

9/11/2003 - In Tribute

**To those murdered by ruthless terrorists,
and those who gave their lives saving others.
To those who stand up for justice,
and to those who will.
May others follow your lead.**

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IN THIS ISSUE:

PARASHAS KI TAVO	1,5,6
9/11 & THE JEWISH PEOPLE	1,3
A JEW IN BAGHDAD	1,2
DECLARATION OF TITHES	3
TORAH INSCRIBED ON 3 STONE SETS	6
DISHONEST WEIGHTS	7,8,9,10

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Parashas Ki Tavo

RABBI BERNARD FOX

“And you shall take from the first of all the fruit produced by your land that Hashem your G-d is giving you. And you should place it in a basket and go to the place that Hashem your G-d will choose to associate with His name.” (Devarim 26:2)

This pasuk introduces the mitzvah of Bikkurim. This mitzvah requires that the first fruit of the harvest be

(continued on page 5)



9/11 and the Jewish People

RABBI REUVEN MANN

It is difficult to believe that two years have passed since the numbers 9 and 11 became indelibly etched in the annals of infamy. We cannot come to grips with the sadistic character of the horror we witnessed with our own eyes. What evil movement would consign thousands of innocents who had no connection to its "grievance" to a sudden and horrible death?

We generally underestimate the full extent of human sadism. We naively imagine that all people, especially those, who profess to act in the name of G-d, have some element of "compassion." The

(continued on page 3)

Photos, courtesy of the author



A Jew in Baghdad

JONATHAN D. ZAGDANSKI
1ST LIEUTENANT U.S. ARMY

I recently returned from Baghdad, Iraq, where I served as an Infantry Platoon Leader of 26 men during nearly 6 months of combat operations. We were part of the 3rd Infantry Division, the unit that led the invasion into Iraq and subsequently captured Baghdad. Our political and military leaders told us before the invasion that we were key

players in the War on Terrorism. However, as a Jew and an American having fought the war, I came to realize that we are not just fighting terrorism. Rather, we are engaged in a war against something much more fundamental.

Shortly after we breached the city limits of Baghdad on that fateful day of April 9th, it was obvious that the

(continued on next page)

A Jew in Baghdad

JONATHAN D. ZAGDANSKI
1ST LIEUTENANT U.S. ARMY



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Iraqi Army was not going to fight us in the city. The U.S. Military was caught by surprise at the lack of opposition and was rather unprepared to transition to nation-building so rapidly. Thus, Military commanders hastily assigned each Platoon Leader, including myself, a section of Baghdad to oversee. The neighborhood under my control was roughly 3 square miles in northwest Baghdad with approximately three thousand Iraqi citizens, most of who were Shia Muslims. My initial responsibilities was to find heavy conventional weapons and ammunitions, arrest looters, identify destroyed power lines, and restore order in the neighborhood by conducting day and night street patrols. This was a very difficult task but it gave me the opportunity to interact with many Iraqis during these unstable times.

While patrolling the streets of Baghdad, I often got involved in political conversations with secular, educated, and "moderate" Iraqis about the war against Iraq, Israel, the Jews and America. To my surprise, most of them held wildly irrational beliefs about the world. For example, most of them would swear that Ariel Sharon pressured a reluctant President Bush to go to war against Iraq. Moreover, that the CIA put Saddam Hussein, a CIA

agent, in power to allow U.S. forces to take Iraqi oil and impoverish Iraq. Finally, they were convinced that the CIA is an organization controlled by the Mossad and that powerful Zionists dominate Washington D.C.! In fact, most Arabs in the world believe these absurdities. These beliefs are the product of years of intense brainwashing by their education system, mass media, and political and religious leaders. These beliefs turn educated, intelligent Arab family men into hijackers that slam passenger planes into buildings and homicide bombers that murder as many Jews as possible on Israeli buses.

We are not at war against Terrorism; we are at war against an ideology. I consider this ideology to be the product of a dangerous mental disease. It is a disease that has infected millions of Arabs into believing that by destroying the enemy –the Jew, the State of Israel and the "Great Satan" America – past Arab pride and glory would be restored. This mental illness is slowly but deliberately plunging the world into World War III.

In the 30's, a similar disease threw the world into World War II. It was a disease that infected millions of Germans into believing that by obliterating the Jews and conquering non-Arian nations, Germany would

attain unsurpassed glory and freedom. Fortunately, America and its allies mustered all their efforts, resources and determination to crush and eradicate the German disease.

Unlike the Germans during WWII, the Arab world is fighting a multidimensional war against America and Israel. First, Arab nations are using the United Nations as a powerful tool to discredit Israel and the United States. Second, oil producing Arab nations use oil as a means to pressure the United States and Europe to adopt biased foreign policies against Israel. In addition, oil is used to deter many nations from trading with Israel. Third, Arab governments ensure that Arab children are fed anti-Semitic and anti-American material in their schools thereby assuring a constant supply of future terrorists. Fourth, Arab public relation spreads lies and twisted facts to Western media thereby fueling anti-Semitic and anti-Israeli sentiment in the West. Finally, Either, Arab nations promote, finance or condone terrorist activity and organizations.

Unfortunately, most of us in America and Israel believe that we are at war against terrorism. We therefore concentrate all our attention and effort against terrorism

only. To do so is to wear blinders and not grasp the big picture. To worsen matters, we commit troops and equipment to fight the enemy precisely where he wants to fight - that is in his backyard using guerrilla tactics. We fail to understand that terrorism is only one of the many weapons used by our enemies. Every American and every Jew is under attack in some shape or form. It does not take a gun or a bomb to be under attack. A negative and biased article about Israel in the New York Times is a bomb directed against the Jewish community. We must fight back! Every one of us has the ability and the weaponry to contribute to the war effort. One does not need to join the U.S. Army and patrol downtown Baghdad in 120-degree weather. We can fight with our computers, our telephone, our money, our time, and our voice. Inaction is not an alternative. Should we decide not to fight, our enemies will bring the battle to us, as they have done on September 11th and as they do daily in Israel. We have paid too often with our blood the price of passiveness and nonresistance.

It is time to stand up, fight and shout "NEVER AGAIN!"
May God help us. ■

Mosque built by Saddam in celebration of a "Jew-free" Jerusalem.



9/11 and the Jewish People

RABBI REUVEN MANN

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primary cause of the horrible explosions was the religious zeal of the terrorists. On the surface, this is impossible to comprehend. Most people associate religion with peace, restraint and compassion. Moslem theologians continuously insist that the term Islam means submission to the will of their deity. How can people who hold that faith act with such complete cruelty and contempt for human life and the most cherished institutions of advanced civilization? In my opinion, we are very naïve about the real nature of "religion."

Throughout history people have had intense "religious experiences." The danger of confusing one's personal "vision" with the will of the Creator is very great. Most of the wars of history were fought by competing religions seeking to impose their theological falsehoods. Man made religion can be very dangerous. You can tell that a religion is a human invention by the behavior of its adherents. Their psychological insecurity about the truth of their system compels them to act ruthlessly against non-believers. Skeptics are a threat who must be forcefully converted or eliminated.

The freedom to inquire and live by reason is the greatest danger to religion because if the real origin of the doctrines were discovered, the claim of divinity would be seriously compromised. Make no mistake about it; the 9/11 criminals were not men of true religion. They were cruel people in pursuit of personal

glory in an imaginary paradise whose souls were purged of any element of pity for human beings. Let us recognize the fact that false religion can lead to the worst horrors. Much crime has been committed by those who arrogantly claim to speak in G-d's name. 9/11 ranks with the most heinous abuses of religion in history! There is certainly much evil in the world. None is worse than that which rationalizes itself in the form of misbegotten "theologies."

Judaism stands apart from the religions of man. It is based on submission to the will of G-d as He has revealed it to us, not as we would like it to be. In Judaism, we strive to approach G-d through recognition and appreciation of His Infinite Wisdom, which is revealed in the world of nature, and in the ideas of His Torah. This produces a certain humility and a sense of compassion for all of His creatures. Judaism, unlike other religions, does not proselytize. We do not seek to impose our views on others. Yet, the question arises: If we regard the Torah as G-d's instruction to mankind, do we not have the obligation to disseminate this knowledge? I believe that there is no greater compassion than to educate people in the proper "way of life." However, we cannot assume the role of missionaries. Our national goal is expressed in the words, "And I shall be sanctified in the midst of the children of Israel." Our wisdom, behavior, kindness and commitment to justice in all situations, in our personal and national dealings serve to sanctify the name of G-d and draw mankind closer to His service.

Some have said that 9/11 gave religion a bad name. I say, it gave false religion a very bad name. We must, in every area, use of our G-d given intelligence to differentiate between the true and the false, between darkness and light. Our task is to reflect the wisdom and beauty of our religion of truth. Let us at this time renew our appreciation of our eternal Torah heritage and rededicate ourselves to our national mission of Kiddush Hashem, the sanctification of G-d's name.

May you all be inscribed for a Happy and Health New Year. □

Declaration of Tithes

RABBI MOSHE BEN-CHAIM

What purpose is there for the Torah command to verbally declare our fulfillment of our third year tithes?

It is strange that of all the mitzvos, only two, mentioned in KiTavo, first fruits and third year tithes - are commanded for us to make declarations, and the latter, that we fulfilled the law exactly. Why does the Torah command us to make such statements? Is not the act of tithing the goal? And why is declaration required in this specific matter of apportioning our produce to others?

Rashi says that by making such declarations, we are telling God that "we have done what You commanded us, now You do what is upon You to do". (Referring to Bechukosai, where God promised to deliver rain in due season as a result of our adherence to His laws).

A Rabbi taught that any topic taught in Navi and Ksuvim (Prophets and Writings), cannot be entirely new, but must find its root in the Five Books of Moses, the Chumash. The Chumash contains all concepts of Judaism, even those seemingly new in the Prophets and Writings. If this is so, I wondered where in the Chumash we would find the concept taught in Malachi where we are requested to test God by giving our tenth of our produce, as we see stated openly in Malachi.

It seems clear that this area in KiTavo is where Malachi is based, and Rashi points this out. The Torah is teaching us that the declaration subsequent to man's tithing is done to invoke a response from God. Only a verbalization can qualify a subsequent bounty of produce as a "response" from God. This is also why the pasukim in both areas dealing with first fruits and third year tithes state that man must make his declaration "lifnay Hashem", "before God". Meaning, we declare to God our exact fulfillment of His word, thereby awaiting a Heavenly response in the form of plenty. Therefore, verbal declaration is made to render our bounty a response from God, and not mere happenstance.

One may ask why the Torah saw this as so important, that man deserves a response. We must recognize that the monetary concerns of man outweigh all others, as the Talmud teaches, "the money of man stands him upon his feet". Man's security stems from his estimation of his success, and his worries from the converse. The Torah sees fit that man is secured in his wealth, specifically when he is bidden by the Torah to part with up 20% of all profits during his life. This is a sizable portion of his earnings, and man justifiably worries when he must part with such a quantity. God recognizes this and would not require man to do that which opposes his psychological needs. God therefore tells us that we may test God to see if "He will open the storehouses of heaven, and empty a blessing for us which is more than enough", as stated in Chapter 3 of Malachi. But this concession for man to actually test God is made in this area only, as man would otherwise not part with such portion without a Divine guarantee. As self sustenance is our prime instinct, against which, we cannot oppose, God requests us to give - in order to become richer. This is the guarantee which we must realize is within God's capacity, and that it is God's will.

We should all take a strong lesson from the words of Malachi. We should not feel that our success is due to our long hours of toil, when the Rabbis themselves taught, "one should minimize his labor, and maximize his learning". Also, "all is in the hand of heaven, except the fear of heaven". This teaches us that our sustenance depends on God, not ourselves. If we follow His laws, give our tithes and tzedaka, He has many messengers to make us wealthy. We should not view giving tzedaka as a diminution of our wealth, but rather, as a 100% secure insurance policy of our success.

God created the entire world, the billions of stars - far larger than our sun, and the perfect laws governing them. Therefore, the ability to enrich man is certainly within God's reach. □

AMERICA AND ISRAEL:
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9/11/2003

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Parashas Ki Tavo

RABBI BERNARD FOX

(continued from page 1)

brought to Yerushalayim and presented to the Kohen. The mitzvah of Bikkurim does not come into effect until the land of Israel is conquered and settled.[1]

Our pasuk indicates that the Bikkurim are to be brought to the place that the Almighty will associate with His name. What place fulfills this requirement? Certainly, the Bait HaMikdash satisfies this criterion. However, the Bait HaMikdash was built by King Shlomo. How was the mitzvah of Bikkurim fulfilled prior to the construction of the Bait HaMikdash? The Midrash Sifrei discusses this issue. In order to understand Sifrei's response, some background information is required.

At Sinai Bnai Yisrael were commanded to build a Mishcan – the Tabernacle. This was a portable temple. During the travels in the wilderness, the Mishcan was the center for worship. All sacrifices were offered in the Tabernacle. When Bnai Yisrael entered the land of Israel, the Mishcan was not abandoned. It continued to function as the nation's holy Temple. It retained this status until the Bait HaMikdash was constructed. The Mishcan was initially erected in Shilo. It was then moved to Nov. Later it was transferred to Givon.

Sifrei explains that Bikkurim were brought to the Mishcan only when it was situated in Shilo. However, once the Mishcan was transferred the mitzvah of Bikkurim was suspended. Performance of the commandment did not resume until the Bait HaMikdash was completed. In other words, as long as it was located in Shilo the Mishcan fulfilled the requirements of the mitzvah. Once the Tabernacle was transferred from Shilo it no longer satisfied the criterion of the commandment.[2]

Why was the Mishcan only appropriate for the mitzvah of Bikkurim when it was at Shilo? Why did it lose its suitability when moved to Nov and then Givon?

Torah Temimah responds based upon a passage in the Navi. The Navi explains that the Mishcan was established in Shilo through the decision of Yehoshua, the elders and Bnai Yisrael.[3] Torah Temimah suggests that because of this consensus the Mishcan in Shilo was referred to as the Bait Hashem – the House of G-d.[4] The establishment of the Mishcan in Nov and Givon was not accompanied by this same level of consensus. The Mishcan was not referred to the Bait Hashem during its sojourns in these locations. Therefore, the Bikkurim could not be brought to the Mishcan while it was at these sites.[5]

Torah Temimah is providing a clear distinction between the status of the Mishcan in Shilo and its status when located in Nov and Givon. However, we must ask two questions. First, why can Bikkurim only be brought to the Mishcan when it has the status of Bait Hashem? Second, how did the consensus of Yehoshua the elders and the nation confer this status?

It seems that Bikkurim can only be brought to a Mishcan or Mikdash that is designated as the central location for worship. This designation is indicated that the title of Bait Hashem. In order for this designation to fully exist, it must emerge from the consensus of the leader of prophet, the elders and the nation. Only through the acquiescence of all these parties does the Tabernacle become the unique central location for worship – the Bait Hashem. In other words, the consensus endows the Mishcan with a higher designation and sanctity. This higher designation is essential to the mitzvah of Bikkurim.

Abrabanel suggests an alternative distinction between the Mishcan of Shilo and the Mishcan of Nov and Givon. He observes that the walls of the Mishcan in the wilderness were made of curtains. These curtains were supported by wooden boards. In Shilo these walls were replaced by a stone structure. Only the roof of Mishcan was still composed of curtains. In Nov and Givon the original system of curtain walls supported by boards was restored. Abrabanel contends that these walls endowed Shilo with the status of a House of Hashem. Because the Tabernacle of Nov and Givon lacked stone walls, the Mishcan could not be defined as a house while at these locations.[6]

It seems odd that the structure of the walls of the Mishcan would determine suitability for the mitzvah of Bikkurim! How did walls produce this effect?

It seems reasonable that the presence of stone walls indicated some level of permanence. Without these stone walls the Mishcan was essentially a portable structure. It had no relationship to its current location. Once the boards and curtains were replaced by stone walls, the Mishcan was transformed. It assumed a relationship with its location. It was a fixed feature of the land and location.

Abrabanel apparently maintains that the mitzvah of Bikkurim required more than a Temple. It demands a geographically unique location sanctified through the Mishcan. The Bikkurim cannot merely be brought to a holy structure. They must be brought to a location endowed with sanctity. A portable Tabernacle has not effect on the sanctity of its geographical location. There is no relationship between the Mishcan and the location. This changes once walls are erected. The Mishcan becomes a fixture of the land. Now the geographical location is sanctified.

Malbim suggests that the approach of Torah Temimah and Abrabanel are related. The Mishcan of Shilo was erected with stone walls as a result of the consensus. It seems the Malbim maintains that the Mishcan cannot be assigned a relationship with a geographical location without the consensus of the prophet, elders and nation.[7]

Malbim's approach explains another halacha. Maimonides explains the process for extending the boundaries of Yerushalayim and the courtyards of the Mikdash. He explains that this process requires the consensus of the king, prophet and Sages.[8] Why is this consensus needed? According to Malbim, we can understand this requirement. An addition to the city of Yerushalayim endows the geographical location with the sanctity of the city. Extending the courtyards of the Temple has the same effect. It bestows sanctity upon the location. The association of these sanctities with a geographical location requires the consensus of the nation. This only emerges through the participation of the king, prophet and Sages.

“And Hashem did not give you the heart to understand, the eyes to see and the ears to hear until this day.” (Devarim 29:3)

Moshe completes his review of the mitzvot. He enters into the closing sections of his address. He explains that only now has the nation acquired an understanding and appreciation of Hashem and His Torah. Sforno explains that Hashem performed miracles and provided evidence of His greatness in Egypt. However, Bnai Yisrael was not emotionally prepared to fully assimilate this exhibition. The experiences of the wilderness provided the nation with the opportunity to mature and develop a relationship with the Almighty. Now, Bnai Yisrael is poised to enter the land of Israel. The nation now fully appreciates Hashem.

Rashi offers a homiletic interpretation of Moshe's comments. Moshe had recorded the entire Torah in a scroll. On the day of his address, he delivered this Torah scroll to Shevet Leyve. The nation protested. They complained that the significance of Moshe's action could be misinterpreted. In the future, the Leveyim could claim that they solely are entrusted with preserving the legacy of the Torah. They might dispute the role of the rest of the nation in participating in a Torah community. Moshe recognized that this sentiment indicated that Bnai Yisrael longed to serve Hashem and observe His Torah. He expressed this conclusion in our pasuk. He told Bnai Yisrael that now they had demonstrated an appreciation of the Torah.[9]

Rav Moshe Feinstein Zt"l asks a question on Rashi's comments. The Torah is clearly addressed to Bnai Yisrael. Most mitzvot begin with the instruction that Moshe relate the commandment to Bnai Yisrael. The entire Sefer Devarim is an admonition to the entire nation to devote itself to

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Parashas Ki Tavo

RABBI BERNARD FOX

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observance and study of the Torah. How could any confusion arise regarding this issue? Shevet Leyve could not attempt to exclude the rest of the nation from the Torah community. Bnai Yisrael could reassert its just claim by referring the Leveyim to the contents of the Torah!

Rav Moshe responds that the nation did not fear exclusion. The people were concerned with a different issue. Moshe had told Shevet Leyve that it would provide Torah leadership. The shevet would receive its material sustenance from the other tribes. The Leveyim would not be required to work the land or toil in the material world. This would free the Leveyim to devote themselves entirely to the study and teaching of the Torah. This role was again confirmed with the delivery of the Torah scroll to the Leveyim. They were to be the scholars. They held Moshe's Torah in safe-keeping.

This special role assigned to the Leveyim disturbed the nation. All of Bnai Yisrael wanted the opportunity to assume this role. They too wanted the opportunity to completely devote themselves to the study of the Torah and teaching of its lessons. They feared that Shevet Leyve would claim this role as exclusively theirs.

Moshe recognized that this attitude was positive. It indicated that the nation was deeply devoted to the Torah. He responded that now the nation appreciates the value of the Torah.[10]

What was Moshe's response to the issue raised by Bnai Yisrael? It is not sufficient to commend the nation for its attitude. The issue must be addressed. The final passages of the parasha provide Moshe's response. He tells the people that they must observe the Torah. This observance will be rewarded. Bnai Yisrael will succeed in all their endeavors. This will allow the people to devote themselves to contemplation of the wisdom of the Torah. Like the Leveyim, their toil will be reduced or eliminated. They will be sustained by the grace of the Almighty. □

[1] Mesechet Kiddushin 37b.

[2] Sifrei Parshat Ki Tavo, chapter 2.

[3] Sefer Yehoshua 18:1.

[4] Sefer Shemuel I, 1:24.

[5] Rav Baruch HaLeyve Epstein, Torah Temimah on Sefer Devarim 26:2.

[6] Don Yitzchak Abravanel, Commentary on Sefer Devarim, p 245.

[7] Rabbaynu Meir Libush (Malbim), Commentary on Sefer Devarim 26:2.

[8] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Bait HaBichirah 6:11.

[9] Rabbaynu Shemuel ben Meir (Rashbam) Commentary on Sefer Devarim 29:3.

[10] Rav Moshe Feinstein, Drash Moshe, p 162.

Ki Tavo: The Torah Inscribed on Three Sets of Stones

RABBI MOSHE BEN-CHAIM

What purpose was achieved by writing the Torah in 70 languages, and inscribed on three sets of 12 stones (36 stones total)? According to Talmud Sota, 35b, which opposes Rashi on the Chumash, one set was erected in Moav, one in Gilgal, and the third set in the Jordan itself. What is to be learned from these three sets of stones and their placement? I believe a significant idea is borne out of this one-time enactment.

God promised Abraham He would give the Land to his descendants. Question: Are Abraham's "descendants" defined biologically? Is the "biological" definition all that God's meant by, "I would give the land to your (Abraham's) seed?" Meaning, if the Jews would abandon the Torah, would God still give Israel to them since they descended from Abraham? I don't think so.

To demonstrate that 1) God fulfilled his promise, and that 2) these were in fact Abraham's true descendants, i.e., those who follow Abraham's teachings, it was necessary that the recipients of God's promise to Abraham demonstrate that they do in fact follow the same ideology as Abraham. Being a descendant was no guarantee of receiving Israel. Sharing genes is insufficient. Abraham's children and grandchildren are defined as those who hold fast to Abraham's teachings. Their writing of the Torah on these stones prior to their entrance to Israel displayed their entitlement.

But why have such testimonial stones erected at three separate locations: One set in Moav (Trans-Jordan), one set in Israel in Gilgal, and one set in the Jordan river?

These three sets, I believe, prove that God was solely responsible for bringing the Jews into Israel. By erecting 'road signs' on both sides of the Jordan river, shows from where the Jews journeyed, and where they arrived. Placing one

more set in the Jordan river itself, we discover how the Jews entered the land, i.e., through a miraculous event of the splitting of the Jordan. It would be impossible for anyone to erect and cement such huge stones while immersed in the river. The stones therefore delineate the starting point, the end point, and the path. Such a path of entrance is only possible via a miracle, and therefore enacted by only God Himself. God thereby eliminates all possible explanations of the Jews entering the land bereft of His divine intervention. God fulfilled His promise. I believe this to be the reasoning behind the miraculous conquest of Jericho as well. An indisputable proof of God's essential involvement and fulfillment of His age old oath to Abraham. Deuteronomy 27:3 reads, "And write on them (the stones) all the words of this Torah when you cross over, in order that you come to the land which Hashem your God gives you, a land flowing with milk and honey, as God - the God of your fathers - spoke to you." The verse testifies that the writing on these stones is connected with God's promise.

The fact that the Torah is written in 70 languages upon these stones is to teach that the Torah is ultimately for all mankind. As we say in Alenu each day, "...and all children of flesh will call Your Name".

These three sets of stones teach future generations of the miracles of the entrance into Israel - God entered the Jews into the land in accordance with His oath. For that ancient generation, it was a demonstration that they truly followed Abraham's teachings, and his Torah taught to him by God. As God stated in Genesis, "Will I keep hidden from Abraham what I shall do (to Sodom)?" "And I know him, in order that he will command his son and his household after him, and they will keep God's path." □

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 store owner he wishes to purchase one pound of rice. This buyer then proceeds to take out his own "pound" weight to weigh what the store owner 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 store owner 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 is 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.

(continued on next page)

Dishonest Weights

RABBI MOSHE BEN-CHAIM

(continued from previous page)

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? That G-d is being denied by the one who uses dishonest weights. 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 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,

(continued on next page)

Dishonest Weights

RABBI MOSHE BEN-CHAIM

(continued from previous page)

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 are 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 awed. 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 not be 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

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Dishonest Weights

RABBI MOSHE BEN-CHAIM

(continued from previous page)

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. Subscribing to a corrupt philosophy is expressed by making or possessing such weights.

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 is 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. □