



Parshas Ki Teitzei

שמע קולנו

Marsha Stern Talmudical Academy

“יתגבר כארי לעמוד בבוקר לעבודת בוראו”



פרשת כי תצא

He Will Not Forsake His Devout Ones

Rabbi Mayer Schiller

Introduction

“If a matter of judgment will be hidden from you, between blood and blood, between verdict and verdict, or between affliction and affliction, matters of dispute in your cities – you shall rise and ascend to the place that Hashem your God shall choose. You shall come to the Kohanim, the Levi'im and to the judge who will be in those days; you shall inquire and they will tell you the word of judgment. You shall do according to the word that they will tell you, from that place that Hashem will choose, and you shall be careful to do according to everything that they will teach you. According to the teaching that they will teach you and according to the judgment that they will say to you, shall you do; you shall not turn from the word they will tell you, right or left. And the man that will act with willfulness, not listening to the Kohen who stands there to serve Hashem, your God, or to the judge, that man shall die, and you shall destroy the evil among Israel. The entire nation shall listen and fear and they shall not act willfully anymore.” (Devarim 17:8 – 14)

In the largely Chasidic yeshiva in Kishinev, Bessarabia, founded in 1860, which functioned until the Holocaust, there was a fascinating custom that when *Parshas Yisro* arrived, *Gemara* study ceased for that week, and the *talmidim* would instead learn the *pesukim* of *Matan Torah* in depth, with many commentaries. The notion behind this practice was that the giving of the *Torah* is the foundation of Judaism, and its details form the basis of our faith. Hence, there is a vital need for clarity in this area, rooted in deep study.

I have thought that, perhaps, the same might well be done in *Parshas Shoftim*, where we encounter in the verses cited above the source for the Oral Law, which, along with the Written, is the ulti-

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mate essence of Judaism. As R. Dovid Tzvi Hoffman (1843 - 1921) put it in his work, *Der Ershte Mishnah* (The First Mishnah), “The Biblical word read from the written book and the teachings heard from the mouth of the Sages are, for the Jew, the two sources from which he draws the *Torah* received by Moshe from God at *Sinai*. . . Hence, when we speak of written law and the oral law, we have in mind one and the same law of



God, derived in part from the Divine work committed to writing and in part from the authoritative statements of the teachers of tradition.” (p. 3, For-schiemer translation from German original)

Indeed, lack of acceptance of the Oral Law, while not the only dogmatic contention, was front and center in the mass exoduses of the Reform and Historical School (later the Conservative movement) from traditional Judaism in the nineteenth century. Accordingly, let us now turn those *pesukim*, which embody both a positive commandment to go to *Yerushalayim* to inquire of the “*Kohanim*, the *Levi'im*” and the “judge,” as well as a prohibition of disobeying them.

“Do Not Turn Right Or Left”

Rashi, commenting on the phrase “you shall not turn from the word they will tell you to the right or left,” explains as the *Sifrei* (154) would have it, that “even if he says to you about right that it is left and about left that it is right. How much more so when he says to you about right that it is right and about left that it is right.”

The just stated *kal vichomer* actually does not appear in the *Sifrei* itself. At first glance, it seems to be Rashi's own addition. In addition, the *Sifrei* text which we have today actually adds a phrase “even if it seems in your eyes that right is left and left is right, you should listen to them.” Apparently, the *Sifrei* wants to add that the “mistake” is one that exists “in your eyes”, but not in objective reality.

The *Yerushalmi Horayos* (1b) quotes the same verse, but offers what seems to be a diametrically opposed understanding. “One might have thought that even if they tell you that right is left and left is right, you should listen to them. The *Torah* [therefore] states, 'right or left,' when they tell you that right is right.” From here it seems that an errant decision should not be followed. In fact, the *Yerushalmi* offers this *drash* as a source that a Sage who follows a *Sanhedrin* which he “knows” has made a mistake and, nonetheless, obeys them, must bring a *chatas* offering. We are therefore left confused as to what the Sage's obligation is when he thinks the *Sanhedrin* is in error.

Perhaps, there is a fundamental difference as to the meaning of the prohibition of disobeying the *Sanhedrin*. The *Sefer Hachinuch* (*Mitzvah* 496) writes the following after quoting the *Sifrei*, “. . . even if they tell you that right is left' do not turn from their commands. In other words, even if they make a mistake on one matter among others, it is not appropriate to disobey them. But one should

follow their mistake. And it is better to tolerate one mistake, and to have everything in order under their good understanding constantly. Everyone should not follow their own minds, for through this will be the destruction of the religion, and the dividing of the people's heart and the end of the people completely. And, due to these fears the *Torah* was given to the understanding of the Sages of Israel.”

Unequivocal Acceptance

The Ramban, although in agreement with the *Chinuch* on the pragmatic social value of obeying the *Sanhedrin* - as he puts it, if not for a central authority “disputes will proliferate and the *Torah* will be transformed into several different *Torahs*” - goes a significant step further. Here are his forceful words: “And all the more so should you obey them, because you should think that, contrary to your opinion, they are in fact saying about the right that it is right and the left that it is left, for the Spirit of God, may He be blessed, rests on the stewards of his sanctuary, and 'He will not forsake His devout ones; they will be eternally protected' (*Tehillim* 37:28) from error and stumbling.”

Rabbeinu Bachya (1255 – 1340) sums this view up clearly when he writes, “We must think that they know the truth, and that the Holy Spirit rests upon them to make them arrive at the truth.”

Recall that Rashi had quoted the *Sifrei* as saying “even if they say to you,” thus implying their decision may well be objectively incorrect. Whereas the *Sifrei* as quoted by Ramban says “if it seems in your eyes.” This may well be saying that what you see is a subjective error on their part.

With this approach of the Ramban, we may be able to explain the two examples of obedience which he cites. One is that when a man feels that a piece of meat is forbidden fat, but the Sages say it is permissible, he should, nonetheless, eat it. The

A Short Vort

Akiva Kra (21)

“כִּי תִבְנֶה בַּיִת חָדָשׁ וְעָשִׂיתָ מִעֲקָה לְגִגְּךָ” - “When you build a new house, you should make a fence for your roof” (22:8)

It is said that the Teleporter Rebbe, Rav Nosson Englard, once said that in every *mitzvah* or *halacha* written in the *Torah*, there is something we can learn to help improve our *middos* and make us a better person. One of the most prominent examples of this may be this *possuk*, which is by all appearances a seemingly innocuous *halacha*.

A roof, being the highest part of any structure, alludes to the ego, which gives a person an elevated impression of himself. So, to make sure that nobody “falls off the roof”, by allowing their feelings to degenerate into selfishness, we are warned to “make a fence for our roof” to carefully control and temper our ego with guardrails. Hopefully, we can all embrace this lesson and build guardrails not just for our humility, but for all matters of life where we require safeguards.

second is that if an executioner is convinced that someone convicted of a capital crime is objectively innocent, he should still execute him, because he must follow the Sages. Now, granted the need to execute makes sense, but why must the man eat the piece of meat? Why could he not simply abstain in light of his view that the fat is forbidden? However, according to the Ramban, he is obliged to convince himself of the Sages' objective infallible protection from error. Conceivably, following the *Chinuch*, this would not be necessary.

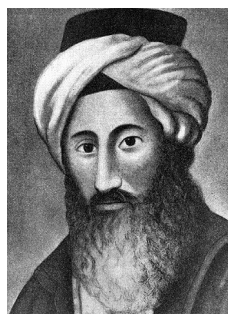
It is true that the Ramban adduces the famous case of Rabban Gamliel ordering Rabi Yehoshua to appear before him carrying his staff and his money on the day which the latter thought was *Yom Kippur* (*Rosh Hashanah* 24b – 25a). Apparently, this was to emphasize the authority which R. Gamliel, as the head of the *Beis Din*, held over everyone, even with his errant decisions. Given that in the case's conclusion, R. Gamliel's calls R. Yehoshua his "teacher in wisdom", this would seem to be a subjective procedural obedience which was demanded of R. Yehoshua. Yet, following the Ramban, it may be that what Rabban Gamliel was asking for was inner belief from R. Yehoshua as well. The whole case may be seen in either light.

There is yet another case which may lend credence to the Ramban's notion of inner acceptance. The *Yerushalmi Avodah Zarah* (16a) relates that Shmuel had received a decision that the prohibition against the oil of idolaters had been rescinded. Nonetheless, Rav refused to eat it. Shmuel said to him, "eat, for if you do not I will issue a writ of *zaken mamrei* (rebellious elder) against you." The argument goes back and forth, but in the end the text concludes "Shmuel exerted pressure on Rav, and he consumed the oil of idolaters." Here again we might ask, why did Rav have to do any eating at all? Rather, it seems that his eating the oil was necessary to confirm his inner acceptance of the righteousness of the *psak halacha*. This case would be much more difficult to comprehend following the *Chinuch*.

We still have to attend to the *Yerushalmi Horayos*, which seems to say that it is forbidden to follow *beis din* when one is convinced that they are in error. How can this be squared with the Ramban's notion of inerrancy? In fact, the first *mishna* in the *Bavli Horayos* (2a) also tells us that a Sage who knows the *beis din* is making a mistake and follows them must bring a *chatas* offering. Rashi explains that he must do this because he has unwittingly misunderstood the obligation to follow the Sages, and assumes that he must do so even when they are clearly errant in his eyes. What

would the Ramban make of this *mishnah*?

The Chida (R. Chaim Yoseph Dovid Azulai, 1724 – 1806), in his *Pesach Aynaim* (*Chullin* 7a), seeks to reconcile this by offering that "a sage must fol-



low the *beis din* in a matter of *shikul hada'as* (weighing of opinions), but if he is sure that their mistake is in a matter where the law is clear to him, then he should not follow them." This is the meaning of the *Yerushalmi* text of "right and left", that one need not, and in fact may not, follow the *beis din* if their error is in something elementary.

To summarize, we now have two central approaches: that of the *Chinuch*, who sees "right and left" as simply an obligation to obey, even when objectively incorrect, and that of the Ramban, who views 11 types of "right and left" as Divinely protected from objective error. (The Ramban seemingly substantiated by his text of the *Sifrei*, and the *Chinuch* working better with the *Sifrei* as quoted in Rashi without "as it seems in your eyes.")

With the alternative reading of the *Yerushalmi Horayos*, we are forced toward either the notion that an individual Sage is required to not yield if he is certain that the *beis din* has erred in something basic (thereby seemingly making him liable to capital punishment if the mistake is not clarified), or the other theory that this would apply only passively.

Overall, though, (with the possible exception of the Chida), there is always going to be some instance in which a person may be required to do something which he feels is forbidden in deference to the Sages.

Metaphysical Necessities

Let us now move briefly into the case of the *eishes yefas toar* in this week's *parsha*, *Parshas Ki Seitzei*, where we find that a Jewish soldier's desire for a captive Gentile woman taken in war allows him to bring her home either after a first permissible intercourse (Rambam, *Hilchos Melachim* 8:2), or only after a thirty day stay in his home (*Tosofos, Sotah* 36a). The law, as formulated by the Ramban (*Devarim* 21:11), is that the soldier's desire for the woman, even if she is not objectively beautiful, is the causative factor in allowing him to seize her. In a lengthy discussion, the Ramban (*Devarim* 21:12) offers and quotes many variant understandings of this dispensation, ranging from trying to wean him away from her

during the thirty day period (Rashi), to allowing and encouraging her to convert to Judaism (Ramban and, perhaps Rambam, *Moreh* 3:41).

This intriguing law is explained by the *Ohr Hachaim* as due to the need to rescue certain Gentile souls from their non-Jewish status. They are to be seen as “precious souls”, who were “taken captive by the *Sitra Achara* (lit. “other side; a *Kabbalistic* name for evil spiritual forces) at the sin of Adam *Harishon*.” He further points out that “so many greats of the world have come from the nations”, such as “Rus the Moavite, the *Zugos* Shemayah and Avtaylon, and Onkelos, as well as many others like them.” Thus, the process of *yefas toar* is intended to redeem these lost souls from among the nations, and bring them into *Yid-*

dishkeit. He also seems to say that a similar process is involved in the permission for Jewish soldiers to eat *treif* food when conquering a city if there is no *kosher* food available (Rambam, *Hilchos Melachim* 8:1). In other words, the *Ohr Hachaim* seems to say that just as the *yefas toar* must be “redeemed”, so too, there is some metaphysical reason why the *treif* food must be eaten.

The *Bnei Yissachar* of R. Tzvi Elimelech of Dinov (1783 – 1841) (*Chodesh Adar, Ma'amar* 2:7) develops this concept even more explicitly. He asks “Why are things normally prohibited allowed via *'batel bishishim* (nullified in mixtures sixty times their volume)?” In response he writes that at times “mystical sparks fall among the forbidden, and must be elevated, which occurs when those foods

5 Minute Lomdus

Shimi Kaufman (21)

Q. Regarding the procedure of the *ben sorer umoreh*, the rebellious and wayward son, the Rambam (*Hilchos Mamrim* 7:7) rules that if a child violates the specific prohibitions which cause him to be considered a *ben sorer umoreh* (broadly defined as stealing and eating a *tartimar* (.52 lb) of meat and a *chatzi log* (10.14 fl. oz.) of wine) after explicitly being warned not to, he is brought to a *beis din* of three members and given *malkos* (lashes). If he then violates the same prohibition again after being warned a second time, he is once again brought to *beis din*, this time composed of twenty-three members, at which point he is inspected to see if he has reached the age of maturity (about 13.3 years old), at which point he would no longer be able to be considered a *ben sorer umoreh*. If he has not reached this age, he is put to death through *skilah* (stoning). The *Kesef Mishnah* asks why the Rambam only requires that we check if the *ben sorer umoreh* has reached the age of maturity before he is put to death, and not before he is given *malkos*. After all, if the child had reached the age of maturity before receiving *malkos*, he would also no longer be a *ben sorer umoreh*, and would presumably be exempt from lashes. If this is the case, why do we not check to see if he has matured before giving him *malkos* as well?

A. There is a fundamental distinction between the punishment of lashes and the death penalty in the Rambam's view. The whole reason that a *ben sorer umoreh* is because he is “*nidon al shem sofo*”, judged for what he will eventually do. When a child meets all the criteria for a *ben sorer umoreh*, the *Torah* instructs us to kill him now, rather than allowing him to descend further into moral depravity and Divine culpability. The *malkos*, however, are not given based on this logic, since giving the child lashes would not necessarily stop him from continuing down this wicked path. Rather, the Rambam tells us (7:1), the warning for this punishment comes from the *possuk* which states “*lo sochlu al hadam*” - literally “do not eat blood”, but which the Rambam parenthetically explains as a warning not to eat something which will cause a person's blood to be spilled. Thus, this *possuk* serves as a warning to the *ben sorer umoreh* not to eat the meat and wine which will eventually cause him to be put to death. We cannot formulate this distinction to mean that since the *malkos* are given because of a standard prohibition, they are given even if the child is beyond the age of a *ben sorer umoreh*, since the *Gemara* uses *pesukim* to prove that a *katan* (child below thirteen) cannot become a *ben sorer umoreh*, implying that without the *possuk's* exclusion, it would have been perfectly reasonable to apply the *din* of *ben sorer umoreh* to a *katan*. If the *malkos* are given for a standard prohibition of *lo sochlu al hadam*, then a *katan* would *de facto* never be able to become a *ben sorer umoreh*, since a *katan* can never be punished by a court for violating a prohibition. There would then be no reason for the *possuk* to explicitly exclude the *katan* from this *din*! Rather, we must say that both the *malkos* and *misah* are given not because of a standard prohibition, but because of a unique rule of *ben sorer umoreh*. However, there are two “types” of *ben sorer umoreh*, a *ben sorer umoreh* who is liable for *malkos*, and a *ben sorer umoreh* who is liable for *skilah*. Regarding the *ben sorer umoreh* *limalkos*, he is designated as such based on the *possuk* of “*lo sochlu al hadam*”, which prohibits him from starting down a road which will eventually lead to his death. However, once he receives this designation, there is no longer any age limit, and he receives lashes even if he subsequently reaches maturity. However, in regards to the designation of *ben sorer umoreh* for *skilah*, this designation is given based on the logical construct of *nidon al shem sofo*. Therefore, the designation only applies conditionally, so long as this logic is still in effect. Once he reaches the age of maturity, we assume that the logic of *nidon al shem sofo* no longer applies (potentially because the three-month range specified by the *Gemara* is the most formative of the child's life), and this designation is removed. Thus, we are required to inspect the child for signs of maturity before giving him *skilah*, while such an inspection before giving him *malkos* would be irrelevant.

-Source: *Chiddushei Rabbeinu Chaim Halevi, Hilchos Mamrim* 7:7

become permitted in *halacha*.” Another example of this would be in case of *pikuach nefesh*, where that which is ordinarily forbidden becomes permitted. R. Mordecha Yoseph of Izbitz (1801 - 1854; pictured here), in his *Mei Hashiloach*, brings this more explicit formulation to the case of the *yefas toar*, that the good found among the nations is elevated when brought among the Jewish nation.

Accordingly and speculatively, we propose that the objectively errant ruling of *beis din* must be obeyed not only because of the pragmatic needs of religious authority but, perhaps, the just cited esoteric process may be at work. We must at times obey a *beis din* in error in order to perform actions, which are normally deemed *assur*, which need to be elevated.



In any event, paths such as *Torah Umadda* and *Torah Im Derech Eretz*, who advocate absorbing elements of general wisdom and culture and processing them through a Divine Centered *Torah* filter, are certainly attempting the same process, of taking the objectively neutral or even errant and

mining and then elevating them to an enriched form of *avodah*. May God grant that we be worthy of doing so without falling into error.

Understanding the Wisdom of The World

Ezra Schechter ('22)

“And you will see among the captivity a woman who is of beautiful form, and you will desire her, you may take her for yourself as a wife.” (*Devarim* 21:11). The *Torah* continues on to say that to take this beautiful woman as your wife, you have to go through a long process involving cutting her hair and nails, and allowing her to mourn the loss of her parents for a month. After she sits crying in your house for a month, you may marry her. Rashi explains that the reason the *Torah* gives this pathway to marrying this captive of war is because the *Torah* recognizes that if the man can not resist the woman, they might come to marry her even if she was *assur*, which would lead to even more spiritual contamination. This is a case of *lo dibrah Torah elah kineged yetzer hara*, meaning that the *Torah* only said this in recognition of the strength of the *yetzer hara* (evil inclination). In other words, strictly speaking, one shouldn't marry this woman, but since the *yetzer hara* is so strong, *Hashem*

permitted it. The question is, why does the *Torah* give this avenue to prevent sinning? If taking this woman as a wife is bad in the eyes of *Hashem*, then why doesn't the *Torah* just prohibit it? This should be no different from other prohibitions in the *Torah*, where we are expected to observe the law despite our desires!

To answer this question, we have to understand a theme expressed by Rabbi Yisrael Salanter. Rabbi Salanter taught that one of the foundations of the work of morality is “*Worldly Wisdom- to monitor oneself in advance before one comes to days of evil... how to manage oneself and others*” (Writings of Rabbi Yisrael Salanter). In other words, the way to overcome the *yetzer hara* is to acknowledge it and relate to it; not to ignore it, but instead to elevate it and correct it. If you just bottle up and hide your *yetzer hara*'s needs, it may silence it now, but it will come back stronger later. With this approach of Rav Salanter, we can understand why the *Torah* permits marrying this captive woman. Even if the men will be strong and ignore their desires and temptations, the *Torah* can't just allow men to hide from their *yetzer hara* and leave it with desire for sin without correcting it. Rather, the man is instructed to perform certain actions which will cause his desire to dissipate after having acknowledged it. He has her sit and cry in his house for a month, the intention being that he should overcome his *yetzer hara* on his own. If he simply ignored the fact that he desired this woman, he would have not been able to deal with his *yetzer hara* in a healthy way. A person has to acknowledge what the *yetzer hara* wants him to do, and deal with it directly without ignoring it. If the *Torah* prohibited taking the beautiful woman, it would have simply led to more evil down the line.

The *Torah* understands that the *yetzer hara* is strong, and that everyone has desires to sin sometimes. But, if we use the approach of “Wordly Wisdom”, and acknowledge our desires instead of ignoring them, then we will all be successful in our *mitzvos*.

Cause and Effect

Samuel Gorman ('21)

At the beginning of this week's *parsha*, *Parshas Ki Seitzei*, the *Torah* lists several laws regarding several, seemingly unrelated cases. The *Torah* first explains what must be done if a Jewish man wishes to take a prisoner of war as his wife (*Devarim* 21:10-14). The *Torah* then lays out the laws pertaining to a man who has two wives and favors one over the other, and how he must treat his children from each wife (*Devarim* 21:15-17). Immediately following this portion, the *Torah* proceeds to

explain the case of a *ben sorer umoreh*, a rebellious son (*Devarim* 21:18-21), and then the laws regarding capital punishment (*Devarim* 21: 22-23). The juxtaposition of these sections raises the following question: why are these topics placed next to each other in the *Torah*?

The *Midrash Tanchuma* (*Ki Seitzei* 1:1) suggests an answer. The *Midrash Tanchuma* suggests that perhaps, as is a recurring theme in *Tanach*, this is a case in which the *Torah* demonstrates how one bad deed leads to another. This answer of the *Midrash Tanchuma* suggests that all of the cases found in these first few *pesukim* of the *parsha* involve some kind of sin or bad deed which leads to another. It is easy to see how the cases could be related in this way. In the case of a man taking a POW as his wife, this taking of a second wife may lead to the case of a man favoring one wife over another, which, as the *Midrash Tanchuma* points out explicitly, generally tends to lead to the case of a rebellious child, who is then sentenced with capital punishment. In most of these cases, it seems quite clear what the sin or bad deed is, and how it leads to further sin. However, in the first case, in which a man takes a POW as a wife, the *Torah* does not appear to ascribe any wrongdoing to his actions. As the *Chizkuni* (*d"h velakachta*) points out, the *Torah* does permit the taking of prisoners of war as wives fully, without it being considered a sin. So, based on the *Midrash Tanchuma*'s understanding of the connection between these cases, what sin in the first case causes all of the subsequent cases in this series?

Rashi's understanding of the words "*velakachta lecha li'isha* - and you take her for yourself as a wife" (*Devarim* 21:11) can, perhaps, answer this question. Rashi states that while God did permit the Jewish people to take POWs as wives, He only permitted it because if there had not been a permitted way to go about it, the Jewish soldiers, caught up in the heat of war, would have taken the women even despite the prohibition. Rashi continues to say that the consequences of marrying a POW are that the man will eventually come to hate her, and will then have a rebellious son with her. This Rashi fits perfectly with the *Midrash Tanchuma*, and solves the apparent problem of how the *Midrash Tanchuma* can work together with the *Chizkuni*. It explains that while, as the *Chizkuni* said, Jewish men were technically allowed to marry POWs, it was not necessarily viewed by God as the right thing to do, and as such, one who marries a POW will, as the *Midrash Tanchuma* explained, come to hate her, and then have a rebellious son with her.

These opening *pesukim* of *Parshas Ki Seitzei* provide a powerful lesson. One's negative actions can

often have devastating consequences, reaching far beyond what he could have imagined at first. And, as evidenced by the case of a man marrying a POW, sometimes even that which is allowed by the strict letter of the law may still be morally wrong, and can still be harmful in the long term. For this reason, it is important to be mindful of one's actions, and to try to avoid any wrongdoing, big or small.

Never Too Late

Shimi Kaufman ('21)

The beginning of *Parshas Ki Seitzei* introduces several *mitzvos* which appear here for the first time. One of the first new *mitzvos* given in this *parsha* is the procedure for a *ben sorer umoreh*, a rebellious and wayward child. The *pesukim* state that if a child is found to be particularly disobedient, and he persists in his behavior despite numerous warnings, then he is brought before a *beis din* to be killed, in order that he shouldn't come to commit even worse offenses in the future. The *Gemara* (*Sanhedrin* 68b-72b) qualifies this law to extremely specific circumstances regarding the exact age of the child, the exact type of crime, and even the physical characteristics of the parents. The amount of restrictions placed on this law eventually leads the *Gemara* (71a) to declare that the process of the *ben sorer umoreh* never came to pass and will never come to pass. Rather, this law was merely given so that we could study it and therefore receive reward. The *Toras Chaim* raises a strong objection to this *Gemara*. We know that the *Torah* was given as a guidebook on how we are meant to live our lives, so much so that the *Gemara* (*Shabbos* 88b) states that the reason we received the *Torah* instead of the *malachim* (angels) was because the *malachim* could only study the *Torah*, while we have the ability to actually perform its dictates. If this is so, why would *Hashem* give a seemingly theoretical commandment whose only purpose is as a thought experiment? What are we meant to gain from this *mitzvah* if we cannot perform it?

Rabbi Shmshon Raphael Hirsch (Collected Writings Vol. VII, pg. 333) suggests a powerful answer to the question of the *Toras Chaim*. As we previously mentioned, the entire process of the *ben sorer umoreh* is based on the concept of "*nidon al shem sofo*" - he is judged based on what he will eventually do in the future. Until now, he has only committed petty crimes, but continuing in this way of life will eventually lead to worse and worse offenses. Therefore, we kill him now, before he has the chance to do even worse *aveiros*. It emerges that the motivating factor for killing the *ben sorer umoreh* is that we assume he is a lost cause; he is so intrinsically evil that, for his sake, it is better for

him to die than to continue living the lifestyle which will inevitably send him down the wrong path. However, says Rav Hirsch, the lesson of this *mitzvah* is that such a thing can never happen; the *ben sorer umoreh* never existed and never will exist. There is no such thing as a person who is too far gone to do *teshuvah* and return to *Hashem*.

Thus, continues Rav Hirsch, every detail required to kill the *ben sorer umoreh* is meant to demonstrate that his actions are not based on some external factor, but on the intrinsic nature of the child himself. Therefore, if any one of these conditions is not fulfilled, we assume that the child is not inherently evil, but is only acting as such due to some external influence. For example, the *Gemara* says that in order to prosecute a *ben sorer umoreh*, his parents must complete the rebuke process together: they must both rebuke him, both wish to punish him, both drag him to the *beis din*, and so on. Rav Hirsch explains that this is because if the parents are not on the same page, we can postulate that there may have been some fault in his upbringing which caused him to turn out like he did, and not an intrinsic deficiency. Thus, only if both parents are completely together in their decision-making process can we prosecute a *ben sorer umoreh*. Because of all the precise factors which are necessary to prosecute a *ben sorer umoreh*, Rav Hirsch writes that it cannot happen - we can never say that a person is so intrinsically bad that he has no hope for redemption.

The *Gemara* (*Chagigah* 15a) tells a story about the *tanna* Rabi Meir, and his *rebbe*, Acher. Acher was a respected Rav who was known far and wide as a *halachic* genius, but he lost his way, and became completely irreligious. His name, Acher, literally meaning 'other', was how the Rabbis of the generation referred to him, since it was too painful to call him by his real name. However, despite his spiritual confusion, Acher retained his tremendous breadth of knowledge in *Torah*. Thus, Rabi Meir continued to learn *halacha* from him, while making sure not to follow in his heretical ways. Once, Rabi Meir was learning from Acher on *Shabbos*, walking along as Acher rode on a horse. Suddenly, Acher stopped, and told Rabi Meir to turn around, since they had reached the *techum Shabbos*, the border beyond which one may not walk on *Shabbos*. Acher knew that Rabi Meir would not want to go outside of the *techum*, so he instructed Rabi Meir to turn around. Upon hearing this, Rabi Meir began to plead with his *rebbe* to also 'turn around', and to return to the proper path of *Torah* and *mitzvos*. However, Acher refused, saying that he heard a *bas kol* (heavenly voice) which said "return, my sons, return, except for Acher." (This *bas kol* was a play on two *pesukim* in *Sefer Yirmiyah* [3:14, 3:2],

which are a call for *Bnei Yisroel* to do *teshuvah*.) In other words, Acher was saying that for him to do *teshuvah* was pointless, since it had already been decreed in heaven that his repentance would not be accepted.

Many of the commentators are baffled by this *Gemara*. How can it be that Acher was not permitted to do *teshuvah*? We know that everyone, no matter how far away from authentic Judaism they may be, is able to repent and return to *Hashem*. How can we say that Acher was 'too far gone' to do *teshuvah*? The Rav, Reb Yoshe Ber Soleveitchik, in his *sefer* "*Al Hateshuvah*", suggests a fascinating answer. The Rav writes that Acher was so guilt-ridden about his numerous sins, that he convinced himself that he could not longer repent. Acher was so caught up in his own self-condemnation that he actually imagined a *bas kol* declaring that he could no longer do *teshuvah*! In truth, Acher could have repented, but his guilty conscience convinced him that he was too far gone to fix his mistakes. Because of this, Acher never returned to the path of *Torah umitzvos*.

Elul is a scary time. Looking back on our year, it is easy to get discouraged in light of all the bad we have done. It's easy to feel like there is no hope of getting better. Even more so, it is tempting to avoid self-reflection altogether during this time, out of fear of facing one's own actions. The lesson of the *ben sorer umoreh* is that nobody is ever 'lost' to *Yiddishkeit*. Even someone who sinned their whole life can turn it around with a genuine moment of repentance before death. We cannot be like Acher, convincing ourselves that *Hashem* does not want our *teshuvah*. We must make the effort during this time to truly fix ourselves, and to recognize that we, with all our failings, have the power to draw close to *Hashem*.

The Nature of Desire

Peshurin Gerscher (21)

In this week's *parsha*, we encounter an interesting scenario, where a Jewish man, after winning a battle in a war, finds himself attracted to a female captive. The *Torah* lists all the steps that this man must take in order to take the captive as a wife. We usually assume that when the *Torah* tells us to do something, it is because this is how we are supposed to live our lives, regardless of how difficult it may be for us. Many believe that *Hashem* only cares that we do what He commands, and that He has no sympathy for us and the challenges that we face. This could not be farther from the truth! Rashi, commenting on this case, explains that this part of the *Torah* was ""said to a man's *yetzer hara*

(evil inclination)”, since if the *Torah* had not allowed some avenue for the man to take this woman as a wife, he would have taken her even if it was against the *halacha*. Therefore, *Hashem* allows him to take the woman through a process that makes the women less beautiful, in the hopes that the man will realize that the only reason that he likes her is for her looks. Obviously, the *Torah* understands human nature, and is teaching us major lessons in the nature of desire and how we are supposed to combat it in the right way. *Hashem* is telling us with this commandment that He understands how hard the challenges that we face are, and that He created the *Torah* to help us win our battles.

It is important to understand who exactly it is that is finding this female captive attractive. As we know from last week’s *parsha*, anyone who is “fearful or fainthearted” is sent home from war. Rabbi Yosi Hagelili (*Sotah* 44a) says that this refers to someone who is fearful that his sins will cause him to not be protected in the heat of battle. Therefore, our man of war who emerges victorious against his enemies is an extremely righteous man, someone who has no reason to fear his past sins. Now, the *Torah* tells us that this same man, who has no sins to be fearful of, is the one who is in danger of falling into a trap of desire. How can these two descriptions match up to the same person? The answer may lie in our daily prayers, where we say that “man should always be fearful in private and in public.” Thus, the man who went to war was a truly righteous man, and in ‘public’ he had his fear of heaven in check. After he won the war however, there was a calm. He thought that he had finished his job, and that he could now relax. He got lulled into a false sense of security. It is at that point that he is vulnerable to the siren’s call of the *yetzer hara*, the moment that he feels he has surpassed the obstacles in his past.

The lesson for all of us is twofold: on the one hand, we have to be on guard at all times, and be wary that *yetzer hara* might strike at any moment, especially when we feel that we are on top of the world. At the same time, however, we must live our lives knowing that *Hashem* knows how difficult our challenges are. As we saw, even the most righteous people go through challenges, and *Hashem* is with them every step of the way. We all have difficulties, and it wouldn’t be a challenge if it was easy. But, as the *possuk* in *Iyov* says (5:7) “man is born to labor”. One should speak to a trusted *Rebbi* for advice on how to face his individual challenges, but one should never think that he is lesser for having them, or that *Hashem* is indifferent to his struggle. May we all merit to fear *Hashem* in private and in public!

Favoritism And Hatred

Benny Cohen (23)

In this week’s *parsha*, *Parshas Ki Seitzei*, we read about an interesting law, the law of a man who has two wives, one whom he loves, and one whom he hates. The *Torah* tells us that this man is required to give a double portion of the *yerushah* (inheritance) to his *Bechor* (eldest son), even if he is the child of the wife he hates. When the *Torah* refers to this man’s two wives, it refers to them as “*ahuvah*”, the loved one, and “*senuah*”, the hated one (*Devarim* 21:15). Why would the *Torah* refer to the second wife as “the hated one” - why not just say “the wife who he loves more”, and “the wife that he loves less”. After all, if he really does fully hate her, why is he married to her in the first place? Why would the *Torah* use such jarring language to describe the wife that the man loves less?

To find the answer to this question, let us look at the only other time in the *Torah* that the term “*senuah*” is used to describe another person, regarding Leah *Imeinu* (*Bereishis* 29:31). In truth, the case of Leah and Yaakov parallels the case described by the *Torah* here in many ways.. By Yaakov and Leah, Yaakov was expecting to marry Rachel, the woman he loved, but instead was tricked by Lavan into marrying Leah, whom he did not particularly love. Leah gave birth to Yaakov’s firstborn, Reuven, and Rachel later gave birth to Yosef. Reuven, being the firstborn son of Yaakov, should rightfully have been given the status of *bechor*, but instead, throughout *Sefer Bereishis*, Yaakov shows special love Yosef, and treats him like the *bechor* by giving him the *kesones pasim*, the multicolored coat. Yosef eventually even received a double portion in *Eretz Yisroel*, with each of his two sons, Menashe and Ephraim, each getting their own portion! It seems that Yaakov disregarded the commandment of the *Torah* here. The *Torah* is leveling what seems like a retroactive criticism of Yaakov here, or at the very least, is informing us that things cannot operate in this manner in the future. Therefore, the *Torah* points us towards the main negative consequence of Yaakov’s favoritism - it caused *sinah*, hatred amongst the *shevatim*, which eventually led to Yosef being sold to *Mitzrayim*. The *Torah* therefore mentions *sinah* here in order to call back to this idea, to inform us of the negative consequences of showing favoritism amongst one’s children.

Gedolim Glimpse: Rabbi Avraham Issac Kook

Meir Morell ('22)

Early Life

Rabbi Avraham Yitzchak Hakohen Kook (1865- 1935) was born in Griva, in the Courland Governorate of the Russian Empire, in 1865 (today a part of Daugavpils, Latvia). He was the oldest of eight children; his father, Rabbi Shlomo Zalman Kook, had learned in the Volozhin Yeshiva, and his maternal grandfather, father of his mother Zlata Perl, was an avid follower of the Kapust branch of the Chabad *chassidus*, founded by Rabbi Yehuda Leib Schneersohn.



As a child, he quickly gained a reputation as an *ilui* (prodigy). He entered the Volozhin Yeshiva in 1884, at the age of 18, where he became close to the *rosh yeshiva*, Rabbi Naftali Zvi Yehuda Berlin (the Netziv). Although he stayed at the *yeshiva* for only a year and a half, the Netziv was quoted as saying that "if the Volozhin *yeshiva* had been founded only to educate Rav Kook, it would have been worthwhile." During his time in the *yeshiva*, he studied under Rabbi Eliyahu David Rabinowitz-Teomim (also known as Aderet), the rabbi of Ponevezh, and later the Chief Ashkenazi Rabbi of Jerusalem. In 1886, he married Batsheva, the daughter of Aderet.

In 1887, at the age of 23, Rav Kook entered his first rabbinical position as rabbi of Zaumel, Lithuania. In 1888, his wife died, and his father-in-law convinced him to marry her cousin, Raize-Rivka, the daughter of Aderet's twin brother. Rabbi Kook's only son, Zvi Yehuda Kook, was born in 1891 to Rabbi Kook and his second wife. In 1895, Rav Kook became the rabbi of Bauska.

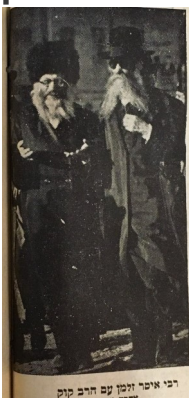


Between 1901 and 1904, he published three articles, which show the beginnings of his own philosophy, which would eventually develop fully in Palestine. In 1904, Rav Kook moved to Ottoman Palestine, to assume the rabbinical post in Yafo, which also included responsibility for the new, mostly secular, Zionist agricultural settlements nearby. During these years he wrote a number of works, which were mostly published posthumously. Among these were a lengthy commentary on the *aggados* of *masechtos Brachos* and *Shabbos*, titled *Ein Ayah*, and a brief book on morality and spirituality, titled *Mussar Avicha*.



Rav Kook's influence on people in different walks of life was already noticeable at this stage, as he made it his business to involve himself in *kiruv*, strengthening the observance of *Torah* and *halacha* in varied Jewish communities. It was in 1911 that Rav Kook also began and maintained a correspondence with the Jews of Yemen, addressing some twenty-six questions to "the honorable shepherds of God's congregation".

He sent his letter via the known Zionist emissary, Shmuel Yavne'eli, and the latter later published the response of the Yemenite Jews in a book he published later in life. In 1913, Rav Kook led a delegation of rabbis, including several leading rabbinic figures such as Rabbi Yosef Chaim Sonnenfeld (pictured on the left), to the various newly established secular "*moshavot*" in the Shomron and the Galil. Known as the "Journey of the Rabbis", the goal was to strengthen *Shabbos* observance, *Torah* education, and other religious observances, including agricultural law, in these settlements.



The outbreak of the First World War occurred while Rav Kook was in Europe, and he was forced to remain in Switzerland and London for the remainder of the war. In 1916, he became rabbi of the Spitalfields Great Synagogue, an immigrant Orthodox community located in Brick Lane, Spitalfields, London, living at 9 Princelet Street Spitalfields.

Controversy

Upon returning from Europe in 1919, he was appointed the Ashkenazi Chief Rabbi of Jerusalem, and soon

after, in 1921, as first Ashkenazi Chief Rabbi of Palestine. Despite the fact that many of the new settlers were hostile to religion, Rav Kook defended their behaviour in theological terms. His stance was deemed heretical by the traditional religious establishment, and in 1921, his detractors bought every available copy of his newly published "*Orot*" to prevent its circulation, plastering the offending passages on the walls of *Meah Shearim*. Soon later, an anonymous pamphlet entitled *Kol Hashofar* appeared, containing a declaration against Rav Kook signed by many prominent rabbis, including the aforementioned Rabbi Yosef Chaim Sonnenfeld and Rabbi Yehoshua Leib Diskin. The proclamation read: "We were astonished to see and hear gross things, foreign to the entire *Torah*, and we see that which we feared before his coming here, that he will introduce new forms of deviance that our rabbis and ancestors could not have imagined It is to be deemed a sorcerer's book? (sic) If so, let it be known that it is forbidden to study [let alone] rely on all his nonsense and dreams." The proclamation also quoted Aharon Rokeach of Belz, who stated "and know that the rabbi from Jerusalem, Kook - may his name be blotted out - is completely wicked, and has already ruined many of our youth, entrapping them with his guileful tongue and impure books."

Returning to Poland after a visit to Palestine in 1921, Rabbi Avraham Mordechai Alter of Ger wrote that he endeavoured to calm the situation by getting Rav Kook to renounce any expressions which may have unwittingly resulted in a profanation of God's name. He then approached the elder rabbis of the *yishuv*, asking them to withdraw their denunciation. The rabbis claimed that their intention had been to reach a consensus on whether Rav Kook's writings were acceptable, but their letter had been surreptitiously inserted by Rav Kook's critics into their inflammatory booklet without their knowledge. A harsh proclamation issued against Rav Kook in 1926 contained letters from three European rabbis, in which Rabbi Yosef Rosin referred to him as an "ignorant bore", Rabbi Shaul Brach intimated that his Hebrew initials spelt the word



"vomit" and likened him to the Biblical King Yeravam known for seducing the masses to idolatry, and Rabbi Eliezer David Greenwald declared him an untrustworthy authority on Jewish law, adding that his books should be burnt. When Jewish prayers at the Western Wall were broken up by the British in 1928, Rav Kook called for a fast day, but as usual, the ultra-Orthodox community ignored his calls. As a 16 year old student in 1932, Menachem Porush was expelled from Etz Chaim Yeshiva for shooting and burning a picture of Rav Kook. There were nevertheless other rabbis within Orthodoxy who spoke out in support of Rav Kook, including Rabbi Isser Zalman Meltzer (pictured on the side), and, according to some reports, the *Chofetz Chaim*.

Influence

In March 1924, in an effort to raise funds for *Torah* institutions in Palestine and Europe, Rav Kook travelled to America with Rabbi Moshe Mordechai Epstein (pictured on the side with New York Mayor John F Hylan) of the Slabodka Yeshiva, and the Rabbi of Kovno, Avraham Dov Baer Kahana Shapiro. (On that trip, Rav Kook officiated the wedding of my own great-grandmother's first cousin). In the same year, Kook founded the Mercaz HaRav yeshiva in Jerusalem.

Rav Kook was a master of *halacha* in the strictest sense, while at the same time possessing an unusual openness to new ideas. This drew many religious and nonreligious people to him, but also led to widespread misunderstanding of his ideas. He wrote prolifically on both *halacha* and Jewish thought, and his books and personality continued to influence many even after his death.

Rav Kook tried to build and maintain channels of communication and political alliances between the various Jewish sectors, including the secular Jewish Zionist leadership, the Religious Zionists, and more traditional non-Zionist Orthodox Jews. He believed that the modern movement to re-establish a Jewish state in the land of Israel had profound theological significance, and that the Zionists were agents in a heavenly plan to bring about the Messianic Era. Per this ideology, the youthful, secular, and even anti-religious Labor Zionist pioneers, (known as *chalutzim*) were a part of a grand Divine process, whereby the land and people of Israel were finally being redeemed from the 2,000-year galus by all manner of Jews. These Jews, who sacrificed to build up the physical land, were laying the groundwork for the ultimate spiritual messianic redemption of world Jewry.

While Kook is considered one of the most important thinkers in modern Religious Zionism, his attitude towards the "Zionism" of his time was complex. Rav Kook enthusiastically supported the settlement of the land which, Zionists of his time were carrying out. In addition, his philosophy "laid a theological foundation for

marrying *Torah* study to Zionism, and for an ethos of traditional Judaism engaged with Zionism and with modernity" (Yehudah Mirsky, *Rav Kook: Mystic in a Time of Revolution*). And, unlike many of his religious peers, he showed respect towards secular Zionists, and willingly engaged in joint projects with them (for instance, his participation in the Chief Rabbinate).

At the same time, he was critical of the religious-Zionist Mizrahi movement of his time for "tamping down religious fervor and willingly accepting secondary status within the Zionist movement". In 1917, he issued a proclamation entitled *Degel Yerushalayim*, where he distinguished between "Zion" (representing political sovereignty) and "Jerusalem" (representing holiness), and argued that Zion (i.e. Zionism) must take a cooperative but eventually subservient role in relation to Jerusalem. He then went on to found a "*Degel Yerushalayim*" movement separate from the Zionist movement, though this initiative had little success.

Legacy

The Israeli *moshav Kfar Haroeh*, a settlement founded in 1933, was named after Rav Kook, "*Haroeh*" being a Hebrew acronym for "Harav Avraham Hakohen". His son, Zvi Yehuda Kook, who was also his most prominent student, took over teaching duties at Mercaz HaRav after his death, and dedicated his life to disseminating his father's writings. Many students of Rav Kook's writings and philosophy eventually formed Char-da"l, a Religious Zionist movement which is today led by rabbis who studied under Rav Kook's son at Mercaz HaRav. In 1937, Rabbi Yehuda Leib Maimon established Mossad Harav Kook, a religious research foundation and notable publishing house, based in Jerusalem.

Many questions have emerged about Rav Kook's place among the major Chareidi leaders, in light of letters sent to Rav Kook which have been published, from many of the *Gedolim* of the last generation. These letters were written by *Gedolim* such as Rabbi Chaim Ozer Grodzenski, Rabbi Boruch Ber Lebowitz, and Rabbi Yosef Yitzchak Schneerson of Lubavitch, as well as many others, with honorifics and titles such as "*Hagaon*", "*Hatzaddik*", and "*Sar Hatorah*". Rav Kook wrote that he was not part of any party – he simply viewed himself as a follower of God and the laws of the *Torah*. His relationship with many different types of leaders and laymen, was a part of his general worldview – that all Jews must work together in serving God and bringing the redemption. In light of this, Rav Kook's legacy is only strengthened by the fact that many members of the Chareidi leadership were firm in their support of Rav Kook, and in fact had an apparent fond relationship with him. Only a few sought to actively insult and criticize him. Rav Kook embraced the support, but made clear that any insults were accepted by him without anger, for he viewed himself "as a servant of God," without interest in his personal honor. Rav Kook died on *Elul* 3, 5695.

Parsha Puzzlers

Submit your answers to shemakoleinu@yuhsb.org along with your name and cell phone number to be entered into a raffle at the end of the summer!

1 answer = 1 entry!

(Hint: Use the commentaries in the Mekraos Gedolos Chumashim, along with the Toldos Aharon on the side to find relevant Gemaras and Midrashim)

1. This week's *parsha* contains the law of the *eishes yefas toar*, a beautiful non-Jewish captive whom the *Torah* allows to be taken as a wife. Where is the only other instance that the *Torah* uses the term "*eishes yefas toar*"?
2. What part of the body is mentioned only in this week's *parsha*, and nowhere else in the *Torah*?
3. Find two *mitzvos* in this week's *parsha* which involve remembering, and two which involve forgetting.

Parsha Summary

This week's *parsha* continues with Moshe's final speech to *Bnei Yisroel* by reviewing many old *halachos*, as well as introducing some new ones. These laws include the right of inheritance for a firstborn, the process of judgement for a *ben sorer umoreh*, a rebellious child, and *shiluach haken*, sending away the mother bird before taking her eggs. The *parsha* also deals heavily with laws of forbidden marriages and sexual purity, and speaks about the laws of defamation and divorce. Also mentioned are details about loans, business honesty, and various laws about kindness and charity. The *parsha* closes with a reminder to never forget what the nation of Amalek did to *Bnei Yisroel*, and a commandment to wipe out their memory.

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Special thanks to Mrs. Rivkie Schwartz for helping to coordinate the summer editions of Shema Koleinu, as well as to everyone who contributed! Stay tuned next week for our very first, new-and-expanded print edition!

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This Publication contains Torah matters and should be treated accordingly.

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