

INTERNET PARSHA SHEET
ON KI SEITZEI - 5760

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Parshas Ki Seitzei

Excerpt from Darash Moshe, by RABBI MOSHE FEINSTEIN

Remember what Amalek did to you (25:17).

We must understand why there is still a mitzvah of remembering the act of Amalek today, even though in our present exile we would be forbidden to perform the mitzvah of eradicating him even if we knew for certain which peoples belong to Amalek.

In my humble opinion, the point of this mitzvah is to remind us now that it is possible for any creature of flesh and blood to become as wicked as Amalek, and like him to deny Hashem's role in the world even though he sees irrefutable evidence of it, as Amalek saw at the Splitting of the Sea and in the other miracles Hashem did for us in the Wilderness. The Sages (Midrash Tanchuma, Ki Seitzei 9) compared Amalek to someone who, seeing a bath of boiling water which all others were afraid to touch, nonetheless leaped into it. Despite the fact that he himself was badly scalded, he cooled the bath water to a degree where others could then also take the plunge of bathing in it. Similarly, all the miracles Hashem had done for the Jews did not deter Amalek from attacking them and making it possible for others also to want to wage war against them.

The lesson we learn is that each of us, however great his spiritual accomplishments, must worry that he himself might be tricked into committing the most serious sins, even those that everyone considers to be most despicable. Just as Amalek fell so low, we must also be afraid that any of us can fall equally low. Not only must each of us distrust his ability to persist in the good practices he has established for himself, he must also be continually on his guard for even the most serious sins, such as theft, murder, adultery, and the like.

Thus, after all the fervent prayers and confessions we offer on Yom Kippur, the Sages still required us to entreat Hashem in the Ne'ilah prayer on Yom Kippur to help us withdraw our hands from oppression. From this we see that no one may consider himself immune from committing even the gravest of sins, and allow himself to concentrate only on strengthening his positive aspects. No! All of us are made of the same flesh and blood as Amalek and the wicked of all other generations, and when the Sages warned us (Avos 2:5), Do not believe in yourself until the day of your death, they had each and every one of us in mind, and were afraid that anyone, without exception, could stumble in any of the mitzvos of the Torah.

Excerpt from Darash Moshe, by Rabbi Moshe Feinstein

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PENINIM ON THE TORAH by RABBI A. LEIB SCHEINBAUM

Parshas Ki Seitze ...

If a man will have a wayward and rebellious son, who does listen to the voice of his father and the voice of his mother. (21:17)

How can a G-d-fearing, law-abiding Jew raise a rebellious son whose future is so bleak that the Torah orders his execution before our fears regarding this boy are actualized? Did the parents fail him in the manner

B'S'Dh which they raised him, or was he just a "bad seed" whose evil nature doomed him? The idea of a son who does not listen to his father or mother is a tragedy of formidable proportions. It certainly does not just happen. What was the genesis of the ben sorer u'moreh's downfall?

The Munkaczer Rebbe, zl, feels that the answer lies in the words, "einenu shome'a b'kol aviv u'bkol imo," "who does not listen to the voice of his father and the voice of his mother." As a boy grows up, he should "hear" about his father's positive deeds, his acts of kindness, his virtue and observance of the Torah. He should "hear" that his father rises early in the morning to study Torah and daven. He "hears" his father recite Bircas ha'Torah with a loud voice filled with excitement and enthusiasm. He "hears" wherever he goes of his father's virtue and service to Hashem. He "hears" his mother recite the brachah before candle-lighting, with tears streaming down her face, as she implores Hashem on behalf of her husband and children, that they should continue to excel in their Torah studies and mitzvah observance. He "hears" his mother's supplicating Hashem on behalf of her daughters that they should grow in the way of the Torah, being true bnos Yisrael with middos tovos, positive character traits. When a child grows up in a home in which he "hears" such wonderful sounds emanating from his father and mother, there is hope that he will follow suit and live up to their expectations. A child who grows up in a home where he does not listen to such voices from his father or mother, when what should be the hopes and aspirations of every Jewish parent is neither felt nor articulated, so that they are subsequently not heard, it is no wonder that a child will rebel. Begetting children is the hope and prayer of every Jewish parent; raising them in the Torah way is a parent's overriding responsibility. Parents must set the standard by their own behavior. Children must see, and they must hear. While for some parents this might be a bit difficult, the alternative is disastrous.

You shall not plow with an ox and a donkey together. (22:10)

The Sefer HaChinuch explains the shresh, source/root, of this mitzvah in the following manner: Tzaar baalei chaim, afflicting pain on creatures, is forbidden by the Torah. Various animals and fowl by their very nature have a difficult time living alongside creatures not of their own species. To put two animals of various species together inflicts "mental" and physical pain upon each one. A wise person should derive from here that this idea certainly applies to human beings as well. To appoint two people from diverse backgrounds, personalities and perspectives to work together is incorrect. We should learn from the Torah's compassion for creatures and apply at least the same to our interpersonal relationship with humans.

In his sefer Min Ha'Meitzar, Horav Michael Ber Weismandel, zl, relates a poignant story about a Hungarian Jew that demonstrates the true distinctiveness of the Jewish People. The Nazi war-machine invaded Hungary, and with meticulous precision the soldiers proceeded to round up the Jews from the villages and cities throughout the country. In one of the small towns in the lower Carpathian Mountains, the train was being "loaded" with the hapless Jews of the town. Its destination was by now well known - the Nazi death camps. The gentile supporters of the Nazi murderers made good use of this tragic moment to exhibit their age-old hatred of the Jewish People. As families were being torn apart, as Jews were being dragged to the death transport, the anti-Semites would stand in a crowd jeering and laughing, adding their insult to the tragedy. As the train began to pull out of the station, the murderers and their accomplices began to clap and shout in joy.

On the other side of the tracks, a small group of Jews upon whom the death sentence had not fallen, stood. They watched silently with tears streaming down their faces, attempting to give some support to their frightened brethren. Suddenly, one of the Jews opened the window of the train and yelled to one of his friends on the street, "Chaim! I forgot to feed my chickens. Please go to my house and feed them."

How vast is the chasm that divides the Jew from the gentile. On one

side, a group of Nazi collaborators stands, clapping and laughing as the Jews are being sent off to their death. On the other side, a Jew on his way to the gas chamber calls out, "Please feed my chickens." This is the definition of rachamanim bnei rachamanim, compassionate ones/sons of compassionate ones. This is the way a Jew understands the concept of tzaar baalei chaim. His compassion for Hashem's creatures transcends even his worries about his own predicament.

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From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org]
"RavFrاند" List - Rabbi Frاند on Parshas Ki Seitzei

Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov In memory of Mrs. Adele Frاند These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frاند's Commuter Chavrusah Tapes on the weekly portion: Tape # 339, The First Year of Marriage. Good Shabbos! www.yadychiel.org send e-mail to tapes@yadychiel.org .

Three Lessons To Be Learned From the Chapter of the Wayward Son

This week's parsha contains a Mitzvah that is one of the most difficult commandments to understand - the laws concerning the Wayward and Rebellious Son (Ben Sorer U'Moreh). This young boy does not listen to his parents. The Talmud [Sanhedrin 70a] describes the crimes involved. By today's standards, they do not sound like terrible crimes. The boy is somewhat gluttonous. He engages in small acts of thievery; he eats too much meat; he drinks too much wine.

The Torah tells us that the Ben Sorer U'Moreh [Wayward and Rebellious Son] is brought to Beis Din [Jewish Court]. If the evidence is upheld, he is put to death, based on the principle "better he should die innocent now, than have to be executed as a guilty party somewhere down the road."

The rules and circumstances for a Ben Sorer U'Moreh are so complex, specific and narrow that the Talmud in the eighth chapter of Sanhedrin says that there has never been and will never be a Ben Sorer U'Moreh. So then why, in fact, was the entire section written? The Talmud answers that the section was written in order that we might "expound it and receive reward". In other words, this section was written for the sake of the lessons inherent in it.

The lessons that the Torah wants us to derive from this section are lessons about raising children. The Torah wants to teach us how we should and should not raise a child. It is likely that some grievous mistakes were made in the raising of the Wayward and Rebellious son. The Torah is providing us with clues of what to do and what not to do when raising our sons and daughters.

The Reishis Chochma writes that it is easier to grow a grove of olive trees in the Galil [Galilee] (where the topography and climate were not conducive to olive growing) than it is to raise a single Jewish child properly - even in the Land of Israel (which due to its holiness is very conducive to raising children). We all understand and realize what a very difficult job raising children is.

I would like to point out three lessons in child raising which we can learn from the section of the Ben Sorer u'Moreh.

The Torah writes that the parents must come to Beis Din and testify that "Our child is a rebellious child. He does not listen to us. He is gluttonous." [Devorim 21:18]

Rabbi Mordechai Gifter notes that the language used by the Torah for not listening is "Eynenu shome'ah l'KOLEINU". (He does not listen to our VOICE.) We would have normally expected the expression "Eynenu shome'ah l'DVAREINU". (He does not listen to our WORDS.)

In Hebrew, there is a vast difference between the connotation of the word DIBUR [word] and the connotation of the word KOL [voice]. The former means intelligible speech, the latter simply means a voice or a sound.

Rav Gifter says that this is precisely the problem with the child. When he fails to see the logic behind something that his parents tell him, he interprets their (intelligible) "words" as merely "voices". "I don't know what they are talking about. They are from a different planet! They are from a different century!" Since the child does not understand what they are saying, he is determined not to listen to them. Rav Gifter explains that this is precisely the child's problem and this is a common problem in our generation.

The pedagogic lesson here is that we as parents have an obligation to try to make our children understand what we are telling them. But we also have an obligation to let them know that if they do not understand what we are saying - they should still do as they are told anyway, because the parents are wiser, have lived longer, and know better. In spite of the fact that it sounds trite, it is nevertheless true: "One day you will understand" is still the truth. Parents must teach their children the idea that "I know you do not understand it, I know that to you it is only 'koleinu' [our unintelligible voices], but trust us, believe us!" This is what the concept of Mesorah [transmission of tradition] is all about. "Hear my son, the moral instruction of your father..." [Mishlei 1:8], even if you do not yet understand what it is all about.

A second lesson can be learned from another derivation in Sanhedrin. The Talmud derives, based on the same pasuk [verse] quoted earlier, that the voices of the husband and wife must be identical. The Talmud lists a requirement that the husband and wife be of the same height, the same appearance, and have voices that sound alike. Rabbi Zev Leff says, by way of homiletics, that the Talmud is not talking about the pitch or tenor of their vocal chords. The Gemara is teaching that parents must send a single, unified message to their offspring. Children do not deal well with 'mixed messages'. The 'voice' of the parents must be identical because if the child hears one message from his father and a different message from his mother, he will exploit that. Sometimes this requires that the parents work things out among themselves beforehand. They must come to an agreement regarding what is right, what is wrong, and how they will approach a given situation. Only then can they handle things with a 'single voice'.

The third lesson which can be learned from Ben Sorer U'Moreh comes from the Talmudic derivation of the word 'Zeh'. The Talmud learns from the fact that the parents specify "THIS son of ours" (beneinu ZEH), that the parents must be able to clearly see and point with their fingers to identify the child who has been giving them the trouble.

Why is it that the law of the Wayward Son does not apply to blind parents? Rabbi Leff suggests that if the parents are blind, they cannot see what their son really needs. They will not be able to customize the education and upbringing that they provide for him based on his unique and particular qualities. There is no one way to raise children. Raising children is the most specialized field in the world. That which is good for the first child is not necessarily good for the second child. If, unfortunately, the parents can not see the child, then, unfortunately, the education that they provide will not be based on first hand observations.

Such a child cannot be found guilty as a Wayward Son, since he is not fully responsible for his situation - there were extenuating circumstances in his upbringing.

The Talmud [Shabbos 31a] relates several questions that are asked of us when we go before the Heavenly Court after 120 years. We are asked if we were honest in our business dealings, if we set aside fixed times for learning Torah, if we occupied ourselves with having children, if we looked forward expectantly for salvation, etc. The Zohar adds an additional question to the list. The Zohar adds that after 120 years the Heavenly Court will ask "Did you provide the proper education for your

children?" The Zohar says that if a person can answer that question affirmatively, G-d closes the case and refuses to hear any other complaints about the individual. If one can answer this question positively, he is "home free." That is both very encouraging and very frightening!

Halavai [It should only be] that we can all answer that question affirmatively on the Great Day of Judgment.

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dhoffman@torah.org This week's write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road, Suite 2B <http://www.torah.org/> Baltimore, MD 21208

From: yated-usa@yated.com Yated Neeman
Final Week of [P'eylim/Lev L'Achim] Enrollment Drive in Eretz Yisroel
... ..
by Menashe Waldo
Last Monday evening, August 28th ... The final speaker of the evening was the Rosh HaYeshiva RAV ELYA SVEI, shlita. The ... Rosh Yeshiva bemoaned the losses of the previous days and weeks.

THE REMOVAL OF LINKS IN OUR CHAIN OF MESORAH

Klal Yisroel has suffered a shrinkage. With the loss of outstanding Φ ziknei hadorE we have lost links in the chain that attaches us to previous generations. The zEkan Roshei HaYeshivos, Rav Binyomin Paler, zt l, the Ziknei hEAdmorim The Bobover and Slonimer Rebbes, zt l, and today, the levaya of Rav Elya Goldschmidt, zt l $\overline{\text{pa}}$ talmid of Maran Rosh HaYeshiva Rav Aharon, zt l who would have provided a link to the Rosh Yeshiva for a new generation. Now, alas, all are no longer with us.

We must realize that such losses are a reflection of the fact that we are falling in our avodas Hashem. Throughout history our sages have told us that new attacks upon us from the outside are the direct result of failings within.

THE FINAL DAYS BEFORE THE GEULA

The story is well known that when Rabbi Akiva saw foxes emerging from the site of the Bais HaMikdosh he laughed. When asked to explain his seemingly bizarre behavior he replied, Φ gazing upon the fulfillment of the terrible prophecy of Uriah HaCohen that the place of the Bais HaMikdosh will be plowed under, I am reminded of the prophecy of Zecharia that the Bais HaMikdosh will then be rebuilt. Just as the former has come true so will the latter.E

The question is asked, we know that it was Micha who stated the prophecy of the Bais HaMikdosh being plowed under. Where is it quoted in the name of Uriah HaCohen? Tosfos surmises that it must have been said by both. However the question remains. If there is a recorded prophecy from Micha not known to have been said by Uriah too, why does Rabbi Akiva leave out Micha and ascribe the nevua to Uriah?

I suggest that the answer lies in a Medrash. It says that after Yirmiya foretold of the destruction that will befall Klal Yisroel, it was said about him that only a descendant of gentiles (YirmiyaEs lineage was traceable back to Rachav HaZoneh) could be the messenger of such a terrible prophecy. His nevua extended to the far edge of our suffering, further than any other Novi was chosen to foretell. In the same Medrash it is mentioned that Uriah HaCohen too descended from gentiles.

Could it be that Rabbi Akiva did not believe in the eventual coming

of the geula and needed some kind of proof, such as the emergence of foxes from the site of the Mikdash, to convince himself? Certainly not. The only question that existed in the mind of Rabbi Akiva was in regard to when the prophecy would be fulfilled.

When he saw that the nevua of Uriah was fulfilled, a vision on the outer edge of our Peoples suffering, then he realized that the next step could only be the geula. Klal Yisroel can sink no further.

That is why he quoted the prophecy in the name of Uriah. As a descendant of gentiles, his message represents the ultimate in suffering and its fulfillment heralds the day of the ultimate geula.

We have seen 1900 years of galus pass since we entered this period before the geula. So much suffering has befallen our Nation, certainly we are at the ultimate edge. What do we have to do to realize the imminent next step?

A DOUBLE FACETED STONE

In the haftora this week we learned of the special stone called Φ kudkodE that will be a Φ windowE in the days after our redemption from this galus. There was a difference of opinion between the Malach Michael and the Malach Gavriel if this stone would be a Φ ShohamE stone or a Φ YushpaE stone. In the Gemora, the Amoraim, too, debated this question and decided that the Φ kudkodE would be both. It would embody the qualities inherent in both of these special stones.

The Meshach Chochma in Parshas TEtsave explains what the machlokes was here. The Kohen Gadol through his avoda in the Bais HaMikdosh would earn forgiveness for transgressions of the Bnai Yisroel. The bigdei Kohain Gadol Φ the special priestly garments, played a role in attaining forgiveness for specific sins.

The Afod Φ the apron with the Shoham stones affixed to its shoulder straps, evoked a kapara on the sin of idol worship. In our times, this transgression is embodied in the blasphemous philosophies that are espoused in direct opposition to Torah.

The Yushpa stone rested in the last box of the Choshen Φ the breastplate of twelve diamonds, each representing a different tribe of our Nation. The last box stood for righteous justice and was a kapara for mistakes made by the judges of Klal Yisroel. Yashrus Φ dealing evenhandedly, is not only relevant to Dayonim. It is the basis of all our interpersonal dealings with our fellow Jew.

The Meshach Chochma concludes that this is what the Gemora was telling us about the days of redemption. The two-fold message of the kudkod stone will remind us of the pasuk which depicts the days of the geula; VEchol Banayich Limudei Hashem VERav Shalom Banayich. We will be immersed in Torah, which is the only antidote to the false ideologies that are the idol worship of our era. This is Limudei Hashem. And we will be at perfect peace with our fellow man with fairness and honesty dictating our every action. This will be VERav Shalom.

This is what we must work on at this critical time. We have reached the ultimate in suffering and degradation. Let us immerse ourselves in Torah and Yashrus so that we will be prepared for and deserving of the geula.

Chazal teach us that in every generation, the Chachmei HaDor in their exhortations are in reality offering Klal Yisroel the key to bringing this galus to an end. In our times, we are being told that the time has come to join with Lev LEAchim and reach out to our brothers and sisters who have not been privileged to live Torah lives. Let us grab the opportunity before us and merit the fulfillment of the prophecy that has eluded us for so many years.

From:yated[SMTP:yated-usa@yated.com]
Yated Neeman Parshas Ki Saytzay Φ Soup Opera
by RABBI MORDECHAI KAMENETZKY
Though the Gemarah talks about the greatness of marriage and the

tragedy of divorce, we must realize that divorce is also a fact of life, and in this parsha, the Torah, albeit very succinctly, discusses the method of divorce. It also tells us why marriages end.

It will be if she does not find favor in his eyes for he found in her an ervas davar then he may write a divorce (Devorim 24:1). The Mishna in Gittin discusses the meaning of ervas davar in different ways. Bais Shammai, who is known for a strict opinion in most matters, says that divorce should only occur over a matter of ervas davar, immorality. Bais Hillel says, that divorce is permitted even if she burns his soup. And Rabbi Akiva, whose devotion and gratitude to his wife is legendary, says that even if he finds a nicer woman, (he may divorce).

It is most difficult to understand the Mishna. It seems to go against the grain of every teaching that we are accustomed to hear. How do Bais Hillel, those who spoke of loving peace and of pursuing peace say that one may get divorced over burned soup? Rabbi Akiva once pointed to his wife in front of 24,000 students and announced, "Whatever I have and whatever you have, it is all due to her. How could he say that one could get divorced if he found a more lovely woman? It seems preposterous!

My father, Rabbi Binyomin Kamenetzky, shlit a, once told me a wonderful story.

Reb Dovid was happily married to his dear wife, Roizy, for nearly half a century. Her sudden death cast him into a terrible depression for which there was almost no cure. His son and daughter-in-law, Chaiky, graciously invited him to stay at their home and share everything with them. Reb Dovid's daughter-in-law, cooked every meal for him but Reb Dovid was never pleased. No matter how deliciously prepared the meals were, he would sigh and mutter to himself, loud enough for his son to hear, "this was not the way Momma made the soup."

Chaiky pored through her mother-in-law's old recipe books and tried to re-create the delicious taste for which her father-in-law longed. But Reb Dovid was still not pleased.

One day, while the soup was on the fire, Chaiky's youngest child fell outside. In her haste to get to the child, Chaiky almost dropped in the entire pepper shaker into the soup pot. In addition, by the time the child was washed and bandaged, the soup was totally burned!

There was nothing for Reb Dovid's daughter-in-law to do but serve the severely spiced, burnt soup.

She stood in agony as her elderly father-in-law brought the soup to his lips. This time he would probably more than mumble a complaint. But it was not to be. A wide smile broke across Reb Dovid's face. "Delicious, my dear daughter," said Reb Dovid with a tear in his eye. "Absolutely delicious! This is exactly how Momma made the soup!"

My zaide, Rabbi Yaakov Kamenetzky, in his sefer, Emes LEYaakov, explains the Mishna in an amazing fashion: it is giving us a sign, when a marriage is in disrepair. If a man tastes burnt soup that his loving wife cooked and he is repulsed, then he is missing the love that the Torah requires. Rabbi Akiva, who was separated from his wife for 24 years while he studied Torah, declared that if a man finds a woman whom he thinks is better, then his marriage needs scrutiny! Because a person must think that there is nothing tastier than what his wife prepared, and that there is no one more beautiful than the woman he married.

Reb Aryeh Levin, the Tzadik of Yerushalayim, once entered a doctor's office with his wife and spoke on behalf of both of them. "Her leg hurts us," he said.

The Mishna is not defining how to get divorced. That is easy. It is teaching us an attitude that defines true care and concern. It defines the ahava of "VEhayu EBasar echad. Because true ahava is, allegorically, always believing that the soup is delicious. Even if everyone else thinks that it's burned.

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Weekly-halacha for 5760 Selected Halachos Relating to Parshas Ki Saytzay

By RABBI DONIEL NEUSTADT

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

CONFLICT: INDIVIDUAL vs. CONGREGATIONAL CUSTOMS

Which customs should one follow when davening in a shul where the nusach and customs are different from his own? While many people are faced with this issue only occasionally, others must contend with it on a daily basis. Often, the only available [or the most accessible] shul is one that davens a different nusach from one's own. It is difficult and uncomfortable for a person who is accustomed to daven in a certain way to suddenly daven in a nusach with which he is unfamiliar. In addition, it is a general rule that one should not deviate from the customs handed down to him by his parents and grandparents. But the halachah may require one to daven according to the nusach of the congregation where he finds himself regardless of personal considerations. Let us, therefore, examine the sources before resolving these conflicting demands.

A terse command in Parshas Re'eh(1), Lo siggededu, is interpreted by the Sages as Lo sa'asu agudos agudos, do not splinter off into separate groups that perform mitzvos and serve Hashem in different, somewhat conflicting ways. The Talmud discusses the nature of this prohibition. Abaye maintains that Lo siggededu applies when two different batei dinim in one city issue conflicting rulings. This makes the one Torah that was received at Sinai appear as if it were "two Torahs"(2) and causes confusion and discord(3). Rava, however, does not object to different batei dinim - even in the same city - issuing contradictory rulings, since it is within the very nature of the Torah that different rulings will be rendered by different schools of thought, as Beis Shammai and Beis Hillel did for many years. In Rava's opinion, the prohibition of Lo siggededu is meant to discourage one beis din from rendering a split decision. For the reasons stated above, the Torah did not want different factions of one beis din to issue conflicting opinions, giving people a choice of which ruling to follow.

We find in halachic literature that Lo siggededu applies even to deviations from mere custom, not only from prohibitions and rulings of a beis din. Rama(4), for instance, rules that during the Sefirah mourning period observed between Pesach and Shevuous, all members of a community should follow the same custom and observe the mourning restrictions during the same time period. Chayei Adam(5) rules that in a minyan reciting Tachanun, the practice of nefilas apayim should be done in a uniform manner, all using either the right or the left arm.

This application of Lo siggededu is hotly debated by the poskim. Many are of the opinion that it does not apply in these situations at all. They base their reasoning on some of the following arguments: Lo siggededu applies only when a scholar instructs his followers to deviate from local custom(6); it applies only to prohibitions, not to mere customs(7); minor differences, such as different nuschaos, are not significant enough to invoke Lo siggededu(8); it concerns only different actions, not different words(9). But other poskim take a more stringent approach; in their view any deviation from the accepted custom, as minor as it may seem, may constitute Lo siggededu(10). While the Mishnah Berurah does not discuss the particular question of nuschaos, his rulings on related issues(11) point to a stringent view on this subject.

In pre-war Europe, Lo siggededu was much more of an issue than it is today. Most communities, especially in the small towns and villages, had only one Rav and one local custom, and individuals who practiced their own customs while disregarding local practice may have possibly transgressed Lo siggededu. But nowadays when there are many shuls and

Rabbis in every city each following ancestral tradition, the situation is similar to the case of two batei dinim in one city where Lo siggededu does not apply(12) [according to Rava's opinion(13)]. Still, it is possible that within the confines of a single congregation, e.g., when an individual davens in a nusach which is different from that of the congregation's, Lo siggededu may still apply.

But even in situations where the Biblical prohibition of Lo siggededu does not apply, we still find(14) an additional exhortation - this one established by Rabbinical edict - which calls for uniformity within the same congregation: Le'olam al yeshaneh adam mi-pnei ha-machlokes - One should never deviate [from local custom] because it leads to discord. As the Vilna Gaon warned(15): "Differences in customs lead to differences of the hearts." Practicing different customs, even minor ones, could lead to strife and discord.

Harav M. Feinstein was asked numerous times for his opinion on this matter. For reasons which are not completely clear, he did not always give the same response. Basically, though, he was unsure if the Biblical prohibition of Lo siggededu applied to the question of different nuschaos - but the Rabbinical edict against deviating from local custom was definitely relevant. Usually, he advised that the local custom be strictly upheld, unless the individual could keep his practiced undetected by others in the shul. The following is a digest of the guidelines that Harav Feinstein offered on this subject and its specific applications [see footnotes for the opinions of some other poskim]:

Any part of davening, e.g., Shemoneh Esrei, which is normally recited in an undertone may be recited in one's own nusach(16).

Preferably, Pesukei d'Zimrah and Birchos Kerias Shema should be recited according to the nusach of the minyan, since they are sometimes recited out loud. If, however, it is difficult for one to change from his own nusach, they may be recited in one's own nusach provided that they are said in an undertone(17).

Kedushah or any other part of davening which requires a minyan should be recited according to the nusach of the minyan, even if it is recited in an undertone(18).

Viduy and the Thirteen Midos should be recited with the congregation before Tachanun, even if one's own custom is not to do so(19). One may recite Viduy in an undertone in a shul that does not recite Viduy, but one may not strike his chest as he usually does. The Thirteen Midos cannot be recited, since a minyan is required to recite them(20).

A sheliach tzibbur must always daven according to the nusach of the tzibbur, even while reciting his own silent Shemoneh Esrei(21).

On Pesach night, one should recite Hallel with the tzibbur even if his custom is not to do so; he may not leave shul to avoid reciting Hallel. If he can avoid reciting the blessing without it being noticeable he should do so; otherwise he should recite the blessing as well(22).

One who follows the view of the poskim that yire'u eineinu is not recited at the nightly Ma'ariv, need not recite it with the congregation if the people around him will not notice his omission(23).

If the officers and members of a shul do not mind, there is no halachic objection to having men who put on tefillin on Chol ha-Moed and men who do not, daven in the same shul(24).

FOOTNOTES: 1 Devarim 14:1. 2 Rashi, Sukah 44a; Yevamos 13b. 3 Rambam, Avodah Zarah, 12:14. 4 O.C. 493:2. See Magen Avraham 6 and Pri Megadim for an elaboration. 5 32:33, quoted by Mishnah Berurah 131:6. 6 Keren Orah, Yavamos 13b [see also Tosfos Rid, ibid.]; Da'as Torah O.C. 493:3. 7 See Meishiv Davar 17. 8 See Eishel Avraham O.C. 51; Teshuvos u'Vacharta b'Chayim O.C. 24; Kaf ha-Chayim 661:2 (concerning different customs in a sukkah). See also Aruch ha-Shulchan 651:22 (concerning different customs of shaking the lulav). 9 Salmas Chayim 22-23. 10 Pe'as ha-Shulchan 3:14. See also Chayei Adam 32:33 mentioned above. 11 See 31:8; 131:6; 493:16; 624:16; 661:2. 12 See Sha'arei Teshuvah 693:1; Beur Halachah 468:4; Igros Moshe O.C. 1:159; E.H. 1:59; Harav S.Z. Auerbach (Yom Tov Sheini K'hilchaso, pg. 179). 13 Generally, the halachah is like Rava when he disagrees with Abbaye. The ruling of the Rambam concerning this issue, however, is unclear and subject to much debate by the later commentators. 14 Pesachim 51b, and quoted in O.C. 468:4. See Avnei Nezer O.C. 424:7 15 Ma'asei Rav, She'iltos, 90. 16 Igros Moshe O.C. 2:23. This is also the opinion of most poskim with the exception of the Pe'as ha-Shulchan who rules that one

should always daven according to the nusach of the tzibbur. Harav S.Z. Auerbach writes that it is not our practice to do so (Yom Tov Sheini K'hilchaso, pg. 180). 17 Igros Moshe O.C. 2:23. [In other Responsa, however, Harav Feinstein required that Pesukei d'Zimrah and Birchos Kerias Shema be said according to the nusach of the tzibbur; see O.C. 2:104.] Harav Y.S. Elyashiv is quoted (Tefillah K'hilchasa, pg. 92) as permitting these tefillos to be recited according to one's own nusach. 18 Igros Moshe O.C. 2:23. This is also the opinion of other poskim, see Meishiv Davar 17 and Minchas Yitzchak 7:1. [In a later ruling (O.C. 5:35-5), however, Harav Feinstein writes that this not required.] 19 Igros Moshe O.C. 3:89. 20 Igros Moshe O.C. 4:34. 21 Igros Moshe O.C. 2:29. Other poskim disagree, see Shoel u'Meishiv 3 1-247 and Sheorim Metzuyanim B'halachah 26:3. Harav Y.S. Elyashiv is quoted (Yom Tov Sheini K'hilchaso, pg. 131; Avnei Yashfei 1:14) as ruling like this view. 22 Igros Moshe O.C. 2:94. It is reported, however, that the Brisker Rav left the shul when the congregation said Hallel (Hagadas Mo'adim u'Zemanim). 23 Igros Moshe Y.D. 3:96-8. If, however, he generally omits yire'u eineinu only on Motzaei Shabbos, then he must recite it along with the tzibbur; ibid. 24 Igros Moshe O.C. 5:24-5.

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From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash[SMTp:yhe@vbm-torah.org] Subject: Sichot Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Student Summaries of Sichot by the Roshei Yeshiva Parashat Ki Tetze SICHOT OF HARAV YEHUDA AMITAL SHLIT" A "SENDING AWAY THE MOTHER BIRD" AND HONORING PARENTS

Summarized by Asher Y. Altshul

"If, along the road, you chance upon a bird's nest ... and the mother sitting over the fledglings or on the eggs, do not take the mother, with her young. Send away the mother, and take only the young, in order that you may fare well, and have a long life." (Devarim 22:6-7)

It is very unusual for the Torah to describe the reward for mitzvot. Chazal explain that if the Torah were to list rewards, then there would be potential for people to choose to fulfill only those mitzvot with a large reward.

Rashi cites the Gemara (Chullin 162b) which explains the reason for the mention of reward in the case of shiluach ha-ken (sending away the mother). The Torah is teaching us that if we are rewarded with a long and good life for fulfilling such an easy mitzva, then how much more so are we rewarded for fulfilling more demanding mitzvot!

The Torah describes the reward of long life for one other mitzva, namely, honoring one's parents. It is not a coincidence that these two mitzvot are the only ones with such a distinction. These two mitzvot have a similar quality: they both are fulfilled spontaneously and without preparation. Although fulfillment of these mitzvot lacks both preparation and concentration, their reward is still great.

This idea enables us to better understand our relationship with mitzvot in general.

Daily mitzvot such as tefillin, tzitzit, and prayer cannot be properly described as difficult. Perhaps for a beginner they could be described as such, but after a while these mitzvot mesh with one's day-to-day routine and lose most, if not all, of their difficulty. Nevertheless, their reward is great.

How, then, are we to understand the Mishna at the end of the fifth chapter of Avot: "Ben Hei-Hei said, Lefum tza'ara agra - the reward is proportionate to the effort (lit. pain)"? We can answer that all the preparation and sacrifice which lead up to one's achieving this level of observance can be seen as the "tza'ara," the pain or effort, thereby legitimizing the receiving of reward.

There exists another striking similarity between the mitzvot of shiluach ha-ken and honoring one's mother and father. Both mitzvot focus on the unique bond between parent and child. In fact, Rambam

says (Hil. Shechita 13:7) that the mitzva of shiluach ha-ken applies only when the mother is engaged in motherly activities, namely, protecting her children. This unique bond is interestingly expressed in another halakha.

An early commentary (the Arukh, cited by Tosafot) explains that we learn the required number of shofar blasts on Rosh Ha-shana from the one hundred cries of Sisra's mother when she heard the news of her son's death. It seems strange that we learn this law from the mother of an evildoer and an enemy of Israel. However, it is not her background that the Arukh is interested in; rather, he is attempting to illustrate for us the nature of the shofar. Unlike prayer, where the words do not always reflect the feeling in one's heart as they should, the sounds of the shofar have the ability to express only the most truthful and authentic feelings. The Arukh believes that these feelings can be best compared to the purity of a mother's wailing over her lost child.

The sounds of the shofar should cry out for G-d's mercy. These cries for mercy must be pure and must proceed from the depths in one's heart.

As the Yamim Noraim draw near, it is important that we remember this message and attempt to achieve the purity of heart and authenticity of feeling that a mother feels for her child.

(Originally delivered at seuda shelishit, Shabbat Parashat Ki Tetze 5755 [1995].)

From: weekly@lists.virtualjerusalem.com

* TORAH WEEKLY * Highlights of the Weekly Torah Portion

Parshat Ki Tetze ...

STONEWALL

"He cannot give the right of the firstborn to the son of the beloved one ahead of the son of the disliked one, the firstborn." (21:16)

One of the greatest men who came into this world was an unassuming rabbi who was born in Russia and lived most of his life in New York City. There are enough stories about Rabbi Moshe Feinstein to fill many books. Here is one small story which is enormously revealing.

When a Jew finishes speaking to his Creator in the amidah, the standing prayer, he takes his leave by walking backward three paces as a servant would take his leave of a great king. If someone is standing behind you and is still praying this prayer, the halacha forbids you to back up into a space four amot (approximately two meters) in front of the person still in prayer. One day, Rabbi Feinstein had just finished praying in his Yeshiva on Staten Island, New York. As it happened, someone was still praying behind him. As he waited patiently for this person to conclude so that he could take three paces backward and complete his service, someone told him that there was a call from Israel, a matter of extreme importance that demanded his attention. Rabbi Feinstein continued to wait for the fellow behind him to take three steps backward. Nothing happened, so deeply was this fellow immersed in prayer. The person who had brought Rabbi Feinstein the news of the call started to become agitated:

"Please, Rosh Yeshiva, Eretz Yisrael is waiting. It's very important!"

"What do you want me to do?" replied the great Rabbi, "There's a wall behind me."

We live in an era where, for many people, the Ten Commandments have become the Ten Suggestions. A mitzvah is not a suggestion -- it is a reality. We may not be able to see that reality, but that doesn't make it any less real. When Rabbi Feinstein said he couldn't back up, he meant that he couldn't. Not that he didn't think it was a good idea, but that the spiritual reality of the situation placed a barrier behind him as solid as any structure of brick and mortar.

This is the way a Jew must relate to his Judaism.

This week's parsha teaches us about a man with two wives, one he

loves, the other he dislikes. They both bear him a son. The unliked wife bears first. As her son is the firstborn, he is entitled to a double portion in the inheritance of his father. The Torah stipulates that the father may not transfer this double portion to the son of the beloved wife.

This commandment is phrased in a puzzling way. The Torah tells the father: You will not be able to endow the beloved son to the detriment of the disliked son. It doesn't say "You are not allowed..." It says "you are not able."

Similarly, when a person finds a lost object, he is required to take steps to return it to the owner. The Torah says that a person cannot just ignore the article and assume that someone else will deal with it. "You shall not shirk your obligation" (22:3) says the Torah. Here again, the literal translation is "you are not able to shirk."

The Torah doesn't just demand a code of behavior from us, it demands that we become a certain kind of person. It is not enough that we don't perform favoritism. It is not enough that we return lost objects. The Torah requires that we become the sort of people that would find it impossible to allow such behavior, that we ingrain G-d's will in our heart and mind until we see spiritual walls as being walls of mortar and stone.

Sources: * Ibn Ezra * Avi Ezri * Rabbi Mordechai Perlman * Rabbi Mordechai Pitem ... Written and Compiled by RABBI YAAKOV ASHER SINCLAIR General Editor: Rabbi Moshe Newman Production Design: Michael Treblow Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il>

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RABBI MICHAEL ROSENSWEIG

THE SIGNIFICANCE OF ROSH CHODESH AND THE MONTH OF ELUL

"Dirshu Hashem be-himazo kerahu bihiyato karov". This pasuk, which plays such a central role in times of crisis and contemplation as the introduction to the haftorah on fast days, implores us to seek out Hashem and cultivate a more profound relationship with Him precisely when His Presence is near. While the gemara in Rosh Hashanah 18b interprets this as a reference to aseret yemei teshuvah, the midrash in Vayikra, as understood by Meiri (Hibbur ha-Teshuvah, p. 250), seems to characterize the entire month of Elul as "bihiyoto karov", an opportune time and propitious opportunity in which Hashem's presence is particularly accessible. It is on this basis that he reports the geonic view that one should say selihot every Monday and Thursday throughout the month. However, it is apparent from his formulation - "kedai she-yikanes le-Rosh Hashanah be-taharat ha-lev" - that Meiri apparently perceives the primary significance of Elul as a means of preparing for Rosh Hashanah in such a way as to ensure that one enters into Rosh Hashanah already in a state of purity with a clean slate so that he can better capitalize on the opportunities presented by that unique day. Thus, the exigency of teshuvah and tefilah during Elul constitutes nothing more than a lengthier preparation for the Yomim Noraim. From this perspective, there is no fundamental difference between the thirty-day period that precedes R. H. and those that introduce other chagim.

It is, however, conceivable that Elul represents "bihiyoto karov" in its own right, distinguishing it from other thirty-day preludes. Undoubtedly this would qualify it still further as the most effective vehicle through which to prepare for the Yomim Noraim. It would also accent that the din and kapparah generated by these transcendent days cannot take place in a vacuum, but constitute the culmination of a rigorous process of introspection and spiritual re-invention.

The Tur (no. 581) introduces the laws of R. H. by citing the Pirkei

de- R. Eliezer's explanation of the origin of shofar on Rosh Hodesh and the month of Elul. It is reported that Moshe's ascension to the mountain to receive the second Luchot was marked by the blowing of the shofar, signifying the abandonment of idolatry which had doomed the first Luchot. We are informed that Hashem, Himself, was elevated by this shofar blast (based on Tehilim 47- "alah Elokim be-teruah, Hashem be-kol shofar"). The Tur proceeds to explain that the minhag to blow the shofar during the entire Elul in order to inspire teshuvah was based upon the verse in Amos (3:6), which establishes that the sound of the shofar has the capacity to inspire fear and awe. The Beit Yosef speculates why two distinct sources (the anniversary of Moshe's ascension and the verse in Amos) are required to ground the practice of shofar in Elul. A close reading of the text, however, may indicate that the Tur distinguishes between the shofar on Rosh Hashanah that commemorates Moshe's renewed mission and the verse in Amos that conveys the role of the shofar in inspiring teshuvah, serving as the foundation for the minhag during the entire month. [The Bach and Perishah seem to allude to this distinction, as well.] In light of this analysis, it is noteworthy that Hashem's remarkable reaction coincides with Moshe's ascension on Rosh Chodesh Elul. Indeed, the Bah argues that Hashem was twice elevated by means of Kelal Yisrael's initiative of tekiat shofar. He projects that while "alah Elokim be-teruah" refers to Hashem's response to the shofar of R. H., "Hashem be-kol shofar" occurred on Rosh Chodesh Elul!

What emerges from these sources is that the events of Rosh Chodesh Elul are marked independently both with respect to Moshe's and Kelal Yisrael's initiative, as well as Hashem's reciprocal response! Moshe's Rosh Chodesh mission actually signified a renewed and changed relationship between Hashem and Kelal Yisrael. According to Chazal, the sin of the egel forever changed Jewish history and the nature of the relationship between Hashem and His people. Much evidence, including the pesukim that characterize the two sets of luchot, points to the fact that the renewed relationship would be one in which the nation would be required to invest more obvious effort and initiative and responsibility, and which would accent a more evidently reciprocal relationship, one in which man would also have greater input within prescribed limits. The explicit renunciation of idolatry and, symbolically, significant dimensions of their spiritual profile that characterized the pre-egel period, and Hashem's elevation by virtue of Kelal Yisrael's shofar initiative perhaps reflected the imminent change, capturing the essence of Moshe's renewed mission to reconstitute Yahadut. The momentous events of Rosh Chodesh Elul, then, constituting as they did a watershed in the reciprocal relationship between Hashem and Kelal Yisrael, surely demand commemoration and generate anew yearly the obligation of contemplation and introspection.

Of course, Moshe's dramatic and ambitious mission, initiated on Rosh Chodesh Elul, encompassed that whole month and did not conclude until Yom Kippur. Notwithstanding the independent significance and theme of Rosh Chodesh Elul, the link to the yomim noraim is undeniable. Indeed, as alluded to previously, the themes represented by Rosh Chodesh Elul and by the yomim noraim are interconnected and mutually enhancing.

Consequently, one can and should relate to the entire month of Elul both as the aftermath and continuation of the Rosh Chodesh Elul initiative of old that produced the second and normative luchot, and as the necessary and conducive vehicle of preparation for the upcoming yomim noraim. Indeed, the reassessment of personal religious status generated by the anniversary of Moshe's mission to reinvent the relationship between Kelal Yisrael and Hashem establishes Elul as the ideal precursor to Rosh Hashanah and Yom Kippur.

The Perishah speculates why shofar and not divrei hitorerut emerged as the visible symbol of Elul if preparation for the yomim noraim is the primary goal of this period. Perhaps, however, the motif of Rosh Chodesh Elul and the renewed reciprocal relationship that developed

through the second luchot accounts for this phenomenon. It was precisely the dual impact and implication of that kol shofar on Rosh Hodesh that dramatically encapsulated this new spiritual foundation.

This idea can be highlighted by the fact that the Abudraham and others invoke "Ani Le-dodi Ve-dodi Li," the pasuk that particularly underscores the close and reciprocal relationship with Hashem, as an acronym that conveys the special role of Elul. It is precisely a reassessment of that intimate relationship in its broadest strokes, (alongside an evaluation of individual actions and transgressions,) which characterizes the unique agenda of this month. Elul, in all of its dimensions- independent, preparatory and integrated- truly affords the opportunity of "kerahu bihiyoto karov".

<http://www.biu.ac.il/JH/Eparasha/kiteze/bar.html> Bar-Ilan University's Parashat Hashavua Study Center Parashat Ki Teze 5759/1999

"Seek and ye shall find:" A new meaning for the Talmudic expression Drosch ve-Kabel Sahar

GABI BARZILAI Department of Education

The ordinance of the "wayward and defiant son" (Deut. 21:18-21), Ben sorer u-moreh, is given special attention in the Mishnah and Gemarah. Tannaim and Amoraim sought a halakhic way of preventing implementation of this ordinance, which they viewed as cruel and unreasonable.[1] The eighth chapter of Tractate Sanhedrin in the Mishnah is devoted primarily to this endeavor, pursuing the approach to its utmost in Mishnah 4 and its further elaboration in the Babylonian Talmud, Sanhedrin 71a:

Mishnah: If his father were willing [to bring him to the court for judgment], but his mother was not willing, [or] if his father were not willing, but his mother was willing, he does not become a wayward and defiant son unless both were willing. Rabbi Judah says: If his mother was not worthy of his father, he does not become a wayward and defiant son. Gemarah: What is meant by her not being worthy? ... none other than equal to his father, as it has been said in the baraita as well. R. Judah said: If his mother is not equal to his father, having the same voice, appearance, and height, he does not become a wayward and defiant son. Why so? Because Scripture says, "he does not heed our voice." Just as they must have the same voice, so too they must have the same appearance and height. Whom does this baraita follow: that there never was and never will be a wayward and defiant son. So why was it [this ordinance] written in Scripture? Seek and ye shall find! After whom? Rabbi Judah. But perhaps you might say the baraita should be ascribed to Rabbi Simeon? R. Simeon said: "Just because their son gorged on meat and Italian wine, would the father and mother have him stoned? Rather, there never was and never will be such a thing; so why was it written? Seek and ye shall find! R. Jonathan said: I witnessed such a son and sat on his grave.

This three-way discussion in the Gemarah deals with the feasibility of carrying out the ordinance of a wayward and defiant son. According to R. Jonathan, if the Torah wrote this passage in the form of an ordinance, then legally this ordinance must be a law that can be carried out; hence he had no doubt that it was indeed implemented. In contrast, R. Judah and R. Simeon believed that the ordinance of a wayward and defiant son was never enacted. R. Judah abrogated it by establishing unrealistic preconditions for satisfying it, while R. Simeon appealed to psychology, claiming that it was inconceivable parents would kill their own son for not heeding them. Both reached the same conclusion: "There never was and never will be a wayward and defiant son. So why was it [this ordinance] written in Scripture? Seek and ye shall find." The closing expression drosch ve-kabel sahar ("seek and ye shall find [reward]"), which occurs several times in the gemarah, requires clarification. It is often understood to mean, "Study these laws simply for the sake of theoretical study, to receive reward for the study of Torah." Indeed, in certain instances in the gemarah it occurs in connection with rules of Halakhah not currently practiced but relevant to the future, known as hilkhet le-meshiha (Halakhah for the Messianic era).[2] This, however, is not the case in the current context, since R. Simeon and R. Judah believed that a wayward and defiant son was something which would never exist; the ordinance was written not to be enacted but only to be studied. That being so, what does this phrase wish to teach us?

Enlightenment on this question is provided by a Midrash on what the High Priest was instructed to say before the people went to war, Deut. 20:5-7:

The Rabbis taught: In the Scriptural text, "who has built a new house, ... who has planted a vineyard, ... who has paid the bride-price for a wife..." (Deut. 20:5-7), the Torah teaches us proper etiquette, namely that a person should first build his house, then plant a vineyard, and lastly take a wife. Even Solomon wisely said, "Put your external affairs in order, get ready what you have in the field, then

build yourself a home" (Prov. 24:27). "Put your external affairs in order," is a house; "get ready what you have in the field," is a vineyard; and "build yourself a home," is a wife. R. Eliezer, son of R. Jose ha-Gelili, said: "Put your external affairs in order" means study Scripture, Mishnah and Gemarah; "get ready what you have in the field," means do good deeds; and "then build yourself a home," means drosh ve-kabel sahar -- seek and ye shall find. (Sotah, 44a)

This homily also concludes with the words, "seek and ye shall find," to denote the loftiest human virtue after studying and obeying the Torah and doing good deeds. To what more can a person aspire who has learned the precepts and fulfilled them? It appears that the aspiration of such a person should be to transmit the heritage of the Torah to his children and pupils, to educate them to follow in its ways. In the homily from Tractate Sotah the phrase drosh ve-kabel sahar has to do with educating, and from here we may learn what it means in Tractate Sanhedrin 71a, relating to the wayward son. If we look closely at the ordinance of the wayward and defiant son we see that it puts weighty demands on the parents: they are the only ones entitled to bring suit against their son; moreover, they are obligated to do so in order to protect the society in which they live. The son's deeds may not appear very serious to the parents, but the Torah views them as causing grave harm to the community and its relationship with G-d.[3] The wayward and defiant son has rejected parental authority, violating the law, "He who insults his father or his mother shall be put to death" (Ex. 21:17).[4] The Torah, however, places the responsibility for the son's punishment, and thus also indirectly for his actions, on the parents. It is their duty to know what their son is doing and to restrain him before it is too late, because he oversteps the bounds. This is an extremely difficult obligation, since it is natural for parents to ascribe such conduct in their child to the "mischievousness of adolescence" and the like, excusing themselves with the argument that "it will pass in time." The Torah demands that the person wielding authority also bear responsibility, so that society not reach a state of total dissolution of its values.[5]

It would seem that the Sages also had this in mind when they said, "A wayward and defiant son is judged by what will become of him; may he die innocent, not guilty" (Sanh. 71b-72a). It is inconceivable to take these words at face value, for no reasonable legal system judges a person for what he will do in the future. Thus the Sages meant to draw the parents' attention to the fact that the conduct of their son in the present, if he is not stopped in time, is likely to lead to far more serious criminal acts in the future. Therefore it is their duty to educate their children and to shape their behavior in the proper direction while they still have authority over their children. Thus, Drosh ve-Kabel Sahar means that this portion was included in the Torah so that one will educate his children and his reward will be that they never come to such behavior.

[1] This subject has recently been discussed by M. Halbertal, *Mahapekhot Parshaniyot be-Hithavutan*, Jerusalem 1997, pp. 42-68. [2] Sanh. 51b; Zev. 45a. [3] A. Phillips, "Nebalah - A term for Serious Disorderly and Unruly Conduct," VT, 25 (1975), pp. 237-241. [4] Also Lev. 20:9; Deut. 27:16. Cf. J. Fleishman, "Offenses against Parents Punishable by Death," *The Jew Law Annual*, 10 (1992), pp. 7-37; J. Fleishman, *Mehkarim be-Ma'amado shel ha-Yeled ba-Mikra u-va-Mizrah ha-Kadum* (Dissertation), Ramat-Gan, 1989, p. 270-276. [5] Similar demands, coupling heavy responsibility with authority, are found in the laws concerning a slain person found in the open ("the heifer whose neck is broken" Deut. 21:1-9), a husband who defames his wife (Deut. 22:13-21), and elsewhere. Although nowhere does it that these laws were never implemented, it appears that their main point concerns education and responsibility, their implementation being secondary.

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kornfeld@netvision.net.il Subject: Rosh Hashanah message for
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From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il] Subject: Insights to the Daf: Nedarim 50-51

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il> NEDARIM 46 - has been dedicated in memory of Mrs. Gisela Turkel (Golda bas Chaim Yitzchak Ozer) at the completion of the Shiv'a, by her grandchildren Rachel and Oz Mandelbort and her great-grandchildren, Yisroel Aryeh and Talya. Her Yahrzeit: 25 Av 5760. NEDARIM 47 (4 Elul) - dedicated l'Ilyu Nishmas Chaim Yissachar (ben Yaakov) Smulewitz on his Yahrzeit, by his daughter and son in law Jeri & Eli Turkel of Raanana, Israel. Ask your question on the Daf to the Kollel! (daf@dafyomi.co.il) Get our free DAF-INSIGHTS... DAF-BACKGROUND... DAF-POINTS... DAF-REVIEW Please send donations to D.A.F., 140-32 69 Ave. Flushing NY 11367, USA

Nedarim 50 REBBI AKIVA'S GIFT TO HIS WIFE AGADAH: The Gemara relates that when Rebbi Akiva and the daughter of Kalba Savu'a were first married, they were so poor that they had nothing to sleep on but straw. Rebbi Akiva's wife, the Gemara describes, would pull straw out of Rebbi Akiva's hair. Rebbi Akiva declared that if he had the means, he would give his wife a Yerushalayim Shel Zahav adornment. The Gemara in Shabbos (59a) relates that Rebbi Akiva kept his promise to her and eventually gave her such an adornment. Tosfos there explains that this adornment is a tiara that is worn upon the head. The VILNA GA'ON (in Mishlei 1:9 and Shir ha'Shirim 1:10) explains that when the Chachamim gave their wives adornments, they were not simply giving them randomly-chosen pieces of jewelry. Rather, the adornments that they bought for their wives represented the unique qualities of the women. The Vilna Ga'on proves this from the Yerushalmi (Shabbos 6:1) which relates how Raban Gamliel's wife asked him to buy an adornment for her like she saw that Rebbi Akiva had bought for his wife. Raban Gamliel replied to her, "Would you do for me what she did for her husband? Rebbi Akiva's wife cut and sold her hair in order to support her husband's Torah study!"

The Vilna Ga'on explains that there are two types of adornments mentioned in the Gemara: a Yerushalayim Shel Zahav adornment, which is worn upon the head, and a gold necklace made of many parts that is worn around the neck. The head adornment, he says, was given to a wife who was outstanding in her wisdom and understanding (corresponding to Torah). The necklace adornment, made of many parts, was given to a woman who was outstanding in her many good deeds (Mitzvos). (Even when Torah is learned all day, it is considered the fulfillment of one Mitzvah, since the obligation to learn applies without a break, see Tosfos and Rosh in Berachos 12b.)

According to the Vilna Ga'on, it is possible that the incident recorded in our Gemara might have a deeper, allegorical meaning. When Rebbi Akiva's wife picked straw out of his hair, this symbolized that his head was full of secular knowledge. Like straw is inferior to the grain, secular wisdom is inferior to the wisdom of the Torah. The Gemara in Kesuvos (62b) explains that she married him because she saw his great potential to learn Torah which he had not yet actualized, and she wanted to persuade and encourage him to develop his potential. Rebbi Akiva was downhearted, believing that he would never be able to become great in Torah since he was already advanced in age and had never studied (as we learn in the famous Midrash regarding Rebbi Akiva's initial inspiration to begin learning Torah).

The Gemara says that Eliyahu came to encourage Rebbi Akiva in the form of a pauper so destitute that he did not even have straw for his wife who just gave birth to sleep on, demonstrating that he did not even have any knowledge with which to make any amount of income. This encouraged Rebbi Akiva, showing him that just like he was able to learn the labors (such as shepherding) that he had learned so far, he could also learn Torah. The Gemara is allegorically comparing giving birth to learning Torah (see Chagigah 3b). Eliyahu was hinting to Rebbi Akiva's

outstanding Midah of Tzeni'us that his wife had perceived in him which is a prerequisite for learning Torah. He realized that once he had the "straw," the Derech Eretz and basic knowledge, he could go on to learn Torah. One who does not have even that basic knowledge cannot yet begin to learn Torah.

The fact that Rebbi Akiva's wife sold her hair so that he could learn Torah shows that she made a decision that Torah was more important than anything else and she would sacrifice anything for it, since the Torah is represented by the head. To commemorate her sacrifice, Rebbi Akiva bought her a Yerushalayim Shel Zahav to adorn her head.

Nedarim 50b REBBI AND BAR KAPARA QUESTION: The Gemara relates that Rebbi did not invite Bar Kapara to the wedding feast that he made for his son. Bar Kapara commented, "If Hashem grants such riches to those who transgress His will, then certainly to those who fulfill His will!" In response, Rebbi acquiesced and invited Bar Kapara. At that point, Bar Kapara commented, "If Hashem grants such riches in this world to those who keep His will, then certainly in the world to come!"

How could Bar Kapara call Rebbi one who transgresses Hashem's will just for not inviting him to the wedding? (See GILYON HA'SHAS)

ANSWERS: (a) The SHALMEI NEDARIM explains that Bar Kapara did not mean to call Rebbi a transgressor. Rather, he made a cryptic statement so that Rebbi would misunderstand it and invite him to the wedding. Later, after Rebbi invited him, Bar Kapara explained what his true intention was. Bar Kapara actually meant to explain how Rebbi merited to receive such riches in this world, if only Resha'im are rewarded in this world. He said that if the transgressors of Hashem's will have such wealth in this world, then certainly those who fulfill Hashem's will certainly shall receive reward not only in the next world, but in this world as well (and not at the expense of their share reward in the world to come), as Rava says in Horiyos (10b).

After Rebbi invited him, he explained his intention more clearly and said that if Rebbi has received such great reward in this world, then certainly he has much reward awaiting him in Olam ha'Ba. (See the Shalmei Nedarim who also quotes the explanation of the SHEVUS YAKOV, to which the Gilyon ha'Shas refers.)

(b) The CHASAM SOFER quotes his Mechutan, Rav Bunim, who explains that Rebbi and Bar Kapara disagreed about how a person is supposed to relate to the pleasures of this world (see Insights to Berachos 30b). Rebbi did not invite Bar Kapara because he was afraid that Bar Kapara would cheer him and bring him enjoyment from the wedding. Rebbi's approach to life was not to derive any pleasure from Olam ha'Zeh "even from my small finger" (Kesuvos 104a). Bar Kapara felt that Rebbi was incorrect; one is supposed to enjoy the pleasures of this world when using them for the sake of a Mitzvah, and that is why Hashem created those pleasures. Therefore, he referred to Rebbi as one who transgresses the will of Hashem, since he did not invite Bar Kapara in order to avoid deriving benefit from this world. Rebbi eventually gave in and invited Bar Kapara to the wedding, at which point Bar Kapara commented that if Rebbi is willing to let him cheer him so that he enjoys the pleasures of this world for the sake of the Mitzvah, then he is indeed one who does the will of Hashem and certainly he will receive great reward in Olam ha'Ba.

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From: dafyomi@lists.virtualjerusalem.com Subject: [dafyomi] The Weekly Daf - #343

The Weekly Daf #343 Nedarim 47 - 53 By RABBI MENDEL WEINBACH, Dean, Ohr Somayach Institutions ...

THE SECRETS OF THE SAGE'S WEALTH

From a humble beginning as an ignorant shepherd, Rabbi Akiva developed into a Torah giant and a very wealthy man. His Torah scholarship made him the teacher of 24,000 disciples. To dispel any notion that his wealth resulted from having so large a student body, points out Maharsha, the gemara informs us that he received no payment for teaching Torah but became wealthy from six different sources.

In connection with two of these sources there are fascinating stories only hinted at in our gemara.

One is about the Roman noblewoman from whom Rabbi Akiva borrowed money to support his disciples. She insisted that Hashem and the sea serve as guarantors for the loan. When the due date arrived, Rabbi Akiva was ill and did not appear to make the payment. She thereupon went to the seashore and said: "Sovereign of the Universe, it is revealed to You that Rabbi Akiva is sick and was

unable to pay his debt. You are the guarantor of his loan."

At that moment the emperor's daughter went mad and threw a chest filled with jewels and gold coins into the sea. The chest was then washed ashore at the very spot where the noblewoman sat and she took it home with her. After a while Rabbi Akiva recovered and went to the noblewoman with money to pay his debt. "I have already turned to the guarantor," she informed him, "and He paid the entire debt. Here is the amount which exceeded the debt," she said, whereupon she gave him the remaining treasure.

Another woman connected with Rabbi Akiva's wealth was the wife of the Roman nobleman, Turnus Rufus. One day he came home extremely upset because Rabbi Akiva had embarrassed him in a theological debate before the emperor. She thereupon offered to incur Hashem's anger towards the sage by tempting him. When she appeared before Rabbi Akiva in all her finery, Rabbi Akiva spat, laughed and cried. In reply to her request for an explanation of his actions he agreed to reveal the reason for only two of them. He spat because she was the product of a putrid seminal drop, and cried because such beauty was destined to eventually rot in the earth. The reason for his laughter, which he did not reveal to her, was that he had a Divine revelation that she would convert and become his wife. She was so moved by what he did tell her that she asked if there was a way for her to repent. When he said there was, she took the initiative of converting, married Rabbi Akiva and brought along her great wealth. * Nedarim 52a

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