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# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI LORD JONATHAN SACKS ZT"L**

## Covenant & Conversation

There is, on the face of it, a fundamental contradiction in the Torah. On the one hand we hear, in the passage known as the Thirteen Attributes of Mercy, the following words: The Lord, the Lord, compassionate and gracious G-d, slow to anger, abounding in loving-kindness and truth … Yet he does not leave the guilty unpunished; he punishes the children and their children for the sin of the parents to the third and fourth generation." (Ex. 34: 7)

The implication is clear. Children suffer for the sins of their parents. On the other hand we read in this week's parsha: Parents are not to be put to death for their children, nor children put to death for their parents; each will die for their own sin. (Deut 24: 16)

The book of Kings records a historic event when this principle proved decisive. "When Amaziah was well established as king, he executed the officials who had assassinated his father. However, he did not kill the children of the assassins, for he obeyed the command of the Lord as written by Moses in the Book of the Law: 'Parents are not to be put to death for their children, nor children put to death for their parents; each will die for their own sin.'" (2 Kings 14: 5-6).

There is an obvious resolution. The first statement refers to Divine justice, "at the hands of heaven." The second, in Deuteronomy, refers to human justice as administered in a court of law. How can mere mortals decide the extent to which one person's crime was induced by the influence of others? Clearly the judicial process must limit itself to the observable facts. The person who committed the crime is guilty. Those who may have shaped his character are not.

Yet the matter is not so simple, because we find Jeremiah and Ezekiel, the two great prophets of exile in the sixth century BCE, restating the principle of individual responsibility in strong and strikingly similar ways. Jeremiah says: In those days people will no longer say, 'The parents have eaten sour grapes, and the children's teeth are set on edge.' Instead, everyone will die for their own sin; whoever eats sour grapes—their own teeth will be set on edge. (Jer. 31: 29-30)

Ezekiel says: The word of the Lord came to me: "What do you people mean by quoting this proverb about the land of Israel: "'The parents eat sour grapes, and the children's teeth are set on edge'? "As surely as I live, declares the Sovereign Lord, you will no longer quote this proverb in Israel. For everyone belongs to me, the parent as well as the child—both alike belong to me. The one who sins is the one who will die. (Ezekiel 18: 1-4)

Here the prophets were not speaking about judicial procedures and legal responsibility. They are talking about Divine judgment and justice. They were giving the people hope at one of the lowest points in Jewish history: the Babylonian conquest and the destruction of the First Temple. The people, sitting and weeping by the waters of Babylon, might have given up hope altogether. They were being judged for the failings of their ancestors that had brought the nation to this desperate plight, and their exile seemed to stretch endlessly into the future. Ezekiel, in his vision of the valley of dry bones, hears G-d reporting that the people were saying, "Our bones are dried up, our hope is lost." He and Jeremiah were counselling against despair. The people's future was in their own hands. If they returned to G-d, G-d would return to them and bring them back to their land. The guilt of previous generations would not be attached to them.

But if this was so, then the words of Jeremiah and Ezekiel really do conflict with the idea that G-d punishes sins to the third and fourth generation. Recognizing this, the Talmud makes a remarkable statement: Said R. Jose b. Hanina: Our Master Moses pronounced four [adverse] sentences on Israel, but four prophets came and revoked them …Moses said, The Lord … punishes the children and their children for the sin of the parents to the third and fourth generation." Ezekiel came and declared, "The one who sins is the one who will die."[1]

In general the sages rejected the idea that children could be punished, even at the hands of heaven, for the sins of their parents. As a result, they systematically re-interpreted every passage that gave the opposite impression, that children were indeed being punished for their parents' sins. Their general position was this: Are not children then to be put to death for the sins committed by their parents? Is it not written, "Visiting the iniquities of the fathers upon the children?" – There the reference is to children who follow in their parents footsteps (literally "seize their parents' deeds in their hands," i.e. commit the same

[1] Makkot 24b.

sins themselves).[2]

Specifically, they explained biblical episodes in which children were punished along with their parents, by saying that in these cases the children "had the power to protest/prevent their parents from sinning, but they failed to do so." As Maimonides says, whoever has the power of preventing someone from committing a sin but does not do so, he is seized (i.e. punished, held responsible) for that sin.[3]

Did, then, the idea of individual responsibility come late to Judaism, as some scholars argue? This is highly unlikely. During the rebellion of Korach, when G-d threatened to destroy the people, Moses said, "Shall one man sin and will You be angry with the whole congregation?" (Num. 16: 22). When people began dying after David had sinned by instituting a census, he prayed to G-d: "I have sinned. I, the shepherd, have done wrong. These are but sheep. What have they done? Let your hand fall on me and my family." The principle of individual responsibility is basic to Judaism, as it was to other cultures in the ancient Near East.[4]

Rather, what is at stake is the deep understanding of the scope of responsibility we bear if we take seriously our roles as parents, neighbours, townspeople, citizens and children of the covenant. Judicially, only the criminal is responsible for his crime. But, implies the Torah, we are also our brother's keeper. We share collective responsibility for the moral and spiritual health of society. "All Israel," said the sages, "are responsible for one another." Legal responsibility is one thing, and relatively easy to define. But moral responsibility is something altogether larger, if necessarily more vague. "Let a person not say, 'I have not sinned, and if someone else commits a sin, that is a matter between him and G-d.' This is contrary to the Torah," writes Maimonides in the Sefer ha-Mitzvot.[5]

This is particularly so when it comes to the relationship between parents and children. Abraham was chosen, says the Torah, solely so that "he will instruct his children and his household after him to keep the way of the Lord by doing what is right and just." The duty of parents to teach their children is fundamental to Judaism. It appears in both the first two paragraphs of the Shema, as well as the various passages cited in the "Four sons" section of the Haggadah. Maimonides counts as one of the gravest of all sins – so serious that G-d does not give us an opportunity to repent – "one who sees his son falling into bad ways and does not stop him." The reason, he says, is that "since his son is under his authority, had he stopped him the son would have desisted." Therefore it is accounted to the father as if he had actively caused his son to sin.[6]

If so, then we begin to hear the challenging truth in the Thirteen Attributes of Mercy. To be sure, we are not legally responsible for the sins of either our parents or our children. But in a deeper, more amorphous sense, what we do and how we live do have an effect on the future to the third and fourth generation.

Rarely has that effect been more devastatingly described than in recent books by two of America's most insightful social critics: Charles Murray of the American Enterprise Institute, and Robert Putnam of Harvard. Notwithstanding their vastly different approaches to politics, Murray in Coming Apart and Putnam in Our Kids have issued essentially the same prophetic warning of a social catastrophe in the making. For Putnam, "the American dream" is "in crisis". For Murray, the division of the United States into two classes with ever decreasing mobility between them "will end what has made America America."

Their argument is roughly this, that at a certain point, in the late 1950s or early 1960s, a whole series of institutions and moral codes began to dissolve. Marriage was devalued. Families began to fracture. More and more children grew up without stable association with their biological parents. New forms of child poverty began to appear, as well as social dysfunctions such as drug and alcohol abuse, teenage pregnancies and crime and unemployment in low-income areas. Over time, an upper class pulled back from the brink, and is now intensively preparing its children for high achievement, while on the other side of the tracks children are growing up with little hope for educational, social and occupational success. The American dream of opportunity for all is wearing thin.

What makes this development so tragic is that for a moment people forgot the biblical truth that what we do does not affect us alone. It will affect our children to the third and fourth generation. Even the greatest libertarian of modern times, John Stuart Mill, was emphatic on the responsibilities of parenthood. He wrote: "The fact itself, of causing the existence of a human being, is one of the most responsible actions in the range of human life. To undertake this responsibility—to bestow a life which may be either a curse or a blessing—unless the being on whom it is to be bestowed will have at least the ordinary chances of a desirable existence, is a crime against that being."

If we fail to honour our responsibilities as parents, then though no law will hold us responsible, society's children will pay the price. They will suffer because of our sins. *Covenant and Conversation is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl*

[2] Berakhot 7a, Sanhedrin 27b.

[3] Hilkhot Deot 6: 7.

[4] See Yehezkel Kaufmann, The Religion of Israel, New York, Schocken, 1972, 329-333.

[5] Sefer ha-Mitzvot, positive command 205.

[6] Hilkhot Teshuvah 4: 1. The reference is of course to a son under the age of thirteen.

**RABBI SHLOMO RISKIN**

# Shabbat Shalom

"When you go forth to battle against your enemies, and God your Lord delivers them into your hands, and you… see among the captives a woman of beauty, and you desire her, you may take her to be your wife. When you bring her home, she must shave her head, and let her fingernails grow, mourning for her father and mother. Only then may you be intimate with her and possess her, making her your wife" (Deuteronomy 21:10–13). Indeed, if we've ever thought of Judaism as a straight-laced religion that doesn't concern itself with sexual blandishments, or alternately was lenient about inter-marriage in Biblical times, here is something to jolt our imagination.

And Rashi meaningfully comments: "The Torah speaks only in consideration of a person's evil inclination. For if God would not have permitted her to him as a wife, he would nevertheless marry her although she would be [biblically] forbidden to him."

But what is the Torah really saying in "consideration of the evil inclination?" Are our Scriptures allowing us to momentarily give in to our desire, in order to prevent a major transgression of intermarriage, or is the Torah actually teaching us how to overcome our evil desires entirely?

The answer to this question lies in a difference of interpretation on this issue by two giants of biblical exegesis. Maimonides, on the one hand, rules that a soldier has the right to have sexual relations with "the beautiful gentile captive woman" one time before the month-long period of waiting and mourning begins – but only once. Then after he has satisfied his initial lust, he takes her home, and must go through the steps the Torah commands, in order to dissuade him and her from an eventual marriage. Only if he still feels the same way about her when he sees her in his home environment, and only if she is willing to leave her previous lifestyle and convert to Judaism, are they permitted to be married (Mishneh Torah, Laws of Kings 8:1–6).

And perhaps Maimonides feels that in order to give the "experiment" a chance to be successful, it is necessary to remove the "sweetness" of the "forbidden fruit" by permitting the one act of intimacy before the process of alienation or conversion can properly begin.

Nahmanides, in contrast and in accordance with the Jerusalem Talmud, rules that the woman is not permitted to the soldier even once before first taking her home; he must take the month-long preparatory steps, and if he and she then still wish to be together she may convert and become his wife.

I believe that Maimonides is taking the more pragmatic approach: give in a little bit so that you not lose the entire battle. Try to allow him to get her out of his system with one sexual act. Hopefully it will work, especially after a month of reality in accustomed surrounding.

In general, Hasidut was critical of self-styled ascetics who tortured themselves in order to bring their bodies into line. One of the important followers of the founding father of Hasidut, Rabbi Yisrael Baal Shem Tov (Master of the Good Name, eighteenth century) was a leading rabbinical scholar, Rabbi Yaakov Yosef of Polnoye, who had previously been given to fasts and mortifications.

Rabbi Yaakov Yosef was initially an aggressive opponent of the Baal Shem Tov and the following story is told how he became one of his most faithful disciples. One day the Baal Shem Tov whispered to him, "When horses get wild, a stupid rider tightens the reins, but that only gets the horse more upset and difficult to manage. A clever rider loosens the reins, and in that way brings the horses into his control." Rabbi Yaakov Yosef understood, stopped his fasts, and became a Hasid.

Nahmanides, who may agree that the yetzer hara is very powerful, might argue that the result is the opposite: give the enemy a finger and he will ultimately take your hand. Therefore, he understands the verses in the Torah as giving advice on how to conquer the evil instinct completely. Hold out the promise of sexual conquest, but only after following a complex procedure which he believes will generally lead either to the complete splitting up or to her willing and even joyous acceptance of Judaism; they would then be able to get married in accordance with "the laws of Moses and of Israel."

This difference of opinion is further confirmed by a Talmudic adage which advises that if a person is smitten with the yetzer hara he should go to a place where no one knows him, dress in black, wrap himself up, and do what "his heart desires" (Moed Katan 17a).

Maimonides, taking these words at their obvious meaning, would say this advice is comparable to the law allowing the soldier one act of intimacy with a forbidden woman. If one's evil inclination is so overpowering that he cannot control it, let him locate himself in a strange city, incognito, and do what he has to do: in this manner he can "get it out of his system" and soon return to his former life without the shame of the entire world being privy to his indiscretion. There is no need to ruin your life because of one incident of weakness.

R. Ĥananel (ad loc.) gives the passage another interpretation, more in keeping with Nahmanides. By the time the individual changes his clothes, takes the journey to a city where he's unknown, and finds a new place to live, he'll be so exhausted and ashamed at what he sees in the mirror that if he does "what his heart desires" it could very well be returning home.

Halakha, or Jewish law, takes the would-be sinner by the hand, and step-by-step teaches him to desire what Torah would say is right to desire. 

**RABBI BEREL WEIN**

# Wein Online

This week's Torah reading begins with all the ills that can befall a domestic society. These include lust and exploitation of other human beings, especially women by men in a dominant male society; unhappy marriages, dysfunctional families and disputes over inheritances that wreck family life. Seriously troubled, rebellious, and violent children that defy all authority, especially parental authority is also discussed. We are all witness, almost daily, to these circumstances in our general and specific societies.

The Torah in this parsha deals only with the treatment of the symptoms and not with the pathology that lies behind the problems. It attempts to protect the abused woman, to bring order into the rights and priorities of potential heirs and to punish the wayward son. Yet it does not directly comment on the underlying causes that generate these heartbreaking problems.

It is not that the Torah is unaware of the causes of the problems that it describes. Rather, the Torah always "descends into the exploration of the human psyche" and always presumes that in spite of all of its warnings, commandments and values, human beings -- good decent people -- fall prey to weaknesses and do not wish to gaze at the consequences of their behavior.

If all of the preceding parshiyot of the Torah did not impress the reader regarding how to raise children, how to enter and conduct a marriage, how to treat other human beings with dignity and respect, then repeating these lessons now is almost useless. The Torah merely points out for us that the facts, the results of life and our previous behavior in it, speak for themselves in the results that now face and challenge us. We already know the causes for these problems. The Torah now wishes us to see the results for ourselves as they manifest themselves in our lives.

There is also an element present in our lives that always remains inexplicable to human reasoning and understanding. The greatest, smartest and most wonderful parents sometimes raise dysfunctional if not even monstrous offspring. The example of Yitzchak and Rivka with Eisav or of King David with Avshalom rise before us

And the opposite situations as well, where people of dubious character and sinful behavior raise children of outstanding merit such as Terach with Avraham or Lavan with Leah and Rachel. In short, quick and easy judgments as to the causes of family behavior in these matters are not in place. There are too many variables and the freedom of choice entrusted to every human being, for good or for better, remains paramount in human behavior.

Therefore, perhaps the Torah does not dwell upon the deeper causes of the dysfunctional and wrongheaded behavior that it describes in the parsha. Instead it concentrates upon the behavior itself and its resultant problems and consequences. The hidden things belong to an inscrutable Heaven, but it is our task to do the best we can to follow the general principles and values as well as the specific commandments of the Torah, and pray to God for success and achievement. 

**RABBI AVI WEISS**

# Shabbat Forshpeis

The issue of spouses who refuse to grant a get (Jewish divorce) 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 we cannot 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 socioeconomically, 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 a husband's many obligations to his wife, including an amount of money that his wife will 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 restricted a husband's ability 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 sufficient 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 separation of church and state, the beit din has no legal power to implement its decisions. This has created a situation where a husband can blackmail his wife by demanding exorbitant sums of money or custody of children 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 prenuptial agreement. This legal document stipulates that both husband and wife agree before getting married to come before a previously designated beit din to arbitrate a get should it become necessary. The beit din then has the right to demand the get be given. If the husband refuses, then 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 in which 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 ("chained women" who are unable to remarry due to their estranged husbands refusing to give a get) on a case-by-case basis.

There exists within the halachic system the means to change the grossly imbalanced power dynamic 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 iggun (being chained in an unwanted marriage) from our community. 

**ENCYCLOPEDIA TALMUDIT**

# Yefat To'ar

*Translated by Rabbi Mordechai Weiss*

Riddle: 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 remains 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. 

**RABBI DAVID LEVIN**

# Returning a Lost Object

In parashat Ki Teitzei, the Torah speaks of returning a lost article to one's brother. There are many laws involved in this process which may seem very stringent and which place a large burden on the part of the finder of the lost object. It is important not only to comprehend the laws but to understand the fundamental principles behind them. The Torah tells us, "You shall not the see the ox of your brother or his lamb/kid cast-off, and hide yourself from them, you shall surely return them to your brother. If your brother is not near you and you do not know him, then you shall

bring it inside your house and it shall remain with you until your brother's inquiring about it, then you shall return it to him. So shall you do for his donkey, and so shall you do for his garment, and so shall you do for any lost article of your brother that may become lost from him and you shall find it, you cannot hide yourself."

Rashi explains that one may not "hide yourself from them (the lost object)," one may not pretend that he does not notice it. The Ramban explains that the Torah spoke in Sh'mot of a to'eh, an animal that wandered from the path, referring to the animal of an enemy. In our parasha, the Torah speaks of a nedachim, cast out as gone astray, referring to the animal of one's brother. The Torah recognizes that one might return the animal of his enemy if it is not much effort, just placing it on the right road to return to its master. One's friend's animal that may have strayed far from its path and may require a significantly greater effort to return it.

HaRav Moshe Feinstein asks why the Torah chooses to give this commandment both as a positive commandment, "you shall surely return them," and as a negative commandment, "you shall not the see the ox of your brother or his lamb/kid cast-off, and hide yourself from them." This is not the usual form of a negative commandment, and should have been stated as, "You shall not hide from objects that are lost by your brother, you shall surely return them." HaRav Feinstein explains that the language of the Torah comes to qualify and limit the commandment. The Torah is concerned for the individual who may be too important or too old to physically gather a lost animal and care for it with dignity while searching out its owner. This might apply to a mayor, a king, or a scholar/teacher. The Gemara also speaks of a Kohein who sees a lost animal in a cemetery where he is forbidden to enter because he would become ritually impure.

HaRav Zalman Sorotzkin points out that, while it is more natural to be concerned with the loss to a brother, the Torah first speaks of returning the loss to an enemy in order to appease him. The Torah also spoke of the enemy to tell us that one must place the loss to one's enemy. One must concern himself with his enemy before his brother, if it is impossible to save both lost objects. One might think that this is done only to appease his enemy and prevent his anger, but HaRav Sorotzkin explains that this simple act of returning a lost object could also lead to a reconciliation between enemies, a much higher goal than simply returning a lost object.

HaRav Shamshon Raphael Hirsch explains that the Torah begins with the lost animal but proceeds to speak of any object lost by one's brother. This is partly because an animal has the ability to move on its own and can wander on its own away from the area where it is watched by his brother. Still, when finding one's brother's animal in an unusual place, one must attempt to judge whether the animal was placed there by one's neighbor or whether the animal strayed. If one is unsure that the animal is truly lost, one is not required to take the animal to his house and care for it until the owner comes for it. One should, however, attempt to locate the owner and determine whether the animal was intentionally placed there. With a lost object that cannot move on its own, unless it is clear that the object was placed in a particular spot or set down in a particular way, one must assume that it is lost and must take the object to his house until he can locate the owner.

This leads to another important factor for returning any object. There must be a way for the owner to clearly identify the object as his own. Animals may have an identifying mark or coloring that would likely be familiar to its owner. Sometimes an object can be identified by the place where it is found or the condition of its placement. If one found money that was not scattered on the ground but instead stacked in a pile, wrapped in a cloth or bag, or with some string tying it together, there is a clear indication that this money can be identified by information that the owner would be able to convey. If no such positive identification could be made, the finder is not required to search for its owner and may consider the object his own. It appears in this case that the owner would have given up hope of finding the object simply because he could not prove that the object was his.

HaRav Feinstein explains that a basic question arising from the language of this Torah law is whether it is better to do the right thing because one understands that it is right, or whether it is better that to do the right thing because one is commanded to do it. He brings an example from an entirely different section of the Torah to further this discussion. HaRav Feinstein asks the same question by the daughters of Tzelaphchad, a man who died in the desert and left only daughters to inherit him and his ancestral land. These daughters came to Moshe to determine if there was a way for them to inherit ancestral land which could only be passed down through sons. Hashem commanded them to marry within their tribe so that the inheritance would remain within the tribe and still fulfill the promise of an inheritance for Tzelaphchad. Why were the daughters commanded to do something which they already had suggested to Moshe as part of their query? HaRav Feinstein explains that Hashem understood that the daughters of Tzelaphchad and the finders of lost objects would do the right thing even if not commanded. Yet Hashem wished to reward them for their efforts by commanding them. In this way, they would not only receive a reward for doing something that was right, but for obeying one of Hashem's commandments.

We all try to do what is proper and right. What

HaRav Moshe Feinstein is telling us is that we must be aware that when we do the right thing, we are serving Hashem. The Torah reminds us to keep that perspective in all our actions. It is only by obeying Hashem's commandments and serving Him, that we are doing the right thing. May we always seek to serve Hashem by our actions. *© 2022 Rabbi D. Levin*

**RABBI JONATHAN GEWIRTZ**

# Migdal Ohr

"Send away the mother and take the children for yourself so [in] that [merit] it shall be good for you and you shall have long days." (Devarim 22:7) The mitzvah of sending away the mother bird when taking the young or the eggs is quite famous, and seen as a tremendous segulah for a number of things. What is surprising is that the reasons for this mitzvah are not as clear-cut as the world today might make it seem. Most people will tell you that the underlying message of this mitzvah is to be compassionate and sensitive to the feelings of the mother bird.

However, this is NOT the opinion of the majority of commentaries. They offer several different insights, including one who says, "Shiluach HaKen is not intuitive at all." The animal compassion argument doesn't make it into the discussion for most of them.

One recurrent approach is that of sustainability. By leaving the mother bird alive, there will be more eggs laid and the world will not be lacking that nest. It's a sort of restraint that a person doesn't take all they can, and leaves the root to continue to grow and produce.

Another approach focuses on the connection to honoring one's father and mother. Both of these mitzvos promise long life and a good life, so they are paired together. The Klei Yakar says the obvious similarity in these two commandments is that they speak to the fact that each creature has a parent. That parent had parents as well, and if you follow the line back, you will come to the ultimate parent, G-d, Himself. By honoring parents, and leaving the mother bird alive, one is acknowledging Hashem's mastery of the world and of us.

The common thread, here, is that a person fulfilling the mitzva is aware of things outside of himself. He is thinking of Hashem and of others. He does not see himself as the be all and end all, which helps answer an obvious question.The posuk says, "You will lengthen days," but doesn't say, "YOUR days." In Va'eschanan, at the second Ten Commandments, when discussing honoring your parents it says, "L'maan yaarichun yamecha, so that your days be lengthened." Why the change here?

The Haamek Davar contrasts the two and says that there it's speaking of length of days in the next world and goodness in this world. Here, by sending the bird away, both rewards are in this world. By not saying YOUR days, it is a reminder that this world is not our primary place. Rather, it is the time that we have the opportunity to achieve things that will expand our existence in the next world, and improve the lives of others both here and in the next world.

When we strengthen our Emunah in the Creator by sending away the bird simply because He told us to, and at the same time we are benefiting others by not destroying the breed, we are living the balanced life we are intended to. Then we can consider our days long and fruitful, because they not just about self-gratification, but full of actual goodness.

*About a hundred years ago, a mother in a small European village finished doling out the meager bowls of soup which were all her family could afford. Just then, there was a knock on the door. A poor(er) man entered and asked for something to eat.*

*Before she could say anything, one of the children escorted the man to the table and gave him his own portion. The man gratefully ate and left with blessings for the family for their kindness. When he had gone, the mother asked her son, "You know I have no more soup to give you. Why would you give it away?"*

*"If I had eaten the soup," replied the boy, "what memory would there be of it in two hours? I'd be hungry again anyway and the soup would be gone forever. Now, the mitzvah I did with that soup will live on forever and never be forgotten."*

*Not only did that mitzvah live on in Heaven, but this man's grandson is deeply involved with a charity organization which feeds thousands of Jewish people each Shabbos. Indeed, many days of many lives were lengthened because of his thoughtfulness. © 2022 Rabbi J. Gewirtz and Migdal Ohr*

**SHLOMO KATZ**

# Hama'ayan

King Shlomo writes in Mishlei (25:21-22), "If your enemy is hungry, feed him bread; if he is thirsty, give him water to drink--for you will be 'choteh' coals on his head, and Hashem will reward you." R' Yehoshua ibn Shuiv z"l (Spain; 14th century) initially rejects the popular translation of the word, "choteh," i.e., "scooping." He writes: G-d forbid that King Shlomo would suggest that one perform kindness for his enemy for the purpose of taking revenge on him. Rather, the word means, "removing." One who performs acts of kindness for his enemy "removes" burning coals--i.e., anger--from the enemy's heart and promotes peace. Alternatively, if the word does mean, "scooping," the intention would be that one may perform acts of kindness for his enemy so that his enemy will be ashamed to continue hating him.

We read in our parashah (22:1), "You shall not see the ox of your brother or his sheep or goat cast off, and hide yourself from them; you shall surely return them to your brother." In Parashat Mishpatim (Shmot

23:4), this same mitzvah is worded differently: "If you encounter the ox of your enemy or his donkey wandering, you shall return it to him repeatedly." The commandment in our verse, writes R' ibn Shuiv, is of general applicability, while the commandment in Mishpatim, i.e., to return the lost animal of one's enemy, is an act "lifnim m'shurat ha'din" / beyond the letter of the law, applicable to a person who wants to conquer his yetzer hara. R' ibn Shuiv adds that the "enemy" spoken of here is a person that a righteous Jew hates because of the other's sinful deeds. Otherwise, it is forbidden to hate another Jew. Even so, Hashem does not completely despise even a wicked person, and there is therefore a mitzvah to assist him, for one should not try to be "more religious" than G-d Himself. (Derashot R"Y ibn Shuiv)

"They shall say to the elders of his city, 'This son of ours is wayward and rebellious; he doesn't listen to our voice; he is a glutton and a drunkard.' All the men of his city shall pelt him with stones and he shall die; and you shall remove the evil from your midst; and all Yisrael shall hear and they shall fear." (21:18-21)

Rashi z"l writes: "The ben sorer u'moreh / wayward and rebellious son is put to death on account of his future. The Torah foresees that, in the end, he will squander his father's property and, seeking in vain the pleasures to which he has become accustomed, he will stand at the crossroads and hold-up people. Says the Torah, 'Let him die innocent, and let him not die guilty'."

In contrast, Rashi (to Bereishit 21:17) writes that, when Yishmael, son of Avraham Avinu, was dying of thirst, the angels argued that he should be left to die because his descendants would cause the Jewish People at the time of the destruction of the First Temple to die of thirst. Hashem responded, "Right now, is he innocent or guilty?" "Innocent," the angels answered. "If so," said Hashem, "he will be judged based on his actions now and not based on the future."

Why the different treatment? R' Eliyahu Mizrachi z"l (1455-1526; Chief Rabbi of the Ottoman Empire) explains: At the point at which the angels were arguing for Yishmael's demise, he had not yet begun down the path that would lead his descendants to kill Jews. Thus, he was entirely innocent of that crime. In contrast, the ben sorer u'moreh has already begun his life of crime. Thus, he is no longer innocent and can be judged based on the inevitable path he has started down.

R' Mizrachi adds: If the Torah foresees for him a future as a murderous robber, why is he punished with stoning? That is far more severe than the punishment for murder, which is death by the sword.

He answers: The Torah foresees that the ben sorer u'moreh not only will be a robber and a murderer, but that he will commit those acts on Shabbat. For violating Shabbat, the punishment is stoning. (Mizrachi Al Ha'Torah)

Yehuda Aryeh Leib Alter z"l (1847-1905; the Gerrer Rebbe) suggests that the cases of the ben sorer u'moreh and of Yishmael aren't comparable because the angels clearly were not arguing that Yishmael should be left to die. After all, they foresaw that his descendants would kill Jews, though Yishmael had not yet fathered children at that time. Obviously, he was going to live. Rather, the angels were merely arguing that Yishmael did not deserve to be saved in a miraculous fashion. (Sefat Emet to Rosh Hashanah 16b)

The Talmud Yerushalmi (Sanhedrin 8:7) offers a slightly different explanation for the ben sorer u'moreh's fate: "G-d foresaw that this youth is destined to consume his parents' assets, to sit at the crossroads and steal from people, to murder people, and, in the end, to forget his Torah learning. Therefore, it is better for the youth to die innocent rather than to die guilty."

Is forgetting one's Torah learning worse than committing murder, as the progression above implies? R' Eliyahu Eliezer Dessler z"l (1892-1953; head of the Gateshead Kollel and mashgiach ruchani of the Ponovezh yeshiva) explains that no matter what sins a person has committed, as long as he remembers his Torah learning, there is hope he will repent. However, once he has lost what he learned, all is lost.

R' Dessler continues: Rabbeinu Yonah z"l (Spain; died 1263) writes in Sha'arei Teshuvah of the great value of Torah study, so much so that life without it is worthless. If so, asks R' Dessler, how is it possible that people who do not study Torah are nevertheless alive? He answers: Such people are allowed to live to serve as tools of the satan / the evil inclination, who says, "Look! There are so many people who do not study Torah, and they are alive and well."

But what difference does it make? Life is life! R' Dessler concludes: We recite during the High Holiday period,"Remember us for life, the King Who desires life, and inscribe us in the book of life, for Your sake, the living Elokim." We want life for G-d's sake, i.e., for the sake of revealing G-d's Name. We do not want life if it means being tools of the satan. (Michtav M'Eliyahu I p.105)