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# JewishTimes

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*Rabbi Moshe Ben-Chaim*

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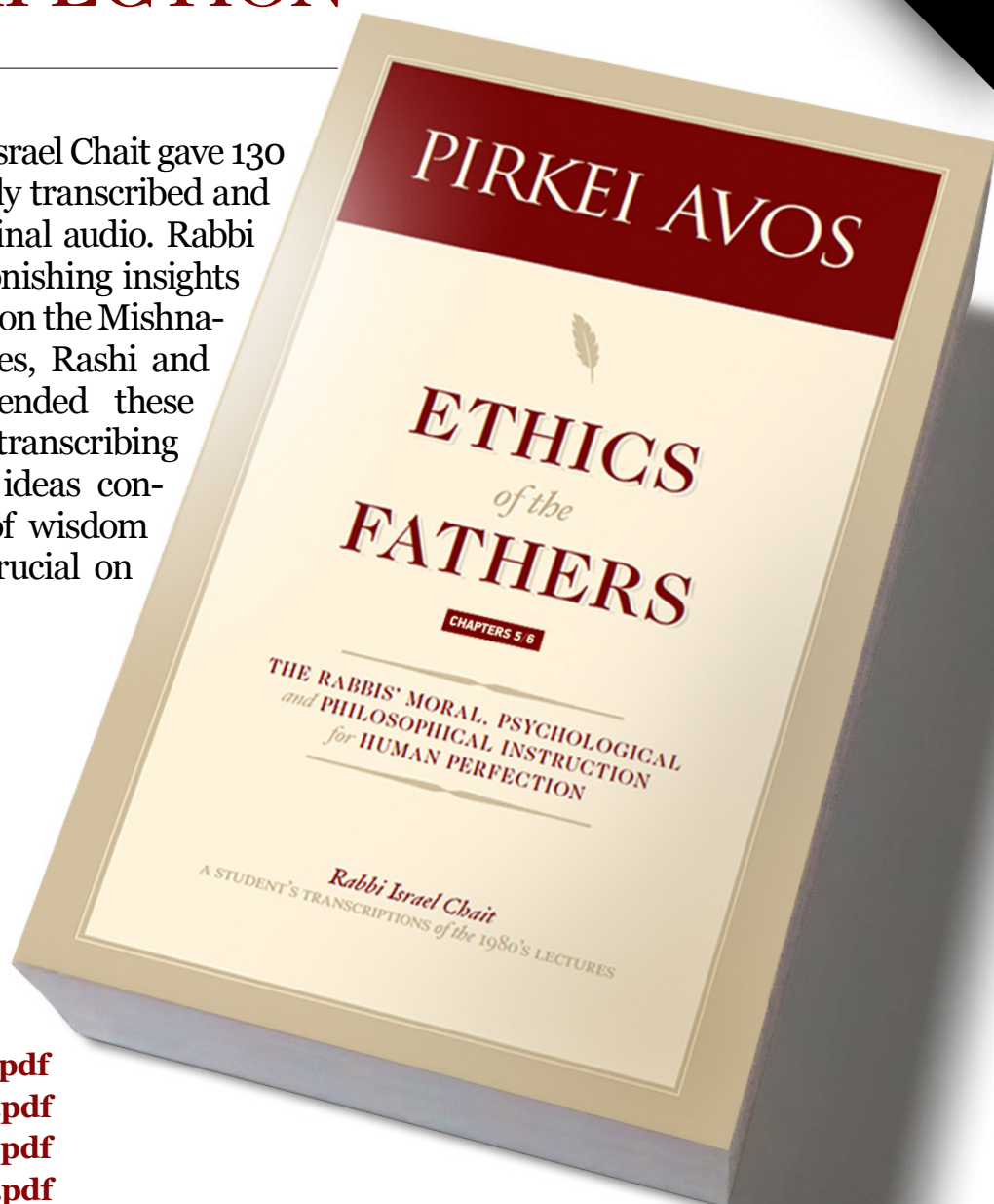
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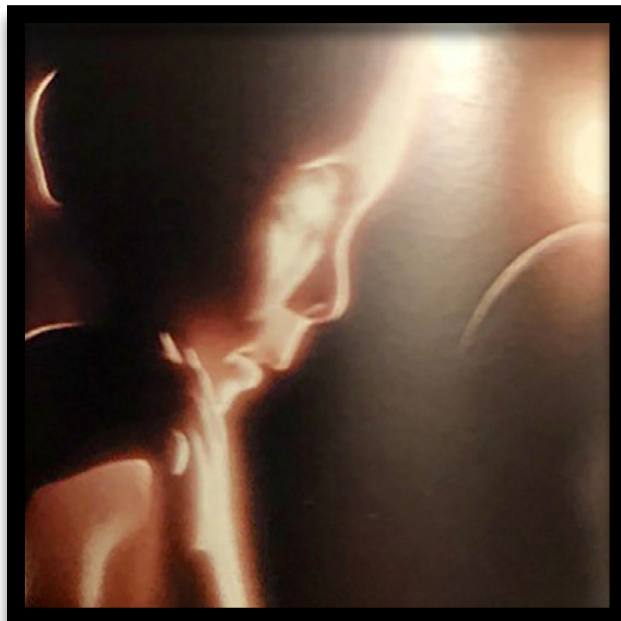


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## LETTERS

### Killing Children

**Reader:** Why are the Jews commanded to kill every male, woman and children of the Canaanites and Amalek nation(s)? Of course, these people were enemies of Israel, but should innocent babies suffer too, as in the plagues of Egypt? How do we reconcile this?

(CONT. ON NEXT PAGE)

**The Rabbis:** It is not a simple matter, as we see someone greater than us did not understand it. Kings Saul allowed the Amalekite children and animals to survive. He said, “Animals: Where have they sinned? Children: Where have they sinned?” Nevertheless, God gave us the law unlike King Saul thought. A person may not understand why the children and animals must be killed. But one cannot act in accord with his lack of understanding [he must follow the law to kill all].

God does not seek the destruction of the children. On the contrary, at the Reed Sea, God lamented [about the Egyptians]: “The works of My hands are drowning in the sea.” God does not wish that people are destroyed. However, in order to eradicate the philosophy of Amalek, killing the entire nation is necessary. The same principle applied to the 7 nations [those whom the Jews killed upon entering Israel]. Their idolatry required eradication. Those who disagree with complete eradication of a nation are wrong. God knows better. Support is found in Germany’s new movement by the Nazi’s children. The children say, “Our parents could not have been the killers that history depicts. Therefore, history must be a Jewish conspiracy to condemn our parents.” The children view their parents as virtuous and they are bringing back Nazism with a denial of the atrocities. This is the most dangerous kind of Nazism. This shows the justice in eradicating the children as well. We don’t have the knowledge God used in creating Torah, but if one violates the halacha it must have disastrous effects. That is why it says that since King Saul did not fulfill eradicating Amalek, Haman was a result.

Eradicating Amalek does not target harm towards individuals, but the goal is to remove a force that harms the entire world. We follow the halacha, even if it conflicts with our mercy for others, even though such mercy is the emotion that Torah encourages. This is because on the whole, mercy leads to virtuous actions. But at times, we must not

follow this trait of mercifulness.

Even more, not only do we follow the law of eradicating Amalek, but we view it as the greatest kindness, because there is no one who is more merciful than God: “God, God, the Almighty [is] merciful and gracious, long-suffering, with abundant kindness and truth” (Exod. 34:6). Our greatest acts of mercy do not even approach God’s mercy, which is qualitatively differentiated from ours. Eradicating Amalek is a trait of justice, but it is also based on the greatest trait of mercy for the world.

## Jesus, Mohammed: True Prophets?

**Reader:** Last weeks parsha talks about G-d bringing a Prophet like Moses. Both Christianity and Islam had claimed the fulfillment of this prophesy in their religion. What is the response of Rabbinic Judaism to this. Thanks so much.

**Rabbi Moshe Ben-Chaim:** As the Torah says, a prophet is validated by predicting details of future events where every detail comes true, and neither Mohammad or Jesus performed this. Thereby, they failed to be validated as prophets. Torah says, “But any prophet who presumes to speak in My name an oracle that I did not command him to utter, or who speaks in the name of other gods—that prophet shall die. And should you ask yourselves, ‘How can we know that the oracle was not spoken by the Lord?’—if the prophet speaks in the name of the Lord and the oracle does not come true, that oracle was not spoken by the Lord; the prophet has uttered it presumptuously: do not stand in dread of him” (Deut. 18:20-22). ■



PARSHA

# The Real Loss

LIFE

Dani Roth &amp; Rabbi Moshe Ben-Chaim

*If in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns. The elders of the town nearest to the corpse shall then take a heifer which has never been worked, which has never pulled in a yoke; and the elders of that town shall bring the heifer down to an ever-flowing wadi, which is not tilled or sown. There, in the wadi, they shall break the heifer's neck. (Deut. 21:1-4)*

The Gemara asks from where on the corpse should they measure the distance to the closest city. Rabbi Akiva holds from the nose, as a person's life is sustained mainly by his nose, by breathing. Rabbi Eliezer holds his life is mainly in the area of his navel. On this view, Abba Shaul said an embryo is formed from its navel: the navel is the first part of the body formed, and the rest of body is generated from there. (Today we know this

is incorrect: it is the heart and circulatory system that are first formed. But this doesn't impact the value of the rabbis' theories).

Discussing this problem with Dani Roth, we searched for the underlying theoretical dispute: What theory explains measuring from the nose, and what theory explains measuring from the navel? The rabbis apparently debate the concept of "life." Which aspect of life is to be atoned? Rabbi Akiva says man's life is sustained predominately by breathing. Rabbi Eliezer appears to view life not in terms of sustenance, but in terms of its inception. Thus, these rabbis agree that life must be atoned for, but they dispute what measure of life: Was the murder against man's sustained existence (nose), or was the crime more severe, taking into account a destruction man's full spectrum of his days on Earth (which began through his navel). Are we atoning for the present loss where his prior years are not impaired, or does murder discount the full duration of this man's existence, as his prior years have not realized their potential? It is an interesting question.



Rashi (Deut. 21:4):

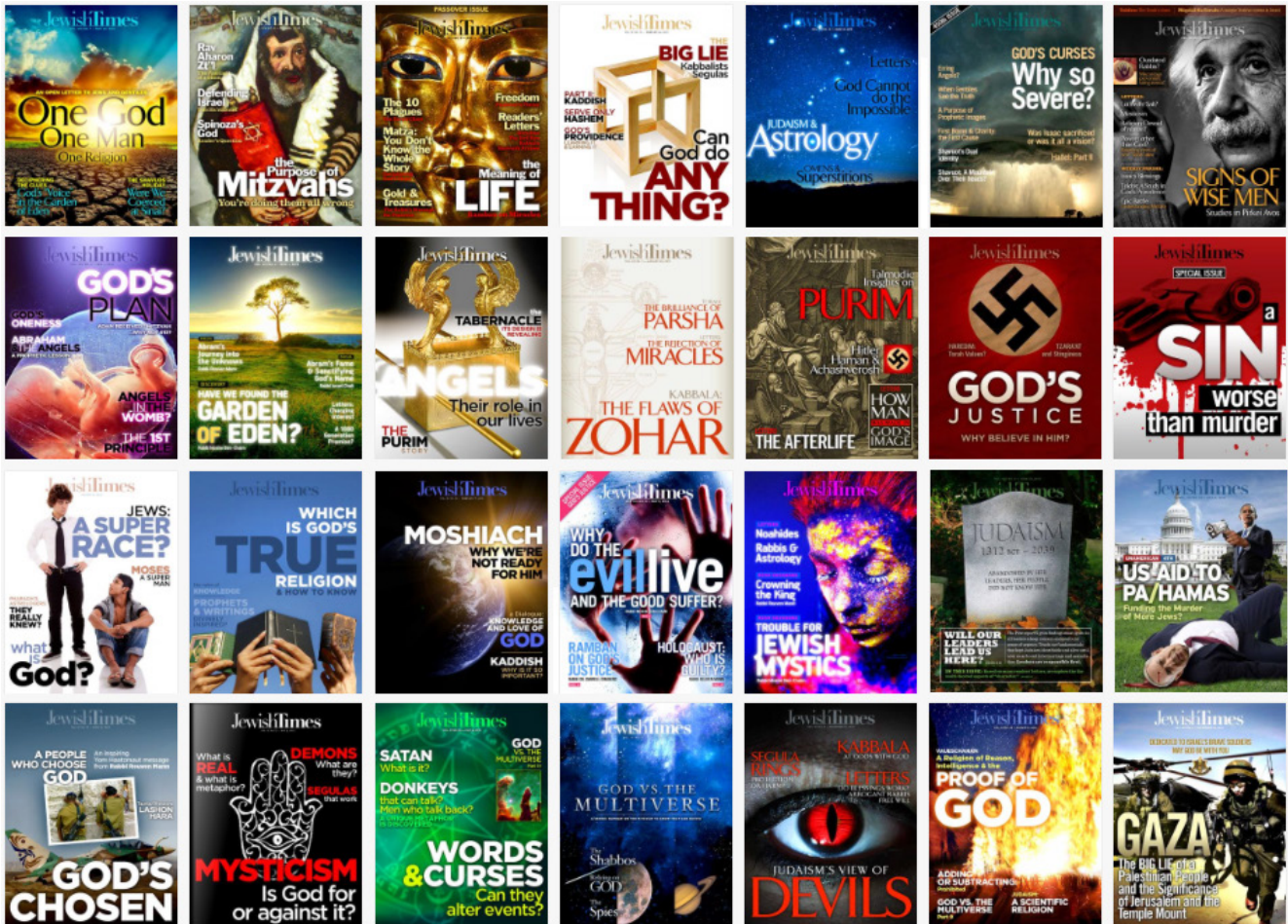
*One breaks its neck with a hatchet. The Holy One, blessed be He, says, as it were, "Let a heifer which is only one year old and which therefore has brought forth no fruits (no offspring) have its neck broken at a spot (the untilled valley) which has not brought forth fruits, to expiate for the murder of him whom they did not permit further to beget fruits (children) (Sotah 46a)."*

Without seeing the Rashi, Dani intuited it. Dani gave an original answer not offered by these rabbis. He said that navel represents how a child is sustained until birth. He said that the atonement for life isn't just for the one man who was murdered, but for all his descendants who will no longer enter the world. The navel represents the severity of the crime, as it refers to birth, namely all the births that could have been, had this man lived. An excellent answer, as atonement must relate to the degree of the crime. One cannot atone for murdering one person, if he in fact killed 10 people. Here too, the elders cannot atone for misguiding their society by atoning for one dead person, for this dead person could have created so many children. Measuring from the nose indicates only 1 human loss. But measuring from the navel indicates this greater loss of all children who are sustained through the umbilical cord. Dani, this is an excellent insight. ■



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## PARSHA

# Good Fences & Eternal Life

Rabbi Reuven Mann

**T**his week's parsha, Ki Tetze, contains the mitzvah of maakeh (railing), which requires a person to place a fence around the roof of his house so those who visit that space will not fall off.

This positive commandment is accompanied by the prohibition of "placing blood" on one's premises. This means that we may not allow any object or condition of potential danger in our domain to remain uncorrected. Thus, broken steps, loose wires, or various poisons that children can access all constitute clear and present dangers that may not endure in our abode.

At first glance, it is challenging to detect the religious significance of these laws. True, they have great practical importance, but why are they included in the Torah, whose mitzvot are designed to perfect the soul? After all, building a fence is a mundane act of construction. It is decidedly unlike the mezuzah, which is a constant reminder of Hashem's unity and our obligation to love Him and study His Torah. What religious teaching is embedded in the barrier that we wrap around our rooftop?

The maakeh reflects some fundamental principles of Judaism, which teaches that we must not rely on miracles, but engage the world of reality in a rational manner. The preservation of life is a major moral responsibility that entails avoiding the significant dangers that confront us. Thus, all hazards of life-threatening potential must be eliminated from our habitations.

Still, is a physical fence absolutely necessary? Won't intelligent, responsible people take care while on a roof and not walk too

close to its edge? The same can be said about many other harmful objects: a careful person will avoid them.

Nevertheless, these calculations are of no avail. Even if a homeowner and his family are the most cautious people, they still must put up the maakeh and remove all the obstacles that could "draw blood" in their houses. That is because we should never underestimate the pervasive consequences of human forgetfulness. We have a tendency to forget the hammer we left on top of a ladder, the loaded gun that was supposed to be returned to its secure hiding place, or the broken glass we thought we'd get to later.

How many tragic accidents occur in swimming pools due to distracted parents or guardians? And what about children, left behind in locked cars, to smolder to death? It is hard to believe, but parents in this age of distraction lock their cars and move on to their appointments, totally oblivious to the fact that their baby is locked inside. Is it possible that people can "forget" about the dangers that lurk for those who are most precious to them?

The Torah asserts that it is. Love has nothing to do with it. We should not take lightly the phenomenon of distraction and forgetfulness. Tragedies may be inextricably incorporated into the scheme of human existence. However, while it is true that some of them are beyond our control, far more than we'd like to admit might have been prevented.

Many Torah laws and Rabbinic enactments are based on the preponderance of our forgetfulness. We may not ride a horse on Shabbat because we might inadvertently pull off a branch to use as a whip. Or play a musical instrument because we might unwittingly make a quick repair. And we don't blow the shofar when Rosh Hashanah falls on Shabbat, lest one "carry" his shofar to someone who can blow it for him. Our proneness to inadvertent behaviors is a major theme of Jewish religious practice.

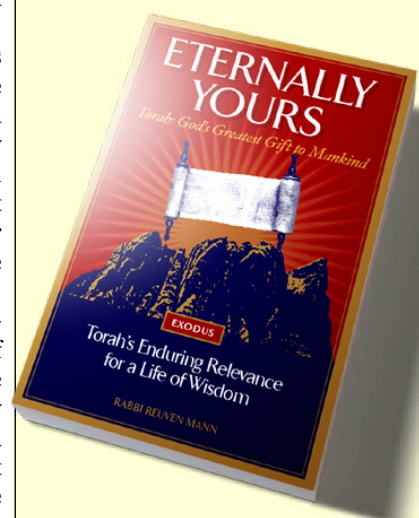
The mitzvah of maakeh has great religious significance. The imperative to "be cautious" does not appeal to our ego, which seeks to convince us that we are invincible and beyond the laws of nature. Some people are addicted to the riskiest behaviors, convinced that nothing adverse can happen to them. This is very much connected to an underlying sense of invincibility.

The fantasy of immortality is the driving force behind much human creativity and

the progress of mankind. The Torah does not seek to diminish man or curtail his conquest of nature, but only to teach him that he must live his life within the framework of reality.

And the Torah does not entirely put the kibosh on man's quest for immortality. The mitzvah of shiluach hakein ("sending the mother bird from the nest") comes immediately before that of maakeh. It stipulates that one may not take the eggs or young birds of a mother bird unless he first sends away the parent. As a reward for this, the Torah promises that "it will be good for you and you will prolong your days." To which the Rabbis comment that it will be good "in a world that is entirely good" and prolonged "in a world that is eternal."

Man's yearning for immortality can be attained. If we follow the Torah and perfect the soul, it will endure forever in a "world that is completely good." May we merit to attain it. ■



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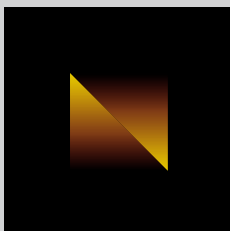
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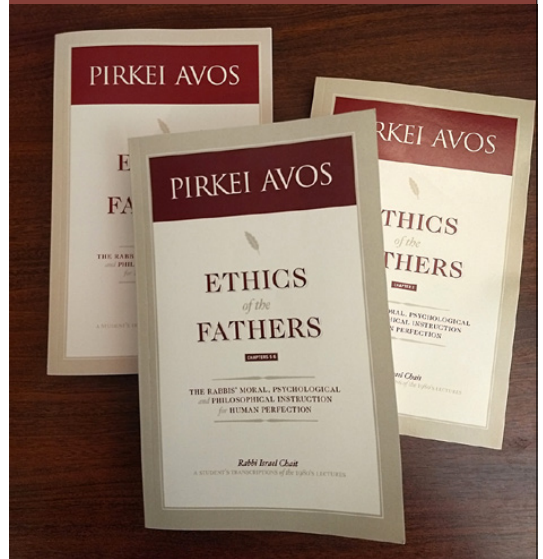
PARSHA

# GOD'S KINDNESS: A Lesson for Man

**SENSITIVITY**

Rabbi Moshe Ben-Chaim

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YOSE BEN YOCHANAN, MAN OF JERUSALEM, SAYS, "MAY YOUR HOME BE OPEN WIDE" (*Avos* 1:5)

Rashi comments: "*Open on four sides to invite [to enter] travelers.*"

Rashi quotes the Gemara, "And he [Yoav] established his house in the desert." But was he truly in the desert? (Yoav was King David's captain; he was not poor that he should live this way.) The Gemara clarifies, "His house was 'like' a desert," open on all four sides. Avraham too kept his tent open on all four sides. True charity is where the owner or donor (ba'al) is removed; one gives without seeking the appreciation of the recipient. He forgoes that ego satisfaction, giving purely to address the poor man's needs. A one-door home forces the poor man to confront the owner, whereby, the owner enjoys feelings of benevolence, and the poor man is humbled. In contrast, in a house opened in all four directions the owner properly forfeits ego satisfaction, also allowing the poor man to enter without confrontation, where the poor man retains a higher level of dignity. (*Rabbi Israel Chait, "Pirkei Avos Chap. 1"*)

(CONT. ON NEXT PAGE)

Above, Rabbi Chait explained that man is to express sensitivity towards others, dignifying them. However, people wrongly characterize and render total summations of others based on an isolated matter. This is man's ego at its relentless work. Man feels that as John owes him, he may rightly express dominance over John in all areas, walking into his home to collect collateral or a debt. Torah disagrees:

*When you make a loan of any sort to your countryman, you must not enter his house to seize his pledge. You must remain outside, while the man to whom you made the loan brings the pledge out to you. (Deut. 24:10,11)*

Torah corrects man's egotism. Man tends to satisfy ego in many permutations. Here, one reduces the debtor as undeserving of equality. One does not barge into his neighbor's home. Rather, he knocks and awaits an invitation inside. But here, man views the debtor as undeserving. Thus, Torah warn us not to express this false superiority. There is no change in human status due to a loan. We also learn that one must treat his servant better than himself. The monetary relationship is confined to monetary matters alone and does not spill over into other areas, or reduce the slave in terms of his dignity.

This law also protects the debtor's "space." Humility is typically felt when borrowing from others. The borrower senses an inade-

quacy as he could not self-provide, and needed to rely on another. He needs space away from the loaner to regain his dignity. This law preserves his safe haven. Dignity is so prized, that charity is not fulfilled with money alone, but we are commanded to commiserate with the poor person. We don't only negate the flexing of our egos, but we positively elevate the poor person by demonstrating they are worth our time.

Focussing on God as our superior reminds us that others are equal creations. Torah corrects our natural drives; it is necessary. God created the human design but also advised us on proper and improper behavior. As one cannot properly use a complex machine with any success unless he studies it and gains knowledge of its functioning from its maker, we are no different, and will fail if we treat others as our emotions and whims desire.

*If he is a needy man, you shall not go to sleep in his pledge; you must return the pledge to him at sundown, that he may sleep in his cloth and bless you; and it will be to your merit before the Lord your God. (Deut. 24:12,13)*

Torah then warns of another sensitivity. Man feels rightful to retain collateral. After all, that's what collateral is: a possession that leverages payment. But God teaches that other considerations outweigh one's security. One might feel returning the collateral

risks repayment. But that's only a risk, whereas the poor man's shivering at night is a definite. There is also a passive aggression expressed by one not returning the night garment. We must counter this aggression as it stems from viewing a debtor negatively, when he has done nothing wrong. We entered into a loan agreement, and the payment date has not yet arrived. The debtor is innocent and must not be viewed negatively, and certainly must not bear the brunt of our aggressive superiority complex. His debt does not earn him a lesser status.

*You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land. You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to the Lord against you and you will incur guilt. (Deut. 24:14,15)*

Man expresses another insensitivity or aggression by delaying pay to his worker. One feels superior to others who labor for him. Compliance to the worker is a type of subservience, which is distasteful to one viewing himself as superior, regardless of the obligation. Again, Torah outlines where ego expresses itself and where man can perfect himself. ■



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