YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Student summaries of sichot of the Roshei Yeshiva**

**PARASHAT KI TETZE**

**SICHA OF harav yaakov medan**

**“And There Was None to Save Her”**

Summarized by Itai Weiss

Translated by David Strauss

But if the man find the damsel that is betrothed in the field, and the man take hold of her, and lie with her; then the man only that lay with her shall die. But to the damsel you shall do nothing; there is in the damsel no sin worthy of death; for as when a man rises against his neighbor and slays him, even so is this matter. For he found her in the field; the betrothed damsel cried, and there was none to save her. (*Devarim* 22:25-27)

The Torah bothered to note that "there was none to save her." From this the *gemara* learns that if there was someone to save the damsel, he must do so, and that he must do this even at the cost of the assaulter's life. The *gemara* learns this by way of the comparison to the murderer mentioned in the verse: "For as when a man rises against his neighbor and slays him, even so is this matter."

However, according to the plain meaning of the verses, it would appear that that this passage is more closely connected to a different passage:

If one be found slain in the land which the Lord your God gives you to possess it, lying in the field, and it be not known who has smitten him; then your elders and your judges shall come forth, and they shall measure to the cities which are round about him that is slain. And it shall be, that the city which is nearest to the slain man… And the elders of that city shall bring down the heifer to a rough valley, which may neither be plowed nor sown, and shall break the heifer's neck there in the valley… And they shall speak and say: “Our hands have not shed this blood, neither have our eyes seen it. Forgive, O Lord, Your people Israel, whom You have redeemed, and suffer not innocent blood to remain in the midst of Your people Israel.” And the blood shall be forgiven them. (*Devarim* 21:1-8)

The purpose of measuring the distance and of the declaration of the elders, "Our hands have not shed this blood," is not to help ascertain the identity of the killer. It is clear that the murderer does not necessarily live in the nearest town, and without a doubt the elders are not the murderers. The purpose of measuring the shortest aerial distance to the scene of the incident is to determine the city in which the cry of the murdered could have been heard. The declaration of the elders clarifies that this was not a case in which the elders could have prevented the murders, but failed to do so. This being the case, it is reasonable to assume that a real obstacle prevented the victim's voice from reaching the city: the local vegetation. Therefore, even the land on which the offense was committed must no longer be cultivated, since it is the vegetation and the agricultural area that enabled the criminal to carry out his crime and evade punishment.

In addition to our *parasha*, mention is made of “cries” in the *parasha* of the sins of Sedom:

And the Lord said: Verily, the cry of Sedom and Amora is great, and, verily, their sin is exceedingly grievous. I will go down now and see whether they have done altogether according to the cry of it, which is come to Me; and if not, I will know. (*Bereishit* 18:20-21)

In this passage, there is no explicit mention of any sin of the people of Sedom, except for the cry that is heard, a cry that represents the unwillingness of the people of Sedom to act and help a person in distress. Another sin associated with Sedom appears in the book of *Yechezkel*:

Behold, this was the iniquity of your sister Sedom: pride, fullness of bread, and careless ease was in her and in her daughters; neither did she strengthen the hand of the poor and needy. (*Yechezkel* 16:49)

Failure to strengthen the hand of the poor and needy is also not an actively negative action, but a failure to take a positive action.

Amon and Moav are the only descendants left from Sedom. Thus, in the sense of "children holding fast to the actions of their fathers," this sin became part of the DNA of Amon and Moav. It is mentioned in our *parasha*:

An Amonite or a Moavite shall not enter into the assembly of the Lord; even to the tenth generation shall none of them enter into the assembly of the Lord forever; because they met you not with bread and with water in the way, when you came forth out of Egypt…. (*Devarim* 23:4-5)

Thus, the Torah requires us not only to refrain from harming people, but also to help others and prevent harm from reaching them to the extent possible. God rained down on Sedom fire and brimstone as punishment for this sin, and it would appear also that the transgression for which the people of Shechem were sentenced to death was their failure to prevent the offense committed by Shechem the son of Chamor and their failure to bring him to justice after the fact.

Modern thought does not see things this way; its motto is, "Live and let live." My late teacher, R. Chanan Porat, turned the world upside down to enact the Knesset law of "You shall not stand idly by the blood of your neighbor." The main novelty of this law is the civil obligation to prevent harm from befalling others to the extent possible, and the punishment that is imposed for failure to do so. With the help of such actions, we can come closer to the Torah's vision of "Justice, justice you shall pursue" – a moral society in which there is a positive pursuit of justice and not only a refraining from causing harm.

We are in the midst of the month of Elul, and I believe that in addition to our preoccupation with the sins that we have committed, we must also give a reckoning for how much each of us has succeed in realizing this vision. Can each of us declare: "Our hands have not shed this blood"?

Blood is not only the blood of the murdered, but also Shabbat desecration, eating non-kosher food, scoffing about Scripture and the words of *Chazal.* Each one of us has a circle of people whom he can influence at the moment, or at the least he can prepare himself for the stage in life when the responsibility will be cast upon his shoulders. In the month of Elul, we must engage in the question of whether we have done as much as we can to make the community living in *Eretz Yisrael* a more just community and a community that is more strongly connected to God and His Torah.