**S.A.L.T. – Parashat Kedoshim**

**By Rav David Silverberg**

Motzaei Shabbat

 The Torah in Parashat Kedoshim (19:18) issues the famous command,“*Ve-ahavta le-rei'akha kamokha*" – Love your fellow as yourself” (19:18).

 An interesting application of this Torah requirement appears in a responsum of the Radbaz (1:728), who addresses the case of somebody who sees his fellow struggling to carry an overbearing load. The Torah obligation of *perika* requires one to help his fellow unload an overbearing burden placed on his animal (Shemot 23:5), and the Rashba, in one of his responsa (1:252,256) claims that it applies as well in the case of a human being struggling under a heavy load. The Radbaz reaches the same conclusion – that one must assist his fellow carrying an overbearing burden – but for a different reason. He argues that the *mitzva* of *perika* applies specifically in the case of an animal, which is obviously not to blame for the overbearing load on its back. Since it did not load the cargo, it bears no responsibility for the predicament, and thus people who see the animal must come to its rescue. A human being, however, who cannot carry the heavy load on his back is guilty of piling too much weight upon himself. As he is to blame for the predicament, the Radbaz contends, the *mitzva* of *perika* does not apply. Nevertheless, he writes, the *mitzva* of “love your fellow as yourself” requires assisting a person even in such a case, and so in practice, the Radbaz agrees with the Rashba’s ruling that one is required to help a person struggling with a heavy load.

 The Radbaz clearly works off the assumption that the command of “*ve-ahavta le-rei’akha kamokha*” requires assisting those in need even when they are to blame for their situation. Even if a person acts in an irresponsible manner which results in a difficult situation, we are required to help him, and may not withhold assistance on account of the person’s guilt. The basis for this premise, perhaps, is the command to love others “*kamokha*” – “as yourself.” Just as we forgive ourselves for our mistakes, so-to-speak, and endeavor to solve problems which we created through our irresponsible or mindless conduct, we are commanded to relate to the others the same way. If somebody falls into hardship due to his own mistakes, we must be as forgiving of his mistakes as we are of our own, and lend him the assistance he needs despite his responsibility.

Sunday

 Among the commands presented in Parashat Kedoshim is the requirement to leave certain portions of one’s harvest for the poor. These include *pei’a* – a corner of the field; *leket* – the stalks that fall during harvesting; and certain clusters of grapes in a vineyard (19:9-10).

 Several commentators observed that in issuing this command, the Torah shifts from the plural to singular form. It begins with the phrase, “*U-be’kutzrekhem et ketzir artzekhem*” (“And when you harvest your field’s yield”), formulated in the plural form, but then commands, “*Lo tekhaleh…lo telaket…lo te’olel*,” in the singular form.

 The *Keli Yakar* explains that the Torah anticipated the claim that since all farmers generally harvested their fields during the same season, there was no need for each and every one to leave these gifts to the poor. The Torah speaks of the time of “*be-kutzrekhem*,” when the entire agrarian community harvests, and it turns to each individual farmer and commands him to leave these gifts to the poor. No farmer can excuse himself from these obligations by claiming that the poor have plenty of other fields from which to collect food. The obligation is directed to every individual, despite the fact that each could rightfully claim that the poor have enough available produce in other people’s fields.

 This message, of course, applies to many other areas of religious life, as well. We cannot excuse ourselves from our responsibilities by relying on their being capably fulfilled by others. We must all see ourselves as personally responsible for upholding the Torah and fulfilling its commands, rather than assume that our work and efforts are not needed due to the work and efforts done by others.

Monday

 The view of the vast majority of the *Rishonim*, and the generally accepted position, is that the Torah obligation of *sefirat ha-omer* applies only in the times of the *Beit Ha-mikdash*. Since the Torah requires counting “from the day you bring the *omer* of waving” (Vayikra 23:15) – referring to the special offering of the first portion of newly harvested grain, on the 16th of Nissan – this requirement is fundamentally linked with the *omer* offering. As such, the *mitzva* to count the *omer* does not, on the level of Torah obligation, apply after the Temple’s destruction, when we do not bring this sacrifice. We observe this *mitzva* only on the level of Rabbinic enactment, as opposed to Torah law. This is the view taken by Tosafot (Menachot 66a), the Ran (Pesachim 28a in the Rif), and many others. This is in contradistinction to the view of the Rambam, who famously writes in Hilkhot Temidin U-musafin (7:24) that the Torah obligation of *sefirat ha-omer* applies “in every place and in every time,” irrespective of the *korban ha-omer*. As mentioned, the commonly accepted view is that of the majority of *Rishonim*, who viewed *sefirat ha-omer* as a Rabbinic obligation in the absence of the *Beit Ha-mikdash*. (See *Bei’ur Halakha*, 489:1).

 In light of the majority view among the *Rishonim*, some halakhic authorities have called into question the text of the “*Hineni mukhan u-mezuman*” prayer that many have the custom of reciting before counting the *omer*. In this prayer, we announce that we are prepared “to fulfill the affirmative command of counting the *omer* as it is written in the Torah, ‘You shall count for yourselves…’” We describe the *mitzva* as a “*mitzvat asei*” – a Biblical command – and proceed to cite the Scriptural source. Seemingly, this description of *sefirat ha-omer* reflects the Rambam’s position, that we observe the *mitzva* today on the level of Torah obligation. At first glance, then, it would appear improper to recite this text, given that the consensus among the halakhic authorities follows the majority view, that *sefirat ha-omer* is observed today on the level of Rabbinic enactment.

 Indeed, Rav Ovadya Yosef, in *Yechaveh Da’at* (6:29), writes that those who recite this prayer should amend the text to reflect the accepted position. Specifically, Rav Ovadya writes that one should recite, “*le-kayeim mitzvat sefirat ha-omer*,” instead of “*mitzvat* ***asei*** *shel sefirat ha-omer*,” and omit the citation of the verse (that is, from “*kemo she-katuv ba-Torah*” until *isheh le-Hashem*”).

 Rav Shlomo Zalman Auerbach, however, as noted in *Halichot Shelomo* (*Moadim*, Nissan-Av, p. 350),defended the accepted text of the “*Hineni Mukhan U-mezuman*” prayer. He claims that the term “*mitzvat asei*” does not necessarily refer to a Torah obligation, as it can also be used to describe an obligation enacted by *Chazal*. And as for the citation of the verse, Rav Shlomo Zalman maintained that this can easily be explained as referring to the fact that the Sages enacted a requirement to count the *omer* nowadays just as the Torah commands counting the *omer* in the times of the *Mikdash*. Therefore, in his view, there is no need to amend the text of this prayer to accommodate the majority view among the *Rishonim*.

Tuesday

 The Midrashic text [*Tanna De-bei Eliyahu* (chapter 15)](http://hebrewbooks.org/pdfpager.aspx?req=35935&st=&pgnum=81&hilite=) cites the famous command with which Parashat Kedoshim begins – “*Kedoshim yiheyu*” (“You shall be sacred”), and then comments, “On this basis it was said: Whoever belittles *netilat yadayim* – this is a bad omen for him.”

At first glance, it appears that *Tanna De-bei Eliyahu* interpreted this command as referring to the standards of ritual purity that apply to all members of *Benei Yisrael*, as opposed to just the *kohanim*. Whereas the *kohanim* in the times of the *Beit Ha-mikdash* ate *teruma* and sacrificial foods, which required a state of *tahara* (halakhic purity), the rest of the nation is not under any obligation to eat their food in this condition, and are permitted to eat in a state of *tum’a* (halakhic impurity). The exception to this rule is the obligation of *netilat yadayim*, which requires all members of the nation to wash their hands to purify them before eating bread. Seemingly, *Tanna De-bei Eluyahu* understood the command of “*kedoshim yiheyu*” in this vein, as introducing (or at least alluding to) a requirement upon all *Benei Yisrael* to emulate, on some level, the high standards of purity maintained by the *kohanim*, by washing their hands before eating bread. (Indeed, this passage in *Tanna De-bei Eliyahu* appears immediately following Rabban Gamliel’s proclamation to his disciples, “Sanctity was given not only to the *kohanim*, but rather to *kohanim*, *Leviyim* and *Yisraelim*.” Rabban Gamliel then cited the command of “*kedoshim tiheyu*” as the basis for his teaching.)

 Rav Moshe Rosen, however, in his *Ohel Moshe*, suggested a deeper connection between the *mitzva* of *netilat yadayim* and the command of “*kedoshim tiheyu*.” Washing our hands as a symbol of purity and sanctity before sitting down to a meal conveys the vitally important message that the concept of “*kedusha*” extends to the full range of human activity. Often, we instinctively – but mistakenly – associate “holiness” with ascetic measures, withdrawal from physical enjoyment, and purely spiritual pursuits. The requirement to “purify” ourselves before eating teaches us that the notion of purity must inform the way we conduct ourselves specifically with regard to our mundane, physical pursuits. It requires not abstaining from worldly affairs, but rather engaging in worldly affairs in a refined, disciplined and dignified fashion.

 This same message, Rav Rosen observes, is conveyed by Parashat Kedoshim. This section begins with the command of “*kedoshim tiheyu*,” the obligation to live as “holy” people, and then proceeds to present a wide range of commands, many – or perhaps even most – of which relate to interpersonal, civil matters. Beyond the detailed laws outlined in this *parasha*, there is overarching message that “*kedusha*” manifests itself in all areas of human activity, in the way we conduct ourselves among family members, neighbors, work associates and everyone else with whom we come in contact. After concluding its discussion of sacrifices and of the laws of purity that apply to the *Beit Ha-mikdash*, which occupies the first half of Sefer Vayikra, the Torah now impresses upon us that “holiness” is not reserved for the Temple. The obligation, challenge, privilege and opportunity of *kedusha* presents itself in every area of life, and therefore, the imperative of “*kedoshim tiheyu*” is expressed in such a wide variety of laws.

 And thus this command, like *netilat yadayim*, teaches us that the ideals of holiness and purity must inform our conduct throughout every day of our lives, and demand that we act in a Godly, noble and dignified manner at all times and in all activities in which we engage.

Wednesday

 The Torah in Parashat Kedoshim (19:17) commands, “*Lo tisna et achikha bi-lvavekha*” – “Do not despise your fellow in your heart.”

 Rav Levi Yitzchak of Berditchev explained this command in light of the particular term “*levavekha*” used in this verse in reference to the heart. The Mishna in Masekhet Berakhot (9:5) comments that when the Torah commands us to love the Almighty “*be-khol levavekha*” (“with all your heart” – Devarim 6:5), it means “with both your inclinations.” We love God by following our positive inclinations and by subordinating our negative inclinations to His will. *Chazal* inferred this concept from the term “*levav*,” a complex form of the word “*lev*” (“heart”), which connotes the complex nature of the human condition, our internal struggles and conflicting desires and interests.

 Rav Levi Yitzchak suggests applying the Mishna’s understanding of “*levavekha*” to the prohibition against hating one’s fellow “*bi-lvavekha*,” which the Torah introduces here in Parashat Kedoshim. He explains that the Torah forbids despising one’s fellow “*bi-shnei yetzarekha*,” with both inclinations. Of course, we must not hate people with our *yetzer ha-ra*, as a result of our natural negative tendencies such as arrogance, envy, pettiness and selfishness. But in addition, we are to avoid hatred that originates from our *yetzer ha-tov*, from our inherently positive and admirable qualities. We are oftentimes led to feel hostility towards people specifically because our moral and religious sensitivities are offended, because we observe them engaging in conduct which we rightfully find disdainful. In a sense, this is the more dangerous form of hatred, as it can easily be misconstrued as a noble, altruistic feeling which we are required to act upon and express. Even when we succumb to envy or pettiness and react angrily, we recognize deep down in our hearts, and generally acknowledge sometime later, that our response is inappropriate. But anger and hatred borne out of our *yetzer ha-tov*, out of altruism and a genuine contempt for evil, can express itself without the normal constraints of conscience. The Torah therefore warns us not to hate “*bi-lvavekha*,” even with our good inclination, out of genuine idealism. Even when we see conduct that offends our ideals and principles, we must draw a clear distinction between the deed and the perpetrator, and ensure not to despise the latter even as we nobly detest the former.

Thursday

 The Torah commands in Parashat Kedoshim (19:15), “*be-tzedek tishpot amitekha*” (“you shall just your fellow justly”). While the context of this command suggests that it addresses specifically courtroom judges, demanding that they adjudicate fairly and objectively, the Gemara (Shevuot 30) comments that the Torah here also introduces the command upon all people to judge others favorably and give them the benefit of the doubt.

 The special importance of this quality, judging people favorably, can be seen in the Mishna in *Pirkei Avot* (1:6), which exhorts, “Make for yourself a rabbi, acquire for yourself a friend, and judge every person favorably.” Rav Avraham Pam (in [an article in *Am Ha-Torah*, vol. 14, p. 209](http://hebrewbooks.org/pdfpager.aspx?req=15032&st=&pgnum=209&hilite=)) explains that the Mishna here enumerates the three basic prerequisites for becoming a Torah scholar: one must have a teacher from whom to learn, a peer with whom to grow, and a refined character. The Mishna mentions specifically “*hevei dan et kol adam le-khaf zekhut*” – judging people favorably – because this quality is, in Rav Pam’s words, “the peg upon which everything hangs, the foundation and root of every precious character trait.” When the Mishna wishes to impress upon us the importance of *middot* (refined character traits) in the process of achieving Torah greatness, it makes mention specifically of this quality, judging people favorably, because this forms the root and basis of all other traits.

 We can think of several reasons why specifically this quality is seen as the foundation of other positive character traits, one of which might be the fact that scholarship often breeds arrogance and disdain for the unlearned masses and for other scholars. Torah achievement can sometimes result in a sense of pride and superiority, which can in turn cause scholars to look contemptuously upon those who have not devoted themselves to Torah as they have. The Mishna therefore teaches that the first and most vital step in a scholar’s pursuit of proper *middot* is “*hevei dan et* ***kol adam*** *le-khaf zekhut*” – to view and assess all people with a positive outlook and predisposition. Scholars must remember that even if their achievements surpass that of most others, all people deserve respect and admiration, as well as the benefit of the doubt. Impressive accomplishments do not entitle one to belittle or denigrate those with more modest accomplishments. To the contrary, the more we grow in Torah knowledge and devotion, the more we are expected to focus upon all that is admirable about the people around us, and to accord them the respect and esteem they deserve.

Friday

Yesterday, we noted the Torah’s command in Parashat Kedoshim (19:15), “be-tzedek tishpot amitekha” (“you shall just your fellow justly”), which the Gemara in Masekhet Shevuot (30) interprets as referring both to judges and to ordinary people. It requires judges to judge litigants fairly and impartially, and it requires all of us to give others the benefit of the doubt.

The question arises as to how the word “be-tzedek” (“justly,” or “fairly”) accommodates the second interpretation of this verse. Seemingly, giving people the benefit of the doubt and judging them favorably even when they appear to act improperly is an act of special kindness and generosity. If we were to judge others “justly,” with strict objectivity, then we would reach the most logical conclusions when we observe outwardly negative behavior. How does the ideal of “hevei dan et kol adam le-khaf zekhut” – judging people favorably and giving them the benefit of the doubt – fulfill the command to judge “be-tzedek”?

Rav Avraham Pam (in [an article in Am Ha-Torah, vol. 14, p. 213](http://hebrewbooks.org/pdfpager.aspx?req=15032&st=&pgnum=213)) answers this question based on a discussion among the poskim concerning eulogies. The Shulchan Arukh(Y.D. 344:1) rules that although it is forbidden to exaggerate the deceased’s positive qualities in a eulogy, nevertheless, “one mentions his fine qualities, **and adds to them somewhat**.” According to the Shulchan Arukh, one may magnify “somewhat” the deceased’s admirable qualities, though outright exaggeration is forbidden. Already the Taz raises the question of how the Shulchan Arukh can permit dishonesty, even “somewhat.” The Chida, in Birkei Yosef, offers an insightful and important answer: “Presumably, people did not know the full extent of his qualities, and since he had positive qualities, there is no doubt that a few of them were not known.” All generally good people, the Chida here teaches, have more goodness to their credit than that of which people are aware. Nobody truly knows the full extent of a person’s fine qualities, and for this reason the Shulchan Arukh permits some slight degree of exaggeration when delivering a eulogy. This is not a license to lie, but rather a reflection of Halakha’s firm belief that all people have more goodness than what they outwardly display.

On this basis, Rav Pam explains, we can understand the command of “be-tzedek tishpot amitekha.” Favorable judgment is, in fact, fair and just, because we need to recognize that all people have more goodness than that which is outwardly shown. We are to give the benefit of the doubt because there is so much we do not see and do not know about other people. When viewed from this perspective, this requirement indeed represents the fairest possible judgment – one which takes into account the inherent limits of our knowledge of other people, their lives and their visible actions. There is nothing more just or fair than acknowledging how little we truly understand about what people do and why, and thus judging our fellow favorably is indeed a fulfillment of the command “be-***tzedek***tishpot amitekha.”