

WE NEED A TORAH TO TEACH US HOW TO TREAT A HUMAN BEING

by Rabbi Yissocher Frand

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 503, Standing Up While Doing Mitzvos. Good Shabbos!

Why Was The Mishkan Not Compliant with the ADA?

Parshas Emor deals with the laws of the Kohanim -- who they are allowed to marry, when they are allowed to defile themselves to a corpse, and so forth. We also find herein the law that a Kohain with a physical blemish is not allowed to "come near to offer the food of his G-d." [Vayikra 21:17]

The pasukim enumerate the exact physical blemishes and disabilities that disqualify a Kohain from performing the Avodah [Divine Service]: "For any man in whom there is a blemish shall not approach, a man who is blind or lame or whose nose has no bridge or who has one limb longer than the other..." [Vayikra 21:18]. However, Verse 18, which is the beginning of the enumeration of invalidating characteristics, starts with an apparent redundancy.

The end of Pasuk 17 says: "any man... in whom there will be a blemish shall not come near to offer the food of his G-d." Why does the Torah repeat at the beginning of Pasuk 18 "For (ki) any man in whom there is a blemish shall not approach"? Normally, the word "ki" [because] introduces a reason, but in this case, there is no reason provided. It is as if the Torah stated, "A Kohain can not do the Avodah because he can not do the Avodah."

This almost sounds like a discussion which we might have with our children: "You can't go somewhere." "Why not?" "Because you can't." The child will invariably respond, "That's not a reason!" The same thing applies here. "For (ki) any man in whom there is a blemish shall not approach" is NOT a reason!

There is another problem here with the whole concept of Priestly blemishes. Living in the post-Americans With Disabilities Act (ADA) of 1990, it is very difficult for modern day man to understand these pasukim. We live in a society where it is federally illegal to discriminate against a person

because of a disability. Buildings must be built in a certain fashion because of this law. One is not allowed to build a building with stairs any more. If one does, alternate access has to be provided via ramps for handicap access. This is a very noble thing. Just because a person has a disability, he is no less important than any person who has all of his limbs and functions.

The Torah -- whose ways are ways of pleasantness and all her paths are those of peace -- does not seem to be compliant with the ADA. We accept axiomatically that no one is "fairer" than the Almighty, not even the Federal Government of the United States. And yet the Federal Government is worried about Americans with disabilities, but the Torah seems to discriminate against Kohanim who have such disabilities. How should we understand this? What does the Torah have against people who unfortunately have a disability?

Rav Elya Meir Bloch, in his Sefer on Chumash, offers the following explanation: The Almighty does not, Heaven Forbid, discriminate against people with disabilities. A person with a disability is as important and as dear as any other person. The problem is not with the Almighty. The problem is with us!

This means the following: Governments can pass all the laws they want, but people will be people. People are very influenced by their physical surroundings. If a person wants to gain favor in the eyes of another person and therefore hires a lawyer or a lobbyist to make his case for him, he will not want to hire a person who is a "schlepper", whose shoes are not polished, who can not keep his shirt in his pants, whose tie is improperly knotted. No one would hire a person like that to plead his case for him.

Invariably, the person will hire a lawyer wearing an \$800 suit with an Italian tie costing \$200 and a custom made shirt, because people pay attention to people who are well-dressed, presentable, and physically appealing to look at. Look for example at the United States Senate. The typical Senator is 6'4", weighing 200 pounds, and is in great athletic shape. They have all their hair. They do not look like most of us, certainly not like me! Why is that? Because people appreciate the way they look. "This is my representative. I want him to look the part."

Since "people are people," the Torah (first) tells us that the Almighty does not want Kohanim with blemishes performing the Avodah. Then the Torah explains why not: "Because any person with a blemish can not serve" -- "not for My considerations, but because you can not take it."

As a result of the above referenced human characteristic, the Avodah will be viewed differently if only the "finest and the best and the most prestigious people" are involved in the offerings. If all Kahanim, regardless of appearance or disability, were allowed to "serve", then the people's attitude toward Avodah would change for the worse.

It is said regarding the Torah, "It is not in Heaven" [Devorim 30:12]. It is a Torah of life - for human beings. Torah is not a lofty esoteric life meant only for select noble souls. It is meant for everyday people. People are people and it is hard to change them. They are influenced by the physical world,

by that which really should not be a factor, but it is a factor -- the physical appearance of a human being.

G-d does NOT discriminate against those who have disabilities. But knowing that people do, at least sub-consciously, discriminate in these areas, He insists that the Avodah be conducted in such a way that people view it with the esteem and reverence it deserves.

We Need A Torah To Teach Us How To Treat A Human Being

Parshas Emor contains the section of the Festivals. The section begins with mention of Shabbos, then with Pessach, Shavuot, Rosh HaShannah, Yom Kippur and Succos -- the entire annual cycle of Festivals. The exclusive contents of Chapter 23, from beginning to end, deal with the Festivals. There is one exception -- pasuk 22, following the laws of Shavuot. This pasuk jumps out at us, as totally out of place in the chapter: "When you reap the harvest of your land, you shall not remove completely the corners of your field as you reap and you shall not gather the gleanings of your harvest; for the poor and the proselyte shall you leave them; I am Hashem, your G-d." [Vayikra 23:22]

These agricultural laws have apparently nothing to do with anything else mentioned in the entire chapter. All the commentaries are troubled by this thematic anomaly. Rashi quotes the teaching of Chazal: "This comes to tell us that a person who properly gives the agricultural portions of Leket, Shikchah, and Peah to the poor is treated by Scripture as if he built the Bais HaMikdash and offered therein sacrifices."

Rav Meir Simcha, in his classic commentary on Chumash (Meshech Chochma) offers a different interpretation. Rav Meir Simcha focuses on the fact that this reference to the portions left for the poor appears immediately after the mention of the holiday of Shavuot. Rav Meir Simcha says that this underscores the idea that Matan Torah [the giving of the Torah, which occurred on Shavuot] was not just a revelation of the Chukkim [Divine Statutes which are non-intuitive], but rather also includes mitzvos regarding appropriate "natural" human responses, such as showing compassion to the poor and to strangers.

It is obvious to us that we need a Torah to tell us which animals are Kosher and which are not, since that is something which we could never have figured out on our own. It is obvious to us that we need a Torah to tell us that shatnez [a mixture of linen and wool] is forbidden, since that is something which we could never have figured out on our own. However, this pasuk is emphasizing that we even need a Torah to tell us to take care of poor people. The only social laws that are absolutely guaranteed to last are a Divinely given set of laws.

Everything other than a Divinely inspired law, as logical as it may seem, will not last. This is why in the midst of the section on the Festivals -- immediately after mention of the Holiday of Shavuot -- the Torah tells us to take care of the poor. Societies can act laws and repeal laws. Only a divine law is eternal.

The Meshech Chochma wrote this before World War II, before the Nazis came to power. He wrote this before the Nazis promulgated laws regarding cruelty to animals, but not cruelty to Jews. They were exemplary in enacting laws protecting animals. But they had no problem exterminating people. How can a people worry about dogs before worrying about human beings?

This concept is not really so foreign. Forms of it exist today. There are fringe environmentalists who put spikes in trees that maim and kill loggers, out of concern for the welfare of trees. These things can happen in the most advanced and refined societies. People can "change their minds" overnight.

We do not only need a Torah to tell us about Pessach and Shavuot and Kashrus and Shatnez, we also need a Torah to teach us how to treat a human being!

This write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah Portion. The halachic topics covered for the current week's portion in this series are:

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