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INTERNET PARSHA SHEET ON CHUKAS - 5779

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Rabbi Benjamin Yudin "Holy Cow! It's Torah!"

Parshas Chukas begins with three mitzvos concerning death, impurity that ensues there from, and the purification process of sprinkling the ash of a parah adumah mixed with water after three and seven days in order to attain purification. Today, unfortunately, we do not yet have the eifer ha'parah for the sprinkling of a parah adumah.

The Torah does not explain tumas meis - the impurity that is emitted from a deceased person. Perhaps it could be explained that just as in life there are levels of holiness and sanctity, similarly in the absence of life there is a vacuum and a spiritual void commensurate with the degree of holiness that an individual had achieved. The more holiness, the greater the observance of Torah and mitzvos and the greater one's personal interaction with their fellow man, the more tumah - impurity will be created after death.

The Shelah Hakadosh (in Derech Chayim on Parshas Chukas) teaches that in the absence of the parah adumah, the learning and living of Torah serves as the purifying factor in our lives. He explains that in addition to the literal understanding of the sprinkling of the parah adumah water on the third and seventh days, the Torah was given on "day three" and enables us to attain "day seven". This comment of the Shelah is referring to the teaching of the Ramban (Bereishis, beginning of chapter 2) where he broadens our mystical horizons and demonstrates that the six days of creation correspond to the six millennia. On the third day, that is, in the third millennium of world history, we received the Torah and it enables us to attain immortality of the soul, symbolized by the seventh day of total Shabbos.

That "Torah is life" may be seen from many references in the Chumash. The Torah says, "you shall observe My decrees and My laws, which man shall carry out and by which he shall live - I am Hashem" (Vayikra 18:5). Rashi and the Targum both understand this verse to refer to life in Olam Habah.

This is akin to the Talmud's (Eruvin 22a) explaining the passuk, "hayom l'asosam" (Devarim 7:11) to be teaching that today, i.e. this world, is for performing mitzvos, and tomorrow, i.e. the world to come, is for receiving reward.

The Gra (in Aderes Eliyahu) understands the verse cited above (Vayikra 18:5) to refer to this world. The Torah is therefore teaching that even though the very nature of Torah and mitzvos sustains life, one is not to perform them with a personal, physical benefit of attaining life in mind, but rather as the verse ends, "Ani Hashem - I am Hashem", do it because I commanded it. Similarly, he says given the reality highlighted by the text of every bracha recited prior to performing a mitzvah, "asher k'dishanu b'mitzvosav - Who has sanctified us with His commandments", one might be excited to perform the mitzvah to receive holiness and spirituality, therefore the text continues, "v'tzivanu - and He commanded us", instructing us to do the mitzvah for no ulterior motives, be they physical or spiritual.

In Nefesh HaChayim (book 4, chapter 29) the primary student of the Gra, Reb Chaim of Volozhin, quotes the Zohar saying that the 613 mitzvos correspond to the 613 physical components of the body (limbs, sinews, etc.). When one fulfills a mitzvah he sanctifies and invigorates that corresponding organ and part of the body. He follows in the path of his rebbe and understands "v'chai bahem" most literally.

It is interesting to note that the world as we know it is functioning in the b'dieved - second best, or plan B - mode. Initially, man was to be eternal, and the phenomenon of death was not to be in this world. Adam and Chava sinned, however, and death became part of life. We were given a second chance at Sinai, as the Gemara (Avodah Zarah 22b) teaches that at Sinai "paska zu hamasan - the impurities and negative consequences of sin were removed from them." Upon receiving the Torah the nation of Israel was, "kulach yaffa ra'yazi u'mum ein bach - beautiful my beloved, blemish free." This is understood by Chazal to mean that all the sick were healed at Sinai and the Torah literally revitalized them. Had they not sinned with the golden calf, man could once again live eternally. Such is the power of Torah.

In addition, not only does Torah fill the void of spirituality that sets in as a result of death, thereby emulating the eifer ha'parah (the ash of the parah adumah that was to be sprinkled on the third day), but it also serves as the vehicle for future resurrection. The Gemara (Kesubos 111b) cites Isaiah (26:19), "hekitzu v'raninu shochnei afar ki tal oros talecha - awake and shout for joy you who dwell in the dust, for your dew is like the dew on fresh ground" and homiletically explains it to mean that your light, Torah, is what will resurrect you and once again give you life. The Talmud states quite unequivocally that a Jew who is not connected to Torah will not be resurrected. When the Torah says (Devarim 30:20), "for He is your life and length of your days" this is no exaggeration!

The Gemara (Brachos 61b) relates that when it was decreed by the Romans that the Jewish people should not study Torah, Rabbi Akiva defied the edict by teaching Torah publicly. He offered a parable to explain what this situation may be compared to: a fox was walking along a river saw fish gathering from place to place as if constantly fleeing. The fox asked them who they are running from to which they responded that they are fleeing the nets that people bring to capture them. The fox said that the fish should come onto dry land and be safe from the nets. The fish replied that the fox can't be the most clever of the animals, rather he is but a fool. If in the natural climate, water, that sustains a fish's life, they are afraid, then certainly they cannot live on land without water. So too, Rabbi Akiva said, we must continue to engage in Torah which is chayecha v'orech yamecha - our life and length of days, and if we desist from Torah, we would be all the more in danger.

It is no coincidence that we find in the midst of the laws of tumas meis regarding how impurity is transmitted to people, food and utensils, the statement (19:14), "zos haTorah, adam ki yamus b'ohel - this is the law regarding a man who dies in the tent." On the surface the introductory words, "zos haTorah" seem extraneous. The Gemara (Berachos 63b) learns

from this a very essential point for the study of Torah: "the words of Torah are only retained by one who kills himself for it" i.e. by one who sacrifices for Torah. Torah is not to be studied casually over a cup of tea.

The Torah frames the purification process by saying, "he shall purify himself with it on the third day and on the seventh day." Torah, given on the third day-millennium purifies one and sets the stage for the seventh day of eternity of the soul. "But if he will not purify himself on the third day and on the seventh day, he will not become pure."

The parsha begins with "zos chukas haTorah" even though it really should have said "zos chukas haparah." I believe that an additional level of understanding in this passuk is that only "zos chukas haTorah" is going to keep us tahor as a people throughout the millennia.

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from: **Rabbi Yissocher Frand** <ryfrand@torah.org> reply-to: do-not-reply@torah.org to: ravfrand@torah.org date: Jul 10, 2019, 6:49 PM subject: Rav Frand - Live the Lesson of the Snakes

Dedicated to the speedy recovery of Mordechai ben Chaya & Henya Chana Raizel bas Rochel Bayla.

Parshas Chukas

Live the Lesson of the Snakes

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #1082 – Should You Buy an Expensive Esrog Box? Good Shabbos!

We Must Integrate the Lesson of the Snakes Into Our Daily Lives

The pasuk in Parshas Chukas says, "They journeyed from Hor HaHor by way of the Sea of Reeds to go around the land of Edom, and the spirit of the people grew short with the road." [Bamidbar 21:4] Aharon haKohen had just passed away, and the people again became agitated. "The people spoke against G-d and Moshe: 'Why have you brought us up from Egypt to die in this wilderness? For there is no food and there is no water, and our soul is at its limit with the insubstantial food.'" [Bamidbar 21:5] If there seems to be one underlying theme about which they repeatedly complain – it is about the mann. Basically, they say they are disgusted with the mann.

It is important to realize something that is not readily apparent. Thirty-eight years elapsed between last week's parsha (Parshas Korach) and this week's parsha (Parshas Chukas). The incident of the Meraglim (in Parshas Shelach) preceded – at least according to the Ramban – the story of Korach. Those events both occurred at the beginning of their sojourn in the Wilderness. For the next 38 years, nothing dramatic occurred — at least not anything the Torah shares with us. Thirty-eight years later, they are again on the boundary of Eretz Yisrael, and they are complaining again. They complained at the beginning of the 40 years and they complained at the end of the 40 years. What is their complaint? "We can't stand the mann."

It would seem to be that the mann is the greatest thing going. It tasted like whatever each person desired. Someone wants milchigs one night – it tastes like dairy. Someone wants fleishigs the next night – it tastes like meat. There was no bodily waste created by it. It was great! Yet, it seems that when Bnei Yisrael start complaining, they always complain about the mann. What is the message here?

The pasuk continues, "Hashem sent the snakes, the burning ones, against the people, and they bit the people, and a large multitude of Israel died."

[Bamidbar 21:6] Throughout Sefer Bamidbar, the Almighty punished the people in different ways. Here, Hashem uses a new method – they are attacked by snakes. Why snakes? Why could they not just drop dead? Why did the earth not swallow them up like last week? Why did fire not come down from heaven and consume them like in Parshas Shmini? Why snakes? "The people came to Moshe and said, 'We have sinned, for we have spoken against Hashem and against you! Pray to Hashem that He remove from us the snakes.' Moshe prayed for the people." [Bamidbar 21:7] What was the

remedy for this plague? What was the cure for someone who was bitten by the snake? "Hashem said to Moshe, 'Make yourself a burning one and place it on a pole; and it will be that anyone who has been bitten will look at it and live.'" [Bamidbar 21:8]. The remedy for snakebites was to look at a snake! This has to be the most peculiar anti-venom serum ever created! Just look at the snake and you will be cured.

In fact, the international symbol of medicine has become the caduceus, a staff with two snakes wrapped around it. The source for that is this Biblical passage – the cure was the snakes. What is the message here? The plague is strange and the cure for the plague is even stranger.

My son, Reb Yakov, told me he heard an interpretation from a Rabbi Bukspan, which provides an interesting answer to this question. The Gemara [Yoma 76a] says that the disciples of Rabi Shimon bar Yochai asked him, "Why did the mann not descend for Israel once a year (in a quantity enough to last them for a whole year)?" Rabi Shimon bar Yochai answered them with a parable to a king who had an only son. He provided his son with his needs of sustenance once a year, for the whole year. Therefore, the son only came to see the king once a year, when he needed money.

When I went off to Yeshiva, my father used to send me a weekly allowance. Every week he would send me a check – five dollars a week. This way I could buy toothpaste and pay for any other miscellaneous expenses. The Yeshiva provided meals as part of the room and board. My father sent that check like clockwork. Every single week, I received a check for \$5.00. Today, parents give their children a credit card. When does the father hear from the son? Maybe never. When the father sees that the son has overdrawn the credit card, then the son hears from the father!

The Gemara says that when the king gave his son enough money for a whole year, he heard from him once a year. Therefore, the Gemara continues, the king changed his method of financing his son. He provided for his daily needs, one day at a time. This way the king heard from his son every day.

So too it was with Bnei Yisroel. Every single day people would worry – how am I going to feed my family? Every day they were afraid – maybe the mann will not fall tomorrow and my entire family will be wiped out in famine. The result was that everyone had their hearts focused on their father in heaven. The mann came from heaven so they needed to pray every day: "Master of the Universe, give us food." That is why the mann came down every day.

This Gemara is saying something that the Sefas Emes articulates in a different context. The Sefas Emes says that Hashem cursed the Snake – "You shall eat dust all the days of your life." The world asks – what kind of curse is that? Dirt is available ubiquitously. The Snake will never worry about the source of his next meal. However, the curse is that the Almighty is, in effect, saying to the Snake: "Here is your sustenance. Do not bother me again. I do not want to see you ever again." The contact that every other living creature needs to have with its Creator does not apply to the Snake. This is not a blessing. It is a curse.

This is why Hashem gave mann every single day. He wanted Klal Yisrael to realize that we are dependent on Him, and that "He is the one who gives you strength to act with valor..." [Devorim 8:18]. That is precisely why they did not like the mann. Human beings do not like to feel their dependence. We like to delude ourselves and think we are independent. That is why they kept on complaining about the mann. The Ribono shel Olam had this calculation – you should know that you are dependent on Me. The people resented that. They did not want to admit this fact.

"Modim Anachnu Lach..." Modim does not only mean 'we thank.' Modim means 'we admit...' that our lives are given over to Your Hand, and that our souls are delivered to You, and that Your miracles are with us every single day. We need to admit these facts, as much as we do not like to do so. That is why they did not like the mann.

Now the punishment they received makes sense. The punishment came from snakes because the people were acting like snakes – they did not want to be dependent on Divine handouts. That was the fate of the Snake. The Ribono

shel Olam was sending them a message: Snakes. You want to be like the primordial Snake? Then the snakes will bite you. Do you know what the cure for this is? “You shall stare at the copper snake and be cured.” The Talmud [Rosh Hashannah 29a] comments that it was not a matter simply of looking at the snakes – because snakes cannot cure. The idea was that they put the snake on a high place and raised it on a flagpole. When they lifted their eyes towards their Father in Heaven, they were cured. The cure was in looking upwards and figuring out from where their Help came from, and upon whom they were dependent.

That was the aveyra [sin]. That was the punishment and that was the cure. The aveyra was saying, “I want to be independent. I do not want to realize my dependence on the Almighty.” The punishment was: You are acting like snakes – you will get bitten by snakes! The cure came when Israel cast their gaze up toward heaven. This is a lesson that is as important today as it was then. We think that with all our wisdom, we can go and we can come, and we can invent and we can function independently. However, it is “He who gives you strength to act with valor.” We dare not say, “It is my strength and the power of my hand which has made for me all this valor.” [Devarim 8:17] We need Him for every step and breath we take. The lesson of the snakes is one we need to integrate into our daily lives.

The Death of Aharon: Mission Accomplished

The pasuk says, “And Aharon shall be brought to his people, for he shall not enter the Land that I have given to the Children of Israel...” [Bamidbar 20:24] The Sefas Emes asks a very simple question here: If his time to die had not come yet, just because he was not able to enter the Land, is that a reason to diminish his lifespan? If it is not the time for him to die, he should not die. On the other hand, if his pre-destined time to die had already arrived, why was it necessary for the Torah to link his death with his not being able to enter the Land? What does this pasuk mean?

The Sefas Emes interprets based on a basic concept: The length of time we live in this world is not pre-determined to be X number of days or years. We live in this world until the time we complete our assigned mission. When we complete our mission, then we leave this world. Some people take 80 years to complete their mission. They live until 80. The Ramoh (Rav Moshe Isserles) died when he was 33 years old. Apparently, he completed his mission by the time he was that age. He wrote 33 sefarim. He died on the 33rd day of the Omer). He only needed 33 years.

The Sefas Emes explains that Moshe and Aharon asked to enter Eretz Yisroel so that they would be able to fulfill Mitzvos that were land-dependent. [Sotah 14a] In other words, they felt “Our mission in this world is not finished yet – we have not been able to fulfill the mitzvos ha’teluyos b’Aretz. The Almighty told them “I have other plans.”

According to the approach of the Sefas Emes, if Aharon’s mission included going into Eretz Yisrael, he would not have died yet, because he would not have completed his spiritual mission in life, which included fulfillment of the mitzvos of terumos and ma’asros, etc. He was a Kohen who never ate terumah in his life. The Torah therefore says, “He will die now, because he is not going to enter...” — meaning that entering Eretz Yisrael and fulfilling the special mitzvos there is not part of his life’s spiritual mission. Perhaps that mission was removed from him as some kind of punishment for the sin of Mei Merivah, but ultimately his time to die came because he was not going to enter the Land, and his mission in life was already complete.

A friend of mine, who unfortunately died recently, told me a rather chilling statement before he died. He said, “We go into the supermarket and buy a quart of milk or a pound of cream cheese and we check its expiration date. After that it is not good anymore.” He told me, “We all have expiration dates printed on our foreheads. We just do not see the expiration date, but it is there.” That expiration date is dependent on when we complete our mission in life. When we complete our mission, we leave this world.

“...Because he will not enter...” Aharon is not going to go into Eretz Yisrael because the Land-dependent mitzvos are not part of his life’s mission. If so, that is why “Aharon died on Hor HaHor.”

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from: Shabbat Shalom <shabbatshalom@ounetwork.org> reply-to: shabbatshalom@ounetwork.org date: Jul 11, 2019, 9:21 PM

Losing Miriam

Rabbi Lord Jonathan Sacks

Losing Miriam Britain’s Former Chief Rabbi Lord Jonathan Sacks It is a scene that still has the power to shock and disturb. The people complain. There is no water. It is an old complaint and a predictable one. That is what happens in a desert. Moses should have been able to handle it with ease. He has been through far tougher challenges in his time. Yet suddenly at Mei Meriva (“the waters of contention”), he exploded into vituperative anger: “Listen, you rebels, shall we bring you water out of this rock?” Moses raised his hand and struck the rock twice with his staff” (Num. 20:10–11).

In past essays I have argued that Moses did not sin. It was simply that he was the right leader for the generation that left Egypt but not the right leader for their children who would cross the Jordan and engage in conquering a land and building a society. The fact that he was not permitted to lead the next generation was not a failure but an inevitability. As a group of slaves facing freedom, a new relationship with God, and a difficult journey, both physically and spiritually, the Children of Israel needed a strong leader capable of contending with them and with God. But as builders of a new society, they needed a leader who would not do the work for them but who would instead inspire them to do it for themselves.

The face of Moses was like the sun, the face of Joshua was like the moon (Bava Batra 75a). The difference is that sunlight is so strong it leaves no work for a candle to do, whereas a candle can illuminate when the only other source of light is the moon. Joshua empowered his generation more than a figure as strong as Moses would have done.

But there is another question altogether about the episode we read of this week. What made this trial different? Why did Moses momentarily lose control? Why then? Why there? He had faced just this challenge before.

The Torah mentions two previous episodes. One took place at Mara, almost immediately after the division of the Red Sea. The people found water but it was bitter. Moses prayed to God, God told him how to sweeten the water, and the episode passed. The second episode occurred at Rephidim (Ex. 17:1–7). This time there was no water at all. Moses rebuked the people: “Why are you quarrelling with me? Are you trying to test God?” He then turned to God and said, “What am I to do with this people? Before long they will stone me!” God told him to go to a rock at Horeb, take his staff, and hit the rock. Moses did so, and water came out. There was drama, tension, but nothing like the emotional distress evident in this week’s parsha of Chukat. Surely Moses, by now almost forty years older, with a generation of experience behind him, should have coped with this challenge without drama. He had been there before.

The text gives us a clue, but in so understated a way that we can easily miss it. The chapter begins thus: “In the first month, the whole Israelite community arrived at the desert of Zin, and they stayed at Kadesh. There Miriam died and was buried. Now there was no water for the community...” (Num. 20:1–2). Many commentators see the connection between this and what follows in terms of the sudden loss of water after the death of Miriam. Tradition tells of a miraculous well that accompanied the Israelites during Miriam’s lifetime in her merit.[1] When she died, the water ceased.

There is, though, another way of reading the connection. Moses lost control because his sister Miriam had just died. He was in mourning for his eldest sibling. It is hard to lose a parent, but in some ways it is even harder to lose a brother or sister. They are your generation. You feel the Angel of Death come suddenly close. You face your own mortality.

Miriam was more than a sister to Moses. She was the one, while still a child, to follow the course of the wicker basket holding her baby brother as it drifted down the Nile. She had the courage and ingenuity to approach Pharaoh's daughter and suggest that she employ a Hebrew nurse for the child, thus ensuring that Moses would grow up knowing his family, his people, and his identity.

In a truly remarkable passage, the Sages said that Miriam persuaded her father Amram, the leading scholar of his generation, to annul his decree that Hebrew husbands should divorce their wives and have no more children because there was a 50 per cent chance that any child born would be killed. "Your decree," said Miriam, "is worse than Pharaoh's. He only decreed against the males, yours applies to females also. He intends to rob children of life in this world; you would deny them even life in the World to Come." [2] Amram admitted her superior logic. Husbands and wives were reunited. Yocheved became pregnant and Moses was born. Note that this Midrash, told by the Sages, unambiguously implies that a six-year-old girl had more faith and wisdom than the leading rabbi of the generation!

Moses surely knew what he owed his elder sister. According to the Midrash, without her he would not have been born. According to the plain sense of the text, he would not have grown up knowing who his true parents were and to which people he belonged. Though they had been separated during his years of exile in Midian, once he returned, Miriam had accompanied him throughout his mission. She had led the women in song at the Red Sea. The one episode that seems to cast her in a negative light – when she "began to talk against Moses because of his Cushite wife" (Num. 12:1), for which she was punished with leprosy – was interpreted more positively by the Sages. They said she was critical of Moses for breaking off marital relations with his wife Tziporah. He had done so because he needed to be in a state of readiness for Divine communication at any time. Miriam felt Tziporah's plight and sense of abandonment. Besides which, she and Aaron had also received Divine communication but they had not been commanded to be celibate. She may have been wrong, suggested the Sages, but not maliciously so. She spoke not out of jealousy of her brother but out of sympathy for her sister-in-law.

So it was not simply the Israelites' demand for water that led Moses to lose control of his emotions, but rather his own deep grief. The Israelites may have lost their water, but Moses had lost his sister, who had watched over him as a child, guided his development, supported him throughout the years, and helped him carry the burden of leadership in her role as leader of the women.

It is a moment that reminds us of words from the book of Judges said by Israel's chief of staff, Barak, to its judge-and-leader Deborah: "If you go with me, I will go; but if you do not go with me, I cannot go" (Judges 4:8). The relationship between Barak and Deborah was much less close than that between Moses and Miriam, yet Barak acknowledged his dependence on a wise and courageous woman. Can Moses have felt less?

Bereavement leaves us deeply vulnerable. In the midst of loss we can find it hard to control our emotions. We make mistakes. We act rashly. We suffer from a momentary lack of judgement. These are common symptoms even for ordinary humans like us. In Moses' case, however, there was an additional factor. He was a prophet, and grief can occlude or eclipse the prophetic spirit. Maimonides answers the well-known question as to why Jacob, a prophet, did not know that his son Joseph was still alive, with the simplest possible answer: grief banishes prophecy. For twenty-two years, mourning his missing son, Jacob could not receive the Divine word. [3] Moses, the greatest of all the prophets, remained in touch with God. It was God, after

all, who told him to "speak to the rock." But somehow the message did not penetrate his consciousness fully. That was the effect of grief.

So the details are, in truth, secondary to the human drama played out that day. Yes, Moses did things he might not have done, should not have done. He struck the rock, said "we" instead of "God," and lost his temper with the people. The real story, though, is about Moses the human being in an onslaught of grief, vulnerable, exposed, caught in a vortex of emotions, suddenly bereft of the sisterly presence that had been the most important bass note of his life. Miriam had been the precociously wise and plucky child who had taken control of the situation when the life of her three-month-old brother lay in the balance, undaunted by either an Egyptian princess or a rabbi-father. She had led the Israelite women in song, and sympathized with her sister-in-law when she saw the price she paid for being the wife of a leader. The Midrash speaks of her as the woman in whose merit the people had water in a parched land. In Moses' anguish at the rock, we sense the loss of the elder sister without whom he felt bereft and alone.

The story of the moment Moses lost his confidence and calm is ultimately less about leadership and crisis, or about a staff and a rock, than about a great Jewish woman, Miriam, appreciated fully only when she was no longer there.

[1] Rashi, Commentary to Num. 20:2; Ta'anit 9a; Song of Songs Rabbah 4:14, 27. [2] Midrash Lekach Tov to Ex. 2:1. [3] Maimonides, Shemoneh Perakim, ch. 7.

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Weekly Parsha CHUKAT

Rabbi Wein's Weekly Blog

The climax of the tragedies that have been recorded for us in the previous readings of the Torah appears in this week's reading. Driven to anger and exasperation, Moshe disobeys the order of God to speak to the rock and extract water from it and instead he raises his staff and smites it a number of times. This act does produce water, but it leads to the confirmation of the fact that neither Moshe nor Aharon will lead the Jewish people into the land of Israel.

The prophecy of Eldad and Meidad, that Moshe will die in the desert and that Joshua will lead the Jewish people into the land of Israel is now proven to be bitterly accurate. There is much discussion amongst the commentators as to why Moshe is so severely punished. In the review of the story of the Jewish people while in the desert of Sinai that appears in the book of Dvarim, Moshe himself seems to indicate that it was somehow for the benefit of the Jewish people itself.

He apparently could no longer be the leader of the people when they entered the land of Israel and found themselves in completely different circumstances than those that pertained while living in the desert of Sinai. There is no doubt that all later Jewish history would have taken a different course had Moshe lived and led the Jewish people into the land of Israel. But the will of heaven always pertains and creates the circumstances and narrative in which we ordinary mortals must function and somehow succeed. Maimonides saw in this narrative of the Torah the effects of cumulative behavior. By this he meant that Moshe was not judged and punished for the sin of striking the rock but rather this act was the final misdeed of his career. Because of his greatness and position of leadership, he was held to an exacting, exalted criteria of behavior. This judgment and the punishment that befell him was an accumulation of all the minor mistakes he had made. If we will attempt to understand what the transgression was and if the punishment fit the crime, we will always come up short of explanations that truly satisfy our human sense of logic and rectitude. The ultimate lesson of

the narrative of this incident is that the judgment of Heaven always remains beyond our scrutiny and understanding.

Moshe was warned early on that in spite of his greatness and holiness and though there would never be another human as close to Heaven and possessing his powers of prophecy, he still would not be able to truly fathom and understand the ultimate judgment, so to speak, of Heaven. Eventually Moshe comes to terms with this reality and understands that the dividing line between the Creator and the created can never be crossed. This is one of the most important messages that this week's reading can teach us.

Shabbat shalom
Rabbi Berel Wein

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subject: Rabbi Riskin on the Weekly Torah Portion

Shabbat Shalom: Chukat (Numbers 19:1-21:35)

Rabbi Shlomo Riskin

Efrat, Israel – “And he [Moses] said to them: “Listen now rebels”...and he struck the rock twice.” (Numbers 20:10)

Rabbi Nahman of Bratslav tells a tale of a king who was beside himself because his only son was behaving like a rooster: he divested himself of all of his clothes, romped about under the table, ate corn and fodder, and would only emit sounds of “cock-a-doodle-doo.” When all of his trusted doctors failed to find a cure, he sought in desperation the advice of a rabbi. The first thing the rabbi did was disrobe, get under the table, and introduce himself to the hapless prince as a fellow rooster. After several days of cock-a-doodle-dooing together, the rabbi began to eat real food. “You can be a rooster and still enjoy a scrambled egg and vegetables,” said the sage – and the prince joined him in the meal. And so, stage by stage, the rabbi brought the prince out from under the table and into the world of human discourse and relationships. But in order to effectuate the cure, the rabbi himself had to enter the quasi-animal world of the diseased prince.

But then why leave the hallowed halls of the beit midrash in the first place? In the laws of the red heifer, we saw how the kohen himself risks impurity by purifying the individual who became impure.

Why attempt to purify those who are defiled if you run the risk of becoming defiled yourself? Why does the Rabbi in the Rabbi Nahman story allow himself to become “roosterized” by consorting with the Prince-Rooster. Is he not worried that he will find acting like an animal to be more pleasant and certainly with fewer responsibilities than living the burdened life of a Prince? The answer is indubitably clear: that's what love of Israel is all about! The kohen, the Jewish leader, must love his people to such an extent that he is willing to sacrifice a portion of his own spirituality in order to bring those who have wandered far away closer to their religious roots. Rabbi Yisroel Salanter so defined mesirat nefesh, the commitment of one's soul for Torah: it cannot mean giving up material opportunities for the sake of Torah, for that would be mesirat haguf (the commitment of one's body); it must mean giving up a little bit of my portion in the World to Come so that my fellow Jew can have a portion as well.

And perhaps that is the responsibility of leadership as well. After all, it can be justifiably argued that if the religious leader had done a proper job, no Jew would ever become defiled!

What has this to do with the punishment of Moses for his having struck the rock twice, thereby demonstrating displaced anger against the nation which he in truth wanted to strike! God told him to speak to the rock but he struck the rock; he was expressing displaced anger at a thirsty and complaining Jewish people. He even lashed out at them, referring to them as “rebels,” criticizing not only their negative actions by ungratefully and unfaithfully kvetching for water but also denigrating their very personalities by classifying them as “rebels.” He had lost the ability to empathize with them,

to “get under the table with them” and feel their discomfort – as he had done so effectively when they were slaves in Egypt and first began their desert experience. Perhaps we cannot blame him for having lost patience – considering all the ingratitude and rebellions he had suffered. But nevertheless he was sinning! In striking the rock (i.e. the Jewish people who were stiff-necked as a rock) he demonstrated that he no longer had the requisite love for his people which is after all the primary requirement for Jewish leadership.

The kohen, on the other hand, scion of Aaron who “loves all creatures and brings them close to Torah,” takes the life-giving water of eternal Torah and transforms the dead ashes of the red heifer into the life-giving purity of the religious ritual; the kohen, representative of God, affirms the eternity of Israel and the ability of every Jew to be purified from death to eternal life within the continuity of the traditions of his people. And his love for Israel is so great that he is willing to defile himself in order to bring redeeming purity to his fellow Jews who have become impure. And similarly the Rabbi in Rabbi Nachman's story understood that only by empathizing and loving the Rooster-Prince would he have the possibility of weaning him away from his roosterism and restoring him to the world of humanity.

Shabbat Shalom!

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subject: [Rav Kook Torah]

Balak: Tents and Dwelling Places

Rav Kook Torah

The evil prophet Balaam wanted to curse the people of Israel, but instead found himself blessing them:

Ma Tovu Ohalecha Yaakov Mishkenosecha Yisrael - “How goodly are your tents, Jacob; your dwelling places, Israel” (Num. 24:5).

Is the repetition in Balaam's blessing only poetic? Or is there a deeper significance to these two forms of shelter: the “tent” and the “mishkan” (dwelling place)?

The Journey of the Soul

As we strive to grow spiritually, we make use of two contradictory yet complementary methods.

The first method is our aspiration to constantly improve ourselves. We strive to attain greater wisdom and enlightenment. We seek to continually refine the emotions and ennoble the spirit.

The second method is the necessity to restrain our striving for spiritual growth, in order to assimilate changes and guard against spiritual lapses. We want to internalize our spiritual and ethical gains, and maintain our current level. This means that we must curb the desire for growth, so that our ambitions do not overextend the soul's natural capacity for change.

The “tent” and the “mishkan” are both forms of temporary shelter. Both relate to the soul's upwards journey. However, they differ in a significant aspect. The “tent” is inherently connected to the state of traveling. It corresponds to the aspiration for constant change and growth. The “mishkan” is also part of the journey, but it is associated with the rests between travels. It is the soul's sense of calm, its rest from the constant movement, for the sake of the overall mission.

Surprisingly, it is the second method that is the loftier of the two. The desire to change reflects a lower-level fear, lest we stagnate and deteriorate.

Therefore, the blessing mentions “tents” first, together with the name “Jacob,” the first and embryonic name of the Jewish people.

The need to stop and rest, on the other hand, stems from a higher-level fear, lest we over-shoot the appropriate level for the soul. For this reason, the blessing mentions “mishkan” together with the name “Israel,” Jacob's second and holier name.

In any case, we need both aspects in order to achieve stable spiritual growth. Balaam's prophetic blessing praises the balanced union of "How goodly are your tents, Jacob" - the soul's longing for change - together with the more restful state of "your dwelling places, Israel," restricting growth in order to avoid unchecked advancement, thus enabling the soul to properly absorb all spiritual attainments.

(Gold from the Land of Israel (now available in paperback), pp. 269-270.

Adapted from Olat Re'iyah vol. I, pp. 42-43)

See also: Balak: Sweet Dreams

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from: Torah in Action /Shema Yisrael <parsha@torahinaction.com>

subject: **Peninim on the Torah by Rabbi A. Leib Scheinbaum**

Yisrael Torah Network

Peninim on the Torah - Parshas Chukas

פרשת חקת תשל"ט

וטמא הכהן עד הערב

And the Kohen is impure until the evening. (19:7)

Horav Yitzchak, zl, m'Vorka, taught that the essence of the Parah Adumah, Red Heifer, (this means the entire procedure of purifying one who is tamei meis, spiritually impure, due to contact with a corpse) is the whole concept of the mitzvah of V'ahavta l'reicha kamocho, "Love your fellow/neighbor as yourself" (Vayikra 19:18). This statement is shrouded in ambiguity. His grandson, Horav Mendel, zl, explained the process whereby the Kohen who was involved in the purification of another Jew himself became impure by the same process that purified the individual who came to him. Giving up something from oneself in order to help another Jew represents the ultimate love one can manifest towards his fellow man. When one truly loves another, he genuinely feels satisfaction/pleasure throughout all of the sacrifices that he makes for him/her.

Veritably, it goes beyond sensitivity. It actually defines a person. One whose focus is inward, with he himself being his primary concern in life, misses the mark of the purpose of humanity. We are not here for ourselves. Our mission in life is to serve, to care about others - not about ourselves. The Mirrer Rosh Yeshivah, Horav Shmuel Berenbaum, zl (quoted in the Chinuch Haggadah), expresses this idea in a novel exposition.

The Rosh Yeshivah asks concerning the designation given to the Avnei Milluim, the precious stones that were set into the Choshen HaMishpat. Rashi explains the reason for their cryptic name: "Since there was an indentation in the gold and the stone was placed inside the hole filling the gap, they were called "stones that fill" (Shemos 25:7). The question is obvious: these were beautiful, precious stones, unsurpassed in value; yet, they were only called "stones that fill." What about their intrinsic value? Their uniqueness? Why would their name seem to ignore these other-- supposedly primary -- qualities?

The Rosh Yeshivah explains that personal characteristics and attributes are certainly important. These qualities, however, do not define a person. The essence of a person, the true impact of a person, is measured by his ability to step in and fill the needs/the holes around him. Being an even milluim, a stone that fills, is the preeminent distinction that a person can earn.

In order to achieve such a lofty status, one must be able to see beyond himself to the plight of others, to ask himself, "What can I do to make life easier, more meaningful for him/her? How will my reaction to what he says affect him? Am I being too judgmental?" The list goes on. It takes very little to make a person feel good, and, likewise, it takes very little to upend a person's self-esteem and emotionally disenfranchise him.

Horav Yechiel Michel Gordon, zl, the Lomza Rosh Yeshivah, was a brilliant Rosh Yeshivah whose encyclopedic knowledge of all areas of Torah erudition enthralled his thousands of students. His extraordinary sensitivity for the feelings of every man endeared him to so many. Having endured a number of personal tragedies, he was dubbed the Iyov/Job of his generation.

He lost his wife to typhus fever, after which he married her sister and built a beautiful family. During the turmoil and travail of World War I, he carried his yeshivah on his shoulders and in his heart. When World War II broke out, he was in America raising funds for his yeshivah. He survived the war - his family did not. His wife, their sons, their daughter and their son-in-law were murdered by the Nazis. One son survived.

Together, they moved to Petach Tikvah where he reestablished the yeshivah. A broken man, who had suffered so much, he found solace in the Torah, its dissemination, his wonderful students, and, of course, his remaining son. Then, his last child was killed while standing guard at the yeshivah during the Arab pogroms. No one was left. At that time the Roshei Yeshivah decided that he would not be able to handle this latest tragedy. Thus, they were determined to keep it from him.

An elderly Jew, however, who was aware of the tragedy, but unaware of Rav Yechiel Michel's lack of awareness, came over one day to commiserate with the Rosh Yeshivah. He wondered how a person could endure so much pain - alluding to his youngest son's murder. They spoke for a few moments. The man left, and, as soon as he was well beyond hearing distance, Rav Yechiel Michel fainted and fell to the ground.

After Rav Yechiel Michel was revived, his talmidim, students, asked how he was able to listen to the emotionally tormenting words without flinching, without indicating in any way that he had heretofore not been aware of his son's tragic demise. His response is a classic in interpersonal relationships, "Can you imagine how much pain that Yid would have experienced had he realized that he was the one who had told me about my son? Of course, I could not react right away."

Every Jew's role in life is a supporting one. We are here only for the purpose of supporting our fellow. This not only determines our success in life, it also defines who we are. Perhaps this is alluded to in the pasuk, V'ahavta l'reicha kamocho, "Love your brother as yourself." Kamocho - like yourself, can be interpreted as: if your friend is missing something, if he is in need, then you are also in need. If you are tahor, pure, at a time when your friend is tamei, impure, then you are not pure. Kamocho means that you must view yourself through the eyes of your friend.

At times, it takes only well-placed words in the necessary circumstances to effect a dramatic change. This past Pesach, while spending the Yom Tov at a hotel, I noticed that everyone was walking briskly to the Kiddush. I looked around and noticed an elderly gentleman who was confined to a wheelchair, due to the debilitating illness from which he was suffering. For some reason, his wife (and caregiver) had erred in the timing and was not present at the end of davening to take her husband to the Kiddush and seudah. I asked him if I could push him. He replied, "Rabbi, it is not for someone like you to push me." I replied that it would be my honor, and I commenced to push him to the other building. Meanwhile, his wife arrived and apologized profusely. As I bid them, "Gutt Shabbos," the man's eyes welled up, as he reminisced, "I used to be the first one at the Kiddush. I ran the show, and now I need to be pushed around."

We are all in a rush, because we are all preoccupied with our lives. We have limited time to pause to think of others, their hardships and challenges. At times, all one needs is a Gutt Shabbos, a smile, an offer of assistance. He just wants to know that someone still cares.

I came across a one-minute video which begins with a blind man sitting on a street corner with a little cup in front of him and a sign saying, "I am blind. Please help me." People walked by, and every once in a while, someone bent down to drop a coin into his cup. A young woman walked by, bent down and changed the words on his sign. Suddenly, people stop to drop money into his cup. In a few minutes, he had earned more than he had taken in all day. What was the secret?

The young woman had changed his message to something everyone could relate to: "It is such a beautiful day, and I cannot see it." This made people wake up and realize that before them sat a man who just wanted to partake in the simple things in life, like enjoying a sunny day. He did not ask for much;

he just wanted them to think of him as they appreciated G-d's beneficence. Just words, but words that made an impact because they struck home.

ונצעק אל ד' וישמע קולנו

We cried out to Hashem and He heard our voice. (20:16)

Rashi explains that this "voice" is a reference to the "voice" with which Yitzchak Avinu blessed Yaakov Avinu, the Kol Yaakov, voice of Yaakov, Hashem responds to Jewish voices when they are raised in sincere prayer. Without prayer, we really do not have a chance for success. Indeed, it is part of the equation of success in spiritual life. When Klal Yisrael raised up their voices to Hashem from amidst the persecution they were experiencing in Egypt – He heard them and responded. Veritably, explains Horav Shimshon Pincus, zl, a Jew is hard-pressed to carry out all of his responsibilities vis-à-vis Hashem, such as mitzvah performance, both positive and prohibitive, to meticulous perfection; Torah study -- with its many aspects and obligations - is a weighty yoke placed upon a human being. How can he be expected to execute it all to perfection? Only through prayer for siyata diShmaya, Divine assistance. If he does not pray – then it is all his fault. He should have taken the initiative and done what he could do – pray.

We have no excuse for a lack of prayer. Hashem knows it is difficult. He wants to help, but we must enter the request via our mindful, sincere, prayer. Rav Pincus relates the following incident, which underscores the importance of asking for help. On the contrary, one who chooses to be a "hero" and thinks he can do it all by himself risks the danger of not only destroying himself, but also destroying others who rely on him. One of the floors in a large hospital dealt with patients who were acutely ill. On a regular basis, the floor was manned by three physicians. For whatever reason, one night the hospital had a shortage of doctors. The shift supervisor gave detailed, strict instructions to the one doctor who would man the floor, "Hopefully tonight will be an easy night. The patients are all medicated. They should sleep, barring any complications. Since you are the only attending on the floor, however, you have an enormous responsibility. You cannot do it alone. So, do not attempt to be a hero. You can deal with one patient at a time. If one of the critically ill patients wake up and requires immediate attention, you should immediately call for help, because, while you are helping one patient, another one might wake up and need attention. The precious minutes that you expend, while you leave one to attend to the other, might cost a patient his life."

That is exactly what happened. One patient woke up and required attention. Instead of calling for backup, he addressed the issue, only to be called away to another patient. Within fifteen minutes, the doctor was "plugging holes" in at least five patients. He succeeded in saving four of them. One patient who was on oxygen post-op, required immediate attention – which he could not give, because he was in over his head. By the time he reached his room, it was too late. The patient had expired.

The family of the deceased filed a suit against the hospital and the doctor, who was charged with negligence. His response was: "It was too much for one doctor to handle. I could not be everywhere at the same time." The attorney for the litigant countered, "But you were specifically instructed to call for assistance. You have no excuse."

When a Jew proffers his defense that he was overwhelmed with too many spiritual demands: Learn all of the time; observe every mitzvah; never lose your temper; absolutely no lashon hora, slanderous speech; be on your perfect behavior, it is indeed much. This is why prayer is so important, so critical to his success. He should take the initiative to pray and ask for help. It will be as forthcoming as his sincerity.

ונצעק אל ד' וישמע קולנו

We cried out to Hashem and He heard our voice. (20:16)

We are enjoined to "follow/walk in His ways" (Devarim 28:9). This means that, as He is kind, merciful, compassionate etc., so, too, should we be. To be kind to others, even when they do not appreciate our efforts, is to be like Hashem, since He is always kind to us, even though we do not "always" acknowledge Him and His kindness. The list goes on, but I would like to

pause and focus on the above pasuk, "Va'yishma es koleinu, "He heard our voice." While it is not always possible to respond to the cries of those in need, it does not absolve us from listening. Indeed, the best psychologist is one who is a good listener. This is especially true with regard to our growing children. They just want to be heard – not judged indiscriminately. Having spent Pesach with a diverse crowd, comprised of "right," "left" and everything in between, I had the opportunity to "listen" to young men and women whose primary complaint and ensuing rationalization for their adopted lifestyle was, "Nobody would bother listening to me/us." We do not listen for a variety of reasons: The first and primary reason is hurt; we feel violated by the way our children act, despite all that we have done for them. "How could you?" is the clarion critique of parents. "After all I have done for you!" Was it really for them; or was it for ourselves? How often did they ask to be heard and instead we ignored/rejected them?

The following vignette in the life of the legendary Torah leader, the Klausenberger Rebbe, zl, underscores this idea. Following the Holocaust, many of the survivors, albeit alive, were shells of their former selves. They had to deal both emotionally and spiritually with the tragic loss of their family members. Some coped; others simply could not. The tragedy dealt a terrible spiritual blow to some of these survivors. For some, it was guilt in surviving; for others, it was anger, which they directed at the only source of hope – Hashem. Who are we to judge? The indescribable pain, anguish, suffering and trauma which these people endured is beyond belief.

One fellow was very distraught. The pain went to his mind, so that he dropped his connection to religious observance. Here was a mainstream observant Jew who was so overwhelmed with emotional trauma that he allowed himself the one outlet which he felt would ease his pain. This was obviously not true, because it is during such troubling times of challenge that the only anchor of stability that can keep one rooted in emotional stability is religion, belief in G-d as the Rock Who will see him through. The man's friends, individuals who had grown up with him, tried to bring him back. He did not listen. Finally, they suggested that he should meet with the Klausenberger Rebbe and air out his complaints. He agreed reluctantly.

After one hour of conversation with the Rebbe, the man emerged from the meeting a changed person. He donned his yarmulke and began to observe Shabbos. It was as if that short, one hour meeting with the Rebbe transformed him from being a self-loathing skeptic to the Torah Jew he had always been.

His friends were incredulous. What could the Rebbe possibly have said that had such a transformative effect on him? For weeks, they had cajoled and pleaded with him to no avail, and, in the space of one hour, the Rebbe had turned him around.

He explained, "I went into the Rebbe and began to tell him about my losses: my dear parents; my siblings; the other members of my family. As I recounted their names and how they died, the memories welled up in me and I began to weep. At first, it was more of a whimper, but, after a few moments, I broke down in bitter sobbing.

"The Rebbe turned to me, looked me square into the eye and said, 'I also lost my family. I had a wife and eleven children before the war, and now I am bereft of everyone. Now I have no one.'

"With that, he took my hand into his and began to cry with me."

"For one hour we sat like that – my hand in his, both of us crying. We just wept uncontrollably until I felt I had cried enough. I had expended all of my grief. I now felt that someone cared more about me than about my abandonment of Yiddishkeit. I felt that I could now return home."

The Rebbe listened and heard his pain. The Rebbe did not judge. The young man just wanted to know that someone cared about him. All too often we meet young men and women who are hurting. They act out their pain in ways that are not consistent with their upbringing and the image that their family projects. Rather than be concerned with image, if we would listen to them, we might reach them before it is too late.

Va'ani Tefillah

את צמח דוד עבדך מהרה תצמיח – Es Tzemach David Avdecha meiheira satzmiach. May You speedily cause the outgrowth of David, Your servant, to sprout forth.

Satzmiach, shall grow gradually. The Redemption is a process (Midrash Socher Tov). It will appear gradually, growing little by little, much like the dawn that breaks through the darkness of night. If the sun would just appear in its full glory, it would blind us all. We have become accustomed to the oppression and adversity that has accompanied us throughout the millennia. We could not endure instant, sudden redemption. It would be overwhelming. Nonetheless, we ask Hashem to bring about the Redemption, meheirah, speedily, because we have waited for so long.

In his commentary to Shemoneh Esrai, Rav Avraham Chaim Feuer quotes Ramban in his Milchamos Hashem, who observes that on the day that Moshe Rabbeinu was born, he was not the redeemer of our nation. It was eighty years later, when he stood before Pharaoh, that he became the redeemer. Likewise, Moshiach Tziddkeinu will assume his role on the very day that he commences his mission of redemption. Until that time, he will not be the redeemer.

Obviously, this is in stark contrast to the belief that the Messiah will be around for a while, even though the redemption has yet to occur. No one is born as the Messiah! He must grow and develop spiritually into the position before he can assume the title. We will have only one Moshiach Tziddkeinu, for whom we wait every day.

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*Morry & Judy Weiss, Erwin & Myra Weiss and Grandchildren
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and Brian*

"Love and memories are gifts from G-d that death cannot destroy"

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Should a Kohein Be Afraid of Confederate Ghosts?

By Rabbi Yirmiyohu Kaganoff

From early 1843 until August 1859, the only authorized burial location within the city of Chicago was in a location then called City Cemetery. This plot also included the first Jewish cemetery in the city of Chicago. During the Civil War, this graveyard served as the final resting place for thousands of confederate prisoners of war who died in nearby Camp Douglas, which was used as a prison camp. About 145 years ago, this cemetery was closed to new burials, and many of its graves were later exhumed. Subsequently, the city constructed residential and commercial areas, city streets, and a major park, Lincoln Park, which includes a zoo and museums, atop the seventy-two acres of the cemetery. Lincoln Park and its zoo and museums are very popular, particularly as locations for family chol hamoed outings. Our halachic question is: May a kohein visit these parks or must he be concerned about the tumas meis to which he may be exposing himself?

The Historical Background

In 5603/1843, Chicago designated a sixty-acre area as a cemetery, and three years later a Jewish organization paid \$45 to purchase part of this land as its own cemetery. Four years later, in 5610/1850, the city purchased an adjacent area of twelve more acres to expand the cemetery, so that it now encompassed 72 acres.[i]

However, in the late 1850's, a prominent physician, Dr. John Rauch, requested that the cemetery be closed because of concern that it was too close to Lake Michigan, which then served as the city's water supply, and that the cemetery might therefore spread disease. Until that point, this cemetery was the only authorized one in the city, and included a large "potters' field," or area for burying the destitute and the unidentified.

Shortly thereafter, an area immediately north of the cemetery was set aside as a park. During this time, the city gradually ceased using the cemetery. However, an estimated 4,000 confederates who died in custody were interred in the cemetery's potters' field. At one time, the cemetery held an estimated 35,000 graves, including the resting place for those who made the ultimate sacrifice for the Confederacy.

In 5626/1866 the cemetery was officially closed, partly due to Dr. Rauch's health concerns. By now, the Civil War was over and the surviving confederate captives had been repatriated. The city officially decided to move the remains buried in this cemetery to other locations. Over the next thirty years there are numerous scattered reports of moving the graves to new locations. Despite attempts to remove graves, a conservative speculation is that the majority of the remains were never removed.

Fast forward: In 5722/1962, workers digging a foundation for the zoo's new barn discovered a skeleton and a casket. They reburied the casket in situ and poured the foundation right on top. During 5758/1998, workers constructing a parking lot in the area discovered 81 skeletons and an iron casket containing a cadaver. There are at least nineteen more reports of human bones found in the disused cemetery's location.

Thus, the shailah is whether a kohein may walk through the streets and businesses of this old-time burial ground.

Steve Katz lives and works in Chicago and is well aware of the history of this park and its environs. His boss assigns him to attend a business meeting at a hotel that is located in the area that was originally the cemetery. Since Steve is a kohein, may he attend the meeting? If he cannot, how will he explain this to his gentile employer?

Steve made an appointment to discuss the problem with his rav, whom he knows will explain to him all aspects of the shailah.

WILL THE TUMAH RISE FROM THE GROUND?

Rav Goldberg begins by explaining some of the halachic background. When human remains are buried, under most circumstances the tumah rises directly up and contaminates the area above it. If a building is constructed directly above a grave, tumah may spread throughout that building, although sometimes it may spread only through the bottom floor and possibly only into the room constructed directly above the grave. We will leave the details of these laws for another time.

On the other hand, if there is no building, tree or overhang over the gravesite, one becomes tamei only if one walks or stands directly above the gravesite.

SAFEK TUMAH BIRSHUS HARABIM

"However, the specific situation that you are asking about may be more lenient," explains the Rav, "because of a concept called safek tumah birshus harabim, sefeiko tahor, which means, literally, that if there is doubt about whether something in a public area became tamei, the halacha is that it remains tahor (see Nazir 57a). Notwithstanding our usual assumption that safek de'oraysa lechumra (we rule strictly on doubts concerning Torah prohibitions), we rule leniently concerning a doubt of matters of tumah when the question occurred in a 'public' area, a term we will define shortly." There is also an inverse principle that safek tumah birshus hayachid, sefeiko tamei, which means that if there is doubt whether someone or something contracted tumah when it was in a private area, it is considered tamei.

WHAT IS PUBLIC?

For the purposes of these two principles, "public" is defined as an area to which at least three people have ready access at any one time, and "private" means a place that is accessible to fewer than three people. Thus, someone who discovers that he may have become tamei while walking down the street remains tahor. However, if he discovers that he may have become tamei while he was in a private area he is tamei. (All of these laws are derived from pesukim.)

"I know that there is more to explain," interjects Steve, "but it would appear that one could have a situation in which one may enter a building, but one may not use the bathrooms or have a private interview."

“It is certainly true,” responded the sage, “that someone entering a public building and discovering that he may have become tamei while there, would remain tahor, whereas if he entered a similar private area, he would be considered tamei. However, there are other factors to consider before we reach a definitive ruling.”

MAY THE KOHEIN ENTER?

At this point, Steve raised a sophisticated point:

“I understand that someone who entered this area would afterwards be considered tahor. But may I enter the area knowing that I may be in contact with tumas meis?”

The Rav explained: “You are asking whether a kohein may lechatchilah rely on the principle of safek tumah birshus harabim, or whether this principle is applied only after the fact. In general, one must be stringent when there is concern that one may be violating a Torah prohibition, and it is prohibited min haTorah for a kohein to contract tumah from a meis. Thus, one might assume that a kohein should not enter an area where there is a possibility of tumah. However, many authorities rule leniently when dealing with a safek tumah birshus harabim. They contend that the Torah only prohibited a kohein from becoming tamei, but not from entering a place involving a safek where he will be ruled as tahor (Tosafos, Kesubos 28b s.v. Beis; Shu”t Rashba #83; Binas Odom, Klal 157; Pischei Teshuvah 369:4, quoting Shu”t Chasam Sofer, Yoreh Deah; Minchas Chinuch 263:13 s.v. Vehinei). Thus, a kohein could enter any publicly available area, including an office or residential building constructed over the city’s defunct cemetery. However, he could not enter an area restricted to less than three people.

“Others contend that since the Torah prohibits a kohein from being in contact with a meis, he is similarly prohibited, because of safek de’oraysah lechumra, to be in a place where he might be exposed to a meis” (Tzelach, Brachos 19b; Achiezer 3:1:1, 3:65:7; Kovetz Shiurim; Teshuvos Vehanhagos).

STATUS QUO

Steve raised another point:

“In fact, we know that this area was once a cemetery, and we are fairly certain that not all the graves were exhumed. Does this make matters worse?”

“You are raising a very insightful question. Even assuming that a kohein can rely on the principle of safek tumah bireshus harabim, this principle might not apply here since we know that this area was once a cemetery, and we are fairly certain that some graves remain. Thus we have a chazakah, status quo, that the area was once tamei meis, and we are uncertain whether the tumah was removed. In such a situation, perhaps the principle of safek tumah birshus harabim does not apply since this rule may apply only where there is no status quo. (In Mikvaos 2:2, this seems to be the subject of a dispute between Tannaim. See also Tosafos, Niddah 2a s.v. Vehillel.)

“Nevertheless, in our particular case, we have some basis to be lenient. Although this entire area was once set aside as a cemetery, it is very unlikely that it became filled wall-to-wall with graves, and only the places directly above the graves were tamei. Thus, any place within the cemetery was tamei because of doubt, not because of certainty.

JEWISH VERSUS NON-JEWISH GRAVES

“There is another reason to permit entering the hotel for your meeting. People who researched the area have ascertained the exact location of the original Jewish cemetery, which is now the location of the ball fields. Thus, although I would advise you and your sons not to play ball on those particular diamonds, we can be more lenient regarding entering the hotel constructed in the area, as I will explain.”

Steve replied: “But how can we be certain that no Jews were ever buried in the non-Jewish cemetery? There definitely were Jewish soldiers in the confederate army, and it is likely that some Jews were buried in the non-Jewish cemetery or in the potters’ field.”

His Rav replied: “You are correct that some Jews were probably buried in the non-Jewish parts of the cemetery. Nevertheless, since we do not know

this for certain, we may work with the assumption that there are no Jews there.”

Steve was not satisfied. “But even a non-Jewish body conveys tumah, so I still have a problem.”

“This depends on whether remains of a gentile convey tumas ohel, that is by being under the same roof, cover, or overhang that is at least three inches (a tefach) wide. This sometimes includes being in the same building. It is also curious that a living person is also considered an ohel to spread tumah.

DO THE REMAINS OF A NON-JEW CONVEY TUMAH?

“Although virtually all authorities agree that remains of a non-Jew convey tumah through touching and carrying, the Gemara cites the opinion of Rabbi Shimon that remains of a non-Jew do not convey tumas ohel (Yevamos 61a). The Rishonim dispute whether this position is held universally, and, in addition, whether this is the way we rule. It appears that most Rishonim conclude that a kohein may enter a room containing the remains of a gentile because they follow Rabbi Shimon’s position. Others contend that we do not follow Rabbi Shimon’s position and that tumah of a gentile does spread through ohel. The Shulchan Aruch advises a kohein not to walk over the graves of non-Jews (Yoreh Deah 372:2).”

At this point, Steve commented. “It seems from what you are saying that it is not a good idea for a kohein to enter buildings in this area, but one may enter if there is a pressing reason” (see Shu”t Avnei Nezer, Yoreh Deah #470).

The Rav responded: “This is the conclusion of many authorities. Some are even more lenient. One famous responsum permits a kohein to enter a field that he purchased without realizing that it contained an unmarked gentile cemetery. The author permits this by combining two different leniencies, each of which is somewhat questionable. One leniency is that perhaps a gentile does not spread tumah through ohel, and the other leniency is that some early authorities contend that once a kohein becomes tamei, he is not forbidden from making himself tamei again (Raavad, Hil. Nezirus 5:15, as explained by Mishneh Lamelech, Hilchos Aveil 3:1). Although we do not rule like this last opinion, the Avnei Nezer contends that one can combine both of these ideas to permit the kohein who purchased this field without realizing the problem to utilize his purchase (Shu”t Avnei Nezer, Yoreh Deah #466).”

“This case of the Avnei Nezer sounds like a much more difficult situation in which to rule leniently than mine,” noted Steve. “After all, in his case there was no attempt to clear out the cemetery.”

“You are correct. For this reason, I would certainly not find fault with someone who chooses to be lenient and indiscriminately enters the area that was only a gentile cemetery, relying on the ruling that gentile remains do not contaminate through ohel, and on the principle of safek tumah birshus harabim.”

“It still seems that one should avoid the ball fields that are located right over the old Jewish cemetery.”

“I would certainly advise this,” closed the Rav.

So Steve does not need to explain to his boss that he cannot attend business meetings at the hotel because of lost confederate ghosts.

Although there may be little reason to panic over such issues, as we have discussed, one should be aware that it is not infrequent to discover old cemeteries beneath modern cities. Cemeteries, particularly Jewish ones, were always consecrated on sites outside the city limits in order to avoid the obvious problems of tumah affecting kohanim. Unfortunately, when Jews were exiled, the whereabouts of many cemeteries became forgotten. In addition, as cities expand, they include areas outside the city’s limits that often include older cemeteries. Thus, these problems will most likely continue. In each case, a posek must be consulted to find out whether, and to what extent, a kohein need be concerned.

Hilchos Shabbos

8253. “Writing To Register In a Hospital or To Consent to Surgery”

If c"v one must admit oneself or another patient into the hospital on Shabbos, or if c"v surgery consent documents must be signed on Shabbos, one may not sign unless the hospital administration will not admit the patient or perform the surgery, and the patient's life is in danger.

8254. In these circumstances, one should first attempt to persuade the authorities to accept oral consent, or to have a non-Jew sign instead. If this is unsuccessful, then the documents should, if possible, be signed in a Shinui fashion, i.e. with one's left hand (or right hand, if one is left-handed. An ambidextrous person should hold the pen in an awkward manner - e.g. with the palm facing up and the pen grasped between two fingers, or with the pen held between out-stretched fingers).

8255. The signature should be as abbreviated as possible, e.g. one should use initials instead of a full name wherever possible.

Shmiras Shabbos Kehilchasa 40:21, SA 328:2,12 MB35, Rambam 11:14, SA 340:5, Sefer 39 Melochos

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Ohr Somayach :: Insights into Halacha

For the week ending 1 July 2017 / 7 Tammuz 5777

Forgotten Fast Days: Zos Chukas HaTorah

Rabbi Yehuda Spitz

On Motzai Shabbos Korach 5774, our dear, close family friend, Reb Chaim Daskal a"h, was niftar after a prolonged and painful battle with cancer R"l. Never one to complain, Reb Chaim still exuded Simchas Hachaim and gratitude to Hashem even in his weakened and pain-filled state, the last time this author had the zechus to see him, merely a week- and-a-half prior to his untimely passing. In fact, his tza'ava (will) reflects this as well, including how he wanted his own levaya, kevura, and shiva to be held.

One of the maspidim (eulogizers) at the levaya (at 1:45 A.M.!), Elimelech Lepon, mentioned that Reb Chaim passed away only after Shabbos was over, averring that the Malach HaMaves could not take have taken him on a Shabbos. You see, with an open house and a multitude of guests weekly, Shabbos was truly Reb Chaim's special day. In fact, Mr. Lepon revealed that it was exclusively due to the merit of Reb Chaim's extraordinary and warm Shabbos hospitality that he was won over to personally begin keeping Shabbos properly.

When my father, renowned Kashrus expert Rabbi Manish Spitz, heard the tragic news of the passing of his friend of almost 40 years, he enigmatically exclaimed 'Zos Chukas HaTorah'! His intent was that the week of Parshas Chukas is 'mesugal l'puraniyos', a time that has seen much hardship and tragedy for our nation. Therefore, it was fitting that only after Shabbos of Parshas Korach had ended, and the week of Parshas Chukas officially began, that such an incredible man, in the prime of his life, passed away.

Yet, there is no mention in the Gemara of the week of Parshas Chukas being one of tragedy, nor is it mentioned by the Rambam, nor Tur, nor Shulchan Aruch! Not even in the Siman where tragedies and proper days to fast are mentioned, Orach Chaim 580! In fact, most are wholly unfamiliar with anything specifically attributed to this week. Yet, the Magen Avraham, citing the Sefer HaTanya[1] (referring to Sefer Tanya Rabbasi; an earlier source that the famous Kabbalistic work of the Shulchan Aruch HaRav) tells of a terrible, albeit fascinating, historical tragedy.

Friday of Fire

The Magen Avraham prefaces his terrible tale by quoting certain writings[2] explaining that it is "worthwhile for every Jew to cry for the burning of the Torah". He then proceeds to tell of a customary annual fast specifically for this purpose, on Erev Shabbos Parshas Chukas. On that day, in the year 1242, 20 wagonloads (however, the original versions state 24 wagonloads[3]) filled with Gemaros and Talmudic literature (including many

works of the Baalei Tosafos) were burned in Paris by agents of the Church and King Louis IX. The pretext was a public debate between an apostate monk and several of the most eminent rabbinical authorities in France; the official verdict against them a foregone conclusion[4]. The impact and importance of this loss was tremendous. Keep in mind that this occurred over 200 years before the printing press was invented, and each of these volumes was a priceless, handwritten manuscript[5]. In fact, this was considered such an enormous loss for Klal Yisrael that the famed Maharam M'Rottenburg[6], an eyewitness, composed an elegy for our loss, 'Sha'ali Serufa Ba'Aish', deemed so essential that it is incorporated into the Kinos recited every Tisha B'Av (Kinah 41).[7]

The great rabbis at the time, at a loss to fathom the extent of the tragedy, inquired of Heaven by means of a dream (known as a she'elas chalom) to discover whether this terrible event had been so decreed by Hashem. The Heavenly reply was a succinct three words 'Da Gezeiras Oraysa'. This is the Aramaic translation (see Targum Onkelus) of the opening verses to Parshas Chukas, 'Zos Chukas HaTorah', 'These are the decrees of the Torah' (Bamidbar Ch. 19: verse 2). The Rabbanim understood from this cryptic reply that the burning of the Talmud was indeed Heavenly decreed.

Moreover, they gleaned that it was due to the proximity of the Parsha that the tragedy transpired, and not the day of the month[8]. Therefore, and as opposed to every other fast on the Jewish calendar, instead of a specific day established as a fast day, this one, designated a Taanis for Yechidim (fast for individuals), was set annually on the Erev Shabbos preceding Parshas Chukas. For those fasting, Asarah B'Teves would not be the only Taanis that practically occurs on a Friday[9]!

Retribution for the Rambam?

Rav Hillel of Verona, a talmid of Rabbeinu Yonah, and another eyewitness to these events, wrote a famous letter[10] in which he considered the burning of the Talmud as a clear sign of Divine anger and retribution for the burning of the works of the Rambam, in the exact same place in Paris not even forty days prior!

After the Rambam's passing (in 1204), many great scholars who did not agree with his philosophical observations in his 'Moreh Nevuchim' and 'Sefer HaMada' banned his sefarim, with a tremendous controversy erupting throughout the Torah world[11]. Eventually, a number of his detractors submitted copies of his work to the monks of the Dominican Order to determine whether the Rambam's works contained heretical ideas. The Dominican Friars, naturally, summarily concluded that the Rambam's writings were not only false, but blasphemous. In 1234, in Montpellier, France, they publicly collected and burned all copies they found of 'Moreh Nevuchim' and 'Sefer HaMada'. Similarly, in 1242, a fanatical mob burned many of the Rambam's writings in Paris. Less than 40 days later, at the exact same site, the 24 wagonloads of the Talmud were burned, on Erev Shabbos Parshas Chukas[12].

According to Rav Hillel's letter, the famed Rabbeinu Yonah, one of the Rambam's primary opponents, took the Talmud burning as a Divine sign, and publicly and vociferously denounced his former position and opposition against the Rambam's writings and instead emphatically concluded "Moshe Emes V'Toraso Emes, V'Kulanu Bada'in!" "Moshe and his Torah are true (here referring to the Rambam), while we all are liars"[13]. He planned on traveling to the Rambam's grave (in Teverya) and begging forgiveness. Some say this tragic incident was the catalyst of Rabbeinu Yonah's writing what came to be known as his Magnum Opus, 'Shaarei Teshuva'.

Further Grounds for Fasting

After discussing the burning of the Talmud, the Magen Avraham offers another reason for fasting. On this very day, Erev Shabbos Chukas, two entire cities of Jews were brutally decimated, as part of the Gezeiras Ta'ch V'Ta"t, the Cossack massacres led by Bogdan Chmielnitsky ym"sh[14] in 1648 - 1649, as recorded by the Shach.

Most know of the Shach simply as one of the preeminent halachic authorities due to his extensive and authoritative commentary and rulings on the

Shulchan Aruch, and few know that he also wrote a sefer titled 'Megillas Eifa'[15], detailing the horrific and barbaric slaughter of tens of thousands (he puts the total at over one hundred thousand!) of Jews, and hundreds of entire communities during these terrifying years. Among his entries he relates (in graphic detail) how two cities were totally wiped out on this same day in the year 1648 (5408). Hence, the Magen Avraham avers that it is proper to fast (Taanis Yachid) on Erev Shabbos Chukas, due to both of these tragedies happening on this same day in history.

20th of Sivan

However, that was not the first of the tragedies of Gezeiras Ta"ch V'Ta"t. That occurred on the 20th of Sivan, 1648 (5408) when the Cossacks attacked Nemirov (Nemyriv), in the Ukraine, and destroyed the Jewish community, numbering over 6,000. Several hundred Jews were drowned; other were burned alive. The shuls were ransacked and destroyed, with even the Torah parchments desecrated and used as shoes. Since this horrifying catastrophe was unfortunately the first of many to come in the following years, the Shach, at the conclusion of his 'Megillas Eifa', declared a personal fast on the 20th of Sivan for himself and his descendants[16]. This was soon codified as a public fast by the Vaad Arba Ha'Aratzos, the halachic and legislative body of all Lithuanian and Polish Jewry[17]. Indeed, the Magen Avraham concludes his passage by stating that in many places in Poland, the custom is to fast on the 20th of Sivan for this reason. Additionally, the Shach, the Tosafos Yom Tov, and Rav Shabsi Sheftel Horowitz[18], as well as several other Rabbanim of the time, composed specific Selichos to be recited on this day annually.

The First Blood Libel and Massacre

However, the 20th of Sivan was not chosen as a fast day exclusively due to the annihilation of the hundreds of Jewish communities during Gezeiras Ta"ch V'Ta"t. It actually held the ignominious distinction of being the date of one of the very first blood libels[19], in Blois, France, almost 500 years prior, in 1171 (4931)!

According to one of the Selichos recited on that day, 'Emunei Shelumei Yisrael', attributed to Hillel ben Yaakov, which lists the place and year of the tragedy, the King offered the 31 innocent Jewish prisoners (some listed by first name in the Selicha!), including several Gedolim and Baalei Tosafos, the chance to convert. When they refused, he ordered them burned alive! The martyrs recited Aleinu L'Shabayach in unison as the decree was being executed. Although, as detailed in the Selichah, as well as recorded by an eyewitness to the atrocities, Rabbi Efraim of Bonn in his 'Sefer Hazechira', which was later appended to Rabbi Yosef Hakohen's sixteenth century 'Emek HaBacha', a chronicle of the terrible devastation of the Crusades (starting in 1096 / 4856; known as Gezeiras Tatn"u[20]), the martyrs' bodies did not burn. Still, this tragedy foreshadowed and portended future cataclysmic events for the Jewish people. In fact, this terrible libel was a major factor in the expulsion order of Jews from France a mere ten years later.

The great Rabbeinu Tam and the Rabbanim of the time instituted the 20th of Sivan as a fast day, even exclaiming that this fast is 'akin to Yom Kippur'![21] The Selichos established for 20 Sivan, aside from the one mentioned previously which actually describes the horrendous pyre in Blois, were written by the Gedolim of the previous generations regarding the destruction of many Jewish communities during the Crusades (known as Gezeiras Tatn"u). Many Kinot of Tisha B'Av are recited in commemoration of these tragedies as well, including Rav Shlomo HaBavli[22], Rabbeinu Gershom (Me'ohr Hagolah), and Rav Meir ben Rav Yitzchak, the author of Akdomus. Interestingly, several of the Selichos, especially the one titled "Elokim Al Dami L'Dami", strongly reference and invoke the idea and essence of Korbanos in their theme, comparing the self-sacrifice of the Kedoshim of these decimated communities who gave up their lives Al Kiddush Hashem to Korbanos offered in the Beis Hamikdash.

Re-Establishing the Fast

In fact, it is due to the dual tragedies that occurred on this day that the Shach declared the 20th of Sivan a fast day[23]. In other words, he didn't actually set a new fast day; rather, he re-established the 20th of Sivan as a fast day, as it already had the distinction of a day that went 'down in infamy' almost 500 years previously. Therefore, it was only fitting to commemorate the unspeakable Cossack atrocities with a fast on this very same day, the day that the first Jewish community was destroyed as part of Gezeiras Ta"ch V'Ta"t. Chronicles of the disastrous occurrences of this day do exist and can still be found. Aside for the Shach's 'Megillas Eifa', there is also Rav Nosson Nota of Hanover's 'Yavein Metzulah', Rav Avraham ben Rav Shmuel Ashkenazi's 'Tzar Bas Rabbim', Rav Gavriel ben Yehoshua of Shusberg's 'Pesach Teshuva', and Rav Meir ben Shmuel of Sheburshen's 'Tzok Haltim', all written by eyewitnesses to the carnage and wanton destruction[24],[25]

Although nowadays it seems not widely commemorated or even known about[26], nevertheless, the 20th of Sivan is still observed among several Chassidic communities, mostly of Hungarian origin. During the Holocaust, Hungarian Jewry was R"l decimated mainly over the span of the months of Iyar, Sivan, and Tamuz in 1944. Therefore, Rabbanim of Hungary re-established the 20th of Sivan as a fast day for Hungarian Jewry[27]. Recent events have proven to us the timelessness of the dictum of 'Zos Chukas HaTorah' - where tragedies beyond our understanding happen to the Jewish people in exile. Our pain and tears over the recent senseless and brutal abduction and murder of three of our finest young men Hy"d have driven home the point to us that throughout our long and protracted exile there have been no dearth of reasons to fast. May we soon welcome Moshiach, and have no further need for fast days.

The author wishes to thank Rav Yitzchak Breitowitz for his help in clarifying much of the historical content of this article.

This article is dedicated L'Ilui Nishmasam shel R' Chaim Baruch Yehuda ben Dovid Tzvi and Naftali Frankel, Gilad Shaar, and Eyal Yifrach Hy"d.

[1] Magen Avraham (O.C. 580, end 9), quoting the Sefer Tanya Rabbasi (end 58, Inyan Arba Tzomos pg. 63b). This version of the tragic events is also later cited by the Elya Rabba (ad loc. 4), Aruch Hashulchan (ad loc. 4), Mishna Berura (ad loc. 16), and Kaf Hachaim (ad loc. 31). The Tanya Rabbasi is an early halachic work written anonymously by a Rishon who was a colleague of the Shibolei HaLeket and Maharam M'Rottenberg. Interestingly, the Tanya Rabbasi was merely quoting the Shibolei HaLeket's account; ergo, it is unclear how slight variations crept into the Magen Avraham's retelling.

[2] The Oz V'Hadar Mishna Berura (ad loc. 16) references this to be referring to the teachings of the Arizal (Shaar HaKavannos of Rav Chaim Vital, Drushei Tikkun Chatzos 1 and Pri Eitz Chaim, Shaar Tikkun Chatzos Ch. 3).

[3] Indeed, the Biurei Maharsha"h (on the Tanya Rabbasi ad loc. 8) points out that there must have been a ta'us sofer in the Magen Avraham's writing, as in original he was quoting, it explicitly states 24 wagonloads and not 20.

[4] The full proceedings of this debate was recorded by one of the Rabbanim who defended the Talmud, Rav Yechiel ben Yosef, the Rosh Yeshiva in Paris and father of the Rosh, in a sefer titled 'Vikuach Rabbeinu Yechiel M'Paris'. For more background on this tragedy, see Artsroll's Kinot and Tefillos for Tisha B'Av (Introduction to Kinah 41).

[5] See Shu"t Menachem Meishiv (vol. 2, pg. 262, 62; part of the sefer Tziyon L'Menachem) who cites that approximately 12,000 individual volumes were burned!

[6] Aside for the Kinah he wrote, the Maharam referenced this great loss in his responsa (Teshuvos Maharam M'Rottenberg 250), citing the reaction of Rav Shmuel of Falaise, another of the Rabbanim who unsuccessfully attempted to defend the Talmud from being burned. On a historical side note, the Maharam M'Rottenberg, was later niftar (in 1293) in captivity after being unjustly imprisoned, in order to force the resident Jews to pay an exorbitant ransom to fill the Emperor's depleted coffers. The Maharam refused to allow himself to be ransomed, fearing that it would set a dangerous precedent for rulers holding Rabbis captive and forcing the unfortunate Jews to pay the price. Indeed, a short while after his passing, the Emperor attempted to do the same for the Maharam's prized pupil, the Rosh, who only narrowly avoided capture, escaping to Spain.

[7] In an interesting side point, the Goren Dovid (Shu"t O.C. 41) utilizes this tragedy as a reason to explain why nowadays Yom Tov Sheini is still observed. Unfortunately, throughout our long and bitter Golus we never know when a government might make a gezeira ra'ah and all halachic literature be lost. How then will we be able to properly calculate the months and years to know when are the correct days to observe? He explains that this was a fulfillment of the Gemara's warning (Beitzah 4b) to keep Yom Tov Sheini "Hizharu B'Minhag Avoseichem B'Yadeichem", "You should still be vigilant with the custom of your forefathers that has been handed down to you because there might be times when the local government will issue a decree and it will cause confusion". For more on this topic see recent articles titled 'Rosh Hashana: The Universal Two Day Yom Tov (and Why Yom Kippur is Not)' and 'One Day or Two? What is a Chutznik in Eretz Yisrael to Do?'

[8] The Shiblei Leket (263, Ha'arugah HaTishi' is Seder Taanis, Din Arba Tzomos; whom other sources are ostensibly based on) cites this as well, albeit with slight variations. First of all, from his writing it seems that he was also an eyewitness. Second, he refers to it as 24 (and not 20) wagonloads filled with 'Sifrei Talmud, V'Halachos V'Hagados', similar to the Maharam M'Rottenburg's version. Third, according to his version, the Heavenly response received was 'V'Da Gezeiras Oraysa', 'And these are the decrees of the Torah'. Accordingly, the Rabbanim understood the response to mean that Yom Vav (the sixth day) of Parshas Chukas specifically was the gezeira. This 'vav' is understandably not present in our Targum Onkelos on the pasuk of 'Zos Chukas HaTorah', as the pasuk does not state 'V'Zos'. As mentioned previously, this account is also the version in the original Tanya Rabbasi, as he was citing the Shiblei Leket. Other variations include the Sefer HaTadir (32, Hilchos Taaniyos pg. 233 - 234) who cites that 24 wagonloads were burned like the other Rishonim, but writes that the Heavenly response was 'Da Gezeiras Oraysa' (without the 'vav') similar to the Magen Avraham's version, and the Korei HaDoros (pg. 23a - b s.v. ukafi) who writes that 21 wagonloads were burned, but places the date of the Talmud burning 62 years later, right before the Jews were actually expelled from France. Interestingly, the Maharam M'Rottenberg makes no mention of the she'elas chalom in his Kinah dedicated to this tragedy. Neither does the Mishna Berura (ibid.), who summarized the reasons for the fast. However, in a different vein, in his recently published manuscript, Rav Chaim Paltiel, a Rishon and talmid chaver of the Maharam M'Rottenberg writes (Perushei HaTorah L'Rabi Chaim Paltiel, Introduction to Parshas Chukas, pg. 527; thanks are due to Rabbi Avrohom Goldstone of England for pointing out this source) that the minhag in France was to fast annually on the 6th of Tammuz, as that was the date that the Talmud was burned. And a siman for this is 'Zos Chukas HaTorah', which the Targum is 'Da Gezeirasa D'Oraysa', meaning that on that date there was a gezeira on/against the Torah. It seems that both the Maharam, as well as Rav Paltiel, were unaware of the she'elas chalom, and Rav Paltiel understood that the fast to commemorate this tragedy was set as an actual date and not on the Erev Shabbos preceding Parshas Chukas. Since his manuscript was only first published some 30-odd years ago (5741), it is understandable why none of the Acharonim quoted his version of the events. For more on the topic of She'elos Chalomos in general, see Rabbi Eliezer Brodt's Lekutei Eliezer (ppg. 59 - 63).

[9] For more on this topic and why that Asarah B'Teves is the only Taanis Tzibbur that can fall out on a Friday, as well as the halachos of a Friday fast, see article titled 'Fasting on Friday'.

[10] This letter is brought in Chemdah Genuzah (pg. 18), as well as Otzar HaGedolim (vol. 7, pg. 105), and cited in Torah L'Daas (vol. 2, Parshas Chukas pg. 280 - 281) and Kuntress Peninei Gevuros Akiva (Parshas Chukas pg. 3). Rav Hillel even mentions that the ashes of the burnt sefarim of the Rambam mixed together with the ashes of the burnt Talmud.

[11] These letters, back and forth between the great scholars of the time, have been collected as the third volume of Kovetz Teshuvos HaRambam V'Igrosav, titled 'Igro HaKina'os'.

[12] For more on the historical aspects of this see Rabbi Avraham Meir Weiss's recent Mishnas Chachamim (pg. 265, footnote 50) and the Artscroll Kinot and Tefillos for Tisha B'Av (Introduction to Kinah 41).

[13] This is a paraphrase of the quote Chazal attribute to Korach after he was swallowed up by the earth at the conclusion of his ill-fated rebellion against Moshe Rabbeinu! See Gemara Bava Basra (74a), Midrash Rabba (Parshas Korach Ch. 18, end 20), Midrash Tanchuma (Parshas Korach 11), and Kli Yakar (Parshas Korach Ch. 16, 34 s.v. nasu).

[14] A genocidal and bloodthirsty mass murderer who could have given Adolf Hitler ym"sh a run as most notorious antisemite in history, Chmielnitsky ym"sh is nevertheless still considered a national hero in Ukraine for being the father of Ukrainian nationalistic aspirations. The Cossacks' sheer brutality and the scale of their atrocities were unsurpassed until the Nazis. According to noted historian Rabbi Berel Wein, the only reason why the Cossacks did not manage to kill as many Jews as did the Nazis ym"sh, was that there were no mechanized weapons to enable easy mass murder back in the 1600s. It was not due to lack of trying, R"l.

[15] Although this author could not find this sefer among the works of the Shach, I was able to locate it annexed to the back of Rav Shlomo Ibn Varga's Shevet Yehuda (also known as 'Matteh Yehuda'), a fascinating (and unfortunately horrifying) work detailing the trials and tribulations Klal Yisrael has gone through in different lands over the millennia of our prolonged exile. Although Rav Varga died over a hundred years prior to Gezeiras Ta'ch V'Ta"t, the Shach's shocking account and vivid descriptions of the massacres were later included in this important work. Essential reading on Tisha B'Av!

[16] The Shach added an additional reason why he chose this date (also cited in Shaarei Teshuva - O.C. 580, end 9): 20 Sivan cannot fall out on a Shabbos in our calendar, ensuring and enabling fasters to be able to do so on that day every year. The Shach (as well as later the Yaavetz in his Siddur Beis Yaakov and as mentioned in the special aleph-beis acrostic 'Keil Malei Rachamim' recited on that day for the Harugei Kehillos T"ach [V'Ta"t]; reprinted from an old manuscript that was printed in the Shach's lifetime) especially mourned the loss of the city's Chief Rabbi, Rav Yechiel Michel, a tremendous Talmid Chacham. Interestingly, a few short years earlier, the famed Tosafos Yom Tov, Rav Yom Tov Lipmann Heller, served as the town's Rav.

[17] Pinkas Vaad Arba Ha'Aratzos; cited by the Taz (O.C. 566, 3; although he quotes it as the Vaad Shalosh Ha'Aratzos) and Shaarei Teshuva (O.C. 580, end 9), as well as Rav Nosson Nota of Hanover's 'Yavein Metzulah', Rav Avraham ben Rav Shmuel Ashkenazi's 'Tzar Bas Rabbim' (Reshumos vol. 3, pg. 279), and the Tosafos Yom Tov's Hakdama to his 'Selichos L'Kaf Sivan'. See also Yad Shaul (Y" D 228, end 136), Daas Torah (O.C. 580, 4), Siddur HaShelah, Siddur Bais Yaakov (of the Yaavetz), Siddur Derech Hachaim (of the Chavas Daas), Yesod VeShores HaAvodah (Shaar 9, Ch. 11) and the introduction to sefer 'Yesh Manchilin'. This fast is also mentioned by several other authorities including the Magen Avraham (ibid. and in O.C. 568, 10), Elya Rabba (O.C. 566, 3), Maadanei Yom Tov (ad loc. 1; aside for the Selichos he wrote), Pri Megadim (ad loc. M.Z. 3), Eishel Avraham (Butchatch, O.C. 580; at length), Mishna Berura (ibid.), and Kaf Hachaim (ibid.).

[18] He was the son of the Shelah and Av Bais Din of Prague, as well as the author of Vavai HaAmudim. His Selicha was printed in the Siddur HaShelah. In the aftermath of these tragedies, the

Tosafos Yom Tov (cited in the end of Shaarei Efraim, Hilchos Krias HaTorah) also composed a famous Tefillah against talking in Shul.

[19] The ignominious distinction of being the very first blood libel seems to have occurred in 1144, Norwich, England, after a boy, William of Norwich, was found dead with stab wounds in the woods. Although his death was unsolved, the local community of Norwich attributed the boy's death to the Jews. William was shortly thereafter acclaimed as a saint in Norwich, with 'miracles' attributed to him, with a cult established in his name. However, in this case, the local authorities did not convict the Jews due to lack of proof and of legal jurisdiction. Although this sordid affair marked the first official 'Blood Libel', on the other hand, Blois in 1171 was the first recorded time and place such baseless accusations were actually acted upon, concluding with a gruesome massacre of the town's Jews, HY"D. Thanks are due to Stephen Posen for pointing out these details.

[20] For this reason alone, the Taz (O.C. 493, 2), although maintaining that one need keep the restrictions of Sefira only until Lag B'Omer, nonetheless, exhorts us to continue with the prohibition on weddings even after Lag B'Omer until shortly before Shavuos due to the horrific tragedies perpetuated by the Crusaders to many Ashkenazic communities during the second half of Sefirah (Gezeiras Tatn'u). See previous article titled 'Switching Sefirahs? - Understanding Your Minhag and its Ramifications'.

[21] In fact, according to this source, the tragic events in Blois so distressed Rabbeinu Tam that he passed away a mere 14 days later, on 4 Tamuz 1171 (4931). However, Rav Shmuel Ashkenazi (Alpha Beta Tinyeisa D'Shmuel Zeira vol. 1 pg. 391) posits that this was not referring to the famous Rabbeinu Tam who was Rashi's grandson, but rather his talmid, Rav Yaakov of Orleans who was called Rabbeinu Tam M'Orleans. He adds, citing that the Oheiv Yisrael of Apta (end Parshas Mattos), although not mentioning the terrible pyre on that day, related an astounding drush that "the 20th of Sivan is the beginning of Yom Kippur". He adds a Biblical allusion to this from Parshas Ki Sisa (Shemos Ch. 17: 16): "Ki Yad al Keis Kah" - Keis (Kaf - Samach) stands for Kaf (20) Sivan and Kah (Yud - Hei) stands for Yom Kippurim.

[22] Rav Shlomo HaBavli is referred to by the Rishonim with great veneration. For example, he is quoted by Rashi (Parshas Terumah Ch. 26, 15 s.v. v'asisa) and the Rosh (Yoma Ch. 8, 19). The Maharshal (Shu"t Maharshal 29) writes that Rabbeinu Gershom, teacher of all Ashkenazic Jewry, learned Torah and received his mesorah from Rav Shlomo HaBavli.

[23] Shach, in the conclusion of his 'Megillas Eifa', also cited by the Shaarei Teshuva (O.C. 580, end 9) and Kaf Hachaim (ad loc. end 31). This double catastrophe on the same day as part of the cheshbon to renew the fast of the 20th of Sivan is also mentioned by the Tosafos Yom Tov in his Hakdama to his Selichos L'Kaf Sivan, and in Rav Meir ben Shmuel Shebushen's 'Tzok Halitim'.

[24] Be forewarned: Much of the content is quite graphic and gruesome in its explicitness. The Cossacks' sheer depravity, cruelty, brutality, and bloodlust, were simply unprecedented in scale and scope, R"l.

[25] Many of these works were collected and reprinted together around a hundred years ago in 'Lekoros HaGezeiros al Yisrael' (vol. 4). Additionally, there are several contemporary sefarim that give a summary of the tragedies of Gezeiras Tach V'Tat and the 20th of Sivan, including Sefer HaTodaah (vol. 2, Chodesh Sivan, Kaf B'Sivan, ppg. 357 - 360), and Netei Gavriel (on Hilchos Shavuos, Chelek HaBirurim 6, ppg. 282 - 299). Especially of interest is Rabbi Yirmiyohu Kaganoff's recent article titled 'The Twentieth of Sivan'.

[26] There are several theories raised to explain this. See Yad Shaul (Y" D 228, end 136), and the Maharsham's Daas Torah (O.C. 580, 4). One supposition is that the original decree from the Vaad Arba HaAratzos to fast on the 20th of Sivan was only for a hundred years. Another theory is that the decree was only on Jewry who lived in those lands. In fact, the lashon of the Magen Avraham (O.C. 580, end 9), as well as the Mishna Berura (ad loc. 16), bears this out, as they only mention the fast as a 'minhag Poland'. Moreover, the Tosafos Yom Tov himself, in his Hakdama to his Selichos L'Kaf Sivan, writes that the fast was incumbent upon all throughout the Arba HaAratzos; implying that it was never accepted in other outlying lands. Nowadays, there are not many Jewish kehillos left in Poland or Ukraine to uphold this. Indeed, Rav Moshe Feinstein (Shu"t Igros Moshe, Y" D vol. 4, 57, 11 s.v. v'lo) and Rav Yitzchak Isaac HaLevi Herzog (Shu"t Heichal Yitzchak O.C. 61, 3) [and although disagreeing in psak about the main inyan in their respective responsae] both wrote that the takana to fast on the 20th of Sivan was only observed in those lands.

[27] See Netei Gavriel (ibid. ppg 297 - 299), citing the Pinkas Minhagim of Kehal Yereim of Budapest from 5706 / 1946 and the Mishnas Yaakov (O.C. 580). For example, the Belz minhag is to be very makpid with reciting the Selichos of the 20th of Sivan, including the later additions of special aleph-beis acrostic 'Keil Malei Rachamim' recited on that day for the Harugei Kehillos T"ach [V'Ta"t] (reprinted from an old manuscript that was printed in the Shach's lifetime) as well as a more recent, albeit unfortunately similar, aleph-beis acrostic 'Keil Malei Rachamim' for the Kedoshei HaShoah (Ta"sh - Tash"h).

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority. L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda, and I'zchus for Shira Yaffa bas Rochel Miriam and her children for a yeshua teikef u'miyad!

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