

NOT EVERY THING IS SPELLED OUT IN SHULCHAN ARUCH

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Parshas Kedoshim

Not Every Thing is Spelled Out in Shulchan Aruch

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 722 - Stealing as a Practical Joke. Good Shabbos!

There is a disagreement between Rashi and the Ramban in terms of the definition of the mitzvah at the beginning of Parshas Kedoshim: "Kedoshim Teeheyu" [You shall be holy] [Vayikra 19:2]. Rashi interprets the mitzvah as "separate yourself from illicit sexual relationships and sin".

The Ramban gives the mitzvah a much broader implication. The Ramban says that in Parshas Shmini, the Torah forbade consumption of a number of species of animals, fish, and birds. In Parshas Achrei Mos, the Torah prohibited a number of specific sexual relations. However, even after all these prohibitions, a man may eat many types of meat and may engage in marital relations with women to whom he is married. The Ramban says that theoretically, until this point, the Torah did not restrict an individual from being a gluttonous and lustful person, so long as he limited his consumption to kosher wine and meat and he limited his marital relations to his wives, when they were not in a state of impurity. However, says the Ramban, to ensure that a person not become a "naval birshus haTorah" [a glutton within the areas permitted by Torah law], the Torah here gives an additional mitzvah to be holy and conduct oneself in moderation, even in those areas that are legally permitted.

The Ramban explains that this is a style that is common in the Torah. First, the Torah gives a specific list of what is permitted and what is prohibited. Then the Torah gives an "umbrella mitzvah" so that one will understand the spirit of the law and not conclude, "If the Torah has not prohibited it, it must be permitted." "Kedoshim Teeheyu" is such an umbrella mitzvah.

The Ramban cites as another example of such an umbrella mitzvah the mitzvah to "v'asisa hayashar v'ha'tov" [do what is correct and good] [Devorim 6:18]. The Torah has already singled out prohibitions for stealing, for cheating, for taking revenge, for bearing a grudge, etc. But where in the Torah does it say one must be polite or courteous? The Ramban says that the Torah cannot legislate for every single situation that might arise in society. Obviously, we would not expect the Torah to tell us that

one should not talk loudly on his cell phone in an area where he is disturbing other people. One cannot do so and pretend that he is fully in compliant with a "Torah way of life" merely by protesting "where does it say that this is forbidden?" The Torah says, "Do what is correct and good". This means, "be a mensch" which means, among other things, do not talk on a cell phone at the top of your lungs in a small room.

In Parshas Reeh, concerning the prohibition of eating blood (which appears many times in the Torah), the Torah teaches "Thou shall not eat it so that it may be good for you and your children after you for you shall do that which is correct (yashar) in the Eyes of Hashem. " [Devorim 12:25] Thus, not eating blood is also within the domain of "you shall do that which is yashar and good". We might ask, what does not eating blood have to do with "v'asisa hayashar v'ha'tov"?

Rav Simcha Zissel proves from the Ramban that the reason for the prohibition of eating blood is that "the blood is the soul" [Devorim 12:23]. Animals have a form of a "nefesh". This level of "soul" within animals is what breeds loyalty amongst animals to their owners. (e.g. - "man's best friend!") Plants do not do that. This is because animals have "nefesh" and plants do not. The Ramban says that it is necessary to respect this fact and it is not right for one soul - nefesh (i.e. -- man) to eat another soul - nefesh (i.e. -- the blood of animals). The Ramban uses this idea to explain the mitzvah of covering the blood of a slaughtered animal (kisui hadam). The Ramban calls this a form of burial for the soul of the animal.

Rav Simcha Zissel says that this is why the Torah mentions the concept of "doing that which is correct and good" in connection with the prohibition against eating blood. This is the same idea. Hashem wants us to look at the Torah's laws and to understand the deeper message of the Torah's concern. When the Torah says, "Do not eat the blood," it is telling us to respect life - even animal life!

When we try to understand the deeper meaning of the Torah's laws, this itself is doing that which is proper and good. This probing for the deeper meaning of the Torah's commands is part of a Jew's responsibility. A Jew cannot merely ask "Where does it say it?" A Jew must read between the lines of Torah, so to speak, and conduct himself based on the spirit of the law, in addition to the letter of the law.

Tochacha: The Hardest Mitzvah to Properly Fulfill

The Torah states "You shall surely chastise your fellow man." [Vayikra 19:17] There is a positive Biblical mitzvah to rebuke one's fellow Jew and set him on the correct path if one sees him doing something wrong. The Kesav Sofer in his responsa [#57] writes that this is the most difficult mitzvah to fulfill properly. The person delivering the rebuke must use all of his intelligence to measure what to say carefully and to consider the possibility that saying nothing at all may be the most appropriate thing to do.

I would venture to say that 99 times out of 100, it is better not to say anything in these situations. I am

not speaking about a parent to his child or a Rabbi to his congregation, but it is usually better not to say anything to one's fellow man. The Chazon Ish makes this point in Hilchos Shechitah. One has to weigh his words so carefully if he wants them to be effective that most people are simply not capable of giving appropriate "tochacha".

The Chofetz Chaim was once traveling and he came into a Jewish inn. He sat down and saw another person enter the inn. The person was apparently an extremely boorish individual. He sat at a table and shouted at the innkeeper to bring him some food. He asked for fried goose and vodka. When the food was brought to him, he gobbled it down without making any blessings and was totally abusive to everyone around him - a truly disgusting individual. The Chofetz Chaim was about to go over to him and tell him that such behavior was inappropriate and unacceptable. The innkeeper saw that the Chofetz Chaim was about to approach the man and quickly went to the Chofetz Chaim and said, "I must tell you something about this person."

In the time of the czars, the Russians drafted Jews into the czarist army. They actually took young boys and drafted them into Czar Nicholas's army. When they took these children, it was not for 2 or 3 years - it was for 35 years. It was a living hell. The innkeeper explained to the Chofetz Chaim that this individual was grabbed away from the Jewish community at age 7 and was forced to remain in the czar's army in Siberia and elsewhere for 35 years. He does not know the shape of the letter Aleph. He has no manners because he never had any type of Jewish upbringing. He has no Torah learning because he never had the opportunity. He is, in fact, a person without any spiritual characteristics other than the fact that he still remembers that he is a Jew.

The Chofetz Chaim went over to the individual and told him "I am jealous of your portion in the world to come. For you to remain a Jew after all you experienced and not to convert to Christianity is amazing. Your 'test' (nisayon) was greater than that of Chananya, Mishael, and Azarya." [Daniel Chapter 3] The man started crying. From that day on, he became very attached to the Chofetz Chaim and became a complete Baal Teshuva.

The pasuk says, "Do not chastise a scoffer lest he hate you; chastise a wise man and he will love you." [Mishlei 9:8]. The Shaloh HaKodesh interprets this pasuk to be teaching a quite different message: "Do not appeal to the scoffer in every person lest he hate you, but rather appeal to the wise man in every person so that he might love you."

Every person has some redeeming value, no matter how degenerate or spiritually low he has sunk. If, when addressing the person, you zero in on the person's faults and negative traits, you will not have success in correcting the person's ways. The result will be that the person will hate the one who chastised him. However, if you zero in on the person's value and positive characteristics and see the "wise man" in him, then you will connect with that person and will eventually be beloved by him.

This is exactly what the Chofetz Chaim did with that Jewish Russian soldier who was so rude and

abusive. Had he focused in on his boorishness, the fellow would have remained a boor and would have hated the Chofetz Chaim. However, on the contrary, the Chofetz Chaim was able to find the righteousness in the person and thus was able to establish a connection, which eventually brought him around to true righteousness.

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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