

Potomac Torah Study Center

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

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

May Hashem protect Israel and Jews everywhere. May Hashem's protection shine on all of Israel, the IDF, and Jews throughout the world. We mourn those of our people who have perished since attacks have resumed. May the IDF and the U.S. soon force Iran to seek peace, and may a new era bring security and rebuilding for both Israel and all others who genuinely seek peace.

Note: My upcoming schedule for Devrei Torah: August 28 week): Ki Tavo – on travel and unable to prepare and post. During my absence, visit my archives at PotomacTorah.org for issues from the last several years.

Nine members of our family returned from two weeks touring Israel early last week. While this visit was my wife's eighth trip to Israel and my fifth, for six of the family members, it was their first time in Israel. We had wanted our four grandsons, ages nine through thirteen, to visit and appreciate Israel, ideally before becoming Bar Mitzvah. Because of troubled conditions during periods when we could pull the children out of school, however, we had to delay our plans until this summer, when even the most cautious family members felt secure. (From my perspective, I feel safer in Israel than I do in the truly dangerous places for Jews – such as Chicago, New York, Los Angeles, England, France, and Spain.) One bonus of waiting so long is that all our grandchildren are old enough to appreciate the experience and absorb some of the magic that Israel represents for Jews.

For Hannah and me, this trip was a tremendous opportunity to visit with numerous relatives and close friends. My cousins Frieda and Ernie, children of Holocaust survivors, had virtually their entire family in Israel for a grandson's wedding that, unfortunately, took place a day too late for us to attend. We were able, however, to visit with most of their family in Jerusalem a couple of days before the wedding. We also visited with my grandmother's niece, now 93 years old – a relative with whom we have shared several visits both in Israel and in the United States over the past 45 years. Our friendship with my friend Gail (close friend from high school in Los Angeles) goes back even further, as do Hannah's memories with her cousin Annie, soon to welcome her first grandchild. While all Jews in Israel are our family, obviously our personal memories go deeper with some family members than with those whom we meet for the first time.

Ki Teitzei, with 74 mitzvot in one parsha, contains by far the most mitzvot of any parsha. Many if not most of the mitzvot connect with family themes, so it connects very well with our recent visit to Israel. We encounter two closely related mitzvot near the end of the parsha. When two brothers live "together" (in proximity) and one brother dies without having a child, the surviving brother is to perform levirate marriage – marry his sister-in-law and provide her with a child who will carry the name of the deceased brother (25:5 ff.). This mitzvah goes far back in Jewish history and presumably in history in the Middle East. For a closely related example, Avraham (then Abram) had two brothers: Haran and Nahor. Sarah (then Sarai) and Milcah, Haran's daughters, needed husbands, so Abram and Nahor married Haran's daughters. Abram (Avraham) and Nahor therefore married their nieces to protect them and to carry on Haran's legacy. (Bereishis 11:22-31). While not exactly levirate marriage, these weddings are close extensions of the concept.

Only seven pasookim after the mitzvah of *yibum* (levirate marriage), the Torah reiterates the mitzvah of remembering Amalek and what he did to our ancestors shortly after the Exodus (25:17-19). To understand the significance of this mitzvah, turn back to Shemot 17:8-16). B'Nai Yisrael had just survived three days without food and then without meat, with Hashem providing first manna and then water from a rock. While they recovered from the emotionally draining experience of hunger and thirst while walking through the desert, Amalek attacked the back of the camp, the weakest Jews (who were struggling to keep up with the others). Moshe stood on a high rock with his arms raised while Joshua led the Jews in fighting Amalek. When Moshe held his arms up, Israel prevailed. When Moshe's arms became tired and he had to let them down, Amalek prevailed. Aharon and Hur (his nephew, Miriam's son) supported Moshe's arms long enough for Joshua's troops to drive away Amalek.

Rabbi David Fohrman and his scholars at alephbeta.org analyze the Amalek wars carefully. The key is that B'Nai Yisrael prevail when brothers help each other. Aharon and his nephew Hur find a way to help Moshe keep his arms raised long enough to drive away Amalek. The message here is the same as the message of *yibum*. In times of need, Jews prevail when brothers help each other. In *yibum*, brothers protect a brother's widow or needy children. Facing Amalek or other enemies, brothers work together to fight common enemies and protect each other's family.

Rabbi Dr. Katriel (Kenneth) Brander frequently focuses on the necessity of all segments of Israeli society working together to fight our common enemies. Rabbi Brander especially denounces segments of the Israeli society who avoid participating in defending the country and seek government financial to raise large families at the expense of the working segments of the country. Rabbi David Fohrman's message tying *yibum* with Amalek illustrates Rabbi Brander's theme with two key, closely related mitzvot from the parsha. The Torah calls for all Jews to work together to protect our brothers – all fellow Jews. The Torah does not call for some protected classes to avoid their obligations to fellow Jews by taking without giving back.

As we approach the High Holy Day period, may we soon see more members of the segments of Israeli society who have been avoiding defense duties realize their obligations to their brother Jews and do their part for our country. As we look forward to Mashgiach coming, secular Jews must increase their performance of mitzvot – and segments who have avoided participating in defending the country must also do more for Israel. May we see more of both methods for all Jews to do what we can for our brothers – that is, for all our fellow Jews. My beloved Rebbe, Rabbi Leonard Cahan, z"l, loved Israel, visited at least twice every year, brought back much Judaica and made the books and art works available to his friends and congregants, and encouraged all Jews to travel frequently to Israel. He also hoped that all segments of Israeli society would work together for a brighter future.

Shabbat Shalom,

Hannah & Alan

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

Please daven for a Refuah Shlemah for Velvel David ben Sarah Rachel; Moshe Aaron ben Leah Beilah (badly wounded in battle in Gaza but slowly recovering), Daniel Yitzchak Meir HaLevy ben Ruth; Avram David ben Zeez Esther; Ariah Ben Sarah, Hershel Tzvi ben Chana, Reuven ben Basha Chaya Zlata Lana, Avraham ben Gavriela, Mordechai ben Chaya, David Moshe ben Raizel; Zvi ben Sara Chaya, Reuven ben Masha, Meir ben Sara, Oscar ben Simcha; Miriam Bat Leah; Rena Michal bat Sara, Yehudit Leah bas Hannah Feiga; Miriam bat Esha, Chana bat Sarah; Raizel bat Rut; Rena bat Ilsa, Riva Golda bat Leah, Sharon bat Sarah, Kayla bat Ester, and Malka bat Simcha, and all our fellow Jews in danger in and near Israel. Please contact me for any additions or subtractions.
Thank you.

Haftarat Parshat Ki Tetze: The Order of Consolation

By Rabbi Dr. Katriel (Kenneth) Brander * (5782)
President and Rosh HaYeshiva of Ohr Torah Stone

Ian and Bernice Charif of Sydney, Australia dedicate the Ohr Torah Stone Devrei Torah for this Shabbat in honor of the 4th birthday of their granddaughter, Noa Elison.

Is there any logical order connecting the seven haftarot of consolation read over the Shabbatot following Tisha B'av? They are all from the book of Isaiah, but they are certainly not read in synagogue chronologically or even sequentially. In fact, the haftara for our parsha, Ki Tetze, actually precedes the haftara we read two weeks ago, on Shabbat Parshat Re'eh. Is the order random? Or is there, perhaps, a deeper logic that traces a progression of ideas?

Commentators throughout the ages have offered various suggestions. Let's explore two of the most compelling theories.

The first is offered by **Rabbi Yehoshua Ibn Shouaib**, a fourteenth-century Spanish luminary and student of the Rashba, who wrote a seminal series of derashot on the different parashot of the Torah. According to Ibn Shuaib, the seven haftarot read during these weeks correspond to different voices in the drama of Israel's exile and redemption – each of whom has its own need for consolation and salvation:

Va'etchanan: God Himself accompanies Israel in exile, and will one day return triumphantly: *"A voice calls out: 'Clear the Lord's way in the desert: smooth across the arid plain a road for our God'"* (Isaiah 40:3).

Ekev: The Messiah longs to come to console the world and bring about the resettlement and flourishing of Israel's lands and cities, but has been delayed by Israel's behavior. *"For your ruins, for your wastelands, for the land of your destruction, for you will be too narrow for your dwellers, while those who would destroy you will be far away from you"* (49:19–20).

Re'eh: The patriarchs, who looked on in sorrow as their descendants' folly led to disaster, await their rehabilitation: *"All your children will be students of the Lord, and great will be your children's peace"* (54:13).

Shofetim: The Jewish people cry out for comfort, and God answers: *"It is I, I who comfort you"* (51:12).

Ki Tetze: The land of Israel itself prays to be repopulated with life *"You shall overflow rightward and left, your children possessing nations, and filling forsaken towns with life"* (54:3).

Ki Tavo: Jerusalem longs to be rebuilt on eternal foundations: *"Your gates will be always open, day and night, never closed"* (60:11).

Nitzavim: Zion, the site of the Temple, laid waste by Israel's enemies, waits silently for God's dramatic redemption — and Am Israel yearns for this moment. *"For Zion's sake I cannot be silent, for Jerusalem's I cannot be still until righteousness bursts forth shining, and rescue burns like a brand, and all nations see your righteousness, all the kings your glory"* (60:1–2).

The beauty of Ibn Shouaib's interpretation lies in showing how the Jewish people are not alone in their pain and longing. The greatest spiritual forces in the world, God, the Messiah, the Land, Jerusalem, Zion all yearn together with us, magnifying our strength and hope.

Meanwhile, **Rabbi David Abudraham**, a Spanish commentator of the same era, offered a different perspective. He viewed the progression of the haftarot as a dialogue between three partners: God, Israel, and the prophet Isaiah.

The first haftara opens with God commanding Isaiah to console the people: *"Comfort, comfort My people"* (40:1). But the nation refuses to accept his words: *"The Lord has forsaken me; my Lord, He has forgotten me."* (49:14–15) – hence, it is God Himself who must offer them comfort. The prophet relays this message back to God, protesting that the people refuse to be consoled – *"oppressed and storm-swept, never comforted"* (54:11).

And so, over the three following haftarat, God agrees to address the people directly: *“It is I, I who comfort you”* (51:12). He recognizes their pain (*“Barren woman, never a mother”* – 54:1); announces that it will come to an end (*“Rise, give light, for your light has come”* – 60:1); and heralds the joy by the Jewish people that will replace the pain (*“I shall rejoice, rejoice in the Lord”* – 61:10).

Abudraham’s approach is elegant because of the direct connection and earnest communication between God and the Jewish People and the emphasis it places on relationship in the process of redemption.

Whichever perspective we adopt on the connection between the haftarat, both resonate powerfully in our collective experience today. We are living in a fractured world where redemption cannot come to one part of Israel without the other, nor to the Jewish people without humanity as a whole. God’s comfort must reach every corner: to our hostages in the dark underground tunnels, to families mourning lost loved ones, to the wounded struggling to heal, and to the heroic families shouldering the national burden as their husbands and fathers serve hundreds of days in reserve duty. Our need for redemption is collective, and God offers consolation to us all, including Himself, as one.

Shabbat Shalom.

* President and Rosh Yeshiva, Ohr Torah Stone. Rabbi Brander is on vacation, so I selected a column for Shoftim from his archives. Note: Hebrew text omitted because of software issues.

<https://ots.org.il/parshat-ki-tetze-rabbi-brander/?pfstyle=wp>

Parshat Ki Tetze: “An Ammonite Man, but Not an Ammonite Woman”: On Baseless Hatred Among the Nations

By Rabbanit Dr. Hannah Hashkes *

The commandments in the portion of Ki Tetze concerning our relationship with Ammon, Moav, Edom, and Egypt can teach us something of particular significance at this point in time, as we find ourselves in the midst of a wave of antisemitism that recalls some of the darkest periods in the history of our people. Is there, then, a moral basis for our demand that the nations not hate us?

The Torah prohibits an Ammonite or Moabite from entering the congregation of God, and likewise prohibits us from seeking their peace and welfare. By contrast, the Torah forbids us to abhor an Edomite or an Egyptian, and permits them to enter the congregation of God beginning with the third generation.

The commandment to reject close relations with Ammon and Moav sits uneasily with modern ideas that emphasize judging each person on the basis of his or her individual identity and conduct, rather than judging or punishing that individual on the basis of national affiliation. This is quite apart from the prohibition against entering into a marital relationship with an Israeli man or woman. The additional dimension of the commandment, which concerns informal interpersonal relations, may seem even more difficult to comprehend. It may be possible to explain the prohibition against establishing a formal relationship through marriage, but it is considerably more difficult to justify a prohibition against treating individual human beings with simple human decency, greeting them with goodwill, and extending a “helping hand” to them.

Indeed, Rashi cites a midrash from the Sifrei that draws a comparison between the commandment not to seek the peace and welfare of members of these nations and the Torah’s broader commandment to treat our fellow human beings with compassion:

“Do not seek their peace and their welfare”— since it is also stated, *“When you approach a city to wage war against it, you shall call out to it for peace”* (Devarim 20:10), one might think that this applies here as well. Therefore, the verse states, *“Do not seek their peace.”* [As for the words] *“...and their welfare,”* [What do these words come to add?] Because it is stated: *“When he is well with you, you shall not oppress him”* (Devarim 23:17), one might think that this applies here as well. Therefore, the verse states, *“and their welfare.”*

In the context of war, the Torah commands, “You shall call out to it for peace.” Likewise, in the case of a slave (who is not a Hebrew slave) fleeing from his master, the Torah not only prohibits handing him over, but also commands us to allow him “to dwell with you” wherever it is good for him. According to the midrash, the language of the verses concerning Ammon and Moav is therefore intended to underscore the contrast between the Torah’s general instruction and its specific treatment of Ammon and Moav.

The Torah demands that we treat our neighbors with human compassion, even when we regard them as enemies, and even when the accepted social order may justify their inferior status, as in the case of a slave. When God grants the Land of Israel to His chosen people, He does not grant them an unlimited imperialist mandate, nor does He confer upon them an infinite social privilege. On the contrary, God gives the Land to the people of Israel in precisely the same manner in which He gives other lands to the nations who inhabit them. There is no commandment to conquer their lands, nor is there any commandment to convert them. This is particularly striking with regard to the very nations whom we are commanded to abhor and exclude from the congregation of God, Ammon and Moav. God forbids the Israelites from invading their lands during their wanderings because, as the Torah states, “*I have given it to the children of Lot as an inheritance.*”

The Ramban maintains that the plain meaning of the verse is that these nations forfeited their status as descendants of Lot, whom Avraham loved as his own, because “*they violated the covenant of brotherhood, and it shall remain violated forever*” (Ramban on Devarim 23:7).

In the verses that follow, the status of Ammon and Moav is juxtaposed with that of Edom, of whom the Torah says, “*For he is your brother.*” Although the Edomites did not permit the Israelites to pass through their land and even threatened them with war, **it appears that the fraternal bond between the people of Israel and their neighbors is not broken by Israel unless it is first broken by the other side.** [emphasis added]

This commandment teaches us about the importance of values that extend beyond our fundamental obligation toward every human being simply by virtue of being human, and that call upon us to go further still.

These values are further highlighted when our Sages grapple with the question of Ruth the Moabite’s integration into the people of Israel and, in turn, with King David’s right to serve as king of Israel as a descendant of a Moabite woman. Our Sages limit the commandment to males, but not females: “An Ammonite man, but not an Ammonite woman; a Moabite man, but not a Moabite woman” (Mishnah Yevamot, Chapter 8, Mishnah 3; Babylonian Talmud, tractate of Yevamot 76b). The Jerusalem Talmud goes even further, stating that through Ruth herself, “the halacha was renewed: an Ammonite man, but not an Ammonite woman; a Moabite man, but not a Moabite woman” (Jerusalem Talmud, tractate of Yevamot, Chapter 8, Halacha 3). In other words, **Ruth the Moabite merited that the commandment concerning the members of her nation should distinguish between men and women, in contrast to all the other commandments. This was because Ruth acted with kindness toward Naomi, in a manner utterly contrary to that of her ancestors.** [emphasis added]

These values cannot be explicitly set forth as commandments in a book of laws; rather, they must be learned from the commandments contained within it and reinforced through the tradition of the Sages. **The values in question are those of brotherhood and kindness**, which call upon us to rise above and go beyond the most basic human relationship that we are required to extend to all people. In other words, **we are not meant to be satisfied with the basic prohibitions of “You shall not murder” and “You shall not steal”; we are called upon to cultivate kindness and brotherhood as well.** [emphasis added]

But the Torah tells us something more: we must not forgo such treatment from our neighbors either. **The attitude toward Ammon and Moav teaches us that even one who is not a member of the covenant and is not obligated in all the commandments of the Torah is not thereby exempt from the prohibition against hatred toward the people of Israel, nor from the dangerous dissemination of such hatred among the nations.** [emphasis added]

Shabbat Shalom.

* Director of OTS’s International Halakha Scholars Program (IHSP).

<https://ots.org.il/rabbanit-dr-hannah-hashkes-on-parshat-ki-tetze/?pfstyle=wp>

Dvar Torah: Ki Seitzei: Choose Your Battles

By Rabbi Label Lam * (© 2020)

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

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

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

A dear friend who was married a year before me told me about a terrible mistake he made in Shana Rishona. He shared it with me so I would not fall into the same trap, and he told me to tell others so they can be saved as well. There is a custom that during that first year a husband gets permission from his wife before he goes out – away from home. This fellow was very dutiful and precise about this all during the year. As the sun set on the first year of marriage and “Shana Rishona” was concluding, he stood by the door and declared, “I don’t have to tell you where I’m going now and when I’ll be back.” He coolly left.

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

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

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

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

<https://torah.org/torah-portion/dvartorah-5780-ki-seitzei/>

A Rabbi and a Scientist Walk into a Room...

By Rabbi Dov Linzer *

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

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

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

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

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

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

Does this mean every halakha should be reassessed on this basis? The answer is no. The process of changing halakha based on science can be threatening and disruptive; acknowledging error can serve to undermine faith in the authority of the Rabbis or the divinely-binding nature of the system. Allowing science to dictate halakhic change also locates ultimate authority outside of the system, with science and scientists and not with the Rabbis; this is why Rav Moshe spoke about the determination of the Rabbis and not scientists. Beyond all of this, change is disruptive. Any legal system must be fundamentally conservative: the law must be stable so that it can support, guide, and direct behavior. No posek worth his salt is interested in doing a wholesale audit of halakha to determine which halakhot are out of sync with science to then

change them accordingly.

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

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

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

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

Good Shabbos!

* Rosh Yeshiva, Yeshivat Chovevei Torah.

From my archives.

Insights from Chassidic Tradition

By Rabbi Ysoscher Katz *

[Ed. note: Rabbi Katz is on hiatus for July and August. His outstanding parsha messages, including insights from the Chassidic tradition, will resume when he returns.]

* Chair of the Talmud Department and the Director of the Lindenbaum Center for Halakhic Studies, Yeshivat Chovevei Torah, Bronx, NY.

Paired Perspectives on the Parashah Ki Tetzei: Family Loyalty and the Spirit of Yibbum

By Rabbi Hayyim Angel *

The Torah legislates the institution of *yibbum* (levirate marriage) in Deuteronomy 25:5-10, yet the Bible preserves only two narratives centered on the institution: Judah and Tamar (Genesis 38) and Ruth and Boaz. Together, these passages illuminate not only the law itself, but also the Torah's deeper values of family loyalty, preservation of inheritance, and concern for vulnerable widows. The laws of *yibbum* and *halitzah* (the ceremony releasing a widow when her husband's brother declines to marry her) also provide an illuminating backdrop for these narratives, which culminate in the ancestry of King David.

Leviticus appears to present a striking contradiction. A man ordinarily is forbidden to marry his brother's wife: "*You shall not uncover the nakedness of your brother's wife*" (Leviticus 18:16). Leviticus 20:21 adds that if he does so, they will remain childless. Yet Deuteronomy commands precisely such a marriage when a brother dies childless. The Mekhilta (BaHodesh 7) includes these verses among the commandments that God uttered simultaneously (*be-dibbur ehad*), highlighting their complementary rather than contradictory nature. Hizkuni captures the principle succinctly: *ha-peh she-asar hu ha-peh she-hittir* ("The same mouth that prohibited also permitted"). The same logic governs other apparent exceptions in the Torah, such as wearing *sha'atnez* (a mixture of wool and linen) in tzitzit or offering sacrifices on Shabbat (slaughtering an animal otherwise is prohibited on Shabbat).

The Torah's exception permitting *yibbum* reveals its profound commitment to family continuity and responsibility. Among the Torah's forbidden sexual relationships, this alone becomes permissible for the sake of preserving a family, protecting a widow, and maintaining covenantal responsibility within Israel.

If the surviving brother refuses to marry his sister-in-law, the ceremony of *halitzah* frees her to marry someone else while publicly shaming the reluctant brother. Removing his shoe and spitting before him symbolize his failure to uphold his familial responsibilities. Susan Niditch aptly observes that *yibbum* also restored a childless widow to the protection of her husband's family in a society where women ordinarily depended upon fathers, husbands, or sons for security. *Halitzah* ensured that if this support would not be forthcoming, the widow would not remain trapped indefinitely.

The story of Judah and Tamar in Genesis 38 raises a fascinating question: if the Torah had not yet been given, how did Judah know about *yibbum*? Genesis Rabbah 85:5 suggests that Judah himself instituted the practice, but the narrative hardly reads as though anyone regarded it as an innovation. The most likely explanation is that *yibbum* already existed as a widespread ancient Near Eastern custom. Radak and Ramban suggest this possibility, whereas Rambam, Rabbi Avraham ben HaRambam, and Abarbanel accept this conclusion explicitly. Hittite law 193 likewise prescribed that if no brother survived, the father-in-law assumed responsibility for marrying the widow. Since Judah had no remaining eligible sons to give Tamar, Tamar herself ensured the continuation of the family through Judah.

In many respects Tamar becomes the Torah's first *agunah* (chained woman, who cannot remarry because of her halakhic ties to another man). Judah repeatedly delays giving Shelah in marriage to her, leaving Tamar unable either to remarry or to build a family. Unlike Deuteronomy's later legislation, there was no ceremony equivalent to *halitzah* that could free her. The Torah's subsequent law therefore remedies precisely the dilemma Tamar faced: if the surviving brother refuses to marry the widow, she need not remain in perpetual limbo.

The Book of Ruth presents the institution after the Torah had already limited *yibbum* to brothers. Since no brothers remained alive, Boaz was not technically performing *yibbum*. Rather, Judean society extended the values underlying *yibbum* beyond its formal legal boundaries. Ramban (on Genesis 38:8) observes that the spirit of the institution expanded to include the nearest eligible paternal relative. This development dovetails naturally with the Torah's laws of *ge'ulah* (redemption) in Leviticus 25, which likewise call upon relatives to preserve family property. Although the Torah legislates redemption of land and *yibbum* separately, the Book of Ruth weaves them together into one powerful expression of familial devotion.

The unnamed redeemer initially agrees to redeem Naomi's field but immediately withdraws when Boaz informs him that redeeming the property also entails marrying Ruth. His concern, "lest I impair my own inheritance" (Ruth 4:6), reveals the very tension at the heart of the narrative. Boaz, by contrast, willingly accepts potential financial and familial complications in order to preserve the name and inheritance of another family. The Book of Ruth thus transforms the legal principles of

Deuteronomy into a compelling portrait of covenantal generosity.

Significantly, the Bible's only two narratives centered on yibbum both culminate in the Davidic dynasty. The elders bless Boaz and Ruth that their house should become "like the house of Perez, whom Tamar bore to Judah" (Ruth 4:12), explicitly linking the two stories. David's ancestry therefore emerges from extraordinary acts of familial responsibility, selflessness, and covenantal loyalty. The legal institution of yibbum ultimately points beyond the law itself to enduring Torah values: preserving families, protecting the vulnerable, and sustaining the covenantal community through acts of love and responsibility.

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Overcoming the Negatives: Thoughts for Parashat Ki Tetsei

By Rabbi Marc D. Angel **

"Do not abhor an Egyptian because you were a stranger in his land" (Devarim 23:8).

This passage is generally understood to mean that we should not hold a permanent grudge against Egyptians, since we were strangers in their land and they provided us with some benefits. This is a highly problematic understanding of the verse. The Israelites suffered for generations as slaves in Egypt. They were treated cruelly; their male children were cast into the river to die. It is a very far stretch to imagine that we should be grateful to them for their hospitality! Should we be commanded not to abhor Nazis because we were "strangers" in their concentration camps?

I translate this verse differently: *"Do not abhor the Egyptian even though you were a stranger in his land."* The Torah is teaching: although the Egyptians enslaved you, you must not let your animosity to them be permanent. You must get past your wounds. The Torah states: *"The children of the third generation that are born to them may enter into the assembly of the Lord."* Yes, it will take several generations for the bitter memories to heal, but Egyptians will be welcome to join the Israelites in due course.

But this leads to another problem. Even if we overcame our animosity and were prepared to let Egyptian grandchildren join our people, why would any Egyptian want to do so? In the Egyptian memory, the Israelites were despised slaves who brought plagues on Egypt. Why would an Egyptian want to leave Egypt, resettle in the land of the Israelites, and become part of their people?

The Torah assumes that there will be such Egyptians! For whatever reason, some Egyptian grandchildren will be drawn to the Israelite nation. Perhaps they will come because of guilt feelings over the past persecution of Israelites; perhaps they will be drawn to Israelite faith, culture, civilization. And when these unique individuals turn up among the Israelites, they are to be welcomed and embraced.

During my many years in the rabbinate, I have been privileged to know special people who, like the unique Egyptians of old, have overcome a heritage of animosity toward Jews/Judaism and have joined the Jewish People. A former member of the Ku Klux Klan was drawn to Judaism by studying the Bible carefully and reading about Jewish teachings (including some of my writings). He converted to Judaism and became a leader of his Jewish community. A woman raised in an Arab country, taught from childhood to despise Jews and Israel, came to the United States to attend college, met Jews, realized that Jews were actually very good people. She ultimately converted to Judaism, married an Israeli, and sent her children to an

Orthodox Day School. A man raised to believe that Jews could not be admitted into heaven overcame this hateful teaching, studied Judaism, undertook an Orthodox conversion, and married a Jewish woman. I have personally known many other people raised with anti-Jewish attitudes — who have become active and enthusiastic members of the Jewish People.

Rabbi Eliezer Melamed, in his book on conversion, writes:

"If a German or an Arab seeks to join the Jewish people, even if the child of a fierce anti-Semite, we should accept them and love them like any other Jew. Moreover, we should love them even more than other Jews, in keeping with the commandment to "love the convert, for you too were strangers in the land of Egypt" (Deuteronomy 10:19).

The Torah commands us not to harbor endless hatred for those who have persecuted us. It also teaches us that there are really wonderful people who overcome the hateful anti-Jewish stereotypes of their families/societies, and who embrace Judaism and the Jewish People. And we embrace them for their wisdom and courage. We need more of them. Am Yisrael Hai, Od Avinu Hai.

* Founder and Director, Institute for Jewish Ideas and Ideals. and rabbi emeritus of the historic Spanish and Portuguese Synagogue of New York City.

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Senators, Shandas and Stoopers

By Rabbi Marc D. Angel *

Imagine a candidate for public office who is an outspoken member of the Ku Kux Klan, who preaches hatred of Blacks, who calls on America to penalize Black African countries economically, militarily and politically. Do you think Black politicians would endorse such a racist? Do you think they would welcome this person into a "big tent" coalition of "progressives?"

Of course not.

Black leaders would have the courage and self-respect to repudiate racism; they would refuse to endorse or coddle up to haters. They would make public statements calling on the American public to renounce racism of all kinds, not to allow racist poison into the American political system. Bravo Black leaders!

But now imagine a candidate for public office who is an outspoken antisemite who preaches hatred of Jews and the Jewish State of Israel, who calls on America to withhold all support of Israel – financial, political, military. Imagine this hateful candidate praising or condoning terrorism against Israelis/Jews. Do you think Jewish politicians would endorse such an antisemite? Do you think they would welcome this person into a "big tent" coalition of "progressives?"

We would think that Jewish leaders – like Black leaders – would stand up mightily against the haters. We would think that they would use every forum to call for a civil society that strenuously rejects racism, antisemitism, and bigotry of all kinds.

Shockingly, though, some Jewish politicians actually endorse and kiss up to blatant antisemites who openly despise Jews and the Jewish State. Isn't it a "shanda" that a senator of Jewish ancestry is one of the most vocal critics of Israel and has sponsored legislation that would seriously endanger Israel's security? Another Jewish senator is a "stooper" who bows down to antisemites for the sake of his party's "big tent." Such "leaders" not only betray the Jewish People, but they betray the very values upon which American democracy is based. Although they may pay lip service to the notion that "hatred has

no place in America,” they condone, encourage and endorse hatred.

How wonderful it would be if instead of shandas and stoopers, we had courageous leaders who refused to be part of any “big tent” that included antisemites, racists and those who would slander and undermine the state of Israel. Wouldn't it be heartening to have Jewish profiles in courage instead of defilers of courage?

When the Jews of the ancient Persian Empire were threatened with extinction, Mordecai sent a message to Esther, the Jewish Queen of Ahasuerus. He asked Esther to intervene on behalf of the Jews but Esther was reluctant. Mordecai told Esther: *“Do not think in your heart that you will escape in the king's house any more than all the other Jews. For if you remain silent at this time then relief and deliverance will arise for the Jews from elsewhere; but you and your father's house will perish; and who knows whether you are in the royal estate for such a time as this?”* (Esther 4:13-14).

Mordecai's advice was relevant to Esther ... and to Jewish leaders of all generations, including our own. **When the Jewish People face peril, unflinching courage is required.** Those in positions of power have the unique opportunity to defend the honor and safety of the Jewish People. They must come to understand that antisemitism is also aimed at those Jews who act against the interests of the Jewish People and the Jewish State. If they remain silent at this time, deliverance will arise for the Jews from elsewhere. And the Jewish shandas and stoopers will go down in perfidy. [emphasis added]

It doesn't have to be this way. The shandas and stoopers might see the light and rise to their historic challenge.

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Parshas Ki Seitzei -- It is Going to Take a Miracle

by Rabbi Mordechai Rhine *

May this Dvar Torah be a Zechus Refuah Shileima for Cholei Yisroel

Change, or teshuva as we call it, is tricky. On the one hand, for something to deserve our effort, it must be very serious. It is probably a bad habit that we tried many times before to change but couldn't because it is totally ingrained. On the other hand, if it really is that serious and ingrained how can we be expected to change?

The attitude of a Jew to change is that it takes a miracle. The Talmud (Kiddushin 30) tells us, *“If Hashem doesn't help, it is impossible.”* It is precisely when we think we are both helpless and hopeless that we can partner with Hashem and effectuate change.

The Talmud (Avodah Zorah 17) relates the story of Elazar ben Durdaya, a man who had entered a hopeless state of addiction. He was lost in the abyss of his addiction with such dedication that he was described by a bystander as a “lost cause.” Yet, when he realized, “It is up to me,” he was able to step out of his addiction to the place of teshuva. The Maharal (Nesivos Olam- Teshuva 8) sees the dynamic nature of his journey in his name. On the one hand, he is ben Durdaya, which means “related to garbage.” On the other hand, he is Eliezer, a contraction of E-li Ezer, “G-d helps.” It is precisely when a person faces hopelessness and realizes that things won't change on their own, that there is hope. When a person realizes, “It is up to me, and I don't have the strength to do it alone,” a person can partner with Hashem and succeed.

A few months ago, I did a workshop about the power of self-talk in overcoming challenge and difficult emotional states. One gentleman at the workshop kept nodding with excitement and appeared to want to share his story. When I concluded my presentation, I invited anyone who wanted to contribute ideas to do so. This is what he said:

“About two years ago, my wife received a call from someone in town asking if their daughter could get a ride with us when we traveled to New York for Shabbos. We readily agreed, thinking that it

would be no big deal. As it turned out, that Friday it was raining very heavily, and I was outside, alone, trying to pack the minivan in the rain. My children brought their things out to me at the minivan and then scurried back into the house. I was getting a bit resentful that no one was helping. But I was ok; I was coping. I managed to pack everything into the minivan, leaving space for one suitcase that I expected our guest to bring.

"But when our guest arrived, she arrived with three large suitcases. She, too, dropped her luggage next to me by the minivan and then she too scurried into the house. I was left doing my best to keep all the luggage dry as I faced the impossible task of repacking the minivan and getting everything to fit, all while wind and rain pelted me. I felt so helpless and demoralized.

"Then I remembered hearing about the power of self-talk, just like you just described in the workshop. I decided to try. I said, 'I know this seems helpless and impossible — but Hashem is in charge. He gave me wisdom, talent, and fortitude, and He can give me more and more — as much as I need. Hashem can make miracles and make everything fit. It is going to take a miracle, but we Jews are used to miracles.

"I repeated this basic message in many different ways for about three minutes, adding a request, *'Hashem please help me.'* Remarkably, my mood lifted. My new attitude was, I am capable and Hashem will help me. Calmly, and without any resentment at all, I rearranged the luggage and got everything to fit. After my little self-talk speech, I knew it would take a miracle to make it work. But I was totally up to the task. With Hashem's help I would succeed."

When the gentleman finished describing his story, I just sat there in wonder. Full of admiration I realized that he had actualized the entire dynamic that the Talmud and Maharal are describing. Precisely when he experienced hopelessness — when he realized that no one else was going to solve this if not him, he connected with Hashem and with his inner strength; he put his best effort forward. *"It is going to take a miracle,"* he had said, *"but we Jews are used to miracles."*

I think the same is true with the change (or teshuva) that we strive to do during Elul. When bad habits are bad enough to require change, change is the most unlikely thing to happen. But when we realize that it is up to us, when we realize that it will require a miracle, then success is possible. We do ours and Hashem does His. Somehow, miraculous change is possible.

A Rebbe of mine in yeshiva used to say, *"The saddest part of the Rosh Hashana season is that miracles are ready to happen, and some people just don't participate."*

So, in this time of miracles, step forward. Pick something that seems impossible and step forward to improve in that area. As we commemorate the day Hashem created the world, Hashem recreates the world. Partner with Him and experience the miracles of this precious season.

For Family Discussion:

- Elazar ben Durdaya was called a "lost cause" by an outside observer, yet his name holds the themes of both "related to garbage" and "G-d helps." What would it mean for someone in our time to be in a dark place and a place of hope at the same time?
- The man in the story describes how he talked to himself for about three minutes. Why do you think saying the words out loud (or in his head) for three full minutes mattered, rather than just having the thought once?

With heartfelt blessings for a wonderful Shabbos,

* Rabbi Mordechai Rhine is a certified mediator and coach with Rabbinic experience of over 20 years. Based in Maryland, he provides services internationally via Zoom. He is the Director of TEACH613: Building Torah Communities, One family at

a Time, and the founder of CARE Mediation, focused on Marriage/ Shalom Bayis and personal coaching. To reach Rabbi Rhine, his websites are www.care-mediation.com and www.teach613.org; his email is RMRhine@gmail.com. **For information or to join any Torah613 classes, or to help sponsor his Torah insights, contact Rabbi Rhine.**

Parshas Ki Seitzei

By Rabbi Yehoshua Singer * © 2020

[Note: The opening of this Devar Torah reminds us of living through covid six years ago.]

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

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

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

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

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

Clearly, the reward for the first mitzvah was only the house. The Gur Aryeh is telling us that if he recognized the house and used G-d's gift of settling him in this world appropriately, then G-d will continue to bless him and further settle him in the world. When G-d'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.

* Rav at Sha'arei Tefilla and the co-founder of the RI Torah Network in Providence, Rhode Island. For several years, Rabbi Singer was the Rabbi at Am HaTorah Congregation in Bethesda, MD. Rabbi Singer's recent Devrei Torah normally come as podcasts rather than texts.

Ki Tetze: Abomination

By Rabbi Haim Ovadia *

a·bom·i·na·tion – noun, a thing that causes disgust or hatred.

Synonyms: atrocity, disgrace, horror, obscenity, outrage, evil, crime, monstrosity, anathema, bane.

When we hear the word abomination, especially in a biblical or religious context, we immediately associate it with paganism, idolatry, human sacrifices, blasphemy, promiscuity, incest, and other negative actions which have no place in a modern, civilized society. We do not encounter abominations on a daily basis [thank heaven], and we definitely do not think of them as a ubiquitous hazard which we must watch for constantly. As a matter of fact, in a cursory search I was able to retrieve an answer to the question "what does the bible have to say about abomination?" As I expected, the 85 responses were pretty much in line with the description given above.

Also, as expected, one very important biblical verse is missing from the list, a verse which describes the most common form of abomination. It is one which poses a great threat to our nation and our economy, and probably one of which we are all guilty, in one way or another. I am referring to the one mentioned in our Parasha (Deut. 25:13-16):

You shall not carry in your pouch two different weights, a small one and a big one; You shall not keep at home two volume measures, a small one and a big one; You shall have one weight and pursue justice, you shall have one volume measure and pursue justice, in order for you to live long life upon the earth which God bequeaths you, for he who does one of these, he who distorts justice, is an abomination in front of God.

In his fascinating books *Predictably Irrational* and *The (Honest) Truth About Dishonesty*, Prof. Dan Ariely explores the human mind as it sets out to rationalize such actions which the Torah would have denounced as abominable.

Ariely learned that the more remote the act of cheating is from the victim, the greater is the tendency to cheat. When people had to report a test result to collect a reward, they cheated less when they collected a coupon and then moved to another room to collect the reward, because now the act of cheating had one additional degree of separation from its gain.

In another study, customers who got more change than they deserved chose to return it to a local store but not to a clerk at a big chain store, because "*they have enough money.*" They did so while ignoring the fact that in both cases the clerk would have to pay the difference. Surprisingly enough, talking to the subjects of the study about honesty before entering the store had no influence on the results.

A disturbing fact is that the amount of money embezzled each year in the United States is a hundred times greater than that lost to thefts and robberies. We can learn from these studies and facts that the definitions of

sin, transgression, and abomination are subjective. It also seems people judge the permissibility of deceit and embezzlement by factor of the distance from the victim and the possibility of being caught.

When it comes to Judaism, though many people tend to calibrate observant Jews by beard, garb, and headgear, the Torah teaches us that honesty in business and the respect for other people's property is right up there with the rejection of idolatry, murder, and incest.

In a business ethics class I am teaching, we were discussing this week some texts from Maimonides' Mishne Torah (*Laws of Commerce*, 18:1-14):

One is not allowed to deceive others in commerce or misinform them, and this law applies equally to Jews and pagans. If one knows that the merchandise is defective, he must inform the buyer. Even words of deceit, which do not lead to action, are forbidden.

Or take for example this interesting law, which specifically refers to the practice of Muslims to buy from Jews meat which was prepared according to the laws of ritual slaughtering but was deemed non-kosher for Jews (horse meatballs at Ikea, anyone?):

One cannot sell non-kosher meat to a non-Jew, claiming that it is kosher, even though it makes no difference for the buyer.

Other entries in that chapter deal with fair competition, honesty in advertising, full disclosure and other concepts which we tend to associate with modern societies. The participants in the class remarked how amazing it is that these concepts are codified by Maimonides, who used the Mishna as a source, and that those 2,000 years old texts go back to a much earlier one, the Torah.

In another section of his Mishne Torah (*Laws of Theft*, 8:20), Maimonides writes:

It is the rabbinical court's responsibility to appoint policemen in every state and county, to visit stores and check the accuracy of measurements, weights, and scales.

Since we have a rich tradition which emphasizes the importance of ethical behavior in commerce and business, why is it not part and parcel of our religious worldview today?

I believe that part of the answer lies with the structure of the Shulhan Arukh and our tendency to cling to rituals. Rabbi Yosef Karo divided his Shulhan Arukh into four volumes, but only one of them – *Orah Haim* – merited a populist commentary which made it accessible for all. That part deals with the daily routine and the holidays. All monetary and criminal laws are detailed in the part titled *Hoshen Mishpat*, and Rabbi Karo trusted that people would turn to that volume to learn and internalize the laws of business ethics. He therefore made a very short reference to it in his *Orah Haim*. There, tucked between 155 chapters dealing with the daily prayers, and 540 chapters dealing with Shabbat and Holidays, hides one tiny chapter, 84 words long, which deals with the workday itself.

Of that tiny chapter, number 156, only seven words speak of business ethics:

After [the morning prayers] one should conduct his business... and he should do so ethically...

We must raise awareness to those seven words and dedicate as much time to the details of these laws as we do to the laws of Shabbat, Kahrut, and prayers. I wholeheartedly believe that adherence to this important concept, which is at the core of the Torah's system of social justice and equality, should fill us with pride for being the keepers of our glorious tradition.

Shabbat Shalom.

Devrei Torah from Rabbi Ovadia this year come from an unpublished draft of his forthcoming book on Tanach, which Rabbi Ovadia has generously shared with our readers. Rabbi Ovadia reserves all copyright rights to this material.

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A Bissel of Torah from a Tiny Jewish Community

By Rabbi Natanel Kaszovitz *

Auckland, New Zealand Hebrew Congregation **

We are now in the month of Elul, leading up to the High Holidays, with Rosh Hashanah only three weeks away.

The month of Elul is a month designed for us to prepare for the High Holidays. It is a time for us to stop, introspect, and really try to look at how we have lived our lives over the past year.

On the High Holidays, we ask Hashem to judge us — not only fairly, but with mercy. We ask that He write us in the Book of Life, write us in the good books, and that we should have a good year and a good life.

As we will read repetitively on Rosh Hashanah and Yom Kippur, there are three things that can better our fate: Teshuvah, Tefillah, and Tzedakah. These three things have the ability to tip the scales in our favor.

Over the next three weeks, I would like to discuss each one of these — not just as concepts, but in a way that we can bring them into our everyday lives. My goal is that we can understand them better, make them practical, and ultimately enter the High Holidays better prepared.

This week, I would like to start with the mitzvah of Tzedakah.

Tzedakah: An Expression of Our Faith

Tzedakah is a fundamental mitzvah. It is a mitzvah that reminds us that everything we have ultimately comes from Hashem. Everything that we own in this world is a gift from God.

On Rosh Hashanah, we ask Hashem to determine what our year will look like, including the Parnassah we will have. During the year, we go out to work and do our part to bring that blessing into fruition and to make Hashem's name great in the world.

The mitzvah of Tzedakah is mentioned many times throughout the Torah. Giving Tzedakah is also an expression of our Emunah - our faith in Hashem. When we give, we are demonstrating that we understand that our money is not entirely ours and that we trust Hashem to continue to take care of us.

This past Sunday was John's consecration, and Sarah spoke beautifully about the mitzvah of Tzedakah that John so generously demonstrated. She also spoke about the Rambam's famous eight levels of Tzedakah, which describe the different ways we can give.

I thought it would be worthwhile to share them here, so that we can all think about where our own giving falls and how we might be able to move higher.

Rambam's Eight Levels of Tzedakah

8. Giving to someone in need but doing so with a sour face or reluctantly.
7. Giving less than one should but doing so with a pleasant and smiling face.
6. Giving after being asked.
5. Giving before being asked.
4. The person receiving knows who the donor is, but the donor does not know who is receiving the money.
3. The donor knows who he is giving to, but the recipient does not know who the donor is.
2. *Matan BaSeter* - giving in a completely anonymous way, where neither the giver nor the recipient knows the identity of the other. This allows everyone to maintain their dignity.
1. The highest level of tzedakah is not simply giving someone money but giving them the ability to become independent. This can mean giving someone a gift or, even better, helping them find a job, start a business, or otherwise get to a point where they no longer need to depend on tzedakah at all.

The Rambam is teaching us something very important: it is not only about how much we give, but how we give. What Do We Really Have? There is another way to think about tzedakah that I find very powerful. Imagine you earn \$1,000. You have a mitzvah to give 10% to tzedakah, so you give \$100. How much money are you left with? You might think the answer is \$900. But perhaps the real answer is \$100. The other \$900 will go toward taxes, groceries, rent, bills, activities, and all the other expenses of life. We will use it, and eventually it will be gone. But that \$100 that you gave to Tzedakah? That money has been used to help another person. It has become part of something greater than ourselves. It is the money that we have invested in the world to come. We often say, "You can't take it with you." But this isn't entirely true, we have a way to take it with us – Tzedakah!

Shabbat Shalom.

Be'Ahavat Yisrael,
Rabbi Netanel Kaszovitz

* Rabbi Kaszovitz, an Israeli ordained at Ohr Torah Stone, previously served as Rabbi in Nairobi, Kenya. He became Rabbi of Auckland Hebrew Congregation in September 2025. Rabbi Moshe Rube, whose remarks I previously posted in this space, is in the process of starting a new Rabbinic position in Australia. Rabbi Rube is waiting for his visa to enter Australia, when he will be able to start his new position. I plan to use this space to include messages from Rabbi Kaszovitz and Rabbi Rube going forward.

** Rabbi Kaszovitz is now posting his Devrei Torah and classes on You Tube: <https://youtube.com/c/TheNairobisher> .

Rav Kook Torah **Ki Teitzei: Remembering Miriam's Punishment**

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.

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

https://ravkooktorah.org/ki_teze58

Ki Teitse: Animal Welfare (5768, 5779)

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

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 Mishnah 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. [emphasis added]

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. [emphasis added]

FOOTNOTES:

[1] See Tom Regan and Peter Singer, eds., *Animal Rights and Human Obligations* (Englewood Cliffs, NJ: Prentice Hall, 1989), 13–19.

[2] Mishnah Brachot 5:3; Mishnah 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).

Around the Shabbat Table:

[1] How do the mitzvot mentioned in the parsha show an ethical concern for animals?

[2] Do these mitzvot belong in a parsha that talks mainly about human relationships?

[3] What are the three approaches that Rambam presents explaining the rationale of the mitzvot concerned with animal welfare?

[4] Which of Rambam's three approaches speaks to you the most?

[5] How would you summarise Judaism's approach to animal welfare? (Try to use the language found in Bereishit 1 and Bereishit 2 - see Covenant & Conversation for Shoftim last week entitled The Ecological Imperative)

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

<https://rabbisacks.org/covenant-conversation/ki-teitse/animal-welfare/>

Ki Teitzei: Life Lessons From the Parshah: The Mitzvah Domino Effect

By Yehoshua B. Gordon, z"l

The Torah portion of Ki Teitzei contains 74 of the Torah's 613 mitzvahs — 27 positive commandments and 47 prohibitions — more mitzvahs than any other parshah. A portion so rich in mitzvahs is naturally filled with profound life lessons as well.

One of the most beautiful aspects of any mitzvah is that, as a reward for performing it, we are given the opportunity to perform another. "*A mitzvah brings another mitzvah ... for the reward of a mitzvah is a mitzvah*," the Mishnah promises.¹

Rashi highlights this concept, explaining that the juxtaposition of several mitzvahs in this parshah illustrates how one mitzvah leads to another, and then another, in a continuous chain.²

Consider the mitzvah of *shiluach haken*, "*the sending of the nest*." The Torah instructs:

*If a bird's nest chances before you on the road, on any tree or on the ground, and [it contains] fledglings or eggs, if the mother is sitting upon the fledglings or upon the eggs, you shall not take the mother [from] upon the young. You shall send away the mother, and [then] you may take the young for yourself, in order that it should be good for you, and you should lengthen your days.*³

Essentially, if someone finds a nest and wants to take the eggs or young birds, they must first send the mother away. Now, says Rashi, watch what happens:

With the prosperity you will merit as a reward for fulfilling this commandment, you will build a new home, and you will then be positioned to fulfill the mitzvah of *ma'aakeh*, which is outlined in the subsequent verse:

*When you build a new house, you shall make a guard rail — a ma'aakeh — for your roof, so that you shall not cause blood to be spilled in your house, that the one who falls should fall from it.*⁴

As a further reward for fulfilling the commandment to send away the mother bird, you will also be blessed with vineyards and fields. This will obligate you in the mitzvahs of *kelayim* — the prohibitions against mixing species of grain or vegetables, crossbreeding animals, and plowing your field with an ox and donkey simultaneously (or any two types of animals).⁵

Additionally, you will be blessed with fine clothing, obligating you in the mitzvah of *shatnez* — the prohibition against wearing cloth that contains both wool and linen.⁶

Thus, by reading verses 6-12 of a single chapter we see the mitzvah domino effect — one mitzvah leads to another!

Divine Calculus

The mitzvah of sending away the mother bird before taking her eggs or chicks would appear to be a lesson in compassion. The Talmud, however, refers to this mitzvah as a *chok*, a Divine decree for which no reason is given. The Mishnah admonishes that anyone who adds to the prayer service, “*Your mercy extends upon the nest of birds,*” is to be silenced.⁷ In other words, don’t presume that the reason for this mitzvah is G d’s compassion.

True, in our limited understanding, it may seem that it is all about mercy and compassion. But when we assume this, we are, in a sense, selling G d short, “limiting” Him by attempting to define Him by our human perception. The mercy He displays toward the bird is, in fact, a heavenly decree beyond our understanding.

Just because we think we know G d’s reasons for something doesn’t mean we are right. This is crucial to keep in mind when performing mitzvahs. We must do so only because G d commanded us, and not for any other reason.

Attracting Goodness

Taking a closer look at the mitzvah to build a fence around your roof, we find that the Torah uses an interesting expression: build a protective fence so “the one who falls” shouldn’t fall.

This touches on a fascinating theological question: G d runs the world; life and death are in His hands. People don’t just fall off roofs — everything is predestined. One might argue, “If this guy is destined to fall off the roof, why would I be held liable? If he is not meant to fall, he won’t fall, regardless of whether I build a fence!”

This argument is actually partially correct. No one falls off a roof without it being part of G d’s plan, which is why the person is referred to as the “one who falls.” Nevertheless, it doesn’t have to be your roof! Let it happen through someone else.

G d enables good people to do good things. When a poor person is destined to be fed and cared for, G d finds good people — those who seek to do good deeds — and allows them to be the ones to help.

Good things are brought about through good people, and the opposite is true as well.⁸

When something negative must occur, G d finds the type of person who ignores the mitzvah of building a protective fence around his roof, and the person destined to fall to his death falls specifically from that person’s roof.

Separation and Sensitivity

The mitzvah of *kelayim* includes the prohibition against having animals of two different species work together in the field, such as jointly plowing, threshing, or pulling a wagon. “*You shall not plow with an ox and donkey together.*”⁹

One reason for this mitzvah is to maintain the separation of the pure from the impure. An ox is a kosher animal, while the donkey is non-kosher; the pure should not mix with the impure.¹⁰

This principle also applies to human relationships. Righteous people, or those striving to be righteous, should not assimilate with wicked people unless they are certain they can influence them without being influenced themselves.

Another reason we avoid plowing with an ox and donkey together is out of sensitivity. The ox, being a kosher animal, chews its cud, while the donkey, a non-kosher animal, does not. When the donkey sees the ox chewing, it may mistakenly think that the ox has just been fed while the donkey has not, causing distress to the donkey. This is considered insensitive and cruel.¹¹

If G d is so concerned about the feelings of an animal, imagine how careful we must be with the feelings of our fellow human beings. [emphasis added]

Happy Wife, Happy Life

Another mitzvah in this parshah is the commandment for a groom to remain with, and not apart from, his bride during the first year of their marriage. As such, he is exempt from military service during this time.

When a man takes a new wife, he shall not go out in the army, nor shall he be subjected to anything associated with it. He shall remain free for his home for one year and delight his wife, whom he has taken.¹²

What is the newlywed husband to do during this first year of marriage, when he is not supposed to leave his house?

“Vesimach et ishto.”

The word “et” can either introduce the direct object, namely, “his wife,” or it can mean “with.”

There are two ways to interpret the verse: One is that he shall rejoice with his wife; they should have a year of partying. But that’s not the correct interpretation.

“Vesimach et ishto” means that he must make his wife happy.¹³ A husband is not meant to focus on his own happiness; that is not his obligation. **The primary obligation of a Jewish husband is to ensure that his wife is happy.** [emphasis added]

If his wife is happy, his children are happy, and his family is happy, chances are he’ll be happy as well. But his happiness is not his job; it is the by-product of doing his job well!

Appropriately Balanced

Another mitzvah in this Torah portion is be honest with weights and measures:

You shall not keep in your house two different ephah measures, one large and one small. Rather, you shall have a full and honest weight, and a full and honest ephah measure, in order that your days will be prolonged on the land which the L-rd, your G d, gives you.¹⁴

This mitzvah is directly followed by the commandment to never forget what Amalek did to the Jewish People:

*Remember what Amalek did to you on your journey out of Egypt, how they surprised you on the road and cut off all the weak people at your rear, when you were parched and weary from the journey, and they did not fear G d.*¹⁵

The Rebbe’s explanation of the connection between these two mitzvahs is both instructive and eye-opening.

Rashi, quoting the Midrash,¹⁶ explains the juxtaposition, saying that if you use fraudulent weights and measures, you should be worried about provocation from the enemy.¹⁷ He cites the verse from Proverbs, “Deceitful scales are an abomination of the L-rd; when willful wickedness comes, then comes disgrace.”¹⁸ This means that after you intentionally sin by using deceitful scales, the enemy will provoke you into war, leading to disgrace.

This may seem harsh; the punishment does not appear to fit the crime. While cheating with weights and measures is wrong, does it warrant a lethal attack by our enemies?

The answer lies in understanding the **essence of Amalek**. In Chassidic teachings, **Amalek represents apathy** — a cold, uncaring approach to Torah and mitzvahs. When the verse says that Amalek “encountered you on the way,”¹⁹ the Hebrew word used for “encountered” is *karcha*, which also means, “cooled you off.” **Amalek is the voice that denies Divine Providence, suggesting that everything is mere coincidence. He chills your excitement for Judaism.** When you become excited about prayer, Torah study, or giving charity, Amalek says, “Relax. Chill.” [emphasis added]

How does Amalek’s attitude infiltrate our lives? It starts with dishonesty in weights and measures, and, on a deeper level, with a lack of proper balance in education and child-raising.

Parents and educators must teach children that there is a balance between worldly and Torah values. Torah, mitzvahs, and Judaism should be at least as important as our secular pursuits, if not more.

For example, when a child comes home from school with straight As and the parents make a big deal about it — perhaps with a special reward or outing — but when the same child comes home from Hebrew School with straight Alephs, the parents merely say, “Nice,” the child receives the message that Torah studies are less important than secular studies.

Another example the Rebbe offers is when children see their parents spending money freely on this, that, or the other, but they are less generous when it comes to giving charity or buying items needed for mitzvahs. The child concludes that worldly things are important, and Judaism is not.

For this child, the physical and spiritual aspects of life become unbalanced — the weights and measures are off. This imbalance can, G d forbid, lead to apathy. A child must be taught that Torah, Judaism, and G dly values are as important, if not more so, than secular or non-Jewish values.

Each mitzvah brings another mitzvah in its wake. May we merit to perform the mitzvah that will finally tip the scales and usher in the Ultimate Redemption with the coming of our righteous Moshiach — for good things are brought about through good people — may it be speedily in our days. Amen.

FOOTNOTES:

1. Avot 4:2.
2. Rashi’s commentary to Deuteronomy 22:8.
3. Deuteronomy 22:6-7.
4. Deuteronomy 22:8.
5. Deuteronomy 22:9-10.
6. Deuteronomy 22:11.
7. Berachot 5:3.
8. Rashi’s commentary to Deuteronomy 22:8, quoting Sifrei 229 and Shabbat 32a.
9. Deuteronomy 22:10.
10. Sefer Hachinuch #550 writes that biblically one may mix two kosher animals of the same species, even though it is prohibited rabbinically.

11. See Chizkuni.
12. Deuteronomy 24:5.
13. Rashi's commentary to Deuteronomy 24:5.
14. Deuteronomy 25:14-15.
15. Deuteronomy 25:17.
16. Tanchuma 8.
17. Rashi's commentary to Deuteronomy 25:17.
18. Proverbs 11:1-2.
19. Deuteronomy 25:18.

* Director of Chabad of the Valley (Tarzana, CA) until his death in 2016. "Life Lessons from the Parshah" is a project of the Rabbi Joshua B. Gordon Living Legacy Fund, benefiting the 32 centers of Chabad of the Valley, Rabbi Mottel Friedman adapted Rabbi Gordon's taped sermons and classes for this project.

https://www.chabad.org/parshah/article_cdo/aid/6569756/jewish/The-Mitzvah-Domino-Effect.htm

Ki Teitzei: From Curse to Blessing

By Rabbi Moshe Wisnefsky *

G-d, your G-d, did not want to listen to Balaam, so G-d, your G-d, transformed the curse into a blessing for you, because G-d, your G-d, loves you. (Deut. 23:6)

G-d can not only transform a curse into a blessing; He can also transform a source of a curse into a source of blessing. Specifically, there may have been times in our lives when, for whatever reason, we did something wrong, knowing full well that it was wrong. Such a deliberate misdeed has serious spiritual repercussions, and thus can act as a source of curse in our lives.

Yet, G-d provides us with the means to negate the negative effects of a deliberate misdeed: repentance. Once we have repaired whatever damage we have caused to our fellows, sincere repentance – fueled by remorse and expressed as a firm resolution not to repeat the misdeed – wipes our slate clean.

This is true even if our motivations for repentance are self-oriented, e.g., concern for our spiritual welfare. If, however, a newfound and unbounded love for G-d drives us to repent, the deliberate misdeed is transformed into a merit, a source of Divine blessing.

– From *Daily Wisdom 3* *

* Insights by **the Lubavitcher Rebbe** on the weekly parashat from Chabad's *Daily Wisdom 3* by Rabbi Moshe Wisnefsky.

Gut Shabbos,

Rabbi Yosef B. Friedman

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Shabbat Parashat KiTetze

5786 B"H

Covenant and Conversation

Rabbi Jonathan Sacks, z"l

Letting Go of Hate

Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that. Hate multiplies hate, violence multiplies violence, and toughness multiplies toughness . . . Martin Luther King

I imagine one of the reasons people cling to their hates so stubbornly is because they sense, once hate is gone, they will be forced to deal with pain. James Arthur Baldwin

There is a verse in Ki Teitze that is momentous in its implications. It is easy to miss, appearing as it does in the midst of a series of miscellaneous laws about inheritance, rebellious sons, overlaid oxen, marriage violations and escaping slaves. Without any special emphasis or preamble, Moses delivers a command so counterintuitive that we must read it twice to make sure we have heard it correctly:

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

Do not hate an Egyptian, because you were a stranger in his land. Deut. 23:8

What does this mean in its biblical context? The Egyptians of Moses' day had enslaved the Israelites, "embittered their lives", subjected them to a ruthless regime of hard labour and forced them to eat the bread of affliction. They had embarked on a programme of attempted genocide, Pharaoh commanding his people to throw "every male [Israelite] child born, into the river" (Ex. 1:22).

Now, forty years later, Moses speaks as if none of this had happened, as if the Israelites owed the Egyptians a debt of gratitude for their hospitality. Yet he and the people were where they were only because they were escaping from Egyptian persecution. Nor did he want the people to forget it. To the contrary, he told them to recite the story of the Exodus every year, as we still do on Passover, re-enacting it with bitter herbs and unleavened bread so that the memory would be passed on to all future generations. If you want to preserve freedom, he implies, never forget what it feels like to

lose it. Yet here, on the banks of the Jordan, addressing the next generation, he tells the people, "Do not hate an Egyptian". What is going on in this verse?

To be free, you have to let go of hate. That is what Moses is saying. If they continued to hate their erstwhile enemies, Moses would have taken the Israelites out of Egypt, but he would not have taken Egypt out of the Israelites. Mentally, they would still be there, slaves to the past. They would still be in chains, not of metal but of the mind – and chains of the mind are the most constricting of all.

You cannot create a free society on the basis of hate. Resentment, rage, humiliation, a sense of injustice, the desire to restore honour by inflicting injury on your former persecutors – these are conditions of a profound lack of freedom. You must live with the past, implies Moses, but not in the past. Those who are held captive by anger against their former persecutors are captive still. Those who let their enemies define who they are, have not yet achieved liberty.

The Mosaic books refer time and again to the Exodus and the imperative of memory: "you shall remember that you were slaves in Egypt". Yet never is this invoked as a reason for hatred, retaliation or revenge. Always it appears as part of the logic of the just and compassionate society the Israelites are commanded to create: the alternative order, the antithesis of Egypt. The implicit message is: Limit slavery, at least as far as your own people is concerned. Don't subject them to hard labour. Give them rest and freedom every seventh day. Release them every seventh year. Recognise them as like you, not ontologically inferior. No one is born to be a slave.

Give generously to the poor. Let them eat from the leftovers of the harvest. Leave them a corner of the field. Share your blessings with others. Don't deprive people of their livelihood. The entire structure of biblical law is rooted in the experience of slavery in Egypt, as if to say: you know in your heart what it feels like to be the victim of persecution, therefore do not persecute others.

Biblical ethics is based on repeated acts of role-reversal, using memory as a moral force. In the books of Shemot and Devarim, we are

commanded to use memory not to preserve hate but to conquer it by recalling what it feels like to be its victim. "Remember" – not to live in the past but to prevent a repetition of the past.

Only thus can we understand an otherwise inexplicable detail in the Exodus story itself. In Moses' first encounter with God at the Burning Bush, he is charged with the mission of bringing the people out to freedom. God adds a strange rider:

I will make the Egyptians favourably disposed toward this people, so that when you leave you will not go empty-handed. Every woman is to ask her neighbour and any woman living in her house for articles of silver and gold and for clothing, which you will put on your sons and daughters. Ex. 3:21-22

The point is twice repeated in later chapters (Ex. 11:2, Ex. 12:35). Yet it runs utterly against the grain of biblical narrative. From Genesis (14:23) to the book of Esther (9:10, Est. 9:15, Est. 9:16) taking booty, spoil, plunder from enemies is frowned on. In the case of idolaters, it is strictly forbidden: their property is *cherem*, taboo, to be destroyed, not possessed (Deut. 7:25; Deut. 13:16).

When, in the days of Joshua, Achan took spoil from the ruins of Jericho, the whole nation was punished. Besides which, what happened to the gold? The Israelites eventually used it to make the Golden Calf. Why then was it important – commanded – that on this one occasion the Israelites should ask for gifts from the Egyptians? The Torah itself provides the answer in a later law of Deuteronomy about the release of slaves:

If a fellow Hebrew, a man or a woman, sells himself to you and serves you six years, in the seventh year you must let him go free. When you release him, do not send him away empty-handed. Supply him liberally from your flock, your threshing floor and your winepress. Give to him as the Lord your God has blessed you. Remember that you were slaves in Egypt and the Lord your God redeemed you. That is why I give you this command today. Deut. 15:12-15

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In memory of
Rav Avraham Goetzel ben Moshe, z"l

Slavery needs “narrative closure”. To acquire freedom, a slave must be able to leave behind feelings of antagonism to his former master. He must not depart laden with a sense of grievance or anger, humiliation or slight. Were he to do so, he would have been released but not liberated. Physically free, mentally he would still be a slave. The insistence on parting gifts represents the Bible’s psychological insight into the lingering injury of servitude. There must be an act of generosity on the part of the master if the slave is to leave without ill-will. Slavery leaves a scar on the soul that must be healed.

When God told Moses to tell the Israelites to take parting gifts from the Egyptians, it is as if He were saying: Yes, the Egyptians enslaved you, but that is about to become the past. Precisely because I want you to remember the past, it is essential that you do so without hate or desire for revenge. What you are to recall is the pain of being a slave, not the anger you feel towards your slave-masters. There must be an act of symbolic closure. This cannot be justice in the fullest sense of the word: such justice is a chimera, and the desire for it insatiable and self-destructive. There is no way of restoring the dead to life, or of recovering the lost years of liberty denied. But neither can a people deny the past, deleting it from the database of memory. If they try to do so it will eventually come back – Freud’s “return of the repressed” – and claim a terrible price in the form of high-minded, altruistic vengeance. Therefore the former slave-owner must give the former slave a gift, acknowledging him as a free human being who has contributed, albeit without choice, to his welfare. This is not a squaring of accounts. It is, rather, a minimal form of restitution, of what today is called “restorative justice”.

Hatred and liberty cannot coexist. A free people does not hate its former enemies; if it does, it is not yet ready for freedom. To create a non-persecuting society out of people who have been persecuted, you have to break the chains of the past; rob memory of its sting; sublimate pain into constructive energy and the determination to build a different future.

Freedom involves the abandonment of hate, because hate is the abdication of freedom. It is the projection of our conflicts onto an external force whom we can then blame, but only at the cost of denying responsibility. That was Moses’ message to those who were about to enter the Promised Land: that a free society can be built only by people who accept the responsibility of freedom, subjects who refuse to see themselves as objects, people who define themselves by love of God, not hatred of the other. “Do not hate an Egyptian, because you were strangers in his land,” said Moses,

meaning: To be free, you have to let go of hate.

Shabbat Shalom: Rabbi Shlomo Riskin

Sin Leads to Sin in Lore and in Law

“When you go forth to battle...and you see among the captives a beautiful woman and you desire her.... When a man has two wives, one the beloved and the other the hated.... If a man has a stubborn and rebellious son...” (Deuteronomy 21:10–18)

Every once in a while, a strikingly semantic connection and allusion helps us to understand how the Bible is truly a magnificently seamless unity, in which a proper reading of a passage in one of the biblical books sheds brilliant light on a heretofore hidden meaning in another one of the biblical books. An example of this may be found in the beginning of our Torah portion.

Ki Tetze opens with war and the possibility of an Israelite soldier marrying a captive war bride. He is forbidden to do so, however, until he first brings her home, observes her in her most unattractive state as she mourns her family for a full thirty days – shaven head, long fingernails – and, if at the end of that period his ardor has not flagged, he may have her converted and marry her.

We next read of a man with two wives, a loved one and a hated one; if the eldest son is the son of the hated wife, the father is forbidden to favor the younger son of the beloved wife and bequeath the double portion to him rather than to his firstborn.

The third section concerns the rebellious son, a glutton and a drunkard, so disobedient to his mother and father that they are required to bring him to the High Court, where he could be condemned to death.

Rashi, citing the Midrash, weaves a profound, psychologically oriented narrative thread connecting these seemingly disparate rulings:

The Torah is making a concession because of man’s evil inclination, for had God not permitted the [gentile war bride] he would have married her nonetheless. However, if he does marry her, in the end he will come to hate her. He will rue the day that he gave up his family and traditions because of her, the excitement he had previously felt would turn to resentment as the Torah writes immediately afterwards: “If a man has two wives, one beloved and another hated,” and ultimately, he will parent a rebellious son by her. It is for this reason that these sections are put in juxtaposition (Rashi, Deut. 21:11).

Three stages: first, overwhelming attraction to an inappropriate woman for the wrong reasons,

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and then, after the heat of lust turns into a dying ember, you end up hating her and hating the child born of that union. The hapless and despised child, cheated out of his rightful birthright through no fault of his own, will then assume the despicable characteristics of the rebellious son. In effect, Rashi connects these three laws by presenting the dynamics which form a dysfunctional family, leading to criminal behavior on the part of the offspring.

And it seems to me that in addition to the psychological underpinnings of the sequence of the incidents, this biblical passage also resonates with seminal occurrences in the life of our patriarch Jacob back in the book of Genesis, and sheds important light on the tensions and mishaps which shaped our patriarchal forbears and their children. Let us first review the precise words of the second ruling in Ki Tetze:

“If a person has two wives, one beloved and one hated, and both the beloved and hated wives have sons, but the firstborn is that of the hated one, then it shall be when he makes his sons inherit his property, he may not declare the son of the beloved the firstborn before the son of the hated, who is the firstborn, by giving him a double portion of all that he has, for he is the first; the right of the firstborn is his.” (Deut. 21:15–17)

Now didn’t Jacob have two wives? And didn’t he love one of them and hate the other, with the Torah itself testifying that Leah felt “hated” (Gen. 29:31)? And didn’t he bequeath to Joseph, the son of the beloved wife, Rachel, a double portion, while overlooking the inheritance due to his first-born, Reuven, the son of the hated wife?

Generally speaking, and most justifiably, the story of Jacob and Rachel is viewed by the world as one of the most magnificent love stories in literature. His very first meeting with Rachel is an expression of love at first sight, when this unlikely scholar and tent-dweller exhibits superhuman strength by dramatically and single-handedly rolling away the heavy stone covering the well where Rachel had arrived to water her father’s flocks. And the seven years of work that Laban asks from Jacob in return for his daughter’s hand pass “like a few days” for this man in love. But he is tricked into a marriage with “the other sister, Leah,” a woman he married under false pretenses, and who is therefore an inappropriate mate for him.

The Bible – and especially the Midrash – helps us to see the terrible tragedy suffered by Leah, which was not unlike what could be in store for the hapless captive woman. After her marriage, “God saw that Leah was hated (senu’a) and He opened her womb” (Gen.

29:31). The word “senu’a” that appears in Genesis is repeated in our portion which speaks of the eldest son of the hated (senu’a) wife. (A wife who is cast aside in favor of another woman always feels herself to be hated if she doesn’t feel really beloved.) The Torah goes on to describe the birth: “And Leah conceived and bore a son; she called his name Reuven [literally, behold, a son] because she said, ‘God has seen into my affliction (be’onyi), for now my husband will love me’” (Gen. 29:32).

Leah emerges as a dignified heroine, bearing in silence the brunt of her husband’s rejection. She publicly fulfills the role of matriarch, bearing and raising the founders of six tribes of Israel and dutifully catering to and advising her husband whenever she is approached by him. God has seen “into her affliction,” has heard the stifled sobs into her pillow at night, has glimpsed the river of silent tears which has been her only comfort. God Himself tries to make up for her unearned misery by making her fruitful and, conversely, by blocking the womb of the beloved Rachel.

And what of Reuven? He is the dignified son of a dignified mother, who sees but does not speak; who understands but does not complain. He feels his mother’s pain and therefore he gathers the aphrodisiac mandrakes for his mother as a gift (Gen. 30:14). And later on, when his rival Joseph – his younger brother, son of Rachel, who has unfairly been given favorite son status – is cast into a pit, it is Reuven who attempts to extricate him and save him from death. But just as his mother Leah was rejected by his father, he, Reuven was rejected by his siblings! (Reuven initially wanted Joseph to be freed entirely, and apparently, they refused to listen to him. See 37:21–22, Nahmanides ad loc., and 42:22.)

And remember the third incident in our Torah reading. An inappropriate marriage will lead to a cheated, “hated” son, who will express his resentment by becoming rebellious. Reuven sins with his father’s concubine Bilha. To be sure, our sages modified the harsh literal meaning of the biblical text in describing the nature of that sin. “And it came to pass...that Reuven went and lay with Bilha, his father’s concubine” (Gen. 35:22). Our oral tradition insists that Reuven did not actually sleep with Bilha, but – when, after the death of Rachel, Jacob moved his couch into Bilha’s tent – Reuven switched his father’s couch into Leah’s tent in order to save his mother from another act of brazen humiliation. “If my mother’s sister was a rival to my mother, shall the bondmaid of my mother’s sister be a rival to my mother?” cried out Reuven, according to the Midrash. “Thereupon he [Reuven] rose and transposed his couch” (Shabbat 55b). But,

however we understand the situation, Reuven rebelled against his father Jacob!

Perhaps Jacob understands the positive motivation behind Reuven’s rebellious action – that in this perverse way of taking his father’s concubine he was crying out to become his father’s true heir and continuation, and thus recognizes his own guilt in having rejected his biblical firstborn. After all, despite the egregious sin, the Torah records that “Jacob heard” of the mishap, does not comment, but then our Masoretic tradition leaves an empty space, which apparently hints at Jacob’s rage, guilt, and perhaps tears – as well as his ultimate decision to remain silent. Finally, the story concludes “And the children of Jacob were twelve” (Gen. 35:23). Reuven is not rejected by his father. He is forgiven – and Talmudic law ordains that “if the parents of a rebellious son forgive him, he is forgiven” (Sanhedrin 88a).

Apparently, the Torah recognizes the complexity of relationships of individuals caught in circumstances beyond their control – and the familial suffering which often results. Jacob was Laban’s victim, as were Leah and Rachel. Reuven suffers the fallout brought about by the situation of a long-barren favored wife who suffers an untimely death.

And it is even more complex than this. Following the incident of Reuven’s sinful act, Jacob finally is able to return to his father’s house, to Isaac, “in peace” (Gen. 23:21). Jacob absented himself from his father for more than two decades – and then wanders about in Shekhem even after he leaves Laban – at least partially because he felt guilt-ridden about his having deceived the patriarch in order to receive the paternal blessings. But now he has the courage to confront his father. He now can legitimately expect that just as he forgave Reuven his transgression because Reuven had wrongly been treated as the “hated” son, so Isaac would forgive him – Jacob – because Jacob, too, had been rejected by Isaac as the “hated” or, at least, rejected son.

Hence the legal material in our portion resonates with the previously recounted tragedy of Jacob’s family – and attempts to legislate a lifestyle intended to prevent such future occurrences. Our Bible is a magnificent unity from Genesis to Deuteronomy of connections, reverberations and repair between the generations.

Torah.Org: Rabbi Yissocher Frand
Don't Take Advantage of the Mother Bird's Compassion: Shiluach Hakan Part 1

One of the more famous mitzvos in Parshas Ki Seitzei is the mitzva of shiluach hakan. There is a negative Torah prohibition of taking chicks or eggs in the presence of the mother

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bird. “If a bird’s nest happens to be before you on the road, on any tree or on the ground – young birds or eggs – and the mother is roosting on the young birds or on the eggs, you shall not take the mother on the young. You shall surely send away the mother and take the young for yourself...” (Devorim 22:6-7) Therefore, you must first send away the mother bird, before taking the chicks or eggs. As a reward for the performance of this mitzva, the pasuk says: “It will be good for you and you will have a long life.”

The Avnei Nezer explains why the Torah says to send away the mother bird. Really a person should not even have an opportunity to take the mother bird, because the mother should fly away as soon as a person approaches her nest. That is the nature of birds – they fly away at the first sight of an approaching human being. However, this bird will not instinctively fly away. She wants to protect her brood. She has mercy and concern for her chicks.

The Avnei Nezer writes that a person’s entire ability to take the mother bird is enabled by her acting with compassion for her offspring. Once she demonstrates this emotion of compassion, she is no longer just an animal. She has elevated herself by demonstrating a higher emotional concern for others, namely her children.

The sefer Bei Chiya from Rav Elisha Horowitz (from Five Towns) relates this to a pasuk in Parshas Noach, “Kol remes asher hu chai, lochem yihyeh l’ochla.” (Everything that lives shall be for you to eat) (Bereshis 9:3) After the flood, the Ribono shel Olam gave man dominion over the entire animal kingdom. While Adam and Chava were vegetarians, Noach and his offspring were permitted to eat meat, chicken, etc. Whatever crawled on the earth was given to them to eat – because ‘man’ was on a higher spiritual level than the animal kingdom. Man can kill a cow, he can kill a chicken, he can kill whatever he wants. But only three pesukim later: “Whoever sheds the blood of man, by man shall his blood be shed; for in the image of G-d He made man.” (Bereshis 9:6). You can’t kill a human being. You do not have dominion over other human beings because man is a Tzelem Elokim (in the Image of G-d). An animal is not a Tzelem Elokim. Man is on a higher level than animals, and therefore animals are available for man’s enjoyment.

What does the term Tzelem Elokim mean? The Abarbanel on Chumash relates the expression Tzelem Elokim to the term tzel (shadow). A shadow follows a person. The reason a person is a Tzelem Elokim is because he needs to try to follow the Ribono shel Olam like a shadow follows a person. How does a person follow the Ribono shel Olam? “Is it then possible to

cling to the Shechina? How can a person ‘walk in His ways’” (as implied by the mitzva “and you shall walk in His ways” (Devorim 28:9))? The Gemara (Shabbos 133b) explains how we can walk in His ways: Just as He is merciful, so too, you be merciful... A person needs to emulate Hashem’s attributes of kindness and mercy. That is how we become a Tzelem Elokim.

If so, now we can appreciate the Avnei Nezer even more. When that mother bird has mercy on her children, she is now acting more G-d-like. The only reason the bird is under man’s dominion is because it is spiritually inferior to man; it is not a Tzelem Elokim. But once a bird acts altruistically, it becomes – at least slightly – G-d-like, and therefore, we are not permitted to take advantage of it.

“In Order That It Will Be Good for You”: Shiluach Hakan Part 2

I would like to share another thought about shiluach hakan:

There are two mitzvos about which the Torah says, “in order that it will be good for you and you will have long life.” One of them is the mitzva of sending away the mother bird. The other one is the mitzva of honoring our parents. Apparently, there is some kind of similarity between these two mitzvos.

The Talmud Yerushalmi in Maseches Peah expresses this idea in even sharper form: “The Torah equates the easiest mitzva with the hardest mitzva. The easiest mitzva is shiluach hakan. The hardest mitzva is kibbud av v’eim. By both, it is written, “you will be rewarded with long life.”

We need no explanation for why kibbud av v’eim is amongst the hardest of mitzvos to keep. We all know very well that we have such close relationships with our parents that there are certain liberties we take with them. We don’t always afford them the honor they deserve. Sometimes we lose our patience with our parents. Sometimes we speak disrespectfully to them. And the list goes on. Clearly it is among the hardest of mitzvos to properly observe – to the extent that the Gemara famously says (Kiddushin 31b) that Rabbi Yochanon, who was an orphan from birth, stated, “Lucky is the person who never saw his parents.” In other words, he was saying that he was fortunate to never have faced the difficult test of properly honoring his parents.

I recently saw a psak from Rav Aharon Leib Shteinman, zt”l. In Israel, the law is that an adopted child, upon turning twenty years old, is allowed to look up the identity of his birth parents. Rav Shteinman was once asked if such a child should indeed try to find out who his

birth parents are so that he is able to fulfill the important mitzvah of kibbud av v’eim. Rav Shteinman answered that the adopted child should not seek out such information. He advised, in effect, that ignorance is bliss. “If you don’t know who your parents are, that is preferable because this is an impossible mitzva to fully observe properly.”

So the question is, what is this apparent connection between such a hard mitzva and such a very easy mitzva? Shiluach hakan only requires taking a broomstick, banging on a tree, and chasing away the mother bird. It doesn’t cost a penny, unlike mitzvos like esrog and matzah. Literally, it is amongst the easiest of all mitzvos!

Why do both of these mitzvos have this reward of “arichas yomim” (long life)? At first blush, it seems that they both are about rachmanus (having mercy). True kibbud av v’eim is not standing up for your father when you are ten years old. True kibbud av v’eim is when your father is eighty-five years old, is very difficult to take care of, and you need to wheel him every Shabbos in a wheel chair. That is true kibbud av v’eim. Why does a person do that? It is out of rachmanus. He realizes what his parents have done for him over his life. He has rachmanus on them.

Shiluach hakan is also about midas harachmanus. I don’t want the mother bird to suffer by seeing me take her chicks. This is what both the Rambam and the Ramban say about the purpose of this mitzvah – to teach us to have mercy on birds so that we will have mercy on people as well. It is not that the Torah has compassion for birds per se. However, this teaches us to be compassionate in general. The similarity between these two mitzvos seems to be that they are both mitzvos of rachmanus. The Torah likes people who are merciful. Therefore, the reward for both is long life.

However, this is all well and good for those who learn like many Rishonim that shiluach hakan is about rachmanus. But the Zohar says that shiluach hakan is not about rachmanus. On the contrary, according to the Zohar, the mitzva of shiluach hakan is about achzariyus (cruelty)!

According to the Zohar, the intention is to make the poor mother bird suffer and fly away, helpless to save her chicks. Why in the world would there be such a mitzva that seems to fly in the face of the entire Torah outlook? The Zohar says that the bird will be so upset that it will fly away to the “Angel appointed over birds” and complain. The bird will thereby arouse the mercy of the Ribono shel Olam. The Ribono shel Olam views Klal Yisrael as “His chicks.” The bird’s crying will reach the

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Kisay Hakavod (Throne of Honor) of the Almighty, and hopefully will arouse His mercy on behalf of Klal Yisrael and lead to Him rebuild the Beis Hamikdash. So writes the Zohar.

According to the Zohar, shiluach hakan and kibbud av v’eim are not similar mitzvos. They are opposite mitzvos. One of them is about rachmanus – making sure that everything is well with one’s elderly parents. The other one is about achzariyus! If so, the Vilna Gaon says, that is why the reward for shiluach hakan and kibbud av v’eim are the same. It is because faithful observance of both a “merciful mitzva” and a “cruel mitzva” demonstrates the nature of our commitment to Hashem and his mitzvos.

People have different natural inclinations. Some people find certain mitzvos very easy. For others, the same mitzvah is very difficult. Some people love having company for Shabbos. They are conversationalists, they are gregarious, they love having guests around their Shabbos table. Some people are shy or are not very articulate. They find it very difficult to host company for Shabbos. But sometimes it is necessary for a person to go against his natural inclinations and proclivities and do a mitzva anyway.

There are people who are naturally compassionate, naturally rachmonim. For them, kibbud av v’eim is a piece of cake. It is a mitzva that ‘speaks to them.’ But for such a compassionate person to go over to that poor bird, sitting there taking care of its brood, and chase it away, is very difficult. But if the Torah says that is how he must act, he does so anyway.

On the other hand, there are people who don’t mind inflicting pain on a “poor stupid bird.” “I don’t care.” However, for him, kibbud av v’eim is much more difficult because he does not have those natural feelings of rachmanus.

The Vilna Gaon explains that the avodas ha’adam (man’s service) (to the Almighty) in this world is not merely doing the mitzvos that he likes or enjoys or come easy to him. If someone really wants to show his devotion to the Ribono shel Olam, he needs to both do the mitzvos that are in line with his natural inclinations and those that go against his grain.

That is why these two mitzvos both have the same reward. Someone who does both of these mitzvos – representing polar opposites of human inclinations (rachmanus and achzariyus) – is not merely doing so because he likes to do them, but rather, he is doing them because the Ribono shel Olam said to do them. At the end of the day, that is what it is all about.

Dvar Torah: Chief Rabbi Ephraim Mirvis Coincidence?

Every coincidence issues a call to us. We learn this from a fascinating mitzvah in Parshat Ki Teitzei. “Ki yikareh katzipor l’fanecha”, if by chance you come across a bird’s nest and you want to take the eggs or the young, then “shaleach t’shalach et ha’eim”, you must surely send the mother bird away so that it won’t witness this scenario. But, there seems to be a misspelling. ‘Yikareh’, if just by chance you come across the nest, it should have been spelt: ‘yud-kuf- reish-hei’ from the word ‘mikreh’, it happened by chance. But instead, it is spelt ‘yud-kuf-reish-alef’ from the root ‘koreh’, to call. So, what the Torah is saying to us is that this bird’s nest is issuing a call to us. This coincidence is letting us know that Hashem has made it happen so that there will be an opportunity for you to perform a mitzvah. In Jewish tradition there’s actually no such thing as a coincidence because everything comes from Hashem. Everything that happens is His intention for what should transpire, as part of the divine plan. And what we recognise here is that coincidences - or what we call coincidences - present great opportunities. We can see this from the way that the Torah goes on to describe the result of this mitzvah, “I’maan yitav lach v’arachta yamim”, “so that it will be good for you and you will have length of days”.

You will find that if you squeeze every opportunity out of all that you experience in life, it will be good for you - it will enhance your existence. You will have arichat yamim, you will be able to make the most of every day’s opportunities.

How blessed we are that Hashem enables us to deepen our experiences and enhance our lives in the most unexpected of ways.

Ohr Torah Stone Dvar Torah In All Your Ways Know Him”

Avigail Lublin

Parshat Ki Tetze we encounter an exceptionally high concentration of commandments—74 out of the Torah’s 316 mitzvot. Beyond their sheer number, the mitzvot appear without any discernible order. The portion reads as a compendium of directives spanning entirely different domains: the obligation to build a guardrail on one’s roof; the obligation to send away the “mother bird” before taking its eggs or chicks; the prohibition of mixing wool and linen (sha’atnez); the proper conduct within the military camp; the commandment to return lost property, and more. A natural question arises in reading these verses: what unites all these mitzvot?

Moreover, many of the commandments begin with the word “Ki” (“when/if”). What does it mean that so many mitzvot open with this term? The word “Ki” suggests contingency, a cause-and-effect structure: if such-and-such occurs, then you shall do thus-and-thus. These commandments can be fulfilled only when life presents the situation in question; they are not premeditated. The Torah is a Torah of life, and life itself, for the most part, unfolds unplanned. Yet even within what seems accidental, the mitzvot remain binding—they extend even there.

The portion concludes with the command to obliterate Amalek: “Remember what Amalek did to you on the way, when you came out of Egypt, how he met you on the way...” What is it in Amalek’s ethos that we are commanded to erase? The root ק.ר.ה (to happen, to occur) resurfaces in connection with Amalek in Megillat Esther: “And Mordechai told him all that had happened to him.” Amalek embodies randomness (מקריות)—the denial of direction and purpose, the claim that all is arbitrary and meaningless. In contrast, Am Yisrael lives with a clear direction, anchored in values, guided by a Torah that engages daily life, and prepared for whatever circumstances may arise.

The commandments laid out in this portion speak directly to life itself. In Mishlei, King Solomon teaches: “In all your ways know Him, and He will straighten your paths.” I believe the abundance of mitzvot in this portion is nothing less than an embodiment of this verse. Wherever we go, in every moment of life, the Torah is present—it touches and permeates every detail of our existence.

Rav Yehuda Amital zt”l teaches that wherever a person goes, the mitzvot accompany him. The Torah stands in direct opposition to the human inclination to draw a sharp line between the sacred and the ordinary, the spiritual and the practical. Many assume that holiness exists only in explicitly spiritual moments—during prayer, or in the performance of mitzvot—and that it bears no relevance to the routines of daily life. At first glance, it might seem that sanctity has no place in the everyday. Yet this is not the Torah’s way. Our Torah is a Torah of life, a Torah of living. For us, the sacred and the ordinary are inseparably bound together. Even when I am engaged in the most mundane of tasks—building a new home, putting on a garment—God is present. I am commanded to build a guardrail; I am forbidden to wear sha’atnez. So too in the seemingly “random” occurrences of life, in the unexpected and unplanned—the holy is poised to enter there as well. The Torah demands that we live fully in both realms, sacred and mundane, without erecting barriers between them. We may—and indeed must—

Likutei Divrei Torah

inhabit the ordinary, but even within it the Torah summons God into our lives. For we live the Torah, and we live with God, in every moment of existence.

The Torah’s great educational message is to instill within us an awareness that God accompanies us in every instant. I recall a conversation I once had in the framework of my role in the IDF’s conversion course. Someone asked me: “What are all these meticulous details for? What do they really add to our lives?”

This question draws me to one of the central commandments of the portion—the mitzvah of returning lost property, hashavat aveidah. When a person chances upon a lost object, the natural human response is either to keep it for himself or to ignore it altogether. But the Torah commands otherwise: to pick up the object and undertake the effort of returning it to its owner. We are called to lift up our eyes, to look beyond ourselves, to become people who notice, who do not allow things simply to pass us by. Time and again the Torah insists: “You shall not remain indifferent!”

So it is in every area of life. In truth, nothing is random. Everything is orchestrated with precision. Even what appears most incidental or accidental falls under the Torah’s embrace, for it, too, belongs to the realm of the sacred.

May we be granted the merit to feel the holy within the mundane, and to sense God’s presence in every facet of our lives—with joy and with love.

Yeshivat Har Etzion: Virtual Bet Midrash

**Sicha of Harav Aharon Lichtenstein, zt”l
Wherever You Go, the Mitzvot Go with You**
“If a bird’s nest should chance to be before you in the way in any tree, or on the ground, whether there be young ones, or eggs, and the mother bird is sitting upon the young, or upon the eggs, you shall not take the mother bird together with the young; but you shall surely let the mother go, and take the young to you, that it may be well with you and that you may prolong your days.

When you build a new house then you shall make a parapet for your roof, so that you do not bring blood upon your house, if any man falls from it.

You shall not sow your vineyard with diverse seeds, lest the fruit of the seed which you have sown, and the fruit of the vineyard, be forfeited.

You shall not plough with an ox and a donkey together.

You shall not wear a garment of diverse kinds, of wool and linen together.

You shall make yourself fringes upon the four corners of your covering, with which you cover yourself.” (Devarim 22:6-12)

Rashi explains the juxtaposition of these seemingly unrelated commandments: “If you fulfill the mitzva of chasing away the mother bird, you will end up building a new house and [thereby come to] fulfill the mitzva of building a parapet – for one mitzva draws the next in its wake – and [in time] you will reach [the stage of having] a vineyard, and a field, and fine clothing. For this reason these units follow consecutively.” (Rashi 22:8)

According to this interpretation, the sequence of these laws is related to the promise of reward as formulated in verse 7: “in order that it may be well with you and that you may prolong your days.” In the Midrash Rabba (Ki Tetze 2), Chazal note that the chasing away of the mother bird is one of only two mitzvot whose reward is explicitly stated in the Torah. Rashi’s explanation adds to this that the reward is not only long life but also “upgraded” life (a new house, agricultural produce, fine clothing).

The Midrash itself offers a completely different interpretation: “A different explanation: ‘If a bird’s nest should chance to be before you – ‘this is as it is written, ‘for they are a graceful accompaniment for your head [and chains about your neck]’ (Mishlei 1:9). What is the meaning of the expression, ‘a graceful accompaniment’? ... R. Pinchas ben Chama said: Wherever you go, the mitzvot accompany you. From where do we learn this? As it is written, ‘When you build a new house.... ‘Once you have placed a door – the mitzvot accompany you, as it is written, ‘And you shall write them upon the doorposts of your home. ‘If you wear new clothes – the mitzvot accompany you, as it is written, ‘You shall not wear a garment of diverse kinds.... ‘If you go to a barber – the mitzvot accompany you, as it is written, ‘You shall not round the corners of your head. ‘If you have a field and you go and plough it, the mitzvot accompany you, as it is written, ‘You shall not sow your field with diverse seed. ‘If you harvest it, the mitzvot accompany you, as it is written, ‘When you reap your harvest in your field.... ‘The Holy One, blessed be He, says, ‘Even if you are not busy doing anything at all, but merely walking on the way, the mitzvot accompany you, as it is written, ‘If a bird’s nest should chance to be before you on the way....’” (Devarim Rabba, Ki Tetze 3)

Some people divide human existence into two realms: the “religious” realm of Divine service (e.g., sacrifices, prayer and repentance), and

the “neutral” realm of human initiative and activity (e.g., commerce and agriculture). According to this approach, the two realms are mutually exclusive. A person’s Divine service has nothing to do with his everyday pursuits; conversely, matters of this world are not connected to serving God.

This view may be pursued a step further: since wholehearted, profound Divine service is possible only in the first realm, the importance of and involvement in the second realm should be minimized. A person who seeks to serve God should not invest his time and energy in developing, building and improving this world.

The midrash above negates such a position. “Wherever you go, the mitzvot go with you”: Halakha is intimately and intensively bound up with every area of life, “the entire world is full of His glory.” This goes far beyond asserting that even when a person engages in matters of this world, he will encounter a few mitzvot here and there along the way. It asserts that all areas of human existence and all human pursuits are governed and guided by Torah. If Torah has directives applying to all these different situations and contexts, then clearly one’s involvement in such practical endeavors is permissible and sometimes, indeed, even obligatory.

The midrash concludes by saying that even when a person is doing nothing in particular, merely walking on the way, the Halakha accompanies him. “There is no place devoid of Him,” and there is no time that is devoid of Him, either. This idea is explained at length by the Rambam in Hilkhos Deot (3:2-3) and in Shemonah Perakim (5), especially in light of the Mishna in Avot (2:12), “And let all your actions be for the sake of Heaven.”

Thus, one may engage in many different spheres, but one must always remember that the mitzvot accompany us in every endeavor we undertake. One’s goal should therefore be to build up one’s personality as a ‘ben Torah’ or ‘bat Torah’ and to express this in all of one’s pursuits. Religious Zionism proclaims the sanctification of all areas of life and the importance of active involvement in the world. It is important that such involvement be preceded by proper preparation. Paradoxically, it is specifically the person who plans to engage in spheres that lie far from the yeshiva world, who must be a ‘ben Torah’ or ‘bat Torah’ in the most profound sense and build his or her personality to the greatest degree during years of yeshiva study. Such a person must emerge with a powerful sense that the Halakha accompanies one wherever one goes and whatever one does.

(*This sicha was delivered at seuda shelishit, Shabbat Parashat Ki Tetze 5754 [1994].*)

Likutei Divrei Torah

Adapted by Matan Glidai - Translated by Kaeren Fish

Mizrachi Dvar Torah

Rav Doron Perez - The Battles Within

The Torah teaches us: before we can win the battles out there, we must first win the battles in here.

In this week’s parasha, Ki Teitzei, the Torah speaks of going out to war against our enemies. Yet the Zohar and Chassidic masters remind us that the greatest war is the one within – the daily struggle against temptation, weakness, and our own yetzer hara.

The Jewish mission in the world, our capacity to impact the collective, begins with the individual. If we want to live as a moral nation, we must first live as moral individuals. Just as charity begins at home, so too spiritual victory begins with the personal, inner battlefield.

May Hashem give us strength to triumph over our inner struggles, protect our soldiers in their external battles, and grant peace and redemption to Am Yisrael.

Torah.Org Dvar Torah by Rabbi Label Lam

Be a Part of That

“When you go out to war against your enemy and HASHEM your G-d will give him into your hand...” (Devarim 21:10)

The Torah is only speaking against the negative inclination. (Rashi)

“Wage war with strategies.” (Mishlei 20:18)

When a camp goes out against your enemies, you shall beware of everything evil. (Devarim 23:10)

It seems that Rashi is telling us that the Torah is not only speaking about an actual war but a battle against one’s own Yetzer Hora. Based on the Chovos HaLevavos, that actually is the real BIG WAR, and an actual war, as brutal and bloody and hazardous as it may be, is a Moshol, and a metaphor for what goes on with us, internally and externally, constantly, daily, and throughout our entire existence.

He tells the story of a towering war hero, a giant general, that was passing through a cheering crowd, celebrating having just conquered many continents. As the masses were showering him with their adoration, an old wise man delivered a comment that caught his attention, “Now, that you finished with the small war, prepare for the big war!” The general halted the parade to respond, “I just vanquished multiple countries militarily! What

big war?!” The elderly wise man retorted pointedly, “The battle with yourself!”

This should not surprise us. The Mishne in the 4th Perek of Pirke Avos asks rhetorically, “Who is the strong person?!” We might be tempted to plug in the name of someone of lofty stature, a powerful well-known personality that is prominent in politics and/or even sports. Everyone tends to be amazed when we hear about their human frailties and foibles, the minor and major flaws in their character, when they inevitably show up. The Mishne offers its own answer which aligns neatly with the story of the general and the wise man, “Who is the strong person? The one who controls himself!”

With that in mind we can appreciate an elegant and powerfully practical piece of Sefas Emes on the verse, “When a camp goes out against your enemies...” He quotes a Medrash that says, “Don’t go out except as part of a “MACHENEH” – a camp”. He explains the mechanics, showing us why it is so important to be part of a group?

“Even though every individual has his own private battle with his own Yetzer hora, he should join himself to be a part of KLAL Yisrael, the entirety of Israel. His intention should be that all of Israel, the general group, should be successful in their war for HASHEM’s sake. Since the group, the team, is dependent on the success of every individual, like a body is reliant on the health of every cell, limb, and organ, so, he is then going out to war with his personal and individual struggles, with the power of the Tzibur, the community to assist him in his private fight.”

Like that, one cannot lose! He has the strength of a group to help him in his own personal battles with the Yetzer Hora. Now, perhaps, we can appreciate even more the advice of the sages, “Don’t separate yourself from the community!” It is vitally important to join one’s self to a community and to be a contributing member. It adds to the members extra strength, which includes Heavenly Help, the Siata D’Shemaya of being a part of Klal Yisrael. This is, for certain, a winning strategy. No one can afford to fight the battles of life alone, in isolation.

All seems to be hinging upon a shift in thinking. That makes the whole difference here. It’s not necessarily about location, membership to a particular club, rank, or job description. Rabbi Avigdor Miller, ztl. commented on the Mishne from Sanhedrin that crowns each Chapter in Pirke Avos, “ALL ISRAEL have a portion in the world to come”. He said, “It’s only if they are a part of ALL ISRAEL”. ALL of ISRAEL will be successful, and each of us needs to be a part of that!



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From cshulman@gmail.com

Adapted from

Hegyonai Halacha by Rav Yehuda Nachshoni (1915-1982)

Ben Sorer U'Moreh: Punished for What He Will Become

The Torah's law of the בן סורר ומורה introduces a striking dimension into the Torah's system of punishment. Ordinarily, a person is judged for what he has done. Here, however, the severity of the punishment cannot be understood merely by looking at the acts the young man has already committed. His present conduct is significant because of what it reveals about the direction in which he is heading.

The Ramban connects the parsha to the mitzvos of honoring and fearing one's parents, **איש אמו ואביו תיראו** and **כבד את אביך ואת אמך**. Certainly, the parents have a central role in the proceedings. The Torah gives them the authority to bring their son before Beis Din, and if they are unwilling to do so, the punishment cannot be carried out. They may also forgive him. This demonstrates that the law is directly connected to his relationship with his parents and to their responsibility for his chinuch.

Yet simple disobedience to parents cannot explain the punishment. The Torah does not punish every rebellious child as a בן סורר ומורה. The halacha confines the law to an extraordinarily narrow pattern of gluttonous eating and drinking, and Chazal surround it with so many conditions that the case becomes exceedingly rare. The parsha therefore combines several themes: the authority of parents, the responsibility of chinuch, the corrosive effect of uncontrolled appetite, and ultimately the danger that the individual may pose to society.

Did a Ben Sorer U'Moreh Ever Exist?

The extraordinary nature of the law led Chazal themselves to debate whether it was ever actually carried out. The Gemara in Sanhedrin 71a records the view that בן סורר ומורה לא היה ולא עתיד להיות, *a ben sorer u'moreh never existed and never will exist*, and that the parsha was given only as דרוש וקבל ש"כ, *study it and receive reward*.

According to R' Yehudah, the conditions themselves make the case virtually impossible. Among them, the mother must resemble the father in קול ומראה וקומה, voice, appearance and stature. R' Shimon approaches the issue differently. Could it truly be imagined, he asks, that because a young man ate a prescribed quantity of meat and drank wine, his father and mother would bring him before Beis Din to be stoned? He therefore concludes that the parsha is to be studied rather than implemented.

Yet R' Yonasan declares, **אני ראיתי וישבתי על קברו**, *I saw him and sat upon his grave*. The Mishnah likewise treats the law as a genuine halachic institution and explains its underlying principle: **גידון על שם סופו**, the young man is judged in light of his eventual end.

The Maharsha gives an important interpretation of R' Shimon. R' Shimon does not mean that the Torah itself could not impose such a law. The Torah, which knows where this pattern of conduct leads, can indeed declare that the young man deserves death. Rather, ordinary parents could hardly bring themselves to take their son to Beis Din because of his present behavior. They do not see the future with the Torah's clarity and would naturally have compassion upon him. דרוש וקבל ש"כ therefore has a practical educational meaning. Parents are to study what the Torah teaches about the possible consequences of an unchecked pattern of behavior and use that understanding to guide their children while there is still time.

Rabbeinu Bachya finds another lesson in the same expression. The parsha demonstrates the supreme place that אהבת השם must occupy even in a parent's heart. There is hardly a more powerful human love than that of a parent for a child, yet love of Hashem must ultimately stand above even that love. In this respect the parsha has something in common with the Akeidah. Avraham was not ultimately permitted to sacrifice Yitzchak, but the Akeidah revealed the limitless extent of his devotion to Hashem. The בן סורר ומורה similarly teaches an ideal even in circumstances that may never actually arise.

The Kli Yakar shifts דרוש וקבל ש"כ from the parents to the children themselves. The Torah wants young people to hear the parsha and understand where a life surrendered to appetite and self-indulgence can lead. The reward comes from learning its warning before the warning ever needs to become reality. This fits

the Torah's conclusion, *וכל ישראל ישמעו ויראו*, *all of Israel shall hear and fear*.

The Present Act and the Future Criminal

Several mefarshim describe the *בן סורר ומורה* in language broader than the technical halachic definition. The Sifrei speaks of one who is *סורר על דברי תורה ומורה על דברי הנביאים*, rebellious against the words of the Torah and defiant toward the words of the Nevi'im. Ibn Ezra sees him as rebellious both against Hashem and against his parents, and describes his pursuit of food and drink as the search for a life devoted to this world. Abarbanel similarly depicts a young man whose rebellion will not remain private but will eventually corrupt others.

Halachically, however, the Torah does not punish general rebellion. It identifies a very specific pattern of eating, drinking and theft which Chazal understand as the beginning of a predictable deterioration. He consumes what he has taken from his father in the company of disreputable companions and begins habituating himself to a life of uncontrolled indulgence. When his father's resources are exhausted and he can no longer maintain that lifestyle, he will seek money elsewhere. Chazal express the principle starkly: he will eventually *מלסטם את הבריות*, rob people in order to satisfy the appetites he has trained himself to regard as necessities.

This is the meaning of *גידון על שם סופו*. The Torah does not view the present act in isolation. It sees a developing human personality.

Even so, the severity of the punishment remains difficult. A robber or even a murderer is not ordinarily punished by *sekilah*. Why should this boy receive one of the Torah's most severe punishments before he has committed those later crimes? Various Rishonim explain the punishment in different ways. Some associate it with the severity of insulting or rebelling against his parents; others suggest that the ultimate course of such a life will lead to the gravest transgressions. The Ksav V'Hakabbalah (1785-1865) focuses on the words *ובערת הרע מקרבך*, *you shall eradicate the evil from your midst*. When an evil tendency is allowed to take root, it spreads. The Torah therefore depicts the need to confront it at its first identifiable stage rather than after it has fully developed.

When Appetite Takes Control

The Sefer HaChinuch places particular emphasis on the *זליה לא תאכלו על הדם* and explains that excessive eating and drinking are not merely unattractive habits. They can become the source of much wider spiritual deterioration.

The Torah itself warns *וישמן ישרון ויבעט*, *Yeshurun grew fat and rebelled*. When physical appetite is constantly indulged, the demands of the body increasingly dominate the person. The Chinuch describes body and soul as pulling in opposite directions. The more a person trains himself to satisfy every physical desire, the weaker the authority of the *nefesh* can become.

For this reason the Torah places the lesson specifically at the threshold of adulthood. The halachic period during which a boy can become a *בן סורר ומורה* is extraordinarily short, only about three months from the beginning of his halachic adulthood. It is precisely at this formative stage that the Torah gives its most dramatic warning against creating a life organized around

consumption and pleasure. Food itself is indispensable, and the Torah therefore cannot command a person to withdraw from it. Instead, it teaches him at the beginning of adulthood that necessity must not become indulgence and that indulgence must not become mastery.

This approaches the Ramban's broader principle of *קדושים תהיו*. A person can technically remain within many individual rules of the Torah while allowing physical appetite to become the organizing principle of his life. The Torah demands more. *קדושים תהיו* requires discipline even within that which is permitted.

Yet the Ramban adds another element. The *בן סורר ומורה* is not punished solely because of his own spiritual decline. His punishment also serves as a warning to others. The words *וכל ישראל ישמעו ויראו* appear in several exceptional Torah laws in which the public effect of the punishment is itself significant. The Ramban compares this to such cases as the *זקן ממרא*, whose defiance threatens the unity of Torah authority; *עדים זוממים*, whose punishment protects the integrity of justice; and the *מסית*, whose words endanger the religious loyalty of others. In each case, the Torah looks not only at the individual act but also at the danger it creates for the larger community.

The *בן סורר ומורה* is therefore, in a certain sense, the *פרט* viewed in relation to the *כלל*. His conduct matters not only because of what it is doing to him but because of what unchecked corruption ultimately does to society.

Why So Many Limitations?

Precisely because the principle is so severe, the halacha confines it within extraordinary limits. The *דין* applies only to a *בן* and not a *בת*. It operates only during a brief period of adolescence. Both father and mother must participate; if either refuses, there is no *בן סורר ומורה*. They can forgive him. Various physical conditions of the parents can prevent the law from applying. The eating must involve prescribed quantities of meat and wine, under prescribed circumstances. He must obtain them in the required manner and consume them outside his father's domain in the company described by Chazal.

The accumulation of limitations makes an actual case exceedingly rare. Yet the rarity is itself revealing. The Torah did not create a broad license to punish troublesome adolescents. Quite the opposite. It constructed an almost impossibly narrow law in order to express an exceptionally powerful educational principle. Rav Yehudah Leib Chasman (1869-1936) develops this in *Or Yehel* through the concept *זה ערבים זה לזה*. Communal responsibility does not mean only that innocent Jews may sometimes be affected by the wrongdoing of others. It also means that the Torah evaluates wrongdoing partly by its effect upon the community. The individual cannot regard his moral life as entirely private. His conduct helps determine the moral character of the society around him. Thus *וכל ישראל ישמעו ויראו* is not incidental to the *parsha*. It is one of its central themes.

The Exception of Yerushalayim

The law is limited not only by age and circumstance, but, according to a source cited by the Meshech Chochmah, also by place: *בן סורר ומורה* does not apply in Yerushalayim. He explains that Yerushalayim was a place where large quantities of sacred food were naturally consumed, *korbanos* such as *shelamim* and the produce of *maaser sheini*. Eating generously in such

surroundings does not carry the same meaning as the indulgence of the *בן סורר ומורה*. Food eaten as part of a mitzvah does not train a person toward lawless appetite.

This leads to a broader idea with which the discussion concludes. Physical enjoyment is not intrinsically the enemy of kedushah. It depends upon the context in which it is experienced. A *סעודת מצוה* can itself sanctify the body. The fruits of Eretz Yisrael, nourished by the kedushah of the land, can likewise become instruments through which physical existence is elevated rather than degraded. The Bach famously explains the words *ונאכל מפריה ונשבע מטובה* as an expression of this idea: through the produce of Eretz Yisrael, a Jew can absorb something of the kedushah that permeates the land.

The parsha of *בן סורר ומורה* is therefore not simply a warning about an exceptionally rebellious child. It is a profound statement about chinuch and human development. A habit that appears small today may shape an entire personality tomorrow. Appetite can remain a servant or become a master. Parents bear responsibility not merely to react to wrongdoing, but to recognize the direction in which a child is moving. And the individual must understand that his private moral choices ultimately affect the *כלל*.

The Torah judges the *בן סורר ומורה על שם סופו* because the beginning of a road already contains the possibility of its destination. But the extraordinary restrictions surrounding the law convey the other half of the message: the Torah's primary concern is not punishment. It is to recognize the road early enough that the destination can still be changed.

from: TorahAnytime <info@torahanytime.com>

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The Sound of Emunah

By Rav Avraham Schorr

The Steipler Gaon (Sefer Chayei Olam) (1899-1985) writes that parents should tell their children stories about tzaddikim. Such stories awaken emunah and give a child a picture of what spiritual greatness can look like. Of course, one needs wisdom in choosing the stories. They should not be so distant or extraordinary that the child cannot relate to them. They should teach something practical about life and inspire the child to aspire toward growth. There is one story, however, that every Jewish child should know. I have asked many classes about it, and almost no child has ever heard it. In the early 1950s, a child was born who, according to those who witnessed it, could recite vast portions of Torah before the angel caused him to forget (Niddah 30b). He could recite from Shas, Rambam, Shulchan Aruch, and other seforim, despite being far too young to have learned them in the ordinary way.

Why is this story so important? Because it brings to life the teaching of Chazal that before a child is born, a malach teaches the neshama the entire Torah (ibid.). The child does not enter this world empty. The neshama comes from another realm, already connected to Torah and Hashem. The angel then causes the child to forget so that he can spend his life rediscovering what his neshama already knows.

For many of us, such a story is difficult to accept because it does not fit within the ordinary laws of this world. But that is precisely why it is so powerful. It reminds us that this world is not the only world. A neshama existed before it entered the body, and it carries

memories and capacities that cannot be explained through physical experience alone.

In one sefer, a letter is printed from a great Rosh Yeshivah in Detroit to Rav Chatzkel Levenstein zt"l (1895-1974), the Mashgiach of Ponevezh. He had heard about this child and wanted to know whether the report was true.

From far away, the story sounded almost impossible, so he wrote to Rav Chatzkel in Bnei Brak and asked him to investigate. Rav Chatzkel wrote back that his daughter and son-in-law lived near the family and had personally told him about the child. When he first heard the report, he put on his coat and began walking toward the house to see the child for himself. Then he stopped. He thought, "My daughter and son-in-law are trustworthy Jews. They told me what they witnessed. Why must I see it with my own eyes? If I cannot believe until I personally see, I am weakening the very emunah this story is meant to strengthen." He therefore turned around and returned home without seeing the child.

That is an extraordinary lesson for our generation. We live in an age of photographs, videos, recordings and constant documentation. Whenever something remarkable occurs, people immediately ask, "Is there a video?" We assume that seeing creates belief. Yet seeing is not always emunah. Sometimes the demand to see everything is itself the opposite of emunah.

The Ohr HaChaim (see Shemos 10:2) explains that hearing is connected to faith, while seeing can remove the need for faith.

When I see something directly, I no longer believe it; I know it through my senses. Emunah begins where physical sight ends.

The Meshech Chochmah develops this idea through the mitzvah of honoring parents. The Gemara (Yevamos 6a) refers to various actions associated with kibbud av va'em as a hechsher mitzvah, a preparation to a mitzvah. The Meshech Chochmah reads into this that the very mitzvah of kibbud av va'em is unto itself a hechsher mitzvah to all other mitzvos of the Torah. Why would honoring parents be the foundation of the entire Torah?

The answer is that our emunah in the Torah rests upon our mesorah. Why do I believe that Hashem revealed Himself at Har Sinai? Because my father told me what his father told him, and his father received it from the generation before him. The chain continues all the way back to those who stood at Sinai.

If one destroys the authority of parents and the concept of transmission, one eventually undermines the entire foundation of Torah. Without mesorah, there is no one to hear, and at that point, a person believes only what he can personally see or prove. We do not need anyone to explain that disrespect toward parents is one of the great illnesses of our generation. Society often teaches young people that they are not obligated to listen to their parents and that their own feelings and opinions automatically outweigh the wisdom of previous generations. Of course, complicated situations require wisdom and guidance. But once the general concept of kibbud av va'em is weakened, the power of mesorah is weakened with it.

One avodah during Elul is the restoration of emunah. We reclaim the ability to believe in Hashem and receive the mesorah of Torah from past generations without demanding that everything first be proven to our own satisfaction. We stop living as people who

question every tradition and doubt every message simply because we did not witness it ourselves.

Reb Zusha of Anipoli (1718-1800) notes that the letters of the word teshuvah represent different foundations of returning to Hashem. The first, he notes, is “Tamim tihyeh im Hashem Elokecha—You shall be wholehearted with Hashem your G-d” (Devarim 18:3). Teshuvah begins with temimus, a simple and wholehearted faith. It is the willingness to follow Hashem without constantly questioning whether we know better. Temimus has become an undervalued quality. If a shidduch resume described someone first and foremost as a tamim, many people might not be impressed. They prefer someone sharp, sophisticated, worldly, independent, and fully aware of everything happening around them.

Simplicity is sometimes treated as weakness. But the Torah sees it differently. To be a tamim does not mean to be foolish. It means to be whole and sincere in one’s relationship with Hashem. It means not living with constant suspicion and cynicism.

The world sometimes mocks Jews for having gone “like sheep.” That expression is often used critically, as though following with faith were a sign of weakness. Yet Klal Yisrael is repeatedly compared to Hashem’s flock. We are proud to follow the Shepherd because we trust Him. We do not wander without direction. We follow the Ribbono Shel Olam with temimus. This is the deeper meaning of “Lo anachnu amo—We are His people” (Tehillim 100:3). We become His nation when we are willing to hear His voice and trust the mesorah He has given us. The transformation from lo with an aleph, “we are not His,” to lo with a vav, “we are His,” takes place through genuine emunah. This is also how we prepare for the Shofar of Rosh Hashanah. The beracha is “Lishmoa kol Shofar,” to hear the sound of the Shofar. The mitzvah is specifically in the hearing because hearing represents emunah.

We cannot see what the Shofar accomplishes in Shamayim. We cannot photograph the gates it opens or the accusations it silences. We hear its cry, and we believe.

May we arrive at Rosh Hashanah with ears that truly know how to hear and may the sound of the Shofar awaken our emunah, restore our temimus, and remind us that we are the flock of Hashem.

And through that faithful hearing, may we live fully and proudly as His people.

From Chaim Shulman

Rav Meir Simcha HaKohein of Dvinsk: A Century Since His Passing

With biographical info adapted from an article 50 years ago by Rav Yaakov Feitman shlita.

Parshas Ki Seitzei begins with the words כִּי תֵצֵא לְמַלְחָמָה עַל אוֹיְבֶיךָ which coincides with the beginning of Elul as the זל אר״י noted represents our inner battle with the Yetzer Hara. The life of *Rav Meir Simcha HaKohein of Dvinsk (1843-1926)*, whose 100th Yahrzeit was 4 Elul this past Monday, was about stepping beyond the safe boundaries of home, confronting danger, navigating moral complexity, and remaining faithful to Hashem even in the chaos of the battlefield. The following bio adapted from Rav Yaakov Feitman article about Rav Meir

Simcha in the Sept. 1976 Jewish Observer (which was then his 50th Yahrzeit).

Rav Meir Simcha of Dvinsk (1843-1926)

Selections Collected from Rav Yaakov Feitman's Article

Selections are collected below from Rav Feitman's article, The Or Same'ach Rabbi Meir Simcha HaKohein ZTL, Jewish Observer Sept. 1976

Rav Meir Simcha's Youth

Rav Meir Simcha's childhood already hinted at the greatness to come. By age seven he had mastered Tanach; by nine, one-sixth of Shas; by ten, he had surpassed every teacher in his town of Baltrimantz. His speech naturally echoed the cadences of Chazal. Even in private notes he never intended to publish, he wrote in the idiom of the Gemara, such as his youthful gloss defending the K'tzos HaChoshen: A kohein comes to the aid of a kohein. [CS - Rav Meir Simcha had created most of his great chidushim by age 16, according to Rav Yitzchok Perman in the name of Rav Shmuel Leib Svei.]

He then spent twenty-seven uninterrupted years learning Torah before accepting a rabbinic position. This immersion shaped a mind that could see both the eternal truths of Torah and the unfolding dangers of contemporary society. His chilling prediction, They will think Berlin is Jerusalem, appears in Meshech Chochma decades before the Holocaust, a warning that assimilationist dreams would one day turn to ashes. His Torah works reflect this synthesis. The Or Same'ach is terse, brilliant, and foundational; the Meshech Chochma is sweeping, philosophical, historical, and prophetic. His commentary on Chumash moves effortlessly from halacha to mussar, from Kabbalah to ethics, from ancient history to contemporary warning. Yet Rav Meir Simcha's greatness was not only in what he wrote, it was in how he lived.

His Seminal Works

Rav Meir Simcha of Dvinsk is known in particular for two seminal works. [The *Ohr Somayach* is an acclaimed commentary on the Rambam, which is widely studied and celebrated for its brilliant insights. The work is considered great because it (i) offers profound insights into Jewish law, (ii) deeply analyzes the Rambam's specific rulings, and (iii) seeks to refine the application of law to modern scenarios. Rav Meir Simcha had a fiercely independent intellect that wasn't restricted by major institutions, which allowed him to develop a very unique scholarly approach. He established the groundwork for this book early in his life, and it was published in stages starting in 1902. Today, it remains an essential text for anyone seriously studying the Rambam.] His other major work is the *Meshech Chochma*. Upon even the most preliminary study of the Meshech Chochma, one's first and continuing impression must be one of wonder at Reb Meir Simcha's absolute mastery of so many disciplines, styles and approaches, each brought into play precisely where it is needed and where it does the most to elucidate that particular passage. Together, these texts cemented his legacy as one of the greatest Torah scholars of the early 20th century.

Tshuva on the Spot

One story from his early rabbinic years illustrates the depth of his Torah mastery. A wealthy businessman once arrived in Dvinsk with a complicated halachic question involving

partnerships, ribbis, and overlapping contracts. He apologized for disturbing the Rav and said, I know this will take you hours. I will return later. Rav Meir Simcha asked him to wait one minute, walked to his desk, and wrote a full responsum on the spot. When the astonished man asked how he had answered so quickly, Rav Meir Simcha replied simply: I have been thinking about this question for twenty years. His mind carried entire sugyos fully developed, waiting for the moment someone would ask.

Dvinsk: A City of Two Giants

When Rav Meir Simcha became the Rav of the Misnagdic community of Dvinsk, he shared the city with another towering figure: the Rogatchover Gaon, Rav Yosef Rosen, who served as Rav of the Chassidic community. Their relationship was legendary, filled with sharp wit, deep respect, and mutual awe. Rav Meir Simcha once joked that each was only half a rabbi, explaining that when two visiting rabbis waited to see him, he told his rebbetzin, No, there is only one rabbi. Like me, each of them is only half a rabbi; thus only one is waiting. The Rogatchover, for his part, would send people seeking blessings to Rav Meir Simcha with the simple instruction: Go to the Kohein. And Rav Meir Simcha would send complex, research-heavy questions to the Rogatchover, saying, Step in to the Rogatchover and he will answer you on the spot. Dvinsk became a dual center of Torah for the entire world. Letters poured in from every continent. Gedolim visited to witness the phenomenon of two giants living side by side.

The Rav Who Would Not Leave His Post

When World War I broke out, Dvinsk became a war zone. The Russian commander ordered the expulsion of Jews from the front. Famine, disease, and bombardment ravaged the city. Even the Rogatchover fled. But Rav Meir Simcha refused. He declared: As long as there are nine other Jews in the city, I will be the tenth for a minyan. His presence steadied the terrified population. His calm was their anchor. His refusal to abandon them was their hope. When people begged him to flee, he answered with serene faith: Every bullet has an address. None will reach where Heaven has not decreed. This was leadership in its purest form, not bravado, but responsibility.

The Firing-Squad Miracle

One of the most dramatic episodes of his life occurred during this period. Suspicious soldiers, some say Russians, others say Czech units under Russian command, seized Rav Meir Simcha, accusing him of aiding German forces simply because he refused to leave the city. They dragged him to a courtyard where executions were carried out. Eyewitnesses later described that Rav Meir Simcha stood calmly, murmuring Tehillim, without fear. As the firing squad prepared their rifles, a local non-Jewish laborer, a simple tanner, ran forward shouting: Do not shoot this holy man! If you kill him, the whole city will suffer! The soldiers hesitated. The commander demanded to know who the man was. The tanner answered: He is not like other Jews. He is a righteous man for all people. The commander ordered the soldiers to lower their rifles. Rav Meir Simcha was released immediately. This story circulated widely in Dvinsk, and even secular Jews repeated it with awe.

The River that Receded

Another story, told by both Jews and Gentiles, describes a moment that seemed miraculous. The Dvina River overflowed its banks, threatening to destroy both Jewish and non-Jewish neighborhoods. Panic spread. Townspeople begged Rav Meir Simcha to intervene. He walked to the riverbank, looked at the raging water, whispered a short tefillah, and turned away. Within minutes, the water level began dropping. Non-Jews said openly: The rabbi stopped the river. Whether miraculous or coincidental, the event became part of Dvinsk's collective memory. It reflected the reverence Gentiles had for him, a reverence earned not through power, but through integrity, justice, and holiness.

Justice for All: The Gypsy Case

His relationship with non-Jews began with a simple case. A Jew and a gypsy were business partners. When they had a dispute, the gypsy insisted: We will go to the Jewish rabbi. He is the only one who judges fairly. Rav Meir Simcha ruled in favor of the gypsy after investigating the facts. The gypsy spread the story throughout the region: The Jewish rabbi judges truth, not people. This was the turning point. After that: Gentiles brought him their disputes. Local peasants called him the holy judge. Even priests respected him. This reputation is what later saved him from soldiers.

Another story of his judicial brilliance shows how deeply he understood human nature. Two butchers once came before him in a dispute. As they argued, Rav Meir Simcha suddenly stood up and said to one of them, No doubt you are brazen enough to present your false claims because you know my capacity here is merely that of arbitrator. But if I were to administer to you a Biblical oath, you would not persist in your lies. The butcher immediately broke down and admitted the truth. His words carried the weight of Torah itself.

Miracles of Insight: The Train Disaster

Another story illustrates his uncanny intuition. A man rushed to say goodbye before catching a train. Rav Meir Simcha kept him talking, asking question after question, seemingly unaware of the man's urgency. The man missed the train. Later that day, the train derailed. Many died. The man returned to Rav Meir Simcha in tears, saying: You saved my life. Rav Meir Simcha simply answered: Hashem does His will. I only delayed you. This humility, refusing credit even when others saw a miracle, was the essence of his greatness.

His Final Days: Leaving the World Through Torah

In the summer of 1926, Rav Meir Simcha became critically ill. Gedolim across Europe prayed for him. Rav Elchonon Wasserman (1874-1941) visited him in Riga. On his deathbed, Rav Meir Simcha asked to recite Mishnayos Taharos, by heart. He whispered the words with difficulty, then said: Oy... I cannot learn Torah properly. These were his final words. Rav Elchonon later said: We saw what it means when a tzaddik's soul leaves the world through Torah. The Chofetz Chaim mourned: Who will guide us now?

And the Rogatchover Gaon ordered that Rav Meir Simcha's shtender be buried with him, an ancient honor reserved only for one whose lectern could testify in Heaven to a lifetime of total dedication to Torah.

A Century Later

One hundred years after his passing, Rav Meir Simcha's voice still echoes through batei midrash around the world. His Or Same'ach remains a foundational sefer for anyone learning Rambam. His Meshech Chochma continues to illuminate Chumash with brilliance, depth, and prophetic clarity. But perhaps his greatest legacy is not found in his writings, but in his life: His courage in remaining with his community during war. His integrity in judging Jew and non-Jew alike. His humility in the face of miracles. His calm faith under threat of death. His ability to inspire awe in both Jews and Gentiles. His unwavering devotion to Torah until his final breath. Rav Meir Simcha did not merely teach Torah. He embodied Torah.

Remembering Those Who Came Before Us

In an Asifa in Lakewood this past Sunday night to commemorate the 100th Yahrzeit of Rav Meir Simcha, Rav Uren Reich, noted, based on the Meshech Chochmah, the Gemara's statement that the korban of Rosh Chodesh is, kaviyachol, a kapparah for Hashem having diminished the moon: Klal Yisroel's task in the world is to combat avodah zarah, and the diminishing of the moon left the sun to loom large in the sky, magnifying the allure of sun worship and making that task harder. On Rosh Chodesh, therefore, Klal Yisroel is granted a measure of leniency – which is why Rosh Hashanah falls on Rosh Chodesh, so that Klal Yisroel enters judgment with that leniency in hand, though it would be unbecoming for us to invoke it, which is why Rosh Chodesh goes unmentioned in the Rosh Hashanah davening. He ended with the Meshech Chochmah's words in Parshas Ki Savo, that we must thank Hashem for those who came before us and taught us Torah upon which we build, and, he said, for the Meshech Chochmah itself.

Adopted and translated by CS from

Sichos Mussar by Rav Chaim Shmuelevitz

(1902-1979)

Maamar 96, Parshas Ki Seitzei

אשר קרך בדרך

The Torah commands us to remember Amalek: זכור את אשר עשה לך עמלק בדרך, *remember what Amalek did to you on the way when you left Egypt, how he encountered you on the way*. We are further commanded זכור עמלק, *erase the memory of Amalek from beneath the heavens, do not forget*.

The struggle with Amalek occupies a unique place in Torah. The pasuk declares זכור את אשר עשה לך עמלק מדור דור and Chazal explain that neither Hashem's Name nor His throne will be complete until Amalek is erased. The evil and deficiency within creation are embodied in the spiritual contamination of אשר קרך בדרך. As long as Amalek remains, כביכול אין השם שלם ואין הכסא שלם.

What is אשר קרך בדרך? Chazal explain עמלק צינן וקירר, Amalek cooled the spiritual heat and enthusiasm of Klal Yisrael. This coldness is not merely one failing among many. It is a root of human smallness and spiritual decline. Through התעוררות and שימת לב, by allowing what he sees and knows to penetrate his heart, a person can continually rise. When that inner awakening is cooled, growth stops. This was the unique contamination of Amalek.

The origin of Amalek itself reveals this quality. The Torah tells us ותמנע היתה פילגש לאליפז בן עשו ותלד לאליפז את עמלק. Chazal relate that Timna was descended from royalty and wished to attach herself to the family of Avraham. Avraham, Yitzchak and Yaakov did not accept her, and she eventually became a concubine to Elifaz, preferring to be a servant among this nation rather than a noblewoman elsewhere. From her came Amalek. Yet Chazal conclude with the striking criticism מאי טעמא לא איבעי להו לרחקה, they should not have distanced her so completely.

Certainly the Avos had reason not to accept Timna. Avraham Avinu devoted his life to bringing people beneath the wings of the Shechinah, and if the Avos determined that she should not be accepted, their judgment rested on what they perceived through רוח הקודש. Nevertheless, Chazal say לא איבעי להו לרחקה. Even if she could not be accepted, there was no need for such ריחוק. From that excessive distance came Amalek, whose essence is itself ריחוק, coldness and indifference.

That trait reached its fullest expression when Amalek attacked after Yetzias Mitzrayim. The Torah describes the terror that seized the nations after the makkos and Krias Yam Suf: שמעו עמים ירגזון חיל אחז ישיבי פלשת אז נבהלו אלופי אדום אילי מואב יאחזמו רעד נמגו כל ישיבי כנען. The entire world trembled before what Hashem had done for Klal Yisrael, yet Amalek remained unmoved. He saw what everyone else saw and heard what everyone else heard, but nothing penetrated him.

We find the same phenomenon during makas barad. After six makkos, Moshe warned the Egyptians to bring their servants and livestock indoors. The Torah tells us that הירא את דבר ה' brought them to safety, while others left everything in the field. How could anyone disregard Moshe's warning after all he had already witnessed.

The Torah answers ואשר לא שם לבו אל דבר ה' ויעזב את עבדיו ואת מקנהו בשדה. It does not say that he did not know or believe. It says לא שם לבו. He did not take it to heart. A person can know something and even witness it with his own eyes, yet remain unaffected because the knowledge never penetrates his heart. Through a failure of שימת לב, he can act against what he knows to be true.

This was Amalek. He knew that the nations were terrified by what Hashem had done, yet he attacked. Chazal compare the nations to people standing before a boiling bath into which no one dared enter. Amalek jumped in. He knew he would be burned, but his indifference overcame what he knew, and by entering he cooled the bath for everyone else. This is אשר קרך. Amalek's own coldness diminished the awe created by Yetzias Mitzrayim.

This is why the battle remains זכור עמלק מדור דור. As long as the contamination of indifference and spiritual coldness remains, אין השם שלם ואין הכסא שלם.

But the root of Amalek is not confined to the historical nation of Amalek. This middah can exist within every person.

The Gemara discusses the requirement of ידיעה בתחילה for someone who entered the Beis Hamikdash while tamei. Rashi explains the concept of ידיעה בית רבו as follows: למד בבית רבו שהשרץ מטמא וידע שזה שרץ ונגע בו אבל לא שם על לבו שנטמא. The person learned that a sheretz conveys tumah. He knows that the object before him is a sheretz. He knows that he touched it. Yet he

does not take the final step and recognize that he himself is now tamei.

This is extraordinary. He knows every individual fact. A sheretz is tamei. This is a sheretz. I touched it. Yet somehow, he remains convinced that he is as he was before. The facts have not changed him because he has not been שם לב. Here too there is something of Amalek, knowledge that remains cold and distant from the person who possesses it.

כי אי שימת לב is therefore the root of human pettiness and spiritual deficiency. Conversely, שימת לב and התבוננות are the foundations through which a person can rise immeasurably. The difference between remaining small and becoming great may not lie in how much a person knows, but in whether he stops to recognize what his knowledge means for him.

The Gemara in Megillah relates that Rabbah sent Mar bar Mar, through Abaye, a basket of dates together with a cup of toasted wheat flour. Abaye remarked that when Mar would see the gift he would say *אי חקלאה מלכא ליהוי דיקולא מצואריה לא נחית*. Even when a villager becomes king, the basket he was accustomed to carrying does not come down from his neck. Rashi explains that although Rabbah had now become the leading figure in Pumbedisa, he was still sending commonplace foods as though nothing had changed. A person does not naturally notice the changes that have taken place within his own life. He continues behaving according to yesterday's habits because he does not recognize that he is no longer where he was yesterday. *דיקולא מצואריה לא נחית*. The old basket remains hanging from his neck. He may have become a king, yet inwardly he remains the same villager.

But this is precisely where the unique greatness of man lies. Every other creature remains fundamentally in the state in which it was created. Even the malachim do not possess the human capacity for עליה in the same sense. A person, however, can change his condition at any moment. He can rise from the lowest level to the highest. The path to that transformation is להתייבש, to stop, to pay attention, and to recognize where he truly stands.

This is what Chazal teach concerning Rabbi Elazar ben Dordaya.

After a lifetime deeply immersed in aveirah, one moment of awakening transformed him completely. When Rebbi heard what had occurred he cried and declared *אחת בשעה אחת עולמו בשינה אחת*, *there is one who acquires his world in a single hour*. A person need only awaken himself, leave the routine and habits that have imprisoned him, and throw the *דיקולא* from his shoulders. Once he truly sees himself, the smallness that seemed to define him can fall away. Halachah itself demonstrates how far a single movement of the heart can reach. The Gemara in Kiddushin teaches that if a man betroths a woman *על מנת שאני צדיק*, *on condition that I am a tzaddik*, even if he had been a complete rasha we must consider the possibility that the kiddushin took effect *שמא הרהר תשובה*, perhaps at that moment he contemplated teshuvah.

The Lechem Mishneh asks why, then, when kiddushin takes place before witnesses who are disqualified because of their aveiros, we do not always fear that perhaps those witnesses silently did teshuvah at that moment. He cites the Maharam of Padua, who explains that the case of *על מנת שאני צדיק* is different because the man has outwardly demonstrated some awakening. He has declared his desire to be a tzaddik. Once we see even that small

movement, we must consider the possibility that within his heart an actual thought of teshuvah occurred.

A single genuine awakening may be enough to transform a רשע into a tzaddik.

This is the meaning of the Torah's description of teshuvah: כי המצוה הזאת אשר אנכי מצוה היום לא נפלאה היא ממך ולא רחוקה היא לא בשמים היא ולא מעבר לים היא כי קרוב אליך הדבר מאד בפיך ובלבבך לעשותו. The Ramban explains that these pesukim refer to the mitzvah of teshuvah. Teshuvah is exceedingly close to a person. תשובה, teshuvah does not require a Navi to descend from Heaven and show us the way. ולא מעבר לים היא, a person does not need to travel across the sea in search of someone who can transform him. What is required is awakening, שימת לב, an escape from the smallness and mechanical routine of everyday existence. That itself is the reversal of Amalek.

The Torah tells us *ובני קרח לא מתו*. The sons of Korach had descended together with their father toward the depths, yet Chazal tell us that at the critical moment בלבם תשובה. A place was preserved for them and they were saved. One instant of thought, one awakening of the heart, could lift men who had already fallen toward שאול and bring them back upward. This is not a minor feature of man. This is his extraordinary greatness.

The same principle explains why Chazal describe the Satan as becoming confused by the repeated sounds of the shofar. Tosafos cite the explanation that when the Satan hears the first shofar he is disturbed, and when he hears it again he fears that perhaps this is the *שופר גדול* heralding the final geulah and the end of his power. The Satan has heard the shofar year after year for generations, yet he remains afraid. Why. Because he understands something that we too easily forget. Even the smallest authentic awakening within a Jew can destroy his entire hold over that person. A single תקיעה can awaken a heart, and once the heart awakens, everything can change.

Ecclesiastes describes *עיר קטנה ואנשים בה מעט ובא אליה מלך גדול וסבב אתה*. ובנה עליה מצודים גדלים ומצא בה איש מסכן וחכם ומלט הוא את העיר בהכמתו. Chazal understand the *עיר קטנה* as man himself, whose powers appear small, while the *מלך גדול* is the yetzer hara surrounding him with seemingly overwhelming fortifications. How can one poor wise man rescue a city surrounded by such a mighty king.

The answer is that the wise man reveals the truth. The king is not truly so mighty and the fortifications are not as impregnable as they appear. Much of their strength is illusion. One awakening can scatter them. One תקיעה can cause the entire structure to collapse.

This is the secret of *מאד* הדבר. The chacham knows how close change really is.

If so, why does teshuvah seem so difficult. Because without שימת לב it truly is difficult. A person becomes so absorbed in his own habits and routines that he cannot see any avenue of escape. The yetzer hara appears before him as a *מלך גדול*, and he surrenders before the battle has even begun.

But once a person awakens, once he pays attention to who he is and what he can become, he discovers that the path was never impossibly distant. בפיך ובלבבך לעשותו. Through even one genuine moment of התעוררות and שימת לב, he can overcome what appeared unconquerable.

That is the profound contrast between Amalek and the greatness of man. Amalek is אשר קרך, the force that cools, distances and makes everything seem irrelevant. Man's task is precisely the opposite, to awaken, to take things to heart, to recognize what he knows, and thereby to change. This is גדלות האדם.

Adapted and translated by Chaim Shulman from

שבת ומועד by Rav Yizchok Kossowsky

(1877-1951) Rav of Zelva, Volkovisk & Johanusburg and confidante and brother-in-law of Rav Chaim Ozer Grodzinski
נצחון של שלום

כִּי תֵצֵא לְמִלְחָמָה עַל אִיבֶיךָ וַתֵּנֶנּוּ ה' אֱלֹהֶיךָ בְיָדְךָ *when you go out to war against your enemies and Hashem your God delivers them into your hand* (Ki Seitzei 21:10)

At the very end of the Mishnah, Rabi Yehoshua ben Levi teaches, עֲתִיד הַקִּבְיָה לְהַנְחִיל לְכָל צַדִּיק וְצַדִּיק שֶׁלֹּשׁ מֵאוֹת וְעֶשְׂרֵה עוֹלָמוֹת שֶׁנֶּאֱמַר *in the future Hakadosh Baruch Hu will grant every tzaddik three hundred and ten worlds, as it says, to bequeath substance to those who love Me and I will fill their treasures* (Uktzin 3:12; Mishlei 8:21). Immediately afterward, Rabi Shimon ben Chalafta concludes the entire Mishnah, לֹא מֵצָא הַקִּבְיָה כְּלִי מַחְזִיק בְּרָכָה לְיִשְׂרָאֵל אֶלָּא הַשְׁלוֹם שֶׁנֶּאֱמַר ה' עֹז לַעֲמֹ יִתֵּן ה' יִבְרַךְ *Hakadosh Baruch Hu found no vessel capable of containing blessing for Israel other than peace, as it says, Hashem will give strength to His people, Hashem will bless His people with peace* (Uktzin 3:12; Tehillim 29:11)

Why are these two teachings placed together? What is the connection between the 310 worlds awaiting every tzaddik and the blessing of peace?

There is another difficulty. The Mishnah teaches, וְהָכֵל לְפִי רֹב *everything is according to the abundance of one's deeds* (Avos 3:15), and elsewhere warns, שֶׁאֵין אִתָּה יְדוּעַ מִתֵּן שְׂכָרָן שֶׁל מִצְוֹת, *you do not know the reward of the mitzvos* (Avos 2:1). How then can every tzaddik apparently receive the identical reward of 310 worlds?

The answer is that the 310 worlds are not the reward itself, but the place in which the reward is enjoyed. The reward itself is not limited to a fixed measure. וַאֲצִרְתִּיהֶם אִמְלָא, *I will fill their treasures*, each according to what he has earned

Why the Reward of a Mitzvah Endures

There is a fundamental difference between the reward of mitzvos and the punishment of aveiros. A mitzvah creates an enduring spiritual consequence, while the punishment of an ordinary aveirah does not necessarily possess the same permanence. The reason lies in the two elements joined within man, body and neshama. The neshama is pure and eternal, while the body is material and transient. The source of a mitzvah is מצד הנשמה, from the side of the neshama, and its reward therefore shares in the neshama's permanence. Aveirah ordinarily begins מצד החומר, in the physical side of man, through bodily desire and the power of the yetzer hara

The Rambam gives striking expression to this idea in explaining why a properly coerced get is nevertheless considered voluntary. A Jew's true will is לעשות כל המצות ולהתרחק מן העבירות, *to perform all the mitzvos and distance himself from aveiros*. When he refuses, יצרור הוא שתקפו, *his yetzer has overpowered him* (Rambam,

Hilchos Gerushin 2:20). The aveirah does not necessarily express the deepest will of the person. The yetzer may overpower him and pull him in a direction his neshama does not desire

But this raises an obvious problem. The neshama cannot perform a physical mitzvah without the body, and the body cannot commit an aveirah without the neshama. Chazal make precisely this point in the parable of the lame man and the blind man. The body claims that without the neshama it is powerless, while the neshama claims that without the body it cannot act. Hakadosh Baruch Hu therefore reunites them and judges them together (Sanhedrin 91a-b). If body and soul participate together in every human act, how can mitzvah be attributed particularly to the neshama and aveirah particularly to the body?

The halachah of שנים שעשו, two people jointly performing one act, may provide a model. Rabi Yehudah distinguishes between זה יכול וזה יכול, where either participant could have performed the melachah alone and they are exempt, and זה אינו יכול וזה אינו יכול, where neither could have performed it without the other and both are liable (Shabbos 92b-93a). In the latter case neither has physically performed the entire melachah, yet because neither can succeed without the other, each relies upon and joins in the other's participation, and the completed act is attributed to both. So too with body and neshama. Both participate in every deed, but they do not necessarily stand in the same relationship to it. In a mitzvah, the neshama is the directing force. It desires the mitzvah and uses the body to bring that desire into action. The body participates, but the act is essentially מעשה הנשמה. Since the neshama is eternal, its reward is enduring. In an ordinary aveirah the direction is reversed. The impulse comes מצד הגוף, from the physical side of man, which draws the neshama after it. The aveirah is therefore attributed primarily to the transient side of man

When Sin Reaches the Neshama

This explanation creates another difficulty. Chazal speak of resha'im who יורדין לגיהנם ונידונין בה לדורי דורות, *descend to Gehinnom and are judged there for generations upon generations* (Rosh Hashanah 17a). If aveirah comes primarily from the transient body, how can its punishment become enduring?

The answer is that there is a point at which sin ceases merely to be the body overpowering the neshama and begins to affect the neshama itself

Chazal teach, צדיקים יצר טוב שופטן רשעים יצר הרע שופטן בינונים זה וזה *tzaddikim are ruled by the yetzer tov, resha'im by the yetzer hara, while beinonim are ruled by both*. Rava then says, לֹא אִיבְרִי *the world was created only for complete resha'im or complete tzaddikim* (Berachos 61b)

Ordinarily a person lives with two competing forces. His neshama pulls upward while the yetzer pulls downward. When he sins, the lower force may have prevailed, but the neshama has not necessarily made the sin its own

A רשע גמור is different. Repeated sin can penetrate so deeply that evil is no longer merely something that overpowers him. It becomes what he wants. The aveirah then comes not only מצד הגוף but also מצד הנפש. Because the neshama is eternal, evil that has entered the neshama can produce an enduring consequence. The opposite process creates the צדיק גמור. He has not merely won individual battles against the yetzer. He has continued the struggle

until the lower forces themselves are brought beneath the authority of the good

This gives new meaning to *וואהבת את ה' אלקיך בכל לבבך*, *you shall love Hashem your God with all your heart* (Devarim 6:5), which Chazal interpret, *בכל לבבך בשני יצריך ביצר טוב וביצר הרע*, *with both your inclinations, with the yetzer tov and the yetzer hara* (Mishnah Berachos 9:5; Berachos 54a)

The *ב* of *יצריך* can suggest more than serving Hashem *with* both inclinations. It can also mean recognizing the good that comes *through* both. Just as *ב* can mean by means of or in exchange for, as in *שדות בכסף יקנו*, *fields will be acquired for money* (Yirmiyahu 32:44), so too *בכל לבבך* can teach a person eventually to recognize even the purpose served by the yetzer hara. Without resistance there could be no struggle, and without struggle there could be no victory and no reward

Chazal therefore teach, *חייב אדם לברך על הרעה כשם שמברך על הטובה*, *a person must bless Hashem for adversity just as he blesses Him for good* (Mishnah Berachos 9:5), and the Gemara explains that adversity too must ultimately be accepted *בשמחה* (Berachos 60b).

There is hardly a greater *רע* within man than the yetzer hara, which Chazal themselves call *רע* (Sukkah 52a), yet even it can become the means through which man attains eternal life

From Two Hearts to One

The Torah's language may contain another hint to this struggle. When it speaks of serving Hashem with both inclinations, it says *בכל לבבך*, using *לבב* with two letters *ב*. This can represent the human condition in which two forces contend within one heart. The struggle is lifelong. Chazal compare the yetzer hara to a fly that continually returns to the openings of the heart (Berachos 61a), and therefore warn, *ואל תאמן בעצמך עד יום מותך*, *do not trust yourself until the day of your death* (Avos 2:4)

David HaMelech prayed, *לב טהור ברא לי אלקים ורוח נכון חדש בקרבי*, *create for me a pure heart, God, and renew within me a steadfast spirit* (Tehillim 51:12). He sought not merely another victory but a *רוח נכון*, a spirit that would remain firm. He could ultimately say, *ולבי חלל בקרבי*, *my heart is hollow within me* (Tehillim 109:22), which Chazal understand as referring to his conquest of the yetzer hara (Berachos 61b)

This is the peace of the *צדיק גמור*. The lower faculties have not disappeared, but the civil war within him has ended. They no longer constitute an independent force rebelling against the neshama

There is, however, another way for the inner struggle to end. The Torah describes the sinner who hears the warning of the covenant and says, *והתברך בלבבו לאמר שלום יהיה לי כי בשררות לבי אלק*, *he will bless himself in his heart saying peace will be mine though I follow the stubbornness of my heart* (Devarim 29:18)

The change in language is significant. He begins with *בלבבו*, the divided heart in which two forces still contend, but concludes *בשררות לבי אלק*, following the stubbornness of a single heart. He too has ended the conflict, but only by silencing the yetzer tov and surrendering to the yetzer hara

That is not genuine peace. Chazal say *רשעים מלאים חרטות*, *resha'im are filled with regrets* (Nedarim 9b), and the Navi declares, *אין שלום אמר ה' לרשעים*, *there is no peace says Hashem for the wicked* (Yeshayahu 48:22)

The absence of struggle is not itself peace. Everything depends upon which force has prevailed

Why the Mishnah Ends With Peace

We can now understand the final two teachings of Uktzin. Rabi Yehoshua ben Levi promises 310 worlds *וצדיק וצדיק*, *to every tzaddik*. Even the tzaddik who has not yet reached the level of *צדיק גמור* receives eternal reward for the mitzvos that come *מצד*. The language *להנחיל אהבי יש ואצרתיהם אמלא* itself suggests permanence. *להנחיל* speaks of inheritance, a lasting possession, while *יש* denotes something of enduring substance. There is therefore eternal reward even while the battle continues. But reward is not the highest aspiration. After describing the reward awaiting every tzaddik, the Mishnah concludes, *לא מצא הקב"ה כלי מחזיק ברכה לישראל אלא השלום*

After all six sedarim of Mishnah have taught us mitzvah and aveirah, permitted and forbidden, obligation and exemption, the entire battlefield of human life has been laid before us. Torah teaches us how to fight, but the ultimate goal is not endless warfare

The Mishnah therefore ends with peace

There is a false peace in which a person stops fighting because the yetzer hara has won, *שלום יהיה לי כי בשררות לבי אלק*. And there is a true peace in which the good has prevailed so completely that the struggle itself has been transformed

This is the *שלום* of Torah

ה' עז לעמו יתן, *Hashem will give strength to His people, Hashem will bless His people with peace* (Tehillim 29:11) *The Victory of Peace*

The same pasuk reveals an even broader meaning

Chazal relate that when the Torah was given at Sinai, its voice traveled from one end of the world to the other. The kings of the nations trembled and gathered around Bilam, fearing that Hashem was again bringing destruction upon the world. Bilam reassured them that no flood was coming. Hashem was giving His people His treasured Torah, as the pasuk says, *ה' עז לעמו יתן*, *Hashem will give strength to His people*. When the nations heard this, they answered, *ה' יברך את עמו בשלום*, *Hashem will bless His people with peace* (Zevachim 116a)

Why did they respond specifically with a blessing of peace?

They understood that Torah gives Klal Yisrael a unique *עז*, a strength that allows the nation to endure. At first they feared that Israel's victory must mean their defeat, as though this new power would overwhelm the rest of the world

Bilam taught them otherwise. The strength Hashem was giving Israel was Torah. Its victory would not depend upon the destruction of another nation. Klal Yisrael could triumph simply by remaining Klal Yisrael, attached to Torah and enduring through every generation

The nations could therefore answer, *ה' יברך את עמו בשלום*. This is a *שלום של נצחון*, a victory of peace. Ordinary victory leaves someone defeated. The victory of Torah does not require a defeated people at all

The same is true within man. *כי תצא למלחמה על איביך*, life requires battle with the yetzer. But the goal is not to remain forever on the battlefield. The highest victory comes when Torah brings the entire person under one direction, until the struggle itself gives way to peace

The 310 worlds are the eternal reward earned through the struggle. The final words of the Mishnah point beyond the struggle to its ultimate goal

ה' עז לעמו יתן ה' יברך את עמו בשלום

The greatest victory is the victory that ends in peace

From cshulman@gmail.com

Adapted and translated from מנחת אשר

By Rav Asher Weiss

24:5 כי תצא – כי יקח איש אשה

Sheva Brachos

The familiar Sheva Berachos recited beneath the chuppah and during the seven days of celebration are among the most ancient expressions of Jewish marriage. Yet their precise halachic character is surprisingly complex. Are they birchos hamitzvos or birchos hashevach? Why do they require ten people? Is the chassan himself included in the minyan? Must the berachos be recited over wine, and if so, who must drink from the cup? These questions reveal that Sheva Berachos are not merely blessings recited at a wedding; they express the Torah's understanding of marriage as an event in which the couple, the community and Klal Yisrael as a whole all participate.

The Sources of Birkas Chassanim. The central sugya is in Kesubos (7b). Rav Nachman quotes Huna bar Nosson: ויברך אותם בעשרה שנאמר ויקח מנין לברכת חתנים בעשרה שזכרנו ויקח, from where do we know that birkas chassanim requires ten? From Boaz, who gathered ten elders of the city and told them to sit (Rus 4:2). Rabbi Abahu derives the same law from במקלות ברכו אלקים השם ממקור ישראל, in assemblies bless Hashem, from the source of Israel (Tehillim 68:27). Since קהל denotes ten, the berachos of marriage are recited before a minyan.

Chazal trace the idea still further back, to the first marriage in history. Regarding Adam and Chavah the Torah says ויברך אותם אלקים *Hashem blessed them* (Bereishis 1:28). Pirkei D'Rabbi Eliezer describes Hashem Himself as blessing Adam and Chavah beneath their chuppah while the malachim served as shushvinin, attendants to the wedding. Similar ideas appear in Bereishis Rabbah and the Zohar. The blessing of a new Jewish home is therefore rooted in the very creation of man and woman.

Birkas HaMitzvah or Birkas HaShevach? The Rishonim disagree regarding the nature of these berachos. The Rambam rules that birkas chassanim should be recited before nissuin, and the Tur likewise writes that they are recited beforehand. The Beis Yosef understood this to indicate that they possess the character of birchos hamitzvos and are therefore recited לעשייתו, before performance of the mitzvah.

The Ramban and Ran, however, state explicitly that these are birchos hashevach rather than birchos hamitzvos and therefore need not precede the nissuin.

One must be cautious about identifying the category of a bracha merely from its wording. We sometimes find a birkas hashevach using the language אשר קדשנו במצוותיו, and conversely there may be a bracha associated with a mitzvah that does not follow the usual formula. The nusach alone therefore cannot resolve the question.

Indeed, the Ran understands that even according to the Rambam, the fundamental character of birkas chassanim is birkas hashevach. His proof is that the Rambam permits the berachos to be recited even after the marriage if they were not recited beforehand. A classic birkas hamitzvah ordinarily cannot simply be recited days after the mitzvah has already been completed.

Our custom, as codified by the Rema, is to recite Sheva Berachos after kiddushin while still beneath the chuppah. The Darchei Moshe explains that since the primary chuppah is yichud, the berachos recited beneath the chuppah still precede the completion of nissuin and can therefore satisfy עובר לעשייתו. The Makneh offers an additional consideration: before the kiddushin the man is not yet a chassan, and it would be difficult to recite birkas chassanim for one who has not yet entered even the first stage of

marriage. Moreover, if birkas nissuin were recited before kiddushin, the birkas eirusin and kiddushin themselves would interrupt between the berachos and the nissuin.

Even if one accepts that the timing of the berachos reflects some aspect of birkas hamitzvah, their essential nature must still be praise and thanksgiving. The same blessings continue to be recited throughout the שבעת ימי המשתה, long after the initial act of nissuin. They celebrate not merely the performance of a legal act but the creation and joy of a new Jewish marriage.

Why Are Ten Required? The Mishnah teaches that birkas chassanim requires ten, and the Gemara offers the two sources already noted: Boaz's ten elders and ברכו אלקים. The Acharonim disagree whether the presence of ten is indispensable even bedieved. The Noda B'Yehuda understands that ten may be a requirement lechatchilah but not necessarily me'akev, whereas the Aruch HaShulchan (1829-1908) writes that the implication of the poskim is that it is an essential requirement.

The Gemara further rules that the chassan himself counts toward the ten. The Hafla'ah suggested an ingenious distinction based upon the two sources. If the requirement is learned from Boaz, perhaps the chassan should not count, because Boaz himself gathered ten other men. If it is derived from במקלות ברכו אלקים, all that is required is a congregation of ten Jews, in which case there is no reason to exclude the chassan.

The Sheiltos of Rav Achai Gaon, however, cites the proof from Boaz and nevertheless rules that the chassan joins the ten. Its discussion reveals a deeper understanding of the requirement. The question is whether we need ten people ליה מחדן דקא מהדן ליה, ten others whose task is to bring joy to the chassan, in which case he cannot count as one of them, or whether כיון דהוא נמי שייך בשמחה מצטרף, since he himself participates in the mitzvah of simchah, he joins the minyan.

This formulation shows that the requirement of ten is intertwined with the simchah of marriage. The berachos are not simply public blessings that happen to require a minyan. They belong to the communal celebration of the new marriage, as reflected especially in שמחה תשמה and אשר ברא. The chassan is not merely the passive object of the blessing. He himself is obligated to rejoice with his kallah and is therefore part of the ציבור through which that simchah finds expression.

Standing for Sheva Berachos. The Knesses HaGedolah records the custom of Constantinople that everyone stands during birkas chassanim משום כבוד חתן וכלה דחתן דומה למלך, out of honor for the chassan and kallah, since a chassan is compared to a king. A practice of standing during the berachos is also found in the Zohar.

Maharikash gives a very different explanation. The closing bracha includes ישמע בהרי יהודה ובחוצות ירושלים קול ששון וקול שמחה, the promise that voices of joy will again be heard in the cities of Yehudah and Yerushalayim. This is not merely a blessing for the particular couple; it is a bracha for all of Klal Yisrael. A public blessing of this kind, he argues, should be recited while standing, just as we find standing associated with birkas kohanim and the berachos on Har Gerizim and Har Eival.

According to this explanation, standing is not merely a minhag of kavod for the couple but a requirement arising from the communal nature of the beracha itself. Maharikash limits this reasoning to the birkas nissuin beneath the chuppah and not necessarily to Sheva Berachos throughout the following days. Rav Chaim Palagi extends the practice more broadly, even discussing it in connection with birkas eirusin.

The Makneh adds a striking point: if a chassan possesses the status דומה למלך, perhaps he cannot simply waive that honor. Whether or not one accepts this chiddush, the sources reflect the unique dignity with which Chazal surrounded the establishment of a Jewish home.

Are There Six Berachos or Seven? Maseches Soferim teaches that birkas chassanim is recited over a cup of wine. But this raises a basic question: is the cup an essential part of Sheva Berachos, or is it simply a kos shel bracha accompanying six marriage blessings?

The Rambam's language is precise. He first writes that birkas chassanim consists of six berachos. He then adds *ואם היה שם יין מביא כוס של יין ומברך* and *על היין תחלה ומסדר את כולו על הכוס ונמצא מברך שבע ברכות*, if wine is available, one brings a cup, recites Borei Pri HaGafen and then recites the six blessings over it, resulting in seven berachos. The implication is clear: the actual birchos chassanim are six. Wine is desirable but not indispensable.

This reading also fits the text of the Gemara in Kesubos, which asks *מאי מברך* and lists six blessings, later referring to *שית נינהו*, there are six birchos chassanim.

The Rosh, however, cites Rabbeinu Nissim that the cup is indispensable, and the Tur follows this view. Their text may have treated Borei Pri HaGafen itself as one of the seven berachos. The Sheiltos indeed has a version in which the Gemara begins *הגפן פרי בורא* and then recites Borei Pri HaGafen and then *שהכל ברא* and the remaining berachos.

A remarkable account in Sefer HaPardes attributed to Rashi reflects this position. At a wedding at which eirusin and nissuin were performed together, a separate cup was brought for birkas nissuin. The person reciting the berachos neglected to repeat Borei Pri HaGafen because he had already recited it on the cup of eirusin. He was required to return and recite it, because *ברכת אירוסין לחוד וברכת נישואין לחוד*, the two sets of berachos are separate, and *בנישואין הוא דתקינו רבנן שבע ברכות ובלא בורא פרי*, Chazal instituted seven berachos for nissuin and without Borei Pri HaGafen there are only six.

The Tashbetz takes the opposite position. He notes that the Gemara nowhere mentions a cup of wine for eirusin or nissuin as it explicitly does for Kiddush and Havdalah, and when the Gemara enumerates birkas nissuin it says six, not seven. According to him Borei Pri HaGafen is plainly not one of the birchos chassanim.

The Shulchan Aruch follows the Rambam: *והן שש*. *צריך לברך ברכת חתנים... והן שש*, there are six marriage blessings, and if wine is present one brings a cup and first recites Borei Pri HaGafen (Even HaEzer 62:1). The kos therefore does not appear to be *me'akev*.

If the Cup Is Not Essential, Who May Recite Borei Pri HaGafen? This produces a major difficulty in our accepted practice. If Borei Pri HaGafen is simply a birkas hanehenin rather than part of the mitzvah of Sheva Berachos, the ordinary rule is that there is no *arvus* for such a bracha.

One Jew cannot ordinarily recite a bracha over food or drink for another person unless the one reciting it is himself eating or drinking.

Yet our custom is that the person who recites Borei Pri HaGafen does not usually drink. The wine is given to the chassan and kallah. The Pnei Yehoshua already expressed surprise at this minhag.

There are reports that Rav Chaim Brisker would discreetly place a drop of the wine upon his hand and taste it after reciting the bracha, and that Rav Yosef Chaim Sonnenfeld followed a similar practice, apparently out of concern that otherwise the bracha might be *levatalah*. The reliability and universality of this report are disputed, and Rav Moshe Feinstein in fact writes that it is preferable for the person reciting the bracha not to drink, in accordance with the established minhag.

The minhag itself is ancient. The Maharil records *כשגמר הברכה נתן לחתן*, after completing the bracha the wine was given first to the chassan and then to the kallah. The same practice is recorded in the minhagim of Worms and by Maharam Mintz. We therefore require an explanation that accords with the Rambam and Shulchan Aruch, according to whom Borei Pri HaGafen is not itself one of the birchos nissuin.

The Tashbetz provides an extraordinary principle. Although Borei Pri HaGafen is a birkas hanehenin and ordinarily should be recited by one who drinks, *כאשר הברכה עצמה נעשית בשביל המועטים כגון חתן וכלה כשר הדבר*, when the entire bracha is being recited specifically for the few individuals at the center of the mitzvah, such as the chassan and

kallah, it is proper that they drink the cup of their blessing. He adds that *כאשר הברכה בשביל המצוה שנעשית בגופו מספיק להטעמיו*, when the bracha accompanies a mitzvah whose entire event is being performed for that person, his drinking is sufficient.

This is a remarkable chiddush. The chassan and kallah are not ordinary listeners attempting to be *yotzei* someone else's birkas hanehenin. The entire kos and its bracha belong to their wedding. The mesader recites the bracha as part of the blessing of their marriage, and they therefore may be the ones who drink. This provides a compelling basis for the ancient Ashkenazic minhag even according to the Rambam's view that the wine is not one of the essential six blessings. The Maharsham likewise strongly defends the accepted practice.

Why Does One Person Recite Both הגפן and שהכל ברא? A final custom deserves attention. We commonly divide Sheva Berachos among several honored guests, each reciting one bracha. Yet we do not ordinarily separate Borei Pri HaGafen from *שהכל ברא לכבודו*. The person given the first bracha recites both.

One explanation is that our practice of allowing the chassan and kallah alone to drink demonstrates that Borei Pri HaGafen has acquired the character of a birkas hamitzvah in this context. Since *אין אומרים שירה אלא*, song and praise are associated with wine, the cup itself becomes part of the mitzvah of birkas chassanim. Borei Pri HaGafen is therefore joined with one of the actual marriage blessings rather than treated as an independent birkas hanehenin.

According to the Tashbetz, however, there is no need to redefine Borei Pri HaGafen in this way. It can remain a genuine birkas hanehenin, while the special nature of the wedding permits the bracha to be recited for the chassan and kallah who drink. On that understanding there would seemingly be no strict halachic reason that Borei Pri HaGafen could never be assigned to a different person from *לכבודו*.

Still, *ישראל אם אינם נביאים בני נביאים הם*. Established Jewish practice often reflects a sensitivity that is deeper than any single technical explanation.

The cup of wine is not an incidental refreshment placed beside Sheva Berachos. It carries the joy, song and blessing of the occasion. Whether one understands Borei Pri HaGafen as one of the seven blessings themselves or as the bracha upon the kos accompanying the six, the minhag has joined the wine to the opening of birkas chassanim.

Sheva Berachos thus unite several dimensions of marriage. They are birchos hashevach expressing gratitude to Hashem for creation, man and woman, joy and Yerushalayim. They require a *ציבור* because a Jewish marriage belongs not only to two individuals but to the community that surrounds them. Their very nusach moves from *בריאת האדם* to *שוש תשיש*, from the creation of the first human being to the future joy of Yerushalayim. And the kos of wine gives tangible expression to the simchah with which all these berachos are recited.

The berachos beneath the chuppah therefore do much more than bless a newly married couple. They place the private joy of one chassan and kallah within the long history of Klal Yisrael, beginning with *ויברך אותם* in Gan Eden and looking forward to *עוד ישמע בערי יהודה ובחוצות* in Gan Eden and looking forward to *ירושלים קול ששון וקול שמחה קול חתן וקול כלה*.

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Can You Forgive Your Child?

Rabbi YY Jacobson

Confronting the Pain of Dealing with Children Who Derail Your Life
A grade school teacher was asking students what their parents did for a living [The Lawyer section]. "Tim, you be first," she said [The Lawyer section]. She asked what his mother did all day [The Lawyer section]. Tim stood up and proudly said she's a doctor [The Lawyer section]. Amie shyly stood up, scuffed her feet, and said her father is an electrician [The Lawyer section]. Billy proudly stood up and announced his daddy steals from people and drinks a lot [The Lawyer section]. The aghast teacher promptly changed the subject to geography [The Lawyer section]. Later

that day she went to Billy's house and rang the bell [The Lawyer section]. Billy's father answered the door [The Lawyer section]. The teacher explained what his son had said [The Lawyer section]. She asked if there might be some logical explanation [The Lawyer section]. Billy's father said he's actually a lawyer, but he couldn't explain that to a seven-year-old [The Lawyer section].

The Torah law concerning a wayward son seems absurd and horrific [Why Death? section]. The text describes a stubborn and rebellious son who doesn't obey his parents [Why Death? section]. The parents must take hold of him and bring him to the town elders [Why Death? section]. They declare he is a profligate and a drunkard [Why Death? section]. Then all the men of the town shall stone him to death [Why Death? section]. This purges the evil from among them [Why Death? section]. How are we to understand this Torah passage [Why Death? section]? Are we to believe parents would actually have their teen killed [Why Death? section]? Can you imagine a Jewish mother sending her son to the death chamber [Why Death? section]? She might say, "Here, Ben, take these cookies, and don't forget your cardigan, because it gets cold in the death chamber." Besides, isn't a death sentence for eating meat and drinking wine excessive [Why Death? section]? Did a 13-year-old kid's offenses really merit capital punishment [Why Death? section]?

The Mishnah and Talmud offer an answer, which Rashi quotes [Rashi on Ki Teitzei]. The boy isn't punished for his current sins [Rashi on Ki Teitzei]. The Torah testifies that his outrageous behavior means he will inevitably grow up to be a robber and murderer [Rashi on Ki Teitzei]. It's better to kill him now before he destroys his own soul and murders others [Rashi on Ki Teitzei]. Let him die an innocent man [Rashi on Ki Teitzei]. Yet this seems absurd. All of Judaism rests on the idea that a sinner can repent. The most evil Jewish king, Menashe, was accepted as a penitent [Rambam Laws of Teshuvah ch. 2-3]. So how can a troubled 13-year-old boy be destined to become a monster? True, the Talmud says this story never happened and never will happen [Sanhedrin 71]. The law is theoretical, not practical [Sanhedrin 71]. But what lesson is the Torah trying to impart [Sanhedrin 71]?

Rabbi Shmuel Bornstein gives a beautiful answer [Shem Mishmuel on Ki Teitzei 5671]. He raises another question. The Talmud says a wayward son is forgiven and not punished if his parents forgive him [Sanhedrin 88b]. This rule only applies to a male, as a daughter can never become a wayward child [Sanhedrin 88b]. We don't kill the boy because of what he did to his parents. We kill him because the Torah testifies he is destined to become a killer [Rashi on Ki Teitzei]. So how does his parents' forgiveness help [Shem Mishmuel on Ki Teitzei 5671]?

The answer contains a critical lesson for dealing with challenging children [Shem Mishmuel on Ki Teitzei 5671]. Every child is inherently holy and good [Shem Mishmuel on Ki Teitzei 5671]. They carry the genes of Abraham, Isaac, and Jacob [Shem Mishmuel on Ki Teitzei 5671]. Each has a Jewish soul eternally connected to the Divine [Shem Mishmuel on Ki Teitzei 5671]. To reveal that connection, parents must keep the bond with their children strong [Shem Mishmuel on Ki Teitzei 5671]. When we sever our relationship with our children, we deprive them of experiencing themselves as part of a golden chain [Shem Mishmuel on Ki Teitzei 5671]. When a son feels his parents' forgiveness, it keeps him connected to his roots [Shem Mishmuel on Ki Teitzei 5671]. There is now strong hope he will transform himself [Shem Mishmuel on Ki Teitzei 5671]. If parents don't forgive their child, they ensure he continues in his destructive path [Shem Mishmuel on Ki Teitzei 5671]. When they accept and love him, they allow him to discover his own spiritual power [Shem Mishmuel on Ki Teitzei 5671].

The Torah teaches us to never disconnect from a child. Sometimes we feel compelled to sever the bond because a relationship is simply too painful. But this alienation is the primary reason a child will never come back. You need to learn to forgive your children and see their hidden light. Yes, there have been serious misdeeds. Your child is broken. But

he needs stamina to repair himself, and he needs to believe in his soul's goodness. We can help him achieve that if we (i) love him, (ii) forgive him, and (iii) show him he's a fragment of G-d. Keeping him connected allows him to see himself in the context of a 4,000-year chain [Shem Mishmuel on Ki Teitzei 5671].

Rabbi Simon Jacobson shared a relevant story from one of his weekly classes [Rabbi Simon Jacobson]. He was discussing how every person is sent to Earth with a unique mission [Rabbi Simon Jacobson]. Even someone born with a handicap has other strengths that allow them to realize their calling [Rabbi Simon Jacobson]. After the class, a striking young man with motor complications approached him [Rabbi Simon Jacobson]. He had a rare disease that affected his nervous system, mental capacity, and growth [Rabbi Simon Jacobson]. His wealthy parents gave him away as a newborn after hearing a severe diagnosis [Rabbi Simon Jacobson]. They placed him in a quality institution but never visited [Rabbi Simon Jacobson]. He grew up as a privileged orphan [Rabbi Simon Jacobson]. He had all his physical needs met, but he lacked unconditional love from nurturing parents [Rabbi Simon Jacobson]. This exquisite human being radiated a rare warmth [Rabbi Simon Jacobson]. He told Rabbi Jacobson he lacked certain abilities, but he didn't know what his compensating strengths were [Rabbi Simon Jacobson]. He asked for help discovering his special qualities [Rabbi Simon Jacobson]. The Rabbi was deeply moved, and they began communicating regularly [Rabbi Simon Jacobson]. The young man occasionally addressed his feelings of rejection [Rabbi Simon Jacobson]. He had tracked down his parents but was terrified of contacting them [Rabbi Simon Jacobson].

After months of hesitation, Rabbi Jacobson called the father [Rabbi Simon Jacobson]. He introduced himself as a friend of the son [Rabbi Simon Jacobson]. The father's response was brisk and cold [Rabbi Simon Jacobson]. The Rabbi said the son was extraordinary and would make him proud [Rabbi Simon Jacobson]. The father just hung up [Rabbi Simon Jacobson]. A few days later, the Rabbi tried again [Rabbi Simon Jacobson]. The secretary blocked the call, so the Rabbi left an urgent message [Rabbi Simon Jacobson]. The next day, the father took the call [Rabbi Simon Jacobson]. The Rabbi pleaded that it would be life-transforming for the parents to meet their son [Rabbi Simon Jacobson]. The father said they didn't want to go there [Rabbi Simon Jacobson]. The Rabbi persisted, and the father promised to get back to him [Rabbi Simon Jacobson].

He didn't [Rabbi Simon Jacobson]. The Rabbi called again, and the father eventually relented [Rabbi Simon Jacobson]. They scheduled a fateful meeting, and the parents insisted the Rabbi be present [Rabbi Simon Jacobson]. They met in the parents' lavish living room [Rabbi Simon Jacobson]. The atmosphere was cordial and detached, like strangers discussing the weather [Rabbi Simon Jacobson]. The Rabbi finally broke the silence [Rabbi Simon Jacobson]. He told the parents their son was beautiful and showed the soul's capacity to shine [Rabbi Simon Jacobson]. He said getting to know each other would be life-changing [Rabbi Simon Jacobson].

Before the Rabbi stood up to leave, the young man turned to his parents [Rabbi Simon Jacobson]. He spoke slowly because of his speech impediment [Rabbi Simon Jacobson]. He had never called them by these names before [Rabbi Simon Jacobson]. He said, "Mumma, Puppa, I am not perfect. You, too, are not perfect. I have forgiven you. Can you forgive me?" Everyone burst into tears, and the Rabbi left them alone [Rabbi Simon Jacobson]. The handicapped child asked his parents if they could forgive him for not being perfect [Rabbi Simon Jacobson]. Can you forgive your child for not being perfect? Can you forgive your loved one for not being perfect? Can you forgive yourself for being imperfect?

Parshas Ki Seitzei: The First Jewish Family

By Rabbi Yitzchak Etshalom © 2011

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

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

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

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

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

II. NATIONAL UNITY - > LEADERSHIP -> FAMILY

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

Our Parashah, Parashat Ki Teitzei, contains many Mitzvot (along with Parashiot Mishpatim and Kedoshim, Ki Teitzei is the most critical and dense Parashah, from a legislative perspective). Unlike the Mitzvot presented in Parashiot R'eh and Shoftim, 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 Shoftim.

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 (Shoftim) to the micro-unit upon which the success (or failure) of the national endeavor rests - the family.

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

Parashah. In addition, it may give us some insight into the nature and desiderata of the Jewish family.

III. THE FIRST THREE PARASHIOT:

AN INAUSPICIOUS BEGINNING

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

Our Parashah opens with three brief parashiot:

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

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

C) "Ben Sorer uMoreh" (rebellious son)

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

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

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

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

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

An almost immediate passage is even more startling:

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

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

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

SUMMARY

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

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

V. THE "UNDERCURRENT" OF OUR PARASHAH: OUR FIRST FAMILY

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

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

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

A) Ki Teitzei - Vayetze.

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

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

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

B) Y'fat To'ar.

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

C) Ishah S'nuah

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

D) B'khor haS'nu'ah

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

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

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

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

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

E) K'deshah and Et'nan Zonah.

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

F) Nidrei Hekdesh and Bal T'acher

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

G) Yibum - the levirate marriage

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

VI. AMALEK

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

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

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

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

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

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

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

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

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

Shabbat Shalom,
Yitzchak Etshalom

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Shiurim in Chumash & Navi by Menachem Leibtag

PARSHAT KI-TETZEH - shiur #1

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

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

A LOGICAL PROGRESSION

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

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

THE PARALLEL TO THE DIBROT

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

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

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

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

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

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

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

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

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

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

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

[THE 'CHUKIM U-MISHPATIM' SECTION]

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

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

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

THE 'MITZVA' SECTION AND THE FIRST TWO DIBROT

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

For example, to ensure God's assistance and continued 'Hashgacha' (providence) throughout the conquest, Bnei Yisrael must maintain the proper religious outlook and exhibit general belief in, and devotion to, God ('Anochi...'). They must also be careful not to fall into the trap of 'over-confidence' or fall prey to the influences of the decadent Canaanite culture ('Lo 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 tzitzit (22:12) could be understood as a prevention of 'lo tin'af', as suggested by Bamidbar 15:39.]

LO TIGNOV (23:20-26)

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

Various other 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 toлада 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 toлада. 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 toлада 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 toлада 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 chiasmic 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 aveida' and the obligation to help even one's neighbor's animal in distress, both toladot of lo tignov, expand the fundamental precept established by this dibbur to maintain a heightened sensitivity to the property of others, beyond the actual prohibition of stealing.

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

shabbat shalom,
menachem

=====

FOR FURTHER IYUN

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

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

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

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

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

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

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

INTRODUCTION

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

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

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

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

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

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

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

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

LEPROSY & MIRIAM [Rashi]

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

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

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

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

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

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

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

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

DRASH = PSHAT [Ibn Ezra]

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

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

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

NOT SO FAST

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

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

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

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

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

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

DON'T BE YOUR OWN DOCTOR! [Rashi]

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

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

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

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

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

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

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

NO ONE IS ABOVE THE LAW! [Rashbam]

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

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

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

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

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

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

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

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

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

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

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

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

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

should even be counted as one of the 613 mitzvot!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An 'AM' KADOSH with a 'PEH' KADOSH

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

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

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

shabbat shalom,
menachem

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FOR FURTHER IYUN

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

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

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

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

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

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

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

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

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

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

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

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

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

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