

Parshas Ki Seitzei

by **Rabbi Baruch Bodenheim**
Rosh Yeshiva

Remembering

I remember as a child how my parents loved to read the nostalgia column: "I Remember When" by Arnold Fine in the Jewish Press. It featured folksy memories and tidbits of Jewish life in New York in the 1930s. They loved it! But to me, I found it so boring! I just couldn't relate!

As an adult, however, I have a totally new perspective. People enjoy remembering. They enjoy recalling experiences and people from their past.

In Parshas Ki Seitzei, there's an emphasis on remembering. "Remember what Amalek did to you on your way out of Mitzrayim."¹ (They attacked the Jewish Nation.) Also, "Remember what Hashem did to Miriam on your way out of Mitzrayim."² (She was punished with *tzaraas* for speaking *lashon hara* regarding Moshe.)

We are approaching Rosh Hashanah, which is described in our prayers as *Yom HaZikaron*, the Day of Remembrance. Indeed, one of the three central themes of the Shemoneh Esrei in Musaf on Rosh Hashanah is *Zichronos*, Remembrance. During the *Aseres Yemei Teshuvah* (Ten Days of Repentance) we ask Hashem, "*Zachreinu lechaim* - Remember us for life!"

Why are we asking Hashem to remember? After all, forgetting is a human trait; Hashem is omniscient and forgets nothing!! As we say in *Zichronos* itself, "*Ein shichchah lifnei kisei kevodecha* - There is no forgetting in front of Your glorious throne." Rabbi Chaim Friedlander³ explains that there is a difference between Hashem remembering and humans remembering. Our request for Hashem to remember is not for Him to recall some forgotten occurrence. Rather, we're asking Hashem to focus on something from the past and to then act on it. For people, however, remembering is something we have to recall. Nonetheless, there is a common thread: remembering elicits an emotion or feeling and engenders a call to action.

In Parshas Ki Seitzei, we find a few mitzvos where Hashem instructs us to recall something in order to perform the mitzvah properly. For example, one needs to be careful not to take advantage of a widow or an orphan, and one must be careful to leave behind various produce for poor people when harvesting. The Torah emphasizes the reason: "You shall remember that you were a slave in Mitzrayim and Hashem redeemed you from there."⁴

Remembering the challenges we have faced makes us more sensitive to others in similar circumstances. The Torah trains us to draw on those experiences so that we will act with compassion and help others who are struggling.

There are other kinds of memories which can be used to inspire us to be sensitive to the needs of others. Many people at PTI vividly remember Rabbi Singer, our founding Rosh Yeshiva – his enthusiasm, excitement, and joy for learning Torah in depth; and, above all, his love and care for every Jew. This memory of Rabbi Singer can help us to put his vision into motion.

People ask me to define the mission of PTI. I tell them that it hasn't changed one bit from the mission Rabbi Singer started: to teach quality in-depth Torah to every Jew regardless of background. What has changed is our expanded reach. I marvel at the growing Young Professional initiative. I am energized by the expanded full-day Kollel with young avreichim filled with passion about their Torah. And I beam each day at our growing morning seder for retirees and others with flexible schedules.

Elul has begun. We hear the Shofar sounded each morning. The Rambam⁵ says that the shofar is a call to wake up from our slumber!! We know what to do when our alarm clock buzzes – we bound out of bed, preparing for our busy workday ahead! Let's answer the call to utilize our time productively to grow in Torah whenever and wherever we can. You certainly are invited to avail yourself of what we have to offer at PTI. Let's make this Rosh Hashanah the best ever for you and your family!!

1 Ki Seitzei 25:17
2 Ki Seitzei 24:9
3 Sifsei Chaim, Moadim 1 pp. 162-163
4 Ki Seitzei 24:18
5 Hilchos Teshuvah 3:4



We have been discussing the *halachos*¹ of the different wordings of *ברכה אחת מעין שלש*, the *bracha* that is recited after eating fruits (grapes, figs, pomegranates, olives, and dates), that are used for *חוץ לארץ*, outside of *Eretz Yisrael*, where the *bracha* concludes *הפירות ועל הארץ ועל פירותיה*, *for the Land and for the fruits*, and for *Eretz Yisrael*, where it concludes *על הארץ ועל פירותיה*, *for the Land and for its fruits*. Yet, it is not evident which areas are included in *Eretz Yisrael* for this purpose:

The *Gemara*² rules that *קדושה ראשונה קדושה לשעתה ולא קדושה לעתיד לבוא*, the first sanctification of *Eretz Yisrael* (at the time of *Yehoshua's* conquest) was limited to its time (the years leading to and for the duration of the first *Beis Hamikdash*); and it was not sanctified for eternity. Thus, *Eretz Yisrael* lost its sanctity, with the destruction of the first *Beis Hamikdash*. Its sanctity returned in conjunction with the second *Beis Hamikdash*, and *Rashi*³ explains that the *קדושה* remained even after its destruction and will last for eternity and so rules *Rambam*⁴. However, the *Gemara* indicates that there were many cities that *Ezra* intentionally omitted from the reconsecration so that there would be areas that would not be subject to *shemita*, the restrictions of the sabbatical year, from which the destitute would be supported. Consequently, while most of *Eretz Yisrael* is currently endowed with *קדושת ארץ ישראל*, sanctification of the Land, the areas that were not reconsecrated in *Ezra's* time lack that *קדושה*. Which text is used in those areas?

*Birkei Yosef*⁵ writes that it seems that if the produce is from the areas that were part of *Yehoshua's* original conquest of *Eretz Yisrael* but were not reconsecrated in *Ezra's* time, the "*Eretz Yisrael*" text of *על הארץ ועל פירותיה* should nonetheless be used. Rav Moshe Shternbuch⁶ explains that although those areas do not currently have *קדושת ארץ ישראל* for purposes of *מצוות התלויות בארץ*, agricultural *mitzvahs* which apply exclusively to *Eretz Yisrael* such as *terumos* and *ma'aseros*, they do have *קדושה*, *מעלת ארץ ישראל*, the superiority and specialness of *Eretz Yisrael*.

Indeed, he cites *Kaftor Voferach*⁷ who elaborates on the concept that the prominence of *Eretz Yisrael*, and even its *קדושה* for certain practical purposes, is everlasting regarding the entire area within the borders delineated in *Parshas Masei* and had that status since the times of the *patriarchs*. After all, he reasons, it can't be that during the 70-year exile, the *tzadikim* weren't considered to have been buried in *Eretz Yisrael* or that the *patriarchs* weren't considered to have been buried in *Eretz Yisrael* until *Ezra's* time. Furthermore, he claims, *Ezra* could not have had the right to minimize the borders of *Eretz Yisrael* by not including all the lands in his

rededication of *Eretz Yisrael*. Accordingly, *Kaftor Voferach* concludes, except for the technical *halachic* ramifications of its *מצוות התלויות בארץ* regarding *קדושה*, all the land within the original borders of *Eretz Yisrael* retains its distinction despite the destruction, throughout the exile, and for eternity. In fact, *Rambam*⁸ writes that *סמיכה*, ordination, can only be done in *Eretz Yisrael*, but nevertheless maintains that it can indeed be done in those areas. *Radbaz*⁹ writes that this indicates that those areas have the special status of *Eretz Yisrael*, and *Aruch Hashulchan*¹⁰ explains that although the *קדושה* of the land was annulled when the first *Beis Hamikdash* was destroyed, the *קדושה* of the *אוויר*, the air, remains.

If so, reasons Rav Shternbuch, it is logical that the uniqueness of the fruits and its worthiness for praise and affection that mandate the special text of the *bracha* apply equally to all of the areas that *Yehoshua* included as part of *Eretz Yisrael* irrespective of the fact that some were left out by *Ezra*, for solely technical reasons. Accordingly, the produce of those areas has the status of *Eretz Yisrael* produce for this purpose, and the "*Eretz Yisrael*" text of *על הארץ ועל פירותיה* is appropriate.

On the other hand, he considers, perhaps the text of the *bracha* should not depend on *מעלת ארץ ישראל* but rather on the technical *קדושה* relevant for purposes of *מצוות התלויות בארץ*. He writes that it seems that the good taste of the fruits of *Eretz Yisrael* is a function of the technical *קדושת ארץ ישראל*, and when the *Beis Hamikdash* was destroyed the special quality of the fruits was eliminated. This, he suggests, explains the concluding phrase *ונאכל מפריה ונשבוע מטובה* and *ונברכך עליה*, *and we will eat from its fruits and be satiated from its goodness and we will bless You on it with holiness and purity*, whereby we express our hope and fervent prayer that we will once again experience the superior taste of the fruits, which is apparently lacking at least somewhere. *Bach*¹¹ explains that the superior quality of the fruit stems from the *קדושה*, and it is in that which we desire to delight. Thus, the special "*Eretz Yisrael*" quality of the fruit is lacking in areas that do not currently possess *קדושה*, and the "*Eretz Yisrael*" text of *על הארץ ועל פירותיה* would not be used for produce of those areas.

In practice, Rav Shternbuch¹² remains in doubt regarding the issue and concludes that, as is his opinion regarding any case of doubt, one should recite both versions to assure fulfillment of the obligation. As we indicated last week, in such a situation, his practice is to first recite *על הארץ ועל פירותיה* and then *על חוץ לארץ* pausing briefly in between. Yet, as we discussed last week, others rule to say the "*חוץ לארץ*" text of *על הארץ ועל פירותיה* in cases of doubt, and perhaps that is what should be said in our situation as well.¹³

1 ברכות מ"ד ע"א, שלחן ערוך או"ח סי' ר"ח סעי' י
2 חגיגה ג ע"ב
3 רש"י חגיגה ג ע"ב ד"ה כך
4 משנה תורה תרומות א:ה
5 ברכי יוסף או"ח סי' ר"ח אות י"א
6 שו"ת תשובות והנהגות ח"ג סי' ע"ה, ח"ד סי' נ"ב
7 ספר כפתור ופרח פרק י

8 משנה תורה סנהדרין ד:ו
9 פ' הרדב"ז שם
10 ערוך השלחן חו"מ סי' ג סעי' י"ב
11 בית חדש או"ח סי' ר"ח
12 שו"ת תשובות והנהגות ח"ג סי' ע"ה, ח"ד סי' נ"ב
13 וכן פסקו כמה פוסקים מעיקר דדינא אבל זה בגלל שטעו בדברי ברכי יוסף

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