

Weekly Parsha KI TEITZEI 5781

Rabbi Wein's Weekly Blog

The Torah speaks of making war upon one's enemy. Who is this enemy? The simple explanation is that it is a physical or national enemy that wishes to harm the Jewish people or the commonwealth of Israel. To defend oneself from such an enemy, there are circumstances that dictate a type of preventive war that avoids later defeat or catastrophe. This is certainly the simple and literal interpretation of the verse and subject of the Torah reading this week.

There is a rabbinic tradition, running through the works of many of the commentators over the centuries, regarding another layer of meaning to this verse. The enemy described is not so much a physical or national enemy as it is a spiritual or societal foe. In the immortal words of the famed comic strip character Pogo "we have met the enemy and they are us."

We are all aware that many times in life we are our own worst enemy. We engage in harmful practices and commit acts that we know to be detrimental and self-destructive. Yet, we are driven by our desires, and we often allow ourselves to be trapped into a situation that can only lead to disappointment. The Torah as is its wont to do, vividly describes the struggle that we have with ourselves for self-improvement and personal accomplishment. It describes this struggle as a war, a battle against the ferocious and aggressive enemy who must be combated.

This idea, that our struggle in life is to be viewed as an inner battle in the war of life, is meant to impress upon us to develop within ourselves as wholesome personalities. At one and at the same time, we are bidden to deal with eternity and heavenly ideals, and simultaneously, we are occupied with the mundane fact of everyday living.

Caught in this contradiction of circumstances, we are oftentimes prone to succumb to our daily problems and issues, completely ignoring the larger spiritual picture that is present. It is at such moments of self-absorption that temptation translates itself into reality, and we create situations that ultimately prove to be enormously harmful to our well-being.

Great generals oftentimes engage in a tactical retreat, to achieve a strategic victory. War is always a long-term situation, filled with temporary reversals and plans that remain unfulfilled or even abandoned. But the overarching reality is that basic strategy requires tenacity, courage, flexibility, and a stubborn refusal to succumb to the societal, political, and worldly pressures that beset all of us. It is interesting that despite all our pleas and prayers for peace, war is a constant in human history. It may take on different forms, cold, economic, or military, but it is ever present within our world. By reminding us of this fact, the Torah prepares us for victory in the struggles of life.

In My Opinion ELUL

Rabbi Wein's Weekly Blog

The Hebrew month of Elul has traditionally been the month of intensive reflection and spiritual preparation. It is the month that precedes the holy days of judgment, and time of repentance and forgiveness. It personifies for us the preparations necessary for an individual who was about to go on trial regarding a serious matter, even one of life and death. No rational person would enter such a trial in a human court without preparation, proper representation, and a careful analysis of the evidence, both pro and con, that will undoubtedly be introduced during the duration of the trial. How much more so must our attitude and thoughts be sharpened for the heavenly trial that awaits us all on the day of judgment, Rosh Hashanah.

This intensification of attitude has become the hallmark of the preparatory month of Elul. We live in a frivolous time, where society generally is much more occupied with issues of meager substance, rather than with the serious business of life and society. Because of this, it is very difficult for us to achieve any sort of intensive mood regarding the month of Elul.

There was a time, not so far distant in the past, that it was said in Eastern Europe, that even the fish in the rivers trembled when they heard the announcement that the month of Elul had arrived. That certainly is not the case today. People are still

on vacation, in the midst of trips and visits, that by their very nature are meant to be a diversion from the serious business of life itself. Tradition trembles when human beings are no longer serious.

The German iron Chancellor Bismarck reputedly once characterized the situation in the Austro-Hungarian Empire of his time, as being hopeless but not serious. There were many times in history when it was clear that governments and leaders embarked upon actions and provocations that ultimately led to war and disaster, simply out of a mood of almost frivolity and lack of seriousness.

In a permissive society such as ours is today, when people are not held accountable for their behavior, when felonies are now only misdemeanors and misdemeanors are no longer punishable under any circumstances, it is difficult to really take a serious view of life.

Judaism holds every individual personally responsible for his or her actions, attitudes, speech, and behavior. Judaism is aware of mitigating circumstances, but never accepts excuses or blame of others for one's own faults and misdeeds. Judaism believes that human beings are responsible creatures, and that their behavior engenders consequences that cannot be ignored. We are judged on our behavior, and not on the quality of our excuses.

The month of Elul always imparted to the Jewish people this fundamental lesson of heavenly judgment and correct human performance. When understanding the full import of this message, it is no wonder that even the fish in the rivers trembled at the advent of the month of Elul.

The month of Elul also brings with it a note of optimism and goodness. The spirituality of the holidays that follow this month remain a source of strength for all of us during the forthcoming new year that will soon be upon us. We are confident that our sins and shortcomings will be forgiven and ameliorated, and that the Lord of goodness and kindness will embrace us and our actions and turn them into positive and fruitful ones. Judaism is built upon optimism, good cheer and a balanced view of life and its vicissitudes. We may not be able to change the past, but we are certainly capable of improving our future. This is also one of the basic lessons of the month of Elul. We may tremble in anticipation, but even in our moments of trembling, there is an innate belief that eventually things will come right, and all will be well. Elul prepares us for the majesty of the holidays that will follow.

By realizing the impending moments of majesty and eternal memory, Elul transforms us into vessels that can receive holiness and eternal reward. Achieving this level of human character is itself a joyful experience that one can achieve in life. It is this mixture of trepidation and joyful expectation that the month of Elul produces within us that allows us to appreciate and treasure this final month of the Jewish calendar year of 5781.

Shabbat shalom

Berel Wein

Against Hate (Ki Teitse 5781)

Rabbi Jonathan Sacks ZL

Ki Teitse 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. Examining and understanding them will teach us an important lesson about society in general, and leadership in particular.

First, a broader 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 their 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 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 of Songs 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. (Baba Metzia 107b) The Tanach 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,[1] 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 when he was elevated as second-in-command to Pharaoh. The evils they committed against the Hebrews 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 same 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 the former were not. 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 had 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 have continued to 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 halachah [rule, law, inescapable truth] that Esau hates Jacob." [2] Why then does Moses tell us not to despise Esau's descendants?

The answer is simple. Esau may hate Jacob, but 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 Jr, wrote, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate, only love can do that." [3] 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 family, is not eternal and inexorable. Always be ready, Moses seems to have implied, for reconciliation between enemies.

Contemporary Games Theory – the study of decision making – 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, an example created for the study of cooperation of two individuals. Tit-for-Tat says: start by being nice to your opponent, then do to them what they do to you (in Hebrew, middah keneged middah). Generous Tit-for-Tat says, don't always do to them what they do to you, for 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 through this alone. 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 led 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. Finally, this was the technique mastered by Hitler as a prelude to the worst-ever crime of humans against humanity.

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 level 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. A good leader knows: 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.

Parshat Ki Tetze (Deuteronomy 21:10 – 25:19)

Rabbi Shlomo Riskin

Efrat, Israel – "If a man has a wayward and rebellious child, who does not listen to the voice of his father and the voice of his mother, and they warn and flog him, but he still does not obey them; then his parents may take him out to the judges of the city, telling them that 'this our son is wayward and rebellious, he does not obey our voice, he is a glutton and a drunkard.' Upon which all the people of the city pelt him with stones and he dies, so that you rout out the evil in your midst and all of Israel will take heed and be frightened." (Deuteronomy 21:18–21)

What defines a “wayward and rebellious” child? How is he to be punished? Whose fault is it – his, his parents’, or society’s?

This week’s Torah portion of Ki Tetze, and especially the Talmudic sages who comment on it, deal with the tragedy of such a problematic situation with amazing courage and sensitivity – and provide important directions for parenting, even today!

The words of the Bible itself, as quoted above, are rather stark, even jarring to the modern ear. However, our Written Torah is defined, expanded upon, and even limited by the Oral Torah and the sages of the Talmud (Sanhedrin, chapter 8, especially pages 68b-71), who initially take the approach that here is the case of a youngster who seems to be growing into a menacing, murderous monster. They limit the time period of the punishment to three months following the onset of puberty, insist that he must have stolen a large amount of meat and wine from his parents which he himself consumed, and conclude that “this youth is punished now for what will inevitably happen later on; it is better that he die [more or less] innocent rather than be put to death after having committed homicide.”

Despite these limitations, the case still seems rather extreme. Many modern commentaries argue that our Bible is actually limiting an ancient practice in which parents had unlimited authority over their children, even to the extent of putting their rebellious children to death, and here the waywardness is defined, the time span is limited, and the judges of the Sanhedrin must be brought into the situation. Nevertheless, the very axiom of “punishing now for what will inevitably happen later on” runs counter to everything else in our entire biblical and judicial system, and is even countermanded by a famous Midrash.

The Bible tells us that Sarah, the wife of Abraham, saw Ishmael, the son of Abraham’s mistress Hagar, “sporting (metzahek)”; she believes that he will be a bad influence on her son Isaac, and God agrees with her that the mistress and her son are to be banished into the desert. An angel sees them wandering and suffering, hungry and thirsty, and comforts Hagar: “Do not fear; God has heard the [crying] voice of the lad from where he is now” (Gen. 21:9-17). On these last biblical words, Rashi cites the Midrash which seems to defy the Talmudic position of the wayward child:

“From where he is now” – He is judged in accord with his present actions and not for what he will eventually do. The angels in heaven began to prosecute [Ishmael] saying, “Master of the Universe, for someone whose children will eventually slay your children [the Israelites] with thirst, You are miraculously providing a well with water in the desert!?” And [God] responded “Now what is he, righteous or wicked?” They responded, “Righteous [in the sense that he was not yet worthy of capital punishment].” [God] answered, “In accordance with his present actions do I judge him, from where he is now.”

If God is thus explaining the foundations of Jewish jurisprudence, how do we begin to justify the previous Talmudic explanation of “punishment now for what will eventually happen”?

An anonymous source cited by the Talmud goes so far as to declare that “the case of a stubborn and rebellious son never existed and never will exist; the only reason for its inclusion is so that we may expound the verses and receive reward” (Sanhedrin 71a). And so, R. Yehuda explicates the biblical words, interpreting the Mishna to teach that “if the mother was not an appropriate spouse for the father, if the parents were not equal in voice and stature” – i.e. if they were pulling in different directions, with each expressing a different lifestyle and set of values – then we cannot condemn the emergent rebellious child. He is merely a product of the mixed and confusing messages, the existential identity crisis, he has received at home.

Moreover, “if one of the parents was without hands or legs, was mute, blind, or deaf, the young teenager cannot be blamed” (Sanhedrin 8:4). Rabbi Joseph Lookstein, spiritual leader of Manhattan’s prestigious Kehillath Jeshurun Synagogue and founder and principal of Ramaz Elementary and Secondary schools (1902-1979), would homiletically explain that parents must invest in their children, must be available for them to observe, to listen, and to informally convey. Despite the school that the child attends, the parent remains the primary educator. Hence if

a parent lacks the hands to embrace and to admonish, the legs to accompany the child to where he/she wishes to go, the eyes to see what the teenager is doing, even when he thinks he’s not being observed, the ears to hear what he/she is thinking and planning and dreaming, the voice to enter into true dialogue of give-and-take, then the youngster cannot be blamed, no matter how obnoxious his actions may be. Parenting is an awesome responsibility and a full-time job, in which quantity of time is quality time. Just as babies do not relieve their bodily functions at predetermined times, youngsters cannot be expected to fit into parents’ busy schedules. It takes at least two parents to share the commitment, guidance, and sensitivity which parenting truly demands.

All of this leads to a ringing Talmudic declaration: “The case of the wayward and rebellious child never was and never will be. Expound the verses and you will receive reward” (Sanhedrin 71a). We must be aware of what tragedy can occur within the context of the family and try to prevent the tragedy by taking to heart, mind, and action the depth of the responsibility. After all, our children are our posterity, our future, and our eternity.

I would merely add a few words regarding Ishmael. There were many reasons for his exoneration by the Almighty. After all, Abraham and Hagar did not provide a unified standard of behavior and values; the two were certainly not fit for each other. Hagar and Ishmael were of lesser status than Sarah and Isaac. And Hagar was far removed from Abraham’s monotheism, compassionate righteousness, and moral justice. Moreover, Ishmael himself repents at the end of his life (Bava Batra 16b), and God apparently forgives him, since he makes him into a great nation with twelve princes emerging from his loins (Gen. 25:16).

Finally, the Mishna teaches that even if only one parent forgives the wayward and rebellious son, he is not to be punished (Mishna Sanhedrin 8:4). And our sages maintain that “there are three partners to every individual, the Holy One blessed be He, the father, and the mother” (Kiddushin 30b). Now if flesh and blood parents can prevent execution – in most instances, because they realize that they share the blame – our Divine Parent must certainly have the right to stay the execution. Only God knows that sometimes the genetic makeup of the child is of such a nature, or a traumatic event caused such a rupture in his personality, that neither he nor his flesh-and-blood parents can be held accountable. But whatever the case may be, it’s crucial that parents do everything they can to the best of their ability, to give their children the basic three things which every child deserves from his/her parents: love, limits, and personal and sensitive involvement in their development.

Shabbat Shalom!

Drasha Parshas Ki Seitzei Rabbi Mordechai Kamenetzky Hide and No Seek

This week’s parsha is replete with a potpourri of commandments, all encompassing both negative and positive directives that affect our dealings with fellow humans as well as our Creator.

Among the directives is the mitzvah of hashavas aveidah, returning the lost items of your fellow Jew.

“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. If your brother is not near you and you do not know him, then gather it inside your house, and it shall remain with you until your brother inquires after it, and you return it to him. So shall you do for his donkey, so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him and you find it; you will not be able to hide yourself” (Deuteronomy 22:1-3).

The Talmud spends a great amount of time and effort detailing this mitzvah in the second chapter of Tractate Bava Metziah. But the last few words of the commandment needs clarification.

The Torah tells us to return lost items and not to shirk our responsibility. But it does not tell us you are not allowed to hide, rather it tells us, “lo suchal, you will not be able to hide.” Why not? Who is stopping you?

Surely Hashem does not intervene in our free choice to shun our responsibilities?

The Chofetz Chaim travelled across Poland to distribute his works. Throughout his travels, he came across a variety of characters and experienced many incidents that he retold in his many lectures on Lashon Harah, and fear of Heaven.

He recounted that once he was going in a wagon, when the driver saw an orchard with delicious fruit trees. The driver turned to his passenger and schemed. Listen, my friend. I am making a short detour. I am going into the field to help myself to some of that fruit. If anybody is watching me, let me know immediately. I don't want to get in trouble here!"

The man parked the wagon on the side of the road and stealthily moved toward the orchard with a small sack in his hand. He was about to fill it with the fine, pilfered fruit when the Chofetz Chaim shouted from the wagon, "Someone is watching!"

The man quickly ran back to the carriage and meandered around as if he were just taking a rest.

A few moments later, he snuck back into the orchard, and slowly made his way toward the fruit-laden trees. Once again, as he was about to snatch the fruit off the tree, he heard the old man shout! They're watching! They're watching!"

This time the man dropped his sack and looked all around. He saw no one. Hands on his hips, he approached the wagon.

"I don't see anyone! Who's watching?" he demanded.

The Chofetz Chaim, shrugged, smiled, and rolled his eyes heavenward as he pointed his finger upwards.

"He is!" he replied.

As the saying goes, "you can run, but you can't hide." The Torah is telling you more than dos or don'ts. It is telling you what you can do, and what is virtually impossible for you to do. When you want to look away, and make it appear as if you do not see, the Torah, in addition to a prohibition, reminds him of the simple fact. Not only are you prohibited from making it appear as if you did not see, but in fact, "you cannot hide! You cannot look away." We sometimes forget that Hashem is everywhere and his vision is ever peripheral. We think He is focused on one place and is not interested in the tiny details of a man and a lost object.

Such thinking is as silly as the story of the kids at a Bar-Mitzvah, when the rabbi stacked a bunch of apples on one end of a table with a sign saying, "Take only one apple please G-d is watching." On the other end of the table was a pile of cookies where a friend of the bar-mitzvah boy had placed a sign on saying, "Take all the cookies you want – God is watching the apples."

When it comes to involving ourselves in communal responsibilities whether it is returning lost souls or lost items, we may try to appear as if we do not know what is happening around us. We may act lost ourselves. But we are hiding from no one. Because if we play the fool, "the only thing we have to fool is fool ourselves."

Good Shabbos!

Dedicated to Baila bat Rachel, and Aharon ben Leah for a complete recovery-refuah shelaymah – with Hashem's Help – by Devorah.

Rabbi Yissocher Frand

Parshas Ki Seitzei

Serenity at the Extremes: We All Struggle—But That's a Good Sign

Moshe Rabbeinu tells Klal Yisrael at the beginning of our parsha: "You are standing today, all of you, before Hashem your G-d:" (Atem Nitzavim hayom kulchem lifnei Hashem Elokeichem) [Devorim 29:9] There is a very famous Medrash Aggadah quoted by Rashi here [Pasuk 12]: "Why was this passage juxtaposed with the curses (at the end of Parshas Ki Savo)? Since they had just heard ninety-eight frightening curses besides the forty-nine curses at the end of Sefer VaYikra, their faces turned pallid. They asked – 'Who can withstand all of this?' Moshe therefore came to mollify them and calm them down. You are still standing here today. You have angered the Almighty very often and He has not destroyed you." As if to say – "You have been bad before, you will be bad again. You will get through it all! Don't worry." This is the context of "Atem Nitzavim haYom..."

A famous question is asked on this Rashi. Moshe appears to be defeating the whole purpose of his mussar schmooze. He gets them really shaken up. They are trembling in their boots – "What is going to be with us?" And he tells them "Chill. Don't worry about it." This is equivalent to a Mashgiach Ruchani getting up in the Yeshiva and reading the riot act to the bochurim. The bochurim are trembling that because of their behavior they are all going to burn in Gehinnom. And then the Mashgiach gives them all a wink and tells them "Don't worry!"

So "what did the Sages accomplish with their enactment?" The point of the Tochacha was to read them the riot act and to put the fear of G-d in them!

I saw in the sefer Avir Yosef a very interesting observation from Rav Elya Ber Wachtfogel, the Rosh Yeshiva of the Yeshiva of South Fallsburg. The Tosefta in Maseches Shabbos notes that of all the city dwellers in the world, the people of Sodom are the calmest. They have the most menuchas haNefesh. The Tosefta says that, in fact, that is what brought Lot to Sodom. He checked out all the cities around and he saw that the people of Sodom were the most serene.

What does this Tosefta mean? Why were the people so serene in Sodom? Rav Elya Ber Wachtfogel explains: Lot lived with Avraham Avinu. With Avraham Avinu he saw great serenity. He saw a man that was at peace with himself. He was calm and content with life. Lot said to himself "I want that kind of life. I want the same serenity that my uncle Avraham has."

Why was Avraham Avinu able to achieve such serenity? The rest of us experience this ongoing tension between our guf (body) and our neshama (soul). Our flesh wants one thing and our neshama wants something else. It is a battle from Day One. As soon as the neshama enters a person, the neshama is not happy. "I don't want to be in this world. I don't want to deal with the physicality and material nature of Olam HaZeh." On the other hand, the body wants the physical pleasures of life.

That is the ongoing battle and tension that exists in every human being. For this reason, we are not all calm, serene, and content. One day we are like this and one day we are like that. Or, one minute we are like this and one minute we are like that. We may be one type of person when we are in shul, and another type of person when we are at work.

Avraham Avinu solved the problem. He was 100% spiritual (kulo ruchniyus). He devoted his life to improving his neshama. Therefore, there was no tension. There was this enviable calm and serenity in his lifestyle.

I once had the opportunity to spend ten minutes with Reb Aharon Leib Shteinman (zt"l). If you ever were in his little house, he sat there on a roll-away sofa bed. They put up a chair that served as a backing. The man was so at peace. It would seem like he didn't have a worry in the world. He had patience for everyone. Besides the tzidkus (piety) that emanated from him, there was also this serenity. That is because—to a very large extent—he also solved this human dilemma by choosing a very ascetic life.

Lot envied this. Except, Lot said to himself, "But I can't live that type of life." Lot knew that he could not live such a spiritually-infused lifestyle. He still lusted for the pleasures of the flesh. Therefore, his only option was the other way of achieving serenity – at the other end of the spectrum. The people of Sodom also did not have a conflict. They also felt no tension between the desires of their guf and the desires of their neshama. They threw out the ruchniyus and lived by the motto of "Eat, drink, and be merry – for tomorrow you may die!"

They opted to completely forget about satisfying the neshama and just concentrated on satisfying their bodily needs and desires. This is a path to you-know-where, but it is serene. There is no tension. That is why Lot chose Sodom—it was the most serene and contented spot on the globe.

Moshe Rabbeinu addressed the Jewish people and told them: You are all standing here before Hashem today. Don't worry!

We asked that Moshe destroyed his whole mussar schmooze! The answer is that Moshe Rabbeinu was telling them in the Tochacha, "What happened to Sodom will happen to you." [Devarim 29:22]. But it will only happen to you like it happened to Sodom if you, like them, forsake

ruchniyus totally. As long as you feel this tension, as long as you are still fighting the battle, and the struggle with your neshama still bothers you, then what happened to Sodom will not happen to you.

Moshe Rabbeinu tells them the ninety-eight curses and their faces paled, but he tells them – the fact that your faces paled—that is a good sign. It shows that you are still battling; you are still in the fight. As long as you are still waging the battle and are still trying to choose ruchniyus, even though you have already sinned to the Almighty many times, nevertheless you still want what is right, and it still bothers you when it is not right. Therefore, do not worry – the Ribono shel Olam will not wipe you out like He did to Sodom. Sodom's fate is only for those who have totally forsaken the world of spirituality.

These are very encouraging words as we approach Rosh HaShannah. We all have our issues that we need to deal with. We are now approaching the Great Day of Judgement. It is scary, because we look back on our past year and we know that we have fallen down like we have sometimes fallen down in the past. But we are still in the battle, and we are still fighting. It still bothers us. A person only needs to worry when it DOES NOT bother him anymore. Only when a person has achieved the serenity of Sodom is it necessary to really be concerned. The mere fact that our faces are pale and that we feel the need and desire to improve is the biggest testament that we are still fighting the battle. Please G-d, with that merit of our seeking ruchniyus, the Ribono shel Olam shall bless us with the rest of Klal Yisrael and Eretz Yisrael for a year of life and health, financial well-being, and peace upon Yisroel.

Insights Parshas Ki Seitzei - Elul 5781

Yeshiva Beis Moshe Chaim / Talmudic University

Based on the Torah of our

Rosh HaYeshiva HaRav Yochanan Zweig

This week's Insights is dedicated in loving memory of Yoram Ben Meir, Nechama bas Ozer, and Shmuel Favish ben Michael HaLevi, z"l by Mrs. Barbara Dahav and family. "May their Neshamas have an Aliya!"

Double Vision

Remember what Amalek did to you on the way, when you came forth out of Egypt; how he attacked you on the way and struck at your rear those who were feeble... (25:17-18).

This week's parsha ends with a short retelling of the story of Amalek attacking Bnei Yisroel after leaving Mitzrayim, and the exhortation that we never forget what they did to us. Rashi (ad loc) explains that the word "korcha – attacked you" has its roots in the Hebrew word "kor," which means cool. In other words, they cooled off the Jewish people. Meaning, until now the other nations were afraid of the Jewish people and wouldn't fight them, but when Amalek came and attacked them it "cooled them off" and showed the other nations that it was possible to fight Bnei Yisroel.

Rashi continues with the following analogy: There was a bath that was scalding hot, to the point that it was unusable. One fellow came along, jumped into the bath, and got severely burned. However, since he had bathed in it, he succeeded in cooling it sufficiently to be usable for others. So too, Amalek attacked us and cooled us to the point where other nations were now able to conceive of the idea that they too could fight us.

Superficially, this sounds like an acceptable way of looking at what Amalek achieved. But if we probe just a bit deeper we begin to see how perplexing the logic behind this analogy really is. Amalek came and fought with Bnei Yisroel and Amalek was decimated. Wouldn't their epic failure serve as an incredible statement and proof of the power of Bnei Yisroel? In fact, logically, this story seems to convey quite the opposite – that the Jewish people are absolutely not to be messed with. Amalek's defeat literally showcased the power and might of the Jewish people! What can Rashi possibly mean that "they cooled us off?"

When Bnei Yisroel left Mitzrayim they were supposed to get the Torah and go right into Eretz Yisroel and begin the era of messianic times with Moshe as King Moshiah. The splitting of the Red Sea, according to Chazal, reverberated across the world to the point that everyone was aware of it. The Jewish people were supposed to lead a revolution

against idol worship and fulfill Avraham's vision of monotheism for the world. We were supposed to bring everyone back to Hashem. When we left Mitzrayim, we were on an unstoppable mission of bringing the world to its final resolution.

Then Amalek came and made an incredible statement. They attacked knowing that they would be annihilated – which was EXACTLY their point. Their startling statement was: This world is not worth living in if it is to be the world of the Jewish people – we would prefer to die than live in a world where God is revealed and relevant. This is a powerful statement (and the obvious precursor to suicide murderers), and resembles those who perform self-immolation to bring attention to their cause; suicides are powerful arguments against the status quo. Amalek succeeded in saying that there is an alternative to living in this world according to the vision of the Jewish people.

What Rashi means by "they cooled us off" is that other nations then contemplated whether or not our vision was right for them. Once Amalek attacked, we no longer had the overwhelming singular truth of our world vision because Amalek succeeded in placing doubt in other people's minds. Even though they lost terribly, they succeeded in raising the question as to whether or not this world was worth living in if it was a world according to the Jewish vision. They gave credence to other nations; allowing them to consider fighting us and our vision for the world. This was a devastating loss of credibility – something we can never forgive.

Family Interest

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

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

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

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

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

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

This also explains why it is not only okay to charge non-Jews interest but actually a mitzvah to do so. We need to internalize that they aren't our family. Obviously, we shouldn't charge exorbitant interest, just

something reasonable that they are happy to accept. Non-Jews understand that they aren't family and they, in fact, are more comfortable asking for a loan and paying interest because otherwise it would be like receiving charity.

Did You Know...

This week's parsha, contains more mitzvos than any other parsha in the Torah. One specific mitzvah, the very unique mitzvah of Shiluach Hakein – sending away the mother bird before taking its offspring, has some rather obscure halachos as to how exactly it is fulfilled.

1. This mitzvah may be performed both by men and women (Sefer HaChinuch 545).

2. Only kosher birds are eligible for this mitzvah. However, not only may we use the birds that we know we can eat (which require a mesorah), we can also use birds which exhibit kosher signs, yet do not have a clear mesorah, like sparrows, robins, cardinals, and orioles.

3. The mitzvah is only performed when sending away the mother bird. This is usually the bird that is resting on the nest at night. Therefore, night is the optimal time to perform the mitzvah.

4. The mitzvah may only be performed before the chicks develop the ability to fly on their own (approximately two weeks after hatching) (Shulchan Aruch Y.D. 292:7).

5. The mitzvah must be performed on an ownerless nest (Shulchan Aruch Y.D. 292:2). Therefore, if one has a nest on one's property the mitzvah may not be performed. However, some authorities hold that one may be mafkir it (declare it ownerless) thereby allowing the mitzvah to be performed.

6. The mitzvah may not be performed on Shabbos or Yom Tov (Responsa Chasam Sofer O.C. 100).

7. According to Raavad, Rokeach, the Aruch HaShulchan (292:10), and others, one recites a bracha before fulfilling this mitzvah. But most Rishonim and many Acharonim disagree; which seems to be the prevailing custom. Some recommend saying the following blessing without mentioning Hashem's name: "Baruch atah melech ha'olam asher kid'shanu bmitzvosav v'tzivanu l'shaleia'ch ha'kein" (Shaleiach Tishlach Hebrew ed. p. 38).

8. One doesn't need to pick up the mother and send her away, but rather, scaring the mother away is sufficient (Rashi; Chulin 141b, Chazon Ish Y.D. 175:2).

9. Once the mother bird has flown away, one may pick up the eggs or chicks (Chazon Ish Y.D. 175:2).

10. Even if the mother bird is watching, one still fulfills the mitzvah. To perform the mitzvah, the eggs/chicks should be lifted to a height of about 12 inches (Beur Halacha O.C. 366 s.v. tzarich).

11. You do not need to keep them (Shiluach Hakan, Feldheim, p. 65). Talmudic College of Florida Rohr Talmudic University Campus 4000 Alton Road, Miami Beach, FL 33140

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For the week ending 21 August 2021 / 13 Elul 5781

Rabbi Yaakov Asher Sinclair - www.seasonofthemoon.com

Parashat Ki Teitzei

Beating the Beast

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

The BBC ran an article on July 21st about Lee Butler.

"Butler was a cocaine addict and he hated himself. But now Lee hasn't had a drink or taken drugs for four years — and insists he never will again.

"Lee tried Alcoholics Anonymous, which has helped millions of people around the world, but didn't like their 12-step approach. He wanted to feel powerful, not — as the first step states — powerless. He wanted to beat his addiction, not battle it every day.

"I just couldn't buy into this 'addiction is a disease, you're powerless, and you have to surrender.' They say you have to take one day at a time, for the rest of your life, and every day you wake up you're an addict. I just thought — I don't want that future."

"It was while visiting one recovery service that Lee met Chris Farrell, a counselor who introduced him to Addictive Voice Recognition

Technique. AVRT was coined by an American ex-alcoholic, Jack Trimpey, who calls it a 'very simple thinking skill that permits anyone to recover immediately and completely from alcohol or drugs.'

"The technique is not that well known in rehabilitation circles. Some experts contacted by the BBC had not heard of it; one charity — while not dismissing it — said it was not 'evidence-based.' 'As I understand it, there is not any evidence base to support it — but that may be because no one has researched it,' said one professor from a different organization.

But for Lee, AVRT "just clicked immediately."

"In effect, says Lee, AVRT recognizes that 'two parts of you are at war' — the rational voice and the addictive voice; the real you and, as Trimpey dubs it, 'the beast.'"

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

When we go out against our greatest enemy, our Negative Drive; when we try to do Teshuva, to return to Hashem, our first step is recognizing that our 'addictive voice' is not us.

In the service of Yom Kippur, two identical goats are selected. One is brought as a korban and the other is hurled from the summit or a peak in the Judean desert known as Azazel. The goat that is brought on the mizbeach — the Holy Altar — represents the Yetzer HaTov — the 'rational voice.' The goat that is sent to the desert is the 'beast.' They are almost identical. The message is that the only way a person can rescue himself from the many addictions of this world is to sort out the 'rational voice' from 'the beast.'

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Ki Teitzei: The Rich Fruits of Forgiveness

Rabbi Dr. Tzvi Hersh Weinreb

The spirit of forgiveness is in the air.

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

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

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

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

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

There is a passage in this week's Torah portion which, far from exuding a spirit of forgiveness, reflects almost inexplicable harshness. Near the

very beginning of our parsha, is the passage that deals with the ben sorer u'moreh, the wayward and defiant son. It reads:

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

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

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

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

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

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

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

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

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

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

I must conclude by citing a "higher authority" than the greatest of American presidents. I present you with a verse from Psalms, as explicated by the great medieval commentator, Abraham ibn Ezra. The

verse is Psalm 130:4, recited in many communities during the period from Rosh Hashanah until Yom Kippur.

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

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

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

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

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Rabbi Buchwald's Weekly Torah Message

Kee Teitzei 5781-2021 - "Transforming an Enemy into a Friend"

(updated and revised from Kee Teitzei 5762-2002)

Rabbi Ephraim Z. Buchwald

We are now well into the month of אֱלוּל, Elul, the month that leads into the special times of the High Holidays.

Tradition states that the acronym of "E-I-u-l" reminds us of the verse,

אֲנִי לְדָוִד וְדָוִד לִי.

(Song of Songs 6:3) "I am to my beloved and my beloved is to me." Elul is a time when "G-d is in the field," when the Al-mighty is considered especially close and accessible, waiting for the "return" of His beloved children

Following on the timely motif of repentance, this coming week's parasha, parashat Kee Teitzei, contains a particular statute that allows us to explore a profoundly important principle with respect to Teshuva, (return), even though on the surface the statute does not seem to have much to do with repentance.

The Talmud (Yoma, 86b), declares that repentance during the High Holidays, achieves forgiveness only for sins committed between a person and the Al-mighty. However, forgiveness for sins committed between fellow human beings needs to be accomplished on a personal basis.

A most profound Torah insight into interpersonal relations is found in this week's parasha. On the surface it appears to deal merely with the Torah's sensitivity towards animals. Deuteronomy 22:4 reads: לֹא תִרְאֶה לֹא תִרְאֶה אֶת הַחֲמֹר אֲחֵיךָ אוֹ שֹׂרֵר, נִפְלִים בְּדַרְדָּר, וְהִתְעַלְמַת מֵהֶם, הֲקֵם תִּקְיָם עִמּוֹ , You shall not see the donkey of your brother or his ox fall on the way, and you look aside. You must load them with him. This mitzvah, which is known as the mitzvah of תְּעִיבָה —T'ee'nah, requires one to help the owner of an animal when the animal's load is falling.

An interesting parenthetical observation is the comment of the Sifre cited by Rashi, indicating that the master of the animal may not say to the person who is trying to be helpful, "Since it's your mitzvah, you do it. I'll stand aside and watch you." After all, the verse clearly says to load the animal "with him,"—with the owner.

The mitzvah of t'ee'nah, of securing a load that is falling, parallels another mitzvah known as פְּרִיקָה —p'ree'kah—unloading, that is found in parashat Mishpatim, Exodus 23:5 וְהִקְלַת מִשְׂאוֹ, וְהִקְלַת כִּי תִרְאֶה חֲמֹר שֶׁנָּאָה רֵבִץ תַּחַת מִשְׂאוֹ, וְהִקְלַת עִמּוֹ , מְעֹב לּוֹ, עֹב תִּעֹב עִמּוֹ , When you see the donkey of your enemy falling under his load, would you refrain from helping him? You must help him. The Talmud in tractate Baba M'tziah 32b, has a fascinating discussion of these two mitzvot. The sages ask, which of these two mitzvot takes precedence, t'ee'nah, loading, or p'ree'kah, unloading? Clearly

unloading, since it involves *צער בעלי חיים*, the concern of not causing undue pain to an animal.

The Talmud justifies the priority of unloading through the following analysis. Both unloading and loading involve the basic mitzvah of helping one's neighbor. However, *p'ree'kah*, unloading is a double mitzvah, helping one's neighbor and preventing unnecessary pain to an animal.

The Talmud then asks a question that seems almost to be a set-up, *אוקב*, *לפרוק ושוניא לשוניא לטעון*? What do we do when we are faced with two animals: the animal of one's friend that needs to be unloaded, and the animal of one's enemy that needs to be loaded? Which has priority? At first glance, we would clearly say *לפרוק*, unloading, since it is always a double mitzvah. However, the Talmud concludes: *מצוה בשוניא*, that if the friend understands what's going on, then the priority is to load an enemy's donkey. Why? Because by helping an enemy, a person has an opportunity to overcome enmity, and convert an enemy into a friend.

But why should that be, after all, unloading is a double mitzvah, and the animal is suffering? With startling clarity, our rabbis imply that "enemies" are also "animals" in pain, and relieving human pain always takes priority over an animal's pain.

Many are familiar with the aphorism cited in Pirkei Avot, Ethics of Our Fathers 4:1, *איהו גבור? הכובש את יצרו*, Who is a hero? Who is powerful? they ask—he who controls his temper. A less well-known version of Ethics of Our Fathers, known as Avot of Rabbi Natan 23, also asks, *איהו גבור? מי שעושה שונאיו אוהבו*, Who is the greatest hero? Who is the most powerful? One who is able to convert an enemy into a friend!

As we enter the month of Elul, these edifying statutes are of critical importance. After all, these are the relationships to which we must attend in anticipation of the High Holy days. NOW is the precise time for all to be heroic!

May you be blessed.

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Rabbi Zvi Sobolofsky - One Mitzvah Leads to Another

torahweb.org presents two divergent trajectories in life to choose from. The *פרשה* begins with the option of marrying a non-Jewish woman captured in battle, and the consequences of this action become apparent very quickly. Strife in their marriage, a child who rebels, and the tragic end to the life of this child are direct results of the path chosen by the soldier who could not control his desires. In contrast to this downward trajectory, the *תורה* portrays the upward trajectory of a life full of *רש"י* comments on the natural progression from one mitzvah to another; fulfillment of a relatively simple mitzvah to perform, such as *שילוח הקן* (sending away the mother bird before taking her eggs) sets into motion an array of mitzvot. One then merits to build a new house, thereby having the opportunity to construct a *מעקה* (a fence around the roof to protect everyone from falling) which itself is a mitzvah. Next, one plants a vineyard and a field which necessitate more mitzvot. Following these are even more opportunities for mitzvot, such as *ציצית* for the beautiful garments one merits to wear.

teach us - one mitzvah leads to another, and equally true is the teaching that *עבירה גוררת עבירה* - one sin leads to another. Neither the mitzvah nor the *עבירה* that precipitates the different chains of events in this *פרשה* are categorized as *מצות המורות* - exceptionally strict commandments. The "עבירה" of taking the captive woman is not actually an *עבירה* in the classic sense, since technically the action taken is permissible. And yet, even an action that is not in the spirit of holiness can potentially have disastrous consequences. Similarly, the mitzvah of *שילוח הקן* is categorized as a mitzvah *קלה* - a "light" mitzvah. One would not have expected such a mitzvah to be a catalyst for an entire series of mitzvot to follow. *instruct us* to be careful with even the "light" mitzvot as we do not know the reward of any given mitzvah. *continue* to say that even such mitzvot can result in other mitzvot, as part of the reward for any mitzvah is that it leads one down the path to perform others.

As we approach *ראש השנה*, the significance of even one mitzvah or one *עבירה* becomes even more apparent. *describe* the three books that are

opened on *ראש השנה*. The book of those whose mitzvot and *עבירות* are equal is left open until *כיפור* יום, giving a person the opportunity to be inscribed in the book of the righteous. The *הלכות תשובה* in *רמב"ם* elaborates upon this statement of *הז"ל*, as follows: every mitzvah counts because even one can transform a person into a mitzvah deserving to be inscribed and sealed in the book of life. Conversely, even one *עבירה* at this time can result in one no longer being a *בינוני* - one who is neither a *צדיק* or *רשע* - and being written in the book of *רשעים*. Why is even one mitzvah or *עבירה* so significant to change one's entire being? Perhaps it is not just a question of actual quantity of one's actions but the trajectory one has chosen.

The words of *רש"י* in the beginning of the *פרשה* take on a new meaning particularly at this time of the year. The *בן סורר ומורה* - the rebellious son - is punished severely for actions that don't seem to warrant such a response. His indulging in meat and wine and his embracing a life of crime to support his behavior falls into the category of *שם סופו* - he is judged based on what his future will inevitably become. His seemingly trivial offenses will result in significantly more serious crimes.

We are all about to be judged by Hashem. He is looking at the path we have chosen. Even a small deviation can undermine our entire status in the books of heaven as we veer down a path of *הטא*. However, even the smallest improvement can become a catalyst that enables us to be inscribed in the book of the righteous. Let us begin with the mitzvah *קלות* that can change our lives. *מצוה גוררת מצוה* can bring us to new heights and transform us from being mediocre *בינונים* to becoming *גמורים*.
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Rav Kook Torah

Ki Teitzei: Advice to a Troubled Father Chanan Morrison

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...כי יתקנה לאיש בן סורר ומורה, איננו שמע בקול אביו ובקול אמו

A grief-stricken father turned to Rav Kook for advice. Rabbi Dov Ber Milstein was a diligent scholar and a Hasidic Jew, the owner of a thriving lumber business in Warsaw. His two younger sons, however, were expelled from their yeshiva. Influenced by socialist and Polish-nationalist friends, they had abandoned religious life. They even took part in the failed 1905 coup attempt against the Russian Tsar.

What should the father do? How should he respond to this betrayal of his values and lifestyle? Should he cut off all ties from his sons and sit shiva over their lost souls? Should he argue with them and rebuke them? In a series of letters, Rav Kook consoled the father and offered a number of practical suggestions.

1. Don't Reject Them

The first and most important principle is not to break off contact. Rav Kook was adamant that a parent should not sever his connection with his children, despite their rejection of their religious upbringing.

"I understand well your heartache and grief," he wrote. "But if you think, like most Torah scholars do, that in our times it is fitting to reject those children who have left the path of Torah and faith due to the turbulent currents of the era - then I say, unequivocally, this is not the path that God desires."

We should never give up on a single Jewish soul. "A myrtle among the reeds is still a myrtle and is called a myrtle" (Sanhedrin 44a).

2. Appreciate Their Motives

Rav Kook's second point was that we must accurately judge the next generation and appreciate their motives. In these turbulent times of social movements and uprisings, our sons and daughters who have abandoned Judaism should be viewed as acting under duress. "God forbid that we should judge them as having rebelled willfully." They are motivated, not by selfish desires, but by aspirations to repair societal inequalities and fight political corruption. Their yearnings for fairness and compassion are rooted in "the inner soul of Israel's holiness that lies hidden within their hearts."

They have been led astray, not because of hedonist passions, but because they pursue justice and kindness. If we don't push them away, but do our best to draw them back, they will be ready to return to Judaism.

3. Support Them Financially

Practically speaking, Rav Kook advised the father "to assist them, as much as you are able, toward their livelihood and pressing needs." It is not easy to financially support children who have rejected your way of life. But this will maintain your connection with them, and "provide an opportunity to express words of mussar, chosen judiciously, in your letters. It is in the nature of words that come from the heart to have an impact, whether much or little."

4. Encourage Them to Stay Connected to The Jewish People

Rav Kook further advised the father to remind his children of their Jewish heritage. Counsel them not to abandon their people due to false dreams that they will gain a secure place of honor and respect among the nations of the world. "The [nations] befriend you when it serves them, but in times of trouble, they will rejoice in your downfall."

If you are successful in awakening a love of the Jewish people in their hearts, this will lead to sparks of faith and holy aspirations. And it may eventually result in complete teshuvah.

5. Their Teshuvah will be Intellectually Motivated

Rav Kook's final observation: our children left Judaism due to mistakes of the intellect, thinking that this way will enable them to perform greater good in the world. Their return to Judaism will not be spurred by impassioned speeches of fire and brimstone, but by an intellectual recalculation.

"We need not picture their return to Judaism as penitence accompanied by terrible anguish and the fear of utter collapse, like the common perception of ordinary teshuvah. Rather, it will be a simple reassessment, like a person who corrects a mistake in arithmetic after clarifying the numbers."

To summarize:

Keep a connection with your children.

Recognize their positive qualities and good - if misguided - motives.

Continue to support them financially, as this concretizes your connection to them.

Encourage them to stay connected to the Jewish people.

They will return to Judaism, not through emotional pleas and feelings of guilt, but when they reassess their thinking and reconsider their decisions.

Postscript:

The father's rabbi in Poland, the Rebbe of Porisov, instructed Rabbi Milstein to sever all contact with his two younger sons who had abandoned religion. But the father followed Rav Kook's guidance and reconciled with his sons. He continued to support them financially, even when they were far away in France and Brussels.

Was Rav Kook's advice successful? What happened to the two sons?

Sadly, neither son returned to religious observance. The middle son, Shmulka, worked as an economist for the Polish bank, while the youngest son, Naftali, served as a Polish diplomat in Belgium and France.

The family, however, always stayed connected. Over time, the financial situation of the Milstein family reversed. The father's profitable business began to fail. Instead of the wealthy father supporting his sons, his sons supported their father.

After Rabbi Milstein and his firstborn son immigrated to Jerusalem, Shmulka and Naftali continued to send money to support their father and elder brother. Naftali even visited his father in Jerusalem and bought him a large three-room apartment.

Naftali Milstein did not return to his religious upbringing, but never denied his Judaism. He wrote extensively about anti-Semitism, predicting that tens of thousands of Jews would be exterminated in Poland. Active in Jewish causes, he assisted Eastern European Jews to emigrate to South America, Canada, and Israel.

Only the eldest son, Rabbi Chaim-Ze'ev, remained fully committed to Jewish observance, moving to Israel and raising many descendants who continued in his father's path.

(Adapted from Iggerot HaRe'iyah vol. 1, letter 138 (19 Iyyar 5668/1908). Background information from 'A journey in the footsteps of the mysterious figures in Rav Kook's letters' by Rabbi Ari Shevat, Makor Rishon (08/14/2018). Copyright © 2021 Rav Kook Torah, All rights reserved.

The Heter Mechirah Controversy

By Rabbi Yirmiyohu Kaganoff

In a few short weeks, we will begin shmittah year. In preparation, I present:

Several shmittah cycles ago, I was working as a mashgiach for a properly run American hechsher. One factory that I supervised manufactured bread and muffin mixes. This company was extremely careful about checking its incoming ingredients: George, the receiving clerk who also managed the warehouse, kept a careful list of what products he was to allow into the plant and what kosher symbols were acceptable.

On one visit to the plant, I noticed a problem, due to no fault of the company. For years, the company had been purchasing Israeli-produced, freeze-dried carrots with a reliable hechsher. The carrots always arrived in bulk boxes, with the Israeli hechsher prominently stamped in Hebrew and the word KOSHER prominently displayed, in English. George, who always supervised incoming raw materials, proudly showed me through "his warehouse" and noted how he carefully marked the arrival date of each new shipment. I saw crates of the newest shipment of Israeli carrots, from the same manufacturer, and the same prominently displayed English word KOSHER on the box. However, the Hebrew stamp on the box was from a different supervisory agency, one without the same sterling reputation. The reason for the sudden change in supervisory agency was rather obvious, when I noted that the Hebrew label stated very clearly "Heter Mechirah."

Let me explain the halachic issues that this product entails.

The Torah (Vayikra 25:1-7) teaches that every seventh year is shmittah and prohibits working the land of Eretz Yisroel. During that year, one may not plough, plant or work the field in any way. Furthermore, the farmer must treat whatever grows on his land as ownerless, allowing others to pick and keep his fruit. Many laws apply to the produce that grows during shmittah, including, for example, that one may not sell the produce in a business manner, nor may one export it outside Eretz Yisroel.

For the modern farmer, observing shmittah is indeed true mesiras nefesh, since, among the many other concerns that he has, he also risks losing customers who have been purchasing his products for years. For example, a farmer may be selling his citrus or avocado crop to a distributor in Europe who sells his produce throughout the European Community. If he informs his customer that he cannot export his produce during shmittah year, he risks losing the customer in the future. Of course, a Jew realizes that Hashem provides parnasah and that observing a mitzvah will never hurt anyone. Therefore, a sincerely observant farmer obeys the Torah dictates, knowing that Hashem attends to all his needs. Indeed, recent shmittos have each had numerous miracles by which observant farmers were rewarded in this world for their halachic diligence. Who can possibly imagine what reward awaits them in Olam Haba!

Unfortunately, the carrot farmer here was not committed to this level of bitachon and, instead, explored other options, deciding to rely on heter mechirah. He soon discovered that his regular, top-of-the line hechsher would not allow this, so he found an alternative hechsher that allowed him to be lenient, albeit by clearly forewarning customers who may consider this product non-kosher. Although he realized that sales would suffer without his regular hechsher, he figured that selling some product is better than selling none.

WHAT IS HETER MECHIRAH?

The basic concept of heter mechirah is that the farmer sells his land to a gentile, who is not required to observe shmittah. Since a gentile now owns the land, the gentile may farm the land, sell its produce and make a profit. The poskim dispute whether a Jew may work land owned by a

gentile during shmittah (Tosafos, Gittin 62a s.v. ein odrin, prohibits; Rashi, Sanhedrin 26a s.v. agiston, permits).

IS THIS ANY DIFFERENT FROM SELLING ONE'S CHOMETZ FOR PESACH?

Although some poskim make this comparison (Shu't Yeshuos Malko, Yoreh Deah #53), many point out differences between selling chometz to a gentile and selling him land in Eretz Yisroel. Indeed, although the Mishnah (Pesachim 21a) and other early halachic sources (Tosefta, Pesachim 2:6) mention selling chometz to a non-Jew before Pesach, no early source mentions selling land in Eretz Yisroel to avoid shmittah (Sefer Hashmittah pg. 71). The earliest source I found discussing this possibility was an eighteenth-century responsum penned by Rav Mordechai Rubyou, the Rosh Yeshivah in Hebron at the time, who discusses the tribulations of a Jew owning a vineyard in Eretz Yisroel in that era (Shu't Shemen Hamor, Yoreh Deah #4; this sefer was published posthumously in 1793).

HISTORY OF MODERN HETER MECHIRAH

Before explaining the halachic background to the heter mechirah question, I think it is important to understand the historical context of the shaylah.

Rav Yechiel Michel Tukachinski, one of the great twentieth-century poskim of Eretz Yisroel, describes the history and development of the use of heter mechirah. (My source for most of the forthcoming historical material is his work, Sefer Hashmittah.)

The first modern shmittah was in the year 5642 (1882), when there was a mere handful of Jewish farmers in Israel, located in Petach Tikvah, Motza and Mikveh Yisroel. The highly observant farmers in these communities were uncompromising in their commitment to keep shmittah in full halachic detail. [Apparently, at the same time, there were some Sefardi farmers in Israel whose rabbonim did allow them to sell their fields to a gentile for the duration of shmittah (see Shu't Yeshuos Malko, Yoreh Deah #53; Shu't Yabia Omer 3:Yoreh Deah #19:7).]

By the next shmittah, 5649 (1889), there was already a much larger Jewish agricultural presence in Eretz Yisroel. Prior to that shmittah year, representatives of the developing Israeli agricultural communities approached several prominent Eastern European gedolim, claiming that the new yishuv could not survive financially if shmittah was observed fully, and that mass starvation would result. Could they sell their land to a gentile for the duration of shmittah and then plant the land and sell its produce?

THE BEGINNINGS OF A CONTROVERSY

Rav Naftali Hertz, the rav of Yaffo, who also served as the rav of most of the agricultural communities involved, directed the shaylah to the gedolei haposkim of the time, both in Israel and in Europe. The rabbonim in Europe were divided, with many prominent poskim, including Rav Yehoshua Kutno, Rav Yosef Engel and Rav Shmuel Mahliver, approving the sale of the land to non-Jews as a hora'as sha'ah, a ruling necessitated by the emergency circumstances prevailing, but not necessarily permitted in the future. They permitted the heter mechirah, but only with many provisos, including that only non-Jews perform most agricultural work. On the other hand, many great European poskim prohibited this heter mechirah, including such luminaries as the Netziv (Rav Naftali Tzvi Yehudah Berlin, the Rosh Yeshivah of the preeminent yeshiva of the era in Volozhin, Lithuania), the Beis Halevi (3:1; Rav Yosef Dov Halevi Soloveichik), the Aruch HaShulchan (Rav Yechiel Michel Epstein) and Rav Dovid Karliner.

Rav Yitzchak Elchanan Spector, the rav of Kovno, Lithuania, whom many viewed as the posek hador, ruled that Rav Hertz could perform the sale and instructed him to have the great poskim of Yerushalayim actuate the sale.

This complicated matters, since the Ashkenazi rabbonei Yerushalayim universally opposed the heter mechirah and published a letter decrying it univ ersally. This letter, signed by the two rabbonim of Yerushalayim, Rav Yehoshua Leib Diskin and Rav Shmuel Salant, and over twenty other gedolim and talmidei chachamim, implored the farmers in the new yishuv to keep shmittah steadfastly and expounded on the Divine blessings guaranteed them for observing shmittah. The letter also noted

that Klal Yisroel was punished severely in earlier eras for abrogating shmittah (see Avos Chapter 5). As Rashi (Vayikra 26:35) points out, the seventy years of Jewish exile between the two batei hamikdash correspond to the exact number of shmittos that were not observed from when the Jews entered Eretz Yisroel until the exile. The great leaders of Yerushalayim hoped that if Klal Yisroel observed shmittah correctly, this would constitute a collective teshuvah for the sins of Klal Yisroel and would usher in the geulah.

Rav Hertz, who had originally asked the shaylah, was torn as to what to do. Although he had received letters from some of the greatest poskim of Europe permitting the mechirah, the poskei Yerushalayim adamantly opposed it. He decided not to sell the land himself, but arranged mechirah for those who wanted it through the Sefardi rabbonim in Yerushalayim, who had apparently performed this mechirah in previous years.

What happened? Did the Jewish farmers observe the shmittah as instructed by the rabbonei Yerushalayim, or did they rely on heter mechirah? Although the very committed farmers observed shmittah according to the dictates of the gedolei Yerushalayim, many of the more marginally observant farmers acceded to the pressure and relied on heter mechirah. Apparently, many farmers were subjected to considerable financial and social pressure to evade observance of shmittah.

Prior to shmittah year 5656 (1896), Rav Hertz again considered what to do in the coming shmittah and approached the rabbonei Yerushalayim. This time, both Rav Shmuel Salant and Rav Yehoshua Leib Diskin approved the mechirah and even suggested to Rav Hertz how to arrange this mechirah in a halachically-approved fashion.

WHAT CHANGED?

Why were the very same rabbonim who vehemently opposed the mechirah seven years earlier not opposed to it this time? Initially, these rabbonim felt that since we had now merited returning to Eretz Yisroel, we should make sure to observe all the mitzvos of Eretz Yisroel without compromise, and evading shmittah with heter mechirah runs totally counter to this spirit. However, upon realizing that few farmers had observed the previous shmittah properly, the feeling of these great gedolim was that without the option of heter mechirah, most farmers would simply conduct business as usual and ignore shmittah completely. Therefore, it was better to permit heter mechirah, while at the same time encourage farmers not to rely on it.

Prior to the next shmittah, in 5663 (1903), Rav Hertz re-asked his shaylah from the rabbonim of Yerushalayim, Rav Shmuel Salant and the Aderes, Rav Eliyahu Dovid Rabinowitz Teumim (Rav Diskin had passed on in the meantime), since the original approval stipulated only that shmittah. These rabbonim felt that there was still a need for heter mechirah in 5663. Rav Hertz, himself, passed away before the heter mechirah was finalized, and his son-in-law, Rav Yosef Halevi, a talmid chacham of note, finalized the mechirah in his stead, following the instructions of the rabbonei Yerushalayim.

Seven years later (5670/1910), Rav Avraham Yitzchak Kook was the rav of Yaffo and continued the practice of the mechirah, while at the same time encouraging those who would observe shmittah correctly to do so. He continued this practice of performing the heter mechirah for the several subsequent shmittos of his life.

In addition, Rav Kook instituted a new aspect to heter mechirah. Prior to his time, the heter mechirah involved that the owner of the farm appointed a rav as his agent to sell the land, similar to what we usually do to arrange selling the chometz. Rav Kook added that a farmer who was not going to observe shmittah but did not appoint a rav to sell his land was included in the mechirah, since it is in his best interest to have some heter when he works his field, rather than totally desecrating the Holy Land in the holy year. Although there is merit in protecting the farmer from his sin, now, a practical question results that affects a consumer purchasing this farmer's produce. If the farmer did not authorize the sale, perhaps the produce indeed has the sanctity of shmittah. For this latter reason, many individuals who might otherwise accept heter mechirah produce do not rely on this heter.

By the way, although the original heter mechirah specified that gentiles must perform all plowing, planting and harvesting, this provision is no longer observed by some farmers who rely on heter mechirah. Many farmers who rely on heter mechirah follow a “business as usual” attitude once they have dutifully signed the paperwork authorizing the sale. Indeed, who keeps the profits from the shmittah produce, the Jew or the non-Jew to whom he sold his land? One can ask -- is this considered a sale?

Another point raised is that, although Chazal also contended with much laxity in observing the laws of shmittah, they did not mention selling the land to evade the mitzvah. This is underscored by the fact that there are indeed precedents where Chazal mention ways to avoid observing mitzvos. For example, the Gemara mentions methods whereby one could avoid separating maaser, for those who want to evade this mitzvah, although Chazal did not approve doing so. Furthermore, when Hillel realized that people were violating the halachos of shmittas kesafim, he instituted the pruzbul. Yet, no hint of avoiding shmittah by selling land to a gentile is ever mentioned, thus implying that there is halachic or hashkafic difficulty with this approach (Sefer Hashmittah pg. 82).

SELLING ERETZ YISROEL

In addition to the question of whether one should evade performing a mitzvah of the Torah, the issue of heter mechirah involves another tremendous halachic difficulty. How can one sell any land of Eretz Yisroel, when the Torah prohibits selling it to a non-Jew (Avodah Zarah 20a), and Chazal prohibit even renting the land (Mishnah, Avodah Zarah 20b)?

Different poskim have suggested various approaches to avoid this prohibition. Some contend that selling land temporarily, with an expressed condition that it return to the owner, preempts the violation (Shu't Shemen Hamor, Yoreh Deah #4), while others permit the sale since its purpose is to assist the Jewish presence in Eretz Yisroel (Shu't Yeshuos Malko, Yoreh Deah #55; Yalkut Yosef pg. 666, quoting Rav Reuven Katz, the late rav of Petach Tikvah). Others contend that the prohibition extends only to selling land to an idol-worshipper, but not to a gentile who does not worship idols (Sefer Hashmittah, pg. 74; Yalkut Yosef pg. 665, quoting Mizbei'ach Adamah), whereas still others maintain that one may sell land to a gentile who already owns land in Israel (Shabbas Ha'aretz, Mavo 12). The original contracts approved by the rabbonei Yerushalayim designed that sale to incorporate many aspects to avoid this concern (Sefer Hashemittah, pg. 75). However, each of these approaches is halachically controversial. In fact, the problem of selling the land to a gentile is so controversial that many poskim consider such a sale invalid because of the principle of ein shaliach lidvar aveirah, that transacting property through agency in a halachically unacceptable manner is invalid (Chazon Ish, Shvi'is 24:4).

Among contemporary poskim there is wide disagreement whether one may eat produce on the basis of heter mechirah. Some contend that one may, whereas others rule that both the produce and the pots used to cook this produce become non-kosher. Others follow a compromise position, accepting that the pots should not be considered non-kosher, although one should carefully avoid eating heter mechirah produce. Because of the halachic controversies involved, none of the major hechsherim in North America approve heter mechirah produce. Someone visiting Eretz Yisroel during shmittah who wants to maintain this standard should clarify his circumstances in advance.

FRUITS VERSUS VEGETABLES

Some rabbonim ruled that the fruits produced under heter mechirah may be treated as kosher, but not the vegetables. The reason for this distinction is as follows:

SEFICHIM

The Torah permitted the use of any produce that grew on its own in a field that was not worked during shmittah. Unfortunately, though, even in the days of Chazal, it was common to find Jews who deceitfully ignored shmittah laws. One practice of unscrupulous farmers was to plant grain or vegetables and market them as produce that grew on its own. To make certain that these farmers did not benefit from their misdeeds, Chazal forbade all grains and vegetables, even those that grew on their own, a prohibition called sefichim, or plants that sprouted.

Several exceptions were made, including that produce of a non-Jew's field is not prohibited as sefichim. Thus, if the heter mechirah is considered a charade and not a valid sale, the grain and vegetables growing in a heter mechirah field are prohibited as sefichim.

WHY NOT FRUIT?

Chazal did not extend the prohibition of sefichim to fruit, because there was less incentive for a cheating farmer. Although trees definitely thrive when pruned and attended to, they will produce even if left unattended for a year. Thus, the farmer has less incentive to tend his trees.

PERENNIALS

Similarly, perennials that do not require planting every year are not included in the prohibition of sefichin. Although perennials benefit when pruned and cared for, most will produce, even if left unattended for a year, and the farmer has less incentive to violate shmittah by caring for such plants.

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

“GUARDED PRODUCE”

I mentioned above that a farmer must allow others to help themselves to the produce that grows on his trees and fields during shmittah. What is the halacha if a farmer refused to allow others access to his produce during shmittah?

The rishonim dispute whether this fruit is forbidden. Some contemporary poskim prohibit the use of heter mechirah fruit on the basis that since heter mechirah is invalid, this fruit is now considered shamur, “guarded,” and therefore forbidden. Other poskim permit the fruit, because they rule that working an orchard or treating it as private property does not prohibit its fruit (see Shu't Igros Moshe, Orach Chayim 1:186).

BACK TO OUR CARROT MUFFINS

What about our carrot muffins? If we remember our original story, the company had unwittingly purchased heter mechirah carrots. The hechsher required the company to return all unopened boxes of carrots to the supplier and to find an alternative source. However, by the time I discovered the problem, muffin mix using these carrots had been produced bearing the hechsher's kashrus symbol and had already been distributed. The hechsher referred the shaylah to its posek, asking whether they were required to recall the product from the stores as non-kosher, or whether it was sufficient to advertise that an error occurred and allow the customer to ask his individual rav for halachic guidance. What would you advise?

....

לע"נ

שרה משה בת ר' יעקב אליעזר ע"ה
ביילא בת (אריה) לייב ע"ה