

# A RIGHT TO REPENT?

by Shlomo Katz

## Parshas Ki Seitzei

### A Right to Repent?

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One of the mitzvot in this week's parashah is the mitzvah of returning a lost object. The Torah instructs us: "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 . . . you may not [literally: 'You will be unable'] to hide yourself." (Devarim 21:22-23)

R' Avraham Shaag z"l (1801-1876; Hungary and Eretz Yisrael) asks why these verses repeat themselves. What is added by the last phrase, "You may not hide yourself"?

He explains: Even a person who was born with negative character traits can acquire good traits in their place. This is done by behaving in a way which is contrary to one's natural tendencies. For example, if one is disposed to hate another person, one can conquer those feelings by going out of one's way to do kindness for that person.

Chazal learn from the phrase, "You shall surely return them to your brother," that you must return a lost object even if its owner has already lost it, and you have already returned it, 100 times. If you perform this act of kindness repeatedly, says R' Shaag, "You will be unable to hide yourself"; it will become natural to do a kindness for the person that you once hated.

R' Shaag adds: Particularly in this month of Elul, when the shofar is blown to awaken us to return to Hashem, we must remove the hatred of others from our hearts, stop lording over others, eradicate lashon hara, and cease other infractions that we commit against our fellow men. Maybe, just maybe, by the time Yom Kippur has passed, the good behavior that we adopt during Elul will have become second nature. (Derashot Ha'Rash Vol. I, No. 25)

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"This son of ours is wayward and rebellious; he does not hearken to our voice; he is a glutton and a drunkard.' All the men of his city shall pelt him with stones and he shall die; and you shall remove the evil from your midst; and all Israel shall hear and they shall fear." (21:18-21)

The Talmud Yerushalmi (Sanhedrin 8:7) teaches: "G-d foresaw that this youth is destined to consume his parents' assets, to sit at the crossroads and steal from people, to murder people, and, in the end, to forget his Torah learning. Therefore, it is better for the youth to die innocent rather than to die guilty."

Is forgetting one's Torah learning worse than committing murder, as the progression above implies? R' Eliyahu Eliezer Dessler z"l (1892-1953; head of the Gateshead Kollel and mashgiach of the Ponovezh yeshiva) explains that no matter what sins a person has committed, as long as he remembers his Torah learning, there is a chance he will repent. However, once he has lost what he learned, all is lost.

R' Dessler continues: Rabbeinu Yonah z"l (Spain; died 1263) writes in Sha'arei Teshuvah of the great value of Torah study, so much so that life without it is worthless. If so, asks R' Dessler, how is it possible that there are people who do not study Torah who are nevertheless alive?

He answers: Such people are tools of the satan / the evil inclination who says, "Look! There are so many people who do not study Torah, and they are alive and well."

But what difference does it make--life is life? R' Dessler concludes: We recite during the High Holiday period, "Remember us for life, the King Who desires life, and inscribe us in the book of life, for Your sake, the living Elokim." We want life for G-d's sake, i.e., for the sake of revealing G-d's Name. We do not want life if it means being tools of the satan. (Michtav M'Eliyahu I p.105)

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"If a bird's nest happens to be before you on the road, on any tree or on the ground--young birds or eggs--and the mother is roosting on the young birds or the eggs, you shall not take the mother with the young. You shall surely send away the mother and take the young for yourself, so that it will be good for you and will prolong your days." (22:6-7)

The Gemara (Chullin 139b) relates: Paponai asked Rav Matnah, "If one finds a bird's nest on a person's head, what is the law?"

Rav Matnah answered, quoting a verse (Shmuel II 15:32), "There was adamah / earth upon his head." [Rashi z"l explains: This verse teaches that even though the dirt was on someone's head, it did not lose the name "adamah" / "earth." Likewise, a bird's nest on someone's head is considered to be on

the ground, and the mitzvah of sending away the mother bird still applies.]

The Gemara continues: Where is Moshe Rabbeinu alluded to in the Torah? In the verse (Bereishit 6:3), "B'shagam / since he is but flesh; [his days shall be a hundred and twenty years]." [Rashi explains: The gematria of "B'shagam" equals the gematria of "Moshe," and Moshe's days were 120 years.]

The Gemara continues: Where is Haman alluded to in the Torah? In the verse (Bereishi 3:11), "Ha'min ha'eitz / [Have you eaten] from the tree [from which I commanded you not to eat]?" [Rashi explains: Haman was hung on a tree.]

The Gemara concludes: Where is Esther alluded to in the Torah? In the verse (Devarim 31:18), "But I haster astir / will surely have concealed My face on that day." Where is Mordechai alluded to in the Torah? In the verse (Shmot 30:23), "Now you, take for yourself choice spices-mor dror / pure myrrh." The Aramaic translation of "mor dror" is "maira dachya" [which sounds like Mordechai]. [Rashi explains that just as maira dachya was the first of the spices in the incense, so Mordechai was first among the righteous who, so-to-speak, have a pleasant aroma.]

This entire passage obviously requires explanation. R' Yehuda Loewe z"l (the Maharal of Prague; died 18 Elul 5369 / 1609) asks: Why would the Gemara ask where these individuals in particular are alluded to in the Torah? Furthermore, what is this business of a bird's nest on a man's head? He explains:

The Gemara is asking: what is man's inherent nature? True, man has intellect, whose seat is in his head. But, does that define man? Or, is man inherently physical, i.e., from the earth?

The Gemara answers that although man has intellect in his head, he still is inherently of the earth. If so, the Gemara asks, is it possible for man to be intellectual? This is what the Gemara means when it asks: Where is Moshe alluded to in the Torah? And the Gemara answers that Moshe is alluded to in the Torah. Therefore, don't think that individual men cannot rise above their earthy, animal natures.

The Gemara then asks: Granted that there is a tzaddik (Moshe) whose righteousness is beyond what would be expected of material man. Can there be, however, a wicked person whose evil is so great that it is likewise beyond what one would expect from man? This is the meaning of: Where is Haman alluded to in the Torah?

Finally, since the Gemara showed that Haman is alluded to in the Torah, the Gemara wished to show that his nemeses also are alluded to in the Torah. As Maharal writes frequently, "Complete knowledge requires knowing the thing and its opposite." (Ohr Chadash: Introduction)

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"When you beat your olive tree, do not remove all the splendor [i.e., the last fruit] behind you; it

shall be for the proselyte, the orphan, and the widow. When you harvest your vineyard, you shall not glean behind you; it shall be for the proselyte, the orphan, and the widow. You shall remember that you were a slave in the land of Egypt, therefore I command you to do this thing." (24:20-22)

R' Zvi Hirsch Kalischer z"l (1795-1874; rabbi of Torun, Prussia; best-known for advocating resettlement of Eretz Yisrael) asks: Why does the Torah tie the mitzvah of giving charity to the Exodus? He explains:

The Torah is teaching that one should not do good deeds because they appeal to his charitable nature. After all, if a person has such a nature, it is because G-d gave it to him. If so, what is the person bringing to the mitzvah? Rather, we must do mitzvot because we acknowledge that G-d took us out of the slavery of Egypt to serve Him. (Sefer Ha'Brit Al Ha'Torah)

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## **Teshuvah**

The Talmud Yerushalmi (Makkot 2:6) teaches: Wisdom was asked, "What is the sinner's punishment?" Wisdom answered, quoting Mishlei (13:21), "Evil pursues sinners."

Prophecy was asked, "What is the sinner's punishment?" Prophecy answered, quoting Yechezkel (18:4), "The soul that sins--it shall die."

The Torah was asked, "What is the sinner's punishment?" The Torah answered, "Let him bring a guilt offering and receive atonement."

G-d was asked, "What is the sinner's punishment?" G-d replied, "Let him repent and receive atonement." Thus it is written (Tehilim 25:8), "Hashem is good and upright; therefore, He guides sinners on the way," i.e., He guides sinners to repent. [Until here from the Talmud Yerushalmi]

How are we to understand this teaching? asks R' Joseph B. Soloveitchik z"l (1903-1993). How is it that, so-to-speak, Wisdom, Prophecy, and the Torah are not aware of the existence of teshuvah, a concept mentioned repeatedly in the Torah? Are not the books of the Prophets full of calls to repent? Moreover, how can Wisdom, Prophecy, and the Torah have a different outlook on sin than G-d Himself has?

A final question: After the sin of the Golden Calf, Moshe Rabbeinu told Bnei Yisrael (Shmot 32:30), "Perhaps I can obtain atonement for your sin." "Perhaps," but I am not certain! Why was Moshe himself unsure of the power of teshuvah?

R' Soloveitchik explains: There are two ways in which teshuvah can be effective. Teshuvah can be accepted as a result of Midat Ha'rachamim / the Divine Attribute of Mercy. This is the teshuvah of which the prophets speak extensively, and of which Wisdom, Prophecy, and the Torah certainly are

aware. But teshuvah that is dependent upon Mercy might be accepted or it might not be; we are unable to fathom why G-d sometimes acts mercifully and other times does not. This is why Moshe Rabbeinu could only say, "Perhaps I can obtain atonement."

However, there is a second way that teshuvah can be accepted, i.e., as a result of Midat Ha'din / the Divine Attribute of Justice. Sometimes, Justice demands that teshuvah be accepted. But, this idea is not found in the Written Torah. Accordingly Wisdom, Prophecy, and the Torah cannot fathom that Justice requires that a sinner be forgiven. To their way of thinking, a sinner should be punished or, at the very least, should have to pay for his sin with a guilt offering. [Next week we will present R' Soloveitchik's explanation of why forgiveness should be a right.] (Divrei Ha'Rav p.119)

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