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**Rabbi Mordechai Willig**  
**Disciples of Aharon: Refining Middos and Avoiding Chilul Hashem**

I "You shall make garments of sanctity for Aharon your brother, for glory (kavod) and splendor" (Shemos 28:2). The outer garments reflect the inner garments that clothe the soul with proper character traits. The artisans made the outer garments, but Moshe made the garments of the soul (kavod; see Tehillim 30:13) by instructing Aharon to perfect his character traits thereby clothing it appropriately (Malbim).

The kohein shall don his fitted shirt (mido) of linen (Vayikra 6:3). Mido refers to middos, character traits which befit a kohein. Indeed, any Torah scholar with stained garments, i.e. improper character, is punished for causing people to hate Torah. A true Torah scholar reverses his garments, i.e. overcomes character flaws by reversing his behavior and going to the opposite extreme, thereby ultimately achieving exemplary character (Shabbos 114a, see Rambam Hilchos Deos 2:2, Gr"a on Mishlei 6:27, 20:23).

"Were it not for the garments of the kohein, Am Yisroel would not survive" (Yoma 72b). This, too, refers to the perfection of our character. An offering can atone for a sinful act, but if one does not correct his character he is doomed to sin again (Akeida, Parshas Tetzaveh). Indeed, the parsha's concluding section, the incense altar, is separated from the other vessels of the mishkan because its fragrance, which cannot be held in one's hands, atones not for the body but for the soul (Kli Yakar 30:1).

Character refinement is an integral part of the teshuva process (Rambam Hilchos Teshuva 7:3). It is a prerequisite for the mastery of Torah. "If there is no proper conduct there is no Torah" (Avos). "The Torah does not dwell within one who has not corrected his middos" (Rabbeinu Yonah). "Delve in it [Torah] and delve in it, for everything is included in it ... there is no midda better than it" (Avos 5:26). There is no good character trait that cannot be learned from Torah (Gr"a, Tosfos Yom Tov). Indeed, if there is no Torah there is no proper conduct. By studying the ethical mitzvos in the Torah, one learns middos tovos and derech erez (Rabbeinu Yonah). This, in turn, enables him to achieve mastery of the Torah. 3:17

## II

What character traits are associated with Aharon in the mishkan? Although he was told that Hashem grants him atonement for the golden calf that he made (Rashi Vayikra 9:2), Aharon was still embarrassed and afraid to approach (Rashi 9:7). He attributed the initial lack of the Shechina after the offerings in the mishkan to his own failings, leading to further embarrassment (Rashi 9:23). Moshe responded, why are you embarrassed? This is what you were selected for (Rashi 9:7). Precisely because he

acknowledged his error, accepted responsibility for it, and was embarrassed by it was he chosen to serve as the kohein gadol (Ba'al Shem Tov).

The choshen and the urim v'tumim shall be on Aharon's heart (Shemos 28:30). How did Aharon merit this most significant garment? When told that he would be replaced as the leader by his younger brother Moshe, he was not upset as Moshe feared. Rather, he rejoiced in his heart, thereby meriting the choshen on that pure heart, totally untainted by jealousy (Rashi 4:14).

More generally, Hillel says, "be among the disciples of Aharon, [one who] loves peace, pursues peace, loves people and brings them close to Torah" (Avos 1:12). "Seek peace in your place, and pursue it elsewhere" (Avos D'Rabbi Nassan 12:6). If two persons were feuding, Aharon told one that the other wanted to reconcile, thereby achieving peace (12:3). It is a mitzvah to change the facts for the sake of peace, a law derived from Hashem Himself (Yeveamos 65b, Rashi Breishis 18:13). Such bold initiative in pursuing peace is in a different place (bmakom acher), and ostensibly out of place. Yet it is lauded as imitateo Dei.

Love people (briyos) and all creatures because they were created by Hashem (Tosafos Yom Tov). Even non-Jews or Jews who taunt you must be loved, as Hillel did, because only in that way can you bring them close to Torah (Tiferes Yisroel based on Shabbos 31a). These are some of Aharon's traits. We must all become his students and emulate him and them.

## III

"One who studies Torah, and his business transactions are conducted faithfully, and his manner of speaking with people (briyos) is pleasant, what do people (briyos) say about him? This person who learned Torah, see how pleasant are his ways, how refined are his deeds. About him it is said, 'you are My servant Israel, though whom I am glorified'" (Yoma 86a).

The term briyos includes non-Jews as well. We must be especially careful to glorify Hashem's name, by being polite and honest, when our actions are seen and judged by others, Jews and/or non-Jews. The alternative is a desecration of Hashem's name, for which it is difficult, if not impossible, to achieve atonement in one's lifetime (ibid, see Meiri).

Unfortunately, some Orthodox individuals and institutions are not sufficiently sensitive to the chilul Hashem that dishonesty can create. In dealing with non-Jews, especially governments, some continue to perform illegal acts, which may have been permissible and unavoidable when dealing with murderous anti-Semitic regimes of the past, but are forbidden and unconscionable in America today.

The decadence of modern society has, appropriately, led many to lead insular lives to protect themselves from sin and immorality. (see Rambam Hilchos Deos 6:1). However, this attitude leads some to dehumanize or devalue non-Jews, and even non-Orthodox Jews, thereby leading to false conclusions that stealing from them is permissible or even, for Torah causes, laudable (Silver Lining of the LA Scandal Cloud, by Rav Yitschok Adlerstein).

"You will be a treasure to Me from among all the people, of all the earth is Mine" (Shemos 19:5), and yet they are in My eyes and before Me as nothing (Rashi). Alternatively, even though all humans are precious to me, beloved because they were created in My image (Avos 3:18), and righteous gentiles are precious to me without a doubt, you are My treasure when you teach all mankind to recognize and serve Me (Seforno).

These two interpretations seem contradictory, and some focus on Rashi only and demean non-Jews, or on the Seforno only and minimize the uniqueness of Torah and Am Yisrael. In truth, both interpretations are valid and crucial. Of all the religions and national entities, the world was created for Torah and Am Yisrael (Rashi, Breishis 1:1, see Nedarim 41a, Yeshayahu 40:17). At the same time, every human being is created in Hashem's image and, as such, has intrinsic value and is precious to Hashem. We must treat every person, Jew and non-Jew, with dignity and honesty. We must be extremely concerned with the impression we make upon them. We must strive to create kiddush Hashem and avoid performing, condoning, or legitimizing acts of chilul Hashem.

#### IV

The Torah giants who immigrated from the oppressive and murderous regimes of Europe to a democratic and just America recognized the vast difference between the two, and instructed their followers to deal honestly with the American government. The Satmar Rebbe led an insular group of chassidim with a long history of avoiding taxes, customs, and border patrols in Europe. There, he said, it was a mitzvah, but here it was strictly prohibited and not tolerated in his chassidus.

Special care is called for regarding Torah institutions, for two reasons. First, if discovered, the chilul Hashem is greater. Second, some may rationalize that the ends justify the means. Rav Solovietchik ruled that one must close a charitable program rather than keep it opened by illegal means (related by Rabbi Menachem Genack).

Finally, Rav Moshe Feinstein published an authoritative responsum (Choshen Mishpat 2:29) which speaks for itself.

Concerning the matters of kindness that our government in the United States of America, (that G-d has, in His great kindness toward the survivors of European Jewry and the survivors among the Torah giants and their students, brought us here, and we founded Torah institutions, established ones from Europe, and also new ones,) which through the "Kingdom of kindness", whose entire purpose is to benefit all its citizens, has made available many programs to help students in all the schools in the country, so that they can learn and grow in their studies, and also Torah institutions receive substantial assistance for their students; certainly all the Roshei Yeshivot and their principals, and the students, appreciate all the benevolence of the government, and bless the welfare of the Nation and all who stand at its leadership with all blessings.

We are certainly prohibited by Hashem, Who commanded us in His holy Torah to avoid taking more than the government laws determine, even if we can get more from some officials who want to help us more than the law allows. It is certainly prohibited to lie regarding the number of students and the like. Aside from the prohibition of theft, there are the great prohibitions of lying and misrepresentation. It is a chilul Hashem and a disgrace of the Torah and its students. There is absolutely no permissive ruling whatsoever. Just as Hashem hates theft in a burnt-offering, so He hates support of Torah and its students through theft. One who steals is a pursuer (rodeif) of the Torah greats and their students who are meticulous to avoid even a semblance of theft.

And even though there is no suspicion on the Roshei Yeshivot and the principals, who are too fearing of Heaven to violate prohibitions of theft, and of speaking falsehood and untruth and deception, and violation of the law of the land with any type of leniency, for they know of the severity of the prohibitions and the terrible punishments from Heaven, and it is against the whole purpose of the foundation of the yeshivot and the study there, which is for the students to be truly G-d-fearing and to beware of monetary prohibitions in the extreme; even so, it is appropriate to be raise the issue in order to draw attention also to the donors, who bring donations to support the Torah, that they should not cause theft, or a loss of money to the government, not in accordance with the laws of the Torah and the laws of the government, that they should not stumble even unintentionally in these great transgressions. And to all who are very careful, great blessing should come to them, and they should succeed in their Torah institutions, to have many G-d fearing students; which is a great blessing to the Nation as well, as it is well-known to all that the Yeshiva students are, thank G-d, the most distinguished citizens in their personal traits and good behavior.

May we all be students of Aharon haKohein and all the great Torah leaders who taught and exemplified honesty and love of all creatures. By clothing our souls with middos tovos, refined character, may we merit the return of the kohein's garments and the Beis Hamikdash.

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from **Rabbi Yissocher Frand** <ryfrand@torah.org> 4:05 pm (8 hours ago) reply-to ryfrand@torah.org, genesis@torah.org to ravfrand@torah.org date Feb 14, 2008 4:05 PM subject Rabbi Frand on Parshas Tezaveh mailed-by torah.org  
Rabbi Frand on Parshas Tezaveh

The Mind Can Be Trained To Look At Blue And See The Divine Throne  
The Talmud relates [Zevachim 88b] that the different priestly garments atone for different sins and the robe (me'il) specifically atones for lashon harah [gossip]. The Maharal explains the connection between lashon harah and the priestly garments in general and between lashon harah and the me'il specifically.

The Maharal makes two points. First, the priestly garments highlight the institution of the priesthood and priests reinforce for us the concept of the different roles that exist within the Jewish people. Judaism is a role-oriented religion. This is a politically incorrect statement in our egalitarian society. American ideology is that everyone is equal and everyone is the same — equal rights, equal roles, equal opportunities. Anyone can become the president of the United States.

Klal Yisrael does not work like that. Not everyone can become the Kohen Gadol. One cannot even become a gatekeeper in the Beis HaMikdash if he is not a Levi. Klal Yisrael is a role-oriented religion. This applies to men and women as well. There is a distinct role for men within the Jewish religion and a distinct role for women. This too is a concept that is becoming less and less popular in western society.

A part of lashon harah, says the Maharal, stems from the fact that people do not want to accept the idea that there are differing roles for different people. A lot of lashon harah stems from our becoming intolerant of other people's roles. We cannot adjust to the fact that just because we do things a certain way or we may be different from our neighbors or feel differently than them, that their ways or feelings or roles may not also be perfectly valid as well.

One person may have a natural inclination to be a ba'al chessed (a very kind and caring person). He is a person with a good heart. He may meet someone and ask that person for a favor. If the second person will decline his request, the first person may think very negatively of him. "What a mean person. If the tables were reversed, I would have certainly done the favor for him!" He may even be so incensed by the refusal that he will share this irritation with others and spread lashon harah about the person who turned him down.

It is true that we should all be kind, but inevitably different people have different emotions and standards when it comes to doing chessed for one another. There are people for whom chessed comes easily and there are people for whom chessed comes with great difficulty.

A person must come to the realization that there are all kinds of people in the world and not everyone must be exactly like himself in order to qualify as a person who should not be criticized.

Some people can sit down and study a whole day. Others, after sitting in one place for 20 minutes, need to take a break. Not everyone is cut out to sit and learn for 3 or 4 hours straight. One who has that ability should be praised, but one who does not have it should not be criticized.

Priestly garments reinforce to us the idea that Klal Yisrael is a role-oriented religion. We have to accept the idea that there are different roles and different personalities among individuals.

Specifically, the robe (me'il) was the garment that atoned for lashon harah. The Maharal explains that the me'il was the most striking of all the garments. It was made out of blue techeiles. When one would see the me'il, the idea that would be triggered in a person's mind is the thought pattern that is supposed to come to mind whenever one sees techeiles [Menachos 43b]: The blue techeiles reminds one of the sea. The sea reminds one of the sky. The sky reminds one of the Divine Throne (Kiseh haKavod). Thus seeing techeiles prompts one to think of the Almighty and do mitzvos.

This, says the Maharal, is the me'il's connection with lashon harah. So much of lashon harah has to do with what the mind automatically sees. The me'il demonstrates the speed of the mind. A mind can be quicker than a computer. Lashon harah has everything to do with how a person thinks and where his mind is.

We can see someone and automatically see his pros. On the other hand, we can see someone and automatically see his cons. Lashon harah is perhaps less a sin of articulating evil than it is a sin of perceiving the evil in someone else. Just like a person can be trained that if he sees blue he can think "The Divine Throne," so too a person can be trained to see an individual and think "good heartedness" and focus on all of his positive character traits. Alternatively, like anything else in life, one can see just the negative.

Everyone has both good characteristics and bad. The question is, what is a person's mind is trained to see in his fellow man — the good or the bad? Do we see the cup and call it half full or half empty? Lashon harah is about people who have trained themselves to see the negative.

The me'il teaches us to make positive connections when we perceive something visually. When we look at a person, we should try to see his Tzelem Elokim (G-dly Image). We should try to overlook the evil.

The Baal Shem Tov said on the pasuk [verse] "You shall love your neighbor like yourself" [Vayikra 19:18] that in considering a friend, one should consider how he views himself in the mirror. One generally is very forgiving of his own faults. He gives himself the benefit of the doubt and concludes that despite his shortcomings he is basically a good person. That, says the Baal Shem Tov, is how one should view his fellow man as well. "Yes, he has his faults. But basically he is a good person."

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 583 -- The Bracha of Blossoming Trees. Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information.

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From: [yatedusa@yated.com](mailto:yatedusa@yated.com)

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### **Halacha Talk by Rabbi Yirmiyahu Kaganoff Do Clothes Make the Kohein?**

In the year 5017 (1257), several hundred Baalei Tosafos, led by Rav Yechiel of Paris, left Northern France on a journey to Eretz Yisroel. Rav Eshtori HaParchi, the author of Kaftor VaFarech, who lived two generations later, records a fascinating story (Vol. 1, page 101 in the 5757 edition) he heard when he went to Yerushalayim to have his sefer reviewed by a talmid chacham named Rav Baruch. Rav Baruch told him that Rav Yechiel had planned to offer korbanos upon arriving in Yerushalayim! Rav Eshtori writes that he was too preoccupied with his sefer at the time to realize that there were several halachic problems with Rav Yechiel's plan. In Kaftor VaFarech he mentions some of his own concerns; in addition, later poskim discuss many other potential difficulties. Among the concerns raised is identifying several of the materials necessary for the kohanim's vestments.

**VESTMENTS OF THE KOHEIN** The Torah describes the garments worn by the kohanim in the Bais Hamikdash as follows: "Aharon and his sons shall don their belt and their hat, and they (the garments) shall be for them as kehunah as a statute forever;" (Shemos 29:9). The Gemara

(Zevachim 17b) deduces, "When they wear their special vestments, they have the status of kehunah. When they are not wearing these vestments, they do not have this status." This means that korbanos are valid only if the kohein offering them attires himself correctly. The regular kohein (kohein hedyot) wears four garments when performing service in the Bais Hamikdash; three of them – his undergarment, his robe, and his turban – are woven exclusively from white linen. The Torah never describes how one makes the fourth garment, the kohein's avneit, or belt, but it does mention that the belt worn by the Kohein Gadol on Yom Kippur is woven exclusively from linen, whereas the one he wears the rest of the year also contains techeiles, argaman, and tola'as shani, different colored materials that I will describe shortly. The Gemara cites a dispute whether the kohein hedyot's belt also includes these special threads or whether he wears one of pure linen (Gemara Yoma 6a, 12a, 69a). The Rambam concludes that the regular kohein's avneit includes threads of techeiles, argaman, and tola'as shani (Hilchos Klei Hamikdash 8:2). Assuming that Rav Yechiel also concluded that the regular kohein's avneit includes techeiles, argaman, and tola'as shani, his proposal to offer korbanos required proper identification of these materials, a necessary prerequisite to offer korbanos. This article will be devoted to the fascinating questions that we must resolve to accomplish this task.

**ARGAMAN** What is argaman? The Medrash Rabbah (Naso 12:4) records that argaman is the most valuable of these four threads and is the color of royal garments. The Rishonim dispute its color, the Rambam ruling that it is red whereas the Raavad understands that it is multicolored cloth woven either from different species or of different color threads (Hilchos Klei Hamikdash 8:13). The Raavad explains that the word argaman is a composite of argu min, meaning woven of different types. This approach appears to be supported by a pasuk in Divrei HaYamim (II,2:6) that lists argavan, rather than argaman, as the material used in building the Bais Hamikdash (see also Daniel 5:7; Rashi to Divrei HaYamim II,2:6). The word argavan seems to be a composite of two words argu gavana meaning woven from several colors, an approach that fits the Raavad's description much better than it fits the Rambam's (see Ibn Ezra to Shemos 25:4). The Raavad's approach that argaman is multicolored is further supported by a comment in the Zohar (Parshas Naso) that describes argaman as multicolored. However, the Radak (to Divrei HaYamim II, 2:6) understands the word argavan according to Rambam's approach, and Kesef Mishneh similarly states that the primary commentaries followed Rambam's interpretation. The Rekanti (Shemos 25:3) quotes both approaches but implies that he considers the Raavad's approach to be primary. By the way, the Ibn Ezra (Shemos 25:4) implies that argaman might have been dyed silk rather than wool, whereas most opinions assume that it is wool (Rambam, Hilchos Klei Hamikdash 8:13; Rashi, Shemos 25:4; 26:1; Rashbam, Shemos 25:4). Rabbeinu Bachyei (Shemos 25:3) contends that silk could not have been used for the mishkan or the Bais Hamikdash since it is manufactured from non-kosher species. This is based on the Gemara Shabbos 28a that non-kosher items may not be used for mitzvos. I will discuss this point further below.

**IS ARGAMAN A COLOR OR A SOURCE?** It is unclear if the requirement to use argaman thread means that the thread used for the kohein's belt must be a certain shade of color, or whether it must be dyed with a specific dye. Rambam implies that the source for the argaman color is irrelevant. These are his words: "Argaman is wool dyed red and tola'as shani is wool dyed with a worm" (Hilchos Klei Hamikdash 8:13). (The Rambam explains elsewhere what he means when he says "dyed with a worm." It should also be noted that the Hebrew word tola'as, which is usually translated worm may include insects and other small invertebrates.) The Rambam's wording implies that the source of the argaman dye is immaterial as long as the thread is red. Thus, there may be no halachically required source for the dye, provided one knows the correct appearance of its shade.

**TOLA' AS SHANI** One of the dye colors mentioned above is tola' as shani. In addition to its use for dyeing the kohein's belt and some of the Kohein Gadol's vestments, tola' as shani was also used for some of the curtains in the Mishkan and the Bais Hamikdash, in the manufacture of the purifying ashes of the parah adumah (Bamidbar 19:6) and for the purifying procedure both of a metzora and of a house that became tamei because of tzaraas (Vayikra 14:4, 49). Tola' as shani is a red color (see Yeshaya 1:18). This presents us with a question: According to the Rambam that argaman is red of a nondescript source, what is the difference between the shade of argaman and that of tola' as shani? The Radak (Divrei HaYamim II 2:6) explains that they are different shades of red, although he provides us with no details of what this difference entails. Must tola' as shani be derived from a specific source, or is it sufficient for it to be a distinctive shade of red, just as I suggested above that argaman is a color and not necessarily a specific dye source? The words of the Rambam that I quoted above answer this question: "Argaman is wool dyed red and tola' as shani is wool dyed with a worm." These words imply that although argaman can be used from any source that produces this particular color, tola' as shani must be from a very specific source.

**A WORM BASED DYE** Can the pesukim help us identify what tola' as shani is? The description of tola' as, which means worm, implies that the source of this dye is an invertebrate of some type. For this reason, some authorities seem to identify tola' as shani as "kermes," a shade of scarlet derived from scale insects or some similar animal-derived red color (see Radak to Divrei HaYamim II 2:6). Support for this approach could be rallied from a pasuk in Divrei HaYamim (II 3:14) which describes the paroches curtain that served as the entrance to the kodoshim, the Holy of Holies of the Bais Hamikdash, as woven from the following four types of thread: techeiles, argaman, karmil, and butz, which is linen. The Torah in describing the same paroches refers to it as made of techeiles, argaman, tola' as shani, and linen. Obviously, karmil is another way of describing tola' as shani (Rashi ad loc.). Similarly in Divrei HaYamim II (2:13), when describing the artisans sent by the Tyrian King Hiram to help his friend King Shlomo, the pasuk mentions karmil as one of the materials in place of tola' as shani. Thus, karmil, a word cognate to kermes, is the same as tola' as shani (see Radak to Divrei HaYamim II 2:6). However as I mentioned above, Rabbeinu Bachyei takes issue with this approach, insisting that only kosher species may be used for building the mishkan and the garments of the kohanim. He bases his criticism on the Gemara (Shabbos 28a) that states that "only items that one may eat may be used for the work of heaven," which teaches that only kosher items may be used in tefillin manufacture. How does this fit with the description of tola' as shani as a worm derivative? The Rambam states that the dye called tola' as shani does not originate from the worm itself but from a berry that the worm consumes (Hilchos Parah Adumah 3:2; see Rashi to Yeshaya 1:18 who explains it similarly). Although this is probably the primary approach we would follow in a halachic decision, we cannot summarily dismiss those who identify tola' as shani as kermes or a different invertebrate-based dye. Although Rabbeinu Bachyei objects to a non-kosher source for tola' as shani, those who accept that its source is kermes have several ways to resolve this issue. One possibility is that this halacha applies only to a substance used as the primary item to fulfill the mitzvah but not if it serves only as a dye (Shu"t Noda Bi' Yehudah 2, Orach Chayim #3). Others resolve the objection raised by Rabbeinu Bachyei by contending that the color derived from these non-kosher creatures may indeed be kosher. Several different reasons have been advanced to explain this approach. Some contend that this coloring is kosher since the creatures are first dried until they are inedible or because a dead insect dried for twelve months is considered an innocuous powder and no longer non-kosher (see Shu"t Minchas Yitzchok 3:96:2). (The halachic debate on this issue actually concerns a colorant called carmine red that is derived from a South American insect called cochineal. This color, which is derived from the powdered bodies of this insect, is used extensively as a "natural red color"

in food production. To the best of my knowledge, all major kashrus organizations and hechsherim treat carmine as non-kosher, although there are poskim that contend it is kosher.) A similar approach asserts that kermes dye is kosher since it is no longer recognizable as coming from its original source (Pesil Techeiles, pg. 48 in the 1990 edition). This approach is based on a dispute among early poskim whether a prohibited substance remains non-kosher after its appearance has completely transformed. The Rosh (Berachos 6:35) cites Rabbeinu Yonah who permitted using musk, a fragrance derived from the gland of several different animals, as a flavor because it has transformed into a new substance that is permitted. The Rosh disputes Rabbeinu Yonah's conclusion, although in a responsum (24:6) he quotes Rabbeinu Yonah's approach approvingly. It is noteworthy that this dispute between the Rosh and Rabbeinu Yonah appears to be identical to a disagreement between the Rambam and the Raavad (Hilchos Klei Hamikdash 1:3) in determining the source of the mor, one of the ingredients burnt as part of the fragrant ketores offering in the Bais Hamikdash (see Shemos 30:23). The Rambam rules that mor is musk, which he describes as the blood of an undomesticated Indian species. (Although the Rambam calls it blood, he probably means any body fluid.) The Raavad disagrees, objecting that blood would not be used in the Bais Hamikdash, even if it was derived from a kosher species, certainly of a non-kosher one. In explaining the Rambam's position, Kesef Mishneh contends that once musk is reduced to a powder that bears no resemblance to its origin it is kosher. Thus, the disagreement between the Rambam and the Raavad as to whether a major change of physical appearance changes the halachos of a substance may be identical to the dispute between Rabbeinu Yonah and the Rosh. It turns out that the Radak, who implies that tola' as shani derives from non-kosher invertebrates, may also accept the approach of Rabbeinu Yonah. Some authorities have a different approach that would explain how tola' as shani may be acceptable for Bais Hamikdash use even if it derives from a non-kosher source. They contend that the rule prohibiting the use of non-kosher items applies only to tefillin and other mitzvos that utilize kisvei hakodesh, holy writings, but does not apply to most mitzvos or to items used in the Bais Hamikdash (Shu"t Noda Bi' Yehudah 2, Orach Chayim # 3; cf. Magen Avrohom 586:13). This approach requires some explanation. The Gemara states that tefillin may be manufactured only from kosher substances, deriving this halacha from the following verse: Limaan tihyeh toras Hashem b'ficha, in order that the law of Hashem should always be in your mouth (Shemos 13:9); i.e. whatever is used for the Torah of Hashem must be from kosher items that one may place into one's mouth. In order to resolve a certain question that results from the Gemara's discussion, some authorities explain that this halacha refers only to items that have words of the Torah or Hashem's name in them, such as tefillin, mezuzos or a Sefer Torah, but does not include the garments worn by the kohein hedyot in the Bais Hamikdash, which do not contain Hashem's name (Shu"t Noda Bi' Yehudah 2, Orach Chayim #3). (The halacha requiring kosher substances would still apply to the tzitz and the choshen, garments of the Kohein Gadol, both of which have Hashem's name.)

**TECHEILES** The next material or shade we need to identify, the techeiles, is also a factor in the wearing of our daily tzitzis. Indeed, the Torah requires us to wear techeiles threads as part of this mitzvah. Nevertheless, Jews stopped wearing techeiles about 1300 to 1500 years ago and with time its source became forgotten. Although the Gemara (see Menachos 42b) mentions a creature called chilazon whose blood is the source of techeiles and even discusses how to manufacture the dye, the use of techeiles ended some time after the period of the Gemara. The Medrash states that "now we have only white tzitzis since the techeiles was concealed" (Medrash Tanchuma, Shlach 15; Medrash Rabbah, Shelach 17:5), which implies that Hashem hid the source for the techeiles. Indeed some poskim interpret the writings of the Arizal as saying that techeiles should not be worn until Moshiach comes (Shu"t Yeshuos Malko #1-3).

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thought on Parshas Tetzaveh

"...v'nosata el choshen ha'mishpat es ha'Urim v'es ha'Tumim..." "...within the breastplate you shall place the Urim and Turim..." (28:30) The Kohen Gadol, the High Priest serving in the Holiest of Places, wore a breastplate in which were set gemstones. This is well described in the Torah and was one culmination of the mitzvos which were given us in constructing garments and ornaments for the kohanim. One of the curious points in our parsha is that the instruction about this Urim and that Tumim makes its first appearance here. Nowhere in the Torah's commandments about constructing the garments and ornaments was there mention of these items or objects. We were told to make a robe, a cloak, a belt, a breastplate, a turban...but there was no prior mention of making Urim v'Tumim. To add to our puzzle, they are given the ha prefix which makes them the Urim and the Tumim. That implies that we already know what they are! So what were they and what were they for? Since we have not seen the Urim v'Tumim, we must go on what our tradition tells us. It is our mesora that the Urim v'Tumim lit up, or perhaps illuminated the letters which were engraved upon the breastplate. The sequence of lit letters, glowing beneath the various gemstones, or glowing because of the light shed by those sparkling gemstones, could be deciphered in giving a Divine message. This was their function. But what was their actual nature? What were the Urim v'Tumim?

As we probe deeper into the writings of our sages, beginning with the Gaonim and leading to our greatest Rishonim, we find that there are three prominent views about the nature of the Urim v'Tumim. Some hold that they were synonymous with the gemstones (which would explain why they are not mentioned in the commandment phase; they were mentioned but were termed gemstones.) When those gemstones lit up, they took on the Urim v'Tumim function. Others hold that they were signs or images with mystical connotations. The Kohen Gadol would meditate and his inspiration would lead him to enlightenment in channeling or "divining" the Word of HaShem. Why there was no prior commandment about constructing these images or signs would remain hidden from us. The Recanati takes the third view and illuminates the matter for us: the Urim v'Tumim were not made. They were not among the donations crafted by skilled artisans. They were not in fact things, or objects. They were sacred pronunciations of HaShem's names which were given to Moshe, who in turn disclosed their secret to Aharon, his brother, the first High Priest. The Urim feature was that energy which enabled the Kohen Gadol to detect the letters within the breastplate writing which encoded the message from Above. The Tumim feature was that energy which empowered him to determine the correct sequence in which to place those letters and the words which they alluded to, in order to divine the correct message. Urim refers to the inspiration or illumination of the kohen's clarity. Tumim refers to the completion of the task, which entailed the ordering of letters into words. Knowing the Divine Names and directing mindful, soulful focus in order to sense the Will of HaShem was one of the sacred tasks of the Kohen Gadol. His empowered, heightened sensitivity to the Above fell short of formal prophecy, yet exceeded that dynamic known as bas kol, which was a more diminished means of sensing a trace or echo of the messages from Above. Since knowing the names was part of Moshe's unique kabbala, it was not known prior to this point. Moreover, it could not be given at the time of instructing the making of garments and ornaments, for it was neither a garment nor an ornament requiring construction. Thus, the Recanati's view fits well within the flow of the verse and the passage, and helps cast a bit of light on the vast reaches of our Sacred mesora. Good Shabbos. D Fox

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**Peninim on the Torah**  
**by Rabbi A. Leib Scheinbaum -**  
Parshas Tetzaveh mailed-by shemayisrael.com

PARSHAS TETZAVEH Now, you shall command. (27:20) The commentators note the Torah's use of the unusual phrase, V'atah tetzaveh, "Now you shall command," instead of the more common, Tzav, "Command." Furthermore, Moshe Rabbeinu's name has been omitted from this parsha. Is this deletion significant? Each commentator, in his inimitable manner, offers his explanation. Horav Moshe Shmuel Shapiro, zl, cites the Be'er Mayim Chaim who explains that the term, v'atah, "(now) you," indicates a higher status than the name, "Moshe." This means, explains the Rosh Yeshivah of Be'er Yaakov, that when Hashem speaks to Moshe, He is actually speaking with Moshe, as if two friends are speaking one to another: ani, I; v'atah, and you. This language represents a higher level of -- and closer-- relationship between the Almighty and Moshe.

The Gaon, zl, m'Vilna explains that this is the essence of the blessings: Baruch atah Hashem, "Blessed are You Hashem." In His infinite greatness, Hashem "lowers" Himself and makes Himself "equal," so to speak, with us, as we recite our blessing. It is as if we are having a "one on one" conversation with Hashem. This demonstrates His greatness.

Likewise, when Hashem speaks to Moshe in this pasuk, it is on the level of, v'atah tetzaveh - no specific name, just simply "you." Moshe has been granted elevated status. He has achieved a closer relationship with the Almighty. We find a similarity in the Talmud Shabbos 133b, when Chazal explains the pasuk, Zeh Keili v'anveihu, "This is my G-d and I will glorify Him." (Shemos 15:20) I will glorify Him in mitzvos, attempting to be "like" Hashem, acting as He does, manifesting His compassion and love, etc. Rashi adds that the word anveihu is a contraction of ani, I, and, v'hu, and Him, as if we and Hashem have a close relationship.

A relationship of this caliber can only be achieved through Torah study. It is through the individual's diligence in-- and application to-- Torah that the unique relationship of re'a, a "friend," develops between the student of Torah and Hashem. Rav Moshe cites the Sifri in Parshas Korach, which explains that after David Hamelech studied Torah and achieved distinction in his study, he said, V'li mah yakrov reiecha Keil, "To me, how glorious are Your thoughts, O' G-d." (Tehillim 139:17) The word reiecha, thoughts, is a derivative of re'a, friend, as if David were saying, "How glorious is Your friendship." We can elevate this idea of "friendship" with Hashem to another level. The Talmud in Berachos 28B relates that Rabbi Nechuniah ben HaKaneh would offer one prayer when he entered the bais ha'medrash and another one when he left. When he entered, he prayed that he not err in Halachah, and, when he left, he offered his gratitude that he was fortunate to be among those who study Torah. The Rambam writes that it is incumbent upon all students of Torah to recite these prayers.

Horav Shimshon Pincus, zl, explains that these prayers do not simply constitute another way to pursue success in Torah learning. Chazal are teaching us that in order to succeed in Torah, one must view himself to be a partner with Hashem. This is a joint endeavor. Therefore, it is as if Hashem tells us, "Help Me, and I will help you. Let us do it together. You learn and I will help you. Together, we will make a talmid chacham, Torah scholar, out of you."

Moreover, we derive from here that limud and tefillah, study and prayer, are not two mutually exclusive endeavors. They are one. Without tefillah, entreating Hashem for success, one can learn diligently, and he still will not achieve his maximum potential. He needs Hashem's help, which does not occur without the individual requesting it. Thus, the tefillah is an integral part of the limud ha'Torah process. One who wants to succeed in Torah study, who strives to achieve greatness in Torah erudition, must learn, and

he must also supplicate the One Who grants wisdom to make him one of His beneficiaries.

They shall take for You pure olive oil. (27:20)

In the Midrash, Chazal compare the Jewish People to an olive, for all liquids mingle with one another, but oil always separates and rises to the top. The great Kabbalist, Rabbi Suliman Uchna, zl, one of the students of the Arizal, writes that Klal Yisrael is holy. If a Jew errs and strays from the path of observance, even if he descends to the nadir of depravity, it is not a permanent shift. He can still rise to the top, return and perform teshuvah. While both of these ideas are true, they do not clarify the significance of olive oil. The fact that oil and water do not mix applies to all sorts of oil. It is the viscosity of the oil, not the nature of the olive, that separates from other liquids. Why is it necessary to use olive oil specifically?

The Midrash uses the following parable to explain why olive oil was used in the Bais HaMikdash. It is compared to a king whose legions rebelled against him. One legion, however, maintained its fidelity to the king and did not rebel. The king said that in recognition of this legion's faithfulness, he would, in the future, choose his rulers and governors only from it. Hashem said, "This olive brought light to the world in the time of Noach, when the dove returned with an olive branch in its mouth." The Radal, Horav David Luria, zl, explains that the corruption preceding the flood did not affect only man. Indeed, even the plant and animal kingdoms were involved. Various animal species tried to interbreed: plants attempted to intergraft. Only the olive branch resisted all forms of grafting. Thus, it is considered the one legion that did not rebel. Because it remained faithful to Hashem, the olive branch merited to be the sign of rebirth, the symbol of rejuvenation and renewal after the destruction of the flood. Subsequently, the olive became the source of illumination in the holiest place in the world, and the source of light and symbol of hope for generations to come.

In respect to the original thought that oil symbolizes the Jew who always rises to the top - regardless of how deep he has fallen: The reason is that the essential neshamah, soul, which is within each of us never becomes tainted. It always remains pure. Its fidelity to Hashem is unequivocal. We sin; our bodies rebel, but our neshamos continue to remain pure. We cannot harm them. The neshamah attempts to fight its way to the top, to rise up above the muck that we have piled on it. In due time, the Jew finds his way home. In due time.

You shall take the two Shoham stones and engrave upon them the names of the Bnei Yisrael. (28:9)

Engraved like a signet ring shall you engrave the two stones with the names of the Bnei Yisrael. (28:11)

Of the two pesukim, one reads clearly that the names of the twelve sons of Yaakov should be engraved on the stones. The next pasuk, if interpreted literally, reads that the two stones should be inscribed on the names of Bnei Yisrael. Rashi explains that the word "on the names" is to be read as "with the names." In his preface to Pischei Chochmah, the Ramchal relates the following story.

A man died, and his soul ascended to Heaven and stood before the Heavenly Tribunal. "How did you educate your son?" he was asked.

"I educated him to be a good Jew who would be self-supporting," he replied.

"Why did you not send him to the yeshivah to study Torah?" they asked.

"Are we then in need of more Torah scholars? There are many people who are studying. What is wrong with him supporting himself?" the man responded.

They replied, "You do not know what you have done. You have no idea what you have created. There are 600,000 explanations to the Torah, one coinciding with each Jewish soul and based on its own distinct level of cognition. True, there are other talmidei chachamim, Torah scholars, but not a single one of them can learn like your son; not a single one can offer novellae as your son can. Now, it is all lost. Your son's contribution to Torah is lost forever, because you decided not to send him to yeshivah."

The Alshich Hakadosh interprets this idea in the pasuk in Tehillim 68:13, U'navas bayis techalek shallal, "And the dweller within apports booty." This is a reference to Klal Yisrael who dwells within the land. It will be they who find fulfillment in the Torah, and they will rise over those nations who ascribe to might as the key to human advancement. They will all fall to the nation who devotes itself to the wisdom of the Torah.

The sefer Tzitzim U'Perachim writes that this is the reason the Torah says that the names of Bnei Yisrael should be inscribed on two stones. The two stones are a metaphor for: the Torah She'Bi'ksav, Written Law; and the Torah She Ba'al Peh, Oral Law. Chazal teach us that each Jew should engrave his name on the Torah. His thoughts, his novellae, and his own commentary and interpretation.

To view this from a different vantage point, to understand why the Torah later says, "The two stones shall be inscribed on the names of Bnei Yisrael," we cite Horav Mendel Kaplan, zl, who explains that the Jewish People represent a tangible reality that is greater than that of the two stones. The Torah's choice of words defines the meaning and essence of reality for us.

When one studies the Talmud, he is not simply reading a manuscript. He is actually developing a relationship with a friend. The Mesechta that he is learning is a world unto itself. When Horav Aharon Kotler, zl, asked the Chafetz Chaim, zl, if he should change mesechtos at the end of a semester, the Chafetz Chaim told him that he should first complete one, then begin another; not to jump from mesechta to mesechta. That is not how one should treat a relationship. A mesechta is real.

One can talk to a mesechta like he converses with a person. Just because we do not see its tangibility does not mean it does not exist. Chazal tell us that a mesechta once attended a funeral in the form of a person.

Rav Mendel would ask, "You may know that you have to kiss a gemara, but how do you kiss a gemara? You look it up and learn it and talk about it: that is how you kiss a gemara! The gemara becomes so pleased and happy that it becomes your friend." The Hadran, the prayer said at the completion of a mesechta, demonstrates how a mesechta becomes a person's friend. We "promise" the tractate, lo nishashi, minach, "We will not forget you," and we ask it, lo nishashi minan, "Do not forget us!" That is a relationship.

That is reality. This is how the stones are inscribed on the people, because the people are real. They endure.

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

The Torah emphasizes the significance of the Kohanim's garments, dedicating more space to them than to any of the vessels of the Mishkan. Chazal teach us that if a Kohen performs a service while he is not wearing the proper vestments, the service is rendered invalid. We wonder what about these vestments has such an impact on the service.

Horav Mordechai Gifter, zl, explains that an individual's character traits and abilities play a dominant role in his life only if they are used and manifested. Having potential, but not maximizing it, is really of no intrinsic value. In order for a Kohen's avodah, service, to reach its potential, it is necessary that the Kohen render honor and glory to Hashem to the best of his ability. Therefore, the Torah commands that the Kohen's garments meet the criteria of kavod and tiferes, glory and splendor. Even the Kohen's garments have to contribute to elevating the service by expressing honor to the Almighty. Thus, only when the Kohen wears his vestments is the service valid, because only then does it reach its highest potential.

The Rosh Yeshivah adds that the lesson imparted by the Kohanim's vestments is not restricted to the Priesthood. It has application to each and every one of us. After all, does the Torah not exhort us to be a "kingdom of Priests" (Shemos 19:6)? Every action that we take must give praise to the Almighty. Our service to Him can only achieve its fullest potential when it is expressed in every aspect of our essence.

The Torah perceives clothing to have a greater degree of distinction than other means of obtaining honor and attention. Clothing is a form of

expression through which our avodas Hashem can reach greater elevation. Therefore, dressing in a dignified and immaculate manner is important as part of our service to the Almighty, not simply because it is trendy.

In the Talmud Avodah Zarah 20b, Rabbi Pinchas ben Yair enumerates the various traits one must acquire in his quest for holiness. Nekius, cleanliness, is an important prerequisite to the achievement of purity and sanctity. Horav Yonasan Eibschutz, zl, explains that cleanliness, which is a reference to spiritual purity, can also refer to immaculate clothing and an overall unsullied demeanor, for the cleanliness of one's clothing and appearance play a critical role, both symbolically and literally, in his service to the Almighty.

The clothing one wears defines him. Often, it indicates a tendency toward a certain lifestyle. More often, clothing serves as a reminder of who one is and where he is going, as demonstrated by the following episode. A young man who was a chasid of the Bais Yisrael of Gur related that he once took a trip from Eretz Yisrael to Belgium. He arrived in Belgium on Sunday and took responsibility for the affairs that needed his attention. His plan was to spend the week and leave after Shabbos. Thursday evening, he heard a knock at the door of his hotel room. He opened the door and saw an unusual individual who had just arrived from Eretz Yisrael. In his hands, he held a package. The stranger just handed the package to him, made an about-face and left. No conversation ensued between them. It was as if the package would explain itself. No further conversation was needed. He immediately opened up the package to find his long Shabbos frock which he wore in Eretz Yisrael, but had no plans to wear in Belgium.

Apparently, the Gerer Rebbe knew his students well. He went to the young man's house and asked to see what the young man had packed to take along. When he saw his kappota, frock, hanging in the closet, he knew that his student had no plans to maintain his fidelity to wearing the traditional Shabbos garb in Osland, the Diaspora. He was not planning to dress like a chasid. The Rebbe was intimating a more than subtle hint to him: These are bigdei kodesh, consecrated garments. They are the traditional garb that he was used to wearing. A lapse in such a simple commitment today could, and would, be likely to lead to a greater failing later on. This is how the Bais Yisrael demonstrated his overwhelming love to his students - by ensuring that they preserved their spiritual rectitude.

This is what you shall do to sanctify them. (29:1)

In the waning years of the first Bais HaMikdash, the Navi Chavakuk asked that death be eliminated from the Jewish People. Citing the pasuk above, as well as the opening pasuk of Parashas Kedoshim where we are exhorted to be holy, he argued that in order for us to achieve sanctity, Hashem must abolish death from us. He maintained that holiness and death are incongruous and, thus, cannot coexist. No member of the Jewish People, especially Kohanim, should die. Hashem responded that it was too late. Death had been a part of "life" ever since Adam HaRishon sinned, causing Hashem to decree death against mankind. Hashem's response seems to indicate a sort of acquiescence and agreement with Chavakuk's claim that death and holiness do not share common ground. The idea of death could not be eliminated but only due to an extrinsic reason.

Let us attempt to qualify this statement. On the one hand, we agree that death and holiness do not mix; and the level of sanctity achieved at Har Sinai during the Revelation should repel death. Nonetheless, the generation of Chavakuk deserved the impending destruction of the Bais HaMikdash. A people that was not worthy of keeping the Bais HaMikdash; in fact, catalyzed its destruction. Yet, they possessed the level of holiness necessary to repel death. How is this possible? Why should Adam's transgression be necessary to justify their death decree? Why do we ignore their own misdeeds which brought down the Bais HaMikdash?

Horav Henach Leibowitz, Shlita, derives a significant lesson from here. When Klal Yisrael stood at Har Sinai, they achieved an unparalleled level of kedushah which rendered death inappropriate. They were beyond death. Their new level of sanctity demanded that they be immortal. Death affected them only because of Adam's sin. This legacy of kedushah is

bequeathed to all Jews and is an inherent part of their essence. Yes, they sin and will continue to sin, and these transgressions, at times, will be grievous. Nonetheless, it does not affect their inherent kedushah which they retain as part of their spiritual DNA.

Regardless of a Jew's failing, he remains a son of royalty. His lineage does not become tarnished. Therefore, even if he has deviated from the ways of the "palace," he still deserves to be treated as royalty. We must view our non-observant brethren as heirs to the royal throne that have lost their way home. At any point, the inherent holiness that is part of them may be catalyzed such that they will return and reclaim their birthright and legacy.

The Rosh Yeshivah adds that this noble heritage places an even greater demand on those who do know better. All too often we become spiritually complacent and satisfied with mediocrity. Rather than maximize our potential for greatness, we accede to the blandishments of the yetzer hora, evil inclination, and settle for much less than we are capable of achieving. We sell ourselves short, shying away from opportunities for accomplishing spiritual distinction when they avail themselves to us. The Navi Chavakuk intimates that we are a holy People with enormous potential that can, and should, be translated into reality. We have an inborn sanctity that should make us immortal. We must, therefore, empower ourselves to use the gifts with which Hashem endows us, so that we reach the lofty level of kedushah that Hashem expects of us.

Perhaps we should take this idea a bit further. Nobility demands a certain rectitude and demeanor that bespeaks one's station in life. In other words, the prince does not speak or act like the average hooligan. The prince respects people, because he appreciates the value of a human being on a higher level. The higher one has risen, the greater one's achievements, the more that is expected of him. He must bring honor to his position. Thus, a Jew should appreciate all human beings, regardless of their background, race and religious affiliation.

I was recently reading how Horav Mendel Kaplan, zl, the legendary Rosh Yeshivah, would sense a spark of holiness in every human being. When he spent time in Japan and China, he could not bring himself to ride in a rickshaw, even though this was a common mode of transportation, because it required another human being to pull him. Late in life, when he would drive, he would use the horn only for safety purposes, never as a way to vent frustration. When he would drive into a gas station, he made a point to park nearest to the attendant, so that the worker would not have to walk more than necessary. He would treat every one with respect - never talking down to anyone, regardless of his position or disposition. The warm feelings he demonstrated towards others were always reciprocated. When you make someone feel good, they appreciate it and respond in turn.

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### **Organ Transplants - Kidney and Cornea Transplants - Part 1 by Rabbi Chaim Jachter**

Transplants – Introduction Halachic authorities in the twentieth century vigorously debated the Halachic definition of death, and the debate continues to rage during the twenty first century. Currently, one cannot even contemplate heart, liver, or lung transplants unless brain death is an acceptable definition of death, because doctors as yet cannot harvest these organs from a donor unless the donor's heart is still beating spontaneously. This week, we will not discuss the brain death issue, but rather will review the debate among Poskim regarding the permissibility of harvesting organs, specifically kidneys and corneas, from donors considered dead by all Halachic standards.



**Kidney Transplants - Three Halachic Issues** There are three potential Halachic objections to cadaver transplants. The first possible problem is that it constitutes Nivul HaMeit, a denigration of the dead. The source for this prohibition is Devarim 21:23, which forbids us to dishonor a corpse by leaving it hanging overnight. The second possible problem, learned out from the same source, is the failure to bury the organ. The third potential issue is the prohibition to benefit from the dead (see Shulchan Aruch Y.D. 349:1 for examples).

**Does the Mitzvah of Saving a Life Override the Halachic Issues? - The Autopsy Precedent** The twentieth-century debate about organ donation emerges from the eighteenth- and nineteenth-century dispute concerning autopsies. We shall first briefly present this debate. A very serious question was posed to Rav Yechezkeil Landau (Teshuvot Noda BeYehudah Y.D. 2:210) in the late-eighteenth century. This case involved the permissibility of performing an autopsy on a patient that died in London due to complications that arose during a routine surgical procedure. The surgeons sought permission to perform an autopsy on the patient to learn if it was they who had made a mistake during the surgery. This, they believed, would help them avoid making similar mistakes in the future. Rav Landau replied that Halacha forbids the autopsy. He argues that although the Gemara (Chullin 11b) seems to sanction an autopsy to save a life, the circumstance presented to him differ. He asserts that the Torah sanctions autopsy only to save the life of someone who is presently in danger of losing his life (Choleh Lefaneinu). He reasons, *reductio ad absurdum*, that if one considers the circumstance in London as Pikuach Nefesh, all medical preparations would be permitted on Shabbat, because perhaps a dangerously ill person may suddenly appear and be in need of these preparations. Moreover, he argues, if he were to permit the autopsy in this situation, surgeons would cite him out of context to allow autopsies on every patient who died under their care. Rav Landau considered this to be highly intolerable. The Chatam Sofer (Teshuvot Y.D. 336) agrees with the Noda BeYehudah. He adds that the Torah forbids benefiting from the dead, and thus Halacha forbids autopsies. He is almost certain, though, that autopsies may be performed to save the life of a dangerously ill person who is Lefaneinu. The Chatam Sofer adds that Halacha forbids donating one's body after death for medical research. He argues that the Torah forbids us to denigrate our bodies after death and that doing so insults the Creator as well (based on the Ramban to Devarim 21:23). He explains that since the body served as a receptacle for the soul during life, it retains a measure of holiness even after death. Rav Yaakov Ettlinger (Teshuvot Binyan Tzion 170-171) maintains that Halacha forbids autopsies even to save the life of a dangerously ill person who is Lefaneinu. He cites Rashi (Bava Kama 60b, s.v. VaYatzilah), who forbids stealing even to save a life. He argues that even Tosafot (ibid. s.v. Mahu) and the Rosh (Bava Kama 6:12), who permit stealing to save a life, would forbid an autopsy to save a life. First, the Binyan Tzion believes that Tosafot and the Rosh's ruling applies only when the thief will compensate the victim. Rav Ettlinger notes that monetary compensation to the heirs does not constitute adequate restitution for an autopsy. Second, Tosafot and the Rosh's ruling applies only to theft from a living individual, who is obligated to save lives. This obligation sanctions the theft, but absent this obligation, Halacha prohibits the theft. Thus, since a dead person is not obligated to perform Mitzvot, Halacha forbids stealing from him (in the form of an autopsy) even to save a life. The Maharam Schick (Teshuvot Maharam Schick Y.D. 347-348) vigorously disputes the Binyan Tzion and defends the Noda BeYehudah and Chatam Sofer's permission to perform an autopsy to save the life of a dangerously ill individual who is Lefaneinu. Indeed, Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 4:14) points out that the aforementioned Gemara in Chullin seems to clearly disprove the thesis of the Binyan Tzion.

**Kidney Donations** Rav Moshe Feinstein rules that it is a Mitzvah to donate an organ to save a life (Teshuvot Igrot Moshe Y.D. 2:174, at the conclusion of the Teshuvah) if the donor is defined as dead by Halacha. He

reasons that since it is a Mitzvah to save a life, harvesting an organ to save a life does not denigrate the dead. Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:83 in the Machon Otzarot Shlomo edition) agrees, writing, "It is obvious that we are obligated to sacrifice a limb of a dead individual in order to facilitate [even] the possible saving of a life of a living individual whose life is endangered and is Lefaneinu without considering at all the wish of the deceased or his relatives." He emphasizes, though, that this applies only if the one who donates the organ is already dead, not merely in the process of dying. On the other hand, two great twentieth-century authorities, Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 13:91) and Dayan Weisz (Teshuvot Minchat Yitzchak 5:8), dispute Rav Moshe and Rav Shlomo Zalman's ruling. They argue that since upon death one is freed from observing Mitzvot, the dead individual is not obligated to save a life. Hence, we are forbidden to denigrate the dead person by removing an organ, even to save a life. Rav Waldenberg cites a responsum of the Radvaz (2:218), who rules that Halacha does not require one to sacrifice a limb in order to save another's life. Similarly, Rav Waldenberg reasons, a dead person cannot be compelled to sacrifice a limb (which will be restored in the period of Teshuvot HaMeitim) to save another's life. Dayan Weisz cites the aforementioned Teshuvot Binyan Tzion, who disagrees with the Noda BeYehuda and the Chatam Sofer. Dayan Weisz believes that the consensus of Halachic authorities accepts the opinion of the Binyan Tzion as normative and therefore forbids degrading the dead even to save a Choleh Lefaneinu. In contrast, Rav Shlomo Zalman Auerbach (cited in the Nishmat Avraham Y.D. 2:264) believes that the ruling of the Binyan Tzion is not accepted as normative. We should note that although the Binyan Tzion permits autopsies even if the dangerously ill person is not Lefaneinu if the deceased authorized the autopsy before his death, most Halachic authorities reject this ruling. These authorities include the Chatam Sofer (Teshuvot Y.D. 336) and the Maharam Schick (Teshuvot Y.D. 347). Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 3:140) and Rav Shlomo Zalman Auerbach (cited in the Nishmat Avraham Y.D. 2:257) vigorously reject this ruling of the Binyan Tzion. Rav Yisrael Belsky (Rosh Yeshiva of Torah Vodaath) stated in a lecture at Yeshiva University's Albert Einstein College of Medicine in 1988 that Halachic authorities reject the opinion of the Binyan Tzion. We should also note that kidney donation is permissible to be accomplished, according to the many Poskim who reject brain death as a Halachic definition of death, only if the patient's heart has stopped. Moreover, any necessary preparations must also be done only after his heart has ceased beating, as Halacha (Shulchan Aruch Y.D. 339:1) forbids touching a deathly ill individual in any manner that may shorten his life (even in the briefest manner). We should note that in many instances preparations for kidney transplants begin before the heart has ceased beating spontaneously, which poses a very serious problem to the majority of Poskim who reject brain stem death as a definition of death. Finally, we should note that Rav Yechezkeil Yaakov Weinberg (in a responsum printed in Techumin 12:382-384) believes that the definition of Choleh Lefaneinu has expanded greatly today due to the dramatic improvement in worldwide communication, while Dr. Abraham S. Abraham (Nishmat Avraham 2:257) strongly disputes this contention.

**Cornea Transplants** Twentieth-century authorities also dispute the Halachic propriety of cornea transplants, since the recipient can live without the cornea. Rav Waldenberg and Dayan Weisz, in their abovementioned responsa, categorically forbid cornea transplants. Rav Isser Yehuda Unterman (Teshuvot Sheivet MeiYehudah 1 p. 314; Rav Unterman was Israel's chief rabbi during the 1960s) though, permits cornea transplants and Rav Tzvi Pesach Frank (Teshuvot Har Tzvi Y.D. 277) is inclined to do so. Rav Yechezkeil Yaakov Weinberg (Teshuvot Seridei Aish 2:120) permits cornea transplants on behalf of one who is blind in both eyes. We will examine the respective arguments of these authorities. Rav Waldenberg and Dayan Weisz categorically forbid cornea transplants for the same reasons they forbid kidney transplants, namely, that they accept the Binyan Tzion's opinion that denigrating the dead is forbidden even to save a Choleh



Lefaneinu. On the other hand, Rav Tzvi Pesach presents two arguments in favor of permitting cornea transplants. He notes that the cornea is smaller than a Kezayit (the size of an olive) and constitutes a distinct unit (i.e. it is not Chazi Leitztarufei, see Yoma 74a). Rav Tzvi Pesach presumably means that the obligation to bury the dead does not apply to a part of the body which is distinct and whose size is less than a Kezayit. Similarly, the prohibitions to derive benefit from the dead and to denigrate the dead do not apply to such a small and distinct part of the body, as the general prohibition that applies to an item even less than a Shiur does not apply in a situation where the concern for Chazi Leitztarufei does not apply. (We note that many authorities disagree with this assertion; see Encyclopedia Talmudit 16:601-603.) Rav Waldenberg, on the other hand, argues that these prohibitions apply even to the smallest part of the body. Moreover, Rav Tzvi Pesach expresses concern that perhaps regarding the dead, the Shiur (minimum size) is a Shaveh Perutah (worth a Perutah, a very small monetary value), not a Kezayit. Thus, even though a cornea is less than the size of a Kezayit, the fact that it is worth more than a Perutah may render the aforementioned prohibitions to be in full force. Rav Tzvi Pesach suggests another approach to justify cornea transplants. He proposes that Halacha views receiving a cornea as Shelo KeDerech Hanaato (benefiting in an unusual manner). The Gemara (Pesachim 25b) teaches that a sick individual may benefit in an unusual manner from something that we normally are forbidden to benefit from. The Gemara clearly indicates that this leniency applies even to one who is not dangerously ill. Rav Waldenberg, though, argues that benefiting from a transplanted organ is considered benefiting from the dead in a conventional manner and as such is proscribed. Rav Unterman offers a novel argument in favor of cornea transplants. One who receives a transplant is not benefiting from the dead. He reasons that the transplanted cornea (or any transplanted organ) has returned to life, and thus the recipient is not benefiting from the dead (but rather from the living, which of course is permissible). Rav Weinberg specifically rejects this argument. He argues that although the cornea has returned to life, the benefit is from the donor, who still is dead. Rav Weinberg does not sanction cornea transplants to a recipient who is blind in only one eye. However, he does sanction cornea donations to one who is blind in both eyes. He reasons that a blind individual is in danger of falling into a pit or fire (or traffic), and therefore it is vital for him to receive eyesight in any fashion. As precedent, he cites the ruling of the Hagahot Maimoniot (commenting on Rambam Hilchot Maachalot Asurot 14:2) that one may feed non-kosher food to cure an epileptic because epilepsy constitutes a danger to life. This is because the epileptic is in danger of falling into a fire or pit during a seizure. Rav Weinberg argues that the same should apply to a blind person. He concludes, however, that one who relies on the lenient opinions "does not lose," since prominent Poskim have issued permissive rulings. Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:84 in the Otzarot Shlomo edition) endorses the ruling of Rav Unterman, as does Rav Ovadia Yosef (Teshuvot Yabia Omer 3 Y.D. 23), though he does so only in case of great need and if the donor during his lifetime authorized the donation of a cornea after death. Next week, we shall discuss the Halachic propriety of skin donations.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British  
 Commonwealth

[From 2 years ago - 5766]

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Tetzaveh

As I have mentioned before in these studies, Tetzaveh is the only sedra from the beginning of Exodus to the end of Deuteronomy, that does not contain the word "Moses". For once Moses, the hero, the leader, the liberator, the lawgiver, is offstage. Instead our focus is on his elder brother Aaron who, elsewhere, is often in the background. Indeed virtually the whole sedra is devoted to the role Moses did not occupy, except briefly - that of priest in general, high priest in particular.

Why so? Is there any larger significance to the absence of Moses from this passage? The commentators offered many suggestions. One of two offered by R. Jacob ben Asher (c1270-1340, author of the code known as the Tur), relates this week's sedra to an event at the beginning of Moses' leadership: his encounter with G-d at the burning bush (Ex. 3-4). Moses repeatedly expressed reluctance to undertake the mission of leading the people out of Egypt. Finally we read:

But Moses said, "O Lord, please send someone else to do it." Then the Lord's anger burned against Moses and he said, "What about your brother, Aaron the Levite? I know he can speak well. He is already on his way to meet you, and his heart will be glad when he sees you. You shall speak to him and put words in his mouth; I will help both of you speak and will teach you what to do." (Ex. 4: 13-15) The sages say that it was this hesitation on the part of Moses that caused part of his role - as potential high priest - to be taken from him and given to his brother. R. Jacob ben Asher concludes that Moses' name is missing from Tetzaveh "to spare him distress" on seeing Aaron acquire the insignia of priesthood that might have been Moses' own.

Without negating this or other explanations, there may be a more fundamental message. As I have mentioned before, one of the recurring themes of Genesis is sibling rivalry, hostility between brothers. This story is told, at ever-increasing length, four times: between Cain and Abel, Isaac and Ishmael, Jacob and Esau, and Joseph and his brothers.

There is an identifiable pattern to this set of narratives, best seen in the way each ends. The story of Cain and Abel ends with murder, fratricide. Isaac and Ishmael - though they grow up apart - are seen together at Abraham's funeral. Evidently there had been a reconciliation, though this is told between the lines (and spelled out in midrash), not directly in the text. Jacob and Esau meet, embrace and go their separate ways. Joseph and his brothers are reconciled and live together in peace, Joseph providing them with food, land, and protection. Genesis is telling us a story of great consequence. Fraternity - one of the key words of the French revolution - is not simple or straightforward. It is often fraught with conflict and contention. Yet slowly, brothers can learn that there is another way. On this note Genesis ends.

But it is not the end of the story. There is a fifth chapter: the relationship between Moses and Aaron. Here, for the first time, there is no hint of sibling rivalry (some developed later - Bamidbar ch. 12 - but was resolved by Moses' humility). The brothers work together from the very outset of the mission to lead the Israelites to freedom. They address the people together. They stand together when confronting Pharaoh. They perform signs and wonders together. They share leadership of the people in the wilderness together. For the first time, brothers function as a team, with different gifts, different talents, different roles, but without hostility, each complementing the other.

This is conveyed by the Torah in two striking phrases. The first is in the passage already cited above. G-d says to Moses: Aaron "is already on his way to meet you, and his heart will be glad when he sees you." How

different this is from the tense encounters between brothers in Genesis. Aaron, we may have thought, might have many reasons not to rejoice on seeing Moses return. The brothers had not grown up together. Moses had been adopted by Pharaoh's daughter and raised in an Egyptian palace. Nor had they been together during the Israelites' sufferings. Moses, fearing for his life after his assault on an Egyptian taskmaster, had fled to Midian. Besides this, Moses was Aaron's younger brother, and it was he who was about to become leader of the people. Always in the past, when the younger had taken something the elder might have believed belonged naturally to him, there was jealousy, animosity. Yet G-d assures Moses: "when Aaron sees you, he will rejoice". And so he did (Ex. 4: 27).

The second intimation is contained in a strange text, tracing the descent of Moses and Aaron:

Amram married his father's sister Jochebed, who bore him Aaron and Moses. Amram lived 137 years . . . It was this same Aaron and Moses to whom the Lord said, "Bring the Israelites out of Egypt by their divisions." They were the ones who spoke to Pharaoh king of Egypt about bringing the Israelites out of Egypt. It was the same Moses and Aaron. (Ex. 6: 20, 26-27). The repeated phrase, "It was this same", is emphatic even in translation. It is all the more so when we note two peculiarities of the text. The first is that the phrases, though at first they sound identical, in fact place the names of the brothers in a different order: the first phrase says "Aaron and Moses", the second, "Moses and Aaron". Even more striking is the grammatical oddity of the phrase. Both times, the third person singular is used. Literally, they read: "He was Aaron and Moses", "He was Moses and Aaron". The text should have said, "They" - all the more so since the pronoun "they" is used in the middle of the passage: "They were the ones who spoke to Pharaoh".

The unmistakable implication is that they were like a single individual. They were as one. There was no hierarchy between them: sometimes Aaron's name appears first, sometimes Moses'. On this there is a wonderful midrash, based on the verse in Psalms (85: 11) "Loving-kindness and truth meet together; righteousness and peace kiss each other."

Loving-kindness - this refers to Aaron. Truth - this refers to Moses. Righteousness - this refers to Moses. Peace - this refers to Aaron. (Shemot Rabbah 5: 10) The midrash brings prooftexts for each of these identifications, but we understand them immediately. Moses and Aaron were quite different in temperament and role. Moses was the man of truth, Aaron of peace. Without truth, there can be no vision to inspire a nation. But without internal peace, there is no nation to inspire. Aaron and Moses were both necessary. Their roles were in creative tension. Yet they worked side by side, each respecting the distinctive gift of the other. As the midrash goes on to say:

"And he kissed him" [the brothers kissed when they met] - This means: each rejoiced at the other's greatness. (Shemot Rabbah ad loc) A final midrash completes the picture by referring to this week's sedra and the vestments of the high priest, especially the breastplate with its Urim and Tumim:

"His heart will be glad when he sees you" - Let the heart that rejoiced in the greatness of his brother be vested with the Urim and Tumim. (Shemot Rabbah 3: 17) It was precisely the fact that Aaron did not envy his younger brother but instead rejoiced in his greatness that made him worthy to be High Priest. So it came to pass - measure for measure - that just as Aaron made space for his younger brother to lead, so the Torah makes space for Aaron to lead. That is why Aaron is the hero of Tetzaveh: for once, not overshadowed by Moses.

"Who is honoured?" asked ben Zoma (Avot 4: 1). "One who honours others." Aaron honoured his younger brother. That is why Moses (not mentioned by name but by implication) is told in this week's sedra, "Make sacred garments for your brother Aaron, to give him honour and splendour" (Ex. 28: 2). To this day a Cohen is honoured by being first to be called up

to the Torah - the Torah that Aaron's younger brother Moses gave to the Jewish people.

The story of Aaron and Moses, the fifth chapter in the biblical story of brotherhood, is where, finally, fraternity reaches the heights. And that surely is the meaning of Psalm 133, with its explicit reference to Aaron and his sacred garments: "How good and pleasant it is when brothers live together in unity! It is like precious oil poured on the head, running down on the beard, running down on Aaron's beard, down upon the collar of his robes." It was thanks to Aaron, and the honour he showed Moses, that at last brothers learned to live together in unity.