

Parsha Shiur by Rabbi Mayer Friedman

פרשת כי תצא

כי יקרא קן צפור לפניך בדרך בכל עץ או על הארץ ביצים או אפרוחים והאם רבצת על האפרוחים או על הביצים לא תקח האם על הבנים
“If a bird's nest happens to be before you on the road, on any tree or on the ground - young birds or eggs - and the mother is roosting on the young birds or the eggs, you shall not take the mother with the young” (22:6)

The Shaalos U'teshuvos Chavos Yair asks whether this mitzvah applies only when one wants to take eggs or if the mitzvah is to send the mother bird away any time that one sees a nest, regardless of if he has a need for the eggs or not. The Torah Temima expresses his bewilderment that the Chavos Yair even entertained this question at all. The reason to send the mother bird away before taking her eggs is out of compassion for her that she should not see her eggs being taken away. It teaches us not to be cruel. To command that one should send away the mother bird and take the eggs every time one sees a nest would undermine the purpose of the mitzvah. In fact, it would be more merciful just to leave the mother and eggs together and allow them to live peacefully. However, Hashem created everything in the world to serve the needs of mankind and therefore one may take eggs when he needs them. But if he has no need for them, it is best to leave them alone. This is similar to the mitzvah of shechita. If a person wants to eat meat, he must slaughter it properly, but that does not mean that a person should slaughter every cow in sight.

The Torah Temima also attempts to refute the possible contradiction between this reason for the mitzvah and the Mishna in Berachos that prohibits davening for mercy as we have mercy on the mother bird. If this were the reason for the mitzvah, what is wrong with praying in this fashion? The answer is that it is wrong to present the reason for a mitzvah as the only reason for doing it. We do the mitzvos chiefly because Hashem told us to do them. The reason provides us with an added understanding that helps us do the mitzvah. However, even if we do not understand the reason for a mitzvah, we still do it. The mitzvos are not subject to human logic. If we began to do mitzvos because we can rationalize them, we would decide that some mitzvos are unnecessary. When one prays for mercy such as that which is given to the mother bird, he gives the reason for the mitzvah primacy and lends it more importance than it truly has. This is why such a prayer is inappropriate, despite the fact that it is the reason behind the mitzvah.

כי תבנה בית חדש ועשית מעקה לגגך ולא תשים דמים בביתך כי יפל הנפל ממנו
“If you build a new house, you shall make a fence for your roof, so that you will not place blood in your house if a fallen one falls from it” (22:8)

The Gemara on Shabbos 32a says that one should always pray that he should not become sick because when a person does become ill, he needs special merit to recover. The textual support for this idea is from our posuk. When the person falls, it is "mimenu," from within himself that he must provide a reason to deserve recovery. It subjects the person to a thorough examination as to whether he deserves to recuperate. It takes less to

remain well than it does to get out of a difficult situation. One should appreciate his health and daven at all times that he not become sick. When a person is blessed with good health, he should pray that it continue and not take this kindness of Hashem for granted.

The Sefer Hachinuch writes that this mitzvah is a general commandment to remove any dangers that could cause a person harm. The Torah is not just an austere body of laws that is only concerned about religious matters. Hashem cares about the physical welfare of people as well. When a person does not erect a fence around his roof, he transgresses every moment that it is not there. This is why one may desecrate Shabbos to save a life.

**על דבר אשר לא קדמו אתכם בלחם ובמים בדרך בצאתכם ממצרים ואשר שכר
עליך את בלעם בן בעור מפתור ארם נהרים לקללך
“Because of the fact that they did not greet you with bread and water on the road
when you were leaving Egypt, and because he hired against you Bilam son of Beor,
of Pesor, Aram Naharayim, to curse you” (23:5)**

Why does the Torah treat Amon and Moav so severely for what they did? The Egyptians enslaved the Jews for two centuries and yet they are permitted to join the Jewish nation eventually. Why are these nations any worse? Ramban writes that they should have had hakaras hatov to the Jews because Avraham saved their ancestor, Lot, from certain death at the hands of the four kings. Furthermore, Lot and his daughters were only saved from Sodom in the merit of Avraham. They should have been especially kind to them out of gratitude for the fact that they owed their existence to the ancestors of these people. Instead, Amon did not greet the nation with bread and water while Moav hired Bilam to curse them. This ungratefulness is so antithetical to the essence of the Jewish people that such actions prevent them from ever joining the Jewish nation. Other nations that wronged us in the past can change, but Amon and Moav have an ingrained character defect that does not allow them any place in Klal Yisrael.

We see the importance of hakaras hatov. Even though four hundred years had passed, they were still expected to have proper appreciation for Avraham and what he did for them. Another lesson we learn is the extent of hakaras hatov that one has. When one person's ancestor owed a debt of gratitude to another person's ancestor, the obligation of hakaras hatov does not end with those two individuals. The recipient of the kindness is obligated to inform his descendants of this kindness and they must show their appreciation to the descendants of the benefactor. Amon and Moav clearly failed to appreciate the kindness and so they neglected to transmit the story of how they owed their existence to Avraham to their offspring. We also see how strongly Hashem feels about hakaras hatov. If people do not demonstrate gratitude, Hashem does not want them to be a part of His nation.

The midah of hakaras hatov can also help us serve Hashem. If a person stops and thinks about all the kindness that Hashem does for him, he will be amazed. After all, everything that a person has in this world comes from Hashem. When one comes to this realization he develops a strong love for Hashem and will do anything that He asks of him out of his feelings of hakaras hatov. It transforms difficult mitzvos into a labor of love and

makes it much easier to serve Hashem. Hakaras hatov is a tool that we can utilize to improve ourselves spiritually.

כי ה' אלקיך מתהלך בקרב מחנך להצילך ולתת איביך לפניך והיה מחנך קדוש ולא יראה בך ערות דבר ושב מאחריך

“For Hashem, your G-d, walks in the midst of your camp to rescue you and to deliver your enemies before you; so your camp shall be holy, so that He will not see a shameful thing among you and turn away from behind you” (23:15)

Ibn Ezra says that immodesty can manifest itself through both through actions and speech. In modern society, where modesty is sorely lacking, speech is one of the areas where this deterioration is seen the most. We should be careful not to be influenced by the world around us and be sure to only use refined language at all times.

The Chofetz Chaim points out that the posuk prescribes the removal of Hashem's divine providence as the punishment for immodesty. The punishment for lack of modesty is severe indeed and should show us just how important it is. After all, without Hashem watching over us, we are truly lost. We find that there is a great reward for modesty. The Gemara on Megillah 13b says that Rachel Imeinu merited to have Shaul as a descendant because of her modesty and Shaul merited to have Esther as a descendant because of his modesty.

In Tehillim 119:37, Dovid HaMelech says: "Avert my eyes from seeing falsehood, through Your ways preserve me." When a person is exposed to and sees falsehood, he is influenced by it. Dovid HaMelech knew that the first step was to make sure that he did not see falsehood so that it did not make an impression of him. It is important to recognize that the easiest way to avoid temptation is to limit our exposure to things that will tempt us in the first place. By eliminating these influences, it is much easier to retain one's purity and modesty.

והיה אם בן הכות הרשע והפילו השפט והכהו לפניו כדי רשעתו במספר
“It will be that if the wicked one is liable to lashes, the judge shall cast him down and strike him, before him, according to his wickedness, by a count” (25:2)

Why does the Torah use this strange word "bin" instead of "ben," which is more commonly used? The Or HaChaim answers that the word "bin" is derived from the word "binah," "understanding." The use of this variation indicates that understanding is required when giving lashes to a sinner. The halacha states that, although the ideal number of lashes is thirty-nine, if a person was physically incapable of surviving that many, they would only give him as many as he could handle. A medical examination was always conducted prior to the lashes to determine the number that would be given. Thus, giving lashes requires understanding of the sinner before he is whipped. The Baal HaTurim adds that this is also why Yehoshua is referred to as "bin Nun." He earned this appellation because he was blessed with an extraordinary amount of understanding.

The halacha states that two-thirds of the lashes are given on the back and one-third were given on the front. The Kli Yakar explains that people sin in two different ways.

Some people turn their back to Hashem and sin in a hidden way while some sin openly while brazenly knowing that Hashem is watching them. Therefore, the lashes are administered in both ways, on the back for one who hides his sin and on the front for one who is not ashamed of his wrongdoing. A person who hides from Hashem is really worse because he is more ashamed of people than he is of Hashem. He is okay with Hashem seeing him sin as long as no people see him. The person who sins in the open at least accords the same respect to people and Hashem. This is why more lashes are given on the back. Another reason is that it is reminiscent of the three things that a person should remember in order to avoid sinning: the putrid drop that he came from, the dirt that is his ultimate destination and the judgment that he will be subjected to after his death. One-third of the lashes are on his front to remind him of his origins and the two-thirds on the back are meant to remind him of the two things that are yet to come. what will be in the future. Why are 39 lashes given? The sinner denied Hashem who is "echad," which has a numerical value of 13. He also denied the validity of the Torah which is elucidated in 13 ways. Finally, he rebelled against his yetzer tov that came to him when he was 13. These three 13s are alluded to by the 39 lashes.

Kesharim Baruch College/NYU Parsha Shiur

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