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Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

In a parsha laden with laws, one in particular is full of fascination. Here it is: "If a man has two wives, one loved, the other unloved [senuah, literally 'hated'], and both the loved and the unloved bear him sons but the firstborn is the son of the unloved wife, then when he wills his property to his sons, he must not give the rights of the firstborn to the son of the beloved wife in preference to his actual firstborn, the son of the unloved wife. He must recognise [the legal rights of] the firstborn of his unloved wife so as to give him a double share of all he has, for he is the first of his father's strength. The birthright is legally his." (Deut. 21:15-17).

The law makes eminent sense. In biblical Israel the firstborn was entitled to a double share in his father's inheritance. (This is already implicit in the story of Jacob, Reuben and Joseph: on this, see below. The sages also inferred it from the episode of the daughters of Tzelophehad. See Num. 27:7, Baba Batra 118b.)

What the law tells us is that this is not at the father's discretion. He cannot choose to transfer this privilege from one son to another, in particular he cannot do this by favouring the son of the wife he loves most if in fact the firstborn came from another wife.

The opening three laws -- a captive woman taken in the course of war, the above law about the rights of the firstborn, and the "stubborn and rebellious son" -- are all about dysfunctions within the family. The sages said that they were given in this order to hint that someone who takes a captive woman will suffer from strife at home, and the result will be a delinquent son. (Sanhedrin 107a) In Judaism marriage is seen as the foundation of society. Disorder there leads to disorder elsewhere. So far, so clear.

What is extraordinary about it is that it seems to be in the sharpest possible conflict with a major narrative in the Torah, namely Jacob and his two wives, Leah and Rachel. Indeed the Torah, by its use of language, makes unmistakable verbal linkages between the two passages. One is the pair of opposites, ahuvah/senuah, "loved" and "unloved/hated". This is precisely the way the Torah describes Rachel and Leah.

Recall the context. Fleeing from his home to his uncle Laban, Jacob fell in love at first sight with Rachel and worked seven years for her hand in marriage. On the night of the wedding, however, Laban substituted his elder daughter Leah. When Jacob complained, "Why have you deceived me?" Laban replied, with intentional irony, "It is not done in our place to give the younger before the elder. (Gen. 29:25-26. A reference to Jacob buying Esau's birthright and taking his blessing.) Jacob then agreed to work another seven years for Rachel. The second wedding took place a mere week after the first. We then read: "And [Jacob] went in also to Rachel, and he loved also Rachel more than Leah... G-d saw that Leah was unloved [senuah] and He opened her womb, but Rachel remained barren." (Gen. 29:30-31).

Leah called her firstborn Reuben, but her hurt at being less loved remained, and we read this about the birth of her second son: "She became pregnant again and had a son. 'G-d has heard that I was unloved [senuah],' she said, 'and He also gave me this son.' She named the child Simeon." (Gen. 29:33).

The word senuah appears only six times in the Torah, twice in the passage above about Leah, four times in our parsha in connection with the law of the rights of the firstborn.

There is an even stronger connection. The unusual phrase "first of [his father's] strength" appears only twice in the Torah, here ("for he is the first of his father's strength") and in relation to Reuben, Leah's firstborn: "'Reuben, you are my firstborn, my might and the first of my strength, first in rank and first in power" (Gen. 49:3).

Because of these substantive and linguistic parallels, the attentive reader cannot but hear in the law in our parsha a retrospective commentary on Jacob's conduct vis-a-vis his own sons. Yet that conduct seems to have been precisely the opposite of what is legislated here. Jacob did transfer the right of the firstborn from Reuben, his actual firstborn, son of the less-loved Leah, to Joseph, the firstborn of his beloved Rachel. This is what he told Joseph: "Now, the two sons who were born to you in Egypt before I came here shall be considered as mine. Ephraim and Manasseh

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shall be just like Reuben and Simeon to me." (Gen. 48:5)

Reuben should have received a double portion, but instead this went to Joseph. Jacob recognised each of Joseph's two sons as entitled to a full portion in the inheritance. So Ephraim and Menasseh each became a tribe in its own right. In other words, we seem to have a clear contradiction between Deuteronomy and Genesis.

How are we to resolve this? It may be that, despite the rabbinic principle that the patriarchs observed the whole Torah before it was given, this is only an approximation. Not every law was precisely the same before and after the covenant at Sinai. For instance Ramban notes that the story of Judah and Tamar seems to describe a slightly different form of levirate marriage from the one set out in Deuteronomy. (See Ramban to Gen. 38:8)

In any case, this is not the only apparent contradiction between Genesis and later law. There are others, not least the very fact that Jacob married two sisters, something categorically forbidden in Leviticus 18:18. Ramban's solution -- an elegant one, flowing from his radical view about the connection between Jewish law and the land of Israel -- is that the patriarchs observed the Torah only while they were living in Israel itself. (Gen. 26:5) Jacob married Leah and Rachel outside Israel, in the house of Lavan in Haran (situated in today's Turkey).

Abarbanel gives a quite different explanation. The reason Jacob transferred the double portion from Reuben to Joseph was that G-d told him to do so. The law in Devarim is therefore stated to make clear that the case of Joseph was an exception, not a precedent.

Ovadia Sforno suggests that the Deuteronomy prohibition applies only when the transfer of the firstborn's rights happens because of the father favours one wife over another. It does not apply when the firstborn has been guilty of a sin that would warrant forfeiting his legal privilege. That is what Jacob meant when, on his deathbed, he said to Reuben: "Unstable as water, you will no longer be first, for you went up onto your father's bed, onto my couch and defiled it." (Gen. 49:4). This is stated explicitly in the book of Chronicles which says that "Reuben... was the firstborn, but when he defiled his father's marriage bed, his rights as firstborn were given to the sons of Joseph son of Israel." (1 Chron.5:1).

It is not impossible, though, that there is a different kind of explanation altogether. What makes the Torah unique is that it is a book about both law (the primary meaning of "Torah") and history. Elsewhere these are quite different genres. There is law, an answer to the question, "What may we or may not do?" And there is history, an answer to the question, "What happened?" There is no obvious relationship between these two at all.

Not so in Judaism. In many cases, especially in mishpat, civil law, there is a connection between law and history, between what happened and what we should or should not do.

(This is the subject of a famous essay by Robert Cover, 'Nomos and Narrative', Harvard Law Review 1983-1984, available at tinyurl.com/motrvhw. Cover's view was that "No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each decalogue a scripture.")

Much of biblical law, for example, emerges directly from the Israelites' experience of slavery in Egypt, as if to say: This is what our ancestors suffered in Egypt, therefore do not do likewise. Don't oppress your workers. Don't turn an Israelite into a lifelong slave. Don't leave your servants or employees without a weekly day of rest. And so on.

Not all biblical law is like this, but some is. It represents truth learned through experience, justice as it takes shape through the lessons of history. The Torah takes the past as a guide to the future: often positive but sometimes also negative. Genesis tells us, among other things, that Jacob's favouritism toward Rachel over Leah, and Rachel's firstborn Joseph over Leah's firstborn, Reuben, was a cause of lingering strife within the family. It almost led the brothers to kill Joseph, and it did lead to their selling him as a slave. According to Ibn Ezra, the resentment felt by the descendants of Reuben endured for several generations, and was the reason why Datan and Aviram, both Reubenites, became key figures in the Korach rebellion. (Num. 16:1)

Jacob did what he did as an expression of love. His feeling for Rachel was overwhelming, as it was for Joseph, her elder son. Love is central to Judaism: not just love between husband and wife, parent and child, but also love for G-d, for neighbour and stranger. But love is not enough. There must also be justice and the impartial application of the law. People must feel that law is on the side of fairness. You cannot build a society on love alone. Love unites but it also divides. It leaves the less-loved feeling abandoned, neglected, disregarded, "hated." It can leave in its wake strife, envy and a vortex of violence and revenge.

That is what the Torah is telling us when it uses

verbal association to link the law in our parsha with the story of Jacob and his sons in Genesis. It is teaching us that law is not arbitrary. It is rooted in the experience of history. Law is itself a tikkun, a way of putting right what went wrong in the past. We must learn to love; but we must also know the limits of love, and the importance of justice-as-fairness in families as in society. *© 2016 Rabbi Lord J. Sacks and rabbisacks.org*

RABBI BEREL WEIN

Wein Online

The brutality of war, which of course is unavoidable since the immediate purpose of war is to kill as many of one's adversaries as possible, transforms the moral compass and the logical judgment of soldiers. The Torah posits a case of a Jewish soldier taking and assaulting a non-Jewish woman captive. It then forces that soldier into a marriage with the woman that will undoubtedly have generational consequences.

The Torah also recognizes the psychological damage that such a relationship will suffer because of the original act engendered by war. Divorce, family dysfunction and domestic discord are most likely to follow this couple in the near and far future. Yet, the Torah makes allowances for such an occurrence in the first place. Why should the Torah countenance such seemingly immoral behavior? Does this not legitimize immoral and violent behavior?

The Torah not only opposes sin but it is very careful to emphasize that even the appearance of possible sin is to be avoided at all costs. Yet, here we see an entire section of the Torah that is devoted to somehow allowing and condoning what in all other circumstances would be considered a sinful and fairly negative pattern of behavior. So, why does not the Torah simply forbid the act initially, as it forbids many other acts of human desire and violent behavior? Why here is allowance made for human weakness and error when in so many of other cases of this type, the moral code of the Torah remains steady and inflexible?

This moral dilemma has vexed the scholars of Israel throughout the ages. Rashi here, quoting Talmud and Midrash, states that the Torah here recognizes and "speaks" to the base nature and animalistic desires of humans. It therefore accommodates itself to the situation and attempts to channel it into a more positive relationship with all of the laws that it then formulates for observance. But this really only begs the original question of why is this case allowed to be so exceptional and other instances of the same type of base human nature are explicitly forbidden under almost all circumstances.

There is an instance of insight that does appear in the comments of the later rabbis to this matter. In essence, it states that war by its very nature changes the human nature of the soldiers who participate in its battles. The soldier is no longer a human being in the sense that he once was but rather he becomes a legitimate killer who is to become devoid of all ordinary human feelings, restrictions and inhibitions. As such, the soldier requires a special code of law that is not relevant to ordinary people and usual situations. It is to this state of being that the Torah addresses itself.

Unfortunately, war has been a steady occurrence throughout human history. Peace is the rarity, not war. The Torah in recognizing this sad fact of human existence thus makes necessary adjustments, unpleasant and dangerous as they may be, to this ugly fact of life. *© 2016 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*

RABBI SHLOMO RISKIN

Shabbat Shalom

"You must obliterate the memory of Amalek from under the heavens; you must not forget." (Deuteronomy 25:19) Earlier this week, the world commemorated the 15th anniversary of the horrific terrorist attacks of 9/11. Since 2001, Osama bin Laden and Al-Qaeda have been eclipsed by an even more extreme, barbaric entity, the so-called "Islamic State". In this age of ISIS – which, despite significant losses on the battlefield, has members and those who have sworn allegiance ready to act throughout Europe and the United States – how can we rid the world of terrorist ideologies fueled by raging hatred and unspeakable acts of cruelty?

We are especially attuned to this question during the introspective weeks prior to the Days of Awe, as we declare in our Rosh Hashanah and Yom Kippur prayers: "All evil – in its entirety – shall disappear as a cloud, for You shall eliminate the wicked regime from the earth."

Bridging the significant gap between reality and this ideal is complicated by the fact that while we must make every effort to utterly defeat these enemies militarily, the ideology that inspires terrorism outlives the terrorists that we liquidate.

Thus, terrorism presents us all not only with an immediate-term military crisis, but also with a long-term ideological battle, and the harsh fact is, there is no exclusively military solution to an ideological war.

This week's Torah portion, Ki Teitze, addresses this issue directly, when it commands us to "obliterate the memory of Amalek from under the heavens." One can obliterate an army. But how are we to obliterate a memory?

Our Sages teach that our objective in this war of ideologies must be nothing less than the transformation – and eventual redemption – of evil, in which the evil one repents from his evil and accepts, at least, the Seven Noahide Laws. We are to obliterate

the memory of Amalek by making Amalek repent and accept the G-d of peace and morality.

Examples of this approach can be found in the Talmud in Tractate Sanhedrin, where the Sages describe the genesis of Amalek – the child born to Timna from Elifaz, the son of Esau – as having occurred because neither Abraham, nor Isaac, nor Jacob had been willing to convert Timna when she came before each of them requesting conversion. Says the Talmud in Sanhedrin 99b, they should have accepted her into the faith.

Furthermore, the Talmud (Sanhedrin 96b) teaches that the descendants of Haman (the Aggagi, the Amaleki) taught Torah in B'nei Brak. Some versions of the text include the words, "And who was this [descendant of Haman]? Rabbi Akiva!" (Rabbi Akiva was the rabbi of B'nei Brak.)

These sources make it clear that even Amalek and its ideology of evil can be redeemed.

Let us be clear: as long as Amalek is out to destroy us physically, we must destroy it, as our Sages teach, "If someone comes to kill you, kill him first." (Midrash Bamidbar Rabba 21:4)

At the same time, the Torah commands us to teach the world the radical lesson that the basis for society must be compassionate righteousness and moral justice (Genesis 12:3;18:18-19). This is a clear and direct refutation of the ideology of Amalek, in which society is defined by martyrdom, domination of the weak, and terror.

Thus, the charge we received from G-d at Sinai to be "a kingdom of priests-teachers and a holy nation" (Exodus 19:6), is, according to Rabbi Ovadiah Sforno, not merely descriptive, but prescriptive: we have a mandate to teach humanity the importance of compassion and peace.

This is why it is critical to internalize the main theme of the Rosh Hashanah liturgy: that G-d's sovereignty be manifest throughout the world, as the Machzor proclaims:

"…May all who have been made know that You made them, and may all who have been formed understand that You formed them. And may all who breathe declare: 'Hashem, the G-d of Israel is King, and may His Kingship have dominion over all!'"

These hopes for humanity find expression in Jewish Law, which does not wait for the world to come to this awakening on its own. Maimonides rules: "Moses commanded – through G-d – to coerce humanity to accept all of the Noahide commandments" (Hilkhot Melakhim 8:10). In the present world, we need not convert the world to Judaism, but we are to proactively ensure that, minimally, a certain level of morality exists in society.

Eventually, in the days of the Messiah, Maimonides writes, humanity will "return to the true religion" (ibid., 12:1). At that time, the nations of the world will abandon the ideology of Amalek for the ideology of the Torah, and thus, murder and hatred will be overcome by compassion, righteousness, morality and justice. It is for precisely such a world that we truly pray fervently every Rosh Hashanah. May our actions this year bring us closer to that reality.

RABBI AVI WEISS

Shabbat Forshpeis

The love between G-d and His people is often compared to the marital relationship. So the prophet Hoshea describes G-d declaring: "And I will betroth you to Me forever" (Hoshea 2:21). The Song of Songs is similarly viewed as an allegory for the relationship between G-d and the Jewish people.

Indeed, throughout the year this imagery prevails. For example, every Friday evening we recite the Lecha Dodi – "Come my Beloved, (referring to G-d) let us greet the Sabbath bride."

And the holidays of the Jewish year evoke the picture of G-d's love for us. On Passover we recall walking through the sea with the help of G-d, much like bride and groom walking to the huppa (wedding canopy). On Shavuot (the festival commemorating receiving the Torah), we reenact our hearing the Aseret Ha'Dibrot (Ten Declarations) which can be viewed as the ketubah, the marital contract between G-d and His people. On Sukkot (the Feast of Booths) we eat and some try to live in a sukkah, beneath the schach (Sukkah roof), which can be seen as a kind of bridal canopy.

But, of course, this comparison has its limits. This week's parsha records the right of husband and wife to divorce. And if following the divorce the wife marries another, she may never remarry her first husband. (Deuteronomy 24:1-4) Taking the analogy to its fullest, does this mean that we, the Jewish people, can permanently separate from G-d?

It is here as we approach Rosh Hashanah and Yom Kippur that a new picture of love between G-d and His people emerges. It is the idea that we are G-d's children and G-d is a parent figure. Thus, we recite Avinu Malkeinu – referring to G-d as our Father. So we speak of G-d as Hashem Hashem Keil rahum (the Lord is a G-d of mercy). The word rahum comes from the word rehem which means womb, conveying idea of a mother's infinite and endless love for her young.

The difference is obvious. A husband and wife relationship can be terminated. But no matter what happens in life a parent always remains a parent. So, too, G-d's love for us transcends all limits. Even if we separate from Him, even if we "marry another," we can always return – and G-d will always embrace us.

One last thought. Even the parental relationship has its limits since no one lives forever. G-d is however, the Eternal Parent, hence during these days we recite

Psalm 27, in which we proclaim, “Even if my father and mother have left me, G-d will gather me in.”(Psalms 27:10)

RABBI KALMAN PACKOUZ

Shabbat Shalom Weekly

The Torah states: "You shall surely send away the mother bird, and the fledglings take for yourself, in order that it shall be good for you and you shall live a long life" (Deut. 22:7). Why does the Torah promise a good and long life for fulfilling this mitzvah (commandment)?

The Ramban (Moshe Nachmanides) explains that this mitzvah will implant in a person the attribute of empathy and compassion. Acting in a compassionate manner will enable you to feel empathy.

The Ksav Sofer (Rabbi Avraham Shmuel Sofer) notes that the Sages in the Talmud (Pesachim 113b) teach that three kinds of people are not considered as really living: 1) those with a strong degree of compassion 2) those who constantly become angry 3) Those who are finicky.

Rabbi Sofer elucidates: When someone empathizes strongly with the pain and suffering of others, he will suffer himself whenever he hears about the suffering of others, especially when he is unable to do anything to alleviate the other person's suffering, as is frequently the case. Therefore, after the Almighty commands us to have compassion on birds in order that we should grow in this trait, He guarantees that through this we will still live a good and long life. For many years you will be able to help a larger number of people and this will increase your days instead of shortening them. The more you feel for others, the more elevated you become. *Dvar Torah based on Growth Through Torah by Rabbi Zelig Pliskin*

RABBI ZVI SOBOLOFSKY

TorahWeb

"Your camp shall be holy" -- With these words the Torah sets the standards to which the Jewish camp must adhere as it engages in battle against its enemies. It is only by maintaining this sanctity that it can merit victory. This rallying call to holiness is what enables Hashem's presence to accompany the Jewish camp as it wages war. The Torah Shebal Peh explains that this standard of holiness is also mandated at any time we are accompanied by the Divine Presence. When mentioning Hashem's Name, either via the study of Torah or during davening or reciting brachos, the laws that govern the sanctity of the camp apply as well.

There are two halachic categories that comprise the standards of sanctity that must be met both in battle and during recitation of Torah and tefilla. The pesukim in Parshas Ki Teitsei delineate both of these requirements. Care must be taken after one physically relieves oneself that that surrounding area be treated appropriately. The Torah specifies requirements that there be a place outside the actual camp designated for this purpose lest the camp itself become defiled.

Additionally, every soldier must carry equipment with him to dig and properly cover human waste. The halachos that govern speaking words of Torah and tefilla in a bathroom are patterned after the sanctity required for the Jewish camp going out to battle.

There is a second aspect of holiness that must be maintained. Proper standards of physical modesty must be upheld at all times, but especially when Hashem's presence accompanies us. The Torah warns us that laxity in this area can cause Hashem's presence to depart. Similarly, there are halachos that prohibit the saying of words of Torah and tefilla in the presence of someone not dressed appropriately.

Is there a connection between these two areas of sanctity? The Rambam in Sefer Kedusha -- The Book of Sanctity -- includes two areas of halacha: the laws that govern prohibited marriages and the laws of kashrus. These laws are incorporated together to comprise the standards of holiness a Jew must attain. What is the essence of holiness that specifically includes these halachos?

The source of all holiness is Hashem, whom we refer to as Hakadosh Baruch Hu. We are commanded to emulate Hashem by being holy ourselves. Hashem is completely spiritual, therefore He is holy. We are both physical and spiritual and therefore find being holy to be a challenge. It is only by emphasizing our spiritual dimension instead of our physical side can we attain sanctity. There are two human endeavors that challenge us to focus on our spiritual side notwithstanding the physical nature of these activities. Both marital relations and eating can potentially become mere ways to pursue physical pleasure. In these two areas we can elevate ourselves by focusing on the spiritual dimensions of these otherwise physical acts. Hashem has given us the opportunity to bring children into the world and provide ourselves with physical sustenance. The laws of marriage and kashrus ensure that our perspective in these areas remains focused on spiritual goals. In this way we can become holy, thereby emulating the holiness of Hashem.

The halachic antithesis of holiness is impurity. It is for this reason that one who is impure cannot enter the Beis Hamikdash or partake of korbanos. A human body transmits impurity upon death. Devoid of the spiritual soul, the physical corpse is a source of impurity. The Torah refers to violations in the realm of

prohibited relationships and kashrus as acts of impurity.

After the intricacies of kashrus are elaborated upon in Parshas Shmini, the Torah concludes by warning us not to become impure by eating non-kosher food. Similarly, in Parshas Acharei Mos the laws governing prohibited marriages are followed by a warning not to defile ourselves by the impurity of these relationships.

Eating for our physical sustenance to advance our spiritual growth is an act of kedusha. After we have used the properties of food for our nourishment, the waste product which is devoid of any spiritual content is a source of impurity and, as such, it has no place in the Jewish camp which is accompanied by the Holy Presence of Hashem. Inappropriate activity that abuses the spiritual dimensions of marital relations is a source of impurity that is not compatible with the presence of Hashem's sanctity.

These lessons of sanctity speak to us not only in times of war and when we are mentioning Hashem's name. Throughout our lives, we must be careful in these realms that can be detrimental to our quest for holiness. May Hashem who is the Source of all kedusha assist us to overcome any challenges to our sanctity. May we merit to attain a state of kedusha and tahara, thereby meriting the presence of Hashem to accompany us in all of our endeavors.

ENCYCLOPEDIA TALMUDIT

A Beautiful Woman

Translated for the Encyclopedia Talmudit by Rabbi Mordechai Weiss

Is there a situation when something that is permitted for a Jew is prohibited for a Non-Jew? This is the case of the “Eishet Yefat Toar” sited in this week’s portion. When a soldier during war sees a beautiful woman he may take her for a wife. The reason offered is that the Torah addresses the evil inclination of a man during war and charges him in such a situation to show restraint as opposed to the throws of war when restraint is more difficult.

This law of “Eishet Yefat Toar” is only applicable during war and does not incur a penalty for stealing (he is stealing this woman) and applies even if the woman is married. The reasoning behind this is, since it is during war, the victor is entitled to all the spoils of war, which include physical possessions as well as humans.

In contrast, according to Torah law, when a non-Jew enters into war he is not permitted to take possession of this “Eishet Yefat Toar” since for him it would be stealing which is one of the seven prohibitions of a Non-Jew (“Ben Noach”).

The law of “Yefat Toar” is only applicable in a war against Non-Jews. However in a civil war of Jewish people, as we find in the book of Melachim, the law of “Yefat Toar” does not apply. As well, if the war is between Jew and Non-Jew and a Jewish woman from the non-Jewish side is taken captive, the law of “Eishet yefat Toar” also does not apply.

This law as sited in this week’s portion would only be applicable in a time when we have a Sanhedrin, however in our times these laws are only theoretical, and are not germane to our present time, and are only for discussion value.

RABBI DOV KRAMER

Taking a Closer Look

"Neither an Amoni nor a Moavi can enter G-d's congregation" (D'varim 23:4). Why not? "Because of the matter that they did not offer you bread and water on the way when you came out of Egypt, and because they hired Bilam the son of B'or to curse you" (23:5). There are several issues that can be raised regarding the reasons given for not allowing any (male) member of these two nations to convert to Judaism (even if this law no longer has any practical application; see B'rachos 28a). Let's start with one raised by numerous commentators: How can it be said that Moav didn't offer us bread and water if included in the message sent to Sichone (D'varim 2:28-29) was that Moav sold us food and drink?

Among the answers suggested is distinguishing between selling us food and water and offering it to us as a measure of gratitude for what our ancestor (Avraham) did for theirs (Lot), which included raising him after his father died, rescuing him when he was captured in the war of the kings, and praying for him and thereby saving him (and his daughters) when Sodom was destroyed (see Chizkuni and S'fornu). Another widely given answer (see Ramban and Rosh) is that the two reasons given do not apply to both nations, but one to each of them, with Amon not allowed to convert because they didn't offer food/drink and Moav not allowed to convert because they hired Bilam. If not offering food doesn't apply to Moav, it does not contradict the notion that they did sell us food. Nevertheless, there are other issues that these approaches do not address, and resolving them may help resolve this issue as well.

For one thing, the words "on the matter of," which refer to devising a plan of action (see Torah T'mimah, D'varim 23:27), are usually associated with Bilam's advice to Balak (see Rashi on Bamidbar 31:16), so, if anything, should be attached to the second part of the verse (hiring Bilam, which was also part of a "plan" to weaken or destroy the Children of Israel) rather than the first. What kind of "plan" was necessary to not show gratitude towards the descendants of the person who saved their ancestor? [Kli Yakar suggests that the "plan" was not to offer food and drink for free, but make them come buy it from them, at which point they could

try to seduce them to worship their deity. I'm not sure why, if they thought they had something worthwhile to sell, it would be less to get them to sin if it was offered to them rather than making them buy it. Did making them pay for it make it seem more valuable, and therefore more enticing? Additionally, it is only the males who cannot c

onvert, not the females, because they weren't responsible for either of these things. But if the verse is alluding to selling instead of giving because it allowed for enticement, since the females did the enticing, why are they excluded?]

Another issue is the change from the plural ("they did not offer bread and water") to the singular ("hired"). [This is one of the arguments presented to counter the suggestion that only Amon was taken to task for not offering food and drink.] The simplest, most straightforward explanation for this change is that Balak was only the king of Moav, not Amon, so the hiring of Bilam could only be attributed to Moav, whereas both nations were guilty of not offering food and drink. However, if this applied to both, and was reason enough to not allow them to convert, why even mention something that only applies to one?

Finally, the expression "on the way, when you left Egypt" is out of place if describing something that occurred in the 40th year in the desert. Although it does tell us why they should have considered offering us food (we were traveling, and hadn't reached our new home yet), by then we didn't need any food or drink, since G-d provided everything for us. [And this wasn't a secret, as Moshe's message to Edom (Bamidbar 20:17) included not needing any of their provisions, a message likely conveyed to Moav when the message was sent to them at the same time (see http://tinyurl.com/hb8clfnYes, we offered to buy food if they wanted us to, but that was only to give them a financial incentive to let us travel through their land.]

This same exact expression appears only two other times in Tanach, both in this Parasha. We are told to "remember what Hashem, your G-d, did to Miriam on the way when you left Egypt" (24:9), and to "remember what Amalek did to you on the way when you left Egypt" (25:17). In both cases, the expression conveys to us the severity of what we are told to remember. G-d punished Miriam despite it causing us to wait an extra seven days before continuing our travels (Bamidbar 12:15), even though we were "on the road, having recently left Egypt," and anxious to get to our destination, so her sin must have been one that needs to be taken seriously. And Amalek's attack was more atrocious since it was done when we had just left Egypt, and were more vulnerable as we began our journey. It would follow, then, that the expression "on the way when you left Egypt" in the context of Amon and Moav has a similar implication, that it made the lack of offering us food and drink worse, and took place shortly after we left Egypt (as opposed to 40 years later, see Meshech Chuchmuh and Akeidas Yitzchak).

It was well known that we were slaves in Egypt, and also well known, including by the "mighty of Moav" (Sh'mos 15:15), when G-d took us out. [It should be noted that at that time, and until Sichone conquered land from Moav, Amon and Moav weren't separate countries, but one country for all of Lot's descendants, with a province where those who came from "Ben-Ami," the "B'nay Amon," lived, see Malbim on D;varim 23:4.] Our leaving Egypt should have been of much significance to these cousins of ours, since Lot had been in Egypt with Avraham, and as a result, when he left with him became a man of great wealth (B'reishis 13:5). Hearing about our redemption must have had a profound impact on them (as the verse referenced above testifies), but knowing that we had just crossed the sea into the wilderness also had to also make them wonder how we could survive. What should they do? Should they let us starve and wither away in the desert, or remember what our ancestor did for theirs and b

ring us provisions?

This was a major topic of discussion not only among the leaders of Amon/Moav, but among the general population as well, as any individual so inclined could have brought us bread and water. But they didn't. They decided that rather than showing gratitude towards Avraham and acknowledging what he did for Lot, which allowed them to become a nation (including living on Land given to them because of Avraham), they would stay home and let this new emerging nation suffer, and perhaps perish, in the harsh wilderness. Even though their country was very far away, it was an issue they grappled with, and made a decision about (both collectively and individually).

"Not offering us bread and water" is considered a "matter" because they made a conscious decision not to help us, a decision reached by all those who lived in what became (by the time Moshe addressed us at Arvos Moav) the lands of Amon and Moav, making the prohibition against accepting them as full converts apply to both (hence the plural form). It was a decision reached shortly after we left Egypt, during the same time frame as the other two "on the way when you left Egypt" verses. (As opposed to hiring Bilam, which was in the 40th year.) The hiring of Bilam proved that nothing had changed in the 40 years since that decision had been reached, and rather than accepting that we are G-d's "treasured nation," they hired a sorcerer to try to uproot us. True, it was only Moav (hence the singular form) that hired him, but not because Amon didn't share the same sentiment; they had become separate countries and it was Balak, the king of Moav, who, as an agent of the people of his cou

ntry, hired Bilam. But Amon hadn't changed either (as evidenced by the grudge they still held generations later, see Shoftim 11:13), and wouldn't, so G-d didn't

allow men from either nation to be accepted as full converts.

Once we have established that the "not offering bread and water" refers to shortly after we came out of Egypt, even if Moav did sell us food and drink 40 years later, it was the earlier decision that illustrated what kind of people they were, and that they did not belong in "G-d's congregation." *© 2016 Rabbi D. Kramer*

RABBI YISSOCHER FRAND

RavFrand

Transcribed by David Twersky
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The parsha also contains the mitzvah of sheeluach ha'ken. The Torah says that if a person finds a mother bird sitting on her eggs, "you shall surely send away the mother and the offspring you shall take for yourself." [Devorim 22:7] We may not remove the eggs or the chicks in the presence of the mother bird.

There is a famous interpretation offered by the Netziv and others: Why is it that the Torah gave us this mitzvah forbidding us to take the young birds and the mother simultaneously? Think about it. Have you ever tried to catch a bird? It is virtually impossible. When I was a little boy, they used to tell me that the way to catch a bird is to put salt on its tail. Of course, being a small innocent child -- it never worked. Why did it never work? Because you can never put salt on the tail of a bird!

So why are we ever confronted with the situation where it is necessary to send away the mother bird? Why isn't the mother bird flying away like every other bird naturally does when approached by a human being? The answer is, says the Netziv, that because of the motherly instincts of compassion that the bird has for its brood, it sticks around. The mother bird defies her natural instinct to flee because of her stronger natural instinct to protect her offspring!

Taking the mother would be taking unfair advantage of her maternal instincts to sacrifice her own well-being for the sake of her brood. The Torah does not want to allow this. The mother is doing what mothers should do. She is exhibiting compassion and we are not allowed to take advantage of this.

The Avnei Nezer presents a similar idea to that of the Netziv, but with one difference, which is a tremendous insight. Until the time of Noach, mankind was forbidden to eat meat. Only after the Flood did meat become permitted to human beings [Bereshis 9:3]. The Flood triggered a tremendous change in man's diet -- animals were now permitted for consumption. The Torah sums up the newly decreed permission to consume meat with the explanation: "...for in the image of G-d He made man" [Bereshis 9:6]. The simple reading of the pesukim [verses] is that these last words come to explain the first part of pasuk 9 ("Whoever sheds the blood of man, by man shall his blood be shed..."). In other words, the Torah is explaining why we may not kill another human being. However, the sefer Agra v'Kallah says it is saying more than that. He interprets: Do you know why we are allowed to kill animals for our benefit? It is because we (mankind) are the apex of creation. "For man was created in the image of G-d" does not only explain why homicide is prohibited; it also explains why we are allowed to kill animals for our food. It is because man is on top of the pyramid creation and animals are inferior to him.

Until the Flood (when "all flesh corrupted their ways upon the earth" [Bereshis 6:12]) animals were on a higher spiritual level and therefore they could not be killed for consumption. After the sins that triggered the Flood, animals descended from their elevated spiritual status.

What does it mean that a person is created "in the image of G-d" (b'tselem Elokim)? The Abarbanel writes that the word tselem [image] comes from the word tsel [shadow]. We all know the nature of a shadow: When a person raises his arm, his shadow also raises its arm; when a person turns his head; his shadow turns its head. B'tselem Elokim asa es ha'adam means that we were created with the capacity to mimic the Master of the Universe. How does one mimic the Master of the Universe? Just as He is compassionate, so too we need to be compassionate; just as He is generous, so too we need to be generous; just as He buries the dead, so too we need to bury the dead; just as He clothes the naked, so too we need to cloth the naked. We who are created b'Tselem Elokim have the capacity to imitate the Attributes of the Almighty.

The Avnei Nezer says the following beautiful idea: When the mother bird does not fly away, she is not merely exhibiting compassion for her brood by protecting them. At that very moment that the bird exhibits the attribute of compassion, the bird is not just a bird any more -- it is a higher form of creature. The bird is being a me'rachem [exhibiting compassion]. In a miniscule sense, it is now imitating and mimicking the Master of the Universe. The Avnei Nezer concludes: We are forbidden to take such a bird; we are forbidden to kill it. At that moment, it is not the same type of bird as we find in the market place. The whole heter [dispensation] to take birds, slaughter them, and eat them is because MAN was created in the "image of G-d" (but not animals or birds!). However, at this particular moment in time, when the bird is in fact acting with compassion, that bird becomes elevated. Therefore, "Thou shalt not take the mother; send away first the mother and then take the offspring." [Devorim 22:7] *© 2016 Rabbi Y. Frand & torah.org*