

Parshas Ki Seitzei

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1. The Far Reaching Effects of Inappropriate Behavior

The Torah states, **“When you will go out to war against your enemies...and you will see among the captured women one who is of beautiful form (*aishes yefas toar*), and you desire her, you may take her to yourself for a wife.”** The Torah permits the Jew who is in the midst of battle to cohabit with the non-Jewish woman that he desires. Why does the Torah allow such a relationship? Rashi cites the Gemara in Tractate Kiddushin which explains, “The Torah is addressing the evil inclination of the individual in battle. If the Torah would not permit this relationship, the individual would cohabit with the non-Jewish woman (*aishes yefas toar*) in a non-permitted state.” It is evident from the Gemara that the act is inappropriate; however, since the person in battle has difficulty containing himself, the Torah permits the Jew to engage with the non-Jewish woman because - “it is better that he eat the meat of an animal that is about to die in a slaughtered state then eating the meat that has not been ritually slaughtered (which is forbidden).”

The Midrash Tanchumah states, *“Mitzvah goreres mitzvah. Aveira goreres aveira.* (A mitzvah encourages another mitzvah. A transgression encourages another transgression.) What is an example of the application of this principle? Engaging with the *aishes yefas toar* (the woman who is attractive to the Jew in battle). One must shave her head and let her nails grow so that she will no longer be appealing to him.” The Torah attempts to discourage this relationship by compelling the Jew to subject the captured woman to many things which will make her less desirable and even detestable to him. The Torah then discusses the situation in which a man has two wives – **“one beloved and one hated, and they bear him sons... If a man will have a wayward/rebellious son, who does not hearken to the voice of his father...”**

The Midrash explains that if one engages with the *aishes yefas toar* it will set off a chain of negative events. After engaging with the non-Jewish woman he will return with her to his home. Consequently, he will have two wives – one who is beloved to him and the other detested by him (or both detested). Then, he will have a rebellious son (ben soreir u mora) who does not hearken to his words. The rebellious son is one who behaves in a gluttonous manner and may eventually be put to death by the court. It is clear from the Midrash that the rebellious son is born of this union not because of the pedigree of the mother (who initially was not Jewish), but rather, it is a consequence of *aveira goreres aveira* (a transgression encourages another transgression). Despite the fact that the *aishes yefas toar* is permitted by the Torah, the Torah nevertheless discourages this relationship by revealing the series of events that will ensue.

It is interesting to note that the usual application of the principle of *aveira goreres aveira* is to the individual himself. Namely, when one transgresses it will lead him to further transgression. However in the case of the *aishes yefas toar* Chazal are telling us that the negative inclination of the rebellious child is an outgrowth of the wrong of the father. Since the father engaged in something that the Torah considers inappropriate, it results in the rebellious son who is destined to lead a life of gluttonous behavior.

The Midrash continues, “As we see with King David...Since he desired Maacha who was a non-Jewish princess, Avshalom was born of that union and wanted to kill his

father (King David). Avshalom had relations with the ten concubines of his father in a public setting. As a result of the conflict between Avshalom and his father tens of thousands of Jews were killed and a schism was created among the Jewish people. This series of negative events is rooted in the concept of *aveira goreres aveira*.” Although King David – when he took Maacha as an *aishes yefas toar* he did not transgress in the literal sense by taking her as a wife, nevertheless, because the action itself is inappropriate – it resulted in a son as Avshalom. King David’s decision to marry Maacha caused a chain of many negative and disastrous events.

Although the Torah may permit certain types of behavior or actions, one must make an evaluation to determine if that action/behavior pattern has any relevance to kiddusha (holiness). If it does not – although it may be permitted - it is considered negative by the Torah and it will generate a negative result that will precipitate a chain of events that are negative. Chazal are telling us that negative consequences of *aveira goreres aveira* not only affect the individual himself but also have a far-reaching effect on the Jewish people as a whole.

Chofetz Chaim explains that if one has the ability to encourage Torah study (either through establishing elementary Torah education or a yeshiva of higher learning) and does not, he would be held culpable for the lack of the Torah influence that would have been generated (and was not). If one has an obligation and addresses it then he is putting the concept of *mitzvah goreres mitzvah* (a mitzvah encourages another mitzvah) in motion. However if one did not act upon his obligation then consequently he has created a negative energy and outcome.

We read in Pirkei Avos (Ethics of our Father), “One should not underestimate the value of a mitzvah or the severity of a transgression -regardless of how minor it may be- because *mitzvah goreres mitzvah and aveira goreres aveira*.” Chazal are teaching us that one should not be shortsighted and not appreciate the value of the positive or the severity of the negative (regardless of how minor it may seem) because of its far-reaching ramifications.

The Gemara in Tractate Kiddushin tells us that one must see the status of all humanity in the balance– “50% positive and 50% negative (tottering on the brink of destruction - either to be swayed to the right which would classify the world as righteous – or be swayed to the left to be classified as evil (causing the destruction of the world).” One must see his own actions (positive or negative), as minute as they may be, as the determining factor if the world will continue or go into oblivion. The Gemara in Tractate Kiddushin is addressing the immediate consequences of one’s actions. The Midrash is teaching us that although there may not be an immediate consequence of the action, he must be cognizant of the far-reaching consequences (positive or negative) - *mitzvah goreres mitzvah and aveira goreres aveira*.

2. How One Must Perceive A Torah Sage

The Torah states, **“If a man shall have committed a sin whose judgment is death, he shall be put to death, and you shall hang him on a tree (gallows). His remains shall not remain for the night on the tree, rather you shall surely bury him on that day, for hanging a person is a curse of G’d and you shall not contaminate your Land which Hashem, your G’d, gives you as an inheritance”**.

Ohr HaChaim HaKadosh explains the verses on an allusionary level- “The Torah is alluding to the Torah Sages of the generation. They must be vigilant to supervise the

behavior of the people so that they should not transgress the Torah –since people are inclined to sin. One who is defiant and continues to sin shall die. It is said that “he shall be put to death.” What caused him to have his life taken? The individual chose to sin–thus he is responsible for forfeiting his own life. Nevertheless the Torah is teaching us that the failing of this individual is attributed to the Torah Sage of the generation. As the verse states, “you shall hang him on the tree.” (Torah and Torah Sages are compared to the tree). The Torah Sage is the one who is held culpable for the bad fruit that he causes to come forth. The Torah Sage is responsible to admonish and rebuke the individual who sinned to the point that the sinner responds. Because the Sage did not sufficiently rebuke and admonish the sinner to bring him to a state of doing teshuvah (repentance), he is held culpable for the failing of that individual.”

Ohr HaChaim HaKadosh continues, “The Torah states, “**His remains (niveilah/carcass) shall not remain for the night on the tree.**” We find that the term “carcass/niveilah” refers to sin. Thus, when the Torah states “his remains (niveilah)” it means that although the Sage has a degree of culpability for allowing the individual to sin, one should not allow this blemish/claim to remain on the Sage beyond a night. [If the Sage’s reputation is tarnished on an ongoing basis, his authority and effectiveness will be undermined.] Seeing a Torah Sage in a negative light is a Chilul Hashem (Desecration of G’d’s Name) because he is G’d’s representative in this world. The Gemara in Tractate Berachos states, ‘If one sees a Torah Sage sinning in the nighttime period, he should assume that he definitely did teshuvah by the morning.’ Thus, the Torah states, “bury him on that day.” Meaning the failing that initially was attributed to the Torah Sage should be forgotten because he definitely made the correction through teshuvah. Thus, the reputation of the Torah Sage is not tarnished. If it is not seen in this context, it is something which is will not be tolerated by G’d. As it states in Tractate Shabbos, “Jerusalem was destroyed because of the lack of respect given to the Torah Sages. As the verse states–‘they were disgracing the angels of G’d (Sages).’” If the Sage is rejected and disgraced it will ultimately lead to our Land falling into the hands of the nations of the world – **you shall not contaminate your Land which Hashem, your G’d, gives you as an inheritance.**”

The Gemara in Tractate Bava Basra tells us that members of a community need to pay taxes in order to cover the cost of public works and other communal needs. The Gemara states, “The Torah Scholar does not participate in the payment for watchmen to protect the community because the Torah itself is his fortification/protection.” It is important to note that a Torah Sage is the one “whose inside is the same as his outside.” Meaning his outward behavior is consistent with his essence. Because it states, “There is no tzaddik in the land who does good and does not sin” there is no Sage who is perfect. However, if one faults the Torah Sage by claiming that he is guilty for something of the past, it is considered a Chilul Hashem because he has definitely corrected the failing through teshuvah.

Chofetz Chaim explains that while it is a grave transgression to speak lashon harah (evil/negative speech) about one’s fellow, the liability of speaking lashon harah about a Torah Sage is much more severe. The Sage is meant to be the Torah role model for the Jew. If one speaks negatively about him, it will undermine his effectiveness – thus undermining the influence of Torah in the community. If the credibility of the Sage is called into question, the lifeline of the Jewish people is in jeopardy.

3. The Importance of Not Circumventing One’s Mitzvah Obligation

The Torah states, “**When a camp goes out against your enemies, you shall guard against anything evil.**” The Torah is communicating to us that within the context

of battle, one must safeguard himself against anything that is considered evil. This is true even when one is not in the midst of battle. A Jew must live his life in conformity to the dictates of the Torah. If so, why then does the Torah emphasize safeguarding oneself against anything evil within the context of battle?

Rashi cites the Jerusalem Talmud which states, “One must safeguard against all evil during battle because satan prosecutes during a time of danger.” The Gemara tells us in a number of locations that one is not permitted to place himself in a situation of danger (such as walking next to a wall that is about to topple) because it is a basis for causing prosecution to come upon him/ Attribute of Justice. It is only because of the continuous Attribute of Mercy (Midas HaRachamim) the world continues and is not destroyed.

When one deliberately places himself in danger, because he is acting irresponsibly he does not merit the Attribute of Mercy. At that moment, satan takes the opportunity to bring prosecution upon that individual. During the time of danger, one’s record is examined and scrutinized to an exacting degree in order to evaluate if he is meritorious enough to be protected from danger. The Gemara in Tractate Shabbos tells us that even if one is involuntarily put in a state of danger, such as a woman in childbirth, prosecution is brought upon here. Therefore she must be meticulous in the observance of her personal mitzvos (candle lighting, tithing of chalah, family purity).

When one is in battle, he is in danger and thus subject to the Midas HaDin. Therefore the Torah needs to inform us that it is essential that one should take extra precautions to do nothing that is even remotely evil. It is true that a Jew must adhere to the Torah at all times; however, when one is in battle satan brings prosecution upon him—thus causing immediate consequences. Under normal circumstances one is afforded time to do teshuvah (repent). However, within the context of battle/danger one does not have the time to do teshuvah because that moment may be his last.

Ramban explains, “It is known that within the context of battle people do many things that are abominable (such as eating abominations). There is no conscience or shame on the battlefield – even to the degree of engaging in sexual irresponsibility. ...A soldier assumes a posture of cruelty in battle because in war one is in a position to kill or be killed... In this context one is vulnerable to many aspects of inappropriate behavior. Therefore the Torah states that one should guard against “anything evil” in a time of battle.” It is interesting to note that Ramban cites Sifri who states, “One must guard against anything evil – including lashon harah (evil/negative speech) on the battlefield.” Ramban explains that the reason for this is that one must maintain unity on the battlefield among the soldiers. If one were to speak negatively about his fellow it would create a division among the group and thus undermine their chance of victory.

The Gemara in Tractate Erchin tells us that the negativity of lashon harah is compared by G’d to the transgression of the three Cardinal Sins. If one needs to have special merit to be protected from Midas HaDin (in order to survive the battlefield), then one must refrain from something as grave as lashon harah.

The Gemara in Tractate Menachos tells us that Rav Ketina would make sure that when his outer coat was tailored, its corners were rounded off in order not to bring about the obligation of tying fringes to his four-cornered garment (tzitzis). An angel came to Rav Ketina and asked him, “Why do you not wear tzitzis on your garment?” Rav Ketina responded, “I am not obligated to wear tzitzis because the corners of my coat are rounded off.” The angel replied, “It is true you are absolved from the obligation of tzitzis as you say, but if ever there would be a time of wrath against the world, you will be held culpable

for not performing this mitzvah. Because you could have easily performed the mitzvah of tzitis but chose to extricate yourself from it, you will be held accountable. Therefore you should not extricate yourself from this mitzvah.” Rabbeinu Yonah writes in Shaare Teshuvah (Gates of Repentance) that the claim against a person at a time of wrath is not limited to the Positive Commandment of tzitzis; when one evades any mitzvah that could have been performed with relatively little difficulty, it will cause him to be held accountable.

When one is in a state of danger (time of wrath upon the world), similar to the battlefield, one cannot allow himself to evade performing any mitzvah (as unimportant as it may seem). In fact, the Gemara in Tractate Eruvin tells us that one is obligated to wash his hands after partaking in a meal with bread – even if he is in the midst of battle. One is protected from prosecution and merits victory and success only by performing mitzvos.

The world is currently tottering on the verge of destruction. It can be considered “a time of wrath.” Therefore we must not evade any mitzvah that is within our reach in order to safeguard ourselves from prosecution.

4. The Progression of Negative Behavior

The Torah states, “**But if there will be a man who hates his fellow, and ambushes him and rises up against him, and strikes him mortally and he dies, and he flees to one of these cities...**” On a superficial level, the Torah seems to be saying that if one hates his fellow and allows that hate to fester within himself it will ultimately lead to murder. However, Chazal explain the intent of the Torah differently.

Chazal explain that when the Torah states that we are dealing with a person who hates his fellow, it is to teach us that when one transgresses a seemingly minor law (such as hating one’s fellow) he will come to transgress a more serious law (i.e. murder). Meaning, the reason an individual ultimately comes to murder his fellow, is not because he allowed his hate to go unchecked but rather because he initially transgressed the prohibition of hating one’s fellow. This evolution from the less severe to the more severe is based on the the concept of “*aveira goreres aveira*- one transgression (even of a minor nature) will lead to other transgressions (of an even more severe nature).”

When one hates an individual who he is obliged to hate; such as a person who is unquestionably classified as evil (*rasha*), this intense negative feeling towards him will not lead to murder because the initial hate is categorized as a mitzvah. Thus, it does not lead to murder. As King David states in Tehillim, “Those who hate You, I will hate.”

The Gemara in Tractate Shabbos cites a verse, “There should not be in you a false god. You should not worship strange gods.” The Gemara explains that this verse is referring to an individual who destroys vessels in a fit of anger, which will ultimately cause him to become an idolater. The Gemara asks- How is this possible? The Gemara answers that the “false god within you” mentioned in the verse is referring to the *yeitzer haRa* (*evil inclination*). Meaning, one should not follow the evil inclination which is within him because it will persuade the individual to initially transgress a prohibition of lesser consequence only to ultimately influence him to transgress something of greater consequence – such as idol worship. The Torah is teaching us that it is not merely a natural progression when one loses control to go from a lesser level of anger (which only causes him to break vessels) to a greater level which leads to idolatry; but rather, the evolution from a lesser transgression to the more severe transgression is based on the principle of *aveira goreres aveira* .

Reb Chaim of Volozhin z'tl in his work *Nefesh HaChaim* explains the principle of “*Mitzvah goreres mitzvah. Aveira goreres aveira* - A mitzvah encourages another mitzvah. A transgression encourages another transgression” based on the Zohar. He explains that when one transgresses a contaminated spirit comes into being which engulfs the individual and encourages him to do more of the same –which is to transgress to a greater degree in an addictive manner. Conversely when one performs a mitzvah, a positive energy engulfs the individual and motivates the individual to do more of the same – which is mitzvah.

This is the reason one must be careful not to transgress even a seemingly less severe prohibition because it will lead to something of a more severe nature.

5. Seeing Life as a Debt of Gratitude

The Torah states, **“You shall remember that you were a slave in Egypt, and Hashem, your G’d, redeemed you (*vayifdicha*) from there; therefore I command you to do this thing.”** Whenever the Torah mentions the redemption from Egypt it usually states, “you shall remember that you were a slave in Egypt” or “I am your G’d who took you out of Egypt.” However in this instance the Torah makes it a point to add, **“Hashem, your G’d, redeemed you (*vayifdicha*) from there.”** Meaning, G’d is not only commanding the Jew to remember that he was a slave in Egypt but also to know that since G’d redeemed him, the Jew owes a debt to G’d for that redemption.

Rashi explains that the Torah is saying that since G’d redeemed the Jewish people from Egypt, they must obey the Statutes even when it constitutes a financial loss. According to Rashi’s interpretation the verse is referring to what follows: **“When you reap your harvest in your field, and you forget a bundle in the field, you shall not turn back to take it...”** Despite the fact that it would be a financial loss for the individual not to go back and gather the sheaves that he had forgotten, the Torah commands us that we are not permitted to go back to gather in what was forgotten. These bundles are to be left in the field for the poor.

(Ramban explains this verse differently than Rashi. He explains that the verse **“You shall remember that you were a slave in Egypt...”** is referring to the previous verse which states: **“You shall not pervert the judgment of a proselyte or orphan, and you shall not take the garment of a widow as a pledge.”** Thus the Torah is not obligating one to incur a financial loss because we were redeemed from Egypt.)

We say every morning in the *Ezras* (the lengthy paragraph which precedes the Amidah in the morning service), “From Egypt You redeemed us (*gealtanu*), Hashem, our G’d, and from the house of slavery You liberated us (*pideesanu*).” Malbim in his commentary on Tehillim explains that the terms of “*geula*” (redemption) and “*pidyon*” (liberation) are referring to two aspects of redemption. “*Geula*” is the term that refers to the spiritual redemption of the Jewish people. In Egypt the Jewish people were spiritually shut down (desensitized) and had no capacity for spirituality. Because G’d brought about *geula* they had a capacity to relate and process spiritual matters. The term “*pidyon*” refers to the physical liberation of the Jewish people from bondage. G’d released the Jewish people from physical slavery.

In the verse, **“You shall remember that you were a slave in Egypt, and Hashem, your G’d, redeemed you (*vayifdicha*) from there; therefore I command you to do this thing”** the Torah uses the term “*pidyon*” regarding the physical redemption of the Jewish people from Egypt. Thus, according to Rashi one can understand the verse to

mean that since Hashem redeemed the Jewish people in a physical sense from Egypt – giving us our freedom, they must obey G'd's statutes even in a context of taking a financial loss.

It is interesting to note that regarding the prohibition of charging interest the Torah juxtaposes the verse “I am your G'd who took you out of Egypt” – with no mention of “redemption.” Similarly we find regarding the prohibition of partaking in rodents and crawling creatures, there is only the mention of G'd taking us out of Egypt with no mention of “redemption.” How do we understand this?

Regarding the laws of usury, which is a profit which is not permitted to the lender, or the prohibition of partaking of forbidden species (which is the suppression of a desire), one has the ability to refrain from transgressing because – “G'd took us out of Egypt.” However regarding the laws which do constitute a financial loss one has difficulty relinquishing what is rightfully his unless he sees it within the context of repaying a debt. Thus, the Torah stresses the aspect of physical redemption, in order to give us an appreciation for the debt that we owe G'd for granting us our physical freedom.

The Gemara in Tractate Taanis tells us that one is not permitted to test G'd except regarding the tithing of one's crops. The Torah tells us that if one tithes his produce as prescribed he is guaranteed by G'd to become wealthy. Initially one is permitted to tithe his crops with the intent to become wealthy as the verse states, “*aseir t'aseir*” which is explained to mean, “tithe to become wealthy.” Why does G'd allow one to test Him specifically in the area of tithing one's crops and produce? Because it is so difficult for one to give up something which is rightfully his, G'd gives one an incentive to do so. Rather than seeing it as something being taken from himself and experiencing it as a loss, the individual sees it as something that he gives only to experience a gain. If one sees giving charity as something that insures his own wealth then it would not be difficult to give charity. One must appreciate the benefit of giving away something that belongs to him.

If one views life as a gift of G'd and all that he possesses is a blessing, he will continuously feel indebted to G'd and his service will be experienced as a debt of gratitude. Thus he will not find it difficult to adhere to and fulfill any of the mitzvos of the Torah.

6. The Setting for Good Fortune

The Torah states, “**If you build a new house, you shall make a parapet (fence) for your roof, so that you will not place blood in your house if a fallen one falls from it (to his death).**” What is the meaning of the term “if a fallen one falls”? One would think that that only after one falls is he considered a fallen one; however, the Torah refers to the person who falls as “the fallen one” although he had not yet fallen. Rashi cites Chazal who explain that the individual who falls from the rooftop actually was destined to die through falling (because he deserved to die). His death did not come about because the owner of the house did not build a fence to protect him from falling. Chazal tell us that the Torah is teaching us the principle that negative events that are meant to take place come about through people who are undeserving and culpable. Good things that are meant to take place come through those who are meritorious. The Torah is stating regarding the parapet that one should not be the medium through which the death of this individual should come about. Thus, although the individual deserved to die, the tragedy of his death came about through the person who violated the law of not constructing a fence on his rooftop, causing him to be classified as one who is culpable.

Rambam states in *Hilchos Teshuvah* (Laws of Repentance), “If one believes that one’s status as a tzaddik (righteous) or rasha (evil) is predetermined, he is considered foolish for believing so. Every human being is in a position to be able to choose between good and evil.” The concept mentioned by Rambam is found in the Gemara that states, “All things are predetermined with the exception of one’s fear of Heaven.” Rambam asks that there are several verses in the Torah which seem to contradict the concept of free choice in the area of being righteous and evil. The Torah states, “Hashem hardened the heart of Pharaoh.” How could the evil that was perpetrated against the Jewish people be fully attributed to him if his ability to choose was taken from him? Nevertheless Pharaoh was held culpable for all his actions despite his inability to choose. How do we understand this?

Rambam explains that initially every human being has the power of choice; however, it is possible for one to forfeit and lose that ability through one’s extreme level of evil deeds. It is considered an abuse of this privilege, when one behaves in such an extremely evil manner. G’d withdraws the gift of free choice. Thus, if one is no longer in a state of not being able to choose, he is nevertheless held culpable for his actions because it was only through his own choice of evil did he lose his power of choice.

Reb Meir Simcha of Dvinsk z’tl ponders the question- Did Moshe Rabbeinu have the ability to choose to become a heretic after he had received the Torah at Sinai? Reb Meir Simcha explains that Moshe’s choice to become a heretic was not possible because if it were possible it would then undermine the basis for Torah which was given through Moshe. Since this is the case then why would Moshe be deserving of reward for not becoming a heretic if he had no choice to do so? Reb Meir Simcha answers that Moshe was fully deserving of reward because it was only through his own actions and choices that he was chosen to be the one to receive the Torah at Sinai. Thus, he put himself in a position that he could not become a heretic.

Similarly, the principle that “good things come through one who is meritorious and tragedy (negative events) comes through one who is liable” – although the opportunity which comes to the one who is meritorious is not by choice, it nevertheless comes about because the individual chose to be meritorious through his actions/choices.

We say every morning in the paragraph of “*l’menatzeiach*” which follows *ashrei*, “May Hashem fulfill all that your heart desires.” What are our aspirations and desires? If one desires and aspires to become a better Jew, G’d will assist him in doing so by providing him opportunity to do good – he will assume the status of one who is “meritorious”. However if one’s desires are not in line with the Torah perspective (or even contrary to Torah), then he classifies himself as one who is “not meritorious”. Thus Hashem will provide him with other situations that are not necessarily in his best interest.

