**Parsha Potpourri**

**Parshas Ki Seitzei – Vol. 11, Issue 49**

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**לא יבא עמוני ומואבי בקהל ד' גם דור עשירי לא יבא להם בקהל ד' עד עולם (23:4)**

 The Torah forbids a person who is born to proper Jewish parents to marry an Ammonite or Moabite. Commenting on this prohibition, the Medrash Pliah cryptically remarks that this verse is what Dovid HaMelech was referring to when he wrote (Tehillim 118:21) אודך כי עניתני - I thank You (Hashem) because you afflicted me. The connection between these two concepts is difficult to grasp. What does the prohibition against marrying somebody descended from the nations of Ammon and Moab have to do with Hashem causing us to suffer, and why did that specifically inspire and motivate Dovid to thank Hashem?

 Rav Mordechai Benet writes that in order to understand this perplexing Medrash, we first need to understand what pain and suffering Dovid was referring to. The Gemora in Shabbos (88a) teaches that when the Jewish people were encamped at the foot of Mount Sinai, Hashem lifted the mountain above them like a barrel and threatened them that if they would not accept the Torah, שם תהא קבורתכם – there will be your collective burial place.

 Commenting on this Gemora, Tosefos questions why it was necessary for Hashem to do so after the Jewish people had already enthusiastically declared that whatever Hashem says, נעשה ונשמע – we will do and we will listen (Shemos 24:7). The Medrash Tanchuma (Noach 3) answers that although they had readily accepted the Written Torah, which is relatively limited in scope and can be learned with little difficulty, they were initially unwilling to accept the Oral Torah, which is substantially more complex and can only be understood after great toil and exertion, until Hashem forced them to do so by threatening them with mass extinction.

 In light of the teaching of the Medrash, Rav Benet explains that Dovid was thanking Hashem for afflicting the entire nation and compelling them to accept the Oral Law in addition to the Written Law. What is the connection between the Oral Torah and the prohibition against marrying a descendant of Ammon and Moab? The Gemora in Yevamos (76b) records that after Dovid slew Goliath, Shaul grew concerned that perhaps Dovid was destined to become king and take his position away from him, so he inquired about Dovid's lineage. Although Shaul posed this question to Avner, who was the general of his army, his advisor Doeg overheard the question and responded, "Before you examine Dovid's pedigree to determine if he is fit to be king, you should first inspect his ancestry to see if he is even fit to marry a regular Jewish woman, as he is descended from Rus the Moabite, and the Torah teaches that a Moabite may not marry into the Jewish congregation."

 After a lengthy discussion of the ensuing arguments and refutations presented by Avner and Doeg, the Gemora concludes that the law is עמוני ולא עמונית מואבי ולא מואבית - the prohibition against marrying Ammonites and Moabites applies only to the males of these nations but not to the females, who one is indeed permitted to marry after they convert. The Gemora explains this distinction in light of the reason given by the Torah for this prohibition: they did not greet the Jews with bread and water as they were leaving Egypt. Because it is the practice of men to go out to greet guests while women modestly remain in their homes, this lack of hospitality does not reflect negatively on the females of these nations, and they are therefore permitted to marry Jews. As a result, the ancestry of Dovid, who was descended from the female Rus, was deemed acceptable.

 With this background information, Rav Mordechai Benet suggests that the meaning of the Medrash Pliah becomes clear. The verse in the Torah which forbids the offspring of Ammon and Moab to marry into the Jewish nation does not appear to differentiate between male and female progeny, seemingly including both of them equally in the prohibition. When Dovid encountered this verse, he became frightened that perhaps it applied to his great-grandmother Rus as well, as Doeg maintained. However, when he realized that the Oral Law distinguishes between the genders and rules authoritatively that female descendants are permitted to marry Jews, he rejoiced and exclaimed אודך כי עניתני - thank you Hashem for afflicting me at Mount Sinai by threatening to kill us if we did not accept the Oral Torah, which clarifies my legal status and clears the way for me to get married and become king.

**כי יקח איש אשה (24:1)**

 The Mishnah (Megillah 4:3) teaches that parts of the prayer service that are considered דבר שבקדושה – a matter of holiness – require a minimum quorum of ten adult Jewish males for their public recitation. The Gemora (Megillah 23b) presents a somewhat convoluted derivation for this requirement, based on the Torah’s command (Vayikra 22:32) ונקדשתי בתוך בני ישראל – I shall be sanctified amongst the Jewish people.

The Gemora connects the word בתוך (in the midst of) to the word מתוך (from the midst of) in a verse in Parshas Korach (Bamidbar 16:21), in which Hashem commands Moshe and Aharon to separate themselves from the assembly of Korach’s followers so that He can destroy them. The Gemora then compares the word עדה (assembly) in that verse to a verse in Parshas Shelach (14:27), in which the spies who slandered the land of Israel are referred to as an עדה רעה – wicked assembly. Since there were ten spies who maligned Eretz Yisroel, this teaches us that the minimum prayer quorum required to constitute an assembly in which Hashem’s name may be sanctified is ten.

 Parshas Ki Seitzei contains the Torah source for marriage (Kiddushin 2a), and there is also a legal requirement that a minyan be present at a wedding ceremony. The Gemora (Kesuvos 7b) derives this from a verse in Megillas Rus (4:2), which records that when Boaz wished to marry Rus, he first gathered ten men from his city to attend. It is noteworthy that the Gemora sought an additional source for this obligation instead of deriving it from the aforementioned general rule regarding all matters of sanctity.

 There was once a Rabbi in Israel who performed weddings in his house for non-religious couples. On one occasion, there was a delay in assembling a minyan, and some of the people began to get anxious, questioning why it was necessary to have ten men present for the ceremony. The Rabbi, who was not particularly learned, incorrectly responded that any דבר שבקדושה must have the presence of a minyan, which sufficed to convince them to wait patiently until the requisite quorum could be gathered.

 When the Gerrer Rebbe heard about this incident, he questioned why we in fact derive the requirement for a minyan at a wedding from Boaz, and not from Korach and the spies as we do for other matters of holiness? He suggested that while it is important to draw the wicked close and permit them to join us in our prayer gatherings, Chazal are teaching us that our attitude toward marriage must be on a higher level. The establishment of a new Jewish home must be with aspirations of creating a dwelling place for the Shechinah (Divine presence), not one which has any connection to evildoers.

With this explanation, the Gerrer Rebbe added that it was sadly ironic that the Rabbi told the impatient guests that they needed ten men because of the general rule which is derived from Korach and the spies. Although there may be weddings that have their roots in such sinners, our ambitions and goals for marriage must be based on the exclusive pursuit of holiness, and for that reason we derive its laws from Boaz and Rus, the progenitors of the Davidic line of kings, and ultimately of Moshiach.

**Parsha Points to Ponder (and sources which discuss them):**

1. If a betrothed girl is raped in the field, the rapist is put to death but she isn’t punished, as it was against her will and although she screamed for help, there was nobody to hear her cries and rescue her (22:25-27). As the man may only be killed if he sinned in the presence of two witnesses who warned him, why didn’t the witnesses come to her aid, and how can the Torah say that there was nobody present in the field? (Moshav Z’keinim, Rav Chaim Paltiel)
2. If a man divorces his wife and she marries another man, her first husband is forbidden to remarry her even if her second husband divorces her or dies (24:1-4). How is it possible that a Jewish man would be permitted to remarry his Jewish wife that he divorced, even after she subsequently got married to a different Jewish man, and all marriages and divorces were in accordance with Jewish law? (Shulchan Aruch Even HaEzer 155:10)
3. The Torah teaches (24:5) that if a man marries a new wife, he does not serve in the army for one year. Rashi writes that this law only applies if his wife is new, but if he remarries a woman that he had previously divorced, he is not entitled to this exemption. If a man marries a woman and divorces her shortly thereafter, only to remarry her before one year has passed from their original wedding date, does he go out to battle? (Hagahos Rav Eliyahu Gutmacher Sotah 8:3, S’fas Emes)
4. Rashi writes (25:18) that the Amalekites took the foreskins of the male Jews and derisively threw them in the air to mock the mitzvah of circumcision. Why were they specifically opposed to this mitzvah more than to any other? (LaBris Habeit)

**Answers to Points to Ponder:**

1) **Rav Chaim Paltiel** answers that a river separates the witnesses from the act, such that they are able to warn the man and witness the sin but unable to save the woman. The **Moshav Z’keinim** suggests that the witnesses came in the middle of the sin, which was sufficient for the purposes of warning and testifying against the man but too late to save the woman.

2) The Torah allows a man who wishes to marry a minor girl to do so by betrothing her via her father. If her father is no longer alive, the Sages enacted a Rabbinical level of marriage which may be effected via the girl's mother or brothers. However, because this form of marriage is not Biblical in nature, the Sages also permitted the girl to end the marriage at any point before she becomes an adult through a procedure called מיאון, in which she verbally expresses her desire to end the marriage or accepts the betrothal of another man (Shulchan Aruch Even HaEzer 155:3). In a case where a man married a minor girl through her mother or brothers, divorced her, subsequently remarried her, and she then performed מיאון, the **Shulchan Aruch** rules that the מיאון annuls not only their present marriage, but also the divorce document that the man gave her to end their first marriage. As a result, if she proceeds to get married to a new husband after the מיאון, and her new husbands dies or divorces her, she would be permitted to once again get married to her original husband due to the fact that the מיאון renders his initial divorce as never having occurred.

3) **Rav Eliyahu Gutmacher** argues that it is clear that in this case, the man would be exempt from serving in the army since his remarriage occurred within one year of the time of his original marriage, which exempted him from serving in the army during that year on the condition that he is married, which he is once again. However, the **S’fas Emes** is uncertain about the law in this case, as perhaps the fact that he divorced his wife ended the one-year exemption to which he was entitled, and now that he is remarrying her, she is no longer a new wife who exempts him from army service.

4) **Rav Eliezer Ginsburg** cites the Gemora in Chagigah (9b), which teaches that there is a significant difference between somebody who reviews his studies 101 times and somebody who only reviews 100 times. He notes that the name עמלק can be read as עמל ק, meaning somebody who is only willing to work and study 100 times, not 101. In other words, they are unwilling to put in the necessary toil and hard work to improve and perfect themselves, preferring instead to relax and enjoy the pleasures of this world. The mitzvah of circumcision symbolizes that Jews are never content to accept themselves as they were created; we are constantly striving to change and to grow in order to actualize our potentials. Because this mitzvah runs counter to their very essence, the Amalekites opposed it with tremendous disdain.

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