

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS ZT"l

Covenant & Conversation

It is by any standards a strange, almost incomprehensible law. Here it is in the form it appears in this week's parsha: "Remember what the Amalekites did to you along the way when you came out of Egypt. When you were weary and worn out, they met you on your journey and attacked all who were lagging behind; they had no fear of God. When the Lord your God gives you rest from all the enemies around you in the land He is giving you to possess as an inheritance, you shall blot out the name of Amalek from under the heaven. Do not forget." (Deut. 25:17-19)

The Israelites had two enemies in the days of Moses: the Egyptians and the Amalekites. The Egyptians enslaved the Israelites. They turned them into a forced labour colony. They oppressed them. Pharaoh commanded them to drown every male Israelite child. It was attempted genocide. Yet about them, Moses commands: "Do not despise an Egyptian, because you were strangers in his land." (Deut. 23:8)

The Amalekites did no more than attack the Israelites once, an attack that they successfully repelled (Ex. 17:13).

(Of course, there were subsequent attacks by Amalek (including, according to tradition, in Bamidbar 21:1) but the decree to obliterate Amalek was issued after their first attack.)

Yet Moses commands, "Remember." "Do not forget." "Blot out the name." In Exodus the Torah says that "God shall be at war with Amalek for all generations" (Ex. 17:16). Why the difference? Why did Moses tell the Israelites, in effect, to forgive the Egyptians but not the Amalekites?

The answer is to be found as a corollary of teaching in the Mishnah: "Whenever love depends on a cause and the cause passes away, then the love passes away too. But if love does not depend on a cause, then the love will never pass away. What is an example of the love which depended upon a cause? That of Amnon for Tamar. And what is an example of the love which did not depend on a cause? That of David and Jonathan." (Avot 5:19)

When love is conditional, it lasts as long as the condition lasts but no longer. Amnon loved -- or rather lusted after -- Tamar because she was forbidden to him. She was his half-sister. Once he had had his way with

her, "Then Amnon hated her with intense hatred. In fact, he hated her more than he had loved her." (II Sam. 13:15). But when love is unconditional and irrational, it never ceases. In the words of Dylan Thomas, "Though lovers be lost, love shall not, and death shall have no dominion."

The same applies to hate. When hate is rational, based on some fear or disapproval that -- justified or not -- has some logic to it, then it can be reasoned with and brought to an end. But unconditional, irrational hatred cannot be reasoned with. There is nothing one can do to address it and end it. It persists.

That was the difference between the Amalekites and the Egyptians. The Egyptians' hatred and fear of the Israelites was not irrational. Pharaoh said to his people: "The Israelites are becoming too numerous and strong for us. We must deal wisely with them. Otherwise, they may increase so much that -- if there is war -- they will join our enemies and fight against us, driving [us] from the land." (Ex. 1:9-10)

The Egyptians feared the Israelites because they were numerous. They constituted a potential threat to the native population. Historians tell us that this was not groundless. Egypt had already suffered from one invasion of outsiders, the Hyksos, an Asiatic people with Canaanite names and beliefs, who took over the Nile Delta during the Second Intermediate Period of the Egypt of the Pharaohs. Eventually the Hyksos were expelled from Egypt and all traces of their occupation were erased. But the memory persisted. It was not irrational for the Egyptians to fear that the Hebrews were another such population. They feared the Israelites because they were strong.

(Note that there is a difference between "rational" and "justified". The Egyptians' fear was in this case certainly unjustified. The Israelites did not want to take over Egypt. To the contrary, they would have preferred to leave. Not every rational emotion is justified. It is not irrational to feel fear of flying after the report of a major air disaster, despite the fact that statistically it is more dangerous to drive a car than to be a passenger in a plane. The point is simply that rational but unjustified emotion can, in principle, be cured through reasoning.)

Precisely the opposite was true of the Amalekites. They attacked the Israelites when they were "weary and weak". They focused their assault on those who were "lagging behind." Those who are weak and lagging behind pose no danger. This was irrational,

groundless hate.

With rational hate it is possible to reason. Besides, there was no reason for the Egyptians to fear the Israelites anymore. They had left. They were no longer a threat. But with irrational hate it is impossible to reason. It has no cause, no logic. Therefore it may never go away. Irrational hate is as durable and persistent as irrational love. The hatred symbolised by Amalek lasts "for all generations." All one can do is to remember and not forget, to be constantly vigilant, and to fight it whenever and wherever it appears.

There is such a thing as rational xenophobia: fear and hatred of the foreigner, the stranger, the one-not-like-us. In the hunter-gatherer stage of humanity, it was vital to distinguish between members of your tribe and those of another tribe. There was competition for food and territory. It was not an age of liberalism and tolerance. The other tribe was likely to kill you or oust you, given the chance. But within two or three generations the newcomers acculturated and integrated. They were seen as contributing to the national economy and adding richness and variety to its culture. When an emotion like fear of strangers is rational but unjustified, eventually it declines and disappears.

Antisemitism is different. It is the paradigm case of irrational hatred. In the Middle Ages Jews were accused of poisoning wells, spreading the plague, and in one of the most absurd claims ever -- the Blood Libel -- they were suspected of killing Christian children to use their blood to make matzot for Pesach. This was self-evidently impossible, but that did not stop people believing it.

The European Enlightenment, with its worship of science and reason, was expected to end all such hatred. Instead it gave rise to a new version of it, racial antisemitism. In the nineteenth century Jews were hated because they were rich and because they were poor; because they were capitalists and because they were communists; because they were exclusive and kept to themselves and because they infiltrated everywhere; because they were believers in an ancient, superstitious faith and because they were rootless cosmopolitans who believed nothing. Antisemitism was the supreme irrationality of the Age of Reason.

It gave rise to a new myth, The Protocols of the Elders of Zion, a literary forgery produced by members of the Czarist Russia secret police toward the end of the nineteenth century. It held that Jews had power over the whole of Europe -- this at the time of the Russian pogroms of 1881 and the antisemitic May Laws of 1882, which sent some three million Jews, powerless and impoverished, into flight from Russia to the West.

The situation in which Jews found themselves at the end of what was supposed to be the century of Enlightenment and emancipation was stated eloquently by Theodor Herzl, in 1897: "We have sincerely tried everywhere to merge with the national communities in

which we live, seeking only to preserve the faith of our fathers. It is not permitted us. In vain are we loyal patriots, sometimes superloyal; in vain do we make the same sacrifices of life and property as our fellow citizens; in vain do we strive to enhance the fame of our native lands in the arts and sciences, or her wealth by trade and commerce. In our native lands where we have lived for centuries we are still decried as aliens, often by men whose ancestors had not yet come at a time when Jewish sighs had long been heard in the country... If we were left in peace... But I think we shall not be left in peace."

This was deeply shocking to Herzl. No less shocking has been the return of antisemitism to parts of the world today, particularly the Middle East and even Europe, within living memory of the Holocaust. Yet the Torah intimates why. Irrational hate does not die.

Not all hostility to Jews, or to Israel as a Jewish State, is irrational, and where it is not, it can be reasoned with. But some of it is irrational. Some of it, even today, is a repeat of the myths of the past, from the Blood Libel to the Protocols. All we can do is remember and not forget, confront it and defend ourselves against it.

Amalek does not die. But neither does the Jewish people. Attacked so many times over the centuries, it still lives, giving testimony to the victory of the God of love over the myths and madness of hate. *Covenant and Conversation is kindly sponsored by the Schimmel Family in loving memory of Harry (Chaim) Schimmel zt"l* © 2024 The Rabbi Sacks Legacy Trust rabbisacks.org

RABBI SHLOMO RISKIN

Shabbat Shalom

“**W**hen you go forth to battle against your enemies, and God your Lord delivers them into your hands, and you... see among the captives a woman of beauty, and you desire her, you may take her to be your wife. When you bring her home, she must shave her head, and let her fingernails grow, mourning for her father and mother. Only then may you be intimate with her and possess her, making her your wife.” (Deuteronomy 21:10–13) In Ki Tetze we find ourselves in the midst of an adventure of war, victory, and love that has some of the elements of a major Hollywood epic. There are even those commentaries who interpret the entire passage figuratively, especially since we read this portion within thirty days before Rosh Hashana, that time of year when all of us go out and prepare to battle our universal internal enemy, the evil inclination within each and every one of us.

However, no passage can be removed from its literal meaning. It is therefore instructive to consider the Torah's relatively permissive attitude toward our soldier's passion, which clearly conflicts with his religio-national identity.

We can almost understand how an otherwise temperate individual engaged in hand-to-hand combat,

with death but an eyelash away, could fall prey to his most primal instincts as a form of confirming the fact that he is still alive.

Indeed, if we've ever thought of Judaism as a straight-laced religion that doesn't concern itself with sexual blandishments, here is something to jolt our imagination. And Rashi meaningfully comments: "The Torah speaks only in consideration of a person's evil inclination. For if God would not have permitted her to him as a wife, he would nevertheless marry her although she would be [biblically] forbidden to him."

But what is the Torah really saying in "consideration of the evil inclination?" Are our Scriptures allowing us to give in to our desire, albeit only in a moderate fashion, in order to prevent a major eruption of licentiousness, or is the Torah teaching us how to overcome our evil desires entirely?

The answer to this question lies in a difference of interpretation on this issue by two giants of biblical exegesis. Maimonides, on the one hand, rules that a soldier has the right to have sexual relations with "the beautiful gentile captive woman" one time before the month-long period of waiting and mourning begins – but only once. Then he takes her home, and must go through the steps the Torah commands, in order to dissuade him and her from marriage. Only if he still feels the same way about her when he sees her in his home environment, and only if she is willing to leave her previous lifestyle and convert to Judaism, are they permitted to be married (Mishneh Torah, Laws of Kings 8:1–6). And perhaps Maimonides feels that in order to give the "experiment" a chance to be successful, it is necessary to remove the "sweetness" of the "forbidden fruit" by permitting the one act of intimacy before the process of alienation or conversion can properly begin.

Nahmanides, in contrast and in accordance with the Jerusalem Talmud, rules that the woman is not permitted to the soldier even once before first taking her home, concluding the month-long preparatory steps, and taking her as his wife.

I believe that Maimonides is taking the more pragmatic approach: give in a little bit so that you not lose the entire battle. The Kotzker Rebbe was known for his unusual sharpness, and in his characteristic truthfulness, he once described the evil inclination's power as follows: "Many claim that you have to break the yetzer hara, but often in breaking one chain, you are left with two chains." In other words, fighting the yetzer hara with all your strength may backfire.

In general, Hasidut was critical of self-styled ascetics who tortured themselves in order to bring their bodies into line. One of the important followers of the founding father of Hasidut, Rabbi Yisrael Baal Shem Tov (Master of the Good Name, eighteenth century) was a leading rabbinical scholar, Rabbi Yaakov Yosef of Polnoye, who had previously been given to fasts and mortifications. Rabbi Yaakov Yosef was initially an

aggressive opponent of the Baal Shem Tov and the following story is told how he became one of his most faithful disciples. One day the Baal Shem Tov whispered to him, "When horses get wild, a stupid rider tightens the reins, but that only gets the horse more upset and difficult to manage. A clever rider loosens the reins, and in that way brings the horses into his control." Rabbi Yaakov Yosef understood, stopped his fasts, and became a Hasid.

More recently I can testify to my own tale of a whisper in my ear. I was just starting out as the rabbi of Lincoln Square Synagogue, and one of the strong supporters of the shul was a man who had survived the concentration camps by actually cooking up shoe leather in order to provide food for the inmates. When he emerged alive and well in Manhattan, Wolf Reichard wanted to express his gratitude to the Almighty by providing the congregation with a weekly Kiddush at his own expense. But instead of the typical "sponge cake and schnapps" Kiddush, he decided to liven up the image of Orthodoxy by providing fancy cream puffs, chocolate cakes, and single malt Scotch.

Then I started my first diet. When Mr. Reichard noticed I wasn't eating, he became upset and showed me the signatures of rabbinical supervision on the delivery box of the cakes. When I explained my desire to lose weight, the wise congregant whispered in my ear: "Rabbi, I don't have to tell you that the evil inclination is very powerful. If it doesn't get you in one way, it'll get you in another. And if I have to worry as to which yetzer hara my rabbi has, let it be chocolate cake!"

All the above stories deal with a common attitude towards the evil inclination – the futility of trying to destroy it completely. Hence, Maimonides permits a single act of intimacy, ruling in accordance with the sages in the Talmud (Kiddushin 21b) who maintain that it is preferable to relent with regard to a finger in order to save the whole hand.

Nahmanides, who may agree that the yetzer hara is very powerful, might argue that the result is the opposite: give the enemy a finger and he will ultimately take your hand. Therefore he understands the verses in the Torah as giving advice on how to conquer the evil instinct completely. Hold out the promise of sexual conquest, but only after following a complex procedure which he believes will generally lead to her willing and even joyous acceptance of Judaism; they would then be able to get married in accordance with "the laws of Moses and of Israel."

This difference of opinion is further confirmed by a Talmudic adage which advises that if a person is smitten with the yetzer hara he should go to a place where no one knows him, dress in black, wrap himself up, and do what "his heart desires" (Moed Katan 17a).

Maimonides, taking these words at their obvious meaning, would say this advice is comparable to the law allowing the soldier one act of intimacy with a forbidden

woman. If one's evil inclination is so overpowering that he cannot control it, let him locate himself in a strange city, incognito, and do what he has to do: in this manner he can "get it out of his system" and soon return to his former life without the shame of the entire world being privy to his indiscretion. There is no need to ruin your life because of one incident of weakness.

R. Chananel (ad loc.) gives the passage another interpretation, more in keeping with Nahmanides. By the time the individual changes his clothes, takes the journey to a city where he's unknown, and finds a new place to live, he'll be so exhausted and ashamed at what he sees in the mirror that if he does "what his heart desires" it could very well be returning home. After all, the Talmud doesn't say he should sin, but to do what his "heart desires." Halakha, or Jewish law, takes the would-be sinner by the hand, and step-by-step teaches him to desire what Torah would say is right to desire.

When it comes to our own moral struggles, battles that are often life-and-death issues, perhaps the soldier in this week's portion could be a metaphor for our own dilemmas. If so, then according to Maimonides, in a situation comparable to what the Torah describes, it may be necessary to loosen the reins a little. But it would certainly be preferable to begin with the view of Nahmanides, who argues that knowing that eventually we can acquire what we desire may be enough to enable us to overcome the evil instinct completely. Trying to do that first would certainly be preferable.

Whatever path is chosen, one thing is certain: even if we falter, that doesn't make it mandatory to cut away the entire tradition. God never expected Adam to refrain from eating of the forbidden fruit completely; God merely hoped that Adam would admit of his transgression, repent, and seek forgiveness. The God of love is always ready to take us back as His beloved children. That is the real force behind the interpretation of Maimonides; even if you transgress once, there is still a path of redemption opened before you. ©2024 Ohr Torah Institutions & Rabbi S. Riskin

RABBI JONATHAN GEWIRTZ

Migdal Ohr

"**A**nd it will be if he doesn't want her... and it will be, on the day he bequeaths to his children..." (Devarim 21:14,16) Regarding a soldier who was victorious in battle and sees a beautiful woman he becomes infatuated with, the Torah grants an allowance for him to take her home as a wife. However, before he can take this bride, he must make her unattractive to himself by cutting her hair and nails, and allowing her to weep for her family for a month. If he does not want her then, he sends her on her way.

Rashi comments that the phrase about him not wanting her is not so much of a possibility, but rather a surety. The Torah announces that once he does these things, his Evil Inclination to take this woman will subside

and he will be able to overcome it. Then, he will recognize the folly of this infatuation and be able to shake it. This follows with what the Midrash in Lech Lecha says, "The word v'haya connotes simcha." It's a happy announcement that he will be able to grow beyond this initial failure.

However, if he does take her as a wife, he will not only be unhappy with her, but will have a child who is a Ben Sorer U'Moreh, a rebellious son. The progression from taking the woman, having a hated wife, and the rebellious son all stem from his initial sin of not being able to control himself and insisting on taking her as a wife. It's not just that he found her attractive, but that his ego became inflated when he was victorious in battle and his image of himself dictated that he was entitled to her.

Ultimately, he will hate her and what she represents – his failure and lowliness. When she has a first-born, he cannot pass over him with his estate, because to do so would be to whitewash his actions and deny them. Hashem arranges this progression to help the man repent from his ways. All the difficulties we go through are for a reason, and if we don't get the message the first time, Hashem sends more and more of them, in different forms.

If he doesn't realize his mistake when the woman lives in his house for a month, then Hashem will give him the situation where she bears a son who is an embarrassment to him. If that's not enough, the son will grow to be rebellious and disrespect him.

But let's go back to the Midrash for a moment, that "every v'haya is an expression of simcha." It says that if the man has two wives, and one is hated, "v'haya" when it comes to his estate etc. Where is the happiness?

The Ohr Hachaim comments on the posuk that the one who is hated will "surely" bear the first-born. Why? Because just as it says, "Hashem saw that Leah was hated and He opened her womb," so will it be here. What this means is that even when Hashem is trying to teach the fellow a lesson, He is also compassionate and caring about the wife he dislikes. Hashem sees her pain and gives her a child, orchestrating the needs of each person individually, and collectively, with precision beyond human understanding. THIS is certainly a reason for rejoicing, knowing that Hashem is always doing what's best for us and always there when we cry out to Him.

On April 15, 1912, the RMS Titanic sank in the North Atlantic. Supposed to be "unsinkable," there weren't enough life boats and over 1500 people died in the frigid waters. A man who heard the news of the tragedy prayed to G-d asking how He could let such a thing happen.

"Al-mighty G-d," the man prayed. "You are all-powerful. You control the sea and the dry land, the heavens and the earth. Why did you let this tragedy occur? How is it that you did not stop the Titanic from

sinking, and allowed all those people to perish?"

"Are you kidding?!" G-d replied. "Do you have any idea what I had to do to get all those people on one boat?!" © 2024 Rabbi J. Gewirtz & Migdal Ohr

RABBI BEREL WEIN

Wein Online

In this week's parsha, the Torah portrays for us an accurate and unforgiving view of war and its personal consequences. No one who participates in a war escapes unscathed from these consequences. The ones who are killed or wounded have suffered these consequences on their very physical bodies. But even those who have survived the battle whole are affected by the consequences of that struggle.

That is the supremely important, albeit subliminal message of the beginning of this week's parsha. A Jewish soldier, who according to the ritual requirements of becoming such a soldier and being accepted for the battle as outlined in last week's parsha, a God-fearing patriotic and observant person, somehow enters into a sexual relationship with a non-Jewish woman, a relationship which Rashi points out to us will only bring him future grief and regret.

The heat and passions that war and combat engender within a person cannot be limited to the actual battlefield alone. They carry on within the psyche and body of the combatant and find different ways of expression in all other areas of human life and experience.

The observant Jew, who under ordinary and usual non-combat circumstances is scrupulously pious and moral in one's behavior, now becomes a sexual predator and enters into a physical relationship with a non-Jewish stranger. Is this not the strongest message possible that the Torah wishes to communicate to us about the consequences and effects of war!?

War requires the abandonment of personal inhibitions. That will help explain the scenario portrayed for us by this opening parsha of this week's Torah reading. Without inhibitions there can be no morality or piety.

But as all of us living here in Israel are well aware of, war is a constant state of affairs in our national and personal life. The Jewish people have been at war here in the Land of Israel for almost all of the years of the past century. These wars may not be of our choosing or our initiative but they are omnipresent in our lives and society.

And because of this difficult state of affairs, Israeli society has been affected and even shaped by the presence of constant combat and warfare. Much of the rough spots that still exist in our society – the divisiveness, the absence of mannered courtesy, the unnecessary assertiveness, etc. – are all consequences of our being in a constant state of war. Inhibitions and piety are hard to maintain under such conditions and

consequences.

Peace is not merely an absence of a hot war. It is a state of mind that induces tranquility, rationality and all around general goodness. That is why peace is so exalted in the works of the prophets and throughout the Talmud and Jewish tradition. And that is why we pray three times daily that its presence should be felt amongst us. With peace – both inner and outer – such events as portrayed for us at the beginning of this week's parsha simply do not occur.

There are no people that long for peace as greatly as do the people of Israel. May the Lord somehow bless us with the achievement of peace and thereby restore us to normalcy, piety and eternal goodness. ©2024 Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com

RABBI AVI WEISS

Shabbat Forshpeis

In Deuteronomy, we are commanded to "wipe out" (timcheh) Amalek (Deuteronomy 25:19). In Exodus, God declares, "I will wipe out (emcheh) Amalek" (Exodus 17:14). Which is it?

Rabbi Ahron Soloveichik concludes that the laws of Amalek, of our destroying all of Amalek, do not apply unless God designates a people Amalek. Bearing in mind that impossibility today, as God no longer openly speaks to us, it follows that there is no contemporary Amalek in the literal, strict sense.

Today, Amalek is understood more broadly to refer to our obligation to stand up against evil. Only when we succeed in doing so will the world be redeemed.

Rashi amplifies this idea in his commentary on the Exodus text about Amalek where God swears by His throne and name that He will forever war against Amalek. In the biblical text, God's throne and name are written incomplete: kes rather than kisei, and Kah as a shortened name of God (17:16). Rashi cites Midrash Tanchuma, which states: "The Holy One, blessed be He, swears that His name and throne will not be whole and One until Amalek will be utterly blotted out." Good people are responsible for making that happen.

The second paragraph of the Aleinu prayer reaffirms this point. There we yearn for the time "l'taken olam b'malchut Sha-dai" (to repair the world under the reign of the Almighty). "On that day," the paragraph closes, quoting a sentence from Zechariah, "God will be One, and His name One" (Zechariah 14:9). Once again, whether God becomes One is up to us.

While God's existence does not depend on humans, we have a strong and important role in His being manifest. Only through human effort will God be whole in this world, as the proliferation of the divine message to humans depends upon us. Only through the

eradication of evil – and, more proactively, through bringing love, justice and compassion to our people and to the world – will God be fully manifest.

In this sense, God is not only “in search of man,” as Rabbi Abraham Joshua Heschel declares, but God is “in need of man” – in need of all of us. ©2024 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale

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Yefat To'ar

Translated by Rabbi Mordechai Weiss

Riddle: Can there be something that is permitted to a Jew but prohibited to a non-Jew?

Answer: Yes. An example is the *yefat to'ar* (captive woman) discussed in Parshat Ki Tetzei. During war, if a Jewish soldier sees a beautiful woman (one of the enemy), he is permitted to take her captive and later marry her. How can the Torah permit such a thing? Rashi tells us that the Torah is responding to the evil inclination. In other words, “The Torah recognizes the force of the desires awakened in the violence of war. The Torah assumes that these powerful instincts will overpower many soldiers. These warriors will not be able to resist the desire to enter into sexual relations with the captive women. This creates a dilemma. Enforcement of the normal prohibition against relations with non-Jewish women would be impossible. Therefore, a strict legal framework was created for the inevitable relations. In other words, the Torah deemed it preferable for the relations to take place in this framework rather than outside of its laws” (Rabbi Bernie Fox).

The above explains how a normally forbidden sexual relationship is permitted. Doesn't the problem of theft remain? (Kidnapping is a type of theft.) Furthermore, the law of *yefat to'ar* applies even to a married woman. The answer is that the permission is limited to wartime. Just as it is permitted during war to conquer territory and take the property of the enemy nation, so too it is permitted to take captives, both men and women.

However, this permission during war was given only to Jews. While non-Jews acquire property if they conquer it in war, they are not permitted to do so by Jewish law; only if they transgressed and stole property does it remain theirs. For non-Jews, even during war it is forbidden to capture property or people. For this reason, a non-Jew may not take captive a *yefat to'ar* (*Sanhedrin* 57a).

The law of *yefat to'ar* applies only when the enemies are non-Jews. However, in cases of civil war between Jews (as we find in the biblical book of *Melachim*), the dispensation of *yefat to'ar* does not apply, as the verse says, “when you go to war against your enemies” (*Devarim* 21:10). Furthermore, even if the

enemies are non-Jews, if an enemy woman is captured who is halakhically Jewish (because her mother was Jewish), the dispensation of *yefat to'ar* does not apply.

Obviously, none of the laws of *yefat to'ar* apply in our times. It was relevant only for a voluntary war (declared by the king or Sanhedrin). Since we no longer have a king or Sanhedrin, we no longer engage in voluntary wars. Today's wars are all obligatory, and a *yefat to'ar* is no longer permitted. ©2017 Rabbi M. Weiss and *Encyclopedia Talmudit*

RABBI DAVID LEVIN

Sending the Mother Bird Away

Most laws in the Torah are given without any statement of the reward that is given for performing that commandment. Two laws, however, state that the reward given for them is a good and long life. Honoring one's parents earns one long life. In our parasha we find a second law, sending away the mother bird, which has the same reward. The Torah states: “If a bird's nest happens to be before you on the road, on any tree or on the ground – young birds or eggs – and the mother is roosting on the young birds or on the eggs, you shall not take the mother on the young. You shall surely send away the mother and take the young for yourself, so that it will be good for you and you will prolong your days.” This mitzvah, on face value, is one of the more unusual laws of the Torah.

The Ramban's approach to this mitzvah is disconnected to the reward. “This also is an explanatory commandment, of the prohibition, ‘thou shall not kill it (the dam) and its young in one day,’ because the reason for both [commandments] is that we should not have a cruel heart and be discompassionate, or it may be that the Torah does not permit us to destroy a species altogether, although it permits slaughter (for food) within the group. Now, he who kills the dam and the young in one day or takes them when they are free to fly (it is regarded) as though he cut off that species.”

The Rambam as explained by the Ramban “admonishes us against killing the young within the mother's sight, for animals feel great distress under such circumstances.” Both Man and animals have a strong emotional attachment to their young, “since the love of the mother and her tenderness to the children of her womb are not the result of reasoning or (the faculty of intelligent) speech, but are produced by the faculty of mental images which exists among animals even as it is present in man.” The Rambam also argues against the sages who say that there is no purpose for any of the commandments other than observance of the Will of Hashem. The Rambam argues that there can be additional purposes for the mitzvot in the messages that they send man for guidance in all areas of his life. As proof for his opinion, the Rambam quotes the Gemara:

“And Reb Yosei the son of Rabbi Chanina said: The Holy One, blessed be He, said to Moshe, ‘To you I reveal the reason for the Red Heifer, but for others it is a statute (a mitzvah for which we know no reason).”

The Kli Yakar explains why the two mitzvot of honoring one’s parents and shooing away the mother bird are connected. He explains that honoring one’s parents is a logical matter. When one honors one’s parents, one understands that this act will be repeated in the next generation where he becomes the recipient of that honor from his own children. When he sees his son shoo away the mother bird from her nest, he understands logically that the care this son showed to the mother bird is an indication of that same care that he will show to his parents. The Kli Yakar continues by explaining that the mitzvah of honoring one’s parents is always connected to the mitzvah of Shabbat. Each generation looks at the previous generation as a better generation because it is closer to Hashem. Shabbat also reminds us of the renewal of the world. In opposition to those who believe that there was no beginning to the world, Shabbat was part of that first creation, and Hashem, Who “gave birth” to the Shabbat also honored all subsequent “bearers.” Thus, we are called on to honor our parents who “bore” us, while at the same time we honor the mother bird as we do all “bearers.” The Kli Yakar points out that this mitzvah also is placed just before the mitzvah of building a new home. This is the blessing for observance of shooing away the mother bird and honoring one’s parents, as a new home is a symbol of creating a family with long life and a good life. The new home is a place to bear children.

The Torah Lada’at explains that there are some mitzvot which give a person honor and other mitzvot which may lead a person to wealth, whereas this mitzvah’s reward is spelled out as “it will be good for you and you will prolong your days.” Torah Lada’at explains that the meaning of this reward is somewhat hidden: “If one does not have sons, Hashem will grant that person sons, as it is written, “take the young for yourself.” The word used in the Torah for young is “banim,” which means young sons. The Torah says that the reward is long life, so the Torah Lada’at asks why the Midrash says that the reward will be sons. The K’tav Sofer says that “the two explanations rise on one stalk (a reference to the dream of Par’oh).” He quotes the Gemara Nedarim (64), “he who raises children after him, it is as if he does not die.” Thus, long life can be accomplished by the continuation of an individual through his children.

HaRav Zalman Sorotzkin asks why the two mitzvot, honoring and fearing one’s parents and sending away the mother bird have the same reward, especially since honoring one’s parents is the strictest mitzvah (chumrah sheb’chumrot) and sending away the mother bird is one of the least strict (kala sheb’kalot) mitzvot. HaRav Sorotzkin explains that there is a connection between the two mitzvot that teaches us an important

lesson. The mother bird must be forced to fly away from the nest because it would never abandon its eggs or its young. At the same time, we are not permitted to use this fact to capture the mother bird. If the mother bird refuses to leave so that she can protect her children, one is not permitted to use this positive action by the mother as a means to capture her. Once the mother bird has flown away, this restriction on capturing or shooting the mother bird no longer applies. Thus, we see the connection to honoring one’s parents. Honoring one’s parents is seen to repaying them for raising one from birth until one is an adult and able to stand on one’s own. Yet a person who finds a nest while walking on the road, is required to shoo away the mother bird who has done nothing for him. This is true even if the mother bird belongs to him. HaRav Sorotzkin suggests that the reason why one may not take the mother bird is that the mother bird is busy with raising her “children” for the good of the world and not only for the person who finds the nest. One’s restraint in this situation, even when the mother bird has laid her nest in one’s orchard, where he does not wish it to be, is recognition of the mother bird’s protection of her young, and, therefore, earns one the same reward as is granted one for recognizing the sacrifice that his parents have made for him.

It is not unusual that such an apparently small law should carry such an important reward. We are not aware of the importance of each law, and we know that the Torah does not declare the reward for each commandment. May we treat each of our laws with the respect that any law from Hashem deserves our devotion and observance. © 2024 Rabbi D. Levin

RABBI DOV KRAMER

Jewish Geography

We first met Ammon and Moav in Sefer Bereishis (19:36-38), had a rough encounter with Moav in Sefer Bamidbar (22:2-4, 25:1-3), were told in Sefer Devarim (2:9/19) not to wage war with either when passing near their land, and were commanded (23:4) not to accept them as full converts. Based on our passing near their lands before we crossed the Jordan River, we know that their land was on its eastern side. Based on which land Sichon conquered from them (which we then conquered from Sichon), we have a pretty good idea where Ammon and Moav were, with Moav (or what was left of it) south of Nachal Arnon (Wadi al-Mujib, which flows west into the middle of the Dead Sea) and Ammon (or what was left of it) east of the land conquered by Moshe and the Children of Israel, as well as north of some of it.

How far south Moav extended isn’t as clear. The commentators who lived in the Middle Ages assumed that Moav was south of the Promised Land, east of Edom (see Rashi on Bamidbar 34:3 and the map in Tosfos on Arachin 15a). Maps based on these commentators (e.g. Eileh Masay and Shaaray Aharon) show Moav east of

Edom, extending north to Nachal Arnon. [Putting Moav that far south allows Wadi al-Hasa, which flows primarily west into the southern end of the Dead Sea, to be associated with Nachal Zered.] Scholars – including from ones – have Wadi al-Hasa as the southern boundary of Moav, with Edom south of it (preventing Wadi al-Hasa from being Nachal Zered, as I discussed at the end of *Sefer Bamidbar*).

Ammon isn't mentioned when the king of Moav sent for Bilam to curse the Nation of Israel, and the switch from plural ("לא קדמו") to singular ("שכר") in *Devarim* 23:5 indicates that only Moav was involved in hiring Bilam. However, Ammon isn't mentioned regarding the land Sichon conquered either (*Bamidbar* 21:26-29), including the implication that Ammon was too strong for Sichon to conquer (21:24), yet the king of Ammon told Yiftach (*Shoftim* 11:13) that Israel had taken his land. Since he was referring to the land Moshe had conquered from Sichon – which was what Sichon had conquered from [Ammon and] Moav, it would seem that Ammon not being mentioned doesn't necessarily mean that their land wasn't conquered. By the same token, Ammon not being mentioned when Bilam was hired doesn't necessarily mean they weren't involved. But if they were involved, why wasn't Ammon mentioned (in either situation)? [That Sichon took land from Ammon too – land that was then conquered by Moshe – is clear from *Yehoshua* 13:25, and from *Gittin* 38a.]

A similar question arises regarding Yiftach's answer to the King of Ammon (*Shoftim* 11:17), as Moshe asking Moav for permission to pass through their land (and their refusal) is referenced, without mentioning Ammon. If Ammon didn't refuse too, why would Moav's refusal be relevant to Ammon's claim? As a matter of fact, Moav is mentioned six times in Yiftach's response (11:15-27), with Ammon only referenced at the beginning (when Yiftach denied taking the land of either Moav or Ammon) and at the end (when Ammon's

complaint was referenced). Why did Yiftach consistently refer to Moav if it was Ammon that was making the accusations?

Raavad, in his commentary on the *Sifra* (*Metzora* 5:2, on *Vayikra* 14:34), suggests that since Ammon and Moav were "brothers," one king ruled over both, alternating which country the

king came from. In Moshe's time, when Sichon conquered territory from both countries, the king was from Moav, so only Moav was mentioned, whereas in Yiftach's time, the king was from Ammon, who was representing both Ammon and Moav.

One of the weaknesses of this approach is that after Sichon conquered a strip of land between the two countries, their land was no longer contiguous, making it difficult for one king to rule over both. Another weakness is hiring Bilam being said in the singular – if the king was acting on behalf of both countries. Perhaps this is because no one from either country offered nourishment, whereas the act of hiring Bilam was a decision made only by those in charge, which was Moav.

In his commentary on *Shoftim* (11:13), Malbim seems to endorse Raavad's approach. Nevertheless, in his commentary on *Devarim* (23:4) he says that Ammon and Moav were originally just one country, ruled by Moav (since they were the overwhelming majority), which eventually split into two separate nations. When Sichon conquered their land it was still one country, so only Moav (which is how the country was referred to) is mentioned, both in *Bamidbar* and by Yiftach. I would take it a step further, suggesting that Sichon conquering the strip of land in the middle of the combined country known as Moav caused it to be split into two separate countries. The descendants of Ben-Ami – the B'nei Ammon (see *Bereishis* 19:38) – lived in the northern section of the original "Moav," while the descendants of his older brother, Moav, lived in the southern section. After Sichon conquered land in the center, the northern part became its own, separate country (Ammon), while what was left in the south was still called "Moav." [It was therefore just Moav, i.e. the southern country, that hired Bilam – hence the singular verbiage.]

Aside from explaining why the Torah only mentions Sichon conquering land from Moav, as well as why Yiftach primarily referenced Moav (since until then it was only called "Moav"), this also explains why Ammon is referenced as a separate country shortly after Sichon conquered their land (e.g. *Devarim* 2:19). It would also mean that the area where the Children of Israel camped after conquering land from Sichon was called Arvos Moav because it had been part of the larger "Moav" (which included Ammon, Moav and the land conquered by, and then from, Sichon), not because it had originally been part of the country that was now only south of the Arnon. The king of Ammon was demanding the land that his people had lived in when it was still called "Moav," land that – as Yiftach pointed out – was taken from them by Sichon, not by the Children of Israel.

Rabbi Dov Kramer wrote a weekly D'var Torah from 5764-5776, most of which are archived at RabbiDMK.wordpress.com and AishDas.org/ta. His geographical pieces, including the one on Nachal Zered, are available at dmkjewishgeography.wordpress.com.
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