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JEWISH ETHICS AND THE ASERET HADIBROT

****The following is a summary of one portion of a lecture presented to the Rabbinical Council of America by

Rabbi Yosef Ber Soloveitchik

on June 22, 1972.****

The Ten Commandments are introduced in the book of Exodus by the words:

"Vayedaber Elokim et kol hadvarim ha'eleh *laimor*" (Shmot 20:1)

"And Elokim spoke all these words *saying*"

Use of the word "laimor" generally means "to be repeated". For example the ubiquitous biblical phrase "Vayedaber Hashem el Moshe laimor" indicates that Hashem's words to Moshe were subsequently to be repeated by Moshe to B'nai Yisrael. Yet, on the basis of this explanation, use of the word "laimor" would seem puzzling in the context of the Ten Commandments, since Moshe was not in this case an intermediary: the Ten Commandments were given directly by Hashem to B'nai Yisrael. Faced with this anomaly, the Mechilta implies that in this context "laimor" means verbal acceptance by the entire nation (1).

The precise nature of this communal response is the subject of a dispute between Rabbi Yishmael and Rabbi Akiva as quoted in the Mechilta on the above verse (2):

"Laimor: 'Melamdim shehayu omrim al hen hen v'al lav lav' - divrei Rabbi Yishmael Rabbi Akiva omer: 'al hen hen v'al lav hen'"

Rabbi Yishmael was of the view that B'nai Yisrael responded to each positive commandment with a positive affirmation ("yea"), and responded to each negative commandment with a "nay". For example:

Anochi Hashem Elokecha (I am the L-rd your G-d) ---'hen' ("yea") Lo Tignov (You shall not steal) ---'lav' ("no")

Rabbi Akiva, however, disagreed. He said that just as the positive commandments were received by a "yea", so too the negative commandments. For example:

Anochi Hashem Elokecha---'hen' Lo Tignov---'hen'

Two great rabbis have disagreed. What is the gist of this controversy, a disagreement which at first glance would seem trivial?

To render the dispute understandable, the Rav used the following example. If he were to address himself to his grandson and say: "Moshe, don't associate with Johnny, he's a bad boy", his grandson's assent might be expressed in one of two ways. He could answer: "No, Zaidy, I shall not play with him" or "Yes, Zaidy, I shall not play with him". The difference between these two answers is one of motivation. If his response is "No Zaidy, I shall not play with him", Moshe means to say that he agrees with his grandfather's assessment of Johnny. He has no intention of playing with him because, indeed, Johnny is a bad boy. However, the affirmative

response means "I accept your judgment even though I disagree with you: I myself do not see any harm in fraternizing with Johnny, but your order will be carried out".

What motivation should prompt one's Mitzvah performance? Should the motivation be solely obedience, i.e. acting in accordance with the law because one experiences normative pressure under the impact of G-d's word? Or should the motivation be existential: i.e. one performs Mitzvot because due to training, discipline, education, and the unique bent in one's mentality, one develops an inner urge to act in harmony with the moral and religious norm. In such a case, it is not the impact of the imperative that motivates, but rather the inner need, the urge, the drive, the yearning. Mitzvah performance is the ambition and the quest in which one finds fulfillment and self realization.

To amplify this latter concept, the Rav provided the following personal example:

"When I fast on Yom Kippur, I am completely unaware of the precept and commandment "te'aneh es nefshoseichem" [the obligation to fast]. I say it in tefilat zaka, but I'm not conscious of it the whole day. I do it [fast] not because of normative pressure or imperativistic coercion. I simply love it: I find delight, joy and happiness in cleansing myself, in being close to the Ribono Shel Olam. I would be the most miserable, the most unhappy person in the world if the great privilege of "teaneh es nafshoseichem", of offering the small sacrifice, be denied to me. And, you know, people have many phobias. As I get older, I have an inner fright that chas veshalom [G-d forbid], I will be forced to break the taanis [fast] because of reasons of health. Such a traumatic experience would be rachmana litzlan [G-d forbid], as far as I'm concerned, tragic, even fatal. I pray to G-d that it will never happen."

The philosophical question, however, remains: should performance of a mitzvah result from an extraneous norm imposed upon finite man by the infinite inscrutable will of G-d, or should this performance result from an inner urge whose realization enhances life and exalts the personality? This dichotomy is central to understanding the issue of "metzveh ve'oseh"(3), whether reward is greater for one who performs a mitzvah as a result of an imperative as opposed to mitzvah performance resulting from personal initiative.

Rabbi Yishmael's Opinion: "Al lav lav"

Most of our sages distinguished between chukim and mishpatim. They declared the compliance with chukim to be a gesture of pure obedience and subordination to G-d. Conversely, adherence to mishpatim is a result of an inner moral need that G-d implanted in man when the latter was created in His image. The mere fact that man carries G-d's image within himself suggests that morality is characteristic of human nature, and that doing good is an indispensable necessity no less than food or air.

This understanding of the dichotomy between chukim and mishpatim forms the basis for the opinion of Maimonides, who states in unequivocal terms (4), that one is not allowed to say "Ee Efshi bebasar chazir", "I don't eat pork because I don't like the taste of it", but should rather say: "I would rather enjoy eating pork, but it is forbidden". The act of abstention is due to obedience, surrender and to normative pressure. In contrast, with regard to mishpatim a similar statement would seem absurd. Could one possibly maintain: "I would like to commit murder, but I abstain because the Torah forbade it" ? One complies with chukim out of obedience, complete surrender and subordination to the divine word. Conversely, Hashem also expects man to act with dignity and to reject sin, injustice and cruelty because they are abominable and repugnant to man. This rejection must of course comply with the rule of Hashem, but the motivating criterion should be human dignity, and there is therefore no need for external normative pressure.

This distinction is the reason why blessings are recited for mitzvot "bein adam lamakom" (between man and G-d) and not "bein adam lechaveiro" (between man and man). The purpose of the blessing is to emphasize our actions in deference and submission to the Divine Will. The key phrase in

the blessing is asher kidshanu bemitzvotov *vetzivanu*. The motivation for performing the mitzvah for which a blessing is recited is the divine imperative (5).

If left to ourselves, we could not conceive mitzvot such as shofar, lulav, succa, or tefilin, for their rationale is unknown to us. Human reason cannot grasp their purpose, central motif or objective. In contrast, mitzvot “bein adam lechaveiro”, which are subsumed under mishpatim, contain an easily understood rationale and therefore their implementation is motivated not by normative coercion but by the existential need of lonely man created in the image of Infinity to do mitzvot. By practicing morality, man feels that he will come nearer to his creator. Since the mitzvah performance is spontaneous and not coerced, we do not offer a blessing.

This basic premise forms the opinion of Rabbi Yishmael “she’omrim al hen hen v’al lav lav”. “Al lav lav” means that in response to the command, ‘Thou shalt not murder’ the people respond -- “no: on our own we reject murder, for we hate to extinguish life”. To ‘Thou shalt not steal’ the people respond -- “no, we ourselves reject embezzlement and thievery”. ‘Thou shalt not commit adultery’ -- “no, on our own we reject sexual promiscuity”. ‘Thou shalt not bear false witness’-- “no, on our own we understand how abominable perjury is”. ‘Thou shalt not covet’-- “no, on our own we understand how reprehensible coveting is”.

Rabbi Akiva’s Opinion: “Al lav hen”

Rabbi Akiva, however, approached this issue differently. He maintained that B’nei Yisrael’s response was yes to all pronouncements, including the negative ones. In other words, they said ‘yes’ to all the commandments. In other words, their response was, “we surrender to Your will, we accept the norm, we shall comply with it”. Rabbi Akiva apparently insisted upon normative motivation for mishpatim as well as chukim. Even though the negative precepts are acceptable to and sanctioned by any civilized society, they still require commitment and surrender to G-d.

The Rav indicated that if in this dispute the choice were his, he would be guided by the rule: “Halacha keRebbe Akiva”, and would accept Akiva’s interpretation. Surrender and obedience are most necessary, not only for chukim but for mishpatim as well. Rabbi Akiva’s opinion is based on the fact that a clearly defined distinction between chukim and mishpatim is practically nonexistent. The central conception of mishpatim is illumined by a rationale, can be developed by human reason, and is therefore accessible to the logos. However, one’s conscience is sensitive to the mishpatim only as far as the central area of mishpatim is concerned. The peripheral territories are as strange and alien to reason as the most mysterious chukim. Along the periphery, the cultivated, friendly and attractive scenery of mishpatim suddenly turns into a dark jungle.

As an example of a mishpat’s “periphery”, the Rav discussed the law against theft. Every sensitive individual would confirm and abide by such a law. The thief is held in contempt: the embezzler despised by society. The rationale is simple and self-evident. Only a psychopath would approve of stealing candy from a child or money from the box of a blind beggar.

Yet, what about the sort of theft depicted so often in literature, particularly by Victor Hugo, in *Les Miserables*. A poor man just released from prison with no prospects of earning money steals a loaf of bread from a bakery to sustain his life. The proprietor of the bakery wishes to prosecute even though the loss incurred is very small. Is the poor starving man deserving of punishment? Has a crime been committed or not? If human conscience is the authority judging the validity of the mishpat, then we could conclude that there was no transgression, that the action of stealing the loaf of bread was justifiable and quite possibly heroic.

There is only a single response to this dilemma: stealing is forbidden by the Almighty, and at Sinai we gave our assent, the hen. We will abide by Your will, whether we understand or not.

A similar example cited by the Rav was in regard to the sin of murder. Man, no matter what persuasion, faith or ideology indignantly condemns the murderer and the act of murder. Yet, what about a situation which Dostoevsky portrayed so vividly in *Crime and Punishment*? The book

depicts a cruel, miserly old woman who is a loan shark sucking the blood of those unfortunates caught in her web; a person who evicts the old and frail on a winter day in below zero temperatures. In sharp contrast, also depicted is a brilliant young student who cannot afford to continue his medical studies and who hopelessly watches his sister being sold into white slavery and exiled to some oriental country. A loan of a few hundred rubles could have remedied his problems, yet the old woman refused to lend him the money. In a moment of despair the student kills the miser. Do we have the right to condemn the student? Should we consider such a murder a crime? Again the answer is Rabbi Akiva’s ‘hen’; the Almighty has forbidden murder, whatever the motive.

If the sinfulness of murder were solely a result of human moral judgement, then why not permit abortion? According to Jewish Law, abortion is murder. The fertilized ovum, particularly after 40-50 days is a living organism: potentially it has all talents and capabilities of the human being. If human conscience is the judge, inconvenience to the mother would take precedence over the extinction of life. However if the Almighty is the judge, if the response to ‘Thou shalt not murder’ is “yea”, not “nay”, then abortion truly is morally equivalent to murder. If the human psyche does not find the killing of an unborn child repugnant, if murder is permitted based solely on moral reasonableness and sensitivity, then why not allow euthanasia? Furthermore, if the prohibition against murder is only nurtured by our sensitivity, then a doctor may kill an older person for the sake of obtaining a heart to transplant to a younger person. A doctor in England has gone so far as to express the opinion that hospitals should withhold resources in treating those above the age of 70, since these old people will soon die in any case.

Rabbi Akiva therefore maintained that morality must not rely solely on man’s cognitive abilities, even in regard to mishpatim, since certain domains are inaccessible to human moral exploration and illumination. Yet, the entire structure of morality would collapse should society actually permit their violation.

Chukotai Ve’et Mishpatai

“Ushmartem atem et chukotai v’et mishpatai v’lo taasu kechol hatoevot ha’eleh” (Vayikra 18:26)

“And you shall observe my chukim and my mishpatim, and you shall not do all these abominations”.

In order to meticulously observe the mishpatim which form the very foundation upon which civilized society rests, and to avoid the abominations accepted and practiced by the Canaanites, the community must be trained to observe the chukim as well. “Ushmartem et chukotai”, and then “ve’et mishpatai”. In this way alone can one guarantee: “v’lo ta’asu kechol hatoevot ha’eleh”. One must teach the people how to surrender their intellectual pride and arrogance, and commit themselves to the Almighty, even though man’s reason is unable to comprehend the moral necessity and practical utility of the chok. Secular ethics have failed because the element of chok is not comprehensible to secular man. If the integrity of the moral law is to be preserved, then one must accept the chukim, to abstain from the act which holds great promise and conversely, to act in ways which sometimes seem illogical and even painful: ‘al hen hen v’al lav hen’.

Organized by Dr. A. Lustiger _____ I would like to thank Henry Lerner and Rabbi Dov Green for their careful review of this article.

FOOTNOTES

1) [Editor’s note: See Vayikra 10:16, where Moshe reproaches Aharon ‘s sons for not eating the chatat offering after the Nadav-Avihu incident. The verse ends with the words: “...vayikzof al Elazar v’al Itamar b’nei Aharon hanotarim *laimor*”. The word “laimor”, according to Rashi, signifies that Moshe had demanded a response to his words.] 2) Rashi’s commentary on the above verse only quotes Rabbi Yishmael’s opinion 3) Baba Kama 38a, Kiddushin 31a 4) Rambam’s introduction to *Pirkei Avot* (“Shmoneh Prakim”)— chapter 6 5) Although according to Rabbeinu Tam (*Tosfot* on Kiddushin 38b, d’h d’lo), women may pronounce a blessing on “mitzvot

aseh shehazman grama” despite the optional nature of such mitzvah performance by women, the Rambam (Hilchos Tzitzit 3:9) in fact holds that women do not pronounce such a blessing, because the normative element is absent. The blessing is inseparably related to the imperative, not to the act per se. The accent is on the word “vetzivanu”.

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Perspective on the Omer and Shte Halechem

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The mishna (Menachos 68b) compares the minchas haomer which is offered on Pesach to the shte halechem which is brought on shavuos.

“Haomer ha-ya matir b’medinah ushte halechem b’mikdash - the omer would permit the new grains to be used outside the mikdash, whereas the shte halechem allowed these grains to be offered in the mikdash.” Both offerings, as we are taught in parshas Emor (Vayikra 23), permit the use of the new grain.

Although both menachos are mentioned in parshas Emor, the Torah in parshas Pinchas distinguishes between the omer and shte halechem. Parshas Pinchas, which enumerates the korbanos haregel, the festival offerings, includes the shte halechem but omits the omer. Indeed, in tefillas Mussaf on Shavuos we mention the shte halechem. On Pesach, however, we don’t include the minchas omer in our shemoneh esreh.

These distinctions point to a fundamental difference between the shte halechem and the omer. Whereas the shte halechem are included in the korbanos haregel of Shavuos, the omer, although offered on the second day of Pesach, is not an inherent part of the korbanos haregel of Pesach.

This essential difference is indicated in the Rambam as well. The Rambam (Hil. Klei Hamikdash, chap. 4) describes the division and rotation of the Kohanim who serve in the beis hamikdash. Each mishmar would serve for a week and was entitled to various parts of the korbanos. The korbanos haregel, however, were divided among all the Kohanim. When the Rambam delineates the korbanos haregel, he includes the shte halechem but omits the omer. Although the shte halechem was shared by all the Kohanim, the omer was given to the mishmar hakavu’a - the mishmar of that week.

The difference is also evident from the gemara in Eruchin which discusses the obligation of reciting Hallel on yom tov. Why do we recite a complete Hallel on chol hamoed Sukkos, but only a chatzi Hallel on chol hamoed Pesach? The gemara assumes that on each day of Sukkos different korbanos were offered, unlike Pesach, she’ein chalukin b’korbanoseihem. On the second day of Pesach in Eretz Yisroel only chatzi Hallel is recited despite the fact that the omer was offered on this day! Apparently, since the omer is not found in parshas Pinchas and is not counted among the korbanos haregel, only a chatzi Hallel is said.

Rav Betzalel Zholte explains that this distinction can be used to resolve a further difficulty in the Rambam. The gemara (Menachos 83b) explains that although ideally the shte halechem and the omer are brought from the new grain; if no new grain can be found, grain which grew during the previous year can be used. Seemingly this statement is applicable to both the omer and the shte halechem. The Rambam, however, cites this halacha only regarding the shte halechem (Hil. Temidim U’ mussafim, chap. 8) and not earlier (chap. 7) when discussing the omer. Apparently yashan, last year’s crop, can only be used for the shte halechem and not for the omer! Rav Zholte suggests that the need for chadash, new grain, is rooted in the fact that the omer and shte halechem serve to permit the use of the new grain, “Haomer ha-ya matir b’medinah ushte halechem b’mikdash”, only

chadash, the new grain, can function as a matir. Accordingly the omer, which served as a matir, can only be brought from chadash. The shte halechem, however, function as a matir as well as korbanos haregel. This second element, korbanos haregel, allows the shte halechem to be brought from yashan if no chadash can be found.

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EMES LIYAAKOV

Weekly Insights from MOREINU

HORAV YAAKOV KAMENETZKY zt"l

“And now, I have brought the first of the fruits of the land that Hashem has given me, and he should place them before Hashem your G-d, and he should bow before Hashem your G-d.”

The Yom Tov of Shavuos is also known as Chag HaBikurrim. Upon bringing bikurrim, one is obligated to read several pesukim found in the beginning of parshas Ki Savo. The Rambam explains that the parshas ha’bikurrim that the person is obligated to recite ends with the words “H YL HTTN R\$A,” “That Hashem has given me,” and that the rest of the pasuk is merely giving instructions as to how the giving of the bikurrim is to be conducted, which the person bringing the bikurrim does not read.

HaRav Yaakov Kamenetzky zt"l asks a question on this halacha. Generally, the halacha is that any pasuk which Moshe left as a whole pasuk, cannot be broken up. How can we say that the person should stop reading in the middle of the pasuk? Wouldn’t this be a violation of improperly breaking up pesukim?

Rav Yaakov explains, that this halacha only applies when the person is reading the pasuk to fulfill the mitzvah of talmud Torah. However, in this case all that’s being fulfilled is the mitzvah of mikra bikurrim. As such, the regular halachos of Talmud Torah do not apply. Similarly, Rav Yaakov explains, the prohibition against reading the parsha by heart would not apply. Normally one cannot learn pesukim from Torah she’bichsav by heart. In this case, since we are not looking to fulfill the mitzvah of talmud Torah, this halacha would not apply, and the parsha could be read baal peh. This concept would apply to Kohanim doing the mitzvah of birchas as well. Since this is a fulfillment of the mitzvah of birchas Kohanim, it is not talmud Torah, the Kohanim may read the pesukim of birchas Kohanim by heart, as well as they may recite them before having said birchas ha’Torah.

Perhaps this concept can also be used to explain a difficult halacha in the Shulchan Aruch. The mechaber writes, “Mivatlin Talmud Torah Lishmoa Mikra Megila” “We stop learning Torah, in order to come hear the reading of the megillah.” Seemingly this halacha is somewhat contradictory. Megillas Esther is one of the twenty-four books of the Tanach. Reading the megillah constitutes learning Torah. Why then do we consider it bitul Torah, albeit it proper bitul Torah, but bitul Torah nonetheless, to cancel one’s regular talmud Torah in deference to Megillas Esther, which is another form of limud Torah? Based on Rav Yaakov’s pshat in the parameters of talmud Torah, we may suggest an explanation of this halacha. When we listen to the megillah, this is a kiyum of a mitzvah independent of Talmud Torah. We are fulfilling the chiyuv m’drabannan of mikra megillah. As such, reading the megillah is not a kiyum of Talmud Torah, and interrupting one’s learning to hear the megillah, does constitute bitul Torah. This is not an aveirah; on the contrary it is a chiyuv, but it is not a kiyum of the mitzvah of talmud Torah.

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SHAVUOT

SICHA OF HARAV YEHUDA AMITAL SHLIT" A

“He Held the Mountain over Them”

Based on a sicha by Harav Yehuda Amital

Adapted by Shaul Barth

Translated by Kaeren Fish

The well-known Gemara (Shabbat 88a) tells us that G-d coerced the Jewish people into accepting the Torah by suspending Mt. Sinai over them “like a cask.” Why was this necessary? After all, they themselves declared, “We shall do and we shall obey”! The Maharal explains that G-d forced them to accept the Torah because it is the foundation of the world; there is no world without Torah. For this reason, the Torah is a necessity and has to be imposed; without it, the world would revert to chaos.

When observant people are questioned as to why they keep the commandments, they very seldom answer, “Because we are obligated to.” People today do not sufficiently emphasize the element of obligation in relation to mitzvot. Instead, they prefer to fulfill the Torah’s requirements out of a sense of “connection,” rather than as an “obligation.” What the Maharal teaches us is that there is no world without Torah, and therefore we observe the Torah because we must. We must not lose sight of the element of obligation, and must develop a sense of the ontological dependence of the world on the Torah.

However, we may also offer another answer as to why G-d coerced the nation. Prior to their acceptance of the Torah, Bnei Yisrael were required to observe only a very few commandments, while after the revelation at Sinai they were suddenly obliged to follow all 613 – i.e., to live a life of Torah and mitzvot. Bnei Yisrael might have regretted their commitment of “We shall do and we shall obey” when they understood how many laws would now govern every aspect of their lives. G-d had to coerce them so that the quantity of mitzvot would not prevent them from accepting the Torah in the first place, and so that they would not be able to change their minds once they realized what they had taken upon themselves.

On the street I occasionally see a bumper sticker that reads, “G-d – We Love You.” That is a truly Christian slogan. Messilat Yescharim teaches us that the highest level to which a person can aspire, after working his way through every previous stage of spiritual development, is that of love of God. We cannot simply point to the sticker and say, “See, we already love Him!” The desire to “love God,” in the absence of a profound commitment to all of His 613 commandments, is meaningless. A person has to invest effort in “loving God,” and then perhaps he will attain it. But there can be no real love of G-d without observance of the mitzvot, without deep commitment to Him.

These answers to the question of God’s “coercion” express profound messages for our spiritual lives. Firstly, there is the fact that we are obligated in Torah, and observance of its commandments is not dependent upon understanding or “feeling connected”; rather, it is a matter of commitment and necessity.

Secondly, there must be an understanding that Jewish religiosity is inextricably bound up with fulfillment of the commandments.

Thirdly, in order to draw close to G-d one has to delve deeply into Torah, without fear of the “great fire” that one encounters upon such intense exploration. These three ideas are messages that each of us can bring into his religious life, accepting them and conducting himself accordingly.

(This sicha was delivered on Shabbat parashat Bamidbar 5762 [2002].)

http://www.koltorah.org/ravj/Shemittah_5768_1.html Rabbi Jachter’s Halacha Files (and other Halachic compositions) Tazria-Metzora 3 Iyar 5767 April 21, 2007 Vol.16 No.27 Shemittah 5768 - Part 1 & 2 by Rabbi Chaim Jachter from Kol Torah <koltorah@koltorah.org> hide details May 4 (7 days ago) to Kol Torah <koltorah@koltorah.org> date May 4, 2007 12:11 PM subject Kol Torah Parashat Emor mailed-by koltorah.org KOL TORAH A Student Publication of the Torah Academy of Bergen County Parshat Emor 17 Iyar 5767 May 5, 2007 Vol.16 No.29

Heter Mechirah - Part 1 by Rabbi Chaim Jachter

Introduction One of the most controversial Halachic issues in modern times has been the Heter Mechirah, the sale of Israeli farmland to a Nochri to avoid the prohibition of working the land during the Shemittah year. Since the Shemittah year of 1888-1889 (the first Shemittah of the modern return to Zion), the Halachic propriety of the Heter Mechirah has been vigorously debated by the Halachic authorities of each generation. The Beit HaLevi, Netziv, Aruch HaShulchan, Ridbaz, Chazon Ish, and Rav Yosef Shalom Elyashiv are among the many authorities who oppose the sale. Rav Yitzchak Elchanan Spektor, Rav Kook, Rav Tzvi Pesach Frank, Rav Yecheiel Michel Tukachinsky, Rav Shlomo Yosef Zevin, and Rav Ovadia Yosef are among the many Poskim who approve of the sale under certain circumstances. No consensus has emerged regarding this issue. Many observant Jews rely on the Heter Mechirah and many do not. In the coming issues, we will briefly survey the major points of debate in this historic dispute. A lengthier survey written by Rav Shlomo Yosef Zevin appears in LeOr HaHalacha (pages 112-127). It is vital to emphasize that even the proponents of the Heter Mechirah do not seek to establish it as a permanent feature of Jewish life (unlike the sale of Chameitz before Pesach). Rav Avraham Yitzchak HaKohen Kook, for example, writes: This is merely a temporary measure (Horaat Shaah) that we implemented only because of the overwhelming need to do so. G-d forbid that one should consider annulling a great and central Mitzvah such as the holiness of Shemittah unless it is a matter of life and death, such that if we do not sell the land many will die of starvation and the fledgling new Jewish settlement in Eretz Yisrael will be destroyed. However, at a time that a competent Beit Din will conclude that the sale is not necessary and that the nation can observe Shemittah without endangering lives, then G-d forbid that the sale should take place in such circumstances.

Why is the Heter Mechirah So Controversial? One could ask a fundamental question regarding this dispute. The Gemara is replete with examples of avoiding a Halachic prohibition by transferring title of ownership of a particular item (Maaser Sheni 4:5, Tosefta Pesachim chapter 2, Beitzah 17a, and Nedarim 48a). In fact, the Gemara (Bechorot 3b) even encourages selling an animal to a Nochri before it gives birth for the first time to avoid the restrictions regarding a Bechor (firstborn). Moreover, Mechirat Chameitz has developed into a yearly routine in observant communities. A basic answer is that there is no explicit precedent in the Gemara for a sale to avoid Shemittah restrictions. In fact, there are at least three major points of criticism that may account for the absence of an explicit Talmudic precedent for the sale. The first is that Halacha forbids the sale of Israeli real estate to Nochrim. The second point of dispute is the contention that the sale is a charade and thus invalid. The third criticism is that a Nochri’s ownership of Israeli land does not remove Shemittah prohibitions from that land. Moreover, almost none of the sales referred to earlier have the effect of abrogating an entire Mitzvah from the Torah. Chazal encourage the sale of the animal that is about to give birth for the first time only due to the great difficulty of observing the laws regarding the Bechor today, when we do not have a Beit HaMikdash. The opponents of the Heter Mechirah argue that this sale, on the other hand, flippantly eliminates a Torah prohibition. We will now begin to examine these three major challenges to the validity of the Heter Mechirah.

The Prohibition to Sell Israeli Land to Nochrim The Torah presents the prohibition of “Lo Techaneim,” “Do not show them favor” (Devarim 7:2), concerning the seven nations that Bnei Yisrael were commanded to conquer upon entering Eretz Yisrael. The Gemara (Avodah Zara 20a) explains that this prohibition has three branches: not to extend gratuitous compliments to them (see Teshuvot Tzitz Eliezer 15:47 and Nishmat Avraham Y.D. 151:1 for further discussion of this issue), not to give gratuitous gifts to them, and not to sell them land in Israel. Tosafot (ad.

loc. s.v. DeAmar) write that these prohibitions most likely apply to all Nochrim, not only the seven nations. , the Netziv (Teshuvot Meishiv Davar Y.D. Kuntress Devar HaShemittah) rejects the Heter Mechirah because it is forbidden to sell Israeli land to a Nochri. In fact, the Netziv asserts, selling the farmland to a Nochri is a more severe prohibition than failing to observe Shemittah, because Lo Techaneim is undoubtedly a biblical prohibition, while many authorities rule that Shemittah today is only a rabbinic obligation. The Netziv described the situation as “Running from a wolf and encountering a lion.” The proponents of the Heter Mechirah respond that selling farmland to avoid Shemittah does not violate Lo Techaneim. They note that some authorities (such as the Bach, Choshen Mishpat 249) rule that this prohibition does not apply to a monotheistic Nochri, such as a Moslem. I have heard that the Israeli Chief Rabbinate is particular to sell the land to a Moslem for this reason. Another reason why the sale may not violate Lo Techaneim is that it is only a temporary one. Since the time of Rav Yitzchak Elchanan Spektor, the sale has only been for a two-year period. The proponents of the Heter Mechirah point out that the Rambam (Hilchot Avodah Zara 10:4) writes, “Why are we forbidden to sell them land? Because the Torah states Lo Techaneim, that one may not give them a resting place in the Land. If they do not have land, then their residence in Israel shall be temporary.” The proponents of the sale argue that it is unusual for the Rambam to offer the reason for a Mitzvah in his Mishneh Torah. The Rambam presents the reason for this prohibition, they argue, because the prohibition applies only when the reason applies (see, however, Rav Yitzchak Twersky’s Introduction to the Code of Maimonides pages 407-514 for a different appraisal of the Taamei HaMitzvot that the Rambam included in Mishneh Torah). Thus, since the sale is only temporary in nature, Lo Techaneim does not apply, since the Nochri is not presented with the opportunity to reside permanently in Israel (see Rav Kook’s Shabbat HaAretz 58 and Rav Aharon Lichtenstein’s thoughts presented in Tradition Spring 2007 page 23). A precedent for this ruling is a seventeenth century responsum written by Rav M. Robbio, the Rav of Chevron (Teshuvot Shemen HaMor, Yoreh Deah 4). This responsum permitted the sale of a vineyard to a Nochri prior to Shemittah for a period of two years. It is reported that Rav Yitzchak Elchanan considered this ruling a vital precedent for his approval of the Heter Mechirah. Teshuvot Yeshuot Malko (number 55) adds that the Heter Mechirah is in fact conducted with the intention of preserving the Jewish presence in Eretz Yisrael. When a sale to a Nochri enhances the Jewish presence in Israel, the prohibition of Lo Techaneim does not apply. The Chazon Ish (Shviit 24:1-4) flatly rejects these lenient rulings regarding Lo Techaneim. He writes, “One cannot make exceptions to the Torah’s rules.” In fact, the Chazon Ish adds that since the sale is forbidden, if one appoints an agent to sell the land, the sale is void. This is an application of the Talmudic teaching “Ein Sheliach LeDvar Averiah,” loosely translated as “The laws of agency do not apply to an agent who is appointed to perform a forbidden act.” Accordingly, since individual farmers appoint the Israeli Chief Rabbinate as their agent to sell the land, the sale is invalid according to the Chazon Ish, since the Rabbinate is violating the Torah by selling the land to a Nochri. There are at least three potential responses to the “Ein Sheliach LeDvar Averiah” argument of the Chazon Ish. First, the Chazon Ish assumes that Ein Sheliach LeDvar Averiah implies that the agency is invalid. Others assert that this rule implies only that the agent, but not the one who appointed him, is viewed as the sinner. These authorities claim that the agency remains valid despite the sin committed by the agent. The Aruch HaShulchan (Even HaEzer 141:139) writes that many authorities rule that the agency remains valid despite the Halachic violation and that this dispute has not been resolved and remains in doubt. (This dispute is based on the two opinions that appear in Tosafot, Bava Metzia 10b s.v. DeAmar LeYisrael.) A second response to the Chazon Ish is that the Maharshal (cited and rejected by the Shach C.M. 348:6) rules that if the agent does not realize that he is performing a sin, the rule of Ein Sheliach LeDvar Averiah does not apply. The Israeli Chief Rabbinate obviously does not believe that it is sinning when it sells the farmland to a Nochri, and the sale is therefore valid (even if it is in fact forbidden). A third response is that the Rama (C.M. 388:15) rules that if it is “established” that this agent will perform the transgression, then Ein Sheliach LeDvar Averiah does not apply. The Israeli Chief Rabbinate has undoubtedly established the fact that it engages in the Heter Mechirah. Although the Shach (C.M. 388:67) vigorously disputes this ruling of the Rama, one might be able to combine these three arguments in addition to the possibility that the Rabbinate does not violate Lo Techaneim at all to argue that the sale of the farmland to the Nochri is valid. Next week, we will (IY”H and B”N) complete our survey of the historic dispute regarding the Halachic viability of the Heter Mechirah.

Heter Mechirah - Part 2 by Rabbi Chaim Jachter

Introduction Last week, we began discussing the controversial Heter Mechirah, the practice of the Israeli Chief Rabbinate to sell farmland to a Nochri to avoid Shemittah restrictions. We reviewed the dispute regarding whether the sale itself is permitted in light of the Torah prohibition to sell Israeli real estate to a Nochri. This

week, we shall review the dispute about whether the sale is Halachically effective. We shall proceed to review the debate surrounding whether the sale can affect the laws of Shemittah. We will conclude with a discussion of how the consumer should deal with products whose Kashrut status hinges on the validity of the Heter Mechirah.

Is the Sale Effective? In order for any transaction to be Halachically valid, the parties to the sale must have seriousness of intent (Gemirat Daat, see Kiddushin 26b). Thus, some authorities argue, the Heter Mechirah lacks validity, since the parties are not truly serious about the sale. These authorities note that the sale is not registered with the government land registry. One of the most vociferous opponents of the Heter Mechirah, the Ridbaz of Tzefat, had the following to say about this issue: Think about it: If the Rav of Yaffo writes on a piece of paper a bill of sale to a barefoot Arab that all the land in Eretz Yisrael that is owned by Jews is owned by the Arab, does this mean that the Arab actually owns the land and thereby removes the sanctity from the land? The bill of sale is worthless except for use as a bottle cap! The proponents of the Heter Mechirah argue that if the sellers clarify that the sale will be valid despite the fact that it is not registered with the Israeli land registry, the sale is valid. They cite Kiddushin 26a as a precedent for this assertion. They also cite a ruling of the Teshuvot Divrei Chaim (Orach Chaim 2:37) that Mechirat Chametz is Halachically valid even if the sale is not valid in the eyes of civil law.

The Impact of the Sale - Criticism of the Heter Mechirah Even if the sale is permitted and valid, the Heter Mechirah still might not have impact on the holiness of Eretz Yisrael. The opponents to the Heter Mechirah point out that the Halacha (Rambam Hilchot Terumot 1:10) follows the opinion (see Gittin 47) that Nochri ownership of land in Eretz Yisrael does not affect the sanctity of the Land (Ein Kinyan LeNochri BeEretz Yisrael). Thus, even if the Nochri owns the land, all the laws of Shemittah should nevertheless apply.

The First Defense The proponents of the Heter Mechirah present two responses to this formidable challenge. First, they cite opinions that since the holiness of Eretz Yisrael in our times is merely rabbinic in nature (Shulchan Aruch Yoreh Deah 331:2), we may follow the opinion that believes that Nochri ownership of Israeli land does remove the holiness of the Land (Yeish Kinyan LeNochri BeEretz Yisrael). According to this opinion, Nochri ownership of land in Israel removes the Shemittah restrictions from that land. This approach is suggested by the Sefer HaTerumah (Hilchot Eretz Yisrael) and is accepted as normative by the Vilna Gaon (Beur HaGra Y.D. 331:6). This argument is based on the statement of the Gemara (Gittin 47a) that all authorities agree that that Yeish Kinyan LeNochri BeEretz Yisrael applies to Syrian land. Rashi (s.v. BeSuryah) explains that the reason for this is because the obligation to observe the laws contingent upon Eretz Yisrael in Syria is only rabbinic. The Sefer HaTerumah and Vilna Gaon extrapolate from the status of Syria to the status of Israel today where the obligation to observe the laws contingent on the Land is only rabbinic.

Criticism of the First Defense The Chazon Ish (Sheviit 20:7) notes that the Rambam clearly disputes the opinions of the Sefer HaTerumah and Vilna Gaon. The Rambam is the primary authority who holds that Kedushat Eretz Yisrael today is rabbinic, yet he never mentions that today the Halacha follows the view that Yeish Kinyan LeNochri BeEretz Yisrael. Indeed, the Rambam in a responsum (Freiman edition number 132) explicitly states that even today the Halacha follows the opinion that Ein Kinyan LeNochri BeEretz Yisrael. The Chazon Ish proceeds to point out that the accepted practice in Israel since the time of Rav Yosef Karo (sixteenth century) has been to separate Terumot and Maaserot with a Berachah (during non-Shemittah years) from wine produced from grapes that were grown on Israeli land owned by Nochrim. This demonstrates that the accepted practice is to follow the opinion of the Rambam that even today the opinion that Ein Kinyan LeNochri BeEretz Yisrael is normative, because according to the Sefer HaTerumah and Vilna Gaon, there would be no need to tithe produce grown in land owned by a Nochri.

The Second Defense The second defense of the proponents of the Heter Mechirah is the opinion of Rav Yosef Karo that even according to the opinion that Ein Kinyan LeNochri BeEretz Yisrael, during the time that a Nochri owns the Israeli land, the laws that apply to Eretz Yisrael do not apply to that land. Rav Yosef Karo (Teshuvot Avkat Rochel 24 and Kesef Mishnah to Rambam Hilchot Terumot 1:10) extracts this point from the following passage in the Rambam (Hilchot Terumot 1:10): A Nochri who purchases land in Eretz Yisrael does not annul the obligation to observe the Mitzvot [that one must observe in Israel]; rather, the land [he has purchased] remains holy. Therefore, if a Jew subsequently repurchases that land from the Nochri, the Jew is not considered to have engaged in Kivush Yachid (a private conquering of Eretz Yisrael - see Gittin 8). Rather, the Jew is Biblically required to separate all tithes and bring Bikkurim [from produce grown in this property] as if the land was never owned by a Nochri. Rav Yosef Karo infers from the Rambam that one is obligated to separate tithes from the produce of the land only after the Jew repurchased the land from the Nochri. However, while the Nochri actually owns the land, the laws that apply to Eretz Yisrael are not operative. Thus,

Rav Yosef Karo rules that the laws of Shemittah do not apply to land that is owned by Nochrim. In the time of Rav Yosef Karo, Jews did not own land in Israel, and his ruling was relevant only to the produce that Jews purchased from the Nochrim. Indeed, the Pe'at HaShulchan (chapter 23) records that the accepted practice from the time of Rav Yosef Karo has been to treat the produce grown on Nochri owned land as regular produce not endowed with Kedushat Peirot Sheviit. This ruling of Rav Yosef Karo is the primary basis for the advocates of the Heter Mechirah. They argue that Rav Karo's ruling and the custom to follow it demonstrate that if one transfers ownership of Israeli land to a Nochri, the Shemittah laws do not apply to it.

Criticism of the Second Defense The ruling of Rav Yosef Karo was vigorously disputed by the Mabit (Teshuvot 1:11, 21, 217, 336 and 3:45) and the Maharit (Teshuvot 1:43). They challenged Rav Karo's interpretation of Rambam Hilchot Terumot 1:10, pointing out that the Rambam (Hilchot Shemittah VeYovel 4:29) writes that the Gezeirat Sefichim does not apply to Israeli land owned by Nochrim.

The Rambam explains that the reason for this is that the Gezeirat Sefichim was instituted to discourage Jews from violating Shemittah and thus is not relevant to produce grown in a field owned by a Nochri. The critics of Rav Karo's ruling argue that if the laws of Shemittah do not apply to produce grown in a field owned by a Nochri, why did the Rambam find it necessary to offer a rationale why the Gezeirat Sefichim does not apply to a field owned by a Nochri? The Rambam could have stated that the Shemittah laws simply do not apply to land owned by a Nochri. Moreover, the Chazon Ish (Sheviit 20:7) challenges the assertion that the Jewish communities of Eretz Yisrael accepted the ruling of Rav Karo. He also notes that many Acharonim rejected Rav Karo's ruling. In addition, he points out that the Rambam in a responsum (number 22) clearly supports Rav Karo's critics' reading of Hilchot Shemittah VeYovel 4:29. The Chazon Ish argues that had the Pe'at HaShulchan been aware of this responsum of the Rambam, he would have realized that his understanding of Hilchot Shemittah VeYovel 4:29 was flawed and would have reversed his decision.

Conclusion We have seen that the Heter Mechirah is a highly debatable leniency. Both sides of the debate present reasonable and convincing arguments. In fact, Rav Hershel Schachter and Rav Menachem Genack both informed this author that Rav Yosef Dov Soloveitchik ruled that the Orthodox Union's Kashrut department should not rely on the Heter Mechirah. Rav Soloveitchik argued that the Heter Mechirah is a highly questionable leniency upon which one may contemplate relying only in case of very great need. Since such a pressing need does not (Baruch Hashem) present itself in this country, there is no room for us to rely on the Heter Mechirah. The policy of the OU, Chof-K, OK, and Star-K is not to rely on the Heter Mechirah. According to Rav Soloveitchik, one should not eat Israeli vegetables that were harvested during the Shemittah year or food containing grain that reached a third of its growth during the Shemittah year (see Rosh HaShanah 13b) because of the Gezeirat Sefichim. A notable exception might be produce that comes from areas in Eretz Yisrael that were not sanctified by the Kedushah Sheniyah (those who returned with Ezra to build Bayit Sheini). However, according to many authorities, one may eat Israeli fruit that blossomed during the Shemittah year, even if farmers who rely on the Heter Mechirah grew the fruit. The fruit, though, must be treated with Kedushat Peirot Sheviit. These authorities include Rav Moshe Feinstein (Teshuvot Igrut Moshe O.C. 1:186), the Chazon Ish (Sheviit 10:6), and Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 1:44). One should consult with his Rav about the issues raised in this and last week's essays.

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HaGaon HaRav Kalonymus Klamman Shapira, zt"l hy"d
The Piaseszner Rebbe
CHAG HASHAVUOS

Editor's Note: Many times over the years I have heard from both HaGaon HaRav Shlomo Elimelech Drillman, zt"l and from HaGaon HaRav Mendel Blachman, shlit"a, the teachings of the Holy Piaseszner Rebbe on this week's parsha. Instead of summarizing the Piaseszner's words, I am presenting them to you in the way that he himself wrote them. The following is from the Drasha that the Piaseszner gave in the Warsaw Ghetto on Shavuot, 6 Sivan 5700, June 12, 1940. BGK

"May Your loving-kindness be my comfort, like Your words to Your servant. May Your mercies come to me, that I may live; for Your Torah is my joy." (Tehillim 119:76-78)

The phrase "like Your words to Your servant" in this context means G-d speaking to King David directly or through the prophets. But, since every Jew recites psalms, we need to understand exactly what for us, personally, is the meaning of "like Your words to Your servant."

In the account of the revelation on Sinai, it is written (Shemos 20:15): "And all the people saw the sounds." Rashi explains: "They saw that which should only be heard, which would be impossible on any other occasion."

Let us understand: For what purpose did G-d show them this miracle? It is easier to understand God's reason for showing fire and smoke, as it is written in the verse (Shemos 20:17), "His fear will then be on your faces." That, however, is not why G-d showed us what should only be heard.

According to our limited understanding, it might be suggested as follows. God, blessed be He, is the teacher of Torah to His people Israel. The giving of the Torah was not only a giving or a saying, but also a teaching. Our teacher Moses taught the whole Torah, while God, blessed be He, taught the Ten Commandments. As we learn in the Midrash (Mechilta, Yisro 20:1), when G-d said "yes" we said "yes" and when He said "no" we said "no." But because the Ten Commandments are the Written Torah, and we know from the Talmud (Gittin 60b) that it is forbidden to teach the Written Torah orally, G-d showed them the sounds so that it would not be an oral teaching.

The giving of the Torah was also a teaching that G-d learned together with us. This is hinted at in the last verse of Parshas Naso (Numbers 7:89), "When Moses came into the Communion Tent to speak with [God], he heard the Voice speaking to him from between the two cherubs on the ark cover over the Ark of Testimony. [God] thus spoke to him." Commenting on the phrase, "He heard the Voice speaking to him," Rashi (ibid.) says: "The Hebrew word medaber (speaking) in this context is the same as misdaber (spoken), and so the verse reads, 'He heard the Voice spoken.'" "Out of respect for Heaven," the Torah is saying, "G-d was speaking to Himself and Moses overheard it."

A simple explanation could be, as we learn in the Talmud (Megillah 16a) on the verse (Esther 7:5), "Then spoke the King Achashveirosh, and he spoke to Esther the queen." "The word 'spoke' appears twice, because first he spoke to her through an intermediary. This was because he thought Esther was a commoner. When, however, Achashveirosh heard that Esther was a scion of the royal house of King Saul, he spoke to her directly." Even though he had taken her to be his wife and queen, she did not merit being spoken to directly until he discovered that she also was of royal lineage.

There is a teaching from the Baal Shem Tov, of blessed memory, on the verse (Cant. 5:6) "My soul went out when he spoke," that part of the soul of the speaker leaves at the time of speaking. It follows, then, that there must be some reciprocity between the essential soul of the speaker and that of the listener, because it is not just speech that is issuing from the mouth of the speaker, but also part of the essence of his soul. Therefore, so long as Achashveirus did not know that Esther was of royal lineage, that not only was she a queen now but was quintessentially aristocratic, he did not speak to her. Since temporal royalty is but a reflection of the Heavenly Kingdom, therefore, despite the greatness of our teacher Moses, G-d was still speaking between Him and Himself, and Moses only overheard Him. This is the explanation of the phrase quoted above, "Out of respect for Heaven ..."

Often the Torah will begin with the phrase “G-d said to Moses,” “Speak to the children of Israel,” or “Say to Aaron.” How can G-d have been speaking to Himself? It may perhaps be as follows: Just as the creation of the world was done through the Torah, so all God’s speech to our teacher Moses was also done through the Torah. So, when the Torah writes, “G-d spoke to Moses, saying, ‘Speak to the children of Israel,’” and so forth, the Holy Blessed One was repeating these verses in the Torah between Him and Himself, while our teacher Moses overheard it and understood.

This means that there was a difference between those times when G-d was teaching Moses together with the whole Jewish people and those times when G-d was learning only with Moses. When the Holy Blessed One learned the Torah with Moses together with the Jewish people, He did not just learn it between Him and Himself, but spoke with them and directly to them. G-d spoke between Him and Himself for Moses to overhear only when He was learning with Moses alone. When He learned with the people, however, He spoke to them, and herein is the greatness of the connection between G-d and the Jewish people at the time of the receiving of the Torah, Because G-d spoke to them, and connected Himself to them, it was the essence of the Speaker connecting with them. It was the very essence of “I” in the phrase “I am G-d your Lord.” The Hebrew word for “I” in the first of the Ten Commandments is Anochi rather than Ani, Anochi is a notariqon, an Aramaic acrostic, reading Ani Nafshai Kasavis Yahavis, “I My Soul have Written and Given.” G-d has, so to speak, written and given His Soul. “My soul,” so to speak, is revealed to the Jewish people through the Torah that G-d taught us.

There are times when the accusers grow strong, G-d forbid, and overpower the Jewish people, and it is difficult for the Jewish people to be rescued. At such times God, blessed be He, reveals His essence, and all accusations are silenced. This is what happened on the night of the Shemos from Egypt during the Slaying of the Firstborn (Shemos 12:12), when G-d said, “I will pass through Egypt this night, and I will smite every firstborn in the land of Egypt from man to animal. I will do judgments against all gods of the Egyptians. I am God.”

Therefore, at Shavuot, the anniversary of the giving of the Torah—and whenever we learn Torah—it is a time of salvation. At such a time, no accuser, G-d forbid, can overpower Israel, because God, blessed be He, is speaking with us, and the very essence of “I” (Anochi) is being revealed. This, then, is the meaning of the verse from Psalms with which we opened the chapter, “May Your loving-kindness be my comfort, like Your words to Your servant.” The phrase, “Like Your words to Your servant” means not as G-d speaking between Him and Himself, but “as You spoke at the Revelation on Sinai when you spoke to me directly,”—“for Your Torah is my joy,” and You are speaking to me.

“A Song of Ascents. I will lift up my eyes unto the mountains. From where will come my help? My help comes from God, Who made heaven and earth.” (Psalms 121:1)

Let us try to understand what it means to ask, “From where will come my help?” We know that He, blessed be He, is the One Who saves. Why do we need to qualify the answer with the phrase “Who made heaven and earth?”

The simple meaning is this: When the Jewish people are in danger, G-d forbid, when they cannot see any opening through which salvation can come, G-d forbid, they ask, “From where will come my help?” The answer is: “My help comes from God, Who made heaven and earth.” G-d created heaven and earth out of nothing, and so for them also there was no opening through which, or basis upon which, they could come into being. So now, G-d can save us out of nothing and nowhere.

It may also be as follows. Why is it written, “I will lift up my eyes unto the mountains”? We learn in the Talmud (Sanhedrin 81 a) on the verse (Ezekiel 18:6), “But if a man be just, and do that which is lawful and right, and has not eaten upon the mountains . . .” R. Acha b. Chanina said, “The Hebrew word harim, ‘mountains,’ can also be read horim, ‘ancestors,’ so

‘has not eaten upon the mountains’ means that he did not eat through his forbears’ merit.”

What could this Talmud be teaching, when we pray all the time that G-d should save us in the merit of our ancestors?

It could be, as I learned from my holy father-in-law, of blessed memory, who repeated a teaching in the name of a tzaddik (saint) about the saying of the sages, that every person must say to himself: “When will my deeds reach the level of my ancestors’ ?” He explained that to “reach” is also to “touch.” It is sufficient for your actions to touch upon theirs. (Rebbe Reb Bunim on teaching from Tana d’Bei Eliyahu Rabbah ch. 25)

The reason for this is because if a person’s actions do not in any way, shape, or form touch upon the deeds of his ancestors, it is as though the deeds of his ancestors are vastly higher, like a mountain peak or a vaulted roof. So if he is eating on their credit, in merit of his ancestors, it is not good. This is what the Talmud quoted above is hinting, that “has not eaten upon the mountains” means that he has not eaten in merit of his ancestors, who are as far above him as mountain peaks.

With this we can understand the Talmud (Shabbos 88a): “At Sinai, G-d covered them with the mountain like a barrel, saying, ‘If you accept the Torah, ‘tis well; if not, there shall be your burial.’” Why “like a barrel”? And why say “covered them,” as though with a lid? Why not say “held the mountain above them”? We learn in the holy Zohar, on the verse Shemos 19:2) “Israel camped opposite the mountain,” that the mountain refers to our ancestor, the Patriarch Jacob.

This is why HKB”H covered them (sic.) like a barrel (sic): He actually hollowed out the mountain and turned it upon them like an overturned barrel. The Ribbono Shel Olam was saying, “If you accept the Torah in such a way that your ancestors do not remain out of reach like mountains above you but surround you everywhere like this barrel that you can reach out and touch, it is good. If not . . .” The Talmud (ibid.) says: “This furnishes a strong protest against the Torah. Yet even so, they reaccepted it in the days of Achashveirosh.” Rashi (ibid.) explains: “They reaffirmed their prior acceptance of the Torah at Sinai, out of love for the miracle that had just occurred.”

As the verse (Deut. 4:37) says, “It was because He loved your fathers, and chose their children after them, that HKB”H Himself brought you out of Egypt with His great power.” For us to touch and connect with the deeds of our fathers, we need to pray that the love that The Ribbono Shel Olam showed our fathers He should also show us.

When Rashi wrote, “They reaffirmed their prior acceptance of the Torah at Sinai, out of love for the miracle that had just occurred,” he means that with this love shown them by HKB”H, they could even accept the mountain being held over them like a barrel. With this love they could reach out and connect to the deeds of their fathers.

This is the meaning of the verse we quoted at the outset, “I will lift up my eyes unto the mountains.” To begin with, I see myself so far from the deeds of my fathers that they are as distant to me as mountains, such that I must “lift up my eyes” to them—and so, “from where will come my help?” I am disconnected from them, and the love that HKB”H showed them is hidden from me. Then, “My help comes from The Ribbono Shel Olam, who made heaven and earth “ heaven above and earth below. For though they are so far apart, HKB”H still created them as one, as the Midrash says, “The Ribbono Shel Olam created heaven and earth like a vessel and its lid.” Similarly, The Ribbono Shel Olam should show us His love and draw us close with mercy, so that we may reach to the level of the deeds of our ancestors.

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<http://www.anshe.org/parsha.htm#parsha> Parsha Page
by **Fred Toczek** - A Service of Anshe Emes Synagogue (Los Angeles)

1. INTRODUCTION

a. A Capsule Summary. Shavuos, one of the three major Festivals (the other two being Pesach and Sukkot), marks the giving of the Torah (i.e., both the written Torah which consists of the Five Books of Moses, the Prophets and the Writings, and the oral Torah which explains and clarifies the written Torah) to the entire Jewish people at Mt. Sinai over 3,300 years ago.

b. The Importance of Shavuos Today. Jewish holidays do not merely commemorate historical events, but also offer us the opportunity to re-live those events. Shavuos is a time for us to re-awaken and strengthen our relationship with Hashem by re-dedicating ourselves to the observance and study of Torah, thereby re-living the Revelation at Sinai.

2. THE FESTIVAL OF NAMES

A Festival of Many Names. No other Festival has as many names as Shavuos; it is referred to as:

i. "The Time of the Giving of Our Torah"

(1) The Torah As A "Gift". R' Shimon Schwab relates the word "giving" to the word "gift" since the Torah wasn't merely "presented" or "given", but was a special gift which created a profound and permanent impression upon the Jewish people and bound us to G-d and His Torah forever. In addition, the Talmud teaches that, just as Hashem gave Moshe the "gift" of Torah (for, despite Moshe's greatness, it would have otherwise been impossible for him to master the Torah in 40 days and nights), He will ultimately grant the gift of Torah to anyone who strives diligently to learn it.

(2) "Giving" Rather Than Receiving". Why isn't Shavuos called "The Time of the Receiving of the Torah"? On the momentous day at Mt. Sinai, only the giving of the Torah occurred, whereas our receiving the Torah takes place every day. In addition, the Torah was given to all Jews alike, without distinction. However, the Torah has been received by each person differently, each according to his perception and level of understanding.

(3) Part of Our Essential Nature. The Revelation instilled in the Jewish people an everlasting desire to fulfill Hashem's will -- it became part of our "essential nature". (The Talmud teaches that an angel teaches the entire Torah to a Jewish soul while it is in its mother's womb; when the child is about to be born, the angel flicks it above the lip, causing it to forget what it has learned. The purpose of this pre-natal learning is to make the Torah, and the inclination towards its fulfillment, a part of the child's essential nature.)

(4) Bridging the Chasm. The Lubavitcher Rebbe, zt'l, notes that the Revelation at Sinai marks a turning point in the spiritual history of the world. Before the Revelation, there was no possibility for union between the world's material substance and spiritual reality; however, on Shavuos, two processes took place: (a) Hashem "descended" (i.e., the manifestation of G-dliness in the world); this process reached complete expression with the Giving of the Torah and the revelation of the Divine Presence in the Sanctuary; and (b) Man "ascended" to G-d (i.e., the refinement of man and his surrounding environment and the transformation of man and his world into vessels for G-dliness); this process began with Moshe's ascent to Mt. Sinai and has never ceased.

(5) A Wedding Between Hashem And The Jewish People. The Revelation at Sinai is likened to a wedding between the Jews and Hashem, during which we became Hashem's special nation and He became our G-d.

ii. "The Day of the First Fruits" On Shavuos, Shte HaLechem (Two Loaves of bread baked from the first of the new wheat crop) were waved before the Altar.

iii. "Festival of the Harvest" This name represents the Two Loaves, as well as the gifts to the poor which the farmer must leave at harvest time. In Leviticus, the Torah juxtaposes the details of the Festivals with the admonition regarding gifts to the poor ("when you reap the harvest of your land, you shall not remove completely the corners of your field as you reap and you shall not gather gleanings of your harvest; for the poor and the proselyte shall you leave them; I am Hashem, you G-d"). From this juxtaposition, Chazal teach that one who leaves the required gifts to the poor is considered as if he had built the Temple and brought offerings upon its Altar (Rashi). The name also underscores that Shavuos is a time during which we thank G-d for bringing forth a bountiful crop.

iv. "Atzeres" Just as Shemini Atzeres is both an independent festival and a continuation and culmination of Succos, Shavuos is both an independent Festival and the continuation/culmination of Pesach (for the purpose of the Exodus was realized at giving of the Torah). "Atzeres" also means restriction; unlike all other Festivals, this is a specific mitzvah (e.g., such as shofar, succah, matzah) associated with Shavuos; the only mitzvah is the restriction from labor common to all Scriptural Festivals.

v. "Festival of Weeks" Shavuos culminates the spiritual preparation of the seven-week Omer period which commenced on the second night of Pesach, during which the Jews prepared themselves for the giving of the Torah -- "during this time they rid themselves of the scars of bondage and became a holy nation ready to stand before G-d" (Chabad Shavuos Guide).

3. SHAVUOS CUSTOMS

a. Greenery and Flowers.

i. Greenery. It is customary to decorate the synagogue and home with greenery in honor of Shavuos. This recalls: (a) Mt. Sinai, which was surrounded by foliage (Mishnah Berurah); (b) that Shavuos, when fruits begin to ripen, is a time of Heavenly judgment regarding the coming fruit harvest and therefore demands a heightened level of prayer (Mishnah Rosh Hashanah); and (c) Moshe's miraculous rescue as an infant from the reeds of the Nile, which occurred on Shavuos.

ii. Flowers. It is also customary to prepare roses and other fragrant plants for Shavuos and to decorate the Torah scrolls with them (B'nei Yissochor). This recalls: (a) the verse in the Song of Songs that "like a rose among thorns, so is My beloved among the daughters" -- i.e., when Hashem gazed upon the beautiful "rose" of Israel and heard them proclaim "we will do and [then] we will listen," He declared, "In the merit of this rose, the orchard shall be saved. In the merit of the Torah and those who study it, the world will be saved." (Song of Songs Rabbah 2:3); and (b) the reference in the Book of Esther that Haman, in his indictment of the Jews, told King Ahasuerus that the Jews are a nation who are forever occupied with their religious celebrations, "in the month of Sivan, they celebrate for two days . . . they call this festival Atzeres' . . . they ascend to the roof of their synagogues where they spread roses and apples . . . and they say, this is the day on which the Torah was given to our ancestors" (Targum Sheini).

b. Dairy Foods. Shavuos is the only Festival on which there is a custom to also partake of dairy foods, especially on the first day. Among the explanations for this custom are the following:

i. A Biblical allusion. In Numbers, the Torah says "on the day of the first fruits, when you offer a new meal-offering to Hashem on your Festival of Weeks." The initial letters of the Hebrew words for the underlined language form the word "chalav" ("milk").

ii. Remembrance of the Two Loaves. According to Rama, this custom is a remembrance of the Two Loaves (i.e., we use a bread for the dairy part of the meal, followed by a second bread for the [separate] meat component of the meal).

iii. The Laws of Kashrus. The Ten Commandments encompass all 613 commandments. They were bound for the first time by the laws of Kashrus. As a result, they didn't couldn't eat meat, since they first had to prepare a proper slaughtering knife, salt the meat, etc. Thus, it was necessary for them to eat dairy. (Mishnah Berurah)

iv. Moshe's Sojourn on Mt. Sinai. The numeric value of "chalav" ("milk") equals forty, corresponding to the forty days of Moshe's sojourn on Mt. Sinai.

v. The Torah's Power. The Torah is likened to "milk and honey". Honey comes from a bee, which isn't kosher, and milk comes from a live animal whose meat is forbidden until it is slaughtered. Both milk and honey, therefore, allude to Torah's power to transform a soul into one of holiness and purity.

vi. Separation of meat and milk. In referring to the "first fruits", the Torah juxtaposes the prohibition against "cooking a calf in its mother's milk", indicating that Shavuos corresponds to the prohibition requiring the separation of meat and milk. (Chidushei HaRim).

vii. Moshe's Miracle. As noted above, Moshe was rescued from the Nile on Shavuos. The Talmud relates that Moshe would not nurse from the Egyptian wet nurses, causing Pharaoh's daughter to give him over to his own mother, Yocheved, to nurse. The eating of milk foods on Shavuos commemorates this hidden miracle. (Yalkut Yitzchak)

viii. The sustenance of Torah. One of the miracles of childbirth is that a mother's milk provides her newborn with all of its required nourishment. In this sense, Torah is like milk, for it encompasses within it all the sustenance that man's soul needs for spiritual vitality and growth. (Imrei Noam)

c. Night-Long Torah Study ("Tikkun"). In explaining this custom, Magen Avraham cites the Midrash that on the day Israel was to receive the Torah, the people overslept; as atonement for their having overslept and to show our zealotness to accept the Torah, the custom was adopted for Jews to study Torah all night long. R' Tzadok cites Zohar which speaks of the "purification from Above" that is manifest on Shavuos, following the seven weeks of the counting of the Omer when the Jew strives to purify himself; all-night "immersion" in the waters of the Torah allows us to experience this gift of purity.

d. Akdamus. Akdamus, the liturgical poem proclaiming Hashem's greatness is read as an introduction to the reading of the Ten Commandments on the first morning of Shavuos. Akdamus is an inspiring hymn, written in Aramaic, which praises Hashem. It was composed by Rabbi Meir ben Yitzchak, who lived in Worms, Germany, during the 11th Century. To highlight one particular aspect of Akdamus, it is interesting to note that, in Chassidic circles, the following verses from Akdamus are sung to a heartfelt tune: "But His precious inheritance's lot is dearer, for with permanence, they made Him their sole desire, at sunrise and sunset." In its plain meaning, this passage refers to the morning and evening recitation of the Shema. On a deeper level, says R' Avraham of Slonim, the terms "sunrise" and "sunset" allude to the varying spiritual states in which a Jew finds himself as he struggles with the rigors of life -- at times, he experiences "sunrise" (a period of spiritual ascent when

he perceives a closeness with Hashem and enjoys success in moments of challenges); at other times, he experiences "sunset" (moments during which the challenges are difficult and may seem insurmountable, and the sweet taste of spiritual elevation is elusive). A Jew must learn to serve Hashem with permanence -- whether in periods of light or darkness, one must remain steadfast in his service of Hashem, strengthened by the knowledge that Hashem knows of his distress and is with him even when His providence is not apparent. This message, says Nesivos Shalom, is inherent in the Talmudic teaching that prior to the giving of the Torah, the Jews declared "we will do and [then] we will listen".

e. The Book of Ruth. It is also customary to read the Book of Ruth on the second day of Shavuot. A number of reasons are offered for this custom:

i. Connection to the harvest. As noted above, Shavuot is called the Festival of the Harvest; Ruth entered Israel at the beginning of the barley harvest and married Boaz at the conclusion of the barley and wheat harvests.

ii. Gifts For the Poor. As noted above, Shavuot is a reminder of one's obligations to the poor during the harvest season; it was when Ruth, who was both poor and a proselyte, went to gather the grains left for the poor that she and Boaz first met.

iii. Kindness. The Book depicts the kindness of Ruth [and Boaz]; the Torah itself is called in Proverbs the "Torah of kindness" (Roke'ach). Other than references to the laws of conversion and transferring property, the Book of Ruth contains no laws -- however, the Torah places as great an emphasis on mitzvot between man and his fellow man as it does on mitzvot between man and Hashem; thus, Ruth's kindness (and her subsequent reward of being mother to the House of David) illustrates the great emphasis the Torah places on one's behavior towards his fellow man. To further emphasize this point, R' A. Henach Leibowitz notes that Boaz greeted Ruth with admiration for (in the order listed): (a) her kindness to her mother-in-law; and (b) the fact that she left her regal status in her homeland for a life of hardship and poverty as a converted Jew. This unlikely order (i.e., the second attribute seems to be superior) teaches us the value of kindness performed with perfection, for kindness is the hallmark of Hashem and our kindness is the greatest emulation of Hashem that we can achieve.

iv. Sacrifice for Torah. Just as Ruth left her homeland where she had been a princess to live in abject poverty as a Jew in Israel, one must be prepared to undergo material sacrifice and deprivation in order to truly attach to the Torah. (Yalkut Shimoni)

v. One Should Not Be Deterred by Obstacles To Torah. Just as Ruth overcame obstacles in achieving her goals of converting to Judaism, coming to Israel and marrying Boaz, so too must each Jew not allow any difficulty to prevent him/her from clinging steadfastly to Torah and immersing him/herself in its study. (Yalkut Me'am Loez).

vi. A Covenant With Hashem. Through her conversion, Ruth entered into a Covenant with Hashem; on Shavuot, the Jews entered into their Covenant with Hashem through their acceptance of the Torah. (Machzor Vitri) (Interestingly, the numerical value of "Ruth" is 606; combined with the 7 Noahide laws she was obligated to observe prior to her conversion, the numerical value is 613 [the number of commandments contained in the Torah].)

vii. Mother of Royalty. The final verse of the Book records the birth of David, the great-grandson of Ruth and Boaz; the Talmud Yerushalmi states that David was born and died on Shavuot.

viii. Woman of Valor. Ruth, who became the Mother of Royalty, represents the spiritual striving and accomplishments of Jewish women. (As Rabbi Akiba said to his disciples when referring to his dedicated wife, "what is mine and what is yours is hers".)

4. EPILOGUE -- Excerpted from An Article by Michael Medved, entitled Forgotten Festival's Revealing Message.

"I had a terrible time trying to inform skeptical business associates about the major two-day Jewish holiday that place this week. When I told the publicity director of a movie company that I would have to miss an important screening because it conflicted with the festival of Shavuot, he seemed genuinely perplexed. Oh, yeah, now I remember that one," laughed the publicist, who happens to be Jewish. It's the holiday that listed right up there with Sandy Koufax's birthday.' As a matter of fact, Shavuot is one of the most significant days of the entire Jewish year, equal in importance to Passover, and a much higher priority than celebration of the universally recognized holiday of Hanukkah. Why, then, does Shavuot pass all but unnoticed by most Jews and all gentiles? It seems to be the unfashionable theme of the Holiday. Shavuot recalls G-d's revelation of absolute truth on Mt. Sinai and renews the Jewish people's acceptance of G-d's law.

This emphasis on permanent rules that originate with a higher power makes many people uncomfortable and leaves the Holiday unpopular. Passover is a favored festival not only because of the pleasing traditions of the Seder but also because of the underlying idea of a "celebration from freedom" and an escape from bondage appeals powerfully to our modern sensibilities. Hanukkah is widely observed due to

the fact that it roughly coincides with Christmas, but also thanks to an inspiring tale of rebel idealists fighting a successful battle against an alien tyrant.

Shavuot, on the other hand, highlights those elements of organized religion that secular people resent most: its stress on rules, restrictions and absolute standards of conduct. Today's conventional wisdom tells us to "follow our hearts" -- to enshrine instinct and reject any sense of structure or system of values imposed from the outside.

I recall a recent conversation with an old friend who expressed astonishment at the way that Jewish tradition placed demands on its adherents. All of those do's and don't's -- it would drive me crazy to deal with rules regulations for every little detail of my life.' Ironically, this same friend had just completed the Pritikin diet; earlier in that same conversation, he had been proudly describing the strict way he followed the program's prescriptions on what to eat, how to sleep, daily exercise or how to handle stress. I told him that with this detailed and demanding regimen, he seemed at least as rule bound as any believer. But there is a big difference,' he insisted. I do Pritikin for my own good. I actually get something out of it. When you're religious, you do the rituals just to please G-d.'

I'm always amazed at the number of secular Americans who fail to understand that religious people -- Christians, Jews, Muslims and others -- also "get something out of the patterns around which they've organized their lives. I'm convinced that most of those who commit themselves to church or synagogue does so for selfish, practical reasons: participation in a religious community makes life richer, better, deeper. The message of Shavuot is that the Torah is a gift, not a burden. The Torah is a time-tested, reliable guide to improving your life; applying its rules is ultimately up to you. That's why this Holiday celebrates the human willingness to accept the law as much as it celebrates G-d's willingness to give it.

This forgotten festival should assume a far more prominent role in American religious life. It is, in fact, even more meaningful than Sandy Koufax's birthday.

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REDISCOVERING THE REVELATION

by Rabbi Ahron Lopiansky

Revelation of the Torah at Mount Sinai is the cornerstone of faith upon which all of Judaism rests. As Maimonides ("Foundations of the Torah" 8:1) points out, revelation is not simply a proof of faith but the perception of the Divine in the most direct way possible. While other miracles served to prove Divine existence, revelation was the experience of the Divine itself. For one brief moment, the curtains of concealment were parted, letting in the rays of the Divine in all its brightness.

Yet, strangely enough, our Sages tell us that the experience of revelation at Sinai was somehow not the ultimate in acceptance of God's dominion. The Talmud (Shabbat 82) tells us that at Sinai "the mountain was poised over the Jews like a barrel." The Jews were forced into accepting the Torah.

It was not until the miracle of Purim, a thousand years later, that the Jews willingly reaffirmed their commitment to Torah. It seems strange that the Jews had to be forced to accept the Torah after they beheld and experienced the Divine in all its glory; it seems even stranger that the literal description of these events in the Torah does not mention this tradition. The passages describing the giving of the Torah make no mention of force, while prior to the original Purim, the Jews were, indeed, threatened with extinction, until they repented and returned to God.

SEARCHING TO FILL THE VOID

In two ways does one become cognizant of the sun. One can behold the sun in its dazzling glory, or one can be locked into a pitch-dark room wherein every minute of waiting for a crack of light makes one even more aware of the joy of basking in the sun. Similarly, a father-son relationship peaks with a warm embrace at the height of a moment of joy. Yet it can be outranked by the feelings of yearning and pining that accompany a prolonged absence from home. Many a son who has not responded to a warm embrace has found the pangs of absence unbearably strong.

This phenomenon is explained in the discussion by the Maharal on the importance of the Four Questions in the Haggadah, and why someone who conducts his Passover Seder in a monologue fashion, not following a question-and-answer format, does not fulfill his obligation to tell the story of the Exodus on Passover. He explains that when one merely hears a statement, one does not incorporate into it one's personality. It is just tagged onto one's awareness. This is not the case when one receives an answer to a question. For, by having posed the question, one opens a void, and the answer fills it, forming a unified entity with the person rather than adding on a superfluity.

The Vilna Gaon's commentary on the "Song of Songs" makes a similar observation. The pleasure a person derives from food is in direct proportion to his hunger. A sated person can be presented with the tastiest of dishes, and he will reject it in disinterest; should he force the food in, it will not easily find its way down.

The Sefas Emes (in the Torah Portion of Vayetzei) also refers to this principle in explaining why our forefather Jacob did not receive his dream and prophecy until after he had left the yeshiva of Shem and Ever. When a man is in an atmosphere of holiness, his thirst for spirituality is not comparable to the thirst that wells up within a person stumbling through the desert. The Sefas Emes bases this on a Midrash: "My soul thirsts for you. Where? In a barren and arid land."

COMPULSION THROUGH CLARITY

Similarly, this is the difference between Shavuot and Purim -- between the festival of receiving the Torah at Sinai and the holiday of its reaffirmation in Shushan.

In the first instance, the Jewish nation was compelled to accept the Torah, but not simply by a physical force. The impact of the enormity of revelation was so immense that it was likened to the mountain poised over their heads. The brilliant light of revelation left no room for doubt, and under that circumstance it was impossible not to accept the Torah.

At Purim, however, it was not the threat to life in itself that inspired the Jewish people's repentance and its return to pristine purity. Rather, the hiddenness of G-d -- the feeling of abandonment -- bestirred powerful yearnings for a Sinai-like encounter with the Divine.

Our Sages (Megillah 15b) tell us that when Queen Esther was to confront King Achashverosh, she cried, "My God, my God, why have You abandoned me?" To this day, the designated Psalm of Purim (according to the Vilna Gaon) is the one in which this outcry appears; and, as our Sages explain, the Psalm refers to the darkest hour of the night. Thus, while Shavuot marks the cognizance of G-d through revelation, Purim celebrates the cognizance of G-d that follows a desperate search in the darkness.

THE GIFT AND THE ACQUISITION

Torah itself consists of these two parts. One -- the Written Law -- which is "God's Torah," so to speak, was given to us as a revelation. Yet, as it reads, it would remain closed to us. We must refer to the second part of the Torah -- the Oral Law -- also given at Sinai, to understand the written word. This encompasses the Divine interpretations and expositions, which are accessible to human comprehension; and it includes the rules of exegesis by which G-d instructs man in how to delve more deeply into the law and teaches him how to apply it to evolving circumstances.

Our Sages (Sanhedrin 24a) describe the long and tortuous system of analyzing every word and nuance of the Torah recorded in the Babylonian Talmud as "You restored me in the darkness," because struggling through passages of Talmud is like "grappling in the dark." The Oral Torah, therefore, has special properties: it introduces queries and leads the student to conclusive answers, which become integrated into his personality. The results are deeply satisfying -- not unlike the end result of the Passover Seder, as described by the Maharal.

Thus, it has been pointed out, the Mishnah opens with a question: "When does one begin reciting the Shema?" And it ends with the word "shalom" (harmony). Understanding the Oral Law is not a matter of absorbing a statement. It is an answer derived from a query, and that is why the Oral Law (and not the Written Law) has been described as the human portion of the Torah.

The same principle can be applied to explain the Maharal's statement that while the Torah was given on Shavuot, "clinging to the Torah" (deveikus beTorah) was the result of Purim. True enough, Torah can be presented to people -- and it was, on Shavuot -- but it can only become integrated within one's personality if one searches first.

REVELATION AGAIN

Search is deeper than revelation, and its findings more permanent. What need, then, is there for revelation? To be sure, we must refer to the Kuzari's answer, who teaches that not everyone at every time can achieve a higher level of contact with G-d through personal search, nor will G-d reveal Himself to every generation. Thus, God's original revelation at Sinai gives all subsequent generations -- especially those unable to reach spiritual heights on their own -- a tradition to fall back on.

There is yet another profound thought involved, one that concerns our discussion. The Jerusalem Talmud (Peah 1:1) explains the verse, "It is not an empty thing from you," to mean that if a person finds any part of the Torah "empty" -- without meaning -- it is "from you." That is, Torah cannot be faulted as being meaningless. Rather, the vacuous feeling in the student is an indication that somewhere within him he is lacking receptivity to that part of Torah. When a work of art is meaningless to a blind man, or a concert uninspiring to a deaf person, the fault is in the viewer not the composition.

The revelation at Sinai created an indelible impression on the Jewish personality, giving us, as a people, a point of reference for all future searches for truth. Thus, all the individual souls of the Jewish people had to be at Sinai -- even a proselyte had to be there (Shevuos 39a). Had we not the memory of Sinai deep within us to drive us in our exhaustive search for meaning and understanding in Torah, we could not persevere in mastering Torah; and we would not succeed. We would be "empty" from ourselves.

It is for this same reason that (as the Talmud tells us) a person learns the entire Torah when in his mother's womb, even though he is destined to forget it prior to birth; for if he had not first learned the Torah, he would not be able to relate to it later.

RETURN TO TORAH

Studying Torah, then, is always a return of sorts. This is expressed in our daily prayers: "Return us ... to your Torah."

Indeed, parts of the Oral tradition -- such as Onkelos' Aramaic translation of the Torah -- were forgotten and later rediscovered (Megillah 3a). Human endeavor alone would have proven insufficient for composing the translations, had it not been for the spark of Sinai buried deep within the soul. This creative endeavor was not one of initial discovery; it was a return.

There are other instances of creative recall. The Talmud (Menachos) relates that when Moses saw Rabbi Akiva teaching his disciples, he became envious of Rabbi Akiva's vast knowledge. The Or HaChayim explains that, to be sure, Moses knew all of the Oral Law that Rabbi Akiva had mastered; but Rabbi Akiva's level of attainment was such that he was able to discern how the Oral Law is derived from the Written Law.

It has been said that in his last years the Vilna Gaon studied the Written Law. His encyclopedic grasp of the Oral Law was such that he was able to deduce which of the myriad teachings of the Oral Law are implicit in the Written Law. In a similar vein, the Gaon is reported to have said, "There are three levels of understanding: simple explanation (p'shat), depth (amikus), and again simple explanation (p'shat). There is, however, an infinite difference between simple explanation before depth and simple explanation after depth. The revelation one discovers after a "search" is worlds apart from the revelation one starts with.

An emissary sent to strengthen Judaism in an outlying community later reported to his rabbi that an estranged Jew had asked him to explain his mission. He responded in a parable: "In the days of yore, scribes would go from town to town filling in 'letters' that had been rubbed out from Jewish souls."

After the emissary told the rabbi this parable, the rabbi shook his head, "Heaven forbid that a letter of a Jewish soul becomes erased! It is rather like an engraving that becomes filled with dust: blow the dust away and the original letter appears."

We must think of our service as circular, not linear. We do, indeed, start with revelation. But that which is not earned has no permanence. We must toil on our own until we rediscover the revelation imbued within each of us. For when we do arrive at our goal, it is not a new enlightenment that awaits us; rather, we unearth that which has driven us so relentlessly -- the eternal flame of Sinai.

The above was excerpted from "Time Pieces: Reflections on the Jewish Year".

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The Alter on the Parsha --

Shmuessin of Rav Nosson Tzvi Finkel, **The Alter of Slabodka** --

adapted from Sefer Ohr HaTzafun

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David

חובת הדביקות בתורה וחייבת המקום לישראל

In Parshas Beha'aloscha (ל"ה-ל"ו), we find that the passage of "וייהי בנסע הארון..." -- "When the Ark would journey..." is separated from the rest of the Torah by means of inverted letter nuns. The Gemara in Shabbos (קט"ו), explains that the inverted letter nuns are to indicate that these verses are not in their proper place. Rabban Shimon ben Gamliel explains that Hashem, in His kindness, placed this passage here as a separation between two wrongdoings of Klal Yisrael. The second wrongdoing is clearly explained by the next posuk, "וייהי העם כמתעוננים" -- "And the people took to seeking complaints..." What was the first wrongdoing? It is explained in the previous posukim, "ויסעו מזה ה" -- "And they journeyed from the Mountain of Hashem..." Says, R' Chama bar R' Chanina, "שסרו מאהרי ה" -- "they turned away from Hashem." Tosfos, quoting the Midrash, explains; הספר שבורח

"לו והולך לו" - they fled from Har Sinai just as a child runs from school—happy to leave.

This explanation seems rather perplexing. If we analyze the episode of Bnei Yisrael journeying from Har Sinai, it would seem that their actions were in total accord with the will of Hashem. Bnei Yisrael were obligated to leave Har Sinai to continue on to their intended destination, the Chosen Land of Eretz Yisrael. The posuk says "ויסעו מהר ה' דרך שלשת ימים" - "They journeyed from the Mountain of Hashem a three-day distance." Rashi explains that this three-day distance miraculously took them just one day to travel because Hashem wanted to bring them to Eretz Yisrael immediately. Furthermore, this same posuk says, "The Ark of the covenant of Hashem journeyed before them a three-day distance to search out for them a resting place." The Yalkut Shimoni (תשכ"ט) teaches, that they were being urged to travel so quickly that the speed and lack of rest proved difficult. The Torah in describing all the travels of Bnei Yisrael, including leaving Har Sinai, says, "על פי" - "According to the word of Hashem would the Children of Israel journey..." (במדבר ט':י"ח)

How then can we understand the wrongdoing of Bnei Yisrael in their journey from Har Sinai? What is the meaning of "כתינוק היוצא" - "that they fled from Har Sinai just as a child runs from school?"

In truth, there was absolutely no fault with the physical aspect of their journey. Indeed, they were fulfilling their obligation—traveling as was commanded by Hashem. The fault was in the emotional aspect of the journey. It was undoubtedly difficult for them to part from the holy place where they received the Torah and to diverge from the mitzvah of learning, yet, Hashem who sees into the depths of human hearts, saw that there was something slightly lacking. Leaving Har Sinai should have caused them even greater pain. The connection and bond to the Torah should have been so strong that in a sense it would have necessitated that Hashem force them to leave. They were 'following Hashem' with alacrity to fulfill the mitzvah of Yishuv Eretz Yisrael. Yet, for men of their stature, this zeal was deemed 'turning away from Hashem' due to a slight lack of emotional difficulty with leaving. Their journeying from Har Sinai is portrayed as a child happily fleeing from school. This wrongdoing on their part is equal to that of their complaining in the Midbar, necessitating a passage in the Torah to be uprooted from its place in order to divide the two.

"תלמוד תורה כנגד כולם" - "Studying Torah is equal to all." Separating from the Torah is separating from life itself. Nevertheless there are many times when it is the will of Hashem, and we must close our seforim and leave the Beis Midrash, whether it be for the necessities of life or mitzvos and chessed that we must perform. We must do what Hashem wants with joy and zeal, while simultaneously feeling the hardship of leaving the Torah. Wherever Hashem leads us, our connection to the Torah and the Yeshivos where we studied must always burn strong.

There is another tremendous lesson that we can derive from here. Despite Klal Yisrael having not only sinned but sinned twice in succession, Hashem did not want their sins to be listed together in the Torah which would have stressed the accusations against them. Instead, Hashem uprooted a passage from its proper place and changed the order of the holy Torah to preserve the dignity of Klal

Yisrael. Hashem's great love and concern for the honor of His people is clearly apparent.

The Yalkut Shimoni expands this idea when he explains, "אמר הקב"ה, נכתוב צרה אחר צרה, לאן, אלא נכתוב פרשה של כבוד ביניהם, לכך" - "Hashem said, 'Should we write one of their troubles after another? No! We will write a passage of honor in between...the passage of 'And the Ark journeyed...'" Hashem, in His love, did not just choose any passage to divide the posukim speaking of the two wrongdoings but Hashem specifically chose a passage displaying the honor of Klal Yisrael. This passage shows that Hashem's Shechina dwelled amongst them and escorted them even in the midst of their sins. And Hashem uses these verses in particular as the separation, to express His unswerving love for Klal Yisrael and His concern for their honor.

We can learn from Hashem the degree of love and honor we must have for our fellow humans. Though we might see others acting in ways not befitting them or perhaps doing something unmistakably wrong and forbidden, we should not combine their wrongdoings and retract our love. And if at times we must criticize or if it is our job to rebuke, not only must we be exceedingly careful not to hurt or embarrass the people we are rebuking but we should do everything within our ability to maintain their dignity and raise their honor in the eyes of all.

The Alter used to say, "The Torah is not lacking even to the accomplished scholar nor is it beyond the grasp of the schoolchild." (From Meoros HaGedolim)

About those who were growing in their learning of Torah but were not delving into the mussar at its core, the Alter would say, "A person could be a great craftsman and carve and design the most beautiful musical instruments, but he may lack the ear to hear the music that resounds from them. So too, there are people who learn a great amount of Torah but they are deaf to the beautiful music that the Torah sings."

(From Meoros HaGedolim)

PARSHAS NASO

From: ravfrand-owner@torah.org on behalf of Rabbi Yissocher Frand [ryfrand@torah.org] Sent: Friday, June 09, 2006 1:03 PM To: ravfrand@torah.org Subject: **Rabbi Frand on Parshas Nasso**

"RavFrاند" List - Rabbi Frand on Parshas Nasso These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 507, The Faithful Unfaithful Wife.

Why Did The Younger Brother Get The Better Job?

There is an interesting Medrash in the beginning of Parshas Nasso. Parshas Nasso begins with the Almighty's command to Moshe Rabbeinu to "also count" (gam hem) the descendants of the family of Gershon [Bamidbar 4:22]. Rashi comments on the words "gam hem" -- "just as you were commanded regarding the descendants of the family of Kehas -- to determine how many there are who reached the age of Service."

The Medrash Rabbah connects the instruction to count the descendants of Gershon with the pasuk [verse]: "yekara hi m'peninim v'chol chafatzeha lo

yisvu bah” [Mishlei 3:15] ([The Torah is] more precious than diamonds and nothing is of as much value as [the Torah itself]). What is the connection between these two pasukim?

The Kli Yakar in our Parsha explains: Logically, the descendants of Gershon -- who was the first born of Levi -- should have been counted first. Yet, Kehas was counted before Gershon. Why? The Kli Yakar suggests that the reason why Kehas was counted first was because the job of the children of Kehas was to carry the Luchos [Ark of the Torah]. To indicate the primacy of Torah, Kehas was counted first, despite the fact that he was younger.

But the question remains -- why was Kehas, the younger brother, given the job of carrying the Luchos that represented Torah? This job should rightfully have fallen to the firstborn (Gershon).

The Kli Yakar suggests that the reason why Kehas pre-empted, so to speak, his older brother with this honor was so that no one could claim that exclusive rights to occupy oneself with Torah belong only to the firstborn. This demonstrated that all Jews are equal regarding Torah. No one has “first dibs” or “exclusive rights” regarding the “Crown of Torah”. Torah is available for every Jew to come and partake of it, as the Rambam writes: The Jewish people possess three crowns. The crown of the priesthood belongs to the descendants of Aharon. The crown of kingship is restricted to the family of King David from the tribe of Yehudah. However, the crown of Torah is available to all takers. [Talmud Torah 3:1]

This is the interpretation of the pasuk in Mishlei: Torah is more precious than peninim -- meaning greater than the crown of the Kohen Gadol who enters “lifnai v’lifnim” [into the innermost sanctum of holiness -- e.g. the Holy of Holies]. We now understand the Medrash’s link between the pasuk highlighting the fact that the younger brother (Kehas) was given the opportunity to carrying the Luchos and the pasuk in Mishlei emphasizing the fact that access to Torah is not restricted by lineage or by age.

Father – Son versus Master – Slave Relationship

The Sefas Emes goes one step further than the Kli Yakar. If Torah is dearer than even the Kohen Gadol -- and this idea is buttressed by the Talmudic statement that a Mamzer Talmid Chochom [a Torah scholar of blemished lineage] has precedence over a Kohain Gadol Am haAretz [ignorant High Priest] -- then why, he asks, can a Talmid Chochom not enter the Kodsh Kadoshim [Holy of Holies]?

The Sefas Emes answers that a person may have one of two possible relationships with the Ribono shel Olam. He can have a slave-master relationship or he can have a son-father relationship. We allude to this idea in the Rosh HaShannah liturgy when we approach G-d “whether as children or whether as slaves”. If a person’s relationship with the Almighty is that of a slave, then proximity makes all the difference in the world. We can tell who the most important slave is by observing who has proximity to the master. L’Havdil, in the White House, the office closest to the president houses his most important advisor. Someone down the hall is not as important. Someone who is stuck somewhere in the Executive Office building across the street is a ‘nobody’.

However, the relationship of son to father is totally different. A son can be 6000 miles away, but he is still “my son”. Distance does not make a difference regarding a son.

The prime “Eved” (servant) in Klal Yisrael is the Kohen Gadol. G-d demonstrates this by allowing only the Kohen Gadol to enter into the Kodsh Kadoshim. L’Havdil, the Kohen Gadol has the “office next door”. A Talmid Chochom -- one who learns the Almighty’s Torah and knows the Almighty’s Torah is His son. Through Torah we can become the closest to the Ribono shel Olam. If we have that relationship of Torah with Him, then distance does not mean anything because we have entered into a Father-son relationship.

Torah is “more precious than the one who enters ‘lifnai v-lifnim’“. If he is more precious, then why can’t he come in? The answer is because he does not need to come in. He has the closeness of a son wherever he may be.

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This week’s write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand’s Commuter Chavrusah Torah Tapes on the weekly Torah portion. The complete list of halachic portions for this parsha from the Commuter Chavrusah Series are: Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrand, Copyright © 2006 by Rabbi Yissocher Frand and Torah.org. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. learn@torah.org 122 Slade Avenue, Suite 250 (410) 602-1350 Baltimore, MD 21208

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G. Rabbi Frand on the Parsha

The Importance of Unity. The end of the Parsha describes the identical dedication offerings brought by the 12 tribes. Hashem was pleased by the fact that the tribes brought the safe offering - affirming the unity of the Jewish people - which He showed in an unusual way. As the Midrash notes, a korban yachid (personal offering), unlike a korban tzibbur (communal offering), was never brought on Shabbos. The tribal offerings were, however, brought on 12 consecutive days (including Shabbos), even though they were kobanos yachid. Since these offerings were intentionally identical in order to avoid jealousy and hatred, since they promoted a sense of community and harmony, Hashem considered kobanos tzibbor and allowed them to be brought even on Shabbos.

H. Torah Gems (R’ Aharon Yaakov Greenberg)

1. Communal Responsibility. “When a man or woman will commit any sin that men commit, to do a trespass against the L-rd, and that person be guilty . . . Then they will confess their sin. . . “ Why does the verse begin in the plural and then switch to the singular? The reason is that when an individual sins, the entire community is to blame, and all must examine their deeds and confess their sins. (R’ H.A. Zaichik)

2. Theft From G-d. “Then they will confess their sin which they have done . . . “ Why is the commandment to confess, which is the foundation for repentance for every sin, mentioned here in regard to theft? Every sin is one of theft - G-d gave us life and power to use to fulfill His will; if we use them to transgress His commandments, we are stealing from Him. (Hidushei HaRim)

3. Learning From Everyone. “And from the earth that is on the floor of the tabernacle the priest will take.” “From the earth” - from one who is considered to be insignificant - the priest is “to take”. Even the greatest of the great must learn from even the least of the least. (Ba’al Shem Tov)

4. A Blessing For Each Person. “Thus shall you bless” - bless the Jewish people as you find them. Do not look only to the best and brightest, for every Jew deserves to be blessed. (Modzhitzer Rebbe)

I. Vedibarta Bam (Rabbi Moshe Bogomilsky)

1. A Happy Marriage. “A man a man whose wife shall go astray and commit treachery against him.” Why is “man” repeated twice? Marriage should be regarded as a holy union. For a marriage to be happy and long-lasting, each partner must recognize the other’s rights and respect the others’ opinions. If a man demands that his decisions be enacted or is oblivious to the needs of the household - if he is only concerned with himself (as alluded to by the double reference to “man”), he will spoil his family life.

2. A Role Model. “From new or aged wine shall he abstain.” The laws of a nazir apply only to the nazir himself; why, then, did the angel of Shimshon’s mother tell her that she should not drink wine (Judges 13:2-25)? Many parents fail to live by the same standards they set for their children. Parents are the role models for their children, and they must themselves exhibit the conduct they want their children to adopt. The angel was, thus, teaching her an important lesson - in order for Shimshon to properly observe his restrictions, it was necessary that she too take on the restrictions of a Nazarite, and thus be a living example for him.

3. Giving Others A Blessing. According to Halachah, when the Kohein recites the priestly blessing he must raise his hands and stretch them out. What is the significance of this? While giving blessings is laudable, it is extremely important that we also “raise our hands” and “stretch them out” - that we actually do something to help the person in need.

J. Love Thy Neighbor (Rabbi Zelig Pliskin)

Greet Everyone With A Smile. "The L-rd shall make His Face to shine upon you . . . We are required to emulate Hashem. Thus, as Pirke Avos teaches, we should "greet each person with a cheerful countenance". Remembering that each person is created in Hashem's image helps us achieve this ideal.

K. Growth Through Torah (Rabbi Zelig Pliskin)

1. Being Free From Desire. The truly free person is one who is free from desire, "for the crown of Hashem is on his head." Ibn Ezra writes, "the term 'nazir' comes from the Hebrew word for 'crown'. Almost all people are slaves to the pleasures of the world. The only person who is truly a 'king' is one who is free from desire." People who are addicted to pleasure mistakenly view themselves as fortunate; however, they are actually enslaved to those pleasures, and feel a tremendous sense of loss when they don't have them. Their thoughts are more fixated on obtaining these pleasures than even enjoying them. Seeking pleasure can be an illusory goal, since a pleasure seeker is never truly fulfilled. Happiness is a much more worthwhile goal, and is obtained by being in control of one's desires.

2. With unity there is blessing. Rabbi Moshe Leib teaches that the Kohen's blessing is in the singular, rather than the plural, to highlight that the greatest blessing is togetherness; when the Jewish people feel that we are one unit, in this itself there is great blessing. It is easy to focus on the differences between people and to view yourself as separate from others. Truly no two people are alike. But, there are many common factors among people. By focusing on the fact that every person is created in Hashem's image, we will have greater identification with others, which will lead to greater unity.

3. Avoid one upmanship in spiritual matters. During the twelve days of the dedication of the Mishkon, the leaders of the Tribes each brought an offering. Although their offerings were the same, the Rambam teaches that the Torah repeats them over and over with all their details to teach us that one should not try to outdo another in order to boast or feel superior to him or her. The goal in spiritual matters is to serve Hashem, not to compete with others. One should strive to goal spiritually with pure intentions and together (and not in competition) with others.

L. Parsha Parables (Rabbi Mordechai Kamenetzky)

Play it again, and again! Nossos is the longest portion of the Torah. It didn't have to be that way, but the Torah choose to include 70 verses that same the same thing -- over and over again. That is, the Torah separately details the identical offerings brought by the twelve tribes. What does this teach us? Many of our deeds are repeats of generations past. Many are repeats from yesterday. Yet, they are all beloved and cherished. Day after day, Hashem wants to hear the same prayers and see the same mitzvos and the same acts of lovingkindness and charity -- they are all as dear to Him as the first time.

M. Living Each Week (Rabbi Abraham Twerski)

1. Teaching by example. When Samson's mother was told by an angel that the child she would bear would be a Nazirite, she was instructed that she too must abstain from wine and other strong drink (Judges 13:4). We can infer from this that if a parent expects a certain standard from the child, the parent must serve as an example and set that standard by action, not simply by instruction. Parents may think that by providing their children with a quality Jewish education they are fulfilling their obligation to direct their children towards proper living; however, as important and vital as formal education is, it can only reinforce that which the child observes at home.

2. Love and blessing. "Speak unto Aaron and his sons, saying 'this is how you are to bless the children of Israel.'" This verse describes the method of bestowing a blessing. However, the priests had not yet been previously commanded to bestow a blessing. Why doesn't the Torah state the commandment to bestow a blessing before describing the method for its implementation?

Aaron's personality is described as "one who loved peace and pursued peace, one who loved people" (Pirke Avos 1:12). The Midrash interprets the verse in Proverbs (22:9), "one with a bountiful eye is blessed," to also mean that one is who benign can also bestow blessings unto others. Hence, it was taken for granted that given Aaron's (and, in turn, his sons) intense love for people, he would desire to bless them and that, accordingly, all that was needed was the method for doing so. The Talmud tells us that we must all be disciples of Aaron and emulate him. While the bestowing of formal blessings is a priestly function, one shouldn't hesitate to offer one's "blessing" to others. The Talmud's instruction also reminds us that we should each adopt Aaron's love for our fellow man and thus become one who naturally offers blessing.

3. Individuality. As noted above, the offerings of all of the leaders of the twelve tribes were identical. It is remarkable that the Torah describes in detail each such offering, particularly given the fact that we know that each word in the Torah has special meaning (in fact, many laws are derived from even a single word). Why then does the Torah elaborate about the offerings, when they could have been described much more succinctly? Rabbi Yitzchak Meir explains that while the offerings themselves were identical, each was an original offering for reasons of its own. Although each tribe chief brought the same offering, each one had his own reasons

for doing so, and none simply imitated another. The Torah goes to such great length to emphasize the characteristic of individuality that is obviously of paramount importance. We live in age of "mass production" in many respects, yet we must never lose sight of the importance of individuality. Within the constraints of Torah law, there are many opportunities for individuality and creativity and it is these opportunities that have given vigor and vitality to Judaism throughout history.

N. Living Each Day (Rabbi Abraham Twerski)

Unauthorized Use Constitutes Theft. As noted above, one of the four tasks prescribed to the Kohanim related to property wrongfully kept by another. According to halachah (Jewish law), if one lends something to another for a specific purpose and he/she uses it for another purpose, it is tantamount to theft. By analogy, if we use (or rather "misuse") our G-d-given gifts for something other than Hashem intended (e.g., using our mouths to speak gossip rather than kind words or prayer; using our hands to steal rather than carry out acts of kindness), we too have committed theft.

O. In the Garden of the Torah (the Lubavitcher Rebbe, Menachem M. Schneerson, z'l)

The elevating effect of Torah Study. Shavuos brings a person to a deeper connection to G-d; this is reflected in the name of this Parsha, "Nosso", which means "lift up" (more particularly, the verse with which this Parsha begins is "lift up the heads...") This teaches us two lessons: (a) the head, the seat of intellect, is the most developed part of our bodies. And yet the giving of the Torah enables us to "lift" our heads to a radically higher rung, by allowing a person to assimilate G-d's wisdom into his/her thought processes; and (b) since this charge is associated with the Gershonites (who transported the Mishkon coverings), and not the Kehotites (who transported the ark containing the Tablets and the menorah, both of which are associated with Torah), it reminds us that Torah study shouldn't remain an isolated spiritual activity; rather, it should elevate one's service of prayer (the spiritual activity associated with the Gershonites) and every other aspect of our conduct, elevating ourselves and our environment.

P. The Midrash Says

An insight into Shabbos. The Midrash teaches us that one of the tasks of the Gershonites was to sing during the services; in the Temple, the choir of Gershonites would chant each day of the week a different chapter of Tehillim (Psalms). On Shabbos, they would sing "Mizmor shir leyom haShabbos" ("A psalm, a song for the Sabbath day"). This verse refers not only to the weekly Shabbos, but also to the era after the Redemption, the "great Shabbos of history"; the weekly Shabbos is given to us as a model for the future era, which will be totally and eternally good. Just as we labor each week in order to honor the Shabbos with delightful things, so we prepare in this world for the future world, when we will enjoy the fruits of our labor.

Q. Peninim on the Torah (Rabbi A.L. Scheinbaum)

The "Viduy". "And they shall confess they sins." The mitzvah of "viduy" (confession) is the prime prerequisite for performing teshuvah (repentance). Indeed, without viduy, the teshuvah process has no value. It is puzzling that the Torah choose to mention viduy at this point, specifically in reference to the sin of stealing. The Chidushei Ha'Rim explains that every transgression committed by man consists of a form of theft. We are blessed with life, health and the ability to perform actions so that we can serve Hashem. To employ these G-d-given abilities in a way that violates Torah law is tantamount to theft -- not only does it show ingratitude for these gifts, but it disdains its true purpose.

R. Divrei Torah (National Council of Young Israel)

Three kinds of peace. The concept of "shalom" (peace) is mentioned explicitly once, and implicitly twice, in this parsha. The explicit reference is in the priestly blessing, which concludes with a reference to "peace." The implicit references are: [a] in the case of the sotah, concerning whom the Torah states that a portion of the Torah is dissolved in the bitter waters she must drink (Chazal note that this teaches us that marital peace and harmony is so important that even a portion of the Torah may be erased into the water in order to reunite the couple should she be found innocent); and [b] the leaders of the tribes who brought identical offerings on the first twelve days. As noted above, the Torah describes each offering separately. This teaches us the extent to which the Torah will go to avoid arousing feeling of jealousy and resentment among people. These three contexts of peace represent three areas where peace is vital: within the family, within the nation and universally among all people. These three types of peace must all co-exist.

From: owner-weeklydt@torahweb2.org on behalf of TorahWeb.org [torahweb@torahweb.org] Sent: Friday, June 09, 2006 6:13 AM To: weeklydt@torahweb2.org Subject: Rabbi Yonason Sacks - The Primacy and Accessibility of Torah

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Rabbi Yonason Sacks

The Primacy and Accessibility of Torah

The uniqueness of shevet Levi is evident in the way they were counted. Initially the entire shevet was counted - "kol zechar miden chodesh vomahlah tifikedaim - every male from one month of age and up shall you count them" (Bamidbar 3:15). The bnei Levi were counted according to their age. The family of Gershon, the oldest son, was counted first, followed by the families of Kehas and Merari.

Subsequently, shevet Levi was counted again. This time Hashem commanded Moshe Rabbeinu "miben shloshim shana vomahlah v'ad ben chamishim shana, kol ba latzava la'asos melacha b'ohel moed - from thirty years of age and up, until fifty years of age, everyone who comes to join the legion to perform work in the Tent of Meeting" (Bamidbar 4:3). Because בני לוי were counted for the purpose of avodah, ONLY those who were eligible to serve in the mikdash were counted.

This time, however, the sons of Kehas, the second son of Levi, were counted first. The Medrash Rabbah comments, "lama hikdim hakasuv l'Kehas, l'fi sheKehas haya matoanei ha'aron - because the בני Kehas were granted the privilege of carrying the Aron they were counted first. The Kli Yakar (Bamidbar 4:22) explains that in order to demonstrate that "keser Torah hefker lakol, v'hakol zochin eilav" - that Torah is accessible to everyone, irrespective of one's birthright, the sons of Kehas (who was NOT the oldest son) were granted this right.

Similarly, the Rambam (Hilchos Shemittah V'yoveil 13:3) emphasizes:

V'lo shevet Levi bilvad ela kol ish v'ish. Harei zeh niskadesh kodesh kodoshim v'y'hiyeh Hashe, chelko v'nachalaso l'olam u'l'olmei olamim - Any member of Klal Yisroel who emulates the Leviim "becomes sanctified as holy of holies and Hashem will be his portion and heritage forever

Indeed the passuk in Mishlei (3:15) describes Torah as "yakara hi mipeninim - more precious than pearls." The Kli Yakar explains that the word peninim has several meanings. Peninim connotes linai ulivnim, a reference to the Kohein Gadol who enters the Kodesh Hakodoshim. Furthermore, peninim alludes to the keser malchus, the royal crown which contains pearls and precious stones. Additionally, peninim refers to the rights of the first born, as implied by the verse "vezos lifnim b'Yisroel" (Ruth 4:7). These allusions underscore the primacy and accessibility of Torah.

The Ramban (Shemos 25:10) notes that the commandment to construct the Aron is written in the plural - "v'assu Aron - and they shall make an Aron." Everyone was called upon to participate in creating the Aron. The Medrash explains "yavo'u hakol v'yisasku baron shyizku laTorah - everyone should come and be involved in the Aron so they should merit acquiring Torah". May we be worthy of this unique privilege.

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Covenant & Conversation
Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth
[From 2 years ago - currently 5765]

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Naso

Our sedra contains the laws relating to an unusual phenomenon in the religious life: the case of the nazirite, an individual who undertook - by oath and for a limited period - a special set of self-imposed restrictions. He vowed [1] to refrain from wine and other intoxicants, including anything made from grapes; [2] not to have his hair cut; and [3] not to allow himself to be defiled by contact with the dead.

Was this a good thing or not? Is the nazirite to be commended for his extra piety, or on the contrary, to be pitied and forgiven? On the face of it, if piety is good, exceptional piety is exceptionally good. Yet a curious air of ambiguity lies over the whole concept of the nazirite, and the sages and commentators were themselves divided in their evaluation of the person who decided to become one.

The source of this ambiguity lies in the biblical text itself. On the one hand, the nazirite is called holy:

Throughout his term as a nazirite, he is holy to G-d. (Num. 6: 8) On the other, when he completes the period of his abstinence, he is commanded to bring a sin offering:

This is the law for the Nazirite when the period of his separation is over. He is to be brought to the entrance to the Tent of Meeting. There he is to present his offerings to the Lord: a year-old male lamb without defect for a burnt offering, a year-old ewe lamb without defect for a sin offering . . . (Num. 6: 13-14) Why, if it is an act of piety to adopt the special restraints of a nazirite, should the individual concerned have to bring a sin offering? Nachmanides gives a simple and compelling answer:

Until now he was separated in sanctity and the service of G-d, and he should therefore have remained separated for ever, continuing all his life to be consecrated and sanctified to G-d, as it is said, I raised up some of your sons for prophets, and your young men for nazirites (Amos 2: 11). Thus Scripture compares the nazirite to a prophet . . . Accordingly, [when he completes the period of his vow and returns to ordinary life] he requires atonement, since he goes back to being defiled by the [material] desires of the world. For Nahmanides, the sin offering was brought to atone for the fact that the individual has ended his naziritship, not because he undertook it in the first place. Nachmanides has no doubt that becoming a nazirite is a positive act.

Yet, not all were convinced of this. Some of the sages took a markedly negative view:

Samuel said: whoever indulges in [voluntary] fasting is called a sinner. This is in accordance with the view of Rabbi Eliezer Hakappar Berebi, who stated: What is the meaning of the phrase (Num. 6: 11), and make atonement for him, because he sinned against the soul (usually translated as "by coming into contact with the dead"). Against which soul did he sin? We must conclude that it refers to denying himself the enjoyment of wine. From this we may infer that if one who denies himself the enjoyment of wine is called a sinner, all the more so one who denies himself the enjoyment of other pleasures of life. It follows that one who keeps fasting is called a sinner. (Taanit 11a; Nedarim 10a) For these sages, becoming a nazirite is self-imposed asceticism - denying yourself the pleasures of the world. This means rejecting, or at least not celebrating, the world G-d created and called good. The phenomenon of the individual who withdraws from society and lives a life of self-denial is well known in many religions. Such people are usually regarded as holy. Judaism - according to Rabbi Eliezer Hakappar and Samuel - takes a different view. We serve G-d by enjoying the delights of life:

The sages said in the name of Rav: a person will have to give reckoning and account for everything that his eyes saw and he did not eat. So concerned was Rabbi Elazar with carrying out this teaching that he used to collect small change and use it [to buy new produce]. Thus he was able to taste every kind of food at least once. (Yerushalmi Kiddushin 4: 9) So there were two views in Jewish tradition. Some approved of the nazirite for his extra piety. Others criticized him for denying himself the pleasures of G-d's material blessings. This is not unusual: disagreement is part of the texture of Judaism. What is unusual, however, is Maimonides' view, because he seems to take both sides of the argument. In Hilkhos Deot (3: 1) he writes:

A person may say: "Desire, honour and the like are bad paths to follow and remove a person from the world, therefore I will completely separate myself from them and go to the other extreme." As a result, he does not eat meat or drink wine or take a wife or live in a decent house or wear decent clothing . . . This too is bad, and it is forbidden to choose this way.

Whoever does so is called a sinner. Indeed G-d says about the nazirite: "He [the priest] shall make atonement for him because he sinned against the soul." The sages said: If the nazirite, who only abstained from wine, needs atonement, how much more does one who abstains from all [legitimate pleasures] need atonement.

Therefore the sages commanded that a person only abstain from things forbidden by the Torah alone . . . Concerning these things and others like them, Solomon commanded, saying: "Do not be overly righteous or over-wise. Why should you destroy yourself?" (Eccles. 7: 16) This is the view of Rabbi Eliezer haKappar. Elsewhere however (Hilkhos Nezirut 10: 14), he writes this:

Whoever vows to G-d [to become a nazirite] by way of holiness, does well and is praiseworthy. Of such a person, Scriptures says, His consecration to G-d is upon his head . . . he is holy to the Lord. Indeed Scripture considers him the equal of a prophet, for it says I raised up some of your sons for prophets and your young men for nazirites. This is the opposite view, and the one taken by Nachmanides.

How are we to understand Maimonides? He is teaching us a profound truth, that the moral life is not always simple: a matter of black and white, good and evil, right and wrong. It usually is, but not always. Viewed from the perspective of personal

perfection, the nazirite is good and holy. But from the perspective of Jewish faith as a whole, such a life is not an ideal. Judaism wants us to celebrate life, not retreat from it. That is what Milton meant when he wrote: "I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race where that immortal garland is to be run for, not without dust and heat." It is holy to retreat from the world and its challenges - but holier still to engage with them.
