

This Shabbat is the 367th day (of 383); 53rd Shabbat (of 55) of 5765 • 1st & 2nd p'rakim of Pirkei Avot this Shabbat

...וְיִלְךָ יְהוָה לְפָנֶיךָ לְפָנֶי ה' א' לְהִיָּד: דברים כד:יג

Sometimes He just says No!

Although Ki Teitzei is the quintessential mitzva sedra, with 74 of the Torah's 613 (12%) in less than 2% of the whole Torah, there are issues of Hashkafa and Elul- time introspection that commanded the Lead Tidbit this week.

The title of this piece is the "punchline" of the well-known story of the little girl who followed her K'ri'at Sh'ma each night with a request of G-d for a new doll. Not being as silent with her prayers as Chana had been, her older and skeptical brother overheard her nightly petition. He teased her, as older brothers are wont to do, saying things like, "Hey, where's the doll; G-d doesn't listen to you". Undaunted, even after weeks and weeks of her fervent pleas, she replied to her brother: "Yes, He does listen to my prayers; He just keeps saying No!"

Over the last hefty chunk of time, many Jews fervently beseeched G-d to stop the Disengagement. Large groups gathered, not only for protest rallies, but for earth-shaking, sky-rending communal davening. We must believe that He always listens to our prayers, and that sometimes, for reasons of His own that will often elude us, He just says No. We must remain unwavering in our belief in the power of prayer, and we must accept decrees from Heaven that might not be to our liking. We may be deeply saddened by what has occurred, but we must always accept that this is G-d's world and He "calls the shots", or at least oversees what takes place.

Our immediate challenge is to help our displaced brothers and sisters in the myriad of ways that are needed. It behooves us to actively seek ways to be of service - physically, socially, financially, to ACHEINU KOL BEIT YISRA'EL.

A strengthening of our commitment to mitzvot - the 74 of Ki Teitzei and the other 539 - interpersonal and between the Jew and G-d, is the order of business for any Elul, how much more so for this current one.

Word of the Month

A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

With the molad on Motza"Sh Sep. 3rd at 10:43pm, the deadline for Kiddush L'vana is Sun. Sep. 18th at 5:05pm. Which means the real last op for KL is Motza"ei Shabbat Ki Teitzei, any time until dawn. Try not to wait that long.

Shabbat (13 Elul) is the 96th yearzeit of the Ben Ish Chai, R' Yosef Chayim b. Eliyahu, a Chacham and Kabbalist from Bagdad. His book on Halacha (called Ben Ish Chai and referred to in some circles as the S'faradi Kitzur Shulchan Aruch) is well known, even in the Ashkenazi world. He wrote many other remarkable s'farim.

18 Elul is the 396th yearzeit of the Maharal of Prague, R' Yehuda Loew b. Bezalel, well known Jewish philosopher and mystic. Prolific writer. Influential defender of Jews and Judaism in his time.

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HAYDALA TIMES
Israel Summer Time (DST)

Correct for TT 685 • Rabbeinu Tam (I'm) - 7:55pm

6:08pm (5:27)	Jerusalem	7:19pm
6:25pm (5:29)	Raanana	7:21pm
6:24pm (5:28)	Beit Shemesh	7:20pm
6:25pm (5:29)	Netanya	7:21pm
6:25pm (5:29)	Rehovot	7:21pm
6:05pm (5:29)	Petach Tikva	7:21pm
6:24pm (5:28)	Modi'in	7:20pm
6:25pm (5:29)	Be'er Sheva	7:21pm
6:23pm (5:27)	Gush Etzion	7:19pm
6:24pm (5:28)	Ginot Shomron	7:20pm
6:08pm (5:27)	Maale Adumim	7:19pm
6:24pm (5:28)	K4 & Hevron	7:20pm
6:17pm (5:26)	Tzfat	7:19pm

OTHER Z'MANIM
Correct for Jerusalem

Ranges are THU-THU 11-18 Elul (September 15-22)

Earliest Talit & T'filin - 5:33-5:37am
Sunrise - 6:23-6:27am
Sof Z'man K' Sh'ma - 9:28-9:29am (8:43-8:44am)
Sof Z'man T'fila - 10:30-10:30am (10:00-10:00am)
Chatzot (halachic noon) - 12:34-12:32pm
Mincha Gedola (earliest Mincha) - 1:06-1:03pm
Plag Mincha - 5:28-5:20pm
Sunset - 6:40½-6:50pm (6:45-6:36pm)

In the Wolinetz Family Shul
OHEL SHMUEL (entrance floor)
"Early Shabbat" Davening
Mincha 5:12pm (15 min. before Plag)
Shabbat afternoon shiur, 5:00pm
Rabbi Yaakov Moshe Poupko
Mincha at 6:00pm

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This publication and many of the programs of the Israel Center and NCSY in Israel are assisted by grants from The Jewish Agency for Israel
Produced and printed "in house" at the Israel Center



KI TEITZEI STATS

49th of the 54 sedras; 6th of 11 in D'varim
 Written on 212.8 lines in a Torah (rank: 21)
 44 Parshiyot; 2 open, 42 closed (rank: 1)
 110 p'sukim - ranks 28th (5th in D'varim)
 1582 words - ranks 23rd (5th in D'varim)
 5856 letters - ranks 26th (6th in D'varim)
 Slightly larger than average p'sukim; below
 average for D'varim. Overall, an average-sized
 sedra. But...

MITZVOT:

74 of 613 mitzvot 27 positives, 47 prohibitions
 Ki Teitzei has the most mitzvot, most positive
 mitzvot, most prohibitions, and most parshiyot
 of any sedra in the Torah.

Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

Kohen - First Aliya - 12 p'sukim - 21:10-21

[S>21:10 (5)] The "beautiful captive": A Jewish soldier must resist the "normal" temptations of battle, but is permitted to take a captive woman only according to the

approved Torah procedures [532,A221 21:11].

Looking at this mitzva from both ends, we first see it as a "concession to the base inclinations of a man", in the heat of battle. On the other hand, it demands more of the Jew than is common of soldiers all over the world, who are notorious for immoral and atrocious behavior of all sorts.

If he decides after the one-month waiting period not to marry her, he must release her without abusing or humiliating her [533,534; L263,264 21:14].

[S>21:15 (3)] A man may not favor the son of his beloved wife over his firstborn from a "less-loved" wife. (Implication from the juxtaposition of these two topics is that marrying for the wrong motive likely leads to a "hated wife".)

This passage is the source of the firstborn's inheritance. Ramban counts two mitzvot here - the positive command to give the firstborn a double portion and the prohibition of not giving it to him. Rambam and the Chinuch include the rules of the first-born as part of the laws of inheritance from Parshat Pinchas and not separately here. This is just one of many examples of different countings among the Sages who attempted to identify the traditional 613 mitzvot.

SDT *The Vilna Gaon sees a hint to the double portion of the B'chor in the letters of the word B'CHOR: BET-KAF-RESH. Each letter is double the letter before it - BET (2) is double ALEF (1), KAF (20) is double YUD (10), REISH (200) is double KUF (100). (No other consecutive letter-pairs are like that.)*

[S>21:18 (4)] The "rebellious son" is warned by his parents to mend his ways. If he continues to defy them, violates certain mitzvot, engages in a specific sequence of actions, and if he is of a specific age and at a particular stage of physical development, and his parents are healthy, normal, and deemed to be on equal levels of character, then, and only then, would it be possible to execute him as a "Ben Sorer U'moreh". Although it is (almost) impossible to reach that ultimate point - and sources indicate that there never actually was a case of "the rebellious son" - this portion of the Torah serves as a stern warning to wayward children AND their parents! Some mitzvot seem to be intended primarily as deterrent and Mussar.

Levi - Second Aliya - 9 p'sukim - 21:22-22:7

[S>21:22 (2)] Those executed by stoning were hung after death [535,A230 21:22] for a brief period before sunset. They were then buried [536,L66 21:23] with the hanging post to avoid extra embarrassment to the Divine image in which we were all created.

The hanging of the body after execution (in some cases, not all) serves as a deterrent for others and is part of the atonement process for the soul of the guilty party.

Using "Kal VaChomer", we are taught that burial, in general, and "as soon as is feasible", in particular, is the proper procedure for the dead [537,A231 21:23].

Note that although the Torah here speaks only of the

executed "felon", the mitzva from the Torah includes burial of all Jewish dead. This is NOT a Rabbinic deduction, extension, or legislation - it is part of Torah Law - the Oral Law.

[S>22:1 (3)] One is required to return identifiable lost objects to their rightful owners **[538,A204 22:1]**, even if doing so is difficult. One cannot ignore this responsibility **[539,L269 22:3]** even if it is easier to just leave the object alone.

Technically, the laws of LOST & FOUND apply to possessions of fellow Jews. However, with the potential for Kiddush HaShem and its opposite, depending upon what one does, it is important to go out of one's way to return a lost item to a non-Jew as well. This too is part of halacha, not just a nice thing to do.

[S>22:4 (1)] Nor may one ignore a fellow's beast of burden that has collapsed under its load **[540,L270 22:4]**. One is required to help his fellow load his animals **[541,A203 22:4]**.

Sefer HaChinuch points out that this mitzva-pair applies to other animals, not just donkey, and it applies to people as well, by reasoning a KAL VACHOMER. If you see a fellow human over-loaded with what he/she is carrying (or trying to carry), it is a mitzva to help out.

Furthermore, if you are approached by friend or neighbor who offers to help you carry some of your packages, you should consider letting him/her, rather than the typical, "It's okay, I got it." It allows your burden to be eased while the other person does a mitzva. Every- one benefits.

Train of thought (Personal comment): When someone does something for you, it is appropriate to say Thank You in addition to Tizkeh L'mitzvot. Many people neglect the personal thanks, thinking that giving a Yasher Ko'ach is sufficient. One does not negate the other; it's sort of like covering both the BEIN ADAM LAMAKOM and the interpersonal aspects of mitzvot.

[S>22:5 (5)] Men and women may not interchange apparel **[542,543; L39, 40 22:5]** nor do certain things that are specific to the opposite sex.

Targum Yonatan on this pasuk defines male apparel as the mitzva of Talit and T'filin. Since these mitzvot are WORN, and not just performed, he considers them specific male mitzvot that women may not fulfill. Many other authorities disagree and consider women to be exempt from these two mitzvot, but not forbidden to them. The view of Targum Yonatan, even if not considered the definitive p'sak on the issue, is probably responsible for the Jewish facts of life - namely, that although many women accept upon themselves OTHER time-related positive mitzvot from which they are officially exempt, this is not the common case with Talit and T'filin. There is an additional factor against a woman's wearing T'filin that involves the intrinsic Kedusha of the T'filin (different from just being an object with which a mitzva is performed, as is the case with many other items).

[P>22:6 (2)] When one happens upon a (kosher) bird's nest (in the wild), it is forbidden to take the mother bird alone or with her eggs/chicks **[544,L306 22:6]**, but one may (must? this is the subject of a dispute with a decidedly kabalistic flavor on the side that suggests it is an imperative) take the eggs/chicks if one first sends the

mother bird away **[545,A148 22:7]**. This is an enigmatic mitzva that defies logic. It is shrouded in mysticism, more so than most mitzvot.

Although our Sages attribute kindness to animals as the reason (or part of the reason) for some mitzvot - e.g. not muzzling an animal that is working with food, helping to unload a beast of burden, not plowing with an ox and a donkey together - they (our Sages) were more cautious with this mitzva of SHILU'ACH HAKEN. It can be argued that it is far kinder to leave a nest alone than to chase away the mother bird (which is simultaneously kind and cruel - one way of looking at it). This mitzva is more CHOK-like than other mitzvot involving animals.

Shlishi - Third Aliya - 29 p'sukim - 22:8-23:7

[S>22:8 (2)] One is required to build a protective fence around one's (habitable) roof **[546,A184 22:8]**. It is forbidden to leave safety hazards on one's property **[547,L298 22:8]**.

Oral law defines these mitzvot as more inclusive than just one's roof. Rabbinic law, "taking the Torah's lead", extends "safety & health" rules further into many areas, e.g. secondary smoking. Rambam says that a person may not tell others: "Don't tell me what to do; if I want to risk my health or life, it's my business". Saying this can make a person liable to the punishment of MAKAT MARDUT. This is something to keep in mind when you decide to "talk to" your favorite smoker. With secondary smoking, it is most definitely your business too. But even when it's not, it is - All Israel are responsible for each other.

One may not plant mixed grains in a vineyard **[548,L216 22:9]**, nor may one eat the resulting products **[549,L193 22:9]**.

"Strangely", these two mitzvot - MAAKEH and Mixed Grain - share a single parsha. Remember that Ki Teitzei has the most parshiyot - one more would not have surprised us.

[S>22:10 (2)] Plowing with ox and donkey together is forbidden, as is the tying together of any non-compatible animals (or humans) for any purpose **[550,L218 22:10]**.

Rambam holds that the Torah prohibits any combination of a kosher and non-kosher animal, based on the fact that the Torah's example is one of each. Rambam says that combinations of two kosher or two non-kosher animals is forbidden by Rabbinic law. Many authorities challenge Rambam's distinction and say that it is all Torah law.

Do not wear Shaatnez (garments of wool and linen) **[551,L42 22:11]**

[S>22:12 (1)] ...put tzitzit on all four-cornered garments that you wear. [counted elsewhere]

[S>22:13 (7)] It is a mitzva to marry according to Jewish Law and for the husband to write a K'TUBA for his wife with various promises and assurances **[552,A213 22:13]**.

If a man had falsely accused his (betrothed) wife of infidelity, he may not divorce her (unless she so desires) **[553,554; A219,L359 22:19]**. Penalties are also paid to the girl's family for the insult.

[S>22:20 (2)] If the betrothed maiden did, in fact, willfully, intentionally have relations with another man, and there are kosher witnesses and properly administered warning, and all the other rules of evidence. then she is an adul- teress and is executed (stoning).

[S>22:22 (1)] If a man and married woman has relations (knowing full-well the married status of the woman), and neither was forced, then they are both subject to the death penalty for adultery. [This prohibition is counted from Commandment #7]

[S>22:23 (2)] The same applies if the woman is "just" betrothed (this is more than engagement in our time). The specific incident of stoning is generalized to the mitzva upon the court to carry out the punishment of "stoning" when required **[555, A220 22:24]**.

[S>22:25 (3)] Both consenting parties to a forbidden relationship are cul- pable. However, if it is possible to consider the woman an unwilling partner, then she must not be punished. We must not punish anyone who might not be responsible for their actions **[556, L294 22:26]**. This is the source of giving people the benefit of the doubt. This does not mean that the person always deserves the benefit of the doubt. Maybe they actually sinned. The answer, it will have to be left to G-d to punish them; we are obligated to explain the situation as in this example - certainly the girl screamed but there was no one to save her.

[S>22:28 (2)] A man who forces himself on an unmarried maiden must pay a fine to her father. If the girl wants to be married to the man, he must marry her and never initiate divorce (she, of course, may insist that she wants nothing to do with him and then the court will force him to divorce her had they married) **[557, 558; A218, L358 22:29]**.

[S>23:1 (1)] A man may not marry his father's former wife (even after his father's death).

[S>23:2 (1)] Castrated men (it depends on how their situation happened) have marriage restrictions **[559, L360 23:2]**

[S>23:3 (1)] A "mamzer" has mar- riage restrictions **[560, L354 23:3]**. Mamzer is the offspring of a union that is prohibited by the Torah, with a death penalty. This includes incestuous and adulterous relationships. A mamzer has marriage restrictions. He may, how- ever, marry a mamzeret or a female convert to Judaism. And vice versa for a mamzeret.

[S>23:4 (4)] Amonite and Moabite males may not marry into the "Congregation of G-d" **[561, L53 23:4]**, because of the cruel, inhospitable behavior of those two nations towards Israel. And also because they hired Bil'am to "bless" us. Nor may we ever offer those two nations peace as an alternative to war, as is required of other enemies **[562, L56 23:7]**.

Note that the Torah is giving a reason for a mitzva, something that it rarely does. However, it is precisely the reason that allowed our Sages to declare Ruth the Moabite able to marry into the Jewish Nation. (It was the Moavite men who displayed that unforgivable behavior, not the women.)

R'VI' - Fourth Aliya - 17 p'sukim - 23:8-24

[S>23:8 (2)] OTOH, converts from Edom and Egypt are not to be discriminated against, but can fully integrate only from the 3rd generation on **[563, 564 L54, 55 23:8]**.

[S>23:10 (6)] A military camp must be kept spiritually and physically clean. Sanitary facilities must be provided outside the camp and soldiers must be equipped with appropriate tools for maintaining proper sanitation **[566, 567; A192, 193 23:13, 14]**.

An offshoot of this mitzva: entry to Har HaBayit (referring to the area where the Beit HaMikdash and its courtyard DID NOT stand) by people with certain types of ritual impurity is forbidden **[565, L78 23:11]**.

Conceptually, we must realize that G-d's presence among us is affected by our moral behavior. Thus, these mitzvot have ramifications to Jewish society as a whole, and not merely in a military setting.

[S>23:16 (2)] A slave who runs from his master to us for protection, may not be returned. Nor may we abuse a slave who seeks haven in Eretz Yisrael **[568, 569; L254, 255 23:16, 17]**.

[S>23:18 (2)] Prostitution is forbidden **[570, L355 23:18]** and its revenues may not be used for sacred matters **[571, L100 23:19]**. (Some sources con- sider sex between unmarried partners part of mitzva #570.)

[S>23:20 (2)] Although interest on personal loans may not be taken from a Jew, it is acceptable (and correct) to lend to non-Jews with interest **[572, 573; L236, A198 23:20, 21]**. This is so because society in general accepts the reasonableness of moderate inter- est on loans. Since a non-Jew can charge a Jew interest, the Torah gives us permission to take interest from them. Usury, loan sharking, would be recognized as a "universal" wrong- doing; the ban against any interest at all is a special spiritual requirement of the Jew.

[S>23:22 (3)] Pledges to the Mikdash must be fulfilled within the cycle of the three festivals **[574, L155 23:22]**.

It is advisable to refrain from making promises, but once made, a person must keep them **[575, A94 23:24]**. (Hatarat N'darim provides an "out" for certain ill-advised promises, within limits. Consult a Rav for specific cases.)

Chamishi - Fifth Aliya - 6 p'sukim - 23:25-24:4

[S>23:25 (1)] Workers are entitled to eat of the food they are working with **[576, A201 23:25]**, but may not take extra (home) without permission **[577, L268 23:25]**.

[S>23:26 (1)] Workers mustn't reduce their efficiency by eating on the job **[578, L267 23:26]**. In other words, their rights to eat [576] is restricted to their breaks.

We see a beautiful balance in the area of Torah Law as it relates to boss- worker relations. On the one hand, the

worker is allowed to eat from that which he picks. On the other hand, he cannot do this while he is actually working, as this would reduce his efficiency, thereby short-changing his boss. On the other hand, the boss must provide breaks during the day, when the worker is allowed to eat. On the other hand, the worker may not take any of the fruits home with him, without permission. Talmudic law adds to this list for both sides. Boss may not take advantage of worker, and worker may not take advantage of their boss.

[S>24:1 (4)] If a married couple wants to end their marriage, it must be done with a proper "get" **[579,A222 24:1]**. If a divorcee has remarried, and is subsequently widowed or divorced, she cannot remarry her first husband **[580, L356 24:4]**.

Shishi - Sixth Aliya - 9 p'sukim - 24:5-13

[S>24:5 (2)] A man is exempt from military service during the first year of his marriage **[581,L311 24:5]**, during which time he is to see to it that his wife is happy **[582,A214 24:5]**.

One may not take vessels used for preparing food as a security against a loan **[583,L242 24:6]**. We must be sensitive to the needs of the borrower.

Here's another example of two different mitzvot that share a parsha. This is noteworthy because Ki Teitzei has so many parshiyot as it is, one wonders why these were not each in their own parsha. See Parsha Points to Ponder

[S>24:7 (1)] Kidnapping and selling the victim is a capital offense. Kidnapping was already prohibited by Commandment #8, LO TIGNOV (stealing a person). That was the "warning"; this is the "punishment". Both needed.

[S>24:8 (2)] We must not remove signs of "Tzora'at" **[584,L308 24:8]**.

A blemish is TZORAAT iff (if and only if) declared so by a kohen. If this happens, then using medicines or surgery to remove the affliction is forbidden and counter-productive. A person's spiritual and religious growth is triggered by the NEGA. It needs not surgery or medication, but rather introspection and repentance.

Always remember what happened to Miriam. [Although Rambam and Chinuch do not count this "remember" among the 613, other mitzva-counters do.] What happened to Miriam is that she was punished for speaking ill of her brother Moshe and she was afflicted with Tzoraat; hence, the connection between these two p'sukim that share a parsha.

[S>24:10 (4)] We must not be overly forceful in the taking of a security from a poor person who has borrowed from us **[585,L239 24:10]**. We must not withhold that which has already been taken from him; if he needs it, we must return it to him **[586,587; L240, A199 24:12,13]**. Another positive-prohibition pair of mitzvot.

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Sh'vi'i - Seventh Aliya - 28 p'sukim - 24:14-25:19

[S>24:14 (2)] We may not take unfair advantage of our less-fortunate workers. A day-laborer must be paid on time **[588,A200 24:15]**. The prohibition of delaying his wages is counted elsewhere. (Another 2-sided mitzva.)

[S>24:16 (1)] Close relatives may not testify against (or for) one another in criminal cases **[589,L287 24:16]**. There is also the implication here that a person will not be punished for deeds of his parents or children. This is an example (one of many) of a pasuk teaching us two or more quite different things. In this case, one is a mitzva among Taryag, the other is a teaching (for lack of a better word).

[S>24:17 (2)] One must not pervert justice even on behalf of an orphan **[590,L280 24:17]**. Securities for a loan must not be taken from a widow **[591, L241 24:17]**. Our experience in Egypt is to be remembered as the motive for many of these "sensitizing" mitzvot.

[S>24:19 (1)] That which is forgotten in the fields after harvesting must be left for the poor; one should not return for it himself **[592,593;A122,L214 24:19]**.

[S>24:20 (3)] The previous parsha set down the rules of SHICH'CHA; this parsha adds rules for proper kind behavior when picking olives and grapes. Again we are reminded of our Egyptian experience. Even though Egypt was unspeakably cruel to us, our experience there is supposed to make us kinder and more sensitive.

[S>25:1 (4)] The punishment of makot (whipping) is to be administered by the courts to those found guilty of sins punishable thusly, but care must be exercised not to exceed the required number of lashes **[594,595; A224, L300 25:2,3]**.

Do not muzzle an animal when it is working with food **[596,L219 25:4]**.

[S>25:5 (6)] The widow of a man without children is forbidden to marry anyone else **[597,L357 25:5]** until... She either "marries" her brother-in-law (Yibum) **[598,A216 25:5]** or the relationship is severed by chalitza **[599,A217 25:9]**, in which case she may marry anyone else. (Not a kohen.)

[S>25:11 (2)] If person "A" is pursuing "B" to kill him, we must save B's life even if it means killing A **[600,A247 25:12]**. We cannot show mercy to the pursuer (A) **[601,L293 25:12]**. If it is possible to stop "A" without killing him, we must do so - to kill him in this case would be an act of murder.

[S>25:13 (4)] (Not only may one not use false measures, but) mere possession of false dry or liquid measures or weights is forbidden **[602,L272 25:13]**. Honest weights and measures is one of the pillars of society; G-d despises those who cheat in business.

[P>25:17 (3)] The final portion of the sedra is "Zachor". We are commanded to remember what Amalek did to us on our way out of Egypt **[603,A189 25:17]**. The Jewish People as a whole are commanded to destroy the

remnant of Amalek from this world [604,A188 25:18]. We must never forget what Amalek did [605,L59 25:19].

Technically, these mitzvot apply to the specific Amalek nation. The idea, however, must be extended to the Amalek-types that have plagued us throughout Jewish history.

These final 3 p'sukim of the sedra are reread for the Maftir.

Haftara - 10 p'sukim - Yeshayahu 54:1-10

This is the 5th of the 7 haftarot of consolation. It prophesies an end to the Exile, a reconciliation between the People of Israel and G-d. G-d is likened to the husband of His estranged wife, Israel. The couple will reconcile, so to speak. G-d says that the Exile is to Israel as the Flood was to No'ach. He promises no more exile. No more anger. The Exile was temporary. His Love is everlasting.

THE JERUSALEM INSTITUTE OF JEWISH LAW - Rabbi Emanuel Quint, Dean

Lesson # 301

Dina D'Malchuta Dina

Abiding by the Laws of the Land

We're back to "Dina". The last lesson on this topic (TT 681) concluded by saying that the next lesson (on Dina) would have some examples of the Doctrine of Dina D'Malchuta Dina.

We shall begin with individual subjects to which the Doctrine applies. Real Property

There is unanimity that Dina D'Malchuta Dina applies to land within the country. Thus a government may permit or prohibit people crossing over its territory; or that all those entering the country pay a tax; or that one may not farm until he pays a land tax, or that the government may confiscate the land, or that the government officials may enter upon the land of individuals in furtherance of government functions, or almost any things dealing with land. However, as explained by Rabbeinu Yona Gerondi (Spain; 1200-1263) this applies only to the government's control of the land but not as to the ways the land is acquired or sold which is still controlled by halacha, with exceptions, depending upon the custom of the community as to how land is conveyed.

On Kristalknacht November 9/10, 1938, a pogrom was launched by the Nazis against the Jews of Germany. Without provocation or warning, the Germans sent hordes of soldiers and civilians into the streets of every city or community where Jews were living. They had orders to murder, plunder, destroy and maim anything Jewish. Approximately 100 Jews were murdered and 30,000 adult Jews were arrested and sent to three major concentration camps - Dachau, Buchenwald, and Sachsenhausen, where up to 1000 died. About 1395 synagogues were destroyed, thousands of Jewish homes were attacked, and 7500 shops were ransacked and destroyed. During Kristalknacht, a Vienna synagogue was destroyed by the Nazis. Nowadays, the neighborhood where the synagogue stood is no longer Jewish. The land where the synagogue stood cannot be sold under

Austrian law, but can be rented for a parking lot. May the synagogue so lease it? R. Ovadya Yosef answered that since it cannot be sold under Austrian law, it was binding on the community under Dina D'Malchuta Dina. Furthermore the synagogue lost its holiness when it was destroyed by heathens. R. Yosef advised the Jewish community to get the rent payment in advance. (See Yabi'a Omer, volume 8, Orach Chayim response 16.)

Reuven held a promissory note that was due from Levi and was a lien on Levi's real estate. When Levi defaulted to pay the amount due under the note, Reuven fore-closed the lien by having the civil authorities sell Levi's real estate. Reuven purchased the real estate at the sale. The foreclosure sale followed all of the laws regarding such sales and there were proper announcements made in the public square inviting one and all to purchase the real estate. Shimon, who had a prior note against Levi according to halacha also had a prior lien. When Levi thereafter failed to repay his loan to Shimon, Shimon brought a lawsuit in Beth Din to have Reuven transfer the Levi real estate to Shimon, who had the prior note. R. Asher, held that since Reuven had complied with all local laws regarding foreclosure sale including giving public announcements to all those who had any interest in Levi's real estate to come forward and since Shimon failed to come forward, he is precluded from now asserting his priority of lien. This was a case where the local laws of foreclosure were part of Dina D'Malchuta Dina. (See R. Asher b. Yehiel, Germany Spain, 1250-1327, Rosh 18:16) The holding of R. Asher is quoted by his son R. Yaakov Tur, Germany, Spain 1270-1340, Tur Hoshen haMishpat 104 (3).

A well known rabbi owned and dwelt in a two-family dwelling in New York City that was governed under the Rent Control Laws of New York. The other apartment was leased to a tenant. The rabbi wished to evict the tenant so that the rabbi's son could move in there, a situation governed by the rent control laws of the state of New York. Were the parties halachically bound by the rent-control laws? R. Feinstein was asked to decide this question. He advised both the rabbi and the tenant that Dina D'Malchuta Dina was applicable and they must abide by these laws, especially since the lease for the apartment was signed after the rent-control laws were already in effect, although the law stated that it also applied to prior leases. (R. Moshe Feinstein, Russia, United States; 1895-1986; Igress Moshe, Hoshen haMishpat 1:72).

The question of observing Sh'mita (Sabbatical Year) is a real question for observant Jews in the State of Israel. The laws can be followed by letting the fields lie fallow of the entire year; it can be observed by the average farmer selling his land to a non-Jew, a procedure that is arranged by the Chief Rabbinate. The question arises by those farmers who wish to rely on this procedure: How can they sell land in the State of Israel to a Gentile, a transaction forbidden by the Torah. (See Vayikra 25:10) This question arose early in the history of the Jews who were returning to live in what was then Palestine under Turkish control before the establishment of the State of Israel. Could they sell the land to the Gentiles? Rabbi Avraham Kook, the first chief rabbi of Palestine, was asked in 1909 to rule on the question and he held that the land could be sold since under Dina D'Malchuta Dina the land did not belong technically to the Jews who were working the land, but to the foreign powers.

The governmental authorities, in order to widen a street, expropriated land belonging to commercial owners along the street. When the street widening was completed, it was found

that not all of the expropriated land was used and the government put such unused parcels up for sale. The question presented is: Did the original owners have any claim to the land. It was held by R. Berlin that since the land was expropriated under Dina D'Malchuta Dina, the original owners had no claim to the land. (R. Nafali Zvi Berlin; Russia, Poland; 1817-1893; Meshiv Davar 3:11).

IYH in the next lesson there will be other applications of Dina D'Malchuta Dina.

The subject matter of this lesson is more fully discussed in volume IX chapter 369 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefenpublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il

MEANING IN MITZVOT

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh by

Rabbi Asher Meir

Confusing the Accuser (part two)

Last week we pointed out that Chazal and the Rishonim explain quite a number of shofar customs based on the principle of "confusing the Satan", the accuser. One approach we presented was to explain that by blowing the shofar earlier (already in Elul), more times (standing and sitting) and in more ways (various kinds of calls), we "confuse ourselves"; we create a sense of urgency to repentance already weeks before the Days of Awe, and amaze ourselves with our ability to cleave to the commandments.

This week we will focus on one specific mention of this principle. As we wrote two weeks ago, the Midrash explains that Chazal instituted blowing the shofar in Elul as a commemoration of the shofar which announced to the children of Israel that Moshe ascended Mount Sinai on the first of Elul in the first year in the desert, as he went up to obtain the second set of tablets. The first tablets were broken after Moshe saw the people bowing down to the golden calf. (Pirkei deRebbe Eliezer 46.) The Tur adds that this is "to confuse the Satan". (OC 581; some commentators seem to indicate that the Tur is actually citing a variant of the Midrash.)

This expression is interesting because it exactly parallels an expression that explains why this shofar was necessary. When Moshe descended from the mountain with the first tablets, some of the people were convinced that he had disappeared never to return. Two weeks ago we explained that the shofar blast at the second ascent was meant to reassure the people that Moshe did not disappear; he merely ascended to receive the Torah again. But how did the people make such a grave mistake the first time? The Gemara, cited by Rashi, relates that "Satan came and confused the world" (Rashi Shemot 32:1) First he created fog and con- fusion; afterward she convinced them that Moshe was dead.

So the sin of the calf after the first ascent to Sinai came about because Satan confused the people; the shofar sounded at the second ascent was meant above all to prevent a recurrence of idol worship by preventing Satan from confusing us. But the Tur adds that it went beyond this and actually confused Satan!

We can explain this parallelism as follows: Satan confused the

world and convinced the people that Moshe was dead. But seemingly this impression is not enough to induce them to bow down to idols! Satan, the tempter, was aware of the low spiritual level of the people, who had only recently escaped from the gates of impurity they had been sunken in in Egypt. He knew that to a great extent their worship of Hashem was dependent on Moshe's leadership and example. As soon as they thought Moshe was dead, they would both need a substitute in the form of an idol, and they would dare make one thinking they had nothing to fear from Moshe's rebuke.

The shofar blown at the second ascent seemed to be reconciled to this level. According to many commentaries, the reason for the shofar blast was to inform the people that Moshe didn't disappear, that he was coming back; in this way they would be neither motivated nor emboldened to worship idols. Thus far, we have only prevented Satan from confusing us. But the Tur then adds an additional reason for the shofar: to awaken the people to repentance. The shofar not only helped the people maintain good behavior in their previous low spiritual level; it actually went beyond this and inspired the Children of Israel to a spiritual ascent, to a higher level of faith in God. This confused and deterred Satan the accuser; presumably he thought he could accuse the people not only with worshipping the calf the first time, but also with being willing to do so the second time, were it not for the shofar. But in fact as the Days of Awe approached the first year of the exodus from Egypt, the people had repented and purified their faith aided by the stirring call of the shofar.

Thus, the shofar which was meant only to notify us that we had to still be in awe of Moshe, and not be confused by the machinations of Satan, ultimately inspired us to deepen our awe of Hashem and thus enabled us to confuse and deter his accusations.

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[1] From the virtual desk of the OU **VEBBE REBBE**

The Orthodox Union – via its website – fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...

Q We have developed a diagnostic tool that works as follows. After a full fast of several hours, one drinks a tasteless powder dissolved in a cup of water. A few minutes later, he breathes into a special machine that detects if various organs are working healthily. Does one make a beracha before and/or after drinking the water? Can he drink a little regular water first to remove the doubt regarding the b'racha?

A The gemara (B'rachot 35a) says that we must make a b'racha before eating, because one may not benefit from the world before thanking Hashem. However, Chazal, who instituted the specific rules and texts of b'rachot, did so regarding specific types of benefit. For the type of benefits that one receives from food, there are b'rachot. For medicinal benefits, no b'rachot were instituted (B'rachot 36a).

The main benefit of food responsible for its b'rachot is its taste (the poskim call it HANA'AT HACHEICH, benefit of the palate). Because of the b'racha-related importance of taste, if one eats a food for medicinal reasons but also has taste enjoyment from it, he recites the food's regular b'racha (ibid.). Water is an exception to the rule in this regard, because it is assumed to lack a positive taste. So why do we ever make a b'racha on water?

The mishna (ibid. 44a) says that one recites a b'racha on water when he drinks it to quench his thirst. The gemara (ibid. 44b) says that this is as opposed to a case where one drinks to rinse down something that is caught in his throat. The gemara does not say what happens if one drinks water not because of thirst and not to get something out of his throat but for another reason. However, the poskim's consensus is that only if the water acts to quench thirst does one make a b'racha (Bi'ur Halacha on Orach Chayim 204:7) Therefore, if one drinks water to swallow a pill, he does not make a b'racha before or after drinking (Pitchei Halacha, B'rachot p. 135). (We cannot get into all the cases where poskim discuss whether the need to drink water fits into the category of thirst or not.)

Generally, quenching thirst regarding water is parallel to providing taste for food. Therefore, it is logical that if one drinks water for medicinal purposes but also is thirsty, then he does make a b'racha, as the Mishna Berura (204:41) confirms. However, the difference between water and a tasty food or drink is as follows. When a tasty food is taken for medicinal purposes, our standard assumption is that he will have taste benefit as well. However, the standard assumption is that if one is not aware of being thirsty, the medicinal drinking of water will not provide the type of thirst-benefit that warrants a b'racha (see Mishna Berura ibid.:40).

In your case, the water with powder is drunk for medicinal purposes (it makes no difference whether it is therapeutic or diagnostic). However, since the people being tested fast for several hours before drinking, one can assume that they are thirsty as well. Thus, unless one notes that he is not thirsty, he should make a b'racha before and after drinking the water. If one is not sure about the matter, he cannot solve the problem by your suggestion of drinking water before. This is because water drunk in order to solve a halachic problem is not water for thirst and does not get a b'racha (Bi'r Halacha, ibid.). This is, in general, important to remember. Often, a person does not know what b'racha to make on a food and wants to solve the problem by making Shehakol on water and covering the food in question. Based on what we have seen, if he is not thirsty, that b'racha on the water is itself a B'RACHA L'VATALA (a valueless b'racha, which is forbidden to make). If those being tested are allowed to eat a small amount of something else, that would be

a way of removing doubt. After the test, one can drink as much as he wants to remove doubt about a b'racha afterward. However, in most cases, one can confidently make the b'rachot.

Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this section or the entire Hemdat Yamim at www.ou.org or www.erezhemdah.org. And/or you can receive Hemdat Yamim by email weekly, by sending an email to info@erezhemdah.org with the message: Subscribe/English (for the English version) or Subscribe/Hebrew (for the hebrew version). Please leave the subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel

[2] **Candle by Day** Repeated for Elul:

Did you ever say "Thank You" to G-d?

I don't mean "Great is the grandeur of Your glory",

Or "Blessed be the Keeper of this clod",

But simply "Thank You", with no added story;

If you haven't, then reappraise your attitude,

For though you've paid Him praise,

You owe Him gratitude.

From A Candle by Day by Rabbi Shraga Silverstein

[3] **CHIZUK and IDUD**

(for Olim & not-yet-Olim respectively)

Parshat Ki Teitzei is a comprehensive code of social justice. As the people of Israel prepare to enter Eretz Yisrael, God reminds them of the key elements of a moral and just society. They did not have the privilege of living in such a society in the past and therefore our parsha spells out the minutiae of such a society.

The term ZACHOR ("remember") appears prominently in our parsha. It first appears in the context of the plague of tzara'at, "Remember (zachor) what HaShem your God did to Miryam..." (24:9) and then again in two verses (24:18 and 24:22) "But you shall remember (v'zacharta) that you were a slave in Egypt", and finally in the most famous verse in our parsha, "Remember (zakhor) what Amalek did to you..." (25:17).

As for remembering Miriam, Chazal see this as a reminder to avoid slanderous speech. It is the virulence of LASHON HARA that undermines a just society. All gossip erodes the spiritual betterment of society. We need to remember that when someone defames another, the entire nation suffers for it. (In Miriam's case the entire nation lost seven travel days waiting for her to recover and purify herself.)

As for remembering our slave status in Egypt, it is the memory that we were once downtrodden slaves that will motivate us to empathize with the poor and oppressed. As long as we remember what it was like to be victimized, we are less likely to take advantage of others.

Finally, in Parshat "Zachor", Amalek symbolizes for us the antithesis of a just and caring society. They didn't attack us head on; instead, they attacked the tired, the weak, those who had fallen behind. In the command to wipe out the "memory" of Amalek, we are told to wipe out any memory of an unjust society - so that we may build a world based on the Torah values of protecting the weak, and being fair and kind to all.

Mrs. Shonny Solow is the dean of Machon Gold

[4] A Touch of Wisdom, A Touch of Wit

R' Levi Yitzhak of Berdichev would often stop, when a prayer moved him, and begin a debate, as it were, with Hashem.

Once, during musaf of Rosh HaShana, at the words "May Your throne be established in mercy, and may You sit on it in truth", he said:

"Lord of the Universe! You want Your throne to be established in mercy and You wish to sit on it in truth, so that You will preside in a way appropriate to the King of Kings, so that You will make decrees and they will be obeyed.

"I suggest that You deal with Your children in mercy and loving kindness, and may Your decrees for us in the coming year be good ones, with salvation and consolation. If, however, You treat us with strict justice and decree evil decrees against us, Heaven forbid, Your throne will not be established before You and You will not sit in truth. The righteous men of the generation will not permit You to sit on Your throne. You will decree, and they will annul Your decree. I therefore beg of You, O great Hashem, "May Your throne be established in MERCY, and may you sit on it in TRUTH."

Shmuel Himelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and "Wisdom and Wit" — available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder

[5] G'matriya Match

**KAVEI EL HASHEM CHAZAK V'YAAMETZ
LIBECHA V'KAVEI EL HASHEM:**

This final pasuk of Ps. 27, which we say 100 times, twice a day from Rosh Chodesh Elul thru Hoshana Rabba, tell us to Hope to G-d (place our hope in HaShem), be strong and He will give our hearts courage, hope to G-d. If we follow this advice, we can attain an inner joy - SASSON, whose g'matriya (656) equals that of the above pasuk.

[6] Parsha Points to Ponder - KI TEITZEI

1) The Torah relates that the woman captive must cry for a month before marrying her captor (see 21:13). The Zohar teaches that her month of crying relates to the month of Elul. What is the connection?

2) Why does the Torah specify a SIMLA - a shirt - as a lost object which must be returned? (see 22:3)

3) The Torah teaches that a husband must remain with his wife during the first year of marriage and that one may not use food related items as collateral. These two commands are within a single parsha (portion) in the sedra (see 24:5-6). What is the connection between these very different laws?

ANSWERS FURTHER ALONG

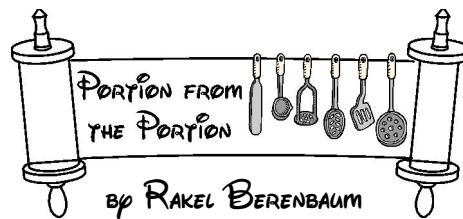
Parsha Points to Ponder is prepared by Rabbi Dov Lipman of Beit Shemesh ppp@israelcenter.co.il

[7] MicroUlpan

Know your bodies of water: Ocean is YAM OK'KI'YANU (a more Hebrew Hebrew word) is also used for ocean, as well as sea. Lake (a large one) is YAMA, although YAM is also used for lakes, such as the Kinneret, Dead Sea, Black Sea (which are

all lakes). A smaller lake (or a pond) is an AGAM. A puddle is a ,SHLULIT. <more to come>

[8]



We must do all mitzvot because they are G-d's command, G'zerot HaMakom, but if one is looking for the reasons of mitzvot, the TA'AM (taste [PI]) of the mitzva, then Shilu'ach HaKen, sending away the mother bird - is singled out as one whose theme is mercy - whether the mercy of the mother bird for her young, our mercy toward the mother bird, or G-d's mercy towards the mother bird or man.

Did you ever wonder why this mitzva is only for birds and not other animals? Oznaim LaTorah says this is due to the unique character of birds. They lay eggs (mentioned twice in the verse), that don't look anything like themselves. They must sit for weeks without much food or drink on these eggs that don't even seem to be alive. It seems that G-d has put an extra ounce of mercy in the mother bird so she will go through this sacrifice for her young. Because of this, her sorrow is greater than other animals would feel, if she were to see us take away these eggs.

Ramban says this is one of the mitzvot given to increase our Jewish trait of mercy. There are so many people in need of receiving care and kindness and yet merciful people don't always have the force to accomplish the good deeds that they feel are necessary. The Ktav Sofer says, therefore, G-d here gives these people an added blessing of ARICHUT YAMIM, long life, where they will YITAV LACH, be able to do good for others.

At a time when our nation is in need of G-d's mercy, we should study this mitzva more in depth. The uprooted mother bird who is expelled from her nest, wanders full of sorrow, crying around the world awakening mercy for herself and all others in a similar predicament. May this in turn awaken G-d's mercy on His abandoned people and Beit HaMikdash and other holy sites.

Please send FEEDback on the Dvar Torah and recipes and send in your own recipes related to this or other parshiot. berenbau@actcom.net.il

Dafina Middle Eastern Stew(a.k.a. Chulent) - 6 to 8 servings

1¼-2 cups dried chickpeas soaked overnight

3 Tbsp. oil

2 medium yellow onions, chopped (about 1 cup)

4 whole cloves garlic

1 pound beef or veal marrow bones (½ kilo)

3 pounds beef brisket, short ribs, or chuck roast, cut into four pieces or 1½ chickens

12-16 medium potatoes or ½ cup bulgar wheat

5-6 pitted dates or 3 Tbsp. honey

1 Tbsp. paprika

1 tsp. cumin

½ tsp. cinnamon

¼ tsp. turmeric or saffron threads, crumbled

2 tsp. salt (approx.)

ground black pepper to taste

1 recipe kouclas (dumplings see below)

6-8 large eggs, in shell

Sauté onions about 5-10 min. until soft & translucent

Add the next 11 ingredients, without mixing, Place the kouclas in the center of the dafina & arrange the eggs around it. Add enough water to cover, Bring to boil, cover, reduce heat & simmer 1 hour, occasionally skimming foam, Tightly cover the pot & put on blech, in crockpot, or in 225°F (110°C) oven overnight

Dafina is traditionally separated into different dishes before serving: a) chickpeas & liquid b) eggs, c) potatoes d) meat e) dumpling

Kouclas bi Khobz (Bread dumpling)

1 cup bread crumbs

1 large yellow onion, chopped (¾ cup)

3 large eggs

¼ cup fresh parsley

2 Tbsp. flour

salt to taste

Combine all ingredients. Wrap loosely in a piece of cheese cloth or aluminum foil, and put it in the dafina.

[9] **Peacock** and other birds in the same category (as will be explained now. Keep reading)

This week's sedra contains the mitzvot (there is a positive command and a prohibition, each counted among the 613) of SHILU'ACH HAKEN which applies only to kosher birds.

What birds are kosher? If you are asking for eating purposes, then the answer is, those fowl that we have a Tradition for their kashrut. These include chicken, duck, (European) goose, pigeon & dove, quail, sparrow, (list is not necessarily exhaustive). Turkey is accepted as kosher in almost all Jewish communities, even though we don't know where its Masoret (Tradition) came from.

What about birds that are probably kosher, but for which we have no Masoret? We cannot eat them, BUT the mitzva of Shilu'ach HaKen does apply. As well as its prohibition.

There are many birds that are probably kosher (since only 21 types of birds - which include many species - are named in the Torah as non- kosher). Among them are Peafowl (that's the inclusive term for the impressive, showy male, the peacock, and the plain looking peahen), Swan, and Canadian Goose...

Let's say a person wants peacock eggs for a science exhibit. The rules of Shilu'ach HaKen apply. Even though we cannot eat peacock.

If a person wants an ostrich egg, the rules do not apply. Just watch out for the mother bird - her kick can be deadly.

Much, much material is absent from this column. To be cont. some day...

[10] **Divrei Menachem**

Parshat Ki Teitzei alludes in its opening lines to an individual going to war against his enemies who becomes enchanted by a beautiful captive woman. The rabbis naturally compare the enemies to the Satan whose wily ways ensnare us, and the desire for the slave to the temptations that confront us in our daily lives.

During the recital of psalm 27 that we say during the month of Elul, David HaMelech also refers to his conflict with the enemy, "evil-doers who come upon me to eat of my flesh" (Ps. 27:2). Kind David, however, offers us guidance as to how to overcome adversaries, both human and spiritual.

In the first place, the psalmist places his trust in Hashem in the face of all hardship. His desire is to be eternally in G-d's presence, such that he will be equipped to serve G-d with sacrifice, the sound of trumpets and with song. But faith is not enough. In the latter part of the psalm, the King prays that G-d be cognizant of the false witnesses that rise up against him, that G-d not forsake him.

It is easy to give up. David HaMelech reminds us, however, that we should, "Wait for HaShem - Be strong and of good courage - and wait for HaShem." Explains Rashi on the repetition of the phrase that if your prayer is not accepted, pray again with anticipation. For, ultimately, in King David's words, "HaShem is my light and my salvation" (ibid 27:1).

Shabbat Shalom, Menachem Persoff

THESE ARE THE ANSWERS to Parsha Points to Ponder

Ponder the questions first, then read here

1) Commentaries explain that this woman must spend a month crying over her idolatrous life before she can begin her new life married to this Jew. Otherwise, her previous life will always be a part of her and will stunt her spiritual growth. So, too, before we try to begin a new spiritually on Rosh HaShana, we must spend a month crying over our past actions and lifestyle thereby enabling us to succeed with our fresh start.

2) The Seforno answers that the Torah is coming to counter a person thinking that since people don't usually lose their shirts, this found shirt must have been discarded intentionally and is not bound by the rules of lost objects.

3) I would like to humbly suggest that the connection lies in the last words of this section - KI NEFESH HU CHOVEIL. A person cannot use these items for collateral since it prevents souls from having what they need to survive. Similarly, if a husband would not be with his wife during the first year of marriage, it is damaging a soul - the husband/wife unit which needs to merge into one soul and one being.

Towards Better Davening and Torah Reading

Here's an example from this week's sedra of two almost identical words - one has a MAPIK in the HEI and the other doesn't - that have different meanings. Which means that a BK has to be extra careful to aspirate the MAPIK HEI and keep the "empty HEI" silent.

BA-SHIVYA, in captivity, Dvarim 21:11. No MAPIK in the HEI. SIMLAT SHIVYAH, the dress of her captivity.

Same thing again with the word INA, violated. 22:24 the HEI has no MAPIK. In 22:29 it has one, the word is INAH, and it

means INA OTAHH, violated her.

On a different note... Concerning the passage from B'reishit 2:1-3 which we say in the silent Amida of Friday night Maariv, then say it again with the TZIBUR right after the Amida, then say it again as the intro to Friday night Kiddush, the first word is vai-chu-LU. Two things to watch for with this word. The accent is MILRA, on the last syllable. and the first syllable gets the YUD with its SH'VA NACH. vai. Not va-y'. So too, vai-CHAL. Not va-y'CHAL. And vai- VA-rech. Same thing with the YUD. But the word is MIL'EIL, accent on the next-to-the-last syllable. This MIL'EIL has something to do with the SEGOL under the DALET. Later in the same pasuk is a similar verb-form, vai-ka-DEISH. With a TZEIREI under the DALET, the accent stays MILRA. But all the VAV- YUD words are vai, not va-y', as many of us say.

SHEYIBANEH BEIT HAMIKDASH...

A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.

Herod Refurbishes the Mikdash (2)

Once Herod cajoled, persuaded, browbeat and bullied his subjects and the Mikdash authorities into agreeing to his grandiose proposal of refurbishing the Mikdash, the work could begin. Herod promised the people "that he would not pull down their temple until all things were gotten ready for building up entirely again. And as he promised this beforehand, so he did not break his word with them, but got ready a thousand wagons, that were to bring stones for the building, and chose out ten thousand of the most skillful workmen, and bought a thousand sacerdotal garments for as many of the priests, and had some of them (the Kohanim) taught the art of stone cutters, and others of carpenters, and then began to build: but not until everything was well prepared for the work" (Antiquities b.15:11;2). But what exactly was Herod's role? The historian Peter Richardson (Herod, King of the Jews and Friend of the Romans, p.185,195) comments, "The rebuilding's organization and careful preparations, the quality and the enormous quantity of materials used, the vast scale and drama of the Temple, its innovations, its integration into the existing cityscape, the demand to continue regular worship - all are truly staggering." Richardson continues, "All of Herod's structures were up-to-date in both materials and methods of construction. Some of the design elements were ahead of their time; some of the innovations had no earlier Roman antecedents... The organization needed to gather the materials, obtain the technical experts, and coordinate the work was prodigious. And early on, Herod imported other innovations for wall, floor and roof construction... His designs were innovative also. The building of the Temple in Jerusalem best exemplifies this - not only its vast size, but such elements as the retaining walls, the brilliantly varied entrances and exits (including a bridge to the western hill, two pedestrian overpasses at the southern corners, a dramatic pair of tunnels and stairs to dramatize the holy place itself...) ...and so on... There remains an unanswerable question: Who was responsible for this remarkable body of work? We do not know if it was Herod or someone acting under him - and if the latter, was it one person or a whole stable of architects? Several factors point to Herod's important role: the combination of influences that

reflected Herod's own background, the wide-ranging innovations, and the absence of references to architects when there must have been popular comment on the structures. At the least Herod must have been a remarkable patron...."

Having received the go-ahead (in one way or another), Herod and his architectural staff spent the next eight years preparing reams of technical drawings, gathering the requisite materials, and putting thousands of quarry men and stone cutters to work to ready the incredibly huge numbers of precisely carved stones necessary for execution of such an ambitious project. Armies of workers attacked the quarry site, clearing away the soil and other debris above the embedded limestone. Working in teams of five or six, skilled quarriers cut "slits" 10 cm. wide using especially designed picks to hew out thin channels into the newly exposed limestone. After completing the side, they also cut additional channels underneath the stone. By placing iron wedges in the newly carved channels and then driving them in deeply with mauls - extremely heavy sledgehammers - they were able to "blast" the stone from the rock formation. Where the limestone was in thinner layers, the quarriers were able to drill holes into the rock and insert wooden pegs and then added water. The water caused the wooden pegs to slowly expand and the resultant force cracked the stone along a rough line. Then the quarriers loosened the thin layers of limestone and dressed them. The thicker layers were used for building blocks; the thinner sheets were used for paving stones. As years passed, Herod's stone cutters prepared tens of thousands of carved building blocks for the rebuilt Mikdash compound and the associated adjacent buildings on Har HaBayit. Usually the large blocks for major construction projects were dressed at the building site, however Melachim Alef notes that the stones destined for the Temple of Solomon were dressed at the quarry instead.

The Torah banned the use of iron tools in the Mizbei'ach's construction. (Sh'mot 20:22, D'varim 27:5) The Gemara has a detailed description as to how the Mizbei'ach was constructed (Z'vachim 45a). Iron was not even permitted to come in contact with the altar stones. "For iron was created to shorten man's days, while the altar was created to prolong man's days. What shortens man's life may not be rightly lifted up against what lengthens life." For this same reason, even an iron trowel was not used for plastering (Midot 3:4). (This total ban could lead to complications in day to day "Mikdash logistics". The Mishna in Tamid 2:5 notes that every morning the Kohanim had to clear away unburned sacrificial meat from the top of the Mizbei'ach, move it aside and then add additional wood for the fire. "Then they put back on the fire the limbs of the sacrificial animals and fat that had not been consumed since the evening. Tiferet Yisrael 46 poses a fascinating question. "They (the Kohanim used shovels and hooks. If you tell me that they were made of copper, in any case, they still used iron knives. How was it possible that these knives never touched the stones of the Mizbei'ach?" His only answer was that the Kohanim had to be very careful indeed!) Melachim Alef gives an account of the building of Bayit Rishon. "For the house when it was in building, was made of stone made ready at the quarry; and there was neither hammer nor axe nor any tool of iron heard in the house while it was being built." (Melachim Alef 6:7) Professor Hanoch Albeck in his Introduction to the Mishna (Bialik Institute and Devir Co. Tel Aviv 1967 p.5) points out that the stones for Temple of Solomon were possibly hewn at the quarry but certainly not at the actual building site because of the sound of iron tools was not heard. "They chiseled the stones outside" and then transported them to the building site. Professor Albeck

continues, "The prohibition of the Torah forbidding the building of the altar with (iron-) hewn stones was expanded to include the entire Temple but only partially. It was forbidden for the iron to come into contact with the stones in the Temple area - (at the building site) - but not outside" And of course it was forbidden for iron tools to come into contact with stones destined for the altar at any time. It is likely that Herod, as much as it was practical emulated King Solomon in having as much work done at the quarry if only to reduce the noise and clutter around the Mikdash. The Kohanim warned Herod, and he understood perfectly, that the daily Avoda was not be disturbed. (Incidentally one can only wonder at the skill of King Solomon's - and Herod's - engineers and masons who shaped the stones and were able to implement the specifications of the architectural drawings and plans with such exactitude at the quarry. "All" that remained was to fit the various elements-stone, wood, etc. - together at the building site like a gigantic puzzle without recourse to iron tools.)

Herod's preparations continued. <MTC>

Catriel's book in progress: The Temple of Jerusalem, A Pilgrim's Perspective; A Guided Tour through the Temple and the Divine Service

Dr. Tamari's Tanach column will IY"YH resume in the next issue of TT



Soldier in a tank, represents the many times "army" issues are mentioned in the sedra - The Beautiful Captive, the cleanliness of an army camp, exemption from service for a groom for the first year of marriage...

Warning lights are to prevent someone getting injured from a hazard in one's property. This is the flip side of the mitzva of MAAKEH.

Boot is for CHALITZA and the whole subject of YIBUM.

Nest with eggs is the scene immediately after someone has fulfilled the mitzva to send away the mother bird.

Couple under the CHUPA stands for several topics related to marriage.

Hands holding the wallet, taking out money is for the different monetary mitzvot in the sedra - not to borrow with interest. To pay a laborer on time. To fulfill one's pledges...

Cluster of grapes on top of a stalk of wheat to represent K'LAI KEREM.

Toilet is for requirement of having sanitary facilities outside an army base.

The string around the finger is for the various mitzvot to remember - what happened to Miriam, being in Mitzrayim, Amalek.

The grave-marker is for the mitzva to bury our dead, and reasonable quickly.

The donkey is for the many references to either donkey or other animal. The donkey gets lost, he is overburdened, he cannot pull

a plow together with an ox...

The barbells with different weights on each end represents false weights and measures. Forbidden to use to defraud someone, and even forbidden to possess.

The aardvark and giraffe are tied together. That is a Torah violation.

There is a time clock representing paying the worker on time, and also the mitzvot related to workers' rights and employers' rights, as well.

There's a Purim grogger in the lower right corner. Stands for ZACHOR and especially wiping out Amalek. This is the origin of making noise when Haman's name is read.

KEY = KI, the word that starts the sedra off and appears 48 times in the sedra. That's a lot.

The apple tree can be for the rules of SHICH'CHA or the location of a nest, or for the rules to allow apple pickers to eat during their breaks.

TTRIDDLES... are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal

Last issue's (SHO-F'TIM) TTriddles:

- [1] 27 79-47 (8 with 29), 39 47-79, (1 with 29)
- [2] Confused knowledge is surrounded by falsehood
- [3] oaths one witness
- [4] Besides righteous people, whose words?
- [5] plus 2 elements from the ParshaPix, one of which is a double

And the envelope, please...

[1] Variation on a theme. 79 is the atomic number of GOLD. 47 is the atomic number of SILVER. And 29 is the atomic number of COPPER. This TTriddle was motivated by what seemed like an unusual mention in the sedra of silver and gold, rather than gold and silver. Turns out that only when copper is also mentioned, do we find the metals in descending order of value (and atomic number), namely, ZAHAV VACHESEF UN-CHOSHET. The full stats for gold and silver are: 27 times it is gold and then silver, 8 of which are followed by copper. But there are 39 silver then gold, including one unusual silver, gold, and copper. (Included in the above are the prefix letters BET, HEI, LAMED.)

[2] In D'varim 19:18, the Torah is dealing with EIDIM ZOM'MIM, a specific type of false witness. The words (v'hinei eid) SHEKER HA-EID SHEKER (ana v'achiv) appear. the word HA-EID, the witness, is an anagram (confused) for DEI'A, knowledge. Hence, Confused knowledge is surrounded by falsehood, which sounds like a maxim of some sort, which makes it a fun TTriddle.

[3] This one is a play on the different meanings of the phrase LO YAKUM. It appears three times in the Chumash - twice in

reference to vows that were annuls, and therefore shall not arise into existence. In Sho-f'tim, it is used in reference to a single witness, who shall not stand against someone, since at least two witnesses are necessary.

[4] Many TTriddles are born of a search in Tanach for other occurrences of an unusual word in the sedra. The Torah tells us that one may not take a bribe, for bribes will blind the wise and will pervert the words of the righteous - VISALEIF DIVREI TZADIKIM. This phrase occurs in Mishpatim and in Sho-f'tim. The only other time the sequence of letters appears is in the related word VAI-SALEIF (and he perverted) the words of BOGEID, traitor.

[5] The negation of the snake is for the prohibition of NICHUSH (play on words). The snake is a KING cobra, so it also refers to the prohibition of choosing a king from another nation (Cobra isn't a Jewish name.) The king of hearts is lying down since the kings heart must not be raised above his brothers.

This week's TTriddles:

- [1] grass, meat, grapes; but she?
- [2] his A or B; his B or C - whose? what? what not?
- [3] All boys, in Tanach, only OVEID and ?
- [4] The mother bird and whose water?
- [5] Samuel Irving - 1895-1979
- [6] As a word, it appears only twice; as 5/7 of an acronym, it completely pervades all scrolls
- [7] Key man from a misspelled mourner
- [8] NUN Ki Teitzei, CHET R'ei
- [9] Mitzva fringe benefit for army exemptee