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DAF KESHER

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DVAR TORAH DON'T GET STUCK

The 13 year-old rebellious son of our parshah, despite stern warnings from his father and mother and the court, continues to steal money from his parents, then buy and consume significant quantities of meat and wine. The Torah tells us that he is to be killed – not because of what he **did**, but because of what he **will** do if he stays alive. Because of his addiction, when his parents' money runs out, he'll murder someone for their money to finance his gluttony and drunkenness. Better, explain Chazal, that he should die while he's still innocent of major crimes.

Though one approach in the Talmud says that this halachah can never actually take place – it seems seriously problematic even on a theoretical level. What happened to repentance? Why do we assume he'll eventually kill someone? Maybe the rebellious so will do teshuvah??

The Sforno, in a 6-word comment, offers an answer. The Torah refers to the youth as a "*ben sorer umoreh*". *Sorer* means one who strays, a wayward son, and *moreh* means one who is rebellious. Says the Sforno – כִּי מֵרִיו מִסִּיר הַתְּקוּהָה שִׁישׁוּב מִסּוּרְרוֹתוֹ – "for his rebelliousness will remove any hope of him repenting of his waywardness."

Sometimes a person has one problem that is not really so serious; but he has **another** problem that prevents the first from being corrected. Here's an example (from before the Waze era): Some men have the stereotypical problem of not wanting to ask directions when they're lost – to preserve their image of being totally in control. Now imagine a guy who has a bad sense of direction and gets lost driving. That is not such a serious problem, because he can just pull over to the curb and ask someone how to get to his destination. But because he has this second problem of not wanting to ask directions, he ends up getting **really** lost.

The ben sorer umoreh is in a similar predicament. His compulsive wine drinking and meat eating could be corrected if he got proper direction from his parents or the courts – but he's not only wayward, he's also rebellious, so when authority figures try to help him he just rebels against them and gets entrenched in his habits to the point of no return. The ben sorer umoreh has dug a pit for himself and burned the ladder. He's stuck.

The converse is also true: we must cultivate those character traits that will enable us get back on the right direction if we do err. One who develops humility, or the ability to accept criticism, or respect for authority and wisdom will increase his chances for recovery if he does occasionally get off track.

This issue is dedicated in loving memory of Joseph Lerman,
Yosef ben Zolman, z"l

SOURCE GUIDE WHAT UNIFIES OUR PARSHAH?

The Challenge:

The Sefer Hachinuch lists 74 mitzvot in Parshat Ki Teitzei, beginning with the halachah of the *yefat to'ar* – the beautiful captive woman – and ending with the mitzvah to remember Amalek. When we look at how diverse the collection of mitzvot in this parshah is, it is puzzling why they were all included in one unit. Ours is not the only parshah in Devarim that includes many mitzvot. Re'ei and Shoftim that precede it also include many mitzvot, as does the beginning of Parshat Ki Tavo that follows.

The tradition of breaking up the parshiot as we do, completing the entire public Torah reading over the Shabbatot of one year, is a long-standing tradition that spread through all of Israel, dating, perhaps, to Ezra's time (see Megillah 32b and the Rambam Mishneh Torah Hilchot Tefillah 3:1, where he writes that the custom – mentioned in Megillah 29b – of spreading the public Torah reading out over a period of three years was not widespread). So according to an ancient tradition, this week's parshah begins with "Ki Teitzei" (Devarim 21:10) and ends with "Lo tishkach" (Devarim 25:19). Our challenge, then, is to understand the reason behind this tradition, why Chazal broke up the parshiot as they did. What unifies all the diverse elements in Parshat Ki Teitzei? **Why are these mitzvot all in the same parshah?**

The List

Here is a list of the topics that appear in our parshah, *aliyah* by *Aliyah*. A look at the list highlights the diversity, and strengthens the challenge to find some unifying theme to explain our minhag of creating one unit called Parshat Ki Teitzei.

Rishon
The Beautiful Captive Woman
The First Born of the Hated Wife Gets the Double Portion
The Straying and Rebellious Son
Sheni
Burying Someone Who Received the Death Penalty
Returning Lost Animals and Objects
Lifting a Fallen Animal
The Prohibition Against Cross-Dressing
Sending Away the Mother Bird
Shlishi
Protecting Against Damage Through a Parapet
The Prohibition Against Kilai'm in a Vineyard
The Prohibition Against Leading a Plow with an Ox and Donkey
The Prohibition Against Wearing Shatnez
Tzitzit
Defaming a Wife
Adultery
Rape
Incest
<i>Pesulei Kahal</i> : Those Prohibited to Marry into the Congregation
Revi'i
The Edumite or Egyptian Convert
Modesty in a Military Camp
The Prohibition Against Returning a Servant to His Master
Prostitution
Interest
Vows

Chamishi
Eating in Another's Vineyard or Field
Divorce and Remarrying a Divorcee
Shishi
The First Year of Marriage
Taking a Mill as a Deposit
Kidnapping
Removing the Tzara'at Plague and Remembering the Miriam Episode
Collecting a Pledge
Shevi'i
Withholding Wages and Paying Them on Time
Not Putting a Father to Death for a Son's Sin & Vice Versa
Taking Advantage of the Convert, Orphan, and Widow
Agricultural Gifts to the Poor
Lashes
Muzzling an Ox While Threshing
Yibum: The Levirate Marriage
Embarrassment
Unjust Weights and Measures
Remembering Amalek

Two Suggestions:

The Cluster Approach – One direction is to reject the assumption that there must be one unifying theme to the parshah, but to still maintain that the order and placement of all of these topics is not haphazard (see Yevamot 4a). Perhaps the parshah contains a number of clusters of mitzvot. For instance, see Rashi on Devarim 21:11 and 21:22 who explains the juxtaposition of the first three sections in the parshah: one who marries the beautiful captive woman will eventually hate her and give birth to a straying and rebellious son who will eventually be put to death for his crimes. Similarly, in Devarim 22:8, Rashi sees the progression of mitzvot as based on the principle of *mitzvah goreret mitzvah* – one mitzvah leads to another. One who sends away the mother bird will merit doing the mitzvot connected with a house, vineyard, field, and clothing. The parshah includes a number of other clusters: one about forbidden mixtures; one about sexuality and marriage; yet another about relating to the poor. Our parshah is a collection of groups of mitzvot.

The Unified Approach – Perhaps there is one theme that ties the majority of the topics in this parshah together. There is something in common between the soldier who took the beautiful captive woman at the opening of the parshah and Amalek at its end. The soldier who brings back the captive woman is now in a position of control. He has the ability to take advantage of her by selling her or withholding from her the ability to mourn her deceased relatives, and the Torah prohibits that – “*Lo titameir bah.*” Amalek's intense evil similarly involves taking advantage of the tired and weak and attacking the nation in the desert.

Looking through the list of topics above will reveal that many of them involve a similar setting – encountering a situation where one is in control and has the ability to either take advantage or show care. He can shirk responsibility or take responsibility.

Some of the clearest examples of this are rape and adultery, returning a lost object or ignoring it, taking interest on a loan and leaving forgotten sheaves for the poor. Similarly, the store owner with unjust weights and measures takes advantage of his unwary customers. *Yibum* involves caring for the deceased brother by marrying his childless widow and one who only does *chalitzah* (the way it is presented in this parshah) is here publicly shamed for not taking responsibility. Muzzling the helpless ox while threshing displays cruelty as he watches all the grain surrounding him but cannot eat it. Likewise the workers must be able to eat of the produce while they're picking it, but cannot take advantage of the owner by taking his fruit home. This situation is common to many of the other topics in the parshah.

This might explain why the same word opens up many of the subsections of this week's parshah: "ki", here meaning "when". This week's parshah involves the many situations people encounter in their lives: when you go out to war, when a man has two wives, when a man has a straying and rebellious son, when a man is deserving of the death penalty, when you encounter a bird's nest, when you build a house, etc. Each of these situations presents a challenge – will you take advantage when in control? Will you ignore your responsibility? Will you rise to the challenge and take responsibility for the situation God placed you in?

REASONABLE MITZVOT BY RABBI AVRAHAM FISCHER

"When we observe the *chukim*, those mitzvot whose reasons are not immediately evident, we display our obedience to Hashem's Will, and we subjugate our wisdom to His. But what of the *mishpatim*, those mitzvot whose reasons are clear to us? When Hashem seems to validate our reasoning, can it truly be said that we are obeying Him? Aren't we just doing what makes sense to us?



Rabbi Avraham Fischer

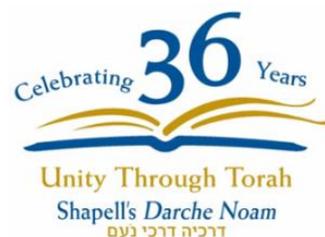
To answer this, let's look at the mitzvah of *maakeh*, the parapet. The Torah says when you build a new house you shall make a parapet for your roof, so you will not place blood in your house. Rambam explains: any house that is at least four cubits by four cubits and is used for dwelling requires the construction of a sturdy guardrail of ten handbreadths height. Similarly one must erect a sand wall around his well or cistern. One is similarly obligated to remove or repair every hazard. Rambam further rules that upon erecting the parapet one recites a *berachah*.

But a question can be raised based on the *Sefer Harokeach*. He argues that because a berachah says *asher kid'shanu bemitzvotav*, who has sanctified us by his commandments, a berachah should only be assigned to those actions which distinguish the Jewish people from the other nations of the world. But *maakeh* conforms to a universal standard of safety, so there should be no berachah.

An answer is suggested by the *Aruch Hashulchan*. A Jew must follow even those mitzvot that are reasonable, and thus acceptable to civilization as a whole – because they are the decrees of the Almighty and not only because they appeal to human reason. We fulfill all mitzvot because they are commanded by Hashem, and for no other reason.

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We remember all of the soldiers, the kedoshim, z"l, who gave their lives defending the people of Israel and the land of Israel in operation Tzuk Eitan. יהי זכרם ברוך.

May Hashem send a speedy recovery to the wounded, יבל"ח, and בשורות טובות to all of Israel.
May He bless, protect, and bring success to all those striving to defend Israel.