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Michael Rosensweig -

Kiddush Hashem as a Component of National Leadership

Rabbi Michael Rosensweig Kiddush Hashem as a Component of National Leadership The episode of the mei merivah which precluded Moshe Rabbeinu's entry into Eretz Yisrael and prematurely ended his leadership role was a pivotal moment in the national life of Klal Yisrael. Many of the mefarshim elaborate the dire consequences that followed from the irrevocable loss of Moshe's singular spiritual leadership precisely when the nation was to achieve its destiny in its homeland. And yet, the details of Moshe's failing as reported in the Torah are enveloped in mystery or at least in obscurity. We are merely informed that "yaan lo heemantem bi le-hakdisheini le-einei Benei Yisrael lakhein lo taviu et ha-kahal ha-zeh el ha-aretz asher natati la-hem" (Bamidbar 20:12) - a lack of emunah (faith) and failure to seize the opportunity of national kiddush Hashem disqualified Moshe's future leadership role. Almost every major commentator has a different perspective on this climactic transgression. The Ohr haChayim counts no fewer than ten views on the matter before contributing his own analysis! Why would the Torah obfuscate such a crucial event?

We encounter a parallel phenomenon with respect to the sudden tragic death of Nadav and Avihu, the sons of Aharon. The Torah reports their transgression by invoking or alluding to apparently varying, even competing factors - ketoret zarah, shetuyei yayin, etc. The midrash and mefarshim in that context, too, provide a wide range of explanations. It is noteworthy that some mefarshim (Rashi, Ibn Ezra, Bamidbar 20:13) link the final words of the mei merivah story - "va-yekadesh bam" with the concluding depiction of the Nadav and Avihu tragedy- "ki bekrovai akadesh"(Vayikra 10:3).

Perhaps in both cases, the Torah deemphasizes the actual infraction in order to accentuate the larger spiritual failing. With regard to Nadav and Avihu, it was the principle of religious subjectivism, the notion that in spiritual matters one may legitimately operate outside the structure of the revealed framework of the norm, that demanded emphatic rejection and harsh punishment. The various factors hinted at in the Torah's account and enumerated in the mefarshim reflect this common denominator. The flaw of mei merivah, as well, significantly transcended the specific crime. Indeed, the Torah's account, attributing the severe Divine decree to a failure of faith and spiritual opportunity, should be perceived not merely as a general postscript but as a precise and trenchant critique. Perhaps the Torah did not elaborate the actual transgression and practices intentional

ambiguity lest the more fundamental root cause of Moshe's deficiency become obscured.

Moreover, it is vital that the Torah focus on the deeper implications of Moshe's miscalculation to justify the severe consequence and implications of his loss of leadership. It is noteworthy that the term "kahal" pervades this entire episode. From the beginning of the crisis - "va-yikahalu al Moshe ve-al Aharon" (Bamidbar 20:2) - until the denouement - "lakhein lo taviu et ha-kahal ha-zeh el ha-aretz asher natati la-hem" (20:12), this term is used in every other verse (20:2,4,6,8,10, 12)! The Torah may be hinting that the inability to seize the opportunity for national kiddush Hashem in a situation in which Benei Yisrael sought national leadership ("va-yikahalu") and had begun to identify with their national destiny (20:4-"ve-lamah heiveitem et kehal Hashem"), albeit imperfectly and in a manner suffused with confusion and anxiety, signaled the need for new leadership upon entry into Eretz Yisrael, the geographic fulfillment of "kahal" (see Horayot 3a). Thus, Moshe's disqualification may have been as much a consequence of his unsatisfactory leadership response as it was a punishment.

The Torah conveys a further insight when it links the incapacity to respond to the opportunity of kiddush Hashem with a failure of faith ("yaan lo heemantem bi"). The Ibn Ezra (20:12) particularly equates these two values. This perspective highlights the approach of halachic thought to the relationship of action and belief. Kiddush Hashem is not merely the ability to rise to a dramatic challenge. The kiddush Hashem response should ideally reflect deep faith, firm conviction, and consistency of belief. This is true conversely, as well. Thus, Moshe and Aharon's missed opportunity in the mei merivah episode is assigned greater significance.

Furthermore, the capacity to inspire others by means of kiddush Hashem is a prerequisite for Torah leadership. The Talmud (Yoma 86a) records the special obligation and responsibility of scholars to conduct and comport themselves in a manner which intensifies love of Hashem ("she-yehei sheim shamayim mitahev al yadekha") and enhances the sanctification of His name. The Rambam begins his chapter on kiddush Hashem (chapter 5 of Hilchot Yesodei ha-Torah) by addressing every member of the nation ("kol Beit Yisrael"), but concludes by noting the more ubiquitous and more demanding responsibility of spiritual leaders. Only by accentuating the severity of the breach of this crucial principle and leadership component can its value and primacy be restored. Great men suffer inordinately when they fail to rise to the challenge of kiddush Hashem, the very theme that defines their stature, as a means of neutralizing the abuse itself. In this way, "va-yekadesh bam" (20:13), the final words in the chapter of mei merivah (as do "bekrovai akadesh" regarding Nadav and Avihu) constitute the ultimate affirmation of kiddush Hashem, a fitting legacy for Moshe and Aharon (according to Rashi and Ibn Ezra's previously cited reading although not precisely as Rashi interprets).

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Chukat-Balak

Amid the epic themes of Chukkat - the mysterious ritual of the Red Heifer, the death of Miriam and Aaron, Moses striking the rock - it is easy to miss the significance of a short passage toward the end. It is brief, cryptic, almost unintelligible and certainly does not seem to represent a

major idea. Yet the sages gave it an interpretation that we would do well to reflect on.

The context is this. After reporting the episode of water from the rock, the Torah resumes the larger narrative of the journey toward the promised land. The Israelites are coming close. They have left the desert and are now moving toward the area that today forms the State of Jordan. They begin to encounter the nations of the region, whose territory they must either pass through or circumnavigate. They approach Edom and ask for permission to travel through the land. The request is refused and the Israelites accept the decision (the Edomites were descendants of Esau, whose territorial rights the Israelites were told to respect). They wage a battle against the Canaanite kingdom of Arad, and come to the vicinity of Moab. At this point the text says:

Therefore the Book of the Wars of the Lord speaks of "Waheb in Suphah, and the wadis: the Arnon with its tributary wadis, stretched along the settled country of Ar, hugging the territory of Moab . . ." (Numbers 21: 14-15) That is the Jewish Publication Society's translation, but the text is so fragmentary and obscure that its meaning is largely a matter of conjecture.

To give just one example: What is meant by "the Book of the Wars of the Lord"? According to Targum Yonatan, it was not a separate book at all; it merely refers to this section of the Torah. For Rashi it was a list of the miracles performed by G-d for the sake of Israel. Chizkuni holds that it was an actual book that existed in ancient times and was lost. Ibn Ezra says it was a record of the Israelites' history begun in the time of Abraham. Abrabanel argues that it was a non-Israelite text. Some modern scholars suggest that it was a collection of epic poems telling of Israel's battles. How we answer this question will affect how we understand the rest of the passage.

The sages however gave one midrashic interpretation that lays no claim to being the plain sense of the verse, but is nevertheless fascinating in its own right:

Even a teacher and disciple, even a father and son, when they sit to study Torah together become enemies to one another. But they do not move from there until they have become beloved to one another. Therefore it says "Waheb in Suphah", meaning: there is love at the end. (Kiddushin 30b) The sages read Waheb as a derivative of the root 'h-b, meaning "to love", and Suphah as related to the word sof, "an end". What makes this text so intriguing is the way the sages interpret the phrase "the Wars of the Lord" as a reference to the debates within the House of Study, the dialogue and disputation about Jewish law and the meaning of sacred texts.

This, in and of itself, is testimony to the massive transformation of Jewish life after the destruction of the Second Temple and the collapse of the Bar Kochba rebellion. By the time this interpretation was offered, Jews no longer fought wars on the battlefield. The wars they were familiar with were altogether different. They were intellectual, spiritual; they took place in the mind; their weapons were reason and tradition; their arena was the study hall; and their aim - to establish the meaning of G-d's word. Seldom has a people been so transformed.

Yet there is more to the statement than this. There is an awareness of human conflict. We disagree. The sages do not speak of the house of study in eirenic terms - as an environment of peace and harmony. Even the word of G-d does not unite us, for though we know what the Torah says, we do not know, simply and uncontroversially, what it means. Hillel and Shammai, R. Ishmael and R. Yehudah, Rav and Shmuel, Abaye and Rava, argue.

Indeed the Mishnaic, Talmudic and Midrashic literature are, for the most part, anthologies of argument: "Rabbi X says this, Rabbi Y says that." There is no attempt to gloss over the differences. To the contrary: the texts preserve not the conclusion of the debate but the debate itself. And here, the exception proves the rule. In the twelfth century Moses Maimonides wrote the greatest of all codes of Jewish law, the Mishneh Torah. In so doing, he made a conscious editorial decision. He eliminated the debates and recorded only the final law. The Mishneh Torah is, as it were, the Talmud with the

arguments edited out. History ruled otherwise. The Mishneh Torah attracted more dispute and debate, commentaries and counter-commentaries, than almost any other work of Jewish law.

In Judaism, argument is not an accident but of the essence. The sages gave the phenomenon a name - argument for the sake of heaven - and thus a spiritual dignity of its own. They went so far as to portray G-d as saying, about the protagonists and their divergent views, "These and those are the words of the living G-d." G-d lives in the cut and thrust of the House of Study. He does not say: "X is right, and Y is wrong." He does not deliver the verdict: He empowers His sages to do that. The word of the Lord gives rise to the wars of the Lord - but wars without violence, bloodshed or conquest.

In the passage we are discussing, the sages took a further step. They said: "there is love in the end". What does this mean? Elsewhere, in the Mishnah tractate Avot, the Ethics of the Fathers, the sages distinguished between an argument "for the sake of heaven" and one "not for the sake of heaven". Their example of the first was the arguments between Hillel and Shammai; of the second, those of Korach and his followers. What, in general terms, is the difference?

Several commentators, including the thirteenth century Provençal scholar R. Menachem Meiri, suggest that an argument for the sake of heaven is one in pursuit of truth. An argument not for the sake of heaven is one in pursuit of victory. The difference (as I put it in my book Arguments for the Sake of Heaven) is that when what is at stake is truth, then, if I win, I win. But if I lose, I also win, because to be defeated by the truth is the one defeat that is also a victory. I discover, I learn, I grow. But when what is at stake is victory, then if I lose, I lose; but if I win, I also lose, because, in diminishing my opponents I have diminished myself. That is why Judaism throughout the ages has disliked and fought against authoritarian leadership, the imposition of will by force. Moses won his confrontation with Korach in the most dramatic way possible: the ground opened up and swallowed the rebels. Yet this did not end the argument. The next day the people gathered around Moses and Aaron saying, "You have killed the people of the Lord" (Num. 17: 6). When it comes to matters of the spirit, if you need force to win, you have already lost.

We now understand what the sages meant when they said, "There is love in the end". When two sides fight, not with weapons but with ideas, they recognise that their very disagreement presupposes an agreement: about the value of argument itself. Two chess players may be bitter adversaries, but they agree on the rules of chess and their love of the game. So, lehavdil (implying no comparison) it is in the House of Study. Two sages who dispute the interpretation of a text disagree on a detail but agree on fundamentals: that the text is holy and binding, and we, who interpret it, revere both G-d and His word.

The sages, in short, were articulating a principled form of what we would now call conflict resolution. Its rules? 1. Respect different perspectives. 2. Listen actively to your opponent and try to understand the logic of his/her position. 3. Never use force, physical or psychological. The only legitimate weapons are logic, argument, tradition and persuasion. 4. Be open to the outcome. You may be right, but you must be prepared to be proved wrong. 5. See disagreement not just as conflict but as collaborative activity in pursuit of honesty and truth. 6. Accept it as a legitimate, even holy, part of life. And 7. Keep talking. For even though the participants may feel as if they are enemies to one another, "Waheb in Suphah" - there is love at the end.

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Hitting The Rock Of Ages
by Rabbi Moshe Rosenberg
Special To The Jewish Week

Candlelighting, Readings: Candles: 8:13 p.m. Torah reading: Numbers 19:1-22:1 Haftarah: Judges 11:1-33 Shabbat ends: 9:16 p.m.

Any schoolchild can tell you: Moses was denied entry to the Promised Land because he hit the rock instead of speaking to it. G-d gave him the water he wanted, along with a lecture he didn't, and then confiscated his passport.

Yet far from settling the issue, this interpretation of Moses' sin merely opened the floodgates for exegetes through the ages. If anything, the popularity of this interpretation illustrates the depth to which the commentary of Rashi has penetrated Jewish consciousness, for it was Rashi who chose to

highlight the Midrashim which adopt that explanation.

Since then, hardly a commentator has been able to resist weighing in on the Sin Sweepstakes, and even those who chose to ignore the topic did so pointedly. Hayyim Ibn Atar, known as Ohr Ha-Hayyim, collected over a dozen sinful possibilities without exhausting the pool. Shmuel David Luzzatto wrote that he would pass over the question, because he didn't want to saddle Moses with yet another sin, as all his predecessors had.

The two best-known medieval alternatives to Rashi are Maimonides and Nahmanides. Maimonides argues that in snarling "Now listen, you rebels," Moses betrayed uncalled for anger and, worse, implied that G-d was angry at the Israelites, which, at least this time, was not the case. He uses the episode to underscore his contention that, while ordinarily a person should adhere to the middle road, or "golden mean" in the exercise of emotion, the trait of anger must be totally shunned. Nahmanides, on the other hand, sees the words "Shall we bring forth water" as inappropriately implying that humans might be responsible for the feat that G-d alone performed.

Did these two giants force an interpretation because of their philosophical bent or personal experience? Hardly. They were engaged in the endeavor of exegesis, which is to derive meaning out of Scripture, as opposed to isogesis, which is to read things into it. Nevertheless, every interpreter of Scripture brings unique assumptions to bear upon the text.

These assumptions may derive from the historical milieu of the reader, or his or her personal training, personality or experiences. We all find meaning according to the specific prism through which we read. This can be a very positive phenomenon. The request *v'ten helkenu b'Toratekha* (grant us our share in Your Torah) has often been given the additional meaning, implying that every Jew, by a personal prism to the eternal Torah, gains access to a unique layer of biblical interpretation, unavailable to any other reader. To deny the personal element would be to withhold from the world the fruits of each soul's encounter with Torah.

But one person's isogesis is another's exegesis. When does an interpretation cease to be the message of the Torah and begin to be the message of the commentator imposed upon the Torah, with text becoming mere pretext? In this very space each week, talented writers deliver timely Torah messages to The Jewish Week readership. Some are Torah-derived, some are the writer's own thoughts for which he or she seeks Scriptural confirmation.

Occasionally there is the piece that argues a position contrary to mainstream theological thought and, to use Bronte's phrase, "ransacks the Bible" to support the insupportable. We assume our readers know the difference. As Maimonides and Nahmanides subjected the interpretations of their predecessors to painstaking analysis, checking to see if they were supported by the words, the grammar, the narrow and broader context and the philosophical and theological implications, so must today's astute reader critically and analytically approach anything that purports to be "the Torah view" on a given topic. The gates of interpretation are never locked. Rabbi Mosheh Lichtenstein and Rabbi Hanoch Waxman, both associated with Yeshivat Har Etzion, have suggested contemporary interpretations of the sin of Moses. Rabbi Lichtenstein suggests that the fate of Moses was sealed after the sin of the spies, not because of his personal sin, but because he was part of the generation. Had he navigated the treacherous waters of Mei Merivah without mishap, he would have shown that he was capable of

leading a new generation. His failure, rather than a sin, was simply an indication that his time was up, and a new generation needs a new leader.

In a lecture available on Har Etzion's "Virtual Beit Midrash," Rabbi Waxman argues that Moses was told to take Aaron's staff, which had blossomed and borne almonds, to show that the period when staffs were used to initiate plagues was over and that a new staff was ushering in a more nurturing and peaceful form of leadership. When Moses used the staff of peace to strike the rock, he set back God's entire plan, and disqualified himself.

Are these explanations exegesis or isogesis? Each writer labors mightily to base his position in the language, context and ideas of the Bible. You can take their word for it. Or you can track down their writings, and join the ranks of Maimonides and Nahmanides by struggling to a decision yourself. If you choose the challenging road, the rock at Mei Merivah will once more give forth its waters and will truly be a Rock of Ages. n

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SHABBAT SHALOM:Parshat Chukat (Numbers 19:1-22:1)

2 Tammuz, 5768 - 5 July, 2008

EFRAT, Israel - "G-d spoke to Moses and Aaron, saying, 'This is the ordinance (chukat) of the Torah which G-d has commanded, saying, 'Speak unto the children of Israel, that they bring a completely red heifer, which has no blemish, and which has never had a yoke on it'" (Numbers 19:1-2).

Is it more important to devote oneself to personal, spiritual development or to work for the good of the nation? I believe that a good argument can be made that commitment to the nation takes priority over commitment to one's own spiritual needs. And one such source is a Midrash (Shmot Rabah, Chap. 2:80), which links two kinds of animal slaughterings (not by blood, but by a common word -- "chukat"). The Midrash has in mind the paschal lamb sacrifice of Exodus and the paradoxical ritual of the red heifer, (purifying the defiled, but defiling all those involved in its preparation), discussed in this week's portion, Chukat, and quoted above. In regard to the paschal sacrifice, the same word, chukat, appears. "This is the ordinance (chukat) of the pesach, no stranger shall eat of it" (Exodus 12:43). Any law in the Torah called 'chok' has no rational explanation. Essentially a 'chok' is different from those commandments which are universally understood as 'rational natural laws,' like prohibitions against stealing, killing, etc. Rational laws are the key to a society's survival, but a 'chok' is geared to the Jewish nation, religious ritual and is often mysterious, and beyond reason.

When it comes to the 'chukim' of the paschal lamb and the red heifer, their interpretation by the Midrash, focuses on two distinct approaches to Jewish life and practice. Interpreting the verse, "May my heart be wholehearted with your statutes (Chukim) in order that I not be ashamed," (Psalms 119:80), the Midrash explains that this refers to the ordinance ('chok') of the paschal sacrifice and the ordinance ('chok') of the red heifer. Concerning the first we read, 'zot chukat hapasach,' (Ex. 12:43), and concerning the second we read 'zot chukat haTorah' (Num. 19:2). Once on a track of linking the two statutes (choks), the Midrash ponders which of the two is the greater and more important ordinance? The analysis takes on the form of an analogy. If two identical women go out walking, how do we know which of the two is greater? Explains the Midrash: if one of the women is accompanying the other, is following behind the other, the one who is in front is the greater figure. Paralleling the case of the identical women, the Midrash guides us back to the case of the identical 'chukim' and the original question. Which is greater, the paschal sacrifice or the red heifer? Obviously, it is the one which is accompanied by the other, the one

which is leading the other; and although they appear to be similar in stature, the red heifer always accompanies the paschal lamb, following behind. Before we can eat from the paschal sacrifice we must first be purified, and it's the red heifer which provides the means of ritual purity, which must be activated before we are enabled to participate in the paschal sacrifice. Rabbi Joseph B. Soloveichik, of blessed memory, my rebbe and mentor, takes this Midrashic conception a step further. The red heifer enables a person to participate in ritual ceremony-- those commandments which link the individual with God. Thus the red heifer represents individual, spiritual purity. On the other hand, the paschal sacrifice represents the national commitment of the Jewish people. The commandment to bring the 'pesach' was given just when we emerged as a nation, struggling to escape the claw of slavery. When the Torah commands the Jewish people to bring the paschal sacrifice, it tells us, in the very same verse, that a non-Jew is forbidden to eat of it. Any male who does not carry the indelible mark of being a Jew, circumcision, cannot join in. The entire character of the paschal sacrifice demonstrates how it's not for individuals, how it may not be eaten by an individual, but must rather be eaten within a familial and national context. And since every single Jew in the community of Israel was commanded to take part, this ritual united every Jew to his fellow Jew.

If the red heifer is about individual ritual and religious purity, and the paschal sacrifice is about national commitment, it becomes indubitably clear that when one's own spiritual development comes into conflict with a national issue, then our national commitment must come first; the national commitment is the purpose for the spiritual cleansing. The paschal sacrifice is the goal, the red heifer is the means. Indeed there is even a halacha which states that if the whole community is ritually impure, and if a red heifer can't be found, the people are permitted nevertheless to participate in the paschal sacrifice, symbolizing to the nation that our national unity and wellbeing transcends individual purity. Consequently we see how one's own spiritual development is only a means to the communal experience of the nation. Klal Yisrael comes first. If we look at prayer, we see how its observance in Jewish practice teaches us something unique about our priorities. More often than not, prayer is an occasion when an individual trembles before G-d, an individual beseeches, an individual hopes. But for Jews, prayer is closely linked to a public moment. Individual prayer is consigned to a lower spiritual potential than when a group of at least ten, a minyan, pray together and that minyan is representative and symbolic of the Jewish nation. And, indeed, even when we pray alone, our prayer is always in plural, for the entire nation: "heal us, O G-d, so that we may be healed; see our affliction; restore Jerusalem to us...."

Alone, many of the most important prayers cannot be said. This doesn't mean that in Judaism an individual's self-realization is always sacrificed for the greater good of the whole. Rather, a dialectic and a tension exists between being a we-oriented people or an I-oriented people. At times, one must zealously, and even selfishly, prepare oneself for ultimate greater service to the Jewish community by shutting out the needs of the world, but the overriding goal of the individual must be to contribute to the needs of the nation so that we may indeed be a kingdom of priest-teachers to perfect the world. Shabbat Shalom!

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PARSHAS CHUKAS

This is the decree of the Torah... (This is the teaching regarding) a man who would die in a tent. (19:2,14) In Yevamos 61a, the Talmud makes the following statement: "The graves of idolaters do not transmit tumah, spiritual contamination, by way of a roof. In other words, any person, utensil, article of clothing or foodstuff located under the same roof as a human corpse contracts tumah. This type of tumah is called tumas ohel, tumah by way of a roof, for it is stated: Tzoni, tzon marisi, adam atem, "Now you My sheep, the sheep of My pasture, you are adam" (Yechezkel 34:31). The

Torah uses the term adam to refer to Klal Yisrael. We can, therefore, deduce that the Torah refers to "you" (Klal Yisrael) as adam, but does not refer to idolaters as adam. Chazal are teaching us that the laws of tumas ohel apply only to a Jewish corpse, since it refers only to a Jew as adam, which seems to be the defining characteristic for determining who can transmit tumas ohel.

Tosfos distinguishes between the terms adam and ha'adam, the man. While we find idolaters referred to as ha'adam, they are not considered adam. This seems questionable, since the term ha'adam, with the hay ha'yediah, the letter hay indicating a definitive "the," acknowledges and emphasizes "the" adam, attributing significance to this term. It is like saying the "select" man. How is it that idolaters, who are often compared to a species of creation far lower than a human, be referred to as ha'adam, while Klal Yisrael, the Chosen People, in whom Hashem prides Himself, is called only adam?

Horav Avigdor Halevi Nebentzhal, Shlita, quotes Horav Shlomo Zalmen Auerbach, zl, who explains that the term adam actually suggests two different meanings. First, adam is a derivative of the word adameh, as in "I will liken myself to the One Most High" (Yeshayah 14:14). Thus, since man is created in the image of G-d, he has the ability to elevate himself to great spiritual heights by identifying himself with the Creator, as he attempts to emulate His actions and follow in His ways. In this sense, adam means to imitate, replicate, to reflect and liken oneself in some way to Hashem by closely following His actions of loving kindness, etc. Adam, is also derived from adamah, earth, the source of all mankind. It is the place in which all humans find eternal rest as their physical bodies are returned to the earth.

The term adam, which suggests comparison to Hashem, encouraging man to emulate the Creator and follow His ways, cannot be preceded with a hay ha'yediah, since to adameh, imitate, is a verb, and a verb cannot be preceded with a definitive "the." This prefix is applicable only in conjunction with a noun, as in adamah, earth. It would then mean "the" individual who originates from the earth.

Both Jews and idolaters are called adam - but for two disparate reasons. The term adam, which is used to refer to Jews is a verb denoting their capacity for emulating the Creator. The hay ha'yediah does not apply in such an instance. We can refer to idolaters, who are called Adam because of their origin with the hay ha'yediah. This definitive "the" certainly does not grant them select status. It only emphasizes their inability to achieve spiritual ascendancy which reflects the image of G-d.

The Kohen shall immerse his clothing and himself in water. (19:7)

Ironically, the Kohen who is involved in preparing the Parah Adumah, which is used to cleanse someone of ritual impurity, himself becomes tamei, ritually contaminated, and likewise does his clothing. In his commentary to the Mishnah Parah 8:3, the Rash m'Shantz, writes that if by some chance the Kohen were not to be wearing his holy vestments during his preparations of the Parah's ashes, he would not become tamei. The Kohen contracts ritual impurity only when he is wearing his clothes. Why is this? What characteristic of the Kohen's clothes catalyzes his tumah?

Horav Mordechai Gifter, zl, explains that we must first understand the origin of clothing and its relationship to man. Prior to the sin of Adam ha'Rishon, each organ of man was used innocently as a vehicle to serve Hashem. As Sforno explains in his commentary to Bereishis 2:25, there was no difference between man's reproductive organs and the organs he used for eating and drinking. As a result of man's transgression, lust and desire became inherently associated with his reproductive organs, creating a need for him to cover them. The introduction of the yetzer hora, evil inclination, transformed man's entire composition. Thus, as a result of man's sin, clothing became an essential part of the human being, to the point that if man is lacking in clothing, he is not merely lacking in modesty; he is actually deficient in his essence.

A Kohen who is not wearing his vestments is not a "complete" Kohen. He is missing part of his essence. Therefore, he could not be rendered impure as a result of his contact with the Parah Adumah's ashes. Devoid of his clothing, he is bereft of his true human form. As a defective human being, this form of spiritual impurity does not affect him.

Based upon the Rosh Yeshivah's words, we have a new perspective on the concept of tznius, modesty, in dress. An individual, male or female, who is improperly covered, is lacking part of his or her essence. There is a deficiency in his or her human form. It is much more than an affront to the Torah's concept of morality and self-respect. It means that these people are lacking in their basic substance. This idea probably never entered their minds.

This shall be for them an eternal statute, and the one who sprinkles the water of the sprinkling shall immerse his clothing, and one who touches the water of the sprinkling shall be impure until evening. (19:21)

Rashi cites Chazal who say that the Kohen who actually sprinkles the water remains pure. The pasuk teaches us that the one who carries the water contracts a tumah chamurah, severe impurity, in that it renders impure even the clothes that he is wearing. This is unlike one who sprinkles the water. Furthermore, the Torah expresses this idea using the word mazeh, "one who sprinkles," to teach that the

impurity does not transmit to the one who carries the water unless he is carrying a quantity sufficient for sprinkling.

The laws of Parah Adumah, Red Cow, are paradigmatic of the chok, commandments for which there is no expressed human rationale. These laws are considered an edict of the Supreme King - Hashem. They also serve as a lesson to teach us that, indeed, all mitzvos, even those that we seem to understand with our limited abilities, are to be viewed as royal edicts. One of the anomalies concerning the Parah Adumah is the fact that the Kohen who is occupied in preparing it becomes tamei, ritually contaminated, although those whom he is sprinkling, become tahor, ritually clean.

Horav Eliyahu Meir Bloch, zl, derives a powerful lesson from here which has practical application to the mundane, physical life we lead. One who studies Torah superficially, who barely "touches" it, is exposed to the danger of becoming ritually defiled. Torah is not something with which one can merely come in contact, without becoming wholly involved in it. There is no place for a desultory, one-dimensional relationship with Torah. It must become an inexorable part of one's life. The individual who "simply" carries the water mixed with the ashes of the Parah Adumah, whether there is someone tamei upon whom to sprinkle it or not, becomes defiled by virtue of the fact that he did nothing with the water but carry it. He did not appropriate it for its unique function of purifying others. The waters of the Parah Adumah have a function and purpose, which is to purify others. Anything less than that detracts from its purpose. Likewise, one who has the ability to inspire and influence others to follow the Torah way - to elevate their level of Torah study, to intensify their mitzvah observance - and does not, is using the Torah for personal reasons. Thus, he defiles himself, much like the Kohen who carries an amount that is fit for sprinkling - but does not sprinkle it on others. Torah study is a mitzvah, a way of life, a responsibility. Each of us has a moral obligation to use the Torah he gains to help others - not only himself.

And the people settled down in Kadesh, and Miriam died there, and was buried there. (20:1)

One would assume that if Miriam HaNeviah had died in Kadesh, that it would also be her eternal resting place. Why does the Torah emphasize that she was buried there? Horav S.R. Hirsch, zl, explains that Miriam's grave in Kadesh serves as a lesson to future generations that she did not leave this world until the next generation was prepared to enter into the future that was promised to them. Miriam had completed her mission on earth. When people would see her gravesite they would take note of her remarkable leadership and inspiration, realizing that she had left over a living legacy of inspired students - women who had learned from her example.

During Klal Yisrael's long sojourn in the wilderness, a sojourn replete with so many sad experiences, it was the women who were the least implicated in the frequent mutinies and defections that arose from the despair that plagued some of the people. Under these trying circumstances, it was the women who did their utmost to preserve the faith and maintain their fidelity to Hashem. According to the Midrash, this was the reason the women were not included in the decree that relegated the members of that generation to perish in the wilderness before the nation could enter Eretz Yisrael. As a result, the women of that generation, grandmothers and mothers, entered the land together with their offspring. A generation which did not experience the Egyptian slavery or exodus with its accompanying miracles, they were there to guide, to inspire, to recall the past and to prepare the next generation for the future. Their recollection of the past, of the auspicious, unprecedented events that took place in the desert, would inspire their grandchildren and great-grandchildren with the spirit of the G-d-revealing experiences which they had previously witnessed. The fact that these women had been so deeply and thoroughly imbued with the Jewish spirit may accurately be attributed to Miriam, who served as a shining example of a Jewish prophetess.

We wonder why Miriam succeeded in leaving a lasting influence on the women, while Moshe Rabbeinu and Aharon HaKohen were not successful in preventing such sins as the Golden Calf, the spies, and the dispute of Korach from occurring? Did Miriam demonstrate a unique form of inspirational qualities that her two brothers were lacking? Surely, this cannot be true. Perhaps the difference lies in their respective positions. As leaders of the nascent Jewish nation, a nation comprised of people who had heretofore been slaves for generations, Moshe and Aharon were given the difficult task of molding a nation, of creating a peoplehood out of individuals who had for generations been broken-spirited and understandably untrusting of any form of authority. This insecure attitude led to resentment, envy, and malice toward those who had been Divinely mandated to lead. While most of Klal Yisrael unquestionably accepted and revered Moshe, some dissenters managed to find fodder for their bitterness to germinate into invidious rebellion against Hashem's anointed.

Miriam was not in such a position. At least, she was not viewed as a threat to anyone's self-expression. Thus, she lived her life as a righteous and saintly woman, a paradigm for the nashim tzidkaniyos, righteous women, who faithfully supported

their husbands, encouraging them to accept the travail and believe in Hashem. One day they would be redeemed from Egypt. In the wilderness, they attempted to dissuade their husbands from engaging in mutinous activity. Some succeeded; many did not. This sin of the people was the final straw for them. They wept that night for no reason, so Hashem promised to give them a reason.. They lost their opportunity to enter the land. Today, we have Tisha B'Av, our national day of mourning, to commemorate that night of unwarranted weeping which led to the destruction of the Batei Mikdash.

Inspiration is a powerful term, conferring enormous responsibility upon a person. One who has the ability to inspire, but does not, is grievously selfish. One who has been inspired by a person, regardless of his station in life, remains forever indebted to him. Above all, we must realize the compelling effect of inspiration - both positive and negative. I recently heard quoted in the name of the Klausenberger Rebbe, zl, who cited the following statement from the Chafetz Chaim, zl.

Leon Trotsky was one of the key figures in the Russian Marxist and Revolutionary circles. Later in his life, he became one of the central leaders of the USSR. The progeny of Russian Jews, he was born in Ukraine and named Lev Davidowitch Bronstein. Born with a superior intellect, he went on to use it to mold the Marxist party. Countless Jews in Russia were the victims both spiritually and physically of his philosophy and consequent actions. "Imagine," said the Chafetz Chaim, "if the cheder rebbe of the young Lev had gone out of his way to inspire him to learn Torah, to observe mitzvos, to warm up to Yiddishkeit, all of this might not have occurred." Do we have an idea of the powerful ability we have to inspire and influence our students? Tragic consequences can result if we are negative or even lax in fulfilling our mission to imbue Jewish children. One student did not make it, and millions of Jewish souls were extinguished. Do we need a more thought-provoking example of our power to inspire and our moral obligation to act constructively?

And Sichon assembled his entire people and went out against Yisrael in the wilderness. (21:23)

Rashi tells us an intriguing bit of information. Cheshbon, the capitol of Sichon's monarchy, was a city that was so fortified that it was considered impregnable. Indeed, had Cheshbon been a city of gnats, it still would have been safe from any creature. How much more so someone as powerful as Sichon, who, even had he been situated in a weak village, no one would have been able to conquer him. With these two extremes in place: a powerful king and an impregnable city, it was clearly considered impossible to defeat him. Hashem said, "Why should I trouble My children so much, to make them lay siege to each town? He, therefore, put the idea in the heart of all the warriors to leave their towns and go out to battle with the Jews in the green fields. They all gathered in one place, and there they fell in defeat. The Jewish army then went to each town, which was now left unprotected, and basically took over.

What an incredible story. What prompted Sichon to act so injudiciously? What prompted him to deliver his entire nation to the Jews on a silver platter? Horav Dovid Povarsky, zl, explains that it was his ego, his feelings of Kochi v'otzen yadi asah li es ha'chayil hazeh, "My power and my might made this great wealth for me." When a person believes in himself, he believes in a fool. Chazal are teaching us how far one can be misled by his own ego. Under normal circumstances, Cheshbon was a city that was considered impregnable. This led Sichon to believe that he was so mighty that no one could defeat him. Hashem demonstrated for all time how foolish this notion is.

In contrast, we learn how when Yosef Hatzaddik was presented to Pharaoh as a brilliant interpreter of dreams, he refused to take credit for his success. Instead, he attributed it all to Hashem. He sincerely believed that whatever success he was privileged to have was all due to Hashem. This is the way a Jew should live, always cognizant that whatever he possesses and whatever he has achieved is a gift from the Almighty.

How quickly we seem to forget that it is Hashem Who is constantly protecting and sustaining us. We have only to peruse the incident at the end of the parsha in which the people defamed the manna that sustained them. The ungrateful sinners were punished, bitten by fiery serpents whose poison made their victims feel as if they were on fire. This punishment was just recourse for those who slandered. After all, was not the primeval serpent the first slanderer? It was punished by not ever being able to enjoy the taste of its food. Then, in a sense, "it" punished the ingrates who complained about the "tasteless" manna. The antidote for their pain was to gaze upon a copper serpent that Moshe Rabbeinu had fashioned.

How did this cure them? It compelled them to deliberate, thus giving greater efficacy to their teshuvah, repentance. The sole purpose of the snake bites was to arouse the people to the constant dangers that surrounded them in the wilderness. They had to realize that their entire existence was due to Hashem's miraculous power which protected them from these perils. Regrettably, we too often do not recognize the "G-d factor" in our lives until we are "bitten" by the serpent. The Jew had to fix his gaze on the copper snake and acknowledge that, if not for the grace of G-d, he would be a victim to the snake and other hazards. In this manner, the individual

remains cognizant of the existence of the perils through which Hashem's special protection guides him safely every day and at all times, without his realizing it. Every time we need a little reminder, we should think about the "fiery snakes" in our own lives. Just as the protective screen surrounding the Jews was removed, allowing for the snakes to attack the ingrates, so, too, should we fix in our minds the remedy of remembering the image of the snake, so that we circumvent any other "reminders" to stabilize our focus on the true Source of our continued welfare.

Va'ani Tefillah Ashrei ha'am shekacha lo. Happy is the people for whom this is so. How fortunate are we to be the individuals who are characterized by the term yoshvei veisecha, "who will dwell in Your house." Happy is the nation whose G-d is Hashem. We do not have to go further, but to look "outside" at the world around us, in order to realize the good fortune that we enjoy by being part of Hashem's nation. Furthermore, as the Levush comments, we praise Hashem for allowing us to be a part of the nation that is constantly praising Him. To praise Hashem is a privilege of which one must be worthy. We thank Hashem for granting us that entitlement. This is the meaning of true happiness. The opportunity to cling to Hashem, to achieve closeness to Him, is the greatest source of happiness. For once one achieves this zenith in his relationship with Hashem, nothing else matters. He has made it. He is there. He has achieved the ultimate relationship. All of the worries that would normally bog him down no longer trouble him. He has reached the pinnacle. If only we would realize the definition of good fortune. When one reaches a point whereby he is totally secure and has no worries, he has achieved the summit of happiness. One who becomes near to Hashem is not affected by anything else. He understands the "ashrei" of "shekacha lo."

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http://www.ou.org/shabbat_shalom/article/brander_chukat_connectivity/
July 02, 2008 Chukat: Connectivity

By **Rabbi Asher Brander**

A classic story:

During wartime, a certain individual would come to the country's border with a wheelbarrow full of dirt. The border guard looked at the man's papers and all was in order for him to cross. But the guard was certain the man was smuggling some sort of contraband in the wheelbarrow. So the guard took a shovel, poked around in the dirt, but found nothing. The man was allowed to cross.

The next week, the man once again comes to the border with a wheelbarrow full of dirt. Again, the border guard found that the papers were in order and dug through the dirt, but still found nothing. And again, the man was allowed to cross.

Week after week, it was the same story: Man approaches the border with wheelbarrow full of dirt. Guard finds nothing of interest and the man crosses.

At the end of the war, the guard sees the man and asks him: "Look, I know you were smuggling something across the border, but I could never find a thing hidden in the dirt. What were you smuggling all those years?"

The man answered: "Wheelbarrows."

For most, Moshe's sin (1) is a foregone conclusion, we all "know" (Rashi's (2) approach) that he hit the rock rather than spoke to it. Default conceptions however may force us to miss the wheelbarrows; Ramban's obvious questions on Rashi loom large – for at the end of the day, when you're trying to get water from a rock is there really any difference between hitting it and speaking to it (As a teacher, whose job (at times) is to get water from rocks, I can testify that hitting and speaking are equally hopeless approaches). Further, says Ramban, why did Hashem tell Moshe to pick up the stick (v.8) if not to hit the rock, - something we saw Moshe do with the plagues and beyond?

Ibn Ezra discards several approaches(3) and then presents his own: The need to hit the rock a 2nd (v.10) time bespoke a lack of proper initial kavanah. For this lack of focus, Moshe is punished. Ramban simply asks why then does the Torah label this a lack of faith (v.12)?

Ramban(4) finds Moshe's sin in the term shim'u na hamorim (listen you rebels), Moshe's preamble to striking the rock. Moshe, the messenger par excellence of God, expressed personal anger towards klal Yisrael. The people naturally assumed that Moshe's anger reflected the Divine state of

things; as such his actions represent a chillul Hashem – for G-d was not angry with Bnei Yisrael. Ramban strongly rejects this approach on several grounds. Why is this called a lack of faith (v.12)? Why should Aharon be punished for Moshe's anger(5)? Who said that Moshe got angry – we only hear rebuke in the text and rebuke doth not anger make! Finally, how is it possible that Hashem wasn't angry, after all these years the Jews are still complaining about leaving Egypt and isn't this the simple meaning of "Bnei Yisrael who fought with Hashem" (v.13)!?

Begrudgingly, Ramban goes for Rabbeinu Chananel's approach: Moshe and Aharon for but a moment ascribed miraculous powers to themselves. "Shall it be from this rock that WE shall extract water". Such a momentary slip was a miniscule diminution of the Divine and jives well with the lack of faith motif expressed in v. 12

Many other approaches abound. Minimally, one thing is clear: whatever Moshe's misdeed, it was subtle and slight. In the words of one of the commentaries:

Moshe committed but one sin, but our commentators have heaped on him thirteen and more... I have refrained from going into this problem for fear I might attribute a new sin to Moshe

The world knows Rashi, and with him we shall conclude. Through the prism of the Netziv, Rashi's approach yields incredible depth.

The desert experience, especially in its final year, was to provide a transition from miracle mode to natural existence. The manna, the well, falling quail, hail, etc., all hallmarks of the midbar experience, was no longer to be God's modus operandi(6) in Eretz Yisrael. There bread would be eaten, but only after threshing, sowing, reaping, winnowing, kneading and baking. The Jews had to figure out this new reality.

In the desert, they will be weaned. Now, Bnei Yisrael are about to experience their first trial run. What happens when there isn't enough rain in Eretz Yisrael? (And it does happen!)

Hashem says: Moshe, Speak not at the rock or to the rock - but by the rock. Gather the people; pray and learn together. Mimic the conditions of gathering that you will need to evoke when there is a drought in Eretz Yisrael. (Teach them maseches ta'anis). Teach them the new method of responding to crisis. Moshe, take the stick – the one associated with so many miracles (splitting of the sea, the plagues) – but don't use it! At the end of the day, Moshe reverts to the old technique and does not teach the new methodology. He is thus compelled to die in the desert.

As I said good bye to my students not long ago, I tried (the time hallowed tradition of) bribing them to learn over the summer. One notion I shared with them was that those that learn and daven properly over the summer make the Torah not an object of duty but a labor of love, and more significantly begin to acquire it personally.

Chinuch, Rashi teaches (Bereishis, 14:14), means education for dedication, i.e. educating one to the point that they remain committed to an ideal even beyond the formal training. As the Jews left the desert, what they needed to learn was that Hashem is not only found in the miraculous nor is He only accessed through Moshe. Karov Hashem l'chol Korav. He is close to all that call Him. That sense of connectivity, of a personal natural relationship with Hashem is a message that we would do well pass on to our next generation.

Good Shabbos Asher Brander

FOOTNOTES: 1. Here is the text that we will refer to throughout the thought. It is important to note that a simple read indicates no wrongdoing until we encounter verse 12 : 3: The people quarreled with Moshe and said, "Would that we had died by our brothers' death before Hashem. 4: Why did you bring the congregation of Hashem into this wilderness for us and our livestock to die there? 5: Why did you take us out of Egypt and bring us to this terrible place? It is not a place of seed, figs, grapes, or pomegranates; and there is no water to drink"! 6: Moshe and Aharon moved away from the assembly to the entrance of the Tent of Meeting, and fell on their faces; the glory of Hashem appeared to them. 7: Hashem spoke to Moshe, saying. 8: "Take the staff and assemble the community, you and Aharon your

brother, and speak to the rock in their presence that it may give forth its water; you will then bring forth for them water from the rock, and give drink [to] the community and their livestock." 9: Moshe took the staff from before Hashem, as He instructed him. 10: Moshe and Aharon assembled the community before the rock; [Moshe] said to them, "Listen, you rebels! Can we extract water from this rock for you"? 11: And Moshe raised his hand and struck the rock with his staff twice; water rushed out abundantly, and the community and their livestock drank. 12: Hashem said to Moshe and Aharon, "Because you did not believe in Me to sanctify Me in the presence of Bnei Yisroel; therefore, you will not bring this congregation into the land that I have given them." 13: They are the waters of dispute where Bnei Yisroel contended with Hashem, and He was sanctified through them. 2. Rashi 20:11, s.v. pa'amayim; 20:12, s.v. lhakdisheini; cf Rashi, Devarim 32:51, s.v. al 3. including a fascinating suggestion that Moshe should have recited shira when the water emerged as he did later on (21:17) 4. Shemoneh Perakim, Ch. 4 5. One must note that Aharon is also held culpable in this event (v. 12). Also, note that it was only Moshe that said shimu nah (v. 10 vayomer lahem) 6. Netzv develops this idea in many directions. The pesukim of vayehi binso ha'aron serve as the transition within the book of bamidbar – hence they are a book unto themselves. Bamidbar is called the book of numbers because it is through the two censuses that we can see this transition. In the first one, Ephrayim (the more spiritual) who is placed before Menashe and at the end of the book it is Menashe before Efrayim .

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From: **Rabbi Jonathan Schwartz** rjspsyd@comcast.net
Date: Thu, 03 Jul 2008 16:47:32 To:
<internetchaburah@yahoo.com> Subject: [internetchaburah]
internet Chaburah Parshas Chukas 5768

Prologue: Sometimes you learn the most about people only after they are gone. Aharon Hakohen passes away in this week's sidrah and the people couldn't believe it. The Meforshim tell us that they needed the Malachim to back up Moshe's report before they accepted his death. Then the Aveilus began.

The Possuk tells us that the entire Bnei Yisroel cried for Aharon. The significance of the national support for Aharon is immense especially following the challenges to him during the Korachinian debate. Still, the Meshech Chochma points out, the significance that everyone cried at his death was based in the selflessness. As a Kohen Gadol, Aharon's death would have signified the beginning of freedom for those who were sent to Ir Miklat. Still, kol Beis Yisroel cried. No one was rejoiced at the death of the Kohen Gadol. This is a special commentary on Aharon and Bnei Yisroel, none of whom were in Ir Miklat at the time.

However, the respect for Aharon, the national unity in mourning for him was not repeated with the same intensity when Moshe died. Why?

Rav Yehonasan Eibeishitz (Tiferes LYehonasan) explains that Aharon named a clear successor who was to inherit his entire job. However, when Moshe passed away leaving an elderly Yehoshua to lead the people, there was some thought that perhaps some of the leadership would fall to another, still to be specified, person. That hope took away from the complete mourning of the entire nation.

The death of a Tzaddik often launches a period of communal doubt on many fronts. This week's Chaburah examines one of those areas. It is entitled:

Visiting the grave of a Tzaddik: A grave matter indeed
(based on the Torah of HaGaon Harav Asher Weiss shlita, 5765)

The issue of Kivrei Tzaddikim comes up time and again in the Jewish literature. For a non-kohein, the opportunity can serve as inspiration and even deterrent from sin. Indeed our Rabbis tell us that Kaleb went to the graves of the Avos & Imahos in Chevron in order to daven. Even Yirmiyahu visited the Kivrei Tzaddikim prior to Churban Bayis. However, the question is often asked, can a Kohein visit the grave of a Tzaddik or not?

The Talmud (Kesubos 103) tells the story of Ashkavteih D'Rabbi, the end of the life of Rabbi Yehuda HaNasi. The Talmud notes (103b) that on the day he died, Kedusha was Battel. There is some debate as to the meaning of this phrase. Tosafos offers 2 possibilities. The first, was that he was the last one known as HaKadosh. When he died the concept of Kadosh was ended. However, Tosafos adds, based on a Yirushalmi, that on the day Rebbe died, Ein Kedusha for Kohanim (a kohein could go to the cemetery). The Rashash explained this comment based on the principle that there is no Tumah emitting from the grave of a Tzaddik. Similarly, the author of the Agra D'Kalla (Section on Pesach Sheni) also says Yosef's coffin wasn't mitameh for the same reason.

The problem with this idea is that all the Rishonim disagree with this principle. Indeed the Rambam notes that the only reason a kohein went to the funeral of Rabbi Yehuda HaNassi was because he was the leader and all were to be Mitameh for him (See further in Yoreh Deah, 374:11). If anything, the story of Askavta D'Rebbe proves that the Tzaddik who is not Nasi is Mitameh and kohanim can not visit his grave. Thus, when Rabbi Chaim Kohein (Tosafos Kesubos 103b) said if he were there, he would be mitameh for Rabbeinu Tam, it must be because he felt that as the Gadol HaDor, Rabbeinu Tam was like a Nasi.

What then serves as the source for the Rashash and Agra D'Kalla? There is a comment of Rabbeinu Bachya (Kad HaKemach Ahavas Hashem) that seems to indicate that Kivrei Tzaddikim Einam Mitamin. It is based on a Midrash (Mishlei 9) which tells us that Rabbi Yehoshua HaGarsi, who was the student and attendant of Rabbi Akiva, was once met by Eliyahu who went to help him bury Rabbi Akiva. He asked Eliyahu how he could carry the corpse if, after all, eliyahu is a Kohein? Eliyahu told him Chas V'Shalom to assume that Tzaddikim have Tumas Mes. The implication is that Tzaddikim do not ave Tumas Mes and ostensibly, a kohein could visit their graves.

It should be noted that Tosafos (Yeveamos 61), says one can't bring a Halachic proof from a Midrash. Elsewhere (Bava Metzia 114), he specifically uses this Midrash to show that Eliyahu pushes off his questioners. But Ramban quotes this L'halacha noting that it is impossible that Eliyahu makes things up. Ergo, it follows that Kivrei Tzaddikim aren't Mitameh. However, Ramban limits this to a tzaddik who dies with neshika. Sefer Chinuch 293, also adds this point. According to the Rambam (Moreh Nevuchim), only three died this way – Moshe, Aharon & Miriam and their graves are unknown.

The Avnei Nezer (YD, 466) specifies 2 rules about Tumas Adam noting that a) a Tzaddik who b) was murdered has no Tumah. Hence Eliyahu took care of Rabbi Akiva who was both a Tzaddik and murdered. It wasn't a problem of Tumas Adam for the Kohein.

However, citing a long list of proofs from the Gemara (San. 39, Bava Basra 58a, Berachos 28 to name a few), many Poskim continue to forbid kohanim from entering cemeteries even to visit the graves of Tzaddikim. Indeed the Pischei teshuva (372:2) cites the Battei Kehuna who was staunchly opposed to the practice. Also, the Zayis Raanan (II:26) notes that R. Shmuel Salant ruled that a kohein can't go to Kever Rochel. In addition the Sdei Chemed (Rav of Chevron (vol. 9) says visiting the graves of the Avos is Assur.

L'halacha, Rav Weiss argues that there is little ground for leniency in the matter. Practically speaking, Kohanim should not visit the cemetery even to go to daven at the grave of a Tzaddik.

Shabbat Shalom

From: yatedusa@yated.com Date: Thu, 3 Jul 2008 15:08:58 -0400 (EDT) To: <usa-weekly@yatednews.com> Subject: YATED USA WEEKLY 07-04-08 Halacha Talk

by Rabbi Yirmiyahu Kaganoff
Of Umbrellas, Trees and Other Kohein Concerns

Question #1: Does tumah spread under umbrellas?

Question #2: The exit off the highway I take to work borders on a non-Jewish cemetery, and there are trees overhanging the road. One of the fellows I carpool with is a kohein, but he is not bothered about this issue. Even though I am not a kohein, should I be concerned?

INTRODUCTION This week's parsha, Chukas, discusses tumas meis, the spiritual defilement that results from contact with a corpse or other human remains. When the parah adumah is restored and we endeavor to keep ourselves tahor whenever possible, Jews will be more mindful of how tumah spreads. In that era, every Jew will be careful to be tahor when separating challah and terumah, eating maaser sheini and korbanos, and entering the Beis HaMikdash, all of which should be performed only when tahor. (Unfortunately, today we separate challah, terumah and maaser sheni when we are tamei because we have no other option.) For these and many other reasons, the laws of tumah and taharah will then affect everyone. In the interim, the laws of tumas meis do not directly concern most people, but they certainly affect kohanim since the Torah prohibits them from contracting tumas meis. Nevertheless, every Jew should be familiar with these halachos since a knowledgeable non-kohein can often prevent a kohein from becoming tamei, as we will soon see. Furthermore, a non-kohein may not cause a kohein to become tamei.

SOME BASIC LAWS OF TUMAH A person can become tamei meis in three different ways: 1) maga (touching), 2) masa (carrying or moving, even if one does not touch the remains), and 3) being under the same ohel (roof). A kohein is prohibited from becoming tamei meis by any of these methods and therefore he may not touch, move, or be in the same ohel as human remains. (There are two exceptions when a kohein must become tamei: either to a close relative, or to a meis mitzvah, a Jewish corpse that has no one else to take care of it.)

DO REMAINS OF A NON-JEW CONVEY TUMAH? The remains of a gentile convey tumas meis if they are touched or carried. The Gemara cites a dispute whether these remains convey tumas ohel, and the Shulchan Aruch rules that it is proper to be stringent (Yoreh Deah 372:2). Therefore, a kohein should not enter a room containing the remains of a non-Jew. This last halacha affects kohanim entering hospitals when it is not a life threatening emergency, and visiting museums that may have human remains. (My experience is that most museums contain some form of tumas meis.)

AN OHEL IS NOT JUST A TENT Although the word ohel also means "tent" or "roof," tumas ohel has much broader connotations and is conveyed via almost any cover or overhang at least a tefach wide (about three inches) [Ohalos 3:7]. Therefore, a protrusion, overhang, umbrella, or branch with this width is an ohel; if it is over a grave or corpse, it conveys tumah to anyone standing anywhere underneath.

NARROW BRANCHES Many authorities contend that an ohel that is a tefach wide at one point spreads tumah under its entirety, even under a narrower part (Rambam, Tumas Meis 12:6; 18:1; cf. the Rosh's commentary to Ohalos 15:10, who disagrees). According to this approach, a tree branch that is a tefach-wide at one point continues to be an ohel when it narrows and can thus spread tumah rather extensively. Some contend that this is true only when the branch or protrusion is a tefach-wide for a majority of its length (Aruch HaShulchan, Yoreh Deah 371:25; the Tosafos Yom Tov seems to disagree.) whereas others maintain that it becomes an ohel only if the tumah is located beneath its tefach-wide section (Sidrei Taharos, Ohalos 12:6).

CONNECTING OHEL AREAS Tumas ohel spreads from one ohel area to any other ohel that overlaps or connects even if the different ohel "roofs" are of very different heights. Therefore, a series of overlapping or connecting roofs, ledges, caves, umbrellas, tree branches, or even people, can create a continuous ohel that transfers tumah for great distances. Indeed, what appears to be separate buildings or structures may be one large ohel connected by open doors and windows (under certain circumstances, even through closed ones), ledges or tunnels, and tumah in one building may spread across an entire complex of buildings. This is particularly common in hospitals, museums, shopping malls, university campuses and airport terminals where remains in one part of the building, or even on an airplane connected to the terminal through a jet way, may spread tumah throughout the entire facility. Another example of this novel principle is that someone carrying human remains into an airport terminal or medical facility that connects to a subway station conveys tumah throughout the entire subway system and prohibits any kohein from remaining anywhere in the subway since the entire system qualifies as one large ohel. Therefore someone dying in a Bronx subway station contaminates a kohein awaiting his commuter train in Penn Station!

KEEP YOUR DISTANCE The human body can also function as an ohel that conveys tumah. For this reason, a person leaning out of a window over a corpse or grave becomes an ohel that transfers tumah into the house (Ohalos 11:4). Similarly, people crowded around a corpse or a grave can create a continuous ohel that transfers tumah to anyone who touches them. Because of this, a kohein attending a funeral should keep his distance from the crowd. In the same vein, when a crowd of people escorts a meis on a rainy day, one person whose body is partly above the casket spreads tumah via his body to the area under an umbrella, and then the tumah spreads throughout the crowd from umbrella to overlapping umbrella. Some authorities contend that a kohein must distance himself four amos (about seven feet) away from the umbrella nearest him. I once attended a funeral in a yeshiva beis hamedrash where the tumas meis spread through an open door under the building's awning, under umbrellas outside, and then from umbrella to umbrella for a very extended area. The tumah eventually reached many kohanim who were completely unaware that they had violated a Torah prohibition while performing the mitzvah of respect to the departed. All this could and should have been avoided with a little foresight and planning, such as arranging an assembly area for kohanim distant enough to keep them tahor. A well-educated yisroel could have resolved the unfortunate problem.

TREES A kohein must be careful not to pass beneath a tree branch that also overshadows a grave. It is common to find large trees overhanging a cemetery and a section of roadway at the same time. As I pointed out above, this presents a halachic problem even if the cemetery is not Jewish since the Shulchan Aruch rules that a kohein should avoid defiling himself in the ohel of a non-Jew. If this case affects you, I suggest asking a shailah what to do. Also, it often happens that one side or one lane of a road passes under trees that overhang a cemetery while the other side or lanes do not. Sometimes, while driving down a city street, a kohein suddenly realizes that the street ahead passes alongside a cemetery and that there are trees overhanging the roadway. Obviously, he should not swerve suddenly and endanger people in order to avoid defiling his kedusha; however, people should prevent this situation by notifying kohanim that the road is problematic.

LEAVES OR ONLY BRANCHES? Although several places in the Mishnah and Gemara (Bava Basra 27b; Negaim 13:7; Kiddushin 33b) assume that tumas meis spreads underneath trees, the authorities dispute whether leaves and twigs create an ohel, or only branches. Some poskim contend that leaves and twigs rarely become an ohel; others make a distinction between sturdy ones that can bear weight and those that cannot; others distinguish between large leaves and small ones, and still others discriminate between leaves of deciduous trees and those of evergreens that have leaves all year round (see Sukkah 13b; Rambam, Tumas Meis 13:3).

DATELINE: LVOV, POLAND, ROSH HASHANAH, 1620 The halachic questions raised above became mired in controversy in 17th Century Lvov (more commonly known to Jews as Lemberg), Poland. (Because of the extensive shift of international borders at the end of World War II, this city is now located in the Ukraine.) On Rosh Hashanah 5381 (corresponding to September 1620), Lvov's new rav, Rav Yaakov Koppel Katz, noticed that people were walking into a nearby forested area. Rav Katz noticed that the dense foliage under which people were relaxing continued until the local cemetery. Rav Katz prohibited kohanim from entering this area, contending that tumah from the cemetery spread under the tree canopy, contaminating the entire area. Thus, he felt that kohanim relaxing in this area were violating the Torah prohibition of contracting tumas meis. The townspeople claimed that the Drisha, possibly the greatest posek of his generation, who had himself been a kohein, had walked and sat under these same trees when he had served as rav of Lvov only a few years before. Rav Katz countered that at the time of the Drisha, the tree canopy must not have extended so far, and the areas he walked under were not connected to the cemetery. What exactly was the question? Apparently, the trees in question did not have wide branches, but did have dense foliage comprised of small leaves that touched together, leaving no space between them. Rav Katz held that even twigs and leaves not strong enough to support any weight can still combine to form an ohel. He also held that although plants that die in the winter are not significant enough to be an ohel, the deciduous leaves of trees that survive from year to year do qualify as an ohel. Rav Katz wrote an extensive responsum outlining his halachic concerns and sent it to a different kohein in Lvov, a talmid chacham named Rav Avraham Rappaport. Rav Rappaport disagreed with Rav Katz and penned his own correspondence wherein he maintained that these trees did not spread tumah. Rav Rappaport contended that twigs and leaves form an ohel only when they fulfill the following conditions: A. They are strong enough to bear the weight of a layer of plaster applied to them. B. Each leaf is itself the size of a square tefach, approximately three inches by three inches. He maintained that one does not combine different leaves and/or twigs to form an ohel, even if there is no space between them at all. C. The leaves are evergreen (see also Gesher HaChayim pg. 87). According to Rav Rappaport, the Drisha might indeed have been relaxing under the same foliage that still existed in 1620! (Of course, we will never know.) Rav Rappaport then mailed the two responsa, his own and Rav Katz's, to a third

scholar, Rav Aharon Abba HaLevi, who concluded like Rav Rappaport although for slightly variant reasons. He agreed with Rav Katz that leaves combine to form an ohel, but in addition to remaining through the winter and being strong enough to withstand the weight of a layer of plaster, he added yet another condition: They must be sturdy enough not to be blown by a typical wind (see Tosafos, Sukkah 13b). Rav Rappaport then sent the three responsa to the gadol hador, the Tosafos Yom Tov, for his ruling on the famed trees of Lvov. The Tosafos Yom Tov sided with Rav Rappaport and Rav Aharon HaLevi that the leaves involved were not an ohel. However, the Tosafos Yom Tov held a stringent opinion concerning a related issue that none of the other scholars had addressed. He contended that if the branches are a tefach wide at any point, tumah continues to spread even when they narrow. (As I mentioned above, this is subject to a dispute between the Rambam and the Rosh. Among the later authorities, most rule like the Rambam and the Tosafos Yom Tov [Dagul MeiRevavah on Shach 371:14; Chochmas Odor; Aruch HaShulchan] whereas some rule like the Rosh [Chasam Sofer, Chullin 125a].) (Eventually, Rav Rappaport printed the correspondence of the four rabbonim as a chapter in his own magnum opus, Shu"t Eisan HaEzrachim #7.)

FROM LVOV TO NORTH AMERICA This last distinction is critical. It is very common that the branches of a mature tree are a tefach wide near the trunk although they narrow as they grow. According to the Tosafos Yom Tov's conclusion, these trees will spread tumah under their boughs even if they narrow considerably, thus spreading tumah to a considerable extent. The result is that if the branch of a tree one tefach wide at one point spreads over the graves, and this branch then extends over or under a branch from another tree, which in turn stretches over or under a branch from another tree, the tumah will continue to spread as long as each branch is a tefach wide at some point. (As mentioned above, some commentaries contend that the tumah spreads from one branch to another only when both branches are a tefach wide at the point that they cross one another.) This is because beneath each branch is an ohel, and the tumah extends from one ohel to another. In the contemporary world, this shailah is extremely germane due to the widespread use of large trees as urban landscape. It is very common for trees to overhang cemeteries in a way that spreads tumah onto nearby highways, streets, and sidewalks. With this information, we can now address the second question raised above: "The exit off the highway I take to work borders on a non-Jewish cemetery, and there are trees that overhang the road. One of the fellows I carpool with is a kohein, but he is not concerned about this issue. Do I need to be?" There is indeed cause for concern. Due to technical factors such as the width of the branches and the locations of the graves, and halachic factors, one should ask one's rav what course of action to follow in this situation.

EIGHTEENTH CENTURY A shailah very similar to our contemporary case involved a dispute between two mechtanim, both of them prominent rabbonim, Rav Yosef Hock and the Teshuvah Mei'ahavah, Rav Elazar Flekelis, who was a disciple of the Noda BiYehudah. The case involved a shul adjacent to a cemetery that was used for fetuses and stillborns, whose unmarked graves convey tumas meis and ohel. A tree's branches extended over the cemetery and its branches brushed against the shul building. When the windows of the shul were open, if indeed the tree conveyed tumah, the tumah would now spread from the tree through open windows into the shul, creating a problem for kohanim. Rav Hock contended that the tree limbs did not require trimming since they were very weak and would not withstand any weight. Furthermore, it was uncertain whether the tree overhung the unmarked graves since no one was certain exactly where the fetuses were laid to rest. However, the Teshuvah Mei'ahavah took issue with many of the facts presented by his mechtan, contending that it was possible that the entire cemetery was already filled with graves, that the tree branches would eventually grow strong enough to bear weight, and that it is far better to accustom the community to trim the branches regularly and avoid any problem. Furthermore, he notes that it is not certain that a branch too weak to support any weight is not an ohel (Teshuvah Mei'ahavah Vol. 1 #89).

CONCLUSION Certainly umbrellas and trees can convey tumas meis; the halacha discussion is whether thin branches, twigs, and leaves do. Thus, a tree overhanging both a cemetery and a highway provides good reason to research whether a halachic problem exists. The checking of the layout and other factors should be performed by a non-kohein who is highly knowledgeable in the laws of tumas meis.

WHY IS IT PROHIBITED FOR A KOHEIN TO COME IN CONTACT WITH A MEIS? Although it is beyond our ability to fathom the reasons for the mitzvos, we can and should attempt to glean a taste of Hashem's mitzvos in order to grow from the experience of observing them. Thus, it behooves us to attempt to explain why the Torah bans a kohein from having contact with a meis under normal circumstances. Rav Hirsch, in his commentary on Vayikra 21:5, provides us with a beautiful insight into this mitzvah. In most religions, fear of death and what happens afterwards are the major "selling points." Thus, the role of the priest is most important when dealing with death. However, the Torah's focus is how to live like a Jew—to learn Torah and perform mitzvos, and devote our energies to developing ourselves in Hashem's image. To emphasize that the Torah is the blueprint of perfect

living, the kohein, who is the nation's teacher, is excluded from anything to do with death. The kohein's role is to imbue us with the knowledge and enthusiasm to live!!

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Parshas Chukas
The Negation of an Idol

by Rav Ahron Rapps The posuk in Parshas Chukas states, "Someone shall burn the cow in his (Elazar's) presence; its skin, flesh and blood with its waste shall be burned."

A person who becomes tomei through touching a dead body must have the mei chattos, the water of sprinkling, sprinkled upon him to become tahor, spiritually clean. The main ingredient of the sprinkling water is the ashes of the burnt cow, the parah adumah.

Rashi quotes Rav Moshe Hadarshan who compares the process of the parah adumah with the mother of a wayward and mischievous child. The mess that the child produces has to be cleaned by his mother. Similarly, the mess - the spiritual destruction - that was wrought through the chet of the Eigel Hazohov is also cleansed by its mother, the red cow. We are to understand that this process isn't merely a function of a calf - the Eigel Hazohov, and a cow - the parah adumah. It relates to the actual chet of the Eigel Hazohov. The Maharal in Gur Aryeh reveals to us the profound concept that lies within the parah adumah.

The chet of the eigel is to be understood in terms of avodah zarah, idol worship. As the Ramchal writes at the beginning of his sefer Derech Hashem, "Every Jew must know and believe that there exists 'Rishon, kadmon, v'nitzchi' - a first Being without beginning and end who brought all things into existence and continues to sustain them. This Being is G-d."

G-d is the Source of all, the first of all, Who always was. To proclaim anything as the source is to deny the sovereignty and divinity of Hashem.

It is within this framework that the chet of the Eigel is to be understood. Those of the Bnei Yisroel who mistakenly proclaimed, "These, Yisroel, are your gods who brought you up out of the land of Mitzrayim," gave the status of "G-d" to the molten calf. By doing so, they were establishing it as a "source" and giver of life.

The Maharal explains why it was specifically the mother that cleanses the chet of its calf.

In a traditional sense, mothers give birth and therefore provide life to their offspring. Thus, the chet foolishly established the calf as a source. The fact that it is born from a cow repudiates that assumption. The Eigel is to be perceived as a mere child, not a source, and absolutely not "G-d." The Maharal continues to explain an additional point and why a major component of the process requires the parah to be turned into ashes.

There are four basic components that are the building blocks for everything that exists in Hashem's world. Aish, fire, ruach, wind, mayim, water, and afar, earth/dirt, are the basic ingredients of all that is part of the universe. The specific qualities of all things are in terms of the specific mixture of the four yesodos, the four basic components. In a sense, when one looks at an object, he is seeing that which developed from the basic yesodos. Fire has the specific ability to destroy the bonds that connect the yesodos and thus isolate them. Ashes are the yesod of afar after being subject to the harshness and power of aish, fire. The Maharal explains that it is because of this point that the parah adumah has to be turned into ashes.

The chet of the Eigel was establishing a golden calf as a G-d and an alleged source. A source is the shofresh from where all existence begins. To portray the sheker of the Eigel, the parah is burnt until it becomes ashes. The ashes represent the yesod of afar, the basic building block created by Hashem and, in a sense, a source from which all things are built. By turning the mother into ashes, we are being taught that even the source of the calf, the mother, comes from a basic yesod. The parah itself developed from a basic step and therefore cannot, in any way, be considered a god. Through this process, the blight of the chet of the Eigel is somewhat softened. The kilkul, or distortion, of the chet is revealed for the sheker that it is. It isn't a source, for it comes from a mother. Even the mother isn't a source, for it, too, comes from a step before, the yesod of afar portrayed in the ashes.

The distorted view of Bnei Yisroel which caused the chet of the Eigel still remains the challenge of our lives. They sought to perceive their true source, but unfortunately they were gravely mistaken.

Our plight is similar. We must recognize that Hashem is our Creator, as well as the One Who supplies us with life and all our needs. Hashem placed us in a world of darkness and gave us a mission. He wants us to acknowledge Him, even amidst the sheker that permeates our world.

May we be zeche to accomplish our sacred mission, to recognize the true Source - Hashem - and negate the various illusions that we have foolishly put our faith in.

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Leadership or Independence?

This week's parsha tells of the tragic end game of the generation of the desert. The great leader of Israel, Moshe, is told that he will suffer the same fate of not living to enter the Land of Israel as does his generation. The premier generation of Jewish history – dor deah, a generation of great knowledge and intelligence – is doomed never to see the promised land of Israel.

The greatest of all of the prophets and leaders of the Jewish people will accompany his generation to the grave without realizing his life's ambition of coming to the Land of Israel. Yet in the midst of this personal disappointment and national tragedy the Torah emphasizes for us the eternity of the Jewish people.

Yehoshua will continue the work and preserve the legacy of Moshe for the ages - and a new generation will arise that will enter the Land of Israel and settle in it. Whatever the previous generation was unable to accomplish, the next generation, even though less in knowledge and wisdom, will nevertheless achieve.

This next generation will not be psychologically burdened by the years of slavery in Egypt, it will not have worshipped the Golden Calf, it would not remember the complaints about food and water and the constant rebellions and dissatisfactions of their parents and grandparents with Moshe and God.

It will be faced with the stark choice of going forward and conquering the Land of Israel or remaining forever in a trackless and lethal desert. A generation that faces stark choices, almost no choices, usually is able to do the strong and correct thing and not delude itself that it will somehow survive permanently in a desert.

The absence of Moshe will also, strangely enough, force such a hard choice to be made. As long as Moshe is alive, the Jewish people place all of their trust in him. Nothing to worry about, Moshe will save us from our enemies and even from God's justice. Living in the desert is not so bad as long as Moshe remains with us. The manna falls from heaven in his merit and he always delivers water to us – and even meat on demand – if we complain strongly enough.

Moshe's presence amongst the Jews turns unfortunately into a hindrance for their progress in maturation and self-reliant independence. Moshe's transgression in this week's parsha – hitting the rock to draw forth water instead of speaking to it – may appear to be minor in our eyes, unworthy of the severe punishment meted out to him for this act. But the overall picture, and the effect of Moshe on his people, points to the necessity for him to step down as leader.

There are interests that weigh heavily in favor of Moshe and his continuing leadership. But there is a far-seeing and general interest of the nation as a whole that somehow overcomes Moshe's own personal interest. This week's parsha relates the final judgment of Moshe as seen in this perspective, and allows us a greater insight into the Torah's lessons and policies.

Shabat shalom.

Rabbi Berel Wein

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Drosho for Chukas 5762
Rabbi Eli Baruch Shulman

Parshas Chukas 5762

Rabbi Emanuel Feldman once gave a drosho about the connection between the פרה אדומה, the Red Heifer, and the sin of the עגל הזהב, citing Rashi: תבוא אמו. After davening a congregant says to him: Rabbi, that was very interesting, but what is the ritual of the Red Pepper?

זאת חוקת התורה. Rashi: חוק - פרשת אדומה.

Shlomo Hamelech: אמרתי אחכה והיא רחוקה ממני (רבינו Chazal say refers to gematriya, in בחיי פרשת אדומה).

Why more enigmatic than other מצוות?

Furthermore, Rashi gives reason: תבוא אמו ותקנה. Not worse than other המצוות.

What is connectin between עגל and פרשת אדומה? How does פרשת אדומה "clean up" mess of the עגל?

ל"ל say that at effects of הדעת סני were reversed. פסקה זוהמתן. (We learned about it in נפש החיים shiur.) No יצר הרע, no death. But חטא העגל plunged them back into mortality.

So death is result of חטא העגל.

But - if they had no יצה"ר, how did חטא happen? Answer in ע"ז:

הימים אלא ליתן פתחון פה לבעלי תשובה שנאמר מי יתן והיה לבבם זה להם ליראה אותי כל ארבי"ל לא עשו ישראל את העגל

But if there would have been no עגל there would have been no יצה"ר. So why did there have to be a חטא העגל to be מורה תשובה לרבים?

End of history: יום שכולו טוב. So why not go there directly? Which is what happened at הקב"ה: סני took us with נפלאות, overawed us with revelation, forcibly brought us up to highest spiritual state.

But that is not the ultimate השם רצון. The ultimate goal should come about through תשובה - there should be טומאה and evil in the world - and in man - which man, by his own efforts, overcomes. We don't understand why - why not go the short and easy way - but that is the inscrutable השם רצון.

And therefore he allowed the חטא העגל to happen, so that death and evil - which had momentarily been defeated - were relased back into the world. Why? להורות תשובה לרבים - to launch the process of תשובה that eventually - over the course of history - would defeat them.

The פרשת אדומה - the instrument with which the טומאה of death is cleansed - represents that entire process of תשובה and גאולה with which death and evil are to be overcome. And that fact that the פרשת אדומה itself is a cow - a mature עגל - demonstrates that in the Divine plan the purpose of the חטא העגל itself was to launch the process of תשובה which the פרשת אדומה represents.

And therefore פרשת אדומה is the ultimate חוק. The חוק is not in the details of the laws of פרשת אדומה - but, rather, in the very need for the פרשת אדומה, in the need for there to be death and evil and pain in the world at all. The חוק is not the פרשת אדומה but the עגל, which made the פרשת אדומה necessary, and which made death and sorrow the companions of life and joy.

That is the mystery that caused שלמה המלך to cry in despair: אמרתי אחכמה והיא רחוקה ממני.

We stand at the beginning of חודש תמוז, that very month in which the חטא העגל took place, and which marks the beginning of the period of המצרים בין, the tragic three weeks before the חורבן - the result of those tragic processes which the חטא העגל unleashed - took place.

And we stand at the end of a week in which death and tragedy have again been visited upon our people in ארץ ישראל.

And it is appropriate that we enter this month with the reading of פרשת אדומה. Because this פרשה reminds us that while טומאה is strong, it is not invincible.

The טומאה of death can be purified; and, ultimately, death itself will be defeated. And if the existence of טומאה, of death and evil, is a חוק, a mystery, rooted in the inscrutable will of the עולם של עולם, ultimately we are assured that even the חטא העגל, which released טומאה back into the world, was meant להורות תשובה, to open the way to תשובה, just as these dark days of המצרים, which lie ahead, lead on to the days of תשובה and renewal, just beyond.