

BS"D



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## INTERNET PARSHA SHEET ON **BAMIDBAR** - 5766

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From: [sefira@torah.org](mailto:sefira@torah.org)

Subject: [Sefira/Omer] Day 44 / 6 weeks and 2 days

Tonight, the evening of Friday, May 26, will be **day 44, which is 6 weeks and 2 days of the omer.**

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<http://www.anshe.org/parsha/bamidbar.htm>

### **Parsha Page by Fred Toczek**

A survey of parsha thoughts from Gedolei Yisroel compiled by Fred Toczek. Perfect for printing and use at your Shabbos tisch.

BAMIDBAR 5757 & 5762

#### I. Summary

A. A Census Is Taken. During the second year after the Exodus, Hashem commanded Moshe and Aaron to conduct a census of male Israelites ages 20-60 (i.e., who were liable for military service). The census revealed 603,550 such men (Levites were excluded because of their special duties in connection with the Mishkon (Tabernacle)).

B. The Encampment. The camp was arranged in a quadrilateral, with the Mishkon in the center, and protected on all four sides by the tents of the Levi'im. The twelve tribes were divided into four groups, each bearing the name of the leading tribe, around the perimeter.

C. The Duties of the Levites. Originally, Hashem selected the first-borns to perform His holy services; however, following the Golden Calf, this coveted task was entrusted solely to the Levi'im (who had remained faithful to Hashem). Therefore, Hashem commanded Moshe to appoint the Levi'im (who then numbered 22,300) to Mishkon service under the supervision of Aaron and his sons. Each of the three Levite families were assigned separate tasks: (a) the Gershonites were responsible for transporting the Mishkon coverings; (b) the Kohathites were to carry the Ark, the Shulhan (Table), Menorah and Altars (and were warned not to touch or even look upon these sacred objects, which were covered by Aaron and his sons prior to being moved); and (c) the Merarites were entrusted with transporting the boards, pillars, bolts and sockets. Aaron's son, Elazar, was the general supervisor of the Mishkon, watching in particular over the oil, incense, Mincha offering and anointing oil.

#### II. Divrei Torah

#### **A. LilMode U'ilamed (Rabbi Mordechai Katz)**

1. The humility of the desert. This Parsha (and the entire fourth book of the Torah) is entitled "Bamidbar" (desert) since Hashem promulgated His laws to the Jews in the desert. The desert impresses upon us the importance of humility -- just as the desert consists only of sand, we are composed merely of dust. However, just as the desert was transformed into a holy spot by the appearance of the Divine Presence, so too can man become a source of greatness if he allows his spiritual spark to dominate his actions.

2. Yissachar and Zevulun. Why does the Parsha conjoin the list of all of the tribes' names with an "and", except for the names of Yissachar and Zevulun? Because of their unique relationship -- Yissachar were outstanding Torah scholars, who often lacked sufficient time to earn a living to support themselves and their families; Zevulun were successful merchants, who used their wealth to support Yissachar's Torah study. Each of their efforts were indispensable to the others' and their reward is the same. Rabbi Chaim Shmuelevitz commented that just as those who support Torah study financially have the merit of the Torah study of those they support, so too does anyone who influences another to study Torah share in that person's merit.

#### **B. Growth Through Torah (Rabbi Zelig Pliskin)**

1. Humility enables you to learn from everyone and teach everyone. As noted above, the desert symbolizes humility. As the Midrash teaches, "whoever does not make himself open and free like a wilderness will not be able to acquire wisdom and Torah." This, comments Matnos Kehunah, refers to being humble enough to learn from, and teach, everyone.

2. Make your descendants proud of you. "And you shall be one man from each tribe, each man should be the head of his family." Rabbi Moshe Chaifetz says that this teaches us that we each should be the head of our family's lineage -- rather than boasting about our prominent lineage, we should be an elevated person in our own right and someone whom our descendants are proud to consider their ancestor.

#### **C. Kol Dodi on the Torah (Rabbi Dovid Feinstein)**

The importance of each individual. "Count the heads of all the congregation of the Children of Israel . . ." The reference to "count the heads" literally means "raise the heads", highlighting the fundamental importance that Judaism attaches to each individual (not only a member of the Jewish people, but as an individual as well). (Ramban notes that this also suggests that, if the Jews are worthy, they will be uplifted.)

#### **D. Majesty of Man (Rabbi A. Henach Leibowitz)**

The Value of each Jew. As noted above, the census underscores each Jew's value. Ramban further explains that Hashem's command to Moshe to count the "number of the names" means that he was to count each Jew with honor and dignity (i.e., rather than simply asking the head of each household for a "head-count", each person was to pass before Moshe with honor). When dealing with others, we must remember that every person is unique and valuable and, as the Talmud teaches, worthy of the entire world existing for his/her sake.

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[[torahweb@torahweb.org](mailto:torahweb@torahweb.org)] Sent: May 23, 2006 8:55 PM To:  
[weeklydt@torahweb2.org](mailto:weeklydt@torahweb2.org) Subject: Rabbi Mordechai Willig - Above the Law

The HTML version of this dvar Torah can be found at:  
<http://www.torahweb.org/thisWeek.html>

**Rabbi Mordechai Willig**

Above the Law

I Nadav and Avihu died before Hashem when they offered an alien fire before Hashem, and they had no children (Bamidbar 3:4). Four times the Torah mentions the death of Nadav and Avihu, as well as their sin. This indicates that this was their only sin, so that people should not say that they committed terrible sins secretly for which they were punished (Yalkut Shimoni 624).

Why was the Torah afraid that people would suspect Nadav and Avihu of "ma'asim mekulalim baseiser," of hidden destructive acts? Apparently, prominent individuals sometimes consider themselves above the law. Nadav and Avihu were considered greater than Moshe and Aharon (Rashi Vayikra 10:3). Their untimely death, despite their outward greatness, aroused suspicion of clandestine indiscretion (see Shabbos 13b). The Torah testifies that their only sin was the offering of an alien fire.

II Remarkably, the Yalkut Shimoni proceeds to enumerate an entire series of causes that led to Nadav and Avihu's death. While this may represent a Midrashic dispute, the Yalkut may be suggesting a series of character flaws which led to the single sin and the ultimate tragedy.

Let us begin with the causes based on the last phrase of the aforementioned pasuk in Bamidbar - and they had no children. One who is blessed with children has a greater sense of responsibility and is less inclined to make reckless mistakes. Perhaps if Nadav and Avihu had children, they would not have taken chances. The risk of leaving behind orphans might have prevented their sin.

R' Levi said that Nadav and Avihu never married. Many women were waiting for them, but they said "our uncle (Moshe) is the king, our uncle (Nachshon) is a prince, our father (Aharon) is the kohein gadol, we are his assistants, what woman is worthy of us?"

While we must approach biblical giants with appropriate deference, the Yalkut is clearly teaching us lessons for all generations. Greatness, whether inherited or achieved, can breed arrogance. This negative trait, which prevented Nadav and Avihu from getting married and having children, convinced them that they were above the law forbidding alien fires. Moreover, a wife, to whom they would be accountable, could have saved them from their fatal decision (see Sanhedrin 109b).

III Failure to consult contributed to the death of Nadav and Avihu as well. The Yalkut teaches that they did not consult Moshe Rabbeinu or respect their father Aharon. In addition, they issued halachic rulings in the presence of their rebbe, a sin punishable by death.

Moreover, their greatness led them to grossly inappropriate impatience. "Moshe and Aharon were walking ahead. Nadav and Avihu walked behind them and said, 'when will those two elders die so that we can rule in their place.'"

While another view holds that they did not verbalize these thoughts, their attitude led them to their fatal error. Nadav and Avihu, despite, or perhaps because of, their greatness, did not know their place - in the mishkan or in the hierarchy of leadership.

Finally, and most incredibly, Nadav and Avihu did not consult one another. Each entered the innermost sanctum (kodosh hakodoshim, Zayis Ra'anani on the Yalkut, no. 17) independently. The Midrash implies that had they consulted one another they would not have sinned.

Even consulting a peer provides a measure of humility which could have prevented their misdeed. A discussion of the plan might have revealed the dangers inherent in it, which were overlooked in the individual and private musings of Nadav and Avihu. In addition, each brother may have brought the alien fire in an attempt to be the greatest kohein. The knowledge that they would have to share this status would likely have averted the disaster altogether.

IV Notwithstanding the character flaws detailed in the Yalkut Shimoni, the basic desire to offer the alien fire stemmed from an unquenchable thirst for greater ahavas Hashem. This led Nadav and Avihu

to cross the boundaries of halacha and bring an unauthorized ketores. A similarly fatal mistake was made by the two hundred and fifty men who offered the ketores when Korach rebelled. Their desire for closeness to Hashem was so strong that they were willing to give up their lives (Netziv Vayikra 9:6, Bamidbar 16:1).

Nadav and Avihu were concerned with their own spiritual advancement. As they tried to raise themselves above the klal, Hashem's name was sanctified through them as they were separated from the klal (Meshech Chochmo Vayikra 10:3).

As we strive for spiritual growth, we should do so in order to better serve Klal Yisrael, by teaching and by example. This attitude instills the requisite humility which prevents the violation of halachic boundaries. Indeed, no man is above the law.

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From: [RabbiWein@jewishDestiny.com](mailto:RabbiWein@jewishDestiny.com) Sent: May 25, 2006 10:21 AM  
Subject: Rabbi Wein's Weekly Columns

With enormous sorrow the Wein family tells of the **passing of our wife**, mother, sister, grandmother, great-grandmother **Rabanit Yocheved 'Jackie' Wein z"l**. The funeral will take place Friday morning, May 26, at 10:00am Beit Knesset Hanassi 24 Ussishkin, Jerusalem. Buses to Har Hazeitim. Shiva will be observed at 15 Ben Maimon, Jerusalem through Tuesday night May 30, and in Woodmere, NY, Monsey, NY, and South Bend, Indiana on May 31 and Thursday morning Erev Shavuot. Baruch Dayan Haemet

**Rabbi Berel Wein** Rabbi Avraham Chaim Levin sitting shiva in Chicago, IL. Rabbi Yisroel and Miriam Gettinger Rabbi Chaim Zvi and Esti Wein Rabbi Yonah and Dena Gewirtz Rabbi Moshe and Sori Teitelbaum For information 0528-339-560

From: **Rabbi Berel Wein** [[rbwein@torah.org](mailto:rbwein@torah.org)] Sent: May 24, 2006 6:07 PM  
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Jerusalem Post 28 Iyyar 5766 / May 26, 2006

O! JERUSALEM

Perhaps no other city in human history has been as contested, fought over, destroyed and rebuilt as many times as Jerusalem. A Jebusite fortress, it resisted Jewish attempts to conquer it for hundreds of years until finally succumbing to King David. He made it the capital of Israel and the prophets Gad and Natan confirmed that this was the place that G-d had chosen for His Temple and resting place on earth, so to speak. The First Temple was destroyed by the Babylonians. The city then lay in ruins and eventually was populated by Samaritans and other tribes that then were drawn to live in the Land of Israel. After seventy years of Babylonian exile, the Jews led by Ezra and Zerubavel returned.

Their attempt to rebuild the city of Jerusalem was violently opposed by the Samaritans and was subtly undermined by the ruling Persian authorities as well. However, under the leadership of Ezra and Nechemia, with one hand on the spear and the other on the trowel of the brick, the walls of the city were rebuilt, the Temple came into being (although in a rather humble form) and the Jews repopulated Jerusalem. In the time of King David the city was south of the Temple Mount. In Second Temple times, most of the city lay west of the Temple Mount. But Jewish sovereignty and hegemony in the city was to be relatively short-lived.

Alexander the Great spared the city destruction in his victorious campaign in the Middle East. However, the Land of Israel was under effective Greek control. It was the central point of the wars between the successors of Alexander, the Ptolmies in Egypt to the south and the Selucids to the north in Syria. After the successful Hasmonean rebellion against the Selucids, the city once again was in Jewish hands and the Temple was greatly

refurbished and sanctified. The internecine wars of the Hasmoneans amongst themselves brought Rome into the picture and in 63 BCE the city fell to Pompeii and his Roman legions.

The Romans did not then destroy the city or the Temple but Jewish national autonomy was effectively ended by the appointment of Antipater and later his son, Herod, as the rulers of Judea and Jerusalem. Herod was a great murderer but he was also a great builder. He made Jerusalem a city of splendor and the Temple that he completely rebuilt was one of the wonders of the ancient world. Vast numbers of tourists flocked to Jerusalem to see its marvels and greatness. But the Jewish rebellion against Roman rule ended in defeat in 70 CE, Jerusalem was sacked by the Roman army and the Temple burned.

A later rebellion against Hadrian in 135 CE also ended in failure and then the Romans razed the city to the ground, plowed under the ruins of the Temple and renamed the city Aelia Capitalina. A generation later Jews returned to Jerusalem and began to rebuild it, though the main Jewish population in the Land of Israel was now centered in the Galilee.

With the fall of the Roman Empire, Jerusalem was taken over by the Byzantine Church and many Christian places of worship were built in the city. Relatively few Jews were allowed to live in Jerusalem during Byzantine times and in fact the main center of Jewish life was now located in Babylonia and no longer in the Land of Israel at all. In the seventh century the Moslems overwhelmed the Byzantines and Jerusalem, a city not mentioned even once in the Koran, fell under Islam. The Moslems built great mosques in the city, including the Mosque of Omar with its golden dome on the Temple Mount. In the eleventh century the Crusaders conquered Jerusalem, slaughtered its small Jewish population and converted the mosques into churches. In the thirteenth century, under the rule of Saladin, the Crusaders were driven from Jerusalem and the Jews were allowed to reenter the city, albeit as a second-class dhimi community. In 1267, Rabbi Moshe ben Nachman (Ramban) appears in Jerusalem but is hard pressed to find a minyan of Jews for prayer. In the sixteenth century, many Spanish exiles came to live in Jerusalem. But it is in the eighteenth century that substantial numbers of Jews, both Ashkenazic and Sephardic come to settle in Jerusalem.

By 1846, the Jews were the majority population in Jerusalem. Over the past one hundred sixty years Jerusalem has seen many rulers – Ottoman Turks, British High Commissioners, Jordanian rulers and finally Jewish sovereignty restored. One hopes that this is really the end of the story and that only the Temple Mount remains to be restored to its original God-given purpose. Yet the fact that we are able to live in Jewish Jerusalem today under our own sovereignty should certainly be a source of joy and hope for all of us.

Weekly Parsha 28 Iyyar 5766 / May 26, 2006

BAMIDBAR

<http://rabbiwein.com/modules.php?name=News&file=article&sid=2051>

The count of the people of Israel and the recording of the names of the leaders of its tribes, which forms the major part of this week's Torah reading, is especially poignant and bittersweet. We, the listeners to the parsha, know in advance that all those counted and named, with few exceptions, are doomed to die in the desert, never to reach the Land of Israel. The Torah also knows that. So why did the Torah bother to take up so much space in recording for us in detail all of these matters and names when at the end of the day they apparently serve no purpose in the development of the Jewish people and the conquest and settlement of the Land of Israel?

As far as I am able to see, the major commentators to the Torah deal with this problem only in an oblique and indirect fashion. I am not presumptuous enough to tread here on ground that the greats of Israel in the past have apparently avoided. Yet, I think that there is here a great and important relevant message to us and to all generations of Jews. And that is that one should realize the tragedy of opportunity and inherent greatness squandered

and brought to naught. Wasted potential is a tragic thing and in national affairs it is often the deciding weakness that dooms a people. The careful detailing of the numbers and names of the generation that died in the desert emphasizes to us the tragedy of what could have been and the failure to achieve that goal.

Implicit in Judaism's idea of free will and free choice for human beings is the fact that the Lord presents us with opportunities. In His omniscience, He is aware of what use man will make of those opportunities. But as Maimonides explains, God's foreknowledge of the results of our choices in no way influences or guides our abilities to make those choices as we wish. The generation of the desert did not have to destroy itself with its wrong behavior and mistaken attitudes. It had the opportunity, because it was the dor deah – the generation of intellect and great potential – to build the Jewish state and people in a most positive fashion.

Its tragedy therefore lies not only in its behavior of folly but rather in its failure to exercise its potential in a positive manner. Heaven apparently measures us not only by who and what we are but also by who or what we could be. Opportunities squandered are much more painful and damaging than having no opportunities present at all. Our current State of Israel is a miraculous opportunity that has been extended to our generation. What we will make of this opportunity is the central question of current Jewish life and society. Hearing the names and numbers of the generation of the desert read to us this Shabat should sober us and make us realize that such an opportunity should not be frittered away because of lack of vision, faith and will. We can ill afford another generation of the desert.

Shabat shalom.

Rabbi Berel Wein

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From: [Rav-Kook-List@googlegroups.com](mailto:Rav-Kook-List@googlegroups.com) on behalf of Rav Kook List [[ravkooklist@gmail.com](mailto:ravkooklist@gmail.com)] Sent: May 24, 2006 4:36 AM To: Rav Kook List Subject: [Rav Kook List] **Rav Kook on Jerusalem Day: The Two Messengers**

Jerusalem Day: The Two Messengers

The prophet Isaiah spoke of two messengers proclaiming the imminent redemption of Israel:

"Herald of Zion, ascend a lofty mountain! Herald of Jerusalem, lift up your voice with strength, do not be afraid!" [Is. 40:9]

Who are these two metaphorical messengers? Why was one commanded to scale the mountain, while the second was told to call out more loudly?

\*Zion and Jerusalem\*

Rav Kook explained that 'Zion' represents our aspirations for Jewish independence, while 'Jerusalem' is a symbol of our lofty visions for holiness and spiritual greatness. The 'herald of Zion' is none other than the Zionist movement, demanding the restoration of sovereignty for the Jewish people in their own land. This call is heard clearly around the world; there is no need to further raise its voice.

However, secular Zionism is only concerned with our legitimate rights to self-rule like all peoples. Its aspirations are no more elevated than those of any other nation.

The 'herald of Jerusalem,' on the other hand, speaks of our return to holiness, so that we may fulfill our national mission as "a kingdom of priests and a holy nation." She calls for the restoration of Jerusalem, our holy city, and the holy Temple. Unlike the herald of Zion, she stands on "a high mountain," i.e., her appeal is made from a holy, elevated standpoint. But her voice is faint and her demand is not heard. The 'herald of Jerusalem' seems to fear raising her voice too loudly.

The prophet found fault with both messengers. To the herald of Zion, he said: why are you standing down below, together with all the other nations? Why do you only speak of the commonplace goals of the gentile nations?

"Ascend a lofty mountain!" Speak in the name of God, in the name of the Torah's mission for the Jewish people, in the name of the prophetic visions of redemption for Israel and all of humanity!

The prophet then turned to the herald of Jerusalem, and told her: you who call for the return to the city of holiness, you are speaking from the right place, demanding our lofty ideals. But your voice is not heard! You need to learn from the herald of Zion, and "lift up your voice in strength, be not afraid."

[adapted from Mo'adei HaRe'iyah pp. 482-483]

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<http://ravkook.n3.net> - Rav A.I. Kook on the Weekly Parasha

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From: **Rabbi Shlomo Riskin's Shabbat Shalom** Parsha Column [[ShabbatShalom@ohrtorahstone.org.il](mailto:ShabbatShalom@ohrtorahstone.org.il)] on behalf of Rabbi Shlomo Riskin's Shabbat Shalom Parsha Column [[parshat\\_hashavua@ohrtorahstone.org.il](mailto:parshat_hashavua@ohrtorahstone.org.il)] Sent: May 24, 2006 5:43 AM To: Rabbi Shlomo Riskin's Shabbat Shalom Parsha Column Subject: Shabbat Shalom: Parshat Bamidbar by Rabbi Shlomo Riskin

Shabbat Shalom: Parshat Bamidbar (Numbers 1:1 - 4:20) By Shlomo Riskin

Rabbi Riskin's insights on the Parsha now live online @ [www.ots.org.il](http://www.ots.org.il)

Efrat, Israel-Bamidbar, the Hebrew name for the fourth of the five books of the Bible, literally means desert, but it is built around the smaller root word Davar, which means object or word; indeed, the ten commandments - which were given in the desert (midbar) at the Revelation at Sinai - are called aseret hadevarim, or the ten words, perhaps because these are the words which can transform a desert no-man's land into a habitable community of people. And the festival of Shavuot, which takes place this year immediately after the Sabbath of Bamidbar, is our holiday of the Giving of the Torah, or the words of G-d, divrei HaShem. (And the fifth of the five books is Devarim, or the words of the Divine).

The study of the words of our Torah is a positive Biblical Commandment, emanating from the verse "This book of Torah shall never leave your mouth; you shall meditate therein by day and by night" (Joshua 1) as well as "you shall teach (these Divine words, devarim) diligently to your children" (Deuteronomy 6:7). But what is the nature of the Commandment? Is the Jewish Ideal that we study all day and all night - spending our lives in a perennial Kollel of Torah study if it is at all possible for us to do so - or are we to combine Torah study with professional pursuits and/or other activities? To what end are we to study Torah?

There is a fascinating incident in the Talmud (B.T. Betzah 15b) which, upon further analysis, will supply the answer to our questions. "It has been taught by our Sages that R. Eliezer once taught and expounded the laws of the Festival for the entire day of a Festival. (One by one of the various groups of students began to leave, group by group). R. Eliezer looked with scorn at those who left... since they were forsaking the eternal world in exchange for the temporal world (of eating with their families). But rejoicing on the Festival is a Divine command (so why criticize them for leaving study in order to rejoice)?

R. Eliezer is true to his position that rejoicing on the Festival is merely a voluntary act and not an obligatory one, as it has been taught: R.

Eliezer says, an individual on the Festival may either eat and drink all day or sit and study all day whereas, R. Joshua says: Divide the Festival Day, half for G-d and half for you . R. Yohanan explains that each of the disputants bases his position on (the same two) Biblical verses. One verse teaches that 'The festival (Atzeret) is for the Lord your G-d' while another verse teaches that 'The Festival (Atzeret) is for you' R. Eliezer interprets them to mean 'either, or,' either wholly to G-d (in study) or wholly to people

(in eating and drinking with family and friends), whereas R. Joshua interprets them to mean that each festival day must be divided in half, with

part of the day for G-d (in study and prayer) and part of the day for people (in the joy of family meals)."

On this Talmudic discussion there is a fascinating exchange between two leading Hasidic leaders of the nineteenth century, the Kotzker Rebbe and the Voorker Rebbe (and here, for the first time, I believe that the Voorker bests the Kotzker), each of whom understanding that the normative practice accords with R. Joshua. The Kotzker Rebbe, after spending the first half of the Festival in prayer and study, would then loudly proclaim, "I have just concluded the half of the day which was given over to me, to human rejoicing. I shall now go to the meal, which is the portion for G-d." Apparently for him - seeing as the Kotzker Rebbe was a great Torah scholar - the deepest rejoicing emanated from Torah study and prayer.

The Voorker Rebbe, on the other hand, taught that yes, we divide the Festival day in half, - half for G-d (Torah) and half for human beings (rejoicing at the family meal), - but that we divide the day in accordance with its width and not in accordance with its length. What did he mean?

I believe he was basing himself upon a fascinating postscript to the difference of opinion between R. Eliezer and R. Joshua in the tractate Pesachim(68): "R. Eliezer says, Everyone agrees that on Shavuot the Festival is to be celebrated half for G-d and half for us human beings. What is the reason? Shavuot is the day on which the Torah was given).

What could R. Eliezer possibly mean? I should think that if there is any time when the entire day should be spent in Torah study it ought be on Shavuot, when the Torah was given. Yet the other Festivals be divided in half, but Shavuot should be given over exclusively to G-d and His words!?

However, there is a charming midrash which teaches that when Moses arrived in heaven to receive the Torah, the angels began to complain. They wanted the Torah to remain in heaven, with them. Moses argued that the Torah belonged on earth with people. After all , the Torah prescribes laws of husband-wife, parent-child relationships, and the angels have no families; Torah laws deal with food, warfare, fields and produce, areas which are entirely foreign to the lives of angels. And Moses won the day!

The Voorker Rebbe understood that the Torah is not an ethereal, heavenly, mystical document, divorced from human life and worldly affairs. Much the opposite, the Torah is a Torah of life, a method of perfecting our world and making our daily lives more satisfying, enriching and joyous. Torah is a prescription for life, not a substitute for life. We dare not escape the world in our pursuit of Torah; we must rather pursue the Torah in order to sanctify and ennoble the very world in which we live.

Hence the Voorker Rebbe taught that we must learn from Shavuot to divide each festival day, and even every single day of our lives, in half: part for G-d and Torah, part for us and the world. But the division is width-wise, not length-wise. Our meals, our family gatherings, our professional activities must all be uplifted and inspired by the Torah infrastructure by which they must be informed; and our Torah study must be directed towards teaching us how to live a better life, how to perfect our present society and world. Torah and world must be involved in constant interplay so that the one is never divorced from the other.

Hence our Sages teach that "Torah is greater than action because the study of Torah must lead to inspired action"(B.T. Kiddushim 36a), and that (Mishna Avot) "It is truly good to combine Torah with professional pursuit" - in the width and the depth of how you make your living and how you spend the hours of your life and not nearly in the length of the hourly division of your day. Shabbat Shalom and Hag Matan Torah Sameah!

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**HORAV YAAKOV KAMENETZKY ז"ל**

[Translated by Ephraim Weiss <Easykgh@aol.com>]

"And the stranger that approaches will die."

In this pasuk, the Torah warns that anyone other than a Kohen who enters into the kodesh will be punishable by death. The Ibn Ezra explains that the Leviim who camped around the Mishkan were charged with the duty of ensuring that only those who were allowed to entered

the Mishkan. Based on this pshat of the Ibn Ezra, HaRav Yaakov Kamenetzky zt'l, asks a question on a Ramban in parshas Mishpatim. While discussing the halachos of a shor muad that kills a person, the Torah writes, Vigam Baalav Yumas "And the owner will also die." The Ramban on this pasuk explains that the death sentence on the owner of this ox is to be carried out by Heaven, as opposed to the ox which is killed by Bais Din. Anywhere where the Torah writes the word Yumas alone, the sentence is to be carried out b'yedei Shomayim. When the Torah wishes to refer to misas Bais Din, the double expression of Mos Yumas is used.

In our pasuk, the Torah warns that someone who enters the Mishkan improperly will be killed, using the word Yumas. This would imply that the sentence is to be carried out by Shomayim. However, according to the pshat of the Ibn Ezra, the Leviim were charged with the security of the Mishkan. Ostensibly then, it was the Leviim who carried out the death sentence against an infiltrator. How does this pasuk fit into the Ramban's rule?

Further, we find that when H a s h e m a d v i s e s Yeshoshua that anyone who violates his command will die, the pasuk uses the word Yumas. The miforshim explain that since Yeshoshua was a Navi, he had the power t h a t a n y o n e w h o disobeyed him would be killed. Once again, the pasuk implies that such a person should be killed by Bais Din, in conflict with the Ramban's rule about the usage of the word Yumas.

Based on these questions, Rav Yaakov explains the guidelines of the use of the word Yumas according to the Ramban in the following way. Normally, missah b'yedei Shomayim is carried out through natural means. However, the word Yumas signifies a death sentence that is carried out b'yedei Shomayim, but through a violent or unnatural means, and as such it appears as if the person were killed on this world, when in reality, it was as the result of a sentence of missah b'yedei Shomayim.

May we be zocheh to recognize the yad Hashem in everything that happens in the world, so that we may merit the coming of Moshiach, and the subsequent techiyas ha'meisim, when death will be removed from the world, b'mihayra, b'yameinu, amen.

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**Peninim on the Torah  
by Simcha Groffman**

- Parshas Bamidbar

Moshe and Aharon took these men who had been designated by (their) names. They gathered together the entire assembly. (1:17,18) As a rule, Parashas Bamidbar is usually read on the Shabbos preceding the Festival of Shavuos. Chazal state a number of reasons for this. The Alshich HaKadosh, zl, suggests that this parsha is uniquely geared towards Kabbolas HaTorah, the Giving of the Torah, and its acceptance by Klal Yisrael. Moshe Rabbeinu was commanded to count the nation. Assisting him in this endeavor were to be the Nesiim, Princes, whom Moshe was to appoint based upon Hashem's designation. These Nesiim did not become the heads of their respective tribes overnight. They had already assumed positions of importance, having distinguished themselves in areas of leadership prior to this appointment. Their wisdom and piety had gained them access to positions of status. Despite all of this, Moshe was not prepared to select the individual leaders until Hashem had first designated them by name. Moshe did not want the responsibility of selecting one Jew over another. By selecting Reuven, he would inadvertently cause Shimon to feel bad. Furthermore, even after the Nesiim had been designated by Hashem,

Moshe did not use the public gathering of the nation as a venue for announcing their appointment. This declaration was done in private, in order to avoid calling attention to one person over another.

Thus, this parsha is read prior to Shavuos to emphasize that derech erez kadmah laTorah, maintaining human decency, respect and obedience for one's fellow man precedes the study of Torah. Derech erez plays a pivotal role in the life of a Torah Jew. Indeed, if he studies Torah, he should epitomize derech erez. If he does not manifest this character trait, something is wrong with the manner in which he is studying the Torah.

We find that when Nevuchadnetzar cast Chananyah, Mishael and Azaryah into a roaring, fiery furnace for not acceding to his demand that they worship idols, they remained unscathed, even strolling about with the angel who had protected them. Why did they not leave the inferno? Does it say anywhere in halachah that once someone is thrown into the fire, he must remain there? The Midrash Tanchuma on Parashas Noach enlightens us and gives a rationale for their actions. They said, "We will not leave the flames without the king's permission, so that people will not accuse us of running away. By his dictum, we entered the flames; by his permission, we will leave."

Likewise, we find that Noach did not leave the Ark until Hashem told him to leave. He said, "Since I entered only with Divine permission, I will leave only with Divine permission." Chananyah, Mishael and Azaryah were in a purgatory of flame. Yet, they would not leave without permission. Noach had spent an exhausting year during which he ceaselessly tended to the animals. He did not even allow himself the luxury of rest or sleep. He refused to leave, however, until he was granted permission by Hashem. What prompted these people to act in this manner?

Horav Chaim Shmuelevitz, zl, explains that the root of this behavior is derech erez. No amount of hardship or suffering can justify a breach in derech erez. Moreover, Chananyah, Mishael and Azaryah remained amid the flames, defying death, because they believed that, just as one who enters the furnace to sanctify Hashem's Name will not be harmed, likewise, he who remains in the flames due to derech erez will also not be harmed. No cause, worthy as it may be, can justify disregarding the imperative of derech erez. Derech erez does not and cannot contradict Hashem's dictate. Rather, the principles of derech erez explain and elucidate the manner in which one should carry out Hashem's command.

Thus, when Moshe was instructed to count all of the Leviim from the age of one month and older, we find that he questioned the Almighty: "How can I enter their tents and intrude upon their privacy?" In order to verify the number of children, someone would need to visit the homes of the Leviim. Hashem told Moshe, "Do your share, and I will do mine." Therefore, Moshe stood in front of each tent. The Shechinah preceded him, calling out the number of Leviim in the tent. If the norms of derech erez did not allow Moshe to enter the tent, then the Divine command could not mean that he should personally enter. Moshe carried out the command with assistance from the Divine in a manner which did not preclude his adherence to the rules of derech erez.

Rav Chaim notes that the obligation to act with derech erez applies in all relationships - even with wicked and evil people. Thus, after being accosted by Potifar's wife, Yosef fled her home and even left her clinging to his jacket. Why? Did she not immediately use that jacket to accuse him of making advances towards her? The Ramban explains that it would have been an affront to her honor and dignity to tear the jacket away from her. It was better to risk his reputation, even his life, rather than to violate the obligation of derech erez.

The Talmud Sanhedrin 11a relates that once, while Rabbi Yehudah HaNasi was delivering a lecture, he noticed a smell of garlic. He said, "Let he who has eaten garlic go out." Rabbi Chiya arose and left. Immediately, all of the disciples arose and left. The next day, Rabbi Shimon, Rabbi's son, asked Rabbi Chiya, "Was it you who caused the annoyance to my father yesterday?" "Heaven forbid that such a thing should happen," replied Rabbi

Chiya. This means that he arose in an effort to encourage everyone to leave, thereby sparing the real offender humiliation.

This is very commendable. Rabbi Chiya did not want to see the individual who had annoyed Rabbi embarrassed publicly. What about the lecture? He caused a walkout, which halted the Torah lecture for the day. Derech erez takes precedence. Sensitivity to one's fellow is one of the kinyanei Torah, acts of acquisition by which one acquires Torah. Without derech erez, the lesson would have accomplished very little. In his commentary to the Talmud Berachos 19b, the Meiri writes that the quality of human dignity is the most endearing and beloved quality in all of Judaism. Maintaining this dignity is not just commendable; it is an obligation. Indeed, in the Talmud Moed Katan 9b, we find one Tanna blessing another with the following blessing: "May you never cause anyone else embarrassment, and may you never be caused any embarrassment yourself." What a wonderful course for all of us to follow.

What is the rationale behind the dictum of derech erez kadmah laTorah? The concept of derech erez as a prerequisite for Torah is discussed by Horav Mendel, zl, m'Rimanov. He points out that the Manna was given to Klal Yisrael prior to their receiving the Torah. The people were instructed to gather a measure of Manna daily as a test of whether or not they would observe the Torah (Shemos 16:4). What relationship is there between the Manna and the Torah?

Rav Mendel explains that the basic concepts of decent human behavior, respect for the rights of others and the avoidance of greed and envy, are based upon the premise that Hashem provides each individual with his total needs. Greed, envy and theft are the result of an individual's unjustifiable belief that he can benefit by such miscreant behavior. If he would realize that Hashem provides what is necessary for his optimum welfare, he would not resort to such base behavior. Thus, decent behavior, derech erez, is synonymous with trust in Hashem. The Manna taught Klal Yisrael this lesson: Every day you will receive whatever you need. Therefore, do not take more, because it will spoil. Even if for some reason you have received less, do not be concerned. Hashem will provide. That was the message of the Manna: Hashem will give you exactly what you need.

When Klal Yisrael became aware that their needs were being met by Hashem, they had no reason to develop any undesirable character traits. They were able to devote themselves completely to accepting Hashem's Torah. The precondition for receiving the Torah was no longer an issue. The principles of the Manna apply today, as well. We must learn to realize that we will receive what we individually need - no more, no less. One who has received an abundance of material benefits should realize that Hashem has selected him to be a conduit to convey these benefits to the others in the way of tzedakah, charity.

In summation, derech erez kadmah laTorah means that in order to receive the Torah, one must place his trust in the Giver of the Torah. This trust is indicated by his character development.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago 5764]

<http://www.chiefrabbi.org/tt-index.html>

Bamidbar - The Wilderness and the Word

The Lord spoke to Moses in the tent of meeting in the wilderness of Sinai on the first day of the second month of the second year after the Israelites came out of Egypt. The fourth book of the Bible is known in English as the Book of Numbers - because it begins with a command to count the Israelites, to take a census, to establish their numbers. However in Hebrew it is known by the key word of its first sentence, Bamidbar, "In the wilderness." It is also always read on the Shabbat before

Shavuot, the festival of the giving of the Torah. Is there any significance to these facts? Are they related? Is there a connection between wilderness, revelation and numbers? And is there a reason Jewish tradition preferred to call the book 'Wilderness' rather than 'Numbers'?

The Hebrew word midbar, wilderness, has the same root as the word dabar/davar, meaning "word" or "thing." It has the same letters as medabber, "speaking." It is in the wilderness that the Israelites hear revelation, the word or speaking of G-d.

Fundamental to Judaism is the belief that G-d cannot be seen. For every ancient faith but one, the gods were present in the phenomena of nature: the sun, the stars, the sky, the sea. They were visible; things seen. In Israel a revolutionary idea reached expression, that G-d was beyond nature:

When I consider your heavens, the work of your fingers, The moon and the stars which you have set in place . . . The vast universe is no more than the work of G-d's fingers. Everything we can see is not G-d but merely the work of G-d. Hence the repeated prohibitions in Judaism against making an image or icon. To Judaism, the idea that G-d is visible is idolatry. G-d is beyond the totality of things seen.

But how then can He be perceived? In Judaism for the first time revelation becomes a problem. For every other culture, revelation is self-evident. Where are the gods? All around us. In polytheism, the gods are close. In Judaism, G-d - vast beyond our imagining - would seem to be infinitely distant. The answer Judaism gave was beautiful and world-transforming. G-d who transcends nature is close, because He exists not in things seen, but in words heard:

The pagan perceives the divine in nature through the medium of the eye, and he becomes conscious of it has something to be looked at. On the other hand, to the Jew who conceives G-d as being outside of nature and prior to it, the Divine manifests itself through the will and through the medium of the ear. He becomes conscious of it as something to be heeded and listened to. The pagan beholds his god; the Jew hears Him, that is, apprehends his will. (Heinrich Graetz, The Construction of Jewish History) While almost every other civilisation has been a culture of the eye, Judaism is a culture of the ear - of words, speech, listening, interpreting, understanding, heeding.

Even Sigmund Freud, otherwise hostile to religion, could not avoid being impressed by this idea:

Among the precepts of Mosaic religion is one that has more significance than is at first obvious. It is the prohibition against making an image of G-d, which means the compulsion to worship an indivisible god . . . [This] was bound to exercise a profound influence. For it signified subordinating sense perception to an abstract idea; it was a triumph of spirituality over the senses; more precisely, an instinctual renunciation accompanied by its psychologically necessary consequences . . . It was certainly one of the most important stages on the way to becoming human. (Moses and Monotheism) A revolution of this magnitude cannot take place under ordinary circumstances. In the great river lowlands where civilization began (the Tigris-Euphrates and the Nile) the eye is captivated by the shifting scenes of nature; in cities by the works of man - art and architecture. Only in the emptiness of the wilderness is the eye subordinate to the ear. Only in the silence of the desert, can the sound beneath sound be heard:

In Hebrew thought, Book and Desert are contingent upon one another. When G-d revealed himself to Moses and charged him with the task of freeing the Hebrews, terms such as 'freedom' and 'liberty' were not used. The idea of emancipation from bondage is expressed as "going on a three days' journey into the desert, to sacrifice to G-d our Lord," (Ex. 3: 19; 5:3) as if G-d could not be apprehended without this initial journey into the desert. (Jose Faur, Golden Doves with Silver Dots) Or as Edmond Jabes puts it:

The word cannot dwell except in the silence of other words. To speak is, accordingly, to lean on a metaphor of the desert, a space of dust or ashes, where the triumphant word is offered in her unrestricted nudity. (Du Desert au Livre) The historian Eric Voegelin sees this as fundamental to the discovery by the Israelites of a completely new form of spirituality:

If nothing had happened but a lucky escape from the range of Egyptian power, there only would have been a few more nomadic tribes roaming the border zone between the Fertile Crescent and the desert proper, eking out a meagre living with the aid of part-time agriculture. But the desert was only a station on the way, not the goal; for in the desert the tribes found their G-d. They entered into a covenant with him, and thereby became his people . . .

When we undertake the exodus and wander into the world, in order to found a new society elsewhere, we discover the world as the Desert. The flight leads nowhere, until we stop in order to find our bearings beyond the world. When the world has become Desert, man is at last in the solitude in which he can hear thunderingly the voice of the spirit that with its urgent whispering has already driven and rescued him from Sheol [the domain of death]. In the Desert G-d spoke to the leader and his tribes; in the desert, by listening to the voice, by accepting its offer, and by submitting to its command, they had at last reached life and became the people chosen by G-d. Incidentally, this is one of the reasons Judaism has no counterpart to the world

'secular' - a word derived from the Latin *seculum*, meaning 'the world.' In Western civilization, religion is unworldly or otherworldly. No such concept could exist in Judaism. G-d is not set over and against the world, nor is religion a retreat from the world. Instead the opposite of *kadosh*, holy, is *chol*, which literally means sand. Sand is what the holy is not. It blows this way and that, never stable, or rooted, or capable of sustaining life. The first Psalm sets this out with dazzling clarity:

Blessed is the man who does not walk in the counsel of the wicked . . . But his delight is in the law of the LORD, and on his law he meditates day and night. He is like a tree planted by streams of water, which yields its fruit in season and whose leaf does not wither. Whatever he does prospers. Not so the wicked! They are like chaff that the wind blows away. *Chol* is a desert metaphor, one of many in the Bible. G-d is a rock (immovable, the opposite of sand); His word is like water; those who heed it are like a tree or a growing plant. In Moses' great song at the end of his life all these images come together in a single poetic sweep:

Let my teaching fall like rain and my words descend like dew, like showers on new grass, like abundant rain on tender plants. I will proclaim the name of the LORD. Oh, praise the greatness of our G-d! He is the Rock, his works are perfect. . . Not by accident therefore did the rabbis choose to call the fourth book *Bamidbar*. There is an intrinsic connection between the desert, *midbar*, and G-d who reveals himself in speech, *medabber*.

What then of the census with which the book begins? There is a mystical Jewish tradition that every Jew is like a letter in the scroll of the Torah - and in Jewish law, if there is a single letter missing, the scroll is defective. Every letter is significant.

Speaking about the census in this week's *sedra*, *Sefat Emet* (R. Yehudah Arye Leib of Gur) says that the reason it is included in the Torah is to teach us that "every Jew has some specific task to perform for G-d, and for that reason he was created."

Maharsha goes further. There were, he says, 600,000 people who received the Torah, because the Torah has 600,000 possible interpretations. The reason it was given to an entire people is so that it would contain all possible holy meanings.

This idea, or something close to it, was developed by the French philosopher Levinas:

It is as if the multiplicity of persons - and is this not the very meaning of personal? - were the prerequisite for the fullness of absolute truth, as if each person, by his uniqueness, ensured the revelation of a unique aspect of truth, and that some of its aspects would never be revealed if some members of humanity were missing. This suggests that the totality of truth is made up of the contributions of multiple persons; the uniqueness of each reaction bearing the secret of the text; the voice of Revelation precisely in as much as it is inflected by the ear of each person, would be necessary for the Whole of Truth. Each individual is a letter. Each contributes to the totality of the Torah's meaning. Each of us hears in its words a particular message that only we can hear.

As soon as we have connected the census with the idea of revelation, a dazzling possibility discloses itself. Normally, censuses are dehumanizing. They are taken as a measure of the nation's strength, which exists in and through numbers. The more numerous a nation, the more powerful it is. But that is to reduce the mass of mankind to a mere statistic. I am here, but if I were not, someone else could substitute for me. The most dehumanizing act the Nazis did to inmates of the concentration camps was to rob them of their names and instead give them a number. To be a mere number is no longer to be human. Where the ultimate reality is power, what matters is the totality, not the individual. Judaism is a sustained protest against this idea. Hence the famous statement in the Mishnah, that a single life is like a universe.

The Torah uses a strange locution when speaking about counting the Israelites. Hebrew has many verbs that mean 'to count' - *limnot*, *lispur*, *lachshov*, *lifkod* - but here it uses the phrase *se'u et rosh*, literally, 'lift the head.' We now understand why. The purpose of a biblical census was not to quantify but to affirm the worth of each individual in the totality of Torah and a society constructed around the idea of the holy. Normally a census turns us into a mere number. The biblical census - G-d's count, as it were - turns us into a letter in the scroll, significant in its own right, so that if one is missing the whole is invalid. That is why the word 'Numbers' is precisely wrong as the title of a biblical book. In the wilderness, where there is no empire or economy to sustain, we become beings in our own right, not troops or a work force, man-in-the-mass. We are no longer a number but a person in the image of G-d.

Thus *bamidbar*, "in the wilderness," Israel heard the *medabber*, the-One-who-reveals-Himself-in-words, and learned that G-d speaks not only collectively to a nation but to each individual as one with a unique contribution to make to the life of the nation.

The way to the Holy Land lies through the wilderness. It is there that the Israelites learned what it is to build a society that will be the anti-type of Egypt, not an empire built on power, but a society of individuals of equal dignity under the sovereignty of G-d. An impossible task? Certainly not an easy one. But to quote Eric Voegelin again:

What emerged from the alembic of the Desert was not a people like the Egyptians or Babylonians, that Canaanites or Philistines, the Hittites or Arameans, but a new genus of society, set off from the civilizations of the age by the Divine choice. It was a people that moved on the historical scene while living toward a goal beyond history. In the desert, they heard the Word and became the people of the Word.

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PARASHAT BAMIDBAR

SICHA OF HARAV YEHUDA AMITAL SHLIT" A

**Baseless Love**

Adapted by Ron Kleinman Translated by Kaeren Fish

"Take the sum of all the congregation of Bnei Yisrael..." (Bamidbar 1:2). Rashi explains: "Since they are so beloved to Him, He counts them all the time." Likewise, when the children of Israel are enumerated at the opening of *Sefer Shemot*, he comments: "To express their dearness, that they are compared to stars... as it is written, 'Who brings out their host by number, calling each by name.'" Thus, we may say that counting is undertaken out of love.

On the other hand, we find it written concerning David (*Divrei Ha-yamim* 21:1): "Satan stood against Israel, and provoked David to number Israel." This census resulted in a catastrophic plague. Ramban (Bamidbar 1:2) explains that G-d was angry at David for counting the nation needlessly, "only to bring joy to himself, that he ruled over a great many people."

Counting, then, raises a problem. We count things that are alike; hence, counting implies that each item is equal. People are not to be counted. Each person is unique.

It is written, "Each man by his banner, according to his *otot*" (Bamidbar 2:2). "*Otot*" refers to insignia, but literally it means also "letters;" hence the idea that each individual has his own letter in the Torah.

In his commentary to *Mishlei* (16:4), the Vilna Gaon explains that the task of the prophets among Am Yisrael was to instruct each person as to his unique path in Torah and in Divine service. Many different paths exist; "Your commandments are exceedingly expansive" (*Tehillim* 119:96).

Nevertheless, Am Yisrael in the desert needed to be counted - an act emphasizing their common denominator. The very formation and start of the nation required its unification and consolidation.

I often refer to a teaching from the Yerushalmi Talmud, at the beginning of *Massekhet Peah*:

The generation of King David was entirely righteous, but because there were slander-mongers among them, they would go out to war and suffer casualties. This is what David means when he says (*Tehillim* 57), "My soul is among lions; I lie down among those who are aflame" - this refers to Avner and Amasa, Doeg and Achitofel, the people of Ke'ila, etc.

The generation of King Achav, on the other hand, was an idolatrous one. But since there were no slander-mongers among them, they went out to war and were victorious.

There is terrible hatred today between the various groups and sectors of our nation. Our era is like the era of David, with mutually hostile camps: the camp of Avner and the camp of Doeg, the camp of the people of Ke'ila, etc. Some time ago I had a conversation with someone close to Charedi circles, and he insisted that the hatred within each camp is greater than the hatred between them. They radiate hatred towards us, and we respond in kind. We will end up, heaven forefend, in a situation of *Kamtza* and *Bar-Kamtza*: a very great love for fellow Jews - but only those who are like us, people of our circle. Anyone who is not part of our camp should kindly keep to himself.

Rav Kook used to say that the Temple was destroyed because of baseless hatred, and it will be rebuilt only by virtue of baseless love.

We dare not close our eyes to what is going on around us. A person must react to his environment, but at the same time we must preserve and guard the unity of the nation, and avoid responding to hatred with more hatred.

(This sicha was delivered on *leil Shabbat* parashat Bamidbar 5747 [1987].)

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### **Jerusalem's Two Types of Sanctity, and Their Implications Based on a sicha by Harav Aharon Lichtenstein**

Summarized by Matan Glidai

Translated by David Strauss

The Gemara in several places deals with the question whether the "first sanctification" was only temporary or meant to be forever. This question arises both with respect to the sanctity of the land of Israel and with respect to the sanctity of Jerusalem and the Temple. The land was sanctified for the first time in the days of Yehoshua, whereas Jerusalem and the Temple were sanctified in the days of David and Shelomo. Regarding both sanctities, the Gemara raises the question as to whether they were meant to be valid forever, or whether they lapsed with the destruction of the Temple and exile to Babylonia in the days of Nevuchadnetzar. The gist of the issue is whether these sanctities depend upon specific external circumstances, e.g., the people of Israel's presence in the land, or whether they are not dependent upon anything else, so that once the original sanctification took effect, it remains valid forever. The Gemara raises a similar question regarding the "second sanctification" in the days of the Ezra.

The Rambam distinguishes between the two sanctities. Regarding the sanctity of the land of Israel, he rules that the first sanctification has lapsed, and that only the sanctification brought about by Ezra is valid forever. Regarding the sanctity of Jerusalem and the Temple, however, he rules that the original sanctification is valid forever. This means that, fundamentally speaking, one is permitted today to eat of the holiest sacrifices (kodshei kadashim) on the site where the Temple had stood, and to eat second-tithe (ma'aser sheni) within the confines of Jerusalem. On the other hand, one who treads upon the Temple site in a state of ritual impurity is liable for the punishment of excision. The Rambam (Hilkhos Beit ha-Bechira 6:16) explains the difference between the two sanctities as follows. The sanctity of Jerusalem and the Temple depends upon the Shekhina, God's Presence, and the Shekhina never departed, whereas the sanctity of the land of Israel depends upon the conquest of the land, and therefore it lapsed when the land was removed from Israel's possession.

Much can be said about the Rambam's view, but I would like to focus on the position of the Ra'avad, who disagrees with the Rambam:

This [ruling derives from] his own reasoning, and I know not where it comes from... According to the view that the first sanctification was not meant to be forever, there is no distinction between the Temple and Jerusalem, and the rest of the land of Israel. Moreover, I say that even according to Rabbi Yose, who said that the second sanctification was meant to be forever – he only said this regarding the rest of the land of Israel, but regarding Jerusalem and the Temple he did not say it. For Ezra knew that the Temple and Jerusalem would change in the future and be sanctified by another eternal sanctification with the glory of G-d forever. Thus it was revealed to me, God's mystery to those who fear Him. Therefore, one who enters there [the Temple site] today is not liable for excision. (Ra'avad, Hilkhos Beit ha-Bechira 6:14)

At the beginning of his critical note, the Ra'avad says that the Rambam's distinction between the sanctity of the land of Israel and the sanctity of the Temple must not be accepted: if the first sanctification of the land lapsed, then the same should apply to the first sanctification of the Temple. There are two ways to understand this argument:

1) The sanctity of the land of Israel is inferior to the sanctity of Jerusalem and the Temple, and, therefore, if the inferior sanctity of the land did not survive the destruction and the exile, all the more so must the more sublime sanctity of Jerusalem and the Temple have lapsed.

2) The sanctity of Jerusalem and the Temple depends upon the sanctity of the land of Israel, such that it would be impossible for the sanctity of the land to have lapsed, while the sanctity of Jerusalem and the Temple still continued. According to the Rambam, this was the situation during the period between the destruction of the first Temple and the construction of the second Temple, whereas according to the Ra'avad, such a situation is impossible.

There are two aspects to the sanctity of Jerusalem. On the one hand, this sanctity is connected to the uniqueness of Jerusalem in relation to the other cities of Israel: only in Jerusalem can the Temple be constructed, and only there can sacrifices of lesser holiness (kodashim kalim) and second-tithe be eaten. On the other hand, it is possible that Jerusalem was sanctified only because it is part of the land of Israel. Jerusalem is set apart from the rest of the land, but it draws its sanctity from it. It is regarded as the "courtyard of God," but it is not detached from its surroundings. Jerusalem's unique sanctity is like a second story resting on the basic sanctity of the land of Israel in the midst of which it is situated.

The Ra'avad's argument may be understood as follows: Had the sanctity of the land lapsed with the exile, the sanctity of Jerusalem could not possibly have remained intact. When the land of Israel turns into a land like all other lands, Jerusalem loses its unique standing as well.

The Rambam, as stated above, disagrees with the Ra'avad, maintaining that the sanctity of Jerusalem remained in force even after the sanctity of the land of Israel lapsed. It is possible that he maintains that there is no connection between the two sanctities, and that the sanctity of Jerusalem does not at all depend upon the status of the land of Israel.

R. Chayyim Soloveitchik and his son R. Mosheh, however, understood the Rambam differently. According to them, there are two aspects to the sanctity of the land of Israel. One aspect is the sanctity of the soil, which is of vital importance regarding obligation in the mitzvot that are dependent upon the land of Israel. A second aspect is the sanctity of the place, the land of Israel being the place where the Shekhina rests. The first aspect lapsed along with the exile, but its continued existence is not necessary for the sanctity of Jerusalem and the Temple to remain in effect. The second aspect, however, continued all the time, for the Shekhina never departed. The sanctity of Jerusalem and the Temple is based on this second aspect of the land of Israel, and since this aspect never lapsed, the sanctity of Jerusalem always remained intact.

According to this, the Rambam agrees that the sanctity of Jerusalem is connected to the sanctity of the land and is dependent upon the entire land being defined as the place in which the Shekhina rests.

The end of the Ra'avad's critical note sounds a different note. The Ra'avad argues that there is room to distinguish between the two sanctities in the opposite manner: the sanctity of the land of Israel exists today, whereas the sanctity of Jerusalem and the Temple has lapsed, so that one who enters the site of the Temple is not liable for excision. The Ra'avad explains that Jerusalem and the Temple will be sanctified once again in the future when the glory of G-d will reveal itself in them, and therefore Ezra took care to sanctify them only with temporary sanctity. According to the Ra'avad, thus it was revealed to him, "God's mystery to those who fear Him."

The earthly Jerusalem depends, then, upon the heavenly Jerusalem, and sanctity cannot rest there until the glory of G-d reveals itself in the world. During the period that the Temple stood, facts were created on the ground and the Shekhina rested on the Temple. After the Temple was destroyed, however, the sanctity could no longer remain in Jerusalem or in the Temple, and will not return there until the arrival of the final redemption.

The words of the Ra'avad reflect, therefore, a certain duality regarding Jerusalem. On the one hand, he sees it as an integral part of the land of Israel, and he maintains that it draws its sanctity from the entire land. On the other hand, he emphasizes the difference between them: Even when the land of Israel is sanctified, the sanctity of Jerusalem remains but a dream and a vision.

Today, this duality presses upon our consciousness more than ever before. In this period, when parts of the land of Israel are being ceded to others, many people repeatedly emphasize that Jerusalem is not part of the discussion, and that there will be no concessions in its regard. Nevertheless, some circles are prepared to bring Jerusalem into the debate.

This position is a cause for worry on several counts. First of all, the fear exists that the status of Jerusalem will continue to be eroded, and that negotiations will be conducted in its regard. Beyond this, however, we are dealing here with a symptom of a more serious problem: the growing domination of pragmatism and living for today, and the preference given to considerations of convenience over important values.

Practically speaking, the secular outlook does not recognize the phenomenon of sanctity. Thus, it follows that all days are equal, as are all objects, and all places, so that Jerusalem has no greater importance than any other place.

As long as this erosion of Jerusalem's status continues, so too will it turn from a symptom of a phenomenon into a factor that itself intensifies the phenomenon, thus strengthening the scorn shown to the status of Jerusalem and to holy values in general.

Jerusalem's recapture during the Six-Day War brought outbursts of joy and elation among all sectors of the population. Jerusalem lit a spark even in the hearts of non-religious people, who didn't know exactly how to explain why Jerusalem was so dear to them. Today, the status of Jerusalem continues to be diminished, and it is hard to know where the process will stop.

What has been said here relates to us as well. We must strive to strengthen the status of Jerusalem in both its aspects. Moreover, we must strengthen our sensitivity and awareness regarding everything that relates to sanctity in general. This awareness finds expression in various situations: when a person stands next to a Torah scroll on Shabbat or Yom Tov, or when he stands at the gates of Jerusalem. A decline in the status of Jerusalem impacts upon our consciousness of sanctity in general.

Jerusalem draws upon the sanctity of the land of Israel, but is also regarded as having sublime sanctity of its own. It relates both to realization and to vision; it is connected both to the present and to the future. We must anchor these different aspects deep within us and understand the relationship between them – only then will we fully appreciate the meaning and value of Jerusalem.

(This sicha was delivered on Yom Yerushalayim 5754 [1994].)

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### **Judaism & Cosmetic Surgery**

A comprehensive overview on plastic surgery in Jewish law.

by **Daniel Eisenberg, M.D.**

The first successful face transplant was recently performed in France. A woman had lost her nose, lips, and chin after being mauled by her dog. The injuries left her grotesquely deformed, making it virtually impossible for her interact normally with others. Muscles, blood vessels, nerves, and other tissues were transplanted from a "brain dead" donor in order to fashion a "hybrid" face that neither resembled the donor nor the recipient's original face.

This surgery marked a new milestone in transplantation, raising new questions to the usual list of ethical issues involved in transplantation. Unlike, kidney, liver, lung, or other vital organ transplants, which are life-saving procedures, the recent historic surgery brings transplantation into the realm of plastic surgery.

How far may an individual go to improve his/her appearance? From a Jewish perspective, the face transplant raises two sets of questions. There are the technical questions regarding transplant and a more fundamental set regarding the approach of Judaism to vanity and plastic surgery.

Let us leave aside the issues of cadaveric transplantation and brain death involved in the recent face transplant case for another day and ask the more basic question of how far an individual may go to improve his/her appearance? Clearly the face transplant patient's surgery was not prompted by vanity, but we must still ask if even routine plastic/cosmetic surgery is permitted at all? What might the possible concerns be that arise for one contemplating plastic surgery?

#### **Cosmetic versus Reconstructive Surgery**

Plastic surgery may be divided into cosmetic and reconstructive surgery. The former is performed for enhancement of one's physical appearance (such as rhinoplasty, liposuction, or breast augmentation). The latter is performed to correct a defect, whether congenital (from birth) or acquired (for instance suffered in a car accident). These two indications for surgery may overlap and there is not necessarily a neat line that separates deformity from normal appearance. As has often been repeated, beauty is in the eye of the beholder.

Judaism treats the subjective sense of the individual very seriously when a person feels unattractive. What about a self-perceived cosmetic defect, one that is neither a true congenital defect nor the result of an injury? How much importance does Judaism place on self-esteem and self-consciousness?

#### **The History of Plastic Surgery**

The oldest descriptions of plastic surgery date back to 2600-year-old Sanskrit texts and ancient Egyptian papyri. These documents describe nose, ear, and lip reconstructions utilizing surgical flaps and skin grafts! Nevertheless, the term "plastic surgery" to describe reconstructive surgery was not introduced until 1818.<sup>1</sup>

Despite the long history of plastic surgery, no responsa were written about surgery performed for cosmetic surgery until the latter half of the 20th century. This is hardly surprising, since prior to the mid 19th century, all surgery was limited by the inability to adequately ameliorate the pain of the surgery itself and the high morbidity and mortality of surgery in general.

This all changed due to important advances made in the second half of the 19th century. Building upon the work of Ignaz Philipp Semmelweis (who argued that handwashing would decrease hospital infections) and Louis Pasteur (who proved that bacteria cause infection), Joseph Lister introduced the concept of antiseptic surgery in the late 19th century, significantly decreasing the risk of surgical infection. Ether, the first form of general anesthesia, was publicly utilized for the first time on October 16, 1846, in an operating theater at the Massachusetts General Hospital, ushering in the age of modern anesthesia.<sup>2</sup> With these two breakthroughs came rapid advances in surgical techniques, and advancements in both reconstructive and cosmetic surgery, particularly between the first and second world wars.

#### **The Earliest Responsum**

As plastic surgery developed and the options for cosmetic enhancement grew, formal halachic discussion began. In 1961, Rabbi Immanuel Jakobovits, considered by many to be the father of the discipline of Jewish medical ethics,<sup>3</sup> addressed the American Society of Facial Plastic Surgery at a symposium entitled "Religious

Views on Cosmetic Surgery." <sup>4</sup> Rabbi Jakobovits, later Chief Rabbi of Great Britain, discussed the parameters of plastic surgery from a Jewish legal perspective.

After explaining that no responsa had yet been written on the topic, he dealt with the question of whether one may undergo plastic surgery for the purpose of improving one's physical appearance. As Rabbi Jakobovits eloquently described in his classic work, *Jewish Medical Ethics*: <sup>5</sup>

The problem was considered under four headings: the theological implications of "improving" God's work or "flying in the face of Providence"; the possible risks to life involved in any operation; the Jewish objection to any mutilation of the body; and the ethical censure of human vanity, especially among males.

Plastic surgery for aesthetic enhancement is a form of arrogance and vanity and is forbidden unless the patient meets certain criteria. He concluded<sup>6</sup> definitively that plastic surgery for aesthetic enhancement is a form of arrogance and vanity (particularly for men) and is forbidden unless the patient meets certain criteria. He later wrote as part of an overview of the Jewish approach to medicine:

In the sparse rabbinic writings on the subject, these reservations could be discounted, provided the danger is minimal; and especially 1) if the operation is medically indicated, e.g. following an accident, or for grave psychological reasons; 2) if the correction of the deformity is designed to facilitate or maintain a happy marriage; or 3) if it will enable a person to play a constructive role in Society and to earn a decent livelihood. <sup>7</sup>

The four ethical concerns of Rabbi Jakobovits remained the pivotal issues in all future responsa and therefore bear further elucidation, as subsequent poskim have approached them in different ways.

#### **Ethical Concerns**

The first potential practical objection to plastic surgery is the Torah obligation to guard health (See: "Taking a Risk") which might limit the surgical risks that one may accept as part of plastic surgery. In addition to the hazards associated with the surgery itself, anesthesia, particularly general anesthesia, presents a very small but real risk of death or incapacitation.

Beyond the blanket obligation to guard health, there is the particular prohibition of self-mutilation. Just as one may not injure someone else, one may not cause injury to oneself. The prohibition of injuring someone else is called *chavala* and is derived directly from the Biblical verse<sup>8</sup> that warns the court not to give a convicted criminal more lashes than legally mandated. The verse is interpreted to mean that if the court must not strike a criminal without justification, surely an ordinary individual may not strike or otherwise injure his neighbor.

The Talmud<sup>9</sup> discusses whether this prohibition applies to harming oneself, concluding that "one who injures himself even though it is forbidden, pays no damages. But if someone else injures him, they pay damages." Injuring oneself without a valid reason is called *chovel b'atzmo*. This proscription has limitations however. We are only barred from causing unnecessary injury to ourselves. The key question is what is considered necessary.

Risk and harming oneself are not the only issues. There are also philosophical considerations. Do we assert that God, as the ultimate craftsman and molder of human beings, makes each person exactly as they should be and that our "remodeling" of ourselves is an affront to His judgment? That is, does the divine mandate to heal and obligation to seek medical treatment extend to plastic surgery?

The fourth issue applies predominantly to men. The Torah commands that a man not wear the clothing of a woman and that a woman not wear the clothing of a man. This prohibition extends beyond mere clothing, but includes actions and activities that are characteristic of one of the sexes. For instance, in most situations a man may not dye his white hairs back to black for purposes of improving his appearance since this is considered to be a feminine activity. Is plastic surgery also considered a "feminine" activity?

#### **A Variety of Approaches**

In 1964, Rabbi Mordechai Yaakov Breish, Rabbi Menasheh Klein, and Rabbi Moshe Feinstein were each asked to rule on questions of cosmetic surgery for enhancement of appearance.

Rabbi Mordechai Yaakov Breish, author of the *Chelkas Yaakov* and a prominent posek [authority in Jewish law] in Switzerland, discussed the issues of risk and *chavala* (self-injury) when asked whether a woman may undergo cosmetic surgery to straighten and decrease the size of her nose in order to improve her chance of finding a suitable husband. <sup>10</sup>

He used a previous ruling of Rabbi Abraham of Sochachev, the 19th century author of the *Avnei Nezer*, as a starting point for his discussion of why it is permitted to enter into surgery or other dangerous situations, even when not absolutely necessary. The *Avnei Nezer*<sup>11</sup> had forbidden a child to have surgery to straighten a crooked leg due to the risk of the operation. Rabbi Breish points out several objections to this ruling.

So long as a doctor practices in an acceptable way, it is a mitzvah for a physician to treat even non-life-threatening illnesses even though he may injure or kill patients inadvertently. <sup>12</sup> That is the nature of the mandate to heal. Additionally, the Talmud

allowed bloodletting as a preventative health mechanism, even though it was known to be somewhat dangerous. We also clearly see that one is not prohibited from entering into a dangerous situation voluntarily since we do not prohibit women from having babies, despite the risks associated with pregnancy and childbirth. 13

Rabbi Breish also points out that the general population undergoes surgery for non-life-threatening conditions with a very low complication rate. He therefore invokes the concept of Shomer Pasaim Hashem, 14 that G-d watches over the simple, to defend low risk surgeries. He rules that from the perspective of risk, one may pursue plastic surgery as one of the activities that the general population finds to be acceptably safe. To support his contention that one may injure oneself (independent of any associated risk) for treatment of a non-life-threatening malady, he brings two proofs. The Code of Jewish Law<sup>15</sup> warns a child not to remove a thorn, bloodlet, or amputate a limb from a parent, even for medical reasons, lest he transgress the capital offense of (unnecessarily) injuring a parent. Rabbi Moshe Isserles, in his gloss to the Code of Jewish Law, states that the child should only refrain if there is someone else present who can help the parent, for otherwise, the child should even amputate the limb if the parent is in pain. It seems clear that the prohibition is only to injure one's parent, but the concept of bloodletting or amputation merely for pain, despite the trauma involved, does not appear to be problematic!

The second proof is fundamental to our discussion of plastic surgery, particularly cosmetic surgery. The Talmud<sup>16</sup> states that a man may remove scabs from his body to alleviate pain, but not to improve his appearance. 17 At first glance, this may appear to exclude the possibility of plastic surgery. However, Tosofos, 18 commenting on this statement, promulgates a concept that demonstrates a very sensitive understanding of human nature and psychology. He writes: "If the only pain that he suffers is that he is embarrassed to walk among people then it is permissible, because there is no greater pain than this." Tosofos recognizes that there is no greater suffering than psychological pain and that it is very difficult to judge for someone else the degree of suffering they are experiencing as a result of a self-perceived defect.

Citing the psychological pain associated with the inability to find a spouse, Rabbi Breish ruled that the woman may have the cosmetic surgery.

The same year, Rabbi Moshe Feinstein (1895-1986) was asked the same question. His responsa first examines the parameters of the prohibition of chavala. He points out that in his Mishneh Torah, 19 Maimonides clearly describes chavala as injury with malice. Rabbi Feinstein brings several examples of injury without the intention to do harm that Jewish religious literature finds acceptable. 20 His final ruling permits surgery when it is in the best interests of the patient, even if they are not sick and it does not treat an illness. As a result, he permitted the woman to have cosmetic surgery since it was to her advantage and not being done to harm her.

Also in 1964, Rabbi Menasheh Klein, author of Mishneh Halachos, dealt with the question of the permissibility of cosmetic surgery to correct various facial imperfections that mar a woman's appearance, such as a very long nose which makes it difficult for her to marry and which she feels makes her very unattractive. 21 Rabbi Klein utilizes an ingenious approach to evaluate the question. He points out that there is ample precedent for medical intervention to improve appearance in dating back to Talmudic times.

The Mishna<sup>22</sup> discusses the case of a man who betroths a woman on the condition that she has no defect (mum) where a "mum" is defined as any defect that would bar a Cohen (Jewish priest) from serving in the Temple. Tosofos<sup>23</sup> states that if the woman had her blemish corrected by a physician before her engagement, the marriage is valid. Since many of the blemishes that would apply to a Cohen include cosmetic imperfections<sup>24</sup> of the face for which people today would desire elective plastic surgery and Tosofos permits these blemishes to be corrected by a physician, Rabbi Klein states that it appears that a man or woman may go to a doctor to correct a cosmetic defect merely for enhancement of their appearance. Rabbi Klein rejects the argument that plastic surgery entails any danger whatsoever based the information which he received from physicians.

In a second responsum, 25 printed immediately following the previously discussed one, Rabbi Klein discusses plastic surgery and chemical peels in men with respect to the prohibition of a man performing female behaviors. He reiterates his previous ruling and adds that (minor) cosmetic procedures are forbidden to men if done strictly for aesthetic enhancement, but that the prohibition does not apply if the blemish causes the man enough embarrassment that he shuns social interaction. Rabbi Klein wisely points out that such a distinction requires a great deal of intellectual honesty.

In 1967, Rabbi Yitzchak Yaakov Weiss (1902-1989), head of the Eida Chareidis rabbinical court in Jerusalem and author of Minchas Yitzchak, dealt briefly with the issues of chavala and risk with respect to plastic surgery. 26 He takes the same approach to self-injury as Rabbi Feinstein, arguing that the prohibition of chavala only applies when the wound is inflicted with the intention of causing harm or degradation. He feels that cosmetic surgery would be permitted if not for the risk of surgery, which he believes to be a serious concern. He refers to one of his earlier

responsa<sup>27</sup> which was directed to his in-law, Rabbi Breish, in which he forbids surgery for non-life-threatening conditions. While admitting that the line of reasoning of Rabbi Breish has merit, he disagrees, arguing that the permission of the Code of Jewish law to allow amputation of a limb is only in a life-threatening situation. He also agrees with Rabbi Breish that people desiring plastic surgery may be ill, but states that they are not endangered, and therefore is hesitant to allow elective plastic surgery, ending his 1967 responsa by saying the question requires further study.

Despite the generally strong support among halachic experts for the permissibility of reconstructive surgery for congenital defects and traumatic injuries, one dissenting opinion stands out with regard to cosmetic surgery merely to enhance one's appearance.

I am the Lord Your Healer<sup>28</sup>

There is an inherent tension in Judaism regarding the philosophical underpinnings of the mandate to heal. While the Torah clearly empowers the physician to treat illness, there is controversy regarding how far the permission extends (See "Mandate to Heal"). While most Biblical commentators and Jewish legal scholars interpret the Torah to grant a very broad license to heal, there is a consensus that the patient must be ill to allow the physician to treat the patient, particularly if the treatment is dangerous or requires injuring the patient in the process of healing.

This is one of the major concerns voiced by Rabbi Eliezer Yehuda Waldenberg, author of Tzitz Eliezer, a multivolume set of responsa, much of which deals with medical issues. First, Rabbi Waldenberg<sup>29</sup> objects to performing surgery on someone who is neither sick nor in pain. 30 He argues that such activities are outside the boundaries of the physician's mandate to heal (since he questions whether cosmetic surgery is truly included in the category of healing). He further asserts that the patient has no right to ask the physician to wound him or her for the purposes of merely enhancing beauty. Rabbi Waldenberg then makes the theological argument that as the ultimate artisan, G-d creates each person in His image, exactly as he or she should be, with nothing extra nor anything lacking. He therefore posits that cosmetic surgery that is not for pain or true illness is an affront to G-d and is forbidden.

A Final Argument

The last major posek to voice an opinion is a fitting conclusion to our discussion of the various approaches of Jewish legal authorities to plastic surgery. Dr. Abraham reports<sup>31</sup> the opinion of Rav Shlomo Zalman Aurbach (1910-1995), the great Israeli posek, on the question of a person whose arm or finger had been traumatically amputated.

In response to those who forbid plastic surgery, Rabbi Aurbach discussed the question of whether an amputated limb could be reattached by surgery requiring general anesthesia, even if the patient had already been treated so that he was no longer in danger his life. He ruled that the surgery would certainly be permitted on a weekday<sup>32</sup> "since the surgery would not be considered an injury but a repair and treatment to save the limb. Why then should it be forbidden for someone to undergo plastic surgery in order to look normal?" In a published responsa, 33 Rabbi Aurbach writes:

if the plastic surgery is done to prevent suffering and shame caused by a defect in his looks (for instance a nose which is very abnormal) this would be permitted based on the Tosafot and the Gemara, since the purpose is to remove a blemish. However if the only reason is for beauty, this is not permitted.

Rabbi Aurbach sums up the consensus of most legal experts in ruling that plastic surgery to allow someone to appear normal, and more importantly to view themselves as appearing normal is permitted. It is only when such surgery is performed merely for vanity that the rabbis have serious reservations. Clearly however, true reconstructive surgery and even surgery for an appearance that makes one feel embarrassed is not an issue of vanity. Such was clearly the case with the French face transplant recipient.

This leaves us with a very potent human message. We must always appreciate the self-constructed prisons in which some of our friends and acquaintances live. Whether it is the torture of feeling unattractive or the feeling of hopelessness of a single friend who is losing hope that he/she will ever have a wife/husband and family, we must always look for ways to ease their pain.

FOOTNOTES: 1 <http://www.emedicine.com/plastic/topic433.htm> 2 [http://www.etherdome.org/Our\\_Story/Our\\_Story.html](http://www.etherdome.org/Our_Story/Our_Story.html) 3 Rabbi Jakobovits is considered by many to be the father of modern Jewish medical ethics as a specialized area of study, due to the publication in 1959 of his doctoral thesis in book form, entitled "Jewish Medical Ethics." For the first time, the breadth of Jewish attitudes toward crucial medical issues was available to the general public and healthcare workers in readable English. As Dr. Fred Rosner describes it: Rabbi Jakobovits' now classic book is the first comprehensive treatise on the subject of Jewish medical ethics. Tracing the development of Jewish and other religions' views on medico-moral problems from antiquity to the present day, the book is profusely annotated by references to the original sources in religious, medical, legal and historical literatures. The book contains discussions of classic subjects in Jewish medical ethics such as abortion, artificial insemination, birth control, euthanasia, autopsies, eugenics, sterilization, treatment of patients on the Sabbath, and more. In addition, several chapters are devoted to the physician in Jewish religious law - his studies and privileges, his license and legal responsibilities, his professional charges and the

admission of his evidence. The book is appropriately subtitled "A comparative and historical study of the Jewish religious attitude to medicine and its practice. IMAJ 2001:3:304 In 1981, Rabbi Jakobovits was knighted by Queen Elizabeth for his life of dedication. 4 Published in The Eye, Ear, Nose and Throat Monthly, New York, Feb/March 1962 5 Jakobovits, Immanuel, Jewish Medical Ethics: A Comparative and Historical Study of the Jewish Religious Attitude to Medicine and its Practice, 2nd Edition, Bloch Publishing Company, New York, 1975, p. 284. 6 Jakobovits, Immanuel, Noam 6:273 (Abridged in Sefer Assia 1:222-223). 7 Jakobovits, Immanuel, "Medicine and Judaism: an overview," Assia (English) 1980 Nov; 7(3-4):57-78. 8 Deuteronomy 25:3 9 Baba Kama 91b 10 Chelkas Yaakov, Choshen Mishpat 31 11 Avnei Nezer Yoreh Deah 321 12 Nachmadides, Toras Ha'Adam, Inyan Ha'Sakana. See also Beis Yosef, Yoreh Deah 241 13 Women are not required by the Torah to have children. 14 Psalms 116:6 15 Shulchan Aruch, Yoreh Deah 241:3 16 Shabbos 50b 17 Rashi comments that for a man to remove scabs for aesthetic reasons is feminine behavior. 18 *ibid.* Opening phrase "bishvil." The authors of the Tosofos commentary were a group of among the greatest of Medieval Talmudic commentators. 19 Mishneh Torah, Laws of Injury and Damage (Chovel U'Mazik) 5:1 20 The four examples listed by Rabbi Feinstein are: a. In the book of Kings I 20:35-36, a man is punished for refusing to hit a prophet. A discussion of the event is also recorded in Sanhedrin 89. b. Baba Kama 91b describes that Rav Chisda would lift up his garment when walking through thorn bushes so that his legs would be scratched, but his clothes would not be hurt. He reasoned that his legs will repair themselves, but his clothes would not. c. Sanhedrin 84b discusses the permission to do bloodletting on one's father if necessary based on the mitzvah, "Viahavta lireacha k'mocha" ("Love your neighbor as yourself"). Rabbi Feinstein explains that we learn that one may cause an injury to his friend which is of a type that a reasonable person would want to have done to them, e.g. bloodletting. The Talmud does not even imply that bloodletting itself is halachically problematic, only that one must be careful when doing it on a parent. Injury as part of medical treatment is permitted and is only considered chavala when the intent is to injure or disgrace someone. d. Mishna Bechoros 45a discusses one who removes an extra digit from his hand without any indication that such surgery is forbidden. 21 Mishneh Halachos 4:246 22 Kesubos 72b 23 Kesubos 74 24 Bechoros and Mishneh Torah, Be'as Hamikdash, 8 25 Mishneh Halachos 4:247 26 Minchas Yitzchak 6:105 27 Minchas Yitzchak 1:28 28 Exodus 15:26 29 Responsa Tzitz Eliezer, 11:41 30 See Responsa Tzitz Eliezer, 12:43 where Rabbi Waldenberg rules that truly elective surgery is never permitted. 31 Nishmat Avraham, Yoreh Deah, p. 62, Mesorah Publications (English version) 32 "On Shabbat or Yom Tov this would not be permitted since there was only danger to a limb and one could not set aside Torah law for this." *Ibid.* 33 Minchas Shlomo Tinyana 86:3 quoted in Nishmat Avraham, *ibid.*

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