



Rabbi Reisman – Parshas Ki Saitzai 5783

1 – Topic – A thought regarding Hashavas Avaida, a Halacha regarding Zechiros Mechias Amaleik and an understanding of the Zichronos of Yomim Noraim

As we prepare for Shabbos Parshas Ki Saitzai. Parshas Ki Saitzai has an unusual number of new Mitzvos, Gittin, Kiddushin, Yevamos all have their roots in Ki Saitzai, as does at least one of the Parshios of Hashovas Avaida. 22:2 (וְהִשְׁבַּחְתוּ לֵוִי). The Mitzvah of Hashavas Avaida is in this week's Parsha.

The Gemara in Bava Metzia 28b (11 lines from the bottom) says (מטפל בהן עד י"ב חדש) that someone who finds a Metziah there are certain obligations to work with it until 12 months. Until 12 months there is a good chance that the owner will come and take it. After 12 months under certain conditions, you are allowed to sell it and put away the money. That is the Gemara (מטפל (בשהבן עד י"ב חדש). The Gemara in Berachos 58b brings a Posuk in Tehillim 31:13 (נִשְׁכַּחְתִּי, כְּמַת מֵלֵב;) (כְּכֵלִי אֲבֵד). The Gemara says that 12 months is the end of Aveilus, and 12 months is (כְּכֵלִי (אֲבֵד) a person gives up on a Keli that is lost, and that is the idea of 12 months being a time that a person forgets.

This week is Parshas Ki Saitzai prior to an Ibbar Yahr (a year with two Adars). The Chasam Sofer in a Teshuva in Sof Siman Kuf Yud Tes writes, that in a Jewish leap year we have a problem. There is a Mitzvah of Zechiras Maiseh Amaleik, to remember what Amaleik did, and we do it once a year on Shabbos Parshas Zachar. In an Ibbar Yahr such as this year, it will be 13 months from last year's Parshas Zachar until Adar Beis, this year's Parshas Zachar. This is more than the 12 months mentioned by Hashavas Avaida. Therefore, says the Chasam Sofer it would be appropriate on this Shabbos Parshas Ki Saitzai to have in mind by Maftir to be Yotzei the Mitzvah of Parshas Zachar.

The Maharam Shik who was a Talmid Muvhak of the Chasam Sofer in his Sefer Hamitzvos, brings this concept B'sheim his Rebbi that in an Ibbur Yahr such as this year in Parshas Ki Saitzai have in mind to be Yotzei Parshas Zachar and he compares it to (נִשְׁכַּחְתִּי, כְּמַת מֵלֵב; הֵיִיתִי,) (כְּכֵלִי אֲבֵד) that which I mentioned earlier.

The Satmar Rav in Teshuvos Divrei Yoel, Teshuva Lamed Gimmel, takes issue with this Chasam Sofer. First, he is Matmia why no one before the Chasam Sofer mentioned this idea. However, in truth Kach Hi Darko Shel Torah, it is not such a Chiddush that sometimes an Adam Gadol comes and Makom Hinichu Li L'hisgadol Bo. However, he asks another Kasha which is a Shtarke Kasha. He says what is the comparison to an Avaida or a Meis?

You think people forget the Avaida, you think they forget the Meis? No! There it is an issue of Yiush of being Mi'yaesh. After 12 months a person is Mi'yaesh, he gives up hope that he will get his Avaida back. What does that have to do with the Mitzvah of Zachar, of remembering something. Something that might be forgotten. There is no sign that after 12 months you forget things. Therefore, says the Satmar Rav there is no comparison. In Yeshiva Minyanim it is the Derech to call out and by Parshas Ki Saitzai announce that people be Yotzei Parshas Zachar and in the Chassidische Minyanim it is not the custom and in line with the different Shittos that are involved here.

What is their argument? The Satmar Rav as he says holds that Parshas Zachar is to remember. It shouldn't be forgotten. It has nothing to do with an Avaida. It appears that the Chasam and the Maharam Shik hold that the Mitzvah of Zachar is also not because you will forget, but because you shouldn't be Mi'yaesh. What do I mean be Mi'yaesh? When a person loses a close relative Lo Aleinu, it is on his mind. When 12 months pass he doesn't forget, but he gets accustomed to the fact that this relative is no longer here. It becomes something that he is accustomed to.

Someone who loses an Avaida, he hopes to get it back. When 12 months pass, he gets used to the idea. It is already old news by him. It is not something that is fresh on his mind. Parshas Zachar according to the Chasam Sofer is similar. The idea of Mechias Amaleik, of uprooting evil is something that should be actively on our mind. We should be aware of it, and therefore, the comparison is a good comparison.

I would like to add that on Yomim Noraim, on Rosh Hashana we talk about Malchios, Shofaros and Zichronos. Malchios we know is an Avoda to feel the kingdom of Hashem, the Malchus of Hashem. Shofaros we also know, the Mitzva of Shofar and the Shofar should awaken us to do Teshuva. What exactly is Zichronos, remembering things? Zichronos means memory. What does that mean?

According to this we have a new Pshat in Zichronos. Everybody remembers the Teshuka, the desire, the Cheishek he had for different Mitzvos at different times. Maybe someone when he began Daf Yomi started with a Cheishek. Someone when he began a special Seder in learning. Someone when he was younger and had a tremendous Cheishek to Daven with a lot of Kavana. As time goes on he gets weakened up, he gets Shvach, it gets lost on the person. The Zichronos are they should be refreshed, they should be renewed. It should be there again. The Avoda of Zichronos, don't be Mi'yaesh, don't give up. Have a fresh start with the Chalomos, with the Teshukos, with the Cheishek, with the desire that you had.

Rav Moshe said that we call a Yom Tov on the name of its Mitzvah. Chag Hapesach, we call it Chag Hamatzos. The Mitzvah is Matzos. The Mitzvah of Sukkos is Sukkos. The Mitzvah of Shevuos is Sefiras Ha'omer as the Gemara says in Rosh Hashana. Yom Hazikaron is a Mitzvah, the Zikaron is a Mitzvah. What is the Mitzvah? To remember forgotten things? No!

The Mitzvah is when you are Mi'yaesh on growth, in Avodas Hashem, to renew it and that is what Yidden do these days. They try to renew and be Mechadeish the Cheishek all over again. And so, we have a thought regarding Hashavas Avaida, a Halacha regarding Zechiros Mechias Amaleik and an understanding of the Zichronos of Yomim Noraim.

2 – Topic – A Thought on the Parsha

Parshas Ki Saitzai has the Parsha of Gittin. Somebody who divorces his wife, if he is not a Kohen is allowed to remarry her as long as she didn't marry anyone else in the interim. A Yisroel who divorces his wife is allowed to take her back. The Gemara in Gittin 45b (Mishna) tells us one exception. Somebody who divorces his wife (משום שם רע) because of rumors of misbehavior or because she makes too many Nedarim, or because he suspects that she can't have children, Middarabanan he is not allowed to take her back. We tell him at the time of the divorce you should know that you can never take her back.

Why do we do that? We are afraid that if a man divorces his wife for example because of Sheim Ra, because of rumors of bad behavior. Later he will come back and say, oh I was misled, it is a Ta'us, it is an error. The Get is in error. We are afraid he is going to say that. Who knows? He might say that after the woman remarries and has children and he will throw doubt on the whole Get. Therefore, the Rabbanan said we tell him you should know that this Get is final and Zeh Hu. That is the Gemara in Gittin 45.

The Binas Adam, this is the Chochmas Adam in his Binas Adam which is his notes in the section that he calls the Beis Hanashim, Os Lamed Beis explains this Halacha. He is dealing with a situation with a man who gave a Get with the understanding that he would receive certain things. The things were given to him and he gave the Get, and one of the things he received was not what it was supposed to be, it was fake. So now he wants to throw a doubt on the whole Get. So the Binas Adam says he is entitled to what he was promised, but as far as the Get, the Get is a good Get.

He explains this Gemara as follows. He explains why indeed does a man divorce his wife because of a Shem Ra, because of rumors. Why if the rumors prove to be untrue, why is it not a Mekach Ta'us? If a man divorced his wife because he suspects she can't have children and later she can, indeed it should be a Mekach Ta'us.

Says the Binas Adam a Yesod. His Yesod is, that a man doesn't divorce his beloved wife because of these reasons. If a man has Chavivus for his wife as he should, and there are rumors or suspicions of a medical problem, the Chavivus of a man to his wife should be such that he doesn't let go. He tries whatever he could to be there for her. He tries any type of Refuah, if he suspects an illness, he tries any type of Limud Zechus if there are suspicions about her. A man who gives a divorce, is showing that he lacks the actual love, the actual Chavivus that there is supposed to be. An Anan Sadi, we know nobody would divorce a beloved wife for money. So this man who gave a divorce and complained that he didn't get all of the assets he was supposed to get, the divorce is still a divorce. Ain Mevatlin Get Al Pi Um'dana. We are not Mevatel a Get so quickly.

The Yesod Hadevarim is, when there is Chavivus, when there is a love, then Al Kol Peshaim Techasa Ahava, a proper Ahava means that you push through as much as you can. These are the words of the Binas Adam.

Our understanding is really a necessity to have a proper and deep understanding of the love a man has to have for his wife, it is an Avoda. Rav Yaakov writes in Parshas Chaya Sarah in tremendous language of devotion a man has to have to his wife. It is an Avoda.

Nowadays, people are married for years and then they get angry at their wife for different things. The Chisaron is missing in the Avoda of Ahava. We think Ahava, of the love of a man to his wife is something that is natural, it is something that is supposed to be automatic. If you get upset, so you get upset. It is not that way. It is an Avoda. It is a Middah. It is something a person has to excel in and have a goal to excel in. You should have a goal to excel in Ahavas Ishto, in Ahavas Yisrael, in Ahavas Hashem. These are all aspects of Avoda.

Anytime there is a feeling of Shutfus, a man and wife have a feeling that they are partners and there is a spirit of Shutfus, with the Torah, with HKB"Y, then a man doesn't get upset at his wife. A man doesn't fly off the handle.

Imagine, if a Gadol Hador was in the house, you feel there is a Shutfus, you, your wife and the Borei Olam. If there was some representative of the Shutfus of the Borei Olam in the house, and your wife did something that indeed she should not have done, would you get angry in front of him, would you get upset? It is an Avoda the Ahava. The Ahava has to be such that no matter what happens, Al Kol Peshaim Techaseh Ahava.

In Al Cheit we say, Al Cheit Shechatanu Lifanecha B'ona'as Rei'ah. Which literally means, we sinned to you with the Onah which is a Lashon of causing pain, Rei'ah, to a friend. Rei'ah is a wife. We say Al Cheit Shechatanu Lifanecha B'ona'as Rei'ah, we have to say it for the Rei'i'm Ahuvim, we have to do Teshuva and refresh the old Zichronos of the original time that we decided to get married. It was an Ahava Bei'neinu, it has to be refreshed. The silliness of the challenges of life, there is a lot of pain in this world. There is a lot of challenge in this world, there are a lot of disappointments in many areas of life. But a person in his home has to keep the home as fresh as he could be.

When a person walks in at night after a day at work or at Yeshiva, the first thing he has to say with how was your day has to be positive, has to be good, has to be everything is wonderful. There has to be an Avir of positivity in your house, then the Shutfus works. And so, with these thoughts we prepare for Shabbos Parshas Ki Saitzai to try to have a feeling of the days of Elul that are upon us and prepare for a Shana Tovah Umesuka!

Rabbi Reisman – Parshas Ki Seitzei 5782

1 – Topic – A Thought about the current NYS and NYC Education Department demands on Yeshivos

As we prepare for Parshas Shabbos Ki Seitzei as we are in middle of the month of Elul. As many of you are aware, the NYS education department has proposed regulations to control Yeshivos, and on the coming week's Monday and Tuesday it appears that the Board of Regents who have

the authority to pass these regulations will do so. I would like to explain for a minute how the Hashkafa of this plays in to our time here in the United States.

The short of this rule is that until now all Yeshivos have had to be equivalent and have an adequate education, but the assumption was that a Yeshiva was good. If there was a complaint the government investigated the complaint. But Stama, a Yeshiva in this country, in this state was considered good.

According to the new regulations, no Yeshiva is automatically considered to be giving a good education. Every Yeshiva has to have some way of proving that they are giving an adequate education. As a matter of fact, the Yeshivos have to satisfy the city and even if the city says that the education is equivalent, then it goes to the state. So that the Yeshivos really have to pass two tests in order to be considered adequate. This is the law in a nutshell.

The Hashkofas HaInyan is that really in this country everyone is presumed innocent until proven guilty. That is a basic idea here in the United States. The idea that someone is presumed inadequate until proven adequate is an unfortunate twist and turn. As Jews have traveled through the Galus for many centuries, we realize that we live this way in many countries where people were considered to be proper upstanding citizens, the Jew in Galus always had to prove his allegiance, had to prove that he belongs.

From our Hashkafa, it might be good for us to realize that we are guests in this country, we are strangers in this country. We are here because we are not in Eretz Yisrael, there is no Bais Hamikdash and there is no Malchus Beis Dovid. We were sent to Galus. Over the last 50 – 60 years we have become very comfortable here. The basic values of the United States mirrored to a great degree the basic values of Yiddishkeit, of our religion. That has changed. The basic values of our country have shifted and they do not mirror our religion. The basic values of the political leaders in NYS certainly has shifted. The values are very far and becoming more and more distant from where we are. I think that the lesson in all this is that Yaakov Avinu Davened to be protected M'yad Achi M'yad Eisav. Protect me from Eisav when he is out to kill me and protect me from Eisav when he is out to befriend me.

In this golden age of living in a Medina of Chesed, we were afraid of our enemies always. But we saw the basic American as somebody who had values that somehow could be befriended, could be ours. Now we live in a country and certainly in a state where the values are what we always called Goyish values or non-Jewish values, gentile values. They are not our values. I don't know if they ever were, but what is in our face is that the values are so different. And so now the board of regents will say that Yeshivos are presumed not to be adequate unless they are proven adequate. You got to prove it. You have many pathways to prove it. But you have to prove that you are good. Not only do you have to prove it once but now you have to prove it twice. You will be inspected by your local NYC school board and if they say you are good you are still not good. The state also has to say that you are good. You need to be checked twice. There is a message there. There is a message that we need to take to heart.

2 – Topic – A Vort on the Parsha

Rav Moshe in the Kol Rom (Page Taf Nun Aleph, in Os Vav) points out something that we may have noticed but never stopped to think about. When the Torah talks about destroying people who sin, the Torah uses two different expressions. In this week's Parsha in 22:21 it talks about a (נַעֲרָה מְאֲרֻשָּׁה), a girl in the process of getting married who is unfaithful to her husband. The Torah says (וּבְעֵרְתָּ הָרָע, מִקִּרְבָּךְ). Get rid of the evil (מִקִּרְבָּךְ) from among you. In the next Posuk the Torah talks about an unfaithful wife and there it says (וּבְעֵרְתָּ הָרָע, מִיִּשְׂרָאֵל). Get rid of the evil that is among the Jewish people. Why the change from (וּבְעֵרְתָּ הָרָע, מִקִּרְבָּךְ) to (וּבְעֵרְתָּ הָרָע, מִיִּשְׂרָאֵל)? As a matter of fact, earlier in the Parsha by the (בֶּן סוּרֵר וּמוֹרֵה) it says in 21:21 (וּבְעֵרְתָּ הָרָע, מִקִּרְבָּךְ). And so on and so forth there are a number of such examples.

Rav Moshe gives us a rule. A rule about being wary of people among us who are not the way they should be. To do so, he brings a Gemara in Sukkah 56b (13 lines from the end of the Masechta). (ת"ר מעשה במרים בת בילגה). There was this Jewish woman from the family of Bilga, (לסרדיוט אחד ממלכי יוונים) she abandoned Judaism. She married a Greek officer (שהמירה דתה). Later when the Greeks entered the Beis Hamikdash, she went in and the Gemara says that she was (מבעטת בסנדלה על גבי המזבח). That she was very disrespectful to the Mizbaiach that was there in the Beis Hamikdash and she said very disrespectful things. In response to that the family of Bilga family's locker area in the Beis Hamikdash and the Bilga family's Shechita area in the Beis Hamikdash was sealed, because she came from that family.

Asks Rav Moshe, I don't understand, what is worse, she left Judaism and married a non-Jew and nothing happened. Nobody did anything to the family of Bilga. Then she takes her shoe and bangs on the Mizbaiach and says things that are disrespectful and suddenly we get all worked up. What is worse, being disrespectful to the Mizbaiach or G-d forbid intermarrying and converting out of the faith? Which is worse?

Answers Rav Moshe, there are two types of Aveiros. There are some sins that a person does because he has the passion for a sin, he has a desire for a sin, he has Taiva. A Taiva for pleasure, a Taiva for honor and people sin. That is a type of Aveira which takes place in the normal course of events in the world and of course it is our struggle, it is our battle always to fight off temptation.

There is a second type of an Aveira. There is an Aveira which is not just temptation, it is a type of Aveira which comes from the influence of people around you who have given you false ideas, false concepts, who have misled you. They are people who have created a Shittas Hachaim, an idea of a pathway in life in this world which is perverted. That is a second type of an Aveira. That is a much more dangerous Aveira for Klal Yisrael.

So that, when (מרים בת בילגה) converted to marry a Greek officer, it is terrible, but it is an Aveira of the first type, it is an Aveira of Taiva, of desire. When she sinned the second time and she was disrespectful to the Mizbaiach by taking off her shoe and banging it, that is something else. That is a perversion of values. That is something that indicates that the influence of those around her was a negative influence, and that calls for a reaction.

I would use a Mashul, sometimes you have a splinter in your finger and you have to remove that splinter. Sometimes someone has a disease in the body and the disease has to be removed. The splinter in the finger is the type of Aveira that is the Aveira of Taiva. The disease in the body is something which is a perversion of the health of the entire body, has to be removed.

So says Rav Moshe, An Eishes Ish, a married woman who is not faithful that is a terrible Aveira, but it is an Aveira of Taiva, an Aveira of desire. (וּבַעֲרַת הָרַע, מִיִּשְׂרָאֵל). Remove it from the Jewish people. When you have a (נַעֲרָה מְאֻרְשָׁה), a girl who is on the path to the Chuppah, she has someone that she likes and wants to marry. During that period of time she is unfaithful, that is not a normal thing. It is a time in life when normal people don't have that type of an issue. It is a time in life where normal people are caught up in the excitement of their impending marriage. It is a perversion. (וּבַעֲרַת הָרַע, מִקְרָבָהּ). You have to get rid of it from wherever it is, you have to search it out and get rid of it. Because a perversion that is a perversion of Shittah, not a perversion based just on a person's momentary desire, but based on concepts and ideas that are foreign, that is something that is much more dangerous, something that we have to be aware of in a much stronger way.

Therefore, when it is something so perverted, it says (וּבַעֲרַת הָרַע, מִקְרָבָהּ). Get it out of you, get it out of your system, get rid of it. Mimeila there is a difference in expression.

The idea that there are two types of Aveiros as Rav Moshe points out is a significant one. The influence of the United States around us has become an influence that is more and more perverted. It is a more difficult type of Aveira. It is something that we have to be wary of much more. That type of a danger is something we look eagerly to be able to distance ourselves from, to be aware. We need the awareness that it is so different. When you have that awareness you can be careful.

That really is a wakeup call for our age, for our time, for living here in a Medina, in a country which has served us so well all my life. This country which we have feelings of patriotism and feelings of inclusion and here now in the state that has the greatest number of orthodox Jewish citizens in the entire country, in this state they look to attack us with a law aimed at the Jew. It is a Jew law, it is aimed only at the Jews.

And so, as we have done in our journeys through the different countries of the world, we stand our ground, we are who we are and we will remain that way. We take note of the incredible continuation of the journey of Galus, of being included in a country and welcome in a country and suddenly the country drifts away from us. Drifts away after our contributions to the country. Okay, that is our path in Galus,

Boruch Hashem. HKB"Y has made available to us Eretz Yisrael where ultimately we will all be. We hope we will have the Seichel to be there while the going is good in the right time and the right moment B'ezras Hashem. A thought for Elul.

The Goyishe world around us is full of perversion, it doesn't influence you? You really think so? Stop for a moment and think about it. It would do us well as we head into the Yomim Noraim. A Gutten Shabbos to one and all!

Rabbi Reisman – Parshas Ki Seitzei 5781

1 – Topic – A Mitzvah that we can do this Shabbos that happens only once every few years.

As we prepare for Shabbos Parshas Ki Seitzei as we approach the middle of the month of Elul and what do you know we start to take things a little more seriously B'ezras Hashem. This time around I would like to talk about the end of the Parsha. As you know the Parsha ends with the Mitzvah of 25:17 (זָכוֹר, אֵת אֲשֶׁר-עָשָׂה לְךָ עַמְלֶק) and I want to begin by reminding you of the Hiddur Mitzvah that we get to do once every few years and that is specifically any year where the coming year has two Adars, it turns out that between Parshas Zachar of last year to Parshas Zachar of this year will be a 13 month separation. It will be a break of 13 months. The Chasam Sofer writes that to be Mekayeim (זָכוֹר, אֵת אֲשֶׁר-עָשָׂה לְךָ עַמְלֶק) a person has to remember the Maiseh Amaleik once every 12 months, and therefore, the Chasam Sofer said on a year such as this by Parshas Ki Seitzei when we Lain (זָכוֹר, אֵת אֲשֶׁר-עָשָׂה לְךָ עַמְלֶק) the Baal Korei and those who are listening should all have in mind to be Yotzei the Mitzvah of Zechiras Mitzvas Mechi'as Amaleik, to remember what Amaleik did to us and the Mitzvah to be Moche, (מָחָה אֶמְחָה אֶת-זֵכֶר) (עַמְלֶק) and that is a Hiddur Mitzvah that we can do and according to the Chasam Sofer an Ikkur HaDin Mitzvah that we can do this Shabbos.

2 – Topic – A thought from Rav Schwab on why Amaleik attacked us.

25:13 (לֹא-יִהְיֶה לְךָ בְּכִיסֶּה, אָבֹן וְאָבֹן). The Posuk talks about having honest weights. Weights that are used in business transactions should be honest. What is the Semichus Haparshios from honesty in weights to Amaleik? Rashi tells us very beautifully from the Medrash that (אם שקרת במדות) (ובמשקלות הוי דואג מגרוי האויב). When does Amaleik come? When somebody is dishonest in business, that G-d forbid brings upon us our enemies starting up with us. Honesty integrity brings Rachmana Litz'lon brings upon us the attack of Amaleik, and therefore, there is a Semichus Haparsha. It is very beautiful.

Hold on a minute. In Parshas Beshalach it says the Maiseh Amaleik 17:8 (וַיִּבְאֵ, עַמְלֶק). The Posuk before is (וַעַל נִסְתָּם אֶת-יְרֵדָה לְאֹמֶר, הַיֵּשׁ יְרֵדָה בְּקִרְבָּנוּ, אִם-אֵין) (סמך פרשה זו למקרא (וַיִּבְאֵ, עַמְלֶק) next to that? (ואתם אומרים (פסוק ז) היש ר' (לומר תמיד אני ביניכם) (הייתם שהכלב בא ונושך אתכם). That brings upon the attack of Amaleik.

The question is that it seems to be a Stira the two Rashis. Rashi here says that what brings Amaleik dishonesty in weights and in business dealings and there Rashi says that it is a lack of faith in HKB"Y, a lack of Emunah. Tzorech Bi'ur as it seems to be two totally different messages.

Rav Schwab back at Parshas Ki Sisa in the beginning of Perek Lamed Aleph (pages 217 on the bottom – 220 and this was discussed in Parshas Ki Seitzei 5778 Ayin Sham) has a relatively long piece, a deep piece about serving Hashem and particularly about Limud Hatorah, and there Rav Schwab says the following. The Yesod that he discusses there is the idea that in serving Hashem

we need to serve Hashem with what he calls Hasagas Haseichel, learning Torah with our intellect, with our understanding. Torah is given to be understood Al Pi Pshat in a very intelligent and intellectual way, and also Hasagas Haneshama, there also has to be a spiritual connection to Torah and every bit of Torah has within it its Pshat Al Pi Seder Hakesuvim, Al Pi Seichel and its higher and mystical deeper meaning. Hasagas Haneshama.

There, Rav Schwab discussing these two aspects of serving Hashem, Seichel and Neshama, he talks about the fact that the Gemara says that when a person comes up to heaven after Achar Mei'a V'esrim he is asked as is found in Masseches Shabbos 31a (4 lines from the bottom) (נשאת ונתת באמונה), did you do business honestly? What does that mean (נשאת ונתת באמונה)?

Zagt Rav Schwab there are two meanings like everything else in Torah there is the Hasagas Haseichel the intellectual and intelligent meaning, and there is the Hasagas Haneshama the deeper mystical spiritual meaning. They will ask you (נשאת ונתת באמונה) Al Pi Pshat. Were you trustworthy, were you honest, were you an Ish Ne'eman. It means to be trustworthy. Also they will ask you (נשאת ונתת באמונה) did you do business with faith in HKB"Y. The Hasagas Haneshama, the spiritual connection to that question is Emunah, faith in the Ribono Shel Olam.

Zagt Rav Schwab the two are interconnected. The intellectual obligation to be honest in everything you do and the spiritual obligation to have faith in HKB"Y, they work in tandem, the work together. A person who is a true Mamin knows that despite all of his efforts, all of his Hishtadlus, all of his work to secure a Parnasa, an income for himself, it all comes ultimately from Emunah in HKB"Y from faith in G-d. A person does something dishonest he won't end up gaining from it. We have a faith that HKB"Y gives a person what is his and not what is not his. That is the meaning of (נשאת ונתת באמונה).

Says Rav Schwab, that is why by Amaleik we find these two aspects of serving Hashem both bring upon us G-d forbid the attack of Amaleik. They are not two different things, they go in tandem, they work together. In our Parsha, honesty and weights and then (זכור, את אשר-עשה לך) (עמלק), because if we are dishonest in our weights and our business we can G-d forbid bring Amaleik upon us. There in Parshas Beshalach (הגיש ירור בקרבנו, אם-אין) (עמלק). If you don't really sense that HKB"Y is among you (ויבא, עמלק). We asked that they are two different things. The answer is they are one and the same. (נשאת ונתת באמונה) Integrity and honesty in business dealings and the sense of (הגיש ירור בקרבנו) they go hand in hand and they work together.

A lot of times there are Yeitzer Horas to try to get money dishonestly. To go and say oh I was looking for a job, and therefore, I am entitled to unemployment. They are giving away so much money. It is totally not true. How can you apply for money that you are not entitled to? People say but it is \$20,000! If it would be \$20 you wouldn't sell your soul but for \$20,000 you do sell your soul? I don't get it. People have to have integrity. Where does integrity come from? It comes from (הגיש ירור בקרבנו, אם-אין) a sense that G-d is among us. G-d is here. You will never get a penny you are not entitled to. You are just being Matriach HKB"Y to return it, which is not pleasant. That is the idea. That what brings Amaleik G-d forbid among the Jewish people? A lack of honesty and integrity in business dealings which in turn is related to a lack of faith in HKB"Y.

3 – Topic - A thought from Rabbeinu Yonah that is applied to the Parsha

25:13 (לא-יהיה לך בכיסך, אָבֹן וְאָבֹן: גְּדוּלָה, וּקְטָנָה). The measures that a person has must be honest. The fact that it is repeated (לא-יהיה לך בכיסך, אָבֹן וְאָבֹן) and (גְּדוּלָה, וּקְטָנָה: אִיפָּהּ, לא-יהיה לך בְּבִיתְךָ) and then it says (אָבֹן וְאָבֹן: וְאִיפָּהּ). It says a double Lashon in the whole Parsha. Rashi says (שלא יהא נוטל בגדולה ומחזיר בקטנה).

How do you cheat somebody with weights? When you buy you use a weight that cheats the seller and then when you turn around and sell the produce that you bought you use a weight that cheats the buyer. You have (אָבֹן וְאָבֹן) two stones. One stone when you are buying where you got ill-gotten gains by cheating the seller and you turn around and sell it to someone else you use another weight which cheats the other fellow. That is the way this type of cheating works.

I want to share with you a beautiful thought. In Mishlei 20:10 (אָבֹן וְאָבֹן, אִיפָּהּ וְאִיפָּהּ). It talks about having two stones, having two measures. (תוֹעֵבַת יְרוּרָה, גַּם-שְׂנֵי־הֵמָּה). It is something that is disgusting to G-d somebody who is dishonest and has two measures. Rabbeinu Yonah makes note of the fact that the word Midah or Midos really has two meanings. It is a measure, something that you buy and sell and it is also a human attribute. Midos Tovos, having proper Middos. Rabbeinu Yonah on his Pirush on Mishlei says and I should add that the Ralbag hints to it as well, that just like in Middos – measures a crook buys with one and sells with another, the same thing with the Middos that people have. There is a Koach Netila that is when you take and there is a Koach Nesina when you give. People who twist their Middos, twist it by being very Makpid on things when they are taking and not Makpid on things when they are giving. By being very loving to someone who is going to benefit them which is called Chanifa and being very stiff when they have to build others, that is called Achzarios. The Middos of a person, you can't be Noteil B'gedola U'machzir B'ketana. A person has to be consistent in his Middos.

He brings as an example. At the Mabul it says Beraishis 6:11 (וַתִּמְלֵא הָאָרֶץ, חָמָס) the world was full, there was too much Netila, too much taking. People took too much. What was the way to fix that? Noach in the Taiva did Nesina, he was giving, he gave incredibly in the Taiva. Constantly giving and taking care of the different animals.

A person who twists weights so that when he buys he cheats the seller and when he sells he cheats the buyer, is a crook. Somebody who is extra careful when he buys, he makes sure to use a weight which is just a little extra careful that he doesn't take too much. When he is selling he does it in a way that he makes it extra careful that he is not giving too little. He uses his Middos in the correct way.

So too says Rabbeinu Yonah, a person in his Middos, in his behavior with others (אָבֹן וְאָבֹן: גְּדוּלָה, וּקְטָנָה), be careful you have two Avonim, you have two Middos. Every human being consists of certain contradictory Middos, being nice, being tough, being angry, being happy, being tired and being alive. You have a person that when it comes to sitting down to the Daf he is tired and when it comes to Schmoozing he is wide awake. You got it backwards. When they are talking Lashon Hora to you you should be drowsy and dribbling off. Even if you are not really feeling that way you should fake it. When someone is telling you Lashon Hora just drimmel. Pretend that you are

listening to something that doesn't interest you and drimmel. When you are at the Daf you have to be wide awake. A person is going to say oh I worked so hard I am so tired that I fell asleep at the Daf. Okay I understand. But what is going on? After they were talking about the Yankees and you were wide awake. That has nothing to do with how much you work. It has to do with how much it interests you. It is an important message, a message of consistency and it comes from Rabbeinu Yonah. (אָבן וְאָבן: גְּדוּלָה, וְקִטְנָה). Please, be consistent in your Middos. Stress the Koach Hanesina, give generously. The Koach Hanetila, when you are taking take sparingly. With that a person has lots of Hatzlacha in everything that he does.

4 – Topic – A question of the week

There is a section in the Parsha which talks about a man and a woman Rachmana Litzlon who are Mezaneh. So it says if the man forces the woman she is Patur and he is Chayuv. If it is done willingly by both parties then they are both Chayuv. The Torah uses the Lashon (וְאִם-בְּשָׂדֵה יִמָּצֵא) if a man found a woman in the field as opposed to (בְּעִיר). (לֹא-צִעֲקָה בְּעִיר). In the city she didn't scream. Meaning to say, in the city the Ramban says that Pshat in the Posuk is in the city they did it willingly and there they are both Chayuv Misah. In the field, the woman was forced and only the man is Chayuv Misah. That is Pshat in the Pesukim and I think that we all understand that.

I don't get it. The Posuk is talking about being Chayuv Misah, the death penalty. Misah is only when there is Hasra'a, only if there is a warning and the person says Af Al Pi Kein he accepts the warning and does the Aveira anyway. How does it work if you say well if it was in the city she did it willingly if it was in the field then she didn't do it willingly. What does it have to do with city or field? It has to do with whether there was Hasra'a. How can you say they both die only in the city and they don't both die in the field. In either place if there was Hasra'a to her and she accepted it she is Chayuv Misah and if not not. I don't understand the Pshat in these Pesukim. There must be a good answer somewhere and I am sure some of you will find it. Have a wonderful Shabbos to one and all!

Rabbi Reisman - Parshas Ki Seitzei 5780

1 - Topic - A Thought Regarding the Mitzvah of Marriage

As we prepare for Shabbos Parshas Ki Seitzei, an Elul unlike any other when we Daven for Shemira literally from day to day. We hope HKB"H should give us Shemira from the Kol Nega Umachala from everything going around. M'kol Tzara U'tzuka, from our enemies who want to give us a difficult time. IY"H HKB"H should help us that it should be without Nega Umachala without Tzara U'tzuka and we should have Bracha and Hatzlacha in everything that we do. Certainly a pathway to that is through Limud Hatorah and we begin Parshas Ki Seitzei with a thought regarding the Mitzvah of marriage.

It has often been noted most prominently by the Rosh in the first Perek of Kesubos, that the Torah never mentions a Mitzvah to marry. Marriage is mentioned in the context of Ki Yikach Ish Isha. When a man will take a woman. Of course that applies to the Mitzvah of marriage and there

are Rishonim that count it as a Mitzvah, but the Posuk is as is found in 22:13 (כִּי-יִקַּח אִישׁ, אִשָּׁה; וּבָא (אֵלֶיהָ, וַיִּשְׁבְּעָהּ). When a man will take a woman and live with her and hate her. It is the Parsha of Gittin. It is very strange that the Parsha of marriage should be mentioned in the Parsha of Gittin. Very strange.

I would like to share with you a thought. I mentioned on other occasions, that when Rav Pam gave his Yor'e Dai'a Shiur he did not lapse into Shmuzzin. It was an important thing to him that the Shiur is the Shiur and the Shmuz is the Shmuz. The one exception which I often recall, is a two sentence interruption in middle of Hilchos Shechitah.

When we were learning Hilchos Shechitah and we came to the question of whether the Shocheit makes a Beracha of Shehecheyanu the first time he is Mekayeim the Mitzvah of Shechitah, Rav Pam looked at the class and asked why is it that when a young man gets married he doesn't make a Shehecheyanu? He was quiet for a minute or so to sort of let the suspense hang in the air, and then he said because when you get married you don't know if it is a happy occasion. Marriage is what you make of it. Then he went on.

The message is that marriage is a happy evening, the evening of the Chasunah, but someone who thinks that it goes on automatic pilot is making a mistake. Marriage is what you make of it.

I want to tell you a Davar Chiddush that I had seen recently that relates beautifully to that message. In Lashon Kodesh marriage is called Nisuin. A Lashon of Naso, lifting up. In Parshas Bamidbar right at the beginning in 1:2 (וַיִּשָּׂאוּ, אֶת-רָאשׁ כָּל-עַדְת בְּנֵי-יִשְׂרָאֵל). You all know that (וַיִּשָּׂאוּ) is a common language used for counting. Lift up the heads of Bnei Yisrael. What does (וַיִּשָּׂאוּ) mean? There is a Rashi. Don't look for this Rashi as the Rashi is missing in our Chumashim. However, if you look at the Ramban he quotes the following Rashi.

Rashi says (וַיִּשָּׂאוּ). What does (וַיִּשָּׂאוּ) mean, lift up? (כמו שאומרים לקוסטינר ארים רישיה דדין). Like you say to an executioner, take off the head of this person. So for (וַיִּשָּׂאוּ) lift up, Rashi brings as an example of removing someone's head from his body as in killing him. The Ramban wonders why does Rashi bring this example for lifting up, removing someone's head.

The Ramban says maybe because the counting of Parshas Bamidbar resulted in everyone in that count, that is the original counting, everyone died in the Midbar. So perhaps this is why Rashi says (וַיִּשָּׂאוּ) here because everyone who was counted passed away in the Midbar. The Leviim who were not counted survived.

But the Ramban says that this is a difficult Teretz. This is because later in Parshas Pinchos it says (וַיִּשָּׂאוּ) once again. Therefore, the Ramban has this difficulty. Therefore, the Ramban says not like Rashi. Rashi says that (וַיִּשָּׂאוּ) is a Lashon G'nai, lift his head off of his body, the Ramban says no. (אין שאו אלא לשון גדולה, כמו דכתיב (בראשית מ יג): ישא פרעה את ראשו והשיבך על כנך). As you know at the end of Parshas Vayeishev, Yosef is in jail with the Sar Hamashkim and the Sar Ha'ofim and they each have a dream and Yosef interprets the dream.

When he interprets the dream, he tells the Sar Hamashkim a positive interpretation of the dream and he says to him the language that is the exact same Lashon. He uses the Lashon that Pharaoh

will lift you up in a positive way. As is found in Parshas Vayeishev 40:13 (בְּעוֹד שְׁלֹשֶׁת יָמִים, יִשָּׂא) (פְּרֹעֶה אֶת-רֹאשְׁךָ, וְנִשְׂיֶבְךָ, עַל-כַּנְּךָ). Pharaoh will lift you up. Zagt the Ramban, (שָׂא) is a Lashon of being lifted up which is a Lashon of Shvach. That is what it says in the Ramban.

This whole discussion is a Pele. The word (שָׂא) is used in opposite uses. It is used to execute somebody and it is used to appoint someone to a high appointment. If you look at Parshas Vayeishev it is incredible. The Ramban wants to say that it is a Lashon Shvach because in Perek 40:13 in the dream of the Sar Hamashkim it says (יִשָּׂא פְּרֹעֶה אֶת-רֹאשְׁךָ, וְנִשְׂיֶבְךָ, עַל-כַּנְּךָ). Pharaoh will lift up your head and put you back to your place. Hold on a second. A few Pesukim later when there is the interpretation of the baker's dream, in Posuk 19 (בְּעוֹד שְׁלֹשֶׁת יָמִים, יִשָּׂא פְּרֹעֶה אֶת-רֹאשְׁךָ) (מַעְלֶיךָ). There the same word Yisa, is not a Lashon of Gedula. Hashem will lift your head off of you (וְתָלָה אוֹתְךָ, עַל-עֵץ) and will hang you up on a tree. It is a Davar Pele. The word Yisa you can't escape it. It is used for a Lashon Genai and it is used as a Lashon Gedula. It is used in both ways. Halo Davar Hu! It is incredible that that language is used both ways. It depends on how it is used.

Now, my job here today is not to discuss Parshas Bamidbar and why Rashi interprets it as a Lashon Genai and the Ramban as a Lashon Gedula. But we do see that the Lashon of (שָׂא) is used both ways. It means there is movement, something is happening. Your head is moving. It can move one way and it can move the other way.

According to that, we understand Nisuin. Nisuin is to be lifted up. What is Nisuin? What is marriage? It is what you make of it. It could go one way and it could go G-d forbid the other way. A person has to understand that it requires effort. Nisuin could be Lashon Gedula or it could be G-d forbid a Lashon of Genai. As it says in the Gemara in Berachos 8a (25 lines from the top) when a Chosson got married they asked him (מַעֲרַבָּא כִּי נָסִיב אֵינֶשׁ אֶתְתָּא אִמְרֵי לִיהּ הֲכִי מַצָּא אוֹ) (מוֹצֵא מַצָּא דְכַתִּיב מַצָּא אִשָּׁה מַצָּא טוֹב וַיִּפֶּק רַצוֹן מֵה' מוֹצֵא דְכַתִּיב וּמוֹצֵא אֲנִי מִרַמּוֹת אֵת הָאִשָּׁה) what do you do with this marriage? Is it (מַצָּא אִשָּׁה מַצָּא טוֹב) or not? Or is it something that is Mar Mimaves? Incredible. We have here Rav Pam's message. Marriage is what you make of it.

Coming back to our original question (כִּי-יִקַּח אִישׁ, אִשָּׁה; וַבָּא אֵלֵיהָ, וַשְׂנֹאָה). The Torah mentions marriage which is a very happy occasion in the context of look at what could happen potentially G-d forbid if you don't take care, look at what could happen (כִּי-יִקַּח אִישׁ, אִשָּׁה). It is what you make of it. What a message. What a beautiful message and it fits well into the Lashon of Nisuin.

2 - Topic - Amon and Moav and why a Giyores from these nations can marry into Klal Yisrael.

Let us turn to another topic of this week's Parsha. We have of course in the Parsha many other Mitzvos, there are an unusual amount of Mitzvos in the Parsha. 23:4 (לֹא-יָבֹא עַמּוֹנִי וּמוֹאָבִי, בְּקִהְלֹ) (יִרְוּ). An Amoni and a Moavi are not allowed to marry into Klal Yisrael even when they are Megayeir. Of course the most famous Drasha of this whole section of the Parsha is (עַמּוֹנִי וְלֹא) (עַמּוֹנִית מוֹאָבִי וְלֹא מוֹאָבִית) Amoni V'lo Amonis, Moavi V'lo Moavis. In other words, when the Torah forbids a Jew from marrying a Ger from Amon and Moav that is only a male. (לֹא-יָבֹא עַמּוֹנִי וּמוֹאָבִי,) (בְּקִהְלֹ יִרְוּ). An Amonis or a Moavis is permitted.

The Gemara in Yevamos in 76b (6 lines from the bottom) asks (אלא מעתה ממזר ולא ממזרת) or why not (מצרי ולא מצרית). What is going on? If the male expression excludes the female, so the answer should be to only marry a Mamzer and not a Mamzeres, only a Mitzri and not a Mitzris. We know the male tense is used for the universal context. Men and women together. So why Darshun Amoni and Moavi to exclude a female from that nation and not the same with other Issurim?

The Gemara answers (שאני הכא דמפרש טעמא דקרא על אשר לא קדמו אתכם בלחם ובמים דרכו של איש לקדם (ולא דרכה של אשה לקדם). The Gemara says that normally if it says a male Mamzer or Mitzri it includes everybody. However, where there is a reason to draw a distinction, when an Amoni and Moavi are excluded from marrying into Klal Yisrael (על אשר לא קדמו אתכם בלחם ובמים) because they did not come out and greet you with food and drink. Since (ולא דרכה של אשה לקדם) (Kol Kevudah Penimah) it is not their Derech to go out, therefore, only the men are punished. B'kitzur, if it says a male language which can be interpreted for both then it is interpreted for both. Unless we have some compelling reason to make a distinction.

Rav Moshe (Darash Moshe first Cheilek page 159) asks a Kasha. What is going on here? (מואבי (ולא מואבית) why? Because Kol Kevudah Penimah, because it is not their Derech to go out? The Amoni women and Moavi women were Perutzos, they caused a lot of difficulties. They tried to entice Klal Yisrael. What kind of Kol Kevudah Penimah? They are Perutzos?

Rav Moshe answers with something that he discusses numerous times. Rav Moshe has a Yesod with many aspects of life, that there is a difference between two people who do the same Aveira and do the same mistake. Meaning, you can have one person who makes a mistake and does an Aveira because he has a Tai'va. He has a desire for money, for honor, he has a lust, he does things because of Tai'va. You have another person who does the same thing but he makes a Shitta out of it. He says well the Torah's prohibition doesn't apply in these days, the Torah doesn't mean this for someone who it is very hard. Whatever excuse he has, he makes a Shitta out of it.

Zagt Rav Moshe it is Aino Doma. Someone who sins because he is a Perutza, because of Tai'va, there is hope for them. They will do Teshuva. Someone who sins because it is his Shitta. Amaleik sins not because of Tai'va, it is their Shitta. They are totally excluded. However, those who sin, the Amonim and Moavim, the women who sinned because of Tai'va, for them there is still hope.

Rav Moshe writes a similar thing in one of his Teshuvos that a conservative temple even if it has a Mechitza down the middle and men and women sit separately, it is not a Shul, it is not a Bais Hak'neses. If their Shitta is a conservative Shitta. They don't hold that Torah is MiSinai so goodbye Charley.

What about the reverse, where G-d forbid an orthodox Shul that does not have Mechitza because it is Orthodox? Now, you can't Daven there when there are women without a Mechitza but the Shul itself is a Shul. You go in there when no one is there, it is a Shul. It is a Shul in which they have certain Tai'vos and it makes it hard for them to do all of the Mitzvos.

Zagt Rav Moshe there is a difference when it is a Shitta. We exclude those who have a B'Shitta. Those who have a Tai'va, the Torah is Megaleh to us that Amoni and Moavis women when they sinned they were enticed to sin but it wasn't a Shitta. B'etzem they had a Shitta of Kol Kevudah Penimah, they had a Shitta of modesty. Therefore, they are not punished for not coming out and greeting Klal Yisrael. Ai they did Aveiros? It is a different Cheshbon.

Somebody once asked the Chazon Ish why he is against some certain types of people who are part of the middle of the road Orthodoxy groups. The Chazon Ish answered there are people who are in middle of the road, they are partly committed and partly not committed. Klal Yisrael is always that way, there are people who are more committed and people less committed. There is a wide range of Yidden. But when you go and make a Shitta of being mediocre, when you make a Shitta out of being partially religious, making a Shitta is something else.

So this is the concept, the idea as I said Rav Moshe mentions in a number of places. Don't make a Shitta out of it. You have a weakness. See it for what it is, it is a weakness. People have a Yeitzer Hora. In order to defend yourself, in order not to embarrass yourself you make a Shitta out of it? No. Don't do that, that is a mistake.

And so, we head into a very special Elul, a very unique Elul. An Elul in which the Yeitzer Hora has many reasons to tell you not to go out and learn. You can learn at home why go out and take a chance. It is uncomfortable with a mask etc. We all know learning in the house is not like learning in the Bais Medrash. Learning in the house is not learning in the Bais Hak'neses. Be smart and be careful. Do what you have to do.

There is a price, there is a cost. Society recognizes that a lockdown has costs. Things that are important override the need for a lockdown. Boruch Hashem in our area things are better. Things are not good, we still need a lot of Shemira. Things are certainly better. We need to be able to wisely go out and go to the Batei Kenisios and Batei Medrashos once again. To be places of Hiskarvus to HKB"H and closeness to HKB"H. Whatever the difficulty may be, just do it and B'ezras Hashem we will be Zoche and we will have the grand opportunity to once again pass the moment of danger, this moment of Sakana and come to a moment where the world will once again open up.

HKB"H should give us Shemira. In every Davening that you Daven, every moment that you are Davening, Daven that HKB"H give us Shemira all Yidden wherever they may be, Bif'rat in Eretz Yisrael. Say the words HKB"H give us Shemira MiKol Nega U'machala, Mikol Tzara V'tzuka. IY"H it should be a meaningful Davening always at least certainly this Elul, this Rosh Hashana. A meaningful Davening and a Gut Gebenched Yar! Kol Tuv!

Rabbi Reisman - Parshas Ki Seitzei 5779

Welcome, everyone, as we prepare for Shabbos Parshas Ki Seitzei. As Rosh Hashanah draws closer-we're halfway through the month of Elul-certainly it's a time for serious reflection. Let's pick up on a couple of thoughts from Parshas Ki Seitzei that are appropriate for this time of year.

We'll start with a *pasuk*: לא תראה את שור אחיך או שורו נופלים בדרך והתעלמת מהם, הקם תקים עמו. If you see your friend's donkey overloaded and collapsing on the road, you have to help him. Now, this mitzvah already appeared earlier, in Parshas Mishpatim: כי תראה חמור שונאך רובץ תחת משאו. However, there's a difference between the two. There, in Mishpatim, it said חמור-your enemy's donkey; while here it says חמור אחיך, your brother's donkey. What changed from Mishpatim to Ki Seitzei?

The Meshech Chochma, who makes a number of *diyukim* and points out differences between these *Pesukim*, says an extraordinary *pshat*, with a *hakdamah*, an introduction. The *hakdamah* is that the Gemara in Pesachim (103) brings the *pasuk* in Mishpatim and asks: Are you allowed to hate someone? The Gemara answers: We're talking about someone whom you saw do an *aveirah*. In such a case, you have a right to hate him. So the *pasuk* in Mishpatim is talking about the donkey of someone who did a sin. Now, Parshas Mishpatim is before the sin of the Egel, and Parsha Ki Seitzei is well after that sin. It's a big difference. When Klal Yisrael lives a life of holiness, an elevated life, then you can see the donkey of "your enemy"-someone who did an *aveira*, whom you are allowed to hate. But after the sin, when the Jewish people themselves had sunken to a lower level, it became less simple. Why? Because in order to have a *heter* to hate someone, you need to be a *tzaddik*. Someone who is himself not on the level, cannot have *sinah* toward someone else who did an *aveira*. You have your *aveira* and he has his-you have no right to hate him because of it.

This is something Rav Pam would mention very often. He would quote the *pasuk* in Tehillim, משנאיך ד' אשנא, *Those who hate You, Hashem, I hate*, where David Hamelech says immediately afterward, חקריני א-ל ודע לבבי, *Analyze me, Hashem, check my deeds*. Because you have to be on a certain level to hate someone.

This reminds me of an extraordinary *Aruch Laner*. There's a Gemara in Nidah that says, שלשה שהקב"ה שונאם ואני אוהבם, *There are three whom hashem hates, and I do not love them*. The *Aruch Laner* wonders: If G-d hates them, you should hate them! Why does the Tanna say that G-d hates them and he "doesn't love them"? His answer is in line with what we are saying today. There's a *sinah* that comes because the other person is the opposite of you. Hakadosh Baruch Hu is pure, and Hashem hates someone who is the opposite of pure. But we, we are not so pure. Says the Tanna, "I have my own problems, I am not qualified to hate them. I merely don't love them."

What a lesson! The lesson is, you only have a right to hate someone if you're ready to say, "Hakadosh Baruch Hu, look at me. Check my deeds."

This basically means that the concept of *sinah* should be taken out of our lives. *Gevaldig!*

A second thought. In the beginning of the Parsha, we say, לא דברה תורה אלא כנגד יצר הרע, With the *heter* of *yifas toar*, the Torah is giving you a path for how to deal with the *yetzer hora*. The problem is, it doesn't work. Rashi says that if the person ends up marrying the *yifas toar*, he'll end up hating her, and his child will be a *ben sorer umorer*. That's terrible trouble. Thank you for the *heter*! What kind of a *heter* is that? It causes the most terrible outcome!

I'm not sure what the answer is, but let me share with you a thought from Rav Schwab that we learned in *shul* just this week (we're learning Rav Schwab's *sefer* on the *siddur*). Rav Schwab speaks about the symbol of the *tzitzis*, which, of course symbolize the *Taryag Mitzvos*. One third of the *tzitzis* are knots and bindings, and two thirds hang loosely. What does that represent?

Says Rav Schwab: The first third represents the rules of the Torah-the restrictions, the knots that bind and tie together. There are limitations on how we eat, whom we can marry, what we can say, and how we behave. These are the knots. But two thirds of Yiddishkeit is not the limitations. Look at a *bachur* who's learning, his strings are hanging out, they bounce around joyfully as he walks... they're freedom! Except that they're connected to the knots. There are many ways to serve Hakadosh Baruch Hu and each person has to find his way. Each person is one of those strings, some fly to the left, some fly to the right, some go up, some go down, some get frayed and some stay fresh. But they're all connected to the knots. That's the Jewish people. As long as we're rooted in the knots, in the rules of the Torah, each person can fly happily in his own direction. This is a beautiful symbol of the *tzitzis*.

לא דיברה תורה אלא כנגד יצר הרע. The Torah tells you that there are times when there are allowances made for the *yetzer hara*. For whom? It's very hard to say. Who can marry a *yefas toar*? I don't know. But you should know that there are consequences. If you're one of those flying strings, you may have a *heter* to say "*Minyanim* are too hard for me," you may have a *heter* to do certain things that don't allow adequate time for learning. But be very careful. You should know that if you calculate that for you the right thing is to go out in the world, to go to work, and you won't be learning that many hours a day, it's *mutar*. But be careful-there are consequences for the *mutar lach*. Watch out, it's fraught with danger. To a Yid who may marry a *yefas toar*, the Torah says, watch out! There's a danger that you'll hate her, there's a danger in how your child will grow up.

Each of us knows that we lack purity. We lack perfection and we make compromises. We say, "You know, I'm not someone who will learn so much, I'm not someone who will *daven* so clearly." Maybe you're right, but be careful. Don't let it cause your entire *Yiddishkeit* to slip.

So two beautiful messages, one from *שונאך* and *אהיך*, and one from the lesson on *לא דיברה תורה אלא כנגד יצר הרע*.

I want to end with a comment about a riddle. In Rav Zilbersteins's *sefer*, *Chashukei Chemed* on Bava Metziah 73, a rebbi challenged his *talmidim*, "How many times in Shas does Rashi say "איני יודע, I don't know"? Apparently they had come across one, and he said that whoever could come up with the most times it says *איני יודע* will get a prize. So one *bochur* went and ran a search on a computer and got the answer. Does he get the prize? The rebbi certainly meant that they should work on it, or at least that they should find the Gilyon Hashas in Berachos 25 where Rav Akiva Eiger lists them, or maybe he meant that if someone would look at the Rashash on that Gilyon Hashas, he'll find even more. He certainly didn't mean to check a computer. Does the boy get the prize?

Says the *Chashukei Chemed*: In Sefer Shoftim (it happens to be where we're up to on Motzai Shabos), Shimshon marries a Pelishti girl, and he asks the Pelishtim a riddle. There were thirty

Pelishtim there, and he says, "If you can't get the answer in a week's time, each of you has to buy me a suit and clothing. And if you do figure it out, I'll buy you each a suit and clothing." Of course, the story is that the Pelishtim threaten the new wife, who squeezes the answer out of Shimshon, and they come and present the answer. Ah! They won the riddle.

Question: Did they really deserve to win the riddle? Is that really what Shimshon had in mind—that they would get the answer from his wife? The Radak says that this is why Shimshon went, killed thirty Pelishtim and took their suits and gave them to these people. He only gave them part of the prize because it's a *safek*. Should Shimshon treat it that they won or not? Therefore, explains the Radak, Shimshon ruled that "יהלוקו", *I'll give you half of the bet*.

Says Rav Zilberstein, the same rule can be applied here. The boy should get half of the prize.

Well, we're learning Bava Metzia, and Tosfos in the beginning of the Maseches says that you can only say *yachloku* in a case where *חלוקה יכולה להיות אמת*—*the split can be true*. When two people are holding a *tallis*, if we give half of it to each one, it may be true. But how, in this case, can the *halacha* be *yachloku*? For the Radak, maybe we can say that he holds like the Nimukei Yosef and Ritva, who argue on Tosfos and hold that you don't need *חלוקה יכולה להיות אמת*. But for us, the *halacha* is decided in Shulchan Aruch like Tosfos, so applying this Radak *l'halacha* seems incorrect. This is my *kashya* on Rav Zilberstein's *shtikel*.

Hakadosh Baruch Hu should help that we have a meaningful Shabbos and Erev Shabbos, and all our *sedarim*. We should feel a *hisorerus*, a feeling that Rosh Hashanah is coming. In Torah Vadaath we have a *hisorerus* gathering at 11AM in the Beis Midrash on Sunday. Those who want to come are welcome. *A gut gebeneded yur*. And in the meantime, a wonderful Shabbos.

Rabbi Reisman - Parshas Ki Seitzei 5778

As we prepare for Shabbos Ki Seitzei and we approach the middle of the month of Elul and our preparation for the Yomim Noraim. I would like to share with you a couple of thoughts on the Parsha.

1 - Topic - A thought from the Netziv and Pachad Yitzchok on the Parsha.

The Torah says in Devarim 23:19 (*כי תועבבת ירוך*) לא-תביא אֶתֶנּוּ זֹנָה וּמְחִיר כָּלֵב, בֵּית יְרוּר אֶלְרִידָה--לְכָל-נָדָר: *כי תועבבת ירוך*) (*אֶלְרִידָה, גַּם-שְׁנִיָּהֶם*). The Torah groups together two things, two items which are not eligible to serve as a Korban in the Beis Hamikdash and they seem to be vastly different. One is (*אֶתֶנּוּ זֹנָה*) money paid for an Aveirah. An animal which is exchanged for a sin, for the ability to sin, that cannot be used in the Beis Hamikdash. (*וּמְחִיר כָּלֵב*) someone who sells a dog and gets a sheep in exchange, or any animal, it is not eligible to be used in the Beis Hamikdash. It seems to be so greatly different. One is a payment for Znus and one is payment for a dog. (*כי תועבבת ירוך אֶלְרִידָה, גַּם-שְׁנִיָּהֶם*). (*גַּם-שְׁנִיָּהֶם*) seems to say that somehow they are similar. It needs an explanation.

The Netziv in the Parsha (in the Harchiv Davar) brings a Gemara in Rosh Hashono (Daf 4a) and the Gemara there says on the Posuk in Tehillim 45:10 (*נִצְבָּה שְׂגֹל לִימִינָה*) that (*בשכר שחביבה תורה*)

(לישראל ככלבתא לאו"ע), in the Schar that the Torah is beloved to Klal Yisrael as a dog is to the nations of the world, a person gets a certain Schar. Now that also needs an explanation. You are comparing L'havdil the love of Klal Yisrael to the Torah to the love of an owner to a dog? Tzarich Bi'ur! This needs explanation.

I would like to suggest an explanation based on a concept found in the Pachad Yitzchok on Pesach. The Pachad Yitzchok there is actually going on the concept of Shemos 11:7 (לא יִהְרֹץ-כֶּלֶב) (לשנו). The idea that when Klal Yisrael left Mitzrayim, no dog barked. He has a very deep explanation for this.

The dog is unique among the animals in that it is what we call "man's best friend." It is an animal which is able to develop a friendship with its owner, with human beings unlike any other animal. The Gemara says in Maseches Beitzah that Gimmel Azin Hein that there are three that have Chutzpah. One of them is Kelev Bachayos, a dog among the animals.

Rav Hutner explains, that the Azus, the Chutzpah of a dog, is that it sees itself as equal to a human being. It is a friend. Man's best friend. A good friend to man. It is a horrible idea that a person can have the concept of a friend in one of the members of the animal kingdom. The Azus of a Kelev is that he sees himself as an equal to a human being.

(לא יִהְרֹץ-כֶּלֶב לשנו). When Klal Yisrael left Mitzrayim they were on such an exalted level that no dog saw himself as a friend of Klal Yisrael. He understood that these human beings are on a different level. (לא יִהְרֹץ-כֶּלֶב לשנו). Even a friendly bark. Azo! Shteit in the Pachad Yitzchok.

With this we understand the (בשכר שהביבה תורה לישראל ככלבתא לאו"ע). The idea is that we know we are Rachok Rachok from understanding Torah, from being connected to Torah. Yet HKB"H gave us the Torah to learn K'fi Seichel Ha'anushi, according to the best of our ability. We delve into the Torah, we puzzle over it, we try to think of Teirutzim. Even though we know we are very very far from having a level of connection to Torah. But with this we understand that HKB"H gave us the Torah for us to develop an Ahava to Torah, a connection to Torah, despite the fact that we are not on that level. (ככלבתא לאו"ע) K'kelev L'umas Ha'olam. What a beautiful thought.

(לא-תביא אמתנו זונה ומחיר כֶּלֶב, בית יְרוּר אֶלְרִיף). It is sad when a person goes to do an Aveira and even pays for the Aveira. It is very very sad. I am not talking about the Aveira but the payment. It is bad enough that he does an Aveira but on top of that he makes a payment for the privilege. It is sad.

It is sad enough that people see themselves as dogs best friend, it is even sadder when they pay for it. When they are willing to pay for something which is not bad, but it is sad. A person has a certain amount of ability to love, we need to use it for our brothers, for Acheinu B'nei Yisrael. It is not something negative about the dog that is referred to in the Posuk, it is something negative about a person who spends his love and spends money on developing that type of a love which has no meaning. And so, we have an insight into a number of Divrei Chazal regarding a dog. 1. 2. (לא יִהְרֹץ-כֶּלֶב לשנו). The Gimmel Azin Hein. 3. (בשכר שהביבה תורה לישראל ככלבתא לאו"ע). And the idea here in the Posuk of (ומחיר כֶּלֶב).

2 - Topic - A thought from Rav Schwab on why Amaleik attacked us.

Let's move on to a second thought. We have at the end of our Parsha the Mitzvah of remembering what happened to Amaleik. I should add that this week we have a special Hiddur Mitzvah and that is that since the coming year has 13 months as there are 2 months of Adar, it will turn out that from last Parshas Zachor to the next Parshas Zachor will be 13 months.

The Chasam Sofer says that the Mitzvah to remember what happened with Amaleik is a Mitzvah to do once a year, once in 12 months, and therefore, he would encourage that in a year like this that by Parsha Ki Seitzei we be Machriz (we announce in Shul) that people should have in mind to be Mekayeim the Mitzvah of Zechiras Maiseh Amaleik & Zechiras Mechiyas Amaleik, both parts with this week's Laining.

I would add that this week's Laining is also unusual and you should please remind your Baal Korei that the Haftorah that we are going to Lain this week is the Haftorah of Parshas Noach for the Haftorah of Parshas Ki Seitzei. A funny sounding announcement. But two weeks ago we skipped the regular Haftorah because it was Rosh Chodesh. We did not Lain the Haftorah of Parshas Re'ei.

This week we will Lain both the Haftorah of Parshas Re'ei and Parshas Ki Seitzei which are next to each other in Sefer Yeshaya. These two Haftorahs of Parshas Re'ei and Parshas Ki Seitzei appear together as the Haftorah of Parshas Noach. So you can announce that we will Lain the Haftorah of Parshas Re'ei and Parshas Ki Seitzei to compensate for having missed it two weeks ago, or you can announce we will Lain the Haftorah of Parshas Noach, I think that one announcement will be much more noticeable than the other.

At the end of this week's Parsha it has connected to the Mitzvah of Mechiyas Amaleik the Issur of having two types of measures. 25:13 (כִּי תוֹעֵבֶת) 25:16 (לֹא-יִהְיֶה לָּךְ בְּכִסֶּדֶה, אָבֹן וְאָבֹן: גְּדוּלָה, וּקְטָנָה). (לא-יהיה לך בכיסדה, אבן ואבן: גדולה, וקטנה). For a person to be dishonest in any which way. but to setup a business with false weights, that is especially abhorrent and disgusting to the Borei Olam.

Why is this next to the Parsha of Mechiyas Amaleik? So Chazal in Medrash Tanchuma Darshun, and Rashi brings, that if you see a Dor whose Middos are Sheker, whose measures are false, you should know that Midda of false Middos goes together with (מלכות מתגרה באותו הדור). With having problems with the nations around us, with the Amaleik around us. There is a connection.

Freigt Rav Schwab in Parshas Ki Sisa that this explanation of Amaleik attacking us because of dishonesty seems to contradict the message that the Posuk says in Parshas Beshalach 17:7 (על-ריב) (על-ריב, עמלק). The Medrash Tanchuma and Rashi in Beshalach say that that is the reason for Amaleik. So one is (ועל נסתם את-) (ועל נסתם את-) by not having faith, and by us there is a different reason and that is because of dishonesty with weights.

Rav Schwab answers in Parshas Ki Sisa 31:2 in a beautiful Arichus (pages 217 on the bottom - 220). Rav Schwab makes a general observation regarding Toraseinu Hakedosha. His observation

is that the Torah was given to be understood L'fi the Seichel Ha'anushi as I mentioned earlier. It was given to us to be understood by people according to their ability. Even though really the Torah has Hasagas Haseichel, but also Hasagas Haneshama. There are things, parts, elements of Torah that are way above us. We call that Tzerufai Osios. The letters of the Torah are given to us in a way that we can understand in this world.

There are other Tzerufai Osios, other ways for the words of the Torah to be spelled in ways that are deeper and more esoteric and with hidden meaning. The Torah was given to us to understand L'fi Seichel Ha'anushi even while we bear in mind that the Borei Olam is way way above anything that we can understand.

As an example, Rav Schwab brings that we say Ashrei three times a day. What is special about Ashrei? The Gemara in Maseches Berachos 4b (12 lines from the bottom) says that a) it is in the order of the Alef Bais and the Gemara also says b) because it has the Posuk that is found in (Tehillim 145:16) (פּוֹתֵחַ אֶת-יַדָּךָ; וּמַשְׁבִּיעַ לְכָל-חַי רִצּוֹן) (אלא משום דאית ביה תרתי) that it has both and that is why we say Ashrei.

Zagt Rav Schwab, the two are related. The order of Alef Beis shows Teva, the Seichel Ha'anushi, the nature of this world. Parnasa, the way we see it has to do with a Hishtadlus which has to do with Seichel Ha'anushi. It seems to us that our Hishtadlus has an effect. We are supposed to be Hishtadeil. At the same time, (פּוֹתֵחַ אֶת-יַדָּךָ; וּמַשְׁבִּיעַ). There are two people who can do the same Hishtadlus and one remains poor and the other becomes wealthy.

So there is the Seichel Ha'anushi, the Alef Bais and the Seichel Haneshama, the understanding of the Neshama which is on a much much higher level. Hasagas Haseichel and Hasagas Haneshama.

Zagt Rav Schwab, the same thing with many of the duplicate meanings that we have for things in the Torah. Amaleik comes because K'fi Seichel Ha'anushi, if you cheat with the weights you are going to get somewhere, you will become wealthier. There is an Onesh for that in that Amaleik comes.

But you should know, Amaleik comes because (וְעַל נַפְתָּם אֶת-יְרֵךְ לְאֹמֶר, הַיֵּשׁ יְרֵךְ בְּקִרְבָּנוּ). Really because you have a lack of faith. You are lacking in your Hasagas Haneshama. If you had faith you wouldn't cheat with your (אֵיפָה וְאֵיפָה) with your measures. So that what appears to you simply that by cheating on the measures you are getting somewhere, but really in the depth, the Neshama knows deep down that (פּוֹתֵחַ אֶת-יַדָּךָ) that HKB"H provides Parnasa.

And this is a general theme that applies by many places in the Torah where there is a reason that is according to the Teva and an additional reason which is according to the spiritual and Ruchnios of the individual.

When we prepare for Rosh Hashono and Yom Kippur, the Koach of the Hasagas Haseichel of the Torah is that we have to Daven better and we have to learn more. We have to do Mitzvos properly. That is certainly true and primary. But the Hasagas Haneshama is more than that. When we Daven more, learn more and we Daven better, we do Mitzvos properly, we feel a

closeness to the Borei Olam and Nun'keit to the Borei Olam. Hopefully, with that Nun'keit, we will achieve greatness which will make Rosh Hashono and Yom Kippur have a permanent impression on our Neshamos.

3 - Topic - A question on the Parsha.

22:8 (כי תבנה בית קדש, ועשית מעקה לגגך; ולא תשים דמים בביתך, כי יפל הנפל ממנו) I would like to leave with a question for the week. To be honest it is Rav Schwab's question (page 428 on 22:8) but it needs a satisfying answer. The Rambam says (in Sefer Ahavah, Hilchos Berachos, Perek 11, Halacha 4) (ולמה אין מברכין על נטילת ידים באחרונה. מפני שלא חייבו בדבר זה אלא מפני הסכנה ודברים) (שהם משום סכנה אין מברכין עליהם) that we don't make a Beracha when we wash Mayim Achronim and indeed we don't make a Beracha when we wash Mayim Achronim. The reason we don't make the Beracha is because it is done for Shemiras Haguf, it is done for health reasons. Of course there are deeper other reasons, however, Pashtus the reason we do it is because of things that have to do with the Seichel Ha'anushi, that have to do with health.

Returning to our Parsha, the Rambam says (Hilchos Berachos, Perek 11, Halacha 8) that when you build a Maakeh L'gagecha you make a Beracha (אבל אם עשה מעקה מברך בשעת עשייה אשר) (קדשנו במצותיו וצונו לעשות מעקה) and that seems to be a contradiction. You make a Maakeh L'gagecha that a Nofeil shouldn't fall. The Rambam says that you don't make Berachos on Mitzvos that you do which the simple reason is for safety. Tzorech Iyun!

With that, I wish one and all a wonderful Shabbos and a proper preparation for the Yomim Noraim which are around the corner!

Rabbi Reisman - Parshas Ki Seitzei 5777

1 - Topic - A thought regarding marriage being a Shutfus

As we prepare for Shabbos Parshas Ki Seitzei. For this week's Parsha I would like to share with you another thought in the spelling of Na'ara which is typically spelled without a Hei in Chumash (נער) with a Kometz under the Reish, and the Hei is missing. I believe in the past I mentioned one Pshat in the name of Rav Yaakov Kamenetzky and today I would like to share with you another Pshat that I saw in Talelei Oros.

He brings from the GRA in the Pirush on Mishnayos Niddah 5:7 that says the following. The GRA says that when a woman gets married, the woman attaches a Hei to all of the attributes of her husband. She is a Shutaf, a partner in his attributes. If she marries an Ashir or a Chosid or a person who is a Chochom, she is a Shutaf in that. She becomes an Ashira, a Chasida a Chachama, she becomes a partner and the letter Hei is a symbol of a wife's Shutfus in the husband's accomplishments, in her husband's Madreigos. Therefore, says the GRA, when we are talking about a single girl we leave out the Hei (נער) as if the Hei is missing. That Hei which is the attribute which the husband and wife together have, is symbolized by the Hei missing when a woman is single.

Zagt the Talelei Oros, this GRA is wonderfully Meduyak in this week's Parsha. In Parshas Ki Seitzei (נער) is consistently spelled without a Hei except one place. In 22:19 we have the story of a Motzi Shem Ra, a man who gets married and claims that the marriage is not valid because his wife was not faithful. So it refers here to (נער) without a Hei. The husband is saying that we are not married. Except in Posuk 19. In Posuk 19 it is talking about a situation where it is established that the husband is lying and that they are married. There it says (וַתֵּנֶנּוּ לְאִבִּי) (הַנְּעִרָה). It says (נער) with a Hei because there she is a married woman and a married woman is spelled (נערה) and all the Parshios where it is spelled without a Hei means that she is not married.

We find similarly in Parshas Chayei Sarah by Rifka who is constantly referred to as (נער) without a Hei as is found in 24:57 (וַיִּאמְרוּ, נִקְרָא לְנֶעֱרָ, וַיִּשְׁאַלְהָ, אֶת-פִּיָּהּ) Or in 24:55 (וַיִּאמְרָ אַחִיהָ וְאִמָּהּ, תֵּשֵׁב הַנְּעִרָ אִתָּנוּ יָמִים אוֹ עָשׂוֹר; אַחֶר, תֵּלַד) As long as the woman is a single woman it is spelled without a Hei. That is what is says in the Talelei Oros.

This Talelei Oros, this GRA brings to mind the Yesod of Rav Moshe in the Darash Moshe (first Cheilek page # 32 on Parshas Vayigash 46:26) (Ed. Note: Rabbi spoke about this on Parshas Vayigash (Zos Chanukah) 5771, Ayin Sham). Rav Moshe says the following, a beautiful Yesod for Nach. In Nach we find very often that a woman's name is not mentioned, she is just referred to as her husband's wife. Very often her name is left out. There are exceptions like the Sheva Nevios whose names are mentioned. Certainly the Imahos names are mentioned. But very often a wife's name is left out in Nach. What is the reason for this?

Zagt Rav Moshe, there are women who are Shutfim with their husbands. A typical good marriage is where a husband and wife work together. Since the husband is the one who goes to Shul, the one who learns, is the one who is out in the world, a woman very often the job is to be a Shutaf. Certainly in Torah, it says Nashim B'mai Zakyan, the Zechus is that they are supportive, they make it possible for a husband to sit and learn. Therefore, the man and wife are Shutfim together. Therefore, it is the husband's wife, that is who the woman is. She is the Shutuf in the accomplishments of her husband.

The exception says Rav Moshe is by women who are extraordinary, who are way beyond what they would have had just from their husbands. There, the wife is mentioned separately. Certainly the Imahos had their own Madreigos.

The Sfas Emes says that when Avram's name was changed to Avraham it wasn't enough. Sarai's name had to be changed to Sarah too because she had accomplishments on her own, independently. There the names are mentioned. The Klal in Nach when you have an extraordinary wife who is a Shutuf with her husband, the wife and husband are one, K'guf Echad and there is no need for them to be counted separately. Mashe'ainkein in cases where a woman Hat Ibergeshtigin, she went and accomplished on her own, there her name is mentioned.

I believe if I am not mistaken, Rav Moshe writes this about the 70 Yardei Mitzrayim, the 70 who came down to Mitzrayim, that the wives are not mentioned. Ai you will say that Yocheved is counted, Serach Bas Asher is counted, some woman are counted. Zagt Rav Moshe this Yesod. Where it was a marriage where the two accomplished like one then it is one. Where it was a

marriage of independent accomplishments there it is two, or in the case of single women in the case of Yocheved. It is a beautiful Yesod and that is really what the GRA is saying. The GRA is not just telling us a Dikduk word he is telling us that that Hei, the missing Hei symbolizes the ideal situation of a husband and wife who work together and a woman gets married and a husband has strengths as someone who is a Chochom she becomes a Chachama, a Chassid she becomes a Chassida, she is a Shutuf in the accomplishments of her husband.

2 - Topic - Two Hashavas Aveida stories

Let's move on to a second thought on this week's Parsha. I would like to mention to you that in one of the volumes of V'harev Na there is a story with a Psak that is mentioned and in reading this it is typical of the idea that it says in V'harev Na not to Pasken from this Sefer because the Psak is accurate but it could easily be misunderstood. Let me explain as it is a Dvar Halacha.

The Sefer brings a story with a gentleman who found a brand new bicycle. It has to be returned because someone who loses a brand new bicycle is not Meya'aish. But he was very busy. So this man who found the bicycle and we will call him Reuvain went to Shimon and said Shimon find the owner and return this bicycle. Shimon said okay. After all, it says in Parshas Ki Seitzei the Mitzva of Hashavas Aveida. Shimon traced the bike to its owner and the owner said to him wow you found it, I bought a new one already. You can keep it.

When Reuvain heard this he said I should keep it as I am the one who found it. Shimon said no he told me I could keep it. They went to ask Rav Elyashiv and Rav Elyashiv Paskened guess what, that it belongs to Shimon. The person who lost it didn't know Shimon by name, he didn't know who he was, but the owner was saying you who tried to return it, you keep it. He didn't say you who found it, he said you who tried to return it should keep it. Therefore, it goes to Shimon. This is what it says in V'harev Na.

A mistake can easily be made. In a more typical case where Reuvain found something and he said Shimon return it and Shimon later finds out that the owner was Meya'aish, that the owner tells Shimon you can keep it as I gave up hope in finding it and it belongs to you, in such a case which is I guess more typical, one may make a mistake and think that it belongs to Shimon. It doesn't. If the owner was Meya'aish then when Reuvain found it it became his at that moment. He wasn't aware of it but it became his. When he gave it to Shimon to return it was in error as there was no obligation to return it. Therefore, in that case, it would belong to Reuvain.

So again, it is not enough the story you have to know the reason behind the story. In a case where the owner was originally Meya'aish it belongs to the finder. In a case where he was not Meya'aish then it does not become his because of Yiush. In a case where it became his because he was Makneh it, he said that you can keep it, that is a different story. In that case, it belongs to whomever he is Makneh it to. Once I am telling stories let me tell you another one.

A boy found money in Bnei Brak. Somehow he found out that it was Rav Chaim Kanievsky who had dropped it. So he went to Rav Chaim Kanievsky to return it. Rav Chaim Kanievsky refused to take it. He said (הרי אלו שלי) (מעות מפורזות) is (הרי אלו שלי). If someone finds money it belongs to him and therefore, the money belongs to this boy. This boy was willing to give it back, he wanted to give

it back. Rav Chaim Tay'nad that a Kotton is Lav Bar Mechila. Somebody under the age of Bar Mitzvah can't be Mochel and therefore, I can't take it back as it is technically yours.

The story got to Rav Chaim's father, the Steipler Zichrono Livracha, and the Steipler said take it back. Why? He said this boy will get a good name by returning it. It was a small amount of money. For this small amount of money everybody will be talking about the story and he will get a good name for it. It is a worthwhile investment. Therefore, take it back. Of course Rav Chaim listened and took it back.

It is an interesting Maaseh and of course it is based on the idea that even a Kotton has the ability to purchase things when he reaches a normal age and therefore, he purchased for himself a Sheim Tov by returning it. An interesting Maaseh.

What is even more interesting is Rav Chaim's Shittah in Derech Emunah that if you find something and you return it in a way that it is Lifnei Mishuras Hadin that you have to give Maaser on what you found so you actually take a net loss. You found a \$100 and you return it but you owe \$10 to Tzedakah because the Halacha was that the \$10 belongs to you even though you returned it. So two Hashavas Aveida stories, both Chiddushum.

3 - Topic - Keeping your word

To end, let me mention something from the Rambam in Sefer Hamitzvos. We have in this week's Parsha in Perek 23 Posuk 22 - 24 we have the Parsha of keeping your word when you pledge a Korban. The Gemara learns from here Tzedakah, and Leket, Shichah and Peah. (מוֹצֵא שְׂפָתַי, תְּשַׁמֵּר). Whatever you pledge you have to do. The Rambam does not count this as a separate Mitzvah because in Parshas Mattos we already had as is found in Bamidbar 30:3 (כָּל-הַיִּצָּא מִפִּי, יִצְעָה). We already had the obligation to keep your word. Since we already had the obligation to keep your word (מוֹצֵא שְׂפָתַי, תְּשַׁמֵּר) is not a separate Mitzvah. This is the Shittah of the Rambam.

The Meforshei Sefer Hamitzvos have a Ha'ara. Their Ha'ara is that they are two separate things. In Parshas Mattos we are talking about someone who makes a Neder, he makes a Neder B'lashon Neder. It is Devarim Shel Chol, he has to keep his word. Of course he has to keep his word. He made a Neder. In this week's Parsha (מוֹצֵא שְׂפָתַי, תְּשַׁמֵּר) we are not talking about someone who made a Neder in a language of a Neder, we are talking about someone who promised to give Tzedaka, someone who pledged to give Tzedaka. He has a separate obligation of (מוֹצֵא שְׂפָתַי, תְּשַׁמֵּר), a separate obligation to keep his word. It is not dependent on Neder, on making an oath, taking an oath.

The concept here is that in this week's Parsha we have an obligation that when we say we are going to do something, a Davar Shel Kedusha we have to keep it. When you make a Mishebairach in Shul you say Amen to a Mishebairach pledging to give money, you are obligated to give it.

What I find is that when the Mishebairach is for a certain amount of money people give it. Very often the Gabbay says Ba'avur She'yitein Nedava L'bais Hak'neses. The person who says Amen has to be very careful as it is a Neder. It is true that it is not a pledge for a specific amount but he

pledged to make a Nedava. Think back over the year that passed, were you in that type of a situation. Were there times that you said Amen to a Mishebairach in a Bais Hak'neses. Be very very careful. (מוֹצֵא שְׁפָתַיִךְ, תִּשְׁמֹר) be careful about Divrei Hekdesh, things that have to do with Kedusha are even more Chamur and therefore, we have a Posuk in this week's Parsha which we need to be Mezuraz to keep, we need the Zerizus, we have to keep our promise and give the Nedavas that we have promised to give.

Sometimes at a Levaya they say a Keil Malei and they say this person should be Zoche to have everything good up in heaven, Al Kanfei Hashechina Ba'avur Shekol Hane'esafin Kan Yitein Tzedaka Ba'avur Hazkaras Nishmaso. He should have Gan Eden on the condition that everybody here gives Tzedaka. Let me ask you, is everybody there going to give Tzedaka B'haz'karas Nishmaso? Not likely. Therefore, this is a very sad Keil Malei. It is a difficult Keil Malei. It is very sad when they say a person should go to Gan Eden Ba'avur Shekol Hane'esafin Kan Yitein Tzedaka Ba'avur Hazkaras Nishmaso. In effect they are saying, he is on his own. Be very careful. (מוֹצֵא שְׁפָתַיִךְ, תִּשְׁמֹר). Be careful to keep your word. To be honest with your word and to do the things you have to do.

May we all be Zoche to a Shemiras Halashon in keeping our promises and all types of Shemiras Halashon. May it bring to us a Gut Gebenched coming year. A year of Hatzlacha for all of us. It is Elul. Buckle down. Tonight is the inaugural Mishmar for this coming year. Let's do it. It is Elul. Let's make it happen.

I got a wonderful email today. By us in Shul we have a special Vasikin Minyan for the month of Elul. The month of Elul is a relatively easy month. We are Davening at 6:00 this coming week and we will Daven Vasikin. I hear that the red Shul in Far Rockaway is doing it also. It is no Chiddush. They have a Mishmar, they have a Motzei Shabbos Navi Shiur, so of course they are people who have a desire for Aliya. Where are you? What is with your Bais Hak'neses. One person can make it happen. You can Daven Vasikin from now until Yom Kippur it is not so hard. If you really believed that a Vasikin Minyan gives a person a better Tefilla, a Tefilla which is more likely to be answered you would do it. So, tonight Mishmar, tomorrow morning Vasikin. Keeping you busy. It should be a Gut Gebenched Yar for one and all. Kol Tuv!

Rabbi Reisman - Parshas Ki Seitzei 5776

1. As we prepare for Shabbos Parshas Ki Setzei, a Parsha which has an extraordinarily great number of Mitzvos which were not mentioned previously and at the same time has many of the fundamental Mitzvos including Yibum, Kiddushin, Gittin, and many other Mitzvos.

I would like to begin with the Dinnim of Ribbis, not the Halachos of Ribbis which I have discussed on other occasions, but a Machshava regarding the Issur of Ribbis which appears again in this week's Parsha. The Issur of Ribbis is mentioned in Nach as well. In Neviim, we don't find many Mitzvos mentioned specifically, however, in Yechezkel 18:13 we have a Posuk (בְּנִשְׁוֹתָיִךְ נָתַן) (וְנִתְּרַבְּיִית לְקַח, וְהָיִי לֹא יִקָּהּ). It talks about somebody who took Ribbis or gave Neshech and that such a person (וְהָיִי לֹא יִקָּהּ) will not live. Chazal Darshun from that, that somebody who practices lending with Ribbis and taking Ribbis does not get up by Techias Hamaisim.

As a matter of fact, the Medrash says that when Yechezkel was commanded to awaken the Atzamos Hayevaishim, the members of Sheivet Ephraim who left Mitzrayim early and died in the valley in Eretz Yisrael, their bones were resurrected by Yechezkel as we read in the Haftarah on Shavuos and they came to life again. Yechezkel saw some bodies that did not come alive and he said Ribbono Shel Olam who are they? The Ribbono Shel Olam said they are people who lent money with Ribbis. So that an Onesh of Ribbis besides for the regular Onshim of the Torah is She'aino Kom L'tchiyas Hamaisim.

The question is why is this so? Someone who steals, someone who cheats, is not included in this. Specifically, somebody who lends with Ribbis is included in an additional punishment of not getting up by Techiyas Hamaisim. Why is that so?

Rav Mordechai Druk in his Sefer on Chumash, Darash Mordechai on page # 221, brings a tremendous explanation and a tremendous Mussar. Rav Druk says that human beings have Taivos and human beings sometimes give in to their tests, to their Nisyonos. Unfortunately there are humans that cheat, that steal, that eat non-Kosher food, that struggle with it and we hope that they will do Teshuva and be able to repent for the Aveiros they did. However, there is another level of evil, there is another level of bad. And that is, when you see someone else who is struggling and suffering and you look to cash in on his suffering, you look to gain on his struggle. Somebody who lends B'ribbis is very often someone who sees a friend that is struggling terribly. He is unable to pay his bills, he will be thrown out of his apartment, he is facing foreclosure and you lend him money. What an opportunity for a great Mitzvah. But then you want to take advantage. You want to make money on his Tzaros. That is a worse level, that is a deplorable level of taking advantage of somebody else. Someone who lends with Ribbis that way has the Onesh of Aino Kom B'tchiyas Hamaisim. The sensitivity that when someone is suffering it should not be a time that you take advantage of his suffering is a very fundamental idea in the sensitivity of Bnei Yisrael of Jews who are Rachmanim who feel another person's pain.

Rav Druk brings from Rav Yosef Chaim Sonnenfeld regarding the Mitzvah of Shiluach Hakan, another one of the Mitzvos in this week's Parsha. The Halacha is that you have to send away the mother when you take the eggs. Don't take the mother and the eggs. Rav Yosef Chaim said that for somebody who has to catch a bird, it is very hard, birds are quick and they run away. When you come upon a bird that is sitting on its eggs or on its chicks, it is reluctant to run away, it pains a bird to run away when a human being is coming to take the eggs. It is a greater opportunity to grab the mother bird. Don't do that. Don't cash in on the pain of the mother bird because it is easier to catch the mother bird when there are chicks there you are going to take advantage? It is not a good Middah.

So the Middah to capitalize on another person's pain even on a bird's pain is fundamental in that it contradicts the basic idea of Bnei Yisrael, Jews who are Rachmanim.

I would add that this time of the year that many ads are put out that violate this. There are ads for different Tzedakos which may be legitimate or may be not legitimate, I have no idea. I am not talking about the Tzedakos, I am talking about the ads. The ads look to capitalize on people who are suffering. They say, you are suffering and you don't have a Shidduch, give money to this

cause, give money to this need. It is a terrible Middah. Someone else is suffering, someone else is struggling, and you are going to guarantee a Yeshua because they give you money. What a terrible thing.

I was once approached by a woman about 5 or 6 years ago. She said, my mother died, it can't happen. I said why can't it happen? She said look there is an ad with Rav Chaim Kanievsky and it says guaranteed for a good year. I called them in Elul and I said what do I have to give to be guaranteed for a good year. They suggested \$10,000. This woman told me that she only had \$7,000 so that she borrowed \$3,000 more. She paid \$10,000 because of a picture of Rav Chaim Kanievsky with a guarantee for a good year. She did it because her mother was sick and he mother died. She said to me it can't be. How could her mother have died if there was a guarantee?

The Rishus of the people who do this with a good intention perhaps. There are Tzerachim. But the Rishus of these ads is something that should repulse all of us. We shouldn't respond to these types of things. It is a contradiction to the Rachmanim of Klal Yisrael. Ad Kan from Rav Druk.

2. Let's move on to a second thought on this week's Parsha. For this thought I want to give a Hakdama. There is a Gemara in Horayos 3. The Gemara there is talking about an Aveira done by the Tzibbur of Klal Yisrael, something called (פר העלם דבר של צבור). If the entire Klal Yisrael or the Gemara says the majority of Jews are violating an Aveira B'shogeig because of circumstances involving a (העלם דבר), an incorrect Psak, they bring a very specific Korban as a Kapparah.

What I would like to discuss is what constitutes a majority of Jews. The Gemara in Maseches Horayos 3 says that the majority of the Kehal of the community of the Jewish people is judged by Jews who live in the land of Israel. The Gemara brings a Posuk (on 3a first wide line) by Shlomo Hamelech in Melachim I 8:65 (קָהָל גְּדוֹל מִלְּבוֹא הַמֶּת עַד-נְחַל מִצְרַיִם). He says that the word Kahal or community applies to Jews who live in Eretz Yisrael within the boundaries of (לְבוֹא הַמֶּת) to the north and (נְחַל מִצְרַיִם) to the south. Those people who live in Eretz Yisrael count as Kahal, as a community.

The Avnei Nezer in Orach Chaim, Teshuva 314:4 writes in a very beautiful language, the Avnei Nezer was known as an Oheiv Eretz Yisrael, in a different Teshuva writes that if you buy land even if you don't live there you are Mekayeim something of a Mitzvah of Yishuv Eretz Yisrael.

Here, the Avnei Nezer writes regarding this Gemara, that Eretz Yisrael is a place that is Meyacheid Bnei Yisrael. The land of Israel has the ability to bring Jews together as a community. That is why there is a special Yeitzer Hora there for Machlokes. The land should be Metzareif Yidden. He says the source for this is a Gemara (Ed. Note: Maseches Shavuos 39a bottom line) that says (שכל ישראל ערבים זה בזה), the idea of Arvus, of Jews being responsible to one another began when they crossed the Yardein, there was no Arvus in the Midbar. When the Jews entered Eretz Yisrael it is a place of Ichud Klal Yisrael. In Galus we are scattered. In Eretz Yisrael we have the potential to be a community. Therefore, he says Kehal is those who live in Eretz Yisrael. That is why Kiddush Hachodesh, the designation of the calendar and the years and months is Dafka by a Sanhedrin in Eretz Yisrael.

It is a beautiful idea, a beautiful thought that the Kahal of Kehal Yisrael, those that are in Eretz Yisrael, the rest of us are scattered, detached, we struggle to have a feeling of Kehila of Klal Yisrael.

What does that have to do with this week's Parsha? The Sefer Yeraim in Siman 30 which is quoted in the B'air Sheva on Horiyos 3, asks a Kasha. We have in this week's Parsha in 23:3 (-לא- יָרֵךְ יִרְוֹךְ מִמֶּנּוּ, בְּקֵהֶל יִרְוֹךְ). A Mamzeir is not allowed to enter the community of Klal Yisrael. 23:4 (-לא- יָרֵךְ עִמּוֹנִי וּמוֹאָבִי, בְּקֵהֶל יִרְוֹךְ). We have numerous people where there is a Lav for them to marry into the Jewish people. 23:2 (יָרֵךְ יִרְוֹךְ, בְּקֵהֶל יִרְוֹךְ). According to this Gemara, Kehal Hashem is only in Eretz Yisrael. It should be Muttar to marry any of these people in Chutz L'aretz? Kehal Hashem is Eretz Yisrael the Gemara says.

Enfert the Yeraim a beautiful Teretz. He says the community of Jewish people who are obligated in Mitzvos is everywhere. Wherever a Jew is found, anywhere in the world or in outer space is obligated in Mitzvos. To be Kehal Hashem B'nogea to Mitzvos is anywhere.

Eretz Yisrael has a special blessing of (Ed. Note: as the Gemara says in Maseches Bava Basra 158b 14 lines from the top) (אִירָא דִּארְצֵי יִשְׂרָאֵל מֵחֻכִּים). When it comes to Torah, Toras Eretz Yisrael is unique. The ability to learn, to study, to know, to have a Siyata Dish'maya in studying Torah is special in Eretz Yisrael.

We find in the Gemara (Ed. Note - I believe this refers to the Gemara in Maseches Bava Metzia 85a 5 lines from the bottom) that Rav Zeira moved from Bavel to Eretz Yisrael and he was Mispaleil that he should forget the Torah that he learned in Chutz L'aretz. Something that many people do today without having to be Mispaleil for it. Toras Eretz Yisrael is unique. (פֶּרֶשׁ הָעֵלָם דְּבַר) (שֶׁל צַבּוּר) which is a Kappara for a lack of scholarship, a mistake that was made in Psak by the Tzibbur of Klal Yisrael, for that, for a Kehal of Lomdei Torah, Eretz Yisrael is unique. Therefore, the Kesher Chutz L'aretz Aino Min Haminyan. The groups that live in Chutz L'aretz don't count in this Minyan. Eretz Yisrael is unique for Limud Hatorah. Avira D'ara Machkim. We see it today, the Torah scholarship in Eretz Yisrael far outshines the Torah scholarship in Torah in Chutz L'aretz. It has returned the (Ed. Note: as it says in Michah 4:2 and in Yeshaya 2:3) (כִּי מִצִּיּוֹן תֵּצֵא תוֹרָה) to Eretz Yisrael in our own days. When you visit Eretz Yisrael take advantage of it. The Avira of Torah, the goals of Torah, the ability to learn. The Kehal of Toras Hashem is Eretz Yisrael.

3. I would like to end with a Kasha. There is a Posuk in this week's Parsha, a Lav that is found in 24:8 (הִשָּׁמֶר בְּנִגְעֵ-הַצָּרַעַת לְשֹׁמֵר מְאֹד). It says be careful to avoid a Nega Tzoras, to be a Metzora. Did you ever do this, did you ever avoid Tzoras. We think of it as something that is not applicable today. The Chofetz Chaim in Sefer Chofetz Chaim Lav Gimmel says that somebody who is careful not to speak Lashon Hora is Mekayeim this Lav (הִשָּׁמֶר בְּנִגְעֵ-הַצָּרַעַת). Because Lashon Hora brings Tzoras. He says that this Lav applies today. Somebody who speaks Lashon Hora violates the Lav of (הִשָּׁמֶר בְּנִגְעֵ-הַצָּרַעַת) and in a footnote he explains that it is a real Lav.

I don't understand, how could it apply today we have no Negaim today. (הִשָּׁמֶר בְּנִגְעֵ-הַצָּרַעַת). You have a Jew, he doesn't want Tzoras if there would be Tzoras he wouldn't speak Lashon Hora. If

he speaks Lashon Hora Zagt the Chofetz Chaim, he violates (השָׁמֵר בְּנִגְעֵ-הַצָּרְעָת). Maybe he violates the spirit of it, but the Aveira? Tzorech Iyun.

Could it be that we are really obligated to think of it that way? Think of it as observing Nega Tzoras even if there is no Tzoras today but the heavenly Onesh, the spiritual Onesh perhaps applies. I am not sure, but this is the Chofetz Chaim in Sefer Chofetz Chaim right at the beginning of the Pesicha Lav Gimmel. It is a good time of the year to buckle down and be careful not to speak Lashon Hora.

With that I wish everybody an absolutely wonderful Shabbos. Please remember something unique. This week we will Lain the Haftorah of Parshas Noach. And you say ridiculous, Parshas Noach but this is Parshas Ki Seitzei why will we Lain the Haftorah for Parshas Noach?

The answer is that two weeks ago on Parshas Re'eh it was Rosh Chodesh and we missed one of the seven of Nechemta which is the Haftorah of Parshas Re'eh. This week we Lain the Haftorah of Parshas Re'eh and the Haftorah of Parshas Ki Seitzei which appear next to each other in Sefer Yeshaya. Guess what?

The Haftorah of Parshas Re'eh is half of the Haftorah of Parshas Noach, the Haftorah of Parshas Ki Seitzei is the other half. If you turn to the Haftorah of Parshas Noach this Shabbos you will be listening to the entire Haftorah of this year's Parshas Ki Seitzei and therefore, the eyebrow raising announcement that today we will be Laining the Haftorah of Parshas Noach is a very appropriate announcement for Shul this week. Of course everyone will know what you are talking about having listened to today's Shiur. A Gutten Shabbos to one and all!

Rabbi Reisman's Shiur - Parshas Ki Seitze 5775

1. I would like to begin by pointing out a couple of halachic issues that are relevant for this Shabbos, and one would do well to be aware of them before the Shabbos comes. One has to do with the reading of the haftorah this week. What is special about the reading of the haftorah this week? What is different this year?

The answer is that this year is different. In middle of the שבע דנחמתא - the seven haftoros that are post תשעה באב - came a Shabbos which was Rosh Chodesh. פרשת ראה this year was "Shabbos Rosh Chodesh" and we followed the ruling of the Rm'a (או"ח סימן תכה סעיף א) and read השמים which is the haftorah of Shabbos Rosh Chodesh instead of ענייה סערה which is ordinarily read on פרשת ראה.

We are therefore missing one of the שבע דנחמתא - the הפטורה of ענייה סערה which is in פרק נד of ישעיה פרק נד. This week, פרשת כי תצא, the haftorah is רני עקרה לא ילדה which is in the same פרק נד of ישעיה פרק נד. The Mishnah Berurah (שם ס"ק ז) says in the name of the Achronim that in order that we shouldn't be missing one of the שבע דנחמתא, we should read both הפטורות this week in the order that they appear in the Navi; first the רני עקרה which is the הפטורה of כי תצא, followed by ענייה סערה which is the הפטורה of ראה.

All shuls of בני אשכנז which are aware of this will know to read both הפטורות, but I would suggest that you discuss this with your בעל קורא or your Rav since it doesn't come up that often it is easily forgotten.

The ענייה סערה of פרשת נח is in ישיעה נד, and sure enough it is לא ילדה רני עקרה together with סערה. Therefore a Rav can technically get up in shul and announce that this week we will be reading the הפטורה of פרשת נח, but it will raise a number of eyebrows. He can more correctly state that we will be reading the הפטורה of תצא followed by the הפטורה of ראה.

2. A second point is special for this year and comes up every 2-3 years. This week we read in תצא כי פרשת the פרשה of עמלק זכירת מעשה. If someone missed hearing זכור פרשת, such an individual should certainly have in mind to be יוצא his obligation by hearing it in this week's קריאה. It is for this reason that we tell the בעל קורא that he have in mind to be מוציא such a person.

There is another point brought up by the Chasam Sofer concerning a שנת העיבור - a leap year. We read פרשת זכור once a year so that twelve months shouldn't go by without mentioning the מצוה of עמלק מחיית. This year, 12 months will pass by between the reading of פרשת זכור that took place in אדר of תשע"ה and the reading of זכור that will take place in ב of תשע"ו. Actually, thirteen months on the Hebrew calendar will pass by between the two readings. Since more than 12 months will pass between the two readings, the Chasam Sofer brings a "מנהג טוב" to have in mind this Shabbos, during the reading of the פרשה of עמלק, to be יוצא the מצוה of זכירת עמלק and מעשה עמלק. These are actually two זכירות: One is mentioning what *did* עמלק and the other is mentioning the מצוה of *wiping them out*, as רש"י and the רמב"ן discuss.

Since one needs to have it in mind at the time of the reading, a person should be aware of it beforehand. If the Rav chooses to do so, you can make an announcement that everyone should have in mind to be יוצא - as a חומרא - to be מקיים the מצוה of פרשת זכור with today's *laining*.

These are two items that are unique for this Shabbos.

Regarding this week's parsha, I would like to share with you two ideas. One is a more technical idea which has a מוסר, and the other is a מוסר idea which has a מוסר. Let's start with the more technical idea.

This week's parsha is about למלחמה - כי תצא - going out to battle. The discussion actually begins in פרשת שופטים and continues into this week's parsha. When we talk about an army, there are two words for it in Hebrew. A soldier is called a "היל", and numerous times in תנ"ך an army is referred to as a "היל".

An army is also called a "צבא" and the soldiers are also referred to as the "צבאות". In מלכים we find that the Jewish army is called "צבא" and in the Torah an army is almost always referred to with the term "צבא". What is the difference between the word "צבא" and "היל" since they both refer to the army?

A second point: The word "צבא" in addition to meaning "army" has other connotations as well. *צבאם* ויכלו שמים וארץ וכל - there was no army and no battle, but the celestial bodies are called - so to speak - the "army". It is popularly translated as "hosts" or "legions", yet it literally means "army".

One of the names of the *הקב"ה* is "צבאות". How could that be? The *גמרא* in *מסכת שבת פרק במה אשה* says that wearing army fatigues is not a *דבר של כבוד*. When *משיח* will come there will be no battles. Battles are an unfortunate necessity; not something honorable, and yet we refer to the *הקב"ה* by the name "צבאות" which also means "army". Why is this so?

The author of [1] *הקבלה* also wrote a *sefer* on *תפילה* called *עיון התפילה* [the same name as Rabbi Schwab's *sefer*] and there he explains the difference between "חיל" and "צבא".

"חיל" literally means "כח" - it refers to the power of the army. We find the expression "חילך" - *לאורייתא* - which means that you should use your energy for Torah. In *איוב* (31:25) it says: *אם* *אשמה* כי רב חילי, again we see that "חיל" means "כח" - physical power.

"צבא" also refers to an army, but it refers to another aspect of the army which is crucial to its success. Unity must exist amongst the soldiers of an army in order for them to be victorious. A common goal, a shared objective is an imperative. An army of individuals cannot succeed. They have to compensate for one another, they need to work with and for each other. The cooperation within the army is of vital importance.

We find the word "צבא" to apply to the *משמר* of the *לויים* as well. The *משמר* of *כהנים* is also called "צבא". It says in *Sefer Bamidbar* (8:28) "ישוב מצבא העבודה" - the *לויים* will return from this "army". We find (*ibid* 8:24) "לצבא צבא בעבדת אהל מועד".

"צבא" implies a shared focus. As a matter of fact the word "צב" means to desire. If you listen carefully when they read the *כתובה*, you will discern that the man proposes to the woman and then: "וצבאית" - she wanted - "וצבאית" to marry him and become his wife.

The term "צבא" refers to the common desire that unites an army.

The heavenly bodies are referred to as "צבאם" because they must and do work together in a most perfect harmony.

He is referred to as "צבאות" because the *הקב"ה* is the ultimate unity of purpose.

A Jewish army is almost always referred to as "צבא" because of the unity that exists in its ranks. There is one exception: In *פרשת מטות* the army of *בני ישראל* is first called "צבא" like it says (31:3) "החלצו מאתכם אנשים לצבא", but later it is referred to as "חיל". When *משה רבינו* found that they behaved improperly, it says (31:14) "ויקצף משה על פקודי החיל". Since they made a mistake they got downgraded from "צבא" to "חיל".

The lesson is that when a ציבור sets out to accomplish something, whether it is the heavenly bodies or the משמר הלויים, in order for them to be the "צבא ה'" there needs to be a common focus, a singular will, that everyone be unified toward the goal of accomplishing ה'רצון.

3. I would like to move on to a second thought.

Looking through the sefer שיחה I have found an incredible number of passages, in particular הלכה פסקי, which I have heard from Rav Pam זצ"ל and sometimes even had difficulty with, yet I found that in the שיחה, Rav Chaim Kanievsky שליט"א is quoted to have said the very same things.

One particular item that comes to mind, is that if one is in middle of עשרה and the חזן is up to קדושה, the Shulchan Aruch (אורח חיים סימן קד סעיף ז) says that in such a situation he should listen to the chazan's recitation and have in mind to be יוצא with him. In a big shul where this is sometimes impossible, Rav Pam would say that you can be יוצא by hearing it from the man standing next to you.

To me that is astonishing! The person next to me doesn't have in mind to be מוציא me. I never got a satisfactory answer that I understood, yet found in the שיחה (volume I) the exact same פסק is brought in the name of Rabbi Chaim Kanievsky שליט"א.[2]

My purpose wasn't to discuss this particular פסק, but a vort on this week's פרשה that is brought in the שיחה.

The פסוק (42:17) says: לא תטה משפט גר יתום ולא תחבול בגד אלמנה. Although the prefix *vov* is missing from the word "יתום", the simple meaning of "גר יתום" is "גר and יתום". Rabbi Chaim says חידוש: The הלכות דעות in the end of the sixth chapter questions until what point someone who lost a parent retains the status of a יתום. The רמב"ם answers:

עד שלא יהיו צריכין לאדם גדול להסמך עליו ולאמנן ולהטפל בהן אלא יהיה עושה כל צרכי עצמו לעצמו כשאר כל הגדולים.

The רמב"ם is essentially telling us that until a person achieves independence and is no more dependent on an adult figure, he has the special status that the תורה gives to יתומים. Citing this רמב"ם, Rabbi Chaim adds that a person whose parents are divorced or a parent became estranged, such a person has the דינים of a יתום. A גר צדק who is still at the age where he needs his parents, but they are not with him, such a person also has the הלכה of a יתום. This is hinted to by the omission of the *vov*. Although the פסוק means to say "יתום and גר", the *vov* is omitted to signal that every גר is a יתום and should be treated as such.

Rabbi Chaim's point regarding a יתום, that its not only meant in its literal sense, but rather includes anyone who is missing parental support, brings to mind a powerful thought Rav Pam would often say.

The Torah has a special לאו which forbids tormenting a יתום and אלמנה even with words. It says in פרשת משפטים (22:21) - כל אלמנה ויתום לא תענון.

Rav Pam said the following: When a man causes his wife pain he is עובר on the איסור of causing pain to an אלמנה. She is not an אלמנה - her husband is alive, but Rashi says that the specific prohibition of causing pain to an אלמנה is because unlike a married woman, who can turn to her husband when she is in pain, an אלמנה has nobody to turn to for comfort. If a man causes his own wife pain, she too has nobody who can comfort her to go to. Therefore, says Rav Pam, such a man transgressed the איסור of לא תענון ויתום כל אלמנה.

This is exactly Rav Chaim's idea, that when the Torah prescribes special care for dealing with a יתום, this applies to all those people who are missing the emotional support provided by parents. What Rav Chaim said regarding a יתום is exactly what Rav Pam said regarding an אלמנה.

These are thoughts on this week's parsha - כי תצא למלחמה על אויבך, and with these thoughts our talk for this week is over. I wish one and all an absolutely wonderful, delightful, and meaningful Shabbos. Prepare for the התחלה of the זמן and of course how can I forget that משמר resumes tonight! The מצב is called צבא and we must all do as it says in the chumash: ישוב לצבא - return to our posts. I look forward to seeing you all tonight.

to all! א גוטן שבת

Rabbi Reisman - Parshas Ki Seitzei 5774

1. I would like to begin with a Vort from Rav Schwab's Sefer Mayan Bais Hashoeva (page # 430) on the Chumash but really as we shall see, this Vort is a Yesod in general regarding Limud Hanavi. We have in this week's Parsha a Lav of 23:4 (לא יבוא עמוני ומואבי, בקהל ירוך). We have the same thing by a Mamzer that he is not allowed to marry into the Kehal Hashem. By both it says (גם דור עשירי) even in the tenth generation they can't come into the Kehal Hashem. However, there is a difference. By Amon and Moav it says (עד-עולם), it says they can't come into the Kehal Hashem (עד-עולם). By Mamzer it doesn't use the words (עד-עולם).

Let's digress. In Sefer Nechemiah which is part of Ezra (one of the 24 books of Nach), in the beginning of the 13th Perek we find the following Posuk. (ביום ההוא, נקרא בספר משה--באזני העם). On that day Nechemiah had the Torah read in front of Klal Yisrael. (ונמצא, כתוב בו) and lo and behold they found written in it (אשר לא יבוא עמוני ומואבי בקהל האלרים, עד-עולם) that a member of Amon and Moav may not marry into the Jewish people forever. There were people there who had married Amonim and now that they discovered that in the Torah there is a Lav so they separated from the Amonim that they had married. It is a Pele. Anyone who reads it wonders could it be that there was a generation in Klal Yisrael who didn't know of a Lav in the Torah and suddenly they hear the reading of the Torah and discover that there is such a Posuk? It is a Davar Pele.

The truth is that in the Kuzari in Maimar Gimmel from Os Nun Daled and on we find that the king of the Khazars asks this to the Chaver. He demonstrates to him conclusively that they knew about this Issur. Ayin Sham.

Rav Schwab says here to explain the episode in Nechemiah the following. There is another Kasha. The Gemara in Maseches Berachos 28a (22 lines from the top), and the Rambam Paskens that nowadays you may marry a Moavi and the reason for that is (כבר עלה סנהריב מלך) (אשור ובלבל את כל האומות) that Sancheirev has already come and done population transfers, caused nations to be mixed one with the other. Just as the Aseres Hashevatom, the ten tribes were taken away by Sancheirev and are no longer to be found among the Jewish people, so too Amon for the most part was removed. So we don't know who the Amonim are. So what is happening in Sefer Nechemiah which is after the time of Sancheirev?

Rav Schwab answers and says the fundamental or basic Issur of not marrying an Amoni was known to all. However, at this occasion they sat and they were learning Torah and they understood to Darshun a Drasha. That Drasha involved the following concept. When the Torah forbids a nation because of their character traits, Amaleiki, or an Amoni because of the way they behave, if there is a population transfer and only a few Amonim might remain but many other (Goyim) nations are mixed in with these people, if those Goyim who come and take on the name Amoni, the character traits of the Amonim, they adopt for themselves the culture of the Amonim, then although they are still technically permissible to marry them, one should not. Since HKB"H rejected Amon because of its culture, its character traits, anybody who adopts that character trait should be forbidden as well. This is Mirumaz in the words (עד-עולם).

When it talks about not marrying a Mamzer, a Mamzer is not a nation. It says that one may not marry a Mamzer no matter how many generations down. When it talks about Amoni and Moavi, it talks about a nation, it says (עד-עולם). To be Mirameiz that the Torah requests although it doesn't require that one may not marry a Moavi or Amoni even after the nations have become mixed together. And so, says Rav Schwab, in the time of Nechemiah they didn't discover the Posuk they understood to Darshun the Posuk. And in understanding to Darshun this Posuk they came up with this Chiddush. A beautiful explanation.

I should add that when one learns Navi one finds very often a nation of people mentioned where they should not be. For example, Shaul killed out the members of Amaleik except for one in the middle of Shmuel I. At the end of Shmuel I we find a city of Amaleikim. That is within a year or two. How can it be that there were Amaleikim at the time? The answer as we explained in the Navi Shiur at the end of Shmuel I you may remember from 25 years ago, is that if people take on a character trait of a nation, they get to a certain degree the Dinim of that nation. And so, this is Rav Schwab's Yesod here in the Parsha.

2. Rav Chaim Kanievesky in his Sefer Taima Dik'ra very often points out that when a word in the Torah is written Choseir, a word that is normally written with an Oy sound that has a Vav in the word and occasionally that Vav is left out there is always a Remez, always a hint. He mentions a few such hints in this week's Parsha. The 21:18 (בן סורר ומורה) Ben Soreir Umoreh, the child who is misbehaving is called (בן סורר ומורה) which is spelled Mem, Vav, Reish, Hei which is Malei. Later when parents come to Bais Din they say 21:20 (בגנו זה סורר ומורה). There the word (ומורה) is spelled Choseir without the Vav. Whenever a word is spelled Choseir, Rav Chaim Kanievsky explains, it means that it is a little less. Since it is a tendency of parents to belittle the faults of their children, when they talk about the faults of their children they belittle the fault, so (בגנו זה סורר ומורה). It is written Choseir. A beautiful understanding and consistent with the way

Rav Chaim explains throughout. That when the Vav is missing, the Malei is missing, it means that there is a little less.

Similarly, when the Torah talks about the man who has two wives in 21:15 (הָאִשָּׁה הַזֹּאת וְהַיְבֵיחָהּ וְהָאִשָּׁה הַשֵּׁנִיָּה), Rav Chaim Kanievsky points out (וְהָיָה הַבֵּן הַבְּכֹר, לְשֵׁנִיָּאָה). The word Bechor in the Torah is almost always written Malei with a Vav between the Chaf and the Reish. Here, by the (הַבֵּן הַבְּכֹר,) (לְשֵׁנִיָּאָה) there are four or five times that the word Bechor is written Choseir. Halo Davar Hu! Says Rav Chaim Kanievsky, the GRA already explained that this Parsha is talking about a man who marries (הָאִשָּׁה הַזֹּאת וְהַיְבֵיחָהּ) and the oldest child by conception is to the (אִשָּׁה הַזֹּאת) and the oldest child by birth is to the (שֵׁנִיָּאָה). The Torah is talking about such a Bechor who is a Bechor in birth but not at the time of conception. Since we are not talking about a full-fledged Bechor, (בְּכֹר) is written Choseir. That even a Bechor missing one aspect of Bechor still has a Din of Bechor. A beautiful way to look at the Pesukai Hatorah.

I might add that on the Posuk in 22:5 (לֹא-יְהִיֶּה כָּלִי-גִבּוֹר עַל-אִשָּׁה, וְלֹא-יִלְבַּשׁ גִּבּוֹר שְׂמֹלֶת אִשָּׁה) on the Issur of a man to wear a women's clothing or a woman to wear a man's clothing, Rav Chaim Kanievsky brings the Shaila as to whether included in this is there a prohibition for a man to take a woman's name or a woman to take a man's name. He brings a Divrei Malkiel in a Teshuva who says that a man should not take a woman's name or the reverse. Rav Chaim Kanievsky in his incredible Bekius brings 79 instances in Chazal where we find a man and a woman with the same name. Incredible! In one example he brings Yonah Hanavi (a male) and the wife of Asher we find with the name Yonah. Indeed today, Yonah is found as a woman's name as well. So that he finds a whole list of such names with his incredible Bekius.

3. Turning to one final thought, we turn to the father of Rav Chaim Kanievsky Yibadeil L'chaim, the Steipler. In this week's Parsha we have marriage, the concept of marriage, the institution of marriage (כִּי-יִקַּח אִישׁ, אִשָּׁה) is introduced to us. In marrying a woman there are two steps required. One is called Kiddushin. Kiddushin is the giving of the ring (first Mishnah in Maseches Kiddushin) - (הָאִשָּׁה נִקְנִית בְּשֵׁלשׁ דְּרָכִים וְקוֹנָה אֶת עַצְמָהּ בְּשֵׁתִי דְּרָכִים נִקְנִית בְּכֶסֶף בְּשֶׁטֶר וּבַבִּיאָה). Today, we do Kiddushin the first step together with the second step. The second step is Chuppah or Nissuin. What we call Chuppah, the Yichud Room, Nisuin. In the time of Chazal it was the custom to do Kiddushin at one point and Chuppah (Nisuin) many months later. Today we do them both together. The issue is in the understanding of why it should be so. There are many Kinyanim in the Torah. One buys a field let us say, he does one Kinyan and he acquires the field. When one buys an object he does one Kinyan and buys an object. We don't find ever that we do two Kinyanim, two acts of acquisition to acquire anything. Why is it unique to marriage that we find this idea that there are two Kinyanim?

The Steiper in Siman 19 of the Kehillas Yaakov on Maseches Kiddushin (B'inyan Kiddushai Bi'a page # 71 - 72) explains a Halachik issue by explaining the difference between Kiddushin and Nissuin. He explains as follows. I will be Makdim with a Mashal. You buy a piece of land, you buy a pair of shoes, or you buy a car. When you buy it you acquire it. What happens after you acquire is not very important to us, it is not important to the Torah. You buy shoes take it on the bus and you forget and leave it on the bus. Your shoes are traveling all over New York City to the bus depot. Wherever they go they are yours. Eventually, you will be Meyaish. There is not much of importance in the eyes of Chazal except who owns it, who are the Bailim. When it

comes to marriage it is not that way. In addition to the acquisition to acquiring a wife, there is also the ongoing relationship. The ongoing relationship is the fundamental part of marriage.

The Steipler explains. There is only one Maiseh Kinyan, one act of Kinyan in marriage and that is Kiddushin, putting on the ring. The second step we call Chuppah. Chuppah has many phases. Some understand it to be the Yichud Room, the Ran at the beginning of Kesubos understands it to be the man taking his wife to his home, and others understand it to be the canopy. Still others, the Minhag of many Jews is to spread a single Tallis over Chosson and Kallah. These are all part of Chuppah. They are not methods of acquisition. They are statements of Metzui. They state that there is a certain fact. The fact is they are married. They are standing in a manner of husband and wife. Whether it is a single item of clothing spread over the two of them, or a canopy, or a Yichud Room, they are making a statement that they are sitting in the Metzui of husband and wife. To be married you need a Kinyan but you also need the Metzui of Ish V'ishto together.

With this he explains a Maaseh, a story that happened with Rashi as brought in the Mordechai. In the Maaseh, a couple got married as we have the custom of getting married today, Kiddushin and Yichud Room. Later after the wedding was long over and they were home, they realized that the Eidai Kiddushin, the witnesses at the time of Kiddushin were relatives and therefore, the Kiddushin was invalid. Rashi was consulted and he instructed them to do the Kiddushin again, to bring two Kosher witnesses and to perform the act of Kiddushin, the giving of the ring once again. They asked Rashi does that mean that we have to get a Chuppah, canopy, and a Yichud Room again. Rashi said no it is not necessary. The question is why not, Kiddushin always precedes Nissuin. Why here could Nissuin precede Kiddushin? The Steipler explains Rashi that Nissuin creates a Metzui, a Matzav, it is an announcement. It is an announcement to those watching that this is husband and wife. They are standing under a canopy as husband and wife. When you create a Metzui it is not like a Kinyan. A Kinyan takes a second and it is over. When you create a Metzui it lasts. By creating the Metzui of Ish V'ishto that remains and later when they do the Kiddushin the Nissuin is automatic. That Metzui, that fact, that Matzav continues. What a tremendous insight into the Kavanah Hatorah. Of course into a general insight in marriage, the Matzav of marriage, a Matzav of being together. That is what makes the marriage.

4. To conclude, I would like to end with a Kasha. As I mentioned earlier, we have in this week's Parsha we have the story of a man who has two wives (האחת אהובה והאחת שנואה) one which he loves and one which he does not love. If the Bechor is born to the (שנואה) he still retains the status of Bechor regardless of the father's love for one or the other one of his wives.

The Gemara says that when it says (אהובה) and (שנואה) the Gemara says that it is telling us a Chiddush. The Gemara in Kiddushin in 68a (12 lines from the top) says (כי תהיין לאיש שתי נשים) (האחת אהובה והאחת שנואה וכי יש שנואה לפני המקום ואהובה לפני המקום אלא אהובה בנישואיה שנואה). It is talking about a man who marries someone who he is prohibited from marrying, there is an Issur Lav. From here we learn that if one marries an Issur Lav he is married. So that (שנואה) means someone who is objectively (שנואה). Someone who is (שנואה) because he should not have married her. The Torah is saying that nevertheless the Bechor that is born is a Bechor. My question is this. How can you say the Torah says (אהובה) and (שנואה) in reference to Lifnei Hamakom if before Hashem you are not supposed to marry such people. The other is (אהובה). There is no (אהובה) in marriage. There are regular people who you are allowed to marry and there

are (שְׁנוּאָה) the ones that you are not allowed to marry. Do we find the category of (אֶהְיָהּ), recommended people to marry? It is a little strange. This Drasha, the Gemara says (וכי יש שנואה) (לפני המקום ואהובה לפני המקום) and it explains (שְׁנוּאָה) and does not explain (אֶהְיָהּ). It would be nice to find an explanation.

This is the first Thursday of the new Zman and tonight is Mishmar night. The first Mishmar it is important to show up. It is important to be there. Don't push it off. If you push it off in the beginning someday you will be 65 years old, retiring, and never having gone to a Mishmar because you missed the Mishmar on the Thursday night of Parshas Ki Seitzei 5774. There are only three Thursday's left in 5774. Please devote these three Thursday nights to a Mishmar and let it be a Shemirah for the coming year. We should be Zoche to a lot of Beracha and Hatzlacha because of our devotion to Torah. Please, if you are in my neighborhood join me tonight. There is a 10 pm Maariv and an 11:45 Maariv in Shul. Join us as we come together at night to rededicate ourselves to Limud Hatorah, with a bit of Mesiras Hanefesh pushing ourselves to Hatzlacha in Limud Hatorah. A wonderful Shabbos to all of you!

Rabbi Reisman - Parshas Ki Seitzei 5773

1. I would like to share with you a pair of ideas that come from this week's Parsha. They are Klaliyosdik (general) ideas of great significance. Let me start with a Chiddush which is in the Rambam Hilchos Sanhedrin (which is in Sefer Shoftim) Perek 17:7 (כל מי שחטא ולקה חוזר לכשרותו) which is based on a Posuk in this week's Parsha. In this week's Parsha we learn the Parsha of Malkus where the Bais Din has to give a punishment of lashes to someone who did an Aveira. As it says in 25:3 (וְנִקְלָה אָחִיךָ לְעֵינֶיךָ) and your brother will be shamed before your eyes. The Gemara Darshuns in Maseches Makkos 23a (5 lines from the bottom in the Mishna) (כל חייבי כריתות שלקו) (בפטרו ידי כריתתם שנאמר ונקלה אחיך לעיניך כשלקה הרי הוא כאחיך) that after he is punished you should look at him as a Tzaddik and not as a Rasha.

The Rambam says the following. (כל מי שחטא ולקה חוזר לכשרותו). Anyone who did an Aveira and got Malkus for it goes back to his status as a Kosher. (שנאמר ונקלה אחיך לעיניך כיון שלקה הרי הוא). Then he says (אף כל מחוייבי כרת שלקו נפטרו מידי כריתתו). Even somebody who is Chayuv Kareis and got Malkus is Patur from Kerisos and becomes (אחיך). So he is saying here clearly that the Malkus itself makes him (אחיך) and it even implies he did not do Teshuva which means that Malkus is Mechapeir without Teshuva. The Rambam says this more clearly in Hilchos Eidus 12:4 (כל מי שנתחייב מלקות בין שעשה תשובה בין שלקה בבית דין חוזר לכשרותו).

The Minchas Chinuch at the end of Mitzva 594 in this week's Parsha makes the point that Kivan Shelaka, if he got Malkus even if he did not do Teshuva he is already considered to be Achicha and he has a Kappara.

What is interesting is that many of the Poskim take this idea to all Yissurim as well. That if a person is Sovel Yissurim as a punishment even if it is not Malkus in Bais Din and he suffers Yissurim in Bais Din that is adequate to be in place of Malkus and to allow a person to have a Kappara. This idea is both in the Teshuvos Chasam Sofer (which I will mention shortly) and the

Pachad Yitzchok where he mentions this as well. The Pachad Yitzchok is on Yom Hakipurim (Maimur 12 Os Hei).

There is a problem that the Rambam in Hilchos Teshuva at the beginning of Perek 1 seems to say the reverse. There he says (כל מחוייבי מיתות בית דין ומחוייבי מלקות אין מתכפר להן במיתתן או בלקייתן עד) (שיעשו תשובה ויתודו). They have no Kappara until they do Teshuva and say Vidui. So here it seems that a person who gets Malkus or by extension any punishment does not have a Kappara until he does Teshuva as well. A very important difference. If someone suffers Yissurim as a Kapparrah, does he need to do Teshuva to have that Kappara? (Of course he should do Teshuva) but it would be some type of a Chizuk to us if we understood that punishment without an adequate Teshuva is still a Kapparrah. This question, this Stiras Harambam is asked by the Achiezer in his Teshuvos Cheilek Aleph Teshuva 20 Os 6. He points us to the Teshuvos of the Chasam Sofer in Orach Chaim 175 where both Rav Chaim Ozer and the Chasam Sofer say the following. There are two aspects, one aspect is to have a Kapparrah where the slate is wiped clean and the other is the removing of the punishment. This is sort of L'havdil like in today's court system where a person serves his time and he is so to speak forgiven. But it is still on his record. If other things happen later, it is on his record. Says the Chasam Sofer and Rav Chaim Ozer, the Yissurim that a person suffers as a punishment takes away the Onesh and there is no longer any repercussions on the Aveira that was done. However, he still needs a Kapparrah and for that Teshuva is needed. The Chizuk of course is this idea. The idea that it is adequate for a person who suffers an Onesh or Yissurim to have enough to make it as if he never did the Aveira. Of course it is still on his record but that is adequate. We all quote that this is the Rambam's opinion. However, the Baal Hamaor and the Ramban in Maseches Makkos 23 and Tosafos in Maseches Yoma 4 hold that Yissurim are Mechapeir and Malkus is Mechapeir even without Teshuvah. That is something of a Chizuk. Why should the Onesh itself be Mechapeir?

Here I turn to the Pachad Yitzchok. Rav Hutner writes that the Kabbalas Ha'onesh is the Kapparrah. Someone who feels inadequate to do Teshuvah but nevertheless he is Mekabeil the Yissurim that he gets in this world, that is something that he has no complaint about, something he deserves. Such an acceptance that itself erases whatever residue of Aveira there is according to the Baal Hamaor and the Ramban according to Tosafos it wipes the slate clean. Even according to the Rambam it is enough for Haforas Ha'onesh. Here we have an important lesson in the idea of Kabbalas Yissurim as is quoted by these Gedolei Olam.

2. Let me move on to another topic. (Ed. Note: This topic was also referenced in Parshas Emor 5773, Ayin Sham). In this week's Parsha we have the idea of Chasuna as is brought in 24:1 (כי- יקח איש, אִשָּׁה כל דבר) (שבקדושה לא יהא פחות מעשרה). Anything that involves Kedusha needs a Minyan whether it is Borchu, Kaddish, or Kedusha. All these things require a Minyan. From where do we know this? The Gemara in Maseches Sanhedrin 74b learns through a two-step Hekish from the Posuk in Parshas Emor 22:32 (וְלֹא תִחַלְלוּ, אֶת-שֵׁם קְדֹשִׁי, וְנִקְדַּשְׁתִּי, בְּתוֹךְ בְּנֵי יִשְׂרָאֵל). HKB"H said my holiness is (בְּתוֹךְ) among Bnei Yisrael. How many is (בְּתוֹךְ)? It says in the Parsha of Korach (הבדלו מתוך) (העדה). Again the word (תוך) is used. How many is (תוך) in the Parsha of Korach? Here we have the second step of the Limud. The Gemara says we learn out from the word (העדה) from the Miraglim which it says in Parshas Shelach 14:35 (לְכָל-הָעֵדָה הִרְעָה הַזֹּאת). The 10 Miraglim that

were Reshaim are called (עֲדָה). So we learn from the Miraglim to Korach and from Korach to (וְנִקְדְּשֵׁתִי, בְּתוֹךְ בְּנֵי יִשְׂרָאֵל) that a Minyan is 10 Yidden and from there is the entire source of the idea of a Minyan of Asara. It is a Pele! We have no better place to learn the idea of Minyan from except for Korach and the Miraglim? Halo Davar Hu! The Torah uses Korach and the Miraglim to teach us the concept of Kedushas Haminyan?

Rav Moshe has a number of Teshuvos in Igros Moshe regarding the following Shaila and these Teshuvos have to do with the source of Minyan as we have explained. Rav Moshe was asked whether someone who is a Michaleil Shabbos (a Mumar) can count towards the 10 people of Minyan or do you have to have 10 people who are Shomrei Shabbos, who are religious people. Rav Moshe says let's look at the Gemara. The Gemara says that we learn Minyan from the Miraglim and the Gemara goes on to say that maybe the non-Jew should count towards Minyan (in Sanhedrin 74b). Maybe a non-Jew should count towards Minyan. The Gemara responds that it is not so as you need similar to the Miraglim from whom we are learning. The same thing here and therefore, a non-Jew does not count towards Minyan. Says Rav Moshe, so the Gemara is saying that non-Jews don't count towards Minyan. The Miraglim were Reshaim and yet they are counted towards the 10. The Gemara says Dumya D'miraglim. Therefore, a Mumar, someone who is not a Frum person still could count towards Minyan. This is Rav Moshe's Psak.

Although Rav Moshe stresses that when you are making a Minyan in this manner you should not say Chazaras Hashatz. That is, it is enough to be Maikil on this Kula to say Kaddish and Barchu. But to make an extra 19 Berachos not. Therefore, say what we call a short Shemoneh Esrei when counting a non Frum person towards a Minyan. This is Rav Moshe's Psak based on this Limud.

How do you know that you need a Minyan for Chasuna? The Gemara in Maseches Kesubos 7b (8 lines from the top) says (גּוֹפֵא אָמַר רַב נַחֲמָן אָמַר לִי הוּנָא בַר נַתַּן תְּנָא מִנִּין לְבִרְכַת הַתְּנִינִים בְּעֶשְׂרָה שְׁנָאמַר (וַיִּקַּח עֶשְׂרֵה אַנְשִׁים מִזְקֵנֵי הָעִיר וַיֹּאמֶר שְׁבוּ פֹה וַיִּשְׁבוּ אַנְשֵׁים, מִזְקֵנֵי הָעִיר--וַיֹּאמֶר שְׁבוּ-פֹה; וַיִּשְׁבוּ). This is learned out from Megillas Rus 4:2 (וַיִּקַּח עֶשְׂרֵה). This is when Boaz wanted to marry Rus. He took 10 people and from there we learn out Minyan by a Chasuna. Of course there is an obvious question. Why should I learn it out from Boaz I should learn it out from the general rule of (וְנִקְדְּשֵׁתִי, בְּתוֹךְ בְּנֵי יִשְׂרָאֵל) to which we learn many Dinim that it means Asara for Minyan.

This summer when I was in Eretz Yisrael a Gerrer Chosid told me the following incident. He said there was a so to speak "Rabbi" (this is someone who was not a Talmid Chochom) that was making a Siddur Kiddushin in his house to people that were nominally religious and he was nice enough to have a Minyan in the house. They were waiting for the Minyan to arrive. One of those standing there said why are we waiting for a Minyan let's just go on with the Siddur Kiddushin. To which the "Rabbi" replied erroneously, Kol Davar Shebikedusha Tzorich Asara. Anything that is holy needs 10. When the Gerrer Rebbe heard of this he said wow, amazing. Why do we learn Minyan for a Chasuna from Boaz, why don't we learn it from Korach and the Miraglim? This is because when it comes to a Chasuna we tell people it has to be Aliya, we learn of the gathering of Reshaim. It is important to be Mikareiv Rechokim and it is important to draw them close. It is important to understand that the Shechina rests even when there are Reshaim among you. When it comes to a person's Chasuna and it comes to a person's home, the home should be a place of Kedusha, of Lechatchila. It should be a place where things are the right way. The home should have a Kedusha and shouldn't have the outside influences, it shouldn't have the Reshaim

there even things that are Muttar because it is not Lechatchila. Therefore, he said how ironic that at such a wedding the "Rabbi" said we need 10 because we learn it from Korach and the Miraglim. There may be some weddings that we learn from Korach and the Miraglim but we aspire to more, we aspire to a Kiddushin that has a level of Kedusha that we learn out from Rus, from the marriage of Rus and Boaz. What a beautiful thought regarding Kiddushin.

3. I would like to end today with a question. This is a question which I find quite difficult and it has to do not only with this week's Parsha but with prior week's Parshios as well. In this week's Parsha in Perek 21 which is regarding the Ben Sorer U'more we have the expression that is found in 21:21 (וְכַל-יִשְׂרָאֵל, יִשְׁמְעוּ וַיִּרְאוּ). That others will the punishment of the Ben Sorer U'more and hopefully they will learn from it. Rashi brings (מכאן שצריך הכרזה בבית דין, פלוני נסקל על שהיה בן סורר) from here we learn that we announce when we give Misa to a Ben Sorer Umore. We have an identical Rashi in Parshas Shoftim 19:20 (מכאן שצריך הכרזה, איש פלוני ופלוני נהרגין על שהוזמו) (בבית דין מכאן שצריך הכרזה בבית דין, פלוני נסקל על שהיה בן סורר ומורה). This is in the Parsha of Eidim Zomemim where we learn out from (וְהַנְּשָׂאִים, יִשְׁמְעוּ וַיִּרְאוּ) that we announce when someone is punished so that it should serve as a deterrent. In Parshas Re'ei 13:12 (וְכַל-יִשְׂרָאֵל--יִשְׁמְעוּ, וַיִּרְאוּ) which is in the Parsha of Maisis we have the same language in the Posuk and here Rashi says nothing. Rashi might have thought that we would remember from Parshas Ki Seitzei and Parshas Shoftim so he doesn't have to say it every time.

The question I have though is in Parshas Shoftim 17:13 (וְכַל-הָעָם, יִשְׁמְעוּ וַיִּרְאוּ). Here we have the identical Posuk and here Rashi says (מכאן שממתינין לו עד הרגל וממיתין אותו ברגל). That the Limud of (וְכַל-הָעָם, יִשְׁמְעוּ וַיִּרְאוּ) is that we wait to give him Misa until Klal Yisrael is Oleh Regel so that everyone should see the Misah and learn from it. The difficulty is that you have the identical Posuk 4 (וְכַל-הָעָם, יִשְׁמְעוּ וַיִּרְאוּ) times. 2 times Rashi says (מכאן שצריך הכרזה) that it has to be announced, once Rashi says (מכאן שממתינין לו עד הרגל), and in the 4th instance the one in Parshas Re'ei he says nothing at all. Why? There must be some hint in the Pesukim and in the understanding but I can't figure it out. Have a wonderful Shabbos!

I beg you to notice that the month of Elul has begun, a month of introspection, a month of doing things just a little bit better. Do it and have a great Shabbos!

Rabbi Reisman - Parshas Ki Seitzei 5772

I would like to share with you one extraordinary Machshava and one extraordinary Lomdus. Let us start with the Inyan Shel Machshava. This week we have the second Parsha in a row with the concept of Shana Rishona. It says in 24:5 (כִּי-יִקַּח אִישׁ, אִשָּׁה נְדֻשָּׁה--לֹא יֵצֵא בְּצַבָּא, וְלֹא-יַעֲבֹר עָלָיו לְכָל-) (דְּבָר: נְקִי יִהְיֶה לְבֵיתוֹ, שָׁנָה אֶחָת, וְשָׂמַח, אֶת-אִשְׁתּוֹ אֲשֶׁר-לָקַח). The idea of being Misameich the wife that one has married and Shana Rishona clearly is a very special time. What is the Shores Hamitzva what is the Lomdus of this Mitzvah? Most of us would understand that it is important that Chosson and Kallah have the right foundation so they start with a year of great joy.

The Chinuch says that that is not the Pshat. The Chinuch in his explanation of the Mitzvah which is Mitzvah 582 (Taf Kuf Pei Bais). He says the Mitzvah of (וְשָׂמַח, אֶת-אִשְׁתּוֹ) is a Mitzvah to be with your wife the first year so that you have great joy for the rest of your life. In other words the

first year is a year of getting used to each other, of preparation. In the Lashon of the Chinuch, Mishorshei Hamitzvah. Shenishaiv Im Ha'isha... Shana Sh'laima... K'dei L'hargil Hateva Ima. To travel, to be with your wife for a full year K'dei L'hargil Ima, to get used to her. Ul'hadbik Haratzon Etzla, and to connect well with her. Ul'hachnis Tzi'yura V'chal Pa'ala B'leiv. To understand her nature, her style, emotionally. Meaning to say that the depth of the understanding of marriage is that Shana Rishona is a year of adjustment, not a year of fun. If it is just a year of fun and not a period of adjustment then it is worthless, or worth little. It is a year of adjustment. Every husband and wife when they get married have to get used to a personality that is different, that has different values, that has different things that they are accustomed to. The greatest error a Chosson/Kallah could make is to think that after marriage things go on self-pilot. It is not so. Technically the first year is the hardest, the most adjustments. Of course the first year is also a time when everything is new and there is a certain joy which gives the strength to the Chosson/Kallah to adapt to each other. The Chosson/Kallah who get married with the idea that everything is self-pilot are in for a big surprise, as there are a lot of adjustments. Therefore the insight of this Chinuch is extraordinary.

It comes back to the great Yesod of the Chasam Sofer in Parshas Chayei Sara. The Chasam Sofer there writes when Lavan says regarding the Shidduch in 24:50 (לֹא נוּכַל דַּבֵּר אֵלַיָּךְ, רַע אוֹ-טוֹב). Which means to say that we cannot speak good or bad.

The Chasam Sofer asks if you are for the Shidduch say good and if you are against the Shidduch say bad. The Chasam Sofer answers that when it comes to Shidduchim there is no good and bad. HKB"H makes Shidduchim with two people who are not identical. Where one has one nature and the other has a different nature. The purpose is to build from the combination. He gives an example if both like to spend money the house would be a house of poverty. If both are intent on saving money they would have money but they wouldn't be happy. HKB"H makes a Shidduch of one who likes to spend and one who likes to save and in that way hopefully from the combination a good middle ground will be found. So too with everything else in marriage.

The Chinuch says that is the idea of V'simach Es Ishto Shana, the idea of Shana Rishona. To accustom one's self to it. I would venture to say that the Yesod of this Chinuch which is a Yesod which every married couple must absorb. So much for the Machshava.

Let's move on to a Lomdus Vort. I would like to share with you a Rav Chaim from the Grach Al Harambam (page # 111) and it has to do with the Parsha of Malkus which is in this week's Parsha.

Rav Chaim is bothered by something in the Rambam. We know that when it comes to Aidim Zomemim, which is witnesses who falsely accuse somebody and become Zomemim because other witnesses come and say that you were with us at that time at a different place. This is called Eidim Zomemim. By Eidim Zomemim there is a Gizairas Hakasuv that is derived from the Posuk in 19:19 (וְעִשְׂיָתֶם לוֹ, כְּאִשֶּׁר זָמַם לַעֲשׂוֹת לְאָהֳרָיו) Ka'asher Zomam V'lo Ka'asher Asa. The Gemara says if the false witnesses try to give someone a death penalty and it is before the death penalty is administered, meaning they were caught that they were Zomemim then they get Misah. However, if they were successful in giving Misah, successful in giving death when they are caught they are not liable for the death penalty. Something that seems to be counterintuitive,

however, if you look at the Ramban on the Parsha he has an explanation. That is not Noge'a to us for this discussion. What is Noge'a to us is that there is a rule of Ka'asher Zomam V'lo Ka'asher Asa.

Surprisingly the Rambam in Hilchos Eidus at the beginning of Perek 20:2 says (נהרג זה שהעידו) עליו ואחר כך הוזמו אינן נהרגין מן הדין. שנאמר כאשר זמם לעשות ועדיין לא עשה ודבר זה מפי הקבלה. אבל (אם לקה זה שהעידו עליו לוקין. וכן אם יצא הממון מיד זה ליד זה בעדותן חוזר לבעליו ומשלמין לו) that this rule applies only to the death penalty, to Misah. If however, it was a case where they tried to give someone Malkus, if they were caught before the person got the Malkus of course the Eidim get Malkus. If they are caught after the person got Malkus I would think Ka'asher Zomam V'lo Ka'asher Asa and since they succeeded in giving Malkus this punishment doesn't apply. The Rambam says no, the rule of Ka'asher Zomam V'lo Ka'asher Asa applies only to Misah and not to Malkus. Rav Chaim wants to explain what is the difference.

What I have said until now may be complicated, however, Rav Chaim says a Yesod which explains it with a very simple application. Let's say we have two witnesses who come and say that Reuvein ate Nivaila meat with Hasra'a, so he is Chayuv Malkus. Bais Din calls in a doctor and asks him how many lashes can he take? The doctor says for example 18. If you give him more than 18 lashes it is a Sakana. In that case Bais Din Paskens that he gets 18 lashes. Before he got those lashes, however, the Eidim became Zomemim. They were found to be false witnesses because they had been with somebody else at that time. The Eidim now get the same punishment. The Eidim however, are young strong people. When the doctor is consulted it is found that each can absorb 39 lashes without getting into Sakana. The question is do they get 39 lashes or do they get 18 lashes? The answer is they get 39. Ai, why should that be, they only tried to give him 18?

The answer says Rav Chaim is that Malkus is not 39 punishments, it is one punishment called Malkus. Malkus is a unique punishment. Malkus is a punishment that is administered by Bais Din and there are certain precise rules. Rules have to do with how many lashes you get, the person's position during the lashes and other details. That is called Malkus, it is one name for a punishment that has rules. They tried to give this gentleman a punishment with those rules and they get the punishment with the same exact rules. As Rav Chaim says Malkus in Bais Din is called Malkus. If you hit a person the same way out of Bais Din that is called Haka'a (hitting).

Another point Rav Chaim makes with this Yesod. If two witnesses try to obligate someone to pay \$100 and are found to be Zomemim they pay \$50 each. If two witnesses try to be Michayeiv someone 39 Malkus and they are found to be Zomemim we don't say that they should split the Malkus in half. In Maseches Makkos 1:3 it says (משלשין בממון, ואין משלשין במכות) which means that we split the money between them and we don't split the Malkus. Why not? Says Rav Chaim the same Yesod. Money is a punishment of 100 different dollars that they tried to cheat a man. Malkus is not 39 separate punishments that can be split. Malkus is one punishment called Malkus. Therefore, it cannot be split.

Returning to the Rambam with which we began. If people came and said false testimony that someone is Chayuv Malkus and Bais Din said he is Chayuv Malkus and gave him those lashes. Later it turns out that he never ate the Nivaila and he is not really Chayuv Malkus. What Bais

Din did to him was not Malkus, it was hitting. The only time it is called Malkus is when it follows the Shuras Hadin, the rule. When it comes to false witnesses that is not Malkus, that is hitting. Therefore, it forever remains Ka'asher Zomam V'lo Ka'asher Asa. They fooled Bais Din into hitting him. Malkus no, V'lo Ka'asher Asa, Malkus was not given. This is the idea of the concept that Rav Chaim is Michadeish in the concept of Malkus. These are the two basic Yesodos that I wanted to share with you.

The first question of the week is: a basic question which I have had for many years. The Parsha has in 24:9 (זָכוֹר, אֵת אֲשֶׁר-עָשָׂה יְרוּרָאֵל קִידָה לְמִרְיָם, בְּדֶרֶךְ, בְּצֵאתְכֶם מִמִּצְרָיִם). The Mitzvah to remember what Hashem did to Miriam when Klal Yisrael was traveling in the Midbar. Is this a separate Mitzvos Asei? The Rambam ignores it, the Rambam doesn't count remembering what happened to Miriam. The Ramban disagrees. The Ramban in the Parsha says no, Zechiras Ma'aseh Miriam is a Mitzvas Asei and based on that we try to be careful and daily remember what HKB"H did to Miriam. As the Chofetz Chaim says you have to remember what Hashem did to Miriam (בְּדֶרֶךְ, בְּצֵאתְכֶם מִמִּצְרָיִם). That HKB"H punished Miriam for Lashon Hora despite the fact that it was a time of Rachamim a time of Yetzias Mitzrayim. Be that as it may, when you look at the Sefer Hamitzvos the Rambam counts 613 Mitzvos.

The Ramban adds in the back of the Rambam's Sefer Hamitzvos we find printed the additions of the Ramban. The Ramban adds Mitzvas Asei 7 which is (זָכוֹר, אֵת אֲשֶׁר-עָשָׂה יְרוּרָאֵל קִידָה לְמִרְיָם, בְּדֶרֶךְ, בְּצֵאתְכֶם מִמִּצְרָיִם). Fine. So the Ramban would have to decrease the Rambam's count by one and increase by one. What troubles me is that if you read the Ramban it is clear that he holds that in 9:7 (זָכֹר, אֶל-תִּשְׁכַּח, אֵת אֲשֶׁר-הִקְצַפְתָּ אֶת-יְרוּרָאֵל קִידָה, בְּמִדְבָּר) In Parshas Eikev we have a Posuk to remember that we angered Hashem in the Midbar and the Ramban seems in mentioning it to count this as a Mitzvah as well. It is a little hard to understand why remembering what happened to Miriam and remembering what happened in the Midbar when Hashem angered Klal Yisrael be counted as one. That should be two added Mitzvos. Why does the Ramban count it together as one?

The second question if you read the Ramban he brings the Posuk from Micha 6:5 (זָכֹר-נָא מַה-יַעֲזִיב, בְּלִעָם בֶּן-בְּעוֹר (בְּלִקַּח מִלֶּךְ מוֹאָב, וּמַה-עָנָה אֹתוֹ, בְּלִעָם בֶּן-בְּעוֹר) which can be found in the Haftora of Parshas Balak where the Navi says to remember what happened with Bilam's attempt to curse Klal Yisrael. It is a little strange that the Ramban mentions this we are not Zahir to have that Zechira.

Those learning Daf Yomi will remember that on 12b (22 lines from the bottom) (אָמַר רַב יְהוּדָה בַּר (זְבִידָא בְקִשׁוֹ לְקַבּוּעַ פְּרִשְׁתָּ בִלְקִי בְקִרְיַת שְׁמַע וּמִפְנֵי מַה לֹּא קִבְעוּהָ מִשׁוּם טוֹרַח צְבוּר) in the first Perek there was a Hava Amina to read Parshas Balak every day as Kriyas Shema. However, since it is long the Chazal said not to do it. Why would there be a thought to read Parshas Balak? I assume because of this. When do we do it? Tzorech Iyun Gadol!

It has been suggested that when we say the Posuk from Parshas Balak 24:5 (מַה-טָּבוֹ אֶהְיֶיךָ, יַעֲקֹב;) (מִשְׁכַּנְתֶּיךָ, יִשְׂרָאֵל) in the morning, that that is a Kiyum of remembering the curse of Bilaam. It may well be so. If so we should be thinking it as Mitzvas Tzricha Kavana. We should be thinking at the time what it is.

The second question. In this week's Parsha we have the Mitzvah of Maaka in 22:8 (וַעֲשִׂיתָ מֵעָקָה (לַגִּגַּיּוֹת) which is building a fence or a wall around one's roof. Now I should mention that this applies as well to a porch which has to have a wall if the porch is more than 10 Tefachim (more than 36 inches off the ground) the wall around the porch, the gate must also be (36 inches high) which is 10 Tefachim according to Rav Moshe's Shiur.

I should point out that a second story of a one family home generally has a gate at the stairwell. That gate too, the banister that is in the hallway where it protects people from falling into the stairwell that also has to be 36 inches tall which is very often not. That is the Mitzvah of Maaka.

The Rambam says that when we build a Maaka we make a Beracha of Asher Kidishanu B'mitzvosav V'tzivanu La'asos Maaka. When we build a Maaka we make a Beracha. Wonderful.

My Kasha is the following. I have mentioned in the past (Devarim 5771) that the Rashba has a Yesod that on Bein Adam L'chaveiro Mitzvos we don't make a Birchas Hamitzvos. We don't make a Beracha. A number of Achronim had explained that when we say the Beracha of Asher Kidishanu B'mitzvosav V'tzivanu we say that HKB"H gave Klal Yisrael a special Kedusha and therefore, gave us the Mitzvah of Netilas Lulav or Shofar, whatever the Mitzvah may be.

On Bain Adam L'chaveiro we don't say that because someone who is not a Yid also would keep the Mitzvos Sichlios the logical Mitzvos. Therefore, the Beracha is inappropriate because Asher Kidishanu B'mitzvosav V'tzivanu only Klal Yisrael has the Mitzvah? No! It is a logical Mitzvah. If so it would seem difficult. Why do we make a Beracha on a Maaka. There is no Mekor in Shas. The Rambam's Chiddush that you make a Beracha on a Maaka. Why is it different than any logical Mitzvah (Mitzva Sichli). Why here should we be making a Beracha. These are two questions on the Parshah.

Rabbi Reisman - Parshas Ki Seitzei 5771

I would like to begin with some thoughts regarding the beginning of Perek 25 which is towards the end of this week's Parsha where we have the Parsha of Malkus. In Perek 25:1 - 3 (כִּי-יִהְיֶה אִם-בֶּן-הַכּוֹתֵם, הַרְשָׁע-- בַּרְיָב בֵּין אֲנָשִׁים, וְנִגְשׁוּ אֶל-הַמִּשְׁפָּט וְשִׁפְטוּם; וְהִצְדִּיקוּ, אֶת-הַצְדִּיק, וְהִרְשִׁיעוּ, אֶת-הַרְשָׁע אַרְבָּעִים יָמֵינוּ, לֹא יִסֵּף: כֹּן-יִסֵּף לְהַכְתּוֹ עַל-אֵלֶּה מִכָּה רַבָּה, וְנִקְלָה אֲנִי וְהִפִּילוּ הַשִּׁפְט וְהִכְהוּ לְפָנָיו, כְּדִי רִשְׁעָתוֹ בְּמִסְפָּר (אֲחִידָה לְעִינְיָהּ)

This is where the Torah teaches us about the punishment called Malkus. This is for someone who was Over a Lo Sasei in the Torah. The Posuk says that (אַרְבָּעִים יָמֵינוּ) he gets 40 Malkus and as you know Chazal say that it is actually 39 Malkus and not 40 Malkus that a person gets. The Gemara says that this is the Koach of the Chachamim to change from what it says B'feirush in the Posuk of 40 to 39.

I once saw a Gevaldige Vort (a thought) of why the Posuk Dafka says 40 and Chazal change it to 39. As a matter of fact this is not the only place. As we are going to see shortly there are a number of places where there is a number 40 mentioned. For example after the Meraglim it says in Parshas Shelach 14:34 (יּוֹם לִשְׁנָה יוֹם לִשְׁנָה) that for 40 years the Jews in the Midbar would die

and we know that at the end there were only 39 years of Yidden dying while in the 40th year no one died. There again we see that the number 40 is knocked down to 39.

From Elul to Yom Kippur it is known that there is 40 days of Teshuvah. I think that it is a popular expression and there are a many Drashos said with the number 40. However, you and I know that there are only 39 days because Elul only has 29 days. Elul is always Choseir even in the times of Chazal. Again it is the number 40 which gets knocked down to 39. Why is that so?

Rav Aharon in the Mishnas Rav Aharon in the second Cheilek has a piece called Segulas Hazman D'mem Yom. It is a very nice Shtickel to look at especially before Chodesh Elul and he basically explains that 40 days is a time of Hischadshus a time of renewal. Matan Torah was 40 days because that is a renewal. A Hischadshus, a new beginning for Klal Yisrael. The same thing is the concept of the 40 days of Yetziras Havlad. The 40 first days of pregnancy which are the primary days of a child being born. 40 is renewal.

If someone does an Aveira he gets Malkus. The idea of Malkus is to renew him, to take him from the Rishis that he did and give him Tzidkus. That is the reason for the number 40. It is true. He deserves 40 Malkus in order to be able to renew himself. However, we have a concept that there is a Pintele Yid in every Jew. There is a point of a Jew that always wants to do what is right. The Yeitzer Hora sometimes convinces a person to do differently. But underlying, there is a desire to do good. When a Yid does an Aveira he is not doing it completely, it is not his whole self. The Pintele Yid is not interested in doing the Aveira. Therefore, L'mayseh, he only gets 39. Had he done it with all of his energy he would deserve 40. But because of this Kaballah that there is a little bit of him that stays pure he only gets 39.

The same thing with the Doros of the Midbar. They needed 40 years of punishment for their renewal. But again, the Dor Midbar even when they did the Aveira either by being Chotei with the Eigel or the Meraglim, it was not done completely. The Pintele Yid didn't want to be involved. For that reason it only ended up being 39 years because they didn't need that complete renewal.

The same thing is true about the 40 days from Elul through Yom Kippur. These days are certainly days of (renewal) Teshuvah. Doing Teshuvah for our Chataim. We need 40 days to renew. But again a Yid has a Pintele Yid that is always Tahor. That Pintele Yid, that Nikuda of a Yid, doesn't need renewal. Since there is that little bit of a Yid that doesn't need renewal it is only 39. What an absolutely Beautiful Vort about the number of 40 always being knocked down to 39. The Torah Shebichsav is true you need 40 but in the L'mayseh-dika world since the Aveiros are not done with completeness therefore the 39 is adequate.

Let's move on to another Vort that is connected to this Parsha the Parsha of Malkus. If you look at the Parsha you will see that Posuk 1-3 speaks about getting Malkus (as quoted above). Posuk 4 in the same Parsha (לֹא-תִקְחֶם שׂוֹר, בְּדִישׁוֹ). One of the Lavin of the Torah is not to muzzle a Shor as it threshes. What is that doing in the Parsha of Malkus?

We know in the Gemara that there are exceptions, there are cases where one does not get Malkus. What are those exceptions? Those exceptions are things like Lav She'ain Bo Mayseh &

Lav Hanitak L'asei. Certain Lavin don't get Malkus. In order to get Malkus it must be similar to (לא-תקחם שור, בְּדִישׁוֹ). It has to be similar to the Lav which is mentioned here together with Malkus. This is a Lav She'yaish Bo Mayseh and therefore, a Lav She'ain Bo Maiseh does not get Malkus. This is the simple Drasha of the Posuk that comes from Divrei Chazal.

One of the exceptions to getting Malkus is a Lav Hanitak L'asei. This is a Lav that is fixed by an Asei. For example, someone who took away the eggs without sending off the mother bird, it is Nituk L'asei. You can go back later and send away the mother bird and with that he is not Over on the Lav and therefore you don't get Malkus.

More famously, someone who steals has a Mitzvah to give it back. Since it is a Lav Hanitak L'asei (the Lav is repaired by an Asei) of returning the Ginaiva, therefore there is no Malkus. So we end this rule of Lav Hanitak L'asei that it does not get Malkus. It is a basic rule that we know in Shas.

Here we have a bit of a problem. The Chida asks (ed. note - this was actually the question of the week for Shabbos Yom Kippur 5771) that we know that there is a Mitzvah to do Teshuvah. For every Aveira you do there is a Mitzvas Asei to do Teshuvah. If so, then every Lav in the Torah is a Lav Hanitak L'asei, it is a Lav that can be corrected by an Asei.

We know that a Lav Hanitak L'asei does not have a punishment of Malkus associated with it. If Teshuvah is an Asei that applies to every Aveira, the question then is why does anyone ever get Malkus? Every Lav a person is Over is a Lav Hanitak L'asei? We know that if a person does not do the Asei there still is no Malkus because of the Lav Hanitak L'asei?

I saw in the Sdei Chemed a beautiful Teretz. He says that the Kasha was that it is a Lav Hanitak L'asei and therefore the person should not get Malkus. But one minute, in order for it to be Patur from Malkus it has to not be similar to (לא-תקחם שור, בְּדִישׁוֹ). If it is similar to (לא-תקחם שור, בְּדִישׁוֹ) you do get Malkus. So therefore he makes the beautiful point that even though it is Nituk to the Asei of doing Teshuvah, (לא-תקחם שור, בְּדִישׁוֹ) is also Nituk to the Asei of Teshuvah and therefore, it is not an exemption from Malkus. Other Lav Hanitak L'asei would be different and therefore they are an exemption. A Geshmake Kasha and a very beautiful Teretz to that Kasha.

I would like to share with you a third Vort on Lav She'ain Bo Mayseh on this Parsha of Malkus.

This is a Chakira that will give you something to think about. When we say a Lav She'ain Bo Maiseh (a Lav that is done with no action) doesn't get Malkus, for example if someone owns Chometz on Pesach he is Over the Lav of Bal Yaira'e Ubal Yimotzeh but he does not get Malkus because it is a Lav She'ain Bo Maiseh there is no action at all.

Why is that? Is that the Siman or the Sibah that Patur, let me explain. We can learn that Lav She'ain Bo Maiseh, since there is no action that it is a logical reason that you don't get Malkus. After all an Aveirah with a Maiseh is worse than an Aveira without a Maiseh. You can learn that it is a Sibah because there is no Maiseh that is why there is no Malkus.

Or you can say that there is no difference with a Maiseh or without a Maiseh as far as stringency because either way you are violating the Torah. It is only a Siman (a sign). Anything that is not similar to (לא-תִּהְיוּ שׂוֹרֵי, בְּדִישׁוֹ) which of course is a Maiseh is a Siman that it doesn't get Malkus, it is not a reason. We don't know the reason. Maybe it is only a Siman.

Lav She'ain Bo Maiseh is Patur from Malkus. Is that a Sibah (logical reason) why there is no Malkus or is this just a Siman L'davar?

There is a Machlokes Rishonim between the Rambam and Chinuch among others who argue in the following case. Someone who buys Chometz on Pesach. Here he violated the Lav of Bal Yaira'e through a Maiseh. Some Rishonim hold that now he gets Malkus because he did it with a Maiseh. Other Rishonim say no this is still a Lav She'ain Bo Maiseh. So the typical case of Bal Yaira'e is someone who owns Chometz from before Pesach into Pesach and therefore it counts as a Lav She'ain Bo Maiseh anyhow. So this is a Machlokes Rishonim. What does it depend on? It would seem to depend on our Chakira. If Ain Bo Maiseh is a Sibah, the reason you are Patur from Malkus is because you didn't do an action and since you did not do an action it is not so Chomer. If it is a Sibah then if you did this Aveira with an action so then it changes. When you do it with an action then you are Chayuv.

However, if you learn Ain Bo Maiseh is a Siman which Lavim in the Torah gets Malkus and which don't so then I will give you a Siman. If it a Lav that is similar to (לא-תִּהְיוּ שׂוֹרֵי, בְּדִישׁוֹ) which is always with a Maiseh then if you can have a Lav that could happen without a Maiseh.

It is a Siman that the Torah never meant to give Malkus for this type of thing. I think that this is a beautiful Nafka Mina being Tole this Chakira in two things and Dachs is Mir that it is a very beautiful idea.

So three Vertlach that all have to do with the Parsha of Malkus in this week's Parsha.

The Chasam Sofer Chodosh Al Hatorah (which is a later print of the Chasam Sofer's Torah) has a nice quick Vort on this week's Parsha. In 22:7 we find (שְׁלַח תְּשַׁלַּח אֶת-הָאֵם) which is a double Lashon and the promise for that is Arichas Yomim.

In Parshas Re'ey we also had a double Lashon 14:22 (עֲשֹׂר תַעֲשֶׂר) for a person to give Maiseh and there we have a promise of Ashirus (wealth) for someone who gives Maiseh. He says we have a nice Remez to these ideas from the following Posuk. (וכבודעשרבשמאלהבימימהאורך). Length of days in its right, on its left wealth and honor.

(שְׁלַח תְּשַׁלַּח) is a double Lashon with a Shin which has a dot on the right side. (עֲשֹׂר תַעֲשֶׂר) is a double Lashon with a Sin which has a dot on the left side.

(בימימהאורך) The one that has the dot of the right side has the promise of Arichas Yomim. (בשמאלה) the one that has the dot on the left side (וכבודעשר). A nice quick Vort on (שְׁלַח תְּשַׁלַּח) and (עֲשֹׂר תַעֲשֶׂר).

The question of the week is: we have a rule which Rav Elchanan in the beginning of Maseches Pesachim spells out but it is a basic rule. Bain Adam L'chaveiro Mitzvos in the Torah, meaning Mitzvos in the Torah that are between man and fellow man apply between Jew and fellow Jew. Between Jew and gentile there is no Klal of Mitzvos Bain Adam L'chaveiro that is a general idea.

For example Gezel Akum stealing from a non Jew is prohibited, but there is a special Ribui in Parshas Behar that teaches us this. Without that Ribui a Bain Adam L'chaveiro Mitzvah does not apply to a non Jew.

If so it is difficult to understand in the Parsha of Ribbis in this week's Parsha it says 23:21 (לִנְכָרִי תִשָּׂא) that from a Goy I am allowed to take Ribis. Why do I need a special Posuk for this, it is a consistent rule that the Mitzvas Bein Adam L'chaveiro such as Ribbis does not apply when you are talking about a non Jew.

Now I have to tell you Bishlomo according to the Ramban (לִנְכָרִי תִשָּׂא) that it is a Mitzvah to charge Ribbis when you lend to a Goy then I understand it and everything is good. I have no problem. However, according to most Rishonim who don't learn that it is a Mitzvah, the question comes back why do I need a Posuk (לִנְכָרִי תִשָּׂא), every Mitzva Bein Adam L'chaveiro does not apply to a Goy. Tzorech Iyun Gadol!

Rabbi Reisman - Parshas Ki Seitzei 5770

25:17: זָכֹר, אֵת אֲשֶׁר-עָשָׂה לְךָ עַמְלֵק, בְּדֶרֶךְ, בְּצֵאתְכֶם מִמִּצְרָיִם יי This week's Parsha has the Mitzvah of Zechiras Mechiyas Amaleik. The Chasam Sofer in a Teshuva in Even Haezer Teshuva 119, writes a Hiddur Mitzvah or a Chumra of Zechiras Mechiyas Amaleik. A person has this Mitzvah once a year. Why is it once a year, it doesn't say anything about once a year? The Chasam Sofer brings it down from a Gemara in Maseches Berachos 58b (27 lines from the bottom) אמר רב אין המת משתכח מן הלב אלא לאחר שנים עשר חדש שנאמר (תהילים לא) נשכחתי כמת מלב הייתי ככלי או בד and a Gemara in Bava Metzia 28 (that is brought further down). 12 months is a Zman of forgetting and therefore since the Torah says Zachar that you must remember, so every 12 months you are obligated to Lain Parshas Zachor.

So the Chasam Sofer asks what about in a leap year such as this year? This year where there are 2 Adars, so from last year Parshas Zachor until this year's Parshas Zachor it will be 13 months. The Chasam Sofer says a person in a year such as this should have in mind Parshas Zachor during the Laining of Parshas Ki Seitzei. When they Lain Maftir many Shuls will announce that you should have in mind for the Mitzvah of Zechiras Maiseh Amaleik and the Mitzvah of Zechiras Mechiyas Amaleik at the time of the Laining. The Maram Shik quotes this as well in Mitzvah 605, the Chumra of his Rebbi the Chasam Sofer.

The idea of the Chasam Sofer to connect the Gemara in Berachos that was quoted above to the Mitzvah of Zachor is questioned by the Satmar Rebbe in his Teshuva Sefer the Divrei Yoel Teshuva 33. The Gemara in Bava Metzia & Berachos says that Shicha is every 12 months. This is if someone loses something then the finder must announce it for 3 Regalim, one year. **דף כה, א**

ועד מתי חייב להכריז עד כדי שידעו בו שכניו דברי ר"מ ר' יהודה אומר שלש רגלים משנה After a year he no longer has to announce it.

The Satmar Rebbe asks we are not talking about forgetting of an existence. A person who loses an object doesn't forget that he lost it after 12 months. The Gemara is saying that after that point we are talking about losing hope and despair from finding something it again, and therefore, the Shicha here doesn't mean that he forgot a fact, it means to give up on something.

The same thing, after 12 months a person doesn't forget his relative, he forgets the connection he has to it. So the Satmar Rebbe asks that there is no Shaychus between the Mitzvah of Zechiras Mayseh Amaleik and this Gemara?

The concept might be to forget a "connection" to a fact. Rav Hutner in Pachad Yitzchak at the end of Maimar 78 says that we put our idea of what forgetting is and compare it to the Schicha that Chazal mention. Rav Hutner is talking about forgetting as applied by Chazal its not about remembering that Amaleik existed the idea of remembering is about the connection to the loss. When we talk about a loss of a relative, after 12 months the newness of the loss is forgotten. That Shicha is what we want to avoid by Amaleik. Zechiras Mayseh Amaleik means to remember it not as a historical fact, but to have some type of connection to it, Shaychus to it, and concept to it, and therefore, that is this idea of Zichronos.

This idea has a tremendous connection to Rosh Hashana. There are 3 primary ideas, that of Malchiyos, Zichronos, and Shofros. The idea of Zichronos is often questioned because we know that Hashem remembers everything. So what does it mean Zichronos?

It means remembering the connection. A living connection, something that affects a person. Even the idea of Malchiyos it means to have a renewal of a connection of Malchiyos.

Zichronos doesn't mean to remember as Rav Hutner said. We can't take our idea of forgetting a fact and putting it into Chazal who is talking about remembering the connection.

The third area this is Shayich to is remembering Yerushalayim. We do many things Zeicher Yerushalayim and Zeicher the Churban. The idea is not to remember the historical fact that there was a Bais Hamikdash and that there was Yerushalayim, the idea is to connect to it and have a Shaychus to it. This is a rule that Zeicher is what affect it should have on the person and not just remembering a fact.

21:10 The Ohr Hachaim Hakadosh says this is a Remez of a person's constant battle with the Yeitzer Hora. The usual idea is that when we do battle with the Yeitzer Hora we need help from Hashem. Our job is to go out to do battle and hope that Hashem will help us in the battle with the Yeitzer Hora.

Rav Gifter added a beautiful thought. It says **כי-תצא למלחמה, על-איבויך; ונתנו לך ירי ארבעה קלי, ונתנו לך ירי ארבעה קלי** the word **איבויך** means many enemies, and **ונתנו לך ירי ארבעה קלי** Unisanoi is in the singular, and Hashem will give him into your hands. Why the change from plural (going out to battle)to singular(being victorious in battle)?

Rav Gifter said, we try to Daven and we try to learn, we have many things that the Yeitzer Hora puts in our way. Some days he has us worrying about Parnasah and that distracts us from our Davening and Learning. Sometimes he tells us that we are very tired and we have a hard time staying up. Sometimes he makes us feel meaningless. Our Davening is meaningless. We have many enemies. We fight fatigue when we want to learn. We fight the business thoughts that come into our minds when we want to Daven Shemoneh Esrei. We fight the many distractions that exist. When you finally fight the Yeitzer Hora you realize it is all Narishkaitin. The Yeitzer Hora finds many things to throw in your way. It is one Yeitzer Hora. It is all about distracting us. After the distraction of Shemoneh Esrei he will find something else to throw at you. It doesn't get easier. Something else then comes up. It is a roadblock that he puts up for you. When you finally do battle you realize it is all one Yeitzer Hora.

לא-תזרע ט פּי תבנה בית קדש, ועשית מעקה לגגך; ולא-תשים דמים בביתך, פי-נפל הנפל ממנו ח 9 - 22:8 There is generally a Hefsek between 2 Mitzvas in the Torah. However, after Shlishi you have the Mitzvah of Maaka and Kilyaim in the vineyard. Why aren't these 2 separated by a Pei or Samech? Every other set of Mitzvas unless they have some connection has something separating, why do these 2 not have something separating them?

We are told to build a Maaka on your roof so be careful because someone might fall off of the roof. This frightens a person. The next Posuk says do not plant Kilyaim because then the seeds will become disgusting in the eyes of Hashem. What is terrible in that the seeds will become poison in the eyes of Heaven. The nature of a human being is that if you tell someone that they will fall off of a roof. It is a physical danger that you can see with your eyes a person is very quick to respond to it. However, when you say to a person not to plant Kilayim because the seeds are poison in the eyes of Heaven, you can't see that the seeds are poison so a person wouldn't be careful. So these 2 Mitzvos are put together and just like you need to be careful with the roof which is a physical danger, so to that the seeds are poison and you can't plant them together and that is a spiritual danger.

לא-יבא ממזר, בקהל ירוך: גם דור עשירי, לא-יבא לו בקהל ירוך ג 23:3 The question of the week is: In Kiddushin 73a (6 lines from the top) לא יבא ממזר בקהל ר' ממזר ודאי הוא דלא יבא הא ממזר (דברים כג) the Gemara Darshuns that only a Vadai Mamzer and not a Mamzer Safeik is Assur Bik'hal Hashem. The Rambam's Shitta is that every Safeik D'oiraisa is Min Hatorah L'kula. If every Safeik D'oiraisa is L'kula anyhow why does the Gemara say Mamzeir Vadai V'lo Mamzer Safeik. The Rabbanan Assured a Safeik Mamzer as well. On a D'oiraisa level a Mamzer is no different than every other Issur. So what is going on and what is the Drasha of Mamzer Vadai V'lo Mamzer Safeik, if according to Shittas Harambam it is always that way.

Rabbi Reisman - Parshas Ki Seitzei 5769

פי-תהיין לאיש שפי נשים, האסת אהובה והאסת שנואה, וילדו-לו בנים, האהובה והשנואה; והיה הבן טו 21:15 There is a Shittah of the Taz who holds that any Davar that is Mifurash Bik'ra, meaning any Heter that is says Mifurash in the Pasuk, is something that remains Muttar and

Chazal has no right to totally Assur it. The case is in Yoreh Daya in 117, Chazal made it Assur to have business dealings with Ma'achalois Assurois, and yet the Mechabeir says that Cheilev is Muttar because it says in the Pasuk by Cheilev, Kal Melacha Yei'asa Lachem. The Taz explains that the Kavana of the Shulchan Aruch is this idea, that Chazal have a right to make Gizairois D'rabannan, however, they cannot make something totally Assur, something that is Mifurash in a Posuk as a Davar Hamuttar. There are a number of cases where Chazal made D'rabannans which seems to touch upon something that is a D'oiraisa. In this week's Parsha we actually have 2 questions. 1) The Chasam Sofer has a Teshuva in Cheilek 6 Siman 52, where he asks the following Kasha. It says in the Pasuk, "Ki Siyena L'ish Shtei Nashim Ho'achas Ahuva V'ho'achas S'nua." How can Rabbeinu Gershoin make an Issur on taking 2 wives, it is a Davar Hamifurash Bik'ra? Who says this Pasuk is talking about a man who is married to 2 women at the same time? The Pasuk is talking about the Bechor coming from the woman who is not beloved. He still remains the Bechor, and the son from the Ahuva can't go before the son from the S'nua. L'choira, it is not Mifurash Bik'ra. The scenario can be that he was married to them at different times and he has a Ben from the Ahuva and a Ben from the S'nua.

23:4 & 5 על-דבר אשר ה לא-יבא עמוני ומואבי, בקהל ירן: גם דור עשירי, לא-יבא להם בקהל ירן עד-עולם ד לא-קדמו אתכם, בלחם ובמים, בדרך, בצאתכם ממצרים; ואשר שָׁכַר עֲלֶיךָ אֶת-בְּלָעַם בֶּן-בְּעוֹר, מִפְּתוֹר אָרַם נְהַרִים-- לקללך The Sefer Bishlal Rav asks, it says "Loi Yavoi Amoini Umoiavi Bikhhal Hashem" "Al D'var Asher Loi Kidmu Eschem Balechem Uvamayim." The Pasuk is saying B'feirush that we should have been given bread and water by Ammon and Moav. The Kasha is, how did Chazal make a Gezeira against Pas Akum, it says here B'feirush "Asher Loi Kidmu Eschem Balechem Uvamayim." Meaning, it is B'feirush in the Pasuk that Pas Akum is Muttar? He answers, Amon and Moav were not punished because the Bnei Yisrael needed their bread and water. Klal Yisrael had plenty to eat. The Oinesh was because they didn't offer any bread and water. They should have shown friendship to Klal Yisrael. Even had they offered, we wouldn't have eaten it.

23:2 In the Torah there are probably 305,000 letters. Almost all the letters are identical in all Sifrei Torahs, except for the word "Daka." The Rama and Radak have a Machloikes how it should be written either with a Hei or an Aleph at the end of the word. This Machloikes Rishoinim turns into a Machloikes of Halachah L'maiseh on how the Sefer Torah should be written. Among Ashkenazim and Sefardim everyone has a Hei at the end except for the Teimanim and Lubavitch who have an Aleph. It then is a Shaila if a non Chabad person can make a Brachah in a Chabad Sefer Torah. Mipnei Hashaloim, if someone finds themselves in a Shul with the Sefer Torah that has the Aleph, they can make a Brachah on it. If someone is having a Sefer Torah written for them, and the Soifer is someone from Chabad, you must make sure to tell them to write Daka with a Hei.

22:5 It says לא-יהיה כלי-גבר על-אשה, ולא-ילבש גבר שמלת אשה: כי תועבת ירן אלקיך, פל-עשה אלה ה "Loi Yilbash Gever Simlas Isha" A man is not allowed to wear the Beged of a woman. It becomes a Nichshal on Purim when little children are dressed as the other gender, which is Sheloi K'din. Even for Ketanim it is a Shaila of an Issur D'oiraisa. Let's say I have to go out and it is raining, can I take an umbrella that everyone would say was made for a woman? Is this included in Loi Yilbash? The Shittas Habach has an extraordinary Kullah and he holds that unless your Kavana is to pretend you are a woman you may wear women's clothing. His Raya is, one of the things that are Assur is to look into a mirror. This is from the time of the Rishoinim

when men didn't look into mirrors. The Shulchan Aruch says it is Assur for a man to look into a mirror because of Loi Yilbash. Rav Akiva Eiger brings that nowadays is different, in that men also look into a mirror. Toisafos in Maseches Avodah Zarah 29a D'H Hamistapeir Mei'ovied Koichavim Roi'eh B'mar'eh says (וּבִירוּשָׁלַיִם) המסתפר מעובד כוכבים רואה במראה. תניא בתוספתא פ"ג וּבִירוּשָׁלַיִם דפירקין ישראל המסתפר מעובד כוכבים רואה במראה מן הכותי אין רואה במראה פ"א לפי שאינם חשודים על שפכות דמים (ח) התירו של בית ר"ג שיהו רואין במראה פ"א אף מן הכותי מפני שהיו זקוקין למלכות משמע שאסור לאיש לראות במראה ונראה כי הטעם משום לא ילבש גבר שמלת אשה דמתרגם לא יתקן גבר בתיקוני אתתא והא (דתנן)בפ' שואל (שבת דף קמט.) אין רואין במראה בשבת ומפרש בגמרא במראה של מתכת מפני שאדם עשוי להשיר בה נימין המדולדלות ומשמע דוקא בשבת הא בחול שרי התם באשה איירי ואדם לאו דוקא דאיש אסור בכל ענין וכן משמע בירושלמי דמפרש טעמא דאין רואין במראה דפעמים שהאשה רואה נימא אחת לבנה ותולשה ובאה לידי חיוב חטאת ומסיים בה והאיש אף בחול אסור שאינו דרך כבוד ג' דברים התירו לבית רבי שיהו רואין במראה ושיהו מספרים קומי ושילמדו לבניהם חכמת יון שהם זקוקין למלכות ואין לדחות דהא דקאמרי אף בחול אסור קאי אהשרת נימין ללקט לבנות מתוך שחורות דה"נ אמרינן פרק המצניע (שם דף צד:) המלקט לבנות מתוך שחורות אפי' אחת בשבת חייב ודבר זה אף בחול אסור משום לא ילבש דהא מדקא מייתי עלה התירו לבית רבי לראות במראה משמע דהא דאסור בחול לראות במראה הוא ומיהו אינו אסור כ"א להתנאות דעבר משום לא ילבש גבר אבל להסתפר ולגלח ולראות במראה שלא יחבל בעצמו או משום מיחוש עינים ודאי מותר ובוהן לבות הוא יודע והלכה למעשה דאסור להסתפר מעובד כוכבים אלא אם כן רואה (ט) ואפילו ברשות הרבים מדקא אמר רב חנא תיתי לי דעברי אדרכי מאיר that if someone is getting a haircut by a Goy, he is allowed to have a mirror because we are Choi'shed Goyim for lifting weapons against Yidden when getting haircuts. This is like the Bach because he is not looking into the mirror to look like a woman. The Chochmas Adam in Binas Adam Ois 74 says the Bach is incorrect. One of the Issurim is for a woman to wear K'lei Zayin, arms. We find by Ya'el who killed Sisra, in Shoiftim 5:26 (וְהִלְמָהּ) {ס} וְהִלְמָהּ עַמְלִים; {ס} וְיָמִינָהּ {ר} לְהִלְמוֹת עַמְלִים; {ס} וְיָמִינָהּ {ר} וְיָמִינָהּ וְהִלְמָהּ רָקְתוֹ (סיסרא מְחַקָּה {ר} רֵאשׁוֹ, {ס} וּמְחַצָּה וְהִלְפָּהּ רָקְתוֹ) when she killed him with a peg of a tent, that Chazal say that was because she didn't want to use Kley Zayin because of Kli Gever. She didn't do it because she thought someone would think that she was trying to be a man? Clearly it is Assur. What about the Raya of looking in a mirror? The Chochmas Adam says there are 2 types of Loi Yilbash Gever Simlas Isha. One is when you wear a Malbush Gamur. A Malbush that you are wearing is always Assur, no matter what your Kavana is. Something that is not a Malbush, like for example looking into a mirror, since it has to do with how a person looks, Chazal understood to Assur that as well. So when it comes to wearing the arms of a rifle or a sword, that is something that is worn, and something that is worn, the Lashon of the Gemara is, Sheloi Teitzei Isha Bichlei Zayin Lamilchamah. If it is being carried and not worn than if there is no Kavana to dress like the other gender it is Muttar. The example given is a cane, where even if it is a woman's cane a man can use it because it is not worn. This is a Heter to use a woman's umbrella, because it is not worn and the Kavana is not to look like a woman. A woman would be able to carry a revolver as well. By clothing we don't Pasken like the Bach and therefore, we can't wear clothing of the opposite gender. However, we can rely on the Bach when it comes to carrying things that were meant for the other gender.

Rabbi Reisman - Parshas Ki Seitzei 5768

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of the word. This Machloikes Rishoinim turns into a Machloikes of Halachah L'maiseh on how the Sefer Torah should be written. Among Ashkenazim and Sefardim everyone has a Hei at the end except for the Teimanim and Lubavitch who have an Aleph. It then is a Shaila if a non Chabad person can make a Brachah in a Chabad Sefer Torah. Mipnei Hashaloim, if someone finds themselves in a Shul with the Sefer Torah that has the Aleph, they can make a Brachah on it. If someone is having a Sefer Torah written for them, and the Soifer is someone from Chabad, you must make sure to tell them to write Daka with a Hei.

וְלִנְעָר לֹא-תַעֲשֶׂה דָבָר, אִין לִנְעָר חֲטָא מִנֵּת: כִּי כַּאֲשֶׁר יָקוּם אִישׁ עַל-רַעְיוֹ, וּרְצָחוֹ נֶפֶשׁ--בֶּן, הַדָּבָר כּו 22:26
הַזֶּה הַזֶּה That someone who does an Aveira B'ones is Patur. There is an interesting Stiras Harambam. In Hilchos Avoda Zorah, the Rambam writes that if someone is forced to be Oved Avodah Zora B'ones, of course the Halacha is Yeihareig V'al Ya'avov (to get killed and not perform the sin of idol worship). However, the Din is if someone didn't withstand the test and did perform idol worship that he is not Michuyav Misah. Ones Rachman Patrei applies even in a case of Avodah Zorah that you are Patur from an Onesh. He failed to be Mekayeim the Mitzvah of Kiddush Hashem for which he was Mechuyav, however, Ones Rachmana Patrei applies even in a case of Avodah Zorah and he has the Heter of Ones.

There is another Rambam in the 5th Perek of Hilchos Yesoidei Hatorah. The Rambam there says that if a person is ill and the only way to be healed is to eat from the fruit of an Asheira tree, which is Avoida Zorah, that you must be killed and not eat the fruit. The Rambam says if that person were to eat the fruit from that tree than he gets Malkus. This contradicts the person who bowed down to Avoida Zorah and didn't receive a punishment. The Ohr Sameach asks this question on the Rambam and gives the same Teretz as Rav Elchanan.

Rav Elchonon is Mechaleik between 2 types of Oines. There is one type of Oines that a person is forced physically, meaning someone points a gun at him and forces him to do something. There the act is not really his act. If someone would take a person and physically bend his body in front of an Avoida Zorah, we wouldn't say that the person is bowing. The other person is using this person's body to bow. So too if someone points a gun at someone and asks him to bow to an Avoida Zorah, the Rambam considers it the man with the gun who is doing the Mai'se. So it is an Oines and he is Patur.

This is not so with eating from the Asheira tree. This is not the same type of Oines. In the case of the Avoida Zorah, this person would be delighted if the Avoida Zorah would just disappear. Not so the person who is ill and needs the food of the tree for his Hatzolah. If someone would take that fruit away, the person would be distraught. So someone who does a Hatzolah because of Pikuach Nefashois does not have the same rules of Oines and he is punished.

This is the Pshat with Esther. All along when Esther was married to Achashveiroish when she was physically forced to live with Achashveiroish, and we know that since Isha Karka Oilam Hi that she is not required to let herself be killed instead of Znus, and therefore since it was an Oines, she didn't become Assur to her husband.

Not so when she went to Achashveiroish as a means of Hatzolah for Klal Yisrael. This would be comparable to eating from the Asheira tree. She did it and she is still Assur to her husband Mordechai.

This Pshat actually helps us appreciate the Gadlus of the Chofetz Chaim. This Rav Elchonon and Ohr Sameach, the Mishna Berura says in half a line. In the Halacha of Brocha Rishonah of Birchas Hapeirus in Siman (204) Raish Daled, the Taz asks a Stira between two Se'ifim. In 240:8 the Rama says if someone forces you to eat something, you don't make a Brocha. In 240:9 it says, if someone eats Treif because of a Sakana, you do make a Brocha. The Taz asks that it is a Stira because both are Oines and yet by someone forcing you to eat you don't make a Brocha and when you are an Oines to eat Treif for a Refua you do make a Brocha? The Mishna Berura says when you are forced to eat something you are an Oines in the Mai'se itself, which is like Esther all the years living with Achashveiroish. On the other hand when someone is ill and takes something to eat that is Hatzalah through an Issur and you do make a Brocha because it is not called an Oines Gamur.

[1]Rabbi Yaakov Tzvi Mecklenburg (born approximately in 1785 and נפטר in 1865) was a disciple of Rabbi Akiva Eiger and served as Rabbi in the Prussian city of Konigsberg.

[2] See also דעת נוטה חלק ראשון הלכות תפילה תשובה רנב and sources cited in fn 232.