

for PARSHAT KI-TETZEH [& CHODESH ELUL!]

There are two psukim in this week's Sedra that can be understood in many different ways, yet no matter how we interpret them, their underlying message is especially important for the month of Elul (and the rest of the year as well). In the following shiur, we take a break from our thematic study of Sefer Devarim, to delve into the world of 'parshanut' [Biblical commentary].

INTRODUCTION

Although most of the laws in Parshat Ki-Tetzeh deal with 'mitzvot bein adam le-chavero' [man and his fellow man], one exception calls our attention:

"Be very careful with regard to [the laws concerning] a 'nega tzara'at' (a type of skin disease) - do exactly as the levitical priests instruct you" (24:8).

Let's explain why this type of warning - i.e. to observe the laws of 'tzara'at' [leprosy] - is an anomaly in Sefer Devarim.

First of all, the laws of leprosy were first presented in Sefer Vayikra (see chapters 13 & 14) together with numerous other laws of 'tum'a' & 'tahara' [spiritual uncleanness]. Yet, we never find a mention of any those laws of 'spiritual uncleanness' in Sefer Devarim, other than this lone warning to keep the laws of tzara'at.

Secondly, most all of the other laws in Parshat Ki Tetzeh deal with 'bein adam la-Makom' [matters between man and God], while this warning seems to relate primarily to the category of 'between man & God..

Finally, this pasuk doesn't appear to teach us anything new.

Therefore, when studying this pasuk, we must consider these three issues: i.e.

- 1) Why do we find here a mitzva bein adam la-Makom?
- 2) What specific law is being added that has not already appeared in Sefer Vayikra?
- 3) Why does Sefer Devarim introduce, uncharacteristically, a law from the first half of Sefer Vayikra?

LEPROSY & MIRIAM [Rashi]

The simplest answer to the above questions is based on its connection to the next pasuk:

"Remember what God did to Miriam, on your journey when you left the land of Egypt" (24:9).

This pasuk clearly refers to the incident recorded in Parshat Beha'alotcha, when Miriam contracts tzara'at following her complaints regarding Moshe's marriage to an 'isha kushit' (see Bamidbar 12:1-16).

This juxtaposition of the commandment to **remember** how Miriam was punished with tzara'at for speaking 'lashon ha-ra' [evil talk] against her brother, leads many commentators to the obvious conclusion that the Torah's 'reminder' concerning tzara'at is in essence a reminder not to slander. In other words, by reminding us not to speak lashon ha-ra immediately after the warning concerning the laws of tzara'at, the Torah seems to enlist the laws of tzara'at as a (polite) reminder not to speak lashon ha-ra!

For example, Rashi's opening commentary to this pasuk seems to make exactly this point:

["Remember what God did to Miriam" (24:9):]
"If one wants to be careful not to contract **tzara'at** at all - then **don't** speak **lashon ha-ra** [in the first place]. Remember what happened to Miriam when she spoke against her brother..." (see Rashi 24:9).

Not only does this interpretation reveal the underlying significance of these laws, it also answers the questions raised earlier. The laws of tzara'at are mentioned in Parshat Ki Tetzeh specifically because they in fact **do** relate to bein adam le-chavero! It also explains why the pasuk here includes only a very **general** warning concerning tzara'at, to get to the point of lashon ha-ra. However, there is no need to repeat the technical details of tzara'at, as they have already been discussed in Sefer Vayikra.

DRASH = PSHAT [Ibn Ezra]

It is worthwhile to note in this context Ibn Ezra's comments on this pasuk. Not only does he apparently agree with Rashi's interpretation, he even adds a comment that the pshat of these psukim in Devarim, supports a midrashic interpretation in Sefer Vayikra:

"From here (this pasuk) we find support for the **midrash** (of Vayikra Rabba 16:1): don't read 'MeTZo'RA' - rather 'MoTZi shem RA'" (a cute abbreviation).

In other words, Ibn Ezra (a big 'fan' of pshat) finds support for the **midrash** in Sefer Vayikra concerning the laws of **metzora** based on the **pshat** of the psukim in Sefer Devarim!

NOT SO FAST

Despite the simplicity and beauty of this interpretation, several serious questions emerge.

First of all, why doesn't the Torah just tell us 'don't speak lashon ha-ra'? What is gained by merely inferring this conclusion from the story of Miriam and the laws of tzara'at?

Furthermore, does it make sense for the Torah to recall a 'bad story' concerning Miriam in order to teach us not to tell 'bad stories' about other people?!

Finally, why does the Torah emphasize (in 24:8) that we must follow the procedures specifically in accordance with the **kohanim's** instructions? If the message is simply not to speak lashon ha-ra, the first half of the pasuk would have sufficed as ample warning.

Due to these difficulties, Rashbam & Chizkuni will explain these two psukim in a radically different manner. On the other hand, Rashi and Ramban will remain 'loyal' to the lashon ha-ra approach; however, their commentaries will reflect how they grappled with these difficulties as well.

[It is highly recommend that you first study (or at least read) those commentaries on your own before continuing.]

DON'T BE YOUR OWN DOCTOR! [Rashi]

Let's begin with the 'simple' question: If 24:8 simply serves as a general warning to follow the proper procedures regarding tzara'at (as we concluded above), then it would have sufficed to say, "Be careful to keep the laws of **tzara'at**." What are we to learn from the second clause: "follow exactly what the levitical priests instruct you" (see 24:8)?

Based on this redundancy, the Gemara in Makkot (22a) concludes that this pasuk includes **more** than just a general warning; rather it teaches us an additional law. Rashi cites the Gemara's explanation that this pasuk forbids an individual to surgically remove a tzara'at infection from his skin (by himself) before showing it to the kohen.

Basically, according to this interpretation, this pasuk teaches us that one 'cannot be his own doctor' with regard to tzara'at. Instead, he must show his infection to the **kohen** (priest) and obediently follow the kohen's 'diagnosis'.

Here we find a classic example of **midrash halacha**. Chazal derive an additional halacha (which does not appear explicitly in the text) from an 'extra' phrase in a pasuk, based on the content and context of the otherwise superfluous expression.

[It is important to note that this midrash halacha does not contradict our earlier conclusion concerning the connection between tzara'at and lashon ha-ra; it simply adds an additional law. Note that Rashi brings down both interpretations! See also Further Iyun section.]

Let's continue now with the more obvious question: i.e. what does the Torah gain by recalling the incident with Miriam? Would it not have been more effective to simply admonish in straightforward fashion: 'Don't speak lashon ha-ra'?

Most probably for this reason, Rashbam and Chizkuni's suggest a very different approach.

NO ONE IS ABOVE THE LAW! [Rashbam]

In contrast to the approach of Rashi & Ibn Ezra (and our original explanation), that the primary purpose of these psukim is to prohibit lashon ha-ra, Rashbam points us in a totally different direction. Let's take a look:

"Be careful to keep the laws of tzara'at: [This comes to teach us that] even with regard to [an **important person**] like King Uziyahu - do not honor him (should he become a metzora / see Divrei Hayamim II 26:11-22). Instead, send him outside the camp [as Miriam was sent]... for remember what happened to Miriam: **Even though** she was a prophetess and Moshe's sister, they did not honor her; instead, they sent her outside the camp..."

[See Rashbam 24:8-9 / In that story in Divrei Hayamim, King Uziyahu was struck with tzara'at after he haughtily entered the kodesh kodashim to offer ketoret.]

According to Rashbam, the primary focus of these psukim relates indeed to the laws of leprosy and 'protektzia' - and hence has nothing to do with lashon ha-ra.

Note how this interpretation resolves almost all our questions (raised above). Although the technical details of tzara'at have already been recorded in Sefer Vayikra, Sefer Devarim (in its discussion of various laws concerning daily life in the community of Israel) commands us **not** to make any exceptions for special people - i.e. **no 'protektzia'**!

Hence, the Torah mentions the case of Miriam to emphasize precisely this point of 'no exceptions' (with regard to tzara'at). We cannot, therefore, according to Rashbam, infer from these psukim a conclusive connection between the cause for tzara'at and lashon ha-ra.

Note as well that the story of Miriam in Parshat Beha'alotcha provides only 'circumstantial evidence' for such a connection. Recall that the Torah never states explicitly that lashon ha-ra was the cause of Miriam's leprosy! In fact, most other occurrences of tzara'at in Tanach involve the problem of 'ga'ava' [arrogance] - e.g. the cases of Uziyahu (see Divrei Hayamim II 26:16-20) and Na'aman and Gehazi (see Melachim II chapter 5). See also Shmot 4:6-8, 'Ve-akmal'.]

Rashbam is not alone in his approach. Chizkuni (on 24:8-9) explains these psukim in a similar fashion:

"Keep the laws of tzara'at: Do not grant special honor to important people by exempting them from banishment from the camp. Remember what God did to Miriam - even though she was sister to the king and high priest, she was nevertheless banished outside the camp for the entire seven-day period."

Rashbam and Chizkuni agree that the primary purpose of these psukim is to teach us that everyone is equal under the law, and hence, not to make exceptions for VIP's. Note, that this approach as well provides us with a good reason for including this law in Parshat Ki Tetze, as it falls into the category of bein adam le-chavero, and it reflects God's expectation that Am Yisrael live by higher moral standard.

How about Ramban? We've intentionally saved him for last, because his approach (as usual) is the most comprehensive, addressing textual and thematic parallels to other parshiot in Chumash. We will show how his approach (in this case) is both 'educational' like Rashi's and faithful to pshat no less than Rashbam's.

[Incidentally, this is why Ramban's commentary is

usually much longer and complex than Rashi's. On the other hand, specifically because of his brevity, Rashi has earned more widespread popularity.]

REMEMBER THE OTHER 'ZACHOR'S!' [Ramban]

Note, that just about all of the interpretations of 24:8-9 thus far have considered the warning to follow the laws of leprosy in 24:8 ['hi-shamer...'] as the **primary** point- and the 'reminder' to remember what happened to Miriam in 24:9 ['zachor...'] as secondary. Ramban will do exactly the opposite, showing how the Torah's primary commandment is zachor in 24:9, and hishamer in 24:8 simply serves as a lead up to the primary point in 24:9!

Ramban begins by quoting Rashi's explanation that guarding one's tongue against lashon hara prevents the onset of tzara'at; and (for a change), this time Ramban actually quotes Rashi because he agrees (and not as a set up to disagree). However, Ramban takes Rashi's approach one step further, demonstrating that what Rashi considers 'drash' may be not only 'pshat', but should even be counted as one of the 613 mitzvot!

"In my opinion this [commandment of **zachor** in pasuk 24:9] should be considered a **positive commandment** - [i.e. it should be counted as] an actual **mitzvat aseh**" [see Ramban 24:9].

To our amazement, Ramban considers zachor - what appeared to be simply a 'reminder' - as a positive commandment to daily remember (or possibly even recite) the incident involving how Miriam contracted tzara'at after speaking about her brother.

How does Ramban reach such a daring conclusion that this should be counted as one of the 613 mitzvot!?

One could suggest that Ramban's approach stems from his 'sensitive ear' to the Torah's use of key phrases. When Ramban hears the opening phrase: "**Zachor** et asher asa Hashem..." he is immediately reminded of three other instances where the Torah introduces a mitzva with a similar expression:

- * 1) **Shabbat** - "**Zachor** et yom ha-shabbat" (Shmot 20:7)
- * 2) **Yetziat Mitzrayim** - "**Zachor** et ha-yom..." (Shmot 13:3)
- * 3) **amalek** - "**Zachor** et asher asa lecha Amalek..." (see Devarim 25:17)

Ramban cites these three examples as proof that a pasuk beginning with the word **zachor**... constitutes a positive commandment (a 'mitzvat aseh'); and hence, our case should be no different.

But what is this mitzva? Why would the Torah have us remember a 'not so nice' story about Miriam?

Like an artist, Ramban beautifully 'puts all the pieces together,' explaining this seemingly enigmatic pasuk in light of our earlier questions. Like Rashi and Ibn Ezra, he points to lashon ha-ra as the central topic of these psukim. This is why the incident of Miriam is introduced and why the issue of tzara'at is mentioned altogether in Parshat Ki-Tetze, in the context of mitzvot bein adam le-chavero.

However, Ramban's interpretation also explains the advantage of employing Miriam to present this mitzva (rather than stating it explicitly):

"... Hence, this is a warning (of the Torah) not to speak **lashon ha-ra**, commanding us to **remember** the terrible punishment that Miriam received [even though she was] a righteous prophetess, and she spoke only about her brother (not someone outside the family) and only **privately** with her brother (Aharon), not in public, so that Moshe himself would not be embarrassed... But **despite these good intentions**, she was punished. How much more so must we be careful never to speak **lashon ha-ra**... (see Ramban 24:9).

According to Ramban, the Torah doesn't mention Miriam to tell us how bad her sin was. On the contrary, the incident of Miriam (who, as everyone knows, was righteous and had only good intentions) emphasizes how **careful** we must all be in all

matters which may involve even the slightest degree of **lashon ha-ra**. This pasuk reminds us that punishment was administered **even** in the case of Miriam's mild lashon ha-ra.

Based on the parallel to other instances of the word zachor, the Ramban concludes that mere recollection does not suffice. We are obligated to verbally recount this unfortunate incident every day [just as Kiddush on Shabbat fulfills the obligation of 'zachor et yom ha-shabbat lekadsho...']! Ramban understands these psukim as not merely some good advice, but as a commandment to retell this incident on a daily basis, in order that we remember not to make a similar mistake, even should we have 'good intentions'.

[See also Sifra on Vayikra 26:14 [Torat Kohanim Bechukotai Alef 2-3]. This probably explains the 'minhag' [custom] of reciting this pasuk each day after shacharit - see the six 'zechivot' at the conclusion of shacharit in your siddur!]

Ramban's closing remarks are most significant, as they reflect another important aspect of his exegetical approach: "For how could it be that **lashon ha-ra** - which is equivalent in its severity to murder - would not be considered a [full fledged] **mitzva** in the Torah! ...

Rather, this pasuk serves as a serious warning to refrain [from **lashon ha-ra**], be it in public or in private, intentional or unintentional...and it should be considered one of the 613 **mitzvot**..." (see Ramban 24:9).

Ramban here employs 'conceptual logic' - the very essence of his pshat approach - to support his comprehensive interpretation of these psukim. Because logically there must be a mitzva in the Torah against speaking lashon ha-ra, Ramban prefers to interpret this pasuk as one of the 613 mitzvot.

In this manner, Ramban utilizes a wider perspective of pshat to reach a conclusion not only similar to the Midrash, but also more poignant.

[If you would like to see an 'enhanced version' of Ramban's explanation of this mitzva, read his commentary to Ramban's **Sefer Ha-mitzvot**. At the conclusion of the 'mitzvot aseh' section, Ramban adds several mitzvot which (in his opinion) Ramban had overlooked. In 'hasaga' #7, Ramban adds this mitzva, that we must constantly remind ourselves of the incident of Miriam in order to remember not to speak **lashon ha-ra**.]

An 'AM' KADOSH with a 'PEH' KADOSH

Note as well that according to Ramban's interpretation, the mitzva which emerges from these two psukim in Parshat Ki Tetzeh is not only yet another mitzva bein adam le-chavero, it also forms one of the most basic 'building block' towards achieving the ultimate goal of Sefer Devarim to create and establish an am kadosh.

Recall how the mitzvot of the main speech form the guidelines for the establishment of God's model nation in the land of Israel. Imagine an entire nation, where each individual reminded himself daily of these stringent guidelines concerning lashon ha-ra!

Anyone who would like to be 'machmir' [adhere to a more stringent opinion] - especially on the 'de-'oraita' level, is invited to take upon himself this 'chumra' [stringency] explicated by Ramban.

shabbat shalom,
menachem

FOR FURTHER IYUN

A. Try to arrange the various opinions of the Rishonim mentioned above into the following categories. Who considers:

- 1) 24:8 is the primary pasuk - 24:9 supports it.
- 2) 24:9 is the primary pasuk - 24:8 introduces it.
- 3) 24:8-9 should be read together, like one long pasuk.

B. Carefully review Rashbam and Chizkuni's comments on our

psukim. According to them, to whom is the prohibition in 24:8 directed? According to Rashi / Ramban?

A corresponding debate exists regarding Vayikra 13:2: "Ve-huva el Aharon ha-kohen..." ("He shall be brought before Aharon..."). See Sefer Hachinuch 169 as opposed to the Rosh's commentary on Masechet Zavim 3:2.

C. We noted Chazal's Midrash Halacha that interprets the first of our two psukim as forbidding the surgical detachment of a tzara'at infection. As we pointed out, Rashi adopts this peirush of that pasuk, despite the fact that he understands the reference to tzara'at here as primarily related to lashon ha-ra.

The question, of course, arises, why would the Torah mention specifically this particular detail of the laws of tzara'at if the main focus here is on lashon ha-ra? Why is this prohibition singled out from all of hilchot tzara'at for mention here in the context of the prohibition of lashon ha-ra?

Try to answer this question by reviewing the general process imposed upon the metzora. See Rashi, Vayikra 13:47 & 14:4. In light of this, explain the prohibition of removing a tzara'at infection and how this may reflect the severity of lashon ha-ra. Bear in mind as well that the Ramban here (24:8) extends this prohibition beyond severing the infection, to mere refusal to show it to the kohen (thus avoiding the entire process).

In honor of Elul, relate this concept to the process of 'teshuva' in general.

D. Those Rishonim who do not derive the prohibition of removing a tzara'at infection from 24:8 (as the Gemara in Makkot does) would presumably derive the prohibition from Vayikra 13:33 - see Torat Kohanim there. Based on the context of that pasuk, what advantage is there to learning the prohibition from our pasuk instead? What might be the difference between these two prohibitions? See Sefer Hachinuch 170, as opposed to Ramban in his 'hasagot' to Ramban's Sefer Hamitzvot lo ta'aseh 307-8. [There is also some question as to the precise text of that passage in Torat Kohanim - see Sefer Hachinuch's citation of Torat Kohanim in mitzva 170 and Torah Shleima, Vayikra 13:109.]

E. Recall that according to Rashbam and Chizkuni, 24:9 teaches us not to make exceptions for public figures with regard to the laws of tzara'at. Review their comments and note that the 'hava amina' (original possibility) of exempting leaders from these laws evolved from the honor and respect due to them. We may, however, add another element to this hava amina: national interests. A nation would understandably be very reluctant to quarantine an important public official for an indefinite period of time. Explain how, along the lines of the Rashbam & Chizkuni but with our variation, we may explain a seemingly superfluous phrase in the pasuk: "... on your journey when you left the land of Egypt." (For a subtle hint, see Targum Yonatan's explanation of this phrase.) Consider especially the final clause of Bemidbar 12:15. (If you want to cheat, look up Rav Zalman Sorotzkin's 'Oznayim La-Torah' on our pasuk.)

F. For an interesting twist, see Targum Yonatan Ben Uziel on 24:9. According to his understanding, what sin does this pasuk address? Is this wrongdoing related to lashon ha-ra? Based on this Targum Yonatan, explain more fully Rashi's comments on Shemot 4:6.

G. Note that the mitzva of 'kil'ayim' (see 22:9-12) is another mitzva bein adam la-Makom, and hence seems out of place in Parshat Ki Tetzeh. Based on the various laws concerning forbidden marriages which continue in 22:13-23:9, can you suggest a thematic connection between these mitzvot?

In this context, note Ramban's association between the prohibition of plowing with an ox and donkey (pasuk 10) and that of interbreeding (Vayikra 19:19). See also Ramban, Moreh Nevuchim 3:49, who explicitly bases the prohibition here with the halacha forbidding interbreeding. [Regarding sha'atnez, however, he offers a much different explanation - Moreh Nevuchim 3:37.]