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Drasha
By Rabbi Mordechai Kamenetzky
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Parshas Terumah
Job Placement

The winged seraphs that rest atop the Aron Kodesh in the Holy of Holies are known as the cherubim. These cherubs, the Midrash explains, have the faces of innocent children — a young girl and boy. The Aron Kodesh contains the most sacred of our physical entities,– the Luchos (Ten Commandments). In the sacred box lay both the Tablets that Moshe carved and the shattered pieces of the G-d written ones that Moshe smashed upon seeing the Golden Calf.

The two cherubs sit atop of a lot of history. They also protect a lot of sanctity. So they must be endowed with great spiritual symbolism. Yet this is not the first reference to cherubim in the Torah. In fact cherubim are mentioned at the onset of creation where they did not sit innocently upon an Aron Kodesh. They stood guard to block Adam and Chava (Eve) from re-entering the Garden of Eden after their expulsion. "Hashem placed the cherubim and the flame of the ever-turning sword to guard the entrance of Gan Eden." (Genesis 3:34)

The apparent contrast is striking. How is it possible that the very same beings who guard the sanctity, chastity, and purity symbolized by the Aron Kodesh could be flashing fiery swords at the gates of Eden? Is a cherub an image of peace, love, and tranquillity or is it the symbol of destruction and mayhem? It should not represent both — unless the Torah is telling us something. And it is.

A Miami rabbi was lecturing to a group of senior citizens about the life of the Chofetz Chaim, Rabbi Yisrael Meir HaKohen of Radin. "This great sage," he explained, "impacted the lives of thousands of Jewish souls with his simple, down-to-earth approach. He published scores of books that applied to everyday living and mastered the art of the parable, imbuing profound Jewish concepts with simple tales."

The rabbi proceeded to recount a tale that had circulated in the halls of yeshivos the world over. "Once the Chofetz Chaim was informed that a particular boy in his yeshiva was smoking on Shabbos. The Mashgiach (dean of ethics) of the Yeshiva decided that the boy must be ousted from the school. However, the Chofetz Chaim asked to speak to the young man before the eviction was completed. "The young man entered the Chofetz Chaim's study. He was there for only about 15 minutes, and no one knows what the Chofetz Chaim told him, but the story as I heard it," the rabbi from Miami exclaimed, "is that not only did the boy decide to remain a Shabbos observer the rest of his life, he also became a strong supporter of Torah institutions."

The speech ended. The crowd shuffled out. But one elderly man remained fixed in his chair. His face was ashen and his eyes were focused directly at the Rabbi. Slowly he got up and approached the lectern. "Where did you hear that story?" he demanded. "Do you know who that boy was?"

The Rabbi shook his head in nervous innocence. "No," he stammered. He could not imagine where the conversation was leading.

"It was me!" cried the old man. "And you know what the Chofetz Chaim told me?"

Again the Rabbi, not knowing what to say, shook his head with nervous ignorance. "I have no idea," he pleaded. "Honestly, I have no idea. What did the Chofetz Chaim say?"

The man smiled. "The Chofetz Chaim said absolutely nothing." As his mind raced back more than half a century the old man repeated the words again. "Absolutely nothing just held my hand — the one that held the cigarettes — and began to cry. Then the Chofetz Chaim slowly began to whisper the words 'Shabbos, Shabbos' over and over in a sad singsong. And the words mingled with the tears that were dripping on my hand that had held a cigarette just hours earlier.

"He sat there without looking at me. Crying. He felt the pain of the Shabbos. And I felt his pain, too. Just being there with him for those 15 minutes changed the hand that held the cigarette to the hand that would hold up the Torah."

Rav Yaakov Kamenetzky zt"l used to comment that the same cherubim that held swords as they stood guard at the gates of Eden are not doomed to that position. They can change drastically when they are placed upon an Aron Kodesh. When they are on top of the Aron, they guard it and cherish it. Young children are affected by their whereabouts. Place them as a guards and they will brandish swords. Put them with the Aron Kodesh — let them feel the sanctity and they will become the cherubim we all cherish and aspire to emulate.

In memory of Edith Gluck by the Gluck Family

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A Portable Home
Britain's Former Chief Rabbi **Lord Jonathan Sacks**
Covenant and Conversation Family Edition on OU Life

The parsha of Terumah describes the construction of the Tabernacle, the first collective house of worship in the history of Israel. The first but not the last; it was eventually succeeded by the Temple in Jerusalem. I want to focus on one moment in Jewish history which represents Jewish spirituality at its lowest ebb and highest flight: the moment the Temple was destroyed.

It is hard to understand the depth of the crisis into which the destruction of the First Temple plunged the Jewish people. Their very existence was predicated on a relationship with God symbolised by the worship that took place daily in Jerusalem. With the Babylonian conquest in 586 BCE, Jews lost not only their land and sovereignty. In losing the Temple, it was as if they had lost hope itself. For their hope lay in God, and how could they turn to God if the very place where they served Him was in ruins? One document has left a vivid record of the mood of Jews at that time, one of the most famous of the psalms:

By the waters of Babylon we sat and wept as we remembered Zion…How can we sing the songs of the Lord in a strange land? (Psalm 137)

It was then that an answer began to take shape. The Temple no longer stood, but its memory remained, and this memory was strong enough to bring Jews together in collective worship. In exile, in Babylon, Jews began to gather to expound Torah, articulate a collective hope of return, and recall the Temple and its service.

The prophet Ezekiel was one of those who shaped a vision of return and restoration, and it is to him we owe the first oblique reference to a radically new institution that eventually became known as the Beit Knesset, the synagogue: "This is what the sovereign Lord says: although I sent them far away among the nations and scattered them among the countries, yet I have become to them a small Sanctuary [Mikdash me'at] in the countries where they have gone" (Ezekiel 11:16). The central Sanctuary had been destroyed, but a small echo, a miniature, remained.

The synagogue is one of the most remarkable examples of an itaruta de'letata, "an awakening from below." It came into being not through words spoken by God to Israel, but by words spoken by Israel to God. There is no synagogue in Tanach, no command to build local houses of prayer. On the contrary, insofar as the Torah speaks of a "house of God" it refers to a central Sanctuary, a collective focus for the worship of the people as a whole.

We tend to forget how profound the concept of a synagogue was. Professor M. Stern has written that "in establishing the synagogue, Judaism created one of the greatest revolutions in the history of religion and society, for the synagogue was an entirely new environment for divine service, of a type unknown anywhere before." It became, according to Salo Baron, the institution through which the exilic community "completely shifted the emphasis from the place of worship, the Sanctuary, to the gathering of worshippers, the congregation, assembled at any time and any place in God's wide world." The synagogue became Jerusalem in exile, the home of the Jewish heart. It is the ultimate expression of monotheism – that wherever we gather to turn our hearts towards heaven, there the Divine Presence can be found, for God is everywhere.

Where did it come from, this world-changing idea? It did not come from the Temple, but rather from the much earlier institution described in this week's parsha: the Tabernacle. Its essence was that it was portable, made up of beams and hangings that could be dismantled and carried by the Levites as the Israelites journeyed through the wilderness. The Tabernacle, a temporary structure, turned out to have permanent influence, whereas the Temple, intended to be permanent, proved to be temporary – until, as we pray daily, it is rebuilt.

More significant than the physical structure of the Tabernacle was its metaphysical structure. The very idea that one can build a home for God seems absurd. It was all too easy to understand the concept of sacred space in a polytheistic worldview. The gods were half-human. They had places where they could be encountered. Monotheism tore this idea up at its roots, nowhere more eloquently than in Psalm 139:

Where can I go from Your Spirit?
Where can I flee from Your presence?
If I go up to the heavens, You are there;
If I make my bed in the depths, You are there.

Hence the question asked by Israel's wisest King, Solomon: "But will God really dwell on earth? The heavens, even the highest heaven, cannot contain You. How much less this temple I have built!" (I Kings 8:27).

The same question is posed in the name of God by one of Israel's greatest prophets, Isaiah:

Heaven is My throne,
and the earth is My footstool.
Where is the house you will build for Me?
Where will My resting place be? (Isaiah 66:1)

The very concept of making a home in finite space for an infinite presence seems a contradiction in terms. The answer, still astonishing in its profundity, is contained at the beginning of this week's parsha: "They shall make a Sanctuary for Me, and I will dwell in them [betokham]" (Exodus 25:8). The Jewish mystics pointed out the linguistic strangeness of this sentence. It should have said, "I will dwell in it," not "I will dwell in them." The answer is that the Divine Presence lives not in a building but in its builders; not in a physical place but in the human heart. The Sanctuary was not a place in which the objective existence of God was somehow more concentrated than elsewhere. Rather, it was a place whose holiness had the effect of opening hearts to the One worshipped there. God exists everywhere, but not everywhere do we feel the presence of God in the same way. The essence of "the holy" is that it is a place where we set aside all human devices and desires and enter a domain wholly set aside for God.

If the concept of the Mishkan, the Tabernacle, is that God lives in the human heart whenever it opens itself unreservedly to heaven, then its physical location is irrelevant. Thus the way was open, seven centuries later, to the synagogue: the supreme statement of the idea that if God is everywhere, He can be reached anywhere. I find it moving that the frail structure described in this week's parsha became the inspiration of an institution that, more than any other, kept the Jewish people alive through almost two thousand years of dispersion – the longest of all journeys through the wilderness

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https://judaism.stackexchange.com/questions/99202/is-it-acceptable-to-disturb-a-body-so-it-may-be-reburied-in-israel 4-5-19

Is it acceptable to disturb a body so it may be reburied in Israel?

This question slightly merges into politics as there has been a push by some to reclaim Jewish remains and bring them back to Israel. This has actually already been done a few times, a famous example being the remains of Theodor Herzl at Mt. Herzl military cemetery.2

Moving the body to Eretz Israel is one of the exemptions the Shulchan Aruch (YD 363:1) places on the general prohibition to move corpses or bones.

One should not remove a corpse and bones [...] And likewise, in order to bury him in the Land of Israel, it is permissible [to remove him].
(see also 363:2)

Writing at length on the topic (here), R **Yitzchok Breitowitz** brings context and starts by quoting the Sridei Eish (R Yechiel Yaakov Weinberg)

The removal of bones from one gravesite to another . . . is a matter that our rabbis and decisors in all generations have treated with great severity for we find that Chazal were very insistent on the proper respect to be paid to the dead . . . [T]he soul of a Jew feels great anguish [mitza'eret harbai] over the pain and humiliation of a corpse and [this sense of anguish] is deeply embedded in the very roots of our holy faith as the author of the Kol Bo elaborates with wondrous words [Rabbi Weinberg proceeds to quote the Kol Bo who states that the treatment of a corpse with respect and dignity is an affirmation of belief in the body's ultimate resurrection upon techiyat hametim; conversely, treating a corpse disrespectfully implies a belief that death is final and irreversible. Rabbi Weinberg then continues]: "And therefore we observe that time after time when a question concerning the disinterment of bones came before the great teachers [gedolai hamorim], they would apply themselves to this halacha with great gravity and seriousness and they would preoccupy themselves in the clarification and meticulous examination of all possibilities [b'biror u'vlibun ha'din micol tzad] and they would not rush to permit even under circumstances where the basis for leniency was clear and obvious.

Building on your concern that this could be risky he writes

the remains must be handled with respect and accorded proper dignity. To the extent ascertainable, bones from different bodies should not be intermingled and should be buried separately. The remains should be transported to burial as soon as possible and should not be kept for archeological inspection, museum collection and the like.

The Desecration of Graves in Eretz Yisrael: The Struggle to Honor the Dead and Preserve Our Historical Legacy

Rabbi Yitzchok Breitowitz

Shortly after World War I, Rabbi Yechiel Yaakov Weinberg, one of the gedolai haposkim of the preceding generation, was asked about the halachic permissibility of disinterring the remains of Jews buried in Poland for reburial in Germany. (In the aftermath of that war, there were virtually no Jews left in the original community and there was great concern that the Jewish cemetery would be desecrated). He prefaced his intricate and classic halachic analysis with the following words that deserve to be quoted at length:

"The removal of bones from one gravesite to another . . . is a matter that our rabbis and decisors in all generations have treated with great severity for we find that Chazal were very insistent on the proper respect to be paid to the dead . . . [Rabbi Weinberg proceeds to cite a number of statements in Chazal which compare desecration or humiliation of the dead to a form of murder.] [T]he soul of a Jew feels great anguish [mitza'eret harbai] over the pain and humiliation of a corpse and [this sense of anguish] is deeply embedded in the very roots of our holy faith as the author of the Kol Bo elaborates with wondrous words [Rabbi Weinberg proceeds to quote the Kol Bo who states that the treatment of a corpse with respect and dignity is an affirmation of belief in the body's ultimate resurrection upon techiyat hametim; conversely, treating a corpse disrespectfully implies a belief that death is final and irreversible. Rabbi Weinberg then continues]: "And therefore we observe that time after time when a question concerning the disinterment of bones came before the great teachers [gedolai hamorim], they would apply themselves to this halacha with great gravity and seriousness and they would preoccupy themselves in the clarification and meticulous examination of all possibilities [b'biror u'vlibun ha'din micol tzad] and they would not rush to permit even under circumstances where the basis for leniency was clear and obvious. It is well known how the gedolai hador were filled with fear and trembling when they had to decide whether to permit the disinterment of the pure body of the Gaon Rabbi Mordechai Benet from Lichtenstaut to Prague . . ." Kavod hamet, showing proper respect to the dead, has always been a deeply-rooted tradition within the Jewish people. In halacha, this concept finds its expression in laws against autopsy; in the requirement of a speedy burial;3 in the waiver of various rabbinic restrictions on Shabbat and Yom Tov to insure proper care of the dead;4 in the rituals of tahara (bathing the body) and tachrichim (dressing it in shrouds);5 in various laws concerning the kavod (respect) that must be shown in a beit hakevarot (cemetery) and what activities therein are prohibited;6 in various practices that are banned because of l'oeg l'rosh ("ridiculing the helpless");7 and finally, in the laws limiting the removal and excavation of corpses or bones.8 By and large, the belief that the physical repository of the Divine soul should be accorded dignity and respect has been widely shared even among Jews who were not otherwise observant of halacha. To this day, the Israeli army will go to great efforts to retrieve the final remains of its fallen soldiers. Superimposed over the awesome grief of the Holocaust is the additional sadness - often expressed - that many of our kedoshim were never brought to kever Yisrael (Jewish burial). In recent years, the sentiments of the organized Jewish community regarding the preservation of cemeteries have been expressed to and respected by Germany, Poland, and Egypt, communities that have not exhibited particular concern for the Jews in the past.

And yet as is so often the case, we the Jewish people are our worst enemy. The very activity which, if undertaken by others would elicit the sharpest of protest, is taking place on our land by our people. The relatively few who actively try to stop this desecration are derided as fanatics and extremists who glorify the dead over the "needs" of the living though those "needs" may be no more significant than the construction of an underground parking garage.

The problem of bones being found at construction sites has always existed but its prevalence greatly increased after 1967 with the dramatic proliferation of development in and around Jerusalem. The Asra Kadisha (the Committee for the Preservation of Gravesites), established under the leadership of Rabbi Yitzchak Ze'ev Soloveitchik (the Brisker Rav), Rabbi Eliezer Yehuda Finkel (Rosh Yeshiva of Mir), and Rabbi Yaakov Yisrael Kanievsky (the Steipler), came into being as a response to major excavations at Beit Shearim in 1957-1959. Over the past thirty years, this organization, comprised almost exclusively of Chareidim, has organized protests and demonstrations at a number of archaeological and construction sites including French Hill, Jaffa, Modein, and most recently, at a newly-discovered Hasmonean burial ground.9 Some of these demonstrations have resulted in pushing, shoving, rock throwing, some arrests, and allegations of police brutality, as well as chillul HaShem. Due to the composition of the demonstrators (largely-Chareidi) and to the occasional excesses in their tactics, many identify those gravesite desecrations as merely a "Chareidi" issue which can then be safely dismissed or ignored as are a variety of other issues significant to that community. It must be emphasized, however, that while the Religious Zionist camp may be less vocal and public in its protests, a number of its leading halachic authorities, such as Israeli Chief Rabbis Lau and Bakshi-Doron and Chief Rabbi Kulitz of Jerusalem,10 have joined the Asra Kadisa (in principle, if not in tactics) by unequivocally condemning these gravesite desecrations as serious violations of halacha. Many other rabbanim have expressed their concerns privately. The unprecedented scope of these excavations should be of great concern to every Jew faithful to the dictates of his/her religion or, for that matter, even to a non-religious Jew committed to the history of our people.

Indeed, if there is any chance at all to induce the Israeli government to impose stricter controls or restrictions on what is presently a virtual carte blanche to indiscriminately excavate any ancient sites for any purpose, it is essential that it perceive the issue as being more than a problem that bothers only a small segment of the ultra Orthodox. To their credit, both the Orthodox Union and the National Council of Young Israel as well as Agudath Israel have expressed their concerns to the Israeli government. Another organization that has been in the forefront of this struggle is the Conference of Academicians for the Protection of Jewish Cemeteries (CAPJC), an ad hoc coalition of academics headed by Dr. Bernard Fryschman. Perhaps even more significant, these organizations have received the backing of a member of Congress to whom the Israeli government is likely to pay careful attention, Benjamin A. Gilman, Chairman of the House

Committee on International Relations and a long-time friend of the Orthodox community. In a letter to the late Prime Minister Rabin, Congressman Gilman noted the "growing concerns of many in the American Jewish community regarding the exhumation of bones at so many sites throughout Israel" and called on the Prime Minister to share his thoughts as to how the problems and tensions can be alleviated. Just this past Kislev, pursuant to a call of many of the gedolim of Eretz Yisrael, an estimated crowd of 50,000 people gathered peaceably in Kikar Shabbat to pray and protest the excavations in Modein. The gathering culminated with a mass reading of the final chapter of Eicha as thousands sat on the ground to express their grief.

After years of indifference if not hostility on the part of the Israeli government, these concerted efforts (combining prayer, demonstrations, political pressure, and discrete negotiation) have finally begun to bear fruit. Prime Minister Peres recently announced a proposal to suspend archaeological digs at any site in which Jewish bodies are found.11 This proposal, however, is bitterly opposed by the Israeli Antiquities Authority as well as significant groups in academia, archaeology, and real estate development, all of whom fear that their own bailiwicks will be unduly curtained, and whether it will become the law of the land is very much up in the air.

Moreover, as important and appreciated as the Prime Minister's support undoubtedly is, it must be recognized that a satisfactory resolution of the conflicting interests at stake - commercial, archaeological, and religious- depends far more on cooperation, good will, mutual respect, and keeping the lines of communiction open than it does on the formal protections of the law. Unfortunately, in the heated, polarized, divisive atmosphere of Israeli society (an atomosphere that has only grown more divisive in the aftermath of the Rabin assassination), these qualities are in lamentably short supply. In truth, like almost everything else in Israel, even the ancient remains of the dead become enlisted as involuntary pawns in competing political struggles and opposing world views and the ultimate impact of the Peres proposal on government bureaucracies and commercial development remains to be seen. The one point that is certain, however, is that the Orthodox community here and abroad must continue to communicate to the Israeli government that nivul hamet (desecration of the dead) is indeed an issue of significant "mainstream" concern.

It should also be noted that the issue is not merely the excavation and relocation of bones to alternative burial sites; it has been reported that in a number of cases, bones have simply been scattered or dumped, an unpardonable desecration of kavod hamet which cannot be allowed to occur under any circumstances.

The Current Status of Israeli Law

Section 172 of the Penal Law already prohibits entry onto a gravesite and excavation of remains "without permission" where such excavation is likely to offend religious sensibilities and Asra Kadisha has strenuously argued that the indiscriminate digging up of ancient gravesites is illegal under this statute. At least until the Peres announcement, however, it had been the Israeli government's position that the Antiquities Authority was authorized to grant such permission through its licensing procedure. In effect, this created a Catch-22; any excavation which had been duly licensed under the Antiquities Act - and such permits have never been hard to obtain - was by definition done "with permission" and could not be attacked through the Penal Code.

Interestingly, the Asra Kadisha maintains that this apparent loophole was the result of a mistranslation.12 Under the British Mandate, Section 148 of the Criminal Law prohibited "the commission of any trespass" in a cemetery. When this law was enacted by the Israeli government and translated into Hebrew, "commits any trespass" became "entering without permission," paving the way for the IAA to grant such permission via a permit, effectively allowing activities that were illegal under Mandatory Law. Indeed, according to Eliezer Dembitz of the Ministry of Justice, an expert on legal translation, the Hebrew translation of "b'li reshut" ("without permission") for "trespass" was a mistake.13 Attempts to amend the present statute to more closely track its Mandatory predecessor were attempted in 1981 but they were not successful.

The Peres proposal would effectively close this particular loophole by denying the IAA authority to issue such licenses but, as noted, the fate of this proposal remains to be seen.

Halachic Problems

The excavation of sites containing human bones or corpses raises a number of discrete though interrelated halachic problems: (1) the general prohibition against disinterring the dead (pinui met v'atzamot); (2) the proper procedure for disinterment and reburial where pinui is permitted; (3) the prohibition against deriving benefit (issur ha'naeh) from a met or kever; (4) restrictions on what activities are permitted in a beit hakevarot; (5) the problem of determining whether bones are those of a Jewish or non-Jewish met and what assumptions are to be made in cases of doubt. Obviously, space limitations make it impossible to fully address each of these issues; only the briefest of treatments can be provided. Hopefully, these references will be sufficient to enable to reader to see why some halachic input is essential.

A. The Prohibition of Excavating a Grave:

Generally speaking, except in unusual or extraordinary circumstances, halacha sharply condemns the excavation and removal of corpses from their gravesites even when they will be reburied elsewhere (or indeed in the same place).14 The overwhelming consensus of opinion is that this prohibition applies to bones as well as intact cadavers.15

There are two basic approaches as to the source of this prohibition. Some poskim view the excavation of remains as an act of desecration and humiliation of the dead (nivul u'bizayon hamet) akin to autopsies, cremation, and the like.16 Other poskim stress that when remains are disturbed, the neshamot of the metim are filled with terror and trepidation (charada) since they believe they are being summoned to Divine judgment.17 Both of these explanations presuppose that the body or more accurately the soul that inhabited that body in its lifetime possesses a certain measure of awareness and can experience suffering and agitation when its remains are tampered with.18

Later authorities have suggested some additional considerations: (1) removal of a met from its burial site is a form of theft (gezel) in depriving the met of its "home", particularly if the gravesite was paid for;19 (2) if the met was buried in proximity to other family members, its removal deprives the met of the "pleasure" it gets from being in kever avot (arev hu l'adam she'yehay nach aitzel avotav - "it is pleasant for a person to rest near his ancestors");20 (3) wholesale excavation could easily cause the intermingling of bones and remains from different graves which is a distinct form of bizayon hamet where the body no longer possesses its separate kever.21

Whatever the reason for the prohibition, the exceptions to it are few. One is permitted to excavate and remove remains (1) if they were buried there without the permission of the landowner;22 (2) if the grave and remains are likely to be damaged by water or sewage backups, vandalism, etc. and there are no alternatives to removal that could solve the problem;23 (3) if the positioning of a grave causes damage to other graves;24 or (4) if the person was buried in one place with the specific intention (t'nai) of later removing his remains to a different site.25 Disinterment is also permitted in order to bring a met to Eretz Yisrael or to kever avot (burial plot of his ancestors).26 Some poskim, thought not all, are willing to permit removal not only to place where family members are buried but to places where surviving children and relatives can come to pray or visit.27 Needless to say, none of these dispensations applies to construction sites or archeological digs.

There is, however, an additional exception that may be invoked. Kever hamazik et harabim mutar l'panoto - a grave that damages or interferes with the rights of the public may be removed.28 The halachic imperatives of kavod hamet must yield when they unduly restrict the rights of the public to access and use of property. The poskim have made clear that the law

permitting relocation applies not only to a single grave but to a cemetery as well.29

Obviously, a critical halachic issue is going to be the definition of nezek harabim (damage or detriment to the public). Some cases may be relatively clear cut. Assume, for example, that due to the current political situation there is the need to construct new access roads linking various settlements to Jerusalem in order to avoid dangerous passage through PLO - controlled territory. To the extent the only feasible route would have to run through a cemetery, disinterment might well be allowed since the only alternative would be cutting off the settlements or subjecting them to physical danger. (Even here, one would have to consider the possibility of alternative routes- cost, efficiency etc. or of construction over the graves rather than unearthing them).

But what of the excavation of sites that may yield valuable archaeological information? Can it be said that the denial of access to the site thereby depriving the public of knowledge constitutes a cognizable nezek? Is ignorance damage? Or what about construction? Granted that new apartment buildings and underground garages may benefit significant numbers of people (though the primary beneficiaries seem to be private investors rather than the general public) but in the absence of a severe housing shortage and given the existence of alternative sites, could the cessation of such construction be regarded as injurious to the public? Is inconvenience a nezek l'rabim? Does expense factor into the calculation and is there a difference whether the expense is public or private? Assume, for example, that construction has progressed a great deal of the way and then kevarim are discovered. Dismantling a project once commenced may be prohibitively expensive. Does halacha consider this expense a relevant extenuating circumstance? (In a case involving the excavation of a met, R. David Friedman ruled that a completed house over a gravesite must be dismantled and the body reinterred.30 That case, however, involved a deliberate removal of the corpse and the intentional commencement of building on the site. It does not address the dilemma of the good-faith developer who finds bones once the project is well underway.) I will not attempt to answer these questions other than to note that the halachic definition of nezek harabim will often be the single most crucial determinant in the permissibility of removing and relocating remains; whether or not this nezek exists cannot be addressed in the abstract but requires a careful analysis of the benefits, burdens, and costs to the public in light of all the alternatives available. This itself necessitates collaborative efforts between poskim, engineers, archaeologists, government officials, architects, city planners and the like. Moreover, as noted before, public need might be served by construction above the gravesites without the need to exhume the bones.

In this regard, mention should be made of an important ruling by R. Shaul Yisraeli, the recently-deceased Rosh Yeshiva of Mercaz HaRav, that any activity or project which adds beauty [tiferet] to the land of Israel is treated as a public benefit.31 Its cessation or removal is conversely regarded as a nezek to the public and in order to avoid such cessation, bones can therefore be removed. It is irrelevant whether the public need preceded the gravesite or the gravesite preceded the materialization of the public need - in either case, removal is halachically authorized. In some circles, R. Yisraeli's psak has been taken to provide a carte blanche for the indiscriminate exhumation of bones for virtually any type of construction activity on the grounds that the "needs" of the living take precedence over the needs of the dead and that the settlement and habitation of Eretz Yisrael is in itself a factor which adds tiferet. This school of thought regards all of the Asra Kadisha's protests as being over a non-issue. While R. Yisraeli's definition of nizka d'rabim is certainly quite broad and expansive, I am not sure if even he would regard one less parking garage as a nizka d'rabim. In any case, the overwhelming majority of rabbanim who have addressed this matter, including R. Yitzchak Kulitz (the Chief Rabbi of Jerusalem), have not been willing to go so far and would not permit the initiation of commercial development with the knowledge that bones are going to have to be removed. (What happens after the fact is a different story.)

B. The Proper Procedure for Disinterment and Reburial:

Even if pinui atzamot is halachically permissible for nezek l'rabim or otherwise or if the pinui is a fait accompli, the remains must be handled with respect and accorded proper dignity. To the extent ascertainable, bones from different bodies should not be intermingled and should be buried separately. The remains should be transported to burial as soon as possible and should not be kept for archeological inspection, museum collection and the like. Even R. Yisraeli who was quite lenient with respect to pinui atzamot emphasized the imperative of treating the atzamot properly once they were exhumed.32

A second halachic issue involves tefusa. According to Nazir 9:3 and Oholot 16:3, when a body is removed from the ground for reburial, one is obligated to remove with it all soil to a depth of three fingers. (This law does not apply where the body is encased in an intact coffin but only if it is buried directly in the ground). The conceptual basis for this requirement is uncertain: does the requirement rest on a presumption that bodily fluids and blood are likely to penetrate within a certain depth or is the requirement applicable irrespective of the presence of such fluids? Is the obligation of removal based on kavod hamet or on a more pragmatic concern for tumah - to allow kohanim to walk on the site? If the latter, is it the fluids that convey tumah or the dirt itself? Does it only apply in Eretz Yisrael? Does it apply to bones? What is more perplexing is the fact that although the Mishna's ruling is cited in Rambam, it is omitted in the Shulchan Aruch and its commentaries. Depending on how one resolves this omission, there may or may not be a din of tefusa where bones are removed from ancient gravesites.33

C. The Prohibition Against Deriving Benefit From a Grave (Issur Ha'naeh):

The Talmud in Sanhedrin 44b states that both a met and a kever binyan (a structure erected to house or bury a corpse) are issurei ha'naeh (one is not allowed to derive any personal benefit from them). Provided the burial was with the permission of the owner of the land, the issur ha'naeh remains even after the met is physically removed from the gravesite. The Gemara makes clear, however, that the issur ha'naeh does not apply to karka olom (the undisturbed soil that a met is buried in). Thus, it is permitted to take and use the dirt on the sides of an open grave or the dirt upon which the met rests. There is a major dispute among the rishonim regarding the status of dirt that was excavated to allow interment and then put back over the met. The view of Rosh is that the dispensation for karka olom applies even to the excavated dirt that is returned to the site. Rabbeinu Yeshaya rules that excavated dirt is analogous to new construction. Rema in Yore Deah 364:1 cites both views and it appears from a number of acharonim that the custom is to be strict. In effect, therefore, even if the met is removed (permissibly or not), there remain possibilities of issurei ha'naeh in the use of the site for construction or development that require careful halachic analysis.34

D. Laws of Kavod Applicable to Cemeteries:

Wholly part from the Torah prohibition against deriving benefit from a kever (at least if it is "new construction"), there are a series of other laws - rabbinic in nature - that limit the types of activities in which one is allowed to engage in a beit hakevarot.35 According to Megilla 29a, one may not eat or drink in a cemetery, graze animals, use the area as a shortcut, etc. The acharonim attempt to explain the interrelationship between the issur ha'naeh d'oraita of the kever and the rabbinic restrictions pertaining to the beit hakevarot which at first glance seem to overlap and draw the following distinctions:36

Unlike the issur ha'naeh which imposes a permanent prohibition on the materials of a kever - dirt, stones, building materials - even if they are removed from the site, the restrictions in Tractate Megillah are site-specific - activities you cannot perform within the specific confines of the cemetery area.

These restrictions, however, apply even to karka olom - undisturbed soil.

According to Chatam Sofer, these restrictions apply even to the areas of a designated cemetery that have not yet been used for burial or the ground areas in between the graves.37

The restrictions in Megillah apply only to activities that constitute kalut rosh (light-headed, disrespectful conduct) and not to general ha'naot which may not so qualify. The issur ha'naeh, on the other hand, is absolute.

Whether this superimposed layer of restriction (1) rests on the fact that a cemetery may have sanctity (kedusha) akin to a beit hakeneset (2) whether the restrictions are part of the general rules applicable to items set aside for mitzva observance or (3) whether they are simply another expression of kavod hamet,38 it is unquestionable that at least certain types of construction and development may fall under the rubric of kalut rosh even if the stricter prohibitions of issur ha'naeh could be successfully avoided. (A residence or a factory over a cemetery may not be kalut rosh; a football stadium might be.)

E. Jew v. Non-Jew:

Archaeologists, and occasionally some rabbis, have advanced the argument that in many cases bones that are found at construction sites are of non-Jewish origin, e.g., from the times of the Crusades and the like, and may thus be removed and disposed of with impunity. They further argue that based on the principle of rov (that when in doubt, all cases of unknown origin are assumed to come from the majority class), since there are many more non-Jews than Jews in the world all found bones should be assumed to be of non-Jewish origin unless there is direct evidence to the contrary. This position has been roundly rejected by the gedolai haposkim. Even assuming that the rules against pinui kever do not apply to the bones of non-Jews - which in itself is subject to controversy - in many cases it is crystal clear or at least highly probable that the excavated bones are those of Jews - either by markings on the graves (such as the recently discovered Hasmonean tombs) or by their proximity to well-established Jewish gravesites (such as a number of bones unearthed near the tomb of the Rambam in Tiberius). Thus, many of the archeological claims are simply disingenuous. Even if the matter would be a genuine 50-50 doubt, the dictates of kavod hamet would necessitate stringency.39 Moreover, as the great R. Yechezkel Abramsky noted almost 40 years ago, reliance on the principle of rov is misplaced and indeed cuts the other way.40 While a majority of the world population may be non-Jewish, a majority of the bodies buried in Eretz Yisrael over thousands of years may certainly be assumed to be Jewish. As such, the principle of rov, rather than allowing indiscriminate excavation, operates to prohibit it.

Conclusion

The reader might be tempted to ask that, in view of all the other problems the Jewish community and Eretz Yisrael face, why should our energies be focused on this one? After all, should not the needs of the living be our foremost concern? There are a number of responses. First, one problem does not displace another. Our obligation as Jews is to protest evil and desecration in any guise that it appears. It is not necessarily our role to prejudge which aveirot are too insignificant to be concerned about. Indeed, the obligation to try to stop the indiscriminate excavation of human remains is especially strong because the prospects of success are greater than they are on other issues of religious conflict since kavod hamet is an emotion deeply ingrained in Jews of all persuasions. Second, in describing the mitzva to bury the dead quickly, the Torah writes, "For he that is hung is a curse unto G-d." (Deuteronomy 21:23). G-d Himself is described as feeling pain, distress, and humiliation when the body of a human being made in His image is desecrated or treated with disrespect. If, on some level, the Shechina itself is being trampled on, it is certainly incumbent upon us to do our part to prevent this chillul kvod Shomayim (desecration of the glory of Heaven).

Third, there are linkages in the spiritual world whose connections can only be dimly perceived. The Shvut Yaakov writes that the desecration of metim elicits Divine wrath on the living and may be the cause of many afflictions and tragedies.41 It is not for this author to pass judgment but certainly at a time of great trial for Klal Yisrael and Eretz Yisrael, when the lives of so many Jews and the very existence of the state hang in the balance, is it not logical to utilize all avenues that we can to protect ourselves and our land from Divine wrath and to elicit G-d's mercy?

Fourth, the Chatam Sofer noted that when Jews treat their dead cavalierly (in a way that even the nations of the world do not), those nations will have no compunction in desecrating and demolishing Jewish graves and perhaps even Jewish lives.42 "If the Jews don't care about their own, why should we?" is a refrain that comes back to haunt us. Indeed, a number of rabbonim have expressed concern that the indiscriminate excavation of remains taking place in Eretz Yisrael makes it increasingly difficult to negotiate for favorable treatment for Jewish cemeteries in other countries. Viewed from the opposite but equally valid perspective, if the nations of the world show greater concern for metai Yisrael than the Jewish people in their own land, this in itself creates a chillul HaShem (desecration of G-d's name) reflecting poorly on the sensitivity and spirituality of G-d's people which in turn casts aspersions on the Torah and Jewish religion.43

Finally, if all of the above fail to convince, consider the following statement by a prominent Rosh Yeshiva who, by and large, does not support the Asra Kadisha but nevertheless declared:

If we want to impress upon our children and our children's children that we are rooted in this land, that we are not newcomers, then there is nothing that speaks louder than burial caves identifiable as Jewish graves from the Second Temple period. Such a site has historical importance in educational terms far outweighing, for instance, the French Hill interchange. These burial caves speak volumes against people who want to erase the Jewish connection to the land.44

Unlike other ancient religions, Judaism never developed a cult of the dead. The corpse must be accorded kavod only because it was once the repository of the Divine soul which animated it from within. Perhaps it is our lack of sensitivity in recognizing the tzelem Elokim (Divine image) in life that precludes our sensing the degradation of the tzelem in the removal of remains. If our fellow man counts for little when he's alive, his cadaver will be worth even less. In effect, therefore, our "tolerance" may be yet another symptom of the divisiveness, polarization, and sinat chinam that plagues this generation to no end, a cancer that has recently taken the life of one Jew and has disturbed the eternal rest of many others. Until we see the G-dliness in each other, we will be unable to view the body as the repository of something that is holy and Divine, and thereby worthy of respect. Hopefully, as we grow in the first direction, we will be successful in dealing with the second.

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Excerpted from **Rabbi Dr. Norman J. Lamm's** Derashot Ledorot: A Commentary for the Ages – Exodus, co-published by OU Press and Maggid Books

Chutzpah – A Religious Analysis*

Our tradition paints a very gloomy picture of the frightening and catastrophic days preceding the coming of the Messiah. In addition to all the world upheavals and bloodshed and immorality expected in the ikveta deMeshiha, in the era preceding

Mashiah, our Rabbis (Sota 49b) predicted that "chutzpah yasgei," that chutzpah will abound, that there will be an unnatural increase of brazenness and effrontery and arrogance. And one may well wonder if the excessive haughtiness and obnoxious chutzpah we find so common in our world today is not the very thing our Sages were talking about. Perhaps if indeed chutzpah is to herald the coming of the Messiah, then the Golden Age cannot be far off.

What is chutzpah? It is a universal quality, but a uniquely Jewish word. It is essentially untranslatable. You might say: boldness, effrontery, arrogance. It is all these things but more too. Chutzpah, a great sage of the Talmud once said (Sanhedrin 105a), is "malkhuta beli taga," "kingship without a crown"; it is authoritativeness without authority, dominion without dignity, ruling without right, arrogance without warrant, dogmatic opinionation without basis – in short, a man acting the part of a king when he has never been entitled to the crown, "malkhuta beli taga."

Chutzpah is, of course, an unpleasant characteristic. When we speak of a man as a chutzpahnik we pass an unfavorable judgment upon him. And yet chutzpah has a positive side too. Our Rabbis meant to praise Israel when they attributed to it the greatest amount of chutzpah from amongst all nations. There are times that chutzpah makes for survival, times that it expresses a profound loyalty to values which transcend ordinary politeness and courtesy, and even life itself. The chutzpah of the Jew in refusing to settle down and assimilate, his insistence that Torah must survive at all costs and in all environments, his persistence in the face of great odds that he is a member of God's chosen people – that is a constructive and desirable chutzpah.

How then are we to understand chutzpah, and discriminate between its legitimate and illegitimate uses, between its positively offensive aspect and that quality which is not necessarily objectionable?

The answer is that in Hebrew we have two terms that correspond to the two component parts of effrontery or chutzpah, and each one must be treated differently for they mean different things. These two are called azut metzah and azut panim, being strong-headed and being bold-faced.

Azut metzah literally means "strength of the forehead" or headstrongness. This is an intellectual or ideological chutzpah, an effrontery of the mind. It means that I am totally convinced of the rightness of my opinion and that I will therefore not yield one inch to your argument no matter what you do or say. It is a most irritating quality – but it is restricted to the realm of ideas, and involves no sneering or mocking or scoffing. It can be good or bad. When a young man is headstrong and refuses to yield to the pressure of his friends who see nothing wrong with immorality and looseness as long as everyone else is doing it – that is azut metzah; an annoying and frustrating headstrongness, but a wonderful and admirable kind of chutzpah. But when a man sees God's miracles and goodness before his very eyes and refuses, unreasonably, to be convinced that "Hashem hu haElohim" – that is the wrong kind of azut metzah, a negative and sinful headstrongness.

Azut panim, however, is always and forever a detestable and obnoxious feature. Literally it means "strength of face" – bold- facedness or brazen-facedness. This is more than ideological stubbornness. It involves more than metzah, the head or mind. It is azut panim, the boldness of the whole face, the effrontery of the whole personality – the supercilious glance of the eye, the haughty sniff of the nose, the sneer of the lips, the vulgarity of the mouth, the closing of one ear to all reason and the opening of the other to all malicious tale-bearing. That is azut panim – the boldness of the face, the vulgarity and detestable arrogance of the warped personality. This azut panim is what makes chutzpah so chutzpahdik.

And that is why our Rabbis said, on the one hand, that "im ra'ita kohen ba'azut metzah, al teharher aharav" (Kiddushin 70b) – azut metzah in a kohen should not shock you. For a religious leader, be he a kohen or rabbi or scholar, must be a source of ideological strength and firmness which may at times be irritating towards others. But this is the azut metzah aspect of chutzpah, and it is therefore above suspicion. On the other hand, azut panim deserves no such consideration. "Azut panim nikra rasha" (Numbers Rabba 18:12) – it is a sign of wickedness. Headstrongness is not always to be condemned, while bold-facedness is always an evil.

That is why on Yom Kippur we include in the list of sins for confession, "al heit shehatanu lefanekha be'azut metzah." To be headstrong against God and Torah is a sin, for which we apologize and hope to be excused. But in the preface to that very viduy, we say "ein anu azei panim…" We may be gossips and thieves and liars and azut metzah; but God, azut panim – that we never are, for we know that that is unforgiveable. Hold us guilty for anything, God, but not for azut panim.

Until now, we have defined the two types of chutzpah, and attempted to illustrate them and clarify their differences. Now let us proceed to a further analysis of this objectionable aspect of chutzpah called azut panim. Why should Judaism place so much weight on it? Why, in the very confession of the greatest sins do we deny that we are guilty of this one fault? Why does our great tradition react so violently to this one specific character flaw?

The deeper understanding of this quality of azut panim may be found not in the great ethical works of our sacred literature, but in the Halakhah. The Talmud (Ketuvot 18a) discusses the prosaic and mundane problem of modeh bemiktzat: Reuben appears before a court and demands that Simon pay him back the $100 he lent him. Simon concedes in part – he is modeh bemiktzat, he says: yes, I owe him money, but only $60. What is the decision of the Halakha? The $60 to which Simon admitted must, of course, be returned to Reuben. But the other $40, while it cannot be collected without witnesses, nevertheless requires Simon to take a solemn oath before Bet Din. Simon must go through the extremely serious procedure of denying loan of the extra $40 under oath. Why is this so? Why do we not say that if Simon were a liar that he would deny the entire $100, and that therefore if he admitted to $60, to miktzat, that he must be telling the truth? Here the great Rabba explains: Because "ein adam me'iz panav bifnei ba'al hovo," no man will ordinarily be that bold-faced, that much of an azut panim, that he will deny the entire amount to the face of the creditor. That is why he feels forced to admit to the $60.

Whatever the legal ramifications of that statement, and whether or not we are able to follow the short explanation that I have just given, this fact emerges clearly: no ordinary human being will ordinarily act with azut panim against one to whom he is indebted. If I feel that someone has done me a great favor, if I feel beholden to him, then I will never exercise azut panim towards him. This is the Halakha's psychological principle with regard to azut panim. One who feels beholden and indebted will hold his peace and act respectfully. Otherwise, he is guilty of the most brazen, arrogant, inhuman, and detestable kind of azut panim – chutzpah. There can be no worse.

What we learn from the Halakha, therefore, is that a man who acts brazenly, with azut panim, towards his fellow men, he who is not only headstrong but vulgar and unreasonable and arrogant and mocking towards all they are and stand for – such a man acts that way because he does not recognize a power to whom he is indebted; such azut panim can be explained only as a feeling of complete independence, of being a self-made man. When a man recognizes the fact that there is no such thing as complete independence, that his clothing comes to him by grace of God, that his food and his health and his money and his family are all temporary gifts granted to him by God, and that he is therefore indebted to God for his very existence, that God is his ba'al hov, then that person will never develop azut panim of any kind in any situation. It is only when a man has deluded himself as to his own powers and greatness and self-sufficiency and forgotten his essential weakness and inadequacy and helplessness, when he has forgotten that he owes many a debt to God, that he becomes an az panim. That is why Judaism is so concerned with the quality of azut panim. It is because the az panim rejects God offhandedly. Bold-facedness is rebellion against the Lord. Brazenness against anyone is automatically a denial of all religion. "Haughtiness against men," wrote the great Ramban in his letter to his son, "is rebellion against God." Certainly, for "ein adam me'iz panav bifnei baal hovo" – to accept God is to be indebted to Him; and to be indebted and to know it is to make azut panim impossible.

Where can we find the cure for azut panim? Surely in the synagogue, if no place else. The mikdash me'at, the miniature sanctuary, not only should be a place where azut panim is never practiced, but should be the place where people learn to rid themselves of this scourge. In today's sidra we read of the construction of the very first synagogue – the Mishkan, or Tabernacle. And if

you read carefully the measurements the Torah prescribes for the holiest part of the Mishkan, the aron, you will notice that in all three dimensions the measurements are not full units, they are not integers or complete numbers. Instead they are partial numbers: the length is two and a half cubits; the width one and a half cubits, and the height is one and a half again. Why so? Because, answers the saintly Rabbi Nathan Adler, the teacher of the famed Hatam Sofer, the Torah wanted to teach the people of the aron, the people of the synagogue, that they must never consider themselves complete – they are always to believe themselves only half-done. Their pride must be broken in half. They are never to imagine themselves complete and sufficient and independent. And people who remember that they are only heitzi, only half of what they should be, people who recognize their great indebtedness to the Lord of all creation, such people will never be guilty of azut panim, for such vile chutzpah comes about only when one thinks he is complete in and of and to himself.

We who are close to the aron hakodesh, to whom the synagogue is meaningful not only as another organization but as the place of Torah and the sponsors of the study of Torah, we must ever remember the debt we owe God Almighty, and thus forever remain free of the ineradicable taint of azut panim. If we are to use chutzpah, then let us make the proper use of azut metzah, for the greater glory of God and Torah. But let us never be guilty of azut panim, of the sin of spiritual vulgarity for which our tradition did not even provide an al het on Yom Kippur. Let us always say "ein anu azei panim," say what You will God, You cannot accuse us of that crime.

May our association with our beloved synagogue bring us that moral sensitivity and nobility of character, which, based on our indebtedness to God for our very lives, will cause us to become ambassadors of God to an unreconstructed world, bringing the light of Torah to all Israel and all the world, so that, in a manner of speaking, God will say to us: My children, now I am indebted to you.

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Rabbi Yakov Haber

The Mishkan, Har Sinai, Torah and Eretz Yisrael

I

Parashas Teruma begins the Torah's lengthy presentation, spanning five parshiyos, of the building of the mishkan in the desert and, more generally, the concept of mikdash. Clearly, the number of chapters and verses devoted to this topic and the repeat of its major components both indicate its absolute centrality.

The words of Ramban in his introduction to Sefer Shemos are most informative of the purpose of the mishkan. Parts have been bolded for ease of reference in the subsequent analysis.

The book of "v'eileh shemos" was dedicated to the first explicitly decreed exile and to the redemption from it... Now, the exile is not complete until their return to their place and [when] they would return to the level of their ancestors. When they left Egypt, even though they had left the house of slavery, they were still considered exiled since they were in a land not theirs, wandering in the desert. When they came to har Sinai and made the mishkan>[1], and HaKadosh Baruch Hu returned and rested His Shechina among them, then they returned to the level of their ancestors which was the secret communion (sod Eloka) with G-d on their tents, and they themselves were the Divine Chariot, and then they were considered redeemed. Therefore, this book ends with the completion of the mishkan and with the Glory of Hashem filling it constantly.

These brief but penetrating words of Ramban highlight the mishkan's role as nothing short of communion with the Divine presence itself, the goal of the entire creation - the level reached by our Avos, lost by their descendants and later achieved again. It is no wonder then that the Torah devotes so much time to this crucial concept.

However, his precious words require further study. In trying to uncover the unifying theme of the book of Shemos, Ramban presents the thesis that this sefer is the book of exile and the redemption from it. But the redemption is ostensibly over in the middle of parashas Beshalach when the Jewish people leave Yam Suf! To this question, Ramban answers that the Exodus from Egypt alone did not qualify as a complete redemption. The rest of the book of Shemos, describing the giving of the Torah and the building of the mishkan, addresses its completion.

However, Ramban seemingly starts with two criteria for redemption: 1) "their return to their place" and 2) "[their] return to the level of their ancestors". The first seems to address the physical return to their land from which they were exiled[2]; the second addresses the return to their lofty spiritual level lost by their exile. The stress on the physical exile is further highlighted by the subsequent statement "since they were in a land not theirs, wandering in the desert[3]". But yet, the Ramban, in describing how the Jewish people were considered redeemed as of the end of Sefer Shemos, focuses on only one theme: "then they returned to the level of their ancestors... then they were considered redeemed." Even though they had not returned to their place, they were still considered redeemed since the Divine presence rested among them. But the Ramban originally had included return to their place as another component of redemption! How can this contradiction be resolved?

The commentaries on Ramban are divided into two basic camps in resolving this problem. The first group (see Beis HaYayin, Oz v'Hadar, Tuv Yerushalayim, Lev Tzion, and Harerei Kodesh) views the initial statement "to their place" as a metaphor for their spiritual status. Hence, the Ramban never focused on the physical exile. However, this answer is difficult to accept since, as mentioned above, Ramban talks also of "a land not theirs".

The second approach (see Menacheim Tzion and Yekev Ephraim) understands that Ramban viewed the Jewish experience in the midbar as if they were actually in Eretz Yisrael. Both this approach and the first one, do not deny, of course, that entry into Eretz Yisrael was part of the Divine plan. Only in the Land of Israel would the Jews fully fulfill their spiritual destiny. But the entire purpose of entry into the Land was to live under the protective wings of the Shechina centered in the mikdash in Jerusalem (see Ramban, parashas Acharei Mos (18:25) at length). The first approach maintains that when this was achieved earlier in the midbar, they already achieved this basic milestone and could be considered redeemed even though they were not in Eretz Yisrael per se. The second approach goes a step further, explaining that being in this state of having the Divine presence rest upon them was as if, in at least an extended sense, "they returned to their place." Yekev Ephraim, apparently still troubled by the fact that they did not actually enter "their place" quotes an awe-inspiring passage from Rav Moshe Cordovero's Pardes Rimonim (25:2) indicating that in the desert, they literally lived in the equivalent of Eretz Yisrael.[4] The passage reads as follows:

For the gateway to heaven to enter sanctity is Eretz Yisrael, and because of this, prophecy only rests in Eretz Yisrael... There is no difficulty from the generation of the desert, since the air of the Land of Israel went with them. If you do not say this, how did they eat kodoshimoutside of the Land?! Rather, the air, the expanses, the sky, the portals and the (angelic) officers, all of them traveled with the Shechina which traveled with them. This is explained in the Zohar (Teruma 140b). That gateway and air went with them until the entry into the Land of Israel, to its appropriate place. There is the resting place of sanctity for there is the gateway to heaven as we have explained.

The ReMaK seems to be saying that although the midbar was transformed into a "mini-Israel", this was only a temporary state until the everlasting place of the Shechina was entered. Perhaps we can suggest, that Hashem Yisborach, in His kindness, wished to demonstrate to us openly, soon after

the Exodus, what Eretz Yisrael's essence was even though they would not see this manifestly anywhere in Eretz Yisrael except in the mikdash.
This link between Eretz Yisrael and midbar Sinai is also made by Ibn Ezra in his comments to Tehillim (68:18). The verse states: "Hashem is among them, Sinai in holiness". On this he writes: "The Divine presence is among them like Sinai in holiness. It is lacking the kof (like)... Its explanation is that the sanctity of Eretz Yisrael is like that of har Sinai."[5] It would appear that Ibn Ezra switches the comparison from that of ReMaK. Rav Cordovero states that the desert took on the sanctity of Israel. Ibn Ezra maintains that Eretz Yisrael has the sanctity of Sinai. (But see previous footnote.)
II
Rav Yosef Dov Soloveitchik zt"l advanced the link of har Sinai to Eretz Yisrael further. Since Rav Chaim Volozhin zt"l (Nefesh Hachaim 4:30) explains that the only objects that are considered "gufei kedusha" (objects of direct sanctity) are Torah or its parts, Eretz Yisrael's kedusha must somehow be linked to that of the Torah. The Rav explained that indeed the Aron HaBris containing the luchos and the Torah preceded the Jews in the battles of the conquest of the land. This was in order to "inject" the kedushas haTorah into Eretz Yisrael. (See MiPeninei HaRav, by mori v'Rabi Rav Hershel Schachter shlit"a, pp. 335).
However, this approach, at first glance, seems incomplete. Kaftor VaFerach explains that Eretz Yisrael has two types of sanctity: the sanctity of Shechina and the sanctity of mitzvos. The first was endowed by Hashem even before the Jewish people entered the Land of Israel. This manifests itself by, among other things, the special Divine providence present in the Land. The second was bestowed by the Jewish people: in the days of Yehoshua by conquest (kibbush) and in the days of Ezra by taking possession (chazaka). This sanctity has relevance for the mitzvos hateluyos ba'aretz enabling them to apply. In the language of Chasam Sofer, the second sanctity can be abrogated as it was after the Babyonian conquest. The first "is an eternal sanctity for the entire history of the world. It has never changed and will never change." (See Encylopedia Talmudit, vol. 2, Eretz Yisrael, 2, Kedushasa umitzvoseha.) How is the first type of sanctity dependent on Torah? Perhaps we can explain that the only real source of kedusha in the world is Hakadosh Baruch Hu's presence. The study of Torah connects us to this Presence (see Avos 3:6). Hence both the first type of sanctity and the second type of sanctity are both rooted in kedushas haShechina. This duality is perhaps included in Ibn Ezra's brief but far-reaching words: "the sanctity of Eretz Yisrael is like that of har Sinai." Har Sinai was both a direct experience of openly revealed Shechina and was the place of the giving of the Torah whose study would continue to connect the Jewish people to this Presence even when not in the mikdash and even in the exile. The mishkan in the desert also served as a place of openly revealed Shechina and as a place of continued revelation of Torah to Moshe Rabbeinu. This dual role was also fulfilled later by the mikdash in Yerushalayim being the resting place of the Shechina and well as the seat of the Sanhedrin, the "ikar Torah shebe'al peh" (Ramban, Hilchos Mamrim 1:1).
May we always increase our connection to two of the main sources of Divine presence in the world: Hashem's holy Torah and His holy Land, two of the central gifts He has bestowed in His kindness to His beloved nation.
[1] See Ramban (beginning of Teruma) that the mishkan was a continuation of har Sinai. This is likely the reason why Ramban here juxtaposes the two as well.
[2] See Netzach Yisrael (1) of Maharal where he underscores the exile from the land as a crucial part of galus and the return to it as a central feature of geula.
[3] The commentraries on Ramban raise a difficulty with the phrase, "wandering in the desert" which was originally uttered by Pharaoh. The Jews were led by the Divine cloud and were not, in truth, "wandering"! Perhaps the Ramban, by this phrase, refers poetically to their spiritual malaise mentioned earlier. Hence, the two phrases "since they were in a land not theirs, wandering in the desert" parallel the earlier two phrases, "their return to their place and [when] they would return to the level of their ancestors".
[4] See also Rashi and Tosfos to Taanis (16a) who cryptically comment that har Hamoriya refers to har Sinai. This can be explained by Midrash Tehillim which states that har Hamoriya, the place of akeidas Yitzchak, uprooted to the midbar to join with har Sinai! (See Diveri Yatziv, C.M. 92.)
[5] The text in all printed editions of Ibn Ezra reads "וטעם ה' בם, השכינה בם בְּסיני ו בקדש, ויחסר כ"ף כמו 'ועיר פרא אדם יולד'. והנה הטעם כי קדושת ארץ ישראל בְּהר סיני" translated it above as if it were written with a *kof* instead of a *beis*: כְּסיני and בְּהר סיני. I believe this reading is the only way to reconcile the statement "ויחסר כ"ף" and fits with Ibn Ezra's entire thesis that the *perek* addresses *har HaMoriyah* and the *Beis Hamikdash* and not *har Sinai*, as other commentaries maintain.

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Parshat Teruma Menora Mystery
Summary by Channie Koplowitz Stein
Based on a Naaleh.com shiur by **Mrs. Shira Smiles**

Parshat Terumah discusses the building of
the Mishkan and its vessels. What was so unique about the Menorah that it defied Moshe's ability to create it? The Mishkan represents the world in microcosm, and each vessel represents a different day of creation. For example, God's presence hovered over the Ark in the Holy of Holies, just as His spirit hovered over the face of the void at creation. The parochet/curtain separated that spiritual sphere from the more physical elements of the Mishkan. So too there is a separation between the upper spiritual realm and the physical world in which our bodies live. The lights of the firmament are represented by the Menorah which brings the light of Torah and mitzvot into man's life. Rav B. Zaks z"tl notes that the vessels are meant to teach us to elevate our physical surroundings. The lights represent Torah study, while our own shulchan/table can be elevated by placing a Torah or seforim upon it to study, or by sanctifying the bread we put upon it with blessings and inviting guests. The Menorah exhorts us to recognize our uniqueness and bring light to the world of darkness. The Menorah stands higher than the other vessels, for Bnei Yisroel rises above the other nations to bring that light and clarity to the world. Moshe was concerned how Torah study could reveal new insights since Torah already contains everything. Hashem told Moshe to throw the gold into the fire. Just as the Menorah is already contained within the gold, so too all new insight is already hidden with the Torah. Rabbi Belsky points out that just as the Menorah came in three stages, so too does the acquisition of Torah. The revelation at Sinai parallels Hashem showing Moshe the image of the Menorah. Then the Angel Gavriel showed Moshe how to construct the Menorah, representing the learning and transmission of Torah from one generation to the next. Finally, just as the Menorah came down from heaven as a gift in complete form, so too is the attainment of Torah knowledge a gift from Heaven. The Menorah represents the fire and passion one feels towards learning Torah. And since this cannot be measured and can continue to grow, the Torah provides no measurements to limit the size of the Menorah, writes Rabbi Pincus z"tl. Further, unlike the other vessels whose effect took place in a limited space, the light from the Menorah filled the entire sanctuary. So, must we too attempt to fill our homes completely with the light of Torah. While Torah is ultimately given as a gift, we must still put in our own effort and strive upward, as the flame strives to reach ever higher. We must do our part, in learning or in constructing holy vessels, but it is Hashem Who gives us ultimate success. If

we sincerely ask for the tools to do mitzvoth Hashem will give it us. Our ratzon/desire creates the tzinor/conduit for Hashem's blessings to flow down to us. Before you blame God for your inability to perform a mitzvah, writes Rabbi Wolbe z"tl, ask yourself if you were truly completely committed. There is reciprocity, adds Rabbi Reiss. When we throw ourselves completely into the fire of passion, Hashem will respond and let it happen.

We find that Moshe had a similar problem with the half shekel that Bnei Yisroel were commanded to donate for the census. Here too the Medrash tells us that Hashem showed Moshe a fiery coin as an example. The Mikdash Halevi explains that like the Menorah, the half shekel was also meant to be a spiritual symbol in physical form. How could something so physical contain spirituality and how could it atone for sin? Fire is destructive but it is also a source of light and warmth. So too money can lead a person into the abyss of physicality or help him to do mitzvot. Everything in creation has this duality and it is our choice how to use it. When we use the physical for the performance of mitzvoth, we elevate it and ourselves. We have the ability to infuse the physical world with holy energy or to drain it of holiness. That is the message of both the Menorah and the half shekel. We must strive to bring light to the world through our Torah and mitzvot.

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Restrictions on a Former Employee
by R. Daniel Mann

Question: A long-time rebbe at Yeshiva A left his job and now teaches at Yeshiva B, which caters to a similar population. May he approach Yeshiva A alumni, with whom he developed a relationship at Yeshiva A for assistance (money, ideas) in promoting his work at Yeshiva B? May he raise money for an NPO he formed personally? Do note that the rebbe had been unwilling to raise money for Yeshiva A when he worked for them. (The question is not intended to be used in deciding a dispute between the sides.)

Answer: We are unsure if the question is coming from the concerns of Yeshiva A's administration, the laudable conscience of the rebbe, or a third party. We will give a general approach to the topic, while stressing that we do not know how it relates to the specifics of a case we know little about.

Most of the answer is based on logical analysis of the morality of the situation, but we will start with a source. Jewish workers/employers are not allowed to build relationships that resemble slavery (we are servants only to Hashem – see Bava Metzia 10a). Included in this halacha is that a worker may quit his job without being financially penalized (ibid. 77a – see Rashi ad loc.).

Therefore, a worker (including a dedicated teacher) may quit his job, and under normal circumstances is fully permitted to take a job with a rival of the first employer. If someone could not work in the same type of field and region, this would be restricting his livelihood and thus penalizing him significantly.

What about using "resources" he acquired in the first job? Part of the fringe benefits of many jobs are the skills, experience, and contacts acquired. Your question focuses on using the contacts. There is nothing wrong with doing so in a normal fashion. One does not steal anything from the first job. Everyone develops friends and contacts over the years, and one does not have to "erase" them upon leaving a job where some were cultivated.

In some ways, the matter is even clearer for rabbeim, for the following reason. Part of a rebbe's job is to develop real, lasting relationships with his students. Real relationships are real relationships. Let's say that ten years after teaching a student, the student sought out guidance or emotional support from his rebbe due to a life crisis. Imagine if the rebbe said: "I don't work anymore in the yeshiva where I taught you; I have no time for you." Imagine if his new employer said: "You may not help students from your past; they are a drain on your allegiance to us." My words of criticism for one who would utter either statement are best to remain unwritten. (We are referring to cases in which time spent with old talmidim does not prevent the rebbe from fulfilling his present responsibilities competently.) A rebbe's responsibility for life stems not from his employment by a yeshiva but from Hashem who entrusted him to teach His Torah to children and students (=children; see Rambam, Talmud Torah 1:2; Shulchan Aruch, Yoreh Deah 245).

Talmidim also have responsibilities toward their teachers (see Shulchan Aruch, YD 242). While a rebbe should consider carefully how to "use" their respect and gratitude, others do not have a right to intervene. This is more so when the help is requested for a good cause. All have a responsibility to help good causes and those to whom they owe a debt of gratitude, whether monetarily or with their time, talents and energy. A tzedaka recipient cannot prevent another from asking for tzedaka from his benefactor because it may cause him to receive less. The donor makes his own choices. Similarly, if the rebbe asks his students for help in new projects, they can be trusted to decide how much to help Yeshiva B and Yeshiva A, and hopefully many other good causes.

A former employee should be particularly careful not to bad-mouth his former employer. He should also not take private information which he was privy to as an employee, (e.g., a detailed donor list of Yeshiva A). Working on a future job while still employed at the old one raises many questions and gray areas.

Parsha Potpourri
Parshas Terumah – Vol. 14, Issue 19
Compiled by Rabbi Ozer Alport

שמן למאר (25:6)

Parshas Terumah introduces us to the Mishkan (Tabernacle) that Hashem commanded the Jewish people to build as a resting place for the Divine Presence, and it begins with a list of the building materials that needed to be donated for its construction. Curiously, although most of the components are enumerated without stating their purpose, when the Torah mentions oil, it specifies that it would be used to light the Menorah. Why does the Torah clarify the function of the oil when it does not do so for the other materials?

Further, it actually seems inappropriate to discuss the oil for the Menorah here, as this list is limited to the items that were used for the Mishkan's initial construction. Those that were required for its subsequent operation, such as animals for the daily offerings and flour for the Lechem HaPanim (Show-bread), are not included here. Indeed, the oil that was used to light the Menorah was purchased with separate funds and does not belong here in the list of items that were needed to build the Mishkan. Seemingly, the oil that should be mentioned here was the oil that was used for the Shemen HaMishcha (anointing oil), not for the kindling of the Menorah.

Rav Mordechai Druk resolves these difficulties based on an insight of Rav Shimon Schwab in Parshas Behaaloscha, which begins (Bamidbar 8:3) with Aharon lighting the Menorah. Immediately thereafter, the Torah discusses how the Menorah was made, which seems superfluous. When the

Torah commands us to offer sacrifices, it doesn't repeat its description of the Altar. Why then is the act of Aharon kindling the Menorah followed by the details of how it was fashioned?

Rav Schwab answers this question based on the Gemora's teaching (Menachos 29a) that Moshe couldn't comprehend what the Menorah should look like. Even after Hashem described its appearance to him, he didn't grasp how to form it, so Hashem showed him an image of the Menorah to help him understand. Rav Schwab explains that the Menorah that Moshe saw contained oil and wicks that were burning. Accordingly, when Moshe built the Mishkan, it wasn't enough to make a Menorah; it needed to have oil and lit wicks as it did in the illustration he was shown. Therefore, the Torah emphasizes that when Aharon lit the Menorah, in addition to performing the mitzvah of kindling the Menorah, he was also completing the construction of the Mishkan.

Rav Schwab adds that this insight also helps us appreciate Rashi's comment (8:2) that the laws of lighting the Menorah are juxtaposed to the offerings of the tribal leaders at the end of Parshas Naso because Aharon felt disheartened when he saw so many offerings in which neither he nor his tribe took part. To reassure him, Hashem responded by discussing the laws of lighting the Menorah, a mitzvah that was exclusively performed by Kohanim.

However, this is difficult to understand. The sacrifices brought by the tribal leaders were an integral component of the dedication of the Mishkan, whereas the lighting of the Menorah was a mitzvah that only applied after its inauguration. If Aharon was upset because he wanted to be part of the Mishkan's sanctification, how was he mollified by being given a role in its daily operation?

Now that we understand that the kindling of the Menorah was an essential component of the Mishkan's construction, this was indeed an appropriate way to appease Aharon, as he recognized that even after the tribal leaders' offerings, the Mishkan was still considered unfinished until he lit the Menorah to match it to the vision that Hashem showed Moshe.

With this introduction, Rav Druk explains that in Parshas Terumah, the Torah goes out of its way to specify that the oil donated for the Mishkan was needed for the lighting of the Menorah. Since we would have assumed that the kindling of the Menorah was a mitzvah that only applied after the Mishkan was inaugurated but was unrelated to its initial construction, the Torah therefore emphasizes that lighting the Menorah was in fact an integral part of the building of the Mishkan, for it would not be considered complete until Aharon kindled the Menorah and it paralleled the image that Hashem showed to Moshe.

ועשית שנים כרבים זהב מקשה תעשה אתם משני קצות הכפרת (25:18)

Hashem commanded Moshe to make two Cherubim on top of the Holy Ark in the Mishkan, one on each end. Rashi explains that they had the faces of small children. However, this imagery is difficult to reconcile with an earlier comment made by Rashi.

In Parshas Bereishis, after the sin of eating from the forbidden fruit, Hashem exiled Adam and Chava from the Garden of Eden. In order to ensure that they wouldn't attempt reentry, the Torah relates (Bereishis 3:24) that Hashem placed Cherubim wielding fiery swords at the gate. Rashi explains that these Cherubim were angels of destruction. If so, how could Rashi simultaneously maintain that the Cherubim mentioned in our parsha had the appearance of infants, the paragons of innocence and purity?

The following amusing story will help us appreciate the answer to our question. One year on the first day of classes, an elementary Hebrew school teacher wanted to assess the background and skills of the children in her new class.

She began by asking, "Who knows the translation of 'Baruch Atah Hashem'?" Every hand went up, and the student upon whom she called correctly answered, "Blessed are You, Hashem." The teacher then asked, "Who knows the translation of 'Shema Yisroel'?" Most of the hands went up again, and she called on a student who properly responded, "Hear, O Israel."

Satisfied and impressed with their knowledge, the teacher asked one more question. "Who knows the translation of 'Amen'?" This time, she was met with bewildered expressions. Only one hand went up. The teacher called on the student, who proudly declared, "I know that one, it's easy. The translation of 'Amen' is 'Cong'."

After getting over her initial confusion, the teacher couldn't help but chuckle to herself when she realized the student's innocent mistake. The word "Cong" is short for "Congregation" and is often printed in the Siddur next to the word "Amen" to indicate that at this point the congregation should respond "Amen," which led the student to erroneously assume that this was the translation of the word.

In light of this entertaining anecdote about the innocence of children, we can appreciate the answer given to our original question by Rav Moshe Mordechai Epstein. Rav Epstein suggests that the resolution of the apparent contradiction about the appearance of the Cherubim lies in the fact that our parsha is discussing the Cherubim in the Mishkan, where they were placed on top of the Aron.

By attaching them to the Ark and the Torah scroll and Tablets contained therein, they remained wholesome cherubs resembling innocent babies, as was demonstrated by the story involving the naïve schoolchild. However, the moment that we separate our children from the Torah, they immediately become sword-wielding forces of devastation, as any parent can testify all too well. Although the lesson is taught in a light-hearted manner, the underlying message about priorities in educating our children is one that we can all learn from.