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The Final Test?

By **Jonathan Rosenblum**, on August 31st, 2014

Mrs. Esther Wein recently shared with me a dvar Torah that she heard many years ago from her grandfather **Rabbi Shimon Schwab**, zt"l, which may have application to the rampant anti-Semitism that has exploded around the world in the wake of Operation Protective Edge.

Rabbi Schwab asked what average Egyptians did to merit the terrible punishments that befell them in the course of the plagues. And what was the nature of the individual judgment on those Egyptians who drowned at Yam Suf? After all, it was Pharaoh who refused to allow the bnei Yisrael to leave Egypt. Was every citizen of Egypt culpable for not have revolted against Pharaoh to force him to grant the bnei Yisrael permission to escape?

He answered that the litmus test for the average Egyptian came when Pharaoh added to the burden of the bnei Yisrael by requiring them to collect their own straw while retaining the same quota of bricks as before. The Jews, the Torah relates, had no choice but to fan out across Egypt in search of straw. Rabbi Schwab speculated that they were forced to knock on the doors of the Egyptians in their quest, and that the Egyptians were subsequently judged according to the manner in which they treated the Jewish slaves who beseeched them for straw.

That search for straw was the immediate prelude for the ten Makkos. In other words, each Egyptian was tested before the plagues began.

MRS. WEIN, today a well-known teacher of Torah, speculated that perhaps Hashem is testing our enemies in a similar fashion today. Rarely does an issue of such moral clarity present itself as the rights and wrongs of the current conflict between Hamas and Israel.

Let us start with the events immediately leading up to Operation Preventive Shield. It is uncontested that Operation Preventive Edge was launched only after hundreds of rockets were fired from Gaza at Israeli cities. The firing of a single rocket, much less hundreds, would have been a clear *casus belli* if fired by a sovereign nation, and Hamas functions as a full sovereign in the

Gaza Strip. Even before the firing of the missiles, the Hamas high command (either from Qatar or Gaza) ordered two West Bank operatives to kidnap and murder three Israeli teenagers.

So much for the immediate precedent for Israel's military action. But the war also revealed that the entire Gaza Strip has been turned into a labyrinth of underground tunnels built for the sole purpose of launching cross-border attacks against Israeli civilians or to shield Hamas rockets, rocket launchers, and senior military and civilian commanders.

Billions of dollars in international aid have been siphoned off by Hamas in single-minded pursuit of the goal of destroying Israel. That goal is reaffirmed repeatedly throughout the Hamas Charter. Article VI defines the role of the Islamic Resistance Movement (Hamas) as raising the banner of Allah over every inch of Palestine. Article VII states that the final resurrection will not come until Moslems fight the Jews and the very trees call out, "There is a Jew hiding behind me. Come and kill him."

Even the large number of Gazan casualties does not change the moral calculus one whit. Once it is conceded that Israel has the right to defend itself and that the offensive tunnels leading into Israel and those sheltering Hamas's weaponry are legitimate military targets, then both the law of war and common sense dictate that Hamas is responsible for the civilian casualties resulting from efforts to destroy those tunnels and weaponry, especially when those military targets were deliberately located among civilians and Hamas repeatedly cajoled/coerced local residents into remaining in their homes.

The law of war is crystal clear that the responsibility for civilian deaths pursuant to the destruction of legitimate military targets falls completely on the side of the party that located its military assets among civilians. Logic leads to the same result, for any other conclusion would offer an enormous advantage to terrorist groups and non-state actors who attack states while using civilians as a shield. They would effectively immunize themselves from attack by recklessly locating military targets in civilian areas.

To affirm Israel's right to defend itself, as did President Obama's closest advisor Valerie Jarrett, for instance, while labeling as "indefensible" the civilian deaths from Israeli efforts to uproot military targets placed by Hamas in civilian areas, is to speak rank nonsense. There is no way for Israel to defend itself without destroying the underground tunnels and degrading Hamas's rocket supply. And if Hamas deliberately shields those targets with civilians, then civilians will inevitably die as an outgrowth of Hamas's decision.

The number of civilian casualties in the Gaza fighting reveals nothing about the morality of Israeli actions. They serve as a metric for nothing other than Hamas's cynical manipulation and disregard for the civilians under its rule.

Others have said even sillier things than Jarrett, such as that Israel should have shared its Iron Dome system with Hamas, just to make things fair. Right, and the United States should have given Japan the atom bomb just to make things fair.

Such contortions of logic can bespeak only one thing: Jew hatred. And that is before we get to all those across Europe chanting, "Jews to the gas," or surrounding Jews as they prayed in their synagogues.

Could the condemnations of Israel, when matters are so clear, constitute a final test for anti-Semites all around the world, just as the plaintive requests for straw were the final test for the Egyptians?

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from: Rabbi Yissocher Frand <ryfrand@torah.org> to: ravfrand@torah.org date: Thu, Sep 4, 2014 at 5:05 PM subject: Rabbi Frand on Parshas Ki Seitzei

Rabbi Yissocher Frand
Parshas Ki Seitzei

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Or HaChaim Retrieves Hidden Message from Mitzvah of Returning Lost Objects

There is a very interesting comment of the Or HaChaim Hakadosh in Parshas Ki Seitzei that really needs no further elucidation. The pasuk teaches "You shall not see the ox of your brother or his lamb wandering and hide yourself from them; you shall surely return them to your brother." [Devorim 22:1]. The Biblical commandment to return lost objects (haShavas aviedah) is derived from this pasuk. The Torah continues: "If your brother is not near you and you do not know him, then you shall bring it inside your house, and it shall remain with you until your brother's inquiring about it, then you shall return it to him." [Devorim 21:2] It is interesting to note that the Torah uses the verb 'hashev teshivem' to express the command of returning a lost object. The Torah could have used the expression 'hachzer tachzirem' to express the exact same idea that the object should be returned. The Shaloh HaKadosh comments that the use of 'hashev teshivem' connotes the idea of teshuvah [repentance]. The Torah is discussing returning a person's lost wallet or pen, but at the same time, the Torah is eluding a situation where the person himself is lost. By saying "hashev teshivem" (which may be translated as "you shall help them to do Teshuvah) the Torah is urging us to bring "lost souls" back to the Master of the Universe.

The Or HaChaim interprets the entire pasuk as an allusion. The pasuk "When you see a 'shor achicha'" does not only mean "When you see your brother's ox." It also refers to people who might be compared (because of their actions and behavior) to animals. The word "Achicha" refers to the Almighty and the pasuk reminds us that these lost souls are part of the flock of the Almighty. We are commanded "hashev teshivem l'Achicha" -- to return these souls to Him.

The Or HaChaim explains the next pasuk: "V'Im lo karov Achicha eilecha..." ("If Your Brother) is not near you...") as referring to the final period of exile (haGalus haAchron). He derives this by equating the expression "lo karov" with the expression in Bilaam's messianic vision "I see it but it is not near" (Ashurenu v'lo karov) [Bamidbar 24:17]. The severity and unfathomable length of the exile causes people to lose faith and give up heart – "as we see in these generations", writes Or HaChaim (1696-1743). This hidden end to the exile is hinted at in the words "v'lo yedato" (and you do not know him).

The pasuk then instructs "And you shall gather him into your house and he shall be with you..." This refers to the fact that we shall bring him into the Beis HaMedrash [study hall] and teach him the ways of Jewish living and the way of enlightened existence so that he not wander off the path and be misled by false claims and mistaken beliefs. So this pasuk, which at a simple level is introducing the mitzvah of HaShavas Aveidah, at the level of Remez [allusion] is charging every Jew to become what is today called a "kiruv worker" [engaged in spiritual outreach]. When we see someone who is lost, we have a responsibility to bring him back to the Ribono shel Olam.

This mitzvah is certainly relevant in our times when great masses of our fellow brethren have become estranged and "lost" from the ways of Torah and the ways of the Master of the Universe. We must make whatever effort possible towards Hashev Teshivem – to bring them back to do Teshuvah.

Consider the following: Has it ever happened that one of your children got lost? You were at an amusement park or a ball game, somewhere with throngs of people and you become separated from your child. He is lost. There are few circumstances in life that are more traumatic for a parent than having lost a child. Parents naturally 'freak out' in such circumstances. Most of the time, Baruch Hashem, the child is 'found' but those few minutes – whatever it takes until the child shows up – put gray hairs on the parent's head. < p> Imagine how grateful a parent feels to a stranger who sees his

great distress and approaches him with a child in hand asking "Is this your child?" One feels so indebted to that person that one cannot do enough for him.

The Ribono shel Olam has so many lost children. He has such 'aggravation' at the fact that they have been lost. He is so 'pained' by seeing so many of His children lost. Then the kiruv worker brings back the child to the Ribono shel Olam. Imagine the Joy the Almighty has for such a person. Imagine what He will be willing to do for the person who brought back His lost children to Him. This is the mitzvah of "Do not see your Brother's ox and lamb and ignore them." Do not shut your eyes to all the people who are lost but rather "hashev teshivem l'Achicha" – you shall surely bring them back to your "Brother".

The Woman of Valor's Wardrobe Must Be One of "Beauty" and "Strength"

Parshas Ki Seitzei contains the prohibition: "An Amonite and a Moavite shall not enter into the Congregation of Hashem. Also a tenth generation shall not enter of them into the Congregation of Hashem, forever." [Devorim 23:4] This Biblical prohibition forbids marrying even a convert from Amon or Moab. This contrasts with the law regarding an Egyptian convert, whose third generation descendant may marry into "the Congregation of Hashem." Why is the restriction regarding the Amonite and Moavite so severe? The Torah explains in the very next pasuk: "because of the fact that they did not greet you with bread and water on the road when you were leaving Egypt..." They were ingrates. Although their ancestor (Lot) owed much to our ancestor (Avraham), they would not so much as give us a glass of water in our time of need when we left Egypt. This is a terrible indictment of their national character. They only existed in the world because Avraham saved Lot and they were so callous to the needs of Avraham's descendants. The Torah treats this gross lack of Hakaras HaTov [gratitude] on their part more severely than the enslavement we suffered at the hands of the Egyptians!

The Torah SheBaal Peh [Oral Law] infers that these laws apply to "a (male) "Amoni" and not a (female) "Ammonis"; to a (male) "Moavi" and not a (female) "Moavis" [Yevamos 69a]. Indeed, the matriarch of the Jewish monarchy, the great grandmother of King David, was none other than Rus, a Moavite convert.

Why should there be a difference between the men and women? The Gemara [Yevamos 76] addresses this by distinguishing between men who by social convention are expected to greet wayfarers and women who by social convention, for reasons of modesty, are not expected to greet wayfarers. The Talmud does ask that at least the Moavite men should have greeted the Jewish men and the Moavite women should have greeted the Jewish women. The Gemara has a lengthy discussion of this question but concludes in the final analysis "Kol Kevodah Bas Melech Penimah" – ultimately the glory of the "Daughter of a King" is her privacy and it would have been inappropriate for the Moavite women to take a public leadership role in providing even for other women.

The Shemen haTov questions this use of the principle of "Daughter of a King" regarding Moavite women. These are, after all, the same women about whom we read in Parshas Balak "And Israel dwelt in Shittim and the nation began to be promiscuous with THE DAUGHTERS OF MOAV." [Bamidbar 25:1] We are not talking here about students of Sarah Schenirer (Founder of the first "Bais Yaakov" school) in Cracow, Poland! We are talking about women who just recently "sold" themselves in attempts to seduce and corrupt the Jewish people! How can the "Kol Kevodah Bas Melech Penimah" defense be used here to get such women off the hook?

The Shemen haTov explains that these women went out to seduce the Jewish men despite the fact that it went against every sinew in their bodies. They were drafted to do their duty for their country per the advice of the wicked Bilaam. They were basically an earlier day version of the women pressed into "national service" in World War II by the Japanese Government to provide "comfort" for the male soldiers. This was not their choice. This was certainly against their will.

When Balak commanded these Moavite women to compromise the spiritual integrity of the Jewish men, it was not within their ability to refuse on the grounds that it violated their moral principles. The spiritual DNA of women is to be modest. Chazal tell us that Chava was created from a hidden part of Adam's body because that is the way the Almighty wanted women to be — hidden and modest by their very natures. It was their natural "hard-wired" tznius that got them off the hook for not taking the initiative in going out and offering water and provisions to the Jewish women.

But how can we claim that all women are hard wired to be modest and withdrawing? Look outside! Anywhere we go, we seem to find that this is not the case. Millions and billions of women across the face of the earth are not modest in this sense of always "staying within". What happened to this hard-wiredness? What happened to the fact that they were created from the hidden rib of Adam?

Anyone who has daughters — even those who attend Bais Yaakov — know that matters of expected "tznius" are tremendously challenging in today's world. It is very difficult. The "spirit of the times" is alien to the concept of "tznius" and to withdrawal from taking active roles in society. How can we understand the Talmud telling us that modesty is an innate quality in women when we see the way virtually all women dress and act in our modern world?

The answer is that society has perverted us and perverted our women to the extent that something which should come naturally to women today is a major spiritual challenge. The entire world we live in is so decadent and so obsessed with matters of pleasures of the flesh and so forth that society has succeeded in taking something from its natural state and changing it to the extent that Tznius for women today becomes a major battle. In our world, Tznius is a difficult thing to "sell".

It should not be like that. In the Victorian age, women would not dress like they do today. Society has changed what should be the natural inclination of women and made it into a major challenge.

It always strikes me that in the chapter of Proverbs dealing with the "Woman of Valor," we extol the values of the Eishes Chayil by saying "Strength and majesty are her raiment" (Oz v'Hadar levusha) [Mishlei 31:25]. The word Hadar means beautiful. Shlomo HaMelech is saying that the garments of the Woman of Valor are beautiful. This we understand. But he also describes those garments with the word 'Oz' which means strength. How are we to understand that?

The answer is that Shlomo HaMelech is describing a time when for a woman to dress properly will require tremendous inner strength. The Woman of Valor will need to go from store to store to find something appropriate to wear. She will need to suffer the stares of people who see how she is dressed in the summer and give her looks like she must come from another planet! This takes strength — the attributes of Oz and Gevurah.

It should not need to be like that but such is the society we live in. Therefore, our women need to dress not only with Hadar [beauty] but with Oz [strength] as well.

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Rabbi Yisroel Reisman – Parshas Ki Seitzei 5773

1. I would like to share with you a pair of ideas that come from this week's Parsha. They are Klaliyosdik (general) ideas of great significance. Let me start with a Chiddush which is in the Rambam Hilchos Sanhedrin (which is

in Sefer Shoftim) Perek 17:7 (כל מי שחטא ולקה חוזר לכשרותו שנאמר ונקלה אחיך) which is based on a Posuk in this week's Parsha. In this week's Parsha we learn the Parsha of Malkus where the Bais Din has to give a punishment of lashes to someone who did an Aveira. As it says in 25:3 (וְנִקְלָה אָחִיךָ לְעֵינֶיךָ) and your brother will be shamed before your eyes. The Gemara Darshuns in Maseches Makkos 23a (5 lines from the bottom in the Mishna) (כל חייבי כריתות שלקו) that after he is punished you should look at him as a Tzaddik and not as a Rasha.

The Rambam says the following. (כל מי שחטא ולקה חוזר לכשרותו). Anyone who did an Aveira and got Malkus for it goes back to his status as a Kosher. (אף כל מחוייבי כרת). Then he says (שנאמר ונקלה אחיך לעיניך כיון שלקה הרי הוא אחיך). Even somebody who is Chayuv Kareis and got Malkus is Patur from Kerisos and becomes (אחיך). So he is saying here clearly that the Malkus itself makes him (אחיך) and it even implies he did not do Teshuva which means that Malkus is Mechapeir without Teshuva. The Rambam says this more clearly in Hilchos Eidus 12:4 (כל מי שנתחייב מלקות בין (לעשה תשובה בין שלקה בבית דין חוזר לכשרותו).

The Minchas Chinuch at the end of Mitzva 594 in this week's Parsha makes the point that Kivan Shelaka, if he got Malkus even if he did not do Teshuva he is already considered to be Achicha and he has a Kappara.

What is interesting is that many of the Poskim take this idea to all Yissurim as well. That if a person is Sovel Yissurim as a punishment even if it is not Malkus in Bais Din and he suffers Yissurim in Bais Din that is adequate to be in place of Malkus and to allow a person to have a Kappara. This idea is both in the Teshuvos Chasam Sofer (which I will mention shortly) and the Pachad Yitzchok where he mentions this as well. The Pachad Yitzchok is on Yom Hakipurim (Maimur 12 Os Hei).

There is a problem that the Rambam in Hilchos Teshuva at the beginning of Perek 1 seems to say the reverse. There he says (כל מחוייבי מיתות בית דין (ומחוייבי מלקות אין מתכפר להן במיתתן או בלקייתן עד שיעשו תשובה ויתודו). They have no Kappara until they do Teshuva and say Vidui. So here it seems that a person who gets Malkus or by extension any punishment does not have a Kappara until he does Teshuva as well. A very important difference. If someone suffers Yissurim as a Kapparah, does he need to do Teshuva to have that Kappara? (Of course he should do Teshuva) but it would be some type of a Chizuk to us if we understood that punishment without an adequate Teshuva is still a Kapparah. This question, this Stiras Harambam is asked by the Achiezer in his Teshuvos Cheilek Aleph Teshuva 20 Os 6. He points us to the Teshuvos of the Chasam Sofer in Orach Chaim 175 where both Rav Chaim Ozer and the Chasam Sofer say the following. There are two aspects, one aspect is to have a Kapparah where the slate is wiped clean and the other is the removing of the punishment. This is sort of L'havdil like in today's court system where a person serves his time and he is so to speak forgiven. But it is still on his record. If other things happen later, it is on his record. Says the Chasam Sofer and Rav Chaim Ozer, the Yissurim that a person suffers as a punishment takes away the Onesh and there is no longer any repercussions on the Aveira that was done. However, he still needs a Kapparah and for that Teshuva is needed. The Chizuk of course is this idea. The idea that it is adequate for a person who suffers an Onesh or Yissurim to have enough to make it as if he never did the Aveira. Of course it is still on his record but that is adequate. We all quote that this is the Rambam's opinion. However, the Baal Hamaor and the Ramban in Maseches Makkos 23 and Tosafos in Maseches Yoma 4 hold that Yissurim are Mechapeir and Malkus is Mechapeir even without Teshuvah. That is something of a Chizuk. Why should the Onesh itself be Mechapeir?

Here I turn to the Pachad Yitzchok. Rav Hutner writes that the Kabbalas Ha'onesh is the Kapparah. Someone who feels inadequate to do Teshuvah but nevertheless he is Mekabeil the Yissurim that he gets in this world, that is something that he has no complaint about, something he deserves. Such an acceptance that itself erases whatever residue of Aveira there is according to the Baal Hamaor and the Ramban according to Tosafos it wipes the slate

clean. Even according to the Rambam it is enough for Haforas Ha'onesh. Here we have an important lesson in the idea of Kabbalas Yissurim as is quoted by these Gedolei Olam.

2. Let me move on to another topic. (Ed. Note: This topic was also referenced in Parshas Emor 5773, Ayin Sham). In this week's Parsha we have the idea of Chasuna as is brought in 22:13 (כִּי-יִקַח אִישׁ, אִשָּׁה) which is what the Parsha of Chasuna is learned from. I would like to share with you an idea. We have a general rule that (כל דבר שבקדושה לא יהא פחות מעשרה). Anything that involves Kedusha needs a Minyan whether it is Borchu, Kaddish, or Kedusha. All these things require a Minyan. From where do we know this? The Gemara in Masseches Sanhedrin 74b learns through a two-step Hekish from the Posuk in Parshas Emor 22:32 (וְלֹא תִהְיֶינָה אֶת-שְׁמֵי קִדְשֵׁי, וְנִקְדְּשֵׁתִי, בְּתוֹךְ בְּנֵי יִשְׂרָאֵל הַבְּדוּלוֹ מִתּוֹךְ) (בְּתוֹךְ)? It says in the Parsha of Korach (הַעֲדָה). Again the word (תוֹךְ) is used. How many is (תוֹךְ) in the Parsha of Korach? Here we have the second step of the Limud. The Gemara says we learn out from the word (הַעֲדָה) from the Miraglim which it says in Parshas Shelach 14:35 (לְכָל-הַעֲדָה הָרְעִיבָה הַזֹּאת). The 10 Miraglim that were Reshaim are called (עֲדָה). So we learn from the Miraglim to Korach and from Korach to (אֶת-שְׁמֵי קִדְשֵׁי, וְנִקְדְּשֵׁתִי, בְּתוֹךְ בְּנֵי יִשְׂרָאֵל) that a Minyan is 10 Yidden and from there is the entire source of the idea of a Minyan of Asara. It is a Pele! We have no better place to learn the idea of Minyan from except for Korach and the Miraglim? Halo Davar Hu! The Torah uses Korach and the Miraglim to teach us the concept of Kedushas Haminyan?

Rav Moshe has a number of Teshuvos in Igros Moshe regarding the following Shaila and these Teshuvos have to do with the source of Minyan as we have explained. Rav Moshe was asked whether someone who is a Michaleil Shabbos (a Mumar) can count towards the 10 people of Minyan or do you have to have 10 people who are Shomrei Shabbos, who are religious people. Rav Moshe says let's look at the Gemara. The Gemara says that we learn Minyan from the Miraglim and the Gemara goes on to say that maybe the non-Jew should count towards Minyan (in Sanhedrin 74b). Maybe a non-Jew should count towards Minyan. The Gemara responds that it is not so as you need similar to the Miraglim from whom we are learning. The same thing here and therefore, a non-Jew does not count towards Minyan. Says Rav Moshe, so the Gemara is saying that non-Jews don't count towards Minyan. The Miraglim were Reshaim and yet they are counted towards the 10. The Gemara says Dumya D'miraglim. Therefore, a Mumar, someone who is not a Frum person still could count towards Minyan. This is Rav Moshe's Psak.

Although Rav Moshe stresses that when you are making a Minyan in this manner you should not say Chazaras Hashatz. That is, it is enough to be Maikil on this Kula to say Kaddish and Barchu. But to make an extra 19 Berachos not. Therefore, say what we call a short Shemoneh Esrei when counting a non Frum person towards a Minyan. This is Rav Moshe's Psak based on this Limud.

How do you know that you need a Minyan for Chasuna? The Gemara in Masseches Kesubos 7b (8 lines from the top) says (גופא אמר רב נחמן אמר לי הוונא) בר נתן תנא מנין לברכת חתנים בעשרה שנאמר ויקח עשרה אנשים מוקני העיר ויאמר שבו ויקח עשרה אנשים, מוקני העיר --) Megillas Rus 4:2 (ויאמר שבו וישבו). This is when Boaz wanted to marry Rus. He took 10 people and from there we learn out Minyan from a Chasuna. Of course there is an obvious question. Why should I learn it out from Boaz I should learn it out from the general rule of (וְנִקְדְּשֵׁתִי, בְּתוֹךְ בְּנֵי יִשְׂרָאֵל) to which we learn many Dinim that it means Asara for Minyan.

This summer when I was in Eretz Yisrael a Gerrer Chosid told me the following incident. He said there was a so to speak "Rabbi" (this is someone who was not a Talmid Chocho) that was making a Siddur Kiddushin in his house to people that were nominally religious and he was nice enough to have a Minyan in the house. They were waiting for the Minyan to arrive. One of those standing there said why are we waiting for a Minyan let's just

go on with the Siddur Kiddushin. To which the "Rabbi" replied erroneously, Kol Davar Shebikedusha Tzorich Asara. Anything that is holy needs 10. When the Gerrer Rebbe heard of this he said wow, amazing. Why do we learn Minyan for a Chasuna from Boaz, why don't we learn it from Korach and the Miraglim? This is because when it comes to a Chasuna we tell people it has to be Aliya, we learn of the gathering of Reshaim. It is important to be Mikareiv Rechokim and it is important to draw them close. It is important to understand that the Shechina rests even when there are Reshaim among you. When it comes to a person's Chasuna and it comes to a person's home, the home should be a place of Kedusha, of Lechatchila. It should be a place where things are the right way. The home should have a Kedusha and shouldn't have the outside influences, it shouldn't have the Reshaim there even things that are Muttar because it is not Lechatchila. Therefore, he said how ironic that at such a wedding the "Rabbi" said we need 10 because we learn it from Korach and the Miraglim. There may be some weddings that we learn from Korach and the Miraglim but we aspire to more, we aspire to a Kiddushin that has a level of Kedusha that we learn out from Rus, from the marriage of Rus and Boaz. What a beautiful thought regarding Kiddushin.

3. I would like to end today with a question. This is a question which I find quite difficult and it has to do not only with this week's Parsha but with prior week's Parshios as well. In this week's Parsha in Perek 21 which is regarding the Ben Sorer U'more we have the expression that is found in 21:21 (וְכָל-יִשְׂרָאֵל, יִשְׁמְעוּ וְיִרְאוּ). That others will the punishment of the Ben Sorer U'more and hopefully they will learn from it. Rashi brings (מכאן שצריך הכרזה בבית דין, פלוני נסקל על שהיה בן סורר ומורה) from here we learn that we announce when we give Misa to a Ben Sorer Umore. We have an identical Rashi in Parshas Shoftim 19:20 (מכאן שצריך הכרזה, איש פלוני ופלוני נהרגין על שהוזמו בבית דין מכאן) (שצריך הכרזה בבית דין, פלוני נסקל על שהיה בן סורר ומורה). This is in the Parsha of Eidim Zomemim where we learn out from (וְהַנְשָׂאִים, יִשְׁמְעוּ וְיִרְאוּ) that we announce when someone is punished so that it should serve as a deterrent. In Parshas Re'ei 13:12 (וְכָל-הָעָם, יִשְׁמְעוּ וְיִרְאוּ) which is in the Parsha of Maisis we have the same language in the Posuk and here Rashi says nothing. Rashi might have thought that we would remember from Parshas Ki Seitzei and Parshas Shoftim so he doesn't have to say it every time. The question I have though is in Parshas Shoftim 17:13 (וְכָל-הָעָם, יִשְׁמְעוּ וְיִרְאוּ). Here we have the identical Posuk and here Rashi says (שממתינין לו עד הרגל וממיתין אותו ברגל). That the Limud of (וְכָל-הָעָם, יִשְׁמְעוּ וְיִרְאוּ) is that we wait to give him Misa until Klal Yisrael is Oleh Regel so that everyone should see the Misah and learn from it. The difficulty is that you have the identical Posuk (וְכָל-הָעָם, יִשְׁמְעוּ וְיִרְאוּ) 4 times. 2 times Rashi says (מכאן שצריך הכרזה) that it has to be announced, once Rashi says (שממתינין לו עד הרגל), and in the 4th instance the one in Parshas Re'ei he says nothing at all. Why? There must be some hint in the Pesukim and in the understanding but I can't figure it out. Have a wonderful Shabbos!

Parsha Potpourri by Rabbi Oizer Alport - Parshas Ki Seitzei
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Parshas Ki Seitzei - Vol. 9, Issue 49

Compiled by Oizer Alport
Shaleiach teshalach es ha'eim ves ha'banim tikach lach (22:7) Parshas Ki Seitzei contains the mitzvah of shiluach haken - sending away the mother bird from her nest, and then taking her eggs or young for oneself. Rav Yosef Shalom Elyashiv recounted that in 2001, an old Jewish woman who lived in the Ezras Torah neighborhood in Jerusalem was visited by her grandson. When he noticed a bird sitting on eggs in a nest in her yard, he asked his grandmother for her consent to fulfill this rare mitzvah. Astonishingly, the old woman refused to give him permission to do so until he first asked the neighborhood Rav if he should perform this mitzvah. The grandson, who was a Torah scholar, politely asked his grandmother to explain what concern she could possibly have that would prevent him from fulfilling a Biblical commandment. To his surprise, his grandmother responded that that year was a Shemittah year, and she was worried that perhaps it is inappropriate to send away the mother bird during Shemittah. Her grandson respectfully explained that the laws of Shemittah forbid a person to work in his fields, but have no connection to the mitzvah of shiluach haken. Nevertheless, the old woman remained adamant in her position that she would not allow her grandson to send away the mother bird until he first consulted the local Rav, who was Rav Simcha Bunim Waldenberg, the son of the Tzitz Eliezer. When the

embarrassed grandson presented his "question" to the Rav, Rav Waldenburg excitedly responded that only a few minutes earlier, somebody had shown him that the Rashash (one of the greatest Kabbalistic sages of the past 300 years, whose full name was Rav Shalom Sharabi) writes that performing this mitzvah during a Shemittah year can cause a person damage and harm. In fact, the sefer Kan Tzipor quotes the Rashash as maintaining that one should not perform this mitzvah during the 7-week period between Pesach and Shavuot, nor from Rosh Hashana until Shemini Atzeres, as the deeper mystical rationale for the mitzvah does not apply at these times.

When Rav Elyashiv recounted this story, he expressed his tremendous wonder and admiration for the simple faith and complete trust in the Sages of a woman from an earlier generation. Nevertheless, as a matter of practical Jewish law, Rav Chaim Kanievsky, Rav Yaakov Hillel, and Rav Yitzchok Zilberstein all rule that a person who has the opportunity to fulfill this mitzvah should do so even during these periods, explaining that the words of the Rashash are intended only for those who conduct their entire lives according to mystical teachings, whereas ordinary people should follow the rulings of the revealed Torah and Shulchan Aruch, which makes no such distinctions and indicates that the mitzvah may be performed at these times.

Ki yikach ish isha u'ba'ala v'haya im lo timtza chein b'einav ki matza bah ervas davar v'kasav lah sefer kerisus v'nasan b'yada v'shilcha mi'beiso (24:1) The Vilna Gaon explains that a divorce document is called a get because these two letters aren't found next to each other in any other word in the Hebrew language and aren't pronounced with the same part of the mouth. This name therefore symbolizes separation.

Based on this concept, the Margalios HaTorah - a student of the Vilna Gaon - notes that in the section in the Torah (Bereishis 49:29-32) which details the final instructions of Yaakov to his sons immediately prior to his death, every letter in the Hebrew alphabet is used except for gimmel and tes.

As long as Yaakov remained alive, unity reigned between his children, as symbolized by the fact that the letters which connote separation aren't used to describe his final moments with his sons. However, the following verse (49:33), which relates the death of Yaakov, contains both the letter gimmel and the letter tes, to hint that upon the death of the unifying figure who inspired peace, the brothers immediately began to have (50:15) feelings of distrust and hatred.

Similarly, the section in the Torah (Bamidbar 28:1-8) which discusses the Korban Tamid, the continual offering which was brought twice daily on the Altar, contains every letter in the Hebrew alphabet except for gimmel and tes. This hints to the Gemora in Gittin (90b), which teaches that when a man divorces his first wife, the Altar sheds tears. As a result, the portion which describes the sacrifice which was brought on the Altar most regularly omits the two letters which are used to describe a Jewish document of divorce.

Ki yeishvu achim yach'dav u'meis echad meihem u'ben ein lo lo sih'yeh eishes ha'meis ha'chutza l'ish zar y'vama yavo aleha v'lak'cha lo l'isha v'yib'ma (25:5) After tremendous efforts, a couple was given permission to leave communist Russia to move to Israel. Unfortunately, the request of the husband's brother to join them was denied by the government, so he requested that the childless couple claim his daughter as their own so that they could raise her in Israel with a proper Jewish education.

Unfortunately, shortly after their arrival in Israel, the couple was involved in a terrible car accident. The wife was left unconscious, although the doctors were optimistic that she would eventually have a full recovery. The husband, on the other hand, was conscious but suffered severe internal injuries and was expected to die shortly, before his wife would likely regain consciousness.

Since the man would die without any children, his wife would be forbidden to remarry until performing the chalitzah ceremony with his brother. At that time, travel into or out of Russia - where the man's brother was still trapped - was virtually impossible. The husband was also unable to free her by divorcing her since a woman must be conscious to receive a divorce document.

The dilemma was brought to the attention of Rav Yosef Shalom Elyashiv, who responded with a brilliant solution to save her from becoming an agunah who is unable to remarry. The law is that if the brother of the deceased is related to the wife of the deceased and is therefore forbidden to marry her, she is exempt not only from yibum but even from the requirement to perform chalitzah (Yevamos 3a).

Although we follow the ban of Rabbeinu Gershom against polygamy, the Torah permits a man to have more than one wife. In the event that the deceased had a second wife who is not related to his brother, the Mishnah in Yevamos (2a) rules that not only does the first wife (who is related to the brother of the deceased) exempt herself from both yibum and chalitzah, she also exempts all of her husband's wives, even those who aren't related to his brother.

In this case, Rav Elyashiv suggested that the husband betroth his niece (who wasn't involved in the accident) since Rabbeinu Gershom's decree forbidding polygamy applies only to marrying a second wife but not to betrothing one (Even HaEzer 1:10). When the husband dies, both of his "wives" will fall to his brother for yibum. However, because

one of the wives is his brother's daughter, she will be exempt from both yibum and chalitzah. As per the Mishnah in Yevamos, she will exempt not only herself but also the currently unconscious wife, who will then be free to remarry.

Answers to the weekly Points to Ponder are now available! To receive the full version with answers email the author at oalport@optonline.net. Parsha Points to Ponder (and sources which discuss them):

1) The Gemora in Sanhedrin (71a) rules that a child may only be punished as a rebellious son if his parents are identical in their voices, appearances, and height. How is it possible for the parents to have identical voices, as having the voice of the opposite gender is one of the signs of being unable to bear children (Yevamos 80b), and such a couple would be unable to have a child? (Hagahos HaBach Sanhedrin 71a, Tiferes Yisroel Sanhedrin 8:28, Ayeles HaShachar)

2) Why is no blessing recited before doing the mitzvah (22:3) of returning a lost object? (Har Tzvi)

3) The Torah prohibits (23:4-5) a person who is born to proper Jewish parents to marry an Ammonite or Moabite because they failed to give the Jewish people bread and water after the Exodus from Egypt. Why was there a need for them to do so when the Manna and well provided them anything they wanted to eat or drink? (Rabbeinu Bechaye, Paneiach Raza Parshas Devorim)

4) The Vilna Gaon explains that a divorce document is called a get because these letters aren't found next to each other in any other word in the Hebrew language and symbolize separation. There are 4 other 2-letter combinations that also never appear together. How many can you identify, and why is a divorce document called a get instead of one of the other combinations? (Taima D'Kra)

5) Why is the mitzvah of keeping honest weights and measures (25:13-16) specifically rewarded with long life? (Yalkut HaGershuni)

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Thu, Sep 4, 2014 at 5:48 PM

OU Shabbat Shalom

Against Hate

Britain's Former Chief Rabbi **Lord Jonathan Sacks**

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

Do not despise an Edomite, because he is your brother. Do not despise the Egyptian, because you were a stranger in his land. (Deut. 23: 8)

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

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

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

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

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

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

True: but the Egyptians had initially provided a refuge for the Israelites at a time of famine. They had honoured Joseph and made him second-in-command. The evils they committed against them under "a new king who did not know of Joseph" (Ex. 1: 8)

were at the instigation of Pharaoh himself, not the people as a whole. Besides which it was the daughter of that Pharaoh who had rescued Moses and adopted him.

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

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

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

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

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

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

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

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

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

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

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

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

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

[1] Baba Metsia 107b. [2] Whenever I refer, here and elsewhere, to "Moses' commands," I mean, of course, to imply that these were given by Divine instruction and revelation. This, in a deep sense, is why God chose Moses, a man who said repeatedly of himself that he was not a man of words. The words he spoke were those of God. That, and that alone, is what gives them timeless authority for the people of the covenant. [3] Sifri, Bamidbar, Behaalotecha, 69. [4] Sifri ad loc. [5] See Rashi to Genesis 1: 1, s.v. bara. [6] James MacGregor Burns, *Leadership*, Harper Perennial, 2010, 455.

<http://www.jewishpress.com/judaism/parsha/the-greatness-of-man/2014/09/04/>

The Greatness Of Man

By: Rabbi Ben Tzion Shafier Published: September 4th, 2014

The-Shmuz

"If a man shall commit a crime whose judgment is death, he shall be put to death, and you shall hang him on a tree." – Devarim 21:22

Of the four capital punishments in the Torah, the most severe is s'kilah. After being killed, the criminal is hanged publicly for all to see so that others will learn not to do as he did.

Yet the Torah warns us that his body should not remain hanging for too long. He must be buried that day because it is an embarrassment to the King to let him hang.

Rashi explains: "It is an embarrassment to Hashem to have a human being hanging because man was formed in the image of Hashem. Since the Jewish people are called 'sons of Hashem,' the shame is even greater. Therefore, the body must be taken down that day before sunset."

Rashi then gives a mashol of identical twins. One brother rises through the ranks and eventually becomes king. The other brother turns to a life of crime. Eventually, the hoodlum is caught and hanged. Since he is identical to the king, anyone passing by would proclaim, "Look! The king has been hanged!" not realizing it is actually his twin. Rashi explains that it is for this reason the Torah commands us not to leave the body hanging too long. A person is made in the image of Hashem, and it is an embarrassment to Hashem to leave His likeness hanging.

This Rashi is very difficult to understand. The mashol implies that one passing a hanging human would on some level mistake him for Hashem.

This seems preposterous. No one would mistake man for Hashem. Hashem created the heavens and the earth; man can barely make it through his day. Hashem lives on for eternity; man puts his head down to sleep, not knowing whether he will ever awaken. How can anyone mistake man for the Creator? What is Rashi trying to teach us?

The answer can be found by understanding a different perspective of man.

Replica Versus Representation

If you ride the elevator to the 86th floor of the Empire State Building, you will find a gift shop selling models of the very building you are standing in. Those are replicas. A replica reminds a person of the original. Granted it is in miniature, and granted no one would mistake it for the original, but it carries, almost in caricature form, some semblance of the original.

A flag, on the other hand, is not just a piece of cloth that reminds us of a particular country. It stands for and symbolizes the nation itself. It is a representation of the county. So too a throne is more than a seat the king sits upon. It embodies the distinction and nobility of the king. If one sits on the king's throne, it is an affront to the king's honor.

If the Torah were teaching us that man is a replica of Hashem or even a representation of Him, it would be a huge change in the way we view man. Rashi seems to be saying that man is far more than a replica of Hashem, and even more than a representation of Hashem. Man is in a completely different category. To understand this Rashi, we must understand the role Hashem gave man in the universe.

Chazal explain to us that all physical manifestations have a spiritual counterpart. The spiritual counterpart of Creation is maintained by man. If he accomplishes his mission in the world, he elevates himself and the world along with him. If he doesn't live up to his role, both he and the world that depends upon him become damaged. In the case of Adam, one sin caused a radical change in the destiny of the world and mankind. Hashem placed the "keys of Creation" into man's hands. About the Author: Rabbi Shafier is the founder of the Shmuz.com – The Shmuz is an engaging, motivating shiur that deals with real life issues. All of the Shmuzin are available free of charge at the www.theShmuz.com or on the Shmuz App for iPhone or Android.

from: Rabbi Yochanan Zweig <genesis@torah.org> reply-to: do-not-reply@torah.org to: rabbizweig@torah.org date: Thu, Sep 4, 2014 at 4:05 PM subject: Rabbi Zweig - Parshas Ki Seitzei

**Rabbi Zweig on the Parsha
by Rabbi Yochanan Zweig**

Happy To Please "And he shall gladden the wife that he took"(24:5) The Torah specifies that a newlywed is exempt from military service for a year, so that he may bring joy to his wife. Rashi cites the Targum Yonasan who translates the verse "ve'simach es ishto" as "veyachdi im itesai" - "he shall be joyful with his wife." The Rambam and the Sefer Hachinuch rule in accordance with the Targum's interpretation stating "veyismach imah" - "he should be happy with her".² According to their interpretation of the verse the word "es" means "with" as derived from the construct of the words "ito" - "with him" or "ita" - "with her". However, an alternative interpretation is offered by Rashi who comments that a husband should make his wife happy, not that he should be happy with her. According to Rashi the word "es" is being used to focus the verb upon the object, i.e. bringing happiness to his wife. This would allow for the reading "He shall rejoice 'with' his wife." Why is he obligated to make her happy rather than be happy with her? Why is the husband's need for happiness not addressed? In the laws of Purim, the Rambam comments that the greatest level of happiness can be achieved while making others happy.³ The knowledge that he is the source of someone else's happiness brings a person the ultimate level of joy. In a marriage, a woman wants to receive her happiness from her husband; he is the one person from whom she seeks her ultimate fulfillment. It is the man's desire to be the source of his wife's fulfillment. The Torah is teaching us that for a man, the first year of marriage should be dedicated solely to making his wife happy. In this manner, he will ultimately bring joy upon himself as well. What emerges is that both interpretations of the verse "ve'simach es ishto" dovetail one other. By gladdening his wife he will be rejoicing with her as well. 1.24:5 2.Rambam Sefer Hamitzvos #212, Sefer Hachinuch #582 3.Yad Zemanim Hilchos Megilla 12:17

Rotten To The Core "If a man will have a wayward and rebellious son, who does not hearken to the voice of his father and the voice of his mother..."(21:18) The Torah teaches that the death penalty is imposed upon a boy entering his fourteenth year if he exhibits certain specific behaviors. This boy is termed a "ben sorer u'moreh". The Talmud explains that, although the child has not violated any capital crimes, stealing from his parents to support his gluttonous appetite indicates that eventually he will resort to bloodshed in order to cater to his needs. This concept is described by the Talmud as "neherag al shaim sofo; yamud zakai v'al yamud chayav" - "he is executed based upon his future actions; let him die innocent rather than guilty."¹ The Mizrahi raises the following question: In Parshas Vayeira, the Torah describes how Avraham expelled Hagar and Yishmael from his house. With their water supply depleted, Yishmael fell deathly ill. The Midrash records how the ministering angels pleaded with Hashem not to perform a miracle which would save Yishmael, for he would, in the future, be responsible for executing and persecuting Jews. Hashem replied to the angels that a person is judged "ba'asher hu sham" - "according to his present state."² Why was Yishmael not subject to the rule of "execution based upon his future actions"?³ To further compound this difficulty, it must be noted that at the time when Yishmael's life was in the balance, he had already performed idol worship, attempted murder, and was involved in immoral behavior. Chazal state that due to all of the requirements necessary for a child to become a "ben sorer u'moreh", such a case never did and never will occur.⁵ What then, is the Torah's purpose for recording such an impossibility? Reflecting upon some of the prerequisites for establishing a child as a "ben sorer u'moreh" allows us to gain insights leading to the answers of the aforementioned questions. Chazal derive exegetically that a ben sorer u'moreh's parents must have similar voices, their vision must be intact, they must possess all of their limbs, and the city wherein the perpetrator is located must have a "bais din", a Jewish court.⁶ The Torah is teaching us that a child's behavior does not necessarily reflect who he is in essence. Although it should never be used as an excuse to exonerate malevolent behavior, a person's environment can influence him and create the proclivity to act in a certain manner. If a person's behavior is affected by his environment, there is always hope for him to change, for his essence may still not be corrupted. However, if a person's behavior is reflective of his true essence, his environment playing no part in his actions, there is very little hope of him changing his ways. In order to establish that a child is a ben sorer u'moreh, the Torah requires that his actions not be reflective of his environment in any way. Therefore, his parents must have similar voices, i.e. he cannot be receiving mixed messages from them. They must agree with one another completely as to what they expect of their child. The parents must be perceived by the child as a legitimate authority, commanding the proper respect becoming of them. Therefore, the parents must have their limbs intact, be able to see and hear, for a lack in any of these areas may impede their ability to project themselves as authority figures. The city must

possess a bais din, a Jewish court which promotes the values necessary to create a climate within the city that makes raising decent children possible. Chazal are teaching us that it is impossible to find an environment which is utopian, having no negative impact upon a child. Therefore, the creation of a ben sorer u'moreh, who, despite being raised in a perfect environment, still exhibits malevolent behavior, reflecting a corrupt core, is impossible. The Torah is setting the perfect standard, for which a society should strive, in order to facilitate successful child-rearing. Although Yishmael exhibited malevolent behavior, this was not reflective of his true essence, for he was raised in a household where he was influenced by his mother, Hagar, an Egyptian princess. There was discord in the house due to the constant fighting between Sarah and Hagar. This allowed for him to be judged based upon the present, and not upon his future actions. This explains why Yishmael is never referred to by name throughout the time period under discussion. He is called "the son of the maidservant", "the lad", and "the boy", but never by name, for a name reflects the essence of a person, and his behavior did not reflect his true essence.⁷

1.Sanhedrin 72a 2.21:17 See Rosh Hashana 16b 3.Mizrachi 21:18 see Gur Arye 4.Beraishis 21:10 see Rashi 5.Sanhedrin 71a 6.Ibid 71a 7.21:9-20

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from: Rabbi Berel Wein <genesis@torah.org> to: rabbiwein@torah.org date: Thu, Sep 4, 2014 at 8:05 PM subject: Rabbi Wein - Parshas Ki Seitzei

Torah.org Homepage **Rabbi Berel Wein
Parshas Ki Seitzei**

What is Peace?

In this week's parsha, the Torah portrays for us an accurate and unforgiving view of war and its personal consequences. No one who participates in a war escapes unscathed from these consequences. The ones who are killed or wounded have suffered these consequences on their very physical bodies. But even those who have survived the battle whole are affected by the consequences of that struggle.

That is the supremely important, albeit subliminal message of the beginning of this week's parsha. A Jewish soldier, who according to the ritual requirements of becoming such a soldier and being accepted for the battle as outlined in last week's parsha, a God-fearing patriotic and observant person, somehow enters into a sexual relationship with a non-Jewish woman, a relationship which Rashi points out to us will only bring him future grief and regret.

The heat and passions that war and combat engender within a person cannot be limited to the actual battlefield alone. They carry on within the psyche and body of the combatant and find different ways of expression in all other areas of human life and experience.

The observant Jew, who under ordinary and usual non-combat circumstances is scrupulously pious and moral in one's behavior, now becomes a sexual predator and enters into a physical relationship with a non-Jewish stranger. Is this not the strongest message possible that the Torah wishes to communicate to us about the consequences and effects of war!?

War requires the abandonment of personal inhibitions. That will help explain the scenario portrayed for us by this opening parsha of this week's Torah reading. Without inhibitions there can be no morality or piety.

But as all of us living here in Israel are well aware of, war is a constant state of affairs in our national and personal life. The Jewish people have been at war here in the Land of Israel for almost all of the years of the past century. These wars may not be of our choosing or our initiative but they are omnipresent in our lives and society.

And because of this difficult state of affairs, Israeli society has been affected and even shaped by the presence of constant combat and warfare. Much of the rough spots that still exist in our society – the divisiveness, the absence of mannered courtesy, the unnecessary assertiveness, etc. – are all consequences of our being in a constant state of war. Inhibitions and piety are hard to maintain under such conditions and consequences.

Peace is not merely an absence of a hot war. It is a state of mind that induces tranquility, rationality and all around general goodness. That is why peace is so exalted in the works of the prophets and throughout the Talmud and Jewish tradition. And that is why we pray three times daily that its presence should be felt amongst us. With peace

– both inner and outer – such events as portrayed for us at the beginning of this week's parsha simply do not occur.

There is no people that longs for peace as greatly as do the people of Israel. May the Lord somehow bless us with the achievement of peace and thereby restore us to normalcy, piety and eternal goodness.

Shabbat shalom

Rabbi Berel Wein To Support Project Genesis- Torah.org

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RABBI WEIN BACK TO SCHOOL

This week marks the return of millions of our children to the regular routine of school. The yeshivot and seminaries of this and other countries have also begun their classroom schedules and study patterns. I think that even though we can all agree that school today is a very necessary part of our society, nevertheless we are also all aware that school contains a downside as well. Not all children and students do well in school and many times this is not a true indication of their abilities and talents. School oftentimes fosters a sense of inadequacy, frustration and lethargy in many of its students. Having a large number of students in one classroom almost automatically guarantees that some of them will not do well in such an atmosphere and that their learning abilities will be compromised. Inspirational teachers, perfect classroom settings and size, and elite and motivated student bodies are not easily found in the mass educational systems that comprise modern society. This is true not only in the area of general studies – mathematics, literature, science, communication skills, etc. – but it is especially true in the area of Torah studies. Not only knowledge needs to be transmitted, but more abstract and extremely vital goals such as faith and life values must be learned as well. And for those abstract goals there is no set curriculum and no perfect text that can help the teacher and the student in achieving success in these areas of the mind and soul. In striving for this achievement, we are attempting to avoid the tragedy as expressed by Ramban of creating a person who is a naval - wicked and obscene – and who nevertheless has Torah knowledge and lives within Jewish society. To be a Torah Jew requires study and knowledge. Those who are ignorant of Torah are incapable of being reckoned amongst the truly pious. Yet knowledge alone is no guarantee of being a Torah personality. The great religious movements of Chasidut and Mussar had as their goal the supplementing of Torah knowledge with a societal value system that would create a whole person, formed in the image of one's Creator. There were, and still are, many in the observant Jewish world who maintained that knowledge and study are sufficient enough to form a pious and holy person. Therefore, there was great opposition in the past to the ideas and new curriculums of Chasidut and Mussar. That opposition in our time has become more subdued and less public, partly because those movements have in themselves changed and even waned. Though Mussar, for instance, is still taught in many if not most yeshivot, there is no truly Mussar yeshivot as existed in pre-World War II Eastern Europe. Chasidut, as well, has become much more a matter of form, political ideology, dress and custom than of strong spiritual substance and personal development and inspiration. A certain sense of atrophy and conformity has invaded observant Jewish society and has naturally spilled over into its school systems and classrooms. This is not the sole reason for the "children at risk" syndrome which plagues so many of our families and our society, but it certainly has a causative effect in creating that troubling situation. The fact that the new school year has started should impress upon parents their pivotal role in educating and raising the next generation. Many times, the values and inspiration that somehow are not found in the school can yet be found and taught and transmitted at home. A great person, who was clever, astute and practical to the nth degree, who I knew, always counseled parents to keep their children at home even if the local school was judged inferior to other schools that were out of town. He often told me that children need parents even when the children are fifty and sixty years old, and certainly when they are still in their formative teenage years. He was going against the grain of the accepted norms of his and our generations. Yet I believe that in most circumstances he was correct. Parents impart not only knowledge but a sense of values, tradition, family, continuity and confidence which no school, no matter how well run and educationally advanced, can ever provide. In our time, when the Lord has blessed many of our families with grandparents and even great-grandparents it is the task of this older generation to provide for their offspring the necessary sense of the values of Torah and the continuity of families and of generations. By so doing, we reunite the young child wearing his first backpack to school with the experience of Sinai and the eternity of Israel. Shabbat shalom

from: **Rabbi Ephraim Z. Buchwald** <ezbuchwald@njop.org> reply-to: ezbuchwald@njop.org date: Mon, Sep 1, 2014 at 2:36 PM subject: Weekly Torah Message from Rabbi Ephraim Z. Buchwald
Kee Teitzei 5774-2014

"Restoring Lost Possessions-Revisited"

by Rabbi Ephraim Buchwald Among the 74 commandments (47 negative and 27 positive) that are found in parashat Kee Teitzei, is the mitzvah of restoring lost articles to their rightful owners. This mitzvah has already been discussed in Kee Teitzei 5767-2007. The Torah in Deuteronomy 22:1 states, You shall not see the ox of your brother or his sheep or goat cast off, and hide yourself from them, you shall surely return them to your brother. The Code of Jewish Law states that someone who finds a lost object, even in the public domain, is required to try to restore it to its rightful owner. If the owner is not known, then the finder must care for the lost object and guard it until the owner comes to claim it. This is what is implied in the Torah's commandment in Deuteronomy 22:3 ..and you find it-you shall not look away and ignore it.

The Torah, in Deuteronomy 22:2, provides additional instructions: ...then gather it inside your house and it shall remain with you until your brother inquires after it, and you return it to him. The rabbis derive from this verse that the finder must be proactive, and make a concerted effort to alert the rightful owner of the loss by publicly announcing that the object has been found.

From the words in Deuteronomy 22:2, "Until your brother inquires after it," it is deduced that the rightful owner must prove his ownership by properly identifying the lost object. It is preferable that the claimant provide clear identification regarding the lost object-such as size, shape, color, ornamentation and/or the location where it was lost. Objects that do not have specific identifications can be considered ownerless, since the owners have probably given up hope of ever retrieving them, at which time the finder can acquire the item as his own. The Code of Jewish Law, however, recommends that the finder go beyond the letter of the law and try to restore even the lost objects that lack identifying signs.

One who finds a lost object is required to return it without compensation, aside from expenditures incurred in order to publicize the loss or to care for the lost object (e.g. safe deposit vault, feeding an animal, etc.). If the lost item is perishable, it is proper to sell it and give the proceeds to the owner, to ensure that at least the basic value is preserved. Lost produce that would spoil, or animals that need to be fed, are to be sold immediately, since they would have no value should the owner appear only after a long period of time.

One of the most important elements in deciding the rightful ownership of a lost article is the issue of "Ye'ush"--determining whether the original owner despaired of ever recovering the lost article.

Both Maimonides in Laws of Robbery and Lost Property, 6:2, 11:11, as well as Rabbi Joseph Caro, in the Code of Jewish Law, Choshen Mishpat, 259:7, declare: "He who saves [retrieves] valuables from a lion or a bear, or from the bottom of the sea or from idolaters, they belong to him, even though the original owner stands and protests."

After the Holocaust, the concept of "Ye'ush," played a most significant role in determining the rightful owner of property lost during the Shoah, as well as the famous Sotheby's case.

A fascinating case regarding "Ye'ush" is recorded in Rabbi Irving J. Rosenbaum's collection of responsa entitled, The Holocaust and Halakhah.

In February of 1942, the Nazis decreed that the Jews of Kovono, Poland must surrender all their Hebrew books to the authorities or face death. Some of the books that were gathered in this raid were extremely valuable.

Rabbi Rosenbaum recounts the story of a Jewish Ghetto police officer, Yitzchak Greenberg, who placed himself in great personal danger to save some of these prized books. Greenberg buried a chest filled with some of the rarest and most prized books. The hope was that any surviving residents of the Ghetto would return to reclaim these items.

After the war, some of those who survived returned to Kovono to attempt to locate things that they had hidden during the war. One such searcher unearthed the chest in which the valuable books had been hidden. He immediately realized the treasure he had discovered. He declared them to be his based on Jewish law that maintains that anyone who finds property which has been abandoned, may subsequently claim ownership of it.

It did not take long for word of the find to spread among the other survivors of the community. One of the men recognized that among the books were some that had belonged to his family, and even had inscriptions with his family member's names, and insisted that the books be returned to him. The finder, however, asserted that, since the books had been abandoned, he had the right to claim ownership.

To determine who was the rightful owner, both parties approached Rabbi Ephraim Oshry, one of the few European rabbis and Halachic authorities to survive the Holocaust.

Rabbi Irving J. Rosenbaum writes about the rabbi's decision: In his decision, Rabbi Oshry cites the Talmud Baba Kamma 114a, "He who saves articles of value, from the river, or from a marauding band, or from robbers, if the owners have abandoned hope of recovery, they belong to him." Rashi explains that in all these cases, it is assumed that

there had been "Yei'ush," abandonment of hope of recovery, and therefore the finder has acquired legal ownership through a combination of, "Yei'ush" and possession, "Shinui reshut."

Rabbi Oshry determined that once the Nazis had stolen the books, the original owners had no reason to ever expect that they would be returned. Therefore, it may be readily assumed that they had given up hope of ever recovering the books, since in addition to their possessions, the Jews' entire earthly existence was at the mercy of the Nazis. Citing the Rashbam, Rabbi Oshry maintained that in the event of military conquest, there is no requirement of "Yei'ush," since under the laws that govern armed conflict, conquering armies acquire ownership of all spoils of war.

Complicating the issue was the opinion of Tosafot found in Baba Kamma 114b, which speaks directly to the issue of stolen books, specifically, and suggests that even when stolen by non-Jews, there is no automatic despair, since there is no resale market for Jewish books except for the Jewish market. Therefore, the owner retains hope that he may one day be able to repurchase them.

Rabbi Oshry, however, explained that the above opinion does not apply in this case. Since the Nazis intended to destroy the books to use them to make paper, the owner would not have the opportunity to repurchase them. Consequently, there was never any hope of retrieving them.

While Rabbi Oshry did entertain several other scenarios where the original owner could reclaim the books, Rabbi Oshry, nevertheless, concluded, that in all likelihood, the original owner had abandoned any notion that he would be able to recover his property. Since the books were now in the possession of he who found them, they were now the finder's property in the eyes of Jewish Law.

According to the opinion of the Recanati restoring a lost article is a mitzvah not to be taken lightly. The Recanati underscores the fact that some people value their possessions so profoundly, that they often regard their property to be of equal value to their lives. Consequently, when they lose something, they feel that part of their life has been lost. Therefore, a person who restores a lost article, may actually be restoring a person's life. That is why the authorities highly recommend that even if the finder has legal rights to keep the found article, that it be returned its original owner, as a kindness, beyond the letter of the law.

May you be blessed.

from: Shema Yisrael Torah Network <shemalist@shemayisrael.com> to: Peninim <peninim@shemayisrael.com> date: Thu, Sep 4, 2014 at 4:50 AM

Peninim on the Torah

by **Rabbi A. Leib Scheinbaum**

Parshas Ki Seitzei

If a man will have a wayward and rebellious son... and his father and mother shall take hold of him... and they shall say... "This son is wayward and rebellious." (21:18, 20)

We all know the story. A rebellious child is brought to the court. His parents are at their wits' end. They have tried everything - from discipline, to love, to coercion and reward. They have gone to professionals, tried every technique - all to no avail. Their son refuses to change. He displays an attitude for which apparently there is no cure. He is brought to bais din, court, where the ultimate punishment is carried out: Yamus zakai v'al yamus chayov, "Let him die while he is still innocent, rather than having to execute him once he has committed an act of murder." In other words, why should someone else also die because this boy is incorrigible? He is obviously an evil seed that cannot be controlled. Chazal teach us that, while this scenario neither has ever happened, nor will it ever occur, a host of parenting and educational lessons can be derived from this concept.

The ben sorer u'moreh seems to have this label attached to himself. It describes a type of behavior that is out of control. Two names for one failing - that is what it seems, a wayward and rebellious son. If so, when we recite viduy, confession, why do we say sararun, we have strayed - without adding u'marinu, "and we have rebelled?" Are they not one and the same, or do they represent two aspects or types of sinful behavior?

Horav Yaakov Galinsky, zl, explains that a sorer, wayward son, can still repent. The moreh, rebellious one, represents he who has no way of repairing himself. Teshuvah is no longer an option for him. He explains this idea further. The sorer knows that he has sinned, and he is troubled by this awareness. If he can only extricate himself from his present situation and maintain the strength of character and resoluteness to confess his sins and return to Hashem - he will be fine. There is still hope for him.

The moreh, however, has taught himself to justify every sin that he commits. He finds nothing wrong with his miscreant behavior. He always has some excuse through which he convinces himself that nothing is wrong. Indeed, he is probably doing a mitzvah. For him, we have no hope.

Rav Galinsky offers an excellent analogy to underscore the folly of the moreh. Apparently, sobriety was a serious problem in Poland. The Polish gentile drank alcoholic beverages like a fish. A good part of the population was often in some state of

inebriation. The police were plagued with a multitude of car accidents resulting from the impaired driving habits of the inebriated population. To curb the rising accident rate, the police would put up road blocks in order to pull over drivers and make them drive on a short stretch of highway, used for the specific purpose of determining who was inebriated and who was simply a poor driver. One day, the police pulled over the driver of a car who was weaving terribly from lane to lane. They had the driver come out of the car. His breath reeked of alcohol. This was a no brainer. Nonetheless, he had to take the driving test. He went back into his car and was about to take the test drive, when he said, "First, you must straighten out the road!"

A similar idea applies to the moreh. The only person who repents is one who sees a deficiency in his own behavior. The moreh blames his inability to drive straight on the crooked road. It is never about him. It is always the school, the rebbe, the parents, the community - everyone else - but it is never his fault. Why should he do teshuvah? He has done nothing wrong!

Chazal tell us about two infamous sinners - one who eventually repented, and one whose ignominious behavior and heretical beliefs accompanied him to infamy. Rabbi Elazar ben Durdia realized that his entire life of sin had been a total waste. He became so remorseful that he placed his head between his knees and began to cry incessantly. His pain and weeping were too much for his body to handle. He basically cried himself into Olam Habba, the World to Come. His entire life he knew that he had been acting inappropriately. He was not giving excuses. He simply wanted to have what he considered a good time. At one point, he realized that it was all a sham. It was not worth living a life of complete abandon. He repented and was accepted into the ranks of the righteous.

Elisha ben Avuyah had been, at one point, a great sage. Then something went wrong. He attributed it to his father, who was insincere in raising him for Torah; his mother, who had eaten a prohibited food during her pregnancy with him; a Heavenly voice, that declared that the gates of repentance had been closed to him. Regardless of the reason, Elisha ben Avuyah always had an excuse to justify himself, to validate his errant behavior. He was also guilty of maritu. His rebellion precluded his repentance.

Rav Galinsky applies this idea to distinguish between Yishmael and Eisav. Avraham Avinu had a wayward son, Yishmael. He turned to idol worship, immorality and murder. Our Patriarch banished him from his home. Yishmael found his rightful place in the wilderness, robbing, plundering and murdering travelers. Yet, in the end, he repented and even accompanied his father to the Akeidas, Binding of, Yitzchak.

Eisav, on the other hand, was not only sorer; he was also rebellious. Born to Yitzchak Avinu, he felt that the birthright was his. He sought every way to justify his behavior. He tried to fool his father by asking halachic questions and marrying pagan girls at the age of forty, emulating his father who had married Rivkah Imeinu at the age of forty. When he heard that his father did not approve of Canaanite women, he married Yishmael's daughter. Eisav always performed evil with a positive tinge to it. His descendants and successors, Edom/Rome, built "holy" crusades, pogroms, and holocausts as part of their spiritual beliefs. They are loath to come out and openly declare their animus toward us. Instead, they always validated their actions as part of their religious beliefs. This is why, like their forebear, Eisav, they never repented. The sorer u'moreh does not have to repent. After all, what has he done wrong?

And it shall remain with you until your brother inquires after it... so shall you do for his garment. (22:2,3)

The Talmud Bava Metzia 27a, derives from the singling out of simlah, garment, that just as a garment is distinguished in the sense that it has identifying marks and it has claimants, likewise, anything else that has simanim, identifying marks, and has claimants must be announced. This is the source of the derivation that yiush - an object which either has no siman or is lost in a city which has a majority of non-Jewish residents - may be kept by its finder. In both cases, the owner, realizing that his chances of retrieving his possession are slim to nil, will be me'ya'eish, give up hope. Therefore, whoever discovers the object may keep it.

Horav Yaakov Galinsky, zl, relates that he had a good friend with whom he had suffered through the travails of World War II. His friend had lost his entire family to the fires of Auschwitz. He then spent the remainder of the war as a prisoner in the frozen tundra of Siberia. This was too much suffering for him to handle. He broke completely, giving up hope on life. He walked around, a shattered soul with nothing to look forward to in life. His good friend encouraged him to visit with the Chazon Ish, to seek his sage counsel.

His friend demurred, "What can he tell me that will change my life? Will he bring back my wife - my children? Will my family arise from the dead because of my conversation with him? I do not dispute his greatness, his piety and brilliance, but how can he comfort me?" Rav Galinsky was relentless, and finally, his friend gave in and agreed to visit the Chazon Ish.

The two men entered the Chazon Ish's office and were invited to sit down: "You are a yeshivah man - are you not?" The man replied that he was. "Let me share with you a din

Torah, halachic dispute, between two litigants which was presented to the preeminent Halachic decisor of the previous generation, Horav Yitzchak Elchanan Spektor, zl."

A young man, diligent in his Torah study and deeply committed to a life of Torah, was supported by his wife. An astute businesswoman, she ran a successful business, buying goods at a low price and making a reasonable profit when she sold them at retail prices. On one of her business trips to the market, she was traveling with a pouch filled with a considerable amount of money. Sadly, in the tumult of her travels, she somehow lost the pouch. She hung up posters and made announcements in all of the shuls that whoever finds her pouch should bring it to the rav.

The very next day, a poor man presented himself at the home of the rav, claiming that he had found the pouch. The woman immediately gave the simanim, unique distinguished markings of the pouch, and expected to retrieve her money. The poor man said, "Nothing doing. I, too, went to cheder, school, and I was taught that if someone finds a lost object in a city whose majority population is gentile, he may keep the object, since the owner is me'ya'eish. I have a daughter that needs to get married. I had no money. Now, I do!"

The rav was in a quandary. On the one hand, the money in the pouch clearly belonged to the woman. On the other hand, the poor man had found the money and was legally entitled to the money. The Chazon Ish looked at the man sitting before him and, with a smile, asked, "How would you rule in such a case? We have two litigants with bona fide claims for the money. Which one should prevail?"

The rav of the community was not up to taking responsibility for such a halachic dispute. He thus sent the shailah, question, to Rav Yitzchak Elchanan requesting his sage advice. Rav Yitzchak Elchanan replied, "The money was in the possession of the woman. According to Jewish law, however, a woman's possessions belong to her husband. Therefore, since the husband was unaware that his money had been lost, he was not me'ya'eish. If anything, it is a case of yuish shelo midaas, in which a person is unaware that something was lost, but, if he would know that it was lost, he would surely give up hope of ever retrieving it. This halachah is debated in the Talmud. We rule lo havi yuish. It is not considered yuish. Therefore, the money should be returned to the woman."

The Chazon Ish continued with his penetrating stare at the man sitting before him. "Who gave you a right to give up hope?" he asked. "Are you then the proprietor on your situation in life? Do you own your life? It all belongs to Hashem. He does not give up! We are all here on a mission for Hashem. He determines the road that we travel, its obstacles and the travails that we will encounter on our journey. He is in charge - not you and not I. A Jew may never give up hope!" Needless to say, the man left the home of the Chazon Ish a different person.

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Parshas Ki Seitzei Brit Milah and the Mother Bird BS"D Ki Teitzei "Brit Milah and the Mother Bird" Volume 28, No. 49 11 Elul 5774 September 6, 2014 Sponsored by Irving and Arline Katz on the yahrzeit of her father Moshe Aharon ben Menashe Yaakov Reiss a"h

Today's Learning: Mishnah: Keretot 4:3-5:1 Daf Yomi (Bavli): Mo'ed Kattan 26 Halachah: Mishnah Berurah 451:24-26

"When you will go out to war against your enemies . . ." (21:10)

Because our parashah is always read during Elul, many chassidic and mussar works interpret our verse allegorically as referring to one's battle against the yetzer hara.

Below we present two elaborations in this vein:

The midrash Sifre comments: "Including against the Canaanites."

R' Yehoshua Horowitz z"l (1848-1912; the Dzikover Rebbe) writes about this: Our Sages teach that the more one humbles himself, the better. This is alluded to by the midrash, as the Hebrew word for "Canaanite" shares a root with the word "hachna'ah" (humbling oneself). In other words, a tool for fighting the yetzer hara is to humble oneself.

The Aramaic translation of our verse is: "When you will tepok (tav-peh-vav-kuf)." Notably, "tepok" has the same gematria as "shofar." Kabbalists teach that the service that we perform through the shofar is accepted when one humbles oneself. Indeed, the angel that carries the sounds of the shofar to G-d's throne, so-to-speak, is none other than Chanoch, the individual mentioned in Bereishit who entered Gan Eden alive. In his

lifetime, Chanoch was a shoemaker, an occupation that deals with man's lowest point. (Ateret Yeshuah)

All wars in which Bnei Yisrael engage fall into one of two categories: milchemet mitzvah / an obligatory war, i.e., to conquer Eretz Yisrael or a war of self-defense, and milchemet reshut / a voluntary war. The midrash Sifre states that our verse is referring to voluntary wars.

R' Yerachmiel Eliyahu Botchko z"l (1888-1956; founder and rosh yeshiva of Yeshivat Etz Chaim in Montreux, Switzerland) asks: How can the statement that our verse is referring to voluntary wars be reconciled with the widespread interpretation that our verse is also an allegory to the battle against the yetzer hara? Certainly fighting the yetzer hara is not voluntary!

R' Botchko explains: In a battle, one may fight and win, one may fight and lose, or one may flee. Fighting is honorable, whether one wins or loses, while fleeing generally is not honorable. So it is with the battle against the yetzer hara. Our task is to fight relentlessly. This does not necessarily mean we will defeat the yetzer hara; indeed, that is not our responsibility. When man fights his yetzer hara with all his strength, G-d finishes the job.

This is alluded to in our verse: "When you will go out to war . . ." Your task is to "go out" and fight. What happens next is beyond your control.

Why is this called a "voluntary war"? Because the way to fight the yetzer hara is to build fences, i.e., to voluntarily limit consumption of even permitted pleasures, thereby sanctifying oneself. (Ohr Ha'yahadut)

Teshuvah

The Talmud Yerushalmi (Makkot 2:6) teaches: Wisdom was asked, "What is the sinner's punishment?" It answered, quoting Mishlei (13:21), "Evil pursues sinners."

Prophecy was asked, "What is the sinner's punishment?" It answered, quoting Yechezkel (18:4), "The soul that sins--it shall die."

The Torah was asked, "What is the sinner's punishment?" It answered, "Let him bring a guilt offering and receive atonement."

G-d was asked, "What is the sinner's punishment?" G-d replied, "Let him repent and receive atonement." Thus it is written (Tehilim 25:8), "Hashem is good and upright; therefore, He guides sinners on the way," i.e., He guides sinners to repent. [Until here from the Talmud Yerushalmi]

R' Joseph B. Soloveitchik z"l (1903-1993) explains: How is it that Wisdom, Prophecy, and the Torah are not aware of the existence of teshuvah, a concept mentioned repeatedly in the Torah? Aren't the books of the Prophets full of calls to repent? Moreover, how can Wisdom, Prophecy, and the Torah have a different outlook on sin than G-d Himself has?

A final question: After the sin of the Golden Calf, Moshe Rabbeinu told Bnei Yisrael (Shmot 32:30), "Perhaps I can obtain atonement for your sin." "Perhaps," but I am not certain! Why was Moshe himself unsure of the power of teshuvah?

R' Soloveitchik answers: There are two ways in which teshuvah can be effective. Teshuvah can be accepted as a result of Midat Ha'rachamim / the Divine Attribute of Mercy. This is the teshuvah the prophets speak of extensively, and of which Wisdom, Prophecy, and the Torah certainly are aware. But teshuvah that is dependent upon Mercy might be accepted or it might not be; we are unable to fathom why G-d sometimes acts mercifully and other times does not. This is why Moshe Rabbeinu could only say, "Perhaps I can obtain atonement."

But, there is a second way that teshuvah can be accepted-- as a result of Midat Ha'din / the Divine Attribute of Justice. Sometimes, Justice demands that teshuvah be accepted. This idea is not found in the *Written* Torah; thus, Wisdom, Prophecy, and the Torah cannot fathom that Justice requires that a sinner be forgiven. To their way of thinking, a sinner should be punished or, at the very least, should have to pay for his sin with a guilt offering. [Next week we will explain why forgiveness should be a *right*.] (Divrei Ha'Rav p.119)

from: Aish.com <newsletterserver@aish.com> to: internetparshasheet@gmail.com date: Thu, Sep 4, 2014 at 2:48 AM subject: Aish.com Parsha - Ki Tetzei

Kol Yaakov

By Rabbi Boruch Leff

Based on Insights by Rav Yaakov Weinberg zt"l

Ki Tetzei (Deuteronomy 21:10-25:19) Children and Sacrifices No, we will not be discussing child sacrifice, but rather, the sacrifices parents make for their children. If we had to link two commandments in the Torah, there are many that would come to mind easily. What about the commandments of honoring one's parents and of sending away the mother bird before you take her young? Not exactly on the top of your list, is it? Yet there is a strong connection between the directive of "shliach hakain," sending away the mother bird before you take her young, which is discussed in Parshat Ki Tetzei, and "kibud av va'aim," honoring one's parents. The Torah says that if one finds

a bird's nest where the mother bird is sitting and watching the eggs or the chicks, the finder is not allowed to take both the mother and the eggs, but must first send away the mother and then take the eggs. The reward for this is "length of days" [Devarim 22:6-7]. As we may be aware, there is only one other place where the Torah uses the expression "you will have length of days" as a reward, and that is concerning the Mitzvah of honoring one's parents [Shemot 20:12, Devarim 5:16]. There must be some kind of common denominator between these two commandments which otherwise appear totally dissimilar and unrelated. That common denominator is self-sacrifice. The Torah recognizes and grants great reward for commandments which involve our recognition of mesirat nefesh (self-sacrifice). When the Torah instructs us to honor our parents, it is telling us that parents exhibit tremendous mesirat nefesh for their children. Beginning with being woken up at all hours of the night, during infancy and childhood, to the financial stresses of paying for the wedding, parenting by definition is about sacrificing your own comforts for your children. The Torah prescribed the great reward of "length of days" for honoring one's parents, in order to cause people to appreciate the mesirat nefesh that parents exhibit. This is exactly the same concept we find concerning shiluach hakain, sending away the mother bird before you take her young. Anyone who has ever tried to catch a bird knows that it is a virtually impossible task. So when does a person ever encounter a situation where he can catch a bird? Won't the bird fly away? The answer is that the bird is a mother. Like all mothers, she is willing to sacrifice and give over her own freedom in order to remain with her children. For one to grab the bird and take advantage of the self-sacrifice present in the maternal instinct of the mother to her offspring is prohibited. By granting the mother her freedom and sending her away, we avoid utilizing her attribute of self-sacrifice against her. By not taking advantage of her mesirat nefesh, we show our appreciation for the concept of self-sacrifice for children. Therefore, here as well, as a reward for that recognition and appreciation of parents' love and concern towards offspring, one is entitled to "length of days." One's students are described in the Torah as one's children (see Rashi Devarim 6:6, for example). Rabbi Yaakov Weinberg, of blessed memory, treated his students as his children and exhibited tremendous self-sacrifice for them. Although he was the spiritual guide for thousands, constantly being called regarding life and death issues, and issues involving the well-being of the Jewish nation as a whole, he was able to live the maxim that a Jew must always be concerned for 'Klal Yisrael and Reb Yisrael' - meaning that a Jew must care deeply about the great issues and problems facing the Jewish nation, but he can't do so at the expense of ignoring the 'smaller' issues of his next door neighbor. Whether the issue was of grand, national scale or one where his students needed assistance with things of lesser significance, Rav Yaakov was always self-sacrificing. Let us cite a few examples from Rav Yaakov's life. For a number of years, Rav Yaakov traveled every week to a small community in East Lexington, near Baltimore. A small band of young couples had invited him to expound on Judaism, secular and isolated though they were. The group eventually built a synagogue. Due to a lack of funds, they built it themselves. One of the members related that she remembered Rav Yaakov nailing shingles on the roof and stringing electric wire for the new Sanctuary. She further related that many of that group later had become Sabbath observant and sent their children to day schools. Rav Yaakov once went missing from the Yeshiva for two days because a student expressed an intent to divorce his wife. For two days, Rav Yaakov counseled them in an effort to save the marriage. Another time, a young teacher phoned from out-of-town because he was lacking success in his new position. Convinced that he could not help him over the phone, Rav Yaakov flew at his own expense to observe the teacher in action, met with the principal and the teacher, and made suggestions. During the week of the shiva mourning for Rav Yaakov, an old woman phoned the house, apparently unaware of Rav Yaakov's passing. She inquired as to why she did not receive the money for her medicine that week. The family immediately surmised that their father must have been personally sending the money. Not wishing to burden her yet with the tragedy, they explained that perhaps the address had been lost. "For 20 years you have been sending money to the same place and now you lost the address?" she replied incredulously. There was a time when Rav Yaakov, at the frantic request of a small Yeshiva, spent a few months as its temporary Rosh Yeshiva, Dean'. Rav Yaakov slept in a house owned by the Yeshiva, but the house had no heat. An electric heater was installed in his room. The students became concerned when Rav Yaakov caught a winter cold that did not go away. One student went into Rav Yaakov's room to make sure the heater was working properly. When he checked, the heater was nowhere to be found. The yeshiva's cooks, a Russian immigrant couple, slept in another part of the house, and for some unknown reason, no one had thought to take care of the heat in their quarters. Rav Yaakov had secretly moved the heater from his room to theirs because, "I didn't want them to catch a chill," he later explained. Yitzchak studied with Rav Yaakov every Thursday night for many years. He would anxiously wait all week, gathering and saving all the his questions to ask Rav Yaakov. One Thursday, Rav Yaakov went to Atlanta for a family celebration and Yitzchak did not expect Rav Yaakov to be at the session so he didn't come to Rav Yaakov's house

that night. On Friday night, Yitzchak wished Rav Yaakov his usual 'Good Shabbos'. Rav Yaakov asked him "Where were you last night? I was waiting for you." Yitzchak said, "I thought you were out of town." Rav Yaakov replied, "I was away but I left the celebration early and took an earlier flight so I could be back for our session." Rav Yaakov knew how much Yitzchak enjoyed their weekly study time together so he cut short his own pleasure for the sake of his student. It was a hectic Friday afternoon and the Siyum Hashas (Sept. 1997), the grand celebration of the completion of the worldwide 7-1/2 year Daf Yomi - one page of Talmud daily - program held at Madison Square Garden, Nassau Coliseum, and broadcast live to numerous places around the world, was to be held on Sunday evening. David had tickets for his wife, himself and three kids at Nassau Coliseum. They had been talking about this all summer with their kids as a very special event to be a part of. They had plans to drive from Baltimore to New York on Sunday and drive back that night or the next morning. For three weeks leading up to the date, David was swamped by a major deadline at work and was probably averaging 3-5 hours of sleep per night. He was very tired. On Thursday night before the big event, Joanne, his wife said, "You're too tired to drive, it's not safe for you to make this trip. We can't do it." Joanne had a cast on her ankle at the time. Prospects of going to the celebration seemed dim. Yet, they had made a very big deal about it with the kids for the whole summer. They checked out plane flights, train, hotels etc. The best scenario they could come up with was significantly beyond their budget. They were agonizing. Should they spend money they can't really afford? What should they tell the kids? Finally, Friday afternoon, Joanne said something she had said so many times before, "Just call Rav Yaakov." Whatever advice he would recommend, they would follow with 100% confidence and serenity. David called Rav Yaakov, explained to him the scenario, and Rav Yaakov said, "Please hold on for a moment." Then David heard him call to his wife, the Rebbetzin, "The Goldman's need a ride to the Siyum Hashas on Sunday. Who can we find to help give them a ride?" When Rav Yaakov got back on phone, David was speechless. The last thing he had intended was to have Rav Yaakov spend time finding him a ride to New York. After a brief conversation Rav Yaakov said that it was worthwhile to spend the extra money to take the kids to the Siyum. He insisted, however, that if it was a financial hardship, David should call back and he would make sure we got a ride there and back. Rav Yaakov had many other things on his mind that Friday afternoon. His own health, family needs, Yeshiva needs, national needs, many calling him for one pressing reason or another, and yet it was like he had nothing else to do with his time other than to find David a ride. That is an example of the love Rav Yaakov showed his students. May we learn from the extraordinary sacrifices that our parents and teachers made for us, and do the same for our own children and students.

from: Shabbat Shalom <info@ounetwork.org> reply-to: info@ounetwork.org date: Thu, Sep 4, 2014 at 5:48 PM

OU Shabbat Shalom

We Forget Amalek at Our Peril

Rabbi Eliyahu Safran We are incredible beings for so many reasons, perhaps none so much as our ability to embody so many seeming contradictions with such ease. We are both soul and flesh, corporeal and spirit. We are defined by our sense of self, by our individuality, by the "I" yet we are lost unless that "I" also exists as a "we", unless we exist not just in the singular but in the plural. We have the instincts of the brutes of the field but we are also possessive of the ability to rise to the highest levels of charity and grace.

In the same way, each of us is granted at birth two most precious – and seemingly contradictory – gifts, memory and forgetfulness. Of these two, we often place the greater emphasis on memory, for without memory, we simply do not exist in any way that makes sense – personally or collectively.

Who am I as an individual if not the sum total of my experiences, which have meaning to me only by virtue of my memory of them? As anyone who has ever visited or cared for an Alzheimer's patient knows only too well, when memories are gone or inaccessible, the "self" too is gone. In a very significant way, we cease to be if not for our memories.

Memory. That most gracious of gifts.

Or is it?

As much as memory is the cornerstone upon which our "self" is built; as much as it frustrates us to "lose" a name, or forget where we left our car keys; as much as we covet the gift of true memory, we should recognize that if we truly remembered everything we would cease to be able to function.

As much as we need to remember, we also need to forget.

If we remembered everything, we would not be able to survive the memories of our early pains, our past humiliations, yesterday's insults and the embarrassments of our "trial and error" path through life.

It is a blessing to remember.

It is an equal blessing to forget.

As in every contradiction that we embody, the difficulty is in finding the meaningful balance between these two blessings, to find the perfect balance between all we want and need to remember and all we want and need to forget. There are times when we remember more than we care to. There are other times when we forget more than we should; times when we remember less than we desire, and forget less than we'd like.

The poet was on point when he wrote, "This world would be for us a happier place and there would be less regretting if we would remember to practice with grace the very fine art of forgetting."

Would that it were! But that is the impetuous nature of these gifts; they are near impossible to control. Given the importance of memory and forgetfulness in our lives, it is small wonder that the Torah speaks to both.

Torah relates four events that are always to be remembered.

The Revelation at Sinai must always be recalled and personally renewed. Sinai is both a personal and a communal memory. However, its communal significance evaporates into history without renewed personal relevance and meaning. The punishment inflicted upon Miriam for speaking ill of her brother must forever be remembered. In this instance, our recall helps us to guard our tongues against the most insidious of communal crimes, the crime of evil talk. This memory impels us to use our speech to uplift rather than destroy. We are to remember the Sabbath. The apotheosis of the week is the Sabbath. Our weekly activities are, in fact, activities that drive us toward the Sabbath. We work for the Sabbath. We live for the Sabbath. When we remember Shabbat on Monday and Wednesday, we remember God, creation, revelation, the exodus from Egypt... all that is holy. Thus, throughout the week, we declare that each day is the first, or second, or third day towards the Sabbath. We remember! Finally, we remember Amalek. Not just Amalek, the evil king, but Amalek, the evil impulse within each and every human being. With these four explicit commands to remember, the Torah emphasizes the importance of memory to our individual and communal character. However, the Torah is also cognizant that remembering is not always fully developed or refined. Sometimes we simply can't remember.

Sometimes the gift of forgetfulness dominates the gift of memory! Then what?

Too often, remembering seems to exist in opposition to forgetting. But the Torah's goal in remembering is not simply establishing an absence of forgetfulness. The Torah never seeks the absence of something, rather the fullness of something.

The Torah asks for an active state of memory through an act or a personal effort of memory. Truly recalling Sinai demands a reliving of the event. Remembering Sinai can only be accomplished through personal participation in Torah learning.

In order to remember Miriam's transgression some have ordained that the verse detailing Miriam's punishment be recited daily after pray-ing. The Ari noted that in reciting the words L'hodot l'cha prior to the Sh'ma, one should actually recall that one's mouth was created not only to praise, but also to refrain from lashon hara. In doing so, he actively recalls that which occurred to Miriam.

Remembering the Sabbath calls for a daily declaration that today is the first or fourth day towards the Sabbath. Or, on the weekdays if one acquired food or other goods that would be appropriate or befitting for Shabbat, a declaration should be verbalized – lich'vod Shabbat, "in honor of the Sabbath."

When asking us to remember, the Torah does not rely on the whims and fragility of our not-always-reliable gift of memory. Rather, the Torah seeks active reinforcement, lest we forget. Active forgetfulness is harder to achieve than passive remembering.

Of these four commands to remember, the first three bring with them grace and uplift. To remember the giving of Torah, the Sabbath, even the need to refrain from speaking ill of others all fill us with spiritual and social grace. However, the fourth command, to remember evil, is a challenge.

At the end of parashat Ki Tetze, before we are taught to recall the evil of Amalek, the Torah sets the uncompromising standards of just and perfect weights and measures. What is the connection? Rashi notes that "if you use false weights and measures, then you must anticipate the provocation of the enemy." In other words, one can't simply preach, teach, or recall that one's evil impulse and desire must be overcome. Passivity is no match for our inner Amalek. Rather, he teaches, more than just remembering through the absence of forgetfulness, one must act and react, with honesty, integrity, with perfect and just weights and measures.

It is sometimes a burden to remember, but we can be sure that if we do not remember the Amalek, the Amalek will remember us!

It is an onerous burden to have our days darkened by the recollection of evil. But looking away, forgetting, is not an option. Evil is, as President Obama noted in referring to ISIS, a cancer. It grows. It metastasizes. It never sleeps. It never rests.

We forget Amalek at our peril.

The Torah teaches that, "Amalek happened upon you on the way, and he struck those of you who were hindmost, all the weaklings at your rear, when you were faint and exhausted, and he did not fear God." Devarim 25:18

Amalek takes the hindmost first, but is never satisfied to stop there. As Pastor Martin Niemoller wrote in response to the atrocities of the Holocaust:

First they came for the Socialists, and I did not speak out— Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out— Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out— Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

Eventually, Amalek comes for everyone.

Recently, we have been witness to the gruesome, barbaric beheading of an American journalist, James Foley, by the modern day Amalekites, ISIS. President Obama acknowledged that ISIS has no place in the civilized world but he emphasized that based on his understanding of history, "people like ISIS will ultimately fail."

Perhaps. But only if we remember.

When confronted by Amalek, there is no place for hand-wringing or moralizing. There is the absolute imperative to remember, for to "not remember", to forget is to look into the face of doom. We must remember so that we respond to Amalek without hesitation or diplomatic niceties and "wipe out the memory of Amalek from under the heaven – you shall not forget."

Those of us whose families perished at the hands of another Amalek should never be comforted by gentle words; no lesson about the curve of history bending toward good should ease our concern. Amalek – evil – does not simply disappear. United Nations blather will not diminish Amalek's gathering strength. Yes, Amalek will "fail". Ultimately, Amalek will always fail.

But at what cost?

If we wait until Amalek grows in strength, the anguish and grief we endure will grow as well. The only modern day approach to Amalek is the one demonstrated by the grandchildren of those who experienced only too well what happened when the world chose not to remember what Amalek does, the IDF.

The world would do well to mirror the courage and decisiveness of the IDF in acting to "wipe out the memory of Amalek from under the heaven." At the very least, the "civilized world" should be rising as one, applauding the IDF.

Instead, we get hand-wringing. We hear urgent calls to stop the IDF and leave Amalek to continue to metastasize.

On his weekly blog (RabbiWein.com), Rabbi Berel Wein, notes that, "In 1941, the Germans occupied the town of Kelm in Lithuania. The town was famous in Jewish life because of the presence there of a famed yeshiva that embodied mussar – Jewish holy ethics and moral behavior towards man and God. The Germans destroyed the entire town, executed its Jewish population and killed the students and teachers at the yeshiva, burying many of them alive.

"It was there, and in other similar places as well, that good met evil head on. In the short run, it appeared that Amalek triumphed. It may always appear that evil wins out – witness our world of terror, genocide, fraud and malevolent hypocrisy. But in the long run, it is good that triumphs and survives.

"Evil carries with it a very heavy price that consumes all those associated with it. Amalek's victories, vicious and all-encompassing as they appear, are still only temporary. The Torah tells us that the Lord fights Amalek, so to speak, 'from generation to generation.'"

Evil never gives in.

Perhaps ISIS's medieval cruelty has finally garnered the attention of the civilized world to the immediate and ever-present danger of Amalek. Perhaps, the world will heed the words of Prime Minister Netanyahu when he recently told his Cabinet, "Many states in the region and in the West are beginning to understand that this is a single front, that Hamas is ISIS and ISIS is Hamas. They act in the same way. They are branches of the same poisonous tree. They are two extremist Islamic terrorist movements that abduct and murder innocents, that execute their own people, that shrink at nothing including the willful murder of children. In recent days we heard from Hamas spokesmen that they admit to what we have been saying all along, that they murdered [the three Israeli teens] Eyal, Gilad and Naftali.

"Both movements are, in effect, making an effort to establish Islamic rule, caliphates, without human rights, across wide areas, by slaughtering minorities.... With every passing day the world understands more and more that Hamas operates like ISIS and that ISIS operates like Hamas. The State of Israel will continue to stand alongside the civilized world in its war against extremist and violent Islam."

Amalek lives in our days. For students of history and Torah, this is no surprise.