

תשע"ה

כי תתזע

Among the many *Mitzvot* in this week's *Parashah* is the commandment (24:9), "Remember what *Hashem*, your *Elokim*, did to Miriam on the way, when you were leaving Egypt." R' Moshe ben Maimon *z"l* (*Rambam*; 1135-1204; Spain and Egypt) writes: "Reflect upon what happened to Miriam the Prophetess when she spoke against her younger brother, who she had raised on her lap and for whom she endangered herself to rescue him from the water. She did not even speak ill of him; rather, her mistake was equating him to other prophets [instead of recognizing his unique status]. And, Moshe did not take offense. Nevertheless, it was decreed that Miriam would be stricken with *Tzara'at*." (*Hil. Tum'at Tzara'at* 16:10)

R' Moshe Zvi Neriya *z"l* (1913-1995; an early leader of the Bnei Akiva youth movement and *Rosh Yeshiva* in Kfar Ha'roeh, Israel) asks: How did it happen that the righteous woman Miriam stumbled and spoke *Lashon Ha'ra*? He answers: An in-depth examination reveals that *Hashem* allowed Miriam to overhear Tziporah's complaint and did not protect Miriam from stumbling in order to teach us the severity of the sin of *Lashon Ha'ra*. Even when a person has all of the excuses for speaking about another person that Miriam had to speak about Moshe--he was her younger brother, he "owed" her, her words were only bad by implication, etc.--it still is prohibited. This explains, R' Neriya adds, why the Torah commands us to remember Miriam's sin and punishment even after she received atonement: the whole point of giving her room to stumble was to teach us a lesson. (*Ner La'maor*)

How Does Teshuvah Work?

R' Yosef Albo *z"l* (Spain; 1380-1444) asks: Repentance cannot bring back a murder victim, nor can it sanctify a *Shabbat* that was profaned. If a person tears down his house and then regrets it, will his house suddenly reconstitute itself? Of course not! How, then, does *Teshuvah* work? In what sense is the penitent correcting his wrongdoing?

R' Albo explains: At first glance, the actions for which a person is to be praised or condemned are those that are done with his free will--*i.e.*, when (1) he knows what he is doing and (2) he prefers what he is doing over any alternative. If a person made a choice, but he could not understand the consequences of that choice--for example, if he was drunk--he is not as accountable. Conversely, if a person knew exactly what he was doing, but he was coerced to do it, he also is not as accountable.

However, R' Albo continues, this is an oversimplification, as coercion may sometimes be intermingled with free will--for example, when a person is threatened with harm and he chooses to commit wrongdoing rather than accept the threatened harm. A person who is coerced is only blameless if the potential harm to himself is so great that he could not be expected to resist the coercion.

Therefore, R' Albo writes, our original statement should be modified to say that a person "owns" his actions when all of the following conditions are met: (1) he knows what he is choosing; (2) he prefers that choice over any alternative; and (3) he remains pleased with his choice afterwards. For example, if a seafaring merchant needs to throw his merchandise overboard during a storm, he will feel some regret at the loss of his investment. Nevertheless, if he is a normal person, he will remain pleased with his choice and would make the same choice again, for he has saved his precious life thereby. When the above conditions are met, a person can be praised or condemned, as the case may be, for his choice.

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Moshe Aharon ben Menashe Yaakov Reiss a"h

"You may not take interest from your brother, so that Hashem, your Elokim, will bless you in your every undertaking on the Land to which you are coming, to possess it." (23:21)

R' Yehonatan Eybeschutz z"l (Central Europe; 1690-1764) writes: This is a fitting reward. When one foregoes the opportunity to make his money "bigger" by taking interest, his reward is that *Eretz Yisrael*, a small land, produces beyond expectations. (Tiferet Yehonatan)

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This idea is most evident in *Halachah* in the realm of *Hatarat Nedarim*/annulment of vows, R' Albo writes. When a person asks *Bet Din* to annul his vow, *Bet Din* asks him if he regrets his vow. If he does, *Bet Din* may be able to annul the vow; otherwise it cannot. This shows that when a person no longer approves of something he did previously, his regret affects the permanence of the earlier choice.

In this light, we can understand how *Teshuvah* works, R' Albo concludes. When a person regrets something he did, wishes he had not done it, and resolves never to do it again, he demonstrates that what he did was never really his will. Even if he can never reverse the physical effects of his act, he can disown the act and achieve atonement. (This explains, as well, why we emphasize in the *Hatarat Nedarim* ceremony on *Erev Rosh Hashanah* that despite wanting to annul our vows, we do not regret any good deeds that we did as a result of those vows.)

(Sefer Ha'ikkarim IV ch. 27)

R' Menachem Mendel of Vitebsk z"l (1730-1788; early *Chassidic Rebbe* in Belarus and *Eretz Yisrael*) takes a different approach, acknowledging that we cannot understand completely how *Teshuvah* works. Nevertheless, we are taught by our Sages that *Teshuvah* was created before the creation of the world. (Obviously, this cannot mean "before" in time, since time itself was part of Creation, so there was no "before.") Our Sages are teaching that *Teshuvah* is a foundational principle upon which all of Creation stands--including man, who is referred to as a "small world," a microcosm of Creation. As such, *Teshuvah* is built in to a person's makeup. When a person is awakened to repent, he is reconnecting with the real self that existed before his sin. (Pri Ha'aretz: Re'eh)

R' Yirmiyahu Katz *shlita* (Brooklyn, N.Y.) notes that there is a very encouraging message in R' Menachem Mendel's words: No one can say, "I am too far gone to repent," for *Teshuvah* is an inborn characteristic of every Jew. All one needs to do is to find *Teshuvah* within himself.

(Tiferet L'Moshe: Teshuvah p.495)

"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)

R' Eliyahu Meir Bloch z"l (1894-1955; co-founder and *Rosh Yeshiva* of the Telshe Yeshiva in Cleveland, Ohio) notes that *Rishonim* / early commentaries give differing reasons for this *Mitzvah*.

R' Moshe ben Maimon z"l (*Rambam*; 1135-1204; Spain and Egypt) writes that the Torah requires sending away the mother bird before taking its eggs or young because animals have feelings. According to *Rambam*, this also is why one may not perform *Shechitah* on a mother animal and its offspring on the same day. (*Moreh Nevachim* III ch.48)

In contrast, R' Moshe ben Nachman z"l (*Ramban*; 1194-1270; Spain and *Eretz Yisrael*) writes that this *Mitzvah* has nothing to do with compassion for the mother bird. (This is the implication of the *Gemara*, *Berachot* 33b, as well.) Rather, this *Mitzvah* was given to make us compassionate and to teach us good character traits.

R' Bloch elaborates: *Mitzvot* in general were given primarily to develop a complete person by improving his character traits, not for the good of birds. In particular, *Mitzvot* between man and man are for the good of the doer, not the good of the recipient. G-d does not need our help to take care of the poor; He has many ways to accomplish that. But, He wants to develop us into people who care about others. This explains the teaching in *Midrash Rabbah* that the poor of *Eretz Yisrael* would say to their benefactors, "Merit to do a *Mitzvah* through me."

R' Bloch adds: If one gives with this attitude, he will enhance the recipient's self-esteem as well. (Peninei Da'at)

"When you build a new house, you shall make a fence for your roof..." (22:8)

R' Naftali Zvi Horowitz z"l (1760-1827; *Chassidic Rebbe* of Ropshitz, Galicia) writes: We say in *Shemoneh Esrei*, "Build it [Yerushalayim] soon *B'yamenu* (literally, 'in our days') as an eternal structure." With what does Hashem rebuild Yerushalayim and the *Bet Hamikdash*? "*B'yamenu*" / "with our days." Every day that a person serves Hashem, he builds the *Bet Hamikdash*. Some days, a person lays an entire row of stones--other days, just one stone--until, finally, the structure will be complete.

In this light, our verse can be understood as cautioning a person to serve Hashem discreetly: When you perform good deeds that are building the "new house" that is being constructed in Heaven ("your roof"), make a "fence"--conceal your deeds from observers as much as possible. (Zera Kodesh)