



PhiloTorah D'var Torah

EMUNAT CHACHAMIM

Mitzvot galore. Parshiyot galore. Topics galore. A pretty good description of Parshat Ki Teitzei with its 74 mitzvot - the most of any sedra, being 12% of the Torah's Taryag (613).

Many of the sedra's topics - most of the sedra's topics, in fact most of the whole Written Torah, require the inseparable partner of the Written Word - TORAH SHEB'AL PEH - to understand them.

Let's take one example, a topic towards the end of the sedra - YIBUM (a.k.a. Levirate Marriage).

(By the way, LEVIR in Latin means "husband's brother".)

Picture this:

(At a time when there was no Rabbinic ban on YIBUM...)

A small moshav somewhere in the Galil.

A young couple - ALEF and BET - were recently blessed with a child, a beautiful baby girl.

Soon thereafter, tragedy struck. ALEF died in a car crash.

The moshav had a small group of elders, to whom was posed the question as to what was to be the fate of BET.

Not being very knowledgeable, albeit sincerely religious, the elders consulted the Torah. And on the subject, this is what they found:

If brothers reside together, and one of them dies having no BEN, the dead man's wife shall not marry an outsider. [Rather,] her husband's brother shall be intimate with her, making her a wife for himself... And it will be, that the eldest brother... she [can] bear (a child) will succeed in the name of his deceased brother, so that his [the deceased brother's] name shall not be obliterated from Israel. But if the man does not wish to take his brother's wife... "My husband's brother has refused to perpetuate his brother's name in Israelite shall be done to the man who will not build up his brother's household!"

Notice, of course, that the word BEN has purposely not yet been translated.

What would the elders say?

They might say - based on the goal of YIBUM - that in this case, ALEF's brother should take his widow, BET as a wife, in order to perpetuate ALEF's name in Israel. The fact that ALEF and BET had a daughter is not relevant. Firstly, a man's name will be

carried on by a son, not a daughter. Secondly, the Torah says "if he has no son (BEN)... which he didn't have.

And the elders would be sanctioning an incestuous relationship, since a man cannot marry his brother's wife (whether his brother is alive or not); it is a capital offense.

Unless the terms of the Torah are met - namely, that the man had no child (BEN) at all. Then the relationship between brother-in-law and sister-in-law is not only not sinful, but it is a mitzva for them to marry.

In our case, where the couple had a girl, the definition of the word BEN in this specific context, is of utmost importance.

BEN, exclusively, means a son, a male.

BEN, inclusively, means a child, boy or girl.

So if this time (in the parsha of YIBUM) the word BEN is used, it is absolutely essential to know if it is inclusive or exclusive. It is literally, a matter of life or death.

Okay - how do we know? The Written Text does not specify. And, the full reading of the parsha seems to lean towards the exclusive definition of BEN - namely, male child.

But that is **WRONG**. BEN in the topic of YIBUM is inclusive. Either a son or a daughter would make YIBUM

forbidden. (Actually, non-existent; that's probably a better term to use.)

If the Written Word is ambiguous, at best, and misleading, at worse, what are we to do?

We said it before; we'll say it again - TORAH SHEB'AL PEH (the Oral Law) is an **INSEPARABLE** part of TORAH. It joins the Written Word - TORAH SHEBICHTAV - to give all all of Torah and Mitzvot. It explains and clarifies the many undecipherable passages in the Torah.

The Written Word without TOSHB"A often cannot be understood and often can be seriously misunderstood.

The quandary that the elders in our moshav faced is really no quandary at all. The Torah says and means that if a man shall die without any offspring, then there is a YIBUM situation. Otherwise, not.

BEN and variations thereof will either be exclusive or inclusive, as clarified in the Oral Law.

So too with many other words and terms in the Torah. One other example - YOM. Day, a 24-hour period? Sometimes. Daytime, as opposed to nighttime? Sometimes. Torah She-b'al Peh. That's the way to know what the Torah wants of us.

Why didn't G-d write it all down? That's a question for another time.

For now, let's get back to the title of this PTDT.

Throughout Jewish History, there have been people - Jews as well as non-Jews, who seem ready to accept and commit to the Written Word, while rejecting the Oral Law and Tradition.

And there are plenty of Jews today who, while not outright rejecting the Oral Law, relegate it to a lower status of Rabbinic Literature - and either commit to that or ignore it.

In this week's sedra, among its 74 mitzvot, is the prohibition of Plowing with an Ox and Donkey together.

What about harnessing an elephant and two giraffes to pull a band wagon - as seen in Dr. Seuss's *And to Think that I saw it on Mulberry Street* (his first children's book, 1937)?

(1) Some people might say that only an ox and a donkey for plowing is forbidden.

(2) Others might say that the Dr. Seuss scene is also forbidden - by Rabbinic extension, inspired by the Torah's law regarding the ox & donkey.

(3) And hopefully, others will say that the elephant & giraffe pulling the band-wagon is equally forbidden; that it too is a *d'Oraita*, a Torah law. This would be based on the transmission of the Oral Law - not 'merely' legislated by our Sages, that plowing, ox, and donkey are not meant to be specific and exclusive,

but rather they include - on the same level of Torah Law, the prohibition of harnessing two incompatible animals for any 'job'.

Torah-true Judaism accepts position (3), based on the inseparable nature of the two components of TORAH - the WRITTEN WORD and the ORAL LAW.

How do we know this to be so?

EMUNAT CHACHAMIM. Trust, confidence, belief, certainty in the fact that G-d followed the Revelation at Sinai with His teaching Moshe Rabeinu all of Torah during the forty days and nights they spent on Mount Sinai.

KOL ASHER DIBEIR HASHEM - All that G-d has spoken... We will do. This declaration applies to the *Aseret HaDibrot* which was heard by all at Sinai - AND - the rest of the Torah - AND all the Mitzvot.

May we see more and more Jews embrace Torah and Mitzvot in its entirety, and may we thus be **ZOCHEH** the **GEULA SH'LEIMA**, speedily in our time. **PTDT**