

Toras Aish

Thoughts From Across the Torah Spectrum

CHIEF RABBI LORD JONATHAN SACKS

Covenant & Conversation

Witnessing the birth of a new idea is a little like watching the birth of a galaxy through the Hubble Space Telescope. We can witness just such an event in a famous rabbinical commentary to a key verse in this week's parsha.

The way to see it is to ask the question: what is the Hebrew word for freedom? Instinctively, we answer cherut. After all, we say that G-d brought us me-avdut le-cherut, "from slavery to freedom." We call Pesach, the Festival of freedom, zeman cherutenu. So it comes as a surprise to discover that not once does the Torah, or Tanakh as a whole, use the word cherut in the sense of freedom, and only once does it use the word, or at least the related word charut, in any sense whatever.

There are two biblical words for freedom. One is chofshi/chofesh, used in connection with the freeing of slaves (as in Ex. 21: 2). That too is the word used in Israel's national anthem, Hatikva, which speaks about "the two-thousand-year hope to be a free people [am chofshi] in our land."

The other is dror, used in connection with the Jubilee year, engraved on the Liberty Bell in Philadelphia: "Proclaim liberty [dror] throughout all the land unto all the inhabitants thereof" (Lev. 25: 10). The same word appears in Isaiah's great words: "to bind up the broken-hearted, to proclaim freedom [dror] for the captives" (Is. 61: 1).

However, the sages coined a new word. Here is the passage in which it occurs: It says, "The tablets were the work of G-d, and the writing was the writing of G-d, engraved [charut] on the tablets" (Ex. 32:16). Read not charut, "engraved" but cherut, "freedom," for the only person who is truly free is one who occupies himself with Torah study. (Avot 6: 2).

The reference is to the first tablets given by G-d to Moses just before the sin of the golden calf. This is the only appearance in Tanakh of root ch-r-t (with a tav), but a related word, ch-r-t (with a tet) appears in the story of the golden calf itself, when the Torah tells us that Aaron shaped it with a cheret, an "engraving tool." The Egyptian magicians are called chartumim, which may mean "engravers of hieroglyphics." So how did a word that means "engraved" come to mean "freedom"?

Besides which, why was a new term for freedom needed? If the Hebrew language already had

two, why was a third necessary? And why this word - engraved? To answer these questions, let us engage in some conceptual archaeology.

Chofesh/chofshi is what a slave becomes when he or she goes free. It means that he can do what he likes. There is no one to order him around. The word is related to chafetz, "desire" and chapess, "seek". Chofesh is the freedom to pursue your desires. It is what philosophers call negative liberty. It means the absence of coercion.

Chofesh is fine for individual freedom. But it does not constitute collective freedom. A society in which everyone was free to do what they liked would not be a free society. It would be, at best, like the society we saw on the streets of London and Manchester in the summer of 2011, with people breaking shop windows, looting and assaulting strangers.

More likely it would be what failed states are today: a society without the rule of law, with no effective government, honest police, or independent courts. It would be what Hobbes called "the war of every man against every man" in which life would be "nasty, brutish and short." Something like this is referred to in the last verse of the book of Judges: "In those days there was no king in Israel; everyone did that which was right in his own eyes."

A free society needs law. But law is a constraint on freedom. It forbids me to do something I might wish to do. How then are we to reconcile law and liberty? That is a question at the heart of Judaism - which is a religion of both law and liberty.

To answer this, the sages made an extraordinary leap of the imagination. Consider two forms of writing in ancient times. One is to use ink on parchment, another is to engrave words in stone. There is a marked difference between these two methods.

The ink and parchment are two different materials. The ink is external to the parchment. It is superimposed upon it, and it does not become part of the parchment. It remains distinct, and so it can be rubbed off and removed. But an engraving does not use some new substance. It is carved out of the stone itself. It becomes part of it, and cannot easily be obliterated.

Now consider these two ways of writing as metaphors for law. There is a law that is externally imposed. People keep it because they fear that if they do not, they will be caught and punished. But if there is no chance that they will be caught, they make break it, for the law has not changed their desires. That kind of

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law - imposed on us like ink on parchment - is a limitation of freedom.

But there can be a different kind of society in which people keep the law not because they fear they will be caught and punished, but because they know the law, they have studied it, they understand it, they have internalised it, and it has become part of who they are. They no longer desire to do what the law forbids because they now know it is wrong and they wrestle with their own temptations and desires. Such a law needs no police because it is based not on external force but on internal transformation through the process of education. The law is like writing engraved in stone.

Imagine such a society. You can walk in the streets without fear. You don't need high walls and alarms to keep your home safe. You can leave your car unlocked and still expect to find it there when you return. People keep the law because they care about the common good. That is a free society.

Now imagine the other kind of society, which needs a heavy police presence, constant surveillance, neighbourhood watch schemes, security devices and personnel, and still people are afraid to walk alone at night. People think they are free because they have been taught that all morality is relative, and you can do what you like so long as you do not harm others. No one who has seen such a society can seriously believe it is free. Individuals may be free, but society as a whole has to be on constant guard because it is at constant risk. It is a society with little trust and much fear.

Hence the brilliant new concept that emerged in rabbinic Judaism: cherut, the freedom that comes to a society - of which Jews were called on to be pioneers - where people not only know the law but study it constantly until it is engraved on their hearts as the commandments were once engraved on stone. That is what the sages meant when they said, "Read not charut, engraved, but cherut, freedom, for the only person who is truly free is one who occupies himself with Torah study." In such a society you keep the law because you want to, because having studied the law you understand why it is there. In such a society there is no conflict between law and freedom.

Where did the sages get this idea from? I believe it came from their deep understanding of what Jeremiah meant when he spoke of the renewed covenant that would come into being once Jews

returned after the Babylonian exile. The renewed covenant "will not be like the covenant I made with their forefathers when I took them by the hand to lead them out of Egypt ... This is the covenant I will make with the house of Israel after that time - declares the Lord - I will put My law in their minds and write it on their hearts ..." (Jer. 31: 31-33).

Many centuries later Josephus recorded that this had actually happened. "Should anyone of our nation be asked about our laws, he will repeat them as readily as his own name. The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls."

To this day many still do not fully understand this revolutionary idea. People still think that a free society can be brought about simply by democratic elections and political structures. But democracy, as Alexis de Tocqueville said long ago, may simply turn out to be "the tyranny of the majority."

Freedom is born in the school and the House of Study. That is the freedom still pioneered by the people who, more than any other, have devoted their time to studying, understanding and internalising the law. What is the Jewish people? A nation of constitutional lawyers. Why? Because only when the law is engraved on our souls can we achieve collective freedom without sacrificing individual freedom. That is cherut -- Judaism's great contribution to the idea and practice of liberty. © 2012 Chief Rabbi Lord J. Sacks and torah.org

RABBI SHLOMO RISKIN

Shabbat Shalom

“Do not make a covenant with the inhabitants of the land to which you are going, lest they be a snare in your midst... lest you make a covenant with the inhabitants of the land, and stray after their gods, you take of their daughters for your sons, and their daughters go astray after their gods, and entice your sons to stray after their gods." (Exodus 34:12-16)

"Last year, a widely publicized letter signed by 40 prominent Israeli Religious-Zionist rabbis stated, 'It is Biblically forbidden to sell or rent houses or fields in Israel to a Gentile ["nakhri", Hebrew], as it is written, 'You shall not give them a resting place on our land' (Deut 7:2).' The Bible warns against this several times, maintaining that it causes evil occurrences and the sinfulness of the multitudes regarding religious intermarriages, as it is written, 'Because [the idolaters] will take away your sons from Me' (Deut 7:4) and: 'They shall not dwell in your land, lest they cause you to sin against Me' (Ex 23:33).' And the sin of such sales to Gentiles and the evil that follows from them redounds to the shoulders of the seller..."

The letter goes on to speak of the "great dangers" that such sales to Gentiles bring upon the Jewish neighbors, since "the lifestyles [of the Gentiles]

are different from the lifestyle of the Jews, "the real estate value of the Jewish homes will go down and some of these gentiles may cause damage even to the point of endangering lives. I must admit that upon reading these last arguments, I thought of Haman's complaint against the Jews "whose customs are different from those of all other nations" and of the anti-Semitic signs on "exclusively" WASP-oriented dwelling areas of yesteryear America, "Dogs and Jews Not Welcome Here" - precisely because it was thought that the Jews would lower the value of the houses.

A careful reading of the sources would hardly justify a blanket prohibition of selling or renting homes in Israel to gentiles. The Talmudic Tractate Gerim (Proselytes) begins its third chapter with defining a Ger Toshav, or a resident alien. According to most authorities - including Maimonides, Nahmanides and the Shulhan Arukh - this is an individual who accepts the Seven Noahide laws of morality: not murdering, not stealing, not committing rape or adultery, not serving idols, not blaspheming G-d, not eating the limb of a living animal, and establishing law courts to bring transgressors of these six offenses to justice.

The tractate obligates Jews to fair business practices - no undue pressure, no charging of interest and no withholding payment for hire beyond the day of labor - when dealing with resident aliens. It also stipulates that Jews may not intermarry with gentiles who have not fully converted to Judaism. Nevertheless, despite the prohibition against intermarriage with these resident aliens, they must have the option of acquiring good homes in the midst of the land of Israel where they have good business opportunities. (See Deuteronomy 23: 16, BT Gerim 1-4)

Indeed, Maimonides explains that the very term "resident alien" (Ger Toshav) is derived from the fact that we may "allow them to reside anywhere they wish in the Land of Israel" (Laws of Prohibited Sexual relationships 14: 7). Only those gentiles who do not keep the Seven Laws of Morality may not rent or purchase land or homes in Israel (Laws of Idolatry Chapter 10).

It is important to note that Islam is considered to be a Monotheistic religion by just about all the decisors and most normative authorities do not consider Christianity to be idolatrous for Christians (Rabbenu Tam the Shakh and Rav Yaakov Emden, to name a few).

While Maimonides at the end of the tenth chapter of his Laws Idolatry limits the acceptance of a Ger Toshav to the period when the Jubilee Year is in force, no less eminent an authority than Rav Yosef Karo insists that this only refers to the automatic transmission of the status of Ger Toshav and his residency rights to his descendants. However, every individual who accepts the seven Noahide laws is permitted (on a case by case basis) to live and purchase land in Israel. This view is accepted both by Rabbi Abraham Isaac Kook

(Mishpat Kohen Laws of Sabbatical and Jubilee) as well as by Rabbi Isaac Halevi Herzog (Thukah LeYisrael, Part 1 pages 14-16). All of this is an expression of "You shall love stranger, for you were strangers in the Land of Egypt." We dare not oppress the minorities in our midst.

Just one caveat. If the Arabs who wish to purchase the land are not doing so in order to better their living conditions, but in order to remove the Jewish majority and turn Israel into an Arab majority state, then to protect our self-interest and to maintain our Jewish State, we must not sell them land. There are such real estate corporations largely funded by Saudi Arabia who are in this category. They are totally transparent and we ought not to do business with them. © 2012 Ohr Torah Institutions & Rabbi S. Riskin

RABBI BEREL WEIN

Wein Online

The Torah commands that a count of the Jewish people should be undertaken. Such a count was in fact taken a number of times during the sojourn of the people of Israel in the Sinai desert. What is noteworthy is the language-the words the Torah uses in ordering this count to take place.

The literal translation of those words is "When you raise the heads of the Jewish people to assess their numbers..." The Torah does not state simply "when you count the people of Israel." Instead it teaches us a very important lesson in Jewish and family life. A person who is counted and considers himself or herself to be part of the Jewish people has to do so by being a person with a raised head. That person has to feel that he or she is special, chosen, set aside for a particular mission in life. The raised head is the symbol of Jewish pride and determination.

The count of the Jewish people is not meant to be merely numerical. It is far more profound and meaningful. It is really a count-me-in type of equation. Thus the task of the leader of the people is not only to come up with an accurate population number but, perhaps even more importantly, to inspire and raise those being counted to a greater understanding of their role and purpose in being part of the Jewish people. For eventually, being counted as a member of the Jewish people requires commitment, effort and constant personal development.

We are all aware of the injunction not to count Jews directly, as in this week's parsha, where they were counted by the number of half shekels collected by the census takers. We read in the book of Shmuel that King Saul counted the Jewish people by assessing the number of individual sheep. The same lesson is involved in this rule as the idea mentioned in the previous paragraph-that the true count of the people of Israel is never only in the raw number of people present. It is in the worth of the individual, the pride and

self-esteem of being Jewish-and that is not something that can easily be assessed by a number.

Coins and sheep are susceptible to being counted numerically-not the Jewish people or for that matter any human being. The influence of a life is something not given to physical measurement or numerical count. The Torah commands us to raise our heads, to become more knowledgeable, devoted and committed to its holy values, observances and spiritual outlook. Each individual Jew must feel and believe that he or she is special, unique, vital and necessary for the whole nation to exist and prosper.

People who feel "there is no difference if I am Jewish, observant, or part of a people" do themselves and the Jewish people as a whole a great disservice. Only those who proudly raise their heads are truly part of the eternal count of the Jewish people. © 2012 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

Rabbi Menachem Liebttag argues that the thirteen attributes which are used to describe G-d, parallel attributes of G-d found previously in the Torah.

For example, the thirteen attributes begin with the words "Hashem Hashem Kel rahum ve-hanun, the Lord the Lord is a G-d of mercy and graciousness." (Exodus 34:6) Earlier in the ten declarations (aseret ha-dibrot), G-d says "Hashem Kel kana, G-d is a jealous G-d." (Exodus 20:5)

The difference between these two descriptions of G-d is obvious. At Sinai, G-d reveals himself as a G-d of strict judgment. He appears to be harsh. Here, in our portion, G-d, for the first time, paints Himself as merciful.

Hence, in the aseret ha-dibrot, Hashem (the Lord), the special name for G-d which connotes mercy, is mentioned only once. Here, in our portion, Hashem is mentioned twice, to teach us that G-d is not only merciful before we sin, but even after. (Rabbeinu Tam, Rosh HaShanah 17b)

Furthermore, in Exodus 34, G-d is described as rahum from the word rehem which means womb. This because G-d's love for us, like the love of the womb, is infinite and unconditional. Hanun stems from the word hinam, which literally means free. G-d's love is free, even if not reciprocated. These terms in contrast to G-d described in the aseret ha-dibrot, Kel kana - a G-d of jealousy and vengeance.

It is not surprising that the thirteen merciful attributes immediately appear after Moshe (Moses) tells the Jewish people that because they worshipped the golden calf, an angel, not G-d, would henceforth lead them. This disturbs the nation and they demand that

G-d himself lead them. In the end, the Almighty relents. (Exodus 33)

It is here that the merciful attributes appear for the first time. From a legal perspective, the Israelites were not deserving of G-d's direct accompaniment. Only when G-d allows strict law to merge with mercy does He agree to lead the people directly.

Today we take these attributes of mercy for granted as they are part of our Jewish consciousness. But when first introduced, these characteristics were revolutionary.

G-d's decision to lead the Jewish people mercifully is of tremendous import. Created in the image of G-d, we too should follow in His footsteps. As G-d tempered justice with mercy, so should we give others and ourselves, the benefit of the doubt and judge favorably - with love. © 2012 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and President of Yeshivat Chovevei Torah Rabbinical School - the Modern and Open Orthodox Rabbinical School. He is Senior Rabbi at the Hebrew Institute of Riverdale, a Modern and Open Orthodox congregation of 850 families. He is also National President of AMCHA - the Coalition for Jewish Concerns

RABBI DOV KRAMER

Taking a Closer Look

“When you take a census of the Children of Israel, each man shall give a redemption for his soul to G-d when they are counted, so that there shall not be a plague when they are counted" (Sh'mos 30:12). Why conducting a census would bring a plague (if it wasn't pre-empted) is a matter of much discussion. Included in this discussion is whether this applies any time individuals are counted, and what the "atonement" is for.

Alshich takes a rather straightforward approach, with the plague being a result of the sin of the golden calf (or, more specifically, for not preventing the sin of the golden calf, as anyone who actually participated in the sin had already been punished). The half-shekel, the "money (or silver) of atonement" (30:16), was needed to atone for that sin (perhaps because "charity saves [one] from death," see Mishlay 10:2). If so, the issue was a "local" one, and only applied to that particular census. As we shall see, though, counting people is always a problem. It is possible that here there was an additional problem (the sin of the golden calf), and the "cure" for that problem took care of the issue of counting people at the same time. [This would explain why the Talmud (Yuma 22b) doesn't use our verses to prove that counting people is problematic, as the half-shekelim were necessary even if the counting itself wasn't a problem.] Obviously, this approach is only relevant if the Mishkan was commanded after the sin of the golden calf occurred; otherwise there would be no need to atone for it yet.

Rabbi Moshe Shamah ("Recalling the Covenant") suggests that the commandments regarding

most of the Mishkan were given to Moshe during his first 40-day stay on top of Mt. Sinai (before the golden calf episode), but the commandments for the golden altar for incense and the silver half-shekalim for atonement weren't given until afterwards. This is why they weren't included in the original commandments (but taught later), and why the outer altar was referred to as "the" altar (27:1), as had there been no golden calf, it would have been the only one. (It is possible that the daily incense only became necessary to calm G-d's continuing anger over the golden calf, see Rashi on 32:34.) If he is correct, then the purpose of the half-shekalim could have been to atone for the sin of the golden calf even if G-d had commanded Moshe to build the Mishkan before the sin had occurred. Either way, if the atonement accomplished by the half-shekel is for the sin of the golden calf, it's connection to the census is secondary (at best).

Rashi (31:12) tells us that every "counting" is subject to the consequences of "ayin ha'rah" (the evil eye), and therefore needs the protection afforded by giving a half-shekel. However, if G-d had asked Moshe to take this census, why would any protection be necessary? Since they would only be counting the people to fulfill G-d's will, wouldn't He protect them and prevent any "ayin ha'rah" from harming them? [It could be suggested that G-d didn't ask for this census, and was just informing Moshe that if a census is undertaken without it being divinely mandated, pre-emptive atonement must be made. However, Rashi (Bamidbar 1:1) understands this census to have been divinely mandated as well.] Additionally, although when Sha'ul counted his soldiers (Sh'muel I 11:8 and 15:4), he didn't count them directly (using pottery shards, stones or sheep instead), there is no indication that those being counted had to "redeem their souls" by giving charity. Kohanim were counted in the Temple by their fingers rather than by their heads or whole bodies (Yuma 22b, see Rambam, Hilchos T'midim u'Musafim 4:4), not by coins donated to ward off an "ayin ha'rah." Why was there no concern that the soldiers or Kohanim would be adversely affected by being counted?

Rashi (Sh'muel I 15:4) based on the Talmud (Yuma 22b) explains that the problem with counting people is based on Biblical verses that indicate it is forbidden to do so (i.e. Hosheya 2:1); there is no mention of "ayin ha'rah" in these instances. There may be an issue of being singled out as an individual rather than just being part of a group, whereby the individual's actions are given closer scrutiny (see Rabbeinu Bachye, Sh'mos 30:12) thereby putting him in danger; in order to avoid this danger, the individual isn't counted, but something that represents him (such as a pottery shard or a coin) is counted instead (thereby maintaining the status of just being one of many), but there is no need for atonement itself. As long as the goal is figuring out how many you have for the task at hand (i.e. fighting a battle, doing the priestly service or davening together),

rather than how many people there are in an already defined group (such as a census), the only issue that needs to be dealt with is not counting them directly. However, if the purpose of the counting is to determine how many people there are in a group, the danger of an "ayin ha'rah" is present, because of the way "ayin ha'rah" operates.

The Talmud (Bava Basra 2b) says that it is forbidden to stare at someone else's field when it is ready to be harvested, with Rashi explaining that the problem is a potential "ayin ha'rah." It would seem that if someone has an "ayin rah," an evil, or stingy, eye, they might see the bounty the field has produced and, out of jealousy (see Bartnura on Avos 2:9, 2:11 and 5:19), wonder why that person merited it and they didn't. This creates a "kitrug" (prosecution) in the heavenly court, whereby they look into whether the "good" was really deserved. (This was Bilam's plan when he lavished praise upon the Children of Israel, hoping that his "accusation" that they had it so good would cause a judgment that reversed their fortunes.) Similarly, when taking a census, or counting how much produce was harvested, there is a danger that someone will see how many there are or how much there is and be jealous, thereby creating a "kitrug" that could bring about a plague, or some other means of bringing the amount down to what is really deserved. For this reason, when taking a census, it is not enough to just avoid counting the people directly; a "redemption" to "atone" for any sin that might allow for a successful prosecution must be given first.

The question that remains is why G-d would allow such a "prosecution" to be successful if He commanded that the census be taken in the first place. However, the question that could also be asked is why G-d allows the jealousy of the small-minded to adversely affect others. I would suggest that G-d purposely included this mechanism as part of His creation in order to promote modesty ("tzni'us"). Knowing that the danger of an "ayin ha-rah" exists, people will be less likely to flaunt what they have, and try to keep their successes hidden instead. Once "ayin ha'rah" was instituted to be part of the nature of how this world operates, G-d doesn't just suspend the "laws of nature" (even the spiritual ones) when they become inconvenient (even though He obviously can). Therefore, when He commanded Moshe to take a census of the nation, he included instructions that would allow them to avoid the dangers inherent in such an undertaking. © 2012 Rabbi D. Kramer

RABBI SHLOMO RESSLER

Weekly Dvar

How is it possible that this people—who had only recently seen G-d's miracle of redemption from Egypt and had witnessed revelation at Mt. Sinai—could so suddenly demand that Aaron fashion an idol

(specifically barred by the Second Commandment)? Traditional commentators suggest that it was fear. Moshe was gone, and the people felt abandoned. Others suggested that the people had the mentality of slaves, and lacked the courage to maintain new convictions. More recent commentators suggest that they believed that they needed an intermediary to reach G-d, and that an idol was needed (in Moshe's absence) to serve the function.

Some traditional commentators suggest that Aaron was trying to delay until Moshe could return, or that he was trying to accommodate different factions within the people. Others suggest that this was a terrible failure of leadership by Aaron. The Parsha raises real questions of leadership:

Should we always reconcile differences within our congregations? Is every principle subject to compromise? Is avoiding confrontation always the correct path? Aaron's role in this story suggests that principled leadership requires an understanding that compromise is necessary but not absolute; that not every set of differences can be settled; and that confrontation may be necessary. Knowing when to reconcile, when to compromise, and when to confront is the essence of the art of leadership. © 2012 **Rabbi Y. Ressler & LeLamed, Inc.**

RABBI YONASON SACKS

V'asu Li Mikdash

While the Beis HaMikdash served multiple roles, the Rambam (Sefer HaMitzvos, mitvas aseh 20) seems to identify the ritualistic role as paradigmatic of the very essence of the Mikdash. He describes the Mikdash as a Beis Avodah.- a House of Service. We find that the Rambam echoes this characterization in the beginning of Hilchos Avodas Beis HaBechirah, where he states that Bnei Yisrael are commanded, "Laasos bayis l'Hashem muchan lihiyosm makrivim bo korbanos v'chogugin eilav shalosh p'amim bashanah shene'emar v'asu Li mikdash.-to build a house for Hashem, equipped to offer sacrifices and celebrate festivals three times annually, as it is stated, 'make for Me a Mikdash.'" By mentioning the sacrificial obligations in the very opening line, the Rambam suggests that these ritual services encapsulate the characteristic essence of the Mikdash.

The Ramban (beginning of Parshas Terumah., however, appears to present a somewhat different characterization of the Mikdash. Rather than emphasizing the particularistic rituals, the Ramban underscores the Mikdash's more general role as a resting place for the Divine Presence. In this respect, the Ramban suggests a relationship between the Mishkan and Har Sinai, as the Mishkan served to perpetuate the unparalleled level of closeness to the Divine Presence achieved at Har Sinai.

This divergence of opinions between the Rambam and the Ramban may also be reflected elsewhere. In the Sefer HaMitzvos. Ibid., the Rambam reckons both the construction of the actual Mikdash as well as the construction of its keilim / vessels used to perform the services) as a single positive commandment. The Ramban (mitvas aseh 33) argues that the construction of the Keilim should be counted independently of the construction of the actual edifice. Therefore, he prefers to count it as a "hechsher mitzvah" subsumed under the general Mitzvah of the avodah. The Ramban adduces support for his argument from the halachic permissibility to offer sacrifices in the Beis HaMikdash, even in the absence of keilim. This dispensation suggests an independent status for the Mikdash, irrespective of the Mitzvah to build keilim.

Rav Asher Weiss suggests that the Rambam and Ramban's dispute regarding the counting of the mitzvos mirrors their general dispute about the nature of the Mikdash. Because the Rambam perceives the avodah as central to the very definition of the Mikdash, he views the construction of the keilim which are necessary to perform the avodah. as intrinsic to the commandment to build a Mikdash itself. According to the Ramban, however, the Mikdash maintains an independent purpose of housing the Divine Presence, regardless of the requirement to build keilim for the avodah. Hence, the Mitzvah to build the keilim deserves independent recognition from the Mitzvah to construct the Mikdash.

Rav Weiss suggests a further consistency in the opinions of the Rambam and Ramban. The Ramban (Mitzvos SheShachach HaRav, 3) counts an independent mitzvah of "u'vechol asher amarti aleichem tishameiru" (Shemos 23:13), not to deviate from the prescribed order when first placing the keilim in the Mikdash. The Rambam, however, does not reckon this commandment independently among the 613. Because the Ramban understands the construction of the keilim as a distinct Mitzvah from construction of the Mikdash, he must count an additional Mitzvah to teach the order of placement of the keilim. The Rambam, however, considers the construction of the Mikdash and its keilim to be a unified Mitzvah. Hence, the order in which the keilim must be placed in the Mikdash would likely be included within this Mitzvah as well, and not need to be reckoned independently.

It is noteworthy that, somewhat ironically, the Ramban's reckoning of "u'vechol asher amarti aleichem tishameiru" as an independent mitzvah may actually support the Rambam's understanding of the construction of the keilim. If construction of the keilim constitutes part of the biblical mitzvah of v'asu Li mikdash, it is understandable that the Torah should insist on a specific order in which the Mitzvah should be performed. According to the Ramban, as we have stated, construction of the keilim is not a true Mitzvah, but merely a hechsher mitzvah, a technical preparation

necessary for the fulfillment of a Mitzvah. If constructing the keilim simply serves as a means to an end, perhaps the Torah would not be quite as insistent on the order in which it is performed.

A similar model can be gleaned from the mitzvah of donning the priestly vestments. The Rambam (Sefer HaMitzvos ibid) reckons the act of donning the vestments as an independent mitzvah. In analyzing the Rambam's opinion, the Minchas Chinuch #99) posits that although there is a mitzvah to dress in the garments, there is perhaps no mitzvah to don the garments in any particular order (aside from the pants, which the Torah stipulates must be donned first). However, perhaps one could question the conclusion of the Minchas Chinuch. If donning the garments served merely as a preparatory step to facilitate the mitzvah of avodah, then one could certainly envision that the order could be insignificant. As long as all of the garments are eventually donned, the stated purpose has been achieved, regardless of their order. If, however, the act of donning constitutes an independent mitzvah, perhaps one would be required to follow a specific protocol of halachos regarding the order of the garments, as is the case with all mitzvos. © 2012 *The TorahWeb Foundation and Rabbi Y. Sacks*

RABBI YITZCHOK ADLERSTEIN

When to Assume Risk

Moshe stood at the gateway of the camp and said, "Whoever is for Hashem, join me." All the Levi'im gathered around him. He said to them, "So said Hashem the G-d of Israel, 'Every man, put his sword on his thigh and pass back and forth from gate to gate in the camp. Let every man kill his brother, every man his fellow, and every man his relative.'"

If Moshe meant to rally to his side all those innocent of idolatrous service, he would have raised quite an army-not just the shevet of Levi! The majority of the Bnei Yisrael had not been guilty of avodah zarah. Moshe raised the bar much higher than that, however. He asked for volunteers who knew that they were absolutely dedicated to Hashem, to the exclusion of any other interest. He asked for those who would give up anything and everything for love of Hashem and His honor.

Moshe sought this spiritual elite because he was reluctant to place people in danger. The task he assigned this group was fraught with danger. Those earmarked for execution were hardly going to go to their deaths without resistance and struggle. Moshe's "special forces" were commissioned to perform a great mitzvah of national importance-but that did not guarantee their safety. Chazal teach (Pesachim 8B) that mitzvah emissaries are Divinely protected from harm-but not where danger is particularly great. Moshe understood that he indeed was exposing his men to great risk, and did not want to put them in harm's way.

The solution he hit upon was to recruit a force of extraordinary people. The "great danger" exception to the rule that mitzvah emissaries are protected from harm has its own exception. Those who perform mitzvos for the usual reasons that motivate people, i.e. expectation of reward, be it in this world or the next, cannot expect to emerge unscathed from places of great danger. On the other hand, there are people who rise above the level of the ordinary good person. They dedicate themselves entirely to the Divine cause without any sense of personal needs and preferences. Such people have nothing to fear, even in the face of great apparent danger.

Hashem sent the navi Shmuel to anoint a new monarch, replacing Shaul who had been stripped of his kingly future. Shmuel balked. How can I go? Shaul will find out and kill me! Hashem agreed to give him cover. Shmuel should take along a calf, and claim that his business was offering a korban. (Shmuel I 16:2) If Shmuel needed to employ subterfuge to ensure his safety, why had Hashem not suggested it to him from the start?

Following our approach, the sequence of events is entirely reasonable. Although Shmuel was leaving on a mission associated with great risks, he was one of those few people who genuinely acted with no self-interest whatsoever. Ordinarily, he would not have to worry at all about danger;

G-d therefore did not provide him with any special safety net. Shmuel's closeness with Hashem was all the protection he needed. He would protect him even outside the laws of teva.

So it would have been under ordinary circumstances. Shmuel, however, felt some resistance within himself. He was not happy at having to wrest the crown from Shaul's head, so to speak. This unhappiness told him that he was not operating on the highest level of selflessness, at which the opportunity to perform a mitzvah would have brought him nothing but joy, elation, and devekus. Understanding that he was not at peak spiritual performance, he knew that he was not vouchsafed success on his mission. He therefore had to ask Hashem for Plan B instructions-how he could protect himself even within the confines of natural law and probability. Hashem responded with the ruse of the calf-offering.

Moshe tells the people that Hashem commanded them to punish the guilty by killing the guilty. It is noteworthy that there is no text in the Torah that says as much. We do not read of Hashem giving such a command to Moshe. Clearly, Hashem did give such an instruction, but it is significant that the text omits it. We can attribute this to the fact that Hashem does not demand of people that they transcend the ordinary limitations of humankind. The madregah of ahavas Hashem that Moshe was looking for exceeds the capacity of human beings operating within the laws of human nature. Significantly, after he found his very

special group in shevet Levi, Moshe transmits instructions to them in the name of "Hashem, the G-d of Israel." The last phrase was meant to underscore that Hashem would be there for His people, prepared to save them in situations of great peril and danger.

The Torah orders the Levi'im to accomplish the grim deed, pitting them against brothers and relatives. Even though Divine assistance and protection was assured to them, their responsibility included minimizing the extent of the miraculous intervention. By showing themselves ready and able to kill those closest to them, they demonstrated that they were exceptional people, with a stronger than ordinary devotion to HKBH. This would be noted by others, who would then be less likely to offer fierce resistance, recognizing their spiritual power.

The upshot of this is a practical and common application of a similar principle. The community often has to protect itself against evildoers. Persuasion and reason do not always work. We sometimes need to pursue an evildoer, inflicting harm upon him that is justifiable and necessary to achieve justice. The role of pursuer is always one of great danger. It is important to minimize the risk from those situations. When we are forced into such a position, it is crucial that the pursuer have no personal stake, no self-interest in the case. If this is not true, the pursuer will not be free of guilt in the estimation of Heaven.

Yaakov Avinu caused great anguish to his father when he impersonated his brother in order to receive the berachos. He was not punished for this. He himself was pained for having to inflict pain upon his father. He had no choice; there was no other way. He also caused great sorrow to Esav. According to Chazal, for this he was indeed punished. (Bereishis Rabbah 67:4) This pain was no less justified than that of Yitzchok. But Yaakov did find some measure of satisfaction in this triumph over his brother.

For this he had to pay a price. (Based on Ha'amek Davar and Harchev Davar, Shemos 32:26-27)

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RABBI YISSOCHER FRAND

RavFrand

Transcribed by David Twersky;

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Rav Simcha Wasserman's father, Rav Elchonon Wasserman once made the following insight on a Friday night on Parshas Ki Tisa. Rav Elchonon Wasserman was in America on a fundraising trip for the Baronovich Yeshiva, which he headed. He gave a pitch for his Yeshiva in a shul in America on Friday night, Parshas Ki Tisa. Rav Elchonon announced "For eighty dollars, a person will have the merit of supporting the Yeshiva for one week." In the 1930s, \$80 went a long way in Baronovich. Rav Elchonon gave a passionate appeal and the people were becoming inspired by his

message and were ready to contribute most generously.

However, the Rabbi of the congregation was not that enthused about having his members write checks for \$80 for the Baronovich Yeshiva. He too got up to speak that same evening after Rav Elchonon. The congregation Rabbi spoke at length and the whole atmosphere which Rav Elchonon had created started to dissipate. The congregation Rabbi's punch-line was "even if you give a single dollar to the Baronovich Yeshiva-that itself is a significant donation."

Obviously, the wind had been let out of the balloon of the impassioned speech that the Rosh Yeshiva had given. Rav Elchonon's yeshiva received next to nothing from that community. That night, the Rav went to the house where Rav Elchonon was staying and said to him, "I know you probably are upset about what happened this evening. You probably have complaints against me and my congregation."

Rav Elchonon told him, "I have no complaints. Let's look at this week's Parsha. The Torah states: 'Behold I have designated by name Bezalel son of Uri son of Chur.' He is the fellow who is supposed to build the Mishkan. How was Moshe supposed to find this fellow Bezalel out of two million people in the camp? If he went from person to person asking, 'Are you Bezalel ben Uri ben Chur?' When someone responded negatively, would Moshe have any complaints against him? Obviously not! He was not Bezalel so he was not the one who was designated by G-d to build the Mishkan. It is not a matter of being offended by the fact-it's just that he was not THAT person.

Likewise, the Ribono shel Olam said that the Baronovich Yeshiva will have supporters. Who are they? Not your shul. Not you. So you are not Bezalel, but I cannot have complaints against you. It is just obvious that you are not the person or the community that G-d has designated to build my Yeshiva in Baronovich. Someone else will have that merit in the World To Come. I cannot be upset that this person is to be found elsewhere and not here in your community. © 2012 Rabbi Y. Frand & torah.org

