

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

“**A**nd the Kohain will issue the command and they will empty the house before the Kohain enters to see the affliction, so that all that is in the house does not become tamay (ritually impure); afterwards the Kohain will enter to look at the house” (Vayikra 14:36). “Tzora’as” can afflict houses in the Land of Israel, and, as with all types of “tzora’as,” having the affliction isn’t what makes it “tumay;” the “tumah” only starts when the Kohain declares it to be “tzora’as.”

There are several practical applications that result from the fact that it is the Kohain’s declaration that gives it the status of “tzora’as,” and not the physical condition itself. The most widely known (because it is mentioned in the above-quoted verse) is that even though the items were in the house when it had the affliction, as long as they were removed before the Kohain declared the house to be “tamay,” they do not become “tamay.” Similarly, if a person gets a skin affliction that might be “tzora’as” during Chol Hamoed (or during the 7 day celebration of his getting married), he does not show it to a Kohain until after the holiday (or after the week of Sheva Berachos), so that if it really is “tzora’as” it won’t ruin his holiday (or celebration). Another way this concept manifests itself is when the Kohain is not knowledgeable enough to determine if something is “tzora’as,” but a non-Kohain is. The non-Kohain declaring that it is “tzora’as” does not give it the status of “tzora’as,” but he can tell the Kohain whether or not it is, and based on the expert’s opinion, the Kohain can then declare it to be “tzora’as,” and then it becomes “tamay.”

Tosfos (Moed Katan 7b, d”h “yeish”) asks why the house has to be emptied before the Kohain sees whether or not it has “tzora’as,” rather than afterwards. Why not wait until the Kohain looks at the affliction, and then, if it is “tzora’as,” tell the homeowner to remove his belongings before he declares the house “tamay?” This way, if it isn’t “tzora’as,” the homeowner doesn’t have to

empty his house unnecessarily. This question is also raised by Rav Yechiel Michel Feinstein zt”l (who references Tosfos); both leave this question unanswered. Before suggesting some possible answers, a bit more of a background (included by both in their question) is required.

The Talmud (Moed Katan 7a), discussing whether or not to show “tzora’as” to a Kohain on Chol Hamoed, quotes more than one opinion. The aspect relevant to our question is whether or not a Kohain is allowed to withhold his declaration that something is “tzora’as,” or has to declare his findings immediately. If the Kohain has to declare somebody (or something) to be “tamay” right after making his determination, the only way to avoid the possibility of the items in the house becoming “tamay” is to remove them before the Kohain looks at the house (as if it is “tzora’as” he can’t wait for them to empty it before declaring it “tamay.”). However, Rabbi Mayer’s opinion is that (at least in some situations) a Kohain can be shown possible “tzora’as” on Chol Hamoed. If he determines that it is not “tzora’as,” he can say so, but if he determines that it is, he can keep quiet and not say anything, thus not ruining his holiday (because by not declaring it to be “tzora’as,” the afflicted doesn’t become “tamay”). Obviously, according to Rabbi Mayer the Kohain does not have to declare the status of the affliction as soon as it is determined. If so, he should be able to wait until the homeowner empties his house before declaring the house to be “tamay.” It is therefore only according to Rabbi Mayer that Tosfos (and Rav Yechiel Michel) are asking their question. Just as on Chol Hamoed the non-declared “tzara’at” does not spread “tumah” even though the Kohain knows that soon afterwards he will declare him “tamay,” the items in the house won’t become “tamay” despite the Kohain knowing that right after the items inside are removed he will declare the house “tamay.” Why (according to Rabbi Mayer) must the homeowner remove the items even before the Kohain looks at the affliction to see if it is “tzora’as?”

A related discussion occurs in Nega’im (12:5) and in Toras Kohanim. There, Rabbi Yehuda says that even “bundles of wood and bundles of reeds” (which normally cannot become “tamay”) are removed from the house before the Kohain enters, Rabbi Shimon makes a cryptic statement that “it is a task to empty [the house],” and Rabbi Mayer asks what are we concerned might become “tamay.” After all, most things that can become “tamay” can be immersed in a mikveh and then

This issue of Toras Aish is dedicated in honor of
Hodiya Miriam Kramer
daughter of Rabbi Dov & Goldie Kramer
on her becoming a bat mitzvah
Mazel tov!

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are no longer be "tamay." It must only be those vessels that can never have their "tumah" removed, i.e. those made of earthenware, that the Torah wanted the homeowner to remove before the Kohain entered, teaching us how concerned G-d is with the money of even the wicked (as the righteous wouldn't be afflicted with potential "tzora'as").

According to Bartenura (and others), Rabbi Yehuda is of the opinion that even things that cannot become "tamay" must be removed, Rabbi Shimon asks why the Torah would make him go through the task of emptying even things that can't become "tamay," thus agreeing with Rabbi Mayer that the only concern is for those things that can become "tamay" and can never lose that status. Raavad understands Rabbi Shimon to be explaining Rabbi Yehuda; rather than asking why the Torah would make the homeowner do such a task, Rabbi Shimon is saying that the reason the homeowner must empty everything is because the Torah wants him to have to undertake such a task, as the time and effort needed to empty everything may bring him to repent, in which case the affliction will fade and never be declared "tzora'as." The Vilna Gaon says that according to Rabbi Yehuda even things that normally do not become "tamay" (such as bundles of wood or reeds) do become "tamay" if inside a house with "tzora'as" (so everything must be removed), Rabbi Shimon agrees that everything must be removed, but not because everything can become "tamay," but because the Torah wants the homeowner to have the task of emptying everything, and Rabbi Mayer agrees with Rabbi Yehuda that the only concern is "tumah," but disagrees with him about what can become "tamay," and about what must be removed. According to Rabbi Mayer, there's no reason to remove those things that can't become "tamay," those things that can become "tamay" but could become "tahor" can be removed (to avoid the hassle of doing so), but don't have to be, while those things that can't become "tahor" must be removed from the house.

Even if nothing but the earthenware vessels are removed, knowing that the Torah cared about the wicked could motivate the homeowner to repent. If he had given up on his own spiritual growth, realizing that G-d still cares about him enough to help save his vessels might restore his self-esteem, and start him on the road back to G-d. Therefore, having this process

occur before the Kohain enters the house may prevent it from being declared "tamay" in the first place (similar to how the Raavad understands Rabbi Shimon). Recent memories of Pesach cleaning and having to remove even small amounts of chametz brought to mind the "task" involved in removing just the earthenware vessels. This "task" may also accomplish what the Raavad understands Rabbi Shimon's task of removing everything to accomplish, which only works if done before the Kohain looks at the affliction to see if it is "tzora'as;" if done right before the Kohain declares the house "tamay," it would be too late.

Although the Vilna Gaon says that other vessels don't need to be removed, once having to go through everything to separate and remove the earthenware vessels, it makes sense to remove everything that can become "tamay" in order to avoid having to immerse them later if the house is "tamay." One of the reasons for the process of removing the vessels is to allow everyone to see even those things that the homeowner claimed he didn't own so couldn't lend out (see Devarim Rabbah 6:8). If this is done before the Kohain enters the house, the possibility exists for just this layer of punishment to be enacted upon him; if the house were only emptied right before it is declared "tamay," this in-between level of punishment would not exist. This can be applied to the task of separating and removing just the earthenware vessels as well. Aside from this "task" possibly leading to repentance, doing it when there's still a possibility that the house is not "tamay" allows for this middle level of punishment.

Another possibility is based on the difference between the Kohain saying absolutely nothing on Chol Hamoed and telling the homeowner to remove his belongings before he declares the house "tamay." Must the Kohain use the word "tamay?" If he says "it is "tzora'as," wouldn't the house (or garment, or skin) still be "tamay?" What if he says it in Aramaic, or Arabic, or French, or English? If the Kohain only tells the homeowner to empty the house when it is "tzora'as," isn't saying "empty the house" tantamount to saying "your house has "tzora'as?" Although it's true that the Kohain's silence on Chol Hamoed indicates that the affliction is "tzora'as" and will be declared so right after the holiday, no words are said, so there's no "proclamation" to make the "tumah" start. If, however, the Kohain would only say "empty the house" right before declaring it "tamay," and doing so therefore qualifies as a proclamation, we can understand why even according to Rabbi Mayer the house must be emptied before the Kohain examines it to see if it has been afflicted with "tzora'as." © 2010 Rabbi D. Kramer

RABBI SHLOMO RISKIN

Shabbat Shalom

“The sound of my beloved knocks” (Song of Songs 5:2) From the perspective of more than

six decades of national sovereignty, how can we properly assess the success - or lack thereof - of the restored Jewish State? After all, Theodore Herzl, in his groundbreaking work 'Der Judenstaat,' expected that when Israel would become a nation like all other nations with its own homeland, such normalcy would bring in its wake the disappearance of anti-Semitism and the acceptance of Israel within the family of nations.

One need only open up a daily newspaper to discover that such normalization has not occurred; much the opposite, some of the most virulent anti-Semitism comes specifically in the guise of anti-Zionism, with the State of Israel being libelously charged with apartheid, ethnic cleansing and wartime atrocities.

But world reaction dare not be our criterion for success. The Midrash warned us a long time ago that, "From Sinai descended the sin'ah (Hebrew for hatred) of the nations against us." Our message of the absolute morality of the Ten Commandments (especially "Thou shalt not murder") caused resentment on the part of hypocritical nations who glory in murdering others for their own self-aggrandizement and concentration of power. No wonder they unfairly lash out against us, not even allowing us the privilege of self-protections against suicide bombers and destructive Kassam rockets specifically targeting innocent civilians.

If then we are to be condemned for not (yet?) having fulfilled our function as a "holy nation and a Kingdom of priest-teachers" of compassionate righteousness, moral justice and peace to the world, we must admit to being guilty as charged. However, as our prophets (Isaiah 2, Micah 4) testify; the successful discharge of our national, covenantal mission will only happen at the time of universal redemption. We seem to have a long way to go before reaching that goal.

My revered teacher Rav Joseph B. Soloveitchik, in his essay "Kol Dodi Dofek" [The Sound of My Beloved Knocks], masterfully interprets a passage in the Song of Songs to refer to the reaction of the Jewish people themselves to the miraculous advent of the Jewish State. G-d is our eternal lover, who has guaranteed the we will eventually be worthy, that He will fulfill His covenant to us, and that "even if we were scattered to the ends of the heavens, from there will He gather us and from there will He take us up to the land of our ancestors' inheritance, and pave the way for the ultimate redemption" (Deut. 30:4).

The Rav explained that in the year 1948 (5708) the Dod, or the "Lover" (as it were), the Eternal Shepherd, knocked at the door of Knesset Yisrael to signal His readiness. The timing was unexpected, historically absurd and incongruous; it was miraculous and critically necessary for Jewish survival. The Jewish communities of Eastern Europe had just been virtually obliterated, 80% of Jewish religious and cultural leadership were decimated in crematoria fires, and the dry-bones of the "musselmen," remnants of humanity,

seemed fractured beyond repair. Indeed, the venerated British historian, Arnold Toynbee, in the history he published in 1947, referred to Israel as "a fossil" - a nation which had ceased to be viable, but which still had ossified remains that could possibly illuminate past history, but nothing beyond.

And then came the great Divine Knock at the door in the guise of the United Nations Partition Plan of November 29, 1947, granting Israel statehood after close to 2,000 years of exile and persecution in every corner of the globe. Other "knocks" at the door followed closely: Israel's victory in the War of Independence, Ben Gurion's seizing the moment of Britain's exit from Palestine to declare the independent Jewish State, the United States of America and the Union of Soviet Socialist Republic atypically joining hands to ratify the new State, and of course what appeared to be the Divine imprimatur to our burgeoning republic: the lightning victory of the Six Day War, our return to the Western Wall, and the dizzying declaration of Motta Gur heard around the world, "The Temple Mount is in our hands."

But what was the response of the masses of world Jewry to all of the Divine knockings at the door? Did we open the door to let our Lover in? Did the beloved open the door to go out and join her Lover in the Land of Israel reborn? Or did we say, "I have taken off my dressing gown, how so can I get dressed again? I have cleansed off my feet, how so can I make them muddied again? I have finally felt a respite from my persecution, I am about to retire after many long days of travail, can I legitimately be expected to start anew at this stage of my life? I have at least begun to refresh my wounded and exhausted body in my gilded Diaspora ghetto. Can I legitimately be asked to resettle swamps, to wage wars, to brave battles?"

And then again, when the beloved nevertheless thinks of responding to the Divine call, and slowly gets up from her luxurious couch of silken coverlets and propped up pillows, she can barely open the door to let her Lover in! Her hands are perfumed, her fingers are so covered with oily creams and scented salves that the doorknob keeps slipping away from her grasp and the door refuses to open to her touch. "I get up to open for my Lover, but my hands drip with myrrh, the myrrh passes through my fingers on the doorknob of the lock." I finally open for my Lover, but (alas, too late) because my Lover has slipped away, gone... I look for Him but I do not find Him, I call out for Him but He does not answer me..." (Ibid 5: 3-6).

Did we indeed miss the moment, overlook the opportunity? I hardly think so. Just as exile is a process of history, so is redemption a process- and this is only the "beginning of the sprouting of our redemption" (Shai Agnon). We have a great deal to show for these six decades: we have grown from 600,000 to close to six million strong; we have brought together exiles from every conceivable culture and of every conceivable

color and ethnic background, melding together as one nation; we have fought interminable wars, suffered the sacrifice of our most committed and courageous, with our morale still high and our mission still intact. Yes, we remain a work-in-progress, and we certainly have a difficult and dangerous journey ahead of us. Our vehicle remains the messianic donkey, which moves ahead, stops inexplicably, goes backwards, but continues toward his destination. And all of our prophets guarantee that we will eventually reach that destination - not only for the sake of the Jewish future, but also for the sake of world redemption. ©2010 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

The laws of plagues, purity and impurity are purely chukim-laws that defy our limited rational capabilities to understand. But this is perhaps the very message that the Torah wishes us to learn and internalize. Much of life is not rational and does not fit into our accustomed schedules and plans. And even the most hardened secularist and/or rationalist must admit that much of life is inexplicable.

Weird things happen to all of us. There are forces in the world, dreams, inspirations, as well as strangers that suddenly appear that are present in our lives and are real to us though we have no idea how or why they influence us.

The whole subject of purity and impurity occupies great sections of the Torah. In the real but purely spiritual world of the Torah, purity and impurity are sensations that are real and can be felt and experienced. The rabbis decreed that the "land of the nations" meaning the part of the world that is not within the biblical boundaries, carries with it automatic impurity.

The air of the Land of Israel is purity in itself. The rabbis said that the air of the Land of Israel is one of wisdom and knowledge. It is its purity that leads to its atmosphere of true wisdom and knowledge. We are all aware that in cases of illness, G-d forbid, the medical treatment for the patient is oftentimes the inhalation of pure oxygen. In the world of the spirit, pure oxygen is the air of the Land of Israel.

There are plagues that descend upon individuals. There are other plagues that infest a human being's clothing. And, there are plagues that can infect one's home and dwelling. Thus no part of human existence, that is exempt or immune from the possibility of plagues and impurity.

Many of the family laws of the Jewish home are constructed on the basis of injecting purity into the relationship and into the family and home. There are no medical or physical rationales extant to these laws that are readily justifiable to the rational thinker. But the existence and observance of those laws is

unquestionably what has preserved the Jewish home and family structure throughout the millennia.

It is the unseen and intangible that truly carries us through life and its vicissitudes. And that is why the Torah devotes so much space and teachings to such a seemingly esoteric subject. Someone who is shrouded in impurity and whose life is dominated by the plagues that exist all around, will find life unrewarding and depressing.

It is the latent purity and holiness within us that gives us a feeling of nobility and satisfaction in our lives. So, our task in life is to guard ourselves from the plagues that surround us, from the impurities that infiltrate the very core of our being, and to try and breathe the pure air of holiness that the Torah attempts to pump into our very beings. ©2010 *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*

RABBI AVI WEISS

Shabbat Forshpeis

Why is there a time of physical separation between husband and wife every month-a law found in this week's Torah portion? (Leviticus 15) To be sure, a mandate ought to be observed no matter-but is there a rationale?

Perhaps the separation points to a difference between Jewish and fundamentalist Christian approaches to sexuality. In Christianity the basic purpose of sex is procreation. In Judaism, as important as *pru u'rvu* (procreation) may be, *onah*, that is, sexual pleasure as an expression of deep love, is even more important. Note the words of Ramban: "Speak words which arouse her to passion, union, love, desire and eros." (Epistle of Holiness) Of course, such words and actions should be reciprocated by wife to husband.

It may be suggested that a time frame of separation is mandated to heighten the physical encounter. A kind of pause that refreshes, allowing for the love encounter between husband and wife to be more wholesome, more beautiful.

A second approach comes to mind. Martin Buber speaks of an I_it encounter, where the "I" relates to the other as a thing, an object to be manipulated and used to satisfy the "I." This in contrast to the I_thou encounter where the other is a persona, a subject to be considered and loved.

Hundreds of years before Buber, Rambam in his commentary to the Mishnah (Avot 1:16) wrote about love between husband and wife as empathetic friendship, a camaraderie involving a caring responsiveness, a sharing of innermost feelings...a relationship of emotional rapport rooted in faith and confidence.

Here again, a time frame of separation may be mandated to make sure that spouses can relate in ways other than physical, and then transfer those feelings to the sexual act itself. The separation is intended to teach that I_thou is intrinsic to the sexual encounter.

One last approach. In many ways love is not only holding on but letting go. To be sure, love involves embracing the other, but in the same breath it allows the other to realize his or her potential. This is the great challenge of harmonization. How can I be one with you while letting you be who you are? On the other hand, how can you be who you are without our becoming distant and alienated from each other?

This could be the meaning of ezer k'negdo (Genesis 2:18) which Rav Yosef Dov Soloveitchik understands as Adam's "discovery of a companion who even though as unique and singular as he, will master the art of communicating and with him form a community." (Lonely Man of Faith, p.26) In Milton Steinberg's words, real love is "to hold with open arms."

Therefore a time frame of separation is mandated to foster individuality even as the coming together fosters commonality. Each is stressed in the hope that they spill over and become part of the other and forge a balance.

These rationales do not explain why the separation takes place at the time of niddus (menstruation) or why immersion in a mikveh is crucial for purification, but they may offer some understanding of why the Torah sees the separation as a conduit to enhancing love between husband and wife. © 2010 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 NAFTALI REICH

Legacy

It first appears on the skin as a sickly white lesion, and then it begins to spread. It looks like leprosy, but it is not. The Torah in this week's portion identifies as tzoraas, a strange phenomenon that appeared when the Holy Temple existed. These lesions were not life threatening, yet the Torah views them with utmost seriousness. The afflicted person was put under priestly observation, and if his condition deteriorated, he was quarantined. What is the significance of the tzoraas lesions?

Our Sages tells us that these lesions afflicted those who spoke malicious gossip and slander. They caused innocent people to be estranged from their friends and neighbors. Therefore, they themselves must suffer the isolation of quarantine. The questions, however, still remain. Why does the quarantine have to result from skin lesions rather than some other affliction?

The answer goes to the root of the mentality of malicious talk. Why do some people have a tendency to

see only the worst in others? Because they themselves have those selfsame weaknesses and shortcomings. "Those who find failings in others," our Sages tell us, "are surely guilty of the same failings." People who engage in slander are not willing to accept others at face value. They are always driven to dig down underneath to find the negative undercurrents in others, because they themselves are so thoroughly negative.

The skin is the perfect metaphor for the positive approach to the perception of others. Take a look at a handsome person and imagine him for a moment as a skeleton entwined in ligaments, nerves and bloody tissue. Suddenly, he is not so handsome any more. But to make people more appealing to each other, Hashem covered all their internal systems with a layer of beautiful skin. As a result, those who look at people as they appear find them appealing, but those who dwell on what goes on underneath find them repulsive. The slanderer sees only the weaknesses of others because his own weaknesses are so prominent. He seeks to expose others because he himself is so thoroughly exposed. Therefore, his skin, the organ of concealment, is afflicted, and he is quarantined.

A weary traveler was trudging along a dusty road, thinking about where he could spend the night. Far off in the distance, he saw the towering walls of a city, and he wondered if this would be a good place to seek hospitality.

As he approached the city, he saw a sage sitting under a tree. "Tell me, good sir," said the traveler. "Do you know this city?"

"Indeed I do," said the sage.

"Then perhaps you could tell me what kind of people live here?"

"I certainly can," said the sage. "But first tell me what kind of people live in your own city."

"My own city?" said the traveler, his eyes shifting back over his shoulder. "It is an evil place. The people are nasty. They watch you all the time with suspicious eyes, and they whisper about you behind your back. Stay away if you know what's good for you."

"Well, I am afraid you are out of luck, my friend," said the sage. "Unfortunately, you will find exactly the same kind of people here."

A short while later, a second traveler approached the city. He too saw the sage under the tree and decided to inquire about the inhabitants. "I will be glad to tell you," said the sage. "But first tell me what kind of people live in your own city."

"My own city?" said the second traveler. "It is such a wonderful place. The people are kind and considerate. They are always eager to help each other in any way they can."

"I'm happy to tell you, my young friend," said the sage, "that you have come to the right place. Those are just the kind of people you will find here. I think you will find this city a most compatible place."

In our own lives, we almost continuously find ourselves in a position of being able to judge other people, to find fault in what they do or to look at them in a positive light. The Torah instructs us never to think evil of others and certainly never to verbalize such negative thoughts. The key is to focus on improving ourselves, to purify and perfect our own thoughts and motivations. If we do so, we will undoubtedly recognize the same noble sentiments in others, and we will find the world a most compatible place indeed. © 2010 Rabbi N. Reich and torah.org

YESHIVAT HAR ETZION

Virtual Beit Medrash

STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA HARAV YEHUDA AMITAL SHLIT" A

Adapted by Dov Karoll

“If a woman has conceived and born a male child, she shall be unclean seven days, as in the days of a menstruant shall she be unclean. And on the eighth day, the flesh of his foreskin shall be circumcised.” (Vayikra 12:2-3)

At first glance, it seems that the mitzva of mila, circumcision, does not fit in with this parasha about tum'at yoledet, the impurity of a woman who has given birth. Furthermore, what is the nature of the tum'at yoledet? Tum'a is, generally speaking, related to death (with the exception of the eight crawling creatures mentioned in last week's parasha, 11:29-30). But the scenario of the yoledet is the opposite of death, for the tum'a results from the fact that she has given birth! The verse compares this tum'a to the tum'a of a nidda (menstruant). But the impurity of the nidda is related to potential life that was not actualized, and the emission of blood that could have sustained a new life. A woman giving birth has just actualized that potential; why does she have the same tum'a?

The Torah is coming to teach us that every natural process has some negative aspects, and those negative aspects cannot be ignored. Some people think that whatever is natural is good. The Torah goes out of its way, in a context where all is seemingly good, to emphasize this negative aspect.

This is the reason that mila is mentioned in this context. The Midrash Tanchuma (Tazria 5) cites a famous dispute between Rabbi Akiva and the wicked Roman procurator, Turnus Rufus. Turnus Rufus asked Rabbi Akiva, "Whose acts are greater, man's or G-d's?" R. Akiva answered him that man's acts are greater. Turnus Rufus responded that the heavens and the earth are divine creations which man cannot equal. Rabbi Akiva disqualified this proof as out of man's realm, and thereby unfair to compare. Turnus Rufus then asked why Jews are circumcised. Rabbi Akiva responded that he knew that this question was coming, and that was why he answered the way he answered. But to prove the point itself, Rabbi Akiva brought

sheaves of wheat and cakes, and said to Turnus Rufus: These sheaves were made by G-d, while these cakes were produced by man! Turnus Rufus insisted that the cakes are no greater than the sheaves. He then reformulated his previous point: If G-d wants children to be circumcised, why does the child not leave the womb circumcised? Rabbi Akiva responded: And why does his umbilical cord come out with him, with the child hanging by his stomach until the mother cuts it? Rabbi Akiva concluded: Regarding your question as to why the child is not born circumcised, this is because G-d gave the mitzvot to the Jewish people in order to refine them, an idea expressed by David in the verse, "G-d's word is refined" (according to his understanding of Tehillim 18:31).

What is Rabbi Akiva saying here? Rabbi Akiva is trying to communicate to Turnus Rufus that natural, G-d-created states are not necessarily good. Judaism does not believe in taking the natural world as it is; we are meant to take the materials G-d gave us and develop them, as Rabbi Akiva exemplifies in the analogy to cake and wheat. Man is not meant to eat wheat as it grows from the ground, but rather to process and develop it into a complete product.

The Torah juxtaposes tum'at yoledet to the mitzva of mila to emphasize this idea: there are imperfections in the world as it comes to us, and we need to perfect them. The "imperfection" of the birth process yields tum'a, and the foreskin with which men are created needs to be excised. Realizing this G-d-given purpose, building on what we have been given, fulfills this role in accordance with the Torah's command. *[Originally delivered on leil Shabbat, parashat Tazria-Metzora, 5762 (2002).]*

RABBI SIR JONATHAN SACKS

Covenant & Conversation

Advances in medical technology such as in vitro fertilisation have raised complex ethical and legal questions. In the case of surrogacy for example—where the ovum comes from one woman, but the fertilised embryo is carried to term by another—who is the mother? On the one hand, the donor mother from whom the ovum is taken contributes her genetic endowment to the child. On the other, the host mother provides the womb in which the foetus grows, and is the one who actually gives birth. The mother may thus be [1] the genetic mother or [2] the host mother; or it could be that from a legal point of view [3] the child has no mother, or [4] two mothers, or [5] maternity may be adjudged to be a matter of doubt, requiring us to take into consideration all possibilities.

One of the first halakhic authorities to consider the question was the late Rabbi Shlomo Goren (1917-1994), senior chaplain to the Israel Defence Forces from 1948 onward and later Chief Rabbi of Israel (1972-1983). His view was that the genetic mother remains, in

Jewish law, the mother of the child despite the fact that it was brought to term by someone else. Maternal identity, he held, is purely genetic. It is determined by conception, not birth. One of his proofs is the opening of this week's sedra:

"G-d spoke to Moses, telling him to speak to the Israelites, relating the following: When a woman conceives and gives birth to a boy..."

The word 'conceives' is—as commentators point out—seemingly superfluous. The 'uncleanliness' from which the mother must be cleansed has to do with the birth, not conception. According to Rabbi Goren, the term 'conceives' comes to supply additional information, namely that it is conception—the meeting of egg and sperm—that determines motherhood. Thus, if the egg donor is Jewish and the host mother not Jewish, the child is Jewish, and requires no act of conversion. If the donor is non-Jewish, and the host mother Jewish, the child is regarded as non-Jewish and will require conversion if it is to be brought up as a Jew.

Other authorities take the opposite view. The relationship between the host mother and the foetus is a dynamic one. She is not a mere incubator to the child developing within her womb. Though its genetic origins are elsewhere, the foetus becomes part of her as it develops.

An earlier question, relating to organ transplantation, had raised a similar issue. Does a donated organ retain its original identity as part of the donor, or does it become part of the recipient (legally, not just biologically)? The authorities considered the case of orlah—the fruit of a tree in its first three years, which is forbidden to be eaten. When the branch of a young tree is grafted to an old one, it takes on the identity of the tree as a whole. The fruit it bears is not considered orlah, even though the branch is less than three years old. From this, the authorities concluded that a transplanted organ, like a grafted branch, loses its original identity and becomes part of the organism to which it has been joined. A similar logic would hold that the embryo takes on the identity of the woman into whom it has been implanted. Thus the host mother is considered the mother in Jewish law.

In fact, the matter is more complex. There is a difference between transplantation and implantation; and between an organ and a foetus. An organ has no identity of its own; a foetus does. Eventually, at birth, it will separate and become a person in its own right. Even within the womb, it has its own distinct identity. An organ, successfully transplanted, becomes part of the biological system to which it is attached, whereas the foetus, though nourished and protected by the host mother, remains a separate biological system in its own right. There is a debate in Jewish law as to whether the foetus is, or is not, considered 'a limb of the mother', and that argument has a bearing on our question. If it is a limb of the mother, then once implanted it takes on

the identity of the host; if not, not. The question of maternal identity therefore remains open.

Some authorities have recourse to a midrashic (i.e. non-legal) tradition about an episode in the lifetime of Jacob. Jacob fell in love with Rachel, but through Laban's deception, married her elder sister Leah. Eventually he married Rachel as well, but G-d, seeing that Leah was unloved, gave her children, while Rachel remained infertile. She bore Jacob six sons, and then became pregnant a seventh time, eventually giving birth to a daughter. The text at this point (Gen 30:21) says:

"And afterwards, she gave birth to a daughter, whom she named Dinah."

The apparent redundancy of the phrase 'and afterwards' led the rabbis to the following reconstruction of events. Leah had six sons. The two handmaids, Bilhah and Zilpah, had two sons each. Leah knew through prophetic insight that Jacob was destined to have twelve sons, each of whom would become the ancestor of a tribe. If her seventh child were a boy, this would mean that her sister Rachel would have only one son, one tribe, and thus leave less to posterity than her own handmaid. Not wanting her sister to suffer this humiliation, Leah prayed that the child within her womb—a boy—be changed to a girl; and so it happened.

According to one of the ancient Aramaic translations, Targum Yonatan, a miracle occurred. The male foetus in Leah's womb and the female in Rachel's womb were transposed. As a result, Rachel gave birth to a boy, Joseph, and Leah to a daughter, Dinah. From this we can infer that maternity is determined by birth, not conception. Joseph—conceived by Leah and bearing her genes—is nonetheless regarded as Rachel's child, for it was she who gave birth to him. The host mother is the mother for all legal purposes.

Those who believe that maternal identity is genetic, not gestational, reject this proof on a number of grounds. First, there is an alternative tradition (Talmud Yerushalmi Berakhot 9:3), that Leah's child was miraculously changed from male to female in the womb, rather than being transferred to Rachel. Second, a legal proof can not be derived from a non-legal source. Third, miracles do not establish laws. Thus the matter remains in doubt, and most contemporary authorities act accordingly, taking both possibilities into consideration.

Which is decisive: nature or nurture? Medical science has developed in astonishing new directions since Mendel's 19th century research into genes, Crick and Watson's 1953 discovery of DNA, and the decoding of the human genome. In February 2001 it was announced that the human genome contains not 100,000 genes, as originally postulated, but only 30,000. This surprising result led scientists to conclude that there are not enough human genes to account for the different ways people behave. We are shaped by nurture as well as nature. The two are not separate, but interact in complex and still not yet fully understood ways (for an excellent survey, see Matt Ridley's Nature

via Nurture, 2003). Contemporary science is thus writing a new commentary to the ancient phrase in this week's sedra: 'when a woman conceives and gives birth'. Conception (genetic endowment) and gestation (the foetus' pre-birth biological environment) both play a part in the formation of a child. There are two aspects of maternity, not one-genetic and gestational; nature and nurture. Thus does science reveal new depths of meaning in the ancient but ever-renewed word of G-d. © 2010 Rabbi Sir J. Sacks and torah.org

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Avshalom Katzir, Former Chief Rabbi of the Air Force and El Al Airlines

“If a woman becomes pregnant and gives birth to a boy...” [Vayikra 12:2]. Rashi quotes the Midrash: "Rabbi Simlai said, just as man was created after all the beasts, the animals and the birds in the story of creation, so were the laws pertaining to man listed after the laws of cattle, animals, and birds." Rashi was bothered by the following question: since mankind is more important than the animals, why do the laws of animals in the Torah portion of Shemini (kosher and nonkosher foods) precede the laws related to mankind (ritual impurity and birth) in the double portion of Tazriya-Metzora? His answer is that the sequence in the Torah is the same as the sequence of creation. The Almighty created man after animals and the corresponding laws appear in the same sequence.

Does the fact that something is created later in the sequence show that it is less important? Sometimes what is created later on is more important than the earlier creations. Shabbat, which was preceded by six days of activity, is clearly more important than the days of the week, since the goal of the six days is to prepare for Shabbat. The same is true of the sequence of creation, as is written, "Beasts and animals were only created in order to serve mankind" [Kiddushin 82a].

All of this is true on condition that man acts in accordance with the Torah and the mitzvot and fulfills his appointed role in the world. Then all the rest of creation is meant for his benefit. If, however, man ruins his ways and follows a path of destruction, he is worse than the animals, which merely follow their natural instincts. This idea is indicated in the Midrash as follows: "And that is why mankind was created at dusk on the eve of the Shabbat, so that if he becomes proud he can be told that even the mosquito preceded him in the sequence of creation" [Sanhedrin 38a]. In another place, the sages express this as an allegory: "This can be compared to a king who built a courtyard and prepared a meal, and only afterwards brought the guests in" [ibid].

It is written, "You have limited me back and forth, and You put Your hand on me" [Tehillim 139:5]. According to the Zohar, this means that man was "last

in the acts of creation and first in matters of G-d's Chariot." From the point of view of the physical body, man is the lowest of all creatures, but from the point of view of the soul he is the greatest of all. If man's soul takes control of the body he can reach a higher status than the angels, but if, G-d forbid, the body takes control and gives precedence to physical factors, man can fall "back" to very low depths, and then he is at a lower level than the animals.

Today, when we are near Yom Haatzmaut and Yom Yerushalayim, which can be considered as days of renewed creation of the community of Yisrael, the above ideas can be seen to be relevant to current history.

For many generations the nation of Yisrael was dispersed in all the corners of the globe, enslaved by strangers and under their control, for better or worse. Eretz Yisrael was destroyed and desolate. The decree of exile and destruction was in full force, and it was almost as if Bnei Yisrael no longer existed. With G-d's kindness, after many years of suffering a wondrous process of the return to Zion began. Individuals and groups woke up and returned to the land in ever increasing numbers, especially after the disciples of the Baal Shem Tov and the GRA came, about two hundred years ago. The Jewish population of the land began to increase, especially during the last hundred and twenty years. Many prominent scholars in Yisrael recognized this process as the beginning of the redemption, which is slowly expanding, getting stronger as the light of the dawn.

As the process of the return to Zion continued and after the Holocaust that our nation experienced, the desire to establish a Jewish country in our land grew. After the other nations gave their consent, a historic opportunity arose to reestablish the Jewish presence in Eretz Yisrael, on the fifth of Iyar, 5408. The existence of the State of Israel facilitated the continued ingathering of the exiles. Today the largest concentration of Jews in the world resides in Israel, and it is not under control of a foreign power, as it was in the days of the Turks and the British.

We must remember that the nation of Yisrael within the world can be compared to the relationship of mankind to the animals of the fields. "And it will come to pass, if you listen to my mitzvot" [Devarim 11:13], we will have the privilege of being the masters and we will then "greet the visitors" in our own land. Our legitimate right to the land takes precedence over the claims of all those who surround us. Let us bequeath to ourselves and to our children the absolute faith in the words of the verse, "that G-d will not abandon His nation, and He will not leave His heritage" [Tehillim 94:14]. (Note that the word "yitosh" to abandon has almost the same sound as the word "yitush" a mosquito.)

