



TORAH ACADEMY
of Bergen County

קול תורה

Parashat Shemot

21 Tevet 5779

December 29, 2018

Vol. 28 No. 14

MOSHE RABBEINU: THE ULTIMATE GIVER

by *Rabbi Ezra Stone ('11)*

In this week's Parashah we are introduced to Moshe Rabbeinu. The Torah (Shemot 2:11) writes "VaYehi BaYamim HaHeim, VaYigdal Moshe, VaYeitzei El Echav VaYar BeSivlotam..." "it came to pass in those days, when Moshe had grown up, that he went out to his brethren and looked upon their burdens..." What does it mean that Moshe had grown up? Should this be taken literally, or is there a deeper meaning? Rashi (ibid. s.v. VaYigdal Moshe) explains that this phrase either means that Moshe physically grew and became taller, or that he rose to prominence when Par'o appointed him to govern the royal household.

The Egyptian oppression of the Jewish people, the context of the Torah's description of Moshe's growth, can provide another explanation. The Midrash Rabbah offers several different explanations of Moshe's reaction to the suffering of the Jewish people. One of the suggestions emphasizes the words "VaYar BeSivlotam." The Midrash explains that the sight of the Jews making cement, a most difficult task, caused Moshe to be so distraught that he assisted them in this menial labor to alleviate their suffering. Even though Moshe could have remained in his palace, unbothered by the pain and suffering his brothers endured, he couldn't stand idly by. Moshe so badly wanted to help Kelal Yisrael that he left the comfort of his home and risked his life to save a fellow Jew. His love and empathy for every Jew was what defined Moshe's as the quintessential and paradigmatic leader.

At every Brit Milah, we pray that the baby becomes a Gadol and follows in the ways of Moshe Rabbeinu, becoming one who gives to others. Rav Shimshon Refa'el Hirsch, in his commentary on Shemot, explains that Moshe's altruistic nature was rooted in his very name. Moshe could have been named Mashuy (one who was drawn out of the water), but he was instead named Moshe, meaning one who draws from the water. Rav Hirsch explains that, in naming him Moshe, Par'o's daughter was teaching him

that he needs to be a person who "delivers" when his people are in times of trouble, and draws them out from the pain.

The Seforno (2:10) elucidates a similar idea. He writes that Bat Par'o named him Moshe, because she hoped that he would become someone who "*MeMulat UMoshe Et Acheirim MiTzarah*", one who will save others by pulling them out of their calamity. Just as she drew Moshe out of a near death situation, she hoped that Moshe would become someone who was willing to save others.

Moshe's tremendous selflessness and willingness to give to others made him the perfect leader for Bnei Yisrael. Perhaps this is what the Rambam (Hilchot Teshuvah 5:2) meant when he stated that every person has the potential to be as righteous as Moshe Rabbeinu. Through giving and caring for others, we can strive to achieve the same level of greatness as Moshe Rabbeinu in our everyday lives.

THE RECIPROCITY OF GE'ULAH

by *Ephraim Helfgot ('20)*

In Parashat Shemot, Moshe Rabbeinu is born, adopted by the daughter of Par'o, and inaugurated as G-d's messenger to the Jewish People. Moshe is hesitant to assume this role, and protests, saying, "*Mi Anochi Ki Eilech El Par'o VeChi Otzi Et Bnei Yisrael Mei'Eretz Mitzrayim*", "Who am I, that I should go to Par'o, and that I should take Bnei Yisrael out of the Land of Egypt?" (Shemot 3:11) G-d then replies, "*Ki Ehyeh Imach VeZeh Lecha Ha'Ot Ki Anochi Shelachticha BeHotziacha Et Ha'Am MiMitzrayim Ta'avdun Et Ha'Elohim Al HaHar HaZeh*", "For I will be with you, and this the sign for you that I sent you: when you take the people out of Egypt, you will worship G-d on this mountain" (3:12), referring to Har Sinai.

Moshe appears to be protesting that he is unqualified to stare down Par'o and lead the Jewish people out of slavery; G-d replies that He will assist Moshe, and as a sign that G-d has sent him, Bnei Yisrael will worship Hashem at Har Sinai. But this sign seems irrelevant, as all of the work of standing up to Par'o and effecting the Exodus was to take place before Bnei Yisrael ever approached Har Sinai. And although the original request made by Moshe was for a three-day religious holiday (Shemot 5:3), which would enable Hashem's sign to be verified, G-d had already made clear to Moshe that this request would be turned down and that the real goal was total emancipation (Shemot 3:19-20). As such, how is our Pasuk to be understood?

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The Midrash Rabbah (Shemot 3:4) renders Moshe's original question in a different fashion: "*Be'Eizeh Zechut Otzi'eim MiMitzrayim*", "With what merit will I take them out of Egypt?". Moshe is not protesting that he is personally unqualified, but rather that Bnei Yisrael are undeserving, in his eyes, of redemption. The idea that Moshe held this perspective is corroborated by the Midrash elsewhere (Shemot Rabbah 1:30). After Moshe intervened in an altercation between two Jews, the parties told Par'o about Moshe's earlier killing of an Egyptian overseer who had been brutally whipping a Jew. Moshe had previously been wondering why the Jews, alone among the nations, were completely enslaved; but upon hearing that they had been telling *Lashon HaRa*, Moshe realized that they deserved servitude, even saying, "*Lashon HaRa Yeish Beineihen, Hei'Ach Yihiyu Re'Uyin LiGe'ulah*", "There is tale-bearing among them; how can they be fit for redemption?"

This had been Moshe's last exposure to Bnei Yisrael before fleeing Egypt, and so it is understandable that he now assumes they had remained set in their wicked ways and would continue in such a fashion. According to the Midrash Rabbah (Shemot 3:4), Hashem replies that Bnei Yisrael merit salvation do to their future righteousness: "*Hevei Yodei'a SheBizchut HaTorah SheHein Atidin Likabeil Al Yadecha BaHar HaZeh Heim Yotze'im MiSham*", "Know that by the merit of the Torah which they will receive by your hand, on this mountain, they will leave [Egypt]". Perhaps Bnei Yisrael are unworthy at the moment, but nonetheless they will be rescued due to their future fidelity to the Torah.

This message is central to the narrative of Yetziat Mitzrayim. Hashem commands Bnei Yisrael (Shemot 13:8), "*VeHigadta LeVincha BaYom HaHu Leimor Ba'avur Zeh Asah Hashem Li BeTzeiti MiMitzrayim*", "And you shall tell your child on [the fifteenth of Nissan], saying: Because of this, G-d did [miracles] for me when I left Egypt". Rashi (ibid. s.v. *Ba'avur Zeh*) explains that the 'Zeh' referenced in the Pasuk is "*She'Akayem Mitzvotav, KiGon Pesach Matzah UMaror HaLalu*", "That I should uphold His commandments, such as these Pesach, Matza, and Maror [at the Seder]". As we read of the wondrous deeds which G-d performed for our nation, let us remember to uphold our side of the bargain.

CHANGE is Good

by Dr. Ariel Caplan ('06)

Editors' note: The following article was originally published in Volume 15 of Kol Torah in 2006/5766. To read more Parashah and Halachah articles from previous editions of Kol Torah, please visit koltorah.org.

Parashat Shemot contains the episode of the burning bush, the pivotal moment in Moshe Rabbeinu's life when

he is appointed as the leader of Kelal Yisrael. However, we know that he exhibits great resistance to the idea – Rashi states that Moshe Rabbeinu argues with Hashem against his appointment for a full week! At the end of this week, Moshe has exhausted his arguments against accepting the task, finally pleading (4:13), "*Bi Hashem, Shelach Na BeYad Tishlach*," "Please, Hashem, send [the Redemption] in the hand of one whom You will send [i.e. anyone else]!" At this outburst, Hashem becomes enraged and tells Moshe unequivocally that he has no choice in the matter – He is giving Moshe an order, and Moshe must fulfill it. Hashem also mentions that Aharon will speak on Moshe's behalf and will fulfill this role happily.

According to Rashi, when Moshe says "*Shelach Na BeYad Tishlach*," he is asking Hashem to use the person whom he would normally use – Aharon, the leader of Bnei Yisrael in Egypt at the time. Moshe is afraid that Aharon will be upset to have his younger brother become the leader instead of him. Support for Rashi may be drawn from Hashem's response to Moshe Rabbeinu, in which He says that Aharon will be happy that Moshe has become a leader of Bnei Yisrael. This statement is relevant only if Moshe feared that Aharon will react negatively. However, we must ask: if Moshe has a valid reason for not wanting to become a leader – concern for the honor of his older brother – why does Hashem react so angrily?

Another question emerges from Rashi's comment on the next Pasuk (s.v. *Vayichar Af*). He quotes the Gemara (Zevachim 102) where Rabi Yehoshua ben Karchah states that every time the Torah tells us that Hashem became angry, the anger had some impact, except for the instance of Hashem's anger at the burning bush. Rabi Yose responds that even this case had some impact, as Moshe was supposed to receive the Kehunah, but instead it was bestowed upon Aharon. This seems difficult, though: if Moshe was so concerned about taking away privileges from his brother, wouldn't he view Aharon's receiving the privilege of Kehunah as a reward, not a punishment?

The Ohr HaChaim Hakadosh adds that Moshe receives one other punishment. In Pasuk 12, Hashem implies that He will cure Moshe Rabbeinu's speech impediment for the sake of the mission. However, Hashem now states that Moshe must speak through Aharon. Hence, the Or HaChaim believes that the punishment is that Moshe will not be cured. However, he notes that this interpretation does not contradict the opinion of Rabi Yose, as the Torah (v. 14) uses the phrase "*Vayichar Af Hashem*," as opposed to the simpler phrase "*Vayichar Hashem*." The extra word *Af* implies that there are two punishments, the one listed by Rabi Yose and the one mentioned by Ohr HaChaim himself. How do these two punishments fit the "crime"?

We may answer all of our questions based on a careful analysis of Moshe's request, "*Shelach Na BeYad Tishlach*." The only reason that Moshe gives Aharon precedence is that Aharon is the "*Yad Tishlach*," the one whom Hashem normally sends. Moshe does not ask Hashem to send a bigger Tzaddik, or a

superior Yerei Shamayim, but simply the one whom He would normally send. Clearly, Moshe places great emphasis on a person's history. Hence, although he is concerned about the honor of his brother, his main motivation is preserving Aharon's status as the established leader. We can now answer our second question – Moshe's objection to being elevated over his brother applies only to leadership, which Aharon already possesses. Kehunah, an institution not yet established, could go to anyone, and Moshe would certainly want it. Thus, losing the Kehunah is in fact a punishment for him.

We can also view Moshe's emphasis on personal history as reflecting a much more fundamental flaw: he lacks an appreciation for the fact that people can change over time, meaning that one who was not fit to become a leader yesterday may be fit today. Moshe seems to feel that he is unfit to be a leader because he has never been a leader and has little experience with Bnei Yisrael. Hashem becomes angry because Moshe refuses to accept that people in general, and Moshe himself in particular, can improve and grow. To answer our first question, then, Hashem is upset not that Moshe is concerned for others, but that he fails to acknowledge that he can change and rise to the challenge.

We see this idea reflected, *Midah Keneged Midah*, in the punishments that Moshe receives (which answers our third question). The link to Hashem's refusal to fix Moshe's speech impediment is fairly clear. Moshe has a problem that Hashem intends to fix, but since Moshe thinks people cannot be fixed, Hashem refuses to fix Moshe. However, the link to the loss of the Kehunah is slightly less clear.

Perhaps we can link Kehunah to the idea that people can change based on the fact that much of a Kohen's job was to bring Korbanot aimed at atoning for various sins. The Korban was meant to give its owner a fresh start, a chance to put the mistakes of the past behind him and move ahead in his personal growth. The Kohen Gadol also possessed a second vehicle of atonement – the Tzitz, which could achieve forgiveness for certain sins when the sinner simply looked at it. Both the Tzitz and the sin-related Korbanot could only reach Bnei Yisrael through the hands of someone who understood that people can change and improve themselves. As we have seen, Moshe was certainly not the man for the job. However, Aharon, who was happy for Moshe, certainly appreciated this concept, and he was therefore granted the Kehunah.

Based on this interpretation of the story, we can learn two very important concepts. We must accept both that we ourselves can change and that others can change as well. The former is important because it imposes upon us an obligation to constantly try to better ourselves. We might think that a bad habit is so ingrained into ourselves that it can never be removed, but the truth is that we can change and rise above our current faults. Additionally, when a new role, especially one of leadership, presents itself, we should not shy away based on fear of

something new; instead, we should embrace it with all our hearts and give our best efforts. Recognizing others' ability to change, meanwhile, is also important because it means that we have to forgive them for past mistakes and "allow" them to change, as well. It is only through constant self-improvement and encouragement of others that we will all reach the highest levels of spirituality.

GER KATAN FOR A CHILD CONCEIVED BY IN VITRO FERTILIZATION - AN IMPORTANT UPDATE

by Rabbi Chaim Jachter

Introduction

A few years ago we discussed the question concerning a traditional, but not fully observant, couple who conceived a child through in vitro fertilization (IVF)¹. In one case, a non-Jewish woman donated the ovum and the wife gave birth to the child, and in another case, the wife donated the ovum and a non-Jewish woman gave birth to the child. These situations raise two critically important and highly sensitive Halachic issues—whether the children conceived in this manner require conversion and whether a Beit Din may convert a child if it will be raised by not fully observant parents.

We addressed the issue of converting a child that will be raised by non-observant parents. We concluded that a mainstream Beit Din will convert a child only if it is more likely than not that the child will live an observant lifestyle as an adult. We did, however, raise a question concerning when the Beit Din is unsure as to whether the chances for success are more likely than not, such as when parents are "traditional" but not fully observant. In ordinary circumstances, it is appropriate to be strict, since *Safeik MiDeOraita LeChumra*, we must rule strictly regarding matters of Torah law, certainly in regard to something as basic as Jewish identity. However, what if it is questionable if the conversion is altogether necessary such as might be the case regarding a situation of IVF that we described?

¹ *Couples who require IVF normally wish for the procedure to be performed on the wife's own egg, after which she will carry the fetus herself. However, sometimes the wife has a medical condition that prevents her from carrying a fetus. In such a situation, she might provide the egg for IVF and seek a surrogate mother to carry the fetus. In other cases, the wife cannot produce eggs, so she seeks an egg donor for IVF, but she then wishes to carry the fetus herself. A couple should consult their Rav, however, as to whether it is permissible to undergo either of these types of IVF.*

We also examined the question as to who is defined by Halachah as the mother— the woman who donates the ovum or the host mother, the woman who gives birth to the child. We summarized the vigorous debate engaged in by Poskim of the past three decades as to how to resolve this issue. Neither side has demonstrated its position in a conclusive manner.

Hence, absent a clear consensus, Rav Shlomo Zalman Auerbach (cited in Nishmat Avraham 4:186), Rav Yosef Shalom Eliashiv (cited by Rav Zvi Ryzman in Techumin 37:97-98), Rav Ovadia Yosef (cited by Rav Zvi Ryzman in Techumin 37:97-98), Rav Ben Zion Abba Shaul (Ohr L'Tziyon, Yevamot 42a), Rav Shmuel Wosner (cited by Rav Zvi Ryzman in Techumin 37:99-100) Rav Asher Weiss (cited by Rav Zvi Ryzman in Techumin 37:100), Rav Zalman Nechemiah Goldberg (Techumin 10:281), Rav David Feinstein (personal communication), and Rav J. David Bleich (personal communication) rule that one must act strictly in accordance with both opinions.

According to these many authorities, if either the donor of the ovum is not Jewish or the host mother is not Jewish, the child needs a conversion, albeit MiSafeik (due to the unresolved Halachic issue of who is regarded as the Halachic mother). This has emerged as standard practice in contemporary mainstream Batei Din.

Converting the Child - Rav Ezra Bick vs. Rav Hershel Schachter

Our question of converting a child whose either donor or host mother is non-Jewish (but the other mother is Jewish) and the parents are traditional but not fully observant, places us at the nexus of two unresolved questions: the question as to the propriety of conducting such a conversion and the question as to whether the donor or host mother is regarded as the Halachic mother. One could argue that such a situation merits leniency since there are two considerations to be lenient (a double doubt, "Sefeik Sefeika")—perhaps the child will emerge as observant, and perhaps the child is already Jewish by virtue of either its birth or donor mother.

One could also argue that it is a Zechut Gamur to become Jewish rather than remain a Safeik Jew. It is normally not a Zechut Gamur for the child to convert if he will not observe Torah since he will be accountable to Hashem for violating Torah, for which he would not be held accountable if he remained non-Jewish. However, a child whose birth or donor mother is not Jewish must observe the Torah whether or not he converts, due to the possibility he is Jewish and he will be held accountable if he does not do so. Moreover, it is highly difficult for an individual to have his Jewish status to be unresolved and thus might be a Zechut Gamur for his doubtful condition to be resolved.

Rav Ezra Bick, in a letter that appears in a 2014 issue of the Medical Halacha journal Assia, agrees with this assertion, adding that it is untenable for someone to be in a situation where he is not permitted to marry anyone, as stated in the Mishnah (Gittin 4:5) regarding one who is a half-slave and half free individual.

One whose Jewish identity is in doubt may not marry either a Jew or a non-Jew. Thus, in such a situation it is reasonable to state that all should agree that it is a Zechut to convert a child whose either birth mother or genetic mother is non-Jewish provided that either his birth or genetic mother is Jewish. Rav Mendel Senderovic stated in a Shiur delivered to a Dayanim convention held at the Beth Din of America on November 1, 2018, that he agrees with this approach.

However, Rav Hershel Schachter expressed at the same convention that he disagrees with this assertion. He argues that while such a child would benefit from a social perspective from such a conversion, the Beit Din is not regarded as conferring a Zechut upon a child who is unlikely to be an observant Jew. Rav Schachter insists that social benefit is irrelevant to Geirut. Accepting the yoke of Mitzvot is the sole criterion in the conversion process. Thus, since a child raised by non-observant parents is not likely to observe Mitzvot, Rav Schachter does not sanction such a conversion, even if the child is already regarded as a Safeik Jew.

Conclusion - Rav Michael Zylberman

At the Dayanim convention, I asked Rav Michael Zylberman, the Geirut Administrator of the Rabbinical Council of America/Beth Din of America, as to the policy of the RCA and BDA concerning this matter. He told me that they adopt somewhat of a compromise approach to this issue. They will require the adoptive parents in such a case to be observant. However, they would be a bit more lenient regarding the level of Torah observance of the adoptive parents, in an IVF situation.

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Questions, comments? Contact us at:

Kol Torah

c/o Torah Academy of Bergen County

1600 Queen Anne Road

Teaneck, NJ 07666

Phone: (201) 837-7696

koltorah@koltorah.org

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