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THE OHR SOMAYACH TORAH MAGAZINE ON THE INTERNET

PARSHA INSIGHTS

GOOD ADVICE

“And the sons of Aaron, Nadav and Avihu, each man took his fire-pan.” (10:1)

Nadav and Avihu made an error of judgment. They thought it was not only the *Kohen Gadol* who could bring the incense offering in the Holy of Holies, but that even they were permitted to do so.

They were great *tzaddikim* and no doubt pondered their conclusion before committing themselves to action.

The Midrash comments on the above verse: “Each man his fire-pan; each man by himself, without taking advice one from the other.” (*Yalkut Shimoni, Shmini 524*) The implication here is that if they had taken advice one from the other, if they had talked it over before they acted, that they would not have erred.

But why *should* they have arrived at a different conclusion. Seeing as they both did the same thing — they both brought the ‘strange fire’ — it must be that they both were of the same opinion, that a non-*Kohen Gadol* was permitted to offer the incense. So even if they *had* consulted with each other, wouldn’t they have still come to the same conclusion?

Such is the power of counsel. That even though two people may share an identical opinion, through discussion and mutual counsel they can arrive at the *truth* — which may be 180° from what they both previously believed.

WELL-KNOWN IN PRAGUE

“And it was that on the eighth day, Moshe called to Aaron and the elders of Yisrael.” (9:1)

The great talmudic authority and Rabbi of Prague, the *Noda B’Yehuda*, Rabbi Yechezkel Landau passed away. After his passing, the leaders of the community gathered together to chose a successor. Rabbi Yakovka, the *Noda B’Yehuda’s* son told the gathering that prior to his father’s passing, he had left specific instructions that Rabbi Yakovka’s son, Rabbi Shmuel, should assume the position of Rabbi of the community.

Rabbi Zerach Idlitz, who had pre-

“If a person behaves in a kosher way only with his fellow man or only with Hashem, he is, nevertheless, *treif*.”

sumed himself to be the *Noda B’Yehuda’s* successor, rose and stated that he did not believe Rabbi Yakovka. Rabbi Yakovka quoted him the *Midrash Tanchuma* on the above phrase “*and the elders of Yisrael*.” He asked “Why were the elders called to witness Aharon’s elevation to the *Kehuna*? Hashem himself told Moshe to anoint Aaron and appoint him *Kohen Gadol* (High Priest) in front of the elders so that no-one could claim that Aharon had elected himself to the job.

“Of course, the question arises, if the elders would have suspected that Aaron had not been commanded by Hashem to be *Kohen Gadol*, but had appointed himself, why should they have been more ready to believe

Moshe that Hashem had told him to anoint Aharon in front of them?”

“It’s true they may not have believed Aharon, for he was biased in the matter, but if Moshe had wanted to lie, he could have claimed that Hashem had appointed *him* as *Kohen Gadol*!”

“Similarly in our case, if I had wanted to lie, I could have said that my father wanted *me* to fill his place, and not my son.”

PLEASE READ BEFORE USING!

“...And they brought before Hashem a strange fire that He had not commanded them...” (10:1)

The Torah is the instruction manual of the world written by the Maker of the world.

No one knows better how to operate a machine than its maker. Imagine someone buying a new car. The salesman says to the proud new owner “Oh, yes sir. One more thing — your instruction manual.” The driver says “Oh, I don’t need that. I instinctively *feel* what the tire pressures should be, and I *have a sixth sense* when the car needs a major service. I *know intuitively* what octane fuel the car needs.”

Few people when faced with operating something as precise and unforgiving as a car would leave these sorts of decisions to instinct and feeling. Life is no less demanding nor complex than a car. Rather more so!

And yet many people are happy to coast along, assuming that they are not putting water in their spiritual gas tank.

The purpose of life is to become close to the Creator of the world, and

continued on page four

PARSHA OVERVIEW

On the eighth day of the dedication of the *Mishkan*, Aaron, his sons, and the entire nation bring various *korbanos* (sacrifices) as commanded by Moshe. Aaron and Moshe bless the nation. Hashem allows the Jewish People to sense His Presence after they complete the *Mishkan* and draw closer to Him through their *mitzvos* there. Aaron's sons, Nadav and Avihu, innovate an original offering that was not commanded by Hashem. A fire comes from before Hashem and consumes them, stressing the need to perform the commandments only as Moshe directs. Moshe consoles Aaron, who grieves in silence. Moshe directs the *kohanim* as to their behavior during the mourning period, and

warns them that they must not drink intoxicating beverages before serving in the *Mishkan*. The Torah lists the two characteristics of a kosher animal: It has split hooves, and it chews, regurgitates, and re-chews its food. The Torah specifies by name those non-kosher animals which have only one of these two signs. A kosher fish has fins and easily removable scales. All birds not included in the list of forbidden families are permitted. The Torah forbids all types of insects except for four species of locusts. Details are given of the purification process after coming in contact with ritually-impure species. The *Bnei Yisrael* are commanded to be separate, and holy – like Hashem.

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SING My SOUL INSIGHTS INTO THE SHABBOS ZEMIRO

יום שבתון YOM SHABBOSON "THE SABBATH DAY..."

*"Its remembrance is like
a pleasing fragrance"*

The Torah describes the offering of sacrifices in the *Beis Hamikdash* as providing "a pleasing fragrance for Hashem." Even when we are not capable of offering sacrifices, our study of the laws of sacrifices is considered as if

we actually offered them and provided this "pleasing fragrance." In the same manner we are capable of infusing the entire week with the sanctity of the Shabbos by studying the laws of Shabbos and remembering the holy day. This sort of remembering is therefore similar to the "pleasing fragrance" created by the remembering of sacrifices.

לע"נ
ר' דוד בן הרה"ח ר' אהרון ז"ל הי"ד
ומרת לאה בת ר' שמואל ז"ל הי"ד
שמסרו נפשם על קדשת ה'

ת.נ.צ.ב.ה.

PARSHA Q&A ?

1. What date was “Yom Hashmini”?
2. Which of Aaron’s *korbanos* atoned for the golden calf?
3. What two *korbanos* did Aaron offer for himself?
4. What *korbanos* did Aaron offer for the Jewish People?
5. What was unique about the *Chatas* offered during the induction of the *Mishkan*?
6. When did Aaron bless the people with the *Birkas Kohanim*?
7. Why did Moshe go into the *Ohel Mo’ed* with Aaron?
8. Why did Nadav and Avihu die?
9. Aaron quietly accepted his sons’ death. What reward did he receive for this?
10. What specific prohibitions apply to a person who is intoxicated?
11. Name the three *Chatas* goat offerings that were sacrificed on the day of the inauguration of the *Mishkan*.
12. Which he-goat *Chatas* did Aaron burn completely and why?
13. Why did Hashem choose Moshe, Aaron, Elazar, and Isamar as His messengers to tell the Jewish People the laws of *Kashrus*?
14. How did the Jewish People know which animals were permissible to eat?
15. What are the signs of a kosher land animal?
16. How many non-kosher animals display only *one* sign of *Kashrus*? What are they?
17. What are the signs of kosher fish?
18. If a fish sheds its fins and scales when out of the water is it kosher?
19. Why is a stork called *chasida* in Hebrew?
20. The *chagav* is a *kosher* insect. Why don’t we eat it?

BONUS QUESTION?

“These, however, you shall not eat... the camel, because it chews its cud and lacks split hooves; it is not kosher....(11:4)” The camel is not kosher because it lacks split hooves. The Torah, however, states the reason for its being not kosher “**because it chews its cud** and lacks split hooves.” How is chewing its cud relevant to being **not** kosher? Isn’t cud-chewing a **kosher** characteristic?

I DIDN’T KNOW THAT!

The characteristic traits of kosher birds are not specified in the Torah. Rather, the Torah lists all categories of birds that are **not** kosher. All birds not listed in the Torah are kosher. (In actual practice, we don’t eat any type of bird unless it is traditionally established as kosher.)

• *Aruch Hashulchan 82:2,3!*

HAFTORAH: YEchezkel 45:16-46:18

PARTNERS IN TIME

The Shabbos before *Rosh Chodesh Nissan* (the first day of the Hebrew month of Nissan) is called *Shabbos HaChodesh*.

Nissan, the first month of the year, is called the ‘king of the months.’ On *Rosh Chodesh Nissan*, the Jewish People received the first of all of the 613 *mitzvos* — the sanctification of the moon.

Through this *mitzvah*, the Jewish People were given a partnership in the mastery of time: The world of Shabbos is fixed in time. We return to it every seven days. However, the *mitzvah* of *kiddush hachodesh* (sanctifying the moon) gave the Jewish People the ability to establish the length of the months, and thus to determine the dates of *Pesach*, *Shavuot*, *Succos*, etc.

Thus Man becomes a partner with Hashem in sanctifying time.

The Cesium and Rubidium atom clocks at the U.S. Naval Observatory Time Center are accurate to one second in 300,000 years. But three thousand years ago, Moshe, had no such time-piece. However, somehow Moshe knew the exact length of the lunar month — 29.53059 days — an accuracy which was literally out of this world!

In the reference work ‘Astronomy and Astrophysics’ (*Loudolt Bornstein Group vol. a Sec 2.2.4, Berlin 1965*) the

precise length of the lunar month is listed as 29.530589 days! How did Moshe have a figure so accurate that it took science three thousand years to come to the same number?

Our Sages tell us that this number was given to Moshe by Hashem at the beginning of *Parshas HaChodesh*. It was passed down from Moshe to Hillel II, the last prince of the House of David. When Hillel II sanctified all the new moons from his day until the final redemption, he had to know the exact length of the lunar month to within a fraction of a second, for even a small error would, over millennia, amount to a visible error.

This was in fact the case with the calendar of Julius Caesar, which by the year 1582 had wandered so far that Pope Gregory XIII erased 10 days from the calendar, with the result that the day after the 4th October 1582 was called the 16th October!

There have been approximately 41,000 new moons since the time of Moshe, but from Mount Sinai onward, the secret of the exact length of the lunar month has always been known to the Jewish People, because Moshe *Rabbeinu* had a clock that was literally ‘out of this world.’

The Haftorah of *Parshas HaChodesh* describes a month of Nissan yet to come. *Mashiach* has arrived and the Third *Beis Hamikdash* is to be consecrated in a ceremony which starts on *Rosh Chodesh Nissan*. As in *Parshas HaChodesh*, so too in the Haftorah, the laws and sacrifices of *Pesach* are detailed.

WEEKLY DAF

ERACHIN 21 - 27

COERCION OR LIBERATION?

If a Jew made a pledge of *erachin* (the sum of money fixed by the Torah according to the gender and age of the person pledging his value or that of another Jew), and refuses to honor this pledge, the court seizes his property to enforce payment. Judicial pressure is similarly applied in regard to a pledge made of a voluntary sacrifice such as *olah* or *shlamim*.

The final example of coercion listed in the *Mishnah* is the Jew who is required by law to grant his wife a divorce but refuses to do so. He is pressured until he complies by saying "I wish to do so."

If a divorce is only valid when the man grants it because he wishes to, how can an induced will be sufficient?

Rambam (*Laws of Divorce* 2:20) supplies the following explanation:

We consider pressure as coercion only if one is forced to do something which he is not obligated to do by Torah law, such as selling or giving a gift. But one who has been incited by his evil inclination to put aside the performance of a positive command or to transgress a prohibition and is pressured until he performs that mitzvah or desists from that transgression cannot be considered

the victim of coercion, for it is he who has coerced himself through his perverse attitude. Our perspective of the Jew who refuses to grant the divorce required by Torah law is as a man who still wished to remain a Jew and to perform all the *mitzvos* and refrain from all transgressions, but has been overcome by his evil inclination. The pressure exerted upon him until this evil inclination is subdued (and he is liberated from its coercive influence) and he declares "I wish to do so" is therefore not considered coercion, and the granting of the divorce is viewed as an expression of his genuine free will.

• *Erachin* 21a

A BETTER DEBTOR

Payment of a debt, says Rabbi Papa, is a mitzvah.

When a person lends another person money, that money becomes the property of the borrower who now has the responsibility of repaying the debt. Failure to do so cannot, therefore, come under the category of theft. What do we find in our sources regarding the fulfillment of the borrower's responsibility?

"It is forbidden for the borrower to hold on to money which he owes and to tell his creditor to come back another

time. It is also forbidden to borrow money needlessly and then spend it so that the creditor has no means of collection. Even if the creditor is a wealthy man, such a borrower is considered a wicked person, as it is written (*Tehillim* 37:21) "The wicked person borrows and does not repay." Our Sages (*Avos* 2:17) have warned us that the money of another should be as dear to us as our own." — Rambam (*Laws of Creditor & Borrower* 1:3)

"If one has a claim of a debt but is not able to collect from the borrower because he is a powerful person that borrower is guilty of violating the Torah prohibition of "You shall not defraud" (*Vayikra* 19:13)." — Rambam (*Laws of Robbery & Loss* 1:4)

What is the source for the mitzvah mentioned by Rabbi Papa? Rashi (*Kesubos* 86a) cites a Talmudic source (*Bava Metzia* 49a) based on a passage in the Torah (*Vayikra* 19:36) requiring us to have honest weights. "Your *hin* (a dry weight) should be just," says the Torah, and our Sages see this as being superfluous since we have already been warned in regard to honest weights in the preceding word of the passage. They therefore conclude that we should read it as "Your *hein* (Hebrew for "yes") should be just," and that you must honor your verbal pledge to repay your debt.

• *Erachin* 22a

continued from page one

PARSHA INSIGHTS

only the Creator of the world knows how the world can be utilized to become close to Him.

We live in an era where people are more interested in *feeling* spiritual than being spiritual. We are a TV generation taught to expect endless effortless instant gratification, where this-week's-guru, or mail-order instant-*kabbala* try to replace the hard work of real spiritual growth.

That is what the Torah is warning us against in the story of Nadav and Avihu. The "strange fire" may *feel* spiritual, but it cannot connect with the source. And the reason it cannot connect is the seemingly redundant phrase "which He had not commanded them." If it was a strange fire, then by definition it was not commanded by Hashem. Rather, the *reason* it was strange is **because** it was not commanded.

Our connection with Hashem is

through doing His will. Because the will of a person and himself are indivisible — the self expresses itself as the will. Only when we do Hashem's will, do we bring ourselves close to Him. The *mitzvos* are the will of Hashem expressed in concrete form.

Any other form of worship is merely *feeling* spiritual — it's not *being* spiritual. And for people on the level of Nadav and Avihu, that was a failing of a very fundamental kind.

KOSHER STYLE

"Every (animal) that has a split hoof, which is completely separated into double hooves, and that brings up its cud - that one you may eat." (11:3)

These two aspects of a kosher land animal are not a means of identifying them as being kosher, rather they are the *cause*

of them being kosher.

In other words, having split hooves and regurgitating its cud are what *makes* the animal kosher.

The Torah specifically tells us that one of these aspects without the other renders the animal as non-kosher as if it had neither.

The split hoof represents the outward behavior of man towards his fellow, and the chewing of the cud represents the inward relationship between Man and G-d. If a person behaves in a kosher way only with his fellow or only with Hashem, he is, nevertheless, *treif*.

Sources:

- **Good Advice:** *Chidushei HaLev*
- **Well-Known In Prague:** *Y. Yafes in Iturei Torah*
- **Kosher Style:** *Rabbi Avraham Pam*

WHO IS A EWE?

Dear Readers,

We have been reading with interest about the birth of Dolly in Scotland. The first mammal ever cloned from a single adult cell. Questions have been raised in the media about the ethics and legality of cloning and questions have been pouring in to Ask The Rabbi about Judaism's stand on this issue. Below is an initial reaction. Be on the lookout for future updates about this issue.

The Talmud (*Bava Kama* 85a) states that we derive permission and obligation to engage in healing and intrusive medicine from the verse that states "and you shall heal him and you shall heal him" (Exodus 21:19). Why do we need permission to heal? Judaism maintains that our bodies and souls are not our possessions which we may dispose of at will. Rather, they are "on loan" from G-d, and we may only interfere with them with the permission of the Torah. Maimonides states in his *Mishneh Torah*, (Laws of Sanhedrin 18:6) that a person cannot be punished based on his own confession. The Radbaz explains that this law is based on the fact that: "the life of a person is not that person's own property, rather the possession of G-d, as it states in Ezekiel 18 "their souls are mine;" therefore, the confession does not have bearing on that which does not belong to the confessor."

Contemporary authorities see in these sources a restriction on the practice of medicine where there is no "healing" justification, such as cosmetic surgery for reasons of mere vanity, which Rabbi Waldenberg, a leading

expert in Jewish medical ethics, forbids (*Tzitz Eliezer* 11:41). As he writes: "The permission that has been given to the doctor to heal is limited to curing of sickness and alleviation of pain."

Regarding cloning, it seems clear that there is no actual healing involved in creating a human being, and therefore the Ashkenazi Chief Rabbi of Israel, Rabbi Yisrael Lau, stated in a recent interview: "The Torah gave a specific dispensation for doctors to use their knowledge to cure, and even to lengthen life, but the formation of new life goes way beyond that. We have no permission to enter the domain of the Creator on questions of life and death."

We do, however, find some precedents in our tradition for "engineering" which is not strictly for the purpose of healing. For instance, the Talmud (*Sanhedrin* 21b, *Avodah Zarah* 44a) says that the runners of King David had operations on their feet, and had their spleens removed, in order to increase their efficiency as runners. It is possible to argue that these medical procedures imbued the runners with some tangible health benefits, such as fitness and endurance, and were therefore permitted, even though the runners were not ill.

According to some commentaries (*Sforno*, *Rashbam* ad loc.) the intervention of Jacob in the breeding of his sheep was a naturalistic manipulation that was not miraculous (Genesis 30: 38-39). "In the watering trough where the sheep came to drink, Jacob set up striped sticks... and the sheep became stimulated when seeing the sticks, and when they gave birth, their offspring were striped, flecked and blotched." In addition, the Talmud (*Sanhedrin* 65b) relates that the Sages were able to create living beings through their knowl-

edge of the *Kabbalah*: "Rabbi Chanina and Rabbi Oshia sat every Friday afternoon and studied the Book of Formation. Through their study they created a prime calf, and they ate it. Rava created a person and sent him to Rabbi Zeira. Rabbi Zeira tried to speak to the creature, but the creature was unable to respond. Rabbi Zeira realized that the creature was a creation of Rava and he returned it to dust." These creatures, as is evidenced by the creature's inability to speak, did not have souls and were not really human (*Maharsha* ad loc.). However, a child born to a human mother, from a human embryo, would almost certainly be considered a fully fledged, human being with its own unique soul.

Although these incidents are interesting we cannot apply them to contemporary Jewish Law. Jacob lived before the giving of the Torah, and therefore we cannot prove *halachah* from his actions; and he was merely engaged in influencing the appearance of natural-born sheep, not cloning one, let alone cloning a human. The Rabbis of the Talmud were not cloning, and were certainly not engaged in any physical medical procedure. In addition it is difficult to derive *halachic* rulings from incidents that are not told in a *halachic* context (*Yerushalmi*, *Peah* Chapter 2).

PLEASE NOTE:

All of the above is written as an introduction to the issue of cloning in particular, and genetic engineering in general. It should be read only as an initial discussion and not as a conclusive legal ruling.

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PARSHA Q&A!

Answers to this Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 9:1 - 1st of Nissan.
2. 9:2 - The calf offered as a *Korban Chatas*.
3. 9:2 - A calf as a *Chatas* and a ram for an *Olah*.
4. 9:3,4 - A he-goat as a *Chatas*, a calf and a lamb for an *Olah*, an ox and a ram for *Shlamim*, and a *Minchah*.
5. 9:11 - It's the only example of a *Chatas* offered on the courtyard *Mizbe'ach* that was burned.
6. 9:22 - When he finished offering the *korbanos*, before descending from the *Mizbe'ach*.
7. 9:23 - For one of two reasons: Either to teach Aaron about the service of the incense, or to pray for the *Shechina* to dwell with Israel.
8. 10:2 - Rashi offers two reasons: Either because they gave a halachic ruling in Moshe's presence, or because they entered the *Mishkan* after drinking intoxicating wine.
9. 10:3 - A portion of the Torah was given solely through Aaron.
10. 10:9-11 - He may not give a halachic ruling. Also, a *kohen* is forbidden to enter the *Ohel Mo'ed*, approach the *Mizbe'ach*, or perform the *avoda*.
11. 10:16 - The goat offerings of the inauguration ceremony, of *Rosh Chodesh*, and of Nachshon ben Aminadav.
12. 10:16 - The *Rosh Chodesh Chatas*: Either because it became *tamei*, or because the *kohanim* were forbidden to eat from it while in the state of *aninus* (mourning).
13. 11:2 - Because they accepted the deaths of Nadav and Avihu in silence.
14. 11:2 - Moshe showed them the various animals and pointed out which were permissible to eat and which were not.
15. 11:3 - An animal whose hoofs are completely split and who chews its cud.
16. 11:4,5,6,7 - Four: Camel, shafan, hare, and pig.
17. 11:9 - Fins and scales.
18. 11:12 - Yes.
19. 11:19 - Because it acts with *chesed* (kindness) toward other storks regarding food.
20. 11:21 - We have lost the tradition and are not able to identify the kosher *chagav*.

BONUS ANSWER!

Symbolically, having one of the two kosher characteristics makes the animal 'more' non-kosher. It symbolizes hypocrisy, as if the animal is saying, "Look, I chew my cud — I'm kosher!"

• Kli Yakar

RECOMMENDED READING LIST

RAMBAN

9:17 Relation of *Miluim* and *Shmini Korbanos* to *Tamid*
10:15 Heaving and Waving

SEFER HACHINUCH

149 Dignity in the House of Hashem
150 Respect for the Service

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