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The TorahWeb Foundation
In the Pursuit of Happiness

Everyone is searching for happiness. Even in the tradition of the American founding fathers, all men are entitled to “the pursuit of happiness”. Exactly what constitutes happiness? To some it would mean money; to others, kovod. To others a yacht; and yet to others, a cigarette.

The possuk in Koheles states (6:7) that whatever man acquires will neither satisfy him nor make him happy. The Medrash explains by way of a parable that if a farmer marries a princess, he will never be able to satisfy her. Even if he buys her items which would be considered “luxurious” for a farmer - the most fancy dungarees with the most colorful patches, and a ton of straw to sleep on - it will not make her happy, since she is used to royal clothing and the most beautiful furniture. Similarly, Jewish souls come mitachas kissai hakavod (“from below the throne of Hashem”), and are used to being close to the shechina. All the money, yachts, and cigarettes in the world will not bring a Jewish soul satisfaction.

>From Rosh Chodesh Elul until the end of Sukkos it is customary in many communities to recite the twenty-seventh perek of Tehillim at the conclusion of the tefillos. In that perek, Dovid Hamelech points out that he only has one real request of Hashem: “to be able to stay in the House of Hashem for the rest of his life.” The one and only thing that people are searching for is happiness, and Dovid Hamelech defines happiness as being “in the presence of Hashem.” The possuk tells us (Divrei Hayamim I 16:27) that in the presence of Hashem there is always joy. The Talmud comments (Chagiga 5B) based on this possuk that there is no sadness when one is in the presence of Hashem. Jewish neshamos are used to being close to the Shechina (before they were born), and the only way for them to attain happiness and comfort is to return back to that state.

The Torah often writes, that we should “rejoice in the presence of Hashem.” (See, for example, Parashas Re’eh 16:11.) The Talmud understands that the state of being “in the presence of Hashem” causes one to “rejoice”. Because the Kohen Gadol must always be in the Beis Hamikdash (“in the presence of Hashem”), it follows that he has a mitzvah of simcha all year long. The rest of Klal Yisrael have a mitzvah of simcha on the sholosh regalim because at those times we all have an obligation to visit the Beis Hamikdash to enter into the state of “lifnei Hashem”. (See Talmud Moed Katan 14B and Nefesh Harav pg. 314)

There is a dispute among the tanaaim as to whether there is a mitzvah of simcha on Rosh Hashana and Yom Kippur. (See Moed Katan 19A.) The accepted opinion is that there is such a mitzvah. Rav Soloveitchik explained that the prophets compare sins to a mechitza which separates the person from Hashem. Only when one does teshuva can one return to his original state of lifnei Hashem. Because on Yom Hakippurim there is a special mitzvah of teshuva (over and above the mitzvah of teshuva of all year around), and an obligation to come lifnei Hashem, we have a special mitzvah of simcha on Yom Hakippurim.

The Talmud points out that because the purpose of blowing the shofar on Rosh Hashana is “to bring before Hashem the remembrance of the Jewish people”, (i.e. blowing of the shofar constitutes a form of tefillah), therefore it is considered as if we are in the Kodosh Hakodoshim, in the presence of Hashem (Rosh Hashana 26A). This state in turn engenders the mitzvah of simcha.

When Kayin killed his brother Hevel, he realized on his own that he would be punished. He assumed that his punishment would be that he would no longer be permitted to be “in the presence of Hashem.” And indeed, the Chumash continues to state that that was his punishment- he had to leave “the presence of Hashem” (Beraishis 3:14 and 3:16). What does this mean? How can one possibly leave the presence of Hashem, who is omnipresent and omniscient!/? The Ramban (parashas Beraishis) explains that “to be in the presence of Hashem” means that one has the ability to daven and has

the right to offer Korbanos, and it was these rights that kayin was now denied.

When the serpent was punished for having caused Chava to sin and eat from the etz hada’as, the Torah (Beraishis 3:14) records that part of his punishment was that from now on he should eat sand and dust. The Medrash there comments that when Hakadosh Boruch Hu punishes, He doesn’t utterly destroy the sinner, but rather gives him a lighter punishment which is not that horrible; although the serpent will no longer eat delicious foods, and whatever he will eat will always taste like sand, still there is a positive side to this punishment, that he will never have to worry about food. Sand is available all over. From now on, the serpent will never have a da’agas haparnassah.

At first glance, the comment of the Medrash seems very strange. It would appear that for the serpent, his avaira paid off. How can it be “that the sinner is being rewarded”?! A famous explanation was offered by one of the great Chassidic Rebbes, Reb Itzele Surker. Because the serpent would never be lacking anything, he would have no right to pray. Tefillah is only permitted when one perceives that he is lacking some of his needs. By giving the serpent his parnassah, for the rest of his life, Hashem was actually punishing him, just as Kayin was punished that he could never again be allowed to pray.

The Talmud (Berachos 8A) points out that since the destruction of the Bais Hamikdash, the only way to enter into the presence of Hakadosh Boruch Hu is by learning Torah. We believe that the Torah is a description of Hashem’s essence, and when one engages in Torah study, he gets a better understanding of what G-d is all about and thereby becomes closer to Him (see the introduction to my most recent sefer “Ginas Egoz”). “When one learns Torah at night, the shechina will be there in front of him.” (Tamid, end of fourth perek)

Happiness can be attained. We all have to opportunity and the privilege to daven and to learn. “I rejoice when they tell me, ‘let us go to the home of Hashem.’” (Tehillim 122:1.) It’s all up to us!

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ELUL THERAPY :: Rabbi Berel Wein

In the society that we live in, therapists are much in demand. Mental, emotional, physical and family problems have all become the province of the therapist. But, as the old joke goes - how many psychologists does it take to change a light bulb – only one but the bulb must want to be changed - therapists can only benefit those who want to be benefited. And, since most problems of this type – mental, physical, emotional, and family – are themselves originally occasioned by the lack of discipline and commitment on the part of the person, the therapist has a difficult task indeed to improve the situation.

I am aware from most of my discussions with friends of mine who are therapists that the single greatest difficulty in treating and helping people is the refusal of many to truly come to terms with their own reality and its problems. To a certain extent, all of us live in a dream world about ourselves and our surroundings. We substitute what we would like to be for what really is and therefore we are subconsciously constantly frustrated and disappointed by the inability of our fantasies to match the reality of our existence.

Our political leaders are adept at confusing reality with fantasy and propose solutions that cannot be held to be realistic in the real world. So too, many of our spiritual leaders propose solutions to our spiritual malaise without taking into account the reality of our problems and the inadequacies of these solutions. The key to successful therapy is ruthless honesty and keen self-appraisal. Enter therefore the month of Elul on the Jewish calendar.

The month of Elul has traditionally been seen by observant Jews as the time of preparation for the days of judgment of Rosh Hashana and Yom Kippur. This is certainly accurate and true. But Elul is more than that. Its deeper purpose is to allow us the ability to face reality – to see ourselves, warts and all, in true living color. It is meant not so much to focus us on our hopes and future plans as it is to delineate our past errors and current misconceptions.

It is a time to look at ourselves and not at others, to see the small picture, so to speak, and to ignore as much as possible the noise and distractions and follies of everyday life. Therapy requires an ability to step outside of the box that encases us and see ourselves in a different light. Elul is therefore a great therapist for it affords us the environment to see ourselves in a true light.

But, as in all therapy, it can only do so if we are willing to look ourselves in that new and even troubling new light. In Jewish history, there would be people who would close shop on their regular lives, so to speak, for the entire month of Elul in order to achieve the proper circumstances of self-help and recognition necessary for successful therapy. In our more complicated world, where we are perforce and oftentimes involuntarily in touch constantly with everyone else, it is much harder to achieve this separation. Nevertheless we can all admit that taking time out and looking at our true selves, our behavior, speech, attitudes and relationships, instead of just cruising along on inertia can be of immense therapeutic benefit.

Unlike other types of therapy, Elul therapy is free of charge. But it requires dedication and commitment. Our mind span regarding any given issue is a very short one. We live in a sound-bite environment that pervades our own judgments of ourselves and others. A Polish nobleman once asked the great Rebbe of Kotzk, “Why do people think you are so great? What is your main attribute?” The Rebbe of Kotzk replied: “I have trained myself to be able to fully and exclusively concentrate on one subject for a number of hours on end.”

In our present society expecting people to concentrate on their own self-analysis for an entire month seems to be beyond our grasp. Nevertheless, being able to do so for a few moments a day seems to be a reasonable task and certainly a very worthwhile goal. Therapy in order to be beneficial has to be constantly reinforced and strengthened.

Every day of Elul counts in our quest for becoming a better person and live a more meaningful life. We should all therefore enroll in the Elul therapy program that has just begun. We will find great rewards for so doing in the coming years of our life.

Shabat shalom.

Weekly :: Parsha SHOFTIM :: Rabbi Berel Wein

The parsha of this week deals with the subject of following the decisions of the court and judges of one's time, even if one personally disagrees with those judicial conclusions. From this flows a later concept in halacha of a zakein mamreh – a leading scholar, a member of the Sanhedrin itself, who refuses to accept or abide by the majority position and opinion of his colleagues.

There is a normative stance in Jewish life and Judaism that demands a restriction of individual freedom and everyone doing their own thing. Every scholar is convinced that his opinion is correct, perhaps even perfectly and exclusively correct. But one must be willing to accept the fact that if the majority of the scholars disagree then the law must remain that way, even if history later proves them wrong or mistaken.

The majority, like any individual as well, is not infallible. But human society must function according to certain standards and norms and the Torah demands this type of discipline from all of the responsible leaders and judges. The zakein mamreh has the right to his own opinion but he has no right to preach it publicly in a way that will split the Jewish society and come to the disastrous situation of there being “two Torahs” present in Jewish society.

There must be a great deal of frustration in the heart of the zakein mamreh for he is undoubtedly convinced of the correctness of his position. But the Torah does not allow for the correctness of an individual opinion as regarding one particular issue of law to endanger the entire delicate

balance of judicial decision and halachic parameters. Again, the forest always trumps the trees in the Jewish view of law and halachic life.

The question now remains is this true of the majority opinion regarding political and societal issues as well. So many times in the human history has the majority been wrong on crucial life and death issues. Winston Churchill was the lonely voice of warning in the 1930's when Germany rearmed.

Here in Israel there have been many instances, especially over the past decade, when the majority has been wrong in its decisions and policies. The rabbis were a minority opinion in the times of the great rebellion against Rome and correctly foresaw the defeat and the destruction of the Temple. The prophet Yirmiyahu was a lonely and strident voice of dissension against the majority military and diplomatic policies of the kings of Judah.

It is apparent that there is a significant difference between halachic and judicial decisions and national political and security issues. Eventually, even in these issues, the will of the majority will prevail in a democracy. But the dissenters have an innate right to be heard - and their opinion to be judiciously considered. The tyranny of the majority is a real danger in national matters.

It is much harder in these types of issues to define what is the forest and what are the trees. Therefore, it is clear that the concept of zakein mamreh is limited to those specific halachic issues and procedures that are detailed to us in the Talmudic tractate of Sanhedrin. In other matters, the majority should always force itself to truly listen to the opinion of the minority and the minority has the duty to express those opinions lucidly and publicly. Shabat shalom.

TORAH WEEKLY :: Parshat Shoftim

For the week ending 18 August 2007 / 4 Elul 5767

from Ohr Somayach | www.ohr.edu

by Rabbi Yaakov Asher Sinclair

INSIGHTS

Constancy

“Judges and officers shall you appoint in all the gates of your cities.” (16:18)

The Bar Mitzvah boy sat behind the head table, his face shining beneath the brim of his new Borsalino, beaming with the excitement of the big day. His proud father asked his Rabbi if he would like to hear the derasha (exegesis on a Torah theme) that his son had prepared.

“Does he know it well?” asked the Rabbi.

“Yes.” Replied the proud father.

“I don't mean does he know it parrot-fashion, I mean does he understand it.”

“Yes, he does.” Replied the even prouder father.

“Okay” said the Rabbi.

The father led his Rabbi to sit with his son at the top table and left his son to expound the intricate piece of halachic logic that he had so carefully prepared.

After the bar mitzvah was over, the father asked his son what his Rabbi had said to him.

“After I finished the derasha, he asked me a few questions and then he said that if I learn, I will be a Gadol (great Torah scholar).”

“And what did you say to that?” asked the father.

“I said, ‘Amen!’ Then he said to me, ‘It's not a beracha’ - it's a metziut (reality).”

The gap between potential and actuality is called hard work.

Many of us are born with gifts, talents and abilities that are given to but a few. Fewer of us, however, develop those talents into real achievement.

“Judges and officers shall you appoint in all the gates of your cities.”

Rashi explains that the judges dictate correct behavior, while the officers ensure that their dictates are obeyed.

In any construction project, there are two stages. First, the architect sets pen to paper, then the contractor takes that blueprint and makes of it a reality. Similarly, a composer sets notes on a stave and the musician takes those hieroglyphics and fills the air with music.

If the Torah is the blueprint of life, its practical application is ethical behavior.

Halacha tells us how to do the mitzvot of the Torah, whereas mussar (active character refinement) teaches us how to become the kind of person that the Torah demands us to be.

The Rambam (Shemone Perakim) writes that a complete person must constantly review his character, weigh his actions, and examine who he is every day. The work of becoming a great person is achieved in minuscule increments. The grand gesture leaves no imprint, however the constant learning and application of ethics changes our character for the better even without our being aware of it, just like the stone that Rabbi Akiva saw where tiny drops of water had carved a large trough over time.

There is no substitute for, nor is anything as powerful as constancy.

Written and compiled by Rabbi Yaakov Asher Sinclair

Peninim on the Torah by Rabbi A. Leib Scheinbaum

PARSHAS SHOFTIM

You shall be whole-hearted with Hashem your G-d. (18:13)

Bitachon, trust in Hashem, is a complex concept in the realm of avodas Hashem, serving the Almighty. Much has been written and even more has been said regarding this subject, leaving very little for this writer to add. The purpose of the following thesis is to clarify the basic meaning of bitachon and the role it plays in our daily endeavor. There are two basic approaches to understanding the concept of trust in Hashem. Rabbeinu Yonah and the Chovas Halevavos contend that if one trusts in Hashem with his full heart, Hashem will fulfill his request. This is true even if the individual is not deserving of Hashem's positive response. If his bitachon is absolute and filled with integrity, if he really believes - Hashem will do His part. Thus, if one is calm due to his consummate trust in Hashem, it is an indication that his bitachon is real.

The other opinion is that of Rashi, who posits based upon the above pasuk, "You shall be whole-hearted with Hashem, your G-d," walk with Him with whole-heartedness. Look ahead to Him, i.e. trust in what He has planned for you. Do not delve into the future; rather, accept with wholeheartedness whatever comes upon you, and then you will be with Him. In other words, bitachon is an awareness that everything that occurs comes from Hashem. It does not mean that having bitachon will catalyze any changes in the life of the faithful. Having bitachon means that the individual believes that Hashem is the Source of all that happens in his life - regardless of his comfort level with what takes place.

Let us briefly analyze these two opinions. According to the first opinion, one's bitachon can transform reality. How are we to understand this? Does faith bring about the impossible? Should an undeserving person be the beneficiary of an unwarranted gift from Hashem simply because he trusts in Hashem? Is that our understanding of bitachon? This is true only of one who is sincere in his trust and whose faith is the essence of integrity. Yet, how does this bitachon guarantee the future if, for all intents and purposes, it is not "in the cards"? Horav Eliezer Tauber, Shlita, explains this with an analogy. An extremely energetic young child had an overwhelming desire to jump off high places. Once, it was the kitchen table; then it became the bedroom dresser until he finally decided that he would jump off his father's bookcase. As daring as he was, the bookcase was slightly higher than anything he had previously attempted. His father, of course, told him emphatically that he should not even think about doing it. Boys will be boys, however, and who can say that he never thought he was not smarter than his father? The boy also knew that if worse came to worse, his father would never let him hurt himself.

The child climbed to the top of the bookcase and announced to his father that he was going to jump. His father reiterated his earlier warning. The boy did not listen, knowing full well that his father was watching and would not allow him to fall. He jumped, and his father ran to catch him before he hit the floor and hurt himself. For forcing his hand, his father punished him. Likewise, one who trusts in Hashem knows that the Almighty loves him and will not let him down. If his trust is absolute, Hashem will respond in a positive manner. He must remember, however, that he has "forced" Hashem's hand. He might have to pay for that by

losing some of the merits he had stored away for a "rainy day." Now, when that rainy day rolls around, he will not have any z'chusim, merits, to protect him.

Rashi teaches us not to ask questions, but to be accepting and trusting that whatever Hashem bestows upon us is good. Hashem has His reasons, and they are beyond our ability to grasp in our present physical state. Rav Tauber writes that his parents survived the Holocaust imbued with this type of trust in Hashem. Prior to World War II, his family had lived in Pressburg. When the Nazi war machine overran Hungary, his parents escaped to Czechoslovakia and remained there amid misery and deprivation for three years until 1944, when the Germans arrived. During this time, his mother gave birth to his three brothers. His family trusted in Hashem and continued to live as normal a life as they could under such trying conditions.

One Friday night, the family was arrested and sent to Auschwitz. His mother was not yet noticeably pregnant with his sister. Those who were aware of her condition wondered how she could think of bearing children during the war years. Her response was unequivocal, "We are Jews, and, as such, we must do what Hashem commands us to do. Hashem will do what He desires." It was this type of attitude that fortified her throughout the ordeal. Miraculously, they all survived: father, mother and five children, four of whom were born during the war years.

How did she do it? How did she take it upon herself to bring children into a world that was destroying every semblance of Judaism? What made her think that these infants would survive a war that was destroying so many others? Her reply is something we should all remember. "We are Jews who believe in Techiyas HaMeisim, the Resurrection of the Dead. My child is not my child only in this temporary world. My child is mine forever, in Olam Hazeh, this world, and in Olam Habah, the World to Come. He will always be mine, regardless of what happens to him. I must do my share. The rest is up to Hashem!" This is trust in Hashem, believing that whatever is to be, will be. It is determined by Hashem and, therefore, inherently good. It is not for us to agree or disagree, but rather to believe and accept.

Once we have arrived at the position that bitachon in Hashem demands that we follow Hashem with wholehearted conviction and not worry about the future, we wonder what purpose is served by the medium of hishtadlus, endeavoring. We should all sit back and believe! Why bother doing anything to promote a livelihood, seek medical intervention, or do anything that affects our future? Is hishtadlus necessary, or is it even appropriate? Is not taking action counter to the concept of bitachon? The Chovas HaLevavos writes: "Hishtadlus does not help; it is, however, necessary." This means that a person will obtain his objective without the medium of hishtadlus. However, since Hashem decreed to Adam HaRishon, B'zeias apecha tochal lechem, "By the sweat of your brow shall you eat bread" (Bereishis 3:19) as part of the curse for eating of the Eitz HaDaas, Tree of Knowledge, one has to "go through the motions" and work. Regrettably, many of us throw our entire lives into this hishtadlus, not recognizing it for what it is - a curse!

The effectiveness of hishtadlus can be derived from the manna which we received every day. Regardless of how much one gathered, he ended up with only what he and his family needed to subsist. Gathering extra manna was of no avail. Ultimately, it was always the same.

Whether hishtadlus is necessary as part of a life strategy or it is something we must do because we are not all on the spiritual plateau that clearly recognizes that everything comes from Above, it is something that can and should be used to elevate kavod Shomayim, the honor of Heaven. We are all agents of Hashem, sent on a mission to increase kavod Shomayim. The opportunities arise constantly. We do not always recognize them for what they are and, thus, do not always take advantage of these circumstances. Rav Tauber relates an inspirational incident that occurred concerning Rebbetzin Sorah Miriam Sorotzkin, ah, wife of the Luktzer Rav and daughter of Horav Eliezer Gordon, zl. Towards the end of her life, she became very ill. At one point, she was in critical need of surgery. Despite the severity of the illness and the emergency nature of the pending surgery, she insisted on waiting to obtain the services of a specific surgeon who was highly skilled and noted for being the "top man" in his field. It took much

maneuvering and the help of a number of influential public figures, but the Rebbetzin was availed of his services.

Shortly before the surgery, the Rebbetzin asked to speak with the doctor. The surgeon acquiesced to meet with her prior to surgery. She said to him, "My dear physician, you know how hard I tried to secure your services. Nothing mattered; I had to have you, but I must ask something of you. If it is Heaven's decree that I not survive this procedure, I implore you not to feel bad. It is not your fault in any way. It is what Hashem has decided, and I accept His decision with complete equanimity. I just want to be sure that you will not have any feelings of guilt."

The physician was as pompous as he was brilliant. While the Rebbetzin's words had little effect on his over-inflated ego, he nonetheless told her, "I appreciate your concern for my emotional well-being, despite your own grave condition." The Rebbetzin, however, was not finished. She continued, "By the way, in the event that you do succeed and I survive the surgery, I want you to know that it is not as a result of your expertise. It is because this is what Hashem desires."

The opportunity to increase kavod Shomayim presented itself. She had performed her hishtadlus by seeking out the best available practitioner but, ultimately, she knew and conveyed her belief to the physician that success - or failure - is all in the hands of Hashem.

You shall be whole-hearted with Hashem, your G-d. (18:13)

Tamim has the same meaning as shalem, whole, complete, perfect. To be shalem means not to have any blemishes. There are two aspects to this shleimus, wholesomeness, one from an ethical perspective and one from a philosophical position. In other words, to be a tamim demands that the individual be ethically intact and philosophically faultless. Horav Eliyahu Schlessinger, Shlita, develops this idea in the following manner. In order to be a shaleim, one must be tocho k'baro, his inner self must coincide with his external actions, and also be baro k'tocho, his external actions must be in sync with his inner feelings and thoughts. Let me explain. There are people who are outwardly very observant. They never miss tefillah b'tzibur, praying with a minyan, attend Torah study classes, basically perform all that is demanded of them as Jews, but their heart is not in it: they lack passion; their enthusiasm is insipid, at best; their feelings about observance do not resonate with joy. In other words, they serve Hashem, but it is a sterile, cold, complacent service. This is not tocho k'baro - their external actions do not reflect their inner emotions. They daven, but the davening is about someone else, because there is no personal connection between themselves and their prayer service.

There is also the individual who is not baro k'tocho. He declares that he has a Jewish heart, Jewish feelings, Jewish belief, but he does not feel it is necessary to express in action what he feels in his heart. I have always considered this person a non-practicing Orthodox Jew. His heart is affiliated with the Orthodox point of view. He believes in it as the way a person should live. He is just not prepared to take that step himself, being comfortable with maintaining his Orthodoxy in his heart. He is an incomplete Jew. He lacks temimus.

This is the role tamim plays concerning the individual's ethical integrity. Regarding the area of belief in Hashem, tamim plays a very demanding role. In fact, this is underscored by the pasuk: Be wholehearted with Hashem; be straight; be consistent; be absolute in your emunah, belief. Rav Schlessinger makes an important point. Chazal state, Kol yeser k'natul dami. "Whatever is extra is considered as if it is missing." This means, say Chazal in the Talmud Chullin 58b, that if an animal has an extra leg, it is viewed as missing a leg, so that it is deemed treifah, unkosher.

We find a similar halachah that, if by error, the shliach Bais Din, agent of the court, gave an individual one extra makah, lash, with a whip, it nullifies the first thirty-nine. He is liable for each time he whipped the guilty person. The Rogatchaver Gaon, zl, explains that once he gives an extra lash, it is no longer considered makkos. It is undue punishment, and the individual who whipped him is punished for wounding another Jew.

A similar concept applies in the area of emunah in Hashem. Faith in the Almighty must be pure, without any additives. When people supplement their faith with philosophies that do not necessarily coincide with Torah hashkafah, outlook, they detract and ultimately subtract from their Torah hashkafah, leaving them impaired and corrupted. The Torah admonishes us

not to inquire of soothsayers, fortunetellers, diviners and other such flawed individuals. It then follows with the pasuk demanding wholeheartedness in our belief. This implies that one who believes in Hashem, but supplements his belief with such extras as inquiring of people who are sustained by the forces of spiritual impurity, undermines his emunah in Hashem. In this case, too much is too little.

A prophet from your midst, from your brethren, like me, shall Hashem, Your G-d, establish for you - to him you shall listen. (18:15)

Moshe Rabbeinu tells the people that Hashem would designate other leaders from among the people. They would transmit dvar Hashem, the word of G-d, to the members of that generation. The concept of eilav tishme'un, "to him you shall listen," is an accepted axiom among the observant. Individuals, who have achieved greatness in the areas of scholarship, piety and ethics, evolve into gedolei Yisrael, the Torah leaders of our nation. They are endowed with a special ability to see, to perceive, to listen, and to instruct and guide. Indeed, having been invested with a unique inspiration from Above, their ability is beyond the grasp of the average human being. Every generation has its gedolim who tower above the common man. At times, it is something that can neither be seen nor measured. It must be experienced.

It is related that the saintly Chasam Sofer, rav of Hungarian Jewry at the beginning of the nineteenth century, the individual who set the tone and guided these communities during some of their most turbulent times, was "comfortable" in the presence of miracles. In other words, people would experience his transcendent powers in such a manner that it was obvious that he functioned above and beyond the physical constraints of the average human being. Simply put, he was a holy man. When he was rav in Mattesdorf, he was asked to adjudicate a halachic query concerning an agunah, abandoned wife, whose husband was missing and presumed dead. This same question was posed to a number of other Torah scholars, who all permitted her to remarry. The Chasam Sofer read through all of their responsa and replied, "According to halachah, I find nothing wrong with the position taken by so many scholars. Indeed, I concur with their analysis of the halachah. However, I personally cannot permit this woman to remarry, because in my heart I feel that this woman's husband is still alive."

Sensitive to the Chasam Sofer's premonition, the woman did not remarry. A short while later, her husband returned home. It was not in the area of halachah that there arose any dispute. It is just that the gadol hador, preeminent Torah leader of the generation, had a bad feeling. That "feeling" was divinely inspired.

There was another case, however, in which the circumstances were reversed. In this situation, the agunah was permitted to remarry. The Chasam Sofer, together with the other Torah scholars of the day, all agreed in this matter. There was absolutely no question. She remarried, and the couple moved to another town which was under the leadership of a different rav. This rav, who was a distinguished talmid chacham, Torah scholar, studied the case and determined he was not in agreement with the other rabbanim. He, therefore, did not permit the couple to establish residence in his community.

When the Chasam Sofer heard about this, he sent a sharp letter to the rav. He wrote the following: "What prompted you to drive out the women of my nation from their comfortable abode, and to abandon the daughters of Yisrael with a strong arm?"

The Chasam Sofer added that if the rav disputed the halachic analysis rendered by the other rabbonim who had signed off on the dispensation, he was welcome to present his queries and opinion. If he had no issues regarding the halachah, however, the Chasam Sofer "hoped" that he would rescind his decision and permit the couple to live in his community.

Studying the two similar circumstances, we wonder why the Chasam Sofer was rigid in his Ruach HaKodesh, Divine Inspiration, and did not permit the woman to remarry, but he was not inclined to respect the other rav's "inspirational" feelings. Horav Yitzchak Zilberstein, Shlita, explains that the Chasam Sofer saw a great danger arising from a situation in which every rav would build his own little altar and dispute the halachah as rendered by the gedolei ha'dor. Ruach HaKodesh is a lofty form of guidance, but it does not override halachah as expressed by the gadol

ha'dor. If the preeminent Torah leader of the generation permits an endeavor, or sees reason to render a dispensation concerning a given situation, it is wrong to disagree and act in discord. This approach undermines the entire process of halachah.

Va'ani Tefillah

Hoshiah es amecha, u'varech es nachalasecha

Help Your people, and bless Your inheritance.

Klal Yisrael is referred to here both as Hashem's nation and as His inheritance. What is the significance of these terms? Horav Avigdor Miller, zl, explains that the citizens of a province that does not furnish their king/leader with revenue still has a right to expect him to come to their aid. They are his people, a connection that transcends revenue. It is a relationship. The word am, people, is derived from the word im, with. Even if we are not an inheritance, an estate of the king, which engenders profit, and we are so low that we possess no redeemable value or meritorious virtue other than our allegiance to Hashem as His People, He bears responsibility for us and is obligated to save us. Despite a lack of achievement on our part for His service and glory He still stands by us in our moment of need, because we believe and express Hashem Elokeinu Hashem echad. "Hashem our G-d, is one." Thus, we are "Your People." Regarding our status as an inheritance, we implore Hashem to invest and improve His estate. The profitability of an estate is commensurate with the investment one makes in it. We invoke Hashem's blessings so that we, His inheritance, are able to produce the satisfying fruits via the scholars, the righteous, and the G-d fearing individuals that elevate the nation.

Sponsored by Rabbi and Mrs. Sroy Levitansky in memory of Mr. Sol Rosenfeld

h a a r e t z

Portion of the Week / Fighting for God and country

By Benjamin Lau

In this week's Torah portion, we are taking one further step toward entering the Promised Land and we are given details as to what kind of regime should be set up there - about the system for appointing judges, the monarchy and its limitations, the authority of the rabbinical leaders who must teach the nation, and the nature of the defense establishment.

Toward the end of Parashat Shoftim, there is a passage describing the process of screening warriors before they set off for battle: "And the officers shall speak unto the people, saying, What man is there that hath built a new house, and hath not dedicated it? Let him go and return to his house, lest he die in the battle, and another man dedicate it. And what man is he that hath planted a vineyard, and hath not yet eaten of it? Let him also go and return unto his house, lest he die in the battle, and another man eat of it. And what man is there that hath betrothed a wife, and hath not taken her? Let him go and return unto his house, lest he die in the battle, and another man take her. And the officers shall speak further unto the people, and they shall say, What man is there that is fearful and fainthearted? Let him go and return unto his house, lest his brethren's heart faint as well as his heart" (Deuteronomy 20:5-8).

Those individuals who are in the middle of building their private lives - whether a house, a livelihood or a family - are exempt from the war. This passage emphasizes how much of a sacrifice we here in Israel must make when we do our compulsory military service. We and our children must postpone our private plans until we have completed our compulsory service with the Israel Defense Forces. This stage is followed by reserve duty for a good part of our adult lives.

Most commentators see the exemptions mentioned in the portion as an attempt to strengthen the warriors' ranks: People busy building their private lives could have a negative effect on the motivation of other soldiers. Rabbi Abraham Ibn Ezra writes: "The reason is that this individual's heart and ambitions are directed toward building a family, with thoughts of home taking precedence over those of war. Such an individual will run away from the battle and encourage others to do so as well." Josephus Flavius offers a similar explanation: "These persons were exempt from the fighting. If they were participating in the battle, they would be more concerned with protecting themselves than with fighting the enemy,

because they would long for their homes ... and would behave in a cowardly fashion."

Exemptions from fighting are also granted to those who are "fearful and fainthearted" and who may also have a bad influence on troop morale. In his discussion of laws for monarchs, Maimonides comments: "When you become involved in the war, you must rely on God, Israel's redeemer in times of crisis, and you will know that you are fighting for God. You will trust in God and your fears will vanish. You will not think about your wife or home; you will erase such thoughts from your mind and focus all your energies on the battle. All those who begin thinking about war and become anxious are violating a prohibition, as it is written: 'Let not your hearts faint, fear not, and do not tremble, neither be ye terrified because of them' [Deut. 20:3]. Israel's fate is resting on your shoulders. If you are not victorious in the battle and if you do not fight with all your heart and soul, it is as if you have shed the blood of all Israel, as the Torah says, 'Lest his brethren's heart faint as well as his heart.'"

Some commentators see this passage on exemptions as proof that the Torah seeks to promote social solidarity. Rabbi David Tzvi Hoffman: "Our sacred Torah, which attaches as much importance to the individual's private life as it does to the expansion of the state's borders, commands all those mentioned in this passage to return to their homes."

A healthy society knows that an exemption from obligations incumbent on the nation as a whole must be granted to those who are in the critical stages of realizing their personal dreams, without whose fulfillment it is impossible to build a healthy society of mutual responsibility and concern for the common good.

Shirking responsibility

According to halakha (Jewish law), the individuals in the above category are exempted from "elective wars" (such as those fought to expand boundaries), but not from wars that must be fought, when there is no other option and in which everyone goes to war.

In the Mishnah (Sota, Ch. 8), we read: "In a war that is God's command (milhemet mitzvah) everyone goes off to war, even a bridegroom who must leave his room and a bride who must leave the bridal canopy." Wars intended to protect the Jewish people from the threat of an enemy require total mobilization with no exceptions. All of the State of Israel's wars, from the War of Independence to the last one, fall under that category.

Unfortunately, draft-dodging has become the province of two sectors in Israeli Jewish society. One camp - which defines itself as religious - hides behind coalition agreements and refuses to recognize its religious obligation to don a uniform. Israeli Jews who shirk their responsibility and do not join the army are accountable not only to their compatriots, but also to God. They are avoiding the strictures of a commandment for which there are no exemptions.

The second sector follows the Western orientation, according to which the individual's self-fulfillment is more important than the common good. A lack of motivation for giving your body and soul for the sake of the nation is filtering down into our society. On the one hand, we hear of the self-sacrifice of Israeli soldiers and officers, who waive all their rights to a private life for the sake of the nation, while, on the other hand, we hear of those who are concerned solely with their private interests. Fortunately, the authentic Israeli spirit prevails in all parts of our society and those who have it are willing to give up everything so that we can continue to live in this land.

YNET

Pullout Aftermath

Open the heart to the evacuees

Two years after pullout, suffering, wandering of Gush Katif evacuees continues

Rabbi Yisrael Meir Lau

It's been two years since the "disengagement." At that time I wrote with pain about the tremendous life's work of the residents of Gush Katif, which was collapsing before our very eyes. Yet with all my might I wanted at least to believe in the great white hope that awaits us just around the

corner. I believed that quickly, really quickly, the gates of the heart would be opened. I prayed and I hoped that the gates of wisdom, mercy, and mutual responsibility would be opened, and that a remedy, even a partial one, would be found for the suffering and the terrible misery.

I wanted to believe that at least the problem of uprooted families would be solved in the most correct way, the most intelligent way, and the quickest way. To our great sorrow that did not happen. Even today, two years later, the sad situation is very very far from that hope.

The evacuees have been torn, through no fault of their own, from their home, from their land, from their livelihood, and from the scenery of their childhood. There's no doubt that they were, and have remained, an integral part of society, and like anyone else, they deserve to continue to live among us with dignity. The government owes them – by right and not by charity. The least that the government owes today to our brethren, who were sent by Israeli governments to settle a desolate strip of land, is to return them their lost dignity. Their personal dignity, family dignity, community dignity.

They were not and are not in any way to blame, and we must not allow them to continue to wander – not for one day, not for two, not for weeks, not for months, and certainly not for years – with their children and grandchildren in crowded trailers, in makeshift sites, on kibbutzim that don't want them, and in temporary settlements.

Evacuation continues endlessly

It is frustrating, it is depressing and it causes despair. They were promised permanent housing within two years, and because of bureaucratic and other problems they still have no permanent housing, they do not have jobs, and they do not have a steady income. They have absolutely no idea what is in store for them. I cannot see one good reason, a logical excuse, for the suffering caused by this evacuation to continue endlessly.

On the eve of Tu Be'av 5765 (2005) I visited the home of Shlomo Friedman in Neve Dkalim. Shlomo was a Holocaust survivor who came to Israel and fought in the Golani Brigade. He later headed a large educational institution and was among the first of the pioneers who were called upon to settle Pithat Rafiah. After his home was destroyed in Yamit he and his wife went and built Neve Dkalim. I visited him before his second expulsion from his home in Israel, and after he had undergone catheterization. "How much strength do I still have left to withstand, a third time, the destruction of my house, and wandering?" he asked me, weeping. This year, Shlomo, of blessed memory, is no longer with us.

Gall bladder' liable to burst

Anyone who actually takes an interest gets the general impression that the Gush Katif evacuees have received large sums as compensation, that they are certainly sitting on deposits of gold and silver. Anyone who really knows the sad situation knows that this appearance is mistaken. People have not found their way, they are going through their savings. Many are having existential difficulties. They are coping with forced unemployment, with psychological pressures, with distress, with disease, with children who have lost their anchor.

In an article I published before the evacuation I used the image of the gall bladder, which has an important role in the body's metabolism. This gall bladder, which all of Israeli society has in common, is today inflamed, scarred and bleeding. Every doctor knows how dangerous this gall bladder is, and what great pain the inflammation is causing. If the personal, family, and community hardships caused by the uprooting of thousands of innocent citizens from their homes, which have gone on for two years, are not solved immediately, this gall bladder is liable to burst and to affect the healthy cells that still remain in Israeli society.

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Rav Kook on the Torah Portion Shoftim The High Court in Jerusalem

Authority of the High Court

What happened if the local courts were unable to decide a case? In such cases, the Torah gives ultimate authority to the high court of 71 elders in Jerusalem:

"If you are unable to reach a decision in a case .. Then you must set out and go up to the place that God will choose. You must approach the Levitical priest and the judge who will be at that time.. and you must do as they tell you. You must keep the Torah as they interpret it for you and follow the laws that they legislate for you." [Deut. 17:8-11]

In what areas did the high court have jurisdiction? Was it only in legal, Halachic matters, or also in beliefs and principles of faith?

In other words: is there complete intellectual freedom in thought and ideas, as long as we accept and follow the codes of practical Halachah? Or are there principles of faith that are incumbent upon all to believe?

Prophetic Influence

The two Talmuds appear to disagree about this point. The Babylonian Talmud [Sanhedrin 87a] explains that the cases brought to the high court were legal in nature: "davar - this is Halachah." The Jerusalem Talmud, on the other hand, explains that the cases also included Aggadah, the non-legal side of Torah. What is the basis for this disagreement?

In a letter from 1908, Rav Kook explained that this is the core difference between Torah from Eretz Yisrael and Torah from outside the Land.

The divergent approach of the two Talmuds stems from the fact that prophecy is limited to the land of Israel [see Mo'ed Katan 25a]. The prophetic influence enjoyed by the Torah of Eretz Yisrael affects both its style and basic nature.

Since the Torah of the land of Israel is rooted in the wisdom of prophesy, elaborate discussions are unnecessary. Legal analysis and the interpolation of laws are accomplished through broad overview and prophetic insight. This explains the terse style of the Jerusalem Talmud, where subtle hints are sufficient to decide the Halachah.

The Babylonian Talmud, lacking this prophetic input, required lengthy discussions to clarify and determine the Halachah, using complex legal reasoning. Thus, unlike the expression commonly found in the Jerusalem Talmud - "Ta chazi" (Come and see) - the Babylonian Talmud uses the expression "Ta shema" (Come and hear). "Ta shema" indicates a greater distance from the source, similar to the difference between the clarity of sight versus that which is only heard.

Unity of Halachah and Aggadah

But the difference between the two Talmuds is not limited to style. The author of Chovat HaLevavot wrote in his introduction that matters of faith and belief - the foundations of Aggadic teachings - are not under the jurisdiction of the high court. This, he explained, is because these teachings are not a matter of tradition, but rather the fruit of our intellectual efforts.

This position, however, is not universal. We find other opinions, such as that expressed by Rav Hai Gaon in a responsum regarding the study of intellectual pursuits, that also Aggadic teachings are authoritative.

The opinion of the Chovat HaLevavot is suitable to the form that Torah takes outside the Land of Israel. There, without prophetic influence, beliefs and opinions are based solely on the powers of logic and reason. Since interpretation and innovation in Torah are a matter of intellectual effort, it is natural to distinguish between the detailed study of Halachah, requiring meticulous legal analysis, and the expansive, sublime study of Aggadah. For this reason, the Babylonian Talmud distinguishes between Aggadah and Halachah, stating that the prohibition of "Lo Tasur" (disobeying the high court) only applies to legal matters.

In Eretz Yisrael, however, where Torah is rooted in prophetic influences, the legal and non-legal areas of Torah share a common basis. Tradition and authority exist in beliefs as well as in deeds. Thus, the Jerusalem Talmud rules that the high court's authority also extends to Aggadah.

The Kohen and the Judge

This distinction allows us to understand the wording of the text: "You must approach the Levitical priest and the judge who will be at that time." Why mention both the kohen (priest) and the judge?

These two officials represent two forms of Torah authority. The Kohen represents the Torah that uses prophetic means to ascertain the Halachah. His Torah stems from his status as a messenger of God: "From the kohen's

lips they will guard knowledge.. because he is an angel of the God of Hosts” [Malachi 2:7]. This is particularly true of the High Priest, who required Divine inspiration in order to consult with the Urim and Thummim [Yoma 73].

The judge, on the other hand, represents that form of Torah adjudicated according to logic and legal reasoning. The verse mentions both the kohen and the judge in order to stress that both approaches are valid and binding. If the Torah had only mentioned the kohen, one might think that only a Torah based on prophetic inspiration would retain this authority. And if the Torah had only mentioned the judge, one might have thought that there is no place for Divine inspiration in the Halachic process.

Future Light

It is natural to distinguish between the expansive study of Aggadah and Divine ideals, as opposed to the technical mindset required for intricate Halachic analysis. In the depths of the soul, however, lies an inner aspiration to combine these two areas.

With the revelation of the Messianic Light and increased greatness in the roots of souls, the divide between these two sides of Torah will lessen. The esoteric part of Torah will become more revealed, and the revealed part of Torah will become more transcendent and closer to the mystical side. The Zohar expresses the special connection of the Torah of Eretz Yisrael to the Messianic period with the statement that the Babylonian Talmud is the Temurah, “the exchange,” while the Jerusalem Talmud is the Geulah, “the redemption” [Zohar Chadash Ruth].

“In the end of days, the Divine light will be revealed, and the style of well-founded Halachot will approach that of the Aggadot of the mystical “orchard of holy apples.”” [Orot pp. 89-90]

[adapted from Igrot HaRe'iyah vol. I pp. 123-124, letter 103 (Tevet 5668)]

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Shoftim - Confusing the Accuser - part one

Rabbi Asher Meir

A theme which we encounter repeatedly in the mitzva of Shofar is “confusing the accuser” (Satan). For instance:

1. The gemara tells us that we blow the shofar on Rosh HaShana both sitting and standing “in order to confuse the accuser” (Rosh HaShana 16b).
2. In the siddur of Rav Amram Gaon and in Machzor Vitry, this is given as one reason for the wide variety of different shofar calls we sound on the holiday.
3. The Tur (OC 581) gives it as one reason for blowing the shofar every day in Elul;
4. While the Maharil gives it as a reason why we stop sounding the shofar on the last day before Rosh HaShana.

Let us study the simple meaning and some deeper insights of this concept. The word satan in the Bible seems to mean merely “opponent”. For instance, the angel who obstructs Bilaam’s progress is described as a satan (Bamidbar 22:22), and the captains of the Philistines are afraid that if David fights by their side he will not be an ally but rather a satan, an opponent (Shmuel I 29:4).

But many times we find it has a more specific meaning: an angel who is specially designated by God to act as a prosecuting attorney when He judges men (Zekharya 3:2, Iyov 1,2). Although God already knows all of our thoughts and actions, Divine judgment is described to us in Scripture as following equitable and transparent procedures, with advocates making claims and counterclaims, in order to educate us that this judgment it is not arbitrary but rather fair and balanced.

In the Talmud, we find an additional dimension: Satan is sometimes presented not merely as an accuser, but also as a tempter, someone who confronts our righteousness with trials in order to test us.

While we certainly try to avoid Satan and his judgment and adhere steadfastly to the mitzvot, the Gemara also teaches us that we have to respect his

mission which is after all a necessary part of the administration of justice in the world. When the sage Palemo cursed Satan, Satan came to embarrass him and then rebuked him for his curses. It’s enough to ask Hashem to keep Satan far away; it’s not necessary to curse him (Kidushin 81b).

Let’s return to confusing Satan by blowing the shofar. The Ran brings an explanation related to the idea of Satan as tempter, identified with “the evil urge”: The stirring sound of the shofar instills awe in the listeners and subdues their urges and temptations.

But most commentators seem to associate “confusing Satan” with the idea of Satan as accuser. For example, Rashi writes that sounding the shofar when the congregation is both sitting and standing impresses him with our devotion to the mitzvot; the result is that he is timid in his accusations. Tosafot explains that when he hears the persistence of the shofar (because it is blown so often) he will think that he is hearing the shofar of the final Redemption, when his job comes to an end (because righteousness will reign) (Rashi, Tosafot and Ran on Rosh HaShana 17b).

The Maharil (a Rishon who wrote a compendium of customs) gives a slightly different explanation: The shofar announces the day of judgment, which enables Satan to know when he is summoned to “court” to present his case against men. But when the shofar is blown so many times, he may become confused and “miss his court date”. Of course Satan is a loyal public servant and will keep coming back each time the shofar is blown in Elul, but then the shofar is omitted on Rosh HaShana eve and he may conclude that the case is over and he can just pack up.

Satan has shown himself to be a remarkably devoted and resourceful functionary, and it is probably not so easy to fool him. But we also must remember that his function is not to cause us suffering, but rather to create accountability in the world in order to motivate us to righteousness.

When we hear the shofar in Elul, it’s not only Satan who remembers that judgment day is approaching; we ourselves are reminded. We allow ourselves to be fooled into seeing the Prosecutor right away; thus we subdue our urges (as the Ran states) and are stirred to repentance. When we hear the shofar blast numerous times and ways on Rosh HaShana, staying in shul hours beyond what we are accustomed yet without impatience, we are astounded at our own devotion to mitzvot; this truly silences the accuser. (As we find in Rashi.) When we reach Rosh HaShana in a state of perfect repentance, we may find that our righteousness is so complete that we don’t win our case, we actually find it dismissed “for lack of public concern”. After all, the purpose of the judgment itself is only to give an incentive for right conduct; when we find ourselves independently motivated to act rightly the trial is superfluous and the prosecutor can go home. (As we find in Tosafot and the Maharil.)

The various customs of blowing the shofar have the effect of “tricking” us into preparing for judgment well in advance; thus we find ourselves well prepared on the Days of Awe and the prosecution will be muted and confused.

Rabbi Asher Meir is the author of the book Meaning in Mitzvot, distributed by Feldheim. The book provides insights into the inner meaning of our daily practices, following the order of the 221 chapters of the Kitzur Shulchan Arukh.

Weekly Halacha Overview

R. Joshua Flug

The Requirement to Check Food for Insects

In listing the laws of which species may be eaten and which may not, the Torah (Vayikra 11:41), prohibits eating insects. The practical application of this prohibition does not focus on those who desire to eat insects, but rather on eating food items that may contain insects. This week’s issue will discuss the parameters of what foods require inspection for insects. [The article will not attempt to apply these discussions to specific foods. Please consult your local kashrut organization for specific guidelines regarding which foods require inspection.]

The Visibility of the Insect

Insects, by their nature, are difficult to spot. This is because of a combination of two factors. First, insects are small. Second, insects are able to hide themselves either through camouflage or by entering small crevices in the food. The challenge of finding these insects presents us with two questions: Is there a minimum size that the insect must be in order for it to be considered prohibited, and what is the status of insects that are hidden so well that they are very difficult to spot?

In dealing with the question of the minimum size of the insect, R. Yechiel M. Epstein, Aruch HaShulchan, Yoreh De'ah 84:36, writes that any creature that is not visible to the naked eye is not prohibited. While R. Epstein's principle eliminates all microscopic organisms from this discussion, there is still a grey area. There are certain insects that are visible to the naked eye, but are too small to be discernable as insects without magnification. They appear as very small dots to the naked eye. This issue is addressed by R. Shlomo Z. Auerbach (cited in Shemirat Shabbat Kehilchata, ch.3, note 105). R. Auerbach was originally of the opinion that in order for an insect to be prohibited one must be able to see the actual movement of the insect with the naked eye. However, R. Auerbach retracted his position when he heard that Chazon Ish was stringent on the matter. [See also, Darkei Teshuva 84:45, for a similar discussion.]

Regarding insects that are hidden, the discussion centers on a different issue. There is a halachic concept of mixtures (ta'arovet), and depending on the type of mixture, there are different standards of nullification. Tosafot, Chullin 95a, s.v. Sfeko, note that if the prohibited item is recognizable within the mixture, it is not considered part of the mixture and therefore not subject to the rules of nullification. For example, if someone were to spot an insect on the surface of a food item and eat that food item, it is tantamount to eating the insect by itself. There are certain instances where the prohibited item is not recognizable per se, but is easily removable through a certain process. For example, many times an insect can be removed from a food by washing the food a certain way. Should the insects in that food be considered part of the food or a separate entity?

This issue is addressed by Rama, Yoreh De'ah 98:4, in the context of a different discussion. Rama rules that if prohibited fat (chelev) falls into a mixture such that the fat represents less than one-sixtieth of the mixture, the fat should technically be considered nullified and the mixture should be permissible. Nevertheless, Rama rules that one must attempt to remove the fat by pouring cold water into the mixture and causing the fat to congeal. Rama considers a prohibited item that is removable through a process to be a distinct item and not part of the mixture.

There is a dispute regarding the nature of Rama's ruling. The source for Rama's ruling is a comment of Issur V'Heter HeAroch 23:9, which implies that the requirement to cause the fat to congeal is a rabbinic stringency and failure to remove the fat does not render the mixture prohibited. For this reason, R. Yonatan Eibeschutz, K'reiti U'Pleit, 98:6, rules that if the process of removing the fat will ruin the food, one is not required to do so. However, P'ri Megadim, M.Z. 98:7, disagrees and maintains that if the fat is removable it is as if it is recognizable and is not considered part of the mixture. Therefore, failure to remove the fat renders the item non-kosher.

According to P'ri Megadim, there is a potential biblical prohibition to eat a food item that contains insects that are removable through a washing process. According to R. Eibeschutz, the obligation to perform this washing process is rabbinic in nature.

Nullification

Based on the previous discussion, it is arguable that there are certain instances where nullification of the insects is a possibility. According to P'ri Megadim, it is applicable in cases where there is no possibility of removing the insects. According to R. Eibeschutz, it is even applicable in cases where the insects are removable but only through a process that would ruin the food. However, the Gemara, Chullin 99b, presents a major limitation to the nullification of insects. The Gemara states that any whole creature cannot be nullified in a mixture. Therefore, Shulchan Aruch, Yoreh De'ah 100:3, rules that if there is an insect in a mixture and one cannot find the insect in order to remove it, the entire mixture is prohibited.

The rule that a whole creature is not nullified only applies if the creature is intact. If the insect is not intact, the regular rules of nullification can be applied. This will generally be accomplished when a food item is cooked or baked. Therefore, Shulchan Aruch, Yoreh De'ah 84:9, rules that if one cooked a food item that was not checked for insects, one may eat that food item. [It is clear from Rashba, Torat HaBayit 3:4, who is the source of Shulchan Aruch's ruling, that this only applies if there is a doubt whether there is an actual insect in the mixture.]

Shulchan Aruch's leniency is limited to a situation where one already cooked the food. He does not allow cooking the item in place of inspecting the food for insects. Nevertheless, R. Shlomo Z. Auerbach, Minchat Shlomo Tinyana no. 63, rules that if one is preparing food for many people, and it is very difficult to check each individual piece, one may cook the item after a proper wash was performed. This wash must be thorough enough that there is a good chance that the wash itself removed the insects.

Level of Infestation

Many food items that are subject to infestation do not necessarily contain insects in every piece of food. Through experimentation (formal and informal), certain statistics are available regarding the infestation level of food items both before and after washing the food. Is there a level of infestation that is tolerable and one may eat the food item without any further inspection?

There is a concept of following the statistical majority (rov), which dictates that if from a statistical perspective, majority of the instances do not entail a prohibition, one should not be concerned with the minority. However, the rabbis instituted that one should be concerned for the minority if the minority occurs commonly. This is known as miut hamatzui. [The concept is mentioned by Tosafot, Avodah Zarah 40b, s.v. Kol based on the Gemara, Yevamot 121a.] If the minority is a miut hamatzui, one must check for the existence of the prohibition

R. Ya'akov of Karlin, Mishkenot Ya'akov, Yoreh De'ah, no. 17, suggests that if the prohibited item occurs 10% of the time, one must check to see if the prohibition occurred. R. Shmuel Vosner, Shevet HaLevi 4:81, posits that miut hamatzui is not a function of a specific statistic. Rather, any situation where there is a known minority in all locations and all situations, one must check for the minority.

Assuming that one would permit eating an item whose infestation level is less than 10%, one must still determine the size of the sample in which one measures the 10%. R. Yosef S. Elyashiv (cited in Bedikat HaMazon Kehalacha ch.4 note 4) rules that the infestation level is determined by the amount of food that is being served at that particular time. If one is serving many people, one must check for insects until there is less than 10% chance that there is one insect in the entire stock. R. Shlomo Z. Auerbach, Minchat Shlomo Tinyana no. 63, assumes a similar position. R. Hershel Schachter (cited in Madrich Kashrut pg. 107) assumes a more lenient position. According to R. Schachter, as long as there is less than a 10% chance that there is an insect in a given serving, there is no requirement for further inspection.

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The Jerusalem Post Aug. 9, 2007 The First Word: An Empty Ceremony In London Emanuel Feldman

“I don't believe it,” exclaimed my London friend, “You are actually going to waste your time watching the changing of the guard at Buckingham Palace? You're going to stand there gawking with all the tourists at empty pomp and ceremony? Don't you have better things to do?”

I felt intimidated because I did in fact have better things to do, and I agreed that it was a waste of time. But I rarely get to London, have never seen the changing of the guard and was curious to see what was so appealing to millions of people from around the world. So I boarded the Underground to Green Park and strolled through the park over to Buckingham Palace. As everyone knows, the palace and the monarch are never left unprotected.

They must always have a guard. Even though in our day there are dozens of ways, electronic and otherwise, to guard the palace, the presence of human guards is nevertheless mandatory.

This is reminiscent of the Temple in Jerusalem. Surrounding it at each of its many gates and entrances were Levite guards. They too were not needed for protection, but were on duty because, in the words of Maimonides, although no one feared that bandits or thieves or enemies might break in, "one cannot compare a palace without guards to a palace with guards." It is a matter of honor, prestige and glory that such a place always be protected. Would Buckingham Palace be less secure if the guards wore ordinary uniforms instead of their elegant, full-dress, scarlet-and-black raiment, high black bearskin caps - which weigh more than 11 kilos - and white gloves? And if the guards sat on chairs or slouched or chatted with one another - would the palace be less safe? Certainly not.

But how much more majestic it is when the guards stand ramrod straight, look ahead and barely blink an eye - as guardsmen have done ever since 1485. AND THEN at precisely 11:30 in the morning, the guard changes. There is a 40-minute parade of 50 guardsmen, who march, play martial music, stride in lockstep, stand at attention, present arms - all to carry out the formality of relieving the earlier guards of their morning duties. Why can't these replacement guards simply walk in, salute and take their places, while the old guards simply stroll away? Why all the precision and formality? Because ritual and ceremony are not meaningless. There is a certain beauty in them. We may scoff, but deep within us we love and need pomp and pageantry in our lives. It lends beauty to drab existences, adds an element of majesty and grandeur to lives that are ordinary. Yes, we scoff, but it is precisely pomp and circumstance that our spirits crave.

Beyond all this is the sense of majesty and monarchy that is evident here. In the democratic West, we have no sense of an all-powerful king. Presidents, prime ministers, heads of state go out of their way to show that they are just like everyone else. This is the essence of democracy. Kingship, monarchy, sovereignty is the stuff of fairy tales.

Even in our daily prayers, it is not easy for modern Jews to identify with the constant references to a King or "King of Kings." Never having experienced a living monarch, we find the concept of kingship foreign. Watching the changing of the guard in front of London's splendid palace gives us a glimpse into what monarchy once signified. The queen who resides in this palace is now relatively powerless, but it was not always so. Entire countries once quaked because of the flash of the royal pinkie. Today's pageantry offers an intimation of the awe and reverence once given to mortal kings, and we begin to comprehend that which is due the eternal King of Kings. AS I watched the precision of the marching, I also sensed the inner need for order and predictability in our turbulent lives. The guardsmen march robotically within a precisely defined orbit, not one step too many, not one step too few. They turn at the same precise point, carry their arms at the same precise location. They symbolize that which we most lack in our chaotic lives: a sense of coherence and structure, an antidote to the randomness that seems to pervade us.

Fascinating: Order out of chaos is the theme of God's creation of the universe. Genesis 1:2 describes the pre-creation universe as "unformed and void." It connotes a period when the universe was one big soup with no defined boundaries.

How does God go about the process of creation? First, He makes order out of the chaos. He separates light from darkness, and gives each its own

parameters. Then He gives each its own predictable, constant, unchanging mode of operation. Then He separates the day from the night, the waters from dry land, the heavens from the earth.

The word "separation" is found again and again in the first chapter of the Torah. God creates His universe by eliminating chaos. He does so by introducing a sense of order into nature, a sense of predictability and coherence. Except For Adam and Eve. They are given free will and, being human, they are unpredictable and without order. They will have to find their own way. But deep within them is also implanted the inchoate desire for order. To satisfy this need of His creatures, God gives mankind occasions like Shabbat and holy days, daily obligations and mitzvot, many dos and don'ts - all to help humanity escape chaos and randomness and find structure and order. I went to Buckingham Palace prepared to scoff at the gawking tourists who were wasting precious time to view an empty performance. But I realized that what the crowds see helps satisfy one of the great cravings of the human soul: the desire for ritual, ceremony, beauty and majesty encased in a package of discipline, tradition, structure and coherence.

And I also came away with an enhanced appreciation for the meaning of kingship, and my own heritage, which antedates 1485 by thousands of years, and which - in obeisance to its own monarch - fills the Jewish soul with a cornucopia of beauty, structure, ceremony, discipline and coherence.

The writer served as a rabbi in Atlanta, Georgia, for 40 years, is past editor of Tradition magazine and is the author of numerous articles and books.

TALMUDIGEST :: Yevamot 107 - 113
For the week ending 18 August 2007 / 4 Elul 5767
from Ohr Somayach | www.ohr.edu
by Rabbi Mendel Weinbach

STUDYING, DOING AND TEACHING Yevamot 109b

"One who declares that he serves G-d only with his Torah study has nothing more to his credit than Torah study."

This seemingly simplistic statement of Rabbi Yossi is explained by the gemara in two radically different ways.

One approach is based on Rabbi Papa's interpretation of the passage (Devarim 5:11) "You shall learn them (the laws of the Torah) and keep and do them" as indicating that only one who acts in accordance with his learning is considered as having acquired the merit of Torah. It follows then that one who limits his service of G-d to only Torah study lacks the merit of that service as well.

Another approach is that Rabbi Yossi was addressing the fellow who teaches others to fulfill the commandment that he does not and assumes that he will be credited with their performance. According to this more generous approach he will indeed receive credit for his Torah study but not for the actual performance of the mitzvot that he expects to be credited to him.

We might add that if he does those same mitzvot as well as teaching about them he will be credited as well with the performance of his students.

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