

## Israel Independence Day: Redeeming the Land

### Rav Kook Torah

At a 1930 building dedication for the Jewish National Fund (JNF), the organization established to redeem land in Eretz Yisrael, Rav Kook spoke about the rights of the Jewish people to the land of Israel.

#### Righteous and Faithful

The prophet Isaiah proudly called out, "Open, O gates, so that the righteous nation that keeps faithfulness may enter" (26:2). Isaiah mentioned two qualities of the Jewish people:

- They "keep faithfulness" (shomeir emunim) - i.e., they are loyal to their special covenant with God.
- They are a "righteous nation" (goy tzaddik) - they act in a fair and just manner.

This attitude of fairness is expressed not only toward individuals. Also on the national level, in our relations with other peoples, we aspire to equitable dealings. Thus, even as we take the necessary steps toward reclaiming our land, we do so in a just and magnanimous fashion. As we return to the land of Israel, we eschew taking it by force, preferring to use peaceful methods, paying for property in full. We do this even though our rights to Eretz Yisrael were never abrogated.

#### Eternal Rights

Our eternal rights to the land of Israel have a firm basis in Jewish law. Rabbi Nachshon Gaon, the ninth-century head of the academy in Sura, wrote that any Jew can execute a legal transaction on the basis of land (kinyan agav karka). This is true, the scholar explained, even if one does not own any real estate, since every Jew possesses a personal inheritance of four cubits in Eretz Yisrael. From here we see that even during those times when the land of Israel was stolen from us, this theft did not void our legal rights to the Land.

While there is a rule that "land cannot be stolen" (Sukkah 30b), it is likely that the conquest of land in war may be considered a form of acquisition that nullifies prior ownership of property. However, that is only true for land that the owners have the right to buy and sell. With regard to the land of Israel, the Torah states, "The land cannot be permanently sold, for the land is Mine" (Lev. 25:23). The special bond between the land of Israel and the Jewish people is enforced by a Divine right that may never be annulled. No form of acquisition, whether by purchase or conquest, can cancel a Jew's rights to his portion in the Land. And certainly nothing has the power to revoke the rights of the entire Jewish people to their holy inheritance.

#### Reclaiming the Land

However, since we are a "righteous nation," we try as much as possible to ensure that our redemption of the land of Israel be through consent, reclaiming the land with monetary acquisitions. In this way, the nations of the world cannot lodge complaints against us. As the Midrash states, "Regarding three places, the nations of the world cannot claim, 'You are occupying stolen territory,' since they were purchased at full price. They are the Machpeilah cave in Hebron, the field in Shechem, and Mount Moriah in Jerusalem." (Breishit Rabbah 79:7)

As we return to our homeland and renew our ownership of the land, we exercise both our eternal rights of Divine inheritance and also the accepted means of monetary acquisition. The JNF, which has proudly taken upon itself this historic mission of redeeming the Land, works to fulfill Isaiah's stirring call. May the gates of Eretz Yisrael open up, "so that the righteous nation that keeps faithfulness may enter!"

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*Tachanun on Erev Yom Haatzmaut*

*Rabbi Dr. Aryeh Hirsch*

Rav Tvi Yehudah Hakohen Kook once related this story:

"I was asked by a Gadol (famous Rabbi) why the Chief Rabbinat declared that this country should not pray the Tachanun prayer during

the Minchah (afternoon) service on the day before Yom Ha'atzmaut (Israel Independence Day). He understood that on Friday afternoon, with Shabbat following, and on Erev (day before) Yom Tov we omit Tachanun, as the Kedusha (holiness) of those days spills over to the day before. As such, the day before is not fit for a prayer of anguish that begins: 'I am exceedingly distressed'- and continues in that vein with Tehillim Perek 6 (Psalm 6). But 'since the Yom Haatzmaut is not a day of Kedusha, but merely a day of הלה והודאה (praise and thanks) to the Lord for giving us Jews our own country'- he didn't understand why the [Israeli Chief] Rabbinat declared not to say Tachanun the day before (assuming there being no holiness to spill over to the preceding day).

"I replied: What do you mean, there is no Kedusha to Yom Haatzmaut? We are living the קץ המגולה, the revealed Redemption, as the prophet Ezekiel foretold: 'You, mountains of Israel, your will grow your branches and bear your fruit for my NATION ISRAEL, as they return, for I am with you' (Ezekiel 36; 8-9). We believe in the holiness of these Words of G-d as we reveal their reality in our historic times. We believe in the holiness of our meriting to fulfill the מצווה דאורייתא (Torah commandment) to live in Israel (Yishuv ha'aretz)! The Mitzvah of מלחמה, battle for this land! The Mitzvah of maintaining an armed forces for Israel! The Mitzvah of כיבוש ישראל, conquering the land of Israel!

"So certainly we don't say Tachanun on Erev Yom Ha'atzmaut "(Ki Ayin b'Ayin Yiru, page 165).

Rav Yaakov Levanon adds:

"Just as the founding politicians - Ben Gurion, Rav Zerach Varhaftig et al - had the courage despite all the dangers and odds, to declare the founding of the Jewish State of Israel -so we, via the power we were granted by the Almighty to differentiate between Israel and the nations of the world (כה המבדיל בין ישראל לעמים), rise up, are rejuvenated (קמנו) and declare the name of the Lord on this, our Independence. We are commanded in our Holy (Kadosha) Torah to be an independent, sovereign nation living in this, our Holy Land; and thus on the fifth day of Iyar, 148, the State of Israel arose and was brought into being"(ibid, page 167).

We recently read the parshiot of Acharei Mot and Kedoshim, as its name implies, deals with matters of holiness.

Rav Matis Weinberg explains that holiness has to do with partitions, mechitzot. Partitions define where a person belongs, and where he does not belong. Thus, in Acharei Mot, Nadav and Avihu violated the partitions of the Tabernacle, going where they did not belong. Similarly, the parsha deals with banishing the Sair La'Azazel, the Yom Kippur scapegoat, from the boundaries of civil society to the desert of the demons of evil. The parsha thus also deals with bringing a sacrifice outside its legal partitions of the Tabernacle.

Both Parshiot deal with incest. This is because the partitions of Kedusha define not only where I belong, but what I am permitted to relate to- and by Divine Law (chok) a person is not allowed intimate relationships with his roots. Roots include the Holy of Holies, the inner source of all Kedusha in Creation- which one must not cavalierly enter it at any time. One is not allowed to eat blood because blood is a universal root of animal existence. As the nation branches out to life outside the Holy Tabernacle, and individuals (peratim) develop outside(out of the partitions) of basic life forms, then one is allowed to form relationships. A man may not be intimate with mother, sister, etc. - nor form intimate, homosexual relationships with another possessor of XY genetic roots; one must branch out, distance himself from his roots and join G-d in His diverse, explosive Creation.

All this is implied by Mechitzot, partitions, of Holiness.

This Omer period of the Jewish calendar also stresses the idea of peratim, the details of Creation, uniting into a Klal, a national entity. As Rav Weinberg puts it, Omer culminates in Shavuot and the Malchut (Kingship/sovereignty) of the Almighty, Israel and King David) because that is another "chok" (law) of our existence. All systems, from the

biological individual to business corporations to nations, consist of peratim self-organizing into a system. Each system is a Malchut.

Our nation is unlike any other. The other nations self-organized out of simple survival instinct and circumstances of history. Rav Levanon: We, the עַם הַנְּבֻחַ, the eternal holy nation, were commanded by the Torah of the Lord to form a Nation of Israel.

One corollary of this is an ancient controversy in the time of the Second Temple. The Rabbis held the opinion that the Omer sacrifice is a public one and cannot be brought from private funds. The faction called Tzedukim (Saducees) philosophically were against the idea of Klal, and permitted the Omer to be brought to the Temple from private, prati, monies.

This leads to two modern controversies in this country. In 1982, Rav Drukman engaged in a debate against MK Yossi Sarid in the Knesset. Sounding like Minister Miri Regev circa 2019, Rav Drukman denounced the Knesset giving public monies to the play "The Patriot". In the play, Israel was portrayed as a society of murderers of Arabs, comparable to Nazi Germany ;

Rav Drukman: "Does freedom of speech mean liberty to unbridled, chaotic license to shame and slander (הפקרות השתוללות וביזוי)?"

Yossi Sarid, speaking like a Tzeduki of old : "For me, there is only one entity at the top of the pyramid: Man, the individual (הפרט), his destiny, his future, and foremost, his life. For you, at the top stands the Medina, the State."

Rav Drukman: "No. At the top of the ladder is G-d and His Divine values. The goal of the individual man (prat) is the realization and actuation of those Divine values. Throughout all generations the Nation of Israel gave its all for those values of Truth- and also in our days, ever since we returned to this, our Holy Land, we continue to give our all , including life itself, for the Klal: for the Nation of Israel, for this Medina (country), and for these Divine values". (Hineni, pages 156-157)

One last modern bugaboo has been the conscription to the Army of those who learn Torah. Governments have fallen over the issue, and it is still in today's headline as PM Netanyahu strives to form a coalition. In Simcha Raz's biography of Rav Tzvi Yehuda Kook, he describes that even in 1948 the issue nearly tore Yeshivat Mercaz Harav in two. Rav Tzvi Yehuda, the Nazir Rav David Kohen, and Rav Raanan were for leaving a handful of Torah learners in the Yeshivah, and the rest to go to a war of survival. Rav Charlap was against. Rav Shaar Yashuv Kohen, not yet a Rav and decades later Chief Rabbi of Haifa, wanted to send a group from Mercaz into the embattled Old City, with a plan to fight eight hours a day, learn eight hours and sleep/eat eight hours. Rav T.Z. Kook: "We are fighting for our foothold in this Holy Land and in Jerusalem the Holy City. This is certainly a מלחמת מצוה, a war which is mandated by Divine command of the Torah".

After the foundation of the State, for decades there was an annual Yom Haatzmaut military parade- and Rav Tzvi Yehudah went to every one. He explained:

[The Torah does decry the attitude: 'My ability and the strength of my own hand has accumulated all this wealth and success for me' (Devarim 8; 17). But only if we separate the Almighty from the world of action, then this material wealth and strength constitute a sin. On the contrary-it is our obligation to succeed (חובה עלינו לעשות חיל), but to attribute that success the Hakadosh Baruch Hu ( he Holy One) . We must recognize that it is the Lord , our G-d who has give us this Koach (strength) and this success, As men of faith we stand on this Independence Day and appreciate this material success, including our Army- and proclaim to the world that it is all G-d's."

As every tank passed, he proclaimed: "Fortunate is the Nation that has it thus, fortunate is the Nation that Hashem is its Lord" (Simcha Raz, Mashmia Yeshua, pages 270-272, 283).

In the same vein, a story from Rav Shlomo Riskin:

In the late 1970's and early 80's , Rav Riskin was Rav of the Lincoln Square Synagogue. He already had plans to build Efrat, and to that end he spent every summer in Israel in Kibbutz Ein Tzurim- which happens to be next door to Rav Drukman's Mercaz Shapiro. In "Listening to God, Inspirational Stories for my Grandchildren" (published by Maggid

Books, 2010), Rav Riskin tells a marvelous story of how Rav Drukman got up from a hospital bed after a heart attack to intercede with PM Menachem Begin to save the whole project of Efrat, which was cancelled by cabinet order in the planning stages( page 313). Interestingly , Rav Drukman tells the same story in his autobiography, Hineni, from his perspective (page 143).

However, it's another story that touches on the Torah learner conscription story. One summer, Rav Riskin was in Kibbutz Ein Tzurim and he went with his friend Yehudan Noiman to attend a funeral in Kfar Chassidim. Also at the funeral was the Rosh Yeshiva of Ponovitch, who caught sight of Noiman and verbally attacked him:

"So that's you, Yehudah- who once attended Ponovitch Yeshiva and was known as Yudke iluy( Yehudah the genius). Did Rav Shach give you permission to leave the Yeshiva to join a kibbutz? You too could have been a Rosh Yeshiva. The letters Rav Shach wrote to you not to leave will serve as prosecuting attorney in the heavenly tribunal before G-d after your passing in 120 years".

Yehudah Noiman was not intimidated .:"The kibbutz that I helped build, the guns that I use in the wars that I fought, and the souls of the many Jews whose lives I protected - they will be my defence attorneys. And they will win the day and exonerate me before G-d."

"I didn't remain the same Yudke that I was in the Yeshiva. I changed. I saw the changes in history. I saw what our generation demanded. I think I even saw what G-d expected of me. I looked around myself at the ravages of the Holocaust. I understood that our era demanded that the Kibbutz, and the battlegrounds of war, had to serve as the infrastructure for the establishment of the Jewish State, the first Jewish State in close to two thousand years. I didn't remain the same because Jewish history didn't remain the same. You remained the same. You didn't change" (pages 307-308).

Rav Riskin concludes: "G-d is the G-d of history. I will be what I will be, Ye-Ho-Va'. He will bring about change. The old must be renewed and the new must be made Kadosh, sanctified with holiness. That's what Rav Kook taught. That's what Yehuda Noiman was expressing".

Yom Haatzmaut kadosh vesameach. Happy Israel Independence Day. *Rabbi Dr. Hirsch is a physician residing in Beit El who works at Hadassah Hospital. He recently completed Rabbinical ordination of the Chief Rabbinate of Israel through a study program at Yeshivat Mercaz Harav*

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## In My Opinion LOCKSMITHS

### Rabbi Wein's Weekly Blog

There is currently an advertising campaign broadcasting on Israeli radio and other media trying to induce listeners and readers to consider choosing to become a locksmith as a profession. Radio commercials state that there are over 3 million requests for locksmiths annually in Israel, to solve the inevitable problems that come with having locks and safes and there are less than 300 certified locksmiths in the country!

I find these statistics staggering and hard to believe but I have no way of disproving them. One thing is for certain though, that sooner or later in life one will need a locksmith. And as the locks become more technologically advanced and complicated, I certainly see the necessity for training a new generation of locksmiths. There is nothing more frustrating than being locked out of one's own home, automobile, safe or office because of a malfunctioning lock.

Having had this experience many times in my lifetime, I can personally testify to the feeling of desperation when the lock will not unlock no matter what one does. A locksmith once told me that the only people more adept at unlocking locks that refuse to open, are burglars – apparently, they are even more skilled than the locksmiths themselves. I always wondered why they would remain burglars if they could earn a decent living by being expert locksmiths. But the nature of human beings is always perverse, and burglars rarely become locksmiths, though I am afraid that the opposite case does occur. Greed is tempting and the illusion of easy money is even more tempting.

The Talmud discusses locksmiths in terms of spiritual life and Torah knowledge. When the Talmud is faced with a difficult question in law

and logic and is unable to solve it, it states that there is no locksmith or the son of a locksmith that can solve the problem. This phrase is found often in the later commentaries to the Talmud as well and is a favorite description of some of the more insoluble issues of law and life that one encounters.

In fact, the problems of life are compared to the intricacies of a lock. It is difficult to make all the pieces fit at one time and often we do not really possess the keys to unlock the problems that confront us. Just as we endeavor to find an expert locksmith to open the physical locks on our doors and safes, we also look for expert assistance and guidance to help us unlock the spiritual and emotional difficulties that confront us.

I would imagine that there are many millions of requests for such spiritual locksmiths every year here in Israel and I also would imagine that just as in the world of actual locks, there are very few 'locksmiths' available regarding spiritual issues as well. They are few and far between and the expert 'locksmiths' in life rarely if ever advertise themselves as being so. This makes it even more difficult to find the right one at the right time who could be available in emergency situations.

At my stage of life, I am not really looking for a new career or profession. I must admit though that I am fascinated by the advertisements that recommend becoming a locksmith as the means of being an asset to society and earning a respectable living performing a skilled and challenging task.

Also, at my age I no longer have the spiritual mentors or wise 'locksmiths' of the past to whom I can turn for sage advice and wise counsel, with questions, decisions and problems. I have also learned from mentors that there are certain 'locks' that no human 'locksmith' can unlock. I realize that part of the wisdom of life is to recognize these situations and deal with 'locked doors' and 'open safes.' Just as in today's world, the locks on the doors and safes have become more complicated and technically advanced, to a certain extent is this true also of the 'locks' that we find confronting us in our daily lives.

The world is more complex and challenging, even in the smallest details, than it was a century ago. But even though they may be scarce, the Jewish people still possess 'locksmiths' who can help and guide us and we have ultimate trust in the great 'locksmith' that has created us all and sustains us in life.

Shabbat shalom  
Berel Wein

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## **Weekly Parsha K'DOSHIM Rabbi Wein's Weekly Blog**

This week's Torah reading makes a heavy demand upon us. It commands us to be a holy and dedicated people and to continually aspire to heights of piety and holiness. Some will say that this is an almost impossible task and is especially difficult since the Torah does not define for us how it is to be achieved. But that is only a superficial understanding of what this Torah portion is coming to teach us.

In this Torah reading there appears a large amount – in fact a plethora – of commandments. At first glance one could mistakenly believe that this is nothing more than a jumble of laws thrown together almost at random without any discernible pattern or overall construction. But upon careful examination one will come to realize that it is this wide variety of seemingly unconnected commandments and laws that form the ladder upon which one can ascend to the level of piety demanded from us by the opening verse of the reading.

Every phase of human life is covered by this very long list of do's and don'ts. They refer to personal behavior, the intimacy of marriage and the raising of children, commercial enterprises and all types of interactions between human beings. In effect, we are commanded to be as holy in the marketplace as we are in the synagogue and on a mundane weekday as we are on Yom Kippur.

It is in fact the very reason why there are so many commandments and so many laws and seemingly small details that make up Jewish life and

values. Because human life is covered by the perspective of the demand for holiness on a constant basis, that is the goal of Judaism.

We live in a society that has mostly given up on the concept of holiness and dedication and functions only in the present and for today alone. We do not see a reverence for human life any longer, especially for infants and the unborn, nor any aspiration for spiritual growth at the expense of physical pleasure and leisure. There was a time that people ascribed attendance at a house of worship as being an act that could lead to holiness and spiritual development. Now, across the board of all faiths in the Western world today, attendance at houses of worship has declined drastically and the worship service itself has become one of entertainment, political correctness, guitar playing and social activities at best.

Only by strengthening the observance of the varied commandments that make up the bulk of this week's Torah reading can we at least glimpse the amount of holiness that we are ordained to attain. The sheer number of commandments that govern every aspect of Jewish life emphasizes to us the proportion of the task that lies before us.

There are no shortcuts to holiness and there are no instant remedies to the healing of society. Persistence and patience, repetition and tenacity remain today, as they have always been, the keys to Jewish life and to the fulfillment of the commandments that the Lord demands from us in order to be a holy and dedicated people.

Shabbat shalom  
Rabbi Berel Wein

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## **From Priest to People (Kedoshim 5779) Rabbi Jonathan Sacks**

Something fundamental happens at the beginning of this parsha and the story is one of the greatest, if rarely acknowledged, contributions of Judaism to the world.

Until now Vayikra has been largely about sacrifices, purity, the Sanctuary, and the Priesthood. It has been, in short, about a holy place, holy offerings, and the elite and holy people – Aaron and his descendants – who minister there. Suddenly, in chapter 19, the text opens up to embrace the whole of the people and the whole of life:

The Lord said to Moses: "Speak to the entire assembly of Israel and say to them, 'Be holy because I the Lord your God am holy.'" (Lev. 19:1–2)

This is the first and only time in Leviticus that so inclusive an address is commanded. The Sages say that it means that the contents of the chapter were proclaimed by Moses to a formal gathering of the entire nation (hak'hel). It is the people as a whole who are commanded to "be holy," not just an elite, the Priests. It is life itself that is to be sanctified, as the chapter goes on to make clear. Holiness is to be made manifest in the way the nation makes its clothes and plants its fields, in the way justice is administered, workers are paid, and business conducted. The vulnerable – the deaf, the blind, the elderly, and the stranger – are to be afforded special protection. The whole society is to be governed by love, without resentments or revenge.

What we witness here, in other words, is the radical democratisation of holiness. All ancient societies had Priests. We have encountered four instances in the Torah thus far of non-Israelite Priests: Malkizedek, Abraham's contemporary, described as a Priest of God Most High; Potipher, Joseph's father-in-law; the Egyptian Priests as a whole, whose land Joseph did not nationalise; and Yitro, Moses' father-in-law, a Midianite Priest. The Priesthood was not unique to Israel, and everywhere it was an elite. Here for the first time, we find a code of holiness directed to the people as a whole. We are all called on to be holy.

In a strange way, though, this comes as no surprise. The idea, if not the details, had already been hinted at. The most explicit instance comes in the prelude to the great covenant-making ceremony at Mount Sinai when God tells Moses to say to the people, “Now if you obey Me fully and keep My covenant, then out of all nations you will be My treasured possession. Although the whole earth is Mine, you will be for Me a kingdom of Priests and a holy nation” (Ex. 19:5–6), that is, a kingdom all of whose members are to be in some sense Priests, and a nation that is in its entirety holy.

The first intimation is much earlier still, in the first chapter of Genesis, with its monumental assertion, “‘Let Us make mankind in Our image, in Our likeness’.... So God created mankind in His own image, in the image of God He created them; male and female He created them” (Gen. 1:26–27). What is revolutionary in this declaration is not that a human being could be in the image of God. That is precisely how kings of Mesopotamian city states and pharaohs of Egypt were regarded. They were seen as the representatives, the living images, of the gods. That is how they derived their authority. The Torah’s revolution is the statement that not some, but all, humans share this dignity. Regardless of class, colour, culture, or creed, we are all in the image and likeness of God.

Thus was born the cluster of ideas that, though they took many millennia to be realised, led to the distinctive culture of the West: the non-negotiable dignity of the human person, the idea of human rights, and eventually, the political and economic expressions of these ideas: liberal democracy on the one hand, and the free market on the other.

The point is not that these ideas were fully formed in the minds of human beings during the period of biblical history. Manifestly, this is not so. The concept of human rights is a product of the seventeenth century. Democracy was not fully implemented until the twentieth. But already in Genesis 1 the seed was planted. That is what Jefferson meant in his famous words, “We hold these truths to be self-evident, that all men are created equal,” and what John F. Kennedy alluded to in his Inaugural Address when he spoke of the “revolutionary belief” that “the rights of man come not from the generosity of the state, but from the hand of God.”

The irony is that these three texts, Genesis 1, Exodus 19:6, and Leviticus 19, are all spoken in the Priestly voice Judaism calls *Torat Kohanim*. [1] On the face of it, Priests were not egalitarian. They all came from a single tribe, the Levites, and from a single family, that of Aaron, within the tribe. To be sure, the Torah tells us that this was not God’s original intention. Initially, it was to have been the firstborn – those who were saved from the last of the plagues – who were charged with special holiness as the ministers of God. It was only after the sin of the Golden Calf, in which the tribe of Levi did not participate, that the change was made. Even so, the Priesthood would have been an elite, a role reserved specifically for firstborn males. So deep is the concept of equality written into monotheism that it emerges precisely from the Priestly voice, from which we would least expect it.

The reason is this: religion in the ancient world was, not accidentally but essentially, a defence of hierarchy. With the development, first of agriculture, then of cities, what emerged were highly stratified societies with a ruler on top, surrounded by a royal court, beneath which was an administrative elite, and at the bottom, an illiterate mass that was conscripted from time to time either as an army or as a *corvée*, a labour force used in the construction of monumental buildings.

What kept the structure in place was an elaborate doctrine of a heavenly hierarchy whose origins were told in myth, whose most familiar natural symbol was the sun, and whose architectural representation was the pyramid or *ziggurat*, a massive building broad at the base and narrow at the top. The gods had fought and established an order of dominance and submission. To rebel against the earthly hierarchy was to challenge

reality itself. This belief was universal in the ancient world. Aristotle thought that some were born to rule, others to be ruled. Plato constructed a myth in his *The Republic*, in which class divisions existed because the gods had made some people with gold, some with silver, and others with bronze. This was the “noble lie” that had to be told if a society was to protect itself against dissent from within.

Monotheism removes the entire mythological basis of hierarchy. There is no order among the gods because there are no gods, there is only the One God, Creator of all. Some form of hierarchy will always exist: armies need commanders, films need directors, and orchestras, conductors. But these are functional, not ontological. They are not a matter of birth. So it is all the more impressive to find the most egalitarian sentiments coming from the world of the Priest, whose religious role was a matter of birth.

The concept of equality we find in the Torah specifically and Judaism generally is not an equality of wealth: Judaism is not communism. Nor is it an equality of power: Judaism is not anarchy. It is fundamentally an equality of dignity. We are all equal citizens in the nation whose sovereign is God. Hence the elaborate political and economic structure set out in Leviticus, organised around the number seven, the sign of the holy. Every seventh day is free time. Every seventh year, the produce of the field belongs to all, Israelite slaves are to be liberated, and debts released. Every fiftieth year, ancestral land was to return to its original owners. Thus the inequalities that are the inevitable result of freedom are mitigated. The logic of all these provisions is the Priestly insight that God, creator of all, is the ultimate owner of all: “The land must not be sold permanently, because the land is Mine and you reside in My land as strangers and temporary residents” (Lev. 25:23). God therefore has the right, not just the power, to set limits to inequality. No one should be robbed of dignity by total poverty, endless servitude, or unrelieved indebtedness.

What is truly remarkable, however, is what happened after the biblical era and the destruction of the Second Temple. Faced with the loss of the entire infrastructure of the holy, the Temple, its Priests, and sacrifices, Judaism translated the entire system of *avoda*, divine service, into the everyday life of ordinary Jews. In prayer, every Jew became a Priest offering a sacrifice. In repentance, he became a High Priest, atoning for his sins and those of his people. Every synagogue, in Israel or elsewhere, became a fragment of the Temple in Jerusalem. Every table became an altar, every act of charity or hospitality, a kind of sacrifice.

Torah study, once the speciality of the Priesthood, became the right and obligation of everyone. Not everyone could wear the crown of Priesthood, but everyone could wear the crown of Torah. A *mamzer talmid chacham*, a Torah scholar of illegitimate birth, say the Sages, is greater than an *am ha’aretz* Kohen Gadol, an ignorant High Priest. Out of the devastating tragedy of the loss of the Temple, the Sages created a religious and social order that came closer to the ideal of the people as “a kingdom of Priests and a holy nation” than had ever previously been realised. The seed had been planted long before, in the opening of Leviticus 19: “Speak to the entire assembly of Israel and say to them, ‘Be holy because I the Lord your God am holy.’”

Holiness belongs to all of us when we turn our lives into the service of God, and society into a home for the Divine Presence.  
Shabbat shalom

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**Shabbat Shalom: Kedoshim (Leviticus 19:1-20:27)**  
**By Rabbi Shlomo Riskin**

Efrat, Israel – Speak unto all the congregation of the children of Israel and say to them: You shall be holy, for I the Lord your God am holy. (Leviticus 19:2)

Holiness is certainly a “religious” word expressing a worthy ideal, if not the worthiest of all. But upon encountering this idea in the opening verses of this portion, we must admit that the concept seems rather vague and difficult to define. What does it really mean to be “holy”?

Examining some of the commentators on this issue of holiness, the remarks of Rashi and Nahmanides are thought-provoking, not only because of their differences, but also because of their similarities.

Rashi explains the phrase “you shall be holy...” as follows:

You shall separate yourselves. Abstain from forbidden sexual relationships and from sin, because wherever you find a warning to guard against sexual immorality, you find the mention of holiness. (Rashi on Leviticus 19:2)

Since the sexual drive is probably the strongest of our physiological needs and urges – and the most likely to get us into trouble (an old Yiddish proverb has it that most men dig their graves with their sexual organ) – it makes sense that Rashi will use this activity as a paradigm for all others. Who is a holy individual? The one who can control his sexual temptations, and arrange his life in a way in which he/she will not end up trapped in forces which often overtake and destroy all too many families.

Nahmanides, after initially quoting Rashi’s understanding of holiness, goes a step further by pointing out that the rabbinic interpretation of the phrase (as cited in the Midrash Torat Kohanim) doesn’t limit the holiness of self-restraint exclusively to sexual behavior, but rather applies it to all elements of human nature: The commandment is ordering disciplined conduct in every aspect of life.

Nahmanides goes on to explain that a Jew may punctiliously observe all the details of the laws and still act “repulsively, within the parameters of the Torah” (naval b’reshut ha’Torah). In effect, argues Nahmanides, the commandments must be seen as the floor of the building and not as the ceiling: everyone must keep all the laws as a minimum requirement, and then add to them as his/her personality or conscience desires or dictates, as well as in accordance with the nature of the situation which arises.

Since life is so complex, we require necessary guideposts or clearly enunciated goals to help us make the proper decisions regarding our daily conduct – especially in those areas where a black and white halakhic directive does not exist. Therefore, “you shall be holy” is the guidepost or meta-halakhic principle which must determine our relationship to the Creator. It reminds us that although drinking and eating kosher foods to excess, for example, may be technically permitted, an individual who strives for holiness dare not spend the majority of his time in pursuit of delectable dishes and outstanding wines. And in Judaism, as Nahmanides would see it, holiness refers to a God-like personality, a person who strives to dedicate him/herself to lofty goals of compassionate and moral conduct. Self-restraint and proper balance between extremes are necessary prerequisites for a worthy human-divine relationship.

Nahmanides finds the parallel for the meta-halakhic “you shall be holy” in the human-divine relationship, within the equally meta-halakhic “you shall do what is right and good” (Deut. 6:18) in all of our interpersonal human relationships. It is impossible for the Torah to detail every single possible point of contact between two human beings, points which could easily become stressful and litigious. Thus, Nahmanides tells us that doing what is right and good must be the overall rubric under which we are to conduct our affairs.

It turns out that Rashi’s focus regarding the concept of “you shall be holy” concerns matters of sexuality, while Nahmanides focuses on the

entire range of our experience, giving us a global view of modesty and restrained human conduct. A formalistic reason for these two different approaches to the interpretation of holiness may derive from the context of the verse in question. Apparently, the placement of the commandment “you shall be holy” which opens chapter nineteen, sends Rashi and Nahmanides in two different directions. Rashi, finding that immediately preceding the mandate to be holy, the Torah presents all the laws of improper sexual behavior – twenty-three biblical prohibitions, twenty-three forbidden sexual alliances – he is inspired to conclude that holiness must refer first and foremost to the sexual realm.

Nahmanides, however, gazes ahead and sees, following the directive “to be holy,” no less than 51 commandments in Kedoshim unfolding before him, with approximately half dealing with ritual and the other half dealing with the ethical – including such famous laws as “love your neighbor as yourself” and “you shall not place a stumbling block before the blind.” Nahmanides therefore prefers to view holiness as applying to the entire range of the human experience.

In a most basic way, however, the two approaches are very similar. Both Rashi and Nahmanides define holiness as disciplined self-control, as the ability to say “no” to one’s most instinctive physical desires. They both understand that the religious key to human conduct requires love and limits, the ability to love others and the self-control to set limits on one’s desires.

Interestingly and surprisingly enough, in the Hollywood, Newscaster and political societies a virtual revolution is now taking place in the area of man-woman relationships. Scores of women have come forward and testified to sexual abuse years and decades ago, including woman who claimed that former Vice-President and currently Presidential aspirant Joe Biden had touched them inappropriately on their shoulders or kissed their hair. These various allegations caused Nancy Pelosi, Speaker of the Congressional House of Representatives to strongly suggest that the ethical code of proper conduct between the sexes had to change drastically, that men ought hold women “at arm’s length” unless they received explicit permission to touch or kiss beforehand. And recently an op-Ed appeared in the Jerusalem Post explaining the importance of “shomer negiyah.” Shabbat Shalom!

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***Ohr Somayach :: Torah Weekly :: Parshat Kedoshim***

***For the week ending 4 May 2019 / 29 Nisan 5779***

***Rabbi Yaakov Asher Sinclair - [www.seasonsofthemoon.com](http://www.seasonsofthemoon.com)***

***Insights***

***Let’s Do Lunch***

***“...you shall be holy, for holy am I, the L-rd, your G-d” (13:17)***

To paraphrase Lewis Carroll, the world gets “curiouser and curiouser.” A few weeks ago I was sitting with my wife waiting for a train to Manchester. We broke off our conversation because despite the waiting room being fairly crowded, no one else was talking and we didn’t want to continue in whispers. We looked around the room and most of the people there were either in two’s or three’s but not one of them was talking. Why? They were completely engrossed in their mobile devices. Virtuality is on the threshold of replacing reality. Time spent with real people has shrunk drastically. “Let’s do lunch!” “Please have your people speak to my people.” We’re all so busy rushing — but to where? I well remember going with my wife to Rav Dov Schwartzman zatzal many years ago to ask for advice. The manner in which he greeted us, sat us down, enquired after our parents, our children and ourselves with such genuine interest impressed me greatly. Big people always seem to have time for you, even though they measure their minutes with the exactitude of a diamond merchant.

Shortly after his marriage, Rav Moshe Aharon Stern, together with a friend, was asked to escort the Chazon Ish to a wedding in Bnei Brak. They arrived at the Chazon Ish's home to find him deep in what seemed to them a very superficial conversation with an elderly couple. They were talking about paper clips and hooks, window shades, etc. — which would sell well and which wouldn't. Without saying it, they thought it a chutzpa to waste the time of the Gadol Hador with such narishkeit (childish foolishness). After nearly an hour, the Chazon Ish slowly escorted the couple to the door as though he had all the time in the world. After the couple left, seeing the expressions on the faces of the young men, the Chazon Ish said, "This couple was two Holocaust survivors. They lost their entire families, everyone and everything. They are trying to rebuild their lives. They plan to open a home goods store here in Bnei Brak. So we reviewed every item and discussed whether or not to stock them." Few people sanctified their time as the Chazon Ish or Rav Dov Schwartzman, and yet they prioritized chessed, kindness, even over their learning. "You shall be holy, for holy am I, the L-rd, your G-d." Just as G-d has 'time' for the humblest human on the planet, so too must we look up from our machines — and sanctify the minutes of our lives. © 1995-2019 Ohr Somayach International

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**Rabbi Mordechai Willig**  
**Existing Through Holiness**

"Kedoshim Tihiyu" (Vayikra 19:2) is rendered, "you shall be holy." The Medrash Tanchuma (9), as understood by the Yefe To'ar, notes that the phrase is inverted - it should have read, as in the translation, "Heyu Kedoshim - be holy" (see Shemos 19:15). The Tanchuma links this phrase to a pasuk recited daily: "May He send your help from Kodesh, and support you from Tzion" (Tehilim 20:3). Kodesh is not interpreted as geographical, referring to the Mikdash in Tziyon-Yerushalayim. Rather, it means "from the holiness of your actions - mek'dushas ma'asim shebach."

The Medrash continues that people need help and support, as David said in the verse cited above. The Yefe To'ar explains in light of the previous pasuk: "May Hashem answer you on a day of crisis, may the Name of Yaakov's G-d save you" (ibid 20:2). Once Hashem saves us, why is the help of others needed? The Medrash concludes that even though Hashem helps us, we need the additional help of others to strengthen us over our enemies. This help can be logistical and military, but can also refer to the holy actions mentioned earlier in the Medrash. Kedoshim Tihiyu thus means that through the holiness of your deeds you will exist in this world, despite your enemies' attempts to destroy you.

"In each and every generation they attempt to destroy us, but Hashem saves us from their hands" (Hagada shel Pesach). From a lone gunman in Poway to hundreds of murderous rockets fired in Eretz Yisrael, Jewish blood has been spilled since we recited those words. How should we respond?

We must intensify our prayers to Hashem for peace and security for Jews everywhere in this time of crisis (Tehilim 20:2). But we must also help (Tehilim 20:3) in other ways: logistically, by heightened security awareness and appropriate precautions; financially, by contributing to increased security when necessary and by tzedaka, - charity, which saves from death (Mishlei 10:2); spiritually, by holy actions which, as the Medrash teaches, ensure our existence; and by the study of Torah, especially in shuls and batei medrash, for when the voice of Yaakov is heard there, the hands of Eisav are neutralized (Bereishis Raba 65:20).

The Rambam (Hilchos Ta'anios 1:2,3) rules that when a communal crisis occurs, we must do teshuva, realizing that punishment results from sinful deeds, and, as a result, praying and repenting will remove the

crisis. Attributing the crisis to chance, and failing to pray and repent, is cruel since it causes continued sins and worse crises. "If you attribute your crisis to chance (see Rashi Vayikra 26:21), I will respond with fury (ibid 26:27,28)."

As we read Parshas Kedoshim, Jews worldwide mark the horrific holocaust and the miraculous medina. Since these seminal events, of biblical proportions and foreseen in the Bible and its commentators, the Jewish people have changed in ways unimaginable seven decades ago.

The positive change is that the kol Yaakov in shuls and yeshivos has grown exponentially, in both Eretz Yisrael and in America. This affords a measure of protection against constant attacks by Eisav (which includes Yishmael, see Malbim to Daniel 7:8) in the Holy Land. This unprecedented growth should be assisted by our participation and support.

The negative changes, however, are that intermarriage in America is staggeringly rampant, the degenerate practices of Egypt and Canaan (Vayikra 18:3, see Ramban) have gained acceptance in American society, including among liberal Jews. In stark contrast to "Kedoshim Tihiyu" (see Rashi 19:2), the parsha closes by warning us to avoid immorality which causes expulsion from the Holy Land (Vayikra 20:22). These problems exist today, unfortunately, in Eretz Yisrael as well. The penultimate passuk of Parshas Kedoshim reads, "You shall be holy for Me...I have separated you from the nations to be Mine." We must reaffirm the immutability and morality of Hashem's Torah, and remain separate and not assimilate the postmodern values which are antithetical to Torah.

Only Hashem knows the reasons for the recent attacks on Jews here and in Eretz Yisrael and only He can save us. "If Hashem will not guard the city the watchman guards in vain" (Tehilim 127:1). Yet, even as we pray to Hashem to save us we must do our share to help, both logistically and spiritually, as the Medrash teaches. May our teshuva, tefilla, tzedaka and talmud Torah protect Jews from harm, as our holy deeds ensure our continued existence.

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**Drasha - Parshas Kedoshim**  
**Motherhood & Shabbos Pie**  
**Rabbi Mordechai Kamenetzky**

"One must revere his mother and father and observe my Shabbos, I am Hashem your L-rd" (Leviticus 19:3)

By combining the mitzvos of respecting parents, the Torah begins the first of the myriad commands between both man and his fellow man, and man and his Creator, that fill Parshas Kedoshim.

Rashi notes this curious combination of Shabbos observance and parental respect. It interprets the juxtaposition to mean that Shabbos observance is so important that it overrides parental request for its desecration.

But in addition to the halachic directive inferred by the proximity of the two laws, perhaps there is a moral lesson, too.

Dr. James David Weiss had been attending Rabbi Berel Wein's classes for a while, and though he was not committed to Yiddishkeit in all its aspects, he was truly fascinated by the amazing insights and the spiritual impact that Torah study had made on his life. In fact although he was a shiur regular, and his wife was committed to Torah observance as prescribed by the Shulchan Oruch, the doctor had not yet made the commitment to observe Shabbos.

Towards the summer, Dr. Weiss mentioned to Rabbi Wein that shortly he would be visiting Israel. The doctor had heard Rabbi Wein's stories of his experiences, as the Rabbi of Miami Beach, having chauffeured Rabbi Yosef Kahanamen, the Ponovezer Rav on his fund-raising missions in the United States. In many of his lectures, Rabbi Wein had related his close relationship with Rav Kahanamen, and Dr. Weiss excitedly told Rabbi Wein that he would soon visit the Ponovez Yeshiva. Dr. Weiss did not know that the Rav had passed away a decade earlier, so he enthusiastically offered to send Rabbi Wein's regards to

the Ponovezer Rav. Not trying to discourage the visit, Rabbi Wein smiled and said, “you could try.”

Dr. Weiss arrived at the Ponovez Yeshiva and after marveling at the beauty of its gilded Aron Kodesh and nearly 1000 swaying Talmudists, he asked a boy to direct him to the Ponovezer Rav. Since the Rav had passed away a decade earlier, they directed him to the Rosh Yeshiva, Rabbi Eliezer Menachem Shach. Dr. Weiss waited for the sage to lift his head from the large tome. The old sage looked up and greeted the doctor. Dr. Weiss stuck out his hand, and with the remnants of the Yiddish he had salvaged from his youth, he addressed Rav Shach.

“Sholom Aleichem! My name is Dr. Weiss I study with Rabbi Wein and I come from America with warmest regards from him.”

Rav Shach looked at him quizzically. “I don’t know a Rabbi Wein.”

“Don’t you remember?” asked Dr. Weiss in shock. “Rabbi Berel Wein,” he repeated. “He would often drive you when you visited Miami on behalf of the Yeshiva.”

Rav Shach smiled.

“I don’t know Rabbi Wein, and I have never been to Miami. My name is Shach. I think you meant to see Rav Kahanamen, but unfortunately he has passed away.”

Dr. Weiss looked embarrassed.

But Rav Shach quickly dissolved the discomfort by holding the doctor’s hand and blessing him warmly.

“Dr. Weiss, you are a good Jew and you should be a *gebenchta* (a blessed) Jew. But remember, Shabbos observance is an integral part of Yiddishkeit. Do not forsake the Shabbos!”

Dr. Weiss was astonished. How did Rav Shach know about his wavering about commitment to Torah-observance?

It did not make much of a difference, because from that day on Dr. Weiss affirmed his committed to Shabbos with the same intensity that he had always committed to his fellow man

Perhaps the Torah juxtaposed the most basic tenet of any society with the highest form of our spiritual expression to teach us that the two are inseparable.

Many people feel that Judaism entails all that is mom and apple pie. But there is more to Yiddishkeit than what we, as Americans, Europeans, Asians, Africans, and even Israelis feel good about or think is morally correct. Judaism entails the essence of our spirituality that is encompassed and represented by Shabbos observance. Judaism is more than Mom and Apple Pie; it entails Motherhood and Shabbos rest.

*Good Shabbos!*

*Rabbi M. Kamenetzky is the Dean of the Yeshiva of South Shore.*

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**Parashat Kedoshim: Who is the judge and what is justice?**

**Rabbi Shmuel Rabinowitz**

*If we look closely, the demand is not only that we act righteously, but that we also give others the benefit of the doubt.*

The list of commandments with which this week’s Torah portion, Kedoshim, begins includes those that fall under the category of “between man and God” and those that are “between one person and another” – all under the title “You shall be holy, for I, the Lord, your God, am holy.”

Some of these commandments are meant for judges: “You shall commit no injustice in judgment; you shall not favor a poor person or respect a great man; you shall judge your fellow with righteousness” (Leviticus 19:15).

Simply understood, this verse is not written for the common person, but for the person who sits in judgment, the judge, who has the power to determine the fate of those who stand before him. The judge can choose between a just and an unjust trial. This verse gives two examples of injustice: favoring a poor person, meaning, stealing from the rich to

provide financial benefit to the poor; and the reverse – favoring a great man, giving financial benefit to someone of greater social status at the expense of the person he faces in court.

The sages of the Talmud add to this and say: “You should judge your fellow with righteousness – give them the benefit of the doubt” (Shavuos 30).

It seems that the sages shift the verse from the court to any person, at home, in business, or anywhere there is a social encounter. But there is more to this addition. If we look closely, the demand is not only that we act righteously, but that we also give others the benefit of the doubt. When we see someone doing something that could be interpreted either positively or negatively, we should give them the benefit of the doubt and judge their actions positively.

The sages wish to teach us two important principles with this commentary. The first principle is that a judge is not just the person in court. Actually, each and every one of us acts as a judge of our fellow man. Without noticing, we judge others and their actions, sometimes negatively and at other times positively. We ascribe intentions, sometimes good and sometimes not, and act toward others on the basis of our hidden judgments.

It is easy and popular to talk about refraining from judging others. Our sages did not take this route. They acknowledge that it is in our nature to judge others and saw no point in fighting human nature. Instead, they wanted the verses of the Torah to teach us how to cope with this human trait.

Now we come to the second principle. “Justice” is usually interpreted as doing the right and moral thing, based on accepted laws and rules. Therefore, we might wonder why the sages of the Talmud explained this verse as a command to give others the benefit of the doubt. Can it be that a decision made in advance to judge someone favorably is “just”?

Actually, it is. This is exactly what the sages tried to teach us. We must recognize that man naturally wants to be good and do good deeds. It is rare to find a person who wants to do bad things for the sake of being evil. Man is essentially good, and therefore it is just to give others the benefit of the doubt and assume that their intent and actions are positive and worthy.

This is not to say that there aren’t people who do things that are not positive or worthy. We are very capable of discerning positive actions from negative ones, and we must not ever lose our ability to judge and distinguish between good and bad. But despite this, when we come to judge another person, and not their actions, we must assume their intent was positive, their objective was worthy, and only a character weakness, getting carried away, or an emotional difficulty led the person to do something unworthy.

*The writer is rabbi of the Western Wall and Holy Sites.*

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**Shema Yisrael Torah Network**

**Peninim on the Torah - Parshas Kedoshim**

**פרשת קדושים תשלט**

**קדושים תהיו כי קדוש אני**

**You shall be holy, for holy am I. (19:2)**

For a Jew, being “good” is insufficient. We are to be a holy people, holy to Hashem, because He is the Source of holiness. It would make sense that His nation is expected to strive to be G-d-like. The choice of words, *ki kadosh Ani*, “For holy am I,” begs elucidation. No human being, regardless of his spiritual stature, can aspire to achieve such holiness. In the *sefer Sifsei Tzaddikim*, the author offers an insightful exposition based on an incident that he heard from *Horav Aharon Klivaner, zl* (a *maggid*). When Rav Aharon was a youth studying in the *yeshivah* in Prague, his fame as a Torah scholar spread throughout the area. Outside of Prague, in a small village, there lived a wealthy man whose daughter had reached marriageable age. Her father wanted a “top” *yeshivah* student for her. He traveled to the *yeshivah* in Prague and implored the *Rosh Yeshivah* to provide him with such a student.

The *Rosh Yeshivah* promptly introduced the man to *Rav* Aharon. Impressed with the young man, but totally taken aback by his abject poverty (his clothes were torn, his feet protruded from his shoes, etc.), the wealthy man took the young man shopping to purchase an entire wardrobe for him, befitting a man of means. The young couple married, and the proud father-in-law addressed whatever financial issues arose. At first, *Rav* Aharon strictly adhered to his daily schedule of studies. In due time, however, he fell prey to the wealth and material pleasures that he previously could not even have dreamed about. His in-laws became visibly upset upon seeing their prize son-in-law depart from the world of Torah erudition in which he had risen so high. Whenever his father-in-law would call him to task for his apparent digression from Torah study, he would reply that even if he were to do absolutely nothing for the next twenty years, he would still be intellectually far beyond anyone in the town.

One day, a *Rav* visited the community, and *Rav* Aharon's father-in-law asked the *Rav* to have a few words with his errant son-in-law. The *Rav* spoke to him and received the same response: "I am still way ahead of anyone in town." The *Rav* was not to be so cavalierly ignored. He said, "This is all good and well, as long as you remain in this town. What will you do if your parents-in-law become impatient and send you packing? Imagine arriving in Prague, at your old *yeshivah*, wearing the old, worn out clothing with which you left. Can you begin to conceive your shame when your friends speak with you in learning and you stand there unerudite and clueless?"

*Rav* Aharon attested to the impact these sincere, penetrating words had on him. He immediately returned to his Torah studies, rising through the ranks, achieving the spiritual potential that was expected of him. The *Sifsei Tzaddikim* applies this vignette toward explaining the words, *ki kadosh Ani*. When a Jew is asked why he is not growing in sanctity, his rejoinder might be, "Well, I am so far ahead of the *goyim*, gentiles. Even if I would defer to my *yetzer hora*, evil inclination, I would still be way beyond them." This might be a suitable reply in *Olam Haze*, This World. What will this "smart" man say when he comes before Hashem? When his *neshamah tehorah*, pure soul, returns to its Source and stands before the Source of all *kedushah*? The embarrassment will be beyond anything one can imagine: "'For holy am I.' It is before Me that you will one day stand. Do not forget that."

**איש אמו ואביו תירא**

#### **Every man: Your mother and father shall you revere. (19:3)**

Reverence and fear (which is the literal translation of *tirah*) are closely related. I think fear born of reverence is unlike fear which is the result of retribution. Thus, one is to fear his/her parents through the lens of reverence and esteem in which he holds them. This *mitzvah* prohibits anything negative, such as sitting in a parents' seat, contradicting or interrupting them. One should act toward a parent in much the same manner in which he respects a monarch. The Torah should have simply written: Your father and mother shall you revere. Why does the Torah add *ish*, every man? The *K'sav Sofer* explains that *ish* refers to an adult who has achieved independence, who is no longer supported by his parents. He is an *ish* on his own. One should not think that this *mitzvah* is incumbent only upon the younger generation. Indeed, it is probably more vital when one is older and thinks that he is on his own. Parents remain parents, regardless of their age and the age of their children. When we were younger, our parents addressed our every need. Later in life the tables are quite possibly turned, and the parents might require the assistance of a child. This (perhaps unwelcome) circumstance should not alter the reverential attitude a child manifests toward his/her parent.

*Horav Yechezkel Halberstam*, זל (popularly known as the *Shiniaver Rav*), eldest son of the venerable *Zanzer Rav*, the *Divrei Chaim*, was a brilliant *talmid chacham*, Torah scholar, without peer. Even as a youth, his fame as an erudite scholar had spread throughout Jewish intellectual and *halachic* circles. His father once asked him to join him in adjudicating a difficult question concerning an *agunah*, abandoned wife. (This term is used to describe a woman whose husband is missing and not yet declared dead, due to a lack of proof if there is no body, identifying marks, DNA, etc., or a woman whose recalcitrant

husband refuses to grant her the Torah-mandated *get*, divorce, usually due to extortion on his part.) When the *Shiniaver Rav* arrived at the inn where he was to stay, he asked his aide to bring him (from the local *shul*) a *Shulchan Aruch Yoreh De'ah*. (This is one of the four sections of Torah Law authored by *Horav Yosef Karo*. This section treats all aspects of Jewish law not pertinent to the Hebrew calendar, finance, torts, marriage, divorce. It is, thus, the most diversified section of *Shulchan Aruch*, dealing with a multitude of issues.) Well aware that the *Rav* was probably anxious to review the more relevant *halachos* concerning *agunah*/dissolving a marriage, he asked the *Rav*, "Perhaps his honor meant *Shulchan Aruch Even HaEzer* (which discusses issues of marriage and divorce)?" The *Shiniaver* replied, "Do not worry. I am clear in the laws regarding an *agunah*. I have no reason to review them. My issue (for which I want the *Yoreh De'ah*) is that I will be sitting in judgment together with my revered father. It is possible that we might not share similar views on the *halachah*, how it should be interpreted and adjudicated. I am overly concerned that in the ensuing discourse I might cross the line of *Kibbud av*, honoring my father. Therefore, I want to review the laws of *Kibbud av v'eim*, which are located in *Yoreh De'ah*."

The *Imrei Emes* (as a youth) was taking a train trip with his mother and a number of family members. He sat toward the back of the car, while his mother sat in the front with other members of the family. During the trip, he washed his hands to eat a quick sandwich (meal) after which he *bentched*. He then walked up front to say something to his mother, who was unaware that he had just eaten. She said to him, "You must eat. It is too long of a trip to go without food." He immediately took a slice of bread, washed, ate and then *bentched*. He did all this to satisfy his mother and to fulfill the *mitzvah* of honoring her. It never entered his mind to say, "I have just eaten," because it was his mother's idea that he eat, and he would not deprive her of her motherly satisfaction of attending to her son's needs.

A woman came with her teenage son to the *Baba Sali*. Her son, sadly, was sporting shoulder length hair and the garb reserved for the more "creative" members of the (then) hippy generation. The boy manifested all of the obvious signs of one who was seriously depressed. Women did not speak to the *Baba Sali*. The *gabbai*, secretary of the *Chacham*, read the mother's request concerning her errant son: "Will the *Chacham*, please bless my son that he return to Torah observance and that he respect his parents?" The *Baba Sali* listened, but said nothing. Suddenly, it became evident that tears began to flow down the cheeks of the holy *tzadik*. He said, "Oy! If I could only have my mother (alive), I would carry her on my shoulders and dance from great joy!" When the boy heard these words emanate from the saintly *Baba Sali*, he turned to his mother and said, "*Ima, slichah*, I ask your forgiveness. I apologize for the pain that I have caused you." When the *tzadik* heard this, he said to the boy, "Leave your sinful behavior, and all of your (past) sins will be absolved."

Hearing the sincerity in the *Baba Sali's* voice, as he described his intense love and longing for his mother, brought the boy back to religious observance.

**ולא תשבטן בשמי לשקר**

#### **Do not swear falsely by My Name. (19:12)**

Swearing falsely occurs in one of four formats: two referencing the past; either falsely confirming that something occurred, or denying its occurrence; or two referencing the future, either by promising that he will carry out a specific activity, or affirming that he will not. In any event, swearing falsely, using Hashem's Name to validate the oath is a grievous sin from which any decent, G-d-fearing Jew should be repulsed. Having said this, a story which *Horav Yitzchak Zilberstein*, *Shlita*, heard from *Horav Chaim Kanievsky*, *Shlita*, which occurred concerning the holy *Maharsha*, comes to mind.

A widow came before the *Maharsha*, weeping over her bitter lot in life. When her husband was lying on his death bed, just hours before his untimely demise, he had said, "I do not want our young children to be raised by a stranger. No one will fill my shoes and take care of these precious children the way that I have done. If it is their sad lot to be deprived of a father, they should at least have a mother whose

sole concern and dedication should be for them and not for another husband. Therefore, I ask that you give me your solemn word that you will not remarry.” In an attempt to allay her dying husband’s emotions shortly before he took his final leave, she agreed to do as he asked. This, however, was insufficient for him: “I want you to take an oath in accordance with *Halachah*, an oath that will be legal and binding. This is the only way that I can relax in these last few hours.” The young, soon-to-be-widow made a *Halachically* correct oath.

The husband died, and now his widow was left with a houseful of children. Bereft of a husband who provided emotional and financial support, the woman suffered. True, she had made an oath, but it was under duress. The *Maharsha* mulled over the question and rendered his *p’sak*, decision: the mother was permitted to remarry. He based his ruling on a *Tshuvos HaRitva* who had made his decision after having discussed the question with his own *Rebbe*, the *Rashba*.

The widow remarried, but all did not turn out well. Shortly after her marriage, her deceased husband’s soul appeared to her in a dream and demanded to know why she had violated her oath. This continued on for a few nights until the woman became ill. Her illness progressed to the point that she now lay on her own death bed. Seeing what was happening to her, the members of her family immediately went to the *Maharsha* and pleaded with him to put a stop to this apparition, before the orphans would be left bereft of a mother as well.

The *Maharsha* wasted no time. He ran to the woman’s home, stood by the entrance to her room, and called out in a loud voice, “*Ribono Shel Olam!* In Your Torah, You commanded that one should listen to the words of the *chachamim*, Torah Sages, in every generation. You assured us that whoever listens to the words of the Sages will live. This woman followed your dictate. She had a *shaalah*, *halachic* question. She came to me seeking a *halachic* resolution to her situation. I gave her my ruling, which she followed. Now, she is dying! How can You permit Your Torah to be so disputed?”

As soon as the *Maharsha* concluded his short “speech,” the woman opened her eyes and began to move. In the space of a few days, she was returned to health. *Rav* Zilberstein posits that the *Maharsha* relied upon a “leverage” plea, which had previously been submitted by Chanah, mother of Shmuel *HaNavi*. *Chazal* (*Berachos* 31b) relate that, when Chanah came to the conclusion that – despite her fervent prayers – she was not being blessed with a child, she said to Hashem, “*Ribono Shel Olam!* If You see my plight and grant me a child through conventional avenues (in other words, ‘I pray and You listen’), good. Otherwise, I will force the issue and cause You to see (so to speak, I will employ a *halachic* leverage of my situation). I will be alone with a man (but do nothing). This will compel Elkanah, my husband, to have me rendered as a *sotah* (wife who deviated from her marriage and is suspected of committing adultery). I will be forced to drink the *mei ha’marim*, bitter waters, which, if one is guilty causes her death, but, if she is innocent, she will (because she endured humiliation) instead be blessed with a child! I know that this will occur, because Hashem, You will not permit Your Torah to be questioned.” (The Torah writes that if a woman is falsely accused, she will have a child for her troubles.)

Furthermore, *Rav* Zilberstein contends that the widow who followed the *Maharsha’s p’sak* was availed this unusual reaction from the *Maharsha* only because she listened, accepted and followed the word of a Torah sage. Had she acted on her own, violated her oath and married, she would not have been saved. It is obvious that this was a G-d-fearing woman, who not only listened this time to the words of the Sages, but she was a righteous woman who always followed the dictates of our Sages. This is the reason that the *Maharsha’s* dispensation achieved efficacy on her behalf.

והייתם לי קדשים כי קדוש אני ה' ואבדיל אתכם מן העמים להיות לי  
**You shall be holy for Me, for I Hashem am holy; and I have separated you from the peoples to be Mine. (20:26)**

There has to be a separation between the Jew and the gentile. This does not mean that we should not act properly. On the contrary, by

acting with dignity and *mentchlichkeit*, we earn their respect and admiration. This also does not suggest adopting their culture and lifestyle. We are distinct, and our distinctiveness is an inherent part of our essence. *Rabbeinu Bachya* writes that we are separated as a result of the *chochmas haTorah*, wisdom acquired through the Torah, which impels us to distinguish ourselves in what we eat, the manner that we eat, our mode of dress (and our overall demeanor). Since we have been given the 613 *mitzvos* of the Torah, the nations of the world envy us, an envy that unfortunately leads to *sinaah*, hatred. *Chazal* allude to this when they ask why *Har Chorev* was called *Har Sinai*. They explain that Sinai is related to *sinaah* – *she’mi’sham yatzah sinaah l’akum*, “For from there (as a result of us receiving the Torah), hatred went out from the pagans.” They could not tolerate our distinctiveness, which was a direct consequence of our receiving the Torah.

*Horav Yitzchak Zilberstein, Shlita*, observes that every species of animal, wild beast and fowl is constantly attached to its member specie. You will not find a dog “hanging out” with an elephant, etc. How does each individual animal know with whom to be attached? After all, the lion has never viewed itself in the mirror. How does any creature identify the members of its individual specie? Indeed, if an animal (or any other creature) would have been raised alone on a deserted island and had never come into contact with any member of its specie, nonetheless, when set free, it will seek out and gravitate to members of its own specie. How does it recognize its own specie?

As a result of this phenomenon, biologists have determined that every individual creature possesses in its subconscious (or whatever an animal has) an image of itself which is a part of its psyche from birth. It is through this innate image that the animal knows how to seek out its own specie.

*Rav* Zilberstein posits that this phenomenon is no different with regard to the spiritual DNA of each and every *Yehudi*. Every Jew has within him a spiritual component that projects in his brain an image of a *Yid*. He knows what a *Yid* looks like, what he is supposed to do and how he is supposed to act. It is this spiritual image that compels him to repent and return to Hashem.

We see, however, that so many of our brethren have no idea, are totally clueless, about their heritage and noble pedigree. If they are unaware of their past, how could they ever return? Surely, they must have some force, some reason that motivates their return. In order to have a desire to serve Hashem, one must generate within himself a feeling that acknowledges how truly wonderful it is to serve the Almighty. How does someone who does not possess a Jewish identity (does not identify with Judaism) develop this feeling?

*Horav Nissan Yagen, zl*, employs a powerful parable to explain this. A hunter once passed a farm and noticed a large chicken coop. He looked inside and saw a large eagle alongside the many chickens housed there. This took him by surprise. Eagles are not found in chicken coops, and certainly not with chickens. After inquiring in the nearby village concerning this unusual spectacle, he discovered that the farmer was to be credited – or blamed. Apparently, one day the farmer, whose breadth of knowledge concerning the various species of fowl was very limited, found a small, gray chick lying on the ground. The kindhearted man picked up the “gray chicken” and placed it alongside the other chicks in the coop. As the eagle grew to “maturity,” its knowledge of fowl was limited only to chickens. As a result, it did everything like a chicken. It did not attempt to fly, because chickens do not fly. Thus, it lived its life as if it were a chicken.

The visiting hunter knew his birds, and he saw before him a magnificent eagle, capable of flying high in the sky, its power unsurpassed by other birds. As the king of birds, the eagle was the most powerful of its specie. Yet, this eagle was living a “chicken’s life,” cock-a-doodle-doing all day when it could be flying high and mighty. Taking pity on the eagle, the hunter asked the farmer if he could sell him the “gray chicken.” “Yes,” replied the farmer, “but you must pay me according to its weight (which is the “currency” for selling chickens). The hunter agreed. A mature eagle was well worth its weight. As far as

the farmer was concerned, the eagle was nothing more than an overweight chicken.

The hunter left with his newly-found project. Even when allowed out of the coop, the eagle did not soar, did not fly. It flapped its wings like a chicken and walked along with its new master. The next morning at sunrise, the hunter took the eagle to a high mountain peak. He then promptly threw the eagle off the mountain. Shocked to suddenly be in the air with nothing to stand on, the eagle began flapping its wings wildly. It flapped and flapped until it picked up enough thrust to fly. At last, the eagle was back home, in the sky where it belonged.

Many of us have been raised – or have allowed ourselves – to live like chickens (in relationship to our noble, Jewish heritage). Our lives revolve around fun, frivolity, aimless activity which takes us nowhere. We have lost our Jewish identity and sadly do not even care. Each and every Jew must be made aware of his/her noble heritage. We are not chickens. As children of Avraham, Yitzchak and Yaakov Avinu and the *Imahos ha'kedoshos*, holy Matriarchs, we are different. We have been designated by the Almighty to be distinct, to be set apart, to set an example for the world to emulate. We are to be spiritual eagles, not chickens.

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*ה'ל"ב בת אלעזר ע"ה - Beate Frank ה'ל"ב*

*By her children and grandchildren, Birdie and Lenny Frank and Family*

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*prepared and edited by Rabbi L. Scheinbaum*

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### ***Ohr Somayach Insights into Halacha Jews and Tattoos***

***For the week ending 11 May 2019 / 6 Iyyar 5779***

***The Tattoo Taboo and Permanent Make-Up Too***

***by Rabbi Yehuda Spitz***

*Updated 5779 / 2019*

There is a widespread myth, especially among secular American Jews, that a Jew with a tattoo may not be buried in a Jewish cemetery.[1] This prevalent belief, whose origin possibly lies with Jewish Bubbies wanting to ensure that their grandchildren did not stray too far from the proper path, is actually a common misconception without basis in Jewish law.

One who gets tattooed has quite definitively committed a grave sin of Biblical magnitude, especially as its roots lie in idolatry and paganism.[2] However, practically, a Jewish burial is not dependant on whether or not one violated Torah Law, and tattooing is no different in this matter than violating other severe Biblical prohibitions.

This erroneous belief was personally hammered home to this author several years back, when my chavrusa, the indefatigable Rabbi Jeff Seidel, requested our hosting several secular youth for a Rosh Hashana meal. One stood out in particular, due both to his gargantuan buff size, as well as his every movement screaming military. This former U.S. soldier, in Jerusalem discovering his roots after returning from a tour of duty in Afghanistan, sported a few tattoos. Our then four-year old daughter stared fascinated at the artwork along his arms and asked innocently why he had colored on himself. He replied, (as he dipped his challah into sugar),[3] that it was a “mistake”, but she shouldn’t worry because he was going to get them taken off since he wished to be buried in a Jewish cemetery.[4]

#### **The Torah vs. Tattoos**

In Parashas Kedoshim, the Torah states: “You shall not etch a tattoo on yourselves, I am Hashem”.[5] The term used by the Torah to refer to tattooing is “kesoves ka’ka”, literally “writing incisions”. This teaches us that this Biblical prohibition is transgressed only if an individual performs a two-step tattooing process: perforating the skin and filling the resulting hole(s) with ink, causing the mark to become (at least semi-) permanent.

The Mishnah[6] and Gemara clarify that the Torah attached the extra “I am Hashem” to this proscription, demonstrating the significance that is inherent in this prohibition, as tattooing is fundamentally connected to idolatry. The Rambam, Sefer Hachinuch, and Tur[7] explain that this

prohibition originated as a Jewish response to idol worship and paganism, as it was common practice for heterodox adherents to tattoo themselves, essentially publically branding themselves as idolaters, enslaved to whichever god they served. Judaism prohibited tattoos entirely, in order to completely disassociate itself from other religions.

#### **Micro-pigmentation**

Micro-pigmentation, also known as derma-pigmentation or permanent make-up, is a recent development in the world of beauty aids. This process entails a needle depositing colored pigments into the skin’s dermal layer, the layer between the permanent base layer (where full tattoos are done, making them permanent) and the constantly changing outer layer, the epidermis. This procedure, usually done on the lips and around the eyes, giving a “just made-up” look, eliminates the need for tedious daily make-up application, and is semi-permanent, lasting between three to five years.[8] The question becomes, is derma-pigmentation permitted by Torah law, or is it intrinsically just another form of prohibited tattooing?

The answer is based on understanding several nuances in the Biblical prohibition.

#### **What is Writing?**

As mentioned previously, the Torah refers to tattooing as “kesoves ka’ka”, literally “writing incisions”. The fact that the Torah calls tattooing a form of writing, leads many Rishonim to infer that the Biblical prohibition expressly refers to writing at least one actual letter.[9] Others do not accept this conjecture, and maintain that all tattooing is assur min HaTorah.[10] However, all agree that any other type of tattoo, such as a picture or shape would still be forbidden at least M’Derabbanan.

#### **Pondering Permanence**

One of a proper tattoo’s hallmarks is its permanence, with a lifetime guarantee. This is due to ink being injected deep in the subcutaneous dermis, and showing through the epidermis (outer layer of skin). Many Rishonim therefore conclude that the Biblical prohibition specifically refers to a permanent tattoo which will last a lifetime; all other tattoos involving skin piercing would only be assur M’Derabbanan.[11] However, it must be noted that other Rishonim make no mention of such a condition of permanence in their understanding of the original Biblical prohibition.[12]

#### **Idoltrous Intent**

Additionally, it is possible that one only truly violates the prohibition of tattooing on a Biblical level if his intention is for idolatrous purposes. As mentioned previously, one of the objectives of this commandment was to noticeably keep the Jews separate from their paganistic and idolatrous neighbors. Several authorities, including the famed Chasam Sofer, surmise that if one would tattoo himself for an entirely different purpose, he would have violated a Rabbinic injunction against tattooing, as opposed to the full Biblical one.[13] Yet, it is important to note that other authorities are hesitant to recognize this supposition and maintain that intent is irrelevant; all tattooing is assur min HaTorah.[14]

#### **Managing Micro-pigmentation**

So where does that leave us with micro-pigmentation? It would seem to bethat at the very least, it would fall under the Rabbinic prohibition of tattooing, if not the full Biblical one. Yet, dependant on how the Rishonim understood the Biblical prohibition, there are some mitigating factors. First of all, cosmetic tattooing of permanent make-up is not “written” in letters, nor is it actually permanent, instead lasting for several years. Additionally, since there is no idolatrous intent, rather it is performed in the name of beauty, has led several authorities to permit its use.[15] However, the vast majority of contemporary authorities reject such leniency, with the near-unanimous view forbidding such procedures, maintaining that even with such rationales, derma-

pigmentation would still at the very least, fall under the Rabbinic prohibition of tattooing.[16]

Yet, in case of extraordinary circumstances, such as pressing medical need, or preserving human dignity (Kavod Habrios) such as scar removal or blemish correction, many contemporary authorities are inclined to permit such procedures, as according to most Rishonim cosmetic tattooing would merely violate a Rabbinic injunction, and the Gemara teaches that “one may violate a Rabbinic prohibition to preserve human dignity.”[17] This would be similar to undergoing elective cosmetic corrective surgery, which would be permitted, even though there is a general prohibition against inflicting a wound upon oneself.[18] [19] However, the contemporary consensus is that “just for the sake of beauty” does not seem to be enough of a reason to allow a halachic dispensation for cosmetic tattooing.

To sum up the Torah perspective on the matter, I quote the words of mv”r Rabbi Yonason Wiener in a related interview with the Jerusalem Post:[20] “The ancient Greeks worshipped their bodies and tried to annihilate the small Jewish minority who saw man as more than muscle and flesh. This was a battle of superficiality against spiritually. Tattooing represents the Greek ideal that beauty is skin deep. We won the battle of Chanuka but the war continues to this day. The Jewish religion is more than skin deep!”[21]

*The author would like to acknowledge Rabbi Chaim Jachter’s related comprehensive article which appears in his recent book “Gray Matter” vol. 3 (pg. 67 – 78), which served as the impetus for my interest and research for this article.*

[1] See Rabbi Dr. Ari Z. Zivotofsky’s excellent article on the OU website: *Jews With Tattoos*.

[2] As will be explained further on in the article.

[3] This former soldier astoundingly claimed that he followed all minhagim of the ‘Ben Ish Hai’ (as he put it). See *Ben Ish Chai* (Year 1, Parashas Nitzavim 4), who writes that one should eat an apple cooked in sugar on Rosh Hashana, and *Kaf Hachaim* (O.C. 583: 4), who writes that on Rosh Hashana one may also dip his challah into sugar and not necessarily honey. Rav Yitzchak Palag’i (*Yafeh LaLev* vol. 2, pg. 118b: 2) explicitly writes that one should dip his apple into sugar and not honey. This is also mentioned as the proper minhag in *Shu”t Maaseh Avraham* (Y”D 30) and *Shu”t Torah L’Shmah* (generally attributed to the Ben Ish Chai; 500; however he concludes to still use salt as well as the sugar). There is also a halachic debate whether or not this dipping in honey or sugar supplants or supplements the customary dipping into salt. For more on this topic see R’ Zvi Ryzman’s recent *Ratz KaTzvi* on *Maagalei HaShana* (vol. 1, 3, Ch. 3 and 4) at length. For more on issues related to salt and sugar and their possible interchangeability, see previous article titled “Salting With Sugar”.)

[4] However, generally one is not obligated to try to get his tattoo removed. See *Shu”t Mimamakim* (vol. 4: 22, from Rav Efraim Oshry, a Holocaust survivor himself) who advised Holocaust survivors not to remove their tattoos, but to rather wear them as badges of honor. Regarding someone who had an inappropriate tattoo on his arm where lays his tefillin, see *Shu”t Minchas Yitzchak* (vol. 3: 11) and *Shu”t B’Tzeil HaChochma* (vol. 5: 81). In his next responsum, Rav Betzalel Stern (*Shu”t B’Tzeil HaChochma* vol. 5: 82), discusses at length the halachic permissibility of various options of tattoo removal. See also *Shu”t Shevet HaKehasi* (vol. 5: 154), who although quoting Rav Shlomo Zalman Auerbach’s ruling that one is not required to remove a tattoo, nevertheless advises that if possible, they should still try to get it removed (with the noted exception of Holocaust survivors). See also Rav Eliyahu Bakshi Doron’s *maamar* in *Techumin* vol. 22 (pg. 387 - 391). Rav Yosef Shalom Elyashiv (cited in *Kav V’Naki* Y”D 271) as well, ruled that one may remove a tattoo b’makom kavod habrios, even though its removal will probably be considered transgressing the prohibition of wounding oneself – see footnote 19 at length.

[5] *Vayikra* (Ch. 19, verse 28).

[6] *Makkos 21a* and following *Gemara*.

[7] *Rambam* (Hilchos Avodah Zarah Ch. 12: 11), *Sefer Hachinuch* (Mitzvah 253), *Tur* (Y”D 180). This *issur* is also codified in the *Shulchan Aruch* (Y”D 180), and later authorities, including the *Chochmas Adam* (89: 11), *Ben Ish Chai* (Year 2, Parashas Masei 15), and *Kitzur Shulchan Aruch* (169: 1).

[8] There are three different methods of “permanent make-up”, all of which use a needle to pierce the flesh and have ink added: Manual method (*SoftTap*), *Reciprocating Machine* (*Coil*), and *Rotary Machine* (*Pen Machine*).

[9] Including *Tosafos Yeshanim* (m’ksav yad; cited in *sefer Nassan Piryo* on *Gemara Makkos 21a*), *Tosafos Rabbeinu Peretz* (ad loc.), *Piskei Tosafos* (*Makkos*, 32), *Sma”K* (Mitzvah 72), *Sefer Hachinuch* (Mitzvah 253), *Bartenura* (*Maakos* Ch. 3, *Mishna* 6 s.v. kasav), *Orchos Chaim* (vol. 2, 22: 4), *Shu”t Me’il Tzedaka* (31; cited in *Pischei Teshuva* Y”D 180: 1), *Shu”t Mutzal Me’aish* (51), *Shu”t Zera Emes* (vol. 3, Y”D 111), and the *Chida* (*Birkei Yosef* Y”D 180: 1 and 2 and *Machzik Bracha* O.C. 340: 3).

[10] Including the *Raavad* (commentary to *Toras Kohanim*, *Parashas Kedoshim* 86), *Ra”sh M’Shantz* (*Makkos* Ch. 3, *Mishnah* 6: 10), *Yad Haketanah* (*Hilchos Avodah Zarah*, *Lo Taaseh* 37, *Minchas Ani* 87), *Minchas Chinuch* (Mitzvah 253: 5 and 7), and *Aruch La’Ner* (*Makkos* 21a). Additionally, the *Rambam* and *Rashi* make no mention of the “requirement” of tattooing actual letters.

[11] Including *Rashi* (*Vayikra*, *Parashas Kedoshim* Ch. 19: 28 and *Gittin* 20b s.v. kesoves), *Ritva* (*Makkos* 21b s.v. hakosev), *Rivan* (*Makkos* 21b s.v. hakosev), *Ohr Zarua* (vol. 1: 716), *Sefer Hachinuch* (ibid.), and *Piskei Tosafos* (*Gittin* 73). See also *Rav Chaim Kaniewski’s*

*Passhegen HaKsav* (Ch. 6) who proves that most Rishonim hold this way as well, that there is no *issur* *Deoraysa* unless the tattoo is permanent.

[12] *Nimukei Yosef* (*Makkos* 21a) and *Peirush Rabbeinu Yonason* (ad loc.). Additionally, neither the *Rambam* nor *Shulchan Aruch* mention a specific requirement for permanence in the Biblical prohibition of tattooing. See also *Shu”t Lehoros Nosson* (vol. 10: 64, 10) who maintains that lasting several years may also be considered “permanent”, similar to the laws of tying on *Shabbos*, where a knot that would last several months is nonetheless referred to as a permanent knot.

[13] *Tosefta* (*Makkos* Ch. 3: 9; cited in *Biur HaGr”a* Y”D 180: 1), *Rabbeinu Yeru cham* (*Sefer Ha’Adam*, *Nesiv* 17, *cheilek* 5), *Chasam Sofer* (glosses to *Gittin* 20b, *Tosafos* s.v. *bkesuva*), *Maharam Shick* (*Sefer HaMitzvos*, 254), *Shu”t Shoel U’Meishiv* (*Tinyana*, vol. 1: 49), and the *Get Pashut* (124: 30; cited in *Minchas Chinuch* 253: 6). See also *Rav Chaim Kaniewski’s* *Passhegen HaKsav* (Ch. 9) who proves that most Rishonim hold this way as well, that there is no *issur* *Deoraysa* unless the tattoo is done expressly ‘l’sheim Avodah Zarah’.

[14] See *Tosafos* (*Gittin* 20b s.v. b’ksoves), *Aruch La’Ner* (ibid.), and *Minchas Chinuch* (ibid.), who concludes *tzarich iyun* to say such a leniency. Additionally, the *Rambam* and *Shulchan Aruch* make no mention of the “requirement” of tattooing exclusively for idol worship, strongly implying that no matter what one’s intent is, tattooing would still be prohibited Biblically.

[15] They maintain that if one’s purpose in getting permanent make-up is exclusively for beauty, then that is enough to override ‘3 Derabbanans’. These poskim include *Rav Ovadiah Yosef* (*Taharas HaBayis* vol. 3, *Dinei Chatzitzta* 8, pg. 29 - 34), *Rav Avigdor Nebenzahl* (cited in *Taharas HaBayis* ibid.), *Rav Ezra Batzri* (*Techumin* vol. 10, pg. 282; author of *Shu”t Shaarei Ezra*) and the *Palgei Mayim* (of Antwerp; *Shu”t* vol. 2, 52). *Rav Matis Deusch* (*Shu”t Nesivos Adam* vol. 1: 43) is inclined to permit it for beauty purposes as well, but concludes that most authorities do not accept this reasoning.

[16] Including *Rav Yosef Shalom Elyashiv* (cited in *Techumin* vol. 18, pg. 114), *Rav Yisrael Yaakov Fischer* (ibid.), *Rav Shmuel Halevi Wosner* (*Shu”t Shevet Halevi* vol. 10, 137; who adds that it should be forbidden due to the ‘srach *issur*’ of tattooing, as well as it being a ‘maaseh shachatz’), *Rav Shlomo Zalman Auerbach* (cited in *Nishmas Avraham* vol. 2 - Y”D 180, pg. 132 s.v. u’lechorah; who maintains that in a similar case, when the prohibition was *Derabbanan*, *Rav Shlomo Zalman* only permitted it to correct an actual blemish, and not for beauty purposes), *Rav Chaim Kaniewsky* (cited in *Shu”t Nesivos Adam* ibid., 24), *Mishpetei Uziel* (*Shu”t*, new edition vol. 2, Y”D 22: 3, pg. 89; who, in a similar case, only permitted for medical reasons), the *B’Tzeil HaChochma* (ibid., who, in a similar case only permitted for medical need, extenuating circumstances, or b’makom Mitzvah), the *Lehoros Nosson* (*Shu”t* ibid.; who maintains that we should pasken each of these *machlokesim* *lechumra*, as if they were all *Deoraysa*), the *Shraga HaMeir* (*Shu”t* vol. 8: 44 and 45; who only permits for medical need), the *Rivevos Efraim* (responsum published in *Shu”t Shav V’Rafa* vol. 1, pg. 156 – 157; who only permits for medical need), the *Megillas Sefer* (on *Orach Chaim* and *Yoreh Deah*, 16), the *Shav V’Rafa* (of Holland; *Shu”t* vol. 1: 45, who only permits for medical need), and *Rav Baruch Shraga* (*Techumin* vol. 18, pg. 110 – 114; who only permits for medical need). *Rav Asher Weiss* (the renowned *Minchas Asher*) recently told this author (and more extensively in the recent *Shu”t Minchas Asher* vol. 2: 56) that it is very problematic to rule leniently and allow permanent makeup unless there is medical need or extenuating circumstances such as ‘Kavod Habrios’.

[17] *Brachos* 19b.

[18] Regarding the prohibition of wounding oneself, see *Mishnah* and *Gemara Bava Kamma* (91b), *Tosafos* ad loc. (s.v. *ela hai*), *Rambam* (*Hilchos Chovel U’Mazik* Ch. 5: 1), and *Shulchan Aruch* (C.M. 420: 31) and main commentaries; not like the permissive minority opinion of the *Rama”h* (cited by the *Tur* ad loc.).

[19] See *Shu”t Igros Moshe* (C.M. vol. 2: 66), *Shu”t Chelkas Yaakov* (vol. 3: 11; new print C.M. 31), *Shu”t Minchas Shlomo* (*Tinyana* 86: 3), *Shu”t Mishnah Halachos* (vol. 6: 246), *Shu”t Shevet Halevi* (vol. 10: 292), *Shu”t Yabea Omer* (vol. 8, C.M. 12), *Shearim Metzuyanim B’Halacha* (vol. 4: 190, 4), *Kovetz Noam* (vol. 6, pg. 273; *maamar* by Chief Rabbi Lord Immanuel Jakobowitz), and *Nishmas Avraham* (Third edition, vol. 4, C.M., pg. 127 - 134). *Rav Yosef Shalom Elyashiv* (cited in *Kav V’Naki* Y”D 271 and 272) ruled this way as well, that we are not concerned with the prohibition of self-wounding b’makom *tzar gadol* and *kavod habrios*. A notable dissenting minority opinion, is that of the *Yaavetz* (*Mor U’Ketziyah* O.C. 328 s.v. *aval*), *Shaarei Tzedek* (*Paneth - Dej*; Y”D 143), *Avnei Nezer* (*Shu”t* Y”D 321) [although there are those who argue that as medical knowledge and surgical procedures and their survival rates have exponentially improved since their days, perhaps they would not object so strenuously to an elective surgery nowadays], *Minchas Yitzchak* (*Shu”t* vol. 6: 105, 2), and *Tzitz Eliezer* (*Shu”t* vol. 11: 41 and vol. 12: 43), who maintain that doctors may not interfere with non-health related matters, especially since the surgery itself has its own set of risks and is a ‘chashash sakana’ in of itself. Meaning, these authorities are of the opinion that if there is no actual sakana to warrant a surgery, one may not place themselves in sakana by having said surgery.

[20] In a related interview with the *Jerusalem Post*, “Tattoo Crazy Israelis”, February 12th, 2009.

[21] See *Shu”t Shevet Halevi* (vol. 6: 33, 2, s.v. ul’idach) who, in a discussion unrelated to tattoos, discourages women from wearing excessive make-up, citing the *Gemara Shabbos* 62b, which states that excessive cosmetics was one of the reasons for the destruction of the *Beis Hamikdash*. In a subsequent responsum, (*Shu”t Shevet Halevi* vol. 10: 137), *Rav Wosner* further adds permanent make-up to this category as well.

*Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.*

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*L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda, and V'zchus for Shira Yaffa bas Rochel Miriam and her children for a yeshua teikef u'miyad!*

*L'Iluy Nishmas Rav Shlomo Yoel ben Moshe Dovid zt"l - niftar eruv-Erev Pesach and Yisrael Eliezer ben Zev a"h - my dear Great-Uncle Larry Spitz, who was recently niftar; L'Zechus*

*for Shira Yaffa bas Rochel Miriam v'chol yotzei chalatzeha for a yeshua teikif u'miyad, and l'Refuah Sheleimah for Shoshana Leah bas Dreiza Liba, Rina Geulah bas Dreiza Liba, Rochel Miriam bas Dreiza Liba, Mordechai ben Sarah, and Shayna bas Fayga.*

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לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה