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## Yiftach: To Sanctify OneSelf

by *Rabbi Ezra Weiner*

The Torah states in Parashat BeChukotai (27:29), "Kol Cheirem Asher Yachoram Min Ha'Adam Lo Yipadeh, Mot Yumat," which literally translates to "anyone devoted that may be devoted of men shall not be ransomed, he shall surely be put to death." This most enigmatic injunction is subject to varied interpretation. Rashi (ibid. s.v. Kol Cheirem Asher Yachoram), quoting the Sifra, writes that that this Pasuk teaches that a person who is convicted of a capital crime and is subject to the death penalty, has no inherent value, hence anyone who pledges a donation to the Temple in accordance with the value of this person, has donated nothing. Since he is being brought to his death, "Lo Yipadeh", he cannot be redeemed. In other words he has no price tag.

Ramban (ibid. s.v. Kol Cheirem Asher Yachoram Min Ha'Adam) claims that this serves as an injunction to the people during wartime. Occasionally the Jewish king or the Sanhedrin (the High court) will declare a "Cheirem" on a certain city. This essentially is a conditional vow that should G-d hearken to our prayer and allow the enemy to fall victim to us in battle, if we successfully vanquish our adversaries, we will declare all of the possessions of the conquered city as holy (Whether or not this denotes a mass burning of the entire city to preclude benefit, the offering of the animals as sacrifices, the use of the various spoils for the upkeep of our Temple is irrelevant for our purposes). The distinctive consequence is the prohibition for an individual to derive benefit from the spoils of war. Those who have failed to heed this type of Cheirem during the times of the prophets met their demise based on this interpretation of our pasuk, "Kol Cheirem...Mot Yumat." Ramban bolsters his position by citing the troubling and emotionally charged episode of Yiftach in Seifer Shofetim, Perek 11, in which Yiftach also declares a vow of this nature in great anticipation of a successful battle against the enemy, Amon. Sefer Shofetim records the vow as follows: "VaYidar Yiftach Neder LaShem, Vayomar: Im Naton Titein Et Bnei Amon BeYadi. VeHaya HaYotzei Asher Yeitzei MiDaltei Beiti Likrati BeShuvi VeShalom MiBnei Amon VeHaya LaShem VeHa'Alitihu Olah," "And Yiftach made the following vow to HaShem: "If you deliver the sons of Amon into my hands, then whatever comes out of the door of my house to meet me on my safe return from the sons of Amon shall be HaShem's and shall be offered by me as a burnt offering." (11:30-31). The terror and horror that seizes Yiftach when he returns from battle and beholds his daughter cross the threshold of his house to greet him with dance and percussion is palpable. The Pasuk writes

"Vayikra Et Begadav, VaYomer Ahah Biti Hachrei'a Hichratini Ve'At Hayit BeOchrai, Ve'Anochi Patziti Pi El Hashem Velo Uchal LaShuv," "On seeing her, he rent his clothes and said, "Alas, daughter! You have brought me low; you have become my troubler! For I have uttered a vow to HaShem and I cannot retract" (11:35).

Ramban asserts that Yiftach misunderstood the scope of this injunction. Uttering a vow and failing to fulfill it, would represent a defiance of the highest order, and as our Pasuk indicates, the death penalty. Yiftach's daughter, claims Ramban, was not sanctified. There was no need for him to agonize over the repercussions of his haste in uttering such a vow. In the words of Ramban, "Aval LeChol HaNeder La'Asot Olah MiDavar She'Eini Ra'uy LaShem, Chas VeCahlila". Ramban then writes that we should not be led astray by the Ibn Ezra's vain claim (which we do not have, but does represent the opinion of Rabba to Sefer Shofetim) that the vow indeed would take effect on his daughter in an unusual manifestation. She would become holy in the sense that she would be removed from a mundane life, and would lead a life of celibacy and serving G-d in pure holiness. This is untenable ("Ve'Eileh Divrei Ruach"), claims Ramban, for the following troubling reason: If Yiftach's vow would indeed elevate his daughter to serving HaShem in the is his "House", no different than Shmuel, there would be no reason to lament her celibacy as she would be serving G-d in purity.

One can certainly question the position of Ramban. Should we not lament the lost opportunity to wed, to raise a family, to play the role of a wife and mother? Should this not be a woman's choice? One can also challenge the comparison of Chanah, who wanted a child, to Yiftach who had intention to offer an animal sacrifice. Yes, her friends can and should cry for her and with her. This is not the life she chose and it is not within the authority or rights of her father, at least from her perspective, to relegate her to this way of life, despite its edifying appeal for others who may have consigned themselves for such a holy purpose. The notion of sanctifying oneself to live beyond the letter of the law, in extreme piety and purity should be the choice of the individual. Many of our youth in various communities suffer the same fate, where parents after years of spiritual and religious growth demand that their children embrace Judaism with unrealistic and extra legal standards. The result can often be catastrophic.

## THE VALUE OF TORAH

by *Yehuda Mazin* ('21)

In Parashat BeChukotai, there are three major themes. The first discusses the Berachot that Hashem will shower upon us if we obey the Mitzvot, including peace and rain at its proper time. The second section is the Tochacha, which enumerates the horrifying curses that Hashem will inflict Bnei Yisrael if we do not obey the Mitzvot. The third and final topic in BeChukotai defines the "Erech" of a person and his property if he wants to make a voluntary donation to the Beit HaMikdash. Although the word Erech does not have an exact English translation, it describes the process of donating the value of one's self

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or of another person; this exact value varies based on the age and gender of the individual. With regards to animals, he donates the animal itself, and it cannot be replaced by any other animal.

The rewards given for following the Mitzvot segues into the punishments for disobeying the word of HaShem, however, it prima facie seems as though the Tochacha does not relate to the section about Erech. Rav Hirsch explains that the Mitzvah of donating to the Beit HaMikdash is distinct from the Mitzvot to which the Tochacha applies. I would like to offer another explanation. The idea of donating voluntarily to the Beit Hamikdash and thereby to Hashem, is perhaps one of the most important Mitzvot in the Torah. A donation to Hashem does not have to be a Korban or a great sum of money offered to the Beit Hamikdash, it can even be an action. Nowadays, we can no longer give the Korbanot or money to the Beit HaMikdash, so we have alternate ways of achieving the goal of this Mitzvah, such as, learning Torah, Tefillah, giving Tzedakah on a regular basis, or simply performing acts of Chesed and other Mitzvot. These actions are our fulfillment of "Erech" in these times of Galut. If we do not set aside time for Mitzvot, then Hashem will inflict the punishments described in the Tochacha upon us. Mitzvot are simply actions of convenience; we have to make Mitzvot a part of who we are in our daily lives. That is the essence of being a Jew. The connection between the Erech and the Tochacha can be explained by the title and second word of the Parashah, BeChukotai. While the Shoresh (root) of the word BeChukotai is generally accepted as Chok (law or rule), it can also be derived from the Shoresh of Chakak, to engrave. When something is engraved, it is indelible. Similarly, we need to engrave Torah and Mitzvot into our hearts and minds. The concept of engraving Mitzvot into our hearts is evident in the Haftarah for Parashat BeChukotai, which states, "*Ketuva Be'Eit Barzel BeTziporen Shamir Charusha Al Lu'ach Libam*", "*it is written with a pen of iron, with a diamond tip, engraved on the tablets of their heart*" (Yirmiyahu 17:1).

Parashat BeChukotai also demonstrates that a person cannot say that the Mitzvot are too difficult to perform because Hashem does want us to succeed. The first word of Parashat BeChukotai is "Im" (VaYikra 26:3). Generally translated as "if", "Im" can also mean to please. Meaning, HaShem is pleading with us to do the Mitzvot. If He wanted the Mitzvot to be difficult for us, why would the Parashah begin with eleven Pesukim illustrating the rewards we can for observing the Mitzvot? This is comparable to a parent urging his child to behave by describing to him the rewards he will get if he listens, and the punishments he can receive for disobedience. A latter Pasuk further solidifies this theme: "*VeHaNish'arim Bachem Yimaku Ba'Avonam Be'Artzot Oyeveichem, Ve' Af Ba'Avonot Avotam Itam Yimaku*", "*And because of their iniquity, those of you who survive will rot away in the lands of your enemies, moreover they will rot away because the iniquities of their fathers are still with them*" (26:39). If you read the end of Pasuk without considering how it should be divided, it seems to state "*Ve' Af Ba'Avonot Avotam Itam Yimaku*", "*moreover they will rot away because the iniquities of their fathers are still with them*". But it can also be read as "*Ve' Af Ba'Avonot, Avotam Itam Yimaku*", "*moreover because of their iniquities, their father will rot away among them.*" This alternate reading further demonstrates that their own sins will elicit the many punishments listed in the Tochacha, not the sins of their ancestors.

The Torah often compares Bnei Yisrael's relationship with HaShem to a father son relationship, because Hashem threatens

us with the curses in the Tochacha only so that we conduct ourselves in a more proper manner. Similarly, a proper parent punishes his child only because he wants his child to behave better. The parent does not punish his child out of hatred, rather out of love. Eventually, however, the child grows up and ceases to behave merely for their parents' approval, but because he now knows that it is the proper way to act. Being Hashem's child, Bnei Yisrael "grow up" and begin behaving properly on their own accord, by fulfilling the optional Mitzvah of Erech. This Mitzvah is considered to be somewhat of an optional mitzvah. One can donate money to the Beit HaMikdash for the value of his soul, but it is not required. As I mentioned earlier, we are still able to perform our own Erech, even today in Galut by setting aside time for learning Torah and doing Mitzvot. This idea is supported by the Mishna in Pirkei Avot, in which Shamai instructs us, "*Asei Torat'cha Keva*", "*Make your Torah permanent*" (Pirkei Avot 1:16). This is widely understood as establishing a set time every day to learn Torah. In the end, the juxtaposition of the Tochacha to the passage regarding "Erech," voluntary donations to the Beit HaMikdash, teaches us the important lesson of performing the Mitzvot of HaShem since it is the proper way to conduct ourselves, as well as the importance of engraving Torah into our daily routines.

## HUMILITY: THE IDEAL PERSONALITY

by Ezra Sepowitz ('20)

This week's first Parashah, BeHar, is named after the location in which it was given-- Har Sinai. The Midrash (BeMidbar Rabbah 13:3) explains that Har Sinai was the smallest of all the mountains in the desert. The mountain was unappealing, and it lacked flowers and natural beauty. Yet HaKadosh Baruch Hu chose Har Sinai as the place to give the Torah over of all the other mountains. Why did Hashem choose Har Sinai, of all places? The Midrash answers that Har Sinai displayed the trait of humility, in 'saying' to G-d that it was lowly.

Benny Friedman explains that true humility needs a backbone. One who is humble is also strong, disciplined, determined and accomplished. Yet, what makes a person humble is their acknowledgement of Hashem's existence and all that Hashem has granted them. True humility is what made Moshe so great. Many people have accomplished wonders equal to those performed by Moshe: Yehoshua also split the sea, Shaul HaMelech defeated also Amalek, and even Pharaoh's sorcerers were able to turn water to blood. What placed Moshe upon an unparalleled level was his exceptional humility. Moshe humbled himself to such an extreme level purely out of his fear of Hashem. This quality is the reason we refer to Moshe as "Moshe Rabbeinu" — he is not just our teacher, but also our role model. Each and every Jew should strive to achieve the level of humility that Moshe Rabbeinu reached, because only through humility can one achieve ultimate greatness.

The Rambam explains in Hilchot Dei'ot (2:4) that humility is one of the few character traits for which one must not find the 'golden mean', but rather practice it in the ultimate extreme. Interestingly, the Rambam lists anger as a trait to be avoided in the extreme; anger was character trait that led to Moshe Rabbeinu's fatal mistake at Mei Merivah, and his punishment. In this way, we can learn from both Moshe's successes and failures.

The Midrash further explains that when Bnei Yisrael received the Torah, Har Sinai became a lustrous mountain, full of natural beauty

and transcendent. Har Sinai— just like Moshe— transformed from a “humble” mountain into a monumental landmark.

This is essentially what the Omer is all about. Sefirat Ha’Omer is a serious time where we take a step back and reflect on our flaws. Moshe Rabbeinu was prohibited from entering Eretz Yisrael because he let his anger get the better of him. It was neither a foreign nation nor another Jew that led to Moshe’s punishment; it was himself. So too, it has been the Jewish people’s own flaws that have led to the destruction of the Beit HaMikdash and to its continued state of distress. It was Sinat Chinam and other character flaws that corrupted the humility of the Jewish people, leading to the Galut. During the Omer we refrain from certain pleasures in order to prepare for the acceptance of the Torah. In doing so, we humble ourselves just like Har Sinai, and prevent our bad character traits from overcoming us, so that we can rededicate ourselves to the Torah on Shavuot.

For this reason, we also have a tradition to learn Pirkei Avot during Sefirah. Rav Ovadiah MiBartenura explains the first words of Pirkei Avot (1:1), “Moshe Kibel Torah Mi’Sinai”, “Moshe accepted the Torah from Sinai,” as a statement that Jewish morals were not invented by later generations; the ethical teachings and maxims in Pirkei Avot were passed down from Moshe Rabbeinu himself. This teaches us that one of the fundamental aspects of Judaism, mandated by Hashem, is to achieve the ideal personality.

It is even more fitting that Parashat Bechukotai begins with “Im BeChukotai Teilechu, V’Et Mitzvotai Tishmoru, Ve’Asitem Otam”, “If you walk in my laws, and keep my commandments, and perform them.” The seemingly redundant phrasing of the Pasuk teaches us that we are not only commanded to perform the Mitzvot, but must also “walk” in their path and “guard” them. One must truly live in the ways of the Torah, and always watch themselves so as not to slip up. One must maintain the ultimate level of humility to truly achieve the words “Teilechu” and “Tishmoru.”

If we achieve this goal, not only will Hashem give us rain in its proper time and fruit-bearing trees, but Hashem will also grant us the third and final Beit HaMikdash, may it come speedily in our days.

## Updated Solutions to Orthodox Infertility: A Clarification from Dr. Daniel Stein, a Leading Reproductive Endocrinologist by Rabbi Chaim Jachter

*Editors’ Note: The following article was originally published in Volume 18 of Kol Torah in 5768/2012, under the title “Orthodox Infertility.” In recent years, the author has had the opportunity to further consult with medical professionals, and the following reprinted edition has been revised to include a record of their medical opinions on the matter.*

### *The Challenge*

We will begin by outlining an extremely limited sketch of the status of Niddah and Zavah. The Kehati Mishnayot series presents a full introduction to this issue in many places, including Arachin 2:1. The Torah (VaYikra 15:19) states that if a woman becomes a Niddah at an expected time she is Temeiah (impure) for only seven days. If, however, this experience happens at an unexpected time, then she must count seven days after the bleeding has stopped before she may visit the Mikvah (VaYikra 15:25-28). One who experiences this unexpected event is referred to as a Zavah.

The Gemara in numerous places (such as Berachot 31a) records that Jewish women have accepted upon themselves to always consider themselves a Zavah whenever they see blood. Hence, they always count “seven clean days” after seeing blood. The Gemara in Berachot presents this Halacha as an example of “Halacha Pesukah,” a straightforward rule. The reason women accepted this stringency (see Rambam Hilchot Issurei Biah 11:1-4) is to avoid confusion in determining what constitutes an expected event and an unexpected event. Thus, Jewish women decided to “play it safe” to avoid violating this extremely serious Torah prohibition and always count seven clean days.

Ramban (in his summary of Hilchot Niddah 1:19) writes, “This stringency that Jewish woman have adopted was approved by Chazal and they accorded it the status of ‘Halacha Pesukah’ in all locales. Therefore, it is never permitted to be lenient about this matter.” The Meiri adopts a similar approach in his commentary to Berachot 31a. The Shach (Yoreh Deah 183:4) similarly writes, “Chazal always required the counting of the seven clean days.”

This situation usually works out well as the night of immersion will often be ideal for conception. However, for some couples, ovulation occurs before the night of immersion. The Posekim of the past few decades have addressed the question of whether the requirement of the seven clean days might be waived to permit immersion before ovulation.

### *Response of the Twentieth Century Poskim*

Halachic authorities have unanimously responded that it is forbidden to be lenient. Rav Yosef Dov Soloveitchik (as reported by Rav Aharon Lichtenstein and Rav Yosef Adler), Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:70:1), and Rav Ovadia Yosef (Taharat HaBayit 1:27-30) all cite Ramban that we may never waive the requirement for the seven clean days. They believe that Ramban applies even in case of “religious infertility.”

One may ask, however, why doesn’t the Torah obligation of Peru URevu (the obligation to have children) override the rabbinic requirement for seven clean days, in a case where we are certain that she is not a Zavah? In fact, the Mishnah (Gittin 4:5) records the Halacha that the obligation of Peru URevu overrides the Torah prohibition against freeing a Canaanite slave.

Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 1:93) responds that there is no general Halachic principle that permits violation of a rabbinic prohibition to fulfill a Torah obligation. The Gemara (Shabbat 130b) teaches that we may not carry a Milah knife on Shabbat, even in an area that is forbidden to carry in only on a rabbinic level, in order to perform a Brit Milah. One may not violate the rabbinical prohibition against sprinkling someone who is Tamei Mait with “Parah Adumah waters” on Shabbat to facilitate fulfillment of the Mitzvah of Korban Pesach (Pesachim 92a and see Rambam Hilchot Korban Pesach 6:6). Rav Feinstein asserts that in most cases Chazal did not condone violation of a rabbinical prohibition to fulfill a biblical obligation.

Rav Ovadia Yosef cites Tosafot (Gittin 41a s.v. Lisa) who ask why Chazal (Gittin 41) forced the part owner of a partially emancipated slave to relinquish ownership of the slave. Chazal made this rule because a partially emancipated slave is forbidden to marry either a female slave or a free woman.



Tosafot ask why the Mishnah states that the half-slave does not have the option of marrying a Jewish woman. Tosafot wonder why the obligation of Peru URevu does not override the prohibition for a partially freed slave to marry free woman. Tosafot answer that we do not waive the prohibition against his marrying a freed woman since there is an available option to accomplish the goal and violate only a less serious prohibition - freeing a Canaanite slave. Rav Ovadia Yosef argues that similarly we do not sanction the violation of the seven clean days requirement since there are Halachic and medical options that facilitate the couple fulfilling the Mitzvah of Peru URevu without violating the obligation of the seven clean days.

Another answer of Tosafot is relevant to our issue as well. Tosafot explain that since the woman is not obligated in the Mitzvah of Peru URevu (Yevamot 65b), there is no override of her prohibition against marrying a slave. Similarly, since the woman is not obligated in Peru URevu, there is no override of her obligation to count seven clean days.

#### *Halacha and Medical Options*

Many Halachic authorities permit an early Hefseik Taharah (before five days have passed since the bleeding began) in such circumstances. These authorities include Rav Yosef Dov Soloveitchik (reported by Rav Yosef Adler), Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 4:17:22), and Rav Ovadia Yosef (Taharat HaBayit 2:416). These authorities believe that the custom to wait five days (or four days for Sephardim according to Rav Ovadia Yosef) from the start of the bleeding before beginning to count the seven clean days may be waived (under certain conditions) in order to fulfill the Mitzvah of Peru URevu. We treat a custom with significantly less stringency than a rabbinical prohibition. This approach helps solve the problem in some cases.

Many Poskim also permit artificial insemination using the husband's genetic material before the wife has immersed in the Mikvah. These authorities include Rav Ovadia Yosef (Taharat HaBayit 1:29), Rav Moshe Feinstein (Teshuvot Igrot Moshe Even Haezer 2:18), and Rav Zvi Pesach Frank (an oral tradition reported by Rav Ovadia Yosef ibid). Rav Ovadia and Rav Moshe write that the child will not bear the stigma of a Ben Niddah if it is conceived in this manner. It is important to note that many Poskim strongly urge that this process be performed under strict rabbinical supervision to insure that no tampering or mistakes are made in the process.

Another option might be for an especially competent doctor to prescribe medicine that will adjust her cycle to avoid this problem. Care must be taken to insure that this process does not impinge on the wife's health.

It is important to note that the problem might be a result of the wife thinking that she is a Niddah when, in fact, she is not. Rav Binyamin Forst (The Laws of Niddah p.34) writes, "Many women do not suddenly stop staining on the fifth day. It is very common to find a stain on the Hefseik Taharah cloth." Some women think that every one of these is a prohibited stain and thus do not begin the seven clean days when they are in fact permitted to do so". A couple should consult with a competent Halachic advisor for very precise Halachic guidance which might facilitate the wife visiting the Mikvah earlier than expected. A lack of proper Halachic guidance might be the reason why the couple is not having children.

#### *Important Clarification from Dr. Daniel Stein*

Dr. Daniel E. Stein is the Director of Reproductive Medical Associates of New York's west side office and is Chief of Reproductive Endocrinology at Mount Sinai Roosevelt Hospital. Dr.

Stein served for eight years as Medical Director of the In Vitro Fertilization program of the former Continuum Reproductive Center. He is board certified in both obstetrics and gynecology and reproductive endocrinology and infertility. Dr. Stein has been recognized by New York magazine and Castle Connolly as one of New York's "Best Doctors" and has been named for several years a "Top Doctor" by US News and World Report. He is also included as one of the Best Doctors in America. He has received multiple awards from patient advocacy groups for his years of service in the fields of reproductive medicine and fertility.

I had the opportunity to consult with Dr. Stein about the safety of taking medicine that will adjust a woman's cycle to solve Orthodox infertility challenges. Dr. Stein responded that if carefully monitored by a board certified reproductive specialist, taking medicine to delay ovulation and solve an Orthodox infertility issue is effective and safe for the overwhelming majority of patients. Couples who face issues of Orthodox infertility should raise Dr. Stein's insight with their physicians.

#### *Conclusion*

I have generally shied away from discussing Hilchot Niddah in Kol Torah. However, I have discovered that there is widespread ignorance of this problem and its potential solutions. Since Rabbis and doctors have told me that appropriate Halachic and medical advice can help resolve this problem in almost all cases, it is imperative that this matter be discussed in this forum, to shed some light on this important subject and urge couples facing this challenge to discuss this issue with their Rav and physicians.

#### *Very Important Postscript*

Rav Shaul Rappaport, the director of Rabbinic Services and Outreach for Puah, the world's first Jewish organization established to provide services and address issues pertaining to struggles with fertility and other intimacy and reproductive issues alerts us to an important article. The article, entitled "A Simplified Approach to Religious Infertility" (Fertility and Sterility Vol. 86 Number 6, American Society for Reproductive Medicine, 2006) concludes "Orthodox Jewish women with religious infertility may be simply and effectively treated with an oral estrogen preparation to delay ovulation beyond the time of the ritual bath".

It seems worthwhile for those dealing with this issue to bring this article to the attention of their fertility specialist. For more information about Machon Puah visit [www.puahonline.org](http://www.puahonline.org). In addition, my relative Dr. Chana Adler-Leizerovitch contributed a highly enlightening article on this topic that appears in Techumin 34:407-418.

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