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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 almost 50 years ago and was our family Rebbe and close friend until his recent untimely death.

Devrei Torah are now Available for Download (normally by noon on Fridays) from www.PotomacTorah.org. Thanks to Bill Landau for hosting the Devrei Torah.

Mazel-Tov to Meir Lazar Kreitman and Sarah Adena Engel on their wedding in Potomac on Sunday. Mazel-Tov to their parents, Dr. Robert & Janet Kreitman and Alan & Rachel Engel; and to Sarah's grandparents, Joseph & Michelle Gabriel and Miriam Engel. Mazel-Tov also to siblings Matthew & Shira Kreitman; Benjamin & Chani Kreitman; and Daniella Engel.

With 74 of the 613 mitzvot, Ke Teitze has more mitzvot than any other parsha. Chapter 25, which concludes the parsha, contains two subjects that connect in a subtle but important way. When a married man dies before having a child, the oldest surviving brother must marry the widow (25:5-7). The first born child of this marriage carries the name of the deceased brother and inherits all the property of the deceased man. Chapter 25 concludes with the commandment always to remember Amalek's attack on B'Nai Yisrael shortly after the Exodus, to wipe out the memory of Amalek, and not to forget (17-19). This mitzvah is so important that all Jews must listen and hear it read (a second time) the Shabbat before Purim every year. What connects these two mitzvot, and why is the message so important?

As usual, Rabbi David Fohrman has innovative insights. Rabbi Fohrman looks back to the initial encounter with Amalek (Shemot 17:8-15). B'Nai Yisrael had just left Egypt, crossed the Sea of Reeds, finished all the food that they had brought with them (thus facing hunger), ran out of water, and were exhausted from the experiences. When the people were most vulnerable, Amalek crept up from behind and suddenly attacked the weakest Jews, those who had the most difficulty keeping up the pace. For the first time, the newly freed slaves had to learn how to fight for their lives. Yehoshua led an attack on Amalek while Moshe. Aharon, and Hur went to the top of the hill. When Moshe held up his arms, B'Nai Yisrael prevailed. When his arms dropped, Amalek was the stronger army. Aharon and Hur supported Moshe on a rock and held up his arms until dark so B'Nai Yisrael could win the battle.

Who were Aharon and Hur? Aharon was Moshe's older brother, and Hur was his nephew, son of Miriam and Caleb. At Moshe's time of great need, his brothers (brother and nephew) came to his rescue. The tikkun, or remedy for Amalek's sin was brothers coming to rescue an endangered man. Yibum, or levirate marriage is another example of a brother coming to rescue a man in great need. After all, a dead man is in the most vulnerable possible position – he cannot do anything to take care of his needs. Preserving a dead man's name, family, and property is a tremendous mitzvah – the greatest possible tikkun for the threat that Amalek (and his spiritual descendants, the enemies of Jews throughout history) posed to our people.

We can generalize the lesson of Amalek. The Torah and prophets frequently exhort us to help the most vulnerable members of society – converts, widows, orphans, and the poor among our people. When we help the disadvantaged among us, we are engaging in a tikkun for Amalek and his evil heritage. For another example, the Torah places an eternal prohibition on marriage with any member of Ammon or Moab, because these nations (descended from Avraham's nephew Lot) sinned against B'Nai Yisrael in the desert (23:4-7). This prohibition was on the men of these nations, not the

women, because the men made the decision to sin against the Jews, while not all the women sinned. Indeed, Ruth, a Moabite woman, converted to become a Jew, cared for her mother-in-law (Naomi), and became the great grandmother of King David. Here again a woman's dedication to a vulnerable Jew became a tikkun for grave sins for a nation whose evil history had been in the tradition of Amalek.

The language in our parsha is confusing. We are to remember to wipe out the name of Amalek so no one remembers this nation. Remember to forget? How can we do both? Rabbi Fohrman astutely refers back to the story of Amalek in Beshalach (17:14) where God tells Moshe to write of Amalek in the Book (Torah) and He shall surely erase the memory of Amalek from under the heavens. It is not we Jews but God Himself who will erase the name of Amalek at some future time, when we no longer need to remember the story. By helping our brothers, that is, taking care of the vulnerable members of our people and society, we bring this day closer.

Rabbi Fohrman has recently published a new book, *Genesis: A Parsha Companion,* readily available on the Internet. I highly recommend this book as a way to have some of his insights readily available in your library each week.

Amalek's heritage remains strong, as we learn every day. For example, an arsonist set fire to and seriously damaged the Chabad House at the University of Delaware (Tuesday night). We read of terrorist and anti-Semitic attacks daily in other parts of the world, but these kinds of crimes against our people are becoming increasingly common in our country. May we live to see the day when such trends reverse and evil against our people becomes rare.

My beloved Rebbe, Rabbi Leonard Cahan, z"l, devoted his life to fighting anti-Semitism and evil, and urging our fellow Jews to remember our obligation to help those in our society who are needy and vulnerable. What I learned from Rabbi Cahan over nearly half a century has become part of who I am and what I taught my children. May the lessons of Amalek versus the stories of Jews helping their brothers inspire all of us to work for a better world. Is there a better message for the month of Elul?

Please daven for a Refuah Shlemah for Nossan ben Pessel, Hershel Tzvi ben Chana, Eli ben Hanina, Yoram HaKohen ben Shoshana, Gedalya ben Sarah, Mordechai ben Chaya, Baruch Yitzhak ben Perl, David Leib HaKohen ben Sheina Reizel, Zev ben Sara Chaya, Uzi Yehuda ben Mirda Behla, HaRav Dovid Meir ben Chaya Tzippa; Eliav Yerachmiel ben Sara Dina, Amoz ben Tziviah, Reuven ben Masha, Moshe David ben Hannah, Meir ben Sara, Yitzhok Tzvi ben Yehudit Miriam, Yaakov Naphtali ben Michal Leah, Ramesh bat Heshmat, Rivka Chaya bat Leah, Zissel Bat Mazal, Chana Bracha bas Rochel Leah, Leah Fruma bat Musa Devorah, Hinda Behla bat Chaya Leah, Nechama bas Tikva Rachel, Miriam Chava bat Yachid, and Ruth bat Sarah, all of whom greatly need our prayers. Note: Beth Sholom has additional names, including coronavirus victims, on a Tehillim list.

Hannah & Alan

Drasha: Parshas Ki Seitzei: Gratitude – A Hereditary Trait?

by Rabbi Mordechai Kamenetzky © 1997

[Please remember Mordechai ben Chaya for a Mishebarach!]

Marriage: The tie that binds. It is the building-block of any nation and the foundation for its growth. Yet Jewish law restricts whom the children of Abraham may marry – even among those who share their own faith. The Torah tells us that neither an Ammonite nor Moabite male may marry into the direct descendants of Abraham.

True they may marry other converts, but they can never enter a direct union with descendants of Klal Yisrael.

The Torah tells us the reason for this restriction. "On the fact that they (Ammon) did not greet you with bread and water as you left Egypt and for employing (Moab) Bilaam the son of Pe'or to curse you" (Deuteronomy 23:4-5)

One must truly wonder: according to the Torah, anyone is allowed to become a Jew. It requires acceptance of the mitzvos and the responsibilities that Judaism entails. Yet the Torah it seems, has great reason to disallow males who descend from the nation of Ammon and Moab from marrying direct descendants of Abraham. Surely it is solely not the refusal of bread and water or the employing of a sorcerer to curse the Jews. After all, the Egyptians enslaved the descendants of Jacob, nevertheless, Egyptian converts may marry Jews – albeit after three generations of waiting. Even converted descendants of our enemy Esau may marry the children of his nemesis brother Yaakov. What then is the inherent evil trait of Ammon and Moab that disallows their union with Abraham?

A brilliant young student entered the portals of Yeshiva Torah Voda'ath in the 1940s. Hailing from a distinguished rabbinic family which instilled within him a creative mind, he questioned some of the arcane dormitory rules and restrictions that were imposed with boys of less character in mind.

But rules, said the dormitory counselor, are rules and he wanted to have the young student temporarily expelled until he would agree to conform. An expulsion of that sort would have left the young man (who lived out of town) no alternative but to leave the Yeshiva.

They brought the matter before the Rosh Yeshiva, Rabbi Yaakov Kamenetzky. "True," he said, "rules are rules, but I owe this young man something." The dorm counselor looked stunned.

"In the 1800s this boy's great-grandfather helped establish the kollel (fellowship program for married Torah scholars) at which I would study some decades later. I owe his family a debt of gratitude. If the rules disallow his stay in the dormitory, then he will sleep in my home."

An essential trait of the Jewish people is gratitude. The children of Avraham are instilled with it, whether it be gratitude to Hashem or his mortal messengers. However, it seems that Ammon and Moab have no sense of gratitude. Their forebear was Lot, Avraham's nephew who raised Lot and was saved him during a vicious war. Avraham taught Lot the spirit of hospitality and helped establish him in life. Yet Lot's children, Ammon, and Moab, showed no gratitude. In fact, they were eager to destroy Avraham's children – both physically and spiritually. There can be no fusion of those two traits.

We can handle enemies. When an Edomite or Egyptian accepts the faith he can become a true partner in every aspect that bonds Jews – even marriage. But in the harmony of the Jewish family, in the building the future of our nation, there is no room for ingrates.

Moabite women however, are exempt from the ban. It seems that they had no control over the decisions. How interesting it is to note that the Moabite convert, Ruth, the woman who showed tremendous gratitude toward her mother-in-law was the precedent-setting example that lifted the ban on Moabite-women converts.

Those actions of gratitude and understanding ultimately led to the birth of King David the forebear of Moshiach.

Good Shabbos!

Give Me One Good Reason Why I Should Do It*

by Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2012, 2020

In the Torah we find many many mitzvot, but rarely do we find a clear articulation of the reasons or values behind the mitzvot, what is known as ta'amei ha'mitzvot. We are told that the mitzvot are inherently good and that by doing them we will inherit the land and receive God's blessings. All of this makes it clear why doing the mitzvot is in our best interest. But were we to ask why we must do the mitzvot, the implicit answer in the Torah is: because God has commanded them. The Ten Commandments open with "I am the Lord your God who has taken you out of the land of Egypt" and from that reality flows our obligation to observe the mitzvot that follow. God commands, we must obey. Not only because of God's power and authority: "I am the Lord your God," but also because of our unique relationship with God: "who has taken you out of the land of Egypt." It is this relationship, formalized in the brit, the covenant of reciprocal obligation and commitment, which is the implicit framing of all the mitzvot in the Torah.

In fact, if we start giving other reasons as to why we do the mitzvot, this could serve to weaken our sense of commitment. In one famous passage (Sanhedrin 16a), **Rabbi Yitzhak tells us that the Torah did not give reasons for the mitzvot, because we then might think the reasons did not apply to us and that we would be exempt. The word of God must be followed regardless.** This point is made in another Talmudic passage:

> *Rabbi Yitzhak said: Why do we sound the shofar on Rosh Hashanah?*
>
> *Why do we sound?! All-Merciful has told us to sound!*
>
> *What he means is, why do we sound a teru'ah?*
>
> *Why do we sound a teru'ah?! The All-Merciful has proclaimed 'a memorial of teru'ah"!* (Rosh Hashanah 21b)

The same Rabbi Yitzhak who told us that the Torah does not give reasons for the mitzvot, here asks to understand the reason behind the blowing of the Shofar. The Gemara rejects the premise of his question – you can't ask why we do the mitzvot! There is only one reason – because God told us to! Any "reasons" are besides the point – we do the mitzvot because God has commanded them.

Such a definitive declaration should end the discussion, but interestingly, it does not. The enterprise of searching for ta'amei ha'mitzvot has been going on for millennia, reaching back to the time of Philo, and continuing through the Talmudic period, the Middle Ages – Rambam and the Kabbalists, the up to and including the period of modernity and today (see an overview of these historical approaches, here). It is hard to live a life of doing things "because I say so." We would like to do things because they make sense; we would like to find meaning in what we do. It is thus not surprising that a strong counter-voice is heard. One that insists that ta'amei ha'mitzvot are alive and well.

Interestingly, a lot of this debate revolves around a mitzvah in this week's parasha: the sending away of the mother bird when one takes the eggs out of the nest. The mitzvah would seem – at first glance – to clearly be an expression of the Torah's concern for the mother bird. But not everyone seems to agree:

> *Mishna. One who says (in prayer): "Your compassion reaches to the bird's nest" … we silence him.*
>
> *Gemara… But regarding the bird's nest, why (is he silenced)? Two Amoraim in the West (the Land of Israel) debate it: Rebbe Yossi bar Avin and Rebbe Yossi bar Zvida. One says because it places jealousy among the creatures, and the other says because it makes God's attributes into compassion, while they are in fact only gezarot (decrees).* (Berakhot 33b)

According to the latter opinion quoted here, a person is not allowed to say in prayer that God has mercy on the mother bird because it turns an arbitrary divine decree into an expression of compassion, seemingly rejecting the approach of ta'amei ha'mitzvot. The power of and the need for ta'amei ha'mitzvot is so great, however, that the commentators push back against this position. Ramban (Nahmanides), for example, finds a way to reinterpret this last position as just giving a different reason than the one of compassion (to wit, it is not concern for the bird per se, but concern for our own callousness and cruelty).

Rambam, on the other hand, freely admits that this position denies ta'amei ha'mitzvot, but states that such a position must be unequivocally rejected: "It is, however, the doctrine of all of us – both of the multitude and of the elite – that all the Laws have a cause." although sometimes we are not able to understand what that cause is (Guide for the Perplexed, III:26). How, asks Rambam, could the mitzvot not have a cause? That would make God's commandments completely capricious and arbitrary! What, then, about the opinion that sending away the mother bird is not based on compassion, and is just a divine decree? Well, says Rambam, that Sage is indeed of the opinion "that the precepts of the Law have no other reason but the Divine will." This need not bother us, however, for "we follow the other opinion." (Guide III:48).

According to Rambam, the way to deal with these opposing opinions is to endorse the one and reject the other. It would seem, however, that another solution is possible. The key is: what question are we asking?

If we are asking the question: “Why do the mitzvot?,” then there is only one right answer: Because God has said so. We might have other motives, but these are secondary or less than ideal. Any answer other than “Because God said so” both undermines the obligation that derives from the divine command, and, by holding out another goal as the true purpose, allows for the possibility of achieving that goal through other means. This is the meaning of the passage regarding the blowing of the shofar. Don’t second-guess God. I asked why you do something, then the most basic answer is “the Merciful one said to blow”. [There is an important debate if in the ethical sphere we should be motivated primarily by the divine command or primarily by an ethical mandate. This latter approach would lead to a qualification of the above to the religious, non-ethical sphere.]

But there is another question. Not what motivates us to act, but what is the purpose that is served by our actions. This is what Rambam is talking about. “The laws have a cause.” They serve a divine purpose. They are not arbitrary but are part of God’s plan; the work to achieve the goals that God has for this world. This is the legitimate enterprise of ta’amei ha’mitzvot: to understand not why we do the mitzvot, but the purpose that they serve, their underlying reason, the reason that God has commanded them.

Why is this an important question? Because if we understand that mitzvot serve a purpose, we will know that there is a purpose to our religious lives. We will live a life that is not just about following rules, but about living according to the values of the Torah. If we believe, for example, that God commanded us to blow shofar to serve as a wake-up call, then although we will do it because we are commanded, we will also make sure that when we do it, we will do it in a particular way. We will hear its sounds not as simple blasts, but as a wake-up call, and we will be spurred to do teshuva. Such awareness, moreover, will not only imbue our mitzvot acts with their intended meaning and help them to achieve their intended goals, but it will also spill over into other spheres. If we understand that God truly cares about the suffering of the bird, then we will care about the suffering of all animals, whether or not we are doing the mitzvah of sending away the mother bird.

While “God said so” is the answer to “Why do we do it?” and ta’amei ha’mitzvot is the answer to “Why did God command it?” these two do not easily keep to their own spheres, and by will inevitably live in an uneasy tension. The more we emphasize the former, the harder it is to bring concerns of meaning into our religious life. And the more we emphasize the latter, the easier it is to forget that at the end of the day, it is the divine command which obligates us. Our challenge is to live this tension in our lives, without ever sacrificing one side for the other. To live a life of commandedness and, at the same time, a life of meaning, meaning that imbues our commandedness and meaning that transcends and spreads beyond the boundaries of our commandedness to all aspects of our lives.

Shabbat Shalom!

* Emphasis added

Parshas Ki Seitzei -- Are You an Aristocrat?

by Rabbi Mordechai Rhine © 2020 Teach 613

One of my fondest memories of Yeshiva is of the days before Rosh Hashana when my Rebbe would give out a piece of paper to each boy and ask us to write down something that we would like to improve during the current year. Here was a task that would not be judged by teachers, parents, or friends. Here was something that was simply up to me. The topic would be my choice. The pace and qualifications for success were my decision. And, if we each did this year after year for decades, we could truly expect to be better people for it. That appealed to me.

Recently, I learned of a term used in stocks called a dividend-Aristocrat. A dividend-Aristocrat is a stock which has raised its dividend payout to shareholders 25 years in a row. It doesn’t matter what the stock price is or what the dividend is, so long as the dividend has been raised year after year. I found this idea intriguing, because stock price is based on what customers/ investors are willing to pay. In essence, that price is based on other people’s opinion. But dividends are a decision made by the company itself, that they are confident enough in themselves that they can share the wealth, and extend themselves, for their shareholders.

Similarly, a decision to improve in some area during the coming year is one unique activity that has little to do with other people’s estimation of your worthiness. It has to do with your confidence in yourself and in your ability to grow and

improve. If you choose to do so year after year, you are an Aristocrat, regardless of how much you are worth in the eyes of others, and regardless of how small the increase was from each year to the next.

Choosing something to improve on during the coming year is a significant decision that deserves consideration. It can be something that you strive to start doing, or doing better, or something that you strive to stop doing, or at least diminish its frequency in your life. From my experience, if this choice is made strategically, a person will see significant results within weeks, and monumental, surprisingly wonderful change within six months.

The opportunity is great, but the exact technique of choosing something to work on strategically requires some discussion.

Sometimes a person may approach the new year feeling that he or she may as well choose last year's goal again, because they haven't "fixed" it yet. I am reminded of the story of a wagon driver who was hired to take a passenger from one city to another, but was warned not to take the "short," bumpy road. Despite all the assurances that the passenger had nothing to worry about, as the trip began, the passenger realized that the driver was taking the "short," bumpy road. He called out to the wagon driver, "I thought we agreed…" But the wagon driver just called back, "I know, I know. Don't worry!"

It was just a short way into the trip on the "short," bumpy road that the wagon hit a ditch and a wheel fell off. The wagon ground to a screeching halt, and the wagon driver jumped down to assess the damage. The frustrated passenger could hear the wagon driver mumbling under his breath, "For the life of me, I just can't figure it out. Every time I go on this road the wagon wheel breaks."

Similarly, if we find that we are repeating the same "to improve" list year after year, we might consider whether we are not using a good strategy to reach our desired goal. If we break the goal down to its components, and use strategy to follow a good path to achieve them, we can establish a high likelihood of succeeding.

Too often, the success of new year's goals fall into a vague category of TBA, To Be Announced. These include some people's goals of quitting smoking or other self-damaging behavior, anger management, and career or religious advancement. But if a new year's goal is set strategically, it can well set the platform for TBA, To Be an Aristocrat. Year after year you can "raise dividends," which is the result of strategic planning, and believing in yourself, and that you can do it.

Sometimes it is helpful to have someone else hear your goal, and offer feedback as to how to strategically implement it or break it down to its steps. On behalf of TEACH613, I invite you to send me an email of a goal that you would like to strategically work on in the coming year, and I will -bli neder- reply with thoughts and/or strategies that I hope will be helpful to you, based on various people's successes and personal coaching. You may submit your thought anonymously if you choose (it's easy to create a new anonymous email account if necessary), though such assistance is often more useful coming from someone who knows you.

While we are always happy to hear from you, to allow sufficient time for this to be useful, please send your emails no later than Labor Day, Sept 7.

I look forward to hearing from you. Here's to wishing You as an Aristocrat!

With best wishes for a wonderful Shabbos.

Me First! --Thoughts on Parashat Ki Tetsei

By Rabbi Marc D. Angel*

Americans spend about 37 billion hours a year waiting in lines and few of us enjoy the experience. What really irks us, though, is when we experience someone trying to cut into line. These "cutters" offend us with their bad manners, their lack of fairness, and their apparent feeling that their time is more valuable than ours.

"Cutters" are despicable to us because they show disdain for us and everyone else on line. They think only of themselves, without casting a thought as to how the rest of us feel. We are not irritated with them only because they cost us a few

more seconds in line; we are agitated because they depreciate and insult us by their arrogant selfishness in thinking themselves more important than the rest of us who are patiently waiting our turn.

This week's Torah portion includes various commandments that aim at increasing our sensitivity to the feelings of others. We need to think not only about what is best for ourselves, but also about how our actions impact on others. If we find a lost object, we are supposed to try to return it to its owner even if this takes time and energy on our part. We need to think about the feelings of the person who has lost this possession. Workers in vineyards are allowed to eat grapes as they work, so that their feelings are respected and their natural hunger is satisfied. When coming to collect a loan, one must wait outside the home of the borrower and wait courteously for him/her to make payment.

The Torah insists that workers be paid on time. To delay payment is considered "oppression" of the worker. "In the same day you shall pay the wages, neither shall the sun go down upon it; for he is poor, and sets his heart upon it: lest he cry against you unto the Lord and it be counted a sin against you." (Devarim 24:15) Delay in paying one's worker is not simply an act of financial negligence, but a bitter affront to the laborer who depends on his daily income. Delaying payment is a sin against the worker's dignity and self-respect.

Postponing payment reflects an attitude of disregard and disdain toward the one who has provided service and who is entitled to receive pay. It was said of Rabbi Yitzhak Luria, the great kabbalist of 16th century Safed, that he would not allow himself to pray Minhah (the afternoon prayer) until he first paid his debts to his workers. He reasoned: how can I stand in prayer before God when I have not fulfilled my basic obligation to my workers?

We might extend Rabbi Luria's reasoning to those who cut in line, who take shortcuts at the expense of others, who think themselves more important and more entitled than the rest of us. How can these self-centered and disrespectful people come before God in prayer, when they have shown callousness to their fellow human beings?

The Talmud (Berakhot 6b) states that if one does not respond to the greeting of another, it is considered as though he/she were a thief! By ignoring the greeting of another person, it is as though one is indicating: You are not important enough to merit a simple word of response from me; you simply do not matter to me! The non-responder is considered a "thief" because he/she has robbed another person's dignity and feeling of self-worth.

The greatest people are precisely those who are most generous and sensitive to the feelings of others. They conduct themselves with good manners and thoughtfulness. They are humble, natural, and kind. They do not cut in lines; they pay their debts on time; they demand no extra honors or privileges.

Rabbi Bahya Ibn Pekuda, in his classic "Hovot haLevavot," teaches: "No moral quality can possibly exist in anyone whose heart is devoid of humility before God or has in it anything of pride, haughtiness or conceit."

* Jewishideas.org. Note: Emphasis added. **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 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 Instutite for Jewish Ideas and Ideals at this time.

Parshas Ki Seitzei

by Rabbi Yehoshua Singer*

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 *tzitizis*. (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 mitzah, 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's 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, Bethesda, MD.

Ke Teitze: Confronting Our Dark Side

by Rabbi Moshe Rube*

We all have a dark side. It's called by many different names across cultures like the animal soul, sitra achra, dark side of the force, Yetzer Hara (Evil inclination), the dark passenger, the will to power etc. Of course these words can be used in many different contexts but they all characterize the part of ourselves that if left unchecked, steer human beings to commit harmful acts of power over others in an effort to glorify our own ego and desires.

How do we face this side of ourselves? Some people say to quash it but the general consensus across modern Jewish spirituality and psychology since Freud is that it must be sublimated. You have sexual desire so you channel it in the context of a loving relationship. You desire power so you steer yourself towards being an inspiring leader. You desire violence so you become a shochet (Jewish kosher slaughterer) or a football player.

And yet, sometimes we find ways to express this dark side with as few filters as possible. Look at the advent of video games where people play characters that maim and murder others. It does offer an incredible release to play Fortnite

against others and "kill" them. I must admit I used to enjoy playing Grand Theft Auto where you played a hitman hired by the mob. I don't know whether these games lead to real world violence, but I think we would all agree that playing the game in it of itself presents no moral dilemma. The characters you kill are not real. It's just a game.

But there is one situation in life where regular rules get replaced by different rules. Wartime. When countries are at war the soldiers are permitted to kill each other. Rabbi Avraham Kook calls this "societal Jewish Law" when asked how Jewish soldiers could kill others. When we live in non war times, killing is off the table. But war is different.

Other laws are suspended in war also. The Torah allows Jewish soldiers to eat nonkosher food and to take it from the populace they are fighting in order to keep their strength up. Theft and pork chops become allowed.
There is in fact, a veiled warning in the beginning of our Torah portion of Ki Seitzei. The verse starts off "When you go out to war against your enemies and God gives them into your hands". Rabbi Chaim Ben Attar asks why the Torah specifies your enemy if it's obvious. We don't go out to war against our friends. He explains that the Torah tells us that we shouldn't go out to war because lots of things will be permitted to us. We should only go because we have to fight our enemies. When our dark side is allowed to come out we have to be so careful to keep it sublimated and to not let it loose.

Times are tough now. We're afraid and uncertain. But that can easily give us a license to unleash our dark side completely unsublimated. ("Fear is the path to the dark side" as a wise man once said.) That's why it's so important to keep our faith up. Our faith in God. Our faith in better times. And to be grateful for all that we do have. Can you think of 3 things you're grateful for? Just list them off verbally. You'll be glad you did. And your sublimated dark side will thank you.

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Rav Kook Torah
Ki Tetze: Amalek -- Constructive Destruction

> ***"Remember what Amalek did to you on your way out of Egypt. When they encountered you on the way, and you were tired and exhausted, they cut off those lagging to your rear, and they did not fear God. Therefore... you must obliterate the memory of Amalek from under the heavens."*** (Deut. 25:17-8)

True Erasing

The Torah prohibits 39 categories of melachah — activities which are forbidden on the Sabbath. One is to erase writing. There are, however, different forms of erasing. Erasing merely to blot out what is written is a destructive act, and destructive acts are not forbidden on Shabbat by Torah law. Melachah is constructive activity, similar to God's creative acts when forming the universe.

So what form of erasing is prohibited on the Sabbath? Mocheik al m'nat lichtov — erasing with the intention of writing again. One's intention must be to clean the surface in order to write over the original letters. This type of erasing is a positive, constructive activity, and therefore is incompatible with the special rest of the Sabbath day.

Restoring God's Name and Throne

Rav Kook explained that this principle may also be applied to the mitzvah of "erasing" Amalek. The mitzvah is not simply to obliterate Amalek so that there will no longer be any more Amalekites in the world. That would be a purely destructive act.

What then is the true mitzvah of destroying Amalek?

Amalek's goal was to eradicate the nation which bears God's Name in the world. Amalek could not tolerate the idea of a people with whom God made a special covenant, a people whose very existence implies ethical obligations and holy aspirations. The complete expression of the mitzvah to destroy Amalek is accomplished when we "erase in order to write." It is not enough to wage war against Amalek. The destruction of Amalek must have a productive goal. We must obliterate Amalek, and all that this evil nation represents, with the intention of "transforming the world into a kingdom of the Almighty."

As the Midrash explains:

> *"God's Hand is raised on His throne: God shall be at war with Amalek for all generations."* (Ex. 17:16)

"Why is the word for 'throne' shortened, and even God's Name is abbreviated?[1] God swore that His Name and His Throne are not complete until Amalek's name will be totally obliterated." (Tanchuma, Ki Teitzei 11; Rashi ad loc)

We are charged to replace Amalek with the holy letters of God's complete Name. We must restore God's complete throne — i.e., God's Presence in the world - through the special holiness of the Jewish people, who transmit God's message to the world.

(Sapphire from the Land of Israel. Adapted from Mo'adei HaRe'iyah, pp. 241-242.)

[1]The verse uses the word keis instead of the more common word kisei for 'throne.' And it uses the shorter, two-letter Name of God, as opposed to the regular four-letter Tetragrammaton.

Against Hate © 2014

By Lord Rabbi Jonathan Sacks, Former UK Chief Rabbi,*

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

Do not despise an Edomite, because he is your brother.

Do not despise the Egyptian, because you were a stranger in his land. (Deut. 23: 8)

These are very unexpected commands. Understanding them will teach us an important lesson about leadership.

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

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

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

Jews cannot complain that others have racist attitudes toward them if they hold racist attitudes toward others. "First correct yourself then [seek to] correct others," says the Talmud.[1] Tanakh contains negative evaluations of some other nations, but always and only because of their moral failures, never because of ethnicity or skin colour.

Now to Moses' two commands against hate,[2] both of which are surprising. "Do not despise the Egyptian, because you were a stranger in his land." This is extraordinary. The Egyptians enslaved the Israelites, planned a programme against them of slow genocide, and then refused to let them go despite the plagues that were devastating the land. Are these reasons not to hate?

True: but the Egyptians had initially provided a refuge for the Israelites at a time of famine. They had honoured Joseph and made him second-in-command. The evils they committed against them under "a new king who did not know of Joseph" (Ex. 1: 8) were at the instigation of Pharaoh himself, not the people as a whole. Besides which it was the daughter of that Pharaoh who had rescued Moses and adopted him.

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

rescued the Israelites:

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

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

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

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

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

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

Contemporary Games Theory suggests the same. Martin Nowak's programme "Generous Tit-for-Tat" is a winning strategy in the scenario known as the Iterated Prisoner's Dilemma. Tit-for-tat says: start by being nice to your opponent, then do to him what he does to you (in Hebrew, middah kneged middah). Generous Tit-for-Tat says, don't always do to him what he does to you or you may found yourself locked into a mutually destructive cycle of retaliation. Every so often ignore (i.e. forgive) your opponent's last harmful move. That, roughly speaking, is what the sages meant when they said that God originally created the world under the attribute of strict justice but saw that it could not survive. Therefore He built into it the principle of compassion.[5]

Moses' two commands against hate are testimony to his greatness as a leader. It is the easiest thing in the world to become a leader by mobilising the forces of hate. That is what Radovan Karadzic and Slobodan Milosevic did in the former Yugoslavia and it less to mass murder and ethnic cleansing. It is what the state controlled media did – describing Tutsis as inyenzi, "cockroaches" – before the 1994 genocide in Rwanda. It is what dozens of preachers of hate are doing today, often using the Internet to communicate paranoia and incite acts of terror.

This was the technique mastered by Hitler as a prelude to the worst-ever crime of man against man. The language of hate is capable of creating enmity between people of different faiths and ethnicities who have lived peaceably together for centuries. It has consistently been the most destructive force in history, and even knowledge of the Holocaust has not put an end to it, even in Europe. It is the unmistakable mark of toxic leadership.

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

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

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

Footnotes:
[1] Baba Metsia 107b.

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

[3] Sifri, Bamidbar, Behaalotecha, 69.

[4] Sifri ad loc.

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

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

* https://rabbisacks.org/ki-tetzei-5774-hate/. 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, when I include one of his Devrei Torah, I use something from an earlier year.

Amalek – Nemesis of G dliness

Adapted by Yanki Tauber*
Based on the teachings of the Lubavitcher Rebbe

> ***The people of Israel journeyed . . . and they camped in Rephidim . . .***
>
> ***[Moses] named the place "Challenge and Strife," because of the strife of the people of Israel and their challenging of G d, saying, "Is G d amongst us or not?"***
>
> ***Then came Amalek and attacked Israel in Rephidim . . .*** (Exodus 17:1–8)
>
> ***Remember what Amalek did to you on the road, on your way out of Egypt. That he encountered you on the way, and cut off those lagging to your rear, when you were tired and exhausted; he did not fear G d. Therefore . . . you must obliterate the memory of Amalek from under the heavens. Do not forget.*** (Deuteronomy 25:17–19)

The Jewish people had just experienced one of the greatest manifestations of divine power in history. Ten supernatural plagues had compelled the mightiest nation on earth to free them from their servitude. The sea had split before them, and manna had rained from the heavens to nourish them. How could they possibly question, "Is G d amongst us or not?"

Yet such is the nature of doubt. There is doubt that is based on a rational query. There is doubt that rises from the doubter's subjective motives and desires. But then there is doubt pure and simple: irrational doubt, doubt more powerful than reason. Doubt that neutralizes the most convincing arguments and the most inspiring experiences with nothing more than a cynical shrug.

Such was the doubt that left the Jewish people susceptible to attack from Amalek. Amalek, in the spiritual sphere, is the essence of baseless, irrational indifference. In the words of the Midrash:

> *To what is the incident (of Amalek) comparable? To a boiling tub of water which no creature was able to enter. Along came one evildoer and jumped into it. Although he was burned, he cooled it for the others.*
>
> *So, too, when Israel came out of Egypt, and G d split the sea before them and drowned the Egyptians within it, the fear of them fell upon all the nations. But when Amalek came and challenged them, although he received his due from them, he cooled1 the awe of the nations of the world for them*. 2

This is why Amalek, and what he represents, constitutes the archenemy of the Jewish people and their mission in life. As Moses proclaimed following the war with Amalek, "G d has sworn by His throne; G d is at war with Amalek for all generations."3 Truth can refute the logical arguments offered against it. Truth can prevail even over man's selfish drives and desires, for intrinsic to the nature of man is the axiom that "the mind rules over the heart"—that it is within a person's capacity to so thoroughly appreciate a truth that it is ingrained in his character and implemented in his behavior. But man's rational faculties are powerless against the challenge of an Amalek who leaps into the boiling tub, who brazenly mocks the truth and cools man's most inspired moments with nothing more than a dismissive "So what?"

The Bottleneck

Amalek attacked Israel "on the road, on [the] way out of Egypt," as they were headed toward Mount Sinai to receive G d's Torah and their mandate as His people. Here, too, history mirrors the inner workings of the soul: the timing of the historical Amalek's attack describes the internal circumstances under which the pestilence of baseless doubt rears its head.

In the Passover Haggadah we say: "In every generation one must see himself as if he personally came out of Mitzrayim." Mitzrayim, the Hebrew word for Egypt, means "narrow straits"; on the personal level, this refers to what chassidic teaching calls the "narrowness of the neck" which interposes between the mind and the heart.

Just as physically the head and the heart are joined by a narrow passageway, the neck, so it is in the spiritual-psychological sense. For while the mind possesses an innate superiority over the heart, it is a most difficult and challenging task for a person to exercise this superiority—to direct and mold his feelings and desires to conform with what he knows to be right. This is the "Exodus from Mitzrayim" that is incumbent on each and every generation: the individual challenge to negotiate the narrow straits of one's internal "neck," to overcome the material enticements, the emotional subjectivity, the ego and self-interest which undermine the mind's authority over the heart and impede its influence on the person's character and behavior.

As long as a person is still imprisoned in his personal mitzrayim, he faces many challenges to his integrity. As long as he has not succeeded in establishing his mind as the axis on which all else revolves, his base instincts and traits—such as greed, anger, the quest for power and instant gratification—may get the better of him. But once he achieves his personal "Exodus" from the narrow straits of his psyche, once he establishes his knowledge and understanding of the truth as the determining force in his life, the battle is all but won. He may be confronted with negative ideas and rationalizations, but free of the distortions of self-interest, the truth will triumph. He may be tempted by negative drives and desires, but if in his life the mind rules the heart, it will curb and ultimately transform them.

But there remains one enemy which threatens also the post-Exodus individual: Amalek. Amalek "knows his Master and consciously rebels against Him." Amalek does not challenge the truth with arguments, or even with selfish motivations; he just disregards it. To the axiom, "Do truth because it is true," Amalek says, "So what?" Armed with nothing but his chutzpah, Amalek jumps into the boiling tub, contests the incontestable. And in doing so, he cools its impact.

Beyond Reason

How is one to respond to Amalek? How is one to deal with the apathy, the cynicism, the senseless doubt within? The formula that the Torah proposes is encapsulated in a single word: Zachor—"Remember."

In his Tanya,4 Rabbi Schneur Zalman of Liadi discusses the faith in G d that is integral to the Jewish soul. Faith is not something that must be attained; it need only be revealed, for it is woven into the very fabric of the soul's essence. Faith, continues Rabbi Schneur Zalman, transcends reason. Through faith one relates to the infinite truth of G d in its totality, unlike the perception achieved by reason, which is defined and limited by the finite nature of the human mind.

Thus Rabbi Schneur Zalman explains the amazing fact that, throughout Jewish history, many thousands of Jews have sacrificed their lives rather than renounce their faith and their bond with the Almighty—including many who had little conscious knowledge and appreciation of their Jewishness, and did not practice it in their daily lives. At their moment of truth, when they perceived that their very identity as Jews was at stake, their intrinsic faith—a faith that knows no bounds or equivocations—came to light, and overpowered all else.

Amalek is irrational and totally unresponsive to reason; the answer to Amalek is likewise supra-rational. The Jew's response to Amalek is to remember: to call forth his soul's reserves of supra-rational faith, a faith which may lie buried and forgotten under a mass of mundane involvements and entanglements. A faith which, when remembered, can meet his every moral challenge, rational or not.

FOOTNOTES:

1. The Hebrew word karcha, "he encountered you," employed by the verse to describe Amalek's attack on Israel, also translates as "he cooled you."

2. Midrash Tanchuma, Ki Teitzei 9.

3. Exodus 17:16.

4. Chapters 18–19.

An Insight on Parshat Ki Teitzei: The Peaceful War Against Evil

By Rabbi Moshe Wisnefsky*

"If you go out to an optional war...." (Devarim 21:10)

Our ability to succeed in our Divine mission to vanquish evil in the world at large is directly proportional to our success in vanquishing the evil within ourselves. The theater of our inner spiritual battle with evil is daily prayer, in which we strive to empower our Divine souls over our materialistic, animal drives.

What, then, is the spiritual correlate to the "optional" war? Are we not obliged to confront every instance of evil we perceive within ourselves?

The answer is yes, but there is another way to vanquish our inner negativity besides confronting it directly in prayer: studying the Torah. Studying the Torah fills our consciousness with Divine awareness, and this awareness can largely dissipate the evil within us. Whereas the direct confrontation in prayer requires strenuous effort, the effect of Torah study is virtually effortless.

Thus, whenever there is an option to do away with evil through Torah study, taking the route of direct engagement in prayer becomes an "optional" war. Eliminating evil through Torah study renders the need to battle evil in prayer unnecessary, transforming prayer into the simple, serene expansion of Divine consciousness.

– **Kehot's Daily Wisdom #2**

*** An Insight from the Rebbe.**

Gut Shabbos,
Rabbi Yosef B. Friedman
Kehot Publication Society

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Covenant and Conversation
Rabbi Jonathan Sacks

Animal Welfare

Ki Teitse is about relationships: between men and women, parents and children, employers and employees, lenders and borrowers. Strikingly, though, it is also about relationships between humans and animals.

Descartes thought that animals lacked souls. Therefore you could do with them as you pleased.[1] Judaism does not believe that animals lack souls – "The righteous person cares about the nefesh of their animal," says the book of Proverbs (12:10). To be sure, nefesh here probably means "life" rather than "soul" (neshama in Hebrew). But Tanach does regard animals as sentient beings. They may not think or speak, but they do feel. They are capable of distress. Therefore there is such a thing as animal distress, tza'ar baalei chayim, and as far as possible it should be avoided.

So we read in Parshat Ki Teitse: "Do not muzzle an ox when it is treading grain" (Deut. 25:4). What is intriguing about this law is that it parallels provisions for human beings as well: "When you come [to work] in your neighbour's vineyard, you may eat as many grapes as you desire to satisfy your hunger… When you come [to work] in your neighbour's standing grain, you may take the ears with your hand" (Deut. 23:25–26). The principle is the same in both cases: it is cruel to prevent those working with food from eating some of it. The parallel is instructive. Animals, not just humans, have feelings and they must be respected.

Another law is: "Do not plough with an ox and donkey together" (Deut. 22:10). The ox is stronger than a donkey, so expecting the donkey to match the work of an ox is cruel. Each animal species has its unique role in the scheme of creation that we must respect.

The most fascinating animal legislation in this parsha is the law of "sending the mother bird away": If you come across a bird's nest beside the road, either in a tree or on the ground, and the mother is sitting on the young or on the eggs, do not take the mother with the young. You may take the young, but be sure to let the mother go, so that it may go well with you and you may have a long life. (Deut. 22:6–7)

Much has been written on this command. Here I discuss only the analysis given by Moses Maimonides, fascinating in its complexity. There is a law that appears twice in the Mishnah, stating that if a leader of prayer says, "Your mercies extend even to a bird's nest," they are to be silenced.[2] The Talmud offers two possible explanations, of which one is that such a prayer "makes it seem as the attributes of God are an expression of compassion, whereas in fact they are sheer decrees."

In both his commentary to the Mishna and his law code,[3] Maimonides adopts this view. He adds: If the reason for sending the mother bird away were Divine compassion towards animals then, in consistency, God should have forbidden killing animals for food. The law therefore should be understood as a decree without an obvious rationale (gezerat hakatuv), and he states that this has nothing to do with compassion, human or Divine.

In Guide for the Perplexed, however, Maimonides adopts the opposite approach. There he rejects the very idea that there are commands that have no reason. There is a purpose to killing animals for food is, he says, because meat-eating is necessary for human health. Shechitah (ritual slaughter), however, has been ordained because it is the most painless way to kill an animal. He continues:

> It is also prohibited to kill an animal with its young on the same day, in order that people should be restrained and prevented from killing the two together in such a manner that the young is killed in the sight of the mother, for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of human beings and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning but by imagination, and this faculty exists not only in man but also in most living beings…The same reason applies to the law which enjoins that we should let the mother bird fly away when we take the young.[4]

So Maimonides, contrary to the position he takes in his law code, here states that the law does have compassion as its logic. Moreover, what it seeks to avoid is not physical pain to the animal but psychological distress. Maimonides' view of animals has been confirmed by recent findings in biology that suggest that many species do indeed resemble humans in their ability to form groups, engage in reciprocal altruism, and display a range of emotions.[5] In most animal species, it is the mother that forms an ongoing bond with the young. Among animals, fatherhood is usually far less developed. So Maimonides' explanation in The Guide is empirically well-founded.

However, elsewhere in his Guide,[6] Maimonides takes yet a third position. Divine Providence, he says, extends to individuals only among humans. Amongst animals, it applies solely to a species as a whole. So the reason we must not cause animals pain or distress is not because the Torah is concerned about animals but because it is concerned about humans. We should not be cruel.

There is a rule laid down by our Sages that it is directly prohibited in the Torah to cause pain to an animal. This rule is based on the words [of the angel to Bilaam], "Why have you beaten your donkey?" (Num. 22:32). The object of this rule is to make us better, that we should not assume cruel habits, and that we should not needlessly cause pain to others – that on the contrary, we should be prepared to show pity and mercy to all living creatures except when necessity demands the contrary.

Maimonides thus seems to embrace three sharply conflicting views:

The law of the mother bird is a Divine decree with no reason.

This law is intended to spare the mother bird emotional pain.

This law is intended to have an effect on us, not the animal, by training us not to be cruel.

In fact all three are true, because they answer different questions.

The first view explains why we have the laws we have. The Torah forbids certain acts that are cruel to animals but not others. Why these and not those? Because that is the law. Laws will always seem arbitrary. But we observe the law because it is the law, even though, under certain circumstances, we may reason that we know better, or that it does not apply. The second view explains the immediate logic of the law. It exists to prevent needless suffering to animals, because they too feel physical pain and sometimes emotional distress as well. The third view sets the law in a larger perspective. Cruelty to animals is wrong, not because animals have rights but because we have duties. The duty not to be cruel is intended to promote virtue, and the primary context of virtue is the relationship between human

beings. But virtues are indivisible. Those who are cruel to animals often become cruel to people. Hence we have a duty not to cause needless pain to animals, because of its effect on us. Hence the third proposition. Interestingly, Maimonides' analysis was repeated almost exactly, six centuries later, by the greatest philosopher of modern times, Immanuel Kant.[7]

This is a subtle and nuanced approach. Animals are part of God's creation. They have their own integrity in the scheme of things. We now know that they are far closer to human beings than philosophers like Descartes thought. This would not have been news to the heroes of the Bible. Abraham, Moses, and David were all shepherds who lived their formative years watching over and caring for animals. That was their first tutorial in leadership, and they knew that this was one way of understanding God Himself ("The Lord is my shepherd" [Ps. 23:1]).

Judaism also reminds us of what we sometimes forget: that the moral life is too complex to summarise in a single concept like "rights." Alongside rights, there are duties, and there can be duties without corresponding rights. Animals do not have rights, but we have duties towards them. As several laws in Parshat Ki Teitse and elsewhere make clear, we must not cause them unnecessary pain or emotional distress.

As we saw last week in the case of environmental legislation in Shoftim, Genesis 1 gives us the mandate to "subdue" and "rule" creation, including animals, but Genesis 2 gives us the responsibility to "serve" and "guard." Animals may not have rights but they have feelings, and we must respect them if we are to honour our role as God's partners in creation.

[1] See Tom Regan and Peter Singer, eds., Animal Rights and Human Obligations (Englewood Cliffs, NJ: Prentice Hall, 1989), 13–19.
[2] Mishna Brachot 5:3; Mishna Megillah 4:9.
[3] Maimonides, Mishneh Torah, Hilchot Tefillah 9:7.
[4] Maimonides, Guide for the Perplexed, III:48.
[5] See on this the many works of primatologist Frans de Waal, including Good Natured (Cambridge, MA: Harvard University Press, 1997); Chimpanzee Politics (Baltimore, MD: John Hopkins University Press, 2007); The Age of Empathy (London: Souvenir, 2011); The Bonobo and the Atheist (New York: W. W. Norton and Co., 2014); and Are We Smart Enough to Know How Smart Animals Are? (New York: W. W. Norton and Co., 2017).
[6] Guide for the Perplexed, III:17.
[7] Immanuel Kant, Lectures on Ethics (London: Methuen, 1930).

Shabbat Shalom: Rabbi Shlomo Riskin

"An illegitimate person [mamzer] shall not enter into the congregation of the Lord; even his tenth generation shall not enter into the congregation of the Lord" (Deuteronomy 23:3)

One of the most difficult biblical laws to understand is that of the mamzer, the product of an adulterous (or incestuous) sexual liaison, who may never enter into a marriage relationship with another Jew.

We can readily understand why the adulterers themselves are forbidden from marrying each other, even after they become divorced from their previous spouses; they, who showed such disdain and disregard for the exclusive and sacred marital relationship by betraying their marital partners, dare not enter together into matrimony, since God "has sanctified His nation Israel by means of the nuptial canopy and the marital ritual of kiddushin" (the initial blessing, along with the blessing over the wine, at a wedding ceremony). The glory of the Jewish people has always been the purity of our family life.

But why punish the innocent product born of such an adulterous act? He/she has done nothing wrong; he has certainly not controlled the nature of the act which led to his/her birth. Why forbid him/her to ever become married in Israel? In order to understand the meaning behind this law, I believe it is necessary to understand the difference between the Written Law (Bible), which the sacred Zohar calls "the harsh law" (dina de'takfa), and the Oral Law (Talmud and Responsa) which is called in turn "the soft and compassionate law" (dina de'rafiya). The interpretation I am now expositing in differentiating between these two corpora of legal doctrine is hinted at both in Maimonides's Mishne Torah, Laws of Blows and Damages (1, 3) and Guide for the Perplexed (part 3, chapter 41).

Even a cursory glance at the Bible will reveal the many instances in which capital punishment is called for, the Bible declaring that the offender "must surely die, is certainly to be stoned to death" (mot tamut, sakel yisakel). The Oral Law, however, greatly limits these extreme punishments, insisting that a trial can take place only if two knowledgeable and objective witnesses give testimony that they saw the actual crime being perpetrated (circumstantial evidence not being admissible in a Jewish courtroom), and took the opportunity to give proper warning to the assailant, determining that he was aware of the action he was about to commit and its punitive consequences; hence R. Akiva and R. Tarfon both declare that if they had been on the Sanhedrin, no human being would ever have been tried for a capital crime. And our Sages declare that if a culprit was put to death once in 70 years, the court would be declared "a murderous court" (Mishna Makot 1;10).

The difference in punitive attitude becomes clear when we remember the different purposes guiding each legal code: The entire Pentateuch is heard each year by every Jew who attends Sabbath services, so that the goal of the biblical readings each week is to inform and inspire the consciences—first and foremost of the Jewish attendees—by inspiring them to understand the critical importance of ethical and moral actions.

The Oral Law, however, which sets down the actual punishments, must mediate the law with life, taking into account that if, God forbid, the wrong person is put to death for a crime he did not commit, there is no judicial recourse to bring him back to life. Hence the Oral Law softens and even sweetens the penalties, even bending over backwards to be lenient with the defendant.

For example, the Written Law warns "an eye for an eye," since the only way an individual can understand the enormity of his crime of taking out a person's eye is for him to have his eye removed; the Oral Law then explains that, since different people have different levels of eyesight and some professions require greater use of the eyes than do others, the actual penalty must be monetary remuneration rather than the removal of the eye.

The Bible, since it wished to inspire Israel to respect and protect the moral integrity of the marital union, teaches that if one degrades the marital fidelity, the product of such a liaison would never be able to enter a marital union, for all subsequent generations. However, the Oral Law made it virtually impossible to have a practical instance of mamzerut: not only would there have had to be two witnesses who gave warning to the transgressing couple prior to their act of adultery, which would have had to take place in front of those witnesses, but the halachic presumption is always that since the majority of sexual acts are between husband and wife, every child is presumed to be the child of that husband (and since paternity tests are not 100% accurate, they are not sufficient proof of adultery). When the case of a woman whose husband went overseas twelve months before she gave birth was brought before a religious court in talmudic times, the judges declared the child to be "kosher," assuming that the fetus had gestated in the woman's womb for 12 months! And in a similar incident they ruled that the husband had secretly returned for a night unbeknownst to anyone.

In more modern times, I do not know of a single case of mamzerut for which Hacham Ovadia Yosef or Rav Moshe Feinstein did not find a positive solution enabling the person in question to marry into the Jewish community. Unfortunately, the present religious establishment is not as bold as the decisors of previous generations.

The Person in the Parsha
Rabbi Dr. Tzvi Hersh Weinreb

The Rich Fruits of Forgiveness

The spirit of forgiveness is in the air. Since the beginning of this month, the month of Elul, Sephardic communities have been reciting selichot, prayers petitioning the Almighty for his forgiveness. They have been doing so each

and every day, rising before dawn in order to get to the synagogue on time. Ashkenazic communities, following their custom, will delay the recitation of these petitionary prayers until the week before Rosh Hashanah.

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

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

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

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

There is a passage in this week's Torah portion which, far from exuding a spirit of forgiveness, reflects almost inexplicable harshness. Near the very beginning of our parasha, is the passage that deals with the ben sorer u'moreh, the wayward and defiant son. It reads:

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

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

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

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

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

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

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

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

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

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

I must conclude by citing a "higher authority" then the greatest of American presidents. I present you with a verse from Psalms, as explicated by the great medieval commentator, Abraham ibn Ezra. The verse is Psalm 130:4, recited in many communities during the period from Rosh Hashanah until Yom Kippur.

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

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

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

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

Torah.Org: Rabbi Yissocher Frand

The Crime of Ammon and Moav Was Not About Bread and Water

The pasuk says in Parshas Ki Seitzei "Neither an Ammonite nor a Moavite should enter the Congregation of Hashem…" [Devorim 23:4]

We may not marry a descendant of the nations of Ammon or Moav "…because they did not greet you with bread and water on the road when you went out from Egypt…" [Devorim 23:5] Then the pasuk throws in "…and over the matter that they hired against you Bilaam son of Beor to curse you." [ibid.] The Torah spells out those commandments in pesukim 4 and 5. Then pasuk 6 continues "And Hashem did not desire to listen to Bilaam and He turned his curse into a blessing for the L-rd your G-d loves you."

The Dubno Maggid asks an obvious question on this last pasuk. These pesukim are dealing with the reason why it is forbidden to marry a descendant of Ammon and Moav. This pasuk should tell us the reason for this prohibition and nothing more. The reason is because they sinned against you twice – first by not providing you with bare necessities (bread and water) when you were close to their territory and second because they even hired the sorcerer Bilaam to curse you. That suffices to explain to us why we should never marry them.

Why does the pasuk need to go on further to state "And Hashem did not desire to listen to Bilaam and He turned his curse into a blessing…" That is ancient history! It happened in Parshas Balak! If the Torah wants to tell us that Hashem loves us, it should tell us this over there in Parshas Balak. This is not germane to Parshas Ki Seitzei. Our parsha is interested in telling us one thing – the reason to hold a grudge against Ammon and Moav which justifies the Torah's forbidding intermarriage with their descendants. Why does it repeat the fact that Hashem did not listen to Bilaam because He loved Klal Yisrael here in Parshas Ki Seitzei?

The Dubno Maggid, as is his holy style, provides us an answer by relating a parable: To what can the matter be compared? There was a fellow who went to the trade fair and loaded up his wagon with all types of goods and wares that he was going to sell. Sale of this merchandise was going to be a good part of his income for the coming year. Later, he is on his way home. He stops at an inn and stays there overnight. The next morning, he wakes up, and he goes to get his wagon with all the wares. Lo and behold, it has been stolen! (They stole his car. They stole his truck. We can easily update the parable to our own times). All his merchandise is gone. All the money that he spent at the fair is down the drain.

He starts walking home by foot. He goes through mountains and valleys and valleys and mountains. Lo and behold, at the top of one mountain what does he see? He sees his wagon with his donkey with his wares and he finds the thief! He goes over to the fellow and shouts, "You thief! You stole my wagon! You stole my merchandise!" The thief confesses and said, "You are right. I am sorry." The merchant said, "Okay, fine. Just give me back my wagon."

The thief is thinking, "This fellow is a very nice person. He does not punch me. He does not take me to the police." Then the thief says to his victim "But, shouldn't you pay me for schlepping your wagon up all these hills? It was not easy taking all these wares up the mountains and through the valleys! At least pay me for that!" The merchant said to him "What Chutzpah [Gall]! Now I am furious at what you did to me!"

The Dubno Maggid explains this pasuk similarly. Ammon and Moav are saying "Why are you being so harsh on us? Okay, we did not want to give you the water. True, we did hire Bilaam to curse you. However, in the end, you received blessings from Bilaam's utterances. You should really appreciate what we did for you!" The Almighty responds "Forget what they said. It is not because of them that you received blessings. Rather, Hashem did not wish for you to be cursed. He loves you and switched the curses to blessings. It has nothing to do with them and therefore they cannot claim credit for allowing you to receive blessings.

Thus far are the words of the Dubno Maggid. However, I saw a slightly different explanation to this question. It is an answer that the Tolner Rebbe bases on a Kli Yakar in this week's parsha.

Besides the initial question asked by the Dubno Maggid (Why is it necessary to tell us here "And Hashem did not desire to listen to Bilaam…), the Tolner Rebbe asks several additional questions:

First: Rashi says that the expression "because they did not greet you with bread and water" refers to the scheme they suggested to have the daughters of Midyan engage in promiscuous relations with Klal Yisrael. This seems to be a very far-fetched interpretation. How did Rashi come to this conclusion?

Second: The Ramban says an amazing thing here. According to the Ramban, Ammon and Moav did in fact provide bread and water to Klal Yisrael! To prove this contention, he cites an explicit pasuk in Parshas Devorim [2:28-29]: "You will sell food to me for money and I shall eat and you will give me water for money, and I shall drink… As the children of Esav who dwell in Seir did for me, and the Moavites who dwell in Ar…" So, what then does it mean here in Parshas Ki Seitzei "Over the matter that they did not greet you with bread and water?"

Third: Did they need bread and water from the Children of Moav? The Torah tells us – whatever it means – "Over the fact that they did not greet you with bread and water." They needed bread and water? What happened to the Mann? What happened to the Well? The Mann did not stop until they came into Eretz Yisrael. At this time, they were still being fed with Mann and their thirst was still being quenched by water from the Rock that Moshe struck. What, then, is the meaning of the complaint against Ammon and Moav that they did not provide them with bread and water?

The Ramban offers an amazing idea: For the thirty-nine years that they were in the Wilderness, their bread and water was provided by the Mann and the Well. However, the Ramban says, in the fortieth year that they were in the Wilderness, they started buying "soda". He does not literally say they bought soda but he does say that in that fortieth year, there were adults in Israel (Gedolei Yisroel) who began purchasing other beverages (e.g. – wine and other juices) for their drinking pleasure (l'taynug) rather than for reasons of urgent need or for merely quenching their thirst. They were close to the Land of Israel and they were trying to get used to the concept of "going to the store and buying." They began purchasing things for consumption. It is this type of purchasing that is referred to in Parshas Devorim where Bnei Yisrael mention the fact that they engaged in commercial transactions with the children of Esav and with the Moavites who dwell in Ar.

Knowing all of the above, the Kli Yakar puts it all together for us. This is what happened: Certainly, their main complaint against Ammon and Moav was the fact that they caused them to sin (the plan involving the daughters of Midyan). The Kli Yakar explains: They were approaching Eretz Yisrael. They had become used to having more than just bread and water. They had already bought more luxurious items. They had become accustomed to wine. They are approaching the Children of Ammon and Moav. They are tired and hungry and they are thirsty for the wine to which they have become accustomed. What was their sin? It was "because they did not GREET you (al dvar asher lo KEEDMU eschem) with bread and water." They said "Wait!"

The Jews were thirsty, their tongues were sticking out already anxious to consume the beverages, yet the Ammonites and Moavites made them wait for it. All this was a plot. When people are hungry and thirsty and are anxiously waiting for something, then when they finally get it – they do not stop to ask any questions.

It was because of this that when the food and drink was finally brought out to them, they consumed "the meat slaughtered to their gods" (zivchei Eloheihem) – i.e. forbidden non-Kosher meat – and they consumed their "wines of libation" which placed them on the road to sin and promiscuousness. Ammon and Moav told the Jewish men – when they saw how desperate they were for good food and beverage – "Well, if you really want to taste our best wine, go inside that tent over there…"

Inside the tent, seductive daughters of Midyan were waiting with their little idols. They offered them food and wine (and Chazal say also fine linens) – and aroused their sensual desires. The whole scheme was to be able to trip them up into engaging in forbidden sexual relations. This was the major crime of Bnei Ammon and Moav. This, says the Kli Yakar, is the nuance of meaning hidden in the words "because they did not GREET you (keedmu eschem) with bread and water." They were not forthcoming with the food and drink and made them desperate. Desperate men do desperate things.

This is exactly what Rashi says when he links the words in Devorim 23:5 with the plot involving the Midyanite daughters. When one nation attacks another nation be it in self-defense or be it in the passion of the moment because they hate them, that is one thing. But when you sit and you plot in order to destroy another nation — that is when the Master of the Universe says "This I will not allow." It was malicious. It was malevolent. It was spending time and mental energy just in order to spiritually ensnare them. That is a grievous sin.

The Gerer Rebbe once said that we know that in each and every generation there have been those who arise against us to destroy us. But no one ever did to Klal Yisrael what the Nazis, ymach shmam, did. The formulation of "the Jewish problem" and the plotting and the propaganda and all that the Nazis did – not just the fact that they went to war. This was a "Master Plan" to destroy the Jewish people. This is precisely why the Master of the Universe abhors Ammon and Moav. They cannot come and say "Well, what did we do worse than anybody else?" No. You plotted. You schemed to make the Ribono shel Olam angry at Klal Yisrael, knowing well that "the G-d of these people detests sexual immorality." This malevolence involved such trickery and such forethought."

The Almighty emphasizes: I did not let it happen. Do you know why? "Because the L-rd your G-d loves you!"

The Tolner Rebbe, who gave this schmooze [lecture regarding ethical matters] in the midst of the spiritually pregnant month of Elul, noted: If we see the anger that the Almighty had against Ammon and Moav because of their evil plots against Klal Yisrael, imagine if we plot for good and sit down in the days of Elul and try to figure out positive spiritual strategies. The complaint against Ammon and Moav was that they sat down to figure out negative spiritual strategies. They strategized to do evil. The Rebbe said that the Divine Attribute to reward exceeds the Divine Attribute to punish. If we sit down during these days and we strategize to spiritually improve, what a positive effect it can have. Let us sit down and say "Listen. We have been here and we have done that in the past. But what are we going to do this coming year to make our Teshuva last? What concrete steps are we going to take?" If a person has the forethought to strategize how this year is going to be better, that will ingratiate him to the Ribono shel Olam. Just as He took out His wrath on Ammon and Moav for their strategizing to do evil, if we strategize to do good, how much more so will we find favor in His Eyes.

Dvar Torah
Chief Rabbi Ephraim Mirvis

What is the significance of coincidences? In parashat Ki Teitzei we are given a fascinating mitzvah, which I doubt you have ever – or will ever – perform. The Torah says 'ki yikarei kan tzipur lefanecha' – if you are out and about, and happen to come across a bird's nest, and you want to take the young or the eggs, then you must first send the mother bird away in order that it should not witness you actually taking her young. As a result, the Torah promises a reward: "l'ma'an yitav lach" – in order that it will be good for you, "v'harachta yamim", and you will enjoy length of days.

Now there is an apparent misspelling here – "ki yikarei", 'when it just happens that you find this birds nest'. Yikarei comes from 'mikreh' which means a coincidence, and therefore Yikarei should have been spelt 'Yud-kuf – reish – hei', however its spelt 'Yud – kuf – reish – alef', which comes from the word 'koreh' which means 'to call', indicating that literally, what the Torah is telling us here, is that this bird's nest is calling out to us. What can this mean?

Hashem obviously wants us to know that every single coincidence issues a call to us to do something in the responsible manner. In this particular case, the call of the bird's nest is for us to reach out with compassion towards one of Hashem's creatures. And when it comes to the reward, "l'ma'an yitav lach" – it will be good for you, you'll feel good! But more significantly "v'harachta yamim" – you will have length of days. With 'arichut yamim', you will squeeze value out of every single moment of precious life that you have here on earth.

If we relate to every coincidence as an opportunity, then our days will be filled with incredible fulfilment.

In every single coincidence there is a hidden opportunity, and when it calls out to us, let us respond in the best possible way.

OTS Dvar Torah
Rivki Yisraeli

Is there a spiritual reason for investigating the reasons and origins of the commandments? In today's world, the concepts of "faithfulness" and "responsibility" should replace the concept of "commitment". A faithful person is one who both has faith and in whom faith can be placed, and if responsibility is entrusted to someone, we can infer that that person is worthy of that responsibility.

One of the interesting commandments discussed in this week's parsha is the mitzva of shiluach haken, "the sending of the nest". Jewish sages and many commentators had analyzed this commandment in depth, from various philosophical and halakhic standpoints. One of the fundamental questions that emerge from studying this commandment is whether or not the commandments have rationales behind them, and whether there is any reason to seek out these rationales.

Commenting on the rationale for the commandment of "the sending of the nest", in which we are commanded to send a mother bird away from her nest before taking her offspring, Maimonides writes, in chapter 48 of The Guide to the Perplexed: "It is also prohibited to kill an animal with its young on the same day… for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of man and the pain of other living beings… The same rationale applies to the law which enjoins that we should let the mother fly away when we take the young… If the Law provides that such grief should not be caused to cattle or birds, how much more careful must we be that we should not cause grief to our fellowmen." In other words, according to Maimonides, the rationale for this commandment is to prevent animals from suffering. We may not take the eggs or chicks while the mother bird is in the nest, so that we don't cause the mother distress.

We can now assess what we deduce from this precept: if the Torah takes such careful measures to avoid distressing animals, it follows that we mustn't cause other human beings distress.

Nahmanides disagrees with Maimonides' assertion, and offers a different reason for the commandment in his Commentary on the Torah, chapter 22:

And we are also told by our sages (in Tractate Brachot of the Babylonian Talmud, page 33b): 'this was because he transforms the attributes of the Holy One, Blessed be He, into expressions of mercy, when they are nothing but decrees,' meaning that Hashem does not have mercy over the bird's nest… as His mercy does not extend to creatures with an animal soul, to prevent us from doing what we need to them. If it were it so, slaughtering would be forbidden. But [rather], the reason for the proscription is to teach us the trait of mercy, so that we do not become cruel.

Here, we see that these commandments concerning our treatment of birds and beasts

have nothing to do with mercy. Rather, they are decrees that were imposed on us, which are meant to guide us and teach us character traits. And so [too] all of the commandments – positive and negative – are called decrees…"

Nahmanides claims that the purpose of the commandments is not to prevent animals from suffering, but rather to imbue human beings with the quality of mercy.

The question regarding the rationale for the commandment of the "sending of the nest" is part of a much broader question: are there rationales for the commandments, and is it proper for us to try to look into these rationales? This question is one that our sages have grappled with throughout our history, from the time of our earliest sages to the rishonim, and later, the acharonim. There are those who were very supportive of this scholarly pursuit, while others were opposed.

In Hilchot Meila, chapter eight, halacha 8, Maimonides writes: "One ought to consider the laws of the Torah and to penetrate into their ultimate significance as much as he can. If, however, he cannot discover the reason and is ignorant of the basic cause of a law, he should not regard it with contempt…"

According to Maimonides, there is a religious value to investigating the reasons for the commandments. A person who does so elucidates the spiritual and ethical foundations of the worship of Hashem and performs the commandments with greater dedication and enthusiasm.

However, other sages were fearful of the study of the rationales for the commandments. The Talmud, in Tractate Sanhedrim 21a, states:

For what reason were the rationales of Torah commandments not revealed? It was because the rationales of two verses were revealed, and the greatest in the world, King Solomon, failed in those matters. It is written with regard to a king: "He shall not add many wives for himself, that his heart should not turn away". Solomon said: I will add many, but I will not turn away, as he thought that it is permitted to have many wives if one is otherwise meticulous not to stray. And later, it is written: "For it came to pass, when Solomon was old, that his wives turned away his heart after other gods". And it is also written: "Only he shall not accumulate many horses for himself nor return the people to Egypt for the sake of accumulating horses", and Solomon said: I will accumulate many, but I will not return. And it is written: "And a chariot came up and went out of Egypt for six hundred shekels of silver".

Here, our sages remind us of the danger of undermining one's commitment to observing the commandments. When the rationale of a particular commandment is revealed, there is real concern that people will tend to take that commandment lightly, or to change it as they see fit. Besides, even if a person doesn't actually become less observant of the commandments, he or she might be led to observing the commandment solely because he or she identifies with it and with its rationale, and not because of a commitment to God.

Our sages formulated this precept rather admirably in a Midrash that appears in Sifra on Leviticus 20, verse 26:

Elazar b. Azaryah says: Whence is it derived that a man should not say: I do not desire to wear sha'atnez (a garment with mixed fibers of wool and linen); I do not desire to eat the flesh of a pig; I do not desire to cohabit with ervah (illicit relations). I do desire it, but what can I do? My Father in heaven has decreed against it! — From "and I have set you apart from the peoples to be unto Me." It is found, then, that he separates from ervah because he accepted upon himself the Kingdom of heaven.

The issue of our "commitment" to observing the commandments versus our desire to "connect" is one that today's youth grapple with constantly. These young adults sincerely wish to express their unique personalities in their worship of Hashem. They are seeking their personal religious identity, refusing to suffice with a collective religious identity. When words like "authority" and "commitment" are used when speaking to them, they become closed off, because they identify such concepts with things like "coercion" and "the negation of personal freedoms. Positive things can also be found in this pursuit, like a greater will to worship Hashem in a more meaningful, spiritual, and tangible way, stemming from an internal desire and willingness. There is clearly something noble about this. However, as the Maharal points out in Tiferet Yisrael, chapter 32,

"… but [what is the reason that] the mountain had imposed [the Torah] on them, so that the people of Israel wouldn't say 'we accepted the Torah out of our own free will, for if we hadn't willed it, we would never have accepted the Torah'. This is not the virtue of the Torah. It is not proper for the Torah to have been accepted through the free will of the people of Israel, but rather, [it would be more proper] that the Holy One, Blessed Be He would force and coerce them to accept the Torah, for there is no other way to prevent the world from reverting to disarray"

In other words, acceptance of the Torah based solely on free will, without any coercion, is flawed. Life would be unimaginable without the concept of accepting the authority of others and toiling to do things even if they are difficult, and even if they don't suit a person at a particular moment, in their particular setting.

Rabbi Yehuda Amital z"l, spoke at length about the need to educate others while imbuing a sense of commitment. In one of his lessons, he said that he wanted to replace the concept of "commitment" with the concepts of "faithfulness" and "responsibility."

The concept of "faithfulness" lacks negative connotations. On the contrary, it's something we can take pride in. A loyal person is one who both has faith and in whom faith can be placed. The divine name of HAVAYA is one that alludes to loyalty. In our prayers, we say: "and you are faithful, to raise the dead". Therefore, even a person who believes in Hashem and treads down his path is called a "faithful man" (according to Proverbs, chapter 20, verse 6: "He calls many a man his faithful friend, But who can find a faithful man?"). As the Maharal explains, "… so that there should be faith in the Holy One, and that there should be faith in one who is faithful in all of his deeds and actions."

Another concept that Rabbi Amital proposes to elevate is the concept of "responsibility." This is a concept that leads to satisfaction. If a person is entrusted with responsibility, we can understand that this person is worthy of bearing this responsibility. Every individual can take responsibility, while expressing his or her unique, personal angle. However, each of us must also seek out and find ways to take responsibility for ourselves, for our families, for our communities, and for the entire Jewish community.

These days, we must elevate and place an emphasis on these two concepts – faithfulness and responsibility.

Dvar Torah: TorahWeb.Org

Rabbi Benjamin Yudin

Sensitivity Training

Parshas Ki Teitzei has the distinction of having the most mitzvos of any parsha in the Torah, namely seventy-four. I'd like to focus on one which, at first glance, is not relevant to most individuals, but upon deeper reflection, is truly most pertinent. The Torah teaches (Devarim 22:10), "You shall not plow with an ox and a donkey together." Rashi, citing the Sifri, provides the background of the verse from the Oral Law, to include coupling of any two different species, one kosher and the other not, for any kind of work.

While the Torah does not provide a reason for this prohibition, the Sefer HaChinuch (550) gives two reasons. He first quotes his rebbe, the Rambam, who sees this prohibition stemming from the prohibition of mating one animal with another species (as found in Vayikra 19:19), and having these animals work together in close proximity could lead to their mating. Interestingly, the Ibn Ezra notes that working the ox and donkey together would be a violation of tzar baalei chaim, inflicting pain on an animal. The donkey, which is the weaker of the two, cannot pull the load as well as the stronger ox. In addition, the Daas Zekeinim m'Baalei Tosfos suggest that the Torah is concerned about the feelings and sensitivities

of the donkey. Both animals will be given their appropriate portions of food. The ox however, being a kosher animal, chews his cud, when the donkey hears the additional activity happening in the ox's stomach, the donkey will believe that the ox has been given more food, and will be psychologically distressed.

The Sefer HaChinuch therefore maintains that included as a logical extension of this mitzvah is the prohibition of being insensitive to the feelings of the next individual. He offers the following example: if a welcoming committee is being organized, do not intentionally pair together two individuals of different nature, such as an extrovert and an introvert, as the latter is going to feel deficient and incapable in this endeavor. To the Chinuch, this mitzvah is not to be reckoned among those that Hashem gave such as the prohibition of blood (see Devarim 12:23 and Rashi there) to provide the Jew with many mitzvos that he fulfills daily to provide us with greater merit, but this mitzvah is most relevant to all people at all times.

It is exciting to note that sensitivity to others is built in to, or serves as the reason for, many mitzvos and practices. To begin with, we find in this parsha that the Torah legislates the laws of shikcha, meaning if one forgets a sheaf of grain or fruit of trees, they are to leave it in the field for the poor and not go back and retrieve them. This law accompanies that of leket, the gleanings that fall during the harvest, and peah, the edge of the field that must be left unharvested for the poor. The common denominator to these agricultural mitzvos is that the Torah is teaching that these parts of the field are not yours, rather they belong to the poor. However, rather than their knocking on your door and you handing them the grain, here they work for it themselves, and this affords them dignity and the wonderful feeling of satisfaction of enjoying the fruits of their labor. Tremendous sensitivity for the poor.

A second example is the law (Shemos 22:24) that when a Jew lends another money, he may not act towards him as a creditor. What does that mean? It is clear that the borrower owes, yet the Torah is saying not to act aggressively to get your money. The Talmud (Bava Metzia 75b) understands this verse to mean that if Shabbos is a nice day, and the lender would like to take a walk, he can do so on any street in the neighborhood except that of the borrower. The reason for this is, lest the borrower think that the reason the lender is passing by his house is to remind him of the loan and his obligation, and he, the lender, would thus violate not to act towards him as an oppressor!

A third example of sensitivity is found in the laws of the repetition of the Shemoneh Esrei (Shulchan Aruch Orach Chaim 124). We are taught that Anshei Knesses HaGedolah enacted that after the congregation completes their private recitation of the amidah the chazzan is to repeat the entire prayer. The reason for this, as explained at the end of the Gemara Rosh Hashana, is to recite the prayer on behalf of the unlearned individuals who don't know how to formulate the amidah, who would thus fulfill their obligation by listening to the prayer of the chazzan. I'd like to ask a basic question: why do we repeat the Shemoneh Esrei at all times? Why not look around the shul or make an announcement, if anyone is in need of the repetition, please raise your hand? We don't do this, rather we always recite nineteen blessings without asking, lest somebody be embarrassed and publicly humiliated by having to request the repetition. We demonstrate sensitivity by reciting the repetition of the Shemonah Esrei.

A fourth example is from Tanach. We are taught in the first chapter in the first book of Shmuel (the Haftorah for the first day of Rosh Hashana), that Penina (Chana's co-wife), angered her repeatedly, Rabbi Levi in the Gemara Baba Basra (16a) teaches that Penina's motives were pure and sincere. Chana had no children, and Penina who had many, would constantly speak of her children in Chana's presence which was extremely insensitive. Despite the purity of her motives, which was to encourage Chana to pray for children, we are taught that Penina was punished for her insensitivity. This is a most pertinent lesson of how careful we are to speak of our families in front of others who might not be as equally blessed. As mentioned above the essence of this mitzvah is applicable at all times or circumstances, especially in school settings where there are stronger or weaker students.

One final example is that of the mitzvah of tzedakah. The Rambam (Hilchos Matenos Aniyim 10:7) lists eight levels of fulfilling this mitzvah. The highest one is that of "v'hechezakta bo" (Vayikra 25:35), literally to take hold of the needy individual and give him a job, independence and dignity; to remove him from the category of being a taker to the potential of becoming a giver. Note, however, that each level above the next is affording greater sensitivity to the needy recipient. It is not only the giving but how the giving is done. If it is accompanied by words of encouragement and endearment, the same act of charity is significantly upgraded (Bava Basra 9b).

I'd like to note how very relevant this mitzvah is, especially now as we rapidly approach Rosh Hashana. The Talmud (Rosh Hashana 16a) teaches that our reciting verses of Malchios - Kingship on Rosh Hashana is in order to accept His sovereignty upon ourselves. The Sifri in Parshas Vezos HaBracha comments on the verse (33:5) "vayehi b'Yeshurun melech" that when we are united as a people, the more glorified and established as King Hashem is. The extent of His Kingship is commensurate with the unification of His subjects in their acceptance and allegiance to Him. Thus the prerequisite for coronating Hashem on Rosh Hashana, one of the primary reasons for blowing the shofar, is to assure Him that we are all united as a people. Thus it behooves us to implement "v'ahavta lreacha kamocha" (Vayikra 19:18), and not to plow with the ox and donkey, meaning, to show greater sensitivity to one another thereby assuring for us a warmer reception from our Father, our King.

Torah.Org Dvar Torah
by Rabbi Label Lam

Doing Time

When you go out to war against your enemy… (Devarim 21:10) When you go out to war against your enemy: The Torah only speaks versus the yetzer hara- the negative inclination… (Rashi) For with wise strategies you shall make your war, and in a multitude of counselors there is victory! (Mishlei 24:6)

Years ago I started to visit Jewish prisoners at a maximum security facility in Up State New York. When I first arrived there was this rag tag group of guys that looked normal enough and they were busy reading the Jewsih Press and complaining about Arafat, Yimach Shmo! I recognized right away that they-we were wasting time talking about far off matters, and time is the one thing they have plenty of. They were “doing time”! So I prompted them with a statement that got them angry immediately and made them crazy.

I told them that Arafat was not the enemy. The collective blood in the room began to boil. They wondered whose side I’m on. I calmly retained my assertion that Ararfat is not the enemy. Then I told them I could prove it. I asked them one question, “After 120 years are you going to basked how come you did not do something about Arafat while you were here in Greenhaven Maximum Security Prison or are you going to be asked why you didn’t take this time to do something about yourself?!”

I then shared with them the following from the Chovos HaLevavos – the Heart. He tells an apocryphal story about a certain pious man that confronted some soldiers returning with the spoils of war after vanquishing their enemy in a fierce battle. He told them, “Now that you are returning victorious from the small battle, get ready for the big battle.” They asked him in great wonderment, “Which big battle?” He answered them, “The battle with your-self!” It’s every man’s struggle! Everybody’s battle is in a different arena of life. There is one common thread and that is there is a need for a strategy, multiple strategies.

When I would come home from school my mother OBM would ask me, “What did you learn today?” The answer was always the same, “Nothing!” It wasn’t true. I probably learned lots but it still wasn’t clear what exactly I gained that day.

Similarly, at the end of a long exhausting day, a person can ask himself, “What did I do today?” The answer may not be so clearly

defined. The whole day may be a big blur. For sure you did something, lots of things.

Those days turn into weeks and years and a whole life can pass with a person having clarity about what he or she has done. All I know is that at the beginning of the day we are overwhelmed. At the end of the day we are exhausted. I saw a quote like this; “Some people make things happen! Some people watch things happen! And some people ask, ‘what happened!”

Here is a simple tried and true strategy for time and life management. If this exercise is followed it is most certain to yield delicious personal produce. Each day early in the morning or the night before, write down six tasks that you either need or want to do. Then write them in the order of importance.

I would like to add one other new and different twist here that will make a huge difference. Identify the most difficult thing on your list and make certain that even if you do not accomplish all six items that at least you did that thing that was most hard to do. Do one difficult thing every day.

With this tactic in place every day is filled with intentional goals and the sweet fruit of accomplishment. We might discover that are actually accomplishing more every day and feeling more accomplished as well.

Setting a goal and reaching for that target stretches and focuses us daily. We just may find that we are actually “making things happen” in our lives rather than wondering aloud and quietly feeling, “what happened”. That just might the real definition of “doing time”

Weekly Parsha KI TETZEI 5780
Rabbi Wein's Weekly Blog

The Torah always views life as a struggle, a conflict between the various natures that exist within each human being, a fight between rational good and instinctive evil. Rashi points out in his commentary to this week's Torah reading, that the Torah is addressing itself directly to the evil instinct that lies within all of us and warns us. Even if we do not behave in an illegal manner, unpleasant consequences will always flow from actions taken impulsively and out of desire.

Emotion is certainly necessary in life, but we know that purely emotional decisions often lead to sadness and even disaster. Thus, the taking of a non-Jewish woman captive as a wife, will have negative consequences, even if done legally and without any overt violation of the process that the Torah describes for us in the opening section of this week's reading.

Since it is a purely emotional, spur of the moment decision, there is a progression of events that will play out in later generations that will make it obvious that a poor choice was made originally. The next Torah sections describe the family structure, especially regarding monetary rights, rules of inheritance and finally wayward children who become unaccountable to their parents and as an existential threat to society generally.

Naturally, none of these consequences were foreseen at the original moment of passion that brought this non-Jewish woman into the family structure. She may be an innocent victim, in circumstances beyond her control, but the Jewish man who initiated the relationship is responsible for all the later consequences. The judgments of the Lord are infinite and hard to discern by human eyes. But there is no question that they exist.

Part of the reason for human behavior that is improper, which violates Jewish values and tradition, is the shortness of vision that our limited years impose upon us. Everyone aspires that their future generations should be people of worth, respect and value. Our greatest achievements always lie within our family. But there is no way that we can control the behavior of future generations or of our progeny. We can only serve as an example, and instruct and guide, and then hope that somehow all will come right.

The rabbis were aware of this fundamental problem in life, and commented that children, meaning generations and how they turn out, are somewhat dependent upon elements of good fortune. We see throughout the Bible that the greatest and holiest people produce children or grandchildren that are ignoble and wicked. The commentators and scholars over the centuries have attempted to discern whether there was something in the behavior of the righteous parents or grandparents, some small failing that would allow and explain this sad phenomenon. It is beyond our reach to be able to judge these things, but from this week's Torah reading and of Rashi's commentary, it seems apparent that even though generations may depend in the main upon good fortune, there is some element of cause and effect that exists and governs these situations.

The Torah was not given to angels, and all humans are imperfect. But when it comes to family and family matters, we must be very circumspect, for our behaviors have the ability to produce consequences far beyond any immediate decisions that we make.

Shabbat shalom

Rabbi Berel Wein

In My Opinion ALL ZOOMED OUT
Rabbi Wein's Weekly Blog

Like many other rabbis and teachers, I have been delivering lectures and teaching Torah to a mostly unseen audience via the technological wonder called Zoom. Because of the coronavirus pandemic and the mandatory governmental ordered lockdowns and assorted prohibitions regarding gathering in public places, especially synagogues, I have had little choice in the matter. I believe that I have expressed my feelings on the matter in previous articles and opinion pieces written here.

I find it to be very impersonal, unemotional, and even uninspiring to teach human beings in this fashion on a regular basis. It has been very stressful to me every time I conduct the Zoom lecture and even though I am flattered and pleased that many people have thanked me and even complimented me on those classes, I feel that they were an awkward substitute for the real thing; talking to people directly and in person.

Our synagogue here in Jerusalem has remained open and operating despite the severe restrictions – a limit of only 10 people in the synagogue area at one time – imposed by the government. I am a law-abiding citizen, but I thought that the number chosen was rather an arbitrary one and not really based on experience, scientific data or even good common sense.

During this period of time, I've been able to discuss a total real thought nightly after the prayer service of the afternoon and before the prayer service of the evening to the 10 people who always miraculously showed up to allow us to have a quorum for services. This short 15 to 20-minute class in front of live people has refreshed me in a psychological fashion that I never really appreciated before the pandemic struck. And it caused me to think how the classes on Zoom, even though they were longer and perhaps stronger in content, were never as satisfying to me as this nightly exercise of speaking to and learning with live people.

I have taken an anecdotal survey in my own family, of the many who are involved in education and classroom teaching. Universally, they have reported to me that they are all zoomed out. They long to be able to return to the classroom and teach and help live children and engage students who have personalities, and needs. Studies have shown that except for the very highest echelon of students who are self-motivated and intellectually curious on their own, most students have suffered a drop in scholastic performance and enthusiasm over the past months when they have been locked out of school and forced to study and learn by Zoom.

It seems abundantly clear that there is no real substitute for personal teacher – student instruction. The rabbis of the Talmud characterized this best as they usually do when they said that the student's eyes should see the teacher not only when he is teaching but throughout one's life. Recalling the actuality of the presence of the teacher, the subtle nuances that make up much of our educational reservoir, is really one of the keys to a lasting lifelong educational experience.

So, I have decided to embark on a series of lecture programs that will be delivered live, under the guidelines of the government, in our synagogue. To a great extent, I am also all zoomed out, however I intend to resume classes on Sunday and Thursday as I have done over the past number of months. But I hope to be able to deliver my lecture series live in front of an audience, no matter how small that actual audience may in fact be.

I will naturally record my lectures and they will be available to those who wish to obtain them. But I have also found that to my amazement that listening to CDs that are purely audio in nature has proven more effective than hearing those lectures on Zoom or even on video. Radio was a successful medium because it allowed for the human imagination of the listener to participate in the event. There is no room for the listener's imagination or even individual contemplation when hearing a Zoom lecture.

I realize that all of this is very opinionated on my part but when one reaches my stage in life one is entitled to express one's opinions without too much hesitation. I have never been culturally correct, for, again, in my opinion that is in opposition to Judaism and Jewish thought and values. So, I have taken the liberty of sharing with you the fact that I am really all zoomed out.

Shabbat shalom

Berel Wein

Does Love Conquer All? (Ki Teitse 5780)
Rabbi Jonathan Sacks

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 Reuven, 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.[2]

Shabbat Shalom

Shabbat Shalom: Ki Tetze (Deuteronomy 21:10-25:19)
Rabbi Shlomo Riskin

Efrat, Israel – "An illegitimate person [mamzer] shall not enter into the congregation of the Lord; even his tenth generation shall not enter into the congregation of the Lord" (Deuteronomy 23:3)

One of the most difficult biblical laws to understand is that of the mamzer, the product of an adulterous (or incestuous) sexual liaison, who may never enter into a marriage relationship with another Jew.

We can readily understand why the adulterers themselves are forbidden from marrying each other, even after they become divorced from their previous spouses; they, who showed such disdain and disregard for the exclusive and sacred marital relationship by betraying their marital partners, dare not enter together into matrimony, since God "has sanctified His nation Israel by means of the nuptial canopy and the marital ritual of kiddushin" (the initial blessing, along with the blessing over the wine, at a wedding ceremony). The glory of the Jewish people has always been the purity of our family life.

But why punish the innocent product born of such an adulterous act? He/she has done nothing wrong; he has certainly not controlled the nature of the act which led to his/her birth. Why forbid him/her to ever become married in Israel? In order to understand the meaning behind this law, I believe it is necessary to understand the difference between the Written Law (Bible), which the sacred Zohar calls "the harsh law" (dina de'takfa), and the Oral Law (Talmud and Responsa) which is called in turn "the soft and compassionate law" (dina de'rafiya). The interpretation I am now expositing in differentiating between these two corpora of legal doctrine is hinted at both in Maimonides's Mishne Torah, Laws of Blows and Damages (1, 3) and Guide for the Perplexed (part 3, chapter 41).

Even a cursory glance at the Bible will reveal the many instances in which capital punishment is called for, the Bible declaring that the offender "must surely die, is certainly to be stoned to death" (mot tamut, sakel yisakel). The Oral Law, however, greatly limits these extreme punishments, insisting that a trial can take place only if two knowledgeable and objective witnesses give testimony that they saw the actual crime being perpetrated (circumstantial evidence not being admissible in a Jewish courtroom), and took the opportunity to give proper warning to the assailant, determining that he was aware of the action he was about to commit and its punitive consequences; hence R. Akiva and R. Tarfon both declare that if they had been on the Sanhedrin, no human being would ever have been tried for a capital crime. And our Sages declare that if a culprit was put to death once in 70 years, the court would be declared "a murderous court" (Mishna Makot 1;10).

The difference in punitive attitude becomes clear when we remember the different purposes guiding each legal code: The entire Pentateuch is heard each year by every Jew who attends Sabbath services, so that the goal of the biblical readings each week is to inform and inspire the consciences—first and foremost of the Jewish attendees—by inspiring them to understand the critical importance of ethical and moral actions.

The Oral Law, however, which sets down the actual punishments, must mediate the law with life, taking into account that if, God forbid, the wrong person is put to death for a crime he did not commit, there is no judicial recourse to bring him back to life. Hence the Oral Law softens and even sweetens the penalties, even bending over backwards to be lenient with the defendant.

For example, the Written Law warns "an eye for an eye," since the only way an individual can understand the enormity of his crime of taking out a person's eye is for him to have his eye removed; the Oral Law then explains that, since different people have different levels of eyesight and some professions require greater use of the eyes than do others, the actual penalty must be monetary remuneration rather than the removal of the eye.

The Bible, since it wished to inspire Israel to respect and protect the moral integrity of the marital union, teaches that if one degrades the marital fidelity, the product of such a liaison would never be able to enter a marital union, for all subsequent generations. However, the Oral Law made it virtually impossible to have a practical instance of mamzerut: not only would there have had to be two witnesses who gave warning to the transgressing couple prior to their act of adultery, which would have had to take place in front of those witnesses, but the halachic presumption is always that since the majority of sexual acts are between husband and wife, every child is presumed to be the child of that husband (and since paternity tests are not 100% accurate, they are not sufficient proof of adultery). When the case of a woman whose husband went overseas twelve months before she gave birth was brought before a religious court in talmudic times, the judges declared the child to be "kosher," assuming that the fetus had gestated in the woman's womb for 12 months! And in a similar incident they ruled that the husband had secretly returned for a night unbeknownst to anyone.

In more modern times, I do not know of a single case of mamzerut for which Hacham Ovadia Yosef or Rav Moshe Feinstein did not find a positive solution enabling the person in question to marry into the Jewish community. Unfortunately, the present religious establishment is not as bold as the decisors of previous generations.

Shabbat Shalom!

Ki Teitzei: Remembering Miriam's Punishment
Rav Kook Torah

"Remember what God did to Miriam on your way out of Egypt." (Deut. 24:9)

Six Zechirot

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

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

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

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

Moses' Prophetic Level

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

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

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

Far worse than her sin of slander, Miriam erred in her evaluation of the nature of Moses' prophecy. Had Moses been just a regular prophet,

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

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

Insights Parshas Ki Seitzei - Elul 5780

Yeshiva Beis Moshe Chaim / Talmudic University

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

This week's Insights is dedicated in loving memory of Tova Necha bas Moshe Yaakov HaCohen."May her Neshama have an Aliya!"

Being True to One's Nature

You shall not see the ox of your brother or his lamb go astray, and hide yourself from them, you shall surely return them to your brother...so you shall do for any lost article of your brother that you have found, you cannot hide yourself. You shall not see the donkey of your brother or his ox falling on the road whilst you hide from them, you shall surely raise it with him (22:1, 3, 4).

In this week's parsha, we find laws relating to the obligation of returning lost objects and helping fellow Jews with animals that are struggling under a heavy burden. Clearly, the Torah is teaching us how much care and concern we must have not only for our fellow Jews, but for their property as well.

Yet the Torah communicates these laws to us in an unusual manner; in both the case of returning a lost object and helping a struggling animal, the Torah states that you shall not hide from this obligation. Rashi (22:1) explains that hiding refers to "concealing the eye, as if he doesn't see it." This means that there is a prohibition against ignoring your friends lost object or the fact that his animal is struggling under a heavy burden.

Yet the Torah teaches us this prohibition in an odd manner: Instead of focusing on the requirement of the situation, the Torah focuses on one's act of pretending he doesn't see the situation. Surely, the Torah could have simply said, "you cannot ignore the needs of your friend." Why does the Torah teach us this prohibition in such a poetic manner as "you cannot hide yourself"?

The Gemara (Yevamos 79a) quotes Dovid Hamelech as saying that the Jewish people have three distinguishing character traits: They are 1) compassionate 2) bashful and 3) do acts of kindness. In fact, Rava says, that anyone who has those three identifying marks you will know is from the children of Avraham Avinu. In other words, these character traits are part of the spiritual DNA of the Jewish people.

We have such an instinct for chessed that the only way we could ignore the plight of our fellow Jew is by pretending not to see it. For this reason, the Torah phrases the prohibition as "you shall not hide." The Torah is telling us that we must be true to ourselves, and not construct a false sense of reality, though it may be more convenient.

This message is relevant in all aspects of our lives, whether it be professional or personal, and particularly as we enter a period of self-reflection in preparation for Rosh Hashanah and Yom Kippur.

After all, the first step in effecting positive change within ourselves is to identify behaviors that need improvement. Here, the Torah is teaching us that we must stop deluding ourselves ("you shall not hide") in order to justify what we want to do (ignoring someone else's misfortune). Only when we are honest with ourselves can we truly have an honest relationship with the Almighty.

Family Interest

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

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

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

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

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

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

This also explains why it is not only okay to charge non-Jews interest but actually a mitzvah to do so. We need to internalize that they aren't our family. Obviously, we shouldn't charge exorbitant interest, just something reasonable that they are happy to accept. Non-Jews understand that they aren't family and they, in fact, are more comfortable asking for a loan and paying interest because otherwise it would be like receiving charity.

Did You Know...

In this week's parsha, we are given the prohibition of shaatnez, the forbidden mixture of wool and linen. The Torah also provides us some more details here than the first time it was mentioned in Parshas Kedoshim (19:19). The following are some interesting facts that you might not have known:

This mitzvah is a חוק - a category of mitzvos that are not easily understood with human logic or sensibility, and one that we may never fully understand. However, Chazal, of course, always desiring to know and interpret Hashem's will, offer several explanations for as to why we are prohibited from wearing shaatnez. According to some, the ability to wear shaatnez was reserved specifically for the kohanim (Daas Zekeinim and Chizkuni in Devarim 22:11).

Rambam, in a contrary opinion, states that the reason it's prohibited is because gentile priests wore shaatnez, and we are forbidden from resembling them (Moreh Nivukhim 3:37).

Another explanation is that sheep were the sacrifice of Hevel while linen was the sacrifice of Kayin, and Hashem did not want them joined together (Pirkey D'Rabbi Eliezer 21).

One last opinion, offered by the Rosh, is that the פרוכת (the dividing curtain between the Kodesh and Kodesh HaKodashim) was made out of shaatnez, and Hashem doesn't want people to "resemble" him, as it were, in the sense that the Shechina resides partly in the Kodesh HaKodashim.

Interestingly, while sheep's wool is forbidden, wool made from camels or goats may be joined with linen (Me'em Lo'ez Kedoshim 19:19).

There is no prohibition if the fabrics are not sewn together, so one may wear a wool garment over a linen one. Similarly, shaatnez may also be used in fabric that is not worn, such as a tent. Additionally, the

prohibition doesn't only apply to entire garments. Even if these two materials are connected by just two threads, it's considered shaatnez and prohibited (Me'em Lo'ez Kedoshim 19:19).

שעטנז is an abbreviation ofשועטווינוזThis means "combed, spun, or woven," which are the forbidden ways of combining wool and linen (Niddah 61b).

Covers and towels are also forbidden from containing shaatnez, as one derives warmth and benefit from them (Me'em Lo'ez Kedoshim 19:19).

When a person wears shaatnez his prayers are not accepted, as the holy angels see that he resembles a gentile priest (according to that opinion) and cast his prayers aside. Not only that, but the person gives strength to the Satan, who punishes him directly (Me'em Lo'ez Kedoshim 19:19). This is because שעטנז can be made into the letters שטנעז - meaning "Satan is strong" (Mishna Brurah 36:15, and the Be'er Heitev brings it from the Sefer Igeres Hatiyul by the Maharal's brother).

There's a question as to if the kohanim would have been obligated in tzitzis while they did Avodah (this is only hypothetically, as they didn't wear four cornered garments). This is because we know from the Gemara (Arachin 3b) that if someone was exempt from shaatnez they were exempt from tzitzis, and the kohanim wore shaatnez during Avodah (their avnet - belt was made from shaatnez).

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For the week ending 29 August 2020 / 9 Elul 5780
Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com
Parshat Ki Teitzei
Freedom of Kosher Speech

"Remember what the L-rd, your G-d, did to Miriam on the way, when you were leaving Egypt." (24:9)

When Miriam criticized her brother Moshe unfairly, Hashem punished her with tzara'at, a serious leprous-like skin affliction that covered her body.

The Torah, for some reason, connects Miriam's punishment with leaving Egypt. What does one thing have to do with the other?

The captivity of the Jewish People in Egypt was more than physical bondage. On a deeper level Egypt represented the enslavement of the power of speech. Egypt not only enslaved the bodies of the Jewish People, but it put in chains the major weapon of the Jewish People – speech. Thus, the Torah writes that the Jewish People "cried out" to Hashem. It never writes that they "prayed." For in Egypt, speech itself was bound.

The Exodus from Egypt was the beginning of the rebuilding of the power of speech.

Man's pre-eminence derives from his power of speech. He has the ability to direct himself according to his will. When the Jewish People left Egypt, they went straight into the desert. In Hebrew, the word desert is midbar which is from the root mi'dibur – "from speech" – because the desert is the place that is separated and removed from speech. Since the desert is the maximum place of non-speech, of non-direction, it is the ideal place to rebuild the power of speech from the ground up.

When the Jewish People left Egypt they were like a newborn baby. When a child begins to speak, his father is obligated to start to teach him Torah. In this formative stage, then, it was essential that the Jewish People should guard their mouths and their tongues with great care. Something is most vulnerable during its construction. To protect the reconstruction of speech, they were given Torah, and to protect their mouths, they were given the manna.

The gravity of Miriam's error was not just what she said, but when she said it. To use the power of speech incorrectly at the very time of its reconstruction required a serious punishment. Thus, the Torah connects her mistake to the departure from Egypt.

It is Miriam's eternal privilege, though, that every generation has a positive commandment to remember what Hashem did to her, to teach us that death and life are in the power of the tongue.

· *Sources: Sfat Emet, Ramban*

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Parshas Ki Teitzei: The Rich Fruits of Forgiveness
Rabbi Dr. Tzvi Hersh Weinreb

The spirit of forgiveness is in the air.

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

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

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

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

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

There is a passage in this week's Torah portion which, far from exuding a spirit of forgiveness, reflects almost inexplicable harshness. Near the very beginning of our parsha, is the passage that deals with the ben sorer u'moreh, the wayward and defiant son. It reads:

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

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

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

At first blush, we wonder about this leniency. After all, if we are to follow Rashi's explanation of why he is so harshly condemned, we should be concerned that by forgiving him his parents have let loose a dangerous murderer upon society. The Torah seems convinced that this young lad is inevitably destined for a severely antisocial career. A strict

reading of the text demands that we eliminate this potential murderous hazard from our midst. Why should parental mercy of a father and mother be allowed to endanger the welfare of society?

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

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

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

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

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

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

I must conclude by citing a "higher authority" then the greatest of American presidents. I present you with a verse from Psalms, as explicated by the great medieval commentator, Abraham ibn Ezra. The verse is Psalm 130:4, recited in many communities during the period from Rosh Hashanah until Yom Kippur.

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

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

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

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

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Rabbi Buchwald's Weekly Torah Message - Kee Teitzei 5780-2020
“Polygamy and Jewish Tradition”
(Updated and revised from Kee Teitzei 5761-2001)

Rabbi Ephraim Z. Buchwald

In this week’s parasha, parashat Kee Teitzei, we learn of the special privileges accorded to the first-born son.

In ancient times, after death, a person’s estate passed to his sons, unless there were no sons. In that case, the estate would pass to the daughters, but daughters who inherit were required to marry within their own tribe so that the patrimony not revert to another tribe.

In Deuteronomy 21:15-17, the Torah states that a first-born son receives a double inheritance portion. Thus, if a person has three sons, the estate is divided into four parts, and the first-born son receives half, while the other two sons share the other half.

Why should this be? My own quirky theory is that the additional portion given to the first son may be due to the fact that first-time parents always experiment with the first-born child. Since the first child serves as a virtual guinea pig for inexperienced parents, the child is later compensated by receiving a larger share of the legacy. The problem with that theory, of course, is that logically the principle should apply to first born daughters as well! But, I’m afraid we’ll have to wait for Elijah the Prophet to explain why that is not so.

The Torah portion, Deuteronomy 21:15, that pronounces the special privileges accorded to the first-born son begins with the expression, כִּי תִהְיֶיןָ לְאִישׁ שְׁתֵּי נָשִׁים, הָאַחַת אֲהוּבָה וְהָאַחַת שְׂנוּאָה , if a man has two wives, one loved and the other hated…he may not make the son of the loved one the first born, before the son of the hated, who is the first born. The commentaries point out that the terms “loved” and “hated” are relative terms, that really connote that no one is really “hated,” but rather, one wife is preferred over the other. The Midrash Tannaim on Deuteronomy 21:15, cites Rabbi Ishmael who said, “Human experience shows that in every bigamist marriage, one wife is always more loved than the other.”

So what, after all, is the Torah’s view on multiple wives? The Torah clearly frowns on polygamous relationships.

Perhaps the clearest indication that the Torah strongly opposes a man having more than one wife is the statement in Leviticus 18:18, וְאִשָּׁה אֶל אֲחֹתָהּ, לֹא תִקַּח לְצָרֹר … A man is prohibited from taking as a wife two sisters who will be enemies to one another. In I Samuel 1:6, we learn that the prophet Samuel’s father, Elkanah, had two wives, Hannah and Peninah. Scripture there refers to Peninah as צָרָתָהּ —tzaratah, Hannah’s rival, a source of great pain and distress. The verse clearly refers to the second wife as nothing less than a “great pain.” That, in fact, may very well be the source of the Yiddish expression, tzuros. It all emanates from a man having more than one wife.

In every single instance in scripture where a man has more than one wife, the man has his hands full. So it is with Abraham–Sara and Hagar, and so it is with Jacob–Rachel and Leah. While the Torah did permit a king to have numerous wives for political and perhaps mercenary reasons, it nevertheless restricts the number of wives that he may have. The Torah in Deuteronomy 17:17 states: וְלֹא יַרְבֶּה לּוֹ נָשִׁים . He [the king] may not have many wives. According to Jewish tradition a king is permitted to have up to 18 wives. The Bible tells us that King Solomon, the wisest man of all, violated this rule and his many wives led him astray, resulting in great strife in his life.

Conceptually, there is logic to why the Torah permits a man to have more than one wife, but forbids a woman from having more than one husband. Every child, after all, is entitled to know who both his biological mother and father are. If a woman had more than one husband, it would never be clear who was the actual biological father. Yet, if a man were to have more than one wife, it would still be clear who are the child’s biological parents.

What remains unclear is why the Torah permitted multiple wives at all. Several speculative reasons may be suggested. Perhaps, because men are always sexually available, while women, who menstruate, are not. Perhaps because of the Talmudic dictum (Yebamoth 118b) that a woman prefers to live a life of grief, than to live alone. Whatever the rationale, it is clear that the Torah does not regard having multiple wives a healthy design for family. Perhaps, that is why on the heels of our portion dealing with family strife, comes the portion of the בֶּן סוֹרֵר וּמוֹרֶה , the

wayward and rebellious child. Polygamy, the bible suggests, affects the children–-strongly, and negatively.
In light of the above, the Rabbinic quote found in Midrash Rabbah, on Genesis 8, reflects uncommon wisdom: Man cannot survive without woman, neither can woman survive without man, and both cannot survive without the Divine Presence.
May you be blessed.

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Chief Rabbi Ephraim Mirvis
Dvar Torah : Ki Teitsei
Parents should never be jealous of their children.
In Parshat Ki Teitsei, the Torah gives us the mitzvah "כִּי-יִקַּח אִישׁ אִשָּׁה" – it is a mitzvah to get married. The Gemara in Mesechet Pesachim, Daf 49a, describes for us a couple well suited to marriage with these words "ענבי הגפן בענבי הגפן דבר נאה ומתקבל – when you have the fruit of the vine with the fruit of the vine it is something lovely and absolutely acceptable". So here we have a description of a bride and groom who are similar in their aspirations, their attributes, their qualities, they are similar in their values and they both come from similarly wonderful families.
But the question we need to ask is, why are they compared to 'ענבי הגפן – the fruit of the vine' – to grapes?
Well you see, when it comes to the laws of brachot, the blessings we recite over food, it is well known that the Bracha for fruit is בורא פרי העץ – we thank Hashem for creating the fruit of the tree. When that fruit produces, say orange or apple juice, then we have a downgrading of Bracha. The Bracha on the juice is שהכל נהיה בדברו – it is the general blessing thanking Hashem for creating everything according to his will. This is because the juice has lost the special identity of the fruit. But there is one exception – and that is grapes. The Bracha over grapes is בורא פרי העץ, thanking Hashem for creating the fruit of the tree. But when we make a Bracha over the juice that comes from grapes, which of course is used to make wine, then we have an elevation of the blessing to בורא פרי הגפן. A special blessing for wine, thanking Hashem who has created the fruit of the vine. So, therefore, we see that grapes produce a juice which actually becomes superior to the grapes themselves.
And here we have a description of parents under a Chuppah. They are looking at their children with such pride and they're deriving so much nachat from them because they can see that they have internalised their values and continued to practise the good deeds learned from them. However they've gone one further, and now they're even better than their parents in so many respects. But rather than being jealous of their children, for the parents, this is a דבר נאה ומתקבל. It is something that's lovey and most definitely acceptable.
You know, it's so nice when we describe children with the old adage that and the apple doesn't fall far from the tree. But it's even better when we can say the tree is finding it difficult to catch up with the apple that fell from it. That is the ultimate nachat that we can derive.
Shabbat Shalom
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Rabbi Yissocher Frand - Parshas Ki Seitzei
Dedicated to the speedy recovery of Mordechai ben Chaya
A "Tense" Struggle with the Yetzer HaRah
Parshas Ki Seitzei begins: "When you will go out to war against your enemies, and Hashem, your G-d, will deliver him into your hand, and you will capture captives; and you will see among its captivity a woman who is beautiful of form, and you will desire her, you will take her to yourself for a wife." [Devorim 21:10-11].
This is an amazing halacha. On the battlefield or among the people who were captured, the Jewish soldier sees a beautiful woman and desires her. He is permitted to marry her. This is a unique law in which the Torah gives a special dispensation to man's evil inclination.
The Torah specifies a procedure whereby the Jewish soldier brings this captured non-Jewish woman into his house and allows her a period of mourning for her father's house, while going through a process of "de-beautification." If after this process of making her less desirable it turns out that he decides he does not want to marry her, he is commanded to set her free and is forbidden to sell her as a slave.
I saw an observation in the name of the Ohel Moed: The Torah switches here. Originally it tells us the soldier's reaction was v'chashakta bah (and you have a strong desire for her, more literally, you lusted after her). So, we would expect that the converse situation which the Torah describes at the end of the section should read "and if it will come to pass that lo chashakta bah"—that you no longer lust after her! This would indicate a change of mind, switching from a strong desire for her to no strong desire for her. More to the point, even if the Torah wants to switch verbs from the verb of cheshek (strong desire or lust) to the verb of chafetz ("wants"), the correct grammatical formulation should be "v'haya im lo chafetz bah" (and it will be that he does not want her anymore) in the present tense. Instead the Torah uses the term "v'haya im lo chafatzta bah" (and it will be that he did not want her) in the past tense!
The Torah is saying something we all need to know. Many times in life we become blinded by our passion and we lose our common sense and perspective. We become so bribed and obsessed with something, that we throw caution to the wind, and everything else out the window. This fellow saw a beautiful woman and he had a passion for her—he lusted for her. That lust, that tayvah, blinded him to the fact that "you do not really want this woman." This woman is not for you!
In the heat of battle, the woman looks attractive to you. But he only saw the looks, he did not see the personality. He did not see what she is really like, her values. She is a Yefas Toar—beautiful! That is it. End of story. Then he brings her home for a while. Suddenly, he realizes: "Do you know what? I didn't want this woman! I never wanted this woman. But I was so blinded and obsessed by my passions that I did not realize what I was doing." That is the hidden meaning of the past tense in "v'haya im lo chafatzta (rather than chafetz) bah." You fell in love with a mirage. But then, like all mirages, you realize that there is really nothing there.
This is something that we need to be careful about from time to time. Sometimes we become obsessed with a mishuga'as (crazy idea), we become blinded by it. The Torah therefore warns us: Watch out!
Anticipating the Future and Ungratefulness are Opposites
The pasuk says that an Ammonite and Moavite cannot enter the Congregation of Hashem—even the tenth generation [Devorim 23:4]. Whereas the Egyptians who enslaved us are only prohibited for two generations from entering Klal Yisrael, an Ammoni or a Moavi can never marry into the Jewish nation. The Torah explains the reason "because they did not greet you with bread and water on your journey when you left Egypt and because they hired Bilaam son of Be'or of Aram Naharayim to curse you" [Devorim 23:5].
This pasuk sounds like a multi-count indictment. However, the indictment sounds like the following scenario. A fellow parks his getaway car in a tow-away zone while robbing a bank. He goes into the bank and pulls a gun on the teller. He shoots up the whole place, takes the money, gets into the car and drives off. The police catch him and they indict him. How does the indictment read? "Armed robbery; bank robbery; parking in a tow-away zone." That is how this pasuk seems.
The fact that Ammon and Moav tried to destroy the Jewish people by hiring Bilaam to curse them should dwarf the significance of the fact that they did not offer us food and drink! Why is this last fact mentioned? Why is it even significant?
Rabbi Dr. Abraham Twerski quotes an interesting pair of Mishnayos in Maseches Avos [2:8-9] to answer this question:
Rav Yochanon ben Zakkai had five disciples. Rav Eliezer ben Hurkenos, Rav Yehoshua ben Chananya, Rav Yosi haKohen, Rav Shimon ben Nesanel, and Rav Elazar ben Arach. He told them: "Go out and seek the good path that a person should cling to." They each proceed to give their opinion regarding the most important quality for which a person should

strive. Rav Eliezer said Ayin Tov—"A Good Eye." Rav Yehoshua said Chaver Tov—"A Good Friend." Rav Yossi said Shachen Tov—"A Good Neighbor." Rav Shimon said ha'roeh es ha'nolad—"The ability to anticipate what is going to be in the future." Rav Elazar ben Arach said Lev Tov—"A Good Heart".

Then Rav Yochanon ben Zakkai asked them to find the quality which a person should most avoid, and his five disciples each enumerated, in turn, their five "bad qualities." Unsurprisingly, the student's bad qualities were the mirror images of their "good qualities." Rav Eliezer said "A Bad Eye." Rav Yehoshua said "A Bad Friend." Rav Yossi said "A Bad Neighbor." Rav Elazar ben Arach said "A Bad Heart." Rav Shimon (who said the good attribute was ha'roeh es ha'nolad) gave as the "polar opposite attribute,"—"One who borrows and does not pay back". Rav Shimon seemed to have broken the pattern. Everyone else gave as the worst attribute the exact mirror image of their suggested best attribute.

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

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

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

This is how we are to understand the aforementioned pasuk. An Ammonite and Moavite cannot enter the Congregation of Hashem. Why? Because they did not greet you with food and drink. The beginning of the deterioration of Ammon and Moav to the extent that they wanted to wipe out Klal Yisrael was their not being appreciative. They purposely ignored the fact that "Avraham, the patriarch of the Jewish people saved our great grandfather's life." (Ammon and Moav were the sons respectively of the two daughters of Avraham's nephew, Lot.) If it would not have been for the fact that Avraham save Lot, they would not be here as nations. That puts a responsibility on them that when Avraham's descendants ask to buy bread and water from them, the least they could do is to respond positively. Turning their backs to such a modest request is the first step on the terrible downward spiral that led to them hiring Bilaam son of Beor to destroy the Jewish people.

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

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Respect the Champion (Ki Tetze)
Ben-Tzion Spitz

All right Mister, let me tell you what winning means… you're willing to go longer, work harder, give more than anyone else. - Vince Lombardi

The Middle East is and has always been a tough neighborhood. Even before the birth of the Nation of Israel, the land of Canaan, the land-bridge of Eurasia and Africa, the route between the Egyptian and Mesopotamian empires, was home to incessant battles, wars, alliances, and rivalries.

After the Hebrew nation miraculously escapes the bondage of Egypt, they develop enemies almost immediately. Included amongst those enemies are their long-lost cousins, (descendants of Lot, who was the nephew of our patriarch Abraham), the nations of Ammon, and Moab.

The enmity between the Jewish people and the Ammonites and Moabites is such, that the Torah states that they are forever forbidden to join the Jewish people (the Rabbis have explained that the prohibition was just against their menfolk).

The Meshech Chochma on Deuteronomy 23:5 wonders as to the reasons given by the Torah which states:

"Because they did not meet you with food and water on your journey after you left Egypt, and because they hired Bilaam son of Beor, from Pethor of Aram-naharaim, to curse you."

While one might understand the Moabite motivation to have the Jewish people cursed, but why is the Torah so incensed by the Ammonite and Moabite lack of hospitality? It's one thing to attack, but another thing entirely not to be hospitable.

The Meshech Chochma states that these nations should have known better. They should have realized that the people who left Egypt, the mightiest empire in history up to that time, who left a land devastated by God and whose armed forces had been completely wiped out, was not a people to be trifled with. Not only were the Hebrews who left Egypt worthy of awe and respect, but that respect should have translated into an obsequiousness that should have included peace offerings of food and water.

Had these nations truly internalized that God was with the Jewish people, as the events of the time had unequivocally demonstrated, they would have sought peace and not war. It would have led to ongoing peace as opposed to generations of conflict.

May our current neighbors figure it out.

Dedication - To the Arab countries that are seeking peace with Israel.

Shabbat Shalom

Ben-Tzion Spitz is a former Chief Rabbi of Uruguay. He is the author of three books of Biblical Fiction and over 600 articles and stories dealing with biblical themes.

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Parashat Ki Tetze: A Jewish practical lifestyle
Rabbi Shmuel Rabinowitz

Why was the continuity of the story connecting the Jewish nation's past and future broken so that the speech could review a succession of halachic directions on such a wide range of subjects?

ELUL: The King is in the field

This week's Torah portion, Ki Tetze, is different from all the others in the Book of Deuteronomy.

Most of Deuteronomy describes the detailed speeches of Moses prior to his departure from the nation, speeches that primarily deal with the past and the future: the Jewish nation's past since its exodus from Egypt, and its future in the Land of Israel and after it will be exiled from it.

In contrast, Ki Tetze reminds us of parashat Mishpatim in the Book of Exodus and parashat Kedoshim in the Book of Leviticus. These portions are chock full of commandments, halachic directives, and a wide variety of practical instructions for every sphere of life – between man and his God, and between man and his fellow man. Ki Tetze is the same. It includes commandments regarding war; marriage, divorce, and prohibitions relating to proper family life; laws about the relationship between parents and children; commandments guiding behavior toward the poor, workers, lenders; and directions for judges and the Jewish justice system.

This raises an obvious question. Why was the continuity of the story connecting the Jewish nation's past and future broken so that the speech could review a succession of halachic directions on such a wide range of subjects?

It seems that the parasha of Ki Tetze acts as a central axis for the entire Book of Deuteronomy. The message we are meant to infer from this parasha is that the Jewish people's national life is inextricably bound with each and every one of the practical commandments and is dependent on the individual's willingness to abide by the Torah's regulations and guidelines that are meant to shape the entirety of Jewish life.

Halacha (Jewish law) and commandments define the Jewish nation; they are both the basis of its unique character that links one generation to another, and the guarantee of its future.

So, Ki Tetze is not really exceptional in the Book of Deuteronomy. The many commandments detailed in this parasha do not actually deviate from the book's central thesis. On the contrary. Such a detailing of the commandments is the main trait of the Jewish people. Judaism puts an emphasis on practical commandments because Judaism is not just about principles of faith, but about lifestyle guidance that helps a person advance toward his purpose.

Ki Tetze is always read during the month of Elul, a month of introspection in preparation for the HighHoly Days of the month of Tishrei – Rosh Hashanah and Yom Kippur. During the month of Elul, which is the last month of the year, we examine our spiritual status, what accomplishments we should be glad about, and what areas in our lives we need to improve.

Rabbi Shneur Zalman of Liadi, the first rabbi of Chabad Hassidism, described the essence of the month of Elul using an allegory about the relationship between a king and the citizens of the kingdom. When the king sits in the palace, only very few people can enter to see him – ministers and respected people, and even they need special permission to enter. An ordinary citizen cannot enter the palace to talk to the king. But sometimes the king leaves the palace to walk to the fields where even simple citizens can gain access to him, and the king always receives them kindly.

When the king is in the field, the citizens have a unique opportunity to connect with him and make requests.

During the month of Elul, said Rabbi Shneur Zalman, "the King is in the field." This is a unique time when man's emotional access to God is easier. Spirituality is more readily available, and with a bit of honest desire, we can make huge progress!

During this month, we read the Torah portion of Ki Tetze which reminds us of the significant emphasis put by Judaism on the Jewish-practical lifestyle. This emphasis can direct us more accurately toward the practical areas in which we want to improve – and there is no one who does not have areas that need repair. During the month of Elul, we have an opportunity to sum up the past year and prepare for the beginning of the new year with its good tidings, hopes and successes.

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Shema Yisrael Torah Network
Peninim on the Torah - Parshas Ki Seitzei
פרשת כי תצא תש"פ

כי תצא למלחמה על איבך ונתנו ד' אלקיך בידך

When you will go out to war against your enemies, and Hashem your G-d will deliver them/him into your hand. (21:10)

The *pasuk* begins with *lashon rabim*: plural, *oyvecha*, your enemies; and concludes with *lashon yachid*, singular: *u'nesano*, will deliver him. This teaches us, explains *Horav Bunim, zl, m'Peshischa*, that we actually have only one enemy, but he has different names. He cites the *Talmud* (*Succah* 52a), "The *yetzer hora*, evil inclination, has seven names." This is a reference to the various images, metaphors, for describing the *yetzer hora* and its deleterious effect on people. Obviously, every individual has a different relationship with, and understanding of the *yetzer hora*. To some, he is an enemy; to others, he is an obstacle or evil, impurity incarnate. It all depends on how each person perceives the *yetzer hora*. Sadly, to some, the *yetzer hora* may not be an enemy, but a friend. This is how deeply embedded in our lives he has become.

The *Peshischa* explains homiletically that the "enemy" against whom the Jewish soldier is waging war (homiletically) is the *yetzer hora*, always presenting himself in a different light, projecting a different image. The Jew begins to think that he has many enemies, when, in fact, he has only one. Once we have confirmed this reality it becomes much easier for us to wage war and emerge triumphant. We should not be concerned about the quantitative size of the army, but rather, its qualitative power. If we do our part, Hashem will deliver him into our hands.

One of the ways the *yetzer hora* ensnares a person is through subtle, inconsequential acts, which are isolated and do not directly impact a person. Each isolated, (supposedly) inconsequential breach adds up, however, until the individual becomes the *yetzer hora's* client and, through the process of *aveirah goreres aveirah*, sin begets, drags along, causes another sin. In this way, he becomes entrapped and enslaved to the *yetzer hora*.

Yalkut Me'am Loez relates the story of an evil king who issued a decree against a Jew to force him to commit an *aveirah*, sin. He gave him a "choice" of one of three sins to transgress: adultery; eating *treif*; drinking wine that had been touched by a gentile. The Jew figured that, since *z'nus*, immorality, was a Biblical sin which was liable for capital punishment, and *treif* was punishable by Heavenly excision, he would drink the *stam yeinam*, ritually contaminated wine, since it was only Rabbinically prohibited. ("What could be so bad, it is only a *d'Rabbanan*?") He did not realize that an *aveirah*, even a simple, "light" sin, will drag along another sin, one that is serious, stringent. He drank, became inebriated and, while in his intoxicated state, he consumed *treif* meat and committed an immoral act. The *yetzer hora* had "convinced" him that drinking the wine was inconsequential. Nothing is inconsequential, because it brings you through the front door – and slams it behind you!

The *Chasam Sofer* explains this with an analogy. There were two neighbors, one of whom owned a beautiful diamond ring. The second neighbor was an unsavory fellow who badly wanted that diamond. He said to his neighbor, "I purchased a diamond ring, but I am unsure if the purchase price was a good value or not." The owner of the ring was a trusting soul who said, "Take a look at mine, and see how yours compares." He "accepted" the offer, and after looking at the diamond for a few moments, proceeded to put it in his pocket. "Hey, what are you doing with my diamond?" the trusting soul asked. "Your diamond? It is my diamond! How dare you call me a thief?" the thief countered.

Nu, what does one do in such a case? The owner said, "Fine, we will settle this in *bais din*, Jewish court." "I cannot go to court, because I do not have appropriate clothing. The judges will take one look at me, and I will be on the defensive." "Fine," replied the diamond's owner, "I will lend you my nice jacket to wear to court." "But I have no way to get there. I cannot walk all the way to *bais din*." "Fine, I will lend you my donkey, upon which you can ride."

The thief now had the man's diamond, jacket and donkey. They arrived at *bais din* where the claimant presented his case. The judge listened and turned to the thief, "Well, what do you have to say in defense?" The thief replied, "Sir, my neighbor's a liar in the first degree. I can prove this. You already heard his claim that I took his diamond. There is no end to this man's imagination. I am certain that he is such an audacious prevaricator that he will probably say that I am wearing his jacket. Furthermore, he will claim that I rode to court on his donkey!" When the owner heard these ludicrous lies perpetrated about him, he screamed, "He took my jacket, and he is riding on my donkey!" The judge listened to the story. Who do you think he believed? The thief! His story was so ludicrous it had to be true!

The *yetzer hora* plays a similar ruse with us by parlaying the *mitzvos* that we perform throughout our life. He convinces us to commit

a sin "here" and a sin "there" until he owns us. At that point it is too late. Our *mitzvos* have been hijacked by the master thief.

A stingy man was compelled to host a guest for *Shabbos*. He went to the market and purchased two fish: one excellent fish for himself; and one spoiled fish, which was inexpensive, for his guest. Upon eating the spoiled fish, the guest became ill and was rushed to the hospital. The host said to his wife, "We really should visit our guest in the hospital." A few days later, the guest passed away as a result of his illness. The host said to his wife, "We must attend the funeral." They did, after which the host said to his wife, "We really should comfort the bereaved." On their return trip home, the man said to his wife, "Look how many wonderful *mitzvos* we were able to perform because of the spoiled fish. We welcomed a man to our home; we visited him in the hospital when he became ill; we attended his funeral when he died; we comforted his family when they mourned."

The *yetzer hora* presents an *aveirah* in the image of a *mitzvah* and convinces us to act promptly. After we fall in line, he drags along more "*mitzvos*" which are all built upon the foundation of that first *aveirah*.

This is why Hashem appreciates each and every *mitzvah* that we perform. He knows that *mitzvos* do not come easily. He is acutely aware of the "hoops" through which we must jump in order to succeed. Perhaps the following analogy will inspire and hearten those who feel overwhelmed by their *yetzer hora*. A king invited one of his close ministers to visit the palace. As the minister walked from room to room, he beheld beautiful paintings hanging from the walls, all signed by prominent artists. Finally, he came to the king's study, his inner sanctum, a room in which he felt that he would find the most impressive of all the king's works of art. Imagine his surprise when he saw that the painting hung most prominently was far from impressive. It was a simple graphic, whose colors were far from stunning and lacked the powerful imagery projected by the other paintings.

He was staring at this work of "art" when his host, the king, entered the study, "I see that you are staring at my favorite painting. You must be wondering, 'Why this, what is special about this painting that it maintains such a prominent position in my palace?

"The artist who painted this drawing was in a terrible accident, during which he lost both of his arms. He now paints with his toes. His love for art and for me, his king, is so great that he toiled and expended much back-breaking physical and emotional effort to draw this work of 'art'. Do you see now why it means so much to me?"

Likewise, Hashem has billions of angels who carry out His directive with the greatest purity and sanctity. Why not? They do not have a *yetzer hora* with which to contend every step of the way. We human beings have so much to overcome until we "squeeze" out each *mitzvah*. This is why each one means so much to Hashem!

כי יהיה לאיש בן סורר ומורה איננו שמע בקול אביו ובקול אמו

If a man will have a wayward and rebellious son, who does not listen to the voice of his father and the voice of his mother. (21: 18)

The *ben sorer u'moreh*, wayward and rebellious son, is an anomaly within the parameters of *halachah*. The Torah punishes only when one actively sins. The Torah does not mete out punishment just because the individual is destined to sin. Yet, the *ben sorer* is executed *al shem sofo*, because of what he will ultimately do in the end, later in life, when he cannot get what he wants. He will murder to satisfy his desires. Kill him now, before he takes an innocent life. Truly an anomaly.

Ramban posits that the *ben sorer* warrants two punishments: one for degrading and rebelling against his parents; one for being a drunkard and a glutton, which transgresses the commandment of *Kedoshim tehiyu,* "You shall be holy" (*Vayikra* 19:2). One's life must be focused on strengthening his relationship with Hashem. A man who is a drunk and a glutton is focused on satisfying his immediate physical desires. Perhaps this *ben sorer* is undeserving of public accolade, such that he will not receive honor, but death? Just because he cannot control himself?

Horav Moshe Reis, Shlita, explains that the Torah is not focusing on the punishment of death, but rather, on the *z'chus*, merit, one has to live. Life is sacrosanct. It is Hashem's ultimate gift which He bequeaths to us for a reason, a purpose. We all have a mission to accomplish. Some have greater missions than others; thus, some are blessed with greater physical, spiritual, material wherewithal, so that they can practically and effectively complete their Heavenly-designated mission. No one has a mission to be a glutton and a drunkard. That, by its very nature, is the antithesis of life.

Zachreinu l'chaim, Melech chafeitz ba'chaim… l'maancha Elokim chaim; "Remember us for life, the King Who wants life… for Your sake, the G-d of life." We do not simply ask for life because we want to live. We ask for life because we want to live a life of meaning, a life of value, a life for G-d's sake! Chizkiyahu *HaMelech* asked Hashem to remember his *z'chusim*, merits. He indicated that he had performed a great service for *Klal Yisrael* by concealing from them the *Sefer HaRefuos*, Book of Cures. This volume, authored either by Adam *HaRishon* or Shlomo *HaMelech*, contained within it a cure for every single ailment. *Rashi* (*Pesachim* 56b) explains that Chizkiyahu saw that people stopped praying to Hashem when they became ill. They no longer beseeched His mercy. They had the "fix-all," the Book of Cures, that circumvented the need to pray. Thus, the book did more harm than good, because illness is Divinely ordained in order to compel people to turn to the Almighty in prayer. This strengthens and enhances their relationship with the Divine.

Horav Mordechai Gifter, zl, wonders why the *halachah* of *pikuach nefesh*, saving a life, which overrides the entire Torah, was not relevant. If the *Sefer HaRefuos* could save lives, how could Chizkiyah dare hide it, thus endangering countless Jewish lives? The *Rosh Yeshivah* explains that Chizkiyahu's intrepid action, ratified both by Hashem and the Sages, teaches us that a life devoid of sincere, heartfelt prayer, a life that is empty, unblessed with a relationship with Hashem, is not worth living. Life is meaningful and sacred when it is a medium to cling to the Source of life: Hashem. When man places his trust in himself, in books of wondrous cures or in the practitioners who expound them, his life has lost direction and purpose. Our merit for life is, *l'Maancha*, for Your sake. Nothing else matters. One who is prepared to live *l'Maancha* has a right to petition *zachreinu l'chaim*.

Chazal teach that a case of *ben sorer u'moreh* has never existed, because of all the many criteria necessary to qualify this boy for premature execution. The *Bais Yisrael* adds a caveat of his own. A person can be judged only based upon his own personal wrongs. If the blame is singularly upon him – then he is deserving of punishment. The *ben sorer u'moreh* is certainly not blameless, but can we contend that the full weight of his sins are upon him? Can we say that he had no mitigating circumstances in his life that caused him to turn out this way? What about his father, the one who married the *yafes toar*, beautiful captive? He was the one for whom the Torah made a *yetzer hora* dispensation, because, otherwise, he might have allowed for his physical passions to get the better of him. We must remember that the apple does not fall far from the tree. I might also add that once the apple "falls" from the tree, it probably becomes a little smashed and soiled. It is no longer the same apple. When one takes all this into consideration, it is not surprising that the *ben sorer* did not happen. Too many factors had to contribute to enable that outcome to occur.

The Torah writes that the *ben sorer einenu shomea,* does not listen to the voice of his father or the voice of his mother. *Chazal* (*Sanhedrin* 71a) derive from there that if either parent is deaf, the boy does not become a *ben sorer*. The *Imrei Emes* wonders how *Chazal* derive from the boy's inability to listen that, if either parent is deaf, the boy does not become a *ben sorer*. (If the parents claim that he does not hear them, it means that they hear each other, or they are aware that he does not listen to them. This indicates that neither is deaf.) How does a parent's inability to hear ameliorate his/her son's rebellion (not listening to them)? The *Imrei Emes* explains that if one of the parents does not hear, it is no wonder that the son does not hear. We learn by example, even if the example that one projects is not his/her fault. At the end of

the day, the boy sees that not hearing can become not listening and regress to ignoring and, ultimately, eschewing what the parent asks of him.

Nothing is lost on a child as he/she grows up and matures. While we would hope that the child focuses on the positive lessons to be derived from his/her parents' character representation, we would be remiss to ignore the obvious: he/she sees and learns from the negative as well. The onus of guilt cannot be placed solely on the shoulders of the rebellious son.

כי יהיה לאיש בן סורר ומורה

If a man will have a wayward and rebellious son. (21:18)

It takes incredible strength of character and extraordinary devotion to Hashem for a parent to make a choice: in favor of Torah values and love for the Almighty, over human emotions of love. *Rabbeinu* Bachya says that parents' love of G-d must supersede the love they have for their children. Thus, if the Torah commands parents who have sadly raised a wayward and rebellious son to transfer that son over to the court for what might be he his untimely execution, they must be prepared to do so. *Baruch Hashem*, never has there been a case of *ben sorer u'moreh*; first, due to the criteria necessary and, secondly, probably due to the difficulty in seeing it through. I choose my words carefully, because this is a subject no one wants to touch. Are there any parents so perfect in their devotion that they say that they are blameless in their son's spiritual demise? The boy is not punished unless absolutely no mitigating reasons justify his errant behavior. In other words: Is there a perfect parent out there who can say, "I did nothing to contribute to this tragedy." (I did not think so.)

We have another reason. *Chazal* (*Sanhedrin* 88b) teach: "A *ben sorer u'moreh* whose parents are inclined to forgive him of his rebelliousness, their absolution is accepted." The boy goes home to his mom and dad. This *halachah* begs elucidation. The *ben sorer's* punishment actually precedes whatever terrible sin he might commit. At that point, he is just a glutton and a drunkard. He has not committed a sin that warrants capital punishment. but, he will. Thus, he is executed before he commits the murder that in all likelihood will occur. What is achieved by the parents' *mechilah*, forgiveness?

Horav Chaim Zaitchik, zl, explains that parents know their child. If parents forgive, it is because they have gazed deeply into the psyche of their son and decided that beneath the dross of evil character, hope exists. He is still their little boy. His actions do not reflect his true essence. They might reflect a troubled, angry boy, but still a boy for whom they can have hope. Regardless of the bleakness of a situation, parents always find a way to help their child overcome the obstacles and reach his/her potential. Nothing is stronger and more determined than the love of a parent for their child. It never ceases. Therefore, parents can sense if a modicum of decency exists within their son and focus on bringing it to the fore, so that their son's behavior and attitude will change.

The level of evil of Menashe, *Melech Yisrael*, bordered on degeneracy. No other Jewish king descended to his level of perversion. Fifty-five years of non-stop evil had brought him to such a nadir of spiritual erosion that no one could – or wanted to – help him – except for his Father in Heaven. He screamed and cried bitterly until Hashem "dug out" beneath his Heavenly Throne a pathway for Menashe to repent. For three years, he repented. What is the meaning of, *Chatar lo chatirah*, "He dug out for him a tunnel beneath the *Kisei HaKavod*, Throne of Glory?" *Rav* Zaitchik explains that Hashem "dug in," penetrated into Menashe's soul, until He found a single strand, a narrow pathway to a spark of emotion, of sensitivity, that could initiate the *teshuvah* which would ultimately cause him to be spared the fate that he deserved. Hashem did not give up on Menashe. Why should parents give up on their errant son?

כי תקצור קצירך ... ושכחת עומר ... לא תשוב לקחתו לגר ליתום ולאלמנה יהיה למען יברכך ד' אלקיך

When you reap your harvest … and you forget a bundle … you shall not turn back to take it, for it shall be for the convert, the orphan and the widow, so that Hashem, your G-d, will bless you. (24:19)

If one reads the *pasuk*, I think it communicates an important message. When we give *tzedakah*, charity, to one who is in need, we think it is all about him/her. He or she needs our help. What about the benefactor? Does he receive any personal benefit outside of the spiritual reward and the personal satisfaction that he derives from his actions? The Torah teaches that one should not think his charitable actions benefit only the beneficiary. He, too, will benefit, as evinced by the following story. Anyone who has ever searched for a job knows that the process can be tedious and demoralizing. No matter how good one thinks he/she may be, the person who is hiring is always looking for "someone else." Two young women, one who was married and supporting her husband in *kollel* and the other one who had not yet found her *bashert*, Heavenly-designated spouse, were good friends, both qualified secretaries, and both looking for a job. A position in an up and coming company became available. The company was prepared to pay top dollar to the right candidate. Sarah, who was married, was hopeful. So, too, was Rivkah, her good friend. The both had secured interviews for the next day, Rivkah at 10:00 a.m. and Sarah at 3:00 p.m.

Rivkah made an extraordinary impression upon the husband and wife, proprietors of the business, to the point that the wife told Rivkah that, as far as she was concerned, she could begin working for them the following day. They had, however, promised interviews to a number of applicants, so they would have to wait until the end of the day before they could give her a contract. Rivkah was torn. On the one hand, she wanted the job; on the other hand, her good friend needed the money to support her *kollel* family. Rivkah was not "there" yet. She made a decision which clearly demonstrated the kind of young woman she was. She returned to the proprietors of the business and explained that she had a friend who was coming for an interview that afternoon. She would much rather see her friend get the job, because she needed the money. She assured them that Sarah would do a good job for them as well.

Sarah was hired and, after a while, her work pleased the owners of the business. Meanwhile, the proprietors of the business could not get over Rivkah's outstanding character traits. Indeed, they wondered if she would not be an appropriate match for their son, who was an excellent *ben Torah*. The woman called Rivkah and invited her to come over with her mother to visit. When they came, Rivkah went out to spend time with Sarah, while her mother and the woman spoke. The woman was quite candid with Rivkah's mother, relating to her how impressed she was with her daughter. She inquired of her daughter's friends and every one of them seemed to have a high opinion of her. Would Rivkah and her mother be interested in her son? Rivkah's mother replied that they would look into it. After some inquiries, it became apparent that the proprietors' son was truly a special young man, both in learning and *middos*, character. They met, they liked one another, it was a match made in Heaven!

Prior to the wedding, Rivkah's future mother-in-law spoke with Rivkah and said, "You came here looking for a job, which you relinquished to your good friend. As a result, you eventually became part of our family. I am happy to tell you that, *Baruch Hashem*, we are quite well-to-do. We would like our son to sit and learn as long as he wants. To this end, we are making you and our son full partners in this business. You came to apply for a job, and, instead, became a part owner!"

We think that by extending ourselves to others, we are helping them. This is true, but we are also helping ourselves.

Va'ani Tefillah

הטוב כי לא כלו רחמיך – ***Hatov, ki lo chalu Rachamecha*. The Good One, Because Your mercies never come to an end.**

Hatov. The Good One. "Good" has become a relative term, which is unfortunately defined by its contrast with its opposite – bad. In other words, when something or someone is not bad, by default, it is good. It was not meant to be this way. In this *tefillah*, we define good when we assert that Hashem is the Good One. This designation describes good as an absolute – pure good in its own right, without relying on contrast. Furthermore, we say that Hashem is good, because His mercies never come to an end. This means, explains *Horav Shimon*

Schwab, zl, that even when a person makes the wrong choice, follows the wrong path – one of sin, not one of blessing and adherence to His command – Hashem still continues to have mercy on him. By right, one who reneges Hashem's command should forfeit his life. Hashem not only does not take his life, He even helps him along with his current choice. Hashem's mercy is boundless, and He will not only grant him continued life, but He will also sustain him and keep him healthy. Hashem's *rachamim*, mercy, is not limited to those who listen to Him. His good is absolute and, thus, not defined by our choices – good or bad.

לזכר נשמת
Reb Eliyahu Goldberg
ר' אליהו מתתיהו בן יעקב יהושע ז"ל
A dear friend whose contribution to Peninim's success will always be remembered.

prepared and edited by Rabbi L. Scheinbaum

Semicha and Sanhedrin Controversies of the 16th and 21st Centuries - Part 2

Rabbi Yirmiyohu Kaganoff

Last week, we learned what are the roles and responsibilities of the Sanhedrin, what exactly is semicha, and why is it such a central factor in the creation of the Sanhedrin. We also studied why there was an attempt in 16th century Tzfas to recreate the semicha, the method used, and the controversy it engendered. We are in the middle of discussing that dispute, which was between the rav of Yerushalayim at the time, the Maharalbach, who was opposed to the approach used to reintroduce the semicha, and the Mahari Beirav, who had introduced the idea. The Mahari Beirav wanted to reestablish semicha so that the anusim could achieve atonement by being punished with malkus.

The last point we discussed was that the Maharalbach noted that Beis Din could not punish someone unless two adult male Jews witnessed the entire procedure and testified in front of Beis Din.

RESPONSE FROM TZEFAS

The Mahari Beirav responded to the Maharalbach's arguments. As far as the punishment of malkus is concerned, the Mahari Beirav held that if someone voluntarily asks an authorized Beis Din to give him malkus for his sin, the punishment is carried out, even though there were no warnings and no witnesses. Thus, the creation of a Beis Din of musmachim facilitates the atonement of these people.

As far as semicha is concerned, the Mahari Beirav did not accept the Maharalbach's criticism that his semicha program was invalid. The Mahari Beirav explained that the Rambam's ruling – that it is possible to appoint dayanim and grant semicha if all the chachamim in Eretz Yisroel agree to do so – is definitive, not theoretical or suggestive, and he questions whether the Ramban disputes this opinion. Even if the Ramban does question it, the Mahari Beirav contends that the halacha follows the Rambam. Furthermore, he contends that a simple majority of gedolim living in Eretz Yisroel is sufficient to create semicha, since the halacha in all other cases of jurisprudence is that we follow the majority. Thus, since all the gedolim of Tzefas, who were a majority of the gedolim in Eretz Yisroel at the time, had appointed him as dayan, the semicha could be renewed on this basis. In addition, the Mahari Beirav contends that correspondence with the other gedolei Yisroel is a sufficient method to determine whether a majority favor renewing semicha, and that it is not necessary for all the gedolim to attend a meeting together for this purpose.

A lengthy correspondence ensued between the Maharalbach and the rabbonim of Tzefas, which is referred to as the Kuntros Hasemicha and is appended to the end of the Shu't Maharalbach.

Incidentally, the dispute between the Maharalbach and the Mahari Beirav, whether the gedolim can reinstitute semicha, dates back to the Rishonim. The Meiri (to Sanhedrin 14a) rules that semicha can be reintroduced by having all the gedolei Yisroel of Eretz Yisroel gather together and appoint someone to be a dayan. However, the Meiri rules that the gedolim must meet together in one group for this ruling, which precludes the Mahari Beirav's method. The Rashba (Bava Kamma 36b) also cites the Rambam's opinion, although he rules the opposite, that renewal of semicha must await the arrival of Moshiach, following the opinion of the Ramban, as explained by the Maharalbach. In addition, the Ritva and the Nemukei Yosef (both at the end of Yevamos) state that semicha must await the arrival of Moshiach.

Evidence to support the Mahari Beirav's opinion, if not his method, can be drawn from the Gemara (Eruvin 43b) that states that Eliyahu will declare his arrival as the harbinger of Moshiach by coming to the Beis Din Hagadol. This Gemara implies that the Beis Din Hagadol will precede the arrival of Eliyahu, and not the other way around (see Maharatz Chayes ad loc.). However, the Ritva and the Nemukei Yosef appear to hold that there will be no Sanhedrin until Moshiach comes.

THE RADBAZ GETS INVOLVED

Both sides appealed to the Radbaz, the acknowledged gadol hador, who lived in Egypt at the time, for a ruling. (The Radbaz later moved to Eretz Yisroel, but at the time of this dispute he was outside of Eretz Yisroel and, therefore, had not been involved in the initial debate and discussion.)

The Radbaz ruled, like the Maharalbach, that the semicha was invalid, believing that the Rambam, himself, was uncertain whether his suggested method to reintroduce the semicha is a definitive ruling, and, furthermore, universal acceptance of such semicha would be necessary, even according to the Rambam's approach. In addition, the Radbaz felt that the person receiving semicha must be a talmid chacham with enough proficiency in halacha to rule on any subject in Torah. He did not believe that his generation had any talmidei chachamim in this league, which means that, even if the Rambam had concluded that this system could be used to reintroduce the semicha, the ruling is no longerin effect.

HOW, THEN, WILL THE SANHEDRIN BE REESTABLISHED?

The Radbaz does discuss an issue – if we cannot create a new semicha, how, then, will we have semicha in the future? As mentioned above, semicha is necessary to create a Sanhedrin, and the Sanhedrin is necessary to appoint the Jewish king and judges, and for many other community activities. Radbaz presents three methods whereby semicha can be reestablished:

1. Eliyahu HaNavi, who is a musmach (see Rambam, introduction to Mishneh Torah), will issue semicha to others, when he arrives as the harbinger of Moshiach's arrival.
2. Descendants of Shevet Reuven, who have semicha, may reappear. Simply because we are unaware of anyone with semicha does not mean that members of other shevatim who have been separated from us since prior to the churban do not have semicha. (This approach creates a question. If semicha can only be given in Eretz Yisroel, how could members of these shevatim receive semicha, when we know that they were exiled from Eretz Yisroel? See below for an answer to this question.)
3. Moshiach, himself, will grant semicha and thus create a Beis Din Hagadol. Radbaz does not explain where Moshiach gets his authorization to grant semicha.

RESULTS OF THE TZEFAS SEMICHA

The Mahari Beirav passed away three years after the semicha project began. Although Rav Yosef Karo had received this semicha and actually ordained Rav Moshe Alshich (author of the Alshich commentary to Tanach), by all indications, he never utilized the semicha in any other way. Nowhere in Shulchan Aruch does he refer to a renewal of semicha. Furthermore, several places in Shulchan Aruch assume that no Beis Din is authorized to rule on the laws of penalties and punishments. These passages would be written differently if its author assumed that a Beis Din of semuchim existed today.

This is even more intriguing in light of the fact that in his commentary, Beis Yosef (Choshen Mishpat 295), he records as definitive halacha the Rambam's opinion that semicha can be renewed.

Although Rav Moshe Alshich ordained Rav Chayim Vital (Birkei Yosef, Choshen Mishpat 1:7), who was renowned as the primary disciple of the Ari, z"l, the semicha trail appears to end at this point. There is no indication of anyone continuing the semicha project after this time. Thus, we can assume that the ruling of the Maharalbach and the Radbaz, that we should not introduce semicha on our own, was accepted.

SEARCHING FOR SEMICHA IN THE 1830'S

In the 1830's, Rav Yisroel of Shklov, a leading disciple of the Vilna Gaon who had settled in Yerushalayim, made another attempt to restart semicha. Rav Yisroel was interested in organizing a Sanhedrin, but he accepted the ruling of the Maharalbach and the Radbaz that we cannot create semicha by ourselves. Instead, he decided to utilize the suggestion of the Radbaz of receiving semicha from the tribes of Reuven and Gad. Rav Yisroel charted out where he thought the Bnei Reuven were probably located, and sent a certain Rav Baruch, as his emissary to find them (see Sefer Halikutim to Shabsei Frankel edition of Rambam, Hilchos Sanhedrin 4:11). Unfortunately, Rav Baruch did not succeed in locating the shevet of Reuven, and the plan came to naught.

It should be noted that Rav Yisroel raised the question how the Bnei Reuven could have kept semicha alive, since they were outside Eretz Yisroel and semicha can be granted only in Eretz Yisroel. He answered that since the Bnei Reuven had been distant from the rest of Klal Yisroel before this psak (that semicha can only be in Eretz Yisroel) had been accepted, there is no reason to assume that they accepted this psak, and they were probably still issuing semicha!!

Rav Yisroel's vain search to locate a musmach was an attempt to reintroduce the Sanhedrin, a far more ambitious plan than the Mahari Beirav had considered. Apparently, Rav Yisroel also understood from the Gemara (Eruvin 43b) that the Sanhedrin will again exist before Eliyahu appears.

NAPOLEON'S SANHEDRIN

In 5567 (1807), Napoleon Bonaparte, Emperor of France, decreed the opening of what he called "The Sanhedrin," consisting of 71 Jewish leaders, mostly Rabbonim, but including communal leaders, many of whom were not religious.

This group had nothing to do with being a Sanhedrin, other than that Napoleon had given it this name. Napoleon presented this group with a list of 12 inquiries to answer, which questioned whether the Jews were loyal to the French Empire and its laws, and about the interactions between Jews and non-Jewish Frenchmen. Of course, the "Sanhedrin" had to be very careful how they answered Napoleon's questions, to make sure that they were not guilty of treason. This Sanhedrin met many times in the course of about a year and then disbanded. It was never called into session again.

THE TWENTY-FIRST CENTURY

Approximately twenty years ago, a group calling their organization the "Sanhedrin," based themselves on the Mahari Beirav's opinion that we can recreate semicha today, provided it is accepted by most of the gedolei Yisroel. On this basis, they claimed to have created semicha for one of the well-known poskim in Eretz Yisroel, who subsequently ordained a few others, who have ordained yet others, until they now claim several hundred "musmachim."

At the time, I spoke to one of the "dayanim" of the "Sanhedrin" about the procedure used to appoint their musmachim. He told me that the organization mailed letters to every shul and settlement in Israel, requesting appointment of a certain, well-respected Rav as musmach. They then counted the votes of those who had responded and approved the appointment. Since those who replied approved of the appointment, they ruled this Rav to be a musmach whose semicha qualifies to serve on the Sanhedrin! To quote this "dayan," those who chose not to respond do not count. We have a majority of those who responded!?! Obviously, according to no opinion does this system carry any halachic validity.

When I spoke to the "dayan," he asked me if I was interested in becoming one of their musmachim. He told me that he would send me the information necessary for an appointment by their committee that approves musmachim.

Consequently, I received a letter inviting me to the next meeting of their "Sanhedrin," and a note that one of their members had vouched for me and, upon that basis, they were preparing a semicha that they would present to me personally at the next meeting of the "Sanhedrin"!! Above, I noted that the Radbaz ruled that the person receiving semicha must be a talmid chacham with the scholarship to rule on any subject in Torah. Since I do not qualify for semicha on that basis, I am curious what criteria they are applying to determine a minimum standard for semicha. Unfortunately, I think I know the answer.

Since I have not heard from this group in recent years, I presume that they are no longer active.

We should all daven with more kavanah when reciting the bracha Hoshiva shofeteinu kivarishonah, "Return to us judges like the ones we had originally," as a result of Teka bishofar gadol licheiruseinu, "Blow the Great Shofar that will free us."

לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה

ביילא בת (אריה) לייב ע"ה

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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'amad Har Sinai) and **why** Bnei Yisrael heard them from Moshe (and not directly from God).

* **THE 'MITZVA' SECTION** (chapters 6 - 11)
Mitzvot relating primarily to 'ahavat Hashem':- the proper attitude towards God and the underlying obligation to observe His mitzvot and not to follow other gods.

* **THE 'CHUKIM & MISHPATIM' SECTION** (chapters 12-26)
A wide assortment of commandments pertaining to the establishment of an 'am kadosh' [a holy nation], its institutions, and various laws pertaining to daily life in the Land of Israel.

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

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

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

A LOGICAL PROGRESSION

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

THE PARALLEL TO THE DIBROT

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

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

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

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

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

Taking this parallel one step further, one may suggest that the dibrot also provide the general **framework** for all the mitzvot in the main speech of Sefer Devarim, and hence its mitzvot progress in topical order, similar and corresponding to the sequence of the Ten Commandments. In this sense, each group of mitzvot in Sefer Devarim could be understand 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
		[THE 'MITZVA' SECTION]
6 -11	I	'Ahavat Hashem', emuna

II Not worshipping 'avoda zara'
(parallel to the first two dibrot)

[THE 'CHUKIM U-MISHPATIM' SECTION]

12-14 III Establishing God's **Name** in the mikdash ["ba-makom asher yivchar Hashem leshaken **shmo** sham..."]
(parallel to not saying God's **Name** in vain)

15-16 IV The **seven** year Shmitta cycle and the **holidays**
(parallel to **Shabbat**)

17-18 V The national **leaders** (shoftim, kohanim & levi'im, melech, and navi)
(parallel to honoring parents)

19-21 VI Laws of war, murder, and capital punishment
(parallel to 'lo tirtzach')

21-25 VII-X Misc. laws 'bein adam le-chavero'
(parallel to the final dibrot)

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

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

THE 'MITZVA' SECTION AND THE FIRST TWO DIBROT

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

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

THE 'CHUKIM & MISHPATIM' SECTION

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

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

LO TISA (chapters 12-14)

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

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

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

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

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

SHABBAT [Devarim chapters 15-16]

In the second half of Parshat Re'eh, we find two types of 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 'kibbud horim'. This section includes the laws regarding proper and effective leadership - judges, officers, priests, the king, and nevi'im - as well as laws pertaining to leaders who must be eliminated: those who lead others to idol worship (17:2-7), false prophets (18:20-22), and dissenters who disobey and snub the authority figures (see 17:12).

LO TIRTZACH [chapters 19-21]

The 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 tzizit (22:12) could be understood as a prevention of 'lo tin'af', as suggested by Bamidbar 15:39.]

LO TIGNOV (23:20-26)

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

Various other 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

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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!]
Shiur #2

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

INTRODUCTION

Although most of the laws in Parshat Ki-Tetzeh deal with 'mitzvot bein adam le-chavero' [man and his fellow man], one exception calls our attention:
"Be very careful with regard to [the laws concerning] a 'nega tzara'at' (a type of skin disease) - do exactly as the levitical priests instruct you" (24:8).

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

First of all, the laws of leprosy were first presented in Sefer Vayikra (see chapters 13 &14) together with numerous other laws of 'tum'a' & 'tahara' [spiritual uncleanliness]. Yet, we never find a mention of any those laws of 'spiritual uncleanliness 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 Miraim'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 Tetzeh, 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 how 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 mitzvat 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 'mitzvat 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-Tetzeh, 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 Rambam'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 Tetzeh is not only yet another mitzva bein adam le-chavero, it also forms one of the most basic 'building block' towards achieving the ultimate goal of Sefer Devarim to create and establish an am kadosh.

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

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

shabbat shalom,
menachem

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FOR FURTHER IYUN

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

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

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

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

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

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

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

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

D. Those Rishonim who do not derive the prohibition of removing a tzara'at infection from 24:8 (as the Gemara in Makkot does) would presumably derive the prohibition from Vayikra 13:33 - see Torat Kohanim there. Based on the context of that pasuk, what advantage is there to learning the prohibition from our pasuk instead? What might be the difference between these two prohibitions? See Sefer Hachinuch 170, as opposed to Ramban in his 'hasagot' to 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 Tetzeh. Based on the various laws concerning forbidden marriages which continue in 22:13-23:9, can you suggest a thematic connection between these mitzvot?

In this context, note Ramban's association between the prohibition of plowing with an ox and donkey (pasuk 10) and that of interbreeding (Vayikra 19:19). See also 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

By Rabbi Yitzchak Etshalom

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

C) "Ben Sorer uMoreh" (rebellious son)

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

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

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

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

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

An almost immediate passage is even more startling:

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

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

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

SUMMARY

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

1) Why does the Parashah begin with the laws of the Y'fat To'ar and rejected wife/firstborn?

2) Why is the Kadesh/K'deshah law, along with the "Et'nan Zonah" law, placed in the middle of laws relating to family?

3) Why is a section relating to fulfilling vows in a timely fashion placed in the middle of that same section?

4) Why does our Parashah end with the Mitzvot relating to Amalek and their remembrance?

V. THE "UNDERCURRENT" OF OUR PARASHAH:

OUR FIRST FAMILY

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

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

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

A) Ki Teitzei - Vayetze.

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

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

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

B) Y'fat To'ar.

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

C) Ishah S'nuah

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

D) B'khor haS'nu'ah

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

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

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

This brings up an issue which is quite beyond the scope of this shiur (but will be addressed in the shiurim on B'resheet later this year) -

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

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

E) K'deshah and Et'nan Zonah.

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

F) Nidrei Hekdesh and Bal T'acher

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

G) Yibum - the levirate marriage

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

VI. AMALEK

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

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

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

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

This exclusion, as mentioned above, helps define the inclusion which is the

undercurrent of the Parashah. Even if the sons and grandsons of Ya'akov sinned - even if we need to question grandfather Ya'akov's behavior - we are all still family with each

other and we bear the responsibility that comes with that relationship.

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

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

Shabbat Shalom,

Yitzchak Etshalom

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PARSHA INSIGHTS

by Rabbi Yaakov Asher Sinclair

Freedom of Kosher Speech

"Remember what the L-rd, your G-d, did to Miriam on the way, when you were leaving Egypt." (24:9)

When Miriam criticized her brother Moshe unfairly, Hashem punished her with *tzara'at*, a serious leprous-like skin affliction that covered her body.

The Torah, for some reason, connects Miriam's punishment with leaving Egypt. What does one thing have to do with the other?

The captivity of the Jewish People in Egypt was more than physical bondage. On a deeper level Egypt represented the enslavement of the power of speech. Egypt not only enslaved the bodies of the Jewish People, but it put in chains the major weapon of the Jewish People – speech. Thus, the Torah writes that the Jewish People "cried out" to Hashem. It never writes that they "prayed." For in Egypt, speech itself was bound.

The Exodus from Egypt was the beginning of the rebuilding of the power of speech.

Man's pre-eminence derives from his power of speech. He has the ability to direct himself according to his will. When the Jewish People left Egypt, they went straight into the desert. In Hebrew, the word desert is *midbar* which is from the root *mi'dibur* – "from speech" – because the desert is the place that is separated and removed from speech. Since the desert is the maximum place of non-speech, of non-direction, it is the ideal place to rebuild the power of speech from the ground up.

When the Jewish People left Egypt they were like a newborn baby. When a child begins to speak, his father is obligated to start to teach him Torah. In this formative stage, then, it was essential that the Jewish People should guard their mouths and their tongues with great care. Something is most vulnerable during its construction. To protect the reconstruction of speech, they were given Torah, and to protect their mouths, they were given the manna.

The gravity of Miriam's error was not just *what* she said, but *when* she said it. To use the power of speech incorrectly at the very time of its reconstruction required a serious punishment. Thus, the Torah connects her mistake to the departure from Egypt.

It is Miriam's eternal privilege, though, that every generation has a positive commandment to remember what Hashem did to her, to teach us that death and life are in the power of the tongue.

- *Sources: Sfat Emet, Ramban*

TALMUD TIPS

by Rabbi Moshe Newman

Ki Teitzei: Eruvin 16-22

Salt-free, Safety and Sanctity

The Mishna teaches, "Soldiers going to war are exempt from four things... from washing their hands...."

The Sage Abayei qualifies this halacha in the *gemara* as referring to an exemption from *mayim rishonim*, what we call *netilat yadaim* — hand-washing before eating a meal. That mitzvah may be waived in a situation of war. The obligation of *mayim achronim*, however, washing one's hands after a meal before saying *birkat hamazon*, remains obligatory even during war.

I'd like to share with you a question I received from a reader regarding the practice of *mayim achronim*, along with my response. I hope you find both the question and the response informative and enjoyable.

Question: Dear Rabbi, As a newly religious, single person, I am often a guest at different people's homes for Shabbat meals. Regarding the washing after the meal and before *birkat hamazon*, I have noticed different customs which I don't quite understand. Some families do it while others do not. Why is this so? Also, why in some families do the men do it but the women do not? Thanks!

Response: I am happy that you have become inspired by Judaism and have become observant. May Hashem always guide you in the correct way and help you find your soulmate at the right time, to build a *bayit ne'eman b'Yisrael* where you can share your inspiration with guests of your own.

The source for the washing you mention, which is called *mayim achronim* in Hebrew, is based on the verse, "You shall sanctify yourselves and be sanctified" (Lev. 20). Our Sages (Berachot 53b) explain that this double mention of "sanctity" refers to washing the hands both before and after meals. Two reasons are given by our halachic authorities for the need to wash *after* the meal. One reason is that the hands must be cleansed of food before saying *birkat hamazon* in deference to the sanctity of the blessing. Another reason is that, as a result of the meal, one might have "salt from Sodom" remaining on his hands, a type of salt that can seriously damage one's eyes if not washed away.

Since nowadays we usually eat with utensils and not with our hands, and since Sodom salt is unlikely to be found among us, some authorities are of the opinion that *mayim achronim* is no longer required. However, other halachic authorities disagree with this and argue that we still need to be careful to wash *mayim achronim*. Why? Sometimes we eat with our hands (think crisp French fries or juicy barbecue ribs), and the "Sodom salt" might still make it to the corn-on-the-cob. Further, they posit, even if Sodom salt is not around, regular salt in one's eyes may not be the healthiest thing either. Therefore, they maintain that *mayim achronim* is required even nowadays.

Both of these opinions are cited in Shulchan Aruch (Orach Chaim 181), and both rulings have become accepted — but depend on the custom of one's family and community. This is why some people do it, and some people do not.

You also ask: Is there a reason why men should wash *mayim achronim* and women not? Aside from the "well-known fact" that women are often considered neater eaters than men (joke — no offense guys!), there is a possible halachic distinction or two that explain why only men need to wash before *birkat hamazon.*

It is true that *birkat hamazon* is indeed a mitzvah for women as well as for men. After all, it is a positive commandment that is not bound by time. For this reason, it is possible that the obligation of *birkat hamazon* for women is a Torah mitzvah. However, it is also possible that *birkat hamazon* for women is a rabbinical mitzvah and not a Torah one. Why? The Torah's requirement for saying *birkat hamazon* after a meal is juxtaposed in the Torah with the laws regarding the inheritance of the Land of Israel — something that was applicable mainly for the male leaders of the nation (see Shulchan Aruch, Orach Chaim 186). So, if *birkat hamazon* for women is a rabbinical but not a Torah mitzvah, there is a possible basis for ruling that *mayin achronim* would not be a strict obligation for women.

Halachic authorities add that there is an additional factor that might account for the leniency of women not washing *mayim achronim*. As explained above, it is not clear that there is an obligation for *anyone* nowadays — man or woman — to wash hands after a meal. Therefore, it is possible to combine the fact that *birkat hamazon* for women is not clearly a Torah mitzvah together with the ruling that neither gender is required to wash *mayim achronim* nowadays. Combining these two factors could explain why women are considered exempt from *mayim achronim* according to some halachic opinions.

Also, please keep in mind that, although you have seen households where only the men wash *mayim achronim*, it's possible that the women also wash their hands while away from the table instead of at the table with the men. In any event, years ago I asked Rav Chaim Pinchas Scheinberg, *zatzal*, if women need to wash *mayim achronim*, and he answered with a resounding "Yes, they have the exact same obligation as the men."

That being said, it is worth mentioning that great halachic authorities have accepted the opinion of the Kabbalists that everyone should wash *mayim achronim*, based on additional reasons. Aside from the revealed reasons for a rabbinical enactment, it is taught in the name of the Gaon from Vilna that there are in fact seventy reasons for each new enactment. May Hashem help us all to sanctify ourselves and be sanctified!

- ***Eruvin 17***

We wish all of Ohrnet Magazine's readers and friends a meaningful month of Elul, leading up to the *Yamim Nora'im* in Tishrei.

Q & A

Questions

1. Why must a captured woman mourn her family for a month in her captor's house?
2. What fraction of the inheritance does a first-born receive if he has a) one brother, b) two brothers?
3. What will become of a *ben sorer u'moreh* if his parents don't bring him to court?
4. Why is it a degradation to G-d to hang a criminal's body on the gallows overnight?
5. What do you do if you find a lost object that costs money to maintain?
6. Why does the Torah forbid wearing the clothing of the opposite gender?
7. Why does the Torah link the mitzvah of sending away the mother-bird with the mitzvah of making a railing on the roof of your house?
8. When is it permitted to wear wool and linen?
9. What three things happen to a man who falsely slanders his bride?
10. Although the Egyptians enslaved the Jewish People, the Torah allows marriage with their third-generation converts. Why?
11. Why is causing someone to sin worse than killing him?
12. If one charges interest to his fellow Jew, how many commandments has he transgressed?
13. What is the groom's special obligation to his bride during their first year together?
14. When is a groom required to fight in a non-obligatory war?
15. What type of object may one not take as collateral?

All references are to the verses and Rashi's commentary, unless otherwise stated.

Answers

1. 21:13 - So her captor will find her unattractive.
2. 21:17 - a) 2/3 b) 1/2
3. 21:22 - He will eventually rob and kill to support his physical indulgences.
4. 21:23 - Because humans are made in G-d's image; and because the Jewish People are G-d's children.
5. 22:2 - Sell it and save the money for the owner.
6. 22:5 - It leads to immorality.
7. 22:8 - To teach that one mitzvah leads to another, and to prosperity.
8. 22:12 - Wool *tzitzit* on a linen garment.
9. 22:18 - He receives lashes, pays a fine of 100 silver *selah*, and may never divorce her against her will.
10. 23:8 - Because they hosted Yaakov and his family during the famine.
11. 23:9 - Murder takes away life in this world, while causing someone to sin takes away his life in the World to Come.
12. 23:21 – Three: two negative commandments and a positive commandment.
13. 24:5 - To gladden her.
14. 24:5 - When he remarries his ex-wife.
15. 24.6 - Utensils used to prepare food.

WHAT'S IN A WORD?

Synonyms in the Hebrew Language

by Rabbi Reuven Chaim Klein

Trusting and Relying on G-d

In his classical work *Chovot HaLevavot*, Rabbeinu Bachaya Ibn Pakuda (1050-1120) concludes his section on *Bitachon* ("trust" in G-d) by noting that the ten synonyms for *bitachon* represent ten levels of trust in G-d. In this essay we will seek out the slight nuances between the detonations and connotations of these ten words. The tens words in question are *bitachon* (Isa. 26:4, Jer. 17:7), *machseh* (Ps. 71:1), *tivkah* (Ps. 27:14), *tochelet* (Ps. 38:16), *chikui* (Isa. 30:18, 64:3), *semichah* (Ps. 3:6, 71:6), *mishan* (Ps. 18:19), *saad* (Ps. 18:36, 20:3, 41:4), *sever* (Ps. 145:15, 146:5), and *kesel* (Prov. 3:26).

Rabbi Meir Leibush Weiser (1809-1879), better known as the Malbim, explains that *betach/bitachon* refers to an emotional state wherein one is confident about a successful future, and thus lives at peace with himself. The Malbim further explains that this term refers specifically to the inner serenity one has in the face of a tumultuous situation. He notes that *betach/bitachon* always has a positive connotation, as it is the opposite of a harried or confused state of insecurity. According to this, the word *betach* denotes a feeling of confidence in one's heart, but says nothing about the actions taken as a result of this security. In Malbim's estimation, the term *machseh* denotes one who actively lives with his *bitachon* in mind.

The Vilna Gaon (*Biur HaGra* to Prov. 14:26) offers another take on the difference between *bitachon* and *machseh.* Like the Malbim, the Vilna Gaon also understands that both terms refer to confidence about the future, but, unlike the Malbim, the Vilna Gaon differentiates between the "whats" that contribute to that confidence. When one trusts in G-d to bring about what He promised to do, this is called *bitachon* because it is a confidence that is bolstered by an assurance on G-d's part. However, when one trusts in Him even if He did not specifically promise something, this is called *machseh.* The Vilna Gaon adds that G-d is so trustworthy and reliable that it is better to trust Him to bring about something that He did not explicitly guarantee than to trust a human patron about something that he explicitly promised to do. About this, the Psalmist says, "It is better to trust (*lachasot*) in G-d than to trust (*betach*) in (human) donors" (Ps. 118:9).

Interestingly, Rabbi Shlomo Pappenheim (1740-1814) explains that the root of *machseh* is CHET-SAMECH. Like the word *chas* in the phrase *chas v'shalom,* this root refers to "caring" about something to the point that one tries to preserve and save it from destruction. When G-d is viewed as a *machseh*, this means that one relies on the fact that G-d cares about him and will do what is necessary to prevent his demise.

Rabbi Shlomo Aharon Wertheimer (1866-1935) explains that the next three words *tikvah* (verb: *kaveh, mikaveh*), *tochelet* (verb: *yachel, miyachel*), and *chikui* (verb: *chakeh*, *michakeh*) all mean "waiting." The variations in their exact connotations reflect the differing degrees of certainty about the arrival of that for which one is waiting. He explains that *tochelet* connotes "waiting" for something in the sense that one relies on it to come, but not whole-heartedly. He still has some doubts that he will actually attain what he expects. For example, Ps. 130:7 uses the phrase *yachel Yisrael* to denote the Jews' trusting in G-d, because there is sometimes reason to doubt the certainty of our salvation, for we are ever-cognizant of the possibility that our sins might block what we are

waiting for. The term *tikvah* (commonly translated as "hope") implies that one totally relies on the fulfillment of his expectation, even if he cannot say with 100% certainty that it will actually happen. The term *chikui* refers to a situation whereby one totally believes that whatever he is anticipating will happen, and he is just "waiting" for it to become a reality.

Rabbi Pappenheim traces the word *tikvah* to the biliteral root KUF-VAV — *kav* – which means "a straight line." The most basic meaning of that root is a "rope" or plumb line used by builders to make sure they are building in a straight fashion. From that meaning, the word *tikvah* was borrowed to refer to any sort of "rope" (see Josh. 2:18). When waters are said to gather up into one place, they travel in a "straight line" towards their shared destination (see Gen. 1:9), so the resultant body of water can be called a *mikvah.* (see Gen. 1:10, Ex. 7:19, and Lev. 11:36). When a person has hope in the certainty of something, he sees a "straight line" that connects the current situation to the inevitable situation that he anticipates — such hope is thus appropriately called *tikvah.*

The word *somech* literally means "nearby" or "next to" but its cognates also refer to "leaning" (which can only be done onto somebody/something that is nearby). In a halachic context, *semichah* refers to the commandment of "leaning" on an animal before offering it as a ritual sacrifice. Regarding that law, the Talmud (*Chagigah* 16b) says that one offering a sacrifice must lean on the animal with the entire force of his weight. The Malbim argues, based on this, that *semichah* differs from *mishan* in that the former is done with all one's might while the latter is only partial.

The word *mishan* is another term that means "leaning" or "relying." Rabbi Pappenheim explains that *mishan* is derived from the two-letter root SHIN-AYIN, which refers to "enjoyment" and "pleasure." Other words that come from this root include *sha'ashua* ("playful" or "delightful"), *yeshua* ("salvation"), and *shaavah* ("crying out" with the goal of bringing about salvation). *Mishan* thus refers to the state of enjoyment and satisfaction that one achieves when one is "supported" by another. Rabbi Pappenheim explains that the word *mishenet* ("walking stick") is also related to this root because when elderly people have trouble walking they receive much satisfaction from having something to lean on.

Rabbi Pappenheim differentiates between *mishan* and *somech* by explaining that the latter refers to any situation whereby one "leans" or "relies" on something else — even if he does so willingly and is not actually forced to do so. Case in point: When Moses leaned his hands on Joshua (Deut. 34:9), or when the Jews leaned their hands on the Levites (Num. 8:10), this does not mean that if they had not leaned they would have fallen. Rather, they leaned of their own volition. In contrast, the term *mishan* refers to somebody leaning on another for actual support because he is too weak or feeble to support himself.

This brings us to our next word: *saad.* The Malbim explains that *saad* primarily refers to "supporting" an inanimate object by making sure that it does not fall down. He explains that this word can be borrowed to refer to any situation whereby one's patron supports his beneficiary without the latter's knowledge. In such a case, it is as if said beneficiary is like an inanimate object that his benefactor makes sure does not fall. On the other hand, *mishan* refers to a beneficiary who willfully and knowingly relies on another, usually G-d (see Mic. 3:11), for his needs.

Rabbi Pappenheim explains that *saad* refers to offering support to one who requires *mishan*. In other words, *mishan* refers to a weakened or feeble entity that requires help, while *saad* refers to the act of helping the weak or feeble. When a tired or weak person eats food to replenish energy, this act is called *soed* (Gen. 18:5, Ps. 104:15), and the meal he eats is called a *seudah*. Those two words are cognates of *saad*.

Interestingly, Rabbi Moshe Tzuriel suggests that the word *saad* is better translated as "helps," because the beneficiary himself also contributes to his own betterment, while the benefactor simply "helps" him along. In this way, the beneficiary does not totally rely on outside help, but rather takes matters into his own hands to some degree.

The *Peirush HaRokeach* relates the word *sever* ("hope") to the orthographically-identical word *shever* ("food"). He accounts for this connection by explaining that people look towards G-d trustingly and hopefully, while He provides them with their food (see Ps. 145:15). Rabbi Wertheimer similarly writes that *sever* denotes the strong trust in G-d that stems from the recognition of His role in creating and maintaining all of existence.

Finally, we arrive at the word *kesel*. The word *kesel* in the sense of "confidence" or "reliance" seems to be a cognate of the word *kesil* ("fool" or "stupid person"), as both are derived from the triliteral root KAF-SAMECH-LAMMED. The Malbim explains that in *tikvah*, one awaits something good to happen, while in *kesel*, one is sure, with almost foolish naivety that nothing bad will happen.

Rabbi Moshe Wolfson accounts for the *kesel-kesil* connection differently. He explains that when it comes to relying on G-d and putting all of one's trust in Him, one must do so even to the extent that he appears to be acting illogically or foolishly. Interestingly, Rabbi Wolfson explains that even though, in general, the fool walks "in the dark" (Ecc. 2:14) — unaware of what is going on around him — when a person is considered a fool for following G-d, then he is a fool who walks in the light. Because of this, Rabbi Wolfson writes that it is especially befitting to work on attaining the level of *kesel* during the month of Kislev, when the light of Chanukah serves to illuminate the otherwise dark winter.

- *For questions, comments, or to propose ideas for a future article, please contact the author at rcklein@ohr.edu*

PARSHA OVERVIEW

The Torah describes the only permissible way a woman captured in battle may be married. If a man marries two wives, and the less-favored wife bears a firstborn son, this son's right to inherit a double portion is protected against the father's desire to favor the child of the favored wife. The penalty for a rebellious son, who will inevitably degenerate into a monstrous criminal, is stoning. A body must not be left on the gallows overnight, because it had housed a holy soul. Lost property must be returned. Men are forbidden from wearing women's clothing and vice versa. A mother bird may not be taken together with her eggs. A fence must be built around the roof of a house. It is forbidden to plant a mixture of seeds, to plow with an ox and a donkey together, or to combine wool and linen in a garment. A four-cornered garment must have twisted threads *tzitzit* on its corners. Laws regarding illicit relationships are detailed. When Israel goes to war, the camp must be governed by rules of spiritual purity. An escaped slave must not be returned to his master. Taking interest for lending to a Jew is forbidden. The Jewish People are not to make vows. A worker may eat of the fruit he is harvesting. Divorce and marriage are legislated. For the first year of marriage, a husband is exempt from the army and stays home to rejoice with his wife. Tools of labor may not be impounded, as this prevents the debtor from earning a living. The penalty for kidnapping for profit is death. Removal of the signs of the disease *tzara'at* is forbidden. Even for an overdue loan, the creditor must return the collateral daily if the debtor needs it. Workers' pay must not be delayed. The guilty may not be subjugated by punishing an innocent relative. Because of their vulnerability, converts and orphans have special rights of protection. The poor are to have a portion of the harvest. A court may impose lashes. An ox must not be muzzled while threshing. It is a mitzvah for a man to marry his brother's widow if the deceased left no offspring. Weights and measures must be accurate and used honestly. The Torah portion concludes with the mitzvah to erase the name of Amalek, for, in spite of knowing about the Exodus, they ambushed the Jewish People.

COUNTING OUR BLESSINGS

by Rabbi Reuven Lauffer

BLESSING ELEVEN: STEP IN TIME!

"Blessed are You, Hashem, our G-d, King of the universe, Who firms man's footsteps."

Many years ago, during a summer break in England, I took my (then) young children to watch the Changing of the Guard at Buckingham Palace. Possibly the most famous tourist attraction in London, it was replete with marching soldiers in their striking red uniforms and their imposing bearskin hats, a full military brass band and beautifully groomed horses ridden by exquisitely turned-out officers with gleaming breastplates and drawn sabres. On entering the palace grounds, the rows of marching soldiers started a convoluted series of maneuvers that were fascinating to watch. For well over half-an-hour they marched in a detailed and intricate fashion on the parade ground, never missing a step. Together with the thousands upon thousands of visitors, I was transfixed, until one of my sons innocently asked me where the soldiers were marching to. Momentarily flummoxed, I tried explaining to him that they weren't actually going anywhere, and that what we were watching was all for the audience's enjoyment. But, shrugging his shoulders, he failed to understand the point of it all. And, I must admit, after that it wasn't really the same — regardless of how entertaining it was.

It is true that the soldiers at Buckingham Palace were spending an inordinate amount of time marching up and down the palace parade ground without going anywhere in particular. Nevertheless, they had not a moment's doubt as to *what* was required of them. *And how* they were supposed to do execute it. Because, as soldiers, their whole essence was to do as they had been commanded. And the sound of their marching boots, all in perfect unison, reverberated around the parade grounds.

"Blessed are You, Hashem, our G-d, King of the universe, Who firms man's footsteps." How does our blessing fit into the sequence of the Morning Blessings? What is the connection between the way I walk and my relationship with G-d? It is now that we have reached the moment within the blessings that we get to select *where* we are going to "walk" to in our journey through life. Which direction are we going to choose to take? Judaism teaches that there are two core possibilities. The first is the choice to walk along the path that has been given to us — and defined for us — by G-d through His Torah. And the second is to choose not to. It is really that simple. And, it is also, at the sane time, that complex. Our blessing comes to teach us that the person who walks with firm footsteps is an individual who has an unquestionable sense of purpose. Not just that, but because he is secure in the knowledge that the Torah and the mitzvahs are everything he needs for the correct direction in life, he also has a detailed strategy of how he is going to reach his objective. Such a person can stride through this world with confidence, because he knows that he is an integral component in G-d's "honor guard" — devotedly marching to the beat of the true Commander in Chief.

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Love of the Land, written by RAV MENDEL WEINBACH, zt"l • General Editor: RABBI MOSHE NEWMAN • Design: RABBI ELIEZER SHAPIRO z"l / DANIEL FREEDMAN

Insights based on the writings of Rav S.R. Hirsch by Rabbi Yosef Hershman

A Rebel with a Cause

The law of the *ben sorer u'moreh* – the rebellious son who is put to death in his adolescence at the request of his parents — is unusual in many regards. Our Sages have taught that there never was such a disobedient and recalcitrant son in the past, and there will never be one in the future. Rather, it was and will remain only a theoretical "problem," as the conditions stipulated by law can never actually be satisfied. It was written, then, not as practical law, but as a rich source of pedagogic truths, whose study is of great benefit for the educational work of parents.

Rav Hirsch's masterful explication of the laws of the *ben sorer u'moreh* spans many pages, and distills several essential principles in education from the various details of the laws. We summarize here but a few.

The first aspect of the law that draws our attention is the age-span during which the death penalty is applicable — the first three months after a boy has reached the age of puberty, usually upon completion of his thirteenth year. We see that this period is regarded as a crucial phase in the formation of a child's character. While this period is marked by an awakening of the latent sensual impulses and appetites, it can, and should, also be marked by the awakening of the moral strength that will guide the child away from vice and base passion. That latter awakening is characterized by the joy of discovering the truth and is fueled by the desire to adopt great and noble values — the discovery of a higher-self. Precisely when the struggle is born, the wherewithal to succeed is also born, and must be carefully cultivated as the child "comes of age." This is when a child becomes a *bar mitzvah*, literally a "son of the commandment," and acquires the discipline and striving necessary to overcome temptation and commit to the law.

If, at the time when he is supposed to be developing seriousness and maturity, he displays such defiant conduct — *zollel v'soveh*, out-and-out gluttony and drunkenness — then we can be certain that any further effort at character training will only end in failure. The glutton's desire for good food takes precedence over any moral considerations, such that he pilfers from his own parents. In addition, to be liable, not only must he have used the stolen money for his revelry, but he must have consumed it in the company of good-for-nothings.

To summarize: the *ben sorer u'moreh* must have displayed willful, perverse disobedience in general, excessive predilection for good food and alcoholic drinks, pilfering at home and keeping bad company. These sad criteria — which as defined have never and will never be met — should each engage our attention as parents and educators.

One of these traits in particular — gluttony — is one we sometimes unwittingly encourage. When cuisine is given high importance in the home — where the assortment of sushi or the price of wines and scotch is the gauge of the happiness at a joyous occasion — we communicate base pleasure over refinement. Rav Hirsch encourages teaching and modeling moderate eating, including occasional finer cuisine, to help children discover on their own the limits of the happiness that a good steak or good wine can bring. When those limits are realized, an appetite can be developed for the finer joys of life.

Another requirement of the *ben sorer u'moreh* holds the key to child-rearing. This son can be liable only if his parents were of the same voice and heart. They must come to the judges declaring, *our child* does not listen to *our voice.* If this unity and consistency is lacking, then we fault the parents and not the child. To be successful parents, they must be equals, completely in agreement, of one heart and mind in their education and influence over their child.

- *Sources: Commentary, Devarim 21:18; Collected Writings VII, p.333 ff.*