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By **Rabbi Yissocher Frand**
Divine Justice and the Mysterious 'Vov'

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #944 – Honoring Kohanim – Even Children? Good Shabbos!

Incidents with Job and King David Explain A Vov In Parshas Emor

This week's parsha contains the pasuk "You shall guard My commandments and do them; I am Hashem. You shall not defile My holy Name and I shall be sanctified among the Children of Israel; I am Hashem Who sanctifies you." [Vayikra 22:31-32]. There are several difficulties with these two pesukim.

First, it is unclear what the difference is between the imperative "You shall guard My commandments" (using the verb u'shmartem) and "do them" (using the verb v'asisem). Either verb alone should have been sufficient to convey this idea of keeping the commandments. Rashi notes this difficulty and interprets that the word u'shmartem refers to study of the commandments (from the word Mishna) and the word v'asisem refers to actually doing the commandments (from the word ma'aseh).

The Chasam Sofer writes that the expression u'shmartem is reminiscent of an expression used by Yaakov guarding the dreams of Yosef in his mind (v'Aviv shamar es hadavar). Yaakov put these visions into the back of his mind – waiting to see how they might unfold. Therefore, the Chasam Sofer interprets the word u'shmartem in terms of anticipation. The pasuk is teaching that it is not sufficient for a person merely to do the mitzvos but a person must be anxiously awaiting the opportunity to perform the mitzvos.

A friend, whose father was an old time Chossid from Europe, told me a story. My friend came to visit his father on the first night of Succos. It was pouring rain. His father was standing by the window looking up at the sky, almost on the verge of tears: When would it stop raining so he could fulfill the mitzvah of Succah? Other people take the approach that if it rains, we are exempted from Succah. They go into the Succah (the first night) make Kiddush, have the minimum required measure of bread, and that is it! This Jew had such a strong longing to perform mitzvos that he was simply depressed by the specter of not being able to fulfill this mitzvah of Succah on the first night of Succos. This, explains the Chasam Sofer, is the imperative of u'shmartem mitzvosai – to yearn and long for the opportunity to fulfill them.

A more problematic expression contained in the above quoted pesukim are the words "v'lo s'chalelu es shem kodshi" [You shall not defile My holy Name]. The pasuk begins with a connecting "vov haChibur", which links the two pesukim. The passage thus reads, "You shall guard My commandments and do them... AND not defile My holy Name." Without this joining vov, we would certainly read them as two unrelated pesukim: The first pasuk tells us to keep the mitzvos and then the Torah introduces us to the serious sin of Desecrating the Name of G-d. Since the second pasuk begins with a vov, we are clearly being taught that these pesukim are somehow related. What is that connection?

I saw a novel interpretation in the sefer Ner Uziel from Rav Uziel Milevsky, z"l. Rav Milevsky bases his insight on a comment of the Vilna Gaon on a Gemara in Bava Basra (16a). In the tragic story of Iyov, Iyov is introduced with the following description: "...that man was wholesome and upright; he feared G-d and shunned evil." [Iyov 1:1]. As we know from the story, the Satan came before the Almighty and urged him to test Iyov, claiming that he would crack under pressure, revealing that he was not such a righteous person after all. The Almighty then visited upon Iyov that which has become a metaphor – the sufferings of Job. First, he lost his money, then he lost his family, then he became sick. In the end, Iyov did not rebel and he stayed true to the Ribono shel Olam. He passed the test.

However, in the course of these events, there was one occasion in which Iyov expressed (let us call it) his "dismay" at the Almighty for what happened to him. The Gemara wonders how this expression of dismay can be reconciled with Iyov's complete righteousness. One answer the Gemara gives is that a person cannot be held responsible for things he says "in the time of his grief" (ayn adam nitfas bish'as tzaaro). When a person is in extreme pain, he is not always held accountable for everything that comes out of his mouth.

There is another Talmudic opinion there in which Rava states that Iyov "wanted to turn the plate upside down" (I'hafoch ka'arah al peeha). The Vilna Gaon gives an amazing analogy to explain this enigmatic metaphor. The Vilna Gaon says the situation can be compared to a king who had a trustworthy and loyal servant who never did anything wrong in his life. For whatever reason, one day the king decided "Off with his head" for no reason whatsoever. This servant was so devoted to the king that he said, "If the king executes me, it is going to be such a disgrace to the king. There has never been a servant more loyal than I am. What will the people think about the king if he executes me? They will assume the king is cruel and capricious." Therefore, he went over while the king was eating, took the king's plate and threw it onto the king's lap. Then everyone said, "We see the king is right. This person deserves to be executed. He is a disloyal servant who must have done this in the past as well. The king clearly knows what he is doing."

In actuality, this act of apparent disrespect portrayed an amazing level of devotion on the part of the servant. Most people would say, "Let the people think the king is cruel and capricious! He is in fact wicked to be so unappreciative of all my service to him." However, the honor of the king was so dear to this servant he made it seem like the king was righteous in killing him.

The Gaon explains the Talmudic expression "Iyov wanted to turn the plate

upside down” in light of this analogy. Iyov knew he was a perfect Tzadik, as described in the opening pasuk of the Sefer. However, he saw all the tragedies that happened to him and he knew that these events were causing people to question G-d’s Justice. People were asking, “This is Torah and this is its reward?” This the meaning of “Iyov wanted to turn the plate upside down”. He uttered a complaint against the Almighty. Now people had something to hang their hats on to which they could attribute his downfall.

There is a similar Gemara in Sanhedrin 107a. “(King) Dovid was on the verge of worshipping idolatry. Chushi haArki came to him and asked, ‘Do you want people to say that a king such as yourself worships idols?’ Dovid’s response was ‘Should a king such as I have his son try to kill him?’”

Dovid’s son Avsholom was trying to kill him. This was a tremendous Chillul HaShem [Desecration of G-d’s Name]. In one of the most dramatic scenes in all of Tanach, King Dovid and his entire entourage fled Jerusalem because his son Avsholom was trying to kill him. People were saying “How could this happen to Dovid King of Israel – he is a Tzadik, a pillar of the world! How could a just G-d let this happen – that his own son rebels against him? How could this be? Is this Torah and this is its reward?”

The Talmud concludes with Dovid’s reason for attempting to worship idolatry: “Better let idols be worshipped than allow G-d’s Name to be publicly desecrated.” In a selfless act, Dovid HaMelech said, “I am going to look like I am an idolater so people will understand why this tragedy is happening to me.” This is exactly the same calculation made by Iyov. Both were quintessential servants of G-d. To a loyal and devoted servant, there is nothing more important than the reputation of his master. “Let me go down in history as an idolater or a blasphemer as long as it does not affect the Glory of the Almighty.”

The Ner Uziel says that now we can understand the linkage of the two pesukim quoted above. “You shall guard my commandments and do them; I am Hashem”. Every one of the commandments should be observed. Why? It is because sometimes others perceive us as big Tzaddikim. However, in our inner chambers, in the privacy of our own homes, when no one else is looking we do things we should not be doing – for which the Ribono shel Olam needs to punish us. No one knows that. Every one thinks we are perfectly righteous, observing the entire Torah. When the Almighty punishes us for that which we did in private and we need to suffer, people will murmur, “This is Torah and this is its reward?”

Sometimes in fact, it is a case of “the righteous suffer”, but other times suffering comes to those who do in fact deserve it. The Torah therefore urges us to keep the commandments – both publicly and privately. In order that (connective vov) my Holy Name not be desecrated.

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. Torah.org: The Judaism Site Project Genesis, Inc. 122 Slade Avenue, Suite 250 Baltimore, MD 21208 <http://www.torah.org/learn@torah.org> (410) 602-1350

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In Time, Out of Time, or Beyond Time? Women and Sefiras HaOmer **Rabbi Daniel Z. Feldman**

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It is a well-known and oft-discussed feature of Jewish law that women are exempt from certain mitzvos, identified by the categorical name of mitzvos asef she-ha-zman gramman, roughly translatable as “positive commandments that are caused by time,” or more loosely as “time-bound positive commandments.”¹ Many of these commandments and their applicability to women have been the subject of extensive discussion and debate. However, one mitzvah that is often overlooked in the debate, and perhaps forgotten, is the very mitzvah we most worry about forgetting: sefiras ha-omer.

At first glance, there should be nothing to talk about: sefiras ha-omer is clearly a time-bound mitzvah, if there ever was one. It is applicable only seven weeks a year. During that time, it is performed once a day, and that

performance can only take place on that specific day of the omer. Further, according to some Rishonim, the obligation can only be fulfilled at night.² Aside from the technical details, sefiras ha-omer is uniquely pressured from a time perspective: as alluded to above, it brings with it the constant anxiety that if it is not accomplished within a certain window, there will be consequences for the entire year’s omer cycle, in the loss of a berachah and perhaps the mitzvah itself, in whole or in part. It would seem that there is more than enough reason to safely place this mitzvah in the time-bound category. Indeed, this is the position held by Rishonim such as the Rambam³ and the Sefer HaChinuch.⁴

And yet here, as is so often the case, we are surprised by the words of the Ramban. The Talmud, in a source that could be considered “zman gerama” due to its recent appearance in the Daf Yomi,⁵ provides a list of mitzvos that are obligatory upon women, as they are non-time dependent. Commenting on this list, the Ramban observes that it is not exhaustive. There are mitzvos that are obligatory for women, and yet are not included, such as for example, kibbud av v’eim, mora av v’eim, and ... sefiras ha’omer.

The Ramban’s words demand attention both in terms of analysis and application. Regarding the latter, normative halachah appears to claim that women are exempt from sefiras ha-omer as a time-bound mitzvah, but the matter does not end there.

Many of the Ashkenazic Rishonim⁶ are of the view that women are permitted to volunteer to perform the mitzvos that exempt them, and to do so with a berachah. Thus, it would seem that sefiras ha-omer, with a berachah, should be allowed, as the Arukh HaShulchan in fact maintains. Further, the Magen Avraham asserts that women have accepted upon themselves sefiras ha-omer as an obligation.⁷ Some⁸ compare this notion to the contemporary attitude toward the Ma’ariv prayer: despite the fact that the Talmud identifies it as a “reshut,” many Rishonim assert that it is now accepted as obligatory. While the position of the Ramban does not seem to dictate the halachah, it might be influencing practice nonetheless; it could be argued that this mitzvah, from among those that are time-bound, should be singled out for voluntary acceptance in deference to his view, as sefiras ha-omer is unique among time-bound mitzvos due to the existence of a major authority who believes it is incumbent upon women.

However, the Mishnah Berurah⁹ asserts that the practice as he encounters it is against the Magen Avraham, and that women have no obligation in sefiras ha-omer, voluntary or otherwise. In addition, he asserts that the mitzvah should be differentiated from other mitzvos shehzman gramman in the other direction, in that women should not make a berachah, despite the view of the Ashkenazic authorities to allow such recitation. This view, which is attributed to the sefer Shulchan Shlomo, is explained by a concern that the woman in question will “certainly omit [at least] one day.”

This appears to be a reference to the view of Rishonim, adopted by the Shulchan Arukh,¹⁰ that one does not continue counting the omer with a berachah if one misses a complete day. The implication is that sefiras ha-omer is one integrated mitzvah of 49 counted days, and thus any omitted day invalidates the whole mitzvah, rendering a berachah unjustified. If that is true of the days after the omitted day, then it should also be true retroactively: all the earlier berachos were also unwarranted.¹¹ One who is obligated in the mitzvah has no choice but to assume this risk. However, if one is not obligated, perhaps this is not an appropriate candidate for volunteering, given the risk of multiple unjustified berachos.

However, it is possible to take a different view for a number of reasons. One possibility is the position of some authorities that there is no such thing as a retroactive berachah le-vatalah; any berachah that was justified at the time of its recital is valid, regardless of anything that happens later to cast the relevant mitzvah into doubt.¹²

Further, there are those, such as Rav Soloveitchik, who understood the discontinuation of a berachah when a day is omitted in a fundamentally different way. In this understanding, the berachah is discontinued not because the mitzvah is one unit, but rather because counting cannot exist

without building on a continuous preceding process. If so, the berachah is only problematic prospectively; there is no impact on any earlier day, and thus no reason to hesitate starting the count with a berachah, even if one knew that it was likely or even definite that a day will be missed down the line.

R. Yisrael David Harfenes¹³ was not worried about the Mishneh Berurah's concerns, suggesting that it is possible to set up a system of reminders to mitigate the likelihood of forgetting a day. Further, after noting the possibilities mentioned above that there is no such thing as a retroactive berachah levatalah, or that sefiras ha-omer itself does not pose this issue, he observes that the Mishneh Berurah's source, the Shulchan Shlomo, is itself not actually concerned about a retroactive berachah levatalah. Rather, examining that source in the original, it becomes clear that the fear was that the woman in question would miss a day, and would then continue counting with a berachah, unaware that it is against the accepted halachah. To this, R. Harfenes asserts, there is an easy remedy: teach the halachah in its totality, so she can count in confidence, and know what to do if a day is indeed omitted.¹⁴

Aside from the question of practice, there remains the task of understanding the foundation of the Ramban's position: why, after all is said and done, should sefiras ha-omer be classified as a non-time-bound mitzvah?

Attempting to answer this question could yield insights about sefiras ha-omer, about mitzvos aseh shehazman gramman, or both.

The bluntest approach to the Ramban is that of the Shut Divrei Malkiel (V, 65), who simply declares the statement to be a typographical error, a taus sofer. However, even a sweeping theory such as that needs to provide an alternative for what the text should have said, and thus we are given two possibilities: either it should have been included among the exemptions, rather than the obligations; or the text should have instead referred to the bringing of the omer, which, as a sacrificial offering, presumably applies to women as well.¹⁵

Others point to the majority view among the Rishonim (against that of the Rambam) that sefiras ha-omer is a Rabbinic mitzvah in the modern era, and that its original Torah mandate does not apply in the absence of the Beis HaMikdash. This fact may have both specific and general reasons for relevance. From a general perspective, some Rishonim maintain that only Torah mitzvos that are time-bound exempt women; this exemption does not apply to Rabbinic mitzvos, even if they are time-bound.¹⁶ This view is interesting, because one would have expected the rabbis to continue the Torah's policy in this area, as they generally pattern their enactments after Torah law. To draw a distinction in this way is to suggest that the Torah did not exempt time-bound obligations because of the fact of being time-bound, but rather exempted a small number of mitzvos for other reasons, and they happen to be identifiable through the common feature of being time-bound.

A more specific relevance might be if the Rabbinic mitzvah is fundamentally different than the Torah mitzvah. Perhaps the rabbis did not simply continue the Torah obligation despite the lack of the Beis HaMikdash; rather, they mandated counting as part of a different, broader obligation to remember the Beis HaMikdash, a mitzvah that may not in its totality be time dependent.

Another avenue to pursue is the possibility that sefiras ha-omer has the properties of a time-bound mitzvah, but is nonetheless somehow imposed upon women by textual declaration (as is the case with Kiddush and matzah on Pesach night). To this end, attention is drawn to the verse¹⁷ that obligates both the counting of the omer and the bringing of the omer: these are to happen on the second day of Pesach, identified in the Torah as mimacharas haShabbos. R. Elyahu Shlesinger¹⁸ notes that the Torah does not use a numerical date to place the obligation, distancing the mitzvah from a time period linguistically if not practically. The Avnei Nezer¹⁹ suggests that the linking to Pesach attaches the mitzvah of sefirah to the obligations of Pesach; as women are obligated in those, perhaps they also are included in sefirah. R. Avraham David Horowitz²⁰ suggests that since the bringing of the omer

permits the eating of chadash, which is otherwise a prohibition, the whole package can be considered a negative mitzvah rather than a positive one, and women should be obligated for that reason.

Others suggest that the general exemption of time-bound commandments does indeed stem from the character of being time-bound (rather than that of being simply an identifying element, as suggested above), and within that perspective find reason to differentiate here. For example, the position of the Abudraham and the Kol Bo is that the exemption is due to the concern that mitzvos that demand attention at a certain time will detract from family responsibilities. If so, some suggest, a mitzvah such as sefiras ha-omer, which is performed quickly with a simple verbal declaration, might be excluded from this category, or at least be an appropriate candidate for voluntary performance.²¹

Many of the above approaches share a fundamental difficulty. The Ramban, whose words provoke the entire discussion, does not say that sefiras ha-omer is an exception, but that it is simply not a mitzvas aseh shezman grama. Accordingly, the most fitting explanation would be one that addresses that element directly. The Turei Even²² provides a prominent example of this kind of approach. Building on the related example of bikkurim, he asserts that a mitzvah is only in this category when it could have by its nature been performed at any time, but the Torah imposed a limited timeframe. However, if the limitation is a response to a temporal reality, that is not called zman gerama. In this case, one can only count the days of the omer when they are actually happening (which is itself prompted by the bringing of the omer). Similarly, the Sridei Eish²³ expresses it by stating that the timing here is not the timeframe for the mitzvah, but rather the mitzvah itself.

This notion may have particular relevance to the mitzvah of sefiras ha-omer. It is possible to argue that the entire mitzvah of counting the omer is to take the existing calendar and superimpose upon it a new framework, one that doesn't mark time by any of the standard milestones, but rather by the perspective of anticipating the giving of the Torah.²⁴ Thus, this mitzvah does not happen within time; rather, it transforms the nature of time itself. A specific day is no longer just a Tuesday, or a date in Iyar, but is identified as a step toward the receiving of the Torah. It becomes, in essence, a new vantage point from which all else can be perceived. The mitzvah is, in essence, not to let time define us, but for us to define the time.

Within that context, it is worth noting that a crucial word in the Torah's commandment of sefiras ha-omer is "temimos," meaning perfect or complete, a word that has had major impact on the practical application of this mitzvah. This word, in other forms, appears elsewhere in the Torah as well. It appears as a mitzvah, "Tamim tihyeh im Hashem Elokecha,"²⁵ which prohibits, among other things, consulting fortune tellers.²⁶ It is used to describe Hashem's instructions to Avraham Avinu,²⁷ and the Rabbinic literature also applies it to his wife Sarah. When Sarah dies, she is described as having lived "one hundred years and twenty years and seven years," and Rashi comments that they were all equally good. He is paraphrasing his Rabbinic source,²⁸ which in the original attaches the verse²⁹ "Yodea Hashem yemei temimim."

The message seems to be that temimus means taking control of time, rather than letting time control you. One who is tamim does not go to a fortune teller to ask "what will tomorrow do to me"; rather, he or she leads a consistently productive life because a meaningful structure has been imposed on top of the cycle of time.

R. Yehoshua Menachem Ehrenberg, in his Shut Dvar Yehoshua,³⁰ suggests that the inclusion of women in the mitzvah of sefiras ha-omer is a function of its purpose. As the Sefer HaChinuch teaches, the reasoning behind counting the omer is to focus us on preparing for the receiving of the Torah. As the Torah was given to both men and women,³¹ the commandment to imbue our consciousness with this awareness should be performed by both men and women. Our encounter with the dvar Hashem is reflective of the preparation that we bring to it; it is our profound hope that we are able to use our time

effectively and proactively so that when the moment comes, it will be all that it can be.

Notes 1. Kiddushin 29a. 2. See Harerei Kodesh to Mikraei Kodesh, Pesach 67:2, who dismisses this point because of the view of the Rambam and others that sefirah can be performed during the day; however, the question can be raised as to whether that is the actual fulfillment of the mitzvah. 3. See Hilchos Temidin U'Mussafin 7:24 and Kesef Mishneh. 4. Mitzvah 603. 5. Kiddushin 34b. 6. See Rama, OC 589:6. 7. OC 489:1; see also Shut Shem MiShimon, II, OC 4, pp. 11-14. 8. See Eishel Avraham to Magen Avraham; the Minchas Chinuch, 306, rejects this comparison, and finds the position of the Magen Avraham inexplicable. See also Shut Devar Yehoshua V:12. 9. OC 489:3. 10. OC 489:8. 11. This is the position of the Chida. 12. See, for example, Shut Chasam Sofer, YD 320. 13. Shut Mekadesh Yisrael, Hilchos Sefiras HaOmer, 3. 14. He further notes that this concern is not so great in the first place, because even if she did continue counting with a berachah, many Rishonim allow that in any event. 15. However, see R. Simcha Elberg, Shalmei Simchah II, 63, who questions this premise, after initially including it as part of a complex approach to explaining the words of the Ramban that also builds upon the view of Rabbenu Yerucham that sefirah ha-omer is comprised of two distinct mitzvos, one to count the days and one to count the weeks (and then positing that women are only obligated in one of the two). 16. See also R. Shlomo Wahrman, She'eres Yosef I, 17, and Oros HaPesach, 79. 17. Vayikra 23:15. 18. Shut Shoalin U'Dorshin I, 30. 19. Shut Avnei Nezer O.C. 384. 20. Shut Kinyan Torah B'Halachah V, 44. 21. See Shut Dvar Yehoshua, V, 12; see also Shut Siach Yitzchak (#222) who notes further the custom recorded by the Tur and the Shulchan Aruch (OC 493:4) that women did not do other labor during the time of sefirah ha-omer. 22. Megillah 20b. 23. II, 90, inyan sheini. See also Divrei Yechezkel 45:4. See also other approaches in Shut Perach Shoshanah, 80; Shut Beit Avi, V, 20 and 23; Marpei L'Nefesh V, 28:11-14; the journal Ohr Torah)Kol Aryeh, II, 80 and 89); R. Moshe Tzvi Goldberg, in the journal HaPardes, IL, 3:20. 24. A suggestion along these lines can be found in R. Shmuel Deutch, Sefer Birkas Kohan al haTorah, # 139, building on another comment of the Ramban. 25. Devarim 18:13. 26. Pesachim 113b. 27. Bereishit 17:1. 28. Bereishit Rabbah 58:1. 29. Tehillim 37:18. 30. V, 17. 31. See Shemos 18:3, with Rashi. Rabbi Isaac Elchanan Theological Seminary • Benjamin and Rose Berger CJF Torah To-Go Series • Pesach 5776

from: Aish.com <newsletterserver@aish.com> date: Wed, May 18, 2016 at 4:30 PM subject: Advanced Parsha - Emor

Parsha Potpourri by Rabbi Ozer Alport

Emor(Leviticus 21-24) Natural Death The Torah (Leviticus 21:5) prohibits various extreme forms of mourning the death of loved ones. As the laws of nature require every living thing to eventually die, why is human nature to mourn the death of a loved one, sad as it may be, with such intensity when we mentally recognize that it is inevitable? Nachmanides, in his work Toras HaAdam on the laws and customs of death and mourning, offers a fascinating explanation for this phenomenon. When G-d originally created the first man, Adam, He intended him to be immortal and created him with a nature reflecting this reality. When Adam sinned by eating from the forbidden fruit, he brought death to mankind and to the entire world. Nevertheless, this new development, although it would completely change the nature of our life on earth until the Messianic era, had no effect on man's internal makeup, which was designed to reflect the reality that man was intended to live forever. Therefore, although our minds recognize that people ultimately must die and we see and hear about death on a daily basis, our internal makeup remains as it was originally designed, one which expects our loved ones to live forever as they were originally intended to do, and which is therefore plunged into intense mourning when confronted with the reality that this is no longer the case. * * * EYE FOR AN EYE Even though the Torah seems to require (Leviticus 24:20) "an eye for an eye" - that somebody who harms another person shall be punished by having that same wound inflicted on him - the Talmud (Bava Kamma 84a) teaches that this is not meant literally. Rather, the damager must financially compensate his victim for the harm that he caused him. Why did the Torah write this law in a manner which could be misunderstood if this isn't its true meaning? The Chazon Ish (Kovetz Igros 3:102) explains that one of the purposes of the Torah is to teach us proper character traits, and by studying its laws and mitzvot, a person can acquire accurate values and outlooks. The greater the

punishment prescribed by the Torah for a sin, the more a person should be repulsed by it and distance himself from it. Therefore, even though the actual punishment for physically harming another person is financial in nature, the Torah expressed it in stronger terms, implying that the damager will be punished with the loss of whatever limb he injured, so that we should appreciate the severity of hurting another person and take the necessary precautions to avoid doing so. * * * CONTINUOUS MITZVAH Leviticus 23:15 contains the mitzvah known as Sefiras HaOmer - counting the Omer. During each successive day of this 7-week period, we are commanded to count the passing days and weeks. There is one unique law about this mitzvah which is difficult to understand. If somebody accidentally forgets to count even one of the days during this period, he may no longer continue counting on successive days with a blessing. Because the entire count is considered to be one big mitzvah, somebody who misses even one day can no longer fulfill the mitzvah that year. This concept seems to be unparalleled among other mitzvot. If somebody accidentally ate chametz on Pesach, forgot to light a menorah on one night of Chanukah, or ate outside of the Sukkah on Sukkos, nobody would suggest that he is now exempt from continuing to observe the mitzvah during the duration of the holiday. Why is counting the Omer unique in this regard? The Midrash teaches that Rabbi Akiva grew up as an uneducated and ignorant shepherd. That all changed when at the age of 40, he noticed a rock with a hole which had been born through it by dripping water. He reasoned that if the water could penetrate the hard rock, certainly the Torah (which is also compared to water) could penetrate the soft flesh of his heart. He was motivated to begin learning, starting from scratch with the alphabet until he eventually became the greatest scholar of his generation. Although this story is inspiring, what deeper message did Rabbi Akiva find in the dripping water which gave him confidence in his new undertaking? Rabbi Chaim Shmuelevitz explains that when a person wants to boil water, he puts a pot on the stove for one minute until it begins to boil. What would happen if he instead placed it on the stove for 30 seconds, removed it from the flame for five minutes, and then returned it for another 30 seconds? Even though the water would have been on the fire for a full minute, it wouldn't boil. The obvious explanation is that it isn't the amount of time that the water is on the flame which is crucial, but the continuity. It is the accumulated power of the heat during 60 uninterrupted seconds which allows the water to boil. Similarly, Rabbi Akiva was skeptical about his potential for beginning to study Torah at his age. If he had to start from the beginning and could cover only a little ground daily, how much could he really accomplish? However, when he saw the hole in the rock created by the water, he recognized his error. Although each individual drop of water makes no distinguishable impression on the rock, the cumulative effect of their continuous dripping is indeed great. Understanding the power latent in consistency, Rabbi Akiva set off to study daily until he became the leader of the generation. The 7-week period of the Omer is one in which we prepare to celebrate the giving of the Torah at Mount Sinai on Shavuot. As a result, Rabbi Eliezer Fireman suggests that the Torah specifically requires us to count the Omer without missing a day to symbolically teach us the importance of stability in our Torah study. Rabbi Akiva teaches us that the key isn't the age at which we start, but rather the consistency and permanence of our studies. If we persevere, the "hole" will be greater than the sum of the parts. * * * 48 WAYS IN THE OMER One of the reasons given for the happiness associated with Lag B'Omer is that on this day, the students of Rabbi Akiva, who had died en masse every day since Pesach, stopped dying. As there are no coincidences in Judaism, why did they specifically stop dying at this time? The 7 weeks between Pesach and Shavuot represents a period in which we prepare ourselves to celebrate the giving of the Torah at Mount Sinai on Shavuot. The leaders of the Mussar movement point out that the Mishnah (Avos 6:6) teaches that there are 48 traits by which the Torah is acquired. Since there are 49 days during which we prepare to receive the Torah, they maintained that it would be appropriate to use this time to develop within ourselves the qualities and attributes which are necessary to

accept and acquire the Torah on Shavuot. Therefore, on each day of this period, they worked on understanding and instilling within themselves one of these qualities. Since there were only 48 traits, they used the last day for a general overview of all of them. In his work *Lekach Tov*, Rabbi Yaakov Yisrael Baifus suggests that if the founders of the Mussar movement engaged in this commendable practice, certainly the lofty Sages of the Talmud did so as well. The 32nd trait by which the Torah is acquired is *ohav et habriot* - "love of one's fellow man." The Talmud teaches (Yevamos 62b) that the reason for the death of Rabbi Akiva's disciples was that they didn't feel and display appropriate respect toward one another. Rabbi Baifus suggests that once they had worked on the trait of loving one another on the 32nd day, they rectified the cause of this tragedy, and indeed on the following day the students stopped dying.

Rabbi Berel Wein <info@jewishdestiny.com> reply-to:
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Parshat Emor / Behar 5776- Rabbi Berel Wein

The Torah commandment regarding the counting of the seven weeks between the holidays of Pesach and Shavuot appears in a timely fashion in this week's Torah reading. Over the many millennia of Torah study and commentary numerous ideas have been advanced as to the import and meaning of this commandment. Nevertheless, it is obvious that the simple meaning and apparent lesson is that we are to appreciate all of our days, weeks, months and years. Time remains the most precious of all gifts granted to human beings. Taking notice of its passage is certainly an effective way of making us aware of its importance. In Jewish tradition, this period of time marks the progress of the Jewish people, in our early history, from a nation of slaves to a chosen and holy nation. There are many forms of slavery present today and neither the world nor the Jewish people are completely free from all of them. This seven week period is meant to indicate the necessity for emancipating ourselves from the bondage that the material world constantly inflicts upon us. Counting our days is a method of elevating them so that we always see ourselves serving a higher purpose and not merely groveling in the dust of a purely materialistic way of life. It is interesting to note that the Torah demands from us complete, full and whole days and weeks. Making our days truly meaningful is not a halfhearted project. It has to have within it the element of complete perfection in order to make it a spiritual journey and not just a mechanical one. Jewish law teaches us that if we omit counting even one day during this period of time, we have to a certain extent, forfeited the necessary observance of the commandment. Lost time and lost days can never be made up...another important lesson that this period of time teaches us. By their very nature, human beings are procrastinators. We put off what could be accomplished today and assign its performance to a later date. We are told in Avot that: 'one should never say that later in life when I have time, I will then study.' The rabbis warn us that if we wait we might not have the time, the opportunity or even life. The future is the most uncertain thing that life presents before us. That is why the count of this period of weeks is always the count of what was and is, and not the count of what is yet to be. There is much that we can learn from the past and much that we have to do to exploit the present, but the future remains beyond our reach. The important lesson to be learned from this period of the year is that life often intervenes and mocks our hopes regarding the future. So this period of time, when we count the days, is most instructive as to how our lives should be lived and our behavior determined. Shabbat shalom Rabbi Berel Wein

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Hamaayan By Rabbi Shlomo Katz
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(Menachem Mendel Shmuel ben Nachman Halevi a"h) and grandmother Bessie Rutstein (Pesha Batya bat R' Zemach a"h)
Today's Learning: Nach: Tehilim 41-42 Mishnah: Pe'ah 6:7-8 Daf Yomi (Bavli): Kiddushin 71

This coming Sunday is the 14th of Iyar, which is Pesach Sheni / the "Second Passover." The Torah relates in Parashat Be'ha'alotecha that, a year after the Exodus, Moshe Rabbeinu told Bnei Yisrael to prepare to bring the Korban Pesach. The Torah continues (Bemidbar 9:4-5), "There were men who were tamei / impure through a human corpse and could not make the Pesach-offering on that day; so they approached Moshe and Aharon on that day. Those men said to him [Moshe], 'We are tamei through a human corpse; why should we be diminished by not offering Hashem's offering in its appointed time among Bnei Yisrael?'" In response, Hashem taught the laws of Pesach Sheni, a second chance to bring the Korban Pesach.

R' Gedaliah Schorr z"l (1910-1979; rosh yeshiva of Yeshiva Torah Voda'as in Brooklyn, N.Y.) asks: What was their complaint; don't our Sages teach, "Ones Rachamana patrei" / "The Merciful One exempts one who is prevented from performing a mitzvah"? He explains:

The Zohar relates that several Sages of the Mishnah were returning from performing the mitzvah of redeeming captives when they met someone who said, "I see on your faces that you did not recite Kriat Shema today." They answered him that they were exempt from Kriat Shema because they were engaged in another mitzvah. Nevertheless, writes R' Schorr, we see from here that when a person misses out on performing a mitzvah, even justifiably, that fact makes an impression on his soul.

Similarly, continues R' Schorr, we read at the end of Megillat Esther: "For Mordechai the Jew was viceroy to King Achashveirosh; he was a great man among the Jews, and found favor with most of his brethren." Why "most" of his brethren? The Gemara (Megillah 16b) explains that many of Mordechai's contemporaries were displeased with him because his duties in the royal court detracted from his Torah study.

But wasn't Mordechai busy saving the Jewish People and promoting the interests of the Jewish People, and therefore exempt from Torah study? As noted, "Ones Rachamana patrei"! True, answers R' Schorr. Indeed, halachah requires a person to interrupt his Torah study to save lives. Nevertheless, the fact that Hashem placed Mordechai in a position to save lives instead of studying Torah indicates that Hashem did not completely value Mordechai's Torah study.

In this light, R' Schorr concludes, we can understand the verses regarding Pesach Sheni as follows: The individuals who were tamei and unable to participate in the Korban Pesach were in that situation because they had performed the mitzvah of tending to the dead. Some say they had buried Aharon's sons Nadav and Avihu. Still, being unfit to bring the Korban Pesach, they were missing out, as in the story quoted above from the Zohar. Therefore, they searched their souls for a reason why Hashem would not want their offerings and, only when they couldn't find any reason, did they come to Moshe Rabbeinu and cry out: "Why should we be diminished by not offering Hashem's offering in its appointed time?" And what was the answer? It was that because of their great yearning for mitzvot (demonstrated by their recognition that they were, in fact, missing out), Hashem wanted them to be the vehicle to teach about a new mitzvah—Pesach Sheni, through which Jews in all generations can have a second chance to come close to Hashem. (Ohr Gedalyahu)

"When you slaughter a feast thanksgiving-offering to Hashem, you shall slaughter it willingly." (22:29)

R' Eliezer Dovid Gruenwald z"l (1867-1928; Hungary) observes: A person is required to bring a korban todah / thanksgiving-offering if he was in danger and was saved. We read in Tehilim (107:1-2), "Give thanks to Hashem, for He is good; His kindness endures forever. Those redeemed by Hashem will say it, those whom He redeemed from the hand of distress."

This verse reflects man's tendency to thank G-d after man has been saved. However, one rarely remembers to thank G-d for not placing him in danger in the first place. Thus our verse teaches, "When you slaughter a feast thanksgiving-offering to Hashem, you shall slaughter it willingly." Don't wait until you are required to thank Hashem. Rather, thank Him voluntarily. (Haggadah Shel Pesach Chasdei David)

"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 . . ." These are the appointed festivals of Hashem, the holy convocations, which you shall designate in their appropriate time." (23:2-4)

R' Zalman Sorotzkin z"l (1881-1966; rabbi in Lithuania and Israel) observes that the above verses refer to Shabbat as "My appointed festival," while the holidays are called (in third person) "the appointed festivals of Hashem." This, he writes, reflects the closer connection that G-d has to Shabbat than to the festivals. (Oznayim La'Torah)

"Speak to Bnei Yisrael, saying, 'In the seventh month, on the first of the month, there shall be a rest day for you, a remembrance with shofar blasts, a holy convocation.'" (23:24)

R' Moshe Avigdor Amiel z"l (1883-1946; rabbi in Lithuania and Chief Rabbi of Antwerp and Tel Aviv; early Mizrahi leader) writes: Using one shofar, we make two types of sounds—the joyous, triumphant sound of the tekiah and the wailing cry of the shevarim-teruah. There is only one tool (the shofar), but it can make two, very different, impressions depending on whether the sound that comes out is continuous or interrupted.

This, writes R' Amiel, is the difference between one who sees the joy of life—the glory and the happiness within Creation—and one who sees only the pain in his life and in nature. They see the same events, but their perspectives differ. If one sees the Creation as a unified whole, he sees happiness, as is alluded to by our Sages' teaching that "Shalom" / "Harmony" is a Name of G-d. But, if one sees life as a series of isolated events, he sees destruction and ruin. (Ezer El Ami: Moadim p.131)

"Remove the blasphemer to the outside of the camp, and all those who heard shall lean their hands upon his head, and the entire assembly shall stone him." (24:14)

R' Moshe Leib Shachor z"l (1894-1964; Yerushalayim) writes: The Gemara (Sanhedrin 43b) teaches that every person who is about to be executed by bet din is encouraged to repent first, and he or she is told, "Anyone who repents has a share in the World-to-Come." Presumably, the blasphemer in our parashah repented as well, and that is why he merited having a section of the Torah—albeit, the laws of capital punishment—taught because of him. This illustrates how, when a person repents, his sins are converted to merits. (Koach Ha'teshuvah)

Shabbat Leftovers

The Gemara (Sukkah 45b, as explained by Rashi z"l) states: "If one observes the day after yom tov with food and drink, the Torah views it as if he built an altar and offered a sacrifice."

Why is it praiseworthy to make a feast on the day after yom tov? And, why is this likened to bringing a sacrifice?

R' Avigdor Nebenzahl shlita (rabbi of the Old City of Yerushalayim) explains: One of the mitzvot that was fulfilled in the Bet Hamikdash was bringing a korban chagigah / a festival offering. Because a chagigah is a korban shelamim, the law is that it may be eaten for two days. But, one might be reluctant to bring such a sacrifice when there is only one day remaining in the holiday (for example, on the last day of Pesach). In order to encourage the bringing of sacrifices even on the last day of yom tov, our Sages taught that it is meritorious to eat a festive meal on the day after yom

tov. Such a meal honors the holiday by giving people a reason to bring sacrifices.

Today, too, in the absence of the Bet Hamikdash, a person will cook more in honor of yom tov knowing that he will have a use for the leftovers. Thus, eating a meal after yom tov honors the holiday even today.

R' Nebenzahl continues: This may also be a reason for the obligation to eat a melaveh malkah meal after Shabbat. If one knows that he will have a use for any leftovers after Shabbat, he will cook more in honor of Shabbat.

This also may explain an enigmatic passage in Tanach, writes R' Nebenzahl. In Shmuel I (20:5), David and Yehonatan plan to meet on the second day of the Rosh Chodesh feast. But how did they know in advance that there would be a second day of Rosh Chodesh, when there was not yet a fixed calendar and Rosh Chodesh would be only one day if the new moon was spotted when it first appeared? R' Nebenzahl explains that the two days referred to are not two days of Rosh Chodesh but rather two days of a Rosh Chodesh feast, i.e., two days of eating the korban shelamim brought in honor of Rosh Chodesh. (Yerushalayim B' moadehah: Shabbat p.65)

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Breaking Doctor/Patient Confidentiality by R. Gidon Rothstein

13 Iyyar: Tzitz Eliezer on Breaking Doctor/Patient Confidentiality, Burying an Excised Eye Now or Later, and Whether a Fetus is Alive

One of the topic areas Tzitz Eliezer sort of specialized in was medical halachah (that's not to take away from his general expertise, it's that his role as halachic decisor for Shaare Zedek Medical Center led him to encounter many medical questions). Tzitz Eliezer 15;13 is a response to several questions by an ophthalmologist in Bnei Brak.

Reporting a Driver with Defective Eyesight – The first was whether a doctor was obligated to report a patient to the authorities, if that patient's eyesight issues meant s/he should not be driving. The doctor believed the patient's difficulties—split or narrowed field of vision, poor night vision, and colorblindness were examples mentioned in the responsum—could cause accidents. Did he need to tell the Dept. of Motor Vehicles, the army, and/or the person's employer, violating doctor/patient confidentiality?

Part of the calculus is that the patient will suffer from word getting out, financially and perhaps socially. Also, does the answer change if the patient asks the doctor not to tell anyone, and promises not to drive, but the doctor is not convinced? Tzitz Eliezer held that the doctor did need to inform any and all of those people—and to volunteer that information, not just wait to be called to testify-- to the extent that he was not sure the patient would refrain from driving.

Protecting Others from Loss – The Hippocratic oath, he wrote, cannot prevent fulfilling the Torah obligation to safeguard others' safety (the verse that prohibits standing over our brothers' blood is understood by halachah to mean that we are required to do what we can to keep others safe); he was also unconvinced that the Hippocratic oath itself meant to require keeping such a confidence.

He adds that he saw in Pitchei Teshuva to Shulchan Aruch Orach Chaim 156 that while many others worry about people telling lashon hara, slandering others, more often people err the other way, not speaking up when they should, to save those who are being misled into loss. This is true in monetary situations, where people fail to share vital information to avoid a financial loss (which must be done even if it involves revealing negative information about someone else). It's also true when setting people up, where leaving out negative information can lead the other party to be misled into a marriage that will then break down (or trap someone in a terrible

marriage). In all these situations, revealing the information is not lashon hara, it's protecting a fellow Jew. As even more direct support, he cited Chelkat Ya'akov 3;136, where a young man had a cancer the doctors expected would be fatal within two years. The man and his family did not yet know the diagnosis, and he got engaged. The question was whether the doctor may or must tell the young woman, who would then certainly not marry him. Chelkat Ya'akov responded that, yes, the doctor had to tell her, which he extrapolated from Rambam and Shulchan Aruch's obligating Jews to help other Jews avoid any kinds of loss coming their way. The woman is about to be put into a significantly distressing situation, and the doctor is obligated to help her avoid it, if possible.

Keeping Organs for Medical Study – The second question was what to do with an eye that has been removed from a patient. Tzitz Eliezer rules that it (and all amputated body parts) has to be buried. He then adds that this should not be understood as his supporting organ transplantation (including of eyes), as he's written elsewhere. Since that's not a significant part of this responsum, we'll leave it for another time. Building off of that, the next question is whether a doctor or school could refrain from burying an eye or other body part, to use it or parts of it for instructing students. Tzitz Eliezer allows it, with the additional caution that once it was no longer needed, it had to be buried with proper respect, not just tossed away (as he had discussed at length in 10;25, section 8).

Returning to Abortion – As a postscript, Tzitz Eliezer brings up his earlier ruling (14;102) that a fetus is not considered a separate life. That means that abortion is not murder, which can allow for some leniencies (in 14;100, he allowed aborting a Tay-Sachs baby, perhaps his most famous halachic position). He had, since those rulings, seen two earlier decisors, from the generation before his, who made also assumed that a fetus is not a full-fledged life, such that killing it is not murder. One had to do with a woman's right to eat what she felt she needed, regardless of whether it might damage her baby.

Two Cases of Seeing Rambam as Treating a Fetus as Less Than Fully Alive While Rambam puzzlingly ruled she could eat that way even while nursing—which is odd, since why should the mother be allowed to eat that which will endanger her live infant?—Mohari"m had argued that that part of the statement referred to when she was pregnant. For him, Rambam's point was that she could take care of herself even at possible risk to the fetus, since the fetus is not yet considered a full life. The second example started from a similar Rambam, which records the Rabbinic prohibition against pregnant or nursing women marrying. To explain why a nursing woman couldn't, Rambam spoke of the possibility that her marital relations with the new husband would hurt the fetus. As Kesef Mishneh and others points out, the Gemara rejected that explanation. Shu"t Tiferet Yosef (written by R. Yosef Chanania Lipa Meizels, a 19th century authority) suggested that Rambam was worried that the new husband would deliberately damage the fetus, to avoid having to pay for a nursemaid (since the "real" reason she cannot remarry is that if she gets pregnant again with the new husband, her milk will dry up; if she's not yet nursing the baby she's now only pregnant with, the new husband could solve the problem with a nursemaid).

The problem is that we worry he won't want to pay for a nursemaid, and will find a way to cause a miscarriage. R. Meizels thinks that's only a possibility while she's pregnant, not when she already had the baby. Since a fetus isn't a full life, it's not murder to cause an abortion, so the new husband will allow himself to commit such a crime. With a live child, the new husband would never contemplate such an act.

Although he spoke of two 19th century rabbis he'd found, he now notes that R. Shlomo Kluger also gave priority to the mother's pain over the fetus' pain and even life, because the fetus doesn't have chazakah de-hiyuta, the status of a living being. To Tzitz Eliezer, that's pointing to the same idea, that a

fetus is not yet considered fully alive, halachically, which affects how we rule on cases of conflict between the mother's interests and the fetus'.

Really, then, he's given us several halachic positions to consider: how protecting others from loss can outweigh privacy commitments, the need to bury body parts, removed for whatever reason, the permissibility of holding on to body parts to train medical students, and more confirmation for his sense that a fetus has some status in halachah, but is not a full life, with all that ensues from that conclusion.

--- Vort from the Rav: Emor Vort from the Rav: Emor Vayikra 24:20 עֵין תַּחַת עֵין - eye for eye.

Although the Written Law contains the prescription of an eye for an eye, the Oral Law interprets this statement to signify monetary compensation only.

Why is the wording in the Written Law so misleading? Man's organs do not merely perform organic functions; they drive fundamentally human responses. For example, when a person gazes upon a tree, he sees not only the tree, but also apprehends its beauty. Furthermore, on a strictly moral plane, the offender indeed deserves retribution in kind for imparting such incalculable pain and suffering. While on a moral level the loss that he imposed deserves punishment in kind, on a practical level no court is allowed to exact such a penalty. (Mipenei Harav, pp. 376-382; Boston, 1977)

After providing an exegetical argument for the interpretation of עֵין תַּחַת עֵין as monetary remuneration, Maimonides (Hilchos Chovel U'Mazik 1:6) adds: This ruling is what our ancestors witnessed in the court of Joshua and in the court of Samuel, and in every court that has functioned from the days of Moses our teacher until the present. The added word "witnessed" lends this specific interpretation a specific veracity. For most other verses in the Torah, one is allowed posit various interpretations, some more in consonance with the simple text, others less so. However, in this case, if one interprets eye for eye literally, he is considered a megaleh panim batorah, one who interprets the Torah in contradiction to halachah. In a similar way, if one interprets the phrase פְּרֵי עֵץ הָדָר, the fruit of goodly trees (23:40), to mean anything other than an esrog, he also engages in this form of heresy.

There are certain verses in the Torah that over many generations have been uniformly interpreted in a specific way—the interpretation was "witnessed"—and in these cases such interpretation has the veracity of Torah Shebichsav, the Written Law. The traditional explanation is ironclad and the verse is not open to alternate explanations. (Divrei Harav, p. 101)

from: Kol Torah Webmaster <webmaster@koltorah.org> date: Thu, May 19, 2016 subject: Kol Torah Parashat Emor 2016

A History of Communal Controversy by Rabbi Nosson Rich

The days of Yom HaAtzma'ut, Yom HaSho'ah, and Yom Yerushalayim are all observed during the period of Sefirat HaOmer. Upon initial reflection, this convergence of dates would seem coincidental. After all, two of these dates mark specific events in recent history, and we celebrate their anniversaries respectively. As we have witnessed, the degree to which these days have been observed, if at all, is the subject of an ongoing debate within the Jewish community. For some, the observance of Yom HaAtzma'ut includes the recitation of Hallel with a Berachah, and yet for others, the Berachah is omitted. Some communities enjoy an elaborate service consisting of an expanded Pesukei DeZimra and a Haftarah, while others do not. Similarly, Yom HaSho'ah has become a sacred day of remembrance for some, and yet others hesitate to participate in public displays of mourning during the month of Nissan, while others insist that we should not establish new days of mourning during any point during the year.

Remarkably, controversy regarding practice and ritual during Sefirah is nothing new. The span from Pesach through Shavuot has always been marked with strains of contention. For centuries, communities throughout the world engaged in debate as to whether Av HaRachamim should be recited on the Shabbat preceding Rosh Chodesh Iyar and Sivan. As we

know, the very time period during which the mourning of Sefirah is observed has also been subject to ancient debate. Whether one observes the “first half” or the “second half” (or any one of the many other variant customs), it seems that controversy and debate loom throughout.

Rav Mordechai Machlis of Yerushalayim has suggested that this phenomenon is, in fact, no coincidence at all. Our Rabbis teach us (Yevamot 62b) that this time of year marks the tragic and untimely death of 24,000 of Rabi Akiva’s students, whose tragic demise came as a result of their failure to demonstrate proper respect towards each other. Despite their access and proximity to one of the most distinguished sages in our people’s history, they were not immune to the challenges which constantly threaten one’s ability to remain proper and straight through one’s interpersonal dealings. It has been suggested that in the case of the students of Rabi Akiva, it was their very Torah knowledge and their meticulous observance of a Torah lifestyle that ultimately compromised their ability to demonstrate proper respect for each other. Despite their sincere quest to attach themselves to the divine, they forgot to not step on each other along the way. Their motivations were undoubtedly focused and pure, but unfortunately, their judgment was skewed. We are charged to remain sensitive and concerned for the needs of others even (if not especially) as we strive to walk with Hashem.

Perhaps, therefore, the controversy and debate which is constant throughout this time period is nothing less than a test which has been sent our way. How do we react and respond to different practices and traditions within the community? Have we learned from mistakes of the past and have we internalized the message of the Aveilut of Sefirah? Do we claim (or even think) that our traditions, views, and practices automatically exclude the possibility of another? Is my approach the only acceptable view, thereby eliminating the need to even consider a different one? It is no coincidence that from Pesach until Shavu’ot, the Jewish calendar is studded with controversy. Our method of response and our means of reaction to differing views are being carefully observed from on high. Rabi Akiva’s students lost their lives “MiShum SheLo Nahagu Kavod Zeh LaZeh,” because they did not have proper respect for one another. Have we learned the lessons of the past? Are we any more worthy of compassion than they were? We must remember that Rabi Akiva’s students were fully engaged in their Avodat Hashem and still failed to show adequate respect towards each other. Let us make every attempt to learn from the past and strive for excellence as we are Nohagim Kavod Zeh LaZeh.

from: Shabbat Shalom <shabbatshalom@ounetwork.org>

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Holy Times - Rabbi Jonathan Sacks

The parsha of Emor contains a chapter dedicated to the festivals of the Jewish year. There are five such passages in the Torah. Two, both in the book of Exodus (Ex. 23:14-17; 34:18, 22-23), are very brief. They refer only to the three pilgrimage festivals, Pesach, Shavuot and Sukkot. They do not specify their dates, merely their rough position in the agricultural year. Nor do they mention the specific commands related to the festivals. This leaves three other festival accounts, the one in our parsha, a second one in Numbers 28-29, and the third in Deuteronomy 16. What is striking is how different they are. This is not, as critics maintain, because the Torah is a composite document but rather because it comes at its subject-matter from multiple perspectives – a characteristic of the Torah mindset as a whole. The long section on the festivals in Numbers is wholly dedicated to the special additional sacrifices [the musaf] brought on holy days including Shabbat and Rosh Chodesh. A memory of this is preserved in the Musaf prayers for these days. These are holy times from the perspective of the Tabernacle, the Temple, and later the synagogue. The account in Deuteronomy is about society. Moses at the end of his life told the next generation where they had come from, where they were going to, and the kind of society they were to construct. It was to be the opposite of Egypt. It would strive for justice, freedom and human dignity. One of Deuteronomy’s most important themes

is its insistence that worship be centralised “in the place that G-d will choose,” which turned out to be Jerusalem. The unity of G-d was to be mirrored in the unity of the nation, something that could not be achieved if every tribe had its own temple, sanctuary or shrine. That is why, when it comes to the festivals, Deuteronomy speaks only of Pesach, Shavuot and Sukkot, and not Rosh Hashanah or Yom Kippur, because only on those three was there a duty of Aliyah le-regel, pilgrimage to the Temple. Equally significant is Deuteronomy’s focus – not found elsewhere – on social inclusion: “you, your sons and daughters, your male and female servants, the Levites within your gates, and the stranger, the orphan and the widow living among you.” Deuteronomy is less about individual spirituality than about the kind of society that honours the presence of G-d by honouring our fellow humans, especially those at the margins of society. The idea that we can serve G-d while being indifferent to, or dismissive of, our fellow human beings is utterly alien to the vision of Deuteronomy. Which leaves Emor, the account in this week’s parsha. It too is distinctive. Unlike the Exodus and Deuteronomy passages it includes Rosh Hashanah and Yom Kippur. It also tells us about the specific mitzvot of the festivals, most notably Sukkot: it is the only place where the Torah mentions the arba minim, the “four kinds,” and the command to live in a sukkah. It has, though, various structural oddities. The most striking one is the fact that it includes Shabbat in the list of the festivals. This would not be strange in itself. After all, Shabbat is one of the holy days. What is strange is the way it speaks about Shabbat:

The Lord said to Moses, “Speak to the Israelites and say to them: The appointed times [moadei] of the Lord, which you are to proclaim [tikre’u] as sacred assemblies [mikra’ei kodesh]. These are my appointed festivals [mo’adai]. Six days shall you work, but the seventh day is a sabbath of sabbaths, a day of sacred assembly [mikra kodesh]. You are not to do any work; wherever you live, it is a sabbath to the Lord.” There is then a paragraph break, after which the whole passage seems to begin again: These are the Lord’s appointed times [mo’adei] festivals, the sacred assemblies [mikra’ei kodesh] you are to proclaim [tikre’u] at their appointed times [be-mo’adam]. This structure, with its two beginnings, puzzled the commentators. Even more was the fact that the Torah here seems to be calling Shabbat a mo’ed, an appointed time, and a mikra kodesh, a sacred assembly, which it does nowhere else. As Rashi puts it: “What has Shabbat to do with the festivals?” The festivals are annual occurrences, Shabbat is a weekly one. The festivals depend on the calendar fixed by the Bet Din. That is the meaning of the phrase, “the sacred assemblies you are to proclaim at their appointed times.” Shabbat, however, does not depend on any act by the Bet Din and is independent of both the solar and lunar calendar. Its holiness comes directly from G-d and from the dawn of creation. Bringing the two together under a single heading seems to make no sense. Shabbat is one thing, moadim and mikra’ei kodesh are something else. So what connects the two? Rashi tells us it is to emphasize the holiness of the festivals. “Whoever desecrates the festivals is as if he had desecrated the Sabbath, and whoever observes the festivals as if he had observed the Sabbath.” The point Rashi is making is that we can imagine someone saying that he respects the Sabbath because it is G-d-given, but the festivals are of an altogether lesser sanctity, first because we are permitted certain kinds of work, such as cooking and carrying, and second because they depend on a human act of fixing the calendar. The inclusion of Shabbat among the festivals is to negate this kind of reasoning. Ramban offers a very different explanation. Shabbat is stated before the festivals just as it is stated before Moses’ instructions to the people to begin work on the construction of the Sanctuary, to tell us that just as the command to build the Sanctuary does not override Shabbat, so the command to celebrate the festivals does not override Shabbat. So, although we may cook and carry on festivals we may not do so if a festival falls on Shabbat. By far the most radical explanation was given by the Vilna Gaon. According to him, the words “Six days shall you work, but the seventh day is a sabbath of sabbaths,” do not apply to the days of the week but to the days of the year. There are seven holy days specified in our parsha: the first

and seventh day of Pesach, one day of Shavuot, Rosh Hashanah, Yom Kippur, the first day of Sukkot and Shmini Atseret. On six of them we are allowed to do some work, such as cooking and carrying, but on the seventh, Yom Kippur, we are not, because it is a “Sabbath of Sabbaths” (see verse 32). The Torah uses two different expressions for the prohibition of work on festivals in general and on the “seventh day.” On the festivals what is forbidden is *meleket avodah* (“burdensome or servile work”), whereas on the seventh day what is forbidden is *melakhah*, “any work” even if not burdensome. So Yom Kippur is to the year what Shabbat is to the week. The Vilna Gaon’s reading allows us to see something else: that holy time is patterned on what I have called (in the Introduction to the Siddur) fractals: the same pattern at different levels of magnitude. So the structure of the week – six days of work followed by a seventh that is holy – is mirrored in the structure of the year – six days of lesser holiness plus a seventh, Yom Kippur, of supreme holiness. As we will see in two chapters’ time (Lev. 25), the same pattern appears on an even larger scale: six ordinary years followed by the year of Shemittah, “release.” Wherever the Torah wishes to emphasize the dimension of holiness (the word *kodesh* appears no less than twelve times in Lev. 23), it makes systematic use of the number and concept of seven. So there are not only seven holy days in the annual calendar. There are also seven paragraphs in the chapter. The word “seven” or “seventh” occurs repeatedly (eighteen times) as does the word for the seventh day, Shabbat in one or other of its forms (fifteen times). The word “harvest” appears seven times. However, it seems to me that Leviticus 23 is telling another story as well – a deeply spiritual one. Recall our argument (made by Judah Halevi and Ibn Ezra) that almost the entire forty chapters between Exodus 24 and Leviticus 25 are a digression, brought about because Moses argued that the people needed G-d to be close. They wanted to encounter Him not only at the top of the mountain but also in the midst of the camp; not only as a terrifying power overturning empires and dividing the sea but also as a constant presence in their lives. That was why G-d gave the Israelites the Sanctuary (Exodus 25-40) and its service (i.e. the book of Leviticus as a whole). That is why the list of the festivals in Leviticus emphasizes not the social dimension we find in Deuteronomy, or the sacrificial dimension we find in Numbers, but rather the spiritual dimension of encounter, closeness, the meeting of the human and the divine. This explains why we find in this chapter, more than in any other, two key words. One is *mo’ed*, the other is *mikra kodesh*, and both are deeper than they seem. The word *mo’ed* does not just mean “appointed time.” We find the same word in the phrase *ohel mo’ed* meaning “tent of meeting.” If the *ohel mo’ed* was the place where man and G-d met, then the *mo’adim* in our chapter are the times when we and G-d meet. This idea is given beautiful expression in the last line of the mystical song we sing on Shabbat, *Yedid nefesh*, “Hurry, beloved, for the appointed time [*mo’ed*] has come.” *Mo’ed* here means a tryst – an appointment made between lovers to meet at a certain time and place. As for the phrase *mikra kodesh*, it comes from the same root as the word that gives the entire book its name: *Vayikra*, meaning “to be summoned in love.” A *mikra kodesh* is not just a holy day. It is a meeting to which we have been called in affection by One who holds us close. Much of the book of *Vayikra* is about the holiness of place, the Sanctuary. Some of it is about the holiness of people, the *Cohanim*, the priests, and Israel as a whole, as “a kingdom of priests.” In chapter 23, the Torah turns to the holiness of time and the times of holiness. We are spiritual beings but we are also physical beings. We cannot be spiritual, close to G-d, all the time. That is why there is secular time as well as holy time. But one day in seven, we stop working and enter the presence of the G-d of creation. On certain days of the year, the festivals, we celebrate the G-d of history. The holiness of Shabbat is determined by G-d alone because He alone created the universe. The holiness of the festivals is partially determined by us (i.e. by the fixing of the calendar), because history is a partnership between us and G-d. But in two respects they are the same. They are both times of meeting (*mo’ed*), and they are both times when we feel ourselves called, summoned, invited as G-

d’s guests (*mikra kodesh*). We can’t always be spiritual. G-d has given us a material world with which to engage. But on the seventh day of the week, and (originally) seven days in the year, G-d gives us dedicated time in which we feel the closeness of the *Shekhinah* and are bathed in the radiance of G-d’s love.

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Rabbi Weinreb’s Torah Column, Parshas Emor

Rabbi Dr. Tzvi Hersh Weinreb

The Unburied Corpse

Dead. Unburied. Abandoned. Forgotten.

What can be a worse fate?

I recently finished a very moving novel about the events immediately preceding World War I and the fate of those who were caught up in the chaos of the opening days of that war. The author of the book, a Jew, was Joseph Roth, and the name of the book is *The Radetzky March*.

I was drawn to this book because it deals, in part, with the Jews of Galicia and the effect that World War I had upon them. Both my paternal and maternal great-grandparents were caught up in the events of those times, and I wished to learn more about those events, if only from a fictional account.

I found the book informative and troubling, but the single event recorded in it that had the most impact on me was a description of the novel’s hero, a combatant in the initial outbreak of the battle and gunfire. At one point, as he was fleeing for safety, he encountered the corpse of one of his fellows. Rather than pass this corpse by in his flight, he chose to drag the corpse to a nearby graveyard, dig a shallow grave with his bayonet, and bury the poor man.

Although the hero of this story was not a Jew, he was acting in accordance with a supreme Jewish value. At great personal risk, he buried a *met mitzvah*, an abandoned corpse with no one else present to bury it. Our Torah insists that giving such a corpse the dignity of a proper burial is a *mitzvah*, one which takes priority over almost any other good deed.

The source for this great *mitzvah* is in this week’s Torah portion, Emor, where we read of the strict prohibition upon *kohanim*, members of the priestly caste, to come into contact with the dead. Exceptions are made for the *kohen*’s parents, children, siblings, and spouse.

And an exception is made for the *met mitzvah*. Should the *kohen* encounter an abandoned corpse, and no one else is available to bury it, he is commanded to ignore the prohibition against contact with the dead, and he must bury that corpse himself.

This is the meaning of the phrase in the very first verse of our Parsha, “... he shall not defile himself for any dead person among his people...” (Leviticus 21:1). Paraphrasing Rashi’s words here: “When the dead man is among his people, the *kohen* cannot defile himself, but when the dead man is not among his people, i.e., there is no one else to bury him, then the prohibition does not apply.”

Our tradition is unusually sensitive to the sanctity of the human body. In life, certainly. But even in death. A proper Jewish burial is the last *chesed shel emet* (kindness of truth) that one can perform for another.

It is this important Jewish value which has led Jewish communities throughout the ages to do all that they could to recover the bodies of those of our brethren who perished in prisons, on battlefields, or in tragic natural disasters.

During the recent Pesach festival, a good friend reminded me of a long forgotten incident in our history, an incident which culminated in the recovery of two *metei mitzvah*.

Part of the story of these two heroes is recounted in the book *The Deed* by Gerold Frank. It is the story of two boys who gave their lives to assassinate a high British official, based in Egypt, whose policies threatened to block Jewish immigration into what was then Palestine.

Their names were Eliahu Bet Zouri and Eliahu Hakim. They acted under the orders of the high command of the “Stern Group”. They succeeded in assassinating the official, but were tried and hanged for their efforts. They were buried near Cairo in 1945.

But they were never forgotten. In 1975, the State of Israel exchanged twenty Arab prisoners for the bodies of these two young men and reburied them in hero’s graves upon Mount Herzl.

In recovering these bodies and eventually affording them an appropriate Jewish burial, the Israeli government was adhering to the teaching of this week’s Torah portion. They saw to it that these metei mitzvah were buried properly.

And, much more recently, the contingents of Israeli rescue workers who dug beneath the rubble of the horrific earthquake in Haiti, in search not only of living survivors but of dead bodies, were acting in accordance with this great mitzvah. They were exemplifying a major Torah value.

And so, this week again, as so often in our study of the parsha, we discovered a value of paramount importance, a priority mitzvah, buried between the lines, nay between the words, of a simple phrase. This week, that phrase is in the very first verse of Parshat Emor.

from: Rabbi Yitzchok Adlerstein <ravadlerstein@torah.org> to: mchochmah@torah.org date: Thu, May 19, 2016 at 1:41 PM

Meshech Chochmah

By Rabbi Yitzchok Adlerstein

The Torah Ties That Bind

It is an eternal decree in your dwelling places for your generations.

Meshech Chochmah: Mitzvos forge new relationships. Broadly put, some mitzvos bind us to our Creator – tzitzis, tefillin, mezuzah. Others tie us to each other, like gemilas chasodim and the interpersonal commandments. The difference between the two is at work in the separate paths taken by Shabbos on the one hand, and Yom Tov on the other.

Shabbos is more of an individual-friendly institution than a community-builder. Carrying is forbidden, which restricts our ease of sharing with others. So many of the steps of food preparation are forbidden. That removes one of the easiest ways of bringing people together. Instead, Shabbos creates space in which each person can spend quality time studying Torah – or intensifying the relationship between himself and G-d. This does not, however, move people away from each other. To the contrary. As long as Jews are connected to Hashem, they are like radii of a circle, all joined at the origin – their connection to HKBH. Through that common point of connection, they are all bound together, by way of their common relationship with Hashem. But the connection remains indirect, through a third party, rather than directly, one person to the other.

Yom Tov, on the other hand, is one of the mitzvos that binds people directly to each other. It demands that the nation come together in a central place, and there rejoice and help others rejoice. Not only is food preparation permitted, but so are carrying from one domain to another, as well as havara/ burning fuel. Were the two of them forbidden (as they are on Shabbos), it would place a damper on attempts of people to come together.

As the Jews readied themselves to leave Egypt, they were not yet bound to each other in any significant way. They were indeed of one mind and purpose; all were committed to the One G-d of Israel. They were tied together, therefore, only by way of their common link to Hashem. The avodah of that evening, therefore, resembled the conduct of Shabbos. Only those who prepare food before Shabbos have what to eat when it begins. The korban Pesach as well required people to ready themselves before the evening. The korban could be consumed only by those pre-registered for it from the day before.

From that first day, we count seven weeks towards the holiday of Shavuos. The Torah describes the count as “from the morrow of the Shabbos.”[2] It calls the first day of Pesach a “Shabbos” because both bind the people together only through their common devotion to Hashem, without assuming

any more direct connection of people with each other. The counting of seven weeks towards the giving of the Torah brings the nation to greater awareness and a loftier spiritual station. Approaching Shavuos, their bond to each other matures, and becomes direct. We should now understand why at precisely this juncture the Torah introduces the laws of the mandatory gifts to the poor[3]– the corners and gleanings of the field to be left to them. The people are now ready for mitzvos that strengthen their relationship with other people, not just with G-d.

This trajectory is unlike that of any other nation. Other people develop a common identity by dint of having lived together on the same land and having evolved a common culture. Klal Yisrael is very different. The glue of its nationhood is the Torah itself. The Jewish people know a strong bond to each other because they have all subordinated themselves to the Torah’s authority. (Heaven itself is subordinate, as it were, to their understanding. The gemara[4] states that it is the human court that determines the calendar – and hence the day a holiday will take place – and not the “objective” reality.)

The implementation of that authority depends on obedience to the Torah greats of each generation. Without that, it is up to each individual’s understanding of the Torah’s demands, and we would be back at the original position of people linked not to each other, but to their loyalty to G-d. Through emunas chachamim and fealty to mesorah, we link ourselves to each other, and function not as individuals, but as a full Torah nation. A common conception of Torah becomes the glue that holds us together, not the evolution of a common culture as is the case with other nations.

When did the interpretive powers of Man first show themselves? The sixth day of Sivan. It was on that day that many expected the giving of the Torah. Moshe, however, reasoned[5] that the “third day” about which Hashem had spoken[6] actually predicted the seventh of Sivan. And that is what happened. The silence at the top of the mountain on the sixth marked, in a sense, the birth of the Jewish people as a Torah nation, bound to each other through a system of human understanding, with gedolei Yisroel and mesorah at the helm. Torah she-b’al-peh had spoken; the people were ready to stay united behind it.

While Chazal differed as to whether Yom Tov requires physical celebration or spiritual focus can substitute for it, there is no disagreement in regard to Shavuos. All authorities require an oneg Yom Tov of physical delights.[7] Shavuos is the time that we became a nation of people bound directly to each other. It should be a time in which people strengthen that bond by sharing the food and friendship at a celebratory table.

This theme is reflected in the special offering of the day as well. The two loaves of bread are not offered on the altar. The kohanim, acting as the agents of the owners, eat the offerings. This stresses the nature of the day, one that is given over to lachem/ “to you,” the people, enjoying not only the Torah, but your coming of age as a nation.

1. Based on Meshech Chochmah, Vayikra 23:21(2)

2. Vayikra 23:15 ↑

3. Vayikra 23: ↑

4. Rosh Hashanah 25A ↑

5. Shabbos 87A ↑

6. Shemos 19:11 ↑

7. Pesachim 68B ↑