

PARSHAS KI SEITZEI

by Rabbi Yissocher Frand

Parshas Ki Seitzei

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #735 - Brachos in a Bathroom. Good Shabbos!

Marriage and Divorce Laws Fit Well Into Sefer Devorim

This week's parsha contains the basic Biblical source material for three Talmudic tractates: Masechtos Gittin, Kiddushin, and Yevamos (dealing with laws of divorce, marriage, and levirate marriage respectively) all stem from Parshas Ki Seitzei. Rav Yaakov Kaminetsky (in his sefer Emes L'Yaakov) asks an interesting question.

Rav Yaakov's question is based on the premise -- which he discusses several times in his work - that the laws of the Book of Devorim deal with the Jewish people as a national entity (tzibur). Sefer Devorim was addressed to Klal Yisrael at the end of the lifetime of Moshe Rabbeinu. Moshe is aware that he will not lead them into Eretz Yisrael. He wants to tell the people as a community how they will have to live.

The first three parshiyos (Devorim, V'Eschanan, Ekev) are basically mussar lectures, chastising the people for all their shortcomings and their misdeeds during the dessert sojourns. Time after time, Moshe warns about not following the sinful ways of the people of the land whom they will displace. However, the following parshios - Parshas Re'eh, Shoftim, and Ki Seitzei - virtually entirely contain laws that affect the Jewish people as a whole. Re'eh contains the laws of Ir HaNidachas [the City that worships idolatry], the laws of (both true and false) prophets, the law of the enticer (meisis). Parshas Shoftim contains the laws of judges, police, and monarchy - the judicial and executive branches of government, the essence of communal infrastructure. Parshas Shoftim also contains the laws of going to war, the cities of refuge, the laws of murder - all societal matters. Ki Seitzei continues the laws of war.

It is in fact the opinion of Rav Yaakov Kaminetsky (based on a Rashi in Sefer Yehoshua) that the second Sefer Torah which a king is responsible to write (as described in Parshas Shoftim) is not the entire Torah (as is the opinion of many Rishonim), but rather is only the Book of Devarim. This second Sefer Torah is the Sefer Torah that was to accompany him at all times and which he was supposed to study all the days of his life. Sefer Devorim thus becomes the manual of the monarch, the scroll

that deals with the national laws of the Jewish people.

[Rav Yaakov notes in a footnote that he once knew a Shochet who would review all the laws of slaughtering every 6 months. He studied the first three chapters of Tractate Chullin followed by the Tur, Beis Yosef, and Shulchan Aruch sections in Yoreh Deah relating to the laws of Shechitah. He would say "This is my profession. I need to know Hilchos Shechitah cold!". Rav Yaakov applied the pasuk "For in the Torah of Hashem is his desire and in his Torah he will contemplate day and night." [Tehillim 1:2] to that Shochet. Rav Yaakov interprets - that the righteous person ideally wants to learn the entire Torah but he must constantly study "his Torah" - that which relates to him and his profession. He must know that section cold! Sefer Devarim is the King's manual, which he must review constantly.]

Based on this premise, Rav Yaakov Kaminetsky asks what the laws of marriage and divorce are doing in the Book of Devarim? The laws of Gittin, Kiddushin, and Yevomos belong in Parshas Achrei Mos in the Book of Vayikra. That is the source of the laws of who one can and can't marry. Likewise the laws of excluding a Mamzer [illegitimate birth], Egyptians, Moavites, Ammonites, and so forth that are in this week's parsha all belong in Achrei Mos! What are they doing in Ki Seitzei?

Rav Yaakov Kaminetsky answers, perforce we must say: Marriage is not just a matter affecting an individual man, an individual woman, and their families. Marriage affects the Jewish nation as a whole. Klal Yisrael is nothing more than a group of families that are married. This is the old adage - a chain is only as strong as its weakest link. The links that make up the chain of Klal Yisrael are families.

Who a person marries and whom he is and is not allowed to marry and all the associated laws correctly belong in the Book of Devarim. We speak about "building a faithful house IN ISRAEL". The people who we are not allowed to marry are called "pesulei kahal" [those invalidated from becoming part of the community]. The restrictions of marriage are all about maintaining the sanctity of the kahal. We cannot have Ammonites, Moavites, and Mamzerim among us.

The Halacha reflects this principle.

If a Chosson comes to synagogue during the Seven Days of Festivity following his wedding, Tachanun is omitted. The groom is celebrating a personal Yom Tov. Tachanun is not recited on Yom Tov, so we don't say Tachanun when a Chassan is present. A mourner also does not recite Tachanun. If a mourner needs to be present in the synagogue the rest of the congregation does recite Tachanun. Only the mourner privately omits it. The mourner's Aveilus (mourning) is a private matter. It does not impact the prayers of others. However, the rejoicing of the groom is a communal simcha. We all rejoice in the establishment of a new Jewish household.

For this reason the laws of marriage and divorce belong in Sefer Dvorim. They have national impact!

A Bar Mitzvah Drasha To Remember

The following is the story of a Dvar Torah that was said in McKeesport, Pennsylvania, some 68 years

ago this Shabbos:

Rav Simcha Schepps was a disciple of the Brisker Rav, a student at the Mirer Yeshiva, and a student in the Yeshiva of Baronovich. He eventually became a Rosh Yeshiva in Yeshivas Torah Vodaath in New York. During the war he made it to Japan with the Mirer Yeshiva and in 1941 was able to come to the United States. Like many who came at that time, his main focus was to try to get other Jews out, particularly those Yeshiva students who were still stranded in Shanghai.

As it happened on Parshas Ki Seitzei 1941 Rav Schepps was in McKeesport, Pennsylvania. He asked the Gabboim of the two shuls there for permission to make a financial appeal on Shabbos on behalf of the Yeshiva bochrim stranded in Shanghai. The Gabboim refused and explained that Succos time they always conducted an appeal for the Federation and they were afraid that an appeal now for the Yeshiva bochrim would negatively impact that appeal.

As it turned out, there was a Bar Mitzvah in one of the two shuls that Shabbos with a big Kiddush. Rav Schepps asked permission from the father of the Bar Mitzvah bochur to speak at the Kiddush and was given permission to do so.

At the Kiddush, Rav Schepps asked the following question: The Torah states that we are not allowed to marry an Ammonite or a Moavite because they did not greet us with bread and water when we were on the road after leaving Egypt. However, when countries are at war, we understand that there will be an embargo. We all understand, he said, that there is currently no trade between the United States and Japan because we are at war. What then, is the Torah's complaint against the Ammonites and Moavites for not providing the Jews with food and drink - there was an embargo! No commerce was taking place. The government did not allow any trade to go on between countries at war!

The answer is that during war one does not trade between countries, but refugees - stateless people who do not belong to any country - are different! Governments are not at war with refugees, they are at war with countries! Therefore, the Torah is upset at the Ammonites and Moavites for ignoring the needs of the stateless refugees! That should have had nothing to do with politics or the protocols of states. It is downright wickedness and cruelty for which there is no room in the Jewish nation.

At this point Rav Schepps said, "My friends, there are refugees in Japan without country, without family, without food, without anything! If you do not give them money, the Torah will record about the people of McKeesport that they are like Ammonites and Moavites who refused to contribute to stateless people. Do you want that to happen?"

At which point the response was "G-d forbid!" An appeal was made and they raised money which allowed them to bring over 3 extra young men from Japan.

Most boys do not remember what the Rav said at their Bar Mitzvah, but I'm sure that this Bar Mitzvah boy remembered what Rav Schepps said at his Bar Mitzvah for his entire life!

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. A listing of the halachic portions for the weekly parsha from the Commuter Chavrusah Series is provided below:

Tape # 020 - Non-Halachic Marriage Ceremonies Tape # 065 - Polygamy and the Cherem of Rabbeinu Gershom Tape # 110 - Mamzeirus: Possible Solutions? Tape # 156 - Reconciling Divergent Customs Between Husband and Wife Tape # 203 - The Pre-War "Get" Tape # 250 - The Mitzvah of Ma'akeh Tape # 293 - "Get Me'useh": The Prohibition of the "Forced Get" Tape # 339 - Shana Reshona: The First Year of Marriage Tape # 383 - The Mitzvah of Burial Tape # 427 - Trying on Suits that May Have Shatnes Tape # 471 - Autopsies on Non-Jews Tape # 515 - Women Wearing Men's Clothing Tape # 559 - The Double Portion of the Be'chor Tape # 603 - Burying a Rasha Next to a Tzadik Tape # 647 - Ramps and Stages - Do They Need a Maakeh? Tape # 691 - Chassanah Minhagim Tape # 735 - Brachos in a Bathroom? Tape # 779 - Shehecheyanu at a Chasuna Tape # 823 - Tzar Ba'al Hachayim - Does It Apply to People? Tape # 867 - Dying Hair For Men - Asur or Mutar? Tape # 911 - Returning a Lost Pacifier Tape # 955 - The Un-Cancelled Stamp - Can You Re-use it?

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