice his own identity for his brother's, or that he would refuse to shake the family unit so far as to marry his brother's wife. On the other, the Torah disapproves of the refusal.

If the Torah itself is ready to pay prices to perpetuate the deceased's name, to allow what would be generally considered one of the gravest sins (arayot), there are limits to the shaking of families. Indeed, Masechet Yebbamot opens with the cases in which there is no Yibbum. It lists situations in which the widows are connected to the living brother, making their union prohibited and cancelling Yibbum (such as a widow who is the daughter of the surviving brother. If there was Yibbum, she would marry her father).

Even more interestingly is the rule that the Tzarot – the other widows – although they are not prohibited to the living brother, are exempt from Yibbum.

Perhaps what is at stake here is the inner dynamic of the family. A family dynamic in which the union of husband and wife is incestuous, such as a father and a daughter, can easily be understood as problematic. Yibbum breaks the common family rules, allows for a man to marry his brother's wife, but it does not allow for more.

Regarding Tzarot, one can suggest it is still meant to protect the family dynamic. The Tzarot knew the other widow, they shared the same house, the same husband. Their relationship with her, and their connection to her would make the new marriage through Yibbum unbearable.

The Torah allows the unthinkable – Arayot – to perpetuate a name. Yet it has limits, the perpetuation is not at all costs, perhaps to protect family dynamics.

It is fascinating to notice that the famous Mishna describing the Houses of Hillel marrying women from the House of Shammai and vice versa despite their fundamental disputes, appears (amongst other places) in our very context! Beit Shammai disagree and allow for the Tzarot to marry the living brother.

The surprising historical note of the Mishna regarding the marriages of Beit Hillel and Shammai – interrupting the legal flow – is perhaps hinting to the learner: in thinking about these complex family dynamics, in limiting Yibbum situations, do not think all limitations to marriage are valid.

Halakhic disagreements are maybe another extreme of complicated family dynamics, yet they do justify limiting the creation of those families. The Torah was ready to bend its general rule for another goal, but it is not to be bent more leniently – allowing for other

shakings of family dynamics; nor is it to be stricter – adding limitations to marriages because of Halakhic disagreement.

### Dvar Torah: World Mizrachi

Rav Doron Perez

#### Winning the Battles from Within

One of the great Chasidic masters, Rabbi Tzadok HaKohen of Lublin, quotes the Zohar on this week's Parasha on what is the essence of a spiritual life.

"When you go out to war against your enemy." The simple understanding is going out to war – the Jewish people fighting their necessary battles. However, Chassidut emphasizes that the real war taking place is not the public, collective war of the Jewish people, rather it is the war of the individual Jew against their yeitzer hara, their evil inclination.

Every day there is a battle within the human psyche between that which is right and that which is the challenge. The true enemy is within and that is the battle we have every day.

But the battle spoken about in the verses are clearly talking about the physical, collective battle – how did the rabbis read the verses in such a different way?

The Jewish approach to our external mission begins with our internal mission. Everything begins from our internal, spiritual world. If you want to succeed in your collective mission, it has to begin with your internal world – what type of person are you, how are you dealing with the daily challenges of life.

If you win the daily battles against the yeitzer hara, trumping and triumphing your beliefs, values and moral compass against the regular, instinctive challenges of daily life, the battles from within should, and will, reflect themselves in success in the collective battles from without.

### Dvar Torah: TorahWeb.Org

Rabbi Zvi Sobolofsky

#### One Mitzvah Leads to Another

פְּרָשָׁת כַּי תַּזְאֵן presents two divergent trajectories in life to choose from. The פְּרָשָׁה 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 רְשָׁעָה. מְצֻוֹת comments on the natural progression from one מצוה to another; fulfillment of a relatively simple מצוה to perform, such as שִׁילּוּחַ הַקָּנָן (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

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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 for the beautiful garments one merits to wear.

וְלֹא מְצֻוֹת גָּוְרָתָ מְצֻוָּה – one leads to another, and equally true is the teaching that עֲבִירָה גָּוְרָתָ עֲבִירָה – one sin leads to another. Neither the nor the עֲבִירָה that precipitates the different chains of events in this פְּרָשָׁה are categorized as מצות המוראת מצוה – exceptionally strict commandments. The "עֲבִירָה" of taking the captive woman is not actually an עֲבִירָה 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 שליחת הַקָּנָן is categorized as a מְצֻוָּה – a "light" מְצֻוָּה. One would not have expected such a מְצֻוָּה to be a catalyst for an entire series of מצות to follow. לְלֹא מְצֻוֹת מְצֻוָּה instruct us to be careful with even the "light" מְצֻוֹת as we do not know the reward of any given מְצֻוָּה. לְלֹא מְצֻוֹת מְצֻוָּה continue to say that even such מְצֻוֹת can result in other מְצֻוֹת as part of the reward for any מְצֻוֹת is that it leads one down the path to perform others.

As we approach ראש השנה, the significance of even one עֲבִירָה or one מְצֻוָּה becomes even more apparent. The book of those whose נְבִירָה and נְבִירָתָה are equal is left open until יְמֵי כִּפּוּרִים, giving a person the opportunity to be inscribed in the book of the righteous. The הלכָה elaborates upon this statement of הַזְּהָבָה רַמְבָ"ם, as follows: every מְצֻוָּה 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 עֲבִירָה at this time can result in one no longer being a בִּנְנוּיָה – one who is neither a צדיק or רשע – and being written in the book of the wicked. Why is even one עֲבִירָה 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.

פְּרָשָׁת רְשָׁעָה in the beginning of the year take on a new meaning particularly at this time of the year. The בֶּן סָורֵר וּמָוֶרֶה – 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 נְדוֹן עַל שְׁם סָופִי – 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 ה'. 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 אַשְׁרָה. 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 קְלָות that can change our lives. מְצֻוָּה גָּוְרָתָ מְצֻוָּה can bring

us to new heights and transform us from being mediocre to becoming צדיקים גמורים בזינוגים.

**Torah.Org Dvar Torah**  
**by Rabbi Label Lam**

**The Same Voice**

If a man has a wayward and rebellious son, who does not listen to his father or his mother, and they chasten him, and [he still] does not listen to them, his father and his mother shall take hold of him and bring him out to the elders of his city, and to the gate of his place. And they shall say to the elders of his city, "This son of ours is wayward and rebellious; he does not listen to our voice; [he is] a glutton and a guzzler." And all the men of his city shall pelt him to death with stones, and he shall die. So shall you clear out the evil from among you, and all Israel will listen and fear. (Devarim 21:18-21)

To the under-initiated this all seems very archaic and brutal but we should know that the Talmud tells us that the preemptive execution of a wayward son never ever came to be and never will. The requirements are so narrow so as to make it almost impossible to carry out.

So, the giant question remains, "Why is there such a law?" An answer amongst many is: there valuable life lessons embedded therein. Let's look at one exemption briefly. The parents have to be able to declare that the child "did not listen to our voice". The Talmud learns that from here we see that both parents have to speak with the same voice. It's not likely that both have the same voice and so it's an easy way out of the punishment option.

We learn from this a critical point in parenting. In order to establish that it is entirely the child's fault and not the product of his upbringing then both parents need to speak with the same voice. An ideal in raising children is that a child should not get a mixed message. The parents should harmoniously support one another and agree on policy.

In a series of classes titled, "The Ten Commandments of Parenting" I use a practical example, an everyday dynamic for parents and kids that may help us understand what happens when parents fail to agree with each other publicly. The second commandment for parents is to "have a unified front". Don't let anybody, not even kids weave their way in and be a wedge between parents.

Little Chaim comes running into the house after school. He waves quickly and casually "Hi!" to his father who's planted there in his seat on the couch. Father stops Chaim and asks him where he's off to in such a hurry. Chaim informs his father that he's going to get his ball and his glove, his bat and his cleats and join the other guys out on the field.

Father shakes his head solemnly and reminds Chaim of their prior agreement. "Last night was your aunt's wedding and you were up late.

**Likutei Divrei Torah**

The deal was that tonight it would be homework, dinner and early bed!" Dad says firmly. Chaim slinks off deeply disappointed dragging his feet in protest and closing doors loudly. Five minutes later, though, that same sullen fellow goes running gleefully past his father in the other direction with all his baseball paraphernalia. "Where are you going?" booms Father, amazed at the temerity of his little son. With a confident smile Chaim replies, "I asked Mom and she said it's OK! as he scoots out. Chaim learned that the meaning of the word "NO". from one parent is a signal to look for a softer opinion and to sharpen his manipulation skills. "NO" doesn't mean "NO". It means "negotiation time". What's so bad?!

There are 248 action commandments and 365 prohibitive commandments. That means that there are many more things that we ought not to do than we ought to do to perfect ourselves. Imagine you are sending your child away for a year in Israel or to summer camp. The night before you sit down and have that loving parental conversation. You have a list of "always" and "nevers" you want to impart. Which list is longer and more emphatic!?

The risk of not learning the power of "NO" from parents is that it leads to a greater danger. The child is not practiced in saying "NO" to himself. It takes up no time or mental energy to refrain from not doing a forbidden act, when "NO" is "NO!" When "NO" equals negotiation, then "NO" triggers thoughts that possess the whole of his being. For sure it can be learned later but it may have to be learned the hard way. It is clearly his problem to deal with but it's not entirely his fault, if the parents are not speaking with the same voice.



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**Rabbi Moshe Taragin**  
**Geulas Yisrael #68 Ki teze**  
**The Color of redemption**

The mitzvah of tzizit is mentioned twice in the Torah. In parshat Ki teze, tzizit is embedded within an extensive list of seemingly unrelated mitzvot. The mitzvah of tzizit is implanted in a section of halachot pertaining travel, agricultural activity, house construction and, of course, personal clothing. It is an odd placement for the mitzvah of tzizit. We typically view tzizit as part of a ritual uniform. By situating tzizit within this broad list of human activity, the Torah underscores that mitzvot are all-pervasive. Religious experience isn't limited to the "house of study" or the prayer hall and it isn't confined solely to ritual ceremony. Hashem's will penetrates all

precincts of the human condition, including travel, industry, domestic activity and personal clothing. Nothing is devoid of Hashem's will. The "other" reference to tzizit appears in parshat Shelach, at a very depressing stage of history. We had arrived at the doorstep of Jewish history and were primed to enter the land of Hashem. Tragically, we slandered Israel, balked at this epic opportunity, and were sentenced to a 40-year detour through the hot deserts of Sinai. Looking to restore the people's faith in a redemptive future, Hashem delivered the mitzvah of tzizit. As the Torah articulates, tzizit elicits awareness of all mitzvot - 'ii niic5 נסח רכז' tzizit and, additionally, tzizit recall our Exodus from Mitzrayim. Something about this mitzvah stokes our redemptive vision.

An "all-access" color The blue dye of tchelet, mentioned in the "redemptive" tzizit section of Shelach, but omitted from the more technical section of Ki teze, is an evocative color. The gemara in Menachot (43b) claims that tchelet-blue evokes the azure blue of the ocean, which in turn, conjures the blue horizon of the sky, which itself, alludes to the blue sapphire base of Hashem's heavenly throne. Through the color of tchelet, aided by a little imagination, we can trace our way to the divine throne in heaven. After the meraglim debacle our entry to Israel was severely delayed, and our encounter with the heavenly city of Yerushalayim was deferred. Though we could not physically stand in Yerushalayim under the gates of heaven, we could still virtually gaze at the gates of heaven- through tchelet. The "tchelet ticket" to Yerushalayim wasn't just a consolation for that generation, but an opportunity for every Jew who could not visit the city they so deeply longed for. Even at a distance from the heavenly city we could always pray in her direction and additionally, could be transported to the gates of heaven through a quick glance at the blue strings of tzizit. Tchelet was a blue ticket back to Yerushalayim. Princely nobility Additionally, the tchelet blue dye showcases our lofty rank as Hashem's children. In antiquity this blue dye, extracted from the blood of sea-mollusks, was inordinately expensive. Cheaper dyes were harvested from plants or tree saps, but this luxurious and visually stunning pigment was animal-based. Being so pricey, it was reserved solely for the affluent and the noble. Stiff penalties were levied for illegal possession or illegal sporting of contraband tchelet. It was the aristocratic color of the upper. The politics of color were

quite rigid. Yet, every Jew wore four stringlets of tchelet upon each of their garments. We may not be affluent aristocracy, but we are all princely. As Hashem's selected children, we conduct ourselves with the class and dignity of our station. Tchelet dye always reminded us to conduct ourselves with the self-respect and pride of nobility.

Tchelet was our badge of honor. In the aftermath of the meraglim, this message was especially resonant. We may have betrayed our covenant with Hashem, and we may have been condemned to certain death. Yet, as far as we fell, we were still princes of history, chosen to represent Hashem in this world, and bearing tchelet dye reminded us of our noble mission.

A "Lost" color Sadly, for thousands of years we lost tchelet, and with that loss our ticket to heaven expired, and our token of Jewish nobility vanished. Ironically, the color which was intended to connect us to heaven and remind us of our inalienable nobility was lost to Jewish exile. For thousands of years, without access to tchelet, we maintained a shell-performance of the mitzvah. From a purely halachik standpoint the blue strings aren't crucial to the performance of the mitzvah. As the Mishnah in Menachot (38a) rules, tchelet strings aren't "me'akeiv", which means their absence from tzizit doesn't disable the mitzvah. For much of our exile, we fulfilled the kernel of the mitzvah even without tchelet. Even though the formal mitzvah wasn't diminished, the overall experience was clearly impacted. We lost our colorful ticket to heaven, and we lost our vivid reminder of Jewish nobility. Blue became yellow Tragically we didn't just forfeit the tchelet, but witnessed in horror, as our blue pride turned to yellow shame. As early as the eighth-century Jews were forced to wear demeaning badges -more often than not, colored yellow or faded white. This policy wasn't just a strategy to distinguish Jews from their neighbors, but was an attempt to humiliate Jews by forcing them to wear faded and colorless badges.

In an edict of 1215 Pope Innocent III justified the yellow badge policy based upon the mitzvah of tzizit: "we decree that such Jews .... in every Christian province ....shall be marked off in the eyes of the public from other peoples through the character of their dress. Particularly, since it may be read in the writings of Moses [Numbers 15:37-41], that this very law has been enjoined upon them."

What had once been a royal badge of sparkling blue had now deteriorated into a faded and yellowing badge of

embarrassment. The color schemes of the illustrious period of Jewish history were replaced with colors of debasement and subjugation. History was discolored. The return of blue As part of our return to Israel and our return to history we have resurrected our original badge of honor. In his redemptive essay entitled "Ikvia D'meshicha" (the Messianic era), the Chofetz Chaim claimed that, toward the end of history Jews will be particularly committed to the mitzvah of tzizit !! We have begun to express his prophecy! We have recovered the full spectrum of tzizit, once again combining blue and white strings in a complete mitzvah. Once again, we walk proud in this world, with the royal blue dye on our tzizit and on our national flag. Once again, we stand in Yerushalayim, gazing at our tchelet strings while glancing upward at the actual gates of heaven. The restoration of blue tchelet has dovetailed with the resurrection of Jewish history. Yellow has become blue, shame has become pride. We are back in blue.

A New color To this palette of history, we have inserted an additional color. First the first time in 1900 years since the defeat of Rabbi Akiva and Bar Kochba, we have restored the tradition of Jewish soldier-scholars. As a teacher in a hesder yeshiva, I am exhilarated by the prospect that I am part of the restoration of this lost tradition. What a zechut! As part of this shift, a new color has become synonymous with Jewish pride. Green uniforms of Israeli soldiers have become a symbol of national dreams and messianic hopes. For centuries we lived in abject terror of soldiers and policemen. We finally have a Jewish army to protect us, and Israeli soldiers dressed in army fatigues is a visual affirmation of the great shift in history. One of the most gratifying scenes in Israel is watching an Israeli soldier dressed in a green army uniform, wrapped in blue tchelet tzizit. History is closing and all the colors are merging. Green and blue have replaced yellow and white, and our world has become colored with redemption.

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from: TorahWeb <[torahweb@torahweb.org](mailto:torahweb@torahweb.org)>  
date: Sep 8, 2022, 11:15 AM  
subject: **Rabbi Hershel Schachter - Are our Sifrei Torah Kosher?**  
Rabbi Hershel Schachter  
Are our Sifrei Torah Kosher?  
Our tradition has it (Rambam, Hilchos Tefillah,

beginning of chapter 12) that Moshe Rabbeinu instituted the reading of the Torah on Mondays and Thursdays in addition to the reading on Shabbos and yom tov. The Rambam wrote in a teshuva that a kosher sefer Torah is not needed for the purpose of fulfilling this takanah deRabannan. However, in Mishneh Torah (beginning of chapter ten, Hilchos Sefer Torah) he writes that a kosher sefer Torah is needed for this purpose. Rav Yosef Karo, in his commentary on the Rambam (Kesef Mishna), quotes a teshuva by the Rashba which says that the Rambam had a change of mind on the matter, and the position presented in Mishneh Torah is the Rambam's later and final view. Halacha l'ma'aseh, Rav Yosef Karo, both in his commentary on the Tur (Beis Yosef) and on the Rambam, quotes his rebbe, Mahari Bei Rav, saying that l'chatchila one should only recite a beracha when leining from kosher sefer Torah. But b'dieved, e.g. if in the middle of the kriah one finds a mistake in the sefer Torah, one can rely on the original opinion of the Rambam and not reread the first part of the leining (from the second, kosher, sefer Torah which they would use in order to complete the sedra.)

Unlike Megillas Esther, where the halacha states that one can read from a Megillah which is missing a bit here and there as long as most of the text is intact, the Rambam's view regarding kashrus of a sefer Torah is that even if only one letter is missing, the sefer Torah is passul. Based on this position of the Rambam, the poskim have raised an issue regarding the kashrus of all sifrei Torah in the world because of one word in Parshas Ki Teitsei. There is a question regarding the correct spelling of the word "petzu'ah daka": should the word "daka" end with a hey or with an alef? If l'chatchila we follow the position of the Rambam in Mishneh Torah, then when there is no kosher sefer Torah available we ought not lein with berachos, based on the principle that safek berachos l'hakeil. However, this is obviously not the common practice!

The generally accepted answer seems to be the suggestion of the Minchas Chinuch, who writes that if a word is misspelled, even in only by one letter, then the sefer Torah is passul. (For example, if the name "Noach" was spelled with a final nun in the beginning or a chof at the end. Yiddish folklore speaks of misspelling "Noach" with seven mistakes!) However, even though the word was not written in the sefer Torah in accordance with the mesorah, as long as according to the dictionary there is no

error in the spelling, it is true that the sefer should be corrected but we would not declare it to be a possul sefer Torah. The word "daka" in Aramaic should end with an alef, while in Hebrew it should end with a hey, so either way we spell it there is not an error in the spelling, rather there is only a question as to whether the sefer Torah in front of us corresponds to the mesorah. Since that alone is not sufficient to passul the sefer, we all recite berachos on the kriah from all the sifrei Torah; b'dieved they are all kosher regardless of which spelling would be in accordance with the mesorah!

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from: **Rabbi Yissocher Frand** <ryfrand@torah.org> to: ravfrand@torah.org date: Sep 8, 2022, 10:43 AM  
Parshas Ki Seitzei

### **A Tzadik Has the Same Yetzer HaRah as Everyone Else, But...**

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Series on the weekly portion: #1303 – Is A Woman Allowed to Carry a Gun? Good Shabbos. Parshas Ki Seitzei begins with one of the more difficult sections of the Torah to understand: When someone goes to war and sees an Eshes Yefas Toar with whom he falls in love, the Torah allows him to take her as his wife (under various conditions and requirements, which we are not going to get into today). Basically, something which is incomprehensible to us is sanctioned by Torah law! This is a very strange halacha. Rashi explains: "The Torah is speaking here to handle the evil inclination." In a time of war, a person has these tayvahs, and the Torah reluctantly permits him to do something which, under normal circumstances, would certainly be forbidden.

What makes this even harder to understand is the context of how and when such a thing happens.

In last week's parsha, we learned that there are certain exemptions that prevent a person from being drafted into the Jewish army. The last of the exemptions is "the fearful and soft-hearted person shall go and return to his home" (Devorim 20:8). There are differing opinions as to what type of an individual is being exempted (Sotah 43a). According to at least one opinion, the fearful person here is not someone who is afraid of battle, but rather he is a G-d fearing person who is afraid that he will be punished at the Hand of G-d during the dangerous wartime scenario

because of aveiros he has committed. In fact, the Gemara says that this is the primary exemption, and that the other deferments (for new home owners, newlyweds, etc.) are only to provide “cover” for the person who is afraid of Divine punishment for his past aveiros.

The result of this is that the people in the Torah-prescribed Jewish army are virtually totally righteous individuals. This certainly magnifies our difficulty in understanding this parsha. Who are we talking about that the Torah found it necessary to permit marrying this woman with whom he falls in love with during war? We are talking about Tzadikim Gemurim! The Gemara in Sotah suggests the type of aveira for which such a deferment is granted: Someone who spoke between putting on his Hand Tefillin and his Head Tefillin! We are not dealing with Sabbath desecrators or those who consume non-Kosher meat. Becoming distracted in the midst of donning Tefillin is a relatively minor transgression.

How is it that such a fellow develops such an uncontrollable passion in the middle of a war? What happened to his tzidkus?

Rav Yakov Galinsky, a famous Maggid in Yerushalayim, explained this with a very important principle. We know that there are tzadikim and there are non-tzadikim. What makes a person into a tzadik as opposed to a regular person? People think that a tzadik conquers his Yetzer HaRah much easier than normal people. Normal people succumb to their Yetzer HaRah; the tzadik is stronger, is more principled, and he does not succumb.

Rav Yakov Galinsky said this is not true. The tzadik has as much trouble—if not more trouble—than the rest of us. So, what differentiates a tzadik from a non-tzadik? The answer is that the tzadik is careful not to put himself into situations that will tempt him to succumb. He knows when a situation involves spiritual danger. He could easily stumble and transgress. He therefore sets up fences and guardrails to keep himself away from those types of situations.

A tzadik does not have a stronger Yetzer Tov. He does not have more will power. He has the same will power as the non-tzadik, but he implements a plan to avoid aveiros. It is like dieting. What is the difference between people who are thin and people who are overweight? A person who knows he can’t gain weight or that he needs to diet, fills himself up with vegetables and salads before he goes

to a Chassanah so he is already half full. By the time he arrives at the wedding, he is not so hungry for the smorgasbord. He anticipates the fact that he will be in a tempting situation and takes preemptive action to ensure that he will not succumb to his natural inclination.

A person who is overweight does not take such preemptive action. He arrives at the Chassanah hungry and cannot help but say to himself: That looks so good! How can I pass that up? He eats it and he grows heavier. That is what it is all about.

So too, the tzadik has a plan. He takes preemptive action to avoid situations of temptation. However, this is all well and good under normal life circumstances. However, when someone goes out to war, he finds himself in an environment which he cannot control. Perhaps in his civilian life, he could set up certain boundaries that will ensure that he will not come into close contact with women, and certainly never be alone with them.

However, on the battlefield, he is not in control. “And you will see in captivity a beautiful woman...” Suddenly, he sees a beautiful woman and he is love-struck for her. How did this happen? It happened because in regular life, he was always careful not to put himself into those types of situations, but during a war, he can’t help himself. Therefore, even a Tzadik—the person who usually won’t even speak while donning his Tefillin—can succumb to the allure of an Eishes Yefas Toar.

Rav Galinsky remarked on the timeliness of this parsha always falling out a week or two before Rosh HaShanna. When a person makes a cheshbon ha’nefesh (internal reckoning) and asks himself “Why is this year going to be different than all other years?” he needs to be thinking about ensuring that he is not put into situations in which he nebech feels compromised such that he may not be able to overcome his Yetzer HaRah. It is the forethought and planning that prevents him from spiritually stumbling.

**The Torah Is Not Just Speaking About Lost Oxen and Cows**

The Baal HaTurim makes an interesting comment in our parsha on the pasuk regarding HaShavas Aveidah (V’Asafto el toch beisecha) (Devorim 22:2). When we find a lost object, we are instructed to “gather it” into our house. The Baal HaTurim says there are only two places in the entire Tanach where the word V’Asafto (meaning to gather in) appears with a vov at the end. One of them is

here by HaShavas Aveidah, and the other one is by Tzaraas (Melachim II 5:6).

The Baal HaTurim—as is his style—provides a connection between the two pesukim: The Gemara in Eruchin (16a) says that Tzaraas occurs as a result of Tzarei HaAyin (stinginess). “Can I borrow your lawnmower?” “It is broken.” “Can I borrow your folding chairs?” “I don’t have folding chairs.” The person always comes up with an excuse not to lend out his property. What does the Torah say happens to such a person? He gets House Tzaraas. He needs to take all his property outdoors when the Kohen pronounces the house tameh. Everyone will see that he has a working lawnmower, and he has plenty of folding chairs, etc., etc. The Torah is saying “V’Asafto el toch Beisecha”—if you keep all your utensils inside your house and you are afraid to lend them out, then you will wind up with the plague of Tzaraas and you will need to take out all your utensils, and you will be shown to be a stingy miser. This is what the Baal HaTurim writes.

I saw a very interesting pshat in the sefer Marpeh L’Nefesh from HaGaon Rav Refael Zilber, Av Beis Din of Freiman. Many meforshim, among them the Schach in his sefer on Taryag Mitzvos, say that even though the simple reading of this pasuk by HaShavas Aveidah is that a person needs to take the found “lost objects” into his house, there is another meaning here as well: A person must return a sinner to his proper state of being—meaning to return his nefesh (soul) to him by giving him appropriate rebuke when necessary. The Torah is not merely speaking about returning ball point pens or cows. The Torah is talking about returning human beings—souls!

In a similar vein, the Maharam Schick, in his Sefer HaMitzvos, writes that the Mitzvah of HaShavas Aveidah does not only include returning lost property, but it also includes returning a person’s body (i.e. – through healing) and kal v’Chomer, it includes returning a person’s spirituality (hashavas nafsho).

In fact, the Ohr HaChaim haKadosh is the most elaborate in emphasizing this idea, literally learning every part of the pasuk as referring to kiruv rechokim (bringing people back to religion and spirituality). It is really worthwhile to read it inside to see how he explains every phrase of these pesukim.

“When you see the ox of your fellow man” – This refers to people who are so far removed from a Torah lifestyle that they act like animals. They don’t know the difference between good and bad.

“Your fellow man” (achicha) – This refers to the Holy One Blessed Be He.

“Wandering lost” (nidachim) – As in V’Nidachta v’hishtachaveesa lahem (you are spiritually straying, and you will bow down to them (i.e., idols)) (Devorim 4:19). Regarding the pasuk “And if your brother is not close” the Ohr HaChaim (writing in the 1500 and 1600’s) says that this is referring to a time way off in the future. People strayed from Torah. They are wandering and lost. Hashem commands us “You shall gather these lost objects into your home.” (V’Asafta el toch beisecha). Take those people—drag them—into the Beis HaMedrash and teach them the Ways of Life (Orach Chaim) so that they shall be lost no longer.

According to the Ohr HaChaim, the pasuk is referring—at least homiletically—not to a lost cow or ox. It is referring to a lost person. You must find him and bring him into the House of Torah study.

The sefer Marpeh L’Nefesh uses this explanation of the Ohr HaChaim to connect the two expressions of V’Asafto pointed out by the Baal HaTurim. V’Asafto el toch Beisecha means take him into the Beis Medrash and thus “gather him in” from his Tzaraas affliction. Tzaraas is Tzaar Ayin—a very limited perspective of life. He thinks that what is important in life is making money, having pleasure, etc. He has a very narrow view of man’s purpose in this world. Take him into the Beis Medrash (v’Asafto) and you will heal him from his Tzaraas Ayin, his limited perspective and his warped view of the world. A Message Hidden in Sofei Teivos Rather Than Roshei Teivos

Finally, I wish to share one last comment from the Baal HaTurim. If you have to speak at a 40th or 50th wedding anniversary – this is a perfect vort.

The Torah provides a draft deferment for the newlywed soldier—“He shall be totally devoted to his house for a complete year” (Devorim 24:5). The Baal HaTurim notes that the last letter of the words in this pasuk (Naki Yiheyeh l’Beiso Shana (Achas)) spells out the ineffable Name of Hashem—Yud, Hay, Vov, Hay. The Torah is hinting here that the purpose of giving newlyweds an initial year of complete dedication to one another is so

that the Divine Presence (Shechina) should reside in their midst.

The question is: Why is this allusion contained in the last letter of each word (Sofei Teivos)? Why is it not alluded to in the first letter of each word (Roshei Teivos)?

Perhaps this alludes to the following: Yes, in the early years of one's marriage people get along. Honeymoons are great. At that point, it is rather easy to create an environment of Shalom Bayis, where the Shechina is Shruyah Beineihem (the Divine Presence resides in their midst). The challenge is Sofei Teivos! When people have been married for quite some time—his idiosyncrasies drive her crazy and her idiosyncrasies drive him crazy. The respective parties of the marriage are perhaps not so particular that it should be such a loving relationship anymore.

That is why the pasuk emphasizes that the Shechina's presence should be perceived in a marriage through Sofei Teivos and not only through Roshei Teivos. For this reason, the name of Hashem is spelled out at the end of the words rather than at the beginning.

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Edited by Dovid Hoffman; Baltimore, MD [dhoffman@torah.org](mailto:dhoffman@torah.org) This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Series on the weekly Torah portion. A listing of the halachic portions for Parshas Ki Seitzei is provided below: #020 – Non-Halachic Marriage Ceremonies #065 – Polygamy and the Cherem of Rabbeinu Gershom #110 – Mamzeirus: Possible Solutions? #156 – Reconciling Divergent Customs Between Husband and Wife #203 – The Pre-War "Get" #250 – The Mitzvah of Ma'akeh #293 – "Get Me'useh": The Prohibition of the "Forced Get" #339 – Shana Reshona: The First Year of Marriage #383 – The Mitzvah of Burial #427 – Trying on Suits that May Have Shatnes #471 – Autopsies on Non-Jews #515 – Women Wearing Men's Clothing #559 – The Double Portion of the Be'chor #603 – Burying a Rasha Next to a Tzadik #647 – Ramps and Stages – Do They Need a Maakeh? #691 – Chassanah Minhagim #735 – Brachos in a Bathroom? #779 – Shehecheyanu at a Chasuna #823 – Tzar Ba'al Hachayim – Does It Apply to People? #867 – Dying Hair For Men – Asur or Mutar? #911 – Returning a Lost Pacifier #955 – The Un-Cancelled Stamp – Can You Re-use it? #998 – Making a Bracha for Building a Ma'akeh? #1042 – Dressing Up As A Woman for Chasunah Dancing and on Purim? #1086 – A Bracha for Shiluach Hakein? #1129 – The Ani Who Picked Up Your \$20 bill #1171 – Dating Someone Before You Are Divorced? #1259 – Shiluach Hakain – On Shabbos? From Your Back Porch? #1303 – Is A Woman Allowed to Carry a Gun? #1347 – The Case of the Frail Grandfather and the Bracha Under the Chupa #1391 – Shalom Aleichem – Before or After Kiddush? #1435 – Paying a Worker on Time- A Mitzva De'oraisah A complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail [tapes@yadyechiel.org](mailto:tapes@yadyechiel.org) or visit <http://www.yadyechiel.org/> for further information. Rav Frand © 2022 by Torah.org. support Do you have a question or comment? Feel free to contact us on our website. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org> to get your own free copy of this mailing or subscribe to the series of your choice. Need to change or stop your subscription? Please visit

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to: [targumim@torah.org](mailto:targumim@torah.org) date: Sep 8, 2022, 10:04 AM subject: Parshas Ki Seitzei - Reb Yeruchem

Taking Stock

Based on Daas Torah, by **Rav Yeruchem Levovitz zt"**  
You shall bring her into your house. She shall shave her head, and let her nails grow.[2]

Rashi explains: The Torah arranges for the star-struck soldier to constantly encounter her in her least attractive state. Hence, he brings her into his home, where he will constantly run into her looking disheveled and unkempt – decidedly not glamorous. The Torah aims to cool his ardor by repeatedly exposing him to her less desirable aspects, hoping that he will lose romantic interest in her.

This seems to us like a clever way – we would expect nothing less from the Torah! – to deal with the difficult challenges that a soldier faces in wartime, and of little relevance to the rest of us non-combatants. But this would be missing the point entirely. The section of yefas to'ar places an extraordinary obligation upon all of us. The Torah indicates that it doesn't limit its teaching to the "usual" conditions of Man. The Torah has something to say about the non-typical situations as well. And it obligates Man to take honest stock of those situations, and seek the Torah's counsel.

Many people – to their credit – create finely-tuned schedules for themselves, through which they maximize their learning time, and provide the best conditions for their davening. Should they find themselves on the road, however, they founder. They are so accustomed to their routine, that when forced to operate outside of it, they tell themselves that they simply can't do a good job. Learning and davening will have to suffer until they can return to their "normal."

Our parshah tells us that this is an error. The soldier is us. We are all soldiers engaged in battle with the yetzer hora. Sometimes his weapons are predictable. At other times, he deploys surprise and cunning, and catches us off guard. Our first response has to be that the Torah provides advice for these conditions as well.

Chazal[3] teach us how to deal with an upwelling of ta'avah. If a person finds that his yetzer hora has taken hold of him, and he finds himself unsuccessful in resisting, he should dress himself in black and go to a place where no one recognizes him and sin there. This effectively provides two lines of defense. First, he may lose interest in the aveirah if he has to put himself

through so much trouble. Second, even if he succumbs, he minimizes the chilul Hashem when no one knows him. “Gehinom is cooled for one who recites krias Shma and is meticulous in the pronunciation of all its letters.”[4] Gehinom is a terrible place; cooling it down for someone who is already there is also an accomplishment. The Torah addresses itself even to the person doing time in the place he didn’t want to be. There is no respite from the war with the yetzer hora, even in times of weakness and failure. We are always, always expected to have a strategy of how to fight back. First and foremost, must be acute self-awareness under all circumstances. A person must know who he is, and where he stands. If a person is swept away by a strong current, with no idea how to save himself, he still possesses the advantage that he knows that he is in desperate straits. He is far better off than the person who doesn’t even realize that he is being carried out to sea.

The Torah will always have something to say to the person who is trying to deal with his mission in life and with its struggles. Not so for the person who has stopped dealing. He has taken himself outside of the boundaries of what Man is supposed to be.

1. Based on Daas Torah, by Rav Yeruchem Levovitz zt”l, Devarim v.2 pgs. 1-4 ↑ 2. Devarim 21:12 ↑ 3. Kiddushin 40a ↑ 4. Berachos 15b ↑

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from: Shabbat Shalom <shabbatshalom@ounetwork.org> date: Sep 8, 2022, 9:35 PM

### Rabbi Sacks on Parsha

#### To the Third and Fourth Generations

Rabbi Lord Jonathan Sacks ztz"l

There is, on the face of it, a fundamental contradiction in the Torah. On the one hand we hear, in the passage known as the Thirteen Attributes of Mercy, the following words:

The Lord, the Lord, compassionate and gracious God, slow to anger, abounding in loving-kindness and truth ... but who does not acquit the guilty, holding descendants to account for the sins of the fathers, children and grandchildren to the third and fourth generation.” Ex. 34:7

The implication is clear. Children suffer for the sins of their parents. On the other hand, we read in this week’s parsha: Parents shall not to be put to death for their children, nor shall children be put to death for their parents. A person shall be put to death only for their own sin. Deut. 24:16

The book of Kings records a historic event when this principle proved decisive.

When Amaziah was well-established as king, he executed the officials who had assassinated his father. However, he did not kill the children of the assassins, for he obeyed the command of the Lord as written by Moses in the Book of the Law: ‘Parents shall not to be put to death for their children, nor shall children

be put to death for their parents. A person shall be put to death only for their own sin.’ 2 Kings 14:5-6

There is an obvious resolution. The first statement refers to Divine justice, “at the hands of Heaven.” The second, in Deuteronomy, refers to human justice as administered in a court of law. How can mere mortals decide the extent to which one person’s crime was induced by the influence of others? Clearly the judicial process must limit itself to the observable facts. The person who committed the crime is guilty. Those who may have shaped his character are not.

Yet the matter is not so simple, because we find Jeremiah and Ezekiel, the two great prophets of exile in the sixth century BCE, restating the principle of individual responsibility in strong and strikingly similar ways. Jeremiah says:

In those days people will no longer say, ‘The parents have eaten sour grapes, and the children’s teeth are set on edge.’ Instead, everyone will die for their own sin; whoever eats sour grapes – their own teeth will be set on edge. Jer. 31:29-30

Ezekiel says:

The word of the Lord came to me: “What do you people mean by quoting this proverb about the Land of Israel: ‘The parents eat sour grapes, and the children’s teeth are set on edge’? As surely as I live,” declares the Sovereign Lord, “you will no longer quote this proverb in Israel. For everyone belongs to Me, the parent as well as the child – both alike belong to me. The one who sins is the one who will die.” Ezekiel 18:1-4

Here the prophets were not speaking about judicial procedures and legal responsibility. They are talking about Divine judgment and justice. They were giving the people hope at one of the lowest points in Jewish history: the Babylonian conquest and the destruction of the First Temple. The people, sitting and weeping by the waters of Babylon, might have given up hope altogether. They were being judged for the failings of their ancestors that had brought the nation to this desperate plight, and their exile seemed to stretch endlessly into the future.

Ezekiel, in his vision of the valley of dry bones, hears God reporting that the people were saying, “Our bones are dried up, our hope is lost.” (Ezek. 37:11) He and Jeremiah were counselling against despair. The people’s future was in their own hands. If they returned to God, God would return to them and bring them back to their land. The guilt of previous generations would not be attached to them.

But, if this is so, then the words of Jeremiah and Ezekiel really do conflict with the idea that God punishes sins to the third and fourth generation. Recognising this, the Talmud makes a remarkable statement:

Said R. Yose b. Hanina: Our master, Moses, pronounced four [adverse] sentences on Israel, but four prophets came and revoked them ... Moses said the Lord punishes the children and their children for the sin of the parents to the third and fourth

generation. Ezekiel came and declared, “The one who sins is the one who will die.” Makkot 2b

In general the Sages rejected the idea that children could be punished, even at the hands of Heaven, for the sins of their parents. As a result, they systematically re-interpreted every passage that gave the opposite impression, that children were indeed being punished for their parents’ sins. Their general position was this:

Are not children then to be put to death for the sins committed by their parents? Is it not written, “Visiting the iniquities of the fathers upon the children”? – There the reference is to children who follow in their parents’ footsteps [literally “seize their parents’ deeds in their hands,” i.e. commit the same sins themselves]. Brachot 7a, Sanhedrin 27b

Specifically, they explained biblical episodes in which children were punished along with their parents by saying that in these cases the children “had the power to protest/prevent their parents from sinning, but they failed to do so.” (Sanhedrin 27b; Yalkut Shimon, I:290) As Maimonides says, whoever has the power of preventing someone from committing a sin but does not do so, he is seized (i.e., punished, held responsible) for that sin.[1]

Did, then, the idea of individual responsibility come late to Judaism, as some scholars argue? This is highly unlikely. During the rebellion of Korach, when God threatened to destroy the people, Moses said, “Shall one man sin and will You be angry with the whole congregation?” (Num. 16:22) When people began dying after King David had sinned by instituting a census, he prayed to God: “I have sinned. I, the shepherd, have done wrong. These are but sheep. What have they done? Let Your hand fall on me and my family.” (II Sam. 24:17) The principle of individual responsibility is fundamental to Judaism, as it was to other cultures in the ancient Near East.[2]

Rather, what is at stake is the deep understanding of the scope of responsibility we bear if we take seriously our roles as parents, neighbours, townspeople, citizens, and children of the covenant. Judicially, only the criminal is responsible for his crime. But, implies the Torah, we are also our brother’s keeper. We share collective responsibility for the moral and spiritual health of society. “All Israel,” said the Sages, “are responsible for one another.” Legal responsibility is one thing, and relatively easy to define. But moral responsibility is something altogether larger, if necessarily more vague. “Let a person not say, ‘I have not sinned, and if someone else commits a sin, that is a matter between him and God.’ This is contrary to the Torah,” writes Maimonides in the Sefer ha-Mitzvot.[3] This is particularly so when it comes to the relationship between parents and children. Abraham was chosen, says the Torah, solely so that “he will instruct his children and his household after him to keep the way of the Lord by doing what

is right and just.” (Gen. 18:19) The duty of parents to teach their children is fundamental to Judaism. It appears in both the first two paragraphs of the Shema, as well as the various passages cited in the “Four Sons” section of the Haggadah. Maimonides counts as one of the gravest of all sins – so serious that God does not give us an opportunity to repent – “one who sees his son falling into bad ways and does not stop him.” The reason, he says, is that “since his son is under his authority, had he stopped him the son would have desisted.” Therefore it is accounted to the father as if he had actively caused his son to sin.[4]

If so, then we begin to hear the challenging truth in the Thirteen Attributes of Mercy. To be sure, we are not legally responsible for the sins of either our parents or our children. But in a deeper, more amorphous sense, what we do and how we live do have an effect on the future to the third and fourth generation. Rarely has that effect been more devastatingly described than in recent books by two of America’s most insightful social critics: Charles Murray of the American Enterprise Institute, and Robert Putnam of Harvard. Notwithstanding their vastly different approaches to politics, Murray in Coming Apart and Putnam in Our Kids have issued essentially the same prophetic warning of a social catastrophe in the making. For Putnam, “the American dream” is “in crisis”.[5] For Murray, the division of the United States into two classes with ever decreasing mobility between them “will end what has made America America.”[6] Their argument is roughly this, that at a certain point, in the late 1950s or early 1960s, a whole series of institutions and moral codes began to dissolve. Marriage was devalued. Families began to fracture. More and more children grew up without stable association with their biological parents. New forms of child poverty began to appear, as well as social dysfunctions such as drug and alcohol abuse, teenage pregnancies and crime and unemployment in low-income areas. Over time, an upper class pulled back from the brink, and is now intensively preparing its children for high achievement, while on the other side of the tracks children are growing up with little hope for educational, social, and occupational success. The American Dream of opportunity for all is wearing thin.

What makes this development so tragic is that, for a moment, people forgot the biblical truth that what we do does not affect us alone. It will affect our children to the third and fourth generation. Even the greatest libertarian of modern times, John Stuart Mill, was emphatic on the responsibilities of parenthood. He wrote

The fact itself, of causing the existence of a human being, is one of the most responsible actions in the range of human life. To undertake this responsibility – to bestow a life which may be either a curse or a blessing – unless the being on whom it is to be bestowed will have at least the ordinary chances of a desirable existence, is a crime against that being.[7]

If we fail to honour our responsibilities as parents, then – though no law will hold us responsible – society's children will pay the price. They will suffer because of our sins.

[1] Hilchot Deot 6:7. [2] See Yehezkel Kaufmann, *The Religion of Israel*, New York, Schocken, 1972, pp. 329-333.

[3] Sefer ha-Mitzvot, positive command 205. [4] Hilchot Teshuvah 4:1. The reference is of course to a son under the age of thirteen. [5] Robert Putnam, *Our Kids: The American Dream in Crisis* (New York: Simon & Schuster, 2015). [6] Charles Murray, *Coming Apart: The State of White America, 1960–2010* (New York: Crown Forum, 2012), p. 11. [7] *On Liberty and Other Writings*, ed. Stefan Collini (New York: Cambridge University Press, 1989), p. 117. Rabbi Lord Jonathan Sacks ztz"l was a global religious leader, philosopher, the author of more than 25 books, and the moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks, please visit [www.rabbisacks.org](http://www.rabbisacks.org).

from: Rabbi YY Jacobson <rabbiy@theyeshiva.net> reply-to: info@theyeshiva.net date: Sep 8, 2022, 8:35 PM subject: A Tale of Two Spouses - Essay by Rabbi YY

## A Tale of Two Spouses

### Struggling with My Challenging Parts Brings Me a Double Portion of Light

By: Rabbi YY Jacobson

Who's Doing the Talking?

"Does marriage change one's personality?" Greg asked his buddy Mike.

"In a way," says Mike. "You see, when I was engaged, I did most of the talking and she did most of the listening. When we just got married she did most of the talking and I did most of the listening.

"Now we both do most of the talking and the neighbors do all of the listening."

## Firstborn Rights

This week's Torah portion (Ki Seitzei) states the following law[1]:

"If a man will have two wives, one beloved and one unloved, and both the loved and unloved wives have sons, and the firstborn son is that of the unloved one; on the day that this man wills his property to his sons, he cannot give the son of the beloved wife birthright preference above the son of the unloved wife, the firstborn.

"Rather, he must recognize the firstborn, the son of the unloved one, to give him the double portion in all his property."

On the most literal level, these verses mandate that a firstborn son shall inherit a double portion of his father's estate, while each subsequent son shall inherit an equal portion of the property. A father does not have the power to bequeath the

double portion reserved for the firstborn to one of the other sons he loves, and any attempt to do so is ignored by Jewish law.

As the Talmud makes clear[2], a person is certainly empowered to distribute his entire estate to one of the other sons (or to any other individual for that matter), as long as he conveys it as a gift. But if he chooses to bequeath the estate to one of the sons as an inheritance and so deny his firstborn son's rights as a natural heir, then the father's attempt has no legal validity in the Jewish judicial system[3].

What is disturbing, however, is the Torah's need to state the point via a negative example of a man who loves one of his wives and loathes the other. Why was it necessary to use a crude and offensive illustration in order to make the simple point that the firstborn son is entitled to a double portion of the inheritance regardless of the father's preferences?

## A Spiritual Manual

One of the essential factors to bear in mind during Torah study is the idea that each mitzvah, law, and episode described in the Torah contains—in addition to its physical and concrete interpretation—a psychological and spiritual dimension as well[4]. In his commentary on the Torah, 13th-century Spanish sage, Nachmanides, writes[5]: "The Torah discusses the physical reality, but it alludes to the world of the spirit." Another great Kabbalist went even further. 17th-century mystic Rabbi Menachem Azaryah of Fano (in Italy) states that "The Torah discusses the spiritual reality, and it alludes to the physical world[6]."

The stories and laws in the Torah ought to be understood first and foremost as events and laws in the spiritual realm, and this is actually the primary method of Torah interpretation. But in its communication of spiritual truths, the Torah also lends itself to be interpreted in a physical and concrete fashion.

What then is the spiritual meaning of the seemingly coarse description of "a man who will have two wives, one beloved and one unloved, and both the loved and unloved wives have sons, and the firstborn son is that of the hated one"? How are we to understand this in the universe of the spirit?

## The Struggling Vs. the Romantic Soul

Judaism teaches that the relationship between each husband and wife reflects the cosmic relationship between G-d (the Groom) and the Jewish people (the Bride). The entire book "Song of Songs" by King Solomon is based on the notion that our human relationships are capable of reflecting the Divine marriage with Israel[7].

There are two types of people who enter into a marriage with G-d: the "beloved spouse" and the "unloved spouse." The "beloved spouse" represents those individuals who enjoy a continuous romance with G-d. Their souls are overflowing with spiritual ecstasy, selfless idealism, and fiery inspiration. They cannot stop loving G-d, and G-d cannot stop loving them. On

the other end of the spectrum stand the "despised spouses," people possessing numerous qualities that can easily be spurned: immoral urges, depressing feelings, vulgar passions, ugly temptations, and angry sensations.

These are the people whose hearts are not always ablaze with love toward the Divine oneness of reality; their marriage to their Divine soul is a struggle. Their psyches vibrate with paradox. Throughout their life, they must battle not to become a victim of challenging instincts and cravings [8].

The Torah teaches us that G-d's "firstborn son" may very well come not from His union with the beloved spouse but rather from His relationship with the despised spouse[9]. The spiritual harvest that a struggling human being produces as a result of his or her tumultuous romance with G-d, may often be far deeper and more powerful than that of the spiritually serene person.

Working with all the parts in my brain and heart, discovering the goodness deeply hidden in all of my emotions and dispositions, brings me to a much deeper space of oneness and love [10]. The morality and the integrity that emerges from the midst of my confronting daily the parts of me that seem so loathsome contain a unique depth and splendor not possessed by the straightforward saintly path.

Thus, "On the day that He wills His property to His sons, He cannot give the son of the beloved wife birthright preference above the son of the hated wife, the firstborn. Rather, He must recognize the firstborn, the son of the hated one, to give him the double portion in all His property." On a spiritual level, this means, that on the day that Moshiach will come, when humanity will finally taste the full-Divinity in the world--and when I discover the Moshiach consciousness in my own intimate life--a "double portion" of G-dliness will be revealed in the arduous labor and sweat of the individual who never stopped fighting for his soul.

#### During the Struggle

You might recall the moving poem written by a profound heart: One night I had a dream. I dreamed I was walking along the beach with G-d. Many scenes from my life flashed across the sky. In each scene, I noticed footprints in the sand.

Sometimes there were two sets of footprints, other times there was only one.

I noticed that during the low periods of my life, when I was suffering from anguish, sorrow or defeat, I could see only one set of footprints. So I said to G-d, "You promised me, Lord, that you would walk with me always. But I have noticed that during the most difficult times of my life, there has only been one set of footprints in the sand. Why, when I needed you most, you were not there for me?"

G-d replied, "My precious child, I love you, and would never leave you. The times when you saw only one set of footprints, was when I was carrying you."

(This essay is based on a discourse by Rabbi Schneur Zalman of Liadi delivered in 1793[11]).(Please make even a small and secure contribution to help us continue our work. Click [here](#).)

[1] Deuteronomy 21:15-17. [2] Mishnah Baba Basra 126b. Cf. Rambam Hilchos Nachalos chapter 6; Tur and Shulchan Aruch, Choshen Mishpat section 281; Sefer Hachinuch Mitzvah 400. [3] For an explanation of this law see Sefer HaChinuch ibid. [4] See Likkutei Sichos vol. 23 pp. 37-38 and references noted there. [5] At the conclusion of his commentary to Genesis 1:1. [6] Asarah Maamaros Maammar Chekur Din 3:22. [7] Cf. Rambam Laws of Teshuvah chapter 10. [8] See Tanya chapter 27 for an elaborate discussion of these two types of souls. [9] See Tanya ibid. Cf. Likkutei Sichos vol. 20 pp. 108-115 that this constituted the essential distinction between the souls of Jacob and his twin brother Esau and this was the superior potential of Esau's soul, for which reason Isaac desired to grant him his blessings. This fits well with Or Hatorah Ki Seitzei (vol. 6 p. 2359) where the author explains that the "two wives" discussed in this week's portion reflect the spirits of Jacob and Esau. [10] Cf. Or Hachaim on the verse, who explains on the literal level, that the Torah is promising the firstborn son to the unloved wife. [11] Maamarei Admur Hazaken Haktzarim pp. 118-119 (for the date of this discourse -- see footnote there). See also Likkutei Torah Seitzei pp. 37-38 and Or Hatorah quoted in footnote # 9 for a similar explanation on the subject.

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from: Rav Immanuel Bernstein  
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date: Sep 8, 2022, 7:00 AM

subject: Dimensions in Ki Seitzei

#### DIMENSIONS IN CHUMASH

#### Ki Seitzei - The Ben Sorer U'Moreh

One of the mitzvos in the opening section of the parsha is the ben sorer u'moreh (the wayward and rebellious son). The verse describes his situation as "אִינֶנוּ שָׁמַע בְּקוֹל אָבִיו וּבְקוֹל אָמוֹן יִשְׁרָרוּ אֹתוֹ – he does not listen to his father or mother, they chastise him but he does not heed them... a glutton and a drunkard,"[1] and commands that he be stoned to death. The Talmud[2] states that there was never in fact a case of a ben sorer u'moreh, as the number of technical halachic requirements for him to be convicted practically guaranty that it will never happen. The Gemara asks: Why then was this section written in the Torah? To this, the Gemara responds: In order to expound upon it and receive reward.

This answer is somewhat enigmatic. Are there not plenty of other mitzvos which do have practical application that one could also receive reward for expounding upon? Why do we need another mitzvah which exists only for purposes of exposition? However, more intriguing still is the next line in the Gemara, which records R' Yochanan as saying that he, in fact, sat by the grave of a ben sorer u'moreh. It turns out that

the question of whether there was ever a case of this sort is the subject of a dispute, but what type of dispute is this? Presumably there either was or was not such case! Rabbeinu Bachye addresses this question and explains that although it seems as if these two statements are arguing with each other, in reality there is no argument. Yet this comment is even more intriguing, for these two statements certainly look like they are in conflict. What is the meaning of then saying that they are not actually conflicting?

The Chasam Sofer explains. The problem with a ben soror u'moreh is that, having developed expensive and addictive habits, for which he steals from his parents, he is likely to turn to other sources of funding when his parents' money runs out, and will likely stop at nothing – including bloodshed – to get what he craves and needs. The pure response to this issue is presented by the Torah: kill him before that happens. Now, the Torah does not require that we actually kill a thirteen-year-old child, but it is alerting us to what is likely to happen when he grows up. This is what Rabbeinu Bachye means when he says the two statements of the Gemara are not in conflict. When the first statement says that there was never a case of ben soror u'moreh, it means no child was ever convicted and executed as such by a Jewish court. When R' Yochanan says that he sat by the grave of such a child, he is referring to that child who then grew up, continued along his addictive path and was killed, not at thirteen by the beis din, but at eighteen in an alleyway.

The goal of this parsha is, as the Gemara says, to “expound and receive reward.” This does not just refer to the reward for Torah study – for which the other mitzvos would also suffice – but the reward from being vigilant in ensuring that our children do not get into such a situation in the first place.

#### Mitzvos and Values – Returning Lost Property

לَا تִرְאَ אֶת שׂוֹר אֲחִיךְ אָז שָׁוֹר גָּנוּחִים וְהַתְּعַלְּמָתָה מֵהֶם קַשְׁבֵּן תַּשִּׁיבֵם  
לְאֲחִיךְ... וְכֹן פָּעָשָׂה לְכָל אֲבָדָת אֲחִיךְ אֲשֶׁר תִּאְכַּד מִנְפָּנוֹ וְמִצְאָתָה לֹא תִּכְלֶל לְהַתְּعַלְּמָתָה.

You shall not see the ox of your brother or his sheep wandering and ignore them; you shall surely return them to your brother... And so you shall do for any lost item of your brother that may become lost from him; you may not ignore it.[3]

These verses deal with the well-known mitzvah of hashavas aveidah – returning lost property. The Alshich raises some fascinating questions regarding the nuances of the Torah’s presentation of this mitzvah.

The opening prohibition seems overly wordy, for it says “**לֹא תִּרְאָה אֶת שׂוֹר אֲחִיךְ אָז שָׁוֹר גָּנוּחִים וְהַתְּعַלְּמָתָה** – You shall not see... and ignore them.” By definition, ignoring something involves seeing it, in which case the verse could simply have said “You shall not ignore the ox of your brother etc.”

The double phrasing of the command, “**לֹא תִּשְׁבַּב תַּשִּׁיבֵם**” is commonly translated as “You shall surely return them.” This is

somewhat difficult. If the verse had only said “**תַּשִּׁיבֵם**” — You shall return them,” would we have thought that it isn’t sure? Almost all mitzvos are written with just one word, and yet the Torah is quite sure that we need to do them. What then, is the meaning behind the double expression?

The final verse ends with the words “**לֹא תִּכְלֶל לְהַתְּعַלְּמָתָה**”, which literally means, “You cannot ignore it.” Of course, we know that a person can ignore it; it is just that the Torah does not allow him to. If so, why not just say “**לֹא תִּתְعַלְּמָתָה**” — Do not ignore it,” the way most prohibitions are phrased?

The Alshich explains. The mitzvah of returning lost property is one which is very easy to relate to. It is a wonderful act of kindness to reunite someone with their property, who otherwise may never have seen it again. However, as easy as it is to relate to it, is also very easy not to do it. Returning lost property can sometimes be inconvenient, taking one out of one’s way, and we are all very busy people. To avoid this mitzvah is also remarkably easy — all one needs to do is ignore the lost object. Ignoring things that are inconvenient for one to see is a human specialty. It is possible to ignore the object because one is on his way to a business meeting, a get-together with friends or, for that matter, a conference on ethics, including one devoted to the topic of having regard for other people’s property!

This aspect of human nature is addressed in the first verse which states “**לֹא תִּרְאָה**”, which we noted seems somewhat redundant, and which literally means, “You will ignore it.” This is the Torah telling the person that, left to his own devices, he will ignore the object, and the highly celebrated and much admired value of returning lost property will remain forever extrinsic to his being. Thus, the Torah commands to give it back using the double phrase “**לֹא תִּשְׁבַּב תַּשִּׁיבֵם**”. The difference between these two words is that the first word, **בַּבָּ**, is a command form — “give it back”; whereas the second word, **תִּשְׁבַּב**, is a descriptive form — “you will give it back.” These two words make up the educational process of this mitzvah, whereby initially the Torah commands the person to return it and, after heeding that command enough times, the person then naturally comes to return it. The transition from **בַּבָּ** as command to **תִּשְׁבַּב** as description represents the transition of this value from one’s ethical lexicon to one’s moral makeup. The end result of all this is described in the final phrase, “**לֹא תִּכְלֶל לְהַתְּعַלְּמָתָה**”, which as we noted literally means, “You are unable to ignore it.” This is the transformational result of the process of fulfilling this mitzvah. Prior to doing the mitzvah, you may have been incapable of seeing the object. Having trained yourself through the mitzvah, you are now incapable of ignoring it!

[1] Devarim 21:18, 20. [2] Sanhedrin 71a. [3] Devarim 22:1-3  
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### Rabbi Reisman - Parshas Shoftim 5768

ט לא-תִּפְאַה מִשְׁפָּט, לֹא תִּפְרַע פְּנִים; וְלֹא-תִּקְחֵחַ שְׁנָדָךְ עַזְוָר 16:19  
In the beginning of the Parsha we find the Issur of taking Shochad (bribery) which is already mentioned in Parshas Mishpatim. The Chazon Ish in his Sefer Emunah Bitachon has an incredible Chiddush in Maamor 3 Perek 30 which is not well known.

He says the warning of taking a bribe in not one of the Mishpitai Hatorah, meaning it is not one of the Dinim that are Mistaver, it is a Chok. What he is talking about is not taking a bribe to judge unfavorably, however, he is talking about taking a bribe and pledging to judge properly. Nevertheless, that is called Shochad because as the Posuk says כי הַשְׁנָדָךְ יַעֲזֵר עַזְוָר חֲקָמִים the fact is when someone gives you something you are going to judge on his behalf. He says, Chas V'shalom. We are not suspect that the judges will impart judgment based on receiving a bribe, however, it is a Chok.

He brings 2 Rayas. The first is from Dinei Issur V'heter. A poor person is allowed to Pasken if a piece of meat is Kosher or Treif even though if it is Treif he may not have anything to eat. Nevertheless there is no Issur for a person to Pasken Dinei Issur V'heter on himself. You see from here that even though there is Negiyos that there is no Chashad that a Chochom B'yisrael will change the Din.

The second Raya is from Dinei Mamon, Avid Inish Dinei L'nafshi, a person is permitted to take the law into his own hands based on his Yediya. Now of course for a Poshite Yid we say to be careful as you may do things improperly. Nevertheless, the Shulchan Aruch says that someone who is sure that he is Paskening correctly that Avid Inish Dinei L'nafshi.

The Chazon Ish says that it is a Chok. Ai the Posuk says that כי הַשְׁנָדָךְ יַעֲזֵר עַזְוָר חֲקָמִים? So the Chazon Ish says that just like

Traifos are Metamtem Es Haleiv, it is a Chok. So the same thing here, it is in the Metziyos of the world that the Koach of Tumah of taking Shochad can end up making you Pasken incorrectly. Not because in exchange of the favor he will change the Din, Chalila, but it is Metamteim the heart and makes a person judge not properly. This is what the Chazon Ish writes. Avada it is a Chiddush Atzum and the other Sifrei Machshava do not say this way. They say that a person who accepts bribes has no control over himself and judges based on his own bias.

However, L'mayseh his Raya is a good Raya. Why by Treifos can a person Pasken and by Dinei Mamon we have Avid Inish Dinei L'nafshi. He brings good Rayas?

Rav Pam said a Vort that would answer the Kasha in Baltimore at the Chanukas Habayis of Ner Yisrael in the 1960's and he said that after saying this Machshava that Rav Ruderman came over to him and complimented him very warmly that it was Mechavein Al Ha'emes.

Rav Pam's Yesod was the following. When Gedolei Yisrael make mistakes, it is not because of a Zilzul in their Koach Hayosher, but because of the strength of Koach of Hakaras Hatov. He spoke about Yitzchok, that Yitzchok favored Eisav, (Beraishis 25:28) וַיַּאֲהַב יִצְחָק אֶת-עַשְׂרָה, כִּי-צָדֵב בְּפִי because Eisav gave Yitzchok food to eat, he liked him. Rav pam said it wasn't because of his weakness in judging, it was because of his tremendous sense of Hakaras Hatov. Meaning Yitzchok Avinu's Hakaras Hatov was so great that he couldn't see something wrong with Eisav.

The same thing he explained about Shoichad. Why is Shoichad a problem? Because if a person has Hakaras Hatov for someone he can't help it but to feel favorably towards that person. Rav Pam brought a Raya from a Gemara in Maseches Kesubos 105b (24 lines from the top) ת"ר (שמות כג) וְשׁוֹחֵד לَا תִּקְחֵחַ אִינּוּ צָרֵיךְ לְוֹמֵד שׁוֹחֵד מִמּוּן אֶלָּא אֲפִילוּ שׁוֹחֵד דָּבָרִים נִמְיָא אֲסּוּר מְדֻלָּא כַּחֲבֵב בְּצֻעָּה לְאַחֲרָה הַכִּי דָּמִי שׁוֹחֵד דָּבָרִים כִּי הַא דְשְׁמֹוֹאֵל הוּא עַבְרֵב בְּמִבְרָא אַתָּה הַהְוָא גְּבָרָא יְהִיב לְהָיָה זְדִיה אָמַר לְיהָ מָאֵי עֲבִידָתִיךְ אָמַר לְהָ דִינָא אִיתָּי אֵל פְּסִילָנָא לְךָ לְדִינָא אָמַיר הַהְוָא יְתִיב וְקַא דְאַנְאָ פְּרָחָג דְּפָא אֲרִישָׁה אַתָּה הַהְוָא גְּבָרָא שְׁקָלְיהָ אֵל מָאֵי עֲבִידָתִיךְ אֵל דִינָא אִיתָּי לְיִהְיֶה פְּסִילָנָא לְךָ Shmuel was crossing a bridge and someone gave him a hand and Shmuel said that I can't be the judge in your case. In the next incident someone blew a feather off of Ameimar's head and Ameimar said he can't judge his case because of Shochad. Rav Pam said do you think that Shmuel and Ameimar would be influenced by these incidents, this is not Shochad? The Shulchan Aruch doesn't say that if you blow a feather off of someone's head that it is considered Shochad?

It is the Gadlus of Shmuel and Ameimar in that they were such Makirei Tov that when someone did Tov to them they would always see things in their favor. That is the Pshat in כי הַשְׁנָדָךְ יַעֲזֵר עַזְוָר חֲקָמִים. The more Chochom he is, the more Hakaras Hatov he feels.

This answers the Chazon Ish's question of that a person may Pasken Dinei Issur V'heter by himself. The Chazon Ish is right. Of course for money a person will not be Mekalkeil Es Hadin and he will judge properly, however, when it comes to Shochad it is different in that he has the feeling of Hakaras Hadin. From that strength of feeling of Hakaras Hatov by the Chochom that will be Mekalkeil and will answer the second Kasha of Avid Inish Dinei L'nafshi, a person is allowed to Pasken for himself and we are not afraid that he will be Mekalkeil, but it is not a Stira to the fact that there is this Chashash by Shochad. This is the tremendous Yesod of the appreciation and Gadlus a person has to have of Hakaras Hatov.

16:18 **ח שׁׁופְטִים וְשׁׁׁופְטִים, תְּפָנָן-לְךָ בְּכָל-שְׁׁעֲרִים, אֲשֶׁר יַרְאֶר אַלְכִּיךְ נִמְנוּ לְךָ** The first Posuk of the Parsha the Rambam and Chinuch count it as one Mitzvah. In Sefer Hamitzvos 176. This is a Stirah to the Klolim of the Sefer Hamitzvos. One of the Klolim of the Sefer Hamitzvos is that if there are 2 Mitzvos in one Posuk, they still count it as 2 Mitzvos. For example in Bamidbar 28:4 **וְאַתָּה-הַכְּבָשׂ אַחֲרָיו, מֵעַלְלָה בְּנֵי בְּבָקָר;** and a Tamid Shel Shacharis and a Tamid in the evening. It is 2 Mitzvos as counted by the Rambam even though it is found in one Posuk. Why is Shoftim V'Shotrim counted as one Mitzvah?

The Maram Shik in his Sefer Hamitzvos (491) answers based on a Pesikta, on a Braissa. The Braissa as is brought by the Ohr Hachaim Hakadosh is, if there are no Shotrim then there are no Shoftim, meaning if there is no one to enforce the judgment it is as if there was no judgment at all. The Mitzvah is Shoftim V'shotrim, both together. Shoftim without Shotrim is useless and is not the Mitzvah D'oraissa.

The Ohr Hachaim Hakadosh adds that today if you have someone who will be Mekabail on himself the judgment even though there are no Shotrim, for them Shoftim is a Mitzvah D'oraissa. The Shofeit is the Shoteir. The Shofeit makes it that there is a judgment that is listened to.

In the Kuntras Chachmei Leiv from Rav Weinfeld he brings a thought. The way we understand it is, that if you make rules in a Yeshiva and there is no Mashgiach to enforce the rules then it is as if there are no rules. It is just a waste of time. This is most probably a true Pshat.

So Rav Weinfeld adds that a Shofeit will Pasken one way when he knows that his judgment will be enforced because he knows that the judgment is coming from a measure of strength. When he comes from a position of weakness and he knows that it is Talui in their Ratzon, he will Mimeila look at the Din in a different way, from a position of weakness. So it is that when the judge knows that his judgment will be enforced that he will look at the Din in a different way, from a position of strength.

There is a well known Vort on the Parsha from the Shla and the Darash Moshe, that Shoftim V'Shotrim goes on a person on his own body and on his own mind. A person has to be careful to have a Seichel Hayashar when he is Dan himself, to be careful to do things properly and wherever you go judge what you are doing.

According to this there is a tremendous insight. If a person thinks about what is right he can come to a good conclusion. When a person is not committed to do what is right then his Paskening is going to be Mikulka. The way he looks at himself is Mikulka, it is like a judge whose judgment he is not sure if it is going to be followed. It is a Kilkul in the entire action and Mayseh that has to take place.

Rebbi said over a Mayseh of someone he knows who had a grandparent or great grandparent who came from Europe

between the two world wars. His boat docked in NY and it was Erev Shabbos. He had money which he had brought from Europe and didn't know what he would do with it over Shabbos as he didn't have a place to stay. He found a Rav who he figured would be trustworthy to hold for him until after Shabbos. This Rav was an American Rabbi who was obviously not trustworthy. So he went over to the Rav after Shabbos and asked for his money back and the Rav said what money? So the person went berserk, what do you mean, I gave you money! The Rav was very firm with him, you are an immigrant and you are accusing a Rabbi of being a thief? Get out of here! So the person left and was very scared. Fortunately this person had a relative who was a strong person who was described as a butcher. So the butcher and this man went back to the Rabbi and the butcher bent over the Rabbi's desk and said Rabbi, give my friend the money and when he saw that the Rabbi was hesitating, he grabbed him by the collar and said GIVE HIM THE MONEY! So the Rabbi said of course I will give him the money why didn't he just ask for it and he took out the money and gave it to him. So this person was Tzebruchen. You call yourself a Rabbi? So the Rabbi said the Gemara says that Yidden if they are Tovai'a they give. You weren't Tovai'a, you came in like a Lemechel, and so I pushed you off. This butcher, he knows how to be a Tovai'a, so I gave.

Rebbi mentioned this story in order that people should be Shoftim and Shotrim with themselves. Be Tovai'a on yourself. Elul which in America doesn't mean all that much, however, it still is a time of preparation for Rosh Hashono. Be Tovai'a on yourself and then you will see results.

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### Rav Kook Torah

Rav Kook on Ki Teitzei: The Rebellious Son - Preventive Medicine

Rabbi Chanan Morrison  
 Only Theoretical

Is there really a death penalty for rebellious children? Even in Talmudic times, it was clear that the severe punishment for the "wayward and rebellious son" (Deut. 21:18-21) is only "on the books."

"There never was, nor will there ever be, a child who meets all of the legal qualifications of the 'wayward and rebellious son.' Why then was this law written? That you may study it and receive reward [for the Torah learning, despite its lack of practical application]." (Sanhedrin 71a)

Does this law serve no other purpose other than as a theoretical area of study?

Preventative Medicine

While the field of medicine has made tremendous strides over the centuries, it is widely recognized that its greatest successes have been in the area of preventive medicine. Efforts to ensure clean air and water, sewage treatment, public education on healthy lifestyles and food, and immunization against infectious diseases, have been the most important factors in fighting disease and increasing life expectancy.

We should similarly appreciate the benefit of the Torah and its mitzvot in terms of the most effective assistance: preventing harm and ruin. Thus, God promised, “If you obey God ... keeping all His decrees, I will not strike you with any of the sicknesses that I brought on Egypt. I am God, your Physician” (Exod. 15:26). The healing powers of the Torah should be compared to preventive medicine. It provides a healthy lifestyle that does not leave room for affliction. God did not promise that He will cure us of the sicknesses of Egypt. Rather, by faithfully following the Torah, we will not be visited by those maladies.

What does this have to do with the hypothetical “rebellious son”? By educating the people about the draconian punishment for the rebellious child, the Torah helps prevent this tragic breakdown in family and society from occurring in the first place. This is what the Talmud means by “Study it and receive reward” — the very study of the subject is its own reward. As each generation is educated about the dangers of the “rebellious son” and absorbs the message of the gravity of the offense, this deplorable situation is avoided.

#### Teaching For Free

We often take for granted the truly important things in life, such as peace, freedom, mental and physical health. They safeguard our happiness and well-being, yet we only properly appreciate them in their absence. Inconsequential matters, on the other hand, are just the opposite. They come to our attention only when they are present and visible. As the Talmud (Sotah 8a) teaches, “The evil inclination only rules over what the eyes can see.”

This explanation can shed light on why one should not accept payment for teaching Torah. “Just as I taught for free, so you shall teach for free” (Nedarim 37a). The most vital aspects of life, protecting our health and well-being, cannot be procured with money. Thus, a doctor who heals a sick patient may request remuneration for his services, but one who chases away a lion and averts damage to his neighbor’s possessions may not demand a reward. What is the difference? The doctor may be paid for after-the-fact healing, but the greater benefit — preventing potential injury — must be provided free of charge. This is the lesson of the “rebellious son,” the Torah’s preventive medicine to safeguard familial and social order. “Study it and receive reward.”

(Gold from the Land of Israel, pp. 324-326. Adapted from Otzrot HaRe’iyah vol. II, p. 187) Copyright © 2022 Rav Kook Torah

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Parsha Parables By Rabbi Mordechai Kamenetzky

#### Oh Hear! My Yid

#### Rabbi Mordechai Kamenetsky

I was recently stuck in an airport in Toronto for more 14 hours. I won’t detail the nuances of the extended ordeal, which embodied the Murphy’s Law of air travel, but during the hours of frustration, there was always one or two signs of solace popping up.

Each time I would see a yarmulka or maybe a Magen Dovid necklace, or someone whom I just felt was Jewish, I would break my exasperation by giving a shalom aleichem and exchanging pleasantries, usually commiserating about shared plights and missed flights.

I thought about this coming week’s parsha, in which the Torah tells us about the kohen’s preparatory remarks and questions to potential soldiers in the Army of Hashem. To prepare Klal Yisroel for war, a series of queries were presented to them. Soldiers who were newlywed or had recently built new homes or planted new vineyards were told by the officer in charge to leave the army and return home. Furthermore, soldiers who were faint of heart — morally or spiritually — were asked to return home so as not to weaken the hearts of others in battle. But war must begin with encouragement. So before the officers ask the questions that may relieve some soldiers from active duty, the kohen gives a morale-boosting speech. The kohen opens with Yiddishkeit’s most famous words, “Shema Yisroel — Hear, Oh Israel! You are about to approach battle against your enemies. Let your heart not wither, and do not fear, tremble, or be broken before them. For Hashem, your G-d, will go with you, fight for you, and save you” (Devorim 20:3-4).

Rashi comments on the hauntingly familiar expression of “Shema Yisroel — Hear, Oh Israel!” Those words are the opening words of the national anthem of Jewish faith, whose doctrine of belief is contained in the declarative that follows: “Hashem our G-d, Hashem is One” (Devorim 6:4). Rashi quotes the Gemara in Sotah connecting the pre-battle pep-talk in Parshas Shoftim with the famous words read weeks earlier in Parshas Vo’eschanan. He explains that the expression, “Hear, Oh Israel” used in the kohen’s prologue is actually used as a hint to Hashem. The kohen is essentially reminding Hashem of the unofficial anthem that Jews recite twice daily, worldwide. He is basically declaring that, “Even though you have no other merit than Krias Shema morning and night, you would deserve that He should help you (from the ravages of war).” I began to think about the embodiment of yichud Hashem, the Oneness of

Hashem, being referred to by the opening words in the soliloquy, "Shema Yisroel." Chazal chose those words, which sound like a call to order, as representative of the most important foundational declaration in our faith. Instead of calling it the Hashem Echod, it is forever known as "Shema Yisroel."

I recently heard a story about **Rabbi Mordechai Becher**, [who in addition to his career as a professor of Jewish history at Yeshiva University and a rabbi for Aish HaTorah, also serves as a rabbi to thousands via the "Ask the Rabbi" site hosted by Aish HaTorah]. As the story was told to me, Rabbi Becher was lecturing in South Africa, hosted by Rabbi Gavriel Eliyahu Klatzko, who served as a rov and a well-known and beloved kiruv professional. One day, Reb Gavriel invited Rabbi Becher to take a break and visit the African safari, where lions, giraffes, and elephants roamed freely. From a distance, Rabbi Klatzko spotted two burly fellows sitting on a rock, perhaps drinking a beer. Rabbi Klatzko turned to Rabbi Becher and said, "Let's go down and schmooze with them! I bet you that one of them is a Yid!" Rabbi Becher was a bit intimidated by the two and chose to remain behind while his chaver walked toward the pair. With a warm and cheery voice, Rabbi Klatzko approached them and said, "Hi, how are you?" One of them grunted, "What do you want?" Rabbi Klatzko persevered, saying, "Hello! By the way, are any of you Jewish?" The same fellow replied, "Nah! I have nothing to do with Jews, and I am not Jewish! So please bug off!" Rabbi Klatzko did not give up. "No connection? No relatives? Nothing?" "No! Now get lost!" Rabbi Klatzko saw it in his eyes and smiled. "Come on now, nothing? I see something..." The fellow, for some reason, suddenly gave in. "All right, I actually had a grandmother who claimed she was Jewish." "Was that your father's mother, or your mother's mother?" "My mother's mother. Why?" Rabbi Klatzko became excited. "Why? Because that means you are as Jewish as I am! So let me talk to you about Judaism!"

Suddenly, the fellow became irate. "What are you talking about? I have nothing to do with Judaism! Don't bother me! Get out of here!" Rabbi Klatzko was not moved. As Rabbi Becher listened from the distance, he exclaimed, "Wow! That's really fascinating. That's unbelievable! You're the first person I met like this!" Now confusion set in the eyes of the burly man. Rabbi Klatzko continued, "You're the first Jew in the world that I met who wasn't interested in anything Jewish! Usually, people who have some Jewish blood in them are interested to know something about Judaism. They have the intellectual curiosity to find out more about this fascinating people, for better or for worse. But you say you never asked a single question about Jews and have no interest? Astounding!" The fellow softened. He moved away from his friend, toward where Rabbi Becher was standing. Although still a bit intimidated, Rabbi Becher could not help but be intrigued by the

conversation. "All right! I'll tell you," the man told Rabbi Klatzko. "I did want to know more. I found somebody online who answers questions about Jews and Judaism, and I have been corresponding a bit. We write back and forth." He listed a few questions he had asked, but then he barked, "But that doesn't mean I have to keep anything! I'm just telling you that I'm not the ignoramus you make me to be!" Rabbi Becher's heart skipped a beat. He emerged from the background, approached the biker, and in a thin voice asked, "Jonathan?" "Rabbi Beker?" There was a bear hug and even some tears. I don't know if the biker is a maggid shiur in Eretz Yisroel yet... but the warm hello began a trail that led to history.

We say in davening, during Tachanun, the tefillah of Shomer Yisroel: "Guardian of Israel, guard the remnant of Klal Yisroel, and let not Yisroel perish, who say, Shema Yisroel, Hear, Oh Israel." At first glance, Shema Yisroel means the entire posuk — but wait! The next stanza, Shomer Goy Echod, says, "Guardian of the unique nation, guard the remnant of the unique people, and let not the unique nation perish, who proclaim the Oneness of Your Name, saying: Hashem Elokeinu, Hashem Echod — Hashem is our G-d, Hashem is One." Rav Yeruchom Olshin asked a powerful question. If the second stanza finishes the posuk, what is the first stanza saying? What is the value of "Shema Yisroel" without the last half of the posuk? The rosh yeshiva powerfully answered that it seems from here that even calling out to Yidden — saying, "Shema Yisroel! Hear, my fellow Jews!" — is also tremendously worthy and a great merit for all of us. Perhaps (as a drush, of course) the merit that Rashi refers to as the Yidden having is merely the calling of "Shema"! Greeting Yidden, talking to them, and engaging with them! After searching out some Jewish faces while spending hours in a world of airport chaos, I hope that my "Shema Yisroel" was a merit.

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### **The Obligation to Bury by R. Gidon Rothstein**

Last week, I took on a mitzvah we find ways not to observe, this week let's discuss a mitzvah Jewish communities work to observe in the best possible way, burying the dead.

From the Criminals to the Rest of Us Rambam in Obligation 231 points out we derive a general obligation to bury those who have passed away from the obligation on a court to bury criminals on the day they were put to death, Devarim 21:23, ki kavor tikberenu, you shall surely bury him, on that day. (Those put to death for worshipping a power other than God, or for being megadef, blaspheming by invoking God's Name to express a curse on the divine, God forbid, would then be hanged, to make a point of their punishment.) Sifrei confirms it

is a mitzvah ‘aseh. Rambam throws in a tidbit, this mitzvah is the reason we call a person who has no one to take care of his/her burial a met mitzvah. Since no specific person is obligated to bury him/her, all Jews have the mitzvah, a mitzvah that pushes aside prohibitions on becoming ritually impure, such as for a Kohen Gadol, a High Priest, or a nazir, a man or woman who took a vow to abstain from grape products, haircuts, and contact with those who have passed away. Our mitzvah says Jews must be buried, and a Jew without buriers becomes the responsibility of whatever Jew encounters that corpse. This is one of those mitzvot with an accompanying, largely the same, lo ta’aseh, Rambam’s Prohibition 66, the Torah warned against leaving the hanged overnight, confirmed by Sifrei to count as a Biblical prohibition. **Burial to Avoid Worse Outcomes** The verse says *ki killelat Elokim talui*, which English translations render “for the hanged are an affront to God.” Rambam instead understands it to allude to the restricted group of people who are hanged after being put to death by the court, blasphemers, either verbally, as with a megadef, or with their actions, by worshipping other powers. I understood Rambam to mean seeing them hanging long-term draws attention to someone having committed this sin, makes it seem more reasonable, where our goal is to deter such crimes. Sefer Ha-Hinuch 537 takes it differently, thinks that if people see the person hanged, they will repeat what s/he did, will then put themselves in a position of having blasphemed (or be tempted to, perhaps). (Minhat Hinuch wonders about a non-Jew put to death for these crimes. He cites Rashi’s reason, the sight of the son of a king hanging embarrasses the king, and Minhat Hinuch therefore assumes it would not apply to non-Jews. He seems to assume the idea of people bearing the image of God is only true of Jews, perhaps ever since the Giving of the Torah. He concedes Ramban assumed the obligation does apply—equally- to non-Jews.] The expansion of the obligation to bury to all Jews, let alone to all those put to death by a court, blurs all this reasoning. Sefer Ha-Hinuch 537 brings up halachah’s assumption there were more and less serious forms of capital punishment. Those put to death in more serious ways—sekilah or serefah, being thrown off a roof and then stoned or having molten lead poured down one’s throat—were buried separately from the heret or henek criminals, the ones decapitated or strangled. I think gradations within capital punishment is an idea deserving more thought, but it’s not our mitzvah. Until When, For Whom, How Soon After the buried bodies decompose, Sefer Ha-Hinuch says, the bones would be gathered and moved to the familial burial plot. The idea assumes decomposition ends a person’s corporeal existence; the punished criminal can now return to his/her family plot, his/her crime fully addressed. Minhat Hinuch 537 notes a view quoted in Magen Avraham, even a nefel, a baby born prematurely, is buried, and adds he thinks the obligation applies to any time we

have an olive’s worth from a person who has passed away. Sefer Ha-Hinuch 536 puts the prohibition, *lo talin*, before the obligation (like the verse). The prohibition, however, speaks of not leaving the deceased hanging; in theory, leaving it in a room or mausoleum is not included. Sefer Ha-Hinuch folds the two together, assumes leaving unburied violates *lo talin* just as much as failing to fulfill *ki kavor*. This is all only if it done degradingly; we are allowed to delay burial for the honor of the deceased, such as to give time for beloved relatives and friends to gather and provide proper honor. Or, as Aruch HaShulhan writes in *Yoreh De’ah* 347:2, we are not required to resist or circumvent governmental regulations to wait three days before burial, because it is not a lack of respect. Other valid reasons for delay, in his view, include to secure a burial shroud or build a coffin. In such cases, he says to wash the deceased right away, fully prepare it for burial, then wash it again after the three days have passed. **Defining That Day** Minhat Hinuch 536, in *Kometz Ha-Minhah*, his added later comments, writes that he had gotten hold of *Shu”t Radbaz* 1:311, where Radbaz was asked why we do not make sure to bury before sunset, to fulfill “for you shall surely bury him *ba-yom ha-hu*, that day.” Radbaz argued we define the day based on the opening of the verse, not to be *malin*, not to allow the corpse to stay in its hanged position overnight. While I would have said he meant the obligation and prohibition are linked to each other (as we saw Sefer Ha-Hinuch assume), Radbaz instead limited the obligation of *ki kavor tikberenu* to those hanged by a court. For others, there is no positive obligation, only the prohibition to leave it overnight. Minhat Hinuch thinks Rambam’s Laws of *Sanhedrin* 15:8 gives that impression, because he writes only there is a positive obligation to bury those put to death by the court. Aruch HaShulhan *Yoreh De’ah* 357:1 wonders at the claim, because there would then seem to be no reason to extend the prohibition to others. Regardless of Rambam’s view, Sefer Ha-Hinuch clearly includes all who have passed away in the obligation as well. Minhat Hinuch adds that the author of Sefer Ha-Hinuch was an important authority himself, and Ramban’s commentary on the Torah sounds that way as well. Therefore, we should be stringent to bury the person before sunset. In 537, Minhat Hinuch also thinks we must bury someone who passed away at night before the break of dawn, or we violate *halanah*. At a very basic level, if we make sure Jews are buried, we have done what was needed. This Torah mitzvah adds the importance of doing it as quickly as is most honorable to the person who passed away, plausibly including non-Jews, all a way to honor people and the God in Whose image we have been made.

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subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum  
**Shema Yisrael Torah Network**

**Peninim on the Torah - Parashas Parashas Ki Seitzei**

פרק טז כי תצא תשפ"ב

איננו שמע בקול אביו ובקול אמו

**Who does not hearken to the voice of his father and the voice of his mother. (21:18)**

The *parshah* which deals with the *ben sorer u'moreh*, the wayward and rebellious child, is one of the most difficult *parshiyos* to address. As a rule, *pikuach nefesh*, saving a Jewish life, pushes aside *Shabbos*. Yet, the young *ben sorer* – who so far has not committed an act of defiance that carries capital punishment – is sentenced to death, due to what he might (possibly will) do one day when he is unable to satisfy his desires. He could take an innocent life. Apparently, the Torah, with its far-reaching perspective, views his execution as necessary, as it is better that he should die when he is still innocent, rather than when he has taken a life and is guilty of murder. The question that plagues every educator and parent: How did he get this way? How does a seemingly good boy descend to such a nadir of iniquity at an early age?

The *Chasam Sofer*, zl, offers an explanation that is not only frightening, but it should also generate a sense of parental introspection about how they raise their children – as opposed to what they see (or do not see) at home. *Einenu shomea b'kol aviv u'b'kol imo*, “He does not listen to the voice of his father and the voice of his mother.” The child does not listen to his parents. He displays no respect, and he does whatever he pleases. His parents’ instructions to him carry absolutely no weight. The *Chasam Sofer* explains that the voice of his parents which he does not hear is not the voice of instruction, but rather, their expressions of Torah and *tefillah*. The boy grew up in a home in which the *kol Torah*, the sounds of Torah, were stilled. He never saw his father learning or even being *maavir sidrah*, reviewing the weekly *parshah*. He saw him reading the newspaper or a book, or glued to the computer for no educational reason. Likewise, he did not hear his mother’s weeping when she lit the candles *erev Shabbos*. This was common fare in homes throughout the Orthodox Jewish landscape. The mother would usually walk in dressed for *Shabbos*; some wore a white apron and white *tichel l'kavod Shabbos*. It was her private time to communicate with Hashem, to ask Him to bless her family. This was usually followed with the recitation of the first *perek*, chapter, of *Sefer Shmuel* (which includes *Shiras Chanah*, which became the prototype for prayer). He never saw his mother *davening* or reciting *Tehillim*. His home was observant, but lacked the warmth generated by “sound” – the sounds of love for Hashem, His Torah and *Yiddishkeit*. Had the young boy heard these expressions of love, he might have altered his trajectory from “down” to “up.”

*Horav Eliezer HaLevi Turk, Shlita*, supplements this idea. The *parshah* commences with the incident of the *yefas toar*, the maiden of beautiful form. The Jewish soldier sees a young gentile maiden in captivity, and, since it is during a war, everyone is frightened and his mind and common sense are under intense pressure. The soldier is unable to think straight, and suddenly he wants to marry this captive. Nothing will stand in his way. His *yetzer hora*, evil inclination, is working overtime and refuses to let go. If he cannot have her legally, then he will have her through illegal channels. The Torah grants him a special dispensation. The “why” is not important – now. The Torah, however, does allude to one thing: the consequences of this marriage is; having two wives, one whom he hates and one whom he loves. When a person marries purely for physical gratification, the marriage will not endure. The couple might live under one roof, but the love and respect that constitute the glue of marriage will disappear with time. The second result of this marriage is the *ben sorer u'moreh*. When one marries to satisfy his *yetzer hora*, he will not produce a worthy child, a child of whom he is proud.

*Rashi* attributes the hated wife and the wayward child to the soldier’s marrying the *yefas toar*. What was wrong with that? The Torah explicitly permitted this marriage under the appropriate circumstances. If he did nothing wrong, why should he be punished? *Rav Turk* explains that *ben sorer* is not a punishment, but rather, a direct result of his marriage to the *yefas toar*. It is inevitable when: a child grows up in a home in which his parents are concerned primarily with *gashmius*, physicality and base desire; a child sees his father involved in Jewishly inappropriate, lustful behavior; he sees his mother adorning herself in a manner unbecoming a *frum*, observant woman – *Mah yaaseh ha'ben v'lo yecheta*, “What should the child do but sin?” He was a good boy in a miserable situation. We can never forget that our children are watching and will, for the most part, outdo us.

The following story was written up in *Peninim* a while ago. It is a classic from which we all can – and should – learn. I repeat it because of its inspirational value. Who knows? Someone might read it and take heed. *Horav Moshe Sherer*, zl, was America’s *shtadlan*, intercessor. As head of *Agudas Yisrael* he, with the guidance of the *gedolei Yisrael*, Torah giants, was the primary mover of American Orthodoxy post World War II. His devotion to *Klal Yisrael* and to the Torah was legend. He did not make one move without first consulting with Torah leadership. What were his roots? What inspired his phenomenal growth? What motivated him to devote his life to *Klal Yisrael*? His mother with her sincerity in faithfully trusting in Hashem, was his primary inspiration.

Whenever any of the Sherer children came down with an ailment (of any sort), Mrs. Basya Sherer immediately ran to the *Stoliner Rebbe*, zl, to petition his blessing. (In those days,

*emunas chachamim*, faith in our Torah scholars, was very real. I witnessed this attitude in my own home. My parents were not learned Jews, but their faith was fierce and unshakable.) The *Rebbe* instructed the devoted mother to add another candle to light along with, her *Shabbos* candles. If we take into consideration that she had a sizable family to begin with and the number of typical children's ailments, Mrs. Sherer's *Shabbos* candles were numerous. Indeed, when the young Rabbi Sherer brought his *kallah* home for a *Shabbos*, she took one look at the various *leichter*, candelabra, and thought she was marrying into a family of epic numbers!

While this in and of itself was meaningful, Mrs. Sherer's ritual during *hadlokas ha'neiros* was the primary event that inspired the young boy. His mother would light the candles and proceed to weep profusely for some time. The young boy took this all in and wondered what it was that his mother was saying. She had no *siddur* in front of her, so she could not be *davening*. Why was she crying so much? Everything seemed to be fine in their home. He decided that he would find out what his mother cried so much about. He decided to hide under the table secretly when she lit candles. The table was not big enough to cover his entire body – so his hands were sticking out. His mother did not notice this.

His mother, walked over to the *leichter*, candelabra, and covered her face. She recited the *brachah* with an added personal prayer. *Ribbono Shel Olam...baleichten zolst Du Di oigen fun meine kinderlach in Dein heiliga Torah*, “Please Hashem... Light up my children's eyes through the precious words of Your holy Torah.” She spoke these words over and over, “Please let my children perceive the beauty of Your Torah.” The young boy just sat there and listened. It sunk into him. His mother was praying for him to grow in Torah. At that moment, one of his mother's hot tears fell on his exposed hand (sticking out from under the table). He would never forget that tear drop. He closed his hand as if it were a precious diamond. That teardrop which touched his hand seared through to his heart. He was determined to make his mother proud of him. He would illuminate the world with Hashem's Torah. He kept his word.

...

ל' אליהו מתתיהו בן יעקב יהושע - זכיך נשמה  
ל"ג Reb Eliyahu Goldberg

*A dear friend whose contribution to Peninim's success will always be remembered.*

*Hebrew Academy of Cleveland, ©All rights reserved prepared and edited by Rabbi L. Scheinbaum*

### **PARSHAT KI-TETZEH - shiur #1**

Mitzvot, and more mitzvot; and all kinds of mitzvot - that would certainly sums 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'amat 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 'tzedek 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 **asaret 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
<b>[THE 'MITZVA' SECTION]</b>	
6 -11	
I	'Ahavat Hashem', emuna
II	Not worshipping 'avoda zara' (parallel to the first two dibrot)
<b>[THE 'CHUKIM U-MISHPATIM' SECTION]</b>	
12-14	III Establishing God's <b>Name</b> in the mikdash ["ba-makom asher yivchar Hashem leshaken <b>shmo</b> sham..."] (parallel to not saying God's <b>Name</b> in vain)
15-16	IV The <b>seven</b> year Shmitta cycle and the <b>holidays</b> (parallel to <b>Shabbat</b> )
17-18	V The national <b>leaders</b> (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 Yhiyeh...').

[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 leshabeilach' 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 toladot 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 'kibbut 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 toladot 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 'hekesh' by neglecting one's vow (23:22);
- \* Stealing produce from one's neighbor's field (23:25-26).

Various other toladot 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 toladot 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 toladot of each dibbur in exact sequence. Additionally, the various toladot of the last five **dibrot** seem intermingled within these chapters. Nonetheless, almost all the mitzvot in this Parsha are toladot 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 iy"H 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 chiastic structure. [We will deal with this parsha iy"H 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 toladot, applying these principles to govern our national and individual conduct. This model of 'avot and toladot' 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 aveda' and the obligation to help even one's neighbor's animal in distress, both toladot 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 chiastic 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!]

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 Gechazi (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 mitzva 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 mitzva? 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 mitzva (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 'zechirot' 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 aseh' section, Ramban adds several mitzvot which

(in his opinion) Rambam 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 Tetze 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 Rambam'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 Tetze. 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 Rambam, 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.]

## Parshas Ki Seitzei: The First Jewish Family

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### 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 quatri-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 haSnu'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'foro 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'foro 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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