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ON KI SAVO - 5761

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From: National Council of Young Israel[SMTP:YI_Torah@lb.bcentral.com] Sent: Tuesday, September 04, 2001 12:10 PM Subject: Parshat Ki Tavo
20 Elul 5761 September 8, 2001 Daf Yomi: Baba Kama 43
Guest Rabbi:
RABBI PINCHAS WEINBERGER
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In Parshat Ki Tavo (Chapter 26:12-14) we read: When you have finished taking all of the tithes of your grain for the third year, you must give them to the Levite, and the foreigner, orphan and widow so that they will eat their fill in your settlements. You must then make the following declaration before G-d your L-rd. I have removed all the sacred portions from my house. I have give the appropriate ones to the Levite, orphan and widow following all of the commandments that You have prescribed to us. I have not violated Your commandment and have forgotten nothing. I have not eaten the second tithes while in mourning. I have not separated any of it while unclean, and I have not used any of it for the dead. I have obeyed You my L-rd and have done all that You have commanded me.

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In the Mishna of Maaser Sheni (5:10) and in the Gemora Sotah (32) this declaration (I have removed...), which is recited twice in the seven year Shmitta cycle (in the fourth and in the seventh year), is referred to as Vidui Maaser-The Maaser confession. This categorization of the declaration (I have obeyed you my L-rd and have done all that You have commanded me) as a confession (Vidui) is, to say the least perplexing. (See the Sforno, who suggests that the underlying sin to which the Vidui refers is the sin of the golden calf, which caused the firstborns to lose

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Kerem B'Yavneh (Rav Mordechai Greenberg)

their privilege to serve in the Beis HaMikdash.)

Before presenting an answer as to why the declaration of Maaser is referred to as Vidui, let us turn our attention to another question.

The sefer Abudraham Hashalem, in the section discussing the Parshiyot and the Haftorot, notes that it is stated in the Peshikta that from Parshat Bereishit until Shiva Assur BETAamuz we read a Haftora which is similar in content to the Parsha (Domeh Ledomeh). From Shiva Assur BETAamuz forward the Haftorot are related to the calendar rather than the Parsha. There are three haftorot (Shlosa DEPeronusa) of travail and seven Haftorot (Shiva DENEchemta) of consolation and two Haftorot relating to the theme of repentance (Tshuva).

The two Haftorot relating to Tshuva are Dirshu HaShem Bhematzo (Seek G-d while He is accessible) and Shuva Yisrael (Return O Israel). However, our custom is to read only one Haftora of Tshuva, Shuva Yisrael on the Shabbat before Yom Kippur (see Orach Chaim 428).

The seven Haftorot of consolation are: 1. Parshat Veschanan: Nachamu Nachamu Ami (Comfort comfort My people says Your G-d). 2. Parshat Ekev: Vatomer Tzion Azavani HaShem (But Zion says G-d has forsaken me). 3. Parshat ReEeh: Aniya Seora Lo Nuchama (Afflicted one, stormed, tossed and disconsolate). 4. Parshat Shoftim: Anochi Anochi Menachmechem (I am He who comforts you). 5. Parshat Ki Tetze: Roni Akara Lo Yolada (Sing barren one, you who has not given birth). 6. Parshat Ki Tavo: Koomi Oori Ki Vo Orach (Arise shine, for your light has come) 7. Parshat Nitzavim: Sos Asis (I will greatly rejoice in my G-d).

The Abudraham explains, in the name of the Midrash, that the sequence of the seven Haftorot has a striking message. The opening verse of each Haftorah records part of a conversation between the Navi, al Yisrael and HaShem.

First, HaShem sends His prophet who says in the name of HaShem \perp Comfort comfort my people says your G-d. But Klal Yisrael does not want to be spoken to through intermediaries and Klal Yisrael responds \perp G-d has forsaken me. The Navi reports back to HaShem that Klal Yisrael is the \perp Afflicted one, stormed tossed and disconsolate. In the next three haftorot, HaShem Himself addresses Klal Yisrael and says \perp I am He who comforts you and \perp Sing barren one, you who has not given birth. Finally HaShem says \perp Arise shine, for your light has come. Now that Klal Yisrael has what it wants, namely a direct relationship with HaShem, Klal Yisrael is rejuvenated and says \perp I will greatly rejoice in my G-d.

The Abudraham fails to explain however what connection, if any, there is between the last of the Shiva DENEchemta and the PesiktaEs requirement to follow with two Haftorot of Tshuva. I believe that there is a connection which can be best understood after we return to answer our initial question as to why the \perp declaration of tithes is called a Vidui.

Rabbi Joseph B. Soloveitchik zt $\bar{\text{v}}$ explains in a Drasha (Brit Avot), that the Vidui of Maaser and the Vidui of Tshuva represent two sides of the same coin. The basis of every confession is that a person expresses his recognition that he is guilty of a sin and undertakes not to repeat his error. If, however a person believes that he is not capable of behaving better, then his confession is empty and without meaning! Only when a person believes that he is capable of doing better is his confession meaningful. This is precisely the function of Vidui Maaser - to express that I did everything that I was commanded to do and that I did it correctly. And because I am capable of doing things correctly I can sincerely regret my actions when I fail to do so. Therefore the Maaser declaration is called Vidui because it enables and gives meaning to the Vidui of Tshuva.

Now we can understand the connection between the end of the Haftorot of Nechama and the Haftorot of Tshuva. In order for Klal Yisrael to engage in its collective Tshuva it needs to believe that a direct

and meaningful relationship with HaShem is accessible. If Klal Yisrael feels that HaShem will not have a direct relationship then Klal Yisrael feels rejected and dejected by G-d. Attempting Tshuva seems futile. It is only after HaShem, Bichvodo Uvatzmo, communicates directly with Klal Yisrael that Klal Yisrael realizes that Tshuva can be effective to restore a loving and lasting relationship with HaShem. Thus, the message of the Shiva DENEchamta enables and emboldens Klal Yisrael to start the Tshuva process.

From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org]
"RavFrand" List - Rabbi Frand on Parshas Ki Savo -

Dedicated in memory of Benyamin ben Tzvi a"h, Ben Zussman, by his grandchildren, on the occasion of his Yahrzeit (18 Elul).

The Sforno Explains the Nature of the "Tithing Confession"

The beginning of Parshas Ki Savo discusses Vidui Ma'asros [the Tithing Confession]. At the completion of the three-year Ma'aser [tithing] cycle a person must recite a "confession" and give an accounting of whether he has been judicious in properly distributing all the various agricultural gifts as required. The person must be able to proclaim, "I have removed all the sacred portions from my house. I have given the appropriate portions to the Levite and to the orphan and widow, following all the commandments You prescribed to us. I have not violated your commandments, and have not forgotten anything." [Devorim 26: 13].

This recitation is known as Vidui Ma'asros [the Tithing Confession]. However, if we examine the words of the recitation, we will notice that the recitation does not sound like a confession at all. We know the meaning of Vidui [confession]. We recite Vidui on many occasions - particularly during the Yomim Noraim [High Holiday] season: "We are guilty; we have dealt treacherously; we have stolen; etc." We confess for the sin that we committed in this way and for the sin we committed in that way. That is the way that a "Vidui" is supposed to sound! The statement "I have done everything You have commanded me to do", simply does not have the 'ring' of a confession!

The Sforno (1470-1550) on this pasuk [verse], in his cryptic style, explains how this is a confession. The Sforno says that the ceremony is called a "Vidui" because there is an implicit sin that hovers over the entire ritual. We testify to the fact that we have made a house cleaning: "I have removed all the sacred portions from my house." Why is this entire house cleaning necessary? Who should really be receiving these portions? The first born son (the bechor) should really be entitled to all these portions. In the ideal world, if things were the way they were supposed to be, there would be not be any need for a "house-cleaning". The first born would be in charge of the Divine Service. The first born, rather than the descendants of Aaron, would be the "Priests".

However, as a result of the sin of the Golden Calf, everything changed. We do not each have a "Priest" in our own house. Therefore, by merely mentioning the need to remove these sacred portions from our house and give them to an "outsider", we are in effect mentioning our sin. We are confessing to the shortcomings of our ancestors.

The Sforno uses this concept to explain another difficulty. Vidui Ma'asros ends with the word 'Hashkifa' [Look down] from Your holy heavenly abode, and bless Your people Israel..." [26:15]. The choice of the word 'hashkifa' is puzzling. Our Sages tell us that the root of 'hashkifa' is always used with a connotation of looking down with an 'evil eye' and with the Attribute of Judgment (Midas HaDin - as in Bereshis 19:28 and Shmos 14:24). Why then are we invoking this term in our prayer - are we not concerned lest we bring down G-d's strict judgment upon ourselves?

Our Sages note the basic answer that charity is the antidote to the stern measure of judgment. Since we have given the appropriate tithes

and gifts, we are confident that we will be protected from harsh judgment. Nonetheless, this answer still does not resolve the basic question - why use this term, 'hashkifa', in the first place?

The Sforno's approach provides an answer: We use this term because we have no choice. The sin of the Golden Calf remains. The essence of this ceremony is our need to confess that we had to remove the sacred portions from our homes. Perforce G-d will be looking 'down' at us (with the Midas HaDin). This ceremony in fact reminds Him of our sordid past with the sin of the Golden Calf. We cannot just sweep it under the rug.

In fact we are acknowledging that G-d will be looking 'down' upon us, and that only the merit of charity will save us.

Why We Offer the "First" Rather Than the "Best"

Bikkurim [first fruits], Bechor [the first born], and (the separation of the Priestly gift of) Challah (which are all mentioned in Parshas Ki Savo) have something in common. They all represent beginnings.

The Torah asks us to bring the first fruits to the Bais HaMikdash [Temple]. The Torah does not specify that we should "bring the best"; rather the Torah specifies that we should "bring the first". Likewise, we are not commanded to pick the best or the brightest son to be dedicated to the Divine Service in the Bais HaMikdash. We are commanded to devote the first son to that Service.

Why does the Torah insist on "firsts" and not "bests"? The reason for the preference for "firsts" is because the "first" sets the tone. "First" is the beginning, the foundation. It might not be so bad if a building has a flaw on the fourth or fifth floor, but a flaw in the foundation is very serious. The foundation sets the tone.

When a Jew harvests his fruits, the first fruit is holy. It sets the tone for how a person views his livelihood (Panassah). Similarly, the first son should theoretically be devoted to the service of the priests. This can change the whole family. Likewise, the first year of marriage has special halachos [Torah laws] associated with it, because it sets the tone for the whole marriage. "Firsts" determine and establish the pattern for all that will follow.

The Shulchan Aruch rules that even if a person is normally not particular about only eating products baked by a Jewish baker (Pas Yisroel), he should in fact conduct himself in this fashion during the Ten Days of Repentance. Rabbi Zev Leff commented that this is true despite the fact that he intends to return to the (Kosher) non-Jewish bakery on the day after Yom Kippur.

This halacha seems rather strange. Normally it is considered improper repentance to temporarily act better only while being judged, with the intention to revert back to one's former ways after the judgment is over.

However, we do act differently on Rosh HaShannah. We pray differently. Our conduct at the Yom Tov table is different. We demonstrate a sense of purpose that does not necessarily remain during the rest of the year.

Is this not hypocrisy? What are we saying? "Ten days I will be righteous; I will behave meticulously, and the rest of the year I will be my old self! Ten days I will not eat commercial pastry, but from the eleventh of Tishrei and on, I will!"

No. This is not hypocritical. It is advisable. The first ten days of the year are the "first". Every year we have the ability to start anew. We can wipe the slate clean and set the tone for a new year. It is important that the tone of the year be set correctly. We are not claiming that we will observe the strictest opinions (chumros) throughout the year; we are not claiming that we will be on the most elevated status from Tishrei to Tishrei [the entire year]. However, just as husbands and wives establish the pattern by which the marriage will persist for years to come by treating each other in a special way during that "first year", so too we make an attempt to set the tone for our coming year during this first 10 day period of the year.

If we want the year to be a better year and a different year than in the past, then the way to accomplish that is to sanctify its first day, its first week, and its first ten-day period. This will hopefully set the pattern for the rest of the year as well.

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This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#384). These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 384, The Prohibition of Chodosh. Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrand, Copyright © 2001 by Rabbi Yissocher Frand and Torah.org. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to dedications@torah.org or donations@torah.org. Thank you! Torah.org: The Judaism Site 17 Warren Road, Suite 2B Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

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RABBI HERSCHEL SCHACHTER IT'S IN OUR GENES

This coming shabbos, when we read Parshas Ki Savo, we will be fulfilling a double mitzvah: 1) We will be reading the parshas hashavua 2) We will be fulfilling the special takannah made by Ezra, i.e., to read the tochacha of Ki Savo soon before Rosh Hashana.

Achronim point out that it would appear from the Talmud that even when the practice was to have a tri-annual cycle of Torah reading, so that Simchas Torah only occurred once every three years, and Parshas Ki Savo did not fall out near Rosh Hashana, the tochacha would still be read, as a special kriah soon before Rosh Hashana. (Similar to the reading of Parshios Zachor and Parah.)

In the concluding pasuk of the tochacha, we read that the Jewish people entered into this contract with G-d in addition to the original agreement (appearing in Parshas Bechukosai) that was proclaimed at Har Sinai. The question begs itself: Why was there a need for an additional bris (covenant)? Why wasn't the first contract binding?

The answer to this question appears in the chumash itself in the opening pesukim of Parshas Nitzavim. In these pesukim Moshe specifically indicates that this covenant entered into between Benei Yisrael and G-d prior to Moshe's death involves not only the Jews currently there, but all future generations: "Velo itchem levadchemBki et asher yeshno po imanu omed hayom lifnei Hasham elokeinu, veet asher einenu po imanu hayom," (29:13-14). This statement implies that the first covenant, that which took place at Har Sinai, was only binding between G-d and those individuals who lived in that generation.

In the text of the tochacha in Parshas Bechukosai, the Jewish people are referred to in the plural form because that bris was made with the many individual members of Klal Yisrael. In the tochacha in Ki Savo, however, the Jewish people are referred to in the singular. This "contract" was made with Klal Yisrael, and Klal yisrael is a simple entity which includes all of the Jews who lived throughout all the generations, starting from the trip of Avraham Avinu until Yemos Hamoshiach. The fact that all the souls were present at Maamad Har Sinai had an effect on all of us in a supernatural way. "Baavur yishma ho'om bedabri imach vegam becha yaaminu leolam" (Shmos 19:9), "Uvaavur tihiye yirato al peneichem levilti techetau," (Shmos 20:17).

But this was not enough to make the Torah laws legally binding on all future generations. After the forty years of travelling in the desert we finally became a nation. When the Jews crossed over the Jordan and entered Eretz Yisrael they completed this second bris. The bris began with Moshe Rabeinu at arvat moav and completed by his successor Yehoshua ben Nun at Har Gerizim and Har Aival. According to the talmudic tradition, the principle of, "kol yisrael arevim zeh bazeh", did not begin to function until this bris was completed. That is when we became a nation.

In every generation there are individuals who chose not to keep the mitzvos. These people want to "be themselves" and "do their own thing". Truth of the matter is that whether we like it or not we are all part of Klal Yisrael. Keeping the mitzvos is "the natural thing" to do. When one chooses not to keep mitzvos, he is running away from his real self.

Every day in our prayers we mention the words of the prophet: "Veani zos berisi osam amar Hashem ruchi asher alecha udevarai asher samti beficha lo yamushu mipicha umepi zaracha umepi zera zaracha amar Hashem meata vead olam," (Yeshayah 59:21). G-d has imposed His "bris" upon us. The navi did not say, "brisi etach", My contract with you, but rather "berisi otach", i.e., My bris is hereby being imposed upon you. You can never run away from the Torah. Even if for a generation or two people leave the Torah, "umepi zerah zaracha meata vead olam," ultimately the later generations will have to return. It is the natural thing to do. It will have to happen. The Rambam points out that the Torah has already promised us that ultimately the Jewish people will have to do teshuvah. All the future generations are part of Knesses Yisroel which entered into the second bris with Hashem.

Ezra's enactment (takanah) requires that we review this national commitment as contained in the bris in Ki Savo, every year prior to Rosh Hashana. Whether we like it or not this is part of our genetic composition. We are all part of Klal Yisroel, carrying on in that ancient tradition from Avraham Avinu. We must act in accordance with who we really are.

From: RABBI BEREL WEIN [SMTP:rbwein@torah.org] Subject: Rabbi Wein - Parshas Ki Savo

One of the mitzvot that is described in this week's Torah reading is that of bikurim - the offering of the first-harvested fruit on the premises of the Temple in Jerusalem. The Jewish farmer, after surviving the arduous task of planting and harvesting his precious and hard-won crops, brings the fruit of his labors to the kohen in the great and holy Temple in Jerusalem. There, upon handing over his basket of bikurim to the kohen and the altar, the Jewish farmer recites a prayer of thanksgiving and hope. But the language of that prayer, at first glance, appears to be out of place with the ceremony of bikurim that it is meant to commemorate. Instead of the expected and logical thanks for the rain, the sunlight and the bounty of the fertile earth, the prayer is a short review of ancient Jewish history. Instead, it tells of the travails of our founding forefathers, the descent of the tribes of Israel into Egyptian bondage, their eventual redemption from that bondage and their entry into the Holy Land, and the struggle of Israel to establish itself in its promised land. And then the prayer almost abruptly switches to the acknowledgment of God's bounty in helping the farmer bring this first-harvested fruit offering to the Temple. What is the import of this construction of the prayer? Why the history lesson? What are we to make of this recitation of the prayer of bikurim?

People are justifiably proud of their accomplishments. After all, one's efforts and talents, time and struggle, are of no minor consequence in one's life. Many times, we feel that this is perhaps all we have to show for our years on earth. Therefore, there is a human tendency to view one's achievements in a somewhat exaggerated fashion, without being able to place the true accomplishment in realistic perspective. In life,

individual or communal, nothing takes place in a vacuum. There is always a past to our efforts and struggles, as we hope there will be a future to them as well. If we do not somehow see ourselves in the light of that past, we really cannot be aware of the true nature of our accomplishment in the present.

The disregard of the past is a common illness in twentieth century life. Much of secular society and secular Jewry blithely ignores the lessons of our past and of general history at large. Same-sex marriages, blind pagan worship of environment and nature, widespread use of addictive drugs, a disproportionate emphasis in life on sports and unwarranted adulation of athletes and the strong, feel-good and undemanding moral standards, all were staple components of the downfall of society in the Classical Era of Greece and Rome. But our world blithely ignores all of the lessons of the past. We see our society as being new and progressive, existing in a vacuum, cleverer by far than all generations that preceded us. That is the false reality that the Torah warns about in this prayer of the bikurim service. Therefore, before the Jewish farmer, proud of his achievements and confident of his future and success, proclaimed his personal victory in the holy Temple of God, he first had to recite and remember a basic lesson of Jewish history. He had to admit that life and society did not begin with him, that his "first harvest" - bikurim - was preceded by many other such "first harvests." This sobering assessment of life is realism - uncomfortable, disturbing, thought provoking, challenging and valuable. The Torah prescribes this realism as the gateway to wisdom.

We should all treasure our accomplishments in life. We should love and value our children and family. We can be proud of our companies, awards, enterprises and commercial successes. But we should be wise and cautious and remember our past in assessing our present. The necessity to avoid hubris and be realistic about our achievements is the key to true human success. That may be accomplished by studied knowledge and appreciation of our historic past.

Shabat Shalom.

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu
Subject: Torah Weekly - Ki Tavo

* TORAH WEEKLY * Highlights of the Weekly Torah Portion
Parshat Ki Tavo

SELF-SERVICE

"Because you did not serve G-d, your G-d, with joy and with a good heart when you had everything in abundance, you will serve your enemies in hunger and thirst...lacking everything." (28:41-42)

What a wonderful country is the United States of America!

On a recent flight in the States, I leaned forward and pulled out my in-flight buying guide. I was amazed at what I saw. I gazed, awe-struck, at products whose ingenuity was worthy of a James Bond movie: A nose-tweezer for my pet-poodle; a Sterling silver tooth-pick sharpener, etc.

America has solutions to problems people didn't even know they had. Of course I'm exaggerating. But not much.

Our society defines itself by its needs. The motto of the age is: "I need - therefore I am." The fact that I am in need of something -- however small -- is the clearest indication that I am still here.

Defining ourselves by our needs, however, means we can never be happy, because a person always has unfulfilled ϕ and un-fulfillable -- needs.

The Jewish view of the word could not be more different. Judaism

looks at life as a series of moments to give, in big ways and in small ways. We can give a large check to a worthy cause, or we can give a word of encouragement to someone who needs it. We can say "Thank you!" to the lady who washes the floors, or we can give a kidney to someone who is dying without one.

There is no such thing as a small gift.

Because the world was made as a place of giving. That's its purpose. That's its function.

Man is created "in G-d's image." The spiritual masters teach that being created in G-d's image means that just as He is Merciful, so we should be merciful; just as He is The Giver, we must also be givers. Needless to say our giving can never approach His giving, because His is a giving which is impossible to reciprocate -- He owns everything and needs nothing. But, as much as we can, we were put into this world to be givers. Thus, only by giving can we achieve a deep feeling of fulfillment and happiness.

On a mystical level, the happiness we achieve through giving is akin to "G-d's happiness." Obviously, G-d's nature is totally beyond our understanding. One thing is clear, however: G-d made us in His image, and in the most distant of echoes, our happiness is a reflection of His happiness.

In His goodness, therefore, G-d implanted in man the potential for a joy akin to His, a joy in being, a joy of being fulfilled. It follows that every elevated human being -- the true giver -- resembles his Creator. In this very fundamental way, a person's giving flows from an inner joy similar, in some sense, to the joy of the Creator.

When a person does a mitzva, he can feel happy for one of two reasons: He can feel happy that he "chalked up a few more brownie points." Or he can feel a happiness from the mitzva itself. In studying Torah, it often happens that we enjoy the process of the learning as much as the fact that we have learned something.

Our feelings when we do a mitzva give us a yardstick to the quality of our mitzvot. Are we suffused with a feeling of joy at doing the will of the Creator, or are we going through the motions without joy and without enthusiasm? Are our mitzvot an outpouring of the heart, or merely a drudge?

With this in mind, maybe we can understand a difficult aspect of this week's parsha.

"Because you did not serve G-d, your G-d, with joy and with a good heart, when you had everything in abundance, you will serve your enemies in hunger and thirst...lacking everything." (28:41-42)

What's so terrible about serving G-d without joy, without a good heart, that it merits such dire consequences? Why is this the gravest sin of all?

Service without joy -- without heart -- is no service at all. It shows that we are needers and not givers. It shows we have totally missed the point of life. It shows that our service -- is self-service.

Sources: Rabbi Eliyahu Dessler and others

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From: chrysler[SMTP:rachrysl@netvision.net.il] To: Midei Parsha
Subject: MIDEI SHABBOS BY RABBI ELIEZER CHRYSLER

This issue is sponsored l'iluy Nishmas Yerachmiel ben Yitzchak David ha'Levi Wallace z.l. t.n.t.b.h.

Parshas Ki Sovo

The Twelve Stones (Part 1) Moshe and the elders commanded the people, that when they crossed the River Yarden with Yehoshua, they were to pick up twelve large stones from the river bed (one stone corresponding to each tribe) and carry them into Eretz Yisrael. Once there, they were to take them to Har Gerizim and Har Eival, construct a Mizbei'ach with them and lime them. On the Mizbei'ach they were to

write the entire Torah (in Lashon ha'Kodesh as well as in the seventy universal languages), after which, they would sacrifice peace-offerings on it.

According to the Gemara in Sotah (34a), there were three sets of stones, each consisting of twelve stones, and not just one. The first set (which Chazal derive from a gezeirah-shavah, and which also contained the words of the Torah in all languages) was erected by Moshe in Arvos Mo'av when he re-established the covenant that they had nullified when they worshipped the Golden Calf. The second set, Yehoshua ordered to be placed in the Yarden itself as they crossed. According to Rabeinu Bachye, the function of this set was for the Kohanim (who stood their ground holding the Aron whilst the people crossed, until the water returned to its original course), to stand on, to avoid having to stand in the mud. This makes it unlikely for the Torah to have been written on them, though in any event, there is no indication that it was. And the third set was initially erected on Har Eival in the form of a Mizbei'ach, as we explained, and then, after sacrificing on it, they took it apart and carried the stones to Gilgal, where they spent their first night in Eretz Yisrael, and where they re-erected them. Incidentally, Rashi's explanation in the Chumash (that the three sets refers to the Yarden, Har Eival and Gilgal) does not conform with this Gemara (and the Agados Maharsha, among others, queries him on this point).

The significance of the use specifically of stones for this triple Mitzvah is reminiscent of the two stone tablets on which the Ten Commandments were written. Bearing in mind that here too, they were to contain the Torah, the Torah's choice of material in both cases, can hardly have been a coincidence.

The Agados Maharsha explains that stone represents something fundamental, and that certainly aptly describes both the Ten Commandments and the entire Torah. Perhaps we can add the significant qualities of stone in that it lasts and does not rot and is not subject to Tum'ah, and here too, these descriptions are equally pertinent to Torah. And finally, a stone is called 'even', because it was created for 'binyan', for building purposes. Torah too, is a binyan, inasmuch as the Mitzvos and other 'components' cannot be seen as independent entities, but as part of a glorious building.

At least two miracles occurred in connection with these stones. To begin with, Har Gerizim and Har Eival were a distance of sixty Mil (one and a half days walking distance). Yet they traveled there, set up the stones, wrote the entire Torah on them in all seventy-one languages and went through the entire ceremony described in this Parshah and returned, all before nightfall. The second miracle is cited by the Ramban, who, on the assumption that the stones were not that gigantic, ascribes the fact that they were able to write the entire Torah on them seventy-one times, with all the Tagin (crowns) to a miracle. He discounts the opinion of Reb Sa'adya Ga'on, who maintains that it was only the Taryag Mitzvos that were written on the stones, since the wording of the Pasuk here implies otherwise.

It is interesting that one of the miracles concerned, transcended time, whilst the other transcended place.

It seems strange that the Ramban should have doubts about the size of the stones under discussion, seeing as the Gemara in Sotah (34a) gives the volume of each stone as forty Sa'ah (one Amah by one Amah by three Amos - the measurement of a minimum size Mikvah). See Rashi by the Meraglim (13:23), who cites Chazal, who use the size of the stones to gauge the size of the cluster of grapes that the spies brought back with them.

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From: RABBI YISROEL CINER [SMTP:ciner@torah.org] To:
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Dedicated to Baila bat Rachel, and Aharon ben Leah for a complete

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Parsha-Insights - Parshas Ki Savo

This week's parsha, Ki Tavo, contains the Tochacha--the terrible curses that will befall Bnei Yisroel {the Children of Israel} if the will of Hashem is not followed. This past century has seen the fulfillment of many of these passukim {verses}. A colleague of mine pointed out a passuk {verse} that chillingly applies to the events of the past months.

"And you will be driven mad by the sight that your eyes will see. [28:34]"

The N'tziv in his classic Haamek Davar explains in the following way: You will be astonished, how can it be that a few gangsters have done so much (to you) and your hand that has been strong has been unable to save you. This is what will drive you mad.

A clearer depiction of the maddening frustration felt during the present situation would be hard to find B

But how are we supposed to view the terror and tragedy that has become the daily fare?

Verber and Wechsler were certainly of the most famous escapees from the Nazi concentration camps. They even managed to take out of Auschwitz papers that documented the horrific killing apparatus that the Nazis had organized.

Auschwitz had an electrified fence that surrounded the inner camp with guard-towers every ten meters. These towers were only manned during the night. During the day, most inmates would work in the area outside the inner camp. This outer area was surrounded by a non-electrified fence and its guard towers were only manned during the day.

At the end of the day's work, the inmates would be marched into the inner camp and roll call would be taken. If all were accounted for, the gate of the inner fence would be locked and the guards manning the outer towers would move in to man the towers along the inner fence.

If anyone would be missing, a siren would sound and the search would begin. For the next three days, the outer fence would be manned continuously and hundreds of men--all SS men and their blood-hounds, the Ukrainian workers and the German common criminals who were also incarcerated in Auschwitz--would comb through every possible hiding place in both the inner and outer areas of the camp. If the escapees were not found after three days, a siren would signal the end of the search and the guards would resume their usual schedule, only manning the outer fence during the day.

At that time, Auschwitz was in the process of adding on additional bunkers. Neat and orderly piles of lumber were lined up in the outer area. The underground arranged that their people would be in charge of unloading and arranging the lumber that was delivered and they piled it up in a way that there was a small crawl space under the top three layers. Verber and Wechsler crawled into that area, had the top layers placed above them and covered themselves with Russian tobacco and kerosene in order to mask their scent from the dogs.

That night at roll call the siren sounded and the search began. The pile of lumber where Verber and Wechsler were hiding was passed tens of times but since the dogs ignored it, so did the searchers. Two and a half days went by and the hungry, frightened, exhausted escapees began to think that they would actually get away.

On the last day with just a few hours left, they heard two Germans approach the lumber pile. "Maybe they are in there?" they heard one say. "Impossible," the other retorted, "the dogs would have sniffed them out." They decided to check anyway. One layer was lifted off and then a second. They were about to begin lifting off the third layer when they heard shouts coming from the camp. Thinking that the escapees had been found, they ran to join the 'festivities,' never to continue their search of the woodpile.

A few hours later, the siren signaled the end of the search. When night fell, Verber and Wechsler began the arduous task of getting out of

their hiding place. The three days of hunger, stiffness and terror had taken their toll. The lumber had become so heavy. It took hours to push a few pieces over enough to allow them to crawl out. They then made their way under the unmanned, non-electrified fence to freedom.

Imagine the terror they felt as the first two layers were removed. Imagine the despair of those moments when the freedom that was so close seemed to be suddenly moving out of reach. Imagine how they must have been cursing the moment.

However, that which caused that terror, that torment and that despair was actually their salvation. They never would have had the strength to remove three layers of wood. Their hiding place would have become their burial place were it not for that close call.

Perhaps, that is how the events we're experiencing need to be viewed. Each act of terror, each close call is peeling away layer after layer, bringing the redemption that much closer.

We live in a time of opposites and extremes. I wanted to somewhat balance the difficult time we are going through with a letter I received that shows a very different aspect. As per her wishes, I have left out her name and the country sheEs from in order to protect her.

Dear R Ciner, I found this particular parsha very insightful and made me do some real soul searching. I have written recently to you, I am a believing gentile and Noahide with my two sons aged 25 and 23.

I have been studying in this site and other sites like the Chabad for about 9 years since the Internet came to my country. My sons and I left xtianity about 13 years ago. My husband is a strong Hindu, but does not interfere with our beliefs.

I have to learn very low profile as ***** has Islam as its national faith and though there are 35% Chinese and 2% Indians of various faiths which is allowed, the hatred for Hashem's Chosen is beyond ones wildest imaginations. All man made faiths are allowed except the True One. HaShem has blessed me with an Artscroll Tanakh Stone Edition which I bought by airmail from Australia. Now, today thatEs impossible as Taleban activities have started here for the first time through our univ students and life is slowly becoming fearful. So my sons and I are praying for peace for you all as HaShem's Chosen, the eternal physical and spiritual caretakers of the Holy Land which would be a House of Prayer for the whole world. We know salvation would come to us through you all. We have a Noahide site run by a moderator and your articles appear there often. We see the prophecies of Isaiah coming to life as gentiles turn to orthodox rabbis to teach them about HaShem.

G_D protect and bless your Homeland, home and you always, *****
Amazing times we are living through...

Good Shabbos, Yisroel Ciner

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From: Yated-Usa[SMTP:yated-usa@ttec.com] Yated Neeman
USA Columns

Parsha Perspectives-

Parshas Ki Savo

Man's Search for Meaning

By RABBI MORDECHAI KAMENETZKY

This week's parsha discusses the entry into Eretz Canaan and the responsibilities that are intrinsically tied with its inheritance. There are countless blessings mentioned that follow a Torah lifestyle and unfortunately myriad curses when those values are abandoned.

But after the litany of blessing and curses, Moshe tells the nation, "you have seen everything that Hashem did before your eyes in the land of Egypt to Pharaoh and all his servants and to all the land. Your eyes beheld the great signs and wonders, but Hashem did not give you a heart to comprehend, eyes to see, or ears to hear until this day" (Devorim 29:2-3). Moshe was obviously referring to the day that the Jews received a Torah comprehension of events. But it defies logic. After all, what does one need to understand about wonders? Water turning to blood, supernatural invasions of wild animals, locusts, and fire-filled hail need no rocket scientist to fathom Hashem's power. Surely the splitting of the sea is as amazing an event that will fill one's eyes in any generation.

What then does Moshe mean when he tells the nation that Hashem did not give you a heart to comprehend, eyes to see, or ears to hear until this day" ?

A story I heard from the kiruv rechokim trenches casts a light on the question.

Rav Noach Weinberg, dean of Aish HaTorah Institutions, tells the story of the young man who came to him in search of spiritual meaning.

The young man entered the portals of Yeshiva Aish HaTorah for a few days and then decided to leave the yeshiva in his quest for spiritual meaning across the Land of Israel. The student stopped at synagogues in Meah Shearim, visited the holy sites in Teveria and Tzefas, and after two weeks of spiritual-hunting returned to Jerusalem and headed straight back to the Yeshiva.

"Rabbi Weinberg," he exclaimed. "I spent two weeks traveling the length and breadth of Israel in search of spirituality, and I want you to know that I found absolutely nothing!"

Rabbi Weinberg just nodded. "You say you traveled the entire country and did not find any spirituality?"

"Yes sir," came the resounding reply. "None whatsoever!"

"Let me ask you," continued the Rabbi, "how did you find the Bafoofsticks?"

"Bafoofsticks?" countered the student. What's a Bafoofstick?"

"That's not the point," responded the rabbi, "I just want to know how you feel about them."

"About what?"

"The Bafoofsticks"

The young man looked at the rabbi as if he had lost his mind. He tried to be as respectful as he could under the circumstances. "Rabbi!" he exclaimed in frustration, "I'd love to tell you how the Bafoofsticks were. I'd even spend the whole day discussing Bafoofsticks with you, but frankly I have no idea what in the world is a Bafoofstick!"

Rabbi Weinberg smiled. He had accomplished his objective. "Tell me," he said softly. "And you know what spirituality is?"

Moshe explains to the nation that it is possible to be mired in miracles and still not comprehend the greatness that surrounds you. One can experience miraculous revelations but unless he focuses his heart and mind he will continue to lead his life as uninspired as before.

In fact, even blessings need to be realized. In offering blessing the Torah tells us, "the blessings will be upon you and they will reach you" (Devarim 28:2). If blessings are upon us of course they reach you! Why the redundancy? Once again the Torah teaches us that it is possible to be surrounded by blessing and not realize it. There are people who are surrounded by health, wealth, and great fortune, but their lives are permeated in misery. They have the blessing, but it has not reached them.

We need more than physical or even spiritual blessing. We need more than experiencing miraculous events. It is not enough to see miracles or receive the best of fortune. We must bring them into our lives and into our souls. Then we will be truly blessed.

Rabbi Mordechai Kamenetzky is the author of the Parsha Parable series.

From: Yated-Usa[SMTP:yated-usa@ttec.com] Yated Neeman
USA Columns I
Halacha Discussion: TOYS AND GAMES ON SHABBOS
BY RABBI DONIEL NEUSTADT

Hashem gave us the gift of Shabbos, a holy day of rest, to be spent in prayer and Torah study(1). This concept of Shabbos should be impressed upon children as well, even while allowing them the games and toys that are permitted on Shabbos. In the following article, we have divided many of the most popular games and toys into two lists: The first includes those which may be used on Shabbos by children [under the age of bar/bas mitzvah], and the second which lists those that entail Biblical or Rabbinic violations of Shabbos Labors. [Games involving balls will be discussed in a subsequent article.]

Permitted
games and toys:

Beads-Beads may be strung, but only if the knot at the end of the string was tied before Shabbos(2).

Binoculars-Adjusting the focus is also permitted(3).

Blocks

Board or dice games-Battleship, Chutes and Ladders, Risk, Trouble, etc.

Books(4)-Most poskim maintain that it is permitted to open and close books which have words stamped on their edges, as is commonly found in library books. The basic halachah conforms to their opinion(5). In deference to the minority view, however, it is proper not to use such books when others are available(6).

Bubbles(7)

Cards-After the game is over, the cards may not be sorted by color, type, etc.

Checkers, Chess, Dominoes

Dolls

Hide-and-seek, Hopscotch, Jump rope, Tag(8).

Lego, Tinkertoy, Bristle Blocks-Most poskim allow playing with these on Shabbos(9). There are, however some poskim who rule stringently(10).

Monopoly-Play money is not prohibited(11).

Pick-up-stix-If the game is usually played with the score being recorded, it is forbidden to play even if the score will not be recorded. If it is usually played without recording the score, then it is permitted.

Sandbox-Water may not be poured into the sand.

Scrabble for Junior(12).

Stamp collection-It may be shown and looked at when stamp collecting is a hobby, not a business.

Sticker collection-It may be handled when the stickers are easily-effortlessly-stuck on and peeled off. If they are stuck on firmly and will remain intact for 24 hours, it may be prohibited(13).

Tent-It is permitted to drape a blanket over a table or a single chair so that children can play underneath(14). It is prohibited, however, to place a blanket over an empty space in between two or more chairs.

Tricycle(15)-It may be ridden in an enclosed area only.

Forbidden

games and toys:

Bells, rattles, phones, whistles-Any object whose purpose is to make noise is Rabbinically forbidden(16). If it makes noise immediately upon being picked up, it is also "severe" muktzeh(17).

Bicycle-It is prohibited because it is generally ridden out of an enclosed area and is liable to require adjustment(Kaf ha-Chayim 404:8; Tzitz Eliezer 7:30-1.). It is considered "light" muktzeh, which may be moved if the space it occupies is needed.

Boggle-Since it usually entails writing words and recording the score, it is Rabbinically forbidden to play even if the words or the score will not be written(18). Placing the cubes in the individual slots may also be considered writing, since the letters remain fixed in the board. For this reason, Junior Boggle may also be prohibited.

Clay, Playdough-These could involve aspects of the forbidden Shabbos Labors of "Kneading," "Building," or "Writing."

Etch-A-Sketch, Magna Doodle

Models-Toys composed of parts which are screwed together are prohibited because of the prohibition of "Building". These include airplane or train models, etc.

Paper airplanes and boats-These can be played with, but not assembled(19).

Scrabble, Deluxe Scrabble-Because this usually requires writing the score, it is forbidden to play even if the score will not be written. Deluxe Scrabble may also be considered "Writing", since the letters remain attached to the board(20).

Snowballs, snowman-Snow that fell before Shabbos is definitely not muktzeh. Snow that fell on Shabbos is questionable muktzeh(21).

Almost all poskim agree, however, that a snowman or snowballs should not be made on Shabbos(22). Writing in the snow is prohibited(23).

Tile pictures

Tree-climbing-This is Rabbinically forbidden(24).

Weaving, Lanyards-Yarn, plastic, and other materials are all prohibited(25).

Questionable games and toys:

Puzzles-The issue is whether putting together shaped pieces to form a word or a picture is considered "Writing". Some poskim prohibit doing all kinds of puzzles(26), while others allow all kind of puzzles(27). Other poskim allow them only when they are not in a frame and the pieces are not tightly fitted together(28).

Wind-up toys-Some poskim allow wind-up toys (cars, robots, etc. without batteries) unless they produce a spark(Ibid. (16:14)). Other poskim disagree(29).

Rabbi Neustadt is Rav of Young Israel in Cleveland Heights. He may be reached at 216-321-4635 or at jsgross@core.com

1Mishnah Berurah 290:7; 307:4-5. 2Shemiras Shabbos K'hilchasah 16:21; Be'er Moshe 6:37. 3O.C. 307:17; Chazon Ish (quoted in Tzitz Eliezer 6, pg. 296). 4See O.C. 307:17 and Aruch ha-Shulchan 11 concerning reading secular books on Shabbos. 5Shulchan Aruch Harav 340:4; Aruch ha-Shulchan 340:23. 6Mishnah Berurah 340:17. See Chazon Ish O.C. 61:1, who is more stringent. 7Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16, note 81*). 8O.C. 301:2. 9Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16, note 53 and Binyan Shabbos, pg. 47); Tzitz Eliezer 13:30; Yechaveh Da'as 2:55; Ohr le-Tziyon 2:272; Be'er Moshe 6:26. 10Harav Y.S. Elyashiv (quoted in Shalmei Yehudah, pg. 90 and in Yashiv Moshe, pg. 35); Machazeh Eliyahu 69. Harav M. Feinstein is quoted (Sefer Tiltulei Shabbos, pg. 24) as not rendering a final ruling on this issue. See also Igros Moshe O.C. 5:22-27. It stands to reason that Waffle Blocks, which are loosely connected blocks, would be permitted even according to the more stringent view. 11Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16, note 84). 12Based on Igros Moshe O.C. 1:135 13Based on O.C. 317:3 and 340:14. 14Mishnah Berurah 315:31. 15Harav M. Feinstein (oral ruling, quoted in Sefer Tiltulei Shabbos, pg. 24); Be'er Moshe 6:16. 16O.C. 339:1. For this reason, games which have timers that make a noise as the minutes tick by, are prohibited. 17See Igros Moshe O.C. 5:22-7. 18Chayei Adam 38:11. 19Harav S.Z. Auerbach

(Shemiras Shabbos K'hilchasah 16:18). 20Igros Moshe O.C. 5:22-14. See also Sefer Tiltulei Shabbos, pg. 25. 21Mishnah Berurah 338:30 writes that rain which fell on Shabbos is not muktzeh. Some poskim (Har Tzvi, Soser; Harav Y.S. Elyashiv, Shalmei Yehudah, pg. 203; Shemiras Shabbos K'hilchasah, pg. 190) hold that snow is similar to rain, while others (Igros Moshe O.C. 5:22-37; Harav S.Z. Auerbach, Sefer Tiltulei Shabbos, pg. 13) maintain that snow may be considered severe muktzeh. See also Mishnah Berurah 310:32, quoting Chayei Adam. 22Be'er Moshe 6:30; Shemiras Shabbos K'hilchasah, pg. 190. 23See Mishnah Berurah 340:20. 24O.C. 336:1. 25Mishnah Berurah 344:11. 26Harav M. Feinstein (oral ruling, quoted in Sefer Tiltulei Shabbos, pg. 25); Harav Y.S. Elyashiv (Shalmei Yehudah, pg. 90). 27Ohr l'Tziyon 2:272; Be'er Moshe 6:26; Harav C.P. Scheinberg (quoted in Children in Halachah, pg. 140). 28Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16:23). 29Harav Y.S. Elyashiv (Shalmei Yehudah, pg. 93); Harav M. Feinstein (orally quoted in Sefer Tiltulei Shabbos, pg. 28).

From: aweiss@shaalvim.org To: ys-parasha2@shaalvim.org
Subject: Parashat Ki Tavo

YESHIVAT SHA'ALVIM PARASHAT HASHAVUAH

Parashat: Ki Tavo: THE LESSON OF THE STONES BY AARON WEISS

Moshe commanded that when Bnei Yisrael first enter Eretz Yisrael they take twelve large stones and set them up as a monument on Mount Eival. The wording of the commandment is repetitious to the point that it seems the commandment was stated twice.

"{2} And it will be on the day that you cross the Jordan to the land that Hashem your G-d is giving you, you will set up for yourself large stones, and you will cover them with plaster. {3} And you will write on them all the words of this Torah in your crossing, so that you come to the land that Hashem your G-d is giving you, a land flowing with milk and honey, as Hashem the G-d of your fathers told you. [Dvarim, 27:2,3]

"{4} And it will be when you cross the Jordan, set up these stones that I am commanding you today on Mount Eival, and cover them with plaster. {5} And build there an altar to Hashem your G-d, an altar of stones, do not raise iron to them. {6}Of whole stones build the altar of Hashem your G-d, and you will offer on it "Olot" sacrifices to Hashem your G-d. {7} And you will slaughter "Shlamim" sacrifices and eat there, and you will be happy before Hashem your G-d. {8} And you will write on the stone all the words of this Torah explained clearly. [Dvarim, 27:4-8]"

The Avrabanel points out that not only does the commandment seem to be written twice, once in psukim {2} and {3}, and once in psukim {4} through {8}, there are also a number of differences between the two repetitions.

In the first repetition: "you will set up for yourself large stones", in the second: "set up these stones".

In the first: "you will write on them all the words of this Torah in your crossing", in the second "in your crossing" is omitted and is replaced by "explained clearly".

In the first: "on the day that you cross the Jordan", in the second "when you cross the Jordan".

In the first: "so that you come to the land that Hashem your G-d is giving you", in the second no mention is made of this.

In the first: after "you will cover them with plaster" comes "you will write on them all the words of this Torah", and in the second between these two actions comes the commandment to build an altar and offer sacrifices.

In the first no mention is made of where the monument should be

erected, in the second it is to be on Mount Eival.

Based on these differences the Avrabanel explains that there is in fact no repetition here, but rather two different things are being described. The first two psukim are describing what Bnei Yisrael would normally do when they enter Eretz Yisrael. Like any invading army sure of victory, they would set up a monument to testify to their fame and power, such as the romans did on the highways and in the cities of the countries they conquered. Therefore the Torah writes "you will set up for yourself", as a description, and not a commandment (lashon tzivui). They would take large stones and build a monument. They would cover it in plaster so that they could write on it, and engrave on it the story of their exodus from Egypt, the happenings of their forty year journey through the desert, as well as their recent conquest of the kingdoms of Sichon and Og. The Torah therefore writes, "so that you come to the land that Hashem your G-d is giving you". This does not mean that they will enter into the land in the merit of erecting these stones. It is rather a phrase that qualifies "all the words of this Torah". Bnei Yisrael will write the whole "torah" of their crossing, from the time they left Egypt until entering the land of Israel.

However, the Torah commanded that since Bnei Yisrael were going to erect this monument, instead of erecting it for their own vanity's sake, they should do so for the sake of the mitzvah, and the honor and glory of Hashem. Hashem therefore commanded that as soon as they first enter the land, while they are crossing the Jordan, they take these stones, make them into an altar, and offer sacrifices, to show that the conquest of Eretz Yisrael is in the name of Hashem. Then the altar should be taken apart and the stones taken to Mount Eival, and there be set up as a monument. Erecting the monument on Mount Eival shows that the monument, and the conquest it symbolizes, is a part of the covenant concluded there between Hashem and Bnei Yisrael. For the same reason they should not write only the story of their wanderings and victories, but the whole Torah, which includes both their story and all of the mitzvot.

The lesson of the Avrabanel's analysis is clear. There are numerous things that we do for ourselves. The example of the monument teaches us that we need to stop and take stock of our actions and see how we can change them so that they are not done solely for our own benefit, but also l'shem Shamayim. We might not change only what we do, but also how we do it.

When viewed in the context of the psukim that precede and follow the mitzvah of the stones, the analysis of the Avrabanel renders a different lesson. According to the Avrabanel, the monument that Bnei Yisrael would have erected would be for their own vanity's sake. However, from the two psukim that describe the way they would have erected the monument this doesn't seem to be the case. "Hashem your G-d" is mentioned twice, and "as Hashem the G-d of your fathers told you" seems to be the way Bnei Yisrael view the gift of Eretz Yisrael, and it would follow that they also see the connection between Eretz Yisrael and the other things that "Hashem the G-d of their father's told them". In fact, even the stories of "their crossing", the exodus from Egypt, the forty years in the desert, and the conquest of the kingdoms of Sichon and Og, are all stories of the miracles of Hashem.

If Bnei Yisrael were planning on erecting the monument "l'shem Shamayim", then what is the difference between what they would have done, and the way they were commanded to do it by Hashem?

The section of psukim that precedes the mitzvah of the stones is the introduction not only to that mitzvah, but to the rest of the parasha as well. "This day Hashem your G-d commands you to do all of these strictures and laws, and you shall keep and do them with all of your heart and all of your soul. Today you have made Hashem pledge to be a G-d for you and to go in His ways and keep His strictures, commandments, and laws, and obey his word. And Hashem has made you pledge today to be a treasured nation for him, as He has told you,

and to keep all of his commandments." (This translation follows Rashbam and R.Yehuda Halevi.)

These words are the introduction to the covenant that Hashem made with Bnei Yisrael on the banks of the Jordan, just before they crossed into Eretz Yisrael. Included in the covenant are the mitzvah of the stone monument on Mount Eival, the blessings and the curses on Mount Grizim and Mount Eival, and the blessings and curses that make up the "tochacha" (all of chapter 28). This introduction describes the nature of the covenant. The covenant has two parts. one part is that we must keep all of the mitzvot of the Torah, and Hashem in turn gives us the mitzvot to keep. The second part is that Hashem pledges to be our God, and we in turn pledge to be Hashem's treasured nation.

It is the second part of the covenant that is a new stage in the relationship between us and Hashem. Up until this covenant, we were commanded to make Hashem our G-d, (Anochi Hashem Elokecha), and we were promised that we would be Hashem's treasured nation (Shmot 19:5). After forty years in the desert Bnei Yisrael were ready to take the next step. In this new covenant each side agreed to accept the role set for it by the other. In other words, the relationship is no longer dependent on other factors, but rather exists for its own sake. Hashem is not our G-d because we keep the mitzvot, and we are not His treasured nation because we keep the mitzvot. We keep the mitzvot because they were given to us by Hashem to keep, and we are Hashem's treasured nation in the same way Hashem is our G-d, unconditionally.

The difference between the way Bnei Yisrael would have erected the monument, and the way they were commanded to do it by Hashem, is the difference between the Bnei Yisrael as they were in the desert, and Bnei Yisrael at the final stage of the covenant, immediately before the blessings and curses on Mount Grizim and Mount Eival.

Before the covenant Bnei Yisrael would have erected the monument l'shem Shamayim, but it still would have been "you will set up for yourself". It would have been a mitzvah, but not a part of anything larger. Rather it would be "so that you come to the land that Hashem your G-d is giving you". To receive the gift of Eretz Yisrael they need to recognize that Hashem is giving it to them so they can use it in His service.

After the new covenant, which began a new relationship with Hashem, the monument was erected not so that Hashem would find Bnei Yisrael fitting to enter the land, but as a part of that relationship, out of a desire to bring honor and glory to the name of Hashem. The same is true of all the other mitzvot. We do not do them to strengthen our relationship with Hashem, but rather because of that relationship. Each mitzvah takes on new meaning because it is now connected to every other mitzvah. (In much the same way, Chazal tell us that after the covenant of Mount Grizim and Mount Eival, the mitzvot of each Jew are connected to the mitzvot of every other Jew.) Its significance is changed, and the way we go about it changes too. After the covenant, setting up the stones was accompanied by "Olot" sacrifices and "Shlamim" sacrifices and "you will be happy before Hashem your G-d." When a mitzvah is the expression of our relationship with Hashem it brings not only a reward, but joy as well.

Shabbat Shalom

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INSIGHTS INTO THE DAILY DAF

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Bava Kama 25

THE ISOLATION OF MIRIAM QUESTION: The verse teaches a logical reason for sending Miriam out of the encampment of the Jewish people for seven days, based on a Kal v'Chomer: "v'Aviha Yarak Yarak b'Faneha ha'Lo Sikalem Shiv'as Yamim" -- "If her father would have rejected her, would she have not been scorned (and isolated) for seven days" (Bamidbar 12:14), then certainly when Miriam was rejected by the Shechinah, she should have to be isolated for seven for seven days (but not for fourteen days, because of the rule of "Dayo la'Vo Min ha'Din Liyihos k'Nidon"). It is clear from the verse that it was already known that a person must be isolated for seven days when his father rejects him. Where, though, was this concept mentioned elsewhere in the Torah? What is the source for this?

ANSWERS: It is clear from the context of the verse that the seven-day rejection period to which the verse refers is not related to the appearance of Tzora'as, but to the fact that Hashem showed disfavor towards Miriam. The reason Miriam would have to remain in isolation had her father shown her disfavor seems to be related to the Halachos of Niduy and Cherem, forms of excommunication. The DA'AS ZEKEINIM M'BA'ALEI HATOSFOS (Bamidbar 12:14) suggests two previously-mentioned sources in the Torah for a seven-day period of isolation for a person who was placed in Cherem.

(a) One who is excommunicated is treated like an Avel, a mourner (see Moed Katan 15b). We find sources in the Torah that an Avel mourns for seven days. The Torah mentions such a mourning period after the death of Yakov Avinu (Bereishis 50:10). Even though the Halachah of seven days of Aveilus cannot be learned from Yakov Avinu, since those days were observed before the giving of the Torah (as the RAMBAM writes in the beginning of Hilchos Aveilus), nevertheless the Rambam writes that Moshe Rabeinu instituted seven days of Aveilus for the Jewish people. The Midrash (Bereishis Rabah 100) mentions an allusion to these days of mourning from Moshe Rabeinu's instructions to Aharon after the death of Nadav and Avihu (Vayikra 8:33, 35). Therefore, it was already known that a Menudeh, like an Avel, must remain in isolation for seven days.

(b) The Gemara in Sotah (13a) explains that Miriam prophesized before Moshe was born that her mother would beget a child who would grow up to be the leader of the Jewish people and lead them out of Mitzrayim. When the family was forced to send away Moshe in a small vessel on the river, the Gemara (Sotah 13a) says that Amram, Miriam's father, tapped her on the head and rebuked her, saying, "Now what will be with your prophecy?" The Gemara there concludes that this is what the verse means that "his sister (Miriam) stood from afar to know what would happen to him (Moshe)" (Shemos 2:4).

The Ba'alei ha'Tosfos explain that when Miriam's father rebuked her, since he was the leading sage of the generation (as the Gemara there says), she accepted upon herself the state of "Nezifah," to conduct herself like a person who was shunned by a leading Torah authority. (Nezifah is a less-severe form of isolation than Cherem. The Gemara in Moed Katan (16a) in fact derives the laws of Nezifah at the hands of a Chacham from the verse describing Miriam's isolation.) When the verse says that Miriam "stood from afar," it is describing the way that Miriam conducted herself during her period of Nezifah -- i.e. she isolated herself. The other place in which we find that someone must stand from afar is a Metzora who is sent away from his home (Vayikra 14:8) for seven days during the process of becoming Tahor from his Tum'ah. Therefore, we can infer that Miriam also stayed away from her home for seven days. This is the source that the Nezifah of a Chacham lasts for seven days.

The Ba'alei ha'Tosfos add that according to this explanation the words of the verse are very clear. Why does the verse say if one's *father* is upset with him, then he must be isolated for seven days? If it is alluding to the Nezifah of a Chacham, it should say if one's *teacher* was upset with him! In its straightforward reading, the word "father" might have to be interpreted as "teacher," as we find in the verse regarding Eliyahu ha'Navi (Melachim II 2:12). However, according to the second explanation of the Ba'alei ha'Tosfos, it is indeed appropriate for the verse to mention Miriam's father, since he was the Chacham who gave her Nezifah and sent her away for seven days.

ISOLATION FOR BEING SHUNNED BY THE SHECHINAH QUESTIONS:
The verse teaches a logical reason for sending Miriam out of the encampment of

the Jewish people for seven days, based on a Kal v'Chomer: "v'Aviha Yarak Yarak b'Faneha ha'Lo Sikalem Shiv'as Yamim" -- "If her father would have rejected her, would she have not been scorned (and isolated) for seven days" (Bamidbar 12:14), then certainly when Miriam was rejected by the Shechinah, she should have to be isolated for seven for seven days.

The Gemara explains that a Kal v'Chomer is necessary in order to teach that not only when a Chacham is upset with someone must the person stay away for seven days, but even when Hashem is upset with someone, he must "stay away" for seven days. It is clear from this Gemara that had the verse not learned this through a Kal v'Chomer (or, according to the Chachamim who argue with Rebbi Tarfon, from the words "Sikalem Shiv'as Yamim"), we would not have known that a person must conduct himself in Nezifah when the Shechinah shows disfavor to him.

(a) Why should a verse be needed to teach that the Shechinah is the same as a Rav or Chacham? Why would we have thought that the Halachah of Nezifah is limited to a mortal master? Hashem is certainly everyone's Master, and thus the Halachah of Nezifah from the Shechinah should be known without a Kal v'Chomer! (LECHEM ABIRIM, Mahadura Kama)

(b) Why was it necessary to learn from a Kal v'Chomer that Miriam must remain outside of the camp for seven days because the Shechinah was upset with her? She should have to remain outside of the camp even if the Shechinah did not shun her, because she was a Metzora, as the verse describes! (CHIDUSHEI RABEINU MOSHE KAZIS)

ANSWERS: (a) Perhaps the Gemara thought that Nezifah is only a practical reaction to being shunned by a mortal Chacham; as a result of Nezifah, one will distance himself from the Chacham for seven days. A person cannot distance himself, though, from the Shechinah, since wherever a person goes, he is still in the presence of the Shechinah. Therefore, we might have thought that it is not necessary for one to distance himself from the people around him either. The Gemara therefore learns from a Kal v'Chomer that if a person is punished with isolation when he is shunned by a mortal Chacham, then he certainly deserves to be punished when he is shunned by the Shechinah.

(b) RABEINU MOSHE KAZIS answers that if it were not for the fact that Miriam deserved to be isolated due to the honor of the Shechinah, Hashem would have healed her before any Kohen (or Hashem Himself; see Zevachim 102a) would have pronounced her to be a Metzora. In such a case, a person does not have to be isolated and none of the Halachos of Metzora apply. The Kal v'Chomer was explaining why Hashem decided to let her remain a Metzora and become declared as a Metzora Musgar and, as a result, be isolated for seven days. Hashem made her a Metzora in order to have her suffer the isolation for being shunned by the Shechinah.

Alternatively, even though Miriam became a Metzora Muchlat (as the Gemara in Zevachim 102a implies), Moshe Rabeinu immediately prayed for her (Bamidbar 12:13) and she was healed as a result. The Halachah is that when a Metzora who was Muchlat loses the Simanei Tum'ah that made him Muchlat (see Background to Kidushin 35:23), he immediately becomes permitted to re-enter the camp, and he may start the seven day process of becoming fully Tahor. (The Mishnah teaches that he is required only to remain outside of his place of residence, as derived from Vayikra 14:8.) (M. Kornfeld)

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