

INTERNET PARSHA SHEET
ON KI SAVO - 5760

To receive this parsha sheet in Word and/or Text format, send a blank e-mail to parsha-subscribe@egroups.com, or go to <http://www.egroups.com/group/parsha>. Please also copy me at crshulman@aol.com. For archives of old parsha sheets see <http://www.egroups.com/messages/parsha>. For links to Torah on the Internet see <http://www.egroups.com/links/parsha>.

From: RABBI YISSOCHER FRAND ryfrand@torah.org "RavFrاند"
List - Rabbi Frand on Parshas Ki Savo -

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 340, The Pushka In Halacha. Good Shabbos! Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand

Egyptian Anti-Semitic Techniques Foreshadowed those of the Nazis
The Parsha begins with the Command to bring the First Fruits of each year's crop to the Bais HaMikdash [Temple]. When a person brings the 'Bikkurim' to the Beis HaMikdash, he recites several pesukim [verses] of thanksgiving as he presents his basket of fruit to the Kohen.

This recitation of gratitude does not merely contain a simple "Thank you G-d for the good year, and thank you for the fruits". Rather, it is an overview of the history of the Jewish people. We thank G-d for developments from our very birth as a nation. We describe Yaakov's sojourn with Lavan, who tried to destroy him. We describe the descent into Egypt and our trials and tribulations at the hands of the Egyptians, until finally we were taken out with great wonders and miracles.

Rav Mordechai Gifter (Telshe Rosh Yeshiva) comments on the grammar of the pasuk [verse] describing the cruelty of the Egyptians. It should have really read "VayaRei-u LANU..." (they were bad TO US). However, it actually says "VayaRei-u OSANU", which literally means, "THEY MADE US bad".

Rav Gifter therefore interprets the pasuk [verse] with new insight: How was it possible for the Egyptians to torture us (as the pasuk continues "Vaya-anunu" - "and they tortured us")? Didn't the Egyptians have any compassion? How could one human being treat a second human being so cruelly? The answer is that first "VayaRei-u OSANU" - they mounted a campaign to portray Jews as less than human, as disgusting and despicable beings. They made US into bad people and as a result of that they could begin to torture us.

Rav Gifter then comments that we have seen this phenomenon with our own eyes. We do not need to imagine what took place in ancient Egypt. This is precisely what anti-Semites have done in every generation. A text book example of this is what happened in Germany. They did not suddenly stand up one day and say "smash all their windows and kill them all". There was a gradual campaign to make us less than human.

Anyone who is ever in the vicinity of Washington, DC should take the time to visit The United States Holocaust Museum. The museum traces the history of anti-Semitism in Germany. The anti-Semitism was based on a "hierarchy of nations". They backed up their hatred of Jews with theories and philosophies. There were "higher races"; there were "lower races"; and there were "sub-human species". They considered the Jews "sub-human species". "Vayarei-u osonu" - they made us wicked, portraying us as less than human.

When I visited the United States Holocaust Museum, one picture really caught my attention. The picture depicted two Nazi soldiers (May there names be blotted out.) kicking a Jew who was laying on the street.

B'S'Dn and of itself, that would not be novel. However the glee on their faces - that was note-worthy. Perhaps we could almost understand the scene if the emotions displayed by the soldiers were rage or anger. However, the Nazis were laughing. They were showing delight!

Such a feeling might be expected if a person has a mouse in his home and he finally gets rid of it by stamping on it. With triumph he can then smile and say "Aha - I won!" That is what they did to us. They would show their people hundreds of pictures of rats. Then they would show a picture of a Jew. Then they would show more rats and then more Jews. They continued this until the idea came across that the pictures interspersed between the pictures of the rats, were not humans - they were just mere rats.

They made us into "wicked" and _then_ they tortured us. This is the Ma'aseh Avos Siman LaBanim [action of the forefathers foreshadowing what will happen to the children]. There is nothing new under the sun. It has all happened before. It happened in Egypt. It happened in Germany. Let us hope it won't happen again.

The Pause Following The Curses of Ki Savo: The Ball Is In Our Court

Parshas Ki Savo contains the terrible chapter foretelling the curses that will befall us. Again, we do not have to imagine what these things are referring to. We unfortunately witnessed it with our own eyes.

The Tochacha [rebuke] concludes with the words "HASHEM will return you to Egypt in ships, on the road of which I said to you, 'You shall never again see it!' And there you will offer yourselves for sale to your enemies as slaves and maid-servants - but there will be no buyer." [Devorim 28:69]

This contrasts starkly with the end of the Tochacha that appears in Sefer Vayikra, which is also a terrible series of curses. The Tochacha in Vayikra ends on the following positive note: "I will remember for them the covenant of the ancients, those whom I have taken out of the land of Egypt before the eyes of the nations, to be G-d unto them, I am Hashem." [Vayikra 26:45]

Thus, the Tochacha of Sefer Vayikra (in Parshas Bechukosai) contains within itself a built-in consolation. It will be terrible, but in the end I will remember. However, the Tochacha of Parshas Ki Savo apparently has no such ending. What is the meaning of this?

I recently saw a beautiful insight from Rabbi Joseph B. Soloveitchik, (1903-93), published in a sefer [book] called "Divrei Hashkafa". Rabbi Soloveitchik advances the idea that the Tochacha here in Parshas Ki Savo is also followed by consolation - but the consolation does not come until next week's Parsha!

The consolation is some 50 verses later: "And it will come to pass when all these things come upon you, the blessing and the curse that I have presented before you - then you will take it to your heart among all the nations where Hashem your G-d has dispersed you; then you will return unto Hashem your G-d, and listen to His voice, according to everything that I command you today, you and your children, with all your heart and all your soul. Then Hashem, your G-d, will bring back your captivity and have mercy upon you, and He will gather you in from all the peoples to which Hashem your G-d has scattered you..." [Devarim 30:1-2]

There is a consolation. It is that you will realize that you did wrong; you will repent, and G-d will gather you from the four corners of the earth. The question then becomes, if both Tochachos have within themselves built in consolations - why does that of Bechukosai come immediately, but that of Ki Savo come only after a pause of 50 pasukim?

Rabbi Soloveitchik answers based on the Ramban. The Ramban tells us that the two Tochachas are reflective of the two destructions that befell the Jewish nation. The Tochacha in Vayikra (Bechukosai) foretells the destruction of the First Temple; the Tochacha in Devorim (here in Ki Savo) foretells the destruction of the Second Temple. The destruction of

the First Temple came with a pre-determined, pre-announced limit: seventy years you will be in Exile, and then the Exile will be over. There was some ambiguity as to when the counting of the 70 years began, but they knew without a doubt that the Exile had a finite end point. Therefore, the corresponding Tochacha has a finite end - an announcement of consolation immediately at the end of the pasukim foretelling destruction and exile.

The destruction of the Second Temple was different. It did not come with any pre-determined and pre-arranged time limit. Not 70 years and not 700 years! But it, too, did come with a limit. The Rambam tells us [Hilchos Teshuva Chapter 7] that there will come a day that the Jewish people will repent.

And he appends to that prophesized prediction "And they will then immediately be redeemed." We can bank on it! When the Jewish people will eventually do Teshuva [repentance, return], this Exile will end.

Just as the first exile had an end, so too the second one has an end - but the second exile's end is conditional. It requires action on our part - repentance. If we would have done Teshuva after 70 years, then the Exile could have ended then. We did not do proper Teshuva even after 700 years; and consequently, it did not end then either. If it takes 2000 years and we still do not do Teshuva, it will still not happen. But in the end of the days, the Torah does give us a guarantee: Eventually the Jewish people will do Teshuva... and immediately thereafter we will be redeemed.

These fifty pasukim from the end of the Tochacha in Ki Savo until the consolation of redemption in Parshas Nitzavim, are the pause. This is the period that we are experiencing now. We are in the midst of the pause. But we have no need to despair. Because the Torah promises that one day "You will return to Hashem your G-d, and listen to His Voice". And then "He will gather you in from all the peoples to which He has scattered you." It is up to us. The ball is in our court. It is a very simple matter. When we do Teshuva, the Exile will end.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org RavFrاند, Copyright 1 2000 by Rabbi Y. Frاند and Project Genesis, Inc. Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road, Suite 2B http://www.torah.org/ Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

<http://www.artscroll.com/parashah.html>

Excerpt from Darash Moshe, by RABBI MOSHE FEINSTEIN
Parashas Ki Savo

"An Aramean tried to destroy my forefather. He descended to Egypt and sojourned there" (26:5)

Whenever we thank Hashem for His kindness to us, it is also important to mention the merits of our forefathers and Hashem's promises to them. We do this to be certain we realize that the kindness Hashem does for us are not in the merit of our own mitzvos and good deeds. Indeed, in the opinion of Sefer Mitzvos Gedolah such thoughts are forbidden. Many people make the mistake of thinking that Hashem blesses them because of their own righteousness, but this is an error for which they are required to do teshuvah like any other sin.

On the surface there seems to be no connection between the attempt of Laban the Aramean to destroy our forefather Jacob and Jacob's later descent to Egypt. Why, then, does the Torah relate the two events in the same verse? Although Rashi comments that not only Laban but others, including the Egyptians sought to destroy us, we would like to suggest a more direct connection between these two events.

Elsewhere (Bereishis 32:5), Rashi tells us that in spite of all the trials to which Jacob was subjected throughout his sojourn with Laban, he observed all the commandments. We may assume that had he

succumbed to Laban's wicked influence in any way, he would not willingly have taken his family to Egypt, with the far greater trials he knew awaited him there. True, Joseph was ruler over all of Egypt and still remained as much of a tzaddik as he had always been. Nonetheless, Jacob would not have exposed his family to the spiritual dangers of Egypt in the hope that they would remain committed there to the path of Torah and Mitzvos based on the experience of one individual.

Hashem wanted Jacob to go to Egypt of his own free will, not in chains as Joseph has gone. It was therefore necessary that Jacob spent time in Laban's house to assure himself of his ability to overcome Laban's attempts to destroy him and his family as a Torah unit. Having prevailed in that situation and having left there intact, he would agree to go to Egypt. Thus the attempt of Laban the Aramean to destroy our forefather Jacob was a necessary precondition for Jacob's voluntary descent to Egypt.

Excerpt from Darash Moshe, by Rabbi Moshe Feinstein

From: Shlomo Katz[SMTP:skatz@torah.org]

Hamaayan / The Torah Spring Edited by Shlomo Katz

Now available, by the editor of Hamaayan: The Haftarah / Laws, Customs & History. For information, email skatz@torah.org All proceeds benefit Hamaayan.

Ki Tavo

Sponsored by The Sabrin family, in memory of mother Bayla bas Zev a"h

Mr. and Mrs. Jacob S. Edeson and family in honor of the birthday of daughter Raizel Stern

Today's Learning: Ta'anit 1:7-2:1 Orach Chaim 320:12-14 Daf Yomi (Bavli): Nedarim 59

R' Mordechai Hager shlita (the Vizhnitzer Rebbe in Monsey, N.Y.) related: I heard from my grandfather, the "Ahavas Yisrael" (R' Yisrael Hager z"l; 1860-1936) that he was once visited by the Satmar Rebbe, R' Yoel Teitelbaum z"l (1887-1979). My grandfather told his guest the comment of R' Levi Yitzchak z"l of Bereditchev on the statement in the Rosh Hashanah prayers, "For You remember all the forgotten things." Said R' Levi Yitzchak:

"G-d remembers what man forgets, whether his mitzvot or his transgressions. If one performs a mitzvah and reminds himself of it so that it makes him haughty, Hashem ignores that mitzvah. G-d only remembers (so-to-speak) those mitzvot which we do and quickly put out of our minds, knowing that whatever we did, we have not even begun to serve G-d sufficiently.

"By the same token, if we transgress and quickly forget what we have done, G-d will remember it. Only if we keep our sins in mind so that they humble us will Hashem forget them (so-to-speak)."

Upon hearing this, the Satmar Rebbe said, "In this light, we may understand the verse [in this week's parashah, 26:13], 'I have not transgressed any of your commandments, and I have not forgotten.' Our sages call this section of the parashah, "Vidui Ma'aser" / "Confession Regarding Tithes," but what kind of confession is it when one says, 'I have not transgressed any of your commandments'?

"The answer," said R' Teitelbaum, "is that our confession is, 'I have not forgotten.' If one has not transgressed a single one of the commandments, he should forget that fact." (Quoted in Otzar Tzaddikei U'geonei Ha'dorot p. 576)

"Be attentive and hear, Yisrael: This day you have become a people to Hashem, your G-d." (27:9)

The gemara (Berachot 63b) states: Rabbi Yehuda opened his lecture by speaking of the Torah's honor. He expounded [on the above verse]: "Was the Torah then given to Yisrael on that day [that it could say, 'This day you have become a people to Hashem']? That day was at

the end of the 40 years [in the desert]!

"Rather," Rabbi Yehuda answered, "this teaches that the Torah is beloved by those who study it every day as if it had been given from Sinai on that very day."

The gemara continues: Rabbi Tanchum the son of Rabbi Chiya, a man from Akko, added, "The proof that this is true is that a person recites Kriat Shema every morning and every evening, yet if he misses one evening, he is like one who never recited Shema in his life."

R' Yitzchak Yaakov Reines z"l (1841-1915; Rosh Yeshiva in Lida, Belarus, and founder of the Mizrachi) explains this gemara as follows:

When we recite Shema, we accept upon ourselves the yoke of Heaven. At first glance, this would seem counter-productive, for a master does not ask his slave to reaffirm his loyalty (and certainly not twice a day). To the contrary, asking a slave to reaffirm his loyalty implies that the slave has a certain measure of independence.

The answer is that Hashem wants us to feel that we serve Him voluntarily. He wants us to recognize that serving Him is what is best for us; that, in the words of Pirkei Avot, "Sechar mitzvah mitzvah" / "A mitzvah is its own reward."

It takes work to recognize this, but (hopefully) a person grows each day and gradually increases his appreciation of his relationship with Hashem. This is why we reaffirm our loyalty to Him twice a day: because we have grown since yesterday, we recognize that yesterday's affirmation was based on an inadequate understanding, and we therefore accept the yoke of Heaven anew today.

(In this light, R' Reines explains the gemara [Berachot 17a] which says, "The goal of wisdom is teshuvah / return and good deeds." How can teshuvah be a goal? Isn't teshuvah something that a person does only if he has sinned?)

The answer is that that is a mistaken understanding of teshuvah. Teshuvah means returning to the Source from which the soul came. It is precisely the idea described above, i.e., that one should become closer to Hashem and improve his relationship with Him every day.)

A person who is capable of failing to recite Shema one evening presumably has not grown spiritually since the last time he recited Shema. That, in turn, demonstrates that his recitation of Shema in the morning was lacking, for had he recited Shema properly, it would have given him the spiritual boost to ensure that his day was not wasted spiritually. This in turn calls into doubt the quality of his previous recitation of Shema, and so on, in a vicious cycle, until we can truly say (as the above gemara teaches), "A person recites Kriat Shema every morning and every evening, but if he misses one evening, he is like one who never recited Shema in his life."

How does this relate to Rabbi Yehuda's statement that "the Torah is beloved by those who study it every day as if it had been given from Sinai on that very day"? The idea, explains R' Reines, is that, properly done, Torah study, like Shema, brings about a renewal. When one studies Torah the way it was meant to be studied, he can find something new in it and in himself every time (even if he studies the same passage over and over). (Ohr Chadash Al Tzion, Part V, Ch. 10, p. 56a)

Hamaayan, Copyright © 2000 by Shlomo Katz and Project Genesis, Inc. Posted by Alan Broder, ajb@torah.org .
<http://www.torah.org/learning/hamaayan/> .
<http://www.acoast.com/~seh/hamaayan/> . Donations to HaMaayan are tax-deductible. Project Genesis: Torah on the Information Superhighway
learn@torah.org 17 Warren Road, Suite 2B <http://www.torah.org/>
Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

SHLOMO RISKIN

Shabbat Shalom: Parshat Ki Tavoh

Efrat, Israel -- The most difficult problem standing in the way of a peace treaty between Prime Minister Barak and Chairman Yasser Arafat is sovereignty over Jerusalem. One of the more interesting suggestions, which was even accepted by the mayor of Jerusalem Ehud Olmert who is also one of the leaders of the Opposition to the present Israeli government, is to declare the Temple Mount to be under "Divine Sovereignty". On the face of it, it seems to be both strange and appealing at the same time. What does Divine Sovereignty really mean and to what extent is it relevant to the present situation? After all, from a theological perspective one could argue that the entire world is under Divine Sovereignty, and the fundamental argument - the one which has caused many religious wars over the centuries - is which country G-d believes will best guard His interests.

This, however, is the ultimate solution once the concept is properly understood. In the current climate we must still insist on complete Israeli sovereignty. Nevertheless, I believe it would be very instructive to attempt to analyze the meaning of Divine Sovereignty with relation to the Temple Mount, because I honestly believe that it may very well hold the only key to an ultimate solution of what is a most difficult and tragic conflict in the Middle East.

Our Torah portion this week opens with the awesomely inspiring ceremony of the "first fruits": "And you shall take from the first of all the fruits of the land which you bring from your land which the Lord your G-d gives to you ... and you shall go to the place which the Lord your G-d has chosen for His name to dwell there." (Deuteronomy 26:3) We know from the Oral Law as well as from all of Jewish history that the individuals came to the holy city of Jerusalem - indeed, to the holy Temple Mount - for the annual celebration ceremony of the first fruits. It is fascinating that within the Five ing formulation can easily be solved when we understand the position of the king within Biblical Law. When the Bible grants permission for the Israelites to choose a monarch, it stipulates not only that he "not own many horses... not marry many wives and not accrue much silver and gold" (Deuteronomy 17:16,17), but also stipulates that he "write for himself a copy of this Torah" which will be with him always and to whose laws he will be totally committed. (Deuteronomy 17:18,19) This is a far cry from the Divine right of kings which characterized European monarchs until a century ago. The king in Israel was to be a representative of the Divine, a Mosaic "Rabbi - King" rather than a Platonic "Philosopher - King". The primary task of the Davidic dynasty was not to establish its throne in Jerusalem but was rather to establish G-d's throne in Jerusalem.

G-d's throne means the acceptance of G-d's law, of ethical monotheism, of a Divine Ruler who demands justice and compassion especially to the underprivileged. And when ethical monotheism and at least the seven Noahide laws of morality are accepted by the entire world, the messianic era of peace and redemption will be at hand. The human sovereign at that time is called messiah, which literally means the one anointed with the kingly oil; the Holy Temple on the Temple Mount will be the central focal point from which this message of ethical monotheism will spread throughout the world. G-d will truly rule when all nations accept His demand of peace and harmony for all.

The prophet Isaiah so describes the ultimate function of the Temple Mount at the end of the days "and it will be at the end of the days when the mountain of the House of the Lord will be established at the top of the mountains... and all of the nations will rush to it. And they will say let us go up to the mountain of the Lord, to the House of the G-d of Jacob; let us learn from their ways and let us walk in their paths for from Zion shall come forth Torah and the word of the Lord from Jerusalem. Nation shall not lift sword against nation and humanity will not learn war anymore." (Isaiah 2:1-4) The prophet Micah adds one verse to this vision which establishes the principle of pluralism within the umbrella of

From: riskin@lists.virtualjerusalem.com

Subject: [riskin] Shabbat Shalom: Parshat Ki Tavoh by RABBI

ethical monotheism: "every nation will walk each individual in the name of his god and we will walk in the name of the Lord our G-d forever." (Micah 4:5) As long as the various nations of the world understand that service of G-d includes a commitment not to steal, not to murder, not to commit adultery - and as long as the rules of morality include ethical conduct towards Jews as well as Gentiles - Divine Sovereignty can be said to reign supreme.

The Jewish G-d was never perceived to be the G-d of Israel alone. Our Bible begins, "In the beginning G-d created the heavens and the earth" and our Yom Kippur liturgy iterates and reiterates the Divine prayer that "My house shall be a house of prayer for all people". If indeed Jewish, Moslem and Christian leadership could honestly subscribe to the fundamental principles of ethical monotheism in accordance with the seven Noahide laws of morality we shall have achieved Divine Sovereignty over the Temple Mount. Unfortunately, history has proven that all suggestions such as internationalization of Jerusalem on the part of the Vatican, and even Divine Sovereignty as touted by the Palestinians today, in the face of their anti-Israel textbooks and pronouncements are only a smokescreen for denying Jews our rightful place in Jerusalem. Given the present situation, we must insist on exclusive Israeli sovereignty, however, our ultimate prophetic vision and the hope for the true peace lies in our most profound concept of Divine Sovereignty over the Temple Mount.

Shabbat Shalom

You can find Rabbi Riskin's parshiot on the web at:
<http://www.ohrtorahstone.org.il/parsha/index.htm>
Ohr Torah Stone Colleges and Graduate Programs

From: OU Department of Jewish Education[SMTP:torah@ou.org]
OU Torah Insights Project Parshat Ki Tavoh
RABBI HASKEL LOOKSTEIN

The Tochachah, G-d's stern warning to the Jewish people of what will befall them should they stray from His commands, appears twice in the Torah, first in Parshat Bechukotai and again in this week's parshah. This follows the ruling of the prophet Ezra, "that they read the curses in Torat Kohanim before Atzeret (Shavuot) and the ones in Mishneh Torah before Rosh Hashanah."

The link between the Tochachah and Shavuot - the anniversary of our acceptance of the Torah - is readily understandable. But what accounts for the connection between this week's Tochachah and the start of the New Year?

The new year includes Yom Kippur, Rav Yosef Dov Soloveitchik, Z"tl notes, which is also Zeman Matan Torateinu - it is the date on which Moshe brought down the second luchot from Sinai.

But there is a difference between the two Tochachot, Abayei points out in Mesechet Megillah. The first Tochachah is stated in the plural and delivered by Moshe from the mouth of G-d. The second Tochacha is stated in the singular and delivered by Moshe on his own.

How is it that the second Tochachah was delivered independently by Moshe? Tosafot answers that he did so with ruach hakodesh - the words still came from G-d.<

The Rav suggests another, textual answer. The Tochachah in Ki Tavo concludes, "These are the words of the covenant Besides the covenant that was executed with [the Jewish people] at Chorev."

The Tochachah is referred to as a covenant between Israel and G-d, an oath taken by the Jewish people that they will maintain the Torah in its entirety. When the second set of luchot was delivered to replace the first, they called for a new oath to be administered along with them.

In the first Tochachah G-d establishes His covenant with all of Israel. Although Moshe delivered the words, G-d is considered to have administered the oath to the entire Jewish people - including Moshe.

In the second Tochachah, however, Moshe made the covenant,

one-on-one, with each member of Klal Yisrael. Though he did so with ruach Hakodesh, he is considered to be the administrator of the oath.

There is another critical difference between the two Tochachot. The contents of the first Tochachah are fierce, sharp and awesome, yet end with words of hope, consolation and encouragement. Redemption will come. Despite the harshness, there will be a bright future.

The Tochachah in Ki Tavo is radically different. There is no happy ending. Is one to conclude, therefore, that there is no hope? Will there be endless suffering? Will redemption never come?

The answer, says the Rav, is in next week's parshah: "And it will come to pass when all of these things will happen Byou will return to the L-rd your G-dB And G-d will return the captives and have mercy on you."

But why is this promise of hope and consolation postponed? Why is it not stated at the end of the Tochachah itself?

The Rav finds the answer in an insight of the Ramban. The Tochchah in Bechukotai presages the destruction of the first Temple, which drove the Jewish people into an exile lasting seventy years, as promised by the prophet, Yirmiyahu.

But the destruction of the Second Temple and its consequent exile came with no such promise. This is the curse of the second Tochachah. No time limit is provided.

Israel will not be redeemed except through repentance, declares the Rambam. Yet the Torah does guarantee that we will, ultimately, repent. "And you will return to the l-rd your G-d."

This is a further reason for reading the Tochachah now, as we observe the penitential season. We do teshuvah not merely for our own shortcomings, but also to hasten the redemption of all Israel.

May we be successful this year in this dual mission for our personal benefit and for the well-being of the State of Israel and all the people of Israel.

Rabbi Haskel Lookstein

Rabbi Lookstein is rabbi of Congregation Kehilath Jeshurun in New York City.

From: RABBI LIPMAN PODOLSKY podolsky@hakotel.edu
Parshas Ki Savo

The Blessing is Ours!

Who wouldn't like a blessing! Indeed, it is an age-old Jewish custom to seek out and receive the blessings of holy Tzaddikim (righteous ones). Ever since Hashem bestowed the power of blessing upon Avraham (Rashi, Breishis 25:5), Jews of all types have sought to become recipients of such blessings. Some Tzaddikim readily bless, while others -- perhaps due to their great humility -- are reluctant. But the perseverant supplicant will somehow find a way to evoke a blessing.

In truth, though, one need not necessarily seek out the Tzaddikim to merit a blessing. Our parsha contains some of the most potent blessings ever uttered, capped off with a resounding Amen -- in harmony -- from the entire Jewish people. Half of the people stood on Mount Gerizim, and the other half stood on Mount Eival (both near Shechem). The Kohanim and Leviim stood in the valley between and pronounced eleven blessings. The nation's Amen's shook the heavens, and continue to reverberate to this very day.

How does one plug into these Biblical blessings? Simple. Just fulfill the criteria for which the blessings were given. Fulfill the criteria, and the blessings are ours.

The following story was witnessed by Rabbi Yaakov Teitelbaum zt"l (Cited by Yalkut Lekach Tov). When the Knessia HaGedola (A large gathering of the leading Torah personalities of the generation) convened in Vienna, hoards of Jews gathered around the house where the Chofetz Chaim (Rabbi Yisroel Meir HaKohen Kagan) was staying. They

sincerely desired to receive his blessing.

"I am not a 'rebbe'," answered the Chofetz Chaim. Apparently, he did not consider himself worthy of bestowing blessings.

Nevertheless, the people did not relent. Finally, the Chofetz Chaim acquiesced and began to bless them.

Among the crowd were a father and his adolescent son whom the Chofetz Chaim did not personally know. This incident took place during the week in which they read from Parshas Ki Savo. The Chofetz Chaim turned to the father and said, "I don't understand why you are asking me for a blessing. If you would send your son to Yeshiva, you wouldn't need my blessing. The six hundred thousand people who stood there [at Sinai] already blessed you... and the Shechina (Divine Presence) that was with the Holy Aron (Ark) agreed when they said, "Blessed is he who upholds the words of this Torah."

"But you send your son to the Schola, to a school devoid of Torah. How can I give you a blessing? I cannot scrape off the reprehension. I am not a scraper!"

The father shuddered, his knees shook. How did the Chofetz Chaim know?

Fulfill the criteria, and the blessing is ours!

This sicha is brought to you by Yeshivat Hakotel - The Wohl Torah Center - Old City of Jerusalem, Israel Visit our website at <http://www.hakotel.edu>

From: RABBI YISROEL CINER [SMTP:ciner@torah.org]

Parsha-Insights - Parshas Ki Savo -

This week we read Parshas Ki Savo. "And it will be 'ki savo' {when you will come} to the land that Hashem, your G-d, has given to you as your portion and you will inherit it and dwell there. And you will take the first fruits of the land that Hashem has given you and place them in a basket. [26:1-2]"

These first fruits, the bikurim, were brought to the Beis HaMikdash {Temple} where they were presented to the Kohen {priest}. After the season of backbreaking work, toil and hardship had yielded these first, precious fruits they were lovingly brought as an offering before Hashem. The bikurim demonstrated the Jew's passionate conviction that ultimately, it isn't one's hard work that produces results but rather the blessing of Hashem.

This humbling understanding of wealth--how, with the wrong understanding, it can harm its proprietor and the sensitivity that must be shown to those who don't have--resonates throughout the parsha of the bikurim.

"And the Kohen will take the basket from your hand. [26:4]"

The Talmud [Bava Kamma 92A] points out that this seems to support the well-known saying of their day that 'poverty follows poverty.' We have a similar saying that 'the rich get richer.' The passuk stated that the Kohen would take the basket along with the fruits. The rich would bring their bikurim, not in baskets but in gold and silver vessels--these were emptied and returned. The poor, however, would bring their bikurim in baskets. These were taken along with the fruits and not returned to their owners.

A number of explanations are offered as to the reason behind this seemingly strange law.

The Darchei Mussar writes that the rich, while bringing their bikurim in fine gold and silver vessels, were feeling pretty high and mighty. A bit full of themselves. In the state of such a mindset, their vessels could not be accepted as part of the offering. The Kohen was, in effect, telling them 'we don't need your money.'

The mindset of the poor, however, was quite different. With humility and a genuine want to give, they offer their bikurim to Hashem. As such, even the basket became sanctified along with the fruits and they were together accepted as an offering.

The Lev Aharon offers a different explanation. The wealthy would bring an assortment of the rich, beautiful fruit produced by their lush and fertile fields. These fruits would be removed from the vessel which was then returned. The poor, however, would offer the few, scraggly fruits that they had managed to eke out from their simple field. Were the Kohen to empty their fruits from their basket, they might feel embarrassed of their paltry offering. The Kohen therefore accepts the fruit while still in the basket as their offering.

It isn't easy to stay attuned to the feelings of those who might have less than us. During my trip this past summer I stayed in a community which was graced with some pretty amazing houses. Walking one Shabbos we came across a beautiful house sandwiched between two absolute mansions. I commented that I felt bad for the owner of the middle house. The poor guy had spent hundreds of thousands of dollars to buy himself a beautiful house and then, from whichever direction he approaches it, he feels as if his house is a bit too small B

The bikurim lesson--all that we have is a gift from Hashem--helps safeguard a person from brazenly displaying his wealth and will sensitize him toward those that Hashem hasn't showered wealth upon to the same degree as he.

Rav Sholom Schwadron zt"l, the Maggid of Yerushalayim, was well known for the inspirational talks he would give all over the world. He personally lived in an incredibly modest way due to his refusal to accept payment for any of his speeches. Until the end of Rav Sholom Es life, he did not own a refrigerator and running water did not exist in his apartment; the water they used was drawn from a well near the window.

Despite his personal circumstances, Rav Sholom loved the mitzvah of giving tzedakah {charity} with all of his heart. A son-in-law related the following incident which I saw in the biography about Rav Sholom, Voice of Truth.

One erev Yom Tov {eve of a holiday} he arrived at Rav Sholom's house to spend the holiday with him. A few moments later he heard a knock on the door; a poor man was standing in the entrance.

He was further in the house when he heard a soft cry and saw one of Rav Sholom's daughters wringing her hands. "Look what Abba {father} is doing! Why is he doing that? Come see what Abba's doing!"

The son-in-law came to the front door where he saw Rav Sholom unfolding a brand new shirt before the poor man's happy eyes. He had purchased the shirt in England and had it in his closet for the past four months, waiting to open it to honor the holiday.

After he had shown the poor man how beautiful it was, he refolded it and returned it to its wrapping. "Take it! You should have a new shirt. Good Yom tov!"

Turning back inside after the poor man had left with his new shirt, Rav Sholom's daughter turned to him. "Abba! If you had no money to give him and had to give him a shirt, why give him the beautiful, new shirt from England? Why?"

Rav Sholom saw their pain and was silent. He then removed a volume of the Rambam {Maimonides} from the bookshelf and began to read. "One who wishes to offer a sacrifice should bring of the best quality of the type he is offering. This is the law with everything. If one builds a house of prayer, it should be more beautiful than his dwelling. When feeding the hungry, he should give of the best and sweetest food from his table. When clothing the naked, he should offer his nicest clothing."

As Rosh HaShanah--the awesome Day of Judgment--draws near, we must have a clear perspective of who we really are without being misled by what we have. Humbly sharing with others, elevating ourselves to the level of that bikurim-basket, thus being sanctified and accepted as we offer our accomplishments before Hashem.

Good Shabbos, Yisroel Ciner

Parsha-Insights, Copyright 1 2000 by Rabbi Yisroel Ciner and Project Genesis, Inc. Rabbi Yisroel Ciner is a Rebbe [teacher] at Neveh

Zion, <http://www.neveh.org/>, located outside of Yerushalayim. Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road, Suite 2B <http://www.torah.org/> Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

From: Yated-Usa[SMTP:yated-usa@yated.com]
Yated Neeman
Halacha Discussion: Consumer Competition
BY RABBI DONIEL NEUSTADT

< QUESTION: A person is negotiating the purchase of a house or a car. May another person come and bid for the item?

DISCUSSION: Three factors must be determined in order to answer this question: 1) The extent of the negotiations; 2) The availability of other homes or cars of similar [or slightly different] size, location, condition, etc.; 3) The amount of money that the new bidder will save by buying this item and not another one which is available to him. Based on these three factors, the practical halachah breaks down as follows:

If the buyer and seller have agreed [or are very close to agreeing(1)] on a price, and there are similar items available on the market, then it is prohibited for another person to bid for the item(2). Bais din has the right and duty to object to his bidding and to block him from doing so. If he disregards the halachah and places a bid anyway, he may be referred to as a rasha, a wicked person, publicly(3). Even if he has already bought and taken possession of the item, he is still duty bound to return it lest he be referred to as a rasha(4). Bais din, however, does not have the power to forcibly remove it from his possession once he has already obtained it.

If the buyer and seller agreed [or are close to agreeing] on a price, but there are no similar items available on the market, then it is permitted, according to the basic halachah, for the new bidder to bid for the item(5). A baEal nefesh, though, should refrain from doing so(6).

If the buyer and seller agreed [or are close to agreeing] on a price, and there are similar items available on the market, but the new bidder will save a big amount of money(7) if his bid is accepted, there are many poskim(8) who allow him to bid on the item while other poskim do not accept this leniency(9). Although bais din cannot get involved in such a case, a baEal nefesh should refrain from entering into this position.

If the buyer and seller did not agree [or come close to agreeing] on a price, then it is permitted for the new bidder to put in a bid for the item. If, however, the item came up for sale only as a result of the first bidder's effort [e.g., the first bidder convinced the seller to put the item on the market], some poskim hold that a newcomer may not come and place a bid on the item(10).

<
QUESTION: It has become customary for Jewish book publishers and cassette tape producers to prohibit copying or otherwise reproducing any part of their materials under any circumstances. What, if any, is the halachic background for this prohibition?

DISCUSSION: The poskim, in their written works, hardly deal with this issue. It is important, therefore, to present some of the arguments that may be made on either side of the question(11):

On the one hand, it may be permissible to copy such material based, in part, on the following arguments:

Complete OwnershipφWhen one buys a book or a tape he may do with it whatever he pleases. He may destroy it, lend it to a friend, or make a copy either for himself or for a friend. Since, after all, he paid for the item in full, he is entitled to unrestricted use(12);

IntangiblesφMany poskim maintain that it is halachically permissible for one to benefit from לintangibles such as another person's idea or invention. Once the creator has committed his wisdom or talent to paper or tape, he no longer owns anything of material value. If so, nothing tangible is being taken away from the rightful owner(13).

But a strong case may be made for prohibiting copying and

reproducing materials:

Benefiting from another person's laborφAlthough, as stated, many poskim do not expressly prohibit benefiting from another person's creativity, when creativity is one's business the rules are different. If by copying someone else's creation you are causing him a business loss, it may be prohibited according to the majority of the poskim(14). [According to a minority view, bais din even has the power to force the copier to pay the publisher whatever profit he has generated from his copying(15).]<<<<

Government lawφIn many countries the law prohibits copying or reproducing materials in any form. Halachah follows government law whenever the intent is to protect the safety and welfare of the citizenry(16).

Retention of OwnershipφThe publisher may claim that his wares are for sale subject to certain restrictions on the buyer. This parallels the Talmudic case where a seller has the right to withhold certain rights from a buyer(17), provided that he does so at the time of sale. Since the publishers state explicitly that copying is forbidden, it may be argued that their statement is tantamount to a לprovisional sale (18). This is known in halachah as shiur bEmechirah, i.e., a sale with partial retention of ownership.

IntangiblesφSome poskim do not differentiate between tangible and intangible possessions. In their opinion, the owner of intangible items has the halachic power to prohibit others from infringing on his ownership(19).

None of the above arguments, either pro or con, are exhaustive or completely irrefutable, especially as regards copying for personal use(20). It goes without saying, however, that one who copies a published or a taped work against the wishes of the publisher or producer stands a good chance of transgressing a serious, possibly Biblical, prohibition. Indeed, Harav M. Feinstein(21) writes that one may not copy a Torah cassette tape without the explicit consent of the producer. He goes on to say that one who does so commits a form of theft, but he does not explain the source for his ruling or the reasoning behind it(22). Other prominent rabbonim have rendered similar rulings orally(23).

Harav S. Wosner(24) allows copying individual pages from a published book for classroom use. A careful reading of his responsum implies, however, that this is permitted only when we can reasonably assume that the publisher would have no objection. If the publisher, however, clearly objects, it seems that it is prohibited to disregard his objection(25).

Note, however, that there are certain publishers and producers who do not object to copying or reproducing their work under certain limited conditions, such as classroom use. In any case, one must be particular to ask each company or author if and how they allow copying, for laxness could result in the violation of a serious prohibition.

A possible exception to the above is when a book is out of print and no plans for reprinting are underway. One can argue that in such a case the publisher or author has nothing to lose, for there is no possibility for making a sale. Indeed, some poskim advance the argument that the author is pleased when his work is studied or heard by additional people. A rav should be consulted.

QUESTION: When faced with a choice, is there any reason to patronize a Jewish-owned store rather than a non-Jewish-owned store?

DISCUSSION: Rashi in Parshas Behar(26) quotes Toras Kohanim that states that one should patronize a Jew when possible. Although this is not recorded as law in the Rambam and Shulchan Aruch, the Chofetz Chayim(27) rules that one should follow this policy. Even if the Jewish-owned business is located a bit further away and it will take longer to shop there, it is still a mitzvah to give preference to the Jewish-owned establishment(28).

One must shop at Jewish-owned store, however, only when the price is the same or slightly higher. If the price is much higher, then there is no mitzvah to patronize it. The poskim do not give a precise definition of what is considered much higher and what is considered slightly higher (29), and it may, therefore, be up to each individual to decide this for himself.

When judging what is considered much higher or slightly higher, the judgment may be based on the total outlay of money, not on the price differences per item. For instance, if shopping at the non-Jewish store will yield an overall savings of \$20, even though the savings per item is only a few cents, \$20 may be considered a significant difference and it would be permissible to shop at the non-Jewish store(30).

The same ruling applies to differences in quality of goods or service. If there is only a slight difference, then it is a mitzvah to support the Jewish businessman. If there is a great disparity, then it is not a mitzvah.

There is no mitzvah to patronize a Jew who is classified as a *mumar*(31).

The rules of preferring a Jew over a non-Jew apply to retail trade only, not to wholesalers(32).

FOOTNOTES

1See Pischei Teshuvah 237:3 and Aruch ha-Shulchan 237:1 quoting Perishah, who maintains that as long as the two parties were near agreement on a price, it is considered as if an agreement was reached in regards to this halachah. See Igros Moshe C.M. 1:60 who explains that this is the position of the Rama as well. Shulchan Aruch Harav, however, does not mention this Perishah.

2C.M. 237:1. Even if the new bidder did not realize that a previous bid was placed on the house, he is still required to withdraw his bid once he finds out about the previous agreement.

3If the new bidder did not follow the halachah and bid on the item and now the seller is ready to sell to him, it is permitted for a third person to bid on the house at this time; Aruch ha-Shulchan 237:2.

4In the case when his bid was made while yet unaware of the previous agreement, some *poksims* (Pischei Teshuvah; Aruch ha-Shulchan 237:2) maintain that he cannot be referred to as a *rasha* if he refuses to return the house once he has obtained it. Other *poskim*, however, disagree and hold that even in that case he may be referred to as a *rasha* (Keneses ha-Gedolah, Tur 19; Igros Moshe C.M. 1:60).

5Rama 237:1; MEharshal 36; MaEasas Binyamin 27, based on the view of RE Tam who permits this type of bidding. According to the Nesivos 237:3, Shulchan Aruch, too, agrees to this ruling.

6Shulchan Aruch Harav (Hasogas Gevul 10), Har Tzvi O.C. 2:8 and Igros Moshe E.H. 1:91 based on the view of Rashi who prohibits this type of bid. See also Maharal (Nesivos Olam, Nesiv ha-Tzedek 3) who strongly endorses Rashi's approach to this question.

7This is defined as being a real bargain, savings that are undisputedly substantial. When it is unclear if the amount being saved is substantial, a *bais din* must be consulted.

8Rama C.M. 237:1; Avnei Nezer C.M. 17. [Igros Moshe C.M. 1:60 seems to rule in accordance with this view.]

9Shach 237:3 based on the view of the Ramban; Aruch ha-Shulchan 237:1.

10Teshuvos MERashdam 259. See, however, Teshuvos Chasam Sofer C.M. 79 who seems to disagree. See also MasaEas Binyamin 27, < Nachlas Tzvi C.M. 237 and Minchas Yitzchak 5:77.

11See The Journal of Halacha and Contemporary Society # 21, pg. 84-96, for an excellent review of this subject by Rabbi Yisroel Schneider.

12See Chasam Sofer C.M. O.C. 2 who debates this question.

13See Beis Yitzchok Y.D. 2:75 who discusses this theory.

14There is a Talmudic basis for this claim based on the view of Tosfos Kiddushin 59a, in the name of RE Meir, which is endorsed as practical halachah by many of the authorities, see Rashdam 259; Chasam Sofer C.M. 79; Parashas Mordechai C.M. 67; Nachlas Tzvi C.M. 237. MEharsham 1:202.

15MasaEas Binyomin 27.

16Beis Yitzchak Y.D. 2:75, based on the Shach Y.D. 165:8.

17See Bava Metzia 34a where the concept of *shiur* is mentioned, concerning one who sells sheep yet retains for himself its fleece and offspring. See also Bava Basra 63a. The comparison, though, is not exact, since in our case the seller retains something intangible.

18This argument is advanced by Rabbi N.Z. Goldberg in Techumin, vol. 6, pg. 181-182. See also vol. 7, pg. 360-380.

19See Shoel uEMAishiv (Kamma, 1:44). See also Minchas Yitzchak 9:153 who proves that this was the view of the Chofetz Chaim.

20See Pischei Choshen, Geneiva, pg. 287, who tends to be lenient when copying tapes for personal use. He does not, however, issue a clear decision.

21Igros Moshe O.C. 4:40-19.

22It is also not clear if in the case discussed there the copier bought the tape or merely borrowed it for the sake of copying it.

23See Heart to Heart Talks, pg. 54, quoting Harav C.P. Scheinberg.

24Shevet ha-Levi 4:202.

25See Pischei Choshen, Geneiva, pg. 287, who disagrees altogether with Harav Vosner Es lenient ruling concerning copying pages for classroom use. See also Teshuvos Shraga ha-Meir

4:77 who prohibits copying both published materials or tapes even for personal use as long as the item is available for sale.

2625:14. It is also quoted as practical halachah in Teshuvos Tashbatz 3:151 and Teshuvos Rama 10.

27Ahavas Chesed 5:7 and Nesiv ha-Chesed 12.

28MEharam Shick C.M. 31.

29See Minchas Yitzchak 3:129 who remains undecided on this issue.

30See Kol ha-Torah, vol. 42, pg. 305.

31Teshuvos Chasam Sofer C.M. 134, since the word Lamisecha appears in the verse which is the source of this halachah; Minchas Yitzchak 3:129.

32MEharam Shick C.M. 31; Ahavas Chesed 5:3.

From: Menachem Leibtag[SMTP:ml@tanach.org] Subject: KITAVO - abstract

THE TANACH STUDY CENTER [http://www.tanach.org] In Memory of Rabbi Abraham Leibtag

Parshat Ki-Tavo - abstract

Parshat Ki-Tavo marks the conclusion of Moshe Rabeinu's central monologue of Sefer Dvarim. This main speech consisted of two general sections (after the introduction): the "MITZVAH section" (chapters 6-11) focusing on belief in and love for Hashem, and the "CHUKIM U'MISHPATIM section" (chapter 12-26) presenting many specific mitzvot particularly relevant to life in the Land of Israel.

This final section now concludes with two such mitzvot: "mikra bikkurim" - the declaration recited by a farmer upon bringing his first fruits to the Bet Hamikdash, and "viduy ma'aser" - the formal declaration recited every three years affirming one's compliance with the laws of "ma'asrot" (tithes).

Why were specifically these two mitzvot chosen to conclude the main speech? It can easily be proven that both of them belong in Parshat Re'ay, along with the other mitzvot relevant to the Mikdash and "ma'asrot"?

On one level, their location here renders a "chiastic" structure to the CHUKIM U'MISHPATIM section. It begins in Parshat Re'ay with halachot relevant to the national religious center and now ends on a similar note, thereby underscoring the centrality of the Bet Hamikdash's role in Bnei Yisrael's settlement in the Land. But why were these mitzvot singled out from all other laws relating to the Mikdash?

The answer may lie in the formal expression of gratitude for the Land contained when fulfilling these two mitzvot. Both "mikra bikkurim" (26:9-10) and "viduy ma'aser" (26:15) recall God's promise of Eretz Yisrael to the patriarchs. Whereas Moshe's speech serves to prepare Benei Yisrael for life in the Land and the mitzvot relevant thereto, he appropriately concludes with mitzvot that bid them to appreciate this great gift and recall the purpose of their settlement in the land - to become an "am kadosh."

This final element, of recalling the purpose of entering the Land, forms the basis of Moshe's conclusion to this main speech (26:16-19), which he presents immediately following these final two mitzvot. Several striking literary parallels link these *psukim* with the Matan Torah (compare them with Shemot 19:4-6), where God unveils the purpose of this covenant - that Bnei Yisrael become a sacred nation, an "am segula" to represent him to the other nations of the world. Additionally, Moshe urges Bnei Yisrael to observe the mitzvot "with all your heart and soul," a phrase taken from the earlier, MITZVAH section of his speech. Moshe thereby beautifully ties together the two central components of this monologue: the general commitment to God, and the observance of the day-to-day mitzvot. Moshe teaches us to maintain the proper balance between these two ideals, devoting our hearts and souls to God, while ensuring meticulous compliance with His detailed laws.

This parasha continues with the covenant of Har Eival and Arvat Moav. Once again, the parallel to Har Sinai catches our attention. The ceremony at Har Eival consisted of building a *mizbayach*, offering *olot* and *shelamim*, and erecting stones, very similar to the ceremony at Har

Sinai following Matan Torah (Shemot 24:3-8).

Likewise, the frightening "tochecha" in Parshat Ki-Tavo parallels the earlier tochecha of Parshat Bechukotai, which was transmitted at Har Sinai. The current generation, whose parents entered into the covenant at Har Sinai just before their planned conquest and settlement of the Land (which of course never happened), now relive this experience. Like the previous generation, Bnei Yisrael must affirm their commitment to the Torah and accept upon themselves the obligations thereof and the consequences of neglecting the mitzvot. They are destined to enter Eretz Yisrael and realize the destiny that had originally been planned for their parents.

<http://www.tanach.org/ml@tanach.org>
(<http://www.yerushalayim.net>) Copyright (c) 2000/5760 Menachem Leibtag.

From last week... abstracts that summarize this week's shiurim. [A special thank you to David Silverberg who prepared them!]

From: weekly@lists.virtualjerusalem.com *TORAH WEEKLY*
Highlights of the Weekly Torah Portion Parshat Ki Tavo
ON BEING A MENSCH

"You shall be glad with all the goodness that Hashem, your G-d, has given you and your household -- you and the levite and the convert in your midst." (26:11)

Being a "mensch" is one of those un-translatable Yiddish phrases which defines what it means to be Jewish.

A few years ago, an El Al flight to London was carrying a young child in need of an urgent and critical operation. Apart from the child's medical problem, there was another problem -- money. The parents had barely enough to cover the cost of the flight to London which involved the purchase of a whole row of seats to accommodate the stricken child and his medical support systems.

During the flight a religious Jew who was traveling in first class came to the back of the plane to pray with a minyan. On his way back to his seat he went over to the father of the child and asked how the child was doing. In the course of the conversation the father mentioned that he had no idea how he was going to be able to cover the cost of the operation. He was already way over his head in debt with the medical expenses that he had already incurred. He would need nothing short of a small miracle.

Without further ado, the man walked back to the first class cabin, pulled out his hat and proceeded to tour the aisles of the first class cabin collecting for the operation. In approximately ten minutes his hat contained checks to the value of some \$100,000 -- sufficient for both the operation and the flights and all the medical expenses to date.

If Jews excel at anything, it's tzedaka. Charity.

Actually, "charity" is not the correct word. Rabbi Uziel Milevsky, zatzal, who was one of Ohr Somayach's great teachers, used to say that national characteristics are evidenced in the language of that nation. In English, we say "my duty calls." The equivalent expression in Hebrew would be -- "I need to acquit myself of my obligation." The Jew doesn't see his duty as something that "calls" to him, something external, and which he elects to do out of a higher moral sense. Rather he sees the very fact of his existence as obligating him -- "I exist, therefore I am obligated."

So too, there is no separate word in Hebrew for charity. What the rest of the world calls charity, the Jew calls tzedaka -- "righteousness." It's what's right -- what has to be -- no more and no less. It's not something that I deserve a medal for. It's not a "calling." It is a basic qualification of being human.

"You shall be glad with all the goodness that Hashem, your G-d, has given you and your household -- you and the levite and the convert who is in your midst."

Sometimes it seems as if selfishness has become a religion. And ironically, the more proficient we become at being takers, the less it makes us happy.

The words of this week's Torah reading come to remind us that we will only "be glad with all the goodness" that G-d has given us if we define our happiness in terms of being able to provide for the poor and the helpless.

That's what it means "to be a mensch."

Source: * Ba'al Haturim

Written and Compiled by RABBI YAAKOV ASHER SINCLAIR
General Editor: Rabbi Moshe Newman Production Design: Michael Treblow Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il>

Shabbat-zomet@lists.virtualjerusalem.com Subject: [shabbat-zomet]
Shabbat-B'Shabbato: Ki Tavo 5760 ...

A MITZVA IN THE TORAH PORTION: Mutual Responsibility
by RABBI BINYAMIN TABORY

Moshe and the elders commanded the nation to write the words of the Torah on stones at Mount Eival, and Moshe guided the people with respect to the blessings and the curses on Mount Gerizim and on Mount Eival. In the fourth principle of the Sefer Hamitzvot, the Rambam writes that mitzvot which are not meant for future generations are not listed with the mitzvot. These commandments related to Mount Gerizim and Mount Eival therefore do not appear in the list of mitzvot, just like the temporary prohibitions related to Mount Sinai.

However, they are listed by the Halachot Gedolot. The Ramban explained that they are permanent, as opposed to the commandments at Mount Sinai, since the words of the Torah written on the rocks are meant to stay as a reminder for future generations.

Saadia Gaon divided the mitzvot into three categories: positive commands, prohibitions (relevant for individuals), and general commands, "parshiot" (evidently, commandments related to the public). As one of the general commands, he lists a mitzva "to carve out 48 covenants as blessings and curses." Rabbi Perla explains that there is a special significance to the blessings and the curses, related to accepting mutual responsibility for the entire community of Yisrael (see Sotah 37b). The nation received the obligations of the Torah as individuals. But as they were about to enter Eretz Yisrael the nation became linked together as one, and they were therefore commanded at that point to accept mutual responsibility, as a mitzva for all generations.

In fact, Rabbi Perla questions both the Rambam, for not counting this mitzva, and Saadia Gaon, for counting it only as one of the general commands. For the requirement of mutual responsibility is an obligation for each and every individual, and it should therefore have been counted as an individual mitzva.

Another question that may be asked is whether mutual responsibility is a mitzva or is rather an additional element included in the other mitzvot. That is, it may be that every other mitzva also includes an aspect of responsibility for the entire nation. It seems that the later commentaries do not agree on this question. According to the Talmud, (Berachot 20b), if a woman is not obligated by Torah law to recite the Grace after meals she cannot read the blessing for a man. The ROSH explains that a woman is not included in the mitzva of mutual responsibility.

This led the Noda B'Yehuda to conclude that responsibility is a special obligation from which women are exempt. However, Rabbi Akiva Eiger writes that women are in general obligated by this mitzva, but that the ROSH meant only to exempt them from responsibility with respect to the specific mitzvot that they are not required to perform (Responsa, chapter 7). Thus, for mitzvot that women are required to do,

they also have mutual responsibility for others, including men. This then answers Rabbi Perla's questions, in that there is no special mitzva of responsibility, and it is simply included as part of every other mitzva.

Saadia Gaon, who lists the concept of responsibility as one of the general commands, evidently feels that this is a specific obligation for the leaders of the people. This corresponds to what was written by the Meiri: "The judges of Yisrael, the sages, and the leaders must investigate the secrets as much as they can. This is because all of Yisrael became responsible for each other when they accepted the blessings and the curses at Gerizim and Eival." [Sanhedrin 44a].

From: RABBI JONATHAN SCHWARTZ jschwartz@ymail.yu.edu
Subject: Internet Chaburah -- Parshas Kee Savo

Prologue: Es Iz Shver Tzu'Zein Ah Yid. For many years people recognized that it was difficult to be Jewish. In Europe people lost their lives and lived in abstract poverty because of their Jewish identity. In America 50 years ago, people who refused to work on Shabbos because of Jewish identity lost their jobs on a weekly basis. The concept of a difficulty being a Jew was something that was obvious.

50 years later, the world is a different place. Jews are wealthier than ever before, more committed to Torah study on a large scale than the last few centuries and Shabbos doesn't even limit a Jewish man from running for vice president. Is it still so hard to be a Jew?

The Ramban wants us to understand that the difficulty in Judaism isn't in its practice. Arrur Asher Lo Yakim Es Divrei HaTorah Hazos (27:26) says the Ramban, refers to one who has the slightest deviation in his understanding of Sachar V'onesh. Kimu v'kiblu refers to the intention when one performs the Mitzvos, if they are not 100% perfect, he is Arrur.

Rav Avraham Yofen (Hamussar V'HaDaas II: p. 28) goes one step further. He quotes the Tanna D'bei Eliyahu who notes that any Chacham who studies Torah truly MUST sigh over the Kavod of God all the time. He notes that one who is truly aware of the power of Torah, and that the Divrei Hatorah are that which makes the world go around, can be called a Mikayem Torah. Such a person must be pained for every moment of Torah he cannot engage in. Anything less than this total dedication though, is a lack of Kiyum Hatorah. This is a truly difficult level to achieve indeed, making it Shver to be a Yid.

The Ramban adds a second interpretation. He notes that this Arrur applies to the person who does not turn around and show the Sefer torah to the people when he is doing Glilah. This too, is a lack of standing up and showing what makes the world go around.

Kiyum Hatorah is a difficult thing. Yet to those who are Mikayem torah we wish to honor. This too often leads to arguments. This week's Chaburah examines the honor of Torah. It is entitled:

Order of Aliyos: Part II (see Internet Chaburah Parshas Re'eh 5760)

Previously we have discussed the various preferences of different communities for specific Aliyos during a regular Kriyas Hatorah. Thus far, the opinion of those who hail from a Chassidic/Kabbalaistic background would raise Shishi up to be the most coveted Aliya while Shlishi is preferred in more Misnagdishe circles. Are there any other positions on this matter?

The Beis Yosef (Tur 135 V'nireh) explains that in today's generation, the greater people don't rush to take the early Aliyos but rather wait for the young people to go first. He concludes that the greatest among them should take Achron as his Aliya. The Mogen Avraham cites this as a universal Minhag that the greatest of the congregation takes Achron. The Mishna Berurah (136:17) seems to concur. This opinion seems to be based upon the principle that the Kohein, due to his Kedusha is entitled to take everything first, while the Talmid Chacham is regulated to Achron (See Baal Haturim to Yisro 19:23). It follows that the Gadol She'BaHeim, the greatest among them

rolls the Sefer Torah in the process we call Hagbah. Rav Avraham Rubin, Dayan of Rechovot, (Kuntres MeBeis Levi XII: p. 154) has applied the same logic that makes Hagba such a desired Kibbud to include Achron as well (a demonstration of humility). The Mishna Berurah (182:18) actually cites the Pri Megadim who notes that selling Achron is a biogger money maker since it is more special.

The problem with this position is that it negates that which we previously cited from the Gemara (Gittin 59b) and the Zohar (Shelach p. 164). How are we to reconcile this opinion with those earlier ones that have been cited?

The Aruch HaShulchan (136:1-2) uniquely deals with the problem by making a Chiluk between the Aliyos but rather between the entitlements. He agrees that the Ashkenazim should award the great Rabbonim with Shlishi and the Sefardim with Shishi. However, he adds that the Rabbi of today is not necessarily the rabbi of yesterday. And since today's rabbis are aware of their shortcomings viz a viz the rabbi of old, they do not insist on receiving the Shlishi or Shishi Aliya. Hence, the stress on Achron.

The question is then returned to the Gra who used to try to get Shishi (Hagahos HaGra 133). After all, the Gra was clearly at the level of the Rabbis of old (See Chochmas Adam 155:18 and Shut Meshivas Nefesh I:16). Why then did he not want Shlishi? Why did he follow the Kabbala against the opinion of a Gemara (see Mishna Berurah 25:42)?

Rav Rubin Shlita explains that Shlishi and Shishi are inherently different in their Chashivus. Shlishi is special specifically because of Kavod Hatzibbur. That is to say, the first available Aliya should be given to the one in the crowd for whom the Tzibbur wants to respect. However, when the Aliya itself contains material that is not as Chashuv (like the Tochacha in this week's laining) the Rov should take Revii. For at that moment, the special Kavod Hatzibbur of the first available Aliya is designated to be Revii.

Now, we can further understand why Achron can also be Chashuv. The purpose of the Kavod of the Aliya is not in its placing but rather where the Tzibbur honors the Oleh. At times, the last Aliya is clearly the most chashuv. Chassan Torah is clearly the most Chashuv of the Aliyos of Simchas Torah. Similarly, for reasons noted above, the humility of accepting Achron has changed it too, to the Aliya of choice, a sign of Kavod Hatzibbur.

L'halacha, it seems apparent that the Minhag among Ashkenazim is to give the Rov Shlishi and among the Mikubalim, to give him Shishi. However, the more popular Minhag, that of "Fighting about it" is certainly a Minhag to erradicate from the Jewish style.

Battala News

Condolences to R. Yonasan Kaganoff and family upon the loss of his brother. HaMakom yinachem Osecha B'Soch Shaar Aveilei Tzion V'yirushalayim.

A Reminder that Maran Hagaon Harav Hershel Schachter, HaGaon Harav Mayer Twersky and Hagaon Harav Yaakov Neuberger will be speaking at a Yom Iyun in Woodmere this Sunday from 7 to 9:30 pm. Additionally, Hagaon Harav Mordechai Willig, Hagaon Harav Michael Rosensweig and Harav Zvi Sobolofsky will be speaking in TEANECK at the same time. For more information please contact www.torahweb.org.

HaGaon Harav Hershel Schachter shlita will also be delivering two Shiurim (Wednesdays September 27 and October 4th at 7:30) at the Fifth Ave. synagogue (5th Ave. and 62nd street in Manhattan). Men and women are invited to attend, free of charge. for more information, please contact (212) 838-2122.

From: RABBI MORDECHAI KORNFELD
kornfeld@netvision.net.il Subject: Insights to the Daf: Nedarim 52-54
INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun
Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>

NEDARIM 51 - dedicated anonymously in honor of Kollel Iyun Hadaf, and in honor of those who study the Dafyomi around the world. Ask your question on the Daf to the Kollel! (daf@dafyomi.co.il) Please send donations to D.A.F., 140-32 69 Ave. Flushing NY 11367, USA Nedarim 53

BEING "MACHMIR" IN THE CASE OF A "ROV" THAT TELLS US TO BE LENIENT QUESTION: The Gemara quotes a Beraisa that says that if a person makes a Neder prohibiting himself from oil, and he lives in a place where most people use olive oil and a few people use sesame oil, he is prohibited to use both oils. Even though most people (Rov) use only olive oil, he is still prohibited from using sesame oil because of "Safek Isura l'Chumra."

Why should the principle of Safek Isur l'Chumra apply in this case? Whenever there is a Rov, the situation is not considered to be one of Safek! The Rov itself tells us to act leniently! (See BEIS YOSEF YD 208 and SHACH YD 208:3.)

ANSWERS: (a) The BEIS MEIR (EH 45) suggests that since a Neder is a "Davar she'Yesh Lo Matirin," therefore we are Machmir even because of a Mi'ut (minority) and we do not follow Rov.

However, the YAD SHAUL (YD 208:2) rejects this answer, because "Davar she'Yesh Lo Matirin" only applies when the object is already prohibited by the Neder and then it gets mixed into other objects. Before we know that the object is prohibited, though, it is not considered a "Davar she'Yesh Lo Matirin" and we are not Machmir, but rather we say that it is not prohibited in the first place.

(b) The SHITAH MEKUBETZES cites a number of Rishonim who answer that when our question is one of language usage, the laws of Rov and Mi'ut do not apply, since the usage of a word depends on a person's intention. Even though most people tend to use a word in one way, this person might use it in the way that the minority uses it. Since the matter depends on a person's conscious decision and intention, the laws of Rov and Mi'ut do not apply like they do to a case of an inadvertent mixture of Isur and Heter.

The AVNEI MILU'IM (EH 45:2) cites the RITVA in Kidushin (50a) who makes a similar statement. He also points out that this seems to be the intention of TOSFOS in Sanhedrin (3b, DH Dinei Mamonos).

The Avnei Milu'im asks that the Gemara in Bava Basra (92b) and Bava Kama (27b) presents a lengthy discussion whether we follow Rov in monetary matters, cases of Dinei Mamonos, the same way that we follow Rov in cases of Isur. The examples that the Gemara gives of Rov in cases of Dinei Mamonos are of the type that our Gemara discusses! For example, a person buys an ox and it turns out to be a Nagchan (with a tendency to gore other animals or people) such that it cannot be used for work but can only be used for its meat. In such a case, there is a Rov that most people who buy oxen buy them for plowing, while only a few people buy oxen in order to slaughter them. Shmuel says that since some people buy oxen for the meat, the seller may claim that he sold it for the sake of slaughtering it and not for using it for plowing. It seems clear from the Gemara that this type of Rov would suffice for Isurim!

The Avnei Milu'im answers that the case that the Ritva is discussing is a specific case of Safek Kidushin. Perhaps the Ritva is saying that because of the Chumra of *Kidushin* we do not rely on a weak Rov (since the question is one of a person's intention, and not a question of a mixture). This is what the RAMBAN (in Milchamos) writes in Kidushin.

>From our Sugya, though, it is clear that even with regard to the Isur of *Neder* we also do not rely on such a Rov, not like the Avnei Milu'im says.

Perhaps the language used for a Neder is determined by the words that people use for commerce (selling and purchasing), since commerce depends on Lashon Bnei Adam. When selling something, even the Mi'ut can be included in his wording, and therefore in the case of a Neder, too, the wording one uses for his Neder includes even the Mi'ut.

(Accordingly, this Sugya follows the view of Shmuel in Bava Basra that we do not follow Rov in matters of Mamonos.)

(c) However, the Rishonim cited by the Shitah Mekubetzes seem to rule that we never follow a Rov when we need to explain a person's expressions, neither for cases of Mamonos nor for cases of Isurim. Perhaps they understand that when the Gemara says that "we do not follow Rov in monetary matters," it does not mean that only with regard to buying and selling do we not follow such a Rov. Rather, it means that the type of Rov that is used to determine the meaning of a person's words when he buys and sells is *not* used even when some Isur is involved. The only type of Rov on which we rely is a Rov of Ta'aruvos, when the Rov is determining the nature of an object in a mixture. That might be what the Ritva in Kidushin means as well. (Again, our Sugya will have to be following the view of Shmuel, while Rav, who holds that we follow Rov in cases of Dinei Mamonos, will have to explain the Beraisa differently.)

The *D*AFYOMI *A*DVANCEMENT *F*ORUM, brought to you by Kollel Iyun Hadaf

For information on joining the Kollel's free Dafyomi mailing lists, write to info@dafyomi.co.il, or visit us at <http://www.dafyomi.co.il> Tel(IL):02-652-2633 -- Off(IL):02-651-5004 -- Fax(US):603-737-5728