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**REMORSE AND NOSTALGIA :: Rabbi Berel Wein**

The twentieth century secular Jewish world was characterized by a literature of nostalgia about the origins of secular personages in the religious life and society of the shtetel. Many Jews had turned their backs on Jewish observance and traditional Torah values in favor of a new world of Socialism, Communism, secular Zionism and other then avant garde philosophies and ideals. Later in life these same people were swept by waves of nostalgia and some even by a sense of remorse over what was lost - of the the utopian promises of the future and the "new Jew."

Chaim Weizmann's bedroom in Rechovot, where he passed away, shows an open prayer book as his last intellectual exercise. Yitzchak Ben Zvi became a regular synagogue attendee. Zalman Shazar was much more of a Chabad chasid at the end of his life than an idealistic socialist. Nathan Birnbaum, who was a compatriot of Herzl and who gave Zionism its name ended up as the basic theoretician of Agudat Yisrael. Dr. Bernard Revel gave up his revolutionary ideas and devoted his life and great talents to building a Torah community in America. He became the innovative and dynamic head of what today is Yeshiva University. Lev Kamenev, the ruthless Bolshevik comrade of Lenin, was executed by Stalin's NKVD while reciting the Shma.

There are numerous other instances of such displays that dot the landscape of twentieth century Jewry. A common feature in the lives of all of those mentioned above, as well as of the Jewish world generally, was a familiarity with Jewish observance and practice, even if the people were themselves completely non-observant of Jewish ritual. They had something that, if they wished to, they could be nostalgic about.

However, the secular Jewish world today does not possess that resource - one that could engender a change towards a more traditional life style and value system. There is nothing to be nostalgic about because, in the main, its past is completely devoid of Jewish knowledge, the appreciation of the wonder of Judaism, and the comforting solidity of a traditional Jewish life.

The Socialist Zionist leader Borochov ruefully remarked that "we had hoped to raise a generation of apikorsim - knowledgeable Jews who rebelled against tradition and Torah - but instead we have raised a generation of ignoramuses as far as Judaism is concerned." The typical baal teshuva today - both in Israel and the Diaspora - does not come from a sense of nostalgia and remorse. Rather, he or she comes from a world of Jewish ignorance, assimilation and confusion as to identity and ultimate purpose.

Today's baal teshuva movement, strong and vital as it is, carries no memories with it. Since there is no connection to any spiritual Jewish roots, the task of creating the "old Jew" out of this new Jew is infinitesimally more difficult. I have found that remorse is present in this search for self, but tragically there is no nostalgia involved.

In the Orthodox world there is a great sense of nostalgia. But since we now live sixty-five years after the demise of European Jewry, much of this nostalgia is contrived, unreal, even fanciful. It is built around legends of perfect people, idyllic social life and fantastic communities. This type of contrived nostalgia often leads to excessive demands and skewed opinions. The historic truth is often bent to accommodate current political correctness.

A true appraisal of current problems and situations is often rendered impossible because of this adherence to legends and fables. So the problem of nostalgia, its absence and its sometimes overly contrived existence plagues our generation. The educational systems in the Jewish secular and religious worlds both combine to make this problem an acute one. One section of the Jewish world is unaware of the legends that give flavor to Jewish life while another part of Jewish society blindly believes every fantasy and story advanced about our past.

The Jewish world is therefore divided into two camps - one that possesses no nostalgia at all for it doesn't have the knowledge, while another group

creates and invents a society, behavior and personalities to be nostalgic about. Maybe exaggerated nostalgia is better than no nostalgia at all. But, I am convinced that truth and accuracy about our past will serve the Jewish people best as we face our current problems and inscrutable future. It will help spare us from future remorse. Shabat shalom.

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**Weekly Parsha :: EKEV :: Rabbi Berel Wein**

Even though Moshe in his review of the life of the Jewish people in the desert of Sinai over the past forty years recounts all of the miracles that occurred, he does so not for the purpose of narrative but rather to teach an important moral lesson for all ages. That stark lesson is that after all of the miracles that God may perform on our behalf, our fate is in great measure in our hands. And the lesson of all of Jewish history is summed up in the verse "For not by bread alone - even miraculous bread such as the manna - shall humans live, but rather by the word of God, so to speak, - the values, commandments and strictures of Torah shall Jews live."

All attempts to avoid this lesson, to substitute other words, ideas and ideologies for the words of Torah have turned into dismal failures. But reliance upon miracles is just as dangerous a path. My teachers in the yeshiva would say to us, then pious young men, that prayer helps one to become a scholar in Torah. But they emphasized that sitting and studying Torah for a protracted time with concentration and effort may help even more in the quest for true Torah scholarship. Moshe uses the constant miracles of the desert to drive home the point that much of the responsibilities of life are in our hands and our decision making processes. In essence the clear conclusion from his oration is that God helps those who help themselves.

In our post -Tisha B'Av mood and run-up to Elul and the High Holy Days it is important to remember how much of our fate truly lies in our own actions. The small choices that we make in our everyday lives add up to our life's achievements and accomplishments. That is what Rashi means when he states that "these are the commandments that one grinds under with one's heel - ekev!" The small things that we think to be unimportant at the moment often translate into major decisions and sometimes even have irreversible consequences. The question always before us is do our actions measure up to the standards of God's word, so to speak. We live not "by bread alone" or by miracles alone, but by our own choices and our very own behavior and deeds.

While recently driving on a New York City highway - an exercise in patience and utter futility - I missed the exit that I was supposed to turn off on. Miles and a quarter of an hour later I was able somehow to retrace my journey and exit at the proper place. I felt that it was a miracle that I was able to do so. It was, in fact, my negligence of not exiting correctly from the highway originally that forced the necessity of of this "miracle." Moshe teaches us that this is truly a daily occurrence in our lives. His message to us is as clear and cogent today as it was to our forbearers in the desert of Sinai long ago. Shabat shalom.

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**Peninim on the Torah by Rabbi A. Leib Scheinbaum**  
**PARSHAS EIKEV**

**And it will come to pass, because you will listen to these ordinances and observe and do them. (7:12)**

The Torah has chosen an unusual word in the Hebrew text to convey the meaning of "because." The word eikev, which is used to convey this meaning, has other interpretations ascribed to it. Apparently, the Torah selected this word to teach us a lesson. Rashi notes that eikev also means "heel." The implication, therefore, is that the individual must be scrupulous in mitzvah observance especially with those mitzvos that one tends to "trod upon with his heel." In other words, there are no mitzvos that are of lesser importance. They all come from the same source and are all equally

important. Horav Moshe Leib Sasover, zl, offered another connotation for this word. With each eikev, step, that a Jew takes, he must pause to think: Is he acting in consonance with Divine dictate, or is he perhaps acting slightly outside of the boundaries of right and wrong? Is he following the rules, or is he bending them?

Observance leaves no room for leeway. One either is observant, or he is not. We are always "on call." The Bobover Rebbe, Horav Ben Zion Halberstam, zl, was once visited by the chief of the Polish gendarmes. The chief related to the Rebbe his many taxing duties and responsibilities, "But, Rabbi, when I return home at the end of my day's work, I take off my cap and I am off duty." The Rebbe replied, "I guess since we never remove our yarmulke, even when we sleep, it means that a Jew is never off duty."

While this is certainly true, we wonder why it is so. Should one not be allowed a little leeway? Veritably, to ask this question bespeaks a lack of comprehension concerning the very nature of Torah and mitzvos. It is almost as if we are doing Hashem a "favor" by observing mitzvos, an idea that could not be further from the truth. Let us go back to the history of our receiving the Torah, so that we can have a better understanding of the nature of this gift.

Chazal teach us that prior to giving us the Torah, Hashem first offered it to the other nations of the world. They inquired what was written in it. When they heard that theft, adultery and murder were prohibited, they replied with a resounding, "No thanks." These nations were bound by immorality and evil. It was their way of life. The Torah would only hamper their development as nations of the world community. It was not for them. Throughout the millennia, they have proven that immorality, theft and murder were criteria for their nationhood. Until this very day, society at large is guilty of these cardinal sins.

When Hashem approached the Jews with His request, they immediately declared, "Naaseh v'nishmah," "We will do, and we will listen." They had no questions. Their response was positive and unequivocal. Information concerning the Torah and its contents was not necessary. They were willing to accept and embrace the Torah - with no questions asked.

Chazal continue by describing Hashem's reaction to their response, "Who revealed to My children this secret response, used only by My Heavenly Angels?" In other words, "We will do and we will listen" was an expression reserved for the Heavenly Angels. It was not the type of reply that is expected of mere mortals. This question was purely rhetorical because no one but Hashem could have provided Klal Yisrael with information that is reserved only for angels. Hashem wants us to notice what the Jewish People said and to grasp the profundity of this incredible statement. After all is said and done, however, what inspired the nation to express itself in such an unprecedented manner, with a statement that took powerful faith and conviction?

Horav Noach Weinberg, Shlita, explains that prior to receiving the Torah, Hashem had shared, through Moshe Rabbeinu, four seminal lessons to be conveyed to the Jewish People. He said, "So shall you say to the Bais Yaakov and relate to Bnei Yisrael (Shemos 19:3)." Four lessons - no more, no less - in this special order. "You saw what I did to the Egyptians (Shemos 19:4)." Lesson one: Egypt had been worshipping idols for years, but I did not destroy them until after they hurt you. "Then I carried you on the wings of eagles and brought you close to Me (Shemos 19:4)." Lesson two: "I cared about you, and I protected you. And now if you listen to My Torah, all will be good for you. (Shemos 19:5)." Lesson three: "You will be more precious to Me than any other nation. "And you shall be to Me a kingdom of Priests and a Holy nation. (Shemos 19:6)." Lesson four: Nationhood. The nation will not only protect you, it will make you a nation destined for greatness.

The significance of Hashem's message is quite important. By observing the Torah, the Jewish nation would become a holy nation connected with the Almighty. They had witnessed Hashem's love for them. Imagine the Creator and Ruler of the world loved them and was doing everything possible for them. They were receiving an offer that they could not refuse. Bearing all of this in mind, how would any sensible person with a modicum of intelligence in his brain respond to such an offer? Let us explain this question with the following analogy. A father comes to his son to offer him an incredible opportunity. First, he prefaces his offer, "Son, I

love you. Furthermore, everything I have ever done for you was because of this powerful love I have for you. Whatever I do is for your benefit. I have arranged a deal for you that will bring you much happiness and joy." If the son were to respond by saying, "Dad, it seems like something I would like to think about for a few days. I will study it, and if it seems really worthwhile, I will accept it," we would seriously send the son to an analyst for an evaluation!

His immediate response should likely be, "Yes! I will grab it. Whatever you say. When can I start?" The son is acutely aware that every experience he has ever had with his father has always been positive. He has always benefited greatly. Why should this opportunity be any different?

This is why Klal Yisrael responded with a resounding, "We will do, and we will listen!" They understood the reality of Torah and its benefit. We do not do Hashem a favor by performing mitzvos. On the contrary, it is Hashem's greatest gift. It is the gift of a lifetime!

Returning to our original question: What about a little "room" to maneuver in mitzvah observance? The answer is that unless we value every minute, every opportunity, to connect with Hashem via Torah and mitzvos, then we do not really understand and appreciate the wonderful gift that Hashem has bestowed on us. When we take into consideration what Torah does for us and all the wonderful "baggage" that comes along with it, then we would seek to imbue Torah into "every step" of our lives. It is that precious.

**For the people that you took out of Egypt has become corrupt; they have strayed quickly from the way that I commanded them. (9:12)**

The Yalkut Shimoni records a fascinating conversation between Klal Yisrael and Hashem. It begins by citing the pasuk in Yeshayahu 49:15, "Can a woman forget her baby, or not feel compassion for the child of her womb? Even these may forget, but I would not forget you." In other words, Hashem does not forget His children - Klal Yisrael. The people came before Hashem and asked, "Since Hashem does not forget, perhaps You will not forget the sin of the Golden Calf!" Hashem replied, "This too, I will forget." The people countered, "Ribono Shel Olam, since You do 'forget,' perhaps You will forget how we acted at Har Sinai (when we received the Torah)." Hashem replied, "I will not forget you."

Horav Baruch Sorotzkin, zl, derives a powerful lesson from this pasuk concerning positive actions and negative actions. We believe that ultimately the world will achieve its ultimate purpose: good will prevail; and evil will disappear. How will this occur? After all, it is not as if things are getting better and people are acting more appropriately. Regrettably, they are not. Evil is rampant. Morality is bankrupt. Society is becoming increasingly base with each ensuing generation as we distance ourselves further from the Almighty. How will we live "happily ever after"?

Apparently, a positive act, a good deed, creates an indelible impression upon the cosmos. It is there forever. If a person sins, however, although it presently creates a spiritual blemish in the universe, it can be removed via teshuvah, repentance. In other words, the spiritual consequences of a maaseh tov, good deed, endure forever, while the blemish created by a sin is temporary. This was the basis of the dialogue between K'nesses Yisrael and Hashem. The Jewish nation feared that the spiritual blemish engendered in the world as a result of their sin with the Golden Calf was eternal. After all, did Hashem not declare that every punishment that Klal Yisrael would experience would have included therein a fragment of the payback for the Golden Calf? Apparently, this is a sin that will not ever be forgotten. Hashem's response to them was: "Do not worry. Even a sin as egregious as the Golden Calf can be resolved. One can repent for and be cleared of the iniquity. Yes, the sin can be 'forgotten'.

When the people heard this they wondered: if a human being's action can be erased - regardless of its severity - this might apply as well to a mitzvah. Thus, the Jew's response to the Giving of the Torah, their famous Naaseh v'nishmah, "We will do and we will listen," will also be erased as a result of their current sinful behavior. Hashem assured them that a good deed is never forgotten. Its place in the universe is engraved forever.

Therefore, the world can achieve its perfection through our teshuvah, repentance, and maasim tovim, positive, good deeds. The bad will be abrogated, and the good will forever remain to our benefit.

**At that time Hashem said to me, "Carve for yourself two stone Tablets like the first ones. (10:1)**

The Yalkut Shimoni contends that Moshe Rabbeinu was severely criticized for breaking the Luchos. The pasuk in Koheles 3:5 states: "There is a time to throw stones." When Moshe flung down the Luchos, Hashem was "upset" with him. He said, "Had you been the creator of these Luchos; had you hollowed out the stone and engraved the Luchos; had you put in the effort and sustained the pain involved in preparing them, you would not have been so quick to break them. I prepared them, and you broke them. Now you will make the second set of Luchos." Clearly, Hashem was unhappy with Moshe's initiative in breaking the Luchos. This Yalkut is not consistent with the Talmud Shabbos 87A, cited by Rashi in his commentary to Devarim 34:10, where Chazal relate that Hashem told Moshe, "Yeyasher Koach she'shibarto," which basically is a display of Hashem's gratitude to Moshe for acting so decisively. How does Hashem's gratitude coincide with His critique of Moshe?

Horav Boruch Mordechai Ezrachi, Shlita, explains that due to the elevated spiritual plane that Moshe achieved, he had to answer for his actions. Moshe's decision to break the Luchos was mandated by the situation that confronted him. He had to make a public statement. Torah and idol worship cannot co-exist. The Torah's pristine essence must be a part of the very fiber of our People. Yet, taking into consideration the "pain" that the Giver of the Torah was presently sustaining, together with all of the incredible strength and courage that Moshe displayed, there had to be recognition that his act of necessity caused "pain" and "hurt" to Hashem Yisborach. Moshe did the right thing, but he did not go all of the way. He did not share in Hashem's "pain" over the loss of the Luchos.

In Heaven, "they" explained Moshe's inaction as the result of a lack of yegiah, toil, in preparing the Luchos. They were not his creation. He was only the agent for its transmittal. It was the Divine Author that created the Luchos. He "felt" the loss much more than Moshe who was just delivering their message. This is why Moshe was instructed to "carve for yourself;" let him see what is involved in preparing the Luchos. While nothing is difficult for Hashem, Moshe was compelled to acknowledge the amount of "toil" that went into the first Luchos.

There is a powerful lesson to be derived from the above concept. When we sin, the last thing that we think about is what we are doing to Hashem. True, Hashem is not a human being with feelings, but would it be so bad to acknowledge the love and toil that He put into this world - which we do easily ignore? Perhaps if we would look at life from a more practical, human perspective, we would act differently and be more cognizant of our spiritual calling.

**He is your praise and He is your G-d, Who did for you these great and awesome things. (10:21)**

The Mezritcher Maggid, zl, used this pasuk as the basis for a compelling statement. He comments that if one wants to ascertain his personal level of yiraas Shomayim, fear of Heaven; if he wants to determine his level of emunah, faith in Hashem; if he seeks to identify to what extent Hashem is his G-d, the best barometer for this evaluation is his tefillah, the manner in which he prays. See how your tefillah appears. Is it from the heart or is it by rote? Is there passion and enthusiasm, or is it insipid and sterile? This idea applies to every time one speaks with Hashem: during the three daily tefillos; during bentching, when he offers his gratitude to Hashem for sustaining him; during the Shabbos tefillos; and even the zemiros sung during the Shabbos meal. Hu tehillasecha v'Hu Elokecha - "He is your praise and He is your G-d." In the same manner that He is your praise, in the manner that you praise Him - you indicate exactly to what extent and to what level He is your G-d.

I recently saw an anecdotal story from the Maggid, zl, of Warsaw, that has practical meaning relative to this idea. In a small village, there lived a devout Jew who rented a parcel of land from a wealthy landowner. One morning, the landowner decided he wanted to speak with his Jewish tenant. He arrived at his home just as his Jewish tenant was in the midst of Shacharis, morning prayers. He watched in awe as the man, wrapped in his Tallis, swayed back and forth, pouring out his heart to the Almighty. After waiting respectfully for the Jew to conclude his prayers, the landowner said, "Moshe, I have a wonderful opportunity for you. You see, I own a dancing bear. This is a very talented dancing bear, but, to my chagrin, many of my friends also have dancing bears. I need to be different. I must

have something which they do not have. While I was observing you during your prayers, I thought to myself, would it not be unique to have a bear that prays like Moshe? Therefore, my dear friend, I would like you to train my bear to pray like you do."

"But, my dear sir, it is very difficult. In fact, it is almost impossible to teach a bear to pray," the Jew practically begged.

"There is nothing to talk about," the landowner said. "In two weeks time, there will be a contest among all the bear owners. My bear will win! If you do not succeed, you have to pack your bags and leave my property!"

The Jew had no choice but to accede to the landowner's request. That afternoon the bear was delivered to the Jew's home - ready to learn how to daven! The Jew came up with an idea that might just work. He found an old book whose pages were very thick. After smearing each page with honey, he gave the "sweet" book to the bear to do his thing. The bear opened the book, licked the page and proceeded to the next page. After the entire book was licked, the Jew smeared the book with honey, once again. This went on for two weeks as the bear hungrily licked through his "siddur." Finally, the day of the great test arrived. The Jew arrived together with the bear, prepared to demonstrate his handiwork. He walked the bear up to the podium and wrapped a sheet around the bear to give the appearance of a Tallis and gave it a book. This book was unlike its predecessor. It had no honey. When the bear turned to the first page and discovered that his treat was not there, he immediately turned to the next, and the next, until he had turned the pages of the entire book. In frustration, the bear slammed the book closed and proceeded to leave.

When the landowner saw this, he became indignant with rage. "I told you to teach my bear how to pray, and all you have accomplished is presenting me with a bear that merely turns pages!" the landowner screamed.

The Jew calmly looked at the landowner and said, "Sir, I can take you to a number of synagogues in the big city where that is all their worshippers do - just turn pages."

How true this is. If one were to enter any shul, he would see worshippers supposedly davening, when actually all they are really doing is turning the pages of their Siddur, in between taking breaks to talk. While this is a disease all year in every community, it is especially significant to us at this time of the year as we prepare to entreat Hashem on behalf of ourselves and our families. The manner in which we daven is the barometer for determining our level of yiraas Shomayim. Perhaps the time has come to elevate both - our davening and our yiraas Shomayim.

**Va'ani Tefillah**

**Hashem Tzvako, ashrei adam boteiach bach.**

**Hashem of Hosts, Happy is the man that trusts in You.**

The term, Hashem of Hosts, has two connotations. As Hashem, He is kind and merciful. As Lord of the Hosts, everything is at His beck and call to carry out His bidding. In order to justify the trust one places in someone, that individual must have a kindly intention to satisfy and please. In addition, he must have the power to execute his intention. Horav Avigdor Miller, zl, explains that Hashem Tzvako implies these two qualities by Hashem.

One who trusts in Hashem is a happy person, both emotionally and actually. Rav Miller explains that mental satisfaction and happiness elude one who does not place his complete trust in Hashem. Anything other than Hashem has a physical flaw. It is imperfect. Indeed, it must also rely on Hashem's Will for it to exist. One who places his trust in Hashem has the satisfaction of knowing that his trust is justified, because Hashem is all powerful. He also gains actual happiness. The Chovas HaLevavos explains that when one trusts in any entity other than Hashem, the Almighty allows for his trust to be solely in this entity and his future in the "hands" of this entity. This might be a problem if the entity does not have Hashem's support to succeed. In other words, since everything needs Hashem's support to succeed, why bother trusting anything other than Hashem?

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**Rabbi Benjamin Yudin**  
**The TorahWeb Foundation**  
**Birkas Hamazon - A Blessing in Disguise**

The Talmud (Brachos 48b) teaches that the first three brachos of birkas hamazon are of Biblical origin based upon the verse, “v’achalta v’savata u’veirachta es Hashem elokecha al ha’aretz hatova asher nossan loch - and you shall eat and you shall be satisfied and you shall bless Hashem, your god, for the good land that he gave you” (Devarim 8:10). The first beracha acknowledges Hashem as the provider of the food. The second beracha expresses our appreciation for the Land of Israel, and for two additional mitzvos that are prerequisites for our retaining the land, bris milah and Torah. The third beracha was originally a beracha thanking Hashem for Yerushalayim, the monarchy of Dovid, and the Beis Hamikdash. When the Beis Hamikdash was destroyed this beracha was modified to embody a prayer for the restoration of the monarchy, Yerushalayim, and the Beis Hamikdash.

While Ashkenazim generally do not say amen after our own series of berachos, we do recite amen after the third beracha of birkas hamazon - bonei Yerushalayim - to indicate that the three brachos of biblical origin are complete, and to note the addition of the fourth rabbinic blessing. This past Monday we celebrated Tu B’Av, and the Talmud (Taanis 30b, Bava Basra 121b) teaches that one of the causes for celebration was that after the unsuccessful revolt of bar-Kochba the city of Betar fell, hundreds of thousands were killed, and the Romans did not allow the Jews to bury their dead. After several years, Rabban Gamliel and chachmei Yavne prayed and paid significantly until permission was granted for burial. Miraculously, though years had passed, the dead bodies were still fresh and whole. At that time, the rabbis of Yavne instituted the fourth beracha of hatov v’hamaitiv. “Hatov” extolling the goodness of Hashem that the bodies did not decay, and “ha meitiv” - who confers good - referring to the fact that ultimately, they were buried. While this is certainly a noteworthy event, why did Chazal see fit to incorporate it into birkas hamazon? What essential idea is this historical event teaching us to warrant review as often as we eat a meal? The Meshech Chochmo in his commentary on the passuk “v’achalta v’savata” notes that the birkas hamazon contains a great deal more than thanks to Hashem for the sustenance. He sees this prayer as a progression and demonstration of hashgacha pratis throughout our history. The first beracha was composed by Moshe when the man descended. Every aspect of this nourishment reflected Divine involvement and participation with the people of Israel. The second beracha, composed by Yehoshua, notes not only the Divine conquest of Eretz Yisroel, but also how the land harmoniously interfaces with the divine law and the Jewish nation. The third beracha, authored by Dovid and Shlomo, thanked Hashem for his hashgacha pratis in the mikdash and Yerushalayim (Avos 5:7). Finally, lest one believe that with the destruction of the second beis hamikdash His hashgacha pratis over Klal Yisroel ceased, the miraculous preservation of the myriads of cadavers demonstrated His continuous care and concern for His people even when they are in galus. Hest the beracha has been most inspirational and elevating to the oft crestfallen spirit of the Jewish people during the long diaspora.

Finally, the Jewish people most recently underwent a Tisha B’av and, a few days later, a Shabbos Nahacmu. Where does this extraordinary capacity for resilience come from? The navi Micha proclaims (7:8), “do not rejoice over me, my enemy! Though I have fallen I rise again, though I sit in darkness, the Lord is my light.” The Yalkut (567, 568) has two significant comments to share. Firstly, when Hashem punishes other peoples, there is no hesitation to completely wipe out a particular nation. Regarding Egypt the Torah teaches “not one of them survived” (Shemos 14:22). This is not the case with Am Yisroel, where Malachi promises, “for I am Hashem, I have not changed, and you the children of Yaakov, you have not ceased to be” (3:6). In addition, continues the Yalkut, inherent in the very falling of Israel are the seeds for rejuvenation; in the darkness of churban is the light of salvation.

This amazing idea is found in the kinos of Tisha B’av. In kina eighteen there is a reference to the keruvim that the Romans found in the Kodesh Hakodashim. They had the appearance of a boy and girl embracing. The

enemy paraded this around Yerushalayim proclaiming that the Jews are involved with idolatry and immorality. In reality, explains, the Bnei Yissocho based on the Talmud (Yoma 54b), Hashem was showing His love for Israel even at the time of destruction.

Birkas Hamazon communicates a great deal more than “thank you Hashem for the food”. It has nourished our souls with optimism for almost two thousand years.

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**h a a r e t z .**

**Portion of the Week / Constant worries and prayers for rain**

**By Benjamin Lau**

This week's Torah reading is a continuation of Moses' speech as he prepares Israel for its entry into the Promised Land. In last week's reading, he focused on Israel's role as a nation; in this week's, he concentrates on the uniqueness of Eretz Yisrael (the Land of Israel) as the land that God has chosen for his people. The significance of God's selection of Eretz Yisrael for the Children of Israel has become even more important in recent generations, with the Jewish people's return to its ancestral homeland. Whereas the previous generation was closely tied to Zionist ideology and did not question the meaning of this link, the present generation aggressively challenges the link, or at best is very confused. Some Jews today have forgotten what brought their parents and grandparents to the historic Jewish homeland.

The dominant position in the Jewish people's traditional attitude toward Eretz Yisrael has been romantic, regarding the link as an expression of ecological harmony. In his book "The Kuzari," Rabbi Yehuda Halevi compares the relationship to that between a grapevine and its soil. Just as certain varieties of vines grow best in certain kinds of soil, each nation has its own unique homeland. The Land of Israel naturally belongs to the Jewish people: "This unique nation can serve God only in that land." The roots of this approach can be traced to Moses' words in this week's reading. In order to explain to those who were born in the desert the nature of the land they will enter, he compares the Promised Land with Egypt, where their parents were born: "For the land, whither thou goest in to possess it, is not as the land of Egypt, from whence ye came out, where thou sowedst thy seed, and wateredst it with thy foot, as a garden of herbs: But the land, whither ye go to possess it, is a land of hills and valleys, and drinketh water of the rain of heaven" (Deuteronomy 11:10-11). Moses' decision to compare the two lands in terms of water resources is strange. Ancient Egypt was located in the Nile River Delta, an agricultural paradise with fertile soil and abundant water. In contrast, Canaan's very survival is dependent on rainfall. Why compare the two?

Rashi provides a midrashic explanation of Moses' choice; according to his view, even regarding the subject of water, Canaan is preferable: "In the Land of Egypt you had to bring water by foot to irrigate the soil and you had to interrupt your slumber in order to work hard at this task, and even then those living close to the river could easily drink the water, while those living further up could not. Thus, you had to bring the water from the lower levels to the higher ones. However, Canaan 'drinketh water of the rain of heaven': You can continue sleeping while God brings water to those living on both the lower and higher levels, those living in open areas and those living in concealed ones."

Rashi compares Canaan and Egypt in a year of abundant rainfall. Then Eretz Yisrael has the edge, because Egyptian farmers must get out of bed and work hard to ensure that the water reaches every part of their field. In contrast, farmers in Eretz Yisrael do not have to work hard at all; they can sleep without any interruptions, while the rains reach every part of the land.

The problem is that some years are not characterized by abundant rainfall. In such periods, Egypt has the edge; although its farmers must work hard, at least they can always rely on a steady water supply. In contrast, their counterparts in Eretz Yisrael have no such confidence; disaster can strike them in a year of little rainfall.

Apparently, Moses wants to emphasize this point: The contrasting of Egypt with Canaan drives home the point that life in Eretz Yisrael is filled with constant tension. However, this tension makes us aware of our limitations.

The sense of insecurity regarding how much rain will fall next season reduces our feeling that we are the land's exclusive owners. The Bible teaches us this lesson in Genesis, when Lot seeks a new home before bidding farewell to his uncle Abraham: "And Lot lifted up his eyes, and beheld all the plain of Jordan, that it was well watered everywhere, before the Lord destroyed Sodom and Gomorrah, even as the garden of the Lord, like the land of Egypt, as thou comest unto Zoar" (13:10).

The equation, while bizarre, is correct. On one hand, we have the Jordan plain, Egypt and Paradise; on the other, we have Eretz Yisrael. In the first three regions, which have abundant water, everyone can feel confident and calm because water is not a source of concern. The Land of Israel is different. Its residents cannot enjoy total confidence or economic security; they live in a state of constant worry and must always pray for water. God chooses Eretz Yisrael not because it has the edge over all other lands in every situation, but rather because, only in Eretz Yisrael do we constantly worry about tomorrow.

Which raises the question of what this continual anxiety leads to. The answer that the Torah suggests is simple: religious awareness. Rashbam (Rabbi Samuel Ben Meir), Rashi's grandson, offers this commentary on the above verses from Deuteronomy: "You must observe God's commandments because this land [Eretz Yisrael] is better than Egypt for those who observe his commandments and worse than any other land for those who do not. The land that you will enter is unlike Egypt, where rainfall is not needed and where both the righteous and the sinners can irrigate their fields with great effort in order to obtain bread; however, in Eretz Yisrael, if you observe God's commandments, God's eyes will watch over the land and irrigate it with rain from heaven throughout the entire year." The knowledge that God is the boss and that He holds the keys to the rainclouds, as well as the keys to life and death, requires Israeli society to be worthy of God's blessings. This land is indeed best suited for a nation destined to teach the world how human beings should act. The absolute relationship between the behavior of Eretz Yisrael's residents and rainfall turns life in the State of Israel into a constant challenge with which this present, confused generation of Israelis must contend.

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### **Rav Kook List Eikev Blessings Over Bread and Torah**

#### Two Blessings from the Torah

While most blessings are of rabbinical origin, there are two blessings that are derived directly from the Torah itself. They are Birkat Hamazon, recited after meals, and the blessing said before learning Torah.

The obligation to bless God after eating bread comes from the verse, "When you eat and are satisfied, you must bless the Lord your God..." [Deut. 8:10].

The Talmud [Berachot 21a] derives the blessing before studying Torah from the verse, "When I call out God's name (or: read God's teaching), ascribe greatness to our God" [Deut. 32:3].

These two blessings differ not only in the source for our feelings of gratitude - one is for physical nourishment, the other for spiritual sustenance - but also in when they are said. Why is Birkat Hamazon recited after the meal, while the blessing for Torah study is recited before studying?

#### Two Benefits of Food

Food provides two benefits. The first is our enjoyment from the act of eating, especially if the food is tasty. This is a fleeting pleasure, but it nonetheless deserves to be acknowledged. The primary benefit from eating, however, is the sustenance it gives our bodies, enabling us to live. This primary benefit reflects the nutritional value of the food, regardless of its taste.

Our recognition of the principal benefit of eating should take place after the meal, as the body digests the food. Since Birkat Hamazon expresses our gratitude for physical sustenance, it logically belongs is at the end of the meal.

Parenthetically, we also recite blessings before eating. These blessings acknowledge our pleasure in the act of eating itself. We recognize this secondary benefit of eating with rabbinically-ordained blessings.

#### Two Benefits of Torah Study

Torah study also provides us with two benefits. The first is the knowledge acquired in practical areas of Halacha, enabling us to live our lives according to the Torah's wisdom.

The second benefit from Torah lies in the very act of learning Torah. Torah study in itself is a tremendous gift, even if it does not have any practical applications. When we learn Torah, the soul is elevated as the mind absorbs the sublime word of God.

Which benefit is greater? The Sages taught that the unique sanctity of the Torah itself is greater than all deeds that come from its study: "One who studies Torah for its own sake is raised and uplifted above all actions" [Avot 6:1]. The benefit of practical knowledge is important, but is only a secondary gain.

Therefore, we recite the blessing over Torah before studying. If the blessing was meant to acknowledge the practical benefit of how to perform mitzvot, then it would be said afterwards, since this knowledge is gained as a result of Torah study. But the blessing over Torah refers to the principle gift of Torah study. When we bless God before studying, we acknowledge the spiritual elevation that we enjoy in the very act of contemplating God's Torah.

Now we can understand why the source for this blessing reads, "When I call out God's name." Why does the verse refer to the Torah as "God's name"? This blessing requires that we recognize the sublime inner essence of the Torah - Torah as "God's name." When we are aware of the true nature of Torah, its study can enlighten and uplift us "above all actions."

[adapted from Ein Eyah vol. I, p. 103]

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### **Orthodox Union / www.ou.org**

#### **Eikev - Amida Order**

#### **Rabbi Asher Meir**

The blessings of the Amida prayer must be said in their exact order. A blessing said out of order must be repeated in its proper place (SA OC 119:3). This suggests that there is special meaning to the exact order of the blessings; the gemara in Megila 17a-18b tells us some of the reasons for this order.

The order of the requests is explained as follows:

Bracha #5, requesting repentance (teshuvah) follows #4, a prayer for understanding (bina) because we learn from the words of our prophets that understanding precedes repentance. This emphasizes the fact that ideal repentance is not merely an emotion, a subjective feeling of being born again. On the contrary: the basis for repentance is that a reasoned recognition is required of how one strayed and why the way of the Torah is proper. (Shulchan Arukh OC 115 states that the reason is that prayer is impossible without understanding; this teaches us that prayer too must engage our reason and not just our emotion.)

The prayer for healing (refuah, bracha #8) comes after the request for forgiveness (selicha, bracha #6) to teach the healing power of G-d's forgiveness.

The material blessings of abundant produce which we request in the blessing of the years (mevarech hashanim, bracha #9) is the harbinger of the ingathering of the exiles (mekabetz nidchei amo Yisrael, #10). The Torah tells us that the land of Israel will be desolate during the time of our exile - "And I will make the land desolate" (Vayikra 26:32). The Ramban on Vayikra 26:17 explains that this is not a curse, but on the contrary, a blessing: "For our land does not accept our enemies. And this is also a great proof and promise to us. You will not find in any settled area a good and broad land, which was settled in the past, which is so desolate, for since we left it has not accepted any nation or language; all of them seek to settle it, yet they are powerless to do so". When the land of Israel starts to flourish economically, this is a sign that it is preparing for the return of its people.

Once the Jewish people are gathered in our land, then the judges can pass judgment on the wicked (tzedaka umishpat, bracha #11). This will bring an end to destructive heresy (lamalshinim, #12). This order testifies to the relationship between social justice and religious belief. When people see with their own eyes that a system of justice based on Torah values is able to create a righteous commonwealth, then they will naturally be drawn to believe in it. Conversely, it is inappropriate to expect that we will be able to root out heresy if our tradition and values have not been successful in building a model society.

Once belief in G-d and His Torah are properly established, then the righteous - including the righteous converts - will receive the honor due them (latzadikim, bracha #13).

This will take place in the rebuilt Yerushalayim (#14), and once Yerushalayim is restored, then the Messiah - the Davidic King - will rule (et tzemach David, #15). As we have explained before, the inner message of many laws is that sovereignty in a Torah state is not just a practical convenience; it must be based on devotion to G-d. This is symbolized by the requirement for the seat of kingship to be in the city of holiness.

Once the Jewish commonwealth is restored, the true power of prayer will return to us (shomea tefila, #16). This is the principle at work in the juxtaposition of redemption and prayer. The definitive expressiveness of prayer is dependent on individual and national freedom.

When our power of expression is restored, we will be able to restore the Temple service (rtzei, bracha #17), enabling us to properly convey our gratitude to HaShem (modim, #18). This indicates that the Temple service is not meant to be some mechanical fulfillment. Each aspect of the sacrificial order has a special inner meaning and message, and we will be able to carry out this service only when we have regained our expressive ability on a national level.

Indeed, there is a unique connection between prayer and sacrifice. The first words of the first verse, describing the first sacrifice to be brought in the Mishkan, read "And this is the thing [vezeh hadavar] which you shall do to them, to sanctify them to serve Me as Kohanim" (Shemot 29:1). "Davar", which we translated as "thing", also means "word". The Midrash Rabba on this verse indicates that this hints at words of Torah or prayer, which HaShem accepts whenever bringing a Korban is not mandated or not possible.

The Priestly Blessing (recited after modim) will be restored in full once the Temple is built, and it is a blessing of peace (sim shalom, #19).

*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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## **YatedUSA Parshas Eikev 19 Av 5767**

### **Halacha Talk**

**by Rabbi Yirmiyahu Kaganoff**

### **Grave Issues About Graven Images**

Miriam recently asked me these two questions regarding avodah zarah:

1. I received some figurines from a museum shop that resemble various Egyptian gods. May I keep them to demonstrate at the Seder what silly gods the Egyptians worshipped?

2. My nonobservant, but very respectful, father has a rather eclectic collection of various art objects -- including a 4-foot-tall bronze statue of some Hindu figure. Do I have any obligation to say or do anything?

Zev, a chess enthusiast, asked me the following:

"I just received a very nicely carved chess set as a present. Unfortunately, the king has a cross on it. May I keep the set as is, or must I break off the cross on the king?"

Each of these shaylos revolves upon the question of whether a Jew may own an item that has idolatrous overtones, even though he has no idolatrous intention. Is this lack of intent sufficient to avoid any Torah violations?

As we will see, there are several potential shaylos that we must analyze to determine the halacha:

1. May a Jew look at an icon?

2. Does it make a difference whether it is worshipped?

3. May a Jew own an icon that represents an idol, even if it was never worshipped?

4. If owning this icon infringes on no other prohibitions, does it violate maris ayin, doing something that looks suspicious?

In Parshas Eikev, the Torah commands, "Burn their carved gods in fire. Do not desire and obtain the silver or gold that is upon them, lest you become snared by it, for it is hideous to Hashem your G-d. Nor shall you bring this repugnancy into your house; rather, you should ban it. Abhor it and revile it, for it is banned" (Devarim 7:25-26).

This passuk includes the following mitzvos:

1. Burn their carved gods in fire commands us to destroy avodah zarah (Rambam, Hilchos Avodah Zarah 7:1). This mitzvah is also mentioned in Devarim 12:2.

2. Do not desire and obtain the silver or gold that is upon them prohibits benefit even from the decorations on an idol (Chinuch, Mitzvah 428). One may not own or sell idols — even if he thinks that they are the silliest things on earth — since he gains financially or in other ways.

3. Nor shall you bring this repugnancy into your house bans bringing an idol into your house and also forbids benefiting from idolatry (Rambam, Hilchos Avodah Zarah 7:2).

4. Furthermore, the Torah states, Al tifnu el elilim — Do not turn to idols (Vayikra 19:4). What is included in this proscription? Does it include looking at idols or images that represent idols?

The Sifra (Vayikra 19:4) quotes two interpretations of this verse, one that prohibits studying idolatry, including its beliefs and how the idol is worshipped. A second approach understands the verse to forbid even looking at idols (Yerushalmi, Avodah Zarah 3:1).

The poskim rule that both approaches are accepted halacha; the Torah thus prohibits studying idolatrous practices and beliefs as well as looking at icons (Rambam, Hilchos Avodah Zarah 2:2; Sefer HaMitzvos, Lo Saaseh #10; Chinuch #213). The Rambam (Sefer HaMitzvos, Lo Saaseh #10) states that one receives malkus for violating this prohibition. Therefore, someone who violates either interpretation of this mitzvah is halachically invalid to provide testimony even if he has no idolatrous intent.

**DOES THAT MEAN THAT EVEN GLANCING AT AN IDOL IS A TORAH VIOLATION?**

The Magen Avraham (307:23) explains that the Torah prohibits only gazing at an idol, but does not prohibit glancing at it. Therefore, seeing it is not prohibited, but intentionally looking at it is.

**THE ICON OR ONLY THE IDOL?**

May one look at articles that only represent the actual idol even though they are not themselves worshipped, or is the prohibition limited to idols that are worshipped? The answer to this question depends on how one understands the following passage of Gemara:

"One may not read the caption underneath a painting or image on Shabbos. [This is included in the violation of reading documents on Shabbos.] Furthermore, one may not look at the image itself, even on weekdays, because one thereby violates 'Do not turn to idols.' How do we derive this law from this verse? Rav Chanin explained, 'Do not turn to works created by man's own initiative'" (Shabbos 149a).

This passage implies that one may not look at any image, even one not worshipped, because looking at any image is already considered a form of idolatrous practice.

On the other hand, elsewhere the Gemara praises the Talmudic scholar Rabbi Menachem ben Sima'ie as a holy man because he never looked at the images that one finds on coins (Avodah Zarah 50a). This implies that an especially holy person does not look at figures, but a person who observes halacha without chumros may do so. Thus, we are faced with a seeming inconsistency: one Gemara statement prohibits looking at any image; the other implies that one may do so (although it is meritorious to avoid).

The Rishonim suggest several different approaches to resolving this quandary:

1. First opinion: Some contend that the prohibition of looking at an image applies only to what was actually worshipped, and a coin's image is not worshipped. According to this opinion, although the Gemara seems to

derive that one may not look at any painting or image whatsoever, it really means to limit the prohibition to actual, worshipped idols. Nevertheless, it is praiseworthy not to look at any pictures or images at all (Tosafos, Shabbos 149a).

2. Second opinion: The Rosh expands the previous approach moderately, prohibiting looking at an image meant for worship, even if the image itself has not been worshipped. In his opinion, the Gemara prohibits looking at any painting or image that was made for idolatrous purposes, even if it was never worshipped.

3. Third opinion: A third approach understands the Gemara literally — that it prohibits looking at any image whatsoever (Rashi; Tosafos Rid to Shabbos 149a). If this approach is correct, why does the Gemara in Avodah Zarah imply that Rabbi Menachem ben Sima'ie's acts are meritorious but not required, when the Gemara in Shabbos prevented looking at any image?

To answer this question, some explain that although it is prohibited to look at any image, this is so only when someone may be led astray from the Torah by the image. Since coins are in common use all the time, they do not tempt us to violate the Torah (Tosafos, Avodah Zara 50a).

#### EGYPTIAN FIGURINES

Whether one may own a replica of an ancient Egyptian icon depends on the above-quoted dispute among the Rishonim. According to the first opinion quoted there, since these icons were meant for educational purposes rather than for encouraging worship, it is technically permitted to look at them (although it is meritorious to refrain). On the other hand, according to the other opinions, even looking at these pieces violates the Torah's mitzvah, as they are not common and therefore attract attention; all the more so is owning one problematic.

How does the Shulchan Aruch adjudicate this question?

Surprising as it may seem, two statements of the Shulchan Aruch appear to contradict one another. In Orach Chaim (307:16), he cites the above-mentioned Gemara in Shabbos in a way that implies that he prohibits looking at any image at all. On the other hand, in his laws on idolatry, he limits the prohibition to looking at actually worshipped idols. It is also noteworthy that there he cites a different reason to prohibit looking at idols, because enjoying the artwork is considered benefiting from idolatry (Shulchan Aruch, Yoreh De'ah 142:15, quoting Rabbeinu Yerucham).

However, the major commentators on the Shulchan Aruch in both places note that the accepted practice is to prohibit only icons manufactured for worship (Shach; Magen Avraham). Therefore, as far as the prohibition of looking at icons is concerned, Miriam may save her figurines for the Seder, although it is more meritorious not to do so. Thus, the better course of action is to dispose of the figurines rather than save them for educational purposes.

I will discuss shortly another possible prohibition involved, that of maris ayin.

#### COLLECTING ICON STAMPS

A stamp dealer-collector asked Rav Moshe Feinstein whether he could own, buy, and sell stamps that contain crosses and other idolatrous images. Rav Moshe ruled that since stamps are a common item, like coins, one may own or sell their images, and may also look at them. Rav Moshe mentions that it is meritorious not to, presumably for the same reason that Rabbi Menachem of the Gemara avoided looking at coins (Igros Moshe, Yoreh De'ah 1:69).

#### ZEV'S CHESS SET

According to the reasons we have applied so far, Zev may be able to keep his fancy carved chess set. No one worships the cross on the king, and one could perhaps argue that this is familiar enough that no one is led astray by these pieces. As mentioned above, it is meritorious not to have any such images at all, and this is certainly a good reason why the custom is to break off the cross of such chess pieces.

However, Miriam's father's Hindu statue involves a more serious halachic problem. Firstly, if this image was manufactured for worship, all opinions prohibit looking at this idol and enjoying it. Furthermore, if it was once worshipped, then several other Torah violations are involved, including that of having an object of avodah zarah in one's home and benefiting from

avodah zarah (because he enjoys looking at the artwork). In addition, there is a mitzvah to destroy it.

#### SHOULD WE ASSUME THAT THIS STATUE WAS WORSHIPPED?

Are we required to assume that the Hindu statue was worshipped? After all, it looks as if it were created as a collector's item, not actually for worship.

The answer is that if this statue was manufactured in a place where images of this nature are worshipped, he must assume that this icon is a bona fide idol (Rama, Yoreh De'ah 141:3 and Shach, ad loc, 17).

#### IS IT MARIS AYIN?

In addition to the halachic problem of looking at these idols, the Gemara (Avodah Zarah 43b) raises the concern that someone might suspect that the owner worships them.

Are we today still concerned that someone might worship idols?

The answer to this question goes back to understanding the basics of maris ayin. Doesn't the concept of maris ayin conflict with the mitzvah of judging people favorably? If everyone always judged others favorably, there would never be a reason for maris ayin. Yet, we see that the Torah is concerned that someone might judge another unfavorably and suspect a Torah Jew of violating a mitzvah.

Indeed, although we are required to judge others favorably, we are also not permitted to do something that others may misinterpret as violating halacha. Therefore, a person's actions must be above suspicion, while people watching him act in a suspicious way are required to judge him favorably. In other words, a person should not rely on his sterling reputation to do something that might be misinterpreted.

However, if circumstances dictate that people will assume that nothing wrong was done, there is no violation of maris ayin. Indeed, even in cases where there was maris ayin in the times of the Gemara, the prohibition is rescinded in places and times when the concern no longer exists.

Concerning maris ayin and the prohibition of avodah zarah, the poskim conclude that if no one worships these icons anymore anywhere in the world, one need not be concerned of suspicion that they are worshipped (see Rama, Shach, and Gra, Yoreh De'ah 141:3). However, as long as these idols are worshipped somewhere, one must be concerned about maris ayin.

Thus, it makes a difference whether this particular idol is still worshipped somewhere in the world. Since, unfortunately, there are still Hindus in the world, one may not own an idol that they might worship because of the prohibition of maris ayin, even if no other prohibition to its ownership exists. On the other hand, since no one worships the ancient Egyptian idols any more, it is not maris ayin to own these figurines.

#### TEACHING ANCIENT RELIGIONS

I mentioned above that the Sifra rules that studying idolatry, including what the religion believes and how the idol is worshipped, is prohibited min haTorah as part of the mitzvah of Al tifnu el elilim, Do not turn to idols.

Does this include studying ancient religions or archeology? Does this prohibit reading mythology as a form of literature?

In Nisan 5740 (1960), Rav Yehudah Parnas, a prominent rosh yeshiva, spoke to Rav Moshe Feinstein on behalf of an observant public school teacher, whose required ancient history curriculum included teaching the beliefs of ancient Greece and Rome. Rav Parnas inquired as to whether the fact that the entire world now views these religions with disrespect validates studying and teaching their beliefs. Do we therefore permit teaching these religions, since one is mocking them, or is this teaching and studying still prohibited?

Rav Moshe ruled that the prohibition to study idolatry exists regardless of why one studies the religion. This also prohibits reading mythology that includes idolatry, even as a study of ancient literature.

However, Rav Moshe contended that the Torah prohibits studying only what is authored by a proponent of the religion. One may study something written by someone who scoffed at the religion, just as we see that even the Torah sometimes describes the way idolaters worshipped in order to ridicule the practice. Therefore, Rav Moshe ruled that one may only study these matters if the teacher derides their beliefs and does not have the students read texts written by believers in the idols.

Rav Moshe pointed out that the students may even benefit from this instruction if they realize that, although most of the world's population once accepted these ridiculous beliefs, this does not demonstrate that these beliefs are true. Similarly, the fact that millions of people accept certain other false notions as true is not evidence of their veracity (Igros Moshe, Yoreh De'ah 2:53).

In response to our original questions, Miriam may save the Egyptian figurines, although it is praiseworthy to dispose of them, but her father may not hold on to his Hindu statue even as an object of art or to mock it. Zev may keep his chess set.

Our belief in Hashem is the most basic of mitzvos. Praiseworthy is he who stays far from idols and their modern substitutes and directs his heart to Hashem.

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## YatedUSA Parshas Eikev 19 Av 5767

### Halacha Discussion

by Rabbi Doniel Neustadt

#### Receiving an Aliyah to the Torah

A minimum<sup>1</sup> of eight people – a Kohen, a Levi, five Yisraelim and an additional person for maftir<sup>2</sup> – are called to the Torah every Shabbos morning. If a Kohen is unavailable, either a Levi or a Yisrael is called instead of him, but if a Yisrael is called instead of a Kohen, then a Levi can no longer be called after him.<sup>3</sup> If a Levi is unavailable, then the same Kohen who was called for Kohen is called again.<sup>4</sup>

#### THE PROCEDURE

The person being called should take the shortest possible route to the bimah so that there is no unnecessary delay. If all of the routes are equal in distance, he should ascend from the right side.<sup>5</sup>

Before reciting the blessing,<sup>6</sup> the oleh (the one receiving the aliyah) should look inside the Torah to see where the koreh will begin reading. He then rolls up the scroll and recites Barechu followed by the first blessing. Alternatively, he may leave the scroll unrolled but should close his eyes while reciting Barechu and the blessing.<sup>7</sup>

After the reading is over, the sefer should be rolled up and the final blessing recited. The final blessing should not be recited over an open sefer even if one keeps his eyes closed.

The blessings must be recited loud enough so that at least ten men are able to hear them. The poskim are extremely critical of those who recite the blessings in an undertone.<sup>8</sup>

#### WHO IS CALLED TO THE TORAH?

While it is appropriate and preferable to call to the Torah only those who are God-fearing Jews who observe the mitzvos, when the need arises or for the sake of peace it is permitted to call even those who are lax in certain areas of mitzvah observance,<sup>9</sup> as long as they consider themselves believers in Hashem and His Torah. But under no circumstances is it permitted to call non-believers to the Torah, for their blessings are not considered blessings at all. If absolutely necessary, it may be permitted to accord them honors that do not necessitate a blessing, e.g., hagbahah or gelilah.<sup>10</sup>

Most often the aliyos are allocated in rotating order or at the gabbai's discretion. But it is a long-standing tradition which has become universally accepted to mark milestone events by receiving an aliyah. People marking such events are called chiyuvim, since custom dictates that they are obligated to receive an aliyah. Sometimes, however, there are not enough aliyos for all of the people who are chiyuvim.<sup>11</sup> Based on the opinion of the majority of the poskim, the following, in order of priority, is a list of the chiyuvim who are entitled to an aliyah<sup>12</sup>:

1. A groom<sup>13</sup> on the Shabbos before his wedding [or on the Shabbos before he leaves his hometown to travel to his wedding].
2. A14 child<sup>15</sup> who becomes bar mitzvah on that Shabbos.<sup>16</sup>
3. The father of a newborn<sup>17</sup> boy or girl, if the mother is in shul for the first time since giving birth.<sup>18</sup>
4. A groom on the Shabbos after his wedding, if the wedding took place on Wednesday or later in the week.
5. One who has a Shabbos yahrtzeit.<sup>19</sup>

6. The father of a baby boy<sup>20</sup> whose bris will be that Shabbos or during the coming week.<sup>21</sup>

7. A groom on the Shabbos after his wedding, if his wedding took place before Wednesday.

8. One who has a yahrtzeit during the upcoming week.<sup>22</sup>

9. One who must recite the ha-gomel blessing.<sup>23</sup>

10. One who is embarking on or returning from a journey.

11. An important guest.

#### CONSECUTIVE ALIYOS FOR RELATIVES

In order to avoid ayin ha-ra, a "bad omen," the gabbai does not call a father and a son, or two brothers [who share a father] for consecutive aliyos.<sup>24</sup> Even if the parties involved are not concerned with ayin ha-ra and wish to be called consecutively, it is not permitted.<sup>25</sup> Moreover, even if the gabbai mistakenly did call the relative for a consecutive aliyah, the one who was called should remain in his seat and not accept the aliyah<sup>26</sup>. If, however, the mistake was realized only after he ascended the bimah, then he is not instructed to descend.<sup>27</sup>

L'chatchilah, even brothers who share only a mother, or even a grandfather and his son's son,<sup>28</sup> should not be called for consecutive aliyos. If, however, there is a need to do so, or if – b'diavad – the call to ascend to the bimah was already made, it is permitted for them to accept the aliyah.<sup>29</sup> All other relatives may be called consecutively even l'chatchilah.

The consecutive aliyos restriction does not apply:

- If the consecutive aliyah is the maftir on a day when a second Sefer Torah is read for maftir, e.g., on Yom Tov or Rosh Chodesh, or when the Four Parashiyos are read.<sup>30</sup>

- In a congregation where the names of the olim are not used when they are called for an aliyah. While most Ashkenazic congregations today do use names when calling the olim, in some congregations no names are used for the shevi'i or acharon aliyos.<sup>31</sup>

- To hagbahah and gelilah, in a congregation where names are not used when calling up for hagbahah and gelilah.<sup>32</sup>

- If another person was called for his aliyah between them and that person happened not to be in shul or was unavailable to receive his aliyah.<sup>33</sup>

#### (FOOTNOTES)

1 Some congregations add aliyos while others do not. Since both practices have a basis in halachah, each congregation should follow its own custom. It is preferable not to call more than eleven people altogether; Be'er Heitev 284:3, alluded to by Sha'ar ha-Tziyun 284:5.

2 Who can be either a Kohen, Levi or Yisrael. Those congregations who add aliyos may also call a Kohen or a Levi for the last aliyah (called acharon), but should not call a Kohen or a Levi for any of the other additional aliyos; Mishnah Berurah 135:36-37.

3 O.C. 135:6.

4 O.C. 135:8.

5 O.C. 141:7.

6 A bachelor (whose custom is not to wear a tallis) should don one when receiving an aliyah on Shabbos or Yom Tov mornings. But he need not put on a tallis when receiving an aliyah at other times (Monday and Thursday or Rosh Chodesh, etc); Halichos Shlomo 12, note 29.

7 Mishnah Berurah 139:19. The third choice, which is to leave the sefer open but turn one's head to the left, is not recommended by the poskim, including the Mishnah Berurah.

8 O.C. 139:6. See Chayei Adam 31:12.

9 Preferably, he should be called only after the first seven aliyos; Pe'er ha-Dor 3, pg. 36 quoting an oral ruling from the Chazon Ish. See Yagel Yaakov, pg. 286.

10 Igros Moshe, O.C. 3:12,21, 22.

11 A general rule is that members of a shul have priority over non-members, even if the non-member's chiyuv takes priority over the member's.

12 This list covers the Shabbos Kerias ha-Torah only.

13 Who has not been married before.

14 If both the aufruf and the bar mitzvah want the same aliyah, then the one who is a greater talmid chacham has priority. If that cannot be determined, then the two should draw lots. Lots should be drawn whenever two chiyuvim lay equal claim to an aliyah.

15 The father of the child, however, is not a chiyuv at all; Sha'ar Efrayim 2:10.

16 According to some opinions, the same chiyuv applies even if the child became bar mitzvah during the past week; Harav C. Kaniyesky (Ishai Yisrael, pg. 409).

17 Even if the baby was stillborn; Sha'arei Efrayim 2:5.

18 If the wife is not in shul, then the husband has an obligation to receive an aliyah when 40 days have elapsed from the birth of a male child, or 80 days from the birth of a female child.

19 A yahrtzeit chiyuv is only for a father or a mother. A yahrtzeit for a father has priority over a yahrtzeit for a mother; Kaf ha-Chayim 284:6.

20 A father who is naming a baby girl on Shabbos has priority over a father of a baby boy whose bris will take place during the week; Da'as Torah 282:7.

21 According to some opinions, if the bris will take place on Shabbos, then the father is a greater chiyuv than a yahrtzeit on that Shabbos; Ishei Yisrael, pg. 410.

22 If two people have yahrtzeit during the week, the one whose yahrtzeit is earlier in the week has priority; Kaf ha-Chayim 284:6.

23 Ha-gomel can be recited without an aliyah.

24 O.C. 141:6. This holds true even for shevi'i and maftir, unless the maftir is a boy under bar mitzvah; Mishnah Berurah 141:20.

25 Mishnah Berurah 141:19. Aruch ha-Shulchan 141:8 maintains, however, that one who is unconcerned with ayin ha-ra may do as he wishes.

26 Be'er Heitev 141:5; Sha'arei Efrayim 1:33.

27 Mishnah Berurah 141:18.

28 But a grandfather and his daughter's son are permitted to be called for consecutive aliyos; Kaf ha-Chayim 141:27

29 Sha'arei Efrayim 1:33.

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## Weekly Halacha Overview

### R. Joshua Flug (YUTorah.org)

#### Dairy Products Produced by a Non-Jew

The Mishna, Avodah Zarah 35b, presents a prohibition against drinking milk that was milked by a non-Jew (chalav akum). The Mishna, Avodah Zarah 29b, also presents a prohibition against eating cheese that was produced by a non-Jew (gevinat akum). This week's issue will discuss some of the practical applications relating to these two prohibitions.

#### Chalav Akum

The Gemara, Avodah Zarah 35b, states that the reason for the prohibition against drinking milk that was milked by a non-Jew is that there is a concern that milk from a non-kosher animal was mixed into the milk. [See Gemara, Bechorot 6b, for an explanation why milk from a kosher animal is kosher and milk from a non-kosher animal is not.] The Mishna, Avodah Zarah 39b, states that if a Jew watches the milking process, one may drink milk that was milked by a non-Jew. The Gemara, ad loc., based on a Beraita, states that it is not actually necessary for the Jew to watch the milking process. It is sufficient for the Jew to have the ability to inspect the process at any time such that the farmer fears the consequences of getting caught mixing in non-kosher milk.

Radvaz 4:75, deduces from the leniency that allows a Jew to perform spot checks that the prohibition is not a function of a rabbinic enactment. Rather, there is an actual concern for a biblical prohibition. This concern is mitigated through performing spot checks. Were it to be an actual rabbinic enactment, the only way to permit the milk would be if a Jew actually watches the entire milking process. R. Chizkiah Da-Silva, Pri Chadash, Yoreh De'ah 115:6, derives an important leniency from Radvaz's position. Regarding rabbinic enactments, there is a rule that the enactment cannot be overturned even if the reason no longer applies (Beitzah 5a). If the prohibition against chalav akum is a rabbinic enactment, the enactment would apply even if the reason does not. However, according to Radvaz, there is no rabbinic enactment, but rather a concern for a bona fide biblical prohibition. If that concern can be mitigated by determining that there is no concern that non-kosher milk is mixed in, one may drink milk that was milked by a non-Jew. Therefore, Pri Chadash rules that if one lives in a place where non-kosher milk is never added to kosher milk, the prohibition of chalav akum does not apply.

R. Moshe Sofer, Chatam Sofer, Yoreh De'ah no. 107, disagrees with Pri Chadash's ruling. He suggests that Rashi, Avodah Zarah 35a, s.v. L'fi, is of the opinion that the prohibition against chalav akum is a rabbinic enactment. Therefore, even if there is no actual concern that non-kosher milk is mixed in, one must nevertheless refrain from chalav akum.

R. Avraham Y. Karelitz, Chazon Ish, Yoreh De'ah 41:4, discusses the status of milk that is subject to the scrutiny of the government such that the government would fine the producer for mixing in non-kosher milk. He

permits the milk based on two factors. First, the government supervision may be comparable to a Jew who performs spot checks. In both situations, the producer fears to add non-kosher milk. Second, since there is no practical concern that non-kosher milk will be added, one may add the opinion of Pri Chadash as a mitigating factor to permit the milk. R. Moshe Feinstein, Igrot Moshe, Yoreh De'ah 1:47, also discusses the issue of government supervision. He is reluctant to rely on the opinion of Pri Chadash. However, he considers the government's supervision equivalent to a Jew watching the milking process. He posits that the nature of the rabbinic enactment is to discredit any assumption that the milk is actually kosher milk and to require knowledge that the milk is kosher. R. Feinstein claims that when the government supervises milk and the producer is subject to fines for any violation, there is knowledge that the milk is kosher. R. Feinstein concludes that a pious individual (ba'al nefesh) should nevertheless be stringent on the matter.

The opinions of R. Karelitz and R. Feinstein serve as the basis for the practice of many people to drink milk that is not specifically marked as "chalav yisrael." It should be noted that this leniency does not apply in a country where there is no government supervision on the milk.

#### Cheese, Butter and Powdered Milk

The Gemara, Avodah Zarah 35b, notes that non-kosher milk will not turn into cheese. For this reason, Hagahot Ashri, Avodah Zarah 2:40, rules that one may eat cheese that was made from milk that would otherwise have been considered chalav akum (assuming the prohibition of gevinat akum is not relevant). This ruling is cited by Rama, 115:2.

A similar discussion applies to the use of butter that is produced by a non-Jew. Rambam, Hilchot Ma'achalot Asurot 3:15-16, cites a dispute among the Geonim as to whether one may purchase butter from a non-Jew. Rambam explains that non-kosher milk cannot be churned into butter. However, if there is non-kosher milk in a mixture, the non-kosher milk may get caught in the air pockets of the butter. Some Geonim are concerned for the presence of non-kosher milk in the air pockets and some are not. Rambam posits that if the butter is cooked, everyone will agree that there is no concern for the presence of non-kosher milk.

Chatam Sofer, op. cit., asks: if in fact the prohibition against chalav akum is a rabbinic enactment, how can one employ a special leniency for cheese or butter? He answers that the rabbinic enactment is limited to ingesting milk in its original form. The enactment never included cheese, butter or other dairy products. For this reason, R. Tzvi P. Frank, Har Tzvi, Yoreh De'ah no. 103, suggests that the prohibition against chalav akum may not apply to powdered milk.

#### Gevinat Akum

The prohibition against cheese that was made by a non-Jew exists independent of the prohibition against chalav akum. If a non-Jew produces cheese with milk that is not considered chalav akum, the cheese is nevertheless prohibited. There are a number of opinions presented by the Gemara, Avodah Zarah 35a, as to why gevinat akum is prohibited. Rambam, Hilchot Ma'achalot Asurot 3:14, writes that the prohibition is due to a concern that the non-Jew used a non-kosher enzyme to produce the cheese (a combination of a few of the reasons presented in the Gemara). Rambam notes that this prohibition applies even if one knows that the enzyme is actually kosher.

Maharam MeRutenburg, Teshuvot Maharam (Prague edition) 4:374, rules that the only way to permit cheese that is owned by a non-Jew is for the Jew to place the enzyme into the milk. Sefer HaAgudah, Shabbat no. 191, disagrees and maintains that it is sufficient if a Jew watches the placing of the enzyme. Rama, Yoreh De'ah 115:2, rules in accordance with the opinion of Agudah. Shach, Yoreh De'ah 115:20, disagrees and maintains that the Jew must place the enzyme into the milk. However, Shach presents another leniency. He rules that if the owner of the milk is Jewish, the cheese is permitted even if a non-Jewish employee makes the cheese.

Soft cheeses such as cottage cheese and cream cheese (also known as acid-set cheeses) do not require an enzymatic process, although it is commonly used to speed up the process. R. Moshe Feinstein, Igrot Moshe, Yoreh De'ah 1:50, discusses whether these "cheeses" should be comparable to

butter, where there is no prohibition of *gevinat akum* or similar to a classic cheese and apply the prohibition. R. Feinstein does not draw a definitive conclusion on the matter and recommends treating them as subject to *gevinat akum*.

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**A Response to Noah Feldman**

**Rabbi Dr. Norman Lamm | Thu. Aug 02, 2007**

Dear Prof. Feldman,

My first — and last — impression after reading your extremely well-written New York Times Magazine essay (more properly — a manifesto) is one of sympathy for your predicament, respect for your honesty and profound sadness at the community's misfortune when one of our best and most well-known yeshiva day school graduates sees nothing wrong with "marrying out." Worse: You wittingly or unwittingly exposed your coreligionists to opprobrium in arguably the world's most public forum — even as you express admiration for the Jewish tradition, especially for Modern Orthodoxy.

True, we no longer "sit shivah" for a relative who married out. But all of us experience poignant anguish when a brilliant and once fully committed son of our people, who earnestly believes he is not rejecting his upbringing, effectively does just that in justifying his transgression and holding us up to ridicule.

And why so? Because you violated a major principle of Judaism and yet object when we, your fellow Jews, express our heartache in one of the only ways open to us.

Quite simply, my dear Prof. Feldman, you want to have your cake and eat it too. Sorry, but that just can't be done.

Frankly, your resentment at the removal of your name and photo from the alumni list of your high school and other such petty discourtesies does not elicit much sympathy from me. Tantrums do not move me. I am moved by your resolve to continue your relationship to Judaism. And I value your suggestion that we reexamine our attitude to the social ostracism we have practiced heretofore. We certainly will not accept the violation of the law with equanimity, but we ought to rethink how we can express our displeasure in a manner that will not close the doors to *teshuvah* — if indeed the couple wishes to take advantage of it.

Apparently, you take the matter of intermarriage lightly — something on the line of eating non-glatt-kosher meat. If so, you are sorely mistaken. True, one can make a case that out-marriage is, technically, not a more serious violation than work on Shabbat or eating on Yom Kippur. But you well know that in our times the ultimate sign of pending assimilation is intermarriage. You resent the small discourtesies you experienced, yet you ignore the massive insult to your alma mater, and to the Modern Orthodox community that nourished you all these years, by violating a fundamental law — and then punish them in public.

Prof. Feldman, I do not understand you. I am truly nonplussed. Once or twice in your article you imply that Judaism should tolerate a forbidden marriage because it is "one of my most important life decisions." I cannot believe that you really want to exempt the "most important of life's choices" from the purview and judgment of religion. For Heaven's sake, do you prefer that religion — any religion — deal with any thing but that which is important in life? Is this the Judaism you want? One that will make you feel warm and fuzzy and cuddly, one that will make grandiloquent pronouncements and issue pretty pieties — anything but what is really an "important life decision"?

That is not the kind of religion for which our ancestors — yours and mine — were willing to suffer abuse unto martyrdom.

Let me now address several other (but not all of the) important items in your essay.

You imply that Modern Orthodoxy is somehow responsible for Baruch Goldstein and Yigal Amir. That is a blatant example of guilt by association, and truly a low blow that is unworthy of you. If Modern Orthodoxy is responsible for Goldstein and Amir, then Harvard is

responsible for the Unabomber; Yale must answer for some of the most implacable kooks in this country — both right- and left-wingers, and by the same token Maimonides School is responsible for the tergiversation of one of its most distinguished graduates.

Now, for the facts: You do not quote any source for your assertion that when Baruch Goldstein murdered Arabs at prayer in Hebron on Purim day, he did so because he considered the Palestinians as Amalekites.

I beg to differ. His act was not one commanded by his religion, but by his Kahanist politics. How do I know? Because several years before the Hebron massacre, I received a document in which Palestinians of that area were effusive in their praise for the two brothers Goldstein, both physicians, who treated them with the same professionalism and compassion that they did their fellow Jews.

So your premise is faulty, and your conclusion is wrong.

Next item: You refer in anger to the Talmudic view on whether a Jewish doctor may violate the Sabbath laws in order to save the life of a non-Jew. You are critical of the Sages of the Talmud who permitted such violations of laws of the Sabbath because of concern for maintaining peaceful relations between the Jewish and non-Jewish communities. You suggest that, on the one hand, it is an "instance of laudable universalism," but, on the other, it is "an example of outrageously particularist religious thinking."

Surely you, as a distinguished academic lawyer, must have come across instances in which a precedent that was once valid has, in the course of time, proved morally objectionable, as a result of which it was amended, so that the law remains "on the books" as a juridical foundation, while it becomes effectively inoperative through legal analysis and moral argument. Why, then, can you not be as generous to Jewish law, and appreciate that certain biblical laws are unenforceable in practical terms, because all legal systems — including Jewish law — do not simply dump their axiomatic bases but develop them. Why not admire scholars of Jewish law who use various legal technicalities to preserve the text of the original law in its essence, and yet make sure that appropriate changes would be made in accordance with new moral sensitivities? Plato — as well as Maimonides — taught us that every law must leave some who are thereby disadvantaged, that it is in the nature of law to serve the community even when individuals are injured. We then must seek ways to ameliorate the situation as best we can. This is a legitimate way for the Talmudic and post-Talmudic rabbis to protect the sacred Shabbat laws, and by appropriate halachic legislation enable us to live without violating our moral conscience.

Let me clarify my stand, as an Orthodox rabbi, on the issue you raised: It is strictly forbidden by the Halacha to deny a non-Jew whatever is necessary to save his or her life. There must be no discrimination whatsoever. Every human being is created in the Image of God and has a right to life and health. "The Lord is good to all and His tender mercies are over all His works" (Psalm 145).

Because the issue is subtle and highly sensitive, do you not think that it would have been more responsible of you either not to mention an issue which for centuries has inflamed antisemitic vindictiveness and exacerbated irritation for those Jews ignorant of the method and subtleties of the law, especially since such subtleties are beyond the reader not trained in legal theory? But if you are compelled to write about it, would it have been a violation of some professional code to give precedence and preference to the universalist bias of the halachic tradition?

But you took the easy way out, and thereby succeeded in holding up the Torah, the Talmud, the rabbis and especially Modern Orthodox Judaism to public ridicule, making the whole Talmudic enterprise look bigoted and racist.

Bravo! You made a trenchant point and, by the way, you succeeded in supplying via the New York Times article enough anti-Jewish material to last a good few years — as antisemites have been spewing this sanctimonious poison for centuries. Did not this possibility occur to you when you were writing your article? Why the sudden collapse of your obvious sophistication? "Sages," the Talmud declared, "be exceedingly careful with your words."

You apparently were equally unaware of the damage your words have caused to innocent bystanders. Example: Daniel \_\_\_\_\_, a recent graduate of Yeshiva University, wrote this letter to me that broke my heart:

Like most Yeshiva University graduates, I interact on a daily basis with gentiles for most of my day. My Orthodox Jewish identity has never become an issue or conflict. However, following last week's New York Times article by Noah Feldman... I have frequently been getting questions like, 'Is it true that according to your law you wouldn't save my life on the Sabbath' or, 'Do you really believe that Jewish life is more important than gentile life?'

How does a young Modern Orthodox professional answer these questions in a respectful and diplomatic way so as not to demonize others and at the same time be true to his faith?

My dear Noah Feldman, it is your duty to answer him, because you are the cause of his discomfiture and perhaps his possible inability to find employment — and so for the thousands who have no access to the pages of The New York Times and who will have to live under the cloud of calumny you have unwittingly visited upon them. Of course, I don't think you will, but should you be moved by Daniel's predicament, call me and I will gladly give you his full name and address. You owe it to him.

If my words sound harsh, it is because I have followed your career with naches and hope for the future of our Jewish people and Modern Orthodoxy, so I write like a spurned lover. I sympathize with your dilemmas. I can appreciate the pain suffered by one subject to the social sanctions prescribed by Jewish tradition, and I can understand the feelings of one who, under the pressure of desire or love, feels compelled to ignore the biblical prohibitions. The flesh, after all, is weak. But that is no excuse for embarrassing a whole community to which you always belonged and to which you maintain you still owe a degree of fidelity (and I believe you). In your essay, your closing words are, "My best friend just laughed."

As for me — I cried.

I still dream that you will reconsider your remarks and your self-imposed alienation.

But whether you do or do not do that, remember: Judaism and the Jewish people will survive without you or me. But neither you nor I will survive spiritually without Judaism and the Jewish people.

Norman Lamm

*Rabbi Norman Lamm is the chancellor and former president of Yeshiva University. He is the rosh yeshiva of its affiliated Rabbi Isaac Elchanan Theological Seminary.*

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