

Weekly Parsha TETZAVEH 5782

Rabbi Wein's Weekly Blog

In the Torah reading of this week, a great deal of emphasis is placed on the preparation of the oil that will be the fuel for the flames of the great Candelabra that existed in the Tabernacle and, later, in the Temple in Jerusalem. The Torah emphasizes that the oil to be used must be of the purest kind, refined to produce only illumination. Through this verse, the commentators attempt to explain why such a special emphasis is to be placed on the oil.

Perhaps it would be sufficient for the Torah to simply command that the flames that emanated from the Menorah should be of the highest quality and have the greatest power of illumination. We would then understand that to produce flames of such a nature and quality, only the finest oil possible would have to be produced for the Candelabra to possess that proper fuel and extraordinarily fine flames. Thus, we see that the Torah emphasizes the preparation of the oil in more detail and with greater urgency than it does the description of the flame of the Candelabra that results. In a strange way, it is as though the oil itself, which after all is only the fuel in the cup of the lamp of the Candelabra, somehow receives more prominence and detailed instruction than the flame itself. Not only that, but the great Candelabra has miraculous powers, and one of its lamps burned continuously, according to many commentaries, without having any added oil to the cup of that lamp. As such, if we are relying on that miracle, then why should the production of the oil for the Candelabra be deemed important at all?

Judaism places great weight not only on the fulfillment and actualization of commandments, but also regarding the preparation that precedes the actual fulfillment of the wishes of Heaven. Holiness and holy acts require preparation and forethought. They are not random acts that rarely occur because of the spontaneity of the moment.

All the holy days of the Jewish calendar require periods of planning – thirty days before the holiday itself, as well as physical, mental, and emotional preparation. One must enter the performance of commandments prepared. They are not to be performed haphazardly and without proper forethought and cognitive intent.

This is also true for the Sabbath day that occurs every week as well as all the daily commandments that we

are privileged to perform on a regular basis. The Talmud teaches us that preparation is an important aspect of life – many times as important as actualizing the commandment.

Without proper preparation, performance of the commandments is likened to a body to which no soul is attached. Therefore, if we understand and appreciate this attitude towards life and commandments, we can readily appreciate why the Torah is so emphatic regarding the necessary methods of production of the oil to be used to light the lamps of the holy Tabernacle and Temple.

Shabbat shalom.

Rabbi Berel Wein

The Ethic of Holiness

TETZAVEH - Rabbi Jonathan Sacks

With parshat Tetzaveh, something new enters Judaism: Torat Kohanim, the world and mindset of the Priest. Rapidly it becomes a central dimension of Judaism. It dominates the next book of the Torah, Vayikra. Until now, though, priests in the Torah have had a marginal presence.

This week's parsha marks the first time we encounter the idea of a hereditary elite within the Jewish people – Aaron and his male descendants – and their role to minister in the Sanctuary. For the first time we find the Torah speaking about robes of office: those of the priests and the High Priest worn while officiating in the sacred place. For the first time too we encounter the phrase, used about the robes: *lekavod ule-tiferet*, “for glory and beauty” (Ex. 28:2). Until this point, *kavod* in the sense of glory or honour has been attributed only to God. As for *tiferet*, this is the first time it appears in the Torah. It opens up a whole dimension of Judaism – namely, the aesthetic.

All these phenomena are related to the Mishkan, the Sanctuary, the subject of the preceding chapters. They emerge from the project of making a “home” for the infinite God within finite space. The question I want to ask here, though, is: do they have anything to do with morality? With the kind of lives the Israelites were called upon to live and their relationships to one another? If so, what is their connection to morality? And why does the priesthood appear specifically at this point in the story?

It is common to divide the religious life in Judaism into two dimensions. One the one side, the priesthood

and the Sanctuary, and on the other, the prophets and the people. The priests focused on the relationship between the people and God, mitzvot bein adam leMakom. Prophets focused on the relationship between the people and one another, mitzvot bein adam lechavero. The priests supervised ritual and the prophets spoke about ethics. One group was concerned with holiness, the other with virtue. You don't need to be holy to be good. You need to be good to be holy, but that is an entrance requirement, not what being holy is about. Pharaoh's daughter, who rescued Moses when he was a baby, was good but not holy. These are two separate ideas.

In this essay I want to challenge that conception. The priesthood and the Sanctuary made a moral difference, not just a spiritual one. Understanding how they did so is important not only to our understanding of history but also to how we lead our lives today. We can see this by looking at some important recent experimental work in the field of moral psychology.

Our starting point is American psychologist Jonathan Haidt and his book, *The Righteous Mind*.^[1] Haidt posits that in contemporary secular societies our range of moral sensibilities has become very narrow. He calls such societies WEIRD – Western, educated, industrialised, rich and democratic. They tend to see more traditional cultures as rigid, hidebound, and repressive. People from those traditional cultures tend to see Westerners as strange in abandoning much of the richness of the moral life.

To take a non-moral example: A century ago in most British and American (non-Jewish) families, dining was a formal, social occasion. The family ate together and would not begin until everyone was at the table. They would begin with grace, thanking God for the food they were about to eat. There was an order in which people were served or served themselves. Conversation around the table was governed by conventions. There were things you might discuss, and others deemed unsuitable. Today that has changed completely. Many British homes do not contain a dining table. A recent survey showed that half of all meals in Britain are eaten alone. The members of the family come in at different times, take a meal from the freezer, heat it in the microwave, and eat it watching a television or computer screen. That is not dining but serial grazing.

Haidt became interested in the fact that his American students reduced morality to two principles, one

relating to harm, the other to fairness. On harm they thought like John Stuart Mill, who said that “the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.”^[2] For Mill this was a political principle but it has become a moral one: if it doesn't harm others, we are morally entitled to do what we want.

The other principle is fairness. We don't all have the same idea of what is fair and what is not, but we all care about basic rules of justice: what is right for some should be right for all, do as you would be done to, don't bend the rules to your advantage and so on. Often the first moral sentence a young child utters is, “That's not fair.” John Rawls formulated the best-known modern statement of fairness: “Each person has an equal right to the most extensive liberties compatible with similar liberties for others.”^[3]

Those are the ways WEIRD people think. If it's fair and does no harm, it is morally permissible. However – and this is Haidt's fundamental point – there are at least three other dimensions to the moral life as understood in non-WEIRD cultures throughout the world.

One is loyalty and its opposite, betrayal. Loyalty means that I am prepared to make sacrifices for the sake of my family, my team, my co-religionists and my fellow citizens, the groups that help make me the person I am. I take their interests seriously, not only considering my own self-interest.

Another dimension is respect for authority and its opposite, subversion. Without this no institution is possible, perhaps no culture either. The Talmud illustrates this with a famous story about a would-be proselyte who came to Hillel and said, “Convert me to Judaism on condition that I accept only the Written Torah, not the Oral Torah.” Hillel began to teach him Hebrew. On the first day he taught him aleph-bet-gimmel. The next day he taught him gimmel-bet-aleph. The man protested, “Yesterday you taught me the opposite.” Hillel replied, “You see, you have to rely on me even to learn the aleph-bet. Rely on me also about the Oral Torah” (Shabbat 31a). Schools, armies, courts, professional associations, even sports, depend on respect for authority.

The third arises from the need to ring-fence certain values we regard as non-negotiable. They are not mine to do with as I wish. These are the things we call sacred, sacrosanct, not to be treated lightly or defiled.

Why are loyalty, respect, and the sacred not considered key strands of ethics in the typical view held by liberal elites in the West? The most fundamental answer is that WEIRD societies define themselves as groups of autonomous individuals seeking to pursue their own interests with minimal interference from others. Each of us is a self-determining individual with our own wants, needs and desires. Society should let us pursue those desires as far as possible without interfering in our or other people's lives. To this end, we have developed principles of rights, liberty, and justice that allow us coexist peacefully. If an act is unfair or causes someone to suffer, we are prepared to condemn it morally, but not otherwise.

Loyalty, respect, and sanctity do not naturally thrive in secular societies based on market economics and liberal democratic politics. The market erodes loyalty. It invites us not to stay with the product we have used until now but to switch to one that is better, cheaper, faster, newer. Loyalty is the first victim of market capitalism's "creative destruction."

Respect for figures of authority – politicians, bankers, journalists, heads of corporations – has been falling for many decades. We are living through a loss of trust and the death of deference. Even the patient Hillel might have found it hard to deal with someone brought up on the 1979 Pink Floyd creed: "We don't need no education, we don't need no thought control." As for the sacred, that too has been lost. Marriage is no longer seen as a holy commitment, a covenant. At best it is viewed as a contract. Life itself is in danger of losing its sanctity with the spread of abortion on demand at the beginning and "assisted dying" at the end.

What makes loyalty, respect, and sanctity key moral values is that they create a moral community as opposed to a group of autonomous individuals. Loyalty bonds the individual to the group. Respect creates structures of authority that allow people to function effectively as teams. Sanctity binds people together in a shared moral universe. The sacred is where we enter the realm of that-which-is-greater-than-the-self. The very act of gathering as a congregation can lift us into a sense of transcendence in which we merge our identity with that of the group. Once we understand this distinction, we can see how the moral universe of the Israelites changed over time. Abraham was chosen by God "so that he will instruct

his children and his household after him to keep the way of the Lord by doing what is right and just" (tzedakah umishpat; Gen. 18:19). What Abraham's servant looked for when choosing a wife for Isaac was kindness, chessed. These are the key prophetic virtues. As Jeremiah said in God's name:

"Let not the wise boast of their wisdom, or the strong of their strength, or the rich of their wealth but let one who boasts, boast about this: that they have the understanding to know Me, that I am the Lord, who exercises kindness, justice and righteousness (chessed mishpat utzedakah) on earth, for in these I delight." Jer. 9:22-23

Kindness is the equivalent of care, which is the opposite of harm. Justice and righteousness are specific forms of fairness. In other words, the prophetic virtues are close to those that prevail today in the liberal democracies of the West. That is a measure of the impact of the Hebrew Bible on the West, but that is another story for another time. The point is that kindness and fairness are about relationships between individuals. Until Sinai, the Israelites were just individuals, albeit part of the same extended family that had undergone Exodus and exile together.

After the Revelation at Mount Sinai, the Israelites were a covenanted people. They had a sovereign: God. They had a written constitution: the Torah. They had agreed to become "a kingdom of priests and a holy nation" (Ex. 19:6). Yet the incident of the Golden Calf showed that they had not yet understood what it is to be a nation. They behaved like a mob. "Moses saw that the people were running wild and that Aaron had let them get out of control and so become a laughing-stock to their enemies" (Ex. 32:25) That was the crisis to which the Sanctuary and the priesthood were the answer. They turned Jews into a nation.

The service of the Sanctuary performed by the Kohanim in their robes worn le-kavod, "for honour," established the principle of respect. The Mishkan itself embodied the principle of the sacred. Set in the middle of the camp, the Sanctuary and its service turned the Israelites into a circle at whose centre was God. And even though, after the destruction of the Second Temple, there was no more Sanctuary or functioning priesthood, Jews found substitutes that performed the same function. What Torat Kohanim brought into Judaism was the choreography of

holiness and respect that helped Jews walk and dance together as a nation.

Two further research findings are relevant here. Richard Sosis analysed a series of voluntary communities set up by various groups in the course of the nineteenth century, some religious, some secular. He discovered that the religious communes had an average lifespan of more than four times longer than their secular counterparts. There is something about the religious dimension that turns out to be important, even essential, in sustaining community.[4]

We now also know on the basis of considerable neuroscientific evidence that we make our choices on the basis of emotion rather than reason. People whose emotional centres (specifically the ventromedial prefrontal cortex) have been damaged can analyse alternatives in great detail, but they can't make good decisions. One interesting experiment revealed that academic books on ethics were more often stolen or never returned to libraries than books on other branches of philosophy.[5] Expertise in moral reasoning, in other words, does not necessarily make us more moral. Reason is often something we use to rationalise choices made on the basis of emotion.

That explains the presence of the aesthetic dimension of the service of the Sanctuary. It had beauty, gravitas, and majesty. In the time of the Temple it also had music. There were choirs of Levites singing psalms. Beauty speaks to emotion and emotion speaks to the soul, lifting us in ways reason cannot do to heights of love and awe, taking us above the narrow confines of the self into the circle at whose centre is God.

The Sanctuary and priesthood introduced into Jewish life the ethic of kedushah, holiness, which strengthened the values of loyalty, respect and the sacred by creating an environment of reverence, the humility felt by the people once they had these symbols of the Divine Presence in their midst. As Maimonides wrote in a famous passage in *The Guide for the Perplexed* (III:51),

We do not act when in the presence of a king as we do when we are merely in the company of friends or family.

In the Sanctuary people sensed they were in the presence of the King.

Reverence gives power to ritual, ceremony, social conventions, and civilities. It helps transform autonomous individuals into a collectively responsible group. You cannot sustain a national identity or even a

marriage without loyalty. You cannot socialise successive generations without respect for figures of authority. You cannot defend the non-negotiable value of human dignity without a sense of the sacred. That is why the prophetic ethic of justice and compassion, had to be supplemented with the priestly ethic of holiness.

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Parshat Tetzaveh

Weapons of Mass Distraction

"I shall rest My Presence among the Children of Yisrael and I shall be their G-d." (29:45)

At the end of the section on Torah prohibitions in the Rambam's *Sefer HaMitzvot*, the Ramban adds a list of mitzvot that he believes the Rambam should have also included. The second of these is the mitzvah not to forget the events at Mount Sinai. The Ramban lists this as a negative mitzvah, a "Don't do." Meaning, so to speak, "Don't spoil the situation as it stands." This is difficult to understand, for it suggests that the experience of Mount Sinai is something current right now and we must not do anything to destroy our awareness of it. The Ramban says that we should not "remove it from our consciousness" that "our eyes and our ears" should be constantly and forever at Mount Sinai.

The message is that the broadcast from Mount Sinai is constantly with us, and all we need to do is not to 'jam' the broadcast.

Before the Torah was given, it says in *Shemot* 19:16, "And it was on the third day, when it became morning, and there were sounds and lightning flashes..." After the giving of the Torah it says in 20:15, "And all the people saw the sounds and the torches..."

The lightning flashes that precede the Torah become torches afterwards. Before the giving of the Torah, the Word of Hashem was like lightning — a flash that lasted for a moment. After the Torah's giving, the words of the Torah became fixed, continuous and continuing — like a torch. The essence of a torch is that its light continues. It does not vanish in a flash. After the Torah was given to us, its sound is eternally present.

With this we can understand Onkelos' translation of the verse in Devarim 5:19, describing the giving of the Torah on Mount Sinai as a "great sound that does not cease," meaning you can still hear it today.

So why don't we hear it?

The concept that the world is filled with sounds that we cannot hear was once difficult to grasp, but nowadays many people have in the pocket a device that makes this concept abundantly clear. The air is full of sounds. Sounds that travel from one side of the world to the other. A myriad of voices throngs the atmosphere.

The Talmud (Yoma 20b) makes a cryptic statement about the abounding sounds in the world: "Were it not for the sound of the sun in its orbit you would hear the sound of the hordes of Rome, and were it not for the sound of the hordes of Rome you could hear the sound of the sun in its orbit."

In other words, there is a fight in this a world, a fight to dominate the "airwaves" between the voice of Rome and the voice of the sun.

One of the names of Yaakov Avinu, Jacob, is Shemesh — "Sun." In Yosef's first dream of the sun and the moon and the stars bowing to him, Yaakov is represented by the sun.

The sun — Yaakov Avinu — and the "hordes of Rome" — the descendants of Esav — are locked in a battle for the airwaves, and for the minds and hearts of mankind.

To the extent that we tune in to Esav's broadcast, we will not be able to hear the unending and eternal broadcast from Mount Sinai.

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Clothes Make the Man

Rabbi Dr. Tzvi Hersh Weinreb

My interest in the relationship between a person and his or her clothing goes back to my early days in graduate school. I was taking a course on human personality, under the tutelage of a remarkably insightful and erudite woman, Dr. Mary Henle. I was so enthusiastic about the courses that I took with her that I asked her to supervise my master's degree thesis.

I remember the morning I shared my proposed topic with her. I thought that one of the ways to assess personality was to take note of the kind of clothing that a person wore. I further postulated that not only

does a person's clothing tell us a lot about him or her, but the clothing that we wear actually has an impact upon us. Our clothing helps make us who we are.

Dr. Henle tactfully deflated my ego that morning. She said, "That's just an old wives' tale. Our personalities are very profound, subtle, and complex. At most, our clothing reflects just a superficial aspect of our identity. You give too much credit to the saying, 'Clothes make the man.' It is really only a wisecrack attributed to Mark Twain. There is nothing more to it than that."

I subsequently chose another topic for my master's degree thesis.

Many years have passed since that disappointing encounter, and Dr. Henle has long since passed away, although I remember her respectfully. During those years, I have learned that she was mistaken on many grounds. For one thing, the saying, "Clothes make the man," did not originate with Mark Twain. Centuries before the American humorist, the 16th century Catholic theologian Desiderius Erasmus wrote: "Vestis virum facit," which translates as, "Clothes make the man." Not long afterwards, none other than William Shakespeare put these words into the mouth of the character Polonius in his famous play Hamlet: "The apparel oft proclaims the man."

Truth to tell, statements about the relationship between a person and his clothing go back much further than a mere several centuries. Such statements originate in the Bible, and a passage in this week's Torah portion, Parshat Tetzaveh (Exodus 27:20-30:10), is a case in point. We read:

"You shall bring forward your brother, Aaron, with his sons, from among the Israelites, to serve Me as priests...Make sacral vestments for your brother Aaron, for dignity and adornment. Next you shall instruct all who are wise of heart... to make Aaron's vestments, for consecrating him to serve Me as priest."

Maimonides, codifying the concepts which emerge from the Biblical text, writes: "A High Priest who serves in the Temple with less than his eight vestments, or an ordinary priest who serves with less than his four required vestments...invalidates the service performed and is subject to punishment by death at the hands of Heaven, as if he were an alien who served in the Temple... When their vestments are upon them, their priestly status is upon them, but

without their vestments their priestly status is removed from them...” (Hilchot Klei HaMikdash, 10:4).

We are left with the clear impression that these vestments are external manifestations of the royalty and majesty of the priestly role. The clothing literally makes the man. Without the clothing, each priest is “ordinary”—one of God’s subjects for sure, but without any regal status. With the clothing, he is not only bedecked with “dignity and adornment”, but has become a prince, and can play a royal role.

Rabbi Moses ben Nachman, Ramban, makes this even more explicit. He writes, “These are royal garments. These cloaks and robes, tunics and turbans are even today (he lived in 13th century Spain) the apparel of nobility...and no one would dare to wear the crown...or the tekhelet (blue yarn) except for royalty.”

From this perspective, clothes make the man. With them, he is imbued with the spirit of royalty and can carry himself with regal bearing.

Others interpret the function of the sacred garments differently, but all agree that garments influence the wearer in some fashion. For example, Rashi, commenting on the verse, “Put these on your brother Aaron, and on his sons as well; anoint them, and fill their hands” (Exodus 28:41), points out that in the Old French language with which he was familiar, when a person received a new official position the nobleman would put gloves upon him, indicating that he now had the authority of a new position. Rashi uses the Old French word *gant*, which the reference books that I consulted translate as a “decorative glove.” This would indicate that the garments were a type of official uniform, not necessarily regal, but symbolic of a specialized responsibility. With the donning of the *gant* the person himself gained the self-assurance of authority and power.

The late 15th century commentator Rabbi Isaac Arama, in his classic *Akedat Yitzchak*, provides even stronger support for our contention that clothes make the man. He identifies a similarity between the Hebrew word for the Kohen’s uniform and the Hebrew word for ethical character. The Hebrew word for uniform is *mad*, plural *madim*, and the Hebrew word for a character trait is *midah*, plural *midot*.

Rabbi Arama notes that in Latin, too, the word *habitus* refers to both a special garment (e.g., a nun’s habit) and a character trait (e.g. a good habit). He persuasively argues that “just as it can be determined

from a person’s external appearance as to whether he is a merchant or a soldier or a monk, so too, the discovery of our hidden inner personality begins with our external behaviors.”

For Rabbi Arama, that our clothing is metaphor for our moral standing is evident in this biblical verse: “Now Joshua was clothed in filthy garments when he stood before the angel. The latter stood up and spoke to his attendants: ‘Take the filthy garments off him!’ And he said to him: ‘See, I have removed your guilt from you...’” (Zechariah 3:3-4).

Finally, there is another biblical verse which demonstrates the central role of clothing in “making the man.” And here we go back even further in history than this week’s parsha. Indeed, we go all the way back to the first parsha in the Torah, Bereishit: “And the Lord God made garments of skins for Adam and his wife, and clothed them” (Genesis 3:21).

Nechama Leibowitz comments: “Everything in the way of culture and civilization was given to man to discover and develop on his own, with his own capacities. Nothing in the way of repairing the world and settling it was given to him by God. Neither the discovery of fire nor farming nor building houses was revealed to man by God. Rather, he was required to invent all these procedures on his own. Only clothing was given to him from Above. “And the Lord...made garments.”

God made clothing for man. And clothing makes the man.

Ah, do I now wish that I had not abandoned my original idea for a master’s degree thesis. What a fascinating thesis it would have been!

Drasha Parshas Tetzaveh - Case Clothed Rabbi Mordechai Kamenetzky

“Clothes,” they say, “make the man.” But did you ever wonder about the man who makes the clothes?

This week’s portion discusses the priestly vestments worn by both the common kohen (priest) and the Kohen Gadol (High Priest). The common kohen wore four garments while the High Priest wore eight.

The garments of the High Priest were ornate and complex. They needed highly skilled artisans to embroider and fashion them. They included, among others, a jewel-studded breastplate, a honeycomb-woven tunic, an apron-like garment and a specially designed garment that was adorned with gold bells and woven pomegranates.

To weave these garments was quite a complex task, and Moshe had to direct the craftsmen with the particulars of the difficult sartorial laws. Yet when Hashem charges Moshe He described the function of the garments much differently than He did in telling Moshe to command the tailors.

Moshe himself was told by Hashem that the objective of the garments was for glory and splendor — surely wonderful, but very physical attributes. Yet when he is told to command the artisans, the message he is told to impart was quite different. “You shall speak to the wise-hearted people whom I have invested with a spirit of wisdom, as they shall make holy vestments to sanctify and minister for me.” (Exodus 28:1-3) “The clothes,” Moshe tells the tailors, “were not meant for glory or splendor; they were to sanctify and to minister.” Why the change in stated purpose?

A Long Island rabbi attended a taharah (ritual ceremony to prepare a deceased Jew for burial) for an individual whose background was rooted in a Chasidic community. Chevra Kadishas (burial societies) are often immune to the emotions, trauma and dread that would normally accompany a dead soul on a table.

The Chevra did their job almost perfunctorily, with hardly a word spoken, and that did not strike the rabbi as strange. Years of working with cadavers can numb the senses of even the toughest men. All of a sudden, a murmur bounced back and forth between Chasidic members of the Chevra. “Er hut a visa? (He has a visa?)” they queried. Then the conversation took a stranger turn. They began to mumble about a first class ticket.

The rabbi became concerned. Why was anyone talking about travel plans during this most sacred of rituals? That was not the time nor place. It just did not make sense.

Immediately the room became silent, it was now filled with awe and a sense of reverence. “Er hut a visa!” exclaimed the senior member of the group. The entire Chevra nodded and the atmosphere suddenly transformed.

They continued to prepare for the funeral as if the deceased had been a great sage or Chasidic Rebbe. The rabbi was unable to understand the sudden change in atmosphere until the eldest man beckoned him. “Come here,” he said. “I’ll show you something. The old man lifted the arm of the deceased to reveal seven numbers crudely tattooed on the dead man’s forearm. “Do you know what they are?”

“Of course,” replied the Rabbi. “They are the numbers that the Nazi’s tattooed on every prisoner in the concentration camps.”

“No,” the old man said. “These numbers are the first-class ticket to Gan Eden. They are the visa and they are the tickets. Period.”

The badges we wear have different meanings to every individual. Moshe, the man of G-d who saw the world with a profound vision of spirituality, was told about the more mundane aspect of the priestly garments. “They are for glory and honor.” But he is told to charge the artisans, who often see only the splendor and glory of the corporeal world, with the true purpose of the garments — “to sanctify and minister.” Often we see numbers, events, and even garments as the mere manifestation of natural events whose memories impart us with only of a sense of awe for the history or beauty within. Sometimes we mortals must be reminded of a sense even greater than glory and splendor — ministration and sanctification of G-d’s name.

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***Rabbi Yissocher Frand - Parshas Tetzaveh
Leaders Should Not Be Too Great for Their
Generation***

The pasuk in Parshas Tezaveh says: “And you, bring near to yourself Aharon your brother, and his sons with him, from the midst of the Children of Israel, so that he shall be a Kohen to me – Aharon, Nadav and Avihu, Elazar and Isamar the sons of Aharon.” [Shemos 28:1]. I heard a thought on a tape from Rav Isaac Bernstein linking this pasuk with a very novel teaching of the Dubno Maggid.

Rav Bernstein is bothered – what does the pasuk mean when it says “You should take Aharon your brother and his sons with him FROM THE MIDST (mi’toch) BNEI YISRAEL”? The words “Mi’toch Bnei Yisrael” seem superfluous. Obviously, Kohanim will not be taken from a different nation! Is there then some kind of message that the Torah is trying to convey with these words?

The Dubno Maggid says a mind-boggling idea.

The Talmud teaches [Rosh HaShannah 25B] that Yiftach in his generation was like Shmuel in his generation. The Shofet Yiftach is a very enigmatic

Biblical personality. He was not what we would call the greatest man who ever walked the face of the earth. He certainly was not anywhere near the caliber of the prophet Shmuel. Shmuel haNavi stands out in a Tanach full of great people as one of the dominant personalities of Jewish history. When Chazal say that Yiftach in his generation was like Shmuel in his generation, they are trying to convey that Yiftach was not on the level of a Shmuel, but every generation must live with the leader it has. Therefore, the people living in Yiftach's generation had to give him the same honor and deference as if he was a Shmuel haNavi.

This is the simple interpretation of this gemara in Maseches Rosh HaShannah. The Dubno Maggid quotes a Medrash in Koheles (which I could not find in any Medrash on my computer database, but the Dubno Maggid is greater than any computer – so I am not questioning the authenticity of his source). According to this Medrash the intent of the Talmudic passage is the reverse: Had Shmuel lived in the generation of Yiftach, he would not have been considered to be anything special. This is mind-boggling, because we see in the story of Yiftach that Yiftach made some terrible mistakes in his life.

The Dubno Maggid explains that the Medrash does not mean that Yiftach was greater than Shmuel. Shmuel was far greater than Yiftach and most other people. The Medrash means that every generation needs a leader to whom they can relate. Sometimes, a leader can be TOO BIG for his generation. He could be too far above them and too removed from them to lead them properly. The Dubno Maggid, in his inimitable fashion, gives a parable to explain this:

Just like the clothes a person wears cannot be too small on him, so too the clothes a person wears cannot be too big on him. Someone who is a size 42 who wears a size 56 suit will not be properly dressed! That is the way it is with leaders at well. The leader needs to be appropriate and fit the particular generation he is leading. The Dubno Maggid explains that had Shmuel been in the generation of Yiftach, he would not have been an effective leader because he was too spiritually superior to that generation. The people could not have related to him.

Rav Bernstein suggests that this is perhaps what the pasuk is hinting at in our parsha as well. The pasuk says “And you should take Aharon and his sons... FROM THE MIDST OF BNEI YISRAEL.” The

Kohanim need to be the leaders of their generation, consequently they need to come from the midst of the people – individuals whom the people can look up to, and yet relate to. If they are too far above the level of the people, they will not be able to function as role models. “Augh! He is too above us. He is a Malach! We need a human being!”

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Rav Kook Torah

Rav Kook on Tetzaveh: The Convert and the High Priest's Clothes

Rabbi Chanan Morrison

The Talmud (Shabbat 31a) tells the story of three Gentiles who wished to convert. In each case, they were initially rejected by the scholar Shamai, known for his strictness, but they were later accepted and converted by the famously modest Hillel.

The Convert Who Wanted to be High Priest

In one case, a Gentile was walking near a synagogue when he heard the Torah being read and translated:

“These are the clothes that you should make: the jeweled breast-plate, the ephod-apron...” (Exod. 28:4).

His interest was piqued. “For whom are these fancy clothes?” he asked. “They are special garments for the Kohen Gadol, the High Priest.” The Gentile was excited. “For this, it is worth becoming a Jew. I'll go convert and become the next High Priest!”

The Gentile made the mistake of approaching Shamai. “I want you to convert me,” he told Shamai, “but only on condition that you appoint me High Priest.”

Shamai rebuffed the man, pushing him away with a builder's measuring rod.

Then he went to Hillel with the same proposition. Amazingly, Hillel agreed to convert him. Hillel, however, gave the man some advice. “If you wanted to be king, you would need to learn the ways and customs of the royal court. Since you aspire to be the High Priest, go study the appropriate laws.”

So the new convert began studying Torah. One day, he came across the verse, “Any non-priest who participates [in the holy service] shall die” (Num. 3:10).

“To whom does this refer?” he asked.

“Even King David!” he was told.

Even David, king of Israel, was not allowed to serve in the holy Temple, as he was not a descendant of Aaron the kohen.

The convert was amazed. Even those born Jewish, and who are referred to as God's children, are not allowed to serve in the Temple! Certainly, a convert who has just arrived with his staff and pack may not perform this holy service. Recognizing his mistake, he returned to Hillel, saying, "May blessings fall on your head, humble Hillel, for drawing me under the wings of the Divine Presence."

Shamai's Rejection and Hillel's Perspective

A fascinating story, but one that requires to be examined. Why did Shamai use a builder's measuring rod to send away the potential convert? What did Hillel see in the Gentile that convinced him to perform the conversion?

Shamai felt that the man lacked a sincere motivation to convert. By chance, he had overheard the recitation of the High Priest's special garments. The garments, beautiful though they may be, represent only an external honor. His aspirations were shallow and superficial, like clothing that is worn on the surface.

Furthermore, the chance incident did not even awaken within the Gentile a realistic goal. How could conversion to Judaism, with all of the Torah's obligations, be based on such a crazy, impossible fancy — being appointed High Priest? The foundations of such a conversion were just too shaky. Shamai pushed him away with a builder's measuring rod, indicating that he needed to base his goals on solid, measured objectives.

Hillel, however, looked at the situation differently. In his eyes, the very fact that this man passed by the synagogue just when this verse was being read, and that this incident should inspire him to such a lofty goal — converting to Judaism — this person must have a sincere yearning for truth planted deeply in his heart. He was not seeking the honor accorded to the rich and powerful, but rather the respect granted to those who serve God at the highest level. The seed of genuine love of God was there, just obscured by false ambitions, the result of profound ignorance.

Hillel was confident that, as he advanced in Torah study, the convert would discover the beauty and honor of Divine service that he so desired through the sincere observance of the Torah's laws, even without being the High Priest.

Both Traits Needed

Once, the three converts who were initially rejected by Shamai and later accepted by Hillel, met together. They all agreed:

"The strictness of Shamai almost made us lose our [spiritual] world; but the humility of Hillel brought us under the wings of God's Presence."

Rav Kook noted that the converts did not talk about Shamai and Hillel. Rather, they spoke of the "strictness of Shamai" and the "humility of Hillel."

These are two distinct character traits, each one necessary in certain situations. In order to maintain spiritual attainments, we need the traits of firmness and strictness. On the other hand, in order to grow spiritually, or to draw close those who are far away, we need the traits of humility and tolerance. The three converts recognized that it was Hillel's quality of humility that helped bring them "under the wings of God's Presence."

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Shema Yisrael Torah Network

Peninim on the Torah - Parashas Tetzaveh

פרשת תצוה תשפ"ב

ואתה תצוה את בני ישראל

Now you shall command *Bnei Yisrael*. (27:20)

The *Baal HaTurim* cites the *Zohar HaKadosh* who observes that the Torah does not mention Moshe *Rabbeinu's* name in this *parsha*. Indeed, from Moshe's birth in *Sefer Shemos*, no other *parsha* excludes the name of our quintessential leader and *Rabban Shel Kol Yisrael*. The absence of Moshe's name in this *parsha* is due to his reaction to Hashem's desire to enact the ultimate punishment against the Jewish People. Their initiation of – and participation in – erecting the Golden Calf was a spiritual descent that rendered them undeserving of the privilege of being Hashem's chosen people. Moshe responded, "If you choose to do this, then *m'cheini na mi'Sifrecha*; 'Erase my name from Your Book/the Torah.'" When a Torah scholar, especially one who had achieved the caliber of Moshe *Rabbeinu*, issues forth a *kelalah*, malediction, even if it is *al tnai*, contingent upon a specific criteria, it will realize fruition. Since Moshe's *yahrzeit* is usually during these weeks, the Torah chose *Parashas Tetzaveh* as the likely *parsha* from which to delete his name. This begs elucidation. Moshe stood up for the nation. We have no question

that the sin of *Klal Yisrael* reflected a lack of fidelity on their part. Yet Moshe, as a responsible leader, had to do whatever he could to seek absolution for their actions. Is this a valid reason for him to be punished? Our leader was prepared to relinquish his entire future – his spiritual ascendancy and opportunity to rise to even loftier spiritual elevation -- just to save his nation. Is this a reason for him to be censured?

Furthermore, asks *Horav Moshe Shternbuch, Shlita*, the *Zohar HaKadosh (Parashas Noach)* asserts that Hashem criticized Noach for not acting like Moshe. When Hashem informed Noach that the entire world population would be destroyed, except for him, Noach accepted the decree without arguing on behalf of the people. The Flood is called *Mei Noach*, the Waters of Noach, because he did not present a defense of the people. Moshe, on the other hand, was prepared to give up everything for the people. Yet, he was “punished” for this. Is the critique consistent with Moshe’s appeal?

Rav Shternbuch explains that veritably the deletion of Moshe’s name from *Parashas Tetzaveh* is not a punishment, but rather, a compliment which lauds his exemplary *mesiras nefesh*, self-sacrifice, on behalf of *Klal Yisrael*. Hashem wanted His People to remember for all time that Moshe was willing to sacrifice his spiritual growth if it would somehow spare the Jewish nation. Thus, we should derive that *mesiras nefesh* is a primary sense of devotion, especially if one sacrifices his *ruchniyus*, spirituality, to save others.

Throughout the generations, our Torah giants were prepared to give up their learning and spiritual advancement in order to better the lot of their people. *Horav Elchanan Wasserman, zl*, gave up time from his *shiurim*, lessons, to travel to England and America to fundraise for his *yeshivah*. He could have sent someone else, but he was acutely aware that no one would do it like he would. His *yeshivah* was his life. His training of his students was paramount. If they had nothing to eat, however, they could not learn. *Horav Yechezkel Abramsky, zl*, would often quote the *Chafetz Chaim*’s take on the words, *b’chol me’odecha*; as “with all of your resources” (*Devarim* 6:5). The *Chafetz Chaim* translated the word *me’odecha*, as “with all that you consider *me’od*,” which means exceedingly. Nothing is as important to the Jew as *limud haTorah*, the study of Torah. Thus, he said, if someone truly loves Hashem, he will give

up what is most important to him – his learning, his spiritual advancement, in order to fulfill Hashem’s mandate. Helping another Jew is an essential aspect of serving Hashem. One who serves Hashem, but ignores the plight of his fellow, is not really serving Hashem.

The one Torah giant most identified with devoting his life and energy to the needs of his brothers and sisters – even at the expense of his own *ruchniyos* – was *Horav Aryeh Levin, zl*, known by his *nom de plume*, the *Tzaddik* of Yerushalayim. His utter dedication and willingness to give of himself, to sacrifice himself in his love for all Jews and Jewry, were legend. As his biographer observes, he was simply referred to as “*Reb Aryeh*,” because no adjectives were required to know to whom one was referring. He ministered to those living in restricted environments, i.e. prisoners, lepers who were contagious, despite the personal danger involved. He encouraged and gave hope to the unfortunate, the downtrodden, the needy – materially, physically and emotionally. He loved them all with his all-encompassing heart. He showed that just as one can be a *gaon*, brilliant towering ability in Torah (which he certainly was), one can also be a *gaon* in *chesed*. He was the patriarch of the most distinguished families in Yerushalayim. When his *neshamah* left its mortal abode, thousands of Jews from all walks of life paid respect to him: from the greatest *Roshei Yeshivah* and *rabbanim*, to the leaders of the Israeli State; the officers of the defense forces; and the throngs of *hamon am*, the average Jew, whose lives he touched in some manner.

Rav Aryeh preached that sacrifice is not limited to the relinquishing of one’s physical self, energy, effort, time money and property, but includes the readiness to sacrifice one’s spirit, one’s soul. *Rav Aryeh* said that he derived this lesson from a story that took place concerning two pious brothers, disciples of the *Gaon, zl, m’Vilna*, named *Rav Moshe* and *Rav Yitzchak*. *Rav Moshe* spent the entire year traveling all over, teaching the children in rural areas where schools were a luxury. He barely eked out a livelihood from the paltry payments he received. He would return for the primary *Yomim Tovim*, Festivals, to share the material “bounty” that he earned with his family.

In earlier generations, the custom was to select one specific *mitzvah* and devote oneself to executing it to the fullest letter of the law. *Rav Moshe* had chosen

tzitzis. As a result, he refused to walk four *amos*, cubits (six feet), not wearing his *tzitzis*. He adhered to this self-imposed obligation religiously.

Once, early in *Nissan*, as *Pesach* quickly approached, he hired a wagon driver to take him home. With his few belongings and his small bag of earnings, they set out for Vilna. Along the way, *Reb Moshe* asked to stop so that he could *daven Minchah*. He stood near a large boulder to the side of the road. He did not notice that one of his *tzitzis*/fringes had become entangled in a crevice of the stone and tore. He was stuck, since his *tzitzis* were no longer kosher. He asked the wagon driver to go to the nearest Jewish home or town and either borrow or purchase a pair of *tzitzis* for him. The man agreed for the exorbitant price of the contents of *Reb Moshe's* money pouch. What could he do? He gave up all of his *Pesach* funds for a pair of *tzitzis*. This would not have been so bad had the wagon driver kept his end of the deal. He did not, as he took the money and disappeared. *Reb Moshe* stood in place for twenty-four hours until someone came by and brought him a pair of *tzitzis*.

So ends part one of the story. Part two begins with *Rav Yitzchak*, the saintly brother who spent the entire day and a good part of the night engrossed in Torah study, becoming gravely ill. A few days into his illness, the doctor despaired for his life and directed the family to summon the *Chevra Kaddisha*, Jewish Burial Society. It was time. They also called *Rav Moshe* to be at his brother's side.

Rav Moshe came without delay. When he entered the room in which his brother lay comatose, he asked everyone to leave. He removed his *tallis katan* and laid it upon his brother's motionless body. He cried up to Hashem: "*Ribono Shel Olam!* There is one *mitzvah* to which I have adhered with all my strength. That is the *mitzvah* of *tzitzis*. I hereby give all of my reward that I will receive in *Olam Habba*, the World to Come, to my brother, so that he will recover from his current illness." *Rav Moshe* prayed passionately amid profuse weeping, so that his brother would emerge from the imminent crisis. Hashem listened, and, not only was *Rav Yitzchak* cured; he lived fifteen more years.

After *Rav Aryeh* related the story, he concluded with his summary: "This incident taught me that a Jew must be prepared to give up his spiritual ascendance and reward to help his brother. Physical well-being, life and wealth are important

fundamentals to relinquish on behalf of one's fellow. To give up the spiritual reward which one has earned and the opportunity for spiritual growth, however, is true self-sacrifice."

ועשית בגדי קדש לאהרן אחיך לכבוד ולתפארת

And you shall make holy vestments for Aharon, your brother, for honor and for glory. (28:2)

The *Kohen Gadol's* vestments were unique in that they atoned for various communal sins. The *Talmud (Zevachim 88b)* teaches that: the Robe worn by the High Priest atoned for bloodshed; the Breeches atoned for lewdness, the Turban atoned for arrogance; the Belt atoned for impure meditations of the heart; the Breastplate atoned for neglect of civil laws; the Apron atoned for idolatry; the Cloak atoned for slander; and the Crown worn on the forehead atoned for brazenness. In other words, when the *Kohen Gadol* walked, he was a walking source of absolution. Apparently, when the *Kohen* wore his vestments, which were made for the express purpose of sanctifying him to Hashem, he (by his very demeanor) symbolized purity of character. Thus, his demeanor influenced the nation to refine their character traits, which would minimize the risk of sinful behavior. The *Kohen Gadol* was an individual whose every trait was honed to perfection. A person who observed the *Kohen Gadol* immediately understood and acknowledged the error of his ways.

The *Kesones*, Robe, expiated the sin of murder. First and foremost, this does not mean that the egregious act of murder committed by a person is wiped clean without punishment. The murderer is punished accordingly. If for some reason (lack of witnesses), however, the murderer is not punished by the court, the sin of murder blemishes the pristine nature of the Heavenly sphere. This stain is cleansed and atoned for by the *Kesones* worn by the *Kohen Gadol*. How does this occur? *Horav Eliyahu Svei, zl*, cites *Sforno* who explains *kavod* and *tiferes*, honor and glory/beauty, in the following manner. The *Kohen Gadol* wore garments to give honor to Hashem, since he specifically wore them when he carried out the Priestly service. The beauty the people beheld when they observed the *Kohen Gadol* resplendent in his vestments is the result of the nation's reverence for the *Kohen Gadol*. As a teaching priest, the entire nation are his *talmidim*, disciples, as they are engraved upon his heart (*Choshen*) and shoulders (*kispos ha'Ephod avnei shosham*). (The names of the twelve tribes were

engraved on the Breastplate worn over the heart and on the *shoham* stones which were on the shoulders of the *Ephod*.) *Sforno* teaches us that all of *Klal Yisrael* (as a result of the names of the tribes being engraved on the *kispos ha'Ephod* and *Choshen*) are students of the *Kohen Gadol*, whose heart encompasses the entire nation. This relationship allows for him to expiate the sin of murder. His shoulders represent his ability to inspire each individual, thus elevating him. The *Rosh Yeshivah* explains that when one wants to raise someone up, he places him upon his shoulders. This is the idea behind the *kispos ha'Ephod*. The *Kohen Gadol* not only cared for the nation; he also elevated them, which essentially is the role of a *rebbe/teacher*.

The *Kli Yakar* explains why specifically it was the *Kesones/Robe* – outer garment -- that atoned for bloodshed. Why not another garment? He cites *Rabbeinu Bachya* (*Bereishis* 37:3) who teaches that the body (the container which houses the soul) is similar to the *Kesones* in that it is the covering for the soul. When a person commits an act of murder, he sheds the *Kesones/body* from the soul. Thus, when the *Kohen Gadol* wore the *Kesones*, he was repairing the damage caused by – and atoning for – this act.

The *Rosh Yeshivah* contends, however, that the *kaparah*, atonement, effuses from the *Kohen Gadol* himself [through the medium of the *Kesones*]. It is the *Kohen Gadol's* character, however, that atones. Murder is the result of a lack of respect, a disdain for the value of human life. One who acknowledges his fellow's worth will not shed his blood. When *Klal Yisrael* saw how the *Kohen Gadol* carried the nation on his heart and his shoulders, not distinguishing among human beings, their background, their religious persuasion, or their material worth, they, too, learned to respect people. They comprehended the importance of valuing each and every person. Once this recognition became intuitive, murder (of any sort – even embarrassing, which is tantamount to murder) became unthinkable. In this manner, the *Kohen Gadol* wearing his *Kesones* atones.

Whereas clothing, so to speak, makes a person, in that they present him in a certain light, they can also cause him to lose sight of his real self. When one dons *Shabbos* garb, he feels *Shabbosdik* and acts accordingly. When one dons the garments usually worn by a *Rosh Yeshivah*, he becomes imbued with a sense of responsibility to act in an elevated manner. Wearing the garb of a monarch with the crown on his

head will obviously infuse the wearer with a sense of royalty and renewed responsibility.

One who relies on clothing to serve as the vehicle for his self-identity, however, demonstrates a deficiency. The following anecdote elucidates this pitfall. A wandering Jew wandered into a small rooming house in Ukraine late one frigid, stormy night and asked for a room. “Sorry” was the innkeeper’s reply. “I am filled up. In fact, because of the storm, I have two to three sharing a bed. One second, I have an idea. I have a large Cossack (seven feet tall) sleeping on a cot in the attic. Since you are small in build, you will be able to fit on the bed. Try climbing in beside him.”

The accommodations were far from perfect, but at least he would have a warm place to rest his weary body. He thanked the innkeeper for his graciousness and prepared to climb the stairs to the attic. First, he asked the innkeeper to wake him before dawn. “I have to catch a train,” the Jew said. He went upstairs and made for himself a small spot next to the Cossack, who was out cold, having imbibed a considerable amount of vodka, and he immediately fell asleep. Before he knew it, a hand was shaking him. “It is well before dawn,” the innkeeper said. “Remember you have a train to catch.”

The Jew dressed hurriedly in the pitch dark room and rushed to the train station. On the way to the platform, he passed a full-length mirror in which he saw before him a frightening image. He saw a Cossack staring at him from the mirror’s reflection. He exclaimed, “That foolish innkeeper. He woke up the Cossack instead of the wandering Jew. I will never make it back to the inn in time to wake myself up in time to catch my train.”

When our self-identity is determined by and predicated upon the clothing that we wear, we may suffer from an identity crisis. We are who we are, because of what we are and how we act – not because of the clothes we wear, the car we drive, the house in which we live, or the circle of friends with whom we decide to socialize. Perhaps, our external clothing and accoutrements might impel us to live/act in a certain positive manner. If we delude ourselves into thinking that this is our true identity, however, we are in a serious predicament. “Be careful who you pretend to be. You might forget who you are” is a meaningful quote to encourage us to pursue our life’s aspirations.

ונתת אל השן המשפט את האורים ואת התמים

Into the *Choshen HaMishpat*, shall you place the *Urim* and *Tumim*. (28:30)

Rashi explains: “The *Shem HaMeforash* (Hashem’s 42 or 72 letter Name) was placed inside the folds of the *Choshen*, where, by means of the *Urim* and *Tumim*, the *Choshen* would illuminate its words and bring perfection to its words.” [*Urim* literally means “lights”; *Tumim* means “perfection.”] While the illumination is understandable, what does *Rashi* mean that the *Tumim* brought perfection to its words? *Horav Moshe Shternbuch, Shlita*, explains that in order for one to present a query to the *Urim V’Tumim* successfully, the questioner must believe unequivocally that the answer which he will receive is *emes l’amito*, absolute, unimpeachable truth. Furthermore, he must be prepared to do everything that the *Urim V’Tumim* instructed him to do. He must carry out the plan without deviation. This is the only way that he will receive an answer.

The *Rav* notes that this, likewise, applies to one who asks an *eitzah*, seeks counseling from a *tzaddik*. If the supplicant is not prepared to believe and accept everything the *tzaddik* tells him to do – the *tzaddik* will not have the *siyata d’Shmaya* to render the correct reply. This applies equally to the *goral ha’Gra*. [This is a ritual attributed to the *Gaon m’Vilna*, which is conducted randomly by opening a *Chumash* and linking the *pesukim* on the page to the matter at hand. Obviously, there is much more to it. This *goral* has been successfully used by holy righteous men throughout the past generations.]

Rav Shternbuch recalls during World War II, after the Nazis invaded and overran France, they would bomb England by day and by night. They were certain that England would soon capitulate and surrender. An opportunity materialized to provide ships to transport children to either America or Canada. Thousands of children were given the opportunity to leave. Unfortunately, a great spiritual risk was involved, since it meant sending children alone to homes that were not Jewish. While they might respect the needs of the Jewish children – how long would this last before the children acculturated and assimilated into the non-Jewish culture? *Rav Shternbuch’s* mother wanted to save her children, but at what expense? She turned to the saintly *Horav Eliyahu Lopian, zl*, for counsel. He replied that, on his own, he could not give advice concerning a life and death situation. He was prepared, however, to

implement the *goral ha’Gra* in order to resolve her dilemma. He added two contingencies: She must accept the answer he gave without question. Otherwise, he could not guarantee an efficacious response. Second, he said that the *goral* could only be implemented during an *eis ratzon*, a propitious time of good will. Thus, he would only perform the *goral* on Monday or Thursday after he had fasted all day.

For some reason, he was unable to execute the *goral* on Monday. *Rav Shternbuch’s* mother begged that he do it immediately, since the ships would be leaving at any time. He replied that he would only achieve the correct response at the proper time. They decided that this would occur the following Thursday. The ship left England earlier, leaving the *Shternbuch* children stranded in England. Tragically, the Nazis torpedoed the ship, and hundreds of children lost their lives. The saintliness of *Rav Elya* watched over them. *Rav Shternbuch* survived the war and became one of the greatest *poskim*, *halachic* arbiters, and Torah giants of our generation.

ונשא אהרן את משפט בני ישראל על לבו לפני ד' תמיד

Aharon shall bear the judgment of *Bnei Yisrael* on his heart before Hashem, constantly. (28:30)

The *Kohen Gadol’s* spiritual eminence notwithstanding, his responsibility to the congregation remains paramount. He may never act in an aloof manner towards the people. They must always be “carried” on his heart, as he empathizes with their agonies and celebrates with each and every one of them during their ecstasies.

The *Kotzker Rebbe, zl*, explains the prohibition for the *Kohen Gadol* to defile himself spiritually to (even) his seven close relatives (unlike the ordinary *Kohen* who may do so to his father, mother, wife, brother, sister, son, daughter). The *Kohen Gadol* must carry all Jews equally on his shoulders. His love for the individual Jew should not be any different than the love he would normally have for his seven closest relatives. Indeed, all Jews are his close relatives – without distinction.

Horav Mordechai Pogremansky, zl, was wont to say: “One who does not share or empathize with the pain experienced by his brother is close to being considered an animal; one who shares his brother’s joy is close to being considered an angel.”

לזכות רפואה שלמה בעד יצחק דוד בן מרים

Ohr Somayach - Purim - Computations and Complications

For the week ending 9 February 2019 / 4 Adar I 5779

A Tale of Two Adars

Rabbi Yehuda Spitz

This week, Klal Yisrael celebrated Rosh Chodesh Adar Rishon. As the month of Adar is the only one in the Jewish calendar that gets twinned (7 years out of every 19; in our calendar established millennia ago by Hillel II),[1] every time such a leap year occurs, aside for the ‘Mishenichnas Adar’ celebrations,[2] there is also some cause for concern and calculations.

Although the Gemara (Megillah 6b) concludes that all Purim-related observances (including the Arbah Parshiyos) are celebrated in Adar Sheini, to ensure that the Geulah (Redemption) from Haman (Purim) and the Geulah from Egypt (on Pesach) should be observed in consecutive months, nevertheless, figuring out in which Adar other life cycle events such as Bar Mitzvahs and Yahrzeits should be observed, is quite complicated.

Who Is Truly Older?

It is widely known that adding a leap year into the mix always has interesting Bar Mitzvah-related ramifications. The majority consensus is that if a boy was born in a non-leap year, one which there was only one Adar, and on the year of his Bar Mitzvah there are two Adars, his Bar Mitzvah will occur in the second Adar, since it is considered the true one concerning when one becomes a man.[3]

The same holds true if our lad was actually born in Adar Sheini. In fact, the only way one would celebrate a Bar Mitzvah in the first Adar is if he was actually born in an Adar Rishon. This is the accepted practical ruling by all authorities, both Ashkenazic and Sefardic.

This makes for a remarkable dichotomy. If one boy is born on the 21st of Adar Rishon, and his buddy a week and a half later on the 2nd of Adar Sheini, then in any standard year following, the second lad would be celebrating his birthday almost 3 weeks before his “older” friend. Since in a standard year there is only one Adar, the second-born’s birthday would be the 2nd of Adar, while his “older” friend’s would be

several weeks later, on the 21st. In fact, only in a leap year would the older one truly be considered older. This would also affect their Bar Mitzvahs. If their Bar Mitzvah is in a standard year, the younger lad would become a man several weeks before his older compadre.[4] Yet, if their Bar Mitzvahs also occur in a leap year, then the older stays the older and the younger stays the younger for Bar Mitzvah purposes as well.

Anecdotally, it is due to this classic calenderical conundrum canon that my daughter celebrated her Bas Mitzvah, becoming a woman on her 12th birthday, 13 months prior to her twin brother’s Bar Mitzvah!

Bar Mitzvah-ed Early

An additional fascinating upshot of all this is that even though the near-universal psak is that a Bar Mitzvah of a boy born in a standard Adar is celebrated in Adar Sheini, nonetheless, there are poskim, most notably the Beis Shlomo, who maintain that the Bar Mitzvah boy should start to lay Tefillin from Adar Rishon a month and a day before his actual Bar Mitzvah, even if his minhag is not to do so until the Bar Mitzvah itself.[5] The reason is that according to the minority opinion of the Maharash Halevi, the *ikar* is the first Adar, and if one would start to lay Tefillin 30 days before his true Bar Mitzvah in Adar Sheini, people may mistakenly suspect that his actual Bar Mitzvah is that day in Adar Rishon, which is not the normative halachah. Thus, the early extra day of donning Tefillin serves as a *hekker* of sorts, a public message showcasing that that first day of wearing Tefillin is not the actual Bar Mitzvah. Additionally, since the common minhag is to start donning Tefillin prior to the Bar Mitzvah anyway, by adding the extra day (31 days), the *bochur* fulfills the minority opinion as well. Several contemporary poskim, including Rav Shmuel Halevi Wosner *zt”l* and Rav Moshe Sternbuch, express preference for keeping this minhag of 31 days. In fact, the Tzitz Eliezer opines that it is for a leap year like this that the minhag to start laying Tefillin a month before their Bar Mitzvah developed. Just another tidbit to add additional calculations and complications to a year with double Adars.

Although a completely unknown *shittah* to most, this is the reason why my son who became Bar Mitzvah in a double Adar, started laying Tefillin 31 days before his actual Bar Mitzvah.[6]

Yearly Yahrzeit

However, and quite interestingly, Yahrtzeit observance seems to be an entirely different story.

The Shulchan Aruch rules that if one's parent passed away in a standard Adar his Yahrtzeit should be observed in Adar Sheini (similar to the accepted psak for a Bar Mitzvah). Yet, the Rema, citing the Terumas Hadeshen and Mahari Mintz, argues that Yahrtzeits do not share the same status as Bar Mitzvahs, and conversely they should be observed in Adar Rishon.[7]

[Important Note: This machlokes does not apply regarding one who was actually niftar in an Adar Rishon or Adar Sheini; those Yahrtzeits are always observed on the exact day.]

Will the Real Adar Please Stand Up?

The Terumas Hadeshen[8] posits that this machlokes is actually based on another one: between R' Meir and R' Yehuda (Nedarim 63a) concerning which Adar is considered the main one regarding the laws of Nedarim and Shtaros - Vows and Documents.[9] The Rambam follows R' Meir's opinion, that Adar Sheini is considered the main one, while most other Rishonim, including the Rosh, Ritva, and Ran, follow R' Yehuda (as is the general rule in Shas), that Adar Rishon is considered the main one.[10] Apparently, regarding Yahrtzeits the Shulchan Aruch sides with the Rambam, while the Rema follows the opinions of the other Rishonim.

Another understanding of this machlokes is that it is based on conflicting Talmudic dictums. Since it is a mitzvah to properly observe a parent's Yahrtzeit,[11] would we not assert 'Ain Maavirin al HaMitzvos', not to let a mitzvah pass us by?[12] If so, we certainly should attempt to do so as soon as possible, i.e. Adar Rishon, and not wait until Adar Sheini.

Yet, other authorities claim 'Akdumei Paranus Lo Mekadmin', delaying observances that may cause anguish,[13] might be more important here, as we find regarding Tisha B'Av and other fast days, that when a scheduling conflict arises, we delay the fast instead of observing it sooner. Similarly, since the accepted practice is to fast on a Yahrtzeit, they maintain that its observance should be delayed to Adar Sheini.

Souled!

The Levush elucidates the Rema's ruling, stressing a critical difference between Bar Mitzvahs and Yahrtzeits. As opposed to a Bar Mitzvah, when a child is now considered a man and obligated in Mitzvos, properly observing a Yahrtzeit actually achieves

repentance (Kapparah) for the soul of the deceased. The Judgment of Gehinnom is twelve months, therefore immediately after the conclusion of this period, which, in a leap year would occur in the first Adar, we should observe the Yahrtzeit to obtain elevation for the Neshama. Why should we prolong his Kapparah? And once the Yahrtzeit is already observed in Adar Rishon, the first year after the passing, it is already set as the one to observe every time there is a leap year.[14]

Yet, other authorities, including the Chasam Sofer,[15] disagree, maintaining that although we find that regarding the laws of Nedarim and Shtaros, even the Shulchan Aruch concedes that Adar Rishon is considered the main Adar,[16] even so, asserts that Yahrtzeits should nonetheless be observed in Adar Sheini. He explains that the rule regarding Nedarim and Shtaros is that they follow 'lashon Bnei Adam', the common vernacular. Since people are used to only calling the month Adar in a standard year, even in a leap year the first Adar is simply colloquially called Adar as well. Yet, concerning Yahrtzeits, which concerns Neshamos, its observance would follow the 'lashon HaTorah', which clearly establishes Adar Sheini as the main Adar, as all Purim-related observances are celebrated in Adar Sheini! Therefore, he concludes that Yahrtzeits should be observed in Adar Sheini.

Double Yahrtzeit ?

Generally speaking, the practical halacha here follows the traditional paths after the main halacha codifiers. Sefardim, who follow the psakim of the Shulchan Aruch, observe an Adar Yahrtzeit in Adar Sheini, while Ashkenazim would do so in Adar Rishon.[17] Yet, there are several Ashkezaic poskim who rule like the Shulchan Aruch here, maintaining that a Yahrtzeit should be observed in Adar Sheini.[18]

However, it is important to note that many of the authorities who rule that Yahrtzeit observance is in Adar Rishon, still do allow one to say Kaddish and / daven for the amud in Adar Sheini, especially if there is no other Chiyuv that day.

But, to make matters even more confusing, the Rema adds that there are those who maintain that Yahrtzeits should be observed in both Adars (!!). Although in Hilchos Aveilus the Rema seems to have dropped this opinion as a viable option, nevertheless, it is a psak that several later authorities, including the Shach, Magen Avraham, and the Vilna Gaon, aver is

required. In fact, and although the Aruch Hashulchan discounts this opinion, as this is not a matter of prohibition and therefore a chumra is non-applicable, still, the Mishna Berura writes that if possible one should try to observe the Yahrtzeit on both days.[19]

The Adar Amud

So, what is one to do? He should ask his Rav and follow his local shul's minhag. Forewarned is forearmed. Especially nowadays when 'fights for the amud rights' are unfortunately not that uncommon. It is always prudent to ascertain each individual shul's minhag, as well as get permission, before approaching the amud.

During a previous double Adar, while in America for a simcha, this author noticed a highly commendable and helpful sign posted by the Rav, Rabbi Eytan Feiner, in the famed White Shul in Far Rockaway, with clear and concise instructions to enable easy Yahrtzeit observance during the months of Adar. It proclaimed that the shul follows Ashkenazic practice. Therefore, Yahrtzeit observance for one who was niftar in a regular Adar should be in Adar Rishon. If the mourner is Sefardi, he should observe the Yahrtzeit in Adar Sheini. If one's minhag is to observe both Adars, he may do so, as long as it does not interfere with someone else's actual Yahrtzeit (i.e. davening for the amud).

Yes, Mishenichnas Adar Marbin B'Simcha, but sometimes that simcha is reserved for resolving halachic doubt.[20]

This article is based on a Hebrew ma'amar featured in this author's M'shulchan Yehuda, published in honor of my son's Bar Mitzvah.

[1] See Gemara Rosh Hashanah 7a and Gemara Sanhedrin 12b. There are several sevaros explaining why only Adar gets doubled. See Rashi (Rosh Hashanah ad loc. s.v. v'afap'ch), Tosafos (Sanhedrin ad loc. s.v. ein), Kedushas Levi (Parshas Ki Sisa s.v. ta'am), and Sfas Emes (Likutim L'Chodesh Adar).

[2] Mishnah Taanis and following Gemara (Ch. 4, Mishnah 6; 29a).

[3] Rema (Orach Chaim 55: 10; based on Shu"t Mahari Mintz 15), Levush (Orach Chaim 685, 1), Mogen Avrohom (Orach Chaim 55: 10), Pri Chodosh (ad loc. 10), Pri Megadim (ad loc. Eshel Avraham 10; he adds that m'pashtus this is also the Shulchan Aruch's shitta), Levushei Srad (ad loc. s.v. eino), Korban Ha'eidah (on Yerushalmi Megillah Ch. 1, Shiyarei Hakorban s.v. hada), Shaarei Teshuva (Orach Chaim 55: 11), Gilyon Maharsha (Yoreh Deah 402, s.v. b'Adar), Kitzur Shulchan Aruch (15: 2), Aruch Hashulchan (Orach Chaim 55: 14), Mishnah Berurah (ad loc. 45), and Kaf Hachaim (ad loc. 59); not like the Maharash Halevi (or Mahrash L'Bais Halevi; Shu"t Orach Chaim 16) who was of the opinion that in such a case, all observances should be celebrated in Adar Rishon.

[4] Although the Magen Avraham (ibid., based on his understanding of the Mahari Mintz's position) maintains that even a boy born in an Adar Rishon's Bar Mitzvah gets deferred to Adar Sheini, and the Olas Hatamid and Chasam Sofer (Shu"t Orach Chaim 163: end 3) agree with him, nevertheless, the consensus of poskim is that one who is born in an Adar Rishon's Bar Mitzvah is observed in Adar Rishon as well; if he

was born in a standard Adar or Adar Sheini his Bar Mitzvah would be observed in Adar Sheini. These poskim include the Shulchan Aruch (ibid.), Levush (Orach Chaim 685: 1), Pri Chodosh (ad loc. 10; citing the Yerushalmi Megillah Ch. 1: 5, that Adar Rishon is merely a 'tosefes'), Shvus Yaakov (Shu"t vol. 1: 9; who writes that the Mogen Avrohom misunderstood the Mahari Mintz), Elyah Rabbah (Orach Chaim 55: 9 and Elyah Zuta 5), Rav Dovid Oppenheim (cited in the Ba'er Heitiv ad loc. 11), Me'il Tzadaka (Shu"t 21), Shaarei Teshuvah (Orach Chaim 55: 11), Ma'amar Mordechai (ad loc. 13), Pri Megadim (ad loc. Eshel Avrohom 10), Ikrei Hadat (3: 7), Maharsham (Daas Torah ad loc. s.v. u'shnas), Kitzur Shulchan Aruch (15: 2), Aruch Hashulchan (Orach Chaim 55: 14), Mishnah Berurah (ad loc. 43), and Kaf Hachaim (ad loc. 59). The Ba'er Heitiv (ibid.) concludes that "v'chein haminhag pashut eitzel kol ba'alei hahora'ah". On an anecdotal level, this halacha affected this author growing up, as my birthday was Rosh Chodesh Adar and my Bar Mitzvah occurred on a leap year. This also affected my son who was born on my birthday as well, as his Bar Mitzvah as his Bar Mitzvah was observed on Rosh Chodesh Adar Sheini 5776. [However, as an interesting counter-point, it had the opposite affect on his twin sister - as they were both born on Rosh Chodesh Adar Sheini and her Bas Mitzvah was on a standard Adar year. That means she reached the age of Mitzvos 13 months before her twin brother!]

[5] See Shu"t Beis Shlomo (Even Ha'ezer 56) who maintains that such an Adar Bar Mitzvah boy should be machmir to start laying Tefillin a month and a day prior to his actual Bar Mitzvah in Adar Sheini. Although not everyone follows his chiddush, it is cited by many poskim l'maaseh. See Shu"t Shevet Halevi (vol. 6: 9 and vol. 10: 105, 2), Shu"t Tzitz Eliezer (vol. 13: 10 s.v. ela and u'chyadua), Moadim U'Zmanim (vol. 7: 250 s.v. v'ch'z & u'la'd), Orchos Chaim (Spinka; 37), Igros Hakodesh (5717; vol. 14: 243, postscript), and Shu"t Lehoros Nossan (vol. 12: 5). Thanks are due to R' Shloimie Lerner for pointing out and providing several of these invaluable sources.

[6] However, as opposed to this author who was born on a standard Adar but Bar Mitzvah-ed on an Adar Sheini, my son was actually born on Adar Sheini. Although practically there is no halachic difference between our birthdays and Bar Mitzvahs vis a vis their observance, there still might be one regarding the proper date of first donning the Tefillin. This is because at the end of his responsa on topic, the Maharash Halevi actually agrees to the Mahari Mintz in one specific case: if one is born on an Adar Sheini and the Bar Mitzvah is also on a leap year, then he would accede that the Bar Mitzvah should be celebrated in Adar Sheini. Accordingly, this would seem that although I should have first layed Tefillin 31 days prior to my Bar Mitzvah, nonetheless, my son would have no reason to, as the minority opinion agreed to the majority opinion in his exact case. However, there is another shitta the reader should be aware of - that of the Aruch La'Ner (Shu"t Binyan Tzion 151). He maintains that both days of Rosh Chodesh have a status of one day, meaning they are considered somewhat connected. Therefore, once our growing lad's 13 years are complete and it is already Rosh Chodesh, he would already be considered a Bar Mitzvah, even though his true birthday is the following day (of Rosh Chodesh). The Aruch Hashulchan (Orach Chaim 55: end 15) implies this way as well, and this logic is also cited l'maaseh by the Vayaged Yaakov (Shemos, Mitzvosecha Sha'ashu'ai, Mitzvah 4) and his son the Vaya'an Yosef (Greenwald; Shu"t vol. 1: 33, 1 s.v. v'heishiv), and is mentioned in Ishei Yisroel (pg. 135, Ch. 15, footnote 26, in the parenthesis). Therefore, as my son was born on the second day of Rosh Chodesh Adar Sheini (a.k.a. the 1st of Adar Sheini), there is another relevant minority opinion that would need to be addressed, by making a hekker and being choshesh for. As such, and as most are unaware of the Maharash Halevi's concession when the Bar Mitzvah bochur was born in Adar Sheini, the potential for mishap is still present. Therefore, due to these concerns, my son still first donned his Tefillin 31 days prior to his Bar Mitzvah, on the 30th of Shevat 5776, which was also known as the

First Day of Rosh Chodesh Adar Rishon (at the Neitz Minyan at the Kosel Hamaaravi, if you must know).

[7] Shulchan Aruch and Rema (Orach Chaim 568: 7), Terumas Hadeshen (vol. 1: 294), Mahari Mintz (Shu"t 9). Interestingly, in his Beis Yosef commentary (end Orach Chaim 568), the Shulchan Aruch writes that that this opinion of such a Yahrzeit being observed in Adar Sheini, is the ruling of the Mahari Weil (Shu"t Dinin V'Halachos 5; who was arguing on the Mahari Mulin).

[8] Terumas Hadeshen (vol. 1, 294). His assessment of the dispute is widely acknowledged as the proper one and is cited by many later authorities as a given.

[9] Application of this dispute includes if one writes a document listing only the month as Adar, which Adar was he referring to? The same applies to vows as well. If one made a Neder not to eat meat until Adar, until when is meat prohibited to him?

[10] Rambam (Hilchos Nedarim Ch. 10: 6; especially according to the Kesef Mishnah's understanding ad loc.), Rosh, Ritva, and Ran in their commentaries to Nedarim 63a. Interestingly, Tosafos (Nedarim 63b s.v. v'hatanya) implies like the Rambam as well.

[11] See Shulchan Aruch (Yoreh Deah 402: 12).

[12] See Gemara Pesachim 64b, Yoma 33a, 58b, and 70a, Megillah 6b, and Menachos 64b. As the Terumas Hadeshen (vol. 1: 294) explains, although the Gemara Megillah (ibid.) ultimately decides that the *ikar* Adar follows Rav Shimon ben Gamliel's opinion and it is deemed more important for Purim and its related Mitzos to be observed in the month adjacent to Pesach, nonetheless, in Rav Eliezer b'Rabbi Yosi's minority opinion, the first Adar is *ikar* due to 'Ain Maavirin al HaMitzvos', and in his opinion one should fulfill Purim-related Mitzvos at the first opportunity and not wait until the second Adar. Hence, if this Mitzvah of Yahrzeit observance (as per the Rema's *lashon* ibid.) could technically be observed in either Adar, and being closer to Pesach is a non-applicable factor regarding Yahrzeits, it stands to reason that it should preferably be observed in Adar Rishon due to this dictum. This should certainly hold true, especially as according to several authorities [see Nishmas Adam (13: 2; citing proof from Tosafos (Yoma 33a s.v. ain); thanks are due to Rav Yirmiyohu Kaganoff for pointing out these sources] this is actually a *din* Deoraysa, that when one has an opportunity to fulfill a Mitzvah sooner than another, one should not tarry, but should rather fulfill it as soon as one can. On the other hand, and although agreeing *l'maaseh*, the Maharil (Shu"t 31: 3; as pointed out by the Magen Avraham, Orach Chaim 568: 20) seems not to accept the dictum of 'Ain Maavirin al HaMitzvos' as the reason to mandate Yahrzeit observance in Adar Rishon. The Machatzis Hashekel (Orach Chaim 568: 20 s.v. *uv'teshuv*) opines that perhaps the Maharil is of the opinion that fasting for a Yahrzeit is not due to the Mitzva of 'Kibbud Av V'Eim', but rather to protect him from 'Mazal Ra'ah' on the day one's parent is *nifter*.

[13] See Gemara Megillah 5b, regarding pushing off Tishah B'Av. The Ramban (Milchemos Hashem; end of the first chapter of Megillah) adds that this applies as well to Taanis Esther. Although the Maharil (Shu"t 112) writes that this is inapplicable to a Yahrzeit as it is only 'Tzaara B'Alma', nevertheless the Chasam Sofer reiterates this *sevara* several times. See Shu"t Chasam Sofer (Orach Chaim 163 s.v. v'hinei), Haghos Chasam Sofer on Shulchan Aruch (Orach Chaim 568: 7), and Chiddushei Chasam Sofer on Gemara (Megillah 5a). Thanks are due to Rav Yitzchak Breitowitz for pointing out this debate regarding Klalei HaShas to this author.

[14] See Levush (Orach Chaim 685: 1), Shu"t Beis Shlomo (Even Ha'ezer 56, Haghah M'ben Hamechaber 1), and Shu"t Har Tzvi (Orach Chaim vol. 2: 83, 1; quoting the Mahari Mintz).

[15] See Shu"t Chasam Sofer (Orach Chaim 163) and Haghos Chasam Sofer (to Orach Chaim 568: 7). The Vilna Gaon (Biur HaGr" a to Orach Chaim 568: 7 s.v. *k'she'ira*) cites this as well.

[16] Regarding Nedarim see Shulchan Aruch Yoreh Deah (220: 8); regarding Documents see Shulchan Aruch Choshen Mishpat (43: 28); regarding Gittin see Shulchan Aruch Even Ha'ezer (126: 7). In all of

these cases he agrees that the halachah follows R' Yehuda that one who writes/says 'Adar' is referring to Adar Rishon. These cases all follow 'Lashon Bnei Adam', the common vernacular. Interestingly, he does not follow the Rambam in these cases [see how the Chelkas Mechokek and Bais Shmuel (in their commentaries to Even Ha'ezer 126: 7) deal with this difficulty].

[17] Most Sefardic poskim follow the Shulchan Aruch and mandate observing this Yahrzeit in Adar Sheini, including the Knesses Hagedolah (Orach Chaim 568, Haghos on Beis Yosef), Chida (Machazik Bracha ad loc. 8), Yafeh Lalev (vol. 2, ad loc. 4) and Rav Daniel Tirani (Ikrei Hadat 29: 4). See Kaf Hachaim (Orach Chaim 568: 76), Chazon Ovadia (Purim ppg. 32 - 34), and Rav Mordechai Elyahu's Darchei Halacha glosses to the Kitzur Shulchan Aruch (221: 3), all of whom state this unequivocally.

[18] Although Rav Yaakov Emden implies in his responsa (Shu"t Sheilas Ya'avetz vol. 1, 117) like the Rema, nonetheless, in his later Siddur (Siddur Ya'avetz pg. 375a), as well as in his Mor U'Ketziyah (Orach Chaim 686 s.v. *yesh*) he concludes like his father, the Chacham Tzvi, that such a Yahrzeit should be observed in Adar Sheini. As mentioned previously, the Chasam Sofer (Shu"t Orach Chaim 163 and Haghos to Orach Chaim 568: 7) and Korban Ha'eidah (on Yerushalmi Megillah Ch. 1, Shiyarei Hakorban s.v. *hada*) were major proponents of this, as well. The Melamed L'Hoyeel (Shu"t Orach Chaim 113: 1 & end 116) also follows the Chasam Sofer on this. Additionally, Rav Moshe Feinstein (Shu"t Igros Moshe Yoreh Deah vol. 3: 160, 1) implies that the *ikar* truly is Adar Sheini for Yahrzeits, as it should be the same as Bar Mitzvahs, all rationale proving otherwise notwithstanding. [Rav Ovadia Yosef (Chazon Ovadia - Purim pg. 34), expresses a similar sentiment. However, *l'halachah* Rav Moshe holds that one should observe the Yahrzeit in both Adars - see next footnote.] Yet, it must be stressed that most Ashkenazic poskim follow the Rema's *shittah* and maintain that the Yahrzeit should be observed in Adar Rishon. These include the Maharil (Shu"t 31), Mahari"i Mintz (ibid.), Terumas Hadeshen (ibid.), Levush (ibid.), Elyah Rabba (Orach Chaim 685, 7 & Elyah Zutah ad loc. 7), Taz (Orach Chaim 568: 3), Yeshuos Yaakov (ad loc. 4), Chayei Adam (132: 37), Kitzur Shulchan Aruch (221: 3), Aruch Hashulchan (Orach Chaim 568: 13 & 14), Maharam Brisk (Shu"t vol. 1: 128; who explains that the greatness of the Chasam Sofer notwithstanding, still the halacha here follows the Rema and most Ashkenazic poskim), Rav Yechiel Michel Tukachinsky (Gesher Hachaim Ch. 32: 10; who states that 'rov' Ashkenazim are *noheg* the first Adar), Rav Tzvi Pesach Frank (Shu"t Har Tzvi ibid.), Rav Shlomo Zalman Auerbach (Halichos Shlomo - Tefillah Ch. 18: 23 and Moadim vol. 1, Ch. 18: 11) and Rav Moshe Sternbuch (Moadim U'Zmanim vol. 7: end 250). The Mishnah Berurah (568: 42) as well, implies that regarding Yahrzeits Adar Rishon is *ikar*. However, it is important to note that many of these authorities still do allow one to say Kaddish and / daven for the *amud* in Adar Sheini, especially if there is no other *chiyuv* that day.

[19] The Rema in Orach Chaim (568: 7) adds that there are those who are *machmir* to observe a Yahrzeit in both Adars. Yet, in Yoreh Deah (402: 12), he repeats this halachah, while only mentioning that one should observe the Yahrzeit in Adar Rishon! Nevertheless, several later authorities, including the Shach (Yoreh Deah 402: 11; quoting the Rashal and Bach) as well as the Mogen Avrohom (Orach Chaim 568: 20) and the Vilna Gaon (Biur HaGr" a to Orach Chaim 568: 7 s.v. *shnayhem*) hold that one must observe the Yahrzeit in both Adars; the Gr" a even mandating it *m'din*. Although the Aruch Hashulchan (ibid.) writes strongly against what is essentially observing two distinct Yahrzeits for one person, nevertheless, the Mishnah Berurah (ad loc. 42), Rav Moshe Feinstein (Shu"t Igros Moshe Yoreh Deah vol. 3: 160, 1), and Rav Moshe Sternbuch (Moadim U'Zmanim (vol. 7: end 250) maintain that it is proper to observe a Yahrzeit in both Adars if a parent was *nifter* in a standard Adar. However, even so, Rav Moshe Feinstein held that it is *M'Toras Safek* and not *vaday*, and therefore a *vaday chiyuv* on either Adar would maintain precedence for davening for the

amud – see Mesores Moshe (pg. 193: 417). Rav Shlomo Zalman Auerbach (*Halichos Shlomo* *ibid.*), although writing that Adar Rishon is *ikar* for Yahrzeits, nevertheless adds ‘yesh machmirim’ to daven for the amud in Adar Sheini. In the footnotes (Moadim ad loc. 38) it mentions that when his Rebbetzin was nifteres, Rav Shlomo Zalman made a public siyum for her Yahrzeit in Adar Rishon and made another one ‘B’tzinah’ in Adar Sheini.

[20] Metzudas Dovid (Mishlei, Ch. 15: 30 s.v. *me’ohr einayim*) ‘Ha’aras Einayim B’Davar Hamesupak Yismach Lev Ki Ain B’Olam Simcha K’hataras Hasafeikos!’ This saying is also cited by the Pri Megadim (Orach Chaim beg. 670, Eshel Avraham s.v. *nohagin* and Orach Chaim 682, Mishbetzos Zahav end 1) regarding why on Chanukah (as we say in *Al Hanissim*) it is fitting that the ‘Zeidim’ were given over to the ‘Oskei Torasecha’.

L’iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R’ Yechezkel Shraga, Rav Yaakov Yeshaya ben R’ Boruch Yehuda This article was written l’Zechus for Shira Yaffa bas Rochel Miriam v’chol yotzei chalatzeha for a yeshua teikif umiyad and l’Refuah Sheleimah Shoshana Leah bas Dreiza Liba, Mordechai ben Sarah, and Shayna bas Fayga

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

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May I Keep the Skeletons in the Closet?

Or What Personal Information Must I Divulge?

By Rabbi Yirmiyohu Kaganoff

The Gemara (Zevachim 88b) teaches that the me’il of the kohein gadol atoned for saying loshon hora. . .

Two sample shaylos I have been asked:

Question #1:

Mrs. Weiss (for obvious reasons, not her real name) calls me to discuss the following sensitive matter:

“I was treated successfully for a serious disease that my grandmother also had. The doctors feel that my daughter is at risk for this same disease. She is now entering the shidduchim parsha. Am I required to reveal this family information to shadchanim and/or potential shidduch partners, and, if so, at what point am I required to reveal this information? I am truly concerned that this could seriously complicate her shidduchim possibilities.”

Question #2:

A prominent talmid chacham is not originally from a frum background. His son, who is well-respected in his yeshiva, was recently involved in a shidduch. At a certain point, the talmid chacham’s family felt responsible to reveal certain significant information: The talmid chacham was not originally Jewish, and he and his Jewish wife did not discover Torah until after this son was born. They disclosed this information to the family of the girl involved, and her family decided to discontinue the shidduch. He is now inquiring: “Must we disclose this information to future potential shidduchim?”

Although these situations are somewhat atypical, we all have medical, personal, and/or genealogical issues that we want to keep private. What information must we reveal about ourselves while arranging shidduchim for our children (or for ourselves)? And at what point must we disclose it?

What halachic issues are involved?

Before we analyze these cases, we need to elucidate some halachic topics. We can divide the discussion into three subtopics:

I. Emes -- Honesty

II. Geneivas daas – Misleading someone

III. Onaah – Fraud

I. EMES -- HONESTY

A person must maintain total integrity in all his dealings – after all, the Torah commands us to emulate Hashem in all our deeds, and His seal is truth (Shabbos 55a). Someone who is meticulously honest will merit receiving the presence of the Shechinah (see Sotah 42a).

One may not be untruthful without any reason, and certainly not when it deceives or causes someone personal or financial harm.

For example, one may not deny damaging someone’s property. Similarly, one may not blame fictitious excess traffic for a tardy arrival at work, when it is simply because one left home too late.

For the same reason, one may not deceive someone about a shidduch, by misinforming the other party. I will soon explain the details of this halacha.

HONESTY IS NOT ALWAYS THE BEST POLICY

Notwithstanding the responsibility to be straightforward, there are specific situations where the Torah advises one to be imprecise. For example, it is more important to avoid (1) creating machlokes, (2) embarrassing someone, or (3) hurting his feelings or reputation than it is to disclose the entire truth (Bava Metzia 23b with Rif and Tosafos). In situations where a full exposé may cause one of these negative results, one should omit the detrimental information, although it is preferable to avoid fabricating a story (see Chofetz Chayim, Hilchos Rechilus 1:8). If there is no choice, it is preferred even to fabricate a story, rather than embarrass someone or hurt his feelings or reputation. If a correct answer may cause machlokes, one must modify the truth, rather than create ill feeling (Yevamos 65b).

Similarly, if I am asked about someone’s personal habits, I may modify my answer, if the truth might reveal private information that the person may not want to divulge (Maharal, Bava Metzia 23b).

II. GENEIVAS DAAS – MISLEADING SOMEONE

Geneivas daas, literally, “stealing a mind,” means creating a false impression – that is, deluding another person’s perception of reality. The Gemara (Chullin 94a) rules asur lignov da’as habri’os, “it is prohibited to steal someone’s mind.” One example of this is someone who acts as a big tzaddik in front of people, but is less halachically meticulous in private (Tosafos, Bechoros 31a s.v. *ika*). This unwarranted display of righteousness is a form of deception. Another example is a gentile who asked his Jewish landlord to place a mezuzah on his door; Rav Moshe Feinstein prohibited placing an invalid mezuzah on the door, because of geneivas daas (Shu”t Igros Moshe, Yoreh Deah 1:184).

A different type of geneivas daas is misleading someone to feel indebted when this is unwarranted. An example of this is to beg someone to join you for a meal, when you know he will not accept (Chullin 94a, as explained by Orach Meisharim 24:5), and you do not really want to invite him. The invited party feels obligated to reciprocate this false invitation.

Geneivas daas can happen in shidduchim situations, such as by implying that one intends to provide financial support for a

yeshiva scholar, when one has no intention or ability to do so, or by implying that one is a big masmid or talmid chacham, when one is not (see Shu"t Chasam Sofer, Even Ha'ezer #82).

III. ONA'AH -- FRAUD

Misrepresenting a product or service in order to make a sale is a form of cheating, such as painting an item to hide a defect. A modern instance of ona'ah is insider trading, purchasing or selling a stock or commodity on the basis of information that is unavailable to the public. This is forbidden, unless one notifies the other party of this information.

In shidduchim, the same rule is true: subject to some exceptions that I will explain shortly, one must notify the other party of information that might be of concern, which I will refer to as "blemishes," although they are not blemishes in the usual sense.

MEKACH TA'US – INVALIDATING THE MARRIAGE

The most serious ramification of withholding required information about shidduchim, or worse, of being deceptive, is that this can even result (in certain extreme cases) in a halachically invalid marriage. (The same applies to any contracted arrangement – an unrevealed, serious blemish effects a mekach ta'us, because the two parties never agreed to the arrangement, as it indeed exists.)

Here are a few interesting examples:

If someone specifies that his new wife should have no vows (nedarim), and finds that she is bound by a neder to abstain from meat, wine, or nice clothes, the kiddushin is annulled (Kesubos 72b)! A husband wants his wife to enjoy life, and refraining from these activities may disturb the happiness of their marriage.

OTHER SERIOUS BLEMISHES

To quote the words of the Sefer Hassidim (#507) "When arranging matches for your children or other family members, do not hide from the other party medical issues, that they would object to enough to decline the shidduch, lest they afterwards choose to annul the marriage. Similarly, you should tell them about deficiencies in halachic observance that are significant enough that the other party would have rejected the marriage."

CAN'T SMELL

Another example of unrevealed information that invalidates a marriage is a woman who failed to notify her future husband that she has no sense of smell, since this flaw hampers her ability to prepare tasty meals. Similarly, a man whose profession causes his body to have a foul odor is sufficient reason to invalidate the marriage (Kesubos 76a).

Withholding information concerning inability to have children is certainly a mekach ta'us. In this last situation, a physician who is aware that his patient cannot have children is required to reveal this information to the other side, even though this violates patient confidentiality (Shu"t Tzitz Eliezer 16:4).

WHEN TO TELL?

In most instances, there is no requirement to notify the other party or a shadchan of any of these blemishes at the time that a shidduch is suggested. The Sefer Hassidim that I quoted above does not mention at what point one must notify the other party of the shortcoming. Contemporary poskim I spoke with feel that one should reveal this information after the couple has met a few times, about the time that the relationship is beginning to get serious. There is no requirement for the parties to tell a shadchan. However, if one knows that the other party will reject the shidduch because of this blemish, I would recommend forgoing

this shidduch to begin with. For example, if one knows that a particular family prides itself on a pure pedigree, don't pursue a shidduch with them if you know that they will ultimately reject it when they discover that your great-uncle was not observant. A very serious blemish, such as the inability to have children, should be discussed in advance, since most people will invalidate a shidduch for this reason.

WHAT MAY ONE HIDE?

What type of information may one withhold?

KNOWN INFORMATION

It is halachically deceitful for a seller to withhold important information that the buyer cannot find out. However, the seller is not required to disclose a problem that the buyer could discover. Furthermore, as long as the buyer could have noticed something that may arouse attention, there is no geneivas daas and no ona'ah in making the sale (Shu"t Igros Moshe, Yoreh Deah 1:31). For example, if someone is selling a house with a drop ceiling, he is not required to notify the buyer that there was damage above the ceiling, since a drop ceiling in a residence arouses attention. Similarly, if the entire neighborhood is susceptible to flooded basements, the seller does not need to mention that his basement has a flooding problem. If the buyer asks directly, the seller must answer honestly (Shu"t Igros Moshe, Yoreh Deah 1:31).

A similar concept is true concerning shidduchim. For example, if the scandalous activities of a family member are well-known in one's hometown, one need not tell the other party, since this information could be discovered by asking around (Shu"t Panim Meiros 1:35). Halachically, when the other party asks neighbors for information about this potential shidduch, the neighbors should share the requested details.

INSIGNIFICANT INFORMATION

A second category of information that need not be revealed includes factors that are insignificant to the buyer. One is not required to provide an in-depth list of every shortcoming that the merchandise has. Similarly, shidduchim do not require revealing every possible medical or yichus issue. The Chofetz Chayim distinguishes between a medical issue that one must reveal and a "weakness," that one need not. Thus, someone need not reveal minor ailments that would not disturb the average person.

Although I know rabbonim who disagree with this position, I feel that juvenile diabetes is a malady that must be mentioned, whereas hay fever and similar allergies may be ignored. If one is uncertain whether a specific medical issue is significant enough to mention, ask a shaylah. My usual litmus test is: if the issue is significant enough that one might want to hide it, it is something that one should tell.

At this point, we can discuss Mrs. Weiss's shaylah asked above:

"I was treated successfully for a serious disease that my grandmother also had. The doctors feel that my daughter is at risk for this same disease. She is now entering the shidduchim parsha. Am I required to reveal this family information to shadchanim and/or potential shidduch partners, and, if so, at what point am I required to reveal this information? I am truly concerned that this could seriously complicate her shidduchim possibilities."

Most poskim with whom I discussed the shaylah contended that one should reveal this information to the other side, after the couple has gotten to know one another and is interested in

pursuing the relationship. One rav I spoke to disagreed. He contended that since the problem can be caught early and treated successfully, one need not divulge this information at all. All opinions agree that one has absolutely no requirement to mention this information to a shadchan.

Now let us discuss the second case I mentioned earlier:

A prominent talmid chacham was not Jewish at the time that his son was born. Is he required to release this information to future potential shidduchim?

This question takes us into a different area of concern about shidduchim – yichus, a subject of much halachic discussion. Some poskim sometimes permit hiding this type of information, whereas others prohibit this under all circumstances.

This debate centers on the following story. The Gemara discusses whether someone who has a gentile father and a Jewish mother is considered a mamzer who may not marry a Jew or not. The Gemara concludes that he may marry a Jew, and most halachic authorities rule that he is fully Jewish.

Notwithstanding this ruling, the Gemara (Yevamos 45a) records two identical anecdotes where someone whose father was not Jewish was unable to find anyone in the Jewish community willing to marry him. Although it was halachically permitted for him to marry, people considered this yichus issue serious enough that they did not want him marrying their daughters.

He came to the local gadol -- in one case, Rav Yehudah, and in the other, Rava -- who advised him to find a wife by relocating to a community where no one knows his past.

The question is: If he is required to reveal that his father is not Jewish, what does he gain by relocating – once he reveals his blemish, people will, once again, be uninterested in his marrying into their family!

Several prominent poskim, therefore, conclude that he is not required to reveal his family blemish, since his lineage will not affect his ability to be a good husband (Shu"t Imrei Yosher 2:114:8; Kehillas Yaakov, Yevamos #38 or #44, depending on the edition). Others dispute this conclusion, contending that one must reveal information like this before a shidduch is formalized, and offering different explanations how he would find a match in the new community (Rav E. Y. Valdenberg, quoted by Nishmas Avraham, volume 3, page 26, 251- 252).

Whether the talmid chacham of our second question is required to reveal his family defect depends on this dispute. According to many authorities, there is no requirement to disclose that he was not born Jewish, whereas others disagree.

As I mentioned earlier, almost all of us have shaylos regarding what we are required or not required to disclose about shidduchim. May we all have only nachas from our children and their families!

לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה
ביילא בת (אריה) לייב ע"ה
אנא מלכה בת ישראל ע"ה