Achrei Mot-Kedoshim 5767 Volume XIV Number 32

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

"Two [people who] are sitting and not discussing Torah subjects constitutes a "gathering of scoffers," as it says (Tehillim 1:1), "and with a gathering of coffers he does not sit." However, two [people who] are sitting and discussing Torah subjects are accompanied by the Divine Presence, as it says (Malachi 3:16) "then those that fear G-d will speak one to another, and G-d will pay attention and listen, and the book of remembrances will be written before Him for those who fear G-d and who think about His name." This only tells us that it applies to two; how do we know that even one person who sits and is involved with Torah that the Holy One, blessed is He, establishes reward for him? As it says (Eicha 3:28), "he sits alone, and is quiet, because it is placed on him."

This statement by Rabbi Chanina ben Tradyon (Avos 3:2) illustrates for us the importance of Torah study and discussion. Nevertheless, the way it is taught raises several difficulties. First of all, how does the praise given to someone who avoids hanging out with "scoffers" (a term used to described those who don't take things seriously and make fun of things that are) teach us that one who is not learning Torah when he could/should is considered a "scoffer?" He may not be overly righteous, but if he is not belittling those who do, why is his not learning considered as if he is "scoffing?" Several commentators (see Tosfos Yom Tov) apply this description even to two people who are learning, just not together. Why are these "Torah learners" considered "scoffers" if they are learning, and how do we learn this from the verse?

Additionally, after telling us that G-d's presence rests on two people who are learning together, adding that it doesn't only apply to two implies that the Divine Presence will also rest on an individual studying Torah. Yet, the Mishna continues by telling us that he will be "rewarded." Most commentators understand this "reward" as referring to the Divine Presence resting on him as well. If so, why doesn't Rabbi Chanina tell us straight out that the Divine Presence also rests on an individual that studies Torah instead of couching it in the generic "reward?" And if it's true that the "gathering of scoffers" also refers to two individuals learning independently who aren't learning together, how can Rabbi Chanina first imply that learning alone is problematic and then follow it immediately by telling us that even individual learning is rewarded?

Finally, later (3:6) we are taught that G-d's presence rests on ten people that are learning Torah together, as well as on five learning together, three learning together, two learning together and even one learning alone. Why does our Mishna only tell us these last two configurations, and not the others? Alternatively, why does the later Mishna need to tell us all the configurations? Once we know that even one or two that are learning merit the Divine Presence, won't we already know that it will rest on a larger group studying together as well? And why are these specific numbers chosen? Also, the Talmud (Berachos 6a) has a similar statement, although the group of ten are praying together (not learning), there is no group of five mentioned, and the group of three are judges, not Torah studiers. Why does the Mishna discuss only learning while the Talmud uses other holy activities?

The commentators point out that the context of the verse following the praise for the "non-scoffer" (Tehillim 1:2) says that the righteous "do not sit with scoffers," but instead "his only desire is G-d's Torah." This indicates that the choice to not learn Torah stems from his not valuing it enough. By choosing to not learn, he is diminishing its value, and, in effect, "scoffing" at it.

The Talmud asks why there is a need to mention that two people learning together merit the Divine Presence if even one does, answering that with two "their words are written down," while an individual's learning is not written down. As Tosfos points out, every action we do (positive or negative) is written down, so the Talmud can't mean that it is not recorded that the individual studied Torah. The Maharsha explains that two people learning together, putting their brains together and discussing the issue before coming to a final conclusion, drastically increases the chances that they will understand it properly. Therefore, their conclusion, which is likely "the truth," is written down in the heavenly records. Not just that they were learning, but what they concluded. One person learning by himself, however, often misunderstands what he is studying (or at least doesn't fully understand it), and reaches an erroneous conclusion. Although the fact that he learned is recorded, his conclusion is not. We can now understand why it is so frowned upon when two people have the opportunity to learn together but instead choose to learn independently (see Taanis 7a).

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In addition, by shunning the opportunity at more productive learning, he is devaluing what will be gained by the collaboration, and can be said to be "scoffing" at the potential benefit, the chance to understand what is being learned better.

The Talmud further explains that learning is on a higher level than deciding a court case, and so even if we know that the Divine Presence rests on two learning together, it must still be said that judges will also merit the Divine Presence. (When there are 10 the Divine Presence precedes those who have gathered to pray.) If two learning are better than one because the sharing of ideas (and the questioning of each other's thoughts) will lead to a more accurate conclusion, then having a third perspective will add even more (exponentially), as will each additional member added to the study group. The Mishna (Avos 3:6) may be telling us that the advantage of three learning together over two learning together is not just the additional brainpower and perspective, but that when there are three, there is extra "siyata d'shmaya" (heavenly help) in understanding/gaining wisdom (see Tiferes Yisroel 34-35) and/or a closer connection to the Divine Presence (see Maharal). Whereas the Talmud is referring to the minimum amounts needed for the Divine Presence to be there (ten for prayer, three for judges and two/one for learning), the Mishna is referring to the different "magic numbers" that add more than just the additional brain sharing. (Please note that a "group of learners" doesn't necessarily mean all studying together. For example, a group of ten may consist of several "mini-groups" of two or three, who share their conclusions with the other "mini-groups," with the back-and-forth afterwards between them refining the ideas even more.)

Rabbi Chanina's point is not the minimum needed for the Divine Presence, but contrasting the choice of learning with not learning. Choosing to not learn when one can, by showing that the value of Torah learning is not fully appreciated (or the choice would have been to learn) is equated with scoffing at its true worth. However, this is true whether it is an individual who makes that choice, or a group that chooses to do something together other than learning. By making the contrast specifically with two (i.e. more than one), Rabbi Chanina is also making the point that there is an element of scoffing when the choice is to learn independently rather than together (as the potential refinement of ideas is being rejected).

Lest one think that he meant that two is the minimum for the Divine Presence to descend (especially since he is advocating against individual learning), Rabbi Chanina felt compelled to add that there is value (and Divine Presence) when one person learns, whether it is when no one else is around to learn with, or when the (poor) choice is made to miss the opportunity of brain-sharing (when both reward for learning and a rebuke for the element of scoffing is present). But because his point was not the minimum required for Divine Presence, and one person learning cannot compare with two learning together, he used the language of "getting reward" rather than "experiencing the Divine Presence," as the latter would seem to equate independent learning with a sharing of ideas.

RABBI AVI WEISS

Shabbat Forshpeis

How does one attain the status of kedusha (holiness), commanded in one of this week's Torah portions? (Leviticus 19:2)

Some maintain that the pathway to holiness is to separate from the real world. Suppressing the body is the only way the soul can soar.

Rav Yosef Dov Soloveitchik points out that this is the predominant approach of most faith communities. The ish ha-da'at, the universal religious person, as Rav Soloveitchik terms it, is the religious figure who sees the escape from the body as a prerequisite for spiritual striving.

There is a more mainstream Jewish approach to kedusha. It suggests that the body is neither to be vilified nor glorified. Every aspect of human physical activity is to be sanctified. This, writes Rav Soloveitchik is the goal of the ish halakha (halakhic man). To apply Jewish law to every aspect of life, ennobling and yes, "kedushifying" our every endeavor. This analysis sheds light on our approach to the concepts of kodesh and hol (commonly translated, the holy and the profane). Some Orthodox Jews feel that disciplines that are not pure Torah are simply hol (profane). Hol is only useful when it helps us to better understand kodesh. For example, through chemistry one can better evaluate the kashrut of food products. One may study language in order to be viewed as a cultured Westerner so that Torah will be more respected. Or, one studies medicine to provide for one's family or one's charity. In each of these examples, hol is intrinsically not kodesh and can never transform into kodesh. The ish halakha sees it differently. Every discipline, whether it be chemistry, language or medicine, are all potentially aspects of Torah. As Rav Avraham Yitzchak Hakohen Kook has pointed out, "There is nothing unholy, there is only the

holy and the not yet holy." If one studies Torah in an intense fashion, it will give new meaning, new direction, new purpose and in the end, sanctify hol. Hol is not a permanent status; it can transform into kodesh.

For the ish halakha there is nothing in the world devoid of G-d's imprint. The way one loves, the way one conducts oneself in business, the way one eats, are all no less holy then praying, learning and fasting.

For the ish ha-da'at, the movement is from this world, the world of the body and soul to the next world, the world of pure soul. Death is a release from the imprisonment of the body. This philosophy is espoused by many fundamentalist Christians and Muslims. For them, redemption comes through death. This approach to life has been used in some parts of the Arab world to induce young men and even women to become suicide bombers - terrorist, homicidal bombers. "Kill yourself," these youngsters are taught, "and murder countless numbers of innocent people and you will receive true reward in the afterlife."

For Torah, the movement is in the reverse - from the other world to this world. To take the teachings of the Torah - from the world beyond - and to apply it to this world sanctifying every aspect of human life. For Torah, ultimate sanctification comes through living every moment a life of Torah ethics. This in fact is the challenge of this week's portion—kedoshim tihyu, you shall be holy. *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 ABBA WAGENSBERG

Between the Lines

In this week's parsha (Leviticus 18:3), G-d charges the Jewish people not to behave like the Egyptians, from whose culture we came, or the Canaanites, who inhabit the Land of Israel. What is the nature of this command? If the point is to steer us away from immoral behavior, the Torah explicitly tells us a few verses later (Leviticus 18:6-30). What does it mean, then, that we are instructed not to act like the Egyptian or Canaanite nations?

Moreover, at the beginning of Parshat Kedoshim, the Torah states, "Be holy" (Leviticus 19:2). Rashi interprets this statement to mean that we must separate ourselves from immorality.

The Tiferet Shmuel (vol. 1) takes issue with Rashi's comment, and wonders: can someone who disengages from immorality really be called "holy"? Imagine a eulogizer at a funeral praising the deceased by saying, "This man was truly holy. Not once did he engage in adultery, incest, or bestiality!" Committing these sins is wickedness; refraining from them seems to be merely maintaining the status quo. How can Rashi understand the statement "Be holy" as a command to stay away from obvious misdeeds?

The Slonimer Rebbe begins to address our question by explaining what it means to act like an Egyptian. In his view, the Torah is not telling us to avoid performing prohibited actions; rather, it is teaching us how to engage in permitted physical activities. Even in the realm of permissible behavior, we must not overindulge or seek out passion for passion's sake, as the Egyptians did. Instead, we must act like Jews, striving to perform every action in a healthy, balanced way, with the ultimate goal of fulfilling G-d's will.

Nachmanides expresses a similar idea, as he mentions that our Sages (in Torat Kohanim) explain the statement "Be holy" as "Be separate." The Torah permits pleasurable physical activities—eating kosher meat, drinking kosher wine, intimacy between husband and wife—yet someone who is driven by lustful passions may overindulge in these activities while thinking that he is still within the bounds of Torah law. Such a person is called a "glutton" (see Proverbs 23:20). Thus, after Parshat Acharei Mot lists all the specific prohibitions regarding immorality, Parshat Kedoshim teaches us generally, "Be holy." We must separate ourselves from overindulging in permissible activities, curbing our appetites in order to maintain dignity and holiness.

Based on this idea, the Tiferet Shmuel answers our question of how Rashi can imply that we are called "holy" merely by staying away from immorality. The Talmud states, "Sanctify yourself with that which is permitted to you" (Yevamot 20a). Another passage (Avodah Zara 17a) elaborates on this idea, in which a Nazir (one who has voluntarily decided to abstain from wine) is advised not to take a shortcut through a vineyard, but rather to walk all the way around it. Strictly speaking, a Nazir may pass through a vineyard—he is only prohibited from partaking of the grapes. But since walking through a vineyard would put him in such close proximity to the prohibition, a "fence" is necessary to protect him from possible temptation. (See Avot 1:1, which states, "Make a fence for the Torah.") If we accustom ourselves to avoid overindulgence in that which is permissible, we surely will not engage in prohibited behavior. According to the Tiferet Shmuel, this is what Rashi means when he interprets "Be holy" as "Be separate from immorality." The words "be separate" indicate that we should curb our appetites even in permitted areas. Then, after restating our Sages' words, Rashi explains the reasoning behind them: "from immorality." The Tiferet Shmuel understands the word "from" to mean "because of." Due to the prohibitions against immoral behavior, we must make a fence around them to ensure that we stay far away from any wrongdoing.

Based on this view, there is no contradiction between Rashi and Nachmanides; both are emphasizing the importance of maintaining holiness even in permitted activities. Furthermore, we can now

understand why Rashi's language seemed to differ from that of our Sages. In fact, he uses the same expression ("be separate"), but then adds a reason afterwards.

May we be blessed to escape from the "Egypt" within us, little by little each day, by engaging in permitted behavior in a healthy, balanced way.

RABBI DOVID SIEGEL

Haftorah

This week's haftorah presents the Jewish nation in a most unique context.In his last words of prophecy the prophet Amos describes the Jewish people in a very peculiar manner. He says in the name of Hashem, "Aren't you likened to the Kushites, to be Mine?" (9:7) Who are Kushites and in what way are the Jewish people compared to them? Chazal in the Yalkut Shimoni(157) interpret the term Kushites to refer to the Ethiopian community whose skin color is distinctly different than all other nations. This physical distinction renders it virtually impossible for the Kushites to intermingle with anyone without maintaining their national identity.Chazal continue that in this same manner the Jewish people are distinctly different than all other nations. The moral and ethical code of the observant Jewish people inhibits them from intermingling with the nations of the world. The drastic skin color contrast of the Ethiopians serves as a striking analogy to the drastic ethical contrast between the Jewish people and all other nations.

The prophet continues and reminds the Jewish people that it is this distinct ethical conduct which renders them Hashem's chosen people. After likening the Jewish people to the Kushites, the prophet completes his analogy with the profound words, "to be Mine". The Metzudos Dovid (9:7) explains this to mean that we are Hashem's people exclusively because of our distinguished ethical conduct. He adds that we will remain Hashem's special nation as long as we possess elevated ethical standards. The prophet then draws our attention to our earliest origins and says, "Didn't Hashem bring you up from the land of Egypt?" (ad loc.) Malbim explains that these words allude to the distinguished qualities of the Jewish people in whose merit they were liberated from Egypt. Although they existed for two hundred years in the corrupt and immoral Egyptian environment they remained a distinct and distinguished entity. Their moral code of dress and speech reflected their pure attitudes about life which made intermingling with the Egyptians a virtual impossibility. For the most part, their Jewish values were not corrupted or distorted which allowed the Jews to remain distinguished and elevated.

The prophet concludes our haftorah with this theme and promises our ultimate redemption from our extended exile. Amos says, "On that day I will establish the kingdom of Dovid.... so that you, upon whom My name rests, will inherit Edom and all nations." (9:11,12) Our identity with Hashem as a nation upon whom His name rests, will play a significant role in our final redemption. The Jewish people will inherit their archenemy Edom soley because of their identity with Hashem. Our elevated standards of morality will truly earn us the title of His people and in this merit we will be finally liberated from the world's corrupt influence and environment.

This special lesson reflects the essence of this week's parsha, Kedoshim,which embodies Hashem's lofty call to us for spiritual elevation. The Torah begins and says, "Be holy for I, Hashem, am Holy." (Vayikra 19:2) Nachmanides (ad loc.) shares with us his classic insight into this mitzva."Be holy", says the Ramban, "refers to the introduction of sanctity and spirituality into every dimension of our lives." Even our physical and mundane activities should be directed towards Hashem. We are forbidden to excessively indulge in worldly pleasures and are expected to limit our passions and pleasures to productive and accomplishing acts. Morality and spirituality should encompass our entire being and our every action should ultimately become the service of Hashem. This philosophy is diametrically opposed to that of the nations of the world. To them physical pleasure and enjoyment have no restrictions or limitations and religion does not govern their passions or cravings. As said, our standards of morality are truly unique and it is this factor that elevates us and distinguishes us from amongst the nations of the world.

The parsha concludes with this message and says, "And you shall be holy unto Me for I am holy and I have separated you from the nations to be Mine." As stated, we are Hashem's people because of our holiness—elevated moral and ethical standards—which truly separate us from the nations of the world. And in this merit we will soon experience our final redemption and be a nation unto Him, privileged to remain in His presence for eternity.

RABBI ADAM LIEBERMAN

A Life Lesson

In this week's Torah portion, G-d gives the Jewish people certain laws that will lead to them having a more fulfilling life. One of the laws is: "In the presence of an old person shall you rise..." (Lev. 19:32)

Rising in the presence of any person is certainly a sign of honor and respect. So what is about a person who's achieved "old age" that G-d tells the Jewish people that he should be so revered?

Perhaps it's because there's nothing in the world quite like experience. When a person gets older, he's lived a set of experiences that all the money in the world couldn't buy. Your brain records everything that it's ever exposed to. There are literally billions of pieces

of data right now stored in your brain—everything you've ever seen, smelt, and heard. This is why if you saw someone on the street that you haven't seen in ten years, you'll still be able to recognize instantly who he is. In fact, you'll even know if he's gained or lost weight since the last time you saw him!

The thing to realize is that all decisions you'll ever make are based upon all your previous life experiences. Therefore, an older person—no matter who he is or what he's done with his life—simply has more life experiences on which to base his decisions, opinions, and actions. This certainly doesn't mean that older people always know the right answers or can give the best advice. However, elderly people will have something that someone younger just can't have. And that's a unique perspective and powerful insights that more years living in this world has given them.

G-d wants us always to remember just how valuable an elderly person's observations and advice can be. It's so worthy, in fact, that when you're "...in the presence of an old person shall you rise." And even if you don't physically stand up for him, don't compound this by not listening to what he has to say with open ears and a wide open mind. His advice could just give you the fresh perspective you've been missing.

RABBI SHLOMO KATZ

Hama'ayan

"Aharon shall enter the Ohel Mo'ed/Tent of Meeting, he shall remove the linen vestments that he had worn when he entered the Sanctuary, and he shall leave them there." (16:23)

Rashi writes (citing the gemara) that this verse is out of place. In the actual order of the Yom Kippur service, this verse should be placed at the very end of the service, perhaps after verse 33. Then why is it here? asks R' Avraham Danzig z"l (author of Chayei Adam; late 18th century). Also, when the Torah describes the Temple service for the other holidays, it mentions the holiday first and then describes the service. Here, the service is described in detail and the holiday (Yom Kippur) is mentioned only incidentally at the end. Why? More questions: Why does the above verse say, "Aharon shall enter"? What of future high priests after Aharon? Also, the Torah's description of the Yom Kippur service mentions a ram, which some sages say is the same ram mentioned in Bemidbar 29:8 as part of the Yom Kippur mussaf sacrifice. Why then is it mentioned here?

R' Danzig explains: The midrash says that Aharon was different from all other high priests. Every other kohen gadol was allowed to enter the Kodesh Ha'kodashim/"Holy of Holies" only on Yom Kippur, but Aharon was permitted to enter whenever he wished. The only requirement was that he perform the service described in the parashah whenever he entered.

This, writes R' Danzig in the name of the Vilna Gaon, answers the first question above. As applied to Aharon, our verse is not out of order. True, on Yom Kippur, this part of the service was performed at the end. The reason is that G-d had told Moshe (as a halachah l'Moshe mi'Sinai/part of the Oral Law) that the kohen gadol should change his clothes and immerse in the mikvah five times on Yom Kippur. ("Moving" this verse and changing its context has the effect of increasing the number of clothes changes and immersions.) However, when Aharon entered the Kodesh Ha'kodashim on other days, there was no such requirement.

Our other questions are answered by this idea as well, R' Danzig writes. Our verse refers to "Aharon," not to the "Kohen Gadol," because our verse is in context for Aharon, but not for other High Priests, as just explained. Also, Yom Kippur is mentioned incidentally, because for Aharon, it was incidental. He could enter the Holy of Holies at any time. Finally, the ram from the korban mussaf is mentioned here to teach that not only on Yom Kippur must a ram be sacrificed, but any time Aharon wished to enter the Kodesh Ha'kodashim he had to sacrifice a ram. (Appendix to Chochmat Adam)

RABBI BEREL WEIN

Wein Online

The old Jewish bon mot is that acharei mot - after the death of a person - then kedoshim - the person is suddenly remembered only as being noble and holy. This attitude stems directly from the ancient Jewish tradition not to speak ill of those that have passed on. Naturally we are all aware that not everyone is deserving of the glowing eulogy bestowed upon the deceased but nevertheless Jewish protocol holds sway in these matters.

The Shulchan Aruch explicitly allows "some exaggeration" in the funeral orations over a deceased person. The measure of "some exaggeration" is purposely left vague and undefined and the good judgment of the eulogizer in the matter is encouraged. My father, of blessed memory, told me that once when he was a rabbi in Chicago, a noted Jewish mobster died. The family of the gangster was affiliated with the synagogue where my father served as rabbi and they insisted that my father eulogize their mobster relative at the funeral service.

In order to guarantee that there would be a respectable turnout of people at the funeral chapel for the service, the family engaged the services of a very famous cantor to sing the memorial prayers. They posted notices in the neighborhood about this cantor's funeral-concert and naturally a large crowd turned out for the event. My poor father who was hard pressed to be able to say anything positive about the deceased finally declared in his necessarily brief eulogy: "The

man must have done many good deeds and favors privately that we are unaware of, for look at the large crowd that has come here to the funeral chapel to pay him their last respects!"

The Torah itself confirms this attitude and behavior towards the dead. The two sons of Aharon, Nadav and Avihu, whose deaths are the subject of the first verse of the parsha of this week, were described in the Torah as causing their own deaths by "offering up a strange fire [of incense]" upon G-d's altar. The rabbis of the Talmud noted other failings in these two sons of Aharon - they refused to marry, they were intoxicated when entering the holy precincts of the Mishap, they had a rebellious attitude towards their elders, Moshe and Aharon, among other failings.

Yet we find that in discussing the matter with his bereaved brother Aharon, Moshe tells him that this is what G-d must have meant, so to speak, when He told Moshe b'krovai akadesh - through the death of those who are nearest and dearest to Heaven will G-d's name be sanctified in the world. The Torah after pointing out their sin of the "strange fire" nevertheless continues to describe the deceased as krovai - My nearest and beloved ones.

From this it is apparent that we are not to dwell upon the faults and shortcomings of others, certainly not after their deaths. Judgment is G-d's province and muckraking people after they are gone is not within Jewish tradition. The prohibition of lashon hara - negative bad speech - applies to speaking about the dead as well as the living.

RABBI BORUCH LEFF

Kol Yaakov

"We condemn totally the infliction of suffering upon our brother animals, and the curtailment of their enjoyment, unless it be necessary for their own individual benefit. We declare our belief that all sentient creatures have rights to life, liberty, and the quest for happiness." ('A Declaration Against Speciesism', signed by 150 academics at Cambridge University, 1977. See 'Animal Rights-A Symposium,' London: Centaur Press, 1979, p.viii.)

With this declaration, the animal rights movement affirmed its belief that there is no moral difference between human beings and animals. When a 'brother' animal experiences pain it is as tragic as when a human being does. To most people, even staunch vegetarians, this philosophy sounds a bit extreme. Yes, it is wrong to inflict pain unnecessarily upon animals, but to equate it with human suffering strikes us as strange.

Yet, as Jews, whenever we encounter a value judgment, we ought to investigate what G-d has to say on the matter. We can't simply decide moral issues based upon how we feel. The practice of relative ethics, doing and acting with what I feel is right at the time, leaves one without any standard or measurement of values at all. 40 years ago, abortion was viewed as a heinous murderous crime and now society accepts it with open arms. Our values can change quite rapidly if we leave them to our own feelings and musings. The only method to live with a true values system is to discover what G-d's absolute values are, through studying His Torah. So, what does the Torah have to say about animal rights?

It is true that we are bound never to inflict pain unnecessarily to animals. As the Talmud states, "Avoiding making animals suffer is a Torah obligation." (Baba Metzia 32b) But an animal's 'right' not to suffer in G-d's world is not any different from a tree's or plant's 'right' not to 'suffer' in being cut down unnecessarily.

G-d gave mankind the task to "Conquer the world, descend to the fish of the sea, the birds of the skies, and to all animals who swarm the earth" (Beraishis 1:28). G-d wants us to utilize all things in the universe, including all animals, if we deem it useful toward our path of growth and development. Specifically, G-d tells Noach that mankind is permitted to eat flesh from animals: "All animals which live shall be for you to eat. Like the vegetables, I have given them to you—all of them." (Beraishis 9:3)

The verse clearly makes the point that no matter how tempted we may be to see animals as humans, no matter how many similarities to the physiological man animals possess, we are not to view them as anything more than plants, trees, and vegetables. G-d was not merely allowing us to eat meat from animals if we so desire, but telling us He prefers that we do. He does not indicate that we should feel for the animals' plight and refrain from partaking in meat meals. He says emphatically that we are to look at animals as vegetables and just like we sense no issue or problem in eating vegetables so too we should feel toward animals.

This is because man is the sole focus of all creation. As the Talmud says (paraphrased): "G-d created animals for mankind. If mankind wouldn't exist, what would be the purpose of animals' existence?"(Sanhedrin 108a) Only man possesses the power of free will with its potential for reward and punishment. Animals live by reflex only without any real free will, decision-making ability. Animals exist only to provide benefits for man.

Still, it is vital that we don't show cruelty to animals, as stated from the Talmud earlier. But animals don't have rights. Our refraining from inflicting pain to animals is not for the animal's sake, but it is for our sake. Ramban (Devorim 22:6) writes that all Mitzvot

that involve our acting with compassion toward animals exist in order that we don't train ourselves to become cruel-hearted. We show mercy to animals not because the animals deserve the mercy with their 'rights'. Rather, since animals do share certain physiological similarities with us, it would be detrimental subconsciously to our personalities, if we were to act with cruelty toward them. As Rabbi Avraham Yeshayah Karelitz, the "Chazon Ish" (1878-1953) explains:

"Animals are similar to man in the structure of the body, with its aspects and capabilities; the material of their bodies is flesh and blood, sinews, bones and skin, and they possess a life-force. They possess senses like man, they sustain themselves like man, they are of two genders, male and female, but the difference of man from animals involves intelligence and language" (Emunah U'bitachon 1:7).

If we would be cruel to animals we would act with cruelty toward our fellow man as well. So we must treat animals with concern and caution. We can neither torture them nor pain them for any invalid reason. But as long as we are deriving some tangible benefit from them, (yes, even a fur coat and certainly for medical experimentation), we are allowed to utilize animals.

We find a verse in Parshat Acharei mot that is relevant to our discussion: "Any man from the House of Israel who slaughters an ox, sheep, or goat (who are sanctified and designated to be slaughtered in the Tabernacle—Rashi) in the camp, or outside the camp and does not bring the animal to the opening of the Tent of Meeting (Tabernacle) to be sacrificed for G-d, before the Tabernacle of G-d—it is considered as blood for that man, he has spilled blood." (Vayikra 17:3-4). Why is slaughtering an animal outside the Temple viewed so terribly?

The explanation is this. Yes, we are allowed to make use of animals for valid purposes, which of course includes bringing them as sacrifices. But if we do anything that causes the animal's slaughter and death to be invalid and become wasted (in this case by slaughtering it outside the Tabernacle), then the Torah is teaching us that the animal's death becomes tantamount to spilling blood. If we kill an animal purposefully we have done nothing wrong and may even be sanctifying it in certain circumstances, such as sacrifices. But if we make the animal invalid for sacrifice, then, since animals do share certain physiological similarities with us, it would be detrimental subconsciously in bringing us a step closer to a bloody path.

The Torah's prohibits destroying or wasting any item in the world. This prohibition is called "Baal Tashchit" (Devorim 20:19). G-d gave us the world to beautify and develop, not to destroy. As Midrash Kohellet Rabbah Chapter 7 states: "G-d took Adam around the Garden of Eden showing him all the trees. G-d said, Look how beautiful My creations are. I created it all for your benefit. Make sure you don't destroy and ruin My world." To kill animals and not be able to use those animals for man's benefit is a serious violation of mankind's task of developing and utilizing G-d's world properly.

No, animals do not have rights. And if we ever suggest that they do, if we ever put animals on par with humans, we run the risk of treating humans like animals, and at times ignoring human suffering.

The following is a recent 2003 example of just such a misguided animal rights philosophy. On January 26, 2003, an Israeli bus was bombed by Arab terrorists. But this time, the delivery system was not a Palestinian— it was a donkey. With explosives strapped to its back, the poor animal was directed towards an Israeli bus and the bomb remotely detonated. Fortunately, the people all survived. But the donkey didn't.

Introducing PETA—People for the Ethical Treatment of Animals. After receiving many protests from its shocked members, the president of PETA, Ingrid Newkirk, penned a letter to Yasser Arafat. PETA sympathized with an overlooked aspect of Palestinian terrorism: "If you have the opportunity, will you please add to your burdens my request that you appeal to all those who listen to you to leave the animals out of this conflict?"

In the Arab-Israeli conflict, there are certainly greater tragedies than a dead donkey. Hundreds of innocent men, women and children have been killed. Yet, PETA didn't protest that. When questioned on this by The Washington Post, Ms. Newkirk claimed, "It's not my business to inject myself into human wars." One is awestruck by the lack of any sympathy for the human victims.

Many may wish to believe that animals have rights and that since man is merely a higher-formed animal, mankind has as much (or as little) significance and function in the universe as animals. In reality, what they are doing is shirking the true responsibilities of mankind. They wish to forget that man was created in G-d's image, has free will, and has the responsibility to perfect the world.

We know better. We know that we have the 'rights' and that they are wrong.

RABBI SHLOMO RISKIN

Shabbat Shalom

Is halakha (Jewish law) the maximum ideal towards which we must strive, or the minimal expectation of conduct which is necessary for a well-ordered and ethical society? In the words of Dr. Eugene Korn, (in a masterful article he wrote for Edah), is halakha a floor or a ceiling? (I believe this phrase first appeared in a book on Jewish ethics by Rabbi Prof. Walter Wurtzberger).

At least one Biblical commentary, the Ramban (Nachmanides, 12th Century Provence), expounds an indubitably clear position in his explanation of the opening commandment of this week's Biblical portion Kedoshim, "You shall be holy...," (Kedoshim tihyu). In answer to his query that this particular commandment appears to be too general and undefined, the Ramban explains that despite all of the detailed laws of the Bible, it is still possible for clever and unscrupulous individuals to technically remain within the confines of the law whilst completely defying the spirit and goal which the laws are trying to accomplish; they can spend most of their time grossly overeating (only Kosher food, of course), for example, or they can continually make everyone in their company feel inferior and incapable by a cynical and supercilious manner of behavior, neither of which activity is specifically prohibited by Jewish law.

In order to prevent the creation of what the Ramban calls a "scoundrel within the boundaries of the Torah," he maintains that there are two "meta-halakhic" overarching principles which teach us the real goal of Jewish law and help us determine the correctness of a specific deed or behavior pattern which is not necessarily forbidden or obligated within the 613 commandments: "you shall be holy" in the sphere of person-G-d relationships, and "you shall do what is righteous and good" (ve'asita hayashar vehatov) in the sphere of inter-personal relationships. These commandments are purposefully vague and open-ended in order to leave room for right-of-conscience decisions (wherein you really know what you ought to do even though the Torah does not specifically order you to do it) as well as for changes in societal norms which certainly must affect our personal and national conduct.

For example, in a completely polygamous world, the Bible does not condemn polygamy; nevertheless, the Bible does tell us that "an individual must leave his/her mother and father and cleave unto his/her spouse so that they become one flesh", certainly insinuating that the wholeness of the couple is comprised of a couple and not a ménage a trios, so that there is not one single instance of a polygamous union by any one of the sages of the Mishnah (100 BCE - 200 CE) despite the Biblical leniency.

A second example is the methodology of warfare, wherein the Sages of the Talmud completely obviated the possibility of our "not keeping alive any soul (man, woman or child)" of the indigenous seven nations of Canaan with their setting down of the principle that "Sennacherib came and completely confounded and intermingled the nations of the world" (B.T. Berachot 28b), making the total obliteration-of the seven nations obsolete and inapplicable in later generations. The guiding principle of the Written Law (called the "harsh law" or dina detakfa by the mystical Zohar) seems to have been that if a leader is one step ahead of his people, he is a genius, but if he is two steps ahead of his people, he is a crackpot. Hence we understand the ongoing importance of the Oral Law, continuing through our Responsa literature to this very day, which is called the "soft law" or dina de rafiya by the mystical Zohar.

Permit me to give two clear examples of where the halakhic code is clearly viewed by our sages not only as a minimal standard, but even as a practice which must be improved upon by anyone who wishes to be considered a good or righteous individual.

The Talmud (B.T. Bava Metzia 83b) records an incident in which two porters transported wine barrels for Rabbah bar bar Hanan, a wealthy scholar and sage in his own right. Through an act of negligence on their part, they broke the barrels; Rabbah took their cloaks in payment for their negligence, which is what the law demands. They complained to Rav, the legal decisor in that area, and he instructed Rabbah to return their cloaks. "Is this the law?" asked an astonished Rabbah. "Yes", replied Rav, "based on the verse 'in order that you walk in the way of the good people'" (Proverbs 2). The porters went once again to complain to Rav: "But we are hungry, since we worked all day and received no payment," whereupon Rav further instructed Rabbah to provide them with a salary as well. Once again Rabbah asked: "Is this too the law?" to which Rav replied, "yes, in accordance with the verse 'and the paths of the righteous shall you observe'" (Proverbs 2). Clearly Rav was saying to Rabbah that for him - Rabbah bar bar Hanan, the wealthy scholar matched against two poverty stricken porters - the law would expect that he would act beyond the legal requirement and provide the porters with payment for their day's labor, despite the losses they had incurred for Rabbah as a result of their negligence.

Maimonides, the master legalist-theologian of the twelfth century, is even clearer in his exposition: The Bible allows for Gentile (Canaanite) slaves, although the Decalogue provides that the Israelites "observe the Sabbath day to keep it holy...in order that your Gentile man-servants and maid-servants may rest like you," expressing Hebrew and Gentile equality before G-d. In his Mishnah Torah Code of Jewish Law, Maimonides (the Rambam) rules "The Israelite is permitted to work his Canaanite slave with vigor. But even though the law is such, it is a trait of piety and the way of the wise to be compassionate, to pursue righteousness and to see to it that the slave not be scorned, but is to be addressed kindly,... His complaints must be seriously dealt with... After all, the Book of Job t eaches, 'Is it not true that one stomach has formed me (the Israelite) and him (the Gentile slave), and that one womb (of the One) has fashioned us both'" (Laws of Servants 9,8).