

COMPASSION

by Shlomo Katz

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Irving and Arline Katz
on the yahrzeit of her father
Moshe Aharon ben Menashe Yaakov Reiss a"h

Esther and Jacob Edeson and family
in honor of Raizel and Tommy Stern's 19th wedding anniversary
and in honor of Esther's special birthday

Today's Learning:
Nach: Nechemiah 5-6
Mishnah: Shevi'it 10:7-8
Daf Yomi (Bavli): Bava Kamma 109

The Midrash Rabbah cites the verse in our parashah, "If a bird's nest happens to be before you," and asks: What is the halachah regarding a boy who is born circumcised? Must he be circumcised? The midrash answers: Our Sages taught, "If a boy is born circumcised, blood must be let from the place of circumcision because of the covenant with Avraham Avinu." The midrash continues: Why is a baby circumcised on the eighth day? Because Hashem has compassion on him and waits until the baby has gained some strength. And, just as Hashem has compassion on mankind, so He has compassion on animals, as it is written (Vayikra 22:27), "When an ox or a sheep or a goat is born, it shall remain under its mother for seven days." Further, it is written (Vayikra 22:28), "An ox or a sheep, you may not slaughter it and its offspring on the same day." And, just as Hashem has compassion on animals, so He has compassion on birds, as we read here, "Send away the mother and take the young for yourself."

Why is a halachah regarding brit milah mentioned here? R' Yitzchak Ze'ev Yadler z"l (1843-1917; Yerushalayim) explains: Since the midrash is going to expound at length on the mitzvah of sending away the mother bird before taking her offspring, the midrash wanted to open by mentioning

Hashem's compassion on humans, i.e., that He instructs us to wait until the baby gains some strength before circumcising him.

Why is the midrash uncertain whether a boy who was born circumcised requires further circumcision? R' Yadler explains that the inquiry is whether the purpose of brit milah is simply to remove the impurity of the orlah / foreskin--which this child does not have--or to perform an affirmative act to enter the covenant. The midrash answers that the latter is correct. (Tiferet Zion)

"If a man shall have committed a sin whose judgment is death, he shall be put to death, and you shall hang [his corpse] on a gallows. You shall not leave his body overnight on the gallows, rather you shall surely bury him on that day, for a hanging person is a kelalah / curse of Elokim, and you shall not contaminate your Land, which Hashem, your Elokim, gives you as an inheritance."
(21:22-23)

In the Mishnah (Sanhedrin 46a), Rabbi Meir teaches: When man suffers, the Shechinah suffers with him. What does the Shechinah say? It says: "Kaleni [a play on 'kelalah'] me'roshi / Lighten the burden on My head" [as if to say, "My head hurts"]. If Hashem is pained, so-to-speak, when the wicked suffer [such as the executed criminal in our verse, from which Rabbi Meir derives his teaching], how much more so is He pained by the suffering of the righteous. [Until here from the Mishnah.]

R' Moshe Leib Shachor z"l (Yerushalayim; 1894-1964) observes: From this we should learn how much pleasure Hashem receives, so-to-speak, when a Jew experiences joy. Surely, His pleasure at our happiness is unimaginable. (Avnei Shoham)

[Ed. Note: Of course, Hashem experiences neither pain nor pleasure in the sense that humans do. Rather, commentaries explain, we say that Hashem is "happy" when the objectives for which He created the world are furthered, whereas He is "sad" when mankind behaves in a way that seems to frustrate His objectives. Hashem created the world in order to give man a place to serve Him and earn reward. Thus, when a sinner must be punished, Hashem is "sad." When a tzaddik is rewarded, Hashem is "happy."]

"You shall not see the ox of your brother or his sheep or goat cast off, and hide yourself from them; you shall surely return them to your brother." (22:1)

Rashi z"l explains: Do not "hide yourself" as if you don't see the lost item. However, our Sages also interpret the verse to mean: "Hide yourself!" There are times when a person may ignore the item. [Until here from Rashi.]

R' Ovadiah of Bartenura z"l (15th century; Italy and Eretz Yisrael) writes: The situations Rashi refers to, in which one may ignore the lost item, include if he is an elder and it is beneath his dignity or if he is a

kohen and the item is in a cemetery. [The definition of "beneath his dignity" is that he would not pick up the item in public even if it were his own.]

This is difficult to understand, R' Ovadiah continues: We read in Mishlei (21:30), "There is neither wisdom nor understanding nor counsel against Hashem." The Gemara (Berachot 19b) learns from that verse that a person may not use logical arguments to justify refraining from performing a mitzvah. Thus, for example, if a person realizes that he is wearing sha'atnez, he must undress immediately even if he is standing in the middle of the marketplace. Given that, R' Ovadiah asks, why may an elder refrain from retrieving a lost item just because it is beneath his dignity? For that matter, even if he is a kohen and the item is in a cemetery, why don't we apply the familiar rule: "A positive commandment [here, returning a lost item] supersedes a negative commandment [a kohen should not become tamei]"?

R' Ovadiah answers: The mitzvah to return a lost item is different from other mitzvot. Because this mitzvah involves someone's property, and a person has the power to waive his property rights, our Sages deemed it more fitting to act as if the owner waived his right to have the property returned rather than to require an elder to demean himself or require a kohen to enter a cemetery. (Amar Naka to Shmot 23:5)

"When you come into the vineyard of your fellow, you may eat grapes as is your desire, to your fill, but you may not put [any grapes] into your vessel." (23:25)

On the level of pshat, this verse is referring to a hired-hand's right to eat from the crops of a field while he is harvesting them; however, he has no right to take produce home.

R' Meir Horowitz z"l (1819-1877; Dzikover Rebbe) offers an allegorical explanation of this pasuk, as follows: This verse is teaching that one should not become depressed when he returns home from visiting a tzaddik and realizes that his behavior is essentially the same as it was before. Indeed, such depression is a scheme of the yetzer hara, intended to destroy whatever gains the person did achieve and to discourage him from visiting tzaddikim in the future. In reality, even the temporary gains that one experiences while he is in the presence of a tzaddik are worthwhile.

Says our verse: A tzaddik is called a "vineyard" (see Yeshayah 5:7). When you come to a tzaddik, says the verse, eat your fill, even if you expect that you will not take anything home, for even that short-term gain is worthwhile. (Imrei Noam)

"Remember what Amalek did to you, on the way when you were leaving Egypt--that he happened upon you on the way, and he struck those of you who were lagging, all the weaklings at your rear, when you were faint and exhausted, and did not fear Elokim." (25:17-18)

According to the pshat, the last phrase, "and did not fear Elokim," describes Amalek. However, notes R' Yissaschar Shlomo Teichtal (1885-1945; rabbi of Pishtian, Czechoslovakia and author of Eim Ha'banim Semeichah), "Amalek" also is a metaphor for the yetzer hara. Just as one must always remember what Amalek did to us, so must one always be on his guard against the yetzer hara. If one feels faint and exhausted and unable to continue his vigilance, it is a sign that he doesn't sufficiently fear Elokim. (Mishneh Sachir: Moadim vol.2 p.147)

Teshuvah

R' Moshe ben Yosef Trani z"l (1505-1585; rabbi of Tzefat, Eretz Yisrael; known by the acronym "Mabit") writes: Teshuvah consists of 'charatah' / regret over the past and 'azivat ha'cheit' / changing one's ways and refraining from committing the sin again in the future. If one has regret but doesn't change his ways, it appears that his regret is not sincere. Conversely, if he changes his ways without expressing regret, it appears that he changed his ways only because the particular sin no longer attracts him, not because he wants to obey Hashem's command. But, if one has both of these--charatah and azivat ha'cheit--his teshuvah is complete. Although Rabbeinu Yonah z"l [Spain; died 1263] identifies 21 steps in the teshuvah process, only the two mentioned here are essential; the others make the teshuvah more complete and help it endure.

Mabit continues: The reason these two parts of teshuvah are necessary is that sin consists of both the thought that precedes the sin and the act of sinning. Charatah / regret addresses the thought that preceded the sin, while azivat ha'cheit / changing one's ways addresses the sinful act. These two parts of sin and two parts of repentance also parallel the two parts of a person: his soul (thought) and body (action).

In this light, Mabit continues, we can understand Kayin's plea to Hashem after killing Hevel (Bereishit 4:13), "Is my sin too great to be borne?" Midrash Rabbah comments: "You bear the upper realms and the lower realms! Can You not bear my sin?" [Until here from the midrash.] The "upper realms" refers to the source of the soul, while the "lower realms" refers to the source of the body. "You, Hashem," said Kayin, "created them both. Moreover, everything was created for man's sake. Certainly, then, You can forgive me." (Bet Elokim: Sha'ar Ha'teshuvah ch.2)