

Rabbi Elchanan Shoff

PARSHAS KI SETZEI

The Tent in Battle

When you go out for war upon your enemies... (Deut. 21:10). The Chida points out that the last letters of the words in the phrase “When you go out for war upon your enemies” (כי תצא למלחמה על אויביך) spells out the word “your tent”. He explains that this hints to the “Tent of the Torah”, i.e. the halls of prayer and the halls of study which are the facilitators of the Jews’ successes in battle. Chida adds that those “tents” are also integral in the harshest war of all—the war against the Evil Inclination—as studying Torah and praying to Hashem are of the most potent ways in dealing with that Inclination.

Encountering the War Outside

When you go out for war upon your enemies... (Deut. 21:10). The Dinover Rebbe, Rabbi Tzvi Elimelech Shapiro, author of *Bnei Yisaschar* notes in *Agra deKallah* that the wording of this opening verse is somewhat obscure. He asks: Why does it say “when you go *out*...” it should just say “when you go...”? He explains that by highlighting the place that one leaves behind, this verse alludes to the notion that when a person goes out from the safety of the Tent of Torah, then he will immediately be bombarded by his enemies who oppose and accuse him, for as long as he is within the Tent of Torah and dwelling within the 4 cubits of Halachic space, then his enemies will fall beneath him. But the moment he leaves that safe-haven and “goes out” he must encounter them head-on.

Similarly, Rabbi Avraham Shmuel Binyamin Sofer in his work *Cheishev Sofer* writes in the name of his great-great-grandfather Rabbi Akiva Eiger¹ that when a person remains in his house it is easy for him to fulfill the *mitzvos* without any major opposition or trials. However, the moment he leaves his house and is on the road, it is much harder for a person to keep true to the *mitzvos* and he will almost inevitably end up sinning. To that effect, Rabbi Sofer urges one to avoid travelling, lest one end up stumbling in sin. He finds a Scriptural allusion to this idea in the passages concerning the Pesach Sheni (Secondary Paschal) Offering in Iyar which may only be brought by those who could not bring the Korban Pesach in Nissan due to ritual impurity or distance. In that

¹ Rabbi Akiva Eiger’s son-in-law was Rabbi Mosher Sofer (author of *Chasam Sofer*), whose son was Rabbi Avraham Shmuel Binyamin Sofer (*Ksav Sofer*), whose son was Rabbi Simcha Bunim Sofer (*Shevet Sofer*), whose son was Rabbi Akiva Sofer (*Daas Sofer*), whose son was Rabbi Avraham Shmuel Binyamin Sofer (*Cheishev Sofer*).

Rabbi Elchanan Shoff

PARSHAS KI SETZEI

context, the Torah warns that one who was ritually pure and/or not too far away from the central place of worship may not bring the Secondary Paschal Offering, “And a man who was pure, and [or] he was not on the road...” (Num. 9:13). Rabbi Sofer takes this passage to mean that a man is pure (i.e. free from sin) if he was “not on the road” (i.e. he did not leave the comfort of his own) because he never had to comfort any situation which called into question his devotion to the *mitzvos*.

A similar sentiment is expressed by Rabbi Avraham Shmuel Binyamin Sofer’s great-grandfather, whose name also happened to have been Rabbi Avraham Shmuel Binyamin Sofer. The elder Rabbi Avraham Shmuel Binyamin Sofer writes in *Ksav Sofer (Parshas Bereishis)* that the Evil Inclination is a wise and crafty force. It waits until the most opportune time to try and entice man to sin. He explains that as long as man remains in the safety of his own home, and he has can do whatever he wants and has access to his needs in a permitted way, the Evil Inclination does not bother him. But once he steps out of his house and he travels far away to a place where he cannot “eat and drink” at will, then the Evil Inclination begins to convince him little by little to stray from the straight and narrow...

Marrying Captive Women leads to Rebellious sons

And you shall take [her] for yourself as a wife (Deut. 21:11). Rashi explains that the in this case, the Torah only issued its directives as a means of dealing with the Evil Inclination, for if Hashem would not have permitted the soldier to marry her, he would inevitably have married her in a forbidden way. Nonetheless, the Torah informs us that if one marries such a woman, he will ultimately end up hating her, as the very next passage concerns a man not being allowed to transfer away the firstborn rights from his hated wife’s son to his beloved wife’s son. And eventually, this hated woman will bear a rebellious son, which is why that passage is juxtaposed to the law of inheritance.

Indeed, the Talmud (*Sanhedrin 107a*) asserts that anybody who marries a captive woman in war will bear a rebellious son. Radak (Rabbi Dovid Kimchi to II Sam. 3:3) explains that this is because the gentile captive woman is not really interested in marrying this Jewish soldier and becoming Jewish, but she is rather forced to convert to Judaism. Because of this, the resulting offspring will also not be interested in Judaism and will end up rebellious. Rabbi Yehonasan Eysenschutz in *Yaaros Dvash* writes that this is not a punishment for the soldier taking a gentile captive woman as a wife, rather it is a natural outcome of the fact that this Jewish soldier and this gentile woman are really of

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

diverse temperaments, such that the child resulting from their union will be built of opposing natures and will thus unavoidably be conflicted leading to his rebelliousness.

Nonetheless, Rabbi Yoshe Ber Soloveitchik in *Beis HaLevi* explains that the idea that anybody who marries a captive woman in war will bear a rebellious son is not a natural outcome but is actually a punishment for the Jewish soldier who could not control his urges and relied on this special dispensation that the Torah offers. This view is also implicit in Rashi (to *Sanhedrin* 107a) when explaining the conversation between King David and Chushi the Arkite.

The Whole Purpose of Marriage

And you shall take [her] for yourself as a wife (Deut. 21:11). Rashi explains that in this case, the Torah only issued its directives as a means of dealing with the Evil Inclination, as we mentioned above. The Talmud (*Yevamos* 63a-b) relates that even though Rabbi Chiyya wife was quite bothersome to him and caused her husband much suffering, he still made a point of bringing her presents. When pressed on this by his students, Rabbi Chiyya countered that it is enough that his wife 1) raises his children and 2) helps save him from sin for him to have gratitude to her, even if she otherwise causes him much aggravation and treats him with great respect. From here we see that two great benefits to a husband from a wife in a marriage are that she partners with her husband to raise her children and that she saves him from sin (i.e. by serving as a kosher outlet for his sexual impulses²). Based on this, Rabbi Heschel of Krakow (cited by *Kobeles Moshe*) explains that when it comes to marrying a gentile captive woman, the goal of her raising his children is inapplicable because those children will become rebellious children, as per the above. Rather, the only purpose for ever marrying a gentile captive woman is only to deal with the Evil Inclination, i.e. save her husband

² Rabbi Yaakov Yosef of Polonoye in *Toldos Yaakov Yosef* (cited by *Likkutei basar Likkutei*) writes with tongue-in-cheek that marrying a woman saves one from sin because the worries and responsibilities resulting from marriage are so burdensome and exhaust him so much that he simply doesn't have the energy to capitulate to his evil inclination.

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

from sin, which is why Rashi explains that the Torah only issued its directives concerning the gentile captive woman as a means of dealing with the Evil Inclination.³

Favoring the beloved son

When a man has two wives... (Deut. 21:15). Rabbi Tzvi Elimelech Shapiro, author of *Bnei Yisaschar* notes in *Devarim Nechmadim* that the Torah could have taught this rule by setting up a case of a man who had a hated son and a beloved son from one wife, without resorting to him having two sons from two different wives. Moreover, he notes that Yaakov Avinu seems to have violated the Halacha taught in this passage, because he gave the firstborn's double portion to Yosef, the son of his beloved wife Rachel, instead of to Reuven, the firstborn of his hated wife Leah. And yet, the Talmud (*Yoma* 28b) asserts that the forefathers kept the entire Torah before it was given, so how was he able to do this? Rabbi Shapiro answers that if one closely examines the passage at hand, one would notice that the Torah uses two expressions to relate the law that the father may not transfer the firstborn's rights to another son: "He cannot make the son of the beloved woman into the firstborn..." and "for the firstborn son of the hated woman he should recognize to give him double..." Now of these two clauses, the first is somewhat superfluous, but it is already included in the second. Why then does the Torah make a point of stressing that the father "cannot make the son of the beloved woman into the firstborn"? Rabbi Shapiro answers that the law was worded in this way to specifically address the story of Yaakov giving the firstborn rights to Yosef. For this reason, it spoke about a man with two wives (like Yaakov) and not just a man with one wife and two sons. Moreover, he explains that Yaakov's actions concerning Yosef ought to be an exception to the rule, for Hashem had given Yaakov special instructions to give the firstborn rights to Yosef, even though this contravened the Torah's laws of inheritance. In order to stress that the story of Yaakov and Yosef ought to not be cited as precedent, the Torah stresses that no, a father "cannot make the son of the beloved woman into the firstborn" even though Yaakov did just that.

Resisting Authority

A son who strays and rebels... (Deut. 21:18). The word "rebels" used in this context is somewhat non-standard, because the regular word for "rebels" is מורד, but here the

³ In *Yalkut HaGershuni* this idea is cited in the name of Rabbi Yehonosasn Eyebchutz, but as is well-known many ideas are often presented in *seforim* as in the name of Rabbi Yehonosasn Eyebchutz when they were really said by Rabbi Heschel of Krakow, and vice versa.

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

word used is מורה. Based on this, the *Maaglei Tzedeck* (cited by *Yalkut HaGershum*) writes that the rebellious son does not stop at rebelling against authority himself, but he also “teaches” (מורה) others to resist authority and tries to claim that everyone else should act like him.

Scared Straight

And all of Israel will hear and they will be scared (Deut. 21:21). Rabbi Efrayim Lunshitz in *Kli Yakar* asks: why will the entire Jewish people be scared by seeing the rebellious son’s fate? It should only be that Jewish boys should be frightened by the rebellious son’s punishment, but not the entire Jewish people? He answers that the entire Jewish people are like sons—Sons of Hashem—and the fact that the rebellious son is put to death and is not exonerated from his sins serves to the teach and warn the entire Jewish people that even though they are like Sons of Hashem, this does not exonerate them from their sins and He will still hold them responsible for their misdeeds. They cannot rest assured that Hashem will just forgo punishment for sins because He has mercy like a father has mercy on his son, because sometimes even a father is expected to bring his son to justice and have capital punishment applied to him. Indeed, this a scary fact and should scare the entire Jewish people, not just those who could potentially become rebellious sons, but everybody. For the Heavenly Court follows after the fashion of the Earthly Court, and just like in the Earthly Court a father is sometimes expected to turn in his son, such is true of the Heavenly Court as well.

Hanging Around on a Tree

When a man has a sin with a verdict of death and he is killed, you shall hang him on the tree (Deut. 21:22). Rabbi Yitzchak Luria, the Arizal, offered an eloquent homily on this verse when eulogizing the great Kabbalist Rabbi Moshe Cordovero, the Ramak. Arizal explained that the Hebrew word for “sin” (חטא) can also mean “omission” or “lack”, such that the verse a hand can be read as “when a man lacks a verdict of death and he is killed...” meaning if a person is a wholly righteous person, and dies without having committed any sins, then “you shall hang him on the tree”, meaning you shall “blame it on the tree” for his death depends not on his own personal shortcomings but on the primordial tree of the Original Sin by which Adam ate from the Tree of Knowledge and brought death to mankind. A wholly righteous person dies not because of his own sins, but because of the sin of the Tree (cited by Chida in *Nachal Kedumim*).

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

Son or Brother?

Do not hang his corpse on the tree, for you shall surely bury him on that day, because God's curse is in the hanged (Deut. 21:23). Rashi explains that the reason why it is forbidden to hang somebody for more than one day is that it dishonors Hashem, for man is created in the image of Hashem, and here a man would be hanging from a tree in a disgraceful way. Rashi further offers a parable comparing this to two twin brothers, one of whom became an important nobleman and the other of whom became a bandit. When the bandit was caught and hanged, all who saw his body commented "The nobleman had been hanged" because the bandit resembled his twin brother the nobleman.

In this case, Rashi likens the relationship the Jewish People and God as that of twin brothers. However, elsewhere, the Jewish People's relationship to Him is compared to that of a father and son: "You are sons to Hashem, do not cut yourselves..." (Deut. 14:1), which Rashi explains means that since the Jewish People are like Hashem's children, then it does not befit their/His honor for them to lacerate themselves. In this case, the relationship the Jewish People and God is characterized as that of a son and father. Why do we use two different types of parables to express the same sort of analogy (that disgracing a person is an affront to God)?

We may explain that there is a difference between the relationship between twin brothers and a father/son. When it comes to a father/son relationship, the father serves as the role model whom the son is expected to emulate. The son looks like the father because he is supposed to continue in his father's footsteps. In this way, Deut. 14:1 compares the Jewish People to Hashem's sons as if to say that since we are to emulate Him, we ought to not cut ourselves. However, when it comes to the relationship between twin brothers, the fact that the two look like one another is merely because they happen to be brothers. But there is no expectation that one follow the other. Thus, in the verse at hand, when we are discussing hanging somebody has been put to death, such a person does not follow in the path that Hashem has set out for him, for he has sinned in such a way that he deserved capital punishment. The fact that such a person resembles Hashem is merely coincidental, just like the resemblance between twin brothers. Because of this, Rashi uses an analogy to twin brothers to highlight the fact that even though the condemned resembles Hashem in a coincidental way, it is still an affront to Him to leave that person's body hanging overnight.

Teaching Women Torah

The clothes of a man shall not be on a woman, and a man should not wear the dress of a woman, for it is an abomination to Hashem your God all who do these (Deut. 22:5). Rabbi Yaakov Baal HaTurim points out that the *gematria* of the phrase “the clothes of a man on a woman” (כלי גבר על אשה = 671) equals the phrase “the vessel of the Torah” (כלי תורה = 671), which is an allusion to the Mishnah that a man ought to not teach his daughter (certain parts of) Torah (like the Talmud).

Women Wearing Tefillin

The clothes of a man shall not be on a woman, and a man should not wear the dress of a woman, for it is an abomination to Hashem your God all who do these (Deut. 22:5). Targum Yonasan writes that this verse means that a woman may not don *tzitzis* or *tefillin* which are the wardrobe of a man. Rabbi Moshe Isserles (*Orach Chaim* 10:2) rules that if a woman wants to wear *tzitzis* she has permission to do so, but they should nonetheless refrain from doing so because it looks haughty, as if they think they are superior to other women. When it comes to women wearing *tefillin*, Rabbi Isserles is more forceful and writes (*Orach Chaim* 38:3) that if women want to be extra strict on themselves and wear *tefillin*, we should protest their actions. The *Magen Avraham* (there) explains that this is because wearing *tefillin* requires one to have a “clean body” and women cannot possibly be entirely careful about this due to biological realities. This reasoning is also found in the *Kolbo* (cited by the *Beis Yosef*), and is sourced in the words of the Tosafists (*Eruvin* 96a) concerning King Saul’s daughter Michal and why the sages of her generation protested her wearing *tefillin*.

The Talmud (*Eruvin* 96a) relates that Michal, daughter of King Saul and wife of King David, wore *tefillin* and the sages of her time did not protest her actions. However, the Tosafists cite an alternate version of this from the *Pesikta* which says that the sages of her time *did* protest her actions. And indeed, such an opinion is also found in the Talmud Yerushalmi (*Brachos* 2:3). To explain the problem with her wearing *tefillin*, the Tosafists write that it is because she would be unable to meet the requirement of maintaining a “clean body” while wearing *tefillin*.

The Chida, on the other hand, writes in *Birkei Yosef* (*Yoreh Deah* 182:2) that the problem with Michal wearing *tefillin* was that she was a woman, and per Targum Yonasan, a woman may not wear *tefillin* because it is considered man’s clothing.

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

Why, of all people, did Michal daughter of Saul feel the need to wear *tefillin*? Do her actions set a precedent for all time?

Rabbi Shlomo Luria, also known as the Maharshal, writes in his work *Yam Shel Shlomo* (*Kiddushin* 1:64, cited by *Birkei Yosef* to *Orach Chaim* 38:1) writes that of all women, only Michal might have been justified in wearing *tefillin* because of three facts concerning her: she was a queen (married to King David), she was an especially pious person, and she did not have children.⁴ Because of the convergence of these three factors, she was able to maintain a “clean body” while other women would not be able to do so.

Rabbi Yitzchak Palagi in *Yafeh LeLev* (cited by *Kaf HaChaim*, *Orach Chaim* 38:9) takes a more Kabbalistic approach and argues that only Michal had special wisdom which revealed to her that her soul is from the World of the Masculine so she should don *tefillin*, while other women cannot know the source of the souls, and thus cannot make this call.

Rabbi Mordechai Jaffe in *Levush* (17) writes that Michal was not concerned with the prohibition for a woman to wear *tzitzis* and *tefillin* cited by Targum Yonasan here because the whole reason that the Torah outlaws a woman from wearing men’s clothing is so that a woman would not disguise herself as a man and use that as a pretext to engage in promiscuous behavior. However, since Michal was both the daughter of a king and the wife of a king, everybody recognized her, so even if she wore the clothes of a man, it would never serve as an effective disguise, so for her it was permitted (see *Sdei Chemed*, *Maareches Tes* 15 who raises several difficulties with this explanation).

Rabbi Moshe Shick (responsa *Maharam Schick*, *Yoreh Deah* 178) answers that the prohibition for a woman to wear *tzitzis* and *tefillin* cited by Targum Yonasan only applies to a woman who does so as an adornment or as a means of beautifying herself. However, Michal wore *tefillin* for the purpose of fulfilling the commandment of *tefillin*, so the sages did not protest her actions.

⁴ Rabbi Menachem Azariah of Fano writes in his Kabbalistic work *Asara Maamaros* (*Maamar HaIttim* 12) that Michal purpose wore *tefillin* because she never had children, which the *Yad Yehudah* explains means that since one could merit children through the fulfillment of this commandment, she tried to do so.

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

Responsa *Torah Lishmah* (214) writes⁵ that the prohibition of wearing men's clothes does not apply to *tefillin* because it is not actually clothing (pace Targum pseudo-Jonathan), and the only problem with a woman wearing *tefillin* would be her inability to maintain a "clean body" which did not apply to Michal who was apparently able to maintain such a state. Similarly, the *Beis Hillel* (to *Yoreh Deah* 182) writes that the prohibition of wearing men's clothes must not apply to *tefillin* because we have never found that women were flogged for wearing *tefillin* (see also R. Yechezkel Yaakov Weinberg in *Seridei Aish* vol. 2 41 who comes to a similar conclusion).

The Big Kuf

When a bird's nest happens in front of you... (Deut. 22:6). In some scribal traditions, the letter *kuf* of the word "happens" (יקרא) is written bigger than usual. Rabbi Chaim Palagi in *Chaim LeGufa* (*kuf*) writes that this alludes to the notion that the commandment of sending away the mother bird is an easy *mitzvah* (מצווה קלה) like the Midrash (*Tanchuma, Eikev* 3) states. He notes that this is the meaning of the Mishnah's warning "Be careful with an easy *mitzvah* like with a difficult *mitzvah*" (Avos).

Do not be cruel

You shall surely send the mother, and you shall take the children for yourself (Deut. 22:7). Rabbi Moshe Sofer (responsa *Chasam Sofer, Orach Chaim* 100) writes that if one does not need the children, then he is not obligated to send away the mother which would then be an act of cruelty. This is because the Torah only allows causing animals distress if it brings some benefit to humans, but if a person causes suffering to an animal for no reason, then he is not only violating the law of *tzaar baalei chaim*, but he is also accustoming himself to acting with cruelty.

The Faller's destiny

When you build a new house, you shall make a fence for your roof and you shall not put 'blood' in your house when the faller falls from it (Deut. 22:8). Rabbeinu Bachaya cites a Midrash that says that the person who potentially would fall from the roof was destined to fall from when Hashem created the world (which is why he's called "the faller"), yet the Torah warns the homeowner to build a fence so that he will not be the direct cause of the "faller's" death.

⁵ Responsa *Torah Lishmah* is ascribed to one Rabbi Yechezkel HaKochli (literally, "Ezekiel the Blue"), which most scholars assume is a penname for Rabbi Yosef Chaim of Baghdad (author of the *Ben Ish Chai*).

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

The Ox and Donkey

Do not plow with an ox and donkey together (Deut. 22:10). Rabbi Mordechai HaKohen of Tzfas writes in *Sifsei Kohen al haTorah* that the word “plow” is a cognate of the root רחש which refers to “the movement of lips” (see *Sanbedrin* 90b), and alludes to a prohibition of speaking about a specific topic—the arrival of Moshaich because speaking about his arrival will only serve to delay his arrival. He notes that the phrase “with an ox and with a donkey” (בשור ובחמור = 770) in *gematria* equals “with the two Messiahs” (בשני משיחים = 770), which is an allusion to the concept of a Moshiach ben David and a Moshiach ben Yosef.

The Betrothed Girl

For she has done a travesty... (Deut. 22:21). The *Dorshei Reshumos* writes that the first letters of the words in the phrase “for she has done a travesty” (כי עשתה נבלה) spell out the name Achan. Achan—besides taking from the spoils of the Jews’ war in Jericho—is said to have fornicated with a betrothed virgin (*Sanbedrin* 44a) because his actions of taking those spoils is also described as a “travesty” (נבלה).

The Mamzer

A mamzer may not enter the congregation of Hashem (Deut. 23:3). The Talmud Yerushalmi parses the word *mamzer* and explains it as a contraction of *mum-zar* (“a foreign blemish”). The Malbim also offers an explanation of the word *mamzer* and, *inter alia*, writes that it is “a foreign” thing to happen within the Jewish People for such a child to be born. Rabbi Chaim Palagi in *Amudei Chaim (Amud Shalom, Maareches mem 11)* writes that the word *mamzer* is an acronym for the last clause in the verse “Better to have dry bread and tranquility, than a home filled with meat offerings of strife” (Prov. 17:1) (מבית מלא זבחי ריב = ממזר). This alludes to the Talmudic principle (*Kiddushin* 71b) that if two families are always fighting with one another, it is an indicator that one of them has some sort of blemish in their lineage which makes them unacceptable to the other. This same exegesis is also found in the work *Mincha Belulah*.

The Ban on Prostitution

There shall not be a kedeishah from the daughters of Israel and there shall not be a kadesh from the sons of Israel (Deut. 23:18). Rashi explains that the word *kedeishah* means “prostitute” but is related the root *kodesh* (“holy”) because just as something holy is separated and set aside for a higher purpose, so is a prostitute set aside from all other girls and intended for a specific purpose. Elsewhere, Rashi writes

(*Sanhedrin* 82a) that the *kadesh* is a man who forgoes his personal holiness and instead of doing the right thing, he chases after whores, and a *kedeishah* similarly refers to a woman who defiles her own personal sanctity (see also Nachmanides here who echoes this understanding in some ways).

The Ricanati (cited by *Sifsei Koben*) explains that reason behind the Torah's ban on prostitution by writing that when a man is in marital union with his wife in a pure, holy, and modest fashion, and uses the limb of circumcision in its intended way, this alludes to the uppermost form of unity of Hashem who is the source of all blessing and influx in This World which derives from the covenant with the One Above and serves to maintain peace between the Upper Realms and the Lower Realms. However, if a man consorts with a prostitute, then he causes the great influx to be channeled to the *sitra achara* which is like a prostitute and brings more bad energy into the world.

Moreover, he notes that Chazal (*Sotah* 2a) tell us that forty days before the formation of a child, a Heavenly Voice announced "The Daughter of x [will be wed] to x...", but sometimes a man might never merit to connect with his true soulmate and they will remain separate from each other. In such a case, he will be a *kadesh* and she, a *kedeishah*. He explains that even though Hashem always plans a person's spouse before they are even born, but a person must merit to be matched with his true soulmate, as it says, "Found a wife, found good" (Prov. 18:22) which means that only one who has found himself doing good will merit to find his true intended wife. Sometimes, a person has to first marry somebody else and only afterwards will he end up uniting with true *zivug*, while there are even some who never end up reuniting with their *zivug*.

Interested in Charging Interest

You shall bite [i.e. take interest] from the foreigner (Deut. 23:21). Abarbanel notes that Christian scholars have pointed to the Torah's laws against usury as evidence of the Torah not being a complete arbitrator of morality, because the Torah allows the Jews to take interest from Canaanites, even though the Christians argue that charging interest is inherently immoral and should not be done to anybody. In their estimation, the Torah should have outlawed interest altogether, not allowed it from non-Jews and only banned it from Jews.

Abarbanel responds to this criticism by arguing that usury is not something which is inherently immoral. He explains that it makes sense that a person ought to be able to take his possessions (be it gold or silver or grain or wine) and make a profit from them.

Rabbi Elchanan Shoff

PARSHAS KI SETZEI

If a person asks for money from somebody else in order to invest it in business with the hopes to make more money, why should the lender not be able to also make some money from that loan? Why should lenders be forced to allow people to borrow their money free of charge? Even if he charges the borrower for the loan, the lender is still helping out the borrower? It doesn't make any sense.

Rather, Abarbanel explains that the Torah bans taking interest from fellow Jews not because usury is something objectively immoral but because the Jewish People are like brothers and a fellow Jew should feel such comradery with his brother than he would not charge him when helping him out. On the other hand, when it comes to the alien non-Jew, there is no such expectation of comradery, so there is nothing wrong with taking interest from him. Abarbanel compares this to the laws of *Shemitta* in the seventh year whereby a creditor must relinquish his claim to any loans owed to him by Jews, but is not expected to do the same for non-Jews. Accordingly, by the letter of the law, there is nothing wrong with usury, but when it comes to intertribal relationships, the Torah demands a person go beyond the letter of the law.

A Beis Din for a Get

And he will write for her a Book of Excision (Deut. 24:1). Targum pseudo-Jonathan writes “and he will write for her a bill of divorce in front of the court”. From this passage, it seems like Halacha calls for writing a Get in front of a court of three judges. Now, the Mishnah in the beginning of *Sanhedrin* says that *miyun* requires a court of three judges. *Miyun* is a girl's right to refuse her marriage after she had been married off by her mother and brother in a way which is not effective according to Biblical Law but has validity by Rabbinic Law. To differentiate between a Rabbinic Marriage and Biblical Marriage, the rabbis instituted that such a girl can do *miyun* instead of writing a Get to release her from her marriage. Rashi explains that Mishnah's ruling as saying that *miyun* requires a court of three judges because when the rabbis instituted various mechanism, they did so in imitation of the Biblical Laws. Rabbi Yechezkel Landau (responsa *Noda beYebudah*, 2nd edition, *Even HaEzer* §114) and Rabbi Akiva Eiger (*Tosafos Rabbi Akiva Eiger* to the aforementioned Mishnah) take this to mean that just as a Get requires the presence of three judges, so does *miyun*. Indeed, Rabbi Yehonasan Eyebchutz in *Urim VTumim* (*Choshen Mishpat* §9:2) cites *Tosafos* (to *Kiddushin* 9a) who contrasts a bill of divorce from a bill of betrothal by nothing that the former is written by the husband in court (although there is an alternate version of *Tosafos* which has a different reading), implying that a Get requires the presence of three judges. Nonetheless, Rabbi

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

Moshe Sofer in responsa *Chasam Sofer* (*Even HaEzer* vol. 2, §65–66) disagrees with this understanding of Rashi, and explains in the name of the Maharah Shiff that Rashi means that the rabbis instituted that *miyun* requires a court of three judges because the rabbis instituted that mechanism in imitation of the Biblical mechanism of the *chalitzah* which requires the presence of three judges. Accordingly, Rabbi Sofer concludes that there is no Talmudic source which requires a Get to be written in front of three judges. Indeed, Rabbi Yitzchak Isaac Chaver explains that a Get need not be written in front of three judges because the document itself causes the divorce, such that the document in her hand is ample proof of the divorce having been effectuated. On the other hand, he explains, when it comes to *miyun* or *chalitzah* which are ceremonies with mostly verbal elements—with no document making the separation effective—since the woman cannot carry any tangible proof with her, those procedures must take place in the presence of three judges to solidify the matter.

Getting Your Salary from Above—on time!

On his day you shall give his wages... (Deut. 24:15). Rabbi Shlomo Kluger in responsa *Tuv Taam VoDaas* (1st Edition, *Laws of Shiluch HaKen* §249) cites the famous question of the exegetists who asked how can we say that God keeps the Torah (*Yerushalmi Rosh HaShannah* 7b, and *Koheles Rabbah* §8:4), if it says that there is no reward for the *mitzvos* in This World (*Kiddushin* 39b), yet if God keeps the Torah, he must give reward on the day that the work was done, as it says, “*On his day you shall give his wages*”? Just like the Torah requires an employer to give his workers their wage at the end of the day, so does should Hashem be required to repay us for our *mitzvos* everyday without waiting until the World to Come?

Rabbi Kluger answers that really everybody’s Evil Inclination would overpower them if left to their own devices, but Hashem helps them defeat their Evil Inclination and do the right thing. Accordingly, all *mitzvos* which are performed are really done through Hashem, and we don’t really deserve any credit for those *mitzvos* at all. Because of this, any reward that Hashem does bestow upon on us is purely extra-credit and is not like actual wages which must be remitted on that day,

Rabbi Heschel of Krakow offers another answer to this question (cited in the work *Chanukas HaTorah to Parshas Yisro* §84). According to Halacha, the obligation to pay a laborer’s wages on that day only applies to the man who actually hired the laborer for himself. However, if somebody did not directly hire a laborer, rather he sent an outside

Rabbi Elchanan Shoff

PARSHAS KI SETZEI

agent to hire the laborer on his behalf, then the prohibition of delaying payment does not apply (see *Shulchan Aruch, Choshen Mishpat* §339:7). Accordingly, since Hashem did not directly command the Jewish People to follow the *mitzvos*, rather He employed Moshe as His agent to reveal to us all the commandments, He is not obligated to immediately repay us for the performance of those commandments, such that He can wait until the World to Come to do so. With this in mind, Rabbi Heschel explains an otherwise enigmatic Midrash which says “The Jewish People are only sustained through the merit of belief”. Rabbi Heschel explains that “belief” in this context refers to the first two commandments of the Decalogue which the Jewish People heard directly from Hashem and not through the medium of Moshe: “I am Hashem your God...” and “Do not have other gods...” Of all the commandments, when the Jews fulfill these two commandments, they receive immediate reward in This World and are “sustained” in that merit. This is because only those two commandments were given directly from Hashem and not through an agent. On the other hand, when it comes to all other commandments, since the Jewish People only received them through Moshe and not directly from Hashem, He is under no obligation to repay their deeds in This World, such that those rewards are saved for the World to Come.

My friend Rabbi Mordechai Zev Trenk points out that according to the rules of this prohibition, an employer is only obligated to pay his employee on the day he *finishes* his work. Accordingly, we may answer that since a person only finishes his work in This World on the day he dies, then Hashem is not actually “guilty” of delaying payment.

Amalek versus God

Remember that which Amalek had done to you... (Deut. 25:17). Rabbi Chaim Palagi in his work *Nefesh Kol Chai (Maareches ZAYIN* §4) explains that the on the word “remember” is the cantillation mark *zaqef gadol* (זָכוֹר). He explains that that symbol is essentially comprised of the letter VAV with two letters YODS next to it. The *gematria* of the letter VAV with two YODS ($\nu + \nu + \nu = 26$) equals that of the Tetragrammaton ($\eta\text{-}\nu\text{-}\eta\text{-}\nu = 26$) which alludes to Amalek’s role in diminishing Hashem’s name such that Chazal teach that Hashem’s name is not full until Amalek is destroyed.

Under the Heavens

You shall wipe out the memory of Amalek from underneath the Heavens—do not forget (Deut. 25:19). The Talmud (*Megillah* 7b) records that Rava said that one is obligated to party on Purim until he no longer knows the difference between “Cursed be Haman” and

Rabbi Elchanan Shoff
PARSHAS KI SETZEI

“Blessed be Mordechai”. The Talmud then relates that Rabbah and Rav Zeira made a Purim Party together, and Rabbah got up and slaughtered Rav Zeira. The next day, Rabbah prayed for mercy and Rav Zeira was revived. The next year, Rabbah again proposed to Rav Zeira that they make a Purim Party together, but Rav Zeira refused the invitation saying that a miracle does not necessarily happen for him all the time.

Rabbi Mose Sofer in *Drashos Chasam Sofer* notes that Rabbeinu Efrayim takes this story as proof to the notion that the requirement to get so drunk on Purim that one cannot tell the difference “Cursed be Haman” and “Blessed be Mordechai” was cancelled and nulled (unlike Alfasi and others who maintain that it is still legally binding). However, Rabbi Sofer writes that he does not understand how Rav Zeira’s response to Rabbah invitation suggests this, if Rav Zeira also seems to have understood that the requirement remains intact just that he was scared that Rabbah might slaughter him again.

To explain the bizarre *mitzvah* of getting drunk such that one cannot discern between “Cursed be Haman” and “Blessed be Mordechai”, Rabbi Sofer writes that the purpose of this commandment is to help facilitate the *teshuvah* process. In the time of Purim, the Jews got drunk at the Persian king’s party and stumbled in the sexual sins (see *Esther Rabbah* §7:18), so in order to fully atone for that sin, they had to show that they left that mindset and would not commit such a sin again under similar circumstances. Because of this, the rabbis instituted that a Jew ought to get so drunk on Purim that one would normally not be to tell the difference between between “Cursed be Haman” and “Blessed be Mordechai”. In such a case, if a person he still remains free from sin and knows the difference between right and wrong despite his drunkenness, he shows his real devotion to doing the right thing and his rejection of sin.

Rabbi Sofer writes that this is alluded to in the wording of the passage at hand which says “You shall wipe out the memory of Amalek from underneath the Heavens—do not forget”. He explains that “under the Heavens” hints to the letters that come after (i.e. “under”) each of the letters of the word “Heavens” (השמים = ו ת נ כ נ = 526) which equals the word “drunk” (שכור = 526), that even when one is drunk, he should remain committed to cursing out and wiping out Amalek, and not forgetting what is right and what is wrong.