

**INSECURITY:** it causes many to dread what a new day might deliver. But Torah asks us to embrace each day, to trust in God and harness our abilities to steer our lives. Our unknown future cannot be forecasted through idolatry, blessings, or false theories...but should be approached with vigor, intellect and optimism.

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YEARS

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of Authentic Jewish Beliefs and Practices*

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Cleveland	7:49	Paris	8:24
Detroit	7:56	Philadelphia	7:21
Houston	7:31	Phoenix	6:41
Jerusalem	6:50	Pittsburgh	7:41
Johannesburg	5:35	Seattle	7:41
Los Angeles	7:06	Sydney	5:17
London	7:38	Tokyo	5:56
Miami	7:26	Toronto	7:43
Montreal	7:22	Washington DC	7:27

## Weekly Parsha

# Kitetze

RABBI BERNIE FOX

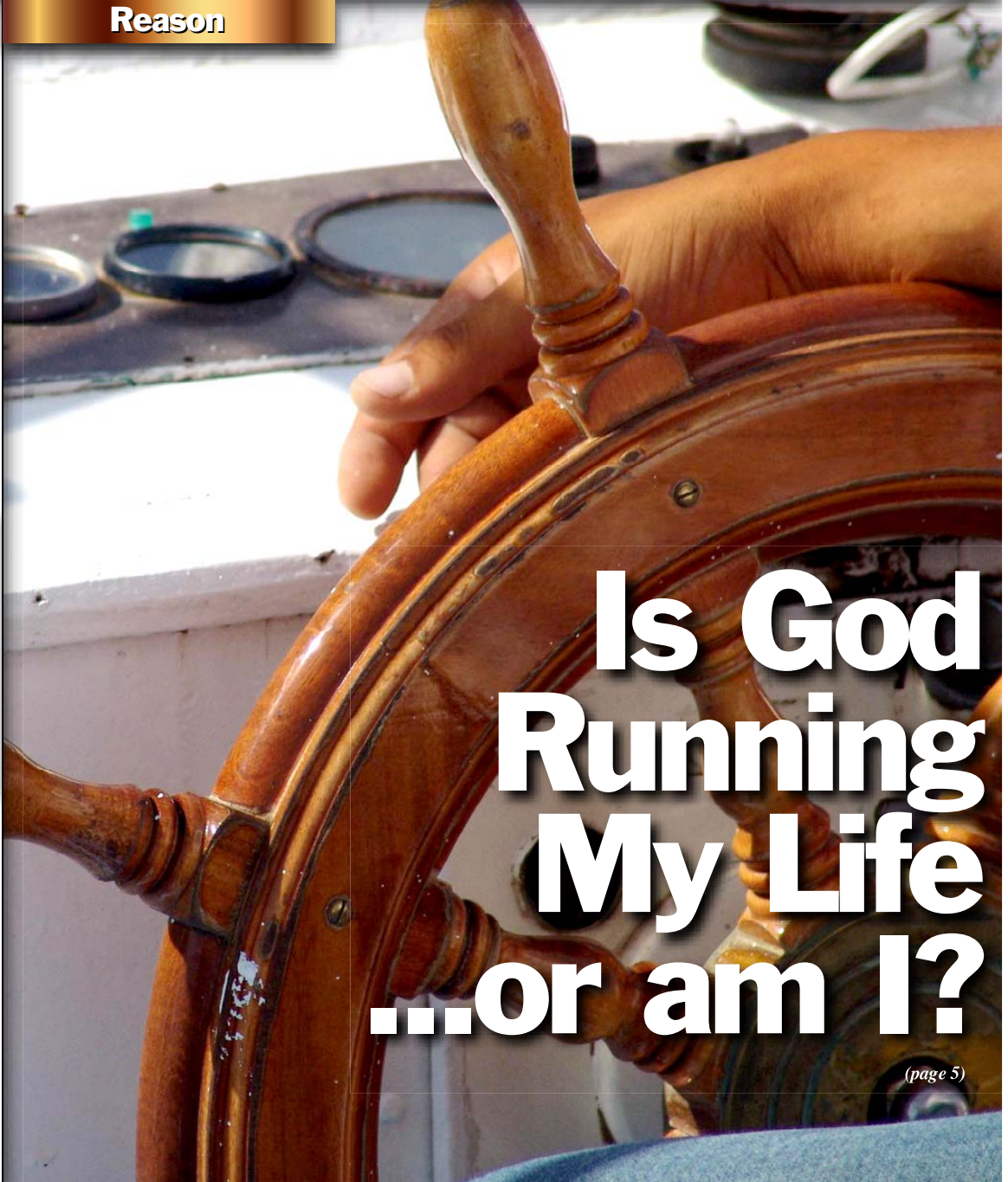
## The Use of a Ring in Betrothal

When a man takes a woman and has relations with her and hates her... (Devarim 21:13)

This pasuk introduces the mitzvah of kiddushin. This mitzvah requires

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## Reason



# Is God Running My Life ...or am I?

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(Kitetze cont. from pg. 1)

## Weekly Parsha

## JewishTimes

Weekly Journal on Jewish Thought



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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, the sole means of betrothal that we employ is the kinyan of kesef described above. According to halachah, 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 halachah. 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 physical, visual change in the woman represents and is consistent with the legal change affected by the kiddushin.[1]

**The Right of the Firstborn to a Double Portion of his Father's Estate**

*And it will be that on the day that he wills his property to his sons, he may not give preference to the son of his beloved wife over the firstborn son of his unloved wife. (Devarim 21:16)*

This pasuk discusses the rights of a firstborn son. This son inherits a double portion of his father's property. In other words, when upon the father's death his estate is divided, the firstborn son receives a portion that is double the value of the portions received by the other sons. A simple illustration will clarify this law. A man dies and is survived by four sons. His estate is divided into five portions. The firstborn son receives two of the

portions – two fifths of the estate. Each of the other sons receives one fifth of the estate.

Our pasuk deals with a special case. In this case, the husband has two wives. One wife is beloved to the husband. The second wife does not have the same relationship with her husband. The firstborn son is the child of the less preferred wife. This son should receive the double portion. The other sons should receive a single portion. However, the husband wishes to interfere with the rule of inheritance. He wishes to award the double portion to the son of the more beloved wife and provide the other sons with a single portion. As a result, the firstborn son will receive a single portion. The Torah prohibits this manipulation. The firstborn son must receive his double portion. His right to this double portion cannot be transferred to the son of the more beloved wife.

Rabbaynu Ovadia Sforno asks a question. According to our pasuk the father must respect the rights of the firstborn son. Yet, we see that the Avot – our forefathers – seemed to have disregarded this rule. The most obvious example of this disregard involves Yaakov. Reuven was Yaakov's firstborn son. His mother was Leah. Reuven did not receive a double portion in the Land of Israel. Yaakov gave this double portion to Yosef. Yosef was the son of Rachel. Rachel was Yaakov's more beloved wife. It seems that Yaakov transferred the double portion due the first born to another of his sons. He violated the injunction in our pasuk! Furthermore, the Torah condones this decision!

There are various answers to this question. Sforno maintains that Yaakov's behavior and the Torah's endorsement of his decision provide a fundamental insight into our pasuk. According to Sforno, the passage does not prohibit the father from interfering with the normal pattern of inheritance. The father may show preference to a younger son at the expense of the firstborn son. However, our pasuk does restrict the circumstances in which this interference is permitted. It cannot be motivated by the father's preference of one wife over the other. In other words, the father cannot discriminate against his firstborn because of his relationship with the child's mother.

Based on this interpretation of the injunction, Sforno answers his question. Yaakov did not discriminate against Reuven because of the son's mother. Yaakov made his decision based upon his insight into his sons. He concluded that Yosef was more deserving of the special treatment normally

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accorded the firstborn. This conclusion dictated that Yosef inherit a double portion in the Land of Israel. This same analysis indicated that Reuven should be deprived of this right.

Sforno explains that his interpretation of our pasuk is supported by another passage. In Sefer Divrai HaYamim, it is stated that Yosef received the portion of the firstborn because Reuven desecrated his father's bed.[2] Although the exact nature of Reuven's misdeed is unclear from this passage, this passage expressly states that the transfer of the firstborn's privileges from Reuven to Yosef was occasioned by Reuven's improper behavior. This supports Sforno's reasoning. The right can be transferred from the firstborn to another son. However, this interference in the pattern of inheritance cannot be occasioned by a preference of one wife over another. [3]

### The Requirement to Provide a Prompt Burial Even for a Criminal

*You should not hang his corpse from a tree. Rather, you should bury it on that day. For the hanging is a curse to the L-rd. And you should not defile your land, which Hashem your G-d, gives to you as a portion.* (Devarim 21:23)

The Torah requires that the departed receive immediate burial. Our pasuk explains that this law applies even to a criminal executed by the courts. The criminal must receive a proper burial within the day.

This command responds to the argument that the body of the executed criminal should be prominently displayed. What more vivid discouragement can the courts provide to an individual considering a violation of the Torah? We are commanded that despite this consideration, the criminal must receive prompt burial. There are various explanations offered by the commentaries for the application of this law to criminals. These authorities also dispute the translation of the pasuk.

Maimonides explains that the law is an expression of respect for humanity. Even a criminal is a member of the human race. As such, the body of the criminal must be treated with dignity. Maimonides translates the pasuk somewhat differently in order to accommodate his explanation.

Rashi offers a fascinating explanation of the law. He comments that even a criminal is created in the image of Hashem. Therefore, the display of the criminal's body might reflect poorly on Hashem in who's image the criminal was created. This negative reflection on Hashem must be minimized through legislating a prompt burial.

Rashi is making an important point. At times

we seem to be surrounded by evil. The news is dominated by demonstrations of humanity's depravity. It may seem that the human race is inherently evil. This is not the case. We must always realize that every human being is created in Hashem's image. This design provides us with the potential to do tremendous good. We have the ability and the free will to choose a productive and meaningful life. The criminal becomes engrossed in evil as a result of his or her own choices. There is no innate disposition which condemns humanity to evil.

Rashi maintains that for this reason, we cannot allow the body of the criminal to remain hanging. We do not want to unduly emphasize the human's potential for evil. Instead, we want to stress the opportunity available to every person to do good.[4]

Rashbam takes a completely different approach to explaining the law and translating the pasuk. Rashbam seems to premise his comments on the assumption that a successful legal system requires the support and respect of those governed. Without cooperation, the law becomes a form of tyranny.

He explains that some elements of the law seem to us to be very harsh. It may be difficult for us to accept as just and deserved the punishments indicated by the Torah. This is especially true for the family of a person sentenced to death. Imagine the feelings of the family of an individual executed for a violation of the Shabbat. It may be very difficult for these people to appreciate the ultimate wisdom and justice of the punishment. The harsher and the more protracted the punishment, the greater the potential for deep resentment. Placing the body on display, for an unduly long period, unnecessarily torments the family. Such a policy will elicit their bitterness and resentment. In order to avoid this reaction, the Torah commands us to behave with sensitivity and bury the criminal promptly.[5]

### Lessons from the Mitzvah of Yifat Toar

*And she should remove from herself the garment in which she was captured. She should dwell in your house. She should cry over her father and mother for a month. Afterwards you may come to her and take possession of her. And she will be your wife.* (Devarim 21:13)

Our parasha contains the unique mitzvah of the captive woman – the yefat toar. What is this requirement or restriction created by this mitzvah? The Torah makes certain specific allowances for the soldiers of Bnai Yisrael in battle. For example, soldiers that invade and

capture the territory of idolaters are permitted to eat foods that are normally prohibited. The most remarkable allowance granted to these soldiers is the right to enter into intimate relations with a captive woman. This is remarkable. The woman is not a member of Bnai Yisrael. The Torah strongly condemns intimacy with members of other faiths. Yet, in this specific circumstance, these relations are permitted.

The Torah carefully defines the limits of this allowance. For example, although the soldier is permitted to enter into extramarital relations with the captive, this may only take place on a single occasion. Also, the woman must be treated with at least a minimum level of sensitivity. The soldier may only be intimate with the woman in a private place.

After this first episode, the soldier's relationship with the captive must be suspended. The woman is given the opportunity to convert. If she chooses to enter into Bnai Yisrael, the soldier may marry her. She is married in the same manner as any other Jewish woman and has exactly the same rights and privileges. If she chooses to not convert, the man must release her and grant her complete freedom.[6]

Why does the Torah permit this unusual relationship? The Torah recognizes that war awakens powerful emotions and drives within the soldier. These drives are difficult or impossible to completely suppress. If the Torah would attempt to deny and completely check these potent desires, the soldier would ignore the Torah. Therefore, the Torah attempts to allow expression of these powerful urges in a controlled manner.[7]

Specifically, the Torah does not ignore or attempt to deny the soldier's inappropriate urge to sexually engage the captive woman. The Torah does set limits and create boundaries. The overpowering urge must be contained within these boundaries.

Our pasuk describes part of the process that takes place after the initial intimacy. The pasuk describes three steps that are taken. First, the yefat toar is required to remove the clothing she wore at the time of captivity. Second, she is taken into the soldier's home. Third, she mourns her father and mother. What is the reason for each of these three steps?

These steps demonstrate a special characteristic of the Torah. The Torah combines a deep perception of human nature with an insightful design for personal improvement. Let us consider how this characteristic is expressed in these three steps.

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There is a general consensus among the commentaries regarding the first two steps. In order to understand the purpose of these first two steps, one important premise must be identified. The Torah only reluctantly allows the initial intimate encounter between the soldier and the yefat toar. Also, the Torah recognizes that the soldier's infatuation with this woman may be extreme. Therefore, the Torah allows him to marry the captive once she converts. However, the Torah does not favor this union. Like a parent who is unhappy with his son's choice in an intended marriage, the Torah attempts to discourage the union. The Torah's approach is to undermine the infatuation and accentuate the captive's shortcomings. We can now understand the commentaries comments on the first two steps outlined in our pasuk.

Why is the yefat toar required to abandon her clothing? Rabbaynu Avraham ibn Ezra suggests that the Torah recognizes that provocative clothing adds to a woman's allure. Perhaps, the clothing contributed to the soldier's initial attraction to the yefat toar. The Torah commands that the clothing be removed. Without these garments, the woman may not be as alluring.[8] Rashi adds that, among the heathen nations, it was customary for the young women to adorn themselves in beautiful garments at times of war.[9] According to Rashi, it is likely that the woman's clothing added to her attraction. Therefore, the Torah's efforts to discourage a permanent union require that the yefat toar abandon these beautiful clothes.

The second step mentioned in our pasuk is that the yefat toar must reside in the home of the soldier. This step is also an expression of the Torah's determination to discourage a permanent union. Through living in his house, the captive will become more familiar to the soldier. It may not be completely true that familiarity leads to contempt. However, it is true that with familiarity, the woman will become less exotic. Rashi adds that the Torah hopes that she will become a burden or inconvenience. She will be in the way and under foot.[10] She must be maintained, but contributes little to the household. It seems the Torah is attempting to foster mild resentment in the soldier towards the yefat toar.

The final requirement in the pasuk is that the captive mourns her mother and father. Rashi understands this requirement as a further expression of the Torah's strategy for discouraging a marriage between the soldier and his captive. While this captive is mourning the daughters of Bnai Yisrael are rejoicing in the victory of their nation. The captive's dour continence will not compare favorably with the cheerful dispositions of the women of Bnai Yisrael.



Chizkuni and others suggest that another theme is expressed in these three steps. The Torah only allows the soldier to marry the yefat toar if she converts to Judaism. She must make a complete break with her past. It seems that this consideration may explain the requirement that the captive live in the home of the soldier. She must leave her family and nation. Chizkuni suggests that this consideration explains the requirement for the yefat toar to abandon her clothing. These clothes are a remnant and expression of the captive's past life. They create an attachment to the experiences and attitudes of the past – a life she must now abandon. She is required to remove these clothes as a step towards leaving her former life.[11]

This consideration suggests an alternative explanation of the third step in the pasuk. The captive is required to mourn her father and mother. Many of the commentaries are troubled by this requirement. Mourning assumes death. Why is the captive required to mourn? Perhaps, her parents survived the battles and are alive! Some commentaries suggest that the last step in the pasuk is an expression of the Torah's insistence that the yefat toar abandon her past. Rabbaynu Saadia Gaon suggests that she is not mourning the death of her parents. She mourns the loss of her parents' culture and religion. She must discard the familiar and adopt a new set of beliefs and religion. This is difficult and engenders a feeling of loss and estrangement. This is the mourning in which the yefat toar engages.[12]

Rabbaynu Ovadia Sforno takes this approach one step further. He contends that the yefat toar

mourns the loss of her father and mother. However, she is not mourning them because they are dead. They may be alive. She mourns the loss of her parents because she is required to abandon them. She must completely sever her ties to her idolatrous past. This includes breaking off her relationship with her parents.[13]

Maimonides suggests that another important consideration is expressed in the steps outlined in our pasuk. The Torah allows the soldier to experience intimacy with the yefat toar. He is allowed to give vent to his lusts. However, the Torah does not allow the soldier to conduct himself as a beast. His lust must be tempered with consideration and compassion. As explained above, he may not waylay the yefat toar on the field of battle and force himself upon her. He must take her to a private location before becoming intimate. Similarly, he must allow the captive to mourn the loss of her parents and culture. The soldier is expected to demonstrate compassion and empathy. The yefat toar is experiencing a tremendous trauma. The soldier cannot be insensitive to her personal tragedy.[14] ■

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

[2] Sefer Divrai HaYamim I 5:1.

[3] Rabbaynu Ovadia Sforno, Commentary on Sefer Devarim 21:16.

[4] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Devarim 21:23.

[5] Rabbaynu Shemuel ben Meir (Rashbam) Commentary on Sefer Devarim 21:23.

[6] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Melachim 8:1-5.

[7] Meshechet Kiddushin 21b.

[8] Rabbaynu Avraham ibn Ezra, Commentary on Sefer Devarim 21:13.

[9] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Devarim 21:13.

[10] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Devarim 21:13.

[11] Rabbaynu Chizkiya ben Manoach (Chizkuni), Commentary on Sefer Devarim 21:13.

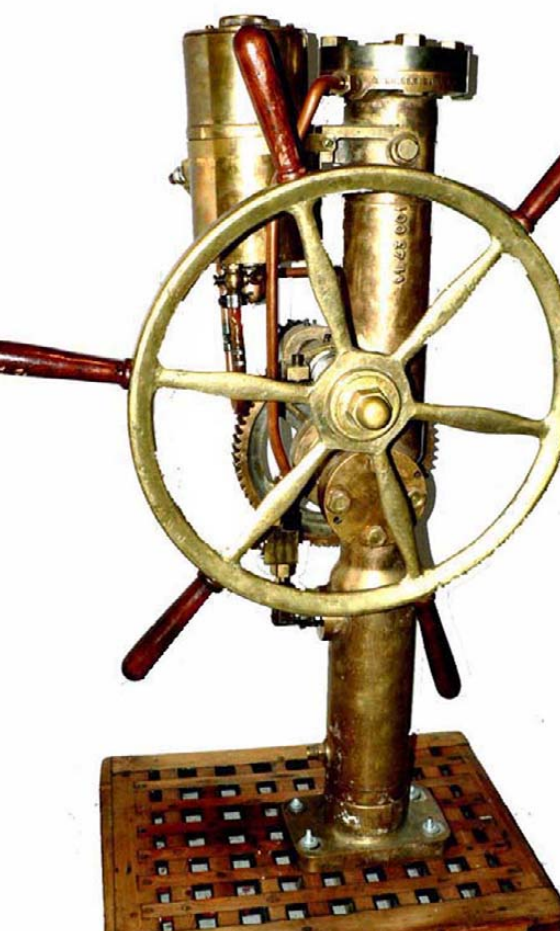
[12] Rabbaynu Saadia Gaon, Commentaries on Sefer Devarim 21:13.

[13] Rabbaynu Ovadia Sforno, Commentary on Sefer Devarim 21:13.

[14] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Moreh Nevuchim, volume 3, chapter :41.

# Is God Running My Life or am I?

**RABBI MOSHE BEN-CHAIM**



A theory suggests that literally "all" that we experience our entire lives, is by Divine design...God ensured it had to happen. For example, this theory claims that if John verbally abuses Abe, it was necessary that Abe be abused, and at that moment. Perhaps it was not decreed that John do the yelling (for this would oppose "free will") but for some perfection or "grand design", God deemed it that Abe receive verbal abuse at that moment from someone. Books currently in print espouse this philosophy...books by well-known Rabbis. But are we to accept this view since it is in print, or authored by a Rabbi? If so, what if a second Rabbi teaches the opposite? How are we to operate then?

What is our objective as the only rational creature God placed on Earth? If we simply repeat a view, we are akin to a parrot, to which no intelligence or virtue might be attributed. Thereby, we deny God's plan of gifting us intelligence. So let's think...

A person who repeats any given position as his own – whether found in books or authored by Rabbis – attempts to defend that position. For why else would a person repeat a view as his own, unless in its defense? Agreed? OK...next step.

Must an act of defense (i.e., defending a notion) be reasonable? Of course; for any argument or defense must follow reason in order that it be a sound argument...a sound truth. And truth is all about what we seek.

Now the tough question: how do we determine what is true, and what is false?

The dictionary says truth means "conformity with fact or reality". Truth equates with what is real. The world is real, so we say "It is true that the world exists". Objects are real, as are laws that govern all objects. These are truths too. Therefore, anything at all – other than what we perceive – cannot be called "true". Rather, things that we do not perceive are called "imaginings". Imagination is the corrupt method of idolatry. For although idolaters do not witness the "powers" of stone gods others claim they possess, they accept the teachings of their culture...they accept that stone gods are powerful.

If the external, physical universe – reality – does not conform to the beliefs of idolaters, why do they hold on to their unproven views? There is only one other area from which any view may originate: human imagination. And what fuels our imagination? It is our desires.

We notice that the views of idolaters and anyone for that matter, which are not supported by fact, share a certain character. These baseless beliefs cater to some wish. Primarily, man seeks security about his future, happiness, he desires wealth, shelter, food, love, fame, friends, approval, and longevity.

Idolaters tend to fear their unknown futures more

than others. This explains why many idolatrous practices promise a secure future, or set dates or prescribe odd actions that ensure one's security. In the long range, they fear the afterlife, so they consult the dead. Short range, they fear failure at business and relationships, so they read horoscopes and hire palm readers. In all cases, their fears allow them to blindly accept a baseless lie regarding their futures. Their emotional need overpowers their recognition of reality.

But in the shortest range – the present – we find our case with which we commenced, that all our experiences are not accidental, but occur based on God's grand plan. However, we have no corroboration in reality that this is so.

But as Jews, we know we have one other source that we fully recognize teaches absolute truth: God's Torah. We can look here as well to determine what reality is. But we must be very careful not to confuse God's words, with the words of the Rabbis. To be clear, we are not discussing Halacha (how to observe commands) but we are discussing the universe: what is real and what is false regarding how it operates. Now, as all men err, as we find the greatest Rabbis disputing each other and admitting error – clearly, both men cannot be correct when embroiled in contradiction. Therefore, to determine what is absolute reality, for now, let us confine ourselves to God's words alone.

God warns us not to verbally abuse others (Lev. 25:17). Now, had John not abused Abe (above), John would be following what we know as 100% true to be God's real wish. That is, God wishes we follow His commands; He commanded us not to verbally abuse others. Thus, when John does NOT abuse Abe, only then is God's will being carrying out.

Thereby, we refute the original theory: Abe's receipt of verbal abuse is NOT God's will. It actually opposes God's will. We conclude that since God desires John NOT to abuse Abe, it is NOT true that Abe must experience that abuse as God's grand plan. So if reality does not support the original theory of a "grand plan" that Abe be abused, and furthermore, the Torah rejects it, how did such a theory come to be? We already answered this above regarding idolaters. Man projects his wishes onto reality, regardless of finding any corroboration. Man desires security in the present, so he feels good when believing (without proof) that all he experiences is for "some reason"...it had to happen. He feels guided, and not left to steering his life alone. This theory also caters to a powerful sense of ego, since he is so important that God must intercede at each moment in his life. But the primary motivation that people accept this theory is as we said at first: man follows his internal wishes more than external reality, like idolaters. So one must be careful not to parallel any idolatrous element.

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## Reason

Another problem with this theory is regarding Reward and Punishment, which is undoubtedly God's system. If all events have to take place, how do I view results of my on actions? If something good or bad occurs due to my sins, and I opine that this result "must be God's plan", then I do not take responsibility for what I did, since God wanted it to occur. This is a view that violates Torah fundamentals. The person will not seek repentance for his sins, since his sins – he feels – produced results that "God desired". On this point, some Chassidic views take the already heretical, pantheistic view of God (i.e., He is literally "in" everything) to a new metaphysical corruption and suggest God is even found "in" sin. Their inability to accept God as metaphysical compels them to insert God into every cubic inch of space – heresy – and into all things, including sin. They feel this is a praise of God, when in fact, they forfeit the Afterlife with such views.

Additionally, this week's Parsha Kitzet warns against the "possibility" of violating crossbreeding if one plants diverse seeds too close together. (Deut. 22:9) Think about this: How can one suggest as above, that all events that we experience "must" occur, while God says some events "might" occur? Clearly, nature operates, there are chance events, and all we experience is NOT predetermined. We might cause crossbreeding, and then again...we might not. But because of the possibility, we must not plant diverse seeds too close.

Natural law exists, as Maimonides teaches. Nature also causes human feelings to operate a certain way, and we can hurt others with our speech. We are therefore warned against doing so. We must comply with human "nature". The point is that all is not decreed by God. Nature is a system. It is this very independently-functioning design that impresses us in all corners of the universe. If however we say God is actively willing every leaf to fall from every tree and every drop of rain to fall a certain distance, etc., etc., ad infinitum...then there is no design, as it is God, and not nature. We discredit God as having the ability to create this independent, natural system.

Of course, we fully accept God's ability to (and history of) intervening with man. But when and where He does so today is a tremendous science. One cannot simply talk about God and how He acts, without years of study. Similarly, we cannot talk about any science without years of study.

So if we find ourselves parroting what a Rabbi or scientist said, and we have not studied what they have, it is worthless to say "I agree with his position". Furthermore, it is wrong to agree with anything, when reason and reality indicates otherwise. ■

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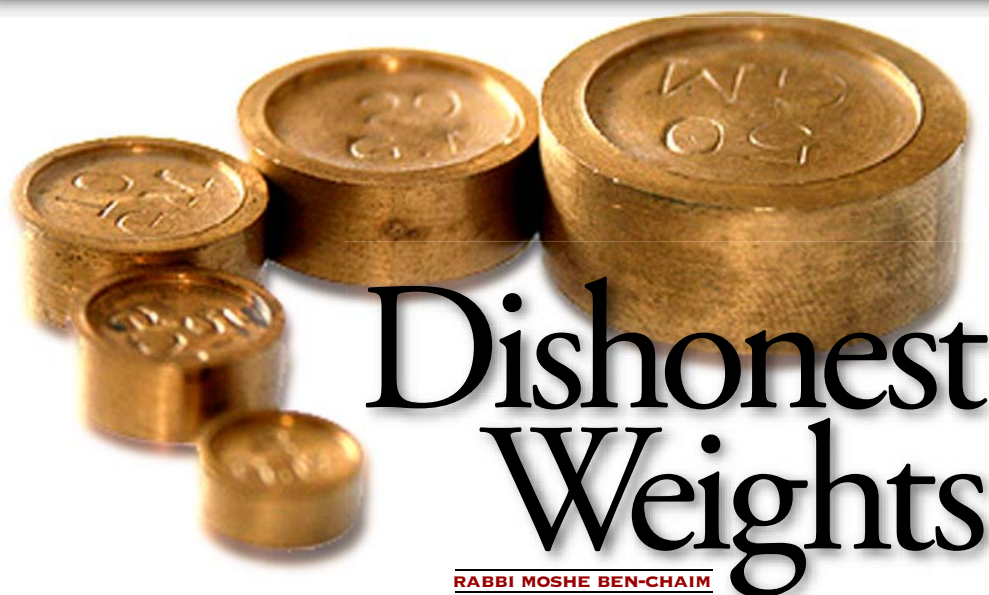
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# Dishonest Weights

RABBI MOSHE BEN-CHAIM

In Leviticus 19:35-37 we read:

*"Do not perform falsehood in justice, in length, in weight, and in volume. Righteous (accurate) scales, righteous stones, righteous dry measures and righteous liquid measures there shall be to you, I am Ha-shem your G-d Who took you out of the land of Egypt. And you shall guard all My statutes and all My judgments, and you shall do them, I am Ha-shem."*

Later, in In Deuteronomy, 25:13-16 the Torah commands us again regarding these weights:

*"You shall not have to yourself in your pocket, stone (weight) and (another) stone, a larger and smaller. You shall not have to yourself in your house, dry measure weight, and (another) dry measure weight, a larger and smaller. A complete and righteous stone weight you shall have to yourself, a complete and righteous dry measure weight you shall have to yourself, in order that your days be lengthened on the land that Ha-shem your G-d gives to you. For it is an abomination of Ha-shem your G-d all who make these, all who perform falsehood."*

We must understand what is the crime of dishonest weights. Crooked individuals care but for their own wealth, and cheat to obtain it. Let us take an example from produce, which is weighed when bought and sold. Let's make the buyer our swindler: The buyer tells a storeowner he wishes to purchase one pound of rice. This buyer then proceeds to take out his own "pound" weight to weigh what the storeowner placed on the scale. However, the buyer is crooked and uses what only 'seems' to be a pound weight. In fact, that weight is larger. In essence, the buyer obtains more than a pound's worth of rice, but pays only the price of a

single pound. He has cheated the storeowner for the cost of the excess. This same swindler may also sell his own produce: here, he is approached by a buyer seeking two pounds of apples. The swindler now uses a different weight - one which is less than a pound, as he hollowed out the bottom, so the buyers are unaware. The swindler proceeds to weigh two pounds of apples. In truth, the buyer, unknowingly, receives less than two pounds, although the swindler charged him for two pounds. Again, the swindler cheated someone. We now understand why the Torah formulates the prohibition against both types of weights, a lesser and a larger. (Kli Yakar)

The reason the Torah records the same law multiple times, with differences in each case, is to enable our detection of additional facets, parameters, and implications of that law. What are some differences between the laws of dishonest weights recorded in Leviticus, and in Deuteronomy? I will list each question by number, and at the very end, offer possible answers correlating to these numbers:

1) Leviticus grouped weights together with the command no to oppress the convert. What is the equation between dishonest weights and oppressing converts, and why is it mentioned only in Leviticus?

2) In Deuteronomy, why are we not commanded against 'using' these weights? Isn't this the true corruption, when we use them to cheat another? Deuteronomy does not seem to forbid 'use' - but addresses only their possession and creation. Why?

3) In general, why isn't "dishonest weights" subsumed under "stealing"? How are dishonest

weights different than stealing or robbery, that the Torah has a separate command against them? Is the crime equal, worse, or less grave a sin? It would appear that dishonest weights are far worse, as the Torah does not call stealing an abomination.

4) Why is the term "abomination" referred to only in Deuteronomy?

5) Deuteronomy commands that one may not have these weights in his pocket or in his house. What is significant about these two domains?

6) What is Maimonides' principle that one who uses dishonest weights is "likened to one who denies the Egyptian Exodus"?

7) Why the division of the laws regarding weights into two locations, Leviticus and Deuteronomy?

Do the verses give us any indications? Certainly. By categorizing our two Torah instances of dishonest weights, we will create a framework within which we may approach some possible answers.

## Leviticus: Prohibiting Action

It appears from Leviticus that this section addresses the prohibition of 'action', "Do not perform falsehood in justice,..." Here alone do we find the prohibition not to swindle, in action. However, these words are not found in Deuteronomy. Abusing another person's ignorance for the purpose by stealing is prohibited only in Leviticus. Here, we are warned against only the "act" of swindling per se.

Perhaps this also explains why Leviticus grouped dishonest weights with the laws of abusing the convert. In both cases, a person is forbidden to capitalize on another individual's vulnerability; a convert may be abused for his faulty past, and a neighbor's ignorance through dishonest weights. Rashi explains why the words "I am Ha-shem your G-d Who took you out of the land of Egypt" follow these laws of dishonest weights in Leviticus: to indicate that just as in Egypt, G-d discerned between a drop of semen which was a firstborn and which was not, so too G-d will discern and punish one who cheats with dishonest weights. What does Rashi teach on another level? The one who uses dishonest weights is denying that G-d. Rashi says a response is necessary for the swindler to hear. He must be reminded of G-d's "Seeing Eye". However, we may ask, in Ethics of the Fathers, 2:1, we are told that by "pondering three matters, man refrains from sin; a Seeing Eye, a Hearing Ear, and that all our actions are recorded in a book." One who swindles does not pay heed to the Seeing Eye. He cares about man's eye, but not G-d's. But can we not say this denial of the Seeing Eye (G-d) exists in ALL Torah

(continued on next page)



violations? So wherein does this sin differ? Also, why is the use of dishonest weights an “abomination”? Unkelos was praised for his precise translations. He translates “abomination” as “distanced from G-d”. How is this applicable here, more than in other cases?

I believe the answer is derived from the difference between robbers and thieves. A robber is not considered as corrupt as a thief. The robber steals in daylight, even confronting the victim. His fear of G-d is equal, or rather, as minimal, as his fear of man. He has no gumption about stealing from right in front of you. His fear of man is absent, as is his fear of G-d's commands. However, a thief steals by night, or covertly. Why? His fear of man is greater than his fear of G-d. He wishes not to confront man, but G-d's laws are of no concern to him. Man is raised higher than G-d. For this reason, Rashi states what he did: that a swindler needs to hear the rebuke of denying G-d's “Seeing Eye”. It is the swindler who disregards G-d's knowledge of his sin, so it is the swindler who requires this specific rebuke.

One may ask, if a thief also raises his fear of man above G-d, why is he not considered an “abomination”? For this question, we now make recourse to our section in Deuteronomy.

### Deuteronomy: Prohibiting a Philosophy

We asked why in Deuteronomy there is no prohibition on the swindling act per se. I believe it is because in Deuteronomy, the violation described is not the “act”. What then is the additional prohibition? The prohibition in Deuteronomy is to possess or create these dishonest weights, “You shall not have to yourself in your pocket, stone (weight) and (another) stone, a larger and smaller”, and “For it is an abomination of Ha-shem your G-d all who make these...”

But if we don't use these weights, what infraction is there? The answer is that Torah laws do not guide actions alone, but also our philosophies. We are commanded in Deuteronomy not to subscribe to a life of cheating and swindling. Here, it is the “philosophy” that we are commanded against - not the action. The Torah's words bear this out, as we find no prohibition on any “act” of swindling in Deuteronomy. Leviticus is where we find the prohibition on the action - not so in Deuteronomy. Here, G-d is teaching us that there is a separate corruption in man of simply subscribing to a life where he wishes to cheat. No actual cheating need be committed to violate this second aspect of dishonest weights. The mere possession of these weights in your pocket, in your house, or their creation, is in fact the violation.



### A Corruption of Mind

Why is the possession or creation of dishonest weights worse than theft, that “abomination” is applied to the former? There is a difference: a thief may steal once or twice. But this in no way displays his philosophy of life. He may steal out of desperation. But one who manufactures or possesses these weights, displays that this is an acceptable mode of operation, i.e., an “acceptable” way of life. Subscribing to a life-long philosophy of corruption is an “abomination”, a distancing from G-d, where a one-time act is not. Man sins until he dies, there is no escape. His emotions flare up at times. This is our nature, “For man is not righteous in the land who does good and does not sin”. (Ecclesiastes, 7:20) But premeditated corruption is something far worse - one's mind has now been compromised. Thus, one who possesses, or creates dishonest weights, thereby confirms his value in swindling a fellow man, despite G-d's commands. “G-d wrath is of no concern, but man's wrath must be avoided.” Here, man has committed himself to an unjust philosophy - he has corrupted his thinking, his very essence as a Tzelem Elokim - an intelligent being - has been forfeited. Here, man sacrifices his soul.

Thief and swindler alike share one common corruption: they don't simply deny G-d's laws - they deny G-d. This denial is not one out of an excited emotion, like eating non-Kosher on an occasion, or one illicit, sexual relation. Their corruption is a direct distortion of G-d: they replace G-d with man as the ultimately, feared being. Gratifying a temporal, emotional urge does not distort G-d's position in our minds. Thievery and swindling do. Although they share common ground, “abomination” is reserved for the one whose distortion enters the realm of one's mind, i.e., the swindler. Unkelos translates abomination as “distancing” oneself from G-d. Here, man distorts the very Kingship of G-d.

### Maimonides on Dishonest Weights

Maimonides makes an astounding comment in his Hilchos G'neva (Laws of Stealing), 7:12:

*“More harsh is the punishment for dishonest weights, than the punishment for illicit sexual relations. For this one (weights) is between him and G-d, where as this one (illicit sexual relations) is between him and man. And anyone who denies the laws of dishonest weights, is likened to one who denies the Egyptian Exodus, as it is the commencement of this command. And anyone who accepts the laws of dishonest weights, this one admits to the Exodus, as it is the cause of all commands.”*

I understand Maimonides' first statement - corruption in matters pertaining to G-d as more severe. Man denies G-d more in the area of dishonest weights, than in sexual prohibitions. But what is he saying, that not abiding by these laws regarding weights is likened to a denial of the Exodus? Why a denial of the Exodus, any more than a denial of Sinai, or anything else? And what aspect of the Exodus is being denied? Its historical truth? This makes no sense, that someone would deny accepted history. Maimonides must refer to a denial of another facet of the Exodus. What facet? Another question is, how is the Exodus the “commencement of this command”, as Maimonides states? Sinai is where we received the Torah! Sinai is the “commencement of the command”.

We are forced to ask: how does the Exodus differ from Sinai? The Exodus granted us freedom. Sinai is where we received the Torah laws. But the goal of the Egyptian Exodus was not for ‘freedom’ per se. Freedom was granted only for our adherence to the Torah, soon to be received.

The first laws, which G-d gave us at Sinai, were the laws addressing slavery. Why? We were just released from slavery. These laws addressed the very state in man that is despicable in G-d's eyes, i.e., human servitude. The end of human servitude is primary for the fulfillment of G-d's laws. Human servitude eclipses servitude to G-d. Removal from slavery is not the good in itself. What's wrong with working for another man, and earning your livelihood? No. Our release from bondage was in order that we be free to follow the Torah, but more essentially, to serve G-d and not man. Human servitude directly obscures man's direct relationship with G-d. The very institution of slavery is the antithesis of Torah. Slavery epitomizes man's psychological dependency on another - the state of a child. One who yearns for a human master displays his retardation - he has not advanced from the infantile state of dependency. Such a Jew has his ear awled. For the ear is what heard at Sinai, “My servants are you, and not servants to servants.” Man was designed to travel through infantile dependency, not make it his destination. Ultimately, man must see others as equals; only



G-d should maintain the position as "Master". When G-d freed us, this was the "commencement of the commands." We understand Maimonides latter statement.

But why does Maimonides explain the use of dishonest weights to be a "denial of the Exodus"? We said, Maimonides must have not been referring to the denial of the historical truth of the Exodus. To what does he refer? I believe he refers to the feature of "emancipation". The Exodus alone - and no other event - granted man freedom from human manipulation. It rendered man capable of exercising his free will unconditionally.

Now, besides slavery, there is one other institution that obscures our freedom - "dishonest weights". However, it is not like one might initially think. "Unjust weights" obscures freedom, not for the victim, but for the swindler. How? Let me explain: In slavery, one is psychologically bound to another - this is from the vantage point of the slave. The slave prefers to have a human directing his life. He is insecure and requires constant direction. In dishonest weights, here too one is psychologically bound. But here, the one bound is the swindler. The swindler desires to manipulate man. He "tricks man's mind". This manipulation gives man the feeling of dominance, when in fact, he should be subservient to G-d. The swindler prefers the life where man is his focus, even though the swindler is dominant, unlike the slave who is subservient. But it makes no difference. Whether a slave, or a swindler, both wish to abandon the freedom granted by the Exodus intended for focusing on G-d, and instead, opt for a life relating primarily to man and not G-d. The slave's situation removes G-d as his Master, but from an emotion of insecurity. The swindler too has removed G-d from his focus, not from insecurity, but from the exact opposite emotion; the need to manipulate man. A slave is subservient - the swindler is dominant. Both individuals deviate from relating to G-d, selecting man for their primary relationship in life.

Maimonides teaches a solid principle: slaves and swindlers opt for a relationship with man over a relationship with G-d. They deny the "goal" (not the historical truth) of the Exodus: that man be free to relate to G-d through His Torah system.

In another location, Maimonides states a philosophical point, much in line with our command against dishonest weights: In his Commentary on the Mishna, Maimonides states that in business dealings, one should seek transactions where one's client or customer obtains equal profit to himself. We must not be self-centered,

resembling vultures seeking to devour our clients wealth. Our clients' possessions are no less important before G-d's eyes, than our own. The very fact that man is a species (i.e., G-d wills many members of mankind) teaches the concept of "equality". One should observe and take to heart, "G-d doesn't wish my existence alone, but all members of mankind - G-d's will extends to all humans, equally." But if this truth is not apparent enough, Leviticus teaches that we should not oppress the convert, nor use dishonest weights. Equality is G-d's will.

The truth is, greed is counter-productive to its imagined goal: it creates a society where those wishing to accumulate unjustly, will have their own amassed wealth robbed by other greedy individuals, who follow their lead. How ironically just.

### Summary

Many salient principles are discovered through studying the laws regarding dishonest weights:

1) Leviticus teaches we may not use these weights, as they are acts of oppression, just like oppressing converts.

2) Deuteronomy teaches that dishonest weights are distinct from other commands, in that mere possession is a violation. The inactivity of "possession" (or active creation) is the violation. Making or possessing such weights expresses subscribing to a corrupt philosophy.

3) Possession of these weights displays a severe distortion in man; he values G-d's word less than man. Rashi taught us that as G-d discerns a drop of semen, so too, He discerns our acts, which we tragically feel are hidden from G-d's "eyes". The violator who uses these weights replaces G-d with man, as one to be feared most.

4) We also understand why "abomination" is used only in Deuteronomy: it is here alone where the Torah outlines one who has subscribed to a corrupt philosophy by mere possession of these weights. In Leviticus, only the 'use' of dishonest weights is prohibited. But 'use' is a one-time event, not deserving of the term "abomination". It is only he who creates or possesses these weights, who has corrupted his mind and morality in a permanent way.

5) What is the reasoning for the prohibition against possessing these weights in one's pocket or house? In one's pocket means he is ready to use them at any point - it is his current philosophy. But not only in actual business is he corrupt. Perhaps keeping these weights at home displays that his entire philosophy of life - his home - is permeated with the greed that propels one into such selfish behavior.

6) Maimonides' Laws of Stealing teaches that whether one is a slave or a swindler, he errs, opting for a relationship with man over a relationship with G-d. The slave serves man, while the swindler manipulates man. Both are two ends of one spectrum. In both cases, man denies the goal of the Exodus: that man be detached from personal relationships, free to relate to G-d through His Torah system.

7) Why the division of the laws regarding weights into two locations, Leviticus and Deuteronomy? Is this to teach that "dishonest weights" is not the essential institution; otherwise, all aspects would be located in one location? Perhaps the division of these laws, as is done with other laws, indicates that other features are more essential to Torah, than are the specific parameters of a given command. What I mean is, had we seen all laws of dishonest weights centrally located in one Torah portion, our attention would not be directed away from this institution. But as we see the "action" (Leviticus) separated from the "philosophical subscription to corruption" (Deuteronomy), we are thereby led to focus on THESE categories, which otherwise would possibly go undetected. Do we learn from this that these categories dominate the institution? Meaning, the smaller institution of dishonest weights is not as central, as is the 'greater' lesson of not corrupting our philosophy. Unjust weights are merely an example of the greater, categorical corruption of a distorting one's philosophy in thought alone. Possession of these weights is a sampling of how one can philosophically err. But by the Torah separating out this aspect of these weights, we are driven to identify this category: that we must be philosophically sound, even if we don't "act" corruptly.

This last comment is only speculation. In no way can we suggest conclusive reasons for commands. We may only suggest possibilities. We cannot know G-d's intent or thoughts. I feel this is even more applicable regarding this last question. I wish only to suggest a possibility, and I invite your feedback.

Having come this far, discussing "scales of justice", let us be cognizant of our upcoming holiday of Rosh Hashanna, wherein G-d weighs our merits and sins, judging us with ultimate truth. We must comprehend that all is known before Him. "All is written in a book". But now, it is our lives which are in the balance. Take this to heart. Study what is the right path. Understand the perfections granted to us by G-d through His Torah system. We must examine our ways, abandoning sinful acts and character traits, and aligning ourselves with the correct path leading to a life of truth, and a true life. ■

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