

**In My Opinion THE LINK
Rabbi Wein's Weekly Blog**

In our current world that is so heavily influenced by the presence of the Corona pandemic in our midst, we are all aware of and/or participate in the world of zoom learning and classrooms. In this remote world of distant conversation and learning from afar, there are requirements that must be met in order to be able to ensure one's ability to participate in a learning experience.

The most fundamental requirement is to somehow upload the link to the specific lesson on one's computer or phone and then to click on that link to join the learning session. Without having the link and clicking it one will never be able to hear what is being taught or benefit from the zoom session being conducted. This link is the essential ingredient to all the learning or entertainment projects that can exist on this electronic platform.

The phrase "just send me the link" has become part and parcel of our everyday conversation and mindset. Just a few short years ago, using such a phrase would only have incurred stares of wonder. Our society was not thinking in terms of links. However, among all the other immense changes that the Covid epidemic has created in our society, the realization that one must somehow find a specific link and click on it, is part of a new language and a different set of words and phrases. As such, let's consider if we do not give proper weight to understanding the import of the links in our lives.

Judaism has always been based on links, the link to family and tradition, links to generations gone before us, and the links to eternal values and unchanging assessments of life and people. These constitute the bulk of thought and activity in every day Jewish existence. We see ourselves as being linked to the eternal chain first created by our father Abraham and continuing for millennia till our time.

Judaism values age, experience and, most importantly, links to the past, even more than it encourages the vitality and experiences of the young. We say in our prayers that we are grateful for the previous generations that have survived, so that we are able to be connected and linked to the past, as far back as our father Abraham and our mother Sarah.

This linkage is vital to Jewish survival, both personally and nationally. One cannot participate in the eternal zoom lesson of the study of Torah and the performance of its commandments without somehow obtaining the link and clicking on it by ourselves.

When one is young, one rarely appreciates this type of generational connection. However, as one's years increase, it becomes apparent that one of the tasks of maturity is to provide that personal link that binds generations together and gives purpose and value to each individual life. For many Jews in our time, the tragedy of complete assimilation and the lack of any Jewish content in life is directly traceable to the fact that they never found the link and are cut off from their tradition by their secularism and hedonism.

The purpose of Jewish education, in my opinion, should be to impress upon the student throughout all the years of one's school experience, the necessity of finding their personal links and clicking on them. If one has the link, then there is no limit to what can be learned, understood, and creatively woven into the fabric of one's own personal life. However, if that necessary personal link is somehow unavailable, then school and knowledge become only a jumble of facts, opinions, boredom, and worse.

We are currently very careful that schools and classrooms should not infect their students with viruses and diseases of the body. We should be just as careful and vigilant that schools should not infect their students with moral viruses of unproven agendas, current political theories and correctness, and wildly impractical and utopian ideas and hopes. We cannot leave our younger generation without any link to the realities and experiences of past generations and to ancestors, that would leave them vulnerable to harmful teachings and opinions.

The truth is that every one of us, especially those of us who are blessed with being grandparents, should establish themselves as that link that is necessary to benefit from the spiritual and psychological zoom class that is currently available to all who are interested in finding and utilizing what constitutes their Jewish heritage.

Shabbat shalom
Berel Wein

**Weekly Parsha NITZAVIM 5781
Rabbi Wein's Weekly Blog**

Towards the conclusion of his long final oration to the Jewish people, our teacher Moshe refers once more to the covenant between God and Israel. A covenant is much more than a relationship or an agreement.

Covenants, in the Jewish sense of the word, are not altered by changing times and differing circumstances. A covenant has the ring of eternity, not only in time but also in content.

Covenants are immutable and unchangeable. They have a binding quality that ordinary agreements or even contracts do not possess. And this is true from the beginning of the story of the Jewish people, and maybe even from the beginning of history and God's relationship to human beings as Creator. We find in the story of the flood and the rainbow, that the relationship is always based on a binding and unchangeable covenant.

The Jewish people have always sensed the gravity of the covenantal relationship with God. It is the sole explanation for all the events and patterns of Jewish history from the time of Abraham until today. We are a covenantal people and are bound by restrictions and fueled by prophetic vision and utopian hope.

Only a people who feel themselves part of and bound by an eternal covenant, would have the strength and the ability to survive and even prosper under the circumstances of persecution and enmity that have surrounded the Jewish world from time immemorial. It is no cause for wonder why the circumcision ceremony in Jewish life is always called the covenant, for it represents in a physical manifestation, this binding covenant between God and the Jewish people.

It is well understood why Moshe fills this final oration to the Jewish people with references and lessons, explicit and implicit, to the covenant and to Sinai as the basis of Jewish existence. Only the power of a covenant is strong and mighty enough to guarantee the survival and resilience of the Jewish people. But the shepherd knows very well the weaknesses and strengths of his flock. The 40-year sojourn in the desert has been a learning experience for Moshe, and through his example, for all future leaders of the Jewish people in all times and under all circumstances.

The one thing that Moshe feels is deeply implanted within his people is this idea of a covenant. It is this covenant that creates within us the feeling of being special, chosen and bound by a mission that is far greater than the mundane activities of even life itself. The covenant contains many harsh conditions and predictions. It also portrays an exalted future and a continual message of productivity and influence, that will permeate Jewish society. The vital behavior of the Jewish people, its ability to rise to all occasions, is based on our appreciation of the covenantal relationship between God and Israel. Individually, there are many Jews that may not feel bound or even be aware of the existence of this covenant. But within the Jewish soul, as part of our DNA so to speak, we know that we are a covenantal people, and we are charged to think and behave accordingly.

Shabbat shalom
Rabbi Berel Wein

Defeating Death (Nitzavim 5781)

Rabbi Jonathan Sacks

Only now, reaching Nitzavim, can we begin to get a sense of the vast, world-changing project at the heart of the Divine-human encounter that took place in the lifetime of Moses and the birth of Jews/ Israel as a nation.

To understand it, recall the famous remark of Sherlock Holmes. "I draw your attention," he said to Dr Watson, "to the curious incident of the dog at night." "But the dog did nothing at night," said Watson. "That," said Holmes, "is the curious incident." [1] Sometimes to know what a book is about you need to focus on what it does not say, not just on what it does.

What is missing from the Torah, almost inexplicably so given the background against which it is set, is a fixation with death. The ancient Egyptians were obsessed with death. Their monumental buildings were an attempt to defy death. The pyramids were giant mausoleums. More precisely, they were portals through which the soul of a deceased pharaoh could ascend to heaven and join the immortals. The most

famous Egyptian text that has come down to us is The Book of the Dead. Only the afterlife is real: life is a preparation for death.

There is nothing of this in the Torah, at least not explicitly. Jews believed in Olam HaBa, the World to Come, life after death. They believed in tehiyat hametim, the resurrection of the dead.[2] There are six references to it in the second paragraph of the Amidah alone. But not only are these ideas almost completely absent from Tanach. They are absent at the very points where we would expect them.

The book of Kohelet (Ecclesiastes) is an extended lament at human mortality. Havel havalim... hakol havel: Everything is worthless because life is a mere fleeting breath (Ecc 1:2). Why did the author of Ecclesiastes not mention the World to Come and life-after-death? Another example: the book of Job is a sustained protest against the apparent injustice of the world. Why did no one answer Job to say, “You and other innocent people who suffer will be rewarded in the afterlife”? We believe in the afterlife. Why then is it not mentioned – merely hinted at – in the Torah? That is the curious incident.

The simple answer is that obsession with death ultimately devalues life. Why fight against the evils and injustices of the world if this life is only a preparation for the world to come? Ernest Becker in his classic *The Denial of Death* argues that fear of our own mortality has been one of the driving forces of civilisation.[3] It is what led the ancient world to enslave the masses, turning them into giant labour forces to build monumental buildings that would stand as long as time itself. It led to the ancient cult of the hero, the man who becomes immortal by doing daring deeds on the field of battle. We fear death; we have a love-hate relationship with it. Freud called this thanatos, the death instinct, and said it was one of the two driving forces of life, the other being eros.

Judaism is a sustained protest against this world-view. That is why “No one knows where Moses is buried” (Deut. 34:6) so that his tomb should never become a place of pilgrimage and worship. That is why in place of a pyramid or a temple such as Ramses II built at Abu Simbel, all the Israelites had for almost five centuries until the days of Solomon was the Mishkan, a portable Sanctuary, more like a tent than a temple. That is why, in Judaism, death defiles and why the rite of the Red Heifer was necessary to purify people from contact with it. That is why the holier you are – if you are a Kohen, more so if you are the High Priest – the less you can be in contact or under the same roof as a dead person. God is not in death but in life.

Only against this Egyptian background can we fully sense the drama behind words that have become so familiar to us that we are no longer surprised by them, the great words in which Moses frames the choice for all time:

See, I have set before you today life and good, death and evil ... I call heaven and earth as witnesses today against you, that I have set before you life and death, the blessing and the curse; therefore choose life, that you and your children may live. (Deut. 30:15, 19)

Life is good, death is bad. Life is a blessing, death is a curse. These are truisms for us. Why even mention them? Because they were not common ideas in the ancient world. They were revolutionary. They still are.

How then do you defeat death? Yes there is an afterlife. Yes there is tehiyat hametim, resurrection. But Moses does not focus on these obvious ideas. He tells us something different altogether. You achieve immortality by being part of a covenant – a covenant with eternity itself, that is to say, a covenant with God.

When you live your life within a covenant something extraordinary happens. Your parents and grandparents live on in you. You live on in your children and grandchildren. They are part of your life. You are part of theirs. That is what Moses meant when he said, near the beginning of this week’s parsha:

It is not with you alone that I am making this covenant and oath, but with whoever stands with us here today before the Lord our God as well as those not with us here today. (Deut. 29:13-14)

In Moses’ day that last phrase meant “your children not yet born.” He did not need to include “your parents, no longer alive” because their parents had themselves made a covenant with God forty years before at

Mount Sinai. But what Moses meant in a larger sense is that when we renew the covenant, when we dedicate our lives to the faith and way of life of our ancestors, they become immortal in us, as we become immortal in our children.

It is precisely because Judaism focuses on this world, not the next, that it is the most child-centred of all the great religions. They are our immortality. That is what Rachel meant when she said, “Give me children, or else I am like one dead” (Gen. 30:1). It is what Abraham meant when he said, “Lord, God, what will you give me if I remain childless?” (Gen. 15:2). We are not all destined to have children. The Rabbis said that the good we do constitutes our *toldot*, our posterity. But by honouring the memory of our parents and bringing up children to continue the Jewish story we achieve the one form of immortality that lies this side of the grave, in this world that God pronounced good.

Now consider the two last commands in the Torah, set out in parshat Vayelech, the ones Moses gave at the very end of his life. One is *hakhel*, the command that the King summon the nation to an assembly every seven years:

At the end of every seven years ... Assemble the people – men, women and children, and the stranger living in your towns – so that they can listen and learn to fear the Lord your God and follow carefully all the words of this law. (Deut. 31:12)

The meaning of this command is simple. Moses is saying: It is not enough that your parents made a covenant with God at Mount Sinai or that you yourselves renewed it with me here on the plains of Moab. The covenant must be perpetually renewed, every seven years, so that it never becomes history. It always remains memory. It never becomes old because every seven years it becomes new again.

And the last command? “Now write down this song and teach it to the Israelites and make them sing it, so that it may be a witness for me against them” (Deut. 31:19). This, according to tradition, is the command to write [at least part of] a *Sefer Torah*. As Maimonides puts it: “Even if your ancestors have left you a *Sefer Torah*, nonetheless you are commanded to write one for yourself.”[4]

What is Moses saying in this, his last charge to the people he had led for forty years, was: It is not sufficient to say, our ancestors received the Torah from Moses, or from God. You have to take it and make it new in every generation. You must make the Torah not just your parents’ or grandparents’ faith but your own. If you write it, it will write you. The eternal word of the eternal God is your share in eternity.

We now sense the full force of the drama of these last days of Moses’ life. Moses knew he was about to die, knew he would not cross the Jordan and enter the land he had spent his entire life leading the people toward. Moses, confronting his own mortality, asks us in every generation to confront ours.

Our faith – Moses is telling us – is not like that of the Egyptians, the Greeks, the Romans, or virtually every other civilisation known to history. We do not find God in a realm beyond life – in heaven, or after death, in mystic disengagement from the world or in philosophical contemplation. We find God in life. We find God in (the key words of *Devarim*) love and joy. To find God, he says in this week’s parsha, you don’t have to climb to heaven or cross the sea (Deut. 30:12-13). God is here. God is now. God is life.

And that life, though it will end one day, in truth does not end. For if you keep the covenant, then your ancestors will live in you, and you will live on in your children (or your disciples or the recipients of your kindness). Every seven years the covenant will become new again. Every generation will write its own *Sefer Torah*. The gate to eternity is not death: it is life lived in a covenant endlessly renewed, in words engraved on our hearts and the hearts of our children.

And so Moses, the greatest leader we ever had, became immortal. Not by living forever. Not by building a tomb and temple to his glory. We don’t even know where he is buried. The only physical structure he left us was portable because life itself is a journey. He didn’t even become immortal the way Aaron did, by seeing his children become his successors. He became immortal by making us his disciples. And in one

of their first recorded utterances, the Rabbis said likewise: Raise up many disciples.

To be a leader, you don't need a crown or robes of office. All you need to do is to write your chapter in the story, do deeds that heal some of the pain of this world, and act so that others become a little better for having known you. Live so that through you our ancient covenant with God is renewed in the only way that matters: in life. Moses' last testament to us at the very end of his days, when his mind might so easily have turned to death, was: Choose life.

Shabbat Shalom: Parshat Nitsavim (Deuteronomy 29:9-30:20)

Rabbi Shlomo Riskin

Efrat, Israel – “Not with you alone do I establish this covenant and this oath, but with those who are here with us standing today before the Lord our God and with those who are not here with us today.” (Deuteronomy 29:13-14).

The Syrian refugee crisis has prompted public debate worldwide, especially in the U.S. presidential campaign, over the issue of immigration. Should a nation's top priority be to meet the humanitarian needs of people attempting to flee a war zone? Or should it be to emphasize national security concerns stemming from the terroristic affiliations of a portion of those seeking refuge?

Given that most of the people whose fate hangs in the balance are Muslims, the critical question underlying this debate is, what is the nature of Islam? Are we speaking of a religion of prayer, charity, and belief in one God? Or are we dealing with a cult of death, conquest and jihad? The fact that both of these definitions contain an element of truth is the source of our dilemma. Islam is at war with itself, as Muslims on both sides of these two irreconcilable aspects of the religion's identity vie for supremacy. And unfortunately, institutional Islam – Wahhabism, Sunni, Shia, and ISIS – believes strongly in Jihad and world conquest.

Does Judaism have a role to play in this debate? The answer to this question will explain several important questions on this week's Biblical portion, and, more broadly, will teach a critical lesson about our moral responsibilities to the world.

The covenant referenced in this week's biblical portion of Nitzavim is usually read on the Sabbath prior to Rosh Hashana (Talmud, Megilla 31b). To which covenant does the Torah refer? To whom does God refer when He includes in this covenant “those who are not here with us today”? And what is the connection between this covenant and Rosh Hashana?

This covenant, in contrast to the two prior covenants (at Sinai and Arvat Moab), features the writing of the universal laws of morality on twelve stones (Talmud, Sota 35b), to be translated in all seventy languages of the world (ibid, 32a), and to be erected at the points of entrance into and exit from Israel. For what reason would the Bible have its laws translated into all seventy languages, if not to teach this morality to the world precisely in the place from which foreigners would travel?

Israel must bear God's message of morality and peace to the world and God, in turn, will guarantee Israel's eternity. It is our task as a people to educate the world towards recognition of a God of morality, love, and peace. This is the content of the Third Covenant.

Everyone need not become Jewish or worship God in the way we do. But everyone must be moral and ethical, and must not violate any other innocent human being, if the world is to endure. In the words of the prophet Micah (4:5), “Let all the peoples walk each one in the name of its god, but we will walk in the name of the Lord our God for ever and ever.” We believe in moral absolutism and ritual pluralism!

Regrettably, this is not the belief of institutional Islam today (see Bernard Lewis' *Islam: The Religion and the People*), which divides the world between “Dar al-Islam” (states controlled by Muslims) and “Dar al-Harb” (states controlled by non-Muslims, to be conquered by the sword).

Fortunately, there is a precedent for a religion to alter its moral trajectory. For nearly 2,000 years, Christianity exploited its power to persecute non-Christians, especially Jews. Rivers of Jewish blood can

testify to that ugly history. However, over the past 50 years, a change of historic proportions has taken place in the way Christianity has come to view Judaism, symbolized by 1965's “*Nostra Aetate*”, the Papal Encyclical publication that affirmed the legitimacy of the Jewish covenant with God.

In contrast, a very different trend is taking place within Islam. Certainly there are millions of peace-loving Muslims who find the hijacking of their religion to be abhorrent. However, this silent majority has failed to prevent its co-religionists from co-opting Islam.

Judaism has a role to play in this debate. Our covenant of moral absolutism requires that we call upon Muslims to draft their own “*Nostra Aetate*”, a theological shift that would accept the legitimacy of other religions. Muslim spiritual and political leaders must declare – and then demonstrate – clearly and unambiguously, that Allah is a God of love, not of power, and that Islam is a religion of peace, not of jihad. This is an internal Muslim dispute, but it has global ramifications, and we have a vested interest in its outcome.

We now see the vital need for those who did not stand at Sinai and Arvat Moab – the seventy nations of the world – to stand with us when God's revelation, this Third Covenant, becomes universally accepted and realized. God's covenant must encompass Jew and Gentile alike. And this is why it is appropriate that this biblical reading precedes Rosh Hashana, when Jews must realize our true mission: to turn the wicked of the world towards a God of morality, to perfect the world under the Kingship of the Divine.

Shabbat Shalom!

Rabbi Yochanan Zweig

Nation Corporation

You are standing here today, all of you, before Hashem your God; your heads, your tribes, your elders, and your officers – all of Yisroel (29:9).

This week's parsha opens with Moshe Rabbeinu addressing all of Bnei Yisroel. Rashi (ad loc) explains that this was the last day of his life and Moshe was “standing” for all of the people, i.e. permanently affixing Bnei Yisroel into a new covenant with Hashem. Moshe goes on to list all the different entities bound by this covenant (leaders, elders, officers, all the men, women, children, converts, etc.) and then adds “whoever is here standing with us today [...] and those that are not here today” (29:14). Rashi (ad loc) explains that this is referring to all future generations (that they too are to be bound by this covenant).

What is the nature of this new covenant? Furthermore, as the Maharal (Gur Aryeh 29:14) asks, “How is it possible to bind all future generations to it as well?” In other words, how does my oath obligate succeeding generations so that if they don't follow the terms of the covenant they will be punished?

At the end of last week's parsha Moshe Rabbeinu spoke to the entire nation as a whole, however, in this week's parsha Moshe begins by creating an entire infrastructure. What changed?

Until now, Bnei Yisroel was an association of tribes and families under the leadership of Moshe Rabbeinu. On the last day of his life, Moshe established the Jewish people as a corporate entity. Just as companies have individuals with different roles, so too Moshe created a hierarchy of leadership and responsibility.

In other words, the Jewish people were no longer just an associated group of people united by Moshe, but became a single entity with responsibilities for each other and towards each other. Maimonides (Yad Hilchos Krias Shema 1:4) quotes a verse from this week's parsha to illustrate that the unity of God is dependent on its acceptance by the entirety of the Jewish people. To understand this on a deeper level: Everything in creation is a reflection of Hashem; thus the concept of the oneness of Hashem is articulated by the harmony and indivisibility of the Jewish people.

At this point the Jewish people are now viewed as a single entity, a corporate body, as it were. Therefore, just as within a body when one area is injured or incapacitated it affects the entirety of the body, so too we all affect each other. Rashi (29:28) explains that with this covenant

we became guarantors for one another and thus we can be punished for the misdeeds of our brethren. Rashi ascertains this from the Gemara (Sanhedrin 27b), which states that Bnei Yisroel were made guarantors for one another.

On the surface, this guarantee is hard to understand. First, there is no consideration here, how is this a legally binding guarantee? Second, a guarantor is only responsible for monetary restitution; a guarantor cannot be physically punished for another's misdeeds.

The word that the Gemara uses is that the Jewish people are guarantors one with another - ערבים זה ערבים (as opposed to one to another - זה ערבים לזה). This is also borne out by the word ערב, which means blended (e.g. this is how a community "eruv" works, we are a blended whole and therefore permitted to carry). Thus, this law of being a guarantor is similar to a person's body, when one leg doesn't work properly then the other leg compensates. This obligation to guarantee or pay is because we are one unified, whole nation.

This is also why succeeding generations can be held responsible for the covenant. They are simply the next generation of cells in the ever-evolving corporate body of the Jewish people – an eternally unified nation.

Life and Living

Chazal refer to Rosh Hashana as the Yom Hadin – Day of Judgement. Throughout the Rosh Hashana davening, we constantly reiterate this – perhaps most prominently in the prayer known as "U'nasaneh Tokef" whereby many of the different types of deaths are typically intoned with trepidation and loud wailing.

Yet probably one of the most difficult aspects of understanding what we are doing on Rosh Hashana is trying to confront the reality that it doesn't empirically seem to make any difference if one even goes to shul on Rosh Hashana or asks Hashem to grant us another year. What actuarial tables definitively show that those who go to shul on Rosh Hashana live longer? Is there any proof that Jews who go to shul on Rosh Hashana have longer life spans? Most of us know deep down that almost everyone is going to live another year. So if we were to be honest with ourselves we would be compelled to ask, what are we actually trying to accomplish on Rosh Hashana?

In addition, as we all know, this is a very serious time of year, when a certain heaviness and foreboding descends upon the religious community. Nowhere is this more evident than in its Yeshivas where all the students are instilled with these feelings of fear and trepidation. This process begins with Rosh Chodesh Elul and builds to a crescendo with Selichos, Rosh Hashana, Aseres Yemei Teshuvah, and Yom Kippur. Yet Chazal refer to Elul as "Ani l'dodi v'dodi li – I am to my beloved and my beloved is to me." How are we to reconcile pleading for life with a time that seems to be described as that of a honeymoon?

Maimonides (Yad Hilchos Teshuvah 3:1-2) likewise rules, "Anyone whose merits are greater than his sins is (considered) righteous. One whose sins are greater than his merits is (considered) wicked. And so too with an entire country. A person whose sins are greater than his merits immediately dies in his wickedness and so too by a country they are immediately obliterated as we find by S'dom and Amora (the cities that Hashem destroyed because of their evil acts)."

Asks the Ravaad (ad loc), "It's just not true that wicked people who are sealed for death immediately die – as we see there are many people wicked people still around living out their full lives!"

Moreover, Maimonides himself is difficult to understand. He attempts to prove that we find the same principle by sovereign states from the story of S'dom and Amora. Yet, in the Torah, we find an entire conversation between Hashem and Avraham Avinu, whereby Avraham is pleading for their lives and Hashem actually agrees that if there are ten righteous people then He won't destroy them! How can Maimonides bring this story as his source and say that we see from here that they are immediately obliterated?

Most people don't really have a good understanding of what it means to have life. Atheists and agnostics have to deal with the fact that their total existence is an accident and purposeless. This is akin to one's parents telling him that they never intended for him to be born which, for most

people, would be emotionally devastating. The rest of the world knows that there is a purpose to creation and that one's existence is actually meaningful because it is a gift bestowed upon them by Hashem.

Yet, since life is a gift, it also has the inherent drawback of feeling like charity, which is usually accompanied by the devastating shame that one feels when he cannot support himself. In fact, Chazal teach us that a poor person is considered as if he is dead. This feeling is perhaps best described by Shlomo Hamelech (Mishlei 15:27) "[...] one who hates gifts shall live!" Thus, being unable to sustain oneself is akin to being dead.

This is the incredible aspect of creation. The only real feeling of having life is rooted in one's feeling that his existence is justified. Thus, Hashem in his infinite wisdom created a system that allows us to earn the right to live; we can absolutely justify our existence and support ourselves through our actions. When a person's sins outweigh his credits, he is immediately forfeiting his right to exist. Hashem may not strike him down dead in that moment, but a condemned man is essentially a dead man. When a person has to constantly depend on the largesse of Hashem for his right to exist, he may be physically alive, but in reality it is as if he is dead already as he forfeited his right to live and Hashem can kill him at any time.

Maimonides isn't proving this from the story of S'dom and Amora because they were destroyed. He is showing that Hashem ruled that they had forfeited their right to exist and that they were now susceptible to obliteration. At this point, He engages in a conversation in which Avraham pleads to Hashem that He not carry out that decision. Hashem agrees that if there were at least ten righteous people in the cities, then they would have some reason not to be destroyed, even if they had already forfeited their right to exist perhaps they could be rehabilitated.

This is what we do on Rosh Hashana – we are literally earning a living. It isn't merely about being alive, in fact, going to shul on Rosh Hashana doesn't have any bearing on whether a person will survive the year or not. The davening on Rosh Hashana is about justifying our existence. We are gaining self-esteem, self-respect, and a sense of being entitled to our lives. This is an expression of Hashem's love for humanity; he allows us to be independent and earn a living.

This is the ultimate difference between Hashem's court and man's court. In a court of law, if a person is found not guilty the most he can hope for is to be restored to his state prior to the court case. In other words, there isn't much upside, only a steep downside. But in Hashem's court, a person can actually improve upon his circumstances, he can earn the right to exist and not be solely dependent on Hashem's charity. This is a tremendous incentive to go to shul and plead your case. A person who really internalizes this should be excited at the opportunity to better himself, which is why Maimonides says that one should be joyful on Rosh Hashana. Rosh Hashana isn't about dying or not dying, it's about earning a real life.

Nowadays, this value of justifying one's existence has been lost. In the mid 20th century the Jewish sentiment was to poke fun at non Jews whose sole aspiration was to take a government job – with little responsibility or accomplishments, but being able to take long coffee breaks and receive a life long pension. Basically, satisfied living on the dole. Unfortunately, today this malaise has infected the Jewish community as well. Everyone just wants to be taken care of, living off of government programs or some get-rich scheme. It's this perspective that makes Rosh Hashana and the Aseres Yemei Teshuvah hard to tolerate.

When people begin to appreciate the opportunity of justifying their existence, they will appreciate the incredible opportunity of Rosh Hashana.

Ohr Somayach :: Torah Weekly :: Parsha Insights

For the week ending 4 September 2021 / 27 Elul 5781

Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

Parashat Nitzavim

There is Life on Mars

“And all the nations of the world will say, ‘Why did Hashem do so to this Land? Why this wrathfulness of great anger?’ And they will answer: ‘Because they forsook the covenant of Hashem, the G-d of their Fathers, which He sealed with them when He took them out of the land of Egypt.’” (29:23)

Richard Rhodes writes in “The Making of the Atomic Bomb”: “Out of the vulnerable Hungarian Jewish middle class came no fewer than seven of the twentieth century’s most exceptional scientists: in order of birth, Theodor von Kármán, George de Hevesy, Michael Polanyi, Leo Szilard, Eugene Wigner, John von Neumann and Edward Teller. All seven left Hungary as young men; all seven proved unusually versatile as well as talented and made major contributions to science and technology; two among them, de Hevesy and Wigner, eventually won Nobel Prizes. The mystery of such a concentration of ability from so remote and provincial a place fascinated the community of science. Recalling that ‘galaxy of brilliant Hungarian expatriates,’ Otto Frisch remembers that his friend Fritz Houtermans, a theoretical physicist, proposed the popular theory that “these people were really visitors from Mars; for them it was difficult to speak without an accent that would give them away and therefore they chose to pretend to be Hungarians whose inability to speak any language without accent is well known.”

However refined the accent of a Jew, he will always sound like a Hungarian to the world. But the problem begins when we start to sound like Hungarians to ourselves — when we start to think that we are just the same as everyone else. But, more so, when we forget that we really are from Mars.

The Jews “fell from Mars,” three thousand years ago with the giving of the Torah at Mount Sinai.

From the birth of Adam until Mount Sinai, all mankind had an equal role in the purpose of Creation. With the giving of the Torah, the Director invited the Jewish People to step out of the chorus line, to go up to the mic and perform mankind’s soliloquy to its Creator. But being a star needs more than just star-quality. There’s a massive gap between potential and performance.

Our Sages teach that Sinai is connected to the word in Hebrew *sinah* — which means “hatred.” When Moshe came down from the mountain, along with the Torah he brought anti-Semitism.

But that anti-Semitism is not absolute. It is conditional on how well we perform our starring role.

“And all the nations will say, ‘Why did Hashem do so to this Land? Why this wrathfulness of great anger?’ And they will say, ‘Because they forsook the Covenant of Hashem, the G-d of their Fathers, that He sealed with them when He took them out of the land of Egypt.’”

There is no privilege without responsibility. Even in Hungary.

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Rabbi Buchwald’s Weekly Torah Message Nitzavim 5781-2021

“Striving to Reach Heaven During the Days of Awe”

(updated and revised from Nitzavim 5761-2001)

Rabbi Ephraim Z. Buchwald

This past Saturday night, August 28th, or early Sunday morning to be more exact, Ashkenazic Jews the world over began reciting selichot—the penitential prayers, in preparation for the High Holy Days. The imminent arrival of Rosh Hashana and Yom Kippur is palpable.

On this Shabbat, parashat Nitzavim will be read. The parasha is one of the final four parashot of the Book of Deuteronomy in which Moses, on the last day of his life, talks with the People of Israel concerning the renewal of the Covenant. It is a stirring and moving message, the tenor of which corresponds perfectly to that of the High Holidays and the Days of Awe.

Moses gathers all the people of Israel, young and old, men and women, from the lowest to the most exalted, and, for the last time, initiates them into the covenant of G-d. Moses predicts (Deuteronomy 30:3), that eventually the Jewish people will return to G-d: And the L-rd, your G-d will bring back from your captivity, and have mercy on you. And G-d will gather you in from all the peoples to which He, the L-rd, your G-d has scattered you. No matter how far you’ve strayed, says Moses, G-d will gather you in. Even though your dispersed be in the far corners of heaven, from there G-d will gather you, and from there He will take you.

So, just how do the people of Israel qualify for redemption and regathering? Simple! The formula is clear. Just keep G-d’s Torah!

And, you know, it’s not that difficult! Deuteronomy 30:12 states: The Torah is not in Heaven for you to say, ‘Who can ascend to the Heaven for us and take it for us so that we can listen to it and perform it?’ Nor is it across the sea for you to say, ‘Who can cross to the other side of the sea for us to take it for us, so that we can listen to it and perform it?’ Rather, the matter is very near to you, in your mouth, and your heart, to perform it.

With so little time left before the High Holidays, how can we hope to transform ourselves into a people who deserve redemption? We have so much to do, and so little time to do what needs to be done!

The story is told, that in the town of Nemirov there lived a great Tzaddik. Although he was renowned for his righteousness throughout the Jewish world, but, you know, among Jews, there are always doubters and skeptics. To be sure, there were even some sceptics to be found in the town of Nemirov, who questioned their rabbi’s greatness.

Before the High Holidays, the Jews of Nemirov would awaken well before the earliest signs of dawn to recite the selichot prayers, the penitential prayers, petitioning G-d for forgiveness, so that they may be found worthy of forgiveness and redemption. Even those Jews who did not normally come to synagogue, would show up for selichot prayers.

For some unknown reason, the Tzaddik of Nemirov, never attended the early morning selichot prayers, giving his critics reason to claim that, after all, he was not so righteous, especially if he couldn’t get up early enough to say selichot! When the Tzaddik’s followers heard the demeaning words of his critics who demanded to know where the Tzaddik of Nemirov was, they would proudly say, “The Tzaddik of Nemirov is in heaven, petitioning G-d to grant forgiveness to the people of Israel.”

One of the skeptics decided that he was going to put an end to these absurd inflated claims of the rabbi’s righteousness, and prove, once-and-for-all, that the Tzaddik was a fraud.

One night, he audaciously slipped into the rabbi’s house and lay under the rabbi’s bed to find out exactly what the Tzaddik of Nemirov did during the time he was absent from the selichot prayers. Before the crack of dawn, the Tzaddik awoke, and rose from his bed. But he didn’t dress in his rabbinic garb. Instead, he dressed in the clothes of a lumberjack, went out into the cold, deserted woods, with an ax over his shoulder, and began to chop firewood.

After he completed chopping, the Tzaddik dragged the load to a little isolated house in the forest. He knocked on the door, which was answered by a little old lady. Announcing himself as the wood-chopper, he said that he had a delivery of wood. The old lady protested that she had no money to pay for the wood. The wood-chopper-Tzaddik ignored her protests, setting the wood in the fireplace and lighting a fire, all the while assuring the little old lady that she could pay later. Only then did the Tzaddik change his clothes and set off for the synagogue—late, of course, for the early selichot services.

When the skeptics asked their friend who had hidden under the rabbi’s bed whether it was true that the rabbi had indeed gone to heaven, all he could say was, “Heaven? Perhaps even higher!”

During this period of selichot the Jewish people have a unique opportunity to ascend—to grow morally and religiously, to improve our attitudes and our behaviors, to work on our relationships with both humans and with G-d. We surely cannot expect to reach higher than heaven, but we can certainly strive to reach heaven.

And, as long as we strive to reach heaven, we can rest assured that we will be blessed, because we are on the right track.

May you be blessed.

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Chief Rabbi Ephraim Mirvis

Dvar Torah Rosh Hashana

What Creation can teach us about New Year’s Resolutions

As we approach Rosh Hashana, let us remember how Hashem created the world. In Parshat Nitzavim the Torah tells us (Devarim 30:14), “Ki karov eleicha hadavar me’od beficha uvilvavecha la’asoto.” — “The word of Hashem is very close to you. It is in your mouth and your heart, to carry it out.”

In the Gemara, Masechet Eruvin 54a, Rabbi Yitchak asked, “Eimatai karov eleicha,” — “When is the word of Hashem very close to you?”

The answer that he gives is,

“B’zman shebeficha uvilvavcha lasoto,” — “At a time when it is in your mouth and in your heart,” that is to say, you are thinking about the carrying out of the precepts.

Saying and thinking therefore are crucially important as conditions, to pave the way for the carrying out of the mitzvot of Hashem. I would like to suggest that here, Hashem is asking us to emulate the way in which He created the world.

You see, in Pirkei Avot, the Ethics of the Fathers, we are taught,

“B’asarah maamarot nivra haolam,” – “With ten sayings the word was created.” On ten separate occasions Hashem made a declaration: “Let there be light,” “Let us make man,” and so on. So before doing anything, Hashem made a statement. In addition, He engaged in thought. The pinnacle of the whole process of creation was Shabbat. In *Lecha Dodi*, which we sing on Friday night, we say: “Sof maaseh bemachashva techila,” – “Hashem had the conclusion of creation (Shabbat) in mind, right from the very beginning.

So we see that Hashem engaged both in speech and in thought before he created this world. Similarly, before we do anything that is special or momentous, we should talk about what we’re going to do. We should make verbal resolutions and in addition we should engage in careful forethought. Bearing in mind what we want the conclusion to be, “Sof maaseh bemachashva techila” is a wonderful way to build a constructive strategy.

For example, when going into a meeting, I must plan in advance what I would like the conclusion of the meeting to be, and as a result, I will be able to engage in conversation leading to that hoped for conclusion.

We should create visions for the future, build strategies and plan all our actions accordingly. And that certainly is how we need to approach the new year as we now move towards Rosh Hashanah.

Like HaKadosh Baruch Hu at the time of Creation, let’s make our resolutions for the new year. In addition, let’s think about where we would like to be in a year’s time and what we want to have achieved and therefore plan all our actions accordingly. *Beficha uvilvavcha laasoto*: let’s never forget that in addition to what we say and what we think, ‘laasoto’ – it’s ultimately the action that will count most of all.

With our resolutions and with our positive and constructive planning may we indeed lead the way towards a new year of accomplishment, good health, happiness and peace.

Shana tova to you all.

Rabbi Mirvis is the Chief Rabbi of the United Kingdom. He was formerly Chief Rabbi of Ireland.

Drasha Parshas Netzavim

Youthful Discretion

Children play a major role in this week’s double portion. In *Nitzavim*, Moshe tells the nation, “You are standing today, all of you, before Hashem.” He enumerates the different categories of people, from elders to water-carriers, and he makes sure to include everyone, even the small children (cf. *Deuteronomy* 28:9-10).

In *Vayelech* as well, the Torah is cognizant of the youth. Moshe commands that every seven years “the men, the women, and the small children, and your stranger who is in your cities shall gather in Jerusalem to hear the king read the Book of *Devarim*” (ibid 31:12). Commentaries expound that the aforementioned children are those who are too young to understand. But Moshe also talks about youngsters who have a basic grasp as well: “And their children ... they shall hear and they shall learn to fear Hashem, your G-d, all the days that you live on the land to which you are crossing the Jordan, to possess it.” The *Ohr HaChaim* explains that this verse refers not to toddlers, but rather to children who are old enough to learn the fear of Hashem. What troubles me is the end of the *posuk*, “they shall learn to fear Hashem, your G-d, all the days that you live on the land to which you are crossing the Jordan, to possess it.”

Shouldn’t the Torah say “all the days that they live on the land to which they are crossing the Jordan”? After all, we are teaching them, not the adults! Why does the Torah tell us to teach the children, for all the days that their parents live on the land to which you are crossing the Jordan, to possess it?

Lieutenant Meyer Birbaum was one of the only Orthodox US army officers commissioned during World War II. Last year, he spoke at our yeshiva, and though I was enraptured by the harrowing tales of his war-time activities, one small incident that occurred to him as a young boy growing up in the Brownsville section of Brooklyn during the Depression did not escape me.

In those days, few young men attended yeshiva or were committed to vigorous Torah observance. Meyer went to public school as well, but his parents wanted to raise him as an observant Jew. His friends would often make fun of his *yarmulka*, and few attended his *bar-mitzva*. But that did not deter him. In fact, from the time he was old enough his mother would make sure that he attended the *mincha* service.

Imagine the sight. A young boy coming to pray together with a group of elderly men who were hanging on to their tradition while their inheritors looked for newfound freedoms outside the decaying walls of the synagogue. Even the men who came to pray were only there to say *kaddish* for a dearly departed. So when young Meyer entered the portals of the shul for the very first time their eyes widened in amazement. Their shock turned to pity as they assumed the young boy came to shul for the same reason that most of them came, and for the very reason that they prayed their children would one day come the sole purpose of saying *kaddish*.

The moment came when the *kaddish yossum*, the mourner’s *kaddish*, was to be recited, and the congregation began in a cacophonous unison the hallowed words, “*Yisgadal V’Yiskadash*.” Meyer just stared up into space, waiting to answer the first responsive Amen. He was startled by the jab in the ribs by a crooked finger, which left his searing side and began pointing to the correct place in the prayer book.

“Nu!” shouted the man, “They are saying *kaddish*!”

“I know that they are saying *kaddish*!” answered Meyer.

“So, what are you waiting for? Say along!”

Meyer did not understand where the conversation was heading. But he had no time to think when another old man looked his way, motioning for him to join the mourners in the *kaddish* recitation!

“But I don’t have to say *kaddish*!” answered Meyer tearfully, “my parents are alive!”

“Your parents are alive?” asked the old-timer incredulously.

“Yes, thank G-d, they are both alive! Why do you think that they are dead and that I should say *kaddish*?”

They gathered around him as the final Amen was said and explained their actions.

“We could not imagine someone your age coming to shul for any other reason!”

The Torah tells us that children must be trained and taught not for post-parental existence, but rather it tells the parents “all the days that you live on the land to which you are crossing the Jordan.” You must teach them to practice while you can enjoy the *nachas* as well! Torah is a living entity, not only to pass from dying embers to rekindle new flames, but rather to pass a vibrant torch with leaping flames onto the youth whose boundless energy will inspire new generations, when even you live on the land that Hashem has given you!

If you would like to be on a shiur update list which sends messages regarding Rabbi Mordechai Kamenetzky’s various lectures in NY City and Long Island and other locations, please send a blank email tormkshiur-subscribe@jif.org.il You will receive bulletins about those classes.

Rabbi M. Kamenetzky is the Dean of the Yeshiva of South Shore.

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Rabbi Yissocher Frand - Parshas Netzavim

Serenity at the Extremes: We All Struggle—But That’s a Good Sign

Moshe Rabbeinu tells Klal Yisrael at the beginning of our parsha: “You are standing today, all of you, before Hashem your G-d:” (*Atem Nitzavim hayom kulchem lifnei Hashem Elokeichem*) [*Devorim* 29:9]

There is a very famous *Medrash Aggadah* quoted by Rashi here [*Pasuk* 12]: “Why was this passage juxtaposed with the curses (at the end of *Parshas Ki Savo*)? Since they had just heard ninety-eight frightening curses besides the forty-nine curses at the end of *Sefer VaYikra*, their faces turned pallid. They asked – ‘Who can withstand all of this?’ Moshe therefore came to mollify them and calm them down. You are still standing here today. You have angered the Almighty very often and He has not destroyed you.” As if to say – “You have been bad before, you will be bad again. You will get through it all! Don’t worry.” This is the context of “*Atem Nitzavim haYom...*”

A famous question is asked on this Rashi. Moshe appears to be defeating the whole purpose of his *mussar schmooze*. He gets them really shaken up. They are trembling in their boots – “What is going to be with us?” And he tells them “Chill. Don’t worry about it.” This is equivalent to a *Mashgiach Ruchani* getting up in the Yeshiva and reading the riot act to the *bochurim*. The *bochurim* are trembling that because of their behavior they are all going to burn in *Gehinnom*. And then the *Mashgiach* gives them all a wink and tells them “Don’t worry!”

So “what did the Sages accomplish with their enactment?” The point of the *Tochacha* was to read them the riot act and to put the fear of G-d in them!

I saw in the *sefer Avir Yosef* a very interesting observation from Rav Elya Ber Wachtfogel, the Rosh Yeshiva of the Yeshiva of South Fallsburg. The *Tosefta* in *Maseches Shabbos* notes that of all the city dwellers in the world, the people of Sodom are the calmest. They have the most *menuchas haNefesh*. The *Tosefta* says that, in fact, that is what brought Lot to Sodom. He checked out all the cities around and he saw that the people of Sodom were the most serene.

What does this *Tosefta* mean? Why were the people so serene in Sodom? Rav Elya Ber Wachtfogel explains: Lot lived with Avraham Avinu. With Avraham Avinu he saw great serenity. He saw a man that was at peace with himself. He was calm and content with life. Lot said

to himself "I want that kind of life. I want the same serenity that my uncle Avraham has."

Why was Avraham Avinu able to achieve such serenity? The rest of us experience this ongoing tension between our *guf* (body) and our *neshama* (soul). Our flesh wants one thing and our *neshama* wants something else. It is a battle from Day One. As soon as the *neshama* enters a person, the *neshama* is not happy. "I don't want to be in this world. I don't want to deal with the physicality and material nature of *Olam HaZeh*." On the other hand, the body wants the physical pleasures of life.

That is the ongoing battle and tension that exists in every human being. For this reason, we are not all calm, serene, and content. One day we are like this and one day we are like that. Or, one minute we are like this and one minute we are like that. We may be one type of person when we are in *shul*, and another type of person when we are at work.

Avraham Avinu solved the problem. He was 100% spiritual (*kulo ruchniyus*). He devoted his life to improving his *neshama*. Therefore, there was no tension. There was this enviable calm and serenity in his lifestyle. I once had the opportunity to spend ten minutes with Reb Aharon Leib Shteinman (*zt"l*). If you ever were in his little house, he sat there on a roll-away sofa bed. They put up a chair that served as a backing. The man was so at peace. It would seem like he didn't have a worry in the world. He had patience for everyone. Besides the *tzidkus* (*piety*) that emanated from him, there was also this serenity. That is because—to a very large extent—he also solved this human dilemma by choosing a very ascetic life.

Lot envied this. Except, Lot said to himself, "But I can't live that type of life." Lot knew that he could not live such a spiritually-infused lifestyle. He still lusted for the pleasures of the flesh. Therefore, his only option was the other way of achieving serenity – at the other end of the spectrum. The people of Sodom also did not have a conflict. They also felt no tension between the desires of their *guf* and the desires of their *neshama*. They threw out the *ruchniyus* and lived by the motto of "Eat, drink, and be merry – for tomorrow you may die!"

They opted to completely forget about satisfying the *neshama* and just concentrated on satisfying their bodily needs and desires. This is a path to you-know-where, but it is serene. There is no tension. That is why Lot chose Sodom—it was the most serene and contented spot on the globe.

Moshe Rabbeinu addressed the Jewish people and told them: You are all standing here before Hashem today. Don't worry!

We asked that Moshe destroyed his whole *mussar schmooze*! The answer is that Moshe Rabbeinu was telling them in the *Tochacha*, "What happened to Sodom will happen to you." [Devarim 29:22]. But it will only happen to you like it happened to Sodom if you, like them, forsake *ruchniyus* totally. As long as you feel this tension, as long as you are still fighting the battle, and the struggle with your *neshama* still bothers you, then what happened to Sodom will not happen to you.

Moshe Rabbeinu tells them the ninety-eight curses and their faces paled, but he tells them – the fact that your faces paled—that is a good sign. It shows that you are still battling; you are still in the fight. As long as you are still waging the battle and are still trying to choose *ruchniyus*, even though you have already sinned to the Almighty many times, nevertheless you still want what is right, and it still bothers you when it is not right. Therefore, do not worry – the *Ribono shel Olam* will not wipe you out like He did to Sodom. Sodom's fate is only for those who have totally forsaken the world of spirituality.

These are very encouraging words as we approach Rosh HaShannah. We all have our issues that we need to deal with. We are now approaching the Great Day of Judgement. It is scary, because we look back on our past year and we know that we have fallen down like we have sometimes fallen down in the past. But we are still in the battle, and we are still fighting. It still bothers us. A person only needs to worry when it DOES NOT bother him anymore. Only when a person has achieved the serenity of Sodom is it necessary to really be concerned. The mere fact that our faces are pale and that we feel the need and desire to improve is the biggest testament that we are still fighting the battle. Please G-d, with that merit of our seeking *ruchniyus*, the *Ribono shel*

Olam shall bless us with the rest of *Klal Yisrael* and *Eretz Yisrael* for a year of life and health, financial well-being, and peace upon *Yisroel*.

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Rabbi Ahron Lopiansky

The Big Picture

"...I have set before you life and death, blessing and curses, choose life so that you and your children live" (Devarim 30:19).

When looking at this parsha, the exhortation to choose life seems to be just another prompt to do the right thing; instead of "to choose" I could have said "to do" with a similar meaning. It actually is the only place in the Torah where "bechirah" is used in the sense of "human free will." [We do find it in regards to Hashem's choices, and to "choose men" which really means "to examine and decide who is fit".]

Moreover, it does not seem to be the precise term. When someone is confronted with a choice between two positive values, then the exhortation "to choose" is in place. Thus, if a person is struggling between two honorable professions, I may tell him, "you must choose between profession A or B." But if someone is lazing off, and I reprimand him and tell him, "you must choose between an honorable profession or a life in the gutters", I am not really referring to "making a choice." What I mean to say is "It is obvious that you want a normal life. You must do better to get there." Isn't that in effect what the Torah is telling us? After clarifying that a Torah life is "life" and "blessing", while the opposite is "death" and a "curse", is it choosing that is necessary, or action?

There is another important reference that seems to reinforce the problem. Rabbeinu Yonah (*Shaarei Teshuva* 3:17) talks about the importance of doing positive *mitzvos* (*mitzvos aseh*). He says that all of the positive virtues of Torah are to be found in the positive *mitzvos*, such as *talmud Torah*, fear of Hashem, love of Hashem, etc. He also includes "and you shall choose life" in the same category! This is strange. How does it become a specific commandment, on par with love and fear of Hashem?

It seems that Rabbeinu Yonah understands the injunction of "and you shall choose life" not as a generic exhortation to do what's right, but rather a specific commandment to do it not out of habit, nor because of the flow of society, but rather because of choice. This means that a person ponders what is the meaning and purpose of life, what is the good that is the essence of life, and accomplish it out of recognition and cognizance, rather than out of rote and habit.

This understanding gives us insight into the flow of *Yamim Noraim*. We are focused on *Yom Kippur* and *Aseres Yemei Teshuva*. The *teshuva* process makes sense to us. We have done wrong, and we need to rectify what we're doing wrong. But Rosh Hashana somehow is hard to reconcile with this. There is no mention of sin, nor really of *teshuva*, except in an incidental way.

Perhaps Rosh Hashana is the day for "choosing life". It is a day that focuses on Hashem as Creator, man as his primary creation, and the expectations of man as the focus of all of creation. It sets the basis for our fulfillment of *mitzvos*, and the wrong done by not sufficiently accomplishing what is incumbent upon us. If we choose life, then *im yirtzeh Hashem* we will be *zocheh* that *Hakadosh Baruch Hu* endows life upon us.

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Nitzavim: Covenant of Opportunity

Ben-Tzion Spitz

Opportunity dances with those who are ready on the dance floor. - H. Jackson Brown, Jr.

After 40 years of wandering in the desert, after all the travails and disappointments, the nation of Israel is ready to cross the Jordan River and enter the promised land. Moses, the redeemer, the man who led

them out of the bondage of Egypt, the man who brought the people of Israel God's law will not cross with the rest of the nation. God has told him he will die on the eastern bank of the Jordan River.

However, before he sheds his mortal coil, Moses convenes the entire population of Israel. He gathers them together, the children of the former slaves of Egypt, and binds them in an eternal covenant with God. It is a covenant which reestablishes the Jewish nation as chosen by God to be a beacon to the peoples of the world. It is a covenant where the people of Israel accept upon themselves God's commands. They accept to be His servants and to follow His will as detailed in the written Torah which Moses wrote and the oral Torah that he transmitted.

The Bechor Shor on Deuteronomy 29:10 explains that this was the ideal time and place for Moses to establish the covenant. He wanted everyone present. He didn't want anyone to be able to say "I wasn't there" or "I didn't hear." This would be the last time the entirety of the Jewish people would all be in one concentrated location. Once they would enter the Land of Canaan, they would disperse. Each family would settle in their inheritance. It would be difficult, if not impossible, to then gather every single Israelite together. A person could be sick or incapacitated, unable to travel or for whatever reason, unable to leave their home. While they are all camped together within an area of a few square miles, there were no excuses. Every single person, every woman, every man, every child, every elder, whether they are sick, or blind, or lame, was present. Every single soul from the nation of Israel was present for the establishment of the covenant with God. There was not one person that was left out.

The Bechor Shor elaborates that Moses didn't want a situation where someone in the future would say, "we didn't accept this covenant." It was an opportune time to forge the covenant and Moses seized it. The covenant between the people of Israel and God wasn't only accepted by the Jewish people as a whole. It was also accepted by every single individual Jew as well.

May we realize the preciousness of the covenant and always attempt to live up to it.

Dedication - To the staff of University Medical Center of Las Vegas for their outstanding care, and to the continued healing of my father, Shlomo Eliezer ben Yetta. Shabbat Shalom Ben-Tzion Spitz is a former Chief Rabbi of Uruguay. He is the author of three books of Biblical Fiction and over 600 articles and stories dealing with biblical themes.

Western Wall Heritage Foundation

Rabbi Shmuel Rabinowitz

Parashat Nitzavim – 5781 :: Who Cleanses You?

This week's Torah portion – Parashat Nitzavim – continues with the description of the covenant made between G-d and the Jewish nation before they entered the Promised Land.

We read verses that were visions of the future, predicted by the Creator of the Universe, though for us they are events that occurred in history. In these verses, we read that the Jewish nation will sin and veer off the path, will be exiled from its land, and after some time, will wish to return to its G-d and land. The Torah continues to describe that at this point, G-d will gather His nation from all the places to which they were exiled and He will return them to His land. This incredible revelation has already started to come true. The Jewish nation was exiled from its land and returned to it after nearly two-thousand years. The Torah describes what is going to happen from this point forward:

And the Lord, your G-d, will circumcise your heart and the heart of your offspring, [so that you may] love the Lord your G-d with all your heart and with all your soul, for the sake of your life... And you will return and listen to the voice of the Lord, and fulfill all His commandments, which I command you this day. (Deuteronomy 30, 6-9)

These consoling verses say that after the Jewish people return to their land, G-d will circumcise their hearts. What does that mean? Centuries of sin, exile, and distance created a sort of spiritual cover over the heart that thickened as time passed. The phrase "circumcise your heart" might seem familiar from some relationships in our lives that did not survive over time or through hardships. There were people in our lives to whom we opened our hearts at certain points and our relationship with them flourished, but as time passed, different events led us to distancing between us. Over the years, our hearts closed off and the old

feelings were relegated to dark corners, replaced by a thick layer of disconnection and separation.

When the Jewish nation returns to its land, this layer has to be removed gently so that the heart can open, feel, and get closer to G-d. The "mohel" who will perform this circumcision on the heart of the Jewish nation is none other than G-d Himself. This process is what we know as "teshuva," repentance. We are familiar with the term "teshuva" from this period of time in the Jewish calendar. During the time between Rosh Hashana and Yom Kippur, the Jewish nation is called upon to do teshuva, to repent for deeds of this past year. This teshuva is that of the individual. But the teshuva that the Torah is dealing with in this week's parasha is the complete teshuva in which the entire Jewish nation returns to its G-d.

The mishna discussing the laws of Yom Kippur ends with these words

Akiva said: "Happy are you, Israel. Before whom are you cleansed; and who cleanses you? Your Father in heaven, as it is written (Ezekiel 36:25): 'And I shall sprinkle upon you cleansing waters, and you shall be clean' and (Jeremiah 17:13): 'The Lord is the mikveh of Israel' — Just as a mikveh cleanses the unclean, so the Holy One Blessed be He cleanses Israel." (Yoma 8, 8)

With these words and the verses quoted there are two additional descriptions of the process of teshuva and cleansing. The first description compares the process to sprinkling cleansing water on a person who became impure due to proximity with a body, with G-d acting as the kohen sprinkling the cleansing water. The second description is loftier, with the process of teshuva compared to a person entering a ritual bath to become pure and cleansed. In this allegory, G-d Himself is the mikveh, the ritual bath, purifying the Jewish people.

Rabbi Akiva, among the greatest of Mishna sages, expresses wonder and pride: How amazing to be part of the Jewish nation! Not only does a Jew get help in the process of doing teshuva and softening his heart, but G-d Himself is the one offering the assistance, and He is the mikveh, the ritual bath, cleansing man of all his sins.

These different images are all allegories for the process Am Yisrael is slated to undergo: the process of teshuva, cleansing, and softening the heart as preparation for the return to the ancient covenant, thousands of years old, between G-d and His people.

The writer is rabbi of the Western Wall and Holy Sites.

Rav Kook Torah

Nitzavim: Dances of Teshuvah in Poriah

Chanan Morrison

"The Eternal your God will once again gather you from among all the nations where He scattered you... bringing you to the land that your ancestors possessed.

God will remove the barriers from your hearts, and from the hearts of your descendants; and you will love the Eternal your God with all your heart and soul." (Deut. 30:3-6)

Avraham Rosenblatt was eighteen years old when he ran away from his parent's home in Kishinev. His parents objected to Avraham's dream to leave Russia for Palestine; life under the oppressive rule of the Ottoman Empire was difficult and dangerous. So the young man, active for many years in a local Zionist youth group, quietly stole away from home and made his way to Eretz Yisrael.

Many years later, Rosenblatt was a highly respected accountant and comptroller in Tel Aviv. But when he first came to the country, he was employed by the moshavot of the Galilee area as a farmhand and security guard for the Hashomer organization.

During the winter of 1913, Rosenblatt was in Poriah, a small community near the Sea of Galilee, south of Tiberius. Poriah was a fledgling agricultural community recently established by a group of forty young pioneers from St. Louis, Missouri. The moshavah was eventually abandoned several years later, after relentless confiscations and harassment by the Turks during World War I. Forty years would pass before the village of Poriah was re-established.

A high point in the short history of Poriah took place one November evening in 1913. Many of the pioneers present, including Rosenblatt, cherished the memory of that wonderful winter night, when the young secular pioneers sang and danced with the Chief Rabbi of Jaffa.

The Rabbis visit Poriah

The pioneers of Poriah heard that Rav Kook was leading a rabbinical delegation to visit the remote Jewish settlements in the northern part of

the country. When they learned that the delegation was close by, they sent two representatives — on Shabbat! — to invite the rabbis to visit their community.

Poriah was beyond the Sabbath limits; it would have been forbidden for the pioneers to return to Poriah, even on foot. Thus, to prevent any further Sabbath desecration, Rav Kook did not give them an immediate answer. Instead, he informed the Poriah pioneers that if they waited until Shabbat was over, he would announce his decision. After reciting the Havdalah prayer at the end of Shabbat, Rav Kook agreed to visit Poriah the following evening.

The visit to Poriah made a powerful impression on the young pioneers, who felt distant from rabbis and were estranged from religion in general. Rav Kook spoke to them about Jewish values and the mitzvah of settling the Land. He spoke of the need to unite the entire nation with a connection of souls and spirits.

“We need,” the rabbi proclaimed, “to bind together all Jews, from the elderly rabbi of Jerusalem, Rabbi Zonnenfeld, to the youngest laborer of Poriah.”

The pioneers responded with cheers and applause. Full of youthful enthusiasm, the young men jumped up and danced with Rav Kook.

The Guard’s Account

We are fortunate to have Avraham Rosenblatt’s testimony of that evening. In a letter written nearly sixty years after the event, he described in detail the stirring encounter, vividly etched in his memory:

I recall a beautiful episode that took place 57 years ago, when Rav Kook toured the moshavot in the Galilee. I was working on the Poriah farm near the town of Tiberius. At the time we were just a handful of sixty workers. In the end of Tishrei, 5674, we heard that Rav Kook, together with three other rabbis — Rabbis Zonnenfeld, Yadler, and Horowitz — were touring the isolated moshavot in the Galilee to encourage them to greater religious observance and purity.

I remember that we were told that the delegation was staying nearby, and that the rabbis would also visit Poriah. We sat in the dining hall, singing and dancing, as was our custom back then. Then we heard that the delegation had arrived in Poriah and was in the office of the manager, Eliyahu Israelite, and that the rabbis wished to meet with us.

We had already finished eating. We were dancing and singing, “God will rebuild the Galilee,” when Rav Kook joined in and danced with the men.

Suddenly Rav Kook turned to me and my friend, Pinhas Schneerson. We were both on guard duty that night; we were wearing Arab cloaks and kefiyyeh headresses, with rifles slung on our shoulders. Rav Kook asked us to accompany him to the manager’s office. I was shorter than the rabbi, but Schneerson was tall, so Rav Kook asked Schneerson if he could borrow his “uniform.”

The three of us returned to the dancing, with the Rav wearing a kefiyyeh on his head and a rifle over his shoulder. Everyone stared at Rav Kook’s change of dress. The truth is, the clothes suited him. The Rav began to sing a song from the liturgy, ‘וטהר ליבנו’ — “Purify our hearts, so that we may truly serve You.”

Then the rabbi stopped and spoke to us. “Dear brothers! Holy brothers! Builders of the Land! Just as I am not embarrassed to wear your garments, so too, I request — do not be embarrassed by the Torah of Israel! In the merit of observing the Torah’s mitzvot, you will live many years in the Land of Israel, in sanctity and purity, in the study of the holy Torah. Is it so hard to be a Jew? In your homes in the Diaspora, you were certainly educated in the spirit of Judaism. Your homes were conducted in purity and religious observance. Please, please...”

Rav Kook concluded his address with the following request: “I will not remove the uniform of your guard unless you promise me — all of you, with one heart and a willing soul — that you will fulfill my request. I ask that you should be shomrim (guards): that you guard over your pintele yid, your inner Jewish spark.”

We all cried out, “We promise!”

And the Rav responded, “Happy is the eye that witnessed such dances of teshuvah [repentance] and holiness. Praised be God’s name!”

Rav Kook then went to the manager’s office and quickly returned to join in our dancing. He sang ‘ויקרב פזורנו’ — “Bring home our dispersed from among the nations” — and other such songs. The Rav continued to dance and sing with us for over an hour.

The delegation remained the following day to oversee the kashering of all the kitchen utensils. They instructed the young women working in the kitchen in the laws of kosher food; and the rabbis departed in joy and happiness.

Another worker who was present that evening, Ze’ev Horowitz of Kibbutz Geva, recalled the happy exuberance and high spirits:

I will never forget that image: Rav Kook, a tall, handsome man with a high hat, spied a security guard wearing a Bedouin cloak. He said, “Let’s exchange — I’ll take your ‘rabbinical cloak,’ and you’ll take mine.”

Oh, how our spirits soared!

At the end, the Rav announced, “I wore your clothes, and you wore mine. So it should also be on the inside — together in our hearts!”

(*Stories from the Land of Israel. Adapted from Megged Yerachim no. 156 (Elul 5772); Eileh Massei; Encyclopedia of Founders and Builders of Israel*)

Shema Yisrael Torah Network

Peninim on the Torah - Parashas Nitzavim

פרשת נצבים תשפ"א

כן יש בכמ שרש מרה ראש ולענה

Perhaps there is among you a root flourishing with gall and wormwood. (29:17)

Gall and wormwood? What is the meaning of these terms? One who is a sinner is evil. The Torah is speaking about a person who does not see the evil that he perpetrates. Such an individual will say, “Peace will be with me.” In truth, he agrees that there are others who are evil – but he is not one of them. He is one of the “good ones” who have the audacity to bless themselves and contend that they warrant blessings in their lives. Apparently, a wide gap exists between reality and this person’s perception of himself and his actions. This is the person who thinks that he is good, but actually he is a root flourishing with gall and wormwood. Today it is only a root, but soon it will become full-blown evil. In many ways, such a person presents a greater danger to himself and others.

Horav Moshe Feinstein, זל, explains that the Torah here refers to the man who is observant, who performs mitzvos, despite the great “difficulty” involved, who feels that he deserves great reward for going out of his way for Hashem. He attends *minyan* every day, but makes a big thing out of it. Rather than serving Hashem with excitement and joy, it becomes a drag about which he is always complaining. This person might remain observant throughout his life – carrying out all of Hashem’s commands – but his negative attitude will impugn his ability to transmit his observance to the next generation. His children will just see his negativity and bitterness. Not everyone has the capacity to overpower the *yetzer hora*, evil-inclination, to avoid such a heavy burden. His children might not be disciplined and obedient enough to serve Hashem under such “difficult” conditions.

People must realize, acknowledge and express the joy inherent in serving Hashem. Otherwise, they become the root flourishing with gall and wormwood, that in the next generation will manifest itself in an overtly evil and sinful manner. If a parent sits by the *Shabbos* table lamenting the financial loss he is suffering by not working, he is sowing the seeds of discontent within his children. The father who openly and actively expresses his joy in being able to serve Hashem, however, will reap the *nachas*, spiritual pleasure, of witnessing his future offspring express a similar attitude.

Horav Moshe Leib Sassover, זל, was the paragon of joyful *mitzvah* observance. This, together with his unparalleled love of all Jews, earned him a reputation of distinction even among the greatest *Chassidic Rebbes*. He would say: “How fortunate are the poor who must trust in Hashem. It is the rich who should be pitied, because they think their security is in their wealth.” He was wont to say, “*Simchah*, joy, is far superior to tears.” (Praying to Hashem with effusive joy and excitement supersedes bewailing and funeral emotion.) *Chazal* (*Berachos* 32b) teach that even when all the Heavenly Gates are closed (and prayer cannot penetrate the Heavens), the Gates of Tears (*Shaarei dema’os*) are never shut. Joy, however, is more powerful than tears, because whereas tears require an open gate, joy is able to penetrate the most dense gates.

ושבת עד ד' אלוקיך

And you will return unto Hashem, your G-d. (30:2)

Teshuvah should address three concepts: the sin; the sinner and before whom/or to whom one has sinned. The *Nesivos Shalom* explains the words, *Atem nitzavim hayom... lifnei Hashem Elokeichem*, “You stand here today... before

Hashem, your G-d.” Remember before Whom you have sinned, and repent accordingly. *Teshuvah* which addresses a sin committed to a human being will not cut it. It is insufficient until one takes to heart that he has also sinned before *Hashem Yisborach*. He must consider who he is, his spiritual stature, his failings, but also his incredible potential, and how this sin affects who he is and what he could become. He must then delve deeply into his actions, to confront intelligently what motivated his sinful behavior and how to prevent it from recurring. He must look at the pathological precursor to his actions, what personal failing provoked such errant behavior.

One of the greatest roadblocks to *teshuvah* is sin mitigation, whereby we convince/delude ourselves into believing that what we did was really not that bad. After a while, we might even believe that it was a *mitzvah*. If a person really wants to mend his ways, he must be upfront with himself and candidly accept the fact that he acted inappropriately. If he acts dishonestly and evades the truth, he will not effectively commit to *teshuvah*, because in his mind he did nothing wrong. These are just some of the many hurdles one who seeks to return must overcome. So, how does one overcome the challenges to *teshuvah*? First and foremost, he must believe he cannot and does not do it alone. When Hashem sees his sincerity, He will help. The inner-strength that we develop through our efforts is coupled with Divine aid. The rule to live by concerning *teshuvah* is, *Pischu Li pesach k'chudo shel machat v'Ani eftach lachem pesach k'chudo shel ulam*, “Open for Me a hole like the eye of a needle, and I will open for you (the rest) like the entrance way to a great hall” (*Midrash Shir HaShirim* 5:2). Hashem is telling us that He does not expect us to do the whole job ourselves. He does expect us to make the breakthrough, to create the needle hole. There is one condition, however: the hole must penetrate to the other side. The resolutions that we accept upon ourselves must be sincere and ones that we are definitely capable of seeing to fruition. We should focus on the small areas of our lives that require adjustment, the ones that we know that we can develop.

The *Bostoner Rebbe*, *zl*, relates a powerful parable that goes to the crux of the problem of why some Jews seek (what they think are) greener pastures in the secular approach to religion. The parable also addresses the sad consequences of their decision. A large tree was blooming, its leaves enjoying the nourishment provided by the tree's roots. They also loved the marvelous view from way up. Thus, they fluttered cheerfully all day in the breeze. One day, some sparrows came by and perched themselves on a branch. Some of the leaves began to reconsider their lot, seeing how these birds were able to soar through the sky unimpeded, while they were stuck all day on the tree. They, too, wanted to fly off free as a bird.

The jealousy that the leaves had for the sparrows mounted daily, until one day a storm came, accompanied by a powerful wind that swept those very leaves off the tree into the air. How happy they now were. They could fly; they could soar; no longer were they stuck, restricted to the tree. This was true life!

When the wind stopped blowing, however, the leaves fell victim to gravity as they plummeted to the ground. There they lay helpless, stuck in the mud, never to rise again. “So, too,” says the *Rebbe*, “those who abandon our tradition, with all of its restraints and supports, can now fly high “like everyone else.” Unfortunately, to their later chagrin, it does not last very long. Enduring spiritual heights are achieved only by remaining attached to the Tree of Life.”

ושבת עד ד' אלקיך

And you will return unto Hashem, your G-d. (30:2)

“And you will return to Hashem.” Is this not obvious? If one has experienced a deficit in the spiritual sphere of his life, it would be understandable that his return be unto Hashem. I think the Torah is conveying a powerful message with regard to *teshuvah*. It is not unusual for one who is dealing with personal and familial issues to blame it on Hashem and renege his observance as a means of avoiding or assuaging his own painful burdens. In such a circumstance, returning to Hashem will be difficult, since “returning” means going back to one's point of departure – which in this case is “himself” – not Hashem. Until he addresses his own emotional and psychological issues, going to a *shiur* and *davening* will only be a temporary panacea until his next outburst. The true penitent who returns to Hashem is one who, for all intents and purposes, has it all together, but finds himself lost in his spiritual observance. He finds it cumbersome, demanding, tedious with no opportunity for personal initiative and innovation – all excuses employed by those who have no clue what *Yiddishkeit* is all about, its tenets and values. Such a person's *teshuvah* is unto Hashem. He turned his back on Hashem by eschewing the Torah and its *mitzvos*; he now must return to his point of departure. The penitent's destination is to return to his point of departure: himself or Hashem.

Returning to our Source, i.e., Hashem, should be the motivating force of one who performs *teshuvah*. It is a grave mistake to think that the *mitzvah* of *teshuvah* is a *mitzvah* that applies solely for the sinner. A *yeshivah* student once visited the *Gerrer Rebbe*. The *Rebbe* asked him, “Where are you learning?” The young man replied, “In Ohr Sameach; however, I am not a *baal teshuvah*” (Ohr Sameach was originally established as a *yeshivah* to reach out to young men who were unaffiliated with Torah observance.) The *Rebbe* countered, “Why not?”

Indeed, he was implying that each one of us should be “returning”, in the literal sense of the word. Just because one is *from* from birth does not preclude him from climbing the ladder of spirituality. Being *from* does not mean that one has arrived – only that he is traveling in the right direction.

Horav Yaakov Meir Shechter, Shlita, explains, “The lesson is: As you go through life, you should always ask yourself, ‘What am I looking for?’ If you do not want to lose your way in this world, you must always carefully consider your present locus – where you are and what it is that you are trying to locate. Are you a *mevakeish Hashem*, seeking G-d, or is it something else which you are looking for (but are too ashamed or misguided to admit)?”

Rav Shechter concludes: “We must do everything within our power to remain attached to our Source. If we are continually searching for Hashem, we will live a life of *teshuvah*, which is the very purpose for which we came into this world.” ...

אם יהיה נדחך בקצה השמים משם יקבצך ד' אלקיך

If your dispersed will be at the ends of Heaven, from there Hashem, your G-d, will gather you in. (30:4)

Horav Yechezkel Levinstein, zl, interprets this *pasuk* pragmatically. If you dispersed will have a relationship with spirituality in such a manner that they just cling to the ends of Heaven, where they have a faint positive acknowledgment of spirituality, of *Yiddishkeit*, of Torah, of *mitzvos* – this will be considered sufficient for their ingathering and redemption. The *Sefarim HaKedoshim* teach that this is why the human body contains a small bone which does not decompose. It is from this tiny, indescribable bone that the person will be resurrected during *Techiyas HaMeisim*, Resurrection of the Dead. Thus, from there *b'ktzei ha'Shomayim*, “from the ends of Heaven,” from the tiniest bone, something of the Jew will remain to serve as sufficient basis for his resurrection.

Horav Yaakov Galinsky, zl, observes how fortunate we are that despite all of our foibles and shortcomings, our troubles both physical and spiritual, we still hang in there – perhaps by a thread – perhaps only by the ends of Heaven – but we are still hanging onto something. This is reason for us to offer our gratitude to Hashem that we are included among His devotees.

In his inimitable manner, *Rav Galinsky* relates an anecdotal vignette that occurred concerning two *rabbanim* who were traveling to participate in an all-day Torah experience in Haifa. As they were traveling on the highway, they felt the car begin to shake. The driver pressed on until the car began to shake uncontrollably, which forced him to pull over at a service station. It took the service man a few minutes to locate the source of the problem, a problem that would take hours to repair.

What do two *rabbanim* do when they have two hours to spend? They decided to go to a *kibbutz* that was nearby and spend some time with its settlers. Who knows? By chance, they might engage someone in an inspiring conversation. They entered the *kibbutz* and saw a group of young children (upper elementary age) playing. “Does anyone know who broke the *Luchos*?” they asked. The children all answered almost in unison, “Not us.” Sad, but perhaps the high school students playing soccer down the road might have a more intelligent answer. “Does anyone know who broke the *Luchos*?” the *rabbanim* asked. The teenagers shrugged their shoulders and replied, “We did not see.” They could not believe the lack of Jewish education that prevailed in this *kibbutz*. True, it was not *Dati*, Orthodox, but they were asking something that the children should know.

They decided to visit the administration building and speak with the secretary in charge. “We are sorry to mix into something that is not our business, but we spoke to two groups of youngsters and questioned them concerning who broke the *Luchos*. Imagine, they were clueless and unable to respond! Is this the level of a Jewish education in your *kibbutz*?” The secretary listened intently and appeared disturbed by this report. “Listen to me,” he began. “Do not make a mountain out of a molehill. Give me the bill for your *Luchos*; I will pay it, and you can go along on your way.”

Rav Galinsky concludes his story with two words: *Ko'eiv ha'lev*; “It pains the heart.” It hurts to know that in a country dominated by Jews, a land bestowed on us by Hashem, our Holy Land, that there are Jews who do not know about the *Luchos HaBris*, the Ten Commandments. We now understand what it means not to even cling to the ends of Heaven – to have absolutely no connection – whatsoever.

Va'ani Tefillah

אלקי נצור לשוני מרע ושפתי מדבר מרמה – *Elokai netzor leshoni meira u'sefasi midabair mirmah*. My G-d, guard my tongue from evil and my lips from speaking deceitfully.

The word *netzor* is translated here as guard. Truthfully, it means much more than guard. Loosely translated, *netzor* means to positively/actively protect and preserve. In his *Sheimos HaNirdafim*, *Horav Shlomo Wertheimer, zl*, quotes the *Gaon, zl, m'Vilna* (commentary to *Yeshayah* 2) who says that *netzirah* is a stronger, greater and better form of guarding a subject than *shemirah*, which, loosely translated, is more watching than guarding. After citing a number of commentators, *Rav Wertheimer* proves that *netzirah* goes beyond guarding and even protecting/preserving. *Netzirah* includes *l'hashbiach*, to improve and better

what one is guarding. Thus, I think the *Tefillah*, which is based on the *Tehillah* (34:14), is teaching us an important lesson: It is not sufficient to guard one's tongue, because during a thoughtless moment, one might forget, lose himself and blurt out what is best kept inside. *Netzor* means to refine one's speech, thus protecting himself from a provocation which might loosen his tongue. If his speech is refined, he will not say anything that might be considered *ra*, evil, or *mirmah*, deceitful.

In memory of a dear friend on the occasion of his yahrzeit

החבר הרב צבי בן החבר ר' משה ז"ל נפ' ד' תשרי תשע"ג
- Mr. Bjorn Bamberger
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prepared and edited by Rabbi L. Scheinbaum

Ohr Somayach :: Insights into Halacha

For the week ending 4 September 2021 / 27 Elul 5781

Shemittas Kesafim and the Prozbol

Rabbi Yehuda Spitz

A story is told of an American bochur who came to learn in Eretz Yisrael for Elul Zman in a year that parallels our own; entering a Shemitta year.[1] Armed with several shiurim on the importance and strictures of proper Shemitta adherence under his belt, this intrepid student set out to get an early start on buying his Arba Minim for Sukkos. Entering a shop, he asked the proprietor if the Esrogim he was selling were from Shemitta produce.

When the owner responded in the negative, the stalwart student asked if he had any documentation attesting to his claim. Again the owner responded in the negative. "Well then," replied the bewildered bochur, "why should I trust you?" Patiently, the proprietor replied, "because Rosh Hashana is next week. Shemitta hasn't yet started!"

Whether or not the story is true is irrelevant; what is important is the point it illustrates - that there is much confusion as to what constitutes proper Shemitta observance. And this does not hold true exclusively regarding Esrogim, but many other aspects of the Mitzvos of Shemitta as well.

Indeed, we find that in his renowned Sefer of Halachos, the Ben Ish Chai uncharacteristically relates a tale - of a certain Talmud Chacham at the Pesach Seder, who exhorted his son during Korech, to not only perform the 'Zeicher L'Mikdash K'Hillel' of Korech, but to also make sure to perform an additional important Takkana of Hillel Hazakein's - that of the Prozbol before Rosh Hashanah of the eighth year.[2] Perhaps apocryphal, possibly anecdotal, yet all the same, the story has considerable ramifications for us all. But first, some background is in order.

Shnei Shmittos

The Torah enumerates the importance of observing Shemitta, not working the land on the seventh year, several times, stressing its significance. That there are agricultural prohibitions and produce restrictions (addressed at length in several previous articles) in letting the land lie fallow is known to most. Yet, there is another imperative aspect of Shemitta observance - the cancelling of debts.

The Torah states:[3] "And this is the matter of Shemitta: every creditor that lends to his neighbor shall release it; he shall not demand payment of debts from his neighbor or brother." [4] This teaches that all loans between Jews are cancelled by the Torah; meaning that the lender may not collect what was owed to him. This is known as Shmittas Kesafim.

Yet, there is another pasuk regarding this issue,[5] which adds another dimension to this rule: "Guard yourself, lest there be in your heart a lawless thought, thinking that the seventh year, the year of Shemitta, is approaching, and you look selfishly upon your needy brother and do not lend him anything, and he cries out to Hashem against you, and it is considered a sin on your part". This teaches us that one transgresses a prohibition if he refuses lending to a fellow Jew before Shemitta due to fear of his debts being cancelled.

Enter... The Prozbol

Yet, unfortunately history has proven that that is exactly what happened. The wealthy refused to loan to their poorer brethren out of fear of not recouping their cash. The Mishnah[6] teaches us that Hillel Hazakein instituted the device of Prozbol (or Pruzbol) to alleviate the plight of the poor on Shemitta. Quite interestingly, and not even remotely connected to the similar sounding All-Star Football game or even the popular singer, Prozbol is an abbreviation of the words *ProzBoliBoli* - meaning 'institution for rich and poor' people. In other words, it allowed the poor to benefit from loans from the wealthy, who would not be afraid that their loans would be automatically cancelled in the Shemitta year.

The Prozbol entails handing one's debts over to Beis Din, or appointing Beis Din to collect on his behalf.[7] The actual Shemitta prohibition is that a lender may not pressure a borrower to pay him back. This, however, does not preclude Beis Din from being able to collect on one's behalf. Hillel's institution of Prozbol is considered so incredible that the Mishnah literally describes it as a 'Tikkun HaOlam' (loosely translated as 'World Saving').

Bezman Hazeh

There is some debate among the authorities whether Shmittas Kesafim nowadays is Biblical in nature or not. Although the Ramban and Baal Hatur maintain that in this day and age it is still a Mitzvah D'Oraysa, we find at the other extreme that the Rema cites several Rishonim who are of the opinion that this Mitzvah is currently not applicable at all.[8]

However, the vast majority of poskim rule that in our time it is nevertheless a Mitzvah Derabbanan.[9] Moreover, and as opposed to Shemittas Karka'os, the Shemitta of the Land (the requirement of letting the land lie fallow), regarding this Shemittas Kesafim, the halachic consensus is that it applies equally in Chutz La'aretz.

This is indeed the halacha pesuka. The Tur relates that his father, the Rosh, took great umbrage and "screamed" at those who did business as usual without writing a Prozbol. In fact, many later authorities, including the Levush, the Bach, Rav Yonason Eibeshutz, the Shulchan Aruch Harav, the Chasam Sofer, the Shlah, the Kitzur Shulchan Aruch, Ben Ish Chai, and the Aruch Hashulchan,[10] all stressed Shmittas Kesafim's significance and application even nowadays and in Chutz La'aretz, as well as the importance of making sure to write a Prozbol.

Pre or Post Prozbol?

Another important matter is defining when the Prozbol should be written, prior to the onset of the Shemitta year, or at its close, shortly before the Shemitta year ends. The Torah clues us in. Regarding the issue of Shmittas Kesafim it states: "Mikeitz Sheva Shanim Taaseh Shemitta - At the end of every seven years, you should make a release." The Gemara (Erechin 28b) explains that this is referring to the end of Shemitta.

The Sifri [11] elucidates that this is similar to the Mitzvah of Hakhel, where similar wording is used - and is exclusively observed at the end of every Shemitta cycle - meaning the beginning of the eighth year. So too, concludes the Sifri, Shmittas Kesafim only wipes out loans at the end of the Shemitta year. Therefore, a Prozbol must be written at the conclusion of the Shemitta year, prior to the onset of the eighth year. This is the actual halacha.[12] In fact, the Beis Yosef writes that "this is the minhag pashut in Eretz Yisrael and its environs, to write a Prozbol on Erev Rosh Hashana of Motzai Sheviis".

Tale of Two Prozbols?

Yet, we find that the Rosh,[13] quoting a Tosefta, maintains that a Prozbol should be written before the Shemitta year, not at the end. He explains that although Shmittas Kesafim only takes effect at the end of the Shemitta year, nevertheless the prohibition of 'lo yigos,' not demanding back during Shemitta money that was previously lent out, already applies from the start of the Shemitta year. Therefore, he maintains that a Prozbol should be written prior to the onset of Shemitta. Several Rishonim agreed with this approach. However, it has since been proven that the version of the Tosefta the Rosh quoted had textual mistakes (incorrect girsas). Additionally, most authorities reject this novel approach outright, averring that it is not normative halacha.[14]

On the other hand, several authorities, including Rav Yonason Eibeshutz and the Shulchan Aruch Harav,[15] argued that lechatchilla one should take the Rosh's opinion into account and hence write a Prozbol before the onset of Shemitta as well. It is said that the Vilna Gaon was machmir to write two Prozbols, one before and again at the end of the Shemitta year, to fulfill both opinions.[16] Although not the basic halacha, and many great authorities did not write a Prozbol before Shemitta,[17] on the other hand, it is known that Rav Shmuel Salant zt"l, Av Beis Din of Yerushalayim in the end of the nineteenth century, ruled that it is proper to do so, as later did the Steipler Gaon zt"l and Rav Yosef Shalom Elyashiv zt"l.[18]

That is why many were makpid to write an additional Prozbol before the onset of Shemitta. However, practically, regarding this Prozbol, the rules are somewhat relaxed. In fact, according to Rav Moshe Sternbuch,[19] since this Pre-Shemitta Prozbol is not me'ikar hadin, one need not bother to seek out an actual Beis Din, or even members of a Beis Din, but may suffice with three fellow knowledgeable Yidden serving as an ad hoc Beis Din, similar to the annual Erev Rosh Hashanah Hataras Nedarim.[20]

Either way, whether or not one performed the chumrah of a pre-Shemitta Prozbol, everyone should ensure that they follow the actual halacha to write an end-of-Shemitta Prozbol, as the Talmud Chacham in the Ben Ish Chai's story exhorted his son.

Indeed, the Ben Ish Chai advocates for after writing a Prozbol, lending a small token sum to someone in order to tell him when he comes to pay it back after Rosh Hashanah that the loan is cancelled.[21] This is an ingenious way of being mekayem the Takkanas Hillel of Prozbol and still fulfilling the Torah's command of 'Shmote' (to absolve a debt) and actively letting Shmittah erase a debt.

To sum it up, a little Prozbol can alleviate a lot of future complications.[22]

[1] As heard from Rabbi Moshe Pindrus, R"m in Yeshivas Ohr Somayach.

[2] Ben Ish Chai (Year 1, Parashas Ki Savo 26 s.v. prozbol).

[3] Parashas Re'eh (Devarim Ch. 15:2).

[4] In fact, the Gemara (Gittin 36a) derives from the double language of the word Shemitta in this pasuk, that there are two types of Shmitta: Shmittas Karkah and Shmittas Kesafim. See also Sefer Hachinuch (Mitzvah 84 and 477) who explains that a focal point of both 'types' of Shemitta is to teach us 'vatranus' (willingness to concede) and to demonstrate how to properly care about others' needs. The Rambam (Hilchos Shmitta V'Yovel Ch. 8: 1) writes that from the fact the Torah used the word 'Shmote' (which is a

command) to describe this occurrence (of absolving a debt), it is an actual Mitzvah D'Oraysa incumbent upon us to actively let Shmitta erase a debt. However, the Sefer Yereim (278) maintains a different understanding in Shemittas Kesafim. He explains that Shmitta does not actively erase a debt, but rather 'yanuach, lets lie,' meaning that the lender cannot demand it back, but it does not actually forgive the loan. He concludes that if the borrower uses Shmitta as an excuse to never pay back the loan, he is deemed a "Rasha". [Thanks are due to Leon Metzger for pointing out this important source.] Although this is not the normative halachah, nevertheless, Mishnayos Sheviis (Ch. 10, Mishnah 9) concludes with praise for one who anyway pays back his debt: 'hamachzir chov b'Sheviis ruach chachamin nocheh heimenu'.

[5] Parashas Re'eh (ad loc. Ch. 15: 9).
[6] Mishnayos Sheviis (Ch. 10: 3 and 4) and Gittin (34b) and accompanying Gemara (36a-b) and commentaries.

[7] There is some debate among the Rishonim whether writing a Prozbol and Mesiros Shtaros L'Beis Din are considered the same institution or not. See Tosafos (Gittin 36a s.v. mi and Makkos 3b s.v. hamoser), Rivva (ad loc.), Meiri (Gittin 37a), Rambam (Hilchos Shemittat V'Yovel Ch. 9: 15), Sefer Haterumah (Shaar 45, 11), Yam Shel Shlomo (Gittin Ch. 4: 45), and Minchas Chinuch (Parashas Re'eh Mitzva 477: 12). Either way, both are practically effective methods of not having debts cancelled by Shmitta [see Mishnayos Sheviis (ibid.), Rambam (ibid. 15 and 16), and Tur and Shulchan Aruch (Choshen Mishpat 67: 11, 18, and 19).

[8] See Rema (Choshen Mishpat 67: 1, and in Darchei Moshe ad loc. 1), Beis Yosef (ad loc. s.v. v'hashmatas), Btur HaGr"a (ad loc. 5), SM"A (ad loc. 3), Aruch Hashulchan (ad loc. 1), and Shu"t Igros Moshe (Choshen Mishpat vol. 2: 15 s.v. uv'etzem). The Rishonim who held this way include the Baal HaMaor, Maharil, Maharik, Terumas Hadeshen, and the Raavad. Although not the practical halachah, this nonetheless does make a practical halachic difference - there are those who hold [see, for example Shulchan Aruch Harav (Choshen Mishpat, Hilchos Halva'ah 35); see also Shu"t Hisorerus Teshuva (vol. 3: 23; new print Choshen Mishpat 13: 1) and Shu"t Minchas Yitzchok (vol. 10: 140)] that nowadays a Prozbol does not need a genuine actual set Beis Din, nor the applicant to actually own karka, as opposed to the strict letter of the law in the Mishnah (Sheviis Ch. 10), and later the Rambam (Hilchos Shemittat V'Yovel Ch. 9) and Shulchan Aruch (Choshen Mishpat 67). [Actually, the clause of owing karka is anyway not exact, as the Shulchan Aruch himself (ad loc. 23; see also Pischei Teshuva ad loc. 4, citing the Chasam Sofer, Shu"t vol. 5 - Choshen Mishpat 50) qualifies that renters or even anyone who has permission to live somewhere, are considered as 'owning karka' for this purpose. Rav Yaakov Hillel (Luach Ahavat Shalom 5776; pg. 12, note 93) adds that this category would certainly include Yeshiva Bochurim; since they have permission to eat, sleep, learn and generally occupy space in their Yeshiva, they can and will need to each write their own Prozbol.] See also footnote 20.

[9] This is due to the fact that we no longer have Yovelos. Therefore Shmittas Kesafim is no longer D'Oraysa, but rather Derabbanan. See the main commentaries to Gittin (36-37) - Rashi, Tosafos, Rif, Ran, and Rosh, SMaG (Lavin 270), Sefer Hachinuch (Parashas Re'eh, end Mitzvah 477), Tur and Shulchan Aruch (Choshen Mishpat 67: 1), Shulchan Aruch Harav (ibid. 34), Pe'as HaShulchan (Ch. 29: 3), Aruch Hashulchan (Choshen Mishpat 67: 1), and Ben Ish Chai (Year 1, Parashas Ki Savo 26). See also Rambam (Hilchos Shmitta V'Yovel Ch. 8: 1-3) who writes that although it is an actual Mitzvah D'Oraysa to actively let Shmitta erase a debt, he nonetheless concludes that nowadays with Yovel currently non-applicable, this Mitzva Chiyuv is strictly Derabbanan. The Rambam adds a very important point (ad loc. 16), based on Abaye's conclusion in Gemara Gittin 36a, that the whole reason a Prozbol works is because Shmitta nowadays is Derabbanan. When Shmitta's status reverts to a D'Oraysa obligation, he avers that a Prozbol will not help one to collect his loans.

[10] Levush (Choshen Mishpat 67: 1), Bach (ad loc. 6), Urim V'Tumim (67, Tumim, 1), Shulchan Aruch Harav (Choshen Mishpat, Hilchos Halva'ah 35), Shu"t Chasam Sofer (vol. 5, Choshen Mishpat, pg. 113 s.v. kibalti), Shlah (Shaar Ha'osiyos, Kedushas Ha'achilah), Kitzur Shulchan Aruch (180: 1), Ben Ish Chai (Year 1, Parashas Ki Savo 26 s.v. prozbol), and Aruch Hashulchan (Choshen Mishpat 67: end 1 and end 10). See also Elef HaMagen (on the Matteh Efraim, 581: 133).

[11] Sifri (Devarim, Re'eh, Piska 58 pg. 122b), cited by the Bach (Choshen Mishpat 67: end 4). The Rambam (Hilchos Shemittat V'Yovel Ch. 9: 4) gives the same explanation. For more on this drush, see the commentaries of the Malbim and Netziv on the Sifri, and Shu"t Shoel U'Meishiv (Mahadura Rivi'ai vol. 1: 10).

[12] See Rambam (ibid.), Ramban (Teshuvos 98), Rashba (Shu"t vol. 2: 314), Ohr Zarua (Avoda Zara vol. 1: 107), Sefer Hachinuch (ibid. s.v. m'dinei), Shu"t Radbaz (vol. 5: 2238), Beis Yosef (Choshen Mishpat 67: 32), Shulchan Aruch (ad loc. 30), Shu"t Chasam Sofer (vol. 2, Yoreh Deah 19 and vol. 5, Choshen Mishpat 50 s.v. nachzor; cited by Pischei Teshuva ad loc. 5), Shu"t Shoel U'Meishiv (Mahadura Rivi'ai, vol. 2: 53), Kitzur Shulchan Aruch (180: 13), Aruch Hashulchan (Choshen Mishpat 67: 2), and Shu"t Rav Pe'elim (vol. 1, Kuntress Sod Yesharim 11).

[13] Rosh (Gittin Ch. 4: 18 and 20) citing the Tosefta (Sheviis Ch. 8: 11). The Baal HaTur (Os 'Pei', Prozbol pg. 76c), and Tur (Choshen Mishpat 67: 30) hold this way as well. Rabbeinu Chananel (Shabbos 148b) heavily implies that he is of the opinion that the beginning of Shmitta cancels debts. [Thanks are due to Rabbi Yehoshua Pasternak for pointing out this important source.] The Yerushalmi (Rosh Hashanah Ch. 3, end Halacha 5), according to statement of Rabbi Yochanon, implies this way as well, regarding the Shmittas Kesafim of Yovel. See also Netei Gavriel (Hilchos Shemittas Kesafim U'Prozbol Ch. 15 pg. 101 - 102, footnote 3) who adds that Rabbeinu Yerucham, Rabbeinu Nasan Av HaYeshiva, the Mahar"i ben Malki Tzedek, and the Kaffor Va'Ferach all held akin to the Rosh's shittah, that the issuer of 'lo yigos', not demanding the lent money during Shemittah, already applies from the start of the Shemittah year, and therefore a Prozbol should already be written prior to the onset of the Shemittah year. This is also the explanation of the Minchas Bikkurim on that Tosefta.

[14] The Ramban (Teshuvos 98), cited by the Beis Yosef (ibid.), proves that the Rosh and Baal HaTur had an incorrect girsa in the Tosefta. Similarly, see Haghos HaGr"a on that Tosefta (Sheviis Ch. 8: 11, 3) who amends the Tosefta's text to read that the proper time to write a Prozbol is on Erev Rosh Hashana of Motzai Sheviis; and not Erev Rosh Hashana of Sheviis. See also Ketzos Hachoshen (67: 1) who maintains that if the Rosh's shittah holds true, then there is an apparent strich in his shittah here and Shu"t HaRosh (77: 4); the Ketzos concludes that the Rosh's opinion is 'zarich iyun'. Also, the Pe'as Hashulchan (Ch. 29: 96) vigorously argues on Rav Yonason Eibeshutz's proofs that the Rosh is correct (see next footnote). Interestingly, the Bach (ibid. 32) and the Radbaz (ibid.) maintain that there really is no machlokes between the approaches of the Rosh and the Rambam. However, it seems that most authorities do not concur. See also Shu"t Chasam Sofer (vol. 5, Choshen Mishpat 50) at length. Rav Yechezkel Abramsky, in his Chazon Yechezkel on the Tosefta (Sheviis Ch. 8: 11, Buirim 11), after citing the shittah of the Rosh, cites the Ramban

and Gr"as amending of the Tosefta to read 'Erev Rosh Hashana of Motzai Sheviis', and concludes simply 'v'chen amu nohagim'.

[15] Urim V'Tumim (67: Urim 54 and Tumim 26; 'hayarei v'chareid yesh lechachmir la'asos prozbol b'erev Sheviis') and Shulchan Aruch Harav (Choshen Mishpat, Hilchos Halva'ah 36). The Mahari Assad (Shu"t Yehuda Yaaleh vol. 2: 179), the Misgeres Hashulchan (on Kitzur Shulchan Aruch 180: 9), and Chasdei Dovid (on Tosefta, Sheviis Ch. 8: 11) wrote similarly, to be makpid for the shittah of the Rosh. The Pischei Teshuva (Choshen Mishpat 67: 5) implies that although not the normative halachah, it would nonetheless be preferable to be choshesh for this shittah.

[16] The Vilna Gaon being machmir for both opinions is cited in his talmid's Pe'as Hashulchan (ibid. 97), Rav Moshe Sternbuch's Shemitta Kehilchasa (Prozbol Erev Shnas HaSheviis s.v. uva'ikar), and Netei Gavriel (Hilchos Shemittas Kesafim U'Prozbol Ch. 15, pg. 102 - 103).

[17] See, for example, Rav Chaim Kanievisky's Derech Eminah (vol. 4, Hilchos Shemittat V'Yovel, Ch. 9: 80) and Orchos Rabbeinu (new edition, vol. 3, Prozbol, pg. 349: 21), who relate that the Chazon Ish did not write a Prozbol before Shemitta. See also Shu"t Chelkas Yaakov (vol. 3: 143), Shu"t Divrei Yisrael (vol. 2: 41), Shu"t Kinyan Torah B'Halacha (vol. 3: 15), Shu"t Lechem Shlomo (Choshen Mishpat 17), Miktoza L'Torah (Choshen Mishpat 67: 15), and Netei Gavriel (Hilchos Shemittas Kesafim U'Prozbol Ch. 15, pg. 101 and 104), citing the Klausenberger Rebbe, the Tzehlemer Rav, Rav Shmuel HaLevi Vosner, and the Minchas Yitzchak.

[18] Aderes Shmuel (Piskei Rav Shmuel Salant zt"l; Hilchos Sheviis, Prozbol, 420, pg. 428 - 429), Orchos Rabbeinu (vol. 2, 378; to have an additional zechus for Rosh Hashana), and Netei Gavriel (ibid. pg. 105), citing that Rav Elyashiv zt"l told him that "although me'ikar hadin one does not need a Prozbol before the Shmitta year, nevertheless 'Yakirei Yerushalayim Mehadrim B'zeh', as this was the custom of Rav Shmuel Salant". This author has also heard this psak from Rav Elyashiv's noted talmid, Rav Nochem Eisenstein.

[19] Shemitta Kehilchasa (Prozbol Erev Shnas HaSheviis s.v. ula'd). Similarly, since the pre-Shemitta Prozbol, is essentially considered a chumrah, the Steipler Gaon once did it with only two 'dayanim'; seemingly not the normative halachah. See Orchos Rabbeinu (new edition, vol. 3, Prozbol, pg. 336 - 337: 4).

[20] Addressing the halachically mandated end-of-Shemitta Prozbol, the Shulchan Aruch (Choshen Mishpat 67: 18) rules like the Rambam (Hilchos Shemittat V'Yovel Ch. 9: 17), and Rabbeinu Tam (Tosafos Gittin 36b s.v. d'ilimi), that it needs to be performed with a 'Beis Din Chashuv'. On the other hand, the Rema (ad loc.) rules like the Rosh (Gittin Ch. 4: 13), Tur (Choshen Mishpat 67: 18), Sefer HaTerumah (Shaar 45: 16), and Rashba (Shu"t vol. 3: 33), and counters that nowadays any Beis Din will suffice. The Bach (ad loc. 21 s.v. ul'yanim) concludes that the halachah here indeed follows the Rema. As mentioned previously, the Shulchan Aruch Harav (Choshen Mishpat, Hilchos Halva'ah 35), Aruch Hashulchan (Choshen Mishpat 67: 10) and others maintain that nowadays a Prozbol does not need a genuine actual set Beis Din, as there are opinions in the Rishonim that it does not apply at all nowadays. See also Kitzur Shulchan Aruch (180: 15) who writes simply that 'three Bnei Torah may serve as the Beis Din'. On the other hand, we find that the Chochmas Adam (Shaarei Tzedek 21: 4) and Chasam Sofer (Shu"t Choshen Mishpat 113) were nevertheless makpid lechatchillah to write the Prozbol in a Beis Din Chashuv. Come what may, it is known that the Chazon Ish was very makpid that his Prozbol be presented by a 'Beis Din Chashuv', and used to send his Prozbol to the Badatz, Eidah Chareidis in Yerushalayim. Later on, toward the end of his life, he would send it to the much younger Rav Shmuel Halevi Vosner and his Beis Din, as he was the official Av Beis Din of the Zichron Meir neighborhood in Bnei Brak [see Orchos Rabbeinu (vol. 2, pg. 379; new edition vol. 3, Prozbol, pg. 349 - 353) and Derech Eminah (vol. 4, Hilchos Shemittat V'Yovel Ch. 9: 88 and Tziyun Hahalacha 209)]. Rav Yosef Shalom Elyashiv (cited in Shu"t Yissa Yosef vol. 5 - Sheviis, pg. 251) would also lechatchillah attempt the same, to write his Prozbol with a 'Beis Din Chashuv'. In contrast to this, from numerous examples (and actual Prozbolim) cited in Orchos Rabbeinu above, it is clear that the Steipler Gaon was not makpid to seek out a 'Beis Din Chashuv'. Similarly, it is reported that Rav Shlomo Zalman Auerbach (Shulchan Shlomo, Sheviis pg. 297) was likewise not makpid for his Prozbol to be written by such a Beis Din. Lemaaseh, nowadays, although not obligatory, nevertheless, it seems that there is a preference, if possible, to perform the Prozbol using an actual set 'Beis Din Chashuv', like the Shulchan Aruch's psak. However, several contemporary Sefardic authorities maintain that Sefardim, who follow the Shulchan Aruch's rulings, should most definitely seek out a 'Beis Din Chashuv' for their Prozbolim. See Shu"t HaMabit (vol. 2: end 81; who invalidated several Prozbolim not written via 'Beis Din Chashuv'), Mizbach Adamah (Yoreh Deah, end 391), Ohr L'Tzion (Sheviis, Ch. 7: 3), Chazon Ovadiah (Prozbol, 2), Rav Yaakov Hillel's Luach Ahavat Shalom (5776; pg. 12 - 13, note 94), and Yalkut Yosef (Sheviis, Ch. 24: 23). However, Rav Ovadiah Yosef (Chazon Ovadiah ad loc. pg. 20: 4) qualifies that even for Sefardim, if the Prozbol was not presented by a 'Beis Din Chashuv', it still works b'dieved.

[21] Ben Ish Chai (Year 1, Parashas Ki Savo 26 s.v. v'hinei).

[22] Quite interestingly, see Shu"t Igros Moshe (Choshen Mishpat vol. 2: 15) who maintains that nowadays, if one forgot to write a Prozbol, it is possible that he may still be able to collect the debt, as although we hold that one should write a Prozbol, perhaps one can still be somech on the ikar din of the Rema, quoting many Rishonim ('minhag doros Hakadmonim b'Ashkenaz uv'Sfard') who did not write Prozbolim. Additionally, as the Aruch Hashulchan (Choshen Mishpat 67: 10) mentions, our Batei Dinim are subservient to the court system and cannot actually legally obligate or exempt someone from paying a debt. Therefore maintains Rav Moshe, and especially as it is written in Mishnayos Sheviis (Ch. 10, Mishnah 9), 'hamachzir chov b'Sheviis ruach chachamin nocheh heimenu,' nowadays, if one forgot to write a Prozbol and is now strapped for cash, he may still ask for his money he lent back. Rav Shlomo Zalman Auerbach (Shu"t Minchas Shlomo, Tinyana 123: 12, 2) seems to agree with this assessment in specific circumstances as well. See also Minchas Asher (Sheviis, Tinyana 54 and 55), who addresses this topic regarding Baalei Teshuva. Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitzi@ohr.edu.

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שרה משא בת ר' יעקב אליעזר ע"ה
ביילא בת (אריה) לייב ע"ה