

Likutei Divrei Torah

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Shabbat Parashat KiTisa - Parah

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Covenant & Conversation: R. Jonathan Sacks, z"l

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

The way to see it is to ask the question: what is the Hebrew word for freedom? Instinctively, we answer cherut. After all, we say that God brought us me-avdut le-cherut, "from slavery to freedom."

We call Pesach, the Festival of Freedom, 'Zeman Cheruteinu'. So it comes as a surprise to discover that not once does the Torah, or even Tanach as a whole, use the word cherut in the sense of freedom, and only once does it use the word, or at least the related word charut, in any sense whatever.

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

The other is dror, used in connection with the Jubilee year, as engraved on the Liberty Bell in Philadelphia: "Proclaim liberty [dror] throughout all the land unto all the inhabitants thereof."

The same word appears in Isaiah's great words, "to bind up the broken-hearted, to proclaim freedom [dror] for the captives."

However, the Sages coined a new word. Here is the passage in which it occurs: The Tablets were the work of God, and the writing was the writing of God, engraved [charut] on the Tablets." Read not charut, "engraved" but cherut, "freedom," for the only person who is truly free is one who is occupied with Torah study.

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

Besides which, why was a new term for freedom needed? If the Hebrew language already had two, why was a third necessary? And why did it stem from this word, which meant "engraved"? To answer these questions, let us engage in some conceptual archaeology.

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

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

the summer of 2011, with people breaking shop windows, looting, and assaulting strangers.

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

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

To answer this, the Sages made an extraordinary leap of the imagination. Consider two forms of writing in ancient times. One is to use ink on parchment, another is to engrave words in stone. There is a marked difference between these two methods. The ink and parchment are two different materials. The ink is external to the parchment. It is superimposed upon it, and it does not become part of the parchment. It remains distinct, and so it can be rubbed off and removed. But an engraving does not use some new substance. It is carved out of the stone itself. It becomes part of it, and cannot easily be obliterated.

Now consider these two ways of writing as metaphors for law. There are laws that are externally imposed. People keep them because they fear that if they do not, they will be caught and punished. But if there is no chance that they will be caught, they make break the rules, for the law has not changed their desires. That kind of law – imposed on us like ink on parchment – is a limitation of freedom.

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

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

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

Hence the brilliant new concept that emerged in rabbinic Judaism: cherut, the freedom that comes to

a society – of which Jews were called on to be pioneers – where people not only know the law but study it constantly until it is engraved on their hearts as the commandments were once engraved on stone. That is what the Sages meant when they said, "Read not charut, engraved, but cherut, freedom, for the only person who is truly free is one who is occupied with Torah study." In such a society you keep the law because you want to, because having studied the law you understand why it is there. In such a society there is no conflict between law and freedom.

Where did the Sages get this idea from? I believe it came from their deep understanding of what Jeremiah meant when he spoke of the renewed covenant that would come into being once Jews returned after the Babylonian exile. The renewed covenant, he said, "will not be like the covenant I made with their forefathers when I took them by the hand to lead them out of Egypt ... This is the covenant I will make with the house of Israel after that time – declares the Lord – I will put My law in their minds and write it on their hearts ..."

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

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

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

Shabbat Shalom: Rabbi Shlomo Riskin

The Highest Sanctity, the Human Soul - "God told Moses to speak to the Israelites and to say unto them, "But my Sabbaths shall you observe, for it is a sign between me and you throughout your generations, that you may know that I am the Lord who sanctifies you."

What is the repetition of the command to observe Shabbat doing in the midst of the description of the Tabernacle in the portion of Ki Tisa? For the last six biblical chapters – ever since the start of Teruma – we've been dealing with the elaborate and complex details of the construction and sacred appurtenances of the Tabernacle. Then, seemingly apropos of nothing, the Torah suddenly switches topics: "But my Sabbaths shall you observe." What is the connection?

One reason may be the overwhelming amount of exacting labor that the Tabernacle's construction required, as described in the preceding portions.

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Undoubtedly, it was important to finish the task as soon as possible, providing a sanctuary which would connect the Israelites to their parent in heaven. We are also aware of how builders of massive and important construction projects will exert all human effort to finish a project, even going full steam ahead seven days a week if necessary. Shabbat may be holy, but so is the Tabernacle. What about working on Shabbat to get the Tabernacle built as soon as possible, thereby allowing the divine service to actually begin? Is it not possible to justify such activity? After all, it is all for the sake of God, for the enhancement of the holy! According to Rashi, the verses dealing with Shabbat in this portion specifically come to forestall such an analysis. Commenting on the verses quoted above, Rashi writes: “Even though you may be anxious and alert to do the work promptly, Shabbat must not be pushed aside for its account.”

Rashi points out that the word “akh” (but) comes to serve as a limitation, to exclude something. “The terms “rak” and “akh” are always limitations, to exclude [lema’et] Shabbat from the construction of the Tabernacle”. Hence the Torah is emphasizing that despite the best of intentions, no work on the Tabernacle can take place on Shabbat!

Nahmanides disagrees sharply with Rashi’s usage of the exegetical laws of limitations. Indeed, according to biblical rules of hermeneutics, the result should be the exact opposite of what Rashi claims: not excluding the Tabernacle from work on Shabbat, but rather excluding the usual prohibitions from Shabbat, and allowing the Tabernacle to be constructed even on Shabbat. Ordinarily, if I speak of an all-inclusive concept, the exception will tell me that a specific circumstance falls outside the purview of the usual application of that system. For example, the Torah commands that on Yom Kippur everyone fast. There is an exclusion or limitation pertaining to Yom Kippur regarding people who are seriously ill; the usual prohibitions of eating and drinking on that day do not apply to them. Similarly, if the akh is a Shabbat exclusion or limitation referring to the Tabernacle, it should mean that the construction of the Tabernacle is excluded from the usual Shabbat prohibitions, and hence it ought to be permitted to construct the Tabernacle on Shabbat. To be sure, Nahmanides agrees with Rashi’s halakhic conclusion that work on the Tabernacle does not abrogate Shabbat. He merely disagrees about the way Rashi derives that halakha. Nahmanides simply includes the Tabernacle in all of the usual Shabbat prohibitions, and refuses to see it as any form of exception to the general Shabbat rules. He must therefore use the word “akh” to teach something else – to refer to another situation (other than the construction of the Sanctuary) which is indeed excluded from the usual Shabbat prohibitions. For Nahmanides, this is the commandment of saving a human life – piku’ach nefesh. Akh comes to tell us that we must waive all Shabbat prohibitions in order to save a human life, that the preservation of life is excluded from the ordinary applications of Shabbat observance.

Although Rashi and Nahmanides interpret the function of the word “akh” differently, Rashi excluding Shabbat from the work of the Tabernacle, and Nahmanides excluding Shabbat when it poses a danger to human life, I would like to suggest that if we combine both of these interpretations, we arrive at a fundamental and majestic truth about Judaism. In looking at Shabbat in relation to the Tabernacle, Rashi’s akh reminds us that although the holiest and most exalted physical endeavor in this world may be the building of the Tabernacle, nevertheless, akh et shabtotai tishmoru – You must still observe my Sabbaths; Shabbat day is holier than the Tabernacle. Quite simply, the sanctity of time is greater than the sanctity of space. One of the reasons for this is that a

sanctuary in time (to use Rabbi Abraham Joshua Heschel’s beautiful metaphor for Shabbat) can never be destroyed by human weapons, whereas our sanctuary in space (the Holy Temple) has tragically been destroyed twice. Perhaps that is the deepest reason why Jews have man- aged to live without their Temple, but we could never have survived as a people without Shabbat.

Nahmanides goes one step further. He knows that Shabbat is holier than the Tabernacle, but he stresses a sanctity greater than both a sanctuary in space and a sanctuary in time, namely, the sanctity of the human being, the sanctity of human life created in the divine image. This highest sanctity of all is even alluded to in our verse, which begins with “But my Sabbaths shall you observe [akh et shabtotai tishmoru]” and ends with “For it is a sign between Me and you throughout your generations, that you may know that I am the Lord who sanctifies you”. How will we know this? On one level, when we observe Shabbat rest, it is as a testimony to the divine creation of the universe. But on a deeper level, when we set aside our Shabbat rest in order to preserve a human life, we truly understand the exalted nature of the human being – precisely because humans were created in the image of the divine. On Shabbat I can transgress all the laws in order to save a single human being. In effect, God is saying that the holiest of all his creations, more than any building or any day, is the human being! This fundamental teaching, that in the pyramid of the sacred we advance upwards from sanctity of space to sanctity of time to sanctity of human being, is a principle we tend to overlook in the midst of all our other holy pursuits. Even the most punctiliously observant often seem oblivious to the sacred character of every single individual, Jew or gentile. And the truth is that in the final analysis, it is the human being who either endows or removes sanctity from space as well as from time!

In the area of space, this truth is self-evident. Human beings create or desecrate a home, an office, a synagogue, a Temple – depending on what they do within them. This is even true of ritual objects, which are material articles in space. It is even true of a Torah scroll: The Talmud tells us that a Torah scroll written by a heretic (with improper intent) is to be burnt. This is the case, even if that particular scroll appears on the surface to have letter-perfect script and the highest quality parchment. And I would submit that the same principle obtains to the sanctity of time.

Two great Hassidic rebbes, the Voorker and the Kotzker, were once discussing holiness. The Voorker compared the commandment of living in a sukka (booth) with that of taking the “four species” during the Sukkot festival. According to him, the sukka was the more sacred command because, while the command of the four species enables one to hold or encompass holiness, in the sukka it is holiness which holds or encompasses the individual. The Kotzker responded that from this perspective, Shabbat remains the holiest of all commandments. After all, a person can always walk out of the sukka, but he or she can never walk out of the Shabbat!

But I respectfully disagree; after all, does not an individual walk out of the Shabbat, if they leave the Shabbat table to go to a cinema, or opt not to have a Shabbat meal with candlelight, Kiddush and zemirot, or interrupt the Shabbat meal with angry words or slanderous gossip!/? Hence, the highest sanctity of all must still be the human being, who even has this ability to determine the sanctity of time.

Each and every Shabbat we must confront this profound truth of our tradition, that the human being stands at the apex of the sacred. Shabbat teaches – as those of us who have seen medical emergency volunteers with walkie-talkies leaving Shabbat prayers to get into an ambulance and respond to an

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emergency can testify – that saving a life on Shabbat is not a violation of the law, but is indeed the highest fulfillment of the Shabbat laws and the Torah ideal.

Yeshivat Har Etzion: Virtual Bet Midrash

The Half-Shekel [Excerpt]

Sicha of Harav Aharon Lichtenstein, z”l

“This shall they give, everyone who passes among those who are numbered: a half-shekel of the shekel of the Sanctuary – a shekel is twenty gera – a half-shekel as an offering to God... The rich shall not give more, and the poor shall not give less than a half-shekel, in giving the offering to God to make atonement for your souls. And you shall take the atonement money of Bnei Yisrael and shall dedicate it for the service of the Ohel Mo’ed, and it shall be for Bnei Yisrael as a memorial before God, to make atonement for your souls.”shoulders, and gives a half-shekel of silver, as it is written: ‘The rich shall not give more, nor shall the poor give less.’”

Ramban understands the verse, “The rich shall not give more, and the poor shall not give less than a half-shekel” as an absolute prohibition, such that someone who has not given his half-shekel, or who contributed some other amount, has transgressed a biblical prohibition. The gravity of this mitzva is also reflected in the Ramban’s words at the beginning of his Hilkhot Shekalim: “It is a positive commandment from the Torah that every man of Israel should give a half-shekel each year. Even a person who is destitute and lives off charity is obligated: he asks others [to provide him with the required sum] or sells the garment over his shoulders, and gives a half-shekel of silver, as it is written: ‘The rich shall not give more, nor shall the poor give less.’”shoulders, and gives a half-shekel of silver, as it is written: ‘The rich shall not give more, nor shall the poor give less.’”

This is the only commandment in the Torah that demands of a person who is poor to sell his very garments in order to fulfill it. This requires some explanation: what is so important about giving the half-shekel that a person who is destitute must go to such lengths for its sake?shoulders, and gives a half-shekel of silver, as it is written: ‘The rich shall not give more, nor shall the poor give less.’”

We may perhaps suggest that since this silver is meant “as an atonement for your souls,” it is unthinkable for anyone to forego this mitzva, since there is no one who is not in need of atonement.shoulders, and gives a half-shekel of silver. Furthermore, the atonement here is not a personalized one for each individual, but rather an atonement for Am Yisrael collectively. These half-shekels are used to purchase the animals used for the communal sacrifices, which effect atonement for the nation as a whole. Of course, it is unacceptable for a person to enjoy the result of this communal atonement without participating in the burden required to attain it.shoulders, and gives a half-shekel of silver.

However, we may also suggest a different explanation... Aside from the benefit enjoyed by the poor person who is the recipient of charity, there is the educational benefit to the giver. The Halakha wants to ensure that every person will sometimes be obligated to emerge from the egocentric world in which he lives, look around him, and exert some effort on behalf of those who are downtrodden. Even if he is unable to provide significant help, there can be no question that the very desire and effort to care for them has great educational value in his own life.shoulders, and gives a half-shekel of silver. Thus, even if practically there is little significance to whether a poor person gives a half-shekel or not, it is of great importance that every individual feels that he is participating in the mighty endeavor of bringing God’s Name and His Presence to dwell in the world.