

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI LORD JONATHAN SACKS**

### Covenant & Conversation

**O**ur parsha contains more laws than any other. Some of them have generated much study and debate, especially two at the beginning, the law of the captive woman and that of the "stubborn and rebellious son." There is, however, one law that deserves much more attention than it has generally received, namely the one placed between these two. It concerns the laws of inheritance: If a man has two wives, and he loves one but not the other, and both bear him sons but the firstborn is the son of the wife he does not love, when he wills his property to his sons, he must not give the rights of the firstborn to the son of the wife he loves in preference to his actual firstborn, the son of the wife he does not love. He must acknowledge the son of his unloved wife as the firstborn by giving him a double share of all he has. That son is the first sign of his father's strength. The right of the firstborn belongs to him. (Deut. 21:15-17)

Note that the Hebrew word here translated as "does not love" or "unloved" is senuah, which normally means "hated." We will see later why this strong word is used.

On the face of it, this is a straightforward, logical law. It tells us that love must not override justice. The firstborn, in ancient Israel and elsewhere, have special rights, especially in connection with inheritance. In most societies they tended to succeed to their father's position. That was the case in Israel in relation to kingship and priesthood. (Significantly, this was not the case when it came to Torah and positions based on it. See Nedarim 81a.) They did not inherit all the father's property, but they did inherit twice as much as the other children.

It was important to have rules like the above to avoid damaging family splits every time a death occurred or was imminent. The Torah gives us a graphic example of the court intrigue that went on, as David lay dying, as to which of his children should be his heir. More recently, lehavdil, there have been several examples of Hassidic dynasties irreparably torn apart because different groups wanted different individuals to inherit the leadership.

There is a tension between individual liberty and the common good. Individual liberty says, "This wealth is mine. I should be able to do with it what I like,

including deciding to whom to hand it on." But there is also the welfare of others, including the other children, other family members, and the community and society that are damaged by family disputes. The Torah here draws a line, acknowledging the rights of the biological firstborn and circumscribing the rights of the father.

The law as such is straightforward. What makes it remarkable is that it reads as if it were directed against a specific biblical figure, namely Jacob. One connection is linguistic. The key terms in our law are an opposition between ahuvah, "loved," and senuah, "hated/unloved." This opposition occurs ten times in the Torah. Three have to do with the relationship between us and God: "those who hate Me and those who love Me." That leaves seven other cases. Four are in the paragraph above. The other three are all about Jacob: two of them about his love for Rachel in preference to Leah (Genesis 29:30-31, 32-33), the third about his love for Joseph in preference to the other sons (Genesis 37:4). Both caused great grief within the family and had devastating consequences in the long run.

This is how the Torah describes Jacob's feelings for Rachel: Jacob loved Rachel and said, "I'll work for you (Laban) seven years in return for your younger daughter Rachel"... So Jacob served seven years for Rachel, but they seemed like only a few days to him because of his love for her... And Jacob cohabited with Rachel also; indeed, he loved Rachel more than Leah. And he served him (Laban) another seven years. (Genesis 29:18-30)

And this is its description of the impact it had on Leah: When the Lord saw that Leah was hated, He enabled her to conceive, but Rachel remained childless. Leah conceived and bore a son, and named him Reuben; for she declared, "It means: 'The Lord has seen my affliction'; it also means: 'Now my husband will love me.'" She conceived again and bore a son, and declared, "This is because the Lord heard that I was hated and has given me this one also," so she named him Simeon. (Gen. 29:31-33)

I have translated the word senuah here as "hated" simply to give a sense of the shock of the text as it is in Hebrew. We also understand why this word is used. Leah was, as the text says, loved less than Rachel. Jacob did not hate her, but she felt hated, because less loved, thus unloved. This feeling dominated her marriage as we see in the names she

gave her eldest children. The rivalry continues and intensifies in the next generation: When his brothers saw that their father loved him (Joseph) more than any of his brothers, they hated him and could not speak a peaceful word to him. (Genesis 37:4)

Less loved, the brothers felt hated, and so they hated the more loved Joseph. Love generates conflict, even though none of the parties want conflict. Jacob didn't hate Leah or her sons or the sons of the handmaids. He did not deliberately decide to love Rachel and later Joseph. Love doesn't work like that. It happens to us, usually not of our choosing. Yet those outside the relationship can feel excluded and unloved. This feels like being hated. The Torah uses the word *senuah* to tell us how serious the feeling is. It is not enough to say "I love you too," when every act, every word, every look says, "I love someone else more."

Which brings us to inheritance. Joseph was the eleventh of Jacob's twelve sons, but the firstborn of Jacob's beloved Rachel. Jacob proceeded to do what our parsha tells us not to do. He deprived Reuven, his and Leah's firstborn, of the birthright, the double portion, and gave it instead to Joseph. To Joseph he said: Now, your two sons, who were born to you in the land of Egypt before I came to you in Egypt, shall be mine; Ephraim and Manasseh shall be mine no less than Reuben and Simeon. (Gen. 48:5)

Later in the same chapter, he says: "I am about to die; but God will be with you and bring you back to the land of your fathers. And now, I assign to you one portion more than to your brothers, which I wrested from the Amorites with my sword and bow" (Gen. 48:21-22). There are many interpretations of this verse, but according to Rashi, "This refers to the birthright, that Joseph's children should receive two portions when Canaan would be divided amongst the tribes." Jacob's other children would receive one portion, while Joseph would receive two, one for each of his sons Ephraim and Manasseh.

It is against this practice that the law in our parsha is directed. That is what is extraordinary. Jacob/Israel is the father of our people. But specifically in this respect, his conduct must not be taken as a precedent. We are forbidden to act as he did.

The Torah is not telling us that Jacob did wrong. There are all sorts of explanations that reconcile his behaviour with later law. Jacob did not keep the Torah except in the land of Israel (Ramban), and his gift of a double portion to Joseph happened in Egypt. We are forbidden to transfer the birthright on grounds of love alone, but we may do so if we believe that the firstborn has significant character deficiencies, which Jacob believed to be true of Reuben (Gen. 49:3-4; Abarbanel).

But the law is telling us something very profound indeed. Love is the highest of emotions. We are commanded to love God with all our heart, soul and

might. But it is also, in family contexts, fraught with danger. Love ruined Jacob's life, time and again: in his relationship with Esau (Isaac loved Esau, Rebecca loved Jacob), in the relationship between Leah and Rachel, and in the relationship between Joseph and his brothers. Love brings joy. It also brings tears. It brings some people close, but makes others feel distanced, rejected.

Therefore, says the Torah, in our command: when love is likely to be the cause of conflict, it must take second place to justice. Love is partial, justice is impartial. Love is for someone specific; justice is for everyone. Love brings personal satisfaction; justice brings social order.

Judaism is the most effective attempt in history to provide the proper balance between the particular and the universal. It is both. It worships the universal God by way of a particular faith. It believes in a universal connection between God and humanity -- we are all in God's image (Gen. 1:27) -- and a particular one -- "My child, My firstborn, Israel" (Ex. 4:22). It believes in a universal covenant with Noah, and a particular one, with Abraham and later the Israelites. So, it believes in the universality of justice and the particularity of love and the importance of both.

When it comes to the relationship between humans, there is an order of priority. First create justice, then express love. For if we let those priorities be reversed, allowing injustice in the name of love, we will divide and destroy families and groups and suffer the consequences for a long time.

(The quote, "Love conquers all," comes from the Roman poet Virgil. The Prioress in Chaucer's *The Canterbury Tales* wears a brooch engraved "Amor Vincit Omnia" [Love conquers all]. The Prioress' Tale is notorious for its antisemitism: it contains a 14th century version of the Blood Libel. This itself should give us pause.)

A seemingly minor law about inheritance is in fact a major statement of Jewish values. I believe that Judaism got it right by placing love at the heart of the religious life -- love of God, neighbour and stranger -- but at the same time recognising that without justice, love will not save us. It may even destroy us. *Covenant and Conversation 5780 is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl z"l* ©2020 Rabbi Lord J. Sacks and rabbisacks.org

**RABBI SHLOMO RISKIN**

## Shabbat Shalom

"An illegitimate person [mamzer] shall not enter into the congregation of the Lord; even his tenth generation shall not enter into the congregation of the Lord" (Deuteronomy 23:3) One of the most difficult biblical laws to understand is that of the mamzer, the product of an adulterous (or

incestuous) sexual liaison, who may never enter into a marriage relationship with another Jew.

We can readily understand why the adulterers themselves are forbidden from marrying each other, even after they become divorced from their previous spouses; they, who showed such disdain and disregard for the exclusive and sacred marital relationship by betraying their marital partners, dare not enter together into matrimony, since God “has sanctified His nation Israel by means of the nuptial canopy and the marital ritual of kiddushin” (the initial blessing, along with the blessing over the wine, at a wedding ceremony). The glory of the Jewish people has always been the purity of our family life.

But why punish the innocent product born of such an adulterous act? He/she has done nothing wrong; he has certainly not controlled the nature of the act which led to his/her birth. Why forbid him/her to ever become married in Israel? In order to understand the meaning behind this law, I believe it is necessary to understand the difference between the Written Law (Bible), which the sacred Zohar calls “the harsh law” (dina de’takfa), and the Oral Law (Talmud and Responsa) which is called in turn “the soft and compassionate law” (dina de’rafiya). The interpretation I am now expositing in differentiating between these two corpora of legal doctrine is hinted at both in Maimonides’s Mishne Torah, Laws of Blows and Damages (1, 3) and Guide for the Perplexed (part 3, chapter 41).

Even a cursory glance at the Bible will reveal the many instances in which capital punishment is called for, the Bible declaring that the offender “must surely die, is certainly to be stoned to death” (mot tamut, sakel yisakel). The Oral Law, however, greatly limits these extreme punishments, insisting that a trial can take place only if two knowledgeable and objective witnesses give testimony that they saw the actual crime being perpetrated (circumstantial evidence not being admissible in a Jewish courtroom), and took the opportunity to give proper warning to the assailant, determining that he was aware of the action he was about to commit and its punitive consequences; hence R. Akiva and R. Tarfon both declare that if they had been on the Sanhedrin, no human being would ever have been tried for a capital crime. And our Sages declare that if a culprit was put to death once in 70 years, the court would be declared “a murderous court” (Mishna Makot 1;10 ).

The difference in punitive attitude becomes clear when we remember the different purposes guiding each legal code: The entire Pentateuch is heard each year by every Jew who attends Sabbath services, so that the goal of the biblical readings each week is to inform and inspire the consciences—first and foremost of the Jewish attendees—by inspiring them to understand the critical importance of ethical and moral

actions.

The Oral Law, however, which sets down the actual punishments, must mediate the law with life, taking into account that if, God forbid, the wrong person is put to death for a crime he did not commit, there is no judicial recourse to bring him back to life. Hence the Oral Law softens and even sweetens the penalties, even bending over backwards to be lenient with the defendant.

For example, the Written Law warns “an eye for an eye,” since the only way an individual can understand the enormity of his crime of taking out a person’s eye is for him to have his eye removed; the Oral Law then explains that, since different people have different levels of eyesight and some professions require greater use of the eyes than do others, the actual penalty must be monetary remuneration rather than the removal of the eye.

The Bible, since it wished to inspire Israel to respect and protect the moral integrity of the marital union, teaches that if one degrades the marital fidelity, the product of such a liaison would never be able to enter a marital union, for all subsequent generations. However, the Oral Law made it virtually impossible to have a practical instance of mamzerut: not only would there have had to be two witnesses who gave warning to the transgressing couple prior to their act of adultery, which would have had to take place in front of those witnesses, but the halachic presumption is always that since the majority of sexual acts are between husband and wife, every child is presumed to be the child of that husband (and since paternity tests are not 100% accurate, they are not sufficient proof of adultery). When the case of a woman whose husband went overseas twelve months before she gave birth was brought before a religious court in talmudic times, the judges declared the child to be “kosher,” assuming that the fetus had gestated in the woman’s womb for 12 months! And in a similar incident they ruled that the husband had secretly returned for a night unbeknownst to anyone.

In more modern times, I do not know of a single case of mamzerut for which Hacham Ovadia Yosef or Rav Moshe Feinstein did not find a positive solution enabling the person in question to marry into the Jewish community. Unfortunately, the present religious establishment is not as bold as the decisors of previous generations. ©2020 Ohr Torah Institutions & Rabbi S. Riskin

**RABBI BEREL WEIN**

## Wein Online

**T**he Torah always views life as a struggle, a conflict between the various natures that exist within each human being, a fight between rational good and instinctive evil. Rashi points out in his commentary to this week’s Torah reading, that the Torah is addressing

itself directly to the evil instinct that lies within all of us and warns us. Even if we do not behave in an illegal manner, unpleasant consequences will always flow from actions taken impulsively and out of desire.

Emotion is certainly necessary in life, but we know that purely emotional decisions often lead to sadness and even disaster. Thus, the taking of a non-Jewish woman captive as a wife, will have negative consequences, even if done legally and without any overt violation of the process that the Torah describes for us in the opening section of this week's reading.

Since it is a purely emotional, spur of the moment decision, there is a progression of events that will play out in later generations that will make it obvious that a poor choice was made originally. The next Torah sections describe the family structure, especially regarding monetary rights, rules of inheritance and finally wayward children who become unaccountable to their parents and as an existential threat to society generally.

Naturally, none of these consequences were foreseen at the original moment of passion that brought this non-Jewish woman into the family structure. She may be an innocent victim, in circumstances beyond her control, but the Jewish man who initiated the relationship is responsible for all the later consequences. The judgments of the Lord are infinite and hard to discern by human eyes. But there is no question that they exist.

Part of the reason for human behavior that is improper, which violates Jewish values and tradition, is the shortness of vision that our limited years impose upon us. Everyone aspires that their future generations should be people of worth, respect and value. Our greatest achievements always lie within our family. But there is no way that we can control the behavior of future generations or of our progeny. We can only serve as an example, and instruct and guide, and then hope that somehow all will come right.

The rabbis were aware of this fundamental problem in life, and commented that children, meaning generations and how they turn out, are somewhat dependent upon elements of good fortune. We see throughout the Bible that the greatest and holiest people produce children or grandchildren that are ignoble and wicked. The commentators and scholars over the centuries have attempted to discern whether there was something in the behavior of the righteous parents or grandparents, some small failing that would allow and explain this sad phenomenon. It is beyond our reach to be able to judge these things, but from this week's Torah reading and of Rashi's commentary, it seems apparent that even though generations may depend in the main upon good fortune, there is some element of cause and effect that exists and governs these situations.

The Torah was not given to angels, and all

humans are imperfect. But when it comes to family and family matters, we must be very circumspect, for our behaviors have the ability to produce consequences far beyond any immediate decisions that we make. ©2020 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](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com](http://www.rabbiwein.com)

**RABBI AVI WEISS**

## Shabbat Forshpeis

**T**he issue of spouses who refuse to grant a Jewish divorce (get) stems from the Torah's mandate that "[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.

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 more than 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. If the beit din found a wife's claim reason for divorce, it was powerful enough to order the husband to give the get.

The situation here in the United States is different. Because of the principle of separation of Church and State, the beit 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 beit din believes the get should be issued.

To help obviate this problem, it is critical that couples sign a halachic pre-nuptial agreement. It stipulates that both husband and wife agree prenuptially to come before a previously designated beit din to arbitrate the get if necessary. The beit din then has the right to demand the get be given. If the

husband refuses – for every day of separation, even prior to divorce, the wife is entitled to receive from her husband a specified per diem sum for her support. The same would be true in the rare cases when the wife is recalcitrant.

For those who find it difficult to sign a document related to divorce as they wed, it ought to be remembered that the traditional ketubah is primarily an insurance or alimony policy, assuring the wife's protection if the marriage is terminated.

More deeply, the prenuptial can be seen as a deep expression of love where bride and groom say to each other – if ever one day I lose control and wish to hurt you, this document will protect you from me. Indeed, a test of love is how one prepares when in control, for those moments when one is not in control.

While the prenuptial agreement has been effective, it is not a panacea. An International Beit Din (IBD) has been established to use all of the legitimate halachic tools at its disposal to free agunot on a case-by-case basis.

There exists within the halachic system the means to change the grossly imbalanced power dynamic that exists between husband and wife in matters of divorce. Ostracizing the recalcitrant spouse from the community, insisting that every couple sign a prenuptial agreement, and supporting the IBD will go a long way to eradicate the scourge of agunot from our community. ©2020 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale

#### **RABBI DAVID LEVIN**

## **The Levirate Marriage**

**A**fter all of the acts of kindness in this parasha, we are presented with a mitzvah which may appear to be simple but is significantly more complex than many other mitzvot. In a few simple lines in the Torah, we are given the outline of a mitzvah which carries with it such an intricate set of laws that it is accompanied by a volume of the Talmud which is one of the most confusing volumes in all of Shas. This is the mitzvah of yibum, the levirate marriage.

The Torah tells us: "When brothers live together and one of them dies, and he has no child, the wife of the deceased shall not marry outside to a strange man, her brother-in-law shall come to her and take her to himself as a wife and perform levirate marriage. And it shall be that the firstborn son whom she will bear shall rise up in the name of his dead brother, and his name will not be blotted out from Yisrael." The Torah continues with the possibility that the brother-in-law will not wish to perform this mitzvah which becomes not only an insult to his dead brother and his wife but also to all of the B'nei Yisrael. "But if the man will not wish to marry his sister-in-law, then his

sister-in-law will ascend to the gate to the elders and she shall say, 'My brother-in-law has refused to establish a name for his brother in Yisrael', he did not consent to perform levirate marriage with me. Then the elders of his city will call him and speak to him and he shall stand and say 'I do not wish to marry her.' Then his sister-in-law shall approach him before the eyes of the elders, she shall remove his shoe from on his foot and spit before him, she shall speak up and say, 'So shall be done to the man who will not build the house of his brother.' And his name shall be called in Yisrael, 'The house of the one whose shoe was removed.'"

A "levirate marriage" occurs when a husband dies and leaves no children. His wife is then z'kukah, or bound in marriage to one of his brothers. Any brother who was alive at the time of the death may declare that he is betrothed to her (ma'amar) and this excludes the other brothers from marrying her. He then performs yibum which can only be by cohabitation, making her a full wife. If there are extenuating circumstances that would preclude the brother from taking her as his wife (he is married already to her sister, he is a Cohen and may not marry her because of a Rabbinic decree, etc.) he must then perform chalitzah, the ceremony described with the removal of the shoe, and the widow is then free to marry anyone else. (Today, this ceremony of chalitzah is performed instead of yibum for reasons which we will not discuss at this time).

The use of the words ish zar, a strange man, would normally be limited to someone who is not of the same group. This could mean someone who is not Jewish or not part of the same tribe or not from the same area. Here, however, it is used to describe someone not of the same limited family members. HaRav Shimshon Raphael Hirsch explains, "For if a nearest possible blood-relation survives him (the husband), one who has lived with him under the influence of the same atmosphere – as such would be only a brother, begotten by the same father, living at the same time as he did, not one born after him – then the demand is made on him to continue the marriage of his departed brother with the widow, with the idea of yibum, i.e. in the sense of carrying on the building of the home which was left uncompleted." Hirsch notes that the first mitzvah in the Torah was "be fruitful and multiply" which the deceased brother attempted to perform by marrying this woman and forming a family.

HaRav Zalman Sorotzkin asks if the word "yachdav, together" could mean that these brothers had to live in the same courtyard or city or country. One could ask then if yachdav could possibly mean in the same world, namely, that it must come to exclude a brother who is born after the death of the deceased. He felt that the Torah would be more specific if it were to mean the same yard or city or country. But HaRav Sorotzkin was not yet convinced that this was the

extent of the Torah's message. HaRav Sorotzkin learns that this same phrase then came to exclude a second case. If this widow was married to a second brother and he too died before he had a child, she would once again be in need of yibum. Yet the needs of her first husband, namely to have an heir born from this second marriage, may not have yet been fulfilled. For this reason, any brother who was born after the death of the first husband would be excluded from this new case of yibum even if he is born before the death of the second husband.

We see why this law is the culmination of the laws of kindness that are found in this parasha. The act of yibum is an entirely selfless act of love for one's deceased brother. If no brother would perform yibum, the deceased brother's land would revert to the brothers who are still alive. They would divide this land and there would be no sons to contend for the rights to this land. By marrying his brother's widow and naming the son from this union after the brother who died, the brother who performs yibum not only raises his own child as if it were not his own, but he gives up the right to land that could have been his. There is another aspect of this kindness. The land was owned solely by the brother so that tribal inheritance was preserved. Normally a man's sons would inherit and have the responsibility of providing for their mother unless she remarried. This act of yibum guaranteed her a son who could provide for her from his father's land. This enabled her to live without being dependent on the community as a beggar. Our community responsibilities to the widow and the orphan are discussed elsewhere. These few p'sukim are concerned only with the memory and inheritance of the departed brother.

Our Rabbis have entitled the act of preparing the body and burial of the body as Chessed Shel Emet, a Kindness of Truth and Faith. The mitzvah is a totally selfless mitzvah. One can never be thanked by the deceased person for the respect with which his body is treated. Anyone who has performed a Tahara understands the solemnity and the Kedusha of those involved in this mitzvah. The act of yibum is no different. It should also be considered a Chessed Shel Emet. When the brother has acted in total purity and with the highest regard for his deceased brother, there is no greater sense of chessed that he can feel as when this new son is called as the son of that deceased brother. This act of love is second only to the selfless love that one can have for Hashem. ©2020 Rabbi D. Levin

#### ENCYCLOPEDIA TALMUDIT

### A Captive Woman

*Translated by Rabbi Mordechai Weiss*

**R**iddle: Can there be something that is permitted to a Jew but prohibited to a non-Jew? Answer: Yes. An example is the *yefat to'ar* (captive woman)

discussed in Parshat Ki Tetzei. During war, if a Jewish soldier sees a beautiful woman (one of the enemy), he is permitted to take her captive and later marry her. How can the Torah permit such a thing? Rashi tells us that the Torah is responding to the evil inclination. In other words, "The Torah recognizes the force of the desires awakened in the violence of war. The Torah assumes that these powerful instincts will overpower many soldiers. These warriors will not be able to resist the desire to enter into sexual relations with the captive women. This creates a dilemma. Enforcement of the normal prohibition against relations with non-Jewish women would be impossible. Therefore, a strict legal framework was created for the inevitable relations. In other words, the Torah deemed it preferable for the relations to take place in this framework rather than outside of its laws" (Rabbi Bernie Fox).

The above explains how a normally forbidden sexual relationship is permitted. Doesn't the problem of theft remain? (Kidnapping is a type of theft.) Furthermore, the law of *yefat to'ar* applies even to a married woman. The answer is that the permission is limited to wartime. Just as it is permitted during war to conquer territory and take the property of the enemy nation, so too it is permitted to take captives, both men and women.

However, this permission during war was given only to Jews. While non-Jews acquire property if they conquer it in war, they are not permitted to do so by Jewish law; only if they transgressed and stole property does it remain theirs. For non-Jews, even during war it is forbidden to capture property or people. For this reason, a non-Jew may not take captive a *yefat to'ar* (*Sanhedrin* 57a).

The law of *yefat to'ar* applies only when the enemies are non-Jews. However, in cases of civil war between Jews (as we find in the biblical book of *Melachim*), the dispensation of *yefat to'ar* does not apply, as the verse says, "when you go to war against your enemies" (*Devarim* 21:10). Furthermore, even if the enemies are non-Jews, if an enemy woman is captured who is halakhically Jewish (because her mother was Jewish), the dispensation of *yefat to'ar* does not apply.

Obviously, none of the laws of *yefat to'ar* apply in our times. It was relevant only for a voluntary war (declared by the king or Sanhedrin). Since we no longer have a king or Sanhedrin, we no longer engage in voluntary wars. Today's wars are all obligatory, and a *yefat to'ar* is no longer permitted. ©2017 Rabbi M. Weiss and Encyclopedia Talmudit

#### RABBI JONATHAN GEWIRTZ

### Migdal Ohr

**"W**hen you go out to war upon your enemy and HaShem, your G-d, gives him into your hand and you capture his captives." (*Devarim*

21:1) Thus begins one of the most spoken-about mitzvos in the Torah, the Yefas To'ar, the beautiful war bride. It is part of our history. King David himself brought back such a wife. The Torah understands that a soldier who has just come through a battle and sees a woman who appeals to him may be unable to vanquish his desires and so the Torah gives us an out.

To most of us it seems rather disturbing to think that a person can't control himself and would think that it is a good idea to marry her. Why should the Torah allow such behavior? We are supposed to be a holy nation! Why would Hashem give in to this?

The answer is that we who ask that don't understand. We're not in that situation so we can't relate. We know that for centuries, Jews were idolaters. We find it hard to understand how they could fall for such nonsense. Don't you see that the image is wood or stone and man-made? Isn't it obvious that it has no power?

The only reason we can ask that is that there is no longer a Yetzer Hara, a spiritual temptation, for Avoda Zara. That was taken away at the request of the Sages who recognized that it was too powerful a test. We must realize that our perception is lacking, and Hashem understood that the soldiers needed this mitzvah in order to overcome the sin.

Rashi says, "The Torah is only speaking about counteracting the Yetzer Hara." While that applies to this mitzvah and explains the rationale for it, that without it people would stumble in sin, there's a very nuanced message for us here as well.

The commentaries discuss that the "enemy" in the posuk is also a reference to the Yetzer Hara. The captives we capture are "his." What does this mean?

The Torah here is letting us know that this inclination is our enemy. It may look like a friendly, positive desire on the surface, but it's just the Yetzer Hara masquerading as he always does. We have to be alert and aware that although it seems like a blessing, this relationship would be a curse. The captive we acquire was the one he wanted us to capture. It's all part of his plan!

Therefore the Torah gives us guidelines to peel back the layers and find the truth underneath. The Yetzer Hara is not who we think he is nor who he pretends to be. He's a foe not a friend and Hashem is merely protecting us from "friendly fire."

R' Refoel Levine, the son of the renowned tzaddik, R' Aryeh Levine, was a remarkable tzaddik in his own right. Like his father, his tziddkus was most evident in his tremendous concern and love for his fellow Jews, especially those who were in need of support and encouragement.

One Motzei Shabbos, R' Refoel was walking to the Kosel with a talmid when a man approached him to say hello. R' Refoel answered him and asked him how his wife and children were doing. Apparently the man's

family life was a difficult one because he spent the next few hours pouring his heart out. R' Refoel listened intently the entire time, and offered the man words of comfort. He sent him off with heartfelt brachos, and sent regards to his family. He reassured the man that he was davening for him as he said goodbye.

R' Refoel's talmid was curious about who this man was, after seeing how much time the rabbi had devoted to him. "Who was that man?" he asked.

R' Refoel responded, "I don't know. This is something I learned from my father. If someone greets you as if he recognizes you, you should respond to him in the same way." ©2020 Rabbi J. Gewirtz and Migdal Ohr

## **RABBI KALMAN PACKOUZ Z"L**

# **Shabbat Shalom Weekly**

**T**he Torah commands us to physically assist others in their time of need: "You shall not see the donkey or the ox of your brother stumble on the way and hide yourself from them. Rather, you shall lift them up with him." (Deut. 22:4) Why does the Torah specify the words "with him"?

The Sages clarify in the Talmud that if a person who needs help tells you, "I'm going to rest right now. You have a mitzvah to help me, so help me all by yourself," then you are not obligated to help him for the Torah states "with him." You need not allow someone to take advantage of you just because you want to do kindness and he is lazy.

It is important to understand the Torah's definition of what constitutes being taken advantage of. If a person always refuses to lend you his things, but then one day he comes to request that you lend him something, what is your obligation? Here the Torah position is very clear that you are obligated to help him and to refuse is a violation of the commandment, "Do not take revenge" (Leviticus 19:18). What is the difference between this and the above?

The principle is that whenever a person sincerely needs your help you should help him -- even if he does not reciprocate by helping you in return. This is true even if he will never help you. As a matter of fact, the highest level of kindness, chesed shel emes (true kindness), is to do a kindness when you know you will receive nothing in return. (Preparing a person for burial and burying him is the usual example; there is no way the individual can return the kindness.)

Therefore, if a person has a valid reason that he is unable to work with you, then you should help him in any event -- and focus on the pleasure of helping without any resentment!

*Based on Growth Through Torah by Rabbi Zelig Pliskin © 2013 Rabbi K. Packouz and aish.com*





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### "Yitz, are you crazy?"

by Yitz Weiss

Well, if you already know me, you didn't need me to sign up to run a half-marathon to answer that. 😊

In all seriousness, what the heck am I doing running a half-marathon?

I'm not, actually. At least not the way I see it.

What I'm doing is going beyond *\*my\** comfort zone (WELL beyond, actually) to give some comfort and support to my nephew Binny and his awesome family.

Binny was diagnosed with a brain tumor five years ago, at eight years old, had brain surgery, and since then he and his family have dealt with the continuing challenges that ordeal has brought into their lives.

Throughout that process, Chai Lifeline has been there.

It's unreal how much good one organization can do. With dedicated staff and incredible volunteers, Chai Lifeline has been a beacon of hope and help in their lives.

So, yeah, I'm running a half-marathon because if that can help the cause in some small way, then I've gotta do it.

If YOU could please help the cause in some small way, or in some large way, please do.

For Binny. And for all the other kids who are fortunate enough to have Chai Lifeline in their family's lives.

Also, if you're a Toras Aish subscriber and donate at least \$36, we'll recognize your contribution by dedicating an issue of Toras Aish to you (or to whomever you designate)!

Thanks so much and I look forward to greeting you from the finish line!



Please donate at: [teamlifeline.org/miami21/binnysuncle](http://teamlifeline.org/miami21/binnysuncle)