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Parashat Pekudei

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STANDING IN THE SHADOW OF KEDUSHAH

by Dr. Joel M. Berman

One muddy winter night in 1979, Lieutenant Shai was sitting with a mobile radar unit on a hill overlooking a plain in south Lebanon. Nine of his soldiers were lying in the plain below in an ambush. They didn't wait long. Radar detected three forms moving south towards Israel. They were terrorists from the Palestinian Liberation Organization. Lieutenant Shai radioed his ambush commander to prepare. The three blips on the radar screen were moving closer and closer to the ambush. Suddenly, the blips reversed direction and started moving back North into Lebanon. Lieutenant Shai radioed the direction and distance of the terrorists from the ambush and told his ambush commander to commence firing immediately. The commander told Shai that he could still hear the terrorists moving south and that they should wait. Shai told him the Radar said otherwise and the ambush should begin firing. The commander refused. Finally, Lieutenant Shai ordered his ambush commander to commence firing immediately! The commander refused, being thoroughly convinced that he could still hear the terrorists moving south towards the ambush. "It was the most frustrating experience of my life," Shai told me. "Three terrorists slipped through our hands. Why didn't he listen to me?"

A few years ago an acquaintance of mine put the following ad in the dinner journal of Yeshiva where I learned: "To Rabbi (the Honoree's name) -Whenever I've followed your advice, I've prospered. When I haven't... I haven't." Why didn't he listen?

In last week's Parashah (Shemot 32:15), Moshe Rabbeinu and Yehoshua meet at the bottom of Sinai, as Klal Yisrael are reveling with the golden calf. Yehoshua reports to Moshe, "Kol Milchamah BaMachaneh" "(I hear) the sound of battle (coming from) the camp." Moshe corrects Yehoshua, "Kol Anot Anochi Shomei'a" "(No) it is the sound of distress I hear." Rav Shimon Schwab zt"l explains that Moshe chastised Yehoshua for failing to distinguish

between sounds of Simchah, joy, and the sounds of depression, which was the result of Klal Yisrael's mistaken belief that they were leaderless and abandoned in the Midbar. Yehoshua listened and became the most successful Manhig of Klal Yisroel in Eretz Yisrael.

The Midrash on this week's Parashah tells us that Betzalel derived his name from "BeTzeil Keil" "in the shadow of Hashem." He was brilliant, but also wise enough to follow the directions of Moshe Rabbeinu. After all, Moshe Rabbeinu wasn't, like Betzalel, merely in Hashem's shadow, Moshe Rabbeinu stood in Hashem's direct light. For listening and following directions, Betzalel became the greatest craftsman of all time.

It is quite a test sometimes to listen and follow the advice of our Rabbis, parents and teachers, especially when we feel another solution would be more appropriate. The ambush commander and the author of the ad blew it. Yehoshua and Betzalel simply listened and took good advice, and for that, count among the greatest people of all times.

MEANINGFUL ROLES

by Mendy Garb ('17)

In Parashat Pekudei, the Mishkan's construction is completed (Shemot 39:32). Afterwards, the Pesukim relate, "*VaYavi'u Et HaMishkan El Moshe Et HaOhel VeEt Kol Keilav Kerasav Kerashav Berichav VeAmudav VaAdanav,*" "And they brought the Mishkan to Moshe, the tent and all its furniture, its clasps, its planks, its bars and its pillars and its sockets" (39:33). However, later on in the Parashah we are told, "*VaYakem Moshe Et HaMishkan VaYitein Et Adanav VaYasem Et Kerashav VaYitein Et Berichav VaYakem Et Amudav,*" "Moshe set up the Mishkan, placed its sockets, put up its planks, put in its bars, and set up its pillars" (40:18). Why does the Torah write that Moshe built the Mishkan on his own, if only a few Pesukim prior it wrote that the construction was a joint effort between Moshe and the Jewish people?

The answer is that Moshe and the Jewish people built the Mishkan using the system that God put in place for them. This is evident from the fact that the words "KaAsher Tzivah Hashem," "As Hashem commanded," appear more than a dozen times in the Parashah. Moshe and the Jewish people couldn't possibly build the Mishkan on their own, for they had no perception or understanding of how to construct the proper dwelling for God. Therefore, God provided the schematics for the various

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components of the Mishkan to put Moshe and the Jewish people in the correct building mindset. This caused the Jewish people first to construct and bring the components of the Mishkan to Moshe, and only then was Moshe able to “set up” the Mishkan in its entirety.

While this answer may be satisfying, there certainly is a deeper meaning to be learned from it. Last week, we substituted Parashat Shekalim for the usual Maftir. Parashat Shekalim is read on the week preceding Rosh Chodesh Adar, or in the case of a leap year, such as this year, Rosh Chodesh Adar Sheini. In this special Torah portion, we read the census process that the entire Jewish nation went through just before Matan Torah at Har Sinai: each adult male was to produce a half Shekel to count for himself and his household (30:13). Perhaps, the half shekel signified that every Jew is incomplete – half – without his fellow Jew.

While it oftentimes appears that some people are important and others aren't, the Pesukim are teaching us that we all serve our own role. So long as we all contribute to society, as highlighted by the fact that *everybody* contributed equally to the construction of the Mishkan (30:15), we are important. The leaders of society would not be able to run a functioning society without the contributions of everyone else. Similarly, the average people of society would not be able to support themselves and would not enjoy a foundation to lean upon if not for the strong leaders of society. At the hierarchy of this web is Hashem. Without Hashem's commanding us how to build the Mishkan, we wouldn't even know where to start. On the other hand, the Mishkan would not have been built if not for everybody's contributions and efforts. The half Shekel represents the special bond between God and the Jewish people. Just as people need God to create a functioning world, people need to keep the world functioning by adhering to God's Will.

This approach also answers why Moshe is given credit for God's work. Since Moshe asked God for His wisdom and used it properly and efficiently, he caused the results to be successful. This is why the entire endeavor of building the Mishkan ends with, “*VaYa'as Moshe KeChol Asher Tzivah Hashem Oto Kein Asah,*” “Thus Moshe did according to all that Hashem had commanded him, so he did” (40:16). Parashiyot Pekudei and Shekalim teach us that each of us serves an important role in society. Like the Ba'al Shem Tov taught, our bodies are the systems that this world interacts with to create things.

Without God constantly maintaining and creating the world, we wouldn't be able to carry out everyday tasks. But we need to meet God halfway in this holy team by being active and involved in maintaining and creating the world ourselves.

MORALITY AND MAMZEIRUT – PART TWO

by Rabbi Chaim Jachter

Introduction

In last week's issue, we began our discussion on the Halachic and moral issues associated with Mamzeirut. In this issue, we present numerous approaches to dealing with the seeming immoral nature of Mamzeirut.

Conflicts between a Divine Command and Our Perception of Morality

Being that Rav Dr. Wurzburger is a staunch believer in the divine authorship of the Torah, it is hardly surprising that he asserts that when our ethical intuitions conflict with the Torah, the Torah enjoys priority (*Ethics of Responsibility*, page 29):

It would be the height of arrogance to challenge the validity of an explicit divine imperative on the ground that it runs counter to our own ethical intuitions. Indeed, to permit humanistic considerations to override divinely revealed commandments, amounts to a desecration of the Divine Name. In the event of conflict with explicit halakhic requirements, all ethical, aesthetic, intellectual or prudential considerations must be set aside.

Moreover, Rav Wurzburger (pages 19-20) sets forth a profoundly important point:

Judaism has no need for the Kierkegaardian doctrine of “the suspension of the ethical” which demands that whenever moral imperatives clash with religious commandments, we must subordinate our ethical concerns to the higher authority of the religious. Once God is defined as the supreme moral authority, obedience to divine imperatives emerges as the highest *ethical* [Rav Wurzburger's emphasis] duty. Thus, Abraham's readiness to sacrifice Isaac cannot be invoked as a paradigm of the “suspension of the ethical.” On the contrary, it was a perfectly *moral* [Rav Wurzburger's emphasis] act....Compliance with the demands of the highest possible moral authority, which combines omnibenevolence and omniscience, is bound to lead to the best possible consequences, even in situations where divine imperatives clash with our ordinary ethical rules that generally bring about the greatest good. Obedience to

an omniscient and omnibenevolent God must, by definition, yield the greatest possible good, even if our limited intellectual capacities prevent us from seeing how and why certain divine imperatives engender the most desirable consequences.

The issue of Mamzeirut is one such situation where our moral intuitions conflict with the divine command. We must yield to the divine command in this instant, as Avraham Avinu did at the Akeidah, knowing that all Hashem does is for our good (“Kol Mai DeAvid Rachmana LeTav Avid,” Berachot 60b).

Minimizing the Gap between the Divine Command and Our Moral Intuitions

Although our moral intuitions do not enjoy veto power over Halachah (an expression of the divine command), they do have a vote. Rav Wurzbarger explains (page 29):

Conscience.... functions as a hermeneutical principle to help ascertain the meaning and range of the applicability of laws when their formulations contain an element of ambiguity. Since the Torah is characterized in the Book of Proverbs (3:17) as “its ways are the ways of pleasantness and all its paths are peace,” we should assume that, in case of doubt concerning the meaning of a divine ordinance, the interpretation that is in accordance with our moral sensibilities was intended by the divine Legislator.

Rav Wurzbarger cites the Gemara (Sukkah 32b) as a source for this important principle. This Gemara supports the traditional identification of “VaAnaf Eitz Avot” (VaYikra 23:40) with Hadasim:

Our Rabbis taught, [Soncino translation] “Branches of a thick tree” [means the kind of tree] whose leaves completely cover its stem. Now what [tree] is this? You must say that it is the myrtle (Hadas). But perhaps it is the olive? It must be wreathed, but [the olive] is not. But perhaps it is the plane tree? The leaves must cover its stem, which is not the case [with the plane tree]. But perhaps it is the oleander (a bitter plant with stinging leaves)? Abayei said, “Its ways are the ways of pleasantness” and [with the oleander] this is not the case.

The Gemara rejects the possibility of the taking of bitter plants with stinging leaves based on a moral consideration. The Gemara

never would have rejected the use of this plant had the Torah explicitly commanded us to take the oleander; however, since there the Torah uses the ambiguous phrase, “branches of a thick tree,” we presume that Hashem’s intention was not for us to take a noxious plant.

We will endeavor to show that Posekim very much apply this hermeneutical tool when adjudicating situations of Mamzeirut. Whenever possible, in ambiguous situations, Posekim limit the scope of Mamzeirut, adopting an approach (in Rav Wurzbarger’s words) “in accordance with our moral sensibilities” and assuming that this was therefore intended by the divine Legislator.

Clarifying the Minimization of the Gap between Moral Intuition and Divine Command

We must clarify, however, that Chazal and Posekim do not indiscriminately interpret the Torah based on our moral intuitions. The hermeneutical tool we speak of applies only to moral intuitions that are rooted in the values articulated in the Torah and Chazal’s writings. For example, the moral intuition motivating us to not punish a child for the sin of the parents and brand him with the stigma of Mamzeirut is rooted in Torah thought, as expressed in the aforementioned Midrash and the Pasuk, “UVanim Lo Yumetu Al Avot,” “children should not die due to [the sins of] their parents” (Devarim 24:16)¹.

The Torah’s respect for moral intuition is expressed by the Torah’s command of “And you shall do the good and the right in the eyes of Hashem” (Devarim 6:18; Rashi and Ramban ad loc.). How are we to know what the right and the good are? In response to this question, the Torah writes, “in the eyes of Hashem,” to explain that moral intuitions must emerge from values articulated in the Torah that teach what is good and right in the eyes of God. As Rav Wurzbarger explains (page 28):

The Torah validates only the intuitions of a moral conscience formed within the matrix of Torah teaching. To be sure, such a conception of the authority of conscience differs radically from the notion that conscience can impose its own laws because it is endowed with independent, autonomous authority.

Similarly, Rav Yosef Dov Soloveitchik stated (as presented in Jewish Action, Summer 2011)

¹ The Navi Yechezkeil (Perek 18) also legitimates the complaint that it is unfair that “fathers have eaten sour grapes, and the children’s teeth are set on edge?” For an analysis of Yechezkeil Perek 18, see Makkot 24a and

Rav Hayyim Angel’s *Vision from the Elders and Counsel from the Elders* (pages 153-162).

“Torah study is a yoke because we lack the authority to change its laws. Shinuy, change, is unacceptable. Chiddush, innovation, creative interpretation, is the very heart of halachah. It is the engine of halachic continuity throughout the ages. But these chiddushim must be within the discipline, internal to the system of halachah and not originating from the outside (emphasis added). They must soberly represent the humble and fearful surrender to the Torah we have learned from the Sages. They must respect the past and continue the mesorah whose responsibility of transmission rests on our shoulders”.

Rav Tzvi Freeman
(http://www.chabad.org/library/article_cdo/aid/624196/jewish/Is-It-Really-the-Torah-Or-Is-It-Just-the-Rabbis.htm) presents the Maharal of Prague providing a parable that helps us understand Rav Soloveitchik’s point.

“He likens our situation to a man who moves into a home built by a master architect. The man finds all in place, in exquisite design and order. Yet, in one place, it seems a door is missing. There is a lintel, there are doorposts, even hinges in place. Within is a room that needs to be shut off from the rest of the house. So the man fashions a door, in accordance with every other door in the house, to match the fittings of the open doorway.

So, too, says the Maharal, when the story of Esther occurred and the rabbis established the festival of Purim; when merchants began to trade on the Shabbat and the rabbis established the laws of muktzah; when Jewish society became primarily mercantile and the rabbis established the pruzbul. And in our day, as we deal in medical halachah and supervision of the food industry – at each step along the way, we find the lintel, the doorposts and the hinges awaiting our finishing touches”.

Our responsibility is to fashion the doors in accordance with every other door in the house, namely, that our rulings fit with the spirit and ideas of the Torah. We must avoid fashioning doors that our not in accordance with every door in the house, referring to improper introduction of values foreign to Torah.

Some have made the argument that Halacha “evolved” to outlaw bigamy (Cheirem D’Rabbeinu Gershom) and is not rooted in our Mesorah. One may respond with the oft-cited Talmudic teaching “Kol D’Tikkun Rabban K’Ein D’oraita Tikkun”, whatever the rabbis instituted was done in the spirit of the Torah (Gittin 65a).

Cheirem D’Rabbeinu Gershom is no exception. The Da’at Mikra commentary to Bereishit 2:24 notes that this Pasuk’s teaching of “V’Davak B’ishto”, he shall cleave to his wife, articulates monogamy as a Torah ideal. The Pasuk in Kohelet (9:9) “R’eih Chayyim Im Isha Asher Ahavta” similarly articulates this ideal. The Midrash Tanchuma (Bereishit 11; cited in Rashi’s commentary to Bereishit 4:23 regarding the hapless Lemech pathetically begging his two wives for companionship) and Gemara (Sukkah 27a, the story of the minister of King Agrippas who had two wives and therefore was unable to fulfill the Mitzvah of Sukkah) present stories that ridicule bigamists. The Aruch Hashulchan (Even haEzer 1:32) observes that none of the Talmudic sages married more than one wife. Moreover, every bigamous relationship described in the Tanach works out poorly. The Torah thereby communicates to us that a bigamous family structure is unhealthy and inevitably leads to dysfunction. Thus, Rabbeinu Gershom merely institutionalized that which was always the Torah vision of an ideal and proper monogamous marital relationship.

Conclusion

Next week we will conclude our discussion of Mamzeirut and morality with a review of how great Halachic authorities of the past half century manage potential situations of Mamzeirut.

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