

The Path To Follow

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Under the Direction of Rabbi David H. Pinto Shlita
 www.hevratpinto.org | hevratpinto@aol.com
 Editor-in-Chief: Hanania Soussan
 32 rue du Plateau 75019 Paris, France • Tel: +331 48 03 53 89 • Fax: +331 42 06 00 33

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Rabbi David Pinto Shlita

The Torah Takes the Evil Inclination Into Account

It is written, "When you go out to war against your enemies, and Hashem your G-d will deliver him into your hand and you take captives, and you see among the captives a woman who is beautiful of form and you desire her, you may take her as a wife" (*Devarim* 21:10-11).

As soon as this passage states, "Hashem your G-d will deliver him into your hand," we know that it is speaking of captives, for there are captives whenever a victory takes place. Therefore why does the passage go on to say, "and you take captives"? Something else is even more astounding: How could anyone possibly think that those going out to war will look at women, since it is said: "The officers shall continue speaking to the people and say, 'Who is the man who is fearful and fainthearted? Let him go and return to his house' " (*Devarim* 20:8)? The Sages have explained in the name of Rabbi Yossi the Galilean: "Fainthearted – he who is afraid because of the transgressions he committed" (*Sotah* 44a), which is why the Torah gave him these pretexts in order to return home.

Now since the Sages mentioned this in regards to a minor sin – such as speaking between the placing of the *tefillin* of the arm and the *tefillin* of the head – a sin for which they return home from the front, then for the far graver sin of immorality, how much more should they return home from the front!

With the Intention of Yielding to G-d

The Sages state that the verse, "Then you will return and see the difference between the righteous and the wicked, between one who serves G-d and one who does not serve Him" (*Malachi* 3:18) seems to indicate that the righteous is one who serves G-d, while the wicked is one who does not serve Him (*Chagigah* 9b). Such is not the case, however, for in reality one who serves Him and one who does not serve Him are both perfectly righteous. It is simply that one who studies a passage 100 times cannot be compared to one who studies it 101 times.

In other words, there is a righteous person who serves G-d, and there is a righteous person who does not. How is this possible? One who studies a passage more often than is strictly necessary so as not to forget what he has learned – completely devoting himself to the study of Torah not only to remember it, but also because his Creator has commanded him to study it – such a person is said to serve G-d (*El-kim*), not Hashem. Now everywhere we find the term *El-kim*, the reference is to the G-d of Israel, meaning that there are people who study a great deal of Torah, but do not serve G-d because they have no intention of crowning Him as King over themselves. Yet those who study with this intention, reviewing their studies even after they have learned it beyond the point of forgetting, are said to serve G-d.

In *Chovot HaLevavot* we read: You must realize that your greatest enemy in the world is your evil inclination. If you watch out for it, and you use your wisdom to fight it and rid yourself of its arrows, you will be saved and escape it with Hashem's help. However if you cast your desires towards the evil inclination and allow yourself to be drawn to what it wants, it will never leave you alone until you have lost both worlds, until it has torn you away from both of your abodes, as it is written: "For she has felled many victims: many are the number slain by her" (*Mishlei* 7:26). The story is told of a chassid who met some people returning from war with their spoils. He said to them, "You have returned from a minor war, and now prepare yourself for a major war." They replied, "What is this major war?" He said, "The war against the evil inclination

and its soldiers." In fact when you defeat any enemy once or twice, it will leave you alone and not even think of fighting you again, for it has lost hope of ever defeating and controlling you. Yet defeating the evil inclination even 100 times is not enough, for if it defeats you just once, it will kill you. Yet if you defeat it once, it will lay all kinds of traps over the course of your lifetime in order to defeat you. Thus as the Sages say, "Do not be sure of yourself until the day you die" (*Pirkei Avoth* 2:4).

How Can We Defeat the Evil Inclination?

No one hates man more than the evil inclination. Man's war against it is a continuous battle, as the Sages have said: "A man should always incite the good inclination to fight against the evil inclination" (*Berachot* 5a). Rashi explains that a person must wage war against it. This war never ends, it is difficult, and if the Holy One, blessed be He, were not to help a person, he could never defeat it.

Thus in this week's *parsha*, the Torah is speaking about the evil inclination and how a person can defeat it. What can he do to ensure that the Holy One, blessed be He, will help him win? The passage states, "Hashem your G-d will deliver him into your hand," meaning that you must crown Hashem as King over yourself and He must be your G-d, at which point you will defeat the evil inclination. How can a person crown Hashem as King over himself? If he wants to defeat the evil inclination, he must turn his heart towards Heaven and wage a perpetual war against it. A person is not called a servant of G-d – even if he is called righteous – unless he defeats the evil inclination time and time again, for he has crowned Hashem as King over himself.

So the Tzaddikim May See

The Torah states, "and you see among the captives a woman who is beautiful of form." This is written solely for the righteous who are not servants of G-d, and the Torah is only speaking of the evil inclination. Although these righteous men are not among those who return home from the front, since they have not sinned, yet because they had no intention of being judged by their good inclination in battle, they did not devote themselves entirely to the battle, nor did they act over and above what was needed to defeat the evil inclination. Hence when they went out to war – when they were in battle, a time when the evil inclination was in control – it tried to make them stumble by means of the woman of beautiful form. This verse therefore appears in the Torah so that the righteous who serve G-d may see what happens to the righteous who do not serve G-d. Since they did not chase the evil inclination from their hearts, it made them stumble in regards to the woman of beautiful form.

With our own eyes, we see many people who get up in the morning and go to study in the Beit HaMidrash. Yet instead of conquering the evil inclination during prayer as well, as they do by learning Torah in the morning, some fall asleep in the middle of prayer, while others waste time in foolish pursuits before prayer. Such people have lost as much as they have gained, for if their intention was to defeat the evil inclination and to chase it from their hearts, they should have fought against it all day long and throughout their lives. They should not be content simply with the few hours that they study Torah in the morning. The fact that they are not waging a constant battle shows that they have not crowned Hashem as King over themselves, despite defeating their evil inclination from time to time.

The Mitzvah of Returning a Lost Object

It is written, "You shall not watch your brother's ox or sheep go astray and hide yourself from them. You shall surely return them to your brother. If your brother is not near you, or you do not know him, bring it inside your house and it shall remain with you until your brother inquires after it, and you shall return it to him" (*Devarim* 22:1-2).

The *mitzvah* of returning a lost object has given rise to numerous stories over the generations about the Sages of Israel who paid great attention to fulfilling this *mitzvah*, just as with all other Torah *mitzvot*.

The Gemara recounts how Rabbi Chanina ben Dosa had an opportunity to fulfill this *mitzvah*: "It once happened that a man passed by his house and left some hens there, and the wife of Rabbi Chanina ben Dosa found them. Her husband, however, prohibited her from eating their eggs. As the eggs and chickens increased in number, he was very troubled by them. He therefore sold them, and with the proceeds he purchased goats. One day the man who lost the hens passed by [the house] again and said to his friends, 'It was here that I left my hens.' Overhearing this, Rabbi Chanina asked him: 'Have you any sign [by which to identify them]?' He replied, 'Yes.' He gave him the sign and took away the goats" (*Taanith* 25a).

Concerning Rabbi Shemuel bar Sustrai, the Jerusalem Talmud (*Bava Metzia* 2:5) states that he traveled to Rome at a time when the empress had lost a precious jewel, which he found.

The empress made a proclamation throughout the region that whoever finds and returns it within 30 days would receive a large reward. However anyone returning it after 30 days would have his head cut off.

Rabbi Shemuel returned the jewel after 30 days had passed, at which point the empress asked him: "Were you not in the region when I proclaimed that whoever returns the jewel after 30 days would be beheaded?"

Rabbi Shemuel replied, "I was in the region and I heard the proclamation."

She said, "Then why didn't you return the jewel before the 30 days?"

He replied, "So that people would not say that I returned it out of fear of you, but only because the Holy One, blessed be He, has commanded it."

The empress was stunned when she heard this, and she exclaimed: "Blessed be the G-d of Israel!"

Nobody Touched It

The book *Tenuat HaMussar* recounts how Rabbi Yosef Yoizel Horowitz once arrived in a village and proceeded to the local inn. In that same inn was a man from Moscow.

On Friday, Rabbi Yosef asked this man for a brush to clean his garments. On Saturday night, when Rabbi Yosef Yoizel returned from synagogue, he was told that the man from Moscow had already left.

The brush therefore remained with Rabbi Yosef Yoizel, who was very upset about it. He constantly wondered how he was going to find this man again.

Seven years later, while Rabbi Yosef Yoizel was on a train, he began speaking with someone and asked him where he was from. When the person said that he was from Moscow, Rabbi Yosef Yoizel asked him if he knew a certain individual. As it turned out, this person lived in the same district as the man that the Rav had met at the inn. Rabbi Yosef Yoizel was overjoyed when he heard this, and he gave him the brush to return to its owner.

Tenuat HaMussar also speaks about the Beit HaTalmud of Kelm, where people paid extreme attention to good *middot* and orderliness.

It once happened that a visitor to the Beit HaTalmud forgot his cane there. When he returned 13 years later, long after he had forgotten about his cane, he found it lying in the exact same spot as he had left it!

The story is also told of a person who had forgotten a coin on the window sill in the Beit HaTalmud. The coin remained in the same place for years afterwards, without anyone ever touching it.

Rabbi Eliezer Shulevitz once took a red handkerchief from Rabbi Naftali Zilberberg

of Warsaw instead of his own. The First World War suddenly broke out, and he did not have time to return it.

Rabbi Eliezer carried this handkerchief with him during all his travels in Russia, guarding it like a precious treasure during all the ups and downs of the war years.

Seven years later, when he returned to Poland, Rabbi Eliezer brought the handkerchief with him and immediately sent it to Rabbi Naftali in Warsaw.

What Does Rabbi Eliyahu Want From Me?

A resident of Petah Tikva, who was originally from Lomza, once went to see Rabbi Eliyahu Dushnitzer and asked him for a blessing before leaving on a trip to Poland.

He told Rabbi Eliyahu that he was going to Lomza, where the Rav used to live before moving to Israel. He added that if the Rav needed him to bring anything to Lomza, or to take care of anything there, it would be his great pleasure to do so.

Rabbi Eliyahu said to him, "This is what I need: Many years ago, I purchased an important book from a widow who owned a bookstore. I'm afraid that she made a mistake with the price, since it should have been much more expensive than what I paid for it. Therefore please give her, on my behalf, whatever extra amount she asks for. When you return, I will pay you back."

The man did as he had been asked, and when he explained the situation to the woman who owned the bookstore, she replied: "What does Rabbi Eliyahu want from me? He's already sent me several people over the years in regards to that book, and I've already told him that he paid a good price for it at the time. Please reassure him and tell him that he doesn't owe me anything" (*Nachalat Eliyahu*).

In the Light of the Parsha

The Guardrail: A Spiritual Fence Within the Jewish Home

It is written, "When you build a new house, you shall make a guardrail for your roof, that you should not bring any blood upon your house if anyone falls" (*Devarim* 22:8). I would like to explain why the passage on the guardrail appears in *Parsha Ki Teitzei*. In fact, the war against the evil inclination is incumbent upon every man in all places and at all times. Everyone must go out and wage war against his evil inclination, so as not to let it control him. Instead, he must control it. Once he has conquered it, he must build his house. Now every Jew resembles a "house," which is where the *Shechinah* dwells, as the Sages have said: " 'Let them make a Sanctuary for Me, so that I may dwell among them' [*Shemot* 25:8]. It does not say 'in it,' but 'among them,' among each of them" (*Rabbeinu Ephraim*). Therefore when we build a house, the Torah tells us to ensure that we build a guardrail in order to prevent the evil inclination from coming inside and making people fall, for we must not allow blood in our homes.

We also note that the roof is the highest place in a house. Now the Torah states, "When you go out to war against your enemies, and Hashem your G-d will deliver him into your hand" (*Devarim* 21:10), meaning that we must be careful not to grow proud by thinking: "Now that I've conquered my evil inclination and built a new house where the *Shechinah* can dwell, why should I serve my Creator? I've already conquered my evil inclination!" Hence the Torah commands, "You shall make a guardrail for your roof." That is: You trust in yourself and think that your service of Hashem has reached a state of perfection, but the Sages have said, "Do not be sure of yourself until the day you die" (*Pirkei Avot* 2:4).

In order for a person not to fall from the level that he has reached, thereby placing blood in his house, the Torah states: "Remember what Amalek did." Now the name *Amalek* has the same numerical value as the term *ram* ("elevated"), which designates pride. These are the forces of impurity of Amalek, which makes Jews sin. Furthermore, the term *hama'akeh* ("the guardrail") has the same numerical value as *rach* ("soft"), alluding to a teaching of our Sages: "A man should always be as soft [i.e., pliable] as the reed, never unyielding as the cedar" (*Taanith* 20a). That is, his heart should never grow proud, nor should he ever think: After defeating the evil inclination, there's nothing left for me to do. In fact we read, "He who increases [his knowledge through study] will have his life prolonged" (*Taanith* 31a). All throughout his life, a person must fight against his evil inclination and defeat it.

The Ben Ish Hai

The works of the *Resh Galuta D'Bavel*, as Rabbeinu Yosef Haim was known, amazed a large number of leading Torah figures, both from the east and the west. In fact the *gaon* and kabbalist Rabbi Yehudah Petaya *Zatzal* testified, "The soul of Rabbi Yosef Haim would have merited the World to Come in the era of the Sages. Yet Heaven had compassion on us and sent him in our time, in order for him to quench the thirst of the world and its inhabitants with the waters of his Torah." The *gaon* Rabbi Yaakov David of Slutsk, the *Radbaz Zatzal*, who near the end of his life lived in Sefat, wrote that "the scent of sanctity and purity arises from the books of the *Resh Galuta D'Bavel*, and whoever studies them can perceive it."

Rabbi Yosef Haim's works are not limited to any particular subject. They cover the written Torah – which he commented upon in many of his works, more than 60 in fact, most of which were printed and published in recent years and constitute a foundation for Halachah, Mussar, Kabbalah, and Torah commentaries for Sephardic scholars in recent generations – as well as the oral Torah. We have also benefited from his marvelous sermons, words that emerged from his heart and entered the hearts of his listeners, and which range from Halachah to Aggadah by means of commentary, allusion, and Kabbalah. This fusion of ideas can often be found in his famous *Ben Ish Hai*, a work cherished by all segments of the Jewish community both in Eretz Israel and abroad.

According to Logic

Rabbi Yosef Haim's home in Baghdad became a beacon of light. Letters were sent to him from all corners of the globe, from Singapore and Bombay, Iran and the surrounding regions, from cities in Azerbaijan and Kurdistan, from Vilna, Tunis, Jerusalem and Sefat. These letters dealt with current issues in all areas of life, with Halachah and Aggadah, with the revealed and concealed Torah, and even with complex scientific problems. For example, he was once asked about the existence of the earthly Garden of Eden, for researchers had scoured the globe without ever finding anything resembling the Garden of Eden. He answered this by saying, "You believe that researchers have explored every land and body of water on the globe, exactly as they claim, having seen every place on earth. This is not correct, for in reality it is clear and obvious that they have not gone to the extremes of the south, nor to the extremes of the north. In fact man cannot venture too far from the equator because of the cold, which no one can tolerate. Nor have they gone to every corner of the east and the west. Yet supposing that they have charted the globe, they still have not seen or gone within ten degrees of the North and South Poles, be it by land or sea. Furthermore, they have not searched every corner of the east or the west, and they do not know its extents. If one wants to know the size of the globe, all this is built upon intellectual hypotheses and formulations, starting from the little they have seen with their eyes. A wise man can understand on his own that all these hypotheses, although they appear as clear as the sun, may be contradicted, and a researcher may come and discover something new that collapses this entire structure."

The Rav Winked at Him

With his great wisdom and sharp mind, Rabbi Yosef Haim issued

decrees that were true and precise. These decrees and others were published in *Chasdei Avoth*, although the name of the *Dayan* is not given in the book. According to one of his students, the *gaon* Rabbi Ben Tzion Hazan, these decrees were issued by Rabbi Yosef Haim in his court, and in his great humility he omitted his name from the book.

One of these cases involved a man who was walking along the street and noticed a gold coin lying on the ground. After picking it up, he noticed another person who, from afar, had seen what he had done and objected to it: "The coin that you just picked up is mine. It fell from my pocket just now." The first person denied it, saying: "Somebody else lost it, not you. When I found it, you weren't on the street and there wasn't anyone else here either. So the money is mine because I found it."

The two men came before the Rav and presented their arguments, each saying that events had occurred in a certain way, and each was prepared to swear by the Sefer Torah that he was speaking the truth. In his wisdom, the Rav realized that the plaintiff was lying, and he tried to protect him from making a false oath. What did he do? He told the plaintiff to leave the courtroom because he wanted to question the defendant. When he left the room, the Rav spoke to the defendant in a loud voice, because he knew that this cheat, the plaintiff, was trying to hear what they were saying. The Rav said, "There is an obvious mark on the coin, a hole on this particular side. I could ask the plaintiff if he knows about it, for this would allow me to rule in his favor without him having to take an oath." The defendant listened without saying a word, because the Rav had winked at him to indicate that it was a ruse, to see if the plaintiff was telling the truth or not. A moment later, the Rav summoned the plaintiff back into the courtroom and said to him, "I have the gold coin in my hand, and I see that it has a particular mark on it. If you tell me what it is, you can have it back without taking an oath." The cheat replied, "I don't know of any other mark but a hole." The Rav immediately began to laugh, and then he opened his hand and the man saw the coin. The Rav said, "Here's the coin that you are claiming is yours. There is no hole in it, not on one side or the other." The man ran from the courtroom covered in shame and disappeared.

Words That Draw the Heart

The books of Rabbi Yosef Haim of Baghdad have spread around the world, from north to south and from east to west, even reaching the tents of German soldiers during the First World War.

The year was 5674, and the world had reached a boiling point because of the world war taking place on all fronts. Among the soldiers involved in the war were many observant Jews from Russia, Germany, Lithuania, France, and other countries, men who more than once found themselves in situations that required immediate *halachic* solutions.

Included among the Lithuanian Jews called into the German army were several students of the *gaon* Rabbi Chaim HaLevi Soloveitchik of Brisk *Zatzal*. They went to ask their Rav which book would be useful to bring with them. They wanted a book that contained clear-cut solutions to *halachic* problems, as well as words from the Sages and Aggadot, "things that draw the heart." The *gaon* Rabbi Chaim advised them to take the book *Ben Ish Hai* by Rabbi Yosef Haim of Baghdad, which contains both Halachah and Aggadah, and which is organized by the *parshiot* of the week.

Not at Peace

It is written, “When you go out to war against your enemies, and Hashem your G-d will deliver him into your hand” (*Devarim* 21:10).

Rabbi Shlomo of Radomsk would say, “There are people who wage war against their evil inclination and eventually defeat it, but it later returns and takes control of them. They are surprised and think, ‘What will become of me? Will it attack me for my entire life, even once I’ve defeated it?’

“The Torah advises such people: ‘When you go out to war’ – know that the main reason you came into the world was for you to constantly fight the evil inclination at every instant. The main thing is not to defeat it per se, but for there to be a constant war between you, so that you are not at peace for even an instant.”

Above All Others

It is written, “If a man will have a wayward and rebellious son, who does not hearken to the voice of his father and the voice of his mother” (*Devarim* 21:18).

The Gemara cites Rabbi Shimon as saying that the case of the rebellious son “never happened and never will happen. Why was this law written? So that you may study it and receive a reward” (*Sanhedrin* 71a).

The commentators are surprised by this opinion, for why would the Torah need to write about a situation that never happened and never will happen? What reason could it have for doing so?

Rabbeinu Bechaye responds by saying that in reality, it is the wisdom of the Torah to teach people how great is the duty to love Hashem. In fact there is no stronger love in the world than that of a father or mother for their son. Yet as soon as parents see their son violating Hashem’s *mitzvot*, a path that he has chosen in his foolishness, they must put their love for Hashem first – over and above the love they have for their son – to the point of having to bring him before the *Beit Din* to be, as it were, stoned.

We learn this from Abraham, for despite his powerful love for his only son Isaac, as soon as Hashem commanded him to offer his son as a burnt-offering, he immediately went about doing so, placing his love of Hashem above his love for his only son. Hence Abraham deserved for Hashem to describe him as “Abraham who loved Me” (Isaiah 41:8). As such, the entire world understood the greatness of the duty to love Hashem, a love that deserves to be placed above all other forms of love.

It is for this reason that the Torah decided to expand upon the passage of the rebellious son and to explain the greatness of the duty to love Hashem, to the point of having to lead one’s beloved son to be stoned. It is in regards to this teaching that we read, “Study it and receive a reward.”

Not Even Among a Thousand

It is written, “Even his tenth generation shall not enter the congregation of Hashem” (*Devarim* 23:3).

Why is the Torah so strict in regards to a *mamzer* (“bastard”), to the point of prohibiting even his descendant to the tenth generation from entering Hashem’s community?

Rabbi Leib Charif answers this question in the following way: The first generation stemming from the marriage of a *mamzer* is only half a *mamzer*. The second generation is a quarter, the third is 1/8th, the fourth is 1/16th, the fifth is 1/32nd, the sixth is 1/64th, the seventh is 1/128th, the eighth is 1/256th, the ninth is 1/512th, and the tenth is 1/1024th of a *mamzer*.

This is why the Torah states, “Even his tenth generation shall not

enter the congregation of Hashem,” meaning that even in the tenth generation, where there exists less than 1/1024th of the prohibition, he cannot be part of the community. Why not? It is because we know that “a complete creature is not nullified even among a thousand” (*Tosaphot, Chullin* 100a).

Reflect

It is written, “Remember what Hashem your G-d did to Miriam” (*Devarim* 24:9).

In the laws dealing with impurity and leprosy, the Rambam explains the juxtaposition of the verses: “Take heed of the plague of leprosy, to diligently observe and do,” and “Remember what Hashem your G-d did to Miriam on the way, as you came out of Egypt” (*Devarim* 24:8-9).

He states, “The Torah is saying: Reflect on what happened to the prophetess Miriam when she spoke about her brother. She was older than he was, and she helped to raise him. She even endangered herself to save him from the water. She did not speak ill of him, but only erred in equating him to other prophets. Moreover, Moshe was certainly not bothered by her words, for the Torah says: ‘The man Moshe was exceedingly humble.’ She was nevertheless immediately punished with leprosy! How much more will there be punishment for those foolish and evil people who regularly speak ‘great things’ [*i.e.*, *Lashon Harah*]” (Rambam, *Hilchot Tumat Tzara’at* 16:10).

Worse than Forbidden Relations

It is written, “You shall not have different measures in your house” (*Devarim* 25:14).

The Commentators are surprised by what Rabbi Levi says in the Gemara: “The punishment for [false] measures is more serious than for forbidden relations” (*Bava Batra* 88b). The punishment for forbidden relations is stoning. As for false measures, there is simply a prohibition against it, nothing more. Therefore how can Rabbi Levi say that its punishment is more serious?

In his book *Ohel Yesharim*, Rabbi Avraham Antebi replies that according to the Halachah, if a person is so ill that his life is in danger, it is permitted to slaughter an animal for him on Shabbat if he requires meat. Now the Rishonim object to this, asking how slaughtering can be done for him on Shabbat, since this infringes upon a prohibition that involves stoning. It would seem preferable to give him non-kosher meat, which only involves a simple prohibition.

They reply that a person who eats a non-kosher animal is guilty for every portion that he eats which is greater than the volume of an olive. Thus by eating non-kosher meat, he accumulates so many sins that they outweigh the prohibition that involves stoning.

The same applies to false measures: A merchant who steals by using a false measure each day will end up transgressing this prohibition countless times. His punishment will therefore be even worse than that of forbidden relations, as the Sages have said: “Most [are guilty] of theft, a minority of lewdness” (*Bava Batra* 165a).

Guard Your Tongue!

In Righteousness Shall You Judge Your Neighbor

Even if it seems likely that a person is guilty of wrongdoing, it is still very commendable to consider the situation as doubtful and not to consider him guilty. When it seems likely that a person is innocent, it is obviously forbidden by the *din* to judge him unfavorably. If one does so, and as a result he speaks ill of the person in question, then besides the fact that he has transgressed, “In righteousness shall you judge your neighbor,” he has also transgressed the prohibition against speaking *Lashon Harah*. – *Chafetz Chaim*