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# קול תורה

**Parashat Shemini**

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## Proper And Improper Ahavat Hashem

*By Shua Schloss ('23)*

It was the best of times. It was the worst of times. The Mishkan was finally completed, and the celebration had begun. Aharon and his children brought special Korbanot, and the joy of accomplishment permeated the camp of the Jewish Nation. Then tragedy struck. Aharon's two sons, Nadav and Avihu, decided to bring a strange korban Hashem didn't command them to bring: "VaYikrevu Lifnei Hashem Aish Zarah Asher Lo Tziva Otam" (VaYikra 10:3).

The Netziv notes that Nadav and Avihu seemed to have acted with a deep and abiding sense of Ahavat Hashem when they went into the Ohel Mo'ed to offer Korbanot. It seems like they were fulfilling the Mitzvah given to Klal Yisrael of "Ve'Ahavtah Et Hashem Elokecha...". If this is the case, how come Nadav and Avihu died if they were showing their love for Hashem? If anything we should rejoice over this?!

The Netziv answers in a way that helps us understand Ahavat Hashem. The Torah teaches us through the deaths of Nadav and Avihu that although Ahavat Hashem is precious in the eyes of Hashem, it was not viewed as such when it is pursued in this manner (i.e. without Hashem having commanded the offering of this Korban).

Furthermore, the fire mentioned earlier in the Parashah, when Moshe tells Aharon to approach the Mizbei'ach to atone Klal Yisrael for their sins. Aharon is acting out of true Ahavat Hashem to do good. But Nadav and Avihu may have been drunk and were demonstrating their "Ahavat Hashem" in an inappropriate manner. They were doing it more out of self-interest and self-pleasure at that point. Therefore, when they did this, they faced terrible consequences instead of rejoicing with the people.

At the end of the day, we all should love Hashem fully with our hearts and souls but we must do so in an appropriate way. We do this by doing the simple things we are commanded to do; put on Tefillin, Daven, make a Berachah, and respect our parents. When we can do those small things and through doing them love Hashem, we become great and able to rejoice like Nadav and Avihu thought would happen to them.

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## When the Mind Beats the Body at its Own Game<sup>1</sup>

*By Tzvi Meister ('21)*

It is interesting to note that whereas the previous two Parashiyot have dealt near-solely with issues of the Mishkan itself, Parashat Shemini immediately presents a standard Parashah structure of introducing an episode that occurs to Am Yisrael - more specifically to Aharon as a result of his sons, Nadav and Avihu's death - and a set of commands by Hashem that become codified among the Taryag Mitzvot. Yet, there are troubling questions that appear despite Shemini's style: What possible connection could the death of Nadav and Avihu possibly have to the commands of Kashrut; and what do the laws of Kashrut as a blanket set of commandments teach about humanity and the nature of Halachah?

In the second Pasuk of the 11th Perek, Hashem already begins introducing the concept of Kashrut by stating: "Dabru El Bnei Yisrael Leimor Zot HaChayah Asher Tochelu MiKol HaBeheimah Asher Al HaAretz," "Speak to the children of Israel, saying: These are the creatures that you may eat among all the animals on earth" (VaYikra 11:2). Per Rashi, it would appear that the word "Zot" - translated most closely as *this* or *these* - expresses that Moshe had displayed each animal to Bnei Yisrael, declaring each to be fit or unfit for consumption from that point forward. Yet it is difficult to ascertain why Moshe needed to do this? As it may be easily reasoned, it would have been far simpler to specify exactly those which were permitted and prohibited, respectively. To this, we call attention to an interesting treatise of Maimonidean scholarship, per the guidance of Rav Yosef Dov Soloveitchik (*MiPeninei HaRav*, pp. 194-195). Rambam (*Hilchot Ma'achlot Asurot*, 2:12) writes that in the event someone eats an insect simultaneously originating from the water, ground, and air, he would be Chayav three separate infractions punishable by three separate Malkot as a result. This is troubling since, per Ra'avad's observation (*HaSagot HaRa'avad Al Mishneh Torah, Hilchot Ma'achlot Asurot*, 2:12), there are no existent species of insect, and thus Rambam must be mistaken in his taxonomy. Rambam, according to the Rav, however, is well aware of this paradox, and in fact, uses it to his advantage. From the strict standpoint of classification by genus, Ra'avad is correct; yet simply based on the deception of the human eye and brain, certain insects may indeed appear as if they originate

<sup>1</sup> It is important to note that despite my best efforts to explain the nature of why Kashrut exists, I am limited in my ability to do so simply because Kashrut is, invariably, a Chok, which cannot be entirely understood according to human reason. Nevertheless, I will attempt to best present rational explanations behind the commandment and symbolism of Kashrut, albeit within my own mortal and finite capacities.

in the exact manner Rambam prescribes. Thus, the visual display of all Kosher and non-Kosher species according to Moshe Rabbeinu's demonstration was, in fact, indicative of the Halachic reality that we base our decisions on perception rather than biological fact when the situation warrants it.<sup>2</sup> From this understanding of Kashrut, it may be concluded that we derive standards of acceptability simply based upon appearances. If this were the case, however, there would likely be a widespread disregard for actual Kashrut; such a lax standard would lead one to conclude that Kashrut seems to be driven more by the urges of the body than by exercising of the mind. This, as we know, is far from the truth.

The mere possibility of Kashrut being a subjective commandment that is regulated by the inner emotional drives of the mind certainly raises some very problematic questions to answer. However, Kashrut is, due to its status as a Chok, a far cry from the realm of subjectivity that regulates its enforcement. Instead, Kashrut, though still a Chok nonetheless, possesses impactful meaning and insights into the realm of Halachah, itself objective and immutable. Halachah is, after all, not simply a statement of what is and how it must be, but what can and should be. Halachah, in the traditional Brisker sense of Rav Soloveitchik (see *Halakhic Man* for further reading), provides the perfect blend of subjectivity and objectivity to the concrete world of cognitive man, thus bringing the world closer to what it should be. In this sense, then, Kashrut should, as we will note, distinguish itself from the hazardous realm of mere subjective reality and be shown as a yearning for the objective truth.

At the very conclusion of the Parashah, we, the reader, are reintroduced to the concepts of Kashrut, albeit with a shifting focus not only on the permissible species but on the nature of what constitutes an acceptable animal within a normally Kosher species. "LeHavdil Bein HaTamei U'Bein HaTahor U'Bein HaChayah HaNe'echelet U'Bein HaChayah Asher Lo Tei'Achel," "to distinguish between the unclean and the clean, and between the animal that may be eaten and the animal that may not be eaten" (VaYikra 11:47). This Pasuk already bespeaks a lot, indicating that at the core of Kashrut, is a distinction between that which is both clean/acceptable to eat, and the converse. Yet, there is a subtle and easily glanced over parallel which the Rav (Festival of Freedom, p. 137) draws upon from this Pasuk which helps us to greater appreciate the nature of Kashrut despite its restrictions. While many Perakim in the Torah deal with dietary laws, only a single Pasuk mentions Tefillah: "*VeHayah Im Shamo'a Tishme'u El Mitzvotai Asher Anochi Mitzaveh Etchem HaYom LeAhavah Et Hashem Elokeichem U'LeAvido BeChol Levavchem U'BeChol Nafshichem,*" "If, then, you obey the commandments that I enjoin upon you this day, loving Hashem and serving Him with all your heart and soul" (*Devarim* 10:12). Why is this the case? Because it is easier for man to pray than to withdraw from food he desires. It is banally asserted that "man is ready to serve God spiritually, yet resents interference with his eating habits or with the manner in which he gratifies physical or carnal needs" (such as the observance of Shabbat, Hilchot Niddah, or Shomer Negiah).<sup>3</sup> Modern man does

not object to the worship of God or participation in flashy ceremonials, nor does he object to the ceremonial singing or his own presence in a sanctuary. Yet, he simultaneously disdains the existence of, and being told that there are, "laws which guide him concerning behavior not of the spirit, but of his body." Without disciplining the body, one cannot inspire the spirit - that is the Torah's philosophy.

Hilchot Kashrut belongs to the category of discipline of the body which forbids overindulgence in the satisfaction of human corporeal needs and drives. It is not a rejection of the body, as may be understood by other religions and their respective sects, such as certain strands of Christian tradition. It is, in fact, the exact opposite. The body and spirit - which we may, for purposes of oversimplification refer to as being equatable to the mind in this instance - are both equally components of man. Yet the Torah presents man, in these commandments, with a stark rebuke to recognize the savagery and inhumanity of such behavior. The body should, if it wishes to be sanctified and elevated in this world - as that is the goal of any Ish HaHalakhah - must be capable of exercising restraint from certain actions which only promise corporeal and temporary, fleeting pleasure if it wishes to better serve God. Thus, Kashrut, in essence, stands as the greatest reminder to Judaism that what foods enter the body is equally as important to the various organs which process them as the experiences of life are to the approximately 86 billion neurons that comprise the human body as a whole. Much like the philosophy of Korbanot, concerning the shedding of one's Nefesh HaBehemit, Kashrut is, in itself, an exercise of truly higher-order neural processing, reminding the mind, that despite the pleasure received by that one McNugget or piece of bacon, it stands to only further destroy the lofty and exalted image of what it means to be human and to exercise one's mind to its fullest extent and capacity. We are, however, perhaps left unsatisfied still with this approach, as we have not yet addressed the nature of what permits the eating of meat, in contrast to vegetarianism or veganism, for this practice is, historically/anthropologically speaking, found distinctly among predatory animals; and yet it is also found among humans, who are, after all, simply a higher animal. Additionally, there is still the issue of how this relates to the incident of Nadav and Avihu's untimely deaths, which provokes the question of what truly distinguishes the behavior of Kohanim such as the former two, and acceptable offerings to Hashem.

In addressing the former issue, we may use two insightful and complementary approaches to resolve the issue of "Why not vegetarianism/veganism?" Understanding that the instinctual desire to consume meat would always be present, even perhaps engendering an eventual non-distinction between flesh that is consumable because it is of man, beast, or fowl. Man's desire for flesh, despite "culture," will eventually provoke his nature and force him to resort to the consumption of any flesh, and by any means. In

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God; I don't want the universe to be like that" (*The Last Word*, p. 130). Most notably, Nagel's atheism is seemingly inspired by the desire to be free of the thought of God's control over one's life. Though this idea is found in certain religions, it is arguably not qualitatively found within the realm of Machshavah, Jewish thought. We are instead thrilled to serve Hashem. For example, on Shabbat we say "*Yismechu BeMalchutecha Shomerei Shabbat V'Kore'ei Oneg.*"

<sup>2</sup>A practical application of this concept commonly found in modern Halachic context is the Talmudic concept of Batel BeShishim.

<sup>3</sup>As the famous philosopher Thomas Nagel once wrote: "It isn't just that I don't believe in God and, naturally, hope that I'm right in my belief. It's that I hope there is no God! I don't want there to be a

# Great Controversy in Israeli Batei Din - The Langer Case

*By Benzion Rotblat ('21)*

## Introduction

One of the most influential and controversial laws in Israel's history is the "Status Quo" agreement at the foundation of the state. In order to convince the Orthodox parties to agree to join the newly formed state, religious Jews were given four promises. They were promised that Shabbat would be the day of rest of the newly formed state. They were promised Kosher food in government kitchens. They were given autonomy over their own schools. And perhaps most controversially, the government ceded that marriage and divorce would be run according to Halachah. This part of the agreement was put to the test during one of the most controversial cases in the history of the State of Israel and the case's far-reaching aftermath.

## The Case

Chava Ginsburg was born in a small town in Poland in the early 1920s. At around 14 years old, she met and eloped with a Polish Christian man, who, after converting, took the name Avraham Borokovsky. After living for a few months in Poland, the Borokovskys made Aliyah along with Chava's parents sometime in the 1930's.

Soon after they arrived in Israel, Chava and Avrohom's marriage fell apart and they separated without obtaining a Get. This became problematic when Chava did not disclose this fact to the Beit Din that issued a license for her to marry her second husband, Otto Langer, in 1944. Otto and Chava went on to have two children, Chanoch and Miriam. In 1951, Avraham Borokovsky and Chava Langer went to the Tel Aviv Beit Din in order to execute a Get before Borokovsky's second wedding. The Beit Din, while investigating the facts of the case, discovered Chava's second marriage, and subsequently banned Otto and Chava from living together. When Chava sought to remarry, the status of her children became known, and they were declared Mamzerim by the Beit Din. This status was upheld until 1966, when Chanoch Langer, then a soldier in the IDF, approached Beit Din to get married. When the Beit Din ruled he was a Mamzer, he brought the case to the Supreme Rabbinical Court of Appeals. He argued that Avraham Borokovsky did not undergo a valid conversion and that he was still a practicing Christian. Borokovsky's rabbi, however, testified he was a regular attendee in Shul on Shabbat, and Borokovsky was able to answer some basic questions about Yahadut while unable to answer some others. After multiple hearings, the high Beit Din, composed of leading Torah authorities Rav Yosef Shalom Elyashiv, Rav Sha'ul Israeli and Rav Ovadiah Yosef concurred that the Langer children were, unfortunately, Mamzerim, based on the fact that Avraham Borokovsky was assumed to have had a Kosher Geirut since he had been witnessed performing Mitzvot<sup>6</sup>.

essence, Rav Avraham Yitzchak Kook (*Otzerot HaRe'iyah*, pp. 88-92) suggests that in recognition of this, the Torah allows the consumption of flesh. That is why, even according to the Torah, there are standards of Shechitah which must be followed, which serve to remind the consumer of the still-animalistic practice with which he is engaging in despite his cultured mind (see *Sefer HaMitzvot HaKatzar*, Mitzvot Asei 48-49 for further reading). Yet, according to Rambam (*Moreh Nevuchim* 3:48), the animals which we are permitted to consume are, interestingly enough, those most suitable for the human body.<sup>4</sup> Ramban (*VaYikra* 11:13, s.v. *VeEt Eileh Tishaketzu Min HaOf*) on the other hand, sees the permission to be not those most suitable for the body, but for the soul. Regarding the Kashrut of birds, birds of prey can never be deemed Kosher because of their common behavior to other animals, reflecting the Torah's ethic of not introducing cruelty of behavior like the animal consumed into the consumer as well. Thus, it is understood that Kashrut, in application to the consumption of animals, is seen as a much-needed escape from the workings of the mind alone. The mind can tell the body not to pursue and consume flesh for only so long, and thus the Torah has created a Siyag, a fence, around the mind to better preserve it from deterioration while simultaneously promoting its enlightenment.

Finally, we arrive back at our initial question as to how Nadav and Avihu play into these commandments. The Pasuk very clearly notes that the fire-pans they brought as offerings to Hashem were, "*Asher Lo Tziva Otam*" (*VaYikra* 10:1). What truly undergirds their demise, however, is not simply that they brought the fires, but that they did so of their own accord, with full knowledge of their not being prescribed to do so (*Da'at Zekeinim*, *ibid.*, s.v. *Eish Zarah Asher Lo Tziva Otam*). What the brothers failed to recognize was that despite their urge to serve Hashem and show their allegiance and worth to Him, they did so under the influence of their emotional and primal urges. Much like the individuals who, in the eyes of the Rav, are more than willing to serve God in every way including restriction of their bodily selves, Nadav and Avihu's failure to exercise mental control over themselves - preventing them from this transgression - ultimately warranted their death. One need not fear or resent one's biology in light of the commandments of Kashrut, for as Rav Jonathan Sacks, ZT"l, quotes of the cognitive psychologist Steven Pinker: "Nature does not dictate what we should accept or how we should live," adding, "and if my genes don't like it they can go jump in the lake."<sup>5</sup> Kashrut, should we accept it, reminds us that we are not entirely dictated by our minds and bodies, but enjoy the wonderful ability to shape, care for, and influence them. And much like the essence of Halachah, we recognize that we sometimes are slaves to the concrete, cognitive and emotional realm of the material world we live in. Kashrut, when accepted, demonstrates how we can aid the mind in beating the body at its own game.

<sup>4</sup> This assertion may be subject to debate, as the medically suggestive positions of Rambam in his philosophical work the *Moreh Nevuchim* do not always hold validity in the modern world of medicine.

<sup>5</sup> Steven Pinker, *How the Mind Works*, p. 54; quoted by Rabbi Sacks in *Essays on Ethics*, p. 157.

<sup>6</sup> *Shulchan Aruch Yoreh Deah* 268:10

## Rav Shlomo Goren's Controversial Ruling

This ruling created tremendous controversy in the Israeli public. Government figures such as Golda Meir and Moshe Dayan were upset at the ruling that banned Chanoch Langer, an IDF soldier who represented what they saw as the ideal young citizen of the state, from marrying through the state. The Israeli government was hopeful that the 1972 election for the Chief Rabbinate, between the incumbent Rav Isser Yehuda Unterman, and Rabbi Shlomo Goren, who had previously ruled leniently on Geirut questions,<sup>7</sup> would bring change to the status of the Langer children.<sup>8</sup>

Upon election, Rav Goren approached his Sephardic counterpart Rav Ovadiah Yosef to join a Beit Din to review the Langer case. Rav Ovadiah, who had sat on the original hearing, refused to hear the case again as he felt the matter had been resolved. As a result, Rav Goren took matters into his own hand, and formed a Beit Din that reversed the ruling of the past Batei Din who had ruled on the case. However, in order to maintain confidentiality, Rav Goren did not disclose the fellow members of his Beit Din.

Rav J. David Bleich<sup>9</sup> summarized Rav Goren's arguments in his article on the case. Some of Rav Goren's arguments that Rav Bleich quoted include:

- 1) There exists no admissible evidence attesting to Avraham Borokovsky's conversion to Judaism.
- 2) If he did convert, the conversion was nullified since Borokovsky continued to live as a practicing Christian. Rav Goren cites the Tzofnat Paneach, who interpreted Rambam as maintaining that subsequent idolatry on the part of a convert is tantamount to proof that the original conversion was insincere and hence invalid.
- 3) There is no evidence that they were married in accordance with the law of Israel.
- 4) The conversion of Avraham Borokovsky, if it indeed did take place, was the result of coercion on the part of Chava Ginsburg's father and hence is null and void.

## Reaction to Rav Goren's Controversial Ruling

Many Poskim, including Rav Yosef Dov Soloveitchik,<sup>10</sup> agreed that Rav Goren seemed to make reasonable Halachic arguments that the Langers should not be Mamzerim, but disapproved of the process by which he arrived at his decision. Indeed, Rav Goren experienced severe backlash regarding the secrecy and perceived abuse of power he displayed.<sup>11</sup>

Rav Goren later faced severe criticism in light of his ruling. Rav Elyashiv, who had ruled in the original case, left the Rabbinate Beit Din system after Rav Goren's decision, as he felt that his ruling violated Halachic norms. A group of top tier Rabbanim including Rav Shlomo Zalman Auerbach, Rav Yechezkel Abramsky, Rav Yaakov Kanievsky, Rav Eliezer Menachem Man Shach and Rav Chaim Shmuelevitz condemned the decision as consisting of "lies

<sup>7</sup> Helen Zeidman case- [A POLITICAL CRISIS IN ISRAEL AVERTED - The New York Times \(nytimes.com\)](#)

<sup>8</sup> [Next Chief Rabbi a Vital Issue for Israel - The New York Times \(nytimes.com\)](#)

<sup>9</sup> Contemporary Halachic Problems Volume I.

<sup>10</sup> As reported by Rabbi Chaim Jachter.

<sup>11</sup> For example, Jerusalem's Chief Rabbi Rav Bezalel Zolty composed a strong critique of Rabbi Goren's approach.

and deception" and that the Psak "endangers the survival of the nation."<sup>12</sup> The Lubavitcher Rebbe also called for Rabbi Goren's resignation.<sup>13</sup>

## Conclusion

The Langer case left a lasting impact on the state of Israel. The case created friction between the segments of the Torah world who admired Rav Goren (especially due to his excellent work as the Chief Rabbi of Tzahal), and those who doubted his competency to make Halachic decisions. The Rabbinate's loss of Rav Elyashiv also diminished the prestige of the Rabbinate's Beit Din system. The largest impact, arguably, is the legacy of Rav Shlomo Goren, who is viewed as a controversial figure in parts of the Torah world.

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<sup>13</sup> <https://agudathisrael.org/wp-content/uploads/1972/12/JO1972-V8-N09.compressed.pdf>