

DIVREI TORAH FROM INTERNET
ON PARSHAS KI SEITZEI - 5756

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"ohr@jer1.co.il" "weekly@jer1.co.il" Torah Weekly - Ki Seitzei * TORAH WEEKLY * Highlights of the Weekly Torah Portion

Overview - The Torah describes the only permissible way that a woman captured in battle may be married. In a case where a man is married to two wives, one of whom he hates, and she gives birth to the firstborn son, this son's right to inherit a double portion is protected against the father's desire to give this to the children of the favored wife. The penalty for a wayward and rebellious son who will inevitably degenerate into a monstrous human being is death by stoning. The body of a hanged man must not be left on the gallows overnight -- as it was the dwelling place of the soul which is holy, it too has become holy. A person finding lost property has a responsibility to track down the owner and return it. Men are forbidden from wearing women's clothing and vice versa. A mother bird may not be taken together with her eggs; rather the mother must be sent away first. A fence must be built around the roof of a house to prevent people from falling. It is forbidden to plant a field with a mixture of seeds; or to plow using an ox and a donkey together; or to combine wool and linen in a garment. A four-cornered garment must have twisted threads (tzitzis) on its corners. Laws and penalties in regard to sexual offenses are detailed. When Israel goes to war, the camp must be governed by rules of spiritual purity. If, as a result of the battle a slave escapes, he must be freed and not returned to his master. Promiscuity is prohibited to men and women alike. Taking any kind of interest for loaning money to a Jew is forbidden. Bnei Yisrael are not to make vows even in a good cause. A worker may eat of the fruit he is harvesting, but not take it home with him. Divorce and re-marriage are legislated. A new husband is exempted from the army and stays at home the first year to make his wife happy until the relationship is cemented. Collateral on a loan may not include tools of labor for this may prevent the debtor from earning a living. The penalty for kidnapping for profit is death. Removal of the signs of the disease of Tzara'as is forbidden. Even if a loan is overdue, the creditor must return the debtor's collateral every day if the

B'S'D' debtor needs it. Workers must be paid immediately. The guilty may not be subjugated by punishing an innocent relative. Because of their vulnerability, proselytes and orphans have special rights of protection. The poor are to have a portion of the harvest. A court has the right to impose the punishment of lashes. An ox must not be muzzled in its threshing, but be allowed to eat while it works. It is a mitzvah for a man to marry his brother's widow if there were no children from that marriage. Weights and measures must be honest. The Parsha concludes with the mitzvah to wipe out the name of Amalek, for in spite of knowing all that happened in Egypt, they ambushed the Jewish People after the Exodus.

Insights

Only Connect "Remember what Amalek did to you, on the way when you were leaving Egypt, that he happened upon you upon the way, and he struck those of you who were hindmost...." (25:18)

The head and the heart are like two different people. A concept can be as clear as daylight to the mind, but if we don't send it down the 'information super-highway' to the heart, it's as though two different people are inhabiting the same body.

Amalek is the arch-enemy of the Jewish People. He is a master of ambush. He lies in wait along the highway between the head and the heart. He tries to kidnap the idea on the way to its destination -- to the place where it will be crystallized into conviction -- the heart.

Why does the Torah have to tell us here "that he happened upon you upon the way"? Upon which 'way'? The way from the head to the heart. Intellect that is devoid of emotional conviction leads to cynicism and hedonism. Amalek's two great protogods.

As E.M. Forster once put it: "Only connect the prose and the passion...."

Only connect the head and the heart, and Man will reach his true vocation, offering his mind on the altar of the heart to his Maker.

(Heard from Rabbi Yehoshua Bertram in name of Rabbi Yosef Tzeinvoort, shlita)

Clearing The London Fog "When you go out to battle..." (21:10)

While he still lived in London, Dayan Yechezkel Abramsky, zt"l, would give a shiur (class) every Friday night to non-religious young people. He would invite them into his home and teach them the weekly Torah portion.

When it came to this week's parsha, Ki Seitzei, he spent the entire week pondering how to explain the Yefas Toar -- the law that allows a Jewish soldier in battle to take a female captive.

How was he going to be able to put across this seemingly strange concept to his young pupils?

Try as he might, he could think of no suitable approach. Friday night arrived, and still no explanation had materialized in his head. So he prayed that Hashem would put the right words into his mouth. Suddenly, during the Friday night meal, Hashem opened his eyes and it came to him...

With his students seated around the Shabbos table, Dayan Abramsky said "Before we open the Chumashim, I want you to know something: From what we are about to read we will see clearly how the whole of the Torah is obligatory upon us."

From this week's parsha we learn that the Torah never demands that which is beyond a person's ability: In a situation where it is impossible to hold back, the Torah permits us to follow our instincts!"

It must be then, that everything that the Torah does demand of us is certainly within our capabilities. And if the Torah itself understands the limits of human endurance and permits that which is beyond Man's power to withstand, it must be that everything that it commands is within the reach and obligatory upon us all..."Let us now open our Chumashim and learn this week's portion..."

(Peninei Rabbeinu Yechezkel, heard from Rabbi Naftali Falk)

Lost Sheep "You shall not see the ox of your brother or his sheep...cast off...you shall surely return them to your brother." (22:1) Why does the Torah add "or his sheep" in this verse? If I am commanded to return my

brother's ox, surely I must also return his sheep to him! The `sheep' that this verse is alluding to, is the lost `sheep' of Israel. Israel is scattered like sheep among the nations. Despite an exile that seems interminable, eventually Hashem Himself will come like a shepherd and gather up the lost sheep of Israel, returning His children to the Land. (Based on the Maharsha at the end of Tractate Makkos, in Mayana shel Torah)

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Haftorah: Yeshayahu 54:1-10 --> Reasons to Sing "Sing out O barren one, who has not given birth..." (54:1) The Talmud asks a question about this verse -- Because she hasn't given birth, she should sing? Rather (this is the meaning) -- `Sing, Congregation of Yisrael, who is like a barren woman, because she has not given birth to children (who will be sent) to Gehinom. (Berachos 11)

Why does the Talmud ask its question based on the phrase "because she hasn't given birth, she should sing?" Surely the question should have been asked on the first phrase -- i.e., "Because she's barren, she should sing?" The Mothers of the Jewish People, Sarah, Rivka and Rachel, were `barren' because "Hashem desires the prayers of the righteous." (Yevamos 64) and He withheld progeny from them.

However, they are called `barren' because after all was said and done, it was as a result of their prayers that they eventually conceived and gave birth to children. At that point it was evident that they weren't barren at all, rather that Hashem had wanted their prayers and had therefore withheld children from them. However, if they had not merited children even after they had prayed, one couldn't say that their `infertility' was because Hashem desired their prayers.

Therefore the Talmud couldn't have asked its question on the phrase "because she's barren, she should sing?" For it could well be that her infertility is only a sign that Hashem desires her prayers. She herself has cause to sing, because her infertility is a sign that she is a very elevated and righteous soul. However, if "she has not given birth" -- and this, even after all her prayers -- then the question becomes highly relevant -- "because she hasn't given birth, she should sing?" What cause does she have for singing?

It is to this question that the Talmud answers "Rather Sing, Congregation of Yisrael, who is like a barren woman, who should sing because she has not given birth to children who will be sent to Gehinom." (Rabbi Mahari Hakohen, zt"l, in Mayana shel Torah)

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Sing, My Soul! Insights into the Zemiros sung at the Shabbos table throughout the generations. Tzur Mishelo - "The Rock, from Whose food we have eaten..." With food and sustenance He satisfies our souls mazon v'tzaydah, hisbi-a l'nafshaynu There are two categories of food: The necessities such as bread which are referred to as mazon and the luxuries such as meat which are in the category of tzaidah. This distinction is evident from the analysis made by our Sages (Mesechta Chulin 84a) of the term used by the Torah (Vayikra 17:13) in describing the manner in which one acquires the undomesticated animal or fowl whose blood he must cover before he eats its flesh. "When a man shall trap his prey ..." says the Torah even though the same requirement applies to fowl which need no trapping. The lesson is one in economic practicality: Don't eat meat so readily because it may strain your budget. Approach its consumption as if you had to exert yourself to trap the animal or fowl and you will avoid becoming impoverished. Therefore on Shabbos when we eat both bread and meat we sing praise to Hashem for "satisfying our souls" with both the necessity and the luxury.

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"rmk@yoss.org" drasha@torah.org" DRASHA PARSHAS KI SAYTZAY --
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Rav Chaim Ozer Grodzinsky, the chief Dayan (judge) of the Vilna Bais Din, once met the famous Rebbe, Rabbi Yechiel Meir of Ostrovitze. Though the Ostrovitze Rebbe was a eminent scholar and renowned tzadik, he was still extremely humble. Rabbi Grodzinsky asked him to share some Torah thoughts but the Rebbe quietly demurred, saying he wasn't worthy. Rabbi Grodzinsky urged him. "They say you are a great man. I am sure you can tell me something."

"Great man?" questioned the Rebbe. "I will tell you what a great man is." He quoted the Talmud in Makos 22b that derives the power of the sages from a verse in this week's reading: "How foolish are those people who stand for the Sefer Torah (Torah scroll) but do not stand for the Rav. Aren't the Rabbis more powerful than the Torah itself? The Torah tells us, Deuteronomy 25:3, that there are forty lashes to be meted in case of a serious transgression, yet the sages interpret the verse so as to mete only thirty-nine. "The Talmud thus deduces the Rabbis have more power than the Torah. They therefore deserve at least as much -- if not more -- respect than the simple scroll."

The Rebbe turned to Rabbi Grodzinsky and asked a cogent question. "There are quite a number of occasions where the sages reinterpreted the text. They tell us to wear Tefilin above our hairline, not between our eyes as the text seems to command. And the other phylactery is placed on our arm not our hand, though strict textual reading would have us do so.

"In fact, there is even an instance quite similar to the case of lashes. The Torah tells us to count fifty days of the Omer before celebrating the holiday of Shavuos. Yet, the Sages reinterpret the number fifty and tell us to count forty nine. Why is that example not cited to show the power of the sages? Is the ability to make a holiday one day earlier not a powerful enough attestation to the hegemony of the sages?"

Despite Rabbi Mendel Kaplan's great stature as a Talmudic scholar and sage, he still drove his old car, sometimes taking trips that spanned many miles. He once traveled through the night and stopped in a small town for Sha charis (morning service). Extremely exhausted from his journey, it took great effort just to concentrate on the prayers. Immediately after the davening he was approached by a member of the congregation. "Excuse me, I noticed that you were sitting while reciting a prayer during which one traditionally stands up. Why were you sitting? Aren't you supposed to stand during that prayer?" Rav Mendel replied. "Are you really worried about me? Why don't you ask me if I have a place to rest or a place to eat breakfast?"

The Ostrovitze Rebbe explained. "The power of the Talmudic sages was not just in refining a seemingly literal translation. Their greatness lay in the ability to read the Torah that says to give forty lashes and through myriad proofs and interpolations mete one less lash. The greatness of the sages stems not the just the power of deductive reasoning. That ability constantly appears throughout the Talmud. It is the power to make life one flog lighter for a simple Jew -- even a Jewish sinner about to get lashes.

Rav Yechiel Meir turned to Rabbi Grodzinsky. "The greatness of a Torah leader is not to find more burdens for his followers, but to look for a way to lighten the existing ones. That is a great man."

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HALACHA FOR 5756 SELECTED HALACHOS RELATING TO PARSHA

By Rabbi Doniel Neustadt

On that day shall you pay his hire; the sun shall not set upon him... (24:15)

Lo Salin - Timely Payment

QUESTION: Must a baby-sitter be paid immediately upon completion of the job or can the payment be delayed?

DISCUSSION: In the verse quoted above, the Torah commands that a laborer who completes his work must be paid "on that day". This means that a worker

who finishes his job during the daytime must be paid by sunset of that day. If the worker has not been paid in full by sunset, his employer has transgressed a biblical prohibition(1). Similarly, a worker who completes his job during the night must be paid in full before day break. If the worker is hired for a full day ?or nightX or for a full week or month, he must be paid by the morning ?or eveningX after his term of employment is over.

These laws apply also to rental fees. When the rental period is over, payment must be made by the end of that day ?or nightX(2). There is a dispute among the Rishonim if these laws apply to property rentals as well(3). Chofetz Chaim(4) rules that if one is late with his house rent, he has transgressed this prohibition.

Payment for work contracted by the job is also included in this commandment. Thus, when an item is taken in for repair or cleaning, etc., or if a plumber or an electrician comes into the home for a specific job, payment must be made "on the day" that the item is picked up(5) or the job completed(6). However, when contracting for a job in which the raw materials belong to the worker ?as in the case of a builderX these laws do not apply. In this case, we view the relationship between them as one of a buyer and a seller, not as one of an employee and his employer(7).

An employer cannot force his worker to accept compensation other than cash(8). Payment, therefore, must be in cash, or with a check that can be easily and quickly cashed(9).

Payment must be made on time to a minor as well(10). Thus, when a baby-sitter is hired, she must be paid before the day ?or nightX is over.

There are, however, several exceptions to the above rules. Thus: This prohibition applies only if the worker asks, either himself or through a messenger(11), to be paid. If the worker does not mind being paid at a later date, it is permissible to defer payment(12). If, however, the worker would like to get paid but is too shy to ask outright, payment must be made(13). If the common practice in a given locale is to pay a laborer's wages at the end of the month or at a time when accounts are calculated, then the payment does not have to be made until then(14).

It follows, therefore, that if a baby-sitter is hired on a one-time basis, she must be paid "on that day". This is because she expects to be paid immediately upon completion of her job. If, however, the baby-sitter is hired on a constant basis, then there is no deadline for the time of payment since many people do not pay their regular baby-sitter after each session(15). One is allowed to make a pre-condition with his worker that he will not be paid on time(16). This condition must be made before the worker agrees to do the job. Thus, even a one-time baby-sitter may be paid at a later time if she was told of this condition before she agreed to do the job. An employer who has no money(17) to pay his employee does not transgress this prohibition(18). If he has no money but is able to borrow, he must do so. Not having the exact change on hand is no excuse to delay a payment(19).

HALACHA is published L'zchus Haya'ed Doniel Meir ben Hinda. ***This week has been graciously sponsored by ***In memory of Chaim ben Avraham Abish haLevi Rottman ***on the occasion of his yahrsteitl-10 Elul ***by his son Dr. Avraham Rottman of Bet Shemesh Israel
FOOTNOTES:

1 Depending on the circumstances, there could be up to 6 different commandments that are transgressed when payment is not made on time, see Shulchan Aruch CM 339:2 and S'ma 4.

2 CM 339:1. 3 CM 339:1; Pischei Teshuva 339:1.

4 Ahavas Chesed 9:5. This is also the ruling of the Ktzos Hachoshen CM 339:1. 5 If the item was not picked up, even though the repairman notified the owner that it is ready, the owner does not have to pick up the item and the payment rules do not apply - Biur Halacha OC 242.

6 CM 339:6. 7 Ktzos Hashulchan CM 339:3; Aruch Hashulchan CM 339:7. Nesiv Hachessed 10:4. 8 Shach CM 336:4. See also Pischei Teshuva CM 336:1.

9 Harav M. Feinstein (written responsum published in Mili D'nizokin pg. 122) in a locale where it is customary to pay by check. See Pischei Choshen (Hilchos Sechirus 9: fn. 36) who questions a payment by check if it is given

after the bank's closing hours. 10 Ahavas Chesed 9:5. See Nesiv Hachessed 16 who takes to task those who promise compensation to a minor and then do not pay him on time. 11 Reb Akiva Eiger CM 339; Aruch Hashulchan 339:12.

12 CM 339:10. According to some Poskim, it is not proper to delay payment even if the worker does not explicitly ask for the money. 13 Nesiv Hachessed 9:29 - in a situation where the worker enters the employer's house but is too intimidated to ask for money. 14 CM 339:9; Ahavas Chesed 9:13.

15 Harav M. Feinstein (written responsum published in Mili D'nizokin pg. 121). 16 Shach CM 339:2. 17 Even if the only money he has is needed for Shabbos expenses, he still must pay the worker first. - Biur Halacha OC 242. 18 If he had money at the time the worker was hired and he spent it on other expenses, he has transgressed the prohibition - Ahavas Chesed 9:9.

19 Ahavas Chesed 9:7 and Nesiv Hachessed 21. He adds that if he has items which are available for sale, he should sell them in order to pay.

YESHIVAT HAR ETZION VIRTUAL BEIT MIDRASH PROJECT(VBM) PARASHAT KI TETZE

SICHA OF HARAV AHARON LICHTENSTEIN SHLIT"A
The Position of Parashat Ki Tetze in the Book of Devarim
Summarized by Danny Orenbuch

The Book of Devarim can be divided into three sections:

I) The parashot of Devarim, Va-etchanan and Ekev, which recount the history of Am Yisrael and also direct some rebuke towards the nation. II) Re'eh, Shoftim and Ki Tetze, which are characterized by the multitude of mitzvot and halakhot which they contain. III) From Ki Tavo until the end of the Sefer, which deals with preparations and activities in anticipation of the entry into Eretz Yisrael.

The middle section can be further subdivided into two parts: Parashot Re'eh and Shoftim on the one hand, and this week's parasha on the other. The first two describe public and national issues to be confronted upon entry to the land: Re'eh is concerned with the Mikdash and the mitzvot pertaining to it, while Shoftim deals with the establishment of an administrative infrastructure of judges and police in the promised land. Our parasha, in contrast, describes specifically the preparations to be made by the individual in anticipation of the entry into Eretz Yisrael, and his obligation as an individual to strive continually upwards in his spirituality.

This sheds new light on the structure of Sefer Devarim and the situation of our parasha in the Sefer. The middle section of Devarim deals also with preparations for the entry into the land - the halakhic preparations which precede the practical actions, after which we may proceed, in the last section of Devarim, to an account of the actual activities themselves.

Our parasha also illuminates another perspective. Whereas other mitzvot reflect a clear and explicit distinction between the permissible and the prohibited, between that which is commanded and that which is to be avoided, between good and bad, our parasha presents a number of situations where the decision could be problematic; where a person could be faced with a moral dilemma.

This is certainly true in the case of the "yefat to'ar", the beautiful woman captured during a war, about whom we are taught that "the Torah tells us this [that she is permitted to a Jewish man, under certain clearly defined conditions] only in deference to the yetzer ha-ra [the evil inclination]". In other words, what we see here is not another example of the usual battle against the yetzer ha-ra but rather a situation where we give in to its desires.

The same is true of the "ben sorer u-moreh" - the rebellious son. On one hand the parents have a natural desire to have pity on him; on the other hand they are responsible for educating him in the true sense of the word - even to the point of being obligated to stone him.

Even the hanging of the corpse has two aspects to it: on one hand we abhor the sin, and for this reason the person is hanged. On the other hand, respect for the dead is also a consideration, and therefore the corpse is not left overnight. The issue of "mamzerut" (a child born of a prohibited union) arouses within us a feeling of pity for the child who suffers the consequences

of his parents' actions throughout his life. The idea of the punishment of "malkot" (lashes) is spine-chilling, but here too there is a limit: "forty shall be administered and no more."

We are charged with the responsibility of sensing these contrasts and understanding where the Divine wisdom draws a sometimes fine line between the permissible and the forbidden.

(Originally delivered On Leil Shabbat, Parashat Ki Tetze 5752. Translated by Kaeren Fish.) [HTTP://WWW.ETZION.ORG.IL](http://WWW.ETZION.ORG.IL)

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The Weekly Internet
P A R A S H A - P A G E
by Mordecai Kornfeld
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This week's issue has been dedicated to the memory of Chaim Yissachar (ben Yaakov) Smulewitz by his two daughters, Jeri Turkel and Marsha Weinblatt, and by his son, Moshe Smulewitz.

!!!GRAND OPENING!!! I am proud to announce the opening of my new, exciting Website: the Dafyomi Advancement Forum (D.A.F.) -- an all-new Internet center for learners of dafyomi (a daily page of Talmud study), brought to you by Kollel Iyun Hadaf of Har Nof, Jerusalem. I founded Kollel Iyun Hadaf with the encouragement of Gedolei Torah in order to help people in the study of dafyomi through the medium of the Internet. At our Website you may:

-ask the Kollel any questions you have on the Daf, -download the Kollel's short & pertinent insights into the daily Daf, -view our Question of the Day, -find brief introductions to unfamiliar subjects mentioned in the Daf, -and much, much more! Our grand opening coincides with dafyomi's start of Masseches Chullin. You can find us from the Shemayisrael homepage-<http://www.shemayisrael.co.il/> (I would really appreciate it if you could clip this announcement and email copies of it to anyone you know who may possibly be interested -- or have friends that are interested -- in learning the dafyomi.)

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Parashat Ki-Tetze 5756

READING BETWEEN THE LINES

When you encamp against your enemies, be careful to refrain from any wrong-doings.... You should set aside a place outside of the encampment and you should go there [to relieve yourselves]. You should have a shovel ("Yated") in addition to the rest of your equipment ("Aznecha"). When you go out [to "relieve yourselves,] you should dig with it and cover up your excrement. [Do all this,] because Hashem goes in the midst of your encampment to save you and to place your enemies in your power. Your camp must remain holy, lest He see in you a repugnant doing and He will cease helping you.

(Devarim 23:10, 13-14)

Bar Kapara said: What does it mean "You shall have a "Yated" (shovel or peg) in addition to "Aznecha" (your equipment)? Don't read the word, "Aznecha" but rather "Aznecha" (your ear). If a person hears something improper being discussed (e.g., Lashon Hara -- slander or gossip), he should place his fingers in his ears.

[That is, the verse is hinting that one should use the handy "pegs" Hashem gave him to stop his "ears" from hearing what they shouldn't hear.]

(Ketubot 5a)

Bar Kapara's interpretation of the verse at hand certainly seems bizarre. The end of the verse clearly states that the Yated of the verse is to be used to dig and cover excrement. How can Bar Kapara interpret this verse as

referring to fingers, ears and Lashon Hara? Secondly, why did Bar Kapara read the word as "Aznecha" against the Massoretic "Aznecha?" True, the Torah scroll itself is not punctuated, which allows for such a misreading of the verse. Nevertheless, if we may punctuate the Torah at will ignoring the Mesorah, every person would create a new Torah with a different set of Mitzvot. This would clearly defeat the perpetuation of the Torah and its religion!

II

Rambam (Maimonides) in "Moreh Nevuchim" (3:43) contends, based on Bar Kapara's teaching, that wherever Chazal (our Rabbis) say "Don't read the word such, but rather such," they are simply expressing their teachings in prosaic manner. The verse itself does not hint at the thought they are discussing in the least. (See also Sh'l'ah -- section on Torah Shebe'al Peh, end of letter "Aleph" -- and Torah Temimah -- Bamidbar 19:21 -- who follow the Rambam's approach to a limited extent. In his "Introduction to the Mishnah," the Rambam uses a similar approach to explain the significance of the rabbinic "Asmachta.")

However, numerous Rishonim and Acharonim reject the Rambam's approach as an oversimplification. Although it is obvious that Chazal are not trying to change the Massoretic pronunciation of the verse, it is still possible that the ideas they express with their prosaic "Don't read the word such..." are indeed based on a lesson learned from the verse in its literal sense. (Ritva to Rosh Hashana 16b differs with the Rambam's understanding of "Asmachta" based on a similar argument.)

A number of works have been published in defense of this more textual understanding of the "Don't read it such ..." phraseology (c.f. Shivrei Luchot, Rav Yechiel of Nemerov, d. 1648; Korei B'emet, Rav Yitzchak Bamberger of Wurtzberg, 1871 -- see also Parasha Page Chukat 5754, part II). I would like to suggest a new understanding of Bar Kapara's words that conforms to this latter approach. (See also Korei B'emet p. 39, Kli Yakar ad. loc., for other explanations.)

III

The Vilna Gaon (Mishlei 24:31, Imrei Noam to Berachot 8a) shows that when Chazal offer advice regarding relieving one's self, their words carry an added dimension. Aside from the simple meaning of their words, they are also alluding to relieving one's self of the mental spoilage and rot that brings one to adopt unacceptable behavior. If relieving one's self of excrement means abandoning unacceptable motivations, then the excrement one is commanded to cover in the verse from our Parasha may allude to hiding one's sacrilegious acts. Such a concept is in fact discussed in a number of sources:

Rebbi Avahu said in the name of Rebbi Chanina: It is better for a person to do a wrongdoing in secret, that he should not desecrate the Holy Name publicly. The elder Rebbi Ela'i said: If a person feels an uncontrollable urge to sin, let him go to a place where he is not known, wear black clothing and do there what he desires, rather than desecrate the Holy Name publicly.

(Kiddushin 40a)

Chazal certainly do not sanction sinning in secret. Rather, they are addressing an extreme case, where someone feels compelled uncontrollably to sin. Under such circumstances, he is advised to at least "cover up" his unworthy act. The best course of action, though, is to control his impulses and refrain from the act. No matter how compelling it seems to him at the time, in the final analysis, it is *he* who retains control over his desires and not vice versa. (See esp. Rif Moed Kattan 17a.)

There is, however, an instance where even the Torah itself takes into account an uncontrollable desire and relaxes its rules accordingly --the case of a warring army camp. The Torah permits the warriors caught up in the fervor of war to take women from the defeated nation as they see fit ("Eshet Yefat To'ar").

Because the beauty of the enemy women is liable to invoke so strongly the desires of the Jewish warriors (-the enemy women used to dress up and apply their finest perfumes in order to seduce their captors, Rashi to Devarim 21:13), the Torah reluctantly

permitted them to the warriors. Better to permit the warriors to do something morally improper, than to prohibit the act and cause them to desecrate the Torah outright.

(Rashi, Kiddushin end of 21b).

Similarly, the Torah permits warriors, when hungry, to eat all the prohibited foods during a war (Rambam Hilchot Melachim 8:1 -- see however Ramban to Devarim 6:10 who differs with the Ramban on this point).

Our verse, although ostensibly discussing the treatment of excrement in the army camp, may now be said to allude to the unpleasant situation that arises during war time. It may be warning us that when warriors "leave" the normally accepted Jewish behavior, they should at least not do so publicly. They should "cover up" their actions so that they will not be seen by their fellow Jews.

Rabbenu Bachye does, in fact, tell us that the Talmud warns to take the Yefat To'ar in as covert a manner as possible. He then quotes the end of our verse to support this teaching! (Rabbenu Bachye, Devarim 21:10, "Ve'heveita")

IV

The concealment of sin serves a dual purpose. First, if others would hear of the transgression, it would weaken their own resolve ("If so-and-so did this act, why shouldn't I...?"). Second, those who witnessed the transgression would find it hard to resist the temptation to say Lashon Hara and pass on the information ("Do you know what so-and-so did...?"). This would cause resentment, denial and internal quarreling among the troops. This was, in fact, a major issue during wartime, as pointed out by the Ramban (Devarim 23:10, see also Vayikra Rabba 26:2).

We can now understand the lesson learned from our verse. The Torah warns the warriors to conceal the occasional sin that they sin under duress because it may have a detrimental effect on the moral standards of others who hear of their plight. Similarly, it is incumbent that we avoid *listening* when someone is telling of the moral decline of a fellow Jew, that we may not learn from his bad example or provoke his animosity.

We can now understand why Bar Kapara said that our verse may be read as, "You shall use a finger to stop up your ear from hearing of another Jew's misdeeds." Although this reading is not the literal translation of the verse, it is a lesson that may certainly be *learned* from the literal meaning of the verse!

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- "RavFrاند" List - Rabbi Frاند on Parshas Ki Seitzei -
Common Denominator Between Shiluach HaKein and Kibbud Av V'Em

This week's parsha contains the mitzvah of 'Shiluach HaKein'. The Torah says if one finds a bird's nest with mother is sitting and watching the eggs or the chicks, the finder is not allowed to take both the mother and the eggs, but must first send away the mother and then take the eggs. The reward for this is "length of days". [Devarim 22:6-7]

As we all know, there is only one other place where the Torah uses the expression "in order that it be good with you and you will have length of days" and that is concerning the mitzvah of honoring one's parents. I heard an observation from Rav Weinberg, shlit"a, that there must be some kind of common denominator to these two mitzvos which otherwise appear totally dissimilar and unrelated.

Rav Weinberg explained that the common denominator is that the Torah recognizes and grants great reward for mitzvos which involve recognition of mesiras nefesh (self-sacrifice). When the Torah tells us that we must honor our parents, the Torah is telling us that parents exhibit tremendous mesiras nefesh for their children. One is entitled to the reward of "length of days" as a reward for honoring one's parents, in order to cause people to appreciate

the mesiras nefesh that parents exhibit for children. In other words the Torah is giving this rewards so that we will be come to appreciate the great mesiras nefesh of our parents -- and to act on that appreciation.

This is exactly the same concept we find concerning Shiluach HaKein. Anyone who has ever tried to catch a bird knows that it is a virtually impossible task. So why will a person ever encounter a situation where he about to catch a bird? Won't the bird fly away? The answer is that the bird is being a mother. Like all mothers, she is willing to sacrifice and give over her own freedom in order to remain with her children. For one to grab that bird and take advantage of the mesiras nefesh of the maternal instinct from mother to offspring is prohibited. By sending away the mother and not taking advantage of this mesiras nefesh, one shows his appreciation for it. Here too, for that recognition and appreciation of the mesiras nefesh of parents towards offspring, one is entitled to "length of days".

Giving Kingship to One's Fellow-man -----
This week's parsha contains the pasuk [verse] "If a man commits a capital crime and is put to death; you shall hang him on a gallows" [Devarim 21:22]. But the pasuk admonishes, "Do not leave his body overnight on the gallows, rather you shall surely bury him on that day, for a hanging person is a curse of G-d...".

Rash"i explains that to leave him hanging would be degrading to the "King" (i.e. -- it would be a disgrace to G-d). The reason, Rash"i says, is that a person is created in the Divine image of G-d. To leave a person in such a state and not show respect for the human image, is in fact degrading to G-d himself. Rash"i cites the famous parable of a set of twins. One was the King and one was a thief. The thief was caught, killed, and left hanging. People walked by and said, "The King has been killed!".

This law teaches us, therefore, that we cannot leave a human being hanging on the gallows because every single human being is created in the image of G-d. Disgracing a fellow human being is a disgrace to G-d himself. Perhaps we tend to throw around this concept, that a person is created in G-d's image, too lightly. Therefore, Chaza"l are emphasizing this concept. Even when one sees a criminal -- one who was executed in Beis Din -- one must look at him and recognize that he too is created in the likeness of his Creator.

There is a braisa in Masseches Kallah, that teaches us a very strong message. I once heard this message from Rav Meir Bergman, shlit"a, the son-in-law of Rav Shach. The braisa teaches that one who immediately repeats the recitation of Krias Shma is acting in an unseemly fashion. (This is also a gemara in Megila [25a].)

What does this mean? If a person is reciting Shma Yisroel and he repeats the words -- "Shma, Shma; Yisroel, Yisroel; ...", the Talmud says this is undesirable because it sounds as if there are "two dominions". The very next words of the braisa are that if a person is tovel (immerses himself in a mikveh) two times, that is also undesirable. Why? Because he may splash water on his friend's clothing (that was left by the side of the mikveh while he immersed) and that is undesirable.

Rav Bergman asked, what is the connection between these two statements? What is the relationship between saying Krias Shma twice and dipping in a mikveh twice? Rav Bergman says that Masseches Kallah is making the following point: Saying Shma twice indicates something lacking in one's acceptance of the Divine Yoke of Heaven (Kabalas Ol Malchus Shamayim), because such action implies that there are Two Dominions.

Likewise, the braisa teaches, if one doesn't treat his friend properly that also constitutes something lacking in one's Kabalas Ol Malchus Shamayim. One who accepts and pays more than lip service to the idea that man was created "b'zelem Elokim" (in the Image of G-d), accepts implicitly the concept that every person is a microcosm, as it were, of G-d. Every individual is holy and G-dly. To not respect the property of one's friend (by immersing twice and not being concerned with splashing his clothing) is a lack of accepting the Yoke of Heaven upon oneself.

The introduction to the book "Reishis Chochmah" quotes a braisa called "the braisa of chibut haKever". It is written in that braisa that in the future, when a person comes to the Heavenly Court, he will be asked two questions: 1)

Did you make your Creator your King?; 2) Did you make your friend your King?

The question is not "Did you like your friend?" The question is, "Did you anoint your friend as King?" (himlachta)!

The Talmud in Rosh Hashana [32a] contains the source for the idea that we have to recite verses of Kingship (Malchiyos). The Talmud explains that we learn it from the juxtaposition (in Parshas Emor) of the words "I am the L-rd your G-d" [Vayikra 23:22] with the parsha of Rosh HaShanah ("On the Seventh month on the first of the month..." [23:24]). The words "I am the L-rd your G-d" are written in the Parsha of Leket -- "You shall leave them for the stranger, orphan and widow, I am the L-rd your G-d."

We learn the concept of saying Malchiyot on Rosh Hashana from the words "Ani Hashem Elokeichem" that are written by the one who is impoverished or a stranger. This is the Jewish definition of accepting the Yoke of Heaven.

Not only must one anoint the Master of the World as King, but one has to treat every Jew with the respect that one would give, as it were, to G-d himself.

The Rosh Yeshiva (Rav Ruderman) related an incident that happened when he was 10 years old -- more than 75 years ago -- in Dalhiniv. It was Hoshanna Rabbah. The custom is that the Chazan wears a Kittel when he davens Mussaf on Hoshanna Rabbah. The Shamash came into the shul from the mikveh and forgot to bring the kittel. A rich man went over to the Shamash in shul and asked him where the kittel was. He admitted he forgot to bring the kittel. The rich man began cursing him and shaming him in front of all present, as if the Shamash had done the worse sin in the world. In order to fulfill a "custom", he made this Shamash feel bad; embarrassing him publicly and ruining his Simchas Yom Tov. We lose sight. We try to fulfill hidurim (exceptional ways to perform mitzvos), but in the meantime we neglect a basic obligation in our accepting the Yoke of Heaven, which is to treat every Jew with respect and with decency.

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"genesis@torah.org""lifeline@torah.org" * PG LifeLine - Ki Seitze

"When you shall go out to wage war against your enemy, and Hashem your G-d should give him into your hand..." [21:10]

Note the interesting switch: when you go out, and HaShem gives you... Who goes out? You do. But who gives success? G-d.

Our Sages explain that the most important war in a person's life is that against his own inclinations and desires. More precisely, a person is regarded as having two internal forces: good inclinations and bad. The task of a person is to battle his bad inclinations and follow the good, and thus become a more perfect and G-dly individual.

The K'sav Sofer, Rabbi Abraham Sofer [the Rabbi of Pressburg during the 1800's], applies the above passage to this most important war, and in so doing explains the cryptic saying of Hillel in the Chapters of the Fathers [1:14], "if I am not for me, who will be for me? And if I am for myself, what am I? And if not now, when?"

In the Talmud, Masechta Sukkah 52b, Reish Lakish says that a person's evil inclinations attempt to overpower him every day, and if HaShem would not help him, it would be impossible to beat them back. If so, says the K'sav Sofer, a person might believe that it is better not to fight, or to make any effort at all to bring his desires under control. Rather, he should trust that G-d will help him, and fight the great war on his behalf.

The truth is just the opposite. One who believes this, says the K'sav Sofer, will never control his desires. It is necessary for a person to constantly battle his desires to the full extent of his capabilities - and then Heaven will help. "One who comes to purify himself, [Heaven] helps him," say our Sages. The person must begin to purify himself first.

This, according to the K'sav Sofer, is what Hillel said: "If I am not for me, who will be for me?" If a person does nothing on his own behalf, and does

not stand up to fight his inclinations, then who is going to help him? "And if I am for myself, what am I?" Even after making the effort, what is it? Because alone it is insufficient - one cannot control his desires without further help, combined with his own efforts. "And if not now, when?" Let no one think that he can set aside the battle until he ages, and loses many of his desires for the pleasures of the physical world, and then return to HaShem, who will accept him with mercy. Our Sages have already said: happy is the one who fears HaShem while he still has physical strength, for then he will be able to completely return to G-d and abandon his misbehavior.

So the verse from our parsha can be easily applied to this war: "When you go out to do battle against your enemy" - this is the evil inclination, and only if you go out to battle against him, then "Hashem your G-d should give him into your hand," for "One who comes to purify himself, [Heaven] helps him." This, concludes the K'sav Sofer, is easy to understand.

----- The "Cholim" [ill person's] list has continued to grow. We are glad to list them and help people, but are of course saddened by the sheer number of people who need Heaven's help to live. These numbers have now forced us to choose whether the Cholim list or the weekly Dvar Torah should begin on the first screen of our mail - and we decided that the Dvar Torah should appear at the top. We are trying to find the alternative that will maximize the number of prayers actually said. Should we launch a new mailing list? Place a page on our Web site? Perhaps both.

In any case, please notify us every two weeks to keep names on the list - unfortunately, we recently listed a child who had already passed away. We would be far happier to remove the name of someone restored to full health! Please pray for the speedy healing of Masha Miriam bas Basya, Tziporah Chaya Sarah bas Basya, Menashe Avigdor ben Rivka, Sarit bas Esther, Yonason haCohen ben Rochel Leah, Eliyahu ben Chana, Esther Miriam bas Alizah Geulah, Zvi Yehuda ben Chaya Esther, Chaim Yaakov Nachmiel Ben Sarah Dabah, Zalman ben Chaya, Shlomo ben Chaya, Sara Riva bas Chana, Reuvain Ben Faygah, Devorah Bas Sarah Rivka, Chana bas Chava, Mordechai ben Chana, Mordechai ben Faygah, Bessie Bram Soifer bas Jennifer, Baruch Yosef ben Adina Batya, Mordechai ben Chanah, Rafael Shimon Shlomo ben Sarah, Clara bas Friedel, and Yitzchak Tzion ben Leeba. Good Shabbos, Rabbi Yaakov Menken

MOVING FORWARD: Perhaps the two most frequently asked questions I hear about Project Genesis are: "why don't you charge for your classes?" and "how do you make money?" Well, it's time for the annual Rosh Hashanah appeal, so I'd like to answer those questions. We feel that Torah learning should be available to every Jew, wherever he or she might be located - and this is why the Internet has proven to be such a valuable tool. We also believe that our program is ideal for beginning students. Our Web visitors come, read, explore, and subscribe - anonymously. This is a terrific opportunity for Jews to explore their own Judaism, and to become part of Jewish learning, in a non-judgemental environment. The question has often been asked: why does the Torah command us to make a blessing after eating, but before learning Torah? The answer is that in order to appreciate what we have been given, at all times, we should make a blessing precisely when we are least inclined to do so. When we come in starving, it's quite natural to say "thank G-d there's food on the table!" But after we're full, we push away our plates. Concerning Torah learning, just the opposite is true. "The appetite comes with the eating." The more we learn, the more we realize we need to learn. So it is precisely that beginner whom we most wish to offer the opportunity, who will be the least likely to sign up for a class - if it isn't free. If you are just starting out, don't worry! And don't feel guilty about taking something we want to give you. The same is true if you're unemployed or having financial difficulties of any kind. And if you are reading from outside the U.S. and Canada, we realize the problems of currency exchanges and overseas mail - please contact us when we accept Credit Cards. On the other hand, if you do appreciate the classes you are receiving over the Internet, you should certainly support the providing organizations if you are able to do so. And in answer to the second question, "how do you make money?" - an

increasing number of you are indeed supporting Project Genesis. In recent months, support from our subscribers has exceeded that from other, known philanthropists whom we have been able to approach. This is a pattern that we would certainly like to see continue. For students who are committed to Jewish learning, we suggest a "student subscription" for \$10. Certainly less expensive than any textbook! For those working, we encourage "subscriptions" of \$36, and for those who truly wish to feel a part of the Project Genesis community, and who wish to support Torah learning around the world, a "membership in our virtual congregation" of \$100. We said last year that we were going to list subscribers on our web site - this year, we finally have both the technology and the necessary staff to implement this commitment. It's an ideal time to join us. I've also discovered subscribers who are willing and able to support us at greater levels - but given the nature of the Internet, it's impossible to know who you are unless someone (such as yourself) contacts us first. According to a recent survey, the average income of Internet users is approximately \$65,000. If you are upping the average, and are interested, please contact us. Weekly and monthly sponsorships of our various classes are available. Credit Cards? We've taken significant steps recently, and we should be able to process transactions using our Web site shortly after the holidays. Finally, we have decided to offer commercial organizations the opportunity to sponsor various classes as well. So if you are interested in reaching "the Jewish consumer," you can do so by sponsoring a service that your intended audience already enjoys. Please contact us for information. So if you are both interested and capable, please send your check to: Project Genesis 3600 Crondall Lane, Ste. 106 Owings Mills, MD 21117 All donations are fully tax-deductible in the United States. For a Canadian tax deduction, please request further information by return email. It has been a truly exciting year. Last year at this time, we had 3500 subscribers, operated out of my apartment with the help of one consultant, and had just launched our own web site at <http://www.torah.org/>. This year, Project Genesis has over 7500 subscribers, a small office, two employees and three part-time consultants, and we are making final preparations to launch our own, independent web server (which will permit more classes and a variety of new services). All of these developments were made possible by donations from our subscribers. Thank you for your support!

Shabbat-B'Shabbato -- Parshat Ki Teitzei

SHABBAT-ZOMET is an extract from SHABBAT-B'SHABBATO
THE FUTURE OF A WAYWARD SON

by Rabbi Yehudah Shaviv

According to the sages, among the many mitzvot in this week's Torah portion is one that was never performed, and was only written in order to be studied. This is the mitzvah of a wayward son, "soreir u'moreh." Why could this have never happened? "Rabbi Shimon said: Is it possible that just because this boy ate some meat and drank some wine his mother and father will have him stoned to death?" [Sanhedrin 71a]. It cannot be that the Torah really demands such a harsh punishment for this sin. If so, why was it written? "Study it, in order to be rewarded" [ibid]. Rabbi Shimon does not give the details of study, and left that for the commentaries, who developed many different avenues of approach.

One possibility is an extension of what is written in the Mishnah: "The son is judged for what he will eventually become" [Sanhedrin 71b]. As Rabbi Yossi Hagelili explains, "Will this boy be brought to court to be stoned to death just for eating meat and drinking wine? However, the Torah understood the innermost thoughts of the boy; once he destroys all the possessions of his father and wants to continue with his bad habits, he will go out to the roads and rob the people. The Torah decreed, let him die innocent and not as a result of his guilt." [72a]. His current actions are not sufficient for a death sentence. But he is on a path leading irrevocably to armed robbery and murder, which is punishable by death. It is thus better for him to die while he is still innocent.

But this explanation leaves something to be desired. At first glance, it would seem to imply that the basis for the mitzvah is the halachah of "rodef," one

who pursues with intent to kill. As is well known, it is permitted to kill a pursuer in order to save the intended victim. However, from the wording of the sages it seems that the reason for the mitzvah is not to save innocent victims but to preserve the character of the son and not allow him to become evil and deserving of death.

There would seem to be a difference between an actual rodef, who can be killed if necessary, in order to save the victim, and a potential one, who will only become a danger to others at a later date. If there is a danger to an individual or a group, there is no doubt that appropriate action must be taken. However, one may kill a rodef only when it is necessary to avert an imminent danger. Thus, if the Torah instructs us to kill this disobedient son, it must be in order to save him from a future where he will be killed for his evil.

SHABBAT SHALOM: With Open Arms By RABBI SHLOMO RISKIN (August 23) "Her former husband who sent her away may not take her again to be his wife after she is defiled, for that is an abomination before God." (Deut. 24:4) HOW secure can the people of Israel be that despite our backsliding, there is always room for repentance? Perhaps our stiff-necked resistance to God and our dalliances with other "isms" will preclude His wanting us back when we are finally ready to return? One of the most powerful paradigms there is for the relationship between God and Jews is that of marriage. The Song of Songs, extolled by the Sages as the holiest work in the Torah, breathes with sensual verses declaring the love between God and His beloved, the nation of Israel. Every morning, as we bind the leather straps of our t'fillin around our arms in preparations for prayer, we encircle the middle fingers of the left hand three times, like three rings, and recite God's marriage vow: "I will betroth you to me forever. I will betroth you to me in righteousness, and in justice... and I will betroth you to me forever." (Hosea 2:21 22) The Zohar interprets the revelation at Sinai from a mystical point of view J God as husband and the Jewish people as bride. Mt. Sinai is held over the Israelites as the wedding canopy, and the Ten Commandments represented the ketuba, the marriage contract. And every Sabbath Day, as evidenced by the Lecha Dodi (Come My Beloved Bride) prayer-song chanted and danced in the presence of the rising Sabbath moon, is a reenactment of the sacred marriage.

Wherever we turn - the Bible, the Prayer Book, the festivals - we find the model of our relationship with God described as that of bride and groom. But one of the forces threatening to shatter the efficacy of this imagery can be found in this week's portion, Ki Teitzei, where we read that a man cannot remarry a woman he's divorced if in the meantime she has married someone else, that marriage ending in divorce or widowhood.

True, she can marry, but not a re-marriage to her first husband J an act the Torah maintains would be "an abomination before God." It stands to reason that if this is an abomination, what can we say about out-and-out adultery! And indeed, Jewish law declares an adulterous woman to be forbidden both to her husband and to her lover.

In our paradigm of the relationship of Israel to the Divine, Israel's pursuit of false gods and idols must be viewed as adulterous betrayals. In accordance with this week's Torah reading, our immoral actions render us forbidden to God as an "abomination." How then can we account for the possibility of repentance and forgiveness, the most fundamental theme of our daily Amidah prayers, of the power of Yom Kippur, and of the entire Messianic drama of return and redemption? The subject of being taken back by God after having betrayed Him is a thorny theological issue, dealt with by the various prophets in different ways. Isaiah speaks of the return of a faithful remnant, "for out of Jerusalem shall a remnant go out, and they that escape out of Mt. Zion." (37:32) It is only this remnant, the minority of the nation which never betrayed God, which will eventually be redeemed by God.

Ezekiel understands the Jews being taken back as a theological necessity, for God's sake if not for Israel's. "Therefore say to the house of Israel: 'Thus says the Lord God, "I do not do this for your sakes... but for My holy name's sake..."' (Ezek. 36: 22-24) Since we are closely linked to God, His eternity is reflected in the eternity of this people. Were we to disappear from the

world stage, the God in whose Name we are to present our message would likewise become a mere footnote. And the enemies of Israel - also the enemies of God - would emerge victorious.

But perhaps the clearest reason why God will always take the Jewish people back is to be found in a number of verses at the beginning of Genesis (Chapter 15) - and these also reflect an additional paradigm for the relationship between God and Israel.

God enters into a "covenant" with Israel - and a covenant, unlike a contract, can never be revoked. This Divine covenant, or eternal guarantee, comes in answer to Abraham's agonizing question of God after he has been promised an heir and the Land of Israel as an everlasting possession. "But how do I know that they will inherit it," asks the patriarch, and Nahmanides interprets the question as an expression of fear lest his descendants not be worthy of the land. The Divine response, the covenant with Abraham, serves to cement the eternity of the relationship; that despite temporary ruptures and exiles, there will be an ultimate rapprochement and return. We are the people of God's covenant, the beneficiaries of a relationship with the Divine which can never be broken.

Hence within our sacred literature we find not only the paradigm of God and Israel as Lover to beloved, but also of Parent to child.

The groom-bride relationship bespeaks passion; the parent-child relationship guarantees eternity. A parent can never divorce a child.

We may well be excited by a God-Israel relationship akin to Groom and bride, replete with passion and mutuality; but we can always be comforted by a relationship that is akin to Parent and child, secure in the knowledge that despite our immoral backsliding, the God of the Covenant waits with outstretched arms for us to return.

Shabbat Shalom Rabbi Riskin, dean of the Ohr Tora institutions, is chief rabbi of Efrat.

Peninim on the Torah Rabbi A. Leib Scheinbaum
Ki Setzei

"You shall not see the donkey of your brother or his ox falling on the road... you shall surely stand them up with him." (22:4) The Torah admonishes us to be sensitive to the pain of animals. The Chofetz Chaim renders a symbolic meaning to these words. He suggests that they apply to any activity one sets out to accomplish with Hashem's help. For instance, when we implore Hashem daily in tefillas Shacharis, "Enlighten our eyes in Your Torah," we should not think that Torah scholarship will simply come down from Heaven as a gift. Erudition is not a gift; it is something for which one works, - diligently and with great toil. We cannot sit back and relax, waiting for Hashem to provide Torah to us at our convenience. We should enter the Bais Hamedrash, open up a sefer and learn with enthusiasm and fervor. Only then can we anticipate that Hashem will grant us the profundities of Torah.

Consequently, the interpretation of the pasuk changes to the following, "You shall surely stand them up, with him." It is understood in the sense that "You", Hashem, will help the Jew by supporting his goals and sustaining him throughout, only as long as "with him" means, the person plays an active role. Judaism is not a spectator religion. One must be active in performing mitzvos, studying Torah, and performing acts of loving kindness, Only after one "does" - will Hashem support him throughout his endeavor.

*** "An Amoni or a Moavi shall not enter into the congregation of Hashem... because they did not meet you with bread and water... and because they hired against you Bilaam... Nevertheless Hashem would not listen to Bilaam. (23:4, 5, 6) The Torah places great emphasis upon the imperative to distance the nations of Amon and Moav from our midst. Why? What did these nations do that was so invidious that they may never be accepted into the fold of Judaism? What crime did they commit that castigates them for all time? The Torah offers two responses. First, they did not come forward and welcome us with food when we passed by them during our trek in the desert. Second, they hired Bilaam to work against us. These actions, especially the second one, are unquestionably reprehensible. Are they worse, however, than the acts which the Egyptians committed against us? Are we to ignore two

hundred and ten years of suffering, torment and murder?

Nebuchadnezzar and Titus were reshaim who destroyed the Bais Hamikdash. Yet their descendants are permitted to marry into the Jewish nation. The Ramban addresses this question. He offers a classical response that goes to the foundation of the Jewish People, demonstrating the caliber of refinement that is demanded of the Jewish personality. He writes that Amon and Moav were descendants of individuals who benefited from Avraham Avinu's kindnesses. Avraham had saved Lot and his family from the destruction that befell Sodom. Lot had fathered Amon and Moav. The key that elucidates the enigma of Amon and Moav is hakoras tov, appreciation/gratitude. Amazing! Because their ancestor was saved by our ancestor, Avraham, they were obliged to us; they should have been makir tov. The root of their iniquity is their lack of appreciation, their refusal to acknowledge the benefit that they received.

By nature, man thinks first and foremost of himself. He leaves little room for others. The middah of chesed, kindness, is a characteristic transmitted to us by Avraham Avinu, the pillar of chesed. Everyone possesses an element of this character trait, although some people manage to bury it deep in their personalities. If one does not go out of his way to be kind to others, however, we cannot sever him from the human race, since we expect man to be egotistical by nature. Hakoras tov is a character trait which is inherent in every human being. Who does not repay those who are kind to him? What kind of human being would ignore those who benefited him? Such a person is repulsive, his actions contemptible. He has isolated himself from humanity by his refusal to recognize and repay those who have helped him. Amon and Moav acted in a despicable manner. They demonstrated their unworthiness to be viewed as human beings at all, let alone to be accepted into the Jewish nation. ***

"When you go forth in camp against your enemies, you shall guard against evil." (23:10) The Torah previously addressed the problems and challenges that abound during the course of warfare. The Torah here does not seem to be speaking of physical war, but rather of spiritual war. The term "machane" is different from the term "milchamah." We are referring here to one's own "machane," camp, one's peace of mind and spiritual values - not the enemy's. Hence, the Torah says, "You shall guard against evil." This suggests that the only time one needs shmira, "protection" is when he goes out. This is obviously not true. Chazal state that the Satan is particularly active during times of danger. Thus, one should be extremely careful whenever he separates himself from the Klal, community.

In the Yerushalmi, Shabbos 2:5 Chazal ask a noteworthy question: Why does the Torah emphasize the need for shmira only when one leaves the camp? Is it not imperative to be on one's guard at all times? They respond that the Satan is overly active during times of danger. Horav Moshe Swift, zl, comments that the term Satan never refers to those who oppose us by aiming for our physical annihilation. The Satan takes a more subtle approach. He waits until the person is outside of the Torah camp, when his defenses are down, when his spiritual values are vulnerable, when his entire Torah lifestyle is at risk. The Satan strikes specifically at a time when one is not surrounded by the Torah community, when the support that encourages and maintains all of us is not accessible. The Torah addresses such situations and enjoins us to be ever vigilant, lest we fall into the clutches of the yetzer hora.

If one remains "within" the Torah community, if he is not exposed to the adversity and cynicism that permeate the social circles of the secular world, then the need does not arise. We are admonished to guard ourselves particularly when communal and social pressures demand that we must interface with the world "out there," when we must come in contact with a culture that is -- at best -- not in consonance with Torah dictate.

Probably one of the biggest problems is the orthodox Jew, who -- as a result of his insecurity - attempts to outdo his secular counterparts. We should realize that actions which are unbecoming a Torah Jew degrades orthodoxy and flaws the brand of Judaism - which our ancestors died for. It is unfortunate when the Jew who attends a Minyan in the morning and even goes to a shiur, proceeds during the rest of the day in a manner unbefitting his Torah orientation. This is blatant chilul Hashem! We must stand out as

Hashem's emissaries to the world, as examples of integrity, as paragons of virtue and as models of a nation committed to a heightened spiritual/moral perspective. ***

"You shall observe and carry out what emerges from your lips, just as you vowed a voluntary gift to Hashem, your G-d, whatever you spoke with your mouth." (23:24) Upon examining the text, the end of the pasuk seems redundant. Would it not have sufficed to simply write, "You shall observe and carry out whatever emerges from your lips." Horav Mordechai Rogov, zl, makes a practical insight which explains the pasuk. When a person is involved in an "eis tzarah," a period of pain or anguish, the neder, vow, which he makes is undoubtedly sincere. He is stressed and motivated by anxiety. At the time, he truly plans to fulfill every promise that he makes. What happens, however, when it is all over and things have calmed down, when there is no longer a reason to worry? Does he retain the same genuine feelings as he had before, or is he doing what he has to do because he committed himself during his time of need? The Torah demands that an individual demonstrate the same enthusiasm when fulfilling his promise, as when he had originally made the vow. David Hamelech says in Tehillim 116, "My vows to Hashem I will pay, in the presence, now, of His entire People." What is so impressive about David's fulfilling his vows? Is that not to be expected? Horav Rogov suggests that David is saying he will fulfill his vows with the same enthusiasm and emotion that he exhibited when he originally made the vow. This is the interpretation of the pasuk, "You shall observe and carry out what emerges from your mouth" - fulfill your requirements not out of obligation and complacency, but - "just as you vowed... whatever you spoke with your mouth." With the exact conviction, with the same sentiment with which you made the vow, so should you fulfill its demand.

"Remember what Hashem your G-d did to Miriam on the way as you came forth from Egypt." (24:9) Rashi explains that Miriam's punishment serves as a model for us to use to admonish others not to speak Lashon Hora. "Do not speak Lashon Hora or you will be punished with tzaraas just like Miriam", is the warning according to Rashi. Upon reviewing the commentary of Yonasan ben Uziel, we note an interesting interpretation of Miriam's sin. He writes that we should warn others not to be unduly suspicious of other people's actions, as Miriam's suspicions of Moshe were groundless. This indicates that Miriam's sin was not in slandering Moshe; it began much earlier with her spurious suspicions. This idea implies that, at least according to the Targum Yonasan, it is prohibited even to suspect someone of a wrongdoing.

We suggest that suspicion is a component of Lashon Hora. First, we incorrectly suspect - this suspicion grows in our minds; then, we "share" our feelings with others. Perhaps, if we view those around us in a positive light, the path towards slander and hatred would have no place to begin. ***

"A perfect and honest weight shall you have... Remember what Amalek did to you." (25:15,17) Rashi explains that the juxtaposition of the admonition regarding false weights, upon the remembrance of what Amalek did to us. One who does not maintain integrity in the marketplace, who cheats his fellow man, should concern himself with the reprisal of Amalek. Horav Simcha Bunim Sofer, zl, explains Rashi's comment. One who cheats in business demonstrates a lack of emunah and bitachon, trust and faith in Hashem. One must believe unequivocally that Hashem will sustain him and provide for all his needs. He determines how much and what one needs, and He provides it. What occurred during the war with Amalek? Chazal teach us that Moshe's hands raised towards Heaven were not the cause of Klal Yisrael's triumph. Rather, the people's ability to subjugate their minds and heart to the service of Hashem was the determining factor in their success. Thus, Amalek's war against Klal Yisrael symbolizes our ability to withstand outside pressures in order to focus upon the real source of our sustenance - Hashem. Amalek came to extinguish our fire of belief in Hashem. He did not succeed. One who is weak in his emunah and bitachon will regrettably resort to a life of theft and deceit. Fraud will be his partner, as he seeks his livelihood in a manner unbecoming any human being, let alone one who believes in the Torah. How far are we from relating to this concept? Is it that uncommon to find people who are meticulous in their mitzvah observance,

yet marginal in their business dealings? Why do we look for "hetairim" when it involves money? Where is our bitachon that Hashem will provide for us - regardless of the circumstances? Let us learn a lesson from the Torah and not "distinguish" between spiritual matters and business.

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Outlooks & Insights by HaRav Zev Leff
Parshas Ki Setzei

The Rebellious Son and the Fundamentals of Education

When a man has a wayward, rebellious son, who does not obey his father and mother, they shall have him flogged. If he still does not listen to them...(The parents) must declare to the elders of his city, "Our son here is wayward and rebellious. He does not listen to us, and is an (exceptional) glutton and drunkard (Devarim 21:18 & 20).

The Gemara (Sanhedrin 71a) says that there never was a rebellious son executed by beis din. The topic was recorded in the Torah in order to learn and receive reward. But even if there never was rebellious son, we can learn a great deal about chinuch banim (raising children) from a careful study of the Torah's description of the rebellious son. By studying the factors that help create a son so tainted that it is a chesed to kill him while he is still young and has not yet committed all the heinous crimes he otherwise would, we can learn to do the opposite with our own children. It must be clear at the outset that there are no sure-fire rules of education that apply to all children at all times. Reishis Chachmah quotes a midrash that it is easier to raise a legion of olive trees in the Galilee, where the soil and climate are not conducive to growing olive trees, than to raise one child in Eretz Yisrael, even though Eretz Yisrael is conducive to proper education, since the atmosphere itself helps to imbue one with wisdom and holiness.

Children are not objects to be fashioned at will, but rather human beings who have their own free will and can reject, if they so choose, even the best chinuch. The most a parent can hope to achieve, as Chiddushei HaRim points out regarding all learning, is to put the words of Torah on the heart of the child so that when the heart opens up, the Torah found on it will sink into the receptive heart. The law of the rebellious son is applicable only when the child is thirteen and for the next three months, i.e., at the very inception of his manhood. This points to the importance of a proper foundation in the education of children and that early education forms the basis of the child's experience and hence is the root and foundation of his life.

Avos deRav Nosson expounds on the Mishnah in Pirkei Avos (4:25), "One who studies Torah as a child, to what can he be likened? ϕ to ink, written on fresh paper." Just as ink is readily absorbed into new paper, so the Torah learned when young permeates the very fiber of the child's being. Alshich explains the injunction (Mishlei 22:6), "Educate the youth according to his path," as a warning to put him on the proper path before he develops the wrong path on his own. The proper beginning is crucial, for it forms the root, and any blemish in the root will manifest itself a thousand-fold in the resultant growth. A strong root, however, insures a healthy plant. The Torah describes the rebellious son as not heeding the voice (kol) of his father and mother. Maharal points out that a kol denotes a voice or noise, something not necessarily intelligible. The rebellious son listens to his parents when their words make sense to him, but when their directives are not understood by him, he ignores them.

A child must be taught to rely on his parents' instructions and trust in their desire and ability to guide him on the proper path, even though he may not understand or grasp the wisdom of their directions. Though a parent should try to explain to the child the reasons for his directions and instructions, the child must be taught that in the end whether he understands or not, he must accept his parents' authority.

The learns from the phrase, "he does not listen to our voices," that to be deemed a rebellious son, both parents must have similar voices. Both parents' guidance must reflect the same values, and they must be consistent in their

instruction. If the parents do not speak with one voice, their child cannot be deemed rebellious because the blame for his rebellious behavior is not his alone. The parents must point at their son and say "this son of ours." If the parents are blind and thus incapable of pointing him out, the son cannot be deemed a rebellious son. The requirement that the parents be able to see hints to the necessity of parents viewing each child as an individual, with unique gifts and needs, who must be educated according to his individual personality. If parents are blind predetermined formula, the child can also not be fully blamed. To be classified as a rebellious son, he must steal money from his parents to eat and drink like a glutton. This conduct shows, says Ibn Ezra, a distorted outlook. The glutton makes the pleasures of this world his only goal rather than seeing this world as the place to prepare for eternal spiritual life. The meat and wine he consumed could have been glatt kosher. It is not enough to teach a child that he does not become a Jew in form but not in substance.

The Gemara explains that the rebellious son is killed now because if allowed to continue on the same path he will eventually become a robber and murderer. He is killed for his own benefit so that he doesn't lose his portion in the World to Come. From this we learn the most important lesson of child-rearing. A parent must focus on the souls of his child and his eternal status even more intensely than his physical well-being. What parent would think of exposing his child to even a slight chance of catching a serious communicable disease? How much more so should a parent protect his child from an environment that might exert negative spiritual influences. If we fret over our child's ability to earn a living, how much more so should we be concerned that he or she grow to be a successful ben or bas Torah.

We should remember in Elul that there is no greater merit for the Day of Judgment than having raised a child properly. The Zohar teaches that when an individual appears before the Heavenly Court after one hundred and twenty years, G-d inquires if he educated his children properly. If the answer is affirmative, Hashem refuses to accept any more testimony against him, for the merit of guiding his children properly overshadows everything else. May we learn the deep lessons contained in the Torah's discussion of the rebellious son so that we merit to raise children fully occupied in Torah and mitzvos.

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YESHIVAT HAR ETZION VIRTUAL BEIT MIDRASH PROJECT (VBM)

PARSHAT HASHAVUA PARSHAT KI-TEYZE

by Menachem Leibtag

Although Parshat Ki-teyze contains more mitzvot than any other Parsha in Chumash, they appear to be a rather random assortment. Is there any logic behind the manner of their presentation?

This week's shiur suggests an answer by exploring a thematic parallel between the mitzvot of Sefer Dvarim and the Ten Commandments.

BACKGROUND /REVIEW

Recall the basic structure of the main speech in Sefer Dvarim (chaps. 5->26):

* INTRODUCTION (5:1-6:3)

The events which took place during Ma'amad Har Sinai, explaining WHEN these mitzvot were originally given, and WHY they Bnei Yisrael heard them from Moshe and not directly from God.

* THE MITZVAH SECTION -

Parshat V'etchanan & Ekev (chapters 6 -> 11)

Mitzvot relating primarily to "ahavat Hashem", i.e. the proper attitude toward God and keeping His mitzvot upon entering the Land.

* THE CHUKIM & MISHPATIM SECTION

Parshat Reay, Shoftim, Ki-teyze (chapters 12->26)

The more practical mitzvot that Bnei Yisrael must keep once the Land is conquered.

Our last two shiurim have dealt with the mitzvot in the Chukim & Mishpatim section. We explained that their primary focus, i.e. laws pertaining to the establishment of national institutions. For example:

Parshat Reay- the National Center/ HaMakom Asher Yivchar... laws pertaining to that center, laws of shmita etc.

Parshat Shoftim: National Leadership/ shoftim, mlachim, etc. setting up cities of refuge, and special laws for when the nation goes to war, etc.

FROM THE NATION - TO THE INDIVIDUAL

In Parshat Ki-teyze, the focus of the CHUKIM U'MISHPATIM section shifts from the NATION to the INDIVIDUAL. This Parsha includes numerous mitzvot, dealing with a wide range of topics, yet almost every single one relates to the behavior of the individual. [I suggest that you quickly glance through the Parsha to notice this, there are simply too many examples to quote.]

Not only do these mitzvot deal with the individual, they also relate primarily to his relationship with his fellow man - better known as "mitzvot bein adam l'chaveiro".

The logic of this progression - national BEFORE individual - is rather reasonable, for upon entering the land, Bnei Yisrael must establish their national institutions first. Even though this reasoning explains the overall structure of this unit, it does not explain the internal progression of its parshiot.

Our shiur will follow the approach of Rav David Tzvi Hoffman who explains this progression by relating the mitzvot within the main speech in Sefer Dvarim to the ASSERET HA'DIBROT - The Ten Commandments.

THE PARALLEL

The parallel begins with the basic distinction between the first two "dibrot" and the remaining eight. The first two dibrot deal with "emunah", i.e. belief in God and the ensuing prohibition against worshiping any other god, while the remaining eight are comprised of more practical mitzvot which apply that principle.

Thus, the first two "dibrot" - "Anochi Hashem Elokechah... v'Lo y'hieh lachem...", defining the very foundation of our relationship with God, parallel the MITZVA section of the main speech, while the remaining eight dibrot, dealing with practical mitzvot, parallel the CHUKIM & MISHPATIM section.

This parallel suggests that the DIBROT themselves provide the FRAMEWORK of the main speech of Sefer Dvarim. The mitzvot of the speech are grouped in topics which expound upon each of the dibrot, and therefore, are presented in a very similar order.

To borrow an analogy from the halachot of shabbat, the DIBROT act as "avot" (principles and/or primary categories) while the mitzvot in main speech can be considered "toladot" (applications and/or subcategories).

[In the halachot of Shabbat, 39 primary categories of "mlacha" (work) exist - they are called "avot". Any action similar to an "av" is called a "tolada", and therefore is forbidden as well.]

Since the mitzvot of the main speech are the laws which Bnei Yisrael must keep upon entering the Land (see 5:28 & 6:1), these laws apply the principles established in the dibrot to the realities of conquering, inheriting, and establishing a Nation in the Land of Israel.

Before demonstrating this structure, it is important to qualify this statement.

The fact that the dibrot create the framework for the entire

speech does not mean that there can not be any digressions from this pattern. The dibrot establishes a general framework but does not constrain the internal structure of the individual parshiot. Therefore, even though we may find several digressions from the this structure, the general pattern remains.

THE FRAMEWORK OF THE MAIN SPEECH

The following table summarizes this basic parallel between the dibrot and the mitzvot of the main speech. [It will be followed by a more detailed explanation.]

CHAPTERS DIBUR TOPIC

CHAPTERS	DIBUR	TOPIC

		"MITZVAH"
6->11	I	"Ahavat Hashem", "emunah", etc.
	II	Not following "avoda zara" etc.
		"CHUKIM U'MISHPATIM"
12->14	III	Establishing the Mikdash "BaMakom asher yivchar Hashem l'shakeyn SHMO sham..."
15->16	IV	The 7 year Shmita cycle and the Holidays
17->18	V	The national leaders (shoftim, kohanim & leviim, melech, and navi)
19->21	VI	Laws of War, murder, and capital punishment
21->25	VII-X	Misc. laws "bein adam l'chaveiro"

[From this point onward, it is recommended that you follow with a tanach Koren.]

THE 'MITZVA' SECTION AND THE FIRST TWO DIBROT

As we explained in our shiur on Parshat V'etchanan, the MITZVA section of the main speech contains primarily mitzvot relating to "ahavat Hashem", as well as numerous warnings against "avodah zara" (worshiping other gods). These mitzvot apply the principles which stem from the first two "dibrot" to the realities of conquering and inheriting the Land. To ensure God's assistance in the battles to conquer the Land and His continued "hashgacha" (providence), Bnei Yisrael must maintain the proper attitude ("Anochi..."). They must also be careful not to fall into the traps of 'over-confidence' and the pitfalls of decadent Canaanite culture etc. (Lo Y'hियeh...").

[Scan chapters 6->11 to verify this point. Note 11:22-23]

THE 'CHUKIM & MISHPATIM' SECTION

Likewise, the mitzvot in the "chukim u'mishpatim" section apply the principles which stem from the remaining "dibrot" to the realities of setting up a Nation in the Promised Land.

We will now show how each general topics in this section relates to its corresponding "dibur":

"LO TISAH ET 'SHEM' HASHEM ELOKECHA L'SHAV"

[Dvarim chapters 12->14]

As we explained in our shiur on Parshat Reay, the primary topic of this section is HAMAKOM ASHER YIVCHAR HASHEM L'SHAKEN

SHMO SHAM. In order to make God's Name great, both to ourselves and to other nations, Bnei Yisrael must build a Bet Ha'Mikdash and frequent that site, and gather there on the national holidays.

This commandment relates to the third dibur - not to mention God's Name in vain. Just as it is forbidden to pronounce His Name in vain, it is likewise imperative that we PROCLAIM His Name in the PROPER manner. The primary vehicle designated by the Torah to accomplish this goal is the Bet HaMikdash - "bamakom asher yivchar... l'shakeyn SHMO sham" (see Mlachim I 8:15-21,41-43!).

At that site, the Leviim sing and praise God (see 10:8, 21:5), proclaiming and sanctifying His Name. In the ideal scenario, through the Bet HaMikdash, all mankind will come to recognize God (see Isaiah 2:1-5).

[The digressions from this theme in Parshat Reay, i.e. the warnings against those who influence worshiping other gods

(chapter 13) and the dietary laws (14:3-21), could be considered related. Other gods take away from God's Name and reputation, while the dietary laws are within the commandment to be an "am kadosh" (14:2,21). In Parshat Kdoshim, we connected this topic to the Mishkan.]

SHABBAT

[Dvarim chapters 15->16]

In the second half of Parshat Reay, we find two types of "toladot" of shabbat. First, there are the laws of shmita which follow a SEVEN year cycle, similar to shabbat for we must REST from working the land on the SEVENTH year.

The second "tolada" is the "shalosh r'galim". As holidays in which work is forbidden, they too are similar to Shabbat. On Chag Ha'matzot we celebrate SEVEN days (16:3, note also 16:8! - cute?), we then count SEVEN weeks until Shavuot (16:9). On Succot, once again we celebrate SEVEN days (16:13).

[In Parshat Emor, these holidays are actually referred to as "shabbatot"! The laws of "bchor" which precede this section (15:19-23) are obviously connected to Pesach, which follow immediately afterward (see Shmot chapter 13).]

KABED ET AVICHA... HONORING PARENTS

[Dvarim 16:18 ->18:22]

The concept of honoring one's parents at the family level can easily be expanded at the national level to honoring the national leaders. Therefore, the next general topic, i.e. national leadership - shofet, kohen, levi, navi, and melech - can be understood as a "tolada" of "kibud horim". This includes the laws regarding various types of ideal leadership, i.e. judges, officers, priests, the king, and the navi; as well as laws regarding leaders who must be eradicated, i.e. those who lead others to idol worship (17:2-7) or a false prophet (18:20-22).

LO TIRZACH [chapters 19->21]

The "toladot" of "Lo Tirzach" are the most obvious, for almost all of the laws in these chapters expound and apply this dibur. For example:

- * Cities of Refuge - "arei miklat" (19:1-10);
- * How to go to war (20:1-20);
- * "eglah arufa" (21:1-9), an entire city takes responsibility for a homicide that took place in its vicinity;
- * Yfat Toar (21:10-15), relating to a captive from war;
- * Ben Sorer U'Moreh (21:18-21)- where the Torah obligates us to kill a rebellious son
- * Hanging the body of a person executed by Bet-din (21:22-23)
- * Putting a fence on one's roof, preventing accidental death (22:8-9), etc.

[This section has many digressions, however they all relate to mitzvot "bein adam l'chaveiro"]

LO TINAF [22:10->23:19]

This section includes various laws relating to forbidden marital relationships. For example:

- * "Motzi shem rah" (22:13-21)
- * The classic 'affair' (22:22)
- * The various cases of "naara ha'morasa" (22:23-29)
- * Forbidden marriages (23:1-9), and harlotry (23:18-19)

[Once again, this section also contains various digressions, many of which are tangentially related. The prohibition of "kilyaim" (working two animals together) and "shatnez" (weaving two types of thread) [22:10-11] may be similar to illegal marital relationships. Likewise, the mitzva of tzizit (22:12) could be understood as a prevention of "lo tinaf", as explained in Bamidbar 15:39!]

LO TIGNOV (23:20-26)

- * The prohibition against taking interest (23:20-21)

- * Stealing from "hekdesh", by not fulfilling one's vow (23:22)
- * Stealing produce from your neighbor's field (23:25-26)

Throughout Parshat Ki-teyze there are various other toladot of "lo tignov", mostly 'digressions' within other sections (see note below).

LO TA"ANEH B'RAYACHA EYD SHAKER
[Dvarim 19:15-21]

The case of "eydim zom'mim" could be considered a "tolada" of "lo ta'aneh...". It is included in the "lo tizach" section as a 'digression' from the laws of capital punishment (19:11-13). This case does not fit 'perfectly' into the overall structure, but is included within the framework of "bein adam l'chaveiro" (see below).

LO TACHMOD (chapter 24)

"Lo Tachmod" is so general that almost any law can be considered its tolada. Most likely, the laws of divorce (24:1-4), not allowing the divorcee to return to re-marry his wife once he has married another woman, prevent a 'legal affair' (read 24:4 carefully), and could be considered a tolada.

Also, within Parshat Ki-teyze, we find many example of laws which refer to "rey'echa" (as in "v'chol asher l'ray'echu 5:18), such as the laws of what one is permitted to eat while walking through his neighbor's vineyard or wheat field (see 23:25-26). These laws could also be considered toladot.

VI->X

In our analysis, we have also seen many digressions from this general pattern within Parshat Ki-teyze, i.e. not all of the mitzvot line up perfectly as toladot of each dibur in order. Nonetheless, almost all of the mitzvot of this Parsha are "toladot" of at least ONE of the last five "dibrot". One could suggest that these final five "dibrot" can be understood as one general category - "mitzvot bein adam l'chaveiro". They share a common denominator, as they all apply to the individual and his relationship with his fellow man.

[This can be supported by the fact that within the "Aseret ha'Dibrot" these final five are grouped into one pasuk (actually two psukim, "lo tachmod" is a pasuk by itself.)]

THE FINALE

The final mitzvot of the CHUKIM U'MISHPATIM section are the mitzvah to destroy Amalek (25:17-19) and "mikra bikurim" (26:1-15).

One could view the law of destroying Amalek as a "tolada" of "Lo Tizach" and the finale of this unit of the last five dibrot. [Why this mitzva was chosen to close this unit will be discussed iy"h on a shiur for Parshat Zachor.]

Similarly, the laws of "mikra Bikurim" in chap. 26 close the topic of "HaMakom asher yivchar Hashem" and close the entire "Chukim & Mishpatim" section with a chiasitic structure. We will deal with this parsha iy"h in next week's shiur.]

SIGNIFICANCE

The parallel discussed in the above shiur is significant as it emphasizes the eminence of all Torah from Har Sinai. The "Dibrot" act as "avot", the very basic principles of the covenant made between God and Bnei Yisrael at Har Sinai. Their application in the mitzvot of the main speech of Sefer Dvarim serve as "toladot", which govern our national and individual behavior. This model of 'avot and toladot' teaches us that we must apply the principles of Matan Torah to every aspect of our daily life.

Furthermore, this model teaches us that when we apply the principles of the DIBROT, we also raise them to a higher level. For example, not only is one forbidden to steal, one is also required to return a lost item to its owner. The laws of "hashavat aveidah", and even the obligation to help one's

neighbor's animal in distress, both "toladot" of "lo tignov", expand the principle set by this "dibur" to include a greater sensitivity to the property of others, beyond the actual prohibition of stealing.

Expanding the principles of Har Sinai to every aspect of our daily life, as exemplified by Sefer Dvarim, forms the foundation of our establishment as an "am kadosh".

shabbat shalom menachem

FOR FURTHER IYUN

A. As explained in earlier shiurim, Parshat Mishpatim is also a collection of mitzvot, quite similar to the main speech in Sefer Dvarim, and given after Matan Torah at Ma'amad Har Sinai.

1. Scan that set of mitzvot (20:19->23:33) and attempt to find within its structure a parallel to the "Dibrot".

2. Does a chiasitic structure exist towards the finale?

B. Aside from Parshat Mishpatim and Sefer Dvarim, the only other time in Chumash that we find a collection of various laws, primarily "bein adam l'chaveiro", is in Parshat Kdoshim.

1. Examine that Parsha, and attempt to find, once again, if you can find a parallel to the "Dibrot".

C. Use the above shiur to explain why it is necessary to repeat the dibrot in chapter 5, in the introduction to the main speech of Sefer Dvarim.

D. Relate the nature of shabbat in the dibrot as recorded in Parshat V'etchanan (as opposed to the dibrot in Yitro), to the nature of the laws of shmita in Sefer Dvarim (chapter 15) and the laws of shmita in Parshat Bhar. Note the aspect of social equality and justice, i.e. caring for the poor, the 'eved' etc.

"bircas@netvision.net.il" Ki Teitsei

Selected, translated and arranged by Rabbi Dov Rabinowitz

"And HaShem your G-d delivers them into your hands and you take captives."

(21,10) The Meshech Chochma notes that it seems that this ("delivers them into your hands") is a (necessary) condition for a yefas to'ar (woman of beautiful

appearance) to be allowed. Because it is only if HaShem delivers the enemy into the hands of Yisroel (that this concession applies). But (when the situation develops according to) the usual nature of wars, and this (side) captures from that, and their enemies (also) capture from them, it is customary that when they make peace, or (even) in the (middle of) the war, they exchange prisoners who are no longer fit for combat; under such circumstances, it is likely that because of the yefas to'ar whom he has converted and taken as his wife against her will, (the enemy) will retain (in captivity) a prominent and respected Yisroel.

In such a case, the Torah never allowed a yefas to'ar; only in a case where "HaShem your G-d delivers them into your hands" may he hold her against her will.

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"You shall not see the donkey of your brother . . . falling . . . you must raise it up with him." (22,4)

Rash"i explains that the "with him" refers to the owner (of the donkey,) but if (the owner) went and sat down and said (to him) "since you have the obligation (to do so,) if you want to raise it up, (you may) do so", then he is exempt.

Rav Menachem Mendel of Kotsk writes that it would appear that we can gain an insight from this, that the help that a person gets (from HaShem to save him from his yetzer hora - evil inclination) to help him in Torah and serving (HaShem) (as the gemora details - Succah 52b) (this help) also (comes) only

if the person strives and exerts himself, then he is aided.

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"For their conduct that they did not come forward to you with bread and water on the roadway when you came out of Mitzraim, and for their hiring Bilam ben Be'or from Pesor Aram Naharaim to curse you." (23,5)

The Sifri elaborates: "for their conduct . . ." even because they took council, as it says "My Nation, please recall how Balak the king of Mo'av took council . . ." (Mich'a 6,5)

The Malbim elaborates that (the Sifri is explaining) why (the Torah) pushes them away, because "they did not come forward to you." Now an individual can not "come forward" (in this context), rather (it is the prerogative of) the whole nation together. Therefore, each individual can justify himself (saying): the fault does not lie with me. Thus it says "for the conduct" (to convey) that the whole nation took council, and they agreed unanimously not to "come forward." This is why the Sifri explains "for the conduct . . ." for the council.

And the reason why it brings a support from the possuk "My Nation, please recall what council . . ." even though it refers to (the end of our possuk) "for their hiring" (is that) is that it deduces from there that the whole encounter of the Moabites with Yisroel was all through council and did not occur by accident. Just as the hiring of Bilam was through council, so the not coming forward was through council.

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Message from the Haftorah Parshas Ki Tetzei
Yeshaya 54:1

This week's haftorah reveals Hashem's indescribable love for the Jewish people. Finally, after their long troublesome exile, the Jewish nation will be granted permission to return to Eretz Yisroel. Appropriately, we find the prophet Yeshaya inviting Yerushalayim to rejoice over the ingathering of her exiles. Yeshaya says, "Rejoice barren city who never expected such an overwhelming influx within your walls... Broaden your tent area and extend your annexes without interruption...Because you will break through on the east and west and your children will inherit the cities of the nations and settle the desolate areas." The dimensions of the Jewish return will be so massive that Eretz Yisroel won't be capable of containing it. The city of Yerushalayim will overflow from her new inhabitants and the surrounding areas will be rapidly filled to capacity. The entire Judean hills will be saturated with newly sprouting neighborhoods but the Jewish influx will continue to grow. The newly arrived Jewish people will reclaim their possession of the entire land of Israel and settle therein but even these newly provided quarters will not suffice. The return will be so encompassing that Zion will truly wonder in bewilderment from where did all of their people emerge.

But the kindness of Hashem won't end there. The prophet continues to describe the setting of the future... Yeshaya tells the Jewish people not to fear or be embarrassed because their shameful past will never be remembered. Hashem says, "I forsook you for a brief moment and I will gather you in with great compassion." Hashem continues, "With mild anger I concealed My countenance from you and with everlasting kindness I will have mercy upon you." These passages reflect a concern the Jewish people share over their dark and rebellious past. They hesitate to return to Hashem because their previous wrongdoings are still fresh in their minds. They cannot imagine bonding with Hashem in perfect unity, considering how unfair they were to Him in the past. Hashem responds that they should not fear or be embarrassed because no trace will remain of their earlier paths. His goodness will be so encompassing that it will be virtually impossible to remember or even relate to their earlier experiences. They will develop such closeness to Hashem that they will be totally incapable of imagining what it was like without Him. How could they have ever appreciated life without their constant association and perfect

relationship with Hashem?!

The prophet continues and reveals to us the merit through which the Jewish people will deserve this unbelievable experience. Yeshaya says in the name of Hashem, "For the mountains may move and the hills may sway but

My kindness will never leave you and My covenant of peace will never be swayed." In explanation of these words, our Chazal in Yalkut Shimoni (477) share with us a beautiful perspective. They explain that the mountains mentioned here refer to the firm and sound merits of the Patriarchs and the hills refer to those of the Matriarchs. Although the Jewish nation continuously draws upon these merits, owing its basic existence to them, at times, even these merits can not intervene on behalf of the Jewish people. They have strayed so far from the proper course that they cease to identify with the ways of the Patriarchs. During such times, Hashem can not view the Jewish people as children of their glorious forefathers and these merits can not influence Him regarding His sinful people. Yeshaya tells us that in those difficult moments we should cleave to acts of loving kindness. In return, Hashem promises us His loving kindness in the indescribable proportions mentioned herein.

With this insight of Chazal we can now comprehend the unbelievable era awaiting the Jewish nation. The Malbim (ad loc.) explains that, by nature, the virtue of kindness is boundless. Unlike goodness expressed within compassion or mercy, which is limited to the recipient's worthiness, kindness is without calculation or computation. In essence, when Hashem deems it appropriate to shower His kindness upon someone, by definition it is everlasting and unlimited. This, incidentally is the deeper meaning of Dovid Hamelech's words in Tehillim, "For His kindness is everlasting." Therefore, when the Jewish people will finally deserve Hashem's full expression of kindness, it will be experienced in boundless proportions. However, the Jewish people must conduct themselves in a very special manner to qualify for such kindness. Therefore, Yeshaya offers them an inside tip and advises them to cleave to lovingkindness. At the end of time, when we will totally commit ourselves to bringing benefit to others, Hashem will reciprocate in that same manner. If we will provide for others above and beyond expectation and unsolicited, Hashem will do the same. We now realize that our acts of loving kindness, which are by definition, beyond our call of duty, are the keys to our glorious future. Such acts are not subject to calculations and computations and are the true expression of our bondless concern for others. Therefore, Hashem will respond with His acts of loving kindness and shower us with His boundless and everlasting kindness in His indescribable proportions.

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NCYI Weekly Divrei Torah Parshat Re'eh
Parshat Ki Teitzei 9 Elul 5756 Saturday, August 24, 1996
Guest Rabbi: Rabbi Herschel Kurzrock Young Israel of Kensington, New York

In expounding upon the laws pertaining to the disobedient and rebellious son discussed in this week's Sedrah, the Gemorah (Sanhedrin 71a) makes the surprising statement that, "Ben Sorrer Oomoreh Lo Hawyah V'Lo Yehiyeh" - the rebellious son (mentioned in the Torah and meeting all the conditions outlined in Gemorah Sanhedrin) never came in to being and never can become a reality! Even the pronouncement by Reb Yonothan that he witnessed such a case and was at a Ben Sorrer Oomeoreh's burial place (Gemorah Sanhedrin 71a) is interpreted by various commentaries as not really pertaining to the classical rebellious son (see Bachya and Sefer Margoliot Hayam). This chapter of the disobedient son deals with a problem which in the whole of the past and in all future time was and will remain only

a theoretical "problem." It could never come to a concrete case considering all the factors which would be necessary to determine it. The Gemorah in Sanhedrin then asks "If there is no possibility of a concrete case occurring why was this chapter of "Ben Sorrer Oomeoreh" written altogether in the Torah?" - Interpret (study and expound on these laws) and you shall be rewarded - is the remarkable answer given by the Gemorah to this question!. For the diligent learning of all aspects of the laws pertaining to the insubordinate son, despite the fact that there is no practical relevance to this Mitzvah, a person will receive his just reward for the study alone. One can deduce very clearly from this most interesting Chazal that the sacred obligation to perform the Mitzvot of "Talmud Torah" - Learning of Torah, which is "K'neged Koolum" - valued above all Mitzvot, is not in "full force" only when it involves study that prepares a person with necessary knowledge and understanding for proper "practical" performance of precepts. True, "Lilmod, Oolilamed, Lishmor, V'Laasot Ooli-kayam" - to learn, teach (in order) to observe, to perform and to fulfill all the Mitzvot HaShem, is a basic purpose of Torah studies. But, nevertheless, "study of Torah" merely for the sake of learning, even when it doesn't afford the opportunity for practical performance of a mitzvah, is just as fundamental and compulsory in the performance of the holy Mitzvah of Torah study and carries with it the same reward. . . "D'rosh V'kabele Sochor" - study and you will receive your just reward! This concept is also succinctly developed by the Chatam Sofer. The Mishnah (Avot 6:2) states, "Reb Maier says, anyone who studies Torah Lishmah' - for its own sake, merits many things". The Chatam Sofer comments that, had the Mishnah used the masculine form "Lishmo" - literally for his sake, it would imply that only if a person occupies himself with learning Torah in order to be able to perform properly "His" - HaShem's Mitzvot - he would merit many things. However, since the Mishnah uses the feminine form "Lishmah" - literally for her sake - it clearly implies that even if the person studies Torah only "Lishmah Shel Torah" - for the sake of Torah (word Torah is feminine) concentrating in areas that are not applicable or relevant in our time, "Zocheh Lidvarim Harbeh" - he is still performing "Torah study" on the highest level and merits many things. It is very sad indeed when one hears people involved in Torah study and oft times even good Yeshiva students, express themselves about a certain tractate of the Talmud, "Well, this Gemorah is not relevant to our times or that area of Torah has no practical significance; let us study only that which is practical and germane to our times!" Unfortunately, these people don't grasp the full significance and meanings of the sacred Mitzvah of "Limud HaTorah" - Torah study - "D'rosh V'kabale Sochor" - "study" and you will receive your just reward. Learning Torah for its own sake, aside from the practical benefits to be derived from it, is in its own right on the highest level of a true religious experience which is worthy of "D'varim Harbeh" - many things and great reward! With the advent of the month of Elul, we begin a period of retrospection and introspection. The month of Elul, with its special days for Selichot, followed by Rosh Hashanah and Ten Days of Repentance, culminating with Yom HaKippurim - Day of Atonement- offer us the opportunity to reflect upon and carefully examine our past thoughts and actions. Assiduous soul-searching reveals the fallibility of all humans, even the most saintly. It is told that once, on the New Moon of Elul, as the saintly Tzaddik, Rabbi Levi Yitzchok of Berditchev was standing by the window, a gentile cobbler passed by and asked him: "Have you nothing to mend?" At once the Tzaddik sat himself on the ground and, weeping bitterly, cried: "Woe is me for the Day of Judgement is almost here and I have still not mended myself!" Yes! We are all fallible - each on his own spiritual level. Reb Levi Yitzchok heard the call to mend one's self - on his level! Before Kol Nidre, the Torah scrolls are taken from the Ark and everyone embraces and kisses the Torah scrolls, beseeching their forgiveness and pardon for having dishonored the Torah. Not only have we desecrated the Torah by our iniquities and transgressions, but on a higher plane, many have defiled and disgraced the Torah by literally relegating large segments of Torah to disuse (for example, Tractates dealing with Sacrifices and Taharot - Laws of Purity) leading to the ultimate disrespectful situation of "Torah Munahas B'keren Zawvis" - the Torah is reposing in a dusty corner (Kiddushin 66A). Let us

rededicate ourselves to true, proper Torah study with a firm resolve to master, to the best of our ability, all areas of Torah equally. To study with full fervor and diligence "Kol HaTorah Kulah" - all parts of written and oral Torah. In this way when we face the Torah Yom HaKippurim eve, our show of respect and love for Torah by embracing and kissing the scrolls will be genuine and the Torah itself will be a "Maylitz Yosher" - to intercede for us on high for the blessings of a Shana Tova.

YESHIVAT SHA'ALVIM PARASHAT HASHAVUAH

Parashat Ki Teitzei: B'nafsho Yavi Lachmo by Aaron Weiss

According to the Gemara ?Bava Metzia, 111aX, one who withholds the wages of a laborer transgresses five negative prohibitions, and one positive commandment. Three of the prohibitions are learned from the pasuk in Vayikra, (19:13) "Do not $\equiv 1\Delta$ oppress your neighbor, and not $\equiv 2\Delta$ steal; do not $\equiv 3\Delta$ keep overnight the wages of a hired laborer until morning." The other two prohibitions and the positive commandment are found in the two psukim in Dvarim, (24:14,15) Do not $\equiv 1\Delta$ oppress a hired laborer that is poor and needy, of your brethren or of your stranger that is in your land within your gates. In its day you shall pay his wage, and $\equiv 2\Delta$ the sun shall not set on it, for he is poor, and to it he sets his soul; so that he not call against you to Hashem, and it will be a sin for you."

The prohibitions in Vayikra apply to any hired laborer, no matter what his financial status. The prohibitions and positive commandment in Dvarim would seem to apply only if the laborer is poor. The Gemara, however, asserts that they apply to all hired laborers equally. The reason the Torah specified a poor laborer in Dvarim is to teach us that a poor laborer must be paid before a laborer who is financially secure.

Even a quick look at the two sets of psukim reveals a very different emphasis between the pasuk in Vayikra and those in Dvarim. The pasuk in Vayikra quickly rattles off three prohibitions in succession, without adding any explanations for the laws. Its sole focus is our moral behavior. The two psukim in Dvarim, however, clearly take into account not only how we must behave, but also consider the situation of the laborer, and explain why it is important to pay the laborer not only to avoid the wrong of stealing, but also not to cause him undue harm. What to you is merely a sum of money means much more to the laborer who toiled for it.

In this vein the Gemara learns from the phrase, "V'ailav hu nosei et nafsho" - "and to it he sets his soul", that "if one withholds the wages of a hired laborer it is as if he killed him (natal et nafsho). Why did he ascend a ramp or hang from a tree, and thereby imperil his life, if not for his wages?"

We should not think, however, that these prohibitions apply only to withholding the wages of one who was engaged in dangerous work. The Sifrei comments, "How do we know that ?these prohibitionsX apply even to one who does not endanger himself? The Torah writes, 'Do not keep overnight the wages of a hired laborer' ?implyingX in every case." Even a laborer who's work is not dangerous nevertheless "sets his soul" to his wages. Every laborer gives up part of his life to make the money he needs to keep living. One who withholds a laborer's pay for even a short time longer than he is willing to wait for it, thereby not only "steals" for that short time, he also makes the laborer feel as if he has given up part of his life for nothing.

The wording of the pasuk carries with it an even deeper meaning. Not only does a laborer give up part of his life to make a living, he gives up part of his soul, and in this sense we are all laborers. The loftier aspects of the human soul at times find their way into the consciousness of every one of us, sometimes because we make efforts to reach them, and at others because we encounter something in the world around us that has the power to reach through and touch us deeply. At these times we feel wholly spiritual (although briefly), and in fact are actually closer to Hashem. But these high points are always lost, sometimes never to be found again, because being human, we cannot remain wholly spiritual. Our spirituality must always suffer because we are tied to a physical world and have physical needs that require our attention. Thus the wage of life is a part of our soul.

In this way the Torah begs us to realize what we are asking from someone when we employ his services, and what we ourselves are paying in return for our daily bread, so that we can properly value both. Shabbat Shalom.

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dgreen@j51.com""dvartorah@torah.org Parshas KiSeitzei
The Torah in this week's parsha teaches us about many civil obligations. Among them is the commandment to return lost articles to our fellow. Under most circumstances one may not turn away from the obligation to take in and return something one's fellow lost. There are many rules regarding when one may keep a lost article, and when one must advertise that s/he found it. Even then when one must advertise, there is a time limit.

One of the procedures one must follow is that the object must be returned in a way that it will not end up as an expense to the fellow the object was returned to. For instance, if it is an animal that needs to be fed, the finder will end up presenting the owner with a bill for the food. The owner may end up paying the animals worth to the finder, and not really gain anything in its having been returned.

Our Rabbis in the oral law explain to us that under such circumstances one must do as follows. If the animal can work, such as an ox, than it must "pay its way" by working. If it gives milk, it can pay its way by giving milk to the finder who will in turn feed it. Something which doesn't produce in any way should be sold, and the money should be held for the owner until he tracks down the whereabouts of the finder.

The following story is recorded about Rabbi Channina Ben Dosa, a very pious sage who lived in the Mishnaic period approximately 2000 years ago. He once found chickens which had been tied at the legs and forgotten. He took them home, but they multiplied and became a great burden, and nuisance. He decided to sell them and buy goats which require less hands on, but also multiplied to abundance. When the man who lost the chickens finally tracked them down and identified them, he was surprised to find a herd of goats in their place. "This must be a mistake. I didn't lose goats, I lost chickens." "You are right, replied Rabbi Chanina, but these are the goats that I purchased with your chickens which I sold. You may take your goats."

Imagine a world where people demonstrate such regard for each other communally, on a large scale. This would create a major revolution, because this idea is the basis for an important conclusion. If one must demonstrate this level of concern for a fellow's possessions, how much more so toward one's fellow himself. The Torah is the key to more elevated behavior, and, as a result, a more elevated society in general.

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B"H Torah Studies Adaptation of Likutei Sichos by Rabbi Dr. Jonathan Sacks Chief Rabbi of Great Britain

Based on the teachings and talks of the Lubavitcher Rebbe

Rabbi Menachem M. Schneerson on the weekly Torah Portion

Ki Seitzei

Among the laws detailed in our Sidra is a section about divorce. The Rebbe analyzes the concept of divorce, both as it applies between man and wife and between man and G-d. It pursues certain paradoxes in the Talmudic tractate on divorce (Gittin) and in the very name given in Jewish law to the document which finalizes the separation.

The paradoxes share the tendency to hint that though divorce is, outwardly, a separation, this is not its true nature. Chassidic thought, with its emphasis on discovering the essence of G-d and man, must pursue this problem to its core. Since the essence of the universe is G-d's unity, can separation ever be real and ultimate?

THE SCROLL OF DIVORCEMENT

Our Sidra mentions the subject of divorce, and it calls the document which effects the separation, a "scroll of divorcement" (sefer keritut). This name embodies two opposites.

"Divorcement" conveys the idea of separation. Indeed it is taken legally to imply that the document must be unconditional in its terms, leaving no ties between the man and his former wife. The term "scroll" however implies that it should conform to certain rules of a scroll of the Law, a Sefer Torah; that it should, for example, be written on ruled lines and its length should be greater than its width.

The Sefer Torah is itself a symbol of unity. In Rambam's words, "The whole Torah was given to make peace in the world." The divorce scroll must, in addition, be written on a single sheet - another token of "oneness."

The same contrast is implicit in the custom that the document should be written in twelve lines "corresponding to the twelve lines which separate the first four books of the Torah from one another" in a Sefer Torah. Again we have the idea of separation, and again the comparison with the Torah, the word of the One G-d and the bringer of unity to the world.

MARRIAGE AND DIVORCE

The paradox of divorce is also apparent in the close connection between divorce and marriage in Jewish law.

Marriage is, of course, the idea of unity and togetherness: "Therefore shall a man ... cleave to his wife and they shall become one flesh." And yet the Jewish laws of marriage - the three ways in which it may be contracted - are derived from the very passage in our Sidra which deals with divorce. And on the other hand, the tractate of the Talmud devoted to divorce (Gittin) concludes with an admonition against it:

"The School of Shammai say, a man may not divorce his wife unless he has found her guilty of unchastity." Even the School of Hillel, who accord greater leeway to the husband, do so only in the case of a second marriage. And the Talmud concludes, "If a man divorces his first wife, even the altar sheds tears."

The same opposition to divorce is to be found, in an oblique way, in the opening of the tractate Gittin as well. It begins, "The bearer of a scroll of divorce from (a husband in) a foreign country (i.e., outside the land of Israel) is required to declare, "In my presence it was written and in my presence it was signed."

This is a strikingly unusual opening. The more expected approach would be to start with such basic rules as, when may a divorce be granted (with which, as we saw, the tractate ends), how it is to be drawn up, how delivered and so on. Instead we find as our opening law, a particular case rather than a general rule.

Moreover, it concerns a side-issue: It does not concern divorce itself but the rule of sending a divorce by a messenger. And it is, further, an unusual case, where a divorce-document is being brought from abroad.

The explanation is that when Rabbi Judah Hanasi compiled the Mishnah he chose this particular passage to open the laws of divorce, to make a point about the very nature of divorce itself.

"The bearer of a divorce from a foreign country..." tells us that divorce has its origins in the "foreign country" of the spirit. Without that, there would be no separation between husband and wife.

Rabbi Judah Hanasi was hinting, with this opening sentence, at the unnaturalness of divorce. And after detailing all its laws, he reminds us with the closing paragraph (of the Mishnah of Gittin) that still "A man may not divorce his wife, unless...."

ISRAEL AND G-D

All this has its wider spiritual significance.

The marriage of man and woman is the metaphor for the relationship between G-d and Israel.

At Sinai the bond between them was forged. We use the same word to describe G-d's commandments and the marriages vow: "Who has consecrated us with His commandments," and "Behold you are consecrated to me by this ring, according to the Law of Moses and of Israel."

Subsequently, in exile, Israel experienced the counterpart of divorce from G-d. The Talmud tells us the story that the prophets asked the community of Israel to repent and return to G-d. They replied, "If a husband divorces his wife, has the one a claim on the other?" This reply, that since G-d had divorced Israel by sending them into exile, He had no further claim on their

loyalty, the Talmud calls a "victorious answer."

But how could it be victorious? The Talmud itself concludes otherwise, by quoting Isaiah: "Thus saith the L-rd where is the scroll of your mother's divorcement, whom I have sent away?" And indeed, how could there be a divorce between G-d and Israel? The law is that divorce is finalized only when the scroll has been handed over, leaving the husband's possession and becoming the property of the wife. But nothing can leave G-d's possession. The universe is His.

The answer lies in the beginning of the tractate, that divorce has its source in the "foreign country" of the spirit. For G-d inhabits the "foreign country," the realm beyond our comprehension. And sometimes, in our eyes, He seems distant. It is then that the possibility of separation takes root in our mind's, separation between man and G-d (and between husband and wife).

Yet in reality it is not so. For when G-d said, "I will surely hide My face" he conveyed the truth that even when His face is hidden we can still discover the "I," the Essence. The divorce between G-d and Israel is an appearance. The reality is a bond that is never broken.

In a Foreign Country

The apparent departure of G-d to a "foreign country" is a result of Israel's own departure. For all events in the realm of the spirit are a consequence of what we do in this world.

A "foreign country" means, in the context of the Talmud, a place distant from the land of Israel, and from which there are certain difficulties of passage to the land of Israel - a sea-crossing or something similar.

To translate this into spiritual terms: The land of Israel, the land of Divine grace, represents the desire and will of G-d. And when a man is far from that will, and there are obstacles between him and it, (his mind and heart cannot cross the sea of separation) then he is in a "foreign country." This is the point at which G-d, too, moves away. For when man travels away from G-d, G-d moves far from man.

THE MESSENGER

Perhaps we might then imagine, that if G-d can hide His face and can travel to a "foreign country" out of man's reach, He can cast off His people with the finality of divorce, G-d forbid.

But against this the Mishnah tells us, "the bearer of a divorce from a foreign country must declare, 'In my presence it was written and in my presence it was signed.'" In other words the bearer must testify that he is not himself the husband, only his messenger.

In historical and spiritual terms, this means that the foreign powers who have defeated Israel and sent her into exile, are themselves ultimately aware that they are only G-d's messengers, that they have no final sovereignty over Israel, that Israel remains still, and always G-d's own people. Consequently, the divorce document has never really left the "husband's" possession, and is not a true divorce.

THE HOLY WEDDING

We have found two facts about the relationship between G-d and Israel: That outwardly Israel is divorced by G-d, and that inwardly, their bond is never shaken. To understand this further, we must explain the nature of the marriage between them.

In Jewish marriage, although it is the husband who consecrates his wife to him, and not the other way round, it can only be with the woman's knowledge and consent.

On Sinai, at the holy wedding of G-d and nation, G-d revealed His love for Israel to arouse their love for Him, a love which expressed itself in their famous words of commitment, "We will do and we will hear."

Even though this love was initiated by G-d, it took root in their souls, until it became the crucial fact of their existence. So much so that as Rambam has written (in his Hilchot Gerushin), every Jew "wishes to do every commandment and to keep himself far from transgression" and he sins only when this essential desire is hidden by some compelling inclination. The love of the Jew for G-d is constant. It may be momentarily eclipsed, but it still burns even in concealment.

So, as it were, is the love of G-d for Israel. The shadow of exile may eclipse that love, but it does not extinguish it. Thus exile is not divorce. It is the

hiding of love. This is why when exile is ended and love reveals itself again, G-d and Israel will not need a new Sinai, a second wedding. For the first was never ended.

LOVE OUTWARD AND INWARD

There is another and deeper point.

It is not merely that the exile of Israel from G-d is only an appearance, not a reality. In addition, exile reveals an even deeper love between them. Before the separation, it would have been possible to suppose that G-d's love was conditional - it depended on Israel's obedience to His will. But in exile, G-d's grief ("even the altar sheds tears") expresses a love without conditions, a love which belongs to the essence of both G-d and the Jew.

Thus the tractate Gittin ends with the words, "She is your companion and the wife of your covenant," to show that in the last analysis the apparent divorce of Israel from G-d only serves to reveal that she is unchangeably the "wife of His covenant."

THE MEANING OF EXILE

Now we see the significance of the fact that though a Sefer Torah may be written on several pieces of parchment sewn together, a divorce must be on a single sheet.

For exile, that apparent divorce, shows an even greater unity between G-d and man than did the Giving of the Torah.

Sinai was witness to a revealed love. But revelation is prone to the changes of time. In exile, what remains is the essential love, which though it may sometimes be hidden, is always constant and alive.

This is why the passage on divorce in the Sidra of Ki Tetze is always read in the Seven Weeks of Consolation after the 9th of Av.

It is to show that the apparent forsaking of Israel by G-d is not real. That, instead, it takes us to a more inward and lasting covenant of love. And - as the Talmud follows its tractate on divorce (Gittin) by the one on marriage (Kiddushin) - so our spiritual exile will be followed by a revealed expression of the essential love between Israel and G-d.

(Source: Likkutei Sichot, Vol. IX, pp. 143-151.)