

REWARD AND PUNISHMENT

by Shlomo Katz

Parshas Ki Seitzei

Reward and Punishment

Ki Tetze

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Today's Learning:
Bava Batra 2:5-6
O.C. (Mishnah Berurah) 4:2-7
Daf Yomi (Bavli): Yevamot 114
Daf Yomi (Yerushalmi): Yoma 16

Rabbeinu Yonah z"l (Spain; died 1263) writes that there are three types of mitzvot: those which must be done (e.g. prayer), those which must be done if the opportunity presents itself (e.g. circumcision), and those which are optional, but may only be done according to a certain procedure (e.g. marrying a prisoner-of-war or taking an egg from a bird's nest). These last two examples are both found in this week's parashah, and each introduces a separate line of consequences which follows from a person's deeds. These two lines can be traced through the parashah:

Our Sages say that if one marries a prisoner-of-war, even permissibly, he will likely end-up hating her and her son. That son may end-up stealing from his parents, and thus incur the penalty of a ben

sorrer u'moreh / a rebellious son. Such a boy is executed, not for what he has done, Chazal say, but so that he may die relatively righteous. Should he live, the Sages foretell for him a future as a highwayman and murderer.

By contrast, Chazal say that if one performs the mitzvah of sending away the mother bird, he will be rewarded with prosperity and will build a house. This mitzvah is therefore followed by the commandment to build a railing around a roof. Also, he will merit to have new clothes, so he is commanded not to wear sha'atnez / a combination of wool and linen, and to make tzitzit. This last is among the cheapest and easiest of mitzvot to perform, but its reward is great, for it reminds a person to keep all of the other mitzvot, and thus brings merit to the entire body. (Derashot U'perushei R' Yonah Al Hatorah)

From the Parashah . . .

"When you will go out to war against your enemies, and Hashem, your G-d, will give him into your hands . . ." (21:10)

Why does the verse begin with a plural noun ("enemies") and then use a singular pronoun ("him")? R' Aryeh Leib Zunz z"l (Polish rabbi and prolific author; died 1933) explains:

Many commentaries explain that our verse, besides its plain meaning, alludes to man's battle with his yetzer hara. Our question may be answered in this light. Our Sages teach that when one performs a mitzvah, he creates an angel who defends him in the Heavenly court. On the other hand, if one sins, G-d forbid, he creates an angel who accuses him in the Heavenly court.

One who wants to succeed in judgment on the upcoming High Holidays needs to have more mitzvot to his credit than sins, more defending angels than prosecuting angels. And, our Sages teach that when one repents, his sins become mitzvot. Thus, his accusing angels become defending angels. Our Sages teach, also, that one should always view himself as neither righteous nor wicked, but rather half-and-half. If so, then a person who wants to succeed in judgment needs to change one prosecuting angel to a defending angel. Paraphrasing our verse, when one goes to war against all of his enemies -- the prosecuting angels who represent his sins -- he really only needs one enemy to be given into his hands in order to succeed. (Kometz Ha'minchah)

"When you will go out to war against your enemies . . . and you will see a beautiful woman among the captives" (21:10-11)

This parashah teaches us the Torah's attitude toward beauty, says R' Joseph B. Soloveitchik z"l (1903-1993). "When you will go out to war against your enemies and you will see a beautiful woman among the captives"--when you fight your enemies--Canaanites, Persians, Greeks, Romans, or Germans--you will undoubtedly see beautiful aspects of their cultures. Therefore, you should know:

You are permitted to bring home everything beautiful that you see, but don't be fooled by external beauty. This is symbolized by the Torah's demand that the captive woman change out of her foreign clothes. The Torah demands a waiting period after the captive woman is brought into the home--i.e., examine this newfound culture very carefully. Is it really something that you want in your home? (Yemei Zikaron p.125)

"Do not observe your brother's donkey or his ox falling and turn yourself away -- you shall surely help it up." (22:4)

In Parashat Mishpatim, the same mitzvah is given, but there the Torah refers to the animal of "your enemy." Why this difference?

With regard to the verse in Mishpatim, the Gemara asks: How does one have an enemy? Is it then permitted to hate another Jew? The Gemara explains that "your enemy" refers to one whom you have witnessed sinning. If he refuses to repent, you are obligated to hate him.

However, writes R' Meir Simcha Hakohen z"l (rabbi of Dvinsk; died 1926), that was only before the sin of the Golden Calf, which is described in the Torah after Parashat Mishpatim. Before that sin, all Jews were on such an exalted level that they were able to hate someone merely because he had sinned. But today, who can make such a claim?! Rather, we are all brothers. (Meshech Chochmah)

R' Yaakov Yosef Hakohen of Polnoye z"l (student of the Ba'al Shem Tov) interprets this homiletically: "Do not observe your brother's donkey or his ox falling"--it is better not to see your brother in a state of spiritual decline (becoming like a donkey or an ox). "Turn yourself away."

But if you do see, "You shall surely help [him] up." (Toldot Yaakov Yosef)

"What will we eat in the seventh year?" (Vayikra 25:19)

Introduction: In previous issues, we summarized some of the prohibitions that apply during the shemittah / sabbatical year. The reader might wonder: How does shemittah operate in practice? It is easy to visualize that, in an agricultural society such as existed in Eretz Yisrael two or three millennia ago, families could have readily gone to a nearby field whose owner had declared it hefker / ownerless and gathered produce to feed themselves. But, how is food gathered and distributed during shemittah in the urban society that characterizes modern-day Israel?

In coming issues we will discuss the common solutions to this dilemma. One of these, which according to recent news reports from Israel is becoming increasingly popular, is called the Otzar Bet Din, literally, "Judicial Storehouse." Another, which was once the mainstay of farmers who wished to avoid violating the shemittah, but which was always controversial and is now less popular, is the Hetter Mechirah / the sale of the Land to a non-Jew.

What is Otzar Bet Din and how does it work? (The remainder of this article is paraphrased from the work Otzar Bet Din: Hilchotav Ve'halichotav, by R' Yerucham Fishel Adler shlita.)

The earliest record of an Otzar Bet Din in modern times was in the shemittah of 5670 / 1909-10. Prior to the shemittah, a group of farmers came to a rabbinical court and announced that their fields were hereby declared hefker. Thereupon, the bet din took upon itself to gather the produce of the fields on behalf of city dwellers, and it hired workers, including the fields' original owners, as employees of the bet din to gather the produce and perform whatever other forms of work are permitted during the shemittah. In this way, the city dwellers obtained food while farmers earned a living.

How did this avoid violation of the shemittah? The Torah prohibits a landowner from locking or guarding his field and from performing certain tasks during shemittah such as plowing and planting. It also prohibits a person from harvesting in bulk and taking that harvest home. Under the Otzar Bet Din arrangement, none of these prohibitions are violated. The farmer does not lock or guard his field; to the contrary, he publicly declares it ownerless. He also does not perform any tasks in the field that are prohibited by Torah law; only those tasks whose purpose is exclusively to preserve, rather than to develop, the field are performed. Agricultural labor to preserve a field is permitted by Torah law during the shemittah. And, when the farmer harvests in bulk, he does not hoard the harvest; rather, he immediately turns it over to the bet din. In return, the bet din pays him a laborer's wage plus his out-of-pocket expenses. He thereby earns a living; he does not, however, earn the profit that a successful farmer would expect to earn.

[To be continued . . .]

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