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Weekly Parsha

# Kitetze

RABBI BERNARD FOX

“When a man takes a woman and has relations with her and hates her...” (Devarim 22:13)

One of the themes discussed in our parasha is the sanctity of marriage and intimacy. According to the Torah, marriage is not a casual relationship. It is not to be entered into carelessly. The Torah does

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## TSUNAMI, KATRINA, GAZA:

# GOD OR NATURE?

RABBI MOSHE BEN-CHAIM

I received the following sentiment relating hurricane Katrina to the Gaza evacuees, claiming some hand of God was present in both: “There are SO many similarities between the two events (Gaza and Katrina), and for them to occur within days of one another, should not be dismissed as a coincidence. Frankly, I think it’s

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**Egyptian Sundial:**  
Moses' predictions of some of the Ten Plagues, and the remaining plagues' unnatural design proved that God meant to warn Egypt. Conversely, natural tsunamis, hurricanes and floods are not meant as warnings to man.

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## Fundamentals

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Weekly Journal on Jewish Thought



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shortsighted to relegate this to a mystery that we aren't supposed to try to fathom."

I will share my arguments against this view. "Lo machshavosay machshavosaychem", "Your thoughts are not My thoughts". (Isaiah, 55:8) God tells us via His prophet Isaiah that we can, in no way, know His thoughts. Therefore it is futile and arrogant to suggest what is God's direct will. Additionally, I do not understand how someone can suggest that human free will – the true precipitant of the homeless and jobless Gaza evacuees – is God's Divine intervention. God does not tamper with man's free will, not even in the case of Pharaoh, as stated by the Rabbis. God unconditionally grants man free will to select evil or good. However, God will – in extreme cases – remove a single aspect of free will: the ability to 'repent'. This was the case regarding Pharaoh. The Torah says this openly, (Deut. 30:15, 19) "See, I place before you today, life and good, death an evil...and choose life." Moses tells the people that they may choose between good and evil. This is the area where man is always in control, Jew and gentile alike, Pharaoh included. But in the area of repentance, if man already freely selected evil, and corrupts himself so grievously, God may prevent his repentance, "so he may die and expire in the sin that he did." (Maimonides) God gives man free will to do good and evil, and never removes this freedom. It is one of Maimonides 13 Fundamentals of Judaism that reward and punishment exists, and are meted out solely due to our decisions with no coercion. In one decision alone, God does compromise man's decision: the area of repentance. However, restricting Pharaoh from repenting does not equate to God causing him sin. Pharaoh sinned of his own free will as Maimonides stresses eight times in his Mishneh Torah. (Laws of Repentance, chap. 6)

When Esav sought to kill Jacob, Jacob did not say this was God's will. When Samuel was commanded by God to anoint a new king to replace Saul, he said to God, "Saul will hear and kill me!" Would anyone today feel – if sent on a mission by God – that he would require any protection, as Samuel felt? Surely, we would all feel that God's mission stands as an impregnable barricade from any onslaught! Why did Samuel feel vulnerable? It is because his outlook was the proper one; where all is in man's hands and in accordance with nature, unless proven otherwise. And even when commissioned by God, Samuel did not feel this shielded him from normal considerations, like the usurped, vengeful King Saul seeking his life for betraying him. However, Samuel acted properly. Now, if Samuel, "on a mission from God", did not feel Divinely incubated from harm, how much more must we not view events as Divine?

The Egyptian plagues were intended as Divine lessons. But how did God insure that Egypt would view these natural events distinct from others, so as to fear Him? It was precisely Moses' perfectly-timed forecast that distinguished them. When the devastation came at the predicted moment, the events were validated as God's warnings. Without such predictions or miraculous phenomena, man should rightfully chalk up all events to natural law, and not God's direct will, targeting selected victims. Thus, God only admonishes Egypt – and mankind – with overt suspensions of natural law, not with normative law. God desires that miracles alone – not nature – be viewed as Divine lessons, by definition. This means that God does not wish man to view "natural events" as His warnings. Nature should be viewed as examples of His wisdom, and not His punishments. God desired that Egypt and other recipients of His wrath respond to miracles with repentance towards Him. God has always worked this way, and always will, "I am God, I do not change". (Malachi 3:6)

Not only are the Egyptian Plagues God's punishments, but we also subsume under the heading of "Divine intervention" all Torah instances that follow this design of either, A) miraculous or B) predicted events. Thus, Noah's Flood, the destruction of Babel, the parting of the Red Sea, Sinai, the Earth swallowing Korach, the sun and moon standing still, the Channukah lights, and all such cases identified by the Torah, are clearly Divine. Additionally, as a Rabbi once mentioned, anything that affects the Jewish nation as a whole, is from God. Therefore, the destruction of the two Temples, and our salvation from Haman's annihilation are also viewed as Divine. Conversely, we view all natural phenomena, with no predicted arrival, or recorded by Torah, as simply nature at work with no "intended" victims.

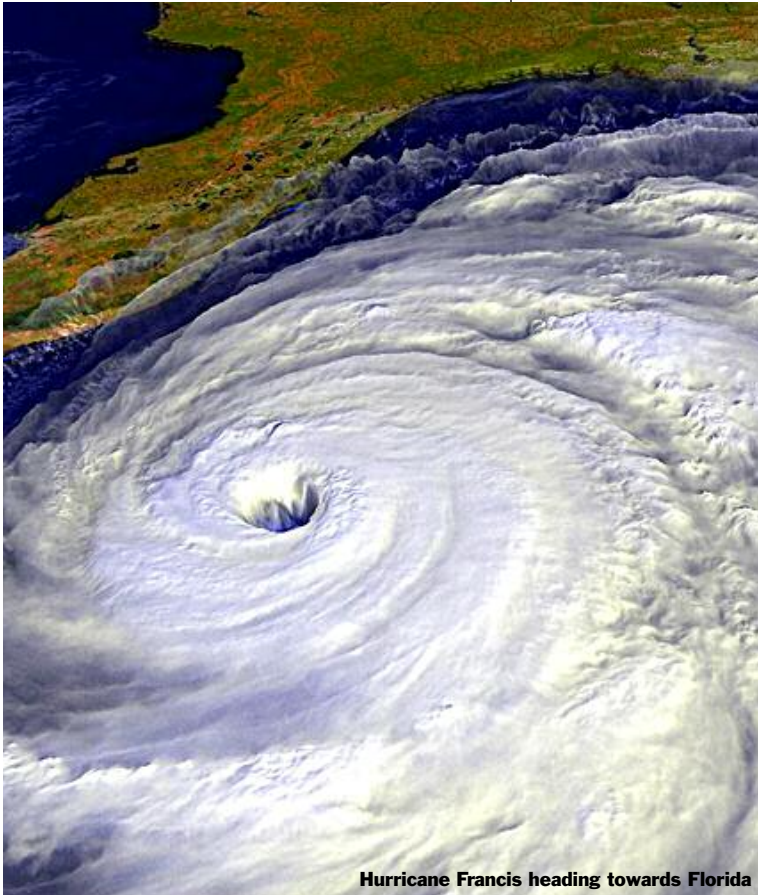
If God wishes us to view natural disasters as His warnings, He would not have used miracles, nor would He have ever sent a single prophet. We learn that it is precisely in response to miracles – and not nature – that God desires man to react with introspection. If we trace any hurricane or tsunami back in time, we will find normal causes that happen around the clock, no different than the causes at work when rain falls. Therefore, we do not view as Divine punishment, a rain shower that causes deadly mudslides. For that rain shower might have been over the Pacific Ocean, in which case it is of no consequence. That very same phenomenon causes mudslides in some cases.

I feel it is the myopia, arrogance and insecurity of those seeking Divinity in everything, which produces the overestimation and "Divine Message" syndrome concerning current

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Hurricane Francis heading towards Florida

cataclysms. Had we the range of millennia before our mind's eye, and the true understanding of Torah, we would not view all disasters as God's will, but simply, "nature". Those who claim Katrina and Gaza as God's will, are inconsistent, and would not suggest all tsunamis and social upheavals throughout time were Divinely timed and programmed. I say myopia, for our society sees only as far as their own, personal life spans: "our generation is more real than previous generations" people think. I say arrogance, as man feels he knows God's mind by making such claims of Divine, natural messages. And I say insecurity, since man cannot live without feeling God is making every move on Earth. Man possesses an emotion to revert to the dependent state of infancy. This is part of us all, but clearly seen in the servant who refuses to leave his master, the "Eved Ivri". This servant must have his ear bored to remind him what he heard God say at Sinai, "You are My servants, and not servants to man". God disapproves of his infantile dependency.

We must ask: would God engage phenomena, which may be misinterpreted, when His intent is that man learns an unambiguous lesson? Of course not. If God wishes us to know something, He enables our minds to fully grasp the idea with no confusion in His message. God says,

either case, if we use our minds, we detect God's hand at work. But with the absence of miracles or forecasts, what we witness is nature, and not God targeting victims.

We now have the formula: natural events are not God's messages, but are merely God's normative laws at work. Hurricanes and tsunamis are as natural as drops of rain.

One last idea struck me that appears to parallel this idea, that God's makes Himself known either through overt miracles, or predicted events.

When Moses approached Pharaoh throughout the Plagues, he followed God's directive. There were three sets of three plagues each:

[Set I] A. Blood, B. Frogs, C. Lice;

[Set II] A. Wild Beasts, B. Animal Deaths, C. Boils;

[Set III] A. Hail, B. Locusts, C. Darkness.

("Firstborns" was a separate plague).

In each set, "A" required Moses' warning of Pharaoh at the Nile at "morning time"[1], "B" required Moses to warn him to "come" before Pharaoh in his palace[2], and "C" came without warning. What is God's plan in this design?

God desired the plagues to arrive, either with warnings, i.e., "predictions" (the first two in each set) or, He delivered the third plague of each set, unannounced. Perhaps, these two methods were

unequivocally, that any prophet claiming to have God's word is validated only when "every one" of his predictions transpires, with 100% exactitude. If even one, minute detail fails to come about, that "prophet" must be killed. God clearly provides His prophets with absolute proof that they possess His word. God makes it clear when He has sent a message: He either has the prophet refer to violated, Torah commands, clearly proven by Sinai's truth. Or, God sends miracles or predicted phenomena. The true prophet bears God's message via unnatural phenomena, or by perfectly forecasted events, which is also impossible for any man to predict. Thus, in

used, precisely for the reason we have stated: God wished to provide undeniable proof of His existence and control over the universe. To do so, He manifested His control with either miraculous feats, or at predicted moments. Such miracles and predictions cannot be explained away by nature. God used, and continues to use these two modes of evidence of His will. And when these two modes are absent, man has no right to suggest an event is God's will, targeting some people or region. As Rabbi Reuven Mann mentioned, it is cruel for one to accuse the victims of Katrina of deserving God's punishment. What about the six million in Europe? Why not accuse your own first? Furthermore, when God destroyed Sodom, He said, "let us go down and investigate if they deserve destruction." Meaning, God needs no investigation, He knows all. But He meant to teach that investigation is warranted before punishing man. Where has anyone made any semblance of investigation before suggesting Katrina's victims were deserving of death?

Additionally, we might ask why God required Moses' prediction in two out of the three plagues in each set. Why not simply compose two miracles in each set, one with a prediction, and one without? I suggest, that prediction carries with it the chance that Pharaoh might feel chance was at play, and Moses was just lucky. But to predict accurately twice, makes Pharaoh think twice. Therefore, God requested that Moses offer two examples of predicted events. (Moses too used time as an indication that the frogs came and left only due to God's intervention. Moses asked Pharaoh, "When shall the frogs leave?" Exod. 8:5) However, the third plague in each set required no prediction, as those embodied the other manner that God proves His powers: they were inexplicable as natural. As proof, we read the following in connection with the third plague of each set: "it (lice) is the finger of God" (Exod. 8:15); "...for (with Boils) they shall know there is none like Me in the land" (Exod. 9:14); "And God gave grace to the Jews in Egypt's eyes, also the man Moses was exceedingly great in the land of Egypt; in the eyes of Pharaoh's servants and in the eyes of the Egyptian people." (Exod. 11:3) This last verse was after the plague of Darkness, when the Egyptians favored the Jews and Moses. ■

[1] The word "boker" ("morning") is found in each of these first plagues: Exod. 7:15, 8:16, 9:13

[2] The word "bo" ("come", as in "come before Pharaoh in his palace) is found in each of these second plagues: Exod. 7:26, 9:1, 10:1

# Gentiles, Jews & CREATION



**David:** Dear Sir,

Firstly I would like to say thank you so much for the resource that you have made available to all, including the non-Jew. It is been over 2 years since I abandoned Christianity and the acceptance of Jesus as any sort of messiah, and your resources, both article and audio, have been a great source of knowledge for me. Before you, I had almost totally rejected the authority of the rabbis. Although I still don't have the amount of respect for them or the oral law that you have, I now see a lot of depth of wisdom in what they say.

I need to ask a question to you for your input and advice. I've read on your website that Noachide shouldn't keep Shabbat. I come from a point of view that says that non-Jews can keep Shabbat. At first I thought there was only one way to keep Shabbat: i.e., completely. But after looking at your website and the words of the Torah, I see part of what you're saying about the fact that the Shabbat is a sign for Israel, like circumcision was a sign for Avraham and his descendants. But I do see parts of the Torah that talk of the ger, the sojourner, the resident foreigner, keeping Shabbat as well in Exod. 20:10; 23:12. In Isaiah 56 it talks of the "ben nechar", the foreigner, using the same words as Exod. 12:43 for one who cannot keep Pesach. I know of the words "grasp my covenant" and am uncertain about its meaning, since I note that if it were talking about circumcision or becoming a Jew it would more likely use "ger" as opposed to "ben nechar", since a ger was more likely to be circumcised. According to one website which is Noahide, it

says that even Rashi says it is ok for a non-Jew to keep Shabbat:

"Every Noahide who renounces idolatry needs to keep the Sabbath, says Rashi, the great Torah commentator - because every act that desecrates the Sabbath is itself a species of idolatry." (Rashi on Yevamot 48b)

But the point is that a Ben Noach CANNOT observe the Shabbat the same way as Israel. Some say he has to do something a Jew cannot do during that day in order to make it special to Israel, while still commemorating the day the Almighty made distinct, special and holy.

What do you say concerning all I have put forward? Does this appear correct to you, that a Noahide can keep Shabbat, but not as the Jews? I hope you are not offended by my question or irritated, but I am trying to discover truth and what is right in the eyes of our Creator, whom I do desire sincerely to please.

I also would like to make a comment. I've heard some of your teachings, and when it concerns the age of the universe, you refer to Shroeder's book, "Genesis and the Big Bang" and also point to relativity. I don't see the need for this at all (please don't take my tone as disrespectful, just emotive). Firstly the Big Bang is not factual, but a theoretical hypothesis concerning the history and development of the whole cosmos based on a lot of naturalistic thinking (naturalistic, meaning the philosophy that rules out the supernatural creator, but only relies on natural causes and forces, material and natural energy). It is not factual, because there are many holes in the theory,

many just-so stories, and the theory itself is inherently unscientific and metaphysical because it extrapolates, speaks of things outside known parameters (relatively billions of years outside of man's experience and observation), and is not testable or observable according to the scientific method. The circumstantial data used to promote such a cosmology can be interpreted numerous ways other than such a cosmology. And in order to really prove or "promote" a theory about an expanding universe with no center and no edge (which I believe to be an irrational concept) takes one to a position outside the universe in order to objectively verify it, i.e. in the place of Deity, even as a thought game or thought experiment, as Einstein is prone to doing. Plus, he didn't prove relativity (taking "prove" to mean "show to be true") since there are paradoxes in his theory, but he postulated it and it might have some strengths. Although there may be evidence that backs it up and there is a majority of people who agree with it, that evidence has been questioned, and a majority doesn't make things right. An example is that the majority of scientists believe that all life descended from common single cellular ancestor and that humans descended from an ancient monkey/ape, a concept that is terribly flawed yet widely accepted.

This is not to say Einstein is totally wrong. But this is to say that since we cannot fully understand the mind of Deity or His methods of creation, it is questionable to promote a certain theory (i.e., the big bang), which, although may point to there being a beginning and thus a first cause, does negate the plain understanding of scripture and is flawed, fostering an opposing philosophy.

I hope you will answer the parts of this e-mail that you can. I know it may be rather long, but I hope and pray it has not been disrespectful, and that it can be taken as being from one who is searching for the truth, who fully accepts the Deity of Israel as Hashem alone, Deity in the heavens above and in the earth beneath (Devarim 4:39), and who is open to teaching and correction.

Thanks for your time and your wonderful services. You really give a guy like me hope that he really isn't alone in the world.

*David Dryden*

**Mesora:** David,

Thank you for your letter. I agree with much of what you have said, although I am not expert on Big Bang theories. I do agree and see as proof for the 16 billion year age of the universe from stars: we see a star, and can measure its distance as X light years away. Seeing that star, means that the light emanating from it had many light years (millions of years) to reach us. Thus, we prove that

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the universe must be at least that old, since the light took that long to reach us. Another Rabbi explained this theory to me, which I see as irrefutable proof.

Regarding creation ex nihilo (out of nothing) we may refer to the Rabbis' statement and plain reason: something cannot create itself. Thus, there was some initial creation of matter out of nothingness.

And yes, a gentile can keep Sabbath in an incomplete fashion, so he is not actually keeping "Sabbath" per se. A gentile may not keep the Sabbath for the reasons I explained on Mesora. RainbowCovenant.org misread Rashi on Yevamos. Please inform them. The Rashi is read as follows:

*"Ger Toshav [this refers to] one who denounces idolatry but continues to eat non-Kosher meat, and the Torah warned him on Sabbath, that he must profane it as an idolater."*

This last line was misread on Rainbow's website as, "a profaner of Sabbath is akin to idolatry." That is an incorrect reading, which misled RaibowCovenant.org to think it means a ger "must" keep Sabbath.

Here, Rashi is defining who is a ger Toshav (righteous gentile): he is one who is not Jewish, and yet denounces idolatry. Not being Jewish means he does not have to abide by Kosher laws, so he eats non-Kosher. Nonetheless, he must NOT observe Sabbath completely. And any partial Sabbath observance where he violates even one Sabbath law, is acceptable, and considered as if he did not observe Sabbath at all. It is also commendable when a gentile observes Sabbath 99%. How is this commendable? The answer is that he too will perfect himself by Sabbath laws, exactly as a Jew. For all men are equal, and a Jew has nothing different in his make-up over the gentile. Our difference is in "designation" by God to teach the world about God's Torah. Other than that designation, we are identical to gentiles, for we all descend from Noah. Hence, we benefit equally from the Torah's laws. The only reason a gentile may not fully observe Sabbath is that by doing so, he blurs the line between Jew and gentile. Both behaving identically would mislead others to seek out gentiles as Torah authorities on par with Jews. But since gentile are not obligated in 613 commands, their diligence will not be as the Jews', and their learning will not be as complete. Since God desires that the world attain true Torah knowledge, He forbade the gentile to assume complete semblance to the Jew in practice (observing Sabbath is prohibited) thereby limiting Torah authorities to those most versed in Torah. This benefits Jew and gentile alike. ■

*Rabbi Moshe Ben-Chaim*



# the Death of the Righteous Atones for Others?

**RABBI MOSHE BEN-CHAIM**

**Debby:** I have questions about the following text, found in Berachos 62b: (R. Elazar): "God told the angel of death, "I prefer to kill the Rav (important one) among them, his death atones for many sins." Would you please explain; are the Rabbis saying that God would DELIBERATELY KILL a person for the PURPOSE OF ATONEMENT OF OTHERS? How does this differ from the Christian concept of Jesus being deliberately killed for the purpose of atonement of others?"

Many thanks, *Debby Kobrin*

**Rabbi Moshe Ben-Chaim:** The Talmud does not say Avishay (the important one) was undeserving of death: all men have sinned, except Moses' father Amram, Jacob's son Benjamin, King David's father Yishay, and Calae, David's son (Tal. Baba Basra 17a). But even without sin, we die due to God's mortal correction of man's design (His punishment of mankind's forerunners, Adam and Eve, who brought death into the world) as a merciful address of man's sin. The safest approach is to say only what we must:

- 1) God desired the atonement of the Jews...this is a good.
- 2) Avishay's death will atone...the question is how?
- 3) Avishay had to die, at some point.

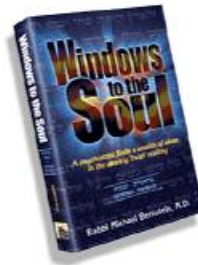
Perhaps, God times Avishay's death at an opportune moment when it served an additional good. But in no way does God kill someone when undeserving, to save others. As the Torah says, "A man in 'his' sin shall be killed." How was his death atonement?

When we reflect on the life of a perfected woman or man, we become inspired by their lifetime of good, we repent from our sins, and strive to improve. ■

Taken from "Windows to the Soul"

# KiNetze

RABBI MICHAEL BERNSTEIN



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## Of Hair and Nails

Although gentile women are forbidden, the Torah makes an exception in times of war (21:10-13). "When you go to war against your enemies . . . and see a beautiful woman (yefas to'ar) among the captives, and you desire her, you may take her to wife. Bring her into your home, and she shall cut off her hair and do to her nails . . . and she shall bewail her father and mother for a month, then you may come to her."

The Torah brings the warrior's inflamed, impulse-driven desire under control by establishing a one-month cooling off period during which the captive woman sits in dishevelment and bewails her parents. During this time, "she shall cut off her hair and do to her nails." While the requirement to cut off her hair is unambiguous and clear, what exactly is she supposed to do to her nails?

The Talmud records (Yevamos 48a) a dispute on this question. Rabbi Eliezer contends that she must cut her nails. By juxtaposing the nails to the hair, which must be cut off, the Torah undoubtedly wanted that the nails should be cut as well. Rabbi Akiva also notes the juxtaposition of the nails to the hair, but he deduces that she should let her nails grow. Just as cutting off her hair makes the captive woman less attractive, so does letting her nails grow exceedingly long.

Perhaps the underlying argument behind this dispute concerns their understanding of the essential purpose of these laws. According to Rabbi Akiva, these laws serve to remove the Jewish conqueror's desires for his captive. The point of comparison between hair and nails is that they both affect the woman's attractiveness. It is, therefore, logical to deduce that just as cutting off the hair makes her unattractive, doing her nails means letting them grow to make her unattractive.

According to Rabbi Eliezer, however, the purpose of these laws is to condition the pagan captive woman to become a suitable wife for a Jewish man by transforming her emotional framework. She must go through a modified mourning, a liberating catharsis of bewailing her parents, and she must cut off her hair as a

symbolic removal of the dead appendages of her previous life, the "dead" religion, the "dead" culture. Consequently, the Torah requires her to cut off her nails as well, since they too are a dead appendage of the body.

## The Seeds of Rebellion

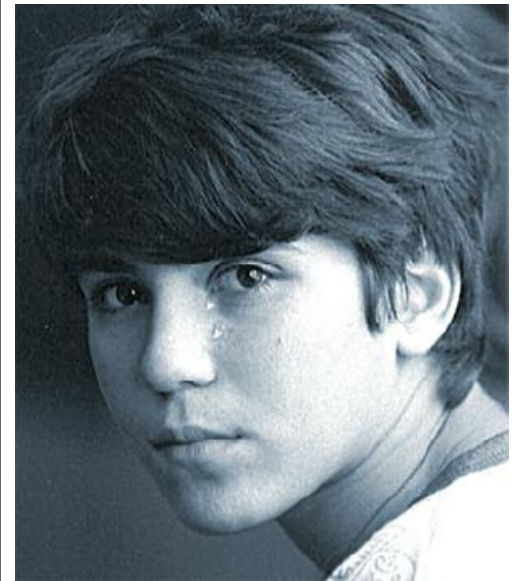
Modern people would probably be shocked by the fate of the rebellious son, the ben sorer umorer (21:18-21). "If a man will have a wayward and rebellious son who does not listen to the voice of his father and the voice of his mother . . . [The parents] shall say to the elders of the city, 'This son of ours is wayward and rebellious . . . All the men of his city shall pelt him with stones, and he shall die.'"

They needn't worry. The conditions that had to be met before the death penalty could be administered were so stringent as to make it virtually impossible for it ever to occur. And our Sages indeed assure us that it never did. The Torah's purpose in introducing this law is didactic rather than practical.

The Midrash Tanchuma observes that this commandment is the third in the parashah. The first is the commandment of yefas to'ar, which provides the laws for marrying a heathen woman captured in wartime. The second details the laws of inheritance that apply when a husband has children with two wives, one beloved and one hated. From this sequence, the Midrash infers that a man who marries a heathen captive will come to hate her, and that the union will eventually produce a ben sorer umorer, a rebellious son.

What is the psychology that drives this chain of events?

Perhaps we can find the answer in the story of Amnon and Tamar. Amnon, David's son, harbors a passion for his stepsister Tamar. Unable to restrain himself any longer, he violates her. Afterward, Amnon sends her away; her pleas for him not to do so fall on deaf ears (II Samuel 13:15). "Amnon despised her with a great hatred; his hatred was even greater than the love he had felt for her." Amnon hated her because her very



presence reminded him of his surrender to his animalistic instincts. Rather than hate himself, he chose to hate the person who reminded him of his venal act.

In a similar fashion, the Jewish conqueror who succumbs to his lust and marries an unworthy heathen wife may regret his own weaknesses. The Torah predicts that instead of directing his recriminations at himself he will come to hate the wife taken in the moment of his weakness.

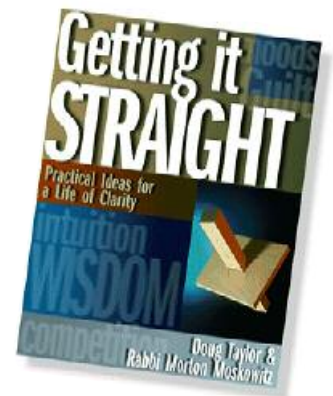
Finally, the Midrash suggests, this union may produce a rebellious son. This is not because the heathen wife will fill her son's head with wrong ideas. Wrong ideas do not necessarily lead to rebelliousness; plenty of parents teach their children foolishness and nonsense, and yet the children show no inclination to rebel. The principal causes of rebellion lie elsewhere.

Rebellious children are unhappy children, and the primary source of unhappiness for children is disharmony in the home. Children desperately need the safety and nurturance of a happy home. When they sense tension between parents, their upbringing and happiness are greatly compromised. When a wife is hated and there is acrimony in the home, rebellious children will follow. ■

Taken from "Getting it Straight"

# Youth

DOUG TAYLOR & RABBI MORTON MOSKOWITZ



"Ah, the innocence of youth," I said wistfully as the elementary school children, bundled to the hilt in winter coats and mufflers, scattered across the playground only seconds after the recess bell granted them temporary escape from classrooms and books. I watched as groups immediately formed; some playing ball, others on the jungle gym, while others just wandered around, talking with friends.

"The what?"

My friend, the King of Rational Thought, interrupted my reverie as we strolled past the school. Having decided that a 30-minute walk would be good for both of us, we were trying by intent to get a fraction of the exercise these children would get by accident.

"The innocence of youth," I said, coming back to the present. "You know. Kids are such innocent creatures. Look at them all, running around, having fun, not a care in the world." I

found myself longing for those days.

"Innocent?" he asked. "Innocent of what?"

"Well, they haven't grown up enough to have been messed up by society. They're fresh. Unspoiled. You know. Like a baby right out of the womb."

He smiled. "You sound as if you think a baby is in a better state than an adult."

"A baby is. Well, sort of. I mean, uh, they haven't been-" I was stammering, and he just kept smiling. "Oh, you know!" I finally blurted out, unable to avoid

smiling with him.

"Actually," he said, "I don't know. I agree that a baby right out of the womb may be fresh, but it's also helpless and ignorant. It has to learn virtually everything. How to walk, how to talk, how to eat,-"

"Don't forget potty training," I cut in. "I have some experience in such matters."

"That too," he replied. "And most important, a child has to be taught how to think. No baby fresh from the womb knows how to make proper analyses and conclusions or how to foresee consequences. A child has to be taught how to use its intellect."

He looked at me. "Our society, on the other hand, has it backwards. We look at children and think that they're clean and pure and pristine and that they somehow get worse or spoiled once they grow up. The truth is just the opposite. A baby is utterly helpless. Left to its own devices, it will operate strictly on its

emotions and instincts, make dangerous - if not fatal - mistakes, and likely not survive. It needs adults, hopefully mature thinking adults, to carefully guide its development for many years. Longer than virtually any other mammal on the planet. 'The innocence of youth?' A more appropriate statement would be, 'the ignorance of youth'."

We rounded a corner as a chilly blast of air pushed us from behind.

"Ok," I said. "I see your point. But kids have it so good. They're so carefree."

"Hmmm," he said thoughtfully. "Let's talk about that. Do you think children see themselves and their lives as carefree?"

"Well, no," I replied, "probably not. But compared to the responsibilities we face as adults, they've got it pretty good."

"Maybe so," he said, "but that's from your point of view. No offense, but you're fantasizing. You long to be a child with all the knowledge and skills you now possess as an adult, but without the pressures and responsibilities. Compared to you, you think that children live a carefree life. So you're assuming they think that way too. Yes?"

I wasn't thrilled about admitting he was right. Trouble was, he was.

"We don't like to acknowledge it," he concluded, "but ignorance is not bliss. Children are not better off than adults. It's the other way around. Ideally at least, adults should have the skills to deal with the problems of life and the training to make wise and well-thought-out decisions."

At that moment an '89 Camaro, loaded with high school kids, squealed around the corner, doing probably double the speed limit and leaving a long patch of black rubber fused to the asphalt.

The King of Rational Thought smiled again.

"And then," he said, "there are teen-agers..." ■



allow for divorce. But only under the most extreme circumstances should a marriage be dissolved. The Torah's emphasis on the sanctity of marriage and intimacy is expressed through a number of mitzvot discussed in the parasha.

This pasuk introduces the mitzvah of kiddushin. This mitzvah requires that marriage be preceded by a betrothal – kiddushin. The betrothal is accomplished through a formal kinyan – agreement – between the man and woman. This kinyan can take various forms. One form is kesef. This consists of transmittal of money or an object of value. The man gives the woman the object. He explains to the woman that through this transmittal he intends to betroth her. The woman's acceptance of the money or object signifies her agreement to the kiddushin. Once the betrothal is completed, the woman is considered the wife of the man. Any subsequent affair is considered an act of adultery.

In modern times, we employ the kinyan of kesef described above. According to halacha, any object of value may be used for this kinyan. However, the universal custom is for the man to give the wife a ring or marriage band. What is the reason for this custom?

Sefer HaChinuch explains that the ring is an especially appropriate object for this kinyan. Kiddushin is more than an agreement. The kinyan affects a change in the legal status of the woman. With the completion of kiddushin, the woman is no longer single and unattached. She is now the wife of the man. This change of status has important implications in halacha. She is prohibited to enter into sexual relations with any other man. These relations are adulterous. The ring effectively represents this concept. The ring is placed upon the woman's finger. A visible change is affected. This creates a physical, visual change in the woman. This physical change represents and is consistent with the legal change in effected by the kiddushin.[1] In other words, the application of kinyan to marriage is designed to reinforce the seriousness of the relationship. The use of a ring further emphasizes the message that marriage represents a fundamental change in the status of the wife and the creation of the permanent relationship between husband and wife.

**“And they punish him with a fine of one hundred silver pieces and he gives it to the father of the young woman. This is because he has slandered a virgin of Israel. And she should be his wife. He is not permitted to send her away all his days.”** (Devarim 22:19)

This pasuk discusses the consequence for

motzi shem rah – slandering one's wife. Let us begin by reviewing the basic outline of the circumstances of this case. A man betroths a woman. He then claims that the woman was unfaithful. Subsequently, it is discovered that the husband's claim is false. The pasuk tells us that the husband is required to pay a fine and he is forbidden from ever divorcing the woman.

The reasoning underlying the consequences for slander is not immediately evident. Obviously, this husband is despicable. He has recklessly and viscerously attacked the reputation of the woman who has agreed to be his life-partner. This man has demonstrated that he is reprehensible. Why does the Torah enjoin him from ever divorcing his wife? This commandment would seem to preserve a less-than-ideal union!

Sefer HaChinuch begins with a simple observation. The consequences applied to the slanderer are the exact opposite of the outcome he intends. The husband slanders his wife because he wants to dissolve his marriage. He has had a change of heart. But he does not want to acknowledge any responsibility to his wife. He does not want to pay his wife the sum he agreed to in the marriage contract – the ketubah. So, he falsely accuses his wife of infidelity. He hopes to be believed and to be relieved of the obligation to pay the sum agreed to in the ketubah.

He explains that the objective of the Torah is not to preserve the marriage. Instead, the Torah's intention is to provide a deterrent against slander. The deterrent is simple. The Torah identifies the motives of the slanderer and warns him that if discovered, he will suffer consequences that are the exact opposite of his intentions. He will lose the right to divorce his wife. Furthermore, rather than saving money, he will be fined.[2]



**“And the man that sleeps with her should give to the father of the young woman fifty**

**silver pieces. And she should be his wife. Since he afflicted her, he is not permitted to send her away of his days.”** (Devarim 22:29)

This passage discusses the consequences that are applied to a man that rapes a woman. He too the man is fined. He is required to marry the woman and is prohibited from divorcing her. Of course, the victim has the right to refuse to marry her assailant. Nonetheless, it seems odd that the Torah would demand that a rapist marry his victim.

However, Sefer HaChinuch applies the approach discussed above to explain this law. Here too, he observes that the consequences applied to the rapist are the exact opposite of the outcome he desires. The rapist wishes to enter into an intimate relationship with his victim without providing her the benefits and guarantees of marriage. He recognizes that this is not an offer that the woman will find attractive. So, he forces himself upon her. Sefer HaChinuch asserts that the Torah wishes to deter this behavior. It forewarns the would-be rapist that if he is caught, the consequences of his action will be the exact opposite of those that he seeks. He will be fined. He will be required to marry the woman and will not be permitted to ever marry her.[3]

In short, the consequences that the Torah applies to a slanderer and a rapist are not primarily designed as compensatory or corrective measures. They are primarily intended to compensate the victim for the harm she has endured or to correct this harm. These consequences are designed as a deterrent. These measures are intended to discourage rapist or slanderer from carrying out his despicable plans by threatening them with consequences that are the exact opposite of their designs.

Sefer HaChinuch's observation that the consequences applied to the rapist and slanderer are the exact opposite of their designs is subtly reflected in the wording of the passages and in halacha.

Meshech Chachmah notes that there is a slight difference in the wording to the passages concerning the slanderer and the rapist. Unfortunately, this subtle difference cannot be captured in the translation. In both cases, the Torah states that the perpetrator of the injustice is not permitted to send away the victim – to divorce her. However, in the case of the slanderer the pasuk uses the infinitive – l'shalchah. The passage regarding the rapist does not use the infinitive. Meshech Chachmah explains that this is a significant distinction. The use of the infinitive implies that the very act of divorce is prohibited. In discussing the rapist the alternative form of the verb –

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shalchah – is used. This term implies that the act of divorce is not prohibited. Instead, the Torah prohibits the outcome. The rapist cannot render the woman shalchah – sent away. Meshech Chachmah explains that this is distinction has meaningful implications in halacha.

Consider a case in which a man gives a woman a divorce but stipulates that the divorce will only be valid with his death. There are halachic considerations that would motivate such a divorce. But the purposes of this discussion we do not need to elaborate of these considerations. Meshech Chachmah explains that this divorce would violate the prohibition against the slanderer divorcing his wife. However, it would not violate the prohibition against the rapist divorcing his wife.

This follows from the wording in the respective passages. The infinitive used in the instance of the slanderer implies that the very act of divorce is prohibited. A divorce designed to take effect upon death is an act of divorce. Therefore, the slanderer is prohibited from giving such a divorce. However because the divorce is only effective with the death of the husband, this divorce never imparts upon the woman the status of being “sent away.” Therefore, a divorce designed to be effective with the death of the husband would not violate the prohibition against the rapist “sending away” his wife.[4]

This halachic distinction reflected in the wording of the passages is consistent with Sefer HaChinuch’s thesis. The slanderer wished to dissolve his marriage. As a deterrent, he is told that if discovered he will experience the exact opposite of his designs. He will be prohibited from engaging in the act of dissolution through the vehicle of divorce. Even the act of divorce will be prohibited. In contrast, the rapist wished to avoid marriage. Therefore, he is told that if he is discovered, he will be required to marry the woman and remain married to her his entire life. In his case, the act of divorce is not prohibited. The prohibition is against the dissolution of the marriage – rendering the woman “sent away.” If the divorce is simultaneous with the death of the husband, this prohibition is not violated. ■

[1] Rav Ahron HaLeyve, Sefer HaChinuch, Mitzvah 552.

[2] Rav Aharon HaLeyve, Sefer HaChinuch, Mitzvah 553, 557.

[3] Rav Aharon HaLeyve, Sefer HaChinuch, Mitzvah 557.

[4] Rav Meir Simcha of Devinsk, Meshech Chachmah on Sefer Devarim 22:29.

## SHOFAR: WHAT IS “REAL”?

RABBI MOSHE BEN-CHAIM

My close friend Lewis posed a difficult problem regarding the upcoming holiday of Rosh Hashannah. It concerns the shofar: which shofars are nullified or permitted, and why?

He quoted Maimonides’ three cases[1]:

Case #1) a stolen shofar may be used, since the status of “stolen” inheres only in the physical substance of the shofar and not the sound, and it is the sound with which we fulfill our obligation;

Case #2) one used in idolatrous practice: it should not be used, yet if one does use it, one still fulfills his obligation; and

Case #3) one belonging to a city destined to be burned, due to idolatrous practice may not be used, and if used, one does not fulfill his obligation. The reason being that it is “lacking any measure of the object” (casuti michtas shiura). This requires clarification: in what way is this shofar any “less”?

Case #1 is clear: ‘sound’ per se cannot have a status of being “stolen”, and one’s performance of a mitzvah of hearing the blast with a stolen shofar is not compromised. Since one cannot “steal” a sound, the mitzvah carried not ill status, and is a recognized valid performance. Yes, the shofar was stolen, but the shofar is not the “object of mitzvah”. Rather, the sound is the object of mitzvah, the “cheftzah shel mitzvah”. So although I might be corrupt in stealing, this act of thievery is divorced from the entity of a shofar blast. This shofar blast is the object of the mitzvah, through which I fulfill my Torah obligation, and this blast is untainted with any status of “thievery”. I may then fulfill my obligation with this stolen shofar.

Case #3 is a bit more abstract, but understandable. A city destined to be burned is much akin to a vase descending from a rooftop. Normally, when I destroy an object, I owe the owner its worth. Not so when the object is inevitably en route to its destruction, as is the case with this vase. So if I shatter this specific vase, I owe the owner nothing – the vase is already considered “destroyed” in Jewish law, in halachik terms. So too is the case with the shofar of a city destined for burning: it is already viewed as “destroyed” and lacks a status of “existence”. Yes, I see it and touch it, but according to God’s Torah laws, which override physical reality, this shofar, for all intents and purposes, is not in existence.

Imagine all the spherical and circular objects you see: planets, tires, baseballs, and grapefruits, et al. They are all ‘designed’ by God. Now, what came

first: the blueprints for your house, or the physical house? The former of course! Same thing here: the circular object you witness must exist subsequent to the blueprint, or the abstract concept of “circle” God created first to be applied to real objects. Before the physical world existed, there was a blueprint, or abstract idea of “circle” from which God applied this shape to all objects embodying “circle”. We learn that the non-physical (metaphysical) world of ideas is superior to the physical world: it came first and defines the physical world, but primarily, it is essential for the physical world. This essentiality displays that the world of ideas is more “real”. Jewish law comprises the abstract world of ideational truths, and it too defines what is quite literally, more real.

The difficult case is case #2, the idolatrous shofar which should be avoided, but whose sound is acceptable once used. Case #1 of the stolen shofar carried no initial prohibition to “avoid” usage: one may outright blow this stolen shofar to fulfill his obligation to hear the shofar blasts. Not so regarding the shofar of idolatrous use: one must initially “avoid” usage, but if used, one fulfills his obligation. What is this quasi status?

Rashi states[2] the idea: an object used in idolatrous practice possesses a prohibition from gaining any pleasure. Hence, if one uses a shofar of idolatrous practice, he violates this prohibition. If so, why does he still fulfill the mitzvah? The answer is because “mitzvah” does not fall under the category of “acts of pleasure”: “mitzvos lav lihanos nitnu”, “mitzvah was not given for pleasure”, but for our perfection. This being so, blowing and hearing the shofar is not partaking of this idolatrous shofar in a “pleasurable” sense, and therefore the prohibition not to “gain pleasure” cannot apply to the act of mitzvah. Therefore, we are told not to use it in “any” fashion, even to initially lift it, which must precede blowing it. But if one did in fact blow it and hear the sound for a mitzvah, the entity of mitzvah carried no status of “idolatry”, and is valid.

This might be equated to a lawyer who is fired for having violated the law. Although he has failed in the capacity of a lawyer, if he become an architect, his status as “invalid” in law, plays no role when designing homes. He is as valid as any other architect. We see that a status of “invalid” applies to a capacity, and not the person. The very same person functioning now in a new capacity, carries not invalid status. The same holds true for the idolatrous shofar: although invalid for “pleasure” since it served in idolatrous libations for example, if one uses it for a new capacity of mitzvah – which is not a “pleasure” – the invalid status is inapplicable. One should not use it since lifting is a use, and is a violation of “using idolatrous objects”. But once being blown for a mitzvah, the idolatrous status is inapplicable. ■

[1] Laws of Shofar; 1:3

[2] Talmud Rosh Hashannah 28a

## Halacha: Jewish Law



# FACING EAST

**RABBI DANIEL MYERS**

**Question:** Mr. Aryeh Koenigsburg: In many synagogues, including Menorat Hamaor, praying towards the ark does not necessarily mean facing Jerusalem. Should one face Jerusalem, even if means turning away from the ark?

**Rabbi Daniel Myers:** The Shulchan Aruch (94:1) writes that one who is in Israel should face Jerusalem when saying Shmoneh Esrai. The Ramah adds that his community faces east during prayer since they are west of Eretz Yisrael. (See Aruch HaShulchan 94:4 where he questions this Ramah.) The Mishna Berura (94:9) states the following: “Since they face east, their custom is to place the ark by the eastern wall of the Synagogue. If that is impossible, then they should place the ark by the southern wall, but they should certainly not place it by the western wall, because then their backs would be facing the ark. Even if the ark is not by the eastern wall, the Synagogue members should still face towards the east. If one finds himself in a Synagogue where the ark is by the southern wall and the Synagogue members face that way, one should pray in the same manner as the Synagogue members, even though they are acting improperly. Still, he should at least turn his head towards the East.” The Baair Haitaiv (94:3) actually quotes the Yad Eliyahu who maintains that in the latter case one should face east, even though he is acting differently than the Synagogue members; there is no issue of Yuhara (arrogance) or Aiva (ill will). The Baair Haitiv concludes with the same ruling as the Mishna Berura, namely that one should not deviate from the practice of the group, even though it is improper.

The Aruch HaShulchan (94:1 -14) discusses the nature of this law and questions why many are not strict to pray precisely towards Jerusalem. He raises the possibility (94:8) that the law of facing Jerusalem is not necessarily “Neged Mamash,” (precisely facing Jerusalem) rather, “Netiya L’sham,” (facing the general direction.) (See prayer Halchata 12:4 regarding the direction one should face when praying at the Kotel. See Chatam Sofair Orach Chaim 1:19 where he discusses the laws of moving an ark from one wall to another in order to expand the Synagogue.) ■