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INTERNET PARSHA SHEET
ON SHMINI - 5764

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From: Chaim - I didn't have a chance to prepare an Internet Parsha Sheet, so I am sending you Efraim Goldstein's parsha sheet. Enjoy!

From: Efraim Goldstein Efraim@aol.com

Weekly Internet Parsha Sheet

"RavFrاند" List - Parshas Sh'mini

Without the Sages, The Torah Is A Closed Book

A pasuk [verse] in this week's parsha contains the phrase "Darosh Darash Moshe"—Moshe inquired thoroughly [Vayikra 10:16]. According to a masoretic note found in some Chumashim, the words "Darosh Darash" are found in opposite halves of the Torah based on word count. Parshas Shmini thus marks the midpoint of the Torah.

The sefer Succas Dovid says that the fact that these words, indicating a thorough inquiry (Darosh Darash), are the words marking the midpoint of Chumash, hint at the fact that the Written Torah cannot be understood without reference to the Oral Tradition. By itself, the Written Torah is an "incomplete" work. We cannot understand what it is talking about based only the intrinsic interpretation.

It is difficult to comprehend how anyone can claim to practice Judaism without "believing in the Oral Law". How do we know what Tefillin are? There is no clue on earth that reveals a definition for Tefillin from a literal reading of Chumash. Only via the Oral Law and the traditions received by Moshe from Sinai can we interpret "And you shall bind them as a sign upon your arm and let them be totafos between your eyes" [Devorim 6:8].

The Rabbis, who have preserved the Torah she'b'al peh [Oral Tradition] and the ability to expound correctly the pasukim based on the hermeneutic principles that are part of that tradition, are the key to Torah understanding. Judaism is not based on fundamentalist Biblical interpretation. For example, "An eye in place of an eye; a tooth in place of a tooth; a hand in place of a hand, a foot in place of a foot" [Shmos 21:24] are not to be applied literally. All of this is symbolized by "Darosh Darash"—thorough analysis and exposition as interpreted by our Sages through Oral Tradition.

I would like to cite a related insight I heard in the name of the Ostrovtzer Rebbe.

The Torah states that when a person violates a prohibition for which he deserves lashes "Forty you shall strike him" [Devorim 25:3]. The Oral Law explains the verse is not to be interpreted at face value; rather the correct number of lashes is 39. The Talmud comments regarding this interpretation: "These foolish people—they stand up in the presence of a Sefer Torah, but they do not stand up in front of a great people. What would the Torah be without the great people—the Rabbis explain to us

that the pasuk 'Forty you shall strike him' actually only means 39?' [Makkos 22b].

The Ostrovtzer Rebbe asks: Why did the Talmud need to go all the way to Sefer Devorim [Deuteronomy] to cite an example of the greatness of the Rabbis, that they take a pasuk in the Torah which states 40 and they interpret it as 39? There is an earlier Rabbinic exposition in the Torah, which should illustrate the same greatness! Namely, we are taught [Vayikra 23:16] to count fifty days between Pesach and Shavuot and the Rabbis come and interpret it to mean only 49 days.

The Ostrovtzer Rebbe answers that the fact that the Sages have the authority to expound and interpret the actual meaning of the Torah does not suffice to give them the title "Gavrah Rabbah" [Great Men]. The reason why they are called great men in the case in Makkos is because through their exposition, a Jew is spared an extra lash of the whip. Saving a Jew the pain of an extra lash makes the Rabbis into great men. "Gavrah Rabbah" does not merely describe an ivory tower-caliber intellectual prowess that tells us the true intent of Torah pasukim. The title "Gavrah Rabbah" is given because of their transmission of the Oral Law's mercy, and the responsibility and sharing of pain that the Sages feel for their fellow Jews. Using the power of "Darosh Darash" to expound in a way that lessens the suffering of a Jew earns the Rabbis the title "Great Men".

Ohr Torah Stone - Rabbi Riskin's Shabbat Shalom

Shabbat Shalom: Parshat Shemini Leviticus 9:1-11:47

Efrat, Israel - The first day of the month of Nisan is a great occasion of joy within Biblical history: it is the day when the Almighty declared His first commandment to Israel, "this renewal of the moon shall be to you the festival of the New Moon; it is to be to you the first month of the months of the year" (Exodus 12:2). Indeed, the midrash records that these Divine words were heard throughout Egypt, because they foretold that a most significant event was about to take place on this first of the yearly months, the Israelite nation was about to be born as it leaves Egypt amidst great wonders and miracles, a stupendous change was about to transform the political and social character of the greatest power in the world, the Egyptian slave society (hodesh, hidush, month, change, novelty).

Therefore, the whole of the month of Nisan is considered to be a holiday, so that "we are not to fall on our faces (by reciting the penitential prayer tahanun) for the entire month of Nisan..., and we are not even to fast (during this month) for a yahrzeit" (death anniversary of a departed parent - Shulhan Arukh Orah Haim 429 and Ramo-Rav Moshe Isserles' gloss). The apparent reason for this festive quality of the month is the fact that Nisan is the month of our redemption. And this is especially true for Rosh Hodesh Nisan, the first day of the month of Nisan, when G-d's word was heard throughout Egypt and the optimistic command of sanctifying the monthly renewal of the moon was given to Israel; indeed, this is probably the reason why the author of the Passover haggadah even suggests that the seder ought have taken place on Rosh Hodesh Nisan, were it not for the requirement of matzah and maror on the evening of the 15th of Nisan. And yet, the same Rav Moshe Isserles who forbids fasting on a yahrzeit during the month of Nisan and who generally forbids a bride and groom from fasting on their wedding day if they are married on any Rosh Hodesh (first of the month) throughout the year - since a bride and groom are forgiven all of their prior sins on their wedding day, they are by custom enjoined to make the day before their wedding a mini Yom Kippur fast up until the marriage ceremony - does specifically enjoin the bride and groom to fast on Rosh Hodesh Nisan! (Shulhan Arukh, Orah Haim 572, Ramo, Rav Moshe Isserles). And the Mishnah Brurah (Rav Yisrael Meir Kagan, known as the Hafetz Haim) agrees, although other authorities consider it "a great wonder" (Arukh Hashulhan, peleh gadol). How can we explain the tradition allowing a bride and groom to fast on Rosh Hodesh Nisan? In this week's Torah portion, we read of a horrific

tragedy which occurred specifically on Rosh Hodesh Nisan, on the very eighth day which culminated the dedication of the Sanctuary: Nadav and Avihu, the two sons of Aaron the High Priest, were consumed by a Divine fire during the high point of the religious ceremony.

Why was a day of such religious sensitivity and significance transformed into such tragedy and terror? And why express the agony of what was supposed to have been a day of ecstasy in the fast of a bride and groom on that day?

According to our most classical commentary Rashi, Nadav and Avihu were righteous individuals, even more righteous than Moses and Aaron. "Said Moses to Aaron, 'My brother, I knew that the Sanctuary would be sanctified by those closest to the Divine, but I supposed that it would be by me or by you. Now I know that they (your two sons) are greater than we are'" (Rashi ad loc).

Why does the sanctification of the House of G-d require such two sacrifices - the best and brightest? The sacred text doesn't explain itself, it merely ordains and decrees. The Divine Presence is a flame of fire - and fire purifies, purges, but it also consumes. All the way back at the dawn of our faith, at the very beginning of G-d's first covenant with Abraham, "a deep sleep fell upon Abram, and behold a great black terror descended upon him - blood, fire and a pillar of smoke" (Genesis 15:12). The Prophet Ezekiel cries out, "And I see that you (Israel) are rooted in your blood, and I say to you 'By your blood shall you live, by your blood shall you live'" - and we recite these words at every circumcision ceremony. We here in Israel see the blood, fire and pillar of smoke at every homicide-suicide attack of terror. Apparently it is as Hillel understood it: the matzah of freedom must be joined to the marror (bitters) of sacrifice. So it has been ordained.

The Sanctuary of G-d is the nuptial home in which the Almighty and His beloved bride Israel are to dwell together. Every bride and groom are a reflection of G-d the groom and Israel the bride - and every marriage has moments of tragedy as well as joy, of fasting as well as feasting a Jewish marriage is the ultimate expression of Jewish faith in a glorious future despite the rootedness in blood, of Jewish belief "that there will be heard in the streets of Judea and the great places of Jerusalem the sound of joy and happiness, the sound of bride and groom" despite the exile and persecution.

And so Aaron is silent, "Va yidom Aharon", when faced with the tragedy of his sons' demise. He realizes that there are Divine decrees which must be accepted rather than understood, just as the Klauzenberger Rebbe, who lost a wife and thirteen children in the holocaust, would always interpret the words of Ezekiel, "bedamayikh hayii - by your silence do you live" (dam can mean blood, but also silence) - because had the Jews lashed out at G-d in anger, they could never have rebuilt their lost Jewish world in America and Israel.

In a Munich Synagogue a few months ago, I witnessed another kind of silence. There were about one-hundred people in shul - but only the Cantor and I were praying. Everyone else was talking - but not the hushed tones in which neighbors generally speak during the Prayer Service but in loud conversations, even occasionally walking from place to place as they spoke, seemingly totally unaware of the praying and Torah reading going on at "center stage." My host explained it very well: "These Jews are all holocaust survivors or children of holocaust survivors. They're angry at G-d - so they can't, or won't speak to Him. But neither can they live without Him. So they come to shul, they don't speak to Him, but they speak to each other..."

What should bride and groom - symbolic of the eternal relationship between G-d and Israel pray to G-d about when they fast on their wedding day, even on that day of agony and ecstasy, Rosh Hodesh Nisan, which portends the ultimate Nuptial Home in which there will be no blood or tears. I believe that bride and groom, representatives of Yisrael Sabba, Israel - G-d eternal, ought recite Psalm 83:

"Lord, You do not be silent, Do not keep quiet and do not still Your voice, O G-d. Because Your enemies are shouting and your foes are

lifting their heads. They are saying 'Let us destroy them from being a nation, let the name Israel never again be remembered. Let them know, G-d, that Your Name alone is the highest over all the earth.'" Shabbat Shalom.

Jerusalem Post Apr 16 2004

POST-PESACH BLUES by Rabbi Berel Wein

After all of the preparations, food, family gathering and tiyulim, the holiday of Pesach has left us. There is a natural tendency to feel a little depressed as the holiday disappears and we are thrust back into our everyday life of problems, anxieties, challenges and dangers. Even though we have warm memories of the holiday just past, it is almost natural and unavoidable that one should feel a certain sense of loss and sadness in returning to our everyday lives. But Judaism is a religion of happiness and optimism. The biblical commandment "to be only happy" is not restricted to the holidays. It is an attitude that should accompany us all of our lives. People who have a happier disposition are healthier, live longer and enjoy a more satisfying life no matter what difficulties they may encounter. Psychologists disagree as to whether a happy attitude and sunny disposition towards life is a learned trait or a genetic marker that we cannot alter. From the fact that the Torah commands us "to be only happy," and the Torah is based completely upon the human ability of freedom of choice and behavior, it seems obvious that the Torah feels that we can train ourselves to be happy and optimistic. If so, than we must search for methods and aids to achieve this noble goal in our lives.

The Talmud teaches us: "The Divine spirit does not rest upon those that are depressed or morose, nor upon those that always pursue pleasures, but rather upon those that have the happiness and contentment of fulfilling God's commandments." It is therefore no accident that immediately after Pesach we enter into the fulfillment of a daily commandment that will bring us to our next holiday of joy, Shavuot. This commandment of sefirat haomer - counting the forty-nine days till Shavuot arrives provides a sense of well-being and purpose that alleviates any feelings of gloom and depression at the departure of Pesach.

In Jewish history, this period of sefira has been marked by sad and tragic events. Because of these historical events there are restrictions on weddings and other forms of entertainment and joy during this period of time. But this in no way minimizes the feeling of satisfaction that one has at being able to fulfill such a long-running commandment and uniting one's self with Jewish eternity and serving the God of Israel. As long as one is able to observe the commandments, then one must certainly feel special and important - two emotions that are necessary for a happy outlook on life and self.

Happiness and optimism are not necessarily visible externally. There are people who are apparently happy on the outside but morose on the inside and there are those who do not appear to be happy on the outside but are vastly contented and optimistic within. Since there is no chart or standard by which to measure inner happiness and contentment, everyone must find their own goal and level. Happiness is a very personal feeling. No two people have the same threshold. The Chasidic movement that arose in Eastern Europe in the eighteenth century gained much of its popularity and adherents by its emphasis on happiness in personal life and joy in serving God and man.

In this, it did not introduce a new element into Jewish life but rather served to reemphasize the importance of personal happiness even in a dark world of persecution, poverty and violence. It helped make prayer and the fulfillment of commandments a joyous and uplifting experience instead of it being considered solely a matter of obligation and rote. All of the secular movements that later arose in Jewish life in the nineteenth century were fueled by this spirit of optimism and the belief that the human situation, and the Jewish one as well, could be improved. Much of the sadness in the Jewish world today stems from the dampening

effect that modern-day secularism and its attendant negative media and critical world viewpoint has foisted upon us. The fact that Shavuot is only weeks away should help us regain our sense of happiness and purpose.

Weekly Parsha SHEMINI Apr 16 2004

by Rabbi Berel Wein

In the face of overwhelming tragedy, the death of his two sons, Aharon is nevertheless reprimanded by Moshe for a seeming infraction of the halacha regarding eating from a sacrifice while one is yet grief-stricken over the personal loss of near relatives. Aharon responds by defending his position as being halachically correct and proving the point to Moshe. Thereafter, Moshe, upon reflection, admits that Aharon is correct and that he fulfilled the Torah's law in this matter completely. The question that begs answering in this situation is the obvious one. At a black moment such as this one, where is there room for discussion of an arcane halachic rule? Is this not a moment for emotion, for compassion, for sympathy, not for law and legalisms? Is it not almost cruel of Moshe to raise any sort of halachic issue whatsoever with his brother at a time of such sadness and tragedy?

As usual, the Torah uses this all too human situation to grant us an insight into God's view, so to speak, of life and human behavior. For any sort of mental stability to be present in one's life, one must live by a set of values and rules. Without such norms and standards, one is constantly blind-sided and buffeted by the never-ending problems of life. And, one is a prisoner of one's emotions and personal conflicts. There are so many times in life that one asks one's self, "Now what am I supposed to do? How am I to react to this event?" It is because of this recurring and never-ending human question that halacha takes on such a central role in the life of a Jew. It is precisely for this reason that halacha is so all-pervasive, covering every act and situation of a Jew's existence. It is halacha that rules our lives and sets our standards of behavior under all circumstances and all human conditions.

In today's society, God and religion have to somehow conform to the human being's comfort and pleasure zone. Religion cannot be too demanding. Three days of mourning is sufficient, not seven. Restrictions on behavior and entertainment on the part of the mourner are to be discarded. Religion cannot make one feel uncomfortable or make too many demands on time or life-style. God should have no say in the way human beings should express their emotions. In a society as self-centered as ours, religion is defined by and for me alone. There is no room for communal or generational considerations. It is only me - here and now - that counts. Thus the positive psychological benefits of a halachically endorsed grieving period and process is ignored and eventually forgotten.

The Torah and Jewish tradition have carefully and minutely described the laws, attitudes and customs that should govern one who is in the process of confronting tragedy and loss. The Torah in this instance, as in all other affairs of life, is on the side of humans. It attempts to give us perspective and balance, strength and inner fortitude in order that we are better equipped to deal with the inevitable blows of life. Therefore, Moshe correctly calls Aharon to task for apparently not following the Torah's law when tragedy overwhelmed him and his family. But it is the very steadfastness of Aharon in observing the Torah's laws, as expressed in his response to Moshe's criticism, that allows him to revive himself and rise from his grief and pain and become the great High Priest of Israel, beloved by God and all of the Jewish people.

Death is always an unwelcome visitor. Nevertheless, our mortality makes its appearance at our doorstep unavoidable. Yet, there lies within the soul deep resources that enable human beings to deal with this final act of the life cycle. The Torah, and its accompanying halachic rules and norms, lights the way through the darkness of sad events and moments of grief. "Yea, though I walk in the valley of the shadow of death, I fear no evil, for You are with me," says King David.

In Jewish tradition and history "You are with me" is reflected in the laws and customs that the halacha has created for those trying and searing moments. And in so doing, "You are with me" becomes the cry of our ultimate triumph over death and darkness. Shabat Shalom.

TORAH WEEKLY

For the week ending 17 April 2004 / 26 Nisan 5764

from Ohr Somayach | www.ohr.edu

Parshat Shemini

INSIGHTS Chant Of Love

"Aharon raised his hands toward the people and blessed them..." (9:22)

One of the most awe-inspiring experiences is the Birkat HaKohanim, when a thousand-or-so kohanim bless the many thousands at the Western Wall in Yerushalyim on the second day of Chol HaMoed Pesach and Succot.

Most of the time, prayer at the Wall is a segmented affair. This group starts as this one finishes, while yet another group is somewhere in the middle.

Apart from the daily moments of silence at the dawn's break when everyone begins together the Silent Prayer of eighteen blessings, I can think of no other time when the whole of the Kotel is as unified as it is by Birkat HaKohanim.

The haunting chant of the Kohanic blessing evokes deep and powerful feelings in the heart of every Jew however religious he may be. It is a chant that echoes down the years. It is a living witness to the unbroken chain of Jewish tradition that links us to Sinai.

The first appearance of that chant is in this week's Torah portion. Aharon completed his first day of service in the Sanctuary and he then blessed the people with great joy. Such was his desire to bless the people that G-d rewarded him and his descendants that they should bless the Jewish People thus throughout the generations.

The word for blessing in Hebrew - beracha, is connected to bereicha, which means a "pool." Blessing is an overflowing pool that enriches and fills our lives.

In the time of the Holy Temple, when the kohanim would bless the people, they would raise their hands over their heads and make a space between the third and fourth fingers of hands. When they recited the blessing using the ineffable Name of G-d, the Shechina, the Divine Presence, would rest on their hands. Although the Shechina no longer rests on the hands of the kohanim, to this day they still cover their heads and hands with their prayer shawls when they recite the blessing.

But maybe we could also understand a different symbolism behind the covering of the kohen's hands.

Our Sages teach us that blessing only descends on things that are hidden from the eye, that the eye doesn't see. For example, a farmer who starts to weigh his grain may pray that his crop will be large, but if he has already weighed it, he may no longer make such a request, for the size of the crop is already revealed to the eye. When the kohanim cover their hands they symbolize this idea that blessing descends only on that which is hidden from the eye.

Mind you, I wouldn't recommend that because of this you give up checking your bank balance once in a while!

Sources: Talmud Bavli Bava Metzia 42a, Mishna Berura, 128:98

Bar-Ilan University's Parashat Hashavua Study Center

Parashat Shemini 5764/April 17, 2004

How to Perform a Commandment Properly?

Dr. Itamar Wahrhaftig - Faculty of Law

Should we perform a commandment immediately, at the first moment possible, on the grounds that it is good to be "prompt to perform the commandments," or is it preferable to wait in order to perform a "choice" commandment? This question is discussed by the aharonim, later rabbinic authorities, with arguments in support of either side.[1] In the present article I would like to add a new dimension to the

discussion, based on events in the Parasha, which I have not previously encountered in the halakhic literature.

Delaying in eating the offering on the eighth day of consecration After the death of Aaron's sons, Moses said to Aaron and his remaining sons, "Take the meal offering that is left over from the Lord's offerings by fire and eat it ... the breast of elevation offering and the thigh of gift offering ... eat ..." (Leviticus 10:12-14). Further on, come several obscure verses (16-20):

Then Moses inquired about the goat of sin offering, and it had already been burned. He was angry with Aaron's remaining sons, and said, "Why did you not eat the sin offering in the sacred area? ... And He has given it to you to remove the guilt of the community and to make expiation for them ... Since its blood was not brought inside the sanctuary,..." And Aaron spoke to Moses, "See, this day they brought their sin offering ..., and such things have befallen me! ... would the Lord have approved?" And when Moses heard this, he approved. How should their argument be understood? Two approaches are presented by the Sages, explicitly set forth in Zevahim 101a:

A. Sacred offerings of the specific moment as opposed to sacred offerings for all generations. Rabbi Nehemiah was of the opinion that the Holy One, blessed be He, commanded that the meal offering and offering of well-being which they had brought be eaten by them the same day, despite their being in aninut (the period between the passing of a close relative and burial of the deceased). Moses' understanding was that they had been commanded to eat sacred offerings even in aninut, against the general rule. But Aaron answered him, arguing that one should distinguish between "sacred offerings of the moment" (kodshe sha'ah) and sacred offerings for all generations. The meal offering and offerings of well-being were sacrifices of the moment that they had been commanded to bring on the eighth day. In addition, they ate another two sin offerings, which were also part of the commandment of the day: the sin-offering of the eighth day (Lev. 9:3), and the goat that had been brought by Nahshon, the first of the chieftains, who brought his offering the same day (Num. 7:16). Yet on that same day an offering of a goat for the new month had also been sacrificed, since the eighth day of consecration fell on the first of Nisan. The latter was a regular offering "for all generations" for which it could argued, deducing by kal vahomer from the easy case of the second tithe to the hard case at hand, that it should not be eaten in a state of aninut. Moses gratefully acknowledged Aaron's explanation.

Rabbi Judah and Rabbi Simeon (referred to as Rabbanan in this Talmudic discussion) had three questions regarding this approach:

1) If the sin-offering had been burned because of their being in aninut, then the three sin-offerings of that day should all have been burned. We observed that according to Rabbi Nehemiah's approach, a distinction is drawn between the sin-offering of Rosh Hodesh (sacred for all generations) and the sin-offerings of the eighth day and of Nahshon (sacred offerings of that specific moment). Rabbi Judah and Rabbi Simeon, however, did not accept this distinction.

2) If it was burned on account of their being in aninut, they should have waited until the evening and eaten it, since aninut during the nighttime is only a rabbinic prohibition. The answer to this reservation is explained further on in the discussion, namely that Rabbi Nehemiah considered aninut during the nighttime also to be from the Torah, and if so there would be no reason for waiting.

3) If it was burned on account of their being in aninut, one must consider the fact that Phinehas was with them. Why did he not eat it, since he was not in aninut? Rabbi Nehemiah's answer, in the continuation of the discussion, is that Phinehas had not yet been appointed a priest at that time. Now we come to the second explanation of the argument between Moses and Aaron, put forth by R. Judah and R. Simeon because of their three questions against R.

Nehemiah's explanation:

B. The sin-offering had become contaminated. In this version of the argument between Moses and Aaron, Rabbi Judah and Rabbi Simeon did not distinguish between sacred offerings of the moment and sacred offerings for all generations. Moses said they were commanded to eat the offerings even though they were in aninut. That being the case, he asked Aaron why they had not eaten the offering; perhaps in their concern over their bereavement they had not taken sufficient care and the sin-offering had become contaminated? Aaron answered in the negative: No, the offering had not been defiled, but, he asked Moses, had he not heard that they may eat it only in the nighttime, since aninut in the nighttime is only a rabbinic prohibition, but in the daytime it is forbidden to eat it?[2] Moses acknowledged his explanation. The gemara asks why in fact they did not eat it in the evening, and answers that after waiting around for several hours until the evening the meat had perforce become contaminated, and therefore they did not eat it in the evening either. Thus far we have seen the explanations given by Rabbi Judah and Rabbi Simeon as to the first two questions which they posed to Rabbi Nehemiah. In their opinion there was no difference between sacred offerings of the specific moment and sacred offerings for all generations and therefore there was no difference between all three sin-offerings. Moreover, in their opinion aninut in the nighttime did not make it impermissible to eat the offering, rather, it was not eaten because it had become contaminated. What explanation did they have for their third argument, why Phinehas had not eaten the offering during the daytime, before the meat became contaminated, since in their opinion Phinehas had already been appointed priest and was not in a state of aninut? Why does the gemara not relate to this problem?

One could say that Phinehas indeed could have eaten during the daytime but waited until the evening so that he could eat together with the rest, be it out of respect for his father and uncle, be it because they were the ones who had offered the sacrifices of the day (before the death of their brothers), or be it because he thought that by waiting for the others and eating together they would find solace, or be it for whatever other reason.

Here Rashi's commentary on Zevahim 101b (s.v. tum'ah be'oness) should be closely attended. Following Rabbi Judah and Rabbi Simeon, Rashi explained the answer "that they did not eat it because the sin-offering had perforce become contaminated" with the following words: "For they wished to hold off with it until nighttime and eat it all together, but perforce it became contaminated." [3]

One must ask what was meant by "they wanted to hold off with it"? After all, were they not compelled to hold off, since they were not permitted to eat it during the daytime when they were in aninut? Moreover, what does the word "together" refer to, when it says they wished "to eat it all together"? Surely it could not mean eating the sacred offering of the moment with the sacred offering for all generations, for the Rabbis drew no distinction between these types of sacred offerings, and during the daytime the sacred offerings of the moment were also forbidden.

Apparently Rashi intended to explain the Talmud's words about contamination of the offering as coming to answer the question, why Phinehas had not eaten the offering alone. Namely, it was Phinehas who wished to postpone eating it until the night, at which time they could eat it all together, Phinehas along with Eleazar and Itamar. [4]

If we are correct in our analysis, then this shows that it is preferable to put off "prompt performance" of a commandment in order to perform a "choice" commandment. On the other hand, one could argue that the very fact the offering perforce became contaminated serves to teach us that waiting is likely to lead to non-performance of a commandment. [5] In any event, it would seem that the evidence tends to the position that haste is not necessary; rather, we may hold off to perform a mitzvah in a better manner, provided care is taken that the opportunity to perform the commandment is not missed. This entire question merits further study.

[1] Cf. Encyclopedia Talmudit, under zerizin makdimin le-mitzvot, vol. 12, pp.

409, 416.

[2] According to the Talmud Zevahim, R. Simeon held that the onen could eat of the sacrifice by night, since the notion of aninut at night is only a rabbinic proscription. R. Judah held that aninut during the nighttime also stems from the Torah. However, on that particular evening it was rendered permissible by a one-time ruling (hora'at sha'ah).

[3] Rashi continues: "Granted what the rabbis say, that it is one way for the sacred offerings of the moment and one way for the sacred offerings of all generations; that it was permissible to eat at night, but not in the day, and that they wished to hold off with it until the night." [4] Rashi's choice of words should be closely examined. Why did he say "they wished" instead of "he [namely, Phinehas] wished"? Perhaps they were all of like mind in wishing to hold off. Further, why did he write "all" in the feminine, not the masculine? The feminine form, kulan, it should be noted, does not necessarily indicate the feminine, and perhaps it was simply instead of kol, all. This needs further study. Indeed, one could say that "they wished" is not necessary literal and actually meant, "they had to." Secondly, "To eat it all together" in the feminine might refer to all the sacrificial offerings, not all the people.

[5] Perhaps precisely under special circumstances such as they faced, where Moses thought that because of their concern over their mourning they had not taken care regarding impurity, one should be concerned that if they were to rely on themselves there is still the danger of unintentional contamination.

Last Update: April 15, 2004

Arutz Sheva

Happy is the Generation Whose Leader Repents

by Rabbi Dov Begon

Apr 16, '04 / 25 Nisan 5764

"If [Heb. asher] the leader commits a sin by inadvertently violating certain of G-d's prohibitory commandments, he incurs guilt. When he is made aware of the sin that he has committed, he must bring an unblemished male goat." (Leviticus 4:22-23)

Rashi comments, "If the leader [nasi] commits a sin': 'Asher' is a form of 'ashrei', meaning 'fortunate'. Fortunate is the generation whose leader makes sure to bring an atonement for his inadvertent sins, and all the more so if he shows contrition for his intentional sins."

The word nasi refers to the nation's ruler. In the past, this was the king, and now it is the prime minister. The ruler's conduct and decisions have an influence on the state of his generation. If that generation is worthy, they will have a leader with fine integrity and character, especially humility. He will admit his mistakes and repent and alter his decisions. By such means, he will be showing his generation benevolence. If, G-d forbid, that leader lacks fine character and integrity, and instead is arrogant and unwilling to admit those mistakes that have an effect on the whole nation, then the whole generation will suffer.

In our time, we have merited prime ministers who led the State of Israel forward and made courageous decisions, which strengthened the state and unified the nation. Yet, there have also been prime ministers who failed, making erroneous decisions that weakened the country. Some even severely endangered our security, as with the Yom Kippur War or the wretched Oslo accords.

There were prime ministers who admitted their mistakes. Yet there have also been prime ministers who did not wish to admit their mistakes, and we are paying a heavy price in blood for this.

Today, Prime Minister Sharon's "disengagement" program is a tragic error. While Sharon calls it disengagement from the Arabs, it is really disengagement from Eretz Yisrael. It is disengagement from our values and from our faith in our right to Eretz Yisrael, which led to the establishment of the State of Israel. It is disengagement from settlement, that pioneer activity that began over a hundred years ago when the first cities and collectives were established. Those continuing the work today are the marvelous pioneers of our own generation, the settlers of Judea and Samaria, the heroes who are risking their lives for the sake of their people and their land.

The "disengagement" program weakens the nation, weakens the state, lowers us in the eyes of our enemies, increases worldwide anti-Semitism, and invites the pressure of the nations of the world against

us. Let us not forget for even a moment that we are a lamb amongst seventy wolves. Let that lamb not offer its throat for slaughter.

I hereby call upon Sharon to be humble and to relent on this tragic plan so that we can say wholeheartedly, "Happy is the generation whose leader repents."

Rabbi Dov Begon is founder and head of Machon Meir institutions, dedicated to Jewish learning BeAhava UveEmunah (with Love and in Faith), in the spirit of Rabbi Avraham Yitzchak HaCohen Kook, the late Chief Rabbi of the Land of Israel.

Arutz Sheva

Shemini: Dedication of the Mikdash

by Rabbi Shlomo Aviner

Apr 16, '04 / 25 Nisan 5764

The Mikdash/Mishkan is the site where the Nation of Israel meets G-d. As such, it serves a dual function: G-d reveals Himself to us as a nation, through our serving Him in His sanctuary (see Parshat Tzav; Rambam, Hilchot Beit HaBechira 1:1).

The first aspect, that of revelation, is an exalted, abstract, and objective matter. It finds expression through the practical and subjective service that we perform there. When the Divine Presence "descends" to this world, it undergoes extreme humiliation and diminution (Orot HaTeshuva 11:4). Our service may be viewed as construction of "tools" by means of which we are able to experience the Divine Presence, and so to raise "this-worldliness" back up to the level of G-dliness. It is as if the Divine Light is "primary," and human light is "reflected". The Holy One lowers a ladder from Heaven to Earth, and we climb it and meet Him as He descends that same ladder.

The means by which we achieve this revelation is the Mikdash, through the service of the shewbread and the menorah - representing our national economy and culture (see Rabbi Yehuda HaLevi, Kuzari 2:26). The service in the Mikdash encompasses all spheres of human endeavor. The workers are the Cohanim, who represent and are a part of the Nation of Israel. This may be compared to a hand that does work for, and is a part of, one's body. Furthermore, credit for the work done goes to the person, not to his hand.

In this week's parsha, after all the preparations described previously, we finally are ready to dedicate the Mishkan. The dedication takes the form of seven days of service by the Cohanim preceding the revelation of the Divine Presence. The Hebrew word for dedication - chanuka - comes from the same root as that for education - chinuch. The way to educate the nation to serve G-d is through performing the service.

Suddenly, as the Mishkan is being dedicated, something happens; Nadav and Avihu, sons of Aharon, are killed. The world is only straight and simple to a drunk; we who are sober see that one crisis follows another (see Mishlei 23:31 and Yoma 75a). Birth itself is the first crisis for each individual (see Nida 31:1).

Indeed, the prototype of all crises is the Creation of the world, which begins "without form and void; and darkness was on the face of the deep." (Genesis 1:2) All succeeding crises in this world are a result of the terrible descent from eternity and infinity to "formlessness and void."

Gradually, the world is reaching perfection, and each crisis it undergoes constitutes an essential, integral part of reality. Of course, each person is responsible for his own personal sins and imperfections, but in a world that is imperfect, these are unavoidable: "There is no saint in the land who does only good and never sins." (see Orot HaTeshuva 5:6)

The lesson to be learned here is how to react to crises. The philosophy of Judaism is not one of despair, but of hope. It is incumbent upon Man to overcome crises, and to utilize them as the mechanism that enables him to rise to higher spiritual levels. According to Eiruvim 63a, Nadav and Avihu sinned by introducing humanly lit fire into the Sanctuary, "a strange fire which He had not commanded them." (Leviticus 10:1) Fire represents energy - the power behind all human spiritual and physical action. Although their motivation was to serve G-d, their energy was

not directed into the correct channels. The crisis of Nadav and Avihu teaches us how to relate to sanctity. No words could explain what was so vividly made clear by their tragedy. "And Aharon was silent." (Leviticus 10:3) Through internalization of this lesson, he was uplifted and privileged to experience prophecy on a higher level than previously (Rashi, op.cit.).

Although they strove to come close to G-d, the way that they chose was not one that G-d had commanded. Therefore, it was doomed to failure. Knowledge of the Absolute can only be achieved by absolute faithfulness to the Torah on our part.

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Parshat Shmini 5764 - Meaning in Mitzvot - OU.ORG

MEANING IN MITZVOT by Rabbi Asher Meir

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh.

IMPORTANT CORRECTION!

The last column, preceding Pesach, contained a significant inaccuracy. The column indicated that the first-born of the father does not need to fast (or participate in a siyum) on Erev Pesach. Actually, the Shulchan Aruch explicitly states that such a first born does participate in the fast. I apologize for the error.

The explanation we gave, however, does not really need to be altered. The reason the commentators give for including the first-born of the father is that he is a first-born for the purpose of inheritance; in other words, the emphasis is on an inherent and inborn status decreed by the Torah, as opposed to some conventional social elevation. Thus, according to the approach of the Netziv we may say that these firstborns were inherently drawn to the Divine Presence, as opposed to others who were drawn by an acquired sense of importance.

This week's column continues with the laws of the...

Firstborn of Kosher Animals

The firstborn male offspring of any kosher animal (of the category known as B'HEIMA, domesticated animal, as opposed to CHAYA, "wild" animal - specifically, animals fit for the Altar) is sanctified, even without any special act on part of the owner. It must be given to a Kohen, who must eat it as a sacrifice. Today there are no sacrifices, so the Kohen must wait until the animal develops some blemish which disqualifies it for a sacrifice, and then it may be eaten like any other kosher animal. Some special customs of respect are obligatory to show that originally this animal was designated for a sacrifice (SA YD 306).

This commandment, as well as its rationale, is explicit in the Torah: "Sanctify to Me all firstborn, the opening of the womb of the children of Israel, the people and the animals, they are mine... And you shall pass all opening of the womb to HaShem; and all opening of the foaling of animals that shall be to you, the males are to HaShem. And the firstborn of an ass shall you redeem with a sheep, and if you don't redeem it then break its neck; and all firstborn people of your sons, redeem. And it will be, when your son will ask you tomorrow saying, What is that? Say to him, with a mighty hand HaShem took us out of Egypt, from the house of bondage. And when Pharaoh refused to send us out, then HaShem killed all the firstborn in the land of Egypt, from the firstborn people to the firstborn of the beast; therefore I sacrifice to HaShem all opening of the womb of the males, and the firstborn of my sons I redeem" (Shemot 13:2, 12-15). In other words, this observance is a commemoration and a thanksgiving for the salvation HaShem wrought at the time of the Exodus, when he smote the firstborn of the Egyptian flocks and saved those of the Jews. We can understand the symbolism of this commandment in a profound way based on two principles which we have seen before: animals represent man's animal nature, with kosher animals symbolizing that aspect of man's base nature which is capable of elevation to G^d's service; whereas the firstborn represents the original or ideal aspect of something. The fact

that many animals are kosher shows that our material nature is not inherently evil or wicked. Rather, it is a neutral power capable of being used positively or negatively. A person can eat in order to give himself strength to do HaShem's will, or even in order to enjoy himself with the consciousness that his enjoyment is an expression of HaShem's lovingkindness; alternatively, he can eat in order to indulge his body at the expense of his spirit.

The pagan Egyptian culture was a hedonistic one, which elevated the pleasures of the body into a kind of worship. This is one way of understanding Rashi's statement that the Egyptians worshipped the kosher animals that the children of Israel ate. (Bereshit 43:32, Shemot 8:22.) The firstborn kosher animals of the Egyptians represent the essence of this approach to pleasure; this was why HaShem smote the firstborn animals of Egypt, just as He smote their other gods.

Conversely, the children of Israel were devoted to elevating man's material nature and harnessing it in G^d's service. This principle was worthy of affirmation and the firstborn animals of the Jews were spared. However, from that time onwards the firstborn of the flocks and herds are not only potentially holy; they are in fact sanctified from the womb. Once the Jewish people, as a united nation, accept upon themselves the yoke of HaShem's commandments, our base nature is inherently elevated; it is automatically dedicated to holiness. The "birth of a nation" in Egypt was a critical step back to the perfection of the Garden of Eden, where animals were forbidden as food (Bereshit 1:29-30). This is symbolized by the inherent sanctity of specifically the firstborn, which may not be eaten in a normal way but rather must be offered to HaShem - Who in turn gives a portion to the Kohanim, who "eat from the Divine table" (Beitza 21a).

This reparation of our base nature is still only at the level of an ideal, represented, as we explained, by the first-born. Subsequent births, or even the firstborn itself after it develops a blemish, may be eaten by any person. But it still belongs to the Kohen and must be eaten, not used for some other purpose, to remind us of the special potential for holiness which it once bore. (Based on Likutei Halakhot, Breslav, laws of first-born kosher animals.)

Next week, IY"H, The Firstborn Donkey

Ed. note: The Mitzva of the Firstborn cow/goat/sheep applies in our time. This means that even without the Beit HaMikdash, which is necessary for the "follow-through" of this mitzva, the mitzva itself of sanctifying the firstborn (if it is a male) of one's kosher farm animals still applies. This creates a potentially problematic situation of a kohein's receiving one of the gifts that the Torah provides for him, without his being able to benefit from it at all. In fact, if a non-kohein were to perform this mitzva and present a kohein with a young calf, lamb, or kid (at age 50 days, 30 days, 30 days respectively), if the animal were to remain healthy and blemish-free, the kohein would be obligated to feed and care for the animal for its entire lifetime, without ever deriving benefit from it. High expenses; no income at all. Shearing a sheep, for example, could be done only when the fleece becomes burdensome to the animal, and the wool would have to be buried. No benefit at all is permitted. Not even to make tzitzit. In addition to the burden upon the kohein, there would be increasing temptation to inflict a blemish on the animal (with the thought that the animal then would become the property of the kohein and benefit from it would be allowed). Doing so would be a serious sin on the part of the kohein. Therefore, Shulchan Aruch instructs us to avoid this mitzva in the first place. It involves becoming a partner with a non-Jew in the ownership of the pregnant animal, so that when the offspring is born, it will have no sanctity and the mitzva will not apply at all. How sad that the Sages must command us to avoid a mitzva. But necessary.

The OU/NCSY Israel Center - TORAH tidbits

**Ohr Somayach / Weekly Dafnotes Chullin 79 - 85
For the week ending 17 April 2004 / 26 Nisan 5764
by Rabbi Mendel Weinbach**

The Dusty Envelope

When a Jew slaughters a beast or fowl he is commanded by the Torah to “pour out its blood and cover it within dust” (Vayikra 17:13). Since the Torah does not instruct us to cover it with dust and uses instead a term implying that the blood be enveloped in dust, the gemara concludes that the command is to have dust both below and above the blood. There is a difference, however, between the manner in which these two coats of dust are applied. Tosefot points out that the top layer must be applied by man. This is why the rule is that while if one covered the blood with dust and it subsequently became exposed he is not required to cover it again, this is not the case when it was the wind which blew dust upon the blood. Although there is no obligation to remove this windblown dust should the wind subsequently blow it away, there is an obligation to cover the blood because there has not yet been a fulfillment of the mitzvah to cover exposed blood by human effort. In regard to the layer of dust below the blood, however, there is no requirement for it to be placed there by human effort. All that has to be done is to assure that the surface upon which the blood rests is crushed earth. This is why in an earlier part of our Mesechta (Chullin 31a) we find that Rabbi Yona bar Tachlifa was able to properly slaughter a bird in flight with a specially prepared arrow and to simply make sure that the area upon which its blood would fall would not be hard earth. He did apply the top layer of dust himself but did not have to do so in regard to the bottom layer. Chullin 83b

Will It Be Fish or Meat?

Which is more expensive – fish or meat?

Opposite signals are given in our gemara and in a midrash. Rabbi Elazar ben Azariah saw in the Torah’s statement about “slaughtering from your herd and from your flock” (Devarim 12:21) for the purpose of eating meat an admonition to man not to slaughter all his animals but to be sparing in his consumption of meat. If one has a very limited budget for food he should subsist on vegetables. With more money available he can afford fish and only with considerably greater means should he indulge in meat.

This order of placing meat on a higher level in terms of expense runs counter to the midrash in Parshat Pinchas (as quoted by Rashi in Bamidbar 29:36) which explains why on the first seven days of Succot the number of bullocks offered as sacrifices in the Beit Hamikdash was reduced by one each day – from 13 to 7. This was intended to teach a lesson in human conduct regarding hospitality. The first day a guest is served fattened fowl, the next day fish, followed in decreasing order by meat and finally vegetables.

How do we reconcile these two disparate ratings of fish versus meat? Tosefot offers a simple solution. It all depends on the place. In Rabbi Elazar ben Azariah’s community, like in most of the places with which we are familiar today, meat was more expensive than fish while in the place where the author of the midrash, quoted by Rashi in Chumash and Tosefot here, even fish cost more than meat. Chullin 84a

Welcome retirements

by Jonathan Rosenblum

Mishpacha Magazine April 1, 2004

The recent retirement of Justices Dalia Dorner and Theodore Or from the Israeli Supreme Court prompted the usual encomiums upon the termination of long years of public service. A closer examination of the careers of both jurists, however, reveals that they exemplified some of the worst features of the Barak Court. Both manifested a high level of judicial arrogance, and both contributed more than their fair share to view that the Court is the mouthpiece for a particular political point of view rather than a neutral arbiter of the law.

Justice Or may well have conducted hearings before him in a low-key, professional style, as one news report of his retirement put it, but he will be forever remembered for his high-handed refusal to recuse himself in the appeal of El Hurwitz, CEO of Teva Pharmaceuticals, from

his conviction on charges of tax evasion. Or was a close friend of one of the key witnesses for the defense, of whose testimony the trial judge was extremely critical, as well as one of Hurwitz’s attorneys, who was added to the defense team solely for the Supreme Court appeal.

In such circumstances, the Code of Judicial Ethics drafted by former Supreme Court President Meir Shamgar requires the judge to recuse himself. Nevertheless Or refused to do so, arguing that the Code of Judicial Ethics is merely advisory but not binding. A full panel of the Court subsequently upheld Or’s position. Thus the same Court that has repeatedly imposed binding ethical standards on the other branches of government without a trace of statutory warrant excluded itself from the ambit of an explicit ethical code crafted by a former Court President.

Or also provided one of the most blatant examples of the Court’s politicization when he wrote the majority opinion in two cases involving issues of incitement to violence on the same day: one involving Israeli Arab journalist Mohammed Jabarin, for describing his feelings of worthiness when throwing a Molotov cocktail; and the other involving the late Binyamin Kahane for calling upon the army to wipe out the viper’s nest in Umm el-Fahm.

In the Jabarin case, Or reversed Jabarin’s conviction under a statute prohibiting publication of “words of identification with or praise of acts of violence,” something that Jabarin had plainly done. Or offered a tortuous reading of the statute under which Jabarin was convicted, and limited the statute’s applicability to praising acts of violence by specific terrorist organizations. On that basis, the Arab journalist was acquitted.

Standing by itself the Jabarin decision could have been defended. Courts often read statutes that limit freedom of speech in the narrowest possible fashion. What cannot be defended is the decision being rendered on the same day as the Court’s reversal of Kahane’s acquittal by the trial court. In Kahane’s case, Or deliberately eschewed a highly plausible reading of the relevant statute that would have limited it to actions calling for rebellion or otherwise undermining the stability of the established government.

Not only was Or’s approach to statutory interpretation diametrically opposed in the two cases, but the likelihood of Jabarin’s words actually inciting others to violence was far greater. Jabarin celebrated violent action by individuals; whereas Kahane only called upon the IDF to act. The only rule that can reconcile the result in the two cases is: Arab incitement against Jews is protected speech; Jewish incitement against Arabs lands you in jail.

Dorner was no less susceptible to the charge of crafting politically motivated decisions. It was she, for instance, who entered temporary restraining order against the closure of Orient House in the final days of the Netanyahu-Barak race, an unprecedented intervention of the judiciary into the government’s conduct of foreign affairs. Though Dorner was likely correct that the closure at that particular moment had a large degree of political motivation, such inquiries into the motives of elected officials are highly questionable, as long as the action in question is within the authority of the one making it.

When the Court so desires, it is only too happy to cite the principle that it will not interfere in the government’s conduct of foreign policy. That was the reason given, for instance, for dismissing petitions against the Muslim Waqf’s illegal destruction on antiquities on the Temple Mount.

Dorner herself refused to issue an injunction against the patently illegal burial of Faisal Hussein on the Temple Mount, on the grounds that it was already too late. Yet she could not have known that, since, in fact, Hussein’s funeral procession was still hours away from entering Jerusalem. Nor did the lateness of the hour stop the Supreme Court from hearing a petition against the Rabin government’s expulsion to Lebanon of 415 Hamas members, who were already at the Lebanese border. Again, the only rule that explains the decisions is:

Arab petitioners win; Jewish petitioners lose.

Sometimes the above principle must be refined to Likud government’s lose, Labor government’s win. Thus Dorner dismissed a petition against

Ehud Barak's appointment of the late Yossi Ginosar as a special envoy to Arafat, despite Ginosar's heavy involvement in the coverup of the Bus 300 affair. She relied on the fact that 16 years had passed since the affair. Yet two years later, she concurred in the Supreme Court's rejection of Prime Minister Sharon's appointment of Ehud Yatom, another major figure in the Bus 300 affair, as his anti-terrorism advisor. Just as Or seemed to believe himself above the normal rules of human nature when he refused to recuse himself in the Hurwitz case, so did Dorner assume an air of omniscience when she wrote for the Court overturning the acquittal of Nachum Korman in the death of 11-year-old Palestinian. Though Dorner lacked the trial judge's ability to view the witnesses and assess their credibility, she felt confident enough to sentence Korman to long years in prison on the grounds that there was no other plausible way to account for the boy's death than that Korman had pistol-whipped him.

She, in effect, put the burden of proving his innocence on Korman, despite the trial judges finding that the testimony of the boy's cousins was completely unreliable and that the autopsy by the notorious Yehudah Hiss was severely tainted by his having previously watched a "reenactment of the crime." The trial court judge also found that Hiss had failed to account for a number of pathological findings that cut against his conclusions.

IN THE PAST, the departure of Or and Dorner from the bench would have kindled few hopes for change in the composition of the Court. Until recently, Court President Aharon Barak exercised almost complete control over the judicial selection committee and could always ensure the appointment of new justices in his own image.

There are signs, however, that Barak's hegemony is a thing of the past. In one of his few political setbacks in memory, Barak was recently unable to prevent the Knesset from expanding the Court from 13 to 15 permanent members. And just last week he suffered an unprecedented rejection of two of his candidates for judgeships by the judicial selection committee. Even more shocking, in one of those instances, his Court colleague Yaakov Turkel cast the deciding vote against Barak's candidate.

The bottom line is that the departure of Or and Dorner could well result in the appointment of one or more justices interested in interpreting the law, not determining the country's values according to their own enlightened views.

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