

BS"D



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INTERNET PARSHA SHEET
ON **KI SEITZEI** - 5767

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From: owner-weeklydt@torahweb2.org on behalf of TorahWeb.org [torahweb@torahweb.org] Sent: Friday, September 01, 2006 11:46 AM
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Rabbi Yaakov Neuburger
Beginnings

With all the many and varied ba'alei teshuva that have become part of the blessings of our communities, it is at first blush, hard to swallow the absolute certainty with which the Torah dooms the future of the "ben sorer umoreh" ("the rebellious son"). It is because the Torah is sure that he will grow up to rob and murder, that the beis din acts in his best interests and executes him as a child when he is still innocent of these crimes. True, this child of thirteen has stolen to feed a gluttonous habit and is undaunted by parental scolding and the court's painful lashes. Nevertheless can we be so sure that in the many years ahead there will not be but one experience, one influential person or one inner voice that will prevent him from stealing and killing to maintain his ravenous behavior. Perhaps we can more accurately question that though there never was and never will be a ben sorer umoreh, what are we to learn from the Torah's certain pessimism and pity that insists on his self destructive course. It is precisely in his youthfulness that Rav Shamshon Raphael Hirsch sees an important message regarding chinuch. The thirteen year old child new to his responsibilities and contributions should naturally feel within in him some thrill and excitement in them. The newly arrived yetzer hatov with its attendant interest in doing good and with the maturing sense of self, give the fresh bar or bas mitzvah immeasurable potential. This potential and optimism should happily inform his ambitions even as it shapes the nachas that his elders envision. A portal to all of this is the care with which new bar mitzvah boys don their tefilin which we hope will last for a very long life. Similarly we have come to expect that a fresh bar mitzvah will be quick to daven with a minyan and we pray that this becomes a life long routine practice. Even if not sustained due to the busyness of life and competing interests, rahcmama litzlan, this initial excitement shows a natural affinity for the mitzvos. It bodes well for the future and can surely be built upon, at later moments of inspiration and periods of spiritual growth. However the ben sorer umoreh which only applies during the first three month post bar mitzvah, indicates a total disregard for the natural uplift of the nascent yetzer hatov. Hedonistic pleasure has

successfully disconnected the young man from any excitement or simple sense of newness that should inform his disposition at this time. It is that emotional flatness and total indifference to spiritual growth which sadly predicts that the Torah will uncharacteristically never touch his heart or mind. Rav Hirsch's insight should certainly give us direction as we celebrate our children's entry into "ol mitzvos", as well as all their milestones and ours. How important it must be to encourage the excited anticipation of the privilege and distinction afforded to us by His mitzvos.

Perhaps this helps us understand the yom tov of Rosh Hashana as well, which has us celebrate even as we grow anxious pondering the judgment that we face and the standards to which we will be held. As concerned as we may be, the fresh start and the newness of the upcoming year with all its potential and optimism indeed gives us much reason to celebrate. This optimism may be a very potent prayer for Hashem's kindness and compassion as we stand before Him.

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from **Rabbi Yissocher Frand** <ryfrand@torah.org> hide details 2:08 am (3 minutes ago) reply-to ryfrand@torah.org, genesis@torah.org to ravfrand@torah.org date Aug 24, 2007 2:08 AM subject Rabbi Frand on Parshas Ki Seitzei mailed-by torah.org To sponsor an edition of the Rabbi Yissocher Frand e-mail list, go to www.capalon.com/secure/torah/listDedicate.php?class1=35. "RavFrاند" List - Rabbi Frand on Parshas Ki Seitzei -

The Reward of Learning About the Rebellious Son

This week's parsha contains within it the very peculiar mitzvah of the wayward and rebellious son. The requirements for achieving the status of a bona fide "ben sorer u'moreh" are staggering. The Talmud [Sanhedrin Chapter 8] teaches that the window of time in which a son can become a ben sorer u'moreh is very short. He has to steal a certain amount of meat and drink a certain amount of wine. The Talmud infers from pasukim [verses] that the parents have to have the same height and appearance and even the same tone of voice.

Because of these myriad requirements, the Gemara states: "Ben sorer u'moreh never happened and never will happen. Why then were the laws given? So that we may expound it and get reward." [Sanhedrin 71a]

Rabbi Yisrael Salanter (in the Sefer Or Yisrael) wonders about the meaning of this statement. After all, he argues, is the Torah not big enough without this set of laws to provide enough material to learn, expound upon, and gain the reward of Torah study? Rav Yisrael says that a person could live for 1000 years and still not exhaust the potential for deriving reward from Torah study -- even excluding the four pasukim in Parshas Ki Seitzei and the 7 folios in tractate Sanhedrin dealing with the Wayward and Rebellious son.

He therefore concludes that the chapter of Ben Sorer U'Moreh indeed teaches us a unique and profound lesson: Learning for learning's sake alone, without any application to the "real world" whatsoever, is worthwhile in and of itself. Certainly, the purpose of learning is to bring one to action and there is value in being "results oriented". However Reb Yisrael teaches us that we should not think that the whole point of learning is to know "what to do". Even if something will never be practically relevant, there is still value in just learning the Word of G-d.

There are other esoteric areas of Halacha that may not be relevant in our time and that may, most likely, not be relevant in any time, for the overwhelming number of people. However, all other areas of Torah are at least at some time theoretically relevant. But the Torah found it necessary to give at least one Halacha where one could be absolutely sure that it would never be relevant. No one will ever tell an Orthodox Rabbi "I have a ben Sorer U'Moreh shaylah (query) for you!" It will never happen!

The point the Torah is trying to make is: Learn it anyway. The lesson to be derived is the lesson of Torah learning. The intrinsic purpose of Torah

learning is to study the word of G-d. Its benefit is not dependent on practical application.

Torah Students Get "Paid By The Hour"

The Mishneh [Avos 4:20] states in the name of Elisha ben Avuyah that when one learns as a child, he is like ink written on fresh paper, but when one learns when he is old, it is like ink written on paper that has been erased.

This is a terribly depressing Mishneh. Unfortunately, there comes a time when we start having "senior moments". There comes a time when learning is no longer the same as it was when we were younger. What is Elisha ben Avuyah telling us? Is he saying that it is all over after age 40, 50, or 60?

Rabbeinu Yonah in Avos makes a powerful statement: A person should not say "I am like a dried out tree," since Torah no longer remains fresh in my hand. One should not have the attitude "why should I study?" or "for what purpose should I toil?" Rabbeinu Yona says that people get reward for the effort and toil and should not become depressed whether they remember it or not. The act of Torah study is important, in and of itself, regardless of the ability to recall it later.

This is not to advocate the approach: Just learn, don't even try to remember it; do not even review your lesson. Heaven forbid. We must try to remember what we learn and we need to review what we have learned in the past. But on the other hand, a person should not let himself become depressed or frustrated over the fact that he can no longer learn with the sharpness or the clear recollection that he once had. Even taking that into account, learning Torah is still more valuable than anything else he might ever do.

Rabbeinu Yona cites the parable of a homeowner who hired two workers. He gave them each a bucket instructing them to go to the stream and to fill up the buckets with water and to then fill up a nearby pool from the buckets. The homeowner paid the workers by the hour. The workers however noticed that their buckets had holes in them and that they were not able to retain the water.

One of the workers stopped trying and said – "what am I accomplishing?" The other worker told him "What do you care? We are getting paid by the hour!" The lesson, Rabbeinu Yona says, is that we are getting paid for our Torah learning "by the hour". True, we might get paid more for remembering, but ultimately, we get reward whether our brain retains what we pass through it or not.

The Sefer Moser Derech notes that in the month of Elul, approaching the High Holidays, our merits are being carefully weighed. People therefore try to "pile on" meritorious actions during this time. He cites the calculation of the Chofetz Chaim that the average person speaks 200 words a minute and therefore claims that a person who learns Torah gets 200 mitzvahs per minute! What else can one do that gives him that kind of reward? In a matter of a few minutes a person can credit himself with hundreds and hundreds of mitzvahs!

The Holy One Validated The Teaching of Rabbi Meir

The Torah teaches: "If a man shall have committed a sin whose judgment is death, he shall be put to death, and you shall hang him on a gallows. You shall not leave his body overnight on the gallows, rather you shall surely bury him on that day, for a hanging person is a curse of G-d (kilelas Elokim)..." [Devorim 21:22-23].

The Mishneh teaches in the name of Rabbi Meir [Sanhedrin 46a]: "When man suffers, what expression does the Shechina use? My Head is too heavy for Me. My Arm is too heavy for Me." In other words, when man (even a sinner) suffers, G-d suffers. This, Rashi explains, is the meaning of the expression "Kilelas Elohim" – as if to say "Kal les" (not 'light', but rather heavy!) Rabbi Meir concludes: "If G-d is so grieved over the blood of the wicked that is shed, how much more so over the blood of the righteous!"

The Gemara elsewhere (Chagiga 15b) relates the following: Rabbah bar Sheilah met Eliyahu. Rabbah bar Sheilah said to Eliyahu: "What is the Holy One doing now?" Eliyahu responded, "He is quoting teachings in the name of all the rabbis, but not in the name of Rabbi Meir." "Why not?" inquired Rabbah bar Sheilah. Eliyahu responded: "Because Rabbi Meir learned his Torah from (the heretic) Acher." "So what?" persisted Rabbah bar Sheilah "Rabbi Meir found a pomegranate and consumed the fruit but threw away the peel." (In other words, he was able to distinguish between the authentic Torah which Acher had to offer and his heretical views which Rabbi Meir rejected.)

The Gemara concludes that after hearing this argument, the Holy One in fact quoted a teaching in the name of Rabbi Meir. The teaching quoted was precisely that cited earlier from the Mishneh in Sanhedrin that when a wicked person suffers the Almighty says "My Head is heavy My Arm is heavy!"

Rav Zalman Sorotzkin asks: Why of all the hundreds of statements in the Mishneh that are stated in the name of Rabbi Meir, was it precisely this teaching that was cited by the Holy One, exactly in response to the argument that Rabbi Meir threw away the shell of the pomegranate and ate its fruit?

Rav Sorotzkin answers with a powerful insight. The Holy One was citing this teaching of Rabbi Meir in order to validate the idea that Rabbi Meir was never influenced by Acher. The Gemara says that one of the things that drove Acher away from Torah was the fact that he saw the tongue of one of the Tannaim martyred by the Romans, lying on the ground. Upon seeing this, he asked: "Is this the reward one gets for Torah?" He thought that the Almighty – Heaven forbid – does not care about the suffering of the righteous.

To respond to this, the Almighty cited – in the name of Rabbi Meir – a teaching that proves just the opposite: G-d even feels the pain of the wicked, certainly He feels the pain of the righteous.

The fact that Rabbi Meir promulgated such a teaching was proof that Rabbah bar Sheilah was right that Rabbi Meir was NOT influenced by his teacher Acher. Acher believed that Hashem did not even care about the righteous. Rabbi Meir taught that He even cares about the wicked!

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These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #647 – Ramps and Stages – Do They Need a Maakeh? 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.

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Rabbi Michael Rosensweig
Confronting and Overcoming Human Weakness

Parshat Ki Teizei begins with the laws of yefat toar. In the context of war which may stir intense human emotions and passions, the Torah reluctantly and conditionally sanctions relationships that would otherwise be illicit. Rashi, citing the gemara (Kidushin 21b), explains this unusual allowance as a concession to human weakness ("dibrah Torah keneged yetzer ha-ra").

The Torah's perspective about the religious challenges of warfare is particularly significant when one considers that the ideal soldier according to Jewish law is one who is steeped in righteousness and Divine faith. According to R. Yose ha-Glili (Sotah 44a) one who is concerned about his religious stature is exempt from war ("yarei ve-rach leiv"). R. Akiva has a more inclusive stand regarding the piety of those who are qualified to fight, but also requires an advanced level of spirituality (at least according to Rambam's interpretation- Hilchot Melachim 7:15). The Baal ha-Turim links the last words of the previous parshah ("ki taaseh ha-yashar be-einei Hashem"), referring to the admirable implementation of Hashem's will, with the first words of Parshas Ki Tisah that discuss waging war because righteousness is a prerequisite for military conscription. And yet, despite the admirable character of the Jewish soldier, the Torah addresses and makes allowances for human frailty in the context of war. Apparently, the difficulty of maintaining spiritual equilibrium in the heat of battle, a time of intense passion and emotional stress, is a formidable one that tests even the most committed. Undoubtedly, the spiritual vulnerability of the pious soldier also reinforces the view expressed in Chazal (Sukah 52a) that great men are particularly challenged to maintain their high standards ("kol ha-gadol me-chaveiro yizro gadol heimenu").

While the laws of yefat toar demonstrate the Torah's realism in acknowledging and occasionally even providing outlets for human frailty, close scrutiny of the process that precedes the allowance of yefat toar (removing her from her indigenous environment, growing of her nails, shaving of her head...) unequivocally establishes that one is obligated to rigorously pursue any reasonable course to refashion one's emotional response to avoid even sanctioned halachic compromise. By detailing this process, the Torah conveys that this rare and unusual concession should not be abused or misconstrued. The steps outlined for yefat toar also provide a model through which one can respond to human temptation and strive for ideal halachic observance. Neutralizing the initial superficial stimuli and utilizing the perspective of time and distance constitute instructive guidelines in the struggle to confront and overcome human appetites and temptations.

In addition to these steps to combat obstacles and difficulties once encountered, it is vital to anticipate personal vulnerability and spiritually fortify oneself in advance of halachically challenging events or environments. The Kli Yakar notes that the Torah refers to multiple opponents ("oyevcha") even though it speaks only of a single defeated enemy ("unetano Hashem ..."). He explains that in order to succeed against the concrete enemy on the battlefield, one must first struggle internally to refine one's halachic values and vanquish the yetzer ha-ra that is accentuated by the passions of battle. This is accomplished by identifying and fortifying against one's spiritual deficiencies. Awareness that one confronts a second, highly personal front in all epic battles enables appropriate preparation for the dual struggle that may preclude the very problem of yefat toar! The role of intense Torah study is particularly crucial in confronting spiritual dangers, as Chazal (Kidushin 30a; Berachot 5a) viewed the internalization of Torah values and reinforcement of halachic perspective by means of study as an especially effective antidote to the yetzer ha-ra.

Chazal warn that marrying a yefat toar risks serious detrimental repercussions. Midrash Tanhuma (cited in Rashi) perceives the "hated wife - ha-senuah" and even the incorrigible or rebellious son ("ben sorer u-moreh") in the next sections of the parshah as products of this halachically flawed, albeit legal union. Chatam Sofer (Torat Moshe, Ki Teizei) sharply rejects the implication that any halachically sanctioned marriage could

produce such suffering. He concludes that the full halachic allowance is extremely limited, as it is contingent upon maximal effort to neutralize one's improper obsession and skewed emotional state. In his view, the "hated wife" and rebellious son reflect the abuse rather than the proper implementation of yefat toar, although the marriage still stands. [Compare with Rambam (Melachim 8:2) and Ramban's (s.v. ve-chashaktah bah)] Chatam Sofer's perspective accentuates the obligation to strive for ideal halachic standards to avoid compromise.

It is conceivable, however, that the projected damage resulting from the yefat toar union depicted by Chazal does not constitute punishment but reflects the natural consequences of diluted and compromised standards of discipline, restraint, and mutual respect, cornerstones of the halachic vision of sanctity in family life. The origins and foundation of misplaced passion and obsession may easily produce a poisoned marriage (ishah senuah). The legality of the yefat toar marriage may be insufficient to foster an emotional and halachic environment that effectively inculcates the values of authority, restraint, and kedushah that safeguard against the development of a ben sorer u-moreh.

Directly and by hint, the Torah communicates through the halachot of yefat toar that one must strive mightily to maintain halachic standards and perspective even in the most challenging environments and circumstances. While conceding man's spiritual frailty, Chazal emphasize that one bears the potentially dire consequences that result from acquiescing to spiritual mediocrity. Our ultimate goal is to attain authentic kedushah which demands not only that we eschew halachic compromise, but that we conduct ourselves in accordance with Torah values that transcend strict obligation. Kadesh azmechah be-mutar lach.

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From: "**Rabbi Jonathan Schwartz**" <rjspsyd@comcast.net>

Date: Fri, 24 Aug 2007 02:10:15

To: internetchaburah@yahoo.com Subject: [internetchaburah] Internet Chaburah Ki Tze Tze 5767

Prologue: In reference to war, the Torah emphasizes the word Machaneh (camp). The Torah commands, "When you go out to encamp against your enemies, you shall guard against anything evil...for Hashem, your G-d, walks in the midst of your camp to rescue you and to deliver your enemies before you so that your camp shall be holy."

Rabbi Joseph B. Soloveitchik, z"l, distinguishes between Machaneh, camp, and Eidah, congregation. A camp is formed in the face of a common enemy, who engenders fear and creates the need for self-defense. "When you go out to encamp against your enemies" the camp is established when people feel helpless and must join together to battle the enemy. An Eidah, a congregation, on the other hand, shares a common ideology, and is nourished by love rather than fear. A congregation expresses man's powerful spirit. In a Jewish context, the Eidah is grounded in the teachings of Sinai, a holy nation committed to a Divine destiny. In order for the nation of Israel to fulfill its Divine mission and destiny, "your camp shall become holy." This Machaneh, this camp, must develop into an Eidah. It must become holy.

The Jewish community has been concerned with the crisis of Jewish continuity. The solution is to unite not only as a Machaneh but as an Eidah, a holy congregation committed to the destiny of faith rooted in Torah and Mitzvos. Such a covenant stems not from fear but from love, the love of G-d and the Jewish people.

Sometimes, threats to the continuity of the Torah community come from within. Sometimes we think it will be impossible to keep Torah thoughts on our minds. This week's Chaburah examines some of the issues of Jewish continuity in face of outward impurity. It is entitled:

***** What's on your mind *****

The Talmud (Shabbos 150a) notes that Hirhur (thinking) is different than speaking. However, this rule, says Rabbi Yochanan does not apply to thinking Torah thoughts in the bathroom or other places. For the Torah commands us to keep our camp Kadosh, an impossibility in the bathroom.

However, the question arises as to whether one may think about matters of faith in Hashem or Ahavas Hashem while in the bathroom. Rav Shlomo Kluger (Chochmas Shlomo, 85) assumes the matter to be a Kal VaChomer (a fiortiori). Namely, if one cannot think about simple Torah matters, how could s/he contemplate G-d while in these places? He decides though, that due to the intense holiness of discussions of Emunah, one would be allowed to contemplate them since "Ein Tumah Sholeit Bahem". Rav Kluger offers a long pilpul to support his position.

Hagaon Harav Asher Weiss Shlita (Minchas Asher, Ki Tze Tze) offered a possible insight as to why this might be so. Rav Weiss suggests that contemplation of the Torah study variety involves cognitive effort. This cognitive effort (Machshava) is forbidden in the bathroom. However, merely focusing on faith is not a cognitive matter but an emotional (Hergesh) one. This type of contemplation is not called thinking of Divrei Torah.

What about other Mitzvos? Could one fulfill other Mitzvos while in the bathroom or other inappropriate place?

The Chida (Tov Ayin (18:37) discussed the issue in regard to a jail cell that also housed bathroom facilities in the same cell. He cites the Talmud's (Kiddushin 32b) exemption from the requirement to respect one's elders in a bathroom only due to the fact that this is not a place of respect (Hiddur) as proof that other Mitzva observance would indeed be required.

Indeed, the Mishna Berurah (21:14) does not require us to remove our Tzitzis when in a bathroom but a difference between removal and performing a Mitzva could be argued.

Still, the Biur Halacha (586:1) notes that one could blow Shofar in a place that is not clean. The Mateh Efraim is cited as being opposed to the practice either because when one performs a Mitzva he does so with Kavana no less important than the concentration of Torah study or because one should not engage in the service of Hashem in a disrespectful place or way.

L'Halacha, Rav Weiss shlita rules like the Mateh Efraim encouraging us to think about and perform our Mitzvos in the best way possible.

Shabbat Shalom.

From: innernet-owner@innernet.org.il on behalf of Heritage House [innernet@gmail.com] Sent: Tuesday, November 28, 2006 4:36 AM To: innernet@innernet.org.il Subject: InnerNet - "Jewish Lifesaving" INNERNET MAGAZINE <http://innernet.org.il> November 2006

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"JEWISH LIFESAVING"

by Rabbi Reuven P. Bulka

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If a person sees or hears that someone is in danger, whether he is drowning or being crushed by falling rocks or being chased or conspired against, it is incumbent on the person to help save him. Likewise, a person is obligated to do whatever possible to heal a person who is dangerously ill (Sefer Chareidim).

Included in this general lifesaving obligation is the responsibility to redeem those who have been taken captive. Laxity in carrying out this obligation is tantamount to spilling blood.

Also, if you see a person being pursued by someone who is bent on killing him, you must try to save him even if it means killing the pursuer. But such killing is justified only if there is no other means of heading off the impending murder (Deut. 25:11-12; Sefer Chareidim).

Aside from the reactive interventions to save, there are preemptive responsibilities. For example, it is appropriate to have volunteers in every

city who are ready to jump in and save anyone who is in danger (Sefer Chareidim).

* * *

Always Help

There are times when one is aware that someone is in danger, but intervention is impossible. This may be the case if the dangerous situation is far away and there is no way to get there on time, or if one is not well enough physically to do anything.

Even in these instances, one is not exempt from responsibility. The obligation to save a life is so overwhelming that one must hire others to do the lifesaving work if he cannot do it himself (Leviticus 19:16; Sefer Chareidim). Lifesaving is such a serious matter that nothing can be allowed to stand in its way.

Elementary as this may seem, translating this into our daily life patterns is not as forthcoming as it should be. For example, if we are aware that our brethren in certain countries are in great peril, there is no excusing our failure to rally to their support. If protest will not help, if entreaty to one's political representative will not help, then at the very least one has no excuse for not praying to G-d for the redemption of those in captivity.

In other words, there is always something that can be done. The gravity of the offense of doing nothing should be an adequate prod to assure that something will always be done to help.

* * *

Don't Stand on Your Brother's Blood

There is an additional nuance to be derived from this mitzvah obligation. When someone is in danger, anyone and everyone who is aware of the danger must rush to help.

This is not a responsibility that can be sloughed off from one person to another. Everyone carries equal responsibility. Granted that some people, because of the nature of their relationships with authority figures, are in a better position to help. This only increases their responsibility.

Since everyone is responsible, the ugly specter of a group of people watching as someone is being murdered and doing nothing, not even calling the police or emergency service, is unlikely to occur. The reflex reaction when seeing an unfolding murder is not to see what others are doing. It is to do whatever one can to help prevent the tragedy.

So lifesaving, as elementary as it seems, and indeed is, actually is a much more encompassing and pervading obligation than we may think.

* * *

Care of Self

There are abundant regulations concerning what foods are permitted and what foods are forbidden. However, the mere fact that a food is permitted does not ensure its acceptability.

A primary consideration in the acceptability of food is its impact on health. "You shall be exceedingly careful regarding your being" (Deut. 4:15) is a sweeping imperative adjuring us to take care of ourselves. The words "exceedingly careful" are employed to convey the idea that danger is a more serious matter than ritual prohibition. An item that is not kosher is prohibited, but an item that is dangerous is even more strictly prohibited (Sefer Chareidim).

A forbidden food or drink that accidentally falls into a permitted mixture is neutralized if the mixture is sixty times the amount of the prohibited item. Usually the mixture may then be eaten.

However, a dangerous substance that falls into a mixture does not become neutralized even if the mixture is one thousand times the dangerous substance. The mixture becomes forbidden...

The care that must be extended includes more subjective considerations, such as foods that are poison to some because of a medical condition, but are acceptable for others. These must be avoided by those for whom they are dangerous.

Then there are actions, activities, and habits that are so obviously dangerous and place one's life in jeopardy that they should be avoided at all costs.

The bottom line is that since life is a precious gift from God, it would be rank ingratitude to do anything less than meticulously care for this great gift to care in exceeding measures. That is the ultimate way of saying "thank you."

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Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - currently 5765]

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Ki Tetse

In Deuteronomy 24, we encounter for the first time the explicit statement of a law of far-reaching significance:

Parents shall not be put to death for children, nor children who put to death for parents: a person shall be put to death only for his own crime. (Deut. 24:16) We have strong historical evidence as to what this law was excluding, namely vicarious punishment, the idea that someone else may be punished for my crime:

For example, in the Middle Assyrian Laws, the rape of unbetrothed virgin who lives in her father's house is punished by the ravishing of the rapist's wife, who also remains thereafter with the father of the victim. Hammurabi decrees that if a man struck a pregnant woman, thereby causing her to miscarry and die, it is the assailant's daughter who is put to death. If a builder erected a house which collapsed, killing the owner's son, then the builder's son, not the builder, is put to death. (Nahum Sarna, Exploring Exodus, p. 176) We also have inner-biblical evidence of how the Mosaic law was applied. Joash, one of the righteous kings of Judah, attempted to stamp out corruption among the priests, and was assassinated by two of his officials. He was succeeded by his son Amaziah, about whom we read the following:

After the kingdom was firmly in his grasp, he [Amaziah] executed the officials who had murdered his father the king. Yet he did not put the sons of the assassins to death, in accordance with what is written in the Book of the Law of Moses where the Lord commanded: "Fathers shall not be put to death for their children, nor children put to death for their fathers; each is to die for his own sins." (2 Kings:14: 5-6) The obvious question, however, is: how is this principle compatible with the idea, enunciated four times in the Mosaic books, that children may suffer for the sins of their parents?

"The Lord, the Lord, the compassionate and gracious G-d, slow to anger, abounding in love and faithfulness, maintaining love to thousands, and forgiving wickedness, rebellion and sin. Yet He does not leave the guilty unpunished; He punishes the children and their children for the sin of the

fathers to the third and fourth generation." (Ex. 34: 7; see also 20:5; Numbers 14: 18; Deut. 5: 8) The short answer is simple: It is the difference between human justice and divine justice. We are not G-d. We can neither look into the hearts of wrongdoers nor assess the full consequences of their deeds. It is not given to us to execute perfect justice, matching the evil a person suffers to the evil he causes. We would not even know where to begin. How do you punish a dictator responsible for the deaths of millions of people? How do you weigh the full extent of a devastating injury caused by drunken driving, where not only the victim but his entire family are affected for the rest of their lives? How do we assess the degree of culpability of, say, those Germans who knew what was happening during the Holocaust but did or said nothing? Moral guilt is a far more difficult concept to apply than legal guilt.

Human justice must work within the parameters of human understanding and regulation. Hence the straightforward rule: no vicarious punishment. Only the wrongdoer is to suffer, and only after his guilt has been established by fair and impartial judicial procedures. That is the foundational principle set out, for the first time in Deuteronomy 24: 16.

However, the issue did not end there. In two later prophets, Jeremiah and Ezekiel, we find an explicit renunciation of the idea that children might suffer for the sins of their parents, even when applied to Divine justice. Here is Jeremiah, speaking in the name of G-d:

In those days people will no longer say, 'The fathers have eaten sour grapes, and the children's teeth are set on edge.' Instead, everyone will die for his own sin; whoever eats sour grapes-his own teeth will be set on edge. (Jeremiah 31: 29-30) And this, Ezekiel:

The word of the Lord came to me: "What do you people mean by quoting this proverb about the land of Israel: The fathers eat sour grapes, and the children's teeth are set on edge?" As surely as I live, declares the Sovereign Lord, you will no longer quote this proverb in Israel. For every living soul belongs to me, the father as well as the son-both alike belong to me. The soul that sins is the one who will die." (Ezekiel 18: 1-3) The Talmud (Makkot 24a) raises the obvious question. If Ezekiel is correct, what then happens to the idea of children being punished to the third and fourth generation? Its answer is astonishing:

Said R. Jose ben Hanina: Our master Moses pronounced four [adverse] sentences on Israel, but four prophets came and revoked them . . . Moses said, "He punishes the children and their children for the sin of the fathers to the third and fourth generation." Ezekiel came and declared: "The soul that sins is the one who will die." Moses decreed: Ezekiel came and annulled the decree! Clearly the matter cannot be that simple. After all, it was not Moses who decreed this, but G-d Himself. What do the sages mean?

They mean, I think, this: the concept of perfect justice is beyond human understanding, for the reasons already given. We can never fully know the degree of guilt. Nor can we know the full extent of responsibility. The Mishnah in Sanhedrin (4: 5), says that a witness in capital cases was solemnly warned that if, by false testimony, a person was wrongly sentenced to death, he, the witness, "is held responsible for his [the accused's] blood and the blood of his [potential] descendants until the end of time." Nor, when we speak of Providence, is it always possible to distinguish punishment from natural consequence. A drug-addicted mother gives birth to a drug-addicted child. A violent father is assaulted by his violent son. Is this retribution or genetics or environmental influence? When it comes to Divine, as opposed to human justice, we can never reach beyond the most rudimentary understanding, if that.

Two things are clear from G-d's words to Moses. First, He is a G-d of compassion but also of justice - since without justice, there is anarchy, but without compassion, there is neither humanity nor hope. Second, in the tension between these two values, G-d's compassion vastly exceeds His justice. The former is forever ("to thousands [of generations]"). The latter is confined to the lifetime of the sinner: the "third and fourth generation"

(grandchildren and great-grandchildren) are the limits of posterity one can expect to see in a human lifetime.

What Jeremiah and Ezekiel are talking about is something else. They were speaking about the fate of the nation. Both lived and worked at the time of the Babylonian exile. They were fighting a mood of despair among the people. "What can we do? We are being punished for the sins of our forefathers." Not so, said the prophets. Each generation holds its destiny in its own hands. Repent, and you will be forgiven, whatever the sins of the past - yours or those who came before you.

Justice is a complex phenomenon, Divine justice infinitely more so. One thing, however, is clear. When it comes to human justice, Moses, Jeremiah and Ezekiel all agree: children may not be punished for the sins of their parents. Vicarious punishment is simply unjust.

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Peninim on the Torah

by Rabbi A. Leib Scheinbaum –

Parshas Ki Seitzei mailed-by shemayisrael.com

If a man will have a wayward and rebellious son. (21:18) The ben sorer u'moreh, wayward and rebellious son, is punished al shem sofo, as a consequence of his iniquitous end. He will one day resort to murder in order to satisfy his desire. Rather than wait for him to be punished for committing a violent act, he is killed now, so that he dies on a relatively innocent level. This concept is not consistent with the idea expressed by the Torah concerning Yishmael: Ba'asher hu shom, "In his present state." (Bereishis 21:17) The angel asserted that the innocent child, Yishmael, should die as a consequence of what his descendants would do to the Jewish People. Hashem responded that a person is judged according to what he "is," not according to what he "will be." If so, why is the rebellious son judged according to the acts of terror that he will commit later on in life? What about his "present state"?

The Kotzker Rebbe, zl, suggests a profound thought to explain this concept. The expression al shem sofo, translated literally, means "according to his end." While we interpret this as reference to what he will do later on in life, it may have another meaning. Al shem sofo, "according to his end," refers to the end of his title: ben sorer u'moreh. The word moreh, which we have translated as rebellious, can also be understood to mean "and he will teach." A moreh is a teacher. Our fear is that this rebellious child will not just simply isolate his iniquity; he will share it with others, teaching them to be rebellious. When the evil is such that it will be spread and develop a following, when it will be spawned by teaching it to others, it must be stopped now! It is important to give a person who is straying a chance to rehabilitate himself, but not at the expense of others.

When you will go out to war and you will see among its captivity a woman who is beautiful of form. If a man will have a wayward or rebellious son, an Ammonite or Moavite may not enter the congregation of Hashem because of the fact that they did not greet you with bread and water and because he hired against you Bilaam ben Be'or. (21:10, 11, 18) (23:4, 5)

The Torah sees beyond the veil of ambiguities that conceal the essence and reality of an activity that appears innocuous or harmless. As members of the Torah nation, we unequivocally trust the Torah's decision concerning certain situations that would normally baffle human perception. Let us cite three examples from our parshah. The Torah begins with the halachic dispensation concerning the yefas toar, the beautiful captive. One sees a woman among the enemy captives and is suddenly engulfed with an uncontrollable desire for her. Understanding the breakdown of human rationality during times of war, and addressing human frailty, the Torah recognizes that the soldier may not be able to restrain himself. Therefore, it

provides a venue for the lustful soldier to satisfy his desire in a permissible way.

In the second example, we find the incident of a wayward and rebellious son, the ben sorer u'moreh, who becomes, among other things, a glutton and drunkard, stealing money from his parents to satisfy his addiction. The Torah understands that while the gravity of the sins that he has committed until now is not yet severe, it soon will be. His behavior is a clear indication that he will become a monster and kill people in order to satisfy his addiction. The death penalty is imposed on this youngster, even though he has yet to commit the capital offense that he is destined to commit. Let him die while he is innocent and not when he is actually guilty of capital crimes. What is the difference between the two cases? Why do we allow the soldier to defer to his passion? Why are we not concerned that he might be stricken with desire and plunge deeper and deeper into the abyss of sin - just like the ben sorer u'moreh? Why do we have more confidence in the soldier who is driven by lust than the youngster who is addicted to gluttony and liquor?

The soldier is a product of a Torah education who stumbled into desire. We can work with him. Until now, he has proven himself to be of impeccable character, virtue and piety. Otherwise, he could not have joined the Jewish army. Only the righteous were selected as soldiers, but even the righteous can falter in the heat of battle. Anxiety and fear dominate; the mind no longer thinks clearly; the passions of the heart begin to prevail. There is, however, hope. This man was educated. His connection with the Torah has not been severed. There is still room for hope.

The ben sorer u'moreh has not had a chance to develop his Torah values. He has no foundation - only an uncontrollable addiction that must be satisfied - or else. He will do anything to satiate that desire, because he has never had the basis of a Torah education to shape his outlook, to put the "brakes" on his lust, to control and guide his mind. He does not drive; he is driven. The Torah has determined that, for him, there is no hope. It sees beyond the cloak of human activity, to the motivating factor of every action. Is it evil incarnate, or is it a temporary flaw?

In our third example we are exhorted not to admit an Ammonite or Moavite as a convert, because members of those nations did not come out and greet us with bread and water when we journeyed past their land, and because they hired Bilaam to curse us. Once again, we see what seems to be a "gray" area, a lack of proper etiquette. A flaw in character refinement should not be license to exclude them from Klal Yisrael. Yet, if the Torah says no and includes it together with a second reason, a reason demonstrating extreme malevolence and hatred for the Jewish People, this is more than a character flaw. It is not simply a lack of human compassion. It is because they possess an implacable hatred for the Jewish People, a hatred only the Torah can perceive. People see what appears before them. The Torah looks into the heart - and Moav's heart is evil incarnate. They have no place in our holy nation.

Then you shall take them both out and pelt them with stones and they shall die; the girl because of the fact that she did not cry out. (22:24)

Why is the girl who is betrothed stoned in the same manner as the one who attacked her? The Torah explains that she should have cried out. Since she did not scream, it indicates that this violation was not an act of force, but was consensual. The Sefas Emes derives an intriguing thought from here. We often claim that we are not to blame for our sins, since the yetzer hora, evil inclination, coerced us into acting sinfully. It was an accident. We are not innocent bystanders. Blame the yetzer hora. This pasuk serves as a condemnation of such excuses. You should have cried out. If the yetzer hora is impacting your life and not allowing you to serve Hashem as you desire, then cry out to Hashem. Pray to Him to give you the fortitude and resolution to triumph over the yetzer hora's blandishments. Just as the girl is held in contempt because she did not vigorously protest her violation, so, too, are we held accountable for not turning to Hashem during the yetzer hora's coercion. When He sees how

much we do not want to sin, He will protect us from the evil inclination's insidious effect. If we do not cry, it indicates that we are not that distressed by our sinful behavior.

Because of the fact that they did not greet you with bread and water, and because he hired against you Bilaam ben Be'or to curse. (23:5)

The Torah states two reasons for not accepting converts from the nation of Moav: because they did not greet us with bread and water when we traveled to Eretz Yisrael; and because they hired Bilaam to curse us. We are hard-pressed to develop a connection between these two reasons. What relationship exists between the two? Horav Meir Abavitz, zl, explains that greeting the Jews with bread and water is more than an act of kindness. It is an expression of kavod, honor, respect, for a nation that has been the beneficiary of such incredible miracles, as well as an acknowledgement of their unique relationship with the Almighty. Hashem's love for Klal Yisrael was no secret. The entire world community was aware of this exemplary expression of love. As the recipients of this special Divine countenance, they should have been accorded an outpouring of respect. Certainly, they should not have been scorned. There was one possible justification for the Moavites' lack of respect and recognition for the Chosen People: they did not believe in miracles. The supernatural was beyond their grasp. Whatever the Jewish People experienced must have been beyond the natural order of events. Miracles just do not happen. If it was a natural occurrence, however, Klal Yisrael does not merit any distinction.

When they hired Bilaam to perform his nefarious incantations and curse the Jewish People, they demonstrated that they did believe in the supernatural. The mere fact that they were inclined to accept the premise that a curse can affect an entire nation was the greatest indication of their belief. Apparently, their hatred for the Jews was so intense that they were even willing to believe in miracles. A nation whose hatred was so overwhelming that it created such a dramatic transformation in their belief deserves to be distanced from the Jewish People. Such implacable hatred is genetic and, thus, not easily expunged.

It occurs frequently. People claim not to believe in Hashem or in His ability to perform miracles. Yet, when these same people are confronted with a crisis, an illness, a tragedy, they suddenly turn to Hashem. Likewise, we find those who disclaim any sort of belief in spiritual powers. When they are in pursuit of fulfilling their base desires, however, they are prepared to go to any length to achieve their goals.

Horav Elchanan Wasserman, zl, citing his rebbe, Horav Eliezer Gordon, zl, related a similar idea. The Telshe Rosh Yeshivah commented, "The word is that the secularists do not believe in anything. They simply have no conviction. That is a blatant lie! They certainly do believe, but they believe in the wrong thing. Instead of believing in a Navi emes, true, righteous prophet, they believe in a Navi sheker, false prophet. Every person has the power of conviction, the power of faith. The problem is that there is a dearth of knowledge in what and in whom they should believe. Without the Torah, one remains blind and baffled."

Horav Chaim Kamil, zl, cites a like-minded thought expressed by the Bais HaLevi in his commentary to the confrontation between Yosef and his brothers. He writes, "We see clearly that the denial of Hashem by the heretics of our times is not the result of a lack of belief. They are all believers! In fact, their heresy is a by-product of their belief, but this belief is in the words of heretics and false ideologies. They follow like the blind and believe and listen to everything they hear." After all is said and done, a person believes what he wants to believe, rather than what he should believe.

The Bais HaLevi's commentary on the famous Midrash focuses on Yosef's dialogue with his brothers and their frightened response -- or lack thereof. Yosef said, "Is my father still alive?" Their reply was, "No response," because, as the Torah relates, they were frightened. In its commentary, the Midrash notes, "Woe is to us for the Yom HaDin, Day of Judgment; woe is to us for the Yom HaTochachah, Day of Rebuke." Yosef was the youngest

of the brothers. Yet, when he said, "I am Yosef," his brothers were speechless. What will we say when we face the Heavenly Tribunal in which each person will be rebuked according to what he is?" The Bais HaLevi explains the difference between the two terms, Day of Judgment and Day of Rebuke. How are they different from one another?

There are two aspects to Hashem's judgment of man: din, judgment; and tochachah, rebuke. Din focuses on the actual sin. One transgresses, and he must pay for his infraction. Human beings with their frailties and limitations are hard-pressed to own up to their responsibilities. Part of human maturity is to accept responsibility for one's actions. Regrettably, we always attempt to justify our actions, finding some excuse for the reason that we acted as we did. Heaven forbid we should concede guilt. At times, we even have the audacity to present our incursion as some form of mitzvah! Hashem understands how a human being might err and give credence to a sin, by seeking some validation. This could even be tolerated under certain conditions. When the person acts like a hypocrite by justifying his sinful behavior, rebuke becomes necessary.

The brothers expressed their overriding concern for their father's well-being. Everything they were doing to protect Binyomin was to spare their father any travail. Thus, when Yosef said, "I am Yosef! Is my father still alive?" he was implying, "You did not seem to care about our father when you sold me into slavery. All of a sudden, now when it is convenient to care about him, you care. Where was your concern all of these years?"

The same idea applies to each and every one of us. We claim we are too tired to attend a shiur, Torah study class, or to study with a study partner: "It has been a long day." Why is it that we find the time and strength to participate in anything else - be it witnessing or participating in a sports event or attending a function that is not Torah-oriented? We claim that it is difficult to arise early in the morning to attend davening. When we have to go away for any reason other than davening, however, we are able to get up bright and early. We are filled with hypocrisy. Our excuses cannot withstand the "rebuke" of our actions, because they do not coincide. When it serves our benefit, we are able to do anything we want. When it involves serving Hashem, we are very creative in conjuring up excuses. Day of Judgment addresses the actual sin. Day of Rebuke focuses upon our hypocrisy.

The converse is also true. The individual who has a difficult time rising on time, yet makes sure to attend davening bright and early, surely merits a great reward, since he is acting contrary to his nature. He triumphs over the obstacles presented by the yetzer hora, evil inclination. That is his hope for the Yom HaDin. When we demonstrate our ability to overcome challenges, Hashem smoothes out the path to reward.

You shall not cause your brother to take interest. you may cause a gentile to take interest. (23:20, 21)

Rashi comments that this exhortation is directed to the borrower and serves as an addendum to the prohibition already mentioned in Vayikra 25:37, which prohibits the lender from taking interest from a fellow Jew. Gentiles, however, are exempted from the laws of interest. Thus, a Jew is permitted to pay them interest and extract interest from them. The commentators explain that the laws of interest are primarily part of the laws of chesed, kindness. One must lend money to his brother without taking interest as part of his obligation to perform kindness to his fellow Jews. Why is it different in regard to gentiles? Does kindness extend only to Jews? Furthermore, according to the Rambam, taking interest from a gentile is a mitzvah. Why?

Horav Simchah Wasserman, zl, cites the pasuk at the beginning of Sefer Mishlei (1, 3), which instructs the Jews to accept mussar haskel, wise discipline, tzedek, righteousness, mishpat, justice, and meisharim, fairness. The Gaon, zl, m'Vilna defines tzedek as one's obligations towards his fellow; and mishpat as his rights and what his fellow owes to him. The Torah instructs us to focus our efforts on providing good will to our fellow. We must ask ourselves: What do I owe my friend? What must I still do for

him? Have I fulfilled my obligations? This is tzedek, righteousness. The Torah commands us to lend money to our fellow Jew without exacting any interest in return. It must be purely for the favor, a consummate act of kindness - not an act of taking advantage. If a person only focuses on what he must do for his fellow, but his fellow only looks for ways to take advantage of others, squeezing whatever he can from the other fellow, there would be nothing short of anarchy. Therefore, the Torah demands mishpat, justice, which indicates the other fellows' obligation towards me.

When a Jew lends money to his fellow Jew, he incurs a loss, since he cannot charge interest for the money which he is lending. Money that could have otherwise been earning interest in the bank is presently in another Jew's possession - for nothing! Remuneration is inherent in the concept of mishpat: When I borrow from my fellow Jew, he may not charge me interest. This reciprocity is called meisharim, fairness, in which I do for you and you do for me.

When a Jew lends money to a gentile, however, this reciprocity does not exist, since he may and will charge me interest. Thus, in accordance with the rules of reciprocity, I should do the "same" for him. Part of this idea of meisharim is that I do for the other person what he would do for me. He lends for interest; therefore, I lend for interest.

We are commanded to strive to be a mamleches Kohanim v'goi kadosh, "a kingdom of Priests and a holy nation." This can only be achieved when we adhere to the concepts of tzedek, mishpat and meisharim. Lending money to our fellow Jew out of a sense of kindness - not for profit purposes - is one of the ways that we may achieve this lofty and noble goal.

Va'ani Tefillah Yehi chasdecha Hashem aleinu kaasher yichalnu lach. May the loving-kindness of Hashem be upon us, while we eagerly await Him.

Bitachon, trust in Hashem, is the feeling that everything in this world occurs as a result of His will and that nothing can occur by accident, by coincidence. Nothing just happens. It has to be decreed by Hashem. We sense that Hashem is the Source of whatever loving-kindness we experience in our lives. Thus, according to Maharam Albildah, this prayer tells us that bitachon alone, trust in Hashem, and hoping for His chesed, kindness, are sufficient merit for us to realize our hopes. One need not be a righteous person to be deserving of Hashem's kindness, merely if yichalnu lach, "we eagerly await Him," we are already guaranteed that, yehi chasdecha aleinu, "Your loving-kindness be upon us." Moreover, even if our trust is incomplete, if it is deficient, nonetheless, crying out and entreating Hashem for His kindness assures us of a z'chus, merit, deserving of His favor. This is alluded to by the word yichalnu, eagerly awaiting, which is a derivative of choleh, sick, a reference to one who is in pain and cries out to Hashem. As long as we know to Whom we cry and we beseech Him, He will listen.

Sponsored in loving memory of HERMAN SCHLESINGER Tzvi ben Mendel z"l by his children and grandchildren Richard and Barbara Schlesinger and Family