

BS"D



To: Parsha@YahooGroups.com
From: crshulman@aol.com

INTERNET PARSHA SHEET ON TEZAVEH - 5765

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Tetzaveh

Service For Hashem

Rosh Hayeshiva HARAV MORDECHAI GREENBERG, shlita

"They shall know that I am Hashem, their G-d, Who took them out of the land of Egypt to rest My Presence among them." (Shemot 29:46)

The Ramban comments that, at first glance, the presence of the Shechina in Israel is for Bnei Yisrael's benefit, to guard and protect them. However, on a deeper level, the Shechina is in Israel for Hashem's purpose. Namely, the existence of Yisrael in this world and their worship of Hashem are intended to bring about the fulfillment of G-d's Divine plan in creation.

The Yerushalmi in Ta'anit (2:6) relates that G-d embedded His great name in Yisrael's ("Yisra E-l"). This can be compared to a king who had a small key to his castle. He tied the key to a chain so that it would not get lost. Similarly, Hashem said: If I leave My children, they will be lost among the nations. I will join My Name with them, because otherwise, the nations will destroy Yisrael, and what will be of Hashem's great Name? The Maharal (Netzach Yisrael ch. 10), explains that this world is the palace, and Israel is the small key. If the key is lost, G-d will not be revealed in the world, and the world will be like a locked building. Therefore, it is in Hashem's own interest to guard us, because there is no other nation that will help Him fulfill His plans, and He needs us as much as we need Him. The Ramban writes in Ha'azinu (Devarim 32:26) that without us, Hashem's reason for creating man would not be accomplished. When Hashem took Israel out of Egypt, not only did He redeem us, but it is as if He also took Himself out. Chazal similarly comment on the pasuk, "Your people, whom You have redeemed for Yourself from Egypt, a nation and its G-d" (Shmuel II 7:23): Rabbi Akiva says, "If not for this pasuk it would be impossible to say it; it is as if Yisrael is saying to Hashem, 'You redeemed Yourself.'" (Yalkut Shimoni II:146)

When the Tanach states "ar'enu biyshuati - I will show him My salvation," (Tehillim 91:16) or "agila biyshuatecha - I will rejoice in Your salvation" (9:15), the intention is not only that we will see and rejoice in the salvation that Hashem provides for us, but also that it will be a salvation for G-d. "Rabbi Abahu says: This is one of the difficult passages which teach us that the salvation of Israel is the salvation of Hashem."

On the pasuk, "You shall command Bnei Yisrael ... to kindle the lamp continually" (Shemot 27:20), Chazal say in Midrash Tanchuma:

This is the idea expressed in the verse, "Cherish Your handiwork!" (Iyov 14:15), ... that You desire Your creations. You, Hashem, carry the entire world, as it says, "I made [you] and I will bear [you], I will carry you," yet You command the sons of Kehat to carry Your Honor, as it says, "To the sons of Kehat he did not give; since the sacred service was upon

them, they carried on the shoulder." You give food to the entire world, yet You command them to sacrifice, "My offering, My food." You illuminate the entire world, yet You command, "to kindle the lamp continually."

"Hashem desired a dwelling in the lower world." This was originally the case in Gan Eden, until sin caused G-d's Presence to ascend to the upper worlds. Now, with the exodus of Bnei Yisrael from Egypt, the goal of the Shechina existing in our world is being progressively achieved. "I am Hashem, their G-d, Who brought them out of the land of Egypt to rest My Presence among them," in order to place my Shechina upon them and to fulfill My plans, so that I may call them, "Israel, in whom I take glory." As the Ramban writes, the reason that the Jews are chosen is that Israel is the only nation that is willing to work for the purpose of Hashem.

From: Avi Lieberman <AteresHaShavua@aol.com>

Subject: ATERES HASHAVUA

Mesivta Ateres Yaakov 1170A William Street Hewlett NY, 11557 (516)-374-6465 AteresHaShavua@aol.com

EMES LIYA'AKOV

Weekly Insights from MOREINU

HORAV YAAKOV KAMENETZKY zt"l

[Translated by Ephraim Weiss]

Weekly Insights from Moreinu HoRav Yaakov Kamenetzky zt"l

AND THE CHOSHEN SHALL NEVER BE REMOVED FROM THE EIFOD

In this week's parsha we read about the vestments of both the Kohanim, and of the Kohen Gadol. The Torah describes in detail how the choshen that the Kohen Gadol wore was attached to the eifod with golden straps and golden rings. The pasuk says that it is forbidden for the choshen to ever become detached from the eifod. The Gemara in Masseches Yoma [72] states that this prohibition is a mitzvah lo sasei, for which one is liable to get malkos for violating.

HaRav Yaakov Kamenetzky zt"l asks a question on this idea. What is the integral connection between the choshen and the eifod, that requires that they must remain attached forever?

Rav Yaakov answers that through the performance of this mitzvah the Torah teaches us a very important lesson. The miforshim tell us that each of the garments of the Kohen Gadol served to atone for a different aveirah. The eifod is to compensate for the idolatry, and the choshen for the aveirah of perversion of justice. Through the Torah's insistence that the two not be separated, the Torah reveals to us that the two aveiros go hand in hand. That is, that the only way that a person can descend to the level where he comes to serve avodah zarah is through distorted thinking, for a truly straight thinking person would never commit such an act. This fits in well with an idea found in the Ran's introduction to Shas. The Ran, in a very lengthy dissertation, writes that the issur of avodah zarah is a logical prohibition that a person would have thought of on his own, similar to the prohibitions against stealing and murder. The Ran concludes that for a clear thinking person, the concept of avodah zarah is contradictory to all logic.

Rav Yaakov finishes with one last point on this issue. In Parshas Shemos [4:14] Hashem reassures Moshe, that despite the fact that Aharon is older, Aharon will nevertheless be happy at Moshe's appointment as the leader of Klal Yisroel. Rashi on this pasuk writes that it was in this zchus that Aharon merited wearing the choshen. What connection is there between this episode and the choshen? Rav Yaakov explains that truly clear thinking can only come as a result of the development of midos tovos. Because of Aharon's exemplary show of midos in this episode, and as such his ability to recognize Moshe's abilities as a leader without

any resentment, Hashem rewarded Aharon with the zchus of wearing the choshen which would atone for perversion of thought and judgment.

From: hamaayan-owner@torah.org on behalf of Shlomo Katz [skatz@torah.org] Sent: Wednesday, February 16, 2005 7:10 PM To: hamaayan@torah.org Subject: Hamaayan/The Torah Spring - Parshat Tetzaveh - Hamaayan / The Torah Spring Edited by Shlomo Katz

At the end of each parashah, many chumashim state the number of verses in that parashah and what word or phrase can be used to remember that number. The mnemonic device traditionally used to remember that this parashah has 101 verses is the name of the angel "Micha'el." (The gematria of Micha'el equals 101.) Why?

R' Heschel of Krakow (16th century) explains as follows: We will read in next week's parashah that, after the sin of the golden calf, Hashem wanted to send an angel - according to the midrash, it was Micha'el - to accompany Bnei Yisrael through the desert. Moshe demanded, however, that Hashem lead Bnei Yisrael Himself, without an intermediary.

After Moshe's death, we read that this same angel appeared to Yehoshua, saying that he had been sent to lead Bnei Yisrael in battle. We find, therefore, that wherever Moshe was, the angel could not be, but when the former was gone, the latter reappeared. This is why the angel Micha'el is alluded to by our parashah, for it is the only one in the three middle books of the Torah in which Moshe's name is not mentioned. (Chanukat Hatorah)

R' David Feinstein shlita offers another answer: Most of this parashah relates to the garments of the Kohen Gadol. Micha'el, Chazal teach, is the Kohen Gadol among the angels serving in the heavenly Bet Hamikdash.

"You shall make vestments of sanctity for Aharon your brother, for glory and splendor." (28:2)

What "glory and splendor" was demonstrated by the bigdei kehunah / the uniforms of the kohanim? R' Yehonatan Eyebchutz z"l (Germany; died 1764) explains:

Halachah requires the garments of the Kohen Gadol to fit him exactly. How was this possible? The Torah (Vayikra 21:10) refers to the Kohen Gadol as "the kohen who is gadol [literally "bigger"] than his brethren." Our Sages say that when a kohen was anointed to be High Priest, he actually grew until he was taller than the other kohanim. If so, how could the Kohen Gadol's clothing fit him exactly? After all, he had to be fitted for his new "uniform" before he was anointed, and after he was anointed, he grew taller!

The answer, says R' Eyebchutz, is that the Kohen Gadol's garments grew with him. This was the "glory and splendor" of the bigdei kehunah.

Why did Hashem arrange things such that this miracle became necessary? Was there not enough "glory and splendor" in the fact that the Kohen Gadol grew taller?

R' Eyebchutz answers: We read in Mishlei (15:30), "Enlightened eyes will gladden the heart; good news will fatten the bone." Thus, if only the body of the Kohen Gadol grew, we might have thought that it was a natural consequence of his promotion. Therefore, to make clear that a miracle had occurred, the Kohen Gadol's clothes grew with him. (Tiferet Yehonatan)

"These are the vestments that they shall make: a Breastplate, an Ephod . . ." (28:4)

Rashi writes: "The Ephod - I have not learned what this is, nor have I found in the Talmud a description of its construction. However, my heart tells me that it is tied in back and is as wide as a person's back, like the aprons that noblewomen wear when they ride horses."

What does Rashi mean by, "My heart tells me"? R' Pinchas Menachem Alter z"l (the Gerrer Rebbe; died 1996) suggests: Undoubtedly, Rashi was very careful to observe the law (Bemidbar 15:39), "You shall not stray after you heart and after your eyes." He used to guard his eyes not to see anything inappropriate, and he certainly did not look at women unnecessarily. Yet, he once noticed a French noblewoman riding her horse, and he was troubled; why had G-d caused him to see such a thing? When it was time to write his commentary on this week's parashah, he understood. "My heart tells me," he concluded, that he had noticed that particular woman so that he could interpret the verses properly. (Quoted in Otzrotaihem Shel Tzaddikim)

"The work of a stone engraver, pituchai chotam / engraved like a signet ring." (28:11)

Rashi explains that the first half of this pasuk refers to the work of a craftsman, an expert at working with stones. However, R' Yisrael Taub z"l (1849-1920; the first Modzhitzer Rebbe) observes that Rashi made a subtle change in quoting the verse. While the pasuk refers to "stone" in the singular, Rashi speaks of "stones" in the plural. Why?

R' Taub explains that Rashi was hinting at a subtle lesson in the verse. The words "pituchai chotam," besides meaning, "engraved like a signet ring," also can mean, "opening what is sealed." We find that the Torah is called "Stone," as in the Tablets of Stone ("luchot even"). The Yetzer Hara / Evil Inclination also is called a "stone," as in "a heart of stone" ("laiv even"). Rashi is telling us that one must be an expert craftsman, a master stoneworker, to work on these two stones.

Specifically, the master artisan is someone who understands how and when to open what is closed, and how to close that which is open. When it comes to Torah, the "artisan" must open closed hearts, as we pray every day in the U'va Le'tzion prayer, "He [G-d] will open our hearts with His Torah." On the other hand, the "master stoneworker" also needs to close what should not be open. For example, he must close his eyes and not see improper sights. The Yetzer Hara is hard at work trying to drag us down into the depths of sin and despair. One's heart should be open, full of Torah thoughts and feelings, but the Yetzer Hara tries hard to close it, turning it into a heart of stone. The Yetzer Hara also tries to open what should be closed, trying to attract man to sights he should not see. (Divrei Yisrael)

"A gold bell and a pomegranate, a gold bell and a pomegranate on the hem of the robe all around. It must be on Aharon in order to minister. Its sound shall be heard when he enters the Sanctuary and when he leaves, so that he not die." (28:34-35)

The Talmud Yerushalmi relates: "The sage Shmuel used to count little chickens during prayer / davening. The sage Rabbi Bun ben Chiya used to count the beams of the house during davening." Why did they do that? Certainly they were not so distracted as to be looking at chickens or beams!

R' Yissachar Dov Rokeach z"l (the Belzer Rebbe; died 1927) explained: It is related that the Rebbe R' Elimelech (great chassidic leader; died 1787) used to hold a watch in his hand during the Shabbat mussaf (known as "Kedushat Ketter" in the Sephardic liturgy which chassidim follow). R' Elimelech said that he felt so uplifted during that particular prayer that he was afraid his soul would leave him. Therefore, he held a reminder of this temporal world in his hand in order to bring him back to earth.

If a relatively contemporary sage (R' Elimelech) prayed thus, certainly the sages of old did, explained the Belzer Rebbe. That is why Shmuel counted chickens in the middle of davening and Rabbi Bun counted the beams of the house. They needed to do so in order to remain attached to this world.

In this light we can understand the purpose of the bells attached to the Kohen Gadol's robe. If the sages of the Talmud could lose their connections to this world during moments of spiritual ascent, certainly Aharon was at such risk when he entered the Holy of Holies. Therefore, "Its sound shall be heard when he enters the Sanctuary and when he leaves, so that he not die." The sound of the bells brought him back to earth. (Quoted in Otzrotaihem Shel Tzaddikim)

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The editors hope these brief 'snippets' will engender further study and discussion of Torah topics ("lehagdil Torah u'leha'adirah"), and your letters are appreciated. Web archives are available starting with Rosh HaShanah 5758 (1997) at <http://www.torah.org/learning/hamaayan/> . Text archives from 1990 through the present are available at <http://www.acoast.com/~sehc/hamaayan/> . Donations to HaMaayan are tax-deductible. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. learn@torah.org 122 Slade Avenue, Suite 250 (410) 602-1350 Baltimore, MD 21208

<http://www.torah.org/> Halacha Yomi A concise daily portion of Jewish law.

BY RABBI ARI LOBEL

Halacha-Yomi is a translation of the "Kitzur Shulchan Aruch", Rabbi Shlomo Ganzfried's classic compendium of Jewish Law ... Rabbi Ari Lobel has added footnotes which attempt to briefly explain the principles and reasoning behind the rulings, and which, in many instances, note differing opinions which have been accepted as the practical halacha (especially from the Mishna Berura).

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Halachos of Prayer Chapter 12 Preparing Oneself to Pray [See last week]

Chapter 12:10-15 Preparing Oneself to Pray 10.A person should designate one synagogue or house of study where he will pray regularly. Similarly, within the synagogue, he should designate a fixed place to pray. Within four cubits of a place is still considered as the same place. It is preferable if he can find a fixed place near a wall, as we find in the case of Hezekiah. [Isaiah 38:2 relates that when he decided to pray to G-d]: "Hazeekiah turned his face to the wall."

One should not stand or sit next to a wicked person during prayer. When a person prays at home, he should also establish a fixed place, so that the members of his household will not disturb him.

11.It is a mitzvoh to run to the synagogue, to the house of study, or to fulfill other mitzvos, as [Hoshea 6:3] states: "Let us run to know G-d," and [Psalms 119:32] states: "I will run [on] the path of Your mitzvos." Accordingly even on the Sabbath it is permitted to run for the sake of a mitzvoh. However, within a synagogue or a house of study, it is forbidden to run.

When a person approaches the entrance [to the synagogue], he should hesitate momentarily so that he does not enter suddenly. He should tremble and fear from the splendor of His glory, blessed be His name. He should recite the verse (Psalms 5:8) "And, I, through Your great kindness, {enter Your house...,"}which is comparable to receiving

permission. Afterwards, he should enter and proceed with awe and fear, as if he is walking in the presence of a king.

In communities where Jews have streets of their own, it is a mitzvoh to wrap oneself in the tallis and put on tefillin at home, and walk to the synagogue wearing them. In those places where the Jews live among the gentiles, or one would have to pass alleyways that are filled with filth, one should wrap oneself, in the tallis and put on tefillin in the anteroom before the synagogue itself, for entering the synagogue wearing a tallis and crowned with tefillin is a great matter.

12. Should something prevent one from going to a synagogue or a house of study or attending any other fixed minyan, one should try to assemble, ten people to pray together with a minyan at home. If that is impossible, one should at least pray at the time the minyan prays, for this is "a propitious time." Similarly, a person who lives in a place where there is no minyan should pray at the time the people of the nearest city pray communally.

Nevertheless, a person who must study Torah or begin work which is very pressing may begin prayers early [even if there is no minyan], as soon as the sun rises, since, as explained in Chapter 8, a person may not involve himself in these activities before prayer. e."

13.Similarly, a person who feels weak and has difficulty waiting to eat until after the minyan completes its prayers is permitted to pray earlier at home, in order to eat immediately (as stated in Chapter 8, Law 2).

A person is permitted to pray earlier only when he remains at home. However, if he comes to a synagogue where a minyan prays communally, he may not pray before the minyan. It is also forbidden to leave the synagogue in order to pray before the minyan. *

* {The Mishnah Berurah 90:34,35 mentions leniencies should one need to leave the synagogue. }

Nevertheless, should he see that the minyan is delaying its prayers, he may pray alone in order that the time for Shemoneh Esreh not pass before he prays. Similarly, if he is sick or there are other factors beyond his control, it is permissible to pray earlier [than the minyan. This applies] even in the synagogue. However, it is preferable for him to go home to pray.

14.There are opinions which maintain that if one minyan has already prayed in the synagogue and a second minyan also came to pray there, the chazon from the second minyan is forbidden to stand in the same place as the chazon from the first minyan, for this is disrespectful to the first [minyan. This applies only] if the members of the first minyan have not left the synagogue.

Similarly, if the first minyan took out a Torah scroll to read from, the second minyan should not take out a Torah scroll to read in the same synagogue. Nevertheless, in many communities, no attention is paid to these matters. In practice, everything follows the custom of the community.

15. . The inhabitants of a city may enforce [rules intended to motivate] one another to build a synagogue or a house of study and to purchase sacred texts to study. Similarly, in a place where there is no regular minyan, the community members may employ fines to compel one another to attend the minyan regularly, so that the daily service will not be nullified. Even if [attendance at this minyan] will cause the scholars to cancel their study, they should be compelled to attend the minyan. The time designated for Torah is one matter, and the time for prayer, another.

Chapter 13:1-5 The Sanctity of a Synagogue 1.The sanctity of a synagogue or a house of study is very great. We are warned to be in awe of the One who rests within them, G-d, blessed be His name, as [Leviticus 19:30] states: "Fear My sanctuaries." This applies to a synagogue and a house of study, for they are also called sanctuaries, as [Ezekiel 11:16] states: "I will be a small sanctuary for them" and

[Megillah 29a] interprets: "These are the synagogues and houses of study."

Accordingly, it is forbidden to engage in "idle talk" or to reckon accounts inside them. [The later does not apply] to accounts associated with a mitzvoh - e.g., that of the charitable fund and the like. These buildings should be treated with respect, and swept and mopped. Candles are lit in them to show them honor.

One should not kiss one's small children inside these buildings. In these places, it is not fitting to show any love other than the love of G-d, blessed be His name.

2. Before one enters them, one should clean the mud off one's feet and check that there is no dirt on one's person or on one's clothes. It is permitted to spit inside. However, one should immediately rub out the spittle with one's foot. *

* {On the Sabbath, it is forbidden to rub out the spittle. However, one should pass one's foot over it (Mishnah Berurah 151:25). }

3. One should not enter them in the heat [only to seek refuge] from the heat, or in the rain [only to seek refuge] from the rain. If one has to enter to call a colleague, one should enter, recite a verse, a mishnah or a prayer, or listen to others studying - at the very least, he should sit for a while, for sitting in these buildings is also a mitzvoh - and then call his colleague.

4. It is forbidden to eat, drink, or sleep, even a short nap, inside these buildings. For the sake of a mitzvoh - for example, on Yom Kippur night - one may sleep there. However, one should move away from the holy ark. Similarly, it is permitted to eat there for the sake of a mitzvoh, as long as no drunkenness or light-headedness is involved.

People who study there on a regular basis may eat and sleep there, even for extended periods, so that they will not neglect their studies.

5. When constructing a synagogue, it is necessary to consult a Torah Sage, who will give directions how it should be built.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

RABBI DR. JONATHAN SACKS

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

Tetzaveh Prophet and Priest

THE SEDRAH OF TETZAVEH, as commentators have noted, has one unusual feature: it is the only sedrah from the beginning of Shemot to the end of Devarim that does not contain the name of Moses. Several interpretations have been offered:

The Vilna Gaon suggests that it is related to the fact that in most years it is read during the week in which the seventh of Adar falls: the day of Moses' death. During this week we sense the loss of the greatest leader in Jewish history - and his absence from Tetzaveh expresses that loss.

The Baal haTurim relates it to Moses' plea, in next week's sedrah, for G-d to forgive Israel. "If not," says Moses, "blot me out of the book you have written" (32: 32) . There is a principle that "The curse of a sage comes true, even if it was conditional [and the condition has not been satisfied]" (Makkot 11a) . Thus for one week his name was "blotted out" from the Torah.

The Paneach Raza relates it to another principle: "There is no anger that does not leave an impression"

When Moses, for the last time, declined G-d's invitation to lead the Jewish people out of Egypt, saying "Please send someone else", G-d "became angry with Moses" (Ex. 4: 13-14) and told him that his brother Aaron would accompany him. For that reason Moses forfeited the role he might otherwise have had, of becoming the first of Israel's priests, a role

that went instead to Aaron. That is why he is missing from the sedrah of Tetzaveh which is dedicated to the role of the cohen.

All three explanations focus on an absence. However, perhaps the simplest explanation is that Tetzaveh is dedicated to a presence, one that had a decisive influence on Judaism and Jewish history.

JUDAISM IS UNUSUAL in that it recognises not one form of religious leadership but two: the navi and cohen, the prophet and the priest. The figure of the prophet has always captured the imagination. He (or she) is a person of drama, "speaking truth to power", unafraid to challenge kings and courts or society as a whole in the name of high, even utopian ideals. No other type of religious personality has had the impact as the prophets of Israel, of whom the greatest was Moses. The priests, by contrast, were for the most part quieter figures, a-political, who served in the sanctuary rather than in the spotlight of political debate. Yet they, no less than the prophets, sustained Israel as a holy nation. Indeed, though Israel were summoned to become "a kingdom of priests" they were never called on to be a people of prophets (Moses said, "Would that all G-d's people were prophets" , but this was a wish, not a reality).

Let us therefore consider some of the differences between a prophet and a priest:

" The role of priest was dynastic. It passed from father to son. The role of prophet was not dynastic. Moses' own sons did not succeed him; Joshua, his disciple did. " The task of the priest was related to his office. It was not inherently personal or charismatic. The prophets, by contrast, each imparted their own personality. "No two prophets had the same style" (This, incidentally, is why there were prophetesses but no priestesses: this corresponds to the difference between formal office and personal authority. See R. Eliyahu Bakshi-Doron, Responsa Binyan Av, I: 65). " The priests wore a special uniform; the prophets did not. " There are rules of kavod (honour) due to a cohen . There are no corresponding rules for the honour due to a prophet. A prophet is honoured by being listened to, not by formal protocols of respect. " The priests were removed from the people. They served in the Temple. They were not allowed to become defiled. There were restrictions on whom they might marry. The prophet, by contrast, was usually part of the people. He might be a shepherd like Moses or Amos, or a farmer like Elisha. Until the word or vision came, there was nothing special in his work or social class. " The priest offered up sacrifices in silence. The prophet served G-d through the word. " They lived in two different modes of time. The priest functioned in cyclical time - the day (or week or month) that is like yesterday or tomorrow. The prophet lived in covenantal (sometimes inaccurately called linear) time - the today that is radically unlike yesterday or tomorrow. The service of the priest never changed; that of the prophet was constantly changing. Another way of putting it is to say that the priest worked to sanctify nature, the prophet to respond to history. " Thus the priest represents the principle of structure in Jewish life, while the prophet represents spontaneity. The key words in the vocabulary of the cohen are kodesh and chol, tahor and tamei, sacred, secular, pure and impure. The key words in the vocabulary of the prophets are tzedek and mishpat, chessed and rachamim, righteousness and justice, kindness and compassion.

The key verbs of priesthood are lehorot and lehavdil, to instruct and distinguish . The key activity of the prophet is to proclaim "the word of the Lord"

THE DISTINCTION BETWEEN PRIESTLY AND PROPHETIC CONSCIOUSNESS (torat cohanim and torat nevi'im) is fundamental to Judaism, and is reflected in the differences between law and narrative, halakhah and aggadah, creation and redemption. The priest speaks the word of G-d for all time, the prophet, the word of G-d for this time. Without the prophet, Judaism would not be a religion of history and destiny. But without the priest, the children of Israel would not have

become the people of eternity. This is beautifully summed up in the opening verses of Tetzaveh:

Command the Israelites to bring you clear oil of pressed olives, to keep the lamp constantly burning [leha'alot ner tamid, literally, "to raise an eternal light"] In the tent of meeting, outside the curtain that is in front of the Testimony, Aaron and his sons shall keep the lamps burning before the Lord from evening to morning. This is to be a lasting ordinance among the Israelites for the generations to come.

Moses the prophet dominates four of the five books that bear his name. But in Tetzaveh for once it is Aaron, the first of the priests, who holds centre-stage, undiminished by the rival presence of his brother. For whereas Moses lit the fire in the souls of the Jewish people, Aaron tended the flame and turned it into "an eternal light".

From: Peninim-bounces@shemayisrael.com on behalf of Shema Yisrael Torah Network [shemalist@shemayisrael.com] Sent: Thursday, February 17, 2005 To: Peninim Parsha Subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum - Parshas Tetzaveh

PARSHAS TETZAVEH ...

Aharon shall bear the names of Bnei Yisrael on the Breastplate of Judgment on his heart. (28:29)

The Torah dedicates an unusual amount of space to the fabrication of the Eiphod and the Choshen. While it might be somewhat difficult to clearly visualize the exact features of these vestments, their purpose and function are not as elusive. The Torah tells us clearly what was to be their function and purpose. The names of the tribes were engraved on the two stones that Aharon wore on his shoulders, six on each of the stones. Aharon "carried" these when he went in to serve, as a remembrance before Hashem. The fact that Aharon wore those on his shoulders conveys an important lesson about leadership. The leader must "carry" the needs of the nation on his "shoulders," so that he never forgets them. He is not here to enjoy the fruits and benefits of leadership. He has a load to carry. He concerns himself with the people, empathizes with their needs and struggles, and always is there to be their champion. A leader may never shrug off his load. It is his responsibility.

Yet, this is not enough. Aharon Hakohen was commanded to wear the Choshen with the names of Klal Yisrael over his heart. Carrying the weight of their necessities on his shoulders is one component of leadership. The second component of leadership is empathizing with his heart: feeling their pain; being sensitive to their needs. A Jewish leader carries the nation's needs on his shoulders and also engraves them on his heart. Their needs are his needs.

We may add that the leader should not be sensitive only to the general needs of the populace. He must be attuned to the individual requirements and demands of his flock. There are some people who need more attention than others, and it is up to the leader to distinguish between the general needs of the people and the individual needs of each person.

I recently read an anecdotal story that underscores this idea. The story is about a famous conductor who was rehearsing with a distinguished symphony orchestra. Everything seemed to be going well as the 150 skilled musicians blended together to create a balanced harmony of song. The conductor waved his baton, and everyone responded to his instruction.

Suddenly, in the middle of a fortissimo passage, the conductor rapped on the music stand. Immediately, everyone became silent. "Where is the piccolo?" the conductor asked.

The piccolo player had missed his entry, and the disciplined ear of the conductor, even amidst the imposing volume of sound which emanated throughout the hall, had noted its absence.

A trained and seasoned leader keeps his eyes, ears and heart attuned to all aspects of the community. He is acutely aware of the role and mission

of each of its members and knows how best to cultivate their strengths, as well as how to downplay their weaknesses. The leader must lead, but it is only when the community follows in harmony that his efforts meet with success.

And make for them sashes. (28:40)

In the Talmud Arachin 16b, Chazal teach that the Avnet atoned for hirhur ha'lev, improper thoughts and emotions. A chasid once came to the Mezritcher Maggid, zl, and lamented his inability to empty his mind of inappropriate thoughts. They simply entered his mind against his will and impugned the integrity of his spiritual ascendancy. He wanted to do the right thing, but these hirhurim, thoughts, kept creeping into his mind. What should he do? The Maggid suggested that he travel to Horav Ze'ev, zl, m'Zitomir, who owned an inn, to speak with him.

The man traveled to Zitomir, which was a small village. He arrived at night at the home of Rav Ze'ev. The door was locked and, regardless of how often and how loud he knocked, no one answered the door. It was cold and windy, and the elements were getting to the weary traveler. As he knocked, he cried out, "Please answer the door. I am tired and cold. I must rest." After a while, he became angry with Rav Ze'ev, the owner, for not opening the door. He began to berate him, "How dare you not open the door for a Jew in need? I am freezing out here. Open up!" From the house, there was no response, not even a peep.

The man stood there throughout the night. With the light of dawn, Rav Ze'ev opened the door and invited the man in. The chasid remained at the inn for a few days, during which Rav Ze'ev never spoke to him. The man was incredulous, "Why would the Maggid have sent me here?" he wondered. "First, Rav Ze'ev does not let me in, and then, when I finally take a room in the inn, he ignores me." The chasid decided that before he left he was going to speak to Rav Ze'ev in an attempt to get to the bottom of things.

"Pardon me," the chasid turned to Rav Ze'ev, "could you tell me why the Maggid sent me here? It seems that it was all for naught."

Rav Ze'ev looked deep into the eyes of the chasid and said, "The Rebbe sent you to learn a lesson from me. The lesson is: A man is the baal ha'bayis, owner of his home. He allows whomever he wants to enter, and, whomever he does not want, he does not allow entrance into his house!"

The lesson was simple. The man did not know what to do about the inappropriate thoughts that were creeping into his mind. He is the baal ha'bayis, and therefore, he allows in only whom and what he desires. Apparently, he was neither firm enough in how he closed the door nor discerning enough concerning whom he allowed in. Furthermore, such thoughts cannot penetrate where they are not wanted!

Sponsored in honor of the Bar Mitzvah of our son, Dovid n'y Shragi and Sharon Weimer and Family

Peninim mailing list Peninim@shemayisrael.com
http://mail.shemayisrael.com/mailman/listinfo/peninim_shemayisrael.com

From: office@etzion.org.il on behalf of Yeshivat Har Etzion Office [office@etzion.org.il] Sent: February 17, 2005 To: yhesichot@etzion.org.il Subject: SICHOT65 -20: Parashat Tetzaveh

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Ketoret and Menora: Commitment and Understanding

Adapted by Dov Karoll

At the end of this week's parasha, we read:

And Aharon shall burn upon it [the incense altar] sweet incense every morning, when he cleans the lamps [of the menorah], he shall burn incense upon [the altar]. And when Aharon lights the lamps [of the menorah] in the evening, he shall burn incense upon [the altar], a perpetual incense before G-d throughout your generations. (Shemot 30:7-8)

The Gemara records that offering of the ketoret, the incense, is done privately (Yoma 43b-44a, Zevachim 88b, Mishna Kelim 1:9, Rambam Hilkhot Temidin u-Musafin 3:3); that is, when the ketoret is offered, no one is allowed to be in the heikhal, the inner sanctum, other than the kohen offering the ketoret. While the Torah mentions this exclusion specifically regarding the special service of the kohen gadol on Yom ha-Kippurim (Vayikra 16:17), the Gemara understands that it applies to the ketoret generally (Yoma 44b).

Given its very private nature, the ketoret symbolizes the mysterious, the unknown. However, the Torah explicitly connects both offerings of the ketoret to the lighting of the menorah. The menorah is symbolic of the light of the Torah, the revealed Torah, while the ketoret is symbolic of the hidden aspects of Torah, of those parts that lie beyond human comprehension. The Torah links these two commands, highlighting the significance of striving to understand the Torah while recognizing that some aspects of Torah will remain difficult.

Once I spoke to a group of people who were in the process of becoming more religiously observant, and I was asked the following question: "We are interested in starting to become observant, but we cannot take on the entire corpus of Halakha at once. How shall we start?" I told them that the Torah itself provides a model that addresses this very concern.

When the Jewish people were at Mara, "There He made for them a statute and ordinance, and there He put them to the test" (Shemot 15:25). Which mitzvot ("statute and ordinance") did the Jewish people receive there? The rabbis specify Shabbat, honoring parents and the red heifer (Sanhedrin 56b and Rashi Shemot 15:25, s.v. sham).

What does this source teach us about starting out in the observance of Halakha? Shabbat is a basic foundation of Judaism, and I recommended that they begin to observe Shabbat. Stopping one's daily activities to recognize G-d as Creator of the world is essential. Honoring parents, on the other hand, is an interpersonal mitzva, and one that is understandable to all. I told them that they should take on one mitzva of this type, whether honoring parents itself or something similar.

The red heifer, by contrast, is the paradigm of mitzvot that we do not dream to understand. The truth is that the Jewish people had not yet been commanded most of the mitzvot for which the red heifer would have been relevant. But the important thing was the acceptance, the commitment and subservience to the word of G-d. Accordingly, I told them that they should take on one mitzva which is incomprehensible to them, to be observed simply because it is the word of G-d. I subsequently received feedback, and heard that one couple had taken on the observance of separation between milk and meat, while another had taken on the laws of family purity.

Some people are more comfortable with the notion that no comprehensible explanation can be given for mitzvot, for this contributes to their mystical nature. They presume that anything rationally comprehensible to the human mind cannot be Divine. We strongly reject this approach. The rational aspect of mitzvot and Halakha is certainly central. However, this does not mean that everything is comprehensible, nor does it mean that we perform mitzvot only because

we understand them. We need to recognize that we cannot comprehend everything, and we must unconditionally accept all mitzvot.

Regarding the mitzva of honoring parents, the Gemara in Kiddushin (31a) cites the case of a gentile by the name of Dama ben Netina as the model for showing proper respect for a parent. Other rabbinic statements cite Esav as a model for honoring one's father (see, for example, Devarim Rabba 1:15). Since it is a rational mitzva, it makes sense that even gentiles or people not otherwise committed to Halakha, could be scrupulous in this mitzva.

Nonetheless, it is important to note that the Gemara records that Dama ben Netina's reward for his action is that a red heifer was born in his flock, and the rabbis paid a great sum of money to purchase this red heifer from him (Kiddushin 31b). It has been pointed out that the introduction of a red heifer into Dama ben Netina's flock serves as an answer to the critique that could have risen from his story. In response to the claim that a gentile, rather than a Jew, was cited as the model for honoring parents, the red heifer reminds us that the Jew has mitzvot that the gentile lacks. This helps explain why the Jew is not so single-mindedly focused on the mitzva of honoring parents.

The Rambam, in the coda to the book of Avoda (Hilkhot Me'illa 8:8), has a discussion that is quite pertinent to this issue:

It is fitting for a person to ponder the laws of the Torah, trying, as much as you can, to fully understand their underlying logic. If there is a matter for which you cannot find an explanation, this should not be taken lightly, but you must not violate the sacred domains lest you be smitten, for this is not a mundane topic which can be ignored.... The Torah states, "And you shall observe my statutes and my laws, and you shall perform them," and the rabbis understood this to include both "observance" and "performance" for both "statutes" and "laws." "Performance" is the actualization of the laws, and "observance" involves safeguarding them, and not misleading yourself that the statutes are of less significance than the laws. For the "laws" are those rational mitzvot whose reason for observance is clear, and whose reward is apparent, such as the prohibition of theft, murder and honoring parents. And the "statutes" are those mitzvot whose reason is unknown.

The rabbis have said of these [statutes], "I (G-d) have established these statutes and you have no right to doubt them." A person's evil inclination tempts him with regard to these, and the nations of the world challenge us about these mitzvot, such as the prohibition of swine, mixing milk and meat, the broken-necked heifer, the red heifer, and the scapegoat. How much did King David suffer from the heretics and gentiles who would challenge the statutes! Whenever they would oppress him with false claims that they would prepare in their limited understanding, he would increase his devotion to the Torah, as the verse states, "The wicked have smeared me with a lie, but I have kept Your precepts with my whole heart" (Tehillim 119:69). He also writes there about this matter, "All of your mitzvot are faithful; they persecute me wrongly - You help me" (119:86).

At the end of the halakha, he explains (in a different manner than in his Guide of the Perplexed) the nature of korbanot, sacrifices: All the sacrifices fall into the category of "statutes." It is for this reason that the sages taught that the sacrificial order is a foundation of the world, and this is also why the Torah described them prior to other statutes. The connection between these last two statements is highlighted in the newly-released Fraenkel edition of the Rambam, which has the word "Lefikakh," "Therefore," indicating that the fact that the sacrifices are statutes contributes to their importance, making them a pillar of the world.

This commitment, both to mitzvot we cannot comprehend as well as to those we can comprehend, combined with striving to understand all of them as best as possible, is symbolized by the

connection between the offering of the incense and the lighting of the menorah. As mentioned above, the Torah specifies that the incense is to be offered at the same time that the menorah is lit.

This idea is also emphasized at the beginning of Parashat Teruma, where G-d lists the materials needed for the building of the Mishkan, and not the materials needed for the maintenance of the Mishkan. There is one verse that is an exception to this rule: "Oil for lighting [the menorah], and spices for the anointment oil and for the incense" (25:6). The two materials that are for the service and not for the construction are the oil for the menorah and the spices for the incense. Even from the beginning of the construction of the Mishkan, G-d emphasizes the importance of the joint existence of the lighting of the menorah, the illuminated aspect of the Torah, along with the incense, the incomprehensible aspect of G-d's word.

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YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH ALON SHEVUT, GUSH ETZION 90433 E-MAIL: YHE@ETZION.ORG.IL or OFFICE@ETZION.ORG.IL

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From: Kol Torah [koltorah@koltorah.org] Subject: Permanent and Semi-Permanent Makeup – Cosmetic Tattooing - Parts 1, 2 & 3

Kol Torah Parshat Beshalach Yitro & Mishpatim

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PERMANENT AND SEMI-PERMANENT MAKEUP – COSMETIC TATTOOING - Part 1

BY RABBI CHAIM JACHTER

Introduction

Recently, procedures have been developed to tattoo permanent or semi-permanent makeup on women. I have been told that in the process of applying permanent makeup, also known as micropigmentation, dermapigmentation or cosmetic tattooing, a needle deposits colored pigments made from iron oxide into the skin's dermal layer (the layer between the permanent base layer and the constantly changing top layer). This procedure is applied on the lips and/or around the eyes. This procedure is performed under antiseptic conditions and anesthesia is used when performing this form of surgery. The tattooing can be either permanent or semi-permanent. The form of semi-permanent tattooing that contemporary Poskim discuss lasts up to three years and eventually disintegrates. These procedures are very tempting for observant women (especially those who are blessed with the task of caring for young children) as it saves time and avoids the problem of applying makeup on Shabbat. However, there are serious Halachic problems associated with this procedure, as we shall explain in the essays that we will begin to present this week.

Cosmetic Surgery

According to the sources we outlined last week, there is no explicit Heter (rabbinic sanction) to undergo any cosmetic surgery purely for reasons of convenience. However, even if one were to argue that cosmetic surgery is permitted for reasons of convenience, applying permanent makeup might be prohibited because of the prohibition of Kitovet Kaaka (tattooing, see Vayikra 19:28). In this essay, we shall explore the prohibition to apply a tattoo and we shall see how contemporary Poskim apply it to the issue of permanent and semi-permanent makeup. Similar to countless other contemporary Halachic issues, this modern innovation compels Poskim to rigorously define the parameters of Kitovet Kaaka, even more so than was done in previous generations.

Our discussions will be based on two essays written on this topic that have been published in Techumin; one (Techumin 10:282-287) written by Rav Ezra Basri (a prominent Sephardic Dayan who presides over a State of Israel Beit Din in Jerusalem and the author of Teshuvot Shaarei Ezra and Dinei Mammonot) and the other (Techumin 18:110-114) written by Rav Baruch Shraga (the Rav of French Hill in Jerusalem). In addition, two Teshuvot have been published in recent years, by Rav Shraga Shneebal of London (Teshuvot Shraga HaMeir 8:44 and 45) and Rav Natan Gestetner of Bnei Brak (Teshuvot Lihorot Natan 10:64). These two Rabbanim are Poskim of note and Rabbanim throughout the world cite their works. Rav Shmuel Vosner (Teshuvot Shevet HaLevi 10:137) wrote a brief responsum

on this issue as well (Rav Vosner lives in Bnei Brak and ranks in the first tier of contemporary Poskim).

How Long Must Kitovet Kaaka Last?

The Rishonim (authorities who lived during the Middle Ages) disagree about how long a tattoo must last in order to constitute a violation of the Kitovet Kaaka prohibition. Rashi (commentary to Vayikra 19:28 and Gittin 20b s.v. Kitovet) and the Ritva (Makkot 21a s.v. Hakotev) describe Kitovet Kaaka as something permanent. The Nimukei Yosef (Makkot 4b in the pages of the Rif s.v. Ad Sheyichtov) on the other hand, describes Kitovet Kaaka as something that lasts "for a long time."

Rav Gestetner notes that the Rambam (Hilchot Avodat Kochavim 12:11) and the Shulchan Aruch (Yoreh Deah 180:1-4) do not limit the prohibition to permanent tattooing, thus implying that one violates the Kitovet Kaaka prohibition even if the tattoo is not meant to last permanently, in accordance with the view of the Nimukei Yosef. Moreover, Rav Gestetner suggests that when Rashi writes that Kitovet Kaaka lasts "Liolam", Rashi does not mean "forever" literally. He cites Rashi in another context (Shabbat 111b s.v. Vieilu Kesharim) where he uses the term Liolam and it is fairly obvious (in light of Rashi, Shabbat 112a s.v. Bidichumrata) that Rashi means for a long period of time, and not necessarily forever. Rav Gestetner rules that three years is considered "a long time" and thus even semi-permanent cosmetic tattooing that lasts for three years might be biblically prohibited. Rav Shneelbag, it should be noted, understands Rashi to forever literally, and is inclined to consider semi-permanent cosmetic tattooing as a rabbinic prohibition.

Moreover, Rav Shneelbag notes that all Rishonim agree that one violates at least a rabbinic prohibition even if the tattoo is not a permanent one. The proof to this is the fact that the Gemara (Makkot 21a) debates whether one is permitted to put stove ashes on an open wound, which creates a mark that resembles a tattoo. This mark does not last very long and is undoubtedly classified as temporary. The fact that the Gemara even raises the possibility of regarding such a mark as Kitovet Kaaka proves that one violates at least a rabbinic prohibition even if the mark does not last forever. The Rivan (ad. loc. s.v. Uchtovet) might also indicate this, as he writes that "it is forbidden to write any writing" on the flesh. One point of clarification: The primary Talmudic discussion of the topic of tattooing appears in Makkot 21a. Rashi did not complete his commentary to the last few pages of Masechet Makkot. His son-in-law, the Rivan, did complete his father-in-law's commentary to this tractate. Hence, we will frequently be referring to the Rivan in these essays.

How Deep Must the Tattoo Be?

How deep must the tattoo be inserted to qualify as Kitovet Kaaka? The Ritva (ad. loc.) writes that "the dye enters between the skin and the flesh." Rav Shneelbag notes that it appears from the Ritva that one violates the prohibition even if the dye is inserted only immediately below the skin level. It seems that the Shulchan Aruch (ad. loc.) agrees with this assessment, as it describes Kitovet Kaaka as "scratching the flesh." Thus even if one layer of skin is penetrated, the prohibition is violated. As stated earlier, I have been informed that the process of cosmetic tattooing involves the insertion of the pigments into the skin's dermal layer.

We should clarify that the Mishnah (ad. loc.) states that in order to be punished by Malkot, one must both write and cut the skin. The Minchat Chinuch cites a dispute among the Acharonim as to whether there is a rabbinic prohibition in merely writing on the skin without cutting the skin. The Minchat Chinuch notes a rule that Poskim often utilize to resolve a disputed issue – "go out and see what is the common practice." Accordingly, the Minchat Chinuch notes that since common practice among Jews is not to make indelible markings on the skin even if the skin is not cut, the reason must be that normative Halacha follows the opinions that believe that it is rabbinically forbidden to do so.

The Minchat Chinuch, though, writes that it is obvious that this rabbinic prohibition applies only if the mark cannot be erased. However, he writes, simple writing with ink on the hand is not even rabbinically prohibited. Accordingly, it seems that it is not prohibited to have one's hand stamped at an amusement park to prove that the admission fee has been paid. Accordingly, it is not technically forbidden to write with ordinary ink on one's skin. Although this is undignified, it appears that it is not technically prohibited; Chazal prohibited only activities that resemble Kitovet Kaaka (see Tosafot Gittin 20b s.v. Uchtovet). Amusement park stamps and ordinary writing on the body do not resemble a tattoo at all. The fake tattoos that small children apply are also most likely permitted, even on a rabbinic level.

Conclusion In our next issue, Im Yirtzeh Hashem and Bli Neder, we shall further explore the parameters of the K'tovet Kaaka prohibition and their application regarding the processes of permanent and semi-permanent makeup.

This week's issue of Kol Torah has been sponsored by Yosepha and Yitzie Solomon in honor of their nephew, Etan Bluman, a junior at TABC.

Permanent and Semi-Permanent Makeup – Cosmetic Tattooing - Part 2

by Rabbi Chaim Jachter

Introduction

In our previous issue we began to discuss the permissibility of semi-permanent make-up. This procedure essentially tattoos lipstick or other cosmetics that will last approximately three years. Our discussion has been focused on a number of Teshuvot that were written on this topic, especially the rulings of the Teshuvot L'horot Natan (Rav Gestetner) and Teshuvot Shraga Hameir (Rav Shneebalg). We have been presenting their in-depth analysis of the prohibition of K'tovet Ka'aka (tattooing) and exploring whether this prohibition applies to semi-permanent make-up. If you missed last week's article, it is available on our website, www.koltorah.org.

The Order of the Process

The Mishnah (ad. loc.) states that one receives Malkot (flogging) only if one both scratches the skin and inserts the dye. In cosmetic tattooing, first a cut is made and then the dye is inserted. However, the Rivan (ad. loc. s.v. K'tovet) describes the process of Kitovet Kaaka as first writing and then making a tear in the skin. The Rambam (ad. loc.), on the other hand, describes Kitovet Kaaka as first tearing the skin and subsequently inserting the dye. Might the status of cosmetic tattooing hinge on this dispute between the Rambam and Rivan?

The Bach (Y.D. 180 s.v. V'hoo Sh'kotiv), however, argues that there is no dispute here between Rashi and the Rivan. The Rivan merely is following the order as it is found in the term Kitovet Kaaka – writing and cutting – and the Rambam describes the process as it is normally conducted – cutting and then writing. Although the Shulchan Aruch (Y.D. 180:1) describes Kitovet Kaaka as first cutting the skin and subsequently inserting the dye, the Shach (Y.D. 180:1) indicates that one violates the biblical prohibition even if the order is reversed (see the Minchat Chinuch 253:1, who interprets the Shach in this manner and cites authorities who argue that the biblical prohibition applies only if one first cuts and then inserts the dye). Rav Gestetner adds that one also violates the biblical prohibition even if the writing and cutting occur simultaneously (Rav Gestetner understands that this is what occurs during cosmetic tattooing).

What Must Be Written?

Teshuvot Me'il Tzedaka 31 (cited in the Pitchei Teshuva Y.D. 180:1) asks whether one must write letters in order to violate the prohibition of Kitovet Kaaka or if any marking constitutes a violation. He also suggests that one violates only a rabbinic prohibition by creating a marking without writing. Acharonim (such as the Minchat Chinuch and the contemporary Poskim who address the issue of cosmetic tattooing) note that the Rishonim had already disputed this matter.

The Smak (72), Rabbeinu Peretz (cited in the Smak), Orchot Chaim (22:4) and the Chinuch (253) seem to believe that one violates this prohibition only if he tattoos letters into his skin. This approach might be based on the reason offered by the Rishonim (Rambam, ad. loc., and Tur, Y.D. 180) for the prohibition of Kitovet Kaaka, that the practice of idolaters was to tattoo the name of their god into their skin. They wished to communicate that they are committed slaves to that particular god. Interestingly, Rav Vosner suggests that Hashem hints at this reason in the Torah by stating "I am Hashem" after presenting the Kitovet Kaaka prohibition, thus suggesting that Kitovet Kaaka contradicts one's commitment to Hashem. Accordingly, a number of Rishonim believe that one violates Kitovet Kaaka only with writing, since one thereby expresses his commitment to idolatry. Rav Basri asserts that the majority of Rishonim and classic Acharonim believe that one does not violate Kitovet Kaaka if he does not write letters.

On the other hand, the Minchat Chinuch (253:3) observes that the majority of Rishonim believe that one violates Kitovet Kaaka even if he does not write letters. Among the Rishonim who explicitly state that writing is not necessary are the Raavad (Torat Kohanim, Kedoshim 76) and the Rash Mishantz (ad. loc.). Rav Gestetner argues that the Rambam (ad. loc.) and Shulchan Aruch (ad. loc.) appear to indicate that one violates Kitovet Kaaka even if one does not inscribe letters, as these authorities make no mention of this requirement.

Rav Shneebalg asserts that all the Rishonim would agree that one at least violates a rabbinic prohibition even if one does not write letters. A proof of this is the fact that the Gemara suggests that placing stove ashes on a wound might be prohibited because the resultant scab resembles a tattoo. The scab obviously does not appear in the form of a letter. Nonetheless, the Me'il Tzedakah suggests that the ashes constitute a problem because the scab appears like a letter. According to this suggestion, there is not even a rabbinic prohibition violated if no letters are written.

Rav Basri, Rav Gestetner and Rav Shneebalg agree that according to the strict opinion among the Rishonim and Acharonim, any form that is imprinted on the body is included in the prohibition. Thus, imprinting color onto one's skin is included in the prohibition according to the strict opinion either biblically or rabbinically.

However, Rav Avigdor Nebentzahl (the Rav of Jerusalem's Old City, cited in Techumin 18:113) seems to argue that the strict opinion prohibits only imprinting a picture or figure on one's body, such as an anchor or a heart. By contrast, imprinting color is not viewed by Halacha as writing and thus seems not to be Kitovet Kaaka. Indeed, in the context of Hilchot Shabbat, writing letters and drawing pictures are included in the same Av Melachah (one of the thirty-nine categories of prohibited Shabbat activity, see Rambam Hilchot Shabbat 12:9-17). On the other hand, coloring a surface is defined as Tzove'a (coloring), which is an entirely separate and distinct Av Melachah. The Torah prohibits Kitovet (writing) and not coloring. Accordingly, Rav Nebentzahl is inclined to permit semi-permanent cosmetics based on a combination of two lenient factors: no writing is involved, and it is not permanent.

Accordingly, contemporary authorities argue as to whether inscribing dye in one's skin is included in the parameters of the Kitovet Kaaka prohibition. A proof of the stricter opinion might be drawn from the Rambam and Shulchan Aruch who not only do not mention a requirement for writing letters to violate the prohibition, but also make no mention of a requirement for a picture or figure to be drawn. They simply mention that this prohibition is violated when one injects dye beneath the skin. Another proof that the categories regarding Shabbat are not relevant to the Halachot of Kitovet Kaaka, is the Sefer HaChinuch's ruling (ad. loc.) that Beit Din punishes someone for tattooing even one letter, unlike Shabbat where Beit Din does not punish for writing less than two letters. Accordingly, the distinction between writing and coloring that is made in the context of Hilchot Shabbat seems to be irrelevant to the prohibition of Kitovet Kaaka.

It seems interesting that Rav Vosner forbids cosmetic tattooing because of "Srach Issur Kitovet Kaaka," possibly translated as "because it will habituate one to Kitovet Kaaka" (see the term "Srach" used in Chullin 106a). Rav Vosner might be implying that even if cosmetic tattooing is not exactly like tattooing (perhaps because of Rav Nebentzahl's reasoning), it is nevertheless forbidden because it resembles Kitovet Kaaka. Tosafot (Gittin 20b s.v. Bichtovet) teach that Chazal forbade acts that resemble Kitovet Kaaka, such as making permanent markings on the skin without cutting the skin. Thus, even were Rav Nebentzahl's argument to be correct, it still does not suffice to permit cosmetic tattooing. However, it might bolster the argument that it is only a violation of a rabbinic law.

Next Week IY"Y and B"Y we will continue our discussion by dealing with how this issue relates to the purpose of the tattooing as well as who violates the tattooing.

Permanent and Semi-Permanent Makeup – Cosmetic Tattooing - Part 3 by Rabbi Chaim Jachter

In the past two issues we have reviewed the propriety of semi-permanent and permanent cosmetic tattooing. We have sought to rigorously define the prohibition of K'tovet Ka'aka (tattooing) and review the contemporary response literature to see if this prohibition applies to cosmetic tattooing. We have devoted special attention to the responsa of Rav Natan Gestetner (Teshuvot L'horot Natan) and Rav Feivel Shneebalg (Teshuvot Shraga HaMeir), two important contemporary Poskim, who address this issue in depth. Our two essays are available on our website www.koltorah.org.

Purpose of the Tattooing The Mishnah (ad. loc.) records the opinion of Rabi Shimon that one is flogged for violating the prohibition of Kitovet Kaaka only if one tattoos the name of an idol on his skin. The Chachamim, however, disagree. The Rishonim disagree regarding which opinion is regarded as normative. Normally, the majority opinion is accepted as normative. However, the Gemara (ad. loc.) records a discussion of the opinion of Rabi Shimon, leading some Rishonim to conclude that Rabi Shimon's opinion is the accepted one. The Beit Yosef (Y.D. 180 s.v. Sh'chayav) cites Rabbeinu Yerucham who cites conflicting opinions and concludes that the Halacha follows the view of the Chachamim. The Beit Yosef agrees, noting that this also appears to be the opinion of the Rambam.

The Rivan (Makkot 21a s.v. Uchtovet) writes that even Rabi Shimon agrees that it is prohibited to tattoo any writing even if it is not the name of an idol. The dispute between Rabi Shimon and the Chachamim is only whether one is flogged for such tattooing. The Rishonim seem to debate whether Rabi Shimon believes that it is a biblical or rabbinic prohibition to inscribe a tattoo that does not contain the name of an idol. For a summary of the opinions, see the Otzar Meforshei HaTalmud, Makkot p. 847 note 20. It is possible, however,

that one violates the prohibition of Kitovet Kaaka on a biblical level only if one's intention is for idolatry, even according to the opinion of the Chachamim. Recall that the Rambam and Tur write that the reason for the Kitovet Kaaka prohibition is to avoid idolatry. Indeed, the Chatam Sofer (commentary to Gittin 20b s.v. Bichtovet) writes that one does not violate a biblical level prohibition if he tattoos his slave in order that he should not escape (the Shach, Y.D. 180:6, seems to support this view). Maharam Schick (commentary to the Sefer HaMitzvot, Mitzvah 254) and Teshuvot Shoel Umeishiv (2:1:49) agree with the Chatam Sofer.

The Aruch LaNer (commentary to Makkot 21a s.v. Gam Im), on the other hand, asserts that one violates a biblical prohibition even if one's intention is not for Avodah Zarah (idolatry). The Aruch Laner and Rav Gestetner note that the Rambam and Shulchan Aruch seem to agree with this view, as they do not mention that one violates this prohibition only if his intention is for idolatry. Moreover, Rav Gestetner notes that Tosafot (Gittin 20b s.v. Bichtovet) clearly indicates that a biblical level prohibition is violated even if one's intention is not for Avodah Zarah.

Rav Gestetner writes that normative Halacha undoubtedly forbids tattooing for non-idolatrous purposes, as the Rama (Y.D. 180:4) forbids branding one's slave to avoid his escape. It seems from the Rama, however, that this is only prohibited on a rabbinic level. The Rama adds to the Shulchan Aruch's statement that one who brands his slave to avoid his escape is "exempt," saying that nonetheless Lechatchilah (initially) one should not engage in this activity. The Shulchan Aruch and Rama, generally speaking, do not address issues of when one deserves to be flogged, because these authorities address only questions that apply in pre-Messianic times (it is currently relevant, though, regarding the Hilchot Edut, see Shulchan Aruch Choshen Mishpat 34:2). Accordingly, it seems that the Shulchan Aruch and Rama imply with the words "exempt" and "Lechatchilah" that one who brands a slave to avoid the latter's escape violates only a rabbinic prohibition. The reason why no biblical prohibition is violated, asserts the

Chatam Sofer, is because there is no intention for idolatry. See the Get Pashut (124:30) cited in the Minchat Chinuch (253:2) who offers a different explanation. He explains that one violates the prohibition of Kitovet Kaaka on a biblical level only if the purpose of the tattooing is for the writing to appear on one's body. Thus, since the ultimate purpose of one who tattoos his slave is simply to deter the slave's escape and not for the writing that appears on his body, no biblical prohibition is violated. The Get Pashut notes that this is similar to Shabbat where normative Halacha (see Mishnah Berurah 316:34) accepts the opinion of Rabi Shimon that one does not violate on a biblical level if his purpose is not for the resulting work (Melachah She'einah Tzerichah Ligufah).

See, however, the Minchat Chinuch and Rav Gestetner, who criticize the explanation of the Get Pashut. Rav Gestetner cites Acharonim (based on Tosafot Shabbat 75a s.v. Tfei) who note that the Melachah She'einah Tzerichah Ligufah exemption is unique to Shabbat. The Pnei Yehoshua (commentary to Shabbat 46b) argues that it does not even apply to Yom Tov. Thus it is a concept that is entirely irrelevant to the prohibition of Kitovet Kaaka. These

explanations impact the question of whether cosmetic tattooing constitutes a biblical or rabbinic prohibition. According to the Get Pashut's explanation of the Shulchan Aruch and the Rama, cosmetic tattooing would constitute a biblical prohibition because one's purpose is for the coloring to appear on his body (Rav Basri argues that cosmetic tattooing does not constitute a biblical prohibition because one's purpose is for beauty and not for writing per se; Rav Gestetner disagrees with Rav Basri's reasoning, arguing that the purpose is indeed specifically for the writing). However, according to the Chatam Sofer's explanation of the Shulchan Aruch and the Rama, cosmetic tattooing violates only a rabbinic prohibition because one's intention is not idolatrous.

Who Violates the Prohibition? When precisely does one violate the prohibition of Kitovet Kaaka – by inscribing the tattoo or by permitting the tattoo to be inscribed on his body? In other words, when the Torah (Vayikra 19:28) states Kitovet Kaaka Lo Titnu Bachein, does it prohibit the act of inscribing the tattoo or does it prohibit one to allow a tattoo to be inscribed on his body? The Tosefta (Makkot 3:9) states that both aspects are included in the prohibition. Thus, both one who inscribes the tattoo and one who permits a tattoo to be made in his body violate the biblical prohibition. The Rambam (ad. loc.), though, notes that the one who permits the tattoo to be inscribed on his body is punished with Malkot only if he actively assists the inscription of the tattoo. If he does not assist in this process, the Rambam writes "he is not flogged". This is an application of the rule that one is flogged only if he violates a sin that involves an activity such as eating non-kosher or wearing Shaatnez. The Minchat Chinuch (253:4) writes, though, that one who allows a tattoo to be inscribed on his body nevertheless violates a biblical level prohibition even if he is not subject to Malkot because of his inactivity. It is not clear whether the Shulchan Aruch agrees with this

last point (recall that the Shulchan Aruch does not, generally speaking, address issues of Malkot, which are not administered today). The Shulchan Aruch (Y.D. 180:2) writes that one who permits a tattoo to be inscribed in his body is "Patur" if he did not assist in this event. Rav Shneebealg asserts that although one who has a cosmetic tattoo inscribed on his face does not assist in the process (an anesthetic is administered), nevertheless a biblical level prohibition is violated. It is possible, though, that the language of Patur in the Shulchan Aruch (in contradistinction to the language of "he is not flogged" in the Rambam) might imply that only a rabbinic prohibition is violated. Thus, it is possible that one who submits himself to cosmetic tattooing might violate only a rabbinic prohibition thereby. It is important to note that the Yad Ketanah (commentary to the Rambam ad. loc., cited in the Frankel edition of the Rambam) notes that based on the Tosefta and Rambam, one violates the Kitovet Kaaka prohibition even if the individual who inscribes the tattoo is not Jewish. Thus, the problem of cosmetic tattooing is not mitigated by using a non-Jewish derma technician, since one is forbidden to have a tattoo inscribed in his body, regardless of who is performing the inscription.

Kevod Habriyot We have been preoccupied with the question of whether cosmetic tattooing constitutes a biblical level prohibition or rabbinic level prohibition. Part of the reason is that there are exceptional circumstances where Halacha tolerates the violation of a rabbinic prohibition. The Gemara (Brachot 19b) states that for the sake of Kevod Habriyot (preserving human dignity) one may violate a rabbinic prohibition (Rav Daniel Feldman discusses this issue in depth in his *The Right and the Good* pp. 189-206). Both Rav Basri and Rav Shneebealg are inclined to permit cosmetic tattooing in the case of Kevod Habriyot. Rav Basri permits surgeons to tattoo eyebrows on the forehead of a woman who had no eyebrows. Rav Shneebealg is inclined to permit cosmetic tattooing in a more common situation – scar removal. In this situation, a pigment that matches the color of human skin is injected beneath the scar, allowing that area to appear like the rest of the person's skin. Interestingly, Rav Shneebealg writes in his first responsum (8:44) on this subject, "Perhaps one can permit this," and in his second responsum (8:45, where he defends this suggestion from a critic), he writes, "Apparently one can permit this." Thus his inclination towards leniency is more pronounced in his second responsum on this topic. Rav Gestetner does not examine this issue, but he might rule strictly, as he is inclined to categorize cosmetic tattooing as a biblical violation. Moreover, it is important to emphasize that only a Rav of considerable stature is authorized to rule regarding this matter.

Safety Concerns Although I have not seen Poskim specifically address this issue, we must also consider the safety of cosmetic tattooing. Although it is currently considered safe, doctors might think otherwise in the years ahead. Recall our discussion regarding the permissibility of surgery to correct a disfigurement. Teshuvot Avnei Neizer in the early twentieth century prohibited it, urging the questioner not to rely on a doctor's assurance of safety, whereas Teshuvot Chelkat Yaakov in the middle of the twentieth century permitted such surgery because its safety was proven over the previous few decades. The Chelkat Yaakov's leniency is based on the Gemara's dictum that "once people commonly engage in a behavior [and it is proven to be reasonably safe] we are permitted to engage in this behavior." It appears that this dictum also teaches us to avoid serving as the proverbial "guinea pig" for new procedures. Only after a behavior has proven to be safe over a considerable period of time and it becomes commonly accepted behavior, may we engage in such behavior. It is unwise to be part of the avant-garde regarding such matters, unless there is considerable need to do so.

Must One Remove a Cosmetic Tattoo? The Torah prohibits applying a tattoo and allowing a tattoo to be applied to one's body. Does the Torah also forbid maintaining a tattoo on one's body when one has the ability to remove it (removing tattoos is a common procedure nowadays)? It seems from the Rambam and Shulchan Aruch that no such prohibition exists. However, it is possible that these authorities did not address this issue because in their time it was impossible to remove a tattoo. Thus, we must search the modern responsa literature for an answer. Dayan Weisz (Teshuvot Minchat Yitzchak 3:11) discusses a case where someone had a disgraceful tattoo on his body (before he became observant) on the place where he should affix his Tefillin. Rav Weisz advises him to remove the tattoo but makes no mention of an obligation to remove the tattoo because of the Kitovet Kaaka prohibition. Furthermore, Rav Ephraim Oshry (the author of responsa from the Holocaust and its aftermath) strongly urges (Teshuvot Mee'ma'makim 4:22) Holocaust survivors not to remove the tattoos that the evil Nazis (Y'mach Sh'mam) branded on them. He writes that G-d forbid he should remove the tattoo, which should be viewed as a badge of honor by its bearer. Accordingly, there appears to be no obligation to remove a tattoo. Rav Eliyahu Bakshi-Doron (Techumin 22:387), however, recommends removing the tattoo to avoid the constant reminder of an earlier sin. He even permits, in certain

circumstances, the removal of Hashem's name that was [sinfully] tattooed on one's body, even though it is ordinarily forbidden to erase Hashem's name.

Conclusion The near unanimous view of contemporary Poskim is to forbid permanent and semi-permanent makeup. Rav Vosner rules that it is forbidden, though it is not clear if he believes it to constitute a rabbinic or biblical level prohibition. In addition, it is not clear if Rav Vosner is addressing only permanent makeup or even semi-permanent makeup. Rav Gestener and Rav Shneebeal, however, unequivocally rule that even semi-permanent makeup is forbidden. Rav Gestener is inclined to define it as a biblical level prohibition, whereas Rav Shneebeal is inclined to regard it as a rabbinic prohibition. Rav Shraga notes that he posed this question to many leading Israeli Poskim and they all responded that even semi-permanent makeup is prohibited. These authorities include Rav Yosef Shalom Eliashiv, Rav Yaakov Fischer (the late head of the Beit Din of the Edah Chareidit), Rav Chaim Kanievsky, and Rav Ovadia Yosef. Rav Dovid Heber (of the Star-K in Baltimore) writes (p.49 of the 2004 informational guide to Passover and Cosmetics co-produced by the Star-K and Rav Gershon Bess) that he has consulted many Poskim who also rule strictly about this matter.

However, some Poskim are inclined to permit cosmetic tattooing in case of extraordinary need. Otherwise, it is difficult, as the Minchat Chinuch notes, to develop lenient approaches to this matter when the Rishonim and Shulchan Aruch seem to allow no exceptions to this prohibition (as emphasized by Rav Gestener in his responsum).

Two Final Thoughts Rav Vosner also writes that cosmetic tattooing violates the spirit of Halacha. Elsewhere (Teshuvot Shevet HaLevi 6:33), Rav Vosner frowns upon women putting on an excessive amount of makeup. He notes that the Gemara (Shabbat 62b) asserts that a reason for the destruction of the Beit HaMikdash was the immoderate use of cosmetics. Rav Vosner argues that the same applies to cosmetic tattooing. The Torah emphasizes moderation as an important value as the Rambam teaches in Hilchot De'ot (chapters 1-3). Makeup for women can be appropriate if used in moderation, if a woman feels makeup is necessary for her in order to have a dignified appearance. However, inscribing makeup in one's body is entirely out of proportion and immodest. Moreover, the Torah concludes its prohibition of Kitovet Kaaka by adding "I am Hashem." Besides the reasons we offered earlier for this phenomenon, we may suggest that Hashem wishes for us to internalize the fundamentally important idea that our bodies do not belong to us. Rather, they are on loan to us from Hashem in order to perform His Mitzvot. Thus, we are not permitted to do anything we choose to do with our bodies. Whereas moderate use of cosmetics is certainly acceptable, almost all the Poskim deem cosmetic tattooing to be inconsistent with technical Halacha as well as fundamental Torah values.

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