

Weekly Parsha KI TETZEI 5780
Rabbi Wein's Weekly Blog

The Torah always views life as a struggle, a conflict between the various natures that exist within each human being, a fight between rational good and instinctive evil. Rashi points out in his commentary to this week's Torah reading, that the Torah is addressing itself directly to the evil instinct that lies within all of us and warns us. Even if we do not behave in an illegal manner, unpleasant consequences will always flow from actions taken impulsively and out of desire.

Emotion is certainly necessary in life, but we know that purely emotional decisions often lead to sadness and even disaster. Thus, the taking of a non-Jewish woman captive as a wife, will have negative consequences, even if done legally and without any overt violation of the process that the Torah describes for us in the opening section of this week's reading.

Since it is a purely emotional, spur of the moment decision, there is a progression of events that will play out in later generations that will make it obvious that a poor choice was made originally. The next Torah sections describe the family structure, especially regarding monetary rights, rules of inheritance and finally wayward children who become unaccountable to their parents and as an existential threat to society generally.

Naturally, none of these consequences were foreseen at the original moment of passion that brought this non-Jewish woman into the family structure. She may be an innocent victim, in circumstances beyond her control, but the Jewish man who initiated the relationship is responsible for all the later consequences. The judgments of the Lord are infinite and hard to discern by human eyes. But there is no question that they exist.

Part of the reason for human behavior that is improper, which violates Jewish values and tradition, is the shortness of vision that our limited years impose upon us. Everyone aspires that their future generations should be people of worth, respect and value. Our greatest achievements always lie within our family. But there is no way that we can control the behavior of future generations or of our progeny. We can only serve as an example, and instruct and guide, and then hope that somehow all will come right.

The rabbis were aware of this fundamental problem in life, and commented that children, meaning generations and how they turn out, are somewhat dependent upon elements of good fortune. We see throughout the Bible that the greatest and holiest people produce children or grandchildren that are ignoble and wicked. The commentators and scholars over the centuries have attempted to discern whether there was something in the behavior of the righteous parents or grandparents, some small failing that would allow and explain this sad phenomenon. It is beyond our reach to be able to judge these things, but from this week's Torah reading and of Rashi's commentary, it seems apparent that even though generations may depend in the main upon good fortune, there is some element of cause and effect that exists and governs these situations.

The Torah was not given to angels, and all humans are imperfect. But when it comes to family and family matters, we must be very circumspect, for our behaviors have the ability to produce consequences far beyond any immediate decisions that we make.

Shabbat shalom

Rabbi Berel Wein

In My Opinion ALL ZOOMED OUT
Rabbi Wein's Weekly Blog

Like many other rabbis and teachers, I have been delivering lectures and teaching Torah to a mostly unseen audience via the technological wonder called Zoom. Because of the coronavirus pandemic and the mandatory governmental ordered lockdowns and assorted prohibitions regarding gathering in public places, especially synagogues, I have had little choice in the matter. I believe that I have expressed my feelings on the matter in previous articles and opinion pieces written here.

I find it to be very impersonal, unemotional, and even uninspiring to teach human beings in this fashion on a regular basis. It has been very stressful to me every time I conduct the Zoom lecture and even though I am flattered and pleased that many people have thanked me and even complimented me on those classes, I feel that they were an awkward substitute for the real thing; talking to people directly and in person.

Our synagogue here in Jerusalem has remained open and operating despite the severe restrictions – a limit of only 10 people in the synagogue area at one time – imposed by the government. I am a law-abiding citizen, but I thought that the number chosen was rather an arbitrary one and not really based on experience, scientific data or even good common sense.

During this period of time, I've been able to discuss a total real thought nightly after the prayer service of the afternoon and before the prayer service of the evening to the 10 people who always miraculously showed up to allow us to have a quorum for services. This short 15 to 20-minute class in front of live people has refreshed me in a psychological fashion that I never really appreciated before the pandemic struck. And it caused me to think how the classes on Zoom, even though they were longer and perhaps stronger in content, were never as satisfying to me as this nightly exercise of speaking to and learning with live people.

I have taken an anecdotal survey in my own family, of the many who are involved in education and classroom teaching. Universally, they have reported to me that they are all zoomed out. They long to be able to return to the classroom and teach and help live children and engage students who have personalities, and needs. Studies have shown that except for the very highest echelon of students who are self-motivated and intellectually curious on their own, most students have suffered a drop in scholastic performance and enthusiasm over the past months when they have been locked out of school and forced to study and learn by Zoom.

It seems abundantly clear that there is no real substitute for personal teacher – student instruction. The rabbis of the Talmud characterized this best as they usually do when they said that the student's eyes should see the teacher not only when he is teaching but throughout one's life. Recalling the actuality of the presence of the teacher, the subtle nuances that make up much of our educational reservoir, is really one of the keys to a lasting lifelong educational experience.

So, I have decided to embark on a series of lecture programs that will be delivered live, under the guidelines of the government, in our synagogue. To a great extent, I am also all zoomed out, however I intend to resume classes on Sunday and Thursday as I have done over the past number of months. But I hope to be able to deliver my lecture series live in front of an audience, no matter how small that actual audience may in fact be.

I will naturally record my lectures and they will be available to those who wish to obtain them. But I have also found that to my amazement that listening to CDs that are purely audio in nature has proven more effective than hearing those lectures on Zoom or even on video. Radio was a successful medium because it allowed for the human imagination of the listener to participate in the event. There is no room for the listener's imagination or even individual contemplation when hearing a Zoom lecture.

I realize that all of this is very opinionated on my part but when one reaches my stage in life one is entitled to express one's opinions without too much hesitation. I have never been culturally correct, for, again, in my opinion that is in opposition to Judaism and Jewish thought and values. So, I have taken the liberty of sharing with you the fact that I am really all zoomed out.

Shabbat shalom

Berel Wein

Does Love Conquer All? (Ki Teitzei 5780)
Rabbi Jonathan Sacks

Our parsha contains more laws than any other. Some of them have generated much study and debate, especially two at the beginning, the law of the captive woman and that of the “stubborn and rebellious son.” There is, however, one law that deserves much more attention than it has generally received, namely the one placed between these two. It concerns the laws of inheritance:

If a man has two wives, and he loves one but not the other, and both bear him sons but the firstborn is the son of the wife he does not love, when he wills his property to his sons, he must not give the rights of the firstborn to the son of the wife he loves in preference to his actual firstborn, the son of the wife he does not love. He must acknowledge the son of his unloved wife as the firstborn by giving him a double share of all he has. That son is the first sign of his father’s strength. The right of the firstborn belongs to him. (Deut. 21:15-17)

Note that the Hebrew word here translated as “does not love” or “unloved” is *senuah*, which normally means “hated.” We will see later why this strong word is used.

On the face of it, this is a straightforward, logical law. It tells us that love must not override justice. The firstborn, in ancient Israel and elsewhere, have special rights, especially in connection with inheritance. In most societies they tended to succeed to their father’s position. That was the case in Israel in relation to kingship and priesthood.[1] They did not inherit all the father’s property, but they did inherit twice as much as the other children.

It was important to have rules like the above to avoid damaging family splits every time a death occurred or was imminent. The Torah gives us a graphic example of the court intrigue that went on, as David lay dying, as to which of his children should be his heir. More recently, *lehavdil*, there have been several examples of Hassidic dynasties irreparably torn apart because different groups wanted different individuals to inherit the leadership.

There is a tension between individual liberty and the common good. Individual liberty says, “This wealth is mine. I should be able to do with it what I like, including deciding to whom to hand it on.” But there is also the welfare of others, including the other children, other family members, and the community and society that are damaged by family disputes. The Torah here draws a line, acknowledging the rights of the biological firstborn and circumscribing the rights of the father.

The law as such is straightforward. What makes it remarkable is that it reads as if it were directed against a specific biblical figure, namely Jacob. One connection is linguistic. The key terms in our law are an opposition between *ahuvah*, “loved,” and *senuah*, “hated/unloved.” This opposition occurs ten times in the Torah. Three have to do with the relationship between us and God: “those who hate Me and those who love Me.” That leaves seven other cases. Four are in the paragraph above. The other three are all about Jacob: two of them about his love for Rachel in preference to Leah (Genesis 29:30-31, 32-33), the third about his love for Joseph in preference to the other sons (Genesis 37:4). Both caused great grief within the family and had devastating consequences in the long run.

This is how the Torah describes Jacob’s feelings for Rachel:

Jacob loved Rachel and said, “I’ll work for you (Laban) seven years in return for your younger daughter Rachel” ... So Jacob served seven years for Rachel, but they seemed like only a few days to him because of his love for her ... And Jacob cohabited with Rachel also; indeed, he loved Rachel more than Leah. And he served him (Laban) another seven years. (Genesis 29:18-30)

And this is its description of the impact it had on Leah:

When the Lord saw that Leah was hated, He enabled her to conceive, but Rachel remained childless. Leah conceived and bore a son, and named him Reuben; for she declared, “It means: ‘The Lord has seen my affliction’; it also means: ‘Now my husband will love me.’” She conceived again and bore a son, and declared, “This is because the Lord heard that I was hated and has given me this one also,” so she named him Simeon. (Gen. 29:31-33)

I have translated the word *senuah* here as “hated” simply to give a sense of the shock of the text as it is in Hebrew. We also understand why this

word is used. Leah was, as the text says, loved less than Rachel. Jacob did not hate her, but she felt hated, because less loved, thus unloved. This feeling dominated her marriage as we see in the names she gave her eldest children. The rivalry continues and intensifies in the next generation:

When his brothers saw that their father loved him (Joseph) more than any of his brothers, they hated him and could not speak a peaceful word to him. (Genesis 37:4)

Less loved, the brothers felt hated, and so they hated the more loved Joseph. Love generates conflict, even though none of the parties want conflict. Jacob didn’t hate Leah or her sons or the sons of the handmaids. He did not deliberately decide to love Rachel and later Joseph. Love doesn’t work like that. It happens to us, usually not of our choosing. Yet those outside the relationship can feel excluded and unloved. This feels like being hated. The Torah uses the word *senuah* to tell us how serious the feeling is. It is not enough to say “I love you too,” when every act, every word, every look says, “I love someone else more.”

Which brings us to inheritance. Joseph was the eleventh of Jacob’s twelve sons, but the firstborn of Jacob’s beloved Rachel. Jacob proceeded to do what our parsha tells us not to do. He deprived Reuben, his and Leah’s firstborn, of the birthright, the double portion, and gave it instead to Joseph. To Joseph he said:

Now, your two sons, who were born to you in the land of Egypt before I came to you in Egypt, shall be mine; Ephraim and Manasseh shall be mine no less than Reuben and Simeon. (Gen. 48:5)

Later in the same chapter, he says: “I am about to die; but God will be with you and bring you back to the land of your fathers. And now, I assign to you one portion more than to your brothers, which I wrested from the Amorites with my sword and bow” (Gen. 48:21-22). There are many interpretations of this verse, but according to Rashi, “This refers to the birthright, that Joseph’s children should receive two portions when Canaan would be divided amongst the tribes.” Jacob’s other children would receive one portion, while Joseph would receive two, one for each of his sons Ephraim and Manasseh.

It is against this practice that the law in our parsha is directed. That is what is extraordinary. Jacob/Israel is the father of our people. But specifically in this respect, his conduct must not be taken as a precedent. We are forbidden to act as he did.

The Torah is not telling us that Jacob did wrong. There are all sorts of explanations that reconcile his behaviour with later law. Jacob did not keep the Torah except in the land of Israel (Ramban), and his gift of a double portion to Joseph happened in Egypt. We are forbidden to transfer the birthright on grounds of love alone, but we may do so if we believe that the firstborn has significant character deficiencies, which Jacob believed to be true of Reuben (Gen. 49:3-4; Abarbanel).

But the law is telling us something very profound indeed. Love is the highest of emotions. We are commanded to love God with all our heart, soul and might. But it is also, in family contexts, fraught with danger. Love ruined Jacob’s life, time and again: in his relationship with Esau (Isaac loved Esau, Rebecca loved Jacob), in the relationship between Leah and Rachel, and in the relationship between Joseph and his brothers. Love brings joy. It also brings tears. It brings some people close, but makes others feel distanced, rejected.

Therefore, says the Torah, in our command: when love is likely to be the cause of conflict, it must take second place to justice. Love is partial, justice is impartial. Love is for someone specific; justice is for everyone. Love brings personal satisfaction; justice brings social order.

Judaism is the most effective attempt in history to provide the proper balance between the particular and the universal. It is both. It worships the universal God by way of a particular faith. It believes in a universal connection between God and humanity – we are all in God’s image (Gen. 1:27) – and a particular one – “My child, My firstborn, Israel” (Ex. 4:22). It believes in a universal covenant with Noah, and a particular one, with Abraham and later the Israelites. So, it believes in the universality of justice and the particularity of love and the importance of both.

When it comes to the relationship between humans, there is an order of priority. First create justice, then express love. For if we let those priorities be reversed, allowing injustice in the name of love, we will divide and destroy families and groups and suffer the consequences for a long time.

A seemingly minor law about inheritance is in fact a major statement of Jewish values. I believe that Judaism got it right by placing love at the heart of the religious life – love of God, neighbour and stranger – but at the same time recognising that without justice, love will not save us. It may even destroy us.[2]

Shabbat Shalom

Shabbat Shalom: Ki Tetze (Deuteronomy 21:10-25:19)

Rabbi Shlomo Riskin

Efrat, Israel – “An illegitimate person [mamzer] shall not enter into the congregation of the Lord; even his tenth generation shall not enter into the congregation of the Lord” (Deuteronomy 23:3)

One of the most difficult biblical laws to understand is that of the mamzer, the product of an adulterous (or incestuous) sexual liaison, who may never enter into a marriage relationship with another Jew.

We can readily understand why the adulterers themselves are forbidden from marrying each other, even after they become divorced from their previous spouses; they, who showed such disdain and disregard for the exclusive and sacred marital relationship by betraying their marital partners, dare not enter together into matrimony, since God “has sanctified His nation Israel by means of the nuptial canopy and the marital ritual of kiddushin” (the initial blessing, along with the blessing over the wine, at a wedding ceremony). The glory of the Jewish people has always been the purity of our family life.

But why punish the innocent product born of such an adulterous act? He/she has done nothing wrong; he has certainly not controlled the nature of the act which led to his/her birth. Why forbid him/her to ever become married in Israel? In order to understand the meaning behind this law, I believe it is necessary to understand the difference between the Written Law (Bible), which the sacred Zohar calls “the harsh law” (dina de’takfa), and the Oral Law (Talmud and Responsa) which is called in turn “the soft and compassionate law” (dina de’rafiya). The interpretation I am now expounding in differentiating between these two corpora of legal doctrine is hinted at both in Maimonides’s Mishne Torah, Laws of Blows and Damages (1, 3) and Guide for the Perplexed (part 3, chapter 41).

Even a cursory glance at the Bible will reveal the many instances in which capital punishment is called for, the Bible declaring that the offender “must surely die, is certainly to be stoned to death” (mot tamut, sakel yisakel). The Oral Law, however, greatly limits these extreme punishments, insisting that a trial can take place only if two knowledgeable and objective witnesses give testimony that they saw the actual crime being perpetrated (circumstantial evidence not being admissible in a Jewish courtroom), and took the opportunity to give proper warning to the assailant, determining that he was aware of the action he was about to commit and its punitive consequences; hence R. Akiva and R. Tarfon both declare that if they had been on the Sanhedrin, no human being would ever have been tried for a capital crime. And our Sages declare that if a culprit was put to death once in 70 years, the court would be declared “a murderous court” (Mishna Makot 1;10).

The difference in punitive attitude becomes clear when we remember the different purposes guiding each legal code: The entire Pentateuch is heard each year by every Jew who attends Sabbath services, so that the goal of the biblical readings each week is to inform and inspire the consciences—first and foremost of the Jewish attendees—by inspiring them to understand the critical importance of ethical and moral actions.

The Oral Law, however, which sets down the actual punishments, must mediate the law with life, taking into account that if, God forbid, the wrong person is put to death for a crime he did not commit, there is no judicial recourse to bring him back to life. Hence the Oral Law softens and even sweetens the penalties, even bending over backwards to be lenient with the defendant.

For example, the Written Law warns “an eye for an eye,” since the only way an individual can understand the enormity of his crime of taking out a person’s eye is for him to have his eye removed; the Oral Law then explains that, since different people have different levels of eyesight and some professions require greater use of the eyes than do others, the actual penalty must be monetary remuneration rather than the removal of the eye.

The Bible, since it wished to inspire Israel to respect and protect the moral integrity of the marital union, teaches that if one degrades the marital fidelity, the product of such a liaison would never be able to enter a marital union, for all subsequent generations. However, the Oral Law made it virtually impossible to have a practical instance of mamzerut: not only would there have had to be two witnesses who gave warning to the transgressing couple prior to their act of adultery, which would have had to take place in front of those witnesses, but the halachic presumption is always that since the majority of sexual acts are between husband and wife, every child is presumed to be the child of that husband (and since paternity tests are not 100% accurate, they are not sufficient proof of adultery). When the case of a woman whose husband went overseas twelve months before she gave birth was brought before a religious court in talmudic times, the judges declared the child to be “kosher,” assuming that the fetus had gestated in the woman’s womb for 12 months! And in a similar incident they ruled that the husband had secretly returned for a night unbeknownst to anyone.

In more modern times, I do not know of a single case of mamzerut for which Hacham Ovadia Yosef or Rav Moshe Feinstein did not find a positive solution enabling the person in question to marry into the Jewish community. Unfortunately, the present religious establishment is not as bold as the decisors of previous generations.

Shabbat Shalom!

Ki Teitzei: Remembering Miriam’s Punishment

Rav Kook Torah

“Remember what God did to Miriam on your way out of Egypt.” (Deut. 24:9)

Six Zechirot

Six times the Torah commands us to remember certain events. These six zechirot (remembrances) are listed after the morning prayers:

- The Exodus from Egypt.
- The Torah’s revelation at Sinai.
- The attack of Amalek and the command to destroy him.
- The rebellious acts of the Israelites in the desert.
- The Sabbath day.
- Miriam’s punishment for slandering Moses.

The first five are clearly important for us to remember, as they are major events or fundamental principles of faith. Yet the last one, Miriam’s punishment for slandering Moses, doesn’t seem to fit with the rest of the list. Does it make sense to consider Miriam’s mistake in judgment on par with historical milestones such as the Exodus from Egypt or the revelation of Torah at Sinai?

In order to appreciate the fundamental lesson of Miriam’s punishment, we must understand the essence of her error.

Moses’ Prophetic Level

The Torah relates (Num. 12:1-15) that Miriam spoke against her younger brother Moses for neglecting his wife. Miriam felt that the fact that Moses was a prophet did not justify his behavior. “Is it only to Moses that God speaks? Does He not also speak to us?” Even though we - Miriam and Aaron - are also prophets, we still maintain normal family relations.

God responded to this accusation by appearing suddenly to Miriam and Aaron:

“Listen carefully to My words. If someone among you experiences Divine prophecy, then I make Myself known to him in a vision; I speak to him in a dream. This is not true of My servant Moses... With him, I speak face to face... so that he sees a true picture of God.”

Far worse than her sin of slander, Miriam erred in her evaluation of the nature of Moses’ prophecy. Had Moses been just a regular prophet,

Miriam would have been correct in her criticism. But in fact, Moses' prophetic vision was on a higher plane than common prophecy. Moses' vision was not distorted and murky, but crystal-clear - he saw through an aspaklariah me'irah, a clear lens. As a result, the Five Books of Moses are on a higher level than the other books of the Bible. No prophet may challenge or contradict Moses' prophecies.

It is for this reason that we are commanded to remember Miriam's punishment for speaking against Moses. By recalling her mistake, we are reminded to appreciate the unique nature of Moses' prophetic vision.

Insights Parshas Ki Seitzei - Elul 5780

Yeshiva Beis Moshe Chaim / Talmudic University

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

This week's Insights is dedicated in loving memory of Tova Necha bas Moshe Yaakov HaCohen. "May her Neshama have an Aliya!"

Being True to One's Nature

You shall not see the ox of your brother or his lamb go astray, and hide yourself from them, you shall surely return them to your brother...so you shall do for any lost article of your brother that you have found, you cannot hide yourself. You shall not see the donkey of your brother or his ox falling on the road whilst you hide from them, you shall surely raise it with him (22:1, 3, 4).

In this week's parsha, we find laws relating to the obligation of returning lost objects and helping fellow Jews with animals that are struggling under a heavy burden. Clearly, the Torah is teaching us how much care and concern we must have not only for our fellow Jews, but for their property as well.

Yet the Torah communicates these laws to us in an unusual manner; in both the case of returning a lost object and helping a struggling animal, the Torah states that you shall not hide from this obligation. Rashi (22:1) explains that hiding refers to "concealing the eye, as if he doesn't see it." This means that there is a prohibition against ignoring your friends lost object or the fact that his animal is struggling under a heavy burden.

Yet the Torah teaches us this prohibition in an odd manner: Instead of focusing on the requirement of the situation, the Torah focuses on one's act of pretending he doesn't see the situation. Surely, the Torah could have simply said, "you cannot ignore the needs of your friend." Why does the Torah teach us this prohibition in such a poetic manner as "you cannot hide yourself"?

The Gemara (Yevamos 79a) quotes Dovid Hamelech as saying that the Jewish people have three distinguishing character traits: They are 1) compassionate 2) bashful and 3) do acts of kindness. In fact, Rava says, that anyone who has those three identifying marks you will know is from the children of Avraham Avinu. In other words, these character traits are part of the spiritual DNA of the Jewish people.

We have such an instinct for chessed that the only way we could ignore the plight of our fellow Jew is by pretending not to see it. For this reason, the Torah phrases the prohibition as "you shall not hide." The Torah is telling us that we must be true to ourselves, and not construct a false sense of reality, though it may be more convenient.

This message is relevant in all aspects of our lives, whether it be professional or personal, and particularly as we enter a period of self-reflection in preparation for Rosh Hashanah and Yom Kippur.

After all, the first step in effecting positive change within ourselves is to identify behaviors that need improvement. Here, the Torah is teaching us that we must stop deluding ourselves ("you shall not hide") in order to justify what we want to do (ignoring someone else's misfortune). Only when we are honest with ourselves can we truly have an honest relationship with the Almighty.

Family Interest

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

This week's parsha contains the prohibition of lending money with interest to another Jew. It is prohibited to charge interest or pay interest to another Jew. Yet at the same time, the Torah makes it very clear that it is permissible to lend money to non-Jews and charge them interest. In

fact, Maimonides (Yad-Malveh Veloveh 5:1) rules that it is a positive commandment to charge non-Jews interest. This dichotomy in lending practices has often been used as a pretext to attack Jews all over the world during the last two millennia.

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

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

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

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

This also explains why it is not only okay to charge non-Jews interest but actually a mitzvah to do so. We need to internalize that they aren't our family. Obviously, we shouldn't charge exorbitant interest, just something reasonable that they are happy to accept. Non-Jews understand that they aren't family and they, in fact, are more comfortable asking for a loan and paying interest because otherwise it would be like receiving charity.

Did You Know...

In this week's parsha, we are given the prohibition of shaatnez, the forbidden mixture of wool and linen. The Torah also provides us some more details here than the first time it was mentioned in Parshas Kedoshim (19:19). The following are some interesting facts that you might not have known:

This mitzvah is a הוי"ק - a category of mitzvos that are not easily understood with human logic or sensibility, and one that we may never fully understand. However, Chazal, of course, always desiring to know and interpret Hashem's will, offer several explanations for as to why we are prohibited from wearing shaatnez. According to some, the ability to wear shaatnez was reserved specifically for the kohanim (Daas Zekeinim and Chizkuni in Devarim 22:11).

Rambam, in a contrary opinion, states that the reason it's prohibited is because gentile priests wore shaatnez, and we are forbidden from resembling them (Moreh Nivukhim 3:37).

Another explanation is that sheep were the sacrifice of Hevel while linen was the sacrifice of Kayin, and Hashem did not want them joined together (Pirkey D'Rabbi Eliezer 21).

One last opinion, offered by the Rosh, is that פרוכתת (the dividing curtain between the Kodosh and Kodosh HaKodashim) was made out of shaatnez, and Hashem doesn't want people to "resemble" him, as it were, in the sense that the Shechina resides partly in the Kodosh HaKodashim. Interestingly, while sheep's wool is forbidden, wool made from camels or goats may be joined with linen (Me'em Lo'ez Kedoshim 19:19).

There is no prohibition if the fabrics are not sewn together, so one may wear a wool garment over a linen one. Similarly, shaatnez may also be used in fabric that is not worn, such as a tent. Additionally, the

prohibition doesn't only apply to entire garments. Even if these two materials are connected by just two threads, it's considered shaatnez and prohibited (Me'em Lo'ez Kedoshim 19:19).

שעטנז is an abbreviation of שיעטנז ורינון. This means "combed, spun, or woven," which are the forbidden ways of combining wool and linen (Niddah 61b).

Covers and towels are also forbidden from containing shaatnez, as one derives warmth and benefit from them (Me'em Lo'ez Kedoshim 19:19).

When a person wears shaatnez his prayers are not accepted, as the holy angels see that he resembles a gentile priest (according to that opinion) and cast his prayers aside. Not only that, but the person gives strength to the Satan, who punishes him directly (Me'em Lo'ez Kedoshim 19:19). This is because שעטנז can be made into the letters שטןעז - meaning "Satan is strong" (Mishna Brurah 36:15, and the Be'er Heitev brings it from the Sefer Igeres Hatiyul by the Maharal's brother).

There's a question as to if the kohanim would have been obligated in tzitzis while they did Avodah (this is only hypothetically, as they didn't wear four cornered garments). This is because we know from the Gemara (Arachin 3b) that if someone was exempt from shaatnez they were exempt from tzitzis, and the kohanim wore shaatnez during Avodah (their avnet - belt was made from shaatnez).

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Parshat Ki Teitzei
Freedom of Kosher Speech

"Remember what the L-rd, your G-d, did to Miriam on the way, when you were leaving Egypt." (24:9)

When Miriam criticized her brother Moshe unfairly, Hashem punished her with tzara'at, a serious leprosy-like skin affliction that covered her body.

The Torah, for some reason, connects Miriam's punishment with leaving Egypt. What does one thing have to do with the other?

The captivity of the Jewish People in Egypt was more than physical bondage. On a deeper level Egypt represented the enslavement of the power of speech. Egypt not only enslaved the bodies of the Jewish People, but it put in chains the major weapon of the Jewish People – speech. Thus, the Torah writes that the Jewish People "cried out" to Hashem. It never writes that they "prayed." For in Egypt, speech itself was bound.

The Exodus from Egypt was the beginning of the rebuilding of the power of speech.

Man's pre-eminence derives from his power of speech. He has the ability to direct himself according to his will. When the Jewish People left Egypt, they went straight into the desert. In Hebrew, the word desert is midbar which is from the root mi'dibur – "from speech" – because the desert is the place that is separated and removed from speech. Since the desert is the maximum place of non-speech, of non-direction, it is the ideal place to rebuild the power of speech from the ground up.

When the Jewish People left Egypt they were like a newborn baby. When a child begins to speak, his father is obligated to start to teach him Torah. In this formative stage, then, it was essential that the Jewish People should guard their mouths and their tongues with great care. Something is most vulnerable during its construction. To protect the reconstruction of speech, they were given Torah, and to protect their mouths, they were given the manna.

The gravity of Miriam's error was not just what she said, but when she said it. To use the power of speech incorrectly at the very time of its reconstruction required a serious punishment. Thus, the Torah connects her mistake to the departure from Egypt.

It is Miriam's eternal privilege, though, that every generation has a positive commandment to remember what Hashem did to her, to teach us that death and life are in the power of the tongue.

· Sources: Sfat Emet, Ramban
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Parshas Ki Teitzei: The Rich Fruits of Forgiveness
Rabbi Dr. Tzvi Hersh Weinreb

The spirit of forgiveness is in the air.

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

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

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

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

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

There is a passage in this week's Torah portion which, far from exuding a spirit of forgiveness, reflects almost inexplicable harshness. Near the very beginning of our parsha, is the passage that deals with the ben sorer u'moreh, the wayward and defiant son. It reads:

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

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

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

At first blush, we wonder about this leniency. After all, if we are to follow Rashi's explanation of why he is so harshly condemned, we should be concerned that by forgiving him his parents have let loose a dangerous murderer upon society. The Torah seems convinced that this young lad is inevitably destined for a severely antisocial career. A strict

reading of the text demands that we eliminate this potential murderous hazard from our midst. Why should parental mercy of a father and mother be allowed to endanger the welfare of society?

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

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

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

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

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

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

I must conclude by citing a "higher authority" than the greatest of American presidents. I present you with a verse from Psalms, as explicated by the great medieval commentator, Abraham ibn Ezra. The verse is Psalm 130:4, recited in many communities during the period from Rosh Hashanah until Yom Kippur.

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

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

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

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

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Rabbi Buchwald's Weekly Torah Message - Kee Teitzei 5780-2020
"Polygamy and Jewish Tradition"

(Updated and revised from Kee Teitzei 5761-2001)

Rabbi Ephraim Z. Buchwald

In this week's parasha, parashat Kee Teitzei, we learn of the special privileges accorded to the first-born son.

In ancient times, after death, a person's estate passed to his sons, unless there were no sons. In that case, the estate would pass to the daughters, but daughters who inherit were required to marry within their own tribe so that the patrimony not revert to another tribe.

In Deuteronomy 21:15-17, the Torah states that a first-born son receives a double inheritance portion. Thus, if a person has three sons, the estate is divided into four parts, and the first-born son receives half, while the other two sons share the other half.

Why should this be? My own quirky theory is that the additional portion given to the first son may be due to the fact that first-time parents always experiment with the first-born child. Since the first child serves as a virtual guinea pig for inexperienced parents, the child is later compensated by receiving a larger share of the legacy. The problem with that theory, of course, is that logically the principle should apply to first born daughters as well! But, I'm afraid we'll have to wait for Elijah the Prophet to explain why that is not so.

The Torah portion, Deuteronomy 21:15, that pronounces the special privileges accorded to the first-born son begins with the expression, כִּי תִהְיֶינָה לְאִישׁ שְׁפָתַי נָשִׁים, הָאֶחָת אֶהְבֶּה וְהָאֶחָת שְׂנֵאָהּ, if a man has two wives, one loved and the other hated...he may not make the son of the loved one the first born, before the son of the hated, who is the first born. The commentaries point out that the terms "loved" and "hated" are relative terms, that really connote that no one is really "hated," but rather, one wife is preferred over the other. The Midrash Tanna'im on Deuteronomy 21:15, cites Rabbi Ishmael who said, "Human experience shows that in every bigamist marriage, one wife is always more loved than the other."

So what, after all, is the Torah's view on multiple wives? The Torah clearly frowns on polygamous relationships.

Perhaps the clearest indication that the Torah strongly opposes a man having more than one wife is the statement in Leviticus 18:18, וְאִשָּׁה אֶל אֶחָת... אֶהְיֶה לָּהּ לְצָרָה, לא תקח לצרר אשה אחת... A man is prohibited from taking as a wife two sisters who will be enemies to one another. In I Samuel 1:6, we learn that the prophet Samuel's father, Elkanah, had two wives, Hannah and Peninah. Scripture there refers to Peninah as צָרָתָה —tzaratah, Hannah's rival, a source of great pain and distress. The verse clearly refers to the second wife as nothing less than a "great pain." That, in fact, may very well be the source of the Yiddish expression, tzuros. It all emanates from a man having more than one wife.

In every single instance in scripture where a man has more than one wife, the man has his hands full. So it is with Abraham—Sara and Hagar, and so it is with Jacob—Rachel and Leah. While the Torah did permit a king to have numerous wives for political and perhaps mercenary reasons, it nevertheless restricts the number of wives that he may have. The Torah in Deuteronomy 17:17 states: וְלֹא יִרְבֶּה לוֹ נָשִׁים. He [the king] may not have many wives. According to Jewish tradition a king is permitted to have up to 18 wives. The Bible tells us that King Solomon, the wisest man of all, violated this rule and his many wives led him astray, resulting in great strife in his life.

Conceptually, there is logic to why the Torah permits a man to have more than one wife, but forbids a woman from having more than one husband. Every child, after all, is entitled to know who both his biological mother and father are. If a woman had more than one husband, it would never be clear who was the actual biological father. Yet, if a man were to have more than one wife, it would still be clear who are the child's biological parents.

What remains unclear is why the Torah permitted multiple wives at all. Several speculative reasons may be suggested. Perhaps, because men are always sexually available, while women, who menstruate, are not. Perhaps because of the Talmudic dictum (Yebamoth 118b) that a woman prefers to live a life of grief, than to live alone. Whatever the rationale, it is clear that the Torah does not regard having multiple wives a healthy design for family. Perhaps, that is why on the heels of our portion dealing with family strife, comes the portion of the בְּנֵי סוּרֵר וְמוֹרֵד, the

wayward and rebellious child. Polygamy, the bible suggests, affects the children—strongly, and negatively.

In light of the above, the Rabbinic quote found in Midrash Rabbah, on Genesis 8, reflects uncommon wisdom: Man cannot survive without woman, neither can woman survive without man, and both cannot survive without the Divine Presence.

May you be blessed.

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Chief Rabbi Ephraim Mirvis

Dvar Torah : Ki Teitsei

Parents should never be jealous of their children.

In Parshat Ki Teitsei, the Torah gives us the mitzvah “כִּי־יִקַּח אִישׁ אִשָּׁה” – it is a mitzvah to get married. The Gemara in Mesechet Pesachim, Daf 49a, describes for us a couple well suited to marriage with these words “ענבי הגפן בענבי הגפן דבר נאה ומתקבל” – when you have the fruit of the vine with the fruit of the vine it is something lovely and absolutely acceptable”. So here we have a description of a bride and groom who are similar in their aspirations, their attributes, their qualities, they are similar in their values and they both come from similarly wonderful families.

But the question we need to ask is, why are they compared to ‘ענבי הגפן – the fruit of the vine’ – to grapes?

Well you see, when it comes to the laws of brachot, the blessings we recite over food, it is well known that the Bracha for fruit is בּוֹרָא פְּרֵי הָעֵץ – we thank Hashem for creating the fruit of the tree. When that fruit produces, say orange or apple juice, then we have a downgrading of Bracha. The Bracha on the juice is שֶׁהֵלַל נְהִיָּה בְּדַבְּרוֹ – it is the general blessing thanking Hashem for creating everything according to his will. This is because the juice has lost the special identity of the fruit. But there is one exception – and that is grapes. The Bracha over grapes is בּוֹרָא פְּרֵי הָעֵץ, thanking Hashem for creating the fruit of the tree. But when we make a Bracha over the juice that comes from grapes, which of course is used to make wine, then we have an elevation of the blessing to בּוֹרָא פְּרֵי הָגֶפֶן. A special blessing for wine, thanking Hashem who has created the fruit of the vine. So, therefore, we see that grapes produce a juice which actually becomes superior to the grapes themselves.

And here we have a description of parents under a Chuppah. They are looking at their children with such pride and they’re deriving so much nachat from them because they can see that they have internalised their values and continued to practise the good deeds learned from them. However they’ve gone one further, and now they’re even better than their parents in so many respects. But rather than being jealous of their children, for the parents, this is a דבר נאה ומתקבל. It is something that’s lovely and most definitely acceptable.

You know, it’s so nice when we describe children with the old adage that and the apple doesn’t fall far from the tree. But it’s even better when we can say the tree is finding it difficult to catch up with the apple that fell from it. That is the ultimate nachat that we can derive.

Shabbat Shalom

Rabbi Mirvis is the Chief Rabbi of the United Kingdom. He was formerly Chief Rabbi of Ireland.

Rabbi Yissocher Frand - Parshas Ki Seitzei

Dedicated to the speedy recovery of Mordechai ben Chaya

A “Tense” Struggle with the Yetzer HaRah

Parshas Ki Seitzei begins: “When you will go out to war against your enemies, and Hashem, your G-d, will deliver him into your hand, and you will capture captives; and you will see among its captivity a woman who is beautiful of form, and you will desire her, you will take her to yourself for a wife.” [Devorim 21:10-11].

This is an amazing halacha. On the battlefield or among the people who were captured, the Jewish soldier sees a beautiful woman and desires her. He is permitted to marry her. This is a unique law in which the Torah gives a special dispensation to man’s evil inclination.

The Torah specifies a procedure whereby the Jewish soldier brings this captured non-Jewish woman into his house and allows her a period of mourning for her father’s house, while going through a process of “de-beautification.” If after this process of making her less desirable it turns out that he decides he does not want to marry her, he is commanded to set her free and is forbidden to sell her as a slave.

I saw an observation in the name of the Ohel Moed: The Torah switches here. Originally it tells us the soldier’s reaction was v’chashakta bah (and you have a strong desire for her, more literally, you lusted after her). So, we would expect that the converse situation which the Torah describes at the end of the section should read “and if it will come to pass that lo chashakta bah”—that you no longer lust after her! This would indicate a change of mind, switching from a strong desire for her to no strong desire for her. More to the point, even if the Torah wants to switch verbs from the verb of cheshek (strong desire or lust) to the verb of chafetz (“wants”), the correct grammatical formulation should be “v’haya im lo chafetz bah” (and it will be that he does not want her anymore) in the present tense. Instead the Torah uses the term “v’haya im lo chafatzta bah” (and it will be that he did not want her) in the past tense!

The Torah is saying something we all need to know. Many times in life we become blinded by our passion and we lose our common sense and perspective. We become so bribed and obsessed with something, that we throw caution to the wind, and everything else out the window. This fellow saw a beautiful woman and he had a passion for her—he lusted for her. That lust, that tayvah, blinded him to the fact that “you do not really want this woman.” This woman is not for you!

In the heat of battle, the woman looks attractive to you. But he only saw the looks, he did not see the personality. He did not see what she is really like, her values. She is a Yefas Toar—beautiful! That is it. End of story. Then he brings her home for a while. Suddenly, he realizes: “Do you know what? I didn’t want this woman! I never wanted this woman. But I was so blinded and obsessed by my passions that I did not realize what I was doing.” That is the hidden meaning of the past tense in “v’haya im lo chafatzta (rather than chafetz) bah.” You fell in love with a mirage. But then, like all mirages, you realize that there is really nothing there.

This is something that we need to be careful about from time to time. Sometimes we become obsessed with a mishuga’as (crazy idea), we become blinded by it. The Torah therefore warns us: Watch out!

Anticipating the Future and Ungratefulness are Opposites

The pasuk says that an Ammonite and Moavite cannot enter the Congregation of Hashem—even the tenth generation [Devorim 23:4]. Whereas the Egyptians who enslaved us are only prohibited for two generations from entering Klal Yisrael, an Ammoni or a Moavi can never marry into the Jewish nation. The Torah explains the reason “because they did not greet you with bread and water on your journey when you left Egypt and because they hired Bilaam son of Be’or of Aram Naharayim to curse you” [Devorim 23:5].

This pasuk sounds like a multi-count indictment. However, the indictment sounds like the following scenario. A fellow parks his getaway car in a tow-away zone while robbing a bank. He goes into the bank and pulls a gun on the teller. He shoots up the whole place, takes the money, gets into the car and drives off. The police catch him and they indict him. How does the indictment read? “Armed robbery; bank robbery; parking in a tow-away zone.” That is how this pasuk seems.

The fact that Ammon and Moav tried to destroy the Jewish people by hiring Bilaam to curse them should dwarf the significance of the fact that they did not offer us food and drink! Why is this last fact mentioned? Why is it even significant?

Rabbi Dr. Abraham Twerski quotes an interesting pair of Mishnayos in Maseches Avos [2:8-9] to answer this question:

Rav Yochanon ben Zakkai had five disciples. Rav Eliezer ben Hurkenos, Rav Yehoshua ben Chananya, Rav Yosi haKohen, Rav Shimon ben Nesanel, and Rav Elazar ben Arach. He told them: “Go out and seek the good path that a person should cling to.” They each proceed to give their opinion regarding the most important quality for which a person should

strive. Rav Eliezer said Ayin Tov—"A Good Eye." Rav Yehoshua said Chaver Tov—"A Good Friend." Rav Yossi said Shachen Tov—"A Good Neighbor." Rav Shimon said ha'roeh es ha'nolad—"The ability to anticipate what is going to be in the future." Rav Elazar ben Arach said Lev Tov—"A Good Heart".

Then Rav Yochanan ben Zakkai asked them to find the quality which a person should most avoid, and his five disciples each enumerated, in turn, their five "bad qualities." Unsurprisingly, the student's bad qualities were the mirror images of their "good qualities." Rav Eliezer said "A Bad Eye." Rav Yehoshua said "A Bad Friend." Rav Yossi said "A Bad Neighbor." Rav Elazar ben Arach said "A Bad Heart." Rav Shimon (who said the good attribute was ha'roeh es ha'nolad) gave as the "polar opposite attribute,"—"One who borrows and does not pay back". Rav Shimon seemed to have broken the pattern. Everyone else gave as the worst attribute the exact mirror image of their suggested best attribute.

Dr. Twerski explains. The attribute of roeh es ha'nolad is someone who sees which actions lead to other actions. Someone who recognizes someone who does him a favor (makir tova) is fundamentally a good person. He can never go very far off the mark. This attribute of hakaras ha'tov will always allow him to act appropriately. Someone who is not a roeh es ha'nolad and does not realize the implications of being an ingrate (Kafui Tov) is destined for trouble.

Being a Kafui Tov can lead one to the worst of actions. A person who is a roeh es ha'nolad knows the importance of midos tovos (good character traits); he knows the importance of being a makir tov. He won't become corrupted. He won't develop rotten character traits. The opposite of that quality is a loveh v'ayno m'shalem. I borrow money from someone. He does me a favor and I repay him with wickedness where he granted me kindness. That is the first step towards a long downward spiral that can lead a person to the worst of behaviors.

That is why these two attributes are polar opposites. A roeh es ha'nolad knows that I always need to be appreciative and grateful when someone does me a favor. I can never turn on the people who were good to me. If someone does not have that attribute, he is paving the way to the worst of actions. Anyone who borrows without repaying is the polar opposite of being a roeh es ha'nolad. Someone who turns on his benefactor can turn on his parents. He can turn on his wife. He can turn on society. All this stems from the fact that he is an ingrate.

This is how we are to understand the aforementioned pasuk. An Ammonite and Moavite cannot enter the Congregation of Hashem. Why? Because they did not greet you with food and drink. The beginning of the deterioration of Ammon and Moav to the extent that they wanted to wipe out Klal Yisrael was their not being appreciative. They purposely ignored the fact that "Avraham, the patriarch of the Jewish people saved our great grandfather's life." (Ammon and Moav were the sons respectively of the two daughters of Avraham's nephew, Lot.) If it would not have been for the fact that Avraham save Lot, they would not be here as nations. That puts a responsibility on them that when Avraham's descendants ask to buy bread and water from them, the least they could do is to respond positively. Turning their backs to such a modest request is the first step on the terrible downward spiral that led to them hiring Bilaam son of Beor to destroy the Jewish people.

They were not roeh es ha'nolad and did not allow themselves to become aware of how destructive it is to a human being to not appreciate favors done to them and their family. It was not merely a crime of "parking in a tow-away zone while robbing a bank." It was doing something fundamentally evil and destructive to the human condition—being unappreciative and ignoring favors done to them. This led to the inevitable next descent—hiring Bilaam to destroy us.

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Respect the Champion (Ki Tetze)
Ben-Tzion Spitz*

All right Mister, let me tell you what winning means... you're willing to go longer, work harder, give more than anyone else. - Vince Lombardi
The Middle East is and has always been a tough neighborhood. Even before the birth of the Nation of Israel, the land of Canaan, the land-bridge of Eurasia and Africa, the route between the Egyptian and Mesopotamian empires, was home to incessant battles, wars, alliances, and rivalries.

After the Hebrew nation miraculously escapes the bondage of Egypt, they develop enemies almost immediately. Included amongst those enemies are their long-lost cousins, (descendants of Lot, who was the nephew of our patriarch Abraham), the nations of Ammon, and Moab.

The enmity between the Jewish people and the Ammonites and Moabites is such, that the Torah states that they are forever forbidden to join the Jewish people (the Rabbis have explained that the prohibition was just against their menfolk).

The Meshech Chochma on Deuteronomy 23:5 wonders as to the reasons given by the Torah which states:

"Because they did not meet you with food and water on your journey after you left Egypt, and because they hired Bilaam son of Beor, from Pethor of Aram-naharaim, to curse you."

While one might understand the Moabite motivation to have the Jewish people cursed, but why is the Torah so incensed by the Ammonite and Moabite lack of hospitality? It's one thing to attack, but another thing entirely not to be hospitable.

The Meshech Chochma states that these nations should have known better. They should have realized that the people who left Egypt, the mightiest empire in history up to that time, who left a land devastated by God and whose armed forces had been completely wiped out, was not a people to be trifled with. Not only were the Hebrews who left Egypt worthy of awe and respect, but that respect should have translated into an obsequiousness that should have included peace offerings of food and water.

Had these nations truly internalized that God was with the Jewish people, as the events of the time had unequivocally demonstrated, they would have sought peace and not war. It would have led to ongoing peace as opposed to generations of conflict.

May our current neighbors figure it out.

Dedication - To the Arab countries that are seeking peace with Israel.

Shabbat Shalom

Ben-Tzion Spitz is a former Chief Rabbi of Uruguay. He is the author of three books of Biblical Fiction and over 600 articles and stories dealing with biblical themes.

www.jpost.com

Parashat Ki Tetze: A Jewish practical lifestyle

Rabbi Shmuel Rabinowitz

Why was the continuity of the story connecting the Jewish nation's past and future broken so that the speech could review a succession of halachic directions on such a wide range of subjects?

ELUL: The King is in the field

This week's Torah portion, Ki Tetze, is different from all the others in the Book of Deuteronomy.

Most of Deuteronomy describes the detailed speeches of Moses prior to his departure from the nation, speeches that primarily deal with the past and the future: the Jewish nation's past since its exodus from Egypt, and its future in the Land of Israel and after it will be exiled from it.

In contrast, Ki Tetze reminds us of parashat Mishpatim in the Book of Exodus and parashat Kedoshim in the Book of Leviticus. These portions are chock full of commandments, halachic directives, and a wide variety of practical instructions for every sphere of life – between man and his God, and between man and his fellow man. Ki Tetze is the same. It includes commandments regarding war; marriage, divorce, and prohibitions relating to proper family life; laws about the relationship between parents and children; commandments guiding behavior toward the poor, workers, lenders; and directions for judges and the Jewish justice system.

This raises an obvious question. Why was the continuity of the story connecting the Jewish nation's past and future broken so that the speech could review a succession of halachic directions on such a wide range of subjects?

It seems that the parasha of Ki Tetze acts as a central axis for the entire Book of Deuteronomy. The message we are meant to infer from this parasha is that the Jewish people's national life is inextricably bound with each and every one of the practical commandments and is dependent on the individual's willingness to abide by the Torah's regulations and guidelines that are meant to shape the entirety of Jewish life.

Halacha (Jewish law) and commandments define the Jewish nation; they are both the basis of its unique character that links one generation to another, and the guarantee of its future.

So, Ki Tetze is not really exceptional in the Book of Deuteronomy. The many commandments detailed in this parasha do not actually deviate from the book's central thesis. On the contrary. Such a detailing of the commandments is the main trait of the Jewish people. Judaism puts an emphasis on practical commandments because Judaism is not just about principles of faith, but about lifestyle guidance that helps a person advance toward his purpose.

Ki Tetze is always read during the month of Elul, a month of introspection in preparation for the HighHoly Days of the month of Tishrei – Rosh Hashanah and Yom Kippur. During the month of Elul, which is the last month of the year, we examine our spiritual status, what accomplishments we should be glad about, and what areas in our lives we need to improve.

Rabbi Shneur Zalman of Liadi, the first rabbi of Chabad Hassidism, described the essence of the month of Elul using an allegory about the relationship between a king and the citizens of the kingdom. When the king sits in the palace, only very few people can enter to see him – ministers and respected people, and even they need special permission to enter. An ordinary citizen cannot enter the palace to talk to the king. But sometimes the king leaves the palace to walk to the fields where even simple citizens can gain access to him, and the king always receives them kindly.

When the king is in the field, the citizens have a unique opportunity to connect with him and make requests.

During the month of Elul, said Rabbi Shneur Zalman, "the King is in the field." This is a unique time when man's emotional access to God is easier. Spirituality is more readily available, and with a bit of honest desire, we can make huge progress!

During this month, we read the Torah portion of Ki Tetze which reminds us of the significant emphasis put by Judaism on the Jewish-practical lifestyle. This emphasis can direct us more accurately toward the practical areas in which we want to improve – and there is no one who does not have areas that need repair. During the month of Elul, we have an opportunity to sum up the past year and prepare for the beginning of the new year with its good tidings, hopes and successes.

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Shema Yisrael Torah Network

Peninim on the Torah - Parshas Ki Seitzei

פרשת כי תצא תש"פ

כי תצא למלחמה על איבך ונתנו ד' אלקיך בידך

When you will go out to war against your enemies, and Hashem your G-d will deliver them/him into your hand. (21:10)

The *pasuk* begins with *lashon rabim*: plural, *oyvecha*, your enemies; and concludes with *lashon yachid*, singular: *u'nesano*, will deliver him. This teaches us, explains *Horav Bunim, zl, m'Peshischa*, that we actually have only one enemy, but he has different names. He cites the *Talmud (Succah 52a)*, "The *yetzer hora*, evil inclination, has seven names." This is a reference to the various images, metaphors, for describing the *yetzer hora* and its deleterious effect on people. Obviously, every individual has a different relationship with, and understanding of the *yetzer hora*. To some, he is an enemy; to others, he

is an obstacle or evil, impurity incarnate. It all depends on how each person perceives the *yetzer hora*. Sadly, to some, the *yetzer hora* may not be an enemy, but a friend. This is how deeply embedded in our lives he has become.

The *Peshischa* explains homiletically that the "enemy" against whom the Jewish soldier is waging war (homiletically) is the *yetzer hora*, always presenting himself in a different light, projecting a different image. The Jew begins to think that he has many enemies, when, in fact, he has only one. Once we have confirmed this reality it becomes much easier for us to wage war and emerge triumphant. We should not be concerned about the quantitative size of the army, but rather, its qualitative power. If we do our part, Hashem will deliver him into our hands.

One of the ways the *yetzer hora* ensnares a person is through subtle, inconsequential acts, which are isolated and do not directly impact a person. Each isolated, (supposedly) inconsequential breach adds up, however, until the individual becomes the *yetzer hora's* client and, through the process of *aveirah goreres aveirah*, sin begets, drags along, causes another sin. In this way, he becomes entrapped and enslaved to the *yetzer hora*.

Yalkut Me'am Loez relates the story of an evil king who issued a decree against a Jew to force him to commit an *aveirah*, sin. He gave him a "choice" of one of three sins to transgress: adultery; eating *treif*; drinking wine that had been touched by a gentile. The Jew figured that, since *z'nus*, immorality, was a Biblical sin which was liable for capital punishment, and *treif* was punishable by Heavenly excision, he would drink the *stam yeinam*, ritually contaminated wine, since it was only Rabbinically prohibited. ("What could be so bad, it is only a *d'Rabbanan*!") He did not realize that an *aveirah*, even a simple, "light" sin, will drag along another sin, one that is serious, stringent. He drank, became inebriated and, while in his intoxicated state, he consumed *treif* meat and committed an immoral act. The *yetzer hora* had "convinced" him that drinking the wine was inconsequential. Nothing is inconsequential, because it brings you through the front door – and slams it behind you!

The *Chasam Sofer* explains this with an analogy. There were two neighbors, one of whom owned a beautiful diamond ring. The second neighbor was an unsavory fellow who badly wanted that diamond. He said to his neighbor, "I purchased a diamond ring, but I am unsure if the purchase price was a good value or not." The owner of the ring was a trusting soul who said, "Take a look at mine, and see how yours compares." He "accepted" the offer, and after looking at the diamond for a few moments, proceeded to put it in his pocket. "Hey, what are you doing with my diamond?" the trusting soul asked. "Your diamond? It is my diamond! How dare you call me a thief?" the thief countered.

Nu, what does one do in such a case? The owner said, "Fine, we will settle this in *bais din*, Jewish court." "I cannot go to court, because I do not have appropriate clothing. The judges will take one look at me, and I will be on the defensive." "Fine," replied the diamond's owner, "I will lend you my nice jacket to wear to court." "But I have no way to get there. I cannot walk all the way to *bais din*." "Fine, I will lend you my donkey, upon which you can ride."

The thief now had the man's diamond, jacket and donkey. They arrived at *bais din* where the claimant presented his case. The judge listened and turned to the thief, "Well, what do you have to say in defense?" The thief replied, "Sir, my neighbor's a liar in the first degree. I can prove this. You already heard his claim that I took his diamond. There is no end to this man's imagination. I am certain that he is such an audacious prevaricator that he will probably say that I am wearing his jacket. Furthermore, he will claim that I rode to court on his donkey!" When the owner heard these ludicrous lies perpetrated about him, he screamed, "He took my jacket, and he is riding on my donkey!" The judge listened to the story. Who do you think he believed? The thief! His story was so ludicrous it had to be true!

The *yetzer hora* plays a similar ruse with us by parlaying the *mitzvos* that we perform throughout our life. He convinces us to commit

a sin “here” and a sin “there” until he owns us. At that point it is too late. Our *mitzvos* have been hijacked by the master thief.

A stingy man was compelled to host a guest for *Shabbos*. He went to the market and purchased two fish: one excellent fish for himself; and one spoiled fish, which was inexpensive, for his guest. Upon eating the spoiled fish, the guest became ill and was rushed to the hospital. The host said to his wife, “We really should visit our guest in the hospital.” A few days later, the guest passed away as a result of his illness. The host said to his wife, “We must attend the funeral.” They did, after which the host said to his wife, “We really should comfort the bereaved.” On their return trip home, the man said to his wife, “Look how many wonderful *mitzvos* we were able to perform because of the spoiled fish. We welcomed a man to our home; we visited him in the hospital when he became ill; we attended his funeral when he died; we comforted his family when they mourned.”

The *yetzer hora* presents an *aveirah* in the image of a *mitzvah* and convinces us to act promptly. After we fall in line, he drags along more “*mitzvos*” which are all built upon the foundation of that first *aveirah*.

This is why Hashem appreciates each and every *mitzvah* that we perform. He knows that *mitzvos* do not come easily. He is acutely aware of the “hoops” through which we must jump in order to succeed. Perhaps the following analogy will inspire and hearten those who feel overwhelmed by their *yetzer hora*. A king invited one of his close ministers to visit the palace. As the minister walked from room to room, he beheld beautiful paintings hanging from the walls, all signed by prominent artists. Finally, he came to the king’s study, his inner sanctum, a room in which he felt that he would find the most impressive of all the king’s works of art. Imagine his surprise when he saw that the painting hung most prominently was far from impressive. It was a simple graphic, whose colors were far from stunning and lacked the powerful imagery projected by the other paintings.

He was staring at this work of “art” when his host, the king, entered the study, “I see that you are staring at my favorite painting. You must be wondering, ‘Why this, what is special about this painting that it maintains such a prominent position in my palace?’

“The artist who painted this drawing was in a terrible accident, during which he lost both of his arms. He now paints with his toes. His love for art and for me, his king, is so great that he toiled and expended much back-breaking physical and emotional effort to draw this work of ‘art’. Do you see now why it means so much to me?”

Likewise, Hashem has billions of angels who carry out His directive with the greatest purity and sanctity. Why not? They do not have a *yetzer hora* with which to contend every step of the way. We human beings have so much to overcome until we “squeeze” out each *mitzvah*. This is why each one means so much to Hashem!

כי יהיה לאיש בן סורר ומורה איננו שמע בקול אביו ובקול אמו

If a man will have a wayward and rebellious son, who does not listen to the voice of his father and the voice of his mother. (21: 18)

The *ben sorer u'moreh*, wayward and rebellious son, is an anomaly within the parameters of *halachah*. The Torah punishes only when one actively sins. The Torah does not mete out punishment just because the individual is destined to sin. Yet, the *ben sorer* is executed *al shem sofo*, because of what he will ultimately do in the end, later in life, when he cannot get what he wants. He will murder to satisfy his desires. Kill him now, before he takes an innocent life. Truly an anomaly.

Ramban posits that the *ben sorer* warrants two punishments: one for degrading and rebelling against his parents; one for being a drunkard and a glutton, which transgresses the commandment of *Kedoshim tehiyu*, “You shall be holy” (*Vayikra* 19:2). One’s life must be focused on strengthening his relationship with Hashem. A man who is a drunk and a glutton is focused on satisfying his immediate physical desires. Perhaps this *ben sorer* is undeserving of public accolade, such that he will not receive honor, but death? Just because he cannot control himself?

Horav Moshe Reis, Shlita, explains that the Torah is not focusing on the punishment of death, but rather, on the *z'chus*, merit, one has to live. Life is sacrosanct. It is Hashem’s ultimate gift which He bequeaths to us for a reason, a purpose. We all have a mission to accomplish. Some have greater missions than others; thus, some are blessed with greater physical, spiritual, material wherewithal, so that they can practically and effectively complete their Heavenly-designated mission. No one has a mission to be a glutton and a drunkard. That, by its very nature, is the antithesis of life.

Zachreinu l'chaim, Melech chafeitz ba'chaim... l'maancha Elokim chaim; “Remember us for life, the King Who wants life... for Your sake, the G-d of life.” We do not simply ask for life because we want to live. We ask for life because we want to live a life of meaning, a life of value, a life for G-d’s sake! Chizkiyahu *HaMelech* asked Hashem to remember his *z'chusim*, merits. He indicated that he had performed a great service for *Klal Yisrael* by concealing from them the *Sefer HaRefuos*, Book of Cures. This volume, authored either by Adam *HaRishon* or Shlomo *HaMelech*, contained within it a cure for every single ailment. *Rashi* (*Pesachim* 56b) explains that Chizkiyahu saw that people stopped praying to Hashem when they became ill. They no longer beseeched His mercy. They had the “fix-all,” the Book of Cures, that circumvented the need to pray. Thus, the book did more harm than good, because illness is Divinely ordained in order to compel people to turn to the Almighty in prayer. This strengthens and enhances their relationship with the Divine.

Horav Mordechai Gifter, zl, wonders why the *halachah* of *pikuach nefesh*, saving a life, which overrides the entire Torah, was not relevant. If the *Sefer HaRefuos* could save lives, how could Chizkiyah dare hide it, thus endangering countless Jewish lives? The *Rosh Yeshivah* explains that Chizkiyahu’s intrepid action, ratified both by Hashem and the Sages, teaches us that a life devoid of sincere, heartfelt prayer, a life that is empty, unblessed with a relationship with Hashem, is not worth living. Life is meaningful and sacred when it is a medium to cling to the Source of life: Hashem. When man places his trust in himself, in books of wondrous cures or in the practitioners who expound them, his life has lost direction and purpose. Our merit for life is, *l'Maancha*, for Your sake. Nothing else matters. One who is prepared to live *l'Maancha* has a right to petition *zachreinu l'chaim*.

Chazal teach that a case of *ben sorer u'moreh* has never existed, because of all the many criteria necessary to qualify this boy for premature execution. The *Bais Yisrael* adds a caveat of his own. A person can be judged only based upon his own personal wrongs. If the blame is singularly upon him – then he is deserving of punishment. The *ben sorer u'moreh* is certainly not blameless, but can we contend that the full weight of his sins are upon him? Can we say that he had no mitigating circumstances in his life that caused him to turn out this way? What about his father, the one who married the *yafes toar*, beautiful captive? He was the one for whom the Torah made a *yetzer hora* dispensation, because, otherwise, he might have allowed for his physical passions to get the better of him. We must remember that the apple does not fall far from the tree. I might also add that once the apple “falls” from the tree, it probably becomes a little smashed and soiled. It is no longer the same apple. When one takes all this into consideration, it is not surprising that the *ben sorer* did not happen. Too many factors had to contribute to enable that outcome to occur.

The Torah writes that the *ben sorer einenu shomea*, does not listen to the voice of his father or the voice of his mother. *Chazal* (*Sanhedrin* 71a) derive from there that if either parent is deaf, the boy does not become a *ben sorer*. The *Imrei Emes* wonders how *Chazal* derive from the boy’s inability to listen that, if either parent is deaf, the boy does not become a *ben sorer*. (If the parents claim that he does not hear them, it means that they hear each other, or they are aware that he does not listen to them. This indicates that neither is deaf.) How does a parent’s inability to hear ameliorate his/her son’s rebellion (not listening to them)? The *Imrei Emes* explains that if one of the parents does not hear, it is no wonder that the son does not hear. We learn by example, even if the example that one projects is not his/her fault. At the end of

the day, the boy sees that not hearing can become not listening and regress to ignoring and, ultimately, eschewing what the parent asks of him.

Nothing is lost on a child as he/she grows up and matures. While we would hope that the child focuses on the positive lessons to be derived from his/her parents' character representation, we would be remiss to ignore the obvious: he/she sees and learns from the negative as well. The onus of guilt cannot be placed solely on the shoulders of the rebellious son.

כי יהיה לאיש בן סורר ומורה

If a man will have a wayward and rebellious son. (21:18)

It takes incredible strength of character and extraordinary devotion to Hashem for a parent to make a choice: in favor of Torah values and love for the Almighty, over human emotions of love. *Rabbeinu Bachya* says that parents' love of G-d must supersede the love they have for their children. Thus, if the Torah commands parents who have sadly raised a wayward and rebellious son to transfer that son over to the court for what might be his untimely execution, they must be prepared to do so. *Baruch Hashem*, never has there been a case of *ben sorer u'moreh*; first, due to the criteria necessary and, secondly, probably due to the difficulty in seeing it through. I choose my words carefully, because this is a subject no one wants to touch. Are there any parents so perfect in their devotion that they say that they are blameless in their son's spiritual demise? The boy is not punished unless absolutely no mitigating reasons justify his errant behavior. In other words: Is there a perfect parent out there who can say, "I did nothing to contribute to this tragedy." (I did not think so.)

We have another reason. *Chazal* (*Sanhedrin* 88b) teach: "A *ben sorer u'moreh* whose parents are inclined to forgive him of his rebelliousness, their absolution is accepted." The boy goes home to his mom and dad. This *halachah* begs elucidation. The *ben sorer's* punishment actually precedes whatever terrible sin he might commit. At that point, he is just a glutton and a drunkard. He has not committed a sin that warrants capital punishment. but, he will. Thus, he is executed before he commits the murder that in all likelihood will occur. What is achieved by the parents' *mechilah*, forgiveness?

Horav Chaim Zaitchik, zl, explains that parents know their child. If parents forgive, it is because they have gazed deeply into the psyche of their son and decided that beneath the dross of evil character, hope exists. He is still their little boy. His actions do not reflect his true essence. They might reflect a troubled, angry boy, but still a boy for whom they can have hope. Regardless of the bleakness of a situation, parents always find a way to help their child overcome the obstacles and reach his/her potential. Nothing is stronger and more determined than the love of a parent for their child. It never ceases. Therefore, parents can sense if a modicum of decency exists within their son and focus on bringing it to the fore, so that their son's behavior and attitude will change.

The level of evil of Menashe, *Melech Yisrael*, bordered on degeneracy. No other Jewish king descended to his level of perversion. Fifty-five years of non-stop evil had brought him to such a nadir of spiritual erosion that no one could – or wanted to – help him – except for his Father in Heaven. He screamed and cried bitterly until Hashem "dug out" beneath his Heavenly Throne a pathway for Menashe to repent. For three years, he repented. What is the meaning of, *Chatar lo chatirah*, "He dug out for him a tunnel beneath the *Kisei HaKavod*, Throne of Glory?" *Rav Zaitchik* explains that Hashem "dug in," penetrated into Menashe's soul, until He found a single strand, a narrow pathway to a spark of emotion, of sensitivity, that could initiate the *teshuvah* which would ultimately cause him to be spared the fate that he deserved. Hashem did not give up on Menashe. Why should parents give up on their errant son?

כי תקצור קצירך ... ושכחת עומר ... לא תשוב לקחתו לגר ליתום ולא למנה יהיה למען יברכך ד' אלקיך

When you reap your harvest ... and you forget a bundle ... you shall not turn back to take it, for it shall be for the convert, the orphan and the widow, so that Hashem, your G-d, will bless you. (24:19)

If one reads the *pasuk*, I think it communicates an important message. When we give *tzedakah*, charity, to one who is in need, we think it is all about him/her. He or she needs our help. What about the benefactor? Does he receive any personal benefit outside of the spiritual reward and the personal satisfaction that he derives from his actions? The Torah teaches that one should not think his charitable actions benefit only the beneficiary. He, too, will benefit, as evinced by the following story. Anyone who has ever searched for a job knows that the process can be tedious and demoralizing. No matter how good one thinks he/she may be, the person who is hiring is always looking for "someone else." Two young women, one who was married and supporting her husband in *kollel* and the other one who had not yet found her *bashert*, Heavenly-designated spouse, were good friends, both qualified secretaries, and both looking for a job. A position in an up and coming company became available. The company was prepared to pay top dollar to the right candidate. Sarah, who was married, was hopeful. So, too, was Rivkah, her good friend. The both had secured interviews for the next day, Rivkah at 10:00 a.m. and Sarah at 3:00 p.m.

Rivkah made an extraordinary impression upon the husband and wife, proprietors of the business, to the point that the wife told Rivkah that, as far as she was concerned, she could begin working for them the following day. They had, however, promised interviews to a number of applicants, so they would have to wait until the end of the day before they could give her a contract. Rivkah was torn. On the one hand, she wanted the job; on the other hand, her good friend needed the money to support her *kollel* family. Rivkah was not "there" yet. She made a decision which clearly demonstrated the kind of young woman she was. She returned to the proprietors of the business and explained that she had a friend who was coming for an interview that afternoon. She would much rather see her friend get the job, because she needed the money. She assured them that Sarah would do a good job for them as well.

Sarah was hired and, after a while, her work pleased the owners of the business. Meanwhile, the proprietors of the business could not get over Rivkah's outstanding character traits. Indeed, they wondered if she would not be an appropriate match for their son, who was an excellent *ben Torah*. The woman called Rivkah and invited her to come over with her mother to visit. When they came, Rivkah went out to spend time with Sarah, while her mother and the woman spoke. The woman was quite candid with Rivkah's mother, relating to her how impressed she was with her daughter. She inquired of her daughter's friends and every one of them seemed to have a high opinion of her. Would Rivkah and her mother be interested in her son? Rivkah's mother replied that they would look into it. After some inquiries, it became apparent that the proprietors' son was truly a special young man, both in learning and *middos*, character. They met, they liked one another, it was a match made in Heaven!

Prior to the wedding, Rivkah's future mother-in-law spoke with Rivkah and said, "You came here looking for a job, which you relinquished to your good friend. As a result, you eventually became part of our family. I am happy to tell you that, *Baruch Hashem*, we are quite well-to-do. We would like our son to sit and learn as long as he wants. To this end, we are making you and our son full partners in this business. You came to apply for a job, and, instead, became a part owner!"

We think that by extending ourselves to others, we are helping them. This is true, but we are also helping ourselves.

Va'ani Tefillah

הטוב כי לא כלו רחמיך – Hatov, ki lo chalu Rachamecha. The Good One, Because Your mercies never come to an end.

Hatov. The Good One. "Good" has become a relative term, which is unfortunately defined by its contrast with its opposite – bad. In other words, when something or someone is not bad, by default, it is good. It was not meant to be this way. In this *tefillah*, we define good when we assert that Hashem is the Good One. This designation describes good as an absolute – pure good in its own right, without relying on contrast. Furthermore, we say that Hashem is good, because His mercies never come to an end. This means, explains *Horav Shimon*

Schwab, zl, that even when a person makes the wrong choice, follows the wrong path – one of sin, not one of blessing and adherence to His command – Hashem still continues to have mercy on him. By right, one who reneges Hashem's command should forfeit his life. Hashem not only does not take his life, He even helps him along with his current choice. Hashem's mercy is boundless, and He will not only grant him continued life, but He will also sustain him and keep him healthy. Hashem's *rachamim*, mercy, is not limited to those who listen to Him. His good is absolute and, thus, not defined by our choices – good or bad.

לזכר נשמת

Reb Eliyahu Goldberg

ר' אליהו מנתניהו בן יעקב יהושע ז"ל

A dear friend whose contribution to Peninim's success will always be remembered.

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prepared and edited by Rabbi L. Scheinbaum

Semicha and Sanhedrin Controversies of the 16th and 21st Centuries - Part 2

Rabbi Yirmiyohu Kaganoff

Last week, we learned what are the roles and responsibilities of the Sanhedrin, what exactly is semicha, and why is it such a central factor in the creation of the Sanhedrin. We also studied why there was an attempt in 16th century Tzfas to recreate the semicha, the method used, and the controversy it engendered. We are in the middle of discussing that dispute, which was between the rav of Yerushalayim at the time, the Maharalbach, who was opposed to the approach used to reintroduce the semicha, and the Mahari Beirav, who had introduced the idea. The Mahari Beirav wanted to reestablish semicha so that the anusim could achieve atonement by being punished with malkus.

The last point we discussed was that the Maharalbach noted that Beis Din could not punish someone unless two adult male Jews witnessed the entire procedure and testified in front of Beis Din.

RESPONSE FROM TZEFAFAS

The Mahari Beirav responded to the Maharalbach's arguments. As far as the punishment of malkus is concerned, the Mahari Beirav held that if someone voluntarily asks an authorized Beis Din to give him malkus for his sin, the punishment is carried out, even though there were no warnings and no witnesses. Thus, the creation of a Beis Din of musmachim facilitates the atonement of these people.

As far as semicha is concerned, the Mahari Beirav did not accept the Maharalbach's criticism that his semicha program was invalid. The Mahari Beirav explained that the Rambam's ruling – that it is possible to appoint dayanim and grant semicha if all the chachamim in Eretz Yisroel agree to do so – is definitive, not theoretical or suggestive, and he questions whether the Ramban disputes this opinion. Even if the Ramban does question it, the Mahari Beirav contends that the halacha follows the Rambam. Furthermore, he contends that a simple majority of gedolim living in Eretz Yisroel is sufficient to create semicha, since the halacha in all other cases of jurisprudence is that we follow the majority. Thus, since all the gedolim of Tzefas, who were a majority of the gedolim in Eretz Yisroel at the time, had appointed him as dayan, the semicha could be renewed on this basis. In addition, the Mahari Beirav contends that correspondence with the other gedolei Yisroel is a sufficient method to determine whether a majority favor renewing semicha, and that it is not necessary for all the gedolim to attend a meeting together for this purpose.

A lengthy correspondence ensued between the Maharalbach and the rabbonim of Tzefas, which is referred to as the Kuntros Hasemicha and is appended to the end of the Shu't Maharalbach.

Incidentally, the dispute between the Maharalbach and the Mahari Beirav, whether the gedolim can reinstitute semicha, dates back to the Rishonim. The Meiri (to Sanhedrin 14a) rules that semicha can be reintroduced by having all the gedolei Yisroel of Eretz Yisroel gather together and appoint someone to be a dayan. However, the Meiri rules that the gedolim must meet together in one group for this ruling, which precludes the Mahari Beirav's method. The Rashba (Bava Kamma 36b) also cites the Rambam's opinion, although he rules the opposite, that renewal of semicha must await the arrival of Moshiach, following the opinion of the Ramban, as explained by the Maharalbach. In addition, the Ritva and the Nemukei Yosef (both at the end of Yevamos) state that semicha must await the arrival of Moshiach.

Evidence to support the Mahari Beirav's opinion, if not his method, can be drawn from the Gemara (Eruvin 43b) that states that Eliyahu will declare his arrival as the harbinger of Moshiach by coming to the Beis Din Hagadol. This Gemara implies that the Beis Din Hagadol will precede the arrival of Eliyahu, and not the other way around (see Maharatz Chayes ad loc.). However, the Ritva and the

Nemukei Yosef appear to hold that there will be no Sanhedrin until Moshiach comes.

THE RADBAZ GETS INVOLVED

Both sides appealed to the Radbaz, the acknowledged gadol hador, who lived in Egypt at the time, for a ruling. (The Radbaz later moved to Eretz Yisroel, but at the time of this dispute he was outside of Eretz Yisroel and, therefore, had not been involved in the initial debate and discussion.)

The Radbaz ruled, like the Maharalbach, that the semicha was invalid, believing that the Rambam, himself, was uncertain whether his suggested method to reintroduce the semicha is a definitive ruling, and, furthermore, universal acceptance of such semicha would be necessary, even according to the Rambam's approach. In addition, the Radbaz felt that the person receiving semicha must be a talmid chacham with enough proficiency in halacha to rule on any subject in Torah. He did not believe that his generation had any talmidei chachamim in this league, which means that, even if the Rambam had concluded that this system could be used to reintroduce the semicha, the ruling is no longerin effect.

HOW, THEN, WILL THE SANHEDRIN BE REESTABLISHED?

The Radbaz does discuss an issue – if we cannot create a new semicha, how, then, will we have semicha in the future? As mentioned above, semicha is necessary to create a Sanhedrin, and the Sanhedrin is necessary to appoint the Jewish king and judges, and for many other community activities. Radbaz presents three methods whereby semicha can be reestablished:

1. Eliyahu HaNavi, who is a musmach (see Rambam, introduction to Mishneh Torah), will issue semicha to others, when he arrives as the harbinger of Moshiach's arrival.
2. Descendants of Shevet Reuven, who have semicha, may reappear. Simply because we are unaware of anyone with semicha does not mean that members of other shevatim who have been separated from us since prior to the churban do not have semicha. (This approach creates a question. If semicha can only be given in Eretz Yisroel, how could members of these shevatim receive semicha, when we know that they were exiled from Eretz Yisroel? See below for an answer to this question.)
3. Moshiach, himself, will grant semicha and thus create a Beis Din Hagadol.

Radbaz does not explain where Moshiach gets his authorization to grant semicha.

RESULTS OF THE TZEFAFAS SEMICHA

The Mahari Beirav passed away three years after the semicha project began. Although Rav Yosef Karo had received this semicha and actually ordained Rav Moshe Alshich (author of the Alshich commentary to Tanach), by all indications, he never utilized the semicha in any other way. Nowhere in Shulchan Aruch does he refer to a renewal of semicha. Furthermore, several places in Shulchan Aruch assume that no Beis Din is authorized to rule on the laws of penalties and punishments. These passages would be written differently if its author assumed that a Beis Din of semuchim existed today.

This is even more intriguing in light of the fact that in his commentary, Beis Yosef (Choshen Mishpat 295), he records as definitive halacha the Rambam's opinion that semicha can be renewed.

Although Rav Moshe Alshich ordained Rav Chayim Vital (Birkei Yosef, Choshen Mishpat 1:7), who was renowned as the primary disciple of the Ari, z"l, the semicha trail appears to end at this point. There is no indication of anyone continuing the semicha project after this time. Thus, we can assume that the ruling of the Maharalbach and the Radbaz, that we should not introduce semicha on our own, was accepted.

SEARCHING FOR SEMICHA IN THE 1830'S

In the 1830's, Rav Yisroel of Shklov, a leading disciple of the Vilna Gaon who had settled in Yerushalayim, made another attempt to restart semicha. Rav Yisroel was interested in organizing a Sanhedrin, but he accepted the ruling of the Maharalbach and the Radbaz that we cannot create semicha by ourselves. Instead, he decided to utilize the suggestion of the Radbaz of receiving semicha from the tribes of Reuven and Gad. Rav Yisroel charted out where he thought the Bnei Reuven were probably located, and sent a certain Rav Baruch, as his emissary to find them (see Sefer Halikutim to Shabsei Frankel edition of Rambam, Hilchos Sanhedrin 4:11). Unfortunately, Rav Baruch did not succeed in locating the shevet of Reuven, and the plan came to naught.

It should be noted that Rav Yisroel raised the question how the Bnei Reuven could have kept semicha alive, since they were outside Eretz Yisroel and semicha can be granted only in Eretz Yisroel. He answered that since the Bnei Reuven had been distant from the rest of Klal Yisroel before this psak (that semicha can only be in Eretz Yisroel) had been accepted, there is no reason to assume that they accepted this psak, and they were probably still issuing semicha!!

Rav Yisroel's vain search to locate a musmach was an attempt to reintroduce the Sanhedrin, a far more ambitious plan than the Mahari Beirav had considered. Apparently, Rav Yisroel also understood from the Gemara (Eruvin 43b) that the Sanhedrin will again exist before Eliyahu appears.

NAPOLEON'S SANHEDRIN

In 5567 (1807), Napoleon Bonaparte, Emperor of France, decreed the opening of what he called "The Sanhedrin," consisting of 71 Jewish leaders, mostly Rabbonim, but including communal leaders, many of whom were not religious. This group had nothing to do with being a Sanhedrin, other than that Napoleon had given it this name. Napoleon presented this group with a list of 12 inquiries to answer, which questioned whether the Jews were loyal to the French Empire and its laws, and about the interactions between Jews and non-Jewish Frenchmen. Of course, the "Sanhedrin" had to be very careful how they answered Napoleon's questions, to make sure that they were not guilty of treason. This Sanhedrin met many times in the course of about a year and then disbanded. It was never called into session again.

THE TWENTY-FIRST CENTURY

Approximately twenty years ago, a group calling their organization the "Sanhedrin," based themselves on the Mahari Beirav's opinion that we can recreate semicha today, provided it is accepted by most of the gedolei Yisroel. On this basis, they claimed to have created semicha for one of the well-known poskim in Eretz Yisroel, who subsequently ordained a few others, who have ordained yet others, until they now claim several hundred "musmachim."

At the time, I spoke to one of the "dayanim" of the "Sanhedrin" about the procedure used to appoint their musmachim. He told me that the organization mailed letters to every shul and settlement in Israel, requesting appointment of a certain, well-respected Rav as musmach. They then counted the votes of those who had responded and approved the appointment. Since those who replied

approved of the appointment, they ruled this Rav to be a musmach whose semicha qualifies to serve on the Sanhedrin! To quote this "dayan," those who chose not to respond do not count. We have a majority of those who responded!?! Obviously, according to no opinion does this system carry any halachic validity.

When I spoke to the "dayan," he asked me if I was interested in becoming one of their musmachim. He told me that he would send me the information necessary for an appointment by their committee that approves musmachim.

Consequently, I received a letter inviting me to the next meeting of their "Sanhedrin," and a note that one of their members had vouched for me and, upon that basis, they were preparing a semicha that they would present to me personally at the next meeting of the "Sanhedrin"!! Above, I noted that the Radbaz ruled that the person receiving semicha must be a talmid chacham with the scholarship to rule on any subject in Torah. Since I do not qualify for semicha on that basis, I am curious what criteria they are applying to determine a minimum standard for semicha. Unfortunately, I think I know the answer.

Since I have not heard from this group in recent years, I presume that they are no longer active.

We should all daven with more kavanah when reciting the bracha Hoshiva shofeteinu kivarishonah, "Return to us judges like the ones we had originally," as a result of Teka bishofar gadol licheiruseinu, "Blow the Great Shofar that will free us."

לע"נ

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