

THE "TITHING CONFESSION"

by Rabbi Yissocher Frand

Ki Savo

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 384, The Prohibition of Chodosh. Good Shabbos!

Dedicated in memory of Benyamin ben Tzvi a"h, Ben Zussman, by his grandchildren, on the occasion of his Yahrtzeit (18 Elul).

The Sforno Explains the Nature of the "Tithing Confession"

The beginning of Parshas Ki Savo discusses Vidui Ma'asros [the Tithing Confession]. At the completion of the three-year Ma'aser [tithing] cycle a person must recite a "confession" and give an accounting of whether he has been judicious in properly distributing all the various agricultural gifts as required. The person must be able to proclaim, "I have removed all the sacred portions from my house. I have given the appropriate portions to the Levite and to the orphan and widow, following all the commandments You prescribed to us. I have not violated your commandments, and have not forgotten anything." [Devarim 26: 13].

This recitation is known as Vidui Ma'asros [the Tithing Confession]. However, if we examine the words of the recitation, we will notice that the recitation does not sound like a confession at all. We know the meaning of Vidui [confession]. We recite Vidui on many occasions - particularly during the Yomim Noraim [High Holiday] season: "We are guilty; we have dealt treacherously; we have stolen; etc." We confess for the sin that we committed in this way and for the sin we committed in that way.

That is the way that a "Vidui" is supposed to sound! The statement "I have done everything You have commanded me to do", simply does not have the 'ring' of a confession!

The Sforno (1470-1550) on this pasuk [verse], in his cryptic style, explains how this is a confession. The Sforno says that the ceremony is called a "Vidui" because there is an implicit sin that hovers over the entire ritual. We testify to the fact that we have made a house cleaning: "I have removed all the sacred portions from my house." Why is this entire house cleaning necessary? Who should really be receiving these portions? The first born son (the bechor) should really be entitled to all these portions. In the ideal world, if things were the way they were supposed to be, there would be not be any need for a "house-cleaning". The first born would be in charge of the Divine Service. The first born, rather than the descendants of Aaron, would be the "Priests".

However, as a result of the sin of the Golden Calf, everything changed. We do not each have a "Priest" in our own house. Therefore, by merely mentioning the need to remove these sacred portions from our house and give them to an "outsider", we are in effect mentioning our sin. We are confessing to the shortcomings of our ancestors.

The Sforno uses this concept to explain another difficulty. Vidui Ma'asros ends with the word 'Hashkifa' [Look down] from Your holy heavenly abode, and bless Your people Israel..." [26:15]. The choice of the word 'hashkifa' is puzzling. Our Sages tell us that the root of 'hashkifa' is always used with a connotation of looking down with an 'evil eye' and with the Attribute of Judgment (Midas HaDin - as in Bereishis 19:28 and Shemos 14:24). Why then are we invoking this term in our prayer - are we not concerned lest we bring down G-d's strict judgment upon ourselves?

Our Sages note the basic answer that charity is the antidote to the stern measure of judgment. Since we have given the appropriate tithes and gifts, we are confident that we will be protected from harsh judgment. Nonetheless, this answer still does not resolve the basic question - why use this term, 'hashkifa', in the first place?

The Sforno's approach provides an answer: We use this term because we have no choice. The sin of the Golden Calf remains. The essence of this ceremony is our need to confess that we had to remove the sacred portions from our homes. Perforce G-d will be looking 'down' at us (with the Midas HaDin). This ceremony in fact reminds Him of our sordid past with the sin of the Golden Calf. We cannot just sweep it under the rug.

In fact we are acknowledging that G-d will be looking 'down' upon us, and that only the merit of charity will save us.

Why We Offer the "First" Rather Than the "Best"

Bikkurim [first fruits], Bechor [the first born], and (the separation of the Priestly gift of) Challah (which are all mentioned in Parshas Ki Savo) have something in common. They all represent beginnings.

The Torah asks us to bring the first fruits to the Bais HaMikdash [Temple]. The Torah does not specify

that we should "bring the best"; rather the Torah specifies that we should "bring the first". Likewise, we are not commanded to pick the best or the brightest son to be dedicated to the Divine Service in the Bais HaMikdash. We are commanded to devote the first son to that Service.

Why does the Torah insist on "firsts" and not "bests"? The reason for the preference for "firsts" is because the "first" sets the tone. "First" is the beginning, the foundation. It might not be so bad if a building has a flaw on the fourth or fifth floor, but a flaw in the foundation is very serious. The foundation sets the tone.

When a Jew harvests his fruits, the first fruit is holy. It sets the tone for how a person views his livelihood (Panassah). Similarly, the first son should theoretically be devoted to the service of the priests. This can change the whole family. Likewise, the first year of marriage has special halachos [Torah laws] associated with it, because it sets the tone for the whole marriage. "Firsts" determine and establish the pattern for all that will follow.

The Shulchan Aruch rules that even if a person is normally not particular about only eating products baked by a Jewish baker (Pas Yisroel), he should in fact conduct himself in this fashion during the Ten Days of Repentance. Rabbi Zev Leff commented that this is true despite the fact that he intends to return to the (Kosher) non-Jewish bakery on the day after Yom Kippur.

This halacha seems rather strange. Normally it is considered improper repentance to temporarily act better only while being judged, with the intention to revert back to one's former ways after the judgment is over.

However, we do act differently on Rosh HaShannah. We pray differently. Our conduct at the Yom Tov table is different. We demonstrate a sense of purpose that does not necessarily remain during the rest of the year.

Is this not hypocrisy? What are we saying? "Ten days I will be righteous; I will behave meticulously, and the rest of the year I will be my old self! Ten days I will not eat commercial pastry, but from the eleventh of Tishrei and on, I will!"

No. This is not hypocritical. It is advisable. The first ten days of the year are the "first". Every year we have the ability to start anew. We can wipe the slate clean and set the tone for a new year. It is important that the tone of the year be set correctly. We are not claiming that we will observe the strictest opinions (chumros) throughout the year; we are not claiming that we will be on the most elevated status from Tishrei to Tishrei [the entire year]. However, just as husbands and wives establish the pattern by which the marriage will persist for years to come by treating each other in a special way during that "first year", so too we make an attempt to set the tone for our coming year during this first 10 day period of the year.

If we want the year to be a better year and a different year than in the past, then the way to accomplish that is to sanctify its first day, its first week, and its first ten-day period. This will hopefully

set the pattern for the rest of the year as well.

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This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#384). The halachic topics dealt with in the portion of Ki Savo in the Commuter Chavrusah Series are the following:

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