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ONCE AGAIN ELUL :: Rabbi Berel Wein

The month of Elul has arrived with all of its awe, anticipation and subdued excitement. It is the final month of the old year but it is always seen in Jewish tradition as the entry month of the new year. It is seen as a month of preparation, introspection, self-analysis and personal commitment to self-improvement and spiritual gain. In previous times and circumstances, absent instant communication and constant availability, Elul was truly able to take on this somber anticipatory mode. However in our distracting, overly busy, information-bombarded society Elul seems doomed to take on the hues of an ordinary month no different than Tevet for example.

Politics, domestic and foreign, security threats and countermeasures, the beginning of a new school year with all of the family adjustments attendant to this momentous time in the lives of so many, plus the usual and regular hassles of ordinary daily life, all conspire to push the spiritual Elul to the back recesses of our behavior and thoughts. That is too bad for a proper Elul leads to a meaningful observance and appreciation of the great and awesome holidays of Tishrei.

Elul, so to speak, is the charger for our life battery that allows it to be fully functional in Tishrei and in the months beyond. We have all experienced the frustration of a dying battery on our cell phone or laptop computer at a vital moment. Well I think that this is how our soul feels if it was not somehow meaningfully recharged in the month of Elul. It runs out of power at crucial moments of our life. And that is usually the time that we need it most.

Elul is not a quick fix month. Rather it demands of us small increments and gradual improvements in behavior and speech. The sudden, wrenching, all-or nothing approach to self-improvement, like crash diets and desperate almost impulsive decisions and policies bring only further disappointment and frustration with one's self. The Talmud records for us a number of instances of people who performed evil acts and suddenly completely regretted and repented from those acts and thereby gained immortality for their souls. However in each of those instances the penitent died on the spot.

A 180 degree turn while driving at high speed is almost inevitably a fatal course, no matter how necessary or commendable that turn may be. Elul seeks a change of commitment and direction in one's thinking and lifestyle but it seeks it in a gradual, healthy and normal fashion. In fact, Elul is the height of normalcy, of how to behave as a decent human being, at home, at the workplace, on the road in the automobile and in the synagogue and marketplace. The highest expression of fealty to God and the Torah lie in the small things in life, in the words of Rashi and Midrash "in those things that a person unwittingly crushes under one's heel." Elul teaches us that only by paying attention to the small things in life can one adequately prepare one's self for the great challenges of life and the new year that will surely arrive.

The sounding of the shofar in the month of Elul lends a sense of immediacy and drama to Elul. Small things never are a big deal. But Jewish tradition has chosen to make a big deal out of Elul. Because as I have previously stated the small things in life shape our fortunes, attitudes and purposes. Maimonides famously compares the sounding of the shofar in Elul to a wakeup call. But it is more than that. It is a sound that is both jarring and soothing, reassuring and challenging. The sounds of the shofar reflect accurately these moods of Elul itself – challenge, direction and spiritual growth. They are incremental short sounds that lead to a longer note of serenity and satisfaction.

Elul reflects these ideas of ultimate triumph and redemption. The note of serenity at the end of the series of shofar soundings is the harbinger of the ultimate redemption of the Jews both individually and nationally. There are no shortcuts to that final note – to the great tekiah. The difficult short sounds must precede it. And Elul is the necessary precursor to this

challenge of greatness that the Lord demands of us. Only by preparation can achievements truly occur. Elul serves as the entrance foyer into the great Jewish palace of purpose, holiness and immortality. In the words of Avot, "prepare yourself in the foyer so that you may then enter the palace in a proper fashion."

Shabat shalom.

Weekly Parsha :: SHOFTIM :: Rabbi Berel Wein

Though most of the attention in the opening parsha of Shoftim is devoted to judges and the judicial system of Israel, the Torah does specifically mention the necessity for shomrim – police - to enforce the law and the decisions of the judiciary. In fact one may make a clear argument that a fair, impartial and efficient police force is as necessary for the proper functioning of society as is a judiciary blessed with those qualities.

A corrupt police force is the hallmark of a doomed totalitarian society. A lawless country that has no proper police enforcement of just and mutually agreed upon statutes is a place of chaos that no one should ever wish to live in. All of the standards of righteousness, fairness, impartiality and holiness that are listed in the Torah regarding judges apply in the same vein and intensity to police personnel as well. A society that cannot trust its police force to be fair and honest is a society of fear- one that only breeds mistrust and eventually crime within itself.

The examples of this truth in past history and current events are too numerous to mention. Since police are usually armed and are empowered to use necessary physical force when they deem the occasion warrants it, police who do not subscribe in practice to the moral code that the Torah sets for them become a danger instead of a blessing to the general welfare of society. The social fabric of our own society has been badly frayed by instances of police misconduct. The Torah holds police to a high standard of behavior and morality. We should not allow a lower standard for the sake of some sort of expediency.

Jewish police are still something of a rarity in the Jewish psyche. The Germans used them in the ghettos of destruction that they established. The police themselves were eventually also liquidated by the Germans but they were widely viewed by the limited number of ghetto survivors as being reprehensible people. The police in Israel were originally viewed as an heroic group, part of the ethos and culture of the "new Jew" fostered by the early secular Zionist pioneers. Over the past few years some of this original luster has dimmed due to police misconduct, corruption and inefficiency.

Petty personal squabbling among the leaders of the police has also led to the tarnishing of the police image. The police claim to be underpaid and overworked which certainly may be true. The Torah's admonition of creating an effective police force nonetheless remains in place. The public perception of the police is often as important as is its actual effectiveness.

A lack of public trust in police behavior and probity endangers the entire balanced structure of a law abiding society. As such, the Torah's declaration in this week's parsha regarding the judiciary and the police remains intensely relevant in our time as well. There is a special prayer in the Amidah for the welfare of our judiciary.-and the police are subliminally included in that prayer as well.

Shabat shalom.

Ohr Somayach :: Torah Weekly :: Parshat Shoftim

For the week ending 6 September 2008 / 6 Elul 5768

by Rabbi Yaakov Asher Sinclair

Overview

Moshe tells Bnei Yisrael to appoint judges and officers in their cities. A bribe of even an insignificant sum is forbidden. Trees are not to be planted near Hashem's altar, as was the way of idolaters. Blemishes in animals designated for offerings and other points of disqualification are listed. The Great Sanhedrin is to make binding decisions on new situations according to Torah criteria to prevent the fragmentation of the Torah. A very learned scholar who refuses to accept the Halachic decisions of the Sanhedrin incurs the death penalty. A Jewish king may only have possessions and symbols of power commensurate with the honor of his office, but not for self-aggrandizement. He is to write for himself two sifrei Torah, one to be kept with him wherever he goes, so that he doesn't become haughty. Neither the kohanim nor the levi'im are to inherit land in the Land of Israel, rather they are to be supported by the community by a system of tithes. All divination is prohibited. Hashem promises the Jewish People that He will send them prophets to guide them, and Moshe explains how a genuine prophet may be distinguished from a false one. Cities of refuge are to be provided an accidental killer to escape the blood-avenger from the deceased's family. However, someone who kills with malice is to be handed over to the blood-avenger. Moshe cautions Bnei Yisrael not to move boundary markers to increase their property. Two witnesses who conspire to "frame" a third party are to be punished with the very same punishment that they conspired to bring upon the innocent party. A kohen is to be anointed specifically for when Israel goes to war, to instill trust in Hashem. Among those disqualified from going to war is anyone who has built a new house but not lived in it yet, or anyone who is fearful or fainthearted. An enemy must be given the chance to make peace, but if they refuse, all the males are to be killed. Fruit trees are to be preserved and not cut down during the siege. If a corpse is found between cities, the elders of the nearest city must take a heifer, slaughter it, and wash their hands over it, saying that they are not guilty of the death.

Insights

Ultimate Payola

"...for the bribe will blind the eyes of the wise" (16:19)

There are a few ways to make a hit record. You could write a great song and make it into a terrific record. But there are a lot of good records out there. How can you make sure that whenever someone turns on their radio they're going to hear your record?

In 1960 a famous New York disc jockey's reputation and career were destroyed when he was indicted on commercial bribery charges and accused of taking money to play records.

While the '50s investigations and the congressional payola hearings of 1960 focused on disc jockeys, the 1972 "Project Sound" investigation by the U.S. Attorney's Office in Newark, N.J., went after a larger target. That investigation looked into claims that a major record label had bribed radio stations to play records. As a result of those investigations 19 people were indicted in 1975.

The specter of payola continued to haunt the music industry. In late 1976 Congress and the FCC once again investigated the business, including concert promoters. And the issue came up yet again in 1986 when the practices of independent record promoters were called into question.

The music industry is certainly not the sole domain of payola. Wherever there is money and power, there will be people prepared to exploit the weakness of others for their own ends.

But don't think that payola rules only amongst the seedy and the unscrupulous. All of us are susceptible to bribery.

In this week's parsha the Torah prohibits taking bribes. The Torah doesn't define the lower limit of what is called a bribe, and thus, implicitly, a bribe could even be a few pennies.

Similarly, since the Torah gives this commandment without any qualification, it follows that there is no ceiling as to who might be affected by a bribe. Thus even as lofty a soul as Moshe Rabeinu could be influenced by a bribe.

The Torah is teaching us that even the greatest people can be influenced by the smallest amounts. Naturally, there will be a sliding scale: a small bribe will affect a great person very little, a large bribe more so; a small bribe will influence a lowly person somewhat, and a great bribe — considerably.

In other words, the more elevated the person the less will be the effect of even a large bribe, and smaller the person the greater will be the effect of even a small bribe.

However, what emerges clearly from the Torah's blanket statement 'the bribe will blind the eyes of the wise' is that everyone is susceptible to bribery. It's impossible not to be affected at all.

It should come as no surprise, therefore, why people are reluctant to become religious.

When it comes to being religious, we are looking at a payola scandal that dwarfs anything the music business could come up with.

And what's the bribe?

If the Torah required us to eat in all the best treif restaurants in the world, if indulgence in the 'flesh pots' were a mitzvah, a lot more people would be observant.

The ultimate barrier to faith in G-d is not logical but psychological.

Subconsciously, we know that if we accept the Torah, it's going to 'cost us'. We're going to have to stop driving to the golf club on Saturday morning.

Rabbi Samson Raphael Hirsch once said, "Belief is not the knowledge that there is a G-d, but rather the acknowledgment."

If the smallest of bribes could affect even Moshe, then how much more are we, who are light-years from Moshe's level, susceptible to the greatest bribe of all — to do exactly what we want, when we want. That's the ultimate payola.

Sources: Rabbi Elchonon Wasserman, Rabbi Nota Schiller

Peninim on the Torah by Rabbi A. Leib Scheinbaum

PARSHAS SHOFTIM

Justice, justice shall you pursue. (16:20)

Everybody wants justice, but how far are you willing to go to acquire it? The Torah enjoins us to "pursue" justice, run after it. Rashi explains that the idea of pursuing justice demands that we make every effort to seek out the most competent court to hear the case when a dispute involves another Jew. This applies even if it is a simple-- open and shut--case that any court could easily adjudicate. The Sifsei Chachamim adds that the claimant must go to the most learned and impartial court. We wonder to whom this law applies. Certainly not to a deceitful person who has no respect for the law and whose level of integrity is sorely lacking. Anyone intent on cheating another Jew will blatantly disregard this law. Apparently, the Torah is addressing an honest person, one who is a paragon of virtue, who feels that he has been cheated and would like to retrieve his hard-earned money. He believes in what he is doing, is confident in his position and would have no problem going to any court. Yet, the Torah insists that he go to a *bais din* of knowledgeable judges, the finest, most reputable judges to be found. Why should one who is certain that he is right have to travel far to attend the court of a famous judge even when there is an adequate *bais din* right in his own back yard?

Horav A. Henach Leibowitz, zl, explains that it is all a question of standards. The Torah requires us to maintain a maximum standard of integrity and honesty. We must always introspect, asking ourselves: Are we really sure that it is the way we claim? Are our motives above reproach, or is there a subtle hint of inappropriateness involved here? Horav Simchah Bunim, zl, m'Peshischa was wont to say, "Even the tzedek, justice, must be pursued with tzedek, righteousness." The end does not justify the means. A holy goal must be achieved by equally holy means. He would add, "All of the *siyagim*, fences, were erected by Chazal for the purpose of protecting us, so that we do not inadvertently commit a sin. The only *harchakah*, demanding distancing, from a sin which is Biblical is the admonishment, *Midvar sheker tirschak*, "Distance yourself from a false word." (Shemos 23:7) The Rebbe asked, "What is the difference between one who hates falsehood and one who loves honesty? One who despises sheker, falsehood, hates the entire world, because there is no one who is not tainted by a slight vestige of falsehood. The one who loves honesty loves the entire world, because everybody has a little integrity within himself."

Returning to the explanation of why the Torah demands that one seek the most competent court, even if it is a simple case and the claimant knows that he is right. It is our responsibility to protect the individual whom we are accusing. Thus, we are to eliminate even a slight chance that a court which is not that adept might adjudicate the law against the accused, thereby causing us to take someone else's money inappropriately. The Torah wants us to choose a court of law, not because it will grant us the best deal, but rather, because it will be the most accurate and precise, making sure that the accused will not be inadvertently wronged. In other words, we are not just out to win - we are out to seek the truth, regardless of the consequences.

If the Torah expects the individual to go that extra mile, regardless of how much trouble it might be, just in order to avoid the remote possibility of unintentional dishonesty, how much more so must he bend over backwards to refrain from any action that is questionable in nature. This does not mean direct dishonesty - but "questionable" actions, regardless of the percentages. A Jew should be the paragon of integrity in all of his dealings because that characteristic is integral to being a Jew. One must beware of the liar more than of the thief, because a thief steals one's money, while a liar steals his mind.

The Maggid, zl, m'Kelm would say, "The liar is even more disgraceful than the thief. The thief fears people; therefore, he commits his evil under the cover of darkness, hidden from sight and sound. The liar has no compunction about his acts of prevarication. He lies constantly, blatantly and publicly. The thief steals from individuals, while the liar has no problem lying even to the largest group of people. Clearly, he is more reprehensible. The truth cannot tolerate anything counterfeit, because forgery is the "father" of falsehood. This is why Hashem's signet is emes, truth. Whereas any other signet can be forged, truth cannot. An imitation of the truth is no longer the truth.

In areas of kashrus, we are careful to demand the highest standards of supervision. If the symbol on the label is not representative of the most stringent form of kashrus supervision, we will not buy the product. Furthermore, we have no qualms about degrading anyone who does not maintain our standards of kashrus. Do we act with such integrity when it concerns our wallet? Why is it that the same people who are so exact with kashrus look for every loophole in their financial dealings, seeking to rationalize the most serious financial impropriety? The Rosh Yeshiva cites the Mesillas Yesharim who explains that man, by nature, desires money. To be truly free of money's influence requires a great deal of introspection and meticulous care. One who has achieved this zenith in human behavior, who has cleansed himself of this overpowering evil inclination, has truly reached a pinnacle in spirituality. Many individuals achieve epic levels of piety in many areas, but perfection in financial dealings seems to elude them.

Horav Chaim Soloveitchik, zl, related that the townspeople asked him if they were permitted to participate in a seudas mitzvah given by a known thief. Rav Chaim immediately summoned the thief to his home and asked him, "What would you do if you had occasion to burglarize a home on Shabbos?" The thief replied, "I would proceed as usual."

"If the act of theft necessitated lighting a candle or breaking a lock on Shabbos?" asked Rav Chaim.

"I would do it," the thief answered.

"Suppose it was the home of a gentile, and you discovered non-kosher foods, such as cartons of pork?"

"I would steal it and sell it to a non-Jew."

"Why would you not eat it yourself?" queried Rav Chaim.

The thief reacted with shock. "Eat pork? How dare you say that! Do you think that I am not a Jew?"

Rav Chaim was not phased. "Tell me," he asked, "How can you act with revulsion towards one Torah prohibition and totally disregard so many others?"

The thief looked at Rav Chaim incredulously and said, "I do not understand your question, Rebbe. Stealing is the way I earn a living, but how does that pertain to eating pork? I am still a Jew. Am I not?"

A person can grossly distort any situation if he feels that his livelihood is threatened. No prohibition stands in his way. He finds a way to rationalize it. Incidentally, Rav Chaim did allow the townspeople to attend the seudas mitzvah.

One of the Chassidic masters said that the yetzer hora, evil inclination, is willing to concede a person's adherence to the entire Torah in return for getting him to concede falsehood. This is compared to punching a hole in the bottom of a pitcher, because regardless of how much water one pours in, it will all run out. I think the worst, and quite possibly the most damaging form of lying, is lying to oneself. Self deception is a malady to which we are all prone. Rationalization is nothing more than lying to oneself. One who has deceived himself is beyond hope, since now he thinks that everything he does is correct. Indeed, the greatest form of self-deception is when one convinces himself that the sin he is about to commit is actually a mitzvah. It happens all of the time, and Heaven help him who attempts to prevent us from carrying out the "mitzvah"!

In conclusion, I cite a story that should give us an idea concerning the meaning of truth. The Chozeh, zl, m'Lublin, dispatched two emissaries to Tomashov to bring back a certain Reb Mendel, whom he wanted to have as a disciple. They spent some time in the city and found no one named Reb Mendel whom they felt fit the description of a talmid of the Chozeh. They decided to conceal themselves in the shul. Perhaps someone who was concealing his identity would enter and act "accordingly."

It was just past midnight when a young man meekly entered the bais medrash, approached the aron hakodesh and tearfully began to recite Tehillim. At one point, he opened the Aron and, with a heartrending voice, cried out, "Ribono Shel Olam, show me at least a hairsbreadth of truth!" At that moment, the Rebbe's emissaries came out of hiding and exclaimed, "We are emissaries of the Rebbe of Lublin. If you are seeking truth, come with us to Lublin." The young Mendel joined them, and shortly thereafter became the renowned Rebbe of Kotzk, an individual who exemplified and championed absolute truth.

Few of us pray for the truth, simply because we think in our little minds that we already possess it. The Kotzker knew better. The following story demonstrates the simple meaning of truth, and how much it meant to an ordinary Jew. On the other hand, any Jew who is so aware of the truth and practices it is not an "ordinary" Jew! Rabbi Avraham Twerski, in his, "Lights Along The Way," relates the story of Herschel, an immigrant from Russia, who grew up at a time when easy access to yeshivos was fairly difficult. While he was not a Torah scholar, he was a devout, believing Jew whose fidelity to the Torah way was uncompromising. He earned his living by collecting rags and scrap metal. When he became ill, and he realized that the end of his journey on this world was imminent, he called for his son in order to give him the following instructions. Immediately upon his death, he was to open a certain drawer and follow the instructions written therein on a paper.

In the drawer, his son discovered a bag with silver dollars in it. Attached to the bag was a note that read: "My son, the silver dollars in this bag are dollars I received throughout the years as a result of the mitzvah of Pidyon HaBen, Redeeming of the Firstborn. While I always tried to conduct my business dealings with utmost integrity, I cannot be certain that I never inadvertently overcharged anybody. This money, however, is mine without question. I earned it honestly, because my father was a Kohen and I am a Kohen, so this money is mine legitimately. Therefore, I wish that my tachrichim, shrouds, and all burial expenses be paid for with this money. I realize that my merits before the Heavenly Tribunal are few, but perhaps when I appear before the Almighty in garments that were purchased with honest money, He will look upon me with compassion."

He certainly was no "ordinary" Jew.

He shall write for himself a duplicate of this Teaching in a book...It shall be with him; he shall read from it all the days of his life. (17:18,19)

When the king ascends the throne, his first act shall be to write for himself a copy of the Torah. By doing this he acknowledges that he is not above the law, but rather that the law is his immutable guideline for life. A king who abides by the letter and the spirit of the law, presents himself as a

fitting model for the people to emulate. The king is commanded to read from the Torah "all the days of his life." How is that achieved? After all, he is the king, and as the chief executive of the country, he must certainly have a number of obligations that are time consuming. How does he adjust the "days of his life," so that he is constantly studying the Torah, while simultaneously administering to the needs of the country and its people?

The Chasam Sofer, zl, explains this from a practical perspective. One must understand the nature of the Torah in order to perceive its inestimable significance to every aspect of our lives. It is not merely a book of wisdom, law and narrative. The Torah is Divinely authored and, therefore, is unique in its ability to inspire. Indeed, as the Ramban writes in the preface to his commentary to the Torah, every wisdom found in the world is already concealed in the Torah. Furthermore, this applies not only to the klal, general community, but to each and every individual Jew. In the Torah, he will find an answer to every vexing circumstance in his life. He must know where to look and how to "view" it.

This is to what the Torah is alluding when it says that the king should read in the Torah "all the days of his life." The Torah should be with him at all times. It should be his lens through which he views every situation that arises. He should read in it all of the time, because the answer to every issue confronting him as king and as an individual is to be found in the Torah. "All the days of his life" - every incident of his life should be interpreted by the Torah. It should never leave him, because without it he does not have the ability to achieve a clear perspective. The Torah defines "all the days of his life."

Who is the man who has built a new house...Let him go and return to his house, lest he die in the war and another man will inaugurate it. (20:5)

When Klal Yisrael goes to war, the people know that their success or failure is dependent only upon Hashem. He fights for them and, thus, they have nothing to fear. In a milchemes reshut, discretionary war, the Mashuach Milchamah, Kohen Gadol -who has been specifically anointed to lead them during the battle-- proclaims that not everyone is to be drafted. Those who have deep-rooted fears are not permitted to join the army, lest their self-imposed fear spread to the other soldiers. Three people who would be concerned about dying are singled out: one who just recently married and is still in his shanah rishonah, first year of marriage; one who recently built a house; and one who recently planted a vineyard. In these cases, the individuals are deeply concerned that if something were to happen to them, another person would conclude what they had only begun. This fear is compelling. Therefore, these men are asked to return home. Their weakness will impact others.

This law begs elucidation. Imagine an individual who has a large inventory of real estate, houses and estates in various cities, worth millions, is mandated to go to war. Yet, the fellow who has just purchased a small ramshackle hut must return from the battles - not because he is afraid for his own safety - but because he is concerned that someone else will take care of his property. He has a tiny new vineyard; he goes back. The fellow, however, who has orchards and fields galore, acres and acres of fruits and vegetables, he can go to war. The one who has a house full of children at home goes to war, even though he "might" be concerned with who will care for his orphans if he does not return from battle. Certainly he has sufficient reason to worry, but not as much as the man who has just entered into matrimony. Does this sound reasonable? Should it not be the other way around?

Horav Yosef Sholom Elyashiv, Shlita, explains that the person who owns many homes does not think about them individually. Thus, his mind does not constantly revolve around them. The poor man who has never had anything, but finally is able to acquire a small home - this is his palace. He does nothing but think about it all day. It is his life, his hope, his destiny. This applies whenever a person has "one" of something, and is especially true if he has waited some time for it. Such a person will not focus his mind totally on the battle, which is an attitude necessary in order to achieve victory in battle.

These three dispensations do not apply to a milchemes mitzvah, in which Klal Yisrael must fight to eradicate the land of its pagans, so

that they can assume their rightful ownership over Eretz Yisrael. In reality, what use is a new home, a new vineyard, a new life - if Eretz Yisrael is not freed? There is no joy in our homes if we do not have our homeland. If a corpse will be found on the land...it was not known who smote him. (21:1)

Communal responsibilities and collective guilt are lessons to be derived from the Eglah Arufah, the Axed Heifer. It is a tragedy when a Jew is found murdered with no witnesses or suspects to his death. The elders of the town nearest the corpse must perform a public ritual in which they declare that they had nothing to do with this unfortunate man's death. They beg forgiveness from Hashem if - as a result of neglect or indifference- they have contributed to the individual's untimely death. The Talmud in Sotah 47b makes an interesting statement. They ax a heifer only under such circumstances in which they have no clue whatsoever concerning the identity of the murderer. If, however, there is someone - even if he is on the other side of the world - who is aware of the identity of the murderer, the Eglah Arufah ritual is not performed. This statement is enigmatic. What is the difference if a witness to the murder exists thousands of miles away? Right now he is not here, and there is no way to bring him here. Furthermore, even if he were to come and testify to the murder, it would be to no avail, since we do not accept the testimony of only one witness in most cases of Jewish law. In addition, according to halachah, if there happens to be a murderer with an infamous track record in the area, the ritual is not performed. Why? After all is said and done, we have no proof of his culpability. We still do not have our murderer. Why should we not perform the ritual of Eglah Arufah ?

Horav Tuvia Lisitzin, zl, explains that a situation in which we are clueless concerning the identity of the murderer is worse than a situation in which we know who he is and can not act upon that knowledge. When one has no idea who the murderer might be, it is indicative of a much more serious and malevolent state of affairs. It means that there exists a person in the community who, to all appearances, seems to be a fine, upstanding member of the community, when, in fact, he is actually a murderer! Is there something worse than that? When the community possesses such an individual in their midst, and the elders are unaware of his existence, they must truly offer penance.

Va'ani Tefillah

Tov Hashem lakol, v'rachamav al kol maasav.

Hashem is good to all, and His compassion is upon all His works.

The Chovas HaLevavos explains that, due to Hashem's great beneficence, He has endowed every father with a sense of compassion for his young, to the point that fathers care more about their offspring than they do about themselves-- or, at least, they should. Furthermore, this middah, attribute, of mercy extends to all mankind. We have compassion for others only because Hashem has conferred that wonderful middah on us. Thus, the Beer Shmuel, Horav Shmuel Rosenberg, zl, explains the meaning of this pasuk, "Hashem is good to all": Hashem, Himself, in His great compassion performs acts of goodness for all mankind. Regrettably, most of us are blind to these acts of lovingkindness and do not understand the benefits of His actions.

Moreover, "His compassion is upon all His works": He has bestowed His compassionate Essence on all of His works, so that they will also experience this sense of compassion and share it with others. Indeed, most creatures have a sense of mercy on their young. This feeling is accorded to them by Hashem. Last, the Chovas HaLevavos says: "Hashem is good to all" - even when one experiences what seems to be the vicissitudes of life, when his situation appears bleak and miserable, he should be aware that this too is part of Hashem's good. "All" that comes from Hashem is good. We do not always realize what is good, but we must acknowledge it.

Sponsored by Rabbi and Mrs. Sroy Levitansky in memory of Mr. Sol Rosenfeld Shlomo ben Tzvi a"h

**Rabbi Yissocher Frand on Parshas Shoftim
The System Must Prevail – Right Or Wrong**

In this week's parsha, we are commanded to adhere to the teachings of the Jewish Court: "According to the teaching that they will teach you and according to the judgment they will say to you, shall you do; you shall not deviate from the word they will tell you, right or left." [Devorim 17:11] Not only is there a positive command to listen to a Jewish Court, but moreover there is a negative prohibition of deviating from that which they tell you.

The Sefer haChinuch formulates the negative prohibition: "We are forbidden from arguing with the transmitters of tradition (ba'aley haKabbalah) or from changing their instructions or deviating from their guidance in all Torah matters." As is his literary style, the Chinuch delves into the reason behind this commandment:

The nature of human beings is that they are argumentative and have disagreements. People view things differently. The Almighty realized that if everyone had the ability to interpret Torah according to their own understanding of the pasukim [verses], anarchy would reign amongst the Jewish people. Such an approach would be a recipe for disaster and the Torah would quickly disintegrate into a multiplicity of legal codes. Therefore, it is incumbent on the masses to follow the central authority of the Jewish High Court.

Lest we think that this only applies to the Sanhedrin that sat in the Hewn Chamber on the premises of the Holy Temple, the Chinuch continues: "And thus it is to be in each and every generation that the masses must listen to the Sages (of that generation) who received their tradition with much diligence and effort from the Sages of previous generations. And concerning this matter, the scripture enjoins us not to deviate from the words of our teachers 'to the right or to the left'. Our rabbis have interpreted this to mean that even if they tell us that what we think is our right hand is our left hand and what we think is our left hand is our right hand, we should accept their teaching." (Sifrei)

How can this be so? If we empirically know that the Sages are wrong, then why listen to them? The Chinuch addresses this question:

"Even if they are in error about a certain matter, it is inappropriate for us to dispute them and we should go along with their error. It is better to suffer with their single mistake (rather than undermine their authority), so that in general their good advice will remain sovereign and the masses will always be bound by their wise authority." In other words, they may be wrong on occasion but it is better for the "system" that they not be questioned, even about their obvious errors. Once people start arguing with the Sages, the entire infrastructure of Rabbinic authority will collapse. Once the system collapses, it's all over! It is better live with the mistake, rather than destroy the whole system.

Rav Hutner once wrote the following letter to a congregation honoring their Moreh d' Asra [Rabbi] (who was a former student of Rav Hutner's) on the occasion of his tenth anniversary with the congregation:

People do not appreciate what a Moreh d'Asra represents. In large cities, there was always the tradition of having a 'City Clock' on top of a high tower. Superficially, people assume that the purpose of having a clock so high up is so everyone will be able to see the correct time from a great distance. The real reason, however, is that if the clock were easily accessible to everyone (without a ladder) then everyone would look at their own watch and adjust the clock based on what he perceived to be the correct time. Each person would think: "The City Clock is wrong!" That was the wisdom of putting the clock so high up that people would have to set their watches by the City Clock.

Rav Hutner noted that the Moreh d'Asra must be the 'City Clock'. He has to be put on a pedestal. His opinion has to be above everyone else's. If the Moreh d'Asra is just like anyone else, people will try to set the opinion of their Moreh d'Asra according to their own personal opinions. One person will turn him one way and another person will turn him another way, and the net result will be chaos. Therefore, a Rav must occupy a position like the City Clock. "Set not the Rav's opinion according to your opinion; set your opinion according to the opinion of your Rav."

The Sefer HaChinuch explains the Gemara in Bava Metzia relating to "the oven of Achinai". Rav Eliezer had a dispute with the Sages about a matter relating to the laws of ritual impurity. Rav Eliezer invoked all kinds of

supernatural events to prove the veracity of his position. However a Bas Kol [Heavenly Voice] proclaimed: "It is not in Heaven" – meaning that rules of the Torah cannot be decided by miraculous signs. The policy "majority (opinion of Torah Sages) rules" (acharei rabim l'hatos) is sacrosanct. Therefore the halacha was established like the Sages and not like Rav Eliezer, despite all the signs from Heaven that Rav Eliezer was able to invoke to "prove" the correctness of his opinion.

The Gemara concludes with a postscript. Rav Nasan found Eliyahu the prophet and asked him what the Almighty was doing at that moment when the heavenly proofs were rejected and the halacha was established like the majority opinion. Eliyahu responded that G-d (as it were) smiled and said: "My children have defeated me."

The Chinuch explains this exchange as follows: In an absolute sense Rav Eliezer was right in his position and the Sages were wrong. However sometimes there is a principle that is even more important than the truth. "Following the majority" is such a principle. One must follow the majority, right or wrong! Truth becomes almost secondary if applying the truth would violate one of the Torah's rules of jurisprudence.

This is the exact same idea that the Chinuch introduces regarding the mitzvah of following the Sages "even if they tell you right is left and left is right." Even if the Chachomim are making a mistake, there must be a system for the Torah to continue. The system is that there must be an authority. Not everyone can pasken for himself and view things from his own perspective.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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Rabbi Michael Rosensweig

TorahWeb Foundation.

Ahavat Hashem: The Teshuvah of Chodesh Elul

The month of Elul ushers in a period of intensive introspection and urgent repentance that culminates with the yamim noraim (days of awe), Rosh Hashanah and Yom Kippur. The fact that we sound the shofar until Rosh Hashanah and cap our prayers with the psalm 27, Le-David Hashem Ori ve-Yishi, during this period highlights the broader effort to stimulate a meaningful awakening (see Rambam, Hilchos Teshuvah 3:4 –"uru yesheanim mi-shinatchem") to repentance.

We have noted elsewhere (The Significance of Rosh Chodesh and the Month of Elul) the view cited by the Meiri (Chibbur ha-Teshuvah, p. 250) that "Dirshu Hashem behimazeo kerahu bihiyoto karov", alluding to Hashem's increased accessibility, refers not only to the period between Rosh Hashanah and Yom Kippur (Rosh Hashanah 18b) but to the entire month of Elul. We have suggested that the relationship between Elul and the yamim noraim is a dialectical one. While Elul necessarily focuses on preparation for the yamim noraim, the proximity of yom ha-zikaron and yom ha-din and the history of Elul during the aftermath of the egel hazahav transgression, provide an incentive and climate particularly conducive to developing certain facets of avodat Hashem that are also integral to teshuvah.

The special emphasis of Elul is perhaps reflected in the primary motif of the ubiquitous Le-David Hashem Ori. The Malbim (27:1,4,7,12) notes that this psalm exclusively accentuates the desire for an enduring and deeper connection to Hashem. It conveys the theme that devekut ba-Hashem (clinging to the Divine) is the ultimate goal rather than a means to some other end. Achieving a genuine relationship with Hashem eclipses all other interests; all other requests are significant only to the extent that they facilitate the enhancement of this relationship. "Achat sha-alti mei-eit Hashem oto avakesh shviti be-veit Hashem kol yemei chayai..." encapsulates the simple but profound ambition to attain that relationship. Perhaps this theme is underscored repeatedly during Elul because Elul is the time in which the relationship between Hashem and Kelal Yisrael was reinstated and also refashioned in the aftermath of the sin of the egel, as Moshe ascended the heavens to receive the reworked second luchot. The Tur (581) explains that "alah Hashem be-teruah" (Psalm47) refers to

Hashem's elevation in response to Kelal Yisrael's formal renunciation of the idolatry that doomed the first luchot and jeopardized the entire relationship.

Against this background, we can better appreciate the Abudraham's thesis that Elul is an acronym that conveys the reciprocal love of Hashem and the Jewish people ("ani le-dodi ve-dodi li") that is at the core of this relationship. The entire thrust of Shir ha-Shirim is based upon the premise of mutual love and affection between Hashem and his nation. Chazal consistently develop this theme. Mattan Torah is perceived as a kind of marriage contract. The twenty four books that comprise the canon of Torah she-biktav are compared to the jewels that adorn a bride (ke-kalah hamekushetet). Moreover, this intense bond transcends marriage, as it is irrevocable (See Rav Soloveitchik, *Family Redeemed*, p.63). The verse in Hoshea (2:21) attests to the permanence of the marriage –"ve-eirastich le-olam". In Eichah (1:1), the abandonment of Yerushalayim and the rejection of the nation is compared to a widow, not a divorcee, and even that comparison is imprecise ("ke-almanah"- see Rashi). The prophet Isaiah (50:1) remonstrates with the nation, reminding them that Hashem never divorced/rejected the nation; it was their improper behavior that alienated them from Him.

Elul focuses particularly on reasserting and refining the relationship between Hashem and Kelal Yisrael founded upon intense ahavat Hashem and rooted in reciprocity. The perspective of irrevocable mutual love and reciprocal commitment implied by "ani le-dodi ve-dodi li", reinforced by the "achat shaalti mee-eit Hashem" of Le-David Hashem ori, and the reformulated contract of the second luchot evoked by the daily shofar also contributes significantly to the effectiveness of repentance in preparation for the yamim noraim. Authentic repentance requires sincere regret (charatah), heartfelt embarrassment, and a future commitment (Rambam, *Hilchot Teshuvah* 1:1, 2:2). The capacity to achieve these three requirements is immeasurably enhanced by the framework of the irrevocable relationship that is reinforced during Elul. One can only truly muster deep regret and embarrassment when the relationship that is damaged is one that is indispensable to one's very existence and when the alienated party is an integral part of both one's past and future.

The gemara in Yoma (86a) distinguishes between teshuvah me-ahavah (repentance flowing from love) and teshuvah me-yirah (repentance motivated by fear). While the Rambam does not formally and explicitly register this distinction, he does reflect the centrality of ahavat Hashem in repentance in a more subtle but perhaps more profound way. The culminating chapter of *Hilchot Teshuvah* (ch. 10) is devoted to ahavat Hashem as a goal distinct from any functional benefit. The Rambam focuses on the method of achieving this telos and how this affects the performance of mitzvot and the study of Torah. Clearly, he intends to convey that achieving this level in the relationship with Hashem is the ultimate purpose of repentance, though it also transcends repentance. Indeed, the final chapter of repentance transitions into the Rambam's next volume, entitled *Sefer Ahavah* (Book of Divine Love) that is dedicated to expressing ahavat Hashem through the performance of mitzvot. It is noteworthy, that Rambam (10:3) compares the intensity and single-minded focus of ahavat Hashem to that of an all-consuming marital relationship, invoking Shir ha-Shirim. The ani le-dodi ve-dodi li theme of Elul emerges clearly.

Rav Chayim of Volozhin postulates in *Nefesh ha-Chayim* that teshuvah mei-ahavah is most effectively attained by increased Torah study. This idea confirms our analysis, as Torah study is the primary mechanism to engage and enhance the relationship with Hashem. The haftarah of Shabbat Shuvah emphasizes this as well- "kechu imachem devarim veshuvu el Hashem" (see the midrash link to kaarof kamator likchi etc.). Our obligations and opportunities in the month of Elul should inspire us to ever greater spiritual aspirations that will jointly advance our ahavat Hashem and facilitate a teshuvah sheleimah (complete repentance).

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Portion of the Week / Sitting in judgment

By Benjamin Lau

As Rabbenu Bachaya notes in his commentary on this week's reading, society's well-being depends on its judges: "The judicial system maintains peace within a society, because, in the absence of such a system, lawlessness rules - with crimes of theft, injustice and even murder - and the world cannot survive." According to our sages' interpretation, the world's survival depends on the existence of a judicial system, as it is written in Pirkei Avot (Chapter 1): "The world is founded on three pillars: justice, truth and peace." The Bible tells us, "... execute the judgment of truth and peace in your gates" (Zechariah 8:16). Judges establish the peace on which the entire world is dependent, which is why the Torah commands us to appoint a court of law for each city gate.

Here the Torah warns judges: "Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the Lord thy God giveth thee" (Deuteronomy 16:19-20).

According to Nahmanides, the repetition of tzedek (justice) in verse 20 ("Justice, justice shalt thou pursue") signifies that both judges and the public are responsible for the proper functioning of the entire legal establishment: "The reason for the doubling is that judges must be just in their verdicts and that the individual must also constantly pursue justice by always seeking justice in communities where great scholars reside."

Not only is Nahmanides implicitly challenging the judicial system's infallibility, he is even advocating a competitive "free market" in this realm: We must each choose the court of law best suited to us, and the courts must be efficient and just because, in the final analysis, the public will also judge them.

A fear of corruption in the judicial system is reflected in the commentary of Don Isaac Abravanel, treasurer of the Spanish government immediately prior to the expulsion of the Jews of Spain in 1492. He notes that, in Castille, Aragon and Naples, the Crown appoints judges, while, in other lands - some parts of the Spanish kingdom, France and "all the western lands" - the public appoints them. However, he adds, the "prince of all prophets, Moses, makes it clear that the people, not the monarch, must appoint Israel's judges; in other words, each individual tribe must appoint the judges worthy to preside in its cities. Thus, the Torah instructs us: 'Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes' [Deut. 16:18]. God entrusts the appointment of judges to the tribes; they, not the monarch, will appoint the judges, who will sit in judgment at the gates of their cities."

Translated into contemporary terms, Abravanel is saying there are two entities that are eligible to appoint judges: the central government or the people. Clearly, he prefers the latter option; apparently, he saw firsthand the corruption of the judicial system, which was under the Spanish Crown.

Potential danger

However, history shows the potential danger of the public appointing a cadre of judges. In our midrashic literature, "Now it came to pass in the days when the judges ruled ..." (Ruth 1:1) is read as "when the judges were judged" and the following comment is made: "Sad is the lot of a generation that judges its judges."

Rabbi Solomon Ephraim of Luntshitz, or Kli Yakar (chief rabbi of early 17th-century Prague), deals with this issue, drawing our attention to the juxtapositioning of "Judges and officers shalt thou make thee in all thy gates" (Deut. 16:18), and "Thou shalt not plant thee a grove of any trees near unto the altar of the Lord thy God, which thou shalt make thee" (Deut. 16:21). (Here "grove," ashera, refers both to the Phoenician goddess of prosperity and fertility, Ashtoreth/Astarte, possibly identified with Aphrodite/Venus, who was worshiped by the ancient Canaanites, and to the trees in her honor that marked the site where rituals of her worship were held.)

Kli Yakar relies on a Talmudic passage: "Resh Lakish says, The appointment of a corrupt judge is equivalent to planting a grove to worship Astarte in the Land of Israel, for the Torah tells us, 'Judges and officers

shalt thou make thee in all thy gates" and soon afterward tells us, "Thou shalt not plant thee a grove of any trees near unto the altar of the Lord thy God, which thou shalt make thee"" (Babylonian Talmud, Tractate Sanhedrin).

Utilizing this commentary, Kli Yakar writes: "In our own era, there are so many idolatrous groves planted in each city, whether a Talmudic scholar dwells in that city or not. Even when there are Talmudic scholars distinguished in the study of Torah, who are righteous individuals, their wisdom is discounted and people appoint their cronies or appoint those whom they can flatter (and thus profit from) or oppose the appointment of their enemies. This lacuna is evident in most of our communities; Abraham's descendants would honor themselves by terminating this practice."

We have two methods to choose from. On the one hand, there is the demand that judges be appointed by the public; this was the view advocated by Abravanel, who was disgusted by the selection of judges who became the Spanish Crown's lackeys. On the other hand, there is the approach that underlines the dismal state of a legal establishment whose judges are appointed by the people. It is hard to determine what is preferable. Apparently, when all is said and done, the public will trust its judges only if it trusts its government.

The haftarah this week comes from the Book of Isaiah, where the prophet laments a situation in which leaders ignore their duties and neglect their public: "There is none to guide her" (51:18). However, toward the end, Isaiah says he hears the footsteps of the messenger heralding an era of peace and prosperity. Until that time arrives, we ourselves will have to assume responsibility for our society's well-being.

Rabbi Dr. Abraham J. Twerski
(TorahWeb Foundation)

My Own Struggle with Low Self-Esteem

People often ask me, "Is it true that you've written over fifty books? How did you find time, with your busy schedule to write so many books?" I tell them that I did not really write fifty books. I wrote one book, in fifty different ways.

Almost everything I write relates in one way or another to the theme of self-esteem. I define self-esteem as a true and accurate awareness of one's skills, capabilities and limitations. The importance of this should be obvious. A person can adjust optimally to reality only to the degree that one's perception of reality is correct. An incorrect perception of reality is a delusion, and someone who is delusional cannot possibly adjust properly to reality. For example, if a person who does not have a cent to his name but because he has the delusion that he is a millionaire buys expensive cars, clothes and jewelry, he is going to get into serious trouble. Or, if a person who does not know how to drive takes a job as a truck driver, he will soon be in trouble.

I am an important part of my reality, indeed, the most important part. If I am delusional about myself, there is no way I can live a happy and productive life. If I happen to be bright but think that I am dull, if I am personable but think myself to be undesirable, if I am handsome and think myself to be homely, I am delusional, and my distorted self-concept precludes an optimal adjustment to life. Indeed, I believe that the overwhelming number of psychological problems that are not of physiologic origin are invariably due to low self-esteem, i.e., to a distorted self-concept in which a person grossly underestimates oneself.

The feelings of inadequacy and unlikeability are very painful, and the unconscious mind exercises a number of maneuvers to shield a person from this pain. These maneuvers can result in suboptimal behavior and a variety of symptoms. I described some of these in *Life's Too Short*.

I emphasize the problem of low self-esteem because I was a victim of this condition, but had no idea that this was so, just as any delusional person has no idea that one's perceptions of reality are incorrect. In retrospect, I did many things to protect my fragile self-esteem, things that were costly to myself and my family.

I first became aware that I had a self-esteem problem at age thirty-eight. For three years, I had been director of a huge, 300 bed psychiatric facility with a very busy emergency room. If a nurse could not reach an attending doctor, I was called. Every other night I was on call to the emergency room. On a good night, I was awoken only five times; on a bad night, ten or more times.

I had a vacation coming, and was desirous of getting away from an impossibly hectic situation. I sought a vacation spot that would allow me to do nothing other than vegetate. I wanted no sightseeing or activities. I finally decided on Hot Springs, Arkansas, which promised to allow me total rest.

The industry of Hot Springs is horse-racing, which begins in mid-February. I reached Hot Springs in December, when there was nothing doing in town. Most of the stores were boarded up. It was the vacation spot I had hoped for.

Having had low-back pain for years, I thought I would take advantage of the mineral-water baths, which were touted as producing miraculous results. I was taken into a tiny cubicle, and an attendant gave me two glasses of hot mineral water which was naturally heated deep in the earth. Then I was put into a tub of these magic waters, and the whirlpool was turned on.

I felt I was in Paradise! No one could reach me—no patient, no nurse, no doctor, no family member, no social worker, no probation officer—I was beyond reach. And in this paradisaical situation, I was bathing in nature's own hot-water. Who could ask for more?

After about five minutes, I got up and said to the attendant, "That was wonderful! Just what I'd been hoping for."

The attendant said, "Where are you going, sir?" I said, "Wherever the next part of the treatment is." The attendant said, "First you must stay in the whirlpool for 25 minutes."

I returned to the bath, and after five minutes I said, "Look, I have to get out of here." The attendant said, "As you wish, but you cannot go on with the rest of the treatment."

I did not wish to forego the treatment, so I returned to the tub for 15 minutes of purgatory. The hands on the clock on the wall did not seem to be moving.

Later that day, I realized that I had a rude awakening. I had taken three years of constant stress without difficulty, but I could not take ten minutes of Paradise! Something was wrong.

On return home I consulted a psychologist. He pointed out that if you asked people how they relaxed, one would say, "I read a good book," or "I listen to music," or "I do needlework," or "I play golf." Everyone tells you what they do to relax. However, relaxation is an absence of effort. One does not do anything to relax. What most people describe as relaxation is actually diversion. You divert your attention to the book, needlework or golf ball.

Diversions are perfectly OK, but they are actually escapist techniques. Work and diversion are fairly healthy techniques. Unfortunately, some people escape into alcohol, drugs, food or gambling.

In the cubicle at Hot Springs, I had no diversions: nothing to read, nothing to look at, nothing to listen to, no one to talk to, nothing to do. In absence of all diversions, I was left in immediate contact with myself. I could not remain there long because I didn't like the person I was with!

Why are people using a variety of escapist maneuvers? What is it that they seek to escape? Very often it is from themselves. If, as was the case with me, they have an erroneous self-concept, they cannot stand being with themselves.

People assume that low self-esteem is caused by parental neglect, abuse, comparison to other siblings, illness or failures. None of these applied to me. I had loving parents and a nanny who thought I was G-d's gift to the world. I was a chess prodigy, and achieved excellence in school that enabled me to graduate high school at 16. There was simply no logical reason for me to feel inferior, yet I suffered from low self-esteem and was not aware of it until the incident at Hot Springs.

What may be the cause or causes of low self-esteem, the symptoms that result from it and what one can do to overcome it are discussed in my

books *Let Us Make Man, Life's Too Short, Angels Don't Leave Footprints and Ten Steps to Being Your Best*.

You may say, "I know myself thoroughly, and I know that I am unlikable or dull or unattractive or impersonal. Those are facts, and it's not my imagination."

That's the way I felt even after being a psychiatrist for several years. If you find that you have any of the traits I discussed in *Life's Too Short*, you are suffering unnecessarily from low self-esteem. Do whatever it takes to get over this.

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Rav Kook List

Third of Elul: Stay in the Land!



*Dear list recipient,
With Rosh Hashanah around the corner, I wish to convey my warm wishes for a wonderful New Year, full of good health and good news, to all members of the Rav Kook dvar Torah List. I began sending out these weekly essays eleven years ago (!) in an effort to bring Rav Kook's special Torah of Eretz Yisrael to English-speaking audiences. The readership has grown steadily over the years, now reaching over 2,600 recipients from around the world. As a Google Group, members can subscribe/unsubscribe on their own.*

Occasionally someone asks me: what happened to the website? Don't worry, it's still around, just at a new address, <http://ravkooktorah.org>.

In honor of Rav Kook's 73rd yahrzeit today, the third of Elul, I am sending a short story about Rav Kook's last conversation with his doctor (see below).

*May we all be inscribed in the book of life, blessings and peace! With wishes for a Shanah Tovah uMetukah, a good and sweet year,
Chanan Morrison, Mitzpe Yericho, Israel
3 Elul 5768*

Third of Elul: Stay in the Land!

One of the last people to speak with Rav Kook before his death was Prof. Hermann Zondek. Director of Jerusalem's Bikur Cholim hospital, the professor treated Rav Kook in a guest house in the Kiryat Moshe neighborhood of Jerusalem during his final illness. The following story reveals the rabbi's remarkable concern and empathy for all people he came in contact with - even during his last hours, when suffering intense pain.

Prof. Zondek was one of the first victims of the rise of Nazism in Germany. In 1933, while treating patients, Zondek was called to his office. There the SS informed Zondek that he was dismissed from his position as director of the Berlin City Hospital - taking effect immediately. His service during World War I as a military physician, his highly-respected medical research, and his well-placed patients - including German chancellors - counted for naught. That very night, Zondek left Germany. He would later write: "It was only after leaving Germany that I understood that until 1933 the Jews lived in a fool's paradise."

Final Request

Two years later found the doctor in Jerusalem, treating the aged chief rabbi in his final days. "A person's true nature is revealed during illness," he noted. "The Rav bore his terrible suffering with wisdom."

"In his final hour," Zondek recalled, "he was in severe pain. The room was full of people; his colleague-student Rabbi Yaakov Moshe Charlap sat by his bed. About half an hour before his death, the Rav took my hand and told me with great emotion:

"I hope that the great sons of our people will not leave our land, but will remain here to help build it up. Please, stay here in the Land of Israel!"

Prof. Zondek continued:

"The truth is that this event took place not long after I had come to the country. I had many difficulties adjusting. Much was not to my taste, and I was strongly considering leaving the country. But the Rav's heartfelt appeal, at that critical juncture, was one of the most important factors that helped me decide to stay in our land. As a result I put down roots here."

[Adapted from Shivchei HaRe'iyah, p. 304. Background information on Prof. Zondek from <http://www1.yadvashem.org>.]

Comments and inquiries may be sent to: RavKookList@gmail.com

YatedUSA Parshas Shoftim 5 Elul 5768

Halacha Discussion

by Rabbi Doniel Neustadt

Blessings for Pleasant Fragrances

Just as one may not derive pleasure from food or drink before reciting a proper blessing, so too, one may not enjoy a pleasant fragrance before reciting the appropriate blessing.¹ There are four² different types of blessings that can be recited over pleasant³ fragrances⁴:

1. Borei atzei vesamim: Recited over fragrant shrubs and trees or their flowers (e.g., myrtle, roses⁵).
2. Ha-nosein⁶ reich tov ba-perios: Recited over fragrant, edible fruits or nuts. Many poskim rule that nowadays, when fruits are generally grown for their taste and not for their smell, one should avoid smelling these fruits, since it is questionable if a blessing is required.⁷ During the entire Yom Tov of Succos, the esrog should not be smelled at all.⁸
3. Borei isvei vesamim: Recited over fragrant herbs, grasses or flowers. (Note: most people say besamim, however, according to the rules of dikduk, vesamim is probably correct.)
4. Borei minei vesamim: Recited over a blend of spices of different species or of undetermined species. It is also recited over pleasant fragrances of animal origin, e.g., musk.

On Motza'ei Shabbos, the proper blessing is Borei minei vesamim — no matter what type of fragrance is being used.⁹

The blessing is recited immediately before one intends to smell the pleasant fragrance. B'diavad, one may recite the blessing within a few seconds after he smelled a pleasant fragrance.¹⁰

Question: Are there situations where one would not recite a blessing over a pleasant fragrance?

Discussion: A blessing over a pleasant fragrance is recited only over an object whose purpose is to exude a pleasant fragrance. If the object is primarily for another purpose — even if the object is sweet-smelling — no blessing is recited.¹¹ Some examples:

- ◆ One enters a kitchen while food is being cooked or baked. Since the purpose of the cooking or baking is not to create a pleasant aroma, no blessing is recited.¹²
- ◆ Flowers in a vase exude a pleasant fragrance. Since people usually buy flowers for their beauty, one who walks by and smells them does not recite a blessing. If, however, the flowers are picked up and smelled, a blessing must be recited.
- ◆ The fragrant smell of a backyard garden, etc. does not require a blessing. This is because a garden is usually planted for its beauty, not for its smell. If, however, one bends over and cups a flower in his hands in order to smell it, a blessing must be said.¹³
- ◆ Many florists display flowers so that their fragrance will attract customers. In such a case, the proper blessing must be recited over the fragrance even if one did not pick the flowers up and even if he has no intention of smelling them.¹⁴ If, however, the flowers are displayed just for their beauty, or are packed up for storage, no blessing is said even though the flowers smell good.¹⁵
- ◆ A cup of coffee is poured for the purpose of drinking. No blessing is said over the aroma since the purpose of pouring the coffee is for drinking and not for its aroma. If, however, one specifically opens a fresh jar of coffee in order to smell it, a blessing is recited.¹⁶ No blessing should be recited over instant coffee.¹⁷

- ◆ No blessing is recited over air purifiers, deodorants, soaps, etc., since their purpose is to remove foul odors.18 In addition, many poskim rule that no blessing is recited over perfume, since its fragrance is a result of chemical processes, not natural ones.19
- ◆ Smelling an item to test if it smells good or if it is fit for purchase does not necessitate a blessing.20

- 1 O.C. 216:1. A berachah acharonah, however, was not instituted for pleasant fragrances; Mishnah Berurah 216:4.
- 2 A fifth type of blessing, rarely recited, is Borei shemen areiv. This is recited over sweet-smelling oil derived from the balsam tree grown in Eretz Yisrael.
- 3 One who does not enjoy a particular fragrance does not recite a blessing.
- 4 We have listed the blessings in order of priority when one is reciting blessing on more than one type of fragrance; see Pri Megadim 216:19.
- 5 Mishnah Berurah 216:17.
- 6 This is the nusach which is quoted by most poskim and all siddurim. Chayei Adam 61:2 and Mishnah Berurah 216:9, however, substitute Asher nosan for ha-nosein.
- 7 See Chazon Ish, O.C. 35:5-7, and Vezos ha-Berachah, pg. 177.
- 8 Mishnah Berurah 216:53 and Beur Halachah, s.v. ha-meiriach. See Halichos Shlomo 1:23-37, that an esrog which will be used on Succos should not be smelled even before the Yom Tov begins.
- 9 Mishnah Berurah 297:1. Even if fruit is used; Aruch ha-Shulchan 297:4.
- 10 Halichos Shlomo 1:23-38.
- 11 O.C. 217:2. See also Mishnah Berurah 217:1; 216:11.
- 12 Sha'ar ha-Tziyun 216:46.
- 13 Ruling of Rav Y.Y. Fisher (Vezos ha-Berachah, pg. 178); Az Nidberu 14:11.
- 14 Mishnah Berurah 217:1-2.
- 15 If they are picked up in order to be smelled, a blessing is recited. See note 16 for the view of Chazon Ish.
- 16 Mishnah Berurah 216:16. Chazon Ish (O.C. 35:5-7), however, rules that if the coffee jar is going to be returned to the kitchen, then no blessing may be recited over it. In his view, a blessing is recited only when the spices are designated for smelling only and serve no other purpose.
- 17 Rav Y.Y. Fisher (Vezos ha-Berachah, 4th edition, pg. 174).
- 18 Mishnah Berurah 217:10; 216:41; Aruch ha-Shulchan 217:5.
- 19 Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 61, note 32). This is also the view of Rav M. Feinstein (quoted in The Radiance of Shabbos, pg. 132, concerning Havdalah) and Rav Y.S. Elyashiv (quoted in Vezos ha-Berachah, pg. 181 and Avnei Yashfei 2:16).
- 20 Kaf ha-Chaim 216:3; Rav C.P. Scheinberg (Vezos ha-Berachah, pg. 179).

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Shoftim - Order of Putting on Tefillin
Rabbi Asher Meir

Past columns have discussed various aspects of the mitzva of tefillin. In this column we will put together some of these insights to see how the entire order of putting on tefillin carries a powerful message of proper priorities in spiritual growth.

TIME OF TEFILLIN

The first stage in the mitzva of tefillin is for the proper time to arrive. Although Torah law permits wearing tefillin at any time, the sages prescribed that tefillin can be worn only during the day. When does the day begin for this purpose? The gemara tells us that it is when a person can distinguish an acquaintance from a distance of four amot (Berakhot 9b, SA OC 30:1).

Actually, the mishna gives a number of signs which tell us when this time has arrived, for example the time when we can distinguish a dog from a wolf. Even though the actual times are roughly the same, the halakha chose to use specifically the criterion of being able to distinguish one's friend. This teaches an important moral lesson: before we are permitted to worry about our spiritual level by performing "religious" mitzvot like tefillin, we must be on an acceptable humane level where we are capable of discerning and recognizing our fellow man.

A CLEAN BODY

Before we can put on tefillin, we need to have a clean body - free of bodily wastes as well as abhorrent thoughts (SA OC 37:2). The gemara says that we need a clean body "like Elisha of the wings", and goes on to explain that due to Elisha's self-sacrifice in wearing tefillin, his tefillin were

miraculously transformed into dove's wings to save him from the Roman authorities which forbade tefillin.

Rav Kook explains how this miracle relates to the idea of cleanliness for tefillin. He writes that tefillin represent the unique spiritual level of the chosen Jewish people, who have a unique covenant with HaShem. However, this level needs to be built upon a solid foundation of integrity and thoughtful conduct in everyday affairs. This is the Divine inheritance of all mankind, and is expressed through the mundane but crucial prerequisite of "a clean body". Once this foundational, universal element of derekh erez is firmly ingrained, the tefillin are like birds wings which enable us to soar above this level (Shabbat 49a and Ein Ayah commentary).

ORDER OF THE TWO TEFILLIN

The hand tefillin is placed on the arm and next to the heart; this signifies sanctity of our actions and emotions. This tefilla is put on before the head tefillin, which signifies purity of thought. The crowning heights of spirituality are achieved only when we sanctify our thoughts and intellect, but this summit can be reached only with the proper preparation (SA OC 25:6). Also, we are not allowed to interrupt between the two tefillin (SA OC 25:9); we recognize that sanctity of action is not the ultimate end, and we need to maintain a striving for encompassing holiness which also includes our thoughts.

So we see that the "ladder of spirituality" is as follows: We need to start with ordinary humanity, or menschkeit - acknowledging our fellow human being. From there we can progress to moral integrity. Afterwards it is appropriate to sanctify our acts, and then our thoughts.

DEVIATIONS FROM THE IDEAL

A further insight is attained by examining deviations from the ideal:

Time of putting on tefillin: Tefillin can never be worn at night, but if someone has to leave early for a trip they can be put on a little before the time and the berakha is said at daybreak (SA OC 30:3). Someone who is completely benighted shouldn't adopt even the external trappings of sanctity; this is a mere travesty. But if a person is still on the way he doesn't have to refrain from appearance of sanctity; at the same time he should know that he hasn't really accomplished anything if he lacks menschkeit - no blessing is said until daybreak.

Cleanliness: Tefillin can never be worn without a clean body. This teaches that without integrity no spiritual elevation is possible.

Order of tefillin: The order of hand and head tefillin is important enough that we pass over the head tefilla to don the hand tefilla first (SA OC 25:6). Yet if we lack the hand tefilla we should put on the head tefilla alone, and vice versa (SA OC 26).

Even though proper acts should precede and serve as the basis for our pure thoughts, there may be situations where there are psychological or practical obstacles to improving our behavior. Someone who finds it impossible to completely sanctify his acts - who can not start with his hand tefilla - should not be discouraged from forging ahead with his spiritual growth according to his ability, and should go ahead and put on his head tefilla. And obstacles to sanctifying the intellect should not deter us from taking the first step and repairing our conduct - if we do not have a head tefilla, we should go ahead and put on the hand tefilla.

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.

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For the week ending 6 September 2008 / 6 Elul 5768
by Rabbi Mendel Weinbach

State of the Date - Gittin 61a

On his way to the Babylonian city of Hutzel, Rabbi Cahana saw a man knocking dates off a tree that belonged to no one. When he picked some up to eat he was quickly warned by the man who had removed them from the tree that the dates rightfully belonged to him.

The claim was based on the ruling of the mishnah (59b) that the fruit which one knocks off an ownerless olive tree cannot be taken by someone else because of a rabbinical decree of darkei shalom — maintaining peaceful relations between people.

The explanation of Rashi that the fellow removed the dates by throwing some sticks at them is challenged by Tosefot because it leaves us with a question as to why Rabbi Cahana helped himself to the dates when he was aware of the rabbinical decree that they belonged to the remover.

The approach favored by Tosefot is that of Rabbeinu Chananel who states that the fellow was seemingly interested only in removing branches from the tree and dates fell merely as a result. Assuming that the fellow was interested only in the wood and not in the fruit Rabbi Cahana picked up the dates to eat them until he was informed by the fellow that his intention in removing the branches was to get to the dates which should therefore belong to him.

What the Sages Say

"How do we know that Torah scholars are called kings? Because of the passage (Mishlei 8:15) citing the Torah as saying 'by me do kings reign.'"

The Sage Ganeiva - Gittin 62a

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