

BS"D



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INTERNET PARSHA SHEET

ON @@ - 5767

EMOR

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From Don't Forget <sefira@torah.org> Tonight, the evening of Friday, May 4, will be day 32, which is 4 weeks and 4 days of the omer.

From: ravfrand-owner@torah.org on behalf of **Rabbi Yissocher Frand** [ryfrand@torah.org] Sent: Friday, May 12, 2006 11:46 AM To: ravfrand@torah.org Subject: Rabbi Frand on Parshas Emor "RavFrاند" List - Rabbi Frand on Parshas Emor -

Why Was The Mishkan Not Compliant with the ADA?

Parshas Emor deals with the laws of the Kohanim -- who they are allowed to marry, when they are allowed to defile themselves to a corpse, and so forth. We also find herein the law that a Kohain with a physical blemish is not allowed to "come near to offer the food of his G-d." [Vayikra 21:17]

The pasukim enumerate the exact physical blemishes and disabilities that disqualify a Kohain from performing the Avodah [Divine Service]: "For any man in whom there is a blemish shall not approach, a man who is blind or lame or whose nose has no bridge or who has one limb longer than the other..." [Vayikra 21:18]. However, Verse 18, which is the beginning of the enumeration of invalidating characteristics, starts with an apparent redundancy.

The end of Pasuk 17 says: "any man... in whom there will be a blemish shall not come near to offer the food of his G-d." Why does the Torah repeat at the beginning of Pasuk 18 "For (ki) any man in whom there is a blemish shall not approach"? Normally, the word "ki" [because] introduces a reason, but in this case, there is no reason provided. It is as if the Torah stated, "A Kohain can not do the Avodah because he can not do the Avodah."

This almost sounds like a discussion which we might have with our children: "You can't go somewhere." "Why not?" "Because you can't." The child will invariably respond, "That's not a reason!" The same thing applies here. "For (ki) any man in whom there is a blemish shall not approach" is NOT a reason!

There is another problem here with the whole concept of Priestly blemishes. Living in the post-Americans With Disabilities Act (ADA) of 1990, it is very difficult for modern day man to understand these pasukim. We live in a society where it is federally illegal to discriminate against a person because of a disability. Buildings must be built in a certain fashion because of this law. One is not allowed to build a building with stairs any more. If one does, alternate access has to be provided via ramps for handicap access. This is a very noble thing. Just because a person has a disability, he is no less important than any person who has all of his limbs and functions.

The Torah -- whose ways are ways of pleasantness and all her paths are those of peace -- does not seem to be compliant with the ADA. We accept

axiomatically that no one is "fairer" than the Almighty, not even the Federal Government of the United States. And yet the Federal Government is worried about Americans with disabilities, but the Torah seems to discriminate against Kohanim who have such disabilities. How should we understand this? What does the Torah have against people who unfortunately have a disability?

Rav Elya Meir Bloch, in his Sefer on Chumash, offers the following explanation: The Almighty does not, Heaven Forbid, discriminate against people with disabilities. A person with a disability is as important and as dear as any other person. The problem is not with the Almighty. The problem is with us!

This means the following: Governments can pass all the laws they want, but people will be people. People are very influenced by their physical surroundings. If a person wants to gain favor in the eyes of another person and therefore hires a lawyer or a lobbyist to make his case for him, he will not want to hire a person who is a "schlepper", whose shoes are not polished, who can not keep his shirt in his pants, whose tie is improperly knotted. No one would hire a person like that to plead his case for him.

Invariably, the person will hire a lawyer wearing an \$800 suit with an Italian tie costing \$200 and a custom made shirt, because people pay attention to people who are well-dressed, presentable, and physically appealing to look at. Look for example at the United States Senate. The typical Senator is 6'4", weighing 200 pounds, and is in great athletic shape. They have all their hair. They do not look like most of us, certainly not like me! Why is that? Because people appreciate the way they look. "This is my representative. I want him to look the part."

Since "people are people," the Torah (first) tells us that the Almighty does not want Kohanim with blemishes performing the Avodah. Then the Torah explains why not: "Because any person with a blemish can not serve" -- "not for My considerations, but because you can not take it."

As a result of the above referenced human characteristic, the Avodah will be viewed differently if only the "finest and the best and the most prestigious people" are involved in the offerings. If all Kahanim, regardless of appearance or disability, were allowed to "serve", then the people's attitude toward Avodah would change for the worse.

It is said regarding the Torah, "It is not in Heaven" [Devorim 30:12]. It is a Torah of life -- for human beings. Torah is not a lofty esoteric life meant only for select noble souls. It is meant for everyday people. People are people and it is hard to change them. They are influenced by the physical world, by that which really should not be a factor, but it is a factor -- the physical appearance of a human being.

G-d does NOT discriminate against those who have disabilities. But knowing that people do, at least sub-consciously, discriminate in these areas, He insists that the Avodah be conducted in such a way that people view it with the esteem and reverence it deserves.

We Need A Torah To Teach Us How To Treat A Human Being

Parshas Emor contains the section of the Festivals. The section begins with mention of Shabbos, then with Pessach, Shavuos, Rosh HaShannah, Yom Kippur and Succos -- the entire annual cycle of Festivals. The exclusive contents of Chapter 23, from beginning to end, deal with the Festivals. There is one exception -- pasuk 22, following the laws of Shavuos. This pasuk jumps out at us, as totally out of place in the chapter: "When you reap the harvest of your land, you shall not remove completely the corners of your field as you reap and you shall not gather the gleanings of your harvest; for the poor and the proselyte shall you leave them; I am Hashem, your G-d." [Vayikra 23:22]

These agricultural laws have apparently nothing to do with anything else mentioned in the entire chapter. All the commentaries are troubled by this thematic anomaly. Rashi quotes the teaching of Chazal: "This comes to tell us that a person who properly gives the agricultural portions of Leket, Shikchah, and Peah to the poor is treated by Scripture as if he built the Bais HaMikdash and offered therein sacrifices."

Rav Meir Simcha, in his classic commentary on Chumash (Meshech Chochma) offers a different interpretation. Rav Meir Simcha focuses on the fact that this reference to the portions left for the poor appears immediately after the mention of the holiday of Shavuot. Rav Meir Simcha says that this underscores the idea that Matan Torah [the giving of the Torah, which occurred on Shavuot] was not just a revelation of the Chukim [Divine Statutes which are non-intuitive], but rather also includes mitzvos regarding appropriate "natural" human responses, such as showing compassion to the poor and to strangers.

It is obvious to us that we need a Torah to tell us which animals are Kosher and which are not, since that is something which we could never have figured out on our own. It is obvious to us that we need a Torah to tell us that shatnez [a mixture of linen and wool] is forbidden, since that is something which we could never have figured out on our own. However, this pasuk is emphasizing that we even need a Torah to tell us to take care of poor people. The only social laws that are absolutely guaranteed to last are a Divinely given set of laws.

Everything other than a Divinely inspired law, as logical as it may seem, will not last. This is why in the midst of the section on the Festivals — immediately after mention of the Holiday of Shavuot — the Torah tells us to take care of the poor. Societies can act laws and repeal laws. Only a divine law is eternal.

The Meshech Chochma wrote this before World War II, before the Nazis came to power. He wrote this before the Nazis promulgated laws regarding cruelty to animals, but not cruelty to Jews. They were exemplary in enacting laws protecting animals. But they had no problem exterminating people. How can a people worry about dogs before worrying about human beings?

This concept is not really so foreign. Forms of it exist today. There are fringe environmentalists who put spikes in trees that maim and kill loggers, out of concern for the welfare of trees. These things can happen in the most advanced and refined societies. People can "change their minds" overnight.

We do not only need a Torah to tell us about Pessach and Shavuot and Kashrus and Shatnez, we also need a Torah to teach us how to treat a human being!

Transcribed by David Twersky; Seattle, WA DavidATwersky@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 503, Standing Up While Doing Mitzvos. They're here! Commuter's Chavrusa Bamidbar Series 19 and Parsha Perceptions Bamidbar/Devorim series 6 are available, on tape or CD, to enlighten, inspire and perhaps amuse you with such fascinating topics as: "Oy The Eruv is Down, Now What?", "Davening for a Rasha to Change - Does It Work?", "Cholent on Sunday of the Nine Days" AND, for the first time, don't miss our UNPRECEDENTED CASSETTE REDUCTION SALE, all tapes from series 1-10 DRASTICALLY REDUCED For complete listings of all the new offerings, log onto our secure site at <http://www.yadychiel.org> and select the "Timely Offers" button, or send e-mail to tapes@yadychiel.org, or call us at 410-358-0416. And while you're there, don't forget that the entire Yad Yechiel Tape Library, featuring the complete collection of Rav Frand's cassette shiurim, is also now available for viewing online. At <http://www.yadychiel.org>, you can browse through a comprehensive listing of 18 years of weekly shiurim, view Parsha Perceptions, Halacha Tapes, Hashkafa Tapes and Theme Sets. Plus, you'll find order information on this easy-to-navigate site.

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The Mystery of Lag B'Omer by Rabbi Pinchas Stolper

Courtesy of the Orthodox Union, <http://www.ou.org>

Thirty-three days following the first day of Passover, Jews celebrate a "minor" holiday called Lag B'Omer, the thirty-third day of the Omer. It is an oasis of joy in the midst of the sad Sefirah period which is almost unnoticed by most contemporary Jews. Yet it contains historic lessons of such great severity -- that this generation must not only unravel the mystery of Lag B'Omer but will discover that its own fate is wrapped in the crevices of its secrets.

The seven weeks between Passover and Shavuot are the days of the "Counting of the Omer," the harvest festivities which were observed in the Land of Israel when the Temple stood on Mt. Moriah in Jerusalem.

This fifty-day period should have been a time of joyful anticipation. Having experienced the Exodus from Egypt on Pesach, every Jew literally "counts the days" from the first night of Passover until Mattan Torah -- the revelation of Torah at Mt. Sinai which took place on Shavuot, exactly fifty days after the Exodus. While the Exodus marks the physical birth of the Jewish nation -- the Giving of Torah completes the process through the spiritual birth of the Jewish nation.

Each year, as we celebrate the Seder on Passover, we are commanded to "see ourselves as though each of us actually experienced the Exodus." It therefore follows that we must prepare ourselves during the Sefirah period (counting of the Omer), to once again accept the Torah on Shavuot -- to make our freedom spiritually complete.

Clearly then, the Sefirah days should have been days of joy, but instead, they are observed as a period of semi-mourning. Weddings, music and haircuts are not permitted, some do not shave during this entire period. It is on the sad side of Sefirah that we come across the holiday of Lag B'Omer, the one day during this sad period when our mourning is halted, when sadness is forbidden.

What is the reason for sadness during what should have been a period of joyful anticipation? DEATH OF RABBI AKIVA'S STUDENTS

What is the reason for sadness during what should have been a period of joyful anticipation? The reason, the Babylonian Talmud tells us, [Yevamot:62:2] is that during this period, Rabbi Akiva's 24,000 students, who lived 1,850 years ago in the Roman dominated Land of Israel, died from a mysterious G-d sent plague. Why did they die? Because the Talmud teaches, "they did not show proper respect to one another." Lag B'Omer is celebrated on the thirty-third day because on that day the plague ended and Rabbi Akiva's students stopped dying.

This explanation leaves us with a number of difficulties and still more unanswered questions.

Why does this event, the death of Rabbi Akiva's students, tragic as it was, merit thirty-two days of mourning when greater tragedies in Jewish history, such as the destruction of both Temples or the breaking of the Stone Tablets of the Covenant by Moses, are marked by a single day of mourning. In terms of numbers, the massacres of the Spanish Inquisition, the Crusades, the Chemelnitsky pogroms, and the Holocaust which destroyed European Jewry and cost six million Jewish lives far overshadow the death of Rabbi Akiva's students. Yet, these tragic events are not commemorated by even one special day of mourning. Why is the death of Rabbi Akiva's students given so much more weight?

Every event in the Jewish calendar was placed there by the Divine hand because it conforms to a pre-set notion of the significance of the seasons and of history. Nature and events correspond and intermesh, certain days and periods are most suited to joy or sadness. Why does the Sefirah

mourning coincide with the joyous holidays of Passover and Shavuot, which in turn coincide with the period of harvest festivities?

There also appear to be glaring inconsistencies in the story itself. What were Rabbi Akiva's students guilty of that they deserved to die? If Rabbi Akiva's students died as a result of God's punishment for their sins, why should we mourn them? Didn't they deserve their punishment?

Why is Lag B'Omer a day of "celebration"? If all that happened on Lag B'Omer was but a temporary halt in the dying, wouldn't it be more fitting to set it aside as a memorial day for the twenty-four thousand scholars who died?

What is the connection between Lag B'Omer and the revolt against the Romans by Bar Kochba and his army? And how does all of this relate to Rabbi Shimon Bar-Yochai, author of the mystical books of the Zohar who lived in the same era, about whom we sing on Lag B'Omer.

And finally, why are all these questions never discussed in the open, as are for example the Four Questions of the Passover Seder?

The answers to these and other questions lie shrouded in the history of a turbulent age and in the mysteries of the Jewish concept of the Messianic era.

THE REVOLT

First, we must understand that much of the material in the Talmud that deals with political matters was written with a keen sensitivity to the Roman censor. The Talmud could not speak openly concerning the political ramifications of events. In order to obtain a true picture of what happened, we must piece together the story from various historical sources and Talmudic hints. What we discover goes something like this:

The Second Temple was destroyed by the Romans in the year 70 C.E. Jerusalem and the surrounding countryside lay in ruins from border to border. Scores of thousands died in the fierce fighting and subsequently from persecution and starvation; thousands more were sold as slaves and forced into exile. The Romans considered the Jewish nation defeated, obliterated and done for. The Roman General Titus erected a grand victory monument in Rome which stands to this day that says just that -- the famous Arch of Titus on which is inscribed Judea Capta -- Judea is kaput, finished -- done for.

But even in defeat the spiritual leaders of the Jewish people struggled to rebuild Jewish life and recreate Jewish institutions. They were so successful that around 135 C.E. a Jewish military leader named Bar Kosiba succeeded in organizing a fighting force to rid the Land of Israel of the hated Romans. Thousands rallied to his cause, including the greatest Talmudic scholar of all times, the Tanna Rabbi Akiva ben Yosef, whose insights and brilliant decisions fill the Mishnah.

Many of Rabbi Akiva's contemporaries felt that a new revolt against the Romans was doomed to failure and urged the avoidance of bloodshed. But Bar Kosiba persisted and succeeded in organizing and training a superb military force of 200,000 men. The Talmud relates that Bar Kosiba demanded that each recruit demonstrate his bravery by cutting off a finger - when the Rabbis protested he substituted a new test, each recruit was expected to uproot a young tree while riding a horse. Such was the level of their bravery and readiness.

Rabbi Akiva disagreed with his rabbinic colleagues and won over a majority to his point of view. From the military point of view, he felt that a successful revolt was feasible. It is said by some historians that twenty percent of the population of the Roman Empire between Rome and Jerusalem was Jewish.

The pagan foundations of Rome were crumbling. Many Romans were in search of a religious alternative -- which many of them subsequently found in a mitzvah-less Christianity in the following two centuries. Many Romans were attracted to Judaism, and significant numbers converted. There were thousands -- tens of thousands of sympathizers. Some members of the Roman Senate converted to Judaism. If the large numbers of Jews who lived throughout the Roman Empire could be inspired into coordinated anti-

Roman revolts, many historians believe that the prospects for toppling Rome were very real.

PROCLAIMING THE MESSIAH

And if the revolts succeeded and Jews from all over the world united to return and rebuild their homeland, Rabbi Akiva believed that they could bring about the Messianic Era -- the great era of spirituality and universal peace foretold by Israel's Prophets -- the great millennia during which all Jews would return to the land of Israel, the Jerusalem Temple would be rebuilt and Israel would lead the world into an era of justice, spiritual revival, and fulfillment.

In his Laws of Kings, (Chapter 11:3) Maimonides, in discussing the Messianic era says, "Do not think that the King Messiah must work miracles and signs, create new natural phenomena, restore the dead to life or perform similar miracles. This is not so. For Rabbi Akiva was the wisest of the scholars of the Mishna and was the armor bearer of Bar Kosiba (the actual family name of Bar Kochba) the King. He said concerning Ben Kosiba that he is the King Messiah. Both he and the sages of his generation believed that Bar Kosiba was the King Messiah, until (Bar Kosiba) was killed because of his sins. Once he was killed, it became evident to them that he was not the messiah."

To Bar Kochba and his officers, all seemed to be in readiness; Rome was rotten and corrupt -- many captive nations strained at the yoke -- rebellion was in the air. Rabbi Akiva (Jerusalem Talmud: Ta'anit 4:15) gave Bar Kosiba a new name, "Bar Kochba" -- Son of the Star-- in fulfillment of the prophecy -- "a star will go forth from Jacob." Bar Kochba trained an army capable of igniting the powder keg of rebellion and Rabbi Akiva lit it with one of the most dramatic proclamations in Jewish history -- he proclaimed that Bar Kochba was the long awaited Messiah.

One of the greatest Torah teachers and leaders of all time, Rabbi Akiva could not have made this crucial and radical declaration unless he was certain. He would never have proclaimed a man Messiah unless he knew. Rabbi Akiva added a new, spiritual dimension to the war of liberation. He attempted to merge the soldiers of the sword with the soldiers of the book -- his twenty- four thousand students -- each a great Torah scholar and leader.

These outstanding scholars would become the real "army" of the Jewish people. These outstanding scholars would become the real "army" of the Jewish people, a spiritual and moral force that would bring Torah to the entire world, overcoming anguish, suffering, and the cruel boot of the corrupt Roman Empire. They would soon inaugurate a new era of peace, righteousness, and justice, an era in which "the Knowledge of G-d would cover the earth as water covers the seas." The fact that the Jews were able to unite around a single leader separates this event from the great revolt of the previous century when bitterly divided factions warred with each other inside the walls of Jerusalem even as the Roman army stormed the gates.

The rebellion raged for six years. Bar Kochba's army achieved many initial victories. Many non-Jews joined Bar Kochba's army -- it is reported that it grew to 350,000 men -- more men than the Roman Army. Bar Kochba was so successful that Hadrian called in all of his best troops from England and Gaul. Rome felt threatened as never before. On Lag B'Omer, it is believed by some, Bar Kochba's army reconquered Jerusalem, and we celebrate that great event today. For four years Jewish independence was restored. Many believe that Bar Kochba actually began to rebuild the Beit Hamikdash, the Temple. Some even believe that he completed the building of the Third Temple.

BAR KOACHBA'S DOWNFALL

There were two Roman legions in the country when the uprising began, one in Jerusalem and one near Megido. Both were decimated by Bar Kochba's men. Reinforcements were dispatched from Trans-Jordan, Syria and Egypt but these, too, were mauled. The legion sent from Egypt, the 22nd, disappeared from the listings of military units published in Rome, and scholars speculate that it was cut up so badly, probably around Lachish, that it ceased to exist as an organized force. The Jews apparently employed

guerilla tactics -- foraging from their underground lairs, ambushing convoys and striking at night.

In desperation, Hadrian sent for his best commander, Julius Severus, who was then engaged in battle at the hills of far off Wales. Severus imported legions from the lands of Britain, Switzerland, Austria, Hungary and Bulgaria. So badly had the Romans been hurt in the bruising campaign that Severus, upon returning to Rome to report to the Senate on his success, omitted the customary formula "I and my army are well."

This was total war. In the middle of the effort to rebuild the Beit Hamikdash the tide turned and Bar Kochba lost the support of Rabbi Akiva and the Sages who backed him. What happened? Bar Kochba had murdered the sage Rabbi Elazar. He accused the great Rabbi of revealing the secret entrances of the fortress city of Betar to the Romans. It is now believed that this betrayal was the work of the Jewish Christians who wanted to undermine Bar Kochba. Rabbi Akiva then realized that Bar Kochba no longer possessed the qualities which initially led him to believe that he was the Messiah.

There was an additional spiritual dimension to the failure of the Messiahship of Bar Kochba as well; whether the spiritual failure of Rabbi Akiva's students was the cause -- or whether it was the failure of Bar Kochba to rise to the spiritual heights expected of the Messiah is beyond our knowledge. For then -- out of the blue, the great plague Askera descended and struck. The dream collapsed. For reasons that will probably forever remain obscure, the students of Rabbi Akiva were not considered by Heaven to have reached the supreme spiritual heights necessary to bring about the Messianic Age. As great as they were, an important factor was missing.

The Talmud tells us that "Rabbi Akiva's students didn't show proper respect one for the other." Precisely what this phrase refers to we do not know. With greatness comes heightened responsibility and with greatness comes a magnification of reward and punishment. For their failure and deficiencies -- which would certainly be counted as minor in a generation such as ours, but which were crucial for great men on their high spiritual level -- their mission was cancelled and they died a mysterious death.

With them died the Messianic hope of that era and for thousands of years to come. Bar Kochba was not a false messiah but a failed messiah. In the terrible war which followed, Bar Kochba and his army were destroyed in the great battles defending the fortress city of Betar. The war had been a catastrophe. Diodo Cassius reports the death of 580,000 Jews by Roman swords in addition to those who died of hunger and disease. Some scholars think that the bulk of the Jewish population of Judea was destroyed in battle and in subsequent massacres. One historian believes that the Jews lost a third of their number in the war, perhaps more fatalities than in the Great Revolt of the year 70.

For the survivors, the Bar Kochba uprising marked the great divide between the hope for national independence and dispersal in the Diaspora. The trauma of Betar coming after the fall of Jerusalem effected deep changes in the Jewish people. The stiff necked, stubborn, fanatically independent people that did not hesitate to make repeated suicidal lunges at the mightiest superpower of antiquity lost its warlike instincts. It would be 2,000 years before there would be a Jewish fighting force. As a result, the hope of the Jew for redemption was to be delayed for at least two thousand years. In the great and tragic defeat not only were between half a million to six hundred thousand Jews killed but the Romans were determined, once and for all to uproot the Jewish religion and the Jewish people -- to bring an end to their hopes and their dreams.

MOURNING TODAY

The mourning is for the failure of the Jewish people to bring about the Messianic Age. It is for this reason that we mourn today. The mourning of Sefirah is not for the students alone, but for the failure of the Jewish people to bring about the Messianic Age, for the fall of the curtain on Jewish independence, Jewish hopes and Jewish Messianic ambitions. Every anti-Semitic outbreak for which Jews suffered since that day, every pogrom, massacre, crusade, Holocaust, and banishment that took the toll of

so many millions during the two thousand year long and bitter night of exile, wandering and persecution, must be traced directly to the failure of Bar Kochba -- but ultimately to the failure of the students of Rabbi Akiva. This was a tragedy of inestimable proportions to a war-ravaged world suffering under the bitter yoke of Rome as well as to the Jewish people. Rome did not fall at that time, but its fury and rage led to the exile and dismemberment of the Jewish people.

On Lag B'Omer the plague stopped, the dream was delayed, but it was not destroyed. Yet, on that very Lag B'Omer day two thousand years ago, a new hidden light of hope emerged. In the midst of defeat, the great sage, Rabbi Shimon Bar-Yochai revealed to a small number of students the secrets of the mystical Zohar. In the Zohar, in its formulas, disciplines and spirituality, lie the secrets whose seed will bring about the coming of the Messiah. The Zohar's living tradition has kept that hope alive down to this very day. On Lag B'Omer the plague stopped, the dream was delayed, but it was not destroyed. It was to be nurtured through the generations -- the stirrings of its realization enliven us today.

Because Lag B'Omer deals with the secrets of the future Messianic Age, it cannot be discussed openly or understood as clearly as can the Exodus or other events of the past. Whenever we stand between Passover and Shavuot -- between our physical liberation from Egypt and our spiritual elevation during the Revelation at Sinai we recall those chilling events. For today we are also able to celebrate the liberation of Jerusalem and the site of our destroyed Temple. History is bringing together so many crucial events, -- the history of our ancient past is once again coming alive in the land of our fathers.

There are frightening parallels between our own age and the age of Rabbi Akiva and Bar Kochba. Following a frightful Holocaust which many believed would spell the end of the Jewish people, we experienced a restoration of Jewish independence -- once more did a Jewish army score miraculous victories against overwhelming odds. Following the destruction of the great European centers of Torah scholarship, we witnessed the rebuilding of yeshivot in America and in Israel. We experienced a great revival of Torah study. The teshuva movement has brought about a return to Torah for so many who strayed. Jerusalem and the Temple Mount are in our hands.

All around us world empires are tottering while despair and corruption rages. Once again, the Jewish people has been entrusted with a great and frightful opportunity. Once again we have been given the potential to recreate a Jewish civilization of Torah greatness in our own land. Will we succeed or will our efforts be aborted because of our own failures, our own inability to respect the differences within the Torah community and unite the Jewish people to our cause?

The personality of Rabbi Akiva himself offers frightful lessons and opportunities. It was Rabbi Akiva who understood that "love your fellow as you love yourself" is the over-riding principle which the Torah people must internalize if it is to achieve its goals. Rabbi Akiva, too, is the quintessential ba'al teshuva -- it was he who was forty years old and was unable to distinguish between an aleph and a bet -- it was he who rose to be Jewry's greatest Torah scholar.

Hundreds of thousands of Jews; Americans, Israelis, and Russians are today's potential Rabbi Akivas. The fate of Jewry and the achievement of Heaven's greatest goals are in the hands of this generation. Will we attempt to achieve them or will we withdraw into our own selfish cocoons by refusing to shoulder the responsibilities which history and history's G-d has set before us?

It is not enough to wait for the Messiah's coming; we must toil to perfect our Torah lives if we are to bring about his speedy arrival. Only if we learn from the lesson of Rabbi Akiva's students will we understand that the coming of the Messiah depends on us.

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Rabbi Yonason Sacks **Kedoshim Yihiyu**

In enumerating the prohibitions that characterize the unique kedusha of the kohein, the Torah adds a commandment that appears somewhat superfluous: "Uf'as z'kanam Lo YiGaleichu" - they shall not cut the corner of their beards (21:5). If the prohibition of "giluach"[1] applies to all Jews, why does the Torah reiterate it specifically with the prohibitions that are exclusive to the kohanim? The Gemara (Yevamos 5a) derives from this aberrant placement that while the giluaich of a non-kohein violates a single lav, the giluaich of a kohein transgresses both a lav and an asseh. Thus, a kohein who shaves his beard in an inappropriate manner violates two commandments, while a non-kohein who performs the same act violates a single commandment.

Having established the unique nature of a kohein's prohibition of giluaich, the Gemara subsequently attempts to prove that a single mitzvas asseh can override a combination of an asseh and a lav, from the case of a kohein who is a metzorah. As part of the prescribed purification procedure detailed in Parshas Metzora, a metzorah must shave his beard and peyos, an action prohibited under normal circumstances by the prohibition of giluaich. If, as the Gemara just established, a kohein's giluaich constitutes both an asseh and a lav, and there is only a single asseh for a metzorah to purify himself, apparently the single asseh of his purification can override both the lav and asseh of giluaich of a kohein. This case would thus seem to violate the common Talmudic dictum, "ain asseh docheh lo sa'aseh v'asseh" - a single positive commandment cannot override a negative and positive commandment in tandem.

The Gemara ultimately dismisses this proof, however, noting that the limited application of the prohibition of giluaich (Rashi: women are not included in the prohibition) classifies it as that which is aino shaveh b'kol. As such, this prohibition is unsuitable to serve as a paradigm for other, more universal commandments that apply to all Jews (shaveh b'kol). Thus, although the case of a kohein metzora appears to suggest that a single asseh can override a combination of both a lav and an asseh, the uniqueness of this particular case renders it unfit to establish a general principle for all commandments.

Noting the Gemara's dismissal of the kohein metzora as a potential model, Tosafos (ibid. s.v. "V'acati") ask a basic question. Granted that the case of the giluaich of the kohein metzora cannot serve as a model for other cases of asseh docheh lo sa'aseh v'asseh (because giluaich is aino shaveh b'kol); but the Gemara should at least derive that an asseh is docheh a lo sa'aseh v'asseh she'aino shaveh b'kol? That is, we should infer from the kohein metzora that a single positive commandment can deflect a negative and positive commandment in tandem, provided that we are dealing with a combination of a negative and positive commandment that is not applicable to everyone, like giluaich?

Tosafos point out that the assumption of such a rule, however, would conflict with a later statement of the Gemara. In Yevamos 20a, the Gemara explores the case of a kohein gadol who must perform yibum on his deceased brother's wife. If the deceased brother had already performed nissuin[2], this situation presents a serious problem. After all, a kohein gadol is prohibited by a lav from marrying a widow, and he is further

enjoined by an asseh to marry a besulah. The Gemara notes that although yibum is a positive commandment which can override a single negative commandment (esseh docheh lo sa'aseh), it cannot override both a positive and a negative commandment (ain esseh dochel lo sa'aseh v'asseh). What emerges from this Gemara, Tosafos point out, is that the Gemara is indeed willing to apply the restriction of ain esseh dochel lo sa'aseh v'asseh even when dealing with a prohibition which is "aino shaveh b'kol." Our Gemara's conclusion thus appears to contradict the conclusion of the Gemara on 20a.

Tosafos resolve the apparent contradiction by refining our understanding of the injunction against a kohein gadol marrying a widow. Tosafos suggest that the asseh and lav of the kohein gadol are actually considered to be "shaveh b'kol" - universally applicable. Even though these commandments specifically address the kohein gadol, they also apply to his wife. Thus, if a kohein gadol marries a widow, both he and his wife violate the prohibition of the forbidden union. Since the kohein gadol's wife is not a kohein gadol, yet is still subject to the injunction, Tosafos adduce that the lav and asseh of a kohein gadol not marrying a widow can indeed apply to anyone, and are thus considered "shaveh b'kol." Thus, the conclusion of Yevamos 5a that an asseh can indeed be docheh a lo sa'aseh v'asseh she'aino shaveh b'kol stands, and the case of a kohein gadol performing yibum on a widow presents no challenge to this rule, as such a case involves a lo sa'aseh v'asseh which are actually shaveh b'kol.

The Ran (Sanhedrin 18a) proposes a different solution to the apparent contradiction. Unlike Tosafos, the Ran assumes that the inability of a kohein to marry a widow is indeed considered to be "aino shaveh b'kol," and that this combination of a positive and negative commandment is indeed overridden by the positive commandment of yibum, which is shaveh b'kol. The Gemara's reason for forbidding this yibum is simply a rabbinic enactment. In theory, however, the yibum could certainly override the prohibitions.

In formulating his opinion, the Ran assumes that the mitzvah of yibum itself is considered to be that which is "shaveh b'kol" - applying both to men and women. This assumption, however, is not unanimously accepted. The Chinuch (598), for example, assumes that the Mitzvah applies solely to males. Presumably Tosafos (Gittin 41a s.v. "Lisah") agree with the Ran's opinion, that both men and women are obligated in yibum[3].

Tosafos and the Ran's debate on this issue stemmed from the apparent superfluity of the Torah's commandment against Kohanim performing giluaich, a sin that is prohibited even to non-kohanim. Interestingly, Parshas Emor's haftarah presents a similarly redundant commandment as well. In this week's haftarah, the navi Yechezkel states (44:31) : "kol n'veilah u'treifa min ha'of u'min ha'b'heima lo yochlu hakohanim" - that the kohanim shall not eat any neveila or tereifa from fowl or animals. Like the prohibition of giluaich, this commandment appears somewhat superfluous. After all, if every Jew is enjoined to refrain from non-kosher meat, why are the kohanim singled out?

The apparent superfluities of our parsha and our haftara suggest that the unique kedusha of the kohein is not restricted solely to exclusive mitzvos of the kehuna. Rather, the kohein's kedusha expresses itself in every aspect of his life, even in mitzvos that are not specifically addressed to the kohanim. The pervasiveness of his kedusha affects even shared mitzvos, such as giluaich and kashrus, elevating them to a qualitatively different level. Rather than being compartmentalized or confined to specific areas of halacha, the kohein's kedusha is holistic, encompassing every dimension of his life in an equal fashion. At the levaya of Rav Moshe Feinstein, zt"l Rav Nissan Alpert zt"l pointed out that one of the pesulim of a kohein described in our parsha is a "Saruah" (21:18), which Rashi defines as one whose limbs are uneven. Rav Alpert suggested that this pesul represents the need for an even distribution of kedusha throughout all aspects of a kohein's life. Just as one arm may not be longer than the other, so too one dimension of a kohein's life may not be holier than another.

The lesson of the holistic kedusha of the kohein holds true not merely for kohanim themselves, but for all Bnei Torah as well. As members of Klal Yisrael, we are required to maintain the highest standards of sanctity in all areas of our lives. Kedusha and high ethical conduct are not confined to the walls of the Beis Medrash or the Shul, but must rather evenly pervade our entire existence, in each and every endeavor that we undertake.

[1] "Giluach" refers to the shaving of a specific type of facial hair with a specific type of razor. See Makkos 21a.

[2]"Widow," for purposes of this article, refers specifically to a widow who has already undergone Nissuin. As to the halacha of a Kohein Gadol who must perform yibum on a widow who has only undergone "Erusin," see Gemarah there.

[3] See there, where Tosafos suggest that dechiyas issurim can only occur when both parties (i.e. man and woman) are obligated in the asseh.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - currently 5765]

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

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This week's sedra outlines the festivals that give rhythm and structure to the Jewish year. Examining them carefully, however, we see that Sukkot is unusual, unique.

One detail which had a significant influence on Jewish liturgy appears later on in the book of Deuteronomy:

Be joyful at your Feast . . . For seven days celebrate the Feast to the Lord your G-d at the place the Lord will choose. For the Lord your G-d will bless you in all your harvest and in all the work of your hands, and your joy will be complete. (Dt. 16: 14-15) Speaking of the three pilgrimage festivals - Pesach, Shavuot and Sukkot - Deuteronomy speaks of 'joy'. But it does not do so equally. In the context of Pesach, it makes no reference to joy; in that of Shavuot, it speaks of it once; in Sukkot, as we see from the above quotation, it speaks of it twice. Is this significant? If so, how? (It was this double reference that gave Sukkot its alternative name in Jewish tradition: zeman simhatenu, 'the season of our joy'.)

The second strange feature appears in our sedra. Uniquely, Sukkot is associated with two mitzvot, not one. The first:

Beginning with the fifteenth day of the seventh month, after you have gathered the crops of the land, celebrate the festival to the Lord for seven days . . . On the first day you are to take choice fruit from the trees, and palm fronds, leafy branches and willows of the brook, and rejoice before the Lord your G-d for seven days. (Lev. 23: 39-40) This is a reference to the arba minim, the 'four kinds' - palm branch, citron, myrtle and willow leaves - taken and waved on Sukkot. The second command is quite different:

Live in booths for seven days: All native-born Israelites are to live in booths, so your descendants will know that I made the Israelites live in booths when I brought them out of Egypt. I am the Lord your G-d. (Lev. 23: 42-43) This is the command to leave our house and live in the temporary dwelling that gives Sukkot its name: the festival of Tabernacles, booths, huts, an annual reminder of portable homes in which the Israelites lived during their journey through the wilderness.

No other festival has this dual symbolism. Not only are the 'four kinds' and the tabernacle different in character: they are even seemingly opposed to one another. The 'four kinds' and the rituals associated with them are about rain. They were, says Maimonides (Guide for the Perplexed, III: 43), the most readily available products of the land of Israel, reminders of the fertility of the land. By contrast, the command to live for seven days in

booths, with only leaves for a roof, presupposes the absence of rain. If it rains on Sukkot we are exempt from the command (for as long as the rain lasts, and providing it is sufficiently strong to spoil food on the table).

The difference goes deeper. On the one hand, Sukkot is the most universalistic of all festivals. The prophet Zekhariah foresees the day when it will be celebrated by all humanity:

The Lord will be king over the whole earth. On that day the Lord will be one, and His name the only name . . . Then the survivors from all the nations that have attacked Jerusalem will go up year after year to worship the King, the Lord Almighty, and to celebrate the Feast of Tabernacles. If any of the peoples of the earth do not go up to Jerusalem to worship the King, the Lord Almighty, they will have no rain. If the Egyptian people do not go up and take part, they will have no rain. (Zekhariah 14: 9, 16-17) The sages interpreted the fact that seventy bulls were sacrificed in the course of the festival (Numbers 29: 12-34) to refer to the seventy nations (the traditional number of civilizations). Following the cues in Zekhariah, they said that 'On the festival [of Sukkot], the world is judged in the matter of rain' (Mishnah, Rosh Hashanah 1: 2). Sukkot is about the universal need for rain.

At the same time, however, it is the most particularist of festivals. When we sit in the Sukkah we recall Jewish history - not just the forty years of wandering in the wilderness, but also the entire experience of exile. The Sukkah is defined as a 'temporary dwelling' (dirat arai). It is the most powerful symbol of Jewish history. No other nation could see its home not as a castle, a fortress or a triumphal arch, but as a fragile tabernacle. No other nation was born, not in its land, but in the desert. Far from being universalist, Sukkot is intensely particularistic, the festival of a people like no other, whose only protection was its faith in the sheltering wings of the Divine presence.

It is almost as if Sukkot were two festivals, not one.

It is. Although all the festivals are listed together, they in fact represent two quite different cycles. The first is the cycle of Pesach, Shavuot and Sukkot. These tell the unique story of Jewish identity and history: the exodus (Pesach), the revelation at Mount Sinai (Shavuot), and the journey through the wilderness (Sukkot). Celebrating them, we re-enact the key moments of Jewish memory. We celebrate what it is to be a Jew.

There is, however, a second cycle - the festivals of the seventh month: Rosh Hashanah, Yom Kippur and Sukkot. Rosh Hashanah and Yom Kippur are not only about Jews and Judaism. They are about G-d and humanity as a whole. The language of the prayers is different. We say: 'Instill your awe upon all Your works, and fear of You on all that You have created.' The entire liturgy is strikingly universalist. The 'Days of Awe' are about the sovereignty of G-d over all humankind. On them, we reflect on the human, not just the Jewish, condition.

The two cycles reflect the dual aspect of G-d: as creator, and as redeemer. As creator, G-d is universal. We are all in G-d's image, formed in His likeness. We share a covenant of human solidarity (the Noahide covenant). We are fellow citizens of the world G-d made and entrusted to our care. As redeemer, however, G-d is particular. Whatever His relationship to other nations (and He has a relationship with other nations: so Amos and Isaiah insist), Jews know Him through His saving acts in Israel's history: exodus, revelation and the journey to the Promised Land.

No sooner have we identified the two cycles than we see what makes Sukkot unique. It is the only festival belonging to both. It is part of the cycle of Jewish history (Pesach-Shavuot-Sukkot), and part of the sequence of the seventh month (Rosh Hashanah-Yom Kippur-Sukkot). Hence the double joy.

The 'four kinds' represent the universality of the festival. They symbolize nature, rain, the cycle of the seasons - things common to all humanity. The Sukkah / tabernacle represents the singular character of Jewish history, the experience of exile and homecoming, the long journey across the wilderness of time.

In a way not shared by any other festival, Sukkot celebrates the dual nature of Jewish faith: the universality of G-d and the particularity of Jewish existence. We all need rain; we are all part of nature; we are all dependent on the complex ecology of the created world. Hence the 'four kinds'. But each nation, civilization, religion is different. As Jews we are heirs to a history unlike that of any other people: small, vulnerable, suffering exile after exile, yet surviving. Hence the Sukkah.

Humanity is formed out of our commonalities and differences. As I once put it: If we were completely different, we could not communicate. If we were all the same, we would have nothing to say. Sukkot brings both together: our uniqueness as a people, and our participation in the universal fate of mankind.

Peninim on the Torah by Rabbi A. Leib Scheinbaum - Parshas Emor
Shema Yisrael Torah Network <shemalist@shemayisrael.com> to Peninim show details May 3 (19 hours ago)

PARSHAS EMOR Say to the Kohanim...Each of you shall not contaminate himself to a (dead) person among his people. Except for the relative who is closest to him. (21:2,3) The Kohen is invested with greater kedushah, sanctity. Thus, he may not come in contact with tumah, spiritual contamination, which symbolizes its antithesis. The Kohanim, who have been selected from among the Jewish nation to serve the Almighty in the Sanctuary, must adhere to a higher standard of holiness. If this is the case, why may they defile themselves to the seven close relatives? Is this not some kind of a double standard? Tumah is tumah. Why should family ties make a distinction?

In addressing this question, the Sefer HaChinuch, explains, "Its ways are ways of pleasantness, and all its paths are peace." (Mishlei 3:17) The Torah did not want to burden emotionally the heart of the Kohen, who has just lost a close relative. The thought that they are unable to express their pain and sorrow over their loss effectively would be too disturbing. This is a compelling response. Should the Torah abolish a prohibition of tumah because of a person's emotions? Clearly, the Kohen is in a troubling and sad predicament, but he is a Kohen, a role which makes demands on a person. Distancing oneself from tumah is a prohibition that comes with the territory.

Horav Nosson Ordman, zl, derives from here that Torah and mitzvos are given to a person commensurate with his abilities and tendencies. Hashem does not demand of a person that which he is incapable of doing. Everything has been determined with exactitude by Heavenly calculation. If the mitzvah has been given, this means that a person is capable of performing it. If it is not given, it is an indication that Hashem has determined that it is not something we can handle - for whatever reason. Tumah to close relatives has been sanctioned by the Torah, because it is otherwise too difficult for the Kohen to cope.

We find a similar dispensation with regard to the go'el ha'dam, redeemer of the blood, someone whose close relative has been the victim of an unintentional murder. The Torah provides a city of refuge where the murderer may flee to protect himself. Yet, it does not prohibit the redeemer of the blood from killing the murderer. Why? Once again, we see the Torah's sensitivity to the feelings of this relative. He cannot control his emotions, as he is driven to exact some form of revenge from the murderer. While he is wrong and revenge is not in man's domain, his feelings are natural and understandable and? therefore, the Torah takes them into account.

We find other mitzvos that provoke a challenge from the yetzer hora, evil inclination, but they are not beyond man's ability to carry them out. With the Torah at his side, he is able to cope and triumph over adversity.

Finally, the Sefer HaChinuch adds, this exemption applies only to a common Kohen. The Kohen Gadol, High Priest, in contrast, may not become tamei even to his closest relatives. As the paragon of spirituality, the benchmark of holiness, he is ensconced in the spiritual cosmos surrounding

the Sanctuary. He is to be totally free of the fetters of human emotion. He is kadosh l'Hashem, sanctified to the Almighty.

Say to the Kohanim, the sons of Aharon: If the daughter of a Kohen desecrates herself through adultery, she desecrates her father. (21:1.9)

Why does the Torah find it necessary to reiterate the Kohanim's lineage? If they are Kohanim, then they are obviously the "sons of Aharon." This point is obvious. The Chidushei Ha'Rim comments that the Kohanim should never forget the holiness of their ancestors and they should apply this lesson to their own behavior. Their "father's" kedushah, holiness; his achievements and life's endeavor; his commitment to Torah and mitzvohs; his devotion to the Almighty and to his fellowman should be a beacon of inspiration for them to emulate. We find a similar pasuk when David HaMelech was nearing the point when he was to leave this world. The Navi in Melachim 2, 1:12 says, "King David's days drew near to die, and he instructed his son, Shlomo, saying." Usually, the concluding word, leimor, saying, implies that the person who is being addressed is to pass on this message. To whom is Shlomo to pass David's message? The Gerrer Rebbe explains that Shlomo should continue saying to himself, "I am the son of David Ha'Melech. My father was the king of Yisrael, the Psalmist, the sweet singer of Yisrael." He should feel obligated to continue the shalshelos ha'yuchsin, chain of illustrious lineage. He should never forget from whom he descended, and this should inspire him to distance himself from sin, as Yosef Hatzadik was inspired by dmus d'yukno shel aviv, "the image of his father's visage." When he saw his father's image, it prevented him from falling for the beguiling blandishments of Potifar's wife.

Parents have a compelling effect on their children's behavior - whether by actual teaching or by modeling. If the lessons are of a positive nature, then they will hopefully encourage a similar behavior in their child. When the lessons are negative, they regrettably can have a damaging effect on their offspring, as we might infer from the fate of the Kohen's daughter who committed adultery. The Torah writes, "She desecrates her father." Why specifically is it her father that she desecrates?

In his sefer Imrei Shefer, Horav Shlomo Kluger, zl writes that under normal circumstances when the father is an individual of questionable repute, when his behavior is antithetical to Torah dictate, the son will inherit these tendencies and demeanor. He sees his father's example, and it will impact him. Then there are those reshaim, wicked individuals, whose father was a fine, caring, upstanding member of his community. The son was simply a baal taavah, could not control his evil inclination, and followed every one of his base desires to its pernicious end. He was a bad egg that had nothing to do with his pedigree. He was the pedigree. There is a difference between these two sons. The one who follows his yetzer hora, evil inclination, is the product of a slow digression from good to evil. His malevolent behavior did not just occur overnight. It progressed slowly, as he gave in to his weaknesses and shortcomings until he was completely ensnared by the yetzer hora. Conversely, the one who acts impulsively, who suddenly, out of the blue, performs a reprehensible act, thereby bespeaks his upbringing. He demonstrates by his sudden action that he has inherited his evil tendency from his father.

This is the meaning of the pasuk, U'bas ish Kohen ki seichel liznos. "If the daughter of a Kohen desecrates herself" Seichel is a word which can be interpreted as "begins," as in haschalah, beginning; if this girl begins her miscreant behavior with an act of znus, immorality, if she commences her career of evil with an act of adultery, then it is her father that she desecrates. We now know the source of her pernicious behavior - her father. Had her father been morally upright, she would not have started out with such an illicit act.

The Talmud in Sukkah 56b comments about the Bilgah family of Kohanim, who were fined because of an incident that occurred with Miriam, the daughter of Bilgah, who became an apostate and married a Greek prince. When the Greeks entered the Sanctuary, she took the sandal off her foot and banged upon the altar screaming, "Lukus, Lukus (which is

Greek for wolf), how long will you devour the money of the Jews? But you do not stand to protect them in their time of need!" She meant that the Altar, as representative of the Almighty, took the Jews' korbanos, sacrifices, but did not protect them from the Greeks. As a result of this extreme chutzpah, her father, and, by extension, the entire family, was punished. The Talmud questions, "Why is the father blamed for his daughter's actions?" They explain that a child speaks in public what he/she hears at home. Likewise, Miriam must have heard her father speak derogatorily of the sacrificial service, and this had a negative impact on her. Therefore, he is indicted for her evil actions.

The Talmud Gittin 55A states that Yerushalayim was destroyed as a result of Kamtza and Bar Kamtza. Apparently, an individual who was friendly with Kamtza, but an enemy of Bar Kamtza, asked his servant to invite the former to a party he was making. The servant erred and invited Bar Kamtza instead. When the host walked in and saw his enemy, Bar Kamtza, sitting at the table, he became enraged and demanded that he immediately leave the premises. Bar Kamtza was humiliated and asked to be allowed to stay. The host refused. At that point, Bar Kamtza offered to pay for the food that he had eaten. When the host replied negatively to this offer, Bar Kamtza offered to pay for half of the party. This offer was also rejected. He then offered to pay for the entire party, but it was to no avail. He was not wanted. After his host ejected him from the party, Bar Kamtza said, "Since the Rabbinic leadership was in attendance at the party, and no one interjected in my behalf, I hold them all responsible for my humiliation." He then went to the Caesar and slandered the Jewish People, claiming that the Jews had revolted against him. This ultimately led to the siege of Yerushalayim and its eventual destruction.

Two questions glare at us: Bar Kamtza was the evil slanderer. Why, then, does the Talmud mention that Yerushalayim was destroyed because of Kamtza and Bar Kamtza? What did Kamtza do? Furthermore, the very fact that Kamtza's name precedes that of Bar Kamtza indicates that he had a primary role in this debacle. What did he do?

The Maharsha suggests that Kamtza was actually Bar Kamtza's father. Hence, the name Bar Kamtza, son of Kamtza. Furthermore, this miscreant went by his father's name. Why? Horav Michel Peretz, Shlita, explains that Bar Kamtza was his father's son. While his father presented himself as a righteous, upstanding Jew, a man whose relationships with others was impeccable, it was a sham. His son presented to us the real truth about his father. What his father kept internally, what might have slipped through the cracks at home, a word, a gesture, a comment, it all came to the fore in his son - Bar Kamtza.

From a positive perspective, we see Chazal (Talmud Kiddushin 31A) lauding Dama ben Nesina, a gentile whose adherence to the commandment to honor his father was unparalleled. When the sages came to purchase from him a precious stone for the Eiphod, he would not sell it to them, because the key to the vault was beneath the pillow upon which his father was sleeping. We wonder why his father's name is mentioned? It is not as if every gentile's pedigree must be delineated. What did his father do that might be considered laudatory? Rav Peretz explains that the mere fact that the father was not upset when he woke up and realized that his son had deferred the opportunity to earn an incredible amount of money just because he did not want to wake his father, is in itself a powerful lesson in honoring one's parent. The father agreed with his son and probably complimented his behavior. The reason his son acted in such a manner, was that his father showed him the way. Thus, when Chazal honor Dama, they include his father in the honorarium.

I think that there is something deeper regarding a parent's relationship with his child that should be expressed. When Yosef saw his father's image, he refrained from sinning. What about Yaakov Avinu's countenance impacted Yosef, so that he was able to ignore the blandishments of the yetzer hora? Certainly, many aspects of Yaakov's holiness could have inspired Yosef. I think that there is a practical aspect that should not be ignored. Perhaps this can be better expressed by

prefacing it with the following story. Rebbetzin Leah Twerski, a.h., the Milwaukee Rebbetzin, would relate that when she was five years old, she stood near her grandfather, the first Bobover Rebbe, as he lit the Chanukah menorah. He would sit in front of the lit candles, engrossed in deep meditation. She looked at him and asked, "Zaide, what are you thinking of now?"

The Rebbe looked at the child and said, "I am praying for you to have good children."

A few moments went by, and the inquisitive child once again asked, "Zaide, what are thinking of now?" This time he responded, "I am praying for your children to have good children."

The Bobover Rebbe had just charged his granddaughter with a mission. He told her to pray for her children, for their children and to convey this message throughout the generations - which she did.

When a child grows up in a home in which he sees his parents praying for him, it leaves an indelible mark. Yosef knew how much he meant to his father. He realized how important it was to his father that he maintain his spiritual character by adhering to morality and decency. The image which saved him from sin was that of his father praying for him. Because of its simplicity and

sincerity, this was an image that he could not ignore.

Hashem's appointed festivals that you are to designate as holy convocations - these are My appointed festivals. For six days labor may be done, and the seventh day is a day of complete rest. (23:2,3)

The Torah begins the chapter dealing with the Festivals by first mentioning Shabbos. Why? Rashi explains that the Torah underscores the significance of the Festivals as being intrinsically involved with Shabbos. Just as Shabbos is a day of rest, so, too, are the Festivals designated as days of rest. One who observes the Festivals is considered as if he observes Shabbos. The fact that the dates of the Festivals are determined by the Bais Din, the Jewish Court, does not engender any difference in their validity. They are equal to Shabbos, whose timing is Divinely ordained.

In other words, the difference inherent between Shabbos and Yom Tov might affect one's thought process, motivating him to manifest greater respect towards one than towards the other. Let us analyze some of these differences, so that we better understand Rashi's comment that one who observes the Festivals is regarded as if he has observed Shabbos. Horav Moshe Feinstein, zl, remarks that the primary focus of both Shabbos and Yom Tov is an equivalent principle which the Jew should cherish. Shabbos attests to Hashem's creation of heaven and earth, while the Festivals recall yetzias Mitzrayim, the exodus from Egypt, with its many miracles. Hashem's ability to control nature, to suspend the natural order at will, is recognized as a result of our Yom Tov observance. Both of these testimonies are significant. A Jew must believe that Hashem is the sole Creator of the world and that He continues to control and govern its every aspect. To negate either of these beliefs borders on heresy. The world did not just happen, nor do we think that once Hashem created it, He left it to run its own course through "Mother Nature." Our observance of these hallowed days bears testimony to our conviction.

In his Meshech Chochmah, Horav Meir Simchah, zl, distinguishes between the socio-philosophical aspects of these holy days. Shabbos is a day dedicated to one's own spiritual elevation. It is an individualistic day on which every man must remain within the parameters of defined boundaries. He may also not carry in a public domain. The result of these prohibitions is less time devoted to socializing and more time dedicated to introspection and personal spiritual growth. Yom Tov, however, is a time for strengthening relationships between man and his fellow man. One is permitted to cook for guests if they appear at his door. It was a time when people would travel to Yerushalayim to rejoice at the Bais HaMikdash. In short, people got together and they bonded. The lesson of the Torah is: both interactions are important. Self-examination and introspection are necessary

for continued spiritual growth. People do not live in a vacuum. Social interaction is necessary for a unified Jewish community.

The idea that Shabbos is Divinely ordained, while Yom Tov is determined by Bais Din, plays an important part in our designation and focus as a nation. Horav Meir Shapiro, zl, cites the pasuk which serves as Klal Yisrael's manifesto as a nation. V'atem tiheyu Li mamleches kohanim v'goi kadosh, "And you shall be for Me a kingdom of Priests and a holy nation." (Shemos 19:6) The Jewish People are given two mandates: to be a kingdom and to be Priests, which are two distinct issues not necessarily rooted in one another. Priesthood is a pedigree issue which is conferred upon a person from Hashem. One is either a Kohen, or he is not. Monarchy, on the other hand, is granted from the people. They select who is to be their monarch. Hashem told Klal Yisrael about these two missions that they were to accept and be worthy of: one which is conferred upon them from Above; and one which they must earn through their own spiritual development and positive actions. The vehicles for these transmissions are both Shabbos and Yom Tov, both of which, incidentally, was the single day on which the Torah was given. Yes, the Torah was given on Shabbos/Shavu'os, a day which calls to mind both aspects of our mission as Jews.

Va'ani Tefillah Baruch Hashem Elokei Yisrael min ha'olam v'ad ha'olam Blessed is Hashem, the G-d of Yisrael, from "world to world."

The word *olam* is usually translated either as world, or, forever. Horav Shimon Schwab, zl, adds a new twist to its meaning which gives us a penetrating insight into this word. The word, *olam*, is derived from the word *ne'elam*, which means hidden or obscured. There are two epochs in our history that remained sealed from us: the early past of our nation, its nascent beginning going back to Avraham Avinu; and the distant future, the period of the End of Days. These are matters to which we are not privy. David Ha'Melech recognizes the formation of our People. Hashem will also be there at that moment in time when it will all come together at the end of time. The Almighty, who has been the Source of blessings for our nation "forever;" this means that from its earliest "hidden" beginnings to the "hidden" future, He has been, and will always be there for us with His bountiful blessings.

In his *Nefesh HaChaim*, Horav Chaim, zl, m'Volozhin explains *min ha'olam v'ad ha'olam* to mean, from the world that is hidden from us, *olam ha'bah*, to this corporeal world, everything is considered as one long world. This is to renounce the heretics who recognized only this world and negated the world of truth, the Eternal World. No, it is all one world, with this world serving as the vestibule for *Olam Habah*.

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Rabbi Jachter's Halacha Files

(and other Halachic compositions)

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Shemittah 5768 - Part 1 & 2

by Rabbi Chaim Jachter

Since the coming year is a Shemittah year, we will devote the next four issues to discussing Shemittah-related issues. We begin to discuss this Eretz Yisrael topic this week in honor of the upcoming celebration of Yom HaAtzma'ut. In this issue, we will outline some of the basic Halachot that pertain to Shemittah. In the next issue, we will discuss whether Shemittah observance in our time is a biblical or rabbinical requirement. The final two issues will address the debate regarding the Heter Mechirah (the practice of the Israeli Chief Rabbinate to transfer title of the farmland in Israel to an Arab for the duration of the Shemittah year). Our discussion will be based largely on an outstanding work by Rav Zev Whitman entitled *Likrat Shemittah Mamlachtit BeMedinat Yisrael* (Shemittah in a Modern Jewish State: A Practical Model for Shemittah Implementation) published by the Zomet Institute in Gush Etzion. We shall refer to this work simply as *Shemittah Mamlachtit*. Rav Whitman describes his experiences as Rav of Kibbutz Kfar Etzion for the 5747

Shemittah year and his proposals for nationwide observance of Shemittah with minimal reliance on the controversial Heter Mechirah.

The Prohibitions

The Torah (VaYikra 25:4-6) outlines four activities that are forbidden during the Shemittah year- sowing, pruning, harvesting, and picking grapes. Plowing a field also might be biblically forbidden (see Shemot 34:21 and the sources cited in *Shemittah Mamlachtit* chapter ten). All other agricultural activities are forbidden only rabbinically (Rambam *Hilchot Shemittah VeYoveil* 1:3 and 1:10).

A fundamental question exists regarding the nature of these prohibitions. Does the Torah command us to refrain from working the land or does the Torah obligate us to have our land rest during the Shemittah year? The Rambam is not clear regarding this issue. On one hand, in his heading to *Hilchot Shemittah VeYoveil* the Rambam describes the *Mitzvah* as having the land rest. On the other hand, in the body of these *Halachot*, he presents the prohibition as refraining from working the land (see *Hilchot Shemittah VeYoveil* 1:1).

A significant ramification of this issue is the question whether one may work the land indirectly (*Grama*). If the prohibition is to work the land, then the prohibition might be restricted to directly working the land. If, however, the Torah obligates us to have the land rest, then even *Grama* would be forbidden in this context. Rav Zvi Pesach Frank (*Kerem Zion* 10) is inclined to rule leniently regarding this issue. For a discussion of this issue and its practical implementation, see *Techumin* 7:53-82 and *Shemittah Mamlachtit* chapter seven.

It should be noted that it is forbidden to "improve trees" during Shemittah, but one may engage in activities that merely "maintain trees" (*Avodah Zara* 50b). The Rambam (*Hilchot Shemittah VeYoveil* 1:10) explains that had the rabbis forbidden "maintaining trees", then all of the trees in Israel would die. It is, however, difficult to decide which activities constitute "maintaining trees" as opposed to "improving trees." For a discussion of this issue, see *Techumin* 7:49-52 and *Shemittah Mamlachtit* 72-81.

The Otzar Beit Din

One may ask how people in Israel eat fruit and vegetables during the Shemittah year if the Torah prohibits harvesting during Shemittah. First, it should be noted that the prohibition to harvest refers to large-scale harvesting (*Yerushalmi Sheviit* 8:6). Second, the Ramban (25:7) cites a *Tosefta* (*Sheviit* 8:1-4; see *Tosefta Kifshuta* regarding the precise text of this *Tosefta*) that limits the prohibition of harvesting to individuals. The community may, however, engage in large-scale harvesting and nationwide distribution of the harvest. This system is referred to as the *Otzar Beit Din*. Although the Rambam does not cite this *Tosefta*, the *Otzar Beit Din* system has become widely accepted among Halachic authorities (see sources cited in *Shemittah Mamlachtit* page 177 note 2) and is commonly practiced today. Rav Zev Whitman develops at length how such a system can be practically implemented on a national scale in Israel today. He shows that an *Otzar Beit Din* is entirely compatible with modern market conditions (*Techumin* 13:53-75 and *Shemittah Mamlachtit* chapters eleven and twelve).

Kedushat Peirot Shemittah

Fruits that blossom during Shemittah, vegetables that are harvested during Shemittah, and grains that grow their first third of growth during Shemittah are endowed with holiness (*Kedushat Peirot Shemittah*) and must be treated in a special manner. A great controversy exists between the *Beit Yosef* on one hand and the *Maharit* and *Mabit* on the other hand whether produce that grows on land owned by non-Jews is endowed with *Kedushat Peirot Shemittah*. We shall return to this controversy when we examine the issue of the *Heter Mechirah*.

Although *Tosafot* (*Sukkah* 39a s.v. *SheEin*) write that there are an infinite number of rules concerning the proper way to treat fruit that is endowed with *Kedushat Shemittah*, the issues may be reduced to five basic categories of *Halachot*.

First, the Torah (*Shemot* 23:11) commands that the produce of Shemittah be *Hefker* (ownerless). Thus, one does not remove *Terumot* and *Maaserot* from the produce of the seventh year. The *Beit Yosef* and the *Maharit/Mabit* vigorously dispute whether the Torah automatically renders all produce of the seventh year to be *Hefker* or requires the owner of the land to pronounce the produce to be *Hefker*. A practical ramification of this dispute is whether one must remove *Terumot* and *Maaserot* from produce taken from fields whose owners did not pronounce its produce to be *Hefker*. The *Otzar Beit Din* seems to be empowered to insure that fields not be abused during the Shemittah year because of this rule (see *Shemittah Mamlachtit* pages 213-216).

The second rule is that one may not use produce of the seventh year for commercial purposes. The Torah (*VaYikra* 25:6) states that the produce of the seventh year is intended for eating. *Chazal* (*Pesachim* 52b) infer from this that the produce is "for eating and not for selling." The Rambam delineates the parameters of this prohibition in the sixth chapter of *Hilchot Shemittah VeYoveil*.

The third principle is that the Shemittah produce must not be wasted. This entails that the Shemittah produce be used to its maximum potential. The Rambam presents these laws in the fourth chapter of *Hilchot Shemittah VeYoveil*. Contemporary works

on the laws of Shemittah devote much attention to the precise implementation of this rule.

The fourth principle is that one may not export produce of the seventh year outside of the land of Israel. In addition, the produce may not be given to a Nochri to eat. This presents a particular challenge in modern times, as it is not economically feasible to engage in large-scale agricultural endeavors in Israel unless most of the produce will be exported. Discussions of this issue and potential solutions to this problem can be found in *Techumin* (7:34-48) and *Shemittah Mamlachtit* chapters fourteen and fifteen.

The fifth rule is that of *Biur*. The Torah (*VaYikra* 25:7) teaches that we may eat of the produce of the seventh year so long as the item that one wishes to eat remains readily available in the fields. When the item is no longer available in the fields one must engage in *Biur* (destruction). The Rishonim debate precisely how to fulfill this *Mitzvah*. The Rambam (*Hilchot Shemittah VeYoveil* 7:3) believes that the produce must be burned. Most Rishonim, though, agree with the Ramban (*VaYikra* 25:7) that *Biur* involves declaring the Shemittah produce to be *Hefker* (see the Raavad to *Hilchot Shemittah VeYoveil* 7:3 for a compromise opinion). The opinion of the Ramban is followed in practice (*Pe'at HaShulchan* chapter 27, *Aruch HaShulchan HeAtid* 27:8, *Rav Avraham Yitzchak HaKohen Kook Teshuvot Mishpat Kohan* 83, and the *Chazon Ish Sheviit* 11:7).

Gezeirat Sefichim

Chazal prohibited eating anything that grew during the Shemittah year even if it grew on its own (*Gezeirat Sefichim*), lest one quietly sow his field in the middle of the night and claim that the food grew on its own (*Rambam Hilchot Shemittah VeYoveil* 4:2). This decree does not apply to fruit grown on trees that are not planted every year. *Rav Shlomo Zalman Auerbach* (see the letters printed at the end of *Maadanei Aretz*) suggests that this decree does not apply today since it is virtually impossible for a person to sow a field today without drawing attention to what he is doing. The fact that tractors are used for sowing and commercial fields occupy large tracts of land may render this decree inapplicable. Although *Rav Shlomo Zalman* does not conclude that the *Gezeirat Sefichim* no longer applies, his reasoning may be part of the reason why the ruling of the *Chazon Ish* (*Sheviit* 22:2) that the *Gezeirat Sefichim* does not apply to produce that was planted before the beginning of the Shemittah year is accepted.

Farmers who do not rely on the *Heter Mechirah* plant their crops immediately before the Shemittah year. These crops will subsequently be harvested under the auspices of the *Otzar Beit Din* and will be endowed with *Kedushat Peirot Sheviit*, but the *Gezeirat Sefichim* will not apply to them. For a discussion of the practical implementation of this ruling of the *Chazon Ish*, see *Shemittah Mamlachtit* pages 129-130.

Conclusion

Rav Shlomo Zalman Auerbach (*Teshuvot Minchat Shlomo* 1:44) bemoans the widespread ignorance of the Shemittah laws. It is appropriate for us to familiarize ourselves with these *Halachot* in preparation for the upcoming Shemittah year.

Shemittah 5768 - Part 2 of 2 by Rabbi Chaim Jachter

Introduction This week, we shall explore whether Shemittah observance nowadays is required biblically or rabbinically. This question has great ramifications because one can rule more leniently regarding a rabbinic prohibition than a biblical prohibition. Indeed, the controversial *Heter Mechirah* can be contemplated only if Shemittah observance today is a rabbinic obligation. We shall also see that a minority view among the Rishonim asserts that nowadays we are not obligated to observe Shemittah at all.

Does Eretz Yisrael Retain its Kedushah in Our Times? *Eretz Yisrael* was endowed with a special holiness from the time that Hashem promised the land to Avraham Avinu (see *Kaftor VaFerach* chapter ten). According to *Rav Yehuda HaLevi* (*Sefer HaKuzari* 2:14), this special quality was inherent in *Eretz Yisrael* from the time of Creation. Hashem refers to *Eretz Yisrael* as His land (*Yael* 4:2), *Eretz Yisrael* is referred to (*Shemuel I* 26:19) as Hashem's *Nachalah* (portion), and the Torah (*Devarim* 11:12) tells us that Hashem's eye is always on *Eretz Yisrael*. These special qualities persist throughout the ages regardless of who controls the Land (see *Kaftor VaFerach* *ibid.*, *Teshuvot Chatam Sofer Yoreh Deah* 23, and *Rav Avraham Yitzchak HaKohen Kook's* introduction to his work regarding Shemittah entitled *Shabbat HaAretz*). The *Gemara* in many places (*Yevamot* 82, *Arachin* 32b, and *Niddah* 46b) records a Tannaic debate whether *Eretz Yisrael* retains special holiness (*Kedushah*) during the periods of destruction. This holiness does not emanate from Hashem's presence in the Land as we described in the previous paragraph. Rather, this holiness stems from the Jewish People's possession of the Land. Hence, this aspect of the holiness of the Land of Israel might have elapsed when *Bnei Yisrael* were expelled from their Land. The Tannaic debate whether this holiness of *Eretz Yisrael* elapsed subsequent to the destruction of the First Temple. The *Gemara* presents the dispute whether the first *Kedushah* (*Kedushah Rishonah*) initiated by *Yehoshua* upon conquering *Eretz Yisrael* was temporary or permanent in nature.

Almost all Rishonim rule that the *Kedushah Rishonah* was temporary in nature (see, for example, *Rambam Hilchot Beit HaBechirah* 6:16 and *Raavad to Hilchot Terumot* 13:13). Similarly, the *Gemara* records a debate whether the holiness initiated by *Ezra* upon leading the return to *Eretz Yisrael* (referred to as the *Kedushah Sheniya*) dissipated upon the destruction of the Second Temple. The Rishonim discuss how to resolve this debate. One group of Rishonim (for example, *Rambam Hilchot Beit HaBechirah* 6:16 and *Raavad to Hilchot Terumot* 13:13) asserts that the *Kedushah Sheniya* is permanent. The Rambam (*ad loc*) presents a particularly interesting and somewhat cryptic explanation as to why the *Kedushah Sheniya* is permanent whereas the *Kedushah Rishonah* is regarded as temporary. The Rambam's comments have engendered much discussion between *Acharonim* (see the sources cited in the *Encyclopedia Talmudit*, 2:217-218 notes 121 and 122 and *Rav Yosef Dov Soloveitchik's* explanation recorded in *Al HaTeshuvah* pp. 300-308). Another group of Rishonim asserts that the *Kedushah Sheniya* also elapsed upon the destruction of the Second Temple. These authorities include the *Sefer HaTerumah* (*Hilchot Eretz Yisrael*) and *Rabbeinu Simcha* (cited by the *Or Zarua*, *Avodah Zara* 299). It is important to note that the second group of Rishonim is far less prominent than the first. According to the first group, it is possible that nowadays we are biblically obligated to observe Shemittah. According to the second view, Shemittah observance after the destruction of the Second Temple cannot be biblically mandated, since the holiness of *Eretz Yisrael* has elapsed. *Rav Yosef Karo* (*Kesef Mishneh* to *Rambam Hilchot Shemittah VeYovel* 4:25, 9:1, and 10:9) asserts that the Rambam believes that Shemittah observance today is biblically mandated. A number of *Acharonim* rule in accordance with this view, including the *Netziv* (*Teshuvot Meishiv Davar - Kuntress Devar HaShemittah*) and *Rav Yechiel Michel Epstein* (*Aruch HaShulchan HeAtid* 1:1). The *Beit HaLevi* (*Teshuvot* 3:1) concludes a lengthy review of the subject by stating that a majority of Rishonim believe Shemittah nowadays to be biblically mandated. Another consideration in favor of the view that Shemittah today is biblically mandated is the intriguing possibility that the State of Israel's control over portions of *Eretz Yisrael* revives the *Kedushah Sheniya* and perhaps even the *Kedushah Rishonah*. For discussions of this issue, see *Teshuvot Tzitz Eliezer* (10:1), *Rav Shlomo Yosef Zevin* (*Techumin* 10:24-25), and *Rav Zev Whitman* (*Likrat Shemittah Mamlachtit BeMedinat Yisrael* pages 156-164).

The Disputed Requirement of Biat Kulchem Other authorities, among them the *Maharit* (*Teshuvot* 1:25) and *Rav Chaim Soloveitchik* (commentary to the *Rambam Hilchot Shemittah VeYovel* 12:16), argue that the Rambam believes that Shemittah today is only rabbinically mandated despite the fact that the *Kedushah Sheniya* is permanent. These authorities note that the Rambam (*Hilchot Terumot* 1:26) asserts that the contemporary obligation to remove *Terumot* and *Maaserot* is only rabbinic in nature because not all of the Jewish people reside in the Land of Israel (*Biat Kulchem*). This unfortunate situation has existed since the exile of the ten tribes that occurred towards the end of the period of the First Temple. The Rambam's ruling is based on a passage that appears in *Ketubot* (25a). The *Gemara* states that the obligation to separate *Challah* today is only rabbinic in nature due to the fact that not all Jews reside in the Land of Israel. The *Rama* (*Yoreh Deah* 331:2, in the context of the *Halachot* of *Terumot* and *Maaserot*) notes the common practice to accept this explanation of the Rambam. The Rambam extrapolates the requirement for *Biat Kulchem* from the laws of *Challah* to the laws of *Terumot* and *Maaserot*. The *Maharit* and *Rav Chaim* believe that the Rambam applies this principle to the laws of Shemittah as well. A quite compelling proof to this argument is the fact that the *Pasuk* the Rambam cites as the source for the requirement of *Biat Kulchem* is in the context of Shemittah. *Rav Yosef Karo* and those who follow his view argue that the Rambam mentions the requirement of *Biat Kulchem* only in the context of the laws of *Terumot* and *Maaserot* but not in the context of the laws of Shemittah. A very interesting issue emerges from the prediction that within the next few decades a majority of the Jewish People will be residing in the Land of Israel. Indeed, some claim that the majority of Jews, as defined by *Halacha*, already reside in *Eretz Yisrael*. For a discussion of the impact this may have on the requirement of *Biat Kulchem*, see *Rav Shlomo Yosef Zevin's* article in *Techumin* 10:24-25.

The Possible Link Between Shemittah and Yovel The *Gemara* (*Gittin* 36) addresses the question whether the requirement to observe Shemittah today is mandated biblically or rabbinically. The *Gemara* indicates that the matter is disputed between *Rebbe* and the *Rabbanan*. *Rebbe* believes (as explained by *Rashi s.v. BeShviit*) that the laws of Shemittah and the laws of *Yovel* are linked. *Rebbe* argues that since *Yovel* is inoperative, Shemittah is inoperative (on a Torah level) as well. The *Rabbanan* reject this link between the laws of Shemittah and *Yovel*. It is not clear which of these opinions is accepted as normative. Usually, *Halacha* follows the majority view, in which case the view of the *Rabbanan* that Shemittah is a Torah obligation would be accepted. On the other hand, the *Yerushalmi* (cited by *Rashi* *ibid.*) presents *Rebbe's* view as normative.

The Unique View of the Baal HaMaor The *Baal HaMaor* (cited by the *Raavad Gittin* 19a in the pages of the *Rif*) rules that Shemittah does not apply at all today since the *Halacha* follows *Rebbe*, arguing that *Rebbe* believes that in today's

circumstances Shemittah does not apply even on a rabbinic level. The Baal HaMaor believes that those who observe Shemittah nowadays are merely engaging in an act of piety (Midat Chassidut). The Baal HaMaor is cited by the Rama (Choshen Mishpat 67:1) in the context of the laws of the cancellation of loans during the seventh year. Two basic attitudes regarding this opinion have emerged in the debate over the observance of Shemittah in the past hundred years. On the one hand, Rav Ovadia Yosef (Teshuvot Yabia Omer 3:19) points out that a number of Rishonim subscribe to the view of the Baal HaMaor. Hence, his view can be used as a lenient consideration, especially regarding the implementation of the Heter Mechirah. The Beit HaLevi (Teshuvot 3:1), on the other hand, concludes that the Baal HaMaor's view is intended to apply only to the issue of the cancellation of debts during the seventh year. According to this view, the Baal HaMaor is entirely irrelevant to the debate surrounding the Heter Mechirah.

Conclusion It is far from clear whether we are obligated to observe Shemittah today on a biblical or rabbinic level. We have cited the Aruch HaShulchan HeAtid and the Netziv, who rule that we are obligated to observe Shemittah on a Torah level. However, most twentieth century authorities rule that Shemittah today is only a rabbinic obligation. These authorities include Rav Avraham Yitzchak HaKohen Kook (introduction to Shabbat HaAretz), the Chazon Ish (24:7), Rav Shlomo Yosef Zevin (LeOr HaHalacha page 110), and Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 1:44). This appears to be the normative opinion. See Rav Hershel Schachter's Eretz HaTzvi (chapter 30) for a discussion of the special status of Jerusalem in this context.

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