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## Weekly Internet Parsha Sheet Ki Savo 5764

**Jerusalem Post Sept 03 2004**

### **Self Improvement Leads To National Improvement by Rabbi Berel Wein**

One of the salient points of Judaism is that it treats and deals with individual Jews and their behavior while at the same time it sponsors a program for the national entity of Israel as well. In Judaism, the individual is responsible not only for personal behavior but for society as a whole. The Talmud long ago reminded that we are all guarantors one for another. Personal piety, if not extended into the social improvement of the society as a whole will be found wanting on the scale of eternal judgment. Personal piety is easier to achieve than is its exportation into societal behavior. In Yiddish there is a phrase that describes this shortcoming graphically: ah tzadik in peltz – a self-righteous person wrapped in his own fur coat to protect himself from the cold. Judaism searched for those who would light a fire to warm all by its heat and not for fur coat wearers, no matter how personally pious they may be in their private lives.

Yet, on the other hand, people committed to improving the public life of society must themselves be grounded in personal morality and goodness. Immoral people, no matter how talented they may be and how high in office and power they might rise, leave a sour legacy within the society they mean to serve. The rabbis in composing the blessings after the haftorah reading were careful to thank God for having provided Israel with prophets who were good people. This in contrast to other prophets outside of the Jewish world who, though possessed of great plans and gifted prose, were unscrupulous and immoral in their personal lives. Such prophets bring only sadness and disappointment to their societies. The rabbis used the example of Bilaam to illustrate this point.

Throughout Jewish history, lasting Jewish leadership was always measured by the yardstick of personal probity and decent behavior by the leader. The Talmud compliments Hillel not only for his intellectual prowess and devotion to Torah study but for his sterling character and his behavior in the general world of society. His ability to restrain anger, to encourage compromise and moderation, his welcoming of strangers and his soothing influence in a tumultuous period of Jewish history (30 BCE – 10 CE) are the hallmarks of his leadership success. His constant efforts towards his own character self-improvement proved to be the catalyst for his immense stature and influence in society generally. He was able to transform Hillel, the private individual, into a society of many Hillels that proved to be the key to Jewish societal survival at that time.

Jewish history always stressed the need for a balance between the struggle for private piety and the necessity to work to improve the general society at one and the same time. Oftentimes the demands of improving society contradict the efforts to achieve greater personal spiritual accomplishment. And the same is true the other way around as well, as the Torah does not draw a hard and fast line regarding this balance. It is clear though, that the Torah demands that both the public and private goals of improvement must be attempted. Our father Abraham supplies the role model for this venture. According to Rabbi Menachem HaMeiri (14<sup>th</sup> century Provence) Abraham influenced half of the world towards the concept of monotheism. And he accomplished this by being Abraham and struggling always for his own continued spiritual growth and character improvement. His efforts at achieving this personal greatness which he shared with his world's society, earned for him the approbation of God: "Behold, I have made you into the father of a multitude of nations!"

The month of Elul in which we now find ourselves has traditionally been the time for self-introspection and renewed commitment in Jewish life. Our society faces many difficult social and moral problems. But if charity begins at home so does societal improvement. Being better people, inculcating

Jewish values and outlook into our personal lives, will accomplish more for curing our society's ills than the best intentioned piece of legislation passed in the Knesset can do. Being kinder and gentler at home will eventually make us kinder and gentler on our roads, in our markets and malls and in our public discourse. This is a goal well worth pursuing for in its achievement lies the ability to have the fairer, more equitable, Jewish democratic society that we so crave. Berel Wein

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### **Weekly Parsha KI TAVO by Rabbi Berel Wein Sept 03 2004**

The messages of this week's parsha are certainly mixed ones, to put it mildly. The parsha begins on an optimistic, almost cheerful note. The Jewish farmer, secure in his homeland in the Land of Israel and blessed with a bountiful harvest as a reward for his labors and toil, brings a thanksgiving offering of his first fruits to the priest in the Temple. There he records his memory of the Jewish story till his day. As he stands in the Temple with his offering in hand, he remembers the Patriarchs and the enslavement of Israel in Egypt, and God's ensuing redemption and beneficence to Israel over the centuries until that very moment. This is truly an idyllic scene, the realization of the personal and national aspirations of Jews from the time of Abraham onwards. It represents the fulfillment of all of the dreams and hopes that the prophets of Israel in later centuries predicted would yet occur. It truly is paradise on this earth.

How startling therefore is it that the long and bitter tochacha - the predictions of disaster and tragedy that would befall Israel – is found in the same parsha that begins with such blessing and serenity. We are all witness to the fact that there is no hyperbole or exaggeration in the doleful words of the tochacha. We possess the film footage and pictures to prove its authenticity. The Torah makes it clear that the tochacha is not so much a punishment of Israel as it is an almost natural result of the Jewish people forsaking its tradition and renegeing on its obligations undertaken in the covenant forged between God and Israel at Sinai. The tochacha occurs because God's protective hand, so to speak, is removed from us and what results is the natural flow of history, hatred and violence proceeds unchecked. I have no understanding and/or explanation for the tochacha and its ferocity, or for the Holocaust that consumed six million Jews in the past century, but I am nevertheless struck by the uncanny prediction of its details in this week's parsha, written over three millennia before the event itself occurred. God's will is inscrutable to we mortals, but it is obvious to all that that will exists and works throughout human history and events. Moshe himself will confirm this analysis for us in next week's parsha when he states that: "The hidden and not understandable belongs to God but the revealed message is clear to us and our children - to live up to the covenant of Sinai and do our duty and fulfill our obligations." So has it been throughout time and so it remains.

Jews always live in a paradoxical world. - suspended between the material blessings of the farmer's offering at the Temple and the realization of the possibility of the tochacha becoming a reality once again. It is the presence of these two possibilities that drive Jewish life and account for the angst and tension that surround us. Yet, there remains the core of unflinching optimism and utopianism of the Jews. May the coming year show that the tochacha has spent itself and that we are well on the way to again bring our loving offering of the fruits of our labor to the Temple in Jerusalem. Shabat shalom. Rabbi Berel Wein

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### **Ohr Torah Stone - Rabbi Riskin's Shabbat Shalom Shabbat Ki Tavo 18 Elul 5764, 4 September 2004**

Efrat, Israel - "And the Egyptians did evil unto us..." (Deuteronomy 26:6). This week's Torah portion opens with the commandment that once we enter

the land of Israel, we must bring our first fruits to the altar of the Holy Temple in Jerusalem; we must accompany this gift of commitment to G-d with a song-speech which reminds us of our humble slave origins and expresses our gratitude to the Almighty, who heard our tearful calls of oppression and brought us to our ancestral homeland of freedom. These poetic words of the individual pilgrim-patron of the Temple are further immortalized by the author of the Passover haggadah, where each phrase is explicated around the seder table as the basis of the “retelling of the story of our sojourn in and exodus from Egypt.” But there is one phrase which remains difficult in context: “the Egyptians did evil unto us and afflicted us...” Obviously, if they afflicted us, they did evil unto us! What is the specific meaning of “they did evil unto us” (Vayareyu)? I believe that a novel translation of this Hebrew word will greatly illuminate the existential meaning not only of Jewish persecution but also of the Israeli experience in our own generation. Firstly, the Hebrew noun ra, or rea, can mean evil, but it can also mean friend. In the beginning, the Egyptians acted friendly towards us, they extended the hand of acceptance - in effect, an acceptance which led to our assimilation, a Laban-like kiss of death. “And the children of Israel grew fruitful, and swarmed, and multiplied and became very very mighty; the land became filled with them” (Exodus 1:7). The description superficially seems to be one of growth, of positive development. But the verb’s supply a very different image: to “swarm” implies to creep all over like detestable, impure reptiles, and to “fill the land” hints at excessive visibility, a palpable Jewish presence in every corner including the discos and the gambling parlors, the bars and the red light district. The Israelites were becoming more Egyptian than the Egyptians - and such activities are the death-knell for Judaism which demands a life-style of discipline and sanctity.

G-d entered into a covenant with Abraham which guaranteed that the Jews would never disappear from the world’s stage. Hence, the historical rule of Judaism - overseen by G-d - must be either you will live as a special people, set apart by your values, laws and customs, or if heaven forbid - you forget your uniqueness and run the rule of assimilation and extinction, I (G-d) will send a tyrant who will force you to be a people ghettoized, reviled and set apart. Thus the very next verse, after the picture of Jews devoid of self-established boundaries: “And there rose up a new King over Egypt, who knew not Joseph” and who persecuted and demonized the Israelites, causing them to become an anathema, an object of scorn and disgust, to the Egyptian majority (Exodus 1:8 ff). Vayere’u, the Egyptians first befriended us, causing us to assimilate, until G-d sent a tyrant to afflict us, -vaya’anunu - thereby forcing us to remain a people apart.

An alternative and no less novel form of translating vayareyu is, “they caused us to be evil.” How so? Everyone knows the very famous adage of Lord Acton, “Power corrupts; absolute power corrupts absolutely.” I would add, And powerlessness corrupts worst of all! More than a decade ago, when visiting Australia on a lecture tour, I saw a play called “The Edge of Night.” The major plot dealt with a very accomplished daughter of a successful holocaust survivor who is married to an ineffectual Jewish “nerd” and meets a suave and sophisticated Christian wasp who “sweeps her off her feet.” The sub-plot zeroed in on the real character of the holocaust survivor, a businessman with unusual acumen whose noblesse oblige made him a generous philanthropist and a respected leader of the Jewish community of Melbourne. The son-in-law nerd, who assists his wife in his father-in-laws’ company, receives an anonymous letter with an actual picture from the concentration camp proving his father-in-law to have been a Kapo - a Nazi collaborator who won favors by punishing his co-religionists.

The son-in-law, in the midst of a heated discussion with his father-in-law during a family seder, suddenly hands the survivor the letter and picture in the midst of the family gathering. The patriarch crumbles before our eyes. Before leaving the seder table, he brokenly says, “Do you think there were heroes in the Concentration Camp? There were no heroes. There were only two kinds of Jews: those who survived and those who didn’t survive.” And apparently when you’re the underdog fighting for survival, you will attempt to survive by using any possible means! Powerlessness corrupts worst of all.

Despite the basic truth of this insight, there are many personal and confirmed testimonies which demonstrate acts of Jewish humanity and even heroism during the most difficult of times. Witness the writings of Elie Wiesel, and the Diary of Anne Frank, as well as the Fear No Evil by Natan Sharansky. But by and large, suffering is not to be idealized; it generally brings out the worst, and not the best, in human nature. “Vayareyu”, the Egyptians caused us to act evilly when they afflicted us. To a great extent, the Jewish experience in these last seven decades has seen the Jewish people rise from a non-position of powerlessness to an international position of power, at least from the military perspective. And I believe we have passed with distinction both tests, the test of powerlessness and the test of power. Yes, there have been individual violations of our own ethical code, but these have been condemned and prosecuted by the Israeli establishment. Much more to the point: we never asked to be occupiers; we only asked to be able to compromise and live in peace with our neighbors. We certainly cannot be blamed for choosing to be occupiers rather than occupies, to be the victors rather than the vanquished, especially since we know how our enemy treated areas they controlled and people they conquered! And even in a war in self-defense as we are now waging, the IDF chooses to suffer Israeli casualties in house-to-house searches for would be assassins and weapon stockpiles rather than engage in aerial bombing in order to limit collateral damage. Tragically the world was silent when we were the victims and the world condemns us when we attempt to defend ourselves as ethically as possible - even when we build a fence to prevent attacks by suicide bombers. But we must remain true to our Jewish souls: we dare not become powerless victims once again, but we must continue to exercise power with the moral restraints that our Torah demands. Shabbat Shalom.

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**“RavFrand” List - Rabbi Frand on Parshas Ki Savo  
A Person Must Find Pleasure In Mitzvos**

In the middle of the terrible string of curses in this week’s parsha, the pasuk [verse] says, “Because you did not serve Hashem, your G-d, with gladness and with goodness of heart, out of an abundance of everything.” [Devorim 28:47] The Torah is teaching that in some way, the Tochacha (punitive chastisement) resulted from a failure to joyfully perform the mitzvos.

The difficulty with this statement is obvious. The Tochacha is a horrific litany of calamities. When Rashi and the classic commentaries wrote their insights into the pasukim [verses] describing the terrible punishments set out in this parsha, it was as a prediction of what could happen in the future. Unfortunately, we know that everything spelled out in these pasukim actually transpired. The pasukim are not exaggerations. They happened as literally as they were written.

The obvious question is—did these punishments really occur merely because we did not have appropriate joy and enthusiasm for keeping G-d’s mitzvos? Could it be true that despite the fact that we actually kept all the mitzvos, we were punished for our attitude alone?

Rav Simche Zissel Ziv, “the Alter of Kelm,” (1824-1898) suggests that the Tochacha did not occur because people did not have the proper joy in fulfilling mitzvos. It came about because they stopped fulfilling mitzvos - period! So why does the pasuk attribute the Tochacha to a failure to fulfill mitzvos joyously? The Alter of Kelm explains this based on human nature.

People do not do things that they do not enjoy. People need an incentive to do things. Sometimes the incentive is financial. Sometimes the incentive is based on physical pleasure. Sometimes the incentive is emotional. There must be some benefit from an activity or we will not continue to do it.

A person who views the life of Torah and mitzvos as a tremendous goal and tremendous benefit, rather than as a burden, will obviously continue learning Torah and performing mitzvos. Of course, there are times in every person’s life when his interest in something may wax or wane. But as long as the general feeling towards Torah and mitzvos is that “this is what it is all about,” they will give him pleasure and ultimately give him a purpose in life. When that is the case, he will continue to do them. When that is not the case, Torah and mitzvos may become rote and mundane. They then become a burden. When that happens the person may eventually stop doing them entirely. The result of ceasing to do mitzvos is the Tochacha.

I always try to make the point to my students in Yeshiva that it is crucial for a person to find his own niche in learning. As some point in life, a student must develop a pleasure (geshmak!) in his learning. When he leaves the Yeshiva - at whatever age - and is looking forward to the next 40, 50, or 60 years of life without a yeshiva supervisor (mashgiach) telling him "You need to show up to the Beis Medrash for learning," only one thing will keep him learning. He must enjoy it! He needs to feel a sense of pleasure and accomplishment. If not, he will just stop learning. When a person stops learning, the spiritual ramifications are not pretty.

Every person should strive to find pleasure in some aspect of learning. It can be more expansive study (bekius) or more analytic study (b'iyun). It can be Tanach (Bible) or Talmud; Halacha (law) or Hashkafa (philosophy). Everyone must find pleasure somewhere in the vast universe of Torah study. He must find a place in Torah where he can study "b'simcha" [with joy] and thereby guarantee the continuity of his Torah study commitment.

If there is one thing we as parents must try to give over to our children, it is the esthetic beauty and pleasure of mitzvos. If we can transmit the pleasure of being an honest religious Jew, of properly observing Shabbos, of a Succah experience, of a family Seder, of doing any mitzvah, to the next generation, then we can feel confident that they will cherish those experiences for the rest of their lives. The pasuk "Because you did not serve Hashem, your G-d, with gladness and with goodness of heart..." alludes to the alternative.

#### **Candid Remarks Reveal True Sentiments**

At the end of the Parsha, Moshe summoned the Jewish people. He told them that they had witnessed all the miracles that Hashem had performed for them in Egypt and in the years since they left Egypt. Then, Moshe added the following, "Hashem did not give you a heart to know or eyes to see or ears to hear, until this day." [Devorim 29:3]

There is a very unique Rashi on the expression "until this day": "I have heard that the day on which Moshe gave the Torah scroll to the sons of Levi (as it is written 'Moshe wrote this Torah, and he gave it to the Kohanim, the sons of Levi') all Israel came before Moshe and said to him 'Moshe, our master! We, too, stood at Sinai and we accepted the Torah and it was given to us. Why do you put the sons of your tribe in charge of it, so that one day they may say to us, 'It was not given to you. It was given to us?' Moshe rejoiced over the matter. Regarding this he said to them, 'This day you have become a people to Hashem your G-d.' That is, this day I have understood that you cleave to and desire the Omnipresent."

If we analyze this, it seems rather strange. The claim by the children of Israel that "It's not fair!" seems kind of childish. Why would this incident, of all incidents, prove to Moshe Rabbeinu that they were in fact dedicated in their service and loyalty to the Almighty?

Rav Baruch Mordechai Ezrachi makes an interesting observation on this Rashi. Sometimes you can see what a person is all about by his petty arguments, by what bothers him. Even though the argument may be unjustified or even ridiculous, it is still a barometer of what really agitates him. It is very revealing if what bothered the Jewish people was "Why should the Tribe of Levi get the only copy of the Torah - they are no bigger owners of it than we are!" Granted, the argument may seem tainted with jealousy or somewhat beneath their dignity, but it clearly says "We want the Torah also!"

You can detect the truth in the small, candid, moments of life. When G-d descended on Mt. Sinai and the whole world stopped while Israel responded "We will do and we will hear" (Na'aseh v'Nishmah) - those are the big moments of life. "This is my G-d and I will glorify Him" is a big moment. It goes without saying that everyone will join in the chorus of such great moments of history.

It is much more significant when people say, "We want the Torah, also!" in a candid and unrehearsed fashion, on a regular day, during the month of Adar. Then, Moshe Rabbeinu felt reassured that this was their true sentiment. Now he was convinced that they truly wished to cling to the Ribbono Shel Olam. "This very day, you have become a people to Hashem your G-d".

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#### **TORAH WEEKLY**

**For the week ending 4 September 2004 / 18 Elul 5764**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

#### **INSIGHTS - HANDS UP!**

**"And the kohen shall take the basket from your hands...." (26:4)**

The hands are different from all the other limbs. All the other limbs of the body are fixed and static, whereas the hands may be lowered below the feet or raised higher than the head.

The same is true on an allegorical/ethical level. Man can "lower" his hands, he can perform all the greatest sins possible. He can murder, steal. Everything can be done with the hands. We talk of having blood on our hands and dirty hands.

On the other hand, the hands, when raised up, can perform the holiest acts. When the kohen blesses the people he raises his hands. The hand gives tzedaka (charity). The hand puts on tefillin. We extend the hand of friendship and assistance.

The handiwork of a person is symbolized by the acquisitions that the labor of his hands have brought him. For this reason, the first of his fruits must be made holy as bikkurim.

Because the beginning always influences what follows it. Thus, every beginning needs to be made holy, because when the beginning is holy, everything that follows it will also be holy.

When the hands are raised above the head, when their direction is Heavenwards, then the head and the body will inevitably follow after them.

Adapted from Rabbi Shlomo Yosef Zevin

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**Peninim on the Torah by Rabbi A. Leib Scheinbaum**

#### **PARSHAS KI SAVO**

**You shall take of every first fruit of the ground... then you shall call out and say before Hashem, your G-d. (26:2.5)**

The underlying motif for the mitzvah of Bikurim is hakoras hatov, gratitude. Rashi cites the Sifri that explains that the declaration which accompanies the Bikurim is an indication that we are not ingrates, a sign that we understand that Hashem has given us the land as a gift. David Hamelech says in Sefer Tehillim 14:11, "The naval, degraded man, says in his heart, there is no G-d; they have corrupted and made abominable their actions, there is no doer of good." Horav Chaim Vital, zl, explains that naval is a reference to he who is a kafui tov, ingrate. The Sefer HaChinuch also refers to the ingrate as a naval, abominable person. Horav Avraham Schorr, Shlita, suggests that the source of this name originates with Avigayil, who said about Naval, her husband, "For he is as his name implies - naval is his name and revulsion is his trait." (Shmuel 25:25) The Sefer Chassidim explains that Naval was an ingrate to David Hamelech who watched his sheep, because ultimately Naval refused to pay him. Thus, the term naval characterizes the individual who does not appreciate the benefits he receives from others. Hashem despises such a person, and He does not delay in remitting swift punishment to him.

In his commentary to Sefer Tehillim, the R'am Almoshino explains that the naval/ingrate denies the gifts that he receives from Hashem. He says, ein Elokim, "there is no G-d." In other words, he is saying that the various occurrences which have spared us throughout time were not from Hashem. Each was a mikreh, a chance event, that had no connection to G-d. Therefore, these events do not obligate us to be grateful to Him. The naval substantiates his apostasy, asking why—if everything comes from Hashem—do some things have a bad ending? If there was a good and benevolent G-d, everything would culminate on a positive note. The ingrate cites the tragedies of life as proof that Hashem does not guide the world, in order to prove that he does not owe Him anything in return.

Rav Schorr cites the Mechilta in Parashas Beshalach that includes Amalek, the archenemy of the Jewish People, among those who personify kafuyei tovah, ingratitude. Amalek seeks to dismiss everything G-d does as a mere mikreh, chance event. He maintains that things do not happen by design, and there is no Divine Hashgachah, Providence; things "just happen." This is the meaning of the words asher karcha baderech, "that he chanced upon you on the road." Amalek wanted to diminish the Jew's belief in Hashem by asserting that everything happens by chance.

The yetzer hora, evil inclination, seeks to create a sense of shikchah, forgetfulness, within the Jew, in order to make him forget Hashem and what He constantly does for us. If it would not be for this shikchah, our passion to serve Hashem would retain its fire and verve. The Baal Shem Tov explains that Amalek's function is to generate shikchas ha'Boreh, forgetting the Creator. By v'ram levavecha, increasing the haughtiness in our hearts, we forget Hashem. Interestingly, the gematria, numerical equivalent, of ram, is 240, which coincides with the gematria of Amalek.

Rav Schorr concludes by explaining the juxtaposition of the mitzvah of Bikurim upon the mitzvah of erasing Amalek's name, which concluded Parashas Ki Seitzei. Bikurim teach us the significance of hakoras hatov, recognizing and repaying the good we receive from Hashem. This is the antithesis and, concomitantly, the antidote for the evil that is represented by Amalek. Amalek seeks to infuse us with a lack of gratitude by causing us to forget about Hashem and view His Divine guidance as a chance occurrence. When one sees Hashem's guiding hand in every-day events, he fights the evil generated by Amalek and his modern-day counterparts.

**I have not transgressed any of your commandments, and I have not forgotten. (26:13)**

Rashi interprets v'lo shochachi, "I have not forgotten," as a reference to thanking Hashem using a blessing for the opportunity to perform the mitzvah of Hafrosas Maasros, separating tithes. Although the act of reciting a brachah is Rabbinic in origin, this pasuk is an asmachata, a scriptural allusion, to a law destined to be enacted by Chazal. Indeed, the privileges that are afforded us to perform a mitzvah, to serve Hashem, should inspire within us a propensity to bless Hashem. It should be a natural response to a unique opportunity. The Seforim suggest that this attitude prevailed within the Jewish psyche until the period of Chazal, when they felt that the people were diminishing their sense of gratitude for mitzvos. Hence, the Rabbinic obligation to recite a blessing prior to performing a mitzvah developed.

How should one recite a blessing? What should be his focus of concentration? The Yesod v'Shoresh HoAvodah writes that when one begins the brachah, when he says, Baruch Atah, "Blessed are You," he should imagine in his mind that he is standing before the Almighty and speaking. He should say the words, Elokeinu Melech haOlam, "Our G-d, the King of the world," slowly, reflecting on its meaning, rejoicing in the fact that Hashem is our G-d and that His monarchy encompasses the entire universe. A brachah recited in this manner certainly has greater meaning.

I recently read a profound comment made by Horav Avraham Yaakov, zl, m'Sadigur to one of his chasidim. He said, "It is possible that a person travels to the city of Lemberg for a business purpose—or so he thinks. He does not realize that the Almighty, the Mesabeiv Ribos, Cause of all causes, wanted him in Lemberg for a different purpose: to recite a Shehakol niheyeh bidevaro on a glass of water in Lemberg!

We can derive two lessons from this statement: First, we have to remember that Hashem guides our life and everything happens in it for an underlying purpose. Second, brachos have great significance - to the point that they have a profound effect on the place in which they are recited. Perhaps the next time we take a drink of water, we might stop to think before we make the brachah. It might just make a difference.

**Then all the peoples of the earth will see that the name of Hashem is proclaimed over you. (28:10)**

When Klal Yisrael raises the banner of its value and beliefs, the nations around them will understand that Hashem's blessing is upon them. Horav Mordechai Sharabi, zl, was a Sephardic gadol, Torah leader, who truly exemplified this concept. His total demeanor reflected Hashem's Divinity hovering over him. He was a saint who attempted to recluse himself. He had no interest in pursuing idle conversation with the members of the Muslim clergy. This, of course, did not please them. Furthermore, Rav Mordechai never touched a Muslim, and no one—not even a Jew—was permitted to touch the utensils used for his food.

When the Muslim sheiks noticed how Rav Mordechai rebuffed them, they decided to trump up a libel against him. They informed the Emir of their community, a noted anti-semitic, who was a close confidante of the Imam of Yemen. The Imam was also no great friend of the Jews, and he sent the gendarme to Rav Mordechai's home to arrest him.

As soon as the rabbanim of Yemen heard that the gendarme was dispatched to arrest their beloved leader, they declared a public fast and Yom Tefillah, day of prayer. When Rav Mordechai heard about this, he dissuaded them from fasting, saying that he would triumph with Hashem's assistance. He would not allow anyone to accompany him as he was taken to the Emir's palace. His bitachon, trust in Hashem, was echoed in everything he said.

There was an unwritten rule in the Emir's home that anyone who entered had to genuflect and say, "Peace to my master," and to remain bowed until the Emir instructed him to rise. He then was to stand until the Emir offered him a seat. Rav Mordechai did exactly as Mordechai HaYehudi in Shushan did, and he refused to bow down to the Emir. He also refused to greet him as master. With great faith and trust in the Almighty, Rav Mordechai entered the room, sat down next to the Emir, and asked, "Yes, what is it that you want?"

The Emir, slightly taken aback, turned to him and asked, "Are you Mordechai?"

"Yes, I am," replied Rav Mordechai.

"We have a number of serious allegations against you," said the Emir. The Emir began to read the list of complaints, among which was the fact that he would not shake hands with the Muslim clergy.

Rav Mordechai patiently explained to the Emir that gentiles eat non-kosher food. When they travel, the sweat that is on their hands is the product of unclean, unkosher

animals. He asked, "How can I, a servant of the Almighty G-d, touch these hands? I will defile my body! Also, I never leave my home except to pray in the synagogue. I study Hashem's Torah all day. How do you expect me to waste my time discussing religious philosophy with people that are not members of the Covenant of Hashem?"

This went on and on. Every time the Emir posed a question to Rav Mordechai, he received a quick and lucid response. The Emir saw that Rav Mordechai was pious, committed and sincere in his belief in Hashem. When people see that we are upright and sincere, they respect us. The Emir's attitude quickly changed, as he was enlightened about the level of conviction that was maintained by Rav Mordechai, the representative of the Jewish community. He sent him home with pomp and regalia, as befitting a man of distinction and a friend of the king. Respect from others is the result of the self-respect one has for himself. When we maintain pride in our heritage and commitment to our religion, we will achieve the respect of the outside world.

**Because you did not serve Hashem, your G-d, amid gladness and goodness of heart. (28:47)**

After a lengthy litany of frightening curses, the Torah states a reason for these terrible punishments: a lack of joy on our part in serving Hashem. The Torah seems to be emphasizing that joy is a primary obligation. Let us take a moment and reflect on this statement. Is it really possible to remain happy with so much suffering all around? To ignore the pain of others is callous and insensitive. Apparently, there is a deeper understanding of the meaning of joy and its relationship to the Jew in this world.

First and foremost, we must understand that the greatest gift granted to us by the Almighty is the gift of life. Being alive is an intrinsic reason for expressing joy - regardless of the negative experiences one may encounter. Life is an opportunity for growth and that in itself has the ultimate value. Life is everything: without life, one has nothing. We are placed on this world for a purpose: to serve Hashem and earn ultimate happiness in the World To Come. The awareness that everything positive we do on this world earns for us a portion in the World To Come should be a constant source of joy. The mitzvah to be happy is the knowledge that our sojourn on this world is a means of achieving ultimate pleasure and joy. The error of many is that they think that this world is an end in itself. No, it is only an opportunity, a means toward achieving the true goal.

Regrettably, many of us realize too late the value of the gift of life. It is only when our lives hang in the balance, when one almost loses life and then miraculously gains it back, that he discovers the wonderful opportunity that he has had. We become complacent with what we are accustomed to having. Familiarity breeds neglect and a lack of appreciation. When that complacency is shaken, one quickly awakens from his slumber.

Let us go a step further in understanding the Torah's demand for joy. Upon carefully perusing the text, one gains a powerful insight into this mitzvah. The Torah does not say that we must constantly be happy, that we must always walk around with a smile on our faces, regardless of our mood or the circumstances with which we are confronted. The Torah does not say that we must live in happiness; the Torah says that we must serve Hashem amid joy. Serving Hashem has to be performed with happiness. It should be our reason for ecstasy. The source of joy is the ability and opportunity to carry out Hashem's command to be His servant. The pain does not hurt; the work is not difficult—because it is for Hashem. This is the true meaning of joy.

We worry when we lose sight of where we are and Who guides us. If we would take into account that everything in our lives is directed by the Almighty, we would not worry. A secular author once told the story of a ship at sea during a fierce storm. The passengers were in great distress. After awhile, one of them, against captain's orders, ascended to the deck and made his way to the pilot. The seaman was at this post, calmly carrying out his function at the wheel. When he saw that the passenger was agitated, he gave him a big, reassuring smile. The man then returned to the other passengers with the following words of comfort, "I have seen the face of the pilot, and he smiled. All is well."

It is all in the attitude. If one realizes that the challenges he encounters in life are directed by Hashem and that Hashem will be with him throughout the ordeal, he will view the situation through a different prism. I recently came across the following story cited in, Touched By A Story 2, by Rabbi Yechiel Spero. I believe it goes to the core of what we are saying.

The story is about a bus driver for a group of boys in the Bucharim neighborhood. The boys were tough, and driving them every day was difficult. The respect they demonstrated for him left something to be desired. It was just not an appropriate job for him anymore. At the end of the month, he approached the principal to inform him of his decision to seek employment elsewhere. The principal, being an understanding man, listened intently and commiserated with the driver. He assured him that he would speak to the boys, and he even offered him a raise for his troubles.

The driver, although appreciative of the raise, said that he had had enough. It was not because of the money. The boys were not really bad. They were just acting in the manner that boys of that age act. He wanted a change, something different, something more relaxing. As they were walking towards the door, the principal made one last

attempt, "Would you mind visiting with Horav Ben Zion Abba Shaul?" The driver agreed, thinking to himself that the great Sephardic rav could not say anything to him that would change his mind.

They walked together to the rav's apartment and sat down to talk. The principal explained the predicament: how the bus driver had served the school faithfully for a number of years, and now he had decided that it was time to move on. While it would be a great loss to have to replace him, the bus driver insisted that he could go on no longer. He was emotionally spent, and he badly needed a change of scenery.

It was time for the rav to respond. Rav Bentzion's eyes sparkled with warmth and sensitivity as he looked at the bus driver. In reality, he was focusing on his heart. He said, "My dear friend, you think that you are driving a simple van, but actually you are driving a mobile Aron Kodesh! The children are not just passengers; they are living Sifrei Torah! When you open the door to your mobile Aron Kodesh, you are being honored with Pesichah, opening the Aron Kodesh! Each and every child on that van is precious. He is our future!"

When the bus driver heard his vocation being interpreted in this way by the great rav, he felt ashamed for having been so petty. He assured the rav that he would continue performing his function with distinction and esteem. The next morning, the attitude he displayed to his young charges was visibly altered. "Good morning boys," he greeted them. "Thank you for granting me the privilege to drive you to yeshiva today, so that you can learn Torah."

As the last boy exited the van, he looked up at the driver and said, "Thank you." The driver smiled and countered, "No, thank you!"

It is all in one's attitude. The opportunity to live and serve Hashem should be our ultimate source of joy.

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### **If At first You Don't Succeed...**

#### **Rabbi Benjamin Yudin (torahweb)**

It is interesting to note that Rav Saadia Gaon counts among the taryag (613) mitzvos the convocation ceremony that happened at Har Grizim and Har Eival on the day that the Jewish nation crossed the Jordan. The Torah in Parshas Ki Tavo (Ch. 27) details the exact manner that the new immigrants to the land were to gather - six tribes on Har Grizim and six tribes on Har Eival. The Kohanim and Levi'im stood in between the two mountains and first pronounced blessings to the nation if they keep the Torah, and then curses if they do not.

Most commentaries do not count this happening as one of the 613 mitzvos, as it was an experience that occurred but once. By definition mitzvos are eternal, thus the placing of the blood on the door post in Egypt is not counted as a mitzvah. Rav Yeruchum Perlow explains that this is the mitzvah of arvus - collective responsibility that the Jewish nation entered into at this time. The mitzvah is not to regroup at the mountain but to practice and live by "kol Yisroel araivim zeh lazeh" (all Israel is responsible for one another.) This is the source and foundation for the important halachic principle of yatzah-motzi. Under normal circumstances, once an individual has fulfilled a particular mitzvah he is not given a second chance to fulfill that mitzvah again. Case in point: one who has recited kiddush Friday night cannot recite the kiddush again, claiming for example that he or she lacked proper kavanah (concentration) the first time. Yet, the same individual, should he go for a walk that night and encounter a Jew who has not yet recited/heard kiddush, is obligated to recite kiddush for him, as all Israel is responsible one to another.

The meaning of the word "areiv" in the above context is that of a co-signer. As in a loan, the co-signer assumes responsibility for payment if the borrower reneges on his obligation, similarly each Jew is responsible to see that his fellow Jew observes Torah and mitzvos. Your mitzvah of shofar, lulav, sukkah and T'fillin are incomplete if your neighbor has not yet fulfilled the mitzvah, and you can positively correct the situation.

The Noam Elimelech suggests another interpretation to the word areiv in light of the passage in Shir Hashirim (2:14) - "ki koleich areiv" - "for your voice is sweet" - kol Yisroel araivim zeh lazeh - all Israel sweetens one another. It is not coincidental that we read Ki Tavo and Nitzavim each year prior to Rosh Hashana. We are taught "tichleh shanah v'killoseha" = may the year with its curses and adverse circumstances come to a close. I'd like to suggest that the mitzvah of arvus is a critical one, especially at this time of the year.

Rosh Hashanah is a two day holiday even in Eretz Yisroel. The Talmud Rosh Hashanah (30b) gives an interesting halachik explanation. Rav Dessler (Michtav M'ELiyahu vol. 2) cites a fascinating Zohar (Parsha Pinchas) which offers the following philosophical approach: The first day of Rosh Hashanah is a dina kasha - rough/strict judgment, while the second day is that of dina rafa - soft judgment. Rav Desler then brings the explanation of the Arizal to the above. The first day of Rosh Hashanah each individual is judged as an individual, how they fared with their unique individual potential. Each person has character traits and understanding that is exclusively theirs. The Talmud (Berachos 58a) teaches that just as each person's facial features are unique, so is their perception and intelligence. How one either elevated or used and abused their individual personal gifts and potential is judged on day one. All too often the result is that man is found to be lacking, hence dina kasha - difficult judgment.

The second day however, explains the Arizal, man is judged as part of the klal, his being a member of Klal Yisroel. Here there is greater opportunity for dina rafa - softer/kinder judgment as each individual contributes - areivim - sweetens and enhances the community. Your praying with a minyan in synagogue as opposed to praying alone at home is not only a higher quality personal mitzvah but each participant contributes to "brov am hadras melech." The quality not just quantity of one minyan is enhanced by each individual. Moreover, note the text of the berachos of the Shemoneh Esreh - they are all couched in the plural. We do not only pray for our health, wealth, and personal redemption but include the rest of Klal Yisroel as well. As each person is singular - unique - so too is their prayer on behalf of the Jewish nation. Thus, each one is needed. Therefore a most important way to prepare for Rosh Hashanah is to focus your prayers properly on behalf of the community enabling one to merit a positive judgement on Rosh Hashanah.

Finally, before Rosh Hashana pause and reflect how you can sweeten the lives of those around you. The smile that you bring to the faces of the senior citizens you visit, either alone or with your children, your telephone call to the shut-in inquiring of their well-being, Your greeting a newcomer to shul with a warm welcome as opposed to ignoring him. These are but a few practical methods of implementing the lesson of the Noam Elimelech. Make a conscious effort to sweeten the next one's day as there is no telling how it will impact on your life.

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#### **Arutz Sheva**

#### **by Rabbi Shlomo Aviner**

#### **Sep 03, '04 / 17 Elul 5764**

Our parsha warns that we may be punished, "if you did not serve the L-rd your G-d with joy and with a good-heart, from so much of everything," (Deuteronomy 26:1)

"Joy in the performance of mitzvot is in itself a mitzvah. This joy constitutes pure service of G-d and is of greater significance than the mitzvah itself, as is written, '...since you did not serve the Lord your God with joy.' We are punished for not serving Him joyfully, as is written, 'Serve G-d with joy; appear before Him with jubilation'; 'Righteous people - exult in G-d'; 'Exult in G-d; be joyful, righteous people, and be gleeful, you who are upright'; 'I revel in Your words as one who has found a great treasure' (Psalms); and 'I praised joy' (Kohelet). Our sages interpreted these verses as speaking about the joy in the performance of mitzvot." (Rabbeinu Bachayei, Kad HaKemach, "Simcha")

"The Torah blames us for serving God joylessly, because one is required to rejoice in the performance of mitzvot. This joy is in itself a mitzvah. In addition to the reward one receives for performance of a mitzvah, he is rewarded for this joy, and therefore, he deserves punishment if he has no joy." (ibid.)

"The Holy Ari confided in a friend that that all the wisdom and Divine understanding he had received was a reward for the joy he had when fulfilling any mitzvah - tremendous, unbounded joy. He too cited the verse, 'Since you did not serve the L-rd your G-d with joy and with a good-heart, from so much of everything', meaning more than all worldly pleasures, more than all the gold and precious stones in the world." (Sefer Charedim)

Sometimes it is difficult to serve G-d with joy because of the burden of one's sins; one who is always conscious of his spiritual deficiencies and his guilt cannot take joy in anything. There are many and varied methods to find a way out of this dilemma, as many as there are complex emotional states due to feelings of guilt and wrong-doing. One of these methods is to "forget past sins," (Rabbi A. I. Kook, Mussar HaKodesh, 250) to wipe the slate clean and begin every day anew, disregarding any past burdens. Of course, this must be done "with good intentions and to enable him to serve G-d with joy." (ibid.) One who succeeds in forgetting about past sins in order to "develop his capacity for Torah knowledge and wisdom" and "to bring more light and joy of G-d in his endeavors" (ibid.) will be rewarded in kind by Divine Providence: "These too shall be forgotten." (Isaiah 49:15)

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**Bar-Ilan University's Parashat Hashavua Study Center**  
**Parashat Ki Tavo 5764/ September 4, 2004**  
**Traditions of Torah Reading for the Tokhahah Passages**  
**Rabbi Dr. Hayyim Talbi - Department of Talmud**

The Tokhahah, or admonition, refers to the passages of curses that Moses uttered by way of moral instruction and warning to the children of Israel. These passages occur twice in the Torah, in Parashat Behukotai (Lev. 16:14-46), and in Parashat Ki Tavo (Deut. 28:15-69). In the Mishnah (Megillah 3.6) it says:

"One should not pause in the curses, rather one person should read them all." In other words, the verses of the Tokhahah should not be divided into two aliyot, rather, the entire passage should be read as one aliyah. Two reasons for this are given in the Babylonian Talmud (Megillah 31b): "Rav Hiyya bar Gamda said, citing Rabbi Asi: because it says in Scripture (Prov. 3:11): 'Do not reject the discipline of the Lord, my son.' Resh Lakish said: because one does not say a blessing over Divine retribution."

Regarding the first reason, if one were to interrupt the reading in the middle of these passages, it would appear that the person had rejected the Tokhahah and therefore another person was called to read. Regarding the second reason, if one were to stop in the middle of the Tokhahah, since a blessing is recited before and after a reading, it would turn out that a blessing is being recited over Divine retribution. Therefore, one person is called to the Torah and begins the reading several verses before the Tokhahah and concludes several verses after it.

The Babylonian Talmud does not give a reason why one should not recite a blessing over divine retribution, but the Jerusalem Talmud (Megillah 3.7) says:

"Rabbi Levi said: The Holy One, blessed be He, said: It is not right that my children be cursed while I be blessed, for it is written, I will be with him in distress (Ps. 91:15)." In Abaye's opinion, however, all this refers to the words of admonition in Leviticus, which are said in the first-person (by the Almighty) and are aimed at all of Israel (e.g. "If you [plural] do not obey me") These words Moses transmitted directly from the Almighty, and therefore they are more severe and harsh. But the ones in Deuteronomy are said in the second person, Moses himself saying them, and are addressed to the individual (second-person singular) therefore the reader can pause in the middle, and the next person called to the Torah can finish reading them. Rabbi Joseph B. Soloveitchik [1] holds that these two differences between the Tokhahah in Leviticus and the Tokhahah in Deuteronomy correspond with the two reasons why one should not pause in the middle of the curses. As for the first reason – "Do not reject the discipline of the Lord, my son" – Abaye said: All of Deuteronomy was said by Moses himself ("The Lord will bring a nation against you") and does not fall into the category of "discipline of the Lord." As for the second reason, that a blessing should not be recited over Divine retribution, Abaye said that the words of admonition in Deuteronomy were said in the second-person singular and therefore they are not all that severe. The Jerusalem Talmud apparently did not accept the view that the admonition in Parashat Ki Tavo is less severe than the admonition in Parashat Behukotai. The Jerusalem Talmud did not make a distinction between the curses in Deuteronomy and those in Leviticus, perhaps because its rabbis thought the reason for not pausing in the midst of the curses was

that "the person who is called up to read from the Torah must begin on a good note and conclude on a good note," and curses are never good. In the disagreement between the Babylonian and Jerusalem Talmuds, the halakhah ruled that one should not interrupt the reading of the curses in Leviticus, but read them all as one, adding "something good" before them and after them, whereas, in the opinion of the Babylonian Talmud, a break may be made in reading the curses in Deuteronomy. Maimonides, however, wrote that "It has become customary not to stop in the middle, rather to have a single person read them" [2] – a custom based on what the Jerusalem Talmud says. A different approach was taken by the Rishonim (early rabbinic authorities), namely that the curses in Deuteronomy are more severe precisely because they are said in the singular and hence threaten, as it were, the person called up to read this passage. In this period we notice the first signs of apprehension about being called up to the Torah for this passage, lest the person called up be affected by the terrible things that the reader utters. The attitude of the Maharil (great Ashkenazi rabbi, 1365-1427) towards the passages of Tokhahah is reflected by the following depiction: [3] For the Tokhahah in the reading of Behukotai, the sexton called out, "Let whoever so desires come up to the Torah." Maharil reproved him and told him to call a specific person, just as was the custom for all the other portions of the reading, precisely for the Tokhahah passage, [and] that only in Deuteronomy one calls "whoever so desires" because they [the curses] are said in the singular ... In Mainz it was customary to stipulate with the beadle of the synagogue, when he was hired, that if no one be found to come up and read the Tokhahah portions, then he would read them; and since he was hired for this, one should not take it so strictly.

According to Maharil, for the Tokhahah in Leviticus one should call a person by name to the Torah just as one does for the other aliyot; whereas for the Tokhahah in Deuteronomy one should say, "Let whoever so desires come up," lest the person selected for the aliyah refuse to come up, and there be a predicament. It follows from these remarks that the Tokhahah in Deuteronomy was considered more severe than the one in Leviticus, perhaps because it is said in the singular, and therefore there were people who refrained from coming up to the Torah for the passage of the Tokhahah for fear that the leader of the prayers had them in mind as he read, resulting in the person who was called up being cursed. Therefore, it was stipulated that the beadle of the synagogue would be the one who would be called up for the Tokhahah if no one else came forth for this reading, and in such a circumstance it was out of place to be so strict.

The Maharil was not always pleased by the person who "volunteered" to come up to the Torah for the verses of the Tokhahah. The following story is told of him (loc. cit.): "Once I saw an impoverished person come up to the Torah to read the Tokhahah in Deuteronomy, and Maharil said to him, 'Why be you so doleful? After all, you have already been smitten by the curses of the Tokhahah on account of your many sins.' And he was angry at him for coming up." This tradition had become accepted practice by the time of Rabbi Isaac of Vienna, author of Or Zaru'a. This is what he wrote:

The great hasid, my mentor Rabbi Judah he-Hassid of blessed memory said to me that the beadle must be well-liked by his congregation, for otherwise when the Tokhahah is read it is dangerous to whomever he does not like. He said to me that if a person knows that the beadle does not like him, if he calls him to read the Tokhahah, he should take care not to come up, for he might suffer if he comes up. [4]

During the period of the Aharonim we also find that the public was hesitant about coming up to the Torah for the portions of the Tokhahah and viewed the Tokhahah in this week's reading as more harsh and severe than the Tokhahah in Behukotai.

Fear of this aliyah was so great and so deeply-rooted in certain communities that sometimes the reading was delayed for hours until someone was found to come up to the Torah, resulting in the Torah scroll remaining open and being treated disrespectfully. The brother of the Maharal of Prague, Rabbi Hayyim son of Rabbi Bezalel, one of the great rabbis of Ashkenaz in the sixteenth century, recounted that some rabbis even ascribed the destruction of certain communities to this behavior. [5] He wrote about this as follows:

The world tends to refrain from taking an aliyah to the Torah for the passage of the Tokhahah, ... and the Tokhahah in Deuteronomy is to be avoided more, since it is said in the singular and in the present tense, as if, Heaven forbid, the things described there happen to the person who comes up to the Torah, which is not the case with the Tokhahah in Leviticus, which is said in the plural. Aside from a reluctance to be called up to the Torah, we found another two ways that were used to avoid reading the Tokhahah:

1) Some people preferred leaving the synagogue until after the reading of the Tokhahah. Rabbi Eliah Schapira, a preacher from Prague in the seventeenth century, recounted the following: "Once I saw one of the elders of the gaon [6] of blessed memory go outside the synagogue until after the reading of the Tokhahah." [7]

2) In the nineteenth century there were places where the entire Torah reading was omitted on the Sabbaths of the Tokhahah, as is attested by R. Israel Meir Ha-Cohen of Radin: "I have seen something scandalous in this regard among the masses, that there are places among the communities where, when they read Behukotai and Ki Tavo, they do not read from the Torah on these Sabbaths; what a bad thing this is for them to do." [8]

There were some communities where they did indeed read from the Torah, but the person who was called up for the Tokhahah did not recite a blessing over the reading, neither before nor after. [9] This custom, which is practiced in certain places to this day, [10] was opposed by many, and a variety of expressions were used to describe it: "a mistake," [11] "totally unfounded," [12] and others.

Indeed, in several hassidic courts [13] the Tokhahah passages were perceived as curses which concealed great blessings. This idea was apparently taken from the Zohar, [14] which was of the opinion that all the words of warning and admonition were blessings, even though they appear to be curses. There it says that Elijah said to Rabbi Simeon:

Up! Rouse yourself from your slumber! How fortunate you are, for the Holy One, blessed be He, wishes to honor you. All the promises and words of consolation for Israel are written in these curses. Observe – a king who loves his son, even though he curses him and beats him, nevertheless he loves him from the bottom of his heart. Thus it is with the Holy One, blessed be He, that even though He cursed, His words are love. Outwardly they appear as curses, but they are great beneficence because these curses were said in love. [15]

[1] Resp. Beit Ha-Levy, Part I, Jerusalem 1968, Interpretation 7, p. 8b.

[2] Maimonides, Hilkhot Tefilah 13.7; Derashot Rabbi Y. Ibn Shu'eib, II, Z. Metzger ed., Jerusalem 1992, p. 481; Orhot Hayyim, Jerusalem 1956, Hilkhot Kriat Sefer Torah, p. 52, par. 10; Tur and Shulhan Arukh 428.6. [3] Sefer Maharil – Minhagin, Spitzer ed., Jerusalem 1989, Oratation 6, pp. 454-455.

[4] Or Zaru'a, I, Zhitomir 1862, resp. 114. Based on this, the Rema ruled (Orah Hayyim 53.19): "Someone who hates the prayer leader should not come up to the Torah when the Tokhahah is being read." But it had been written by the Knesset Gedolah (Orah Hayyim, Jerusalem 1966, par. 53, p. 30), the Vilna Gaon (Orah Hayyim, loc. cit., sub-par. 33) and Sha'arei Ephraim (Steiner-Goldstein ed., Jerusalem 1990, Part III, par. 2) that it is preferable for him to come up, because by [refraining] he dishonors the Torah and also because "one who obeys the commandments will know no evil" (Ecc. 8:5).

[5] Sefer Ha-Hayyim, Jerusalem 1996, p. 65.

[6] Rabbi Simeon Schapira, Av Bet Din, Prague.

[7] Elijah Rabbah, Jerusalem 1999, Orah Hayyim 428, p. 536.

[8] Elucidation of the halakhah in the Shulhan Arukh, Orah Hayyim 428, s.v.

"ba-pesukim she-lifneihem."

[9] Maharshak (Rabbi Solomon ben Joseph Aaron Kluger), Resp Ha'elef lekha Shlomo, Jerusalem 1968, Bilgoray, 1931-1932, Orah Hayyim par. 63. [10] Such as the Vizhnitz hassidim, and others.

[11] Resp. Iggerot Moshe, New York 1964, Orah Hayyim II, par. 35.

[12] Resp. Yabi'a Omer, 7, Jerusalem 1993, Orah Hayyim par. 19.

[13] Rabbi Samuel of Sokhatchov, Shem mi-Shmuel, Jerusalem 1957, Lev. Pp. 366-367; M. Buber, Or ha-Ganuz, Tel Aviv 1947, p. 71.

[14] Zohar Hadash, 19, Jerusalem 1995, Parashat Ki Tavo, p. 3, par. 9, 10.

[15] For further reading, see my article, "Hishlalshelet Minhagei Kriat ha-Torah be-Parashot ha-Tokhahah," Kenishta 2 (2003), pp. 31-55.

Last Update: August 31, 2004

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**YatedUSA Parshas Ki Savo 9 September 3, 2004**  
**Halacha Talk - The Rights of a Copyright Holder**  
**by Rabbi Yirmiyohu Kaganoff**

What is the halachic background to copyright law? Does the Torah have a concept of intellectual property rights, meaning that someone who creates or invents an item is

the owner of his invention? May a rav prevent people from taping his shiur? Is it permitted to copy computer software or music disks?

We will IY"Y provide the background and history behind these issues. It is understood that our purpose is not to paskin anyone's shaylos but to introduce and explain the subject matter. An individual should ask his own shaylah to his own rav. For our purposes, we are dividing the topic into three subtopics:

1. Copyright. Does a publisher have rights protecting him so that he has the opportunity to recoup his investment? Assuming that such rights exist, do they apply in all cases or only if it is a new publication? For how long are his rights protected?

2. Intellectual property rights. Does someone who wrote a book, or created an invention, own rights to future sales of this book or this invention? If he does, for how long do his rights last?

3. Conditions of sale. Can a seller or manufacturer stipulate that a buyer may not copy the item sold?

#### WHAT RIGHTS DOES THE PUBLISHER HAVE?

One of the earliest published tshuvos on this subject deals with a very interesting 16<sup>th</sup> century case. One of the gedolei Yisroel of the time, the Maharam of Padua, entered a partnership with a non-Jewish publisher in Venice, Italy, to produce a new edition of the Rambam. The Maharam invested a huge amount of time checking and correcting the text for this edition, included notes of his own, and apparently also invested a significant amount of his own money in the undertaking. A competing publisher, also a non-Jew, produced an edition of the Rambam (without the Maharam's corrections and notes) at a greatly reduced price, apparently out of spite that the Maharam had engaged his competitor. It appears that the second publisher might have been selling the set of the Rambam at a loss with the intent to ruin the Maharam financially. Are individuals permitted to purchase the less expensive edition of the second publisher?

The shaylah was referred to the Ramah who ruled that the second publisher's actions constituted unfair trade practices.

The Ramah prohibited purchasing or selling the second edition until the Maharam's edition was sold out. Realizing that the non-Jewish publisher would not obey his ruling, the Ramah reinforced his ruling by placing a cherem (decree of excommunication) on anyone selling, buying or abetting the sale of the competing edition (Shu"t Ramah #10). This was an effective way of guaranteeing that Jews did not purchase the less expensive (but inferior) edition.

Subsequent to the Ramah's ruling, it became common practice for publishers to include in their works a cherem (plural: charamim) from a well-known posek banning the publishing of the same sefer. Normally these charamim were in force for 10-25 years. The purpose of these charamim was to grant the publisher sufficient time to make it financially worthwhile to publish the sefer. Since the publisher knew that he would be able to sell the sefarim without competition, he was willing to spend the money necessary to produce the sefer. Thus these charamim encouraged the publishing of more sefarim and helped the spreading of Torah learning. Generally, it appears that the charamim protecting the publisher's rights were accepted and obeyed. However in the early 19<sup>th</sup> century, an interesting dispute arose between the Chasam Sofer, the rav of Pressburg, and Rav Mordechai Benet, the rav of Nikolsburg, germane to the production of the famous Roedelheim machzorim.

Two competing editions of these machzorim were produced, the first by Wolf Heidenheim, who had invested much time and money gathering and comparing manuscripts and texts. A Jewish publishing house located in a different city subsequently published a competing edition. Prior to Heidenheim's issuing of the machzorim, several prominent rabbanim had issued a cherem banning other publishers from competing with him. The Chasam Sofer ruled that the second publisher was not permitted to sell his machzorim and no one was permitted to purchase them (Shu"t Chasam Sofer, Choshen Mishpat #41, #79). In his opinion, this case was halachically comparable to the edition of the Rambam produced by the Maharam of Padua.

Rav Benet disagreed, contending that there were several key differences between the cases. In his opinion, it was unnecessary to guarantee the publication of machzorim by issuing charamim. He felt that since machzorim were a common item, publishers knew that they would profit from producing them. Thus the entire purpose for which these charamim were created-to guarantee the production of sefarim-did not apply to the printing of machzorim. Furthermore, since non-Jewish publishers would certainly produce machzorim, issuing a cherem against competition would serve to benefit the non-Jewish publishers, who would be faced with less competition, more than it would benefit Wolf Heidenheim. In addition to the above legal arguments, Rav Benet did not consider the second publisher to be unfair competition for a variety of reasons (see Shu"t Parashas Mordechai, Choshen Mishpat #7,8). The Chasam Sofer responded by contending that since Heidenheim had invested time and money in checking and correcting texts, his business interest should be protected. The Chasam Sofer even contended that Heidenheim's monopoly should be allowed for the entire 25 years decreed in the original cherem, even after he had sold out his first edition. This was because the investment had been so great that it required multiple editions to recoup. This leads us to a new discussion.

## WHAT IF THE FIRST EDITION SELLS OUT?

Could a competitor produce a new edition if the first edition was sold out before the terms of the cherem had been completed? Some poskim contended that the cherem became void at this point. They reasoned that the purpose of the cherem had already been accomplished since the publisher successfully sold out his first edition. The goal was to encourage the production of more sefarim, and that would be best accomplished by opening up the market to any publisher who was willing to produce the sefer (Pischei Tshuvah, Yoreh Deah 236:1, quoting Tiferes Tzvi; PT there also quotes Rav Efrayim Zalman Margaliyos as disputing this conclusion but does not explain his position).

Support for this position can be brought from an interesting halachic decision rendered by the Rosh and quoted by the Ramah (Choshen Mishpat 292:20). In a certain community, there was an insufficient number of sefarim available for people to study, but there were individuals who had private sefarim that they were unwilling to lend. The local dayan ruled that these individuals were required to lend their sefarim since their reticence was preventing Torah learning. Apparently, individuals challenged the ruling of their local dayan and referred the shaylah to the Rosh. The Rosh agreed with the dayan, although he stipulated that three experts should evaluate each borrowed sefer and that the borrower must provide the lender with a security deposit in case of damage or loss (Shu"t Rosh 93:3).

The question to be raised here is upon what halachic basis did the Rosh insist that these individuals relinquish their sefarim? After all, it is an individual's prerogative to lend or not lend his property. Clearly, the Rosh contended that an individual's rights are surrendered if people are deprived of Torah learning as a result. Similarly, the right of the publisher is not upheld (after the first edition sells out) if the result is that less sefarim are available for study.

## DOES HALACHA RECOGNIZE INTELLECTUAL PROPERTY AS OWNERSHIP?

This shaylah came to the forefront in the mid-19<sup>th</sup> century, also as a result of a din torah. Around 5610/1850, a printer named Yosef Hirsch Balaban published a large-size edition of Shulchan Aruch with major commentaries, accompanied for the first time by the anthologized commentary, Pischei Tshuvah. (This is the Pischei Tshuvah that was referred to above in a note and is often quoted in these articles.) A printer who claimed to have purchased exclusive rights to Pischei Tshuvah from its author sued Balaban in beis din. At the time, Pischei Tshuvah had been printed only once, in a small-size edition including only the Shulchan Aruch and one other commentary. The plaintiff claimed that Balaban had violated his exclusive ownership rights to Pischei Tshuvah.

This writer is aware of three tshuvos on the shaylah, each reaching a different conclusion.

The Rav who presided over the din torah, Rav Shmuel Valdberg of Zalkava, ruled that Balaban had the right to print his edition for an interesting reason. The original edition of Pischei Tshuvah did not include any statement placing a cherem against someone printing a competing edition. Rav Valdberg contended that this voided any copyright on Pischei Tshuvah.

Furthermore, Rav Valdberg included two more reasons to sustain his ruling. One, the original edition of Pischei Tshuvah was no longer available. Thus, even had a cherem banned a competing edition, it would have already expired once the first edition had sold out. Second, even if the first edition was still available for sale, Balaban's reproducing Pischei Tshuvah as part of a multi-volume set of Shulchan Aruch was not competition for the original edition where Pischei Tshuvah had been published as a small, presumably inexpensive sefer. Rav Valdberg reasoned that no one interested in purchasing Pischei Tshuvah would likely purchase Balaban's edition of Shulchan Aruch just for that purpose; instead he would buy the small edition (assuming it was available). Thus, he did not consider Balaban's edition to be unfair competition for those looking to purchase Pischei Tshuvah.

According to Rav Valdberg's analysis, the author of Pischei Tshuvah had no greater ownership to his work than someone publishing a different person's work. His latter two arguments, that the first edition was already sold out and therefore the cherem expired, and that the multi-volume set did not compete with the one volume edition, would have both been preempted if we assume that the author retains ownership over his work. Thus Rav Valdberg did not believe that halacha recognizes intellectual property rights.

The Sho'eil u'Meishiv (1:44) took issue with this point. He contended that the author of a work is its owner. Thus Pischei Tshuvah does retain his rights as author/owner, whether or not a cherem was declared against competition. A cherem is to guarantee a publisher enough time to recoup his investment. An author is an owner, not an investor, and maintains ownership over the item produced which he is entitled to sell, regulate, or charge for. This is called intellectual property rights. A contemporary of the Sho'eil u'Meishiv, Rav Yitzchak Shmelkes, also ruled against Balaban but disagreed with Sho'eil u'Meishiv's reasoning (Shu"t Beis Yitzchak, Yoreh Deah 2:75). The Beis Yitzchak contends that halacha does not recognize intellectual property rights as inherent ownership. In the Beis Yitzchak's opinion, the author has a right of ownership but only because it is accepted by government regulation, what is

called dina dimalchusa dina, literally, "the law of the government is binding." Although halacha does not usually accept non-Jewish legal regulations, a civil law established for the wellbeing of society is sometimes accepted. Since intellectual property rights encourage initiative and invention that are in society's best interests, halacha accepts these ownership rights to the extent that they are recognized by civil law. There are several key differences between the position of the Sho'eil u'Meishiv and that of the Beis Yitzchak. According to the Sho'eil u'Meishiv, the ownership of an author exists forever just as any other property that he owns. Upon his passing, they are inherited by his heirs, just like his other property. However in the Beis Yitzchak's opinion, the ownership rights extend only according to what is established by government regulation and expire after a number of years. Moreover, in most countries a copyright is valid only if registered, and it must also be indicated in the published work. Presumably this was not true in the Beis Yitzchak's time, since he applied civil copyright law to Pischei Tshuvah even though the author had not indicated any copyright in the sefer. Thus, whether halacha recognizes intellectual property ownership is a three-way dispute: Rav Valdberg rejected it, the Sho'eil u'Meishiv accepted it, and the Beis Yitzchak contended that it depends on whether such ownership is assumed in the country in which the question arises.

Incidentally, there is evidence that the Chofetz Chaim agreed with the Sho'eil u'Meishiv's position. The Chofetz Chaim left specific instructions detailing who owns the publishing rights to his sefarim after his passing. He instructed that his sefarim on loshon hora could be freely republished and that the Mishnah Berurah could be published by anyone, provided that 4% of its volumes printed were donated to shuls and batei medrash.

However, the Chofetz Chaim stipulated that most of his sefarim could not be republished without the permission of his family members and that the proceeds from such publication should succor his widow for the rest of her life. The Chofetz Chaim's instructions imply that he considered his ownership to be his in perpetuity. Furthermore, the Chofetz Chaim did not publish any words of cherem or copyright inside his sefarim. Thus, he seems to have presumed ownership over future editions of sefarim on the basis of intellectual property (Shu"t Minchas Yitzchak 9:153) although it is possible that he based it on dina dimalchusa dina, following the opinion of the Beis Yitzchak.

## MAY A RAV PREVENT PEOPLE FROM TAPING HIS SHIUR?

On the basis of the above discussion as to whether halacha recognizes intellectual property rights, one might suggest that someone giving a shiur may restrict the taping of the shiur on the basis that he owns the shiur. However, in a responsa on the subject, Rav Moshe Feinstein rules that a rav may forbid taping his shiur but for totally different reasons. They are:

1. The lecture may include material that should not be circulated without supervision.
2. Subsequently, the rav may change his mind from the conclusions he reached in the shiur, or the shiur may include ideas that are conjectural.
3. He might be embarrassed later by the opinions he stated when he gave the original shiur (Igros Moshe, Orach Chaim 4:40:19).

In the same responsa, Rav Moshe rules that if the rav permitted the shiur to be taped, he may not prevent people from reproducing these tapes for sale (Igros Moshe, Orach Chaim 4:40:19). This implies that Rav Moshe holds that the rav cannot claim ownership of the shiur on the basis of intellectual property, certainly not to the extent held by the Sho'eil u'Meishiv.

Rav Moshe also rules that if someone is selling copies of a shiur, it is prohibited to make copies without permission of the seller. This takes us to the next subtopic in our discussion.

## IS IT PERMITTED TO COPY A TAPE OR DISK?

Does a seller have the halachic right to stipulate that a buyer may not copy the item sold? This shaylah takes our discussion in a new direction. Until now, we have been discussing whether halacha prohibits publishing a competing edition to an existent work. Now our shaylah is whether one may copy what he purchased when the seller stipulates that he may not. As we saw above, Rav Moshe rules that this is prohibited unequivocally and is an act of stealing, since one is using someone's property in a way one has not permitted. Numerous other contemporary poskim also rule this way (see Mishnas Zechuyos HaYotzeir; cf. Shu"t Shevet HaLevi 4:202). Some poskim contend that copying disks may not be considered stealing, although they also prohibit doing so for various other reasons. The line of reasoning why they do not consider it stealing is very instructive.

Basically there are two ways in which a seller can limit how a purchaser will use an item after the sale. The first is by placing a condition on the sale. If the buyer subsequently violates the condition of sale, the sale becomes invalid, and the buyer has used the item without permission. According to halacha, using someone's item without permission is stealing. Thus, by voiding the condition of sale, the purchaser has retroactively made oneself into a thief.

However, there is a strong argument against this position. If indeed the sale has been voided, then the purchaser is entitled to a refund of the purchase money. Since the



seller has no intention of providing a refund to everyone who copies the tape or disk, clearly the seller did not intend this stipulation to be a condition that invalidates the sale. There are two other ways that the seller can enforce rights not to copy one's material. One is halachically referred to as "shiyur," which means that the seller places a partial restriction on the sale. In this case, it means that one sold the right to use the tape but not the right to copy it. Some poskim contend that one should assume that computer programs, tapes etc. are sold with these stipulations. It appears that Rav Moshe Feinstein held this way.

There is a second reason why it is prohibited to copy this material. Most computer software agreements specify that the programs are licensed, rather than sold. This means that the seller has rented the right to use the equipment but has never sold these items outright. Using the items in an unapproved fashion thereby constitutes using an item one has rented in a way that violates one's agreement with the owner. Therefore, copying these items against the owner's expressed wishes is certainly a violation of halacha.

In addition to the above reasons, many poskim point out that it is not good for a Torah-true Jew to use something in a way that violates the implied trust one has been given. There also might be a halachic issue of violating ve'ahavta l'rei'echa kamocho (loving your fellowman like yourself) since, if one published software or disks, one will not want someone else to copy them.

Based on the above discussion, most of us will realize that we have probably been following certain practices without verifying whether they are halachically permitted. It behooves us to clarify with our posek whether indeed these activities are permitted. For example, may one photocopy a page of a book for educational purposes? Does it make a difference whether it is being used for Torah purposes or for a secular use? (See Shu"t Shevet HaLevi 4:202) May one make a copy of a tape or disk if one is concerned that the original will wear out? May one make an extra copy of a computer program to use one at home and one at work?

Clearly, a Torah Jew must be careful to follow halacha in all one's financial dealings and arrangements. Ultimately, this is the true benchmark that measures what is considered a Kiddush Hashem in this world.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

RABBI DR. JONATHAN SACKS

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

Ki Tavo

[From last year]

TWICE IN THE TORAH - once in the sedra of Bechukotai, the second time in today's sedra - Moses gives voice to a series of prophecies of the sufferings that will befall the Jewish people if they fail to honour their mission as the people of G-d. They are terrifying passages. To this day we read them so quietly that they are hardly audible. They are each known as tochachah, literally, "remonstration", and that is how we should understand them.

They are not to be interpreted in the manner of a "fire and brimstone" sermon: do this or else bad things will happen to you. That is not how G-d or Moses spoke. They did not want the Israelites to pursue their vocation out of fear, but in love. Rather, they are a form of passionate pleading. They represent a future that neither G-d nor Moses wants to happen. But such is the risk of Israel's mission - a small people amid mighty empires, a radical faith in the midst of reactionary forces, a commitment to challenge the idols of the age - that bad things will happen if Israel fails to keep to its script. It is as if Israel's history is like a rocket launch, not a car drive - what might be a minor malfunction were it to occur on earth becomes a major tragedy if it happens in space.

There are many differences between the two tochachot. The first is the reported speech of G-d, the second the direct speech of Moses. The first is directed to the Israelites as a whole: it uses the second person plural. The second is addressed to individuals as individuals: it speaks in the singular. The first ends on a note of consolation:

despite the bad things that will happen, G-d will not abandon the Jewish people. He will remember his covenant with their ancestors. The Jewish people will survive. The second ends bleakly with no consolation. According to Nachmanides, the first tochachah refers to events surrounding the destruction of the First Temple, whereas the second is about the Second Temple and the sufferings of Jews under the Romans. There is however a further difference - and here one can only be awestruck at the reach of Moses' prophetic vision.

In Bechukotai, G-d had spoken of a fundamental breach between Israel and its Redeemer. The language is harsh: "if you reject my decrees and abhor my laws", "if you continue to be hostile to me." What is at stake is an active rebellion of the Israelites against G-d. In Ki Tavo, the language is entirely different. It does not speak of a wilful, petulant nation deliberately spurning G-d. Indeed it speaks of something that hardly sounds like a sin at all. Why would Israel suffer? "Because you did not serve G-d your Lord with joy and gladness in the midst of the abundance of all [good things]."

Moses here reaches the climax of the paradoxical message he has communicated throughout his speeches in the book of Devarim. If one were to try to summarise it, it would be this: "For forty years you and your parents wandered in the wilderness. They were hard times, years without a home, when only by a series of miracles did you have anything to eat or drink. Now you have reached the brink of the promised land. You think this will be the end of all your challenges. But it will not be. To the contrary, it is here that the challenge will begin - and it will be the hardest of all because it will not look like a challenge. 'When you eat and are satisfied, when you build fine houses and settle down, when your herds and flocks grow large and your silver and gold increase, when all you have is multiplied - it is then you must beware lest your heart becomes proud and you forget G-d your Lord who brought you out of Egypt and the land of slavery.'"

With a vision extending beyond the furthest reaches of the horizon, Moses gives voice to the most counter-intuitive message imaginable - and it came true. The greatest challenge is not slavery but freedom; not poverty but affluence; not danger but security; not homelessness but home. The paradox is that when we have most to thank G-d for, that is when we are in greatest danger of not thanking - nor even thinking of - G-d at all.

And so it was. Throughout the almost unbearable centuries of exile, the wanderings, expulsions, forced conversions and autos-da-fe, through the ghettos and pogroms, Jews prayed to G-d, studied His word, kept His commands, handed on His message to their children, and held fast to their identity as Jews with a tenacity awesome in its strength. Jews were a "G-d-intoxicated" people. It was only when equality beckoned, when society opened its doors, when at last Jews were no longer what Max Weber called a "pariah people," that they abandoned their faith.

How did Moses know this? The astonishing fact is that he did know it, and now 3,300 years later we know it too. The greatest challenge comes when we are least conscious of the presence of a challenge. Perhaps in this context we can understand the full depth of the first of the priestly blessings: "May G-d bless you and protect you." It is when we are most blessed that we are most in need of protection - and the protection for which we pray is that the blessing remain a blessing and not turn into a curse: the curse of forgetting from where the blessings come.

This is the story of our time. When Jews were persecuted, with only a minority of exceptions they stayed Jews. When Jews are not persecuted - when, as now, they have reached the heights of affluence and achievement and have become a "new elite" - Jews are abandoning Judaism in unprecedented numbers. That is the tragedy Moses foresaw in the tochachah in this week's sedra. It is almost as if Jews need suffering to survive. Indeed so some have argued as they contemplate contemporary Jewry.

It isn't so - so Moses pleads with all the eloquence at his disposal, at times pressing against the very limits of speech. This faith I have communicated to you from heaven, he says, is not a religion of

tragedy, a melody scored in the minor key, a story written in tears, a lament. It is a celebration of life. Time and again he emphasises: "These are the commands you shall do and live by them." "All of you who hold fast to G-d are alive today."

"See I have set before you the blessing and the curse, life and death, therefore choose life."

The sages said that a Nazirite is called a sinner because he renounces a pleasure that he might have legitimately enjoyed. "If the Nazirite who only abstained from wine is in need of an atonement, how much more so one who deprives himself of other permitted enjoyments." Maimonides writes: "No one should, by vows and oaths, rule out for himself the use of permitted things. Our sages say, 'Are the prohibitions of the Torah not enough for you, that you add others for yourself?' They included in this those who make a practice of fasting. They too are not walking in the right way. Our sages prohibited self-mortification by fasting. Concerning this and similar excesses, Solomon said, 'Be not over-righteous nor excessively wise. Why should you be desolate?' (Kohelet 7: 16)"

This is not marginal to Judaism but of its essence. The Torah begins by G-d bringing a universe into being and "seeing that it is good." Indeed at the end of creation "G-d saw all that he had made and behold it was very good" - which R. Samson Raphael Hirsch reads as meaning, good in its constituent parts, very good in the relationship of those parts. G-d is found in the goodness of the world, not in its pain.

This was and is anything but self-evident in the history of the human spirit. Eastern mysticisms teach the individual to rise above the sufferings and vicissitudes of the world into a private nirvana of the soul. Several ancient philosophies, such as Manichaeism and Gnosticism, held that the physical world was created by an evil force, and that finding the true G-d means abandoning the world. The natural response to such a way of seeing reality is asceticism, the principled denial of pleasure. At the opposite extreme philosophers like Epicurus (from whom rabbinic Hebrew derived its word for "heretic", epikoros) argued that since the only reality is material, one should devote oneself in this life (there was, he believed, no after-life) to the principled pursuit of pleasure. These views have appealed to great numbers of people throughout history. The Jewish view by contrast is rare, if not unique.

G-d is to be found in life. His blessings are material as well as spiritual - good crops, fine harvests, a land of plenty and a politics of peace. The G-d of revelation and redemption is also the G-d of creation - meaning that to be close to G-d is to go with, not against, the grain of nature. That is not to say that Judaism is hedonism: quite the contrary. Asceticism is the denial of pleasure, hedonism is the worship of it. Judaism rejects both and instead invites us to sanctify pleasure: food, by the laws of kashrut and pronouncing blessings over enjoyment; drink through Kiddush at sacred times; sex through the disciplines of marriage and tehorat hamishpacha. To be a Jew is to celebrate life, to see G-d in life, and to make a blessing over life. It is to find joy in family and community; to find meaning through constant study of Torah; and to share one's blessings with others. Even the famous Jewish sense of humour is part of this attachment to the fundamental goodness of life, for whatever else it is, humour is a way of laughing at what otherwise would make us weep.

It is precisely this capacity to sanctify pleasure by enjoying it in and through the disciplines of kedushah (sanctification) that has made Judaism immune to the one tendency that has destroyed other civilisations, namely affluence as a prelude to decadence. In Judaism pleasure is never mere pleasure, because, firstly it is dedicated to G-d; second, it is shared with others; third because it is seen as G-d's blessing, not something we made ourselves.

This is anything but an academic point. It is no exaggeration to say that the very future of Judaism and the Jewish people depend on it. What a tragedy it would be - Moses seems to be saying throughout Devarim - if you came through the trials and torments of Egyptian slavery, the long years of wandering through the desert, and the battle to establish yourselves as a nation in your land, if having come

this far you lost your way within sight of the destination. How can it be that when you have everything to thank G-d for, you forget to thank him?

There is a rabbinic aphorism that "G-d creates the remedy before the disease." Prior to the tochachah, Moses outlines the law of first-fruits, to be brought in a celebratory manner, to the Temple. In a moving ritual, each Israelite was to make a personal declaration of faith in the presence of G-d in history, "My father was a wandering Aramean . . ." - the passage that today forms the centrepiece of the Haggadah on Pesach. The Torah then concludes the section on first-fruits with the following words:

And you and the Levites and the strangers among you shall rejoice in all the good things the Lord your G-d has given to you and your household.

Judaism is a religion of rejoicing; of remembering where we came from, and therefore not taking our blessings for granted; of recalling the source of the good, and therefore not forgetting the larger truth that it comes to us from the hand of G-d; of knowing that what we have, G-d has placed in our trust, to be used for the good of all, not just ourselves. I know of no more sane, wise way of seeing reality steadily and seeing it whole.

The beauty of Judaism is that it did not become traumatised by tragedy. Jews, despite their suffering, did not let themselves become defined by it. What Salo Baron called the "lachrymose theory" of Jewish history - seeing it as a succession of martyrdoms - never became the Jewish mainstream. Jews mourned on Tisha B'Av and the other specified fasts but did not allow their other days to be darkened by grief. They set limits to sadness. During the rest of the week they might be toiling, but on Shabbat they ate as if at the royal table. During the rest of the year they might be in exile but on festivals they rejoiced. It is that central affirmation of G-d as life, and therefore of finding G-d in the midst of the blessings of life, that we must not lose. For Moses, more than three millennia ago, understood our contemporary situation better than we understand it ourselves. When affluence leads to forgetfulness, and prosperity to religious indifference, we are in the midst of Judaism's greatest challenge: to make a blessing over life, turning pleasure into joy, material satisfactions into spiritual affirmations. ]