

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

The Torah (Devarim 18:6) instructs us that if a "Levi" comes to the Temple to participate in its services even when it's not his turn, he can do so with the rest of his "Levite" brethren. Rashi tells us that even though the Torah uses the word "Levi" (twice), it really means a Kohain, as the word used for "service" ("shairais") can only refer to things a Kohain does, not anything a Levi does. The obvious question is why, if the Torah means "Kohain," did it say "Levi" instead.

The Ralbag suggests two answers. First, he says that the Torah substitutes "Levi" for "Kohain" to allude to the time period when a Kohain is allowed to bring the offerings of others, i.e. during the holidays of Succos, Pesach and Shavuos when all adult males are required to come to the Temple. Since this was when it is most appropriate for Levi'im to come, using the term "Levi" indicates that this is when the Kohain can join the Kohanim who are officially "on duty." However, it is no more appropriate for Levi'im to come to the Temple than it is for anyone else (Kohanim or Yisraelim). It is therefore difficult to understand how using "Levi" instead of "Kohain" points to this. Besides, these verses also teach us that a Kohain can come any time of year and bring his own offerings, so why would the Torah limit it to the holidays? Additionally, the Torah could have taught us the same lesson by only substituting "Levi" the second time ("with all of his Levite brothers"). Why use the term "Levi" both times?

His second approach is based on the Talmud (Arachin 11a) saying that these verses teach us about the praises sung when the offerings were brought in the Temple. The Torah uses the word "Levi" because it is the Levi'im that sing the praises, not the Kohanim. However, this is just one opinion in the Talmud, with numerous other opinions bringing other Biblical sources for the singing of praises. According to Rashi (and the Sifray upon which he is based), those other opinions do not think that our verses can mean literally Levi'im because their singing cannot be what the Torah meant by "service." Which leaves us with our original question of why the Torah said "Levi" if it meant "Kohain."

Earlier in the Parasha, the Torah uses both terms together. Referring to the process of either verifying or deciding what the official position of Judaism is (17:8-13), we are told to come to "the Kohanim Levi'im and to

the judge of that time" who will either transmit the official answer (if it was already part of the tradition) or make a decision that will then become part of the tradition (see Sanhedrin 86b). Even though it is the Sanhedrin (Jewish Supreme Court) that the Torah is referring to, the term "Kohanim Levi'im" is used in conjunction with the "judge" in order to teach us that the Sanhedrin should consist of Kohanim and Levi'im (Sifray), and, ideally, one third Kohanim, one third Levi'im and one third Yisraelim (Midrash Tana'im). Lest we think that since Kohanim and Levi'im are the ideal candidates to be judges it would be an invalid Sanhedrin without any of them on it, the Torah says "or to the judge" instead of "and the judge" (17:12), teaching us that although less than ideal, a Sanhedrin made up of all Yisraelim is still considered a full, valid Sanhedrin.

Why are Kohanim and Levi'im better candidates? Because their entire family has the same role, rather than just an individual from a family dedicating himself to serve G-d. As the Sefornu puts it (21:5), "for they are experts in the ways of man and their idiosyncrasies because they and their parents (and grandparents) have been [involved in settling disputes and deciding what is right and what is wrong and what is pure and what is impure]." A family of educators will continually discuss education, rather than the stock market (etc.), so will continually improve exponentially in their ability to educate.

This applies to all of the roles of the Kohain and Levi, including their ability to focus on spiritual growth. The Ralbag (lessons learned from Shemos 28) says that G-d set aside one family (the Tribe of Levi) from the rest of the nation, whose entire day can be spent attaining spiritual completeness without the distractions of making a living and working the land (see also Rambam's Laws of Shemitah and Yovel 13:12). Even though until the Mishkan was built the firstborn of each family served as the "Kohanim," having one family dedicated to the Temple service, the nation's education and to personal growth allowed for greater experts in the details of the service and better educators, and for individuals that can attain the highest spiritual levels. This creates a higher bar for others who want to do the same, even if they are not Kohanim or Levi'im.

And these roles (and goals) are not limited to the Tribe of Levi alone, as anyone can dedicate his life to G-d (see Rambam's Laws of Shemitah and Yovel

**TORAS AISH IS A WEEKLY PARSHA
NEWSLETTER DISTRIBUTED VIA EMAIL AND THE
WORLD WIDE WEB AT HTTP://AISHDAS.ORG.
FOR MORE INFO EMAIL YITZ@AISHDAS.ORG**

The material presented in this publication was collected from publicly available electronic mail, computer archives and the UseNet. It is being presented with the permission of the respective authors. Toras Aish is an independent publication, and does not necessarily reflect the views of any given synagogue.

**TO DEDICATE THIS NEWSLETTER PLEASE CALL
973-472-0180 OR EMAIL YITZ@AISHDAS.ORG**

13:13). Nevertheless, they can't perform the Temple service. However, if the firstborn had been doing the service, and could (as anyone could) dedicate their lives to do the other roles usually associated with a Kohain or Levi (such as teaching), and the term "Kohain" (lit. priest) really refers to one who acts as a spiritual leader (see Beraishis 14:18, 41:45, and Shemos 3:1, where Malki Tzedek, Poti Fera and Yisro, all non-Jews being described before the Torah was given, were each referred to as a "Kohain"), had the Torah said that any "Kohain" can join other Kohanim performing the service, one could mistakenly think that the Torah meant anyone that aspires to be a "Kohain," not only an actual Kohain that is just off-duty. It is therefore possible that the Torah specifically said "when a Levi comes" to perform the service, indicating that only one from the Tribe of Levi can volunteer to do so. © 2006 Rabbi D. Kramer

RABBI SHLOMO RISKIN

Shabbat Shalom

“Judges and officers shall you provide in all your gates...and they shall judge the nation in righteous judgment” (Deut 16:18)

Does Judaism, even Orthodox Judaism, ascribe to pluralism?

Judaism is first and foremost a judiciary system, in which "the path" or the law (Halakha) is studied and debated not only with great skill and dexterity but also with religious intensity and passion. After all, the great corpus of Jewish law and theology - compiled during these past 4000 years and including the Bible, the Talmud, the Commentaries, the Codes, the Liturgies, and the Responsa up to the very last moment - are considered to be the revealed word of G-d in His ongoing dialogue with the religio - legal leadership of the Jews in their joint quest to establish a "sacred nation, a light unto the nations of the world."

The form of this fascinating literature - or virtual library - is that of open and no-holds-barred debate: multiple positions concerning the meaning of a Biblical verse, concerning the logic of what can be deduced by reason in order to properly extrapolate a solution for a novel situation, and even concerning which fundamental beliefs are cardinal for the faithful Jew.

The infrastructure of this avidly intellectual pursuit is a profound pluralism, a respect not only for radically different positions but also for the various individuals professing those divergent views; not only does Talmudic debate reject the "law of the excluded middle: - if A is right then B is wrong, the tyranny of the "or" - but it lionizes the truth of dialectic, that A and B must be taken together since "these and those are the words of the living G-d", with "and" serving as the preferred substitute for "or".

And the Goal of this intellectual culture is to create a super-structure of open-minded, dedicated and fervently pious judges and lawyers, teachers and students, masters and disciples, who attempt to direct their people towards a committed life of Divine service which includes every aspect of our human enterprise.

If you will join me in the analysis of a famous case-study in the application of the law to a difficult life situation, you will understand the significance of what has been written heretofore. But first, the Mishnah (compiled between 100 BCE and 200 CE, but we believe containing traditions which hark back to Sinai) which sets the stage for Jewish pluralism:

"Why (does our legal tradition) record the minority opinion together with the majority opinion since the law is decided in accordance with the majority? It is because a (later) Judicial Court can decide the issue in accordance with the minority opinion, and reverse the earlier majority opinion, despite the principle that no court can overturn a previous Court's ruling unless it is greater in wisdom and in number..." (Mishnah Eduyot 1, 5 in accordance with the interpretation of the Raavad). In other words, a latter court can overrule an earlier and more authoritative Court's decision as long as it has a minority opinion to "hang its kippah on"

This means that a minority opinion in Jewish law is never nullified; indeed, the overwhelming number of religio-legal decisors do activate - and decide in accordance with - a minority opinion in cases of exigency (Rav Moshe Feinstein, Iggarot Moshe, Orach Haim 1, Siman 51), and some do so not only in matters of Rabbinic law but even in matters of Biblical law (Ramo, Shulhan Arukh Even HaEzer 157).

Now to our case study. Rav Moshe Isserless served as the Chief Rav of Krakow, Poland during the sixteenth century. He was considered one of the outstanding experts and judges in Jewish law, and his religio-legal decisions are accepted as authoritative for Ashkenazic Jewry until this very day; he is the author of "the tablecloth" (Mappah) to the "Set Table" Code of Jewish Law which was authored by Rav Yosef Karo, Sefardic authority of sixteenth century Safed. One of Rav Moshe Isserles' responsa (no. 125) opens, "I hear behind me a great rushing noise," the roar of an angry community who questioned - and even were thinking of deposing - him from his rabbinical position because he had performed a wedding on Friday night!

It must be remembered that the Mishnah (Betza 5, 2:20a) forbids conducting a wedding ceremony on the Sabbath, which is explained in the subsequent discussion of the gemara "lest you come to write out the Ketuba marriage document," without which the couple cannot live together as man and wife. Nevertheless, Rav Moshe Isserles performed such a ceremony.

He went on to explain, in a rare introduction to his responsum, that the bride's parents had promised a considerable dowry to the groom's parents, but that the bride's father had died shortly before the wedding. No dowry money (or, in this actual case only half of the promised sum) meant that the wedding had been called off at the last moment. Ten-thirty Friday evening an aunt of the groom had convinced her nephew to get married to the bride despite his parent's objections; when they arrived at the Rabbi's home at that hour, and since the Rabbi understood that the groom could easily change his mind were there to be a delay, the Ramo immediately performed the ceremony; it was only an immediate wedding which would save the bride from the shame that would most assuredly have doomed her to spinsterhood.

Rav Moshe Isserles goes on his responsum to cite the minority view of the Rabbenu Tam (Beitzah ad loc) that the Sabbath wedding ceremony prohibition only applied to a couple who already had children from a prior marriage, and even the Rabbenu Tam himself would only permit a Sabbath marriage "under extreme duress" (bedohak gadol). But apparently the Ramo felt that this minority opinion was sufficient to rely on in the case of the couple who stood before him!

I know of no more ringing declaration of pluralism than the words of the Talmud themselves: "These and those are the words of the living G-d, and the law is like the Academy of Hillel. But if these and those are the words of the living G-d, why is the law like the Academy of Hillel? Because they are sweet-tempered, modest and accepting of rebuke; moreover, when asked the law, they first present the opposing opinion of the Academy of Shammai and then present their own view" (B.T. Rosh Hashanah 14). © 2006 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI LEVI COOPER

The Merit of Facilitators

In rabbinic thought, Torah study is the ultimate endeavor, plumbing the depths of our tradition in an attempt to access the will of the Almighty and reveal the path of our destiny. The Jewish bookcase beckons us to personally participate in this invigorating venture.

Where this personal encounter is not possible, we are encouraged to provide opportunities for others to experience the texts of our heritage. Thus people who support the worthy enterprise of Torah study should undoubtedly be commended. What is the

relative value of the contribution of these facilitators? Is their role merely secondary to the foremost objective of Torah study?

Keeping in mind that in talmudic times women generally did not have opportunities to study and their task was limited to facilitating the study of men, the key to our question may lie in the Talmud's attitude to the female role with regard to learning Torah (B. Berachot 17a; see also B. Sotah 21a).

Our sages highlight three aspects of women's relationship to Torah study that grant them eternal merit: First, women bring their young brood to the synagogue where the children would learn to read scripture. Second, they allow their husbands to journey to the beit midrash (study hall) where Talmud is analyzed. Third, they wait for their husbands to come home from the study hall.

This third aspect is somewhat puzzling: Why should merit be culled for waiting for the return of those who frequent the beit midrash? Perhaps responding to this riddle, Rashi (11th century, France) expands the talmudic statement: "They wait for their husbands, and give them permission to go and study Torah in another city." While their husbands were away for extended periods, these faithful wives would patiently wait for the return of their spouses. Thus Rashi slightly alters this third aspect to bring it in line with the two previous actions. The thrust of the talmudic passage, therefore, is that merit is accrued through facilitating the learning of others - bringing children to school and allowing others to study even at the expense of lengthy absence.

Our passage gives voice to the limited prospects for women in talmudic times to be involved in the coveted, acclaimed and central act of Torah study.

As we know, our age has witnessed - and indeed continues to witness - titanic shifts in the opportunities for women to be ensconced in learning Torah. In many circles, the female role in Torah study is no longer limited to facilitating the male experience. Nevertheless, the talmudic passage can still be read with contemporary relevance by focusing on the lauded facilitatory role in Torah study.

Indeed, our tradition has a paradigm for facilitating the study of others that is not cut along gender lines: The Yissachar-Zevulun partnership.

Our sages tell us that two of Jacob's sons - Yissachar and Zevulun - had a fascinating arrangement (Tanhuma, Vayehi 11). Zevulun was a businessman in the shipping industry. His fleets were highly successful, plying the Mediterranean basin. Zevulun's brother, Yissachar, was an academic who spent his days immersed in Torah study. The two brothers had a deal: Zevulun supplied Yissachar with his material needs, while Yissachar's merit was bestowed upon his brother. In this way Zevulun facilitated Yissachar's learning, and merited a portion of the reward for the Torah endeavor.

Normative Jewish law recognizes such an arrangement: One can contract a partnership, where one party supports another in exchange for the reward granted for Torah study (Shulhan Aruch and Remah, 16th century).

Though we extol those who devote their energies to plumbing our hallowed texts, combing page after page of our beloved books, we must not forget their peers who admirably facilitate this act.

Our sages, however, go further, noting a scriptural anomaly: In the Bible, Zevulun is mentioned before his older brother, Yissachar, both in the blessings Jacob grants his children on his deathbed (Genesis 49:13-15) and in the blessings Moses bestows before his demise (Deuteronomy 33:18). From this irregularity, our sages conclude that the facilitator is greater than the facilitated, for without the support of Zevulun, Yissachar would never have been able to study Torah: "If there is no material sustenance, there can be no Torah" (M. Avot 3:17).

This is a position of serious import, but is it merely a charade? Do we really believe that the facilitators are the champions of our people, or are we in truth tactically trying to encourage their support for the real stars - those who study Torah?

Returning to our talmudic passage about women: Before detailing how those who do not study Torah can gather merit, our sages declare: "Greater is the promise that the Holy One, blessed be He, made to women than to men." This claim is buttressed by a scriptural reference: "You women who are at ease, rise up and hear my voice; you confident daughters, heed my speech" (Isaiah 32:9) - indicating that women will be both "at ease" in this world and "confident" of attaining the World-to-Come (Rabbi Ya'acov Reisher, 17th-18th centuries, central Europe).

Women in talmudic times did not have opportunities to study Torah. Traditionally, they are exempt from time-bound commandments. Hence their avenues towards merit appear to be limited. Our sages tell us they can still cull merit by facilitating others along their journey. Significantly, this merit appears to be of greater worth than the merit of those who are empowered to act.

It can always be alleged that the talmudic passage is self-serving in that it urges support for its own cause - Torah study - and hence should not be cited as proof. Nevertheless, cogent arguments should be considered for the value of facilitating others.

Empowering others to study should not be underestimated, for it is often a hapless role. Facilitators may be awarded a plaque or honored in some other way, but they are revered for abetting others to do what we value so dearly - learning Torah. In this way, their role can be perceived as secondary to the primary purpose and ultimate objective of studying Torah. From this perspective, facilitators are truly

champions of our people. © 2006 Rabbi L. Cooper. Rabbi Levi Cooper is Director of Advanced Programs at Pardes. His column appears weekly in the Jerusalem Post "Upfront" Magazine. Each column analyzes a passage from the first tractate, of the Talmud, Brachot, citing classic commentators and adding an innovative perspective to these timeless texts.

RABBI AVI WEISS

Shabbat Forshpeis

Whether appointing a king is legally obligatory or not is a subject of great controversy. But whether it is or is not, the Torah recognizes that it is human nature that people will ask for leadership in the form of a king. (Deuteronomy 17:14) When they do, the Torah builds limitations into the kingship so that the king will never abuse his power.

Of paramount importance is that both the king and his people realize that while he is the leader, he is still a subject of G-d. In the end it is the Lord who is the King of kings.

This may explain the seemingly odd rule that the king cannot return the people to Egypt. (Deuteronomy 17:16) Egypt represents that place where the Pharaohs insist that they themselves are G-d. All revolved around them. Upon leaving Egypt the Jewish people no longer remained subservient to Pharaoh, but to G-d alone. G-d here is declaring that the people are my subjects-not subjects of subjects.

The tension of allowing for a monarch while at the same time advancing the idea of the sole kingship of G-d was constantly felt throughout our history. When the Jews asked Samuel for a king: "To judge us like all the nations," Samuel is upset. (Samuel 1, Chap. 8) Wanting to be like all the nations is a distortion of the unique Torah definition of kingship where the king remains beholden to G-d.

The unique nature of the king of the Jewish people is further understood at the conclusion of the Book of Samuel. David improperly takes a census of the Jewish people. (Samuel 2, Chap. 24) It is improper because he counts for the sole goal of understanding the magnitude of his power. If the goal of his counting was to further serve G-d, he would have counted by asking each individual to contribute a half shekel to the Temple. David makes the same mistake as the nation-believing that the king of Israel is in the center rather than G-d.

The concern that the king not overstep his authority is similar to the contemporary concept of abuse of power. Even in democracies it is not uncommon for presidents and prime ministers to grab more power than they have been given.

Still, with all its inherent problems, the office of kingship has positive features. In the time of the Judges, Israel was led by individuals who, by and large,

represented their individual tribes. As a result, there was little sense of cohesion of the people.

With the advent of kingship, Israel is led by one authority whose major task is to unite the entire Am (nation) to speak for all and act on their behalf. No wonder the first king, King Saul comes from the tribe of Benjamin, a tribe that had been ostracized in the concubine of Givah story. If Saul, who came from Benjamin, could become king and be accepted by all, any king had a chance to accomplish his goal.

Tragically, the unity did not take place. Saul was stripped of his kingship; the kingdom of David is split in two. And today, we continue to anticipate the time when a descendent of David will arise and usher in redemption for all our people who will together in unison, in Jerusalem, proclaim the ultimate kingship of G-d. © 2006 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

RABBI BEREL WEIN

Wein Online

The first verses of the parsha address one of the great weaknesses of human life - personally, socially and governmentally - the weakness of corruption. Corruption comes in many forms and modes. The outright bribery of officials and judges is certainly understood to be a most heinous form of corruption for it undermines the very basis of a lawful society. There are enough examples of this type of corruption in our past and current national life to prove to us how damaging and destructive this immoral policy can be.

But the Torah speaks not only of the blatant corruption of open bribery and trading judicial and governmental favors for money, but also of a more subtle and perhaps even more insidious type of corruption that apparently falls short of the legal definition of bribery. This type of corruption leaps upon us almost unawares and is hard to define or even recognize. Chance remarks, a courtesy extended, a past favor given innocently, all remain as potential points of corruption.

The Talmud relates to us that the great amora, Mar Shmuel disqualified himself from judging a case that was brought before him because one of the litigants had earlier in the day allowed Mar Shmuel to pass before him on a narrow footbridge. Now Mar Shmuel as the chief judge and head of the yeshiva in Nehardea in third-century Babylonia is certainly entitled, as a matter of respect to Torah scholars, to pass first on the narrow footbridge. Yet, Mar Shmuel felt that even that small measure of respect, inconsequential as it may appear on the surface, could be enough to influence his decision and corrupt his judgment.

But an even more subtle shade of corruption exists and is exposed in Jewish thought. This is the corruption of self-interest. It clouds our minds, imposes upon us a narrowness of vision and leads inevitably to damage in the long run. The great men of Mussar and of Chasidut both speak of a person who is a meshuchad - who is corrupted by selfishness, self-interest and an inability to see the consequences of his behavior and actions.

This corruption stems from prejudice, ignorance and the inability to control one's desires. "Since I want to do it, it must be justified and correct" is the mantra that creates such an insidious form of self-corruption. The Torah therefore sets standards as to behavior and actions. Following and adhering to those standards minimizes our penchant for self-corruption. It does not however remove it completely from our lives.

Only continual self-analysis of one's behavior and motives can effectively combat self-corruption in its minutest form. One can therefore never rely upon one's previous acts of piety or goodness to be a guarantee against self-corruption. Every day is a new battle and every choice in life is a new challenge to our innate integrity and holiness of purpose. Corruption blinds the wise and skews the righteous. Recognizing its omnipresent dangers and being aware of its challenges is the beginning of our battle against self-corruption and its delusions. © 2006 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com/jewishhistory.

RABBI YISSOCHER FRAND

RavFrand

The beginning of this week's parsha contains the laws that apply to judges. They are warned not to show favoritism. They are warned not to accept bribes. They are commanded to pursue justice. All this is commanded: "in order that you will live and inherit the land." [Devorim 16:20]

The commandment in this pasuk [verse] to pursue justice is stated in a redundant fashion: Tzedek, Tzedek tirdof. (Literally, "Justice, Justice shall you pursue.") Many homiletic explanations have been given for this redundancy.

In a previous year, we mentioned the teaching of Rabbi Elya Meir Bloch that even when pursuing justice as an "end", the "means" also needs to be just: Pursue Tzedek with Tzedek.

This year, I would like to share an insight from the Sefas Emes. The Sefas Emes emphasizes the word "Tirdof" [pursue]. The idea is that we need not only SEEK justice, we need to PURSUE it. A 'rodef' is a pursuer. It is a word with a very harsh connotation. In the context of justice, the term 'rodef' seems like a rather strange word to use. Ironically, there is one other

place where we find a parallel usage: "Seek out peace, and pursue it." (Bakesh shalom, v'radfehu.) [Tehillim 34:15]

Normally, the word 'rodef' has a negative connotation. We speak of someone being a 'rodef' after honor. Someone who is an aggressor or persecutor is termed a 'rodef.' Is it not strange then to find the Torah using the term in connection with Justice, and the Tanach using it in connection with peace?

The Sefas Emes cites the Medrash that before the Almighty created man, he consulted with the Heavenly Court, asking the various 'forces' in Heaven whether they felt it would be a good idea to bring man into existence. "Emes" [Truth] advised "Don't create man for he is full of lies." "Shalom" [Peace] advised "Don't create man for he is totally argumentative." The consensus among the 'forces' in Heaven was that man should not be created.

The Sefas Emes states that we see clearly from this Medrash that humanity does not have a proclivity for Emes, nor do they have a proclivity for Tzedek [Righteousness], nor do they have a natural innate tendency towards Shalom. Consequently, if man is to achieve Righteousness and Peacefulness, he must be 'rodef' after them. Man must pursue them with all his might, with all his heart, with all his soul, if he is to have any chance of overcoming his natural tendencies and achieving them. If man does not 'pursue' them, they will escape him. They are inconsistent with the inclination of man.

Peace is not attained casually or incidentally. Neither is Justice. They must be pursued with all our might.

This week's parsha contains-for at least the third time in the Torah- the mitzvah of the city of refuge (arei miklat). We are commanded to set aside three cities in the inheritance that we will be granted from the Almighty. If a person kills inadvertently, he is not put to death because his action was not intentional, but on the other hand he does not get off totally free either. He is sentenced to live in a city of refuge (either one of the three Cities of Refuge in Trans-Jordan or in one of the three Cities of Refuge in Eretz Yisrael proper).

How long must he reside there? In Parshas Massai [Bamidbar 35:25] the Torah teaches that he needs to stay there until "the death of the High Priest that he anointed with the holy oil." If the reigning Kohen Gadol dies six months later, the unintentional murderer leaves the City of Refuge after six months. If the Kohen Gadol lives another sixty years, he will have to remain in the City of Refuge for sixty years.

The Gemara [Makkos 11b] questions the peculiar language "that he anointed with the holy oil." A simple reading of the pasuk seems to indicate that the subject is the murderer. The Gemara asks, "Did the murderer anoint the Kohen Gadol?" The Gemara

explains that the intent of the expression is to ensure that the Kohen was anointed in the "time of the murderer"- meaning the Kohen Gadol was already serving at the time the murderer was sentenced by the court to go to the City of Refuge. If one Kohen Gadol was in office at the time of the unintentional murder and a second Kohen Gadol is in office at the time of the sentencing, it is the death of the second Kohen Gadol that sets the murderer free.

Rav Meir Simcha points out a beautiful insight. Suppose the Almighty wants a certain individual to only remain in the City of Refuge for one month. The Almighty knows that this was really an unintentional crime and that 1 month of exile fully atones for this crime. What will have to happen, then, is for Divine Providence to arrange for the anointing of a High Priest who has only one more month to live. This Kohen will be appointed the Kohen Gadol so that Reuvain the unintentional murderer will be able to go home after one month. On the other hand, if the Almighty decides that Shimeon should be in a City of Refuge for 20 years, He will arrange for a Kohen Gadol who has 20 more years to live.

This, Rav Meir Simcha says, gives new insight into the expression "whom he anointed with the oil of anointing". In a sense, the murderer anointed the Kohen Gadol, because the length of the murderer's deserved stay is what prompted Divine Providence to anoint one person as the Kohen Gadol over another.

Given the fact that numerous people may be in the Cities of Refuge simultaneously, this becomes a very complex calculation. However, that is exactly the point. The degree of precision of Divine Providence is something that is far beyond mortal comprehension. This is what we mean when we say HaTzur Tamim P'aolo [The Rock; Perfect are His Actions] [Devorim 32:4].

The wheels of history grind every so slowly, but ever so finely. So too, the wheels of Divine Providence may grind ever so slowly but there is no greater precision in the world than the personal Divine Providence (Hashgacha Pratis) that the Almighty executes in His control of the universe. © 2006 Rabbi Y. Frand & torah.org Transcribed by David Twersky; DavidATwerskyd@aol.com Technical Assistance by Dovid Hoffman; dhoffman@torah.org

RABBI MORDECHAI WOLLENBERG

Weekly Thoughts

My grandmother always told me not to use the word 'nice' in a sentence. It has too many different meanings - a nice day, a nice idea, nice try, very nice food, etc. - to have any real meaning.

We throw words around very loosely nowadays. In particular, when we translate Hebrew words into English, they often lose their real meaning.

There are three words associated with the time-period leading up to and beyond Rosh Hashanah and Yom Kippur, the Jewish High Holy Days.

These words, which we mention as part of our High Holy Day prayers, are Teshuva, Tefillah and Tzedaka. The usual translation of these terms is penitence, prayer and charity. These are reasonable literal translations, but this is where we run into trouble.

Teshuva does not really mean repentance. Repentance in Hebrew would be called Charata, meaning remorse and regret. Teshuva means to return, to reconnect to the source. Regret implies turning over a new leaf, becoming a new man. Teshuva implies returning to a previous point, to one's original nature. We are intrinsically good, our nature is to want to do the right thing. We just need to reconnect with that urge. Whereas repentance involves a dismissal of the past and a fresh start, Teshuva means going back to one's roots in G-d and exposing them as the true character. In this sense, every person can do Teshuva, be it the most righteous or the least righteous. Teshuva is not just about identifying past mistakes and rectifying them, it is about moving forward and personal growth.

Tefillah is usually translated as prayer. It is true that praying is a form of Tefillah, but the actual root of the word Tefillah is pallel meaning to connect, to attach. Prayer is not just about seeking our needs - that would be called bakasha in Hebrew - it is about connecting to the source, to G-d, the source of all life. Even though we may not have any specific needs to request, we can still benefit from attaching to the true source of life.

Tzedaka is usually translated as charity. Tzedaka is from the word Tzedek, meaning righteousness. Charity, where we give unconditionally, is called 'Chessed', implying that the donor gives gratuitously, from the goodness of his heart, out of virtue rather than out of duty.

Tzedek, on the other hand, implies righteousness, as this week's Torah reading tells us 'Tzedek Tzedek Tirdof' - that 'you should pursue righteousness.' Tzedaka likewise means righteousness or justice. The implication is that the donor gives out of duty. Everything in the world belongs ultimately to G-d. Man's possessions are not his by right, but they are entrusted to him by G-d, and one of the conditions of that trust is that he give to those who are in need. Additionally, man has a duty to act towards others as he asks G-d to act towards him. Just as we ask G-d for His blessings though He owes us nothing and is under no obligation, so we are bound in justice to give to those who ask us, even though we are in no way in their debt. In this way we are rewarded: Measure for measure. Because we give freely, G-d gives freely to us.

May these three ideas lead us to a year "written and sealed" for good. By returning to one's innermost self (Teshuva), by attaching oneself to G-d (Tefillah) and by distributing one's possessions with righteousness (Tzedaka), one turns the promise of Rosh Hashanah into the abundant fulfillment of Yom Kippur: A year of sweetness and plenty. *Adapted from 'Torah Studies' by Rabbi Jonathan Sacks © 2004 Rabbi M. Wollenberg & torah.org*

RABBI MICHA BERGER

Aspaqlaria

In this week's parashah we are given an important rule on the nature of eidim (witnesses). "Al pi shnayim eidim o shloshah eidim" (17:6) and then again, "al pi shnayim eidim o al pi shloshah eidim yakum davar - by the words of two witnesses or three witnesses the matter shall be established".

Why must it write "or three witnesses"? If two witnesses are sufficient, then of course we would believe three. Why does the Torah use the extra phrase?

The Gemara Makos (quoted by Rashi 17:6) concludes that the extra words teach us that if more than two eidim were to arrive, they are still to be treated as one kat (set). That means that all would have to be proven to be lying in order for any could get punished. Another, somewhat stranger, conclusion is that as a single kat they have no more credibility than any other kat. In the terminology normally used, "trei k'mei'ah", two witnesses have the same credibility as even 100. If a case comes to court, and two witnesses testify on behalf of one side and a hundred on behalf of the other, beis din (court) gives equal weight to each testimony. Why?

Perhaps if we take a detour, and try to understand another case where halachah tells us to ignore the majority, we can understand this case as well.

In Chullin 95a, the Gemara brings a case usually referred to as the "teishah chaniyos" (9 stores). There is a town with nine butcher shops. 8 of them sell properly shechted (slaughtered) meat, and one does not. If a person buys meat, but then we lose track where it was bought, the meat is forbidden. If, however, the meat was found on the street, it may be treated as kosher.

The reason is because there are two rules for resolving doubt (in the absence of evidence) in the Gemara. The first says: Kol diparish meirubah parish - whatever separates itself [from the group], [can be assumed to be] separated from the majority. When in doubt, follow the majority. The other is: Kol kavu'ah kimechtza al mechtza dami - All [doubts related to] things that are established are as though they were 1/2 and 1/2. A doubt is an unknown, and we live it unresolved - with no consideration of majority.

The bought meat is kavuah (established), so we can not play the odds. We must wonder if this might be from the 10th store. The found meat, however, we can assume came from the majority, and therefore we may treat it as kosher.

What distinguishes kavuah from parish (separated from a mixture)? Tosfos on Zevachim 72b ("Ela amar Rava"), write "kavuah only applies to a thing that is known". R. Akiva Eiger (Sh'eilos Utshuvos Ch. 136) distinguishes between rules for determining what actually happened from rules that determine how to act when we can't resolve what happened. What separates kavuah, where majority is ignored, and parish, where majority does determine halachah, is the distinction between whether you are trying to resolve a doubt that doubt arose in the halachah of the object, or you need to determine a sure halachah for an object whose reality is in doubt. Halachah only allows us to take the probability into account in the second case, where halachah is being determined in the absence of a known reality.

In our case, that of two opposing testimonies, we are dealing with the first kind of doubt. Whichever witnesses are telling the truth know the state of the situation. In the absence of the mistaken witnesses we would have been able to pronounce halachah on the true situation.

The Shev Shma'atsa (Shma'atsa 6, Ch. 22) says about cases where each side presents witnesses in its support, "Since we have two [eidim] and two [eidim] in all cases our safek is an equal safek, even where we have a majority."

The reason why *trei kmei'ah*, two witnesses have the same credibility as 100, is because in this kind of doubt halachah never permits us to follow majority.

The fact that the halachah is different for a case where the underlying reality was known (kavuah) vs. one where it is not known is connected to another underlying principle in the nature of halachah.

About a decade ago it became stylish to worry about the presence of bugs on the vegetables we eat. Any bug that is large enough to be seen by the naked eye may not be eaten. However, you need not use a magnifying glass or microscope to find tiny insects.

This is because that halachah deals with the human experience, not with objective reality.

My Rebbe, R. Dovid Lifshitz zt"l, used a similar idea to explain a different problem. The Gemara explains that maggots found inside a piece of meat are kosher. (I presume the case is where someone ate them accidentally, and now wants to know if a sacrifice is in order.) The reason given is that they were born from the meat, an idea known in the history of science as "spontaneous generation". Therefore, halachah treats the maggots identically to the meat.

Spontaneous generation has since been disproven. Maggots come from microscopic eggs. Now

that we know that the underlying science is wrong, does this mean that the halachic ruling is also wrong?

Rav Dovid taught that the halachic ruling is still correct. The microscopic eggs and maggot larvae are not within the realm of human experience. The only cause for the current presence of maggots that we can see is the meat. In terms of human experience, the meat is the source of the maggots.

Back to the case of someone finding meat in a city where most of the butchers are kosher, the meat does have some underlying reality—it did either come from one of the kosher shops, or from the non-kosher one. However, since that reality is not kavuah, it is not within the realm of human experience, halachah is not affected by that, and majority holds sway. When the reality is within human experience, we are obligated to play safe. © 2002 Rabbi M. Berger and The AishDas Society

RABBI ZEV S. ITZKOWITZ

A Byte of Torah

“Only he (the king) should not accumulate horses for himself; and he should not return the nation to Egypt, for the sake of accumulating horses, for Hashem has said to you that you will no longer return on this path again.” (Deuteronomy 17:16)

The Bible mentioned previously that the Children of Israel requested that a king should rule over them, just like any other nation (see Deuteronomy 17:14). However, Hashem does not look upon the request favorably. This is because the Jewish notion of a king is different from other nations' view of a king (Abarbanel, Ramban). One indication of this difference is that the king's personal privileges are curtailed in these verses (Ramban).

What is the connection between Egypt and horses? Egypt was the horse capital of the ancient world (Rabbeinu Bachya, Rashi). However, this prohibition applies to horses from any country and not exclusively Egypt (Ramban).

The Bible here forbids us to return to Egypt. However, throughout the ages, Jews have lived in Egypt. Alexandria, for instance, once had a large Jewish population. How did those Jews reconcile their residing in Egypt with this commandment? One possibility is that the Bible forbids only settling permanently in Egypt. However, establishing a temporary residence there is permitted (Ramban). Alternatively, a person is allowed to dwell in Egypt providing that he did not come via Israel. This dispensation is based on the phrase 'on this path' (Rabbeinu Bachya). © 1995 Rabbi Z. Itzkowitz

