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ON SHMINI - 5770

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Tonight, the evening of Friday, April 9, will be day 11, which is 1 week and 4 days of the omer.

From **Rabbi Yissocher Frand** <ryfrand@torah.org> Apr 13, 2007

Rabbi Frand on Parshas Sh'mini

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Weekly Portion Torah Tapes: Tape # 544, Bedikas Chametz Good Shabbos!

After the death of Nadav and Avihu, the pasuk [verse] says: "Moshe spoke to Aaron and to Elazar and Ithamar, his remaining sons..." [Vayikra 10:12]. Elazar and Ithamar are referred to as the "left over children" (banav haNosarim) of Aaron. Rashi adds: "They were left over from death. This teaches that death was decreed upon them as well (as a punishment for their father), for the sin of the Calf." However, Moshe's prayer nullified half the decree against Aaron's children, as it says "And I prayed for Aaron, too, at that time." [Devorim 9:20]

The word haNosarim literally means "the survivors." The quoted phrase may thus be translated "Moshe said to the surviving sons..." In today's world, the word "survivor" means someone who went through the Holocaust and emerged alive. The truth is that survivors do carry a special responsibility on themselves. They survived where others perished. In Parshas Vayikra, we mentioned the teaching of the Seforno: Moshe is called Moshe because he was drawn forth (mashuee) from the Nile. He was a survivor and therefore had a responsibility to make the most of his life that was spared from destruction. This is the responsibility of all survivors.

But it is not just those people who were in the concentration camps in Europe who were survivors. Even those of us who were over here in the comfort and security of the United States of America and who did not have parents or grandparents who suffered directly in the Holocaust, should not feel that "we are not survivors." That would be an incorrect way of viewing things (hashkafa).

Just like the decree (following the Sin of the Calf) was against all the sons of Aaron, but because of G-d's Mercy two of them escaped, the same applies to all of us regarding the Holocaust. We must all consider ourselves survivors from the decree that befell the Jewish people in that era. Some people bore the brunt of that decree because they were in Europe, but all of

us were included in the decree and all of us who survived are "Nosarim" [survivors].

What difference does it make whether or not we are survivors? The difference is this very lesson of the Seforno. We are all "mashuees" [pulled from the water]. If we are all "mashuees" then we all have to be Moshes.

We see it routinely. When a person walks away from a plane crash, it changes his life. "99 people died on this plane and I survived. I must have survived for a reason. I have to do something with my life." This is how every Jew who lives today must feel. "I am a survivor. The Ribbono shel Olam saved me. It is not enough for me to be a "mashuee" (a passive survivor), I must be a Moshe (an active leader)."

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This write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah Portion. ... Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrand, Copyright © 2006 by Rabbi Yissocher Frand and Torah.org. To support Project Genesis - Torah.org, go to <http://www.torah.org/support/>. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org/> or email learn@torah.org to get your own free copy of this mailing.

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From Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>

Subject Weekly Parsha from Rabbi Berel Wein

Jerusalem Post :: Friday, April 9, 2010
DAYS AND WEEKS :: Rabbi Berel Wein

The time of sefirah is upon us and we begin to count the time until the great holiday of Shavuot, the anniversary of our receiving the Torah at Sinai arrives. Our custom is that after the first six days of the sefirah have passed, we not only count the day but the weeks as well.

The subject of how to count sefirah correctly is discussed in the Talmud and our current method of counting days and weeks is a result of those Talmudic discourses. Yet, there may be more than the technicality of the counting method that is present in this custom and law of Israel.

Counting days is one thing. Counting weeks is another matter. And counting both days and weeks together in one counting is a third matter completely. For counting days alone means that somehow we are always living in the short run, day to day, without much ambition, planning and vision for our future.

Counting weeks signifies a longer-range outlook, a view at the whole and not so much at the particular, the setting of goals and the hope for the ability to welcome the arrival of the peace and serenity in our lives that Shabat always brings..

Counting both days and weeks together at one time is the symbol of the struggle to balance the immediate present with the still distant future and to arrange one's life, attitudes, actions and behavior in such a way as to satisfy the here and now and the future all at once. This is no easy task.

Counting the days focuses us on the daily tasks at hand. The Torah is not for the dreamy eyed, for the overly contemplative and passive person. The psalmist records for us the necessity of "man going forth every day to his work and toil." In our world of freezers and preservatives it is hard to imagine the life of so many millennia when daily bread meant exactly that – struggling daily to have food on the table for one's family.

My mother didn't have a freezer in our home until I was out of the house already. She went grocery shopping every day and all of our meals were fresh cooked. Take out foods and frozen dinners were unknown. It was a life of counting days. Yet somehow there always was a great sense of the future in our home, unhampered by the difficulties of daily chores and the grind of everyday life.

Physically we counted days. Mentally and spiritually we were counting weeks, striving for the realization of our goals and ambitions and confident that somehow they would be achieved. And, in the life cycle of the traditional Jew, the balance between the counting of days and the counting of weeks was always delicately achieved.

It may very well be that the difficulties and challenges of everyday life contributed to achieving this harmonious and fruitful balance. The maxim of the rabbis in Avot: "According to the difficulty and effort is the commensurate reward," certainly was seen in the efforts and ability to count both days and weeks at one and the same time in one's family life.

In our time of instant gratification and narcissism, when tomorrow means little to any of our leaders or educators, the counting of weeks has certainly diminished. The binge drinker of alcoholic beverages, the user of "recreational" drugs, the speeder on the highway and the reckless driver who endangers everyone in his vicinity by his selfishness are all symptoms of the lack of vision and hope for tomorrow.

The old Epicurean mantra of "Eat, drink and be merry, for tomorrow we die" is in full swing in our world. Is there any wonder that depression, rage, and a feeling of hopelessness are so much the symbols of our society?

There are no easy fixes for our problems. But having a vision, an ideal, a hoped for Shabat at the end of a very trying week, certainly can give a spark to life and a hope for one's future.

And in the Sefirah period, when we count towards the anniversary of our national charter, the Torah of Sinai, keeping this vision alive and real in our thoughts and actions, it is doubly necessary to do so. Therefore we count weeks and not only days. We deal with the present as best we can and we keep alive the vision of our future at the very same time. And that is truly a major achievement.

Shabat shalom.

From Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>
Subject Weekly Parsha from Rabbi Berel Wein

Weekly Parsha :: SHMINI :: Rabbi Berel Wein

The great seven day ceremony of the dedication of the Mishkan has passed. Now, on the eighth day, the actual service and public purpose and use of the Mishkan is to begin. But this day will be marred by the tragedy of the deaths of Nadav and Avihu, the two sons of Aharon.

The eighth day represents the difficulties of life that always follow great and exalting moments and events. The Psalmist asks "Who can climb the mountain of God?" That itself is a difficult task. But then David raises an even more difficult task: "And who can maintain their place on his holy place?"

After the triumph and euphoria of climbing the mountain, of dedicating the Mishkan, of the marriage ceremony and of the birth date of the child, then the real work of maintaining that exalted feeling begins. It is not coincidental that the circumcision day of a Jewish boy is on the eighth day of his life. The eighth day represents the beginning of the struggles and difficulties, even of the tragedies as we see in this week's parsha. This is what life has in store for every human being.

Those of us who remember the great days in our Jewish national lives – 1948 and the declaration of the state and 1967, the reunification of Jerusalem – know how difficult it is to retain that optimism and faith after long decades of strife, turmoil, disappointment, mistakes and enmity. Yet

the key to our survival and success lies in our ability to somehow do so. It is the eighth day that is the true test of human and Jewish mettle.

The Torah also informs us in this week's parsha that God, so to speak, prefers to use holy and faithful people as examples to others of the problems caused by improper behavior. Aharon's sons are seen, in Jewish tradition, as being righteous, dedicated people. Yet it is their deviation, no matter how well intentioned and innovative as it was, from what they had been commanded to do that led to their tragic demise.

The rituals and traditions are not to be tinkered with according to personal ideas, wishes and whims. And, if this is true, as it is for every individual Jew no matter his or her position in life, how much more so is it true for people who are priests in the Temple/Mishkan, leaders of religion and purported role models to the young and the general community at large. The closer one gets, so to speak, to spirituality and Torah greatness, the greater the responsibility for discipline and probity in obedience to the Torah's commandments and values. Deviations and mistakes at that exalted stage of achievement can, as we see in this week's parsha, prove to be lethal.

The rabbis warned wise men, scholars and leaders about speech that is not carefully thought out or actions that are impulsive. The effect upon others can be devastating and negative. The countermeasure of God, so to speak, to prevent this is frightening as the parsha teaches us. We should always be mindful of the eighth day, as reflected in the daily incidents that make up our lives.

Shabat shalom.

From Ohr Somayach <ohr@ohr.edu>
To weekly@ohr.edu
Subject Torah Weekly

Ohr Somayach :: Torah Weekly :: Parshat Shemini by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com Overview

On the eighth day of the dedication of the Mishkan, Aharon, his sons, and the entire nation bring various korbanot (offerings) as commanded by Moshe. Aharon and Moshe bless the nation. G-d allows the Jewish People to sense His Presence after they complete the Mishkan. Aharon's sons, Nadav and Avihu, innovate an offering not commanded by G-d. A fire comes from before G-d and consumes them, stressing the need to perform the commandments only as Moshe directs. Moshe consoles Aharon, who grieves in silence. Moshe directs the kohanim as to their behavior during the mourning period, and warns them that they must not drink intoxicating beverages before serving in the Mishkan. The Torah lists the two characteristics of a kosher animal: It has split hooves, and it chews, regurgitates, and re-chews its food. The Torah specifies by name those non-kosher animals which have only one of these two signs. A kosher fish has fins and easily removable scales. All birds not included in the list of forbidden families are permitted. The Torah forbids all types of insects except for four species of locusts. Details are given of the purification process after coming in contact with ritually-impure species. Bnei Yisrael are commanded to be separate and holy — like G-d.

Insights

Pans and Plans

"And the sons of Aaron, Nadav and Avihu, each man took his fire-pan." (10:1)

Nadav and Avihu made an error of judgment. They thought it was not only the Kohen Gadol who could bring the incense offering in the Holy of Holies, but that even they were permitted to do so.

They were great tzaddikim, and no doubt pondered their conclusion before committing themselves to action.

The Midrash comments on the above verse that "each man" used his fire-pan; "each man" by himself, without seeking advice one from the other.

The implication here is that if they had taken advice one from the other, if they had talked it over before they acted, then they would not have erred. But why should they have arrived at a different conclusion? Seeing as they both did the same thing - they both brought the "strange fire" - it must be that they both were of the same opinion, i.e. that a non-Kohen Gadol was permitted to offer the incense. So even if they had consulted with each other, wouldn't they have still come to the same conclusion?

Such is the power of counsel. That even though two people may share an identical opinion, through discussion and mutual counsel they can arrive at the truth, which may be 180 degrees removed from what they both previously believed.

Source: Chidushei HaLev

From Shema Yisrael Torah Network <shemalist@shemayisrael.com>

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Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

Peninim on the Torah by Rabbi A. Leib Scheinbaum

Parshas Shemini

It was on the eighth day. (9:1)

"That" eighth day was a very special day. Indeed, as Chazal say in Meseches Shabbos 87b, "This day took ten crowns." This is a reference to ten unique occurrences which took place on that day: (1) it was the same day as the first day of Creation, which took place on Sunday; (2) it was the first of the offerings brought by the Nesiim, Princes; (3) only the Kohanim performed the avodah, service; (4) the Korban Tamid, Daily Korban, was initiated; (5) the descent of the Heavenly fire; (6) the requirement to eat korbanos only in certain prescribed areas; (7) the Presence of the Shechinah; (8) the Kohanim blessed the people (Birkas Kohanim); (9) the prohibition of Bamos, private altars; (10) it was first of the month (Rosh Chodesh).

Most of these ten crowns are worthy of distinction in that they are unique, historic, milestone occurrences. What is the significance, however, of the fact that all of this took place on a Sunday - the same day of the week as the first day of Creation? It is not as if this were the first day of Creation. Over 120,000 Sundays had passed since that "first Sunday," on which the world was created. What was so special about "that" Sunday?

In his latest anthology of Rav Pam's shmuessen, ethical discourses, Rabbi Sholom Smith quotes the Maharam Schiff in his Derashos Nechmadim, who addresses this problem. He explains that the Torah describes the first day of Creation as yom echad, "one" day, rather than the "first" day, as it does with the ensuing five days of the week, to which it refers as: second day, third day, etc. The reason for this distinction is based upon the words of the Midrash at the beginning of Sefer Bereishis.

The Midrash explains that Hashem created the world to serve as a resting place for His Shechinah, Divine Presence. Regrettably, due to the sins of the wicked, this plan was unrealized until the glorious day of the Chanukas HaMishkan, the inauguration of the Mishkan. On that day, the first korban, sacrifice, was offered by Nachshon ben Aminadov. The Torah in Bamidbar 7:12 records this event using the words, Bayom ha'rishon, "on the first day" as opposed to "on day one." The Torah places the emphasis upon the "first day," because the consecration of the Mishkan catalyzed the fulfillment of Hashem's original plan of making a world which began on a Sunday.

"That Sunday," Rosh Chodesh Nissan, on which the Mishkan was inaugurated, brought Creation full circle. Finally, after over 120,000 Sundays, a resting place for the Shechinah was established in this world, something that had not been achieved since the creation of the world. No longer was there a deficiency in the "first day." No longer would it need to be referred to as yom echad, but rather, as yom rishon. The "first day" was finally corrected. This is the significance of the first of the ten crowns of that auspicious inauguration day. The first day essentially completed the act of creation.

Rav Pam takes this concept to the next level. The Mishkan was the embodiment of Hashem's resting place in this world. The Kohanim served Hashem - first in the Mishkan, and later - in the Bais HaMikdash. When we had been privileged for these holy edifices to exist among us, we were able to say that Hashem rests among Klal Yisrael. Today, we are no longer blessed with the Bais HaMikdash. We must, therefore, look to the shuls and batei medrash, the mekomos ha Torah, places where Torah is studied, as the contemporary replacements for Hashem's resting place. Building a place designated for prayer and study, however, does not necessarily grant it the status of a resting place for Hashem's Shechinah. We must consecrate these edifices through meaningful prayer and intensive study. If these sanctuaries serve as nothing more than a meeting place for socializing; if strife and discord reign among the congregants, or between the membership and its spiritual leadership; if the atmosphere

is not one in which fear of G-d, camaraderie and respect for one another prevail; if promoting spiritual integrity is not a quality which describes the goals and objectives of the organization, then one can hardly expect Hashem to rest His Shechinah there.

Perhaps the standards are too exacting. People are only human and, as such, prone to human frailty. It is difficult for one to float above water if the muck at the bottom is pulling him down like quicksand. The solution is twofold. We must aspire to more than simply "wading" in the water. When one wades, he risks the possibility of sinking. If he jumps in with the intention of taking a vigorous swim, ready to fight the current, willing to use all of his muscles to achieve his goal - he will succeed. We also need role models, someone to follow, someone to hold on to when the going gets rough. In order for our mini sanctuaries to be worthy of Hashem's Shechinah, we must all work together. Those who serve as role models, together with those who are focused on achieving spiritual integrity in their lives, must work together to create an environment which not only invites the Shechinah to rest there, but encourages the Shechinah to remain among us. Kiddush Hashem is an enviable mitzvah. Each and every Jew has the opportunity and obligation to sanctify Hashem's Name. We are aware of two types of Kiddush Hashem: one is to die for Him; the other is to live for Him. Our history is replete with individuals - and even communities - who gave up their lives to sanctify Hashem's Name. Living a life of holiness seems to be more difficult. Horav Eziel Tauber, Shlita, illustrates this in a most inspirational manner.

Treblinka was one of the worst concentration camps. The Nazi beasts took the lives of over 800,000 innocent Jewish victims in less than a year. These fiends were not satisfied to simply kill Jews; they sought every way to destroy them emotionally, to break them, so that they would not die as proud Jews, but as wretched, servile creatures. They hung a Paroches, the curtain that normally drapes the Aron Kodesh, at the entrance to the gas chambers. The words inscribed on the Paroches read, Zeh ha'shaar l'Hashem, tzadikim yavo'u va, "This is Hashem's gate, the righteous shall pass through it." The perverted Nazis thought they could succeed in humiliating the Jews in the very last moments of their lives, hoping they would repudiate their religion and their G-d. They were so wrong! The exact opposite occurred, as even those Jews who previously had been lacking in their observance - or had been completely assimilated - went to their deaths singing the words, Ashreinu mah tov chelkei nu, "How fortunate are we that we are being killed as Jews." The Nazis could not believe their eyes, but it was true. These Jews were proud to die as Jews, to sanctify Hashem's Name.

When we think about it, one who is about to die might as well leave this world with pride, with love, with faith and resolve. Almost every Jew accepts his religion when he is lying on his deathbed. The diehards think that they can carry on the ruse all of the way to the next world. The greatest challenge was not for the Jew who died in Treblinka but for the Jew who survived it. He had to continue on, having lost everyone and everything. He had to believe in Hashem without complaints, without bitterness. All of those who did, created for themselves a new Paroches, a cover of hope, a

cover of faith, a cover of gratitude. They go on living al Kiddush Hashem. This takes greater tenacity, greater commitment. They have not only outlived Hitler, but they have outlived his diabolical plan to destroy the Jews' relationship with Hashem.

When we enter a shul or a bais medrash, when we live as erlich, frum Yidden, sincere, observant Jews, we are sanctifying Hashem's Name and sharing with Him in the act of Creation. We are making our own Paroches for His Aron Hakodesh. Perhaps this is the thought that we should entertain when we enter these holy places. Let us keep them holy.

And Aharon was silent. (10:3)

A tragedy of the most epic proportions occurs, and the Kohen Gadol/father, remained silent. He understood the exacting nature of Hashem's judgment. As Horav S.R. Hirsch, zl, so aptly puts it, "The more a person stands out from among his people as a teacher and leader in relation to Hashem, the less Hashem will show him indulgence in his errors." Even with the tragic deaths of Nadav and Avihu, Hashem has demonstrated that His will is absolute, and that not even - indeed, least of all - those who are nearest to Him may permit themselves the slightest deviation from His will. This will cause the entire nation to realize the full, solemn import of the obedience they owe Hashem. With this in mind, we understand the reason for Aharon's silence. He understood the spiritual plateau his sons had reached. He understood the responsibility that accompanies the territory.

Had Aharon's sons not been so close to Hashem, He might have made allowances for their error in judgment. They had always aspired to reach the pinnacle of spirituality, the apex of achievement, the ultimate relationship with Hashem. This sharply contrasts the view of contemporary society with its bankrupt code of morality. Contemporary culture regards intellectual achievement as license for increased moral laxity, for allowing one to violate G-d's moral code, if the individuals happen to be men of intellect and stature. Unlike the secular world, we view higher intellect as reason for placing greater demands on a person, not less.

Nonetheless, I am still bothered by Aharon's "non-reaction" to the tragic deaths of his sons on what was supposed to have been the most glorious day of his life. It was the culmination of years of toil and leadership. It was the moment for which he had strived for so long - the moment of anticipation. Not only was he to serve Hashem as the Kohen Gadol, but his sons were to be inducted as Kohanim. All his hopes were shattered, the joy of his life marred, as his sons died before his eyes. And he remained silent. What incredible fortitude; what outstanding obedience. We now know why he was chosen to be the Kohen Gadol, the spiritual exemplar of the Jewish people.

This response required prodigious self-control borne from obedience and devotion. Such an individual is meticulous in his mitzvah observance, taking great pains to see to it that it is his life's greatest priority. His devotion to Hashem means everything to him. Thus, he unequivocally accepts any decree that Hashem makes. When life throws him a curve, he does not just "quit." He does more than acquiesce; he welcomes whatever Hashem "throws" at him, because he trusts that it is for a good reason.

A number of years ago, I quoted the following article which is about a secular ceremony that is performed regularly in Washington, D.C. Upon coming across it again, I feel it characterizes the meaning of commitment, devotion and allegiance. Washington, D.C./Arlington National Cemetery is the place where the Tomb of the Unknown Soldier is located. The honor guard salutes this tomb daily. The following is the procedure the honor guard who salutes the tomb must follow: In his walk towards the Tomb, the guard takes exactly twenty-one steps, alluding to the twenty-one gun salute, which is the highest honor given any military or foreign dignitary. He then makes an about-face, hesitating for exactly twenty-one seconds, before commencing his return march. His gloves are moistened to prevent him from losing his grip on the rifle which he carries on his shoulder. After his march across the path, he executes an about-face and transfers the rifle to the outside shoulder.

The guards are changed every thirty minutes, twenty-four hours a day, 365 days a year. For a person to apply for guard duty at the tomb, he must be between 5'10" and 6'2" tall, and his waist size may not exceed thirty inches. He must commit two complete years of his life to guarding the tomb and living in barracks beneath the tomb. He may not drink any alcohol on or off duty for the rest of his life. He may not publicly use foul language of any sort for the rest of his life, and he may not disgrace the uniform he wears or the tomb that he guards in any way. After two years of service, the guard is given a wreath pin he wears on his lapel, signifying that he has served in the guard. Presently (four years ago), only 400 pins are worn. The guard must adhere to these rules or forfeit his pin.

The shoes worn by the guards are made with thick soles in order to protect their feet from heat and cold. Metal heel plates extend to the top of the shoe, so that a loud click may be heard when the soldiers come to a halt. The uniforms may not have any wrinkles, folds or lint on it. Indeed, guards dress for duty in front of a full-length mirror.

During his first six months of duty, the guard may neither talk to anyone nor watch television. They spend all of their off-duty time studying the lives of the 175 notables interred in Arlington National Cemetery. They must memorize who they are and where they are buried. Every guard spends five hours each day preparing his uniform for guard duty.

An added vignette emphasizes how far a secular person can go with a sense of commitment to a secular ideal: In 2003, as Hurricane Isabelle was fast approaching Washington, D.C., the United States Congress took off two days in anticipation of the storm. Due to the clear and present danger, the military members assigned to the Tomb of the Unknown Soldier were given permission to suspend their assignment. They respectfully declined the offer, declaring, "No way, sir!" Soaked to the skin, marching in the pelting rain of a tropical storm gone wild, they firmly asserted that guarding the tomb was not simply an assignment; it was the highest honor that can be accorded to a serviceman. The tomb has been patrolled continually for the last seventy-nine years.

If this is the level of commitment expressed by an individual who does not possess inner kedushah, holiness; of whom it is not demanded that his thoughts, not just actions, must be pure; that every aspect of his life must be devoted and immersed in kedushah of the highest caliber, is it any wonder that Aharon HaKohen, the paradigm of kedushah, was able to "weather the storm" of tragedy decreed by Hashem for a purpose beyond our ability to grasp? Indeed, this lesson can-- and should-- be applied to many areas of our service to Hashem.

And your brethren the entire House of Yisrael shall bewail the conflagration that Hashem ignited. (10:6)

"All of the House of Yisrael" is a reference to every Jew for all time. It is incumbent upon each and every one of us to mourn the tragic deaths of Aharon's sons, Nadav and Avihu, not only for their passing, but also to reflect upon the various elements that played a role in catalyzing this eternal tragedy. Mourning those who have passed is a foregone conclusion. It is an opportunity for personal introspection. We learn from the lives of the deceased, applying the lessons to improve our own personal journeys. We celebrate their accomplishments and lament their missed opportunities. It is conceivable that one who has been privileged with longevity will leave a greater legacy than one who has passed from this world at a young age. In his brief stay in this world, he has not had the opportunity to transmit as much to others.. When one leaves this world at a young age, with an "unfinished" life, so to speak, it is great cause for lament. Thus, when Nadav and Avihu were taken sudd

enly in the prime of their lives, it was a tragedy of epic proportions. When Sarah Imeinu died at a ripe old age, concluding a full life of achievement, both personal and communal, we find Avraham Avinu refraining from effusive expression of grief. The Baal HaTurim writes that this is why the "chof" of v'livcosa, "and to bewail her" (Bereishis 23:2) is diminutive. Avraham Avinu felt that his wife had successfully completed her mission on this world and was returning her soul to its Source.

Nadav and Avihu died at a young age, magnifying the tragedy. They did not achieve their potential. They neither raised families nor established students who would be inspired by them, leaving an even greater void. Horav Shimshon Pincus, zl, explains that, from a personal perspective, the loss is even greater than we think. He offers a penetrating insight regarding the concept of bitul Torah, wasting precious time from Torah study.

In the Talmud Niddah 30b, Chazal teach that, in his mother's womb, a child studies the entire Torah with an angel. As he is about to leave the womb, the angel taps him on the mouth, causing him to forget all that he had learned. In other words, we spend a lifetime reconnecting with what we had already acquired. This is an important principle concerning the attitude we should manifest when learning Torah. At one point, we had achieved it all. We had reached the apex of success in Torah achievement. We are capable of enormous potential. Thus, whatever we do attain must be measured in contrast to what we had once already managed to perfect. Potential no longer means something that we could have - or should have - achieved, but rather, something that we already did achieve!

There is a well-known story concerning the Netziv, zl, Rosh Yeshivah of Volozhin, and pre-eminent Torah scholar. When he completed his magnum opus, the Haamek Shealah, he celebrated with a lavish party and delivered an inspiring speech. He said that he was not just celebrating the completion of his sefer, but an incident that had occurred when he was a young boy. Apparently, he was not the most diligent student as he did not take his Torah learning very seriously. One night, he overheard his parents conversing. "What is going to be with our Naftali Tzvi? He does not seem interested in studying Torah. We have no other choice than to apprentice him to a craftsman, so he will at least learn a trade," his father said. When Naftali Tzvi heard this, he became very disconcerted and decided to prove them wrong. He worked to alter his lifestyle, and the rest is history. He became one of the greatest scholars of his generation.

The Netziv explained what had motivated him. "Imagine, if you will, that I had not ever heard my parents' conversation. I would have been enrolled as a shoemaker, tailor, whatever, and I would certainly have continued on as a Torah observant Jew. Only I wouldn't have been that much into learning. When I would have left this world and come before the Heavenly Tribunal I would have been shown the Haamek Shealah and asked, 'Do you recognize this volume?' I would gaze at it and reply, 'No.' I would then be told, 'This is the volume that you were supposed to have authored had you not become a tailor!' What would I have been able to answer? I am, therefore, grateful that I overheard my father's lament and reacted accordingly."

Rav Pincus observes that we derive from this episode an important lesson. Had the Netziv not written the Haamek Shealah, he would not have been chastised for not writing it but, rather, for destroying it! The Haamek Shealah was written in potential. By not continuing with his Torah studies the Netziv would have taken this brilliant volume of Torah novellae and torn it up into bits and pieces!

Bitul Torah does not simply mean wasting time from what we could have achieved but, rather, for destroying the Torah! Everything is done, completed, finished; we dismantle and destroy what is there. Potential conveys to us the image of what could have been. That is not accurate. It is there! We have destroyed it.

This is the ultimate tragedy of youth lost, a young person tragically taken before his time. Let us imagine that a person lives a full life, a good life, a studious life. He even manages to author a volume of novellae, commentary, original thoughts. At his funeral, he will be eulogized, and we will cry, "Where is the author of this 'one' volume?" This is how we have been led to think, but there is much more to it. We are saddened over the loss of the author of this one volume. Hashem is happy with this one volume. We lament for the other ten that he should have written! Potentially, he had authored ten more seforim, but he did not realize his promise. It is all there. He destroyed it.

Each and every one of us cries for what we could have achieved. Hashem, however, views it from a different perspective. He sees what was to be/is

already; and He looks at it as if we have destroyed what was already there. Let this be a portent for all of us: As long as we are privileged to walk this earth, as long as Hashem grants us life, we may not waste a minute. It is not just our potential that we are not maximizing; it is our potential that we might destroy. Perhaps we can take this concept to the next level to include not only Torah, but all mitzvah observance. According to the above, Hashem creates perfection, then removes Himself from the scene, so to speak, allowing for man to make up what is expected of him. Thus, if Hashem grants an individual material excess, it is for the purpose of tzedakah, sharing generously with others. From Hashem's point of view, this individual has been granted sufficient wherewithal to support a number of institutions, erect buildings, e

establish organizations that promote Torah study or provide social welfare for those in need. If he leaves this world lacking in achievement, he has, in effect, destroyed these edifices, devastated the organizations, and undermined whatever good work they could have accomplished. We do not look at it this way, but Hashem does, and that is really all that counts.

Va'ani Tefillah

Laasos bahem mishpat kasuv, hadar hu l'chol chasidav

To execute upon them written judgment; this will be a splendor to all His devout ones.

What is the mishpat kasuv, "written judgment," with which Hashem judges the nations? The Chafetz Chaim, zl, elucidates this with an analogy. The king's son once became lost on the road and was captured by a group of highwaymen. This particular group of thieves would persecute their captives, humiliating them physically and emotionally. Nothing the prince did spared him from this fate. He emphasized that his father, the king, would punish them in the most strict manner. He would leave no stone unturned until he captured and punished them. All of this was to no avail. The thieves could care less. Miraculously, the prince was saved from their grasp and returned home to his father. When the king heard the particulars of his son's ordeal, he sought out the kidnappers. After incarcerating them, he was prepared to spare them no mercy. Yet, these audacious criminals asked for leniency, claiming that, in the end, the prince was spared. They had not killed him. The king responded, "Your goal was to kill my son. Your attempt was foiled and, by some miracle, my son is alive today. I am punishing you in accordance with your malevolent intentions.

The same scenario will apply in the End of Days when Hashem will ultimately vent His wrath on those nations who have persecuted the Jewish People. They will claim that, after all is said and done, the Jewish People are alive and well. Their evil intentions did not see fruition. Why should they be punished? Hashem will reply, "I saved them from your hands! Had you had your way, there would be no Jewish people. Therefore, I will repay you with the mishpat kasuv, the law you wrote against the Jews, the decree which you issued against them." This will ultimately be a "splendor to all His devout ones." Indeed, it is an appropriate and correct retribution to the nations for all that they have done to us.

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From Matzav Editor <webmaster@matzav.com>

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Parshas Shemini: White Noise

By Rabbi Mordechai Kamenetzky (Matzav.com)

It was the last day of the Mishkan's inauguration. The joy was immeasurable, somewhat akin to the ribbon-cutting ceremony of a cherished king's new palace — in this case, a shrine to the glory of the King of kings and to the splendor of His reign. But in a tragic anticlimactic sequence, the celebration went terribly wrong. The children of Aharon,

Nadav and Avihu, entered into the realm of the outer limits, the Holy of Holies, the Kodesh HaKedoshim. They offered incense, something they assumed would surely bring joy to their Creator. But it was their own recipe.

Uncommanded, and uncalled for, something went terribly wrong. "A fire came forth from before Hashem and consumed them, and they died before Hashem" (Leviticus 10:1-2). It's hard for us, here, to fathom the pain.

Remember that picture of a smiling schoolteacher and her fellow astronauts, waving in anticipation of another successful mission on America's galactic pride and joy, only to be vaporized into a mist of memories plunging toward the ocean in a disastrous fate? The beloved children of a beloved leader on a beloved day in a beloved service were gone in an instant, from glory to death. Yet their own father did not react in open agony, rather only through silence and acceptance. "And Aaron was silent" (ibid v. 3). That silence was not only commended, but extolled. As a reward for that stoic reaction of acceptance, the next command in the Torah is offered directly to Aharon without Moshe, who normally was the principal in receiving Heavenly directives.

Yet despite the praise meted to Aharon for his silence, the nation is commanded to react in a diametrically opposed manner. Moshe commands the nation, "the entire House of Israel shall bewail the conflagration that Hashem ignited" (Leviticus 10:6). Aharon is praised for his silence, yet the nation is told to openly bewail the tragedy. What is the difference?

Back in the 1800's, the Magid of Trisk and Reb Mendel of Vorke were dear friends living next to each other. But, unfortunately Rav Mendel had to move to the other side of the forest, a distance of a half-a-day's walk. Seeing his agony, Reb Mendel's sexton, Moishele, anxiously offered to make the three-hour trip each Friday to deliver correspondence.

And so it went. Every Friday morning, Moishele would set out across the forest and deliver Reb Mendel's letter to the Trisker Magid. He would wait for the Magid to read the letter and reply. Often it would take a while until the Magid returned from his study, eyes red from tears, his quivering hand holding the magnificently crafted response in a special envelope. Moshele would deliver the response to the Vorke Rebbe, and that letter, too, evoked the same emotional response: tears of joy and meaning filled the Rebbe's eyes.

After a year as a faithful envoy, Moishele's curiosity overtook him. "What possibly can those letters contain? Would it be so bad if I took a peek?" Therefore, one Friday he carefully opened the envelope — without disturbing the seal. He saw absolutely nothing. Just a blank paper rested between the walls of the envelope.

Shocked, Moshe carefully, placed the so-called letter back into the envelope and delivered it to the Trisker Maggid. Like clockwork, the Rebbe went into the study, and a half-hour later, bleary-eyed and shaken, he returned a letter to be delivered to his friend Reb Mendel of Vorke.

At this point, Moishele could not wait to leave the house and race back into the forest, where he would secretly bare the contents of the envelope, hoping to solve the mysterious exchange.

Again, blank paper. Moishele was mortified. "Have I been schlepping six hours each week with blank papers? What is this a game?" he wondered. The entire Shabbos he could not contain his displeasure. Motzoai Shabbos, Reb Mendel called him in to his study. "You seem agitated, my dear shammass," he asked. "What seems to be the problem?"

"Problem?" he responded. "You know those letters I've been carrying. I admit it. I looked, this Friday. There was nothing in them! They were blank! What kind of game is this?"

Reb Mendel, did not flinch. "The Torah," he said, "has black letters on white parchment. The black contain the words we express. The white contains a message that is deeper than letters. Our feelings are often expressed through black letters. This week, we wrote with the white parchment. We expressed an emotion that transcends letters."

It is very important to realize one cannot equate the reaction required by a mourner to that of the responsive community. Not everyone is on the level

to keep quiet. For those who can make their statement of faith and strength through silence, that is an amazing expression. For the rest of us, who are not on that level, we must express our sorrow and exclaim it in a human way as afforded by the dictates of Moshe.

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Rabbi Yissocher Frand on Parshas Sh'mini April 9, 2010

The Appropriate Time To Offer Atonement For The Sale of Yosef

As part of the ritual associated with the dedication of the Mishkan, G-d told Aharon to tell the Children of Israel to bring a he-goat (seir izim) for a sin offering [Vayikra 9:3]. Our Sages say that this he-goat was intended as an atonement for the sin of the sale of Yosef (during which the brothers dipped Yosef's coat into the blood of a he-goat, to make it look like Yosef was killed by a wild animal). Similarly, a calf was brought as a burnt offering (korban olah). The calf was intended to be atonement for the sin of worshipping the Golden calf.

Rav Zalman Sorotzkin discusses why this particular juncture in history was seen to be the appropriate time to bring an atonement for Yosef's sale. After all, the Jewish people went down to Egypt because of that sale. Logically a case could be made that the appropriate time to offer an atonement for the sale was when the Jews first left Egypt. It could be suggested that a seir izim be offered together with the Paschal lamb for this purpose. Why was the atonement only offered now, at the time of the final erection of the Mishkan?

Rav Sorotzkin explains that the sin of the sale of Yosef came about as a result of hatred between brothers which stemmed from jealousy and sibling rivalry. In order for there to be atonement for a sin rooted in jealousy, more than a mere sacrifice was necessary. It was necessary to be able to correct the underlying bad character traits which caused them to sin in the first place.

The building of the Mishkan was something that mended the rift between the various factions within the Jewish nation. The nation now had a central address and a central motif which they could all rally around. The Mishkan served as a unifying force which brought an unprecedented sense of oneness an identity to the nation and its component tribes. Yes, each tribe may have their own interests and their own inclinations, but they now all had one supreme interest which overruled all their parochial and petty personal interests.

This is the reason why when they traveled in the Wilderness, the Mishkan was always in the center of the camp. This was more than a convenient way of travelling. This was symbolic of the role that the Mishkan played in the nation. As long as the Mishkan was in the middle, all the Tribes could rally around one central idea and focal point.

To give a far-fetched example of what we are speaking about - in the military there is fierce competition between the various branches of the armed services - the army, the navy, the marines, the air force, etc. They compete for dollars, for prestige, for influence, and so forth. There is competition, back-stabbing, and intense rivalry between the branches. However, in war, the different parts of the military all cooperate with each other. When there is a central purpose or a central idea or theme, the factions can put away their differences and rally behind that central purpose.

Another far-fetched example of this same concept is team sports. Professional athletes for the most part did not spend years of their life refining their character traits. There is tremendous competition for fame, salary, statistical achievement, and so forth. All the elements are present on these teams for constant internal strife. However, a good coach can motivate his players to put aside their squabbles and fights and rally around the goal of achieving a championship. Players do prove to be willing and

able to sublimate their strong egos and their desires for the personal headlines in order to win that title or that team crown or ring or whatever. When team members feel that it is not worth it to sublimate those egos in order to win the title, then, in fact, they do not win the title. These are mundane parables, but perhaps they give us an appreciation for the value of a unifying symbol such as the Mishkan and the Divine Service represented therein. There had been jealousy and hatred between the brothers and between the various components of the Jewish people. Now at last there was a central rallying point and it was time to put away the old rivalries and jealousies. This therefore was the appropriate moment in history to offer atonement for the sale of Yosef, caused by a personal rivalry that was now hopefully behind them.

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Moshe Kibail Torah MiSinai
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Maseches Avos commences with a detailed delineation of the chain of transmission of the Sinaic mesorah. Noting the fundamental nature of the tenets expressed in this Mishnah, the meforshim raise a basic question: why does R' Yehuda HaNassi, the redactor of the Mishnah, wait until Maseches Avos to present this history? After all, such an axiomatic introduction might seem more appropriately placed at the very beginning of Seder Zeraim, as an introduction to the entire corpus of the Mishnah.

R' Ovadiah MiBartenura explains that R' Yehuda HaNassi deliberately chose to open Maseches Avos with this Mishnah because of the unique content of Maseches Avos. While all other tractates of the Mishnah deal with specific Biblical and Rabbinic precepts, Maseches Avos deals with meta-halachic ethics and mores pertaining to personal conduct. At first glance, one might believe that such mores are in no way unique to the Jewish faith, since philosophers throughout time have established systems of ethics based on moral intuition and empirical reason. In light of this ostensibly universal nature, one might erroneously conclude that the ethics of Maseches Avos are similarly intuitive and rationally derived. To dispel such a notion, R' Yehuda HaNassi commences Maseches Avos with a categorical statement of faith: "Moshe received the Torah from Sinai" - every aspect of the Torah, even the most "rational" of mores and manners described in Maseches Avos, is a product of the immaculate wisdom of HaKadosh Baruch Hu conveyed to us at Har Sinai.

The notion that the ethics and morals of the Torah are an original product of the Sinaic revelation is suggested by the Gemarah itself. The Gemarah in Maseches Sanhedrin (11a) relates that on a particular occasion, Rabban Gamliel instructed his attendant to invite seven Sages to gather in an attic for the purpose of "Ibbur Shannah," intercalation of the Jewish calendrical year. When Rabban Gamliel arrived at the attic, however, he noticed that eight Sages had come to the gathering. Rabban Gamliel promptly demanded, "mi hu she'ala she'lo b'rishus yeireid - whoever has come up without permission should immediately descend!" Upon hearing this declaration, Shmuel HaKattan immediately admitted to having attended the convention without an invitation. The Gemarah relates, however, that in truth, Shmuel HaKattan had been invited to attend. Nonetheless, he chose to single himself out in order to prevent the public humiliation of the true culprit. The Gemarah subsequently records similar acts of piety performed by R' Chiya and R' Meir, who also altered the truth and assumed culpability in order to prevent the embarrassment of a fellow Jew. The Gemarah explains that R' Chiya learned such behavior from R' Meir, who learned such behavior from Shmuel HaKattan. Shmuel HaKattan himself learned such behavior from Shechanya ben Yeichiel in Sefer Ezra, who claimed to

have taken a foreign wife even though he had not actually done so, in order to minimize the shame of those who had sinned. Shechanya himself learned such pious behavior from HaKadosh Baruch Hu's conversation with Yehoshua bin Nun, in which HaKadosh Baruch Hu refused to divulge the identity of Achan, who expropriated the spoils of Yericho. Alternatively, the Gemarah suggests, Shechanya learned such behavior from HaKadosh Baruch Hu's chastisement of Moshe Rabbeinu, "ad ana mei'antem - until when will you (all) refuse," as if to imply that everyone had sinned, thereby minimizing the shame of the actual sinners.

This anecdotal Gemarah reveals that even individual and non-codified ethical behavior, such as bending the truth in order to prevent another's embarrassment, is a product of direct transmission from Moshe Rabbeinu himself. Ethics are no less "original" to the Torah tradition than matzah, shofar, or monetary laws.

The explanation of R' Ovadiah MiBartenura is enhanced by a comment of R' Yitzchok Isaac Shor (Leket Sichos Mussar, Parshas Re'eh) regarding the Biblical prohibition of "Bal Tosif" - adding to the mitzvos. As is well known, the Torah prohibits personal additions to the 613 mitzvos in two distinct locations. In Parshas V'eschanan, the Torah states, "lo sosifu all hadavar asher Anochi mitzaveh eschem v'lo sigre'uh mimenu - Do not add upon the thing that I am commanding you, and do not detract from it;" only a few parshiyos later, in Parshas Re'eh, the Torah reiterates, "lo sosif alav v'lo sigre'uh mimenu - Do not add upon it and do not detract from it."

While both verses appear to express the same basic prohibition, a cursory comparison reveals a critical difference: in Parshas V'eschanan, the Torah addresses a plural audience, while in Parshas Re'eh, the Torah addresses a singular audience. The Rambam himself (Hilchos Mamrim 2:9) appears to account for this discrepancy, suggesting that the two formulations may reflect two distinct forms of Bal Tosif. While Bal Tosif is generally applied in a personal and individual sense - for example, an individual Jew electing to wave five species on Sukkos instead of the requisite four, or an individual Jew opting to don five passages of Tefillin instead of the mandatory four - the Rambam derives an additional dimension of Bal Tosif from the Torah's singular formulation in Parshas Re'eh. As opposed to addressing the individual, this prohibition of Bal Tosif specifically addresses the Beis Din - the representative governing body of the nation. Beis Din is thus prohibited from creating new mitzvos (Rabbinic precepts), unless it specifically publicizes that these new mitzvos are of their own creation, and therefore not binding under original Biblical law. Thus, according to the Rambam, the plural and singular formulations of Bal Tosif serve to address the individual as well as the Beis Din, respectively.

R' Shor, however, suggests an alternate explanation for the Torah's dual formulation. While the plural prohibition of Va'eschanan outlaws additions to the mitzvos themselves, the singular prohibition of Re'eh limits our emotions with which we serve HaKadosh Baruch Hu: we are commanded not to innovate in our service of HaKadosh Baruch Hu on the basis of our rational instincts or in an attempt to imitate other nations. Rather, we must fulfill the mitzvos in a pure and unadulterated fashion, exactly as they were commanded by HaKadosh Baruch Hu. R' Shor's explanation thus complements the opinion of R' Ovadiah MiBartenura: Maseches Avos begins with an affirmation that the mores and ethics prescribed throughout the tractate are an original product of the Sinaic transmission, not of our own intellect or reason. As opposed to violating Bal Tosif, these laws represent the most genuine of original Torah values.

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Rav Kook List
Rav Kook on the Torah Portion

Shemini: The Priestly Benediction

The Tabernacle inauguration concluded with a blessing from the High Priest: "Aaron lifted his hands towards the people and blessed them. He then descended from preparing the sin offering, the burnt offering, and the peace offerings." (Lev. 9:22)

When Was the Blessing Recited?

From the Torah's account, it would seem that Aaron blessed the people before he completed the service in the newly dedicated Tabernacle. The Sages, however, explained that the actual order was different. First, Aaron completed the offerings and descended from the altar. Only afterwards did he bless the people (Torat Kohanim; Megillah 18a).

If the priestly benediction was performed at the end of the Temple service (which nowadays is recited at the end of the Amidah prayer), why does the Torah imply a different order?

The True Honor of Kohanim

When discussing the contribution of the kohanim to the Jewish people, and the corresponding honor they receive, we must distinguish between their current state and their future potential.

We may respect an individual kohen for his scholarship and piety, but the true honor we bestow to kohanim is in recognition of their holy influence over the entire nation. We honor them primarily for their future potential, for what a kohen should and can be - 'for he is an emissary of God of the hosts' (Malachi 2:7). Even if the kohen is undeserving of such honor in his present state, 'You must strive to keep him holy... he will be holy for you, since I am holy' (Lev. 21:8). His holiness is due to his potential benefit to the nation, as a member of the sanctified family.

(This, by the way, is similar to the honor we give to rabbis and teachers. We respect them for their erudition and also as representatives of the institution of the rabbinate. This honor is in recognition of the overall contribution of the rabbinate to the welfare of the people. The rabbi on his part should realize that he is primarily honored for what he ought to be, and should do his best to fulfill this expectation.)

Two Roles of the Priesthood

The function of the kohanim is not only to serve in the Temple. The kohanim are also expected to teach and elevate the people, as it says, "From the kohen's lips they will guard knowledge, and they will seek Torah from his mouth" (Malachi 2:7). These two roles are interrelated, since the source for their spiritual influence on the people originates in the holiness of their service in the Temple.

There is one duty of the kohanim that combines both of these roles: the priestly blessing. This blessing is part of the Temple service, and at the same time, reflects their interaction with the people. The kohanim recite the blessing with outstretched arms, a sign that their efforts to uplift the people are an extension and continuation of their holy service in the Temple.

Bridging the Past and the Future

The blessing also forms a bridge over time, connecting the past with the future and the actualized with the potential.

The kohan can best fulfill their mission to uplift the people after they have participated in the Temple service and experienced the unique elevation of soul gained through this holy public service. Their blessing will then reflect the highest level of influence and inspiration the kohen is able to impart. Thus, the blessing indicates the present state of the kohen, while being based on his past service, and extending - like his outstretched arms - to his future potential influence.

Now we can resolve the apparent contradiction between the Torah's account and actual practice. The text implies that the kohanim complete their service after blessing the people. The service referred to here is not their service in the Temple, but their role in uplifting the people, which is truly their primary mission. In practice, however, the priestly blessing needs to be based on the holy services that they have already performed.

Therefore, it is recited only after they have completed their service in the Temple.

The Impact of Prayer

A similar phenomenon is found at the end of the Amidah prayer, when we say, "May the words of my mouth and the thoughts of my heart be acceptable before You" (Psalms 19:15).

It would appear more logical to recite this plea before praying. In fact, the verse does not refer to the prayer about to be recited, but to our heartfelt aspiration that we should be able to apply the influence of this prayer on the coming day. Like the priestly benediction, this request forms a bridge between two states. It is based on the prayer service just performed, but it looks forward to the future influence of this spiritual elevation on our lives. (Gold from the Land of Israel pp. 187-189. Adapted from Olat Re'iyah vol. I, pp. 284-285; Otzerot HaRe'iyah vol. II, pp. 211-212)

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By Rabbi Yirmiyohu Kaganoff

On the Wings of Eagles – or perhaps I have the wrong bird

By Rabbi Yirmiyohu Kaganoff

Question #1: My chavrusa and I are studying Chullin, and we recently discovered a Tosafos who states that a neshar is not an eagle; yet every Chumash I have seen translates kanfei nesharim as the "wings of eagles." Are all these translators ignorant of this Tosafos?

Question #2: While camping in Western Canada, we saw thousands of wild, roaming, land birds called "prairie chicken," that are clearly different from the common, familiar chicken, but appear similar enough that I was tempted to bring one to a shocheit to prepare for us. Halachically, could I have done this?

Question #3: On a tour in Israel, I visited a kibbutz where they raise a variety of duck, called the Muscovy duck, for its kosher meat and liver. Yet I was told that several prominent rabbonim prohibited eating this bird. What are the halachic issues involved in the kashrus of this bird?

To answer these questions accurately and thoroughly, we need to explain the background how one identifies kosher and non-kosher species, and the differences in halachic practice that have developed.

The Torah describes the exact indicators that render fish and animals kosher, providing us with relatively clear simanim, indicating signs, to determine whether a species is kosher or not. However, regarding birds the Torah simply inventories a list of non-kosher varieties, implying that all other birds are acceptable for the Jewish palate (Vayikra 11:13- 19; Devarim 14:11- 19). Indeed, the Gemara notes that there are countless kosher bird species (Chullin 63b). After analyzing the Torah's list, the Gemara concludes that 24 varieties (or possibly, categories) of bird are non-kosher, the remaining species all being kosher (Chullin 61b). Thus, someone who can identify all 24 species of non-kosher fowl could indeed shecht and eat any other species of bird he discovers. Furthermore, the Gemara rules that a hunter who recognizes all 24 non-kosher species may teach other people which species are kosher (Chullin 63b).

On this basis, why do we restrict ourselves to eating only familiar species? Also, is there any way that a non-hunter can identify whether a bird is kosher?

KOSHER BIRD SIMANIM

Are there any signs that indicate whether a variety of bird is kosher?

The answer is yes and no.

The Mishnah, indeed, lists four simanim that identify a bird as kosher. However, before introducing and explaining the four simanim, I need to clarify a major difference between the function of simanim in identifying kosher birds as opposed to those of fish and land animals. Any animal that possesses both simanim, that is, it has both fully split hooves and chews its cud, is kosher; any animal possessing one siman but not the other is definitely non-kosher. In the case of fish, the Torah rules that any species that possesses both fins and scales is kosher; and the Mishnah teaches that

there are no species possessing scales that do not possess fins. Thus, any species of fish possessing scales is kosher, and any without scales is not. In the case of birds, however, a bird containing all four kosher simanim is definitely kosher, and a bird that possesses none of the four simanim is not kosher. Concerning birds that possess some of the four signs but not all, some are kosher and some are not. The Gemara teaches that of the 24 species mentioned by the Torah, only the neshet lacks all four simanim. (Rashi explains that any bird variety lacking all four kosher simanim is considered a sub-category of neshet. We will see shortly why I have not translated the word neshet.) The peres and the azniah, two of the 24 non-kosher varieties, each possesses only one of the kosher simanim and lacks the other three. The oreiv, usually identified as the raven (see Tosafos, Chullin 62a s.v. mipnei who discusses whether this identification is accurate) and the zarzur each has two kosher simanim and lack the remaining two, and the remaining 19 types of non-kosher bird each has three of the simanim and lacks only one. (This follows the approach of most interpretations of this passage of Gemara.)

However, there are many varieties of kosher bird that only possess some kosher signs and lack others. For example, geese contain only three of the four kosher simanim, and yet are 100% kosher!

Any bird possessing some, but not all, of the simanim is still kosher if it is not one of the 24 species listed by the Torah. Since this is true, how can one tell whether a bird containing some kosher signs is indeed kosher? Only if one knows all 24 types of non-kosher birds mentioned in the Torah, could one thereby identify the remaining kosher varieties. This is exactly what the expert hunter of the Gemara does. Furthermore, he may educate others that a specific species is kosher. However, those of us without access to his expertise would not be able to consume birds unless we had a mesorah, an oral tradition, that this is a kosher bird, in which case one could eat it even if it does not have all four kosher simanim (Chullin 63b).

IDENTIFYING KOSHER WITHOUT A MESORAH

According to the Mishnah, someone who finds a variety of bird for which he has no mesorah may still eat it based on the following rules:

“Any bird that is doreis is not kosher. Any that possesses an “extra claw,” and has a crop, and whose gizzard can be peeled is kosher (Chullin 59a).” I will shortly explain what these simanim are.

According to Rashi, the Mishnah is teaching that if we can identify a bird that has all four of the simanim, that is, it is not doreis, it possesses an “extra claw,” has a crop, and has a gizzard that can be peeled, the bird is definitely kosher. The Gemara records that all the varieties of dove mentioned by the Torah as korbanos have these four indicating simanim. Thus, according to Rashi’s understanding of the Mishnah, one may only eat a variety of bird that has no mesorah if it possesses all four simanim. (It should be noted that most other Rishonim interpret the Mishnah differently, and indeed rule that, under certain very specific circumstances, one may eat certain birds based on some, but not all, of the simanim.)

Although a bird may have only some of the four simanim and still be kosher, any bird with all four simanim is unquestionably kosher according to the Mishnah.

What are the four simanim?

DOREIS

I. Any bird that is doreis is not kosher. Thus, the kosher siman is that a bird is not doreis.

People often mistranslate the word doreis as predator. However, this is inaccurate, since chickens, which the Mishnah teaches are kosher, are technically predators since they feast on worms and insects.

The Rishonim debate what the word doreis means; here are five different interpretations:

A. The bird lifts its prey from the ground with its claws when feeding (Rashi, Chullin 59a s.v. hadoreis).

B. It grips and restrains its food while eating (Rashi, Chullin 62a s.v. vehani milei).

C. It preys on smaller birds or rodents, which it devours while they are alive (Rabbeinu Tam, cited in Tosafos Chullin 61a s.v. hadoreis).

D. It poisons with its talons (Ran, Chullin, page 20b in Rif, as explained by the Aruch HaShulchan 82:5) (A talon is a claw, but the word “talon” is typically used only for predators.)

E. It pounces on its prey with its talons (the above-quoted Ran, as explained by the Shach, Yoreh Deah 82:3).

Thus, by observing a bird’s feeding and clawing behavior one may be able to determine that it is non-kosher.

It must be emphasized, that although all birds that are doreis are non-kosher, the inverse is not true. There are varieties of fowl that are not doreis, yet nevertheless are not kosher.

The Gemara does not state that a bird must be doreis frequently to qualify as such. Rather, it implies that a bird is non-kosher if it is ever doreis (Chullin 62b). Thus, it may be difficult to easily identify a bird as a non-doreis, a fact with major ramifications.

INDICATIONS OF DOREIS

The Mishnah records an alternative method of verifying whether a bird is doreis: Rabbi Elazar ben Rabbi Tzadok rules that any bird that splits its talons, two before and two behind, when it grips a rope, is doreis and therefore not kosher (Chullin 59a, as explained there by the Gemara 65a). (Note that the halachic authorities all quote this opinion as definitive [Tosafos Yom Tov ad loc.])

It is noteworthy that an early halachic authority cites a different mesorah for identifying a bird that is not doreis. Any bird with a wide beak and webbed feet is not doreis (Baal HaMaor). The Rishonim quote this approach and it is recorded in Shulchan Aruch (Yoreh Deah 82:3).

Tosafos raises a question: How did Chazal research that not one kosher species anywhere in the world is doreis? How can the Gemara confidently say that none of hundreds of kosher bird species is doreis? Tosafos rules out the explanation that this was an oral tradition communicated to Moshe Rabbeinu at Har Sinai (halacha leMoshe miSinai) because if that were true, the Torah need not have mentioned all 24 varieties of non-kosher bird in order to identify all non-kosher varieties. Instead, it could have succinctly taught that all birds that are doreis are non-kosher, and in addition, listed the remaining small list of non-kosher birds that are not doreis.

Tosafos concludes that Noah, who knew which birds are kosher and which are not, observed that none of the kosher varieties were doreis (Chullin 61a s.v. kol of). Thus, the siman that a doreis is not kosher is an oral tradition dating back to Noah.

BODY SIMANIM

So far, we have identified one siman that identifies some non-kosher birds, which is based on avian feeding behavior. The other simanim are all anatomical features, two internal and one external. One of these simanim is the crop such as is found in doves, chickens, and most, but not all, varieties of bird that we are accustomed to consider kosher.

WHAT IS A CROP

The crop is a very interesting part of a bird’s digestive system. It is essentially a storage bag for undigested food that Hashem provided for smaller birds to enable them to survive in the wild. A brief description of the life of a small bird will help us understand the chesed Hashem performed for these birds.

Smaller birds always need to worry that they are potential lunch for larger ones. As such, they must be careful to expose themselves to harm very briefly before returning to their safe hideouts. What happens if a small bird finds a plentiful supply of seeds that would keep it satisfied for a while, but the seeds are located in a place where a leisurely feast could easily render the bird into an available dinner for a predator?

Hashem came to the rescue of the smaller bird and provided it with a crop! The crop does not digest the food, but functions as an expandable storage pouch allowing the small bird to gobble its food quickly. Once the gizzard and crop hold as much as they possibly can, the bird escapes to its safe

cover, secure from predators. At this point, the gizzard grinds the seeds inside it, and when empty receives more from the crop. This way the bird gradually turns into nutrition what it quickly gobbled without having to reach for a bottle of Tums to recover from the huge indigestion that afflicts humans when they eat too much at one time.

REASONS FOR A CROP

Although we cannot be certain of the reasons for the Torah's mitzvos, the commentators conclude that we should attempt to understand why the Torah commanded us concerning the mitzvos. Perhaps the crop is a siman of kosher birds since smaller birds that eat seeds usually possess this organ in order to protect themselves from predators. Thus, although man usually lauds the large, impressive birds such as the eagle, falcon, and condor, the Torah is teaching that its message is better conveyed through the smaller birds that protect themselves by fleeing. We find this idea in a Midrash, which points out that the only bird kosher for the mizbayach are doves, which are hunted by larger birds of prey.

ONE CAN PEEL ITS GIZZARD

One of the four simanim of a kosher bird is that one can peel off the inside of its gizzard. We are all familiar with a chicken's gizzard, although many of us know it by its Yiddish name, the pupek. The hard muscle of the pupek grinds the food, which begins its digestive process. A bird swallows its food whole, which means that its gizzard must accomplish what humans achieve with their teeth and saliva.

How does the toothless bird "chew" the seeds it eats? Hashem, who provides food even for the young raven (Tehillim 147:9), provided all birds with the ability to digest their food in incredible ways. The bird swallows pebbles which are held in the gizzard. The powerful gizzard muscles grind the food with these pebbles.

The special lining of the gizzard protects the gizzard itself from becoming damaged by these stones. In birds containing all four kosher simanim, this lining of the gizzard can be peeled off the gizzard (obviously, only post-mortem).

BY HAND OR BY BLADE?

The Gemara discusses eight varieties of bird that have uncertain kashrus status. In all eight cases, the birds were not doreis and may have been kosher. However, these birds' gizzards can be peeled only by a knife, and not with one's fingernails. The Gemara was uncertain whether this qualifies as a kosher siman. Since we cannot positively identify these eight varieties of bird as kosher, and we have no mesorah identifying them as such, we must treat them as non-kosher (Chullin 62b).

AN EXTRA CLAW

One of the four simanim that can identify a bird as definitely kosher is the possession of an "extra claw." Where is this extra claw located?

The Rishonim disagree, some understanding that this claw points in the opposite direction from the other claws of the birds; whereas others explain that in addition this claw must protrude at a higher point on the leg than the other claws. A third approach understands that the claw is on the same side of the bird's leg as the other claws but protrudes outward farther than the others.

Although these differences seem rather technical for those of us who are not habitual bird watchers, there is a significant nomenclature concern that results from this discussion. Is a nesher indeed an eagle?

Chazal tell us that of the 24 non-kosher birds identified by the Torah, only a nesher lacks all four kosher signs. This means that only a nesher is doreis, does not possess an "extra claw," is crop-less, and has a gizzard that cannot be peeled. Any bird that has some of these simanim, but not all, may indeed not be kosher, but it is not a nesher.

IS THE NESHER AN EAGLE?

"Everyone" knows that a nesher is an eagle. However, Tosafos notes that an eagle possesses a talon that is opposite the other claws on its leg, and on this basis he concludes that a nesher cannot possibly be an eagle since a nesher should not have this sign (Chullin 63a s.v. neitz). Those of us

distressed to discover that the United States national bird is not a nesher will find solace in the explanation offered by the Aruch HaShulchan – that the kosher siman is that the opposing claw must also be raised higher than the other claws – whereas an eagle's opposing claw is directly opposite the other claws (Yoreh Deah 82:3). Thus, our national pride indeed possesses no signs of kashrus!

All of this does not explain whether we can eat prairie chicken or Muscovy duck. To answer this question, we will have to wait for the sequel.