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Shemittah: An Overview

Halachic Musings

By Rabbi Yair Hoffman

Many people are busy sending their children to seminary and yeshiva in Israel for the year, and some look forward to visiting them there as well. But this upcoming year, 5775, is Shemittah, and there will be all sorts of possibly unfamiliar terms floating around. Stores in Yerushalayim will advertise “yevul nochri” and “otzar beis din fruit,” and “pach Shevi’is” cans will be located in various places. What do all these terms mean? How come we never learned about all of this when we were in yeshiva?

Our children will be taught what all this means, but we may find ourselves lost out there with no guidance. That is why this article has been prepared.

Opportunity For Dveikus

Each mitzvah of the Torah is unique in respect to its halachic details as well as the manner in which it fosters dveikus Hashem, developing a close relationship with HaKadosh Baruch Hu, and this certainly applies to the mitzvos of Shemittah.

The Shemittah year—also known as Shevi’is—occurs once every seven years. It serves to remind us to look at and to place our trust in Hashem. In the Torah, Hashem promises Klal Yisrael that the produce of the sixth year will be blessed in both quantity and quality. During the seventh year, the owners of the fields do not own the produce that is produced. It is to be shared equally among all, owner and non-owner alike. The land belongs to Hashem, and the owners must not prevent access to the Shevi’is produce. There are also two other reasons for the mitzvah of Shemittah. First, it reminds us of the inherent sanctity of our holy land. The verse in Vayikra (25:4) states, “It shall be a Sabbath of Sabbaths for the land.” Only the land of Eretz Yisrael has this holiness, and we must be reminded of this every seven years in order for us to appreciate it.

The final reason is found in Sefer Sh’mos, where we are commanded to provide for the tired and the poor: “And the poor of your nation shall eat.”

Here we are enjoined to emulate the Creator, the Ultimate Giver, and be charitable and giving ourselves.

Biblical Or Rabbinical?

There is a debate as to whether Shemittah nowadays is still d’Oraisa, or whether it is rabbinic. The criterion as to whether it is rabbinic or biblical is quite fascinating. It depends upon demographics: If the majority of Klal Yisrael lives in Eretz Yisrael, then it is d’Oraisa. This is the opinion cited in the Sma (C.M. 67:2). The Chazon Ish, however, holds that even nowadays it is d’Oraisa (Shvi’is 18:1–4).

Forbidden Activities

During the Shemittah year, Jews are not allowed to work the land in Eretz Yisrael. This means no planting, no sowing, no plowing, and no pruning of vines (Vayikra 25:4). These four activities constitute the Torah prohibition. The rabbis extended it and forbade fertilizing, watering, other types of digging other than plowing, and pruning additional plants.

Chazal did not forbid everything, however. If the activity is necessary for the health of the tree, some forms of maintenance are permitted.

The prohibition applies to commercially grown foods and farms as well as to one’s own yards. What about indoor plants? If there is a floor below the plant, which separates the plant from the earth, and if the plant is under a roof, then the prohibition does not apply.

There is also something else that Chazal forbade, called sefichin—items that must be planted again each year, such as certain grains and flowers. These are forbidden even if they sprouted on their own. One of the reasons why Chazal forbade sefichin is so that people would not attempt to circumvent the prohibition against planting. People may try to plant and then lie about it.

Therefore, Chazal forbade all incidentally grown produce that does not grow on trees. Fruit that grew on trees during Shemittah, however, may be consumed, provided that the halachos of how to deal with them are observed.

Forbidden Produce

There are two types of Shevi’is produce that are forbidden. First, if the produce was harvested after Rosh Hashanah, then it is considered peiros Shevi’is. Second, if more than a third of the plant’s growth occurred during the Shemittah year, the laws apply even if harvested during the next year.

Which Lands?
The prohibition against a Jew working the land in Eretz Yisrael applies whether the land is owned by him, another Jew, or even a gentile. However, some poskim are lenient regarding a Jew performing gardening actions forbidden only mi’d’rabannan on lands that are owned by a gentile.

If produce was grown on land that was truly owned by a gentile, most poskim hold that it is permitted. Some poskim forbid produce that was grown on gentile-owned land. Both minhagim are prevalent in different circles in Eretz Yisrael. Some stores label such produce as “yevul nochri.”

Others, as a matter of course, do not label it at all. Even according to the permissive view, there are still some halachic issues.

A growing problem, however (no pun intended), is the fact that it is becoming increasingly difficult to ascertain whether this produce truly came from a gentile.

Market forces would generally cause produce grown by Jews to cost less than that grown by a gentile. There would therefore be large financial incentives to misrepresent the origin of the gentile-produced produce. In addition to this, the areas in which gentiles generally own land are not the safest of places.

Can production be overseen with proper hashgachah to ensure that no Jewish produce entered the source? This is a very serious question.

Workarounds

Since agriculture forms a large part of the economy in Eretz Yisrael, and particularly did so in the early stages of the yishuv, alternative methods were developed.

Selling the land. One such method, which was generally not embraced by the chareidim, is known as the heter mechirah: Jewish lands were “sold” to gentiles so that the land could be worked. This was fraught with numerous

halachic difficulties. Also, many in the chareidi world maintain that this method was a one-time emergency heter for use during a famine, and that it was not to be extended to other times.

What are the problems? First, there is a prohibition of selling Jewish land to gentiles. Second, one may not act as a messenger for a prohibited act; the appointment as messenger is invalid. This is because of the principle of “ein shaliach l’dvar aveirah—there is no agency when dealing with a forbidden action.” The chief rabbinate of Israel still does a sale every Shemittah year. Otzar beis din. A second workaround is called otzar beis din. Originally, this enactment was made to prevent people from taking excess produce from the Shevi’is fields. Beis din hired workers to collect the produce and then distributed it to others. Nowadays, the beis din hires the farmers, and the infrastructure of wholesalers and shops are appointed as distributors. The beis din allows them to keep a certain fee for this role. When purchasing food from an otzar beis din hechsher, one must be aware that there are many organizations that call themselves otzar beis din. Some have more reliability than others, and some exist just in the form of the ink that is stamped upon the label of the produce.

Supervising non-Jewish production. Another way to purchase produce is through non-Jewish produce grown under supervision. This, however, is not a popular choice among those who wish to promote the economy of Jewish Israelis, as opposed to the economies of those that are not supportive of Israel.

Among these workarounds, the otzar beis din was advocated by Rav Elyashiv, zt”l. Although it, too, causes numerous halachic problem, it is the best halachic choice, as deemed by the gedolei Yisrael of the yeshiva world as well as a growing percentage of the frum Dati Leumi world.

Excess Produce

There is also an obligation to rid the home of all excess Shevi’is produce when it is no longer available in the fields. Excess Shevi’is produce is defined as “more than one day’s supply of Shevi’is food.” The purpose of this biur is to prevent hoarding of foods. If one does not do the biur, the food becomes prohibited—not just to the owner, but to everyone. There are different dates for the biur of different foods, depending upon what is found in the fields.

The biur process involves active removal of the food to an outside public area, and a declaration recited in front of three unrelated people that do not live in one’s home that the food is hefker, ownerless. An opportunity must be given for others to take the food. Afterwards, the person may take it once again.

The otzar beis din agents are exempt from this requirement. Also, there are times when one is exempt from the biur. If one purchased otzar beis din food after the biur date for that food, then one does not have to perform a biur.

Proper Use

And Consumption

When one consumes Shevi’is fruit that was obtained properly, it may not be wasted or treated in a manner that is not in accordance with its inherent holiness. Larger amounts of Shevi’is leftovers that are more than just what is left on the plate must be collected and placed in a “pach Shevi’is”—a can that is specifically used for leftover Shevi’is produce—so that it can rot. Only after it has rotted to the point where it is no longer even fit for animals may it be disposed of.

There are other limitations on Shevi’is produce too.

- The buying and selling of Shevi’is fruit for a profit is forbidden.
- Neither the fruit nor its products may be taken out of Eretz Yisrael.
- It may only be given to those who have been given the land of Eretz Yisrael as an inheritance. Thus, although first- through sixth-year produce of Eretz Yisrael may be given to non-Jews, that which grew in the seventh year may not.
- The produce may only be used in a manner that gives the user maximum benefit in the manner that it is normally used. A lemon may be juiced, but

pears and peaches, whose most common use is not for the juice, may only be eaten.

- When Shevi’is fruits are actually sold, such as when the leftovers of that which was collected are sold, the moneys received are considered infused with kedushas Shevi’is. These moneys may only be used to purchase foods. Those foods are likewise infused with kedushas Shevi’is. Thus, one should not buy Shevi’is fruit from an irreligious Jew or someone who is not careful and knowledgeable of these halachos, because he will probably not be careful to properly treat the money or the food.

Conclusion

The laws of Shemittah are complex. The observance of this mitzvah may at first seem to be quite a challenge. Yet both observing these laws and studying them provide us with unique opportunities for developing our relationship with Hashem. What matters most in this world is how successful we are in emulating Hashem, as well as our relationship with Him. The mitzvah of Shemittah helps us develop the relationship, to realize the remarkable kedushah of the gift of the land that He has given us, and the opportunity to emulate Him in giving the produce to all who need it.

The Talmud tells us, “B’Shevi’is nigalin.” One interpretation of these words is that the mitzvah of Shevi’is will create within us the level of spirituality that will quickly result in Hashem’s commanding the redemption.

This year, for the first time in quite a long time, more than half of the arable land in Eretz Yisrael will be at rest. Hopefully, this is a sign of what is to come. May Hashem bring about the redemption of our people and cease the rockets, the killings, and the kidnappings of our youth, our citizens, and our soldiers. Amen. v

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Rabbi Mordechai Willig

Happiness and Goodness of Heart

I

Because you did not serve Hashem, your G-d, with happiness and goodness of heart when you had an abundance of everything. (Devarim 28:47). The horrific punishments of the tochacha are caused by our failure to serve Hashem with happiness.

The Rambam concludes Hilchos Lulav (8:15) as follows: "The simcha that a person rejoices in the performance of mitzvos, and in the love of Hashem Who commanded them, is a great service. One who prevents himself from this happiness is worthy of punishment, as it says 'Because you did not serve Hashem, your G-d, with happiness and goodness of heart.'"

This formulation indicates that joy is a natural outgrowth of performing mitzvos out of love of Hashem unless one prevents it. How is it prevented? The Rambam answers: One who is arrogant and accords himself honor is a sinner and a fool. But one who lowers himself is the great and honored one who serves with love. There is no greatness and honor except to rejoice before Hashem.

A prerequisite for serving Hashem with love is humility. One who is full of love for himself, whose arrogance leads him to honor himself, is unable to love Hashem with all his heart. While love of Hashem is not mentioned in the passuk, presumably the Rambam derived it from the need to serve Hashem with goodness of heart, which, in turn, requires wholehearted love of Hashem. A good, and humble, heart leads not only to proper interpersonal relationships (See Avos 2:13) but also allows for the heart to be filled with love of Hashem.

Seeking honor precludes true happiness as well. One who pursues honor, honor escapes him, since he never has enough. Happiness with one's lot is not only true wealth (Avos 4:1), but also reflects love of Hashem Who grants every person his portion. Only by serving Hashem with joy and a good heart can the punishments of the tochacha be avoided.

II
The Rambam quotes this passuk in Hilchos Yom Tov as well. The Torah mandates rejoicing on yom tov and requires gladdening the disadvantaged as well (Devarim 16:11,14). One who feasts and drinks but does not provide for the poor and embittered does not achieve this mitzva joy but only the joy of his belly (Hilchos Yom Tov 6:18). Intoxication, levity and lightheadedness is not joy; it is frivolity and foolishness. We are commanded to have joy that contains service of the Creator, and proper service of Hashem is with joy, as it says "Because you did not serve Hashem, your G-d, with happiness and goodness of heart" (ibid 6:20). Again, the juxtaposition of joy and goodheartedness appears to be the Rambam's source. Without helping the poor, one cannot experience true joy.

"Gladdening the heart of the poor, orphans, widows and strangers is the greatest and most splendid joy. One who does so resembles Hashem, Who revives the spirit of the lowly and the heart of the crushed" (Hilchos Megilla 2:17). Serving, and resembling, Hashem, the Source of joy (Divrei Hayamim I 16:27), yields the greatest possible happiness (See Purim, the Holiday of Giving).

III
"I have done all that You have commanded me" (Devarim 26:14) - this refers to the tithes eaten in Yerushalayim and the tithes given to the Levi and the poor (see Rashi). Rashi concludes: "I have rejoiced and have brought joy to others with it", referring to the aforementioned tithes respectively.

Rashi's formulation indicates that one must be joyous in order to make others happy. While others refer here to the Levi and the poor, earlier (14:26,27) the Torah also commands: "You shall rejoice, you and your household." This refers specifically to one's wife, without whom a man cannot enjoy true happiness (Yevamos 62b).

"He shall gladden his wife", as Onkelos translates. He who translates 'he shall be glad with his wife' is mistaken" (Rashi, Devarim 24:5). The "mistaken" translation is none other than Yonasan ben Uziel. How do we justify his ungrammatical translation?

Perhaps Targum Yonasan is based on the linkage established by Rashi (26:14) himself. "I have rejoiced and have brought joy to others with it". In order to fulfill the literal sense of gladdening one's wife, one must first be glad with his wife. He should be overjoyed by his marriage, which yields Torah protection, peace, joy, blessing and goodness (Yevamos 62b). In fact, the Rambam (Hilchos Ishus 15:19) teaches that a married man may not be sad. His sadness will undoubtedly affect his wife and preclude his fulfillment of his obligation to gladden her. Targum Yonasan demands that a man be glad with his wife as a prerequisite to the literal requirement to gladden her. True joy is achieved by serving Hashem with humility and love, and by giving and thereby resembling Hashem. The joy of marriage, the metaphor of loving Hashem (Rambam Hilchos Teshuva 10:3), is achieved by giving to and gladdening one's spouse as well. Indeed, a man and wife who merit it, Hashem dwells in their midst (Sota 17a).

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Britain's Former Chief Rabbi Lord Jonathan Sacks

A Nation of Storytellers

Howard Gardner, professor of education and psychology at Harvard University, is one of the great minds of our time. He is best known for his theory of "multiple intelligences," the idea that there is not one thing that can be measured and defined as intelligence but many different things – one dimension of the dignity of difference. He has also written many books on leadership and creativity, including one in particular, *Leading Minds*, that is important in understanding this week's parsha.[1]

Gardner's argument is that what makes a leader is the ability to tell a particular kind of story – one that explains ourselves to ourselves and gives power and resonance to a collective vision. So Churchill told the story of Britain's indomitable courage in the fight for freedom. Gandhi spoke about the dignity of India and non-violent protest. Margaret Thatcher talked about the importance of the individual against an ever-encroaching State. Martin Luther King told of how a great nation is colour-blind. Stories give the group a shared identity and sense of purpose.

Philosopher Alasdair MacIntyre has also emphasized the importance of narrative to the moral life. "Man," he writes, "is in his actions and practice as well as in his fictions, essentially a story-telling animal." It is through narratives that we begin to learn who we are and how we are called on to behave. "Deprive children of stories and you leave them unscripted, anxious stutters in their actions as in their words." [2] To know who we are is in large part to understand of which story or stories we are a part.

The great questions – "Who are we?" "Why are we here?" "What is our task?" – are best answered by telling a story. As Barbara Hardy put it: "We dream in narrative, daydream in narrative, remember, anticipate, hope, despair, believe, doubt, plan, revise, criticise, construct, gossip, learn, hate and love by narrative." This is fundamental to understanding why Torah is the kind of book it is: not a theological treatise or a metaphysical system but a series of interlinked stories extended over time, from Abraham and Sarah's journey from Mesopotamia to Moses' and the Israelites' wanderings in the desert. Judaism is less about truth as system than about truth as story. And we are part of that story. That is what it is to be a Jew.

A large part of what Moses is doing in the book of Devarim is retelling that story to the next generation, reminding them of what God had done for their parents and of some of the mistakes their parents had made. Moses, as well as being the great liberator, is the supreme story teller. Yet what he does in parshat Ki Tavo extends way beyond this.

He tells the people that when they enter, conquer and settle the land, they must bring the first ripened fruits to the central sanctuary, the Temple, as a way of giving thanks to God. A Mishnah in Bikkurim [3] describes the joyous scene as people converged on Jerusalem from across the country, bringing their firstfruits to the accompaniment of music and celebration. Merely bringing the fruits, though, was not enough. Each person had to make a declaration. That declaration became one of the best known passages in the Torah because, though it was originally said on Shavuot, the festival of firstfruits, in post-biblical times it became a central element of the Haggadah on seder night:

My father was a wandering Aramean, and he went down into Egypt and lived there, few in number, there becoming a great nation, powerful and numerous. But the Egyptians ill-treated us and made us suffer, subjecting us to harsh labour. Then we cried out to the Lord, the God of our ancestors, and the Lord heard our voice and saw our misery, toil and oppression. So the Lord brought us out of Egypt with a mighty hand and an outstretched arm, with great terror and with signs and wonders. (Deut. 26: 5-8)

Here for the first time the retelling of the nation's history becomes an obligation for every citizen of the nation. In this act, known as vidui bikkurim, "the confession made over firstfruits," Jews were commanded, as it were, to become a nation of storytellers.

This is a remarkable development. Yosef Hayim Yerushalmi tells us that, "Only in Israel and nowhere else is the injunction to remember felt as a religious imperative to an entire people." [4] Time and again throughout Devarim comes the command to remember: "Remember that you were a

slave in Egypt.” “Remember what Amalek did to you.” “Remember what God did to Miriam.” “Remember the days of old; consider the generations long past. Ask your father and he will tell you, your elders, and they will explain to you.”

The vidui bikkurim is more than this. It is, compressed into the shortest possible space, the entire history of the nation in summary form. In a few short sentences we have here “the patriarchal origins in Mesopotamia, the emergence of the Hebrew nation in the midst of history rather than in mythic prehistory, slavery in Egypt and liberation therefrom, the climactic acquisition of the land of Israel, and throughout – the acknowledgement of God as lord of history.”[5]

We should note here an important nuance. Jews were the first people to find God in history. They were the first to think in historical terms – of time as an arena of change as opposed to cyclical time in which the seasons rotate, people are born and die, but nothing really changes. Jews were the first people to write history – many centuries before Herodotus and Thucydides, often wrongly described as the first historians. Yet biblical Hebrew has no word that means “history” (the closest equivalent is *divrei hayamim*, “chronicles”). Instead it uses the root *zakhor*, meaning “memory.”

There is a fundamental difference between history and memory. History is “his story,”[6] an account of events that happened sometime else to someone else. Memory is “my story.” It is the past internalised and made part of my identity. That is what the Mishnah in Pesachim means when it says, “Each person must see himself as if he (or she) went out of Egypt.”[7]

Throughout Devarim Moses warns the people – no less than fourteen times – not to forget. If they forget the past they will lose their identity and sense of direction and disaster will follow. Moreover, not only are the people commanded to remember, they are also commanded to hand that memory on to their children.

This entire phenomenon represents a remarkable cluster of ideas: about identity as a matter of collective memory; about the ritual retelling of the nation’s story; above all about the fact that every one of us is a guardian of that story and memory. It is not the leader alone, or some elite, who are trained to recall the past, but every one of us. This too is an aspect of the devolution and democratization of leadership that we find throughout Judaism as a way of life. The great leaders tell the story of the group, but the greatest of leaders, Moses, taught the group to become a nation of storytellers.

You can still see the power of this idea today. As I point out in my book *The Home We Build Together*, if you visit the Presidential memorials in Washington, you see that each carries an inscription taken from their words: Jefferson’s ‘We hold these truths to be self-evident . . .’, Roosevelt’s ‘The only thing we have to fear, is fear itself’, Lincoln’s Gettysburg Address and his second Inaugural, ‘With malice toward none; with charity for all . . .’ Each memorial tells a story.

London has no equivalent. It contains many memorials and statues, each with a brief inscription stating who it represents, but there are no speeches or quotations. There is no story. Even the memorial to Churchill, whose speeches rivalled Lincoln’s in power, carries only one word: Churchill. America has a national story because it is a society based on the idea of covenant. Narrative is at the heart of covenantal politics because it locates national identity in a set of historic events. The memory of those events evokes the values for which those who came before us fought and of which we are the guardians.

A covenantal narrative is always inclusive, the property of all its citizens, newcomers as well as the home-born. It says to everyone, regardless of class or creed: this is who we are. It creates a sense of common identity that transcends other identities. That is why, for example, Martin Luther King was able to use it to such effect in some of his greatest speeches. He was telling his fellow African Americans to see themselves as an equal part of the nation. At the same time, he was telling white Americans to honour their

commitment to the Declaration of Independence and its statement that ‘all men are created equal’.

England does not have the same kind of national narrative because it is based not on covenant but on hierarchy and tradition. England, writes Roger Scruton, “was not a nation or a creed or a language or a state but a home. Things at home don’t need an explanation. They are there because they are there.”[8] England, historically, was a class-based society in which there were ruling elites who governed on behalf of the nation as a whole. America, founded by Puritans who saw themselves as a new Israel bound by covenant, was not a society of rulers and ruled, but rather one of collective responsibility. Hence the phrase, central to American politics but never used in English politics: “We, the people.”

By making the Israelites a nation of storytellers, Moses helped turn them into a people bound by collective responsibility – to one another, to the past and future, and to God. By framing a narrative that successive generations would make their own and teach to their children, Moses turned Jews into a nation of leaders.

[1] Howard Gardner in collaboration with Emma Laskin, *Leading minds: an anatomy of leadership*, New York, Basic Books, 2011.

[2] Alasdair MacIntyre, *After Virtue*, University of Notre Dame Press, 1981.

[3] Mishnah Bikkurim ch. 3.

[4] Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory*, Schocken, 1989, 9.

[5] Yerushalmi, *ibid.*, 12.

[6] This is a simple reminder not an etymology. *Historia* is a Greek word meaning inquiry. The same word comes to mean, in Latin, a narrative of past events.

[7] Mishnah Pesachim 10: 5.

[8] Roger Scruton, *England, an Elegy*, Continuum, 2006, 16.

Rabbi Lord Jonathan Sacks is a global religious leader, philosopher, the author of more than 25 books, and moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks or to subscribe to his mailing list, please visit www.rabbisacks.org.

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The Power of Speech

Moshe Aaron Shulman

In *Parshas Ki Savo* we find a recurring theme; we discover the power of words. Words do not seem to be as powerful as actions, as actions have the power to affect the world, while words are, on first glance, harmless. Indeed, the *Mishna* in *Pirkei Avos (1:15)* quotes *Shammai* as saying that one should say little and do much. However, in this week’s *Parsha* we see speech in an entirely different light.

The first *Mitzva* of the *Parsha* is that of bringing *Bikkurim*, the first fruits. Every year, the first fruits of a harvest were brought to *Yerushalayim*, where the farmer would present them to a *Cohen* and recite a passage of the *Torah*. This passage must be read aloud in Hebrew, in the exact language recorded by the *Torah*. One who adds even one word has not fulfilled his requirement to perform this commandment (*Minchas Chinuch 606:1*).

What is the reason for the reading of the passage of *Bikkurim*, which the *Torah* takes so seriously? The *Sefer Ha-chinuch* explains that what one says affects his personality and his mind. Speech is a tool for expressing one’s ideas and a tool to provoke thought. When *Hashem* blesses us with a good harvest, or any harvest at all, we must use this tool to recognize all that He has done for us. It is for this reason that the passage that the farmer reads outlines Jewish history; this is an opportunity for meditation on all that *Hashem* does for us.

The *Torah* then commands us to perform *Viduy Ma'aser*. Every three or four years, when the three-year cycle of *Ma'asros* ends, we go to the *Beis HaMikdash* and declare that we have properly performed the *Mitzvos* of and relating to *Ma'aser*. Although this formula may be said in any language, the *Torah* still lists each detail of what must be said; additionally, unlike most *Mitzvos* that depend on speech, one cannot perform this *Mitzva* by listening to another recite the *Viduy*.

The *Sefer Ha-Chinuch* explains that there are some who are more careful about their speech than about their actions. The reason for doing so is that speech differentiates humans from animals; animals as well as humans can act, while only humans can speak. Speech is thus a "great splendor" for humans, and many are thus very careful about it. The *Torah* recognizes this and commands us to verbalize the declaration stating that we have fulfilled our obligations vis-à-vis *Ma'aser*. Those who are more careful about their speech than their actions will not lie and will fulfill their *Ma'aser* obligations.

The *Torah* then enumerates blessings for those who follow the words of the *Torah* and curses for those who do not. These are verbalized, as are most such blessings and curses. The *Gemara* in *Brachos* (20b) quotes a discussion about whether a different type of blessing, *Birchos Krias Shema* and *Shemoneh Esrei*, must be verbalized. Indeed, the *Shulchan Aruch* (62:3) writes that such a blessing must be verbalized. Similarly, the other type of blessing, that of promising reward to those who do good and promising punishment to those who do bad, must be verbalized.

We are now in the midst of *Elul*, a time for reflection and repentance. This week's *Parsha* presents us with an opportunity to focus on our speech. Are we careful about what comes out of our mouth? Do we realize that our speech affects our personalities and identities? Will we internalize the message of *Mikra Bikkurim*?

Will we be careful about preserving the purity of the quality that differentiates humans from animals? Will we be careful to speak the truth? Will we internalize the messages of *Viduy Ma'aser*?

Will we realize the power of speech to help or harm? Will we be careful to pronounce our *Brachos*? Will we internalize the messages of the *Brachos* and *Klalos*?

We must not, of course, minimize the importance of action in Judaism. Indeed, *Viduy Ma'aser* protects people from violating the *Torah* by not doing the actions relating to *Ma'aser*. The *Mishna* quoted earlier is another indication of the importance of action. However, this week's *Parsha* teaches us that there is power in words, and this is not to be underestimated. May we be *Zoche* to conquer our power of speech and use it constructively.

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subject: Weekly Parsha from Rabbi Berel Wein

Weekly Blog :: Rabbi Berel Wein

Some Thoughts For Elul

The month of *Elul* has always been portrayed as a time of introspection. As we prepare for the coming good and blessed year of 5775, we should also stop to consider the occurrences and events of the past year, 5774. Like most of life, it was a year of contrasts and mixed messages. Israel and the Palestinian Authority negotiated for most of the year but any sort of meaningful agreement failed to appear. The end of the year was marked by a bloody and difficult war in Gaza, the true results of which have yet to become clear and visible.

Even though our coalition government was constantly wracked with inner dissent and public criticism, it somehow was able to maintain itself and provide our country with a modicum of much-needed stability. But the political landscape in Israel is always a bleak one, with the thunderstorm of

new elections consistently hovering just over the horizon. All current polls indicate that any new election in the foreseeable future will not really change our current political lineup.

The disagreements and carping will continue but we are so accustomed to that that it really has very little influence on our daily lives. Some of the great corruption trials of Israeli leaders took place last year and showed how far the mighty fell! One hopes that lessons have been learned by those who are now in power. Yet I am not convinced that the old boy mentality that so breeds corruption has been eradicated in our wonderful little country. We have new Chief Rabbis here in Israel that were elected and installed this past year. The Chief Rabbinate here in Israel is a most vital and powerful institution. Tragically, it has been badly tarnished over the past decade, with many a scandal and even criminal activity associated with it. It should be the hope of all of us that those newly installed will be successful in rehabilitating the image and operations of the Chief Rabbinate.

At a recent ceremony held here in Jerusalem, over three hundred young men received rabbinic ordination from the Chief Rabbinate. There is a great deal of talent present in this coming generation of *Torah* scholars and budding rabbinic leaders. It is my fervent hope that somehow these young men will find positions of spiritual leadership that will satisfy them and thereby enhance the society of Israel.

There is a strong desire amongst the non-observant Jewish society in Israel today to know more about their faith and their history. In short, they may not yet desire to become observant but they have a great desire to become more Jewish. They should be aided in this effort by this new generation of rabbinic leadership. I feel that the non-observant society is not interested in *kiruv* per se. Many are threatened by the enormous change in lifestyle that they would have to undergo. But Jews in Israel, in the main, want to be more attached to the Jewish story and the Jewish society. I think that it is certainly the obligation of the official rabbinate in Israel to help them achieve this important goal.

The new year is an uncharted mystery to all of us. But whatever it will bring, understanding and appreciating the lessons of the old year will certainly be helpful. This is true on a personal level as well as on the national scene. All of us made mistakes this past year and we pray that the holy day of *Yom Kippur* will again wipe the slate clean for us. Nevertheless, we should recognize those errors that were made and resolve not to repeat them during the coming year.

We should strengthen family bonds, even with those with whom we may disagree personally or ideologically. We should be much more tolerant of all sections of our society, be less judgmental and refrain from imposing our standards and behavior patterns upon others. At the same time we should strengthen our loyalty to the *Torah* and to the observance of its commandments.

We should fortify our commitment to Jewish life and the basic norms of *Torah* morality here in our country. These goals are indeed lofty ones that will occupy much of our time, efforts, talents and resources, in this coming year. We should not shrink from the task. The rabbis in *Avot* taught us that it is not incumbent upon us to finish the task but neither are we free to abstain from attempting to do so. This should be our guide for the coming good and blessed year.

Shabat shalom

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Weekly Parsha Blog:: Rabbi Berel Wein

Ki Tavo

In this week's *parsha*, all of Jewish history is reflected in the two relatively short scenarios that the *Torah* describes for us. There is the opening section of the *parsha* – the promise that the Jewish people will come into the Land of Israel, settle there, develop the country, build the Temple and express their

gratitude to God for the blessings that He has bestowed upon them. They will harvest bountiful crops and commemorate these achievements by bringing the first fruits of their labor as a thanksgiving offering to the Temple and the priests of the time. They will then recite a short statement of Jewish history, a synopsis of the events that have occurred to them from the time of the patriarchs until their own time.

The Torah promises blessings and serenity to the people of Israel but the Torah does not minimize the toil and travail that led to the moment of these offerings in the Temple. However, it does convey a sense of satisfaction, achievement, gratitude and appreciation for the accomplishments of the Jewish people, individually and nationally, regarding the Land of Israel and its bounty.

It is a spirit of wondrous gratitude that marks the accomplishments of the individual farmer and of the people generally in settling and developing the Land of Israel. There is little room for hubris and self-aggrandizement in the text of this offering in the Temple. Rather, it highlights the relationship between God, the Land and people of Israel. That is one scenario that is outlined for us in this week's parsha.

The second situation is a much more somber and even frightening one. It describes the events, travail and persecution that will visit the Jewish people over the long millennia of its exile from its land. In vivid detail, the Torah describes the horrors, defeats and destruction that the Exile will visit upon the Jewish people.

In our generation, this portion of the Torah reading can actually be seen on film and in museums. We are witness to the fact that not one word of the Torah's description of dark future events is an exaggeration or hyperbole. This period of trouble and exile has lasted far longer than the offering of the first fruits in the Temple. Unfortunately, the residue of this second scenario is still with us and within us as we live in a very anti-Jewish world society. Yet we are to be heartened by the concluding words of this section of the Torah that promises us that it will be the first scenario that will eventually prevail. Even though so much of the negative is still present in our current state of affairs, we should nevertheless be grateful for our restoration to sovereignty and dominion in our own homeland and for the bounty of the land that we currently enjoy.

All of this is a symbol of the beginning of the resurrection of the first scenario and the diminishing effects of the second outlined in this week's parsha. May we all be wise enough to realize this and adjust our attitudes and actions accordingly.

Shabat shalom

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Rabbi Weinreb's Parsha Column

Ki Tavo: "In the Good Old Days"

It was the kind of thing you would hear from old men. "Things just ain't the way they used to be." "This new generation is going to hell in a handbasket." "I remember when things were different and better, back in the good old days!"

Now that I am becoming a bit older myself, I find that I sometimes parrot some of those phrases. Increasingly, my attitude has become negative and critical of the contemporary world around me. It is at such moments that I feel convinced that things were indeed much better in the past, and certainly much different.

My tendency to value the past over the present is especially marked when it comes to reflecting upon leadership phenomena. It is easy to say that presidents and prime ministers were once great statesmen and that the individuals now holding those positions are at best mediocre. Authors, poets,

artists, and even the composers of days gone by definitely seem superior to individuals currently in those roles.

It is especially in the area of religion that the past took on an aura of holiness, of grandeur, of purity, that seems to be totally absent in today's religious world. It is easy to come up with the names of fifteen or twenty outstanding rabbis in the previous generation or two, or even three. It is hard to find more than a few in today's generation.

Is this attitude, which I suspect is prevalent even among individuals far younger than me, fair? Is it correct? Or is it based upon nostalgic memories which distort the realities of the past, as well as the conditions of the present? Dare I even speculate that this attitude stems from a cynicism which, some would say, is typical of older people?

Personally, I have found correctives for this attitude in my own experience and in my Torah study.

My personal experience was fortunately blessed by my acquaintance with a number of older men, among whom I count my own and my wife's grandfathers, who all felt that the current generation was in many ways superior to the earlier generations that they knew. In their conversations, they not only did not glorify the past, but well remembered that past generations had their own blemishes, some of which were quite severe. This week's Torah portion, Parshat Ki Tavo, opens with the mitzva to bring the first fruits of one's new harvest to "the place where the Lord your God will choose to establish His name," (Deuteronomy 26:2), which we know eventually was designated as Jerusalem. The next verse continues, "You shall go to the kohen (priest) in charge at that time..." After reciting the proper recitations, the fruits were given to that kohen.

Rashi notes how very odd it is that we are told to bring those fruits to the kohen "in charge at that time." To what other kohen could we possibly have given them? To the kohen of a time gone by?

To those of us who were paying careful attention to the Torah portion that we read just two weeks ago, Shoftim, this question sounds very familiar. For in that parsha, we encountered two similar phrases, not with reference to the kohen, but with regard to the judges whom we consult.

Thus, we read that we were to "appear before... the magistrate in charge at that time, and present your problem" (Deuteronomy 17:9). Later in that same parsha, we learned that "the two parties to the dispute shall appear... before the magistrates in authority at that time" (Deuteronomy 19:17).

The Talmud derives a powerful lesson from these three phrases which all stress "... at that time." The lesson is that we are not to denigrate the judges or priests of our time. We are not to say that the judges of yore were well-suited to their positions, but that the judges of our own times are inferior and indeed unqualified. Jephtha, the leader of a rag tag group of warriors, was for his generation every bit as qualified to be a judge as was Samuel, the prophet of a later time.

I have always understood this teaching to mean that it is futile to compare the leaders of one generation to those of another. Each generation has its own special character and unique requirements, and the leaders who emerge, especially in the religious sphere, are precisely the ones most appropriate for that generation. As Rav Kook, the first Chief Rabbi of the Land of Israel, whose 79th yearzeit we recently commemorated, put it, "Every generation shines with its own qualities."

If this lesson applies to what our attitude should be to the judges of our time, how much more it applies to what should be our proper attitude toward the contemporary kohen. We are not to say that the kohanim of yesteryear were spiritually worthy of offering the priestly blessings, whereas today's kohen is unqualified to do so. Rather, we ought to follow Maimonides' ruling that everyone born a kohen is fit to utter the priestly blessing "even if he is not learned, not punctilious in his observance of mitzvot, and even if there are persistent rumors about him." (Mishneh Torah, Laws of Prayer 15:6).

I close by quoting the words of the wisest of old men, indeed, the wisest of all men, King Solomon:

"The end of a matter is better than the beginning of it.

Better a patient spirit than a haughty spirit...
Don't say, 'How has it happened that former times were better than these?'
For is not wise of you to ask that question.' (Ecclesiastes 7:8-10)

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Parsha Parables By Rabbi Mordechai Kamenetzky

Drasha Parshas Ki Savo

by Rabbi Mordechai Kamenetzky

First Impressions

This week's parsha begins by telling us what will occur when the Jews finally conquer and settle the Land of Canaan. "It will be when you enter the Land that Hashem, your G-d, gives you as an inheritance, and you possess it, and dwell in it" (Deuteronomy 26:13). It relates the mitzvah of Bikurim: "You shall take of the first of every fruit of the ground that you bring in from your Land that Hashem, your G-d, gives you, and you shall put it in a basket and go to the place that Hashem, your G-d, will choose, to make His Name rest there (Deuteronomy 26:2). The bikurim are then presented to the kohen.

"You shall come to whomever will be the Kohen in those days, and you shall say to him, "I declare today to Hashem, your G-d, that I have come to the Land that Hashem swore to our forefathers to give us" (Deuteronomy 26:3). What kind of introductory remark is that? Of course, we come to the land! If we had not arrived, we would not be here! Why then do we tell the kohen that "I declare today that I have arrived"?

As a student in the Ponovez Yeshiva, I would spend some summer days in the resort town of Netanya. One day, I spotted what, to an American seemed like an anomaly: a small Yemenite man, long curly peyos dangling from his darkly tanned olive-skinned face, bouncing up and down as he, dressed in a policeman's uniform, was directing traffic. I had never seen an orthodox policeman, let alone one who had dangling side curls. My propensity to talk to fellow Jews and my inherent fascination with curiosities, spurred me to engage him in conversation.

As we talked, he told me about lineage. I mentioned that my name was Kamenetzky, and he froze in disbelief.

"Are you, by any chance, related to the famous Rabbi Kamenetzky of America who recently visited Israel?"

"Do you mean Rabbi Yaakov Kamenetzky?" I inquired. When he nodded, in excited corroboration, I added, "he is my grandfather." It was as if I had sent a charge of electricity through his body!

He beamed at me. "Do you know that your grandfather, Rabbi Yaakov Kamenetzky attended my son's bris, right here in Netanya!"

I did a double take and thought, "Yeah Right! Sure. My 89-year-old grandfather came to Netanya for a Yemenite police officer's son's bris." The man registered my apparent skepticism, and proceeded with the following story. At the time, Kiryat Zanz, the community built by the Klausenberg Rebbe, in Netanya, had recently expanded its medical center. The administrators wanted Rabbi Kamenetzky to see the beautiful facility first hand. The revered sage's endorsement would surely boost their fundraising efforts. They picked Rav Yaakov up from his accommodations in Jerusalem, and drove him to Netanya. Entering the city limits, Rav Yaakov asked, "Are we going to the hospital?"

When the administrators and the driver, affirmed that destination, Rav Yaakov said, "No, we are going to the Rav. When one comes to a town, his first stop is to see the Rav. After we greet the Rav, we will see the hospital." They went to the home of Rabbi Lau, (Israel's current Chief Rabbi) Rav of Netanya, but he was not there.

At that point in the story, the policeman became excited. "Do you know where Rabbi Lau was?" he beamed.

He did not wait for an answer. "Rabbi Lau was at my son's bris! And a few minutes later, your grandfather arrived as well!"

Imagine. It took the Jews fourteen years to settle and conquer the Land of Canaan. Until they settled, there was no mitzvah to bring bikurim, (first fruits). During all those years, no one had formally presented themselves to

the Kohen. They may have gone to Jerusalem for the holidays, or for other occasions, but never was there a formal presentation to the kohen. Thus, when the simple farmer finally presents himself to the kohen, he uses the words, "I declare, today, to Hashem that I have come." Perhaps the Torah is subtly sending a simple message: "Kohen, now that I greet you, I declare that I have arrived." Because until you have greeted the kohen, you may have battled. You may have conquered. You may have sown, and you may have reaped. But you have not arrived.

Good Shabbos!

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Rabbi Yissocher Frand - Parshas Ki Savo

Not Being An Ingrate Is Not Quite The Same As Being A 'Makir Tov'

Parshas Ki Savo begins with the mitzvah of Hav'as Bikurim [bringing the first fruits to the Bais HaMikdash] and Mikra Bikkurim [reciting the Biblical passage associated with that ritual]. The farmer brings his first fruits to the Bais HaMikdash in Jerusalem, hands them over to the Kohen, and then recites a passage telling the story of all the kindnesses the Almighty has performed. He places this story of personal Divine Kindness within the historical context of the entire development of the Jewish nation. Under most circumstances, a person not only brings the Bikkurim, he also recites the associated passage. As we have said many times, this passage is the prototype of Hakaras haTov – verbal expression of gratitude and indebtedness. The Medrash states regarding the words "Bereishis Bara Elokim" [In the beginning G-d created...] that the world was created for the sake of 3 entities that were called "Reishis" [first]: Israel was called Reishis; Torah was called Reis his; and Bikkurim were called Reishis. The Alshich wonders at the inclusion of the mitzvah of the First Fruits in the list of the top 3 reasons the world was created. The Alshich explains that this mitzvah symbolizes "Hakaras HaTov" [gratitude], which is such a fundamental idea in Judaism that it is listed along with Israel and Torah as one of the 3 reasons for creation of the world!

Rashi himself quotes [Devarim 26:3] a Sifrei on the words "And you shall say to him (i.e. – the Kohen): She'aincha kafui tova – to show that you are not unappreciative." The Sefer Avir Yosef from Rav Yakov Yosef Rineman, shlit"a asks a question: Why doesn't the Sifrei use a positive expression "to show I acknowledge favors" rather than the negative expression "to show I am not ungrateful"? Rav Rineman answers that when a person acknowledges kindness to the best of his ability, he expresses the full length and breadth of his sense of appreciation. A mere thank-you does not suffice. The five or six pasukim mentioned in the Mikra Bikkurim passage do suffice to meet the minimum requirement for fulfillment of the obligation to recognize favors in the positive sense. However, the best we can say regarding someone saying Mikra Bikkurim is that he no longer falls into the category of an ingrate. He has still not expressed the full length and breadth of his sense of appreciation.

There Are Messages All the Time

The second insight I would like to share also comes from the Sefer Avir Yosef.

In Parshas Ki Savo, the people are commanded: "This day, Hashem, your G-d, commands you to perform these statutes and the laws, and you shall observe and perform them with all your heart and with all your soul. You have distinguished Hashem today to be a G-d for you and to walk in His ways and to observe His statutes, His commandments, and His laws, and to listen to His voice." [Devarim 26:16-17]

The Ramban and others ask what is the additional nuance contained in the concluding phrase "and to listen to His voice"? After having specified walking in His ways and observance of the statutes (Chukkim), commandments (Mitzvos), and laws (Mishpatim) what is left that the Torah needs to continue on with the words "and to listen to His voice" (lishmo'a b'kolo)? Has everything not already been said? The Ramban offers several interpretations. The Ramban suggests that "lishmo'a b'ko lo" can mean to listen to the voice of (future) prophets. However, in truth, listening to a prophet is already a mitzvah and it should have been subsumed under the expression "lishmor mitzvosav" [to observe His commandments]. The Sefer Avir Yosef suggests an entirely different approach. We are accustomed to the idea that in post Biblical and certainly in post Talmudic times, the Almighty does not communicate with us anymore. In the time of the the Bais HaMikdash, there were prophets and there was the Urim V'Tumim worn by the Kohen Gadol. There were ways that the Master of the Universe "talked" with us. Even in later times, there was what the Talmud refers to as a "Bas Kol" – some type of Heavenly Voice that emerged from above to communicate somehow with us. Today it is different. When is the last time the Almighty "talked to us"? We live under the impression that the Ribono shel Olam does not communicate. This is inaccurate. The Master of the World does communicate with us. It is not as accessible or blatant or open as hearing it from a prophet or even from a 'Bas Kol', but there are messages all the time. The Chofetz Chaim used to say on the pasuk "He makes the winds His messengers" (Oseh malachav ruchos) [Tehillim 104:4] that hurricanes talk to us. When the Chofetz Chaim used to hear thunder claps, he would ask "What does Father want?" Throughout life, the Almighty sends us messages. The words "and to listen to His voice" mean it is our obligation and responsibility to perk up our ears and try to hear the message that the Ribono shel Olam is sending to us.

Rabbi Yisrael Salanter once walked past a shoemaker's store late at night and found the shoemaker still at work, fixing a pair of shoes. Rabbi Yisrael Salanter asked him, "It is so late at night, why are you still working?" The shoemaker responded "As long as there is oil in the candle, there is work to be done." This was an innocuous statement, but Rav Yisrael Salanter took it to mean that as long as there is "oil in the candle" – i.e. as long as the soul burns yet within man, there is work to be done in terms of service to the Almighty.

The Talmud tells the famous story of Rabbi Akiva who was unlettered until the age of 40. Rabbi Akiva walked by a stream and saw how a rock had been smoothed by constant dripping of water over time. Rabbi Akiva said that if water can make a rock smooth then Torah which is compared to water can make penetrate my head and I can learn as well. Rabbi Akiva thus viewed something as pedestrian as a stream of water and seized on the message he saw therein to change his life.

These are a few examples of "lishmo'a b'kolo" [to listen to His voice]. We need to aspire to this level of sensitivity to G-d's messages and "listen to His voice" by taking spiritual insight from everyday interactions and observations.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD
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<http://www.jpost.com/Opinion/Columnists/>
 Rabbi Shmuel Rabinowitz

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Ki Tavo: It all depends on the choice we make

Rabbi Shmuel Rabinowitz

September 11, 2014 Thursday 16 Elul 5774

Moshe Rabbeinu notes two choices: one being Am Yisrael choosing loyalty to G-d and the second being G-d's choice of Am Yisrael as a "chosen people."

In this week's Torah portion, Ki Tavo, we read the conclusion of Moshe Rabbeinu's long and significant speech before the nation, after which he gives shorter speeches. Moshe chooses to conclude his long speech with the following words: "You have selected the Lord this day, to be your G-d, and to walk in His ways, and to observe His statutes, His commandments and His ordinances, and to obey Him. And the Lord has selected you this day to be His treasured people, as He spoke to you, and so that you shall observe all His commandments, and to make you supreme, above all the nations that He made, [so that you will have] praise, a [distinguished] name and glory; and so that you will be a holy people to the Lord, your God, as He spoke." (Deuteronomy 26, 17-19) The unique words "he'emarta/ ha'amirecha" ("you have selected/has selected you") have been explained by commentators as being parallel to supremacy and loftiness. Or, put simply, as an expression of choice.

Moshe Rabbeinu notes two choices: one being Am Yisrael choosing loyalty to G-d, "to walk in His ways...and to obey Him," and the second being G-d's choice of Am Yisrael as a "chosen people" supreme to all other nations.

Here we must clarify an important point: Many mistake the meaning of "supreme" in this context. It is not meant, heaven forbid, as racist or as to insinuate superiority over other nations. The meaning, as understood from analysis of these verses, is that other nations look upon Am Yisrael [so that you will have] praise, a [distinguished] name and glory. When all the nations see Am Yisrael as a symbol of moral and ideological behavior – then the choice of Am Yisrael takes place.

A current example of this "supreme" behavior can be seen in the recent war fought by the Israel Defense Forces in the Gaza strip. Even the honest critics of the State of Israel and of the IDF, (not those whose hatred of Israel colors their every thought), cannot help but compare the quality of the moral code guiding the actions of the State of Israel, which avoided many important military actions out of fear of harming people not involved in the fighting, versus the heinous lack of morality displayed by our enemies who intentionally and blatantly act to kill citizens, women and children, both Israelis and of their own nation.

The meaning of Moshe's words regarding both these choices is twofold.

First, it is significant to emphasize the fact that Am Yisrael chose to be loyal to G-d and that G-d chose the Jewish nation to give it the Torah and the Land of Israel. Second, it is important to note the mutual dependency of these choices.

Moral supremacy does not happen on its own. For Am Yisrael to be worthy of the title "G-d's Chosen People," it has to want it and choose it, to examine its own behavior and constantly work to improve it. Only then, after Am Yisrael chooses the worthy path, does it merit G-d's selection of it as the Chosen People of moral supremacy discernible to all other nations.

This understanding is especially crucial nowadays. We are now only a week and a half away from Rosh Hashana, which according to Jewish tradition is a day of introspection, the day of judgment of the past, the day when our fate for next year is determined. Each and every one of us wants next year to be good and successful, for us personally and for all of Am Yisrael. This desire of ours, if translated into the biblical words quoted above, is actually the desire that G-d should select us, that also for this coming year, we should be worthy of the name "Chosen People."

But to be worthy of this, we must show readiness. To merit G-d's choice, we must choose Him. In general, we must remember that we have been given free will. We are not obligated to do one thing or another; there is no one who forces us to do good, or heaven forbid, bad. Each and every one of us can choose to do good and thus merit that good chooses us. If we succeed in choosing to do good, we will have good reason to expect next year to be better, for each of us in all areas of our lives, and for all of Am Yisrael.

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Rav Kook List

Rav Kook on the Torah Portion

Ki Tavo: Tithing in the Proper Order

Twice every seven years, the Torah enjoins us to declare that we have properly tithed our produce:

"When you finish taking all the tithes for your produce ... you should declare before the Lord your God: I have removed all the sacred portions from the house. I have given to the Levite, the stranger, the orphan and the widow, according to all the instructions that You commanded me." (Deut. 26:12-13)

What are these tithing instructions that God prescribed?

The Mishnah in Ma'aser Sheini (7:11) explains that this refers to tithing in the proper order. The first tenth, ma'aser rishon, is distributed to the Levites. Only afterwards should the second tithe, ma'aser sheini, be set aside to be consumed by the owner in Jerusalem.

Why is the order so important? What does it matter which ma'aser is apportioned first? The Mishnah teaches us an important lesson in how we should fulfill our moral obligations. The Torah wants to impress upon us the importance of executing our duties in the correct order and appropriate time. If the hour is right, our efforts will bring about consummate good in the world. However, when irresponsible and rash individuals attempt to address problems before their time, their actions often turn out detrimental, and prevent much good.

Four Levels of Responsibility

For example, our primary responsibility is for the welfare of our family. Only afterwards come the moral obligations to the nation. Next comes our concern for all human beings, and lastly, for all creatures.

Only after taking care of our family should we turn towards the needs of our nation.

Fortunate is the individual whose obligations towards his people are such that he has the opportunity to also work for the good of all humanity.

The prophets spoke of a future era when humanity will no longer need to help one another. Spiritually, there will be no need to teach others, "For all will know Me, both small and large" (Jeremiah 31:34). None will require physical assistance, since "The lame will leap like deer and the tongue of the mute will sing" (Isaiah 35:6) and "He will swallow up death forever" (Isaiah 25:8). Nor will economic support be required, as "There shall be no needy among you" (Deut. 15:4). At such a time, what will we do with our natural inclination to help others? Who will require our aid?

At that time, we will turn to the creatures beneath us, to care for them and enlighten them, until "the cow and the bear will graze together" (Isaiah 11:7). Mankind will then be revealed as a benevolent king watching over all creatures.

Moral Recklessness

Sadly, there are those so troubled by the woes of the world - war, ignorance, oppression - that in their haste to rectify the world's problems, they ignore the needs of their own families and nations. They only bring about greater sorrow, and have neglected those closer to themselves. Likewise, some hasten to help the animals, disregarding the distress of people in front of their eyes. These rash individuals cause great evil in their attempts to alleviate problems before their time.

For this reason, the Torah instructs us to declare that we have properly fulfilled our moral obligations - tithing our produce - in the correct order and in the appropriate time. (Gold from the Land of Israel, pp. 336-338. Adapted from Ein Eyah vol. II, p. 406)

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Holding the Torah Upright

By Rabbi Yirmiyohu Kaganoff

According to some rishonim, the mitzvah to raise the Torah (hagbahah) is mentioned in parshas Ki Savo.

Question #1: Holy roller

"I was in a shul, and when they took out the sefer Torah, they opened it and carried it all around the shul, showing everyone with a yad where the beginning of the keriah is. I had never seen this before, and was wondering if this is a common practice. Is it mentioned in halachic sources, or does it simply manifest someone's enthusiasm?"

Question #2: Reversing the trend

Is there any halachic basis for the custom on Simchas Torah of reversing the sefer Torah so that the writing faces away from the magbiah?

Answer: Needing a lift

The mitzvah of hagbahah is to raise the sefer Torah and show it, so that everyone in the shul can see the writing of the sefer Torah. The prevalent, but not exclusive, tradition among Ashkenazim is that this mitzvah is performed after each sefer Torah is read, whereas the exclusive practice among edot hamizrach (Jews of Middle Eastern and Sefardic descent) is that this lifting is performed prior to reading from the Torah.

Among the edot hamizrach, some open the sefer Torah and lift it up immediately upon removing it from the Aron Kodesh, whereas others first bring the sefer Torah to the shulchan and then perform hagbahah, prior to calling up the kohen for the first aliyah (Ben Ish Chai II, Tolados #16). Some even perform hagbahah both before and after the reading (ibid.; Kaf Hachayim 134:17) As a matter of curiosity, it is interesting to mention that some Chassidim and Perushim in Eretz Yisrael observe the practice of the

Sefardim and perform hagbahah before the Torah is read. When following this procedure, the magbiah does not sit down with the sefer Torah after he has completed his job, but places it down on the shulchan from which it is read.

As we will soon see, both customs - performing hagbahah before the reading and performing it after the reading - can be traced back to antiquity.

The earliest description of hagbahah

The earliest extant description of the procedure of hagbahah haTorah is found in Masechta Sofrim, as follows:

"One must raise the sefer Torah when reciting the words Shema Yisrael... and then raise it again upon reciting Ehad Elokeinu Gadol Adoneinu Kadosh Shemo... Immediately, [the person performing the mitzvah] opens the sefer Torah to a width of three columns and lifts the sefer Torah -- showing the writing to all the people standing to his right and his left. Then he moves the sefer Torah in a circular motion before him and behind him -- because it is a mitzvah incumbent on all the men and women to see the text of the sefer Torah, to bow, and to say Vezos HaTorah asher sam Moshe lifnei Bnei Yisrael" (Masechta Sofrim 14:11-14).

What are the sources for the divergent customs?

As noted by the Beis Yosef and the Gra, the Masechta Sofrim describes performing hagbahah before keriah haTorah. Nevertheless, the venerated practice of the Bnei Ashkenaz is to do hagbahah after we read the Torah (see Darkei Moshe 147:4; the practice is quoted at least as early as the Sefer Hatur, who lived over eight hundred years ago). This custom is based on the Gemara (Megillah 32a) that states, "After ten people read the Torah, the greatest of them should roll up the Torah," which refers to hagbahah and implies that it is performed after the Torah has been read. Similarly, a different passage of Gemara (Sotah 39b) mentions that the person reading the haftarah should be careful not to begin until the rolling of the Torah is complete. This implies that the hagbahah and subsequent rolling closed of the Torah is performed immediately prior to the haftarah, and not before the Torah is read.

Two places in Shulchan Aruch

This difference in practice resulted in an anomalous situation. Because the Tur was an Ashkenazi, he included the laws of hagbahah haTorah after the reading of the Torah, in Chapter 147 of Orach Chayim. On the other hand, the Shulchan Aruch, who follows Sefardic practice, mentions hagbahah haTorah before the rules of the reading of the Torah in Chapter 134:2, yet he also discusses the laws of hagbahah HaTorah where the Tur placed the halachah in Chapter 147. As a result, the halachos of hagbahah haTorah are located in two different places in Shulchan Aruch, some in Chapter 134, others in Chapter 147, with the laws of keriah haTorah sandwiched between.

Why do Ashkenazim do hagbahah afterwards?

Logically, it would seem that we should display the text of the sefer Torah prior to reading the Torah, so that people observe the section that is about to be read, as, indeed, the Sefardim do. Why do Ashkenazim delay displaying the words of the Torah **Holding the T** after the reading is concluded?

The authorities present the following basis for what seems to be an anomalous practice: In earlier generations, there were unlettered people who mistakenly assumed that it was more important to see the words of the Torah during the hagbahah than it was to hear the reading of the Torah. As a result, many of these people would leave shul immediately after the hagbahah and miss the reading. Therefore, the practice was introduced to postpone the hagbahah until after the reading was concluded -- which now caused these people to stay in shul and hear the reading of the Torah (Shiyarei Keneses Hagedolah 134:2, quoted by Kaf Hachayim 134:17).

Are there any other ramifications to this dispute?

Indeed, there is another interesting ramification that results from the Ashkenazic practice of delaying the hagbahah until after the reading is concluded. Should one notice a pesul in the sefer Torah that does not require taking out another sefer Torah, but precludes reading from this sefer Torah until it is repaired, one should not recite the words Vezos HaTorah and Toras Hashem temimah when being magbiah the sefer Torah (Kaf Hachayim 134:17, quoting Shu't Adnei Paz #13).

What is the proper way to do hagbahah?

A sefer Torah is written on sections of parchment that are stitched together. The person who is performing hagbahah should make sure that the stitching is in front of him before he lifts the Torah, so that if the sefer Torah tears from the stress of the lifting, the stitching, which is easy to repair, will tear and not, G-d forbid, the parchment itself (Megillah 32a, as explained by the Tur; see esp. Aruch HaShulchan 147:13; cf., however, how Rashi explains the Gemara).

"Reading" the Torah

When the sefer Torah is raised, each person in shul should try to actually read the letters of the sefer Torah. This causes a bright, spiritual light of the Torah to reach him (Arizal, quoted by Magen Avraham 134:3). Some have the practice of looking for a word in the sefer Torah that begins with the same letter as their name (Ben Ish Chai II, Tolados #16). In most Sefardic communities, someone points to the beginning of the day's reading while the sefer Torah is held aloft for all to see. Some congregations consider this a great honor that is given to the rav or another scholar (Kaf Hachayim 134:13). This may be the origin of the custom that some people have of pointing at the sefer Torah during hagbahah (cf. Yalkut Me'am Lo'ez, Parshas Ki Savo, 27:26). In order to make sure that everyone sees the text of the sefer Torah, some Sefardic congregations have the magbiah carry the open sefer Torah around the shul to display its holy words to every attendee (Kaf Hachayim 134:13).

In which direction is the Torah held?

The usual Ashkenazic practice is that the magbiah holds the sefer Torah with its writing facing him. Some congregations have the practice that, on Simchas Torah, the sefer Torah is lifted in the reverse way, so that the writing is away from the magbiah. Most people think that this is a "shtick" as part of the Simchas Torah celebration, but this is not halachically accurate.

The Bach (147) contends that the original approach was to hold the sefer Torah with the writing visible to the people -- as we do on Simchas Torah. This is because when the magbiah lifts the sefer Torah the way we usually do, his body blocks the view, and for this reason, the Maharam and other great Torah leaders held the Torah with its text away from them when they performed hagbahah. Presumably, the reason this practice was abandoned is because it is much more difficult to do hagbahah this way, and there is concern that someone might, G-d forbid, drop the sefer Torah while doing it. Nevertheless, in places where the custom is to perform hagbahah this way on Simchas Torah, the reason is to show that on this joyous occasion we want to perform hagbahah in the optimal way.

The more the merrier!!

The above-quoted Masechta Sofrim requires that the magbiah open the sefer Torah three columns wide. The authorities dispute whether the magbiah may open the sefer Torah more than three columns. In other words, does Masechta Sofrim mean that one should open the sefer Torah exactly three columns, or does it mean that one should open it at least three columns, so that everyone can see the words of the Torah, but that someone may open it wider, should he choose? The Magen Avraham (134:3) suggests that one should open it exactly three columns, although he provides no reason why one should not open the sefer Torah more, whereas the Mishnah Berurah says that it depends on the strength of the magbiah -- implying that if he can open it more, it is even better. It is possible that the Magen Avraham was concerned that opening the sefer Torah wider might cause people to show off their prowess and cause the important mitzvah of hagbahah to become a source of inappropriate pride -- the exact opposite of the humility people should have when performing mitzvos.

Lift and roll!?

Most people who perform the mitzvah of hagbahah roll open the sefer Torah to the requisite width and then lift it, whereas others unroll it while they are lifting it. Which of these approaches is preferred?

The Shaar Efrayim discusses this issue, and implies that there is no preference between the two approaches, whereas the standard wording of Masechta Sofrim is that one should unroll the sefer Torah first.

Reciting Vezos HaTorah

When the sefer Torah is elevated, everyone should bow and recite the pasuk Vezos HaTorah asher sam Moshe lifnei Bnei Yisrael (Masechta Sofrim 14:14). Indeed, the Chida cites sources who hold that since Chazal mention saying Vezos HaTorah, it has the status of a *davar shebekedushah* and can be said even if one is in the middle of *birchos kerias shema* (Kenesses Hagedolah, quoted by Birkei Yosef 134:4). Subsequently, the Chida wrote a lengthy responsum in which he concluded that reciting Vezos HaTorah does not have the status of a *davar shebekedushah*, and therefore should not be said in a place where it interrupts one's davening (Shu't Chayim She'al 1:68). Vezos HaTorah should be said only while facing the words of the sefer Torah (Be'er Heiteiv 134:6, quoting several earlier sources). If one began reciting Vezos HaTorah while facing the writing of the sefer Torah, one may complete the pasuk after the text of the sefer Torah has been rotated away from one's view (Shaar Efrayim).

In many siddurim, after the sentence Vezos HaTorah asher sam Moshe lifnei Bnei Yisrael, five words are added: Al pi Hashem beyad Moshe (Bamidbar 9:23), as if this is the continuation of the verse. Many halachic authorities question adding the words Al pi

Hashem beyad Moshe, since these words are from a different passage of the Torah (Aruch Hashulchan 134:3). Others are concerned for a different reason, because these last five words are not an entire verse and they question the practice of reciting partial verses of the Torah. Indeed, many old siddurim do not quote this addition, and many halachic authorities contend that one should not recite it.

Who should be honored with hagbahah?

The Gemara (Megillah 32a) states "Ten people who read the Torah, the greatest of them should roll the Torah," which refers to the mitzvah of hagbahah, since the magbiah rolls the Torah both prior to displaying it, and when he closes it, afterwards. The Baal Hatur quotes two opinions as to whom the "ten people" refers. Does it mean the attendees of the current minyan, and that the greatest of this group should be the one who is honored with the mitzvah of lifting and displaying the Torah? Or, does it mean according to the honor of lifting and displaying the Torah to the greatest of the ten people who were involved in that day's reading (the seven who had aliyos, the maftir, the baal keriyah, and the person who recited the Targum after each pasuk was read, which was standard procedure at the time of the Gemara).

The halachic authorities rule according to the first approach, that one should honor the greatest person in the shul (Gra; Mishnah Berurah 147:6). They also refer to another practice, which was to auction off the mitzvah of hagbahah to the highest bidder (Tur; Shulchan Aruch). However, where the hagbahah is not auctioned, one should provide the honor to the greatest Torah scholar in attendance (Machatzis Hashekel). The prevalent practice of not necessarily offering hagbahah to the greatest scholar is in order to avoid any *machlokes* (Shaar Efrayim; Mishnah Berurah). Nevertheless, in a situation where no *machlokes* will develop, one should certainly accord the mitzvah to the greatest talmid chacham who can properly perform hagbahah. Whatever the situation may be, the gabbai is responsible to give hagbahah only to someone who is both knowledgeable and capable of performing the mitzvah properly.

The importance of performing hagbahah correctly

The Ramban, in his commentary on the verse, Cursed be he who does not uphold the words of this Torah (Devarim 27:26), explains that this curse includes someone who, when performing hagbahah, does not raise the sefer Torah in a way that everyone in the shul can see it properly. Apparently, there were places that did not perform the mitzvah of hagbahah at all out of concern that someone will be cursed for not performing hagbahah properly (Birkei Yosef, Shiyurei Brachah 134:2; Kaf Hachayim 134:15; Encyclopedia Talmudis, quoting Orchos Chayim). Although I certainly do not advocate eliminating the mitzvah of hagbahah, a person who knows that he cannot perform the mitzvah correctly should defer the honor, and the gabbai should offer the honor only to someone who fulfills the mitzvah properly.