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The Limits of Individualism

Rabbi Dr. Norman Lamm z"l (Originally delivered September 4, 1971)

The question of the individual versus society, especially that of the rights of the individual as they come in conflict with the demands of society for security, is an extremely complex one. Yet, it is urgent that it always be restudied, lest the extremists of either side upset the delicate balance between them, a balance on which democracy, culture, civilization, and religion all depend.

If we be permitted to simplify for the purpose of clarification, the problem can best be defined by the extremes. On the one side we have absolutists and collectivists of all shades. They are the ones who maintain that the rights of the community must prevail over those of the individual, whether the collectivity is that of the state (as in Fascism) or the proletariat (as in Communism) or the church or any other group. The individual is relatively, or even absolutely, insignificant. Their claims for society, whether of country or class or church, are totalitarian.

On the other side, are the anarchists and romanticists and others who hold that the individual human being is the sole value, and in fact, the sole source of value. They look upon society as negative, or as inhibiting, and destructive. They follow the Rousseauian theory that man innately is a noble savage who is corrupted by society. This is a point of view which leads, ultimately, to anarchy and chaos as a way for the individual to establish his own right and individuality. Libertarians and humanists certainly do not go all the way to this extreme, but they generally favor the rights of individual men over those of the community or the collective.

Most recently, an important thinker in this country has attempted to upset this balance on the basis of his own psychological and philosophical theory. Professor B.F. Skinner, known to the reading public as the author of *Walden Two* and professor of psychology in Harvard University, has published excerpts of his forthcoming book, entitled *Beyond*

Freedom and Dignity. In this book, Skinner carries further the arguments he had previously made. He denies free will to human beings, and considers human dignity as an illusion – and a dangerous one too. He is the great proponent of a psychological theory known as Behaviorism, according to which man has no inner core of freedom which decides between different alternatives. He is but the result of heredity and environment alone; his actions and behavior are the product of the push and pull from within and from without. Man, according to him, has no autonomy, no inner mastery over his life, his choices, and his decisions. This is what “The Science of Man” has brought us to – the theoretical foundation of “Behavioral Technology” and “Behavioral Engineering,” which is merely an alias for thought-control. If the behaviorists have their way, and they form an alliance with the “Genetic Engineers,” we are all in danger of being manipulated by benevolent despots who are out to create a race of happy zombies.

What does Judaism have to say about this problem? It is clear that it follows neither extreme. But most certainly it must come down against Skinner and the Behaviorists. (I strongly recommend the works of the late and lamented Joseph Woode Krutch, a distinguished naturalist, humanitarian, and a man of letters, who has written convincingly against the whole school of Behaviorism.)

Judaism has always advocated the freedom of man. Politically, almost every major holiday is זכר ליציאת מצרים, in memory of the Exodus from Egypt. Psychologically and morally, it is inconceivable to have Torah without freedom. The whole concept of teshuvah or repentance, so dominant during this month of Ellul, is based on the idea of freedom; only if man is free to change his course, can he repent. Judaism has also shown a tremendous sensitivity to human dignity. Both freedom and dignity of man derive from the

צלם אלוקים, the Image of God in which man was created: Man images – resembles, or reflects – the Divinity, and therefore he also reflects the divine freedom and the divine dignity. The Halakhah operates with the concept of כבוד הבריות – human dignity.

An interesting insight into this concept of human dignity, which we find not explicitly but implicitly, has been located by one of our later commentators in one of the laws mentioned in today's Sidra. We read this morning of the law of the Divorce: if a man finds ערות דבר (literally: something immoral) in his wife, then he must write her a bill of divorcement. The Rabbis, early in Jewish history, were divided over the meaning of ערות דבר as the grounds for divorce. Bet Shammai maintained that it must be taken literally: only immorality of the wife constitutes proper grounds for divorce. Bet Hillel held that the words are to be understood metaphorically, and hence anything which accounts for incompatibility between husband and wife, even if it is minor or trivial (in the language of this school: הקדיחה תבשילו), is sufficient grounds for divorce. R. Akiva went even further. He maintained that the grounds for divorce are almost limitless - אפילו מצא נאה הימנה - even if he found a more beautiful woman whom he desires to marry, he may divorce his first wife. The commentators of later generations were uniformly shocked by R. Akiva's statements. Is he, then, insensitive to the protection of Jewish Women? Does he mean that a wife may be divorced almost without rhyme or reason, merely because a husband took a fancy to some other woman whom he finds more beautiful? This is especially puzzling in the case of R. Akiva, who, in addition to being the greatest scholar of Judaism of all the ages and one of its foremost saints, was also a man who was exemplary in his profound devotion to his own wife. The author of "תורה תמימה" offers us a marvelous insight as he reads between the lines of the Rabbis. R. Akiva and Bet Hillel, he says, both relied upon the Torah as an educational force in family life. They felt that in the course of the ages it will create conditions whereby people will not break up their homes because of silly and trivial reasons. They were more concerned that when a woman is divorced she not be branded, that we not condemn her to live under a cloud of suspicion of immorality. If the major grounds that Judaism admits for divorce are those of immorality, then every divorcee would be presumed to be immoral. The way Bet Hillel

and R. Akiva formulated the law, we must accept that it may equally be the fault of the husband, or the fault of both, or the fault of neither one. The individual's welfare, her rights to dignity and happiness, are protected by the Halakhah in interpreting and applying the Scriptural Commandment.

However, it is also true that the claims of the collectivity must not be lightly dismissed. Man's freedom is not absolute. His dignity must often yield to a higher dignity, to other values. When they are in conflict, we must seek a balance between them. The location of this balance between the claims of the individual's freedom and dignity and the claims of society – that is the business of law, and it is especially noticeable with the Halakhah. The Halakhah was made for the People of Israel in general and for Jews individually, seeking to enhance the dignity and security of each. But when they are in conflict, sometimes the individual must suffer in order to protect the total population – the integrity of their lives, their security, their institutions, and their moral health. It has been recognized from Plato through Maimonides and until this day, that every law creates anomalies on its margins. A law was made to cover the majority of situations; but there are always unusual circumstances, there are always differences, and therefore there will always be some innocent and just people who may and usually do suffer. But if we abandon the entire concept of law, then everyone will suffer. In mediating the claims of צבור and יחיד, of individual and community, we cannot always provide for the full satisfaction of each. We must seek the maximum accommodation, but it can never be perfect. In such situations, we must try the best to minimize pain and discomfort, but the occasions of anguish caused by law will always happen.

This is true, perhaps especially, of the law concerning mamzerut or legitimacy about which read in today's Sidra. The Torah teaches that a mamzer (which, in Jewish Law, means a product of either an adulterous or an incestuous union) is not permitted to marry anyone except for another illegitimate person or a proselyte: ממזר לא יבא בקהל ה'. It is this law that is a subject of such bitter controversy in Israel today.

Now, this is an onerous burden that the Torah has placed upon the unfortunate mamzer. I might, however, mention that other than this marital limitation, no infirmities whatever apply to the illegitimate person. If

Jewish Society sometimes looked down upon him, it was deadly wrong: the law maintained that his status was not in the least to be affected by the taint of his parents. Judaism taught that *מִמְזוֹר תִּלְמִיד הֶקֶם קוֹדֵם לְכֹהֵן גְּדוֹל עִם הָאֲרָץ* – that an illegitimate scholar receives precedence, in our esteem and affection and respect, over the very High Priest who is an ignoramus.

Nevertheless, all this having been said, we are indeed faced with a real moral problem: why should the children suffer because of the parents? But we must learn to live with such problems. The alternative is unacceptable: the abrogation of the law would upset the balance between society and individual. Were we to repeal the law of illegitimacy – and it would be illegitimate of us to do so according to Halakhah – it would immediately encourage Jews to marry without gittin (Jewish divorce). I have little doubt that amongst large sections of the population of Israel that is just what would occur if people were not afraid to impose burdens of mamzerut upon the progeny of their remarriage. But this would lead to the breakdown of family life and morality as Judaism knows it and requires it. If one believes, as do so radicals in your days, that the “nuclear family” should be destroyed and replaced by some kind of commune, then we have no argument with him. But if we believe in the family, not only for its own sake but because this is the core of Jewish continuity, then, in order to protect the entirety of Judaism, we must keep the law of mamzerut even though some certain individuals may suffer as a result of their parents’ malice.

What, then, must we do? The first thing is – keep quiet. There is no mitzvah to publish and publicize the identity of those tainted by mamzerut. The Rabbis taught that *משפחה נשמעה נשמעה*, that one was illegitimate and who married (illegitimacy is carried over to the next generation) and who was absorbed into other, legitimate families, we do not look for them, but we assume they were “assimilated” and we do not harbour suspicions of illegitimacy against others.

Certainly, there should never be any glee at the discovery and exposure of mamzerim; that would be dreadfully immoral. By all means, these innocent victims of circumstances beyond their own control deserve our greatest compassion. It is told of the Rabbi Hayyim Soloveitchik, the great Sage of Bris, that he raised young and abandoned mamzerim in his own home, in order to

teach his people what compassion meant.

The second thing is – a moral duty that is laid upon the great scholars and rabbis of Israel to make every conceivable effort to find legal relief and halakhic remedies for such unfortunates – the kind that is presently being essayed by Rabbi Goren, the Chief Rabbi of Tel Aviv.

The Halakhah, then, affirms both values, and because reconciliation is never perfect, it must decide each case on its own merits. To make rash and reckless blanket judgements is foolish and dangerous. This is a time neither for self-righteous legalism nor for thoughtless sentimentalism prodded on by a sensationalist Israeli press and political pressures – which sometimes filters in the Anglo-Jewish press.

Such is the nature of Judaism that it attempts to accommodate these conflicting interests through law.

Yet if I were forced to say which does Judaism choose between both antithetical views, philosophically and morally, I would say that Judaism comes out clearly against Skinner and the Behaviorists and on the side of the libertarians and humanists.

The teaching that man was created in the Image of God means that man is given, innately, both freedom and dignity.

This freedom, this dignity, may not be limitless. Psychologically, no one is absolutely free; legally, freedom must often be curbed. But to consider that man is “beyond freedom and dignity” is to preach his enslavement, his reduction to an automaton. And this results in neither a man nor a society worth saving.

Judaism rousingly affirms that man’s dignity derives from his God-given freedom. And on this freedom Maimonides has the following to say in his Laws of Repentance:

וְדָבָר זֶה עֵקֶר גְּדוֹל הוּא וְהוּא עִמּוּד הַתּוֹרָה וְהַמִּצְוֹת שֶׁנֶּאֱמָר (דברים ל:טו) “רָאֵה נָתַתִּי לְפָנֶיךָ הַיּוֹם אֶת הַחַיִּים וְאֶת־הַטּוֹב וְאֶת־הַמּוֹת וְאֶת־הָרָע.”

“This matter of freedom is a great principle, and it is a pillar of all of Torah and Commandments, as it is said: ‘Behold, I have given you this day life and the good, and death and the evil.’

“And you shall choose life.”

This life will both give you freedom and dignity.

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Control Yourself

Rabbi Joshua (*The Hoffer*) Hoffman z"l

This week's parsha contains more mitzvos than any other parsha in the Torah. The Talmud (Yevomos 4a) tells us that even according to the opinion that we generally do not try to find significance in the juxtaposition of different sections of the Torah to each other (*'ein dorshin semuchin'*), in the book of Devorim everyone agrees that we do so. Although the Talmudic passage is referring to halachic expositions based on such juxtapositions, Rabbi Ya'akov Sakly, a student of the 13th century Talmudic authority Rashba, takes it in a homiletical sense, as well. Accordingly he presents, in his Torah commentary *Toras HaMincha* to parshas Ki Seitzei, an explanation of the continuity of the parsha, explaining how each mitzvoh is connected to the one that follows it. I would like to focus on just one group of mitzvos that he discusses, presenting his explanation and expanding upon it.

The Torah tells us that it is prohibited to kidnap a person and then sell him, and that the penalty for doing so is death. The next mitzvoh mentioned is that of taking care in regard to the affliction of tzora'as: "Take care about the tzora'as affliction, to be very careful and to act ; according to everything that the Kohanim the Levites instruct you, as I have commanded them, you shall be careful to perform" (Devorim 24:8). Rashi explains that this verse prohibits the cutting off of any signs of tzora'as, such as white hairs on the flesh, or the tzora'as affliction itself, so that the Kohanim will be able to judge the case accurately. We are then told (verse 9) to remember what happened to Miriam when the Jews were on the road going out of Egypt. We have offered, in the past, an explanation of the connection between Miriam's sin of engaging in leshon hora, or disparaging talk, concerning Moshe, for which she was punished with tzora'as, and the fact that it was done on the road out of Egypt (see *Netvort to parshas Ki Seitzei*, 5762, available at Torahheights.com) However, we still need to understand why these mitzvos regarding tzora'as are mentioned after the prohibition of kidnapping.

Rabbi Sakly writes that a person who kidnaps someone separates him from the home of his parents, just as a person who engages in disparaging talk - leshon hora - separates people from each other, and is therefore punished through tzora'as, which requires him to sit for a time outside of the regular encampment. I would like to expand on this

explanation by referring to an earlier reference to kidnapping in the Torah. In parshas Mishpotim, the Torah tells us, "One who kidnaps a man and sells him, and he was found in his possession, he shall surely be put to death" (Shemos 21:16). This verse is preceded by mention of the death penalty for striking a parent, and followed by mention of the death penalty for cursing a parent. Why does the verse concerning kidnapping intervene between the two verses concerning crimes against a parent? In *Netvort to parshas Mishpotim*, 5761, we mentioned the explanation of R. Saadia Gaon, as cited by R. Avrohom Ibn Ezra, that it is usually minors who are the victims of kidnapping. These victims then grow up without knowing who their parents are, and eventually may end up hitting or cursing them. Even if these children do not end up striking or cursing their parents, we explained, still, the kidnapper created the possibility of such a situation, and this is sufficient reason to warrant the death penalty. On a wider level, perhaps, we can say that someone who kidnaps a person and removes him from his family is really destroying his self-identity, or alienating him from himself. Because of this process of self-alienation, the kidnapped person is apt, eventually, to strike or curse his parents, the source of his personality and his abilities in life.

Based on our understanding of the prohibition of kidnapping, we can better understand why it is juxtaposed to a law of tzora'as and a mention of Miriam's engagement in leshon hora against Moshe. One who engages in leshon hora influences the opinion of others about the person being spoken about, and, thus, in a sense, robs him of his personality, both in his own eyes as well as in the eyes of those who listen to the leshon hora. In regard to the person who speaks the leshon hora, he is actually alienating himself from his own personality, because he is, in effect, saying that he is unable to control his own power of speech. This is how Rabbi Boruch Sorotzkin, in his commentary *HaBinoh VeHaBerocho*, explains the midrash which says that a person who speaks leshon hora is *'kofer ba'ikar'* - denies a basic principle of Judaism. The idea being expressed here, says Rabbi Sorotzkin, is that the person is denying his ability to control his own speech and thus rejecting the basic premise of all the mitzvos of the Torah, that a person is master over his actions, and is able to fulfill the mitzvos that the Torah mandates. Thus, a person who

speaks leshon hora is really alienating himself from his own inner essence, just as a person who kidnaps someone alienates the victim from his self-identity by removing

him from his parents, the source of his abilities and inner essence. Perhaps, then, this is one of the reasons for these laws being placed next to each other in our parsha.

Is He a Rasha?

Rabbi Assaf Bednarsh (Adapted by a Talmid from a shiur given on Sep 4, 2014)

It says in this week's Parsha: *Lo sireh es shor achicha o es seyo nidachim ve-hisalamta meihem—hashev t'shiveim le-achicha*. If you find your friend's animal lost, you must do Hashavas Aveida. So Meshech Chachma points out that Hashavas Aveida was mentioned earlier in Parshas Mishpatim, when the pasuk says: *Ki sifga shor oyivcha o chamoro to'eh—hashev tashivenu lo*. If you see the animal of your *oyev* (your enemy) lost, you must return it. The only difference is that in Mishpatim, Hashavas Aveida is in the context of an *oyev*—your enemy's aveida. While here, it's written as an *aveida* of *achicha*—your brother's *aveida*. Back in Mishpatim, even if you hate the guy, you still must do the Hashavas Aveida, while here in Ki Seitzei, you only should do Hashavas Aveida if you like him—if he is your brother. Obviously, this cannot be! The halacha must be the same. So why is there a difference in the lashon between the two instances of this mitzvah? So Meshech Chachma says something very sharp. The Gemara explains that the pasuk in Mishpatim talks about the *oyev* and the *sonai*—about unloading and returning. Who is this enemy that you have? How is a Jew allowed to have an enemy? We have a mitzvah of *Ve-ahavta le-re'echa kamocha!* Therefore, this pasuk is evidently referring to someone who is a Rasha. You are not allowed to hate a Jew. You must have seen him do something wrong that makes him a Rasha—something other people haven't seen. Therefore, you are allowed to hate him. And even though the Torah allowed you to hate him, the chidush here is that the Torah still requires you to do Hashavas Aveida. So he questions: Why isn't there the same chidush here, in our parsha?

Answers the Meshech Chachma that something happened between parshas Mishpatim and Sefer Devarim. In parshas Mishpatim, we are all at Har Sinai, getting the Torah before Cheit ha-Eigel. We were all *tzadikim gemurim*—we all said *Na'ase ve-Nishma*. In such a case, the Torah says that if you see one guy doing an *aveira*, he is a Rasha, *oyev*, and a *sonai*—and you are allowed to hate him. You are still *chayev* in Hashavas Aveida, but since we are all *tzadikim gemurim*, you are allowed to look down on this guy—who has a status of a Rasha. However, says the Meshech Chachma, after the Cheit ha-Eigel, we are not all *tzadikim gemurim* anymore. We all sinned—whether we worshipped it ourselves or whether we just encouraged others to do so, or even if we did not object to others who did. By now, none of us are perfect. He says: If you also do *aveiros*, you can't look down on someone and hate him because he did an *aveira*. You also did *aveiros!* Ok, you say to yourself that he did a big *aveira*, and I did a small *aveira*. But who knows what situation he was in, what temptation was there, what education each of you had? If you are perfect, you can look down on someone else. But if you are not perfect and do *aveiros*, you cannot look down on him. Because you never know whose *aveira* is bigger, given their circumstances. When you see someone else who did an *aveira*, it's very easy to think: Oh, I would never do what that guy did—he is a Rasha, and I can hate him. Says the Meshech Chachma: No. We are imperfect, each in our own way, and we don't know how to compare sins. Therefore, we must love everyone despite their imperfections, and Hashem, as well, will love us despite our imperfections.

The Color of Redemption

Rabbi Moshe Taragin

The mitzvah of tzizit is mentioned twice in the Torah. In parshat Ki teze, tzizit is embedded within an extensive list of seemingly unrelated mitzvot. The mitzvah of tzizit is implanted in a section of halachot pertaining travel, agricultural activity, house construction

and, of course, personal clothing. It is an odd placement for the mitzvah of tzizit.

We typically view tzizit as part of a ritual uniform. By situating tzizit within this broad list of human activity, the Torah underscores that mitzvot are all-pervasive.

Religious experience isn't limited to the "house of study" or the prayer hall and it isn't confined solely to ritual ceremony. Hashem's will penetrates all precincts of the human condition, including travel, industry, domestic activity and personal clothing. Nothing is devoid of Hashem's will.

The "other" reference to tzitzit appears in parshat Shelach, at a very depressing stage of history. We had arrived at the doorstep of Jewish history and were primed to enter the land of Hashem. Tragically, we slandered Israel, balked at this epic opportunity, and were sentenced to a 40-year detour through the hot deserts of Sinai.

Looking to restore the people's faith in a redemptive future, Hashem delivered the mitzvah of tzitzit. As the Torah articulates, tzitzit elicits awareness of all mitzvot - ה' מצוות את כל מצוותה and, additionally, tzitzit recall our Exodus from Mitzrayim. Something about this mitzvah stokes our redemptive vision.

An "all-access" color

The blue dye of tchelet, mentioned in the "redemptive" tzitzit section of Shelach, but omitted from the more technical section of Ki Teze, is an evocative color. The gemara in Menachot (43b) claims that tchelet-blue evokes the azure blue of the ocean, which in turn, conjures the blue horizon of the sky, which itself, alludes to the blue sapphire base of Hashem's heavenly throne. Through the color of tchelet, aided by a little imagination, we can trace our way to the divine throne in heaven.

After the meraglim debacle our entry to Israel was severely delayed, and our encounter with the heavenly city of Yerushalayim was deferred. Though we could not physically stand in Yerushalayim under the gates of heaven, we could still virtually gaze at the gates of heaven - through tchelet. The "tchelet ticket" to Yerushalayim wasn't just a consolation for that generation, but an opportunity for every Jew who could not visit the city they so deeply longed for. Even at a distance from the heavenly city we could always pray in her direction and additionally, could be transported to the gates of heaven through a quick glance at the blue strings of tzitzit. Tchelet was a blue ticket back to Yerushalayim.

Princely nobility

Additionally, the tchelet blue dye showcases our lofty rank as Hashem's children. In antiquity this blue dye, extracted from the blood of sea-mollusks, was inordinately

expensive. Cheaper dyes were harvested from plants or tree saps, but this luxurious and visually stunning pigment was animal-based. Being so pricey, it was reserved solely for the affluent and the noble. Stiff penalties were levied for illegal possession or illegal sporting of contraband tchelet. It was the aristocratic color of the upper. The politics of color were quite rigid.

Yet, every Jew wore four stringlets of tchelet upon each of their garments. We may not be affluent aristocracy, but we are all princely. As Hashem's selected children, we conduct ourselves with the class and dignity of our station. Tchelet dye always reminded us to conduct ourselves with the self-respect and pride of nobility. Tchelet was our badge of honor.

In the aftermath of the meraglim, this message was especially resonant. We may have betrayed our covenant with Hashem, and we may have been condemned to certain death. Yet, as far as we fell, we were still princes of history, chosen to represent Hashem in this world, and bearing tchelet dye reminded us of our noble mission.

A "Lost" color

Sadly, for thousands of years we lost tchelet, and with that loss our ticket to heaven expired, and our token of Jewish nobility vanished. Ironically, the color which was intended to connect us to heaven and remind us of our inalienable nobility was lost to Jewish exile. For thousands of years, without access to tchelet, we maintained a shell-performance of the mitzvah. From a purely halachik standpoint the blue strings aren't crucial to the performance of the mitzvah. As the Mishnah in Menachot (38a) rules, tchelet strings aren't "me'akeiv", which means their absence from tzitzit doesn't disable the mitzvah. For much of our exile, we fulfilled the kernel of the mitzvah even without tchelet. Even though the formal mitzvah wasn't diminished, the overall experience was clearly impacted. We lost our colorful ticket to heaven, and we lost our vivid reminder of Jewish nobility.

Blue became yellow

Tragically we didn't just forfeit the tchelet, but witnessed in horror, as our blue pride turned to yellow shame. As early as the eighth-century Jews were forced to wear demeaning badges - more often than not, colored yellow or faded white. This policy wasn't just a strategy to distinguish Jews from their neighbors, but was an attempt to humiliate Jews by forcing them to wear faded and colorless badges.

In an edict of 1215 Pope Innocent III justified the yellow badge policy based upon the mitzvah of tzitzit: “we decree that such Jews in every Christian province shall be marked off in the eyes of the public from other peoples through the character of their dress. Particularly, since it may be read in the writings of Moses [Numbers 15:37–41], that this very law has been enjoined upon them.”

What had once been a royal badge of sparkling blue had now deteriorated into a faded and yellowing badge of embarrassment. The color schemes of the illustrious period of Jewish history were replaced with colors of debasement and subjugation. History was discolored.

The return of blue

As part of our return to Israel and our return to history we have resurrected our original badge of honor. In his redemptive essay entitled “Ikvita D’meshicha” (the Messianic era), the Chofetz Chaim claimed that, toward the end of history Jews will be particularly committed to the mitzvah of tzitzit !! We have begun to express his prophecy! We have recovered the full spectrum of tzitzit, once again combining blue and white strings in a complete mitzvah. Once again, we walk proud in this world, with the royal blue dye on our tzitzit and on our national flag.

Once again, we stand in Yerushalayim, gazing at our

Protecting Our Spiritual Selves

Mrs. Michal Horowitz

This week’s parsha, Parsha Ki Seitzei, begins with the unusual and remarkable mitzvah of the Eishes Yefas To’ar, the woman of beautiful appearance. When the Bnei Yisrael go to war, and the Jewish soldier sees an attractive female among the enemy, the Torah outlines the process whereby such a woman can actually become his wife (Devarim 21:10-14). Rashi explains that the Torah speaks to the evil inclination, for if he would not be permitted to take her halachikally, so strong would the passions and heat of battle be, that he would take her in a forbidden fashion.

While this is a most interesting mitzvah, and there is much to be learned from it, Rabbi Shalom Rosner teaches a fascinating chiddush (unique and novel insight) regarding the Jewish soldier and the woman (from the enemy nation) that he desires.

“Rabbi Eliyahu Schlesinger, in the sefer Elah HeDevarim, highlights a crucial point. In the previous

tchelet strings while glancing upward at the actual gates of heaven. The restoration of blue tchelet has dovetailed with the resurrection of Jewish history. Yellow has become blue, shame has become pride. We are back in blue.

A New color

To this palette of history, we have inserted an additional color. First the first time in 1900 years since the defeat of Rebbi Akiva and Bar Kochba, we have restored the tradition of Jewish soldier-scholars. As a teacher in a hesder yeshiva, I am exhilarated by the prospect that I am part of the restoration of this lost tradition. What a zechut!

As part of this shift, a new color has become synonymous with Jewish pride. Green uniforms of Israeli soldiers have become a symbol of national dreams and messianic hopes. For centuries we lived in abject terror of soldiers and policemen. We finally have a Jewish army to protect us, and Israeli soldiers dressed in army fatigues is a visual affirmation of the great shift in history.

One of the most gratifying scenes in Israel is watching an Israeli soldier dressed in a green army uniform, wrapped in blue tchelet tzitzit. History is closing and all the colors are merging. Green and blue have replaced yellow and white, and our world has become colored with redemption.

parsha, Parshas Shoftim, we are told of certain individuals that are exempt from going to battle due to their current life stations and situations. Chazal in the Gemara (Sotah 44a) add that one who was afraid could join those who were exempt and return home as well. Chazal explain that this condition “one who is afraid”, refers not to people who are afraid of battle, but rather, it refers to people who fear that they may have committed sins and therefore, would not merit Divine protection to save them during the war. The Gemara goes so far as to say that this includes the seemingly slightest transgression of talking between laying tefillin shel yad and tefillin shel rosh.

“If individuals who committed the slightest transgressions went home and were exempt from fighting, then the remaining soldiers must have all been the most righteous individuals, the most learned and pious amongst the people! We can therefore deduce from here that the entire sugya of the Eishes Yefas To’ar is addressed to

the lusts and passions of the tzadikim in Klal Yisrael, the most righteous of men who remain as soldiers on the battlefield!” (Shalom Rav, v.II, p.424-425).

What an incredible chiddush Rabbi Rosner quotes! We might think anyone interested in the Eishes Yefas To’ar would be the Jew on the lowest rung of the spiritual ladder! Surely anyone interested in taking a woman of the enemy nation must not be a G-d fearing, Torah living, mitzvah-practicing Jew! It must be, rather, a Jew who has fallen far in his avodas Hashem.

And yet, once we put these two different sugyos together - those who are exempt from battle and those who desire the Eishes Yefas To’ar - we indeed realize that it was the greatest tzadikim in the nation who went to war!

With this fascinating insight, it behooves us to ask ourselves what we can learn from the Eishes Yefas To’ar and the Jewish soldier who desired her.

“This teaches us a very significant lesson,” Rabbi Rosner continues. “No matter how great we are and how strong we are in our beliefs and commitment to Torah, if we are placed in the wrong environment, we risk being influenced by it. Once a tzaddik enters the chaotic battlefield, where disorder, mayhem and killing reign, he can be adversely influenced by his surroundings; no matter how exalted he was when he entered the battle!

“What one experiences on the battlefield is very different from normal life. The Torah had to carve out a halacha to address what transpires when an individual is in this environment. If it is essential to go to battle, the ramifications of that experience are taken into consideration in the parsha of the Eishes Yefas To’ar.”

In a wider, more global realm, this teaching holds great significance for each and every one of us. It is a particularly relevant and timely lesson for Chodesh Elul as well, as we prepare for Yom HaDin and engage in teshuva, return and repentance unto Hashem.

“In a broader sense, we should be careful to place

ourselves in the proper environment. To fully observe Jewish tradition, one has to be part of a Jewish community. Prayer, tefillah, is best fulfilled with a minyan, tzibbur and Rav. Certain mitzvos can only be fulfilled communally, with others... It is essential that we select the proper community and educational institutions where we and our children can flourish as yirei Shomayim, G-d fearing, Torah-living and practicing Jews.

“If pious people could be adversely influenced on the battlefield, going so far as to desire, and take, a woman captive from the enemy, we should not place ourselves in the spiritual line of fire. We should take special care in protecting the environment in our homes so that we can strengthen our commitment and appreciation of Torah and mitzvos” (Shalom Rav, v.II, p.425-426).

No matter how much one has grown over the past year, no matter how many challenges we feel we have successfully conquered, no matter how much we have learned and how much chizuk we have given others, and received for ourselves, we can never be too sure of our successes. The battle field of the yetzer harah (evil inclination) is the strongest one of all, and one who conquers it is more mighty than one who conquers a city (Pirkei Avos 4:1). For as great as our potential for goodness is, so too is the potential to stumble and fall.

A grandson once asked Rav Aharon Leib Shteinman zt’l (1914-2017) “Since you learned in several different yeshivos in Brisk and elsewhere, as well as with R’ Simcha Zelig Riger, whom do you consider your primary rebbe?” R’ Aharon Leib sighed deeply and replied, “Unfortunately, for me, my primary rebbe is the yetzer harah, but I’m always trying to get rid of him” (Reb Aharon Leib, Artscroll, p.45).

Let us be on guard from the ever present yetzer harah on the battle fields of life, so that we can come close to Hashem this Elul in kedusha and tahara (holiness and purity) and merit, b’ezeras Hashem, a shana tova u’me’suka!

Kiddushin & Get: A Match Made in Heaven?

Rabbi Mordechai Torczyner

In the midst of discussing the Jewish family, Devarim 24:1 begins, “When a man transacts with a woman, etc.” The Talmud teaches that this introduces the practice of kiddushin, in which a man and woman agree to initiate a marriage relationship. (Kiddushin 2a) However,

when we look at more of this verse it seems like an odd place to teach about kiddushin.

Our verse continues (paraphrased), “When a man transacts with a woman and marries her, if she does not find favour in his eyes because he discovers a matter of

immoral conduct, he shall write for her a document of separation, etc.” In other words, this verse teaches the institution of divorce! Why would the Torah inform the reader about kiddushin in the same breath as divorce? In order to answer this, we need to grasp the role of kiddushin.

The Rambam presents a history of marriage: “Before the Torah was given, a man would meet a woman in the market, and if he and she wanted to marry, he would bring her to his home, live with her privately, and she would be his wife. Once the Torah was given, Israel was commanded that if a man wishes to wed a woman, he must transact with her first in front of witnesses, and then she will be his wife, etc.” (Hilchot Ishut 1:1)

Rambam continues, “Before the Torah was given, a man would meet a woman in the market, and if he and she wanted, he would pay her and live with her by the fork in the road and leave; this was called kedeishah. Once the Torah was given, kedeishah was prohibited, etc.” (ibid. 1:4)

Similarly, Rabbi Menachem Meiri writes, “Before the Torah was given, they did not have [halachic] marriage. Rather, when a man met a woman in the market and she was good in his eyes, he spoke with her about marriage. If they were amenable to each other he would bring her into his home and she would stay with him and she would be his wife, and so when they fought with each other he would leave, this one this way and that one that way.” (Introduction to Masechet Kiddushin)

From this rabbinic perspective, there was no permanence or commitment in marriage relationships in the ancient Near East until the Torah introduced it. The goal of the Torah’s model of marriage is to create a relationship in which both parties make a commitment,

and feel confidence and faith in each other. As Rabbi Menachem Meiri continues, “When the Torah was given, they were commanded to have [halachic] marriage with a strong bond, with kiddushin and nisuin and witnesses and a ketubah, and the man could not send her away without a get.”

We might then ask: why does the Torah allow divorce? Instead of making divorce formal with a get, shouldn’t the Torah protect the commitment of kiddushin by eliminating the possibility of divorce altogether? Our verse shows that Hashem chose a different path, providing the get process for ending a marriage. Perhaps Hashem knows that the possibility of an end to an intolerable situation enhances the strength of kiddushin. People have greater confidence in every kind of relationship, and certainly in the intimate context of marriage, when they know that they cannot be abused. There is a clear setting of expectations, a check on the other’s behaviour, and a route to safety if need be.

This may be why the Torah presents kiddushin and the get together. In one verse, the Torah teaches us what the Rambam and Meiri say was a new idea in the time the Torah was given – marriage is a commitment and a demonstration of faith, starting with kiddushin, and enabled by the possibility of divorce.

There is much more to be said about the Torah’s laws of marriage and divorce, as well as their horrific abuse when one spouse refuses to cooperate with the get outlet the Torah provided. May each of us work to build up our homes with the commitment and mutual confidence the Torah envisions – in marriage, in parentchild relationships, in sibling relationships – and may our efforts extend beyond our homes, to our community at large.

We Aren’t Supposed to be Perfect

Rabbi Efreim Goldberg

Parshas Ki-Seitzei begins with the law of the אשת יפת תואר – the attractive captive woman whom a soldier sees during battle and desires. The Torah prescribes a procedure for the soldier to follow whereby it becomes permissible for him to marry this woman.

Rashi cites the Gemara’s famous comment about this exceptional law: לא דברה תורה אלא כנגד יצר הרע – the Torah here is responding to the evil inclination, to the soldier’s natural instincts and urges. Warfare has the effect of

nourishing, as it were, the soldiers’ most carnal elements of their beings, bringing out their animalistic instincts. The Torah understood that under these exceptional circumstances, it is unreasonable to expect the soldier who experiences a desire to simply restrain it. It therefore made a concession in this particular case, allowing the soldier to marry the woman in a humane, appropriate manner.

This concept reveals a fundamental outlook on Torah life.

The Torah speaks כנגד יצר הרע, to flawed human beings living in a flawed world. It does not address a utopian society, a perfect world. It acknowledges the reality that human beings, while possessing a Godly spirit, also have base desires and temptations. The Torah does not tell us to ignore our animalistic tendencies, or even to purge them from our beings. It speaks to the real world, not to an imaginary, utopian world. And in our real world, we are going to fail and make mistakes. We are going to struggle. We have flaws and imperfections that we need to try very hard to overcome, but that we will not always succeed in overcoming.

The Midrash lists several things which Hashem created even before He created the world – one of which is teshuva, the process of return and repair after failure. This teaches us something exceedingly profound about teshuva. Hashem created the world knowing that we are going to fail, that we are not going to be perfect, that we will cause spiritual damage which we will then need to repair. From the outset, even before He set the world into motion, Hashem created the concept of teshuva, because the process of failure and recovery is built in to the very fabric

of human life. We should not think that Hashem expects us to be perfect, but because we sometimes err, He has no choice but to give us the opportunity of teshuva. Rather, teshuva was part of the world's original design, because failure is part of the human experience.

I find this very empowering. This teaches us that we should not feel disheartened or worthless when we make mistakes. We should instead recognize that we were created as imperfect people, and that the process of failure and repentance is part and parcel of human life, as God originally designed. Rather than wallow in crippling guilt and shame, we should acknowledge that we are frail, flawed human beings. And we should never feel that we are unworthy of living religious lives because of our failings. לא דברה תורה אלא כנגד יצר הרע – the Torah speaks to us, whoever we are, no matter what we struggle with, no matter what embarrassing mistakes we have made. We are not expected to be perfect; we are expected to try to grow. The Torah's vision is not a utopia, in which no mistakes are made, but rather a society of people who work to fix their mistakes and improve.

The Torah's Radical Approach to Child Rearing

Rabbi Ephraim Z. Buchwald

In this week's parasha, parashat Kee Teitzei, we learn of a seemingly horrific Torah law, the statute of the בן סוֹרֵר וּמוֹרֵד — Ben Sorer u'Moreh, the wayward and rebellious son.

According to tradition, despite his parents' warning, shortly after his 13th birthday, the rebellious son steals money from his parents, purchases and consumes a large amount of meat and alcoholic beverages. The child is then taken out to the Elders of the city for judgment, and, if found guilty, is publicly stoned to death.

The Talmud in Tractate Sanhedrin 71-72, explains that the case of the rebellious son is essentially a theoretical construct. The conditions required to execute the child are so extreme and complex that they can never really be fulfilled. Rashi explains that, in theory, the child is punished for theft, gluttony and drunkenness in order to underscore that this early prodigal behavior is an indication of potential murderous inclinations. Better the child be punished before he has a chance to act on his nefarious tendencies.

While the law of the rebellious son may be only

theoretical, the portion of Ben Sorer u'Moreh underscores some of the Torah's most fundamental educational philosophies. The entire parent-child relationship espoused by Jewish tradition is quite revolutionary, especially in the post-Benjamin Spock era, and in light of contemporary assumptions and practices.

Based on the Torah, Jewish law spells out the two fundamental responsibilities that the adult child (age 12 for women, 13 for men) has to his/her parents. כִּיבוֹד אָב וְאִם, “honoring” one's parents, is interpreted by tradition to mean that a child has an obligation to feed, clothe, shelter and transport one's parents, assuming the parents do not have sufficient resources to care for themselves.

On the other hand, יִרְאָה, “reverence” for parents, (reverence is a much better translation of “yirah” than “fear”!) underscores the negatives of the child's responsibilities: Not to sit in a parent's chair, not to call a parent by their first name, not to contradict a parent, or even say that it appears to me that what you mean to say is... etc.

The Talmud (Kiddushin 31a) presents some extreme

examples of what is expected of a child. It depicts the scenario of a child who has attained great respect as an honored teacher or rabbi and is delivering a lecture before a large audience. His parents enter, rip his garments, strike him on his head, and spit in his face. According to Jewish law, the child is not permitted to insult his parents, display anger toward them, or even show distress in their presence, but must remain silent and show that he fears the King of Kings, Who has thus decreed.

Clearly, the Torah grants parents ultimate authority over their children. In fact, in Jewish religious tradition parents are, for all practical purposes, considered to be *Loco Deus*, in place of G-d, in their relationship with their offspring. Just as no one would dare challenge G-d's authority, so no child may ever challenge a parent's authority, since parents (like G-d), are the bestowers of life upon the child.

Jewish law clearly establishes very distinct boundaries in parent-child relationships. Legally, the child has all the obligations, and essentially no rights, while the parent has all the rights, and quite limited obligations. It seems as if the Torah, in effect, is practically saying to the child, "You may not breathe without your parent's approval."

On the surface, the parent-child relationship espoused by tradition seems quite primitive and brutal. But, in reality, the Torah is simply establishing very stark, clear and unimpeachable boundaries. Parents rule. Period, end of report!

How do we comprehend this imperious attitude

The Ben Sorer U'Moreh

Rabbi Immanuel Bernstein

One of the mitzvos in the opening section of the parsha is the ben sorer u'moreh (the wayward and rebellious son). The verse (Devarim 21:18, 20) describes his situation as *אִינְנוּ שֹׁמֵעַ בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וְיִסְרוּ אוֹתוֹ וְלֹא יִשְׁמַע אֶל־יְהוָה... זֶה לֵל וְסָבָא* "he does not listen to his father or mother, they chastise him but he does not heed them... a glutton and a drunkard," and commands that he be stoned to death. The Talmud (Sanhedrin 71a) states that there was never in fact a case of a ben sorer u'moreh, as the number of technical halachic requirements for him to be convicted practically guaranty that it will never happen. The Gemara asks: Why then was this section written in the Torah? To this, the Gemara responds: In order to expound upon it and receive reward.

toward child rearing, especially in light of the Torah's clear tradition of pursuing the "Golden Mean"—avoiding extremes in almost all situations?

Contemporary educators who are experts in discipline know that the foremost elements that are required in order to inspire proper discipline are awe and respect. This is exactly what the Torah attempts to do. Without hesitation, the Torah starkly declares that the parent is the boss. There is no "wiggle room," in this relationship.

Yet, there is a second operating principle in Judaism with regard to parent-child relationships. The Code of Jewish Law decrees (Yoreh Deah 240:19): *אָב שֹׁמֵחַ עַל כְּבוֹדוֹ, כְּבוֹדוֹ מְחוּל*, a parent who surrenders his/her obligation to be honored, is permitted to do so. This principle seems to go entirely against the direction of the strict disciplinary system ostensibly advocated by the Torah. But not really. Once the child recognizes that the parent is indeed *Loco Deus*, G-d's representative on earth, then it is expected that the parent will loosen up. Consequently, with the parent's consent, a child may sit in a parent's seat, may disagree with a parent's opinion, and may even call their parent by their first name. Establishing boundaries and proper reverence is the essential first ingredient. Once that is established and confirmed, a healthy, loving relationship can then ensue.

The Talmud reports that there never was, or will ever be, a case of a convicted rebellious and gluttonous child. Set boundaries, set clear boundaries, loosen up, and show love. That's the Torah's "secret formula" for child rearing.

This answer is somewhat enigmatic. Are there not plenty of other mitzvos which do have practical application that one could also receive reward for expounding upon? Why do we need another mitzvah which exists only for purposes of exposition? However, more intriguing still is the next line in the Gemara, which records R' Yochanan as saying that he, in fact, sat by the grave of a ben sorer u'moreh. It turns out that the question of whether there was ever a case of this sort is the subject of a dispute, but what type of dispute is this? Presumably there either was or was not such case! Rabbeinu Bachye addresses this question and explains that although it seems as if these two statements are arguing with each other, in reality there is no argument. Yet this comment is even more intriguing, for these two

statements certainly look like they are in conflict. What is the meaning of then saying that they are not actually conflicting?

The Chasam Sofer explains. The problem with a ben sorer u'moreh is that, having developed expensive and addictive habits, for which he steals from his parents, he is likely to turn to other sources of funding when his parents' money runs out, and will likely stop at nothing – including bloodshed – to get what he craves and needs. The pure response to this issue is presented by the Torah: kill him before that happens. Now, the Torah does not require that we actually kill a thirteen-year-old child, but it is alerting us to what is likely to happen when he grows up. This is what Rabbeinu Bachye means when he says the two statements of

the Gemara are not in conflict. When the first statement says that there was never a case of ben sorer u'moreh, it means no child was ever convicted and executed as such by a Jewish court. When R' Yochanan says that he sat by the grave of such a child, he is referring to that child who then grew up, continued along his addictive path and was killed, not at thirteen by the beis din, but at eighteen in an alleyway.

The goal of this parsha is, as the Gemara says, to “expound and receive reward.” This does not just refer to the reward for Torah study – for which the other mitzvos would also suffice – but the reward from being vigilant in ensuring that our children do not get into such a situation in the first place.