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Yeshiva University • A To-Go Series • Cheshvan 5773  
**Sameach Tesamach Reyim Ahuvim – Rejoice Beloved Friends**  
**Rabbi Zvi Sobolofsky**

This *beracha* that is bestowed upon the young married couple as they stand under the *chuppah* (wedding canopy) encapsulates the relationship they are about to embark upon. The image of Reyim Ahuvim beloved friends, conjures up in our minds a similar term, ViAvata LiReiacha Kamocha -- "You should love your neighbor as you love yourself" (Vayikra 19:18), which the Torah uses to describe one's interaction with his fellow man, for this is the basis for all interpersonal relationships.

Let us examine the multiple dimensions of this fundamental mitzvah in order to gain a better understanding of its application in marriage, thereby ensuring the fulfillment of the *beracha* to become Reyim Ahuvim. The Rambam in *Sefer HaMitzvos, Shoresh* No. 2, disagrees with the enumeration of the mitzvos compiled by the *Ba'al Halachos Gedolos*. According to the *Ba'al Halachos Gedolos*, each distinct act of *chesed* (kindness) is counted as a separate mitzvah. Thus, *nichum aveilim* (comforting mourners), *bikur cholim* (visiting the sick) and *hachnasas orchim* (inviting guests) each count toward the total of 613 mitzvos. The Rambam, however, maintains that there is only one mitzvah that encompasses all acts of *chesed*. All manifestations of *chesed* are fulfillments of the mitzvah of ViAvata LiReiacha Kamocha. The Rambam asks, why doesn't the Torah delineate specific acts of *chesed*? What is the Torah teaching us by incorporating the various specifications of *chesed* under the one heading of ViAvata LiReiacha Kamocha.

The Navi Micha (6:8) calls out to us to perfect ourselves in our interpersonal relationships in two ways. Meeting out justice is not an enjoyable activity, but rather a necessity for society. By contrast, *chesed* is not performed out of a sense of obligation; rather we are

supposed to love doing acts of kindness. Perhaps for this reason the Torah does not instruct us concerning specific acts of *chesed*. One would mistakenly conclude that one is "yotzei" (discharged of obligation) by merely performing such acts. Rather, the Torah wants us to instill in ourselves the feelings of love to one another. The essence of the mitzvah of *chesed* is this love, and therefore, the appropriate way to convey this mitzvah to us is by instructing us to love our fellow man.

Although the ultimate goal to reach in our *bein adam l'chaveiro* (interpersonal) relationships is a feeling of love and not perfunctory acts, it is these acts themselves that can help us attain this love. The *Sefer Hachinuch* No. 16 develops a theme concerning many mitzvos: Achrei Hapeulos Nimshachim Halevavos -- "The hearts are drawn by actions performed." Even if we haven't yet reached those deep feelings of love, performing acts of love can eventually help us attain our desired goal. Thus, the mitzvah of ViAvata LiReiacha Kamocha is a combination of feeling and action. Actions lead to feelings, and those feelings in turn spur us to greater actions. The proper fulfillment of ViAvata LiReiacha Kamocha serves as a model as of how Reyim Ahuvim -- husband and wife as beloved friends--should relate to one another. To view marriage as a mere necessity and our care for one another as only obligations that must be performed ignores the basic component of love that is the bedrock of a wholesome marriage. The deep love that develops over time must be constantly nurtured by the small demonstrations of love. The acts of *chesed* that can be performed between husband and wife enable the love to grow, thereby encourage even greater manifestations of kindness between the two.

There are other important lessons necessary for the fulfillment of Reyim Ahuvim that can also be derived from the mitzvah of ViAvata LiReiacha Kamocha. The Rambam in *Hilchos Teshuva*, Ch. 10, in discussing the mitzvah of *ahavas Hashem* (love of G-d), observes that *ahava* (love) and *yedia* (knowledge) go together. The way to attain *ahavas Hashem* is through *yedias Hashem*. In *Hilchos Teshuva* the Rambam emphasizes our reaching *yedias Hashem* by observing the wonders of the world around us, and in *Sefer Hamitzvos, Mitzvas Aseh* No. 3, the Rambam highlights attaining that *yedia* through the study of Torah. *Yedia* and *ahava* are so closely linked that the word used to describe the most intimate relationship between husband and wife is *yedia*. Knowledge is attained by careful listening to the other person and trying to understand their perspective. Just as *yedias Hashem* and *ahavas Hashem* require time and attention, so too *ahavas rei'im*, love of our fellow person, requires of us to spend time knowing and understanding our fellow person. The relationship of husband and wife is the greatest fulfillment of ViAvata LiReiacha Kamocha. It is a lifelong privilege to truly know and understand one's beloved partner. As the Rambam concludes *Hilchos Teshuva* concerning *ahavas Hashem, Lifi Hadeah Tihiye Ha'ahava*. "To the degree of knowledge will be the amount of love"--our love for one another is dependent upon how much effort we invest in truly knowing each other. Love of our fellow man is supposed to equal love of ourselves. The word "kamocha" is presupposing that we do, in fact, love ourselves. Just as knowledge is a prerequisite for love of others, so too is it necessary to love of ourselves. We must recognize our strengths and weaknesses to truly be able to appreciate and recognize others, thereby enabling us to know others as we know ourselves. We must have positive feelings about ourselves before we can genuinely develop positive feelings for others. These qualities must be present in ourselves so that we are able to develop a positive, loving relationship with our spouse. The dual term Reyim Ahuvim refers to two distinct dimensions of the marriage relationship. Bonds of friendship and bonds of love unite a couple. It is not coincidental that friendship precedes love. A "love" without a pre-existing friendship is nothing more than a "Ahava Heteliya Bidavar. --"A love dependent on something external" -- which can never last the test of time. The seeds of friendship are planted even before marriage. A couple that follows meticulously the halachos of *taharas hamishpacha* (laws of family purity) are given the opportunity to nourish those seeds of friendship out of the context of physical expressions of love. It is this commitment to

friendship that enables the *rei'im* to become *ahuvim* once again, as Chazal describe the renewal that takes place upon the wife's return from the *mikvah*, as compared to the experience of a bride.

Although the *beracha* of Reyim Ahuvim is bestowed on the *chasan* and *kallah* as they embark on their life together, the actual fulfillment of these words develops over a lifetime. Nevertheless, it is never too early to plant the seeds for the blessing to reach fruition. Prior to marriage one must develop oneself as a positive, caring person. During the dating process there are multiple opportunities to be kind and considerate thereby setting the stage for the profound love that will come later. Getting to know and understand one's prospective partner in an appropriate manner begins the lifelong knowledge that is synonymous with genuine love. The relationship of *rei'us*--friendship--is so fundamental to marriage that it is the culmination of all of the *berachos* bestowed upon a *chasan* and *kallah*. In the final *beracha*, we involve many phrases which describe the feelings of closeness the couple have for one another: Sason Visimcha .. Gila Rina Ditz Vichedva Viachva Vishalom Vireyus joy and gladness ... mirth, glad song, pleasure, delight, love, fellowship, harmony and companionship (ArtScroll translation). Friendship is the concluding blessing we wish the couple as they embark on life together. Let us follow the guidelines of the Torah to properly develop and strengthen this relationship of Reyim Ahuvim and thereby merit the *beracha* of Sameach Tisamach "to truly rejoice" -- that can only be granted by *Hakadosh Baruch Hu*. May every Jewish marriage be truly blessed with the immortal words -- Sameach Tisamach Reyim Ahuvim Kisameichacha Yitzircha Bigan Eden Mikedem "May the beloved friends truly rejoice like You caused Your creations to rejoice in the Garden of Eden from the beginning of time."

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From: Avi Zelefsky doc.tucky@gmail.com

**Rav Bezalel Rudinsky's Dvar Torah**

May 6, 2016

When the torah describes a person worthy to enter the kodesh hakodashim, it says that no human should go in at the time the kohen gadol goes in.

The lashon that the passuk uses is that no human should go in is strange. The torah could have said that nobody else should go in. From the fact that the torah did not use this lashon, it implies that all humans cannot go in, even the kohen gadol!

This question is asked by the toras kohanim, and he answers: in hacha nami; when the kohen gadol went into the kodesh hakodashim, his face shone like a light, and he elevated himself to be like a malach. So in fact, it is not like a human went into the kodesh hakodashim; it was a malach.

The problem with this is that chazal make a drasha from the passuk that anything non-human that looks like a human can't be in the kodesh hakodashim either. What is the passuk including? Malachim! We must say that nobody can go into the kodesh hakodashim. But why can the kohen gadol enter?

The highest level of yom kippur was the machata (shovel) being brought into the kodesh hakodashim. Rashi says that although the passuk is mashma that the machata was brought in and out, there is a gemarah in yuma which says that the kohen gadol brought the machata in, left, put on his bigdei zahav, did other avodas chutz, put his white garb back on, and removed the machata. Rashi continues: And how did chazal know all of this? Because we have a halacha moshe m'sinai that the kohen gadol went to the mikvah five times on yom kippur and washed his hands and feet ten times. After every change of clothing, the kohen gadol would go into the mikvah. If you eliminate the kohen leaving and re-entering the kodesh hakodashim by the machata, if you would count how many times the kohen gadol went to the mikvah, you would only have a total of three times. The two missing show that he first enters the kodesh hakodashim, leaves, and re-enters. The difficulty with this is that it doesn't explain how chazal knew this, what we just said is merely a simin! Additionally, the chasam sofer asks: Why did the kohen gadol go into the mikvah when putting on the gold clothing? The

whole point of going to the mikvah was so that there should be an alliyah, and going out of the kodesh hakodashim is not an alliyah!

This week we start pirkei avos. A very famous question asked is why we start from moshe kibbel torah m'sinai. We can suggest that pirkei avos has a special connection with moshe rabbeinu. We have a minhag on shabbos to learn pirkei avos in between mincha and ma'ariv. The reason for this minhag is that we have a kaballah that moshe's demise was during this time, and klal yisroel didn't want to do regular learning because of the death of the nasi. The mishnah berurah asks: If they are trying to remember the death of the nasi, why learn pirkei avos? The mishnah berurah suggests that people don't really throw themselves into it, so it isn't really learning. (This alone is difficult to understand)

The tiferes yisroel bring a medresh in kiddushin. This medresh is so unbelievable that many achronim feel that it isn't true. The medresh says that moshe rabbeinu was born with bad middos. This was seen through an artist, because an artist painted a portrait of moshe, and through the painting he was able to tell that moshe had certain bad qualities.

How could this be? Even if you suggest that it is to teach us that one can always work on oneself, why would this be seen through moshe? Why should Hashem give bad middos to moshe, the future redeemer and leader of klal yisroel? To answer this, we must understand what a bad middah is and one a good one is.

By the parshas hanazir, it mentions how the nazir should bring the karbanos and then the nazir drinks wine. Why does the torah say that the nazir should drink wine if he isn't a nazir at that point anymore? We can say that the whole point of nizzirus is so that his life changes. He will not be an alcoholic; he will drink differently. Because he will drink like a Jew, he is a different person, just like when he was a nazir. The point is to take the nizzirus and transform the person. This can be the explanation of a bris millah - we take the limb that causes the biggest physical desire and elevate it to a mitzvah.

The chasam sofer says: When the kohen gadol puts the white clothing on and goes in, he is doing more than just entering and exiting. The white clothing only has value if the gold clothing is affected by it. Because it is affected, the gold clothing is experiencing an alliyah, and that is why the kohen gadol needs to go to the mikvah even when switching from the white clothing to the gold clothing.

The rama m'panig says: The taking of the machata is the taking of the hashpach of the kodesh hakodoshim and bringing it to the outside so that the entire nation should be affected. That is a separate avodah, which would explain why it needs new clothing.

A human isn't allowed to enter the kodesh hakodashim because he must shine like a kohen gadol. Similarly, a person that walks out of the kodesh hakodashim and isn't affected is also not befitting to be there. The malachim can enter the kodesh hakodashim because they shine, but they cannot exit because they won't be affected. A regular human can only exit the kodesh hakodashim because they can be affected. A kohen gadol has the benefits of both a human and a malach. That is why he can enter and leave the kodesh hakodashim. There is no difference between good middos and bad middos. One can be a giver and then become a rasha, and one can be a taker and become a tzaddik. The only difference between the good middos and bad middos is the torah. There is no person that is immune from evil. The torah must affect who we are.

Moshe told this message to klal yisroel. And that is why moshe, the leader of klal yisroel, was born with bad middos: he was born with no advantage, yet still transformed through the torah.

What is pirkei avos all about? Middos through the torah. That is why they learned it after moshe's death; it is what moshe stood for.

Good Shabbos.

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from: Shabbat Shalom <shabbatshalom@ounetwork.org>

date: Thu, May 4, 2017 at 7:09 PM

## Judaism's Three Voices

Britain's Former Chief

### Rabbi Lord Jonathan Sacks

The nineteenth chapter of Vayikra, with which our parsha begins, is one of the supreme statements of the ethics of the Torah. It's about the right, the good and the holy, and it contains some of Judaism's greatest moral commands: "You shall love your neighbour as yourself," and "Let the stranger who lives among you be like your native-born. Love him as yourself, for you were strangers in Egypt."

But the chapter is also surpassingly strange. It contains what looks like a random jumble of commands, many of which have nothing whatever to do with ethics and only the most tenuous connection with holiness:

Do not mate different kinds of animals.

Do not plant your field with two kinds of seed.

Do not wear clothing woven of two kinds of material. (19)

Do not eat any meat with the blood still in it.

Do not practise divination or sorcery.

Do not cut the hair at the sides of your head or clip off the edges of your beard. (26-28)

And so on. What have these to do with the right, the good and the holy?

To understand this we have to engage in an enormous leap of insight into the unique moral/social/spiritual vision of the Torah, so unlike anything we find elsewhere.

The West has had many attempts at defining a moral system. Some focused on rationality, others on emotions like sympathy and empathy. For some the central principle was service to the state, for others moral duty, for yet others the greatest happiness of the greatest number. These are all forms of moral simplicity.

Judaism insists on the opposite: moral complexity. The moral life isn't easy. Sometimes duties or loyalties clash. Sometimes reason says one thing, emotion another. More fundamentally, Judaism identified three distinct moral sensibilities each of which has its own voice and vocabulary. They are [1] the ethics of the king, [2] the ethics of the priest and fundamentally, [3] the ethics of the prophet.

Jeremiah and Ezekiel talk about their distinctive sensibilities:

For the teaching of the law [Torah] by the priest will not cease, nor will counsel [etzah] from the wise [chakham], nor the word [davar] from the prophets. (Jer. 18:18)

They will go searching for a vision [chazon] from the prophet, priestly instruction in the law [Torah] will cease, the counsel [etzah] of the elders will come to an end. (Ez. 7:26)

Priests think in terms of Torah. Prophets have "the word" or "a vision."

Elders and the wise have "etzah". What does this mean?

Kings and their courts are associated in Judaism with wisdom – chokhmah, etzah and their synonyms. Several books of Tanakh, most conspicuously Proverbs and Ecclesiastes (Mishlei and Kohelet), are books of "wisdom" of which the supreme exemplar was King Solomon. Wisdom in Judaism is the most universal form of knowledge, and the Wisdom literature is the closest the Hebrew Bible comes to the other literature of the ancient Near East, as well as the Hellenistic sages. It is practical, pragmatic, based on experience and observation; it is judicious, prudent. It is a prescription for a life that is safe and sound, without excess or extremes, but hardly dramatic or transformative. That is the voice of wisdom, the virtue of kings.

The prophetic voice is quite different, impassioned, vivid, radical in its critique of the misuse of power and the exploitative pursuit of wealth. The prophet speaks on behalf of the people, the poor, the downtrodden, the abused. He or she thinks of the moral life in terms of relationships: between God and humanity and between human beings themselves. The key terms for the prophet are tzedek (distributive justice), mishpat (retributive justice), chessed (loving kindness) and rachamim (mercy, compassion). The prophet has emotional intelligence, sympathy and empathy, and feels the plight of the lonely and oppressed. Prophecy is never abstract. It doesn't think in terms of

universals. It responds to the here and now of time and place. The priest hears the word of God for all time. The prophet hears the word of God for this time.

The ethic of the priest, and of holiness generally, is different again. The key activities of the priest are lehavdil – to discriminate, distinguish and divide – and lehorot – to instruct people in the law, both generally as teachers and in specific instances as judges. The key words of the priest are kodesh and chol (holy and secular), tamei and tahor (impure and pure).

The single most important passage in the Torah that speaks in the priestly voice is Chapter 1 of Bereishit, the narrative of creation. Here too a key verb is lehavdil, to divide, which appears five times. God divides between light and dark, the upper and lower waters, and day and night. Other key words are "bless" – God blesses the animals, humankind, and the seventh day; and "sanctify" (kadesh) – at the end of creation God sanctifies the Shabbat.

Overwhelmingly elsewhere in the Torah the verb lehavdil and the root kadosh occur in a priestly context; and it is the priests who bless the people. The task of the priest, like God at creation, is to bring order out of chaos.

The priest establishes boundaries in both time and space. There are holy times and holy places, and each time and place has its own integrity, its own setting in the total scheme of things. The kohen's protest is against the blurring of boundaries so common in pagan religions – between gods and humans, between life and death, between the sexes and so on. A sin, for the kohen, is an act in the wrong place, and its punishment is exile, being cast out of your rightful place. A good society, for the kohen, is one in which everything is in its proper place, and the kohen has special sensitivity toward the stranger, the person who has no place of his or her own.

The strange collection of commands in Kedoshim thus turns out not to be strange at all. The holiness code sees love and justice as part of a total vision of an ordered universe in which each thing, person and act has their rightful place, and it is this order that is threatened when the boundary between different kinds of animals, grain, fabrics is breached; when the human body is lacerated; or when people eat blood, the sign of death, in order to feed life. In the secular West we are familiar with the voice of wisdom. It is common ground between the books of Proverbs and Ecclesiastes and the great sages from Aristotle to Marcus Aurelius to Montaigne. We know, too, the prophetic voice and what Einstein called its "almost fanatical love of justice." We are far less familiar with the priestly idea that just as there is a scientific order to nature, so there is a moral order, and it consists in keeping separate the things that are separate, and maintaining the boundaries that respect the integrity of the world God created and seven times pronounced good.

The priestly voice is not marginal to Judaism. It is central, essential. It is the voice of the Torah's first chapter. It is the voice that defined the Jewish vocation as "a kingdom of priests and a holy nation." It dominates Vayikra, the central book of the Torah. And whereas the prophetic spirit lives on in agadah, the priestly voice prevails in halakhah. And the very name Torah – from the verb lehorot – is a priestly word.

Perhaps the idea of ecology, one of the key discoveries of modern times, will allow us to understand better the priestly vision and its code of holiness, both of which see ethics not just as practical wisdom or prophetic justice but also as honouring the deep structure – the sacred ontology – of being. An ordered universe is a moral universe, a world at peace with its Creator and itself.

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from: Rabbi Yissocher Frand <ryfrand@torah.org>

date: Thu, May 4, 2017 at 4:47 PM

Re: Rav Frand - Servants of Hashem / Benefit of the Doubt / "Lo" and "Al"

### Rabbi Yissocher Frand

Servants of Hashem / Benefit of the Doubt / "Lo" and "Al"

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #985 — Giving the Benefit of the Doubt – Always? Good Shabbos!

## Judaism Is Not Meant To Be Practiced On Our Own Terms

Parshas Achrei Mos begins with the Yom Kippur Service in the Bais Hamikdash. The Torah says that Aaron the Kohen Gadol, and all the subsequent Kohanim Gedolim after him were only permitted to enter the Kodesh HaKodashim [Holy of Holies] once a year, on Yom Kippur. When they entered the Kodesh HaKodashim, they had to follow the procedures enumerated in Parshas Achrei Mos – from the beginning of the parsha all the way through Revii – meticulously. Then in Revii the first thing mentioned after the Yom Kippur Service is the prohibition of Shechutei Chutz – a person may not bring a sacrifice outside the confines of the Beis HaMikdash. The next parsha after that is the prohibition of eating blood.

The Baal HaTurim asks: What is the juxtaposition between the Yom Kippur Service and the prohibition of Shechutei Chutz? He answers, very logically, that the Yom Kippur Service contains the only example of a sacrifice that we do not bring within the Beis HaMikdash – namely, the Sa'ir HaMishtaleach [the goat that we send off the cliff]. We choose two identical goats. We sacrifice one of them inside the Bais Hamikdash and we bring the other one to a mountainous cliff outside of Yerushalayim and thrown off the cliff. Both goats are considered sacrifices.

The Baal HaTurim writes that a person might think, “Well, it is not such a bad idea to bring a korban outside the Beis HaMikdash. We do it on Yom Kippur!” Therefore, immediately after the parsha of the Yom Kippur Service, the Torah says, “No. That is an exception. We make this exception once a year, just for the Kohen Gadol and just for the Sa'ir L'Azazel. However, under no circumstances should a regular Jew plan to bring a sacrifice in his back yard or anywhere outside the confines of the Bais Hamikdash.”

Rav Weinberger presents another approach to explaining this juxtaposition in his sefer Shemen HaTov. Rabbi Weinberger prefaces his comment with the following question: The pasuk [verse] says “And Hashem said to Moshe: Speak to Aaron your brother — he may not come at all times into the Sanctuary within the Curtain, in front of the Cover that is upon the Ark, and he will not die; for with a cloud I appear upon the Ark cover.” [Vayikra 16:2]. Rashi compares this to a situation when one doctor advised a patient “Do not eat this food” and in the exact same situation, a second doctor advised another patient, “Do not eat this food, because if you eat this food you will die like this other fellow who ate it and also died.” Obviously, the second doctor's warning is much more effective. That is why the Almighty tells Aaron, “Listen don't do like Nadav and Avihu who brought a korban when they were not supposed to and they died.”

However, Shemen HaTov asks: Does Aaron really need such a warning? Does anyone think that the righteous Aaron, who never deviated one iota from what he was told to do, would act like Nadav and Avihu and enter the Kodesh HaKodashim without Divine instruction to do so?

The Shemen HaTov explains as follows: After Nadav and Avihu died, what was Moshe's reaction? What was Hashem's reaction? Moshe said to Aaron: “Of this did Hashem speak, saying ‘I will be sanctified through those who are close to Me, and I will be honored before the entire people.’...” [Vayikra 10:3] Moshe consoled his brother by telling him that his two sons made a Kiddush Hashem. They brought their “foreign offering” for the purist of motives and with this holiest of intentions. Conceivably, Aaron also had these inspirations and inner drives to cling to the Ribono shel Olam as often and as intimately as possible. Quite likely, his inner religious fervor drove him to seek to come into the Kodesh HaKodashim more often than just once a year. So, lest Aaron be tempted and say to himself “I also want to make a Kiddush Hashem. I also want to give my life attempting to become closer to the Almighty,” Moshe had to warn him — “No, don't be tempted to make that kind of ‘Kiddush Hashem’. You do what the Torah says to do. Do nothing more and nothing less.”

This is the whole basis of Judaism. Judaism is not the type of religion where a person can make up his own ceremonies, invent new types of Divine

Service, and so forth. Everything is prescribed for us. Avodah is servitude. The slave (eved) does not decide how he is going to serve the master. The master determines how the eved serves him. That is why new-fangled approaches to Yiddishkeit are off limits, no matter if they come from the purest and noblest of intentions.

We can now understand why the prohibition of “shechutei chutz” [sacrifices slaughtered outside the Temple confines] immediately follow the laws of the Yom Kippur service. What prompts a person to bring a korban in his back yard – to erect a bamah [single-stone altar] and sacrifice an animal to G-d upon it? What is the yetzer hara [evil inclination] for that? The yetzer hara for that does not come from a bad place. It actually comes from a good place. It comes from the desire to “do more than the halacha demands.” The halacha says that I need to do it in the Beis HaMikdash, but I feel so inspired to show my appreciation to the Almighty that I want to bring a korban in my backyard! I cannot wait. I have no time to schlep to the Beis HaMikdash. I want to do it right now! I want to show the intensity of my desire to cling to the Ribono shel Olam.

This is the same aveyra [sin] as that of Nadav and Avihu. It is the same type of aveyra that G-d had to warn Aaron about concerning the Yom Kippur service: “Only under these conditions shall Aaron come into the Kodesh HaKodashim.” Therefore, the prohibition of “shechutei chutz” immediately follows the laws of the Yom Kippur service. This may go against our sense of independence and our inner drive to say, “I want to do it MY way”, but that is the way the Torah works.

The Shemen HaTov then goes one-step further and asks: What does this have to do with the prohibition of blood (which follows that of “shechutei chutz”)? Blood has a tremendously significant place in halacha. Every single korban needs to have its blood spilled on the Mizbayach [Altar]. Lest a person say, “I want to not only sprinkle the blood on the Altar, I want to even drink blood because it must have some kind of holiness,” the Torah says “No. You may not consume blood. It is supposed to be sprinkled on the Mizbayach in the Beis HaMikdash and nothing else.”

This is the theme of all three laws: The Yom Kippur Service, Slaughtering outside the Bais Hamikdash, and Blood. Judaism is not to be practiced on our terms; it is to be practiced on the terms set down by the Ribono shel Olam, because that is what it means to be an eved.

## If We Give Fellow Man The Benefit of the Doubt, Hashem Will Give Us The Benefit of the Doubt

The Halachic portion of this shiur dealt with halachic aspects of the principle of giving one's fellow man the benefit of the doubt. Let us now consider some of the philosophical aspects of this principle.

We previously mentioned a Gemara [Shabbos 127b] that Rabbeinu Yona quotes: “One who judges his fellow man favorably will be judged favorably by Heaven.” The Chofetz Chaim asks a basic question here: How is it possible to make such an analogy and say that Heaven will “judge you favorably” for judging someone else favorably? When you see a Jew eating a hamburger at the airport, you really do not know what the circumstances are. Maybe he brought it from home. Maybe there is a kosher hamburger stand in this airport. Maybe anything... So consequently, you need to give this person the benefit of the doubt. However, by the Almighty, how can there be a concept of giving anyone the benefit of the doubt? There is no doubt. He not only knows all our deeds, He knows our thoughts!

The Chofetz Chaim answers that the Gemara is not speaking of a case where a particular set of circumstances are subject to interpretation in one of two ways and you give the benefit of the doubt and interpret the circumstances in the most favorable way. Such an interpretation would have no parallel with G-d such that we could say, “G-d would likewise judge such a person favorably by giving him the benefit of the doubt.” Rather, this Gemara is referring to after 120 years when we are all going to take “the big test.” The Almighty will then pasken regarding our lives.

Some teachers grade strictly and other teachers grade leniently. In the future,

we will come to Heaven and the Ribono shel Olam will grade our life. We all daven three times a day, but many times our mind was here, our mind was there, and all over the place. We give charity, but sometimes it is begrudging and sometimes it is far less than we can afford. How is the Ribono shel Olam going to grade us for these mitzvos? Do we get credit for them or not?

This is how the Chofetz Chaim interprets the Gemara. A person who, during his life, judged his fellow man favorably, giving him the benefit of the doubt – who was a “lenient grader”, will cause G-d to be a “lenient grader” towards him. This is not a question of His doubt about what you did, but rather He will give you more credit for your davening, tzedakah, and other mitzvos than perhaps you would have received if He were acting as a “strict grader.” We need no greater incentive to give people the benefit of the doubt than this teaching of the Chofetz Chaim clarifying the interpretation of the previously cited Gemara in Shabbos.

There Is More Than One Way To Say “Do Not” in Hebrew

The Meshech Chochma has a brilliant insight in Parshas Kedoshim. The pasuk says, “Do not turn to the idols (Al tifnu el ha’elilim) and molten gods you shall not make for yourselves (v’elohei maseicha lo sa’asu lachem)...” [Vayikra 19:4] The Meshech Chochma asks – is it not strange that the very same pasuk contains two negative commandments and yet they are introduced by different words of prohibition? The command prohibiting idols (elilim) is prefaced by the word ‘al’ while the command prohibiting molten gods (elohei maseicha) is prefaced by the word ‘lo’.

The Meshech Chochma says that in Hebrew, there are differing nuances between the word ‘al’ and the word ‘lo’. ‘Al’ has the nuance of “please don’t”, while ‘lo’ has the nuance simply of “don’t.” This is why, for instance, anytime we ask the Ribono shel Olam to abstain from doing something, we do not use the word ‘lo’; we instead use the word ‘al’ (e.g. — Al tashleecheini l’es ziknah — do not toss me away in the time of old age). The Meshech Chochma brings several proofs to this thesis from Tehillim and elsewhere. When we speak to the Master of the World we do not say “No, don’t!” We say, “Please don’t.” Many times in Chumash we even find the word “al” explicitly combined with the word ‘na’ (please) — for example “al na se’hee riv beini u’beinecha” (please, let there not be an argument between me and you). However, with the word ‘lo’ there are no ifs, ands or buts.

The Meshech Chochma actually does not say this here. He says it in Parshas Shmos on the pasuk “Al tochlu mimenu nah u’vashel mevushal b’mayim...” (Do not eat from it raw or boiled) [Shmos 12:9]. This pasuk is immediately followed by “v’lo soseeru mimenu ad boker” (do not leave over from it until morning) [Shmos 12:10]. There too, there is a close juxtaposition of a prohibition beginning with ‘al’ and one beginning with ‘lo’.

Meshech Chochma asks — why the difference? He answers beautifully: Until midnight, until the execution of the Plague of the First Born, the Almighty had not yet “acquired” the Jewish people as His nation. They were not His people yet. Therefore, regarding the commandment before midnight (eating and preparing the korban Pessach), He asks in a polite manner — “Please don’t...” However, the prohibition to leave over until morning refers to the time after midnight. After midnight was after the execution of the Plague of the First Born, at which time the Almighty acquired Klal Yisrael as His nation. At that point, “Avadai hem” (They became My servants). Once they became the avadim of the Almighty, He had every right to give them commands with the strict nuance of “lo” — Don’t!

Bringing this thought back to Parshas Kedoshim, the Meshech Chochma explains that “Al tifnu el ha’elilim” is a command not to have thoughts of idolatry. Thoughts are very difficult to control. G-d tells us he does not want us to have thoughts of Avodah Zarah, but He is aware that a mind is fleeting and that this is a very difficult thing to command. Therefore, he uses “Al tifnu el ha’elilim” — meaning, “Please don’t have thoughts of Avodah Zarah.” However, the second part of the pasuk is “elohei maseicha lo sa’asu lachem”. Here we are speaking about making idols, which is a physical

activity. That can be commanded directly: Lo sa’asu — don’t do it!

The Meshech Chochma in Parshas Bo cites several other examples of this ingenious insight regarding juxtaposed usage of prohibitions involving the terms al and lo.

Transcribed by David Twersky; Jerusalem DavidATwersky@gmail.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org This week’s write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand’s Commuter Chavrusah Series on the weekly Torah portion. A complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. To Support Project Genesis- Torah.org Rav Frand © 2017 by Torah.org. Do you have a question or comment? Feel free to contact us on our website. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org> to get your own free copy of this mailing or subscribe to the series of your choice. Need to change or stop your subscription? Please visit our subscription center, <http://torah.org/subscribe/> -- see the links on that page. Torah.org: The Judaism Site Project Genesis, Inc. 2833 Smith Ave., Baltimore, MD 21209 <http://www.torah.org/> learn@torah.org (410) 602-1350

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**A Master Builder Of Torah - HaRav Binyamin Kamenetzky, zt”l**

By Rav Aryeh Zev Ginzberg May 4, 2017

I am totally unequipped to even think of writing a hesped on the incredibly accomplished life of the founding father of the Five Towns Orthodox communities, the recently departed rosh ha’yeshiva of Yeshivas Toras Chaim (Yeshiva of South Shore), **HaRav Binyamin Kamenetzky, zt”l**, when there are so many others who knew him so much longer and better than I did. Included in that group are members of his illustrious family who are gifted talmidei chachamim and marbitzei Torah, some who are also gifted writers, as is his son Rav Mordechai, who is one of the most prolific and popular writers of our day.

Instead of an official hesped or bio, I would like to just share a few of my own personal experiences with this giant of a man. A little more than 16 years ago, I relocated from Hillcrest, Queens to Cedarhurst following many months of planning to open a new shul in the community. Due to the complex zoning issues that we had to deal with, there was a delay of a few weeks before the shul could open, and so I used the opportunity to become familiar with the community by visiting some of the other shuls in the area. On my very first Shabbos in the neighborhood, I chose to daven in the hashkamah minyan at what is famously called the Shteeble, which is led by the HaRav Dovid Spiegel, shlita, whom I had heard so much about but had never had the opportunity to meet. It was a small minyan, and one of the people who came over to me to introduce himself was Rav Binyamin’s son-in-law Rabbi Wilhelm who lived in the community at that time; he said he had remembered me from many years earlier when I used to drive his wife’s grandfather, HaRav Yaakov Kamenetzky, zt”l, to family simchas. After davening, I returned to my home.

Later that morning, there was a knock on the door. I remember being a little surprised at the knock, because we hadn’t told anyone that we had moved in just a few days earlier. I opened the door and there was Rav Binyamin with his trademark beautiful smile on his face. He ran inside the house and began to hug me while calling out loudly, “Baruch ha’ba, welcome to the Five Towns. I came to officially welcome you to your new home and wish you a wonderful Shabbos.”

He said that he heard from his son-in-law that I had moved in, and while he is disappointed that he didn’t invite us to his home for our first Shabbos in town, we have to make a l’chaim to celebrate the move. He walked all the way into our dining room, asked where the “l’chaim” bottle is, and sat down to join us at the table. I thanked him so much for coming but expressed concern that his rebetzin is waiting for him. He assured me that she was fine. He sat at our table, introduced himself to every one of my children and questioned each one as to how old they were, what school they go to, and what parashah it was that week. He then spoke to my wife for a while. After almost an hour, he got up to leave and said to us, “If there’s anything that you need at all, please call.”

When he left and we closed the door behind him, I looked at the faces of my children and saw that the uneasiness of moving to a new home and a new community had been removed by the sheer strength of personality and concern from just one individual whose purpose in life was to make other Yidden feel good. Over the years, Rav Binyamin paid many subsequent visits to my home, but we will never forget that first visit that made us all feel so loved and welcomed by this incredible ohev Yisrael. The famed Ponovezher Rav, zt”l, on a fundraising visit to London, spent a Shabbos at the home of his old and dear friend Rav Elya Lopian, zt”l, the famed Mussar giant. It was late at night and Rav Elya heard the Ponovezher Rav pacing back and forth,

seemingly unable to sleep. He checked to see what was troubling him, and the rav said, “I am the only survivor of 700 rabbanim that were in my area of Lita and I often wonder why HaKadosh Baruch Hu spared me. I wasn’t the greatest scholar or the greatest tzaddik by far, so why choose me? And then I realized that it must be because I have the ability to build and that’s why I had to survive—so I can dedicate the remainder of my life to build, build more, and then continue to rebuild what was destroyed in Churban Europa.”

When I think of Rav Binyamin, I see him as the “Ponovezher Rav of the Five Towns,” a man with an insatiable appetite to build Torah and an unparalleled vision of what the tiny spark of Torah can ignite in the subsequent decades. Someone showed me an article in one of the secular Jewish newspapers a few months back that said that the Five Towns Orthodox community is the largest and fastest-growing community in the U.S. This all from one person, who, though small in size, was a giant in passion, fortitude, and a love of Jews of every type.

On motzaei Shabbos, the night before the levayah, I went over to the home of Rav Binyamin, zt’l, where some of the children had gathered, to see if I could be of any help to my yedid nefesh, Rav Mordechai, in assisting in levayah preparations. When I came to the home, besides some of the children, I saw the father-and-son chesed team, Mike and Meir Krengel, doing what they always do every single day of the year. When that incredible team is on the scene, there is nothing left for anyone else to do. But before I left, Rav Mordechai gave me a quick impromptu tour of the home where Rav Binyamin and his unforgettable rebbetzin, z’l, lived for decades and where they raised their incredible mishpachah. It was truly amazing. In that tiny little house with furnishings that are several decades old, this “builder of Torah” in the Five Towns, together with his life’s partner, not only raised a large family but raised an entire community to levels of Torah and mitzvos that are the envy of others.

I was reminded of the story of the saintly Chofetz Chaim, zt’l, who lived with his yeshiva in the tiny town of Radin. One day, some of the students found a map of Europe and searched for the town of Radin on it but couldn’t find it. They complained to their rebbe that Radin is such a special place; how could it be that it is not even worth listing it on the map? The Chofetz Chaim, zt’l, answered them that in Shamayim, HaKadosh Baruch Hu has a different map; it’s a map of where His precious Torah is being learned. The town of Radin takes a prominent place on that map, while some of the biggest cities in Europe are completely left off the map in Shamayim.

I thought of this when I left the house that night and drove by palatial mansions scattered throughout the Five Towns communities. On a local map, this house wouldn’t even be a dot on the page. On the map in Shamayim, many of those grand homes are not even noticeable, but this tiny, age-worn house is front and center on the map that really counts. No wonder Rav Binyamin and his Rebbetzin Tzirel produced such an incredible family; every one of their sons and sons-in-laws are renowned marbitzei Torah, each with a large following of their own. And it continues in the next generation as well.

In a masterful hesped at the levayah, Rabbi Heshie Billet underscored the significance of the complete sacrifice Rav Binyamin and his late Rebbetzin had made in setting up shop here to raise their small children in a true spiritual wasteland at the time. Rabbi Billet asked a question that is raised by several of the commentators on the Chumash: In one midrash, we find that the reason that Shevet Binyamin merited to have the Beis HaMikdash in their portion was because at Kriyas Yam Suf, they were the first shvet to jump into the yam. However, there is another Chazal that says that Nachshon ben Aminadav was the first one to jump in. Rabbi Billet suggested that the difference is that Nachshon jumped in as an individual, while Shevet Binyamin jumped in as a shvet; the entire shvet was moser nefesh. This explained the mesirus nefesh of Rav Binyamin and his Rebbetzin so many decades ago—they were not just moser nefesh for themselves—they were moser nefesh for all their children as well. Hence, the results are remarkable and impressive accomplishments of every one of their children.

Over the years, I was zocheh to develop a very close relationship with Rav Binyamin and he used to say that he found in me a kindred spirit. So every time he came up with an innovative and creative idea to increase chesed, chinuch, tzniyus, kavod ha’mes, shemiras Shabbos, etc. in the community, he would come over to share the idea and discuss how to implement it. There was a period when these new ideas would come at least once a month. Every time he called me to ask if he could come to discuss his idea, I would immediately respond, “Rav Binyamin, please do not come over; I will come to you instead.” And before I could do anything, he was already at my door. Sometimes, he would call me from his cell phone while standing outside my front door. In all the years, there was only one time I was able to get to him first—when Reb Mordechai gave me a heads-up that his father was about to call me and I quickly ran over to his house as the call was coming through.

Some of the ideas he was passionate about were creating a completely shomer Shabbos funeral chapel, a mentoring program for children of single parents, scholarships for summer camps, generating a public outcry for the kavod of a rav that he felt was not

treated properly, helping older singles, etc.

I remember that after his terrible fall around six years ago, he had to undergo several months of intense physical therapy at a facility in New Jersey. My father, zt’l, was a close chaver of Rav Binyamin since the 1940s (they used to call each other before every yom tov for decades). He was worried about his old chaver, and so with Reb Mordechai’s permission, I took my father to visit Rav Binyamin at the rehab center. What was truly incredible was that after warm greetings and some hugs, he began to speak to me in an animated manner. The problem was that he still wasn’t able to speak properly; it was difficult for him to speak and even more difficult for him to be understood. He tried and tried to communicate, but we couldn’t understand what he wanted. I knew that he was desperately trying to share with me another new idea for the sake of the tzibbur to help bring our community to the next level. He was so disappointed that he couldn’t get his new idea through to us so we could understand. When we went back for another visit several weeks later, he was easier to understand. The only problem was that he now had two newer ideas to share with me as well!

What was the secret of Rav Binyamin’s incredible success in building up so many mosdos of Torah and tefillah? Volumes will surely be written about the subject, and I leave that to others who knew him longer and better. However, there are two pictures of him that are frozen in my mind’s eye, which, for me personally, represent the source of his hatzlachah. Both have to do with his deep, heartfelt love for every Yid.

When I moved into the Five Towns, my sons were still young, and whenever possible, we would go to the motzaei Shabbos father-son learning program at Yeshiva of South Shore that was run by Rabbi Drebin. The room was full with many fathers and sons learning together from every segment of the community. However, there was one pair of chavrusos that was not a father and son, at least biologically. There was a boy from a broken home who was estranged from his father. He was picked up each week by his chavrusa who was approximately 70 years his senior—and that was Rav Binyamin.

What caught my eye every week was not simply that he was learning with him in place of his father; there was something different from all the other sets of chavrusos learning there. Each week, for the entire duration of their learning session, Rav Binyamin had his arm around the boy’s shoulder. At the end of the learning, Rabbi Drebin would give out prizes to the children if they had the right number on their raffle ticket. One time that boy won, and Rav Binyamin ran up with him to get the prize, with such simcha on his face—as if he had just won the mega lottery.

The other picture in my mind was at a bar mitzvah celebration of a boy who attended the yeshiva. As always, Rav Binyamin was front and center. Usually at bar mitzvahs, after the traditional dance with the boy and his family, the dancing divides into two circles; one is the bar mitzvah boy with his friends, and the other the adults. I was in the circle with the adults and was told to look at the circle of the boys. I was stunned! There were around 25 boys dancing in two lines facing each other, and smack in the center was Rav Binyamin, who, while he may have shared their height, was at least 70 years older than his dance-mates. The simcha on their faces—and even more so on his face—was unforgettable.

Finally, I would like to close with a thought I shared during my Shabbos-morning derashah the day after we heard the terrible besurah. I explained that Shabbos is not the time for hespedim, but I wanted to just share a thought. The Gemara tells us that the bnei banav of Haman ha’rasha learned Torah in Bnei Brak. The Maharsha explains that since the evil decree of Haman caused tremendous hisorrerus for teshuvah in Klal Yisrael, he deserves some s’char for that and therefore he was zocheh that his grandchildren merited to learn Torah. This begs the question: Haman had only the most evil intentions for the “final solution” for Klal Yisrael. Why should he receive any reward for it at all? The answer is that HaKadosh Baruch Hu looks at every single act of a person, and no matter how evil he is, if some good came from it, it has to be properly rewarded.

I mentioned this Chazal because of a story I heard from Rav Binyamin more than 30 years ago, and then again many times over the last 16 years since I moved to the community. In the 1940s, he wanted to take his new kallah for an outing (I believe it was chol ha’moed), so he decided to take a long train ride out to the South Shore of Long Island. After a long ride, he said to her, “Let’s get off at the next stop and walk around a little.” The next stop was Lynbrook. As the train stopped at the station, there was a sign: “Welcome to Lynbrook, no dogs or Jews allowed!”

Deep inside his heart, he felt that one day he would return and bring a multitude of Jews with him. A few years later, when a young boy from Hewlett was sent by his father to Yeshiva Toras Chaim in East New York where Rav Binyamin was a rebbe because there was no yeshiva on the entire South Shore for him to attend, Rav Binyamin decided to move there and open one. When he heard that Hewlett is one town away from Lynbrook, he knew that he had a mission before him.

To try to understand the s’char that Rav Binyamin is now receiving for his lifetime efforts for Klal Yisrael is beyond human comprehension. But, as in the case of the bnei banav shel Haman who received s’char for his evil intentions, I wonder regarding the

anti-Semites who posted the sign that Rav Binyamin saw with his kallah back in the 1940s, which maybe had some role in his motivation to come here, what type of s'char they will receive from all the Torah that Rav Binyamin brought to the Five Towns over all these years. Just something to think about.

Without doubt, Rav Binyamin's yeshiva will grow and blossom, sefarim with his chidushei Torah will be published, his illustrious family will continue to prosper and lead mosdos of Torah throughout the community and beyond, but all of that will not lessen the sense of loss that every person in the entire Five Towns community—men, women, and especially children—feels at the passing of this master builder of Torah. Yehi zichro baruch.

This article is written l'z'n Sara Chaya z'l bas Rav Aryeh Zev.

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**Thanks to hamelaket@gmail.com for collecting the following items:**

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from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>  
reply-to: info@jewishdestiny.com subject: Weekly Parsha from Rabbi Berel Wein

**Weekly Parsha ACHREI – KEDOSHIM Rabbi Wein's Weekly Blog**

All of us are aware of the difficulty of translating lofty values and ideas into practical daily human behavior. We all wish to be kind and gentle, considerate of others and their needs, a holy and good people. But life and its challenges and complexities always interfere and make the achievement of these goals difficult and elusive. The goal of being a consecrated, good and holy nation, the goal set for the Jewish people at the onset of our history, is one that is agreed upon and revered by Jews in all centuries and locations. How to reach and realize that goal has been a matter of controversy and contention for millennia. Moshe himself complains to God that "You have commanded me to elevate this people spiritually but You did not tell me how to do it! Explain Your essence to me." And the Lord responds by stating that this is an impossibility for human beings to comprehend. So to speak, we are left to our own devices when it comes to achieving individual spiritual greatness. Only those who feel themselves spiritually impoverished can attempt to grow spiritually. Much is left for human beings to accomplish with their own initiative and creativity. As the rabbis so succinctly put it: "Everything is dependent on Heaven but for awe and reverence for Heaven itself!" Achieving that awe and reverence is the path to spiritual growth and enhanced holiness in life. And this is the constant and complex struggle within to find and develop our better qualities and overcome and discard our negative ones.

But we should not think that Heaven has abandoned us completely in this search for holiness and spiritual greatness, without providing us with the tools that we may employ in accomplishing this lifelong mission. Hence, the plethora of commandments that make up much of this week's Torah reading. There seems to be a commandment that is relevant to every moment and situation in life. These commandments stand independent of any other goal in life except for their mandatory fulfillment. Yet all of Jewish thought and tradition saw them as being the building blocks of spiritual Jewish life, holy attitudes and behavior. Without these commandments, which translate themselves into daily repetitive human behavior, the road to holiness and spiritual fulfillment for Jews is pretty much blocked. Jewish history has shown us time and again the futility of trying to guarantee Jewish survival, let alone spiritual greatness, with the absence of the observance of the commandments. The essence of Jewish life is not some mysterious guru-driven pursuit of holiness. Rather it is loyalty to Jewish tradition, as reflected in the necessity for observance of and reverence for the specific commandments described for us in the Torah. Fulfillment of these commandments does not necessarily guarantee the creation of a holy Jew but absent those commandments and the pursuit of the goal of personal and national holiness wanes and soon disappears. Such is the clear lesson of Jewish history. Shabbat shalom Rabbi Berel Wein

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from: Rabbi Yirmiyohu Kaganoff <ymkaganoff@gmail.com> to: kaganoff-a@googlegroups.com Parshas Kedoshim includes the mitzvah of orlah. Could the Fruit on My Tree Be Orlah? By Rabbi Yirmiyohu Kaganoff

Question: Recently, our school had several fruit trees planted for decorative and educational purposes. Someone told us that we must carefully collect the fallen fruits and bury them to make sure that no one eats them. Is there really an orlah prohibition in chutz la'aretz, and is it possible that these fully-grown trees are producing orlah fruits? If indeed we need to be concerned about orlah, do we also need to redeem the fruits of the tree in the fourth year?

Before we can answer these questions, we need to discuss the following topics:

I. Is there a mitzvah of orlah in chutz la'aretz? II. Can a fully-grown tree possibly have a mitzvah of orlah? I thought orlah only applies to the first three years of a tree's growth! III. Does orlah apply to an ornamental tree? IV. Does the mitzvah of reva'ie apply in chutz la'aretz?

**I. ORLAH**

Introduction: The Torah (Vayikra 19:23) prohibits eating or benefiting from fruit grown on a tree during its first three years. Those fruits are called orlah and the prohibition of the Torah applies whether the tree was planted by a Jew or a gentile. The rules of orlah apply whether the tree grew in Eretz Yisroel or in chutz la'aretz, although many leniencies apply to trees growing in chutz la'aretz that do not apply to those growing in Eretz Yisroel (Mishnah Orlah 3:9). Orlah fruit must be burnt to guarantee that no one benefits from them (Mishnah Temurah 33b); in addition, Rav Shlomoh Zalman Auerbach, zt"l, ruled that one must remove orlah fruits as soon as they begin to grow to prevent someone from mistakenly eating them.

**REVA'IE**

The Torah (Vayikra 19:24) teaches that the fruit a tree produces the year following its orlah years has a unique halachic status called reva'ie. One may eat this fruit only within the area surrounded by the original city walls of Yerushalayim and only if one is tabor, a status that is virtually unattainable today, as we have no ashes of a parah adumah. However, the Torah permitted us to redeem reva'ie by transferring its sanctity onto coins that must be treated with special sanctity. After performing this redemption, the reva'ie fruit loses all special reva'ie laws, and one may eat it wherever one chooses to and even if one is tamei. We will discuss later whether reva'ie applies outside Eretz Yisroel.

Why does orlah apply in chutz la'aretz? Is it not an agricultural mitzvah that should apply only in Eretz Yisroel (Mishnah Kiddushin 36b)?

The Gemara (Kiddushin 39a; Mishnah Orlah 3:9) teaches that orlah in chutz la'aretz has a special status. Although it is true that agricultural mitzvos usually apply only in Eretz Yisroel, a special halacha lemoshe misinai teaches that the mitzvah of orlah applies in chutz la'aretz. (A halacha lemoshe misinai is a law Hashem taught Moshe Rabbeinu at Har Sinai that has no source in the written Torah.) However, this particular halacha lemoshe misinai came with an intriguing leniency.

**QUESTIONABLE ORLAH**

The usual rule is that in a case of doubt whether or not something is prohibited, if the prohibition is a Torah one must rule stringently and prohibit the item (Avodah Zarah 7a). Even though orlah in chutz la'aretz has the status of a Torah prohibition, the halacha lemoshe misinai teaches that any doubt concerning a chutz la'aretz orlah fruit may be treated with a unique leniency. In Eretz Yisroel, one may not purchase fruit in a market without first determining whether there is a significant possibility that the fruit is orlah. In the case of orlah from chutz la'aretz, however, one is not required to research if the fruit is orlah. Even more so, the fruit is prohibited only if one knows for certain that it is orlah; if one is uncertain, it is permitted. Thus, doubtful orlah grown in chutz la'aretz is permitted even though definite orlah is prohibited min haTorah. This is indeed an anomaly.

This leads us to our next discussion point:

**FULLY GROWN ORLAH TREES**

II. Can a fully-grown tree possibly have a mitzvah of orlah? I thought orlah only applies to the first three years of a tree's growth!

In fact, someone may actually be the proud owner of a mature tree whose fruit is prohibited min haTorah because of orlah. How can this happen?

The Mishnah (Orlah 1:3) teaches that if a tree was uprooted and replanted, its orlah count sometimes begins anew. If the uprooted tree retained enough of its soil to survive, the old orlah count remains; if the tree was past its three orlah years, its fruit is permitted. But if the tree's soil was removed from its roots during the uprooting, it is considered as planted anew, and its orlah count starts all over. Thus, halacha can consider a fully mature tree as newly planted.

The criterion for determining whether the tree is halachically new or old is whether the tree can survive with the soil still attached to its roots. However, the Mishnah omits one important detail: for how long must the tree be able to survive with that soil on its roots? Obviously, if the tree continues to grow for a long time, the small amount of soil on its roots will be insufficient. How much soil must the tree have on its roots in order that it not lose its orlah count?

The Rishonim dispute this question, some contending that soil for fourteen days is sufficient, while others require enough soil for considerably longer (see Beis Yosef, Yoreh Deah 394; Chazon Ish, Orlah 2:10-12). Since we rule leniently on orlah questions in chutz la'aretz, one may be lenient and permit a tree that has only enough soil to live for fourteen days. In Eretz Yisroel, many poskim rule that one must follow the stricter opinion.

It is important to note that, according to all opinions, if one replanted a tree with little or no soil attached, the tree is halachically considered as newly planted, and the next three years of fruit are orlah. The Torah not only prohibits one to eat these fruits, but also to benefit from them – or even give them to a non-Jewish neighbor.

#### HOW COMMON IS THIS?

How often is a mature, replanted tree considered new for orlah purposes?

According to the expert I contacted:

“In most parts of the United States, fruit trees sold in late winter and very early spring are usually ‘bare-root,’ meaning no soil around the roots but rather some material, like wood shavings, just to keep them moist. Unsold trees are then potted into bucket-size pots or bags of soil. The trees begin to grow as spring progresses and the tree leafs out. The nurseryman is being perfectly honest when he says it is a three-year-old tree -- except that for orlah count, it is year one because the tree was replanted without soil. This problem is very common with many varieties of fruit trees that lose their leaves in autumn, such as pears, plums, peaches, cherries, apricots and nuts.”

The same expert pointed out that there can be other orlah problems in chutz la'aretz, such as trees grafted onto a root stock that was cut down to less than a tefach above the ground. This case, which is apparently very common, is halachically orlah miderabbanan (see Sotah 43b). This would apply even with a potted tree that never lost its soil. The orlah count begins again from when the tree is replanted.

#### WHAT DO I ASK THE GARDENER?

When purchasing a fruit tree from a nursery or gardener, what questions should one ask?

According to the horticultural halachic expert I asked, the most common, and unfortunately little known, problem is not orlah but kilayim, mixing of species. We are referring to the problem of harkavas ilan, grafting of a fruit tree onto the stock of a different species, which also applies outside of Eretz Yisroel. More information on this topic can be found on my website RabbiKaganoff.com under the title “May a Non-Jew Own a Nectarine Tree? For That Matter, May a Jew?”

In regards to orlah, both of the above-mentioned problems could, and frequently do, occur: The tree may be replanted into your yard as bare-root, or it may be grafted onto a short stock. In either case, the fruit that now grows qualifies halachically as orlah.

Other orlah problems may occur. Here is a common case: Someone purchased a tree from a nursery where the soil was still attached to its root; the tree's root ball was wrapped in burlap and tied. (The nursery industry calls this type of tree "balled and burlapped.") When purchasing such a tree, one should try to verify when the tree was planted, and also whether the soil ball fell off while replanting the tree, which is a common occurrence. All of these affect whether the fruits of the tree are orlah, and for how many years.

I will share with you one more case that some authorities consider an orlah problem. Some people grow fruit trees in pots and move them outdoors for the summer and back indoors for the winter. Some opinions contend that moving this tree outdoors is considered replanting it, particularly if the pot is placed on earth, and means that the fruit of this tree is always orlah!

#### III. ORLAH ON ORNAMENTAL TREES

If one plants a tree with no intention of using its fruit, is the fruit prohibited because of orlah?

The Mishnah (Orlah 1:1) rules that fruit growing on a tree planted as a barrier or hedge, for lumber, or for firewood is not orlah. The reason for this leniency is that the Torah states that the mitzvah of orlah applies “when you plant a tree for food” (Vayikra 19:23), and these trees are not meant for food. Perhaps, the planting of our ornamental fruit trees is included in this leniency and their fruit is not orlah?

Unfortunately, this is not true. The Yerushalmi (Orlah 1:1) rules that this leniency applies only to trees planted in a way that makes it clear to an observer that they are not planted for their fruit. Examples of this are trees planted too close together for the proper growth of their fruit, or trees pruned in a way that the lumber will develop at the expense of the fruit. However, people usually do not grow ornamental trees in a way that demonstrates that they have no interest in the fruit.

Most poskim rule like this Yerushalmi (Rosh, Hilchos Orlah 1:2; Tur Yoreh Deah 294), including the Shulchan Aruch (Yoreh Deah 294:23). (Note that the Rambam [Maaser Sheni 10:2] does not quote this Yerushalmi as normative halacha. Those interested in researching why the Rambam seems to ignore the Yerushalmi should research the explanation of the Rishonim to the Yerushalmi and the comments of the Beis Yosef on the above-quoted Tur.)

Many years ago, when I was a rav in Baltimore, someone asked me a shaylah that is very germane to this discussion. He had planted a hopvine and asked me whether there was an orlah or reva'ie prohibition involved in this plant. Knowing only that hops are used as an ingredient in beer, I asked him what a “hopvine” is and why one would plant it. He answered that it is an ivy runner that climbs the walls of a building. He had planted the vine primarily because he liked the ivy cover for his house, but also because he was interested in brewing his own beer, using organically grown hops. At that time I was under the impression that there was certainly an orlah problem, since he also planned to harvest the fruit. But what would happen if the planter had no interest in the fruit and was simply interested in the vine's aesthetics? Would that absolve the vines from the mitzvah of orlah? I leave it to the reader to ponder this issue.

I subsequently discovered that hops are not an orlah concern for a totally different reason: Although hops do not need to be planted annually, halachically they are not considered trees, since their shoots die off in the winter and re-grow each year. Such a plant is called a herbaceous perennial plant, not a tree, and is not subject to the halachos of orlah. Nevertheless, the concept of planting a tree for a purpose other than using its fruit is very halachically germane.

#### IV. DOES REVA'IE APPLY TO FRUITS GROWN OUTSIDE ERETZ YISROEL?

Does the mitzvah of reva'ie apply in chutz la'aretz as the mitzvah of orlah does, or is it treated like other agricultural mitzvos that apply only in Eretz Yisroel? The Rishonim debate this question and its answer depends on two other interesting disputes. The first, mentioned in the Gemara (Brachos 35a), is whether the mitzvah of reva'ie applies only to grapes or to all fruits. According to some opinions, the mitzvah of reva'ie applies only to grapes (see Tosafos, Kiddushin 2b s.v. esrog); according to a second opinion, it applies to all fruits (see Brachos 35a); and according to a third approach, the mitzvah applies min haTorah only to grapes, but it applies midrabbanan to all fruits (see Tosafos, Kiddushin 2b s.v. esrog).

A second dispute is whether the mitzvah of reva'ie applies outside the land of Israel, like the mitzvah of orlah, or whether it follows the general rule of most other agricultural mitzvos and applies only in Eretz Yisroel (Tosafos, Kiddushin 2b s.v. esrog and Brachos 35a s.v. ulimaan; Gra, Yoreh Deah 294:28). The logical question here is whether reva'ie is an extension of the mitzvah of orlah, in which case the halacha lemoshe misinai that orlah applies in chutz la'aretz extends to reva'ie. On the other hand, it may be that reva'ie is a separate legal concept, totally unrelated to the mitzvah of orlah. If the latter is true, reva'ie should be treated like any other agricultural mitzvah and would not apply in chutz la'aretz.

We should bear in mind that even if we conclude that reva'ie applies in chutz la'aretz, it applies only when these fruits are definitely obligated in reva'ie. If the fruit might be from a later year, one may eat the fruit without any kashrus concern. If the chutz la'aretz fruit may be third year (orlah) or may be fourth (reva'ie), one may be lenient and redeem the fruit as one treats reva'ie.

How do we rule?

There are three opinions among the poskim:

(1) Reva'ie applies to the fruit of all trees growing outside Eretz Yisroel.

(2) Reva'ie applies only to grapes, but not to other fruit trees of chutz la'aretz. This opinion assumes that since there is an opinion that even in Eretz Yisroel reva'ie does not apply to species other than grapes, one may be lenient with regard to chutz la'aretz and treat the fruits as a safek.

(3) Reva'ie does not apply in chutz la'aretz.

These last poskim contend that the halacha lemoshe misinai forbidding orlah in chutz la'aretz applies only to orlah, but not to reva'ie, which is a separate mitzvah.

Concerning reva'ie, we follow the general rule that agricultural mitzvos apply only in Eretz Yisroel, thus exempting these fruits from the mitzvah of reva'ie.

How do we paskin?

Shulchan Aruch (Yoreh Deah 294:7) quotes the first and third opinions, but rules primarily like the first opinion, that the mitzvah of reva'ie does apply outside of Eretz Yisroel. Rama and Gra both rule like the second opinion that it applies only to grapes outside of Eretz Yisroel and not to other fruits. Therefore, Ashkenazim may be lenient and need not redeem fourth-year fruits grown outside of Eretz Yisroel except for grapes, whereas Sefardim must redeem them.

#### CONCLUSION

Note that the Torah states: And in the fourth year, all its fruit shall be holy for praises to Hashem. Only in the fifth year may you eat its fruit – therefore, it will increase its produce for you, for I am Hashem your G-d (VaYikra 19:23- 25). We see that Hashem, Himself, promises that He will reward those who observe the laws of the first four years with abundant increase in the tree's produce in future years. May we soon see the day when we can bring our reva'ie and eat it betaharah within the rebuilt walls of Yerushalayim!

The author thanks Rabbi Shmuel Silinsky for his tremendous assistance in providing agricultural information for this article.

from: Ohr Torah Stone <ohrtorahstone@otsny.org> via  
ohrtorahstone.ccsend.com reply-to: yishai@ots.org.il Thu, May 4, 2017  
at 6:37 AM subject: Weekly Torah Portion: Acharei Mot-Kedoshim 5777

**Parshat Acharei Mot/ Kedoshim (Leviticus 16:1-20:27) Rabbi Shlomo Riskin**

Efrat, Israel -- “Speak to the entire congregation of the People of Israel and say to them: ‘You shall be holy, for I the Lord your God am holy.’” [Lev. 19:2]

What does it mean to be holy? In our generation, the emotionally-charged observance of Yom Hazikaron – when we honor the memories of those who have lost their lives defending the State of Israel – provide poignant answers to this ancient question.

I would like to offer some context for this matter by citing a teaching from Rabbi Yechezkel “Chatzkel” Abramsky, z”l, legendary sage and rabbinical judge of London and Jerusalem. He taught that three aspects of our ethnicity create Jewish identity: belonging to a special nation, a special religion, and a special holy community. These three elements are expressed in the Tahanun supplication that we recite after the daily Shemoneh Esrei prayer.

The first element is reflected in the words: “Guardian of Israel, guard the remnant of Israel, and do not destroy Israel, those who recite ‘Shema Yisrael.’” Fascinatingly, the prayer speaks of “Israel” and not of “Jews”, of our national heritage rather than of our religious faith. Israel is, after all, the name of our common patriarch, Yisrael; it is the special term for our national homeland – and every family descendant responds to the familiar words “Shema Yisrael”.

We begin this prayer by entreating the Almighty to preserve also those Jews who do not identify with a traditional code of conduct or a commitment to a particular faith or set of beliefs. It is enough that they are citizens of the State of Israel, or diaspora Jews who identify with the “Jewish family” in times of crisis. This is the covenant of Jewish peoplehood that God established with Abraham.

The prayer continues: “Guardian of a unique people, guard the remnant of a unique nation, and do not destroy a unique people, who declare Your Name one and unique, the Lord our God is one and unique.”

In this stage of the prayer, we ask for the preservation also of those who see themselves as “Jews” in addition to being Israelis, those who live a unique traditional lifestyle of Sabbath, festivals and kashrut, and those who are committed to faith in one God. These Jews express the covenant at Sinai, the special religious beliefs and way of life that make Jews a singular and unique people.

The prayer concludes: “Guardian of a sacred people, guard the remnant of a sacred nation, and do not destroy a sacred people, who triplicate with three sanctities before the Sacred One.” This is the final and highest aspect of our ethnicity: in addition to our being a nation and a religion – Jews and Israelis, bound up together with a family-nation-state and committed to a system of traditions and beliefs – we must also strive to be sacred, holy.

This is the very first commandment of this week’s Torah reading of Kedoshim: “you shall be holy.” What does this mean? Yosef Goodman, z”l, son of my beloved friends and fellow residents of Efrat, Mordechai and Anne Goodman, demonstrated how to answer this question.

In early 2006, Yosef, a member of an elite IDF unit, was participating in an army training maneuver at the Nitzanim base near the city of Ashdod. While jumping out of an army plane, Yosef’s parachute became entangled with the parachute of his unit commander.

Facing terrifying choices, Yosef made the brave and holy decision to disentangle his parachute, which would save the life of the commander, but which would catapult him to certain death on the ground below. At the funeral on Har Herzl, an IDF officer praised Yosef, calling him a fearless soldier who showed everyone the meaning of Zionism. Yosef, z”l, is a kadosh, a holy Jew.

Who is holy? Roi Klein, z”l, a young married father of two, who loved his nation, his land and his Torah with all his heart and soul. In the Second Lebanon War in the Summer of 2006 against Hezbollah, Roi found himself in the town of Bint Jbeil removing armaments with his army reserve unit. He was standing near the entrance to a building when a terrorist threw a grenade that landed near him. Klein yelled out to his men, “Klein is dead! Klein is dead!” and, while proclaiming “Shema Yisrael!”, jumped on the live grenade, muffling the explosion with his body and saving the lives of all of his fellow soldiers. Roi, z”l, is a kadosh, a holy Jew.

Please, God, preserve all members of the Jewish nation: the Jews who have only the most basic of Jewish ethnic ties; those who have deep Jewish religious ties; and those who have attained a degree of God-like holiness! Preserve all members of the Jewish nation, for each of us has the capacity to attain holiness! Shabbat Shalom

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***OU Torah It's All Commentary Rabbi Dr. Tzvi Hersh Weinreb***

I am proud of my large library of Jewish books. My collection, which my wife half-jokingly refers to as my addiction, began on my 11th birthday with a gift from my maternal grandparents, may they rest in peace. They bought me the then recently published Shulzinger edition of the Five Books of Moses surrounded by numerous traditional commentaries. Those volumes became the cornerstone of my personal library of many hundreds of Judaic works on the Bible, the Talmud, philosophy, history, and codes of law. These books line the walls of my private study from floor to ceiling. Over the years, I have had many visitors who were struck by the overwhelming number of books and who reacted with awe and curiosity. Some, particularly non-Jews, would ask, “Have you read all of these?” When I confessed that I hadn’t read more than very few of them, they often proceeded with yet another question: “What are they all about? Why are so many books necessary just to explain one religion?” They could not fathom why so much commentary was written on just a few basic biblical texts. Often, as I responded to their inquiries, I found myself resorting to an old story of one of our greatest sages, Hillel. To most of you, this story is probably well-known, perhaps even trite. But for many of my visitors, the story was novel, instructive, and almost revelatory. In this story, Hillel, known for his scholarship and commitment to Torah study but particularly famous for his patience, is provocatively challenged by a heathen who demands to be taught the entire Torah while standing on one foot. Hillel accepts the challenge and says, “What is hateful to you do not do unto others. That is the entire Torah, the rest is but commentary. Now go out and study the commentary.” I would then explain to my inquisitive visitors that Hillel’s remark was based upon a verse in this week’s double Torah portion, Acharei Mot/Kedoshim. There, in Leviticus 19:18, we read, “...and thou shalt love thy neighbor as thyself.” Now, I would continue, loving one’s neighbor as oneself is no easy task. We are likely to have numerous and diverse neighbors in the course of a lifetime, and myriad circumstances arise which pose great barriers to our love for them. And so, Jewish scholars throughout the ages have recorded their advice, suggestions, and guidelines for just how to love one’s neighbor in every conceivable context and condition. That’s what all these books are about, and that’s why we need so many of them. Note that Hillel himself does not choose to use the Torah’s original phrase to explain the essence of Judaism to the heathen. He does not say, “Love your neighbor.” Rather, he says, “Do not harm your neighbor.” Perhaps this is because, as the medieval commentator Ramban suggests, loving one’s neighbor as oneself is an exaggerated expectation, just too tall an order, and the most Hillel could do was to urge the heathen to do no harm. Whether one uses the biblical formulation commanding us to love our neighbor, or chooses Hillel’s version which asks us to refrain from harming him or her in a way in which we ourselves would not want to be harmed, the essence of our Torah is this ethical imperative. And the many hundreds of volumes in my personal

library, and the hundreds of thousands of similar tomes written throughout the centuries, can all be understood as the constant and perpetual struggle of our sages to develop a “database” sufficient to enable us to realize this ethical imperative. One such commentary deserves mention, particularly in our age and culture, which has been diagnosed as narcissistic, as overly self-loving. This commentary takes the form of a story about a disciple of Rabbi Mendel of Kotzk who eavesdropped upon his master as the latter was reviewing this week’s Torah portion aloud. Rabbi Mendel read, “...and thou shalt love thy neighbor... as yourself???” Yes, as yourself!!!” First as a question, and then as a forceful declaration. The disciple was puzzled by the manner in which his master read the passage. He asked the master’s chief disciple, Reb Hershel, for an explanation. This was his answer: “The master first asked a question. Can it be that we are asked to love our neighbor as ourselves? Are we to understand that it is permissible to love oneself? Is it not a basic teaching here in Kotzk that one dare not love oneself, lest he thereby become blind to his own faults?” In our terminology, Rabbi Mendel could not accept the slightest suggestion that narcissism was acceptable. “Then the master realized a deeper meaning of the verse. Namely, we ought to love our neighbor to the same extent that we are critical of ourselves. The mitzvah is that we put in as much effort loving our neighbor as the effort that we should be investing in our own personal spiritual and moral perfection.” In an age of “me first”, it is even more important that we direct our love outwards towards the other, and not inward toward ourselves. We must, at all costs, avoid self-adulation and self-worship. That is just one small sample of the vast treasure of commentary that is in our Jewish library. No wonder that our sages refer to the “ocean of the Talmud”, and to our Torah as deeper than the sea. © 2017 Orthodox Union

from: Rabbi Chanan Morrison <chanan@ravkooktorah.org> to: rav-kook-list@googlegroups.com subject: [Rav Kook Torah]

**ravkooktorah.org Rav Kook Torah Kedoshim: Love Your Neighbor**  
 “Do not take revenge nor bear a grudge against anyone among your people. You must love your neighbor as you love yourself.” (Lev. 19:18) Is this mitzvah of Ahavat Yisrael realistic? Is it possible to truly love another person as much as we love ourselves? Attaining Ahavat Yisrael Rav Kook stressed the importance of loving the Jewish people. In his magnum opus Orot HaKodesh, Rav Kook gave practical advice on how to achieve this love. Love for the Jewish people does not start from the heart, but from the head. To truly love and understand the Jewish people – each individual Jew and the nation as a whole – requires a wisdom that is both insightful and multifaceted. This intellectual inquiry is an important discipline of Torah study. Loving others does not mean indifference to baseness and moral decline. Our goal is to awaken knowledge and morality, integrity, and refinement; to clearly mark the purpose of life, its purity and holiness. Even our acts of loving-kindness should be based on a hidden Gevurah, an inner outrage at the world’s -- and thus our own -- spiritual failures. If we take note of others’ positive traits, we will come to love them with an inner affection. This is not a form of insincere flattery, nor does it mean whitewashing their faults and foibles. But by concentrating on their positive characteristics -- and every person has a good side -- the negative aspects become less significant. This method provides an additional benefit. The Sages cautioned against joining with the wicked and exposing oneself to their negative influence. But if we connect to their positive traits, then this contact will not endanger our own moral and spiritual purity. We can attain a high level of love for Israel by deepening our awareness of the inner ties that bind together all the souls of the Jewish people, throughout all the generations. In the following revealing passage, Rav Kook expressed his own profound sense of connection with and love for every Jewish soul: “Listen to me, my people! I speak to you from my soul, from within my innermost soul. I call out to you from the living connection by which I am bound to all of you, and by which all of you are bound to me. I feel this more deeply than any other feeling: that only you -- all of you, all of your souls,

throughout all of your generations -- you alone are the meaning of my life. In you I live. In the aggregation of all of you, my life has that content that is called ‘life.’ Without you, I have nothing. All hopes, all aspirations, all purpose in life, all that I find inside myself – these are only when I am with you. I need to connect with all of your souls. I must love you with a boundless love.... Each one of you, each individual soul from the aggregation of all of you, is a great spark from the torch of infinite light, which enlightens my existence. You give meaning to life and work, to Torah and prayer, to song and hope. It is through the conduit of your being that I sense everything and love everything.” (Shemonah Kevatzim, vol. I, sec. 163) Love for Every Jew For Rav Kook, Ahavat Yisrael was not just theoretical. Stories abound of his extraordinary love for other Jews, even those who were intensely antagonistic to his ways and beliefs. Below is one such story, from the period that Rav Kook served as chief rabbi of pre-state Israel. A vocal group of ultra-Orthodox Jerusalemites vociferously opposed Rav Kook due to his positive attitude towards secular Zionists. They would frequently post in the streets of Jerusalem broadsheets that denounced the Chief Rabbi and discrediting his authority. One day Rav Kook returned from a brit milah ceremony in Jerusalem’s Old City, accompanied by dozens of students. Suddenly a small group of hotheaded extremists attacked the rabbi, showering him with waste water. The chief rabbi was completely drenched by the filthy water. Emotions soared and tempers flared. By the time Rav Kook had arrived home, news of the attack had spread throughout the city. Prominent citizens arrived to express their repugnance at the shameful incident. One of the visitors was the legal counsel of British Mandate. The attorney advised Rav Kook to press charges against the hooligans, and he promised that they would be promptly deported from the country. The legal counsel was astounded by Rav Kook’s response. “I have no interest in court cases,” replied the rabbi. “Despite what they did to me, I love them. I am ready to kiss them, so great is my love! I burn with love for every Jew.” These were Rav Kook’s thoughts, shortly after this deeply humiliating act. Rav Kook would say: “There is no such thing as Ahavat Chinam -- groundless love. Why groundless? He is a Jew, and I am obligated to love and respect him. There is only Sinat Chinam -- hate without reason. But Ahavat Chinam? Never!” (Adapted from *Orot HaKodesh vol. III, pp. 324–334; Malachim K’vnei Adam, pp. 262, 483–485.*) Copyright © 2006 by Chanan Morrison

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**Ohr Somayach :: Insights into Halacha  
 The Tattoo Taboo and Permanent Make-Up Too  
 Rabbi Yehuda Spitz**

**For the week ending 23 June 2012 / 2 Tammuz 5772**

There is a widespread myth, especially among secular American Jews, that a Jew with a tattoo may not be buried in a Jewish cemetery[1]. This prevalent belief, whose origin possibly lies with Jewish Bubbies wanting to ensure that their grandchildren did not stray too far from the proper path, is truly nothing more than a common misconception with absolutely no basis in Jewish law. Jewish burial is not dependant on whether or not one violated Torah law, and tattooing is no different in this matter than any other Biblical prohibition. This mistaken belief was personally hammered home to this author several years back, when my chavrusa, the indefatigable Rabbi Jeff Seidel, requested our hosting several secular youth for a Rosh Hashana meal. One stood out in particular, due both to his gargantuan buff size, as well as his every movement screaming military. This former U.S. soldier, in Jerusalem discovering his roots after returning from a tour of duty in Afghanistan, sported a few tattoos. Our four year-old daughter stared fascinated at the artwork along his arms and asked innocently why he had colored on himself. He replied, (as he dipped his challah into sugar[2]), that it was a “mistake”, but she shouldn’t worry because he was going to get them taken off since he wanted to be buried in a Jewish cemetery[3]. The Source The Torah states[4], “You shall not etch a tattoo on yourselves, I am

Hashem". This prohibition only applies if the individual performs a two-step process, perforating the skin and filling the resulting hole(s) with ink, causing the mark to become (at least semi-) permanent. The Mishna[5] and Gemara clarify that the Torah attached the extra "I am Hashem" to this proscription, demonstrating the significance that is inherent in this prohibition, as tattooing is connected to idolatry. The Rambam, Sefer Hachinuch, and Tur[6] explain that this prohibition originated as a Jewish response to idol worship and paganism, as it was common practice for them to tattoo themselves, essentially branding themselves publicly as idolaters, enslaved to whichever god they served. Judaism prohibited tattoos entirely, in order to completely disassociate itself from other religions. Micro-pigmentation Micro-pigmentation, also known as derma-pigmentation or permanent make-up, is a recent development in the world of beauty aids. This process entails a needle depositing colored pigments into the skin's dermal layer, the layer between the permanent base layer (where full tattoos are done, making them permanent) and the constantly changing outer layer, the epidermis. This procedure, usually done on the lips and around the eyes, giving a "just made-up" look, eliminates the need for tedious daily make-up application, and is semi-permanent, lasting between three to five years.[7] The question becomes, is derma-pigmentation permitted by Torah law, or is it intrinsically just another form of prohibited tattooing? The answer is based on understanding several nuances in the Biblical prohibition. What is Writing? The term used by the Torah to refer to tattooing, is "Kesoves ka'ka", literally "writing incisions". The fact that the Torah calls tattooing a form of writing leads many Rishonim to infer that the Biblical prohibition expressly refers to writing at least one actual letter[8]. Others do not accept this conjecture, and maintain that all tattooing is assur min HaTorah[9]. However, all agree any other type of tattoo such as a picture or shape would still be forbidden, at least Rabbinically. Pondering Permanence One of a proper tattoo's hallmarks is its permanence, with a lifetime guarantee. This is due to ink being injected deep in the subcutaneous dermis, and showing through the epidermis (outer layer of skin). Many Rishonim therefore conclude that the Biblical prohibition specifically refers to a permanent tattoo which will last a lifetime; all other tattoos involving skin piercing would only be prohibited Rabbinically[10]. However, it must be noted that other Rishonim make no mention of such a condition of permanence in the original Biblical prohibition[11]. Idolatrous Intent Additionally, it is possible that one violates the prohibition of tattooing on a Biblical level only if his intention is for idolatry. As mentioned previously, one of the purposes of this commandment was to noticeably keep the Jews separate from their pagan and idolatrous neighbors. Several authorities, including the Chasam Sofer, surmise that if one would tattoo himself for an entirely different purpose, he would have violated a Rabbinic injunction against tattooing and not the full Biblical one[12]. Yet, other authorities are hesitant to recognize this supposition and maintain that intent is irrelevant; all tattooing is assur min HaTorah[13]. Managing Micro-pigmentation So where does that leave us with micro-pigmentation? It would seem that at the very least it would fall under the Rabbinic prohibition of tattooing, if not the full Biblical one. Yet, dependant on how the Rishonim understood the Biblical prohibition, there are some mitigating factors. First of all, cosmetic tattooing of permanent make-up is not "written" in letters, nor is it actually permanent, instead lasting for several years. Additionally, since there is no idolatrous intent, rather its being performed in the name of beauty, has led several authorities to permit its use[14]. However, the vast majority of contemporary authorities reject such leniency, with the near unanimous view forbidding such procedures, maintaining that even with such rationales, derma-pigmentation would still, at the very least, fall under the Rabbinic prohibition of tattooing[15]. Yet, in case of extraordinary circumstances, such as pressing medical need, or preserving human dignity (Kavod Habrios) such as scar removal or blemish correction, many contemporary authorities are inclined to permit such procedures, as according to most Rishonim cosmetic tattooing would merely violate a Rabbinic injunction, and the Gemara states "one may

violate a Rabbinic prohibition to preserve human dignity[16]". This would be similar to undergoing elective cosmetic corrective surgery, which would be permitted, even though there is a prohibition against inflicting a wound upon oneself[17]. However, the consensus is that "just for the sake of beauty" does not seem to be enough of a reason to allow a halachic dispensation for cosmetic tattooing. To sum up the Torah perspective on the matter, I quote the words of mv'r[18] Rabbi Yonason Wiener[19] in a related interview with the Jerusalem Post, "The ancient Greeks worshipped their bodies and tried to annihilate the small Jewish minority who saw man as more than muscle and flesh. This was a battle of superficiality against spiritually. Tattooing represents the Greek ideal that beauty is skin deep. We won the battle of Chanuka but the war continues to this day. The Jewish religion is more than skin deep!![20]" The author would like to acknowledge Rabbi Chaim Jachter's relevant comprehensive article which appears in his recent book "Gray Matter" vol. 3, ppg. 67 - 78, which served as the impetus for my interest and research for this article.

*For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu*  
*Disclaimer: These are just a few basic guidelines and overview of the Halacha discussed in this article. This is by no means a complete comprehensive authoritative guide, but rather a brief summary to raise awareness of the issue. One should not compare similar cases in order to rules in any real case, but should refer his questions to a competent Halachic authority.*

[1] See Rabbi Dr. Ari Z. Zivotofsky's excellent article on the OU website: *Jews With Tattoos*. [2] This former soldier astoundingly claimed that he followed all minhagim of the Ben Ish Hai (as he put it). See *Kaf Hachaim* (O.C. 583, 4) that one may also dip his challah into sugar and not necessarily honey on Rosh Hashana (after dipping into salt, of course. See earlier article "Salting With Sugar"). [3] However, generally one is not obligated to try to get his tattoo removed. See *Shu"t Mimamakim* (vol. 4, 22, from Rav Efraim Oshry - a Holocaust survivor himself) who advised Holocaust survivors not to remove their tattoos, but to rather wear them as badges of honor. Regarding someone who had an inappropriate tattoo on his arm where lays his tefillin, see *Shu"t Minchas Yitzchak* (vol. 3, 11) and *Shu"t B'tzeil HaChochma* (vol. 5, 81; in the next responsum - 82, he discusses at length the halachic permissibility of various options of tattoo removal). See also Rav Eliyahu Bakshi Doron's article in *Techumin* vol. 22, ppg. 387 - 391. [4] *Vayikra* (Parshas Kedoshim) Ch. 19, verse 28. [5] *Makkos 21a* and following *Gemara*. [6] *Rambam* (Hilchos Avoda Zara Ch. 12, 11), *Sefer HaChinuch* (Mitzvah 253), *Tur* (Y"D 180). This issue is also codified in the *Shulchan Aruch* (Y"D 180), *Chochmas Adam* (89, 11), *Ben Ish Chai* (Year 2 Masei 15), and *Kitzur Shulchan Aruch* (169, 1). [7] There are three different methods of "permanent make-up", all of which use a needle to pierce the flesh and have ink added: Manual method (SofTap), Reciprocating Machine (Coil), and Rotary Machine (Pen Machine). [8] Including the *Tosafos Yeshanim* (m'ksav yad, cited in *sefer Nassan Piryo* on *Gemara Makkos 21a*), *Tosafos Rabbeinu Peretz* (ad loc.), *Piskei Tosafos* (Makkos, 32), *Sma"k* (Mitzvah 72), *Sefer HaChinuch* (Mitzvah 253), *Bartenura* (Maakos Ch. 3, Mishna 6 s.v. kasav), *Orchos Chaim* (vol. 2, 22, 4), *Shu"t Me'il Tzedaka* (31, cited in *Pischei Teshuva* Y"D 180, 1), *Shu"t Mutzal Me'ais* (51), *Shu"t Zera Emes* (vol. 3, Y"D 111), and *Chida* (Birkei Yosef Y"D 180, 1 & 2; *Machzik Bracha* O.C. 340, 3). [9] Including the *Ra'avad* (*Toras Kohanim*, *Parshas Kedoshim* 86), *Ra"sh MiShantz* (*Parshas Kedoshim* 3, 6, 10), *Yad HaKetannah* (*Hilchos Avoda Zara, Lo Taaseh 37*, *Minchas Ani* 87), *Minchas Chinuch* (Mitzvah 253, 5 & 7), and *Aruch LaNer* (Makkos 21a). Additionally, the *Rambam* and *Rashi* make no mention of the "requirement" of tattooing actual letters. [10] Including *Rashi* (*Vayikra* Ch. 19, 28; *Gittin* 20b s.v. kesoves), *Riva* (Makkos 21b s.v. hakosev), *Rivan* (Makkos 21b s.v. hakosev), *Ohr Zarua* (vol. 1, 716), *Sefer HaChinuch* (ibid.), and *Piskei Tosafos* (*Gittin* 73). See also *Rav Chaim Kanievski's Passhegen HaKsav* (Ch. 6) who proves that most Rishonim hold this way as well, that there is no issue deoraysa unless the tattoo is permanent. [11] *Nimukei Yosef* (Makkos 21a) and *Peirush Rabbeinu Yonason* (ad loc.). Additionally, neither the *Rambam* nor *Shulchan Aruch* mention a specific requirement for permanence in the Biblical prohibition of tattooing. See also *Shu"t Lehoros Nossan* (vol. 10, 64, 10) who maintains that lasting several years may also be considered "permanent", similar to the laws of tying on Shabbos, where a knot that would last only several months is nonetheless referred to as a permanent knot. [12] *Tosefa* (Makkos Ch. 3, 9; cited in *Biur HaGra* "a" Y"D 180, 1), *Rabbeinu Yerucham* (*Sefer Ha'Adam*, *Nesiv 17*, cheilek 5), *Chasam Sofer* (glosses to *Gittin* 20b, *Tosafos* s.v. bkesuva), *Maharam Shick* (*Sefer HaMitzvos*, 254), *Shu"t Shoel U'Meishiv* (*Tinyana*, vol. 1, 49), and the *Get Pashut* (124, 30; cited in *Minchas Chinuch* 253, 6). See also *Rav Chaim Kanievski's Passhegen HaKsav* (Ch. 9) who proves that most Rishonim hold this way as well, that there is no issue deoraysa unless the tattoo is done lshem avoda zara. [13] *Tosafos* (*Gittin* 20b s.v. bkesovet), *Aruch LaNer* (ibid.), *Minchas Chinuch* (ibid.) concludes tzarich iyun to say such a leniency. Additionally, the *Rambam* and *Shulchan Aruch* make no mention of the "requirement" of tattooing exclusively for idol worship, implying that no matter what one's intent is, tattooing would still be prohibited Biblically. [14] They maintain that if one's purpose in getting permanent make-up is exclusively for beauty, then that is enough to override '3 derabbanans'. These poskim include *Rav Ovadiah Yosef* (*Taharas HaBayis* vol. 3, *Dinei Chatzitzta* 8, ppg. 29 - 34), *Rav Avigdor Nebenzahl* (cited in *Taharas HaBayis* ibid.), and *Rav Ezra Batzri* (*Techumin* vol. 10, pg. 282; author of *Shu"t Shaarei Ezra*). *Rav Matis Deutch* (*Shu"t Nesivos Adam* vol. 1, 43) is inclined to permit it for beauty purposes as well, but concludes that most authorities do not accept this reasoning. [15] Including *Rav Yosef Shalom Elyashiv* (cited in *Techumin* vol. 18, ppg. 114), *Rav Y.Y. Fischer* (ibid.), *Rav Shmuel HaLevi Wosner* (*Shu"t Shevet HaLevi* vol. 10, 137), *Rav Shlomo Zalman Auerbach* (cited in *Nishmas Avraham* vol. 2 - Y"D 180, pg. 132 s.v. l'chorah, who maintains that in a similar case, when the prohibition was derabbanan, *Rav Shlomo Zalman* only permitted it to correct an actual blemish, and not for beauty purposes), *Rav Chaim Kanievsky* (cited in *Shu"t Nesivos Adam* ibid., 24), the *Mishpetei Uziel* (*Shu"t*, new edition vol. 2, Y"D 22, 3, pg. 89, who, in a similar case, only permitted for medical reasons), the *B'tzeil HaChochma* (ibid., who, in a similar case only permitted for medical need, extenuating circumstances, or b'makom mitzvah), the *Lehoros Nossan* (*Shu"t* ibid., who maintains that we should pasken each of these machlokesim lechumra, as if they were all deoraysa), the *Shraga HaMeir* (*Shu"t* vol. 8, 44 & 45, who only permits for medical need), the *Rivevos Efraim* (responsum in *Shu"t Shav V'Rafa* vol. 1, ppg. 156 - 157, who only permits for medical need), the *Megilas Sefer* (on O.C. and Y"D, 16), the *Shav V'Rafa* (*Shu"t* vol. 1, 45, who only permits for medical need), and *Rav Baruch Shraga* (*Techumin* vol. 18, ppg. 110 - 114, who only permits for medical need). [16] *Brachos 19b*. [17] See *Gemara Bava Kamma 91b*, *Tosafos* ad loc. (s.v. ela hat), and *Shu"t Igros Moshe* (C.M. vol. 2, 66). [18] *Mori V'Rebbi* - my teacher and rebbi [19] In a relevant interview with the Jerusalem Post, "Tattoo Crazy Israelis". [20] See *Shu"t Shevet HaLevi* (vol. 6, 33, 2, s.v. ul'idach) who, in a discussion unrelated to tattoos, discourages women from wearing excessive make-up, citing the *Gemara Shabbos 62b*, which states that excessive cosmetics was one of the reasons for the destruction of the *Beis HaMikdash*. In a subsequent responsum, (*Shu"t* vol. 10, 137), *Rav Wosner* further adds permanent make-up to this category as well. *Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.* L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda, and l'zechus for Shira Yaffa bas Rochel Miriam and her children for a yeshua teikef u'miyad! © 1995-2017 Ohr Somayach International