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**Orthodox Union / www.ou.org
Britain's Former Chief Rabbi Lord Jonathan Sacks
Reticence vs. Impetuosity**

It should have been a day of joy. The Israelites had completed the mishkan, the sanctuary. For seven days Moses had made preparations for its consecration.[1] Now on the eighth day – the first of Nisan,[2] one year to the day since the Israelites had received their first command two weeks prior to the exodus – the service of the sanctuary was about to begin. The sages say that it was in heaven the most joyous day since creation.[3] But tragedy struck. The two elder sons of Aaron “offered a strange fire, that had not been commanded” (Lev. 10: 1) and the fire from heaven that should have consumed the sacrifices consumed them as well. They died. Aaron’s joy turned to mourning. Vayidom Aharon, “And Aaron was silent (10: 3). The man who had been Moses’ spokesman could not longer speak. Words turned to ash in his mouth.

There is much in this episode that is hard to understand, much that has to do with the concept of holiness and the powerful energies it released that, like nuclear power today, could be deadly dangerous if not properly used. But

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there is also a more human story about two approaches to leadership that still resonates with us today.

First there is the story about Aaron. We read about how Moses told him to begin his role as high priest. “Moses [then] said to Aaron, ‘Approach the altar, and prepare your sin offering and burnt offering, thus atoning for you and the people. Then prepare the people’s offering to atone for them, as God has commanded’” (Lev. 9: 7).

The sages sensed a nuance in the words, “Approach the altar,” as if Aaron was standing at a distance from it, reluctant to come near. They said: “Initially Aaron was ashamed to come close. Moses said to him, ‘Do not be ashamed. This is what you have been chosen to do.’”[4]

Why was Aaron ashamed? Tradition gave two explanations, both brought by Nahmanides in his commentary to the Torah. The first is that Aaron was simply overwhelmed by trepidation at coming so close to the Divine presence. The rabbis likened it to the bride of a king, nervous at entering the bridal chamber for the first time.

The second is that Aaron, seeing the “horns” of the altar, was reminded of the Golden Calf, his great sin. How could he, who had played a key role in that terrible event, now take on the role of atoning for the people’s sins? That surely demanded an innocence he no longer had. Moses had to remind him that it was precisely to atone for sins that the altar had been made, and the fact that he had been chosen by God to be high priest was an unequivocal sign that he had been forgiven.

There is perhaps a third explanation, albeit less spiritual. Until now Aaron had been in all respects second to Moses. Yes, he had been at his side throughout, helping him speak and lead. But there is vast psychological difference between being second-in-command, and being a leader in your own right. We probably all know of examples of people who quite readily serve in an assisting capacity but who are terrified at the prospect of leading on their own.

Whichever explanation is true – and perhaps they all are – Aaron was reticent at taking on his new role, and Moses had to give him confidence. “This is what you have been chosen for.”

The other story is the tragic one, of Aaron’s two sons, Nadav and Avihu, who “offered a strange fire, that had not been commanded.” The sages offered several readings of this episode, all based on close reading of the several places in the Torah where their death is referred to. Some said they had been drinking alcohol.[5] Others said that they were arrogant, holding themselves up above the community. This was the reason they had never married.[6]

Some say that they were guilty of giving a halachic ruling about the use of man-made fire, instead of asking their teacher Moses whether it was permitted.[7] Others say they were restless in the presence of Moses and Aaron. They said, when will these two old men die and we can lead the congregation?[8]

However we read the episode, it seems clear that they were all too eager to exercise leadership. Carried away by their enthusiasm to play a part in the inauguration, they did something they had not been commanded to do. After all, had Moses not done something entirely on his own initiative, namely breaking the tablets when he came down the mountain and saw the golden calf? If he could act spontaneously, why not they?

They forgot the difference between a priest and a prophet. A prophet lives and acts in time – in this moment that is unlike any other. A priest acts and lives in eternity, by following a set of rules that never change. Everything about “the holy,” the realm of the priest, is precisely scripted in advance. The holy is the place where God, not man, decides.

Nadav and Avihu failed fully to understand that there are different kinds of leadership and they are not interchangeable. What is appropriate to one may be radically inappropriate to another. A judge is not a politician. A king is not a prime minister. A religious leader is not a celebrity seeking popularity. Confuse these roles and not only will you fail. You will also damage the very office you were chosen to hold.

The real contrast here, though, is the difference between Aaron and his two sons. They were, it seems, opposites. Aaron was over-cautious and had to be persuaded by Moses even to begin. Nadav and Avihu were not cautious enough. So keen were they to put their own stamp on the role of priesthood that their impetuosity was their downfall.

These are, perennially, the two challenges leaders must overcome. The first is the reluctance to lead. Why me? Why should I get involved? Why should I undertake the responsibility and all that comes with it – the stress, the hard work, and the criticisms leaders always have to face? Besides which, there are other people better qualified and more suited than I am.

Even the greatest were reluctant to lead. Moses at the burning bush found reason after reason to show that he was not the man for the job. Isaiah and Jeremiah both felt inadequate. Summoned to lead, Jonah ran away. The challenge really is daunting. But when you feel as if you are being called to a task, if you know that the mission is necessary and important, then there is nothing you can do but say, Hineni, “Here I am.” In the words of a famous book title, you have to “feel the fear and do it anyway.”[9]

The other challenge is the opposite. There are some people who simply see themselves as leaders. They are convinced that they can do it better. We recall the famous remark of Israel’s first president, Chaim Weizmann, that he was head of a nation of a million presidents.

From a distance it seems so easy. Isn’t it obvious that the leader should do X, not Y? Homo sapiens contains many back seat drivers who know better than those whose hands are on the steering wheel. Put them in a position of leadership and they can do great damage. Never having sat in the driver’s seat, they have no idea of how many considerations have to be taken into account, how many voices of opposition have to be overcome, how difficult it is at one and the same time to cope with the pressures of events while not losing sight of long term ideals and objectives. The late John F Kennedy said that the worst shock on being elected president was that “when we got to the White House we discovered that things were as bad as we said they were.” Nothing prepares you for the pressures of leadership when the stakes are high.

Overenthusiastic, overconfident leaders can do great harm. Before they became leaders they understood events through their own perspective. What they did not understand is that leadership involves relating to many perspectives, many interest groups and points of view. That does not mean that you try to satisfy everyone. Those who do so end up satisfying no one. But you have to consult and persuade. Sometimes you need to honour precedent and the traditions of a particular institution. You have to know exactly when to behave as your predecessors did, and when not to. These call for considered judgement, not wild enthusiasm in the heat of the moment. Nadav and Avihu were surely great people. The trouble was that they believed they were great people. They were not like their father Aaron who had to be persuaded to come close to the altar because of his sense of inadequacy. The one thing Nadav and Avihu lacked was a sense of their own inadequacy.[10]

To do anything great we have to be aware of these two temptations. One is the fear of greatness: who am I? The other is being convinced of your greatness: who are they? I can do it better. We can do great things if (a) the task matters more than the person, (b) we are willing to do our best without thinking ourselves superior to others, and (c) we are willing to take advice, the thing Nadav and Avihu failed to do.

People do not become leaders because they are great. They become great because they are willing to serve as leaders. It does not matter that we think ourselves inadequate. So did Moses. So did Aaron. What matters is the willingness, when challenge calls, to say, Hineni, “Here I am.”

[1] As described in Exodus 40. [2] See Ex. 40: 2. [3] Megillah 10b. [4] Rashi to Lev. 9: 7, quoting Sifra. [5] Vayikra Rabbah 12: 1; Ramban to Lev. 10:9. [6] Vayikra Rabbah 20: 10. [7] Eruvin 63a. [8] Sanhedrin 52a. [9] Susan Jeffers, *Feel the Fear and Do it Anyway*, Ballantine Books, 2006. [10] The composer Berlioz once said of a young musician: “He knows everything. The one thing he lacks is inexperience.”

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Rabbi Lord Jonathan Sacks is a global religious leader, philosopher, the author of more than 25 books, and moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks or to subscribe to his mailing list, please visit www.rabbisacks.org

5773

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Subject Rabbi Frand on Parsha

Rabbi Yissocher Frand - Parshas Shemini

A Story Stressing The Reward For Meticulous Kashrus Observance

The pasuk at the conclusion of the section of forbidden foods listed at the end of the parsha says: "For I am Hashem Who brings you up from the land of Egypt to be a G-d unto you; you shall be holy for I am holy." [Vayikra 11:45] Rashi cites the teaching of the House of Rav Yishmael that the pasuk means to say, had I not brought Israel out of Egypt for any reason other than that they do not make themselves impure through eating of the forbidden foods as do the other nations, it would have been sufficient cause for them to have been redeemed.

It is difficult to OVERSTATE the importance of the laws of Kashrus. It is likewise difficult to UNDERSTATE the great harm done to a Jewish soul by the consumption of forbidden foods. I once heard Rabbi Berel Wein quote a statistic published by the Jewish National Fund that today 80% of their money comes from only 10% of the Jewish population. Despite the fact that Jews have a reputation for being generous, that may have been the case 40, 50, 60, or 80 years ago. Today, the eating of pig, shellfish, crab, and improperly slaughtered meat that the Jewish people have been consuming over the past 50 years has taken a toll on the Jewish soul. The "Yiddishe neshama" is not what it used to be because of the corrosive effect of forbidden food entities.

That having been said, I read the following story that was written by Rabbi Yosef Chaim Sonnenfeld, a disciple of the Kesav Sofer. The Kesav Sofer, in turn, was the son of the Chasam Sofer who told this story in the name of his teacher, Rav Nossan Adler. The story took place in the late 1700s or the early 1800s.

There were two successful Jewish merchants who lived in Pressburg, the city of the Chasam Sofer. They had their own fleet of boats in which they used to travel the world in pursuit of their import/export business. These merchants were once arrested by Spanish authorities off the coast of Spain with their ship full of merchandise. At that particular point in time, piracy was rampant in the Mediterranean Sea and therefore smuggling and piracy was common. The Jews and their merchandise were detained because of the (false) suspicion that their goods were pirated or smuggled.

They were brought into the port of Barcelona to be held in custody while the investigation proceeded as to whether their cargo was legitimate. They were lucky, however, in that at that time, the Spanish Government had very good relations with the Austro-Hungarian Empire and its Emperor, Franz-Yosef. Based on the good diplomatic relations, the Jews were not thrown into jail. They were treated very respectfully while they were being detained. They were assigned to two customs officials, who would take care of them while the investigation proceeded. Each was taken home by one of the customs officials to relax and be served lunch.

There was only one problem. Despite the fact that this story took place between two and three hundred years after the Inquisition, the Inquisition was still alive and well in Spain. Under terms of the Inquisition, any person in Spain suspected of being Jewish was given the choice of either converting to Catholicism or being burned in the town square. The merchants realized that if their Jewish identities would be revealed, they would face this horrible choice.

Therefore, the Jews disguised themselves so that they would look like Gentiles. As mentioned before, each merchant was assigned to a different customs agent. The customs agent had his servant serve them lunch – consisting of chicken and wine. The customs agent noticed that his guest turned white as a ghost. He then told his guest to follow him to the attic. When they got to the attic he told him, "I know that something is wrong. You turned white as a ghost when my servant brought you your food. You are Jewish, aren't you?" Before the guest had a chance to answer, the customs agent told him, "So am I." It just so happened that this customs agent was a descendant of the Marranos, who outwardly converted to avoid expulsion from Spain, but secretly tried to maintain their Jewish identity and Jewish traditions. To prove his point, he closed the door of the attic, pulled up a floor board and took out a shiny and sharp knife used in ritual slaughter (chalif). He told his guest, "The chicken we are about to eat, I personally slaughtered it!" Kosher L'Mehadrin!

The Jewish merchant was flabbergasted at the personal Divine Providence (Hashgocha Pratis) that sent him specifically to this man's house! He ate his meal, the investigation concluded that there was no problem with their merchandise, and both merchants were released. The Jew met up with his partner and asked him about his experiences. The second Jew was very distraught. He admitted that he had to eat non-Kosher meat to preserve his appearance as a non-Jew. He had ruled for himself that this was a matter of life and death and in such situations one is not required to be a martyr to eat only kosher food. The first Jew told his friend, "The same thing happened to me, but I had the unbelievable fortune of being hosted by a secret Jew who was a Shochet, and I was able to eat kosher."

The man who had to eat the non-Kosher meat was beside himself when he heard this story. "What was my sin, what was my iniquity that caused G-d to lead my partner to a secret observant Jew and I was forced to eat nevilah?" When he got back to Pressburg, he went to his holy Rebbi, the Chasam Sofer and told him the story. "What", he asked his teacher, "did I do wrong in my life that I was put into a situation that I had to eat non-Kosher?"

The Chasam Sofer responded, "I have a tradition from my teacher, the holy Gaon Rav Nosson Adler, that any person who never put anything in his mouth that had the slightest question of being forbidden, the Almighty guarantees that this person will never come into a situation which would force him to eat something that is prohibited. If you are so careful that you never ever put anything questionable into your mouth the 'measure for measure' reward is that the Almighty will see to it that you in fact never have to eat anything prohibited."

The Chasam Sofer concluded, "It must be that some time in your past, you must have eaten something forbidden or something about which there was at least a doubt that it might be forbidden." The merchant responded, "Rebbi, it cannot be. It is not true!" The Chasam Sofer insisted: "Think hard." Finally, the merchant admitted: "There was one incident. When I was first married, my wife made chicken for us. She brought me the chicken after she got it from the slaughterer and showed me a 'shaylah' [question] she had about the chicken. I was a young newlywed. I was ashamed to tell my wife that I did not know and she should ask the Rabbi. I did have Semicha. I learned the laws of Shechita and of Tereifos. I looked at the chicken. I saw the shaylah. I said 'kosher.'"

Being a newlywed, his wife did not trust him. She took the chicken to a Rav. She told the Rav, "My husband has Semicha, he learned the laws of Tereifa, and he says the chicken is Kosher. Is he right about that?" The Rav looked at the chicken and it was not such a simple question, but he did not want to second guess the newlywed husband so he said, "Okay, your husband says it is kosher, you can rely on his opinion." The merchant told the Chasam Sofer, "I ate that chicken."

The Chasam Sofer exclaimed, "That is it! You put in your mouth something that had a possibility of being prohibited. That is why you forfeited the guarantee mentioned by Rav Nosson Adler. The other merchant must have never put anything with a doubt of prohibition in his mouth. He had the

guarantee from the Almighty that he would be protected from ever eating non-kosher food."

I tell this story in the context of the entire shiur we said earlier this evening (regarding the question of "bugs" in the water supply in New York City). It is not for us to decide whether the water is Kosher or Treife. There are already great poskim who have expressed their opinions on the matter. But this is just an example of how careful we must be regarding putting something non-kosher into our mouths. Meticulous care in this matter yields fulfillment of the promise of the Almighty that we will never come to put something forbidden into our mouths.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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Subject [Rav Kook List]

5773

Rav Kook List

Rav Kook on the Torah Portion

Shemini: Mourning for Nadav and Avihu

After the tragic deaths of Aaron's sons Nadav and Avihu, Moses instructed Aaron and his remaining sons not to display any public signs of mourning: "Do not let your hair grow untended, and do not rend your garments.... And as far as your brothers are concerned, the entire house of Israel will mourn the ones whom God has burned." (Lev. 10:6)

Why was Aaron not allowed to publicly mourn the death of his sons?

The Death of Rabbi Yehudah HaNasi

To better understand Moses' unusual instructions, we may examine the Talmudic account of the passing of another prominent individual: Rabbi Yehudah HaNasi ('the Prince'). Rabbi Yehudah HaNasi was the second-century redactor of the Mishnah, and a pivotal religious and political figure. His influence was so great that he was universally referred to as 'Rabbi' - 'my teacher.' No other name was needed to identify him.

Rabbi's death was a traumatic event for the entire nation. The Talmud in Ketubot 104a relates the story of his final hours:

When Rabbi became deathly ill, the scholars declared a public fast. His students and colleagues prayed for his recovery.

Rabbi's maidservant went up to the roof and pleaded: "On high, the [angels] want Rabbi [to join them]; and down below, they want Rabbi [to stay]. May it be Your will that those down below should prevail." But when she saw that Rabbi was suffering, she changed her prayer: "May it be Your will that those above will prevail."

The scholars continued to their constant prayers for Rabbi's recovery. The maidservant grabbed a jar and threw it down from the roof. The sudden crash startled the scholars and momentarily disrupted their prayers. Rabbi's soul departed.

The sages asked Bar Kappara to investigate. He went and found Rabbi had passed away. Bar Kappara tore his garment, and reported back:

"The angels and the mortals struggled over the Holy Ark. But the angels vanquished the mortals, and the Holy Ark has been captured."

Why did the scholars and the maidservant disagree about whether to pray for Rabbi to live? Who was right? And why did Bar Kappara refer to his illustrious teacher as 'the Holy Ark'?

The Benefits of Tzaddikim

The key to understanding this account is recognizing that there are two ways in which Torah scholars benefit the world. The first contribution is obvious to all, as they disseminate Torah and instruct people in the proper path.

In addition to these activities, however, there is an intrinsic quality based on the inner holiness of the Torah itself. Tzaddikim provide a hidden benefit to society, as they refine and elevate society by their very presence.

The Talmud in Sanhedrin 99b teaches that one who complains, 'What do Torah scholars do for society? They only study for themselves' should be considered a heretic. Even if we do not see how scholars contribute to society, the intrinsic holiness of their Torah provides blessing and merit for all. Even the evil city of Sodom would have been spared had ten righteous people lived there, as God informed Abraham: "I will spare the entire region for their sake" (Gen. 18:26).

Bar Kappara's Message

Now we may understand the story of Rabbi Yehudah HaNasi's death, and the disagreement between his disciples and Rabbi's maidservant.

There are instances when it is proper to pray for the release of those gravely ill - when they are suffering greatly and there is no hope for recovery (see Nedarim 40a). This, however, does not apply to a tzaddik. With regard to Torah scholars, the very existence of their Torah in the world is a hidden asset that outweighs considerations of their own personal pain and discomfort. For these righteous individuals, it is proper to pray even for chayei sha'ah, even for a limited extension of life. For this reason, the scholars continued praying for Rabbi, even though his illness was terminal. At first, Rabbi's maidservant also prayed for her master's recovery, but her motivation was that Rabbi should be able to continue his dissemination of Torah. When she realized that his illness was so grave that he would no longer be able to teach, and that the only possible gain of prayer was a brief reprieve from death, she decided - mistakenly - that Rabbi no longer served a purpose in this world. Since he could no longer benefit this world, and was wanted in the next, she prayed that the angels and the righteous souls in the next world would prevail.

Bar Kappara, however, recognized Rabbi Yehudah HaNasi's lofty inner qualities and his hidden benefit to the world. Why did he refer to his teacher as 'the Holy Ark'? Bar Kappara wanted the people to recognize that this inner segulah was in fact Rabbi's primary benefit to the world. In this aspect, a tzaddik is like the Holy Ark. The Ark contained the original luchot (tablets) from Mount Sinai, and was a symbol for the Torah. Yet the Ark was covered with a heavy plate of gold; it was impossible to actually study from the luchot within. Thus the Holy Ark represents, not the Torah's practical benefit to the world, but its intrinsic holiness. It was located in the Temple's inner sanctum, emanating holiness to the nation and the entire world.

We must appreciate Rabbi, Bar Kappara was saying, not just as the redactor of the Mishnah and a teacher of Torah, but primarily as a Holy Ark, as a receptacle of Torah and holiness.

Mourning for Nadav and Avihu

Now we can understand why Aaron and his family were not permitted to publicly mourn for Nadav and Avihu. The benefit of the inner segulah of tzaddikim is so great that it cannot be expressed in words. External displays of mourning cannot do justice to the magnitude of this loss. Public signs of mourning only express our sadness at the cessation of their public activities. Since the people were unable to fully value the inner qualities of Nadav and Avihu, it was appropriate for the nation to publicly mourn the loss of their outward contributions to society. But Aaron, who recognized the lofty nature of his sons, realized that this terrible loss could never be conveyed in human language. Thus, "Aaron was silent" (Lev. 10:3).

Moses instructed Aaron not to eulogize his sons even for their public activities, because this was a minor benefit compared to the value of their inner segulah. Since this hidden quality cannot be expressed in words, it was preferable for Aaron to remain silent.

Often we eulogize a great individual so that people will come to recognize the magnitude of the loss to society. In this instance, however, Moses explained that public mourning was unnecessary. Even without public eulogies, "The entire house of Israel will mourn the ones whom God has burned." The entire nation was aware of Nadav and Avihu's greatness, and would surely lament their absence.

(Adapted from Midbar Shur, pp. 332-336, 341-342)

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

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subject: Weekly Parsha from Rabbi Berel Wein

Weekly Blog :: Rabbi Berel Wein *The Past And The Present*

I received a great deal of comment about my last week's article on the mental and social regression of a large section of Israeli society. Most of the comments were neither complimentary nor critical but were rather requests for more specifics about the need for change in the mindset of much of Orthodox Jewry here in Israel and in the Diaspora as well.

Still under the influence of Purim and therefore perhaps a little too foolhardy, I will attempt to explain my position more specifically in this article. I think that we can all agree that the two main events in the Jewish world of the past century were the Holocaust and the establishment of the State of Israel. These two cataclysmic events changed the present Jewish society radically if not even permanently. Yet much of Orthodoxy inexplicably ignores these two events as though they never happened. They occupy no space or time in many Orthodox schools and days of commemoration of these events are absent on school calendars. Instead there is a mindset that hunkers back to an idyllic Eastern European world of fantasy that is portrayed falsely in fictional stories, hagiographic biographies and omissions of uncomfortable facts and doctored photographs – to a world that never was

An entire talented and vital society is doomed to live in the imagined past and disregard present realities. And if the view of the present is unfortunately shaped by historical and social disconnect and denial then certainly the longer and equally vitally important view of the future will be distorted and skewed. Sooner or later, reality must sink in and when it does the pain, anger and frustration over past distortions and failures will become very difficult to bear.

The great struggle of most of Orthodoxy in the nineteenth and early twentieth centuries against Zionism influenced all Orthodox thought and behavior. As late as 1937, with German Jewry already prostrate before Hitler's madness and Germany already threatening Poland, the mainstream Orthodox rabbinate in Poland publicly objected to the formation of a Jewish state in the Land of Israel on the grounds that the heads of that state would undoubtedly be secular if not even anti-religious.

They were correct in that assessment but, since the Holocaust was then an unimaginable event in their worldview, they continued in their opposition to Jews leaving Poland to settle either in the United States or in Israel. Because of this past mindset, the Holocaust is more unsettling – theologically, at least – to Orthodoxy, then perhaps to any other group in the Jewish world.

Much of Orthodoxy chooses to ignore the issue or to contrive very lame excuses and causes for this catastrophe. In my opinion, there is no human answer to the event itself but the event cannot be ignored. One of the consequences of confronting it is naturally an admission that great and holy men can be wrong in their assessment of current events and future occurrences. Much of Orthodoxy is so hagiographic about its present and past leaders that it cannot bring itself to admit that. As such, the past cannot truly help to assess the present. A false past is almost as dangerous as having no past at all.

Dealing with the State of Israel is an even more vexing issue for much of Orthodoxy. The creation of the Jewish state, mainly by secular and nonobservant Jews, and by political and military means was not part of the traditional Jewish view of how the Land of Israel would again fall under Jewish rule.

Since it occurred in the "wrong" way and was being led by the "wrong" people it again shook the mindset of much of Orthodoxy. One of the great and holy leaders of Orthodox society in Israel stated in 1950 that the state

could not last more than fifteen years. Well, it is obvious that in that assessment he was mistaken. But again it is too painful to admit that he was mistaken and therefore the whole attitude of much of the Orthodox world is one of denial of the present fact that the state exists, prospers and is the largest supporter of Torah and Jewish traditional religious lifestyle in the world.

It is again too painful to admit that our past mindset regarding the State of Israel is no longer relevant. As long as large sections of Orthodoxy continue to live in an imaginary past and denies the realities of the present, such issues as army or national service, core curriculums of essential general knowledge for all religious schools, entering the workforce and decreasing the debilitating poverty and dysfunction of so many families, will never be able to be addressed properly.

The solutions are difficult and they cannot be dictated or legislated no matter how popular such steps may appear to be. But the change of mindset to the present must certainly and eventually occur. The Jewish people have always been up to this task and I am confident that we will be able to do so now as well.

Shabat shalom

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Weekly Parsha Blog:: Rabbi Berel Wein
Shmini

The Torah itself records the reaction of Moshe to the tragic deaths of the sons of Aharon. Moshe tells his grieving brother that the Lord had informed him, "that I will sanctify My name through those who are nearest to Me." Therefore even though the harsh judgment against Aharon – the dramatic and unexpected deaths of his two elder sons, Nadav and Avihu – dominates the mood of the moment, there is a subtle message of consolation and explanation that Moshe offers to his brother.

And that perhaps is one of the reasons that Aharon remained silent in acceptance of the fate that befell him and his family. Aharon apparently realized that there was a higher purpose also involved in these events – the sanctification of God's name and a warning against tampering with the ritual services of the Tabernacle/Temple/Mishkan – and this realization motivated his silence.

It is very difficult for us ordinary mortals to appreciate the nature of this means of sanctification. We tremble at having to think of God's sanctification and the ennobling of God's name in the world when we are forced always to think of death and human tragedy. We much prefer to think of God's greatness in terms of charity, compassion, comfort and consolation.

Yet, as mortals who possess an eternal soul, we all realize that death and tragedy are all part of life – unavoidable parts of life that we all experience and must deal with. Thus Moshe's words to his brother regarding death and tragedy are really addressed to all of us as well. That is the reason they appear in the Torah, whose words are directed to all humans for all time.

Those who are closest to God in their physical lifetime are treated specially and uniquely by Heaven for good or for better. This is a partial insight into the overall pattern of challenge and difficulty that is the leitmotif of Jewish history. The Jewish people are special and being special carries with it great burdens and responsibilities. Even small errors of judgment or weakness and deviation of behavior can carry with it grave and lasting consequences.

As such, all Jews should feel that every action and pattern of behavior that becomes part of their lives is scrutinized, judged and brings forth reaction from God and humans. Nothing that happens in God's world is ignored or even forgotten. We are held to high standards. We are tight-rope walkers and there is no real safety net stretched out beneath us.

We all realize that a hurt inflicted upon us by a family member or close friend pains us much more deeply than from a similar hurt suffered by us from a stranger or even an enemy. Those who are closest to us are the ones

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that can hurt us the most. And that also is part of the message that Moshe told his brother. Since we are so close to God, Heaven is more pained, so to speak, by our shortcomings, insults and deviations from His path of instruction for us.

So our relationship to God is one of particular favor but also one of great challenge and responsibility. Simply by realizing this do we enhance our own holiness and help sanctify God's name.

Shabat shalom

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Ohr Somayach :: Torah Weekly :: Parshat Shemini
For the week ending 22 March 2014 / 20 Adar II 5774

by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com
Insights

The Prose and The Passion

"...a strange fire" (10:1)

Everything in this world is a physical parable of a spiritual reality.

Take the computer for example. The entire "miracle" of the computer is based on the numbers '1' and '0' placed in ever more complicated and elaborate sequences. If there's a '0' where there should be a '1' or vice versa, even the simplest program will just not run. It will probably send one of those delightful error messages like, "Would you like to debug now?" No thank you, I'd like to finish this article which is already late!

It's not immediately apparent but serving G-d is somewhat like a computer program.

In this week's Torah portion the joyous event of the dedication of the Mishkan (a joy that Chazal compare to the creation of Heaven and Earth) is marred by the tragic death of two of Aaron's sons, Nadav and Avihu. Nadav and Avihu are consumed by fire when they enter unbidden into the sanctuary of G-d to offer incense. The Torah refers to this as a "strange fire". "Strange" because they were not commanded to do so.

Rabbi Yehuda HaLevi in "Kuzari" explains that this fire represents their passion. They were passionate to come close to G-d, but they didn't respect the boundaries that He had set for them.

The halacha is our boundary, and even when one has great passion to seek G-d, one must respect those boundaries. Rabbi Soleveitchik once said that if G-d had not given us explicit permission we would not even be able to pray to Him. What arrogance would it be for us to approach G-d? However, G-d not only allows, but even desires our prayers. Still, we must respect the distance that exists between us and G-d.

The desire for spirituality is often impatient with details, rules, regulations and procedures. In looking at the big picture one might feel that paying attention to the small details is just not very important and even distracting. What difference does it make if I recite "Shema" five minutes after the latest time? What is the problem if I flick a light switch on Shabbat?

Isn't "passionate feeling" the most important element of spirituality?

The tragedy of Nadav and Avihu reminds us that wonderful as fiery passion is, when not grounded in submission to the Will of G-d, when it represents the exercise of ego instead of surrender, it cannot connect and ultimately will be destructive.

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Peninim on the Torah by Rabbi A. Leib Scheinbaum
Parshas Shmini

He said to Aharon, "Take for yourself a yearling calf as a sin-offering." (9:2)

Aharon HaKohen brought a Korban Chatas, Sin-offering, comprised of a yearling calf to atone for his part in the chet ha'eigal, sin of the Golden Calf. Klal Yisrael also brought a calf to atone for their role in making the Golden Calf. Their calf, however, was not a Korban Chatas, but, rather, a Korban Olah, Elevation/Burnt-offering. Why is there a distinction between their korbanos? Horav Yisrael Belsky, Shlita, explains this, based upon the distinction between the varied functions of the Olah and Chatas.

A Korban Chatas atones for the maaseh aveirah, actual deed of performing the sin. The sinful act concerning the Golden Calf was making the molten calf and being involved in the revelry that accompanied its worship. A person who acts b'shogeg, mistakenly, performs a sinful deed which, b'meizid, under such circumstances that his action would have been premeditated - he would have received kareis, Heavenly excision - he will now bring a Korban Chatas. While he may not have planned to sin, after all is said and done, he did commit a sinful act. He must atone for his actions. The Korban Chatas allows him to atone for his sinful act.

The Korban Olah, however, serves to atone for one's improper thoughts, one's machashavos raos. Perhaps we may suggest that this is why it is completely burnt - nothing is left over. Thoughts do not endure. Without action, they dissipate; the Korban Olah is sacrificed - burnt - end of story. The thoughts have been atoned for. We may now go on with life.

Klal Yisrael's role in the sin of the Golden Calf was primarily a sin of thought. They harbored doubts about Hashem's sovereignty. They actually thought that this molten idol would possess a power of its own to lead them. Furthermore, anyone who actually worshipped the Golden Calf was killed by members of Shevet Levi. The remainder of Klal Yisrael had entertained the idea, had fostered thoughts of worshipping the idol - but did not carry out their thoughts. Thus, their sin was b'machashavah, remained in their minds. The Korban Olah expunged the sin, and, with teshuvah, repentance, they were able to effect atonement.

Never for one moment did Aharon HaKohen consider the Golden Calf to be a god. He knew unequivocally that this was a molten calf with no power of divinity - whatsoever. His dilemma was how to respond to the people who were clamoring for action; they needed leadership - now. Moshe Rabbeinu was gone. Someone else had to fill in for him. In order to prevent this crisis from getting out of hand, Aharon made the eigal - which catalyzed other problems. Aharon HaKohen's sin was in his incorrect action, an action which in no way reflected any question in his mind regarding Hashem's Divinity. Aharon made a maaseh aveirah; he, therefore, brought a Korban Chatas.

On the other hand, one's machashavah, thoughts, determine the turpitude of his actions. One might act inappropriately, but, deep in his heart, his thoughts are far from evil. Let me cite an example. In the previous parsha (Tzav), the Torah begins with a command to Aharon and his sons concerning the Korban Olah. The Korban Chatas is not mentioned until later. Why is this? Since an Olah atones for thoughts, it should follow after the Korban Chatas, which atones for sins of action. Clearly, harmful action is more egregious than bad thoughts.

In his Ben Ish Chai, Horav Yosef Chaim, zl, m'Bagdad, employs the following analogy to explain why Olah is the first Korban to which Aharon should relate. The leitzanei ha'dor, cynics of every generation, concentrate their malignant prattle against whomever they please. It makes no difference to them if it is Avraham Avinu - whose paternity of Yitzchak Avinu they impugn - or Aharon HaKohen - whom they feel was spiritually unsuitable to offer their korbanos. After all, was he not the one who participated in the creation of the Golden Calf? You might rush to his defense, saying that he was compelled to support their cause - or die. Why, then, did he make an altar? No one forced him to construct an altar in support of the Golden Calf. Rav Yosef Chaim compares this to a band of robbers who chanced upon the royal prince who was traveling with his royal retinue. Their joy was boundless. Imagine how much money and jewels such a heist would bring them. Their chieftain was a reasonable man who only sought money. He had

no desire to kill anyone. If his men were to seize the prince, the man would certainly be left to die. They could ill afford witnesses. He suggested that he alone attack the prince. He would bring them all of the booty. They could hide in a nearby cave and wait for him. The men had great trust in their leader.

The prince came by and was attacked solely by the leader of the robber band. "Quick, give me all of your money and run for your life," the chief told the prince. "My men would have your money and your head. I will relieve you of your wealth and tell them that I killed you." So it was: the prince escaped; the robbers were satisfied with their newfound wealth.

The prince returned home safe and sound. He related to his father, the king, what had transpired. The king immediately sent out a search party to find the chief of the band of robbers. He was brought before the king, who, after a few moments, determined that he should be executed. Prior to the hanging, they placed the robber into the sand in which he could not move around, and the officers began to beat him mercilessly. "Oy my heart! Oy my heart!" he cried out.

"What is wrong with your heart?" the king asked. "We are hitting your legs - not your heart!" "No, your honor, my heart hurts me, since it is the reason that I am here." Having caught the king's attention, he began to explain his predicament: "When the prince came along, my heart was filled with compassion for the young man. Why should he die? I then came up with an idea to satisfy both my band of robbers and the prince. I would take his wealth and share it all with my friends. The prince would be allowed to escape, and no one but myself would be any the wiser. I figured that for saving the prince's life, I would be freed. I guess I was wrong."

When the king heard the rest of the story, he realized that he was wrong in executing the robber. Indeed, he deserved a medal. Out of gratitude, the king appointed him to a ministerial position.

A similar idea applies to Aharon HaKohen. He knew that if he alone built the Mizbayach, Altar, for the Golden Calf, it would take an extra day, thereby delaying its worship. The eirav rav, mixed multitude, rose early in the morning to worship their idol, but the remainder of the Jewish People did not. In the meantime, Moshe Rabbeinu returned.

Hashem knew all of this. Therefore, He first commanded Aharon and his sons concerning the laws of the Korban Olah, which atones for one's thoughts. Hashem knew that Aharon's thoughts were positive; he only wanted to save the Jewish People from sin. Thus, his positive thoughts actually transformed his actions from infamous to laudatory.

Aharon raised his hands towards the people and blessed them; then he descended from having performed the sin-offering. (9:22)

Negativity can destroy the most auspicious objective. It can undermine the most hopeful prayers. It can impugn the integrity of the most promising career. Some people thrive on negativity, because they cannot handle success. They know that as long as they are negative, they are safe. This is, of course, not the Torah way. Indeed, this is the method employed by the yetzer hora, evil-inclination, to undermine the individual's efforts at prayer. One should not ignore his own shortcomings, but, when he is speaking with Hashem, he should focus on the positive.

Concerning the above pasuk, the Tiferes Shlomo says that when Aharon HaKohen blessed the nation, he no longer remembered their sins. This is the meaning of, "He descended from having prepared the sin-offering." The blessing did not expunge the sins of the people; it transcended them. When Klal Yisrael stood before Aharon, they had no recollection of their past faults. Likewise, when we supplicate Hashem, we should not allow our shortcomings to deter us from voicing our heartfelt prayer. The yetzer hora very clearly degrades us, "Who are you, to daven to Hashem? With your long list of sins, you have the gall to stand before the King of Kings and pray? How dare you?" We must ignore his malignant inferences and move on with a positive outlook, knowing that our compassionate Father in Heaven listens to our prayers - regardless of our past shortcomings.

Horav Shlomo Levinstein, Shlita, demonstrates how the prayer of a simple Jew can penetrate the Heavens and reach the Heavenly Tribunal. Horav Nachman, zl, m'Horodanka, was a tzaddik, righteous person, and one of the preeminent disciples of the Baal Shem Tov. Soon after his marriage, he left his young wife as he went to live in seclusion in another city. This was strange behavior and extremely unsettling for his new wife. While she was fully aware that she was marrying a holy person, this was clearly much more than she had bargained for. She went to visit her husband's rebbe to elicit his help in resolving the issue threatening her marriage. The Baal Shem listened to her story and promised to take care of things.

The rebbe summoned Rav Nachman and asked him to explain his strange behavior. Rav Nachman explained, "Rebbe, I had a Heavenly vision which told me my wife will die soon after giving birth. Not wanting her to die in the bloom of life, I left home. This was so that she would continue living unimpeded. The Baal Shem agreed that while it was definitely an issue, he was compelled to share the contents of his vision with his wife. They quickly summoned the young woman and related to her the sad news. Her response was unequivocal, "I want to have a child - even if it means that I will die!" The consequences of her decision were of no concern to her. "But what about me?" Rav Nachman asked. "I am unable to raise a child alone." The Baal Shem countered, "Do not worry. I will raise the child." Rav Nachman returned home to his wife and, later that year, they were blessed with a healthy son. As soon as the young mother held her son in her tender embrace, she cried out to Hashem, "Please Almighty G-d, let me be around, at least until the child has teeth and is ready to eat on his own." Hashem listened to her plea, and she lived until the infant's second birthday. The Baal Shem Tov was true to his word and raised the child, who was called Simchah, until he became a young man, after which he entered into matrimony to the Baal Shem's granddaughter. The young couple soon became parents to a little boy, whom they named Nachman, after his grandfather. This child grew up to become the saintly Rav Nachman Breslover.

When Rav Nachman Horodanka heard that his wife had only asked for two more years of life, he lamented, "When she prayed, it was an *eis ratzon*, a moment of good will. She could have asked for seventy years. Had she asked, Hashem would have listened!"

Horav Moshe Shochet, Shlita, quotes the Talmud Berachos 10b, where Chazal list six things which Chizkiyahu Hamelech had done. Among those for which he was praised was the genizah of the Sefer HaRefuos, concealing the Book of Remedies for all time. Rashi explains that people were no longer turning to Hashem in prayer when someone became ill. They would consult the Sefer HaRefuos and follow "directions." Hashem was not part of the equation.

Now, let us imagine the following scenario: A young child becomes ill with a dread disease. The doctors say that medical science can do nothing for the child. He will soon die. The parents, grandparents and siblings are all at a loss. What can they do? Suddenly, one of the family members recalls that King Chizkiyahu has in his possession a book that contains the remedy to every illness. The family wastes no time in running to the King's palace and throwing themselves at his feet, "Please, please save our child! It is a matter of life and death!"

Chizkiyahu listens to them and says, "I am truly sorry. I would like to help, but the Book has been concealed. It is no longer accessible." The family looks at the king incredulously. "How can you say that? Our child will die! Please give us the Book!"

The king refuses to budge. "This is specifically the reason why I concealed it. People no longer pray to Hashem." End of the story. The family leaves, heartbroken. They have no other "recourse" but to pray to Hashem.

This entire story is difficult to accept. Chizkiyahu Hamelech has the ability to save a child's life - and he refuses to give over the Book of Remedies? Is this the proper thing to do? Horav Mordechai Druk, zl, derives from here an important principle. Prayer has exactly the same effect as the Sefer

HaRefuos. Davening is not taking a chance. It is a certainty. If we would only daven as if our lives depended on it - we would be successful. Perhaps the following vignette, quoted from Impact by Rabbi Dovid Kaplan, will give us added perspective. A young intern came on the night shift in a large metropolitan hospital. The resident in charge told him that, since it was the night shift, the staff had been reduced. "If you ever feel overwhelmed, call, and we will send in reinforcements. There are various patient conditions which you must address: injections, medicine, painkillers, and x-rays. There is much to do. We are only a phone call away. Do not try to be a hero." All young people want to show their independence. They can do it on their own. This young doctor was no different. He was not going to call anyone unless it was absolutely necessary. He ran from one patient to another, doing everything that was necessary. When one accepts too much upon himself - more than he can handle - something has to give. One of the elderly patients died that night. The intern had done nothing wrong - other than refusing to call for help when it was very hectic. The family sued him for malpractice. Towards the conclusion of the court case, the judge asked the young doctor if he had anything to say in his own defense. He responded, "Yes, I do. I did everything humanly possible that night. I ran from patient to patient addressing their medical issues. I exerted myself to the fullest. Yet, rather than gratitude, I receive abuse and a court case!"

The judge began to chuckle. "Young man," he said, "you are a fool. Who told you to run around? You were told that as soon as you needed assistance to call for it, and reinforcements would arrive. All you had to do was pick up the phone and call. You did not. You are a fool. All of this is your own doing."

Hashem looks down at us in much the same way. Someone becomes ill; we need salvation, be it financial, physical, or emotional. We run around, foolishly taking life's challenges into our own hands, upon our own shoulders - when all we should do is pick up the "phone," take out our Tehillim and daven to Hashem. He can, and will, help. Yet, we turn to Him last - often after the situation has deteriorated to the miracle stage. Then, it quite possibly might be too late.

The bas ha'yaanah, the tachmos... and the netz according to its kind. (II:16)

The economic situation in Europe between the two world wars was severe. The Jews, who during good times lived from hand to mouth, found this period to be especially disastrous. People worked from dawn until late at night to earn enough to barely support their family. These were the lucky ones who had jobs. The others suffered the pangs of hunger and deprivation. The Chafetz Chaim, zl, was visiting the Polish manufacturing city of Lodz. A large Jewish population made their home there. Understandably, when a person of such distinction visited, lines of people came to greet him, seek his counsel, elicit his blessing. A father and his young bar-mitzvah son came to the Rav from Radin. The boy was a metzuyan, excellent student, who possessed a wonderful personality and was G-d-fearing. He presented the entire "package." The issue was that the boy could not stand idly by while his father worked himself to an early grave. He wanted permission to leave the yeshivah and go to work - like so many others. His father was emphatic: His son was to remain in the yeshivah. The world out there was spiritually bankrupt. A young boy could fall prey to the enticements of the many "isms" that were flaunting their benefits to the unknown. The father was adamant; the son felt that, with his strong background, he would withstand whatever the yetzer hora threw at him.

The Chafetz Chaim was visibly moved by father and son, each passionately thinking of the other. Indeed, the son added, "With such a father, who is so devoted, how could I go wrong? My education at home has been meticulous, watched over by my dear father. I am strong. I can make it."

The holy Chafetz Chaim replied, "My son, let me share with you a pasuk from the Torah. The Torah lists the various species of fowl which are forbidden to be eaten. Among them is ha'yaanah, which, according to some, is the ostrich. The Torah mentions a number of birds which are deemed

unkosher. Why is it that only concerning the yaanah that the Torah specifies that only the bas, daughter, of the adult yaanah is prohibited? The commentators explain that the yaanah has a strong constitution. Its stomach is strong as steel; its skin hard as the sole of a shoe. It eats stone and glass shards. Therefore, the Torah does not deem it necessary to prohibit it. It is basically inedible because of its physical composition. The infant, however, having not yet developed, still has soft skin and is edible.

"Yirmiyahu HaNavi laments, Bas Ami l'achzar, kayaanin bamidbar, 'The daughter of my people has become cruel, like ostriches in the desert' (Eichah 4:3). How does the ostrich manifest cruelty to its young?" asked the Chafetz Chaim. "The ostrich chicks come to their mother begging for food, and she gives them what she thinks are delicacies, stones and broken pieces of glass. True, for the mother whose food pipe is like steel, these might be considered delicacies, but the chick will die as a result of a compassionate mother. Its food pipe will be torn, its stomach destroyed. The mother will be guilty of killing its child, when all she wanted to do was feed her a delicacy.

"You probably understand, my son, what I am teaching you. Your father is an adult who has become accustomed to the secular environment that permeates and infects the streets. He is strong, having spent years battling successfully to transcend its deleterious influence. He can handle the 'broken glass and stones.' You are young and delicate. You cannot and will not survive such an onslaught on your spirituality."

What was true then increases in intensity in contemporary times. Parents think their young, delicate children can handle the street. They even bring it into their homes via the various virtual and not so virtual media available today. Perhaps the parents have a stronger constitution; their children, certainly, do not. Why should we be guilty of the cruelty of the ostrich?

Va'ani Tefillah

Horav Yitzchak Zilberstein, Shlita, writes about an incident which took place in a hospital lobby, and the powerful lesson he derived from it. He was at the Tel HaShomer hospital intending to visit one of the members of his shul. Suddenly, two young men dressed in uniform walked in. They had stern looks on their faces, and each was holding a gun in his hand. They approached the Rav and a group of people in his vicinity and asked them "politely" to move into a different area. There was no arguing with the men. They seemed quite serious; no one seemed to object, as people moved aside. There is something about a drawn gun that makes people perk up and take notice. Rav Zilberstein soon saw that these men were actually wearing Brinks uniforms. They were at the hospital to deposit money in the bank's ATM machine.

Suddenly, out of the blue, a young man approached one of the guards, patted him on the back and said, "Aharon, how are you?" The Brinks guard did not respond. It was as if he had never met the person. He ignored him - totally. Later on, after the money was placed in the ATM machine, the guard turned to his friend and greeted him.

Rav Zilberstein derives a powerful lesson from here. A guard has a function to perform and, when he is involved in executing his job, nothing - absolutely nothing - stands in the way. Should it be any different when we are carrying out our mission for Hashem Yisborach? We stand before Him in prayer, and suddenly a good friend saunters over and asks what might even be an important question. Do we have the right to take our "eyes off the money," to intimate to Hashem that we presently have something of greater importance to address? If we consider tefillah, prayer, exactly what it is - a conversation with Hashem - this question would be superfluous.

Dedicated l'zechar nishmas our husband, father, grandfather Harav Daniel ben Harav Avraham Aryeh Leib Schur z"l - Horav Doniel Schur Z"l niftar 21 Adar 5766 t.n.tz.v.h sponsored by his wife, sons, daughters and the whole family

By Rabbi Yirmiyohu Kaganoff

How Do We Make Kosher Wine?

By Rabbi Yirmiyohu Kaganoff

Kashrus is significant to this week's parsha, and right after Purim and beginning our Pesach preparations. This seems like the perfect week to discuss:

Question #1: Business Lunch

"On a business visit to Israel, I needed to take out some non-Jewish business contacts to a top-quality restaurant, but I was told that I could not order wine to accompany the meal. Yet, in America I do this all the time. What am I missing?"

Question #2: The Winter Vintner

"While winter vacationing in a warm climate, I discovered a facility that makes an incredible wine, currently unavailable as kosher. Can I make kosher wine in a gentile's facility?"

Answer:

The importance of wine to Jewish celebration cannot be underestimated. The pasuk in Tehillim (104:15) teaches that wine gladdens a man's heart. Chazal, also, treat wine as a special beverage, and therefore it has its very own beracha. Every special event – kiddush, havdalah, weddings, sheva berachos, brisim, pidyon haben – includes a beracha over a cup of wine. And halachah mentions the special role of wine in celebrating Yom Tov.

Grapes and the contemporary "food chain"

In addition, the importance of grapes in modern use can not be taken lightly. Grape-based products are used extensively in all types of food production, including alcohol, liquor, wine vinegar, flavors, natural extracts, colorings, sweeteners, juice drinks, jam, jelly, preserves, candies, fruit ices and various other foods. Thus, not only the wine connoisseur but also the teetotaler and everyone in between are using grape products, although they often do not realize it.

Example:

Many years ago, I was contracted to oversee a special production of kosher grape concentrate, which is another way of saying grape juice with most of the natural water removed, at a non-kosher plant. The entire four-day production was ordered specifically in order to produce a run of kosher fruit ice.

Producing kosher wine

Manufacturing kosher grape juice and wine is a complicated process that requires a very knowledgeable and yarei shamayim staff. From a kashrus perspective, grapes are unusual. They are kosher when they grow, yet kosher wine and grape juice must be manufactured without the product being touched or moved by anyone but an observant Jew. If the product was produced in any other way, it is no longer kosher.

Why is this?

What are yayin nesech and stam yeinam?

In addition to the cardinal prohibition against worshipping idols, avodah zarah, the Torah distanced us from any involvement with or benefit from avodah zarah. One of the laws relating to idol worship is the prohibition from using an item that was used to worship idols, called tikroves avodah zarah. According to the accepted halachic opinion, using tikroves avodah zarah is prohibited min hatorah (Rambam, Hilchos Avodah Zarah 7:2; cf. Tosafos, Bava Kama 72b s.v. De'i, who rules that the prohibition against its use is only miderabanan). Included in the prohibition against using tikroves avodah zarah is that one may not derive any benefit from wine that was used to worship an idol. This prohibited beverage is called yayin nesech, literally, sacramental wine, or wine used for worship.

Chazal extended this proscription by banning use of any wine or grape juice which a gentile touched, and, in some instances, even if he just moved it or caused it to move. This prohibition is called stam yeinam.

Although one may not drink stam yeinam, the halachic authorities dispute whether one may benefit from stam yeinam. According to the lenient opinion, this means that if a gentile who does not worship idols, touched or

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moved wine that a Jew owned, one may derive benefit from the wine. Notwithstanding this leniency, most authorities prohibit purchasing *stam yeinam*, and only permit benefiting from it if one already owns it. Nevertheless, a minority opinion permits a Jew to purchase *stam yeinam* in order to make a profit, and, upon this basis, many Jews own and owned taverns or liquor stores, where they sold non-kosher wine to gentile customers (see Rama, *Yoreh Deah* 123:1).

Producing kosher wine

Unquestionably, manufacturing kosher wine and grape juice is one of the more complex areas of kosher food production. If one is making kosher wine in an otherwise non-kosher facility, one needs to laboriously kosher the entire factory. The actual manufacture of the wine also usually requires a large team of G-d-fearing individuals, who are all properly trained to fulfill their responsibilities. Furthermore, every facility producing kosher wine should have a resident supervisor who is a *talmid chacham* and expert in the relevant halachos. It is for this reason that people should be very careful to ask questions before drinking wines, to make sure that the people overseeing the *hechsher* are knowledgeable and G-d-fearing.

The basics of wine production

Wine is the fermented juice of grapes. All grapes grow with naturally occurring yeast on their skin that, left to its own devices, feeds on the natural grape sugars in the juice, thereby converting it to alcohol. The result is that sweet grape juice becomes intoxicating and delicious wine. This is the way Rashi produced wine in northern France over nine hundred years ago and the way wine was produced until the modern era. Wine produced this way is completely natural, but its taste will vary from year to year, and perhaps even from vat to vat.

Modern wineries rarely produce wine this way, preferring to pasteurize the juice, thereby killing the natural yeast, so that they can control how their wine will taste. After pasteurization, they add specific strains of yeast to produce wine to their desire. The wine is then bottled under vacuum and sealed.

Often, grape juice is concentrated by evaporating off most of its natural water. Grape concentrate lasts much longer than grape juice and has its own uses as a sweetener.

Here come the grapes!

Now let us follow the production – from grapes to bottled wine. Wine grapes are picked and dropped into closed-bottom boxes, since one wants to preserve as much of the juice as possible. The grapes are delivered by truck to the winery, where a forklift picks up the boxes and turns them upside down, dropping the contents into a piece of equipment that removes the stems from the grapes and is therefore called a "destemmer." What is left is a mixture of grapes and juice that is pumped to a holding tank.

In a properly run *hechsher*, every step after the initial dumping of the boxes of grapes into the destemmer is performed by an observant Jew. That means that a *frum* Jew must push the production buttons of the equipment. In the special production that I oversaw, since the *mashgichim* hired for the special run were inexperienced in plant operations, every production point was manned by two people – a factory worker, who instructed the *mashgiach* how to operate the machinery, and a *mashgiach* who pushed the buttons and actually did what needed to be done.

At this point, we need to take a break from the juicing process and turn our attention to a discussion in halachah.

When does it become wine?

As I mentioned before, wine becomes forbidden when it is touched by a non-Jew. At what point is the product called "wine," causing this prohibition to take effect? While the grapes are growing, or even while they are being harvested, a gentile's contact will not affect them. So, at what point do we need to be concerned?

The halachic conclusion is that grape product is considered wine once the juice has been removed or separated from the pulp of the grapes (*Shulchan Aruch*, *Yoreh Deah* 123:17). This step is called *hamshachah*, literally, drawing away. When this happens, both the liquid that has been removed as

well as the entire remaining mixture are considered wine and become forbidden if handled by a non-Jew. Once *hamshachah* takes place, if a gentile touches the juice, he makes it prohibited.

Example:

I was once visiting a wine production facility with a less-than-stellar reputation for its *kashrus* standard. While there, I noticed gentile staff remove samples of juice from the crushed material well before the wine had been formally separated. The lab technician dipped a paper cup into the vat to draw his sample, gently separating some juice from the rest. This simple act made the entire batch into prohibited *stam yeinam*. (If you are curious to know what I did subsequently -- I brought the fact to the attention of the *mashgiach*, who told me that he follows the instructions he is given by the certifying rabbi. I asked the rabbi -- who denied that laboratory personnel take any samples, since he had instructed them not to do so. This is merely one example of why this particular brand is avoided by anyone seriously concerned about *kashrus*.)

As we noted, it is crucial to avoid any contact of non-Jews with the juice from the time any *hamshachah* has occurred. It is also forbidden to allow a non-Jew to pour wine or move a vessel containing wine, even though he does not touch the wine directly. If he touches a stream of wine being poured from a container, then the contents of the entire container, even that which has not yet been poured, becomes forbidden. For this reason, an observant Jew must operate every procedure during production until the wine becomes *mevushal*, a concept I will explain shortly. Therefore, a winery must have an adequate staff of qualified *mashgichim* throughout all phases of the production.

It is permitted to allow a gentile to carry or touch a sealed bottle or container of wine. Also, a non-Jew's touching the outside of an open container or tank of wine without moving the wine inside does not prohibit the wine.

Back to our grapes

Now that we understand the serious problem that can result from inadequate control, let us return to our juice production. The first step common to all types of wine production is called the "crush" -- where the grapes are literally crushed to remove all juice from the pulp. When the crushing is finished, every drop of juice has been removed, and the remaining pulp is so dry that it is almost useless. Sometimes, it can be salvaged as animal feed, other times as fertilizer, or it can be fermented into a product called *marc alcohol*, but these are not the primary concerns of the wine or juice producer.

The Heat Exchanger

After pressing, the juice is filtered. In most North American wine production, the juice is now pasteurized by processing it in a piece of equipment called a plate heat exchanger. This highly efficient piece of equipment consists of interlocking plates tightly screwed together, in which the product and extremely hot water pass through alternating sections, thereby pasteurizing the juice without losing any to evaporation. The juice is then cooled down and placed in huge, refrigerated storage tanks.

If the wine is to be sold as non-*mevushal*, the juice is not sent to the heat exchanger, but instead is pumped directly from the filter to the refrigerated storage tanks. This juice will be inoculated with yeast and aged to become the desired wine product.

Mevushal

The Gemara (*Avodah Zarah* 30a) teaches that the prohibition of *stam yeinam* does not exist if the wine was *mevushal* before the gentile handled it.

According to the Rambam (*Hilchos Maachalos Asuros* 11:9), the reason for this heter is because no self-respecting idolater would consecrate cooked wine to his deity. Cooking wine harms it, and cooking grape juice affects its ability to ferment naturally. Indeed, some winemakers never pasteurize the juice from which they produce their wines, because heating compromises the taste. For this reason, halachah views wine that is *mevushal* as inferior, and this has several ramifications.

The Rosh (*Avodah Zarah* 2:13) does not consider this a sufficient reason to explain why cooked gentile wine is not included under the prohibition of *stam yeinam*. He explains that *mevushal* wine is permitted because it is

extremely uncommon, and, therefore, Chazal did not include it within the prohibition of *stam yeinam*.

Is pasteurization the same as *mevushal*?

Most American *hechsherim* treat pasteurized juice and wine as *mevushal*, and therefore are not concerned if a gentile is in contact with grape juice or wine after it has been pasteurized.

However, many prominent Eretz Yisrael authorities feel that contemporary heat exchange pasteurization does not qualify as *bishul*. Among these authorities, we find two different reasons. Rav Shelomoh Zalman Auerbach feels that *mevushal* wine must be a product that is clearly recognized as inferior, whereas pasteurized wine is not considered an inferior product. Even if we assume that certain varieties of wine would never be pasteurized, and we also assume that a professional winemaker can always identify that a wine is *mevushal*, Rav Shelomoh Zalman contends that *mevushal* wine must be so affected by the *bishul* that the typical gentile would notice its inferior quality. However, a modern heat exchanger pasteurizes the product without making a pronounced change in the product's taste (Shu't Minchas Shelomoh 1:25).

Those who challenge his approach feel that since pasteurization heats the wine to a sufficient temperature to be considered *bishul*, the wine meets the standard that Chazal established for it to be outside of their *gezeirah*. Furthermore, they contend that it is halachically significant that a wine connoisseur will notice whether a wine was pasteurized or not. For example, French wines, Niagara wines, many quality California wines and many quality Israeli wines are not pasteurized, because this ruins the wine's taste. Rav Yosef Shalom Elyashiv held a different reason why pasteurized wine does not qualify as *mevushal*. Since this wine is readily available today, the reason why the Rosh permitted *mevushal* wine – that it is uncommon -- does not apply. The decision of Rav Shelomoh Zalman Auerbach and Rav Yosef Shalom Elyashiv is followed by many contemporary authorities.

Rav Ovadyah Yosef followed an approach in-between the position just quoted and that of the lenient American *poskim* mentioned above (quoted in *Nishmas Avraham*, end of *Yoreh Deah*). Although he accepted that pasteurized wine can be considered *mevushal* after-the-fact, he considered this *psak* a *be'di'eved*, to be relied upon only if a mistake occurred. He forbade a company selling pasteurized kosher wine from labeling the product as *mevushal*.

Now, we may return to question #1: Someone will have non-Jews at his table and must serve quality wine. What does he do? It is impolite to pour the wine and keep the bottle off the table. Therefore, his only viable option is to serve *mevushal* wine. May he use pasteurized wine? While the American *hechsherim* allow him to, according to Rav Shelomoh Zalman Auerbach and Rav Elyashiv he could only bring wine to the table if he first poured it into a pot and cooked it – which will undoubtedly ruin the wine.

Can I make kosher wine in a gentile's facility?

Yes, if one arranges that the wine is produced in a way that fulfills all the halachic requirements and is sealed properly, the wine is kosher, even though it is the property of a gentile, was produced on his equipment, and remains stored on his facility. As we mentioned above, there are many specific regulations that must be fulfilled to guarantee that the product remain kosher, and this includes that an observant Jew be *mashgiach* at all stages.

It is interesting to note that the earliest discussion of *kashrus* standards for any food production is mentioned in the context of producing and storing kosher wine at a gentile's facility. The *Mishnah* that discusses this topic is the source for the concept of *yotzei venichnas*, that a *mashgiach* may exit the facility, as long as the gentiles involved think that he may return at any moment. However, if they know when the Jew will be returning, one has jeopardized all *kashrus* arrangements. For this reason, every *hechsher* must be careful that their *mashgichim* make surprise visits to the factories under their supervision, including visits to the facility in the middle of the night and at other odd times.

Conclusion

The Gemara teaches that the rabbinic laws are dearer to Hashem than the Torah laws. In this context, we can explain the vast halachic literature devoted to understanding the prohibition of *stam yeinam*, created by Chazal to protect the Jewish people from major sins. We should always hope and pray that the foods are prepared in accordance with all the halachos that the Torah commands us.