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date: Wed, May 11, 2016 at 7:43 PM subject: Rabbi Zvi Sobolofsky -  
Generalities and Specifics: Two Dimensions of Avodas Hashem  
**Rabbi Zvi Sobolofsky**

### **Generalities and Specifics: Two Dimensions of Avodas Hashem**

There are two mitzvos in Parshas Kedoshim that together encompass the entirety of our avodas Hashem. The first is "kedoshim tihiyu- You should be holy", which is interpreted differently by Rashi and Ramban. Rashi explains this passuk to refer specifically to prohibited relationships. The Ramban expands its scope and includes it in Sefer Kedusha of Mishna Torah in the halachos of kashrus as well. According to these rishonim, it is the scrupulous observance of these intricate laws that makes up a life of kedusha.

Ramban interprets kedoshim tihiyu as referring to one's lifestyle, and understands it to proscribe all physical indulgences that, although not specifically prohibited, do not fit in to a lifestyle of kedusha. Thus, according to Ramban, even if all the detailed laws of Sefer Kedusha are observed, a gluttonous, hedonistic lifestyle is a violation of kedoshim tihiyu, since being kadosh demands a lifestyle of kedusha.

Both interpretations of kedoshim tihiyu focus on our relationship with Hashem. The second expansive mitzva of Parshas Kedoshim is "V'ahavta l'reacha kamocho - You should love your fellow man as you love yourself", which includes all aspects of being adam la'chaveiro. The Baal Halachos Gedolos counts different examples of chessed, such as bikur cholim, nichum aveilim, etc. as separate mitzvos. In Rambam's count of the mitzvos, however, he includes all mitzvos of chessed in one mitzvah, i.e. subsumed under the mitzva of "V'ahavta l'reacha kamocho". According to Rambam, why don't distinct types of chessed count as separate mitzvos?

There are two dimensions to the mitzvos being adam la'chaveiro. The Chafetz Chaim comments on the passuk in the navi Micha that Hashem requires us to, "asos mishpat v'ahavas chessed - act justly and love kindness." Why is it that with respect to justice we are told to act, while regarding kindness we are told to love kindness as well? The Chafetz Chaim explains that justice can be served through action alone. Kindness, however, can't be fully

implemented if one remains an unkind person internally; in order to act truly kindly, we must become individuals who love performing acts of kindness. If the Torah would have commanded us concerning specific acts of chessed, we may have misunderstood that kind acts alone suffice. Therefore this mitzva is formulated using the word "love" because we must become loving people.

Feeling love is essential, but it is not enough. There is an additional source which obligates us in each of the numerous specific acts of chessed: the Torah delineates the different acts of kindness Hashem performs, and we are required to emulate Hashem. Just as He visits the sick, comforts the bereaved, and rejoices with the chosson and kallah, so too must we follow suit. The Torah illustrates how Hashem is involved in the specifics to teach us that just having a good heart and vague feelings of love are not sufficient, rather these emotions must result in concrete actions to our fellow man.

These two principles upon which the entire Torah rests, kedusha and ahava, have both broad and narrow applications. We must perfect our actions as well as our perspective on how we relate to the physical world that surrounds us. Similarly, we must excel in our practical acts of kindness while simultaneously becoming loving sensitive individuals. As we read the myriad mitzvos, both being adam la'makom and being adam la'chaveiro found in Parshas Kedoshim, let us focus on the dual goals of both facets of Torah observance.

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From: Torah Musings <[newsletter@torahmusings.com](mailto:newsletter@torahmusings.com)> date: Thu, May 12, 2016 at 11:19 AM subject: Torah Musings Daily Digest

### **Vort From the Rav: Kedoshim**

Vayikra 19:14 וְלִפְנֵי עֵוֶר לֹא תִתֵּן מַכְשֵׁל - *You shall not place a stumbling block before a blind person.* Chazal have interpreted this verse in many ways. It cautions us against any careless word or act that in any manner could endanger the material or moral welfare of another. The term *blind person* refers not to one who is physically blind, but to one who is intellectually or morally "blind" or "blinded" by strong emotions. What if one actually were to place a rock in the path of one who cannot see? Would he be in violation of this prohibition? One can infer from the words of *Sefer Hachinuch (Mitzvah 232)* that this would not be the case. *Sefer Hachinuch* states that violation of this prohibition does not carry the punishment of lashes because there is no physical action associated with it. Obviously, actually placing a stone in front of someone who cannot see constitutes an action. Apparently *Sefer Hachinuch* considers only the interpretation of וְלִפְנֵי עֵוֶר as normative, and not its literal meaning. This idea apparently conflicts with the maxim *ein mikra yotzei midei peshuto*, one cannot ignore the literal meaning of a verse (*Shabbos* 62b). How can *Sefer Hachinuch* completely ignore the literal meaning of this phrase? It appears that placing a stone in front of a blind person is such a cruel, grotesque act that the Torah did not even think it worthy of mention. For a Jew to act with such evil intent would cause us to question his very Jewishness (see *Bamidbar Rabbah, Parashas Naso*, 8). Because the Torah is addressing the Jewish people exclusively, mentioning such a prohibition explicitly was unnecessary. (*Halachic Positions*, Vol. 1, pp. 175-176) According to a passage in *Sanhedrin 7a*, the verse *one who praises a compromiser insults God* (Ps. 10:3) refers to Aaron. The Gemara relates that Aaron saw Hur slaughtered when he attempted to stop the people from making the Golden Calf. Aaron thought to himself that if he also refused to allow them to build the Calf, the people would murder him as well, and their sin would never be forgiven. Aaron reckoned that it was better that they make the Calf, with the possibility that G-d would forgive the sin, rather than kill him, with no such possibility of forgiveness. The application of the phrase from Psalms to this incident clearly indicates that Aaron did not act appropriately—he should have allowed himself to be killed rather than acquiesce to the people's request. By extension, it can be inferred that one must give up his life rather than violate the prohibition of וְלִפְנֵי עֵוֶר in the case of idol worship. In fact, there is a difference of opinion between *Ba'al Hamaor* and Nachmanides

whether one must give up his life rather than violate לִפְנֵי עֵוֶר in such a case, and this passage in the Gemara supports the opinion of *Ba'al Hamaor* that one should give up his life. One can also infer that the violation of לִפְנֵי עֵוֶר in the case of all three cardinal sins for which one must sacrifice his life rather than violate is tantamount to violating the cardinal sins themselves. (*Shiurei Harav - Sanhedrin*, pp. 74-75)

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internetparshasheet@gmail.com date: Wed, May 11, 2016 at 4:30 PM  
subject: Advanced Parsha - Kedoshim

**In Search of Jewish Identity**  
**by Rabbi Lord Jonathan Sacks**  
Kedoshim (Leviticus 19-20)

The other day I was having a conversation with a Jewish intellectual and the question came up, as it often does, as to the nature of Jewish identity. What are we? What makes us Jewish? This has been one of the persisting debates about Jewish life ever since the nineteenth century. Until then, people by and large knew who and what Jews were. They were the heirs of an ancient nation who, in the Sinai desert long ago, made a covenant with G-d and, with greater or lesser success, tried to live by it ever since. They were God's people. Needless to say, this upset others. The Greeks thought they were the superior race. They called non-Greeks "barbarians", a word intended to resemble the sound made by sheep. The Romans likewise thought themselves better than others, Christians and Muslims both held, in their different ways, that they, not the Jews, were the true chosen of God. The result was many centuries of persecution. So when Jews were given the chance to become citizens of the newly secular nation states of Europe, they seized it with open arms. In many cases they abandoned their faith and religious practice. But they were still regarded as Jews. What, though, did this mean? It could not mean that they were a people dedicated to God, since many of them no longer believed in G-d or acted as if they did. So it came to mean a race. Benjamin Disraeli, converted to Christianity by his father as a young child, thought of his identity in those terms. He once wrote, "All is race – there is no other truth,"<sup>1</sup> and said about himself, in response to a taunt by the Irish politician Daniel O'Connell, "Yes, I am a Jew, and when the ancestors of the right honourable gentleman were brutal savages in an unknown island, mine were priests in the temple of Solomon." The trouble was that hostility to Jews did not cease despite all that Europe claimed by way of enlightenment, reason, the pursuit of science and emancipation. It could now, though, no longer be defined by religion, since neither Jews nor Europeans used that as the basis of identity. So Jews became hated for their race, and in the 1870s a new word was coined to express this: antisemitism. This was dangerous. So long as Jews were defined by religion. Christians could work to convert them. You can change your religion. But you cannot change your race. Anti-Semites could only work, therefore, for the expulsion or extermination of the Jews. Ever since the Holocaust it has become taboo to use the word "race" in polite society in the West. Yet secular Jewish identity persists, and there seems no other way of referring to it. So a new term has come to be used instead: ethnicity, which means roughly what "race" meant in the nineteenth century. The Wikipedia definition of ethnicity is "a category of people who identify with each other based on common ancestral, social, cultural, or national experiences." The trouble is that ethnicity is where we came from, not where we are going to. It involves culture and cuisine, a set of memories meaningful to parents but ever less so to their children. In any case, there is no one Jewish ethnicity: there are ethnicities in the plural. That is what makes Sephardi Jews different from their Ashkenazi cousins, and Sephardi Jews from North Africa and the Middle East different from those whose families originally came from Spain and Portugal. Besides which, what is often thought of as Jewish ethnicity is often not even Jewish in origin. It is a lingering trace of what Jews absorbed from a local non-Jewish culture: Polish dress, Russian music, North African food, and the German-Jewish dialect known as Yiddish along with its

Spanish-Jewish counterpart. Ethnicity is often a set of borrowings thought of as Jewish because their origins have been forgotten. Judaism is not an ethnicity and Jews are not an ethnic group. Go to the Western Wall in Jerusalem and you will see Jews of every colour and culture under the sun, the Beta Israel from Ethiopia, the Bene Israel from India, Bukharan Jews from central Asia, Iraqi, Berber, Egyptian, Kurdish and Libyan Jews, the Temanim from Yemen, alongside American Jews from Russia, South African Jews from Lithuania, and British Jews from German-speaking Poland. Their food, music, dress, customs and conventions are all different. Jewishness is not an ethnicity but a bricolage of multiple ethnicities. Besides which, ethnicity does not last. If Jews are merely an ethnic group, they will experience the fate of all such groups, which is that they disappear over time. Like the grandchildren of Irish, Polish, German and Norwegian immigrants to America, they merge into the melting pot. Ethnicity lasts for three generations, for as long as children can remember immigrant grandparents and their distinctive ways. Then it begins to fade, for there is no reason for it not to. If Jews had been no more than an ethnicity, they would have died out long ago, along with the Canaanites, Perizzites and Jebusites, known only to students of antiquity and having left no mark on the civilisation of the West. So when, in 2000, a British Jewish research institute proposed that Jews in Britain be defined as an ethnic group and not a religious community, it took a non-Jewish journalist, Andrew Marr, to state the obvious: 'All this is shallow water,' he wrote, 'and the further in you wade, the shallower it gets.' He continued: The Jews have always had stories for the rest of us. They have had their Bible, one of the great imaginative works of the human spirit. They have been victim of the worst modernity can do, a mirror for Western madness. Above all they have had the story of their cultural and genetic survival from the Roman Empire to the 2000s, weaving and thriving amid uncomprehending, hostile European tribes. This story, their post-Bible, their epic of bodies, not words, involved an intense competitive hardening of generations which threw up, in the end, a blaze of individual geniuses in Europe and America. Outside painting, Morris dancing and rap music, it's hard to think of many areas of Western endeavor where Jews haven't been disproportionately successful. For non-Jews, who don't believe in a people being chosen by God, the lesson is that generations of people living on their wits and hard work, outside the more comfortable mainstream certainties, will seed Einsteins and Wittgensteins, Trotskys and Seiffs. Culture matters . . . The Jews really have been different; they have enriched the world and challenged it.<sup>2</sup> Marr himself is neither Jewish nor a religious believer, but his insight points us in the direction of this week's parsha, which contains one of the most important sentences in Judaism: "Speak to the whole assembly of Israel and say to them: Be holy because I, the Lord your God, am holy." Jews were and remain the people summoned to holiness. What does this mean? Rashi reads it in context. The previous chapter was about forbidden sexual relationships. So is the next chapter. So he understands it as meaning, be careful not to put yourself in the way of temptation to forbidden sex. Ramban reads it more broadly. The Torah forbids certain activities and permits others. When it says "Be holy" it means, according to Ramban, practice self-restraint even in the domain of the permitted. Don't be a glutton, even if what you are eating is kosher. Don't be an alcoholic even if what you are drinking is kosher wine. Don't be, in his famous phrase, a naval bireshut ha-Torah, "a scoundrel with Torah license." These are localised interpretations. They are what the verse means in its immediate context. But it clearly means something larger as well, and the chapter itself tells us what this is. To be holy is to love your neighbour and to love the stranger. It means not stealing, lying, or deceiving others. It means not standing idly by when someone else's life is in danger. It means not cursing the deaf or putting a stumbling block before the blind, that is, insulting or taking advantage of others even when they are completely unaware of it – because G-d is not unaware of it. It means not planting your field with different kinds of seed, not crossbreeding your livestock or wearing clothes made of a forbidden mixture of wool and linen – or as we would put it nowadays,

respecting the integrity of the environment. It means not conforming with whatever happens to be the idolatry of the time – and every age has its idols. It means being honest in business, doing justice, treating your employees well, and sharing your blessings (in those days, parts of the harvest) with others. It means not hating people, not bearing a grudge or taking revenge. If someone has done you wrong, don't hate them. Remonstrate with them. Let them know what they have done and how it has hurt you, give them a chance to apologise and make amends, and then forgive them. Above all, "Be holy" means, "Have the courage to be different." That is the root meaning of kadosh in Hebrew. It means something distinctive and set apart. "Be holy for I the Lord your G-d am holy" is one of the most counter-intuitive sentences in the whole of religious literature. How can we be like God? He is infinite, we are finite. He is eternal, we are mortal. He is vaster than the universe, we are a mere speck on its surface. Yet, says the Torah, in one respect we can be. G-d is in but not of the world. So we are called on to be in but not of the world. We don't worship nature. We don't follow fashion. We don't behave like everyone else just because everyone else does. We don't conform. We dance to a different music. We don't live in the present. We remember our people's past and help build our people's future. Not by accident does the word kadosh also have the meaning of marriage, kiddushin, because to marry means to be faithful to one another, as G-d pledges himself to be faithful to us and we to him, even in the hard times. To be holy means to bear witness to the presence of G-d in our, and our people's, lives. Israel – the Jewish people – is the people who in themselves give testimony to One beyond ourselves. To be Jewish means to live in the conscious presence of the G-d we can't see but can sense as the force within ourselves urging us to be more courageous, just and generous than ourselves. That's what Judaism's rituals are about: reminding us of the presence of the Divine. Every individual on earth has an ethnicity. But only one people was ever asked collectively to be holy. That, to me, is what it is to be a Jew. NOTES 1. Lord George Bentinck: A Political Biography (1852), p. 331. 2. Andrew Marr, The Observer, Sunday May 14, 2000.

<http://torah.org/learning/ravfrand/5774/kedoshim.html>

### **Rabbi Yissocher Frand - Parshas Kedoshim**

Why Is this Parsha Different From All Other Parshios? "And G-d spoke to Moses saying: 'Speak to the entire Community of Israel and tell them You must be Holy, for I the L-rd your G-d am Holy.'" [Vayikra 19:1-2] The Medrash comments on this pasuk that it was said "be'Hakhel," namely, it was said to all the Jewish people together. In contrast, most of the Torah was taught to Moshe, who taught it to Aharon who taught to his sons, who taught to the Elders, etc., etc. However, Moshe taught this parsha in everyone's presence. Why is this parsha different? The Medrash answers because most of the fundamentals of Torah are dependent on this portion, called "Kedoshim Teheyu -- You shall be Holy." The simple interpretation of this Medrash is that since there are so many important laws that are contained in this section, it was said in the presence of everyone. Perhaps, however, the Medrash means something else. Perhaps it means that the specific command 'You shall be Holy' is so important, and has so many of the fundamentals of Torah dependent upon it, that this Mitzvah itself was given publicly. According to the Ramba"n, this Mitzvah teaches us how to live and act as Jews. As the Ramba"n explains, if it would not be for this Mitzvah, a person could conceivably be a "naval b'irshus haTorah," meaning, he could be an observant Jew, and simultaneously a glutton. He could live an obscene life within the parameters of the Torah. He could eat as much as he wants; he could indulge in all the physical pleasures of life; and it might all be 'glatt kosher.' If not for this Mitzvah, such a person could be called a Tzadik [righteous person]. However, the Torah tells us, "You shall be Holy" -- you need to abstain. You need to act with abstinence, with restraint, with holiness. Do not indulge. Do not be a glutton. That is what the Mitzvah of Kedoshim Teheyu is all about. It is so vital that it needed to be said to the entire nation together. The Shemen HaTov explains that a person cannot be

Holy unto himself. Even though this Mitzvah is a Mitzvah on the individual, the individual needs society's help. If one lives in a society which is indulgent, it becomes very difficult for that individual to remain a 'Kadosh' [holy person]. In order to achieve "You shall be holy," the cooperation of one's family, of one's city and one's nation is required. The parsha needed to be given to everyone together. When everyone is involved in conspicuous indulgence, it becomes almost impossible for the individual to act with restraint. We see this very clearly in the society in which we live today. We see rampant hedonism today. We are surrounded by a society that emphasizes gratifying their every whim and wish instantly. We live in a society that does not know what kedusha [holiness] is about. The only way we can personally achieve this mitzvah of "You shall be holy," is if we not only work on ourselves, but we elevate and try to live among people who also share the ideal of Kedoshim Teheyu. However, it must begin with the individual. As the Chassidic Rebbe, Reb Bunim of Pshis'cha is quoted as having said, when he was young he thought he could change the entire world. As he got older, he saw he could not change the entire world, but at least he could change his city. As time went on, he saw that even that was beyond his grasp, but he said "I'll at least change my neighborhood." When he saw that that was not working, he said "I'll at least try to change my family." When he saw that that too failed, he said, "I'll have to try to only change myself." But once he succeeded in changing himself, then he saw that his family was different, his neighborhood was different, his city was different, and in a sense, the entire world was different. That is how it is with this Mitzvah of "Kedoshim Tiheyu." We cannot go it alone. We need to work on ourselves, and then our families, and then our neighborhoods, and then our societies. Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD RavFrاند, Copyright © 2007 by Rabbi Yissocher Frand and Torah.org.

### **Rabbi Yisroel Reisman – Parshas Kedoshim 5774 1.**

I would like to share with you today one Inyan of Machshava and one that is a more technical Inyan but certainly has a lesson as well. Let me start with a Machshava topic which is based on the Netziv in his Peirush Hameik Davar on Chumash and the Yesod which I will share with you today the Netziv has in the Chumash in at least 5 different places including in this week's Parsha on Perek 19:24. There, the Posuk is discussing the Mitzvah of Neta Revai, the crop of the 4<sup>th</sup> year after a tree is planted which is eaten like Maaser Sheini in Yerushalayim. The Posuk reads ( פֶּלֶאֶרְיִי--קֹדֵשׁ , וְהָיָה, הָרְבִיעֵת, וּבְשָׁנָה, הָרְבִיעֵת, יִהְיֶה לְךָ, מִמֶּנּוּ שְׁעוּנִים בְּרַכָּה לְפָנֶיהֶם וְלֹא־הָרִיחֶם) (הַלּוּלִים, לִירֵךְ). The Gemara in Maseches Berachos 35a (8 lines from the top) uses this Posuk as the source (Asmachta) for the Halacha of Beracha Rishona. The idea that we make a Beracha before we eat food. Although the idea of a Beracha is a Drabanan, the Gemara brings the Asmachta from this Posuk and the Netziv explains that with a Yesod which he has discussed many times in the Sefer and the first time in Parshas Beraishis 2:5. There, he addresses a fundamental issue. We know that of all the Mitzvos in the Torah, the phrase Avoda is used specifically for a Mitzvah which is done as an Avoda in the Bais Hamikdash, one of the Mitzvos that is done in the Bais Hamikdash or for Davening. Davening is also called Avoda. Really Avoda just means work. Someone who is an Eved Hashem who so to speak works for the Ribbono Shel Olam, does all Taryag Mitzvos. The question is why the word Avoda is used specifically for Davening nowadays and in the Bais Hamikdash then. The Netziv there establishes a Yesod. His Yesod is that HKB"Y put into the nature of the Briya, into the nature of the world, that when a person does his work for Parnasa, as in tilling the land if he is a farmer or working the books as in the case of an accountant. Whatever a person does that is Avoda, it is the work that he does. It is the work that he does to give himself a Parnasa. Part of the Derech Tivi in the Halichos Haolam is that there is an idea that HKB"Y put into the nature of the world that just as a person has to work in order to earn his livelihood, so too a person has to talk to the Ribbono Shel Olam and that helps him in his work

as well, his Parnasa. So that Tefillah and Beracha, Prayer and blessing brings a greater Beracha to the world. As the Netziv explains it, the Shefa (blessing) that comes from heaven is influenced by a person's Berachos or by a person's Tefillah and that open up the floodgates from Heaven. That opens up the ability for a person to make a Parnasa. Even though Frumma Yidden work far less than their non-Frum or non-Jewish neighbors, we are off as the Gemara says in Masseches Megillah 13b (7 lines from the bottom) (ואת דתי שבת היום פסה) (המלך אינם עושים דמפקי לכולא שתא בשה"י פה"י). As Rashi explains (היום ואנו אטורים במלאכה) Shabbos Hayom, Yom Tov Hayom. We are off 52 days plus another dozen or so days a year but the Berachos that we say and the Tefillos that we do more than compensates and has the opportunity to open a Shefa of Beracha in Heaven. So that it is in the Teva of the world, the Halichos Olam, the nature of the world, that Tefillah, Bakasha, and Beracha help bring a person's Parnasa. Therefore, it is called Avoda, it is part of your work. Part of your work is this type of thing. The Sefer Haikrim writes this Yesod in Maimar Daled where he says that even if on Rosh Hashana it was Paskened that you would make a certain amount of Parnasa, it was decreed that you would earn a certain amount of money in the coming year, nevertheless if you don't ask for it you may not get it. If you don't request it you may not have enough Zechusim to be able to get it. So that, Tefilla or Beracha Rishona brings a Shefa of Beracha. Here, that is what the Posuk is saying. (ויבשנה, הרביעת, יהיה, כל-פריו--קדש) really the Posuk could have stopped there. The Peiros of the 4<sup>th</sup> year are holy. But the Posuk adds (הלולים, לירוך). It is a way of establishing praise to Hashem. If you have to go up and be Oleh Regel and go to Yerushalayim and eat the Neta Rivai there, that will be an opportunity to go to the Bais Hamikdash (הלולים, לירוך). (הלולים, לירוך) is what brings a Beracha to the world. At the end of Bentching we add (במרום) it is a very unusual request. (במרום) in the higher spheres in Heaven (למדות עליהם ועלינו זכות שתהא למשמרת שלום) they will say about us (זכות שתהא למשמרת שלום) and that Zechus will bring us (ונשא) (ברכה מאת ק. וצדקה מאלקי ישענו). What is going on? Since when do we say that in Heaven (למדות עליהם ועלינו זכות)? In light of what we are saying, when we make a Beracha and we Bentch which is the ultimate Beracha that opens the floodgates in Heaven, that opens up the Shefa in Heaven to allow a Beracha to come down. The Mishnah says that the Malachim ask the Ribbono Shel Olam, you write in your Torah in Bamidbar 6:26 (וישא ירוך פניו אליך) that Hashem shows favoritism to the Jewish people but on the other hand it also says in Devarim 10:17 (אשר לא-ישא פנים) that Hashem doesn't show favoritism. Isn't that a contradiction? The Malachim answer that Jews Bentch even when they eat a small amount of food and therefore, they are deserving of this extra Beracha. According to what we are saying now we understand that. This is because Beracha brings Shefa and when Yidden Bentch they bring that Shefa from Heaven and therefore, in Bentching we say that (במרום) (למדות עליהם ועלינו זכות שתהא למשמרת שלום). That from Heaven the Beracha of (למשמרת שלום) should come down and that is a connection to this Yesod that the Netziv says, the idea that Tefilla in Shamayim brings down from Heaven the ability for there to be a Shefa. Therefore, of all the Segulos of Parnasa the one which counts the most is to Bentch properly, to Bentch with Kavana. The Netziv adds, the Gemara says in Berachos 35b (2 lines from the top) (א"ר חנינא בר פפא כל הנהגה מן העוה"ו בלא ברכה כאילו גזול) (להקב"ה וכנסת ישראל) someone who eats without a Beracha is stealing from Hashem and the Jewish people. In what way is he stealing? I guess that Poshut Pshat is that he steals the Zechus from the Jewish people. Says the Netziv that according to my Yesod it is beautiful. Since when a person makes a Beracha, he Bentes, he in fact brings Beracha from Heaven so therefore, one who eats without a Beracha Rishona and without Bentching is Gozeil (literally stealing) taking something away from the Jewish people. So this is the beautiful Machshava of the Netziv.

From: Mordechai Tzion toratravaviner@yahoo.com [ravaviner] <ravaviner-noreply@yahoogroups.com> reply-to: ravaviner-owner@yahoogroups.com

to: ravaviner@yahoogroups.com date: Sun, May 8, 2016 at 10:55 AM  
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### The Mitzvah of Settling the Land of Israel

#### Rav Shlomo Aviner

According to the Ramban Is having our own State in the Land of Israel a means to an end, or an end in itself? Does the State possess inherent value and holiness, or is it merely a way to accomplish certain goals, such as the observance of Mitzvot? Is it no more than a place to achieve security for the Jews – a "safe haven," to quote Theodore Herzl? If so, then there may be times when we can achieve these goals better somewhere else. We may come to the conclusion that Jews are safer in the Exile than they are in the Land of Israel, or that it is easier to observe the Torah outside of the Land of Israel. If this is the case, are we to give up the idea of a Jewish State? To answer this question, we must first clarify how Halachah relates to the State, since Halachah is the system that enables us to put the Torah's ideals into practice. Ramban, who categorized the halachot pertaining to the Land of Israel and the State of Israel, derived our halachic obligations regarding the Land from the verse, "And you shall inherit it [the Land of Israel] and you shall live in it" (Devarim 11:31). This general Mitzvah includes three related stages (Ramban, additions to Sefer Ha-Mitzvot of the Rambam, positive Mitzvah #4): 1. It is a Mitzvah to live in the Land of Israel and not in the Exile. This Mitzvah is incumbent upon every individual Jew. 2. It is a Mitzvah to build up the Land of Israel and to make it flourish: "We may not allow it to remain desolate." This Mitzvah is directed to the Nation and not to individuals. Not every Jew is a contractor or a farmer (though doctors and teaches obviously also play important roles in developing the country). Therefore, it is the Nation as a whole that is responsible for the population and development of all parts of the Land, by creating cities and villages, and developing agriculture and industry. 3. It is a Mitzvah to possess the Land of Israel: "And we are forbidden to allow it to be ruled by any other nation." The Land of Israel must belong to, and be under the sovereignty of the Nation of Israel. And not be ruled by any other nation. This Mitzvah is also incumbent upon the Nation, and not upon individuals (There are other Mitzvot that are the obligation of the Nation of Israel as a whole, i.e. appointing a king, building the Temple and declaring war). Sovereignty of a nation over its land is the definition of a state. Therefore, the Torah commands us to establish a sovereign Jewish State in the Land of Israel. A Mitzvah for every generation, even in exile We might think that this Mitzvah applied only until the period in which we entered the Land of Israel under the leadership of Yehoshua, or to the period in which King David conquered the Land, and that it is not relevant today. After all, G-d sent Assyria and Babylonia to destroy the Kingdom of Israel, resulting in the Nation of Israel's exile. Perhaps this is a sign that he that He no longer wishes us to have a sovereign State in the Land of Israel. The Ramban, however, reiterates three times that the Mitzvot of conquering the Land of Israel and settling it apply throughout all generations, even during our exile. It is incorrect to presume that our current dispersion indicates that G-d does not want us to leave the Exile and establish a State. If it is a Mitzvah, no difficulty or obstacle can erase our obligation. We cannot use difficult events as an excuse not to fulfill a Mitzvah. This may be compared to a person who is about to write a check for Tzedakah, when his pen suddenly runs out of ink. Is this a sign that he should not make a donation? No, it is a Mitzvah to give Tzedakah. If someone mistakenly violates the Shabbat laws is that a sign that that person is incapable of observing Shabbat? No, it is a warning to be more careful and study the laws. When we experience difficulty in fulfilling any Mitzvah, we are simply being told to try harder, even if it may take a long time until we see the results of our efforts. Some of the Mitzvot which require the greatest exertion, and take the longest to bear fruit are Torah learning, prayer, acts of loving-kindness and settling the Land of Israel (Berachot 32b). Before Yehoshua entered the Land of Israel, G-d urged him to "be strong and courageous" (Yehoshua 1:6, 7, 9, 18), signifying that it was going to be a major undertaking. We never received the Land of

Israel on a silver platter in the past, and our task today is no less fraught with difficulty. We might wonder why the Rambam himself did not try to establish a State in the Land of Israel. In his times, conditions were not conducive for its fulfillment. Halachah terms this phenomenon as one's "force of circumstance" ("ones"). One who is unable to perform a Mitzvah is not exempt from it; he is simply not liable to punishment. We must keep on persisting throughout the generations, until we succeed in fulfilling this Mitzvah. Rambam: The Mitzvah to appoint a king In his addenda to the Rambam's Sefer Ha-Mitzvot, the Rambam inserts the Mitzvah of possessing the Land of Israel and establishing sovereignty over it. The Rambam himself, however, did not include this Mitzvah there as one of the 613 Mitzvot. Yet, in his Mishneh Torah, he does state that it is a Mitzvah to live in the Land of Israel, and that this Mitzvah is as important as all the other Mitzvot combined. In fact, it is so important that one spouse can legally force the other to fulfill it (Hilchot Melachim 5:9-12). Therefore, its conspicuous omission from the Sefer Ha-Mitzvot is significant and requires explanation. We do find that the Rambam considers the appointing of a king over the Nation of Israel a Mitzvah and includes it in his Sefer Ha-Mitzvot (ibid. 1:6). Obviously, there can be no king unless there is a Nation over which to rule. If the Nation of Israel does not live in its homeland – or is ruled by another nation – this Mitzvah is meaningless. Therefore, the Mitzvah of appointing a king includes within it the obligation to establish a sovereign State of Israel for the Nation of Israel who resides there. The term "king" does not necessarily mean a king in the narrow sense of the word, but refers to any authoritative leadership agreed upon by the Nation as a whole. This government has all the power and authority of a king. The laws concerning rebellion against a king are deduced from Yehoshua, who was the leader of the Nation of Israel, but nevertheless was not officially its king (Sanhedrin 49a; Hilchot Melachim 3:8). For example, Yehoshua was told, "Any man who rebels against you... shall be killed" (Yehoshua 1:18). Although he was not formally a king, defying his orders was deemed "rebellion against the king" because he was the national leader (National leaders are only granted kingly powers regarding the leadership of the Nation and do not have the special dispensations granted to kings such as permission to marry eighteen wives, etc...). The Israeli government of today falls into the same category. Since it is elected by the people, it is empowered to make national decisions. The sovereignty of the State of Israel is certainly not a true kingship; it is a government and not a monarchy. Moreover, it is not run according to religious principles. Despite this, our government has some of the authority of a king of Israel (see Mishpat Cohain, pp. 128, 365), and is part of the necessary groundwork for fulfillment of the Mitzvah of establishing the Kingdom of Israel. This is a long and arduous process, consisting of many phases, which will ultimately culminate in the Kingdom of the House of David. Independence signifies rejuvenation and its loss signifies destruction. Loss of an independent State in the Land of Israel is the halachic definition of destruction. According to Halachah, "One who sees the cities of Yehudah in their destruction must tear his clothes" (Shulchan Aruch, Orach Chaim 561). Rav Yosef Karo writes, "As long as the cities are ruled by non-Jews – even if they are settled by Jews – they are termed 'destroyed'" (Beit Yosef on the Tur, Orach Chaim ibid. and cited in the Magen Avraham and Mishnah Berurah). In other words, despite the fact that the cities of the Land of Israel are populated by Jews, if non-Jews rule them, their halachic status is one of "destruction." If, however, Jews control the cities, they are considered "built," even if no one lives there. Therefore, we do not tear our clothes today over the sight of any cities, standing or destroyed, that are under Israeli jurisdiction. After the Six Day War, our Rabbi, Rav Tzvi Yehudah Kook, ruled that we should no longer tear our clothes upon the sight of the Temple Mount, since it is under Israeli jurisdiction. We have the political power to rebuild the Beit Ha-Mikdash today. The fact that we have no immediate plans to do so, for various religious, political and other reasons (justified or not), does not negate the fact that it is our decision not to build the Beit Ha-Mikdash, and therefore we

no longer tear our clothes when we see the Temple Mount, as we would if it were under non-Jewish domination (Be-Ma'arachah Ha-Tizburit, p. 55). Loss of independence and exile also constitute the destruction of the Torah. There are those who say, "The Torah alone is sufficient; there is no need for a State. We managed very well without our own State for two thousand years." Our Sages were not of this opinion. They explained, "Her [Zion's] king and princes are scattered among the nations – there is no Torah. There is no greater nullification of Torah than the exile of Israel" (Chagigah 5b). They did not intend us to take this statement to mean that we need devote less time to learning Torah in the Exile. They meant that the Exile invalidates the essence and purpose of the Torah, which can only be realized when the Nation of Israel is in its homeland. Independence equal peace Another halachic reference to national independence as an ideal may be found in the laws of fast days. The prophets declared four national fast days: the Seventeenth of Tammuz, the Ninth of Av, the Fast of Gedaliah and the Tenth of Tevet. The prophet Zechariah promised us that in the future, these fast days will become days of joy (Zechariah 8:19). The Gemara in Rosh Hashanah (18b) expands upon this, listing three possible permutations regarding our obligation to fast on these days: 1. In times of peace – these will be days of joy. 2. In times of oppression – these remain fast days. 3. When there is neither peace nor oppression, fasting is optional; it is not an obligatory Mitzvah. The Rishonim (early halachic authorities) wrote, however, that regarding the Ninth of Av – when so many tragedies occurred – the Nation voluntarily accepted upon itself the obligation to fast from sunset to sunset with accompanying restrictions. On the other fast days, we also fast, but with certain leniencies – only from sunrise to sunset and without the added restrictions of the Ninth of Av. In any case, in times of real peace, we do not fast. What is the definition of "peace"? According to the Rambam, it refers to the time when the Beit Ha-Mikdash is built. According to Rashi, it means "that the nations of the world do not rule Israel with a heavy hand" (both opinions are cited in the Beit Yosef on the Tur, Orach Chaim 415). In other words, we are autonomous and not subject to foreign rule. Rashi's definition of peace has no organic connection to the cessation of hostilities, but rather of to autonomy. Even during times of war – as long as we have the ability to defend ourselves and fight back without losing our independence – according to Rashi, we are "at peace." The Rambam writes that the Jews even fasted on the Ninth of Av during the Second Temple Period, after the Beit Ha-Mikdash had been rebuilt (Rambam, commentary on the Misnayot, Rosh Hashanah 1:3). The Admor (Chasidic Rebbe) of Gur explains that the Rambam follows Rashi's definition of peace, which is determined by our independence from other nations. For most of the Second Temple Period, we were under foreign domination – first under Persian rule and then Greek and Roman rule. This period was defined as one in which "there was neither peace nor war," and in such a case, according to Rashi, the Jews should fast on the Ninth of Av, despite the fact that the Beit Ha-Mikdash was standing. Only later, under the Maccabees, did we achieve self-rule. The Rambam therefore rules that the Jews' lack of liberty during the Second Temple Period obligated them to fast, except for the brief period of the rule of the Chashmonaim (ibid.). Today, the dove is the universally accepted symbol of peace. Where did this symbol originate? In our sources, the dove first appears in the story of Noach. He sent the dove out of the ark to find out whether the floodwaters had sufficiently dried up, and she returned to him in the evening with "an olive leaf in her mouth" (Bereshit 8:11). Our Sages commented: "The dove requested of G-d: Let my food be as bitter as a raw olive, but only dependent upon You, rather than as sweet as honey, but at the mercy of men" (Eruvin 18b). The dove thereby revealed a desire for freedom, even at the price of self-sacrifice and inconvenience. Thus, the dove is the symbol of independence and of the willingness to sacrifice in order to achieve this aim. This is Rashi's definition of peace: that no other nation will rule over us, even if we have to fight to preserve our freedom. According to this view, peace is not a state of "ceasefire," but rather one of independence despite the

wars. According to Rashi's outlook on peace, it would seem that we should not fast in this generation, since we have the State of Israel in our possession. Aren't we independent in our country, free from the domination of other nations? Aren't we at the stage of "peace," wherein the fast days are transformed into days of rejoicing? There are those who say that our independence is not complete since we are not altogether free from the influence of the nations, as we are subject to political pressure. This is not a valid claim because all nations of the world are subject to such pressure; this does not make them any less independent. Rather, the reason that we still fast in our generation is because the majority of the Nation of Israel is still in Exile under the rule of other nations; Rashi's definition is peace therefore does not apply to the entire Nation.

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**By Rabbi Yirmiyohu Kaganoff**

### **Mixed Breeds**

Question: Mule Inventors "Who invented, or should I say 'discovered,' the mule?"

Question: The Hybrid or the Hybridization? "Is it permitted to use the product of a prohibited hybridization (crossbreeding) of animals?"

Question: Buy me a Mule! "May I purchase a mule from a gentile? May I hire him to produce it for me?"

Question: Crossbreeding Pro "Before I became frum, I was well experienced at hybridizing and raising crossbred birds. Is there any way that I can use this skill to earn a livelihood, now that I have become a baal teshuvah?"

Question: Roommates "Is the zoo permitted to house different species together?"

Introduction: Two mitzvos of the Torah deal with the mixing of animal species. In parshas Kedoshim, the Torah teaches: Behemtecha lo sarbia kil'ayim, "Do not crossbreed your animal" (Vayikra 19:19). This prohibition applies to beheimah, usually translated as domesticated species; chayah, usually but somewhat inaccurately translated as wild or non-domesticated\* species; birds; and sea chayos, such as sea mammals (Mishnah, Baba Kama 54b and Gemara 55a). Violating this proscription is punishable by malkus, as is true for most lo saaseh violations of the Torah, but only if one mates them physically. Encouraging the mating process less directly is prohibited and is the source of a dispute between early authorities whether it is prohibited min haTorah (Drishah, Yoreh Deah 297:1) or only miderabbanan (Taz, ad locum). It is permitted to house two species together, and one has no requirement to separate them if they mate on their own (Yerushalmi Kelayim 8:2, quoted by Shulchan Aruch Yoreh Deah 297:3). (Those checking the references should note that there are two chapters in Shulchan Aruch Yoreh Deah numbered 297, and the laws we are discussing are in the second of those chapters.)

Lo Sacharosh There is also another mitzvah of the Torah, mentioned in the context of Kelayim prohibitions in parshas Ki Seitzei: Lo sacharosh beshor uvachamor yachdav, You may not plough with an ox and a donkey together (Devorim 22:10). This mitzvah prohibits working two species of animals together. According to the opinion of the Rambam, the Torah prohibition of this law is violated only when one species is kosher and the other is non-kosher – other circumstances are prohibited, only because of a rabbinic injunction. Other authorities dispute this ruling of the Rambam, contending that working two species together is prohibited min haTorah, even when both are kosher or both are non-kosher. There is much to discuss about this topic, but we will leave it for a different article.

Which species? The Mishnah (Kelayim 1:6) lists several combinations of species that one may not crossbreed, such as wolves and dogs, or mules and donkeys, and the Gemara (Bava Kama 55a) notes several other examples, including two varieties of geese where some physical differences determine that they are different species for halachic purposes. On the other hand, the Gemara (Bava Kama 55a) mentions that Persian camels and Arabian camels are not Kelayim together, even though the length of the neck of the two

breeds are noticeably different. Furthermore, the Rambam rules that a species with wild and domesticated varieties, such as wild and domesticated oxen or horses, may be crossbred, even when the domesticated variety has some obvious differences from the wild variety (Rambam, Hilchos Kelayim 9:5). We are left with a question: how does halachah define what is considered a variety of a species versus what is considered a different species? One may crossbreed or work together two animals that are considered two different varieties, but one may not crossbreed or work together two animals that halachah considers different species. However, the Mishnah never provides defining characteristics that we can use. It is also interesting to note that the Gemara (Bava Kama 55a) states that even two species that freely mate together in the wild may not be hybridized. Thus, an animal's social life, also, does not determine what is considered its species.

Rashi on the mule At the end of parshas Vayishlach, the Torah recounts how Anah, Sei'ir Hachori's grandson, shepherded donkeys for his father, and, while doing so, discovered yeimim (Bereishis 36:24), which Rav Saadia Gaon, Rashi and others translate as mules. Rashi and the Ibn Ezra explain that Anah's "discovery" means he developed the science of crossbreeding a male donkey (called a jackass) and a mare (a female horse) which produces a mule. (See the Targum Onkelos and the Ramban, who explain the verse very differently.) Rashi explains that Anah, who himself descended from a scandalous relationship, was the first to crossbreed two different species, also a scandalous act. This statement of Rashi presents two questions:

1. What is wrong with Anah having crossbred donkeys and horses? This is not one of the seven Noahide laws.
2. Rashi's comment that Anah was the first to create a mule implies that this was a newfangled "invention" and not yet commonly used. Yet Rashi himself, in parshas Tolados, mentions that when Yitzchak became well respected, people said that "the manure of Yitzchak's mules is more valuable than Avimelech's gold and silver" (Bereishis 26:13). Obviously, this means that mules were commonplace in the days of Yitzchak. Can both of these statements of Rashi be accurate? Furthermore, the statement of Rashi in parshas Tolados presents yet another question, since it implies that it is not considered unbecoming to mention that Yitzchak owned mules, notwithstanding the fact that the Torah prohibits a Jew from producing them. Why, then, are Anah's mules considered to be so scandalous? To answer the question why Rashi criticizes Anah for creating mules, when a ben Noach is permitted to crossbreed animals, we need some broader Talmudic background.

Bnei Noach and crossbreeding Although the seven mitzvos are the most basic mitzvah requirements that apply to bnei Noach, there are other mitzvos that apply to them, at least according to some opinions. Some tanna'im rule that the laws prohibiting sorcery apply to them, and others understand that they are prohibited from grafting one species onto the rootstock of a different species. There is a tanna, Rabbi Elazar, who contends that bnei Noach are forbidden to crossbreed animals of different species, even though this prohibition is not treated as severely as are the seven mitzvos (Sanhedrin 56b). The Gemara (Sanhedrin 60a) explains that Rabbi Elazar derives that bnei Noach are forbidden to crossbreed animals from the pasuk (partially quoted above), Es chukosai tishmoru behemtecha lo sarbia kil'ayim (Vayikra 19:19), which Rabbi Elazar interprets to mean, "You should be careful to observe the laws that I previously prohibited: Do not breed your animals -- one species with another!" However, there is no previous place in the Torah where we are commanded not to crossbreed animals. Rabbi Elazar reasons that this must mean that when Noach left the teivah and was commanded concerning other laws, he was also told that he may not crossbreed animals. Thus, it would appear that when Rashi, in our parshah, bemoans Anah's activities, he is assuming the halachah is as understood by Rabbi Elazar that all of mankind is prohibited from crossbreeding two species.

Halachic conclusion The Rambam rules that a ben Noach is prohibited from crossbreeding animals (Hilchos Melachim 10:6). According to his approach,

Rashi's comments about Anah introducing something forbidden into the world are halachically accurate.

Asking a gentile May one ask or hire a gentile to create hybrid animals? According to the Rambam, who rules according to Rabbi Elazar, this is certainly prohibited, because one is thereby causing a gentile to violate the Torah (Drishah). The authorities conclude that asking or hiring a non-Jew to crossbreed is prohibited, even according to those who disagree with Rabbi Elazar and contend that a gentile is permitted to crossbreed. The Shulchan Aruch (Yoreh Deah 297:4), as understood by most authorities, prohibits having a gentile crossbreed for a Jew, because of the prohibition of having a gentile perform something that a Jew is not permitted to do myself, which is called *amirah lenachri* (Rema, Shach and others, based on Bava Metzria 90a). There is a difference in halachah that results from the dispute why one may not hire a gentile to crossbreed for you. May one teach a gentile how to crossbreed animals for the gentile's benefit (see Shach, Yoreh Deah 297:4)? According to the Rambam, this is prohibited, since one will be teaching him to do something that he may not do. However, according to those who contend that a gentile may crossbreed animals, it is permitted to advise or instruct the gentile how to do so, even if he uses a Jew's animals, since he is not doing so in order to benefit a Jew.

Crossbreeding pro At this point, we can address another one of our opening questions: "Before I became frum, I was well experienced at hybridizing and raising crossbred birds. Is there any way that I can use this skill to earn a livelihood, now that I have become a baal teshuvah?" The answer is that one can practice breeding of the same species, assuming one can figure out what is considered the same species according to halachah. Whether one can be paid to train a gentile how to crossbreed two different species will depend on the above-quoted dispute. It would appear that the Shach rules that one may, whereas the Derishah and others prohibit. I refer an individual with this question to his own rav or posek.

Using a hybrid Whether we rule according to Rabbi Elazar or the differing tanna, the halachah remains that even when an animal is created by prohibited hybridization, one may benefit from the crossbred animal (Taz, Yoreh Deah 297:2). Even according to Rabbi Elazar, one may purchase a mule, once it has been produced, and use it, and even a person who violated the halachah and created a mule may use it. Thus, Yitzchak may have purchased many mules to assist him, and the fact that people praised the quality of Yitzchak's mules is not disturbing.

The beefalo Relatively recently, a new hybrid was developed, which is a cross between the ordinary beef cattle and a North American bison, which Americans colloquially call a buffalo. Is it permitted to make this crossbreed? One major authority contends that whether one may crossbreed buffalo and cattle depends on whether one is required to perform *kisuy hadam*, the mitzvah of covering the blood of shechitah, after slaughtering a buffalo. *Kisuy hadam* is required only on fowl and *chayos* but not on *beheimos*, such as cattle. If there is no requirement to perform *kisuy hadam* on buffalo, this demonstrates that it is considered a *beheimah*. Since there are only three species of *beheimah* -- sheep, goats, and cattle, then ruling that a buffalo does not require *kisuy hadam* means that halachah considers it to be a *beheimah*, and, if it is a *beheimah*, the process of elimination proves that it must be considered a variety of cattle, since it is certainly not a sheep or a goat.

Sefardim, Ashkenazim and buffalos Is *kisuy hadam* required on a buffalo? This is a dispute between the Shulchan Aruch and the Rema, the Shulchan Aruch (Yoreh Deah 28:4) concluding that there is no requirement to perform *kisuy hadam*, whereas the Rema rules that one should do so without a *brocha* since we are uncertain whether it is considered a *chayah*. The Aruch Hashulchan (Yoreh Deah 297:8) notes that this dispute between the Shulchan Aruch and the Rema will also affect whether one is permitted to crossbreed buffalo with ordinary cattle, since the Shulchan Aruch, by concluding that it is a *beheimah*, must hold that they are halachically considered to be the same species. On the other hand, since the Rema is

concerned that buffalo might be a variety of *chayah*, one would not be permitted to crossbreed it with cattle.

Halachic conclusion: According to the Aruch Hashulchan, a Sefardi would be permitted to crossbreed buffalo with cattle, and an Ashkenazi would not. Who invented the mule? Was Anah the first one to create a mule, or did it precede him?

The Gemara (Pesachim 54a) cites a dispute among three *tanna'im* regarding who created the first mule. According to Rabbi Yosi, Adam created the first mule on the first *motza'ei Shabbos* of Creation. Rabban Shimon ben Gamliel disagrees, contending that Anah created the first mule. In a different *beraisa*, the Gemara quotes Rabbi Nechemiah, who contended that mules were created by Hashem at the very end of the Six Days of Creation. The passage Rashi quotes in *parshas Vayishlach* is indeed originally from Rabban Shimon ben Gamliel, in the Gemara. However, when Rashi in *parshas Tolados* quotes the *Bereishis Rabbah* about Yitzchok's mules, presumably that passage accords with one of the other opinions among the *tanna'im*, who date the creation of the mule much earlier. By the way, it is possible that Rabban Shimon ben Gamliel accepts the essence of the statement about Yitzchok, but simply does not include the word mules in his version. *Tosafos* (Bava Metzria 85a) quotes the *Midrash Rabbah* that Rashi quotes in *parshas Tolados*, but with one change: In his version, people complimented the manure of Yitzchok's animals, rather than specifically his mules. This approach would reflect the opinion of Rabban Shimon ben Gamliel.

Meet the mule Although most people use the term mule to refer both to the offspring of a stallion (male horse) and a jenny (female donkey) and to the offspring of a jackass (male donkey) and a mare (female horse), this is technically inaccurate. A mule is the offspring of a jackass and a mare. The offspring of a stallion and a jenny is called a *hinny*. However, Chazal use the word *pered* to describe either a mule or a *hinny*; a mule is called *pered ben susya*, the offspring of a mare (see *Chullin* 114b) and a *hinny* is called *pered ben chamorah*, the offspring of a jenny. (The word *pered*, itself, is of Tanachic origin -- for example, Avshalom rode on a *pered* -- but there is no indication in Tanach regarding its specific parental origin.) There are visible differences between a mule and a *hinny*, particularly in the appearance of their ears, tail and voice (*Chullin* 79a). Mankind has found mules useful, because they are very strong and often easier to train and work with than horses, and withstand difficult hardships better than do horses. On the other hand, *hinnies* are sometimes no more useful than donkeys, and sometimes have a reputation for being of difficult temperament. In size and strength, they usually approximate donkeys. Since they are usually no more useful than donkeys, and they are virtually always sterile, it is far less common for farmers to breed them. In general, neither mules nor *hinnies* produce offspring, although there are anecdotal instances of female mules reproducing after mating with stallions or jackasses. One is permitted to mate a male mule with a female one (Rambam, *Hilchos Kelayim* 9:6). However, whether one may mate a mule and a *hinny* is the subject of a dispute among *tanna'im* (*Chullin* 79a). The Rambam (*Hilchos Kelayim* 9:6) and the Shulchan Aruch rule that this is prohibited, just as it is prohibited to breed animals of different species. This is prohibited, even though it is almost certain that this match will not produce offspring.

Difference between *pered* and mule Now that we are well educated about the difference between a mule and a *hinny*, we can answer another of our opening questions: "What is the difference between the Hebrew *pered* and the mule?" The answer is that the word *pered* is used by Chazal to mean either a mule or a *hinny*. Rashi, on the verse in *parshas Vayishlach*, says clearly that Anah crossbred a male donkey with a female horse, which means that he created a mule.

Conclusion Speaking of mules reminds me of the passage of Gemara (*Bechoros* 8b) that recounts a puzzling conversation that transpired between the scholars of Athens and the *tanna* Rabbi Yehoshua. The Athenians asked Rabbi Yehoshua: "When salt spoils, with what do you salt it?" To this,

Rabbi Yehoshua answered, "With the afterbirth of a mule." They then asked him, "Does a mule have an afterbirth?" To this he replied, "Does salt spoil?" What is meant by this short but very enigmatic debate?

The Athenian scholars were challenging the fact that the Jews maintain that we will eventually be redeemed. The scholars claimed: "You Jews did not keep your end of the deal with G-d, and therefore your deal is abrogated. Indeed, it was to have been a covenant forever, like salt, but your salt spoiled!" To this, Rabbi Yehoshua replied: "Our children (our afterbirth) continue to study Torah, and that is our guarantee." The Athenians retorted: "But you are a mule. You do not have a future that will have a relationship with G-d." Rabbi Yehoshua responded: "You are mistaken. You claim that our covenant with Hashem is abrogated. This is not true. Salt does not spoil, and our covenant with Hashem is forever!" (See Commentary of the Vilna Geon to Aggados Hashas.)

\* The Gemara (Chullin 59b) mentions several characteristics that distinguish beheimos from chayos, mostly dependent on the animal's horns. Reindeer, although domesticated, are clearly chayos since they have branched antlers, whereas there are non-domesticated species that are almost certainly categorized as beheimah.

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from: **Rabbi Chanan Morrison** <ravkooklist@gmail.com> to: Rav Kook List <Rav-Kook-List@googlegroups.com> subject: [Rav Kook List] mailing list: rav-kook-list.googlegroups.com

### **Rav Kook Torah**

#### **The Sanctity of Yom Ha'Atzmaut**

Is there more to Israel Independence Day than just fireworks and flagwaving? Is Yom Ha'Atzmaut just a secular holiday commemorating our political independence, or does it hold a deeper meaning for us? The Holiness of Mitzvot Rav Kook passed away in 1935, thirteen years before the State of Israel was established, but his son Rav Tzvi Yehudah Kook interpreted the historic events of 1948 in light of his father's teachings. In an article entitled "Affirming the Sanctity of the Day of Our Independence," Rav Tzvi Yehudah analyzed the religious significance of Yom Ha'Atzmaut. In general, our connection to sanctity and holiness is through the mitzvot of the Torah. Thus before performing a mitzvah we say, "Who sanctified us with His mitzvot." The holiness of Yom Ha'Atzmaut, Rav Tzvi Yehudah explained, is anchored in the holiness of mitzvot. But which particular mitzvah is connected to this historical occasion? The Ramban defined the mitzvah of yishuv ha'aretz, settling the land of Israel, as "we will not abandon it to another nation, or leave it desolate." This definition makes it clear that the mitzvah is first and foremost an obligation of the nation; the Jewish people are commanded to take possession of the land of Israel and rule over it. On the basis of that national mitzvah, there is a mitzvah for each individual to live in Eretz Yisrael. The Ramban emphasized that this mitzvah is in effect at all times. This view is upheld in the Shulchan Aruch (Even Ha'ezer 75:6, Pitchei Teshuvah ad loc). This then is the significance of Yom Ha'Atzmaut: that we have finally merited, after centuries of exile, to once again fulfill this lofty mitzvah, valued by the Sages as "equal to all the other mitzvot" (Sifre Re'eih), "to return and possess the land that G-d promised to our fathers" (Ramban). We should be full of gratitude to live here, in Eretz Yisrael, "the place that Moses and Aaron did not merit" (Ketubot 112a). We should be grateful to be alive at this time in history, to witness the hour of redemption that so many great and holy leaders of our people did not merit to see. Courageous Spirit And yet one may ask: why should the fifth day of Iyyar be chosen for celebrating this event? Perhaps a different date, such as the date of the ceasefire after the War of Independence, would be a more appropriate choice? While the military victory of a fledgling state over the armies of five enemy countries was certainly miraculous, that was not the greatest miracle of the establishment of the State of Israel. The true miracle was the remarkable courage displayed on the fifth of Iyyar in making the fateful decision and announcing the establishment of an independent state.

This decision, in the face of heavy pressure from the U.S. State Department not to declare a state, and belligerent threats of the surrounding Arab countries to attack and destroy the Jewish community in Eretz Yisrael, was by no means a trivial matter. The motion to declare a state passed by only a thin majority in Ben-Gurion's cabinet. (One of the signers to the Declaration of Independence, Moshe Sharett, later recalled in his diary how he had signed with "a sense of excitement together with a clear premonition of danger, such as one might feel while standing on a cliff, ready to leap into a yawning chasm. We felt as though we stood on a very high crest, where roaring winds were brewing about us, and that we had to stand fast.") This courageous decision was the true miracle of Yom Ha'Atzmaut. The Talmud in Baba Metzia 106a states that a shepherd's rescue of his flock from a lion or a bear may be considered a miracle. Where exactly is the miracle in this act? The Tosafists explained that the miracle is to be found in the shepherd's "spirit of courage and willingness to fight." This spirit of valor is a miracle from above, an inspired inner greatness spurring one to rise to the needs of the hour. This is the significance of Ezekiel's prophetic description of the redemption: "I will place My spirit in you and you shall live. I will set you on your land, and you will know that I, the Eternal, have spoken and performed it." (Ezekiel 37:14) Atchalta DeGeulah Nevertheless, many people have difficulty reconciling the current moral and spiritual state of Israel with the vision of the redemption as portrayed by the prophets and the sages. Is this the Messianic Era for which we prayed two thousand years? The Sages determined that "The only difference between the current reality and the Messianic Era is [independence from] the rule of foreign powers" (Berachot 34b; Mishneh Torah, Laws of Kings 12:2). While we have certainly not yet merited the final phase of redemption, we have achieved this criterion of redemption - independence and self-rule over our geographical area. Many Torah scholars fought against the Zionist movement because they envisioned redemption as a future era that arrives complete from the very start, and not an ongoing process. But the import of the Talmudic statement (Jer. Berachot 1:1) that the redemption will appear "little by little," like the spreading light of dawn in the morning sky, is exactly this: that the redemption is a process that advances in stages. We need to examine history with a perspective of faith in God. We need to recognize that the Master of the universe controls and governs all events. The Sages taught: "What is the meaning of the verse, 'For who has scorned the day of smallness' (Zecharia 4:10)? What causes the table of the righteous to be scorned in the future era? Their smallness of faith, that they failed to believe in the Holy One." (Sotah 48b) Why is the future portion (the 'table') of the tzaddikim marred? Because they are tzaddikim who lack faith in God. They view the world with a narrow outlook, and fail to see God's hand in the events of history. The redemption does not have to come through great miracles; G-d can also bring the redemption using natural forces and events. Ezekiel's Prophecy of Redemption. The various stages of redemption are clearly described in the order of events in Ezekiel's prophecy. The prophecy first speaks of the initial stage of redemption, the ingathering of the exiles: "I will take you from the nations and gather you from all the lands and I will bring you to your land" (36:24). Only after this initial redemption does the prophet describe the spiritual return and teshuvah of the people: "I will sprinkle over you purifying water and you will be purified from all of your impurities.... I will give you a new heart, and a new spirit I will place in you. I will remove the heart of stone from your flesh and give you a heart of flesh. I will put My spirit within you so that you will walk in My statutes.... And you will be My people, and I will be your God." (36:25-28) This narrative of the redemption concurs with the opinion of Rabbi Joshua in Sanhedrin 97b, that the redemption will come regardless of the merits of the Jewish people - "even if they do not repent."<sup>2</sup> (Silver from the Land of Israel, pp. 191-195. Adapted from LeNetivotYisrael vol I, pp. 181-184, 192-200; Sicho HaRav Tzvi Yehudah 19.)<sup>1</sup> Rabbi Moshe ben Nachman (Nachmanides) of Gerona, Spain (1194-1270). The Ramban wrote this definition of yishuv ha'aretz in his appendix to Maimonides' Sefer Hamitzvot, positive mitzvah #4. 2See

LeNetivot Yisrael, pp. 195-196, where Rav Tzvi Yehudah Kook demonstrates that the Halachah follows this opinion.)

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from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>  
reply-to: info@jewishdestiny.com subject: Weekly Parsha from Rabbi

**Rabbi Berel Wein**

**KEDOSHIM**

The demands that the Torah imposes upon us with the large array of commandments that appear in this week's Torah reading are major and taxing. Nevertheless we have a rule that the Torah never demands the impossible from human beings or of human behavior. As such, I feel that the true challenge implicit in the commandment to be a holy and dedicated person – the idea that is present in the opening words of this week's Torah reading – is the fact that the path that leads us to this holy and dedicated state of being are mundane in their nature. We would understand and perhaps even appreciate if the commandments were of an extraordinary measure of self-denial, asceticism or enforced isolation from human society. That is the picture that many of us have of a holy person, someone alone atop a mountain involved in a permanent state of meditation and purification. We are not accustomed to think of holy people as being the people that we come in contact with on a daily basis in our life experience. We assigned the role of holiness and dedication to G-d to great Torah scholars and other spiritual leaders. We do not think of the storekeeper, the bus driver or any of our service personnel as being obligated to be especially holy. But even a cursory review of this week's Torah reading will show us that the nature of most of the commandments described concern themselves with everyday life and with regular and ordinary events. Holiness is viewed as not being an exalted state of being out of the reach of the average Jew but rather as a natural and necessary by-product of living a life of Torah observance. There is a legend concerning the great Maggid of Dubno, Rabbi Yaakov Kranz and his relationship to Rabbi Elijah, the Gaon of Vilna. Rabbi Elijah invited the famed Maggid to visit him and to point out to him how he could improve himself in the service of his Creator. Rabbi Elijah, who spent nearly every moment of his waking hours in the study of Torah, seemed to have little room for improvement in his spiritual life. However, the Maggid said to his host as follows: "You sit here in your study, surrounded by your books, immersed in Torah knowledge and therefore you are the great Gaon of Vilna. But, why don't you go out and stand with the fishmonger in the marketplace of Vilna, in the real world of human interaction, of buying and selling, of temptation and honesty, and let us then see if you would truly be the Gaon of Vilna." The legend then tells us that the great Rabbi Elijah wept when he heard this challenge of the Maggid. Holiness was to be found not only in the study room but it had to exist in the fish market as well. We are all bidden to be holy and to sanctify all aspects of our behavior and life and be worthy, at all times, of serving G-d in the proper manner. Shabbat shalom

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From: Shema Yisrael Torah Network <shemalist@shemayisrael.com> to: Parsha Potpourri <parshapotpourri@shemayisrael.com> date: Thu, May 12, 2016 at 7:46 PM subject: [Parshapotpourri] Parsha Potpourri by Ozer Alport - Parshas Kedoshim

Parshas Kedoshim - Vol. 11, Issue 31 Compiled by Rabbi **Oizer Alport**  
V'lifnei iver li sitein michshol (19:14) The Torah commands us not to place a stumbling block before the blind. Rashi explains that this prohibition doesn't only refer to causing a person who is literally blind to trip and fall, but it also applies to anybody who is "blind" in a certain area, as we are exhorted not to give him bad advice which could cause him to stumble. However, Rashi adds a word and emphasizes that this prohibition is transgressed by offering advice which is not suitable for him. What lesson is Rashi coming to teach us?

The Brisker Rav, Rav Yitzchok Zev Soloveitchik, was once approached by the director of a prominent organization, who wanted his assessment about

whether he should offer a leadership position within the organization to a certain individual. The Rav replied that he thought that the person in question was well-suited for the job and encouraged the director to hire him. When the individual was offered the position, he went to consult the Brisker Rav to solicit his opinion about whether he should accept the opportunity. He was advised to turn it down.

When the director heard that the prospective hire was declining the position at the recommendation of the Brisker Rav, he was shocked and astounded. He immediately returned to the Rav's house to ask him why he had changed his mind after initially maintaining that this individual was qualified for the job and advising him to offer him the position.

The sagacious Rav replied, "My opinion did not change at all. When you originally approached me, you asked whether it was in the best interests of your organization to hire this person, and I responded that it was. However, when he came to ask for my guidance, he didn't ask what would be best for the organization, but rather what would be best for him, to which I responded that it was not a good idea for him to accept the position. The Torah requires us to give advice that is in the best interests of the advice-seeker, and if I would have told him to accept the job, which would be good for you but not for him, I would have transgressed this prohibition," a lesson that we should bear in mind when our opinions are solicited and we are tempted to respond in the way that we would like the other person to act, even though it may not be the best advice for the questioner.

Lo sikom v'lo sitor (19:18) In explaining the roots of the prohibition against taking revenge, the Sefer HaChinuch (241) writes that a person is obligated to believe and recognize that everything which happens to him was ordered by Hashem. In this vein, Dovid HaMelech commanded (Shmuel 2 16:11) that Shimi ben Geira not be harmed for cursing him, explaining that "Hashem told him to curse me." The Torah therefore forbids taking revenge against a person who harms or hurts us, since he was just an agent to execute Hashem's decrees.

This idea is difficult to reconcile with an explanation of the Ohr HaChaim HaKadosh in Parshas Vayeishev. The Torah records (Bereishis 37:21) that while the rest of the brothers were plotting to kill Yosef, Reuven saved him by suggesting that they instead throw him into a pit. Since Rashi writes (37:24) that the pit was full of poisonous snakes and scorpions, in what way was this considered "saving" Yosef and not merely substituting one type of death for another?

The Ohr HaChaim HaKadosh explains that while humans have free will and the ability to do something which wasn't decreed in Heaven, animals have no such free choice and are limited to whatever was decided by Hashem. Reuven knew that Yosef wasn't the wicked pursuer that the other brothers thought he was and was confident that a death sentence hadn't been decreed upon him.

Nevertheless, Reuven feared that his brothers, with their free will, would succeed in their plans to kill Yosef. Reuven "saved" Yosef by having him thrown into a pit where he knew that the snakes and scorpions would have no permission to harm him. This seems to contradict the principle of the Sefer HaChinuch, who writes clearly that humans have no ability to harm innocent people and should be viewed as mere executors of Hashem's decrees.

A possible reconciliation is that in Derech Sicha, Rav Chaim Kanievsky clarifies that the explanation of the Ohr HaChaim HaKadosh isn't to be taken completely literally. The Ohr HaChaim HaKadosh didn't mean to say that humans are capable of killing a totally innocent person against Hashem's will, but rather that a person needs more merits to be saved from those with free will. According to this understanding, this explanation needn't contradict the opinion of the Sefer HaChinuch that whatever transpires is ultimately a fulfillment of the Divine plan.

Shalosh shanim yih'yeh lachem areilim lo yei'achel (19:23) The Torah forbids the consumption of orlah, the fruits produced by a newly-planted tree for the first three years. Additionally, the fruits that grow during the fourth year have special sanctity and must be taken to Jerusalem and eaten there. Only from the fifth year onward is the owner free to eat his fruit at home. In explaining the reason for the mitzvah of orlah, the Ramban writes that typically, the fruits produced by a new tree will be of inferior quality, as it takes time for a tree to be able to yield strong and healthy fruits. Because Hashem wants the first fruits that are eaten in Jerusalem to be tasty and robust, He forbade the produce of the first three years, so that those taken to Jerusalem in the following year will be hearty and succulent, which would not be the case for the fruits that grow during the tree's first year.

However, the Medrash (Bamidbar Rabbah 10:1) gives an alternative rationale for the mitzvah of orlah, based on its juxtaposition to the commandment of (19:26) lo soch'lu al ha'dam - do not eat on the blood. Rashi writes that this is a prohibition against eating from an animal that was ritually slaughtered before its blood has completely drained out. The Medrash explains that the mitzvah of orlah is intended to teach us the invaluable quality of patience. Human nature is to seek immediate gratification; after slaughtering an animal, many people want to eat the tantalizing meat immediately. To help us overcome this propensity, Hashem specifically commands us to slow down and wait until the blood has completely emptied out. The Torah reinforces this lesson by juxtaposing the mitzvah of orlah, which requires us to wait three entire years until the fruit of a newly-planted tree may be consumed, to the prohibition of eating on the blood.

Rav Yissocher Frand points out an apparent contradiction in Hashem's instructions to Adam. He first told Adam that he was allowed to eat from every tree in the garden, only to then forbid him to eat from the Tree of Knowledge (Bereishis 2:16-17). How can this prohibition be reconciled with Hashem's explicit permission to eat from any tree in the garden, including the Tree of Knowledge?

The Ohr HaChaim HaKadosh (Vayikra 19:26) explains that Adam was in fact permitted to eat from the Tree of Knowledge, but with the stipulation that he was required to wait until Shabbos to do so. In fact, had Adam waited, he would have made Kiddush from wine made from the grapes of the Tree of Knowledge. In other words, Adam's sin was not that he ate fruit from a tree that was completely off-limits to him, but rather that he didn't wait to consume it in the appropriate time, a mistake whose consequences continue to afflict us today.

Moreover, Rabbi Frand adds that one of the Arizal's students points out that the temporary prohibition against eating from the Tree of Knowledge was given to Adam in the ninth hour on Friday (Sanhedrin 38b), the day he was created. Had Adam patiently waited a mere three hours, he would have been permitted to consume its fruits; unfortunately, he sinned and ate from them prematurely a mere one hour later. As a rectification of Adam's inability to wait for three hours, the Torah gives us the mitzvah of orlah, which requires us to wait patiently for three full years before we may consume the fruits of any newly-planted tree. Orlah teaches us that not everything must be used or enjoyed just because it seems available and we are convinced that we must have it immediately, but rather *davar b'ito mah tov* - everything is good in its proper time (Mishlei 15:23).

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From: Rabbi Yitzchok Adlerstein <ravadlerstein@torah.org> to:  
mchochmah@torah.org date: Thu, May 12, 2016 at 6:20 PM subject:  
Meshech Chochmah - Love in Three Parts

### **Meshech Chochmah**

**By Rabbi Yitzchok Adlerstein**

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Love in Three Parts You shall love your fellow as yourself. I am Hashem.

Meshech Chochmah: The simple reading of the pasuk implies a connection between the love of one's fellow and the very existence of G-d. Indeed, we can speak of multiple varieties of this connection.

We begin with the usual place that our forebears looked to find signs of Hashem's presence – the complexity of the natural world, and the synergy of all of its components. We stand in awe of the changing forms around us, all of them interdependent elements of a massive biosphere. Fine-tuning its design, and maintaining its stability are tasks that only a Divine engineer could oversee. The world testifies to Hashem's existence.

There is more. One part of this complex world yields different insight into the nature of G-d. The only creature vouchsafed the gift of free will is Man. Not even angels share this capacity. While all other things must slavishly read the lines scripted for them, Man writes his own story. Everything else obeys laws that are hard-wired; Man chooses between competing options. This ability is so unusual that it points to its source – the nature of G-d Himself. He is the singular element of existence that need not obey any rules, but acts solely according to His will. One who wishes to gain the slightest glint of recognition of Hashem's utter independence and transcendence of all limits and boundaries must turn to the example of Man. There he will find a bit of similarity in the ability of Man to choose, rather than to be driven mechanically by the laws of Nature. Man testifies to the limitlessness of Hashem.

We are not quite done. A subgroup of Man points in two ways to another quality of the Creator – His ongoing providence. The story of the Jewish people gives full-throated testimony to His oversight of their affairs. On the one hand, He provided for the Jews for forty years in an inhospitable wilderness. Every person of that generation subsisted through the mohn provided them each day by Hashem. In this we saw not an occasional insertion of His Will against the apparent constancy of the laws of Nature – what we call the open miracle. Rather, we witnessed the constancy of His supervision of the details of the lives of men, responding to their daily needs, and rewarding them for their choosing to be loyal to His mission.

Evidence of His providence continued well beyond the charmed lives of the generation of the Wilderness. No stronger evidence could exist than in the long-term history of that same people. Living often apart from all other nations, they survived the relentless efforts of a march of enemies to destroy them. Moreover, whenever provided with a brief period of tranquility, their fortunes rose meteorically, as if some property within them propelled them to distinction wherever they resided. Of course, that property was nothing other than Hashem's presence amongst them, and its attachment to their very souls.

This attachment manifests itself in a pattern of Jewish settlement. No matter where they are exiled, it moves them to band together, to build communities, organizations of Torah and avodas Hashem, and charitable enterprises.

Klal Yisrael testifies to Hashem's hashgachah.

Moving, then, from the general world around us to the example of Man and on to the special case of the Jewish people, we are provided with glimpses of the meaning of Divinity. This is alluded to in our pasuk, "...your fellow as yourself – I am Hashem." In other words, you and your fellow together point to Who I am, to the Essence of my being.

A second approach to our pasuk. Typically, the heart desires what the eyes see. An important exception is love of the unseen G-d. When the power of a person's *sechel* overcomes its usual physical constraints Klal Yisrael testifies to Hashem's hashgachah.

the soul fills with a desire to know Hashem, and to become closer to Him. We are instructed to love our fellow because his *neshamah* is hewn from the same Rock. This quality remains invisible. So the Torah instructs us to love our fellow as ourselves. How? In the same way we love Him, which is to love that which cannot be seen. Similarly, we are told to love our fellow because of the special quality of his soul, despite the fact that we cannot see it.

A final approach. Much of what we call love stems from inequality. A recipient loves a giver for providing him with something he needs. But this kind of love is reflexive. The recipient really loves himself, and attaches himself to the other only because that other offers him something. When this is not the case, the opposite occurs. The difference between them becomes grounds for hatred, rather than love. As Chazal say,[2] a craftsman hates another member of the same craft. When he doesn't receive from him, the difference between them becomes a perceived threat to his well-being.

Some relate to Hashem the same way. They love Him because He provides them with what they want. This is not really what Hashem asks of us; the love object here is the person himself, not G-d.

There is a different kind of love that flows from commonality, not difference. A person accomplished in some intellectual field may come to love a great luminary in the same field. The love comes from what the two of them share, not from their difference, nor from anything that one gets from the other. The loved one is loved for what he is, not for what he provides.

We can – and should – relate to Hashem in the same way. We ought to love Him not because He enhances our lives, but because of what we share with Him. We are told to emulate His characteristics/ midos. When we incorporate those midos within ourselves, what we share allows us to love Hashem for what He is.

Our pasuk hints at this as well. We optimally love Hashem for what He is, not for how He helps us. Similarly, we ought not love our fellow because that person will reciprocate the love, or because he will honor us for our help. We ought to love our fellow for what we appreciate about him – the admirable qualities that we share with him.

Based on Meshech Chochmah, Vayikra 19:18 ? Bereishit Rabbah 39:4 ? To Support Project Genesis- Torah.org

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from: Kol Torah Webmaster <[webmaster@koltorah.org](mailto:webmaster@koltorah.org)> to: Kol Torah <[koltorah@koltorah.org](mailto:koltorah@koltorah.org)> date: Thu, May 12, 2016 at 7:44 PM subject: Kol Torah Parashat Kedoshim 2016

### **Should Yeshivah Students Serve in the Israeli Army? by Rabbi Chaim Jachter**

Editor's Note: In our previous two issues, we included a Hespeid for Rav Aharon Lichtenstein, zt"l, in honor of his first Yahrzeit. This week's as well as next week's article are in his honor.

Throughout the State of Israel's short existence, it has granted military exemptions to full-time Yeshivah students. These exemptions and the decision by some Yeshivah students to serve in the army nonetheless have both generated much debate and discussion.

Should a Spiritual Person Serve in an Army?

People often ask, how can someone thoroughly engrossed in spiritual matters serve in the army, a rugged and physically intense experience? Our own male role models answer this question. Avraham, Moshe, Yehoshua, and David all scaled the heights of spirituality, yet they excelled at waging war. The Gemara (Mo'ed Katan 16b) describes this phenomenon: "David would soften himself as a worm when he studied Torah, but he hardened himself like wood when he fought in war."

Rav Yehuda Amital (HaMa'alot Mima'amakim, pp. 62-63) cites David's model as a paradigm for hesder students. They grapple with the subtlety of a great Talmudic commentary, such as "Ketzo," "Netivot," or "Reb Chaim," while on the other hand serving with great distinction in the Israeli army. Indeed, it is widely reported that religiously observant soldiers comprise a significant percentage of the junior officers in certain Israeli army units (although these officers do not necessarily participate in the Hesder program).

Other sources similarly describe holy people as potent warriors. Rambam (Hilchot Melachim, Chapter 11) presents a profile of the Messiah. He studies Torah and is devoted to the Written and Oral Torah. He will compel the entire Jewish people to follow the Torah, and he will lead the nation in battle. Ramban (Bereishit 26:29) explains what motivated Philistine kings to make covenants with our forefathers, who led a small nomadic tribe, seemingly posing little threat to the Philistine emperor:

Avraham was very great and mighty, as he had in his house three hundred sword-bearing men and many allies. He himself was a lion-hearted soldier who pursued and vanquished four very powerful kings. When his success became evident as being divinely ordained, the Philistine king feared him, lest he conquer his kingdom... And the son emulated the father, as Yitzchak was great like [Avraham], and the king was afraid to fight him, lest [the king] be driven from his land.

Aside from these individuals, the Bible contains other examples of wars where the spiritual elite fought. Rashi (BeMidbar 31:3) asserts that the soldiers in the wars against Amaleik (Shemot 17:8-16) and Midyan (BeMidbar 31) were specifically chosen based on their religious piety. The Radak and Malbim (Shofetim 5:14) explain that, after defeating the army of Canaan, the prophetess Devorah gave special praise to the people of Machir and Zevulun precisely because their religious leaders fought in the battle. All of these sources clearly teach that no fundamental problem exists with spiritual leaders serving in an army. The advisability of their service in the Israeli army today, however, remains to be determined.

The Model of the Tribe of Levi

Some point to the tribe of Levi as a model for those who study and teach Torah full-time, while never serving in the army. Indeed, Rambam's concluding remarks in Hilchot Shemitah VeYoveil (13:12-13) depict the tribe of Levi in this manner, "They do not wage war like the rest of Israel, nor do they inherit land in Israel." Moreover, Rambam writes:

[Being a part of the spiritual elite] applies not to the tribe of Levi alone, but to each and every person throughout the world whose spirit has uplifted him and whose intelligence has given him the understanding to stand before God, to serve Him, to worship Him, to know God; and he walks upright, since he has cast off from his neck the many considerations which people seek. Such a person has been sanctified as the Holy of Holies, and the Lord shall be his portion... forever and ever, and shall grant him adequacy in this world, as he has granted to the Kohanim and the Levites. As David... says, "Oh Lord, the Portion of my inheritance and of my cup, You maintain my lot."

This passage is often cited to excuse contemporary Yeshivah students from serving in the Israeli army. This application, however, contains several possible problems. Rambam often ends sections of the Mishneh Torah with aggadic (non-legal) statements. Thus, perhaps he does not intend his comments at the end of Hilchot Shemitah VeYoveil, which conclude Sefer Zera'im, as a technical legal assertion. Furthermore, Rambam points to King David, one of our greatest military leaders, as an example of such a spiritual person, so Rambam might not intend to apply the parallel with Levi to military exemptions. Even if one does accept such an application, it remains unclear to what percentage of the population such a grand description applies.

Did Levites Actually Serve in the Army?

The Talmud never states explicitly that the Levites did not serve in the army. The Sifrei (commenting on BeMidbar 31:4) addresses this issue regarding

the war between the Jews and Midyan, but textual variants lead to opposing conclusions. Rashi's text of the Sifrei (in his commentary on that verse), understands that the Torah includes ("lerabot") Levi in the army that fought against Midyan. However, the Gra's text of the Sifrei reads "to exclude (Lehotzi) the tribe of Levi" from that war. This passage in the Sifrei thus proves nothing about Levi's role in the army.

While Rambam does mention Levi's military exemption at the end of Hilchot Shemitah VeYoveil, it is uncertain how much weight this carries, because he does not present this rule in Hilchot Melachim, where he discusses military exemptions at length. In fact, the Radak (II Shmuel 23:20) claims that in wars against the enemies of Israel, even the Kohanim (the most sanctified part of the tribe of Levi), who ordinarily avoid contact with dead bodies, must take an active part in killing the enemy. David's great warrior, Benayahu ben Yehoyada, exemplified this practice. Despite being a Kohein, he served as a high-ranking officer in King David's army and eventually became the head of King Shlomo's army. Moreover, the Gemara (Kiddushin 21b) and Rambam (Hilchot Melachim 8:4) discuss the laws of a Kohein who fights in wars, indicating that this was done in practice.

On the other hand, whenever the Torah takes a census of those who are fit to wage war ("kol yotzei tzava"), it excludes the tribe of Levi, implying that this tribe does not fight in the army. The Rashbam (Bemidbar 1:47) even refers explicitly to their exclusion for the army. Hence, using the Levites as a paradigm for excusing Torah scholars from serving in the army remains debatable, for the status of Levi is itself uncertain.

#### Milchamot Mitzvah

In Halachah, there are two types of wars (see Sotah 44b). One type, Milchamot Reshut ("discretionary wars"), consists of wars fought to enlarge the borders of Israel and wars fought to bring glory to its king. The other type, Milchamot Mitzvah, includes wars against Amaleik and the seven Canaanite tribes. Rambam (Hilchot Melachim 5:1) also categorizes "saving the Jewish people from enemies who have attacked them" as a Milchemet Mitzvah. It follows from Rambam that all the wars that the State of Israel has fought should be classified as Milchamot Mitzvah, for almost everyone regards them as saving Jewish people from enemies who have attacked them.

While the Mishnah (Sotah 43a) lists those people who need not fight in battle, it later (44b) limits these exemptions. The Mishnah rules that they only apply to a Milchemet Reshut, "but in a Milchemet Mitzvah everyone must go fight, even a groom from his chamber and a bride from her canopy." In fact, the Keren Orah (Sotah 44b) writes explicitly, "Everyone must participate in a Milchemet Mitzvah. Even Torah scholars must interrupt their studies."

#### Preemptive Strikes

As we have already noted, Rambam considers defensive wars to be Milchamot Mitzvah. It is unclear from his language if this includes preemptive strikes to deter a threatening enemy. Determining the status of such wars is critical for establishing whether those who are exempt from Milchamot Reshut must take part in such attacks.

In order to understand the status of preemptive attacks, we must first solve a more basic problem. Rambam's categorization of a war to defend the Jewish people as a Milchemet Mitzvah appears to contradict the Gemara (Sotah 44b). The Gemara considers attacking a nation to prevent it from eventually attacking Israel a Milchemet Reshut. Explaining Rambam's ruling in light of this passage in the Gemara determines the status of preemptive attacks.

The Lechem Mishneh (Hilchot Melachim 5:1) claims that a battle fought purely to intimidate an enemy (so that it will not dare to attack Israel) is in fact a Milchemet Reshut (as indicated by the Gemara). When Rambam describes a Milchemet Mitzvah, the Lechem Mishneh implies, he only includes military activities that respond to an actual enemy attack. It seems that according to the Lechem Mishneh, preemptive strikes might not be Milchamot Mitzvah, although it is not entirely clear where he draws the line between offensive and defensive battles.

The Aruch HaShulchan HeAtid (Hilchot Melachim 74:3-4) strongly disagrees with the Lechem Mishneh and writes that "it's obvious beyond any doubt" that a king must preemptively attack anyone who poses a threat to the Jewish people. The Aruch HaShulchan asserts that Rambam describes even offensive strikes to save Jews as Milchamot Mitzvah. However, the Aruch HaShulchan suggests, all defensive wars differ from wars against Amaleik and the tribes of Canaan. A nation can usually launch strikes to enhance its security without the entire nation's participation, so the standard exemptions from the army apply to such a war. In this sense, defending Jews is like a Milchemet Reshut, as the Gemara indicated.

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