**S.A.L.T. – PARASHAT KI TEITZEI**

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"א-ל נא, רפא נא לה";  בתוך שאר חולי ישראל.

Motzaei Shabbat

The Torah in Parashat Ki-Teitzei presents a number of different commands relevant to warfare, including laws aimed at maintaining personal dignity in the military camp. Specifically, the Torah commands designating a place outside the camp for performing bodily functions (23:13), and having a shovel together with one’s military equipment with which to conceal bodily waste after defecating. These commands are listed by the Rambam as two of the Torah’s 613 *mitzvot* (*asei* 192, 193). The Torah itself explains the reason for these commands, stating that “the Lord your God is present among your camp to save you and to hand your foes before you,” and therefore, “your camp shall be sacred” (23:15).

The Gemara in Masekhet Ketubot (5a) presents a different reading of the second command – “*Ve-yateid tihyeh lekha al azeinekha*” (“You shall have a shovel in addition to your weapons”). The word “*yateid*” can mean not only “shovel,” but also “peg,” and the word “*azeinekha*” (“your weapons”) can be read as “*oznekha*” – “your ear.” The Gemara thus reads this verse to mean that we are created with a “peg” with which to “plug” our ears when people around us speak inappropriately, engaging in gossip and slander. The earlobe, the Gemara explains, is created in such a way that it can be used to cover the passage of the ear when necessary to avoid hearing improper speech. This verse thus teaches the importance of turning our attention away from inappropriate gossip and talebearing.

Rav Kalonymus Kalman Epstein, in *Ma’or Va’shemesh*, suggests linking the Gemara’s reading of this verse to the Torah’s command in the introduction to this brief section: “When you go out in a camp against your foes, you shall guard yourself against all evil things” (23:10). As the Ramban explains, soldiers waging battle often drastically lower their moral standards and engage in all kinds of misconduct, and so the Torah here issues a generic warning against all forms of inappropriate behavior. However, the *Ma’or Va-shemesh* suggests focusing on the word “*davar*” (“thing”) in this verse, which can be understood to mean “word.” The *Ma’or Va-shemesh* explains this command to mean that as we wage our lifelong “battle” against our sinful instincts and inclinations, a crucial component of this effort is abstaining from “*davar ra*” – improper speech. In order to successfully subdue our negative tendencies, we must have the humility and discipline to restrain ourselves from ridiculing and mocking other people.

And for this reason, the *Ma’or Va-shemesh* writes, the Gemara found in this context an allusion to the need to avoid hearing other people speak improperly. He insightfully explains that we are often led to speak *lashon ha-ra* (negative speech about others) because we grow accustomed to, and are interested in, hearing *lashon ha-ra*. Our natural curiosity leads us to try to keep abreast of the latest gossip, to hear what is being said about people, to gain access to as many “scoops” as possible. The more we do this, the *Ma’or Va-shemesh* teaches, the more likely we are to seek to share this information with other people and indulge in vain gossip. In order to fulfill the command of “*ve-nishmarta mi-kol davar ra*” – to avoid forbidden speech – we need to resolve to “plug” our ears, to restrain our natural curiosity, to subdue our innate desire to hear about the faults and foibles of our peers. We will then be able to focus our attention on the “battles” that we confront each day in our effort to properly serve God and be worthy of His presence in our midst.

Sunday

The Torah in Parashat Ki-Teitzei (22:1-3) presents the *mitzva* of *hashavat aveida* – returning lost objects to their owner. If a person happens to see an object which somebody appears to have lost, he must pick up the item and keep it until it can be returned to its rightful owner. The Torah formulates this command by stating that one should not “ignore” (“*ve-hit’alamta…lo tukhal le-hit’aleim*”) the item, but should rather take the time to return it to its owner.

The Gemara in Masekhet Bava Metzia (30a) famously infers from the Torah’s formulation that although generally one is forbidden from “ignoring” somebody else’s lost object which he finds, there are occasions when he is allowed to “ignore” it. One such case is that of a *kohen* who sees an object in a cemetery. As it is forbidden for a *kohen* to enter a cemetery, he is absolved from the requirement to return the object to its owner. The more surprising instance where “ignoring” is permitted is the case of “*zakein ve-eino lefi khevodo*” – if a distinguished person finds an object which would be beneath his dignity to carry in public. If it would be dishonorable for the person to bring the object to his home until it can be returned to its owner, he is exempt from the *mitzva* of *hashavat aveida*. The Gemara explains that the distinguished individual must determine whether the indignity he would experience is such that had this been his own object, he would leave it and not retrieve it, despite the financial loss entailed. If this would have been his decision had it been his object, then he is exempt from the obligation to return the item to its owner. This *halakha* is codified by the *Shulchan Arukh* (C.M. 263:1).

The *Rishonim* debate the question of whether it is admirable for the person of distinction in such a case to extend beyond the call of duty and return the object despite his exemption. The Rambam, in *Hilkhot Gezeila Va-aveida* (11:17), writes that one who “follows the good, straight path” should take the object to fulfill the *mitzva* even if being seen with such an item is beneath his dignity. The Rosh (Bava Metzia 2:21), by contrast, ruled that it is forbidden for this individual to compromise his dignity for the sake of returning the object. The *Shulchan Arukh* (C.M. 263:3) follows the Rambam’s view, whereas the Rama brings the opposing view of the Rosh.

A number of *Acharonim* raised the question of how to reconcile the Rosh’s opinion with the well-established rule that “*rav she-machal al kevodo, kevodo machul*” – a Torah scholar is allowed to waive the honor due to him by virtue of his stature (Kiddushin 32b). Although people are obligated to treat a scholar with respect, the scholar himself is permitted to decline the displays of respect, in which case the people are absolved of this obligation. Why, then, does the Rosh forbid a scholar from returning a lost object in the case of “*eino lefi khevodo*”?

The simple answer, suggested already by the *Perisha* (C.M. 272), is that *Halakha* distinguishes in this regard between foregoing on special expressions of respect, and actual degradation. A scholar may, for example, waive the honor of having people rise out of respect for him, but this does not mean – at least according to the view of the Rosh – that he is permitted to act in a way which brings him dishonor, such as walking around with a dirty trash can to return it to its honor.

The Rosh writes that if the person of distinction in such a case wishes to extend beyond the strict call of duty, he should pay the object’s owner out of his own pocket the value of the item. Since his stature of distinction in effect caused the owner to lose the item, he can compensate the owner for this loss by paying him. This option is based on the story told in the Gemara (Bava Metzia 30b) of Rabbi Yishmael, who paid the owner for a lost item which he did not return because of his distinguished stature. The Rosh understood that Rabbi Yishmael was not permitted to compromise his dignity to return the object, and so, in his desire to compensate the owner, he chose to pay for the lost item.

Interestingly, the *Beit Yosef* points to this story of Rabbi Yishmael as a possible proof for the Rambam’s view, allowing a distinguished person to compromise his dignity for the sake of *hashavat aveida*. Rav Yitzchak Blazer, in his *Peri Yitzchak* (56), explained that in the view of the *Beit Yosef* (explaining the Rambam’s position), once *Halakha* forbids – and not merely exempts – a distinguished person from returning a lost object, the person has no reason to compensate the owner, even as a measure of piety. If *Halakha* tells this prominent figure that he must not compromise his dignity for the sake of returning the object, he is entirely dissociated from this entire matter, and so even on the level of *lifnim mi-shurat ha-din* (beyond the strict letter of the law), there is no compensation to speak of. And thus the fact that Rabbi Yishmael paid the owner out of pocket might have indicated to the Rambam that a distinguished person is permitted to return the object at the expense of his honor if he wishes.

Monday

Yesterday, we noted the law of “*zakein ve-eino lefi khevodo*,” established by the Gemara in Masekhet Bava Metzia (30a), which exempts a distinguished person from the obligation of *hashavat aveida* (returning a lost item) if carrying the item in public would compromise his dignity. For example, if such an individual sees somebody’s item that is soiled, or otherwise disrespectful to be seen with in public, he is not required to return it to its owner. As we saw, the Rosh (Bava Metzia 2:21) maintained that it would be forbidden for a distinguished rabbi to compromise his dignity in this fashion, even for the sake of fulfilling the important *mitzva* of *hashavat aveida*. This view is brought by the Rama in his glosses to the *Shulchan Arukh* (C.M. 263:3).

The question arises as to how to reconcile the Rosh’s view with the stories told in the Gemara of distinguished sages who performed menial household chores in order to prepare for Shabbat. As the *Shulchan Arukh* cites in discussing the laws of Shabbat preparation (O.C. 250:1), Rav Chisda would prepare a salad by slicing vegetables, Rabba and Rav Yosef would chop wood for the fire, and Rav Nachman would arrange the home by putting away the weekday utensils and bringing out the fine Shabbat utensils – tasks that were considered beneath the dignity of people of distinction. The *Shulchan Arukh* rules on this basis, “Even if one has several servants to serve him, he should try to personally prepare something for the needs of Shabbat, in order to show it respect.” Why is this allowed – and in fact required – if, according to the Rosh, people of distinction are not allowed to compromise their dignity for the sake of *hashavat aveida*?

The Chafetz Chaim, in *Bei’ur Halakha*, cites *Peri Megadim* as explaining that an exception is made if the otherwise undignified act is clearly performed for the sake of a *mitzva*. When it is evident that the scholar is engaged in this activity for a lofty purpose, then it is not only permissible, but noble, for him to engage in that activity. When somebody is preparing food or arranging the home on Friday afternoon, it is clear that this is being done for the sake of honoring Shabbat, and thus, as the *Shulchan Arukh* writes in this context, “One should not say, ‘I will be compromising my honor!’ – for this is his honor, that he honors Shabbat.” Doing any readily discernible *mitzva* act brings one honor, even if it is a menial task that distinguished people would normally not perform personally, and so a scholar does not compromise his dignity by involving himself in such activities. In the case of *hashavat aveida*, however, if a distinguished person walks around with a foul-smelling trash can, for example, onlookers have no way of knowing that he is returning it to its owner who had lost it. This thus brings him dishonor, and hence, according to the Rosh, it is forbidden.

The Chafetz Chaim brings as an example the famous story of King David’s ecstatic dancing in front of the ark when it was being brought to Jerusalem. David’s wife, Michal, angrily objected to his dancing, regarding such conduct as dishonorable to the king, but David responded that he would be prepared to dance with even greater intensity and lower himself even further for God’s honor (Shemuel II 6:21-22). The Chafetz Chaim explained that since David was clearly dancing to give honor to the ark, he was not compromising his dignity by acting in a manner that would normally be considered dishonorable.

Another example noted by the Chafetz Chaim is the story told in Masekhet Kiddushin (70a) of Rav Nachman, who was seen constructing a *ma’akeh* (parapet) around a roof, as required by the Torah in Parashat Ki-Teitzei (22:8). Rav Nachman explained that as this construction work fulfilled a Torah obligation, he was not compromising his dignity by involving himself in such activity. The Chafetz Chaim explains that here, too, it was evident that Rav Nachman was fulfilling a *mitzva* by building the fence, and this work was therefore considered honorable.

Rav Elchanan Wasserman, in *Kovetz Shiurim* (Ketubot 17a), draws a different distinction, between *mitzvot* one performs solely for God (*bein adam la-Makom*) and interpersonal obligations (*bein adam la-chaveiro*). The notion that a distinguished figure is exempt from a *mitzva* involving dishonorable activity, Rav Elchanan asserted, applies only to interpersonal *mitzvot*, such as returning lost objects. Since the *mitzva* is done for the sake of another person, *Halakha* absolves one for whom this would be undignified. But when it comes to our obligations towards the Almighty, a person’s honor and dignity – even if he is a Torah sage – cannot exempt him from his obligations. Rav Elchanan thus claimed that when it comes to *mitzvot* that fall under the category of *bein adam la-Makom* – such as Shabbat preparations – there is no exemption for the sake of maintaining the dignity of one’s prominent stature.

Tuesday

The Torah in Parashat Ki-Teitzei (22:8) introduces the *mitzva* of *ma’akeh*, which requires constructing a parapet around one’s flat roof for safety.

The *Shibbolei Ha-leket*, in discussing the laws of Chanukah (185), makes a surprising comment regarding a fence built around a roof. Just as *Halakha* forbids using Chanukah candles in a disrespectful way, the *Shibbolei Ha-leket* writes, it is likewise forbidden to use other *mitzva* objects in a denigrating manner, such as by walking on them. He gives the specific examples of *tzitzit*, a *sukka*, and a *ma’akeh*. According to the *Shibbolei Ha-leket*, it appears, one is not allowed to use the fence around his roof in any sort of belittling way, which could, conceivably, include, among other things, hanging laundry on the fence.

A number of 20th-century authorities, including Rav Yitzchak Weiss (*Minchat Yitzchak* 10:52) and Rav Shlomo Zalman Auerbach (*Halichot Shelomo – Tefila*, chapter 3), questioned this ruling. They argued that as the fence is erected solely for the practical purpose of protection, and does not serve any distinctly religious function, it has no halakhic status of sanctity, and there is no requirement whatsoever to treat it with any special degree of respect.

As for the particular question regarding hanging laundry on a *ma’akeh*, Rav Chaim Kanievsky (cited by Rav Asher Anschel Schwartz, [*Ma’adanei Asher*, Ki-Teitzei, 5778](http://beinenu.com/sites/default/files/alonim/32_49_78.pdf)) drew proof from the story told in Masekhet Sukka (10b) of Minyamin, Rav Ashi’s servant, who hung his wet shirt on Rav Ashi’s *sukka* for it to dry. Rav Ashi told Minyamin to remove the shirt from the *sukka*, as people might think that it was placed there as part of the *sekhakh* covering over the *sukka*. One of the qualifications of *sekhakh* is that it must be made from raw material, such that it is not susceptible to *tum’a*. Garments, of course, are able to be worn, and are thus susceptible to *tum’a* and hence not suitable as *sekhakh*. If people would see clothing on top of Rav Ashi’s *sukka*, he feared, they might deduce that clothing may be used as *sekhakh*, and they would then build *sukkot* which are unsuitable for the *mitzva*. It seems quite clear that otherwise, had it not been for this concern, Rav Ashi would not have objected to having clothes hang to dry on the top of the *sukka*. Rav Kanievsky thus proved from this story that hanging laundry on a *mitzva* object – such as a *sukka* or a *ma’akeh* – is permissible, and even the *Shibbolei Ha-leket* would allow it, since this is not degrading to the *mitzva* object.

Wednesday

The Torah in Parashat Ki-Teitzei establishes the method by which a married couple is divorced, instructing that when a husband decides to divorce his wife, “he shall write for her a writ of severance and place it in her hand” (24:1). This is the source for the concept of a “*get*” – the document which a husband gives to his wife in order to effectuate the divorce, thus permitting her to marry a different man.

The Gemara in Masekhet Gittin (20a) raises the question of how the requirement of “*natan be-yadah*” (“place it in her hand”) can be fulfilled through the transmission of a *get* – a piece of paper that has no value. Apparently, the Gemara understood “*natan*” to mean “give,” as opposed to “place,” and it thus assumed that the husband must “give” a *get* to his wife in the legal sense. In *Halakha*, an object with virtually no worth cannot be legally exchanged, and the Gemara therefore wondered how giving a *get* fulfills the requirement of “*natan* *be-yadah*” to effectuate a halakhic divorce. The Gemara responds, ambiguously, that the command of “*natan be-yadah*” can, in fact, be fulfilled through the giving of a *get*, as evidenced by the fact that *Halakha* allows using for the paper of a *get* even something which is forbidden for benefit. For example, an object that has been worshipped as a deity is forbidden for all benefit, but if a husband decides to write the text of a *get* on this object and give it to his wife, the divorce takes effect. Something forbidden for benefit has no value, and yet it can be used for a *get* – thus proving that “*natan be-yadah*” does not require using an object of value as the document.

The *Ketzot* (200:5), partly on the basis of the Gemara’s brief discussion, concludes that when the Torah instructs, “*natan be-yadah*,” it means not that the *get* must be legally transferred to the wife, but rather than it must be placed in her hand or in her property. In other words, the woman does not have to acquire ownership over the *get*, but needs simply to receive it from the husband in the physical sense. The *Ketzot* proves this theory from several aspects of the *get*, including the law established inthe aforementioned discussion in the Gemara regarding a *get* written on an *issur hana’a* (something forbidden for use). The fact that such an object can be used for a *get*, despite the legal impossibility to transferring ownership over such an object, would appear to prove that the *get* needs to be simply handed to the woman, and not transferred into her legal possession. Additionally, the *Ketzot* notes, according to Torah law, a husband can divorce his wife without her consent (though this is not allowed by force of the famous edict of Rabbeinu Gershom). This means that even if a woman refuses to accept the divorce, the divorce takes effect if the husband places the *get* in her possession. *Halakha* does not recognize the possibility of acquiring ownership over something against one’s will, and thus we must seemingly conclude that a *get* is effective even without the wife taking ownership over it.

The *Ketzot* also builds upon the halakhic concept of “*gito ve-yado ba’in ke-echad*” (Gittin 77b) – the paradox whereby a woman is divorced through the placing of a *get* in her property despite the fact that anything she owns is, essentially, owned by her husband. The property legally belongs to the husband, at least in some sense, and yet, the wife is considered to have received the *get*, and is thus divorced, when the *get* is placed in that property. The *Ketzot* observes that this is not true in legal transactions. Real estate can be legally transferred through the transmission of a *shetar* (document of sale) from the seller to the buyer, but the property cannot be transferred by the seller placing the *shetar* in that property. The *shetar* must be given to the buyer, or placed in his property, and so it cannot be placed in the seller’s property which he wishes to give to the buyer, since the buyer does not yet own it. The *Ketzot* seeks to infer from this distinction that the transmission of a *get* does not constitute a legal transaction. If it did, it would be impossible to divorce one’s wife by placing the *get* in her property – since she can only acquire ownership over the property once the *get* takes effect.

As many have noted (see *Minchat Asher*, Gittin, 32), the halakhic principle of “*gito ve-yado ba’in ke-echad*” actually appears to prove that to the contrary, the wife must indeed legally acquire the *get* in order for the divorce to take effect. The phrase “*ba’in ke-echad*” means that *Halakha* recognizes the paradoxical simultaneity of the woman’s acquisition of the *get* and her receiving the ability to acquire. Although she needs to be divorced in order to acquire the *get* in her property, and she needs to acquire the *get* in her property to be divorced, the Torah makes a special provision empowering the woman to acquire the *get* the moment it is placed in her property. The Gemara does not say that the *get* is effective because she does not need to take ownership over it; it says that the *get* is effective because she takes ownership over it even though she first needs to be divorced to take ownership over it. Seemingly, then, the *get* indeed needs to be legally transferred to the woman, and not just handed to her.

Many later writers thus disputed the *Ketzot*’s theory, and viewed the ability to divorce a wife against her will, and the validity of a *get* on an *issur hana’a*, as exceptional provisions established by the Torah, enabling the transfer of a *get* under circumstances in which legal transactions normally cannot be made.

Thursday

The Torah in Parashat Ki-Teitzei presents the *mitzva* of *hashavat aveida* – returning lost objects which one finds to their owners. In concluding its discussion, the Torah instructs, “So shall you do…for any lost item of your brother which he loses and you find; you cannot ignore it” (22:3).

The Gemara in Masekhet Bava Metzia (32a) interprets the phrase “*lo tukhal le-hit’aleim*” (“you cannot ignore it”) as a Biblical prohibition against ignoring a lost object instead of taking it to return it to its owner. And thus *hashavat aveida* involves both an affirmative command to return a lost object, and a prohibition against neglecting to do so. The Rambam includes both the affirmative command of *hashavat aveida*, and the prohibition of “*lo tukhal le-hit’aleim*,” in his listing of the Torah’s commands (*mitzvat asei* 204; *lo ta’aseh* 269).

*Sefat Emet*, however, finds significance in the literal meaning of the word “*tukhal*” (“be able”) in this verse, and suggests that the Torah here alludes to an inability to ignore the plight of our fellow. If we see somebody losing something valuable, we should feel incapable of standing to the side and ignoring it. The command “*lo tukhal le-hit’aleim*,” *Sefat Emet* explains, indicates that we are to feel compelled to help save our fellow from a loss. In this vein, *Sefat Emet* suggests reading the previous clause – “So shall you do…for any lost item of your brother which he loses and you find.” He writes that if we truly feel incapable of ignoring our fellow’s distress, if we reach the level of care and concern for other people that we cannot restrain ourselves from trying to help them, then we will succeed in restoring “any lost item of your brother.” The more we care about other people’s plight, the more we will succeed in our efforts to alleviate it.

*Sefat Emet* then concludes, “All the more so for the person himself…When he cannot tolerate his lowliness, he is then saved.” Just as deep-seated care and concern for others helps assure our efforts to restore their losses, our genuine care and concern for our own spiritual standing helps assure the success of our efforts to regain what we’ve lost. We all occasionally “lose” some of our innocence and our inner sanctity through our wrongdoing. In order to retrieve what we’ve lost, *Sefat Emet* writes, we must live with a feeling of “*lo tukhal le-hit’aleim*,” with an inability to ignore our losses, to disregard our faults, to complacently accept and resign ourselves to our deficiencies. This sense of urgency is vital for “returning” our own “lost item,” for bringing ourselves back to where we are meant to be as people and as servants of God.

Change is a long, gradual process, but it begins with “*lo tukhal le-hit’aleim*,” with the feeling that our current standing not acceptable to us. While we must accept our inability to drastically change in an instant, we must never fully accept our “losses,” our inadequacies and faults. We are to be mindful of, and uneased by, our deficiencies, and resolve to make an effort to overcome them.

Friday

The Torah in Parashat Ki-Teitzei presents a number of laws regarding proper conduct in the military camp during periods of war, and concludes, “For the lord your God is present in the midst of your camp, to rescue you and to place your foes before you; your camp shall [therefore] be pure, and He shall see nothing unclean among you, such that He will depart from you” (23:15). Special care must be taken to so that “*lo yir’eh bekha ervat davar*” – nothing inappropriate and unbecoming can be seen – when God is present.

*Sefat Emet* creatively suggests drawing a connection between this verse and the Biblical command not to have *chametz* in one’s possession during Pesach: “*lo yeira’eh lekha chametz*” (Shemot 13:7). The term *lo yeira’eh* (literally, “shall not be seen”) in the context of the *chametz* prohibition is understood to mean that one may not own any *chametz* throughout the seven days of Pesach. The Gemara in Masekhet Pesachim (4b) famously establishes that one can avoid this prohibition even without removing the *chametz* in his possession before Pesach, through *bittul* – the verbal renunciation of ownership over one’s *chametz*. The Sages enacted a requirement to rid one’s property of *chametz* before Pesach – either because of the concern that one might eat it during Pesach, or because of the concern that one’s *bittul* might be halfhearted, and thus invalid. On the level of Torah law, however, once a person makes the *bittul* proclamation, affirming that he regards all the *chametz* in his possession as equivalent to “the dust of the earth,” and has no interest in it whatsoever, he has satisfied the command of “*lo yeira’eh lekha chametz*” – to avoid owning *chametz* on Pesach.

*Sefat Emet* suggests reading the command “*lo yir’eh bekha ervat davar*” in a similar vein. The Torah does not expect us to eliminate all “*ervat davar*” from our midst, to rid ourselves entirely of inappropriate thoughts, speech and conduct. What the Torah does demand, though, is “*bittul*’ – that we “renounce” everything improper within ourselves. If we have vices and bad habits that we have yet been unable to completely eliminated, we must, at very least, reject them, dislike them, and feel disturbed by them. Just as *chametz* may remain in our possession on Pesach as long as we renounce ownership over it, we are allowed, and expected, to live with “*chametz*” within our characters as long as we firmly renounce any interest in it.

In our efforts to grow and improve, and as we undergo the process of introspection and repentance during this period of year, we are to maintain a delicate balance between ambition and realism. We must recognize the impossibility of eliminating all the “*chametz*” from our beings, that we will always be flawed and imperfect. At the same time, however, we are to live with a strong sense of “*bittul*” – a clear understanding of which parts of our beings should be embraced and nurtured, and which need to be rejected and restrained to the best of our ability.

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