

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS ZT"l

Covenant & Conversation

The other day I was having a conversation with a Jewish intellectual and the question came up, as it often does, as to the nature of Jewish identity. What are we? What makes us Jewish? This has been one of the persisting debates about Jewish life ever since the nineteenth century. Until then, people by and large knew who and what Jews were. They were the heirs of an ancient nation who, in the Sinai desert long ago, made a covenant with G-d and, with greater or lesser success, tried to live by it ever since. They were G-d's people.

Needless to say, this upset others. The Greeks thought they were the superior race. They called non-Greeks "barbarians," a word intended to resemble the sound made by sheep. The Romans likewise thought themselves better than others, Christians and Muslims both held, in their different ways, that they, not the Jews, were the true chosen of G-d. The result was many centuries of persecution. So when Jews were given the chance to become citizens of the newly secular nation states of Europe, they seized it with open arms. In many cases they abandoned their faith and religious practice. But they were still regarded as Jews.

What, though, did this mean? It could not mean that they were a people dedicated to G-d, since many of them no longer believed in G-d or acted as if they did. So it came to mean a race. Benjamin Disraeli, converted to Christianity by his father as a young child, thought of his identity in those terms. He once wrote, "All is race -- there is no other truth,"¹ and said about himself, in response to a taunt by the Irish politician Daniel O'Connell, "Yes, I am a Jew, and when the ancestors of the right honorable gentleman were brutal savages in an unknown island, mine were priests in the temple of Solomon."

The trouble was that hostility to Jews did not cease despite all that Europe claimed by way of enlightenment, reason, the pursuit of science and emancipation. It could now, though, no longer be defined by religion, since neither Jews nor Europeans used that as the basis of identity. So Jews became hated for their race, and in the 1870s a new word was

coined to express this: antisemitism. This was dangerous. So long as Jews were defined by religion, Christians could work to convert them. You can change your religion. But you cannot change your race. Anti-Semites could only work, therefore, for the expulsion or extermination of the Jews.

Ever since the Holocaust it has become taboo to use the word "race" in polite society in the West. Yet secular Jewish identity persists, and there seems no other way of referring to it. So a new term has come to be used instead: ethnicity, which means roughly what "race" meant in the nineteenth century. The Wikipedia definition of ethnicity is "a category of people who identify with each other based on common ancestral, social, cultural, or national experiences."

The trouble is that ethnicity is where we came from, not where we are going to. It involves culture and cuisine, a set of memories meaningful to parents but ever less so to their children. In any case, there is no one Jewish ethnicity: there are ethnicities in the plural. That is what makes Sefardi Jews different from their Ashkenazi cousins, and Sefardi Jews from North Africa and the Middle East different from those whose families originally came from Spain and Portugal.

Besides which, what is often thought of as Jewish ethnicity is often not even Jewish in origin. It is a lingering trace of what Jews absorbed from a local non-Jewish culture: Polish dress, Russian music, North African food, and the German-Jewish dialect known as Yiddish along with its Spanish-Jewish counterpart, Ladino. Ethnicity is often a set of borrowings thought of as Jewish because their origins have been forgotten.

Judaism is not an ethnicity and Jews are not an ethnic group. Go to the Western Wall in Jerusalem and you will see Jews of every colour and culture under the sun, the Beta Israel from Ethiopia, the Bene Israel from India, Bukharan Jews from central Asia, Iraqi, Berber, Egyptian, Kurdish and Libyan Jews, the Temanim from Yemen, alongside American Jews from Russia, South African Jews from Lithuania, and British Jews from German-speaking Poland. Their food, music, dress, customs and conventions are all different. Jewishness is not an ethnicity but a bricolage of multiple ethnicities.

Besides which, ethnicity does not last. If Jews are merely an ethnic group, they will experience the fate of all such groups, which is that they disappear over time. Like the grandchildren of Irish, Polish, German and Norwegian immigrants to America, they

¹ Lord George Bentinck: A Political Biography (1852), p. 331.

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merge into the melting pot. Ethnicity lasts for three generations, for as long as children can remember immigrant grandparents and their distinctive ways. Then it begins to fade, for there is no reason for it not to. If Jews had been no more than an ethnicity, they would have died out long ago, along with the Canaanites, Perizzites and Jebusites, known only to students of antiquity and having left no mark on the civilisation of the West.

So when, in 2000, a British Jewish research institute proposed that Jews in Britain be defined as an ethnic group and not a religious community, it took a non-Jewish journalist, Andrew Marr, to state the obvious: 'All this is shallow water,' he wrote, 'and the further in you wade, the shallower it gets.' He continued: The Jews have always had stories for the rest of us. They have had their Bible, one of the great imaginative works of the human spirit. They have been victim of the worst modernity can do, a mirror for Western madness. Above all they have had the story of their cultural and genetic survival from the Roman Empire to the 2000s, weaving and thriving amid uncomprehending, hostile European tribes.

This story, their post-Bible, their epic of bodies, not words, involved an intense competitive hardening of generations which threw up, in the end, a blaze of individual geniuses in Europe and America. Outside painting, Morris dancing and rap music, it's hard to think of many areas of Western endeavour where Jews haven't been disproportionately successful. For non-Jews, who don't believe in a people being chosen by G-d, the lesson is that generations of people living on their wits and hard work, outside the more comfortable mainstream certainties, will seed Einsteins and Wittgensteins, Trotskys and Seiffs. Culture matters . . . The Jews really have been different; they have enriched the world and challenged it.²

Marr himself is neither Jewish nor a religious believer, but his insight points us in the direction of this week's parsha, which contains one of the most important sentences in Judaism: "Speak to the whole assembly of Israel and say to them: Be holy because I, the Lord your G-d, am holy." Jews were and remain the

people summoned to holiness.

What does this mean? Rashi reads it in context. The previous chapter was about forbidden sexual relationships. So is the next chapter. So he understands it as meaning, be careful not to put yourself in the way of temptation to forbidden sex. Ramban reads it more broadly. The Torah forbids certain activities and permits others. When it says "Be holy" it means, according to Ramban, practice self-restraint even in the domain of the permitted. Don't be a glutton, even if what you are eating is kosher. Don't be an alcoholic even if what you are drinking is kosher wine. Don't be, in his famous phrase, a naval bireshut ha-Torah, "a scoundrel with Torah license."

These are localised interpretations. They are what the verse means in its immediate context. But it clearly means something larger as well, and the chapter itself tells us what this is. To be holy is to love your neighbour and to love the stranger. It means not stealing, lying, or deceiving others. It means not standing idly by when someone else's life is in danger. It means not cursing the deaf or putting a stumbling block before the blind, that is, insulting or taking advantage of others even when they are completely unaware of it – because G-d is not unaware of it.

It means not planting your field with different kinds of seed, not crossbreeding your livestock or wearing clothes made of a forbidden mixture of wool and linen—or as we would put it nowadays, respecting the integrity of the environment. It means not conforming with whatever happens to be the idolatry of the time – and every age has its idols. It means being honest in business, doing justice, treating your employees well, and sharing your blessings (in those days, parts of the harvest) with others.

It means not hating people, not bearing a grudge or taking revenge. If someone has done you wrong, don't hate them. Remonstrate with them. Let them know what they have done and how it has hurt you, give them a chance to apologise and make amends, and then forgive them.

Above all, "Be holy" means, "Have the courage to be different." That is the root meaning of kadosh in Hebrew. It means something distinctive and set apart. "Be holy for I the Lord your G-d am holy" is one of the most counter-intuitive sentences in the whole of religious literature. How can we be like G-d? He is infinite, we are finite. He is eternal, we are mortal. He is vaster than the universe, we are a mere speck on its surface. Yet, says the Torah, in one respect we can be.

G-d is in but not of the world. So we are called on to be in but not of the world. We don't worship nature. We don't follow fashion. We don't behave like everyone else just because everyone else does. We don't conform. We dance to a different music. We don't live in the present. We remember our people's past and help build our people's future. Not by accident does the

² Andrew Marr, The Observer, Sunday May 14, 2000.

word kadosh also have the meaning of marriage, kiddushin, because to marry means to be faithful to one another, as G-d pledges himself to be faithful to us and we to him, even in the hard times.

To be holy means to bear witness to the presence of G-d in our, and our people's, lives. Israel – the Jewish people – is the people who in themselves give testimony to One beyond ourselves. To be Jewish means to live in the conscious presence of the G-d we can't see but can sense as the force within ourselves urging us to be more courageous, just and generous than ourselves. That's what Judaism's rituals are about: reminding us of the presence of the Divine.

Every individual on earth has an ethnicity. But only one people was ever asked collectively to be holy. That, to me, is what it is to be a Jew. *Covenant and Conversation 5775 is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl zt"l ©2016 Rabbi Lord J. Sacks z"l and rabbisacks.org*

RABBI SHLOMO RISKIN

Shabbat Shalom

You shall love your friend as yourself – I am the Lord“ (Leviticus 19:18) These five Hebrew words – “You shall love your friend as yourself” – are designated by the renowned Talmudic sage Rabbi Akiva as “the greatest rule of the Torah” (J.T. Nedarim 30b); the bedrock of our entire ethical system.

And 50 years after the destruction of the Second Temple, Rabbi Akiva was considered one of the most illustrious of the rabbinical decisors, who led a major Talmudic academy which could boast a student body of tens of thousands.

Indeed, it became the first “yeshivat hesder” in history, whose students fought valiantly against the Roman conquerors, hoping to restore the Holy City of Jerusalem, to enthrone their General Bar Kokhba as King Messiah, to rebuild the Holy Temple and to usher in the time of Redemption.

Alas, the redemption was not to be; the kingdom of Bar Kokhba lasted only three and a half years; Bar Kokhba himself was killed and the aborted Judean rebellion ended in tragic failure.

The Talmud (B.T. Yevamot 62b) records that 24,000 disciples of Rabbi Akiva lost their lives due to askera, an Aramaic term which Rashi explains as a plague of diphtheria; but Rav Hai Gaon maintains much more logically that they died by the sword (sicarii in Greek means “sword”) in the Bar Kokhba wars as well as in the Hadrianic persecutions which followed the military defeat.

The initial mourning period observed during these days of the counting of the Omer – from the end of Passover until Lag Ba'omer (the 33rd day of the barley offering, when the disciples of Rabbi Akiva stopped dying) – memorializes the death of these

valiant young martyrs, so anxious to restore Jewish sovereignty in Judea.

And the Talmud, morally interested in discovering an ethical flaw that might justify the failure of this heroic attempt, maintained that it was “because the students of Rabbi Akiva did not honor each other properly, that they were involved in petty jealousies and rivalries causing them to face their Roman foes from a position of disunity and internal strife (Yevamot, *ibid*).

But how could this be? After all, Rabbi Akiva's major teaching was that “you shall love your friend as yourself – this is the greatest rule of the Torah.” Could it be that the foremost Master – Rosh Yeshiva Rabbi Akiva, did not succeed in inculcating within his disciples his most important maxim, the one teaching which he considered to be quintessential Torah?

Allow me to suggest a number of responses. First of all, one can say that it was only after the death of the 24,000, and the understanding that the tragedy occurred because of their “causeless animosity” amongst themselves (sinat hinam), that Rabbi Akiva began to emphasize loving one's fellow as the greatest rule of the Torah.

Secondly, the Talmud (B.T. Gittin 56b) has Rabbi Akiva apply a shockingly disparaging verse to Rav Yohanan ben Zakkai, who close to seven decades earlier had left the besieged Jerusalem at the 11th hour to stand before Vespasian and trade away sovereignty over Jerusalem and hegemony over the Holy Temple, for the city of Yavne and the Sanhedrin of 71 wise elders: “off-times God moves wise men backwards and turns their wisdom into foolishness” (Isaiah 44:25).

You must remember that Yohanan ben Zakkai had been the teacher of the two teachers of Rabbi Akiva: Rabbi Eliezer ben Hyrcanus (Rabbi Eliezer Hagadol) and Rabbi

Yehoshua ben Hananya. And Rabbi Akiva was not attacking ben Zakkai's ideology but he was rather disparaging his persona, very much *ad hominem*: “God had moved ben Zakkai backwards and transformed his wisdom into foolishness!” No matter how many times Rabbi Akiva might have emphasized “Love your neighbor as yourself,” this one-time “put-down” of a Torah scholar by Rabbi Akiva unfortunately may have caused his disciples to overlook his general teaching and learn from his harsh words.

Herein lies a crucial lesson for every educator: our students learn not from what we tell them during our formal lessons, but rather from what they see us do and hear us say, even, and especially if, we are speaking off the record.

And finally, when Hillel, a disciple of Rabbi Akiva, is approached by a would-be convert and challenged to teach him the entire Torah “while he stands on one leg,” Hillel responds by rephrasing Rabbi Akiva's Golden Rule in more practical terms by teaching you what not to do: “What is hateful to you, do

not do to your friend. This is the entire Torah; all the rest is commentary; go out and study it..." (B.T. Shabbat 31a) And similarly, the same sage Hillel teaches, "Do not judge your friend until you actually stand in his place" (Mishna Avot 2:5), which is another way of saying that you must not judge your brother unless you had been faced by the same trial he had to face – and had responded differently.

You must love your friend by seeing him and judging him as though you were truly standing in his place.

Perhaps when Rabbi Akiva initially judged Rabbi Yohanan ben Zakkai's "deal" with Vespasian, he (Rabbi Akiva) was not in the midst of a brutal and losing battle against Rome; at that earlier time it was comparatively easy for him to criticize ben Zakkai as having given up too much too soon. However, once he himself became involved in what eventually was the tragic debacle of Bar Kokhba against Rome, he very well might have taken back his critical attribution of Isaiah's verse to Rabban Yohanan ben Zakkai, who was certainly vindicated by subsequent Jewish history.

Yes, we must love our friends as we love ourselves, and one of the ways to fulfill this command is by refraining from judging our "friends" until we actually stand in their place. ©2022 Ohr Torah Institutions & Rabbi S. Riskin

RABBI BEREL WEIN

Wein Online

One of the very well-known commandments that appears in this week's reading of the Torah is the injunction not to place a stumbling block in front of someone who cannot see. Interestingly enough, Rashi in commenting upon and in explaining this commandment, does not treat it literally.

The Torah does not deal with people who are so evil as to purposely and knowingly place a stumbling block before someone who is unable to see. Rather, the Rabbis interpreted the words to apply to situations where one's own bias, prejudice, financial interest or social status misleads someone who has approached him or her for advice on an issue.

If I am interested in buying a piece of real estate and I am in the real estate business, and someone approaches me for advice as to whether to purchase that exact piece of real estate, one is forbidden to advise him incorrectly to gain the financial advantage for himself. This is a rather blatant example of how the self-interest of one person can cause an unsuspecting other person who is unaware of the self -- interests of the person from whom he is seeking advice. One seeking the advice is blind to the prejudice and self-interest of the person granting the advice and invokes the proverbial stumbling block placed before the person seeking direction. In the canons of ethics that exist in legal and related professions, such

behavior is grounds for the accusation of malfeasance and intentional malpractice.

In our complicated and stressful society there have arisen numerous professions devoted to giving advice to others and receiving a fee for so doing. Such professions as financial planners, estate managers and programmers, therapists for both mental and physical wounds, marriage and divorce counselors and other areas in which current society is populated, if not even dominated by these advice givers. No one can expect perfection from another human being and many times the advice or planning that is suggested and adopted may turn out to be destructive. While the Torah does not expect perfection from those from whom we seek advice, it does expect honesty and transparency. There always is a tinge of self-interest on the part of the counselor or therapist involved. After all, this is the manner in which that person makes a living. Yet, as far as humanly possible, the Torah does demand objectivity, fairness, and intelligence when giving such advice, whether it be from a professional in the field or even from a friend or neighbor.

We are repeatedly warned not to volunteer advice to others in areas where we are not requested to, or if we are not expert in those fields. People tend to invest spiritual leaders with knowledge that they may not really possess. It is dangerous and an enormous responsibility to give advice to others. In biblical times, prophecy was available but in our world it no longer exists. Both the person seeking advice and the one granting such advice should be very careful not to create the stumbling block that will cause the 'blind man' to fall. ©2022 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

Rashi, drawing on the Midrash, interprets "kedoshim tihiyu" (you shall be holy) to mean "separate from forbidden relations" (Leviticus 19:2; Torat Kohanim). In other words, for Rashi, kedushah is an expression of being apart.

Nachmanides notes that even one who abstains from that which is forbidden can still act improperly. He explains, "Therefore, after listing matters altogether prohibited, the Torah in general terms commands us to practice moderation even in matters which are permitted" (Nachmanides, Leviticus 19:2).

Both Rashi and Nachmanides see kedushah as reactive, as a form of separation. Rashi asserts it separates from the forbidden. Nachmanides posits, rather, that it separates from the permissible.

It can also, however, be suggested that kedushah is a proactive process. "You shall be holy"

does not involve separating from the permissible but sanctifying the permissible. It emphasizes the importance of infusing the details of the law with its deeper meaning.

From this perspective, one can be observant (often associated with the meticulous performance of ritual) and not religious (often associated with scrupulous attention to interpersonal ethics), even as one can be religious and not observant.

In addition, one can be both observant and religious yet not spiritual. A spiritual person keeps not only the specific rules and regulations but is true to the law's exalted goal of bringing holiness, bringing God into the world.

Indeed, from a homiletical perspective, the Hebrew word kadosh can be seen as a compound of kuf and daled-shin. The kuf represents the name of God, an abbreviated form of God's name, HaKadosh Baruch Hu (the Holy One, blessed be He). The letters daled-shin make up the word dash, meaning threshing. Kadosh means bringing God and God's way into everything we do – encountering God as a powerful threshing force in all moments being experienced.

It is a sign of great growth of the Jewish community that we ask, more and more, "What's the halachah?" But at the same time, we should ask, "What is the kedushah?" – What is the holy way of life?

It is not enough to ask only one of these questions. Both are critically important, as halachah is not only legalistic but driven by values. Halachah is not a noun but a verb, a pathway to infuse all our actions with kedushah – observing not only the letter of the law but the holy higher purpose of the law. ©2022 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 JONATHAN GEWIRTZ

Migdal Ohr

"A man shall fear his mother and father, and guard My Sabbaths; I am Hashem your G-d." (Vayikra 19:3) When reading this Parsha, two phrases seem to be repeated over and over. The first one is, "Ani Hashem Elokaichem - I am Hashem, your G-d." The second one is "Ani Hashem – I am Hashem." As various mitzvos are given, many times they are strengthened with one of these phrases. What is the purpose and message of these?

As we mentioned in Parshas Achrei Mos, the Ohr Hachaim suggests that when the Torah says, "I am Hashem, your G-d," it refers to a Jew serving Hashem out of fear, awe, and reverence. When it says only, "I am Hashem," it refers to serving Him from love.

In truth, both the attributes of Yiras Hashem (awe) and Ahavas Hashem (love) are needed to properly serve Hashem. What one approach achieves,

the other may not, and while loving Hashem is considered a higher level of connection, one who becomes too familiar may come to be lax in the respect Hashem deserves.

In this posuk, we are told to revere our parents. Surely children love their parents, but love is not enough to ensure they get respect. Shabbos can be a wonderful experience, with good food, a relaxed atmosphere, and joyful singing. However, without a dash of reverence, one might become frivolous on it. Therefore, the posuk ends with, "Ani Hashem Elokaichem," do not forget to be reverent.

This works well with the next verse about idolatry, as well as the verse a bit later about leaving remnants of the field to be gleaned by the poor and the foreigner. Hashem is asserting His mastery over us and wants us to fear His glory.

Later, the syntax switches. When we speak about not besmirching Hashem's name, about treating others fairly and paying them on time, and not cursing a deaf person, even when we are told to fear Hashem, the posuk ends with, "Ani Hashem," the phrase connected to serving from love. It continues when we discuss not gossiping, and not taking revenge (expressed verbally), again this is the terminology chosen.

There is a fascinating lesson here. When it comes to actions such as showing respect for our parents or keeping the Shabbos, we need the fear and awe to help us maintain our equilibrium and stay on track.

When it comes to our speech, however, fear won't be sufficient. In order for us to treat people properly with the words that come out of our mouths, we need love. Love transforms how we see others and how we will express our opinions about them. Hashem tells us, I want you to love Me and My children, for then you will speak kindness and complimentary words. These approaches must be used each at the right time, and then we will become holy, as Hashem is.

R' Izel "Charif" (the Sharp One) once became ill. The doctor who examined him declared, "There is nothing to be done for this patient, he is going to die." When R' Izel recovered, the physician was sheepish about seeing him, for obvious reasons.

"There is no need to be embarrassed," said R' Izel, "you were right. I expired on my bed and went up to Heaven, where I did you a tremendous favor!" Intrigued, the doctor wondered what favor was done for him.

"Well," said the sage, "In Heaven, I saw a long line of doctors, waiting to be brought to purgatory, as the phrase says, 'Tov she'b'rofim l'Gehinnom,' [even] the best of doctors will go to purgatory.

Then I saw you in the line," he said to the doctor, "and I called to the angel. "Wait! Take this man out of the line! A doctor is one who heals people, not

one who gives up on them. This man is no doctor.”
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RABBI DAVID LEVIN

Orlah, Three Years to Quality

Parashat Kedoshim deals with many laws that indicate that our behavior and our responsibilities go beyond the actual words of the laws. These laws present us not only with the law itself but with an attitude which encourages our actions to go beyond the letter of the law. Some of these laws concern our relationship with our fellowman, while others strengthen our relationship with Hashem. One such law is the law of Orlah, a process of not using the fruits of a newly planted tree for the first three years.

The Torah tells us, “When you shall come to the Land and you shall plant any food tree, you shall treat its fruits as Orlah; for three years it shall be Orlah to you, they shall not be eaten. In the fourth year, all its fruit shall be sanctified lauding to Hashem. And in the fifth year you may eat its fruit, in order to increase its crop for you, I am Hashem, your Elokim.” This law affects all fruit or nut trees that are planted in the Land of Israel if they were planted primarily for food and not as a “fence” or shade. Most laws involving the Land of Israel are limited to the land, but this law is applicable even outside of Israel.

Rashi explains the word orlah as “blocked” or “closed off”. The root word erel is often used together with the words “lev-heart”, “ozen-ear”, and “s’fat-lip”. The Ramban points out that the Torah speaks of a person who is called an areil as one who is uncircumcised. Thus, we speak of an areil lev as an uncircumcised heart or areil s’fata’im as uncircumcised lips. One who is areil s’fata’im has a closed mouth (a speech impediment). Whether the impediment causes him to keep his mouth closed out of embarrassment or whether he is unable to speak, the same term might be used. The same is true for a heart or an ear. One must open up the heart, the ear, or the mouth of one who cannot do so without our help. Otherwise, this person is closed up, areil. The Ramban continues, “The Torah uses the expression ‘closing up’ with reference to the fruit of the first three years, so as to prohibit the deriving of any benefit (e.g., diverse kinds in a vineyard). This is because the fourth-year appearance of the fruit in its earliest stage is called ‘opening.’” This fruit or the coins, upon which the holiness of the fruit was redeemed, must be brought to Jerusalem and the Temple, and the fruit or other food bought with those coins must be consumed there. From the fifth-year on, all fruit from the tree may be consumed anywhere.

HaRav Zalman Sorotzkin explains that the term orlah is always used for a part of the body except in the

case of orlah for trees in the first three years. Man is compared to a tree in the Torah, “For Man is a tree of the field (Num. 20), many places in Tehillim (psalms), “He killed their vines with hail and their sycamores with locusts,” and in Ezekiel, “I, Hashem, have brought down the high tree, have exalted the low tree.” HaRav Sorotzkin explains that all references to orlah speak of something which lowers the quality or usefulness of an object. An uncircumcised heart cannot think and reason well., uncircumcised lips cannot speak clearly, uncircumcised ears cannot hear, and uncircumcised fruit, so to speak, of the first three years, are not of the appropriate quality with which to praise Hashem.

HaRav Sorotzkin asks a major question concerning the fruit of the fourth year. The phrase “lo yei’acheil, it shall not be eaten” is stated concerning the first three years. In the fifth year the Torah states “tochlu, you will eat”. In the fourth year there is no mention of the word for eat. Instead, it states, “yih’yeh kol piryo kodesh hilulim laHashem, all its fruit shall be sanctified lauding to Hashem.” HaRav Sorotzkin explains that permission to eat from the fourth-year’s fruit can be found in the word “lauding”, but only after that fruit has been redeemed or taken to Jerusalem and the Temple and eaten there. HaRav Shmshon Raphael Hirsch interprets “hilulim laHashem” as “a reflection back to Hashem.” Hashem is “the lawgiver of the Torah, Whose management we have to thank for the fruit of the trees, and Whose will should accordingly be carried out also in the enjoyment thereof.” It is clear that this praise of Hashem is a recognition that any success of Man and the workings of Nature “is no mere mechanical result of the laws of nature and Man’s application of them, but it is the ruling and blessing of Hashem.”

An additional question about this set of laws is why the divisions of the third, fourth, and fifth years are necessary. The Kli Yakar explains that the laws of orlah are a reminder of the Creation of the World. According to the Rabbis, everything was created on the first day of creation but was not revealed until the days recorded in the Torah. Thus, trees were created on the first day but were not “brought out” until the third day. Even though they were blossoming and producing fruit on the third day, they were not fully visible until the fourth day when the Sun was “brought out.” The Sun was then able to ripen the fruit, something which could not have been possible before as that ripening was dependent on the Sun. It was not until the fifth day that living animals were “brought out”. Only living animals could be thankful to Hashem and praise Him for the fruit.

The Kli Yakar explains that for the fourth year, the Torah speaks of “all its fruits.” That is because it is referring to the sanctification of the fruit. In the fifth year, it does not speak of all the fruit but only that you will eat from the fruit. The Kli Yakar explains that not all

fruit was to be eaten directly. Some of the fruit would be part of the bikurim, the first fruits that were brought to the Temple at the beginning of each harvest. Other fruit would be in the category of the tithe each year. Still other fruits would be given to the poor and the stranger for them to harvest. One must also set some fruits aside for religious purposes: the lulav and etrog or the olive for its oil for the Menorah.

One of the most difficult things for any gardener or farmer is delaying gratification. Each year one anticipates the flower of the fruit or vegetable as the tree or plant grows. One watches the flower slowly turn into that which one knows from experience will taste better than anything he could purchase in the grocery. The fruit begins to grow, reaches a full but unripe state, and finally changes to the color that one recognizes for that produce. Still there is additional waiting time while the coloring becomes full and the fruit is ripe. Still, way before that time one can already taste this gift from Hashem. But now we learn that with a fruit tree we must wait until the fourth year's produce before we can eat. This goes back to the idea that one must wait for quality fruit to use that fruit to praise Hashem. In our own lives we must strive to improve the quality of our actions which will serve to praise Hashem. May we seek that quality. ©2022 Rabbi D. Levin

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Withholding Wages

Translated by Rabbi Mordechai Weiss

We are commanded to pay the wages of a worker at the proper time. Should a person not pay at the appropriate time, he is disregarding the positive commandment to pay on time (*"be-yomo titen secharo"*) as well as transgressing the negative commandment not to withhold wages (*bal talin*). However, such a transgressor does not receive lashes (*malkot*). For he is obligated to pay the money he owes, and when there is a negative commandment which requires payment there are no *malkot*. Additionally, transgressing this negative commandment involves not taking a required action (*lav she'ein bo ma'aseh*), rather than taking a forbidden one. *Malkot* are not given for a passive transgression.

All this applies to cases in which the person who must pay makes clear that while he does not have the funds currently, he understands that he has an obligation to pay and plans to do so eventually. In contrast, if a person refuses to pay, or claims that he never hired the worker, he is transgressing five negative commandments and one positive one. This applies even when a worker is hired for hourly or daily work, and certainly applies to a worker who was hired on a daily, weekly, monthly, yearly, or seven-year (*shemitah*) basis.

When a person commissions a craftsman to make something for him, the customer does not have

an obligation to pay immediately upon the job's completion. This is because the craftsman has in his possession the finished object, for which the customer supplied the material. If the craftsman supplied his own raw material, there is certainly no prohibition of *bal talin* if the customer does not pick it up immediately, since in this case the craftsman is considered a salesman rather than a hired worker.

The prohibition of *bal talin* applies whether one hired a person, an animal, or an object.

However, if when the contract is drawn up the employer stipulates that he does not have to pay immediately, then he does not transgress *bal talin*. Indeed, it is preferable that the conditions of the contract be clearly stated at the outset. This way, the employer can avoid a situation in which he has a cash flow problem and is unable to pay what he owes, thus transgressing *bal talin*. ©2017 Rabbi M. Weiss and *Encyclopedia Talmudit*

RABBI YITZCHOK ADLERSTEIN

Color Me Needed

"You shall not place a cut for the dead in your flesh, and a tattoo you shall not place upon yourselves. I am Hashem." Cutting the flesh and tattooing are not forbidden by the Torah. Despite what our pesukim seem to say, the preceding sentence is perfectly defensible.

Were it the act of cutting the flesh as a sign of mourning for a loved one, the Torah would have expressed itself differently. If making a permanent mark or tattoo on the body were an objectionable act, if this were considered an affront to some assumed sanctity of the human body, the Torah would have used a different verb to describe the prohibition. In both cases mentioned in our pasuk, verb forms exist that could better pinpoint the activity that is objectionable and forbidden.

In both cases, though, the Torah expresses the prohibition as a forbidden *nesinah*, or "placing." You shall not place a cut... you shall not place a tattoo. The Torah does not prohibit the cutting and tattooing per se, so much as having that cut or tattoo remain in place as a statement to the rest of the world.

In the case of the flesh-cutting for the dead, we are looking here at something similar to the tearing of a garment as a sign of mourning, which not only is not objectionable, but is a commanded part of our mourning procedure. Our clothes are physically the closest things to our own bodies. When we lose a dear relative, we acknowledge that our personal world has sustained a breach. Its material has been torn. Its wholeness has been disturbed; where it all came together, there is now a jagged edge and a gap filled with emptiness.

Such a statement of loss is both poetic and appropriate. The Torah teaches, however, that it

becomes excessive when we apply it to our bodies, to our very selves. Placing that cut on our persons conveys the idea that it is not just our personal worlds that have become darkened and insufficient, but our very lives. Wearing that cut upon ourselves expresses the thought that the passing of someone dear to us leaves us forever lacking and incomplete.

This is almost sacrilegious. We should never doubt the value of our own existence. First of all, our existence is not ours to savor as we please. All that we have belongs to Him, and we are to employ it all in His service. We cannot excuse any part of it from that service, by declaring it non-functional, by insisting that its vital force has been so drawn out of it, that it is for all intents and purpose a ghost of its previous self.

Secondly, He is not arbitrary. Each person has his place, his function. Each has his unique value to Him. The death of one individual should not lead to despair and lethargy in a survivor. To the contrary, belief in a G-d Who is purposeful and deliberate demands that we understand the loss of any human being as a loss to the world-and therefore demands that we who live on must work harder to compensate for the loss, rather than retire to brooding and moroseness.

The gemara (Makos 21A) sees an organic relationship between lacerating oneself as a sign of mourning, and doing so as an idolatrous devotion, such as the priests of Baal did. ("They gashed themselves as was their practice with swords and spears." (Melachim I 18:28)) This opens us up to the possibility that one of the Torah's objectives in prohibiting the mourning-cut is to firmly oppose the pagan world's attitude towards death. Ancient idolaters saw Death as an independent power that delighted in draining life from the living. Human beings were essentially powerless in all their interactions with the gods. Human success or failure in dealing with them was contingent on winning their favor by appeasing them. You won their approval or at least their benign tolerance by paying homage to them. When a survivor contemplated the death of someone close to him, his best form of protection was to acknowledge the terrible power of Death by paying tribute to it. The self-mutilation was that tribute; through it, a person hoped to avoid the same fate.

The Torah, of course, knows of no independent power of death that seeks to quash life. The Torah knows of no independent power outside of G-d, period. Both life and death owe equally to Hashem and to nothing else. As hard as it may be for creatures of flesh and blood to emotionally comprehend, life and its opposite both flow from the goodness of the One G-d who celebrates life and love. It follows that sacrificing a life-or even a small fraction of one-in recognition of the death of another can never pay homage to Hashem. To the contrary, any statement of profound, irrevocable loss borders on blasphemy. The same G-d who

decreed the death of one person decreed that the survivors remain alive. Life means that He has expectation invested in us. To deny that we remain capable of living fully is nothing less than a repudiation of Him and His plans for us!

The tattooing prohibition also highlights the difference between idolatrous belief and the true faith. The gemara's discussion (Makos, *ibid.*) makes it clear that the starting point of the prohibition is etching into one's skin the name of another deity. Here, too, the Torah speaks in terms of placing the mark on oneself, rather than the act of tattooing. Placing such a name on one's flesh is a sign of subservience and devotion. This part of the prohibition is intuitive.

The majority opinion in the gemara, however, holds that the prohibition applies equally to all inscriptions. The Torah extends the basic prohibition to include much more than the names of foreign gods (See Ritva s.v. Rebbi Shimon). It follows that tattooing Hashem's Name on one's flesh is equally prohibited! What could be objectionable about a person displaying his devotion to his Creator by proudly dedicating his very body to His service?

Here is where the Torah point of view once again stands all other assumptions on their head. In other faiths, people make a decision to join the faith-group and devote their energies to its goals. Until you make that decision, you are an outsider. Torah Judaism does not see our service of Hakadosh Baruch Hu as a matter of preference or choice. Human beings are obligated in His service because they are created in His image. They need no other reminder of their obligation. Any external sign etched on to the body created in His image gives the false impression that entering into His service is a matter of choice, rather than inherent in the human condition.

(Rav Hirsch does not pause here to consider *bris milah*, which midrashim understand as indeed providing a reminder of a Jew's subservience to Hashem. Rav Hirsch's commentary to Bereishis, however, makes it clear that he believes that *bris milah* says much more than that, and therefore does not conflict with the thesis he develops here.)

Both of the prohibitions we have considered-cutting the flesh and tattooing-are similar. Each begins with a rejection of the mistaken notions of paganism, but ultimately go well beyond that. They lead to recognition of the proper relationship we maintain with HKBH, far away from the debased subservience to dark forces that remains part of contemporary life, centuries after the old gods disappeared from Western consciousness. (Based on the Hirsch Chumash, Vayikra 19:28) ©2011 Rav Y. Adlerstein & torah.org

