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Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Ki Tavo

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In memory of Mr. Jeffrey Goldman z"l, by his loving family

לעילוי נשמת ר' יעקב זאב בן ר' אריה צבי הכהן ז"ל שהלך לעולמו י"ז אלול תשע"ג זי"ע

Privacy: A Blessing and a Curse

Rabbi Mordechai Torczyner

Several years ago, late night comedian and band leader Paul Shaffer and the OU produced a video offering five reasons to speak *lashon hara* (harmful speech), including the observation that "speaking *lashon hara* lets the world know you care... about yourself." The line was clever, but inaccurate; *lashon hara* is generally spoken in private, and the world doesn't know anything about it. This privacy is not a mere detail; according to Rashi, our parshah suggests that privacy is a uniquely malignant characteristic of *lashon hara*.

In our parshah; Devarim 27:24 curses one who "strikes his friend in secret," and Rashi states, "This refers to *lashon hara*." [This comment appears to be based on Tehillim 101:5 and Pirkei d'Rabbi Eliezer 52.] Along the same lines, the talmudic sage Rabbah claimed that harmful speech uttered where its subject could hear it is not *lashon hara*. He declared, "Anything stated in front of its subject is not *lashon hara*." (Arachin 15b) In practice, Rambam (Mishneh Torah, Hilchot Deiot 7:5) prohibited even private harmful speech, but the intent of our parshah, Rabbah and Rabbi Yosi requires clarification: Why should privacy involve a special wrong? Might public slander be worse?

Perhaps the Torah sees private slander as a unique wrong if it involves a certain type of privacy.

Positive privacy excludes the world by default and only invites in intimates, with whom we wish to share ourselves. The Torah encourages this, terming it *tzniut*, as expressed in the instruction of Michah 6:8, "walk privately with

your G-d." Or as Ben Sira warned, "Many people ask after your welfare, but tell your secret to one in one thousand." (Sanhedrin 100b) From this perspective, the world is outside of ourselves, and we invite in rare others based on a shared ideology and vision. As Rambam (Avot 1:6) cited from Aristotle's *Nicomachean Ethics*, "A friend is a second self." **Privacy is an expression of alliance.** [For those interested in talmudic methodology, this is an approach of *klal* and *prat*; the *klal* is excluded by default, and only the *prat* is invited in.]

Negative privacy, on the other hand, includes the world in our lives by default; our ideas, speech and bodies are open to all, like posts on a public blog. The privacy limitation is for those whom we exclude because we view them as antagonists; **privacy is an expression of hostility.** [Returning to talmudic methodology, this is an approach of *ribui* and *miut*; the universe is included under the *ribui*, and specific cases are excluded by the *miut*.]

Seen in this light, Rabbah's point and the lesson of our parshah is that while all slander is wrong, the grave sin of *lashon hara* is worsened by hostile privacy, a weapon. Privacy which aids its circle of participants, without harming those who are excluded, is no crime. Privacy which exists solely as a means of harming others is as dark and destructive as the *lashon hara* it protects. [We may also use this distinction to justify Section 184.1 of the Criminal Code of Canada, which affords protection to most private communications, but that is beyond the scope of this article.]

The distinction between negative, weaponized privacy and positive, allied privacy may also be seen in the way Moshe introduced our parshah's litany of curses. Moshe declared, "Today you have become a nation for Hashem your G-d." (Devarim 27:9) Today we have become a nation – and so we would find it repugnant to even contemplate speaking against each other. And we are a nation for Hashem our G-d, a holy nation, a nation capable of much good through our alliances, and a nation for whom gossip is, literally, unspeakable.

In Shemot 2, Moshe Rabbeinu witnessed an Egyptian beating a Jew; he saw that no one would halt the beating, and so he killed the assailant. On the morrow, Moshe saw a Jew attacking another Jew, and he again intervened. The aggressor said to Moshe, "Are you going to kill me, as you killed the Egyptian?" After which, "Moshe became frightened and he said, 'The word is out!'"

A midrash (Tanchuma Shemot 10) suggests that Moshe was not concerned regarding being caught; rather, Moshe accused, "The word is out, there must be *lashon hara* among you! If so, how will you ever earn redemption?" Hostility expressed in negative privacy which shields the spread of slander is inimical to our status as a nation of G-d. If we wish to earn the redemption which Moshe mentioned, then we must recognize, "Today we are a nation for Hashem our G-d," private only in the most positive of ways, a true nation of Hashem.

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On Repentance

Rabbi Joseph Soloveitchik
Dr. Pinchas Peli

Published by Paulist Press, United States in 1984 and republished by Rowman and Littlefield Publishers in 1996. This book is translated from the original Hebrew, *Al HaTeshuvah*.

About the Book:

For close to forty years, Rabbi Joseph B. Soloveitchik delivered a yearly lecture dedicated to *teshuvah* (repentance). While Rabbi Soloveitchik never published his own lectures, Dr. Peli undertook the task of writing down Rabbi Soloveitchik's lectures to share with the broader community. This book, divided into seven different chapters, explores major themes upon which Rabbi Soloveitchik expounded during his yearly lectures.

Almost every chapter begins with a thorough analysis of laws found in Rambam's *Hilchot Teshuvah* (Laws of Repentance) found in *Mishneh Torah*. Using that as a springboard, Rabbi Soloveitchik weaves together Torah verses, Talmudic passages and personal anecdotes to help clarify, explain and develop different aspects of the repentance process.

For example: in the second chapter, Rabbi Soloveitchik discusses the central role that *vidui* (confession) plays in the

teshuvah process. He begins by analyzing *Hilchot Teshuvah* 1:2 to determine the relationship between repentance and confession. He then explores the unique quality of each process and why they are both necessary in order for G-d to forgive our sins. **Repentance** is similar to prayer in that it is not fulfilled by saying specific words or performing specific actions. Rather, it is fulfilled through a feeling in your heart. One only repents when he feels remorse and guilt, and changes into a new person. But, despite that transformation, there is still a need to verbally **confess** our sins. Through the verbal confession we formally acknowledge our sins and even embarrass ourselves, which ensures that no barrier will hold us back from complete *teshuvah*. When both of these are achieved, we can be completely forgiven for our sins.

Other issues that are addressed in this book include the relationship between repentance and free choice; blotting out sin or elevating sin; and acquittal and purification as part of the *teshuvah* process.

About the Contributors:

Rabbi Soloveitchik was a leading rabbi, Talmudist and philosopher who had a tremendous impact on 20th century American Jewry. He lived in Boston,

where he founded the Maimonides school, and commuted weekly to Yeshiva University for over forty years. He taught and influenced thousands of students and laymen through *shiurim* that he delivered at Yeshiva University and at the Moriah Shul in Manhattan. The yearly lecture that he delivered in honour of his father's *yartzeit* and his yearly *teshuvah derashah* were attended by thousands.

Dr. Pinchas Peli was a professor of Jewish Thought and Literature at Ben-Gurion University. He served as a visiting professor in several universities worldwide, including Yeshiva University. While at Yeshiva University, he developed a close relationship with Rabbi Joseph B. Soloveitchik and published this book with Rabbi Soloveitchik's approval.

Why should I read this book?

Reading this book is a great way to prepare for this upcoming Rosh haShanah and Yom Kippur. This book provides tremendous insight into the world of *teshuvah*, which is a central theme in the month of *Elul* and the *Aseret Yemei Teshuvah*. It will enhance our understanding of the different elements of repentance and will hopefully lead to a more sincere and complete performance of our own *teshuvah*.

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613 Mitzvot: #397

Parah Adumah—The Red Cow

Rabbi Mordechai Torczyner

The strange mitzvah of *parah adumah* appears in Parshat Chukat (Bamidbar 19) and is the 397th mitzvah listed in *Sefer haChinuch*. [As explained by Rashi to Shemot 15:25, the mitzvah was originally taught to the Jews in Shemot 15, after they passed through the Red Sea. For another view, see Torah Temimah there. For more on the two revelations of this mitzvah, see Toronto Torah 2:40 (Chukat 5771).]

In brief, this unusual ritual involves slaughtering a red-haired cow and burning its carcass along with cedar wood, hyssop and red wool, and storing portions of the ashes 1) in an external room of the Beit haMikdash, 2) on the Mount of Olives and 3) with the shifts of the kohanim. When ashes are to be used, they are mixed into water from a natural, running flow of water, in a clay jug. A bundle of three hyssop branches is used to sprinkle the water on the subject, on the third and seventh day of a seven-day purification period. After the latter sprinkling, the subject immerses in a mikvah, and is rendered pure upon the setting of the sun. This process is for a person or utensil which has become impure through exposure to death; other types of impurity are removed via other methods. [For more information, see Mishnah Parah and Mishneh Torah, Hilchot Parah Adumah.]

We are taught that this mitzvah defies our comprehension; G-d revealed its secrets only to Moshe. Indeed, regarding this mitzvah King Solomon declared, "I said I would be wise, but

it is distant from me." (Bamidbar Rabbah 19:4-6) In particular, two elements defy comprehension:

- The ritual of burning the carcass is performed outside of the Beit haMikdash, even though various elements of the ritual resemble the procedures of a korban.
- The ritual of purification indeed purifies its subject, but it renders the person who performs the ritual impure.

Rabbi Shlomo Goren z"l published an article in which he addressed legal obstacles to performing the ritual of *parah adumah* in our day, including:

- The kohen who performs the ritual must first be purified via existing ashes including ashes of all previous red cows (Hilchot Parah Adumah 2:2,7); we lack such ashes;
- Part of the ritual of the *parah adumah* is performed while facing the Beit haMikdash (Hilchot Parah Adumah 3:2), and we don't know the site's location with certainty.

Rabbi Goren concluded that we will need mashiach to bring the next *parah adumah*, and this matches the Rambam's prediction in Hilchot Parah Adumah 3:4. However, Rabbi Yechiel Michel Tukachinsky, in his *Ir haKodesh v'haMikdash*, contended that we could bring communal korbanot even without a *parah adumah*, although we would not be permitted to eat the portions of the korban designated for consumption.

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Biography

Rabbi Yosef Tzvi Mecklenburg Yisroel Meir Rosenzweig

Rabbi Yaakov Tzvi Mecklenburg was born in Lissa, in the province of Posen, Germany in 1785. In his childhood he received an outstanding Torah education from Rabbi Zechariah Mendel, a colleague of Rabbi Akiva Eiger. Rabbi Mecklenburg initially had no intention of taking a career in rabbinics, pursuing business instead. However, eventually his business fell apart and he was offered the position of Chief Rabbi of Koenigsburg in 1831. He served in this position for thirty-four years, until his death in 1865.

The period during which Rabbi Mecklenburg began to serve in Koenigsburg was tumultuous. The Enlightenment movement was spreading across Europe and causing tensions within Jewish communities. Rabbi Mecklenburg was an adamant critic of the approach of the Enlightenment and its resulting changes to traditional Jewish practice. He worked together with Rabbi Meir Leibush ben Yechiel Michel, commonly known as Malbim, to defend the traditional approach to Torah. Unlike Malbim, Rabbi Mecklenburg appears to have escaped harsh persecution as a result of his views.

The most lasting statement of Rabbi Mecklenburg's protests against Enlightenment changes to Judaism is his commentary on the Torah, *HaKtav V'haKabbalah* ("The Writing and the Tradition"). The driving premise of the commentary is to explain the Written Torah in line with the primary intent of the words and to demonstrate its unity with the Spoken Tradition. Hence the title, *The Writing and the Tradition*. The Written Torah without the Spoken Tradition is untenable, like a body without a soul.

Rabbi Mecklenburg's approach in *HaKtav V'haKabbalah* is to point out the details within the language of the Written Torah from which the explanations of the Oral Torah flow. He utilized many prominent commentaries from earlier generations, as well as ideas from those just prior to his day, such as the Vilna Gaon. *HaKtav V'haKabbalah* was first published in 1839, making it one of the earliest in a group of similar commentaries written in response to the Enlightenment's approach to Torah. It was well received and it spread quickly across Jewish communities, a testimony to the thirst for such a commentary.

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Torah and Translation

"Write upon them all the words of this Torah"

Rabbi Yosef Tzvi Mecklenburg HaKtav v'haKabbalah Devarim 27:3 Translated by Yisroel Meir Rosenzweig

להרמב"ן היו האבנים גדולות מאד, אם שהיו ממעשה נסים לכתוב עליהן מבראשית עד לעיני כל ישראל. ולראב"ע בשם הגאון כתבו עליהן מנין כל המצות והאזהרות כעין שכתבן בהלכות גדולות, ואחרים יאמרו שהוא מוסב אפרשת היום הזה (לעיל ט"ז).

ובני המשכיל מ"ה שמואל נ"י אמר מלת "כל" פה ענינו כמו "כלל", הכולל פרטים רבים כמו "וזכרתם את כל מצות ד'", שהוא לר"ל פרשת שמע לפי שיש בה קבלת מלכות שמים והרחקת עבודת אלילים וכן שתי דברות הראשונות "אנכי" ו"לא יהיה" נקראים "כל הדברים" (כמ"ש בשלח לך טו: כב ב"וכי תשגו" ע"ש), וכבר למדונו מדברי רד"ק כי אין תיבת "כל" מלה, אבל הוא שם על הכלל כולו... וכן כאן "את כל דברי התורה הזאת" פי' כלל דברי התורה (אינבעגריף דיעזר גאנצען לעהרע)... ולכן אמרו (בסוטה) שכתבו עליהם את התורה בשבעים לשון לתועלות האומות שילמדוה (ע"ש ברש"י), ואין האומות מצווים על שמירת כל מצות התורה... אלא על כללת התורה מדבר והוא אחדות הבורא וכאמור.

והנה ע"ד הפשט היינו יכולים לפרש לשון "כל דברי התורה הזאת" כפירוש המפרשים, מבראשית עד "לעיני כל ישראל", ולשון "וכתבת על האבנים" דומה ללשון "וכתבתם על מזוזות", דכתיבה דהתם איננה על המזוזה עצמה כי אם על קלף הנקבע אחר כך על מזוזת הבית, הכי נמי שיכתוב כל התורה מבראשית עד "לעיני כל ישראל" על קלף כספר תורה, ויקבענה אחר כך על האבנים. אמנם קבלת רבותינו תכריע.

According to Ramban these stones were enormous in size, perhaps miraculously formed, to write from Bereishit through "before the eyes of all Israel" [at the end of the Torah] on them. According to Ibn Ezra in the name of Rav Saadia Gaon, they wrote on the stones the overall count of mitzvot and prohibitions, like those recorded in *Halachot Gedolot*. Others explain that only the previous paragraph (Devarim 26:16-19) was written on them.

My son, the insightful Rabbi Shmuel, explained that here the word "kol [all]" is best understood as "klal [general principle]", which incorporates many specific details. This is akin to "And you shall remember all the mitzvot of G-d," which the Sages teach refers to the paragraph of Shema, which contains within it an acceptance of all rule of Heaven and a distancing from idol worship. So, too, the first two of the Ten Commandments, "I am" and "You shall not" are referred to as "All of these words" (in Exodus 15:22). And we have already been taught from the words of Rabbi David Kimchi that "kol" is not just a word; rather, it is a term that refers to "the entire general principle"... So too here, "all the words of this Torah" means "the general principle of the Torah's words"... This explains the statement of the Sages (in Tractate Sotah) that the Torah was written on the stones in seventy languages in order to benefit the nations of the world, to learn it - but the nations of the world aren't commanded to observe the entire Torah... Rather it refers to the general Torah, meaning the unity of the Creator, as we have said.

More literally, we could explain, as do other commentators, that "all the words of the Torah" means from Bereishit through "before the eyes of all Israel" [at the end of the Torah]. When the Torah states, "And you shall write them on the stones," it is analogous to the statement, "And you shall write them on the doorposts." That "writing" doesn't mean to write the words on the doorpost itself, but rather on a parchment which is then mounted on the doorpost. So too here it means to write the entire Torah, from Bereishit through "before the eyes of all Israel", on parchment in the form of a Torah scroll, and then mount it upon the stones. However, the tradition of our Sages [that these words were written on the stones themselves] should be the deciding factor.

20 Elul is Monday

On Sept. 20, 1945, three months after the end of World War II, Chaim Weizmann (who would later become the first president of the State of Israel) appealed to the Allied powers on behalf of the Jewish Agency. He demanded reparations, restitution, and indemnification from Germany for the “mass murder, the human suffering, the annihilation of spiritual, intellectual, and creative forces, [of the Jewish people during the Shoah] which are without parallel in the history of mankind.”

Unfortunately, nothing came of the request until it was resubmitted to the allied governments by Foreign Minister Moshe Sharett on March 12, 1951; he demanded 1.5 billion dollars in compensation. On September 27th of that year, West German Chancellor Konrad Adenauer agreed to negotiate with Israel for reparations to be paid. The following month, the Conference on Jewish Material Claims Against Germany was established in New York to take individual claims into consideration.

In January 1952, there was a major Knesset debate as to whether reparations should be accepted at all. Menachem Begin and the Herut (“freedom”) party were the most vocal opponents; they considered any reparations payment for the Shoah as blood-money, letting Germany “off the hook” for its actions toward the Jewish people during the war. The Knesset voted 61 - 50 in favour of engaging in direct negotiations; thousands of Israelis reacted by rioting outside the building.

The negotiations took place at The Hague in March, 1952 between a delegation from Israel, one from the Claims Conference, and one from West Germany. On September 10, 1952 (20 Elul 5712) in Luxemburg, Moshe Sharett and Konrad Adenauer signed an agreement in which West Germany would pay Israel and the Claims conference a total of \$1 billion. The balance would be paid by East Germany, who neither attended negotiations nor ultimately paid any restitution.

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Highlights for September 13 – 19 / 18 Elul – 24 Elul

Time	Speaker	Topic	Location	Special Notes
SHABBAT SEPT. 13				
10:00 AM	Yisroel Meir Rosenzweig	Meshech Chochmah	Clanton Park	
11:20 AM	Yisroel Meir Rosenzweig	Meshech Chochmah	Yeshivat Or Chaim	
Before minchah	R' Josh Gutenberg	Pirkei Avot	105 York Hill Blvd	For university women
Before minchah	R' Mordechai Torczyner	Daf Yomi	BAYT	
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah: Kosher Locusts in Wine	BAYT	
SUNDAY SEPT. 14				
8:45 AM	R' Josh Gutenberg	Contemporary Halachah: The Time for Selichot	BAYT	
9:15 AM	R' Shalom Krell	Kuzari	Zichron Yisroel	With light breakfast
10:00 AM - 11:20 AM	Mrs. Sarah Cheses R' Mordechai Torczyner	An Apple a Day What are Selichot About?	Midreshet Yom Rishon at BAYT	For women Light refreshments
MONDAY SEPT. 15				
10:00 AM	R' Mordechai Torczyner	Meaning of Midrash	Yeshivat Or Chaim	University students
TUESDAY SEPT. 16				
1:30 PM	R' Mordechai Torczyner	The Book of Job	Yeshivat Or Chaim	
THU. SEPT. 18				
1:30 PM	R' Mordechai Torczyner	The Book of Yehoshua: War with Yericho	49 Michael Ct. Thornhill	For women
FRI. SEPT. 19				
10:30 AM	R' Mordechai Torczyner	Shemithah Today: Biblical or Rabbinic? Part 2	Yeshivat Or Chaim	Advanced

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