

פרשת קדושים

"If a tree falls in a forest and no one is around to hear it, does it make a sound?"

The above was a philosophical query that was posed some 150 years ago and it has been making the rounds ever since.

Even when I first heard this question many years ago, I wasn't too impressed. I was certain that the answer to the question was 'yes', but I was aware that since great minds raised it – who was I to dismiss it out of hand.

However, it seems to me that the answer to this seemingly profound question is found in our Parsha.

The Torah writes (Vayikro Perek 19/Posuk 14):

לֹא תִקְלַל חֵרֵשׁ וְלִפְנֵי עוֹר לֹא תִתֵּן מְכַשֵּׁל וְיִרְאֶתֶּךָ מֵאָ... לִקְיָר אֲנִי ה' :

Do not curse a deaf person; do not put a stumbling block before a blind person; you should fear your G-d, I am Hashem.

The deaf person is unaware of the curse. The prohibition that the Torah writes does not require that the curse be made in public so that others hear it. Rather, it is the curse itself that is forbidden. It is heard even if it is not.

That informs us as well regarding the second prohibition of the verse. Whether or not the blind individual will stumble or not is not the issue. If he stumbles, then the one who caused that to occur must pay for the various damages and medical expenses that occur.

And, if as Rashi explains¹ that this includes attempting to 'trip up someone' by giving bad advice, whether or not the advisee errs is not the issue. The bad advice is the issue. If the bad advice causes monetary losses, then they can be dealt with in court.

¹ Rashi writes here:

ולפני עור לא תתן מכשל - לפני הסומא בדבר לא תתן עצה שאינה הוגנת לו...
Do not place a stumbling block before the blind before a person who is blind (i.e. ignorant) in a certain matter. Do not give inappropriate advice.

However, the Torah prohibits the event without regard to the outcome of the event. The placement of the stumbling block is the event; that is what the Torah forbids. If, for whatever reason, the blind person has good fortune and is not injured - and does not know about the precarious situation in which he found himself, that is irrelevant. It was forbidden to place the stumbling block.

Perhaps no one saw that stumbling block. Only the perpetrator and the blind individual were in the area. No one else knows about it. The prohibition is still in full force.

However, even though the Torah combines these two incidents, it seems that the subjects are what makes them related, not the activities.

That is, the two cases, the one of the deaf and the one of the blind, have in common the fact that they deal with unfortunate individuals, people who have a hard life because of their handicaps. Neither the deaf nor the blind have the means to defend themselves in the same way as those who do not suffer from those deficits.

On the other hand, the actions undertaken are quite different. The deaf person's life is not affected by this unheard curse. Since no one else necessarily heard the curse, the world remains exactly as it was before the evil utterance was made.

The case of the stumbling block is different. The blind person may stumble. He may fall and injure himself.

We have all seen, and often have been moved, by a blind individual maneuvering himself independently with the help of his distinctive cane or seeing-eye dog. We wonder to ourselves, 'How does he do it?'

It is not only the fact that the blind person can avoid the bush that springs out of the sidewalk and walk around it or know that he has come to a corner and has to step down from the curb.

It is not only that his hearing is so attuned that he can avoid walking into a street with heavy traffic.

It is not even only the fact that his concentration must be 100%. He must be constantly alert and we think of ourselves as being distracted or daydreaming and the like even when it is forbidden and dangerous - such as when we are driving our car.

To me, at least, the most impressive part of seeing this person with limited abilities is that he has the courage to go outside, to venture into a world that is not built for the sightless. Why can he face an objective unknown when I often cringe before events far less challenging?

What happens to this brave individual who, despite his limitations, overcomes natural fear and understood apprehension and faces the outside world like an individual who shows competency in a far easier manner and then someone trips him up?

What happens if he falls on his face? Even if he is not injured, he certainly has lost his sense of place. His attention has been diverted. When he arises does he know anymore which way he is facing? He has no way of discerning whether he is now standing in the direction of his original goal or to the side or backwards. His orientation has been completely dismantled.

And even if he is fortunate enough to enjoy the care and concern of a bystander who will help him arise and point him in the proper direction – is he not embarrassed? Isn't he shamed and even more self-conscious than he was prior to his fall?

And, perhaps, most seriously, has his confidence been undermined? Earlier we compared his bravery to ours and we were found lacking. I don't know how he musters up that determination to face the outside world but that fall has made it all the harder for the next time that he must take a chance to leave the relative safety of his own home.

All that is what the stumbling block can cause. How does that crime belong in the same sentence with the curse that is said against the deaf?

Perhaps we can gain some insight into this question by noting an interesting phenomenon in our Parsha – the Torah repeats the same phrase within the space of a few verses.

The first time that phrase appears is immediately following our verse regarding the deaf and the blind.

We read (ibid. Posuk 15):

לֹא תַעֲשׂוּ עוֹל בְּמִשְׁפָּט לֹא תִשָּׂא פָנֶי דָל וְלֹא תִהְדָּר פָּנֵי גָדוֹל בְּצִדֵּק תִּשְׁפֹּט עַמִּיתְךָ:

Do not do iniquity in judgment; do not raise the face of the poor and do not favor the face of the great person; in righteousness you should judge your neighbor.

On its own, regardless of the context, this verse is quite understandable. The Torah forbids iniquity in the court and gives us two examples of such injustice. The poor should not be favored because they are the underdog and the prominent individual should not be favored because of his reputation.

Rashi explains the motivation for such extra-judicial decisions that the Torah forbids. He writes:

לֹא תַעֲשׂוּ עוֹל בְּמִשְׁפָּט - מִלְמַד שֶׁהַדִּיין הַמְקַלְקֵל אֶת הַדִּין קְרוּי עוֹל, שְׁנֹאוּ וּמִשׁוּקָץ, חֶרֶם וְתוֹעֵבָה. שֶׁהַעוֹל קְרוּי תוֹעֵבָה, שְׁנֹאמֵר (דְּבָרִים כה/טז²) כִּי תוֹעֵבַת ה' וְגו' כֹּל עוֹשֵׂה עוֹל, וְהַתוֹעֵבָה קְרוּיָה שִׁקְץ וְחֶרֶם, שְׁנֹאמֵר (שִׁם ז/כו³) וְלֹא תִבְיֵא תוֹעֵבָה אֶל בֵּיתְךָ וְהִיִּית חֶרֶם כְּמוֹהוּ שִׁקְץ תִּשְׁקֹצְנוּ וְגו':

² This verse is found at the end of Parshas Ki Setze, immediately after the prohibition that is written there of having false measures and weights. It reads in full:

כִּי תוֹעֵבַת ה' אֵל...לִקִּיךָ כָּל עֹשֶׂה אֱלֹה כָּל עֹשֶׂה עוֹל:

Because it is an abomination of Hashem your G-d whoever does this, whoever does iniquity.

Although we will not focus on it here, the placement of this verse deserves to be noted since it immediately precedes *Parshas Amalek*.

³ This verse is written in connection with idols. It reads in full:

Do not do iniquity in judgment-This teaches that a judge who ruins the judgment is called iniquitous, hated, disgusting, forbidden and abominable.

Iniquity is called 'abomination' as it says 'because it is abominable to Hashem whoever does iniquity. 'Abomination is called 'disgusting' and 'forbidden' as it says 'do not bring an abomination into your house because you will be forbidden like it is forbidden; you should surely treat it with disgust.

לא תשא פני דל - שלא תאמר עני הוא זה והעשיר חייב לפרנסו, אזכנו בדיון,
ונמצא מתפרנס בנקיות:

Do not raise the face of the poor-You should not say, 'He is poor and the wealthy have to support him [in any case]. I will find him innocent and he will be supported cleanly.'

ולא תהדר פני גדול - שלא תאמר עשיר הוא זה בן גדולים הוא זה, היאך
אביישנו ואראה בבושתו, עונש יש בדבר, לכך נאמר ולא תהדר פני גדול:

Do not favor the face of the great person-You should not say, 'He is a wealthy person, his parents were prominent people, how can I embarrass him and see his shame?'

If you say so, there is a punishment. Therefore the Torah says, 'do not favor the great person.'

This Posuk speaks for itself and needs no further elucidation. In fact, even without Rashi I would have understood the prohibition completely. Rashi came only to explain the rationale of a judge who wishes to be judicious who would contemplate altering the verdict for what he erringly thought to be moral and ethical considerations.

וְלֹא תָבִיא תוֹעֵבָה אֶל בֵּיתְךָ וְהִייתָ חָרָם כְּמֵהוּ שֶׁקָּץ תִּשְׁקָצוּ וְתַעֲב וְתִתְעַבּוּ כִּי חָרָם הוּא:

Do not bring an abomination to your house; you will be forbidden like it is forbidden, you should surely treat it with disgust and your surely treat it as an abomination because it is forbidden.

I am challenged, however, when I see this initial phrase of the verse repeated verbatim in our Parsha. Twenty verses later (ibid. Posuk 35) we read:

לֹא תַעֲשׂוּ עוֹל בַּמִּשְׁפָּט בַּמִּדָּה בַּמִּשְׁקָל וּבַמְשׁוּרָה:

Do not do iniquity in judgment in measures of weight or liquids⁴.

Rashi raises the question regarding the repetition of the prohibition of iniquity in judgment and writes:

לא תעשו עול במשפט - אם לדין, הרי כבר נאמר לא תעשו עול במשפט. ומהו משפט השנוי כאן, הוא המדה והמשקל והמשורה. מלמד שהמודד נקרא דיין, שאם שיקר במדה הרי הוא כמקלקל את הדין וקרוי עול, שנאוי, ומשוקץ, חרם ותועבה. וגורם לחמשה דברים האמורים בדיין מטמא את הארץ, ומחלל את השם, ומסלק את השכינה, ומפיל את ישראל בחרב, ומגלה אותם מארצם:

Do not do iniquity in judgment-If this verse refers to a court-the Torah already wrote 'do not do iniquity in judgment'? What is the 'judgment' that is repeated here? It refers to measurements, weights and liquid measures.

It teaches that one who measures is called a 'judge'. If he falsifies a measure he is as one who ruins a judgment. He is called iniquitous, hated, disgusting, forbidden and abominable.

He causes five [deleterious] results that are said in regards to [a dishonest] judge: he defiles the land; he profanes the Divine Name; he causes the Shechinah to depart and causes Israel to fall by the sword and for them to be exiled from Eretz Yisroel.

There are two major questions that are raised by this long commentary of Rashi. First, why is it necessary for Rashi to repeat the connotations that we associate with the dishonest judge. He told us all of this in Posuk 15, the first time that the

⁴ The following verse reads:

מֵאֲזֵנֵי צֶדֶק אֲבִנֵי צֶדֶק אֵיפֶת צֶדֶק וְהִין צֶדֶק יְהִיֶה לָכֶם אֲנִי ה' אֵלֵיכֶם אֲשֶׁר הוֹצֵאתִי אֶתְכֶם מִמִּצְרַיִם:

You should have righteous scales, righteous weights, righteous dry measures, righteous liquid measures; I am Hashem Who took you out of the Land of Egypt.

prohibition of iniquity in judgment was written. Once I am told that one who measures is considered a judge I would know to apply the appellations that related to a judge to this individual.

If one would wish to answer that Rashi repeats what he wrote to emphasize that this dishonest measurer is considered a judge in all aspects, that does not explain why Rashi writes more about this judge than he does about the 'actual' judge who sits in court.

Why does Rashi list the evil ramifications of the dishonest judge in regards to the issue of weights and measures and does not do so in regards to the 'actual' judge?

We have seen that the first time the Torah warns against iniquity in judgment is in juxtaposition to the prohibition of mistreating the deaf and the blind, by cursing and placing barriers before them.

What is the context of the second time that the Torah mentions this prohibition?

We read in the three verses immediately preceding this second mentioning (P'sukim 32-34):

מִפְּנֵי שִׂיבָה תִּקְוִים וְהִדְרִית פָּנֵי זָקֵן וַיֵּרֶאֱתָ מֵאָ... לִיקִיר אָנִי ה': וְכִי יִגֹּר אֶתְךָ גֵר
בְּאַרְצְכֶם לֹא תוֹנוּ אֹתוֹ: כְּאֶזְרַח מִכֶּם יִהְיֶה לְכֶם הַגֵּר הַגֵּר אֶתְכֶם וְאַהֲבֵתָ לוֹ כְּמוֹךָ כִּי
גֵרִים הָיִיתֶם בְּאַרְץ מִצְרַיִם אָנִי ה' א... לִיקִיכֶם:

Rise before the old person and favor the face of the elder and you should fear your G-d, I am Hashem. When a stranger dwells with you in your land do not oppress him. The stranger who dwells with you should be like a citizen with you and you should love him like yourself because you were strangers in the Land of Egypt; I am Hashem your G-d.

Rashi writes:

מִפְּנֵי שִׂיבָה תִּקְוִים - יְכוּל זָקֵן אֲשֶׁמְאִי, תִּלְמוּד לומר זָקֵן, אֵין זָקֵן אֵלֹא שִׁקְנָה חִכְמָה:

Rise before the old person-I might think that this refers to an old person who is wicked thus the Torah teaches [in the continuation] *zaken*. *Zaken* means 'one who has acquired wisdom'.

לא תונו - אונאת דברים. לא תאמר לו אמש היית עובד עבודה זרה ועכשיו אתה בא ללמוד תורה שנתנה מפי הגבורה:

Do not oppress-This refers to verbal oppression. Do not say to him, 'Yesterday you were an idolater and now you come to learn Torah that was given from the mouth of the Almighty?'

כי גרים הייתם - מום שבך אל תאמר לחברך:

Because you were strangers-Do not tell someone else that he is defective when you have the same defect.

אני ה' א...לקיכם - א...לקיך וא...לקיו אני:

I am Hashem your (plural) G-d-I am your G-d and his⁵ G-d.

The two times that the prohibition of iniquity in judgment appears in our Parsha are both within a context of the Torah's expression of concern for populations segments that can be victimized: the handicapped, the elderly and the stranger.

In Masseches Shabbos (10 a) we learn

כל דיין שדן דין אמת לאמיתו אפילו שעה אחת - מעלה עליו הכתוב כאילו נעשה שותף להקדוש ברוך הוא במעשה בראשית. כתיב הכא (שמות יח/ג⁶) ויעמד העם על משה מן הבקר עד הערב, וכתוב התם (בראשית א/ה⁷) ויהי ערב ויהי בקר יום אחד.

⁵ From this comment of Rashi we understand that the 'stranger' under discussion here is a *גר צדק*, one who has converted to Judaism and has accepted the *Targyag Mitzvos*. That is also indicated by the fact that he is termed an *אזרח*, a citizen.

⁶ The entire verse reads:

וְיִהְיֶה מִמָּחָרֶת וַיָּשֶׁב מֹשֶׁה לְשֹׁפֵט אֶת הָעָם וַיַּעֲמֵד הָעָם עַל מֹשֶׁה מִן הַבֹּקֶר עַד הָעֶרֶב:

It was on the morrow that Moshe sat to judge the people and the people stood near Moshe from the morning until the evening.

⁷ The entire verse reads:

Any judge who judges a true judgment to its full truth, even once, the Torah considers him to be a partner with Hashem in Creation. It says in regards to Moshe, 'The people stood near Moshe from morning until evening' and it says regarding Creation, 'It was evening and it was morning, one day'.

How is it that this judge would be considered as partnering with HaKodosh Boruch Hu – and in Creation, no less?

Let us see a Mishnah with which we are all familiar and the essay that the Tur wrote about it.

The final Mishnah in the first Perek of Ovos (18) reads:

וַיִּקְרָא אֶל־הַלַּיְלָה לְאֵרֶב וְלַחֲשֶׁךְ קָרָא לַיּוֹם וַיְהִי עֶרֶב וַיְהִי בֹקֶר יוֹם אֶחָד:
G-d called the light 'day' and to the darkness He called 'night' and it was evening and it was morning, Day One.

It is likely that Day One was chosen as the example, even though the same phrase of ערב ויהי בקר is repeated throughout the six days of Creation, because Day One came first.

However, there is an additional reason to commend Day One as the proof text for this statement.

Rashi writes there:

יום אחד - לפי סדר לשון הפרשה היה לו לכתוב יום ראשון, כמו שכתוב בשאר הימים שני, שלישי, רביעי. למה כתב אחד, לפי שהיה הקדוש ברוך הוא יחיד בעולמו שלא נבראו המלאכים עד יום שני, כך מפורש בבראשית רבה (ג/ח):

Day One According to the order of the way that this section expresses itself, it should have written 'the first day' [using an ordinal number] as it is written in the other days, second, third and fourth [which are ordinal numbers]. Why did the Torah write here *One* [which is a cardinal number]? It is because Hashem was singular in His world because the angels were not created until the second day. So it is explained in B'reishis Rabbah.

That is, when the Torah writes *Yom Echad* it is not counting the days. If that was what it wanted to do, it would have written *Yom Rishon*. The Torah wants to teach us that it was the *Day of The One*, referring to Hashem.

Thus, if Chazal want to point out that one is a partner with Hashem in Creation, 'Day One' is the most appropriate day to use as an example.

רבן שמעון בן גמליאל אומר על שלשה דברים העולם קיים על הדין ועל האמת ועל השלום שנאמר (זכריה ח/טז⁸) אמת ומשפט שלום שפטו בשעריכם:

Rabban Shimon ben Gamliel says, "Upon three things the world exists⁹: on judgment, on truth and on peace as it says, 'truth and justice and peace you shall judge in your gates.'"

In the very first Siman of Choshen Mishpat (s'if 1), the Tur introduces us to the laws of judges and courts which comprise the first 27 simanim there, with an essay based on the Gemara in Shabbos above and this Mishnah in Masseches Ovos.

He writes¹⁰:

רבן שמעון בן גמליאל אומר על שלשה דברים העולם קיים על הדין ועל האמת ועל השלום...פירוש אחר שנברא מתקיים על ידי הדיינין שדנין בין איש לחבירו...כי אלמלא הדין כל דאלים גבר וכן האמת כמו שאמרו [שבת קד א] שקר אין לו רגלים אבל האמת הוא יסוד ומעמד גדול לכל הדברים וכן השלום כמו שאמרו [אבות ג/ב] הוי מתפלל בשלומה של מלכות שאלמלא מורא מלכות איש את רעהו חיים בלעו ע"כ:

Rabban Shimon ben Gamliel says, 'Upon three things the world exists¹¹: on judgment, on truth and on peace.' The explanation is that after the world

⁸ The entire verse reads:

אֵלֶּה הַדְּבָרִים אֲשֶׁר תַּעֲשׂוּ דַבְּרוּ אֱמֶת אִישׁ אֶת רֵעֵהוּ וּמִשְׁפָּט שְׁלוֹם שְׁפֹטוּ בְּשַׁעְרֵיכֶם:
These are the things that you should do; speak truth, each person with his friend, truth, justice and peace judge in your gates.

⁹ The text presented here uses the world קיים, meaning existing. In the beginning of the Perek, Mishnah 2, Shimon HaTzaddik lists three things upon which the world *stands*, עומד. Although we will not focus upon the contrast between these two Mishnayos, the Tur does in a section that we have omitted.

It is significant that there are some texts that use the word עומד, stands, in Mishnah 18 as well, instead of the word קיים that is in the text cited here.

¹⁰ This first section is taken from the commentary of Rabbenu Yona on that Mishnah in Masseches Ovos. The letters ע"כ at the end of the paragraph mean עד כאן, end of quote.

was created, it exists through the judges who judge interpersonal disputes. Were it not for the rule of law, whoever would be more powerful would have his way. 'Truth', too, is a necessity for the world to exist as Chazal said in Masseches Shabbos, 'sheker-falsehood has no feet'. Truth, however, is the foundation and the great platform for everything.

Similarly, *Shalom* [is a necessity for the world to exist] as Chazal said in Masseches Ovos, 'Pray for the welfare of the kingdom; without the fear of the kingdom, each person would swallow up his neighbor alive.

זהו כוונת רבותינו ז"ל באמרם כל הדין דין אמת לאמתו כאילו נעשה שותף להקדוש ברוך הוא במעשה בראשית כי הקדוש ברוך הוא ברא העולם להיות קיים והרשעים שגוזלין וחומסין מחריבין אותו במעשיהם וכמו שמצינו בדור המבול שלא נחתם גזר דינם אלא על הגזל דכתיב (בראשית ו'יג¹²) כי מלאה הארץ חמס וכתוב בתריה הנני משחיתם את הארץ נמצא שהדיין המשבר זרועות רמות הרשעים ולוקח מידם טרף ומחזירו לבעלים מקיים העולם וגורם להשלים רצון הבורא יתברך שמו שבראו להיות קיים והרי כאילו נעשה שותף להקדוש ברוך הוא בבריאה.

This is the intent of our Chachamim when they said, 'Any judge who judges a true judgment to its full truth, the Torah considers him to be a partner with Hashem in Creation.' This is because Hashem created the world so that it should continue to exist. The wicked who steal and act violently destroy the world with their actions. This is what we found in the

¹¹ The text presented here uses the word קיים, meaning existing. In the beginning of the Perek, Mishnah 2, Shimon HaTzaddik lists three things upon which the world *stands*, עומד. Although we will know focus upon the contrast between these two Mishnayos, the Tur does in a section that we will omit.

It is significant that there are some texts that use the word עומד, stands, in Mishnah 18 as well, instead of the word קיים that is in the text cited here.

¹² The verse reads in its entirety:

וַיֹּאמֶר אֱלֹהִים... לְקַיֵּם לָנֶחָס כָּל בְּשָׂר בְּאֶרֶץ לְפָנַי כִּי מְלֵאָה הָאָרֶץ חָמָס מִפְּנֵיהֶם וְהִנְנִי מִשְׁחִיתָם אֶת הָאָרֶץ:

G-d said to Noah, "The end of all flesh came before Me because the land is full with corruption before them; behold I am destroying them, the land.

generation of the flood that their judgment was sealed because of theft¹³ as it is written, 'the land was full with violence' and afterwards it is written, 'Behold I am destroying them, the land'. Thus, the judge who breaks the haughty arms of the wicked and takes the prey from their hands and returns it to the rightful owners causes the world to continue to exist and brings about the completion of the Will of Hashem Who created the world to continue to exist and thus he becomes a partner to HaKodosh Boruch Hu in the Creation.

ואברהם אבינו לא ידעו השם וקראו אוהבי¹⁴ אלא על אשר הלך בדרך המשפט והדריך בו בניו כדכתיב [בראשית יח/יט¹⁵] כי ידעתיו למען אשר יצוה את בניו ואת ביתו אחריו ושמרו את דרך ה' לעשות צדקה ומשפט...¹⁶

Hashem only established His close relationship with Avraham and called him, *the one who loves Me*, because he followed the path of justice and led his sons on that path as it is written, 'Because I Hashem have known him in order that he will command his sons and his household after him and they will preserve the path of Hashem to do righteousness and justice.'

וכפי גודל משכורתו כן עונש המבטלו והמעוותו כדתנן (אבות ה/ח) חרב בא לעולם על ענוי הדין ועל עוות הדין וכן אמר דוד (תהלים קיט/קכא) עשיתי משפט וצדק בל תניחני לעשקי מכלל שבמניעת המשפט יונח ביד העושקים...

¹³ This is found in Rashi there.

¹⁴ The Tur is referring to the verse in Yeshaya (Perek 41/Posuk 8) which reads:
וְאַתָּה יִשְׂרָאֵל עַבְדִּי יַעֲקֹב אֲשֶׁר בְּחַרְתִּיךָ זָרַע אַבְרָהָם אֹהֲבִי:
You, Israel my servant, Yaakov, I have chosen you, Avraham who loves Me.

¹⁵ The entire verse reads:

כִּי יָדַעְתִּיו לְמַעַן אֲשֶׁר יִצְוֶה אֶת בְּנָיו וְאֶת בֵּיתוֹ אַחֲרָיו וְשָׁמְרוּ דֶרֶךְ ה' לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט לְמַעַן הִבִּיא ה' עַל אַבְרָהָם אֶת אֲשֶׁר דִּבֶּר עָלָיו:

Because I Hashem have known him in order that he will command his sons and his household after him and they will preserve the path of Hashem to do righteousness and justice in order that Hashem brought upon Avraham all that He spoke to him.

¹⁶ In the following section, Tur shows us how Moshe Rabbenu, Yehoshua, Shmuel HaNovi, Dovid Hamelech, Shlomo HaMelech, Kings Yehoshafot and Yoshiah all pursued justice at its highest level.

Commensurate with the greatness of the reward is the punishment for one who voids it and twists it as the Mishnah writes, 'Destruction by sword comes to the world for delaying judgment and twisting judgment.' Dovid HaMelech said, 'I have done justice and righteousness, do not put me down before those who wish to cheat me.' From this we learn that by refraining from justice a person is placed before those who cheat him.

והקדוש ברוך הוא חפץ בו יותר מבכל הקרבנות דכתיב (משלי כא/ג) עשה צדקה
ומשפט נבחר לה' מזבח מחטאת ועולה...

Hashem wants justice more than korbonos as it is written, 'Doing righteousness and justice is more choice before Hashem than a [*Shlomim*] offering, a sin-offering or a burnt-offering.

Justice and Righteousness. That is the key, Rabbenu Yaakov ben Rabbenu HaRosh, the Tur, teaches us.

He introduces us to a fourth section of Halachah that he created¹⁷-*Choshen Mishpot*. He tells us in this introductory essay, 'If you are interested in the survival of the world that G-d created, if you are interested in the success of the Jewish People, if you desire to see Eretz Yisroel populated and the Final Redemption to take place, remember – Justice and Righteousness.'

And when the Torah tells us twice in our Parsha not to pervert justice, it does so in the context of the weak of society.

What was the reason, we asked, why the Torah combines the two prohibitions of cursing the deaf and placing the stumbling block before the blind in the same verse? We asked why we should equate the two? The blind man may indeed stumble and be harmed from the actions of his nemesis. The deaf man? He may

¹⁷ It was the Tur, centuries before Maran Rav Yosef Karo, author of the Shulchan Aruch, who conceived the division of applicable Halachah into the four sections of *Orach Chaim*, *Yoreh Deah*, *Even HoEzer* and *Choshen Mishpot*.

never know that he has been cursed and maybe no one else heard it either. Isn't it a victimless crime¹⁸?

The answer is, I believe, that the Torah is not interested in only protecting the victims. The Torah is emphasizing the inherent evil of the one who curses to instruct us how to view the one who places the stumbling block or the one who wishes to take advantage of those who are unable to protect themselves.

The issue is not only protecting the victims. The issue is the very fact that there are people who wish to victimize, whether they are successful or not.

Just like the one who curses the deaf is considered evil, whether or not the deaf person knows of the curse at all, so one who wishes to trip up someone else, whether or not he is successful, is still evil.

One who wishes to take advantage of the elderly but does not accomplish his goal is still evil. And one who taunts the stranger is iniquitous whether or not the stranger takes umbrage.

¹⁸ It should be noted that in Masseches Megillah (15 a) and many other places in Shas, we read:

אל תהי קללת הדיוט קלה בעיניך

Do not take the curse of a non-distinguished person lightly.

The Gemara there explains the source.

Sefer Hachinuch, in Mitzvah 231, the prohibition of cursing that is in our Parsha, focuses on the power of the spoken word. He writes:

...כי בהיות הנפש המדברת שבאדם חלק עליוני, וכמו שכתוב (בראשית ב/ז) ויפח באפיו נשמת

חיים, ותרגם אונקלוס לרוח ממללא, נתן בה כח רב לפעול אפילו במה שהוא חוץ ממנה..

Since the speaking soul in man is from the heavens, as it is written: Hashem blew into his nostrils a living breath, and Onkelos translates it as a 'speaking spirit', we see that Hashem imbued it with great power to work even on an object that is external to it.

However, since this does not mean that every curse is effective, it is certainly true that the deaf man who is cursed was not victimized.

This is the reason that so many times, one of which is our verse of the deaf and the blind, the Torah writes to fear G-d.

Rashi writes here:

ויראת מא...ל"קיק- לפי שהדבר הזה אינו מסור לבריות לידע אם דעתו של זה לטובה או לרעה, ויכול להשמט ולומר לטובה נתכוונתי, לפיכך נאמר בו ויראת מא...לקיק המכיר מחשבותיך. וכן כל דבר המסור ללבו של אדם העושהו ואין שאר הבריות מכירות בו, נאמר בו ויראת מא...ל"קיק.

You shall fear G-d- Since regarding this matter (placing a stumbling block of one type or another) it is impossible for others to discern (the intention of the perpetrator) to know if his intent was to do good or bad and he can extricate himself and say, 'I intended to be helpful', therefore it says here, 'You shall fear G-d.' He knows your thoughts. Similarly, anything that is dependent on the inner-thoughts of the heart of the one who performs an act and no one else can know his intentions- says regarding it, 'You shall fear G-d'.

The evil is not just when others suffer. The evil is when we behave without justice and without righteousness to the other. Actual consequences exacerbate the evil, but the person was already one who perverts justice.

That is the lesson that the Parsha wishes to teach us. Inherent respect for the other is what G-d demands. If we understand such on our own, that is wonderful. If we do not, or if the situation is particularly trying, then we remember, '*fear G-d*'.

And now that we understand this, we have an answer for our opening question. It seems that it is foolish, a classic *klotz kashya*. There is never a situation where the falling of the tree will not be heard.

Hashem is there; He hears. The sound is there and the impact is felt.

This is one of the messages of sanctity which the Torah presents us with in this Parsha that commands us (Posuk 2):

דַּבֵּר אֶל כָּל עֵדֶת בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם קְדוֹשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי ה' אֱלֹהֵיכֶם:

Speak to the entire congregation of B'nei Yisroel and you shall say to them,
'You should be holy because I, Hashem your G-d, am holy.

Shabbat Shalom

Chodesh Tov

Rabbi Pollock

פרשת אמור

Which of the five chumashim has the fewest descriptions of historical events? Certainly we eliminate B'reishis, Sh'mos and B'midbar. They all tell about many, many historical events that transpired.

I think that the answer to our question would be that it is a close race between the Book of Vayikro and the Book of D'vorim.

If one would wish to describe all of Sefer D'vorim as an 'event' because Moshe is speaking throughout the entire Book for a period of over a month, then it is out of the competition as well.

If not, then one would have to decide if the re-descriptions of historical events count-the *m'raglim*, *Mattan Torah*, the war against *Sichon*, and some others. It could be that one could come to the conclusion, if all of the above are eliminated, that the one historical event that is told in 'real time' is that of the death of Moshe Rabbenu. And, of course, that historical event could be related only then since the conclusion of the transmission of Torah ShebiChtav and the conclusion of the life of Moshe Rabbenu are exactly parallel.

In our Sefer Vayikro we read of two events. One of them has to be told because it parallels the ongoing history of Israel. We had to learn about the dedication of the Mishkan and the death of the two sons of Aharon in Parshas Sh'mini because that is the conclusion of the laws of Korbonos which the two previous Parshos Vayikro and Tzav discussed.

However, there is one other event that occurs in Sefer Vayikro that is found in our Parshas Emor that seems to have no particular purpose to be written there.

We read (Vayikro Perek 24/P'sukim 10-14; 23):

וַיֵּצֵא בֶן אִשָּׁה יִשְׂרָאֵלִית וְהוּא בֶן אִישׁ מִצְרִי בְּתוֹךְ בְּנֵי יִשְׂרָאֵל וַיִּנְצוּ בַּמַּחֲנֶה בֶן הַיִּשְׂרָאֵלִית וְאִישׁ הַיִּשְׂרָאֵלִי: וַיִּקַּב בֶּן הָאִשָּׁה הַיִּשְׂרָאֵלִית אֶת הַשֵּׁם וַיִּקְלַל וַיִּבְיֵאוּ אֹתוֹ אֶל מֹשֶׁה וְשֵׁם אָמוֹ שְׁלֵמִית בֵּת דְּבָרִי לְמַטֵּה דָן: וַיִּנְיַחְהוּ בַּמִּשְׁמֶר לְפָרֹשׁ לָהֶם עַל פִּי ה': וַיְדַבֵּר ה' אֶל מֹשֶׁה לֵאמֹר: הוֹצֵא אֶת הַמְּקַלֵּל אֶל מְחוּץ לַמַּחֲנֶה וְסָמְכוּ כָּל הַשְּׂמֵעִים אֶת יְדֵיהֶם עַל רֵאשׁוֹ וְרָגְמוּ אֹתוֹ כָּל הַעֵדָה:

The son of an Israelite woman who was the son of an Egyptian man went out into the midst of B'nei Yisroel and the son of the Israelite woman and an Israelite man argued in the camp. The son of the Israelite woman noted the Name of G-d and cursed and they brought him before Moshe and the name of his mother was Shlomis bas Divri from the Tribe of Dan. They put him under guard to explain to them according to the word of G-d. Hashem spoke to Moshe saying. Take the blasphemer out of the camp and all those who heard him should place their hands on his head and the entire congregation should curse him.

וַיְדַבֵּר מֹשֶׁה אֶל בְּנֵי יִשְׂרָאֵל וַיּוֹצִיאוּ אֶת הַמְקַלֵּל אֶל מַחוּץ לַמַּחֲנֶה וַיִּרְגְּמוּ אֹתוֹ אֲבָן
וּבְנֵי יִשְׂרָאֵל עָשׂוּ כְּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה:

Hashem spoke to B'nei Yisroel and they took the blasphemer outside of the camp and they stoned him with stones and B'nei Yisroel did as G-d commanded Moshe.

If we were aware of an historical time-line in Sefer Vayikro and this event occurred according to that time-line, I would understand its placement; it would be easily understood.

However, other than the dedication of the Mishkan on the first of Nissan as we read in Parshas Sh'mini, there is no time line at all for Sefer Vayikro other than its opening verse¹⁹ and its closing verse²⁰ and neither of them are relevant to the event under discussion here.

¹⁹ The first verse of Sefer Vayikro reads:

וַיִּקְרָא אֶל מֹשֶׁה וַיְדַבֵּר ה' אֵלָיו מֵאֹהֶל מוֹעֵד לֵאמֹר:

He called to Moshe and Hashem spoke to him from the Ohel Moed saying.

Thus, we know that this was still when the Ohel Moed served as the venue of Divine communication. In addition, since we learn only of Israel's travels in Sefer B'midbar it is reasonable to assume that they were still encamped at Sinai as will be brought further on.

²⁰ Sefer Vayikro closes (Perek 27/Posuk 34) with:

אֵלֶּה הַמִּצְוֹת אֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה אֶל בְּנֵי יִשְׂרָאֵל בְּהַר סִינַי:

These are the commandments that G-d commanded Moshe to B'nei Yisroel at Mt. Sinai.

Furthermore, this was not a solitary event. There was another event related to capital punishment that took place in the same period of time.

We read in Parshas Shlach Lecha (B'midbar Perek 15/P'sukim 32-34):

וַיְהִי בְּנֵי יִשְׂרָאֵל בְּמִדְבָּר וַיִּמְצְאוּ אִישׁ מְקַשֵּׁשׁ עֵצִים בַּיּוֹם הַשְּׁבִיט: וַיִּקְרִיבוּ אֹתוֹ
הַמְצָאִים אֹתוֹ מְקַשֵּׁשׁ עֵצִים אֶל מֹשֶׁה וְאֶל אַהֲרֹן וְאֶל כָּל הָעֵדָה: וַיִּנְיְחוּ אֹתוֹ בַּמִּשְׁמֶר כִּי
לֹא פָרַשׁ מֶה יַעֲשֶׂה לוֹ:

B'nei Yisroel were in the wilderness and they found a man gathering wood on the Shabbos Day. Those who found him gathering²¹ the wood brought him to Moshe and to Aharon and to the entire congregation. They placed him under guard because it was not explained to them what would be done to him.

Rashi writes on our Parsha (Posuk 12):

ויניחהו...-מקושש...שניהם היו בפרק אחד.

They placed him-The wood-gatherer...both occurred in the same time period.

The time that our ancestors spent at Sinai was close to a year. We read in Parshas Yisro (Sh'mos Perek 19/Posuk 1):

בַּחֹדֶשׁ הַשְּׁלִישִׁי לְצֵאת בְּנֵי יִשְׂרָאֵל מֵאֶרֶץ מִצְרַיִם בַּיּוֹם הַזֶּה בָּאוּ מִדְבַר סִינַי:

At the third month from the Exodus of B'nei Yisroel from the Land of Egypt, on this day they came to the Sinai Wilderness.

As Rashi explains, this was on Rosh Chodesh Sivan.

We are also told when they left Sinai (B'midbar Perek 10/P'sukim 11-12):

וַיְהִי בַשָּׁנָה הַשְּׁנִיית בַּחֹדֶשׁ הַשְּׁנִי בְּעֶשְׂרִים בַּחֹדֶשׁ נִעְלָה הָעֶנָן מֵעַל מִשְׁכַּן הָעֵדוּת: וַיִּסְעוּ בְנֵי יִשְׂרָאֵל
לְמִסְעֵיהֶם מִמִּדְבַר סִינַי וַיִּשְׁכַּן הָעֶנָן בְּמִדְבַר פָּאֲרָן:

It was in the second year, in the second month, on the twentieth of the month that the cloud arose from above the Mishkan of Testimony. B'nei Yisroel went on their journeys from the Sinai Wilderness and the cloud rested in the Poron Wilderness.

²¹ There are many opinions regarding the meaning of מקושש here. We have translated it 'gathering' based on Onkelos. The Shabbos melachah would therefore be מעמר, gathering detached growths in the field where they grew.

Therefore, the appearance of this event in Sefer Vayikro²² requires an explanation²³.

²² As we will see, this event informs regarding all of Vayikro, and the entire Torah as well.

The reason for its placement specifically in Parshas Emor is its juxtaposition to the immediately preceding section of *Lechem HaPonim*, the bread that weekly was baked on Friday, placed on the *Shulchan* in the Beis HaMikdosh on Shabbos and replaced the following week with the bread that was baked on the following Friday. That is, when the bread was consumed by the Kohanim it was over a week old.

The anger of the son of the Israelite woman was raised when he was refused dwelling with the tribe of his mother, *Shevet Dan*. Since his father was non-Jewish he was rejected from setting up this tent there since patrilineage determines *Shevet*-affiliation.

When his claim was thrown out of court he mocked the *avodah* of the *Lechem HaPonim* saying that it was disgraceful. Rashi brings his statement:

לגלג ואמר ביום השבת יערכנו, דרך המלך לאכול פת חמה בכל יום, או שמא פת צוננת של תשעה ימים, בתמיה.

He mocked and said, “[The Torah says, ‘On the Shabbos Day it shall be set’. A King eats hot [fresh] bread daily. Is someone going to give him cold bread that is nine days old?”

That is the legitimation for the specific placement of this episode in our Parsha and in the place in our Parsha where we find it.

Here we discuss the placement of the event in Sefer Vayikro. The Torah could have seemingly written this together with the wood-gatherer and written it in Parshas Sh’lach. Had the Torah wished, it could have also written the section of *Lechem HaPonim* there, too. In that very section there the Torah teaches regarding the *nesachim*-the wine libations.

It should be noted that we read in Sefer Sh’muel I (Perek 21/Posuk 7):

וַיִּתֵּן לוֹ הַכֹּהֵן קֶדֶשׁ כִּי לֹא הָיָה שָׁם לֶחֶם כִּי אִם לֶחֶם הַפָּנִים הַמְּוֹסְרִים מִלִּפְנֵי ה' לְשׂוּם לֶחֶם חֵם בְּיוֹם הַלִּקְחָו:

The Kohen gave [Dovid] sanctified food because there was no other bread there than the *Lechem HaPonim* that was removed from before Hashem to place hot bread on the day that it was taken.

In Masseches Yoma (21 a) we read that Chazal learned from this verse:

There is a most clear contrast between the first sections of Sefer Vayikro and its later parts.

The extensive details that the Torah provides us with in regard to the Korbonos, the laws of purity and impurity, forbidden foods and more, are paradigmatic *chukkim*, laws about which we are unable to fathom their reasoning. We do not know why Hashem commanded them.

This is not to say that *chukkim* have no reason; that is not so. Rambam writes clearly in Moreh Nevuchim (Maamar 3/Perek 26) that there is a reason and purpose for all Mitzvos and their details:

כל מצוה ואזהרה מהן נמשכת אחר החכמה והמכוון בה תכלית אחת, ושהמצות
לם יש להם סבה, ומפני התועלת צוה בהם, והיות לכלם עלה אלא שאנחנו נסכל
עלת קצתם ולא נדע אופני החכמה בה

Every Mitzvah and prohibition of the Torah is related to wisdom and is directed towards a purpose. All of the Mitzvos have a causal reason because of the benefit that He commanded in them. It is that all have a

נס גדול היה נעשה בלחם הפנים, סלוקו כסדור...

A great miracle occurred with the *Lechem HaPonim* it was as hot when it was removed as it was when it was placed on the *Shulchan*.

²³ In fact, there are many questions to raise about the way that this event is transmitted from the unusual identification of the perpetrator to the revelation of his mother's name after being identified as the 'Israeli woman' twice as well as the precise meaning of the two verbs used to express this curse: *מקלל* and *נוקב*. We are dealing specifically with this section's placement and what it has to teach us.

Or HaChaim HaKodosh deals with a number of details and helps us gain a more complete understanding.

See *Chasam Sofer Al HaTorah* to Sefer Vayikro, page 113, for the most comprehensive explication of this section that I have found; one that deals with precision regarding all that seems questionable in these verses.

It should be noted that what is written there was not written by Chasam Sofer himself, but by a disciple, as is noted in the beginning of the second section of that volume.

cause but it is our ignorance about the cause of some of them that we do not understand the paths of the wisdom in them.

On the other hand there are Mitzvos that we term שכליות, that is, practices and behaviors that we would have understood to be worthy of fulfillment even if they had not been commanded²⁴.

Those Mitzvos that are שכליות are found predominantly in last week's Parshas Kedoshim, next week's Parshas Behar and our Parshas Hashavua, Emor. We learn about the obligations to be honest, prohibitions against dishonesty, the need to care for the poor and the underprivileged as well as not to physically harm others or damage their property.

All of these precepts are necessary components to make our world livable. That is, if one doesn't want to live in a *Sedom*-type world, there must be societal rules that govern our interpersonal behavior. Without those rules, the rationale nature of which deems them *sich'lios*, we would be exposed to a frightening anarchistic community that would be threatening at every step and turn.

In fact, that is one reason why we need government, as the Mishnah in Masseches Ovos (Perek 3/Mishna 3) writes:

רבי חנינא סגן הכהנים אומר הוי מתפלל בשלומה של מלכות שאלמלא מוראה איש את רעהו חיים בלעו:

Rabi Chanina S'gan HaKohanim says, 'One should pray for the welfare of the kingdom because were it not for the fear of it, everyone would swallow up his neighbor alive.'

Thus, long before Torah was given, communities developed their own laws and rules.

²⁴ There is an additional category: עדות, commandments that allow us to show appreciation for those significant events in our history, particularly the Exodus. They are certainly closer to being שכליות than חוקים because their overall rationale is simple to fathom even if some of their particulars are *chukkim*.

That is, the commemorative aspects of Pesach, for example, such as matzah and maror are easily understood whereas the Mitzvos of Lulav and Esrog of Sukkos are closer to *chukkim*, in and of themselves.

It thus may seem surprising to us when we again look at the section of the מקלל , the blasphemer.

We noted earlier, when we questioned the placement of our section in Parshas Emor, that the event of the Sabbath wood-gatherer took place at the same time.

But, there is more to the relationship between these two events than their temporal proximity and Rashi points that out as well.

Regarding the wood-gatherer the Torah writes (Perek15/Posuk 34):

וַיִּנְחֹוּ אֹתוֹ בַּמִּשְׁמֶר כִּי לֹא פִרְשׁ מֶה יַעֲשֶׂה לוֹ:

They placed him under guard because it was not explained to them what would be done to him.

This verse is certainly reminiscent of the similar verse in our section. But if we don't rely on our memory alone and put the two verses side by side we will see the variance.

In our Parsha we read:

וַיִּנְחֹוּ בַּמִּשְׁמֶר לְפָרֵשׁ לָהֶם עַל פִּי ה':

They put him under guard to explain to them according to the word of G-d.

Perhaps, the verses appear so similar that one is tempted to disregard the nuances and attribute them to 'literary devices'.

But, such an approach is incorrect. If we attend to the verse of the wood-gatherer we are told that they did not know what should be *done* with him. When we compare that to the verse of the blasphemer, it is more vague. What was to be done is not known-but something else isn't known as well – that is the implication of the difference between the two verses.

Rashi writes in Parshas Sh'lach:

כי לא פרש מה יעשה לו - לא היו יודעים באיזו מיתה ימות, אבל יודעים היו שהמחלל שבת במיתה:

It was not explained to them what would be done to him-they did not know what death penalty to impose upon him. But they did know that a Sabbath desecrator was punishable by death.

Sifsei Chachamim writes there:

מדכתיב כי לא פרש מה יעשה לו משמע שהיו יודעין שחייב מיתה שנאמר (שמות לא/יד²⁵) מחלליה מות יומת אבל לא פירש באיזה מיתה אבל במקלל בפרשת אמור הוא אומר לפרוש להם משמע שאינם ידועים אם חייב מיתה אם לאו.

Since it is written 'it was not explained what would be done to him' it implies that they knew that he was liable for a death penalty because it says 'those who profane Shabbos shall surely die' but they did not know which specific death penalty was to be imposed.

But, regarding the blasphemer in Parshas Emor it says 'to explain to them'. The implication is that they did not know if he was liable for the death penalty at all.

Now, we have pointed out that the Torah is guided by rationale thinking. Would we have any doubt that our ancestors at the time when the Torah was given would not have known that blasphemy is punishable by death?

Blasphemy is a heinous crime. Its content is shocking and the way that it comes to court displays a requisite sensitivity due to its shocking nature.

The Mishnah teaches us in Masseches Sanhedrin (Perek 7/Mishnah 5):

המגדף אינו חייב עד שיפרש השם

The blasphemer is not liable the death penalty unless he explicitly says the Name of G-d.

Bartenura explains:

²⁵ The entire verse reads:

וּשְׁמַרְתֶּם אֶת הַשַּׁבָּת כִּי קֹדֶשׁ הוּא לָכֶם מְחַלְלֶיהָ מוֹת יוֹמָת כִּי כָּל הָעֹשֶׂה בָּהּ מְלָאכָה וְנִקְרְתָה הַנֶּפֶשׁ הַהוּא מִקְרָב עַמִּיהָ:

You shall observe the Shabbos because it is holy for you; those who profane it shall surely die because anyone who does Melachah on Shabbos – that soul shall be excised from the midst of its people.

עד שיפרש את השם - ויברך השם בשם. שנאמר (שם כד/טז) ונוקב שם ה' בנקבו
שם, שינקוב השם בשם:

*Until he explicitly says the Name-and he curses G-d's Name with G-d's
Name as it says,*

Bartenura is referring us to a verse and the one that preceded it (15) at the end of
our Parsha, two verses that were omitted above.

They read:

וְאֶל בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ אִישׁ כִּי יִקְלֹל אֶ...ל'קיו וְנָשָׂא חֲטָאוֹ: וְנִקְבַּ
שֵׁם ה' מוֹת יוֹמֵת רָגוּם יִרְגְּמוּ בוֹ כָּל הָעֵדָה כַּגֵּר כַּאֲזָרַח בְּנִקְבוֹ שֵׁם יוֹמֵת:

You should speak to B'nei Yisroel saying, 'Any person who curses his
G-d will bear his sin. The one who explicitly names Hashem shall
surely die; you shall surely stone him, the entire congregation, like
the convert like the citizen, when he explicitly names Hashem he
shall die.

Now, we know that the only time that G-d's Name is pronounced as it is written is
on Yom Kippur in the Beis HaMikdosh. This blasphemer has committed multiple
terribly wrong acts. Not only did he curse G-d, he uttered the ineffable Name in
the most profaned way imaginable.

And how does Beis Din try this crime?

Bartenura, following the Gemara, notes that the Posuk mentions the explicit
naming of G-d twice and that this implies that the blasphemer who receives the
death penalty has to say G-d's Name twice. He has to explicitly, that is as the
name is written, *Yud* then *Heh* and *Vov* and *Heh*, and not a form of *adono...i*, say
the four-letter name of G-d, saying that G-d should curse G-d.

It seems to be superfluous to emphasize the gravity of blasphemy. If we do not
say G-d's Name in a holy context, all the more so that it is uniquely grave to say it
in a context that is profane and one cannot even express the horror of using His
Name in the context of our Posuk.

The issue is so severe that Beis Din had to grapple how to receive testimony regard the crime of a מקלל.

Of course, in any trial, witnesses have to testify that a particular action occurred, describe that action in detail and undergo grueling testimony, particularly when the issue is a case of capital punishment. Each witness testifies independently, not in the presence of his fellow witness, or witnesses, describing the event, the warning that they presented to the perpetrator and the perpetrator's response.

Imagine, then, in this case, how many times the Ineffable Name of G-d has to be said and repeated, each time expressing the words of this horrendous curse. It seems untenable.

It is for that reason the Mishnah writes there in continuation:

אמר רבי יהושע בן קרחה בכל יום דנין את העדים בכינוי יכה יוסי את יוסי נגמר הדין לא הורגים בכינוי אלא מוציאים כל אדם לחוץ ושואלים את הגדול שבהן ואומרים לו אמור מה ששמעת בפירוש והוא אומר והדיינים עומדין על רגליהן וקורעין ולא מאחין והשני אומר אף אני כמוהו והשלישי אומר אף אני כמוהו:

Rabi Yehoshua ben Korcho said, 'Daily throughout the trial, the witnesses testify using a substitute name for the Name of Hashem. They express it as 'the accused said Yose should hit Yose'²⁶. When it comes time for Beis Din to issue their decision, they cannot decide to decree the death penalty based on a substitute name.

They would make everyone leave the courtroom and address the most senior of the witnesses (in the presence of the other witnesses) and say to him, 'Say explicitly and exactly what you heard.' He then says [the

²⁶ The commentators explain that יוסי is a word of four-letters, just like the Name of Hashem and it begins with the letter yud, just like the Name of Hashem. Therefore they found it to be the best approximation to use at the initial stages of the trial.

Additionally, Bartenura points out that the *gematria* of יוסי is equivalent of *E...lokim*, both equal the sum of 68. Thus there is some additional equivalency.

Ineffable Name]. The judges arose on their feet and tore their garments and were not allowed to repair them well²⁷.

The second witness says, 'I also heard like him' and the third witness says, 'I also heard like him.'

Doesn't it seem strange that with all of the above evidence, none of which is strange or difficult to understand, that they did not know what to do with this blasphemer?

But, the answer is, and that is why it is in Sefer Vayikro, that even with Mitzvos that are rationale, that we understand their purpose and their justification, our rationality has our limits and we need the Word of G-d to direct.

²⁷ The word **מאחים** has the word **אח**, 'brother', as its root. Both of these words are related to **אחד**, one.

The connection between 'brother' and 'one' is obvious. They are 'one' and together.

מאחים is a type of professional sewing that will make the torn garment appear as if it was never torn. It is sewn perfectly.

We learn in Shulchan Aruch Yoreh Deah (Siman 340/s'ifim 15, 17) that when a person tears in mourning for a parent, that tear can never be repaired professionally:

על אביו ואמו שולל לאחר שלושים יום, ואינו מאחה לעולם.

When one tears upon the loss of a parent, the tear can be sewn up unprofessionally after 30 days; it may never be repaired professionally.

When the King or one's Rebbe from whom learned the bulk of his Torah dies, the Halachah is similar:

ועל נשיא ועל רבו מובהק, שולל למחר ואינו מאחה לעולם.

For the King (or the *Nosi* in the time of Chazal) and for his Rebbe, he can repair the garment unprofessionally the next day but it can never be repaired professionally.

Thus, the expression of grief for hearing the curse, even in the context of the court when a curse is not being expressed as such, is at least as shocking and as full of grief and remorse as the death of a loved one or a most significant personal or national figure.

Everyone understood that the curse of our Parsha had to be a crime. So the offender was put in jail. But nothing was done to him, no punishment was executed, no lashes and no death penalty until they were told by Hashem how to act.

It is easy, and correct to make the distinction between מצוות שכליות, those commandments about which we understand their rationale, and מצוות שמעיות, those commandments that we fulfill because we *heard* them. We would not have known to fulfill them were we not to have heard them.

But, we should not be misled into thinking that once is a Mitzvah is rationale I know how to fulfill it.

In a remarkable interpretation of the a number of verses in the 19th Chapter of Tehillim, *Sefer Halkkarim* instructs us regarding the limits of our rationality when it comes to truly understanding how a 'rational' commandment is to be fulfilled.

Sefer Halkkarim compares the superiority of Divine Law over that of legislated law, laws that were enacted by a fair-minded and just legislature. Among others, he points out the following (Maamar I, Perek 8):

- Legislated law will enable a society to function well in its own context, in this world, but cannot guarantee that it will express true values that will bring its citizenry to *Olom HaBo*.
- At its best, legislative law can deal with *principles* of justice; it cannot guarantee that all of its specifics will be just. Divine Law is just in its principles and in its specifics.
- Because one can always doubt whether humanly-legislated laws are truly just, one cannot have complete satisfaction in their fulfillment. Divine Law is objectively just and thus one who follows it has the satisfaction of knowing that his actions are correct.
- Legislative law cannot determine eternal values. They take into account the ethics and morality that exist in a certain time but they are incapable of

having a broad and objective view of that which is inherently 'right' and that which is not. The values that Divine Law presents are eternal.

- Finally, for our purposes here, we note this distinction between man-made law and the Divine. Punishments decreed by legislatures and kings are always inexact. They do not meet with the basic criteria of *midah k'neged midah*, that the penalty should be commensurate with the violation. Since legislative law by definition is inexact, the values that it represents are far from perfect and since they are not perfect then whatever punishments it wishes to confer will be even more inaccurate. Divine Law teaches perfectly accurate commandments and the punishments and penalties that are associated with violations are just as perfect.

It is perhaps with this understanding that we can better appreciate some of the interpretations that Or HaChaim HaKodosh offers for the culminating verse of the event of the blasphemer and that of our Parsha that we brought above.

We read (Perek 24/Posuk 23):

וַיְדַבֵּר מֹשֶׁה אֶל בְּנֵי יִשְׂרָאֵל וַיֹּצִיאוּ אֶת הַמְקַלֵּל אֶל מְחוּץ לַמַּחֲנֶה וַיִּרְגְּמוּ אֹתוֹ אֲבָן
וּבְנֵי יִשְׂרָאֵל עָשׂוּ כְּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה:

Hashem spoke to B'nei Yisroel and they took the blasphemer outside of the camp and they stoned him with stone and B'nei Yisroel did as G-d commanded Moshe.

Or HaChaim notes that this Posuk contains an inner redundancy. In the earlier verse we were told of the punishment that was to be meted out to the blasphemer. In this verse we are told that they performed the punishment and then we are told that they followed Hashem's command.

One of the phrases of our verse seems to be superfluous. Either write the first phrase, describing what they did and then it is unnecessary to tell me that they followed the Word of G-d, because that is already explicit or tell me that they followed the Word of G-d and omit the description of what they did-because that is implicit. Why am I told both what they did as well as being informed that they followed the Divine command?

He writes:

ובני ישראל עשו וגו'. קשה מה מקום ובני ישראל עשו וגו' אחר שאמר ויוציאו את המקלל וגו' וירגמו אותו אבן הריני רואה שעשו את אשר צוה ה', ויש לומר לצד שהיה הדבר על ידי מריבה ומחלוקת שהיתה בין הישראלי ובין בן הישראלית יש מקום לומר שעשו בו משפט כתוב לאמצעות גם כן טינא שבלב, לזה אמר עשו כאשר צוה ה' פירוש לצד מצות ה' הוא שעשו.

B'nei Yisroel did etc.-This is difficult. What is the place of 'B'nei Yisroel did' after we are told that 'they took out the blasphemer etc. and they stoned him with stone'? We see that they did according to G-d's command.

The answer is that since this event was connected to the fighting and dispute that was between the Israelite man and the son of the Israelite woman there would be a place to say that the judgment that was carried out was because of the anger that was in the heart [of Israel].

Therefore the verse says that they did like G-d commanded, meaning they did their action as G-d's Mitzvah [not as something that came from their personal convictions or emotions].

Mitzvos are not done because I decide that they are correct, that they 'make sense' or that they are reasonable. The fulfillment of all Mitzvos is primarily a result of the Divine command. If a person needs to approve of a Mitzvah before performing it, if one needs to appreciate the value of a prohibition before refraining from an activity, then the authority and inherent value of the Divine command is lost.

I pay lip service to the word *Mitzvah* if I leave it up to myself to determine whether or not one should fulfill a specific command or not.

B'nei Yisroel in this greatly-charged situation, one in which it would certainly be understood if emotions and personal/national judgment would arise to decide how to deal with such an extreme case, knew their place, understood their limitations and it was precisely the hurt of this inestimable insult to the Ribono Shel Olam that they responded to by not acting on their feelings but by respecting the Divine Word and following it with precision.

If G-d was 'insulted' and Israel wanted to demonstrate their utter rejection of that insult, then actions that demonstrated their complete fealty to the Ribbono Shel Olom were the most meaningful responses.

Such is also the impact of the Seforno who comments on a verse that we brought earlier:

וְנִקְבַּ שֵׁם ה' מוֹת יוֹמֵת רָגוּם יִרְגְמוּ בוֹ כָּל הָעֵדָה כְּגֵר כְּאֶזְרָח בְּנִקְבוֹ שֵׁם יוֹמֵת:

The one who explicitly names Hashem shall surely die; you shall surely stone him, the entire congregation, like the convert like the citizen, when he explicitly names Hashem he shall die.

Why here does the Torah emphasize the equivalency of the convert and the citizen, one who was naturalized and the other natural-born?

Seforno writes:

כְּגֵר כְּאֶזְרָח. וְאִין זֶה הָעוֹנֵשׁ לְזֶה הַמְּבֻרָךְ עֵתָה מִפְּנֵי הַיּוֹתוֹ גֵּר כִּי בְּזֵה גַם הָאֶזְרָח
הִיָּה שׁוֹה לּוֹ בְּנִקְבוֹ שֵׁם:

Like the convert like the citizen-This punishment isn't being given to the blasphemer now because he is a convert. In this matter, he and the citizen are equals regarding cursing Hashem.

Emotions did not rule here. The accusation, conviction and subsequent punishment of the son of the Israelite woman were not a result of his being a foreigner. He was not chosen to suffer because of his background. He was punished because of the inherent evil of his deed.

Or HaChaim HaKodosh makes this point and tells us of that a correct reading of the words כְּגֵר כְּאֶזְרָח make clear, beyond doubt, that such is the intent of the Torah.

He writes his words when the Torah repeats the equivalency between the convert and the citizen in the very same words in Posuk 22. We read there:

מִשְׁפַּט אֶחָד יִהְיֶה לָכֶם כְּגֵר כְּאֶזְרָח יִהְיֶה כִּי אֲנִי ה' אֱלֹהֵיכֶם:

One law will be for you, like the convert like the citizen it will be; I am Hashem your G-d.

Or HaChaim writes:

כגר כאזרח. ולא אמר הגר כאזרח, שאז יהיה נשמע כי מדרגת גר למטה ממדרגת אזרח שהקטן נתלה בגדול, לזה אמר כגר כאזרח פירוש האזרח כגר והגר כאזרח ששקולים הם במשפט:

Like the convert, like the citizen-The Torah does not write *the convert is like the citizen*. If the Torah would have written it that way it would imply that the level of the convert is lower than that of the citizen, because [when a comparison is made between that which is of lesser importance and that which is of greater importance] that which is less important is made dependent on that which is of greater significance.

It is for this reason [that the Torah did not write it that way but wrote] 'like the convert, like the citizen' to teach that the citizen is equivalent to the convert and the convert is equivalent to the citizen. They are equal before the law because they are equal before G-d.

Were emotions allowed to rule, undoubtedly the anger and wrath would have increased exponentially-'how could an outsider speak that way about our G-d?'

But emotions did not rule. The Word of G-d ruled.

Sefer Vayikro begins with a 'rule book' that only G-d could have devised. No one loyal to HaKodosh Boruch Hu would have imagined creating his own rules of how to serve G-d in His Sanctuary, what is proper and what is not.

One could have thought, on the other hand, that there are many valuable behaviors about which we know and understand their necessity. We do not need to be told about fundamental morality and ethical behavior. Other civilized nations also have basic tenets which they follow.

Are we incapable of designing our own laws and the carrying them out? Can we not be independently religious as moral individuals, conscious of our interpersonal responsibilities?

The answer is 'no'. We have our limitations. As sincere and as honest as we may wish to be, our shortcomings are too great.

That is the very point that the Torah reveals to us by placing the event of the blasphemer in Sefer Vayikro.

It could have been written in Sefer B'midbar, together with the contemporary event of the wood-gatherer.

But the anger-provoking event of the מקלל is written in this *Sefer* which has such a mix of *chukkim* and *mishpotim*, laws that are beyond our scope of understanding and laws that we may *think* that we are sufficiently profound to perceive on our own.

Our ancestors provide us with an extraordinary example of knowing their place before G-d and subjugating their judgment, their intellect before Him.

This is a reminder for all times and a reminder for our times when, even in Orthodox circles, the distinction is forgotten and put aside.

May we not forget it!

Shabbat Shalom

Rabbi Pollock