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INTERNET PARSHA SHEET
ON **TAZRIA METZORA** - 5769

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from **Rabbi Yissocher Frand** <ryfrand@torah.org>
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Rabbi Frand on Parshas Tazria-Metzorah
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Ignoramus Kohen: Fool or Am Ha'Aretz?

While Parshas Tazria begins with the laws of childbirth, the 13th perek [chapter] transitions to the laws of Tzaraas (in its various forms) that is the primary topic of both Parshas Tazria and Parshas Metzorah.

All decisions regarding the status of Tzaraas must be pronounced by the Kohen. The Rambam [Tumas Tzaraas 9:2] writes: "Even though everyone is eligible to inspect (leprous) blemishes, the status of rendering someone Tameh [impure] or Tahor [pure] is dependent upon the (pronouncement of the) Kohen." The Rambam then describes a hypothetical case in which a Kohen was ignorant of the technical laws of Tzaraas. A Torah scholar who is proficient in the laws of purity and impurity serves as the Kohen's consultant. The "consultant" inspects the blemish and then directs the Kohen to pronounce it as Tameh (or Tahor).

Rav Ruderman, zt"l, once explained this idea as follows. A person contracts Tzaraas for speaking Lashon Harah [slander; gossip]. A person engages in Lashon Harah because he does not think his words have any effect at all. We therefore set up a ritual designed to impress him with the power of mere words. We may encounter a Kohen who does not understand the laws of Tzaraas. He really does not know what he is talking about; but the mere fact that he pronounces the words "Tahor" or "Tameh" will have a profound impact on the life of this gossip and slanderer.

Regarding the source of the absolute power given to the Kohen in determining the status of a potential Metzorah, the Rambam cites the pasuk [verse] "Upon their utterance shall hinge every quarrel and every blemish."

[Devorim 21:5]. The Rambam further states (based on a Toras Kohanim) that even if the Kohen is under Bar Mitzvah (a katan) or is mentally incompetent (a shoteh), the Talmid Chochom consultant can tell such a Kohen what to say and his pronouncement will have binding halachic effect.

The Kesef Mishneh commenting on this Rambam says that when the Toras Kohanim uses the word shoteh in this context it is not referring to the classic shoteh [mentally incompetent] individual which we find in all other areas of Talmudic law. The Kesef Mishneh argues that here we must be speaking of an individual who is competent; it is just that relative to the Talmid Chochom's level of expertise in the laws of Tzaraas, he is by comparison "like a shoteh".

Rav Zalman Sorotzkin notes that according to this Kesef Mishneh, the proper terminology that should have been used by the Toras Kohanim and by the Rambam should be "Am haAretz" [ignoramus]. Shoteh typically means an idiot or an imbecile. However, Rav Sorotzkin explains, there is a special reason that this ignoramus Kohen is called a shoteh.

Normally, if a person who is not a scholar (the classic "am ha'aretz") is asked why he is not a scholar, he will respond that he never had the opportunity to learn. He will argue that he needed to make a living and the time constraints and pressures of earning a livelihood precluded his chance to devote himself to Torah study. However, this Kohen who remained unlettered will not have such an excuse. In the classic Jewish society, a Kohen's livelihood was taken care of by the community. He lived off of the priestly gifts. A Kohen's financial needs were taken care of. So why would there be such a phenomenon as an ignorant Kohen? What is his excuse? After all, there were only 2 weeks out of a year when a Kohen was called to service in the Temple!

"What did you do the other 50 weeks of the year, Mr. Kohen? What do you mean you never learned the laws of Tumah and Tahara? It must be because you had the opportunity to learn and did not take advantage of that opportunity!" Such a person is a fool! For this reason, he is not referred to as a Kohen, Am Ha'Aretz. He is instead referred to as a Kohen Shoteh!

Head To Toe Metzorah Is Tahor: Why?

Later in the parsha, we learn of an interesting case. A person presents himself to a Kohen with a nega consisting of a white patch of skin. The Kohen is unsure of the status of the nega and puts the person in isolation. When the person returns a week later, the Torah describes the following scenario: "The Kohen shall look, and behold! The affliction has covered his entire flesh, then he shall declare the affliction to be pure; having turned completely white, it is pure." [Vayikra 13:13].

In other words, the small nega metastasized and spread throughout the body. There remains not a single spot on his entire body that is not now covered by tzaraas. The law is that the Kohen shall declare him to be pure! This is one of the paradoxes of halacha. On the face of it, it does not make any sense. When he had a little spot, he was in trouble. Now that the spot has grown and covered everywhere on his body, he is off the hook!

The Chasam Sofer in Toras Moshe discusses this paradox from a mussar perspective.

A Metzorah basically suffers from a physical disease. Normally, Jewish law requires other Jews, in fulfillment of the mitzvah of Bikur Cholim, to visit such a person. Here, not only do we not advise other Jews to visit him, the Metzorah is banished from our society. "Isolated he shall sit, outside the camp" [Vayikra 13:46]. This flies in the face of everything the Torah is about! Why is that?

The answer is that the Metzorah has demonstrated behavior that he is a danger to society. He is a Baal Lashon HaRah [slanderer, gossip]. He causes strife among members of society and separation between people. Therefore, the Torah requires us to separate ourselves from him so that we do not learn from his practices.

The worst type of person is a person who is two-faced. We need to especially watch out for a person who acts one way outwardly but in the confines of his home or his heart, he is a different type of person. Such

people give the appearance of one thing, but they are really something else. In contrast, when we clearly know that a person is bad, he is really not that dangerous. The wickedness is out in the open and people know to stay away and not be influenced.

The Chasam Sofer uses this idea to explain the paradox mentioned earlier. When a person has a slight nega, he gives the appearance of being good, so the Torah has smitten him with this disease to warn us of his true nature and to warn us to stay away from him. On the other hand, when a person is blemished from head to toe, he is totally wicked, and we will not make any mistake about such a person. Therefore, paradoxically, such a person does not require such an intense punishment. The Torah does not require us to isolate him from the rest of society.

This write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah Portion. The halachic topics covered for the current week's portion in this series are:

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Brit Milah Issues by Rabbi Jachter

from Kol Torah <koltorah@koltorah.org> date Fri, Jan 30, 2009 at 10:19 AM subject Kol Torah Parashat Bo

Contemporary Brit Milah Issues - Part 1 by Rabbi Chaim Jachter

The Jewish people have been observing the Mitzvah of Brit Milah for approximately 3700 years. Nevertheless, Poskim have been forced to grapple with many new challenges posed by newly discovered medical and technical knowledge. In the following weeks we will (iy"h and b"n) discuss five of these issues; performing Brit Milah on a jaundiced baby, the Metzitzah controversy, using anesthetics at a Brit, using new implements such as shields and clamps at a Brit, and performing Milah on Shabbat for boys conceived by artificial insemination or in vitro fertilization.

Jaundice - Gemara, Rishonim, and Acharonim The Gemara (Shabbat 134a) states that one should not circumcise a baby boy who is yellow until the yellowness recedes. The Gemara recounts a story of a woman who gave birth to two boys, each of whom subsequently died from their Brit Milah. After delivering her third son, Rabi Natan advised the woman to delay the Brit until the baby's yellowness receded. The family heeded Rabi Natan's advice and the boy recovered from his Brit without difficulty. Rambam (Hilchot Milah 1:17) and the Shulchan Aruch (Yoreh Deah 263:1) rule in accordance with this Talmudic passage. They both write (most likely based on the Gemara's anecdote) "One should be exceedingly careful about these matters," and, "Danger to life is cause to delay a Brit. It is possible to perform the Milah later, but it is impossible to bring back a Jewish soul." They both write that we do not perform the Brit until the baby's appearance resembles other healthy baby boys. Rambam and the Shulchan Aruch, however, differ about a very significant point. Rambam writes that we should postpone the Brit if the baby is "exceptionally yellow" but the Shulchan Aruch omits the word "exceptionally." The Chochmat Adam (149:4) rules in accordance with Rambam. He notes that the Smag and Rabbeinu Yerucham also write "exceptionally yellow" in this context, and the Chochmat Adam is puzzled why the Shulchan Aruch omits the word "exceptionally." The Aruch HaShulchan (Y.D. 263:3) rules in accordance with the Shulchan Aruch. He adds "even if the yellowness appears only on one region or limb on the body, we postpone the Brit until he appears like the other children." A major ramification of this dispute is whether we should postpone a Brit if the boy exhibits a mild form of jaundice. This issue has not been resolved. Some will postpone the Brit in case of mild

jaundice, and others will not. Another dispute is whether one must wait seven days after the jaundice has receded before performing the Brit.

Halachah requires that one wait seven days after a boy recovers from an illness before performing a Brit (Shabbat 137a and Shulchan Aruch Y.D. 262:2). The Aruch HaShulchan (ibid) and Maharsham (Daat Torah Y.D. 38) rule that a seven-day wait is unnecessary for a jaundiced baby, but Rav Shlomo Kluger (Teshuvot Tuv Taam Vedaat Y.D.1:220) and Yad Ketana (Hilchot Milah 8:18) require the seven-day wait.

Jaundice - Contemporary Poskim Modern medicine distinguishes between pathologic jaundice and physiologic jaundice. Generally speaking, modern medicine views a mild case of jaundice to be physiologic, i.e. part of the normal course of development for many babies. Thus, from a modern medical perspective there is no reason to postpone the Brit of a baby experiencing physiological jaundice. Accordingly, Halachah and modern medicine seem to conflict regarding this matter. This is not an easy dilemma to resolve. On one hand, one cannot endanger a child and on the other hand, we cannot unnecessarily delay a Brit. Three basic approaches to this dilemma are presented by contemporary Poskim. Dayan Weisz (Teshuvot Minchat Yitzchak 8:88) rules that we must heed Chazal's view that it is dangerous to circumcise a jaundiced baby, current medical knowledge notwithstanding. He rules that we should postpone the Brit if the child displays even a mild case of jaundice and even if the child has a low bilirubin count (the level of jaundice is determined by measuring the amount of bilirubin in the blood). A group of prominent Rebbeim who are associated with the Hisachdus HaRabbanim (Satmar, cited in Rav J. David Bleich's Contemporary Halachic Problems 2:237-238) rule that one may not circumcise a child whose bilirubin count is five or higher. Moreover, they require a seven-day wait if the baby experienced a bilirubin count of ten or above. Rav J. David Bleich (Contemporary Halachic Problems 2:235) subscribes to this approach. He argues, "There does exist a distinct possibility that the jaundice is, in fact, the effect of a liver or other disorder and is misdiagnosed as physiologic jaundice." On the other hand, Rav Shlomo Zalman Auerbach (cited in Nishmat Avraham 5:84-85) argues that Rambam and the Shulchan Aruch are speaking only of pathologic jaundice. Rav Shlomo Zalman rules that if a competent doctor establishes that the baby is completely healthy then we may perform the Brit even if the baby appears yellow. In fact, Dr. Abraham (ibid) relates that Rav Shlomo Zalman once permitted a circumcision of a child who had a bilirubin count of fourteen and a competent doctor declared that the baby was healthy. Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 13:81 and 83) presents a nuanced approach to this issue, which has emerged as normative practice in many observant circles. Rav Waldenberg writes that we may not ignore Chazal's teaching that performing a Brit on a jaundiced baby is dangerous. On the other hand, we must consider the assertion of modern medicine that circumcising a jaundiced baby is not dangerous. Rav Waldenberg rules that we may rely on the opinions of the Aruch HaShulchan and the Maharsham that we need not wait seven days after the jaundice disappears before performing the Brit. Moreover, he rules that if we observe that the jaundice is in the process of dissipating and that the signs of jaundice have disappeared from most of the body, then we may perform the Brit. Rav Yaakov Kaminetzsky (Emet LeYa'akov on Shulchan Aruch p.355) adopts a similar approach to this issue. He rules that one may perform the Brit if the bilirubin count indicates that the jaundice is in the process of receding. Dr. Abraham (Nishmat Avraham 4:119) records the practice in many circles to perform a Brit if the bilirubin count is twelve or less. In fact, some have even suggested (see Techumin 19:335-340) that one may ask non-Jewish medical personnel to perform a bilirubin test on Shabbat to determine if we may circumcise the baby on that Shabbat. A family that is confronted with this dilemma should consult with its Rav, a competent Mohel and a competent pediatrician.

The Metzitzah Controversy A similar dilemma has emerged in modern times regarding Metzitzah, the squeezing of the blood after the Brit. Chazal (Shabbat 133b and Shulchan Aruch 264:3) regard Metzitzah as a medical

necessity. Some Acharonim (Ketzer Hachoshen 382:2 and Chochmat Adam 149:14) believe that Chazal require Metzitzah only due to health considerations. Other Acharonim (Teshuvot Maharam Schick Orach Chaim 152 and Teshuvot Avnei Neizer Y.D. 338) insist that Metzitzah constitutes an integral component of the Milah process and is not merely a health concern. The Maharam Schick writes that the Chatam Sofer's aforementioned ruling was issued only in the context of a specific difficult situation and was not intended to apply to all situations. The Avnei Neizer emphasizes the significance of Metzitzah from the perspective of the Kabbalah. The Acharonim also debate whether Metzitzah must be performed orally (Teshuvot Binyan Zion 1:24) or may be done manually (Chatam Sofer in a responsum printed in Rav Mosheh Pirutinsky's Sefer Habrit pp.216-217). A summary of this debate appears in Sdei Chemed 8: Kuntress HaMetzitzah. On the other hand, modern science believes that Metzitzah is not a medical necessity and is dangerous if performed with direct oral contact. Physicians warn of the danger of transmission of dangerous infectious diseases such as herpes either from Mohel to baby or vice versa. Three approaches to this dilemma appear in the nineteenth and twentieth century responsa literature. Teshuvot Avnei Neizer adopts a particularly strong stand and requires the performance of Metzitzah orally (direct contact of the mouth to the wound) despite the danger. He applies the Gemara's (Pesachim 8a) assertion that, "No harm will befall those involved in a Mitzvah," in this context. Indeed, many rigorously observant Jews have vigorously abided by this ruling even after AIDS became a serious concern. On the other hand, the aforementioned Chatam Sofer writes that the Halacha does not demand that the Metzitzah be performed orally. He writes that Metzitzah is done orally only because of Kabbalistic concerns. The Chatam Sofer writes that we should overlook Kabbalistic considerations, when performing Metzitzah orally poses a health concern. Similarly, Rav Hershel Schachter (Nefesh Harav p. 243) writes that Rav Yosef Dov Soloveitchik reports that his father Rav Mosheh Soloveitchik would not permit a Mohel to perform Metzitzah Bep'eh with direct oral contact. Rav Yitzchak Elchanan Spektor (cited in the aforementioned Sdei Chemed) and Rav Zvi Pesach Frank (Teshuvot Har Zvi Y.D. 214) adopt a compromise approach. These authorities permit performing Metzitzah orally by using a sterile tube. Rav Zvi Pesach, though, cautions that this technique is not simple and requires training to perform properly. On the other hand, the Avnei Neizer objects to using a tube for Metzitzah. He notes that the Rambam (Hilchot Milah 2:2) and Shulchan Aruch (Y.D. 264:3) write that Metzitzah must extract the blood from the "furthest places." The Avnei Neizer contends that this cannot be accomplished when using a glass tube. Nevertheless, many Mohelim both in Israel and North America perform Metzitzah using a sterile tube because of health concerns. Dr. Mordechai Halperin notes (Jewish Action Winter 5767/2006) that blood can be extracted from the "furthest places" using a tube, when conducted properly. Indeed, Dr. Abraham (Nishmat Avraham 4:123) reports that Rav Shlomo Zalman Auerbach permits performing Metzitzah with a glass to avoid concern for AIDS. Rav Mosheh Snow reports that Rav Mosheh Feinstein also permits Metzitzah to be conducted with a tube.

In 2005 the Rabbinical Council of America (RCA) issued a policy statement regarding Metzitzah B'peh which concluded as follows: "The RCA urges its member rabbis, their congregants, synagogues and institutions, as well as the larger Jewish community, to encourage and wherever possible necessitate, that Metzitzah be'Peh be fulfilled via a tube".

Conclusion Regarding the jaundice and Metzitzah issues we find different approaches in the various Torah communities. Some do not take modern medical concerns and insights into account, while others incorporate modern medical concerns without compromising the Halacha. Next week, Bli Neder and G-d willing, we will discuss the use of anesthetics at a Brit and the use of shields and clamps at a Brit.

Contemporary Brit Milah Issues - Part 2 by Rabbi Chaim Jachter

This week we shall continue our discussion of some of the questions that have emerged in modern times in regards to the Mitzvah of Milah. We will discuss the use of shields and clamps in the context of Brit Milah. We seek to shed light on an area of serious controversy.

The Plain Mogen, the Gomco Clamp, and the Bronstein Mogen A few hundred years ago, a plain Mogen shield was introduced to enhance the safety of Brit Milah. The Pri Megadim (Orach Chaim, Eishel Avraham 75:8) endorses the use of this shield. Most Mohelim use at least this basic shield for Brit Milah to protect the baby from cutting more than necessary.

Approximately seventy years ago, the Gomco clamp was introduced and became a standard tool for physicians who perform circumcision, due to concern for danger due to excessive bleeding. Halachic authorities strongly opposed the use of the Gomco clamp. Rav Yosef Dov Soloveitchik (personal communication in 1984), Rav Moshe Feinstein (Teshuvot Igrot Moshe Yoreh Deah 2:119), Rav Yosef Eliyahu Henkin (Eidut Leyisrael p.144), Rav Yaakov Kaminetzsky (Emet Lyaakov p.361), Rav Zvi Pesach Frank (cited in Teshuvot Tzitz Eliezer 8:29) and Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 8:29) strongly oppose the use of the Gomco clamp. Virtually no Orthodox Mohel uses a Gomco clamp for a Brit Milah. One major criticism of Gomco clamp is that no blood is drawn during the removal of the foreskin. The Gomco clamp causes the blood to stop flowing to the foreskin, thus producing a bloodless circumcision. Rav Soloveitchik, Rav Moshe, and Rav Waldenberg mention that the drawing of blood is an indispensable component of the Brit Milah procedure. Rav Chaim Soloveitchik is cited as emphasizing this point vigorously (Chidushei Hagrah Al HaShas, Shabbat 135a). Rav Moshe seeks to demonstrate this assertion from Chazal's mentioning the act of drawing of blood in the Brachah recited at a Brit performed on a convert (Shabbat 137b). Another proof is that Hatafat Dam Brit (drawing of blood) is performed on a baby whose Brit was conducted improperly, such as a Brit performed before the eighth day or at night (Shach Y.D.262:2). Another major criticism expressed by Poskim is that Halachah views the dead foreskin as detached from the body. Thus, the Mohel has not performed any cutting, which is certainly an indispensable component of the Milah procedure. Rav Frank and Rav Waldenberg express considerable concern for what they perceive as the excessive amount of pain inflicted on the baby when using the Gomco clamp.

Bronstein Mogen A well known Mohel, Rav Zvi (Harry) Bronstein of blessed memory, introduced in the 1950's an upgraded version of the traditional Mogen. Rav Bronstein writes (in a pamphlet introducing his Mogen) that he seeks to satisfy the standards of both the medical establishment and Halachic authorities. At that time, many doctors advised against performing a Brit without a clamp and many parents heeded their advice. Mohelim were caught in a terrible dilemma: the Brit implements that the Rabbis permitted were forbidden by the doctors and what the doctors permitted the Rabbis forbade. Rav Bronstein developed his Mogen in an attempt to satisfy both Rabbis and doctors and thereby facilitate proper fulfillment of the Mitzva of Milah by the broader Jewish community. Rav Bronstein writes that Rav Eliezer Silver (one of the outstanding mid-twentieth century Torah luminaries of North America) gave his written approval to this procedure (printed in the Torah journal Hapardes, volume 30 number 1). In addition, some Mohelim prefer to use the Bronstein Mogen because of its considerable safety benefits. There has been a mixed reaction among the Poskim to the Bronstein Mogen. Rav Yosef Dov Soloveitchik told me (in 1984) that the use of an implement is acceptable if blood is drawn. Rav Moshe Pirutinsky notes (Sefer Habrit p.179) that some blood is drawn if the Bronstein Mogen is placed immediately before the cutting and removed immediately afterwards. Rav Moshe Feinstein (Teshuvot Igrot Moshe Yoreh Deah 3:98) rules that a Milah performed with the Bronstein Mogen is "certainly acceptable B'dieved (after the fact)" if blood is drawn during the cutting. Rav Shlomo Zalman Auerbach (cited in Nishmat Avraham 5:86-87) also rules that a Mogen clamp is acceptable B'dieved (after the fact) if blood is drawn. Rav Shaul Yisraeli (Teshuvot

Bemareh Habazak 2:96) permits the use of the Bronstein Mogen in certain circumstances. On the other hand, Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 8:29, 10:38 and 20:52) emphatically rejects the use of the Bronstein Mogen. He rules that it is unacceptable even B'dieved and even if blood is drawn. He goes as far to say that it is better not to perform a Brit at all than to carry out a Brit using the Bronstein Mogen. Indeed, Dr. Ari Greenspan (a certified Mohel who lives in Israel) reports that the Israeli Chief Rabbinate strictly forbids the use of the Bronstein Mogen. Rav Pirutinsky similarly records that the American rabbinical organization called the Agudath Harabanim also issued a proclamation forbidding use of the Bronstein Mogen. There are a number of objections raised against performing Milah with a Bronstein Mogen (see Rav Waldenberg's aforementioned Teshuvah for a full presentation of the objections). One argument is that the Rambam (Hilchot Milah 2:2) and Shulchan Aruch (Y.D. 264:3) describe the Mohel performing the Periah process (removal of the second level of skin beneath the foreskin) with his fingernail. Moreover, the Shulchan Aruch describes Milah (removing the foreskin) and Periah as two discrete processes that can be done by two different people on one child. A Mohel who uses the Bronstein Mogen accomplishes the Milah and Periah with one simultaneous cut. The Bronstein Mogen sets in place all of the skin that the Mohel will cut and the Mohel subsequently performs the Milah and Periah with one cut. However, a responsum of Rav Hai Gaon (printed in Teshuvot Hageonim Shaarei Tzedek 3:5:6) endorses the practice of Mohelim in his country (Babylon) to simultaneously perform both Milah and Periah, even though the Mohel does not perform the Periah with his fingernail. Moreover, Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 1:155 and 3:98) permits simultaneous performance of Milah and Periah and endorses the authenticity of the Teshuvah attributed to Rav Hai Gaon. Shulchan Gavoa 264:27 (an important Sephardic authority) records the practice of Mohelim in Solonika (described by Rav Ovadia Yosef as a community filled with pious and learned Jews) to simultaneously perform Milah and Periah. Many more Halachic authorities rule that Periah is acceptable even if the Mohel does not use his fingernail. Rav Chaim Ozer Grodzinsky (Teshuvot Achiezer 3:65:12) notes that since Periah is impossible to perform with a fingernail when performing a Brit on an adult, Periah performed on adult converts is accomplished with an instrument. Rav Chaim Ozer concludes that it is definitely acceptable to perform Periah with an instrument. Rav Ovadia Yosef (Teshuvot Yabia Omer 7 Y.D. 22), after citing numerous authorities to support his opinion, rules that Periah with an instrument is acceptable. The aforementioned Poskim, however, write that it is preferable to perform Periah with a fingernail as described in the Shulchan Aruch. Mohelim who use the Bronstein Mogen argue that the safety and societal benefits of the implement justify the performance of Periah in a Halachically acceptable, albeit less than ideal manner. Moreover, they argue that the practice of the Mohelim of Babylon and Solonika constitutes ample precedent to perform Milah and Periah simultaneously, without using a fingernail. A second reservation that Poskim express is the reluctance to endorse a change in the traditional procedure for Brit Milah. Even though Rav Moshe Feinstein rules that a Milah performed with a Bronstein Mogen is acceptable, he declines to endorse its use. Rav Moshe explains that "one should Lechatchilah (initially) avoid anything new." Rav Donny Frank (Journal of Halachah and Contemporary Society number 36, Fall 1998, p.50), however, notes "innovations have been made over the centuries including the plain shield which is commonplace today." Indeed, Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Eliashiv are cited (Nishmat Avraham 5:84) as ruling that a Mohel is "obligated" to use anesthetics if it medically sound to use them, even though it represents a departure from the traditional procedure. Similarly, one could argue that the safety afforded by the use of the Bronstein Mogen justifies the departure from the traditional procedure for Brit Milah. Rav Yechezkel Landau (Teshuvot Nodah Beyehudah O.C. 2:18) presents guidelines for legitimate Halachic innovation. The Noda Beyehuda was asked whether a synagogue may be constructed in a shape other than the traditional rectangular form.

Rav Landau responded that although Halachah has no specific requirements regarding the shape of a shul "it is best not to deviate from the venerated practices [of the Jewish People]." However, he writes, "If the reason [a departure from the traditional practice is desired] is that the proposed plan will allow for more available seating area, there is no reason why this plan should not be implemented." Rav Laudau asserts, though, that the change is inappropriate if the motivation to change the shape is to imitate the architectural style of the nobility. Similarly, Rav Bronstein's motivation for introducing his Mogen was noble. He risked his life for decades to perform large numbers of Halachic circumcisions in the Soviet Union, despite government decrees (in accordance with Shabbat 130a). Rav Bronstein's intention in developing his Mogen was to facilitate Milah for millions of Jews who would otherwise refuse a Halachic circumcision for their children. Moreover, the enhancement of the safety of Brit Milah might constitute a legitimate reason for change, just as the introduction of the plain shield was accepted as a legitimate change. Furthermore, Rav Bronstein wrote that he has not introduced anything new. Rather, he has merely modified the plain shield that Mohelim used in Europe for many generations.

Conclusion Almost all Mohelim use at least a plain shield and virtually all Orthodox Mohelim do not use a Gomco clamp. Regarding the Bronstein Mogen, there is no universally accepted practice. Some Mohelim use it for every Brit they perform, some use it only for special circumstances and many refuse to use it under any circumstance.

Contemporary Brit Milah Issues - Part 3 by Rabbi Chaim Jachter

This week we will conclude our discussion of modern Brit Milah issues with a discussion of Brit Milah on Shabbat for a baby that was conceived by artificial insemination or in vitro fertilization and the use of anesthetics at a Brit.

Brit Milah on Shabbat, Bathhouse Insemination, Artificial Insemination, and In Vitro Fertilization The Gemara (Shabbat 130-134) teaches that we perform the Milah even on Shabbat if that day is the eighth day of the baby's life. The Gemara (Shabbat 135), however, notes that this applies only to a baby born in a manner where the mother is rendered ritually impure (as described in Vayikra 12:1-8). Thus, we do not circumcise a baby that was born by caesarean section on Shabbat (see Shulchan Aruch Yoreh Deah 266:10). A mother becomes ritually impure at birth only upon a "conventional" birth. The Gemara (Chagigah 16a) discusses the Halachic implications of a bathhouse insemination. Commenting on this Gemara, Rabbeinu Channanel writes "this is a miraculous act and a woman does not become ritually impure upon this type of conception because it does not meet the specifications of the Pasuk (Vayikra 12:1) 'when a woman conceives and gives birth.'" Thus, according to Rabbeinu Channanel, we may not circumcise the child conceived by bathhouse insemination on Shabbat. Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 3:98:4) presents two possible ways to interpret Rabbeinu Channanel. One is that since the conception occurred miraculously the woman does not become ritually impure at birth. A second interpretation is that the woman is not rendered impure because the conception occurred in an unconventional manner. Rav Shlomo Zalman believes that the second interpretation is the correct one. Rav Shlomo Zalman notes that according to the second interpretation, Rabbeinu Channanel would rule that a woman who was artificially inseminated does not become ritually impure at birth, since the conception was unconventional. Accordingly, Rav Shlomo Zalman suggests that one should not perform a Brit on Shabbat on a boy that was conceived by artificial insemination. Rav Hershel Schachter rules that we should follow Rav Shlomo Zalman's approach and not circumcise the child conceived by artificial insemination on Shabbat. Rav J. David Bleich (Tradition Summer 2001 - volume 35 no. 2 - pp.61-62) notes that the same rule applies to a child that is conceived by in vitro fertilization. Parents for whom this is relevant should discretely inform the Mohel, as he is unlikely to inquire how the baby was conceived. Rav

Bleich writes that in order to protect the family's privacy, parents may tell people that the Brit will not take place on Shabbat because the baby was a caesarean section birth or jaundiced. Rav Bleich rules that one may tell a "white lie" in such circumstances (see Rashi to Breishit 18:13 and Rav Daniel Feldman's *The Right and the Good*, pp.75-94). We should note, however, that Rav Ovadia Yosef (see *Yalkut Yosef*, *Kitzur Shulchan Aruch* p.904) rules that one may perform a Brit on Shabbat on a baby that was conceived by artificial insemination or in vitro fertilization.

Anesthetics at a Brit For many decades Poskim have debated the Halachic viability of general and local anesthesia for Brit Milah. Recently, Poskim have actively debated the use of a topical anesthetic at a Brit. This debate remains unresolved, as some Mohelim use an anesthetic and many do not. We will begin by reviewing the classic debate regarding the use of anesthesia at a Brit Milah. Three distinct approaches to this problem appear in Halachic literature. Rav Yechiel Yaakov Weinberg (*Teshuvot Seridei Eish* 3:96) adopts an intermediate approach to this issue. He rejects the idea that experiencing pain is an integral component of the Milah process. On the other hand, he notes that many Rishonim rule in accordance with the opinion that Mitzvot Tzrichot Kavannah (one must have intention to fulfill the Mitzvah in order to fulfill one's obligation). Rav Weinberg argues that one cannot be placed under general anesthesia for Milah, since an anesthetized patient is unable to have Kavannah to fulfill the Mitzvah of Milah. This argument is especially important in light of the Magen Avraham's (60:3) ruling that Kavannah for a Torah level obligation is indispensable. Rav Weinberg is even more emphatic regarding the Milah of an adult convert. Rav Weinberg writes "behold it is by the Brit that he enters into Kedushat Yisrael and if he is sleeping during the Milah, who ushers him into Kedushat Yisrael?" Indeed, Rav Yitzchak Fischer, a Mohel from Monsey, told this author that Rav Moshe Feinstein permits a local anesthetic only for an adult convert but forbids a general anesthetic for an adult convert. Rav Weinberg's argument applies only to the circumcision of an adult. Rav Weinberg does not object to the use of full anesthesia on a baby, but he does not endorse it either, since its use constitutes a departure from accepted practice. On the other hand, he permits using a local anesthetic even for an adult. He explains, "We have not found anywhere that there is a Mitzvah to circumcise in a manner that inflicts pain." On the other hand, the Maharsham (*Teshuvot Maharsham* 6:85) and Rav Ovadia Yosef (*Teshuvot Yabia Omer* 5:Y.D. 22) permit full anesthesia even for an adult. Rav Ovadia cites the celebrated responsum of the Maharach Ohr Zarua (number 11) who asserts that the fundamental Mitzvah of Milah is the state of being circumcised. Accordingly, he argues, it is irrelevant that one lacks Kavannah while he is anesthetized. One fulfills the Mitzvah simply by being circumcised. Rav Ovadia adds, "The Kavannah of the Mohel suffices for the one being circumcised, especially since the Mohel is the latter's Shliach (agent)." The Maharsham emphasizes (based on *Gittin* 70b) that agency does not expire when the Meshaleiach (principle) sleeps. The Maharsham equates an anesthetized patient with a sleeping individual. Rav Weinberg, on the other hand, believes "an anesthetized person is the Halachic equivalent of a rock, and one does not fulfill the Mitzvah on a rock." Rav Ovadia Yosef concludes his *Teshuvah* by relating that the Beit Din of Jerusalem authorized the performance of a Brit on an adult convert to whom general anesthesia was administered. Rav Meir Arik (*Teshuvot Imrei Yosher* 2:40), however, forbids even a local anesthetic. He argues that the experience of pain is an integral component of the Mitzvah of Brit Milah. He notes that Bava Kama 85a demonstrates that anesthetics were available to Chazal. He points out that despite the availability of anesthetics, Chazal chose not to use anesthetics at a Brit. He infers that Chazal oppose using anesthetics at a Brit because pain is an essential component of a Brit. The *Imrei Yosher* argues that this idea is reflected by the Midrash (*Breishit Rabbah* 47:9, commenting on *Breishit* 17:26) that states "Rav Abba said, 'He suffered pain so that Hashem will double his reward.'" Rav Weinberg, though, counters that this Midrash merely demonstrates that Avraham Avinu desired the reward for the pain he

had to endure for Brit Milah. It does not prove that there is an obligation to inflict pain on baby boys who do not intend to be rewarded for their pain.

Rav J. David Bleich (*Tradition Summer* 1999 - volume 33 number 4 - pp.56-60), in turn, explains the argument of the *Imrei Yosher*. Rav Bleich notes that if one experienced pain in the process of performing a Mitzvah, such as obtaining an Etrog that was ensconced in thorns, he would not receive any additional reward for the pain he endured in order to obtain the Etrog. Why then does the Midrash state that Avraham received reward for the pain he endured during Brit Milah? Rav Meir Arik's answer is that experiencing pain is not an aspect of the Mitzvah of taking an Etrog, but it does constitute an aspect of the Mitzvah of Brit Milah.

The Current Dispute - Topical Anesthetic Recently, doctors have developed topical anesthetics such as EMLA, which reduce the pain that babies experience during a Brit. There has been a mixed reaction by Poskim regarding its use at a Brit. Rav Eliezer Waldenberg (*Teshuvot Tzitz Eliezer* 20:73) forbids its use based on the *Imrei Yosher*. Rav Vosner of Bnei Brak (*Teshuvot Shevet Halevi* 5:147:2) also forbids the use of a local anesthetic on a baby except in case of great need. Rav Yitzchak Fischer told me that Rav Vosner told him that one may use a local anesthetic when circumcising an adult because of the great need to do so. Rav Vosner believes that absent great need one should not tamper with the traditional character of Brit Milah, which includes experiencing pain. He cites the Gemara (*Gittin* 57b) that explains the Pasuk (*Tehillim* 44:23) "For Your sake we are killed all of the day", to be referring to Brit Milah, as proof for his assertion. On the other hand, Dr. Abraham S. Abraham (*Nishmat Avraham* 5:83-84) reports that Rav Yaakov Hillel, a Rosh Yeshiva of a prestigious Yeshiva for Kabala studies, investigated the matter and found no source in the Zohar and other Kabbalistic works that teach there is any special value attached to the suffering of a baby during his Brit. In fact, the Rosh Yeshiva remarked that despite the fact that the Zohar teaches that birth pains atone for Chavah's sin, we make efforts to reduce the pain a woman experiences during birth, and no rabbinic authority objects. Indeed, Dr. Abraham reports that both Rav Shlomo Zalman Auerbach and Rav Yosef Shalom Eliashiv told him that if there is no medical problem associated with the use of a topical anesthesia, then there is an obligation to use it at a Brit to reduce the suffering of the baby.

Conclusion Rav Fischer reports that an injection of a local anesthetic is administered at almost all circumcisions of adults. He reports that a general anesthetic is used for an adult born Jew only in case of great need. He relates, though, that Poskim do not permit general anesthesia for an adult convert in virtually all cases. Some Mohelim have begun to use topical anesthetics at a Brit of a baby. However, many Mohelim decline to use them in part due to reports of medical complications caused by these anesthetics. My father-in-law Rav Shmuel Tokayer (a Mohel who resides in West Orange, New Jersey) reports that he has heard of incidents where the anesthetic cream caused the foreskin to become inflamed. Rav Tokayer told me that it is highly imprudent to perform a Brit on an inflamed foreskin. Rav Fischer told me that he has heard similar reports and expressed similar concerns. Rav Fischer added that anesthetic cream sometimes causes high blood pressure and increased bleeding at a Brit. Interestingly, Rav Moshe Feinstein (*Teshuvot Igrot Moshe* Y.D. 4:40) writes that we do not use anesthetics at a Brit because of the danger associated with anesthetics. His concern might apply to the topical anesthetic creams.

Contemporary Brit Milah Issues [Part 4] by Rabbi Chaim Jachter

This essay continues our discussion of the Mitzvah of Brit Milah. We will discuss the three, or possibly four, Brachot that are recited at a Brit Milah. We will focus on two controversies regarding these Brachot – the timing of the second Bracha and whether the Bracha of Shehechyanu should be recited.

Gemara Shabbat 137b The Gemara (*Shabbat* 137b) outlines the procedure for the Brachot to be recited at a Brit Milah. The Gemara states:

The one who performs the Brit states 'Asher Kiddeshanu... Al Hamilah.'

The father of the boy recites 'Asher Kiddeshanu...Lehachniso Bivrito Shel Avraham Avinu' (Who has commanded us to bring him into the covenant of our father Abraham). Those present respond 'just as he entered the Brit so too should he enter into Torah, the Chuppah, and good deeds.' Then one recites Baruch Ata... "Who sanctified the beloved one from the womb and placed the mark of the decree in his flesh, and sealed his descendants with the sign of the holy covenant. Therefore, as reward for this, Living God, our Portion, our Rock, may You command to rescue the beloved soul within our flesh from destruction, for the sake of his covenant that He has placed in our flesh." Baruch Ata Hashem, Koreit Habrit (Who establishes the covenant). We presented one text of this Bracha. For the variations of this Bracha, see Rav Moshe Pirutinsky's classic work on Brit Milah, *Sefer Habrit* pp.270-271.

Analysis of the Berachot The first Bracha is a Birkat HaMitzvah, a blessing recited upon performing a Mitzvah. This Bracha is recited before the Brit, as the Gemara (Pesachim 7b) teaches: all blessings recited on a Mitzvah are said "Over Leasiyatan," immediately before performing the Mitzvah. However, Acharonim argue whether the Mohel recites the Bracha before the cutting (Chochmat Adam 149:19) or during the cutting (Aruch Hashulchan Y.D. 265:10). The third Bracha is either a Birkat Hashevach, a Bracha that expresses praise to Hashem (Rashba to Shabbat 137b s.v. Avi Haben), or a Tefillah, a prayer (Shach, Yoreh Deah 265:5). According to the Shach, it is a prayer that the merit of Brit Milah should protect the soul from being punished in Gehenom (purgatory; see Eruvin 19a). A ramification of this question is the proper vocalization of one of the words of this Bracha. Rav Yaakov Emden (*Teshuvot Sheailat Yaavetz* 1:146) rules that the proper vocalization of the word is "Tzivah," that Hashem commanded. He believes that this Bracha is praise to Hashem. We praise Hashem for issuing the command to spare the circumcised from the punishment of Gehenom. The Shach, though, writes that the proper vocalization is "Tzaveh," because this Bracha constitutes a prayer to Hashem. We ask Hashem to issue the command to spare the circumcised child from the torture of Gehenom. The prevalent Minhag among both Ashkenazim (see Aruch Hashulchan Y.D.265:17) and Sephardim (see *Yalkut Yosef*, *Kitzur Shulchan Aruch* p.896) is to pronounce the word "Tzaveh." Interestingly, the Aruch Hashulchan (*ibid.*) writes that this Bracha is both a Birkat Hashevach and a Tefillah.

The Second Bracha – Before, After, or During the Cutting – Rashbam, Rabbeinu Tam, and the Rosh There is a celebrated dispute among the Rishonim regarding when the second Bracha, "Lehachniso Livrito Shel Avraham Avinu," is recited. The Rashbam (cited in *Tosafot Shabbat* 137b s.v. Avi Haben) champions the belief that we recite this Bracha before the cutting. He argues that the second Bracha is a Birkat HaMitzvah and thus we must recite it "Over Leasiyatan," before the Mohel performs the Brit. He also points out that the Gemara (Pesachim 7a) specifically states that a Bracha that uses the liturgical formula "Le," such as "Lehadlik Nair Shel Chanukah" or "Lehaniach Tefillin," is recited before the Mitzvah is performed. Thus, we recite "Lehadlik Nair Shel Chanukah" before lighting the Chanukah Menorah and men recite "Lehaniach Tefillin" before they fasten and wind the Tefillin on their arms. Similarly, argues the Rashbam, since the Bracha is "Lehachniso Bivrito Shel Avraham Avinu," we should recite it before the cutting. The Rashbam was so convinced of his view that he changed the practice of French Jewry regarding this question. Traditionally, French Jews had recited the second Bracha after the cutting. Moreover, he even emended the aforementioned Talmudic text. The traditional text indicates that the father recites the second Bracha after the cutting, because first the Mohel recites his Bracha and then the father recites the Bracha of Lehachniso. The Mohel cuts immediately after reciting his Bracha. This implies that the cutting is complete by the time the father recites his Bracha (recall that the Milah is performed very quickly). The Rashbam emended the text of the Gemara to state that the father's Bracha is recited before the Mohel recites his Bracha of Al Hamilah.

Rabbeinu Tam vigorously opposed his brother's approach (Rabbeinu

Tam is the younger brother of the Rashbam). He restored the original practice of French Jewry and the traditional version of Shabbat 137b. He presents a number of arguments (quoted in *Tosafot Shabbat* 137b s.v. Avi Haben and *Pesachim* 7a s.v. Beleva'er) to prove that the Bracha of "Lehachniso Bivrito Shel Avraham Avinu" should be recited after the cutting. One argument is as follows: The congregation's response of "just as he entered the Brit etc." is a response to the father reciting the Bracha of "Lehachniso Bivrito Shel Avraham Avinu." The Gemara indicates that we recite this response after the Brit because the text reads, "Just as he entered the Brit," which implies that the Brit has occurred. Rabbeinu Tam argues that just as the response to Lehachniso is said after the Brit so too Lehachniso is recited after the Brit. The core of Rabbeinu Tam's arguments is his belief that the Bracha of Lehachniso is a Birkat Hashevach (a blessing of praise to Hashem), rather than a Birkat HaMitzvah. Thus, there is no requirement to recite this Bracha before the Brit. The Rosh (Shabbat 19:10) offers a compromise approach that Ashkenazic Jews have accepted as normative practice (*Shulchan Aruch* Y.D. 265:1). The Rosh believes that if the father recites the Bracha of Lehachniso in the middle of the cutting, he will satisfy both the opinion of Rashbam and Rabbeinu Tam. Since the Mitzvah of Milah is not complete until the Mohel performs Priyah (basically, the removal of the entire foreskin), one is considered to be reciting the Bracha "Over Leasiyatan." Since Milah is typically performed very quickly, the father should hurry to recite Lehachniso immediately after the Mohel finishes reciting his Bracha of Al Hamilah. Sephardic Jews recite this Bracha before the Brit in accordance with the Rashbam and the other Rishonim who subscribe to his view.

Shehechyanu There is no consensus regarding the recitation of Shehechyanu at a Brit. The *Shulchan Aruch* (Y.D. 265:7) notes that practice in Eretz Yisrael is to recite the Bracha of Shehechyanu at a Brit. This custom persists today. This practice has taken very strong root in Eretz Yisrael, as the Vilna Gaon (*Biur Hagra* 265:36) strongly endorses reciting the Shehechyanu at a Brit. Many of the Vilna Gaon's opinions have emerged as the accepted practice in Israel (such as omitting the Baruch Hashem Leolam blessing at the Maariv service and refraining from donning Tefillin on Chol Hamoed). This happened because a number of the Vilna Gaon's students were among the first Ashkenazic Jews to move the Eretz Yisrael. Thus, the ruling of the Gaon to recite Shehechyanu at a Brit became the accepted practice in Israel even among Ashkenazim. Sephardic Jews recite the Shehechyanu Bracha at a Brit even outside of Israel (*Yalkut Yosef*, *Kitzur Shulchan Aruch* p.896) but Ashkenazic Jews outside of Israel do not recite the Shehechyanu at a Brit, following the ruling of the Shach (265:17). The Vilna Gaon recounts the various arguments against reciting Shehechyanu at a Brit and he refutes each argument. He quotes the argument that since a Brit is not an event that occurs at regular intervals (such as the Yamim Tovim), then the Shehechyanu should not be recited. The Vilna Gaon responds by pointing out the fact that we recite a Shehechyanu at a Pidyon Haben even though it does not occur at regular intervals. Another argument is that we are concerned perhaps the child is a Neifel (defective and unable to survive even thirty days of life) and it is inappropriate to recite a Shehechyanu on such a baby. The Vilna Gaon responds that the fact that we perform a Brit Milah on Shabbat demonstrates that we are not concerned with the small possibility that the child is so sickly that it cannot survive thirty days (see *Shabbat* 135b-136a).

The last argument that the Vilna Gaon cites is that since the baby is experiencing pain it is inappropriate to recite a Shehechyanu. He responds by citing the Gemara's ruling (*Berachot* 59b) that if one, heaven forbid, hears the news of his father's death he should recite both a Baruch Dayan Emet (Hashem is a truthful judge) and Shehechyanu, if his father left him an inheritance. This Gemara teaches that it is appropriate to recite a Shehechyanu on a very sad occasion if it is tinged with an aspect of happiness. Certainly one should recite Shehechyanu upon a very happy occasion even if it is tinged with a sad aspect. A final difference between Ashkenazic and Sephardic practice is that many Sephardim take a Hadas

and recite a Bracha on it and Ashkenazim do not (Shulchan Aruch Y.D. 265:1 and Yalkut Yosef, Kitzur Shulchan Aruch, p.896).

Conclusion There are a variety of disagreements regarding the Berachot recited at a Brit Milah. Some of these disputes have been resolved, but some of these disputes have never been resolved, and a variety of practices exist.

Minhagim of Brit Milah by Rabbi Chaim Jachter

The many Minhagim involved in fulfilling the commandment of Brit Milah greatly enrich and enhance our observance of this vital Mitzvah. In fact, Rishonim use the phrase "Minhago Shel Yisrael Torah He," the customs of the Jewish People constitute Torah. Rav Hershel Schachter quotes Rav Yosef Dov Soloveitchik as explaining this phrase as an obligation not only to abide by Minhagim, but also an obligation to study Minhagim. Minhagim, Rav Soloveitchik said, are Torah even to the extent that we must study them in order to understand them and discover the basis for them in the Gemara and Rishonim. Indeed, Rav Schachter recounts that Rav Soloveitchik devoted much time in his Shiurim at Yeshiva University to the explanation of the basis of Minhagim. In this essay, we seek to explain the source and reason for some Minhagim of Brit Milah. We will discuss the chair set aside for Eliyahu Hanavi, the institution of the Sandek, the question of whether Tefillin should be worn during a Brit, the recitation of Aleinu after a Brit, and the Seudat Brit Milah.

Eliyahu Hanavi's Chair The Shulchan Aruch (Yoreh Deah 265:11) records the celebrated custom to designate a chair for Eliyahu Hanavi at a Brit. The Vilna Gaon (Biur Hagra Y.D. 265:43) writes that the source for this practice is the Pirkei DeRabi Eliezer chapter 29. This Midrash relates that the Jewish People faithfully kept the Mitzvah of Brit Milah until the Kingdom of Israel split into two halves. The wicked leaders of the Northern Kingdom, Achav and Ezevel, forbade their subjects to practice Brit Milah. Eliyahu Hanavi, in response, announced that it would not rain until Achav and Ezevel rescinded the anti-Milah decree. Ezevel ordered Eliyahu killed for this, and Eliyahu was forced to flee. Hashem appeared to Eliyahu and told Eliyahu that He will reward him for his zealotry in this situation and in killing Zimri ben Salu (Bemidbar chapter 25 - recall that Chazal identify Pinchas with Eliyahu Hanavi, see Seforno to Bemidbar 25:13). Eliyahu's reward will be having a seat of honor designated for him at every Brit Milah. This Midrash conveys a very powerful message. We repeat at the Brit a Pasuk from Yechezkel (16:6) "In your blood live," which emphasizes the vital importance of dedication and sacrifice for Torah. We cannot survive, much less thrive, without our willingness to expend maximal effort in our observance of Torah. We must be willing even to risk or give up our lives for Torah. Eliyahu Hanavi serves as a powerful role model of unswerving devotion to Hashem and His Torah and willingness to risk one's life for Torah and the Jewish People. The famous Mohel, Rav Zvi (Harry) Bronstein zt"l is a modern day example of incredible dedication to Brit Milah. Rav Bronstein traveled to the Soviet Union on his American passport and clandestinely performed large numbers of Brit Milah until the KGB caught him and placed him in a Soviet prison. The Soviets released him after he suffered a serious heart attack and American leaders pressured Premier Brezhnev for Rav Bronstein's release. Due to Rav Bronstein's heroic efforts, many Jews established a connection to Judaism. Indeed, the Gemara (Shabbat 130a) notes that Jews have traditionally risked their lives in the face of government decrees forbidding Milah.

The Sandek The Rama (Y.D. 265:11) records the practice of the Sandek holding the baby on his thighs. The Biur Hagra (Y.D. 265:44) cites the Midrash Shochar Tov that explains that this is based on the Pasuk (Tehillim 35:10) that states "All of my limbs shall say 'Hashem who is like you.'" The Midrash outlines how every body part is used in the service of Hashem. Our thighs participate in the service of Hashem, explains the Midrash, by placing the baby on our thighs during the Brit. The Rama records a custom that a father should not honor the same individual twice with being the Sandek for his children. The reason is that the Sandek is

compared to a Kohen offering the Ketoret (incense offering) in the Beit Hamikdash. The procedure regarding the Ketoret is that a Kohen does not perform this Mitzvah more than once in his lifetime. Hashem rewards the Kohen who offers the Ketoret with wealth. Thus, we want to afford the opportunity to as many Kohanim as possible to become wealthy (Yoma 26a). Similarly, we wish to afford to as many people as possible the opportunity to serve as a Sandek and receive Hashem's blessing to become wealthy. The Vilna Gaon (Y.D. 265:45) expresses some skepticism regarding this Minhag. First, based on its reasoning, the Minhag should have been that one should not serve more than once as a Sandek for any child, not just two different children of one family. Second, the Vilna Gaon writes that we have never seen someone become wealthy because he served as a Sandek. Nevertheless, the Aruch Hashulchan (Y.D. 265:34) concludes, we should abide by the custom recorded by the Rama. The Aruch Hashulchan notes, though, that the custom in many locales is that the Rav of the city serves as the Sandek for all the baby boys. The Aruch Hashulchan justifies this practice by comparing the local Rav to the Kohen Gadol, who had the right to offer a Korban or Ketoret any time he desired (see Yoma 14a). Indeed, it is related that the Chazon Ish served as the Sandek for innumerable baby boys. Rav Yissochor Frand relates that Rav Yaakov Yitzchak Ruderman (the Rosh Yeshiva of Yeshivas Ner Yisroel) also served as the Sandek for countless baby boys.

Tefillin and Brit Milah The Shach (Y.D.265:24) and Magen Avraham (25:28) record the Minhag that men do not remove their Tefillin until after the Milah. The reason, the Shach explains, is that the Torah describes both Tefillin and Brit Milah as an "Ot," a sign. However, Rav Moshe Pirutinsky in his Sefer Habrit (265:133) cites a number of Acharonim who object to this practice. They argue that the Tefillin are a "competing" Ot to Milah and thus wearing Tefillin during a Brit detracts from the Ot of Brit Milah. Moreover, these authorities note that the Gemara (Zevachim 19a) states that Kohanim do not wear Tefillin during the Avodah. This is a relevant point because Chazal compare a Brit Milah to a Korban (see, for example, the Biur Hagra Y.D. 265:40). Indeed, Rav Ovadia Yosef (Yalkut Yosef p.895) rules that it is preferable not to wear Tefillin during the Brit. Moreover, the Aruch Hashulchan (Y.D. 265:38) notes that the Minhag has emerged for men to remove their Tefillin before the Brit. In my experience, the generally accepted Minhag today is that men remove their Tefillin before the Brit, except for the father of the baby and the Sandek. However, the Mishnah Berurah (25:55) writes that it is "proper" not to remove the Tefillin until after the Brit Milah. Indeed, I once met Rav Reuven Feinstein (the son of Rav Moshe Feinstein) at a Brit and noticed that he did not remove his Tefillin until after the Brit. He told me that this is proper practice for all to follow. Rav Moshe Snow reports that Rav Dovid Feinstein also does not remove his Tefillin until after the Brit.

Aleinu after the Brit The Shach (ibid.) also mentions the Minhag to recite Aleinu after the Brit and all of its accompanying Brachot and Tefilot. The Pri Megadim explains that Aleinu emphasizes our separation from the rest of the world and the Brit celebrates the unique relationship between Hashem and the Jewish People. Another reason might be that in Aleinu we note our mission "to perfect the world through Hashem's kingdom." Similarly, the Brit signifies the need for us to improve ourselves as noted by the Sefer Hachinuch (Mitzvah 2). The Sefer Hachinuch notes that males are not born with perfect bodies because Hashem wants us to perfect our bodies in the service of Hashem. Similarly, the Sefer Hachinuch writes, Brit Milah should inspire us to perfect our souls and spiritual life. The Aleinu prayer sounds this theme.

The Seudat Brit Milah The Rama (Y.D. 265:12) notes that one who does not participate in the Seudat Brit Milah is excommunicated from Hashem. This comment is based on Gemara (Pesachim 113b) and Tosafot (Pesachim 114a s.v. Ve'ein). Tosafot explain that the Midrash states that one who eats at a Seudat Brit Milah is spared from Gehenom. In fact, the Pitchei Teshuva Y.D. 265:18 and Aruch Hashulchan 265:37 note that we do not invite people to a Brit due to concern that the people will be

excommunicated from Hashem if they do not attend. Rather, we merely inform people of the Brit's time and location. We might suggest another reason for the seriousness of this matter. We mentioned that Chazal compare a Brit to a Korban. Accordingly, we may compare eating at a Seudat Brit Milah to eating a Korban. Sharing a meal is a bonding experience. When we eat a Korban we celebrate our relationship with Hashem (see Rav Joshua Berman's "The Temple," which develops this point at length). Similarly, when we participate in a Seudat Brit Milah we celebrate the covenant between Hashem and the Jewish People. This also may be the reason why some insist on serving meat at a Seudat Brit Milah, even though meat is not particularly appetizing early in the morning. Since Korbanot were meat, the Seudat Brit Milah should consist of meat. Indeed, attendance at a Brit Milah and its subsequent Seudah is of great significance. A ruling issued by Rav Hershel Schachter emphasizes this point. A group of Rabbeim wished to attend a Brit Milah of a child of their friend. However, the Brit was scheduled to take place at a somewhat distant location and the Rabbeim would have to miss teaching some of their Torah classes if they would attend the Brit. The Rabbeim asked Rav Schachter if attending the Brit enjoys preference over teaching the Shiur. Rav Schachter ruled that the Rabbeim should attend the Brit. Rav Schachter explained that the Rabbeim would be setting an example for their Talmidim to attend the Brit of their friends' children in the future.

Conclusion Many more Minhagim are associated with Brit Milah that we have not discussed. An excellent resource for investigating the reasons and applications of the many Minhagim is Rav Moshe Pirutinsky's Sefer Habrit. It is hoped that this essay serves as inspiration to follow Rav Soloveitchik's exhortation to explore in depth the customs of the Jewish People.

[See also <http://koltorah.org/ravj/Brit%20Milah%20Berachot.htm> Brit Milah – The Berachot by Rabbi Jachter and <http://koltorah.org/ravj/Minhagim%20of%20Brit%20Milah.htm> Minhagim of Brit Milah by Rabbi Jachter.]

Rabbi Mayer Twersky - Silence and Divine Presence

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subject Rabbi Mayer Twersky - Silence and Divine Presence
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The parshios of Tazria and Metzora focus our attention on tzora'as. Chazal[1] famously associate tzora'as with the sin of lashon harah. And thus it is most appropriate that on this Shabbos we reflect upon lashon harah and strategies/perspectives to help us avoid this calamitous[2] sin. One such perspective ensues.

The following scenario is all too common. Reuven offends Shimon. Perhaps Reuven embarrasses Shimon publicly or is especially mean and abrasive in private conversation. Either way Shimon feels hurt and humiliated. In addition, he feels wronged, that he has been dealt with unfairly. He wants someone to commiserate with him in his pain and validate his moral outrage[3]. He wants to be vindicated. Shimon wants to be told that he deserves better than the treatment given him by Reuven. Thus in search of commiseration and vindication Shimon turns to Levi and tells him about his experience with Reuven. Shimon is guilty of lashon harah.

There are different ways to avert such lashon harah. Clearly, if need be, Shimon is obligated to suppress his desire for commiseration and vindication. Feelings of yiras chet should be more powerful than the desire for commiseration and vindication[4]. But there should be no need to suppress this desire. Hakadosh Baruch Hu should not be only an object of belief, a remote reality or abstract concept, rachmanah litzlan. Instead He should be a living presence, our best friend[5]. The commiseration and vindication Shimon seeks are readily available. He simply needs to remember, to internalize that Hakadosh Baruch Hu knows his pain and

commiserates with him. Hakadosh Baruch Hu knows that Reuven was unjustified in his treatment of Shimon - thus Shimon's vindication. Feeling Hashem's reassuring presence, Shimon can easily remain silent. Recognizing that awareness of Hashem and/or feeling His presence serves as an antidote to lashon harah deepens our understanding of Chazal's teaching[6] that lashon harah is tantamount to denying Hashem.

[1]Arachin 15b, 16a

[2]See introductions to Chafetz Chaim and Shemiras halashon.

[3]I am not referring to exceptional cases wherein emotional support is needed. Such cases are beyond the purview of this dvar Torah. One should not confuse the desire for commiseration with the need for emotional support.

[4]Rambam, Sefer Hamitzvos, mitzvas aseh #4

[5]Mishlei 27:10, Rashi to Shabbos 31a s.v. De'alach

[6]Arachin 15b

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Covenant & Conversation

Thoughts on the Weekly Parsha from Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth [From 5764]

<http://www.chiefrabbi.org/tt-index.html>

Tazria-Metzora - Covenant and Circumcision

TAZRIA BEGINS WITH A COMMAND that is the distinguishing mark of Jewish identity for males: circumcision. "On the eighth day, the boy is to be circumcised." The traditional name for this act is brit milah, literally "the covenant of circumcision." It is the only command to bear this explicit association with the divine-human partnership between G-d and Israel. Clearly it is meant to have immense significance. Jewish males carry this mark for the rest of their lives. It is less a state of doing than a state of being. It is, for them, an ontological sign of membership in "a kingdom of priests and a holy nation." We find this connection consistently whenever circumcision is mentioned in the Hebrew Bible.

Already in the time of Abraham it was the sign of the covenant:

Abram fell face down, and G-d said to him, "As for Me, this is My covenant with you: You will be the father of many nations. No longer will you be called Abram; your name will be Abraham, for I have made you a father of many nations . . . I will establish My covenant as an everlasting covenant between Me and you and your descendants after you . . ." Then G-d said to Abraham, "As for you, you must keep my covenant, you and your descendants after you for the generations to come. This is my covenant with you and your descendants after you, the covenant you are to keep: Every male among you shall be circumcised . . . For the generations to come every male among you who is eight days old must be circumcised . . ." (We might have thought that having already been ordered in the days of Abraham, no further command was necessary in the time of Moses. However, Maimonides, in his Commentary to the Mishnah, explains that the source of commands in the present is the revelation to Moses, not to the patriarchs. The Sinai covenant was a new legislative act superseding all previous divine commands.)

In the violent episode in which Shechem rapes and abducts Jacob's daughter Dina, her brothers Shimon and Levi respond to the request that he be permitted to marry her with the following words:

"We can't do such a thing; we can't give our sister to a man who is not circumcised. That would be a disgrace to us. We will give our consent to you on one condition only: that you become like us by circumcising all your males. Then we will give you our daughters and take your daughters for ourselves. We'll settle among you and become one people with you. But if you will not agree to be circumcised, we'll take our sister and go." It turns out that this request was only a ruse. The brothers had no intention of

leaving Dina a captive. But the people of Shechem's tribe took the request as intelligible and worthy of respect. Evidently they knew that this was the custom of the house of Jacob, and was regarded by them with great seriousness. They were willing to undergo the operation, which in their calculation was a small price to pay for financial advantages of incorporating Jacob's family into their tribe:

Hamor and his son Shechem went to the gate of their city to speak to their fellow townsmen. "These men are friendly toward us," they said. "Let them live in our land and trade in it; the land has plenty of room for them. We can marry their daughters and they can marry ours. But the men will consent to live with us as one people only on the condition that our males be circumcised, as they themselves are. Won't their livestock, their property and all their other animals become ours? So let us give our consent to them, and they will settle among us." This is a deliberately ironic passage. Not only did Hamor and Shechem fail to recognize Shimon and Levi's stratagem (the brothers wanted the men of the tribe to be weakened by the operation so that they could go in and rescue their sister). They also completely failed to understand the significance of circumcision. For them it was a mere mark of tribal identity, one they could undertake without further consequences. They had no idea of the weighty spiritual and moral responsibilities it brought with it.

Circumcision is also mentioned in the context of the exodus and its ritual re-enactment in the korban Pesach, the eating of the paschal lamb:

The LORD said to Moses and Aaron, "These are the regulations for the Passover: No foreigner is to eat of it. Any slave you have bought may eat of it after you have circumcised him, but a temporary resident and a hired worker may not eat of it . . . An alien living among you who wants to celebrate the LORD's Passover must have all the males in his household circumcised; then he may take part like one born in the land. No uncircumcised male may eat of it. The same law applies to the native-born and to the alien living among you." The eating of the paschal lamb was clearly a covenantal meal, one that celebrated the specific history of Israel rather than the universal condition of mankind.

Thus, circumcision is for males the primary way in which they enter into the Mosaic covenant. Why this sign rather than any other? What is its deep significance? Ironically, two Jews who turned their backs on Jewish faith provided us with insights into this particular command.

Spinoza, a child of the Enlightenment, abandoned belief in a personal god. However, he wrote in his *Tractatus Theologico-Politicus* the following sentence: "The sign of circumcision is, as I think, so important, that I could persuade myself that it alone would preserve the [Jewish] nation for ever." As a permanent mark of difference and singularity, brit milah was, for him, a guarantor of Jewish identity through the generations.

Sigmund Freud likewise did not believe in religion. More than anyone else, however, he placed sexuality at the heart of his analysis of the human personality and of civilization itself. The libido, or sexual desire, was one of the primary human instincts. On the one hand, it was a desire for life as opposed to thanatos, the death instinct. On the other, unchecked it led to conflict and chaos. Civilization, for Freud, depended on the ability to defer instinctual gratification. Or as Edmund Burke had earlier put it:

Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites. . . . Society cannot exist, unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters. This is the key to understanding brit milah.

In many ways, the rabbis anticipated Freud. What he called the libido (or more generally the id, the instinctual drives) they called the yetzer (usually translated as "inclination" or "desire") and they said about it some striking things. On the one hand, it was the source of the human impulse to evil:

Our masters taught: The impulse to evil is hard to bear, since even its Creator called it evil, for He said, "From his youth, the impulse in man's

heart is evil." (Gen. 8:21) "There shall be no strange G-d in you" (Ps. 81: 10). What is the strange G-d "within you"? It is none other than the impulse to evil. At the same time, however, the sages recognized that it was also the driving force of human accomplishment:

R. Samuel bar Nachman said: the words "Behold it was good" refer to the impulse to good, and the words, "Behold it was very good" (Gen. 1: 31) refer to the impulse to evil. But how can the impulse to evil be termed "very good"? Because Scripture teaches that were it not for the impulse to evil, no man would build a house, take a wife, have children, or engage in work. All such activities come, as Solomon noted, "from a man's rivalry with his neighbour" (Eccles. 4:4). Resh Lakish said: pause and consider how grateful we should be to our ancestors - had they not been prone to sin, we would not have come into the world. Judaism takes a balanced view of the human personality. Our instincts are not evil in themselves. The religious life is not a matter of self-denial and renunciation. But neither is it hedonism, the unrestrained pursuit of pleasure. Instinct has its darker side, against which we must be constantly vigilant. The good life involves education of the passions; the acquisition of "habits of the heart"; emotional intelligence. The holy life demands nothing less than the sanctification of instinct. This particularly applies to sexuality.

The Torah conveys this idea indirectly but unmistakably. The best way of seeing it is to note the occasions in Genesis in which a member of the covenantal family comes into contact with the outside world. There are six such scenes.

Three occur when Abraham (twice) and Isaac (once) are forced to leave the land because of famine (Genesis 12, 20, 26). On all three occasions they fear that they will be killed so that their wives can be taken into the royal harem. In each case they claim to be related as brother and sister rather than as husband and wife. As Abraham says when challenged, "I said to myself, there is surely no fear of G-d in this place, and they will kill me because of my wife" (Gen. 20: 11).

The fourth takes place when two visitors (angels in human form) come to Lot in Sodom (Gen. 19). The local populace surrounds the house, demanding of Lot that he bring them out "so that we can have sex with them" (19: 5) - intended homosexual rape.

The fifth happens when Dinah "went out to visit the women of the land" and was abducted and raped by the local prince, Shechem.

The sixth occurs when Joseph is left alone with Potiphar's wife, who attempts to seduce him, and when she fails, brings against him a false accusation of rape.

There is a consistency to these events, and an implied message which is inescapable. Idolatry is first cousin to adultery. Theology and morality go hand in hand. The world of polytheism is one in which power rules - and when power rules, libido is given free reign. Historically and anthropologically, the Torah is entirely accurate in its portrayal of the slow descent into sexual free-fall.

Pair-bonding was almost certainly the norm in hunter-gatherer societies (hence the statement of monogamy in Genesis 2:24, "For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh")¹⁰. It was only with the development of agriculture, cities and economic surplus that some human beings became far richer and more powerful than others. They (kings, rulers, pharaohs - the human equivalents of alpha-males among primates) could command an almost open-ended gratification of sexual desire. Polygamy became possible for a minority of males. Royal harems made their appearance. Well into medieval Europe, the phenomenon persisted of *jus primae noctis*, the right of a feudal overlord to deflower the bride of any of his tenants on the first night of marriage.

The Torah views this whole cluster of behaviour with peculiar abhorrence. It privileges some people against others. It turns women into instruments of male desire. It places power, not love, at the heart of human relationships. It treats women as objects, rather than as subjects with equal dignity and integrity. It divorces sex from compassion and concern. It dishonours the

most intimate human bond, the one in which we are most like G-d himself, bringing new life into the world.

There is a more than accidental connection between monotheism and monogamy. The commitment to one G-d is mirrored in the commitment to one person. The Hebrew word *emunah*, often translated as "faith," in fact means faithfulness, fidelity, a mutual, open-ended pledge of loyalty. That is why the prophets so often compare the covenant between G-d and Israel with a marriage. Few put it more beautifully than Hosea, speaking in G-d's name:

I will betroth you to Me forever; I will betroth you in righteousness and justice, love and compassion. I will betroth you in faithfulness, and you will know the LORD. The knowledge of which the prophet speaks is not abstract or detached. It is the knowledge of intimacy and relationship, the touch of two selves across the metaphysical abyss that separates one consciousness from another. The love of husband and wife - a love at once personal and moral, passionate and responsible - is as close as we come to understanding G-d's love for us and the prophet's love for Him. That is the theme of *The Song of Songs*, that deeply human yet deeply mystical literary masterpiece. It is also the meaning of one of the most definitive sentences in Judaism: "You shall love the Lord your G-d with all your heart and with all your soul and with all your strength" (Dt. 6:5).

The meaning of *brit milah* should now be clear. It was precisely in the sexual organ that Jews were to carry the sign of holiness. They were not asked to renounce sexual desire. They were, however, asked to consecrate it. The sexual act could only be performed in a moral context, namely a relationship that involved commitment, fidelity and responsibility.

Not by chance is marriage called *kiddushin*, "sanctification." Like covenant itself, marriage is a pledge of loyalty to a single other. Through it, two persons bind themselves to one another in a bond of mutual responsibility. They agree to stay faithful to one another. They recognize the other's integrity, honouring their differences even as they come together to bring new life into being. Marriage is to society what covenant is to religious faith: a decision to make love - not power or wealth or force majeure - the generative principle of life.

Just as spirituality is the most intimate relationship between us and G-d, so sex is the most intimate relationship between us and another person. Circumcision is the eternal sign of Jewish faith because it unites the life of the soul with the passions of the body, reminding us that both must be governed by humility, self-restraint and love.

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PARSHAS TAZRIA

When a woman conceives and gives birth to a male. (12:2)

In its commentary to this *pasuk*, the Midrash cites the *pasuk* in *Tehillim* 139:5 as a basis for Chazal's perspective on the human condition. *Achor v'kedem tzartani*, "Back and front You have fashioned me," is the *pasuk* which the Midrash cites as a reference to humans. *Reish Lakish* asserts that "back" refers to the last day of Creation. If a person has led a virtuous life, he is deemed worthy. Thus he is told, "You preceded the entire work of Creation." If his life has been far from exemplary, choosing sin over virtue, his life is considered unworthy. Thus, he is told, "Even a gnat preceded you; even an earthworm preceded you."

Chazal are delving into the relationship between the soul and the body. From the perspective of the spirit, man came first. He preceded all of Creation, because he was the purpose of Creation. This is only true if the soul and the spirit govern his lifestyle, and he does not give in to the blandishments which affect the body. If, however, he has led a purely

physical, materialistic lifestyle, in which he has immersed himself in gratifying his basic desires, so that he has disregarded the higher calling of the spirit, then he is told, "The lowliest worm preceded you." The animal world is equipped for the mundane life that it is relegated to live. Animals are healthier and have a greater capacity for physical survival than humans do. Their lives are simple, and they are not burdened by the anxieties to which humans are predisposed.

Simply, Chazal are teaching us that an individual's priorities in life determine his position in the order of Creation. Although man was created last, because he was the purpose of Creation, it was all established for him. Will the individual take his rightful position and precede Hashem's other creations, or will he stumble to the back of the line behind even the lowliest creature? I think there is a deeper explanation for the idea that the creation of the earthworm preceded the creation of the human being.

The *Netziv*, z.l., elaborates upon the notion that there are four types of creations: *domeim*, inanimate objects; *tzomeich*, growing vegetation; *chai*, living creations; *medaber*, speaking creations, i.e. humans. He explains that when any of these creations falls from its designated perch, it does not simply descend to the next plateau; rather it falls to the bottom! Therefore, the higher its position, the deeper it falls, causing its descent to be more devastating. For instance, when a living plant is yanked out of its source of nourishment, the ground, it does not simply become a *domeim*, inanimate object - it dies and becomes nothing! An animal that dies becomes a foul-smelling carcass - not a living plant. A person who dies descends even further than an animal. At least an animal can be used as food.

The *Kuzari* says that *Klal Yisrael* comprises an even higher *madreigah*, level, than a *medaber*, human. Therefore, when a Jew falls off his designated spiritual berth, he falls even lower than a gentile. Is it any wonder that some of the individuals who are leaders of the most depraved cults of immoral lifestyles are of Jewish extraction. They were supposed to be the highest, the most elevated, and the most spiritually developed. Instead, they have fallen into the abyss of disaster.

We were the purpose of Creation. We were supposed to be "front," on top, the first and highest of all Hashem's work. Some of us have made it; others, however, have chosen to descend to a life that is even lower than that of the animal. These individuals are told, "Even the lowly earthworm preceded you." You have fallen and, now, even the lowliest creature has risen above you.

The *Kohen* shall look at the affliction on the skin of his flesh. (13:3)

Chazal teach us that when Hashem declared the *Kohanim* to be the ones who would determine the status of a *nega*, plague, *Moshe Rabbeinu* was troubled. The Midrash says that *Moshe* had great *tzaar*, pain, realizing that his brother, the great *Kohen Gadol*, would be relegated to looking at-- and deciding-- the ritual purity of a plague. *Moshe* felt it was not *l'fi kevodo*, consistent with his exalted position. Hashem replied, "Does he not benefit from the twenty-four gifts that are given to *Kehunah*?" Chazal analogize this to one who eats together with a bird and becomes trapped in the net that is set out for the bird. In other words: It goes with the territory. The *Kohen* receives a multitude of support from *Klal Yisrael*. He cannot contend that his is too high a status for him to determine *negaim*. Someone of his spiritual caliber is needed, even if it is not so *geshmak*, pleasant. His fringe benefits serve to compensate for the more demanding aspects of his position.

We can derive a powerful lesson from Chazal. Among us are individuals who dedicate their lives to helping others. They often do so with *mesiras nefesh*, devotion and self-sacrifice, giving up time, money and family for the sake of others. At times these contributors are involved in circumstances which demand that they degrade themselves; or they are compelled to raise money for individuals or organizations - an endeavor that is not pretty and often demeaning. Therefore, during a moment of respite, they might wonder, "Is it worth it?" The answer is that it most definitely is worth every moment. The *bizyonos*, demeaning moments, go with the territory. They

merit fringe benefits that come to them directly from the Almighty. That should account for "something."

If a tzaraas affliction will be in a person, he shall be brought to the Kohen. (13:9)

Good advice is a precious and often unappreciated commodity. David HaMelech gives us excellent advice that has proven itself positive time and again; yet, most of us seem to ignore him. In Sefer Tehillim 34:13-15, he says: "Who is the man who desires life, who loves days wherein to see good? Guard your tongue from speaking evil, and your lips from speaking deceit. Turn away from bad and do good. Seek peace and chase after it." At first glance, the closing words of the pasuk, "Turn away from bad and do good," are superfluous. Clearly, if one is admonished to turn away from bad, which means refraining from committing any sins, "do good" is a redundant phrase.

In a shmuss, ethical discourse, Horav Moshe Aharon Stern, zl, the Kaminetzer Mashgiach, cites Horav Eliyahu Lopian, zl, who offers the following explanation. In Pirkei Avos 4:2, Ben Azai says, "Run to do an easy mitzvah as you would do a hard one, and run away from the aveirah, sin." Why does the Tanna enjoin us to run away from the aveirah, using the hay ha'yediah, denoting hay, indicating that he is referring to a specific aveirah?

Rav Elya explains that the Kabbalah seforim mention that, in the era prior to Moshiach Tzidkeinu's advent, no new neshamos, souls, will descend to this world. The Tikunei HaZohar explains that in past generations, when a neshamah had not accomplished its mission on this world, it was sent back. Regrettably, some neshamos do not achieve a remedy for their deficiencies, so they are compelled to return a second-- and even a third-- time. The Zohar asserts that three times is the limit. After the third time, there are no more contingencies. The neshamah does not return again.

With this in mind, we must assume that in our times each neshamah is not present for the first time. Rather, the neshamah has been here once or even twice before. It is in this world either to complete its original mission, or to rectify sins it had committed in a previous lifetime. Time is limited and for all intents and purposes - it might be the only chance we have left to return the neshamah to the Almighty with a "mission accomplished" notation attached to it!

An individual might have a valid protest. If he were to be aware of why he had been sent back, what he had done wrong in his earlier life, he would be able to focus on that deficiency in order to do everything within his power to correct it. After all, who does not want to go to Gan Eden? Rav Elya explains that Hashem has provided each and every one of us with a hint to guide us to the aveirah which we need to address. We all have a netiyah, an inner gravitational pull, towards a specific sin. Every one of us has a greater proclivity to transgress his own little sin, his particular weakness. We must examine our actions, and scrutinize our tendencies, so that we develop a clearer picture of our netiyos. We can then identify the aveirah which we must rectify. This is what the Tanna means when he states, "Run away from the aveirah." He is referring to the particular sin which catalyzed the return of his neshamah to this world.

This point is vividly demonstrated in the following episode. A young talmid chacham, Torah scholar, contracted a serious illness. The prognosis was bleak, hope for a recovery running out. He told one of his close friends, "I have introspected into my life and cannot discover what aveirah has catalyzed such a punishment." His friend suggested that he go seek an audience with Horav Meshi Zahav, a mekubal, mystic, who reads palms. He was able to discern an individual's sins and determine whether the necessary teshuvah, repentance, had been completed. They went together, but decided not to say that anything was wrong. They were simply coming for a "reading."

The young, stricken man went into the rav. When he emerged a short while later, he was visibly perturbed and trembling. "What happened?" his friend asked.

"I entered the room, and Rav Meshi Zahav began to berate me, 'You are wondering why you have been afflicted with this disease?' he asked. 'How long have you been learning in yeshivah?' I quickly replied, 'Thirty-three years.' 'You have been learning for thirty-three years, and you have studied under some of this generation's most distinguished Torah leaders,' the rav began, 'and how much have you achieved? You could have learned so much, and you ended up accomplishing a mere two percent of your capability! Your neshamah has descended to this world; this is not even the second time. It is the third time! During your previous sojourns in this world, you were not successful in accomplishing your mission. This is your last chance, and you are doing it again! Do you still wonder why you have this dread disease?'"

In an alternative approach, Horav Chaim, zl, m'Volozhin, asserts that "the" aveirah to which the Tanna is referring is the sin of lashon hora, evil speech. It is a transgression that affects everyone, one from which we all suffer. Rav Stern suggests that these two explanations can be combined. Which aveirah are we all inclined to transgress? To which sin do we all have a netiyah? Lashon hora certainly comes to mind. It is the one sin which Chazal feel impacts on everyone. It is the aveirah which our souls were sent here to rectify.

Many people consider this aveirah exactly what it is: loathsome. They do everything within their power literally to "run away" from opportunities that present themselves to speak lashon hora. Rav Stern relates that his uncle, Reb Nochum David Herman, described his own father-in-law, Reb Avraham Horowitz, as such an individual. He never heard his father-in-law utter a derogatory word about anyone. This was not because he did not speak. On the contrary, he was a prolific speaker. He just did not say anything forbidden. When he passed away, three words were etched onto his tombstone: Shomar piv u'leshono. "He guarded his mouth and tongue." No other praises. This describes the individual who devoted his life to adhering meticulously to laws concerning lashon hora. Indeed, this was a kabbalah, a commitment, which he adopted on the occasion of his Bar Mitzvah. Following his aliyah, being called up to the Torah, the assembled heard him saying, "Ribbono Shel Olam! I saw in the seforim, a holy book, how terrible is the sin of speaking lashon hora. I now accept upon myself never to speak lashon hora for the rest of my life!" This is exactly what he did. He made a commitment at a very young age, at a critical juncture in his life, and he stuck to it - his entire life. Indeed, it is not everyone who is worthy of such an epitaph.

In conclusion, I cite Rav Elya Lopian who ruminates concerning the phrase we say before Shemoneh Esrai, Hashem sefasai tiftach, u'fi yagid tehilasecha, "Hashem, open my lips and my mouth will declare Your praise." It seems strange that an entire day can go by, during which we never bother to ask Hashem to open our mouths. We simply talk and talk without paying attention - not even "lip service" to the Hashem factor in our lives. Why is it only concerning davening that we take notice that we must ask for help?

Rav Elya explains that it is because we need Hashem's help when it comes to davening. We cannot do it without Him. We speak inappropriately during the entire day, thereby contaminating our lips. We really should not have the audacity to use those same lips to speak to Hashem and entreat His favor through prayer. The only way that we can use these lips is if Hashem opens them for us. Clearly, this is a concept to think about the next time we recite Shemoneh Esrai.

PARASHAS METZORA

This shall be the law of the metzora. (14:2)

Shlomo HaMelech says in Mishlei 18:21: Maves v'chaim b'yad ha'lashon, "Death and life are in the hands of the tongue." The power of speech has a compelling impact on a person. With it, he can rise to the highest elevations; and, with it, he can descend to the nadir of depravity. It can engender life, and it can cause death - both in this world and in the World to Come. He who seeks life will be sure to guard his tongue. The Chafetz Chaim, zl, who made it his life's mission to teach the world about the harmful effects of lashon hora, writes that, while Chazal encourage one to be me'urav im ha'briyos, get along with people, this does not apply if the group in question is

engaged in speaking lashon hora. Better he should be considered a fool his entire life than be viewed as a rasha, evil, by Hashem for even one moment.

In 1973, a group of students was sitting with Horav Elazar M. Shach, zl. In the ensuing conversation, they proceeded to discuss a certain distinguished individual. One of the participants in the conversation asserted that he had seen a letter addressed to this person from the Chafetz Chaim, and the introductory appellations to him by the sage were quite impressive. When he mentioned this to an adam gadol, preeminent Torah scholar, his response was doubtful and terse, "This can only occur to a person who never heard lashon hora." In other words, if the Chafetz Chaim would have been more "practical" and checked this person out a little better, he might have heard some startling revelations concerning his character.

When Rav Shach heard this comment, he immediately asserted that such a statement was ludicrous. Anyone who had ever met the saintly Chafetz Chaim was acutely aware of his brilliance and penetrating wisdom. He did not make mistakes; just as the Rambam did not err (even when the Raavad disagreed with him), neither did the Chafetz Chaim err. If he had written an appellation referring to someone, then it was true. His lack of involvement in conversations which centered around denigrating people did not diminish his ability to discern an individual's true character.

This shall be the law of the metzora on the day of his purification: He shall be brought to the Kohen. (14:2)

The Sifsei Kohen explains that the Kohen goes out to meet the metzora who is returning to the community after his period of solitude. The reason for this gesture is kavod, honor. The metzora has performed his penance. He has suffered the necessary humiliation and experienced the pain of being alone. It is now over. Adding more insult will do nothing more than distance him from the community. We are trying to bring him back - not send him away.

We can derive an important lesson from here. Even when one is punished, the punishment must be executed with dignity and *mentchlichkeit*, human decency. He had sinned, and had gone through contrition. Now he is brought back with a degree of honor. He paid his debt to society and to Hashem, and he has reformed himself. Let bygones be bygones.

Miriam HaNeviah was punished with tzaraas for speaking against Moshe Rabbeinu. Yet, Klal Yisrael gave her the honor she deserved, and Hashem did not allow them to move on until she had been healed. Punishment tempered with compassion and dignity: that is the way we do it. We punish when it is necessary, but only to the degree that is absolutely required. Parents and educators should take heed, for punishing excessively will only turn off, and turn away a child.

Furthermore, as the Sifsei Kohen adds, the metzora's punishment was the result of his *gasus ha'ruach*, arrogance, haughtiness. He had thought that he was better than others, so he could talk negatively about them. Humility was an anathema to him. The Kohen, who is the most exalted spiritual leader, leaves his place of dignity and goes out to meet the returning metzora. This teaches the metzora the meaning of humility. When the greatest leaves his pedestal to greet the lowest, it illustrates the Torah's concept of modesty: no man is so high that he cannot bend down to the lowly.

He shall go forth to the outside of the camp; the Kohen shall look, and behold - the tzaraas affliction had been healed from the metzora. (14:3)

The Sifsei Tzadik notes that the phrase *raah haKohen*, "the Kohen shall look," is repeated more than ten times. Once, the Torah writes *v'raahu haKohen*, "The Kohen shall look at it." He derives from here that merely looking at the plague to determine if change has occurred is not sufficient. It is necessary for the Kohen to look at the entire person, to take a deep, penetrating look at the metzora to ascertain if the man has changed. To see a change in the *nega*, plague, but not on the metzorah's face, indicates that the metzora's character defect has not been expunged. He is as flawed as he was before. Solitude, pain and humiliation were not enough to eradicate this man's evil disposition. He had not really repented. He only went through the motions.

Horav Chaim Zaitchik, zl, explains that the tzaraas affliction has a purpose. It is to catalyze a feeling of remorse, a desire to change, a sense of contrition and eventual repentance. True, the change in the plague's color indicates that change is taking place, but unless the entire person has been transformed, the change is only the beginning. The individual still has a ways to go.

When Yaakov Avinu finally came face to face with his long-lost son, Yosef, he said, "Now I can die, after having seen your face, because you are still alive" (Bereishis 46:30). The Ohr HaChaim HaKodesh wonders why Yaakov had to make this statement. Why did he have to see Yosef's face? He had already heard reports from his other sons that Yosef was alive. Furthermore, when Yosef sent the *agalos*, wagons, which were an allusion to the laws of *Eglah Arufah*, the last Torah discourse which Yaakov had with Yosef before he disappeared, he already knew that Yosef had retained his religious observance. Why was it necessary for him to see Yosef's face? What was he hoping to observe?

The Ohr HaChaim explains that Yaakov was concerned about the length of time that Yosef was in Egypt. Had he acculturated? Was he affected ever so slightly by the Egyptian lifestyle? He might remember his Torah studies, but was he the same

Yosef, or had he become the Egyptian version of his son? Yaakov had to "see" his face, his entire countenance, to determine the truth, to allay his fears. When he "saw" Yosef, he was convinced that his son had remained true to his original convictions. He was the authentic Yosef, not the Egyptian facsimile.

The Ohr HaChaim goes so far as to assert that a truly righteous man would rather have his son remain "missing" than be a disgrace to his heritage. Yaakov's joy in hearing that his beloved Yosef was alive was equivocal. He welcomed the wonderful news with mixed feelings. What if Yosef were physically alive, but spiritually extinct? When he saw Yosef's countenance, he understood that his fears had been unfounded: "Now I can die, for I have seen that you are truly alive."

We derive a powerful lesson from here. An individual can go through the process of *teshuvah*, repentance, and even be successful, but it might only be an external manifestation. His real essence might, regrettably, not have changed. He could be on the road to recovery, but without yet having arrived at his destination.

Ahallelah Hashem b'chayay

I will praise Hashem with my life.

Horav Eliezer Lopian explains that one can praise Hashem through the life he leads. If one's lifestyle sets a standard for others to emulate; if it engenders praise whereby others envy the serenity, joy and devotion to Hashem in his life; if his life is a reflection of true Kiddush Hashem, whereby he sanctifies Hashem's Name in every endeavor, then he, by his very living, praises Hashem every moment. This enables Hashem to declare, "Look at what I have created!" Concerning the *pasuk*, *Kol ha'neshamah tehallel Kah* (Tehillim 150:6), "Every soul should praise Hashem," Chazal add, *al kol neshamah u'neshimah tehallel Kah*, "For each and every breath (that one takes) he should praise Hashem." One's gratitude for the gift of life should be constant and boundless. With the above idea in mind, we may add: With every breath one breathes, he should catalyze praise for Hashem. One's life, indeed, his every waking moment, should be a source of praise to the Almighty.

l'luvi nishmas hrh"tz

R' Chaim Tzvi ben Betzalel HaCohen Katz zt"l niftar 5 Iyar 5755 t.n.tz.v.h.

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It's a Girl! by Rabbi Aron Moss May 07, '06 / 9 Iyar 5766 Question:

And why don't we do a "Sholom Nekeiva" upon the birth of a girl, as we do a Sholom Zochor for a baby boy?

Answer:

A girl doesn't need a Sholom Zochor for the same reason that she doesn't need a Bris.

Male and female souls are different in their makeup, and come from different sources.

For the male soul, physical and spiritual are two topposites in conflict - you can only have one or the other. For the female soul, physicality is just as holy as spirituality; they are in harmony and can coexist. This is because the male soul is sourced in G-d's light, G-d's revealed self, which shines in the spiritual world, but is concealed in the physical world. The female soul comes from G-d's essence, which is everywhere equally.

So, the male soul's mission is to aggressively conquer the physical world, to bring G-d's light there. That's why the six days of the week are associated with masculine energy, and the Shabbat with feminine energy (the Shabbat Queen, the Shabbat Bride). For six days, we work to aggressively change the world, a male pursuit. On the seventh day, we appreciate the innate beauty of the world - a feminine attitude.

The Bris symbolises the male mission - the power to take the most physical object and transform it by cutting away the external layers that conceal the inner light. A female soul doesn't see the need to cut anything away; there is holiness within the physical as well, it just needs to be nurtured, appreciated, recognised. So, she doesn't need a Bris. And she doesn't need to be consoled when she is born - she intuitively understands the potential this world has for holiness. For the male, birth is a steep descent, which needs to be justified. For the female, it is not a descent in the first place; she needs no explanation.