

פרשת נשא

For all of the years that I lived in Chutz LaAretz, one of the highlights of every Yom Tov was *Birkas Kohanim*. A number of times during the year I was able to take my children under the Tallis, hear the B'rachos from the Kohanim and sing along with them as they chanted their melodious *aye aye aye aye aye aye aye*.

When we made Aliya I had to get used to the fact that there was daily *Birkas Kohanim-Duchaning*, and twice on Shabbos. Sometimes I was taken by surprise when I wasn't fully paying attention to *Chazaras HaShatz* and jumped to attention, startled.

What is no less interesting to me, at least, is that I do not appreciate the blessings any less. It is certainly not something that I mention the day before or the week before as I did in Chutz LaAretz-because it is daily. But the enthusiasm has not tempered, Boruch Hashem. Familiarity breeds appreciation.

And that takes us to this week's Parshas Noso where we read (B'midbar Perek 6/P'sukim 22-27):

וַיְדַבֵּר ה' אֶל מֹשֶׁה לֵאמֹר: דַּבֵּר אֶל אַהֲרֹן וְאֶל בְּנָיו לֵאמֹר כֹּה תְבַרְכוּ אֶת בְּנֵי יִשְׂרָאֵל
אָמֹר לָהֶם: יְבָרְכֶךָ ה' וְיִשְׁמְרֶךָ: יָאֵר ה' פָּנָיו אֵלֶיךָ וַיַּחֲנֶנֶךָ: יִשָּׂא ה' פָּנָיו אֵלֶיךָ וַיִּשֶׂם לְךָ
שָׁלוֹם: וְשָׂמוּ אֶת שְׁמִי עַל בְּנֵי יִשְׂרָאֵל וְאֲנִי אֲבָרְכֶם:

Hashem spoke to Moshe saying: Speak to Aharon and to his sons saying, 'This is how you will bless B'nei Yisroel, say to them: Hashem should bless you and guard you. Hashem should shine His Face upon you and give you favor. Hashem should raise His Face towards you and place peace upon you.' They will place My Name upon B'nei Yisroel and I will bless them.

We will not focus on the *parshanut* of Birkas Kohanim, analyzing the meaning of each of the blessings and their internal relationship. Rather our primary focus will be upon some of the Halachos governing the recitation of these blessings.

Let us begin with a question. If I wanted to locate the Halachos of Birkas Kohanim in Rambam's Mishneh Torah, in which of its fourteen books would I look?

It is likely that I would be drawn to *Sefer Avodah* which deals with *Avodas Beis HaMikdosh*. It is also likely that I would first check the section of that Sefer called

הלכות כלי המקדש והעובדים בו.

The Laws of the Vessels of the Mikdosh and Those Who Serve¹ in it.

A preliminary glance at Rambam's introduction to this section, in which he lists all of the *Taryag Mitzvos* that are associated with it as he does in each section, reveals that the Mitzvah of Birkas Kohanim is not found here. When I peruse the contents of this section I am not surprised because I see it talks more about how the Kohanim and Levi'im should be dressed and their functions, but not the actual performance of their Mitzvos.

My second and third choices are still in Sefer Avodah where I look at two other sections that are relatively general: הלכות מעשה הקרבנות and הלכות תמידים ומוספים - Laws of the Performance of *Korbonos* and Laws of the Tomid and Musaf Offerings, respectively. But, there as well, there is no mention of Birkas Kohanim.

So, I have no choice. I ask someone who knows and they direct me to *Sefer Ahavah* which contains the laws of Shema, Sh'moneh Esreh, Brachos, Tefillin, Mezuzah, Sefer Torah and Milah.

But where? In which set? When I finally open the section dealing with Sh'moneh Esreh, הלכות תפילה, I see that I have found that which I am seeking. In the introduction there Rambam writes among the Mitzvos in this section:

¹ When asking someone the proper name of this section, he may be surprised at the fullness of the name written here. In many editions of Mishneh Torah this section is called *Hilchos K'lei HaMikdosh*, without the addition of *V'hoOvdim Bo*. But such was done, I imagine, to save space. The correct name is how it is written here.

יש בכללן שתי מצות עשה, אחת לעבוד את ה' בכל יום בתפלה, שנייה לברך כהנים את ישראל בכל יום.

In these *halachos* there are two positive commandments: one is to serve G-d daily with prayer and the second for Kohanim to bless Israel daily.

And, when I look a little more intensely, I see that the complete title for this section is:

הלכות תפלה וברכת כהנים

The Laws of Prayer and Birkas Kohanim

Now I know that the Halachos of Birkas Kohanim are in Shulchan Aruch Orach Chaim (Siman 128). That is not surprising because Shulchan Aruch does not have a section dealing with the Beis HaMikdosh. Since *duchening* is part of the daily prayers, Shuchan Aruch had no choice but to include these Halachos in the same section as Tefilah.

Rambam, on the other hand, had a choice. There are laws of Kohanim and their service. Why did he not put them in one of the sections of Sefer Avodah?

And as I think about it even more, there is an astonishing fact to which I never have attended. If giving these blessings is part of the service of a Kohen, functioning as such, how come it takes place outside of the Beis Hamikdosh?

One cannot respond and say that if it takes place only inside the Beis HaMikdosh then how will the blessings reach us. That is patently incorrect. All the service of the Beis HaMikdosh was for the benefit of all of Israel. Furthermore, we have been taught (Masseches Pesachim 85 b):

אפילו מחיצה של ברזל אינה מפסקת בין ישראל לאביהם שבשמים.

Even an iron wall does not place a blockage between Israel and their Father in Heaven.

Let us see some additional halachos that are also 'curious'. Rambam writes there (Perek 14/Halachah 3):

כיצד היא נשיאת כפים בגבולין בעת שיגיע שליח צבור לעבודה בעת שיגיע שליח צבור לעבודה כשיאמר רצה כל הכהנים העומדים בבית הכנסת נעקרין ממקומן והולכין ועולין לדוכן...כשמשלימין פסוק ראשון כל העם עונין אמן, וחוזר שליח צבור ומקרא אותן פסוק שני מלה מלה והם עונים עד שמשלימין פסוק שני וכל העם עונין אמן, וכן בפסוק שלישי.

How is Birkas Kohanim² done outside the Beis HaMikdosh³? When the Shliach Tzibbur reaches the Bracha of *Avodah* in the Amida and says 'R'tzeh', the Kohanim who are standing in the synagogue move from their place and ascend the platform...

When they complete the first Posuk, all the people respond Omein. The Shliach Tzibbur reads them the second Posuk word for word, they respond and when they finish the second Posuk all the people respond Omein and so it is with the third Posuk.

First, I am surprised by the opening of this paragraph? Why should Birkas Kohanim, which is recited in the Beis HaMikdosh and outside of it, be singled out regarding how it is done outside of the Beis HaMikdosh? And what could be different? This is exactly how we see the Kohanim presenting their blessings all of the time. Certainly the words of the blessings cannot be different. The Torah dictates them!

But whatever surprise that we may have gives way to the facts as Rambam writes there in Halacha 9:

² The term Rambam uses here is נשיאת כפיים which means 'raising the hands', the posture of the Kohanim when they give these blessings.

We have also referred to Birkas Kohanim as *duchening* which is an Anglicized version of the Hebreo-Yiddish term *duchanan*.

The word דוכן means a platform and the Kohanim would ascend a platform to deliver their blessing, hence the usage of this additional term.

³ Rambam's term גבולים means borders. It refers to anyplace other than the Beis HaMikdosh as we will immediately see. I do not know why the term גבולים was chosen to be used here. See note 6.

כי צד ברכת כהנים במקדש, הכהנים עולין לדוכן אחר שישלימו הכהנים עבודת תמיד של שחר...ואחד מקרא אותן מלה מלה כדרך שעושין בגבולין עד שישלימו שלשה הפסוקים, ואין העם עונין אחר כל פסוק אלא עושין אותה במקדש ברכה אחת, וכשישלימו כל העם עונים ברוך ה' א...לקים א...לקי ישראל מן העולם ועד העולם.

How is Birkas Kohanim done in the Beis HaMikdosh? The Kohanim ascend to the platform after the Kohanim complete their service of morning Korban *Tomid*⁴...

Someone reads out the words one by one as is done outside the Beis HaMikdosh until the Kohanim complete all three verses. The people do not respond after each verse. Rather, in the Mikdosh they make it all one blessing. When the Kohanim complete [the three verses] the people respond, 'Blessed is Hashem, the G-d of Israel forever and ever'⁵.

⁴ This is parallel to *R'tzeh* of the Shliach Tzibbur.

⁵ The Mishnah in Masseches B'rachos (54 a) teaches:

כל חותמי ברכות שבמקדש היו אומרים: עד העולם. משקלקלו הצדוקים ואמרו אין עולם אלא אחד - התקינו שיהו אומרים: מן העולם ועד העולם.

At the conclusion of the B'rachos in the Beis HaMikdosh they [originally] said: [Blessed...] forever. When the Tzedukim became ruinous in their behavior and said that there is only one world [this and not the next] the Chachamim instituted to say from forever and forever.

The word for 'forever' is לעולם, meaning 'to the end of the world'.

The Gemara expands on this idea later on (63 a):

כל כך למה - לפי שאין עונין אמן במקדש. ומנין שאין עונין אמן במקדש - שנאמר קומו ברכו את ה' א...לקיכם מן העולם עד העולם. ואומר ויברכו (את) שם כבודך ומרומם על כל ברכה ותהלה. יכול כל הברכות כולן תהא להן תהלה אחת - תלמוד לומר ומרומם על כל ברכה ותהלה, על כל ברכה וברכה - תן לו תהלה .

Why was there such a long ending? Because 'omein' is not the response in the Beis HaMikdosh.

From where do we know that we don't answer 'omein' in the Beis HaMikdosh? From that which is written, 'Arise and bless Hashem your G-d from forever until forever.' And it says, 'They should bless Your honorable and raised Name above every blessing and praise.'

In the following Halachah (10), Rambam tells us of another difference between the Birkas Kohanim of the Beis HaMikdosh and that which was recited outside of the Beis HaMikdosh. Perhaps, this will be the most surprising of the differences because it will destroy a common misconception. We will see the Rambam and the reader will know if s/he had such a misunderstanding.

We read:

אומר את השם ככתבו והוא השם הנהגה מיו"ד ה"א וא"ו ה"א, וזה הוא השם
המפורש האמור בכל מקום, ובמדינה אומרים אותו בכינויו והוא באל"ף דל"ת, שאין
מזכירין את השם ככתבו אלא במקדש בלבד,

The Kohen says the Name of G-d as it is written. It is the Name that is pronounced *Yud, Heh, Vov, Heh*. That is the *Shem HaMeforash* that is discussed in many places. Outside of the Beis HaMikdosh⁶ we say the Name of G-d with its representative Name which begins with the letters *Aleph, Dalet*.

The reason for this difference is that the Name of G-d as it is written is only said in the Beis HaMikdosh⁷.

One might think that each B'racha [no matter what its purpose] should have identical praise. Therefore it teaches us 'raised above every blessing and praise-for each separate blessing give it its proper praise.

⁶ Here Rambam uses the term *medinah* for outside the Beis HaMikdosh. In different contexts 'Mikdosh' includes Yerushalayim and 'medinah' means outside of Yerushalyim.

See note 3.

⁷ The Rambam continues there:

ומשמת שמעון הצדיק פסקו הכהנים מלברך בשם המפורש אפילו במקדש כדי שלא ילמוד אותו
אדם שאינו חשוב ושאינו הגון, ולא היו חכמים הראשונים מלמדין שם זה לתלמידיהם ובניהם
ההגונים אלא פעם אחת לשבע שנים, כל זה גדולה לשמו הנכבד והנורא.

When [the Kohen Godol] Shimon HaTzaddik died [in the early years of Bayis Sheini] the Kohanim ceased to recite B'rachos with the *Shem HaMeforash* even in the Mikdosh so that unimportant and unfit people would not learn it. It is for that reason that the early Chachamim did not teach the *Shem*

If there is a misconception that it was only on Yom HaKippurim that the Shem HaMeforash was said and only by the Kohen Godol, it would be justified because that is such an essential part of our Tefilos on that day.

But whatever the case, this is a stunning difference between the Birkas Kohanim in the Beis HaMikdosh and out of it.

Let us see two more special aspects of Birkas Kohanim and then attempt to draw some conclusion that will explain the exceptional aspects that we are learning.

Rambam writes there in Perek 15 (Halachos 1-2):

ששה דברים מונעין נשיאת כפים:...והמומין...

המומין כיצד כהן שיש מומין בפניו או בידיו או ברגליו כגון שהיו אצבעותיו עקומות או עקושות או שהיו ידיו בוהקניות לא ישא את כפיו לפי שהעם מסתכלין בו, מי שהיה רירו יורד על זקנו בשעה שהוא מדבר וכן הסומא באחת מעיניו לא ישא את כפיו, ואם היה דש בעירו והכל היו רגילים בזה הסומא באחת מעיניו או בזה שרירו זב מותר לפי שאין מסתכלין בו...

Six things prevent a Kohen from saying Birkas Kohanim...defects...

What defects prevent a Kohen from *duchaning*? A Kohen who has defects on his face or his hands or his feet, for example, if his fingers were crooked or bent over or his hands were unusually large, he should not say Birkas Kohanim because the people will stare at him. One whose saliva drips down his beard when he speaks or a person who is blind in one of his eyes – he should not recite Birkas Kohanim. But if he was well-known in his city and all were used to this person blind in one eye or this one whose saliva drips, then he is allowed because people will not stare at them.

HaMeforash even to their worthy students and sons - only once in seven years. All this was to show the greatness of the Honorable and Awesome Name.

Regarding Shimon HaTzaddik see the Mishnah in Masseches Ovot (Perek 1/Mishnah 2) and Masseches Yoma (39 b and 69 a).

Now, if we had heard that a Kohen with a *moom*-defect was disqualified, we should be able to open our Chumash to Parshas Emor and read regarding those defects that disqualify a Kohen from service. However, that is not what Rambam writes here.

In fact, based on what we read here it appears that there is a basic, if not total, difference between that which disqualifies the service of the Kohen in his *Avodas HaKorbonos* and that which disqualifies him regarding Birkas Kohanim. In this, Rambam does not distinguish between the Beis HaMikdosh and other sites.

What seems to be the operative factor in most cases⁸ is distraction that unusual features of the Kohen may cause. Rambam has already written (Perek 14/Halachah7):

...ואין אדם רשאי להסתכל בפני הכהנים בשעה שהן מברכין את העם כדי ה שלא יסיחו דעתם, אלא כל העם מתכווין לשמוע הברכה ומכוונים פניהם כנגד פני הכהנים ואינם מביטים בפניהם.

One is not allowed to look at the Kohanim when they are blessing the people so that they (the congregation) should not be distracted. Rather, the people should concentrate to hear the blessing, directing their faces towards the Kohanim⁹, but not looking at their faces.

⁸ The discussion here is not intended to present a treatise of the defects that disqualify the Kohen for Birkas Kohanim. One who is interested can view the various topics of discussion cited in *Sefer HaMaftach* of the Frankel edition of Mishneh Torah.

⁹ Some may be familiar with the false superstition that one doesn't look at the Kohanim because they may be blinded or the like. I have been to shuls where people *davka* turned their backs on the Kohanim because they thought they were being particularly 'religious' about this falsehood.

Another false idea is that the Kohanim do not look at their hands while they are reciting *Birkas Kohanim* because 'the Shechinah is between their fingers. They don't look at their hands so that they do not become distract and are thus able to bless Israel fully and completely.

Thus, it is very clear that the reason why at least some of these defects are disqualifiers is because they take away the *kavanah* of the person being blessed. Thus, Rambam wrote that if someone is well-known in his locale, some defects, at least, will not be distracting and thus do not disqualify the Kohen¹⁰.

The disqualifying defects of *Avodas HaKorbonos* are not subjective at all. They are clear-cut and indisputable – גזירת הכתוב, explicit Torah commands !

Finally, we will note a Halachah that should have already raised questions on its own.

Birkas Kohanim is preceded by its own *B'racha*, one that is *Birkas HaMitzvah* - the blessing recited before performing a Mitzvah.

As we know, *Anshei K'nesses HaGedolah* enacted that a *B'rachah* should be recited before performing a Mitzvah in order that the Mitzvah should be fulfilled with utmost *kavanah* – knowing that the act that one does is a fulfillment of G-d's Will.

No one reading this article is unfamiliar with the format of each and every *Birkas HaMitzvah*¹¹. It begins with *Shem V'malchus*, noting G-d's Name and His reign and the fact that the Mitzvah we are about to perform is a function of the sanctity that He implanted within us and that we are doing His Will.

¹⁰ Since some of these defects are subjective, depending on circumstances, that is the answer to the question that some ask regarding the Rambam's opening sentence in this section:

	דברים מונעין נשיאת כפים
Things that <i>prevent</i> Birkas Kohanim	
rather than the expected:	
	דברים המעכבים
Things that <i>bar</i>	
since this latter expression is much harsher.	

But the answer is that since some of the issues that Rambam deals with here are subjective, he chose not to use a language that would imply disqualification in any and all circumstances.

¹¹ See the entry on *Birchos HaMitzvah* in *Encyclopedia Talmudit*, volume III for a comprehensive introduction to this subject.

Each and every Birkas HaMitzvah then concludes with a statement regarding the particular Mitzvah one is about to do:

על נטילת ידיים, לישב בסוכה, על אכילת מצה

For washing or sitting in the Sukka or eating Matzah

to name a few.

A grand exception to that which we all know is found in the *Birkas HaMitzvah* of Birkas Kohanim, a blessing that we have all heard many, many times. Rambam brings its text there in Perek 14 (Halachah 12):

מברך ברוך אתה ה' א...לקינו מלך העולם אשר קדשנו בקדושתו של אהרן וצונו לברך את עמו ישראל באהבה:

The Kohen recites, 'Blessed are You Hashem, our G-d, King of the Universe who has sanctified us with the sanctity of Aharon and He has commanded us to bless His People Israel with love'¹².

It is true that Kohanim are sanctified with the sanctity of Aharon. They are all his descendants. However, why was it necessary to replace the standard:

אשר קדשנו במצותיו

He sanctified us with His commandments

with this phrase¹³?

And it is the *nusach* of this blessing, authored by Anshei K'nesses HaGedoloh, which will provide us with a key for understanding.

Besides the very significant change that we noted, there is an implication that stems from this blessing that doesn't seem to be realized.

¹² For an overview of the intent of the word 'love' in this blessing see Rav Nachshoni's הגות בפרשנות התורה on Parshas Noso.

¹³ One could ask why could not this new phrase referring to the sanctity of Aharon been *added* to the B'racha rather than replacing part of it.

The language of the blessing is that the Kohanim were imbued with the Kedushah of *Aharon*. It doesn't say that they were imbued with the sanctity of *Kehunah*, but with that of *Aharon*.

What is the point of that phrase? Are only Kohanim Gedolim allowed to *duchan*? Is that the point of that blessing?

Chizkuni already points out that the Posuk goes out of its way to emphasize that all Kohanim are eligible to recite Birkas Kohanim. That is why the command to Moshe reads:

דַּבֵּר אֶל אַהֲרֹן וְאֶל בְּנָיו לֵאמֹר כֹּה תְבָרְכוּ:

Speak to Aharon and his sons saying, 'So you should bless'

If so, then what is the sanctity of Aharon implied by the blessing? We know that a Kohen Godol is unique regarding whom he can marry and when he is allowed to become *tomei* for a dead person¹⁴. He has restrictions that exceed those of a *kohen hedyot*. I would have thought that was his sanctity but that cannot be the sanctity that is meant by the B'racha!

There is an additional sanctity that Aharon possessed. It wasn't a sanctity of restrictions or obligations; it was the unique way that he lived his life.

Aharon HaKohen HaGodol lived a life in which there was no respite from his duties. If he would have taken even one day's vacation away from his 'office' he would have foregone one of his obligations.

We read in Parshas Tzav (Vayikro Perek 6/Posuk 13):

זֶה קָרְבַּן אַהֲרֹן וּבְנָיו אֲשֶׁר יִקְרִיבוּ לָהּ בְּיוֹם הַמִּשְׁחָה אֶתֹּו עֵשִׂירֵת הָאֶפָּה סֹלֶת מִנְחָה
תְּמִיד מִמִּצִּיתָהּ בַּבֹּקֶר וּמִמִּצִּיתָהּ בָּעֶרֶב:

This is the offering of Aharon and his sons on the day that he is anointed: one-tenth of an *ephah* measure of fine flour, a permanent grain offering, one-half in the morning and one-half towards the evening.

¹⁴ See Parshas Emor (Vayikro Perek 21/P'sukim 10-15) for the source.

And we read two verses later (Posuk 15):

וְהִכֵּהֶן הַמְּשִׁיחַ תַּחֲתֵיו מִבְּנֵי יַעֲשֶׂה אֹתָהּ חֶק עוֹלָם לָהּ כְּלִיל תִּקְטָר:

The anointed Kohen from among his sons, the one who replaces Aharon, shall do it as an eternal law for Hashem; it shall be completely consumed by the fire.

Rashi teaches us the interrelationship between these two verses. He writes here:

זה קרבן אהרן ובניו - אף ההדיוטות מקריבין עשירית האיפה ביום שהן מתחנכין לעבודה, אבל כהן גדול בכל יום, שנאמר מנחה תמיד וגו' והכהן המשיח תחתיו מבניו וגו' חק עולם וגו':

This is the offering of Aharon and his sons—even the regular Kohanim bring this one-tenth eiphoh on the day that they are consecrated for service.

But, the Kohen Godol brings it everyday as it says, 'an eternal *tomid* offering...and the anointed Kohen who replaces him from among his sons etc. it shall be an eternal law etc.

Both the *Kohen Hedyot* and the *Kohen HaGodol* bring this *Korban Mincha*, one-half in the morning and one-half in the afternoon.

However, whereas the *Kohen Hedyot* brings this offering only once in his lifetime, the Kohen Godol brings daily. Since this offering is divided in half, it becomes that daily, both morning and afternoon, the Kohen Godol had to be in the Beis HaMikdosh.

That is one thing that we know about Aharon. What else do we know?

The Mishnah in Masseches Ovos (Perek 1/Mishnah 12) reads:

הלל אומר הוי מתלמידיו של אהרן אוהב שלום ורודף שלום אוהב את הבריות ומקרבן לתורה:

Hillel says, 'Be among the disciples of Aharon: loving peace, pursuing peace, loving people and bringing them close to Torah.'

In any circumstances, the prescription to emulate Aharon would be a very tall order. But our emulation of Aharon isn't just to do the nice things that the Mishnah writes. If that was the case, the Mishnah did not have to mention Aharon; it would have been sufficient to mention the behavior.

However, since Aharon's behavior of loving peace and pursuing it etc. was within the framework of his ongoing service to G-d, without respite, I might have thought that such a combination was impossible.

How can one be limited in so many ways: whom he can marry, the service he must perform, avoidance of all types of impurity which is catchy just like germs and on top of that, be such a people-person? Aren't we talking about a personality-type that doesn't exist?

But the point that Hillel makes is that it does exist and Aharon is the exemplary example that one can be distinct without having to be separate!

And, I believe that it is regarding this sanctity of Aharon that each Kohen, whether *godol* or *hedyot* reminds himself when he is about to bestow the G-dly blessing upon Israel.

This specific *kedushah* of Aharon teaches us that the deepest connection with the Ribbono Shel Olom does not mean social detachment.

This specific *kedushah* of Aharon teaches us that commitment to the welfare of others does not weaken one's connection with G-d.

What does the Kohen have in mind when he makes his *Birkas HaMitzvah*? He is to think, 'I now am able to bless Israel with a full relationship of *bein odom la'chaveiro* and a full relationship of *bein odom laMakom* without either of them having to be diminished even one iota.

What is the meaning of the blessings of *Birkas Kohanim*? Rashi writes clearly:

יברכך - שיתברכו נכסיו:

He will bless you-your possessions will be blessed.

וישמרך - שלא יבואו עליך שודדים ליטול ממונך, שהנותן מתנה לעבדו אינו יכול לשמרו מכל אדם, וכיון שבאים לסטים עליו ונוטלין אותה ממנו, מה הנאה יש לו במתנה זו, אבל הקדוש ברוך הוא הוא הנותן הוא השומר.

He will guard you- so that bandits will not come to take your money. For one who gives a present to his slave cannot promise to guard from everyone. If highwaymen come and take it from him, what benefit does the slave get from that present?

But Hashem – He is the Giver; He is the Guard.

יאר ה' פניו אליך - יראה לך פנים שוחקות:

Hashem should shine His face towards you- He should show you a happy face.

ישא ה' פניו אליך - יכבוש כעסו:

He should raise His face to you- He should contain His anger.

Think about it-if Hashem has shone His face upon you in the second blessing, what is the meaning of G-d containing His anger in the third?

The answer is that the 'light' of the second blessing is less than the 'raising of the face' in the third blessing.

'Light' can be perceived even before the shining object itself is visible. It is for that reason that it is light outside at dawn even though the body of the sun has not risen above the horizon.

The appearance of light in such a situation, therefore, is not complete light whatsoever. The fullness of the light will only come when the shining object itself is visible.

Therefore, the second blessing is incomplete. We have found some favor in the eyes of G-d but all of His anger has not yet abated¹⁵.

¹⁵ Hesitatingly, because it is beyond me, certainly, to pretend to recognize the meaning of G-d's actions in history, it may be said that this second stage may be that which Chazal refer to as עקבתא דמשיחא, the 'footsteps of Moshiach'.

Footsteps are heard even before the person walking towards us is visible. It may be parallel to light that is perceived even before the object casting the light is perceived.

See Masseches Sanhedrin 97 b and Masseches Sotah 31 a.

We read in the Yerushalmi Masseches Yoma (Perek 3/Halachah 2) a similar idea. Chazal were relating to the first verse of Perek 22 of Sefer Tehillim, a Perek which they attributed to Esther HaMalkah when she entered the palace of Achashveirosh on her own volition (Esther Perek 5/Posuk 1). That verse reads:

לְמַנְצֵחַ עַל אֵילַת הַשַּׁחַר מְזִמּוֹר לְדָוִד:

For the conductor: regarding the morning star, a psalm of Dovid.

The Gemara there writes:

דלמא רבי חייא רובה ורבי שמעון בן חלפתא הוו מהלכין בהדא בקעת ארבל בקריצתא ראו אילת השחר שבקע אורה אמר רבי חייא רובה לרבי שמעון בן חלפתא בר רבי: כך היא גאולתן של ישראל בתחילה קימעא קימעא כל שהיא הולכת היא הולכת ומאיר מאי טעמא [מיכה ז/ח] כי אשב בחשך ה' אור לי כך בתחילה [אסתר ב/כא] ומרדכי יושב בשער המלך ואחר כך [שם ו/יב] וישב מרדכי אל שער המלך ואחר כך [שם/יא] ויקח המן את הלבוש ואת הסוס וגו' ואחר כך [שם ח/טו] ומרדכי יצא מלפני המלך בלבוש מלכות ואח"כ [שם/טז] ליהודים היתה אורה ושמחה.

An episode: Rabi Chiya the Great and Rabi Shimon ben Chalafta were walking within the valley of Arbel. They saw the light of the morning star break through. Rabi Chiya the Great said to Rabi Shimon ben Chalafta ben Rabi Yehuda HaNosi:

This is the way that the redemption of Israel will happen, a little bit at a time. In the beginning it will be a little and as it goes on, it will become lighter and lighter. What is the reason? The Posuk explains, 'When I sit in darkness, Hashem will be a light for me.'

In the beginning it says, 'Mordechai sat [only] by the gate of the King'. Afterwards it says, 'Mordechai returned to the gate of the King' and afterwards it says, 'Homon took the clothing and the horse [and dressed Mordechai and placed him upon the horse]'. And then it says, 'Mordechai

In the third Bracha when 'He raises His head', the light has reached its apex. It is not only Divine light that is perceived; Divinity itself is apparent.

The Kohen, possessing this unique sanctity that he has inherited from his father Aharon, does not live in the upper worlds only. He maintains his presence in this world while not abandoning the sanctity of the Mikdosh.

He begins his blessings with material objects; that is the essence of this world. However, even when discussing materialism he does not fail to note the role of G-d in providing that which is material. Hashem is, as Rashi writes, uniquely bestowing gifts that He is able to guarantee their viability and permanence.

When a person has begun to understand that there is truly Divinity in the world that appears to be totally physical, the light of Hashem begins to become visible. The blessing is that we perceive that light of Hashem. As we perceive that light of Hashem then we respond accordingly until we deserve the sense of His Presence among us and then He 'raises His Head' and we attain *Shalom*, wholeness in our relationship with Him Yisborach.

If the Kohen who blesses us with have only had the sanctity of the Beis HaMikdosh, then his initial blessings for us would not have the impact that they do have. Would he be part of the world in which a person struggles to make a living, make basic acquisitions and then be afraid that they would be lost? Would he be able to identify with the farmer who spends months preparing the ground, planting, tending and nurturing, only to see pestilence, rain and storms make waste of a year's labor?

If he was not part of the world of those being blessed, would the people truly 'listen' to him with their hearts and not only their ears?

Because they have to listen with their hearts and not only their ears, the Kohen cannot present himself in a way that makes him look odd or strange. Thus, the

went out from before the King with royal dress'. And then it is written, 'The Jews had light and happiness'.

'defects' of a Kohen in regards to *Birkas Kohanim* are those things which would prevent his message from truly being received.

But, because the Kohen who is blessing is imbued with the unique sanctity of Aharon, he can be in their world, relate to them and bless them. But because of that unique sanctity that does not remove the Kohen from the sanctified space of the Mikdosh, he can also bring the one being blessed, step by step into the sphere of holiness.

Three separate blessings comprise *Birkas Kohanim*. Each one is the recipient of its own *omein* because each is its own step. *Omein* for the first, for the second and then for the third.

But, when one comes to the Beis HaMikdosh to hear the blessings, it is very different.

One has entered the perimeter of sanctity. One is already within an atmosphere of the Shechinah. G-d's Presence is a palpable fact. In such a situation, that which appears to be three blessings turns into one. The natural flow of G-d controlling the world, offering gifts and protection, shining His light and making Himself 'visible', as it were, is the very nature of the Beis HaMikdosh.

In such a case, one listens with one's heart to one all-inclusive blessing, a B'racha of the totality of experience, of the physical and the spiritual, knowing that they are all inextricably intertwined.

With such a message, His Ineffable Name is also pronounced. *Hashem*:

היה, הוה ויהיה

He is the King, He was the King, He will be the King.

When there is such a recognition, *omein* is an insufficient response. Our reply instead is a recognition of G-d's eternity and His Providence. We must say:

ברוך ה' א...לקים א...לקי ישראל מן העולם ועד העולם.

Blessed is Hashem, the G-d, G-d of Israel forever and ever.

If this idea is correct, if this is the rationale and impact of Birkas Kohanim, if its Halachos are now properly understood within the framework of its goal, we can understand one additional idea of our Parsha.

Immediately prior to Birkas Kohanim we read *Parshas Nozir*. The *nozir* has taken a specific type of *neder-vow* that prohibits him or her from becoming impure by being in contact with the dead, prohibits him from imbibing any grape products and prohibits haircutting.

Rashi tells us the reason that the Torah wrote *Parshas Nozir* where it did, immediately following *Parshas Sotah*-the woman who has behaved in such a way that legitimately brings about suspicion of adulterous behavior. He writes in our Parsha (Perek 6/Posuk 2):

כי יפלא - למה נסמכה פרשת נזיר לפרשת סוטה, לומר לך שכל הרואה סוטה בקלקולה יזיר עצמו מן היין, שהוא מביא לידי ניאוף:

When a person vows-why was Parshas Nozir juxtaposed to Parshas Sotah?
To teach you that one who sees the *Sotah* in her ruination will vow to prohibit himself from wine because it was the wine that brought about the adultery.

The reaction of the *Nozir* is that the only way to avoid the tragedy of *Sotah* is to withdraw from this world. He disavows pleasure by forbidding wine, he disavows social contact by staying away from those who come into contact with the dead in any way or form and he makes himself unkempt so that others will not wish to associate with him.

In Posuk 11 we read that a *Nozir* who has become impure by being in contact with a dead body has to follow a certain procedure. The procedure includes bringing a *Korban Chatos*. It would seem strange that he has to bring a sin-offering since the Torah describes the situation as one in which the event that defiled him came without warning, as surprise. What was his sin?

Rashi writes, bringing one opinion of Chazal:

מאשר חטא על הנפש -...רבי אלעזר הקפר אומר שציער עצמו מן היין:

That he sinned against his soul-Rabi Elazar HaKappar said, '[His sin was] that he caused pain to himself by prohibiting wine.

The *Nozir* sought holiness. He is called *holy*, as we read in Posuk 8.

However, even if he is holy, he is not invited to bless Israel.

Who is invited to bless Israel? The Kohen who can live with sanctity, both in the Beis HaMikdosh and in this world.

That is the connection between Birkas Kohanim and *Parshas Nozir*.

An individual must choose the path that will grant him sanctity in the service of G-d. An individual path may be perfect for one individual; it may be the proper and only choice for him. For him it will be a blessing.

But the blessing for Klal Yisroel, as a people, for all of us, is the one that emanates from the sanctity of Aharon HaKohen HaGodol who has taught us how to seek holiness and preserve our sanctity in the daily life that each and every one of us leads.

Shabbat Shalom

Chag Sameach

Rabbi Pollock

פרשת בהעלותך

I do not have sufficient historical information to know if this basic question regarding values and ethics was raised over the millennia, but I do know that it is an issue which vexes many. It is fascinating that an approach to its solution is found in our Parshas Bhaalosecha.

Parshas Bhaalosecha is replete with instructions, Mitzvos and events. It may be the most diverse Parsha in the entire Torah as it completes the outline of Israel's travels in the wilderness on their expected-to-be very short journey to Eretz Yisroel, the Mitzvos of inauguration of the Levi'im and Pesach Sheni and the historical episodes that cover a very short amount of history.

Sadly enough, many of those events are not complimentary to our ancestors. With the first event of the Parsha being our leaving *Har Sinai* and to the final one in which Aharon and Miriam are punished for speaking critically regarding Moshe, these were not the finest moments for Israel.

When we left Sinai we read (B'midbar Perek 10/Posuk 33):

וַיֵּסְעוּ מִהַר ה' דֶּרֶךְ שְׁלֹשֶׁת יָמִים וְאָרוֹן בְּרִית ה' נָסַע לִפְנֵיהֶם דֶּרֶךְ שְׁלֹשֶׁת יָמִים לְתוֹרָתָם מִן־הַהָרָה:

They traveled from the Mountain of G-d on a three-day journey; the Ark of the Covenant of Hashem traveled in front of them at a distance of three days to show the way for them.

The fact that they traveled was written a number of verses earlier where we read (Posuk 12):

וַיֵּסְעוּ בְּנֵי יִשְׂרָאֵל לְמַסְעֵיהֶם מִמִּדְבַּר סִינַי וַיֵּשְׁכּוּ הָעֵנָן בְּמִדְבַּר פָּאֵרָן:

B'nei Yisroel traveled on their journeys from the Wilderness of Sinai and the *cloud* settled in the Poron Wilderness.

It is not only that the fact that they traveled is repeated a second time; it is the way that this second exposition of traveling is presented. They traveled from the

Mountain of G-d. Have we seen any location described with this name? Has any other location been given such an appellation?

Thus, in Masseches Shabbos (116 a) we read:

ויסעו מהר ה' - ואמר רבי חמא ברבי חנינא: שסרו מאחרי ה'.

They traveled from the Mountain of G-d-Rabi Chamo the son of Rabi Chanina brought the Braisa that writes that 'they turned away from following after G-d'.

They did not leave a geographical site only. If that was the case, we would be pleased for our ancestors; they were on the final trek to Eretz Yisroel. However, to a certain degree they left G-d as well. The intensity of Sinai was too great for them.

Rashi there explains:

מאחרי ה' - בתוך שלשה ימים למסעם התאוו האספסוף תאוה להתרעם על הבשר כדי למרוד בהקדוש ברוך הוא.

From following Hashem-within three days of their journey the *Asafsuf* had their desires to storm and complain about the meat in order to rebel against HaKodosh Boruch Hu.

We will note those episodes momentarily.

But what we will point out now is that it is evident that the actions of our ancestors were most severe because of their inherent seriousness and their geographical and temporal proximity to Sinai, adding to the level of their misdeeds.

What is the evidence that this negative interpretation is justified?

As we know, two verses in our Parsha are set aside from the rest of the Parsha with two upside down and reversed letters *nun*. The P'sukim read (P'sukim 35-36):

וְיִהְיֶה בְּנִסְעֵי הָאָרֶץ וַיֹּאמֶר מֹשֶׁה קוּמָה ה' וַיִּפְצוּ אֹיְבֵיךָ וַיִּנְסוּ מִשְׁנֹאֶיךָ מִפְּנֵיךָ: וּבְנַחָה
יֹאמֶר שׁוּבָה ה' רַבְבוֹת אֱלֹפֵי יִשְׂרָאֵל:

When the Ark traveled Moshe would say, 'Arise Hashem, let Your enemies be scattered and those who hate You flee from before You.' When the Ark came to a rest, Moshe said, 'Hashem, rest with the myriads and thousands of Israel.'

Why are these verses written with these reversed letters? The Gemara there explains:

ולמה כתבה כאן - כדי להפסיק בין פורענות ראשונה לפורענות שנייה. פורענות שנייה מאי היא? - ויהי העם כמתאננים. פורענות ראשונה - ויסעו מהר ה'; ואמר רבי חמא ברבי חנינא: שסרו מאחרי ה'. והיכן מקומה? - אמר רב אשי: בדגלים.

Why were these verses of *Vay'hi bin'so'a* and *U'v'nu'cho yomar* written here? In order to interrupt between the punishments that was due because of the first misdeeds and that that was due for the second misdeeds.

What is the event for which the punishment for the second misdeeds was due? *The people were complaining.*

The first misdeed? They traveled from the Mountain of G-d-Rabi Chamo the son of Rabi Chanina brought the Braisa that writes that 'they turned away from following after G-d'.

What is the proper place of these verses? Rav Ashi said, 'in the description of the flags of the various tribes [earlier in our Parsha]¹⁶.

¹⁶ The Gemara in Masseches Shabbos tells us that this in the opinion of Rabban Shimon ben Gamliel. The Gemara there tells us that Rabi Yehuda HaNosi had a different opinion:

רבי אומר: לא מן השם הוא זה, אלא מפני שספר חשוב הוא בפני עצמו. כמאן אזלא הא דאמר רבי שמואל בר נחמן אמר רבי יונתן: חצבה עמודיה שבעה - אלו שבעה ספרי תורה. כמאן - כרבי

This abbreviated background is vital as we investigate one aspect of this second פורענות, an event for which Israel deserved punishment and received it.

We read regarding the second פורענות which Chazal noted (Perek 11/P'sukim 4-6, 10):

וְהָאֲסַפְסוּף אֲשֶׁר בְּקִרְבּוֹ הִתְאַווּ תְּאֵוָה וַיָּשְׁבוּ וַיִּבְכוּ גַם בְּנֵי יִשְׂרָאֵל וַיֹּאמְרוּ מִי יֵאָכְלֵנוּ
בְּשָׂר: זְכָרְנוּ אֶת הַדָּגָה אֲשֶׁר נֹאכַל בְּמִצְרַיִם חֲנָם אֶת הַקִּשְׁאִים וְאֶת הָאֲבֹטְחִים וְאֶת
הַחֲצִיר וְאֶת הַבְּצָלִים וְאֶת הַשּׁוּמִים: וְעַתָּה נִפְשָׁנוּ יִבְשָׁה אֵין כָּל בְּלִיתִי אֶל הַמֶּן עֵינֵינוּ:
וַיִּשְׁמַע מֹשֶׁה אֶת הַעָם בֹּכָה לְמִשְׁפַּחְתּוֹ אִישׁ לְפִתַּח אָהָלוֹ וַיַּחַר אָף ה' מְאֹד וַבְּעֵינֵי
מֹשֶׁה רָע:

The *Asafsuf*¹⁷ that were in the midst of the people had a desire and they returned and they cried, also B'nei Yisroel and they said, 'Who will feed us

Rabi said, 'It is not correct to say that these verse are out of place. But, the reason that they are written with these reversed letters is because these two verses comprise an [independent] important book of the Torah on their own.'

According to whose opinion is that which Rabi Shmuel bar Nachman said in the name of Rabi Yonoson: 'The Torah has excavated its seven pillars'? This refers to the seven books of the Torah. According to whom? According to Rabi.

¹⁷ Rashi writes:

והאספסוף - אלו ערב רב שנאספו אליהם בצאתם ממצרים:

The Asafsuf This refers to the *Erev Rav* that gathered to Israel when they went out of Egypt.

We read in Parshas Bo (Sh'mos Perek 12/Posuk 38):

וְגַם עֶרֶב רֶב עָלָה אִתָּם וְצֹאן וּבָקָר מְקֻנָּה כְּבֹד מְאֹד:

Also the *Erev Rav*-mixed multitude when up [from Egypt with them [B'nei Yisroel] and also sheep and cattle and a very heavy amount of herds.

Rashi writes there:

ערב רב - תערובות אומות של גרים:

Erev Rav A mixture of nations of converts.

meat? We remember the fish that we would eat in Egypt for free, the cucumbers and the melons and the leeks and the onions and the garlic. Our souls are now dry; there is nothing for our eyes to see except the *mon*.¹⁸

Moshe heard the people crying regarding their families, each person by the opening of his tent and Hashem was very angry and it was bad in the eyes of Moshe.

The Torah's description of the attitude of Hashem towards this event is unusual. We read 'מֵאֵד' ה' אַף - Hashem was very angry.

Now this event which we have just read comes on the footsteps of the פורענות that immediately follows the verse of *Va'yehi bin'so'a ho'oron*. We read (P'sukim 1-3):

ויהי העם כמתאננים רע באזני ה' וישמע ה' ויחר אפו ותבער במ אש ה' ותאכל בקצה המחנה: ויצעק העם אל משה ויתפלל משה אל ה' ותשקע האש: ויקרא שם המקום ההוא תבערה כי בערה במ אש ה':

The people were as complainers badly in the ears of Hashem and Hashem heard and He became angry and caused a 'fire of Hashem' to burn among them and it consumed at the edge of the camp. The people cried to Moshe and Moshe davened to Hashem and the fire sunk. He called the name of the places *tav'ei'ra* (fire) because there the fire of Hashem burnt.

What does מתאוננים mean literally? Why were they upset?

Rashi explains:

כמתאננים - אין מתאוננים אלא לשון עלילה מבקשים עלילה האיך לפרוש מאחרי המקום.

It would be more correct to write these people as *Safsuf* because the first letter of the word, *alef* is not vocalized. However, since Rashi teaches that the *alef* indicates that it is from the word *asaf*, to gather, we have transliterated it as *Asafsuf*.

¹⁸ In the intervening verses we read of the objective nature of *mon*, its flexibility of use and the multiple ways that it can be prepared.

Complaining- מתאוונים means libel. They thought to seek a libel to justify separating from G-d.

רע באזני ה' - תואנה שהיא רעה באזני ה' שמתכוונים שתבא באזניו ויקניט. אמרו אוי לנו כמה לבטנו בדרך הזה שלשה ימים, שלא נחנו מענוי הדרך:

Evil in the ears of G-d-a libel that is evil in the ears of Hashem. Their intent was that their libel should reach G-d's ears and anger Him. [The libel that they said was] 'Woe to us how much we have suffered during these three days [of our journey.] We have not rested from the afflictions of the travel.

Here, Hashem is angry. In the subsequent section Hashem is 'very' angry, מאוד.

In this Parsha of so many troublesome events, what makes some of able to 'anger' G-d? What makes some of them to anger G-d very much?

Let us first learn some Rashi on this section:

וישבו - גם בני ישראל ויבכו עמהם:

They returned-also B'nei Yisroel and they cried with them.

מי יאכלנו בשר - וכי לא היה להם בשר, והלא כבר נאמר (יב/לח¹⁹) וגם ערב רב עלה אתם וצאן ובקר וגו'. ואם תאמר אכלום, והלא בכניסתם לארץ נאמר (במדבר לב/א) ומקנה רב היה לבני ראובן וגו', אלא שמבקשים עלילה:

Who will feed us meat-Did they not have meat? Didn't the Torah already write, 'Also the *Erev Rav*-mixed multitude when up [from Egypt with them [B'nei Yisroel] and also sheep and cattle and a very heavy amount of herds.

אשר נאכל במצרים חנם - אם תאמר שמצריים נותנים להם דגים חנם, והלא כבר נאמר (שמות ה'יח²⁰) ותבן לא ינתן לכם, אם תבן לא היו נותנים להם חנם, דגים היו נותנים להם חנם, ומהו אומר חנם, חנם מן המצות:

¹⁹ The entire verse reads:

וְגַם עֶרֶב רֶב עָלָה אִתָּם וְצֹאן וּבָקָר מְקֻנָּה כְּבֹד מְאֹד:

Also the *Erev Rav*-mixed multitude when up [from Egypt with them [B'nei Yisroel] and also sheep and cattle and a very heavy amount of herds.

That we ate in Egypt for free- Can you say that the Egyptians gave them fish for free? Doesn't it say already, 'straw will be given to them'? If they did not give the straw [which was required for their work] to them for free, would they give them fish for free?

If so, what is the meaning of 'for free'? It means 'free' without any Mitzvah obligation.

בכה למשפחותיו - משפחות משפחות נאספים ובוכים לפרסם תרעומתן בגלוי.
ורבותינו אמרו למשפחותיו על עסקי משפחות, על עריות הנאסרות להם:

Crying for their families-Families gathered and cried in order to publicize their complaints publicly.

Our Rabbis taught 'for their families'-regarding matters of 'family'. They required regarding the forbidden marriages.

And now we are ready to deal with the question that we wanted to raise from the beginning. This section provides Or HaChaim HaKodosh with an entrée to an issue that has been particularly vexing for the last 70 years and undoubtedly had arisen before that.

The question is one of personal responsibility when a person feels that he is forced to commit a particular act. What do we say to a person who has committed crimes when he responds, 'I was following orders'? Is that a response that can ameliorate a person's guilt? Can such a statement, assuming that it is true, justify a person's actions? Can we ever say that a person was forced to commit a crime and should not be punished for it? If the perpetrator says, 'the devil made me do it', do we take him seriously?

We do not expect to provide categorically objective answers to these questions here. They are complex and have so many sub-categories and nuances that it is

²⁰ The entire verse reads:

וְעַתָּה לְכוּ עֲבְדוּ וְתָבֵן לָא יִנָּתֵן לָכֶם וְתָבֵן לְבָנִים תִּתְּנוּ:

Now and go to work and straw will not be given to you and you [still] have to provide the amount of bricks.

beyond our capability. Yet, it is worthwhile to see what our sources tell us and learn from them to begin to develop an approach.

We read that Hashem was *very* angry. Or HaChaim explains the 'very'. We will first learn the few lines that Or HaChaim writes in this regard and then begin explaining what he wrote as well as viewing additional sources.

ויחר אף ה' מאד. טעם מאד, לצד שכל עושה רשעה לצד תגבורת הפיתוי ועריבות האיסור יש לדון בו צד האונס, אבל אלו שמבקשים לשוב הרי הם כמגרים בהם יצר הרע ואין גדר רע גדול בזה:

Hashem was very angry-The reason why Hashem was 'very' angry is because there is a type of wickedness that a person does because of the powerful seductiveness and the pleasure of the sin. In such a case we may judge the person as if it was beyond his control.

[But this instance was different. It says that they 'returned'.] However, in contrast to those who were overcome by their *yetzer ho'ra'*, those who sought to 'return' were seeking to stimulate their *yetzer ha'ra'* [rather than reacting to its stimulus]. There is no greater evil than this.

Or HaChaim reminds us of a principle that is a foundational idea in Halachah. In Masseches Avoda Zara (54 a) we learn:

אונס פטריה רחמנא

The Torah exempts a person when the situation is beyond his or her control.

The Gemara in Masseches Sanhedrin (73 a) derives this idea from a verse regarding forbidden relationships.

One verse reads (D'vorim Perek 22/P'sukim 23-24):

כִּי יְהִי נֶעֱרַר בְּתוּלָהּ מֵאִשׁוֹ לְאִישׁ וּמִצָּאָה אִישׁ בְּעִיר וְשָׁכַב עִמָּה: וְהוֹצֵאתֶם אֶת שְׂנֵיהֶם אֶל שַׁעַר הָעִיר הַהוּא וּסְקַלְתֶּם אֹתָם בְּאֲבָנִים וּמִתּוֹ אֶת הַנֶּעֱרַר עַל דְּבַר אִשׁוֹ לֹא צָעֲקָה בְּעִיר וְאֶת הָאִישׁ עַל דְּבַר אִשְׁרֵי עִנָּה אֶת אִשְׁתּוֹ רַעְיוֹ וּבִעֲרֵת הָרַע מִקִּרְבָּךְ:

A young married woman²¹ who is still a virgin – and a man [other than her husband] finds her and he laid with her. You shall take them both to the gate of that city and stone them and they shall die, the woman because she did not cry out in the city and the man because he afflicted another man's wife and you shall burn the evil from your midst.

We then read (P'sukim 25-27):

וְאִם בַּשָּׂדֶה יִמְצָא הָאִישׁ אֶת הַנְּעִר הַמְאֲרָשָׁה וְהִחֲזִיק בָּהּ הָאִישׁ וְשָׁכַב עִמָּה וַיִּמָּצֵא הָאִישׁ אֶשֶׁר שָׁכַב עִמָּה לְבַדּוֹ: וְלַנְּעִר לֹא תַעֲשֶׂה דָבָר אֵין לַנְּעִר חֲטָא מוֹת כִּי כִּפְאֶשֶׁר יִקְוִם אִישׁ עַל רֵעֵהוּ וּרְצָחוֹ נָפֶשׁ כֵּן הַדָּבָר הַזֶּה: כִּי בַשָּׂדֶה מְצָאָה צְעָקָה הַנְּעִר הַמְאֲרָשָׁה וְאֵין מוֹשִׁיעַ לָהּ:

If the man finds her in the field, this young married woman, and the man takes hold of her and he laid with her, that man who laid with her, he alone shall die. Do not do anything to the young woman; the young woman does not have a punishment of death; it is just like when a person arises against another person and murders him, so is this matter. Because he found her in the field; the young married woman cried out but there was no one to save her.

Of course, it is not city or the field that determines the punishment, but the circumstances. If she was a willing participant then she is as culpable as the man. If she was forced, then she is victim just like one who is murdered.

Thus, says Or HaChaim, there may be circumstances in which the person's yetzer is very powerful and that could make him or her somewhat of a victim, mediating the level of guilt, in heaven at least if not in court.

However, such was not the case in our Parsha. The key word that indicates such is וישבו. They were not overridden by powerful internal forces that led them to sin. Rather, they were seeking the situation in which sin could be found. They sought to create such an environment.

²¹ The Torah differentiates between the death penalties to all married woman and this young woman (נערה) who has completed the first stage of marriage, אירוסין, but not נישואין. The previous verse (22) talks about other married woman.

Isn't that which Rashi says? What was the 'free' of the food that they ate in Egypt? It certainly was not without cost. They gave their very life's blood as payment for whatever they ate. Fish, vegetables? They had poor-man's bread, the Matzah that we are to remember.

The 'free' was not the bill that they paid; rather the 'free' was the freedom in which they felt that they were able to enjoy their meager sustenance.

Chazal (Masseches Kesuvos 11 a) have an expression for this:

עבדא בהפקרא ניחא

The slave is pleased with his *hefker*, morally unregulated existence.

So powerful was the 'free' life of these people in Egypt that they expressed a preference to be slaves and to live an existence unfettered by religious restrictions rather than to be freemen and have rules governing their personal behavior.

As long as that was such a powerful motivation that controlled them, when they were slaves, then there was something to say on their behalf because of the powerful forces impacting upon them.

However, at this point, they were no longer slaves. Those powerful impulses that once drove them were not found any more. But they remembered them fondly and wanted to return themselves to such situation where again they would be overwhelmed.

That is the 'very' of the anger of Hashem, according to Or HaChaim. Their attitude was repugnant and HaKodosh Boruch punished them severely as we read about the ongoing events in our Parsha.

However, in our quest to have a greater understanding regarding the rationale of being out of control due to overpowering forces, we must take a second look and see additional sources as well.

Of course, we are not taking sides; on the other hand, though, we need to have a broader perspective in order to have a broader understanding regarding possible approaches to this issue.

First, we can ask if the proof text, the young woman who is attacked, is an appropriate model for the case under discussion in our Parsha when a person is victimized by overpowering brute force.

Are powerful inner drives equivalent to physical force?

We learn what Rambam says in Hilchos Teshuva (Perek 5/Halachos 1-3):

רשות לכל אדם נתונה אם רצה להטות עצמו לדרך טובה ולהיות צדיק הרשות בידו, ואם רצה להטות עצמו לדרך רעה ולהיות רשע הרשות בידו...הוא מעצמו בדעתו ובמחשבתו יודע הטוב והרע ועושה כל מה שהוא חפץ ואין מי שיעכב בידו מלעשות הטוב או הרע

Authority is given to each individual to choose if he wishes to turn himself to a good path and to be righteous, he has the authority. If he wishes to turn himself to an evil path and to be a wicked person, he has the authority.

He, from himself, with his mind and his thoughts knows the good and the bad and can do all that he wants. No one is preventing him from doing the good or the bad.

אל יעבור במחשבתך...שהקב"ה גוזר על האדם מתחלת ברייתו להיות צדיק או רשע, אין הדבר כן אלא כל אדם ראוי לו להיות צדיק כמשה רבינו או רשע כירבעם..ואין לו מי שיכפהו ולא גוזר עליו ולא מי שמושכו לאחד משני הדרכים אלא הוא מעצמו ומדעתו נוטה לאי זו דרך שירצה...וכיון שכן הוא נמצא זה החוטא הוא הפסיד את עצמו...

One should not think that Hashem decrees upon a person from the beginning of his creation whether he will be righteous or evil. That is not so. Rather, every person is able to be righteous like Moshe Rabbenu or wicked like Yarov'om.

No one forces man or decrees upon him and nothing pulls him towards one of these two paths. Rather, he, from his own self and from his own knowledge, turns to the path that he wishes.

Since this is so, the sinner has caused his loss upon himself.

ודבר זה עיקר גדול הוא והוא עמוד התורה והמצוה... שהרשות בידכם וכל שיחפוץ האדם לעשות ממעשה בני האדם עושה בין טובים בין רעים...

This idea is a great fundamental principle and it is a pillar of Torah and Mitzvos.

Because authority is in a person's hands he may do good acts or bad acts.

Undoubtedly, when we read this Rambam we are reminded of the Mishnah in Masseches Ovos (Perek 3/Mishnah 15):

הכל צפוי והרשות נתונה

All is known by G-d in advance²² and authority is given to the individual.

Thus, although we have not examined the many, many commentaries on these Halachos in Rambam and on this Mishnah in Masseches Ovos, we see that the starting point of the Torah's perspective is to hold a person accountable for his actions.

In fact, even what was noted above as a person being seen as a victim when confronted with powerful physical force requires elucidation.

Masseches Sanhedrin (74 a-b) is the main source in Shas regarding the Halachos of martyrdom, i.e. when a person is required to give up his life rather than violate a Halachah. As is well-known, in all circumstances a person must forfeit their life rather than worshipping idols, killing someone or being involved in an illicit relationship. There is also a source in Masseches B'rachos.

²² Here in Hilchos Teshuva, Halachah 5, Rambam discusses the paradox of G-d's foreknowledge and free will.

However, the Gemara's starting point is not martyrdom. Rather, it begins telling us that in most cases **יעבר ואל יהרג**, sin and do not give up your life.

Similarly, Rambam uses the same order when he teaches us the laws of martyrdom. He writes in Hilchos Yesodei HaTorah (Perek 5/Halachah 1):

כשיעמוד עובד כוכבים ויאנוס את ישראל לעבור על אחת מכל מצות האמורות בתורה או יהרגנו יעבור ואל יהרג שנאמר במצות אשר יעשה אותם האדם וחי בהם, וחי בהם ולא שימות בהם, ואם מת ולא עבר הרי זה מתחייב בנפשו.

When an idolater rises up and forces a Jew to commit one of the sins that are written in the Torah or he will kill him - he should sin and not be killed because the verse says regarding Mitzvos: 'that a person will do them and live within them'. He should live with them and not die with them. If a person in such a case will give up his life and not violated the Mitzvah, he has committed a capital crime.

The verse to which Rambam refers is found in Vayikro (Perek 18/Posuk 5). It reads:

וּשְׁמַרְתֶּם אֶת חֻקֹּתַי וְאֶת מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אֹתָם הָאָדָם וְחַי בָּהֶם אֲנִי ה'.

You should observe My statutes and My laws that a person should do and live within them, I am Hashem.

That is, this verse teaches us a general principle. This principle, one lives within the Mitzvos but does not die within them, is the default position. A change from the default position, that a person must give up his life, requires another verse or source to countermand **וּחַי בָּהֶם**.

It is only in the following Halachah that Ramban teaches regarding **יעבר ואל יהרג**, when one must give up his life rather than sin in those and related circumstances.

For each of the rulings that a person must give up his life, Chazal have a source in the Torah.

Why is a person commanded to give up his life rather than committing an act of idolatry? The Mishnah in Massechet B'rachos (54 a) explains the verse in Sefer D'vorim (Perek 6/Posuk 5):

וְאֶהְבֶּתָּ אֶת ה' אֱלֹהֶיךָ בְּכָל לִבְבְּךָ וּבְכָל נַפְשְׁךָ וּבְכָל מְאֹדְךָ:

You shall love Hashem your G-d with all of your heart and with all of your soul and with all your might.

The Mishnah explains:

ובכל נפשך - אפילו הוא נוטל את נפשך,

With all of your life-even if He takes your life.

Regarding the illicit relationships and murder, the verse cited above is the source.

וְלִנְעֵר לֹא תַעֲשֶׂה דָבָר אֵין לְנֵעֵר חַטָּא מוֹת כִּי כְאֲשֶׁר יְקוּם אִישׁ עַל רֵעֵהוּ וּרְצָחוֹ נֶפֶשׁ כֵּן הַדָּבָר הַזֶּה:

Do not do anything to the young woman; the young woman does not have a punishment of death; it is just like when a person arises against another person and murders him, so is this matter.

Chazal question the parallel to murder. What does that parallel to murder in this verse regarding illicit relationships come to teach us?

They answer is that the parallel between murder and illicit relations teaches us that just like a person must give up his life rather than murder someone so must a person give up his life rather than be involved in an illicit relationship.

The Gemara then asks for the source for the Halachah that one has to give up one's life rather than murder another person. The response is:

סברא הוא. דהוא דאתא לקמיה דרבה, ואמר ליה: אמר לי מרי דוראי זיל קטליה לפלניא, ואי לא - קטלינא לך. - אמר ליה: לקטלוך ולא תיקטול. מי יימר דדמא דידך סומק טפי דילמא דמא דהוא גברא סומק טפי.

It is logical as in the case of the person who came before Rabbah with the following question. He said to him, 'The governor of my city said to me, "Kill this person and if you don't, I will kill you."' Rabbah said to him, 'Let him kill you but do not kill. Who says that your blood is redder, perhaps his blood is redder.'

Rashi writes:

סברא הוא - שלא תדחה נפש חבירו, דאיכא תרתי, אבוד נשמה ועבירה מפני נפשו דליכא אלא חדא אבוד נשמה והוא לא יעבור, דכי אמר רחמנא לעבור על המצות משום וחי בהם משום דיקרה בעיניו נשמה של ישראל, והכא גבי רוצח כיון דסוף סוף איכא איבוד נשמה למה יהא מותר לעבור - מי יודע שנפשו חביבה ליוצרו יותר מנפש חבירו - הלכך דבר המקום לא ניתן לדחות.

It is logical-that one life should not be pushed aside to save another one. If one would kill someone else to save his own life, two wrongs are being committed – taking a life and the sin of murder. But if he gives up his life there is only one wrong-taking a life.

When the Torah writes וחי בהם, one should live within the Mitzvos and not die, that is because every Jewish soul is precious before G-d. In this case, whether or not he kills, a life will be lost in any case. Why should he be allowed to transgress? Who knows if his soul is more precious to his Creator, perhaps the soul of the other is more precious. Therefore there is no allowance to push away the Word of G-d.

We will note that Rashi explains why וחי בהם is not applicable here and he does not explain it regarding idolatry.

So we now see that even when powerful force is applied it may not be permissible to sin and we do not see the murderer or the idolater or the promiscuous person as being allowed to follow through.

What happens, though, when the person is unable to withstand the duress and he commits the sin? What is his status?

In regards to murder and promiscuity, Rashi has taught us that **וּחֵי בַהֶם** plays no role in those laws. Inherently, as Rashi explained, **וּחֵי בַהֶם** becomes irrelevant and because of the parallelism, it is equally irrelevant vis a vis promiscuity.

Thus, when one murders 'under orders' or is promiscuous in similar circumstances he is a murderer or an adulterer. The forced situation does not seem to ameliorate or moderate guilt.

On the other hand, **וּחֵי בַהֶם** is still relevant when it comes to idolatry. The logic that disqualified it from being relevant for murder or promiscuity is not appropriate there and thus it could very well be that **וּחֵי בַהֶם** would lessen the severity of the individual who worshipped idols under severe duress.

In fact, when it comes to murder the only **אוֹנֵס**, event out of the control of the forced murderer, would be in the case where the forced murderer had no control over his actions whatsoever.

What could such a situation be?

Mizrachi (D'vorim Perek 22/Posuk 26) writes the answer to this question which is found in the Poskim:

אבל אם אומרים לו, הנח עצמך ליזרק על התינוק או תהרג, אינו חייב למסור עצמו כדי להציל חבירו, דאדרבה איכא למימר, מאי חזית דדמא דחבריך סומק טפי, דילמא דמא דידך סומק טפי.

If they say to the Jew, let us throw you upon a baby [so that you will crush him and kill him] he does not have to give up his life in order to save the baby.

This case is the opposite of what we learned in the Gemara [and therefore we apply the logic in an opposite fashion]. One could now say, 'why do you see the blood of the other redder; perhaps your blood is redder'.

According to this, when it comes to an act that someone commits against another, the severity of the crime is not minimized at all because of outside force

or duress. Only if the person is without physical control over himself at all can he be called a 'victim' and not a perpetrator²³.

Although our words here cannot be construed in any form or fashion to be comprehensive and to render a Halachic opinion on such a grave question as personal responsibility under uniquely extraordinary circumstances, it would certainly appear to be more correct to say that even under duress, even under threat of death, one is not allowed to inflict grave personal or bodily harm against another person.

In our Parsha, Or HaChaim HaKodosh was relating to non-interpersonal matters. That is, when a person is overcome by desire and, for example, eats non-kosher food.

It would be difficult to attribute his opinion to interpersonal matters such as murder, as we explained. It would be impossible to attribute that opinion, it would seem, to illicit relationships because of particular halachic aspects which we choose not to deal with here because of their sensitive nature.

Of course, the point of Or HaChaim HaKodosh was not to focus on rationales and justifications for sin, but to point out the heinous nature of a person who seeks to arouse within himself or herself forbidden actions or desires.

We who know that we are to strive to bring ourselves to the point of maintaining control over our desires can understand the punishment that was meted out to those who strove to bring their desires to a state where they were uncontrollable.

²³ In Masseches Sanhedrin, Rosh points out that a person does not have to give up his life in order to fulfill a positive commandment. This is true even in a case of **שמד**, an organized campaign to have Jews switch their religions. Even though the Gemara says that in a time of **שמד**, one has to give up his life even if the dictate is only a small deviation from Jewish practice, this does not apply to **מצוות עשה**.

Rosh explains the reason simply. If the victimizers were to lock up the person in jail he would not be able to fulfill the **מצוות עשה** in any case. It would not be within the jurisdiction of his physical abilities.

This is quite similar to the case of throwing the person on the baby. He is not in control of his actions.

And so we read at the conclusion of this section of our Parsha (Perek 11/P'sukim 33-34):

הַבָּשָׂר עוֹדְנוּ בֵּין שִׁנֵיהֶם טָרָם יִכְרֹת וְאַף ה' חָרָה בָּעָם וַיַּךְ ה' בָּעָם מִכָּה רַבָּה מְאֹד :
וַיִּקְרָא אֶת שֵׁם הַמָּקוֹם הַהוּא קְבֵרוֹת הַתְּאֵוָה כִּי שָׁם קָבְרוּ אֶת הָעָם הַמְּתַאֲוִים:

The meat of the quail was still between their teeth, they had not yet chewed it, and the anger of Hashem burned in the people and Hashem struck the people with a very great blow. Hashem called the name of that places *Kivros HaTaavah*-The Graves of Desire because there they buried the people who desired.

What is empowerment? Empowerment is the enablement of a person to realize his potential. Everyone has potential; it is a *koach*, a strength, waiting to be utilized. The adrenalin is there; it is waiting to be put in motion.

The *koach* that everyone has is the ability to meet the tests that confront us.

We read in Sefer Tehillim (Perek 11/Posuk 5):

ה' צַדִּיק יִבְחֵן וְרָשָׁע וְאֹהֵב חֲמָס שִׂנְאָה נַפְשׁוֹ:

G-d tests the righteous; but the wicked and one who loves corruption-His Soul hates.

Rashi, with my elaboration, explains the import of this verse.

A person who is being challenged and tested, one who is confronted by events of major proportion, should not be seen as being a victim of G-d's anger or the subject of His punishment. Rather, G-d presents the individual with an opportunity to realize that he can be a *Tzaddik*, that he can meet the test, that he can overcome the challenge and that he can rule over the events rather than having them rule over him.

The wicked, on the other hand, are not presented with such an opportunity. It is not that they are bereft of potential; it is because they do not merit the opportunity.

In some ways the world has never changed since Creation. There are temptations beginning with the fruit of Eden to the jealousy of a brother's offering's acceptance to a brother's pretty coat and to a nation having a unique, unprecedented, and unrepeated communion HaKodosh Boruch Hu.

But, each and every generation has its own particular type of temptations. If we are presented with a challenge, we can succeed. If we are presented with the challenge following failure, we can still succeed. Oy vo'voi lo'nu, woe unto us, if we no longer have challenges during the 120 years that G-d gives us.

That is part of the human condition and for that we can look to G-d's mercy when we are inadequate. There may be Divine anger, but it is not *m'od*.

Those who seek self-ruination on the other hand kindle G-d's anger. If they choose to test themselves they will surely fail because they cannot gauge their abilities or potential. Woe to the one who seeks to kindle their *yetzer ha'ra'*. They will find that their pursuit of *yetzer ha'ra* becomes their grave.

Our Parsha reminds us of our potential. It concludes (Perek 12/Posuk 3) with a paean for Moshe Rabbenu.

וְהָאִישׁ מֹשֶׁה עֲנִיּוֹ מְאֹד מִכָּל הָאָדָם אֲשֶׁר עַל פְּנֵי הָאֲדָמָה:

The man Moshe was very humble, more than any man that was upon the face of the earth.

We are often told that it is the humility of Moshe Rabbenu which this verse emphasizes. That is true, of course.

However, we can see an additional emphasis.

וְהָאִישׁ מֹשֶׁה

It was the humanity of Moshe that made him great. We have the same humanity and Rambam has taught us that we can emulate Moshe Rabbenu Olov HaShalom.

Shouldn't we make the attempt?

Shabbat Shalom

Rabbi Pollock