

פרשת כי תבוא

The end of the year and the beginning of the year are separated by a hairbreadths of time. How do we see that transition? What is to be on our minds when the era of one year comes to its culmination and a new year, a new era, is about to have its breakthrough?

It would seem that, at its very beginning, Parshas Ki Sovo, with its two opening sections, is reminding us that the year is coming to its conclusion and we had better make an accounting.

The opening of our Parsha echoes a verse in Parshas Eikev where we read (Perek 11/Posuk 12):

אֶרֶץ אֲשֶׁר ה' אֱלֹהֵינוּ לִקְיָהּ דָּרַשׁ אֶתֶּהּ תָּמִיד עֵינֵי ה' אֱלֹהֵינוּ לִקְיָהּ בְּהַמְרֵשִׁית הַשָּׁנָה וְעַד אַחֲרֵית שָׁנָה:

[Eretz Yisroel is] a land that Hashem your G-d seeks; perpetually the eyes of Hashem your G-d are upon it, from the beginning of the year until the end of the year.

Rashi explains the final clause of the verse:

מרשית השנה - מראש השנה נידון מה יהא בסופה

From the beginning of the year until the end of the year – From Rosh Hashanah it is judged regarding what will be at its end.

Based on this Rashi I have learned the correct reply to the post-Yom HaKippurim question: ‘How was Yom Tov?’

Rashi has taught me that the correct response is, ‘I will let you know next Rosh Hashanah.’

Replies such as ‘davening was great’ do not honor the question. In fact, the question is out of place, unless it is meant to be shallow – inquiring if there were a lot of people in shul, ‘was the singing nice?’ or ‘did you listen to the Rabbi’s speech?’

Of course *Hilchos Teshuva* of the Rambam, *Sha’arei Teshuva* of Rabbenu Yona and *Mesilas Yesharim* all serve to guide us to the goal that at אַחֲרֵית שָׁנָה, the year’s end, we are able to look back and give thanks for all that has transpired.

However, we are certainly aware that *our* judgment is impaired when trying to perceive the meaning of Divine judgement. We are able to view events from our momentary perspective, a view that is terribly limited. What may seem to be good right now – may not be. And that which we understand to be misfortune may, in fact, hold much good for us.

What program does the Torah provide for us to envision a plan to correctly guide us from the year's onset until its close?

In fact, the two opening sections of our Parshas Ki Sovo serve that very purpose. It is not far-fetched to assume that their very juxtaposition serves as a message for the planning of our itinerary in time – how we will manage the upcoming year so that its outcome will be result of our best efforts.

The first section of our Parshas Ki Sovo deal with *Bikkurim*, a Mitzvah that is not operative, even *Mid'Rabbanan*¹, when there is no Beis HaMikdosh.

The Torah writes (D'vorim Perek 26/P'sukim 1-2):

וְהָיָה כִּי תָבֹא אֶל הָאָרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נֹתֵן לְךָ נַחֲלָה וַיִּשְׁבְּתָה וַיִּשְׁבְּתָה בָּהּ: וְלָקַחְתָּ מִמֶּנָּה כֹּל פְּרֵי הָאֲדָמָה אֲשֶׁר תִּבְּיֵא מֵאֲרָצָהּ אֲשֶׁר ה' אֱלֹהֶיךָ נֹתֵן לְךָ וְשָׂמְתָּ בַטֶּנָּא וְהִלַּכְתָּ אֶל הַמָּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ לְשָׁכֵן שְׁמוֹ שָׁם:

It will be when you come to the land that Hashem your G-d gives to you as an inheritance, and you inherit it and dwell in it. You shall take from the first

¹ Even when there is no Torah obligation regarding *Mitzvos HaTeluyos Ba'Aretz*, there is usually a rabbinic obligation to fulfill them. *Bikkurim* is unique in the fact that there is no rabbinic requirement.

The reason is, as we read in our Parsha (D'vorim Perek 26/Posuk 4), the service of the Bikkurim is to place them before the *Mizbeach*.

וְלָקַח הַכֹּהֵן הַטֶּנָּא מִיָּדְךָ וְהִנִּיחוֹ לִפְנֵי מִזְבֵּחַ ה' אֱלֹהֶיךָ.

The Kohen shall take the basket [of *Bikkurim*] and place it before the altar of Hashem your G-d.

There is no parallel requirement for any of the other *Mitzvos HaTeluyos Ba'Aretz*, commandments pertaining to the produce of Eretz Yisroel and that accounts for the distinction that Chazal did not require a rabbinic act to observe Bikkurim *biz'man ha'zeh*.

of the fruits of the ground that you will bring from your land that Hashem your G-d gives to you and you shall place it in a basket and you shall go to the place that Hashem your G-d will choose to have His Name dwell there.

Practically, this seems to be a daunting task. How is the farmer to know which of the hundreds and thousands of fruit was first? All of the grapes, all of the dates² look the same. How will meet this challenge?

Rashi, summarizing the Mishnayos in Masseches Bikkurim provides the answer. He writes:

מראשית - אדם יורד לתוך שדהו ורואה תאנה שבכרה כורך עליה גמי לסימן ואומר
הרי זו בכורים :

From the first – a person goes down into his field and sees a date that is beginning to bud – he wraps a tie around it as a sign and says, ‘This is *Bikkurim*’.

That is, it would be impossible to identify the first fruit on a tree will mature produce or in a field with mature crops. Therefore, the Torah obligates the farmer

² Rashi teaches us Chazal’s interpretation of the word **מראשית**, *from the first*, implying ‘not all of the first’:

מראשית - ולא כל ראשית, שאין כל הפירות חייבין בבכורים אלא שבעת המינים בלבד. נאמר כאן ארץ, ונאמר להלן (לעיל ח/ח) ארץ חטה ושעורה וגו', מה להלן משבעת המינים שנסתבחה בהם ארץ ישראל, אף כאן שבח ארץ ישראל שהן שבעה מינים זית שמן זית אגורי ששמנו אגור בתוכו ודבש הוא דבש תמרים:

From the fruit – but not all of the first. Not all fruit has a *Halachah* of Bikkurim – only the ‘seven species’.

[This is learned from a *gezeira shava*]. The Torah uses the word ‘*eretz*’ here and there when it writes ‘a land of wheat, barley, etc.’ Just like there we are told the seven species by which Eretz Yisroel is appreciated, here, too, it refers to the praise of Eretz Yisroel which are the seven species.

In the verse there, *olives of oil* refers to the juicy olive that contains much oil in it and *honey* refers to the honey of dates.

That verse, in Parshas Eikev, reads:

אַרְץ חֹטֶה וְשֵׁעֶרָה וְגֶפֶן וְתַאֲנָה וְרִמּוֹן אֶרֶץ זֵית שֶׁמֶן וְדָבָשׁ:

A land of wheat and barley and grapes and figs and pomegranates; a land of olives of oil and honey.

to be on the lookout for the appearance of the new fruit as the first ones make their appearance.

However, there is another aspect involved when designating this budding fruit as *Bikkurim*.

Fruit begins to blossom and bud in the early spring. Only as summer approaches does it grow, reach maturity and become ready to be harvested. That is why Chazal teach us that the complete fulfillment of the Mitzvah of Bikkurim is between Shavuos and Sukkos, as Rashi brings here at the end of the section.

We read there (Posuk 11):

וְשִׂמְחֶתָּ בְּכֹל הַטּוֹב אֲשֶׁר נָתַן לָךְ ה' אֱלֹהֶיךָ וּלְבֵיתְךָ אֶתְּהָ וְהַלְוִי וְהַגֵּר אֲשֶׁר בְּקִרְבְּךָ:

You shall be happy with all of the good that Hashem your G-d gave to you and your household; you, the Levi and the convert that is in your midst.

Rashi:

ושמחת בכל הטוב - מכאן אמרו אין קורין מקרא בכורים אלא בזמן שמחה מעצרת ועד החג, שאדם מלקט תבואתו ופירותיו ויינו ושמנו, אבל מהחג ואילך מביא ואינו קורא:

You shall be happy with all of the good – From here the Chachamim said that the recitation of *Mikra Bikkurim* – the Bikkurim Reading, is only at a time of happiness, from Shavuos until Sukkos because then a person gathers his produce, his fruit, his wine and his oil. But, after Sukkos, when he brings Bikkurim he does not do the reading³.

The complete fulfillment of the Mitzvah is when this blossoming bud becomes a fruit; it certainly is not yet a fruit when it has its tie-designation.

³ The Mishna in Bikkurim (Perek 1/Mishnah 7) writes:

מעצרת ועד החג מביא וקורא מן החג ועד חנוכה מביא ואינו קורא
From Shavuos to Sukkos he brings and reads. From Sukkos to Chanukah he brings and doesn't read.

See Rambam Hilchos Bikkurim Perek 2/Halachah 6.

It is not difficult to imagine what must go through the mind of the farmer when he places the tie on the would-be fruit. It is so far from maturity! What efforts must be expended in order that it will become a 'fruit' and be brought to the Beis HaMikdosh. The tree has to be tended to, watered, fertilized and protected. But, the farmer is well aware that no matter how much effort he expends, he cannot determine the outcome.

The world is greater than the farmer. There may be a drought, or a fire or locusts. There may be thieves or vandals. It is far from certain that this would-be fruit will reach its potential. And, of course, it is not this one fruit that is the sole focus of the farmer. It is his entire crop.

That is why Chazal's interpretation of a Posuk in Yeshaya is easily understood.

The Novi Yeshaya writes (Perek 33/Posuk 6):

וְהָיָה אֱמוּנַת עֲתִידְךָ חֵסֶן יְשׁוּעַת חֲכָמַת וְדַעַת יִרְאַת ה' הִיא אוֹצְרוֹ:

The faith of your times will be the strength of your salvations, wisdom and knowledge; the fear of G-d is his treasure.

Rashi explains there:

והיה אמונת עתידך וגומר - והיה לחוסן ישועות ולחכמה ודעת את אשר תאמין לבוראך עתים שקבע לך לתרומות ולמעשרות בעת הפרשתן ללקט שכחה ופיאה בעתם לקיים שמיטין ויובלות בעתם:

And the faith of your times etc. – It will for a strength of salvations, and for wisdom and for knowledge that you will have faith in your Creator regarding the times that He established for you for separating *Terumos* and *Maasaros* and for the gifts for the poor which they gather, and their rights to forgotten stalks and for the corner of the field left for them – to give all of them at their proper time and to fulfill the Mitzvos of Shemitta and Yovel in their times.

דבר אחר אמונת עתך - את שהאמנת בהקדוש ברוך הוא בעתים שעברו עליך וצפית לישועה היה לך לחוסן:

An additional explanation of the faith of your times – that you had faith in G-d in times past and that you anticipated His salvation –that is your strength.

Chazal (Masseches Shabbos 31 a) teach us that this verse hints at the *Shisha Sidrei Mishnah* – the entire *Shas*/Talmud. We read there:

אמר ריש לקיש: מאי דכתיב והיה אמונת עתיד חסן ישועות חכמת ודעת וגו' - אמונת
- זה סדר זרעים...

Reis Lakish said, 'What is the meaning of the verse "The faith of your times will be the strength of your salvations, wisdom and knowledge"? *Emunas* – Faith refers to *Seder Zeraim*.

Seder Zeraim is the first of the Six 'Orders' of *Shas*. Its first Masseches is *B'rachos* dealing with the Halachos of Shema, Tefila and B'rachos. The other *Massechtos* in that Seder deal with *Mitzvos Hateluyos Bo'oretz*.

Shema, Tefila and B'rachos are signs of faith. They are signs of faith to which we give utterance. The fulfillment of *Mitzvos Hateluyos Bo'oretz* indicates that our utterances are not mere lip-service. We practice what we preach!

Thus, Rashi writes in the context of the Gemara there:

סדר זרעים - שעל אמונת האדם סומך להפריש מעשרותיו כראוי.

Seder Zeraim – a person relies on his faith when he separates his *Maasaros* properly.

Tosfos make the point with even more emphasis. We read:

אמונת זה סדר זרעים - מפרש בירושלמי שמאמין בחי העולמים וזרע.

Emunas refers to Seder Zeraim – the Yerushalmi explains that a person believes in He Who Lives Forever and then he plants.

Now it is true that all of life should be an act of faith. However, as is evident to most of us, our daily activities are often rote and rarely express the knowledge that we have and the faith that we profess to have that G-d is guiding our every step.

The farmer expresses that faith in practice when he sows his field and plants his crops. He *knows* that he is not in charge and that were it not for *חי העולמים* he would have no chance for success whatsoever.

It is with background that we can now investigate what Chazal meant by *מקרא ביכורים* – the Bikkurim Reading and what that reading teaches us.

Our Parsha tells us explicitly what the one who brings his Bikkurim must say and we are familiar with these verses because they are a cornerstone of the *Maggid* section of the *Haggadah Shel Pesach*.

We read (D'vorim Perek 26/P'sukim 5-10):

וְלָקַח הַכֹּהֵן הַטֹּהַר מִיַּדְךָ וְהֵנִיחוּ לְפָנָי מִזְבַּח ה' אֲ...לְקִיר. וְעָנִיתָ וְאָמַרְתָּ לְפָנָי ה' אֲ...לְקִיר אֲרָמִי אֲבִד אָבִי וַיֵּרֶד מִצְרַיִמָּה וַיִּגַּר שָׁם בְּמִתֵּי מֶעֶט וַיְהִי שָׁם לִגְוֵי גְדוֹל עַצוּם וַיִּרְעוּ אֶתְנוּ הַמִּצְרַיִם וַיַּעֲנוּנוּ וַיִּתְּנוּ עָלֵינוּ עֲבֹדָה קָשָׁה: וְנִצְעַק אֶל ה' אֲ...לְקִי אֲבֹתֵינוּ וַיִּשְׁמַע ה' אֶת קוֹלָנוּ וַיִּרְא אֶת עֲנִיּוֹ וְאֶת עֲמָלָנוּ וְאֶת לַחֲצוֹנוּ: וַיּוֹצֵאנוּ ה' מִמִּצְרַיִם בְּיַד חֲזָקָה וּבְזֶרַע נְטוּיָה וּבְמַרְא גָדֹל וּבְאִתּוֹת וּבְמִפְתִּיּוֹם: וַיְבִיאנוּ אֶל הַמְּקוֹם הַזֶּה וַיִּתֵּן לָנוּ אֶת הָאָרֶץ הַזֹּאת אֶרֶץ זָבַת חֶלֶב וּדְבָשׁ: וְעַתָּה הִנֵּה הֵבִאתִי אֶת רֵאשִׁית פְּרֵי הָאֲדָמָה אֲשֶׁר נָתַתָּה לִּי ה' וְהֵנַחְתוּ לְפָנָי ה' אֲ...לְקִיר וְהִשְׁתַּחֲוִיתָ לְפָנָי ה' אֲ...לְקִיר:

The Kohen shall take the basket [of *Bikkurim*] and place it before the altar of Hashem your G-d. You shall raise your voice and you shall say before Hashem your G-d, 'Lovon the Aramean wanted to destroy my father Yaakov⁴ and he descended to Egypt and he sojourned there with a few people and there he became a great, powerful and large nation. The Egyptians dealt with us badly and they afflicted us and they placed hard work upon us. We prayed to Hashem our G-d and Hashem heard our voice and He saw our affliction and our toil and our pressure. And Hashem took us out of Egypt with a strong hand and with an outstretched arm and great awe, with signs and with miracles. He brought us to this place and He gave us this land flowing with milk and honey. And now, behold, I brought the first of the fruits of the land that You gave me, Hashem', and you shall place the basket before Hashem your G-d and you shall prostrate before Hashem your G-d.

This is what the one who brings Bikkurim to the Beis HaMikdosh recites. This is *מקרא ביכורים*, The Bikkurim Reading.

This is the *Mikro Bikkurim* that requires happiness and joy at its recitation. When one brings Bikkurim, the joy can be muted; but when one recites these verses the joy must be clearly evident.

Why?

⁴ This translation is according to Rashi's commentary on this enigmatic phrase.

Furthermore, since we remember that in the Haggadah, Chazal trace our history from the time of our forefathers to the Exodus based on these few P'sukim, with abundant exegesis on every few words, we must wonder what all of this has to do with Bikkurim.

Perhaps the answer has been given above. More than a modicum of belief is demanded from the farmer as he goes about his business of raising his crops. The experienced agriculturalist knows that his efforts can go only so far; the rest is in the hands of Heaven.

Does it seem like an act of futility to tie a band around a fledgling fruit and say that 'this will be gift to the Kohanim in the Beis HaMikdosh'? Even when there is a successful crop, not each and every fruit ripens and reaches maturity⁵.

⁵ This agricultural fact of life has an impact on *Hilchos Rosh Hashanah*.

In Shulchan Aruch, Siman 600, we learn about the Halachic implications of the unique phenomenon of the 2 day Yom Tov of Rosh Hashanah.

We know well that from the Torah, Rosh Hashanah, the first day of Pesach and its seventh day, Shavuos, the first day of Sukkos and Shmini Atzeres are all one-day Yomim Tovim.

Most of us are aware that in the time of Chazal it was difficult to communicate the occurrence of Rosh Chodesh because of the great distances of communities outside of Eretz Yisroel, and therefore people who lived far away would only receive a delayed report of when to observe the various Yomim Tovim of the *Shalosh Regolim*.

Because of this ongoing doubt, Chazal established *Yom Tov Sheini shel Goluyos*. A second day of the holiday which is only relevant for Chutz La'Aretz, and, hence, its name.

To the uninformed, *Yom Tov Sheini shel Goluyos* appears exactly the same as the *Yom Tov Rishon* which is Torah-obligated. It is treated as a new Yom Tov, distinct from the previous day to such an extent that the blessing of *Shehecheyanu* is recited in Kiddush. It is seen as a separate and independent day of Yom Tov, a new holiday in and of itself.

[We are reminded that the Seventh Day of Pesach is not a new Yom Tov; it is a continuation of the Pesach and thus no Shehecheyanu is recited. Of course, then, no Shehecheyanu is recited on the Eighth Day of Pesach either.

On the other hand, Sh'mini Atzeres is a Yom Tov distinct from Sukkos and thus *Shehecheyanu* is recited on that day and, of course, on the following day which is Simchas Torah.]

It is true that the two days of Rosh Hashanah seem to be identical for the uninitiated as well.

However, the rationale for those two days is not the same as that for *Yom Tov Shenishel Goluyos*. The Second Day of Rosh Hashanah is not a holiday '*shel Goluyos*' and thus it is observed in Eretz Yisroel as well.

The reason for this distinction of Rosh Hashanah is embedded in the fact that there is an inherent problem with this holy day.

Yom Tov begins at nightfall, but on Rosh Hashanah we do not know if it is Yom Tov until the next day.

Does that sound strange?

The explanation is that Rosh Hashanah occurs on Rosh Chodesh, the first of Tishrei. Rosh Chodesh is only proclaimed by the Beis Din during the day time of Rosh Chodesh. Sometimes it is proclaimed, based on the testimony of witnesses, on what would have been the 30th day of Elul and sometimes, in the absence of the sighting of the new moon and valid testimony, it is proclaimed on the following day.

Therefore, on the night following the completion of the 29th of Elul, people everywhere must begin observing the Yom Tov, not knowing if the Beis Din will make the morrow Yom Tov or not and, many times, they continued to the following day.

Because this phenomenon is one that is built-in, the two days of Rosh Hashanah are in a different category than the second days of Goluyos.

Those two days are termed **יומא אריכתא**, 'one long day'. There is a dispute, therefore, if *Shehecheyanu* is recited on the Second Day of Rosh Hashanah, both at Kiddush and for Tekias Shofar the next morning. Shulchan Aruch, together with the emendation of Rama, writes there in s'if 2:

בקיִדוש ליל שני (ילבש בגד חדש) או מניח פרי חדש ואומר שהחיינו; ואם אין מצוי (בגד חדש או פרי חדש עם כל זה יאמר שהחיינו).

For Kiddush on the second night of Rosh Hashanah (one should wear a new garment-Rama) or place new fruit on the table and say *Shehecheyanu*. If there is no (new garment-Rama) or new fruit that is available, he should recite *Shehecheyanu* anyway.

Mishnah B'rurah writes in s'if koton 4:

Why didn't the Torah say, 'When your crops grow bring a certain amount to the Beis HaMikdosh'? After all, that is what happens with Teruma and Maaser. *Davka*, they are only designated when they are fully grown and harvested, not while they are in their barely-infant stage.

Bikkurim, *davka*, are designated in the very beginning of their development.

When one brings Bikkurim to the Beis HaMikdosh it is a realization of something from nothing, almost. This 'nothing' has become mature, fully-ripened and complete. It seems impossible.

But so did then early history of Am Yisroel seem impossible. First it was Avraham alone, *Avraham Halvri* and then it was with just a few people - במתי מעט.

פרי חדש - במדינות שאין ענבים מצוין ומביאים ממקומות אחרים ועל פי הרוב הם בוסר אין ליקח אותם שיש בהם ספק ברכה שאינו יודע אם הגיעו לפול הלבן דאז מברכים עליהם בורא פרי האדמה וגם שהם חמוצים ואין לאכול דברים חמוצים בראש השנה וגם מה שלא נגמר פרויו אינו סימן טוב ובמעשה רב כתב דאין לאכול ענבים בראש השנה (והטעם על פי סוד).

A new fruit – in these countries (Northern Europe) where grapes are not found and they are brought from other places and in most cases they are *boser* not fully developed, they should not be taken [for *Shehecheyanu*] because there is a doubt as to the proper blessing to make on them. Perhaps they have not reached the size of the 'white bean' [which *would* be the size to make them eligible for *Borei P'ri Ho'eitz*] because then [when they are undersized] the blessing is *Borei P'ri Ho'adomoh*.

Another reason not to take these undersized grapes is that they are sour and one should not eat sour things on Rosh Hashanah.

Furthermore, a reason not to eat them on Rosh Hashanah is that the fruit is not fully developed [even if it reached the threshold size of the 'white bean'] and that would not be a good *siman* on Rosh Hashanah.

In *Maaseh Rav* [the sefer that discusses the practices of the Vilna Gaon] he wrote that one should not eat grapes at all on Rosh Hashanah [and the reason is from the *Kabbalah*].

And then Israel began to bloom, as another verse, this time from Yechezkel HaNovi, and so attuned to *Bikkurim*, that is brought in the Haggadah reads (Perek 16/Posuk 7):

רַבְּבָה כְּצִמְחַח הַשָּׂדֶה נִתְתִּיךָ וְתִרְבִּי וְתִגְדְּלִי וְתִבְאִי בְעֵדֵי עַדִּים שְׂדֵים נִכְנֹו וְשִׁעְרְךָ צִמְחַח
וְאֵת עֵרוֹם וְעִרְיָה:

I have made you into multitudes, like the plants of the field; you became many and you grew and you came into beauty as your body began to mature⁶, but you were still devoid of clothing.

What does it mean that ‘you were still devoid of clothing’? Rashi explains:

ואת ערום ועריה - מן המצות:

You were devoid of clothing – You had no Mitzvos.

The fruit of this palm tree will have many Mitzvos in a number of months. When it grows to maturity it will have the Mitzvos of the separation of *teruma*, *maaseros*, *pe’ah* and more performed on it. But what will happen until then?

In Egypt we began being clothed with the Mitzvos of Bris Milah and Korban Pesach. This plant begins being clothed in its initial stages by *Bikkurim*.

By bringing *Bikkurim* our crop owner says, ‘Even though I am historically distanced from the Exodus, I have observed the parallel process of growth and maturity from an ‘impossible’ beginning in my own home, in my own field.

When I bring *Bikkurim*, I attest to the ‘impossible’ history of Israel.

That is how our year is to begin.

We begin with nothing. We are judged anew at the beginning of the year. We start from the beginning. We are like a newborn child, like a fruit that has yet to grow. The future awaits us – it seems overwhelming and preposterous.

Then we remember that we bring our *Bikkurim* which we pray will imitate the *Bikkurim* of Am Yisroel.

And what are we to think at the end of the year?

⁶ The precise translation, together with Rashi’s explanation, describes the physical maturity of the almost adult young woman which is the *moshol* that the Novi uses here for Israel.

The second section of our Parsha has a second recitation. Its name is וידוי מעשרות, the Confession of Maasros.

When is this recitation made? We read

כִּי תִכְלֶה לַעֲשֹׂר אֶת כָּל מַעֲשֵׂר תְּבוּאָתְךָ בַשָּׁנָה הַשְּׁלִישִׁת שָׁנַת הַמַּעֲשֵׂר וְנִתְּתָה לְלוֹי
לִגֵּר לַיְתוּם וְלֵאלֵמָנָה וְאָכְלוּ בְשַׁעְרֶיךָ וְשָׂבְעוּ:

When you will complete tithing⁷ all the tithes of your produce in the third year, the year of Maaser; you will give it to the Levi, the convert, the orphan and to the widow and they shall eat within your gates and be sated.

To understand this verse, and before seeing Rashi, we need to have an introduction.

The seven-year Shemitta cycle has two sub-groups, each three years long. In each of these subgroups, Terumah that goes to the Kohen is given annually and Maaser, the tenth, is given to the Levi. It is given annually as well.

In the first and second years of each of the subgroups, that is years 1, 2, 4, 5 an additional Maaser, tenth, is separated and is called Maaser Sheini⁸. Maaser Sheini is eaten in Yerushalayim.

In the third and sixth years, i.e. the final year of the two subgroups, Maaser Sheni is not given. In its place, Maaser *Oni*, a tenth for the poor, is separated and given to them.

Since the verse is speaking about the third year, we understand the identification of שנת המעשר, the year of *the Maaser*. Rashi explains:

שנת המעשר - שנה שאין נוהג בה אלא מעשר אחד משני מעשרות שנהגו בשתי שנים שלפניה,

The Year of the Maaser – a year in which only one of the two *maasros* of the previous two years applies.

⁷ In many instances ‘maaser’ is used as an encompassing term for all of the separations that must be done to allow the produce to be consumed.

⁸ The yearly Maaser given to the Levi is often referred to as Maaser Rishon, so that the distinction is clear.

When does one complete separating the *Maasros* of the third year? The answer is simple – not until well into the following year, the fourth and seventh years of the Shemitta cycle.

The reason is that fruit that began budding in year three is considered to ‘belong’ to year three and its produce will only be usable, and thus eligible for tithing, after it is fully grown and harvested.

Thus Rashi writes:

כי תכלה לעשר את כל מעשר תבואתך בשנה השלישית - כשתגמור להפריש מעשרות של שנה השלישית, קבע זמן הביעור והיודי בערב הפסח של שנה הרביעית

When you will complete tithing all the tithes of your produce in the third year – When you complete separating the Maasros of the third year, set a time for the biur – destruction and the viduy – confession on Erev Pesach of the fourth year.

By the time Erev Pesach of the fourth and seventh year arrives, all fruits and produce have been eligible for tithing.

Although the various separations should have been completed in their proper time, the Torah requires that a person either finishes separating that which must be separated or do בעור as Rashi wrote. That בעור is the destruction of the produce from which the separations had not yet occurred.

When the individual has followed all of the Mitzvos of separation, he is eligible to recite the ensuing verses in the Torah that are referred to as מעשרות וודי, the Confession of Maaser.

The recitation is found in the following verses (13-15):

וְאָמַרְתָּ לִפְנֵי ה' אֱלֹהֶיךָ בְּעֶרְתִּי הַקֹּדֶשׁ מִן הַבַּיִת וְגַם נָתַתִּיו לְלוֹי וְלִגֵּר לִיתּוֹם וְלְאִלְמָנָה כָּכֹל מִצְוֹתֶיךָ אֲשֶׁר צִוִּיתֵנִי לֹא עֲבַרְתִּי מִמִּצְוֹתֶיךָ וְלֹא שָׁכַחְתִּי: לֹא אָכַלְתִּי בְּאֲנִי מִמֶּנּוּ וְלֹא בְּעֶרְתִּי מִמֶּנּוּ בְּטָמֵא וְלֹא נָתַתִּי מִמֶּנּוּ לְמֵת שְׂמֵעֵתִי בְּקוֹל ה' אֱלֹהֵי... לִקִּי עָשִׂיתִי כָכֹל אֲשֶׁר צִוִּיתֵנִי: הַשְּׂקִיפָה מִמַּעַן קֹדֶשְׁךָ מִן הַשָּׁמַיִם וּבִרְךָ אֶת עַמְּךָ אֶת יִשְׂרָאֵל וְאֵת הָאֲדָמָה אֲשֶׁר נָתַתָּה לָנוּ כְּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְרָהָם וְאַרְצָה זָבַת חֶלֶב וְדָבָשׁ:

You shall say before Hashem your G-d, ‘I have destroyed that which was sanctified from the house and I also gave it to the Levi, the convert, to the

orphan and to the widow according to all of your commandment that You commanded me; I did not transgress Your Mitzvah and I did not forget. I did not eat from it when I was a pre-mourner at the death of my immediate family⁹ member and I did not consume it at a time of impurity; and I did not give it for the use of a dead body; I adhered to the voice of Hashem my G-d; I did according to all that You commanded me.

Look down from Your holy abode from the Heavens and bless Your People, Israel and the land that You gave us as You promised to our fathers, a land flowing with milk and honey.

Rashi explains that each statement of what the individual did or didn't do refers to a specific aspect and the sundry Halachos of the various separations that he had to perform.

Our question begs to be raised. What type of *viduy*-confession is it when a person goes through a comprehensive list and at each point he says, 'I did this correctly and I did that correctly'?

The confessions that we know, that we will soon recite during Selichos and with particular fervor on Yom HaKippurim, are a litany of all that we did wrong.

In fact, the authorities discuss whether a person can omit a particular *Al Cheit* when he knows that was not one of his violations.

⁹ The term *אני*, pronounced *o'ni* refers to a person who lost a member of his immediately family who has not yet been buried. During that period following death until burial has been completed, the individual is expected to put in all of his efforts to effect the burial as soon as possible. This state, prior to *aveilus* which commences when the burial is completed is called *אנינות* and the one who is in *אנינות* is called an *אונן*.

An *onen* is exempt from most Mitzvos Aseh including davening, recitation of Shema and B'rachos. A male *onen* does not put on Tefillin (although he wears Tzitzis).

Since Chazal (Masseches Sanhedrin 46 a) say that the sense of *aninus* is deeply embedded within an individual:

אין אנינות אלא בלב

Aninus is only in the heart

It would have forbidden to eat these separated gifts when the antithesis of happiness prevails.

But, in מעשרות ודוי the theme is 'I did nothing wrong'. How are we to understand it? What 'confession' is being made

My sainted Rebbe, Rav Mordechai Rogov Zecher Tzaddik V'Kodosh Livracha, discusses this question in his *Sefer Ateres Mordechai Al HaTorah* (Parshas Ki Sova #2) and offers the following explanation:

...כח ישראל הוא שאפילו בשעה שהוא עושה דברים הכי טובים מכל מקום לא די שאינו מתגאה בהם ואינו דורש שום כבוד וגדולה עבור מעשיו הטובים אלא שמחפש ובודק...שאולי לא יצא כל חובתו בקיום מצותו.

The strength of Israel is that even when we do things in the very best way, nevertheless, not only are we not haughty about them and do not seek honor or greatness for our good deeds but we seek and check – perhaps we did not fulfil completely our obligations in the observance of the Mitzvah.

Thus, the 'confession' that is being made says that we are aware that we may fall short of perfection.

We can understand the special dedication to Mitzvos that Tzaddikim have. We can understand that their approach to Mitzvah observance is uniquely scrupulous. They believe in the Mishnah in Ovos (Perek 2/Mishnah 16) where Rabi Tarfon teaches:

לא עליך המלאכה לגמור ולא אתה בן חורין ליבטל ממנה

You are not obligated to finish the work but neither are you absolved from the obligation to work at it.

They believe in the Mishnah and act to fulfill its dictum.

But, this principle of complete and non-defective fulfillment could be attached to any Mitzvah in the Torah. For those who wish to make the ultimate attempt in Mitzvah accomplishment, the goal is the same for all 613 commandments. Why is the point made here and why was *Vidui Maasros* chosen to be the specific medium of this lesson?

I believe that there is a message by the placement of this principle in its particular place, a Mitzvah that occurs at the completion of a process, following a Mitzvah that occurs at the very beginning of a process, Bikkurim.

The farmer demonstrated his faith in G-d when he designated his first fruit and he gave expression to that faith at the recitation of **מקרא ביכורים**.

Now he has a different type of accomplishment. When he brought his *Bikkurim* he celebrated his harvest. His hard and grueling work paid off; he was successful.

In the instance of *Viduy Maasros*, however, the situation is very different. There are no economic accomplishments whatsoever. His accountant will tell him that he paid more than 20% of his income by giving all of the gifts over the past three years and the small amounts that may have been leftover must be destroyed.

We can appreciate that the average person may have some mixed or negative inner feelings about giving away so much of his hard-earned revenue. If he is able to overcome those feelings then he may wish to give himself a pat on the back and make it very well-known how great his dedication is. He may publicize his actions and attitude and hope that others will give him that pat on the back as well.

And that is the lesson of this unique *Viduy*-confession.

The words that are spoken are words of accomplishment. They bespeak of a person who faced challenges and met them successfully. They indicate a person with uncommon dedication and a willingness to realize his obligations completely.

The declaration that he makes is about success, outstanding success, without any failure at all.

However, that declaration is wrapped in an envelope of *Viduy*. What does this name of 'confession' teach?

The lesson is clear. We can know that we have achieved – that is the gist of what we say. At the same time, though, we cannot rest on our laurels.

We need to look forward to new challenges and ask the Ribbono Shel Olom to continue to provide us with the strength, determination and will to meet the future in the same way as we have stood up to the past.

And thus, the wonderful prayer that this 'penitent' speaks before HaKodosh Boruch at his confession's close:

הַשְׁקִיפָה מִמַּעוֹן קִדְשְׁךָ מִן הַשָּׁמַיִם וּבְרַךְ אֶת עַמְּךָ אֶת יִשְׂרָאֵל וְאֵת הָאָדָמָה אֲשֶׁר נִתְּנָה
לָנוּ כְּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְתֵּינוּ אֶרֶץ זָבַת חֶלֶב וּדְבַשׁ:

Hashem, look upon us with favor from the very source of holiness; bless us so that we may continue to serve You and bless the Land that You gave us as a means to serve You as we continue the path that our *Ovos* have set for us in a Land overflowing with blessings and bounty.

Shabbat Shalom

Ksiva Vachasima Tova

Rabbi Pollock