



**TORAH ACADEMY**  
of Bergen County

# קול תורה

**Parashat Metzora**

**Nisan 5 5774**

**April 5, 2014**

**Vol. 23 No. 27**

## THE POWER of SPEECH - A MISCONCEPTION REVEALED

by *Rabbi Raphi Mandelstam*

If you were to ask any child on the street why a person gets Tzara'at there is no doubt that he would say that it is a punishment for speaking Lashon HaRa. How did he know that? Why do you think that such is the case? No doubt it's because we were all taught this in school. However, I beseech you to review last and this week's Parashiyot and I challenge you to find me where in the description of the laws of Tzara'at, Lashon HaRa is mentioned. I can save you the trouble if you'd like, and tell you that the Torah itself never makes any explicit mention of such a connection, at least not in these Parashiyot. However, Chazal (Arachin 16b) tell us that one of the many potential causes for Tzara'at is Lashon HaRa. But if it's not in the Torah itself, how did they know that?

Now, there is a very simple answer to that question. All one needs to do is fast forward to Parashat BeHa'alotecha and read the story of Miriam speaking Lashon HaRa about Moshe Rabbeinu to learn that her punishment for doing so was Tzara'at. It is very reasonable to suggest that Chazal worked backwards: Once we see that the Tzara'at that inflicted Miriam was due to her speaking Lashon HaRa, then it must be that the Tzara'at in our Parashiyot is also due to Lashon HaRa. However, it is undoubtedly still very strange that the very two Parashiyot devoted to Tzara'at make no mention of its cause. Is there perhaps a hint somewhere in this week's Parashah that alludes to Lashon HaRa? I believe there is.

One of the most unique Halachot regarding Tzara'at is the role of the Kohein in its procedures. Normally, when we have a question in Halachah, we turn to a Rabbi or Chacham. But when it comes to Tzara'at, the only way to determine its status is through the pronouncement of the Kohein. In fact, as many commentators point out, despite the physical presence of the Tzara'at, no Tum'ah status is given to the potential Metzora until he is officially declared Tamei, impure, by the Kohein. Why is Tzara'at dependent on the Kohein?

We turn our attention to an amazing insight by Rav Yaakov Kamintzky. When discussing the prohibition of breaking a Neder, or vow, that a person has made, the Torah uses a very unique phrase. It doesn't say that one has erred in "changing" or "retracting" his words. The Torah relates that the one who violates a vow has violated the prohibition of "Lo Yachel Devaro," literally translated as, "Do not make your words mundane." The Shores, root, of the word "Yachel" is the same as the word Chulin, which simply means mundane or lacking in

Kedushah. When a person violates a Neder it is because he believes that his speech isn't such a big deal, and going back on his word can't have such serious ramifications. However, what he has forgotten is that speech can be a very powerful thing. In fact, as Rav Betzalel Radinsky points out, there is a context in which speech has a very powerful effect - the world of the Beit HaMikdash. Although normally when making a transaction an act of Kinyan is required, when donating something to the Beit HaMikdash, our mere declaration of an item's sanctity makes it Hekdeish (Mishnah Kiddushin 1:6). What we learn from the concept of Hekdeish is that our words can have just as powerful of an effect as our actions. Who is the one who understands this more than anybody? Who spends his day dealing with the effects of speech? It is none other than the Kohein, who works in the Beit HaMikdash and best understands that it is speech alone that creates the Kedushah within the animals he offers as Korbanot. Therefore, perhaps the elaborate role of the Kohein in the process of diagnosing a Metzora is the Torah conveying a message to us. The lesson that the Kohein can offer us more than anyone is the power of speech. It is the Kohein who makes the Metzora Tamei; not through any action, but merely through his speech alone. He tells the Metzora that speech is not something to be treated mundanely or haphazardly, but with awe and reverence. It is something that can truly effect people and, Chas VeShalom, hurt.

As we approach the holiday of Pesach, the holiday which the Arizal pointed out means a speaking mouth (the word 'Pesach' can be read as 'Peh' 'Sach,' meaning 'speaking mouth'), we should all recognize the power of our words and use them to praise one another, Daven, and learn Torah!

## Unifying the People

by *Yitzi Rothschild ('16)*

In this week's Parashah, Hashem tells Bnei Yisrael many of the laws of Tzara'at. Early in the Parashah, He warns them, "VeNatati Nega Tzara'at BeVeit Eretz Achuzatchem," "And I will put the plague of Tzara'at in the house of the land of your possession" (VaYikra 14:34). What message is conveyed by informing them that He will afflict them with Tzara'at immediately after they settle in their new homes in Eretz Yisrael?

This is very similar to the beginning of Parashat Ki Tisa. Hashem describes the dedication of the Mishkan, the donation of a half-shekel, and all of the utensils in the Mishkan. Immediately after the dedication of the Mishkan, Hashem reminds Bnei Yisrael them to keep the laws of Shabbat. Why was this necessary right after the dedication of the Mishkan? Rashi (Shemot 31:13 s.v. Ach Et Shabetotay Tishmoru) explains that although Hashem was proud to see the Jews hard at work fulfilling His command and building the Mishkan, they were not supposed to be so engrossed in the work to forget about observing Shabbat.

I would like to suggest another possible answer to this question. Hashem told everyone to bring a gift to the Mishkan. According to the simple understanding of the Pesukim, Hashem did not single out any of the Shevatim in particular. Rather, He says, *"VeLakachta Et Kesef HaKippurim,"* "And you will take silver atonement" (Shemot 30:16). This atonement refers to the money that was used in the dedication of the Mishkan. The purpose of the silver atonement was so that there would be an act of unity towards Hashem. No gift was valued differently than another - everybody was equal. Similarly, the Pesukim describing the laws of Shabbat following the dedication of the Mishkan contain the message of unity. Shabbat is a time when Bnei Yisrael unite in Tefilah, Se'udah, and Limud Torah to sanctify the day. Both the period of the dedication of the Mishkan and Shabbat are times when Bnei Yisrael unite for the sanctification of Hashem.

When somebody encounters a white spot in his house he removes all of his possessions in order to keep them pure. He then calls for a Kohein to do an inspection. If the Kohein says that the spots are not Tzara'at, the owner can put everything back into his house. If they are Tzara'at, the owner keeps everything outside for a seven day period, and then the Kohein comes back and checks whether the Tzara'at remains. If it has disappeared, the owner is permitted to move back into his house, but if the Tzara'at is still present, the owner of the house is required to break down the impure wall, remove the stones from the wall, and bring them outside the city. Rashi (VaYikra 13:34 s.v. VeNatati Nega Tzara'at) explains that the reason the walls were impure is that they were originally walls of the Emorim, who worshipped Avodah Zarah within their confines and Hashem wanted those walls to be uprooted. Rashi continues to explain that hidden in those walls the Emorim would store all their gold. Thus, when a Jew would listen to Hashem's command and follow the laws of Tzara'at, Hashem rewarded him with the gold he found when knocking down the walls.

Rambam has a completely different approach. He explains in Hilchot Tum'at Tzara'at (16:10) that there are three types of Tzara'at: on the home, on the clothing, and on the body. After each infliction, one has the opportunity to do Teshuvah and mend his ways. If a person does not repent, he is punished by being removed outside the camp for a seven day period in order to contemplate his actions. The person has the opportunity to correct his ways and reunite with the rest of Bnei Yisrael.

On Erev Purim, Bnei Yisrael are commanded to fast in order to remember when the Jews of Persia came together to pray to obliterate the decree of their destruction. Similarly, on Pesach, Bnei Yisrael are commanded to remember when they cried out to Hashem for protection from the Egyptians. Both Chagim commemorate our unity and the acceptance of our Tefilot.

As Chag HaPesach approaches, we should remember that the essence of the Chag is the unity of all of Bnei Yisrael. As we recite at the Seder, *"Kol Dichfin Yeitzei VeYeichol."* The ones who are able should open their homes and hearts to those who need a little help. If we keep this in mind

throughout the upcoming weeks approaching Pesach, then together we can properly sanctify the Chag.

## Words No One Should Ever Speak

by Yehuda Koslowe ('17)

In this week's Parashah the laws of a Metzora, are discussed in great detail. One who becomes a Metzora must not only leave the camp for a week, but must also follow many practices of mourning, such as wearing torn clothing, not shaving one's head, and covering one's head (VaYikra 13:45). Rav Hershel Schachter points out that although in most circumstances somebody mourns for the death of a relative, in a case of Tzara'at, the Metzora essentially has to mourn for himself. Because a Metzora has to follow many laws of mourning, he is considered dead. Similarly, the Brisker Rav in his commentary to the Mishneh Torah points out that when somebody is sentenced to death by Beit Din he is considered to be dead even before his official execution.

The idea of a Metzora being considered dead appears a handful of times throughout the Torah. When the Jews are enslaved to Par'oh and Par'oh dies, the Pasuk states, *"VaYe'anchu Bnei Yisrael Min HaAvodah,"* "Bnei Yisrael cried out from the work" (Shemot 2:23). Why do the Jews start crying after Par'oh dies? Shouldn't they be happy that their cruel master is dead? Rashi (2:23 s.v. VaYe'anchu) explains that Par'oh did not actually die, but rather became afflicted with Tzara'at. To heal himself, he slaughtered Jewish babies to bathe in their blood. The Jews cried not because Par'oh had died, but rather because he was bathing in their children's blood. This Midrash shows that somebody with Tzara'at is equated with a dead person.

The Gemara (Arachin 16b) explains that the main cause of Tzara'at is Lashon HaRa. What about Lashon HaRa is so bad that one who speaks it is considered to be dead? The Midrash (BeReishit Rabbah 19:4) explains that the Nachash convinced Chavah to eat from the Eitz HaDa'at by speaking Lashon HaRa to her about Hashem. Thus, according to this Midrash the first sin of mankind was caused by Lashon HaRa. We also see the power of Lashon HaRa, that it was strong enough to lure Chavah into transgressing Hashem's command and ultimately resulted in her banishment from Gan Eiden. Similarly, the Midrash (Bereishit Rabbah 84:7) informs us that the slavery in Egypt was a direct result of Lashon HaRa. The true cause of slavery in Egypt was the hatred between Yosef and his brothers, which ultimately led to the sale of Yosef to Potifar. This brotherly hatred was itself a result of the Lashon HaRa that Yosef spoke to his father about his brothers. These two examples show how Lashon HaRa can have severe and drastic effects.

Although we should be aware of the severity of Lashon HaRa, we should not just remain silent our whole lives to avoid ever speaking it. On the contrary, we should talk, but always for the good. In fact, the Chafetz Chaim, the premier advocate for Shemirat HaLashon, guarding one's speech, in the early 20<sup>th</sup> century, was known for being very friendly and talkative. Although he was aware of the severity of Lashon HaRa, he still interacted with other people and his words had a very positive impact on many lives. We should try to emulate the Chafetz

Chaim, being aware of the laws of Lashon HaRa and still speaking, but only if we have something positive to say.

## CONTEMPORARY REFLECTIONS ON THE TENTH COMMANDMENT<sup>1</sup>

by Rabbi Elchanan Poupko

*Kol Torah is proud to present an article by a leading member of Yeshiva University's Kollel, Rabbi Elchanan Poupko, on a relevant contemporary topic.*

The prohibition of Lo Tachmod, you shall not covet (Shemot 20:14 and Devarim 5:18), is well known both for its personal significance and as one of the Ten Commandments. This prohibition is widely known and regarded, and is one that captures the mind of both Halachic deciders and Chumash commentators (see Ibn Ezra to the verse above). Contrary to the way it is commonly understood, the prohibition of Lo Tachmod is one that has clear, definable and measurable parameters; although many think that what constitutes this prohibition is simply wanting what someone else has, when taking a look at Rishonim and Posekim, we see otherwise.

The prohibition of Lo Tachmod as described by Rambam (Hilchot Gezeilah VaAveidah 1:9) and codified by the Shulchan Aruch (Choshen Mishpat 359:9) only forbids a very specific case. A person violates the prohibition if he sees an object that belongs to someone else and is not for sale, yet he wants to acquire this object. If the person beseeched the owner and convinced him to sell the desired object, he has violated the biblical prohibition of Lo Tachmod.

This is true even if the buyer pays in full or greater for the object acquired (Sefer Meirat Einayim ad loc. footnote 14). As long as the seller had no intention to sell the object and did so only as a result of the buyer's pressure, the prohibition of Lo Tachmod is in effect. It is important to note that although the prohibition of Lo Tachmod appears in the Ten Commandments mentioned in Parashat Yitro (Shemot 20:14) and in Parashat VaEtchanan (Devarim 5:18) the two are counted as separate and distinguishable prohibitions in the list of 613 - one as Lo Tachmod

and the other as Lo Tit'aveh (Rambam Sefer HaMitzvot, Lavin 265-266). As mentioned, the prohibition of Lo Tachmod takes place only once the desired object has switched ownership, do to undesirable circumstances, the prohibition of Lo Titaveh takes place in the earlier stage includes the plotting to acquire the object and the expressed desire to so do.

While this prohibition seems to be simple and straightforward, its applicability in the modern day economy must be defined more carefully. It is easy to understand how this prohibition would apply to classic assets such as homes, oxen, and other tangible objects. In an economy where so much is based on intangible things such as credit, intellectual property, and the securing of valuables, it is important to inquire whether or not this prohibition applies to these assets that are so characteristic of and integral to a modern-day economy.

The rationale to make this distinction may be a reasonable

### THE OPPOSITE OF TZARA'AT

by Aryeh Krischer (14)

In Parashat Metzora, the Torah devotes much attention to detailing the intricate laws of Tzara'at, specifically the processes for examining and purifying it. However, the actual cause of this strange malady remains conspicuously absent from the Pesukim. The Gemara (Arachin 16b) lists seven sins which can cause Tzara'at. Perhaps the most well-known of these sins is Lashon HaRa, loosely translated as improper speech. While Halachah devotes significant space to the complexities of Lashon HaRa, seldom do we see Halachot about proper speech. Such speech can have powerful effects if used correctly.

Rav Shlomo Carlebach epitomized the use of speech for good. Mendel Strenhull, a frequent companion of Rav Shlomo, relates the following incident. He and Rav Shlomo had gone out to a diner presided over by a sour, repulsive landlady. Yet, when she brought Rav Shlomo his muffin, he sang praises one would expect to go to the winner of a world-wide baking contest. The result was stunning. The landlady's demeanor changed so dramatically that Mendel could describe her only as "beautiful." Too often we forget that positive speech can be used to accomplish mounds of good. We spend so much time focusing on the causes of Tzara'at that we forget that each of us contains the power of positive speech, the "anti" Tzara'at. Consider smiling at someone today, or delivering a compliment without prompting, and witness for yourself the power of positive speech. (For a full account of the story related above, see *Holy Brother* (Halberstam 138-139).

one both because the Pasuk mentions only tangible possessions and because we see in other areas of Halachah that these intangible assets are not always treated the same way as tangible assets (which are protected under a different set of Halachic guidelines- see Rabbi Z.N. Goldberg's article in *Techumin* vol. 6). There is no question that the spirit of this law strongly discourages a person from pursuing anything that is not on the free market, but whether or not acquiring the above desirables is forbidden, is something that must be determined.

The Mechilta DeRashbi on Shemot 20:14 tells us, "This might include not saying I wish my eye

were like his eye or I wish my hair would be like his. The verse explicitly states, 'His ox and his donkey, his servant and maid, his house and his field' to include only the designated things [like those listed above] that can come into your possession, and [when they do], your fellow lacks them." A clear definition of Lo Tachmod is given by this Mechilta which includes only items that are tangible and whose acquisition by another party causes the previous owner to lose them.

This clearly shows that items that are intangible and are therefore not in this category do not fall under the prohibition of Lo Tachmod. The practical implication of this is that intangible things like patents, other intellectual property, and

<sup>1</sup> This essay is based on an article I published on this topic in the latest volume of *Techumin* (Hebrew vol. 33).

occupations and positions, although protected under the laws of intellectual property and other Halachic guidelines, would probably not be protected under the commandment of Lo Tachmod (see Aruch HaShulchan Choshen Mishpat 359:9 Se'if 10).

The greatest implication this understanding would have on a modern day economy would be in the field of finance and credit cards. While we all take finances very seriously as the vehicle through which our modern day economy functions, it is important to know that credit and money transfers today are not what they used to be. While money exchanges, even in much of the modern era, were done with tangible money - coins of copper, silver, and gold, or even exchange notes - credit is today's money and it is not necessarily present or tangible at the time of the exchange. This being the case, it would seem to be that in any case in which a person seeks credit from another who has no interest in giving that credit would not fall under Lo Tachmod. This is especially relevant to the issue of fundraising and asking people for donations that they were not planning on giving.

At first glance, it would seem like pressing someone to contribute to a certain cause is an outright violation of Lo Tachmod as the person had not intended to give the donation, and may very possibly have not given it without having been pressured. However, since the usual donation is given as a check or through a credit card, one can easily argue that there is no violation of Lo Tachmod since there is no tangible item that the asking party is coveting; all they want is a certain amount of credit that the donor has in the bank, which is very much not tangible, and is therefore not a part of the prohibition of Lo Tachmod.

There are also those that argue that there is no prohibition in the case of fundraising for a charitable cause based on a well-known Halachic concept found originally in Bava Batra (7b, codified by the Shulchan Aruch Yoreh Dei'ah 248:1). The Gemara states that if a person refuses to give any Tzedakah, the Beit Din may force him to do so in accordance with his ability. Similarly, some Posekim (Rav Tzvi Fromer, She'eilot UTeshuvot Eretz Tzvi Siman 4) argue that if there is a person who should be giving Tzedakah, there is no prohibition in trying to strongly persuade him to give more of it. This leniency, however, would only apply in a case where donation is helping an Ani that is in a genuine need of Tzedakah.

Another perspective that would pertain to fundraising and the prohibition of Lo Tachmod is one of very broad implications and emanates from the following fundamental question: Is the prohibition against coveting another's belongings intended to prohibit an acquisition, or is it designed to prohibit a behavior? When the Torah says Lo Tachmod, is it coming to prohibit the final transfer of an object against the will of the owner, or is it a prohibition against pressuring someone to sell something they have no interest in selling (see essay by Rabbi Rosenzweig, Beit Yitzchak vol. 19 who discusses this matter in depth).

The Nafka Minah, practical difference, is a case such as the following: A person wants somebody's belonging and has a third party pressure the owner to sell. The first person then purchases the item which was only put up for sale because of the third party's pressure. If the prohibition is the behavior, then the third party, despite not ending up with the coveted object, violated the prohibition. If, however, the prohibition forbids taking the object

out of the owner's possession without his fullest consent, then the original person who ended up purchasing the object is at fault.

Prominent Posekim (She'eilot UTeshuvot Betzel HaChochmah Siman 45 and an oral Pesak from Rabbi Z.N. Goldberg) suggest that the implication of the Pasuk and the nature of the prohibition prohibit a direct and personal coveting, and that coveting on behalf of someone else is not included in the prohibition. This would mean that any time an agent independently persuades someone to sell something they were not planning to sell, there is no prohibition of Lo Tachmod, as long as the agent was not directed to do so by a person who wants the commodity at hand, and as long as the third party does not keep the object to themselves. This is another reason to argue that in a case of fundraising, when the person who is asking for the contribution does not receive the sum collected but is rather "passing it on" to the cause for which they are raising it, there is no problem of Lo Tachmod.

It is important to note that in general, even if something may not be technically prohibited under the prohibition of Lo Tachmod, it does not mean that the action is commendable. Chazal tell us in Pirkei Avot, "Who is rich? He who is happy with his share" (Avot 4:1), and go on to warn us that jealousy is one of the things that can "take the person out of this world" (see Gemara Sotah 9a which elaborates on the negative effects of jealousy). Although something may not be prohibited under the tenth commandment, which is indeed a severe one, if it involves jealousy, or another undesirable trait, it, too, should be avoided.

*Editor's Note: Children often pressure each other to share food ("mooching"). There is genuine concern for violation of Lo Tachmod when engaging in such behavior.*

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