YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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INTRODUCTION TO PARASHAT HASHAVUA

PARASHAT KI TEITZEI

Guarding from a Fall

By Rabbi Michael Hattin

INTRODUCTION

With the reading of Parashat Ki Teitzei, the major part of Moshe's review and explanation of the mitzvot – his farewell words of instruction that constitute the core of Sefer Devarim (Deuteronomy) – is resoundingly completed. Containing over seventy mitzvot, there is in fact no other Parasha in all of the Torah that is so replete with commands as Ki Teitzei. The remaining four parashiyot of Ki Tavo, Nitzavim, Vayelekh and Vezot Ha-Berakha are in the main concerned not with specific mitzvot but rather with the more comprehensive issue of the sealing of the Covenant between Israel and God, the eternal contract predicated upon Israel's fulfillment of the very principles that the rest of the Book so painstakingly sets down.

While we are often conditioned to consider almost all of Sefer Devarim as a simple repetition of the Torah's commands, thoughtfully and methodically undertaken by Moshe on the eve of his death, there is in fact much new material that this Book introduces. For the most part then, Sefer Devarim can be distinguished from the other four books of the Chumash not so much by a dearth of new mitzvot, for it in fact contains plenty, but rather by the aim and objective of its imperatives, by their sweeping scope and by their guarded but hopeful tone.

ADDRESSING THE PEOPLE

Sefer Devarim addresses a people about to take their first halting steps as a free nation in their own land. But upon entering that land the people of Israel will come in contact with indigenous cultural and religious traditions at complete odds with the exalted vision of ethical monotheism that they are to champion. One of Sefer Devarim's most striking features, the harsh and unequivocal polemic against idolatry that is more often than not coupled with ominous warnings and portentous premonitions of Israel's own inevitable infidelity to God, can thus be understood as anticipatory for the cultural conditions that the people are sure to encounter on the other side of the Jordan.

At the same time, the Book presents many soaring passages of encouragement and reassurance, the siren call to teshuva and return, to indicate that although Israel's mission may be fraught with difficulties and hindered by setbacks, triumph will eventually be theirs. Though specific mitzvot in Sefer Devarim are often addressed to the individual, the span of the Book is much more broad, as it directs its timeless message to the nation of Israel of which the individual is but one indispensable part. Deuteronomic topics such as the establishment of a national center for Divine worship, the appointment of a judiciary, the election of a monarchy, and the unfortunate exigencies of warfare are best understood as belonging to the purview of the people as a whole rather than as responsibilities that devolve upon the individual.

THE BROADER CONTEXT OF THE "ROOF RAIL"

This week, we will consider one of the Parasha's many mitzvot, a straightforward injunction that for at least one of the commentaries serves as an excellent opportunity to discuss far more comprehensive matters:

When you build a new house, then you shall make an enclosing rail for your roof. Do not bring death into your house by causing someone to fall from it. Do not plant your vineyard with diverse kinds, lest the seed that you plant become forbidden along with the produce of the vineyard (Devarim 22:8-9).

Let us begin by considering the broader context of the command to erect a protective rail, namely the prohibition of mixing diverse seeds that in the original Hebrew text is presented with it in a single seamless paragraph. Adopting an uncomplicated approach, the Ibn Ezra (12th century, Spain) explains: "After recounting the command associated with the house, the Torah goes on to describe that of seeds and planting, for after entering the land and building a house, one naturally plants…" (commentary to 22:9). For Ibn Ezra, convergences of seemingly unrelated legislation are not arbitrary. Here, the "missing link" between house law and field law is provided by the promised land that brings both of them together. The thrust of the entire section is implicitly directly towards the settlement of the land, for after shelter from its elements has been secured, the people will obviously turn their attention towards sowing its fertile furrows and then harvesting their bounty.

AN UNUSUAL SYNTHESIS

Significantly, the laws of diverse seeds (22:9), species (22:10) and woven materials (22:11) that are here presented as supplements to the law of the roof railing, are often regarded as belonging to that unique division of Torah commands known as "Chukim" or Divine decrees that are seemingly not animated by any obvious or readily comprehensible rationale (Talmud Bavli, Yoma 67b). They must therefore be performed as acts of faith at the behest of the Sovereign God Who so requires. On the other hand, the imperative to erect an enclosing rail to prevent mishap in the home is so eminently reasonable as to be practically superfluous, a perfect example of a Torah command that requires no further explanation as justification for its fulfillment. This rather jarring juxtaposition of inverses can therefore perhaps be additionally understood as an emphatic exclamation: the ultimate authority for all of the Torah's commands, whether rational or supra rational, derives not from the mortal human mind that is frequently and famously preoccupied with innumerable pretexts to render the most pressing of moral pronouncements non-binding, but rather from the Absolute and morally uncompromising God, the same God Who enjoins the fulfillment of non-rational "decrees" that cannot be so easily dismissed.

AN EARLIER EXAMPLE

While our passage may provide a striking example of the above, it is not the first time that the Torah has deliberately employed such a curious juxtaposition. In fact, a similar confluence can be found in the so-called "Holiness Code" of Sefer VaYikra (Leviticus), namely the Parasha of Kedoshim (VaYikra Chapters 19-20). There, ritual law and rational law are also freely interspersed, converging on a couple of verses that call to mind our passage:

Do not be vengeful nor bear a grudge against your people, and love your fellow as yourself, I am God. Observe my statutes: do not breed your animals with diverse species, do not plant your field with diverse species, and do not don a garment of diverse species (VaYikra/Leviticus 19:18-19).

Surely, avoiding vengeance and practicing forbearance, being considerate and loving of others AS ONE WOULD WANT TO BE TREATED IN KIND, is the most basic moral principle of all. What civilized human being, irregardless of their belief system or degree of ritual observance, could deny the saving power of this most fundamental of reciprocities, an idea that is the driving force behind every substantive moral code that any people have ever adopted? Here, however, the axiom is forcefully concluded by the "redundant" phrase "I am God", and then followed by the now-familiar list of irrational laws of forbidden mixtures. The effect of the remarkable apposition is the same as in our passage, highlighting the Torah's unusual claim: unless moral conduct is anchored in a Transcendent Source, it cannot be depended upon to produce a better world. That is to say that the anomaly of the moral atheist has yet to be replicated on a national scale.

THE EXPLANATION OF THE "SEFER HACHINUCH"

One of the most interesting expansions of this specific injunction to erect a roof rail is provided by the anonymous author of the "Sefer Ha-chinukh" (Book of Education). While the identity of the author is the subject of much scholarly discussion, evidence points to the 14th century Spanish Rabbi Aharon HaLevi, who wrote the work in order to introduce his young son to the commands of the Torah. Commenting on our mitzva, he relates:

God, blessed be He, exercises providence over the detailed affairs of all people and is fully aware of all of their activities. Whatever befalls them, whether good or bad, only transpires by His decree and command in accordance with their merit or liability…Nevertheless, a person must take care to guard himself from accident and harm, because God created His world and established it upon the foundations of laws of nature. Thus, He decreed that fire should burn and that water should extinguish flames. Similarly, the laws of nature dictate that should a large stone fall upon someone's head that their skull be crushed, or that should a person fall from a tall roof to the ground that they will die (Mitzva #546: To Make an Enclosure for One's Roof).

Lurking behind the author's discussion of this particular mitzva is a seeming theological difficulty. If God is omnipotent, omnipresent, and omniscient (all knowing), then we must submit that whatever happens in this world to individuals, life's great and small vicissitudes and triumphs, are solely the product of His will. Of what benefit is it, then, to erect a roof rail to prevent accidental falls? For if God has so willed it, then the protective enclosure will neither prevent the untimely plunge of one destined to so perish, nor will its absence cause the demise of the one whom He chooses to miraculously spare! In response to this seeming paradox, the Sefer Ha-Chinukh offers an explanation that has far-reaching implications: God has created this world and guides it according to laws of nature that are predictable, comprehensible, and for the most part, binding. He continues:

God has mercifully provided the human body with a living and intelligent soul that can guard that body from harm. Both the body and soul must function within the parameters of the physical elements that exert their effects over them. Having confined the human body to the laws of nature, in accordance with His wisdom that created man with corporeal form, He commanded him to guard himself from accidents, for otherwise that very nature to whom man is given over will act upon him detrimentally.

EXERCISING CARE IN OBSERVING THE LAWS OF NATURE

In other words, for the Sefer Ha-Chinukh, the laws of nature constitute the framework and structure by which God governs the world. As material creatures, we are subject to those laws and, like all other enforceable legislation, we abrogate them at our own peril. Reckless, then, is the individual who takes risks with their safety or that of others, brimming with confidence that God will preserve them from harm. Of course, miracles do happen and people are occasionally saved from even very serious accidents, but the Sefer Ha-Chinukh concludes his discussion by making it clear that one should not take that as license to act irresponsibly:

Now there are a few individuals whom the King particularly desires…that have been given sway over the laws of nature…but the majority of human beings have not so merited, because of their iniquities. Therefore, the Torah commands us to guard our dwellings and surroundings from causing death through our negligence. Nor should we endanger ourselves in expectation of miracles…Is this not the implication of the Scriptures in most places? Even when the people of Israel were bidden to wage war at God's command, they would nevertheless prepare their weapons and strategies as if they were to rely solely on the laws of nature (for their victory). This is then the proper way to act…and whosoever does not foolhardily dispute the truth will agree!

THE PERILS OF OVERLOOKING NATURE'S LAWS

The implications of the above discussion are staggering, for they expose one of the greatest follies associated, strangely enough, with both godlessness as well as with extreme religious thinking: fatalism. Many non-believers live their lives convinced that there is nothing that they can do to alter the immutable fate that awaits them. The bullet has a proverbial address and cannot in any case be dodged. Many believers live their lives utterly certain that since God governs the world according to His will, unnecessary risks can be countenanced as long as they are balanced by a heightened spirituality that alone can secure God's favor. While this may be possibly true for a select and special few, it is not the case for the overwhelming majority among whom the humble individual must assume that he is counted.

In both cases, the logical fallacy leads to a similar conclusion: a perilous disengagement from the very reality that God has imposed upon the cosmic order. The rational believer, on the other hand, while never disputing the absoluteness of God nor His all-encompassing providence, recognizes that there is nevertheless a morphology to the material universe that God Himself has introduced and declared as binding. Drawing the strands of our discussion together, we may conclude that the moral obviousness of the roof rail law is matched by its implication of nature's inevitability: one needs to provide an enclosure because gravity cannot be denied. Poised to enter the land in order to build their ideal state, the people of Israel are thus gently reminded of the unique challenge that they will face: while they are to acknowledge and to serve God as the sole Source of their survival and success, at the same time they must never allow that profound religious sensitivity to breed a dangerous detachment from the very world that they are called upon to perfect.

Shabbat Shalom