

לְדַרוֹשׁ וְלַתּוֹר בַּחֲכָמָה (קהלת א:יג)

Inquire And Explore With Wisdom

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תורה שבעל פה Talking Torah

How Torah Talks to Us when We Talk Torah

A case presentation of the Process of Midrash through generations, which shows how the basic ideas of Judaism were mined and refined from the gold lode of Torah.

ויקרא

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***Lev. 2, 1**

When a person presents an offering of meal to the LORD, his offering shall be of choice flour; he shall pour oil upon it, lay frankincense on it.

The book of Leviticus is associated with the priestly service, with sacrifices. One of the major sacrificial rituals is the meal offering, known in Hebrew as "minha". We read in this week's parasha: "When a person presents an offering of meal to the LORD, his offering shall be of choice flour; he shall pour oil upon it, lay frankincense on it." (Lev. 2, 1) One of the striking features of the meal offering ("minha") is that it is to be "enriched" by the addition of oil and a fragrant spice.

Yet another striking feature of the minha is that it appears in so many different forms, in a multitude of rituals. And it is just in one of these appearances, also in our parasha, that we read: "... he shall bring as his offering for that of which he is guilty a tenth of an *Ephah* of choice flour for a sin offering; he shall not add oil to it or lay frankincense on it, for it is a sin offering." (Lev. 5, 11) This is the meal offering as expiation for sin ("minhat hotel"). This particular offering is NOT to include the oil and fragrant spice. Why not?

This question bothered the sages, and in the Talmud we find the following passage: "It was taught, R. Shimon says: It is right that the meal-offering of a sinner should require oil and frankincense, so that a sinner should not gain; why, then, are they not required? That his offering should not be luxurious." (**Sotah 15a**) R. Shimon is perplexed by the fact that the sin offering is free from the extra expense of adding oil and frankincense. It does not seem fair that the sinner should gain, that is be spared this expense. So, his answer is that the sin offering is to be plain. That is, it is not the expense which is the issue, but the "hiddur", the splendor of the sacrifice. (for a fuller treatment of the concept of "hiddur", see my article, "**Toward a Philosophy of Hiddur Mizvah**," Conservative Judaism, (Spring 1983) 4-14)

R. Shimon's point seems to be that the expiation sacrifice is not a "fine", but a means of healing the breach of trust with God, and a means of expressing contrition. As such, it must be plain and unadorned. It should express the idea of acknowledging the "plain truth", with no frills to cover it up.

This adds a poignant dimension to the physical properties of the meal offering, and the purpose which that offering serves. This takes into account that the meal offering is used in connection with many different life events, and thus, cannot always be the exact same thing, since different events have different aspects to them.

Since this point has been made, the Talmudic passage continues in the same vein, and asks about the symbolic significance of other sacrifices. For example, what about the expiation and guilt offering of a leper? Those sacrifices are "enriched" by drink offerings, and if the Torah were to be consistent with the sin offerings, we would think that they should NOT be so enhanced!? Indeed, the Talmud puts this query in a way which assumes that there is a basic difference here: "The sin-offering of a leper, however, and his trespass-offering DO require drink-offerings because they are NOT due to sin." (Sotah, ibid.)

This suggestion is striking! It goes against what is surely one of the most relied upon homiletic devices of rabbis, ever since rabbis had to preach on parashat Metzora, namely, that leprosy is the result of some sin. The Midrashic volumes on this score help us all craft divrei Torah about malicious slander, "lashon ha-ra" etc. If we take this Talmudic passage seriously, what shall we do? Yet, someone in the Talmud at least has the temerity to think this thought: "maybe leprosy, or other disease, is NOT the result of sin". It is almost a modern medical ethics statement about never viewing disease as punishment. **TTT 136 T and S**

But, we can breathe easier. The Talmud does not let this statement go unchallenged. Indeed, we are reminded of the statement of R. Shmuel Bar Nahmani to the effect that leprosy is caused by seven different sins. So, why does the offering of a leper include the drink offerings? The leper has achieved expiation by their suffering during the disease, and the offering is a means of allowing them back into the community. This also has ramifications. Even if we think that the diseased person has some responsibility for their illness, still we do not emphasize this idea by public ritual of "atonement". Rather, we view the actual suffering with the disease as more than enough "punishment", and the public ritual serves as a way of DISMISSING the quarantine of the person from participation in community life. It is a way of having them enter into the community with celebration, and thus, the drink offerings are an essential part of the sacrifice. **TTT 136 M**

But, our passage continues. What about the expiation *minha* of a Nazirite? If the Torah were consistent, this should INCLUDE the drink offerings, since being a Nazir is NOT a sin, and yet they DO NOT include drink offerings!? The offering of the Nazir which does NOT include the drink offerings, is according to the view of R. Elazar ha-Kappar, who argues that the Nazirite IS a sinner! His view is based upon the verse "for he has sinned against the soul" (Num. 6, 11). He asks, against which soul has the Nazir sinned? His answer is that he has sinned against his OWN soul by keeping from himself the pleasure of drinking wine! Indeed, R. Elazar adds, "...because he denied himself wine, he is called a sinner. If then this man who denied himself wine only is called a sinner, how much more so is this true of one who is ascetic in all things!" (cf. **Nazir 22a**). He is apparently influenced by the dictum of Rav that "in the future one must give an accounting of [permitted food] that one's eyes saw and one did not eat." (**Yer. Kidd. 4, hal. 12, 66b**) Indeed, we are told there that R. Lazar (Elazar) took this dictum to heart and kept coins with him in order to buy any new delicious fruit that he saw, at least once a year. **TTT 136 M and B**

Our lesson has produced some surprising results. People who suffer from disease, and might be considered sinners, are dealt with kindly, and their ritual emphasizes our empathy with their suffering and our joy at having them return to the community. At the same time, people who seem to be religiously extra pious are mandated a ritual that implies that they are sinning just because they practice a self-imposed holiness which prevents them from the physical joys of this world.

Another aspect of the phrase that begins the book of Leviticus, "When any of you ["adam"] presents an offering of cattle to the Lord" (Lev. 1, 2), is that the individual who will bring an animal sacrifice is called in Hebrew "adam", which could be loosely rendered as "person". In modern Hebrew, "adam" is used when trying to be gender neutral, and speak of "person", as opposed to "ish or ishah" which clearly are

either man or woman. This usage is based on Gen. 5, 1-2 where it is clear that the word "adam" refers to both male and female.

However, in chapter 2 of Leviticus when we read about bringing a grain sacrifice the phrase is: "When a person ["nefesh"] presents an offering of meal to the Lord" (Lev. 2, 1). Now the English translation does not reflect the difference in words used to designate the person who brings the sacrifice. The word "nefesh" does mean person, but it is also used to designate "life", that is the life of the person. Thus, in later Hebrew the word "nefesh" was also used to designate the soul, in the sense of life.

The Midrash wonders why the Torah uses "adam" in the first chapter and "nefesh" in the second chapter. Is there some inherent difference between the animal sacrifice and the grain sacrifice that calls for different ways of referring to those who offer them?

One major view in the Midrash literature explains the difference on the basis of the difference between the animal sacrifice and the grain sacrifice in Rabbinic terms. That is, that the grain sacrifice is that of the poorer strata of society; people who could not afford to bring an offering from a living creature as those were much more expensive. Grain is the most widespread commodity; even the poorest have grain, for they eat only bread. Indeed, this approach in the Midrash is spelled out in one Midrash: "When a person ["nefesh"] presents an offering of meal", the only sacrifice for which the word "nefesh" is used is the offering of the poor, as if The Holy One said, "I consider them as if they have offered their very lives" ("nefesh" = life). (**Tanhuma va-yikra, 5**)

This idea is spelled out in a fascinating tale:

"Once, King Agrippas wanted to sacrifice 1000 animals in one day. He sent to the High Priest and told him that no other person's sacrifice was to be accepted on that day, only the king's sacrifices. On that day a poor person came to the Temple with [the poorest animal sacrifice] two birds, and asked the High Priest to sacrifice them. The priest replied: "the king has commanded me not to accept sacrifices from any person except himself". The poor person replied: "my lord, the High Priest, I capture four birds each day, I make a living by selling two of them, and the other two I bring to sacrifice [two is the minimum of bird sacrifice], if you do not sacrifice these two for me now, my livelihood will be cut off. So, the priest sacrificed them." Then Agrippas had a dream in which he was told that the sacrifice of a poor person had preceded his own. He then sent for the priest and scolded him saying "did not I command you not to sacrifice offerings from any person but myself today?!"

The priest tells the king what the poor person had told him, and ends by saying "should I not have sacrificed them [to save this person's livelihood]? Agrippas replies: "you have done well, as it is written: "He did not scorn, He did not spurn the plea of the lowly" (Ps. 22, 25) (**Midrash Tehillim 22, 31**)

The idea is clear, that the meaning of the sacrifice depends on the "sacrifice" that the person makes in bringing it. The sacrifice of the poor person who bring his two birds is of greater import than for the king to bring 1000 animals. The same Midrash emphasizes this point with a story about a grain sacrifice: "Once a woman brought a handful of grain to sacrifice, and there was a priest there who scorned her, saying

'look at what she is sacrificing, what is left here to sacrifice'? [The point is that the grain sacrifice should be at least an Omer in size, and the priest sacrifices from it just a handful, but this woman brings only a handful to begin with.] Later the priest had a dream in which he was told: "do not scorn her, I consider it as if she sacrificed her very life, for is it not logical that if a thing which has no life [grain], it is written in the Torah as if it has life, an entity which has life [the woman], all the more so should be respected..."

Here we have a fascinating idea that the value of the sacrifice in God's eyes has something to do with how totally one identifies with the sacrifice that is brought. This is a complex and important issue. We all give things to others all the time, both physical and spiritual giving. Our Midrash is interested in the question of identification with the gift and its goal in our eyes. The birds of the poor person are both the means of his own existence and at the same time his way of expressing gratitude for that existence. It is not as if he might not be able to capture two birds and make a living from it, but then, how would he express gratitude for his living?

The woman in this Midrash brings not only the most minimal sacrifice possible, but it is clear that for her the gift is out of gratitude for life itself. This is more than mere dealing with the intention of the gift, it also reveals to us that one's own soul can be bound up with the gift in a way that turns the gift into an offering of oneself. **TTT 136 M and S**

***Lev. 3, 1-2**

If his offering is a sacrifice of well-being ("shelamim") – If he offers of the herd, whether a male or a female, he shall bring before the Lord one without blemish. He shall lay his hand upon the head of his offering ("ve-samakh yado al rosh korbano") and slaughter it at the entrance of the Tent of Meeting; and Aaron's sons, the priests, shall dash the blood against all sides of the altar.

The sacrificial system which is detailed in the book of Leviticus has many aspects. In this week's reading, for example, the following appears:

"If his offering is a sacrifice of well-being ("shelamim") – If he offers of the herd, whether a male or a female, he shall bring before the Lord one without blemish. He shall lay his hand upon the head of his offering ("ve-samakh yado al rosh korbano") and slaughter it at the entrance of the Tent of Meeting; and Aaron's sons, the priests, shall dash the blood against all sides of the altar." (Lev. 3, 1-2)

The first chapters of Leviticus deal with different types of animal sacrifices. There are burnt offerings, sin offerings, and in the verses quoted above, the well-being offering ("shelamim"). In all of these offerings the person who brings the sacrifice must lay their hand upon the head of the animal presented for the offering. What is the purpose of this action, "semikha" in Hebrew, placing the hand on the head of the animal? If this is part of a sacral ritual which must be followed in detail, is it not the job of the priest to do this? Is the placing of the hand on the live animal, or after it has been sacrificed? The verse says the hand is on the head of "korbano", which implies that it has been sacrificed.

There are several approaches to this particular part of the ritual. The halakha was decided that the "semikha" was done on the live animal. Indeed, the point is that the

animal becomes one's "sacrifice" in part by the placing of the hand on its head. (cf. **Rambam, Yad, ma'aseh ha-korbanot 3, 6**) This understanding offers one approach to the action itself. Placing one's hand on the animal is a sign of relationship. Indeed, in terms of the burnt offering and the sin offering the interpretation in much of the tradition is that the animal is the person, that is, it is a live substitute for the one who is bringing it. This seems quite obvious and fairly prosaic.

Another approach starts from the general assertion that the sacrifice brought to the altar is always a way of making peace. The prescription to build the altar of "avanim shelemot", whole stones, is taken to mean stones which cause peace. Here the word "shalem", "whole", is connected with the word "shalom", peace. Thus the stones of the altar can cause peace to be made between Israel and God. (cf. **Sifra Kedoshim 10, 8-9; and Mechilta d'R. Ishmael masechta d'ba-hodesh Yitro, 11**) In our verse, the sacrifice is called "shelamim", for it brings peace to the altar itself, to the priests and to the owners of the sacrifice. (**Semag Aseh 183**)

This approach is based upon the idea that sacrifices bring about a state of "shalem" and "shalom", wholeness and peace. Indeed, the "semikha" is done by the owner, and NOT the priest. The owner must have a share of the peace and of the wholeness that the ritual is designed to produce. When the priests are dedicated they place their hands on their sacrifice (Lev. 8, 14). This is because this sacrifice is THEIRS, that is, they are performing the "semikha" not because they are functionaries in the system, but because at this moment they are the players. (cf. **Yalkut Shimoni Tzav 515**)

All of the above stresses that the laying on of the hand is precisely because it expresses individual responsibility. "Semikha" here is not a sign of ownership, but of responsibility for the act which has brought about the sacrifice! Indeed, this same midrash points out that the priests do put their hands on sacrifices which are not theirs, but those are sacrifices in the name of the whole public! That is, in this case the "semikha" is still a matter of personal responsibility, but the priests, as leaders, are personally responsible.

In addition to responsibility, however, there is wholeness and peace. Perhaps that is precisely the point. Taking responsibility and publicly acknowledging it, for this is what happens when one brings the sacrifice which brings in its wake wholeness. Perhaps in this sense, the "semikha" has a certain similarity to a "petting zoo". There is a sense of wholeness, and identification with the animal petted, but there is also a heightened sense of human responsibility for the animal. **TTT 137 TA**

R. Moshe Gabbai gives us another approach, in regards to the burnt offering and the sin offering. He remarks on the fact that the hand is placed on the head of the animal. He sees this as symbolic of being in touch with the force of defilement whose source is in the mind, in what rises to our head and overtakes our spirit of goodness. In his view the "semikha" brings about a rethinking of the attraction of sin, and one must keep the hand on the head of the animal through the confession of the sin, until one has overcome the temptation and desire for the sin that prompted the sacrifice. (**Sefer Torat Moshe Lev. 1, 2-9**)

In this view, the "semikha" brings about a change of mindset, and the physical contact with the head of a live animal which is about to be sacrificed and its blood

sprinkled on the altar is what does it. Many times people have experiences with animals that leave them with a profound change in their views of how they should conduct themselves. Perhaps this is at the bottom of his view. In any case, the notion of "semikha" in its various interpretations yields subtle and profound lessons. TTT
137 TA

***Lev. 5:17 - 19**

And when a person, without knowing it ("ve-lo yada"), sins in regard to any of the Lord's commandments about things not to be done, and then realizes his guilt, he shall be subject to punishment ("ve-nasa avono")." He shall bring to the priest a ram without blemish from the flock, or the equivalent, as a guilt offering. The priest shall make expiation on his behalf for the error that he committed unwittingly, and he shall be forgiven. It is a guilt offering; he has incurred guilt before the LORD.

The book of Va-Yikra includes the very complex subject of sacrifices. We tend to think of this as irrelevant to our own lives, because the external trappings of animal sacrifices are no longer part of our world. Still, the sacrificial system is based upon a very complex and meaningful analysis of human behavior and emotions, sin, guilt, feelings of thanksgiving, to name just a few. The sacrifices themselves and all of the rules surrounding them are an attempt to create a kind of "science" of dealing with the inner life of people. When looked at in this manner, we can see that the book of va-Yikra has exceedingly rich resources for us to study. (BTW, and for Lenny Berkowitz who asked about Hebrew books on Torah, I want to recommend highly one of the most exciting books I have read in years: "Mikdash ha-Demamah" "The Sanctuary of Silence" by Israel Knohl, Magnes Press, 1992. This will really open your eyes to the substance and depth of the "priestly" parts of Torah.)

"And when a person, without knowing it ("ve-lo yada"), sins in regard to any of the Lord's commandments about things not to be done, and then realizes his guilt, he shall be subject to punishment ("ve-nasa avono")." (Lev. 5:17) This verse is a classic example of the richness of va-Yikra. How can one sin "without knowing it?" Even if we can think of such a case, why then is the person subject to punishment?

The classic explanation of "not knowing" is that a person has in front of them two pieces of fat. Now, some kind of fat is forbidden "Helev" and some kind is permitted "Shuman". It is very hard to tell them apart just by looking at them, one really has to know in advance which part of the animal they came from. Our person thinks both are Shuman and thus permitted to eat, and he eats one of the pieces. Afterwards, he is told that one of the pieces was Helev, the forbidden kind. But, he did not know if that was the one eaten! In this case "not knowing" was not having knowledge about the thing itself. Here the purpose of the sacrifice is to protect the person from a possible transgression. For, if later the person finds out that it was the Helev that was eaten, they must bring a proper sacrifice to atone for a sin.

We might think that such a case of not knowing, would automatically render a person free of guilt altogether. But the Torah here is saying that it might not be the case. Many times we make decisions based on what we think we know to be the case, but later we are not sure if we knew all the facts correctly. The decision made on our faulty knowledge may weigh on our conscience, and be a source of guilt. The Torah recognizes that, and gives people a way to deal with the fact that we are fallible, a

way to live with the fact that even when we are "sure of the facts", that we can be wrong. This is a way to live with such feelings of guilt. **TTT 138 TA**

This verse is also the occasion for a long Midrash Halakha explicating variations on the theme of "not knowing". Like a great symphony, the Midrash expands and plays the theme in a variety of ways. One is the comment of R. Elazar b. Azariah. The Torah says that when reaping your field, if you forget to cut an Omer of grain standing in the field, that you are not to go back and reap it, but to leave it standing for the poor. This is a mitzvah known "forgetting" ["shicheha"]. (Deut. 24:19). R. Elazar b. Azariah is full of wonder at this great verse, for the Torah fixes a blessing for someone who performs a mitzvah "without knowing". He goes on to say, that we can learn from this that if a man had some money fall out of his cloak, and a poor person found the money and was able to live from it, that is as if he fulfilled the mitzvah of "Shicheha" (**Sifra, d'borei d'hova 12:13, ed. Weiss**).

Here, the Midrash speculates about doing good "without knowing", not just about sinning without knowing. However, the Torah talks about not going back to reap, which implies realizing that a bunch of sheaves were missed by the reaper. At that point, we could say, not to go back and cut the sheaves is not a matter of not knowing, but more "pretending not to know". R. Elazar b. Azariah seems to turn this into a principle by which one can do more good in the world, by pretending not to know. Many times we can add to someone's joy or help out and do a mitzvah without our having intended to do so, by pretending not to know or not to be stringent. How many ways the Torah offers to us to overcome our guilt, and how many ways it offers us to do good!

The question of knowledge and intention is one of the most important issues in religious life. We are familiar with issues of rote performance of ritual acts, with questions of "religious behaviorism". We are familiar with questions of intention being a primary factor in deciding the ethical "value" of an action. The classic and exciting passage dealing with this issue is in **Nazir 23a-b** (also **Horayot 10b ff.**). [I have explicated that passage on page 96 ff. parashat Va-yera] **TTT 138 M and B and K**

The ethical idea behind this ruling is instructive. One acts thinking that they are not doing anything improper. But, later when they find out that they MIGHT have done an improper action, that fact ALONE is enough to place the person in need of atonement and forgiveness. Here there is no bad intention, but an act which is common and accepted. One might claim, that if a person is not sure, then they should refrain from the act altogether. But, in this case they think that all is fine. The ethical nuance of this law is that even if there is no bad intention, and even if the person did not know they were doing something wrong at the time they did it, still when they find out that there might have been a transgression, they must see themselves as in need of God's forgiveness. Compare this sensitivity to what passes for norms today! One must be ever sensitive to the actions which they perform, if they result in transgressions. One should see oneself, before God, as always responsible for one's deeds out of knowledge, even if at the time one could claim lack of knowledge.

Rashi continues to add more nuances to this explanation. He quotes the explication of R. Akiba on the verse: "A person shall be put to death only on the testimony of

two or three witnesses" (Deut. 17,6) If the testimony is viable with two witnesses, why does the Torah mention three? It is in order to behave strictly with the third person who joins two for an evil purpose (false testimony). To teach that the Torah imposes the same standard of righteousness and justice on the third person, on one who joins in with the original evildoers.

Now, it seems to me that Rashi thinks of this third person as a kind of case of "not knowing" exactly what is going on. He is invited to join in with the other two, but is not told all the details of their evil intentions. Perhaps he is offered rewards for joining in, or perhaps he is convinced that it is a noble thing to join these two in their action. He does not know that they are scheming witnesses. He joins them out of faith in what they tell him, or out of hope of payment. He is not exactly "guilty" of intentional action, yet the Torah makes it clear that he is on a par with the other two. This is a more stringent case than the first, because here the lack of knowledge can be easily overcome by a little inquiry, or by being suspicious of what is being promised.

Finally, to secure his point that we always have moral connection to our actions, irrespective of our knowledge about them, Rashi cites the case of the verse: "When you reap the harvest in your field and overlook a sheaf in the field, do not turn back to get it; it shall go to the stranger, the fatherless, and the widow—in order that the LORD your God may bless you in all your undertakings." (Deut. 24:19) Rashi shows that this verse is a case of doing a good deed out of lack of knowledge. One has overlooked or forgotten the sheaf in the field. The poor person gets it by chance of this lack of perception. Nevertheless, God blesses the person who supports the poor, even if it is without intention or knowledge.

Now, in all these cases we might raise the possibility that the lack of knowledge comes about because the person has not done their duty "all the way". One could check and recheck the kind of fat he is eating or the motives of friends who ask him to join them in testifying against someone. Indeed, we might say, of course the person bears "some" responsibility for their deeds. This is even bolstered by the last case, for here one can easily see that a sheaf has been left standing in the field. Yet, the point is that if a GOOD deed can be accomplished by maintaining our lack of knowledge, then that is for a blessing. But, if foul deeds will result by our lack of knowledge, then we share in the responsibility and need atonement. **TTT 138 M and B and K**

***Lev. 5, 21 – 26**

The Lord spoke to Moses, saying: When a person sins and commits a trespass against the Lord by dealing deceitfully with his fellow in the matter of a deposit or a pledge, or through robbery, or by defrauding his fellow, or by finding something lost and lying about it; if he swears falsely regarding any one of the various things that one may do and sin thereby -- when one has thus sinned and, realizing his guilt, would restore that which he got through robbery or fraud, or the deposit that was entrusted to him, or the lost thing that he found, or anything else about which he swore falsely, he shall repay the principal amount and add a fifth part to it. He shall pay it to its owner when he realizes his guilt. Then he shall bring to the priest, as his penalty to the Lord, a ram without blemish from the flock, or the equivalent, as a guilt offering. The priest shall make expiation on his behalf before the Lord, and he shall be forgiven for whatever he may have done to draw blame thereby.

At the end of parashat Vayikra we read about the "guilt sacrifice", in Hebrew "korban asham". The Torah puts this sacrifice in a context which is unique up to this point, namely a context of criminal activity: "The Lord spoke to Moses, saying: When a person sins and commits a trespass against the Lord by dealing deceitfully with his fellow in the matter of a deposit or a pledge, or through robbery, or by defrauding his fellow, or by finding something lost and lying about it; if he swears falsely regarding any one of the various things that one may do and sin thereby -- when one has thus sinned and, realizing his guilt, would restore that which he got through robbery or fraud, or the deposit that was entrusted to him, or the lost thing that he found, or anything else about which he swore falsely, he shall repay the principal amount and add a fifth part to it. He shall pay it to its owner when he realizes his guilt. Then he shall bring to the priest, as his penalty to the Lord, a ram without blemish from the flock, or the equivalent, as a guilt offering. The priest shall make expiation on his behalf before the Lord, and he shall be forgiven for whatever he may have done to draw blame thereby." (Lev. 5, 21 - 26)

What is new here is that the act for which the sacrifice is brought is "a trespass against the Lord by dealing deceitfully with his fellow". **Prof. Yisrael Knohl**, in his brilliant book "**Mikdash ha-demamah**", has dealt masterfully with the different approaches to the questions of transgressions against people and transgressions against God in Biblical theology. After reading Knohl's account, it becomes clear that what at first appears to be a purely Rabbinic distinction between "aveirot bein adam le-havero" (transgressions against people) and "aveirot bein adam le-makom" (transgressions against God), is actually biblical. As in many other cases, the rabbis may have coined their own terms, but the basis of their understanding is biblical. Of course, as our teacher Max Kadushin ztz"l taught us, the rabbinic terms indicate their particular way of interpreting the biblical concepts. **TTT 139 M and T**

Perhaps the most well known account of this distinction is found in the Mishnah of **Yoma, 8:9**: "For transgressions between man and the Omnipresent ("aveirot bein adam le-makom") the Day of Atonement procures atonement, but for transgressions between man and his fellow ("aveirot bein adam le-havero") the Day of Atonement does not procure any atonement, until he has pacified his fellow."

The Mishnah clearly indicates that there is a distinction between transgressions against people and those against God. The distinction lies in the fact that the sacrificial system by itself procures atonement for the latter, but it does not, by itself, procure atonement for the former. For those transgressions against people there is another element which is necessary in order for atonement to be procured, and that element is defined here as "pacification" of the injured party. In general terms, we may conclude that the atonement gained for transgressions against God is automatic if the ritual rules and regulations of the system are followed to the letter. But, for transgressions against people, not only must one follow the rules of the ritual system, but one must make some kind of restitution, even, I might add, in cases of transgression by means of words and feelings, directly to the offended party.

Now, this is precisely the difference between the sacrifices mentioned up to this point in our parasha and this section. In all of the others, it seems as if the sacrificial ritual itself brings about expiation, and the transgressions mentioned appear to be those in which another person is not directly harmed. Our section deals specifically

with offenses against people and their property, and the additional requirement of restitution is added to the ritual requirement of the sacrifice.

R. Moshe Alshekh discusses this issue in his commentary on the last verse of the section: "he shall be forgiven for whatever he may have done to draw blame thereby" ("ve-nislah lo al ahat mi-kol asher yaaseh l'ashmah vah"). The difficulty is the phrase "al ahat mi-kol asher yaaseh", which is translated here as "for whatever he may have done". The phrase in Hebrew is difficult being literally "for one of all that he has done". What can this mean? If the idea was to say "whatever he may have done", the text should read "al kol asher yaaseh", what is the import of the circumlocution "for one of all" ("al ahat mi-kol")? The Midrash Halakha on Leviticus interprets it to mean that a person must make restitution and sacrifice for every single transgression, even if, for example, he is sued at the same time for theft, embezzlement, and fraud. (cf. **Sifra VaYikra, d'borei d'hovah 13, 23**)

R. Moshe has a different view. He explains it thus:

"This teaches us that one should not take lightly an iniquity against another person. Know that one who transgresses against his fellow will eventually trespass against the Lord. This is the meaning of the verse "when a person sins" (Lev. 5, 21), that is, not against the Lord, [for the name of God is not mentioned here as it is in the other verses], he will come to "trespass against the Lord" [the continuation of the same verse]. Furthermore our text spells it out by enumerating the types of transgressions ... and defrauding the Lord is in addition to his transgression against his fellow From this we learn that the qualities of repentance must be equal to the whole nature of the transgression. First he must make restitution for what he took from his fellow, and only after that can he bring his guilt offering to the Lord. [for according to this view the trespass against the Lord comes after the one against humans] One must be careful not to shortchange what he must restore to his fellow, for one who does this will also come to shortchange God in terms of what He is owed. Furthermore, this is also because He, who is blessed, desires that a person first gives restitution to his fellow, and only then bring his guilt offering to the Lord.... Do not think it inconsequential, that you see how strict I have been in matters between a man and his fellow and tell you that repentance must begin from there, rather one must make whatever concerns your fellow the paramount consideration. This is so, for the restitution towards your fellow is not completed until you also do the same for the Lord.... The sacrifice completes the first atonement [done by the restitution to one's fellow], since the second guilt [against God] was drawn out as a result of the first guilt [against a person]... I will put it another way, I have been particularly strict in what concerns your actions against your fellow, because of the tendency to view it as a light matter and to denigrate it. Rather it is very weighty...." (**Sefer Torat Moshe on Lev. 5, 20 – 26**)

It is clear that R. Moshe intends to stress the centrality of righteous behavior towards one's fellow, and to combat the notion that one must be stricter in matters relating to God than in matters relating to other people. His commentary seems to me to be almost a *cri de coeur* against the tendency to pay more attention and to be more stringent in ritual matters rather than in inter personal matters. Not only that, but his comment that transgression against people always draws out transgression against God leads me to the conclusion that perhaps the very strictness in ritual matters is an inevitable outcome of some level of disdain for people. That is, that what sustains the

drive and frenzy for more humrot, halakhic stringencies, is a basically flawed social structure premised on inequality and disdain for those not "living up to the standards". It seems to me that Masorti Judaism, in so far as it is egalitarian and humanistic, is doing precisely the right thing in these terms. We should cultivate our strictness in all matters relating to human relationships and make it a badge of honor in the fashion that R. Moshe suggests it should be. **TTT 139 M and T**

***Lev. 8:14-15**

He [Moses] led forward the bull of sin offering. Aaron and his sons laid their hands upon the head of the bull of sin offering, and it was slaughtered. Moses took the blood and with his finger put some on each of the horns of the altar, cleansing the altar; then he poured out the blood at the base of the altar. Thus he consecrated it in order to make expiation upon it.

At the end of parashat Tzav we read of the dedication of Aaron and his sons as priests. One point in this elaborate ritual puzzles the Midrash Halakha. We read the following verses: "He [Moses] led forward the bull of sin offering. Aaron and his sons laid their hands upon the head of the bull of sin offering, and it was slaughtered. Moses took the blood and with his finger put some on each of the horns of the altar, cleansing the altar; then he poured out the blood at the base of the altar. Thus he consecrated it in order to make expiation upon it." (Lev. 8:14-15)

Since we know that Aaron and the priestly line lay their hands on EVERY sacrifice, what is the Torah trying to tell us by specifying that they do so in this case?

The Sifra, the Midrash Halakha on Leviticus, emphasizes that the Torah tells us that Aaron and his sons lay their hands on this sacrifice precisely because it is THEIR OWN sacrifice which is being offered. (**Mechilta d'miluim 1**)

One might argue, that one feature of this passage, noted in most Midrashim, is that Moses is doing the work of the priests, that is "performing" the ritual. Aaron and his sons are in the role of "laymen" who bring their sacrifice to the priest. But, it is precisely this "role reversal" which the Sifra picks up on. If a priest must lay their hands on their own sacrifices, and not fulfill the requirements of the ritual by letting another priest do so, how much more does this apply to any Jew?! The Sifra quotes Leviticus 4:4: "lay his hand upon the head of the bull", noting that the verse speaks of every one.

Indeed, the Sifra is demanding that we cannot leave the keeping of religious tasks to the clergy, but each person must make it their own. The clergy is needed, and they also do their part, but this is not in place of the individual. The person who says: "I will leave religion to the rabbi, or to a "religious" surrogate" is not fulfilling their obligation. The obligation is of "hands on" participation.

After I had written this much about these verses, I got a fax from a congregant, Rivka Baklash, who wrote the following:

"Why do the secular Israelis (hilonim) deny themselves their spiritual and cultural inheritance, and hand it over as a monopoly to the ultra-orthodox? If the hilonim were aware of what they are doing to themselves they would not readily use this term to describe themselves... Today hiloni is a term of dichotomy dividing Israel into two camps, hiloni and dati, which like two parallel lines will never meet. More than that, "jew", according to the dati is an observant Jew...."

[This simple division hides the fact that there is a wide spectrum of belief and practice concerning Jewish religion in BOTH camps.] "...thus, this division into two

opposing camps, certainly does not serve the interests of truth nor the "hope to become a free nation" in Land of Israel."

"Moshe Goshen Gotstein makes clear (Ha-Aretz 11.6.65) that Onkelos consistently translates the Hebrew "zar" as "hiloni". The word "zar" signifies one who is not permitted to approach the holy. Not someone who does not want any holiness in his life, but one who is prevented from approaching holiness. Thus, one who calls himself "hiloni" says about himself that he is "zar", an outsider, one who has no dimension of holiness in his life." ...

"Prof. Yosef Dan warned, in his acceptance speech of the Israel prize of 1997, "Is there any hope in the near future that the hiloni public will free itself from its self imposed identity based on ultra-orthodox conceptions of the nature of Judaism? Will it be able to view the pluralistic nuances and wide possibilities found in Judaism? Without freeing itself in this way there will be no hope of authentic integration of Israeli culture in the family of nations. Why do we deny ourselves our own heritage, and turn it over as a monopoly uncontested." **TTT 140 B and P and K**

"One who does not keep all of the mitzvot also has full rights in the assets of Jewish civilization, he is not an outsider to them and it is wrong that they be foreign to him."

***Lev. 8, 27-28**

He [Moses] placed all these [the parts of the sacrifices and some matzot] on the palms of Aaron and on the palms of his sons, and waved ("va-yanef") them as an elevation offering ("tenufah", "waved") before the Lord. Then Moses took them from their hands and turned them into smoke on the altar with the burnt offering. This was an ordination offering ("miluim") for a pleasing odor; it was an offering by fire to the Lord.

One of the most fascinating and stimulating facets of interpretation of the Bible text in Jewish sources is the Halakhic interpretation of those texts. We all expect aggadic or hermeneutical interpretations of Bible text, and we search for these diligently in order to prepare sermons and divrei Torah. But, we are less aware of the interpretations of the halakha. That is, halakha puzzles over the exact meaning of texts, and in the halakhic discourse about the interpretation of the text we find the basis for meaning that is spiritual and value oriented.

In parashat Tzav we read of the dedication ceremony of the priests, Aaron and his sons. (Lev. 8) The priests stand in the presence of sacrifices, they place their hands on the head of the sacrifices, and see them cut up into pieces, just as they are to do from that time on behalf of all of Israel. Moses walks them through their tasks, step by step. As part of the ceremony animals are sacrificed, the blood is put on the altar, and some of it is put onto the ears, the thumbs and big toes of Aaron and his sons. All of this seems to make sense in that the point is to consecrate Aaron and his sons to the task of priesthood. Since that task involves slaughtering animals and ritually dispersing the blood of the animals, the ceremony clearly and logically makes the priest, literally, part of the sacrificial ritual. The priest is consecrated, as the altar is consecrated, by blood. Even though the modern mind may react squeamishly to the whole ceremony, still it makes sense in the context.

At the end we read: "He [Moses] placed all these [the parts of the sacrifices and some matzot] on the palms of Aaron and on the palms of his sons, and waved ("va-yanef") them as an elevation offering ("tenufah", "waved") before the Lord. Then Moses took them from their hands and turned them into smoke on the altar with the burnt offering. This was an ordination offering ("miluim") for a pleasing odor; it was an offering by fire to the Lord." (Lev. 8, 27-28) This, I find, less logical in the context. Why put the pieces on the palms of the priests, why wave them around, and what does the word "miluim" mean in this context?

The halakhic texts struggle to explain exactly what is happening here. The premise is that the ceremony of dedication of the priests is identical to the work of the priests afterwards. That is, the same actions are performed on sacrifices brought by people to the Temple. The animals are slaughtered; they are cut up into pieces, put on palms and waved around. (cf. **Menahot 61a – 62b**)

Rashi summarizes the first part of the Talmudic discussion: "on the palms of Aaron etc. waved offering" both of them [Moses and Aaron] take part in the waving, the owners of sacrifice [here Aaron and his sons] and the priest [here Moses]. How is this done? The priest places his hand under the hand of the owners and [they] wave it." Rashi goes on to summarize the Talmudic discussion in Menahot and explain the waving ceremony. They wave the parts to all four directions of the winds, for all directions and winds are God's; and this obstructs evil winds. Then they lower and raise the parts, for the heaven and earth are God's; and this obstructs evil rain. (**Rashi on Ex. 29, 24** where the ceremony is also stated.)

Waving is prayer. It is a prayer of praise to God and acknowledgement of God's presence in all the directions of the earth. It is a prayer of praise and acknowledgement of God's filling the universe. It is also a prayer of petition that we not be afflicted by natural disasters, tornadoes or floods. That explains the waving. The waving is the religious goal of the sacrifice, the high point of the service. (Note that the Talmud specifies that this is the same waving that is to be done with the four species on Sukkot, and in other instances.)

What is striking is the Talmud's insistence that the waving must be done by both the priest and the owners. The picture that one can imagine of a priest placing his hand under the hands of an owner, and together performing the ritual of waving, together praising and petitioning God is powerful and inspiring. The priest cannot do it alone, nor can the owner do it alone. Indeed, Ibn Ezra explains the word "miluim" as directly connected to the hand. The "filling of the hand" ("milui ha-yad") means taking responsibility. The phrase is used in conferring office on someone, their hand is full.

Today, we talk of a full plate, but in the Torah a full hand designates the tasks that a person must perform, the responsibility of position. Ibn Ezra directly connects this usage of "miluim" as conferring office and responsibility to the hands of Aaron and his sons in our verse. (**Ibn Ezra on Ex. 29, 22**) Just as in our day, "miluim" reserve army service in the Israel defense forces, expresses the highest taking of responsibility for the safety and defense of the nation of Israel, so the same word has those same overtones in the Bible.

The same beautiful and inclusive picture of partnership and mutual worth that is conjured up by the priest and the owner joining in worship caused some people to worry. Especially since the same waving ceremony applies to a Sotah, a woman suspected of adultery. Can the priest touch the hand of a woman who brings a sacrifice? Those who worried about unseemliness had their fears put to rest. The Midrash specifically states "this is not an ugly thing, he may use a cloth [to prevent physical contact] and this is not considered separation ("hotzetz"), or [if you do not accept the idea of the cloth, that is, you believe that "hotzetz" invalidates the waving] they may bring an aged priest [where there will most likely be no lust on the priests' part], [No. Both of these suggestions are rejected] even if it is a young priest [presumably in his sexual prime] there is no evil inclination [libidinous impulse] for the short time [of the waving]. (**Yalkut Shimoni Naso 308**, YS includes both aggadic and halakhic midrash)

The idea is that cooperation and partnership in pursuing the service of God is the highest priority. It is so important that the priest's and the owner's hands join in this enterprise that we assume that for the short duration of the ceremony, nothing untoward will ever happen. **TTT 141 HA and B**

Finally, there is a discussion in the later halakhic literature which is puzzled about whether the priest places one hand under that of the owner, or two hands. This is dealt with at great length by R. Yekutiel Yehuda Halberstamm, the founder of Kiryat Zanz in Netanya. He points out that Rambam in codifying this halakha sometimes refers to one hand, and other times to two hands. (cf. **Divrei Yetziv, OH 4**). As to the owner, the reference is always to two hands. This is an astonishing insight. It is the owner with the primary responsibility for the success, read the waving, of the sacrifice, NOT the priest! The owner's hands hold the sacrifice and always it is held with both hands. So, while the task of the owner is always to serve totally, there is a debate about whether the priest has the same total responsibility, two hands, or is merely a helper a facilitator for the owner, one hand.

This is not an easy question to answer with a simple and all embracing decision. Even the Rambam, as Halberstamm points out, was not consistent. Perhaps the conclusion is that sometimes the facilitator must equal the effort of the one with the primary responsibility, and at other times partial help is enough.

***Lev. 8, 31-36**

Moses said to Aaron and his sons: Boil the flesh at the entrance of the Tent of Meeting and eat it there with the bread that is in the basket of ordination – as I commanded: Aaron and his sons shall eat it; and what is left over of the flesh and the bread you shall consume in fire. You shall not go outside the entrance of the Tent of Meeting for seven days, until the day that your period of ordination is completed. For your ordination will require seven days. Everything done today ("ka'asher asah ba-yom ha-zeh"), the LORD has commanded to be done [seven days], to make expiation for you. You shall remain at the entrance of the Tent of Meeting day and night for seven days, keeping the LORD's charge – that you may not die – for so I have been commanded. And Aaron and his sons did all the things that the LORD had commanded through Moses.

Aaron and his sons are consecrated to serve as priests for Israel, that is, to have the responsibility for administering the sacrificial system and the entitlement to various

taxes and gifts that people bring to them. After a detailed description of the ceremonies and sacrifices pursuant to Aaron and sons being installed as priests, the totality of which is called "miluim", including the act of placing blood from the sacrifice on parts of their bodies, we read the following account:

Moses said to Aaron and his sons: Boil the flesh at the entrance of the Tent of Meeting and eat it there with the bread that is in the basket of ordination—as I commanded: Aaron and his sons shall eat it; and what is left over of the flesh and the bread you shall consume in fire. You shall not go outside the entrance of the Tent of Meeting for seven days, until the day that your period of ordination is completed. For your ordination will require seven days. Everything done today ("ka'asher asah ba-yom ha-zeh"), the LORD has commanded to be done [seven days], to make expiation for you. You shall remain at the entrance of the Tent of Meeting day and night for seven days, keeping the LORD's charge—that you may not die—for so I have been commanded. And Aaron and his sons did all the things that the LORD had commanded through Moses. (Lev. 8, 31-36)

The phrase "everything done today ("ka'asher asah ba-yom ha-zeh")" is difficult, for why is it in passive language. As Ibn Ezra comments, "it would have been proper to say "everything I have done today", as Moses is referring to the priestly ceremony which he performed. In addition to that, our translation adds in square brackets the words "seven days", in order to emphasize that we are talking about the whole ceremony, which took seven days, and not merely one day, the last day when the priests are actually confirmed in their role. (cf. **Ibn Ezra on Lev. 8, 34**)

There are many details in this ceremony, but I will limit my comments to a few aspects as they appear in the Sifra, the halakhic Midrash on Leviticus. The first issue is that the meat and bread not eaten by the priests must be burned. The Sifra comments that we learn that the leftovers from the "miluim" are to be burnt. That is what the text says in very clear terms. The question is: "why does the Midrash state the obvious?" The point is that the nature of the sacrifices offered during the "miluim" is not clear. They are offered in the ambiguous period between the time when the sacrificial system and the priesthood are being formed and initiated, and the time when they have been installed and the whole system is actually working. It seems to me that the innovation of the Sifra here is to say that even though these sacrifices might be considered as "provisional" or as "substitute" for the real thing, after all Moses did them and not Aaron the appointed priest, they are treated like real sacrifices, that is, that the leftovers are burnt. No shortcuts or discounts are to be given because we are talking about a transitional period.

This is an important idea, for we all know the difficulty in dealing with a transitional situation. There is a certain laxness or lightness in the attitude to something that is transitional, even when we know that at the end of the process there will be stability and the rightful authorities will assume their positions. The Midrash makes it clear that we need to relate to transitional items with the same seriousness as we are willing to treat the final product. **TTT 142 M**

The next point is the time frame of the ceremony, for the priests are enjoined to remain in the Ohel Moed for all the seven days of the ceremony. The Sifra reports the Rabbinic tradition that the miluim ceremony began on the 23rd of Adar. If we add

seven days, it turns out that the priests were officially consecrated, and the Tabernacle open for business on the first of Nisan. The word "miluim" is a short way to refer to a longer phrase "yemalei et yedkhem". (cf. v. 33) This literally means "to fill up your hands", and the force of the phrase means to assume an office, or as we might say today "to take things into our own hands".

What is the import of the idea that the priests "hands" were busy during those seven days? According to the Sifra here this implies that each day they would put the Tabernacle up every morning and run through the whole daily ritual of sacrifices, and in the evening they would take it down. On the eighth day it was put up, but not taken down. Rabbi Yose beRabbi Yehudah asserts that they continued to put it up and take it down after the eighth day. (cf. **Sifra Tzav Mekhilta d'Miluim 1 [esp. 36]**, cf. also **Sifra Tzav 11**)

This is also a fascinating thought about taking office in a major project. What is a proper process for assuming an important office, or taking responsibility for an important project? One must learn all of the rules about how things should run, but our Midrash also seems to say that there must be practical experience of the reality of what must be done. It is not enough to know in theory, but it must be practiced on the real objects, in the real time frame that will constitute the project in reality, and it is best when performed several times in order to create skill in doing the job.

Now, this seems so sensible that one wonders what R. Yose could have been thinking? Why would they need to continue to take the Tabernacle up and down each day? Rabbi Yose is known for two statements that shed light on his worldview, and it is this worldview that will shed light on his opinion in our matter. The first statement basically tells us that R. Yose was very strict about the truth, and he believed that one who performed an action had, of necessity, to bear the consequences of that action. The statement is found in **Shabbat 119b**, and it is the famous image of the two angels which accompany a person home from the synagogue Friday night. The import of this story is that what the person has planned and done is what will continue to be done. I am sure that R. Yose believed in repentance, teshuvah, in which a person can change their ways, but here he is expressing a basic truth that from week to week it is how we live our life that fixes the reality of what that life will be. Both the "ups and downs" of life are part of how we live, and we need to be able to deal with them honestly. Perhaps he sees the "ups and downs" of the Tabernacle as an analogue of this idea. **TTT 142 M**

But, perhaps, this idea can be expanded by another of his sayings in the Talmud to the effect that a persons "yes" as well as their "no" must both be out of righteousness. (**BM 49a**) The importance of this idea is clear. Many times we say "yes" or "no" for all kinds of egotistical or manipulative considerations, and R. Yose reminds us that one must both be positive and negative for reasons that are just. So, if we only set up the Tabernacle and never have the experience of taking it down, we may forfeit the training in making sure that both operations are out of a sense of justice. Thus, we cannot dispense with the negative part of taking the Tabernacle down. We will necessarily be engaged in those aspects of life, and we need to make sure that we do it in a just and righteous manner.

***Lev. 9: 22-24**

Aaron lifted up his hands towards the people, and he blessed them as he sacrificed the sin-offering, the burnt-offering and the whole-offerings. Then, Moses and Aaron came into the Tent of Meeting, and then they emerged and blessed the people, and the glory of the Lord was seen by all the people. And a fire went forth from before the Lord and consumed what was on the altar...and all the people were in awe and they sung praises and bowed down.

The priests have been dedicated, and so the Tabernacle is ready to fulfill its function of enabling God to "dwell among the people" (cf. Ex. 25:8). Here we read about this dramatic moment: "Aaron lifted up his hands towards the people, and he blessed them as he sacrificed the sin-offering, the burnt-offering and the whole-offerings. Then, Moses and Aaron came into the Tent of Meeting, and then they emerged and blessed the people, and the glory of the Lord was seen by all the people. And a fire went forth from before the Lord and consumed what was on the altar...and all the people were in awe and they sung praises and bowed down." (Lev. 9: 22-24)

This dramatic scene raises questions. If the sacrificial offerings by the high priest are the main point of the altar, and if Aaron is the anointed high priest, why do God's presence and the fire not appear after Aaron completes preparing the sacrifices and blesses the people? Why does this happen only AFTER Moses joins Aaron and the TWO of them bless the people?

This question is answered in the Midrash by R. Yitzhak (**Kohelet R. 4:1**). He takes the verse in Kohelet "two are better than one..." (4:9) as an accepted conclusion based on two incidents. The first incident which proves the verse is the fact that God spoke to BOTH Moses and Aaron when he gave them the commands how to leave Egypt: "The Lord spoke to Moses and to Aaron in the Land of Egypt saying, "this month will be for you...." (Ex. 12:1) This is the additional reading for this Shabbat. It prefigures the coming of the season of redemption from Egypt. Both are necessary to lead the people to the point of desire for redemption.

The second part of this Midrash goes on to recount our incident as the second proof of this verse. When only one blessed the people, the Shechinah was not present, only when both blessed the people was its presence felt. Both the priest and the prophet have to bless the people for the Shechinah to rest among us.

If there was ever any doubt that ritual ceremony alone is ungodly, without being accompanied by the prophetic, this Midrash clears up the doubt. The Midrash points to the fact that this spectrum of religious ideas and practices must work TOGETHER in order for blessing to become actual in the world. **TTT p. 146 B**

Rashi bases his comment on this passage on the Midrash, but Rashi develops it in a most poignant way. Aaron saw that after he had done all the sacrifices, and blessed the people the Shechinah was not present. He was depressed and thought that this was because God was angry with him. Even though Rashi does not spell this out, it is clear to me that Aaron still felt ashamed for his part in the Golden calf. The problematic of ritual ALONE is that it can, without watching, slip into idolatry. Aaron feels embarrassed and even is miffed at Moses for allowing him to go through

this big scene acting the part of high priest, and having his efforts appear unanswered. He implores Moses to come with him and to pray together with him for mercy, and then the Shechinah appears. Rashi makes a strong case for the necessity of prophetic moral passion as a check on priestly ritual. TTT p. 146 B

Ramban adds another insight into this whole incident. Ramban suggests that the appearance of the Shechinah here is NOT related at all to the priests nor to the prophets but to the devotion of the PEOPLE in wanting to serve God and in building the Tabernacle. Ramban says that this revelation of the Shechinah is not in order to command something ritually, nor is it a prophetic speech, but it is "to announce that God approves of their actions", it is a revelation of God for the sake of the people, not the priest or the prophet.

Let me suggest that both of these approaches hold part of the truth. If religious leadership combines the ritual and the moral, the priestly and the prophetic, only then can the nation respond with devotion. When all three, priest, prophet and people, are involved is the Shechinah truly able to dwell among us.

***Lev. 10, 9-12**

Drink no wine or other intoxicant, you or your sons, when you enter the Tent of Meeting, that you may not die. This is a law for all time throughout the ages, for you must distinguish between the sacred and the profane, and between the unclean and the clean; and you must teach the Israelites all the laws which the LORD has imparted to them through Moses.

Parashat Shmini contains the laws relating to prohibition of priests from drinking intoxicating drinks, wine or mash, when serving at the altar. These rulings follow on the tragic story of the death of Aaron's sons, Nadav and Avihu. Thus, tradition, quite naturally, connects the death of the sons with intoxication while on the job. The verses are: "Drink no wine or other intoxicant, you or your sons, when you enter the Tent of Meeting, that you may not die. This is a law for all time throughout the ages, for you must distinguish between the sacred and the profane, and between the unclean and the clean; and you must teach the Israelites all the laws which the LORD has imparted to them through Moses." (Lev. 10, 9-12)

Now, if the sole intent of this passage was to warn priests that intoxication does not mix with handling fire on the altar, it would not need to include the last verses that connect the state of intoxication with being an impediment to all of the functions of the priesthood. The point that the service at the altar includes handling dangerous materials is made, and the warning that improper handling can lead to death is also made. But, the passage also indicates that the other duties of the priest, namely, distinguishing between the sacred and the profane, between the unclean and the clean, and the teaching of all the laws cannot be carried out either. Indeed, the prophet Ezekiel denounces all of the categories of leadership of the nation. He makes it clear that the corruption of the priests was precisely in not doing their other jobs, that is in NOT distinguishing between the sacred and the profane. (cf. Ezek. 22, 23-32, especially v. 26)

The Midrash Halakha on Leviticus makes it clear that the prohibition against intoxication has to do with matters other than the physical danger that it might present. The midrash asks how do we know that if a priest actually did his sacrificial

duty while intoxicated that his service would be invalid? The answer is, because the Torah tells us that he must be able to distinguish between the sacred and the profane. (**Sifra Shmini 1**) The question is a good one. The Torah merely tells us that the priest should not come to work drunk. But, what if he does come to work drunk and manages to perform the rituals in the right way, and with luck does not get consumed by fire? Is this service, that was done according to the rules, valid or not? The midrash makes it clear that it is not valid, because the intoxicated priest has inherently confused the line between the holy and profane.

This way of seeing it can be applied to other situations. The Torah tells us that we are not to muzzle an animal which is working on the threshing floor. (Deut. 25, 4) Traditionally, this was understood as one of those rules which takes into account the feelings of animals. It was considered cruel to the animal, and thus was forbidden. In this sense it makes it a sacred duty to leave the animal's mouth open so that it can eat as it works. But, the Talmud asks, what if one muzzles the animal before the work begins, and it is led in already muzzled? The answer is taken from our verses. The priest is not allowed to drink before beginning his service. He is not only forbidden to drink while on the job, but obviously he is forbidden to drink before beginning the job as well. For the Torah says he needs to be able to distinguish between the sacred and the profane. So, the idea is that he cannot be drunk during the time of service, thus, the animal cannot be muzzled during the time of threshing. (**BM 90b**)

The Shulhan Arukh codifies this halakha thus: "it is the same if the animal is muzzled during the work or before the work, even if the animal is muzzled by command", that is, not a physical muzzle but by voice commands or threats that would stop it from eating. (**HM 338, 3**) So, the distinction between the sacred and the profane is intimately connected with the learning of the Torah's commands and applying them in a clear and ethical manner. **TTT 144 M and H**

But, this week's parasha also hints that the same standard applies to every Jew. This lesson is learned from the verse that introduces the list of animals which are forbidden for food. "The Lord spoke to Moses and Aaron, saying to them: Speak to the Israelite people thus: These are the creatures that you may eat from among all the land animals..." (Lev. 11, 1-2) One of the great commentaries on the Torah, which is not often studied, is Sefer Torat Moshe, by R. Moshe Alshekh [d. after 1593]. He moved to Tzefat and was a member of the Bet Din of R. Yosef Karo. He was granted the ordination of Erez Yisrael as it had been reconstituted by Jacob Berab.

Alshekh asks probing questions, and gives fascinating and expansive answers. He asks the reason for the listing of prohibited animals, the impure animals, after the story of Nadav and Avihu, and why this command is given through both Moses and Aaron? He writes: "for all of this matter is not only for the priests, for they alone were warned about impurity. So, see that if the blessed One, put this warning about impurity immediately next to the singling out of the priests, that would be like a slap in the face to all of Israel. For the people would say, we were silent when the priests were singled out for the sacrificial service, for even though the whole community is holy, God has chosen the priests for this service. Even though the quality of Israel and the priests are equally sacred, God can make a distinction between holiness and holiness. But, when they would see that the priests alone would be warned about impurity and Israel would not be warned, they might think that this was because the

priests alone really were the only holy ones, and thus, they alone were warned about impurity. Israel might think that they were not holy, and so they were not warned about impurity.... So, what did the Blessed One do? Before he had spelled out the warning of impurity to Moses and Aaron, he had them warn Israel about the animals which they may eat and those which they may not eat, in order that they would understand that if their own holiness were in doubt God would not have warned them about these impure animals coming into their mouths." (**Sefer Torat Moshe on Lev. 11, 1-2**)

Alshekh makes it clear that the laws of kashrut are an instrument of equality. They are intended to make it clear to the nation, in every day activities and at all times, that their holiness is not less than that of the priests. God's covenant with a holy nation is just that, and the singling out of the priests as the official contractors of the sacrifices is only that, and never implies a holier status. So, the need for distinguishing between the sacred and the profane, for learning and teaching Torah, for maintaining high ethical standards is part and parcel of God's covenant with all Israel. The prohibitions of kashrut are the physical symbol of Israel's holiness and obligation to behave as a nation of priests. **TTT 144**

***Lev. 10:16-20**

Then Moses inquired about the goat of sin offering, and it had already been burned! He was angry with Eleazar and Ithamar, Aaron's remaining sons, and said, "Why did you not eat the sin offering in the sacred area? For it is most holy, and He has given it to you to remove the guilt of the community and to make expiation for them before the LORD. Since its blood was not brought inside the sanctuary, you should certainly have eaten it in the sanctuary, as I commanded." And Aaron spoke to Moses, "See, this day they brought their sin offering and their burnt offering before the LORD, and such things have befallen me! Had I eaten sin offering today, would the LORD have approved?" And when Moses heard this, he approved.

After the tragic deaths of Aaron's sons, there is an enigmatic exchange between Moses and Aaron (Lev. 10:1-3). Then, Moses is very active. He arranges to have the bodies dealt with (Lev. 10:4-5). He sets forth rules about how priests are to observe mourning (vs. 6-7). He is worried about God's anger (Heb. "ketzef") striking all of Israel (vs. 6). He lays down more rules about priestly behavior (vs. 8-11). Then, Moses tries to *carry on with the sacrificial dedication that had been interrupted by the deaths of Nadav and Avihu*. The ceremony must go on. He presses the "remaining" sons to carry on with each part of the ceremony, but when he inquires about the sin offering, he discovers that Eleazar and Itamar had already burned it!

As a result of this discovery, we read the following exchange:

"Then Moses inquired about the goat of sin offering, and it had already been burned! He was angry with Eleazar and Ithamar, Aaron's remaining sons, and said, "Why did you not eat the sin offering in the sacred area? For it is most holy, and He has given it to you to remove the guilt of the community and to make expiation for them before the LORD. Since its blood was not brought inside the sanctuary, you should certainly have eaten it in the sanctuary, as I commanded." And Aaron spoke to Moses, "See, this day they brought their sin offering and their burnt offering before the LORD, and such things have befallen me! Had I eaten sin offering today, would the LORD have approved?" And when Moses heard this, he approved." (Lev. 10:16-20)

The scope and vigor of Moses' activities immediately following the death of Nadav and Avihu are amazing. Indeed, there is much to discuss in the sequence and nature of his deeds. But, I wish to concentrate on this last one. Moses becomes angry (Heb. "ketzef") because he sees that the sin offering has been burnt instead of eaten as he ordered. Aaron defends this action of himself and his remaining sons, and Moses accepts his explanation. What are they arguing about? Why does Moses accept Aaron's explanation? What is Aaron's explanation?

The Talmudic tradition sees this episode as part of a long and involved halachic discussion as to the permissibility of a priest, who is in the mourning state known as "aninut", to officiate at sacrifices and to eat of the sacrificial portion which is the priest's due (cf. **Zevachim 101a** etc.) Indeed, **Ramban**, summarizes the dialogue between Moses and Aaron simply: "this was an halachic debate" (on **Lev. 10:19**).

We can learn about the ideal qualities of Halachic discussion from this exchange. Indeed, our passage appears as the basis for the understanding of the character traits of a "hacham", that is one who carries on halachic discourse in the proper manner. **TTT 145 HA**

One trait of the "hacham" is that they do not interrupt the person who is talking. This trait is learned from the fact that Aaron waited until Moses had finished talking, and did not say to him "make it short", even though, Moses did not understand what was happening. Another trait learned is that Aaron took Moses outside of the crowd in order not to embarrass him by showing him how he was wrong in front of the people. (**Avot deRabbi Natan, A, 37**). A final trait learned from this encounter is that the "hacham" always admits the truth when he hears it, without trying to defend his position, no matter what. This is what Moses does at the end. (**Avot deRabbi Natan, B, 40**). Indeed, **Rashi** (following the Talmud, where the version fudges Moses' reply) interprets Moses' approval as: "he admitted Aaron's interpretation was correct, *and he was not ashamed to say 'I did not know that'". (on **Lev. 10:20**)

Thus we learn that halachic discourse, indeed any discourse, is best served by tolerant listening to the discussants without entering into their words, that it is never good to embarrass a discussant in front of others, and that one must not be ashamed to admit lack of knowledge, nor afraid to accept a truthful and compelling argument when one is heard.

Still, after this lesson, I was bothered by the "peshat" of the verses. After all, Aaron is specifically told NOT to mourn (vs. 6), so why should this be the issue? I looked at the "**Encyclopedia Olam ha-Tanakh**" volume on Va-Yikra. The following commentary is by one of the editors of this volume, **Meir *Paran**, z"tsl. Paran writes simply that the sin offering in question was that of Nadav and Avihu. Aaron simply is asking, how do you expect Eleazar and Itamar to eat the sin offering of someone else!? Aaron is concerned that the idea that someone can use another person's sin offering would not be approved of by God. Moses accepts this.

Paran then points out the parallelism between Moses' fear of God's anger ("ketzef") in verse 6, and his own anger ("ketzef") in verse 16. Moses was concerned that God not be angry, yet he took no precautions for himself to prevent his own anger from

bursting forth. Aaron's calm explanation of how each person has to be responsible for their own sin, makes Moses aware of his anger, and causes him to back down from his frenetic pace after the tragedy. Perhaps, Moses even begins to moderate his accusatory tone as a result of this. **TTT 145 M**

I view Paran's explanation as an important lesson for all people in general. Yet, in the realm of halachic discourse it is particularly poignant. Many times people are so afraid of God's anger over halachic issues, that they themselves become angry and even violent, not realizing that they, by their very actions, are creating the anger of which they claim to be wary. If we concentrate on our own responsibility and less on what we think is that of the other, perhaps anger can be altogether avoided.

*Meir Paran was a brilliant Bible scholar and a colleague of mine at Kaye Teachers College in Beer Sheva. He was also involved in our congregation in Omer, and died of cancer at a young age. Yehi zikhro barukh.

Certain parashot are associated with specific stories or laws. Va-yerah, in a game of free association, will surely conjure up the Akedah, or Be-Shallah will produce the song of the sea. Our parasha Shmini will most likely cause our free association player to shout out "kashrut". The long list of animals that may be eaten and those that may not is in Shmini. Yet, there is another incident in Shmini which is much more dramatic, the death of Aaron's two sons while bringing a sacrifice. This tragic story is somehow more associated with aharei-mot, yet there it is only peripherally mentioned, while the full story is in Shmini.

I began to wonder if there was any connection between the horrific story of the death of Nadav and Avihu and the kashrut list. But, at that moment of studying the parasha, I was struck by what is surely one of the most enigmatic passages in the Torah, the kind that is so cloudy that we read it "over" and pretend that we understand it.

After the remaining sons, Elazar and Itamar, had removed the bodies, Moses states rules and procedures for the priests. And the passage continues: "Then Moses inquired about the goat of sin offering, and it had already been burned! He was angry with Eleazar and Ithamar, Aaron's remaining sons, and said, "Why did you not eat the sin offering in the sacred area? For it is most holy, and He has given it to you to remove the guilt of the community and to make expiation for them before the Lord. Since its blood was not brought inside the sanctuary, you should certainly have eaten it in the sanctuary, as I commanded." And Aaron spoke to Moses, "See, this day they brought their sin offering and their burnt offering before the Lord, and such things have befallen me! Had I eaten sin offering today, would the Lord have approved?" And when Moses heard this, he approved." (Lev. 10, 16-20)

The passage is astounding. Moses explodes with anger, "va-yiktzof", against "Aaron's remaining sons", because they had burned the sin offering instead of eating it inside the sanctuary. But, if it was the offering connected with the fire, of course it was burnt, and it was not their fault! Moses angrily reproves them, but it is Aaron who answers. He answers angrily as well, reproving Moses for not being sensitive to his loss. In essence he says to Moses, "after what happened to me now, do you think I could eat a holy meal with proper intention so that God would approve of my ritual

actions?!" In the end, Moses shuts up and willingly accepts what Aaron says. What is this all about?

First of all, the modern scholars take this section as not being connected directly to the story of the death of Aaron's sons, but as an etiology of certain priestly rules (cf. particularly **Dr. Meir Paran, z"l, in Olam ha-Tanakh for a detailed explication of each rule, Lev. p. 66-67**). This reading of the story has a certain affinity with the Midrash halakha, in that the rules of eating the sacrifices and the proper place of their eating, and so forth, is learned from this passage. (**Sifra, Shmini 1, 2**) However, the Midrash fuses these rules with the story of the sons, and sees it as a continuation.

Indeed, Baruch Levine points out that the eating of the sin offering was part of the process of atonement. He shows that the phrase "laset ha-avon" means both to be guilty and to remove the guilt! Here the priests remove the guilt by eating the sacrifice, and this is precisely what the Sifra says: "the priests eat from the sin offering and the owners [who brought the sacrifice] are exonerated." (**Olam ha-Tanakh, p. 67**)

But the most striking part of this whole episode is the way the Midrash treats Moses' anger. The most developed and extreme treatment of this theme is found in **Lev. R. 13, 1** (Margoliot ed., cf. also **Sifra**, and **Bavli Zevachim 101a-b**). Rabbis Pinhas and Yirmiyah in the name of R. Hiyya develop their midrash on the verse: "the one whose ear heeds the reproof of life, will dwell among the wise" (Prov. 15, 31) The surviving sons of Aaron witnessed the death of their brothers, and were profoundly affected by it. They were brought closer to responsibility by taking heed of the negligence of their brothers. Because of their positive coping with the family tragedy and family irresponsibility, they were "privileged to have divine speech addressed to them, to their father and to their father's brother during their lifetime."

The reaction, namely to continue their divine service and to help their father mourn and bury their brothers, conferred upon them participation in the divine spirit, made them part of the revelation given to Israel through Moses and Aaron, that is, in this case given also through Elazar and Ithamar.

The Midrash goes on: "This is born out by what is written, "And Moses diligently inquired [lit. inquiring, he inquired "darosh dawrash"] for the goat of the sin-offering (Lev. 10, 16). What is the meaning of 'inquiring, he inquired'? Moses made two inquiries. He said to them: ' If you have slaughtered [the goat of the sin-offering], why have you not eaten it? If you were not going to eat it, why did you slaughter it? ' Immediately, He was angry with Elazar and with Itamar, and through becoming angry a law escaped his memory." (**Lev. R. ibid.**)

Moses' anger at a law not being obeyed punctiliously caused him to err in halakha, he completely forgot that the halakha was that an "onen", one who has just lost a loved one, does not eat the sin offering (but cf. **Zevachim**). Now, the Midrash goes on to bring two more cases where Moses became angry, and his anger caused him to make mistakes in halakha. Moses thought a halakha was being violated, but forgot that halakha takes circumstances into account, and depending on circumstances it might be different. The rule that a sin offering must be eaten by the priests does not apply when the priest has suddenly become a mourner.

In the Midrash Aaron reproves Moses: "Aaron said to Moses: 'To-day my sons died; shall I, to-day, offer up a sacrifice? To-day they died; shall I, to-day, eat consecrated food?' Aaron then propounded to Moses an argument from minor to major, viz. Since the tithe, which is of lesser sacredness, is forbidden to [be eaten by] a bereaved person prior to the burial of his dead, how much more certainly must the [flesh of the] sin-offering, which is more stringent, be prohibited to a bereaved person prior to the burial of his dead. Immediately Moses heard that, "it was well-pleasing in his sight" (Lev. 10, 20), and he issued a proclamation to all Israel, saying: 'I made an error in regard to the halakha, and Aaron my brother came and taught it to me.'" (Lev. R. **ibid.**)

So, anger can cause one to promulgate mistaken halakha. But, not only Aaron is praised for correcting Moses, but the Midrash says that since both Elazar and Itamar knew the law, but out of respect for their father and Moses they kept silent while Aaron answered Moses, they were privileged to have part of the Torah revealed through them along with their father and his brother. What was revealed through them? "The Lord spoke to Moses and Aaron, saying to them" ("laymor alai-hem")(Lev. 11, 1) Saying "to them" refers to Itamar and Elazar. **TTT 146 HA and M and K**

Now this proof-text that God revealed through the sons is the very verse which introduces the list of kosher animals! It is as if this Midrash sees the list as a continuation of the story of Aaron's sons, and in such a way that the remaining sons take upon themselves not only the function of priests, but also the function of prophetic lawgivers, and their revelation is precisely the laws of kashrut!!

The greatness of Itamar and Elazar lies in their consistent devotion to the responsibilities of serving God, in their devotion to their father in time of distress, in their self-discipline which enabled them to serve Israel in spite of the events. Thus, it is just these qualities which the list of distinctions between living things is intended to convey. The sense of holiness which the laws of kashrut are meant to instill, "you shall sanctify yourselves and be holy, for I am holy" (Lev. 11, 44), is defined by those qualities of the remaining sons. By their actions, and by their knowing when NOT to become angry. It is a holiness informed by discipline and responsibility. To make a distinction and refrain from many types of edible living creatures is a priestly act, an act of showing dedication to God. It has no other purpose but to create an identity between generations of Israel who keep the distinctions and those two brave and dedicated sons of Aaron who helped Israel overcome a moment of tragedy and loss, kept face with the leadership, and quietly attended to their responsibility through all of it.

***Lev. 11:36**

surely the spring or cistern a collection (mikveh) of water will be pure, but touching a carcass will cause impurity.

In parashat "Shemini" we learn that immersion in a mikveh can purify from a state of impurity. These are examples of "Hukkim", laws which human reason cannot fathom. The meaning of "impurity" in these laws is that in such a state, which is caused by contact with blood or death, a person is not allowed to take part in holy

rituals unless they have immersed in a mikveh. The immersion cleanses the impurity.

Maimonides points out that immersion in the waters of a mikveh does not really clean the body, but he gives a metaphoric explanation: "... one who sets his heart on cleansing himself from the uncleanness that beset men's souls - namely, wrongful thoughts and false convictions - becomes clean as soon as he decides to shun these bad things and bring his soul to the waters of pure reason...." (**Yad, Mikvaot, 11:12**) The pure waters of the mikveh are like pure thoughts, and immersing oneself in pure thoughts can purify impure thoughts.

Even this metaphoric explication doesn't capture the full depth of the concept of the mikveh. What is the meaning of the end of our verse "but touching a carcass will cause impurity"? **Rashi** explains: "Even if one is standing inside the spring or cistern yet touches a dead carcass, he will become impure. So we should not think that since the waters purify what has become impure, that they can also prevent the pure from ever becoming impure...". The function of the mikveh is to purify what had become impure in the past, but the mikveh is not able to automatically guard against future impurity. The mikveh has no magical power to prevent impurity in the present or the future, it can only give relief from existent states of impurity. The immersion in the mikveh does nothing for one who doesn't change their way of thinking. "A person who has transgressed, and who confesses the transgression, but does nothing to change his behavior, is like one who holds onto an unclean animal, who, even though he immerses in all the water in the world is still impure". (**Talmud Ta'anit 16a**)

Not only does the mikveh not prevent future impurity, but the very creation of a mikveh must be from undrawn water, that is water which is not susceptible to impurity. From our verse: "surely the spring or cistern a collection (mikveh) of water will be pure..." the Talmud learned that the words "will be pure" mean, must be pure in and of themselves, "its existence must come about out of purity" (**Zevahim 25b**).

The mikveh is a powerful symbol for Judaism. A mikveh is one of the certain signs that an archeological site is Jewish. Thus we can learn from the halakha of mikveh about Judaism in general. We cannot view Judaism and its mitzvot as some magical protection against immorality. It is possible for a person to be "immersed in the commandments and yet hold onto impurity in his heart and morals". The way in which we develop our Judaism, its very existence, must be out of pure and moral deeds. This view places a great responsibility on us to see that our deeds as Jews and in the name of Jewish religion be pure and moral. Just as Jews have been very careful that the water entering the mikveh be inherently pure, so we must be careful that the Judaism we create be inherently pure. **TTT 147 M and T and HA**

***Lev. 11, 43-45**

You shall not draw abomination upon yourselves through anything that swarms; you shall not make yourselves unclean therewith and thus become unclean. For I the Lord am your God: you shall sanctify yourselves and be holy, for I am holy. You shall not make yourselves unclean through any swarming thing that moves upon the earth. For I the Lord am He who brought you up ("ha-ma'aleh") from the land of Egypt to be your God: you shall be holy, for I am holy.

Parashat Shemini includes the rules which prescribe which animals may be eaten, and which animals must not be eaten. The list of permitted food of living creatures that comprises the basis of kashrut is spelled out, and at the end of the parasha a rationale for defining precisely why some animals are forbidden for food is offered: "You shall not draw abomination upon yourselves through anything that swarms; you shall not make yourselves unclean therewith and thus become unclean. For I the Lord am your God: you shall sanctify yourselves and be holy, for I am holy. You shall not make yourselves unclean through any swarming thing that moves upon the earth. For I the Lord am He who brought you up ("ha-ma'aleh") from the land of Egypt to be your God: you shall be holy, for I am holy." (Lev. 11, 43-45)

Even though this passage is talking about one particular type of forbidden food, swarming things, usually the rationale of holiness is taken to apply to the whole of the kashrut system. In any case, the emphasis here on the concept of holiness as the reason for limiting the range of animal life which we are permitted to eat is clear. I want to focus on one aspect of these verses namely the connection made in the text between being "brought up" from Egypt by God, who is holy, and therefore the incumbent obligation on Israel to be holy. Israel's holiness is acted out by not eating certain animals. But, just what is the import of this reasoning?

The first thing to note is the unusual use of the word "ha-ma'aleh" to refer to God's actions in taking Israel out of Egypt. Elsewhere in the whole Bible this word is used only a handful of times, as opposed to some form of the word "hotza'ah", indicating "taking out", which is used dozen of times. The word "ma'aleh" means to raise up, and we know this word in its form of "aliyah", meaning to go up to the Torah or to go up to the land of Israel from the diaspora.

In the Talmud we read the following story:

"Ravina happened to be in Sura on the Euphrates. Said R. Hanina of Sura on the Euphrates: Why did Scripture mention the Exodus from Egypt in connection with [forbidden] reptiles? — He replied: The Holy One, blessed be He, said, I who distinguished between the first-born and one who was not a first-born, [even] I will mete out punishment to him who mingles the entrails of unclean fish with those of clean fish and sells them to an Israelite. Said he: My difficulty is 'that bringeth you up'! Why did the Divine Law write 'that bringeth you up' here? — [To intimate] the teaching of the School of R. Ishmael, he replied. Viz., The Holy One, blessed be He, declared, 'Had I brought up Israel from Egypt for no other purpose but this, that they should not defile themselves with reptiles, it would be sufficient for me.' But, he objected, is their reward [for abstaining from them] greater than [the reward for obeying the precepts on] interest, fringes and weights? — Though their reward is no greater, he rejoined, it is more loathsome to eat them [than to engage in the other malpractices]. (**BM 61b**)

R. Hanina of Sura on the Euphrates is puzzled as to why the Torah refers to the Exodus in the context of forbidden food. The great Amora Ravina thinks that he is asking this question in a general way, and he answers that God wants to make it clear that He can distinguish the pure from the impure, just as God distinguished between a first-born and others. So, if a person mixes in some forbidden flesh with permitted flesh, God will know. But, R. Hanina explains that this was not his question. He is asking our question about the use of the word "ma'aleh". To this

Ravina answers that the use of "ma'aleh" is meant to teach us that the Exodus from Egypt was justified just so that Israel would keep this commandment. R. Hanina then asks why is this commandment so weighty? Is not a commandment such as the forbidding of cheating in business also not as weighty? The answer is that truly each commandment is worthy to be the reason for the Exodus, but this particular commandment may not be viewed as a commandment that one must make an effort to keep, for it is a loathsome thing to eat such swarming things to begin with. **TTT 148 H and L and M and HA and K**

This approach is in keeping with the Midrash which interprets our verse to mean "I have taken you up from the land of Egypt on the condition that you accept the yoke of the commandments ("ol mitzvot"), for one who accepts the yoke of the commandments assents to the Exodus from Egypt, and one who denies the yoke of the commandments denies the Exodus from Egypt." (**Sifra Shmini 10, 12; cf. Yalkut Shimoni Shmini remez 546** where "the yoke of the commandments" is replaced specifically by "the mitzvah of swarming things" "mitzvat shratzim")

The laws of kashrut are here framed in the context of living a Jewish life in freedom from the slavery of Egypt. The laws and the narrative of the Exodus are inextricably bound together. The historical story of freedom from slavery has no meaning at all if separated from a day-to-day set of practices that define and prescribe a way of life that one adheres to with dedication. Indeed, to scorn the idea of obligation to keep God's commandments is tantamount to denying the reality of the narrative of the Exodus.

R. Moshe Feinstein understands our midrash as fixing the idea that the miracle of the Exodus was not a miracle in itself, but only a conditional miracle. The Exodus was a miracle only if the nation would accept the Torah. Thus, he understands that the keeping of even a single mitzvah would be a sufficient reason to justify the Exodus, and this is proven by the fact that our texts imply that the Exodus depended upon Israel's keeping the mitzvah of not eating swarming things. In this context, he understands that the word "ma'aleh" does not mean "going up", but it is used to mean "a virtue". Indeed, the Hebrew word "ma'aleh" can also mean a virtue or a merit, that is, a fine quality. So, if one keeps even one commandment with dedication, and even if it is an easy commandment to keep, then one has justified the Exodus. (cf. **Igrot Moshe OH I, 15**)

Quite often I wonder about the so-called injunction of history. Do people really feel that history, great historical occurrences, compel them to behave in certain ways? It is a common cliché in Israeli parlance during the days of remembrance for fallen soldiers to say "in their death they have commanded us how to live", or it is clearly an assumption that encounters with the past of the Holocaust will somehow work on young Israelis to make them behave with a higher degree of commitment to the Jewish people and to the Jewish state. On the other hand, people in the modern frame of mind deny that they are compelled by example of the past, and they are free to follow what they feel is their own destiny.

It seems to me that our texts make a strong case for the need for a sense of belonging to the nation both in the sense that the formative history of the nation must be perceived as being part of my own personal history, and also in the sense that the

common way of life of the nation must be of consequence for my own way of life. In this case, the Jewish view is that both the history and the commandments of life are related to God's presence in the world, and as such the Jew has an inherent dimension of religion to his being. This dimension is expressed in simple terms by what is eaten and what is not eaten, and this simple action is like a window into history and into the Divine.

***Lev. 12:2-4**

When a woman at childbirth bears a male, she shall be unclean seven days; she shall be unclean as at the time of her menstrual infirmity. On the eighth day the flesh of his foreskin shall be circumcised. She shall remain in a state of blood purification for thirty-three days: she shall not touch any consecrated thing, nor enter the sanctuary until her period of purification is completed.

This week's parasha begins with rituals associated with childbirth. "When a woman at childbirth bears a male, she shall be unclean seven days; she shall be unclean as at the time of her menstrual infirmity. On the eighth day the flesh of his foreskin shall be circumcised. She shall remain in a state of blood purification for thirty-three days: she shall not touch any consecrated thing, nor enter the sanctuary until her period of purification is completed." (Lev. 12:2-4)

The time frame of birth relates to different states of purity. The first 7 days after birth, the woman is unclean as if during a menstrual period (I am ignoring the implications of the word "infirmity" here.) On day eight, the male child is circumcised, and the woman is in a state of purity called in this translation "a state of blood purification", in Hebrew "bi-demei tohorah". In the JPS translation a little footnote tells us, "Meaning of Heb. Uncertain". Indeed, the Hebrew phrase, "bi-demei tohorah", is quite unclear.

Most of the commentators, and the halachic tradition, take this phrase to mean that the woman is in state of purity, but despite her purity she is to refrain from contact with the holy. Indeed, one of the latest halachic authorities, R. Ovadiah Yosef, specifies that the woman is pure, and any blood seen is pure. He strikes a polemical cord against those who behave AS IF she is impure by refraining from relationships with their husbands and by not entering the synagogue. He berates those who follow that custom and accuses them of heresy. He points out that the only prohibition is one of entering the Temple and sacrifice, neither of which applies in our day. (**Yabia Omer, 4, YD 11, 1**)

Still, the question remains, what is the significance of this period of 33 days? Furthermore, the period specified for giving birth to a female is twice that of the male (cf. v. 5) What is the significance of this differentiation?

One answer to this question may be gleaned from the Rabbinic conception that the formation of a viable human being occurs only after 40 days. (cf. **Avot d'R. Nathan B, 42**) We will learn that the point here is NOT the development of a physical form, but the combination of a physical form and a soul, or spirit. Indeed, we are aware of the halachic comment that until 40 days have passed the pregnancy is considered "maya be-alma", merely water (cf. **Keritut, 7b, and Rashi there**). That is, despite the physical presence of a fetus, until after 40 days this presence is not considered a human entity.

Indeed, this conception is clear in the Mishnah (**Nidah 3, 7**): "If a woman miscarried on the fortieth day, she need not take into consideration the possibility of a valid childbirth; but if on the forty-first day, she must continue [her periods of uncleanness

and cleanness as] for both a male and a female and as for a menstruant. R. Ishmael ruled: [if she miscarried on] the forty-first day she continues [her periods of uncleanness and cleanness as] for a male and as for a menstruant, but if on the eighty-first day she must continue [these periods as] for a male and a female and a menstruant; because a male is fully fashioned on the forty-first day and a female on the eighty-first day. The sages, however, maintain that both the fashioning of the male and the fashioning of the female take the same course, each lasting forty-one days."

While R. Ishmael thinks that there is a different time period for the full fashioning of a male and female, the halakha is according to the sages, that a human is fashioned after 40 days, that is, from the forty-first day (cf. **Nidah 30b**). It is clear that what lies behind this conception is the timeframe of our parasha. That is, the conception process is parallel to the 7 days, plus the 33 days after childbirth. In a sense this connecting to the timeframe of the Torah implies that the period of the mother's waiting after childbirth is a kind of continuation of the creation process, outside of the womb, and it is a process that parallels the conception process in the womb.

These ideas are brought together in the tradition, based apparently on the Zohar, that the spirit or soul does not settle into its proper place until the 33rd day (cf. **Zohar 3, tazria, 43b**). The idea that the spirituality of human beings needs to be properly "seated" in the physical body is a powerful idea. Spirit, or soul, is not automatically "infused" in matter, it needs a process of development and perhaps even nurturing. Time is needed. Indeed, the fetus, by these accounts, seems to have only the potential of soul, and the spirit continues to develop after birth. One may assume that being with the mother is part of this process. **TTT 149 B and T**

R. Eliezer Waldenberg quotes the Hatam Sofer who, following the Zohar, specifically states that the period of 33 days is to enable the spirit to arrive at its proper place in the body. The period of "gestation of the spirit", 33 days, is also seen as parallel to the 33rd day of the Omer. That is, the period of 33 days was necessary for the Divine Spirit to rest upon Israel after leaving Egypt, just as this period is necessary after childbirth. (**Tzitz Eliezer, 13, 10**)

From all of this one can make a case that the numbers, 7 plus 33, and the sum of 40 are used as symbolic of the development of spirit within the framework of the physical. The 33 days of waiting after birth are then not seen as purity ritual, but as spiritual ritual, in a sense, development of soul and connection to the newborn. One could imagine many possibilities to explain the difference between the time periods for males and females. The Mishnah already rejects the idea that there is a difference in the physical formation. But, what is the spiritual meaning? I will leave that to every one to work out for themselves. [Perhaps it is connected with women being able to have life form within their bodies, and thus must, in some sense, impart some of the physical and spiritual to the fetus. That is, they gain more of the life process, and thus are capable of giving birth to others, not merely "receiving" birth as males do. In the three partners, God is chief, woman an associate, and man the junior partner?]

The idea that our spiritual side is constantly developing is a very powerful idea. The fact that these traditions fix particular numbers, 33 and 40, to symbolize concrete

recognizable stages in spiritual development does not contradict the basic premise. Even after these days, the soul continues to develop. The general number for a generation is 40 years (cf. Ps. 95, 10) Can we infer that spiritual zeitgeists change and develop every 40 years? In the above responsa of R. Waldenberg, he adds that the soul continues to develop until age 13 for a male and age 12 for a female. To symbolize this concrete stage in spiritual development, one first puts on a new set of tefillin at those ages (he, of course, only writes about boys.)

All in all, the number system spelled out here shows us that we must cultivate our souls and our spiritual sides, as they always grow and develop. We may celebrate specific stages on specific dates, but the process of spiritual growth should continue throughout life.

***Lev. 13:50**

...and the priest, after examining the affection, shall isolate the affected article for seven days.

Much of parashat Tazria has to do with states of impurity and purity. There are very detailed rules for the priests on how to examine a skin infection or any other “eruptive affection”, as JPS translates the Hebrew word “nega”. These rules apply to any affection, either on the skin of a person, or on objects.

The process is clear: examination by the priest, diagnosis on the basis of the examination, treatment while the affection continues (this is based on continued examination), cure, and ceremony which marks and celebrates the cure. One of the elements of the treatment phase is quarantine, that is the person or, as in the verse we will deal with, the object with the affection is isolated from their natural surroundings.

In the section of objects the Torah specifies: “and the priest, after examining the affection, shall isolate the affected article for seven days.” (Lev. 13:50) What is the purpose of this isolation? It seems clear that the isolation of people with the affection can be seen as a preventative measure. Since people walk around and carry on discourse with others, isolation prevents spreading the affection. But, why isolate a bedsheet? Put it aside, or perhaps, since it is merely an object it could be buried or burnt? In essence, why treat an object as worthy of the priest’s time and expertise to go through the whole process?

Indeed, one Midrash clearly feels this problem. “What is the nature of this affection that a priest examines it and isolates it?” (**Otzar ha-Midrashim, 474, 15**) The Midrash contains an instructive answer to its own question: “in order for the priest to find signs of purity and to purify it.” This Midrash assumes that the task of the priest and the examination is ultimately to find the signs of purity. The Midrash learns from the care given to finding signs of purity in objects, that SURELY we must strive to find signs of purity in people. The task is not just to declare impure, but to do so with a mind to find the way to purify.

Indeed, this Midrash applies this lesson to Israel. “Thus the Holy One isolated Israel in Babylon, and once they were in exile he looked for signs of purity. For Nebuchadnezzar told Hannaniah, Mishael, and Azariah to worship the idol and they did not, as is said: “we will not serve your god or worship the statue of gold.” (Dan.

3:18). God said to them: now you do not want to bow down to it, but, back in your place [Israel] you had no fear of Me, and you worshipped idols, but now that you are in exile you do not wish to embarrass Me. By your lives, since you are ashamed of this idolatry, I will redeem you for that, and fulfill what is said: "then the LORD your God will restore your fortunes and take you back in love." (Deut. 30:3), and this is as said: "Purge me with hyssop till I am pure" (Psalm 51:9)"

This Midrash applies the process of "negaim" to society. God had isolated Israel, but looked for signs of purity. Idolatry is seen as an affection which corrupts society, drives it away from its goals. God could have abandoned Israel altogether, but instead, in the metaphor of the Midrash, God places them in isolation, that is isolation from God. Because they are in exile they are isolated from the place where they can freely enter into dialogue with God. In the isolation they realize that they have erred, that they miss the freedom to interact with God. They fear that they may be compelled to abandon God. So they refuse the king's command. God takes this as a sign of purity, a sign that there is something to work with, and it is this sign that spurs on the redemption.

The verse from Psalm 51 brought at the end of the Midrash sums it all up. The two opposites, purging and purifying are part of the same process. Sometimes we need to "purge", but only as a way to end up making "pure".

Many times we isolate people, or isolate ourselves from people. The excuse is that there is nothing there for us, or what we see turns us off. But, the Midrash is telling us to search for the signs of purity, any sign, and use that as the point of reference for bringing the person back to us, and ourselves back to them. **TTT 150 M**

***Lev. 14, 2**

This shall be the ritual for a leper ["zot tihyeh torat ha-metzora"] at the time that he is to be cleansed.

One of the central sources of interpretation in the Jewish tradition is based upon a change in the language of a phrase that used over and over. The change sticks out and almost demands that we consider why it is introduced at all. This week's parasha begins with the phrase "This shall be the ritual for a leper ["zot tihyeh torat ha-metzora"] at the time that he is to be cleansed." (Lev. 14, 2) The English translation in no way reflects the difficulty of the Hebrew. The words "this shall be the ritual" can be easily said in Hebrew by the phrase "zot torat", and the extra word "tihyeh" sticks out dramatically. Indeed, "zot torat" appears 10 times in the Torah, 8 in Leviticus and 2 in Numbers. In each case it introduces rules and procedures for a ritual. Why, in this case of the metzora, is the word "tihyeh" added? Our translation translates the 10 cases as "this is the ritual", so what is the difference between "is" and "shall be"? **TTT 151 L and H**

There are many answers to this question in the Talmudic literature. Indeed, the phrase is denoted by its relation to "havayah", being. One interpretation is that the metzora ritual specified in our parasha is unique in that it must be followed precisely in order at all times. The Talmud discusses the question of following the order of procedure for a given ritual. The decision is that if a priest does part of the ritual out of order in the same day it does not invalidate the ritual. Yet, when it comes to the metzora ritual if the priest does one thing out of order, he must go back and start over in order to follow the procedure linearly as it is written in the Torah. In the case of the metzora ritual we do not apply the usual rule of "what is done is done", and thus continue with the ritual. The specific reason for the metzora ritual being unique in this regard is the addition of the word "tihyeh", that is, this ritual must "be" in this way always. (**Menahot 5a**)

This interpretation of "being" is fascinating. Most of the rituals specified by the phrase "zot torat" have many steps to carry them out. One might think that each part of the ritual must be carried out in its proper sequence, and yet we see that there is flexibility in this matter. Only in the case where the word "shall be" is added does sequence matter. It seems as if the use of the verb "to be" is intimately connected with the very life of the metzora, and thus, the ritual must follow its procedure carefully. We are often pedantic, or in modern Jewish terms mahmir, stringent, in observance of ritual details. The Talmud's attitude towards being out of order in a ritual might even seem frivolous in today's Jewish world. But, there are areas where we need to be more careful, and those are in areas which affect a person's very body, and life. **TTT 151 M**

Another interpretation of the special meaning of the word "tihyeh" has to do with whether the absence of one element of a ritual invalidates the whole ritual. That is, if the Torah specifies the need for two goats for the Yom Kippur ritual, and only one is available, does that invalidate the whole ceremony? If this component of the ceremony is considered similar to the time sequence perhaps if one element is missing the ritual can be performed as is. One again, the Mishnah stipulates that if

one element is missing this invalidates the whole ceremony. The Talmud, however, seeks for specific mandate in each case for this ruling. (**Menahot 27a**)

Among the ceremonies which are invalidated because one part is missing are the taking of the four species on Sukkot (Lev. 23, 40) and the metzora purification ceremony, which also demands four things (Lev. 14, 6: live bird, along with the cedar wood, the crimson stuff, and the hyssop). The fact that a missing element invalidates the ceremony is proved by the Talmud in each case. Either the ceremony is a "hukkah", that is a rule that is to be taken as a whole with no external reasoning applied to change it, or it is "havayah", that is has the characteristic of being what it is, just as in the case of "out of time sequence".

The Talmud here uses the case of the four species as the main example. This example is neither a "hukkah" nor is it "havayah", rather it is learned from an explication of the term used to describe this mitzvah, "u-lekahtem". This means literally "you shall take". But, the Midrash here interprets it as two words "lekiha tama", a whole or complete taking. Thus, the verse is telling us that if one of the species is missing, the whole mitzvah cannot be performed. The Talmud goes on to explain the rationale: "two of the species are fruit bearing (lulav and etrog) and two are not (aravah and hadas), but the fruit bearing trees need the non fruit bearing trees, and the non fruit bearing trees need the fruit bearing trees, thus a person cannot fulfill this command until all of them are bound together. And so it is with Israel, there is no expiation [for them as a nation] until they are all bound together..." (**Menahot ibid.**)

This explains our Talmud on many levels. First, the four must be all together, because there are mutual needs that each one gives to the others. True, they remain individuals, but the other three are in need of the one and vice versa. Furthermore, that need is inherent in the group's wholeness. The utility of the individual component does not matter, that is, it is irrelevant if the one bears fruit or not. Finally, the responsibility of the whole depends on every member of the whole being present. One cannot deny one's responsibility by saying that one was merely a cog in the wheel. This fits in very well with the well known midrash that has the four species representing different types of Jews who are bound together to achieve expiation as a whole. The Talmudic passage just explains for us in detail how this works.

The four species, in its characteristic of a process that requires all four to be present and participating, is a symbol of or a foretaste of the nation of Israel. It is this sense of the wholeness of the entity, mutual need, and mutual responsibility which informs this halakha. The same reasoning is applied to the metzora ritual as well. All elements are necessary because the individual who is leaving his metzora days behind also must demonstrate a sense of wholeness, mutual need and mutual responsibility, not only for himself within Israel, but also for all of Israel in their being as they stand before God.

Parashat "Metzora", has to do with outbreaks of skin disease which has been translated in the past as "leprosy". However, this is a misnomer, as was pointed out in an article in the British Medical Journal of Burns in referring to Lev. 13 "...what was called in those times 'Leprosy' and seems to have nothing to do with our contemporary Hansen Disease, but stands as a generic name, embracing a variety of

skin ailments, including many non-contagious types..." (Burns, 7, p. 383) Still, the way the Torah relates to these ailments is very serious.

The main elements of the Torah text are: 1) inspection of the rash by a Priest and declaration of either 'clean' or 'unclean' (or 'doubtful'); 2) isolation from the community if 'unclean' or 'doubtful'; 3) rituals of purity after the rash has cleared up. These main elements include many details and sub-categories, but it is clear that the main thrust of this law is that a person who is declared 'unclean' is not allowed neither to bring sacrifices into the sanctified area nor to be part of the regular community. As such, to be declared 'unclean' is a general disability of no small consequence, and the power to put someone into that state is solely in the hands of the priest.

In the light of these facts the discussion in the Mishnah and Talmud about this "power" of the Priests is most illuminating. "R. Meir says: an [initial] inspection of leprous symptoms may be made [during the festival week] for [the priest to make] a lenient pronouncement [on the findings], but not to make a severe pronouncement; but the sages say: [it is to be made] neither for a lenient nor for a severe pronouncement." (**Moed Katan 1:5**) The conflict is between the mitzvah of going to the Temple on the Festival which would be made impossible if a person is "unclean" as well as the conflict between the mitzvah of joy during the Festival versus the gloom that would follow a declaration of "unclean".

For this reason R. Meir suggests that a priest should only pronounce 'clean' and if a person seems to be 'unclean' he should be silent! The sages are aghast at that suggestion: How can the priest selectively remain silent? Rather, no inspections at all should be made during the Festival.

Both agree that persons should NOT be isolated during the Festival, namely, that the quality of life for the individual is an important consideration! The dispute is over how that goal is to be accomplished. R. Meir thinks that the total discretion over declaring 'clean' or 'unclean' given by the Torah to the priest *includes the discretion of keeping silent*. The sages do not agree, they believe that the power the Torah gives to the priest to declare, MUST be exercised once he has seen the rash, for better or for worse. The only way to help those with an outbreak on the Festival is not to see the rash in the first place until later. (cf. **Talmud MK 7a ff.**) **TTT 152 HA and M**

In the modern debate about medical intervention or disclosure, this discussion shows us that there are two possible approaches in the Talmud. One, that of R. Meir, is that the discretion allowed the physician by virtue of their obligation to heal includes the right to intervene or not, based on their own judgment as to how this intervention will effect the quality of life of the patient. The sages (R. Jose in the Talmud there) think that it is better not to take the case at all and let nature take its course.

Let us examine the priorities of the halakha as manifested in this Mishna and Talmudic passage. The participation of a Jew in the celebration of a Festival is a higher priority than the immediate and strict application of the rules of purity. That is, either the Priest should not be strict in applying the rule to exclude someone from communal celebration, the view of R. Meir, or should not even apply this category of

halakha at all during the festivals so that no one would be prevented from celebration by reason of "tzaraat", the view of the sages.

It is astonishing how Hazal emphasized inclusion in celebration of Jewish festival by minimizing the importance of ritual purity, an otherwise very important category. Passover is the ultimate holiday of "belonging" for Jews. It is the expression of inclusion in the Jewish people. In the light of what we have learned it seems counter to this halakha to exclude Jews from the greatest communal celebration ever, namely being a part of the Jewish people and living in the State of Israel. The conversion law being considered by the Israeli Knesset violates the principle enunciated in our Mishnah, and betrays the sense of priorities in Jewish life which this halakha sets forth.

***Lev. 14:2-3**

This shall be the ritual for a leper at the time that he is to be cleansed. He shall be brought to the priest. ("ve-huvah el ha-cohen", JPS "When it has been reported to the priest"), the priest shall go outside the camp. If the priest sees that the leper has been healed of his scaly affection....

This week's Torah reading continues the regulations concerning the Metzora ("leper"). It begins with the ritual for the leper when his leprous period is over: "This shall be the ritual for a leper at the time that he is to be cleansed. He shall be brought to the priest. ("ve-huvah el ha-cohen", JPS "When it has been reported to the priest"), the priest shall go outside the camp. If the priest sees that the leper has been healed of his scaly affection...." (Lev. 14:2-3), he will perform the ritual that will return the leper to society.

One striking question occurs about the sequence of events. When a leper is to be made clean, is he brought to the priest, "ve-huvah el ha-cohen", as in verse 2; or does the priest "go outside", "ve-yatza ha-cohen el mi-hutz la-mahaneh", to the leper, as in verse 3? The JPS translation smoothes over this difficulty by translating, "ve-huvah el ha-cohen", as "when it has been reported to the priest". Even though this rendering may be understood from the situation, the words are far from that meaning. The Midrash and commentaries struggle with the above question.

What is common to the explication of this textual problem is that values concerning dealing with the sick are revealed through the interpretations. One Midrash turns the Hebrew word "huvah", literally "brought", into two Hebrew words, "hu vah", that is "he comes". The leper is to come to the priest. The Midrash adds: "why? (is the leper to come to the priest, and not stay in his quarantine so that the priest comes to him?) Because, all are far from him..." (**Tanhuma, Metzarah 8**). I understand the Midrash to put the burden on the priest! For the ill person, the leper, to begin to free themselves from the stigma of being dismissed or removed from society, they must have someone they can go to, someone who accepts them with no strings attached.

We see from this that the "cleansing" ritual is not only physical cleansing of scabs or sores, but it is a spiritual cleansing of removing the social barriers of exclusion or even rejection which illness brings in its wake. One can again "go to" the priest without feeling alienated.

The Midrash Halakha preserves a fascinating discussion between R. Akiba and Monobaz. Monobaz II was a king of Adiabene, whose father had embraced Judaism. He is portrayed in the Sifra, and in the Talmud, as discussing points of halakha with R. Akiba. In this case, Monobaz notes that there is always a possibility that the Metzora, who thinks he is clean, will see some sign that will cause doubt, and then he needs to add another 7 days onto his period of uncleanness. R. Akiba responds, as he usually does to Monobaz, by taking his point to an extreme. He points out, through very forced reasoning (in my view), that in this case, the leper could go on and be unclean forever. So, Akiba says, because Monobaz's halakha seems correct, the Torah had to specifically write: "the day when he thinks he is clean (or at the end of the specified period), he is brought to the priest" (our verse according to Akiba's reading), "SO THAT HE NOT BE PUT OFF." (**Sifra, Metzora, 1, 4. For another, similar, fascinating discussion between Akiba and Monobaz see Shabbat 67b, Mishna, to 69b.**)

The ethical value stressed here is not to delay treatment, not to procrastinate in relating to a person's illness nor to their need to connect up to society. The priest is not allowed to wait, if the person thinks they are ready. Ramban spells out the meaning of this Midrash Halakha by interpreting the phrase "he shall be brought to the priest" thus: "...on the day he wishes to be cleansed, he shall be brought to the priest, for he never can be cleansed except by his own request..." (on Lev. 14, 2) When a person who has suffered social ostracism, for whatever the reason, has reached a point where their mind is made up to break out and return to society, the authorities who signify acceptance, e.g. the priest, must immediately respond to that person's request. It is their request which triggers the cleansing, not necessarily the time frame or the rules of society. We must honor their feelings and wishes. **TTT 152**

However, Ramban also raises the possibility that the time frame determines the person's cleanness. In that case, the leper is to be brought, even against his will, to the priest for cleansing. This stresses that there may be some people for whom a return may be emotionally difficult. In those cases, our obligation is NOT to wait for them to decide to return to society, but to help them do so. For him, it is these two different situations which produce the two different verses. In this latter situation the priest, "goes out" to the leper.

The importance of the authority being the one to welcome the person back is stressed by the continuation of the Sifra passage. It points out that the priest must be the one who "cleanses" the leper, that another leper cannot do it. (**Sifra, Metzora, 1, 5**) This Midrash sees the two verses as either/or. If a priest can enter the camp so that the leper can be brought to him that should be done. But, if not, then he must go out of the camp to the priest. In any case a leper cannot cleanse a leper. This is an important value as well. Even though there might be much support in the leper's own camp, kind of self-help, still for a full return from the state of ostracism, the significant authority must accept the leper. Our role, as the group to which the leper wishes to return, is to accept them, and to help them totally.

***Lev. 14, 4**

the priest shall order two live clean birds ("shetei tzipporim hayot tehorot"), cedar wood ("etz ezez"), crimson stuff ("u-sheni tola'at"), and hyssop ("ezov") to be brought for him who is to be cleansed.

The ritual of purification of a leper is another one of those mystifying rituals of the laws of purity and impurity. As commentators have mentioned, it has much in common with other purification rituals. One of the common elements is the use of certain objects in the ritual: "the priest shall order two live clean birds ("shetei tzipporim hayot tehorot"), cedar wood ("etz erez"), crimson stuff ("u-sheni tola'at"), and hyssop ("ezov") to be brought for him who is to be cleansed." (Lev. 14, 4)

Is there any rationale behind these particular items? What purpose do they serve in terms of the meaning of the ritual? Maimonides, the staunch rationalist, can find no special meaning in these items. "The use of cedar wood, crimson stuff, hyssop and two birds in purification is explained in Midrashim, but the intention does not meet my needs. Till this day I do not understand the reason for any one of these items. Nor do I understand why the cedar wood, hyssop and crimson stuff figure in the Red cow ritual. The same goes for the band of hyssop which is used to sprinkle the blood of the Pesah sacrifice. I have found nothing that I can rely on to explain the need for these specific items..." (**Moreh Nevukhim III, 47**)

Although Rambam finds no compelling rational or scientific reason for the specific items used in the ritual, he does emphasize the nature of a general problem. If a particular thing is to be used in a ritual, is there a reason for it? In our case, why hyssop and not myrtle, why crimson stuff and not blue stuff? Certainly, Rambam seems to say, we would expect the specifics of rules in the Torah to be intelligible to us. Furthermore, he points out to us that these same specific things are used in other purification rituals, so the question is compounded. On the other hand, Rambam does point to places where there are answers to this question, namely, Midrashim. I wonder why Rambam did not find those answers satisfying? More on that later, for now let us turn to the tradition of the Midrashim.

This tradition ascribes significance to each element of the ritual. The two live clean birds ("shetei tzipporim hayot tehorot") is the source of much commentary. Is a "tzippor", a certain type of bird, as opposed to an "of", another common word for bird. The word "hayot" implies wild birds, but can wild birds be pure? Thus, the word which specifies that they shall be "clean", that is pure.

The discussions around the type of birds which are permitted is fascinating, but for our purpose the central meaning is related to the assumption of our tradition that leprosy, the kind of rash which this ritual is meant to purify, is a punishment for, or a result of "lashon ha-ra", intemperate speech which is intended to do evil to another person, malicious gossip. This understanding of the biblical laws of "tzara'at" is so ingrained that it is the default background for explaining the specifics of the ritual.

Thus, this tradition interprets the demands of the law for wild birds, and particularly those small birds who are famous for their chirping. As **Rashi** explains: "Since these afflictions are the result of lashon ha-ra, which is an act of blabbering gossip about someone, so its purification requires birds ("tzipporim"), who are always blabbering with a chirping sound ("tziftzuf kol"). Rashi clearly connects the name "tzippor" with "tziftzuf", and interprets the ceremony as a kind of counter healing (**on Lev. 14, 4**). To heal ones blabbering mouth, we need to sacrifice and use blabbering animals. **Ramban** also explains the "tzippor" in the same fashion, except that he connects the

word with the Aramaic "tzafra", morning: "the word "tzippor" designates small birds who arise before the dawn to chirp and sing, from the Aramaic "tzafra"." (on **Lev. 14, 4**)

One early Midrash may be the basis of these comments. It reads: "just as this person [the leper] let gossip come forth from his mouth, so his penance must be by birds who fly upon the wind and pass tales on to heaven, as is written: "for the birds of heaven spread rumors" (Kohelet 10, 20). The verse creates the connection between birds and rumors, and this is applied to the laws of the ritual purification of the afflicted. (**Otzar ha-Midrashim 222, 38**) **TTT 153 HA and M and TA**

Furthermore, the other elements of the ceremony are also tied in with this same idea. The same midrash from Otzar ha-Midrashim explains that the cedar tree reminds us that Torah is called the tree of life, it is Torah, "the tree of life that can heal one's tongue" (Prov. 15, 4). Here the idea is that the solution to the gossip's transgression is to be found in study of Torah, which the cedar wood symbolizes. The crimson stuff ("u-sheni tola'at") is explained by interpreting the word "u-sheni", crimson, as if it was the word "shinah" which means to change. Since the leper has changed his words, that is repented, the crimson can affect his atonement.

Another Midrash explains the cedar wood ("etz erez") and hyssop ("ezov") as the tallest plant and the shortest one. The malicious gossip is guilty of delusions of greatness, thinking himself tall and stately like a cedar. But, then he is afflicted by leprosy, and is degraded like the lowly hyssop. (**Pesikta Rabbati 14**)

What is fascinating is that in this case the assumption of a particular transgression, malicious gossip, is the key to imparting meaning to each specific item in the ritual list. **Ramban** goes on to say: "the leper, the afflicted house, the impurity of death, are all similar to the Pesah Mitzrayim sacrifice." (on **Lev. 14, 4**) In another comment **Ramban** explains that the Pesah sacrifice is protection from the sword, pestilence, war, internal conflict, wounds, catastrophe, dislocation and destruction. (on **Lev. 16, 8**)

I understand him to be saying that there is need for rituals that grant some kind of stamina to cope with the bad things that happen to us. These rituals, by Ramban's own interpretation, are intended to focus our attention on what we should be doing to live a just and righteous life. There is an element of atonement for one who genuinely regrets, but the ritual also points toward positive behavior modification. One cannot just give up gossip. There must be some plan of action that will replace the loathsome act with more worthy ones. **TTT 153 B**

What is most fascinating to me is the connection made with the Pesah sacrifice. The connection is because of the hyssop. This opens the possibility that there is expiation involved here. What is the sin? It might be lashon ha-ra, but that is against the general Midrashic tradition that Israel was not guilty of that in Egypt, that is, they did not inform on each other. Perhaps the sin is one of not actively fighting for their freedom before this, for passively accepting the enslavement? It is a fascinating question open for interpretation.

In the end, I am left with the question of why Rambam was not satisfied with these answers. Perhaps it was because as a physician he was looking for some indication that the rituals actually had some direct relation to the end of the affliction, and he

could not find any. Maybe he was waiting for the day when it would be understood. Or perhaps he felt that it was not necessary to make a moral case out of the purification rituals. Another fascinating question open for reflection.

***Lev. 14, 34 - 35**

When you enter the land of Canaan that I give you as a possession, and I inflict an eruptive plague upon a house in the land you possess, ³⁵the owner of the house shall come and tell the priest, saying, "Something like a plague has appeared upon my house.

This week's parasha has the rules regarding a house which is infected by Negaim. These rules seem very out-of-date, and in many cases it is not clear exactly what the reality of the situation is. However, if a person sees some strange colored thing spreading on the walls of their house, they call a priest who examines it. If this is a case of Nega ha-Bayit, an affliction on the house, than the house is quarantined for seven days. It can be purified by ritual, but in some cases, if the affliction persists, the whole house has to be taken apart.

The Midrash turns these rules into an opportunity for moral education. One of the lesser known Midrashim on this passage is found in the **Otzar ha-Midrashim of Eisenstein, p. 474**. There the whole passage in our parasha (Lev. 14) is interpreted as foretelling the destruction of the first and second temples. King Menashe had introduced idols into the Temple, and in the days of Zedekiah idolatrous images were engraved on the walls of the Temple. The owner of the afflicted house comes to the priest to report what he has seen (Lev. 14:35). In the Midrash, the "owner" is God who reports that "his house" is desolate (Haggai 1:9). The priest then commands that the house be emptied of all implements (Lev. 14:36). So, all the implements of the Temple were carried off by the Babylonians (Jer. 52:19).

Then the priest examines the affliction. This is the prophet Ezekiel, who was a priest. Ezekiel is angry at God for destroying his Temple, and God takes the prophet, like a priest examining a house, and shows him the exact idolatrous engravings on the walls of the Temple (Ezek. 8:3-10). The affliction is in the walls of the house (Lev. *ibid.*). The house is quarantined for 7 days, which is the 70 years of Babylonian exile. The affliction returns to the house, and sure enough, in the Second Temple period the people violated the Shabbat (Nehemiah 13:15). In that case the house is torn down (Lev. 14:45), and thus the Second Temple was destroyed completely, to the foundation (see Ps. 137:7) and remains unbuilt until this day. The comparing of a house with the Temple is well known in Jewish tradition, especially in connection with removal of Hametz before Passover, which is a remnant of turning the house into an altar in preparation for the Passover sacrifice.

This Midrash sees the affliction (Nega) of the Temple/house as an overt visible sign of non-Jewishness or idolatry. The idea is that by looking at the walls one can tell the spiritual nature of a house. What kind of books do we see on the bookshelves, what kind of decorations on mantles, what kind of pictures on the walls? The answer to these questions can tell us to what extent a house is dedicated to Judaism, Jewish learning and Jewish practice. In a very real sense the "look" of the walls of the house reflects the spirit of those living inside the house. If understood this way, maybe the test of the Nega ha-Bayit is not so out-of-date after all.

***Lev. 14, 54-57**

Such is the ritual ("zot ha-torah") for every eruptive affection – for scalls, for an eruption on a cloth or a house, for swellings, for rashes, or for discolorations -- to determine when they are unclean and when they are clean. Such is the ritual concerning eruptions. ("zot torat ha-tzara'at")

The laws of "tzara'at" are spelled out in parashat Metzora. The JPS translates this word as "eruption", and the Hebrew phrase "nega tzara'at" as "eruptive plague". These are laws which empower the priests to examine, diagnose and treat eruptions on the human body, clothing, houses etc. It is clear that the affliction is considered something which is treatable, and that it puts whatever is affected in the status of impurity. Thus, the priests, who are responsible for distinguishing between purity and impurity and for treating impurity, are responsible for these eruptions.

At the end of the long list and explanation of the various types of eruptions, the Torah summarizes: "Such is the ritual ("zot ha-torah") for every eruptive affection – for scales, for an eruption on a cloth or a house, for swellings, for rashes, or for discolorations -- to determine when they are unclean and when they are clean. Such is the ritual concerning eruptions. ("zot torat ha-tzara'at")" (Lev. 14, 54-57)

The midrash halakha notes that the words "zot ha-torah", "such is the ritual", appear both at the beginning and end of the passage. One phrase seems to be superfluous. Thus, the specification of the different types of eruptions, which itself repeats all that had been said previously, teaches us that if a priest is well versed in scalls, for example, but not in eruptions of cloth or houses, that they are not to serve as deciders of purity and impurity in these matters. Rather the priest is not to examine any such eruption until they are well versed in all of them. (**Sifra Metzora 7, 17**)

The similarity of the priests function to medicine in our times is fascinating. In this interpretation, one cannot specialize, until one has first learned the subject in its general formulation. One must be acquainted with all of the types of eruption, or in the case of physicians with all kinds of diseases, before one can even begin to examine a patient for something specific. There seems to be some idea that there is a unifying force in all of this that can be discerned by the general study. There seems to be a sense that in order to have clarity in a specialized area, one must first have knowledge of all other areas.

Our Midrash continues to interpret the final verse as mandating that the decision can only be made in the daytime. I take this to mean that since the diagnosis depends solely on the visual data which the priest sees, that there must be maximal conditions to make sight most accurate. For example, use of artificial light might blur the distinctions of color which are so important in diagnosing eruptions. In other words the best instrumentation must be made available in order to reach a verdict on the eruption at hand, so to speak.

Finally, our midrash learns from the repetition of the phrase "zot ha-torah" along with the verb "to instruct", that a priest cannot make a decision about what he sees, unless he has been shown this same type of eruption by a senior priest who trained him. This idea is striking in its similarity to the training in the medical profession today. Doctors must do rounds with senior doctors and actually see the disease. It is not enough to learn about disease, or in our case eruptions, in books, or even by

computer simulation. One must actually see it under the supervision of a trained priest. Thus, is born the notion of the physician's consultation around the bed of a sick person that anyone who has ever been hospitalized has experienced.

Now this point appears as part of a fascinating response by R. Eliezer Waldenberg, known for his expertise in questions of medical ethics and halakha. Waldenberg deals with questions regarding the physician's oath which includes swearing to keep secret information about patients. He is asked if the doctor's consultation around the patients' bed might not violate the oath of secrecy. The goal of the consultation is for the students to learn, and is not necessarily part of the healing process.

Waldenberg answers that in some ways it is simple to permit the consultation over against the objection of divulging medical history. For the senior physician, he points out, was trained in this fashion. Thus, when taking the oath each physician does not even suspect that such training consultations are part of the oath of secrecy. There is no intention or expectation whatsoever while swearing the oath to refrain from showing future medical students live patients.

Furthermore, Waldenberg points out, that in every profession based upon the accumulation of wisdom the principle that one learns most from one's students applies. Thus, by the students questions and observations the senior physician may learn something, or recall something he had not thought of, and this may actually be to the patient's immediate benefit. It would be nice to think that people actually thought this way.

However, he raises another possible objection to such bedside consultations. For when the students look at the wounds of the patient and many hands probe about this might constitute an embarrassing of the patient. There is a mitzvah that one is forbidden to embarrass another person in the presence of others. It might be even more embarrassing if, say, female physicians poke around the intimate parts of a male patient, or vice versa.

In relating to the problem of embarrassment, Waldenberg, quotes the "Natziv", Rabbi Naftali Tzvi Yehudah Berlin's commentary on the Sifra passage mentioned above. Berlin also is troubled by student priests poking around the eruptions of a person and causing them to be embarrassed. Berlin says that in any other circumstance it would be forbidden to treat a person in this fashion, but the Torah specifically enjoins such training consultation in the matter of eruptions, because it is less sensitive to the person's discomfort here than in other situations. The reason for this is the rabbinic axiom that such eruptions on the body are a Divine punishment for the crime of embarrassing someone in public! Thus, one who has acquired this affliction by public embarrassment of others, has no cause to complain if they are so embarrassed by the effort made to cure them! **TTT 154 MI and M**

Thus, in the case of medical students Waldenberg decides that one should not hold a bedside consultation for students unless the patient has been asked and given his/her approval for such a consultation in advance. If the patient objects, the physician should refrain from bringing students around the patient's bed. (**Tzitz Eliezer Part 13 siman 81**) It would be nice to think that such sensitivity to patient's feelings were the norm.

***Lev. 15, 24**

And if a man lies with her, her impurity is communicated to him; he shall be unclean seven days, and any bedding on which he lies shall become unclean.

One of the major themes of Leviticus, and all of Torah is the distinction between purity and impurity. In Jewish law, halakha, this distinction courses through all of life in general, and specifically as concerns menstruation. Folk religion, customs known to most Jews even if not learned or observant, is aware of certain rules in a very basic way. The shunning of a menstruant is one such example. Most Jews "know" that a menstruant should not touch a sefer Torah etc. In folk legend and even in midrash, there are overtones which imply that menstruation is some kind of "punishment" for women.

At the end of this week's reading, in Metzora, we find the following verse: "And if a man lies with her, her impurity is communicated to him; he shall be unclean seven days, and any bedding on which he lies shall become unclean." (Lev. 15, 24) The text has made clear that a menstruant renders objects unclean by contact with them. So, it seems perfectly obvious that a man who has intercourse with a menstruant will be unclean. This verse, however, goes way beyond that obvious point. The male in this case becomes precisely a menstruant himself! His impurity is seven days, not the one day of impurity by contact, and whatever he touches during his seven impure days becomes impure by contact!

That this is the meaning is reinforced when we study the Midrash Halakha on our verse. The Midrash wonders if the idea is that after intercourse the man will be impure for the same period of time as the woman ("yakhol ta'aleh le-raglah?" "regel" meaning "period of time"). No, is the answer, the verse specifies that he is impure seven whole days. That is, if the woman had, say, two days of her seven impure days left, and a man slept with her, he would then be impure not for two days, but for seven. (**Sifra Metzora, Zavim 4, 7 par. 3**)

Furthermore, the Midrash makes it clear that the phrase "her impurity is communicated to him" applies not only to the time frame. We might think that such impurity does not render other things impure by contact, that is, it is a secondary kind of impurity. No, says the Midrash, the Torah specifies "her impurity is communicated to him", that is, it is the same!

The commentators discuss the issue in terms of the blood of menstruation. Ramban, for example, defines that blood as the source of death, or as symbolic of death. Even though his explanation is totally unscientific, still the idea is clear that this blood is the antithesis of life. (**Ramban on Lev. 18, 19**) It seems to me clear that the fact that pregnancy, life, does not occur during menses leads them to the conclusion that this blood is specifically associated with death.

Thus when a male enters a female menstruant, his sexual spot, the source of life in the male, is transformed into what is the equivalent of the woman's sexual spot. Thus, the same rules of impurity apply to both.

If the blood of menses is the source of seven day impurity equally for both women and men, this means that it cannot have overtones of "punishment". It is part of

nature, and even though the source is in women because that is their biology, a man can become as a woman by performing the sexual act during menstruation. If it was punishment for the woman, we might expect leniency as regards the male's impurity contracted under these circumstances. We have already seen the halakha rejects this, and specifies that the male's basic state of impurity is equal to that of the woman.

Furthermore, the halakha makes it clear that if a man does have intercourse with a menstruant, either at the end of her period or she gets her period while in the act of intercourse, and a child is born from this intercourse, the child is NOT a "mamzer". (cf. **Yev. 49a-b**) That is, menstruating has no overtones of sin or transgression, which is a condition of declaring mamzerut. This is another aspect of why sexual contact with this blood places one in a particular state of impurity. It has nothing to do with punishment, only with the substance itself. **TTT 154 HA and TA and M**

But, what about the fact that whatever is touched is also impure? What about the Sefer Torah? Here, halakha defines that some objects just do not contract impurity at all! One such object is the Sefer Torah. The Rambam and the Shulhan Arukh both codify this halakha: "Anyone who is impure, including menstruants, are permitted to hold the Sefer Torah and to READ IT. This is on condition that their hands are not soiled or dirty." (**SA YD 282, 9; Rambam Tefillin, mezuzah, and Sefer Torah 10, 8**; emphasis mine)

***Lev. 15, 31**

You shall put the Israelites on guard against their uncleanness, lest they die through their uncleanness by defiling My Tabernacle which is among them.

A close examination of the Hebrew text of the Torah reveals exciting ambiguities of the Torah. The nature of those ambiguities is the raw materiel, out of which Torah she-be al peh (Oral Torah) is created. Toward the end of parashat Metzora we read "ve-heezartem et benei Yisrael mi-tumatam". The first word of this verse, "ve-heezartem", looks like it might be the word for "warning", "azharah", as JPS has it: "You shall put the Israelites on guard against their uncleanness...". But, if that is our reading, then the word would have to be "ve-heezHartem". Many times a soft letter, like hey, is dropped, so this reading is a possibility.

But, another possibility is that the word is related to the root "nzt", the base of Nazir, and the meaning of that word is not "warning", but "separation", "The Israelites should separate themselves from their uncleanness....". Indeed, the Sifra suggests both of these possibilities (**Sifra Metzora, Zavim 5,9**). As to separation, the Sifra comments: "There is no "nezirah" except separation. And so it is written: "they have separated themselves from Me and taken idols to their heart..." (Ezekiel 14:7), and also: "turned their backs [on him]" (Isa. 1:4, "nazoru ahor").

The Sifra sees that the verb "nzt", separate from, can be applied to turning one's back on God, as in the prophets, or giving up on uncleanness (idolatry) as in our verse in Lev. On this reading, the Sifra sees our verse as saying to Israel: "Be as zealous and anxious about leaving idolatry ("uncleanness") as you have been about leaving God". To put it in a modern idiom, "be as active and in the forefront of learning the texts of Judaism as you have in learning other philosophies; be as zealous and proud about

making Shabbat in your lives as you have in planning vacations to exotic destinations". **TTT 155 H and L**

Indeed, this understanding of our verse also appears in the fascinating discussion in **Moed Katan (5a ff.)** about the authority for marking graves clearly. The custom was very clear, but the basis for it is only in the prophets, at best, so there are attempts to find verses that support this halakha in the Torah. In the series of verses discussed we find the following sequence:

"R. Yehoshua the son of R. Iddi says [we learn the halakha of marking graves from this verse]: "announce to them the way in which they should walk" (Ex. 18:20). Mar Zutra says [we learn the halakha of marking graves from this verse]: "The Israelites should separate themselves from their uncleanness...." (Lev. 15:31). Rav Ashi says [we learn the halakha of marking graves from this verse]: "you shall keep my watch" (Lev. 18:30) - make a guard for my watch."

In this Midrash Halakha we see three different approaches to teaching the mitzvot. R. Yehoshua thinks that the best way is to "announce" the proper thing to do. Mar Zutra is of the opinion that we should teach separation from what must be avoided, and R. Ashi is for creating more customs which will remove us far away from even the possibility of transgression. Probably all three ways are used at different times and in different circumstances in Jewish life. What is important to know is that there is not just one way to teach mitzvot, that we have many options, and that we have to use our judgment as to how to present each mitzvah in any given case. **TTT 155 E**

Parashat Metzora summarizes the rituals performed after a person has been cured of one of the bodily signs of impurity. Impurity ("tumah") is a social construct, that is, the ramification of being in this state of existence is exclusion from worship, with the community, at a sacred altar. This state can pass by, and when it is determined that a person has finished with the symptoms, that person can then pass into a state of Purity ("tohorah") by performing certain rituals. In the state of purity the person is again allowed into the community to partake in modes of worship.

It seems to me clear that a person does not want, willingly, to be in a state of impurity, for it is a kind of religious and social isolation in which people are not happy to find themselves. Thus, at the end of this week's parasha the Torah spells out the necessity to be diligent and careful in these matters: "You shall put the Israelites on guard ("ve-hizartem") against their uncleanness, lest they die through their uncleanness by defiling My Tabernacle which is among them." From this translation it appears as if a prolonged and unchecked state of impurity (here translated as "uncleanness") will lead to death because God's very sanctuary would be defiled by it. This is perhaps the basis for distancing an impure person from the sanctuary.

What caused comment was the word "ve-hizartem", which is here rendered "to put on guard". The problem is that if the intention is to use the word for "warning" it should be "ve-hizHartem", that is there is a missing letter in the word to make it into the meaning of putting on guard. Yet, one of the traditional interpretations of this passage is that the intent is to create a warning about being very strict with matters of impurity. (cf. **Sifra Metzora Parashat Zavim 5, 9, 7**) Yet, this interpretation is the

second one. The first interpretation is that the word is related to the Hebrew root "NZR" which means to abstain from or to retreat from. (cf. **Sifra Metzora Parashat Zavim 5, 9, 6**)

One result of the second interpretation is the halakha that men must not have relations with their wives at a time which is very close to their menstrual period. (cf. **Shevuot 18b**) This is because the term "azharah", warning, is used in a technical sense to mean a law which gives force to a negative commandment. Here the implications of the interpretation are clear. But, according to the first interpretation, what are the implications of a general call to avoid situations of impurity?

One answer to this question is found in the Talmudic exposition of the halakha that requires an impure person to announce his state of impurity. The Torah states: "As for the person with a leprous affection, his clothes shall be rent, his head shall be left bare, and he shall cover over his upper lip; and he shall call out, 'Unclean! Unclean!'" (Lev. 13, 45) The Talmud is interested in the demand to announce impurity to others. What is the reason for this? The answer is simple: "One must announce his distress to the public, so that they will pray for mercy on him." (**MK 5a**) There is an inherent obligation of people to help those in distress. In this case, the best means of help is to pray for mercy, and this is because the distress is a natural phenomenon which passes only with time and by virtue of God's mercy. So, if the public shows its concern, presumably God will be moved to speed the person's recovery.

The moral obligation to help those in distress is an important dimension to the whole issue of impurity. There is an assumption here that the relationship between the individual and the community is part of the whole scene. If impurity severs or impairs that relationship, the act of empathy with the person will work to restore or heal it. Still, the Talmud is not satisfied. If this was the only lesson to be learned from this verse, why does the impure person have to repeat the word "unclean", it would be enough to say it once for the public to realize its duties. **TTT 156 M and HA**

The answer to the question about the necessity for the second "unclean" prompts 9 different responses. There are other sugyot which are structured around 9 different responses. In this case each one depends upon the interpretation of a different verse. Abbaye thinks that the second word is to prevent a stumbling block put before the blind. Not only is the person announcing their distress, but he is also saying "be aware of what I have". One does not preclude the other. Indeed, in the frenzy of many people to demand public disclosure of HIV carriers, the need to pray for them is often forgotten. It is one thing to clearly make sure that no one will inadvertently come into contact, but that in no way implies moral defect to the point that one would suppress feelings of mercy. On the contrary, one is obligated to reach out and help, just as one is obligated to take precautions not to become impure or infected.

Rav Pappa thinks that the reason for the repetition is to tell people to give that person their space. The infected one needs to have space for themselves, in the good sense of the word. R. Hinena suggests that the reason is to make it easier for others. Perhaps he means that some people who may be embarrassed to announce their impurity will see that it is not a bad thing, rather that it can be done clearly and unambiguously. R. Yehoshua the son of R. Idi is of the opinion that the repetition is to show the person's condition and distress as a means of showing what to avoid. In

a sense he understands the second "tamei" to imply that he is saying: "don't follow the path I took, look where it lead me".

Mar Zutra uses our verse to explain the second "tamei". He is, I believe, expanding the previous explanation. Not only is the repetition intended to warn others not to follow an example, but it is saying, look at the result and you will then be must more careful not to enter the state of impurity yourselves. That is, he interprets the word "ve-hizartem" in both ways simultaneously. It is a warning, but the warning is intended to make the listener avoid getting into that situation. It is like those adds on TV which show crippled people, or video clips of young vibrant people who died in car accidents. The idea is that if we are warned in such a graphic way, that young people watching will drive more carefully.

The sixth explanation is that of Rav Ashi who thinks that the repetition is like the warning labels on cigarettes. It is a specification of what one should know will happen. That is, it is an additional warning that specifies the down side of the actions. Ravina says that the second "tamei" implies that the person not only announces that he is impure, for that is accomplished by the first one, but rather that he is to give detailed explanations of how he became tamei and thus teaching people how to appraise their actions in order to avoid his predicament. R. Yehoshua ben Levi expands this to include teaching actual techniques of how to avoid impurity. After all, who better can teach what it would take to avoid this state than one who fell into it.

Finally, R. Yannai, expands this same idea. He tells of a student who always raised difficult questions during the lessons, some of which apparently embarrassed the teacher, but, on Shabbat and holidays when large crowds were present this student refrained from asking such questions. R. Yannai thinks that this is an application of our principle. Thoughtfulness and consideration of the feelings of others in sensitive situations is what is called for. In a sense he returns to the first anonymous explanation that we must pray for mercy. But, he adds that the second "tamei" comes to teach us that when we do so we must be sensitive to the fact that this very prayer may cause more anguish to the impure. When we come to help, we must be careful that we do so in a sensitive and considerate manner. **TTT 156 M and HA**

***Lev. 16, 1- 3**

The Lord spoke to Moses after the death of the two sons of Aaron who died when they drew too close to the presence of the Lord. The Lord said to Moses: Tell your brother Aaron ["daber el aharon ahikha"] that he is not to come at will ["ve-al yavo be-khol et el ha-kodesh"] into the Shrine behind the curtain, in front of the cover that is upon the ark, lest he die; for I appear in the cloud over the cover ("ki be-anan airaeh al ha-kapporet"). Thus only shall Aaron enter the Shrine...

The parasha begins with a reference to the tragic death of Aaron's two sons. It seems as if this reference is merely so that the reader will know when these words were uttered. That is, the context in time is set, and this is unusual in Leviticus. We read: "The Lord spoke to Moses after the death of the two sons of Aaron who died when they drew too close to the presence of the Lord. The Lord said to Moses: Tell your brother Aaron ["daber el aharon ahikha"] that he is not to come at will ["ve-al yavo be-khol et el ha-kodesh"] into the Shrine behind the curtain, in front of the cover that is upon the ark, lest he die; for I appear in the cloud over the cover. Thus only shall Aaron enter the Shrine..." (Lev. 16, 1- 3). Then, details of a ritual are spelled out. The ritual includes a sacrifice of expiation, dressing in special priestly garments, and an elaborate ceremony which we know as the Yom Kippur ritual.

The inference is clear, namely, that when Aaron enters the holy space, here called 'the Shrine', he has to come after completing this ritual. Even our JPS translation notes that the phrase "is not to come at will" is literally "at any time". But, the translation captures the intent of the words, namely, that Aaron cannot enter the holiest place whenever he feels like it. First, he must perform a sacrifice and dress in the appropriate priestly garments.

One fascinating Midrash begins by noting the context which the verses provide. If this conversation takes place right after Aaron's sons have perished, what is the intent of Moses "speech" to Aaron. This Midrash connects the word "daber" with the use of this word in Isa. 40, 2, where it is used as a synonym for condolence. That is, the words which Moses speaks to Aaron are meant to be part of his comforting of his mourning brother. But, what is the comfort here? How can the exposition of a ritual for entering the holy shrine be part of Aaron's healing? (Lev. R. 21, 7)

Indeed, our Midrash, of R. Abin, makes an astounding comment: "Moses experienced great pain when he heard this, he said [to himself] woe is me, my brother Aaron has been deposed from his station [by being limited in the] times when he can enter the holy shrine". Moses is bidden to speak to his brother to comfort him by talking about his future position, and he is caused great pain by God's instructions because he believes that it these instructions diminish Aaron's role, that they express a mistrust of Aaron, and a limitation that is not fitting to his station.

Moses thinks to himself, according to our Midrash, "there is a time ["et"] of an hour, of a day, of a year, of 12 years, of 70 years, even of eternity". Each period of time is supported in the Midrash by a Biblical verse. The point is that Aaron cannot enter

whenever he feels like it, but is bound by some fixed period of time, that might even be forever!

But, in our Midrash, God answers Moses: "it is not like you think, a time fixed by a period of an hour, a day, etc., rather, he may enter whenever he wishes, but he may only enter after following this ritual." God explains to Moses that Aaron's station has not been demoted, and his accessibility to God has not been diminished. He is always welcome. However, a careful preparation for approaching God has been prescribed. It is fulfilling this preparation in all its details, completing the process of preparation, which becomes the condition for entering the holiest site. It is precisely NOT time that controls the person, but the person's own state of readiness. **TTT 157 TA and B**

Aaron needs to be able to cope with his sons deaths, and he needs to cope with the fact that their demise was in the context of entering the holy shrine. He also needs to have some way of regaining his sense of worth, of knowing that God has not rejected him. Moses is afraid that this is precisely the message that Aaron will understand from the instructions. But, as R. Abin points out, God intends just the opposite message. Indeed, the process of the ritual clearly affirms Aaron's acceptance by God, and yet it gives a ritual, that is a series of acts that themselves sanctify the movement from outside the holy to inside the holy. Indeed, one cannot go whenever they feel like it into the holy shrine, and perhaps that was the mistake of Aaron's sons. But, God reaffirms that the priest can go at their will, IF they have done the necessary preparation both physical and spiritual for that journey.

The same literary devices of Moses feeling great pain, but then learning that he did not understand the halakha appears in another Midrash. (**Lev. R. 15, 8**) This Midrash precisely begins with a halakha, not a Biblical verse. The halakha is that a person (a priest) may decide regarding any leprous eruption, except for those on his own person. R. Meir adds, also he may not decide in regards to an outbreak on a relative. So, our Midrash asks, who decided regarding the leprous outbreak on the person of Miriam? Moses could not decide since he was not a priest, and Aaron could not see them because he was her brother!! God replies that God would decide regarding Miriam, and God would announce her purity.

When Moses hears this he is in great pain, and he says to himself, perhaps the authority of my brother Aaron has been diminished as a decider of leprous outbreaks? God informs Moses that this case is special, and that Aaron receives the 24 gifts that accrue to the priests forever. This case needs to be taken care of by God, because Miriam is special and the halakha would not allow her to be cured at all if there was no one to decide her purity!

What is fascinating to me about these two Midrashim is that they both use a literary convention which has Moses suffering over what he considers to be an affront to his brother. In both cases he does not understand God's actions, and needs to be reminded that the law, or the halakha, is meant to offer help to people and solutions to their problems, both physical and emotional. In both cases Moses learns that the religious leaders honor is not compromised by humanitarian concerns, both concerns of ritual and spiritual preparation and concerns of offering curative healing to those in need at all times. **TTT 157 M and HA**

Note that in the ritual for Yom Kippur the phrase "for I appear in the cloud over the cover. ("ki be-anan airaeh al ha-kapporet")" (Lev. 16, 1-2) occurs. What is the connection between the solemnity of the place and the cloud which represents God's appearance?

One way to understand this is through the fascinating description of the ritual of Yom Kippur found in the Mishna Yoma. The Mishna describes in detail the movements of the priests and all of those attending him during the long and involved ceremony of purification of the altar on Yom ha-Kippurim. One detail in particular jumps out at us in terms of the cloud or smoke of the incense. The incense was a specially made formula that the priest would take in to his worship. We read: "The elders of the court handed him over to the elders of the priesthood and they took him up to the upper chamber to the house of Abtinas. They adjured him, took their leave, as they said to him: sir high priest, we are messengers of the beth din and you are our messenger and the messenger of the court. We adjure you by him that made his name to dwell in this house that you do not change anything of what we said to you. He turned aside and wept and they turned aside and wept." (**Mishna Yoma 1, 5**)

Abtinas was the family that prepared the incense. The Talmud explains that the warning in this text is to be careful NOT to light the incense outside of the holy area and to enter with it smoking, which was a Sadducean custom, but rather to be strict about lighting the incense AFTER he has entered. (**Yoma 18b**) The debate is over our verse, which the Sadduceans took to mean that the priest must enter the chamber with smoke in his hands, and the rabbis pointed to another verse that he must place the incense on the fire before God (v. 13), that is once in the chamber. The Talmud makes it clear that the priest wept because he was suspected of being a Sadducee, and those preparing him wept because they were guilty of suspecting him, and there is an injunction in the Talmud that one who suspects another person suffers ailments (cf. **Shabbat 97a**).

I find it fascinating that the moral lesson that it is improper to be suspicious of a person with no hard evidence should relate to the issue of smoke or cloudiness. Indeed, we often say that a person is "under a cloud of suspicion", and that English phrase could be a direct result of our Mishnah! But, I marvel that R. Judah Ha-Nasi included this bit in our Mishnah, because at the time there might have been reason for the suspicion. Internecine conflict was rampant in the Jewish people at the time of the end of the second temple (if you haven't read any history books at least see "The Life of Brian"), and why should those responsible for the service not be suspicious?
TTT 158 M

The answer seems to be that suspicion as a matter of course is worse than having a mistake in the ritual of the service. Indeed, our Talmudic passage goes on to tell us a story of a Sadducean who became a high priest and actually did it his way, and the upshot of it was that he died as he came out of the chamber. The point of the story being, I believe, that the individual who has really done something wrong will bear the consequences, but not the whole nation!

Indeed, the statement that one who is suspicious will suffer the consequences refers to Moses himself! Moses is suspicious of Israel and accuses them of not being capable

of belief. He uses his suspicion as if it was a proven fact to argue that he need not go to try and free them from Egypt for "they will not believe me" (Ex. 4, 1) God, however, knows that Israel will believe in him, and that they are descendants of Abraham, the founder of faith in one God. Furthermore, God knows that Moses will eventually have a moment of disbelief, and God will rebuke him for it. (Num. 20, 12) Thus, God's reaction is to smite Moses' hand with leprosy to show him that unfounded suspicion of the other's religious motivation or practice is not healthy. (**Shabbat 97a**)

Why is this so, and why is it connected with cloudiness or thick smoke? Consider the giving of the Torah which is described in these words "So the people remained at a distance, while Moses approached the thick cloud ("ha-araphel") where God was." (Ex. 20, 17)

The picture is dramatic. A thick cloud, or fog, is seen on the mountain. All around is clear, and the sound of God's words seems to be coming from the cloud.

The metaphor conveyed by this image is tantalizing. God is surrounded by a cloud, a thick fog. God can never be approached in any fashion which could be described as "sunny and clear". Approaching God is always to go into the area of cloud, into territory covered with fog. Indeed, the Bible tells us: "Then Solomon declared: "The Lord has chosen to abide in a thick cloud". (2 Chron. 6, 1) When Solomon dedicates the Temple, it is covered by this cloud. Rashi comments simply on this verse: "since the temple was filled with smoke, I now know that the Shekhinah is resting in this fog. For this is His way, as is written, "Moses approached the thick cloud ("ha-araphel") where God was." So, it seems axiomatic that God appears in smoke. **TTT 158 T**

For Ramban the main lesson here is that despite God's presence being enveloped in cloudiness or smoke, one can approach. But, to approach requires that one be striving for justice and fairness. To approach with an attitude of suspicion may turn the positive action of attempting to serve God into a negative result that injures other people. **Ramban** seems to tell us that the cloudiness of God can be approached by deeds of compassion and righteousness, by dedicating our souls to life. (**Torat ha-Adam, gate of retribution**) God's qualities are made manifest only by our actions, and some actions dispel the fog, while other actions just make it worse. At least we can say that actions of compassion and righteousness dispel the fog enough so that those seeking a vision of Divinity in the world can catch a glimpse of it.

***Lev. 16, 17**

When he goes in to make expiation in the Shrine, nobody else shall be in the Tent of Meeting until he comes out. When he has made expiation for himself and his household, and for the whole congregation of Israel...

When does being solitary not imply that one is alone? This question occurred to me when reading the description of the priest's ceremony of atonement which begins our parasha. Aaron is to make atonement for all. After his sacrificial ritual he puts incense on the fire lest he die (v. 13). And after all of this we read: "When he goes in to make expiation in the Shrine, nobody else shall be in the Tent of Meeting until he

comes out. When he has made expiation for himself and his household, and for the whole congregation of Israel... (Lev. 16, 17).

This is taken in very simple concrete terms, as in the Rambam's codification: "at the time of the incense offering, every person there must vacate the hall, and there is to be no person there until the priest has finished the incense offering and come out... as it is written "When he goes in to make expiation in the Shrine, nobody else shall be in the Tent of Meeting until he comes out", and this is the model for every atonement service that no other person should be there." (**Yad, temidin u-musafin, 3, 3**)

Rashbam and Ramban interpret the bells on the robe of the priest to be a warning system for atonement rituals (on Ex. 28, 35). When the people standing in the court hear the bells, that is a signal to leave, so that the priest may enter alone. Ramban says that the bells announce "remove every person from before me" (cf. Gen. 45, 1), so that the priest may worship the king singularly ("be-yihud"). According to this model, the priest is solitary, that is no other person is with him, but not alone. The singularity is mutual, from the side of the priest and the side of God. The image of "yihud" from the marriage ceremony implies that intimacy and togetherness which are sacred cannot be achieved with others around.

The solitariness of the priest during this ritual is seen as a possible problem. The **Mishnah** in **Gittin 5:4** rules that "Priests who made the flesh in the sanctuary "piggul", if they did so deliberately are liable to pay compensation." That is, if a priest announced that the flesh of the sacrifice would be eaten after the permitted time, then the sacrifice is invalid, and the priest must provide a new one. The Talmud is puzzled, if there is no one present, and the priest is alone, who can hear if the priest has made such a declaration? (**Gittin 54bff.**) The answer is that the priest is trustworthy to report if he has made the sacrifice "piggul" or not.

Being solitary as a priest depends on being trustworthy. We must be sure that the priest has enough integrity to admit if he has erred during the sacrifice. When the priests are lacking in integrity, the result is very bad. The Temple Court itself screams at the sons of Eli "get out of here, sons of Eli, you have defiled the house of our God." At that moment one of the horns of the altar broke off, and they filled it in with salt so it would not look defective. (**Yer. Sukkah 4, 54d, h. 6**). The altar looks kosher, but it is not, because the lack of honesty of the priests renders it unfit. This passage continues that when it says that the priest is alone, and no other person is there, it means even those whose visage is like that of people (cf. Ezek. 1, 10). Even the angels remove themselves. The honesty of the priest is purely between God and him. To cheat would be so easy. Thus, atonement depends on the integrity of the priest. **TTT 159 M and K and HA**

To stress the singularity of the moral dimension other sources say that perhaps even God is not present when the priest does the atonement ritual. It is told of Shimon ha-Tzadik that he served as high priest for 40 years. In his last year he announced that he would die during that year. When asked how he knew, he replied: "every year when I enter and leave the holy of holies on Yom Kippur an old man dressed in white accompanies me, and this year he went in but did not come out with me." (**Yer. Yoma 5, 42c, h. 2**) If no one could be with him, who was this old man? It was

God. But, in another remarkable Midrash, God says that he honored Aaron by removing His Presence from between the cherubs, so that, according to this Midrash, Aaron was truly alone even without the Divine Presence. (**Pesikta Rabbati, 47**, this is part of a long and remarkable midrash about Job, and why Job is not worthy to be included along with the Avot in the first berakha of the Amidah.)

This emphasis on the solitude of the moral choice is reinforced by a passage which combines the loneliness of the High Priest in atoning for moral lapses, together with the incense offering, which is central to this ritual. R. Elazar quotes our verse "he has made expiation for himself and his household, and for the whole congregation of Israel", and asks, what expiation is there which is strong enough to expiate for all this large assembly? It is the incense offering. (**Yoma 43b**) One proof, offered there in the Talmud, is the example of the strong expiation of the incense which stopped the plague at the time when Aaron's status was questioned: "He put on the incense and made expiation for the people..." (Num. 17, 12) Another proof of the power of the incense offering might be that it is particularly pleasing to God. (cf. Gen. 8, 21; Ex. 29, 18 and many more parallel verses.)

Our Yoma passage connects the incense offering made totally alone by the priest in the holy of holies with a particular transgression. The school of R. Ishmael taught: "for what transgression does the incense atone? For Lashon HaRa, something which is done secretly [the incense atonement ritual] will expiate for a deed done secretly [lashon haRa, malicious talk].

Here the solitude of the priest is seen as the obverse of the solitude of the sinner, represented by the transgression for which every person is suspect, malicious talk about others. The incense is symbolic of a process whereby the individual alone in error, corrects the error on their own. This is the process of repentance ("teshuvah"). In the words of Rabbi Soloveichik, "The rabbis say that the ingredients of incense of the Day of Atonement are alluded to here. In incense there is an admixture of resin and components of perfume. Why must one place resin, whose smell is unpleasant, among the perfumes? In order to show us that one may take the bad and blend it with the perfumes, in order that it may be exalted and enter the Holy of Holies. The exaltation of evil and not its mere purgation, the past as it is and not only its eradication—these are the goals of "Repentant Man."

***Lev. 17, 1 - 7**

The LORD spoke to Moses, saying:

²Speak to Aaron and his sons and to all the Israelite people and say to them: This is what the LORD has commanded: ³if anyone of the house of Israel slaughters an ox or sheep or goat in the camp, or does so outside the camp, ⁴and does not bring it to the entrance of the Tent of Meeting to present it as an offering to the LORD, before the LORD's Tabernacle, bloodguilt shall be imputed to that man: he has shed blood; that man shall be cut off from among his people. ⁵This is in order that the Israelites may bring the sacrifices which they have been making in the open – that they may bring them before the LORD, to the priest, at the entrance of the Tent of Meeting, and offer them as sacrifices of well-being to the LORD; ⁶that the priest may dash the blood against the altar of the LORD at the entrance of the Tent of Meeting, and turn the fat into smoke as a pleasing odor to the LORD; ⁷and that they may offer their sacrifices no more to the goat-demons after whom they stray. This shall be to them a law for all time, throughout the ages.

This week's parasha includes the law which forbids slaughtering animals for their meat, unless the animal is brought to the altar of the Tabernacle. (Lev. 17:1-7) At first we might assume that the prohibition is merely to restrain the "lust for meat" and to insure that any slaughter of an animal would be "sanctified" by being in the presence of the altar. Perhaps we might assume that this arrangement also prevents slaughtering an animal for the worship of other gods.

However, the formulation of the law includes the striking idea that bloodguilt is associated with the act. With the addition of the bloodguilt motif, "he has shed blood; that man shall be cut off from among his people" (v. 4), the prohibition takes on a moral dimension. Slaughter of an animal MERELY to eat its meat is somehow wanton, an act of violence akin to manslaughter. The "sanctification" of the process is necessary to justify the very act, not merely as a preventative of idolatry.

However, in Deut. 12 we find that Israel is permitted to slaughter animals and eat meat wherever they want. Not only is the prohibition of our parasha removed, but the stigma of bloodguilt is also removed! This change in the law is the subject of a debate between R. Ishmael and R. Akiba.

"When the Lord your God shall enlarge your border, as He has promised you, and you shall say: 'I will eat flesh' . . . (Deut. 12:20) This verse, says R. Ishmael, is stated specially in order to permit the Israelites to eat flesh at will. ("basar taavah") For in the beginning they were forbidden to eat flesh at will, (Lev. 17:3-4) but on entering the land of Israel they were permitted." (**Hullin 16b**)

According to R. Ishmael, God has permitted things which He had once forbade. (cf. also **Deut. R. 4:6**) This was done because of a change of reality. Once Israel entered the land God has commanded that there be only one altar, and He has enlarged the boundaries of Israel so that many people are far away from that altar. This new reality would not allow people to eat meat except on a few occasions during the year when they went to Jerusalem. Therefore, what had been forbidden, namely, to slaughter meat away from an altar, was now permitted.

R. Akiba disputes this reading of the Torah. "For it has been taught: [It is written] "If the place which the Lord your God will choose to put his name there be too far from you, then you shall slaughter of your herd and of your flock". (Deut. 12:21) This verse, says R. Akiba, is stated specially in order to prohibit the flesh of a stabbed animal. ("basar nehira") For in the beginning the Israelites were permitted to eat the flesh of a stabbed animal, but on entering the land of Israel they were forbidden." (**Hullin 17a**)

For Akiba what happened was that it was always permissible to slaughter an animal for meat, and in the desert it was permitted to do so by stabbing the animal, i.e. not proper shehita. Our parasha is talking only about sanctified animals and not "basar taavah" at all. The moral stigma of bloodguilt attaches only to wantonly killing an animal which has been designated as "sanctified". What was permitted in the desert, namely killing an animal for meat in any fashion, is FORBIDDEN in Deut. which specifies that the animals killed for meat must be killed by shehitah. For Akiba, God has forbidden something which He formerly had permitted!

I find this debate fascinating. Does the law develop from *issur* ("prohibition") to *heter* ("permission"), as per the view of Ishmael, or only from *heter* to *issur*, as per the view of Akiba? In my view, THIS is the question being debated, not MERELY the explication of the verses. According to Akiba halakha can only become more strict, to allow leniency might be very dangerous. However, according to Ishmael halakha can become lenient, up to the point of removing a moral stigma attached to a prohibition as it permits what was forbidden. **TTT 159 M and K and HA**

***Lev. 18, 1-5**

The Lord spoke to Moses, saying: Speak to the Israelite people and say to them: I the Lord am your God. You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws. My rules alone shall you observe, and faithfully follow My laws: I the Lord am your God. You shall keep My laws and My rules, by the pursuit of which man shall live: I am the Lord.

This section of the Torah is most familiar to Jews who frequent the synagogue, the Minha Torah reading of Yom Kippur, the long list of forbidden sexual relations. At each reading of this section I am attracted and fascinated by the introduction to the actual list: "The Lord spoke to Moses, saying: Speak to the Israelite people and say to them: I the Lord am your God. You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws. My rules alone shall you observe, and faithfully follow My laws: I the Lord am your God. You shall keep My laws and My rules, by the pursuit of which man shall live: I am the Lord." (Lev. 18, 1-5)

What dominates my curiosity is the references to Egypt and Canaan. On the face of it, the list of forbidden relations are just the "laws" of the Egyptians and the Canaanites, and it is those which are forbidden to Israel. Rather they must stick to God's laws, by which a person gains life. I wonder if there is any attempt to discover which of these forbidden acts were "laws" of Egypt, and which of Canaan; or, are we to understand that they were all practiced everywhere?

Ibn Ezra attempts to differentiate, as far as he can, and attributes the forbidden idolatry to Egypt, and the forbidden sexual relations to Canaan. (**on Lev. 17, 16 and cf. 19, 26**) **Ramban** mentions this comment in order to dismiss it, and to follow the commentary of the Sifra, which imparts all of these bad practices to both places.

Beyond this simple query, the big problem is what does the location of these deeds have to do with the fact that they are forbidden? If they were the norm only, in say, Siberia, a place where Moses and the Israelites had no contact with at all, would they not be forbidden? Or, is the point that they are particularly enticing because they are part of the culture with whom Israel lived, and the culture to which they are going to live?

First, the list, in its entirety, is a list of what I will call "acts of infidelity" and "acts of lack of restraint of lustful impulses". I see the list as a whole, and get the picture that the acts described are meant to portray a society in which its "norms", i. e. "laws", are norms that describe moral decay, the rule of the appetites of the powerful or the strong over the socially weak or underclass. That is, if today we were to draw up a similar list, some of the specific items might be different, but the thrust of the whole

is clear. So, it seems to me, that these are universally forbidden acts, and the reference to Egypt and Canaan is merely because the particular form that these acts took, and the toll they brought to a particular society were well known to Israel. **TTT 160 M and B**

Furthermore, the point is definitely that these acts are part of natural human lust and appetite, and they will attract people. So, it requires special choices, and special acts of restraint and self-control to avoid them. This is so particularly if you live in a society in which these acts are “norms”. It is precisely this point which is behind the Midrash that connects our verse about the acts of Egypt with the verse in Song of Songs 2, 2: “Like a lily among thorns”. R. Yitzhak applies the verse to Rebecca, who grew up among swindlers and cheats, and yet retained the quality of mercy and goodness. (**Lev. R. 23, 1**) R. Berechia applies this same Midrash to our verses, as if God is saying to Israel when among people steeped in acts of infidelity and lust, take an example from your ancestor Rebecca, and behave with self-control and faithfulness.

In the Sifra we find the most complete commentary on our verses, and the most astonishing. The thrust of the Sifra is to place these forbidden acts in the context of the fabric of society, as I have tried to spell out here. If one looks beyond the simple theology of the Sifra, whose goal is to justify the harsh punishments of the “sinning nations” Egypt and Canaan, one sees a fascinating portrayal of how “acts of infidelity” and “acts of lack of restraint of lustful impulses” are connected to the downfall of nations. And it is not exactly what one would expect. **TTT 160 M and T and U**

In the Prophets there is a denouncing of such acts of immorality, and it is those which are blamed for leading to the downfall of Israel, and of any other nation. But, the Sifra goes a step further and gives us a sober assessment of what leads to such a general decline in moral behavior. Among the statements in the Sifra, we find the following: “and how do we know that Israel’s dwelling in Egypt caused the Egyptians to engage in these acts? As it is written: “where you dwelt””. (**Sifra 9, 3; cf. 9, 4** where the same assertion is made concerning Canaan)

The Midrash actually asserts, following the verse, that it was because of Israel’s dwelling in Egypt, and entering the land, that those nations deteriorated into immoral action! What were they thinking? R. Avraham ibn Daud (**Rabad**) comments on the Sifra: “because of that one very sin of enslaving Israel, all of these other transgressions developed among them, in order that they should become a guilty nation that cannot stand up to the exodus, for one transgression draws another.” (**on Sifra there**)

Rabad’s reading of the Sifra is amazing. Sexual immorality or what I call “acts of infidelity” and “acts of lack of restraint of lustful impulses”, is hastened and heightened in society by general political immorality, by immoral policy of government. This seems to be a different nuance from the view of the Prophets. Pharaohs’ megalomaniac enslavement of an innocent people, reverberates throughout Egyptian society and brings in its wake, exploitation of the weak by the strong everywhere, from the bedroom, to the animal pen, to the sanctuary. **TTT 160**

The Midrash itself gives a clue as to the Canaanites "political" sin which led to the same phenomenon there. They had shown great respect to Abraham and a willingness to share the land with him. But, when Israel came back as a nation, they turned their backs on sharing the land, and on respect for the God of Abraham, and thus entered into a policy of destruction of the nation of Israel, no sharing of anything. (cf. **Sifra, there par. 6**) This "political" stance led to a general immorality in their society.

So, the warning of the introductory verse is NOT just about the list of forbidden acts, but it is a cry to the nation to be vigilant about what kind of campaigns its rulers take on. I understand the Sifra, through the Rabad, to say that this verse is warning us to make sure that our rulers do not embark on policies of enslavement of innocents, nor on policies of war and destruction to prevent sharing. If, we fail in that, these other acts will become so widespread that we will in the end become a defiled people and we will have defiled the land so that: "Thus the land became defiled; and I called it to account for its iniquity, and the land spewed out its inhabitants." (Lev. 18, 25) The upshot of all this is to lose control of the very land which one thought was one's own.

***Lev. 18, 28 - 29**

So let not the land spew you out for defiling it, as it spewed out the nation that came before you. All who do any of those abhorrent things – such persons shall be cut off ("ve-nikhretu") from their people.

The end of this week's parasha includes the central idea that living on the land of Israel requires behavior which is described as "holy". If the nation does not act in this holy fashion, the land itself will vomit them out: "So let not the land spew you out for defiling it, as it spewed out the nation that came before you." (Lev. 18, 28) But, in addition to this the Torah adds: "All who do any of those abhorrent things – such persons shall be cut off ("ve-nikhretu") from their people." (Lev. 18, 29) There seems to be two consequences of evil behavior, one is national, that is that the land will not abide the people to live on it; and the other is personal, in that each individual will be "cut off". The latter is the prevalent punishment known as "karet".

Karet also appears as a punishment for many other transgressions, including the eating of hametz on Pesah. (cf. Ex. 12, 15 et al) But, just what is karet, and how is it connected with living on the land of Israel? Indeed, it appears that Josephus thought that karet, at least the one mentioned in our parasha as connected to incest offenses, was execution by a court. He writes: "To those who were guilty of such insolent behavior [incest and adultery], he [Moses] ordained death for their punishment." (**Ant. 3:12, 1**) This is also the view of some Karaites. (**Eshkol ha-Kofer, 267**)

In the Rabbinic tradition, however there are many interpretations of the concept of karet. A famous Talmudic passage analyzes what terms should be applied to different types of death. For example, a sudden unexpected death is called "snatched away" ("mitah hatufah"). (**MK 28a**) In the course of this examination, the following is related: "Said Rabbah, From fifty to sixty years [of age]. that is death by karet, and the reason why this has not been mentioned was out of deference to [the prophet] Samuel of Ramah. [who died at 52]". So, if a person dies between 50 and 60 it is considered to be the result of having performed a transgression, like eating hametz

on Pesah, which results in karet. The Talmud Yerushalmi, on the other hand defines karet as death at the age of 50. (TJ Bikkurim 64c)

In the Talmud Bavli we read that R. Joseph made a festive party when he had reached his 60th birthday. He explained that he is celebrating having passed the age of karet. That is, he now knew that he was not going to suffer for any inadvertent act he had committed that was punishable by karet. Abaye reminds R. Joseph that he still might be subject to sudden death or one of the other categories, and he replies: "Nevertheless, hold on to the half", which is the Babylonian way of saying "be happy with what you get".

Now this piquant tale of R. Joseph and his birthday bash, supplies us with one possible difference between the Babylonian and Israel Talmuds. Presumably, an Israeli could celebrate at the age of 50. But, this difference is used as the basis of an interesting discussion about the special qualities of living in the land of Israel. The author of the Kol Bo, apparently R. Aharon ha-cohen mi-Lunel, deals with the question of living in the land of Israel. He writes that the main part of the mitzvah is in strict observance of the laws while in the land, and the statement that one who moves to the land is forgiven all his sins depends on that strict observance. (Kol Bo 127)

Indeed, writes the Kol Bo, one who sins in the land is punished more than one who commits the same sin outside of the land. The reason is that one who betrays the king from within the palace has committed a greater offence than one who betrays the king from outside the palace. Thus, if one commits an offence for which the punishment is karet, then in Israel one should expect to die by 50. But, since doing the same sin outside of the land is less of an offense, karet is applied up until 60!

In any case, the Talmud, as usual, subverts the simplistic message of R. Joseph. The Talmudic way is to present subversive stories or questions in the context of assertions of faith and reality. After the story of R. Joseph, which implies that there is a simple apparatus which deals out the number of years each person is to receive, our passage cites Rava who says that "life, children and sustenance depend not on merit but [rather on] mazzal" (MK *ibid.*). That is, there is no simple formula which will allow one to know when one might die, or how one might fare in the world. To prove this the Talmud sites the following: "Rabbah and R. Hisda. Both were saintly Rabbis; one master prayed for rain and it came, the other master prayed for rain and it came. R. Hisda lived to the age of ninety-two, Rabbah [only] lived to the age of forty. In R. Hisda's house there were held sixty marriage feasts, at Rabbah's house there were sixty bereavements. At R. Hisda's house there was the purest wheat bread for dogs, and it went to waste; at Rabbah's house there was barley bread for human beings and that not to be had." **TTT 161 T and B**

So, materiel goods and prosperity have nothing to do with saintliness or scholarship. It is a matter of fortune, which is not entirely dependent on the keeping of mitzvot, the study of Torah, or of saintliness in prayer.

But, Rava goes on to say: "These three requests I made of Heaven; two were granted me and one was not. [I prayed for] the scholarship of R. Huna and the wealth of R. Hisda which were granted me; but the modest disposition of Rabbah son of R. Huna, that was not granted me." Prayer may help in acquiring some things, or it may be just

good fortune. In either case, one must be thankful for what has been granted. But, part of life, namely moral qualities, are not the result of fortune or of prayer, but those must be earned through deeds. Modesty, certainly one of the most prized of moral qualities of Rabbinic Judaism, could not be acquired except by cultivating it.

Perhaps, the Talmudic passage is even trying to say that the main thing is not the possessions one accumulates, nor not even the scholarship which one achieves, but how one lives ones life is most important, and that depends entirely on our own choices of each and every minute. It is the moral choices we make that fix the value of life, and not any other mechanism for measurement. So, the stress of the Torah on holiness as a goal of living in the land of Israel is central in itself, and is not merely the opposite of punishment.

***Lev. 19, 2**

Speak to the whole Israelite community and say to them: You shall be holy, for I, the Lord your God, am holy.

The parasha begins with a stirring call that has been considered to be a central pillar of Jewish religion: "Speak to the whole Israelite community and say to them: You shall be holy, for I, the Lord your God, am holy." (Lev. 19, 2) This verse has been cited as an embodiment of the major goal of Jewish life that is a life devoted to study of Torah and keeping the Commandments, namely, to become holy in the same way that God is holy. If one of the claims of religion on adherents is that one must imitate God, then the question must be asked what about God are we supposed to imitate? Our verse answers that question clearly, we are to imitate God's holiness. This, of course, raises another question, namely, what is holiness?

One answer to the meaning of holiness is found in a fascinating midrash on our verse. The midrash is troubled by the fact that Moses is commanded to "speak to the whole Israelite community." The midrash asks why this particular parasha needs to be presented in the framework of the whole community? Most commands appear in the Torah in an ambivalent context, and we are not sure if they are spoken to a large group, to individuals, indeed it is not clear who exactly is being addressed. Even if the verse begins with a phrase like "speak to the children of Israel", this is so amorphous that it still does not give an indication of scope of the dissemination of the command. But, our verse uses a specific and meaningful phrase "el kol adat benei Yisrael", so that it is clear that this verse must be pronounced when the nation has been assembled as a whole for the purpose of hearing it! (**Midrash Aggadah (Buber) Vayikra 19**)

The only other instance of such an intentional gathering to hear Torah was at Mt. Sinai when the 10 commandments were given. Our midrash makes the connection between this communal gathering and the one at Sinai. It explains that our parasha, Kedoshim, includes the 10 commandments, and thus is a kind of review not only of those 10 central mitzvot, but also it is spoken in the same social and communal context, namely a "kinus" a gathering of the whole nation intending to listen to Torah.

What is even more fascinating than this premise is how this midrash spells out the 10 verses in parashat Kedoshim which are the equivalent of the verses in Ex. 20. In addition, this midrash has a parallel version in **Yalkut Shimoni (YKS)601**. This version has several differences which will add to the depth and possibilities of our discussion. **TTT 162 M and T and K and HA and B**

Here is how the Midrash presents the equivalence:

1. In the commandments it is written "I am the Lord your God" (Ex. 20, 2); and here it is written "for I, the Lord your God, am holy" (Lev. 19, 2). It is clear from the beginning that this midrash is not presenting equivalent mitzvot, but rather it is commenting on and expanding our understanding of the 10 commandments. The verse in Exodus states that God exists and is the power that freed Israel from Egypt. The verse from Leviticus speaks of God's qualities, in particular the quality of

holiness. The midrash expands our understanding of the word God beyond that of a force in history, and adds that the word God is the substantiation of the dimension of holiness that people may experience in life. Thus, our midrash begins a process of showing how the 10 commandments may be felt and/or lived in community. It further assumes that the goal of living these commandments in the community is to make it a holy community.

2. In the commandments it is written "You shall have no other gods" (Ex. 20, 2); and here it is written "do not turn to idols" (Lev. 19, 4). Once again, our midrash locates the commandment in society. Having no other gods is quite vague, but our midrash makes it clear that the social sanction is "turning" from God to idols. Indeed, the first part helps us understand the profundity of this prohibition. Turning from the grounds of holiness to human made artifacts is indeed a blow to human society. If there is no sense of holiness and everything, even the divine, is conceived in terms of human production, then there is no hope for moral responsibility, no grounds of appeal against strict and cruel utilitarianism. The "turn" to idols is a turn away from holiness, and in the context of our midrash, which is community, it is clear why these two commandments follow each other. What is fascinating is that in the parallel version of this midrash in YKS, the verse cited for "here" is "you shall make no graven idols" (Ex. 34, 17) which is not even in parashat Kedoshim! The point is the same, but this implies, in my mind, that the YKS midrash is a later and perhaps popular version.

3. In the commandments it is written "You shall not swear falsely by the name of the Lord" (Ex. 20, 6); and here it is written "You shall not swear falsely by my name" (Lev. 19, 12). In English this looks the same, but in Hebrew the verse in Exodus does not specify that the prohibition is against swearing falsely. In Hebrew "lo tisa et shem elohekha la-shav" is much more ambivalent and general. It has been interpreted in many ways. Our midrash, once again, places it in the social context of false oaths in the name of God. Our whole justice system would not be able to operate if swearing in God's name was not a serious matter. Once holiness has been abandoned for utilitarianism, oaths are merely as good as their usefulness, and they have no intrinsic value related to notions of truth and honesty.

4. In the commandments it is written "Remember the Sabbath day" (Ex. 20, 7); and here it is written "keep my Sabbaths" (Lev. 19, 7). Again, our midrash makes the Sinai words into clear instructions for a community. It also stresses "Sabbaths", namely, that the command to keep the Sabbath is one that recurs every week. If all we had was the Exodus verses one might conclude that this day was meant for once a year, or, as in some Mesopotamian cultures, once a month. Our midrash shows us that keeping the Sabbath is in the plural, that is, it is meant to be constant. In order to perpetuate our commitment to holiness, we need a constant reminder, a constant period of time in which the holy plays a concrete and tangible role. That is the role of the Sabbaths in our society.

5. In the commandments it is written "Honor your father and your mother" (Ex. 20, 11); and here it is written "You shall each revere his mother and his father" (Lev. 19, 3). Again, our midrash seems to imply that the verse in Kedoshim is an explication of Exodus. How is honor to be achieved? The answer is by acting with reverence towards parents. It is almost as if we are starting from the beginning. Reverence for

parents may be seen as a kind of parallel notion in society to acknowledging the holiness of God. So, once we have made our way through the first four commandments, we can establish in the fifth, a principle which will be a further basis for the rest of the communal order.

6. In the commandments it is written "You shall not murder" (Ex. 20, 12); and here it is written "Do not stand upon the blood of your fellow" (Lev. 19, 16). Again, our midrash expands our understanding of the verse from Sinai. The verse in Kedoshim is a central verse in our tradition expressing the idea of responsibility for each and every life in society. Responsibility for murder falls not only on those who take a weapon in hand and wield it against a fellow human. Responsibility also devolves on those who do nothing to prevent others from being killed! If the principle of holiness and reverence have been established, it is clear that society must have as its primary goal to preserve and nourish the lives of those living in it. By expanding what the prohibition "you shall not murder" means, our midrash creates a social vision based upon caring for all members of society, and the basis of holiness is certainly part of the rationale of that vision.

7. In the commandments it is written "You shall not commit adultery" (Ex. 20, 12); and here it is written "you shall be holy" (Lev. 19, 12). Our midrash swings us back to holiness in a most surprising way. By linking the prohibition against adultery with the first verse, "you shall be holy", it links the relationship between couples to the relationship between God and Israel. The fabric of society depends upon loyalty and faithfulness. Loyalty and faithfulness to vows of marriage is an expression of holiness. It is a concrete expression of holiness as a sense of responsibility for my own choices of relationship to others. It is again fascinating that the YKS version of this midrash uses as it's text "the adulterer and the adulteress shall be put to death" (Lev. 20, 10) This is another example of the concrete crassness of this version. Perhaps the YKS version is meant as an attempt to admonish the public.

8. In the commandments it is written "You shall not steal" (Ex. 20, 12); and here it is written "You shall not steal; you shall not deal deceitfully or falsely with one another." (Lev. 19, 11). Our midrash again expands the Sinai verse. As in the case of murder, stealing is not only robbing banks, but any act of falseness or deceit. The classical Jewish expansion of stealing to include the robbing of another person's mind, of using the other's basic instinct of trust against them, is expressed in this midrash. Again, it is clear that the community's spiritual health depends upon this.

9. In the commandments it is written "You shall not bear false witness against your neighbor" (Ex. 20, 12); and here it is written "Do not go about as a talebearer among your countrymen." (Lev. 19, 16). Another expansion of the original verse, which here is about false witness, to the whole area of slander, including what is known in Jewish tradition as lashon ha-ra. Again, our midrash shows how the covenant at Sinai translates into society as general rules for keeping a community healthy and whole. Gossip can be as destructive as missiles, it is the stuff out of which false testimony is produced.

10. In the commandments it is written "You shall not covet" (Ex. 20, 13); and here it is written "You shall not defraud your fellow." (Lev. 19, 13). Here our midrash once again expands the meaning of the original verse. The prohibition not to covet is

amorphous and seems to be connected to psychology. Our midrash places this prohibition in the realm of social activity as it has with all of the other verses. In Hebrew the word "ta'ashok" means more than to merely defraud. It means to take advantage of someone, and can even mean to oppress them. How is this related to coveting? Perhaps our midrash feels that if one covets objects owned by another person, one will engage in fraudulent acts in order to possess those objects. Another possibility is that our midrash reads the word covet to mean the creation of desire in others. That is, if one defrauds the public mind by promoting possessions as guarantors of happiness or as means for gaining status, one creates covetousness as a general phenomena in society.

The YKS version of our midrash uses the verse "Love your fellow as yourself" (Lev. 19, 18) as the expansion of the prohibition against covetousness. Perhaps it is hinting that covetousness arises when there is great disparity between what some people possess and what others possess. In this case, the goal of the commandment is to achieve a social condition where people will feel that each member of the society cares for them because they see that people are willing to share their possessions in a way which makes coveting less of a common phenomenon.

Thus, from all of this we can draw the conclusion that Kedoshim is the spelling out of the ten commandments in a communal setting, and as such deserves its place in the center of the Torah. But, even more than that, Kedoshim together with the 10 commandments gives us a fairly complete vision of how holiness can be expressed in community. We get a kind of program of action so that a given society whose members live according to this program will live in a society infused with holiness. At Sinai God demanded that Israel become a holy nation (Ex. 19, 6), but only by reading Kedoshim do we get a clear picture of how to go about fulfilling that demand. It is a great vision, and I daresay it is the central challenge of Judaism that we need to strive to fulfill.

There is another aspect of holiness that has become a most common phrase in Israeli parlance, and that is "kedushat ha-hayyim", literally the holiness of life. While trying to pin down the usage of that phrase I came across its use in halakhic responsa, all in the 20th century. The usage in these responsa was so fascinating that I decided to devote a specific essay on that subject.

The first usage is found in a teshuva of R. Yisrael Lau, the immediate past Ashkenazi Chief Rabbi of Israel. Lau writes a fascinating teshuva on the question of whether it is our duty to force a sick person to undergo treatment against his will. The case is of a man suffering from Amyotrophic Lateral Sclerosis. The treatment suggested is new, and it is very painful and with very uncertain effect. It cannot cure, but may help alleviate some of the patients symptoms. Against this, the patient does not want to suffer any more than he has until now. The bottom line is that Lau decides that there is no obligation to engage in non standard therapy whose main outcome would be to prolong suffering, and that when the time came the doctors could respect the patients request to refrain from any intervention. (**Yahel Yisrael 62**)

In reaching this decision Lau writes that he searched diligently for the right path to follow: "... a path that takes into account "kedushat ha-hayyim" and the prolonged suffering of the patient". Our phrase is opposed here to suffering, and it is

presumably the opposite of a life of suffering. In this context "kedushat ha-hayyim" is life which is sanctified by minimizing the suffering which a person undergoes while alive. It reminded me of that most disturbing and challenging case of the Jew who became a hangman at a death camp because he could not stand the poor way that the Nazi hangman did his job, leaving the victim to squirm and die a painful and prolonged death. This Jew volunteered and made sure that those condemned to die by hanging died immediately and with little pain. This case too has been discussed under the rubric of "kedushat ha-hayyim".

The second usage is in a responsa of the Chief Rabbinate courts in regards to the burial of a suicide in the main part of a cemetery. This teshuva quotes the long and beautiful comment of **Pithei Teshuva on YD 345 (seif katan bet)**, by which it is assumed that no person could fulfill the halakhic requirements of suicide because one of the requirements is that a person be totally clear and committed to killing themselves until the very end of their life. The assumption is that somewhere a person must feel some regret before their life gives out, and thus, the requirement cannot be fulfilled. In this teshuva the Bet Din writes that their decision, to allow burial and full mourning etc., is based upon two inherent qualities in humans: a natural desire to live and "kedushat ha-hayyim". Here too our concept of "kedushat ha-hayyim" is found in contrast with another concept, namely the assumed desire to live. It seems that the point is that even if the will to live dies out, no Jew ever completely gives up their commitment to the notion of "kedushat ha-hayyim". Every Jew has reverence for life as something holy, something which must be protected and not frittered away. So, the assumption is that even if the will to live is gone and a person starts to take their own life, at some point before they die they regret their action because of a deeply ingrained commitment to the value of "kedushat ha-hayyim". (**Piskei Din Rabaniim Part I, p. 464**)

The final usage is from a teshuva of R. Ouziel, the Chief Sephardi Rabbi during the first days of the State of Israel (elected in 1939). Ouziel writes about the practice of deciding halakha on the basis of rationales given in the tradition for a given ruling. While it is possible to change a halakha on the basis of it's rationale, still Ouziel cautions that too often the rationales given are "tiny and insignificant and they darken glory of the Torah and turn Torah into a mere book of human or veterinary medicine and thus diminish its holiness." (**Mishpetei Ouziel vol. II YD 23**)

The Torah and the Mitzvot are meant to help humans achieve holiness, and all of the commandments are included in the verse "you shall be holy" (Lev. 19, 2). God sanctifies Israel at Sinai, as the text of the blessings testifies: "asher kidshanu be-mitzvotav", He who has sanctified us through the commandments". Yet, Ouziel writes, this sanctification must be EARNED by avoiding actions which diminish holiness, and by living by the mitzvot. The life of a Jew should be a life lived in an effort to make each relationship and each action holy, each action needs to embody concern for the welfare of the other and awareness of God in our lives. This, Ouziel calls "kedushat ha-hayyim". The term stands for a process of making our personal lives kadosh by means of Torah and Mitzvot. When the ethical, spiritual and transcendental are manifested in our lives, then we can say that we have achieved "kedushat ha-hayyim".

***Lev. 19:5-8**

When you sacrifice an offering of well-being to the LORD, sacrifice it so that it may be accepted on your behalf ("lirtzonkhem tizbechuhu"). It shall be eaten on the day you sacrifice it, or on the day following; but what is left by the third day must be consumed in fire. If it should be eaten on the third day, it is an offensive thing, it will not be acceptable ("lo yerahtzeh"). And he who eats of it shall bear his guilt, for he has profaned what is sacred to the LORD; that person shall be cut off from his kin.

There is consensus that the beginning verses of parashat Kedoshim express rules of an ethical system. The ethical system is presented as Divine command, and deals almost exclusively with relationships between humans in society. Except for one section, which seems to be out of place in the context of ethical rules. That is the section which deals with sacrificial matters: "When you sacrifice an offering of well-being to the LORD, sacrifice it so that it may be accepted on your behalf ("lirtzonkhem tizbechuhu"). It shall be eaten on the day you sacrifice it, or on the day following; but what is left by the third day must be consumed in fire. If it should be eaten on the third day, it is an offensive thing, it will not be acceptable ("lo yerahtzeh"). And he who eats of it shall bear his guilt, for he has profaned what is sacred to the LORD; that person shall be cut off from his kin." (Lev. 19:5-8)

The translation of "lirtzonkhem tizbechuhu" as "sacrifice it so that it may be accepted on your behalf" is a good literal translation. The word "ratzon" is used as the key word to define if a sacrifice is "acceptable" or, as in verse 7 here, "it will not be acceptable" ("lo yerahtzeh"). A sacrifice is either "ratzui", acceptable, or "lo ratzui", not acceptable. The categories "acceptable" and "not acceptable" refer to how God relates to the sacrifice.

What is very striking about these verses is just this literal meaning. If a person eats the meat of a sacrifice on the third day after it is brought as a sacrifice, this act somehow renders the sacrifice unacceptable!! This seems to be a curious retroactive annulment of the acceptability, in God's eyes, of the sacrifice. Or, the acceptability of the sacrifice to God is somehow suspended until the person proves its viability by eating it all in the first two days. What is going on here?

One of the problems in understanding this law is the fact that the Hebrew phrase "lirtzonkhem tizbechuhu" ("sacrifice it so that it may be accepted on your behalf") has multiple meanings. It can also be rendered "sacrifice it with your own pure will", that is, with totally pure thoughts and intentions. Indeed, the Talmud makes it clear that this IS the idea behind this verse. "I did not bid you to sacrifice so that you should say, I will do His will that He may do my will. You do not sacrifice for My sake, but for your own sakes, as it is written, "You shall sacrifice it at your will" (Lev. 19:5)." (**Menahot 110a**) The Talmud here understands our verse to mean that a sacrifice is "acceptable" in God's eyes, ON CONDITION that it is "acceptable" in your eyes!

That is, you can have no impure thoughts or intentions when you bring a sacrifice. The example given of such impure thoughts is "I will do His will that He may do my will". The Talmud is declaring that bringing a sacrifice with impure motivation or intention, namely of getting a reward from God, renders that sacrifice unacceptable

to God. This seems to clash with the saying in Avot 2:4: "...do His will as [you would do] your own will, so that He may do your will as [He does] His [own] will."

The idea that intention is intrinsic to the moral validity of the act is certainly a basic idea of ethical theory. We are so used to assuming that Judaism disregards intention in favor of deeds, that this statement seems odd. Yet, this is what the Torah passage is saying. The Talmud merely spells it out for us. **TTT 162 HA and M**

Furthermore, the question of how intentions are to be judged is addressed in this passage. One might have thought that intention was totally God's business, and that the Torah might have warned us to be careful of our intentions because God knows what we are thinking. But, in this passage, and in its context of relationships between people in society, Torah says that we can judge a person's intentions, even after the fact, BY WATCHING THE DEEDS that they subsequently do. Since the meat of the sacrifice was kept over for consumption in general, we now can judge the original act to have been out of motivation for reward, or as not seriously intended totally as a sacrifice to God.

Indeed, when we view this passage in this light it can be seen to be central to the whole ethical thrust of the opening verses of chapter 19. For this passage fixes the ethical centrality of the notion of intention in all acts, namely, that one behaves ethically towards one fellow because this is God's will. In a sense it explains that our will, our intentions of purity and justice, must coincide with those of God, who wills that society be just. The very ambiguity of "lirtzonchem" being both "acceptable to God" and "acceptable to you" establishes that ethical notion. Perhaps this is the true meaning of **Avot 2:4**, not that we expect God to change His will BECAUSE we have done it, but that we must expect to change our will to coincide with God's, because God's will is that justice be established, if our acts are to be "acceptable". In that sense there is no distinction between God's will and my own. **TTT 162 HA and M**

***Lev. 19, 11**

You shall not steal; you shall not deal deceitfully or falsely with one another.

Parashat "Kedoshim" is considered to be one of the most important of all parashot of the Torah. It is central in position, but also in conception. It has been seen as a kind of summation of the Torah. At the very least, it is the source of many of the ethical principles and categories which reverberate throughout Jewish tradition.

One example concerns the verse: "You shall not steal; you shall not deal deceitfully or falsely with one another." (Lev. 19, 11 "lo tignovu ve-lo tekhahashu ve-lo teshakru ish ba-amito") In this verse we are forbidden to do three things to one another ("ish ba-amito"): steal ("tignovu"), deny [their status as human being] ("tekhahashu"), and lie ("teshakru").

The translation causes the English reader to miss the fact that the verse is formulated in the plural. This is cause for comment in the Talmud to ask why the command against stealing is repeated, for in the Ex. 20 we read "you shall not steal"? (**BM 61b**) But in Ex. the command is in the singular. What is the significance of the plural formulation?

In the Sifra, the Midrash halakha on Lev., this question is answered by saying that the plural formulation is the warning against stealing, and the singular form reveals the punishment. (cf. **Sifra kedoshim 2, 2**) Another explanation is that the context of Ex. is capital punishment, thus the theft referred to is kidnapping, whereas our verse refers to monetary punishment, and the theft referred to is money. (cf. **R. Bahya on Lev. 19, 11**)

But, in the Talmud passage mentioned above, the answer is that the singular version deals with theft of money, and our verse in Lev. forbids stealing something just to provoke the other person. (cf. also **Sifra there**) R. Yonah Gerondi spells out this interpretation: “our rabbis said “do not steal in order to provoke” (**BM61b**), one should not say [to himself] ‘I will steal this tool from so-and-so, so that he will be upset and provoked, and he will then take greater care in guarding his things. Then I will return it to him.” (**Shaarei teshuvah 3, 85**)

The Talmud can be simply understood as forbidding theft of a kind which is not of money, but an act done just to annoy a person or make them angry. The Talmud is talking about vandalism, which by this understanding, is a kind of theft of the other persons peace of mind. R. Yonah adds another dimension beyond the Talmudic rendition. The theft is not really theft, but one intends to return the object. It is just designed to provoke the other person, to teach them a lesson, so that they behave more properly in the future. Then, one returns the item. It is a delicate understanding of the Talmud. One rationalizes that the provocative action is “for the other person’s good”. The Torah forbids this method of “education”. It is wrong to teach someone something using an immoral tool or method. **TTT 164 M**

R. Yonah goes on to forbid “borrowing” something from someone, without their permission, in order to use it. This is forbidden even when one returns the item, for it is “the way of theft”. Also, one is forbidden to take back his own tool from a friend without telling them, for it “looks like theft.”

Another of the giants of Jewish ethical literature, R. Moshe Hayyim Luzzatto applies this interpretation in an even broader way. Ramhal writes about the quality which he calls “nekiut”, innocence or blamelessness. One must strive to be blameless even of the lightest shades of thievery, or, as he calls it, “of all of the branches of transgression” (**Mesillat Yesharim, 11, ed. Kaplan**) He explains that the evil impulse tries to lead a person astray, but there are some transgressions where it is easier, since by nature people crave things. One of these areas is theft. It is an area where, ala R. Yonah, one easily creates permission to oneself. Thus, in this area one needs more resolve and support to avoid theft. Even though most people to do not steal openly, most do “taste the taste of thievery in their business dealings”, and they give themselves permission to profit by the loss of their fellow.

Indeed, **Ramhal** sees the verses around v. 11, “You shall not swear falsely by My name, profaning the name of your God: I am the LORD. You shall not defraud your fellow. You shall not commit robbery. The wages of a laborer shall not remain with you until morning”, as all being different aspects of theft. Not armed robbery, but theft by exploitation, by using the weakness of the other’s position, theft by profiting by means of making the other person lose. The moral sensitivity of our tradition offers guidance in our materialistic world.

***Lev. 19:14**

...you shall not curse a deaf person

Parashat KEDOSHIM contains one of the central texts, in my mind, which gives a picture of religious tradition at its best. The Torah commands us “you shall not curse a deaf person” (Lev. 19:14) The **Rambam** in his **Sefer Mitzvot (lo taaseh 317)**, asks why does this command specify a “deaf person”? (aside: Rambam limits this command to Israel, but he is wrong about that. Probably under the influence of R. Akiba’s perush of “reacha” as fellow Israelite.)

Rambam says that we might think that the reason the Torah forbids cursing someone is that the person hears what is said about him and is embarrassed and troubled by it. Verbal violence is thus a kind of damage done to the person who is cursed, both mental anguish and social disgrace. But if that is the case, says Rambam, a deaf person would not suffer such damage, as he cannot hear what is said about him. So we might think that it would be permitted to vent our anger against a deaf person by curses, since no damage against the person is involved. It is because of this that the Torah specifically forbids cursing the deaf.

Rambam explains that: “The Torah takes into consideration not only the outcome of the curse on the cursed person, but it also considers the outcome on the one who is doing the cursing. We are warned against arousing our soul for vengeance or becoming habituated to being angry....”, and particularly when we can easily get away with it. The Rambam explains in this section that people become agitated to seek vengeance on others according to the damage they THINK IN THEIR IMAGINATION was done to them (“ha-nezek ha-nikba ba-dimyon”). Their anger and desire for revenge can only be sated when they “punish” the offender in a way they feel fits their imagined damage. But the Torah does not want us to think this way. It is trying to educate us to be aware that every reaction of revenge or anger does something bad to us, it gets us into bad habits. So, even a deaf person cannot be cursed, not because it causes damage to the deaf person, but because it damages our own soul. **TTT 164 M**

We must stop thinking in terms of “imagined deprivation”, and try to be more objective. We need a strong sense of justice, of weighing all sides and making sure that the guilty party is indeed guilty, and of exactly what they are guilty. The Torah is not against punishing wrong doers, but it is against lashing out for every perceived slight or wrong. Such easy giving in to our instincts for revenge makes us cruel people, and the Torah is concerned that we not be cruel. Rambam is helping us to understand how to avoid “sinat hinam”, there is no greater lesson to take to heart today than that.

***Lev. 20, 22-23**

You shall faithfully observe all My laws and all My regulations, lest the land to which I bring you to settle in spew you out. You shall not follow the practices of the nation ["be-hukot ha-goi"] that I am driving out before you. For it is because they did all these things that I abhorred them.

The end of Parshat Kedoshim stresses over and over the idea of "separation" as inherent in what it means to be holy. On the one hand, Israel is to refrain from certain

practices of the other nations. On the other hand, there are certain practices which only Israel is to practice. The combination creates the status of holiness.

One pair of verses demonstrates this well: "You shall faithfully observe all My laws and all My regulations, lest the land to which I bring you to settle in spew you out. You shall not follow the practices of the nation ["be-hukot ha-goi"] that I am driving out before you. For it is because they did all these things that I abhorred them." (Lev. 20, 22-23) On the one hand keeping God's rules, and on the other not acting like the nation that preceded them. The land will spew out the Israelites if they do not adhere to this equation.

This seems to be simple in itself. Even if we ask for a more detailed explanation of the amorphous phrase "the practices of the nation ["be-hukot ha-goi"]" one could simply point to all of what came before it from chap. 18 until this point. That is, all of the negative commands, things that cannot be done, were practices of the nation(s) and are forbidden to Israel. The phrase "the practices of the nation ["be-hukot ha-goi"]", however, has its own life in halakha and Jewish tradition.

In the *Moreh Nevukhim*, Rambam explains many of the prohibitions that have to do with agriculture and agricultural products as reflecting idolatrous or pagan beliefs and practices. He includes in this category the prohibitions against orlah, kilaim, shaatnez and others. He sees the practice of taking different plants and mixing them, or of taking specific quantities of each item as characteristics of magical compounds or idolatrous magic. The general idea is not to follow the practices of the nation ["be-hukot ha-goi"]. Another term used in this discussion is "darkei ha-emori", the ways of the Amorites. Thus, the kind of practices which are outlawed are those which express some idolatrous or magic beliefs of the nations. Our term "be-hukot ha-goi" is presented here as a kind of general formulation of the broader rule against copying idolatrous practices. (**Moreh Nevukhim III, 37**)

In the *Mishneh Torah*, however, Rambam codifies the halakha regarding the practices of the nation ["be-hukot ha-goi"] in a different way. Here the phrase "be-hukot ha-goi" refers to clothing or hairstyles which are practiced by the nations. The point here is that the Jew must be obviously different from the gentile in external appearance. Rambam does add that all actions of the Jew should be distinctive, as is Jewish knowledge and belief. (**Yad, avodat kochavim 11, 1**) On the other hand, in halakha 3 of the same chapter Rambam codifies the halakha thus: "A Jew who was close to the government and must sit with the kings and courtiers, and would be despised if he would look different from them, is permitted to wear clothing and to shave his face as they do". (cf. **Rambam sefer ha-mitzvot, lo taaseh, 30**) Perhaps the Rambam is influenced by the Talmud, and describes the prohibition not as a general one, but as a specific one against blending in.

R. Yosef ben Shlomo Kolon, died in 1489, the **Maharik**, has a fascinating responsum on the issue of "be-hukot ha-goi". Maharik was asked if it was permitted for a Jew to wear a "kappa", a kind of academic hood and robe worn by Italian graduates of universities. Kolon seems to synthesize Rambam's different views. He emphasizes that the word "hok" implies a law without a rational explanation, something which is practiced on the basis of faith alone. So one criteria for something to be forbidden under the rubric of "be-hukot ha-goi" is that it must not be rational, rather something

which the nations do because it is part of their faith system. This is seeing such practices as having an undercurrent of idolatry attached to them, and seems to express Rambam's position in the Moreh Nevukhim.

The second criteria to forbid an action as "be-hukot ha-goi" is that the action is false to Israel's basic sense of decency and morality. Such practices would break down the ethical distinctions between Jewish society and gentile society of his time. This seems to be more in line with Rambam in the Yad.

Maharik permits wearing the "kappa" for it does not have these two characteristics. It is not part of any religious belief of the gentiles, and there is no prima facie immorality in a cloak and gown. Maharik could have permitted the "kappa" on the same grounds as the Rambam in halakha 3. The Italian physicians needed to fit into the general world, and wearing the "kappa" was a sign of status and authority. But, he chose to argue for a general permission which could give Jews more freedom in their surrounding cultures. He sets up criteria by which halakha can be defined, and sticks with it in a specific decision. It is a brave and creative move by a great halakhist, and has much to teach us about halakhic decision making. (For a very important discussion of this issue cf. **Jeffrey R. Woolf, "Between Law and Society: Mahariq's Responsum on the "ways of the gentiles", in AJS Review, vol. XXV, no. 1, pp. 45-69) TTT 165 HA**

***Lev. 20:25**

...do not let your souls become abominable, through (the eating of) animals, fowl, and all creeping things which I have separated for you ("lachem") as impure

Parashat Kedoshim stresses the idea that we must be holy ("kadosh") as God is holy. As an abstract idea, this implies "imitation of God", that is, emulating one of God's qualities, holiness. Yet, it is very difficult to understand just what does "holiness" mean? How does a person act in order to so emulate God? If we were discussing emulating God's quality of mercy, for example, we could readily come up with a large number of merciful acts that would make it clear what it meant to "imitate God's mercy". But, holiness is another matter, what is it?

The acts which we are commanded to do in this parasha, seemingly acts which will lead to emulating holiness, are so variegated that it is almost impossible to describe them in a succinct way. A small sampling will make this point: to respect elders, not to curse a deaf person, not to eat certain animals, to refrain from incest etc. Is there any way to describe "holiness" in a general way?

Ramban refers to these verses and to the concept of holiness in his commentary on Deut. 22:6, the mitzvah not to take eggs from a nest if the mother is found there. Ramban connects that mitzvah with the one in Lev. that an ox and its offspring cannot be slaughtered on the same day (**Lev. 22:28**). "The reason for both of these mitzvot is so that we do not develop a cruel heart and refrain from showing mercy (even to animals), and (to teach us) that the Torah forbids us from destroying any species of animal, even though the Torah has permitted us to slaughter that species for food. One who kills a mother and children in the same day, or who takes fledglings when they have freedom to fly, is as if they have destroyed that species."

For Ramban, the mitzvot which spell out specific relationships to specific species are part of the Torah's educational goals. The human soul needs such actions to help purify it from feelings of cruelty or desire to exert power over others. He quotes the verse from parashat Kedoshim: "do not let your souls become abominable, through (the eating of) animals, fowl, and all creeping things which I have separated for you ("lachem") as impure" (**Lev. 20:25**). Ramban learns from the word "lachem" ("for you") that these mitzvot are for our own good, for human utility. Indeed, mitzvot are not for God's need, but for human need. **TTT 166 M and HA and E and T**

Even mitzvot such as Sukkah, Lulav and Tefillin, which are meant to be a sign of remembrance, are not for God's glory, but to develop mercy in our souls (Ramban learns this from **Yerushalmi Nedarim 9 hal. 1**). The mitzvot which limit our eating of animals, or limit our slaughter of those animals which we are permitted to eat, all of these mitzvot are not merely to show mercy to those animals, but to help us purify our minds and our hearts of evil thoughts, like causing a species of animals to become extinct, and of unworthy qualities, like cruelty.

Of course, there is a reciprocity here. We do not come to this state of mind merely by performing the actions. In some way we must know the state of mind in advance, in order to perform the action in that state of mind at the time. Also, knowing the state of mind that holiness is meant to call up, helps us to define the action in such a way that it furthers that cause, and to avoid the opposite.

Holiness is a state of mind that eschews cruel behavior or behavior which is meant to lord it over others by demeaning them. The specific actions which these mitzvot cause us to perform are meant to engage our mind in that way of thinking. No wonder that it is so central to Judaism.

***Lev. 20, 26**

You shall be holy to Me, for I the LORD am holy, and I have set you apart from other peoples to be Mine.

The central theme of this week's parasha is its very name "kedoshim", "holy ones" or "sanctified ones". Note that the name is not "kedusha", that is holiness, but it is a plural noun referring to a group of people. The central theme is thus not holiness per se, but it is about how individual people, a lot of them, become holy. Now it is a commonplace to point to the fact that being a holy person, in the terms of this week's parasha, is not concerned with being a miracle worker or exhibiting extra human powers granted by some vision, but rather being a holy person is simply, actually not so simply, performing certain acts on a consistent and ongoing basis. These acts range all the way from honoring the elderly to not cursing deaf people to refraining from having sex with animals. That is, the areas of activity encompass most of life, and in every area certain natural human activities are singled out as either not appropriate for reaching a state of holiness, or as singularly appropriate for reaching that state.

Another aspect of this issue is that holiness seems to be connected inherently to separation. It is true that the concept of sanctification includes an act of separation, but here the act is central to the vocation of holiness. Indeed, in the summary of the

parasha at the end we read: "You shall be holy to Me, for I the Lord am holy, and **I have set you apart from other peoples to be Mine.**" (Lev. 20, 22-26, emphasis mine)

There exists congruence between the concepts holiness, chosenness and separation. Israel is to be holy, but as our verse clearly says they are also to be set apart from other nations. The basic idea of the chosen people is reflected in this "setting aside". Indeed, the British journalist William Norman Ewer (1885-1976) penned the well known doggerel "How odd of God/ to choose the Jews". On the feeling that this verse was anti-Semitic, Cecil Browne responded ""But not so odd/As those who choose/A Jewish God/But spurn the Jews." The humorist Leo Rosten replied as well to the implied anti-Jewish thrust of the rhyme "Not odd/Of God./ Goyim/Annoy 'im." But, most importantly for my discussion this week is a rejoinder whose author I cannot trace, even though I have heard it said many times, "Not news, not odd. The Jews chose God."

There is textual support for this latter assertion. In some midrashim it is clear that God's choice is merely the expression of a preference, where the actual choice whether or not to comply with that preference is that of Israel. It is a bit like parents who make it clear to their child that they want him or her to become a doctor. In their minds, the child is meant to be a doctor. But, as to whether or not the child will actually become a doctor depends on the child's choices. So, for one example out of many, we find that if Israel chooses to separate themselves from other nations by keeping God's commandments at the time that other nations do not keep them, then and only then will they be His chosen ones. Otherwise they will belong, in the language of the Midrash, to Nebuchadnezzar who represents the worst moral standards of human society. (**Mekhilta d'R. Shimon Bar Yohai 19, 5**) This Midrash goes on to explain that God grants freedom to Israel out of a Divine choice, and Israel is to understand that this choice obligates them to a mission in the world to implement God's desire for all men to be free.

Indeed, the very same notion that it is Israel's choice which manifests their portion in God's Torah, and that it is not manifested automatically by Divine Fiat, is spelled out in the well known midrash of R. Elazar b. Azariah in which he describes that each Jew is to know that they keep the commandments, not because they have no choice, rather it is clearly possible for them to NOT keep them, but they accept the obligation to act according to the restraints which God has bid them to follow. (**Sifra Kedoshim 10, 11**) **TTT 167 T and K and U**

What exactly is the nature of the separation of Israel from the nations that is put forth in our verse? There is one midrashic tradition which is fascinating in its complexity and difficulty. This tradition focuses on our verse and God's assertion to set Israel apart from other peoples. In one version of this midrash we read:

"If it had said "I will set apart other peoples from you" then there would have been no existence for "sonei Yisrael". Rather it says "I will set you apart from other peoples", like one who weeds out the bad from the good, he does not go back to choose again; but one who weeds out the good from the bad, he goes back to take another look." (**Song R. 6, 5**)

The first problem is to understand the phrase "sonei Yisrael". Literally it means "those who hate Israel", and as such seems to refer to the nations who hate Israel. On that reading our Midrash seems to imply if the nations were separated from Israel they could not exist. This implies that God is here declaring Israel's existence to be assured, being chosen by God to be His own, while that of other nations is not assured. Yet, the problem is that this phrase is used many times in Rabbinic literature as a euphemism to refer to Israel itself. (e.g. **Berakhot 4b, 32a; Shabbat 33a; Sotah 41b; Shevuot 35b et al**) If that is the case, then the Midrash is saying that Israel could not exist if it was taken out of the family of nations! Furthermore, the parable of the man weeding things out of a bunch is not clear. What is implied, and how does it relate to our point?

The version of this midrash found in the **Pesikta d'Rav Kahana** specifies that "sonei Yisrael" refers to the peoples of the world. Israel is the good, and the separation is for the good of nations. The idea seems to be that the separation of Israel is a process whereby, IF Israel keeps God's commandments they create a standard of morality which can inspire other nations to improve their own behavior. That is, Israel must keep the mitzvot, spelled out in the Midrash to include all aspects of life, and their keeping them is NECESSARY for the separation to become a reality, and for the standard to be created. (5, 5)

Another version found in Tanhuma clarifies that the separation is indeed for the benefit of both Israel and the nations:

"If it had said "I will set apart other peoples from you" there would be no hope left for an idolater, and no one would convert ... by saying "I will set you apart from other peoples" God hinted to those idolaters who wished to convert [that it would be possible for them to do so, by taking on themselves the commandments of Israel.] (Buber ed., va-Yeze 22)

Here it becomes very clear that the separation depends upon the actions of Israel, but even more than that, the fact that the separation exists only because of Israel's choices hints that anyone from any nation can become part of those who chose. The choice of Israel is not a biological issue at all, but rather an issue of religious and ethical choice. (this idea is also echoed in **Tanhuma Korah 10**)

Finally, **Sekhel Tov**, R. Menahem b. Solomon, explains this idea in terms of holiness. It is true that we say that God separates Israel from the nations, as the separation of holiness from profane, but when it comes to humans we need to remember that all humans are holy. So, the separation is like that between holy and holy, such as the separation between kohen and levi, or between Shabbat and Yom Tov. Every person, even the idolater is potentially holy, first because they are created in God's image, and secondly because, as we have seen, they can potentially chose to act according to God's commandments, just as Israel is only holy if it acts accordingly. (on Ex. 12 D.H. "mazgu lo") TTT 167

It seems to me that there is an opening here to clarify our concept of Israel's election, and to specify that any other person may be included in it. Perhaps, in order to stress this idea we need to change our liturgical phrases which declare that Israel is sacred and others profane, "bein kodesh le-hol", to the phrase that declares that all are holy

and the distinctions are only between whoever has actualized their potential holiness more and one who has actualized it less, "bein kodesh le-kodesh".

***Lev. 21, 1 – 4**

The LORD said to Moses: Speak to the priests, the sons of Aaron, and say to them: None shall defile himself for any [dead] person among his kin, ²except for the relatives that are closest to him: his mother, his father, his son, his daughter, and his brother; ³also for a virgin sister, close to him because she has not married, for her he may defile himself. ⁴But he shall not defile himself as a kinsman by marriage, and so profane himself.

This week's parasha includes the rules of mourning for Kohanim (priests). Since the Kohen must be responsible for bringing sacrifices to the altar, he must be in a state of ritual purity ("tahor"). Since contact with the dead renders a person ritually impure ("tamay") a priest who was involved in funeral rites could not perform the priestly duties. This would be a disability, not only for the priest, but for all of Israel. Thus, in order to maximize the ability of a priest to carry out their duties, the Torah spells out what is permitted to a priest who is in mourning.

Even though a priest should not intentionally defile himself in order to partake in the burial of anyone, the Torah, recognizing the importance of human relationships, allows an ordinary priest to intentionally become impure for close relatives (cf. Lev. 21:1-4). The priest is also not allowed to observe certain other rituals of mourning which might be construed as diminishing his standing. All of these rules apply to an ordinary priest.

However, "The priest who is exalted above his fellows, on whose head the anointing oil has been poured and who has been ordained to wear the vestments, shall not bare his head or rend his vestments." (Lev. 21:10) The High Priest cannot make himself impure for any relative, not even mother or father. I was struck by the description of the High Priest. This holy position is characterized by three things: exalted above the other priests, has been anointed, and wears the priestly vestments.

At first glance the priestly vestments could be seen as sanctified objects. When the High Priest finishes the most sacred service of the year, on Yom Kippur, he takes off the linen vestments before immersing in water, "and leaves them there" (Lev. 16:23). This leads the Talmud to infer that these garments are indeed holy and must be put into a genizah, that is, no other use can be made of them (cf. **Pesachim 26a**). However, R. Dosa disagrees with this inference. He feels that they may be used by an ordinary priest whose turn it is to attend the altar, and the purpose of the words "and leaves them there" is that the same garments cannot be used on Yom Kippur again.

In line with this debate, the Talmudic tradition seems to eschew the idea that a mystical holiness accrues to the priestly garments in themselves. In addition to R. Dosa's opinion here, we find that worn out priestly garments were expropriated for public use, and were used to make wicks for the torches in the Temple, particularly for Simhat Bet ha-Shoeva (cf. **Shabbat 21a**). Not only is there no need to put the clothes into a genizah, but they can be recycled for other ritual purposes.

In another Talmudic beraita we learn that a priest may wear the clothes in the Temple at all times, although he is not allowed to wear them outside of the Temple. This is because the priestly garments are meant for the pleasure of the priests. That

is, these garments are not only a holy veneer on the priest, but they are also meant as clothes which he is to benefit from. Now, because they are priestly they cannot be used for going to a banquet outside of the Temple, but within the confines of the Temple they are to be enjoyed (cf. **Yoma 68b-69a**). This down to earth attitude also demystifies the garments, giving them status but not status of “untouchable sacredness”.

Finally, there is the famous debate over whether one who tears a priestly garment is liable for flogging for transgressing a negative commandment. In describing the vest the Torah says that: “...the opening shall have a binding of woven work round about... so that it does not tear.” (“lo yikahreyah”; Ex. 28:32) The Hebrew words “lo yikahreyah” can be read as a negative commandment that the garment is not to be torn. If that is the case, then one who tears the garment is liable to flogging by the court.

Rabbi Aha b. Yaakov attacks this reading of the Torah. He suggests that it merely means, as in the JPS translation, that the garment has to be made in such a fashion that it cannot tear (**Yoma 72a**). Once again, the Talmudic tradition demystifies the priestly garments and tends to treat them as they are in reality, namely, objects used in sacred worship which must be treated with care and respect, but not as objects of “worship” or objects by which loyalty to the Torah is to be tested. **TTT 168 HA and E**

In our day we see a tendency to impart mystical or magical significance to many ritual objects. Perhaps we should be more careful to follow our Talmudic tradition which knows where to draw the line of superstition, even as it imparts the proper dignity and respect for these objects.

***Lev. 21, 16 – 23**

¹⁶The LORD spoke further to Moses: ¹⁷Speak to Aaron and say: No man of your offspring throughout the ages who has a defect shall be qualified to offer the food of his God. ¹⁸No one at all who has a defect shall be qualified: no man who is blind, or lame, or has a limb too short or too long; ¹⁹no man who has a broken leg or a broken arm; ²⁰or who is a hunchback, or a dwarf, or who has a growth in his eye, or who has a boil-scar, or scurvy, or crushed testes. ²¹No man among the offspring of Aaron the priest who has a defect shall be qualified to offer the LORD's offering by fire; having a defect, he shall not be qualified to offer the food of his God. ²²He may eat of the food of his God, of the most holy as well as of the holy; ²³but he shall not enter behind the curtain or come near the altar, for he has a defect. He shall not profane these places sacred to Me, for I the LORD have sanctified them.

The beginning of our parasha deals with matters that disqualify a priest from participating in sacrifice, they are defilement by being in contact with the dead, forbidden marriages, and physical blemishes. The first subject is spelled out in a positive way, namely, the close degrees of relationship for which the priest is allowed to defile himself. As to physical blemishes, the Torah makes it clear that such a priest may eat his portion of the sacrifice, but should not participate in the service. (Lev. 21, 16-23)

Now, this latter subject bothers us, especially in the light of the open acceptance which modern society adopts towards those who are disabled or physically “different”. The halakha makes it clear that such a priest is not totally rejected, rather

he is given work in the Temple, and fulfills priestly duties, and certainly shares in all of the material benefits of priesthood, but is merely not allowed to serve “in public.” (for summary see **Rambam, Biat ha-Mikdash 6, e.g. hal. 12**)

Indeed, this idea is enlarged to cover other physical “blemishes” for the priestly duties of blessing the public, even in our day. The defects added have to do mostly with deformation of hands or feet, since those are the most visible parts of the body while fulfilling the priestly function. However, there are those who insist that if the particular priest is known in his town, and people are not “disgusted” by the deformity, that this priest is permitted to take part in the priestly blessing. (cf. **Meg. 24b; Sh. Ar. OH 128**)

So, from all of this, it is clear that the issue is what will “put off” those watching, and make it hard for them to concentrate on the service. Indeed, the reason for these rules is sought in the Talmud. The answer is that the priest who functions, in sight of the congregation, must be “whole” (“shalem”). This is learned from the fact that the priestly covenant is one of “shalom”, where the Hebrew letter vav of shalom is written in a disrupted fashion, with a space in the middle of the letter. (**Kid. 66b**) This is taken to indicate that the priest who serves the public should be “whole”, that is, his appearance should not cause discomfort among any member of the congregation.

It does seem to make some sense that a public worship service should strive to make sure that those who come to worship are not “turned off” or distracted by something they see. One can facilely point to the example of movie stars, where appearance is central to their profession, because the main function they have is to be seen by large numbers of people. Still, in our day, when there is a change in the way people “see” deformities, perhaps these rules would not serve this reason very well. Or, we might use the limitation of people being “used to” a particular deformity to invalidate all of the rules in a general fashion. **TTT 169 HA and M and K**

I wish, however, to consider another avenue. The use of the word “mum”, blemish, applies to moral blemishes as well as physical ones. This usage is seen in the dictum of R. Natan, “one accuses others of their own moral blemishes”. (**BM 59b**) Thus, R. Yohanan states that a priest who has killed another cannot participate in the priestly blessing. (**Ber. 32b**) This is generalized by Rambam to include the other two central moral transgressions, besides murder, namely idolatry and adultery. (Nesiat kapaim 15, 3) Although the Shulhan Arukh does cite an opinion which allows a priest who has repented of such sins to participate in priestly functions (**OH 128, 35**).

The approach which emphasizes moral blemish as central is strengthened by the Talmudic interpretation of the verse: “When a man schemes against another and kills him treacherously, you shall take him from My very altar to be put to death.” (Ex. 21, 14). This verse is applied specifically to a priest who has killed someone. That is, the priest may be removed from his turn at the sacrificial altar in order to be tried for murder. If, however, he has begun the sacrifice, he is allowed to complete it before being taken to court. R. Yohanan there adds that if the priest can save a life, e. g. has some evidence in a murder trial that might save the accused, he can be taken even during his sacrificial duties (**Yoma 85a**). This emphasizes the centrality of saving life

over taking life, but it also makes it clear that moral blemishes disqualify a priest even more so than physical blemishes.

***Lev. 22, 24**

You shall not offer to the Lord anything [with its testes] bruised or crushed or torn or cut. You shall have no such practices in your own land, nor shall you accept such [animals] from a foreigner for offering as food for your God, for they are mutilated, they have a defect; they shall not be accepted in your favor.

In this Torah reading we find laws relating to physical flaws that invalidate a sacrifice. In general, one can bring sacrifices of the approved animals or birds, but if the creature has certain flaws, they may not be offered as sacrifice. Among all of these rules we read: "You shall not offer to the Lord anything [with its testes] bruised or crushed or torn or cut. You shall have no such practices in your own land, nor shall you accept such [animals] from a foreigner for offering as food for your God, for they are mutilated, they have a defect; they shall not be accepted in your favor." (Lev. 22, 24)

On the face of it this seems simple enough. An animal whose testicles are destroyed cannot be brought as a sacrifice. Certainly, this qualifies as a physical blemish. But, this verse adds "you shall have no such practices in your own land." This addition implies that these are not blemishes of nature or of accident, rather that people have deliberately damaged the animals reproductive organs so that it cannot reproduce. Indeed, from this verse it is clear that castration, in Hebrew "sirus", is not confined to removing the testes, but any action that damages them in such a way that prevents procreation is considered castration.

Perhaps some custom of the ancient world is being negated here, as in other parts of the sacrificial system. What is clear is that the Torah sees it as a transgression to deliberately prevent procreation by tampering with the reproductive organs.

In the Talmud, the scope of this verse is enlarged: "we have learned: From whence do we know that it is forbidden to castrate a human being? It is written: "no such practices in your own land", that is, "do not do such to yourselves"." (**Shabbat 110b**). Indeed, the Talmudic discussion makes it clear that castration, as defined above, is prohibited for animals, fowl or humans, at all times and in all places.

Rambam summarizes the prohibition: "It is forbidden to cause the loss of usefulness of reproductive organs in humans, in wild and domestic animals, and in fowl whether in pure or impure species, whether in the Land of Israel or outside of it." (**Yad, Issurei Biah, 16, 10**)

This sweeping prohibition against genital mutilation is unusual. True, the Talmud discussion includes an opinion which allows sterilization by drinking a potion, "kos shel ikkarin", but even that opinion is restricted to old women. What is clear is that genital mutilation, producing sterilization, in men and women, is an anathema to our tradition.

This question arises in Rabbinic responsa in regard to men who were sterilized during prostate surgery, and in some cases of men who were sterilized by the Nazis

during WW II. Two questions accompany these responsa. One is if the person, or the physician, has violated the prohibition against “sirus”; and the other is if this is considered in the category of “petzua’ daka”, one whose testes are crushed, who is forbidden to be part of Jewish society. The upshot of this would be that such men would have to divorce their wives and could not live in Jewish society. Although there are some rabbis who rule that such people are forbidden, most find ways of not including them under the categories of these two prohibitions. **TTT 170 M and HA**

Those who are lenient argue on the grounds of: a) “pikuah nefesh”, that is in the case of an operation it was necessary to prevent the ducts from carrying semen in order to prevent potential loss of life; b) or in both categories that the prohibition is only for physically visible signs of mutilation, but if the sterilization is internal that does not constitute an offense against these prohibitions. (cf. **piskei Uziel be-sheelot ha-zeman 55; Igrot Moshe Even ha-ezer 4, 28; Minhat Yitzhak 5, 13 and 8, 124; Tzitz Eliezer 10, 25, 24; among others.**)

Still, the meaning of the prohibition against genital mutilation of any type that leads to sterilization is not spelled out. It seems, on the face of it, to be a cruel act, but are there other reasons? Ibn Ezra in his comment on our verse says simply: “you shall not change [defy] an act of God.”

I believe that this is not merely a simple assertion that we should not intervene in what God creates. It seems to me that Ibn Ezra is pointing to much greater issues. The organs of reproduction are, after all, the most direct instruments expressing our partnership with God. We are well familiar with the idea that men and women were inducted into partnership with God when God spoke to them saying: “we will make humans in our image”. (Gen. 1, 26; cf. **Gen. R. 8, 9**) From that moment, life is not created solely by God, but by men, women and God together, and the instruments of reproduction are the bodily incarnation of that partnership. To destroy them, or make them useless, is to defy God’s partnership. **TTT 170 and T**

In our own time, those who deny the connection between reproduction and recognizing that all humans are connected to God’s image is dramatically illustrated by the view that sterilization is a way of “enhancing humanity”, which was a euphemism for saying that certain people were less than God’s image and should be prevented from reproducing. This is a popular view in most modern states, and is embodied in the movement known as “Eugenics”. In October 1998, the Board of Directors of the American Society of Human Genetics issues a statement which included the following:

“The global scientific community is making extraordinary advances in understanding the human genome. This knowledge has contributed many important medical benefits. Yet, concern about the possibility of misuse of genetic concepts and genetic information may be as great today as at any time since World War II. Many fear that as we learn more about how genes vary and function, some individuals or institutions may be tempted to ascribe an overly deterministic influence to their role in shaping human health and potential and pursue social policies that limit or constrain reproductive freedom.... Although arguments for maintaining racial purity abound in nineteenth century German literature, the Nazis were also influenced by events in the United States. The 1934 German racial hygiene law relied on a model

bill written by the American eugenicist, Harry Hamilton Laughlin, who for three decades directed the Eugenics Record Office at Cold Spring Harbor.... The German sterilization program quickly evolved to target and eliminate retarded and epileptic children, the mentally ill, and other groups. The program has been called a precursor to the gas chambers. During the early years (1934-38) the Nazi sterilization program was not primarily an attempt to improve the gene pool. It focused on eliminating "useless eaters" - persons who would consume resources without contributing to their production." [emphasis mine.]

In his PHD dissertation Dr. Barry Mehler wrote:

"In 1982, Yale psychiatrist Robert Jay Lifton published an important article, "Medicalized Killing in Auschwitz," in which he examined the imagery of killing as a medical procedure. Lifton was interested in just how German physicians were able to rationalize their participation in mass murder. This led Lifton to focus on "the motivational principles around ideology, and the various psychological mechanisms that contributed to the killing." Lifton emphasized the importance of the belief that killing was a therapeutic imperative. German physicians propounded an ethic which placed the doctor's loyalty to the nation as "cultivator of the genes" above his responsibility to the individual patient. As one Nazi SS doctor explained it, he participated in Auschwitz exterminations "out of respect for human life." Just as the physician "would remove a purulent appendix from a diseased body," so he was removing degenerates from the "body of Europe." The comparison of degenerate humans with cancer cells and disease is recurrent throughout European and American eugenic literature." ("A History of the American Eugenics Society," (U.of Illinois, 1988)) [emphasis mine.]

With the cracking of the human genome and the increase in knowledge, the danger of immoral positions increases. We would be well served to include the wisdom of the Torah in our thinking about these issues. The danger of assuming power over another person's reproductive system touches on the very issues of the worth of humans. Our belief, that human value is predicated on Divinity, on the absolute, is challenged, and it is this that the Torah so clearly brings to our attention.

***Lev. 22, 31-33**

You shall faithfully observe My commandments: I am the Lord. You shall not profane My holy name, that I may be sanctified in the midst of the Israelite people – I the Lord who sanctify you, I who brought you out of the land of Egypt to be your God, I the Lord.

Our parasha contains one of those summaries of God's demands on Israel that are so central to the religious consciousness of the Torah. "You shall faithfully observe My commandments: I am the Lord. You shall not profane My holy name, that I may be sanctified in the midst of the Israelite people – I the Lord who sanctify you, I who brought you out of the land of Egypt to be your God, I the Lord." (Lev. 22, 31-33) There seems to be stages in this passage. The first is observance of the commandments; the second is not profaning God's name; the third is sanctifying God's name. These stages lead to an existential condition that is equivalent to that of the first command of the Ten Commandments, the becoming of God as God out of the exodus from Egypt. **TTT 171 T and B**

It is interesting that there are two separate stages concerning God's name. The negative command not to profane it, and the positive command to sanctify it. In the Midrash halakha on Leviticus the positive command is taken as the source of the mitzvah of Kiddush ha-Shem, that is, one is commanded to give one's life for the commandments. (**Sifra emor 8, 9**)

Ibn Ezra interprets the first stage, to faithfully observe the commandments, to mean that God will search out the intent of the heart when performing commandments. This interpretation places emphasis on intent, and, perhaps, the act of Kiddush ha-shem appears to be self-apparent as to the intent. (**on Lev. 22, 31**)

In rabbinic tradition this verse is central to the debate over the question of motivation in keeping commandments and in study of Torah. The phrase which indicates the ultimate motivation is "torah li-shma", literally "Torah for its own name". The word "name" signifies the essence of the thing named. Thus, the phrase means that one studies Torah, or keeps Torah, for its own sake and for no other motive. The assumption of such a pure motive may seem naïve, but, as in most areas, our tradition assumes such ideal goals, and then sets about trying to define how close a real flesh and blood person can come to achieving those ideals.

In our case, R. Meir states simply that one who engages in Torah achieves many things. The word engage, "osek" in Hebrew, is meant to indicate both study of and deeds of Torah. (**Calah Rabbati 5, 1**) The sages, in this same source, derive from this the rule that a person should always engage in Torah and Mitzvot, even NOT li-shmah, that is, with impure motivation. The reason is that the engagement itself will tend to purify one's motivations, and one will get closer and closer to "li-shma".

The JPS translation of our verse, "You shall faithfully observe My commandments", smoothes over a difficulty in the Hebrew. The Hebrew is "u-shemartem mitzvotai", "You shall keep my commandments", "ve-asitem otam", "and you shall do them". The translation ignores the problem that we are told twice to observe the commandments by turning the phrasing into an emphatic one "faithfully observe". But, our text is bothered by this seemingly unnecessary repetition. It suggests that the word "shamar", observance, is defined by the word "oseh", to do. That is, these commandments are for action, they must be performed, not merely studied. However, the end of our text offers another reading. It suggests that if one studies the commandments "li-shma", then it is as if one has done them!

From all of this it seems clear that there is a strong tendency in our classic sources to make study into a kind of action. Study of Torah, for its own sake out of pure motivation to learn Torah, is seen as so fundamental that it becomes the vehicle of connection to God altogether. Indeed, even study which is not so purely motivated fits into this category, because it is assumed that the power of Torah study is so great that it in itself will lead to eventual purity of motive. The Yerushalmi tells us that R. Shmuel bar R. Yitzhak taught that God is willing to waive, overlook, Israel's commission of the three cardinal sins, idolatry, incest and murder, but God is NOT willing to overlook abandonment of the Torah. (**Yer. Hagigah 1, 7**) The basis for this teaching is that Jeremiah when describing the reasons for the destruction of the Temple states that it is because Israel has abandoned the Torah (Jer. 9, 12). **TTT 171 and E and K**

Yet, this seems odd. If the sin which brought about the destruction was abandoning the Torah, how can God waive the three cardinal sins for they are part of the Torah? R. Hiya bar Ba [Abba] offers an emendation to the explanation: God waives abandoning Him, as long as the nation observes the Torah. For the "leaven", "se'or", in the Torah has the power to bring them closer to God. Now our explication turns on the relationship between closeness to God and observance of the Torah. Our source seems clear at first, but upon closer examination it is very cloudy. God is not really waiving a relationship, but assuming that observance of Torah will bring it about. That is to say that the goal remains a relationship with God, and study of and observance of Torah is the means.

This works because of the "leaven", "se'or", of the Torah which seems to be some quality which brings about the desire to seek a relationship with God. This word is fascinating because it is also used to describe the yetzer ha-ra, the inclination towards evil, which is part of the soul. (cf. **Brakhot 17a**) Is the drive to self worship, also the drive that makes people seek God? The "se'or" of the Torah can be used to seek God, or it can be used to seek power over others. While this may seem to be an interesting lesson, the word is vague and hard to comprehend.

Another text phrases our Midrash in a more striking fashion. Here God actually says "would that they would abandon me" on the provision that they would observe My Torah. The reason given here for this extreme Divine statement is: "the light ("maor") of it [Torah] can lead them back to the good". (**Eicha Rabba 2**) Here the word "maor", light, replaces "se'or". If the Hebrew letter "sin" is replaced with the Hebrew letter "mem" we have the switch. There is light in Torah, the light of understanding and moral insight. The study of Torah can bring that light forward. This version seems much easier to understand.

Perhaps we could think of "se'or" as being libido, passion, and "maor" being intellect, superego. Torah lishma is the convergence of the two. That is really the meaning of Torah, and one alone or dominant is not lishmah. **TTT 171**

Be that as it may, our Yerushalmi passage ends with the assertion that the sages voted and decided in the attic of Arim that study takes precedence over action. It seems as if the bottom line is that study is so crucial to Jewish life that all depends on it, both Jewish continuity and any chance of a connection to the Divine. However, the rabbis of Caesarea declare that this decision only applies if there are people around who will perform the actions required by the Torah. If no one will do them, then action takes precedence over study. It seems that by all accounts both study and action are necessary, and abandonment of them is the only way that Israel can bring itself to an end. As long as we study and observe, light is possible, and so is life.

***Lev. 25, 9 – 10**

⁹Then you shall sound the horn loud; in the seventh month, on the tenth day of the month – the Day of Atonement – you shall have the horn sounded throughout your land ¹⁰and you shall hallow the fiftieth year. You shall proclaim release throughout the land for all its inhabitants. It shall be a jubilee for you: each of you shall return to his holding and each of you shall return to his family.

Let us begin in Emor, at the list of holidays. There we read that on the first day of the 7th month there is a holiday, “zichron teruah” (Lev. 23:24). This is very laconic. There is no description of this holiday, no reason is given for its observance, and no specific ritual is prescribed. We have come to know this day as one of the “High Holidays”, Rosh ha-Shanah, and it is a very holy day in the Jewish calendar. But, from the biblical account it would appear to be very prosaic, and the name Rosh ha-Shanah does not figure in this text anywhere.

The expression “zichron teruah” is literally a “remembrance of ‘teruah’”. But what is ‘teruah’, and why should it be remembered every year on the first day of the 7th month of the calendar? The word ‘teruah’ is some kind of loud sound of celebration, or a triumphant war cry (see Joshua 6:10ff; see Hosea 5:8 for a parallelism of blowing a shofar, a trumpet and teruah).

What is the cause of celebration for this holiday? In our parasha of Be-Har, we find an answer. The word ‘teruah’ is found in the expression ‘shofar teruah’, a shofar of jubilation (Lev. 25:9). It is the jubilant sound of the shofar which “proclaims liberty (“deror”) throughout the land to all the inhabitants thereof” (Lev. 25:10). The ‘shofar teruah’ is a special one with special sounds used to proclaim ‘deror’ liberty.

The word “deror” does not denote liberty in an amorphous way, but judging by the context of parashat Be-har, it is a specific technical term for “economic liberty” or more properly “the freedom which comes from equality of economic opportunity”. All the laws of Behar deal with correcting economic inequality, which brings about inherited poverty, passed on from generation to generation. According to Be-Har, we all are obligated to “redeem” (‘geullah’) any of our relatives afflicted by economic disaster. By setting a goal of jubilee, i.e. every 50 years there is a kind of recalibration of society and a return to the ideal setting of equal economic opportunity for every family. The sound of the shofar proclaims boldly the ideals of such a just society. It is a holiday every year when we are reminded of those ideals at the time of the New Year, and we know that we are all one year closer to “deror”. **TTT 172 T and M and B**

We all remember the effect of the shofar blasts at Jericho, when “the walls came tumbling down.” But, our memory is not exact. Look closely and you will see that Joshua tells the people to “shout a jubilant cry” (‘hareeu’ 6:10), and on the seventh circuit, while the priests are blowing the shofarot, the people shout (6:15-16). It is not enough just to have the shofar sounding, but the nation must join in with its voices.

The original context of the shofar on Rosh ha-Shana, the first day of the seventh month, was to remind us of the ideals of Jewish society, the ideal of equal economic opportunity, of liberation from poverty and enslavement to other humans. It is from

the Mishnah that we learn of that connection. **RH 3:5** informs us that the the blessings and the shofar sounds for Rosh ha-Shanah are IDENTICAL to those for the Jubilee year. That establishes that the “zichron teruah” is a reminder of the Jubilee, each year. But, the shofar is a ‘shofar teruah’, which by looking at Joshua means something like “a shofar sound TOGETHER WITH human voices”. Proclaiming ideals loudly is good in itself, but we are called upon to add our own voice in partnership with those ideals. The call of the shofar in the jubilee year is to proclaim ‘deror’, and our duty each Rosh ha-Shanah is to hear again that proclamation, and to add our voice and deeds to the effort to achieve social justice.

This theme is hammered home by a beautiful midrash on parashat Be-Hukkotai. The midrash wonders about the order of things, namely, that following all of the laws in Be-Har about helping the needy, laws of “geullah”, the Torah warns us of fierce punishments. We are told that Israel will be exiled from its land “for the abundant reason (ya’an u-ve-ya’an) that they rejected My norms and spurned My laws” (Lev. 26:43) The midrash (**Lev. R. 34:9**) points out that the word ya’an, is a reordering of the word “ani”, poor person. This makes it clear that the laws which were spurned and brought about exile and forfeiting of the right to dwell in the land were precisely those laws of Be-Har which command us to redeem the poor. The midrash translates verse 43: “because you have rejected my laws concerning the poor” you will not be able to maintain your society, and will eventually be forced to give up the land. TTT 172

Leviticus begins with ‘kedusha-holiness’ and ends with a thread of ‘geullah-redemption’ from economic distress. The two are tied together, and Jewish society needs both in order to endure.

***Lev. 25, 14 - 17**

¹⁴When you sell property to your neighbor, or buy any from your neighbor, you shall not wrong one another. ¹⁵In buying from your neighbor, you shall deduct only for the number of years since the jubilee; and in selling to you, he shall charge you only for the remaining crop years: ¹⁶the more such years, the higher the price you pay; the fewer such years, the lower the price; for what he is selling you is a number of harvests. ¹⁷Do not wrong one another, but fear your God; for I the LORD am your God.

This week’s parasha of Be-Har contains the main principles of a just society from the Torah's point of view. One of the main elements of such a society is that it must prevent the establishment of poverty so that no family remains poor generation after generation. There are many laws meant to emend the condition of inherited poverty, and finally the Jubilee law which wipes out all debts and land transfers every 50 years.

One aspect of this formidable legislation is the command that all dealings in the area of giving a poor family the opportunity to get out of its poverty must be fair and not oppressive to the poor. Indeed, this is repeated many times. For example in Lev. 25, 14 we read: "When you sell property to your neighbor, or buy any from your neighbor, you shall not wrong ["al tonu"] one another." In Lev. 25, 17 we read: "Do not wrong ["ve-lo tonu"] one another ["ish et amito"], but fear your God; for I the Lord am your God." The Hebrew word used here is from the root "honah" which

means to wrong, to defraud or to deceive. The Torah seems to be all too aware that many times helping the poor can become a vehicle for enriching those involved.

But, as is usual in our exegetical tradition, the Midrash Halakha wonders why we need both verses. The Torah does not need to repeat the prohibition against "onaah", fraud or deceit. In the Sifra, the Midrash Halakha on Lev., we learn that the v. 14 refers to deceit in monetary matters, while v. 17 refers to deceit by speech, "onaat devarim". The latter is considered to be a more serious transgression than the former. It seems that deceiving someone by false speaking is a case of "genevat data", stealing the persons mind. The concept that by what we say or even suggest we defraud another of their own clear idea is central to this prohibition. (Sifra Be-Har 3, 4) TTT 172

The Sifra gives concrete examples:

If one meets a repentant person, one should not say to them 'remember your former ways'. If one meets the son of a convert, one should not say to them remember what your ancestors did. If you meet a person who is ill or who buried a child one should not say to them as Job's friends said to him "Is not your piety your confidence, Your integrity your hope? Think now, what innocent man ever perished? Where have the upright been destroyed?" (Job 4, 6-7). If one met peddlers who want to buy grain or wine, one should not say to them to try buying from so-and-so, and he never sold grain in his life. Rabbi Yehudah says also one should not roll his eyes at an object and ask how much it is, if one does really not want to buy it. And if you say all of this is merely good advice which God gives us, note that God pays special attention to these transgressions as it says "but fear your God", and everything to which God pays special attention the word "fear" is written.

Now this list is outstanding in the moral standard which it assumes the Torah is commanding us. It includes being sensitive to the language we use that might injure peoples feelings about their past or their family's past; not playing God and passing judgment of any kind on a person who is suffering illness or personal tragedy, even in an attempt to cheer them up; not to mislead people about where they may purchase something; nor to give a false impression to a merchant that one wants to buy his product when one has no intention of doing so. The reason given for this demand of extraordinary sensitivity is that God pays particular attention to these transgressions. (cf. the parallel passage in the **Tosefta Bava Metzia 3, 25, Lieberman edition, p. 78-79**)

This is codified in the Shulhan Arukh, but the reason given there that onaat devarim is a worse transgression is because monetary fraud may be made up by compensation, but mental anguish cannot be calculated. (**HM 228, 1**) There is a suggestion there in the Mapah commentary on the Shulhan Arukh that these rules apply only to Jews. This suggestion is based upon the Talmudic interpretation that the word "amito" in v. 17 is to be read as "am she-itekha ba-Torah u-mitzvot al tonehu", the nation, "am", that is with you ["she-itekha"] in Torah and mitzvot should not be deceived. (**BM 59a**) These do not, however, seem to be the halakha, and appear only in the Mapah as a "some say" statement, although it has been used as a wide spread "custom".

One other interesting comment of the Mapah on this halakha is that it is permitted to deceive a person who is hurting themselves. That is, to prevent the person from

injuring themselves, physically or mentally, one may say things to them which are not really true, or which divert their mind to other matters.

Rabbi Yehudah's comment is most interesting. Why should one not ask seriously about the price of an object, even if one is not going to actually buy it? In his monumental commentary on the Tosefta our teacher Rabbi Shaul Lieberman notes four reasons given in traditional sources. One is that you end up diminishing the worth of the object in the eyes of the owner by asking the price and then not buying it. Thus, you may force a person to sell something for less than its fair price, and thus in the long run cause him monetary loss. A second interpretation is that you may have caused him to not sell it to someone else at that moment by taking up his time and pretending to want the item, and thus you will have caused him real loss. A third interpretation is that this is a case of *genevat data*, where you have given him the impression that you respect him and his product, while you are really mocking him. Here the loss is not monetary but psychological. A fourth interpretation is that you should not go into a store just to inquire with no intention of buying, because by so doing you create a larger crowd in the store and you may thus cause the merchant to RAISE his prices for others since he thinks he has a hot item with lots of demand. In this case you are causing loss not to the merchant, but to other customers. (**Tosefta ki-Feshuto, Nezikin, p. 184 – 185**).

Our tradition exhibits enormous sensitivity to how even the simplest and smallest word or gesture of dishonesty can cause damage to others. It is an astonishing lesson for us in these days of large corporate fraud and crass commercialism. It leads one to wonder if the whole advertising industry is not one big transgression of the Torah, kind of mass *onaat devarim*. Food for thought.

***Lev. 25, 24 – 26**

²⁴Throughout the land that you hold, you must provide for the redemption of the land. ²⁵If your kinsman is in straits and has to sell part of his holding, his nearest redeemer shall come and redeem what his kinsman has sold. ²⁶If a man has no one to redeem for him, but prospers and acquires enough to redeem with,

The ideal economy of Israel society in the Torah is that every family in every tribe has an estate from which it can live honorably and independently. This ideal is based on agriculture alone. When the ideal is disrupted, and a particular family is forced to sell part of its estate in order to survive, there are laws whose purpose is to correct the disruption. (for the best exposition of this system cf. **Zeev Jabotinsky, on Shemittah and Yovel**).

These laws are all stated in the beginning of Be-har. They are: shemittah, Yovel, and geulah (“redemption”). The first gives a person who had to take loans in order to survive the ability to break free from the loans. The second insures that the estate will return to the family, no matter what.

The third law, geulah (redemption), places the burden of repair on the relatives of those families on whom economic ruin has fallen. (Lev. 25:24-26) “Throughout the land that you hold, you must provide for the redemption of the land. If your kinsman is in straits and has to sell part of his holding, his nearest redeemer shall

come and redeem what his kinsman has sold. If a man has no one to redeem for him, but prospers and acquires enough to redeem with...."

The tradition understood that a family was not permitted to sell ALL of its estate as in v. 25 "part of his holding". Also one is not permitted to sell even a part of the estate until being in danger of starvation. The Midrash Aggadah (**Tanhuma, Buber, be-har, 9**), applies these verses to Mordecai who is the redeemer of the Jews in Persia. They had fallen into dire straits because of their sin of eating the food of the gentiles, as it is written: "At the end of this period, the king gave a banquet for seven days in the court of the king's palace garden for all the people who lived in the fortress Shushan, high and low alike" (Esther 1:5). Thus, they were all under threat of death by the design of the evil Haman, but Mordecai "redeemed" them from this fate. The Midrash applies the law of geulah in a general fashion. Wherever Jews are in trouble, for whatever reason, those Jews who can help redeem them must do so. The mitzvah of geulah applies not only in the Land of Israel and not only to financial distress.

But, this interpretation raises one of the most fascinating questions concerning the mitzvot. R. Eliezer says that the mitzvah of geulah is an obligation ("hovah") and R. Yehoshua says it is optional ("reshut") (cf. **Kiddushin 21a**). R. Yehoshua learns that it is optional from the verse which says: "If a man has no one to redeem for him..." (v. 26). He reasons: "it is not possible that a Jew has no relative whatsoever, thus the appellation "no one" must mean a relative who does not WANT to redeem, therefore the mitzvah is optional." R. Eliezer reads the verse: "and redeem what his kinsman has sold" (v. 25) as an obligation, apparently reading "ve-ga'al" as if it read "ve-ge'al" in the imperative form. **TTT 173 HA and M and B**

This debate is carried on by the schools of R. Akiba ("obligation") and R. Ishmael ("optional"). In the Talmud **Sotah 3a**, we read of several other mitzvot over which they were split whether these were obligations or optional: being jealous of one's wife regarding the Sotah ritual, the priests defiling themselves for a virgin sister, and working non-Hebrew slaves with rigor. Then we are told of the great Amoraim Abbaye and Rava, each of whom is asked the same question by a pupil: "Do we infer that R. Akiba and R. Ishmael were divided thus over the whole Torah?"

The question itself is astonishing. Could we today even imagine thinking that the mitzvot of the Torah should be seen as optional? Indeed, by the time of Rava and Abbaye they could not really entertain that idea seriously, and the answer to the pupils is "no", they merely differed over the interpretation of verses. But, this explanation is too facile. It is clear that there is something behind the question. Actually, if we look at the book of Ruth, we see that the anonymous relative who has first crack at "redeeming" Naomi's field is given a choice, and he refuses the mitzvah. If Ruth reflects a reality of how the mitzvah was kept, it looks as if it was indeed optional.

What could R. Ishmael mean by inferring that all of the mitzvot are "reshut". This word implies choice, but saying that one has a choice to obey or not to obey a law does not mean that the law is NOT obligatory. It merely means that even though the law should be obeyed, to really do so is to keep the law out of conscious choice. Akiba seems to stress that one should always keep a mitzvah all the while feeling

“obligated” to do so, and Ishmael seems to stress that one should keep the mitzvah feeling that one has “chosen” to do so. Subsequent tradition has tended to interpret everything through the eyes of R. Akiba. But, in our day we need to explore the meaning of mitzvah according to R. Ishmael. (for another view of this debate cf. **Prof. Heschel, Torah Min ha-Shamayim, I, pp. 163-167). TTT 173**

***Lev. 25, 35 - 38**

If your kinsman, being in straits, comes under your authority, and you hold him as though a resident alien, let him live by your side (“ve-hai imakh”): do not exact from him advance or accrued interest, but fear your God. Let him live by your side as your kinsman (“ve-hai ahikha imakh”). Do not lend him your money at advance interest, or give him your food at accrued interest. I the Lord am your God, who brought you out of the land of Egypt, to give you the land of Canaan, to be your God.

One of the central features of parashat Be-har is the emphasis on economic justice in society. The Hebrew word “geulah”, which means redemption, is used to signify a category of social action whose main feature is that the members of society who have means make sure that their relatives and others who fall on hard times are able to live with dignity. One specific example of the overall concern for economic justice in society is the prohibition against usury. We read: “If your kinsman, being in straits, comes under your authority, and you hold him as though a resident alien, let him live by your side (“ve-hai imakh”): do not exact from him advance or accrued interest, but fear your God. Let him live by your side as your kinsman (“ve-hai ahikha imakh”). Do not lend him your money at advance interest, or give him your food at accrued interest. I the Lord am your God, who brought you out of the land of Egypt, to give you the land of Canaan, to be your God.” (Lev. 25, 35-38)

There are several striking features in this passage. One is the use of categories of citizens, kinsman and resident alien, which are to be seen as equivalent in terms of the demand for economic support. The second striking feature is the connection of this Divine command to the land, and the third is the claim that it is part of accepting God as the redeemer from Egypt. All of this leads one to speculate that these laws in general, and the law against usury in particular, are central to the theology which ties together God, the land of Israel and the nation Israel. This speculation is fortified by the prophet Ezekiel who states: “Thus, if a man is righteous and does what is just and right: ...if he has not lent at advance interest or exacted accrued interest; if he has abstained from wrongdoing and executed true justice between man and man; if he has followed My laws and kept My rules and acted honestly – he is righteous. Such a man shall live – declares the Lord GOD.” (Ezek. 18, 5-9) **TTT 174 T and M and B**

The leitmotif of the passage is “ve-hai imakh”, namely that God demands those with means to be responsible for seeing that those who “are in straits” are allowed to live. The use of the word “imakh”, literally “with you”, carries the overtone of living with dignity, not merely subsisting. The phrase appears once in relation to the resident alien, and again specifically noting the kinsman.

The Midrash Halakha on Leviticus begins its passage on these words with a well known and fascinating halakhic discussion. “Two men are traveling in the desert; one has a pitcher containing a “kiton” [a measure of liquid] of water, if he [the one who brought the water] drinks [all of] the water he will be able to reach a place of

habitation. If they share the water both will die. Ben Petiri taught: "It is better that both drink and die, as is written "Let him live by your side as your kinsman ("ve-hai ahikha imakh")" (Lev. 25:36). R. Akiva said to him: "Let him live by your side as your kinsman ("ve-hai ahikha imakh")" this means that your life takes precedence over that of your fellow", you must give of your money and not give the money of others... (**Sifra 5; BM 62a** with slight variations).

The debate revolves around the understanding of the phrase "Let him live by your side as your kinsman ("ve-hai ahikha imakh"). Ben Petiri apparently understands it to mean "your fellow has the same right of life as you do". So, if there is only enough water for one person to survive, as in the example given, there is no way to decide which one takes precedence. Thus, both drink equally, meaning that both will die. R. Akiba understands the phrase differently, namely, that if you have the means to help your fellow live, you must do so. But, if your means is enough to only support yourself, then your life takes precedence. Note that the option that the one with the water gives all of his water to his fellow is not raised at all.

R. Akiba's point is that the obligation to ensure economic justice for all with dignity depends to some extent on the means of the solvent members. In a case like many western countries, e.g. the US or Israel, where there are enormous fortunes in the hands of a significant number of people, there seems to be no question that they must ensure the economic dignity of the less fortunate. The very wealthy cannot use the argument that their life takes precedence, because their life is not endangered at all by a voluntary reduction of capital.

This interpretation seems to be bolstered by the continuation of the Sifra which relates to usury. The idea is that usury is a form of "helping" those in need, but since those doing the helping profit from this help, it is an inner contradiction to the demand for economic justice. Our Midrash puts it this way: "he who accepts upon himself the prohibition of usury, accepts the yoke of heaven, and he who ignores the prohibition of usury ignores the yoke of heaven. 'I the Lord am your God, who brought you out of the land of Egypt' on the condition that you accept the prohibition on usury, for he who accepts the prohibition of usury accepts the exodus from Egypt, and he who denies the prohibition it is as if he denies the exodus..."

The prohibition of usury seems to be no more and no less than a litmus test of faith in God and in the redemption from Egypt. God redeemed Israel from Egypt on the condition that they understand that any act which exploits human beings for the welfare of others is abhorrent to God, and Israel is to refrain from doing it in its society. Usury is one example of "help" which is exploitive. Thus, in the society which is based upon the acknowledgement of the exodus, it is forbidden. **TTT 174**

Tradition understood our phrase as a positive command to make sure that those in straits must be aided so that they can live in dignity. This is applied to both Israel and resident aliens living with Israel in their land. Every human being is a "kinsman" in this view, and the Torah wants to make sure that God's special protection of the exploited be a marked feature of Jewish society. (cf. **Ramban on Lev. 25, 35-37**)

***Lev. 25, 55**

For it is to Me that the Israelites are servants: they are My servants, whom I freed from the land of Egypt, I the Lord your God.

In this week's parasha a central theme is stated in terms of laws concerning servitude. The idea is that the condition of servitude, being a life-long slave to another person, is forbidden to Israel. Once the nation has been released from slavery in Egypt, no one should voluntarily return to that condition. This rule is stated twice: "For they are My servants, whom I freed from the land of Egypt; they may not give themselves over into servitude." (Lev. 25, 42) and "For it is to Me that the Israelites are servants: they are My servants, whom I freed from the land of Egypt, I the Lord your God." (Lev. 25, 55)

In both of these verses it is not servitude itself which is treated pejoratively, but servitude to another human being. It is clear that we are servants of God, and that this is a good thing. This point is made clear by R. Yohanan b. Zakkai. His students asked why a person who does chose lifelong servitude is to have their ear pierced as a sign of their choice (cf. Ex. 21, 6). Why the ear, they wanted to know. His answer was that the ear which heard the revelation at Sinai saying "I am the Lord your God who took you out of the land of Egypt" (Ex. 20, 2) and yet accepted the authority of another human; and the ear that heard there "you shall have no other gods beside me" (Ex. 20, 3) and yet accepted another master, should be pierced for not having abided by what it heard. In the past Israel were slaves to slaves, from now on they should be servants only of God. (**Pesikta Rabbati 21**)

It is clear from here that the issue with servitude is the problem of loyalty and faithfulness. The ultimate loyalty of a person should be to God, and the condition of servitude interjects another persona between the individual and God. The Sifra interprets the phrase from our parasha, "they are My servants" to mean that "my bond of servitude has priority". It spells this out in commenting on the verse, God freed Israel from Egypt on the condition that they would not give themselves over to servitude. (**Sifra Be-Har 6, 6**)

The idea that one's prior loyalty is to God, and not to another human is clear. It is also clear that a slave, by virtue of his status, may feel that loyalty to master is greater than that to God. But, the question of ultimate faithfulness to God and God's law, rather than to the law of humans applies to all people, not only slaves. Indeed, in the Talmud we find this question regarding a hired laborer. A beraita says that a laborer who finds a lost object acquires the object himself, unlike a slave, whose findings belong to the master. (**BM 10a**) In the discussion it turns out that this opinion is based upon the potential of the laborer to retract his labor, that is, end his contract. Since the laborer is free to end the contract, he is considered independent of his boss, and thus what he finds is his own. The basis for the ability of the laborer to withdraw from employment is precisely that he is not a slave, but he is God's servant and not a servant of servants.

The ability of a person to chose to walk away from a job is a sign of an inherent freedom, and it is the lack of that freedom which is the disability of the slave. One who has the freedom to withdraw from a paid job is assumed to be able to be faithful to God first and foremost. This fascinating idea places the ability to refuse the

authority of another person as the sign of a free person, one who knows that they are servants only of God.

In a most enlightening responsa Rabbi Avraham Yitzhak ha-cohen Kook writes about a rabbi who got a contract from another community, after the contract in his present community had expired. The question that Rav Kook was asked was can the present community press the rabbi to withdraw from his new contract in order to continue working as their rabbi, and is the rabbi allowed to accept their offer.

On the face of it, the rabbi is like the laborer who can withdraw at any time because of our verse, the rabbi is a servant of God and not of the contract. So, if the rabbi wishes to not honor the new contract and return to the old community, it seems as if there is no halakhic reason to forbid it. The contract seems to be like that of a laborer, that is, for a specified period of time. But, this is only on the face of it. Rav Kook states that after looking into this matter he has several reasons why the rabbi cannot withdraw from the new contract, and must keep his commitments to the new community.

First of all, it is not at all clear that the position of rabbi is like that of a day laborer, rather it is more akin to contracting, or piece-work. The reason is that the day worker has some affinity to a servant, whereas the contractor is a servant only of himself. That is, one is free to the extent that one can freely decide by whose authority one will abide. The day laborer is less free because his work is all day and there is no free time, and to that extent he is like a slave. This is not the case for the rabbi, whose obligations are defined by tasks like teaching Torah, answering halakhic questions, and rendering verdicts of a bet din, and there are times when the rabbi has no public obligations at all. Thus, writes Rav Kook, the rabbi's employment is not by time at all, but by the functions which he must perform. Thus, the rabbi is a servant of himself.

The case which he brings to illustrate this halakha is from the **Terumat ha-Deshen (329)** of a contractor who has a contract to produce wine for someone during the period of the grape harvest. Even though the contractor is bound for all the time of the harvest, still he is bound intrinsically by the making of the wine, it is for this that he is hired. That is, the fact that the rabbi is always "on", that there does not seem to be a time limit, still the obligation is only towards the functions. For that reason the rabbi cannot be considered a servant.

Furthermore, Rav Kook maintains that holy work, such as rabbinical functioning imparts honor to the one who does such work. As such, it can never be considered a violation of the prohibition against becoming a servant. For the meaning of that prohibition was that no Jew should be humiliated by others just for work or sustenance. It is being put on the block and treated like a slave which is forbidden, not the work. But, one whose status is that of doing "God's work" can never be humiliated. Even the king is called the "servant of the people", such service is not included in the prohibition of not being servants to others. Thus, the rabbi cannot violate his new contract, and that fact does not violate the rule against being a slave to others, for in this case, that appellation is a badge of honor. In this case serving others is precisely being a servant of God.

*Lev. 26:3-6

If you follow My laws and faithfully observe My commandments, I will grant your rains in their season, so that the earth shall yield its produce and the trees of the field their fruit. Your threshing shall overtake the vintage, and your vintage shall overtake the sowing; you shall eat your fill of bread and dwell securely in your land. I will grant peace in the land, and you shall lie down untroubled by anyone; I will give the land respite from vicious beasts, and no sword shall cross your land.

This week's parasha opens with blessings and continues on with the famous warnings of the "tokhecha", the admonition of curses. The opening verses are: "If you follow My laws and faithfully observe My commandments, I will grant your rains in their season, so that the earth shall yield its produce and the trees of the field their fruit. Your threshing shall overtake the vintage, and your vintage shall overtake the sowing; you shall eat your fill of bread and dwell securely in your land. I will grant peace in the land, and you shall lie down untroubled by anyone; I will give the land respite from vicious beasts, and no sword shall cross your land." (Lev. 26:3-6).

These verses leave us wanting to ask many questions. One question might be, "what is the connection between plentiful yields and peace?" The Olam ha-Tanakh version of Leviticus comments simply, "satiation is a necessary condition to physical existence, but its benefit is diminished if there is no peace." According to this reading of the sequence of the verses, economic prosperity is a major blessing, but it is not really beneficial to society if there is no peace. Thus, God adds that after economic prosperity is in place, there will be peace. This is also the view of the Sifra. It concludes from these verses that "peace holds the balance to the worth of everything" ("ha-shalom shakul ke-neged ha-kol") (**Sifra, be-Hukotai, 1**). This Midrash brings another verse to establish this principle, "[God] makes peace and creates evil" (Isa. 45,7). Sifra apparently reads this verse to mean that peace, "shalom", is the counterbalance of evil, not "good". **TTT 175 T and M and B**

Another question these verses raise concerns what appears to be a superfluous phrase in verse 6: "I will grant peace in the land, and you shall lie down untroubled by anyone; I will give the land respite from vicious beasts, and no sword shall cross your land." Since the verse says that God will grant peace in the land, it is clear that "no sword shall cross your land". What then is the point of the latter phrase? Rashi, apparently basing himself on **Taanit 22b**, interprets this phrase to mean that no army will cross through the land even on the way to fight somewhere else. Israel will not be involved in any wars, even as an aid to other countries.

Ibn Ezra understands the "shalom" in another way. He says simply: "I will grant peace in the land" - among yourselves." For Ibn Ezra, the peace of the whole blessing which God promises Israel if they keep His laws, is not cessation of war between Israel and external enemies, but it is an internal peace between the people of Israel themselves. It is a kind of peace of mind that comes with a society in which there is no internal tension, no internal violence. Indeed, according to Ibn Ezra, Israel may be engaged in wars with enemies, but it will always prevail since there is internal peace (cf. **the continuing verses, 7 ff.**). Ramban follows this line of thought. He says: "I will

grant peace in the land – there will be peace among yourselves, and a person will not fight with his fellow Jew.”

Thus, we see that there are two different approaches to the nature of “shalom” with which Israel is to be blessed if they follow God’s laws. One is cessation of war with enemies surrounding us, and the other is cessation of internal war and violence. In the vision of the end of days of the prophet Micah when “Nation shall not take up Sword against nation; They shall never again know war” (Micah 4:3), the prophet paints the picture of this peaceful era in terms of social tranquility: “But every man shall sit Under his grapevine or fig tree With no one to disturb him. For it was the LORD of Hosts who spoke.” (v. 4). Rashi asks where did God say this, that is, where can the Divine promise which the prophet mentioned be found. The answer is in our verse: “I will grant peace in the land”. (cf. **Mechilta de-R. Ishmael, mass. De-pascha, bo, 12**).

The prophetic vision of the end of days is not, therefore, a later creation of the prophets, but it is merely their concrete presentation of God’s blessing already stated in the Torah. It includes both types of peace, the external and the internal. Indeed, the language of the verses is conditional language, “if...then”. We may understand the condition to be NOT on the results, but rather on the antecedent, namely HOW we keep God’s laws and commandments. The test of keeping the commandments “faithfully” is if this practice leads to internal peace. It is almost a mocking of Torah to claim that one is keeping God’s commandments, but to have this result in internal strife and tension. **TTT 175**

The blessings and curses in this parasha can be interpreted to be not as a result of keeping God’s laws or of not keeping God’s laws, but rather as an indication of HOW we have kept God’s laws. If we have not kept them “faithfully” this can lead to social disintegration and strife. Keeping God’s laws in such a way as to bring about peace and tranquillity in society is to keep them “faithfully”, it is the way we must strive to keep the Torah.

***Lev. 26, 46**

These are the laws, rules, and instructions that the Lord established, through Moses on Mount Sinai, between Himself and the Israelite people.

One aspect which is fascinating to me is the investigation of proximity of different matters (“smikhut parshiyot”). Midrash is quite interested in why one matter follows on a totally different matter. There often seems to be a jarring disjunction between two adjacent paragraphs in the Torah. Midrash wonders why. Many times I wonder why, even if the Midrash has not raised the question. **TTT 176 L and H**

Take for example, our parasha, the end of the book of va-Yikra. After a long and frightening tirade about extreme punishments that Israel will suffer if they do not keep God’s ways, the Torah abruptly continues with the subject of dedication of gifts to the Tabernacle and to the priests. Specifically, it deals with what is known as Arakhin, the value put on individuals, that is, a person can dedicate their value, in money, to the temple. The change is not only abrupt it seems to be totally out of place. If one says that the tradition is not to end with reproof, that is already the case in chapter 26, where after all of the threats the Torah tells us that God will not

forget the covenant and will save the people in the end. Furthermore, the end of that chapter is the verse: "These are the laws, rules, and instructions that the Lord established, through Moses on Mount Sinai, between Himself and the Israelite people." (Lev. 26, 46) This looks exactly like a summary verse ending the whole book.

So why is chapter 27 tacked on at the end? Is the subject of gifts in the value of a person so important? Toward the end of the chapter the subject of consecrating items for the Lord turns into rules about proscription ("herem"): "But of all that anyone owns, be it man or beast or land of his holding, nothing that he has proscribed for the Lord may be sold or redeemed; every proscribed thing is totally consecrated to the Lord." (Lev. 27, 28) How does the concept of proscription ("herem") fit in here? Furthermore, this chapter, and the whole book end with the verse: "These are the commandments that the Lord gave Moses for the Israelite people on Mount Sinai." (Lev. 27, 34) Another ending verse like the verse at the end of chapter 26. This reminds me of Hayden's surprise symphony, you think it is over, but no.... What is going on here?

We are so used to thinking of donations to sacred causes only in terms of money, that it is hard to altogether understand the issues in these texts. The issues are vows and proscription of possessions, including oneself, as the measure of donation, to sacred causes. In our day the term "hai", "life", is a kind of standard measure of amounts of donation. Since it's numerical value is 18, donations are given in multiples of 18. In our text, the standard of donation is based upon a table, like an actuarial table, of humans. It in no way reduces people to monetary values, just as "hai" does not express the actual value of life. The value assigned to a particular person in the Torah is, like "hai", a kind of rule of thumb about giving oneself to a cause.

In addition to the scale of giving, this chapter deals with "pledges", or rather vows, oaths and proscriptions. These are all ways in which a person pledges to give the particular sum they decide upon. The use of "herem", proscription, may seem odd at first. But, in the Mishna and Talmud the word is understood as a form of oath. One declares that they will derive no benefit from a certain thing, and this consecrates the thing to the tabernacle or to the priests.

The word "herem" in the sense of vow is well known to us from the Kol Nidrei prayer on the eve of Yom Kippur. However, this prayer raised many objections in the history of the halakha. In order to annul an obligation one has taken on oneself by oath or proscription, the halakha prescribes specific procedures. These include total remorse about the content of the vow, repudiating the vow in the presence of an expert or a court of three Jews, and it depends on their decision as to whether the vow is annulled or not.

In his halakhic treatise "mishpat ha-herem" **Ramban** quotes those who forbid the saying of Kol Nidrei in the synagogue. They argue that the blanket annulment of vows and proscriptions leads the community to the habit of frivolous oath taking. Furthermore, the kol nidrei formula includes the phrase "we are remorseful about them [vows, etc.] all" ("kulhon ihartna ba-hon"). This phrase negates the halakhic requirement for annulment of vows which demands that remorse comes BEFORE the annulment procedure. It seems to me that this point refers to the appearance of ritualized remorse rather than real remorse.

In addition the detractors of kol nidrei add that the annulment does not take place before the required expert or bet din of three, and finally that annulment requires a detailed recitation of the terms of the vow, and kol nidrei is couched only in vague terms. Ramban also quotes R. Saadiah Gaon who forbade kol nidrei because it was too sweeping. He was afraid that people would understand that this annulment was for all vows, including those of the future, and not only those that already existed. This is exactly the anti-Semitic libel about kol nidrei, namely, that no oath of a Jew is reliable for they are all annulled on the holy day of Yom Kippur. For all of these reasons many geonim and others forbade the recitation of this prayer.

Ramban, however, finds a positive side in kol nidrei. He interprets the prayer as applying only to vows taken by or before the community, to which the community agreed. The whole community may not know that there is remorse regarding a certain vow. There is a debate in the Talmud on whether a vow of or before the community can be annulled (cf. **Git. 35b** ff., et. al) Ramban upholds both views. He thinks that the community can annul a vow, if they all agree to do so, and this does not require the specification of the terms of the vow nor does it require an expert or a bet din.

Ramban writes that the will of the community contains an aspect of stringency and an aspect of leniency. The stringent aspect is that if one vowed before the community, he cannot annul that vow by an expert or by a bet din, because a vow on the will of the community can NEVER be annulled, if the community does not agree. On the other hand, the leniency is that if the community DOES agree then the vow can be annulled without an expert or a bet din and without specifying the terms of the vow. The will of the community is most powerful here. This will, and this will alone, can undo what it had agreed upon. This is a powerful argument for the power of the will of the community against tyranny or dictatorship.

Ramban assumes that when the community rises to say kol nidrei on Yom Kippur that there is an agreement between all that past vows which we are remorseful about are annulled. It is a moment of community solidarity of mind and purpose, and it just those qualities that make it effective. It is a time for communal introspection and communal remorse that is so powerful in creating a moral boundary over which no Jewish community is willing to pass. **TTT 176 M and T**

If this is the theme of Lev. chapter 27, namely the proper relationship to what one declares as an obligation before the sacred, then it is clear why this chapter follows the warnings of chapter 26. The general statement that we should follow God's ways in order to avoid the social deterioration needs to be fleshed out. What needs to be done? This chapter spells out how each person must take responsibility for their words and deeds, dedicate themselves to the sacred, and respect and acknowledge community consensus on Divine service. The concrete expression of these values here is through the system of vows and their redemption, but we can recognize their mechanisms and workings in our modern life, and they do, indeed, form a basis for communal fulfillment.