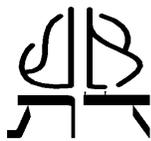


Toras



Aish

Thoughts From Across the Torah Spectrum

RABBI SHLOMO RISKIN

Shabbat Shalom

What defines a "wayward and rebellious" child? How is he to be punished? Whose fault is it—his, his parents', society's?

This week's Torah portion, and especially the Talmudic Sages who comment on it, deal with the tragedy of such a problematic situation with amazing courage and sensitivity—and provide important directions for parenting, even today!

The words of the Bible itself are rather stark, and even jarring to the modern ear: "If a man has a wayward and rebellious child, who does not listen to the voice of his father and the voice of his mother, and they warn and flog him, but he still does not obey them; Then his parents may take him out to the judges of the city, telling them that "this our son is wayward and rebellious, he does not obey our voice, he is a glutton and a drunkard," upon which all the people of the city pelt him with stones and he dies, so that you rout out the evil in your midst, and all of Israel will take heed and be frightened" (Deuteronomy 21:18-21).

The Sages of the Talmud (B.T. Sanhedrin Chapter 8, especially pages 68b— 71) initially take the approach that here is a youngster who seems to be growing into a menacing murderous, monster. They limit the time period of the case in question to three months following the onset of puberty, insist that he must have stolen a large amount of meat and wine from his parents which he himself consumed, and conclude that "this youth is punished now for what will inevitably happen later on; it is better that he die (more or less) innocent rather than be put to death after having committed homicide."

Despite these limitations, the case still seems rather extreme. Many modern commentaries argue that our Bible is actually limiting an ancient practice in which parents had unlimited authority over their children, even to the extent of putting their rebellious children to death, and here the waywardness is defined, the time span is limited, and the Judges must be brought into the situation. Nevertheless, the very axiom of "punishing now for what will inevitably happen later on" runs counter to everything else in our entire Biblical and judicial system, and is even countermanded by a famous midrash:

The Bible tells us that Sarah, the wife of Abraham, saw Ishmael, the son of Abraham's mistress Hagar, "sporting (metzahek)"; she believes that he be a bad influence on her son Isaac, and G-d agrees with her that the mistress and her son are to be banished into the desert. An angel sees them wandering and suffering, hungry and thirsty, and comforts Hagar: "Do not fear; G-d has heard the (crying) voice of the lad from where he is now" (Genesis 21:9-17). On these last Biblical words, Rashi cites the midrash which seems to defy the Talmudic position of the wayward child:

"'From where he is now.' He is judged in accord with his present actions and not for what he will eventually do. The angels in heaven began to prosecute (Ishmael), saying, 'Master of the Universe, for someone whose children will eventually slay your children (the Israelites) with thirst, You are miraculously providing a well with water (in the desert)?! And (G-d) responded, 'Now what is he, righteous or wicked?' They responded, 'Righteous' (in the sense that he was not yet worthy of capital punishment). (G-d) answered, 'In accordance with his present actions do I judge him, from where he is now.'"

If G-d is then explaining the foundations of Jewish jurisprudence, how do we explain the previous Talmudic explanation of "punishment now for what will eventually happen"?

The fact is that the Talmud continues to set many more limitations upon the case of the wayward and rebellious child based upon a very literal interpretation of the verses just quoted, making it virtually impossible to even execute judgment against him. First of all, the parents must have their hands, legs, and full ability of hearing and seeing in order to punish the youth (after all, they "take him" with their hands, "to the judges," with their legs, claim "he does not obey our voice," so they cannot be mute, etc.) which I have always interpreted as the necessary parental hands to embrace as well as to chastise, the necessary parental legs to accompany him to places of learning, inspiration and fun as he was growing up, the necessary parental ears to hear his dreams, fears and frustrations and the necessary parental eyes to see what he's doing, what he's not doing, and whom he is befriending. Children deserve to receive time and attention from parents—and quantity time is the real definition of quality time! If parents are not personally and significantly involved in the development of their child, then the child cannot be blamed, or punished, for

**TORAS AISH IS A WEEKLY PARSHA NEWSLETTER
DISTRIBUTED VIA EMAIL AND THE WORLD WIDE WEB.
SUBSCRIPTIONS ARE AVAILABLE FOR MORE
INFORMATION**

EMAIL YITZ@AISHDAS.ORG

**COPIES OF TORAS AISH ARE AVAILABLE FROM THE
FOLLOWING ADDRESS ON THE WEB (WWW) :**

HTTP://AISHDAS.ORG

The material presented in this publication was collected from publicly available electronic mail, computer archives and the UseNet. It is being presented with the permission of the respective authors. Toras Aish is solely the work of the AishDas Society, and does not necessarily reflect the views of any given synagogue.

**TO DEDICATE THIS NEWSLETTER PLEASE CALL
973-472-0180 OR EMAIL YITZ@AISHDAS.ORG**

becoming wayward or rebellious according to the Talmud.

Moreover, the mother and father must be "equal in voice, appearance and stature": they must provide a single message of values and life-style to which they themselves subscribe, and they must act in concert and harmony in providing a unified household. Father and mother must be "fit for each other"—otherwise, mixed parental messages and models will also remove culpable guilt from the child. Finally, if either of the parents demurs, expressing unwillingness to bestow such a punishment, the punishment is not executed.

All of this leads to a ringing Talmudic declaration: "The case of the wayward and rebellious child never was and never will be. Expound the verses and you will receive reward." (B.T. Sanhedrin 71a). Apparently, the limitations were so great that they obviated the possibility of ever executing the punishment; nevertheless, especially parents have much to learn about the seriousness of parenting by taking to heart, mind and action the rabbinic explication of the verses.

I would merely add a few words regarding Ishmael. There were many reasons for his expiation by the Almighty: after all, Abraham and Hagar did not provide a unified standard of behavior and values, the two were certainly not fit for each other, there was a primary wife who had a son with Abraham who was apparently slated to be the familial heir and recipient of the birthright and Ishmael himself repents at the end of his life. Even more importantly, it is G-d who ultimately forgives Ishmael. The Talmud teaches that there are three parents to every child, mother, father and G-d. If flesh and blood parents can prevent execution—in most instances, because they realize that they share the blame—our Divine Parent must certainly have the right to stay the execution. Only G-d knows that sometimes

the genetic make-up of the child is of such a nature, or a traumatic event caused such a rupture in his personality, that neither he nor his flesh-and-blood parents can be held to be culpable. But whatever the case may be, its crucial that parents do everything they can, to the best of their ability, to give their children the basic three things which every child deserves from his/her parents: love, limits and personal involvement.

© 2004 Ohr Torah Institutions & Rabbi S. Riskin

RABBI ARON TENDLER

Rabbi's Notebook

Why is it forbidden for a woman who remarried after being divorced to remarry her ex-husband?

Why does the Torah mandate that a husband is exempt from all military service (see Rashi 23:5) during the first year of his marriage to a new wife, except if the new wife was his old wife that he divorced and then remarried?

The Torah in Bereshis (2:24) states, "Therefore a man shall leave his parents and cling to his wife" Why is the focus on the man? Why didn't the Torah state, "Therefore a woman shall leave her parents and cling to her husband?"

In the aftermath of Adam and Chava eating from the Tree Of The Knowledge of Good and Evil, G-d defined the basic natures of man and woman. Not surprisingly, the Torah's formulation defined major differences between the emotional and psychological make-up of men and women.

(Ber.3: 16) "Chava, I will greatly increase your suffering in bearing; in pain shall you bear children. Yet your craving shall be for your husband" (Ber: 3:17-19) "Adam, because you listened to the voice of the tree accused is the ground because of you; through suffering eat of it. By the sweat of your brow shall you eat bread until you are ground from which you were taken"

Chava's consequence was personal: physical pain and a need to depend on her husband. On the other hand, Adam's consequence was external to himself: The land would be cursed so that he would have to work much harder to produce much less, and he would be subject to frustration and failure. True, it might be at the expense of physical labor and potential pain; however, the source of that pain would be external to him. Theoretically, if Adam could hire someone else to labor for him he could avoid the direct personal consequence. Chava on the other hand did not have the option of hiring someone else to have her children. Either she would undergo the pain or she would not have children (epidural's did not exist in those days and Lamaze was an illusion that had not yet been invented).

The personal nature of Chava's pain and suffering was intended to focus her inwardly on the needs of her family. The dependency she would crave would be the protective embrace of her husband and

home that would allow her to accomplish the building of her family. Chava would know from personal experience that family can only be accomplished through personal sacrifice and suffering. Nine months of devotion was only the prelude to the intensity of birth and the lifetime of almost divine attentiveness and vigilance that child rearing demands. Regardless of Adam's accomplishments outside of the realm of home, their home would be a reflection of Chava's innate understanding that family is and will always be their greatest responsibility and accomplishment.

The external nature of Adam's consequences was intended to focus Adam on his responsibility for the greater environment and society where in which he and Chava would have to raise their family. He would confront long hours of frustrating and often unrewarding labor for the meager means of maintaining his home and family. He would dream of lush pastures and prolific orchards while confronting the realities of thorns and thistles. By contrast, he would return home every night to Chava and experience the true accomplishment of wife, children, and home, a reality that was far more fulfilling and much credit that it was Chava's.

Chava's sin was that she indulged herself by eating of the forbidden fruit. Chava's consequence / Tikun was to sacrifice herself for others (husband and children) in hope of realizing personal fulfillment that she would then have to selflessly share with her husband who seemingly had done far less than herself in raising the family.

On the other hand, Adam's sin was that he did not refuse Chava's overture. It was less his desire to eat the forbidden fruit than it was his weakness in not standing up for what was right. Adam should have refused Chava's offering of the forbidden fruit. He was not as "attracted" to it as the Torah's description of Chava's attraction. (See Ber. 3:6) Instead, he gave-in to his wife. His consequence / Tikun was that he would have to focus on the bigger picture, the picture outside the embrace of home and family. He would have to become the protector of family and societal values. He would be responsible for protecting the family by engaging the external world and making it safe and conducive for raising the family.

The bottom line is that Chava's Tikun was, "Ye your husband" and Adam's Tikun was, "bread" Chava was made to be dependent and Adam was forced to be independent of G-d. Chava was made to be dependant on Adam, and by extension, dependant on G-d. Adam was made to be independent of what otherwise would have been G-d's benevolent largess and support. G-d would have given Adam everything he needed had he only not eaten from the Forbidden Fruit. Instead, Adam had to work futilely to get less than what he would have received had he only listened to G-d's wishes. By extension, he would realize that his real accomplishments were in the realm of home where he did much less because Chava was present to take care

of it. By further logical extension he would realize that doing G-d's law, and not the myriad of other things he assumed were important, was the only true work for which he would receive everything he ever wished for.

The reason the Torah states, "Therefore a man (rather than a woman) shall leave his parents and cling to his wife," is because a woman since the sin of Adam and Chava is to focus on her family, home, and husband. It does not suggest that a daughter will not or does not miss her mother and father. Of course she will! In fact, she may miss them even more than her husband will miss his mother and father. Nevertheless, she will still desire to cling to her husband even at the expense of leaving the home of her parents. (That is why the laws of Kibud Av V'aim—honoring parents—are different for a husband and a wife.)

On the other hand, a man's tendency since the sin of Adam and Chava is to seek outwardly for his own misdirected sense of accomplishment. That is not to suggest that he shouldn't work hard to accomplish in the outside world. Just the opposite! He must excel in the outside world and impact his environment so that the world is a proper place in which to serve G-d and raise a family. However, his real accomplishment will be in the closed, protected embrace of his wife and children.

At first he will seek his fame and fortune outside of the home; however, the Torah states, "Therefore a man shall leave his parents and cling to his wife." No longer can man take his "home" for taken for granted. The refrigerator is always open and the shower always hot. From that assured base, man ventures forth to acquire fame and fortune. Among those acquisitions will be a spouse and eventually a family. They will be unique among his possessions, but his feeling is that they are still possessions. He doesn't yet know that they are beyond possessions and acquisitions. He doesn't yet know that they are truly his only real and lasting accomplishment. (That is why students are called children. They too are counted as true and lasting accomplishments.)

A man must learn to cling to his wife and children. There is natural dependency, love, and need; but more often than not, the man does not realize or admit to the importance and profundity of those essential dynamics. Instead, he focuses on the accomplishments outside the home rather than the real accomplishments of the home. To help the man focus on the primacy of wife and home, the Torah mandates that during the "First Year" he must make his "new wife" his exclusive and primary focus. He cannot go to the army and he cannot be involved in anything that will distract him from recognizing the importance and primacy of, "therefore a man shall cling to his wife."

Because of the fundamental differences between men and women regarding dependency and home, the Torah allowed for men to have more than one wife but forbade a woman having more than one

husband. A man does not define himself by his relationship with his home. He learns to respect and appreciate the home as his ultimate contribution and purpose, but nevertheless must continue to interact with the outside world. That interaction provides sufficient space and distance so that he can theoretically share himself with more than one family. On the other hand, a woman's tendency is toward dependency and commitment to home and self. It's beyond personal enjoyment and desire. It transcends pain and sacrifice. Her fulfillment is the exclusive focus of husband and children. Such a commitment cannot be shared or divided with more than one husband. (That is why the relationship between Am Yisroel and G-d is described as a relationship between a husband and wife.)

Once a woman has divorced and remarried, her new husband and family redefine herself. No longer can she retain a responsibility and concern for her ex. However, if she should divorce her second husband or be widowed, she cannot go back to her first husband. The Torah calls it a Toaivah, an abomination is a philosophical and symbolic perversity in the reformulation of exclusivity that should exist in a loving relationship.

On the other hand, it is a Mitzvah for a man to remarry the woman he divorced before she marries someone else. In essence he is stating that he has grown beyond the limits of temporal, external, accomplishments and wants to commit himself to the real lasting accomplishments of wife, children and home. However, if he should remarry his divorced wife and the country is at war, he is not given the same military deferment that a "new" wife would provide. The "new" wife demands the exclusive attention that focuses him on her and away from the outside world. On the other hand, if married, then divorced, then remarried, the husband already realized the importance and primacy of his wife and home and does not require the additional focus of the "First Year." © 2004 by Rabbi A. Tendler and Torah.org.

BRIJNET/UNITED SYNAGOGUE - LONDON (O)

Daf HaShavua

by Rabbi Reuven Livingstone
Hampstead Garden Suburb Synagogue

‘When you go forth to war against your enemies and the L-d delivers them into your hands...'

Man's wars in life are of three kinds. First, a war against one's enemies— if one is unfortunate enough to have them. Secondly, a war, that is a struggle, for existence—to earn a living. Thirdly, and this is the most important of all, a struggle with one's own base instincts and inclinations such as pride, envy, spite and greed. It is in the third kind of struggle that man needs to apply the most ongoing and concerted effort in order to learn how to control difficult emotions and tendencies. This is no mean feat—as the

mishna in Pirkei Avot puts it, 'Who is truly mighty? One who conquers and controls his own inclinations'.

The Talmud tells of an unusual encounter between a group of Rabbis and Alexander the Great. Instead of praising him, obsequiously, for his conquests, the Sages repeated to him the words of the above mishna. They wanted to share a salutary pearl of wisdom which they hoped would help him: true courage lies in overcoming one's own desires. It says much of the man that he appears to have accepted this advice graciously. It also says much of the Rabbis that they had the courage of their own convictions in speaking honestly to such a powerful ruler.

During the battle of Jenin in 2002, General Shaul Mofaz came to inspect the forces. He gathered the commanders and suddenly noticed that one Major General, a religious Jew, had a long rip in his shirt. When he asked about the tear, the commander explained that his mother had passed away the day before and that he had just come from the levaya. He said, 'In the midst of the second day of battle my mobile phone rang. It was mum. She said, "Remember... that your true strength is not your might. You are my answer to the brutality of the Nazis"...Sir, I have returned to ensure that my troops and I keep to her last wish'.

Thus, an authentic Jewish hero is not the warrior—but one who achieves self-control. Particularly, as the Talmud tells us, that unlike other wars, the struggle against one's impulses is never really over and done with— it takes place every day of a person's life.

It is, therefore, worth remembering that, as in all wars, without considerable divine assistance man is bound to fail—as the prophet says, 'Not by might, nor by power, but by My Spirit says the L-d' (Zachariah 4:6). Maybe this is the message in the opening verse of the Sidra; you may 'go forth to war'— highly equipped and prepared—but ultimately 'the L-d delivers them into your hands'. Thus, in every arena of struggle it is, paradoxically, only when we have the courage to look beyond ourselves that we may discover the true strength that lies within. © 2004 Produced by the Rabbinical Council of the United Synagogue - London (O) Editor Rabbi Ephraim Mirvis, emailed by Rafael Salasnik

RABBI AVI WEISS

Shabbat Forshpeis

This week's portion touches upon the controversial issue of spouses who refuse to grant a Jewish divorce (get).

The Torah states "and he [the husband] shall write her a bill of divorce and place it in her hands." (Deuteronomy 24:1) In other words, the giving of a get is the husband's exclusive domain. While it is difficult to pinpoint why the Torah so decreed, it could be suggested that since women in biblical times found it difficult and even impossible to fend for themselves socio-economically, they would never desire a get. Yet,

as pointed out to me by Rabbi Shlomo Riskin, the pendulum swung as time went on.

The unilateral right of the husband to divorce his wife was limited by the advent of the ketubah (marital contract) which details the many obligations that a husband has to his wife, including an amount of money that his wife would receive in case of divorce. In this way, a husband's absolute power to divorce his wife was severely restricted through this financial obligation.

The unilateral power of the husband to give the get totally disappeared one thousand years ago when Rabbenu Gershom declared that a get could not be given without the wife's consent. If the ketubah made it difficult for a husband to unilaterally divorce his wife, Rabbenu Gershom obviated that unilateral power in its entirety. The get became a bilateral process rather than a unilateral one.

With time, the get process entered yet a different stage, a stage in which women could initiate a get. In the middle ages, for example, central communities in Europe were governed by the Va'ad Arba Aratzot, the committee of the four major Jewish population centers. Jews there had their own political sovereignty and judicial autonomy. If the bet din found a wife's claim reason for divorce, it was powerful enough to order the husband to give the get. As long as the bet din was strong enough, the agunah matter was resolved.

The situation here in the United States is different. Because of the principle of separation of Church and State, the bet din has no legal power to implement its decisions. This has created a situation where a husband could blackmail his wife by demanding exorbitant sums of money or custody of their child(ren) before giving his wife a get, even when the bet din believes the get should be issued.

While America has seen an unprecedented amount of Jewish life and activity, it has not reached the level of the Va'ad Arba Aratzot. Both the leadership and the people are at fault. The population refuses to submit to the will of the Bet Din, and the Bet Din has not worked hard enough to earn the respect its constituents. Until this vicious circle is broken, the agunah problem, a problem that has been successfully addressed in the past, will remain one of the most painful issues we face today. © 2004 Hebrew Institute of Riverdale & CJC-AMCHA

YESHIVAT NETIV ARYEH

Shiur List

by Rabbi Lipman Podolsky

Our parshah opens with a most bizarre concept. A Jewish soldier goes out to war, and finds himself overcome with desire for a gentile woman. In what appears to be totally unparalleled, the Torah permits the man to consort with this woman (under specific guidelines). (Devarim 21:10-13).

Let us ask the obvious question. What in the world is going on? The Torah is chock-full of prohibitions and stringencies, all designed to protect us from spiritual harm and to facilitate our spiritual ascendance. Why all of a sudden did the Torah become so permissive?

The Gemara explains: Had the Torah not permitted her, the man—overcome with uncontrollable lust—would have consorted with her regardless (Kiddushin 21b and Rashi on our verses). Since the man—in this case—is unable to restrain himself, the Torah—in this case—permits him to yield to his desire, despite the certain spiritual danger.

Why does the Torah sanction misbehavior only in this particular scenario? What of the myriad other examples where the person feels that he can't control himself?

There is only one answer: The Creator, Who created man, knows infinitely better than everyone, man's capabilities and limitations. The Torah testifies that only in this case is man utterly incapable of controlling himself. Ergo, concerning every other Torah injunction, man is perfectly competent. No mitzvah is too difficult. (We are obviously not talking about a life-threatening situation.)

The Torah demands no more that a person can handle. The statement, "I can't do it and therefore I am exempt," lacks any basis in reality. Rather, when a person doesn't want to, he convinces himself that he can't. Since "he can't," he convinces himself that he is not held responsible.

The problem is, WE CAN. Most things are within reach, if only we so desire.

I sometimes encounter students who have been convinced by teachers, guidance counselors, psychologists, and even parents, that "they can't." These young people have been told that they have a learning disability, and they are therefore incapable of doing what others do. Though I am certain that this wasn't at all the message the professionals intended to convey, nevertheless this is the message that the student heard and came to believe.

Now the student comes to yeshivah with the ultimate excuse: "I can't learn. Gemara is way beyond me, and I am therefore exempt. Sorry Rabbi, but that's the way the cookie crumbles!" He almost seems to relish his disability, as he prepares to glide though his year accomplishing nothing but a few Kodak picture spots!

In my earlier years, I used to buy it. "If he can't, he can't," I thought. But with experience comes wisdom, and I finally learned that in the vast majority of cases, the student really can, with the right inspiration.

But why accept what I say? Let us hear the testimony of none other than the prophet, Eliyahu: "Once I was travelling from place to place and I met a man who had learned no Torah. He began mocking and ridiculing me. I said to him, 'My son, what will you

answer to your Father in Heaven on the day of reckoning?'

He said to me... 'G-d did not grace me with understanding and wisdom to learn Torah.'

I asked him, 'My son, what is your profession?'

'I am a trapper,' he replied.

I said, 'My son, who taught you to take flax, weave it into nets, throw it into the sea and haul out fish from the sea?'

He said, 'Rebbe, for this G-d gave me understanding and wisdom.'

So I said, 'To take flax, to weave it into nets, to throw it into the sea and to haul out fish from the sea, G-d gave you understanding and wisdom. Yet for learning Torah—about which it is written, For it is something very close to you, in your mouth and heart to do it (Devarim 30:14) -- G-d did not give you understanding and wisdom?' He immediately raised his voice and began crying and sighing. I said, 'My son, don't feel bad. Everyone tries to answer the same thing, but their own profession belies their excuse' (Tanna d'vei Eliyahu Zuta chap. 14)."

That man could have learned Torah. But he had convinced himself that he was incapable. Fortunately, Eliyahu woke him up before it was too late!

This is true about all of us. It's much more convenient to say "I can't," but it won't get us anywhere. If we would only train our children to think like the little engine (I think I can), they would be able to overcome any obstacle. But the training begins with us.

Now, this does not mean to say that students with disabilities will be able to succeed in exactly the same way as those without. Obviously, where there is a genuine disability, methods have to be worked out the assist the student to overcome his handicap. But this is a far cry from "I can't." Rather, it's "I can, I just have to figure out how!"

Remember, there is no such thing as "I can't." Never say never!

I know I can! © 2004 Rabbi L. Podolsky

RABBI DOV KRAMER

Taking a Closer Look

“[T]he case of an] errant, rebellious son never happened, nor will it ever happen. Why, then, was it written? Expound upon it and receive reward for doing so.” The Talmud (Sanhedrin 71a) tells us that even though the Torah details how to proceed with a son who is heading down a (specific) wrong path, including bringing him to (Jewish) court where he is punished for disobeying his parents, and eventually- if he continues his addictive ways- killing him, it was never expected to actually happen. Instead, there are lessons to be learned from the particulars, and by taking a closer look at them we can greatly benefit.

Rashi (Devarim 21:18) says that "the errant, rebellious son is killed based on his conclusion; the Torah understood his eventual mindset, for in the end (in order to satisfy his addiction to meat and wine) he will use up his father's money. And when he wants to continue his habit but cannot (i.e. doesn't have the resources), he will stand by the crossroads and rob those that pass by. The Torah [therefore] says, let him die while innocent (before he actually commits this sin) rather than [after being] guilty." The commentators explain that it is inevitable that while robbing others he will kill (at least) one of them, which is a capital offense. If he will have to be killed anyway, it is better that he not have in fact committed the murder; he is, in essence, being saved from himself. (Even if there would have been no witnesses, so a Jewish court would not have actually put him to death, the Maharal explains that he is better off this way than suffering the consequences of being tried by the Heavenly Court.)

The rebellious son gets "sekilah" (literally "stoning," but more accurately being pushed off a cliff, and then- if still alive- having stones tossed on him until he dies), the worst of the four types of capital punishment. The punishment for murder, however, is being beheaded. (Bear in mind that this beheading, as with all punishments meted out by a Jewish court, can only occur if there are witnesses to the crime, who had warned the offender of the consequences of carrying out the sinful deed. The act may seem as gruesome as those in the news recently, but those were with innocent people, kidnapped for political reasons, without any warning or trial.) The Tosafists (and most of the commentators on Rashi) ask why this rebellious son gets the harshest type of death, if the crime he would have committed (but is not given the opportunity to) is punished by a "lesser" form of punishment.

The most common answer given is that he would have also murdered on the Sabbath, when ending a life is punishable with the harsher penalty. Nevertheless, (as the Maharal points out) if the purpose of killing him now, before he commits the crime, is to prevent him from actually doing it (allowing him to die while still "innocent" rather than guilty), the method of prevention (i.e. type of death) is irrelevant. Why give him the harshest punishment if the goal is accomplished just the same using a less harsh death?

Another answer given by some of the Tosafists is that disobeying parents is tantamount to cursing them, and cursing a parent is punishable by the harsher "sekilah" (see Rashi on Shemos 21:17). Although some parents might appreciate such ammunition against children that don't listen, it is hard to imagine that any court would equate the two. Besides, since he had already disobeyed his parents (and received 39 lashes for doing so), this could not be considered being judged for a *future* crime. Rashi (based on Sanhedrin 72a) had said that the rebellious son's death penalty was not for

what he had *already* done, but for what he *would* do if he were not stopped.

The Maskil Le'Dovid puts an interesting twist on the previous answer. After the son is put to death, people will curse the parents for having raised such a rotten son. This will be attributable to him, since he caused his parents to be cursed. Therefore, in order to atone for his liability for cursing his parents, the Torah chose the harsher death penalty. After suffering through "sekilah" he cannot become guilty of murder, and will have already suffered the consequences for causing his parents to be cursed. Even though the son never cursed his parents himself, causing his parents to be cursed by others is (to some extent) tantamount to doing so himself.

Although in reality a rebellious son was never put to death, the lessons these laws teach are still quite valid. As we move closer to the Day of Judgment (and the Day of Atonement), we must take care to avoid even the unintended results of our actions (or inaction). For, in the end, we will be held responsible for all that we have, or could have, affected. © 2004 Rabbi D. Kramer

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Amnon Bazak

Near the beginning of this week's Torah portion, we read the command to a man who has two wives, "one beloved and the other loathed" [Devarim 21:15], when both women have sons but the firstborn is the son of the hated one. The Torah forbids this man to give preference to the son of his beloved wife, and he must continue to abide by the strict law in spite of his natural inclination to do otherwise. "For he must recognize the firstborn, son of the hated one, giving him twice the portion from all he has. He is the first among his acquisitions, he is the one to be considered firstborn" [21:17].

Many of the expressions in this passage are reminiscent of a very similar case in the past, the inheritance in Yaacov's house. Yaacov also married two women, one beloved—"And Yaacov loved Rachel" [Bereishit 29:18] -- and the other hated—"And G-d saw that Leah was loathed... And she said, G-d heard that I am hated" [29:31-33]. Both women gave birth to sons: "For I have given birth for him to three sons" [29:34]; "For I have given birth for him to six sons" [30:20]. The firstborn of all was the son of the hated wife, Leah. It is quite remarkable to see the parallel wording between this week's portion, "He is the first among his acquisitions," and the words of Yaacov, "Reuven, you are my firstborn, my strength and the beginning of my acquisitions" [Bereishit 49:3]. In addition, the expression in this week's portion, "he must recognize the firstborn..." is reminiscent of the brothers' words with respect to Yosef, "Look at this, see if it is Yosef's cloak

or not. And he recognized it." [37:32-33]. What does the Torah mean by making this clear hint to the affair of Yaacov and his sons?

It seems that Yaacov also gave preference as a firstborn to the son of his beloved wife over that of his unloved one. Yaacov gave Yosef a double portion in the heritage of the land (see Bereishit 48:5 and the notes by the commentators). This is also written explicitly: "With respect to Reuven, the firstborn of Yisrael, he was the firstborn but when he desecrated his father's bed the portion of the firstborn was given to the sons of Yosef, son of Yaacov" [I Divrei Hayamim 5:1]. This verse implies that what Yaacov did in transferring the portion of the firstborn was legitimate, since Reuven had desecrated his bed. His father therefore said, "Not to be forgiven!" [Bereishit 49:4]. As Rashi explains, "Do not make any attempt to take possession of the extra portion that was originally yours." But this makes an even greater difficulty— why should the Torah hint in this week's portion about links to Yaacov and his sons, if Yaacov himself acted in a way opposite to the Torah command?

Perhaps the hints pointing to the affair of Yaacov have been written in order to show the need for the laws of inheritance of the firstborn. The story of Yaacov and his sons illustrates how extreme a struggle between brothers may become, especially if they are sons of different mothers. Even if Yaacov adhered to the strict letter of the law—as may be true in this specific case, taking into account all the exceptions to the rule—the hinted parallel to his story can sharpen the feeling that in apportioning an inheritance it is important to avoid any preferences based on emotions and to scrupulously follow the "laws of the firstborns."

Is a Sword a Decoration or a Disgrace?

by Rabbi Nissim Achituv, Torah Garin, Kiryat Tivon

This week's Torah portion continues from last week with the laws of war, describing a sword as a special utensil meant only for men, as is written, "A utensil of a man should not be worn by a woman" [Devarim 22:5] (see the Onkeles translation).

According to Rabbi Eliezer, a weapon is considered a decoration for a man who wears it on Shabbat (Mishna Shabbat 6:4). In explaining Rabbi Eliezer's approach, the Talmud discusses several possible descriptions of the days of final redemption, the days of the Mashiach. In one of these, a situation is described where Bnei Yisrael reach such great heights in spiritual and ethical terms that they become completely cleansed from the distorted way that war and bloodshed are perceived by the other nations.

In his work "Ein Ayah," (page 99) Rabbi A.Y. Kook explains: "A sword... might play a role in destroying weeds and defeating tyrants... Negating its role as a decoration... it may be appropriate at a time of low spiritual level... but in an era of greatness it should indeed be considered a decoration." In spite of the high

spiritual level described for the era that will come in the future, which is a far cry from our situation today, Yisrael will be required to use the sword in order to cleanse the world from its filth and its evil. Not all evil can be made pure by gentle explanations and personal example, some examples of evil must be destroyed by human beings. The possibility to remove all swords from the world depends, according to Rabbi Kook, on a preliminary stage when Bnei Yisrael will be required to wear their swords. A sword that is worn by a nation which is pure in heart and flesh can indeed be considered a decoration even if it has not yet been returned to its sheath. The other nations, during the eras of the Arabic rule in the desert and knights of the Middle Ages, attempted to fulfill the vision but instead lowered it to a state of impurity, evil, and hate.

This approach can help explain the verse, "Wear your sword on your thigh, man of courage, it is your glory and your honor" [Tehillim 45:4].

This verse, inspired by the spirit of G-d, can only be suitable to describe the brave man who must use his sword as an addition to his purity and his courage. In our days, the world is still preoccupied with active bloodshed, and pacifism might seem to be a preferable way of life. In addition, not all of the soldiers of Bnei Yisrael have attained the highest level of purity of heart and flesh. However, in spite of the situation, we should not put the sword aside but rather continue to hold it as required by halacha. At the same time, we must continue with ethical and moral education, both at a personal and a public level, and with proper modesty we should strive to attain the level of "the distant future." This will without a doubt arrive, serving as an expression of the greatness of Bnei Yisrael, as described by Rabbi Kook: "In order to abolish the sword, Bnei Yisrael must first wear it on their belts."

RABBI BEREL WEIN

Wein Online

The parsha of Ki Teitzei contains a host of specific mitzvot. In this it resembles more the parsha of Kdoshim in Chumash Vayikra than it does the other parshiyot of Chumash Dvarim, which are more general and are devoted to national history and Jewish destiny. But the truth be said, the mitzvot in Ki Teitzei are the backbone of all Jewish history and are the tools of survival that insure that there will always be a Jewish destiny to pursue. It is undoubtedly with this in mind that the rabbinic commentators over the ages interpreted the opening verse of the parsha - "When you go out to war against your enemy" - in an allegorical and not merely a literal sense. The "war against your enemy" refers to the ongoing war of conscience and morality within ourselves in which we are constantly engaged all of our lives. "The enemy" lurks within us. It is a war between right and wrong, discipline and hedonism, instant gratification and long-term benefit. Every day of

our lives we make these choices and fight these battles. The Torah, which always advises us to choose life and eternity, supplies us with these mitzvot - the material aid in our struggle. The rabbis taught us that the Lord wished to give Israel merit and strength and therefore He gave us many mitzvot. All of our lives, in all circumstances, we would be able to win the crucial battle of human morality because these mitzvot would always be at hand.

The example of "yefat toar" - the beautiful woman captured in war is an example. The Torah gave us a mitzvah to help moderate desires of lust. It is obvious, as Rashi points out, that the Jewish soldier's desire to marry such a woman, having no other commonality except for momentary physical passion is not really such a good idea. Passion and physical desire are part of marriage but they are certainly not all of marriage. The Torah, by emphasizing the legal and moral consequences, legal and moral, of his behavior attempts to put the entire matter in perspective before the actual liaison occurs. The mitzvah serves as a brake on the passion and therefore mitigates an otherwise immoral and dangerous relationship. The rabbis taught us that, "the Torah spoke only regarding man's evil inclination." All of the mitzvot are intended to save us from ourselves, our weaknesses and foibles, our foolishness and unhealthy desires. From the outside, looking at Judaism with its 613 commandments and rituals, our faith may appear confining and cumbersome. Yet any Jew experiencing and living Judaism from the inside, considers all of the rules, rituals and commandments to be mighty weapons in the war that we perform daily against wrongdoing and self-destruction. Impulse and passion are to be avoided. Perspective and understanding of the consequences of one's behavior are to be treasured and nurtured. Observance of mitzvot allows us to gain that necessary perspective and long view that can make life's struggles holy and worthwhile.

I wish to thank the many of you that expressed your condolences to me on the passing of my father, of blessed memory. May we only know good tidings one from another. © 2004 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com/jewishhistory.

TORAS AISH ON CD !
EIGHT YEARS WORTH OF ARCHIVED ISSUES ARE
NOW AVAILABLE ON CD ROM FOR A NOMINAL
CHARGE.. PLEASE CONTACT YITZ@AISHDAS.ORG
OR CALL 973-472-0180 FOR INFO