

Drash

September 21, 2024

Parshat Ki Tavo (first yahrzeit of my dad, Ellis Katz)

It is an honor to stand here today to share my first ever drash in memory of my father, Ellis Katz (Elya ben Yacheel haKohain v Faiga). My dad was a professor of Political Science and his dedication to our system of government and the role of the Supreme Court permeated my childhood in Philadelphia. He had two main areas of expertise: Civil Rights and Liberties and Federalism. It wasn't until I began researching and thinking about this drash that I saw their connectedness. Civil Rights and Liberties is about the balance between the rights of the individual and the needs of the community whereas Federalism is about the balance of the rights of the states and that of the needs of the new Federal government. My dad was a big believer in our system of democracy and how our founding fathers envisioned and debated over how this was all going to play out. I kinda of think of it the way the rabbis argued and discussed our Jewish laws in the Tallmud.

Now, he also wasn't a big attender of synagogue life until my folks moved to Florida, and he retired. At that point he used his academic skills to volunteer as the Adult Ed coordinator for several years. And, as I age, I realize that while the discussions around the dinner table were about Supreme Court cases and the interpretation and implementation of the Constitution, he actually lived quite a life of Torah life and I am going to try and find the connection with him and this parsha, Ki Tavo.

Ki Tavo opens with Moshe still talking to Am Yisroel. He is instructing them about bringing the first fruits. We are to make sure we recognize that all that we have is a gift from haShem. The Israelites were to ask that the priests say, “We remember when we were slaves in Egypt. We remember how God brought us to freedom with a strong hand and outstretched arm, with signs and miracles. You, God brought, us to this land flowing with milk and honey. And now I have brought these first fruits that you, God, have given me.’ We are to feed the Levites, strangers, widows and orphans and after 3 years we ask haShem to bless the soil. And at this time, we become a holy people.

Then comes the contract details. We commonly think of them as the Blessings and Curses.

I read many commentaries on this Parsha in preparation for this morning. One of the themes was about taking on this agreement with a full heart and that how we do the mitzvot is actually quite important and counts for something. I liked that. It is all about intention, something I am working on in my personal life. But this drash is an attempt to connect my dad to this parsha so I am going to go in a different direction.

According to Baruch Sternam, a contributor from Lehrhaus - which is an online forum to generate thoughtful and dynamic discourse

among individuals within the Orthodox community, Baruch titled his commentary on Parshat Ki Tavo: The Curse of the Law. He argues that this parsha presents that the last 12 curses are a general catch-all coming after a list of very specific transgressions. Chapter 27 verse 26 states that “Cursed be he who will not uphold the terms of this teaching and observe them. -And all the people say Amen.

This is the agreement between haShem and Am Yisroel. It is a contract. When I read this contract, I often wonder how we still exist because how could it be possible that Am Yisroel will never falter, never break the contract, never sin. The curses seem so awful and dire. Barach Sternman suggests that it would appear, then, that sooner or later, the curse in Deuteronomy would be leveled against every single Jew. He argues that even Rashi and Ibn Ezra believe these curses to be straightforward. Then he brings in the Rambam who begins his argument by quoting Rashi followed by his own innovative explanation:

Paraphrasing Rambam here, the curse is not for the person who makes an individual sin like eating pork due to desire or weakness or not fulfill the mitzvah of the lulav and etrog due to laziness, clearly that person has made a transgression of the law. That person is expected to repent as they believe by and large in the overall system and admits that observing the commandments is the proper thing to do. A run of the mill sinner, like me and maybe you, are not the object of the curse because no human on Earth can live up to a level of perfection entirely free from sin, misjudgment, lapse of moral or

religious fortitude or downright weakness, or negligence. These types of faults make us human and not cursed.

The curse, it is argued, is for the person/people who lose their faith in the system, one who rejects the eternal validity of the system. A person who will create a new system or revert to an older system. I believe that that Judaism always offers us a path to tsuvah, a process to find our way.

This is the connection I can make with my dad and Ki Tavo. Many believe that our system of democracy has its roots in the bible. Our Torah was really as revolutionary in how people lived their lives as our Constitution was for our new nation to leave the monarchy. My dad spent his professional life learning and then teaching all over the world about our system of Federalism. He believed that the role of the courts was to look at the laws and interpret them to each generation for if we were stagnant, we could not evolve as a country. This in a way was his idea of tsuvah. And with his deep belief in the system, he stayed within the system.