

*Mazel Tov to Marcie & Neil Stein on the engagement of Tzvi Moshe to Tziporah Kreps*  
*Mazel Tov to Debbie and John Joseph on the engagement Nina to Doni Zupnick*

**Jerusalem Post Jun 20 2006**  
**SEVEN DAYS Rabbi Berel Wein**

One of the great gifts of the Jewish people to civilized society generally is the Sabbath and with it the ordered idea of a seven-day week. The seven-day week has become standard throughout human society and adopted by all different faiths. The anti-clericalist, atheistic leaders of the French Revolution at the end of the eighteenth and the beginning of the nineteenth centuries attempted to impose a ten-day week upon their revolutionary society but the attempt never gained popular support. Thus seven-day weeks became and remain the norm in the world.

The original seven-day week is naturally found in the biblical narrative of the formation and creation of the universe, with the seventh day of that "week" being the holy Sabbath. The notion of special seven-day weeks recurs in Jewish law and ritual. Having personally experienced lately two such special weeks, I take the liberty of commenting upon them. One of these weeks is a very sad and heart wrenching one – the week of shiva (literally, seven) – the time of intense mourning over the loss of a beloved family member. The other special week is the week of shivat ymei mishteh (literally, seven days of food and drink) – the week immediately following a wedding when daily gatherings, tributes, meals and song bring joy to the bride and groom and their families. Even though these two different special weeks are posed on opposite poles of a human being's emotional spectrum, Jewish ritual and custom bind them together with parallel observances and traditions.

The period of shiva is marked by visits from friends to the home of the bereaved. It begins to put in place the social support system that the bereaved will so desperately need in order to continue on in life. The mourners do not leave their house of mourning for the entire week except for the Sabbath when all public exhibitions of mourning are suspended. The mourners sit low to the floor, their garments rent, their hearts broken. The rabbis of the Talmud enjoined that one is not to mourn excessively over the loss of a family member. It is the Jewish belief in eternal life and the immortality of the soul that allows for such an outlook.

The periods of mourning are clearly defined in Jewish law – seven days, thirty days and for parents, twelve months. Those are the limits of ritual forms of mourning. There is no time limit to the perpetual ache that now resides in one's heart. The seven days of shiva end on the morning of the seventh day, following the halacha regarding the time of mourning - miktzat hayom k'kulo – even a portion of the day is counted as a full day.

In Talmudic times a series of blessings was recited at the conclusion of the meals during shiva in the house of the mourners. This custom is no longer observed in the Ashkenazic society, though it still is followed in many Sephardic communities. These blessings eerily parallel the recitation of the seven blessings that accompany birkhat hamazon in the presence of the bride and the groom during shivat ymei mishteh. We are bidden to bless God's name on all occasions and under all circumstances, both good and better.

The seven days of rejoicing for the bride and groom are meant to be complete twenty-four hour days. The meals during this week of rejoicing are festive and meaningful. The meals are usually occasions for words of Torah, moral insights, blessings and encouragement to the couple now beginning their life together. The meals require that "new" people – people who were not present at the wedding – be invited and attend the mishteh meal. The presence of the "new faces" at the meal

automatically increases the level of joy, satisfaction and support for the bride and groom and their families.

To help other people feel important and happy is a great Jewish virtue. The Lord Himself, so to speak, is pictured in Midrash as being the "new face" that helped Adam and Chava celebrate their marriage in the Garden of Eden. Mention of this is in fact the theme of one of the blessings that is recited at the wedding and at the meals of shivat ymei mishteh. God is thus the source of our joy and the hope for our consolation as well. Both special weeks – the life-cycle events of Jewish life – march in tandem in the Jewish view of life and the world. May we also all be blessed, consoled and uplifted by our observance of Torah and our faith in the God of Israel. Shabat shalom.

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**Weekly Parsha :: SHLACH :: Rabbi Berel Wein**

When someone loves and appreciates someone or something and finds that others fail to share that feeling as strongly, one can experience a sense of disappointment and frustration. How can others be so blind and foolish not to see what one sees in that person or object? Moshe loves the people of Israel and the Land of Israel. His love for both is so great that it shuts out the reality of human frailties, deviousness and selfishness that are omnipresent in human societies, even great societies such as the generation of the desert- the dor hamidbar. He is convinced that the spies that he now sends to bring back a report regarding the Land of Israel will see it through his eyes of longing, love and faith.

They will certainly be enthusiastic in their praise of the land, its luscious fruits and stark scenery. They will appreciate God's gift of that land to His people and be everlastingly grateful to tread upon the soil that their patriarchs and matriarchs walked upon. Moshe is certain of this, for otherwise he would not have allowed the spying mission to take place.

But when disaster strikes and the spies' report regarding the Land of Israel is tinged with doubt, criticism and pessimism, Moshe is shocked, amazed and disheartened. His disappointment is not limited to the contents of the report itself but rather his disillusionment is even more profound over the inability of the spies to see things as he sees them. Their blindness to the truth outweighs even their pettiness, selfishness and evil in forming such a negative report regarding God's great gift to the Jewish people – the Land of Israel.

Over the long run of Jewish history there have been two parallel yet contradictory strains in Jewish society. One powerful strain was the undying love and longing for the Land of Israel. In the end, the secular Zionists were not willing to trade the Land of Israel for Uganda. The State of Israel arose in the Land of Israel because Jews did not allow themselves to forget Zion and Jerusalem, even for a moment. The right hands of many tyrants and empires have failed over the centuries but the Jewish loyalty to the Land of Israel never faltered or wavered.

These Jewish feelings were in line with Moshe's view of the Land of Israel. But there was and is another strain of attitude in the Jewish world that sees the Land of Israel – and currently the State of Israel – as the problem and not the solution in the Jewish world. The words of Rabbi Meir Simcha Cohen in Meshech Chachma continually ring in my ears – "Woe to those who substitute in their thoughts Berlin for Jerusalem!"

On the two extremes of the spectrum of Jewish society there exist the spiritual heirs of the spies. They see no good in the Land, the State and in effect the people who live in Zion and Jerusalem. Better in Egypt, the spies said. But it was never better in Egypt and it is this lie, perhaps more than any other statement that challenges Moshe's love of Israel to its very core. Well, unfortunately, 'better in Egypt' still exists in the Jewish world today. Only by seeing things through the eyes of Moshe can we overcome this enemy within our midst. Shabat shalom.

**Ohr Somayach :: Torah Weekly :: Parshat Shlach**  
**For the week ending 24 June 2006 / 28 Sivan 5766**

**by Rabbi Yaakov Asher Sinclair**  
**Overview**

At the insistence of Bnei Yisrael, and with G-d's permission, Moshe sends 12 scouts, one from each tribe, to investigate Canaan. Anticipating trouble, Moshe changes Hoshea's name to Yehoshua, expressing a prayer that G-d not let him fail in his mission. They return 40 days later, carrying unusually large fruit. When 10 of the 12 state that the people in Canaan are as formidable as the fruit, the men are discouraged. Calev and Yehoshua, the only two scouts still in favor of the invasion, try to bolster the people's spirit. The nation, however, decides that the Land is not worth the potentially fatal risks, and instead demands a return to Egypt. Moshe's fervent prayers save the nation from Heavenly annihilation. However, G-d declares that they must remain in the desert for 40 years until the men who wept at the scouts' false report pass away. A remorseful group rashly begins an invasion of the Land based on G-d's original command. Moshe warns them not to proceed, but they ignore this and are massacred by the Amalekites and Canaanites. G-d instructs Moshe concerning the offerings to be made when Bnei Yisrael will finally enter the Land. The people are commanded to remove challa, a gift for the kohanim, from their dough. The laws for an offering after an inadvertent sin, for an individual or a group, are explained. However, should someone blaspheme against G-d and be unrepentant, he will be cut off spiritually from his people. One man is found gathering wood on public property in violation of the laws of Shabbat and he is executed. The laws of tzitzit are taught. We recite the section about the tzitzit twice a day to remind ourselves of the Exodus.

**Insights**

**Tactics and Strategy**

**“Send out men for you and they will explore the Land.” (13:2)**

Think of all the things you do between the moment you wake up in the morning and the time your head hits the pillow at night. Think of how many thousands of actions your hands do, your eyes do, your legs do every day. Think of how many words leave your lips, how many sounds enter your ears. Think of how much physical coordination it takes to make a piece of toast in the morning. Take out the bread from the cupboard, open the package with your fingers, pick up the knife, hold the knife so you can cut the bread, switch on the toaster. (“Okay!” I can hear you say, “I know how to make toast!”)

We are all so busy it's amazing we have any time at all to live.

Life is so full of wonderful, timesaving inventions that make our lives more frenetic than ever: Mobile phones, computers, cars and planes have all “upped the ante” of the demands that we make on ourselves and that others make on us. The fact that more can be done leads inexorably to more having to be done.

And very often, in the mêlée of this technological magic, we forget our destination.

One of life's most important distinctions is between tactics and strategy.

Tactics is about how you get there. Strategy is where you're going.

The “tactics of life” is about maintaining our bodies, eating, washing and exercising. The “strategy” is about what sort of life I want to live, who do I want my children to be, and what will they say at my funeral. Very few eulogies that I have heard focus on the fact that deceased brushed his teeth daily.

“Send out men for you and they will explore the Land.”

The word that the Torah uses here for “to explore” is Vayaturu.

In a very similar context the Torah says, “All of you approached me and said, ‘Let us send men ahead of us and let them explore the Land...’” (Devarim 1:22)

In this latter verse, however, the word for “explore” is Vayachparu. Why the difference?

In this latter verse the people were asking permission to explore the Land, in the verse in our Parsha, G-d gave His permission.

The word that the Jewish people used for their request, Vayachparu, is related to chafar, meaning to “dig out”, to “reveal that which is hidden.”

In other words, the people wanted to explore the Land so they could dig out the hidden weakness of the Land the better to capture it.

They were focusing on tactics.

In our Parsha, however, the root of Vayaturu is tor, which connotes joining things together into a row; it is also the root of the verb “to sew”. This word implies seeking out positive aspects for a defined purpose. G-d's command to the Jewish People was to examine the Land and understand how it was strategically suitable for its task as the homeland of a Holy Nation. The tactical aspect of how to uncover the Land's weaknesses was a subordinate agenda. Part of the spies' mistake was that their focus was on the negative and the tactical — finding the weaknesses of the Land. Had they focused on their strategic goal and recognized its unique suitability to their goal, they might not have made such a tragic error.

In life, tactics must always be subordinated to strategy.

Based on Rabbi Shimshon Rafael Hirsch

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**Peninim on the Torah by Rabbi A. Leib Scheinbaum**  
**PARSHAS SHELACH**

**And these are their names: for the tribe of Reuven, Shamua ben Zakur. (13:4)**

A name is more than simply a way to address a person. Indeed, the names of those mentioned in the Torah reveal much of the essence and personality of the individual. At the beginning of Sefer Bamidbar, the Torah records the names of the Nesiim. These names reveal the personal qualities that rendered these men most suitable for these positions. Horav David Feinstein, Shlita, infers that this idea applies equally to the names given to the meraglim, the men selected to be the spies. Their names should allude to their special capabilities. Thus, the name Shamua implied that he was a good listener, since shamua is from the same root as shema, to hear. An individual of such stature could be expected to listen to Hashem's mitzvos. Zakur is a derivative of zechor, to remember, indicating that he would remember Hashem under all circumstances.

If this is so, why did he sin? He had the qualities that should have protected him. Listening and remembering are two attributes that should contribute to circumventing sin. Rav David explains that every quality has its limitations. One may be a good listener, but it is critical that he listens to the appropriate message and to the right person. Remembering is a wonderful trait, if the memories that are evoked are healthy and constructive.

Shlomo Hamelech says in Mishlei 14:15, “A fool believes everything.” Yes, Shamua listened, but it was to his yetzer hora, evil inclination, that he lent his ear, not to Hashem. Zakur means remembering, but the meraglim evoked the wrong memories in the people. They complained, “We remember the fish which we ate in Egypt for free, and the squash and the melon and the leeks and the onions and the garlic” (Bamidbar 11:5).

Moshe Rabbeinu surely screened the spies, studying their names, their qualities, their virtues. These men had it all, but they chose to divert their good qualities for purposes that were not as good. Regrettably, this has occurred a number of times in history. Men who were destined for greatness, who had the qualities to lead our nation in a positive manner, fell prey to the blandishments of their yetzer hora, becoming leaders who led their followers to iniquity and infamy. Hashem grants us the tools. It is up to us to use them properly.

Yet, we see some who are - for all intents and purposes - fine, decent and morally correct individuals, who for “some reason” just “go wrong” somewhere, somehow. What is it that causes this transformation? The Torah informs us that Calev ben Yefuneh was different than the other meraglim. He, together with Yehoshua bin Nun, stood up against the slander that was spewed by the other spies by defending Moshe. They stemmed the tide of rebellion. Regrettably, it was too late. The damage had already been done. In describing Calev, the Torah writes, “But my servant, Calev - because a different spirit was with him, and he followed Me, I shall bring him to the land to which he came, and his offspring

shall possess it" (Bamidbar 14:24). Rashi explains the words va'yimalei acharai, "and he followed me wholeheartedly," literally, that "he filled his heart to follow Me." He filled his heart completely with the desire to listen - to follow Hashem.

Rav David explains that the word "full" means to capacity. If there is room in a cup for even one more drop, then the cup is not filled to capacity. Likewise, if there is room in one's heart - regardless of how minute this space may be - his heart is not completely filled. When there is room in one's heart, there is room for a positive influence, as well as for a negative one. The other spies were righteous people. They were good, but there was "something" missing. The difference between the other spies and Calev was a single drop. That solitary, minute drop made a world of difference. Calev's heart was completely full in his desire to serve and follow Hashem. Thus, there was no room for any adverse influences. The other spies lacked this drop. Their hearts were not filled to the top. Therefore, there was room "at the top" to contaminate everything throughout.

One who is partially committed - is fully not committed.

#### **See the Land - how is it? (13:18)**

Moshe Rabbeinu instructed the spies to pay close attention to the nature of the land. The climate and terrain of some lands provide an optimum physical environment for its inhabitants to develop into healthy, vigorous people. Conversely, other lands are detrimental to a healthy physical development. The Alshich HaKadosh, zl, explains that Moshe was conveying to the spies the criteria for ascertaining and confirming why the people who inhabited Eretz Yisrael were plagued with a fear of the Jewish army to the point that they were self-defeated even before their first battle. This was to be inferred from the way they surrounded themselves with walls for protection. Despite the Canaanites power and might, they were frightened. How was this indicated?

When the Jews left Egypt, the Canaanites defiantly uprooted every fruit tree in their land, so that the Jews would not benefit from them. Indeed, this is one of the reasons that Klal Yisrael tarried for forty years in the wilderness: to give the Canaanites the opportunity to replant their trees. When they saw that the Jews were in no hurry to enter Eretz Yisrael, the Canaanites planted trees, so that they could benefit from the fruit before the Jews took away the land. They had literally given up hope and were waiting for the end to come. In other words, a nation that is defiant is a formidable opponent. One that is complacent has already given up hope of emerging victorious. It has surrendered before the first shot has been fired.

As long as one maintains a sense of hope, he has a chance of conquering the enemy - regardless of whether the enemy is a nation, an illness, or a difficult situation. The Baal Yesod Ho'Avodah cites the following story that supports this idea. It took place during Napoleon's invasion of Russia. The Russian commander was listening to the somber reports coming from the battlefield. Messages of defeat were arriving one after another: this battalion had surrendered; a regiment had been driven back; an entire brigade had fallen to Napoleon's armies. It appeared, indeed, that all was lost.

The commander's adjutant entered the room to find his superior ash-faced and thoroughly depressed. "What has occurred?" he asked. The commander gave him a blow-by-blow description of defeat.

"That is it?" the adjutant exclaimed. "Is that not bad enough?" the commander countered.

"No. There is even worse news." The adjutant replied.

"What could be worse than what I have mentioned?" the commander asked.

"The latest report was that the commander of the Russian Army has given up and lost his will to fight!" the adjutant declared.

When the commander heard this, he understood what he was doing wrong. A commander who falters, falls. He immediately issued orders and jumped into the fray of commanding the battlefields. He rallied the troops, encouraging them not to give up. They could and would prevail - and they did.

Historians consider this the decisive turning point in the war. Indeed, the Russian victory over the French army in 1812 marked a huge blow to

Napoleon's ambitions of European dominance, which ultimately led to Napoleon's defeat and exile.

Never give up hope. As long as there is hope, one can turn anything around, even the most challenging situation. The following anecdote sums it up. A sole survivor of a shipwreck was cast upon an uninhabited island. After much trouble, he was able to build a crude hut in which he placed the few belongings that he had been able to salvage. Each day he prayed to the Almighty for deliverance, anxiously scanning the horizon for some sign of a ship that he could hail. One day, upon returning from a hunt for food, he discovered to his chagrin a horrific sight: his hut with all his belongings had burnt to the ground. All that he had was gone. A man of limited vision, he could no longer contain himself, and he began to curse his lot in life. Had he not suffered enough? What could G-d want from him? When would He stop? He went to sleep that night on the ground without any protection, a broken, depressed person. The next morning, he was awakened by the sound of a ship dropping anchor on the island. The captain disembarked and came over to him and said, "We came as soon as we saw your smoke signals."

#### **And how are the cities in which it dwells - are they open or are they fortified? (13:19)**

Moshe Rabbeinu asked the meraglim, spies, to look closely into the nature of the land and its inhabitants. One can learn much by studying the habits and lifestyle of the people of the land. The Ohr Pnei Yehoshua from the Admor, zl, of Galant, offers a penetrating insight into Moshe's request that they check to see if the people dwelled in cities that were open or fortified. The spies went and discovered, to their chagrin, that the cities were fortified with lock and key. They figured that had they been living in open cities without fortification for protection, they would be easily conquerable. Now, what could they do to gain entry for battle?

Calev arose and implored the people to listen. He encouraged them, saying that they could "indeed" win the war. The greatest proof is that the cities in which the enemy lived were fortified. Had the cities been open, it would indicate that its inhabitants were on friendly terms with one another. Trust and camaraderie reigned in their communities. People had nothing to fear. Protection was not needed, since everyone got along. There was openness. They were all members of one large community. Had this been the case, they would have proven to be a formidable adversary. There is nothing more difficult to battle than a unified army.

Now, however, that the reports were that that the people lived in fortified cities, there was a strong indication that they were their own greatest enemy. Apparently, discord and mistrust prevailed in the communities. When people lived in locked communities, it was a strong indication of trouble brewing from within. Such a nation would be easy to vanquish. Indeed, they were destroying themselves.

While this is a penetrating exegesis on the Chumash, it is an even greater lesson for us. When there is mistrust in a community; when openness is feared and everybody looks over his shoulder for fear of what his "friend" is plotting against him; when insecurity is the catchword to describe a community, then it is racing at high speed towards self-destruction. We must ask ourselves: Do these depictions characterize us? If so, are we prepared to do something to address the problem?

#### **But My servant, Calev, because a different spirit was with him. (14:24)**

The sin committed by the spies has plagued us ever since that fateful night. When we take into consideration that these were the leaders, the princes of the Dor Deah, the generation that lived through the Exodus, that received the Torah at Har Sinai, it gives us something to think about. How could they have gone wrong? What provoked them to slander Eretz Yisrael, thereby catalyzing the tragic consequences that befell not only them, but the rest of Klal Yisrael? Horav Yitzchak zl, m'Varka, contends that they intended l'shem Shomayim, their whole focus was on acting for the sake of Heaven, to teach the people that one who speaks ill of Eretz Yisrael will die at the hands of bais din. Just as the mekoshesh eitzim, one who gathered twigs on Shabbos, intended to teach the people the importance of Shabbos observance and the

punishment for someone who desecrates it, they also were willing and prepared to give up both This World and the World to Come, so that the people would realize the unparalleled kedushah, holiness, of Eretz Yisrael.

They were, however, wrong. The mekoshesh was wrong. Had he not desecrated the second Shabbos since their liberation from Egypt, Moshiach would have come. Chazal teach us that if Klal Yisrael keeps two Shabbosim properly, it would bring Moshiach. The mekoshesh desecrated the second Shabbos. It is because of him and his cheshbonos, calculations, that we have been in exile all these thousands of years. The meraglim had no business playing G-d. Calev did not side with the other spies. Yehoshua, as Moshe Rabbeinu's talmid muvhak, primary disciple, would never dispute his rebbe. Calev, however, could have joined the ranks of the other spies. He could have chosen to die b'mesiras nefesh, self-sacrifice, to teach the nation the ramifications of slandering Eretz Yisrael, but he did not. That is why Hashem singles him out as avdi Calev, My servant, Calev (ibid 14:24). Calev understood that one does not try to second-guess the Almighty. He must act and follow Hashem's orders. He has to do what he is told, not what he thinks. It is not our role to correct the world on our own and to sacrifice our lives for it. We only have to do what we are told. Then, we will satisfy the Almighty and earn for ourselves the ultimate reward.

**But My servant, Calev, because a different spirit was with him. (14:24)**

Moshe Rabbeinu only mentions Calev - not Yehoshua. Why? It is not until later that it mentions that Yehoshua will also merit entering Eretz Yisrael. Interestingly, even there, Calev's name precedes that of Yehoshua. Horav Zalmen Sorotzkin, zl, derives an important lesson from here. A person is held accountable not only for failing to perform a mitzvah, but even if he does perform the mitzvah, but delays in carrying it out at the most propitious time; "getting around" to doing the mitzvah is a reason for censure. It demonstrates a lack of interest, a feeling of complacency, an absence of enthusiasm. It is an attitude that demeans the mitzvah, undermining its value and significance.

Rav Zalmen cites the story of a man who had a dream. In the dream, his rebbe, a distinguished rav who had recently passed away, appeared before him. The rav related that he saw a certain tzaddik, righteous person, standing on Erev Shabbos at the gates of Gan Eden. He asked the tzaddik why he was not entering. The tzaddik replied that since he had often postponed changing into his Shabbos clothes until after Shabbos had already started, he was being punished, middah k'neged middah, measure for measure, by not being allowed into Gan Eden on Shabbos night.

Being late is cause for punishment. We may now understand why Calev is mentioned first. The Torah informs us that after the spies returned with their unfavorable report, "Calev quieted the nation," and he encouraged the nation to ignore the report and go into the land. It is later, after the rebellion continued, that the Torah mentions that Yehoshua and Calev tore their clothing and repudiated the spies' report. Hence, measure for measure, when the reward for their actions is announced, only Calev's name appears. When the Torah reiterates the reward of entry into Eretz Yisrael, then Yehoshua's name is mentioned, so that no one should think that Yehoshua was also punished. Even then, Calev's name precedes Yehoshua.

Why did Yehoshua originally remain silent? Rav Zalmen explains that he did not want the people to suspect him of protecting his rebbe, Moshe. Yet, we derive from here that when one should act - nothing should stand in the way. He should not concern himself with what others might think or say. After all, Calev was Moshe's brother-in-law, and that did not hinder him from taking necessary action. The people may think what they want. He was going to do what had to be done.

**Va'ani Tefillah**

**Blessed be He Who spoke.**

The brachah commences with an all-inclusive gesture of gratitude to the Almighty. Horav Avigdor Miller, zl, explains that the term baruch, blessed, is derived from berech, knee. Thus, we say: "He to Whom we bend the knee." While we do not bend our knee at this point in the

Tefillah, we are implying that we mentally bow in humility to Hashem for two reasons. First, we bow out of a sense of gratitude for the endless kindness that He manifests upon us - a kindness that is evident throughout all of Creation. Since we are unable to repay this kindness, our expression of gratitude is a humble offering. Also, we are humbled by the overwhelming debt of gratitude that we owe Him. Second, we bow in recognition of His endless wisdom and awesome power, which is obvious throughout creation.

We recognize that it is only to Hashem that we owe our gratitude, for He is the cause of all creation. All pleasing and useful phenomena that occur in the world, and all men who perform acts of kindness are the result of His power. He causes parents to do kindness to their offspring, because He imbued their natural instinct with a love for their children. He inculcates the pity in the minds and hearts of mankind, which they later use to help others. While it is clear that we have a responsibility to thank those who perform kindness, we must also recognize that they are but agents of the Almighty, Who has granted them the human nature and ability to act kindly towards others.

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**Rabbi Yaakov Haber (The TorahWeb Foundation)**

**Yehoshua and Kaleiv: Two Mechanisms of Spiritual Success**

l'iluy nishmas Mr. Alecs Horecki A"H who was nifter 22 Sivan, 5766

Famous for their refusal to follow the "voice of the masses" upon the return from the spies' mission to scout out the Land of Israel, Yehoshua and Kaleiv stand out as paradigms of correct behavior even when it requires standing alone, ignoring the lure of conformism. Such immense spiritual power was implanted within the Jewish nation by its original founder, Avram HaIvri, whose appellation Ivri is explained by Breishis Rabba (42) as connoting the fact that the whole world was on one 'eiver (side) and he was on the other in his belief system and actions. Nonetheless, the fact that the other spies did not draw from this well of fortitude leads us to question how these two giants succeeded where others failed.

In the opening passages of Parshat Sh'lach, after the identification by name of the "leaders of Israel" who were sent as scouts to Eretz Yisrael, Moshe calls the former Hoshei'a bin Nun, his loyal student, by the name of Yehoshua. Rashi, quoting from the Midrash, interprets the passage to mean that Moshe prayed (or alternatively, by changing his name included such an implicit prayer (see R'eim and other commentaries on Rashi)) that "Kah yoshia'cha mei'atzat ham'rag'lim" - "May Hashem save you from the (evil) counsel of the spies". Moshe's prayer assured that at least one spy would remain loyal to Hashem and give B'nai Yisrael an opportunity to hear his voice of truth and possibly avert the coming disaster which Moshe Rabbeinu prophetically feared. Moshe offers no such name change or prayer for Kaleiv ben Y'funeh.

Later, after the disastrous, slanderous report given by the m'rag'lim and the subsequent Divine decree that the entire generation would perish in the desert, Hashem promises that:

"v'avdi Kaleiv, eikev hay'sa ruach acheres 'imo vay'malei acharay, v'havi'osiv 'el ha'aretz 'asher ba shama v'zar'o yorishena" - "and my servant Kaleiv, because he possessed a "ru'ach acheres" (a different spirit) and loyally followed me, I will bring him to the land to which he came and his descendants will inherit it" (14:24). On a simple plane, the "ru'ach acheret" refers to the fact that he followed a different path from the majority (Ibn Ezra; see also Rashi). It is noteworthy that Yehoshua is not mentioned here as also being excluded from the decree on the generation of the desert and is only mentioned later in verse 30. Also interesting is the use of the title "avdi", "my servant", a title most famously used to describe Moshe at the end of last week's parsha (12:8). Ohr HaChayim in his comments on this passuk offers a penetrating insight into the source of Kaleiv's success in not being influenced by the other spies' evil plan and contrasts his method with that of Yehoshua. Kaleiv, worried that he indeed might be tempted to join the spies' evil intentions, breaks away from the rest of the group and visits the M'arat HaMachpeila in Chevron to beseech Hashem in the merit of our Avot that he should be able to withstand this temptation. With the merit of

this prayer, and his enormous will-power, he is able to remain loyal to Hashem and attempts to convince the Jewish Nation of their ability to enter the Land with Hashem's assistance even in light of the immense might of the resident Canaanites. Unlike Yehoshua, who even before he entered into the Land was already blessed by Moshe, the greatest tzadik, and thus was given spiritual immunity against the negative effects of the plot of the other m'rag'lim, Kaleiv had to resist on his own. He had a "ru'ach acheres" in him connoting the Yeitzer HaRa, the Evil Inclination, another voice encouraging him to join the rest, but he successfully resists. This enormous victory earns him the title of "avdi", a loyal servant, who, like Moshe Rabbeinu, utilizes his free will to do that which was correct in the eyes of his Master. Perhaps we can add that it is for a similar reason that Kaleiv offered tefilot at the graves of the 'Avot. They, led by the example Avraham Avinu (as mentioned earlier), were able to withstand the lure of the society around them and remain faithful to HaKadosh Baruch Hu.

What emerges then are two models for success at combating sin: that of Yehoshua, through original, sometimes supernatural, spiritual immunity, and that of Kaleiv, through will-power and the conquering of the Yeitzer HaRa. Many commentaries have noted a similar duality in the progenitors of each of these noble personalities. Yoseif is the "tzadik from birth". The apple of his father's eye, the special recipient of the Torah of Ya'akov 'Avinu, a born leader, Yoseif successfully resists temptation in Mitzrayim and becomes almost another "Av" of Klal Yisrael by serving as the pivotal leader preparing the Jewish Nation for the long exile of Mitzrayim (see Gemara Sanhedrin 19b, "b'nei Ya'akov v'Yoseif sela"). Yoseif is of course the direct ancestor of Yehoshua through his son Efrayim. By contrast, Yehuda is the paradigm of the "ba'al t'shuva", the one who fails at first by encouraging the brothers to sell Yoseif rather than returning him to his father but then courageously corrects his error through his willingness to sacrifice his own freedom to allow Binyamin to return to his father. He also admits his fatherhood of Peretz and Zerach from his daughter-in-law Tamar thus saving her from death rather than saving his prestige by allowing Tamar to be executed and not admitting this fact. Ya'akov praises him at the end of his life with the words "miteref b'ni 'alisa" - "from the [plot of the] destruction of my son (Yoseif) you have risen" and over which you have done a complete repentance (VaYechi 49:9). Yehuda is the direct ancestor of Kaleiv, the one who similarly battles his yeitzer. [A similar comparison can be made with the spiritual successes and failures of King David, the model of a ba'al teshuva (see Avoda Zara 5a), a descendant of Yehuda, and King Sha'ul, a descendant of Binyamin and a born tzadik (see Yoma 22b).]

Ultimately, only Kaleiv, who through his own efforts succeeded without the original siyata dishmaya Yehoshua had been granted, is crowned with the title "avdi" at this point in history. Yehoshua, although also righteous, does not receive this title yet since his ability to remain loyal to Hashem was not solely through his own efforts. Some commentaries to Seifer Yehoshua note that Yehoshua eventually does receive this title at the end of his life. Seifer Yehoshua begins with Hashem telling Yehoshua who is known as "m'shareis Moshe", "the attendant of Moshe":

"Moshe 'Avdi Meis", "Moshe, my servant died" and ends with "VaYamas Yehoshua 'Eved Hashem", "and Yehoshua, the servant of G-d, died". According to the above approach, it was only after Yehoshua encountered his own challenges through his years of leadership - concerning which he did not receive a direct Divine blessing of success - and overcomes them that he is crowned with this title. (See also Michtav Eliyahu (Vol. 1, p. 111 ff.) for his famous presentation of the concept of the N'kudas HaB'chira, the point of Free Choice which is different for all people. Also see HaKesav v'Hakabbala to VaEtchanan 6:5.)

What we see from Ohr HaChayim's approach is that it is precisely through those trials in life that force us to utilize talents that are not necessarily inborn or thoroughly implanted through our upbringing that we achieve our mission in our lives. There are aspects in our Divine Service with respect to which Hashem grants us Yehoshua-like immunity by implanting within us innate tendencies toward the good,

planting us within families and environments that foster such an attitude or arranges for our receiving the blessing of a tzaddik through which Hashem will bestow certain abilities upon us. But there are other aspects concerning which G-d demands of us Kaleiv-like fortitude to overcome our Yeitzer HaRa for sin. Although we daven daily for Divine intervention "lo lidei nisayon", beseeching G-d to avert many trials and temptations from us so that we do not fail much as Moshe davened for Yehoshua, we remain fully cognizant of the fact that we must be presented with at least some trials "tailor-made" uniquely for us through which we can achieve our destiny in becoming "avdei Hashem".

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### Rav Kook on Psalm 126 "We Were Like Dreamers"

This psalm offers an inspiring description of the redemption of the Jewish people and their return to the Land of Israel:

"A Song of Ascents. When God brings about the return to Zion, we were like dreamers. Then our mouths will be filled with laughter and our tongues with joyous song." [126:1-2]

The verb tense, however, is confusing. Presumably, this is a vision of the future redemption, when "our mouths will be filled with laughter." Yet the psalmist also speaks of the past - "we were like dreamers." Is this taking place in the past or the future?

### Dreams of Redemption

We need to understand the significance of these dreams and their connection to our national redemption.

Several times in history, dreams served as a means to redemption. Joseph became viceroy of Egypt and saved his family from famine through the dreams of Pharaoh. Daniel attained his position of importance through the dreams of Nebuchadnezzar. What is the function of dreams in the world?

Every soul has certain special "segulot", hidden talents or qualities that seek to be realized. The more intense the "segulah", the greater it will struggle to be fulfilled. One of the ways in which these inner qualities express themselves is through dreams.

The nation of Israel also has special "segulot" - a unique potential for spiritual greatness. As it says [Ex. 19:5], "You will be a "segulah" among the nations." When the Jewish people are exiled and downtrodden, this "segulah" quality seeks ways to be realized. It is this inner drive for national greatness that is the source for our dreams of redemption.

### Anticipating the Redemption

After death, the Talmud teaches, the soul is questioned by the heavenly tribunal: "Tzapita layeshua?" "Did you anticipate the redemption?" [Shabbat 31a] The fact that the soul is judged by this trait indicates the great importance of anticipating the redemption. We also find that the Sages spoke of the obligation to pray for our national return to the Land of Israel. Yet the logic of this approach is not obvious. What purpose is there in yearning for that which is beyond our control, dependent either upon the actions of the entire Jewish people, or a divinely-ordained hour?

To understand the significance of our dreams and prayers, it is instructive to recall the Talmudic saying, "Do not disregard any blessing, even that of an ordinary person" [Megillah 15a]. Why should we take note of the simple wishes of a neighbor or friend? The Sages, however, are imparting an important lesson: do not underestimate the power of a few encouraging words, for they may awaken and help realize our hidden potential.

The concept is valid for both the individual and the nation. Secreted in the national soul of Israel is a potential for greatness. By mentioning and anticipating this national destiny, we strengthen it and prime it to be realized. The value of looking forward to the redemption lies in its power to help bring it to fruition. This is not a mystical notion, but a plain historical fact. Without a doubt, the unprecedented return of the Jewish people to their homeland after thousands of years of exile could not have occurred without the continual yearnings and prayers over the centuries. The Zionist movement could not have convinced millions of Jews to uproot themselves if not for the people's deep-rooted longings

for the Land of Israel. It is our faith and anticipation of redemption that enables the realization of the national “segulah” of Israel.

Now we can understand why the verse says that “we were like dreamers,” in the past tense. This refers to our dreams of redemption during the long years of exile. “God brings about the return to Zion” because, throughout the ages, “we were like dreamers.” Our dreams and trust in God’s promises of redemption enable our return to the Land. Just as our private dreams are an expression of our inner talents, inspiring us to develop them, so too, our national dreams, even in the darkest hours, facilitate the return to Zion and the future fulfillment of our complete redemption.

[adapted from Midbar Shur pp. 226-227]

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## **THE WEEKLY DAF—Yoma 16 - 22**

**For the week ending 24 June 2006 / 28 Sivan 5766**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

**by Rabbi Mendel Weinbach**

### **THE DOUBLE AGENT**

During the period of the second Beis Hamikdash the Sanhedrin tried to ensure that the kohen gadol, who was suspected of being a tzaduki with alien ideas, would not deviate from the Yom Kippur service according to the rabbinic tradition. After the elders of the kohanim had instructed him in the manner which the incense should be offered, they impressed upon him an oath of allegiance which began:

“Honored kohen gadol, we are the agents of the court, and you are our agent and an agent of the court.”

This is posed as a challenge to the ruling of Rabbi Huna the son of Rabbi Yehoshua who stated that kohanim, in their service in the Beis Hamikdash, act as agents of Heaven. His reasoning is that they cannot be considered agents of the Jews whose sacrifices they are offering, because one cannot halachically act as an agent for someone who is himself ineligible to perform that act. Since a non-kohen cannot perform the sacrificial service, the kohen cannot be considered his agent, and must therefore be the agent of Heaven for this matter.

The above challenge to Rabbi Huna’s ruling is refuted with an explanation that it is not the issue of agency which is being addressed by the elders in their charge to the suspicious kohen gadol. Rather it is a warning that in the oath he is taking he is committing himself to what they and the Sanhedrin have in mind, rather than to any devious thoughts he may entertain.

Tosefos points out that in another mesechta (Nedarim 35b) the question is raised as to whether kohanim are our agents or the agents of Heaven. The ramification being, whether a particular kohen may perform the sacrificial service for someone who is prohibited by a vow from deriving any benefit from this kohen. If kohanim are our agents, then this kohen would not be allowed to offer his sacrifice for him, as he is not allowed to benefit him by acting as his agent. But if the kohen is Heaven’s agent, there is no problem. Rabbi Huna’s logical proof that the kohen must be Heaven’s agent and not ours is not cited among the proofs presented in Mesechta Nedarim, because the issue there is not whether the kohanim are agents of Heaven but whether they are also our agents. The fact that they are indeed Heaven’s agents enables them to perform the service even though we are unable to do so. Rabbi Huna’s point is that we cannot consider them only our agents. Therefore, if a person bringing a sacrifice declares that he does not want a particular kohen who is on duty that day to perform the service he cannot prevent him from doing so, since he is first and foremost an agent of Heaven. (Yoma 19b)

### **COUNT-LESS KOHANIM**

The familiar taboo on counting Jews finds expression in the lottery determining which kohen would gain the privilege of performing a particular service. The kohen in charge of the lottery would ask all the candidates to extend a finger so that he could count them, and award the privilege to the kohen whose finger coincided with a predetermined number.

The fact that he did not count heads is cited as a proof to Rabbi Yitzchak’s ruling that it is forbidden to count Jews even for the purpose of a mitzvah. Two historical sources are mentioned for the practice of not counting heads but rather counting in a different manner. One source is the census of soldiers conducted by King Saul (Shmuel I 11:8) in preparation for the battle of Ammonite forces besieging Yavesh Gilad. He determined that he had 330,000 soldiers by asking them to place before them clay shards which he counted.

The second census was also conducted by Saul, this time in preparation for a war with Amalek. In this account (Shmuel I 15:4), familiar to us from the Haftorah of Parshas Zachor read on the Shabbos before Purim, the king determined that he had 210,000 troops by counting the lambs which he ordered each one of them to take from the royal flocks and bring to the point of assembly.

Why, asks Maharsha, does the gemara not cite the earliest and most obvious precedent, the Torah command to count the Children of Israel through their contributions of half shekel coins? His answer is based on a closer look at the passages (Shmos 30:12-15) containing this command. Jews were commanded to give these coins “to achieve atonement for their souls.” We might therefore interpret the need to contribute coins not as a way of avoiding counting heads but as a form of atonement for the sin of the Golden Calf. The phrase “so that there shall be no plague when they are counted” could be understood not as a warning that counting heads invites a plague, but rather as a prescription for avoiding the plague resulting from their sin.

Only in the censuses conducted by King Saul, where there is no mention of atonement, and where the nature of the items counted obviously precludes any such assumption, is it clear that he avoided counting heads because it is forbidden to do so and can even invite a plague, as it did in the days of King David (Shmuel II 24). (Yoma 22b)

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## **TALMUDIGEST—Yoma 16 - 22**

**For the week ending 24 June 2006 / 28 Sivan 5766**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

**by Rabbi Mendel Weinbach**

### **MIRACLE OF THE EXPANDING FLOOR Yoma 21a**

One of the miracles that took place in the Beit Hamikdash was the expansion of space. When Jews came there on the festivals they were so crowded in the Temple courtyard that many of them did not even have room to put their feet on the floor, so that they gave the appearance of floating in the air. But when the time came to prostrate themselves the floor space miraculously expanded, so that there was a separation of four cubits between each of them. Thus no one would hear the confessions of sin made by his neighbor and cause him embarrassment.

Two challenges are raised by Maharsha to this gemara. In a later mishna (Yoma 35b) we learn that when the kohen gadol made his confession on Yom Kippur, he did so standing and not prostrated. The reason given by Rashi for the separation seems to be unnecessary since a human prostrated takes up four cubits, and this alone would have necessitated a miracle without the reason for confessional confidentiality.

In response to the first challenge we may suggest that the kohen gadol made his confession with his hands on the animal that he would sacrifice for his atonement, and this required standing. For the Jews confessing their sins during their festival visits, it was more proper to do so in the humble posture of prostration.

As to the need for mentioning the separation of four cubits as being based on confessional confidentiality, it must be noted that even if a person’s outstretched body anyway took up four cubits, this would only remove his mouth from the earshot of the fellow ahead or behind him. In order for the fellow alongside him to be unable to hear his confession there had to be another separation of four cubits, which made the miracle even greater.

### **WHAT OUR SAGES SAY**

“Every turn you take in performing the sacred service in the Beit Hamikdash should be to the right.”

Rabbi Yehuda, quoted in Yoma 17b

“When Jews act in accordance with the Will of the G-d they will be so great in number that it will be beyond the ability of man to count them.”  
Rabbi Yonatan and the Sage Abba Yossi ben Dostai (Yoma 22b)

***YatedUSA Parshas Shelach 27 Sivan, 5766***  
**Halacha Talk by Rabbi Yirmiyohu Kaganoff**  
**May A Kohein Go to the Dentist?**

Yankel Katz\* called me recently to ask a very surprising shaylah: “I am scheduled to have a dental implant placed in my mouth. My dentist told me that the procedure may require the insertion of cadaver bone around the implant. Since I am a kohein, I immediately realized that I may have a serious halacha problem on my hands, or more accurately, in his hands and in my mouth. May I have these products inserted? May I even go into the dentist’s office knowing he has these remains (parts of a corpse) on hand? Maybe I cannot even enter the building?”

I admit that I was more than a bit incredulous that human remains are commonly used today in basic dentistry and medicine. I did some research and discovered that indeed, Yankel’s information is accurate. Many forms of dental, oral, podiatric and other kinds of surgery utilize cadaver derived products. Surgeons and dentists use these human products (typically bone, skin, and heart muscle) in various grafting procedures. Similarly, many podiatrists use human remains in the construction of foot implants. Because of this, most periodontists (gum specialists) and dentists specializing in implants store human muscle and bone in their offices. Thus, Yankel’s shaylah is realistic: May a kohein enter an office building knowing that there is probably a dental or foot clinic somewhere in the building that contains human remains? Does this prohibit a kohein from freely entering large office buildings? Furthermore, a non-kohein who causes a kohein to become tamei will also be violating the Torah. Obviously, the ramifications of these shaylos are ominous, and the potential repercussions could be catastrophic for people employed in most cities. Because of these considerations, I researched this shaylah with utmost seriousness.

There are three potential halachic issues involved in this shaylah:

- I. Benefiting From Human Remains (Issur Hana’ah)
- II. The Mitzvah of Burial
- III. Tumah

To answer these questions, I first needed to gather some factual information. I began by asking Yankel’s dentist the following questions:

- 1) How extensively are these bones and muscles used?
- 2) How much material does a dentist keep in his office?

I received the following answers:

- 1) Every periodontist and oral surgeon has this material in his office. In addition, many general dentists have it too if they perform gum surgery or implant surgery.
- 2) There is no practical way to answer this question accurately. Specialists such as oral surgeons probably have a lot. I keep between 2-10cc. They are usually stored in 0.5, 1, and 2cc bottles.

And now some background to the halachic shaylos involved:

**I. BENEFITING FROM A CORPSE**

May one benefit from a corpse or from human remains?

The Gemara rules that one may not benefit from a corpse (Avodah Zarah 29b). However, the Gemara does not discuss whether this prohibition applies only to the remains of a Jew or also to those of a non-Jew.

Why should it make a difference?

The Torah pasuk teaching that one may not benefit from a corpse refers to a Jew. Thus, many poskim conclude that the prohibition is restricted to the remains of a Jew (Tosafos and Rashba, Bava Kamma 10a; Nekudos HaKesef and Gra, Yoreh Deah 349; Shu”t Radbaz #741; Mishneh L’Melech, Hilchos Aveil 14:21). Others rule that remains of both Jews and non-Jews are equally forbidden (Shu”t Rashba 365; Shulchan Aruch, Yoreh Deah 349:1). Still others compromise between these two positions, contending that the prohibition to use a gentile

cadaver is Rabbinic, whereas not using a Jewish corpse is prohibited min haTorah (Pischei Teshuvah ad loc.).

In a circumstance of pikuach nefesh one may of course benefit, as is true with virtually all mitzvos of the Torah. The question is that tooth replacement is not a case of life threatening urgency. However, it may be very important to allow the patient to use the best quality dental implant.

To quote Yankel’s dentist, himself an observant Jew:

“In my opinion, the severity of this halachic issue should hinge on the detriment caused by tooth loss. Clearly losing one tooth or even all the teeth will not result in death. However, tooth loss often results in dietary/nutritional issues. People who have a difficult time chewing will not have a proper diet. Although people who lose their teeth can still eat, they tend to eat soft foods, which are usually high in carbohydrates and low in protein, vitamins, and minerals. Foods that are high in protein, vitamins, and minerals, such as meat, poultry, grains, and fresh fruits and vegetables, tend to be harder to chew. Consequently, people who eat mainly soft foods may become undernourished. I have seen many cases where people receiving their first set of dentures lose a lot of weight due to the difficulty involved in learning how to use them. Some people adapt and those who do not often seek implants if they can afford them. The only thing preventing most people from having implants is the exorbitant cost, since insurance does not usually pay for them at this time.”

At this point, I think it is important to explain the difference between dentures and implants. (I admit that I was unaware what implants were until I was asked this shaylah.)

**DENTURES VERSUS IMPLANTS**

Dentures are removable appliances that replace some or all of the teeth. They are usually not firm enough to allow a proper bite and chew, and thus a patient using dentures usually regains only a very partial ability to chew. In addition, they are often uncomfortable.

To install dental implants, the dentist utilizes a surgical screw to which he cements crowns or bridges. Alternatively, he uses the implants as anchors to hold complete dentures in place. In either instance, the resultant bite is much stronger than dentures and allows the patient an almost total ability to chew a regular diet.

Dental researchers introduced implants in the ‘60’s, and they became mainstream practice in the ‘90’s. The last few years have seen a huge surge in patient awareness and acceptance of the use of implants. Most people consider them the “standard of care” for tooth replacement.

Therefore one can understand the practical importance of using high-quality implants, assuming, of course, that no compromise of halacha results for either the patient, the dentist, or other kohanim in the vicinity.

**USE OF HUMAN TISSUE**

Rav Moshe Feinstein wrote a teshuvah concerning transplanting human remains in non-life-threatening situations (Shu”t Igros Moshe, Yoreh Deah 1:229, 230). Clearly, such organs as kidneys, livers, and heart may be transplanted because of pikuach nefashos (life-threatening emergency). However, other items such as bone, cornea, muscle, and ligament are sometimes transplanted for non-life-threatening situations. As explained above, dental implants are not used to relieve a life-threatening emergency, although one could argue that these situations are considered choleh kol gufo, where halachic rules are somewhat relaxed. Nevertheless, treating a choleh kol gufo does not permit violating a Torah prohibition.

We noted above that there is a dispute whether one may use remains of a non-Jew; Rav Moshe concludes that under extenuating circumstances one may rely on the lenient opinions. A second question now presents itself, which is whether one may assume that the remains used are those of a non-Jew, since using remains of a Jew is certainly prohibited min haTorah. Again, here also Rav Moshe ruled leniently that one may assume that the remains are of non-Jewish source, since most people are not Jewish (Mishneh L’Melech, Hil. Aveil 3:1). One would need to research whether this assumption is valid in Israel, something that I was unable to verify.

**NOT THE NORMAL USE**

Some poskim permit the use of human remains for non-life-threatening emergencies because of a different line of reasoning. The Gemara (Pesachim 25b) rules that someone who is ill, but does not have a life threatening condition, may apply a balm made from orlah fruit (that grow in the first three years of a tree's growth), notwithstanding that the Torah prohibits benefiting from such fruit.

Why is this permitted where the situation is not life threatening? Is smearing balm not considered a benefit?

This is because many prohibitions that are *asur b'hana'ah* (forbidden to benefit from), are prohibited *min hatorah* only when the prohibited item is used in its normal way. Fruits are not typically smeared on skin as a balm.

On the other hand, other Torah prohibitions may not be used whether or not this is a normal use of the prohibited substance. For example, one may not smear *kilayim* as a balm, even though one may smear *orlah* balm in the case discussed above.

The poskim dispute whether the prohibition not to use human remains applies to using them in an atypical way (Shu"t Radbaz #979 and Mishneh L'Melech, Hilchos Aveil 14:21 are lenient, whereas Rabbi Akiva Eiger notes to Yoreh Deah 349 prohibits). If it is permitted, then there would be a basis to permit the use of human remains from a Jew for someone who is ill, but not life threatening. Rav Moshe rules that *min hatorah* one may not use human remains in an atypical way, although other poskim are lenient (Shu"t Har Tzvi, Yoreh Deah #277). Following the latter approach might allow using muscle and bone even from a Jewish cadaver for implants.

However, since there are alternative sources for implants, such as bovine tissue, it is halachically unclear whether this justifies the use of human implants when one can use non-human sources. Although some dentists feel that the cadaver based material is superior, others do not agree. Therefore, someone who is considering cadaver implants should ask a *shaylah* from his or her Rav, whether or not s/he is a *kohein*. In addition, although the dentist may have asked a *shaylah* and been told that he may use human implants, the patient's Rav may feel otherwise. Thus I believe correct halachic procedure for a frum dentist who feels that he must use human tissue and received such a *psak*, is to advise his patients to ask their own *shaylah*.

## II. THE REQUIREMENT TO BURY THE DEAD

Is one required to bury a small amount of human remains? If someone owns a small amount of human remains, is he required to bury them?

The poskim dispute how small an amount of Jewish remains requires us to fulfill the *mitzvah* of burying. Some contend that one must bury even an amount as small as a *k'zayis* (Tosafos Yom Tov to Shabbos 10:5). Others contend that one is required to bury only that which could represent an entire body (Mishneh L'Melech, Hilchos Aveil 14:21). However, it seems that opinions agree that there is no Torah *mitzvah* to bury the remains of a gentile, except due to *tumah* concerns. Thus, this question would not affect our *shaylah* once we assume that the remains involved are of a non-Jew.

## III. TUMAH AND A KOHEIN

A human cadaver (*meis*) of either Jew or gentile conveys *tumah* when a person touches the remains or carries them. Although these *halachos* do not affect most Jews nowadays, a *kohein* is still forbidden to come in contact with human remains in a way that he will become *tamei*.

Jewish remains convey *tumah* through *ohel*, which means that a *kohein* may not be under the same roof or in the same room as the remains. However, if all the doors and windows in the room holding the remains are closed, the *tumas ohel* is probably contained within that room (see *Nekudos HaKesef* on Taz, Yoreh Deah 371:3; see also Shu"t Noda BiYehudah, Yoreh Deah #94). However, there is a lesser form of *tumah*, called *sof tumah latzeis* (lit., the *tumah* will eventually leave), that extends beyond the closed doors or windows, though only in the direction that one will eventually remove the *tumah*.

## OHHEL AND A NON-JEW

The poskim dispute whether non-Jewish remains convey *tumah* through *ohel*; that means, will someone who is in the same room as non-Jewish remains become *tamei*? According to those who contend that non-

Jewish remains convey *tumas ohel*, a *kohein* may not enter a room containing a gentile corpse or part of a corpse. Thus, a *kohein* should be careful not to enter any hospital except for a life-threatening emergency even outside Israel, since there is likely to be human remains somewhere in the hospital. Similarly, a *kohein* may not enter a museum without carefully verifying that it does not contain any human remains - an unusual circumstance. According to those who contend that non-Jewish remains do not convey *tumas ohel*, a *kohein* may enter a hospital when there is no concern that it contains Jewish remains.

The Shulchan Aruch rules that although non-Jewish remains do not convey *tumas ohel*, one should preferably conduct himself like the more stringent opinion, and that a *kohein* should be careful not to be in the same *ohel* as the remains of a non-Jew. Thus, a *kohein* should not visit someone in the hospital unless there is an extenuating reason, i.e., there is something important that only he may accomplish. Similarly, a *kohein* should not enter a museum without verifying that it does not contain human remains. [This discussion is limited to a case where the remains in the hospital are of a non-Jew. In a situation where there are likely to be Jewish remains in the hospital, a *kohein* would be allowed to enter the hospital only for a life-threatening emergency (*pikuach nefashos*).] Thus, if we assume that the remains contained in the dental office are a non-Jew's, then a *kohein* entering the office would not commit a halachic violation, but would be something that should be avoided (according to the above ruling of the Shulchan Aruch). However because of other halachic factors (too complicated to explain in this article), there is a basis to be lenient and enter the dentist's office and certainly the building. Personally, I would encourage the dentist to store the remains in a way that guarantees that there is no *tumas ohel*, a procedure that I will gladly explain to any dentist on an individual basis, but that is too complicated to clarify in this article.

## WHAT ABOUT YANKEL KATZ'S IMPLANT?

So far we have discussed whether one may use human remains as an implant and whether a *kohein* may enter the office. Assuming that Yankel's Rav rules that he may rely on the remains being of a non-Jew and that it is permitted to use the remains of a non-Jew, the *shaylah* is still not completely resolved. Because Yankel has the bone graft installed in his mouth, he will now be touching and carrying the remains, and as I mentioned before, a *kohein* may not touch or carry non-Jewish remains. Is there any possible solution to this issue, or must Yankel opt for a non-human product? The answer to this question lies in a different direction.

## IS THERE A MINIMUM AMOUNT OF REMAINS THAT CONVEYS TUMAH?

Here the issue is how small an amount still conveys *tumah*? Although the amount of flesh that conveys *tumah* is one *k'zayis*, the amount of human bone that conveys *tumah* in this situation may be as small as a *k'se'orah*, the size of a barleycorn, which is a tiny amount (Ohalos 2:7; Rambam, *Tumas Meis* 4:4).

How big is a *k'zayis*? The estimates of the poskim range from as little as 3 cc. to 25 cc. Typically a dentist uses less than this amount in a patient, although sometimes he might use a larger amount. Thus, one should verify this information in order to ask a *shaylah*. However the amount of bone used is certainly greater than the size of a barleycorn, thus precluding a *kohein* from receiving a dental implant of human origin.

There is one other aspect about dental offices that one should know: Some dentists keep a human skull on hand for explanation and education. A *kohein* should certainly clarify in advance whether one's dentist is a skull-bearing type before visiting a dentist, and should do similar research before scheduling an appointment at the podiatrist and other physicians, who often also use human remains in their surgeries or have cadaver models on hand for giving visual explanations. A concerned practitioner will procure plastic replicas rather than genuine human parts to minimize difficult situations for a *kohein*.

A *kohein* has the privilege of blessing the people, in addition to serving in the *Beis HaMikdash*, may it be built speedily in our day. Concurrent with these privileges come many responsibilities, including the requirement of avoiding *tumah*. This necessitates an awareness of

possible tumah situations and being constantly aware of new developments in our rapidly changing society. (\*Name is fictitious.)

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## The Weekly Halacha Overview by Rabbi Josh Flug (YUTorah)

### The Sanctity of the Synagogue

Last week's issue discussed the treatment and disposal of religious articles. The article showed the difference between tashmishei kedusha (accessories of STaM) which must be treated with sanctity, and tashmishei mitzvah (articles used for performance of mitzvot) which may be disposed of. It was noted that Shulchan Aruch, Orach Chaim 21:1, follows the opinion of R. Achai Gaon that tashmishei mitzvah are treated with sanctity while they are still designated for performance of mitzvot.

### The Source of Sanctity of the Synagogue

The Mishna, Megillah 25a, states that one may sell an item of lower-level kedusha in order to purchase an item of higher-level kedusha, but not vice versa. A beit hakneset (synagogue) is on the list of items containing kedusha. What is unique about the Mishna's listing of beit hakneset is that it is not an item of STaM. The Rishonim ask: Why is a beit hakneset considered an item of kedusha?

Ramban, Megillah 25b, answers that a beit hakneset is considered a tashmish mitzvah. As per R. Achai Gaon's opinion, tashmishei mitzvah have sanctity while they are still designated for mitzvah use. A synagogue is designated for the mitzvah of prayer and is therefore considered a tashmish mitzvah. Ramban explains that when the beit hakneset is no longer in use, the beit hakneset no longer has kedusha and it may be sold.

Ran, Megillah 8a, s.v. U'Man, disagrees with Ramban's explanation of the source of kedushat beit hakneset. Ran postulates that the kedusha is a rabbinically imposed kedusha. The rabbis instituted this kedusha because the beit hakneset is a house of prayer in which devarim sheb'kedusha (prayers of a holy nature) are recited.

R. Eliezer of Metz, Sefer Yerei'im, no 409, implies that that the kedushat beit hakneset is rooted in the biblical commandment of fearing the Beit HaMikdash (Vayikra 19:30). Sefer Yerei'im states that this commandment applies to synagogues and this is the reason why one must show respect to the synagogue and treat it with sanctity. [See R. Hershel Schachter, Eretz HaTzvi, no 12. for a more detailed discussion of this opinion.]

### The Sanctity of a Synagogue after its Destruction

The Mishna, Megillah 28a, states that one must treat a synagogue with sanctity even after its destruction. One may not hang clothing to dry in its ruins, one may not spread trapping nets in it and one may not dry fruits on its roof.

R. Ovadia Yosef, Yabia Omer, Orach Chaim 8:16, was questioned regarding a synagogue in Austria that was destroyed by the Nazis. The synagogue was irreparable and the only option available was to rent it for use as a train station. The Chief Rabbi of Vienna, R. Akiva Eisenberg, asked R. Yosef if renting of the destroyed synagogue is a violation of the Mishna's ruling that one must treat a synagogue with respect even after its destruction.

R. Yosef responds with a few grounds for leniency. One of the angles that he explores is the dispute between Ramban and Ran. According to Ramban the sanctity of the synagogue is a function of its serving as a tashmish mitzvah. As such, when it is no longer designated for the purpose of prayer, it is no longer sanctified. One must then conclude that the Mishna's ruling is limited to situations where it is still possible to repair the synagogue. However, if it is impossible to repair the synagogue, the synagogue is no longer sanctified.

R. Yosef then posits that perhaps Ran would agree in this situation. Ran assumes that there is a rabbinically imposed kedusha on a synagogue. R. Yosef suggests that if the synagogue is irreparable, the rabbis did not impose kedusha in such a situation.

### The Validity of a Built-in Condition

The Gemara, Megillah 28b, states that the synagogues in Babylonia are all built on condition that they may be used for other purposes. Nevertheless, the Gemara states that even with a built-in condition, one may not act with frivolity in the synagogue. Rabbeinu Asher, Megillah 4:7, claims that the statement regarding the synagogues of Babylonia only applies after they are destroyed. While a synagogue is still standing, one may not perform any mundane activities. Rabbeinu Asher's ruling is codified by Shulchan Aruch, Orach Chaim 151:11.

Mishna Berurah, Biur Halacha 151:11, s.v. Aval, notes that there are, in fact, three opinions on the efficacy of building a synagogue on condition that it may be used for other purposes. The first opinion is the opinion of Rabbeinu Asher as codified by Shulchan Aruch. The second opinion is the opinion of Rashi (as implied by his comments to Megillah 28b s.v. Al T'nai) and Or Zarua 2:388, who maintain that a synagogue may be built on condition that it may be used for any mundane activity (even while it is still standing), as long as it is not a frivolous activity. The third opinion is the opinion of Ramban, Megillah 26b, who states that the condition set at the time of building the synagogue is only effective to allow the synagogue to be used temporarily for public needs. Some examples Ramban gives are the use of the synagogue to house or feed the poor. Otherwise, one cannot use the synagogue for mundane purposes. Mishna Berurah concludes that although Shulchan Aruch rules in accordance with the opinion of Rabbeinu Asher, other Acharonim follow the opinion of Ramban and his opinion may be relied upon.

Rav Moshe Feinstein, Igrot Moshe, Orach Chaim 1:45, notes that there are many practices that take place in today's synagogues that would not be permitted even according to Ramban. For example, many communities eat seudah shlishit in the synagogue; a "Kiddush" in honor of a bar-mitzvah of wedding is allowed in many synagogues; some even allow food to be eaten in a synagogue for a yahrzeit, which R. Feinstein does not think can be considered "mitzvah purposes" (even if one were to claim that Ramban allows use of the synagogue for mitzvah purposes). R. Feinstein claims that all of these practices lead one to the conclusion that the opinion of Rashi and Or Zarua was accepted by later generations as normative. [R. Feinstein cites another example where later generations adopted a different opinion than that of their forefathers.]

R. Feinstein is somewhat reluctant to rule definitively in accordance with the opinion of Rashi. He does allow someone who is visually impaired to bring a seeing-eye dog into the synagogue, relying on the opinion of Rashi.

Mishna Berurah op. cit., notes that even Rashi will agree that frivolous activities are prohibited in a synagogue. The Gemara lists business calculations as an example of a frivolous activity.

### The Origin of the Shteeble

R. Chaim Halberstam, Teshuvot Divrei Chaim, Choshen Mishpat 2:32, also notes the common practice of many synagogues to allow mundane activities in the synagogue. R. Halberstam provides an alternative justification for this practice. When these places are built, they are not designated as synagogues, but rather as "places of congregation." They are built primarily for people to gather and perform religious activities. Prayer is just one activity that takes place in these "places of congregation." R. Halberstam notes that these places should not be considered synagogues as they have absolutely no kedushat beit hakneset. [R. Halberstam clearly does not follow Rashi's opinion. According to Rashi, one can build a synagogue on condition that it may be used for other purposes and the synagogue itself will be fully endowed with kedushat beit hakneset.]

R. Avraham D. Hurvitz, Teshuvot Kinyan Torah 4:15, records that R. Halberstam was particularly careful not use the term synagogue in describing such a "place of congregation." R. Halberstam would call it a "daven shteeb" (a prayer room). This is why Chassidic prayer houses, especially those who follow the teachings of R. Halberstam, use the term "shteeble" to describe their house of prayer.

**Contributed By Chaim Shulman (as always.. our thanks)**

<http://www.artscroll.com/Chapters/>

**Living Each Week**

**By Rabbi Abraham J. Twerski**

**Parashas Shelach**

You may send men to scout the land of Canaan (Numbers 13:2).

The episode of the spies was not only disastrous for the generation of the Exodus who perished during the forty years of wandering in the desert, but it has also cast a pall over future generations. The Talmud states that the night the Israelites wept upon hearing the alarming report of the spies (14:1) was the eve of the ninth day of Av, the day on which both the First and Second Temples in Jerusalem would be destroyed centuries later. "You wept for naught," said G-d. "You will therefore have reason to weep on this day for many generations" (Taanis 29a).

In contrast, Joshua sent spies prior to entering Canaan, and the mission was highly successful (Joshua 2:1-24). Why did these two apparently similar incidents have such radically different consequences?

The answer is quite simple and most instructive. As their response indicates, the spies of Moses went to see whether the land was conquerable or not. Although G-d had assured them that they would receive the land, they did not have trust in Him, and they deliberated whether or not the Divine word was reliable. The spies of Joshua, on the other hand, had no doubt about their ultimate triumph. Their mission was to determine the best method for entering the land, and they sought only how to implement the Divine will.

Today, no less than thousands of years ago, this principle is valid: If one questions whether or not to obey the Divine will, there will be no scarcity of reasons why not to do so. If, however, one is determined that G-d's instructions will be fulfilled, and one seeks only how one can best fulfill them, then one's efforts will be blessed with success.

I recall first-generation immigrants from Eastern Europe, who struggled to provide adequately for their families and did so without violating Shabbos. This was in the early years of the century when earning a living without working on Shabbos was extremely difficult. They triumphed over the challenge for only one reason: The thought of working on Shabbos simply did not enter their minds. When violation of the Torah is absolutely ruled out, obeying the Torah's feasible even under the most difficult circumstances. If one debates whether or not to observe the Torah, the battle is lost at the outset.

When observance of Torah is not negotiable, everything else falls into place.

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<http://www.vbm-torah.org/parsha.58/37shelah.htm>

**The Israel Koschitzky Virtual Beit Midrash**

**Parshat HaShavua - PARASHAT SHELACH**

**The Mission of the Spies**

**by Rav Yaakov Medan**

**A The Problem**

The sin of the spies is recorded in the Torah in Sefer Bamidbar and is repeated in Sefer Devarim, which records Moshe's final messages to the nation, recited on the plains of Moav just prior to their entry into the Promised Land (chapter 1). It is also mentioned in other places in Tanakh, sometimes explicitly and at length, sometimes only briefly and indirectly.

A close examination of the sources associated with this sin gives rise to a number of questions. Some pertain to the seeming contradictions, while others concern the actual content of the story, especially the nature of the sin itself.

We will deal with the following questions:

1. Who initiated the spy mission? Was this mission originally a Divine command that went wrong, or was the idea objectionable from the very beginning? From the wording in Parashat Shelach it would seem that the spies were sent by God's command (13:1), but from Sefer Devarim it

would appear that it was the nation which initiated the project (1:22), and reading between the lines of Moshe's rebuke, it would seem that he did not consider it a positive initiative.

2. What was the nature of the mission and what were its aims? Were the men sent as "tourists" ("latur"), to witness first-hand the good of the land and its bounty, the strength of its inhabitants and its cities - as is suggested by the language of Sefer Bamidbar - or were they sent as military spies in order to discover the defensive weaknesses and the most convenient areas for conquest - as the pesukim in Sefer Devarim would seem to indicate? And if they were indeed sent in order to witness the quality of the land, why was this important now, before they entered the land?

3. Were the spies sent only to the Negev and to the mountainous area adjacent to it (the Judean mountains in general and Har Chevron in particular), as described in Devarim 1, Bamidbar 32 and even Bamidbar 13:22, or were they sent to tour the entire length and breadth of the country "from the wilderness of Tzin to Rechov Levo Chamat", as stipulated in Bamidbar 13:21, and as would seem to be indicated by the length of their stay - 40 days in all?

4. Was Moshe guilty of sin in this story? Was he punished for it? In Sefer Bamidbar there is no hint of any sin or punishment for Moshe. The only sin for which he is punished is that of Mei Meriva (the striking of the rock - Bamidbar 20:12, 27:14, Devarim 32:51). But from Devarim 1 it appears that he was in fact punished in the wake of the sin of the spies (ibid. 37).

Let us first turn our attention to the contradictions between the different accounts and within the story itself. I would submit that the great number of contradictions precludes our dealing with them in a piecemeal manner. It seems that the spy episode in fact comprised two distinct missions, one of which was a Divinely-ordained sacred venture, while the other was a practical mission, which resulted from Moshe's bending to the will of the people. The crux of this article will deal with the relationship between these two.

**B "By God's Word"**

In what sense was there a sacred mission? The verses in Bamidbar 13 do not hint at any human initiative. The entire mission is commanded by God: "And God spoke to Moshe saying: Send for you men and they shall tour the land of Canaan which I give to the children of Israel.... And Moshe sent them from the wilderness of Paran ACCORDING TO GOD'S WORD." (13:1-3)

The purpose of this mission may be derived by comparing it to two other parshiot. One is the appointment of the princes for the purposes of the division of the land (Bamidbar 34:16-29). The style of this parasha is similar to that of the spies: In both cases princes are appointed for the tribes, and Calev ben Yefuneh, prince of Yehuda, is common to both lists. In Bamidbar 34, the function of the princes is clear - to divide the land, each prince for his tribe - and there is reason to believe that their function in our parasha is a similar one.

The second comparable parasha is that of the dispatch of tribal representatives by Yehoshua from Shilo to their destined inheritances:

"And Yehoshua said to the children of Israel: How long will you tarry in going to possess the land which the Lord God of your fathers has given you? Appoint from among you three men for each tribe, and I will send them and they will go up and traverse the land and mark it out according to their inheritance, and they shall come back to me... You shall therefore mark out the land in seven parts and bring it to me here, that I may cast lots for you here before the Lord our God... And the men went and passed through the land, and wrote it down by cities into seven parts in a book, and they brought it to Yehoshua to the camp at Shilo." (Yehoshua 18:3-9)

In both cases, in Yehoshua and in our parasha, we are dealing with preparations for inheritance of the land, and in both cases tribal representatives are sent to tour the land or to traverse it. My assumption is that tribal princes have to go and tour the land in order to designate it for their respective tribes.

According to Bamidbar 26:52-56, it would appear that the land should be divided by lottery. But according to the description in Sefer

Yehoshua it seems that the fundamental division was done by the tribal representatives who toured the land, and the function of the lottery was simply to confirm Divine agreement to this division.

Based on the similarity to the parasha in Yehoshua, we may conclude that Moshe's spies went with the intention of marking out - by their very footsteps - the future borders, just like Avraham who commenced his acquisition of the land by fulfilling the command to "get up and walk the length and breadth of the land, for to you shall I give it" (Bereishit 13:17). For this reason, the spies had to inspect the rivers and the fertility of the land and its bounty ("Is it a fat or a lean land, is there a tree in it or is there none" - Bamidbar 13:20), the cities ("Are they in camps or in fortresses" - *ibid.* 19); the climate and the water ("And the nation that dwells in it; whether it is strong or weak" - *ibid.* 18; "there are countries which breed mighty people and other countries which breed weak ones" - Rashi, *ibid.*)

For this reason the spies had to TOUR the country, rather than spy on it. They had to tour the entire length of the country, "from the wilderness of Tzin to Rechov Levo Chamat" (13:21), and for this they would indeed require forty days (*ibid.* 25). This mission, with the aim of granting the tribes of Israel their inheritance in the land, was a completely sacred mission and entirely in fulfillment of God's command.

C "And You All Drew Close to Me"

In contrast with this holy mission, there was also a practical, mundane one.

Upon hearing the Divine command to send the princes of the tribes to the land, the nation's awe at this prospect was accompanied by a mundane, simple, human fear of the impending war. It seems only natural that a nation would fear a prospective war, in unfamiliar territory, against mighty opponents whose reputation precedes them (see Devarim 9:1-2). This reaction itself would not merit a severe punishment. But I would suggest that it was the MIXTURE of mundane fears and human motives within the Divine awe and elevated spirituality at the prospect of inheriting the God-given land that was their downfall. The acquisition of God's inheritance was one of the most elevated experiences in the nation's history, a moment requiring the nation to rise above petty, individual, and even national, considerations, a moment which called for sacrifice of everything for this Divine gift and God-given opportunity. The source of their sin lay in the small-mindedness which gave rise to their fear.

The fear of the war led the nation to send SPIES to seek the easiest route for conquest: "And you all drew close to me and you s, Let us send men before us and they shall seek out the land for us and will bring us back word of the route by which we shall reach it, and of the cities to which we shall go." (Devarim 1:22)

For this mission the nation did not demand that TWELVE representatives be sent, nor that they be princes - simply "men." This mission had nothing to do with division of the tribal inheritances and the holiness of the land; here the aim was altogether utilitarian - to facilitate the conquest. This was an instance in which "anyone who adds, in fact detracts." Their human fear, even if not deserving of severe punishment, was surely not commendable.

D "You, Too, Shall Not Come There"

In examining Moshe's responsibility we should bear in mind King David's exclamation: "Who shall attempt to harm God's anointed one and be blameless?" (Shmuel I 26:9). What follows is something of a criticism of Moshe Rabbeinu, although it is clear that his motives were entirely pure. The Abarbanel already suggests a similar idea in his commentary on Sefer Devarim. A superficial reading of the parasha of the spies in Sefer Devarim would lead us to think that Moshe was denied entry to Eretz Yisrael in punishment for the sin of the spies. The verse "Against me, too, God's anger burned because of you, and He said: You, too, shall not come there" (1:37), appears in the context of the punishment for the sin of the spies, and is followed by the sin of the "ma'apilim" (which took place immediately after the incident of the spies). Abarbanel explains that the principle sins of Moshe and Aharon, for which they were punished by not entering the land, were connected with the two principle sins of the nation in the desert. Aharon was

punished for the golden calf, and Moshe for the spies. My explanation for Moshe's mistake is a little different from that of the Abarbanel, but is nevertheless based on the same fundamental approach.

Had the Jews entered Eretz Yisrael now, they would presumably have entered from the South, through the Negev, with the first fortified city being Chevron. Military spies would investigate the path of conquest, just as Yehoshua's spies went first to Yericho. Moshe's spies entered through the mountains and came to Nachal Eshkol (Devarim 1:24, and Bamidbar 32:9) in the Chevron area: "And they came up in the Negev and reached Chevron" (Bamidbar 13:22). Indeed, their description of the land centers on Chevron. They describe the fortifications - "And Chevron was built seven years before Tzo'an in Egypt" (*ibid.*) and the inhabitants - the "nefilim", children of Anak, are none other than Achiman, Sheshai and Talmai of Chevron - as well as the fruits of Nachal Eshkol, from Har Chevron. Thus we conclude that for the purposes of the MILITARY mission there was no need for twelve representatives, nor for them to be princes, nor for them to traverse the entire land. They needed only to see the Negev and Har Chevron, up to the city of Chevron, and this obviously did not require forty days, since their route - from Kadesh to Chevron and back to Kadesh Barnea - would have taken only a couple of days. The nation asked and demanded no more than this.

Moshe's mistake lay in combining these two aims, so fundamentally different in nature and in their details, into one mission. He may have done this in order to avoid the complication of sending two separate missions to Canaan, or he may have had some other reason. In any event, this represented a dual mistake. On one hand, combining the two missions was a sin against the holy task of sending princes of Israel by God's command. Burdening the emissaries of this holy task with a mundane mission would appear to be making use of a holy vessel for mundane purposes (*me'ila*). Furthermore, the military mission was not merely a mundane task, but one arising from a weakness of spirit, from a missed opportunity for greatness. Even if the understandable fears of the nation led Moshe to agree to send spies to the land, since his refusal would only have led to panic, allowing this mission to "hitch a ride" on the back of the holy mission ordained by God detracted somewhat from the latter.

Moreover, the combination of the two missions also did an injustice to the mundane mission, and one with disastrous consequences. A military spy mission has its own requirements and its own information specifications. A spying operation is doomed to failure if, rather than being planned with precision, it is tacked on as an afterthought to another dispatch.

From Yehoshua's spies we are able to learn something of the dangers inherent in espionage, as well as the characteristics of those selected for such missions:

1. Yehoshua sent two men and no more (Yehoshua 2:1). A group of twelve participants greatly increases the chance of being discovered by the enemy. A large group is always more visible and more clumsy when the situation calls for hiding, for escape or for evasion. Sufficient proof for this can be found in the story of Yosef's eleven brothers who are suspected of spying in Egypt.

2. The midrash informs us that Yehoshua sent men with a proven military record: Pinchas, who had proved himself as a general in the war against Midyan, and Calev, whose qualities we come to discover in the story of the spies and later at the time of the conquest of Chevron and the subjugation of its giants (Yehoshua 14). What transpires in Yericho proves the wisdom of Yehoshua's choice: the spies are required to hide in an inn-keeper's house, they must climb down from the city wall using rope, and must hide in the mountains for three days. Would twelve respectable princes - some of whom may well have been old and physically weak - have been up to this task? We have full faith in the ability of the twelve princes to divide the land and its cities in a fair manner between the tribes and the households, but will this ability make up for their lack of military know-how for their secondary, additional task?

3. Yehoshua sent his men on a short-term mission – from Shittin to Yericho and back, for just a few days. Nevertheless, the king of Yericho hears about it and manages to locate them (Yehoshua 2:2-3). Having spies in enemy territory for a full forty days would seem to be unjustifiably dangerous.

It would appear that there was no great danger involved in sending the princes to TOUR the country. Canaan was a land full of fruit-merchants, land dealers and sundry tourists. The group of princes would not look out of place, and their examination of the nature of the land, its climate and its water would not arouse suspicion. Suspicion arises – as in the case of the spies sent to Yericho – when men come to examine city walls, access and escape routes, city water sources for siege conditions, etc.

In trying to explain Moshe's motives for attaching the spy mission demanded by the nation onto God's mission, it would seem that Moshe was so convinced of the future success of the conquest of the land by God's word that he invested all his effort in the holy mission and did not pay sufficient attention to the spying, underestimating the dangers involved. He saw this as entirely secondary – after all, its aim was simply to set the nation's minds at ease. The disastrous result was, apparently, difficult to predict.

The emissaries set off for Canaan full of joy at the command with which they had been entrusted and certain of their route. It is doubtful whether they even took any professional espionage precautions. They came up from the Negev and reached Har Chevron. At Nachal Eshkol they picked a large bunch of grapes and some other fruits – all with the innocent intention of showing the nation the bounty of the good land – and hurried on to Chevron in order to proceed with the second part of their mission – to examine the access routes to this city of the forefathers, which was to be the first city for their conquest and, later on, the first city over which the household of David would rule.

It was on the way to Chevron that the turning point occurred. Even before entering the city they met the cold, suspicious eyes of Achiman, Sheshai and Talmi and their father, in the vineyards of Chevron, on the city outskirts. Their blood ran cold at the sight of the giants who looked at them like grasshoppers, and their joy at the mitzva evaporated. Only Calev entered Chevron. Only his feet trod its streets. His colleagues remained outside the city of the giants for fear of entering. From this point onwards the spies walked in fear and trepidation. Their secret had seemingly been discovered (the pasuk, "We seemed in our eyes as grasshoppers, and so we were in their eyes – 13:33 – testifies to our lack of understanding of an exchange of glances with military significance; and they encountered an atmosphere of hostility and suspicion. From day to day the danger grew, and with it their fear, which turned to terror and then to panic. Their emergence from the safety of the pillars of cloud and of fire into a hostile country proved unbearable. The emissaries' wish to return to their families and not to be sold as slaves in the local markets, or to be crushed by the giants, gradually overshadowed their Divinely-ordained mission – the division of the inheritances. And when they returned after forty days, the story engraved on their pale faces, in their hollow eyes, on their heavy hearts, was far more convincing than the testimony of the bunch of grapes, the pomegranate and the fig.

The nation meanwhile had spent forty days in great anticipation. The division of the inheritances and the list of economic resources which each tribe would receive – on one hand, and details of the military challenge ahead – on the other, were the main topics of conversation. We may assume that after Moshe's declaration, "See, the Lord your God has given the land before you; arise and inherit as the Lord, God of your forefathers, has spoken. Do not be afraid and do not fear" (Devarim 1:21), the nation expected encouraging news. The depressed and terrorized appearance of the returning emissaries broke the tension. Fright spread like wildfire. For a moment, it appeared that Calev would be able to extinguish it, but the bitter reality soon became apparent. The mighty hero's words were too few and too late. The crying that night became a crying for all generations.

Our attempt to analyze the events and draw conclusions is certainly based on the wisdom of hindsight. As mentioned above, the scope of the debacle was difficult to predict. At the same time, the responsibility for what occurred still rests with the person who sent the spies – Moshe Rabbeinu: "God became angry with me too on your account, and He said, 'You, too, shall not come there.'" (Devarim 1:37)

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