

**“Better is the day of death, than the day of birth.”**  
 (King Solomon, Eccl. 7:1) Ibn Extra explains, only at death is one meritorious: but at birth, one has not yet selected the good. Therefore death is better.

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**Weekly Parsha**

## Mishpatim

RABBI BERNARD FOX

**“If he gets up and goes outside under his own power, the one who struck him is absolved. He shall only pay for his lost time and he shall provide for his healing.”** (Shemot 21:19)

Parshat Mishpatim outlines many of the laws regulating liability for causing harm to a person or

*(continued on next page)*

# CONSULTING THE DEAD

## JUDAIC OR ALIEN PRACTICE?

Egyptian god Anubis, god of the afterlife



RABBI MOSHE BEN-CHAIM

**Reader:** I just wanted to ask a question regarding your response to one of this month's letters which can be located here: <http://www.mesora.org/LettersFeb2006II.htm>. You wrote: "Seeking the deceased Ari plead our case before God, is a severe Torah violation." According to you, would not Calev also be considered an "idolater" who was in "severe violation of Torah"! Everyone knows the famous story brought down by Rashi to (Numbers 13:22) who references Sotah 34b:

*The verse (Numbers 13:22) states: "And they ascended in the south, and he arrived at Hebron." It should have said, "and THEY arrived at Hebron"? Rava said: This teaches us that Calev*  
*(continued on page 4)*

(Mishpatim cont. from pg. 1)

## Weekly Parsha

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his property. If a person harms another individual he must make restitution to the injured party. Our pasuk indicates two of the forms of restitution. The injured party is entitled to be reimbursed for his lost wages. The person causing the injury is also responsible for all medical expenses.

The Talmud comments that from this passage we learn that it is permitted for a medical professional to provide medical care.[1] The commentaries are concerned with an obvious problem with this comment. According to the Talmud, it is not self-evident that a physician is permitted to provide treatment to those that are ill. In other words, the Talmud implies that without the express instructions included in this passage, we would assume that it is not permitted to provide medical treatment! Why would we assume that medical treatment would not be appropriate?

Rashi explains that the comments of the Talmud are not limited to a physician that provides care for an injury inflicted by another individual. Instead, the comments of the Talmud must be understood in a more general sense. The Talmud is telling us that a physician is permitted to provide treatment even in a case in which the patient has become spontaneously ill. Based on this understanding of the Talmud's comments, Rashi identifies the issue with which the Sages are grappling. We might assume that a spontaneous illness is an expression of Hashem's will. Hashem wishes the person to be stricken with this illness. Consequently, the person's recovery should also be left to Hashem. By providing medical treatment, the physician is usurping Hashem's role and interfering with His plan. According to the Talmud, we are not to make this argument. Instead, the physician is permitted to provide treatment.[2]

According to Rashi, the Talmud is telling us that we are not to assume that we should leave to Hashem the recovery of a person who is ailing. Instead, it is appropriate to provide medical treatment. However, Rashi's comments raise an additional question. Rashi is asserting that without the direct instructions of the Torah permitting medical treatment, we would reason that the recovery of the person should be left to Hashem. The Torah tells us that this reasoning is somehow incorrect. But Rashi does not provide any indication of why the Torah does permit the physician to provide treatment. In other words, Rashi identifies the prima-facie reasoning for denying treatment. He does not identify the flaw in this reasoning. Rashi just tells us that the

Torah rejects this reasoning.

Nachmanides discusses this issue. According to Nachmanides, this discussion in the Talmud provides an insight into the Torah's understanding of the role of providence. Nachmanides explains that the Torah expects us to conduct ourselves in accordance with the natural laws. The laws of the Torah are constructed to be observed within the framework of the natural law that Hashem created to govern His universe. Torah law does not contradict or ignore the laws of nature. Therefore, the Torah does not prohibit a physician from providing medical treatment. Neither does the Torah regard such treatment as inappropriate. Instead, we are to live our lives in a manner that is consistent with the natural laws that govern the universe. We are to care for our health properly and medical treatment is appropriate when we are ill.[3]

Kitzur Shulchan Aruch further develops Nachmanides' comments. He explains that based on Nachmanides' reasoning it is incumbent upon a person who is ill to seek the treatment of a physician and it is prohibited to not seek this treatment. He explains that there is a well-known principle that we are not permitted to rely on miracles. A person who does not seek medical treatment violates this principle.

Kitzur Shulchan Aruch explains that there is another reason for requiring a person who is ill to seek medical treatment. This second reason is also based on a comment of Nachmanides. Nachmanides points out that the Torah does promise that Hashem will care for those who are righteous. Nachmanides explains that Hashem does perform miracles for the righteous.[4] Kitzur Shulchan Aruch explains that a person who refrains from consulting a physician and instead relies on Hashem's intervention is making the implicit assumption that he is a righteous person deserving of a miracle. Kitzur Shulchan Aruch points out that this is a shockingly haughty attitude. The Torah distains haughtiness and requires that we conduct ourselves with humility. Humility demands that we do not regard ourselves as tzadikim – as righteous people deserving of a miracle from Hashem.[5]

This discussion suggests an important question. According to these authorities it is appropriate – even required – for a person who is ill to seek medical treatment. What is the role of prayer? If we are expected to conduct ourselves within the laws of nature and we are prohibited from relying on Hashem's intervention, why pray? When we

(continued on next page)

(Mishpatim continued from page 2)

## Weekly Parsha



Samuel  
anoints  
David

pray are we not asking Hashem to intervene – on our behalf – in His natural order? Are we not asking for a miracle?

Sforno discusses this issue in his commentary on Parshat VaYetzai. The Torah explains that Rachel – Yaakov's wife – was unable to conceive. However, in response to her prayer, she conceived and gave birth to Yosef.[6] Sforno observes that Hashem only responded to Rachel's prayers after she had endeavored to do everything in her own power to conceive.[7] In other words, Hashem responded to prayers that were accompanied by personal endeavor and initiative – not to prayer alone.

Sforno's analysis suggests an explanation of the role of prayer. We do not replace with prayer our own efforts to assure our well-being. Instead, prayer accompanies our efforts. We do not pray in place of our own endeavors; we pray for the success of these endeavors.

Rabbaynu David Kimchi's – Radak's – comments on a related issue further develop this theme. He indicates that although, in seeking Hashem's aid we are asking for His intervention into the natural law, we should seek to minimize this intervention. He explains that when Hashem deems it necessary to perform a miracle, He does so minimally. He also prefers to hide His work. Hashem regards hidden miracles are preferable to astounding wonders. Radak cites various examples to prove his point. Hashem commanded Shmuel the prophet to anoint

David as the new king of Bnai Yisrael. Shmuel realized that Shaul – the current king – would feel threatened. He would make every effort to stop him from fulfilling his mission. Hashem instructed Shmuel to conceal his intent from Shaul. Hashem would make sure that Shaul did not stop Shmuel from fulfilling his mission. But the Almighty preferred to do so by quietly working behind the scenes. He wished to avoid an open confrontation that would require an explicit miracle. Radak summarizes his thesis. Hashem prefers to clothe His miracles within the pattern of natural events rather than overtly overturn natural patterns.[8]

Similarly, when we pray, we acknowledge that all of our efforts cannot assure the recovery of the person who is ill. Only Hashem can assure this recovery. But even in seeking Hashem's intervention, we are required to minimize the necessary intervention. We must make every possible effort to seek the appropriate treatment for the person who is ill and then we pray to Hashem for the success of these efforts. Through combining our personal endeavors with prayer, we are seeking to minimize any necessary intervention.

Why are minimal interventions into the laws of nature preferable to overt miracles? Gershonides deals with this issue. Gershonides explains that we are troubled by this question because we are impressed by miracles. However, miracles are not nearly as impressive as the laws that govern the

universe. We take for granted the majesty of the universe. Here I am typing out this article. My fingers move across the keys of my keyboard. I take this function for granted. But let us consider this phenomenon for a moment. Are a finger and its function so simple? Can a MIT engineer create a manipulative machine that is as efficient as a finger? What about a simple spider? How many brilliant engineers does it take to make a mechanical spider? And these are just a few of G-d's most simple inventions. His universe full of wonderful inventions and the laws He created to govern their functions.

Any miracle – at some level – interrupts the operations of the natural universe. Gershonides explains that Hashem did not create the most possibly perfect universe just so He could turn around and interrupt its perfect functioning. Hashem seeks to avoid miracles – interruptions of nature. When He must interfere with nature, He does so minimally. And He preserves as much of the existing patterns of nature as possible.[9]

Similarly in seeking medical treatment we emulate Hashem. Just as Hashem seeks to minimize His miracles, we are required to minimize our dependency on His intervention into His natural laws on our behalf. We are required to do all in our power to help ourselves. We only seek Hashem's assistance in assuring the success of these efforts. ■

[1] Meschet Baba Kamma 85a.

[2] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on the Talmud, Mesechet Baba Kamma 85a.

[3] Rabbaynu Moshe ben Nachman (Ramban / Nachmanides), Commentary on Sefer VaYikra 26:11.

[4] Rabbaynu Moshe ben Nachman (Ramban / Nachmanides), Commentary on Sefer VaYikra 26:11.

[5] Rav Shlomo Ganzfried, Kitzur Shulchan Aruch 192:3.

[6] Sefer Beresheit 30:22.

[7] Rabbaynu Ovadia Sforno, Commentary on Sefer Beresheit, 30:22.

[8] Rabbaynu David Kimchi (Radak), Commentary on Sefer Shmuel I, 16:2.

[9] Rabbaynu Levi ben Gershon (Gershonides), Commentary on Sefer Beresheit, p 91.

(The Dead continued from page 1)

## Death &amp; the Dead

disassociated himself from the designs of the spies, and went alone to Hebron and prostrated himself at the graves of the Patriarchs. He said to them: "My fathers, ask for mercy upon me that I may be saved from the designs of the spies."

However, from your quote above it appears that Calev asked the Patriarchs to plead for mercy upon him before God, and would therefore (according to you) be in severe violation of Torah. We also find other instances of "Hishtatchut" (prostrating at the graves of Tzaddikim) elsewhere in Talmud. References shall be provided upon request.

**Rabbi Moshe Ben-Chaim:** "The dead know nothing". (Ecclesiastes, 9:5) In light of this verse, Tosfos is troubled by this case of Calev "praying to the dead". For if the dead are ignorant of this world, Calev's prayer would be futile, and foolish: something unbecoming a tribal prince as he. Tosfos suggests that Calev did not pray to the patriarchs. Thus, according to at least Tosfos, the words of the Talmud spoken by Calev, "My fathers, ask for mercy upon me" are not to be understood literally. Tosfos held that Calev prayed, not to the patriarchs: but to God, and God informed the dead patriarchs. Why God did so, I do not know: was it so the dead patriarchs would pray to God? If so; why was Calev's prayer insufficient, and why would God desire the dead to pray to Him? Regardless, Tosfos denies that Calev prayed to the dead.

When Moses or the Jews needed anything, they rightfully prayed to God, and to no one else, or anything besides God. After Abraham died, his son Isaac did not pray to him, but to God alone for all his needs. And after Isaac died, his son Jacob did not pray to him, but again to God alone. The Torah teaches us that every one of the patriarchs and matriarchs prayed to God alone. And when they erred, as in the case when Rachel asked her husband Jacob to pray for her to bear a child, Jacob became angry, saying, "Am I in God's place?" Jacob was disturbed that anyone should look to a man, as did Rachel, when in need. Certainly after one is dead, and man knows nothing of this world, it is a far worse crime to pray to the deceased.

A Rabbi once taught that if we know something to be true, we do not abandon that truth, regardless of what appears to be a contradiction. Therefore, once we know the Torah says "the dead know nothing", we must reinterpret what we find elsewhere in Torah heritage, which on the surface appears to be a contradiction.

Taken literally, Calev is viewed as having requested something from the dead. But this might also be – in my eyes – a Torah violation of inquiring of the dead" (Deut. 18:11) But even if praying to the dead does not violate "inquiring of the dead"



Antef was a governor of Thebes and inspector of priests, a high enough position to rate an elaborate burial which included this stela. His status is evident in the number of servants on the stela who cater to his every need, like cooling him with fans, offering him a beer, and slaughtering cattle for his benefit. The double door near the bottom allows the deceased to emerge from the afterlife and acquire the necessary sustenance left by living relatives at his tomb site. If his relatives have been remiss about visiting his tomb and leaving actual food, drink, and clothing, Antef's spirit form can always sustain itself on the images of offerings, carved aplenty on the stela. Notice that along with the servants and material items that Antef believes he needs in the afterlife, he has also chosen to have a pet accompany him. Under his chair sits a dog, marred a bit by the crack that runs across the surface.

(explained by Ibn Ezra and Minchas Chinuch as seeking future knowledge) there is another issue.

As Rava was the only author of this quote of Calev traveling to Hebron to "pray" to the patriarchs, we can be quite sure that Rava meant to convey some deeper idea. Had Calev's prayer been a historic truth, why was Rava the only one who knew this? How could such a "true" story reach Rava alone, and not one other Rabbi of the Talmud, or anyone prior to Rava? My close friend Matthew suggested that one, unopposed Rabbinic view could possibly represent the collective view of the Rabbis, which would dispute my theory. I agreed. But then I noticed this much later in that Talmudic portion: "Rabbi Avya (some say Raba bar-bar Channa) said that Calev went to Hebron [for a different purpose] to bring sheep from there" [and not to pray to the dead]. This alternate explanation for Calev's travels to Hebron presented to my mind a support for my original thought: Rava's view is his own allegory. Rava's suggestion of this event, together with a second, opposing view suggests this story of Calev actually praying at the patriarch's graves, is not literal. If it was literal, Rabbi Avya

could not rewrite history. What then is Rava's underlying idea?

Additionally, Tosfos on this very Talmudic portion states as follows: "Talmud Brachos says 'the dead know nothing, not even the forefathers [know anything]'. Tosfos concludes, "perhaps through the prayer that this one (Calev) prayed, it was made known to the forefathers what Calev requested." Tosfos cites in support, a Talmudic portion in Taanis: "Why do people go to the graves? One view is because we are considered before You as dead (for our sins) and the latter view was so that the dead should ask mercy for us." We must distinguish between the "living asking the dead for something", which is prohibited; and between praying to God, and then He might convey one's prayers – to God – to the souls of the deceased. This latter understanding is not a violation, and poses no problem, as the deceased's souls are very much alive. God can quite easily convey to them what He wishes, since as Tosfos says, "the dead know nothing" (of this world's occurrences) unless God tells them. Hence, Calev would have been foolish to consult with the deceased patriarch's bodies.

(continued on next page)

(The Dead continued from page 4)

Death & the Dead

The latter view understands the custom of visiting cemeteries as a means of our obtaining mercy...“as if” the dead requested it. But this Talmudic portion is clear: we do not ask the dead for anything. Somehow, their existence causes mercy to be shown to us. But how do they, if as we said already, “the dead know nothing”? I will answer by example: Rashi states (Gen. 48:7) “Our matriarch Rachel was buried where she was by the word of God, in order that when the Jews in the future will be exiled by Nevuzadran, and they would pass by this area, Rachel will exit her grave and request mercy for us.” However, the concept of “requesting mercy” via one who is dead must be understood. It means that by visiting the dead, it represents an appreciation by the visitor for this dead person’s values. This act of visiting the dead underlines the visitor’s true virtues, as he identifies with the lifestyle of the specific dead person visited. This is the reason for mercy being shown to the visitor: not that Rachel knew the Jews passed her grave (“the dead know nothing”) but that the visitor reinforces his commitment to the true life of Torah, lived by this dead, righteous person. Thus, the visitor view the deceased’s burial plot, reunites with their correct philosophy, and is shown mercy by God.

This may be how we understand the idea of the “dead requesting mercy for the living”. Since God prohibited us to consult the dead, and also, “the dead know nothing” as King Solomon taught, we must interpret the Rabbis when their words appear to contradict known, Torah verses. Suggesting the dead request mercy for us, means that our act of visiting their gravesites is “our” act of repentance, and is known by God, (He does not need the dead to teach Him this) and thereby, God responds to us. True mercy is due to us only when we make a change in ourselves, not because someone asks God on our behalf. For if I am still corrupt, why should God lift my punishments? Punishments are granted to redirect us towards the good. And if we do not correct ourselves, the punishments should justifiably remain in place. We are forced by reason as well, to explain that the Rabbis did not mean Calev actually prayed to the dead, violating Torah, but “as if” the dead caused Calev to be shown mercy. This makes sense, since their gravesites “did” in fact help Calev: he saw their burial plots, and contemplated their perfections, finding fortification in his own values to deflect the spies’ conspiracy.

Calev went to their graves, for a profound reason: he understood the evil spies sought to cowardly deny God’s promise of our inheritance of Israel. To reaffirm in his mind the truth of God’s oath of Israel, Calev traveled to Hebron to simply view the graves of the patriarchs...those individuals with whom God initiated His covenant. This fortified Calev’s current position, “as if” asking for their help, for Calev was indeed successful. He shielded himself

from any emotional appeal made by the spies. When Calev arrived at Hebron, the patriarchs and their gravesites were real to his vision, so too, God’s oath to these patriarchs became a clear reality to Calev. Of course he knew this before. However, Calev was honest: he used his knowledge of psychology and his own psyche to bolster his emotions to “remain” steadfast in his belief in God’s word. Calev knew the spies were shrewd, and that any man – even he – could fall prey to strong opposition. To strengthen his emotions, he knew that by viewing reality (the patriarch’s graves) he would have all that is necessary to combat the spies’ lies.

In conclusion, Rava did not have a monopoly on historical facts. He stated a riddle, and as with all Talmudic portions, we must think into the Rabbis’ words. When the Rabbis seemingly oppose Torah, we can know for a surety they do not; the Rabbis also knew our questions. We know the Rabbis do not oppose what is blatantly written in numerous areas. Thus, they are teaching through a riddle, “The proverbs of Solomon son of David...” “[...]to understand] the word’s of the wise and their riddles.” (Proverbs, 1:1, 1:6) Combining these two realities, we conclude that the Rabbis’ words that appear as contradicting Torah, in fact do not. We are the one’s at fault, and we are the one’s who need to delve deeper, arriving at the Rabbis’ true meaning...if we are so fortunate.

We must respect that the Rabbis didn’t simply record history in the Talmud. All of the Talmud’s words require analysis, and I believe our analysis has provided an understanding, which retains intact, the Torah prohibition to inquire of the dead.

Finally, it is essential that we understand the flaw in consulting the

dead: they are dead, and unaware of our words, as King Solomon taught and quoted above. The Torah prohibits us from futile acts (Ibn Ezra, Lev. 19:31). But most important, is that we understand God as the only Being capable of responding to our requests, and therefore, we must pray to Him alone.

I will end with a quote from the Iyyun Tefila from the book Otsar Tefilos’ (see the weekday morning Shmoneh Essray on “Oseh Shalom Bimromav):

**“For we have a great fundamental; it is not fitting to pray to any creation in the world and to request any assistance from it, except from God alone.” ■**

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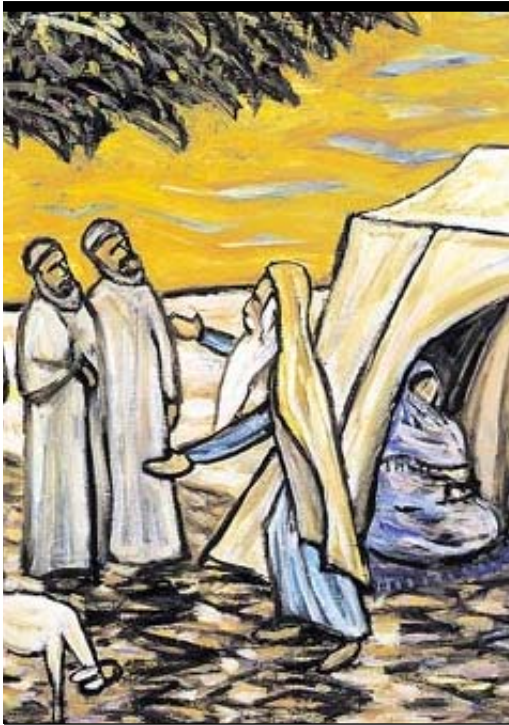
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## Pirkei Avos - Ethics

*the*  
HOME  
II

RABBI ISRAEL CHAIT

Written by student



**Chapter 1, Mishna 5: “Yose the son of Yochanon the man of Jerusalem said: Your house should be open wide (for guests), the poor should be people of your home, and do not engage in lengthy talk with women. This is said with regards to one’s own wife, certainly with another man’s wife.”**

We previously noted how Rashi explains that an “open wide” house means that the house is open on all four sides, so that it is open to anyone. He quotes the Talmud that says that Yoav, the general under King David, made his house like a desert; meaning anyone could join him in his house so that his home appeared ownerless. We asked: what is the significance of the house being open on all four sides? Why not just say that one should host poor people in his home?

When one’s house is open on all four sides, there is a lack of control for the owner. If there are only one or two doorways into a house, then the owner of the house may have control over who is allowed in and out of the house. The fact that all four sides of the house are open to the public demonstrates a lack of ownership in that anyone has the ability to walk in, and whenever they want.

Based on our Mishna, Rashi is teaching us that recognizing the reality of the lack of ownership is involved in the giving of charity. When we see people who are in poverty and lack in material needs, we need to learn to identify with them by recognizing that no person can truly own possessions. In that sense, when one gives charity, they must reflect that they don’t see themselves as real owners of the materials they are giving. When people walked into the house of Yoav, they felt as if there was no owner of the property, as it was ‘like a desert’. This was a high level of charity, giving in a manner in which the poor felt like they were not taking from a person.

In the context of modern times, it is interesting to note that Yoav was the general of his army, and despite his high rank, he reached this level of humility and perfection. When we view our society, the general pattern is that the greater one becomes, the more he becomes removed from the common people, through gates, fences, security, etc. In Judaism, it is the exact opposite: as an individual reaches greater levels of perfection, he identifies more with all human beings.

**“...the poor should be people of your home...”**

Rashi explains that rather than having servants and maidservants, one should have poor people serve in his home and he will receive reward for paying them. The Rambam on our Mishna gives a similar explanation, saying that one should hire poor people as servants rather than acquiring servants. Rambam says that the Sages would degrade those who acquired servants and praise those who hired poor people to serve them.

At first glance, the suggestion of the Mishna is problematic. If I have the opportunity to hire a competent servant or an incompetent poor person, why should I hire the poor person?

To understand our Mishna, we need to understand why people have servants. The value of hiring servants is more than just practical. Servants also add a quality of sophistication to one’s home. Though poor people may not be sophisticated, they can do a practical job. Our Sages did not value sophistication because it stems from a denial of human nature. A person senses his instinctual makeup and tries to deny it by being sophisticated, like eating with specific forks, knives, etc. However, this assumed sophistication is meaningless: the Nazis were also sophisticated in this manner. Such a combination of sophistication with a distorted mindset isn’t impossible. Sophistication does not lead to perfection.

So what do our Sages recommend? That is the lesson of our Mishna: acts of kindness. Notice how our Mishna says that the poor should be ‘people of the home’. The emphasis here, again, is on more than just the act of giving. The giver must identify with those in poverty, and this identification is to be that, which moves them to care for the poor person. While those who wish to feel sophisticated desire to feel superior, Judaism suggests that a person should desire to identify with people in distressed situations.

At this point, we may explain why the Mishna includes both ‘Your house should be open wide’ and ‘the poor should be people of your home’. The first part is advice on how one should relate to his property. The second part advises a person on how he should relate to himself. It is possible to have either one of them without the other; one could not care about his possessions yet still feel superior to the poor, or, in the opposite scenario, one could identify with the poor, but relate to himself selfishly regarding his possessions.

When a person tries to separate his possessions away from other people, there is a break in his identification with other human beings, and that is an imperfection. The Rambam, towards the end of his philosophical work called ‘The Guide for the Perplexed’, says that at the highest level a person only wants to do loving kindness. Some people claim that the Rambam himself never wrote this because the Rambam always praises intellectual perfection and here he is praising ethical perfection. In truth, though, there is no contradiction. The idea of the Rambam is that a perfected individual will do kindness because naturally he identifies with other human beings. Generally, people are prevented from identifying with others because of their individual egos. Without the ego, a person would naturally identify with others. When one reaches intellectual perfection, they will act kindly because of that natural identification.

This trait of identification can be seen in our forefather Avraham. The Rambam says that Avraham’s effort to go out and convince others about the proper service of God was an expression of love of God. How? Because with his intellectual perfection, there was identification with others and from that identification, he was motivated to give them the greatest good, knowledge of God. ■

## Letters



# Letters

*from our*

# READERS



## Letters

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## Koran Cons

**Greg:** I participate on a blog forum at [www.perspectives.com](http://www.perspectives.com). One of the boards there deals with interfaith discussions. I have been greatly insulted by many Muslims there. Turns out that a great number of Moslems believe that Jews are liars (who screwed around with Scripture), that Jews are RAPISTS (where the h did that come from?) that Jews are thieves, and that Jews are murderers. A story from the Hadith relates to how a Jew purposefully tore off the clothing from a Moslem woman, so that he could rape her. They also believe that Jews are responsible for poisoning Mohammed, AND KILLING THEIR OWN (JEWISH) PROPHETS!!!! Where is all this hatred coming from????? Especially the accusation that we Jews are "PROPHET-KILLERS" and "MANIPULATORS OF G-D'S SCRIPTURE?"

**Rabbi Moshe Ben-Chaim:** If you read their Koran, you will learn that the Islam religion is based on cannibalizing other religions. But just like Christianity and every other religion, it has no proof of divine origin.

Islam's "unique" position is, "If you can't beat them (other religions) claim authority over them". Astonishingly, the Koran claims they gave Jesus to Christianity, and Moses to the Jews. They claim responsibility for taking us out of Egypt and giving us the Torah. Simultaneously, they condemn anyone who consorts with Jews or Christians...contradicting other aforementioned verses. It is clear, what they accuse the Jews of, is their very fault: manipulating the Bible and rewriting history. Their hatred probably stems for their underlying realization that God favored not Ishmael, but Isaac. Thus, Moslems are not the favorite child. It is an infantile emotion of sibling rivalry. But their tactic of assuming an imagined responsibility for giving Moses to us, tells all. Once one denies history and truth, anything goes.

Here are some quotes from the Koran:

[2:50] And remember also the time when WE divided the sea for you and saved you and drowned Pharaoh's people while you looked on.

[2:53] And (remember) when We gave Moses the Scripture [the Taurat (Torah)] and the criterion (of right and wrong) so that you may be guided aright.

[2:57] And We caused the white cloud to overshadow you and sent down on you the manna and the quails.

[2:87] And We indeed gave Moses the Book and We sent messengers after him one after another; and We gave Jesus, son of Mary, clear arguments and strengthened him with the Holy Spirit.

[5:46] Subsequent to them, we sent Jesus, the son of Mary, confirming the previous scripture, the

Torah. We gave him the Gospel, containing guidance and light, and confirming the previous scriptures, the Torah, and augmenting its guidance and light, and to enlighten the righteous.

[5:51] O you, who believe, take not the Jews and the Christians for friends. They are friends of each other. And whoever amongst you takes them for friends he is indeed one of them. Surely Allah guides not the unjust people.

[5:64] The Jews even said, "GOD's hand is tied down!" It is their hands that are tied down. They are condemned for uttering such a blasphemy.

[17:2] And We gave Moses the Book and made it a guidance to the children of Israel

[17:4] And We had made known to the children of Israel in the Book

[17:101] To Moses We gave nine illustrious miracles. Ask the Israelites; Moses came to them. The Pharaoh said to him, "Moses, I believe that you are bewitched".

[19:52] We called him from the right slope of the Mount, and brought him nigh in communion.

[22:42] Moses was rejected.

You see, the Koran denies known, world history, and fabricates what they wish to "support" their objective of assuming a favored, religious status. Denial of the truth is their method, and this requires hatred for those who oppose them. King Solomon said thousands of years ago: "Do not rebuke the scomer, lest he hate you; rebuke a wise man, and he will love you". (Proverbs, 9:8) Their hate stems from the scorn of truth. ■

## PRO-creation

**Reader:** I have Jewish and non-Jewish friends who are married but are not interested in having children. They feel they would not like to increase population, nor would like to lose their peace of mind after having children. They feel that they want to enjoy life and are more interested in their careers. If they desire they would adopt a child but not procreate and have their own children. What does Judaism have to say on this issue? How can one answer such people? Awaiting your comments.

**Rabbi Moshe Ben-Chaim:** Such individuals are in a contradiction: they treasure "life" (theirs) but simultaneously deny granting life to another. They feel the world is here for them, and no others. In truth, someone who enjoys life that much should show appreciation to his Creator by aligning his activities with the will of the Creator who granted him or her their lives, and procreate. If they are Gentiles, they have no command to procreate, although if they would, they would partake of the same perfection commanded to a Jew. ■

RABBI MICHAEL BERNSTEIN

# Judicious Juxtaposition

Verses often appear next to each other in the Torah in almost bizarre juxtaposition; the stranger the juxtaposition the greater the pleasure and reward when we decipher the Torah's hidden meaning. In these instances, the Torah's very obscurity is often part of the message itself.

The Torah outlines three prohibitions in consecutive order (21:15-17), "Whoever strikes his father or mother shall surely be put to death. Whoever kidnaps a man and sells him, and he was found to have been in his possession, shall surely be put to death. Whoever curses his father or mother shall surely be put to death."

One would have expected that the prohibitions against hitting a parent and against cursing a parent would appear right next to each other. Yet the Torah interposes between them the prohibition against kidnapping. This startling arrangement of verses demands an explanation. Why?

The essential evil in kidnapping is that the offender has the arrogance, self-importance and self-absorption to take possession of another human and exploit him; from the perspective of the kidnapper, no one exists other than himself. If he then sells his captive like a mere piece of chattel, his corruption is complete, and he deserves the death penalty.

Let us now consider the prohibitions against striking and cursing parents. It is a rare child who will be inclined to do so. Parents naturally love their children and provide for them, generating a natural reciprocal love. There are, however, unfortunate exceptions.

Occasionally, parents use their children to satisfy their own ambitions or resolve their own inner conflicts; they live vicariously through their children. A parent may push his son to excel in academic subjects or sports in which he himself was deficient. Or else, a parent may feel that a certain personality flaw has always held him back in life, and he tries to eradicate that flaw from his child, even though the child shows no signs of having it or being bothered

by it. In essence, the parent who presses a child in these matters is using him to satisfy his own psychological needs.

In such cases, the child, although wanting to love his parent, feels trapped and used; he feels kidnapped. It is no wonder if he becomes so rebellious and angry toward his parents that he might even go so far as to strike or curse them.

The placement of the prohibition against kidnapping between the prohibitions against striking and cursing parents is yet another example of God's infinite pedagogical wisdom. The strange juxtaposition calls out for investigation and explanation. This reinforces the concept that we must examine ourselves fully and honestly to see to what degree, however small, kidnapping may lie within our own child-rearing practices.

Let us consider three more consecutive verses that occur further along in the parashah (23:3-5). "Do not favor an unfortunate person in his litigation. When you happen across your enemy's stray ox or donkey, you shall surely return it to him. When you see your enemy's donkey squatting under his burden, would you refrain from helping him? You shall surely help him!"

At first glance, the prohibition against misplaced compassion in a court of law seems weakly connected to the next commandment that calls for helping an enemy. The Torah encourages us to make a connection by placing these two commandments together without any break. Upon deeper reflection, we find their connection in the conflict between emotions and justice. Although our hearts rightfully go out to the unfortunate, we may not subvert justice in his favor. Conversely, although we may hate our enemy, we may not allow him to suffer an avoidable loss through our inaction. This, too, is injustice.

The third prohibition would appear to be an extension of the second; help your enemy not only by returning his lost animal but also by lending a shoulder when he is struggling with a heavy load.

Oddly, the Torah here separates these two prohibitions by a *stumah*, a mandatory gap of at least several spaces, the Torah's equivalent of a paragraph break; the *stumah* encourages us to discover how these two seemingly similar laws are actually more different from each other than we might first imagine. What is the distinction between returning an enemy's lost animal and helping him balance a heavy load?

The difference lies in the degree of the loss. In the first case, the enemy stands to suffer the loss of his stray animal, and understandably, justice demands that if we are in a position to prevent the loss we should do so. In the second case, the enemy will suffer no loss even if he receives no assistance. Helping him alleviates his stress and weariness, an act that goes beyond justice all the way to friendship. This law directs us to change our relationship with him, to go beyond basic justice.

In the third verse, the Torah chooses the unusual words *azov taazov imo* to express "you shall surely help him." These words ordinarily mean to abandon rather than to help. Targum Onkelos weaves a very illuminating comment into his translation. "Abandon the grudge you bear against him in your heart," he writes, "and help him unload his animal." The Torah is calling for more than justice. It is calling for the necessary underpinnings of a cohesive just society. It is calling for friendship.

Another interesting juxtaposition occurs with the following two verses (22:27-28), "Do not curse a judge nor malign a prince amongst your people. Do not be late with your first fruit and priestly tithes; give Me your firstborn sons." The verses seem unrelated. How are cursing a leader and donations to the Kohein connected? Furthermore, the Torah doesn't even place a *stumah* between the verses, suggesting a rather close connection.

Let us consider. Why would someone curse a judge or a prince? More often than not, it is because they are insecure in themselves and resentful of people in positions of power and privilege. Because of their own low self-esteem, they resent others whose status they covet. The Torah commands that one should not react to these feelings with verbal aggression; one should rather try to correct them as they arise.

Failure to deliver Temple donations and tithes may reflect mere indifference or indolence. But it may also reflect a deeper resentment against the Kohein, the privileged recipients of the donations and tithes. In this case, the resentment is expressed by inaction. In modern psychology, this is called passive aggression.

By its juxtaposition to the prohibition against cursing a prince, the Torah is signaling that this delay may be related, a kindred expression of resentment of another's position. By doing so, the Torah not only forbids the aggression, it also encourages the violator to ferret out and correct the true feelings that may lead him to delay his tithe. ■



## Job

# the Book of Job

RABBI ISRAEL CHAIT

Transcribed by students

## PART II THE STORY OF JOB

Severely tortured by successive tragedies, Job's wife told him to curse God, as this is the natural response. Job responded, "Shall we accept the good from God and not the bad?" Meaning, complaining now that life has become bad, is a distortion: any good life carries some pains, and cursing God would mean I dislike "life" in its entirety; the good with the bad. (The Rabbis say that "with his lips" Jobs did not sin, but he did sin in his heart.)

The verses tell us that Job regressed: at first he did not sin, but later on he did, teaching of Job's initial philosophy, and its results. His philosophy was that one must accept the good and the bad from God. But the fact that the Rabbis tell us that "belibo chatah" (he sinned in his heart) teaches that the germ of the sin was present. It was only a matter of time before Job would sin. This is illustrated by the fact that after his three friends came to visit; he did not speak for seven days. He was troubled. But on the seventh day he began to verbalize his pain. The Torah is telling us that Job's philosophy was good, but only up to a point – Job possessed limited tolerance. His philosophy was not proper, because it broke down. The true philosophy of life, by definition, will stand for the duration of "life", i.e., under all circumstances.

In truth, there was an opposing force that prevented Job from sinning up to this point. Job possessed feelings of rebellion. This is why he yelled at his wife when she suggested he curse God: mainly, because she represented to him those traits that he actually contained. She was

an externalization of the very forces that he was fighting within himself. This book may be summed up as an account of a man who was perfect in all areas, except for his philosophy, regressing from one level to the next.

From Job's first words – "shall we accept the good and not the bad" – we see that he maintained a certain loyalty towards God. Job was one step ahead of the "gam zoo letova" philosophy. The "gam zoo letova" philosophy (lit. "this too is for the good") maintains something which is absurd: he maintains that God has better knowledge than himself when evil occurs, while the afflicted individual has no knowledge of how it is for the good. But in a severe case (viz. one's spouse dies) this very individual does not say, "this too is for the good." The converse is true: he attacks God. The "gam zoo letova" personality is inconsistent in his philosophy.

Job's initial philosophy was that a person must accept whatever God gives him, since God is the Creator. Job did not qualify his philosophy by saying that there must be some good present. However, why did Job's philosophy fall apart? It did so, because a human being cannot maintain a philosophy bereft of any benefit. Job was able to maintain this philosophy, with the provision that some personal benefit existed. But now that everything had been taken from him, he perceived no gain in keeping to his ideals. But if Job reached the point where he saw no benefit left in life, why did he go on? And we see that he did in fact reach that point because he said,

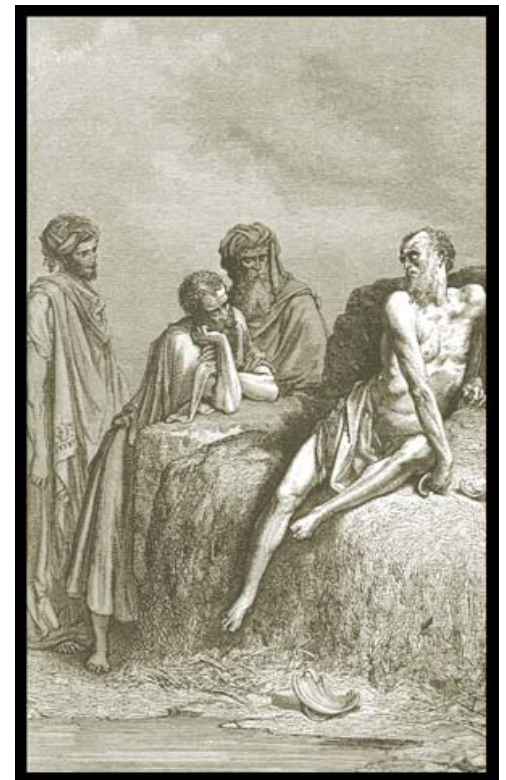
**"cursed is the day of my birth. It was a dark day...it was better that I never left the womb."**

Job went on with life due to one consideration; he desired to hear what his three friends had to say about his predicament. He thought that there might be some reason to go on.

There may be loyalty between two parties, but that loyalty lasts only as long as the parties feel that there exists a just balance. However, if one's life becomes wrecked by his loyalty, for what good reason shall he remain loyal? There is also a lesson in the Rabbis' words, "Job did not sin with his lips, but he did sin with his heart." This philosophy of loyalty harbors a conflict. With these words, the Rabbis wished to alert us to this conflict. This is seen for example, in the case where a master does a small harm to the servant: the servant's desire for showing gratefulness overpowers the desire to rebel. This was the case regarding Job. The Rabbis stated that he did not sin with his lips (because of the

desire for showing gratefulness) but he sinned in his heart (the conflict was present).

In chapter three, Job voices his complaint; he states that God performed an injustice: God performs all, and God created the day of his birth, which in turn is the cause for all his suffering. Herein, Job made a transition. He first describes in detail how terrible was this day of his birth. He then proceeds to state that had he not been born, he would be at rest. He would share the company of kings. He describes death as equal for all, where all are free from their respective, tragic lives. What is meant by this transition? First, Job was merely describing his state, and his disgust with life. He still maintained the immortality fantasy. But once he saw how temporal life really is, he looked at death as a good: death could save him from his present pain. Since he overcame his immortality fantasy by seeing no purpose in his life, he was able to look at death as something, which catered to his desires. That was the transition. Ecclesiastes 3:11 states, "Gam es HaOlam nasan b'libam..." ("Also the world was given in their heart..."). Ibn Ezra says this means that the feeling of eternity was planted in man. Without this feeling of immortality, man would not move towards accomplishments. Job lost this feeling of eternity. Thus, there are two things in Job's monologue: 1) it was unjust that he should live and 2) a description of his psychological state. ■



## Death &amp; the Dead



# Moses' Death

## His Postmortem Role

### Idolatry

Rabbi Israel Chait

The Rabbis dispute whether Moses wrote the last eight Torah verses. What is the issue?

The last eight verses took place after Moses died. Either Moses wrote them through prophecy, or Joshua wrote them. Rabbi Simone says that Moses wrote them. But how may we understand the theory that Moses didn't write these verses? What theory demands this view? Additionally, what is the necessity to record his death in the

Torah? The Torah is a book, which teaches truths about God. How does Moses' death conform to such truths?

Although the Torah contains accounts of events, these accounts do not serve as mere, historical records, but they contain profound teachings, as is the case with all Torah accounts. Maimonides cites the rabbinic ridicule of King Menasseh:

*"There is a saying of our Sages (B.T. Sanh. 99b) that 'the wicked king Menasseh frequently held disgraceful meetings for the sole purpose of criticizing such passages of the Law. He held meetings and made blasphemous observations on Scripture, saying, 'Had Moses nothing else to write than, 'And the sister of Lotan was Timna.' (Gen. xxxvi. 22)?"*

*"Every narrative in the Law serves a certain purpose in connection with religious teaching. It either helps to establish a principle of faith, or to regulate our actions, and to prevent wrong and injustice among men; and I will show this in each case." (Guide for the Perplexed, Book III, Chap. L)*

Maimonides establishes the principle that the Torah – every verse – must contain religious teachings. How is this true with regards to the account of Moses' death?

Deuteronomy, 34:6-7 reads as follows:

*"And Moses died there, the servant of God, in the land of Moab by the word of God. And they buried him in Gai, in the land of Moab, facing Beth Peor, and man does not know his gravesite to this day."*

What is so essential about where Moses was buried, that it was facing Beth Peor? We learn that Peor was the primary, idolatrous god. What is the connection between Moses and Peor? Additionally, what demands that mankind not know Moses' gravesite? And if we are not to know his gravesite, why does the Torah offer so much detail?

There are a few more statements, which are relevant to this analysis. Talmud Sotah 13b says, "Moses didn't die." What does this mean? We know he died, as the Torah records his gravesite.

It is stated, "the Torah commences with God's kindness, and concludes with God's Kindness. It commences with God's kindness as we read, "and He clothed them (Adam and Eve) with animal skins." And it concludes with God's kindness, as we read, "And He buried him (Moses) in Gai." What is this principle, and how is burying Moses in Gai and act of kindness? We also learn that Moses' gravesite was prepared during the Six Days of Creation. This must be due to some

essential aspect of his gravesite, but what?

There is one more Midrashic (allegorical) statement, which deserves our attention. After Moses died, wicked people sought out his burial site. When they were at the summit of the mountain, they saw his gravesite at the base. When they were at the base below, they saw it at the summit. They decided to break up into two groups: those at the base saw his site at the summit, and those at the summit, saw Moses' gravesite at the base. Then, they realized that what they both saw was a projection. Why were these grave seekers referred to as "wicked"? Let us begin by examining Moses' unique character.

### Moses' Unparalleled Distinction

The Torah says, "And Moses died there, the servant of God..." True knowledge of God converts one into a "servant" of God. Additionally, the ineffable name of God used here indicates that Moses obtained the truest knowledge of God. God's name "Elohim" is not used, as this word refers to how God bestows His providence on mankind. Therefore, we learn that Moses was the "servant of God"; as the ineffable name of God is used, teaching that Moses' knowledge was of the highest form, not limited to knowledge of God's providence alone. Through this knowledge, he was converted into God's servant.

We learn that Moses was referred to as a "Sachel Nifrad", "a separated intelligence". This means to say that Moses reached the highest level of any human; he operated completely through his intelligence. Moses was in complete control of his instincts. Thus, he, over all others, was the furthest removed from the idolatrous emotions. Idolatry is not a "taboo", but a natural force. Its seeds lie within the core of every human psyche. Idolatry is not created from anywhere else than from man's own emotional and psychological drives. However, Moses, being completely removed from any instinctual component, had no relationship to such drives or emotions. Thereby, Moses reflected the entire Torah. The Rabbis teach, "One who denies idolatry, is as one who follows the entire Torah. One who follows idolatry is as one who denies all of Torah."

Not forming part of his prophetic teachings, Moses did not write about his own death. However, his death was not simply an event, but it served a precise purpose: it forms part of Torah. How so?

### Moses' Death: The Lessons

The Rabbis teach that Moses' death atones for the sin of Peor worship. As we stated, Moses' very being, over all others, did not partake at all of the idolatrous emotion. Now, as he was buried facing

(continued on next page)

(Moses' Death continued from page 10)

## Death &amp; the Dead

the primary idolatrous entity Peor, God teaches us this was done to oppose idolatry. The study of Moses suppresses the drive for idolatry. One cannot entertain Peor, without also recognizing that this very location is Moses' gravesite. This contrast between Peor (idolatry), and Moses, forces one to recognize the fallacy of idolatry. He recognizes Moses, the one who opposed idolatry par excellence. Thus, one being "atoned" for Peor means the sin of Peor is forgiven, as Moses' nature suppresses the idolatrous drive in others. "Atonement" is anything, which functions to remove man from evil. Moses' gravesite faces Peor precisely to remove man from the worst evil: idolatry. For this reason, Moses' death was essential to Torah. It was not simply a recorded historical event.

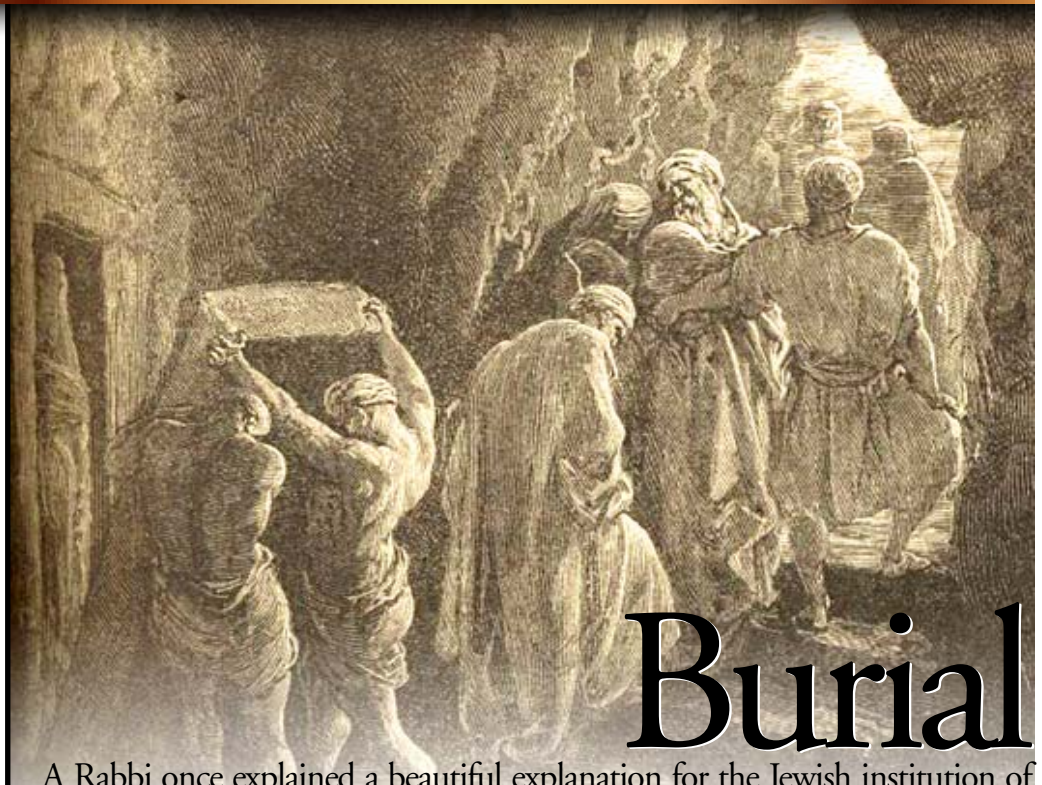
This explains why the Rabbis state, "Moses did not die". Of course Moses is dead, but "not dying," means that his death was not a negative: he didn't simply pass with no benefit to man. Moses' death functions to teach this truth, that idolatry is false. He "did not die" means, his teachings have not ceased: his death was not without a teaching of its own.

This event is so essential; the Rabbis stated that Moses' gravesite was created during the Six days of Creation. This means that Moses' gravesite was so essential to creation itself, it forms part of Creation. God's physical world cannot exist without an eternal and concrete lesson uprooting the fallacy of idolatry. Moses' gravesite achieves this teaching, thereby forming part of the goal of Creation itself.

Why were those seeking Moses' gravesite called wicked? The reason is because a grave can also function as a vehicle of idolatry – human worship. This was the very reason Rashi states that Jacob asked not to be buried in Egypt, lest the Egyptians worship his grave. Jacob did not desire that in death, he should detract from mankind's objective to recognize and serve God alone. Even more does this apply to Moses, and this is why God did not reveal to man Moses' gravesite.

Moses' death serves to oppose idolatry. Therefore, inherent in his death, God orchestrated this event that there would be no possibility that Moses become deified, and mutually exclude the very goal of his death: uprooting idolatry. Moses' gravesite must remain hidden.

This kindness God showed to mankind: He gave us a vehicle through Moses' death, which counters the fallacy of idolatry. God commenced His Torah with kindness, by supplying Adam and Eve with their psychological needs. Now embarrassed at their nakedness, God placated them psychologically. God also concluded His Torah with kindness: He gave us our metaphysical (spiritual) needs. God gave us an essential teaching through Moses' death. ■



# Burial

A Rabbi once explained a beautiful explanation for the Jewish institution of "burial". When Abraham buried his wife, my teacher showed how Avraham repeatedly described the burial site, and insisted on paying Efron the Hittite, although Efron offered it for free. Why did Avraham want to pay for that which was free? Why did he keep repeating the description of the site?

The Rabbi explained that Abraham had the true concept of burial: it is not the removal of the corpse; conversely, it is the initiation of the other part of man's existence. Life after death is a positive state. It is the higher state as well.

Merely burying Sarah would not demonstrate that Sarah's continued existence was a reality. This is why Abraham insisted on paying for the gravesite. He desired a positive acquisition to demonstrate the positive state into which Sarah now entered.

Additionally, we bury a corpse immediately so as to demonstrate that the body is not man's essence. This is the exact opposite of other religions: they keep the body around for a wake. The other religions feel that the body is essential to man. The Torah teaches that the body is only the means of interaction for the soul on this Earth. But once the soul departs, we must demonstrate that man's true existence is no longer tied to this body. Therefore, we bury it right away. ■

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# 2000<sup>TH</sup> ISSUE

**MILESTONES WERE MEANT TO BE PASSED BY.**



I wish to thank my dear friend Rivka for suggesting four years ago that Mesora start a magazine. 200 issues later, 1/4 million copies have been circulated. Mesora.org and JewishTimes readers also owe their gratitude to my teachers, whose unparalleled Torah, toil, and dedication for decades have yielded a refreshing well of Torah from which I and many others have been satiated. The training I received from them opens my eyes to new marvels each day. I am grateful to God and my teachers for having learned what I have, but more, for “how” I have learned: a method of Torah study unique in the world, fiercely loyal to truth, our Fundamentals, and Talmudic thought, above all else. I am deeply gladdened that I can regularly share this with all of you. It is amazing that new insights present themselves daily without fail, and this only heightens our expectations and excitement for what we will learn tomorrow. Thanks to all of our writers, new and old, and to all of our supporters throughout these years. Together, may we continue to learn about our Creator, and share this knowledge with all others. *Moshe Ben-Chaim*