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Parshas Ki Savo

Vidui for What Could Have Been and Should Have Been

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Series on the weekly portion: #1260 Mezzuzah – Case of No Case; Kissing the Mezzuzah – Good Idea or Not? Good Shabbos!

Parshas Ki Savo contains Parshas Vidui Maaser. At the end of the third and sixth year of the seven-year Shmita cycle, a person needs to make a declaration that he has fulfilled all the halachos regarding the various Terumos U'Maasros obligations. He has given them to the correct people, he has given them at the right time, he treated the Maaser like the halacha demands. At the conclusion of this declaration he states, "I have fulfilled and kept all the halachos... I have done all that You have commanded me." [Devorim 26:14].

One of the more famous questions asked about this parsha is – Why is this called the Parsha of Vidui Maaser (literally, the Confession of tithing). Vidui is a confession. We are familiar with the term from the Vidui recited on Yom Kippur. The recitation of full compliance with all the tithing requirements as specified here does not sound anything at all like "Al Chet, we have done this; Al Chet, we have done that." Ashamnu, Bagadnu, Gazalnu, and Al Chet, Al Chet, Al Chet... are confessions. "I have done all that You have commanded me" sounds just the opposite!

What did he do wrong here that this is called "Vidui"? On the contrary he claims he did everything right!

Many commentaries are troubled by this question – including the Sforno. The Sforno writes that when a person states that he has taken the tithes and given them to the Levi and to the poor and to all who are supposed to get them, that is an admission of a terrible situation: If things were like they were supposed to have been, the First-born would be the Divine Servants in the

Beis HaMikdash. The First-born son in each family would be the family's own "built-in Kohen/Levi."

Every family would have an in-house family member to whom to give the Maasros. Why do we give it to the Levi? The answer is, the Sforno writes, "Because of our sins, the duties of the Bais Hamikdash were removed from our forefathers." Things are not the way they were supposed to be. When we admit that things are not the way they were supposed to be, that itself is a Vidui.

This means a person can be doing everything correctly—and indeed did do everything correctly—but yet the situation is strictly a b'di'eved (ex-post-facto) situation. This is not the way things should be. The way things should be is that I should never need to say "I removed the holy foods from my house" [Devorim 26:13]. I should never need had to take them out of the house, because I could have just given it to my oldest son.

The "confession" that he now needs to give the tithes to the Levi is an admission – says the Sforno – that "my sin is great for I have caused the departure of this holy produce from my house. Even though I have done what I am supposed to do at this time, I pray for your Mercy that you will give me blessing, rather than the punishment I deserve for my past sins which brought this situation about."

This is perhaps a very appropriate message for us at this time of year. I look around at a crowd like this, and bli ayin Ha'Rah, everyone here observes mitzvos meticulously. In this crowd, there is no need to speak about Shmiras Shabbos and there is no need to speak about Kashrus. We do not even have to talk about Talmud Torah – everybody here "learns".

Here it is, we go into Yomim Noraim and we cry out "Woe! We have sinned, we are full of iniquity, we have rebelled before You!...Ashamnu, bagadnu, gazalnu," Fine, maybe we should daven a little more with kavanah. Maybe we slip up with Lashon HaRah every once in a while. But, look at us – especially relative to the state of Judaism among the masses today. Relatively speaking, this audience is full of Tzadikim! So where is the place for the Vidui?

I believe the answer is that – yes, we are all great, but it is still not the way it should be. It is not shanim k'tiknan. It is not k'shanim kadmoniyus. (Years the way they should be; times the way they once were).

This past summer, I was on a tour in Europe and I spent many hours on a bus getting from place to place. Before I left, someone gave me a very interesting book called My Father's Journey: A Memoir of Lost Worlds of Jewish Lithuania. It is written by Sara Reguer, chair of the Department of Jewish Studies in Brooklyn College, based on a written Hebrew memoir of her father. This is not an Artsroll book. This personal memoir does not contain any sugarcoating of life in Jewish Lithuania.

Sara Reguer's father was Moshe Aharon Reguer, son of Rav Simcha Zelig Reguer. Rav Simcha Zelig Reguer was the Brisker Dayan. He was extremely close to Rav Chaim Soloveitchik. They lived in the same two-family house. Rav Simcha Zelig paskened all the shaylos in Brisk. This family was literally the "Real McCoy Litvaks!" and they were proud of it.

What is this book about? It is the story of Rabbi Doctor Moshe Aharon Reguer, who eventually became a professor of Judaic Studies at Yeshiva University. He was a typical Yeshiva bochur in Lithuania at the beginning of the twentieth century. If I remember correctly, he left Lithuania in 1927. He attended some of the great Yeshivos in Europe, including Slabodka (from which he was thrown out for not being a "typical Slabodka student.") If someone wants to know what it was like to be a Yeshiva bochur in Europe in those tumultuous times when "new ideas" of communism and socialism were sweeping Jewish society, the Russian Revolution, and the First World War – this book really gives you a taste of what Europe was like.

One of the Yeshivas he studied in was the Yeshiva in Slutsk. The Rosh Yeshiva in Slutsk was Rav Isser Zalman Meltzer (father-in-law of Rav Aharon Kotler). Moshe Aharon Reguer described what the month of Elul was like in Slutsk. One day in shiur this year, I read this page to my students: What was Elul like in Slutsk? We are not talking five hundred years ago. We are talking about just 100 years ago – the twentieth century!

Meanwhile, the month of Elul approached. In that month, issues of the Day of Judgement darkened the Yeshiva. The walls of the Yeshiva and the people within took on a new form – that of pain and suffering and weeping. In every corner, you could feel that it was a season of repentance and that all were breathing with a difficulty borne of internal danger, fear for the soul and knowledge that the future was covered in fog.

In those days, Rav Isser Zalman himself dedicated himself to rousing repentance. He was an expert in this work. Morning and night he would speak of the approaching Day of Judgement and the preparations for it that had to be done in our hearts. With himself as an example, he roused us. One example he gave rings in my ears – even today – that of a poor lamb ready for slaughter who bleats loudly and feels that this is her last moment. Who knows who this lamb is? “Who is going to die?” he would ask us. He would look at us for an answer and there would come only sobbing. Our tears wet the floors of the houses.

That was Elul in Slutsk, circa 1915. There is not a Yeshiva in the world today where anything like this takes place. Those of us who are old enough and have the image of Rav Dovid (Kronglas), zt”l, and the Rosh Yeshiva (Rav Yitzchok Ruderman), zt”l, have such an image of people who were literally afraid of the Yom HaDin. My students do not have that image.

This is what the Sforno is alluding to. Yes, we are all Shomer Torah U’Mitzvos, etc. etc. But look how low we have sunk compared to what was only a hundred years ago. In fact, it is not even a hundred years ago. I am sure that in the Mir in Europe and in Shanghai it was also like this. Shanghai is not a hundred years ago! Therefore, when we are finished patting ourselves on the back and we say, “Ah! What do we have to worry about? Remember this Sforno: If we are not up to snuff of what could have been and should have been, then we need to recite a Vidui. And remember this story from “My Father’s Journey” of what Yeshiva life was like a mere hundred years ago in Europe. The bochorim would literally cry out of fear. That is a generation that no longer exists.

The Gaon’s Fear of Speaking Lashon HaRah

Among the list of “Aruruim” (curses) mentioned in the parsha is someone who smites his fellow man in secret [Devorim 27:24]. How does someone hit his friend “secretly”? Rashi says the reference is to Lashon HaRah. Speaking gossip about one’s fellow man behind his back can cause him untold damage. His business can be ruined, his marital prospects can be ruined, his life can be ruined. This is known as “Makeh es Ray’ei’hu b’Saser.”

I recently came across an amazing story in a sefer on Chumash by Rav Eliyahu Baruch Finkel, who cites an incident which I would like to share, about Lashon HaRah.

This incident has a pedigree which testifies to its veracity:

The Chofetz Chaim (1838-1933) wrote the story in the Kisvei Chofetz Chaim.

He heard it from Rav Yehoshua Heller, the Choshen Yehoshua (1814-1880), who heard it from his Rebbe, the Nachlas Dovid (Rav Dovid Tebel) (1794-1861),

who heard it from Rav Chaim of Volozhin (1749-1821),

who heard it from the Vilna Gaon (1720-1797).

This is not just a “Bubba ma’aseh” – this is a ma’aseh with documented yichus!

The Gaon was going somewhere and hired a wagon driver. The wagon driver was driving the horse and buggy. The driver fell asleep. Today, when someone falls asleep at the wheel, the consequences are likely to be fatal. What happened then? The driver fell asleep, so the horse drifted off to the side of the road and started eating some of the produce that was growing in the field on the side of the road.

The non-Jewish owner of the field saw the horse of a Jewish wagon driver helping itself to supper at this Gentile’s expense and he became all angry. He ran over to the wagon and saw one person sleeping and one person studying out of a book. He figured the person who was sleeping was the passenger and the person who was up reading the book was the driver. In other words,

he assumed that the Gaon of Vilna was the Ba’al Ha’Agalah who owned this horse. The farmer beat him up. He physically let him have it.

Somebody asked the Gaon – “Why didn’t you say something? You should have protested – ‘It is not me who is at fault. It is this other person!’” The Gaon answered, “I did not say that because it would have been Lashon HaRah.” He went on to add “And if I would have said Lashon HaRah, all the Torah that I have written in my life would not save me, and I would come back to this world in a gilgul (transmigration of the souls) as a barking dog!”

This story needs to give us a lot of pause. Cursed be he who smites his fellow in secret. Such was the fear the Gaon had from something which might not even have been Lashon HaRah.

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This week’s write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand’s Commuter Chavrusah Series on the weekly Torah portion. A listing of the halachic portions for Parshas Ki Savo ... 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.

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Covenant & Conversation

Ki Tavo (Deuteronomy 26:1-29:8)

by Rabbi Lord Jonathan Sacks zt”l

A Nation of Storytellers

Rabbi Sacks zt”l had prepared a full year of Covenant & Conversation for 5781, based on his book Lessons in Leadership. The Rabbi Sacks Legacy Trust will continue to distribute these weekly essays, so that people all around the world can keep on learning and finding inspiration in his Torah.

Howard Gardner, professor of education and psychology at Harvard University, is one of the great minds of our time. He is best known for his theory of “multiple intelligences,” the idea that there is not just one thing that can be measured and defined as intelligence but many different facets – which is one dimension of the dignity of difference. He has also written many books on leadership and creativity, including one in particular, *Leading Minds*, that is important in understanding this week’s parsha of Ki Tavo.1

Gardner’s argument is that what makes a leader is the ability to tell a particular kind of story – one that explains ourselves to ourselves and gives power and resonance to a collective vision. So Churchill told the story of Britain’s indomitable courage in the fight for freedom. Gandhi spoke about the dignity of India and non-violent protest. Margaret Thatcher talked about the importance of the individual against an ever-encroaching State. Martin Luther King Jr. told of how a great nation is colour-blind. Stories give the group a shared identity and sense of purpose.

Philosopher Alasdair MacIntyre has also emphasised the importance of narrative to the moral life. “Man,” he writes, “is in his actions and practice, as well as in his fictions, essentially a story-telling animal.”² It is through narratives that we begin to learn who we are and how we are called on to behave. “Deprive children of stories and you leave them unscripted, anxious stutterers in their actions as in their words.”³ To know who we are is, in large part, to understand the story or stories of which we are a part.

The great questions - “Who are we?” “Why are we here?” “What is our task?” - are best answered by telling a story. As Barbara Hardy put it: “We dream in narrative, daydream in narrative, remember, anticipate, hope, despair, believe, doubt, plan, revise, criticise, construct, gossip, learn, hate and love by narrative.”⁴ This is fundamental to understanding why Torah is the kind of book it is: not a theological treatise or a metaphysical system but a series of interlinked stories extended over time, from Abraham and Sarah’s journey from Mesopotamia to Moses’ and the Israelites’ wanderings in the desert. Judaism is less about truth as system than about truth as story. And we are part of that story. That is what it is to be a Jew.

A large part of what Moses is doing in the book of Devarim is retelling that story to the next generation, reminding them of what God had done for their parents and of some of the mistakes their parents had made. Moses, as well as being the great liberator, is the supreme storyteller. Yet what he does in parshat Ki Tavo extends way beyond this.

He tells the people that when they enter, conquer and settle the land, they must bring the first ripened fruits to the central Sanctuary, the Temple, as a way of giving thanks to God. A Mishnah in Bikkurim⁵ describes the joyous scene as people converged on Jerusalem from across the country, bringing their first-fruits to the accompaniment of music and celebration. Merely bringing the fruits, though, was not enough. Each person had to make a declaration. That declaration became one of the best known passages in the Torah because, though it was originally said on Shavuot, the festival of first-fruits, in post-biblical times it became a central element of the Haggadah on Seder night:

My father was a wandering Aramean, and he went down into Egypt and lived there, few in number, there becoming a great nation, powerful and numerous. But the Egyptians ill-treated us and made us suffer, subjecting us to harsh labour. Then we cried out to the Lord, the God of our ancestors, and the Lord heard our voice and saw our misery, toil and oppression. So the Lord brought us out of Egypt with a mighty hand and an outstretched arm, with great terror and with signs and wonders. (Deut. 26:5-8)

Here for the first time, the retelling of the nation’s history becomes an obligation for every citizen of the nation. In this act, known as vidui bikkurim, “the confession made over first-fruits,” Jews were commanded, as it were, to become a nation of storytellers.

This is a remarkable development. Yosef Hayim Yerushalmi tells us that “only in Israel and nowhere else is the injunction to remember felt as a religious imperative to an entire people.”⁶ Time and again throughout Devarim comes the command to remember: “Remember that you were a slave in Egypt.” (Deut. 5:14; 15:15; 16:12; 24:18; 24:22); “Remember what Amalek did to you.” (Deut. 25:17) “Remember what God did to Miriam.” (Deut. 24:9) “Remember the days of old; consider the generations long past. Ask your father and he will tell you, your elders, and they will explain to you.” (Deut. 32:7)

The vidui bikkurim, though, is more than this. It is, compressed into the shortest possible space, the entire history of the nation in summary form. In a few short sentences we have here “the patriarchal origins in Mesopotamia, the emergence of the Hebrew nation in the midst of history rather than in mythic prehistory, slavery in Egypt and liberation therefrom, the climactic acquisition of the land of Israel, and throughout - the acknowledgement of God as lord of history.”⁷

We should note here an important nuance. Jews were the first people to find God in history. They were the first to think in historical terms - of time as an arena of change as opposed to cyclical time in which the seasons rotate, people are born and die, but nothing really changes. Jews were the first

people to write history - many centuries before Herodotus and Thucydides, often wrongly described as the first historians. Yet biblical Hebrew has no word that means “history” (the closest equivalent is *divrei hayamim*, “chronicles”). Instead it uses the root *zachor*, meaning “memory.”

There is a fundamental difference between history and memory. History is “his story,”⁸ an account of events that happened sometime else to someone else. Memory is “my story.” It is the past internalised and made part of my identity. That is what the Mishnah in Pesachim means when it says, “Each person must see themselves as if they (personally) escaped Egypt.” (Mishnah Pesachim 10:5)

Throughout the book of Devarim, Moses warns the people - no less than fourteen times - not to forget. If they forget the past they will lose their identity and sense of direction and disaster will follow. Moreover, not only are the people commanded to remember, they are also commanded to hand that memory on to their children.

This entire phenomenon represents a remarkable cluster of ideas: about identity as a matter of collective memory; about the ritual retelling of the nation’s story; above all about the fact that every one of us is a guardian of that story and memory. It is not the leader alone, or some elite, who are trained to recall the past, but every one of us. This too is an aspect of the devolution and democratisation of leadership that we find throughout Judaism as a way of life. The great leaders tell the story of the group, but the greatest of leaders, Moses, taught the group to become a nation of storytellers.

You can still see the power of this idea today. As I once wrote,⁹ if you visit the Presidential memorials in Washington, you will see that each carries an inscription taken from their words: Jefferson’s ‘We hold these truths to be self-evident . . .’, Roosevelt’s ‘The only thing we have to fear, is fear itself’, Lincoln’s Gettysburg Address and his second Inaugural, ‘With malice toward none; with charity for all . . .’ Each memorial tells a story.

London has no such equivalent. It contains many memorials and statues of historical leaders, each with a brief inscription stating who it represents, but there are no speeches or quotations. There is no story. Even the memorial to Winston Churchill, whose speeches rivalled Lincoln’s in power, bears only one word: Churchill.

America has a national story because it is a society based on the idea of covenant. Narrative is at the heart of covenantal politics because it locates national identity in a set of historic events. The memory of those events evokes the values for which those who came before us fought and of which we are the guardians.

A covenantal narrative is always inclusive, the property of all its citizens, newcomers as well as the native-born. It says to everyone, regardless of class or creed: this is who we are. It creates a sense of common identity that transcends other identities. That is why, for example, Martin Luther King Jr. was able to use it to such effect in some of his greatest speeches. He was telling his fellow African Americans to see themselves as an equal part of the nation. At the same time, he was telling white-Americans to honour their commitment to the Declaration of Independence and its statement that ‘all men are created equal’.

England does not have the same kind of national narrative because it is based not on covenant but on hierarchy and tradition. England, writes Roger Scruton, “was not a nation or a creed or a language or a state but a home. Things at home don’t need an explanation. They are there because they are there.”¹⁰ England, historically, was a class-based society in which there were ruling elites who governed on behalf of the nation as a whole. America, founded by Puritans who saw themselves as a new Israel bound by covenant, was not a society of rulers and ruled, but rather one of collective responsibility. Hence the phrase, central to American politics but never used in English politics: “We, the people.”¹¹

By making the Israelites a nation of storytellers, Moses helped turn them into a people bound by collective responsibility - to one another, to the past and future, and to God. By framing a narrative that successive generations

would make their own and teach to their children, Moses turned Jews into a nation of leaders.

QUESTIONS (AROUND THE SHABBAT TABLE) Why do you think stories can be so effective in teaching and passing on identity to future generations?

Why is this an important part of the role of a teacher and leader?

Who do you know in your life who is a great storyteller? What kind of things have you learned from their stories?

NOTES

1. Howard Gardner in collaboration with Emma Laskin, *Leading Minds: An Anatomy of Leadership*, New York, Basic Books, 2011. 2. Alasdair MacIntyre, *After Virtue*, University of Notre Dame Press, 1981. 3. Ibid. 4. Barbara Hardy, "An Approach Through Narrative," *Novel: A Forum on Fiction* 2 (Durham, N.C.: Duke University Press, 1968), 5. 5. Mishnah Bikkurim 3:3. 6. Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory*, Schocken, 1989, 9. 7. Ibid., 12. 8. This is a simple reminder not an etymology. *Historia* is a Greek word meaning inquiry. The same word comes to mean, in Latin, a narrative of past events. 9. Jonathan Sacks, *The Home We Build Together: Recreating Society* (London: Bloomsbury Academic, 2009). 10. Roger Scruton, *England, an Elegy*, Continuum, 2006, 16. 11. See "We, the People", the Covenant & Conversation essay on Behar-Bechukotai, for further discussion on the power of this phrase.

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The Shmuz

**Rabbi Ben Tzion Shafier
Ki Savoh**

THE DESTINY OF THE JEWS

The Mitzvah to be Happy "Because you did not serve HASHEM, your G-d, amid gladness and goodness of heart when everything was abundant." Devarim 28:47

At the end of a long prophecy of what will befall us if we don't follow the ways of HASHEM, the Torah seems to lay the blame on one issue: because you did not serve HASHEM, your G-d, amid gladness and goodness of heart when everything was abundant. It seems the pivotal point of these two extremes is based on *simcha*.-- Implying that serving HASHEM with happiness is critical to our success as a nation.

Rabbeinu Bachya explains that this is because the mitzvahs must be done with joy and complete devotion. When the mitzvahs are done without joyfulness, they are lacking in their effect, and this can be part of the spiral downward. He then gives an example of a mitzvah that wasn't done with complete motivation. The Medrash tells us that when Reuvain attempted to save Yosef from his brothers, he said, "Let us put him in the pit." His intention was to buy some time to eventually save him. However, had he realized that he would be recorded in history as the one who saved Yosef, he would have put him on his shoulders and carried him home to his father. From here we see the importance of doing a mitzvah with complete dedication and commitment.

□ THE POWER OF SIMCHA This Rabbeinu Bachaya is difficult to understand on two levels. First, how can the Torah command me to be happy? Being happy isn't an emotion that we can turn on and off like a light switch. And second, how can we compare the effect of doing a mitzvah joyfully to the case of Reuvain? We are well aware that honor is one of the most powerful driving forces in the human condition. Granted Reuvain was a *tzaddik*, but the fact that he would have been titled the savior of Yosef for eternity is something that would propel a man to extremes. How can that be compared to something as minor as joy in the performance of a mitzvah?

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OU Torah Dimensions in Chumash

Fruit for Thought – The Mitzvah of Bikkurim

Rabbi Immanuel Bernstein

וְהָיָה כִּי תָבֹא אֶל הָאָרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לָךְ... וְלָקַחְתָּ מִרְאשִׁית כָּל פְּרֵי הָאֲדָמָה

And it will be, when you come to the land that Hashem, your God, is giving you... You shall take from the first fruits of the land.[1]

Introduction: When Commandments are Key

The mitzvah which opens our parsha is *bikkurim*, bringing the first fruits to the Beis Hamikdash. Commenting on the introductory words in our verse, "And it will be when you come to the land," the Midrash[2] says:

עֲשֵׂה מִצְוַת הָאֲמֹרָה בְּעֵינֵי שְׂבִיכְרָה תִּכְנַס לָאָרֶץ

Perform the mitzvah that is mentioned in this section, for in its merit you will enter the land.

Understandably, these words of the Midrash raise a basic question. The mitzvah of first fruits can only be performed once the Jewish people have *already entered* the land. How, then, can we say that this is a mitzvah whose performance *allows us* to enter? Clearly, the intent of the Midrash that the bringing of *bikkurim* once we are in the land retroactively justifies our entry, and enables us to stay there.

What is so special about this mitzvah that makes it the key to successfully maintaining our presence in the Land of Israel?

Praising the Land – The Magnificent Seven

Although the verse states generally that the first fruits should be brought as *bikkurim*, the halachah stipulates that this mitzvah applies specifically to the seven species through which the Land of Israel is praised, as enumerated in Parshas Ekev.[3] A fascinating dimension in this stipulation is revealed by the Arizal, who explains that the mitzvah of *bikkurim* serves as a rectification of the sin of the spies. Since they spoke ill of the land, the Torah commands us, in response, to bring the fruits which bring praise to the land.

It is quite fascinating to note, in this regard, that the concept of *bikkurim* is actually mentioned explicitly in the episode of the spies. Just before they set off on their journey to spy out the land, the verse informs us that the time of year was, "יְמֵי בִּפְרֹי עֵנָבִים" – *the days of the first fruits of the grapes.*"[4] This seemingly technical piece of information takes on entirely new significance in light of the Arizal's comment; for the very season during which they maligned the land was the one that, in time, would be the basis for its praise!

Resonance in the Mishnah

The Mishnah in *Maseches Bikkurim*[5] describes the beginning of the process that culminates in the fruits being brought to the Beis Hamikdash:

כִּיצַד מְפָרְשִׁין אֶת הַבִּיכּוּרִים: יוֹרֵד אָדָם לַתּוֹךְ שְׂדֵהוּ, וְרֹאֵה תְּאֵנָה שְׂבִיכְרָה, אֲשֶׁכּוֹל שְׂבִיכְרָה, רִימּוֹן שְׂבִיכְרָה; וְקוֹשֶׁרֶן בְּגַמִּי וְאוֹמֵר, הֲרִי אֵלוֹי בִּיכּוּרִים.

How does one set aside bikkurim? A person goes down to his field and sees a fig that has ripened, a cluster of grapes that has ripened, a pomegranate that has ripened; he ties a reed around them and says, "These are for bikkurim."

As we have mentioned, the mitzvah of *bikkurim* applies to all the seven species associated with the Land of Israel. Why, then, does the Mishnah specifically choose these three species as examples of how the Mitzvah begins?

R' Menachem Ziemba, *Hy"d*, offers a stunning explanation, based on the statement of the Arizal, that *bikkurim* comes to rectify the sin of the meraglim. The Torah relates that the spies brought back fruit through which to malign the land, specifically: a cluster of grapes a fig and a pomegranate![6] Accordingly, these three fruits receive special mention in the Mishnah as examples for how the mitzvah of *bikkurim* is performed. There is room to ask: Aside from the fact that it involves fruit that brings praise to the land, is there anything about the mitzvah of *bikkurim* itself that makes it the appropriate vehicle through which to counter the slander of the spies?

To answer this question, we will need to look a little deeper into both the sin of the spies and the mitzvah of *bikkurim*...

The Sin of the Spies – Alone in Battle?

One of the striking features of the sin of the spies is their firm conviction that they would be unable to enter the land, stating that its inhabitants were too strong, and impossible to conquer. It is hard for us to relate to this assertion,

for, as Yehoshua and Calev exclaimed, if Hashem is with the Jewish people how can anyone be too strong for them?

Clearly, the spies felt – and the people believed – that, somehow, Hashem would *not* be with the Jewish people in the land, at least not in the way He had been with them in the desert. As we know, life in the desert and life in the Land of Israel represent two very different modes of existence. Life in the desert was virtually free of all physical concerns – with the people’s sustenance and wellbeing being provided for directly and miraculously by Hashem. Manna fell from heaven, Miriam’s well followed them on their journeys, and they were protected from their surroundings by the Clouds of Glory. Once they cross would the Jordan River and enter into Israel, all that would change, and existence would become much more physical. The notion among the people was that this meant that they would be “on their own” in the physical world from that point. In other words, they made the equation between Divine Providence and open miracles, so that if the latter would cease, it meant that the former was likewise no longer present. Based on this perspective, left by themselves, they felt they stood no chance against the mighty nations of Canaan.

We should recognize that actually, from their point of view, the people were absolutely correct. Their error lay in concluding that Hashem would not be them in the physical setting of the Land of Israel. It was this error that Yehoshua and Calev battled to correct, proclaiming that Hashem would be guiding them in the land *through* the laws of nature as surely as He had guided them until that point *outside* the laws of nature. However, the people were not receptive to this point, and the result was the tragedy with which we are all familiar.

Setting the Tone

This brings us back to the mitzvah of *bikkurim*. As we mentioned, the Jewish people’s move from the desert to the Land of Israel meant that their mode of existence will become much more physical, as they will need to become involved in earthly matters on a day-to-day basis. The ideal, of course, is to implement all the Torah values absorbed in the desert and use physical existence as a basis for higher Torah living. This, however, is easier said than done. Occupation with physical pursuits can easily become pre-occupation. There is a very real danger that over the course of time, involvement in the natural order of things will cause people to forget Who it is that is providing their sustenance. As consciousness of the Divine hand fades from the picture, physical living, which should be a means toward a higher end, is in danger of becoming an end in itself.

The antidote to this attitude is the mitzvah of *bikkurim*. By bringing the first fruits to the Temple, one is acknowledging Hashem as the Source of his sustenance, as the One who guided the agricultural cycle and provided the harvest. This pilgrimage to the Temple, and the declaration of awareness of Hashem’s role in guiding the forces of nature should serve to set the tone for one’s attitude toward his crops the rest of the year.

Needless to say, this awareness is absolutely crucial to life in Israel being considered a successful venture, and thus we can understand why the Midrash says that the Jewish people’s presence in the Land of Israel hinges on the mitzvah of *bikkurim*.

Letters, Lines and Circles

The Baal Haturim in our parsha makes the enigmatic observation that of all the letters in the *aleph beis*, the letter *samech* is missing from the section dealing with *bikkurim*. What is the significance of this omission? The Hebrew word for a letter is אות (*os*). The word אות also means a sign. This is because every letter of the Hebrew alphabet is also a sign that represents a concept. The idea of being trapped inside the natural cycle, with no way of seeing beyond it, is represented by the letter *samech*. Why? The shape of the letter itself is round, representing a cycle with no perceivable beginning or end. Moreover, the numerical value of *samech* is sixty, which is an expanded expression of the number six, representing physical movement and activity, as per the six days of physical creation. The letter which has the numerical value of six is *vav*, which represents the straight line from A to B. Indeed, the letter *vav* means “and”, denoting the way that one activity

naturally follows on from the next. The *samech* is thus the sum total of all of those activities; all of those individual lines join together and angle round to form a large circle which brings one back to the first act.^[7]

First Impressions

The Talmud informs us that we can tell a lot about the character of a letter by observing the first time it appears in the Torah.^[8] In our case, the Midrash points out that the letter *samech* first appears in the verse describing the four branches of the river which came out of the Garden of Eden. The first branch is called Pishon, and is described by the verse as, “הַסֶּכֶךְ אֶת כָּל אֶרֶץ הַחִוִּיָּה — It surrounds the Land of Chavila.”^[9] We see that the first appearance of the letter *samech*, in the word “*hasovev*,” is in the context of surrounding something. The Midrash further points out that the first time we find the letter *samech* in the context of human experience is when Hashem takes Eve from Adam’s flesh, and then “וַיִּסְגֹר בְּעֹר תַּהֲרִיבָהּ — and He closed the flesh beneath it.” The *samech* here features in the capacity of Eve’s origin’s being closed off and unidentifiable. This is the effect of the *samech* circle. It renders a person unable to see beyond it and attain a sense of where things really come from.

In light of this, we can understand why the letter *samech* is missing from the section dealing with *bikkurim*, for it is, in a sense, the “anti-letter” of that mitzvah, representing the circle of sixty that we are looking to break out of. The goal of *bikkurim* is to see Hashem as the One Force behind the manifold natural forces. Indeed, the halachah requires that the amount of first fruits that we bring as *bikkurim* be “one from sixty”, for it is looking to draw out the One from the enveloping circle of sixty.^[10]

Between the Gaps

Interestingly, the Baal Haturim further points out that while the letter *samech* itself is not present in relation to *bikkurim*, the number sixty is still represented by the word טַבַּח, a basket, which is the vessel the Torah instructs *bikkurim* to be brought in.^[11] It is very interesting that the Torah makes a point of telling us what vessel to bring *bikkurim* fruits in, something it does not do with other mitzvos. Why emphasize and insist on this seemingly purely logistical point? How is a basket different than any other vessel?

A basket has a significant characteristic; since it is woven together, there are gaps in the walls of the vessel. This means that although a cursory glance will show only the walls of the vessel, if one looks closer one can see through it. This is an amazing portrayal of us as we bring the *bikkurim* fruits. We are addressing the questions of “What contains us? What surrounds us? What are the forces ultimately responsible for our physical sustenance?” The forces of nature are the basket. The goal of *bikkurim* is to look closer and see through those walls to that which is beyond them.

Semichus Parshiyos – Bikkurim and Amalek

With this in mind, we can appreciate the juxtaposition of *bikkurim* at the beginning of our parsha, with the final topic dealt with in last week’s parsha – remembering Amalek.^[12] How are these two matters connected?

Amalek represents a refusal to recognize Divine interaction in human affairs. Amalek’s attack against the Jewish people is described with the words “אֲשֶׁר קָרַךְ בְּדַרְךְךָ — who happened upon you along the way”. The commentators explain that the word קָרַךְ is the motif term that represents Amalek’s position. Nothing is supervised or guided, things just “happen.” The events which immediately preceded Amalek’s attack were in a place called Refidim where, in our thirst, we wondered aloud, “הֲיֵשׁ ה' בְּקִרְבֵּנוּ אִם אֵינִי — Is Hashem in our midst or not?”^[13] We were not questioning Hashem’s existence. We were questioning His involvement “in our midst,” in our everyday affairs. The next thing that happened was we were attacked by Amalek.^[14] By giving voice to their credo, we empowered them to damage us.

Part of the mitzvah to remember Amalek and ultimately eradicate them is to remember the attitude which empowered them and to eradicate that as well. A decisive step in countering this attitude of Amalek thus follows immediately in the next section — the mitzvah of *bikkurim*.

In light of all this we can understand on a deeper level why *bikkurim* were chosen as the rectification of the sin of the spies, as discussed by the Arizal.

It is not just a matter of praise rectifying slander. The awareness of – and sense of connectivity with – Hashem in the physical world that is reflected in *bikkurim* is the core refutation of the opposing thesis that led to the sin of the spies!

Postscript: Bikkurim and Prayer

Having discussed at length the crucial lesson to be derived from the mitzvah of *bikkurim*, we must ask: From where are we to derive this message when *bikkurim* are no longer brought? After all, the message is ultimately about all physical living, and is as relevant to the Jewish people in exile as it is when they are in Israel!

The Midrash Tanchuma in our parsha states:

צפה משה ברוח הקודש וראה שבית המקדש עתיד ליהרס והבכורים עתידים ליפסקו, עמד והתקין להם לישראל שיהיו מתפללים שלש פעמים בכל יום.

Moshe saw through Divine inspiration that in the future the Temple would be destroyed and the mitzvah of bikkurim (bringing the first fruits) would be discontinued, therefore he instituted for the Jewish people that they should pray three times every day.^[15]

If the Temple will be destroyed, then every aspect of the Temple service will be discontinued, not just the mitzvah of *bikkurim*! Why does the absence of *bikkurim* specifically result in the institution of daily prayers?

R' Moshe Chaim Luzzato in his classic work, *Derech Hashem*,^[16] describes the descent of the soul into the physical world, a place where conditions are not conducive to spiritual pursuits, in order to achieve greater merit by fulfilling the Divine will under such adverse conditions. He then adds: *However, as much as this descent is necessary for the soul in this world, on the other hand, it is crucial that the soul not descend further than is appropriate. For the more it gets caught up in matters of this world, the more it distances itself from the ultimate Light. Now, the Creator has prepared an antidote for this concern, namely, that first a person should draw close and stand before Him, and ask of Him all his needs, and cast upon Him his lot. This will be the beginning point (ראשית) for all his earthly involvement, so that when he then goes about his endeavors, which are the various pathways of human involvement, he will not become overly enmeshed in physicality and earthliness, having preceded them by ascribing all to God.*

This presentation of the idea of prayer is most profound. Through praying at the three crucial junctures of the day, a person checks in with Hashem and establishes his awareness that it is Hashem who governs the world. This should serve to set the tone for the portion of the day which follows, much as *bikkurim* set the same tone for the agricultural year. The *bikkurim* are taken from the ראשית, the first of the fruits, the very word R' Luzzato uses to describe the effect of prayer. We thus understand why the Midrash stated that the institution of prayer was in response to the absence of *bikkurim*, for their function is one and the same. Prayer is to the day what *bikkurim* are to the year.

What is so noteworthy about this understanding of prayer is that it emphasizes that the value of prayer does not end when the person finishes praying. Rather, it continues to reverberate in every activity he engages in afterwards, until he returns to pray again. Indeed, the hallmark of a successful prayer should be that its effects are felt hours afterwards. All of this should give us a new appreciation of the mitzvah of *bikkurim*, as one whose theme and message extend far beyond their particular context and reverberate in every aspect of our day-to-day living in the physical world.

[1] Devarim 26:1. [2] Sifrei, beginning of Ki Savo. [3] Devarim 8:8.

[4] Bamidbar 13:20. [5] 3:1. [6] Bamidbar 13:23. [7] The verse in Tehillim (32:9) exhorts: “אל תהיו כסוס כפָּרד אין הָבִיז” – *Be not like a horse, like a mule who has no understanding.*” The Hebrew word for horse is סוס, which has a *samech* at the beginning and end and a *vav* in the middle. This depicts the mindset of the horse that goes through life with each individual act (*vav*) forming part of a closed circle (*samech*), beyond which he cannot see.^[8] The Gemara (*Bava Kama 55a*) states that if one sees the letter *tes* (ט) in a dream it is a good sign, for the word טוב, *good*, begins with the letter *tes*. The Gemara challenges this by pointing out that there are a number of negative words

which also begin with the letter *tes*; how, then, do we know that the letter itself is positive? To this the Gemara responds that since the first time the letter appears in the Torah it is at the beginning of the word טוב, we know that the essential connotation of the letter is positive. [9] Bereishis 2:11. [10] *Mima'amakim, Ki Savo*. [11] Verse 2. [12] Devarim 25:17. [13] Shemos 17:7. [14] *Ibid.*, verse 8. [15] Cf. *Berachos 26b*, where other sources for the three daily prayers are presented. [16] Sec. 4, chap. 5.

From: **Peninim on the Torah** <peninim@hac1.org> subject: Parashas Ki Savo 5751 1991

Rabbi A. Leib Scheinbaum

“And you shall build there (on Mount Evol) an altar to Hashem your G-d.” (27:5)

It seems rather peculiar that Mount Evol, the place where the curses were uttered, was chosen as the site for the erection of an altar for offering peace sacrifices and great rejoicing in tribute to Hashem. Would not Mount Gerizim, which was the site where the blessings were pronounced, have been a more suitable place? Rabbi Moshe Feinstein Zt”l points to expediency by which the curses brought about Jewish observance rather than that of the blessings. Hashem in His infinite compassion employs disciplinary and punitive methods only as a means to induce us into the correct observance of His mitzvos. If there would be only reward and no punishment then people would be more easily swayed into transgression. They would think that the monetary and other physical pleasures to be accrued, override the everlasting rewards one would reap in the world-to-come. Therefore it is indeed the curses and punishments which have greater influence, and are the insurance that we will continue to serve Hashem. Mount Evol was therefore appropriately chosen as the site for rejoicing.

The commentaries reflect upon the aesthetic contrast between these two mountains. Mount Gerizim, covered with weeds and nettle, was bleak, and desolate, nurturing only thorns and thistle. In contrast Mount Evol was like a garden, where beautiful plants and trees sprouted all over its fertile land. Rabbi Zalman Sorotzkin Zt”l explains the blessings and curses which a person receives from Hashem, are by no means dependent on his place of dwelling. Whether he lives in an aesthetically attractive and culturally refined environment, or he resides in an underdeveloped and distasteful place, it is his actions, which ultimately determine his spiritual success or failure, and his being worthy of curse or blessing.

from: **Rabbi Chanan Morrison** <chanan@ravkooktorah.org> via gmail.mcsv.net date: Aug 26, 2021, 3:07 AM

subject: **Rav Kook Torah Ki Tavo: The Splendor of Tefillin**

During the first day of mourning, there is one mitzvah that a person should not observe: the mitzvah of tefillin.

Why are mourners exempt from wearing tefillin?

Tefillin and Mourning The Sages explained that tefillin have a unique quality of majesty. Thus we find that they are called *pe'er* (פאר), meaning splendor or beauty. When Ezekiel was instructed not to observe the customary practices of mourning after his wife’s death, he was told: “bind your splendor (*pe'ercha*) upon yourself” (Ezek. 24:17). Despite his personal loss, the prophet was commanded to continue to wear his beautiful tefillin. Similarly, our custom on Tisha B'Av is not to wear tefillin during the morning hours, when our grief over the destruction of the Temple is the most intense (see also Mishneh Torah, Laws of Fasts 5:11).

Why is wearing tefillin inappropriate during times of mourning?

“They will be in awe of you” The key, Rav Kook explained, lies in this description of tefillin as *pe'er*. Beauty serves to make an impression on others. When we perform a mitzvah in a beautiful way (*hiddur mitzvah*), we intend to engage our emotions and sense of aesthetics. When we speak of the spiritual beauty of tefillin, this indicates that they have the potential to inspire and make an impact on others.

This quality of tefillin is supported by Rabbi Eliezer's explanation of the verse:

וְרָאוּ כָּל-עַמֵּי הָאָרֶץ כִּי שָׁם ה' נִקְרָא עֲלֶיךָ וְרָאוּ מִפְּנֵי:

"All the nations of the world will see that God's Name is called upon you and they will be in awe of you." (Deut. 28:10)

In what way will the nations of the world see that "God's Name is called upon you"? Rabbi Eliezer in Berachot 6a explained this in a literal fashion. He taught that the verse refers to the tefillin worn on the head. Tefillin, containing passages from the Torah mentioning God's Name, are a visible sign for others that "God's Name is called upon you."

Rabbi Eliezer saw tefillin as a vehicle for influencing and inspiring others: "and they will be in awe of you."

A Time to Draw Inwards How does this explain the Halachah that a mourner should not wear tefillin?

To influence others, the soul must be in a state of strength and joy. By drawing upon our inner joy, we are able to demonstrate a path of enlightenment for others.

Bereavement and sorrow, of course, have their place; there are times when we need to mourn. But when the heart is heavy with pain and grief, we cannot reach out to others. It is wrong to influence others while feeling bereaved and embittered. No good will come from spreading sorrow to others.

For this reason, when we are overcome with grief, it is not a suitable time to adorn ourselves with tefillin and their spiritual splendor. It is a time to draw inwards, not radiate outwards. We should wait until God dispels the darkness and we are able to return to Him with the complete teshuvah of love. Then we will may reach out to others and illuminate them with a path of light and joy.

(The Splendor of Tefillin. Adapted from Ein Eyah vol. I, 1:157 on Berachot 11a)

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From: Rabbi Yochanan Zweig <genesis@torah.org> to: rabbizweig@torah.org date: Aug 25, 2021, 5:51 PM subject: Rabbi Zweig on the Parsha - The Kohain Connection

Rabbi Zweig on the Parsha

By Rabbi Yochanan Zweig

Parshas Ki Savo

The Kohain Connection

"You shall come to whomever will be the Kohain in those days..." (26:3)

The Torah teaches us that we are obligated to give the first fruits to "whomever will be the Kohain in those days". It would appear that the words "who will be in those days" are superfluous. Should the Torah not have stated plainly that we must give to "the Kohain"? Is it not obvious that this could refer only to the Kohain who is alive at that time?

Rashi explains that a person should not say that the Kohain of his time is not of the same caliber as the Kohanim of old, thus labeling him as undeserved of the Priestly gifts. Rather, a person should give the gifts to the Kohain of his generation.¹ The Ramban disagrees with Rashi's interpretation of the verse. Although a similar teaching is found in connection with the mention of going to the judge who resides at the time, the Ramban argues that it would be logical to assume that later generation judges may not be qualified, since the judges of the later generations did not possess the wisdom and intellect of earlier generations. Therefore, the Torah must teach us that we should rely upon the judges of our day. However, why should we need such a teaching concerning the Priestly gifts? ²

After stating the requirement of bringing the first fruits to the Kohain, the verse records the statement which the landowner makes to him: "I declare today to Hashem your G-d..." Why does the landowner say your G-d, and not my G-d or our G-d?³

There are two components involved in giving Priestly gifts, the first being to ensure that the Kohanim have enough to sustain themselves. However, the second component is a benefit to the giver. Having a relationship with the Kohain is an elevating experience, for connecting to the Kohain, who is the representative of Hashem, serves to concretize our relationship with Hashem; the gifts are the vehicle through which we create this bond with the Kohain.

It would be possible to think that a Kohain of our generation cannot offer us the connection to Hashem which we desire, and therefore, we may think we are exempt from giving the Priestly gifts. Therefore, the Torah emphasizes that in every generation we are obligated to give the Priestly gifts, for this relationship can still be attained.⁴ The verse alludes to this notion by recording the statement of the landowner to the Kohain, "I declare to Hashem your G-d", intimating that there is a special relationship between the Kohain and Hashem. It is to this relationship that the landowner wishes to connect.

1.26:3 2. Ramban ibid. 3. See Seforno 4. This explains the statement made by the Talmud that one should avoid giving the Bikkurim to a Kohein who is ignorant.

Making Room For The Boss "Blessed shall you be in the city and blessed shall you be in the field" (28:3)

The Torah teaches that among the blessings which Hashem bestows upon us is that we are blessed in the city and in the field. The Midrash states that the blessings in the city result from the mitzvos of tzitzis, sukkah, lighting Shabbos candles and "challah", a portion of dough removed for the kohein. The blessings in the field result from the performance of "leket", grain which falls from the harvester and "shikcha", grain which is forgotten by the harvester, both of which must be left for the poor, as well as "pe'ah", a corner of the field which is also left for the poor.¹ There are many other mitzvos which can be performed in the city and in the field. Why does the Midrash specify these?

The rest of the blessings in this chapter are phrased with possessive pronouns, i.e. "blessed shall be the fruit of your womb and the fruit of your land...your fruit basket...your storehouses".² Why is the blessing in this verse recorded differently, "the city...the field"?

The Talmud records an apparent contradiction; one verse states "La'Hashem ha'aretz u' melo'a" – "the world in its entirety belongs to Hashem" while another states "ve'ha'aretz nasan livnei adam" – "He has given this world to man".³ The Talmud reconciles these two verses by explaining that prior to reciting a blessing, i.e. acknowledging Hashem as the source of all existence, man is not permitted to partake from this world. However, once man recognizes Hashem as the source of all existence he is permitted to partake of this world, and due to this acknowledgment he is the recipient of Hashem's generosity. Receiving blessing as a reward is not independent of the actions which precede it. Rather, blessing is a consequence of a connection to the Source. By connecting to Hashem the channels of blessing are opened to us. The highest level of connection occurs when we perform acts which create a place for the Divine Presence to manifest itself in this world as well as identify Hashem as the source of all existence.

The unifying thread between all of the precepts recorded by the Midrash is that they are effective in creating a place for the Divine Presence in this world and acknowledge Hashem as the source of all existence. Rashi in Parshas Emor cites a Midrash which states that one who observes the mitzvos of leket, shikcha and pe'ah is considered to have built the Beis Hamikdash, the ultimate location for the manifestation of the Divine Presence. ⁴ The Talmud teaches that a person who wears tzitzis connects the elements of this world to the throne of the Almighty.⁵ The sukkah, which represents the "anei Hakavod" – "clouds of glory" creates an enclosure meant to house the Divine Presence.⁶ Challah and lighting Shabbos candles are precepts which are intended to foster "shalom bayis", marital harmony.⁷ When a household is permeated by shalom bayis, this indicates that the Divine Presence is an active participant in the marriage.⁸

The two blessings that the Midrash identifies particularly express the aforementioned notion. Since the verse does not describe the city or field

with possessive pronouns, a situation is being presented whereby man understands “La’Hashem ha’aretz u’melo’a” – “the world in its entirety belongs to Hashem”; By acknowledging Hashem’s place in this world man merits to partake of its abundance.

1.Devarim Rabbah #7 2.28:4-11 3.Berachos 35a 4.Shemos 23:22
5.Menachos 43b 6.Sukkah 11b 7.Shabbos 34a 8.Sotah 17a
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From: Rabbi Kaganoff <ymkaganoff@gmail.com> to: kaganoff-a@googlegroups.com date: Aug 25, 2021, 4:05 PM subject: A Shmittah Glossary

This Shabbos is parshas Ki Savo, 10 days before Rosh Hashanah of shmittah year.

A Shmittah Glossary

By Rabbi Yirmiyohu Kaganoff

We are at the end of the sixth year of the shmittah cycle. Most chutz la’aretz residents are not that familiar with the laws of shmittah that will affect those who live in Eretz Yisroel every day next year. Actually, the laws can and do affect people living in chutz la’aretz also. This article will focus on explaining a basic glossary of shmittah-related terms.

Among the terms that we will learn are the following: Biur Havla’ah Heter mechirah Heter otzar beis din Issur sechorah Kedushas shvi’is Ne’evad Otzar beis din Pach shvi’is Sefichin Shamur Tefisas damim

First, let us discuss the basics:

Basic laws of the land In Parshah Behar, the Torah (Vayikra 25:1-7) teaches that every seventh year is shmittah. We are prohibited from plowing, planting or working the land of Eretz Yisroel in any way and must leave our land fallow. It is even prohibited to have a gentile work a Jew’s land (Avodah Zarah 15b), just as one may not hire a gentile to do work on Shabbos that a Jew may not do. The owner of a field or orchard must treat whatever grows on his land as ownerless, allowing others to enter his field or orchard to pick, without charge, as much as their families can use. The landowner himself also may pick as much as his family will eat (see Rambam, Hilchos Shmittah 4:1).

The landowner should make sure that others know that they may help themselves to the produce. One may not sell, in a business manner, the produce that grows on its own.

Kedushas shvi’is The Torah declared vehoysah shabbas ha’aretz lochem le’ochlah, “the produce of the shmittah should be used only for food” (Vayikra 25:6), thereby imbuing the fruits and vegetables that grow in shmittah year with special sanctity, called kedushas shvi’is. There are many ramifications of this status, such as, the produce that grows during shmittah year should be used only for consumption and should be eaten (or drunk) only in the usual way. For example, one may not cook foods that are usually eaten raw, nor may one eat raw produce that is usually cooked (Yerushalmi, Shvi’is 8:2; Rambam, Hilchos Shvi’is 5:3). One may not eat raw shmittah potatoes, nor may one cook shmittah cucumbers or oranges. It would certainly be prohibited to use shmittah corn for gasohol or any other form of biofuel.

Contemporary authorities dispute whether one may add shmittah oranges or apricots to a recipe for roast or cake. Even though the fruit adds taste to the roast or cake, many poskim prohibit this cooking or baking, since these types of fruit are usually eaten raw (Shu”t Mishpat Cohen #85). Others permit this if it is a usual way of eating these fruits (Mishpetei Aretz page 172, footnote 10).

Similarly, juicing vegetables and most kinds of fruit is considered “ruining” the shmittah produce and is prohibited, although one may press grapes, olives and lemons, since the juice and oil of these fruits are considered superior to the fruit itself. Many contemporary authorities permit pressing oranges and grapefruits, provided one treats the remaining pulp with kedushas shvi’is. Even these authorities prohibit juicing most other fruit, such as apples and pears (Minchas Shlomoh, Shvi’is pg. 185).

Food and not feed One may feed shmittah produce to animals only when it is not fit for human consumption, such as peels and seeds that people do not usually eat (Rambam, Hilchos Shmittah 5:5). Last shmittah, a neighbor of mine, or perhaps his turtle, had a problem: The turtle is fond of lettuce, and won’t eat grass. One may feed animals grass that grew in Eretz Yisroel during shmittah, but one may not feed them lettuce that grew during shmittah.

Jewish consumption Shmittah produce is meant for Jewish consumption; one may not give or sell kedushas shvi’is produce to a gentile, although one may invite a gentile to join your meal that includes shmittah food (Rambam, Hilchos Shmittah 5:13 as explained by Mahari Korkos).

Although some authorities rule that there is a mitzvah to eat shmittah produce, most contend that there is no obligation to eat shmittah food – rather, the Torah permits us to eat it (Chazon Ish, Hilchos Shvi’is 14:10).

Don’t destroy edibles One may not actively destroy shmittah produce suitable for human consumption. Therefore, one who has excess shvi’is produce may not trash it in the usual way.

Peels that are commonly eaten, such as apple peels, still have kedushas shvi’is and may not simply be disposed. Instead, we place these peels in a plastic bag and then place the bag in a small bin or box called a pach shvi’is, where it remains until the food is inedible. When it decomposes to this extent, one may dispose of the shmittah produce in the regular garbage.

Why is this true?

Once the shmittah produce can no longer be eaten, it loses its kedushas shvi’is. Although the concept that decay eliminates sanctity seems unusual, this is only because we are unfamiliar with the many mitzvos where this principle applies. There are several other mitzvos where, in theory, this rule applies – meaning that the items have kedushah that governs how they may be consumed, but once they are no longer edible, this kedushah disappears. The mitzvos that this rule applies to are terumah, challah, bikkurim, revai’i and maaser sheini. However, although this rule applies to these mitzvos, in practice we cannot observe it since produce that has kedusha cannot be consumed by someone who is tamei (Rambam, Hilchos Terumos Chapter 11; Hilchos Maaser Sheini 3:11). This explains why most people are unfamiliar with the rules of kedushas shvi’is.

When eating shmittah food, one need not be concerned about the remaining bits stuck to a pot or an adult’s plate that one usually just washes off; one may wash these pots and plates without concern that one is destroying shmittah produce. However, the larger amounts left behind by children, or leftovers that people might save should not be disposed in the garbage. Instead, they can be scraped into the pach shvi’is.

Issur sechorah – commercial use One may not harvest the produce of one’s field or tree in order to sell it in commercial quantities or in a business manner (Tosefta, Shvi’is 5:7; Rambam, Hilchos Shmittah 6:1). For example, shmittah produce may not be sold by weight or measure (Mishnah, Shvi’is 8:3), nor sold in a regular store (Yerushalmi, Shvi’is 7:1).

Tefisas damim If one trades or sells shmittah produce, the food or money received in exchange becomes imbued with kedushas shvi’is. This means that the money should be used only to purchase food that will itself now have the laws of shmittah produce. The original produce also maintains its kedushas shvi’is (Sukkah 40b).

Havla’ah At this point, we must discuss a very misunderstood concept called havla’ah, which means that one includes the price of one item with another. The Gemara (Sukkah 39a) describes using havla’ah to “purchase” an esrog that has shmittah sanctity, without the money received becoming sanctified with kedushas shvi’is. For example, Reuven wants to buy an esrog from Shimon; however, Shimon does not want the money he receives to have kedushas shvi’is. Can he avoid this occurring?

Yes, he may. If Shimon sells Reuven two items at the same time, one that has kedushas shvi’is and the other does not, he should sell him the item that does not have kedushas shvi’is at a high price, and the item that has kedushas shvi’is accompanies it as a gift. This method works, even though everyone

realizes that this is a means of avoiding imbuing the sales money with kedushas shvi'is.

Shamur and ne'evad According to many (and perhaps most) rishonim, if a farmer did not allow people to pick from his fields, the shmittah produce that grew there becomes prohibited (see Ra'avad and Ba'al Ha'maor 5: Sukkah 39a). This produce is called shamur. Similarly, many authorities prohibit consuming produce that was tended in a way that violated the agricultural laws of shmittah (Ramban, Yevamos 122a). This produce is called ne'evad.

Shmittah exports The Mishnah (Shvi'is 6:5) prohibits exporting shmittah produce outside Eretz Yisroel. Some recognized authorities specifically permit exporting shmittah wine and esrogim, although the rationales permitting this are beyond the scope of this article (Beis Ridbaz 5:18; Tzitz Hakodesh, Volume 1 #15:4). This approach is the basic halachic reason to permit the export of esrogim that grow during shmittah next year for Sukkos, 5783. (The esrogim for this coming year will all be from the pre-shmittah crop and not involve any shmittah concerns.)

Sefichin As explained in last week's article, the prohibition of sefichin does not refer to perennials that do not require planting every year. Although trees and other perennials definitely thrive when pruned and cared for, most will produce even if left unattended for a year and the farmer has less incentive to violate shmittah by tending his trees.

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

Biur shevi'is At this point in our discussion, we need to explain the concept of biur shvi'is. The word biur literally means elimination, as in biur chometz, which refers to the eradication of chometz performed each year before Pesach. One of the laws that applies to shmittah produce is that once a specific species is no longer available in the field, one can no longer keep shmittah produce from that species in one's possession. At this point, one must perform a procedure called biur shvi'is. Although there is a dispute among the rishonim as to the exact definition and requirements of biur shvi'is, we rule that it means declaring ownerless (hefker) any shmittah produce in one's possession (Ramban, Vayikra 25:7; cf. Rashi, Pesachim 52b s.v. mishum and Rambam, Hilchos Shmittah 7:3 for alternative approaches.) For example, let us say that I picked shmittah apricots and canned them as jam. When no more apricots are available in the field, I must take the remaining jam and declare it hefker in the presence of three people (Yerushalmi, Shvi'is 9:5). I may do this in front of three close friends who will probably not take the jam after my declaration; it is sufficient that they have the right to take possession. If someone fails to perform biur, the shmittah produce becomes prohibited.

Otzar beis din What is an otzar beis din? Literally, the words means "a storehouse operated by beis din." Why would a beis din be operating a storehouse? Did they need to impound so much merchandise while doing litigation? No, let me explain.

As mentioned above, the owner of an orchard may not harvest his produce for sale, and he must allow individuals to help themselves to what their family may use. But what about people who live far from the orchard? How will they utilize their right to pick shmittah fruit?

Enter the otzar beis din to help! The beis din represents the public interest by hiring people to pick and transport the produce to a distribution center near the consumer. Obviously, no one expects the pickers, sorters, truckers, and other laborers to work as unpaid volunteers; they are also entitled to earn a living. Similarly, the managers who coordinate this project are also entitled to an appropriate wage for their efforts. Furthermore, there is no reason why beis din cannot hire the owner of the orchard to supervise this massive project, paying him a wage appropriate to his significant skills and experience in knowing how to manage this operation. This is all legitimate use of an otzar beis din.

Who pays for otzar beis din services? The otzar beis din divides its costs among the consumers. The charges to the user should reflect the actual expenses incurred in bringing the products to the consumers, and may not

include any profit for the finished product (Minchas Shlomoh, Shvi'is 9:8 pg. 250). Thus, otzar beis din products should cost less than regular retail prices for the same items, since there should be no profit margin. (See Yerushalmi, Shvi'is 8:3 that shvi'is produce should be less expensive than regular produce.)

Please note that all the halachos of kedushas shevi'is apply to otzar beis din produce. Also note that acquiring from an otzar beis din is not really "purchasing" since you are not buying the fruit, but receiving a distribution – your payment is exclusively to defray operating costs. Therefore, the money paid for otzar beis din produce does not have kedushas shvi'is, because it is compensation for expenses and not in exchange for the shmittah fruit (Minchas Shlomoh, Shvi'is 9:8 pg. 250).

Produce still in the possession of an otzar beis din at the time of biur is exempt from biur. The reason is that this product is still without an owner – the otzar beis din is a distribution center, not an owner. However, produce originally distributed through an otzar beis din and now in private possession must be declared hefker.

Heter otzar beis din The modern term "Heter otzar beis din" is used pejoratively. The purpose of an otzar beis din is to service the consumer, not the producer, as I explained above. Unfortunately, unscrupulous individuals sometimes manipulate the rubric of otzar beis din to allow a "business as usual" attitude and violate both the spirit and the halacha of shmittah. If the farmer is operating with a true otzar beis din, he will allow people to enter his field and help themselves to the produce. If he bars people, then he is violating the basic laws of shmittah and his produce distribution is not according to otzar beis din principles. Similarly, if the field owner treats the produce as completely his own and charges accordingly, this contradicts the meaning of otzar beis din. These cases are disparagingly referred to as heter otzar beis din; meaning they reflect abuse of the concept of otzar beis din.

Conclusion Those living in chutz la'aretz should be aware of the halachos of shvi'is and identify with this demonstration that the Ribbono Shel Olam created His world in six days, thereby making the seventh day and the seventh year holy.