

BS"D

To: Parsha@YahooGroups.com
From: crshulman@aol.com

INTERNET PARSHA SHEET
ON TERUMAH - 5763

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From: RABBI YISSOCHER FRAND [ryfrand@torah.org] To: ravfrand@torah.org Subject: Rabbi Frand on Parshas Teruma "RavFrand" List - Rabbi Frand on Parshas Teruma

The Only Thing You Can Take With You Is Your Dining Room Table

The parsha begins with the first 'building campaign' in the history of the Jewish people. "...and let them take for Me (v'yikchu li) a portion from every man whose heart motivates him..." [Shmos 25:2]. Many of the commentaries are troubled by the verb "v'Yikchu" [let them take]. The more appropriate language would be "v'Yitnu" [let them give] a donation.

A number of the commentaries who discuss this choice of words arrive at the same conclusion, namely that the Jewish viewpoint regarding giving charity is different than the common or secular viewpoint. The common attitude towards making a contribution is "I am 'giving'. It is my hard-earned money. I will GIVE some of my money to charity."

However, when G-d gave the command to build a Mishkan [Tabernacle], and the "building committee" came to collect money, it was made very clear that nobody was really giving anything of their own. This is because a Jew is supposed to believe that everything that he has in this world is from G-d. This concept can be referred to as prudent stewardship. G-d has made us custodians of His money. He has entrusted it to us. When we make a donation, we are not giving. Rather, the charity collector is taking back that which really belongs to G-d.

Technically, when a charity collector comes to collect money, he should not use the expression "Can you please GIVE me a donation". Rather, he should say, "I want to TAKE a donation" (I would not advise this from a practical standpoint). This philosophy should make it easier for us whenever we need to give. First of all, it is not 'ours'. Secondly, there is a famous cliché -- and so true it is -- we can't take it with us. The only thing a person will ever take with him from this world will be the mitzvah that he got when he gave to charity.

There is a very powerful Rabbeinu Bechaye later in the parsha. The pasuk in Yechezkel says, "The Mizbayach [Altar] was of wood, three cubits tall and its length was two cubits including its corners; its surface and its sides were of wood. He said to me, 'This is the Shulchan [Table] that is before Hashem'" [41:22]. The pasuk begins talking about the Mizbayach and ends up speaking about the Shulchan. Our Sages say [Brachos 25a] that this hints at the fact that when the Bais HaMikdash [Temple] was standing, a person achieved atonement via the Mizbayach. Now that the Bais HaMikdash is no longer standing, a person achieves atonement via the Shulchan.

However, the question can be asked: Why does the Shulchan help more than the Aron? When the Bais HaMikdash is no longer standing, the Shulchan that existed in the Bais HaMikdash no

longer exists either. Why is the Shulchan better than the Aron, when we have neither of them? The intent is that one's own dining room table provides atonement.

One's dining room table can be one's ticket to the World to Come. The kindness that one performs around his dining room table (by inviting guests and feeding those in need) will be the means by which a person achieves atonement nowadays that we do not have an Mizbayach.

Rabbeinu Bechaye adds that it was the custom of pious people in France to use the wood of their dining room table as building materials for their own coffins. Imagine -- being buried in one's dining room table! Why? The purpose was to teach them that they would not take a dime with them. Nothing will escort us to the next world except the charity that we gave during our life and the kindness that we showed towards others around our table.

This seems to have been an accepted custom in Europe. People wanted to take an item with them which would argue on their behalf as they approached the Heavenly Court. I once heard from Rav Pam, that the honest tailors in Europe used to request that they be buried with the yardstick by which they measured material. The way to 'cheat' in the tailoring business 200 years ago in Europe was for the tailor to take as much material for himself as he could get away with (from the material that their customers would bring to them to make clothing). The honest tailors, who never used the yardstick to cheat customers, asked that the yardstick be included in the coffin with them -- as a critical defense attorney on their behalf, when they faced their final Judgment.

The only thing we can take with us to the next world is our dining room table -- not the physical dining room table, but what we did with it and around it. This is the lesson of 'taking Terumah'. Nothing really belongs to us. In the final analysis, nothing will really help us other than the charity that we did around our table.

Transcribed by David Twersky; Seattle, WA
DavidATwersky@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #362: The Mechitza: How High? Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrand, Copyright © 2003 by Rabbi Yissocher Frand and Torah.org. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, learn@torah.org 122 Slade Avenue (410) 602-1350 Baltimore, MD 21208

From: Ohr Somayach [ohr@ohr.edu] To: weekly@ohr.edu
Subject: Torah Weekly - Parshat Teruma
* TORAH WEEKLY * from Ohr Somayach | www.ohr.edu
Highlights of the weekly Torah portion
Parshat Teruma For the week ending 8 February 2003 / 6 Adar I
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| info@kof-k.org

A Divine Comedy "And I will speak with you..." (25:22)
Over the last six months and under the guise of "renovations", the Waqf (the Moslem administration of the Temple Mount) has removed literally hundreds of tons of priceless Jewish historical artifacts and dumped them somewhere in the Judean desert. Their purpose is to remove any archaeological evidence of a Jewish presence. To Holocaust denial, the Waqf has added a new phenomenon - "Beit HaMikdash denial."
Things, however, haven't quite gone their way.

An inscribed stone tablet from the time of Yehoash, King of Judah, has recently been discovered on the Temple Mount. The black stone tablet, containing ten lines of Phoenician script, describes activities carried out by King Yehoash in the First Temple some 2,700 years ago.

The inscription corresponds to the Biblical account as recorded in Melachim II 12, including King Yehoash's call to the kohanim (priests) to collect money from the public for the purpose of renovating the Temple. The inscription details the purchase of wood and quarried stones and includes part of a Biblical passage recounting the event.

Archaeologist Dr. Gabi Barkai says that if the stone is authenticated, it is "perhaps the most important artifact ever uncovered in the annals of archeology in the Land of Israel and Jerusalem... It would be the earliest known tablet precisely recounting a Biblical event, constituting rare (archaeological) evidence of the existence of the First Temple, which stood on the Temple Mount for over 400 years from the time of King Shlomo until its destruction by Babylonian King Nevuchadnetzar."

How did this priceless artifact come to light?

It was uncovered during the illegal construction work by the Moslem Waqf on the Temple Mount.

No one has a better sense of humor than the Master of the World. The self-same action that was supposed to eradicate all trace of Jewishness from the Temple Mount has produced the most conclusive documentary evidence of our historical claim to date. They want to obliterate, but they end up becoming the means of revelation.

The prophet Shmuel, who re-identified the correct site of Har HaMoriah (the Temple Mount) writes, "However, the 'Netzach Yisrael' will not lie." (Shmuel I 15:29)

Netzach means eternity. Netzach is also a reference to Jerusalem. The "Netzach Yisrael" will not lie. Jerusalem the Eternal cannot be made to lie. When you try and make Jerusalem an accomplice against the eternal nature of the Jewish People (another translation of Netzach Yisrael), she will not lie.

"And I will speak with you from above the Cover..."

In this week's portion, the Torah teaches us about the Mishkan, the portable version of what was eventually to become the Holy Temple. G-d promised us thousands of years ago that He would speak to us from that place above the Holy Ark. Even though that Sanctuary was destroyed and plowed over nearly two thousand years ago, the Eternal One of Yisrael, the Netzach Yisrael, still "speaks" to us from that place, with His Divine sense of comedy. Written and compiled by RABBI YAAKOV ASHER SINCLAIR www.ohr.edu (C) 2002 Ohr Somayach International - All rights reserved.

http://www.torahweb.org/torah/2002/parsha/rtwe_terumah.html
[TorahWeb from last year]

RABBI MAYER TWERSKY
THE QUEST FOR SANCTITY

"Speak to the children of Israel that they bring me an offering: from every man whose heart prompts him to give you shall take my offering...and let them make me a sanctuary that I may dwell among them" (1)

The construction of the Mishkan is characterized by a profound dialectic. On the one hand, building the Mishkan constitutes a Mitzvah – unconditionally mandatory. On the other hand, the Torah stipulates that contributions for the building of the Mishkan be voluntary, an expression of nedivus lev (heartful devotion). A similar paradox characterizes the building of the Beis Hamikdash. On the one hand, building the Beis Hamikdash is mandated (2). On the other hand, this mitzvah entails a spirit of

volunteerism in that we must first arouse ourselves to initiate the search for the precise location which Hakadosh Baruch Hu has designated for the Mikdash. "There shall you seek Him, at His dwelling, and there shall you come" (3), only subsequently is the precise location prophetically confirmed.

A profound religious principle underlies these paradoxes. Surely, we are commanded to seek holiness, to be holy, to induce the shechina to dwell in our midst. However, it is impossible to attain kedusha if we act merely from a sense of obligation. To attain kedusha, one must yearn for it. One must be propelled by a spiritual volunteerism. Accordingly, the mitzvah of "let them make me a sanctuary" requires nedivus ha-lev.

Although ensconced within the mitzvos of building the Mishkan and Beis Hamikdash, this religious principle carries vitally important implications and far-reaching ramifications for all of Torah because the telos of all of Torah is kedusha (4). Thus our attitude towards Torah must be – this is a theme often sounded by my father zt"l – volutaristic; "what does the Torah want?" ought to be our operative question and not "how far can I advance my own agenda without trampling upon the Torah?"

1. Shemos 25:2,8 2. Vide Shanhedrin 20b. 3. Devarim 12:5. Vide Ramban ad loc. Also Ramban to Bamidbar 16:21 4. Hence, according to Rambam, the imperative of "kedoshim t'hiyu" is not enumerated as a specific commandment because it is an overarching, encompassing goal of Torah. Vide Sefer ha-Mitzvos Shores 4.

From: Yeshivat Har Etzion Office [office@etzion.org.il] Subject: SICHOT63 -19: Parashat Teruma
Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Project (Vbm) Student Summaries Of Sichot Given By The Roshei Yeshiva

This shiur is dedicated to Ilan Ramon z"l, who was mekadesh shem shamayim ba-rabbim, and to the rest of the Columbia crew.

PARASHAT TERUMA

SICHA OF HARAV YEHUDA AMITAL SHLIT"A

Mazal tov to Ami and Shira Zeiger of Lakewood on the birth of their daughter Basya! Yehi ratzon she-tizku le-gadlah le-Torah, le- chuppa u-le-ma'asim tovim. Mazal tov also to the Zeigers of Philadelphia and the Lermans of South Bend; Mazel Tov to Benji and Alisa Zimmerman on the birth of a daughter on Sunday night in Yerushalayim. Yehi ratzon she-tizku le-gadlah le-Torah, le- chuppa u-le-ma'asim tovim. Mazel Tov also to grandparents Rabbi and Mrs. Danny Rhein of Efrat and the Zimmermans of Beit Shemesh.

Please pray for Ben Zion Yechiel Michel ben Yaffa, a one-year-old in dire need of a miracle.

A Sense of Obligation Summarized by Matan Glidai Translated by David Silverberg

The Torah tells us at the beginning of Parashat Teruma that the Beit Ha-mikdash is to be built through Benei Yisrael's donations. Later, in Parashat Vayakhel (chapter 36), the Torah describes the outpouring of materials Benei Yisrael contributed towards the construction of the Mishkan and its accessories. One gets the impression that the Torah here encourages good will and volutarism, that it praises the Jewish people for their unsolicited contributions.

However, Rashi (25:2) writes that the sockets, which supported the beams of the Mishkan, were manufactured not from voluntary donations, but from the mandatory half-shekel tax levied from the people regardless of their generous contributions. Latent in this comment of Rashi is a critical

lesson regarding avodat Hashem in general (see Maharal of Prague in "Gur Aryeh"). One's service of the Almighty must be based first and foremost upon an ingrained sense of obligation, duty, commitment - not good will and voluntarism. One must feel obligated to fulfill the mitzvot, and cannot perform them merely because he finds them interesting or appealing.

Some people think that a good Jew is one who fully identifies with everything he does and does not perform religious acts as if they have been forced upon him. Rashi here teaches us that although the Mishkan did require voluntary donations, the sockets - the very basis and foundation of the Mishkan - were built not from voluntary contributions but from mandatory taxation. One must inculcate within himself, before anything else, a profound sense of commitment.

Although Benei Yisrael declared "Na'aseh ve-nishma" - "We will do and we will hear" - before receiving the Torah, G-d nevertheless found it necessary to suspend the mountain over their heads and threaten them should they not accept the Torah (Shabbat 88b). The foundation of avodat Hashem is that we are obligated to uphold the mitzvot; only on this basis can one build a sense of voluntary service of G-d. In the Psalms (27:4), King David requests "to live in the House of G-d all the days of my life, to gaze upon the beauty of G-d and to frequent His temple." One must first live permanently in the House of G-d, out of necessity and obligation. Only thereafter comes the "frequenting of the temple," when one occasionally comes to visit out of personal interest and free will.

This message takes on particular significance today, when Western society seeks to avoid any form of burden and obligation, a tendency that has made its way into our community, as well. The prevalent attitude encourages one to do only what his heart desires, and any type of coercion is considered harmful and threatening. People today raise onto a pedestal the ideal of human rights and freedom, and view any form of obligation or commitment as undermining this concept. Many have forgone the institution of marriage, preferring to live together without an official bond that demands loyalty and mutual devotion. Many have lost the motivation to serve in the Israeli Defense Forces, since they feel no commitment to defend the country. Society has divested itself of virtually every form of obligation and commitment.

We must rise above this dangerous attitude. Within the religious community, there are those who promote Torah study only because it is interesting and enjoyable. We must understand that Torah study must be based primarily upon a sense of commitment, and only thereafter can one speak of the enjoyment and interest generated therefrom. As symbolized by the sockets, as well as by the sacrifices (which are the primary purpose of the Mishkan), commitment forms the very basis and foundation of serving G-d, its bottom line and ultimate purpose. (Originally delivered on Leil Shabbat Parashat Teruma 5757 [1997]). Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Alon Shevut, Gush Etzion 90433 E-Mail: Yhe@Etzion.Org.IL Or Office@Etzion.Org.IL

From: Shema Yisrael Torah Network

[shemalists@shemayisrael.com To: Peninim Parsha Subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum - Parshas Terumah

PARSHAS TERUMAH

They shall make a Sanctuary for Me - so that I may dwell among them. (25:8)

The kedushah, sanctity, of the Mikdash, Sanctuary, is commensurate with the amount of "li," for Me, that one puts into it.

When we refer to kedushah, invariably we tend to think of something spiritual, surreal, with no tangibility. Consequently, it cannot have any effect on us. This is where we are wrong. That something is intangible does not preclude its ability to suffuse us with its properties and values. Let me take the liberty to illustrate this idea.

The Midrash in Parashas Toldos relates an incident that took place during the Roman destruction of the Bais Hamikdash. The Romans knew that destroying the Jewish Temple was a prerequisite to their success in destroying the Jewish State. They, however, needed a guide, since they did not know their way around. They had a Jew by the name of Yosef Meshisa, a traitor to his G-d and to his People, show them around the Bais Hamikdash. This is a sad commentary on our history, in which often it has been the assimilated secular Jew, who - due to his insecurity concerning his own disavowal of Judaism -- is provoked to act in such a traitorous manner. The Romans told him that as payment for his "noble" work, he could take for himself anything that he wanted from the spoils of the Bais Hamikdash. Yosef Meshisa did something indescribable: he took the golden Menorah for himself. This demonstrates the nadir of depravity to which this Jew had sunk. The Romans, however, had more decency than he did. They refused to give it to him, claiming that it was inappropriate for a commoner to have such a holy object in his house. "Go back and take something else - anything - just not the Menorah," they said.

One would think that he would have run right back and grabbed something else. He did not. He replied, "I cannot return; I cannot go back in." They became upset. All of a sudden, he was becoming frum, observant. After all, let us be realistic: this was the epitome of evil. They promised him that the income from the next three years' tax collection would be his, as long as he went back in. He persisted. "I cannot go back in. Is it not enough that I angered my G-d 'once' and defiled His Temple; I should have to do it once again? No! I will not return."

The Romans became quite incensed. He had no right to become frum. He was an apostate. They tortured him, and he continued to refuse to go back. Finally, his heart gave out, and he died. During the entire time that he was being tortured, he kept on crying out, "Woe unto me, for I have angered my Creator!"

"What happened here?" asks the Ponevezher Rav, zl. What made Yosef Meshisa do teshuvah? Why did he suddenly make an about-face and repent? He was clearly a scoundrel, who manifest no sensitivity towards Jewish values. Suddenly, he repented and died a martyr's death. What transpired that would create such a metamorphosis from a rasha merusha, evil incarnate, to a tzaddik, righteous person?

The Ponevezher Rav answered that the mere fact that Yosef Meshisa entered the Holy Sanctuary, his exposure to kedushas Bais Hamikdash transformed him. He confronted holiness. He entered the Bais Hamikdash for the worst of reasons and with the worst of intentions; yet, he exited a changed person. The rasha that entered did not exit -- someone else did. One cannot be in the Bais Hamikdash without becoming inspired. There is something real about kedushah u'taharah, holiness and purity. Exposure to the Shechinah can and does change a person's life. Yes, kedushah is real - its power is dependent on how much of Hashem we allow in, how much "li" there is. Horav Yissachar Frand, Shlita, adds that this power is not restricted to the Bais Hamikdash. Even today, something comparable exists, perhaps on a smaller scale, which can instantaneously affect one's spirituality. He cites the following true story: Franz Rosenzweig, who died in 1929, records this story about himself in his book, The Star of Redemption. He was a totally secular German Jew, a prolific author, thinker, a great philosopher. He was so far -

removed from his People that he was preparing to convert to Christianity as part of his engagement to a non-Jewish woman. As a captain in the German Cavalry during World War I, he was stationed in a Polish town on what happened to be Yom Kippur night. He figured since he was Jewish and it was Yom Kippur, he might as well enter the Polish shtiebel, small synagogue, as an observer, to see what it was like.

He entered the shul out of curiosity; he walked out of that shul as a baal teshuvah, a repentant returnee, to Judaism. Consequently, he broke his engagement and became an observant Jew, committed to the religion of his ancestors, the religion that he had totally rejected until that fateful Yom Kippur night. Rav Frand points out that this was not America in 1990, where it was a common phenomenon for acculturated and assimilated Jews to return to their faith. This was Germany in 1915, where it was almost unheard of for a secular Jew to embrace the faith that he had heretofore shunned.

What occurred in that shtiebel? Was it the davening, fervent prayer, the outpouring of Jewish emotion, the tears streaming down the faces of pure Jews on the holiest day of the year? No. That was not necessarily the factor that transformed Franz Rosenzweig. It was the same as the situation involving Yosef Meshisa. He was exposed to kedushah, introduced first-hand to taharah. A person who was totally secular, who was about to marry out of the faith and accept another religion, went into a shul for one purpose - to observe - not to pray, not to participate in any way - merely to be a casual observer. Yet, this exposure changed him. It must be because kedushah is real, taharah is real.

Kedushah is not only found in the Bais Hamikdash. A minyan of genuine Jews, praying with sincerity and heartfelt emotion to Hashem Yisborach imbues the walls of a building with kedushah. Kedushah is manifest in spiritual integrity. It takes "li," lishmi - for My Name - Hashem's Name.

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<http://www.koltorah.org/ravj/The%20Parameters%20of%20Kol%20Isha.htm>

Rabbi Jachter's Halacha Files

A Student Publication of the Isaac and Mara Benmergui Torah Academy of Bergen County

Parshat Terumah [from last year]

THE PARAMETERS OF KOL ISHA

BY RABBI HOWARD JACHTER

The Gemara (Berachot 24a) records the prohibition of Kol Isha. In this essay, we shall outline the parameters of this issue, as delineated by twentieth century Halachic authorities. We shall discuss the source of the prohibition and its applicability in our times. Then we shall discuss the questions of whether this prohibition applies to Zemirot, tape recordings, and radio broadcasts. We shall conclude with a brief discussion regarding husband-wife restrictions, and men hearing young girls sing.

The Source of the Prohibition The Gemara (Berachot 24a) states, "The voice of a woman is Ervah, as the Pasuk [in Shir Hashirim 2:14] states 'let me hear your voice because your voice is pleasant and appearance attractive.'" Rashi explains that the Pasuk in Shir Hashirim indicates that a woman's voice is attractive to a man, and is thus prohibited to him. Rav Hai Gaon (cited in the Mordechai, Berachot 80) writes that this restriction applies to a man who is reading Kriat Shema, because a woman's singing will distract him. The Rosh (Berachot 3:37) disagrees and writes that the Gemara refers to all situations and is not limited to Kriat Shema. The Shulchan Aruch rules that the Kol Isha restriction applies to both Kriat Shema (Orach Chaim 75:3) and other contexts (Even Haezer 21:2). The Rama (O.C. 75:3) and Bait Shmuel (21:4) clarify that this prohibition applies only to a woman's singing voice and not to her speaking voice. The Shulchan Aruch (E.H. 20:1) rules in accordance with the view of the Rambam (Hilchot Issurei Biah 21:1) that a couple is biblically forbidden to have physical contact if they are forbidden to live with each other. The Acharonim (summarized in Teshuvot Yabia Omer 1:6) debate whether the Kol Isha prohibition is also a biblical level prohibition. Rav Ovadia Yosef

(ibid.) rules in accordance with the opinions that it is only a rabbinical prohibition.

Both Rav Ovadia Yosef (ibid) and Rav Yehuda Henkin (Teshuvot Bnei Banim 3:127) reject the claim that this prohibition does not apply today since men nowadays are accustomed to hear a woman's voice. These authorities explain that since the Gemara and Shulchan Aruch codify this prohibition, we do not enjoy the right to abolish it. The Gemara and its commentaries do not even hint at a possibility that this prohibition might not apply if men become habituated to hearing a woman's voice. Thus, all recognized Poskim agree that the prohibition of Kol Isha applies today. Zemirot There is, however, considerable disagreement regarding the scope of the Kol Isha prohibition. For example, the question of its applicability to Zemirot has been discussed at some length in the twentieth century responsa literature. Rav Yechiel Yaakov Weinberg (Teshuvot Seridei Eish 2:8) notes that traditionally women refrained from singing Zemirot when there were males who were not family members sitting at the Shabbat table. However, he records that the practice in Germany was for woman to sing Zemirot in the company of unrelated men. Rav Weinberg records that Rav Azriel Hildesheimer and Rav Samson Raphael Hirsch (two great German Rabbis of the nineteenth century) sanctioned this practice. Rav Weinberg reports that they based their ruling on the Talmudic rule (Megila 21b) that "Treil Kali Lo Mishtamai," two voices cannot be heard simultaneously.

Rav Weinberg writes that he does not find this explanation satisfying (perhaps because the Gemara (Sotah 48a) writes that men and women singing together is a major impropriety). Rav Weinberg instead defends the German Jewish practice by citing the Sdei Chemed (Klalim, Maarechet Hakuf, 42) who quotes the Divrei Cheifetz who asserts that the Kol Isha prohibition does not apply to women singing Zemirot, singing songs to children, and lamentations for the dead. This authority explains that in these contexts men do not derive pleasure from the woman's voice. In fact, the Pasuk (Shoftim 5:1) records that Devora the prophetess sang a song of praise to Hashem together with Barak the son of Avinoam. According to the simple reading of the text, Devora was married to Lapidot and not Barak. The Sdei Chemed writes that he believes that it is proper to be strict and not follow the approach of the Divrei Cheifetz, but he regards the lenient opinion as a viable approach.

Rav Weinberg writes that we should not pressure women who wish to follow the traditional practice to join Zemirot in a mixed group. Indeed, many Poskim oppose this practice of German Jewry (see Otzar Haposkim E.H. 21:1:20:3). However, some cite the Gemara (Megila 23a) that states that women are forbidden to receive an Aliyah to the Torah because of Kavod Hatzibbur as proof to the German practice. They argue that the fact that the Gemara does not mention Kol Isha as the reason to forbid women's Aliyot proves that the Kol Isha restriction does not apply when a woman sings sacred texts. Others reply that the Gemara might be speaking of a woman reading the Torah to her immediate family members or may be speaking of a female child reading the Torah (see comments of Rav Shlomo Zalman Auerbach, Rav Eliezer Waldenberg, and Rav Yosef Shalom Eliashiv cited in Nishmat Avraham 5:76-77). These suggestions might also explain the Gemara (Berachot 57b and Rashi s.v. Kol) that states that hearing a woman's voice is a soothing experience. Accordingly, the question of whether the Kol Isha prohibition applies to Zemirot remains unresolved. Chareidi communities in Israel and North America generally follow the stringent view on this matter and Modern Orthodox communities in Israel and North America generally follow the tradition of German Jewry in this regard. It seems appropriate, though, not to expand this leniency and permit situations beyond that which the German Poskim specifically authorized - a group of men and women singing Zemirot together. Interestingly, I asked Rav Yosef Dov Soloveitchik in July 1985 whether he agrees with this ruling of Rav Weinberg. The Rav replied, "I agree with everything that he wrote, except for his permission to stun animals before Shechita" (see volume one of Teshuvot Seridei Eish). Rav Soloveitchik related his great appreciation of Rav Yechiel Yaakov Weinberg. Rav Shalom Carmy later told me that Rav Soloveitchik and Rav Weinberg had been close friends during the years that Rav Soloveitchik studied in Berlin.

Recordings and Radio Broadcasts Twentieth Century Halachic authorities have also debated whether the Kol Isha prohibition applies to recordings and radio broadcasts. Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 5:2) rules leniently based on two considerations. The first is that the Gemara (Sanhedrin 45a) states, "The Yetzer Hara is not interested in what the eyes do not see." The second is that technically he does not hear the woman's

voice because radio broadcasts and recordings are mere electronic reproductions of the woman's voice. Rav Waldenberg writes that if we cannot fulfill Mitzvot such as Tekiat Shofar and Kriat Megila when hearing them on the radio, then the prohibition of Kol Isha does not apply over the radio. Rav Yosef Eliyahu Henkin (cited by his grandson Rav Yehudah Henkin, Teshuvot Bnei Banim 2:211 and 3:127) agrees with this position. Rav Y.E. Henkin was unsure whether the prohibition applies to hearing a woman's voice broadcasted on television (ibid.). This might be because only one of the two lenient considerations that apply to the radio question is relevant to the television issue. Rav Waldenberg cautions, though, that listening to a woman's voice on the radio is prohibited "if his intention is to enjoy her singing."

Rav Yaakov Breisch (Teshuvot Chelkat Yaakov 1:163), on the other hand, forbids a man to listen to a female voice on the radio. He reasons that the aforementioned Gemara in Sanhedrin 45a does not apply when there is some form of connection with the woman. He argues that a man's Yetzer Hara is interested even if he only hears a woman's voice. He rules strictly even in case where the listener is not acquainted with the singer. Rav Shmuel Vosner (Teshuvot Shevet Halevi 3:E.H.181 and Rav Binyamin Silber (Az Nidberu 9:9) also rule strictly on this question.

Rav Ovadia Yosef (Teshuvot Yabia Omer 1:6) and Rav Chaim David Halevi (Teshuvot Aseh Lecha Rav 3:6) adopt a compromise approach to this issue. They permit listening to a female voice on the radio only if the listener is not acquainted with the singer. They both rule strictly, though, even if the listener once glimpsed a picture of the singer. Rav Ovadia rules that the prohibition applies even if the singer is not alive.

Rav Chaim David Halevi asserts that there is absolutely no basis to permit Kol Isha merely because the woman is singing into a microphone. He writes that the prohibition applies even if the man is not, technically speaking, hearing the woman's voice. Rav Waldenberg's aforementioned lenient ruling applies only when the man does not see the woman. Rav J. David Bleich (Contemporary Halachic Problems 2:152) notes that no recognized Halachic authority rules that the use of a microphone alone mitigates the prohibition of Kol Isha.

Husband and Wife The Pitchei Teshuva (Yoreh Deah 195:10) is uncertain whether a husband is forbidden to hear his wife singing during the time when the couple must separate. The Aruch Hashulchan (Y.D. 195:23) and Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 2:75) rule strictly and Rav Ovadia Yosef (Taharat Habayit 2:167-170) rules leniently, but writes that one who is strict on this matter will be blessed. Rav Mordechai Willig (in a Shiur delivered at Yeshiva University) ruled that a couple is permitted to rely on the lenient ruling of Rav Ovadia Yosef.

A Young Girl Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C. 1:26) and Rav Ovadia Yosef (Taharat Habayit 2:270) rule (based on the Mishna Berura 75:17) that in case of need, one may rely on the ruling that the prohibition of Kol Isha does not apply to girls who are not Niddot. Rav Moshe writes (in 1947) that one may assume that there is no question with girls below the age of eleven. Rav Moshe writes that men must be strict regarding girls older than the age of eleven, since there are girls who "nowadays" become Niddot at the age of eleven.

Conclusion Observance of the Kol Isha prohibition is quite challenging for us as this prohibition runs counter to the prevailing Western culture. In today's promiscuous society where outrageous behavior is deemed acceptable, a woman's singing voice appears innocuous. Moreover, the general culture views this prohibition offensive and demeaning to women. We are challenged to hold firm to our beliefs against the flow of the general cultural tide. This is one of the issues that we must part company with the rest of society, just as Avraham Avinu and Yitzchak Avinu parted with their two servants on the road to Akeidat Yitzchak. Rav Yehuda Amital told me that we should strictly observe the Kol Isha prohibition today precisely because of the deterioration of the moral standards of western society.

From: Michael Gros [mgros9@yahoo.com] To: ethicist@besr.org Subject: Jewish Ethicist #96

The Jewish Ethicist #96 by RABBI DR. ASHER MEIR, ameir@mail.jct.ac.il Business Ethics Center of Jerusalem

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DATING FOR DOLLARS ARE DATING AND MATCHMAKING BUSINESSES ETHICAL?

Q. I have many friends who are using dating services or marriage brokers to help find partners. Sometimes the cost is in the thousands of dollars. Is this practice ethical?

A. Helping someone find his or her life's partner is one of the greatest acts of loving kindness we can perform. In fact, our tradition tells us that the Holy One blessed be He is Himself a marriage broker! The Midrash relates that thousands of years ago, a Roman noblewoman asked the sage Rebbe Yosi what occupies G-d in the generations since He created the world. The rabbi replied that He has been busy as a matchmaker.

The matron scoffed at the idea that the Master of the Universe would occupy Himself with such a trifle, and asserted that nothing was easier than making matches. To prove her point, in a single night she matched up scores of her slaves. However, the very next day she was besieged with complaints from her disappointed newlyweds, and conceded the great wisdom needed for making a match that leads to a happy marriage.

What about taking money for this wonderful kindness? We pointed out in a previous column that in the Jewish ethical approach, taking money for something doesn't make it unethical as long as the financial motivation isn't so great as to dominate the human element. [See: Is it ethical to sell blood plasma? - <http://www.jewishethicist.com/dating.html>] And the professional marriage broker has been a respected figure in Jewish communities for centuries. Paying a fair price for matchmaking helps ensure that professionals and others are willing to invest efforts that are commensurate with the great importance of this activity.

However, this "business" does involve a number of ethical pitfalls. Practitioners should be careful to avoid these problems, and customers should be on the watch to avoid being victimized by them. There are a number of payment schemes, and each one has its own ethical challenges. Some dating services require payment of a substantial up-front subscription fee, in return for which the service promises to supply a constant supply of suggestions for suitable matches. This payment scheme is not inherently unethical, and has the advantage that it encourages the customer to maintain an ongoing connection with the service to fine-tune the criteria.

Even so, this type of scheme can be problematic. Many clients of this kind of service complain that this structure encourages overly optimistic promises in advance yet gives the service no real incentive to invest effort in creating high-quality matches. Someone who runs this kind of service should be extra careful to avoid unreasonable expectations among customers, and to work hard to try and emulate the Creator in seeking the greatest degree of compatibility among clients. And customers should carefully check the reputation of such a service before paying significant sums.

Many Internet dating services provide profiles of potential matches free, but require payment when contact is actually made. Here the ethical problems are mostly on the side of the consumer. It's wrong to try and mislead potential dates. Judaism disapproves of casual dating, but if for some reason a person is not looking for a permanent relationship he or she should at the very least be careful not to mislead a potential partner who is seeking something serious. The services themselves should not take a hands-off attitude to this problem; rather they should examine what steps they can take to make sure that their service is providing a valuable contact to the customer and not just another fee. (Another unfortunate problem with this approach is that customers sometimes fail to pay.)

The payment structure which is most sanctioned by Jewish tradition is where the marriage broker gets a fee only when there is an engagement. This arrangement guarantees that the matchmaker has the greatest incentive to find the most promising candidates.

However this arrangement also has pitfalls. Some individuals forget that they are occupied in a holy mitzvah and think only of the bottom line. This may lead them to pressure couples to get engaged before they are really ready or even if they are not really compatible. The gentle guidance of an experienced matchmaker can be valuable for the couple, but pressure tactics must be avoided. Ultimately it is the couple that must make their own independent decision.

One ethical challenge common to all matchmaking services is that many customers are in an emotionally vulnerable state. Some may face special handicaps in finding a match due to age, health, etc.; others may be recovering from a previous failed relationship. Matchmakers must avoid trying to take advantage of this situation to push services or to charge prices that would not interest the client if he or she were in a more balanced state of mind. In some cases Jewish law states that when an

excessive charge is made the customer need only pay what is customary and reasonable.

Matchmaking is a valuable and respected profession, but precisely because of its immense importance it must be practiced with the highest level of integrity and sensitivity.

SOURCES: Babylonian Talmud Kiddushin 7a

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From: Jeffrey Gross [jgross@torah.org] Sent: Wednesday, February 05, 2003 8:59 PM To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Terumah

WEEKLY-HALACHA FOR 5763

By Rabbi Doniel Neustadt Rav of Young Israel in Cleveland Heights

MA'ASER KESAFIM: DISBURSING MA'ASER MONEY (Continued from last week)

In addition to giving ma'aser initially beli neder, as outlined in last week's column, one should also stipulate that he reserves the right to allocate his ma'aser money for any "mitzvah purpose" of his choice. If he fails to do so, he must disburse his ma'aser money to poor people only and not to any other charity, such as supporting a shul(1), etc.

Even when initially reserving the right to allocate ma'aser money for any mitzvah cause, one still faces many restrictions when disbursing the money. The general rule is that one may use ma'aser money for any dvar mitzvah for which he is not otherwise obligated. For example, one may not use ma'aser money to pay for matanos la-eyyonim or machatzis ha-shekel, since he is obligated to spend that money regardless(2). Similarly, many poskim maintain that ma'aser money cannot be used to pay tuition for either boys(3) or girls(4), since one is required to pay for a child's education regardless. If one pays more tuition than the average parent, however, he may use ma'aser money to pay the amount in excess of regular tuition(5). One should consult a rav in these and in all such cases, since there are many exceptions and differing opinions concerning the laws of ma'aser kesafim(6).

Preferably, ma'aser money should be used to support poor people or to enable others to learn Torah. The Chafetz Chayim rules(7) that supporting poor relatives(8), even one's grown [married(9)] children, takes priority over supporting unrelated Torah scholars. When supporting poor people who are not relatives, however, preference should be given to those who are learning Torah. The poskim also allow ma'aser money to be used for select mitzvos if the only way one could afford to pay for them would be by using ma'aser money(10). Years ago, poskim permitted buying sefarim from ma'aser money on condition that they were lent to others(11). Nowadays when sefarim abound and are easily accessible, this leniency should not be relied upon(12). Ma'aser money may not be used by children for the basic expense of a parent's burial, since children are obligated to bury their parents(13). One may put away ma'aser money for someone who will learn Torah at a later date [e.g., after marriage], provided that the money is deposited in a special fund for safekeeping until it is needed(14).

*** In last week's column we quoted Harav S.Z. Auerbach's ruling that government subsidy for rent (e.g., section 8) is considered income concerning ma'aser kesafim. Some have suggested that Harav Auerbach's ruling does not apply when the rent subsidy is paid directly to the landlord on behalf of the tenant. They argue that in this case the tenant has not actually "received" the money and it is therefore not considered true income. It is clear, though, that this was not Harav Auerbach's opinion. In the question presented to him, the questioner explicitly states that the subsidy is paid directly to the landlord and the tenant never "sees" the money. In a short, written ruling(15), Harav Auerbach responds that ma'aser kesafim should be given from this money. Harav Auerbach's ruling notwithstanding, several prominent rabbonim in the U.S. are of the opinion that rent subsidies should not be considered as income concerning ma'aser kesafim. In their view, benefiting from a rent subsidy can be compared to receiving a non cash gift, which customarily(16) is not considered as income concerning ma'aser kesafim. Note, however, that this debate is somewhat academic. As quoted in last week's column, the

Brisker Rav ruled that "anyone who finds himself in dire circumstances - so that he needs financial help from others - and does not live a life of luxury at all, but lives frugally, should not give ma'aser." In most cases, anyone who is eligible to receive a government subsidy for rent would fall into that category.

FOOTNOTES: 1 Chasam Sofer YD 231; Harav S.Z. Auerbach (Ma'aser Kesafim, pg. 19). See also Tzitz Eliezer 9:3. 2 Mishnah Berurah 694:3 - see Magen Avraham and Be'er Heitev, ibid. see also Mishnah Berurah 605:6. 3 Ahavas Chesed 19:2; Aruch ha-Shulchan 249:10. See Tzitz Eliezer 9:5 for a more lenient opinion. 4 Igros Moshe Y.D. 2:113; Harav M. Shternbuch (Am ha-Torah vol. 2, #5, pg. 4). 5 Igros Moshe, ibid.; Harav S.Z. Auerbach (Ma'aser Kesafim pg. 22). 6 There are poskim who permit paying tuition for older children who are away in yeshivah - see Pri Yitzchak 2:27 and Meishiv Devarim Y.D. 137. See also Tzedakah u'Mishpat 6:14. 7 Ahavas Chesed 19:1 and footnote there. 8 Parents, however, should not be supported from ma'aser money if their children have other sources of support for them - Ahavas Chesed, ibid. 9 Understanding of Tzedakah u'Mishpat 5:5. 10 Ahavas Chesed 19:2 allows giving to hachnasas kallah [even when the recipients are not destitute] if otherwise the giver would not be able to do so. 11 Taz Y.D. 249:2. 12 Harav Y.S. Elyashiv and Harav S. Vozner (oral ruling quoted in Avnei Yashfei 1:191). 13 Harav S.Z. Auerbach (written responsum published in Avnei Yashfei 1:192). 14 Igros Moshe Y.D. 1:144. 15 Published in Am ha-Torah, vol. 2, #11, pg.13. 16 See Ma'aser Kesafim, pg. 226, Tzedakah U'mishpat 5:5 and Emes L'yaakov Y.D. 249, note 132.

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From: Menachem Leibtag [tsc@bezeqint.net] Sent: Wednesday, February 05, 2003 12:02 PM To: Lite1; Pareg Subject: [Par-reg]PARSHAT TERUMAH - shiur

RABBI MENACHEM LEIBTAG

Mazel Tov to Yonit & Rafi Schorr upon the birth of a baby boy!

This week's shiur is dedicated in memory of Shimshon ben Yaacov Heller THE TANACH STUDY CENTER [<http://www.tanach.org>] In Memory of Rabbi Abraham Leibtag Shiurim in Chumash & Navi by Menachem Leibtag PARSHAT TERUMA

Had it not been for chet ha-egel [the sin of the Golden Calf], would Bnei Yisrael have needed a mishkan? Many claim that the answer to this 'philosophical' question lies in the famous 'exegetical' controversy between Rashi and Ramban concerning when the commandment to build the mishkan was first given, before or after the sin of the golden calf. In this week's shiur, as we study this controversy and its ramifications, we will show how the answer to this question is not so simple. While doing so, we will also try to make some sense out of the thorny issue of 'ein mukdam u-me'uchar ba-Torah'.

INTRODUCTION - FOUR UNITS To understand the source of this controversy between Rashi and Ramban, we first divide the last half of Sefer Shmot into four distinct units. In last week's shiur, we defined and discussed the first of these four units - chapters 19-24, the unit we refer to as Ma'amad Har Sinai. Chapters 25-31 [i.e. parshiot Teruma, Tetzaveh, and the first half of Ki Tisa] also form a distinct unit, as this section includes a set of laws whose sole topic is G-d's commandment to build the mishkan.

Similarly, Chapters 32-34 [the 2nd half of Parshat Ki Tisa] also form a distinct unit, as they contain a narrative that describes the incident of chet ha-egel. Lastly, chapters 35-40 [parshiot Vayakhel/Pekudei] form the final unit in Sefer Shmot, as they describe the mishkan's actual construction. The following table reviews these four units:

CHAPTERS	TOPIC	(PARSHA)
(A) 19-24	MA'AMAD HAR SINAI [the FIRST LUCHOT]	(YITRO/MISHPATIM)
(B) 25-31	COMMANDMENT TO BUILD THE MISHKAN	(TERUMAH/TEZAVEH)
(C) 32-34	CHET HA'EGEL [the SECOND LUCHOT]	(2nd half of KI-TISA)
(D) 35-40	BUILDING THE MISHKAN	(VA'YAKHEL/PEKUDEI)

The above table can help us better understand the basic controversy between Rashi and Ramban. While Ramban keeps Chumash 'in order'

[A-B-C-D], Rashi claims that G-d ordered the mishkan's construction [unit 'B'] only after the events of chet ha-egel [unit 'C'], and hence the order would be A-C-B-D. [See Rashi on 31:18.] At first glance, Ramban's opinion appears most logical. To understand and appreciate Rashi's opinion, we must first explain more fully the basis of Ramban's approach. THE FIRST FORTY DAYS - FOR WHAT? Recall that at the conclusion of Parshat Mishpatim [the end of Unit A], Moshe ascended Har Sinai to receive the "luchot, torah, & mitzva" (see 24:12). As we know, the luchot are the tablets (upon which G-d inscribed the Ten Commandments). It is unclear, however, to what the words torah & mitzva refer. [Note how many different opinions are found among the commentators on 24:12!] However, when we study the above chart, it may provide a simple answer to this question. If we simply follow the simple order of narrative in Chumash, then the torah & mitzva mentioned in 24:12 must be the mitzvat that follow, i.e. - unit B! In other words, 24:12-18 tells us that Moshe ascends Har Sinai to receive the torah & mitzva, and then 25:1 continues by explaining what G-d told Moshe. Those commandments continue until the end of chapter 31. [For those of you familiar with computers, this is similar to the concept of 'WYSIWYG' - What You See Is What You Get. What the Torah records when Moshe goes up - is exactly what Moshe received at that time.] Furthermore, Moshe ascends Har Sinai first and foremost to receive the luchot (see 24:12) - the symbol of the covenant at Har Sinai (see 19:5, 24:7). Considering that these luchot are to be housed in the aron, then it is only logical that the torah & mitzva refer to the laws of the mishkan. Finally, considering that G-d informs Moshe that once the mishkan is assembled he will continue convey His mitzvot from above the 'kaporet' (see 25:21-22), it stands to reason that the laws of the mishkan are not only the first - but also the only mitzvot transmitted to Moshe during those forty days. Once the mishkan is built, the remaining mitzvot can be transmitted to Moshe via the kaporet! [In fact, note that once the mishkan is assembled (see Shmot chapter 40), immediately afterward G-d transmits an entire set of mitzvot to Moshe from the 'kaporet in the ohel mo'ed - better known as Sefer Vayikra! (See 1:1.)]

Despite the simplicity of this approach, not a single commentator advances it, for two very good reasons: * First of all, it would not require forty days for G-d to teach Moshe just the laws of the mishkan. There must have been something else as well. * Many other sources later in Chumash imply that Moshe Rabeinu learned many other mitzvot on Har Sinai. See, for example, Parshat Behar (see Vayikra 25:1) and the mitzvot in Sefer Devarim (see 5:1-28 and 6:1).

For these reasons, the commentators must explain why specifically the laws of the mishkan are recorded at this point in Sefer Shmot, even though many other mitzvot were also given to Moshe during those forty days. Ramban (see 25:1) offers a very comprehensive and emphatic 'promishkan' approach. Drafting both textual and conceptual arguments, Ramban claims that the mishkan serves as a vehicle to perpetuate the experience of Ma'amad Har Sinai; it is therefore the first mitzva that Moshe receives when he ascends Har Sinai. Even though Moshe received other mitzvot at that time as well (see Ramban on 24:12), Sefer Shmot focuses specifically on the mishkan because it reflects the unique level that Bnei Yisrael attained when they accepted G-d's covenant at Har Sinai. Furthermore, at the focal point of the mishkan lies the aron, which contains the luchot - the symbol of that covenant at Har Sinai. [Hence the first mitzva is to build the aron.] To summarize Ramban's approach, we will quote a few lines from his commentary [though it is highly recommended that you read the entire Ramban inside]: "After G-d had given the Ten Commandments directly to Yisrael and instructed them with a sampling of the mitzvot (i.e. Parshat Mishpatim)... and Bnei Yisrael accepted these laws and entered a covenant (24:1-11)... behold they became His nation and He became their G-d, as was originally stipulated [at brit mila and Har Sinai]... Now they are worthy to have a house - His dwelling - in their midst dedicated to His Name, and there He will speak with Moshe and command Bnei Yisrael... Now the 'secret' ('sod') of the mishkan is that G-d's glory ('kavod') which dwelled on Har Sinai will now dwell [instead] on the mishkan 'be-nistar' [in a more hidden manner, in contrast to Har Sinai]..." (see Ramban 25:1).

RASHI'S APPROACH Despite the beauty and simplicity of Ramban's approach, Rashi claims exactly the opposite (see 31:18): that the commandment to build the mishkan came not only after, but actually because of, chet ha-egel. In other words, Rashi posits that the parshiot are not presented according to their chronological order. Rashi goes even further, claiming that during the first forty days Moshe received all the mitzvot of the Torah except the laws of the mishkan! At first glance,

such an interpretation seems untenable. Why should the Torah record at this point specifically the mitzvot that Moshe did not receive at this time, while omitting all the mitzvot which he did receive at this time? What could possibly have led Rashi to this conclusion? To answer this question, we must first explain the exegetical principle of 'ein mukdam u-me'uchar ba-Torah' [literally: there is no order in the sequence of parshiot in the Torah]. Despite the common misunderstanding to the contrary, this principle does not imply that Chumash progresses in random sequence. Rather, it simply means that the arrangement in which Chumash records its parshiot does not necessarily reflect their chronological order. [Most commentators, and especially many of the Midrashim quoted by Rashi, employ this approach. Ramban, however, consistently disagrees with this assumption, arguing that Chumash does follow in chronological order. Unless a certain technical detail 'forces' him to say otherwise, he will assume that the order in which Chumash is written corresponds with the precise chronological order of the events as they took place.]

The principle of ein mukdam u-me'uchar implies that when Moshe wrote down the Torah in its final form in the fortieth year (see Devarim 31:25-26), its parshiot were organized based on thematic considerations, and hence not necessarily according to the chronological order of when they were first given. By doing so, the Torah conveys its message not only by the content of each parshia, but also by intentionally juxtaposing certain parshiot next to one another. [See Chizkuni on Shmot 34:32 for an important insight regarding this explanation.] Rashi, following this approach, assumes that Chumash (at times) may prefer a conceptual sequence over a chronological one. Therefore, Rashi will often explain that a certain parshia actually took place earlier or later when the progression of theme implies as such. With this background, we can better understand Rashi's approach in our context. Employing the principle of ein mukdam u-me'uchar, Rashi always begins with considerations of theme and content in mind. He therefore cannot overlook the glaring similarities between the construction of the mishkan and chet ha-egel. It cannot be just by chance that: * Bnei Yisrael must collectively donate their gold to build the mishkan (compare 25:1-2, 32:2-3); * Betzalel, Chur's grandson, is chosen to build the mishkan; [Rashi follows the Midrash which claims that Chur was killed because he refused to allow Bnei Yisrael to build the egel. (See Chizkuni 31:2.)] * The opening pasuk concerning the mishkan - "and they shall make for Me a mikdash and I will dwell in their midst" (25:8) - appears to rectify Bnei Yisrael's situation in the aftermath of chet ha-egel, when Moshe must move his tent (called the ohel mo'ed) far away - outside the camp (33:7); * Aharon must bring a par (a bull / an egel is a baby bull) for a chatat offering during the mishkan's dedication ceremony. [The requirement of a chatat implies the committal of a sin; see Rashi 29:1.]

Rashi therefore explains that the commandment to build the mishkan came after chet ha-egel (during the last forty days), for it served as a form of atonement for that sin. [Nevertheless, it remains unclear according to Rashi why the Torah chose to record these parshiot out of chronological order. We'll return to this question later in the shiur.] LECHATCHILA or BE-DI'AVAD? It is very tempting to consider this dispute between Rashi and Ramban a fundamental argument regarding the reason behind the mishkan. Clearly, according to Ramban, the mishkan is 'lechatchila' [ideal]. In other words, even had chet ha-egel never occurred, it still would have been G-d's desire that Bnei Yisrael build a mishkan, for it serves as a physical representation of G-d's presence in their midst. How should we understand Rashi? Can we infer from his interpretation that the mishkan is 'be-di'avad' [a compromise]? In other words, had it not been for chet ha-egel, would there never have been a commandment to build a mikdash? Was the mitzva to build the mishkan simply an 'after-thought'? Was it only in the aftermath of Bnei Yisrael's sin that G-d realized the people's need for a physical representation of His presence?

Despite the temptation of this conclusion, we must first prove that, even according to Rashi's interpretation, one can (and must) agree that G-d had originally intended that at least some form of physical symbol be used to represent Him.

TEMPLE TERMINOLOGY To reconcile Rashi's interpretation with Ramban's explanation of the mishkan, we must differentiate between two concepts: (1) MISHKAN and (2) MIKDASH. Although both words describe a sanctuary dedicated to the worship of G-d, for the sake of clarity, each word (in our explanation that follows) will be given a more specific meaning. * The mishkan is a temporary sanctuary (a Tabernacle), a portable, tent-like structure. [Good for travel.] * The mikdash is a

permanent sanctuary (a Temple), such as the massive stone structure built by King Solomon.

We posit that both Rashi and Ramban must agree that the concept of a Sanctuary, a symbol of G-d's Shchina (the divine presence) dwelling with Bnei Yisrael, is lechatchila and in fact comprises a fundamental theme throughout the entire Tanach. To prove this, we must return to some basic concepts previously discussed in our shiurim on Sefer Breishit. Recall that we first encountered the theme of mikdash when Avraham Avinu builds a mizbeich in Bet-El and "calls out in G-d's Name" (see 12:8 & 13:4). Later, at this same site, Yaakov Avinu awakes from his dream and exclaims: "Alas, this is the site for a Bet Elokim, for it is the gate to the heavens" (Br.28:17).

Yaakov then erects a 'matzeva' (monument) and vows that upon his return to Canaan he will establish the site of his matzeva as a Bet-Elokim - a House for G-d. [See Breishit 28:17- 22.] Thus, the very concept of a Bet-Elokim clearly preceded the golden calf. Furthermore, even in 'shirat ha-yam', the song that Bnei Yisrael sung after they crossed the Red Sea, we already find an allusion the establishment of a mikdash immediately upon their arrival in the land: "Tevieimo ve-titaeimo be-har nachalatcha, machon le- shivtecha... - mikdash, Hashem konanu yadecha..." (See Shmot 15:17, and its context!)

Finally, in Parshat Mishpatim we find conclusive proof that the basic concept of a Bet-Elokim is totally unrelated to the events of chet ha-egel. Recall that even according to Rashi, the laws recorded in Parshat Mishpatim were certainly given before chet ha-egel. [See Rashi on 31:18, where he explains that these laws were given to Moshe Rabeinu during his first forty days on Har Sinai.] Recall as well that within that set of laws we find the mitzva of 'aliya la-regel' - to 'visit G-d' three times a year: "Three times a year you shall celebrate for Me... Keep chag ha-matzot... and do not visit me empty-handed... Three times a year all your males shall appear before me..." (23:14- 17). First of all, the very existence of a mitzva to 'be seen by G-d' implies that there must be some type of sanctuary that would represent Him! Hence, without some sort of a mikdash, this mitzva of aliya la-regel could not be fulfilled. However, the next pasuk provides conclusive proof that this sanctuary corresponds to the concept of a Bet-Elokim: "Your first fruits must be brought to bet Hashem Elokecha - the house of Hashem your G-d..." (23:19).

This commandment to bring the 'bikurim' to the Bet Elokim clearly implies that there would have to be some sort of 'sanctuary' that will serve as G-d's House. Hence, even Rashi must agree that there would have been a need for a Bet-Elokim even had Bnei Yisrael not sinned at chet ha-egel. Furthermore, there is no reason why Rashi would have to argue with Ramban's explanation that the primary function of the mikdash was to perpetuate Bnei Yisrael's experience at Har Sinai.

Instead, we posit that the dispute between Rashi and Ramban stems from a less fundamental issue - concerning the need to construct a temporary sanctuary before Bnei Yisrael entered the Land of Israel. According to Rashi's interpretation, we can assume that G-d's original intention was for Bnei Yisrael to build a mikdash only after they conquered the Land of Israel. However, because of their sin, conquest of the Land would now be delayed. Therefore, G-d ordered them to build a temporary mikdash [= mishkan] while they remained in the desert. Ramban would argue that even had Bnei Yisrael not sinned, it would still have been necessary for them to build a temporary mikdash before they embarked on that journey. Let's attempt to explain why.

THE WAY IT SHOULD HAVE BEEN Rashi's position may be based upon G-d's original plan that Bnei Yisrael would conquer the land through supernatural, divine intervention (see 23:20-28). Assisted by G-d's miracles, Bnei Yisrael would have needed only a very short time to complete at least the first wave of conquest. Had that actually occurred, there would have been no need to build a temporary mishkan, for within a very short time it would have been possible to build a permanent mikdash instead. However, in the aftermath of chet ha-egel, the entire situation changes. As G-d had removed His Shchina, Bnei Yisrael must first bring the Shchina back to the camp before they can conquer the Land. Hence, according to Rashi, the actual process of building the mishkan could be considered a form of 'spiritual rehabilitation'. Furthermore, the mishkan would now provide Aharon and Bnei Yisrael with the opportunity to offer korbanot and thus achieve atonement for their sin. One could also suggest that due to chet ha-egel and the 'lower level' of the 'mal'ach' that will lead them into the land (see Shmot 33:1-5 and shiur on 13 midot), it may now take much longer for Bnei Yisrael to complete the conquest.

Therefore, a temporary mikdash [= mishkan] is required, until a more permanent mikdash can be built.

A CONCEPTUAL JUXTAPOSITION According to this interpretation, we can now suggest (according to Rashi) a beautiful reason for why the Torah places the commandment to build the mishkan out of chronological order:

Even though the mitzva to build the 'temporary' mishkan should have been recorded after the story of chet ha-egel, the Torah intentionally records it earlier - immediately after Ma'amad Har Sinai - to emphasize its thematic connection to that event! In other words, Rashi, like Ramban, can also understand that the primary function of the mikdash was to perpetuate Ma'amad Har Sinai. In fact, had Bnei Yisrael not sinned, the laws of the 'permanent' mikdash may have been recorded at this spot in Chumash. However, now that a mishkan was needed (due to the events of chet ha-egel), the laws of this temporary mikdash are recorded at this point in Chumash, to emphasize the very same thematic connection that Ramban describes in great detail! Now that Rashi makes so much sense, why wouldn't Ramban agree? To answer this question, we must return to our discussion of the differing approaches to 'mukdam u-me'uchar'. Ramban prefers his principle that Chumash follows chronological order. Despite the similarities between the mishkan and the story of chet ha-egel (as listed above), they are not convincing enough to warrant, in Ramban's view, a distortion of the order of these parshiot. Therefore, Ramban maintains that even had it not been for chet ha-egel, there still would have been a need for a temporary mishkan. In fact, one could suggest a very simple reason for the immediate need of a temporary sanctuary. As we explained earlier, Bnei Yisrael must still receive many more mitzvot from G-d. A mishkan - with the aron and keruvim at its center - is therefore necessary as the medium through which G-d can convey the remaining mitzvot to Moshe. Furthermore, once the Shchina descended upon Har Sinai, some sort of vehicle is necessary to 'carry it' with them as they travel from Har Sinai towards Eretz Canaan. [Accordingly, Ramban explains that most of all the mitzvot recorded in Sefer Vayikra and Sefer Bamidbar were actually given from the ohel mo'ed (mishkan). See Ramban Vayikra 1:1 & 7:38. In regard to Sefer Devarim, see Ramban on 24:1 & 24:12.]

To summarize, the dispute between Rashi and Ramban stems from their different exegetical approaches and pertains only to why a temporary mishkan was necessary. However, both would agree that a permanent mikdash would have been necessary even had Bnei Yisrael not sinned at chet ha-egel. In our shiur on Parshat Tetzaveh, we will analyze the internal structure of this unit of chapters 25->31 in order to uncover additional parallels between the mishkan and the events of Ma'amad Har Sinai. Till then,
shabbat shalom
menachem

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