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subject: Rabbi Benjamin Yudin - Missing Gen(e)iality

**Rabbi Benjamin Yudin**

**Missing Gen(e)iality**

Who is at the center of one's universe? This intriguing question has a most profound effect on one's life and destiny. The Chovos Halevavos reminds us that if one has Hashem as the center, what naturally follows is a hakaras hatov - recognition and appreciation of all the good that He does on one's behalf. His taking us out of Egypt is not just a monumental moment in our history, but obligates us and provides us with the privilege to reciprocate to Him; we owe Him. "Kol haneshama t'hallel Kah, Hallelukah" (Tehillim 150:6) is to be understood not only that each individual praises Him, but also that we owe him a debt of gratitude for each and every breath that we are fortunate to breathe. If He is absent from that center, but man himself is there, then man can live a most arrogant lifestyle with the attitude that everything is coming to him and he owes nothing to anybody.

The Torah informs us that man was created in the image of G-d (Bereishis 1:27) which, among other meanings, indicates man's ability to emulate his Maker. Indeed, in the 611th mitzvah of "v'halachta b'drachav" (Devarim 28:9) man is commanded to emulate Hashem. The Torah tells us that in the beginning of creation, all vegetation and herbage was created but had not yet sprouted, "for Hashem had not yet sent rain upon the Earth, and there was no man to work the soil" (Bereishis 2:5.) Rashi cites the Talmud (Chulin 60b) that Hashem waited for man to realize the requirement for rain in order for vegetation to grow, and thus to be appreciative of the rain. Hashem's first lesson to Adam was to be a makir tov - someone who is appreciative of the good bestowed upon him. Indeed, the Maharal (in his Gur Aryeh) adds, "it is forbidden to extend goodness to one who does not appreciate it." Moreover, based on this Maharal one can derive a deeper meaning of the verse "lo tov heyos ha'adam l'vado - it is not good that man be alone" (Bereishis 2:18.) A deeper understanding of this possuk is that he cannot be tov - good if he has

no one to extend goodness to. Thus, Ksav V'halkabalah explains that when the Torah repeats, "and Hashem saw that it was good" throughout creation it is not that Hashem was glowing and bragging in self aggrandizement over His accomplishment, but rather Hashem saw that His creation could be shared and thus extend goodness to others, namely mankind.

Indeed, the Ramban (Bamidbar 7:2-5) notes that Hashem was makir tov to the nesi'im on the occasion of the dedication of the Mishkan. Why was it necessary to repeat the identical offering of each of the twelve prince times when the Torah could have stated it once and informed us that each of the twelve offered it? The Ramban answers that it was Hashem's way of saying thank you to each nasi for not trying to outdo and exceed the offering of the previous day. Since they all conformed in modesty and extended dignity to each other, Hashem thus responded in kind and showed hakaras hatov to each nasi.

It is interesting to note, that on the very opening word of the Torah, "Bereishis", the commentaries see not only the dimension of when, but why. For what reason did Hashem create the world? Rashi cites Chazal's explanation that it was created for the Torah and for Bnei Yisroel, both of which are called "reishis". The Rabbis (Medrash Yalkut Shimoni, Bereishis 1:2) add the third understanding that is for bikurim, the mitzvah of bringing the first fruits to the Beis Hamikdash accompanied by the recitation of a paragraph of thanksgiving to Hashem. Of all the mitzvos in the Torah, why single out bikurim as a reason for creation? The answer, as many of our mussar teachers note, is to impress upon us from the very first word of the Torah the centrality of hakaras hatov, specifically as applied to expressing our thanks to Hashem.

Indeed, our very name "Yehudim", commonly translated as "Jews", in reality stems from Yehuda whose birth was accompanied by his mother's appreciation of the kindness and generosity of Hashem (Bereishis 29:35.) Moreover, the mishnah (Berachos 54a) teaches that one is to be "modeh al ha'avar v'tzoek al heated - grateful and thankful for the past, and pray with fervor for the future." Built into our spiritual DNA is the obligation for ethical behavior, namely to be humble, to take note and realize that we could not do it alone, and to therefore show gratitude for all who help us in any way.

While the Yalkut Shimoni at the beginning of the Book of Vayikra lists nine other names that Moshe had, the name "Moshe" is the only name used in the Torah for the greatest of the prophets. This name is the one that expresses gratitude to the Egyptian princess who saved his life.

It is thus most understandable that included in parshas Ki Teitzei, with its seventy four mitzvos, is the prohibition of allowing a male member of Ammon and Moav from marrying into the Jewish nation. The Torah states (23:5), "because of the fact that they did not greet you with bread and water on the road when you were leaving Egypt, and because he hired against you Bilam to curse you." At first glance this seems like a rather harsh response to their lack of hospitality. However, it goes much deeper on two levels. Firstly, these two nations are descendants of Lot, Avraham's nephew. The Torah states explicitly, "Thus it was that, when God destroyed the cities of the Plain and annihilated the cities where Lot dwelt, God was mindful of Abraham and removed Lot from the midst of the upheaval" (Bereishis 19:29.) Rashi cites the Medrash that Hashem rewarded Lot for his silence in Egypt, when Avraham told the authorities that Sara was his sister (12:13) and he, Lot, knew the truth but not contradict and betray his uncle. Hashem recognized the good that Lot had done and saved him. When the male descendants of Lot who refused to be hospitable to a nation, indeed a relative, that had been persecuted in Egypt, this revealed a character flaw of such great significance that the Torah forbade our marrying these men. In addition, note that Lot had the trait of keeping silent, and had learned from his uncle hachnasas orchim - hospitality. Yet his very progeny betrayed him on both accounts. Moav hired Bilam to curse the Jewish people and Ammon was inhospitable.

Why does Avraham sent Eliezer to find a wife for Yitzchak and Avraham does not choose a daughter of one of the thousands of his disciples? The Ran

(Drashos HaRan drasha 5) explains that it is relatively easy to change a person's thinking and perspective, their *dei'os*, and thus remove idolatry from their mindset. It is, however, most challenging and difficult to change a person's *midos* - character traits. The people of Cannan were of vile character. The Torah is thus teaching us what to look for in a bride, i.e. someone who is selfless rather than someone who is selfish.

The trait of being *makir tov*, acknowledging the good performed on your behalf, leads to a greater degree of happiness in life. Perhaps this is so because one lives without a sense of entitlement, as Yaakov states, "katonti mikal hachasadim...asher asisa es avdecha - I am diminished and overwhelmed by all the kindnesses... that You have done on behalf of your servant" (Bereishis 32:11.) and therefore one is truly grateful for whatever comes his way. Moreover, *hakaras hatov* empowers. Rav Chaim Shmuelevitz (Sichos Mussar 32:32) notes that Eliyahu Hanavi and Elisha, his disciple, both performed the miracle of *techiyas hameiseim* - resurrecting the dead, and yet didn't revive their parents and/or other loved ones. Rav Shmuelevitz explains that they each, having been the recipient of generous hospitality, were enabled by their great sense of gratitude, true *hakaras hatov*, to revive the respective young men. In the not too distant days of *aseres yemei teshuva* we will recite in every *shemoneh esrei*, "zachreinu l'chaim", asking Hashem to remember us for life. May we be able to honestly say that we have utilized the gift of life until now to serve Hashem and his people and thus be able to ask for an extension of His beneficence.

The *gemara* (Bava Kama 92b) teaches, "the wine belongs to the host, yet we say thank you to the waiter who pours the wine." Why do we thank the waiter? I believe the Talmud is teaching us that we are to be individuals who acknowledge the benefits bestowed upon us by others. Rather than rationalizing to ourselves, "after all, it's not his wine, and he's being paid to wait on me", we are to express gratitude. Similarly, regarding our parents, we did not ask to be born and yet we are to ever acknowledge the good they did, and do, for us. The same is true regarding one's spouse. A husband might be the breadwinner in the family, but his wife deserves the proper recognition and respect for the environment she creates in the home. After all is said and done, *hakaras hatov* may be even more important for our character refinement than it is to the provider of the service.

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subject: Shabbat Shalom from the OU

www.ou.org/torah/parsha/rabbi-sacks-on-parsha

### **Two Types of Hate – Rabbi Jonathan Sacks (Ki Teitse 5777)**

It is by any standards a strange, almost incomprehensible law. Here it is in the form it appears in this week's parsha:

Remember what the Amalekites did to you along the way when you came out of Egypt. When you were weary and worn out, they met you on your journey and attacked all who were lagging behind; they had no fear of God. When the Lord your God gives you rest from all the enemies around you in the land He is giving you to possess as an inheritance, you shall blot out the name of Amalek from under the heaven. Do not forget. (Deut. 25:17-19)

The Israelites had two enemies in the days of Moses: the Egyptians and the Amalekites. The Egyptians enslaved the Israelites. They turned them into a forced labour colony. They oppressed them. Pharaoh commanded them to drown every male Israelite child. It was attempted genocide. Yet about them, Moses commands:

Do not despise an Egyptian, because you were strangers in his land. (Deut. 23:8)

The Amalekites did no more than attack the Israelites once<sup>1</sup>, an attack that they successfully repelled (Ex. 17:13). Yet Moses commands, "Remember." "Do not forget." "Blot out the name." In Exodus the Torah says that "God shall be at war with Amalek for all generations" (Ex. 17:16). Why the

difference? Why did Moses tell the Israelites, in effect, to forgive the Egyptians but not the Amalekites?

The answer is to be found as a corollary of teaching in the Mishna, Avot (5:19):

Whenever love depends on a cause and the cause passes away, then the love passes away too. But if love does not depend on a cause then the love will never pass away. What is an example of the love which depended upon a cause? That of Amnon for Tamar. And what is an example of the love which did not depend on a cause? That of David and Jonathan.

When love is conditional, it lasts as long as the condition lasts but no longer. Amnon loved, or rather lusted, for Tamar because she was forbidden to him. She was his half-sister. Once he had had his way with her, "Then Amnon hated her with intense hatred. In fact, he hated her more than he had loved her." (2 Sam. 13:15). But when love is unconditional and irrational, it never ceases. In the words of Dylan Thomas: "Though lovers be lost, love shall not, and death shall have no dominion."

The same applies to hate. When hate is rational, based on some fear or disapproval that – justified or not – has some logic to it, then it can be reasoned with and brought to an end. But unconditional, irrational hatred cannot be reasoned with. There is nothing one can do to address it and end it. It persists.

That was the difference between the Amalekites and the Egyptians. The Egyptians' hatred and fear of the Israelites was not irrational. Pharaoh said to his people:

'The Israelites are becoming too numerous and strong for us. We must deal wisely with them. Otherwise, they may increase so much, that if there is war, they will join our enemies and fight against us, driving [us] from the land.' (Ex. 1:9-10)

The Egyptians feared the Israelites because they were numerous. They constituted a potential threat to the native population. Historians tell us that this was not groundless. Egypt had already suffered from one invasion of outsiders, the Hyksos, an Asiatic people with Canaanite names and beliefs, who took over the Nile Delta during the Second Intermediate Period of the Egypt of the pharaohs. Eventually they were expelled from Egypt and all traces of their occupation were erased. But the memory persisted. It was not irrational for the Egyptians to fear that the Hebrews were another such population. They feared the Israelites because they were strong.

(Note that there is a difference between "rational" and "justified". The Egyptians' fear was in this case certainly unjustified. The Israelites did not want to take over Egypt. To the contrary, they would have preferred to leave. Not every rational emotion is justified. It is not irrational to feel fear of flying after the report of a major air disaster, despite the fact that statistically it is more dangerous to drive a car than to be a passenger in a plane. The point is simply that rational but unjustified emotion can, in principle, be cured through reasoning.)

Precisely the opposite was true of the Amalekites. They attacked the Israelites when they were "weary and weak". They focused their assault on those who were "lagging behind." Those who are weak and lagging behind pose no danger. This was irrational, groundless hate.

With rational hate it is possible to reason. Besides, there was no reason for the Egyptians to fear the Israelites any more. They had left. They were no longer a threat. But with irrational hate it is impossible to reason. It has no cause, no logic. Therefore it may never go away. Irrational hate is as durable and persistent as irrational love. The hatred symbolised by Amalek lasts "for all generations." All one can do is to remember and not forget, to be constantly vigilant, and to fight it whenever and wherever it appears.

There is such a thing as rational xenophobia: fear and hate of the foreigner, the stranger, the one not like us. In the hunter-gatherer stage of humanity, it was vital to distinguish between members of your tribe and those of another tribe. There was competition for food and territory. It was not an age of liberalism and tolerance. The other tribe was likely to kill you or oust you, given the chance.

The ancient Greeks were xenophobic, regarding all non-Greeks as barbarians. So still are many native populations. Even people as tolerant as the British and Americans were historically distrustful of immigrants, be they Jews, Irish, Italian or Puerto Rican - and for some this remains the case today. What happens, though, is that within two or three generations the newcomers acculturate and integrate. They are seen as contributing to the national economy and adding richness and variety to its culture. When an emotion like fear of immigrants is rational but unjustified, eventually it declines and disappears.

Antisemitism is different from xenophobia. It is the paradigm case of irrational hatred. In the Middle Ages Jews were accused of poisoning wells, spreading the plague, and in one of the most absurd claims ever – the Blood Libel – they were suspected of killing Christian children to use their blood to make matzot for Pesach. This was self-evidently impossible, but that did not stop people believing it.

The European Enlightenment, with its worship of science and reason, was expected to end all such hatred. Instead it gave rise to a new version of it, racial antisemitism. In the nineteenth century Jews were hated because they were rich and because they were poor; because they were capitalists and because they were communists; because they were exclusive and kept to themselves and because they infiltrated everywhere; because they were believers in an ancient, superstitious faith and because they were rootless cosmopolitans who believed nothing.

Antisemitism was the supreme irrationality of the age of reason.

It gave rise to a new myth, The Protocols of the Elders of Zion, a literary forgery produced by members of the Czarist Russia secret police toward the end of the nineteenth century. It held that Jews had power over the whole of Europe – this at the time of the Russian pogroms of 1881 and the antisemitic May Laws of 1882, which sent some three million Jews, powerless and impoverished, into flight from Russia to the West.

The situation in which Jews found themselves at the end of what was supposed to be the century of Enlightenment and emancipation was stated eloquently by Theodor Herzl, in 1897:

We have sincerely tried everywhere to merge with the national communities in which we live, seeking only to preserve the faith of our fathers. It is not permitted us. In vain are we loyal patriots, sometimes superloyal; in vain do we make the same sacrifices of life and property as our fellow citizens; in vain do we strive to enhance the fame of our native lands in the arts and sciences, or her wealth by trade and commerce. In our native lands where we have lived for centuries we are still decried as aliens, often by men whose ancestors had not yet come at a time when Jewish sighs had long been heard in the country . . . If we were left in peace . . . But I think we shall not be left in peace.

This was deeply shocking to Herzl. No less shocking has been the return of antisemitism in parts of the world today, particularly the Middle East and even Europe, within living memory of the Holocaust. Yet the Torah intimates why. Irrational hate does not die.

Not all hostility to Jews, or to Israel as a Jewish state, is irrational, and where it is not, it can be reasoned with. But some of it is irrational. Some of it, even today, is a repeat of the myths of the past, from the Blood Libel to the Protocols. All we can do is remember and not forget, confront it and defend ourselves against it.

Amalek does not die. But neither does the Jewish people. Attacked so many times over the centuries, it still lives, giving testimony to the victory of the God of love over the myths and madness of hate.

Shabbat Shalom

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## Weekly Parsha

### KI TEITZEI

The Torah deals with temptation in this week's reading. Temptation is a constant factor in human existence. Usually we do not carry out the acts that tempt us simply because of lack of opportunity and not necessarily because of our piety. People are watching, the police are in the vicinity, the circumstances currently conspire against us being successful in this tempting but illicit venture. However there are times when these outside inhibitions are not present to deter one from succumbing to the temptation presented. At such times the Torah seems to imply that it will be very difficult to deny the temptation completely. During war and battle, the soldiers' inhibitions are released. The Torah therefore proposes to channel the fulfillment of this temptation rather than attempt to deny it completely. Because of this unusual set of circumstances, occasioned by war and its attendant violence and human callousness, the temptation of a defenseless attractive woman captive will be so overriding that the Torah restricted it but did not deny it completely.

There is too much opportunity present here. The Torah is well aware of the frailties and weaknesses of human behavior. It never demands the impossible from God's creatures. But it does impose a set of rules and a sense of discipline regarding all area of life's activities. The set of circumstances posed by the Torah at the onset of this week's reading is a paradigm example of the Torah's attitude and instructions in all other like matters.

Yet in spite of all of the above, the Torah warns the Jewish soldier that there are unpleasant results and sad consequences to one's succumbing to temptation even in "permissible" circumstances. No stable and lasting family life can be built upon such wanton initial behavior. Even acts that cannot be initially categorized as being forbidden or illegal can engender dire results later for the person who perpetrates them.

This is true in commercial life as well as in personal affairs. One should always restrain one's self from pushing the envelope too far. Every act of human behavior potentially carries with it unseen and far reaching consequences. The rabbis always advocated caution in all matters in life – in speech, in behavior and in decision-making. One should never stand too close to the edge of any precipice, whether moral, physical or spiritual. Everyone's life experiences validate this wisdom of the sages of Israel. Don't sit too close to the fire lest one be singed by it. Don't lean over the fence lest one may fall. Don't always justify giving in to convenient temptation for there will always be unforeseen and in most cases very negative consequences.

In a world that somehow overvalues risk taking, prudence and caution are not especially favored. Yet this week's Torah reading illustrates, in a graphic fashion, the wisdom of restraint. The advent of the month of Elul only serves to reinforce these ideas in our hearts and minds and most importantly, in our behavior.

Shabbat shalom  
Rabbi Berel Wein

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From the teachings of the Rosh Yeshiva  
Ha-Rav Shlomo Aviner Shlit"a  
**Rav Shlomo Aviner Shlit"a**

Ha-Rav answers hundreds of text message questions a day. Here's a sample:  
Stealing Food in a Yeshiva

Q: If I am hungry at Yeshiva, can I break into the kitchen and take food?

After all, my parents pay for it.

A: Ask the Rabbi there.

Text Message Q&A

Q: Does Ha-Rav answer every text message question?

A: No. I receive about 300-400 a day. I answer about a fourth of them.  
Secular Studies

Q: Why is there a need for secular studies? Isn't everything found in the Torah?

A: Secular studies are sciences which come to describe the world. The Torah does not come to describe what is, but what should be (Maharal in Netivot Olam – Netiv Ha-Torah, Netiv 14).

Tefillin of Avraham Avinu

Q: Did Avraham Avinu put on Tefillin?

A: Yes. He fulfilled the entire Torah, but his Tefillin were different from ours. See Baal Ha-Tanya in his book "Torah Or".

40 Days before a Person Dies

Q: Is it true that 40 days before a person dies, he feels that something will occur?

A: No.

House Built on Shabbat

Q: A non-religious Jew built a house on Shabbat and then became religious. Is it permissible for him to benefit from the house, or is it forbidden just as it is forbidden to benefit from something which one plants on Shabbat (Shulchan Aruch, Orach Chaim #318)?

A: One can be lenient, since benefiting from something made on Shabbat is a Rabbinic prohibition, a fine for violating Shabbat which discourages one from doing so. In a major extenuating circumstance such as this, one may be lenient on account of "Takanat Ha-Shavim" (literally "the enactment of the penitent". This is a concept in the Gemara which is used to help facilitate the return of stolen property or to encourage transgressors to try and right whatever wrong they may have committed). See Piskei Teshuvot 244:7-8. Rabbi who Encourages Going onto the Temple Mount

Q: A Rabbi in our community encourages going onto the Temple Mount. If he discusses this issue, should I point out that the Chief Rabbinate of Israel forbids it?

A: Remain silent on account of his honor.

Chabad Meshichistim Minyan

Q: Is it permissible to Daven in a Chabad Minyan which has: "May our master, our teacher, our Rabbi, King Messiah, live forever" written on the Torah Ark and a chair for the Rebbe?

A: Yes. They are G-d-fearing Jews.

Mitzvah of Tzahal

Q: If a soldier is engaged in military exercises or is resting, is he still fulfilling the Mitzvah of serving in Tzahal?

A: Yes. Since it contributes to Tzahal's strength of deterrence (see Moreh Nevuchim 3:27).

Someone who Did Not Put on Tefillin

Q: Regarding someone who did not Daven Shacharit and put on Tefillin: should he put on Tefillin as soon as possible or at Mincha?

A: As soon as possible, to avoid possibility of not putting them on later. "Zirizim Makdimim Le-Mitzvot" - The punctilious perform Mitzvot as soon as possible

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### **Found Money – A Drama in Real Life**

**By Rabbi Yirmiyohu Kaganoff**

*Parshas Ki Seitzei includes the mitzvah of hashavas aveidah. This article was published previously in my book From Buffalo Burgers to Monetary Mysteries. Should you be interested in purchasing the book, you may do so via the website*

Hershel calls me one day, somewhat agitated and very excited, with the following shaylah:

"While making an unusual household repair, I discovered a wad of hundred-dollar bills hidden in a secret place," he begins. The questions now come tumbling out. "I know this is not money I ever put aside. How do I determine who the owner is? May I trust any previous resident of the house who claims that the money is his? Do I need to be concerned that the money was used for illegal activity? What do I do if I can't find the owner?" And then finally, with a hopeful tone in his voice, "May I borrow the money while I am trying to locate the owner? We are behind on the mortgage, and it would be really helpful!"

Before answering Hershel's questions, we need to clarify the Torah's rules for returning lost objects:

#### **BASIC HASHAVAS AVEIDAH RULES**

As we are all aware, there is a mitzvah to return a lost object to its owner (Devorim 22:1-3; Shemos 23:4; Bava Metzia 26b). There are actually two different mitzvos, a prohibition against ignoring the lost object and a positive mitzvah to return it. Someone who retrieves the lost object and successfully returns it fulfills both mitzvos.

There are several questions we must answer when confronted with a hashavas aveidah situation. Among them are:

I. Where did you find the item? Did you find it in a place where there are many people who do not observe the laws of hashavas aveidah, in which case the owner would assume that the finder would probably not return it? Or perhaps you found it in a shul or other place where the people passing through observe the halachos of hashavas aveidah.

II. Is it an object that the owner probably already knows that he lost, such as large amounts of money, or is it something that he probably does not realize he lost, such as a pen or small change?

III. Does the item have an identifying marking, called a siman, or not?

IV. Was the item placed intentionally, or does it appear to have been dropped?

#### **YIUSH**

An important principle governing the laws of lost objects is the concept called yiush, which means that the owner does not expect to retrieve the lost item. Once the owner has given up hope of getting the object back, it is halachically considered that he has relinquished possession (Chinuch, Mitzvah 538; Shulchan Aruch Choshen Mishpat 262:5). At this point, there is no requirement to return the lost item, and one certainly does not need to try to locate the owner. Nevertheless, it is still a mitzvah lifnim mishuras hadin, beyond the requirements of halacha, to return the lost object (Bava Metzia 24b).

EXAMPLE: If a driver observed something blow out of his car window and did not return for it, we may assume that the owner was me'ya'eish (gave up hope of retrieving it).

We now understand the basis of the first question we posed above: Was the item found in a place where the owner would assume that it will not be returned, such as a shopping mall, or in a place where it might be returned, such as a shul?

Based on what we have explained, there is no halachic requirement to return an item that was lost in a mall or other place frequented by people who do not observe hashavas aveidah. The finder may assume that the owner gave up hope of having the item returned, even if it has a siman. However, it is a mitzvah lifnim mishuras hadin to return the item.

Many poskim contend that there is no halachic requirement to return an item that is used by a child, such as a toy or child's garment. Since adults know that children lose things all the time, these items are categorized as aveidah mi'daas, items that the owner knows may be lost since he gave them to someone who is not halachically responsible (see Bava Basra 87b; Mishpetei Torah III pg. 44). Therefore, when a parent gives a child these items he is not surprised when they are lost—it is an assumption that they will periodically lose their clothes, toys, and school supplies.

This halacha does not apply to an item that might be used by a child over bar- or bas-mitzvah, since they are halachically responsible.

## ITEMS THAT THE OWNER DOES NOT KNOW HE LOST

Until now we have been discussing items that the owner knows that he lost. What is the halacha concerning items that the owner does not yet realize that he has lost?

The Gemara discusses the rule governing *yiush shelo midaas* (lit., giving up hope without knowledge), which refers to items that someone will give up hope of retrieving as soon as he realizes he lost them; however, he does not yet know that he has lost them. Are these items already considered ownerless? This question is probably the most famous dispute between the two great Talmudic scholars Abaye and Rava, and it is often taught as an introduction to didactic Gemara study.

The Gemara concludes that *yiush shelo midaas* is not valid *yiush* until the owner realizes his loss. This means that, although the owner will eventually give up hope of retrieving the item, until he realizes his loss, the item is still his property and someone else may not take possession of it.

How does the finder know if the owner has realized his loss? In general, this depends on the item. Someone who finds a large item that the owner was probably carrying himself may assume that the owner has already realized his loss by the time it was found. Similarly, if you found a large quantity of money on the street, you can assume that the owner is already aware of his loss since one tends to check one's pockets frequently when carrying large sums of money. Therefore, we assume that the owner realized his loss by the time the finder found it. It is therefore permitted for the finder to keep the item.

On the other hand, if one finds an item that might go unnoticed for a while, such as small change, one should assume that the owner may not yet know of his loss and one should not assume that the finder can consider it his.

### WHAT IS A SIMAN?

One of the distinctions I mentioned above was between items that have an identifying marking, called a *siman*, and those that do not. What is a *siman* and why is it so significant to the halachos of lost objects?

Someone who lost an item in a *shul* or similar place where most of the people are halacha abiding would assume that people would try to return the item. As we will explain shortly, to return a lost item, it is important that the item have a *siman* that the owner can use to identify it. A *siman* may be a name tag or an unusual marking or blemish on the object – anything that the owner would know about but that someone else probably would not.

### MUST IT BE A PHYSICAL SIMAN?

An item placed in an unusual way or in an unusual location also has a valid *siman* – someone who knows this information would be demonstrating that he or she is the item's owner. For example, although money does not usually have a *siman*, coins placed in a pile or in an unusual location have a valid *siman* (see Bava Metzia 23b).

The number of bills involved would also be a valid *siman*. Thus, the number of bills in a wad of dropped bills is a valid *siman* (Bava Metzia 23b).

Combining the rules that we have learned we reach the following conclusion:

Someone who finds a lost item in a *shul* or other place where the owner would assume that people observe *hashavas aveidah* should see if the lost item has a *siman*. If it does, then the owner will assume that he can still retrieve his lost item, and the finder is required to notify people that he found such an item.

In the days of Chazal there were different methods utilized for this notification. A contemporary method is to hang up a sign on a bulletin board near where the item was found or to bring the item to a functioning "lost and found" depot.

When finding a lost object that has a *siman*, one should not announce it in a way that gives away its *siman*. Thus, if one found a watch in *shul*, one should announce (on the sign or bulletin) that he found a watch and leave it for the owner to identify the item by its defining characteristics (Bava Metzia 28b).

### AN ITEM THAT WAS PLACED INTENTIONALLY

If the item appears to have been placed and forgotten, rather than dropped, one should leave the item where it is, since the owner will probably try to retrace his steps to find it. If the item was left in a very secure place, one should leave the item there, since it will not disappear (Shulchan Aruch Choshen Mishpat 260:1). Thus in Hershel's case, if the owner does not surface and cannot be located, the money should be left in its place and not touched, and certainly not borrowed, until the owner returns for it. In this instance, even if Hershel removed it from its place he should put it back since he knows that the owner did not return to look for it in the interim (Rama 260:10 and Sma 48).

However, if the item was left in a place where it will be thrown away, one should try to return it to its owner (Bava Metzia 25b).

### WHEN DOES THE FINDER NOT RETURN IT?

One should not return the item without determining that the person can prove he is the owner. This is accomplished when the owner provides his *siman* identifying himself as the legitimate owner of the lost item.

If the claimant is dishonest, one should not return the lost item to him, even if he seemingly demonstrates that he is the correct owner. This is because of suspicion that he has discovered proof to claim falsely that he is the owner (Bava Metzia 28b).

### WHEN SHOULD YOU NOT PICK UP A LOST ITEM?

If the lost item has no *siman*, you are not obligated to pick it up since you will anyway be unable to return it to the owner. Furthermore, there are two different circumstances whereby one should not pick up the lost item, and if one did, one may not keep it, even though the lost item has no *siman*. One case we mentioned above -- where the owner originally placed the item there intentionally and subsequently forgot to retrieve it (*makom hinuach*). In this case, one should not pick up the lost item because the owner might still be able to retrace his steps and find the item, yet if you pick it up he will be unable to claim it since it has no *siman* (see Bava Metzia 25b). However, if leaving the item in its place will cause it to become destroyed or stolen, one should remove it and try to "announce" it using its location as a *siman* (*ibid.*).

### WHAT IF THE OWNER DOES NOT KNOW HE LOST IT?

The second case where one should not pick up the lost item is where the owner does not yet know that he lost it (*yi'ush shelo midaas*) and the item has no *siman*. As explained above, since the owner does not yet realize his loss, he has not yet relinquished ownership. Therefore, the finder cannot keep the lost object.

In both of these instances, if the item has been lost for a long enough time that one may assume that the owner found out about his loss, one may keep the lost item. This is because of the following reason:

### MAY I EVER KEEP AN ITEM THAT I FOUND?

If the owner knows that he has lost the object and despairs of retrieving it, then the finder may keep it, provided he picked it up only after the owner gave up hope to ever get it back (Bava Metzia 22b). Therefore, if the finder can assume reasonably that the owner has already given up hope that he will retrieve the lost object, the finder may keep it (Chinuch, Mitzvah 538).

### WHAT HAPPENED TO THE "FOUND MONEY"?

Having explored the basic laws of *hashavas aveidah*, we now return to the saga of Hershel's found money.

In our particular case, we can assume that someone who had lived previously in the house lost the money. Thus, we should be able to identify all the possible candidates and then try to narrow down the list.

We have no halachic reason to be concerned that the money was earned illegally.

I asked Hershel who had lived in the apartment previously. He told me he would contact the previous tenant and find out what he could.

Hershel contacted the previous tenants, a fine, halachically-committed couple, Chayim and Rochel. Hershel asked them if they had hid money in the apartment and forgotten about it, without hinting to them where the hiding place was so that he would not reveal the *siman*.

"No, I have no recollection of hiding money in the apartment that we left behind," responded Chayim, "I am sure the money is not ours."

From Chayim, Hershel found out the identity of the previous resident of the apartment, a not-yet-observant Jew, Phil. With a bit of luck, Hershel located Phil, and began to explain to him about the money.

"I hid money all over the house, in every hiding place you can imagine!" responded Phil, "I don't even remember all the hiding places I used. Indeed, I probably didn't take all the money with me when I left. I am sure the money is mine!"

Of course, this statement does not provide us with any help. Maybe the money is indeed Phil's, but he must provide us with a *siman*. Not remembering the *siman* does not allow us to give it to him. For all we know, Phil could be a dishonest person, and the money belongs to one of the tenants who lived there before him.

Unfortunately, this put Hershel in a very difficult position. As mentioned above, one may not return money to a dishonest person, even if he provides a *siman*, because of concern that he might have guessed right (Mishnah Bava Metzia 28b). Thus, if Phil is indeed dishonest, Hershel could not trust him, even if Phil would guess where the money had been found.

Hershel attempted to explain to Phil that perhaps he could provide some more information about the money, such as where the money was hidden or how much money there was. Phil became very testy. "I am telling you the money is mine. What's the matter, you don't trust me?!"

Hershel called me back, a bit disappointed. He had tried to fulfill the *mitzvah* of *hashavas aveidah*, but unfortunately the trail ended here. We will never know whether

Phil was the legitimate owner of the money, but the halacha requires us to be reasonably certain who is the owner before we return to him the lost item. Furthermore, there was no way to trace tenants of the apartment who lived there before Phil and to try to ascertain whose money it was. Hershel assumed that he would have to leave the money where he found it, hoping that perhaps one day someone will come by to identify the money properly by its simanim.

Maybe one day the true owner will realize that he had left money in the house and come back for it. Not coming back for the money could only be attributable to two causes:

1. The loser has forgotten about the money. In this case, the finder may not keep it since the loser never intentionally gave up hope of finding it. If at some time in the future he remembers about the money, he may recall where he put it and come back to claim it. Thus, the money is still the property of the loser. In this instance, Hershel should leave the money in place as long as he retains residence in the house (Sma 262:12).
2. The loser remembers that he hid the money, but he cannot recall where. In this instance, we may assume that when he realized that he cannot remember where he put the money, he would give up hope of ever finding the money again, and the money is hefker, ownerless. In this situation, Hershel would be allowed to keep the money (Shulchan Aruch Choshen Mishpat 260:1 as understood by Pischei Choshen Vol. I, pg. 282).

We see that returning lost items is a beautiful and important mitzvah, and that, sometimes, the details of the halacha are fairly complicated.

<http://www.dailyhalacha.com/m/halacha.aspx?id=964>

### Hilchos Shabbos

#### DailyHalacha@aol.com

#### **7799. "Trapping and Killing Bees or other Insects"**

According to Torah Law only species of animals that are usually trapped/hunted are included in the Melacha of "Tzod" - Trapping. Nevertheless, confining or trapping any living creature including insects is Rabbinically forbidden because it resembles the Melacha of Tzod. Therefore it is prohibited to catch a fly or moth even with the intention of immediately releasing it.

7800. However, stinging insects that can inflict substantial pain such as wasps, hornets, yellow jackets, or bees may be trapped by covering them with an empty cup or bowl. (One should not use a trapping device designed for trapping bees and insects). Similarly, if a mosquito is hovering near a small child who may suffer a reaction from a simple mosquito bite, it would be permitted to trap the mosquito. Hornets or wasps near a small child may even be killed (using a spray or other method) if necessary, because their sting can be dangerous to a small child. The same is true of an adult who may suffer an allergic reaction to an insect sting. Chazal did not extend the Rabbinic restriction on trapping insects in the face of substantial physical pain and discomfort.

Shulchan Aruch w/Mishnah Brurah 315, 316, Shmiras Shabbos Kehilchasa 25:7, Sefer 39 Melochos

<https://www.theyeshivaworld.com/news/headlines-breaking-stories/1342943/timely-fascinating-article-1940-chofetz-chaim-solar-eclipse-translated-english.html>

*The following is a translation of an article found in the Journal "Bais Yaakov"[1], written by Rabbi Shmuel Pliskin[2], about the solar eclipse[3] which the Chofetz Chaim viewed. (Translation and footnotes by Rabbi Moshe Chaim Biron)*

It was a typical summer evening, a warm Tuesday, and the elderly Chofetz Chaim had just finished Aleinu. After placing his siddur down on the table, the Chofetz Chaim looked around, scanning the crowd which had packed the narrow room for maariv.[4] Finally, the Chofetz Chaim gave a klop on the edge of the table and began.

"The implication is that at a beis ha'mishteh one can also learn the same lesson; no one's life is eternal.

"Just as when a ruling governor sends a new minister to a city, the previous minister knows his days are numbered, so too when a child is born we are in essence being reminded that nobody is here forever. Death is not exclusive to those in a "membership club". Everyone's turn will come, no creation is immortal."

The Chofetz Chaim continued "Hashem has implanted in his creation the phenomenon of a solar eclipse, as a means of refuting those misguided souls, who believe in other immortal powers. The time comes when the sun is eclipsed, so that we all know and internalize; the sun is a creation and not a creator! And us mankind...we're no different."

Once again the Chofetz Chaim tapped on the table and with an expression of triumph he smiled and added "let them all come and see!"

He continued, "It's a mitzvah for us all to come and see...to see with our own eyes...it's only a mortal chunk of creation." The Chofetz Chaim tapped softly once again and smiled quietly.

The crowd slowly filtered out of the narrow room, deeply inhaling the cooler outdoor air, while chattering about the upcoming event, the rare solar eclipse early the next morning. As lightning, the word spread throughout the entire village, in every house the news was relayed "the Chofetz Chaim has announced it's a mitzvah to go and see the next morning's sensation." The search began for broken shards of glass, usually a valueless commodity strewn about under ones feet, yet now a sought after material in light of the upcoming event. They set out industriously preparing their sophisticated equipment, blackening their glass shards with soot from a burning candle.

Morning came, seemingly another casual day, yet a sense of something different was in the air. The streets of Radin had never been as teeming at such an early hour[6]; men, women and children were all up and about.

And the sun...paraded along on its usual course, with confident strides, ascending with all its prowess, a blazing sun beating down, on the masses who had gathered, on the marketplace and on the green treetops swaying in the distance.

The small narrow room was also flooded with sunlight, spreading a golden glow, as a carpet to the feet of the Chofetz Chaim, who sat in his slippers at his table, arm wrapped in the straps of his Tefillin...the straps which tied his arm to his heart...and the heart to the mind. His fist waves in the air as his voice roars "אור וברא הושיע...".

The shadows, which roll around at the feet of the elderly sage, seem to be so peculiar now. The sun's brilliance, the blinding glow, has now been replaced by brilliant red, the redness now overpowering, as if its heart had been deeply plunged and wounded. The huge solar sphere... in midst of its youthful bloom has suddenly been cleaved. Fresh youthful life slowly being chiseled away. Not the groaning sound of a dying old man, it was the powerful gush of blood...draining from the wound inflicted by a cannon shell. Darkness...the animals in the field frightened, while the eyes of the townsfolk sparkled from content and satisfaction.

Here and there groups formed, on the porches and on the bridges, peering through their blackened glass at the waning sun, now half darkened. Near the Yeshiva building as well, stood groups of bochorim gazing upward. In the corner near the blossoming cherry tree[7], whose white flowers were turning a reddish hue, stood Reb Naftali the Rosh Hayeshiva of Radin[8], intently peering through his glass shard, with eyes deeply sunk in their sockets. With a waved fist he explained to those around him, "M'darf nit kuken, m'darf zen!" (One should not simply look, one should see.)[9] The Mashgiach[10] was also seen coming out from the Yeshiva building with rushed strides, quickly taking hold of a glass extended to him by one of the bochorim.

Off in the distance a large group formed around the aged Chofetz Chaim. He had davened earlier than usual on that day, and the members of his Minyan huddled around him anxiously anticipating...maybe they would be the one to merit having their glass used by the Chofetz Chaim. It was the black bearded Reb Yitzchok, energetic and calculated, the one who had left his parents as a young child,(leaving being his father who had been a Rov in Russia) and escaped the Soviet authorities, he was the one who was ready with a specially prepared perfectly shaped glass shard for the holy tzaddik to use.

The Chofetz Chaim gazed with awesome respect, the same way he quietly stared at his Chanukah candles, not turning his gaze as long as the light still flickered.

The courtyard of Yeshiva had turned into a veritable observatory; there was no peering through telescopes, but there was intense gazing through primitive blackened glass.

Darkness descended on the entire sphere, as if a huge inkwell had blotched out the entire sun. It was an eerie darkness, not the darkness of dusk nor the darkness of midnight. A black screen stretched across the entire sun... and then the marveling spectacle...the sun is born once again, just as it happened during the six days of creation. Not suddenly, rather a slow growth, as a child slowly developing, first a thin red sliver, slowly widening, the bright red color slowly overpowering the darkness. Once again red spurs across the entire sphere, the redness of life, blood once again gushing through the arteries.

The cherry tree once again goes back to its light colored blossoms, in the fields morning is once again promising. The birds beat their wings in flight with greater assurance, though still tinged with a bit of doubt. And mankind...small creatures, blink their eyes, filled with satisfaction and contentment. The sun, once again in its full radiance, reclaims its prowess.

The elderly Chofetz Chaim sits and rests a bit on the chair which had been brought out for him near the door of his house, enveloped in silence. Slowly, step by step, the Chofetz Chaim makes his way back inside followed by his son-in-law Reb Mendel[11] and the black bearded Reb Yitzchok, who's carrying the chair back in. The pure and holy saint stops at the simple wooden table in the middle of the room and with an expression of victory emits a joyous call, "...just a mortal creation".

[1]Vol. 40 published Elul 5722 (1962). I came across the article after seeing it referenced in the introduction to the Sefer Chidushei Grn".

[2] Rabbi Shmuel Pliskin was a Talmid of the Radin yeshiva from the year 1925 until 1937. He later was a Rov in Baltimore and was niftar in 1978. His son, Rabbi Zelig Pliskin Shlita, is a well-known author and educator.

[3] The article does not mention the date of the eclipse being related. After some research, it seems the eclipse referred to is the total solar eclipse on June 29, 1927. The article mentions it was during the later years of the Chofetz Chaim (who was niftar in the year 1933), yet Reb Naftali Trop (who was niftar in the year 1928) was the Rosh Hayeshiva at the time. This would imply that the eclipse took place in the mid-late 1920's. The only eclipse during that time period which would fit the description would be the eclipse of June 29, 1927. This would also coincide with that which the article mentions that the eclipse occurred during the early morning hours on a Wednesday. However, the drawback with this assumption is that the article connotes that a total eclipse was visible in Radin. The eclipse of June 1927, although indeed being a total eclipse, totality was only viewable from regions further north than Radin, such as Norway, Finland, and far-north parts of the United Kingdom. Radin (54) would have only seen a 75% blockage of the sun.

[4] During his later years the Chofetz Chaim rarely left his house, and minyanim were held there.

[5] Koheles 7:2. The Chofetz Chaim seems to understand Beis Ha'mishteh to be referring to the celebration of the birth of a child.

[6] Sunrise on that day was 4:45 in the morning, the eclipse began at 6:23.

[7] In March 2017, I had the opportunity to visit Radin and see the Yeshiva building which still stands today. I made a point to try and locate the cherry tree mentioned, but was not successful. (The tour was led by an amazing tour guide Reb Yehuda Geberer, who also provided some important comments for this article.)

[8] Reb Naftali Trop (1871-1928), served as the Rosh Hayeshiva in Radin from 1904 until his passing in 1928 at the young age of 57. Although the Chofetz Chaim, who was much older than Reb Naftali and recognized as the Gadol Hador, was actively involved in the establishment of the Yeshiva as well as in all the important decisions, he was not officially the Rosh Hayeshiva.

[9] Apparently what Reb Naftali meant was to not simply look, but to internalize the lesson.

[10] Seemingly this would refer to Reb Leizer Kaplan (son-in-law of Reb Hersh Levinson, who was actively involved in the Yeshiva along with his father-in-law the Chofetz Chaim, and brother of Reb Yisroel Chaim Kaplan) who served as the mashgiach at that time. (The famed Mashgiach Reb Yerucham Levovitz also served as the mashgiach in Radin for a short period before becoming the mashgiach in Mir, but clearly he is not the one mentioned here, since he had already left long before this time period.)

[11] Reb Mendel Zaks (1898-1974) was the youngest son-in-law of the Chofetz Chaim and helped him in his old age.

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fw from hamelaket@gmail.com

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subject: Rabbi Riskin on the Weekly Torah Portion

**Rabbi Shlomo Riskin**

**Parshat Ki Tetze (Deuteronomy 21:10-25:19)**

Efrat, Israel — “Do not withhold the wages due to your hired hand...that very day shall you give him his payment” [Deut. 24:14-15].

This Shabbat, the Eleventh of Elul, marks 47 years to the day of one of the most transformative moments in my life, in the most unlikely of places and circumstances. It was on this date in September 1970 that I was in the synagogue of Riga, Latvia, in the former Soviet Union, carrying out a mission personally requested of me by the Lubavitcher Rebbe, of blessed memory, to establish four underground yeshivas.

These yeshivas were to be established under the radar of a regime that had made every aspect of Jewish life forbidden. Owning a Hebrew primer was punishable by exile to Siberia. Thank God, I had succeeded in Moscow and Leningrad, but when I left my hotel in Riga that Shabbat morning I noticed that I was being followed by four very tall and burly individuals who barely gave me breathing space.

These KGB agents literally surrounded me in the sanctuary where I was seated in splendid isolation in the extreme corner of the right side. The other twenty-eight congregants, each clearly over the age of sixty-five, were sitting together on the extreme left side of a large sanctuary built for six-hundred. The cantor and choir chanted the service as if they were performing before thousands. The gabbai, a short man with white, wispy hair, whispered to me in Yiddish, “We are thirsty for Torah. We have a Kiddush after the service downstairs. We expect you to teach us. Please come down after the davening – but without your friends.”

The interminable service ended at exactly Noon. The four goons miraculously disappeared, and I went down into a pitch black room where fifteen people were seated around a table. The table was set with many bottles of clear white liquid and slices of honey cake. A chair of honor was set for me with a large Kiddush cup.

The gabbai repeated, “We are thirsty for Torah,” as he poured me a full glass of liquid, which he told me was vodka. I chanted the Kiddush, gave a D’var Torah, they sang a niggun, they did a dance, and then poured me another vodka. Another D’var Torah, a niggun, a dance, and again more vodka – nine times!

At that point, I asked the Torah reader from the synagogue, Yisrael Friedman, a Chabadnik, to give a D’var Torah, and his words literally changed my life.

He related that Elisha ben Avuya was a great rabbi of the Mishna who became a heretic upon witnessing the tragedy of a boy who had climbed a tree to bring down a pigeon for his father after sending away the mother bird. In doing so, the child had performed two commandments that promise the reward of long life, yet he had fallen from the tree and died. “There is no

judge and no judgment!” was Rabbi Elisha’s defiant reaction [Babylonian Talmud, Kiddushin 39b].

Elisha’s grandson, Rabbi Yaakov, noted that had his grandfather understood a major axiom of Jewish thought he would never have left the Jewish fold: “There is no reward for the commandments in this world” [ibid.].

Yisrael looked out at the basement assemblage with blazing eyes and then looked Heavenward. “But God, that’s not fair! How can You expect Your Jewish servants to pay the day laborer on that very day when you withhold our reward for the commandments till after our lifetime, in the world to come?!”

He answered his own question: The Talmud [Bava Metzia] differentiates between a day laborer and a contractor. Yes, a day laborer must be paid at the end of the day, but a contractor is to be paid only at the end of the project. We, vis-à-vis God, are not day laborers; we are contractors. Each of us, given his/her unique gift and the time and place in which he/she lives, must do his share in helping to complete the world with the Kingship of God.

Whether we have fulfilled most of our mission or just a little of it can only be determined at the end of our lifetimes. For us contractors, there is no reward for commandments in this world.

I was moved to tears. After witnessing first-hand the persecution of Soviet Jewry, I was overwhelmed by thinking of God’s great gift of a newborn State of Israel, and felt deeply in my heart that I could not possibly have been born in a free country in these most momentous times in order to fulfill my mission in New York.

And so in the basement of Riga I made an oath: I will bring my family to the State of Israel and hopefully there realize my true calling. And when I get to Israel I will make Kiddush on vodka every Shabbat day in memory of this experience. I am thankful to God to report that I indeed arrived with my family in Israel, and to this day, 47 years later, I still make the Shabbat day Kiddush using vodka, forever reminding me of that moment, and the lesson I learned from a refusenik in Riga.

Shabbat Shalom

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Parsha Parables By Rabbi Mordechai Kamenetzky

*Parsha Parables Parshas Ki Seitzei*

*Stories & Anecdotes that Illuminate the Weekly Torah Portion and Holidays*

*Soup Opera*

*Rabbi Mordechai Kamenetzky*

*September 1, 2017*

*Dedicated in memory of Larry Hirsch Eliezer ben Yehuda Zelig, ob"m and Myrtle Hirsch Malke bas Yehashaya, ob"m*

*by the Hirsch & Friedman Families*

Love. It is a word that is supposed to explain the feelings that bind two individuals, parent and child, man and wife, G-d and His creations. The love between a man and his wife is the constant symbol used in Shlomo HaMelech’s Shir Hashirim (Song of Songs) to declare the unshakable love G-d has for His nation.

But divorce is also a fact of life and in this parsha the Torah, albeit very succinctly, discusses the method of divorce. It also tells us why marriages end. “It will be if she does not find favor in his eyes for he found in her an ervas davar then he may write a divorce” (Deuteronomy 24:1). The Mishna in Tractate Gittin discusses the meaning of ervas davar in different ways. Bais Shammai, who is known for a strict opinion in most matters says that divorce should only occur over a matter of immorality. Bais Hillel says, that divorce is permitted “even if she burns his soup.” And Rabbi Akiva, whose devotion and gratitude to his wife is legendary, says that “even if he finds a nicer woman, (he may divorce).”

It is most difficult to understand the Mishna. It seems to go against the grain of every teaching. How do Bais Hillel, those who spoke of loving peace and pursuing peace say that one may get divorced over burned soup? Rabbi Akiva once pointed to his wife in front of 24,000 students and announced, "Whatever I have and whatever you have, it is all due to her." How could he say that one could get divorced if he found a more lovely woman? It seems preposterous!

#### The Story

My father, Rabbi Binyomin Kamenetzky, of blessed memory, Founding Dean of the Yeshiva of South Shore, once told me a wonderful story. Reb Dovid was happily married to his dear and loving wife, Chayka, for nearly half a century. Her sudden death cast him into a terrible depression for which there was almost no cure. His son and daughter-in-law, Roizy, graciously invited him to stay at their home and share everything with them. Reb Dovid's daughter-in-law, cooked every meal for him but Reb Dovid was never pleased. No matter how deliciously prepared the meals were, he would sigh and mutter to himself, loud enough for his son to hear, "this was not the way Momma made the soup."

Roizy poured through her mother-in-law's old recipe books and tried to recreate the delicious taste for which her father-in-law longed. But Reb Dovid was still not pleased.

One day, while the soup was on the fire, Reb Dovid's grandchild fell outside. In her haste to get to the child, Roizy almost dropped in the entire pepper shaker. In addition, by the time the child was washed and bandaged, the soup was totally burned!

There was nothing for Reb Dovid's daughter to do but serve the severely spiced, burnt soup.

She stood in agony as her elderly father-in-law brought the soup to his lips. This time he would probably more than mumble a complaint. But it was not to be. A wide smile broke across Reb Dovid's face. "Delicious my dear daughter," said Reb Dovid with a tear in his eye. "Absolutely delicious! This is exactly how Momma made the soup!"

#### The Message

My grandfather, Rabbi Yaakov Kamenetzky, in his sefer *Emes L'Yaakov* explains the Mishna in an amazing fashion: it is giving us a sign, when a marriage is disrepair. If a man tastes burnt soup that his loving wife cooked and he is repulsed, then he is missing the love that the Torah requires. Rabbi Akiva, who was separated from his wife for 24 years while he studied Torah, declared that if a man finds a woman whom he thinks is better, then his marriage needs scrutiny! Because a person must think that there is nothing tastier than what his wife prepared, and that there is no one more beautiful than the woman he married.

Reb Aryeh Levin, the Tzadik of Jerusalem, once entered a doctor's office with his wife and spoke on behalf of both of them. "Her leg hurts us," he said.

The Mishna is not defining how to get divorced. That is easy. It is teaching us an attitude that defines love. Because love is a lot more than not having to say I'm sorry. It's always believing that the soup is delicious. Even if it's burnt.

*Good Shabbos* ©2017 Rabbi Mordechai Kamenetzky Rabbi Mordechai Kamenetzky is the Dean of the Yeshiva of South Shore.

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**Rav Kook Torah**

**Ki Teitzei: Rationale for Mitzvot**

Bird\_nest\_with\_eggs

Are we capable of understanding the true reasons for the Torah's commandments? Or should we be satisfied with the simple rationale that we perform mitzvot in order to fulfill what God wants us to do?

"If you come across a bird's nest ... You must first send away the mother, and only then may you take the young." (Deut. 22:6-7)

At first glance, the mitzvah to chase away the mother bird seems clearly to be an expression of Divine compassion for His creations. In fact, that is exactly what Maimonides wrote in his *Guide for the Perplexed* (III:48). However, we find the Talmud (Berachot 33b) explicitly states:

"One who says in his prayers, 'May Your compassion extend to us as it does for the mother bird' ... should be silenced."

Maimonides explained that this Talmudic statement is according to the opinion that we should not to seek explanations for mitzvot. According to this position, the Torah's mitzvot may only be understood as an expression of God's Will and His divine decrees, and are beyond the grasp of the human intellect.

#### Two Forms of Serving God

It is possible, however, to offer an alternative explanation. When we serve God with our minds and intellect, it is proper to seek rationale for mitzvot. Such pursuits contribute to the intellectual realm, to the realm of Torah study. Understanding is achieved empirically, as we try to discern the underlying principles from the myriad details. It is thus fitting to analyze each individual mitzvah, and attempt to understand its function and rationale; and each individual analysis will then contribute to our overall understanding of the Torah.

Yet, we also seek perfection in our emotional service of God. And in the emotional realm, the details tend to obstruct and confuse. Especially when we serve God in prayer, our incentive should be a general desire to fulfill God's Will. This universal motivation, simple and uncomplicated, applies equally to all mitzvot.

The distinction between our intellectual and emotional service of God surfaces in the difference between Torah study and prayer. One who prays, "May Your compassion extend to us as it does for the mother bird," is confusing what should be the straightforward, simple emotions of noble service with complex calculations regarding the underlying rationale of mitzvot. Such in-depth analyses may be appropriate in our investigative efforts when studying Torah, but they obstruct the purer, more natural service of God that is appropriate when praying.

Investigations into the reasons for mitzvot belong in the philosophical inquiries of the *Guide for the Perplexed*. One who does this during prayer, however, "should be silenced."

*(Gold from the Land of Israel (now available in paperback), pp. 327-328.*

*Adapted from Ein Eyah vol. I, p. 160)*

*See also: Ki Teitzei: Drafting Yeshiva Students*

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subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum

**Peninim on the Torah Hebrew Academy of Cleveland**

**Rabbi L. Scheinbaum**

**Parashas Ki Seitzei**

**כי יהיה לאיש בן סורר ומורה איננו שמע בקול אביו ובקול אמו**

**If a man will have a wayward and rebellious son, who does not hearken to the voice of his father and the voice of his mother. (21:18)**

The Torah refers to the father of the wayward and rebellious son as an ish, a man, and then goes on to state the boy's sin: he does not obey his father and mother. Why does the Torah refer to the ish/father as the boy's progenitor, as having begotten him, but – in contrast – when it addresses his disobedience, he is considered to be son of both his father and mother? This inconsistency in and of itself might be the precursor for the boy's degenerate behavior. Parents have a child; it is a boy! The father immediately takes charge. He has a son! It probably "slipped his mind" that children require a balanced upbringing, in which both parents are involved (or, at least, an approach that includes both paternal and maternal input). When a boy is held captive by the father



who thinks he knows what is best for his son, we start the child off on a road that could lead to wayward rebelliousness. Now, when the child disobeys, it is the parents – father and mother – whom he disobeys. Perhaps if both would have had input at the onset, they might not be now standing in front of the *bais din*, court of Jewish law.

Alternatively, *ish* means man. The father was too busy with his life – spiritual or mundane – to act very fatherly. As far as the son growing up was concerned, the man who sat at the head of the table issuing directives to his mother and the entire family was an *ish*, a man. He did not know him as a father. When a child misses fatherly love, he will find ways to gain attention, not necessarily in a loving manner. This is what could happen when a child seeks love and does not receive it. Children do not do well with an *ish* – a male figure. They want a father who cares.

Chazal (Talmud Sanhedrin 71a) teach that such a rebellious son never existed and never will. There are so many conditions required by the Torah for a boy to be designated as a *ben sorer u'moreh* – conditions that are, for the most part, improbable. The boy's father and mother must have the same voice, look exactly alike and be the same height. While on the one hand, the exegesis is such that the criteria may be viewed homiletically, thereby implying that there must be collaboration and consistency between the parents. Both parents should be of the same voice: conveying the same message; look like one another: consistent behavior between parents – internally and externally – should reign in the home. They should be of the same height, with neither one lording over the other. There should be respect between parents whereby their son sees

killing you is a greater danger than the one who does not greet you bearing gifts.”

A great question was given added meaning through the vehicle of the *mashal*, parable. The people looked at the *Maggid*, expecting an answer also with a *mashal*. The *Maggid* did not let them down. “A seemingly well-to-do farmer visited a *yeshivah* to speak with its *rosh yeshivah*,” began the *Maggid*. “I would like the *rosh yeshivah* to select his finest student for my daughter. I will, of course, treat the young man like royalty and provide for his every need.

“The *rosh yeshivah* chose one of his ‘lions,’ an erudite student whose diligence matched his ethical character, indeed, a special young man. The *shidduch* was finalized, and a date was set for the wedding. A few months later, the wedding took place amidst great pomp and joy. Wonderful boy, wonderful girl: who could ask for more? The day after the wedding, the young groom sat down to breakfast at the home of his father-in-law (as was the prevalent custom in those days) and was served a piece of course, black bread with vinegar to use as a dip (to soften the bread). The young man almost choked from the bread. After breakfast, he remained nauseous most of the day from the taste. Lunch and dinner were more of the same. After two weeks of such meals, the delicate young man looked a sad version of his former self. He had deteriorated to skin and bones, and he had no physical strength left. He literally did not have the strength to raise the dreadful slice of bread to his mouth.

“When the father-in-law took note of his prize son-in-law's emaciated appearance, he berated him for not eating. When he saw that his rebuke fell on deaf ears, he hired two ruffians at a substantial rate per hour to stand over his son-in-law and, if necessary, force-feed him. Every time the young man gagged on the bread, they would shove it down his throat. After all, his father-in-law was paying them a pretty penny to watch over him.

“One night, the son-in-law was lucky enough to escape from the village and return to his *yeshivah*. He looked and felt like a wreck. The *rosh yeshivah* fed him and put him to bed. The next day, his father-in-law arrived with his list of complaints. When questioned why he did not feed his son-in-law, his response was, ‘I have no money. I did the best I could with whatever I have.’ When the *rosh yeshivah* heard this, he raised his voice, ‘*Mechutzaf!* What audacity you have! You claim that you have no money to feed your son-in-law, yet, you are able to spend a king's ransom in gold to hire two ruffians to force-feed him!’”

This is what the *pasuk* teaches us: “Perhaps you think that Ammon and Moav could not afford to supply you with bread and water. Why, then, were they able to hire Bilaam to curse you?” This is a double standard if there ever was one.

them as one. Why, then, does the Torah cite a case which is so halachically unusual that it never existed? The Talmud explains that the Torah relates these laws for the express purpose of availing us reward for studying (applying) the educational principles derived from these *pesukim*. Nonetheless, Rabbi Yonasan says, “I once saw a rebellious son who was executed, and I sat on his grave.”

Another example of a case that neither was, nor ever will be, is the *ir ha' nidachas*, an entire city whose inhabitants worship idols. In order to qualify for the ultimate punishment, it is incumbent that this city not have a single door that does not have a *mezuzah*. Even by today's standards, the most assimilated Jew has some kind of *mezuzah*, even if it is *pasul*, invalid. People might do whatever they want inside their houses, but they have *mezuzos* on their front doors to declare their identities. Once again, the purpose of citing the laws of *ir ha' nidachas* is to teach important principals concerning the scourge of *avodah zarah*, idol worship. Regarding the *ir ha' nidachas*,

however, Rabbi Yonasan also commented, “I saw such a city, and I sat on its rubble.” Our question is now two-fold: How is it that Rabbi Yonasan can attest to two events which others claim could never have occurred?

In “Rav Schwab on Chumash,” Rav Shimon Schwab, *zl*, quotes Chazal (Sanhedrin 37b), who teach that, since the destruction of the *Bais Hamikdash*, the *batei din*, Jewish Courts, no longer have the power to execute one whose sin warrants capital punishment. Hashem knows -- and does not ignore -- the individual's culpability, seeing to it that the “execution” is carried out “naturally.” This means, if, for example, a person commits a sin whose punishment is *sekillah*, stoning, he will die due to a fall from a high place, i.e. a roof, or trampled by animals; someone whose sin warrants the punishment of death by fire will die from a snake bite, or fall into a conflagration. One who deserves to die by the sword will either be handed over to a gentle government or attacked (and killed) by bandits or thieves. One who warrants death by strangulation might either drown or suffocate. (This certainly does not imply that anyone who succumbs to any of the above or similar deaths has committed a sin which warrants one of the *arba missos bais din*, four types of judicially mandated executions.)

We derive from here that the judicial system as it was in force during the tenure of the *Bais Hamikdash* has ceased to exist; even though we no longer can impose the various forms of death penalty, this does not mean that the offender goes free. He must remember that the individual in question has sinned against Hashem, Who neither forgets, nor is bound by a human court of law. The sinner will receive his due – in due time. Thus, since the *ben sorer u'moreh* and *ir ha' nidachas* who committed the sins do not fit the judicial criteria for the death penalty, they will receive their due punishment from Hashem. It is not as if there never has been a *ben sorer u'moreh*, or a city that had completely turned away from Hashem. Indeed, Rabbi Yonasan contended that they have existed.

Apparently, Rabbi Yonasan had chanced upon the rubble of what once had been a Jewish city. Upon investigation, he discovered that the residents of that city had all worshipped idols. Perhaps one of the homes still had a *mezuzah* on its door, precluding this city's falling under the criteria for establishing it as an *ir ha' nidachas*. Although *Bais din* did not have the authority to destroy it according to the full letter of the law, Hashem certainly did.

Likewise, Rabbi Yonasan once came upon the grave of a thirteen year old boy who, he soon found out, had lived a life of abandon, gluttony and rebelliousness. The courts could not declare him to be a *ben sorer u'moreh*, because his case did not fit all of the conditions required for this designation. Hashem did His part, administering the death penalty in a manner such that no one was the wiser. Rabbi Yonasan was acutely aware of the truth. These were no ordinary deaths. These were Heavenly-mandated executions. When *bais din* is unable, due to halachic stricture, to carry out the execution, Hashem steps in.

Sin is a tragedy. The Torah has punitive measures in place: for disciplinary purposes, and in order to teach that no sin will go unrequited. Life is about taking responsibility. If you sin, you pay. We might think that, if the punitive response is not immediately forthcoming, we “got away with it”; we eluded the hangman's noose. Rabbi Yonasan teaches us differently. Everybody pays.

Rav Meir Schwab adds a frightening story to his father's *dvar Torah*. It was during the late 1950's that Rav Schwab, as the Rav of a Baltimore congregation, was also responsible for the *hashgachah*, supervision of the city's kosher meat. During a visit to a local butcher shop, he pointed out a correction (that should be performed concerning the *traiboring*, *deveining*, removing the prohibited veins from the meat). The butcher took strong issue with Rav Schwab's meddling into his business. He became furious and raised a meat cleaver in a threatening manner to insinuate what might happen if... Rav Schwab took the hint. He quickly retreated, understanding that he was not welcome in the establishment.

Rav Schwab soon moved to New York to accept his position with *Khal Adas Yeshurun*. A short while later, he was informed that the butcher who had threatened him had fallen down a flight of stairs, broken his neck and died. This is a frightening story in its own right. It was Rav Schwab who, upon hearing the sad news, put it into perspective when he entered the incident into his diary. He wrote: *Binfol oyvicha al tismach*, “‘When your enemy falls, do not rejoice.’ G-d forbid that I should rejoice over this tragedy, but one must take note and learn from all occurrences.”

**כי יהיה לאיש בן סורר ומורה איננו שומע בקול אביו ובקול אמו**

***If a man will have a wayward and rebellious son, who does not hearken to the voice of his father and the voice of his mother. (21:18)***

*Einenu shomeia*, “does not hearken/listen” is the given translation. The word *einenu* means much more than “does not (listen).” It means he is not a listener; he is unable to listen; his ability to listen is (sadly) impeded. The Torah should have written (simply), *eino shomeia*: “(he) does not listen.” The *Ohr HaChaim HaKadosh* notes this change and derives from

here that, when the yetzer hora, evil inclination, reigns over a person, or, rather, if the yetzer hora becomes part of this person, his ability to hear, listen, to accept, becomes so impeded that he is unable to listen. He does not just “not listen”; he is unable to listen. He becomes hearing-impaired.

The yetzer hora stands guard over a person’s ability to listen, thus impairing him, impeding his ability to change, to repent, to alter his nefarious ways and activities. This grants us a new outlook, a deeper understanding of those who – regardless of the number of times we reach out to them to refrain from sin – continue to ignore us. Why? Are their hearts made of stone? Are they hearing-impaired? Are they blind to the disaster they are courting? Yes! Once the yetzer hora has overwhelmed them, they are unable to think, see or do anything. They have become so enslaved to the yetzer hora that nothing penetrates their physical world. They might hear sound, but the message it conveys is unintelligible.

Perhaps this is why the Torah underscores Yisro’s ability to “hear” vayishma Yisro, “And Yisro heard” (everything that had happened to the emerging Jewish nation when they left Egypt). Was he the only one who knew what had taken place? The whole world was aware of what happened to the Egyptians: the Jewish People’s exodus and the eventual drowning of the entire Egyptian army. What makes Yisro different? He heard the message – they heard nothing but the sounds. Their yetzer hora blocked the message from entering into their hearts, from imbuing their lives with faith in Hashem. The maidservant at the Red Sea saw such an unprecedented Revelation that her experience was even greater than that of the Navi Yechezkel. Yet, as the venerable Horav Chaim Shmuelevitz, zl, would say, Zi iz altz geblichen a shifcha. “Nonetheless, she still remained a maidservant.” She saw; she heard – but did not change. Why? Her yetzer hora prevented the message from being processed. Thus, she remained a shifcha. I have always wondered about this phenomenon. I have given classes to the most wonderful groups of Jews. They are kind, honest, virtuous, and wholly good. They never miss a class, despite the weather and the infirmity of advanced age. Can I say that my message has penetrated their psyches? Perhaps, but they still have neither made their homes kosher, nor decided to observe Shabbos. Are they deaf? Have I lost my ability to reach people? No – on both counts. The yetzer hora is working overtime and does not permit my message from getting across. One day, I hope the yetzer hora will be caught off guard, and then...

לֹא יָבוֹא עִמּוֹנִי .

**An Amomite or Moabite shall not enter the congregation of Hashem... because of the fact that they did not greet you with bread and water... and because he hired against you Bilaam. (23:4,5)**

Two reasons are given as to why we may not accept converts from the nations of Ammon and Moav: A) They did not come forward to greet us with bread and water as we journeyed through the wilderness following 210 years of slavery; B) They hired Bilaam, the evil pagan prophet, to curse us. These are two good reasons, which are clearly quite different from one another. The first reason criticizes their lack of etiquette, of human decency. The second reason excoriates them for attempting to destroy one another. They are so distant from one another that they hardly belong in the same pasuk. The Maggid, zl, of Dubno was not only a brilliant Torah scholar, but he was also a prolific speaker who captivated his audiences with his incredible knowledge and ability to employ the power of the mashal, parable, story, to explain the most difficult passages. He once said that, with regard to any pasuk that was presented to him, he was able to ask a question by using a mashal, and offer a lucid explanation, also using a mashal. The people had difficulty believing this to be true, so they decided to test him. They selected the above pasuk, prohibiting an Amoni or Moavi from marrying into the Jewish people, as grounds for the test.

The Maggid thought for a moment and began to relate the following story: “A wealthy man arranged for a shidduch, matrimonial match, for his daughter. Since the boy lived quite a distance from the kallah, bride, it was decided to celebrate the tannaim, engagement, in a hall approximately midway between them. The plan was for the girl’s mother to arrive later with the delicacies for the celebration. While the father was sitting in conversation with his future son-in-law and family, his own son, who had left with the mother, came running in to the room, disheveled and dirty, “Oy, oy! On our way here we had an accident. The wagon turned over, and all of the food, the fish, the meat and all of the desserts were ruined. The bottles of wine and liquor are smashed and, furthermore, our mother was killed!” Obviously, this boy’s mind was seriously challenged, in that he placed greater significance over the lost food and drink than over the tragic death of his mother.

“This same idea applies with regard to our pasuk,” continued the maggid. “First, the Torah recounts Ammon and Moav’s lack of decency and then later adds the fact that they hired Bilaam to curse them. Obviously, someone who is bent on killing you is a greater danger than the one who does not greet you bearing gifts.”

A great question was given added meaning through the vehicle of the mashal, parable. The people looked at the Maggid, expecting an answer also with a mashal. The Maggid did not let them down. “A seemingly well-to-do farmer visited a yeshivah to speak with its rosh yeshivah,” began the Maggid. “I would like the rosh yeshivah to select his finest student for my daughter. I will, of course, treat the young man like royalty and provide for his every need.

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This is what the pasuk teaches us: “Perhaps you think that Ammon and Moav could not afford to supply you with bread and water. Why, then, were they able to hire Bilaam to curse you?” This is a double standard if there ever was one.

**כִּי אַתָּה תְהַלְתֵּנוּ – Ki S’hilaseinu Atah. Since our praise is to You.**

A Jew is to view nature as Hashem’s way of concealing Himself. He cloaks His actions under the veil of natural occurrence. We understand that nothing takes place without Hashem. Therefore, as long as someone views sickness as natural and the physician as his healer and the one who warrants his gratitude, he succeeds in further concealing Hashem’s role in the world. When we view illness as Heaven-sent for our benefit (a benefit which is decided by Hashem), then the physician is merely Hashem’s agent. Thus, the One who should be thanked and praised is only Hashem. Therefore, when we state, “Since our praise is to You,” we are intimating that, if Hashem heals us, we will praise Him and proclaim His role in the world: “Hashem, if You heal us, we will, of course (out of human decency), thank the physician, but, after all is said and done, we know that You, Hashem, are our healer. We will extol Your greatness for having sent Your cure via Your agents – the physicians, medical staff and medicines.”

לִזְכֹּר נִשְׁמַת

ר' אליהו מתתיהו בן יעקב יהשע ז"ל - Reb Eliyahu Goldberg

*A dear friend whose contribution to Peninim's success will always be remembered.*

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**Ohr Somayach :: Insights Into Halacha  
For the week ending 30 August 2014 / 4 Elul 5774  
Of Elul, L'David, and Golems**

**Rabbi Yehuda Spitz**

There is near universal Ashkenazic custom during the month of Elul to recite the Chapter of Tehillim (27) “L’Dovid Hashem Ori” during davening, both every morning and evening, and all the way up to Shmini Atzeres[1], as preparation for the Yomim Noraim. This custom is based on the Midrash Shochar Tov[2] that elucidates that

various phrases of this chapter contain allusions to the holidays of the repentance period - Rosh Hashana, Yom Kippur, and Sukkos, as well as to the month of Elul itself[3]. The Malbim, in his commentary on Tehillim, offers an alternate explanation. In this chapter, Dovid HaMelech, the author of Tehillim, asked to cleave to Hashem and that all obstacles that block coming close to Him should be removed. The Malbim[4] explains that when we strive to do so, Hashem will attach Himself to us with a higher level of personalized supervision. It is thus quite apropos to recite "L'Dovid" during the month of Elul, whose name hints to the acronym "Ani L'dodi V'dodi Li - I am to my beloved and my beloved is to me" (Shir HaShirim Ch. 6, verse 3). Elul is a month which symbolizes our relationship to Hashem, and one in which proper repentance is more readily accepted[5].

Where's the source?

But, the obvious question is where and when did this minhag start? It is not mentioned in the Gemara, nor in the Rishonim, and not even referenced in the Shulchan Aruch or its main commentaries. It seems a bit odd that such a common custom would not stem from a primary source! Much research has been done and many works have been written to try to find the earliest source for this meaningful minhag[6].

Although many erroneously concluded that the original source of reciting "L'Dovid" throughout the entire month of Elul was the controversial 'Chemdas Yamim', first printed in 1731, however, history has since proven that an earlier source has been found. Many now attribute this minhag to the noted Kabbalist and famed author of "Amatichas Binyomin", Rav Binyomin Beinisch Cohen, in his sefer "Shem Tov Kattan[7]", first printed in 1706. There he writes that one should be scrupulous with reciting "L'Dovid" daily from Rosh Chodesh Elul until after Simchas Torah, averring that this has the potential to avert and even nullify Heavenly decrees.

Who's Who?

Yet, there is possibly an earlier source. In the sefer "Nezer Hakodesh - Minhagei Beis Ropshitz"[8] a story is told about the Baal Shem Tov, where he mentioned a Tzaddik, known as Rav Eliyahu Baal Shem, who had saved the Jews of a certain town from eviction by successfully promising the childless non-Jewish mayor a son within a year. The Baal Shem Tov mentioned that this Tzaddik who lived in the late 1600s, was the one who established the custom of reciting "L'Dovid" during Elul. However, it is unclear whom exactly he was referring to.

Although much detailed information has been obscured with the passage of time, still history has shown that there were two Tzaddikim known by this name[9]. The better known of the two was Rav Eliyahu Baal Shem of Chelm, a talmid of the great Maharshah, Rav Shlomo Luria, and an ancestor of the luminaries commonly known as the Chacham Tzvi (Rav Tzvi Ashkenazi) and his son, the Ya'avetz (Rav Yaakov Emden).

A Golem as a Tzenter?

Here is where it gets interesting. Rav Eliyahu Baal Shem of Chelm was best known for being of such stature that he created a Golem[10]. In fact, both of his aforementioned illustrious descendants have written responsa on the topic of the Golem that their grandfather created. The Chid"ah[11], in his encyclopedia of Gedolim throughout Jewish history, 'Shem Gedolim' also attested to its existence.

But before our readers decry the supernatural turn this article has taken, they should realize that Golems actually do have a place in the halachic realm as well. The issue that these Gedolim were debating was whether a Golem can count for a minyan! Although the Chacham Tzvi (Shu"t Chacham Tzvi 93) at first remained undecided, his son, Rav Yaakov Emden (Shu"t Sheilas Ya'avetz vol. 2, 82) ruled unequivocally that a Golem cannot count for a minyan! Apparently not just a theoretical topic, it is even cited and debated by such contemporary authorities as the Mishna Berura (55, 4)[12] and the Chazon Ish (Yoreh Deah 116, 1)!

The Mishna Berura does not actually rule, but rather addresses the issue and concludes that it is a safek; which is actually the main thrust of the Chacham Tzvi's teshuva - that he personally was undecided as to the proper halacha. Although the majority consensus is that a Golem would not count for a minyan, there were several other authorities who defended the Chacham Tzvi's logical allowing a Golem able to count for a minyan.

The Chazon Ish, conversely, concluded akin to the Ya'avetz's position, that a Golem would undeniably not be able to count for a minyan, as it not only would be excluded from the rights and privileges of a Jew, but even from those of a human being. One of Rav Yaakov Emden's main proofs to this is that we find that in order to be considered having a neshama, a creation needs to have the potential for speech [see, for example the Ramban's commentary to Parshas Bereishis (Ch. 2, verse 7; based on Targum Onkelos ad loc.)], an ability a Golem sorely lacks.

What is lesser known (and actually seemingly unknown to many later authorities, including the Mishna Berura) is that posthumously, another son of the Chacham Tzvi, Rav Meshulem Ashkenazi, in his responsa, appended and printed a later teshuva from his father (Shu"t Divrei HaRav Meshulem vol. 1, 10 s.v. shayach); in it the Chacham Tzvi actually retracted his original position and ruled strictly as well. Either way, and

regardless of what one might want to assume about his fellow mispallelim, the vast majority of poskim rule conclusively that a Golem cannot be counted for a minyan[13]. The Second Rav Eliyahu

Back to figuring out who originated the recital of "L'Dovid" in Elul. The other Rav Eliyahu Baal Shem was Rav Eliyahu Luentz, known as a master Kabbalist in the 17th century. He authored a seminal volume on the Zohar titled "Aderes Eliyahu", and was a disciple of my ancestor and namesake, the renowned Maharal M'Prague, (who, as an interesting side point, and incredible works aside, is regrettably nowadays best 'known' for having also created a Golem[14]).

In conclusion, although we are left uncertain as to whom the originator of this powerful minhag was, we can rest assured that it has a reliable source. We can thus appreciate the significance of saying this chapter of Tehillim throughout Elul, as it underscores the major goals of the season of repentance.

Postscript: There are a few communities, including many of Germanic origin, and the Chassidic communities of Sanz, Bobov, and Kamarna, however, who do not recite "L'Dovid" during Elul. See Shu"t Divrei Moshe (34), and sefer Minhagei Kamarna, (printed in the back of Shulchan HaTahor; Elul, 381), as well as Likutei Eliezer (pg. 5, footnotes 30 - 31). The Kamarna Rebbe of Yerushalayim, recently told this author that although in his shul "L'Dovid" is recited, as most of his congregation are not his Chassidim and nearly everyone's custom is to recite it, nevertheless, he personally does not. It is also known that the Vilna Gaon did not approve of this addition to davening (Maaseh Rav 53) as it possibly constitutes 'tircha d'tzibura'. The general Sefardi minhag as well is not to recite "L'Dovid" specially during Elul, but many nonetheless recite it all year long as an addition after Shacharis; see Rav Mordechai Eliyahu's Darchei Halacha glosses to the Kitzur Shulchan Aruch (128, footnote 4). Much of this article is based on Rabbi Eliezer Brodt's fascinating sefer Likutei Eliezer - Ch. 1.

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*[1] See Matteh Ephraim (581, 6), Shulchan Aruch HaRav (Siddur, Hilchos Krias Shma U'Tefillah), Kitzur Shulchan Aruch (128, 2), Mishna Berura (581, 2), Rav Yosef Eliyahu Henkin's Shu"t Gevuros Eliyahu (Orach Chaim 155, 1; based on his annual Ezras Torah Luach, Ikrei Dinei Chodesh Elul), and Rav Yechiel Michel Tukachinsky's annual Luach Eretz Yisrael (Rosh Chodesh Elul).*

*[2] Midrash Shochar Tov (Tehillim Ch.27).*

*[3] See Rabbi Elchanan Shoff's V'ani BaHashem Atzapeh (pg. 71, footnote 13), quoting Rav Chaim Falag'i.*

*[4] Malbim (introduction to Tehillim Chapter 27); quoted in Awesome Days (pg. 31).*

*[5] See the Mishna Berura's introduction to Orach Chaim 581. [6] For long list of recent works addressing this see Rabbi Eliezer Brodt's Likutei Eliezer (pg. 1, footnote 2). [7] See, for example Katzech HaMatteh (Glosses on the Matteh Efraim 581, 13) and Likutei Eliezer (pg. 4). [8] Cited in Likutei Eliezer (pg. 7). [9] Likutei Eliezer ibid. [10] For more on this topic see Yeshurun (vol. 17, pg. 665 - 666), in the article by Rabbi M.D. Chichik about Rav Eliyahu Baal Shem from Chelm. In fact, the story of Rav Eliyahu and his Golem was recently adapted as a hardcover comic book entitled "The Golem of Chelm - Hayah V'Nivra". [11] Shem Gedolim (vol. 1, Ma'areches Gedolim - Ma'areches Alef, 166). [12] Although the majority consensus is that a Golem would not count for a minyan (as detailed in the next footnote), there were several other authorities who defended the Chacham Tzvi's tzad that a Golem would be able to count for a minyan, including Rav Yosef Engel (Gilyonei HaShas, Sanhedrin 19b s.v. sham maaleh alav) and the Likutei Chaver Ben Chaim (vol. 5, pg. 64a, comments on Chacham Tzvi 93), who dismisses one of the Chid"ah's counter-arguments, explaining that even a Golem should need to be 13 years old from the day he was created to count for a minyan! See also Shu"t B'tzeil HaChochma (vol. 6, 99 s.v. umvch"t) who explains that the very fact that the Chacham Tzvi was originally mesupak whether a Golem can be included as part of Bnei Yisrael and count for a minyan (and although not the halacha l'maaseh) shows that he held that a Golem is mechuyev b'mitzvos; otherwise, there is no hava amina to count him for a minyan! However, it is important to note that although it was apparently not known to the Mishna Berura nor these authorities, the Chacham Tzvi actually later retracted his position! [13] Including the Chid"ah (Birkei Yosef, Orach Chaim 55, 4 s.v. u'lmai, Machazik Bracha ad loc, Tzavarei Shalal to Parshas Va'eschanan, Midbar Kedmos - Maareches Yud, 27, and sefer Maris HaAyin on Sanhedrin 65; also quoting the Chessed L'Alafim), the Ikrei HaDat (Ikrei Dinim, Orach Chaim 3, 15), the Rogatchover Gaon (Shu"t Tzafnas Paneach vol. 2, 7), the Kaf HaChaim (Orach Chaim 55, 12), the Rivevos Efraim (Shu"t vol. 7, 385; in a teshuva from Rav Yosef Binyamin Tzarfati of Antwerp), and the Minchas Asher (Parshas Noach, 12, 2). Similarly, Rav Tzadok HaKohen M' Lublin, in his sefer written on Torah topics that occurred to him while dreaming (Kuntress Divrei Chalomos, 6; appended to his sefer Resisei Laylah; cited in Rabbi Mordechai Zev Trenk's 'Treasures' pg. 44 - 45), as well, argues that the Ya'avetz's psak that a Golem cannot be counted for a minyan is the correct ruling. Interestingly, the Mahar"i Assad (Shu"t Yehuda Ya'aleh vol. 1, 26 s.v. v'da), ties this machlokes to the machlokes whether someone sleeping can count for a minyan [Orach Chaim 55, 6; the Taz, and Pri Chadash take an opposing viewpoint to the Shulchan Aruch and Magen Avraham]. [14] Although legends about the Maharal's Golem have been in print since 1837, the well known stories that captivated the popular imagination were actually first published in the early 20th century (Niflaos HaMaharal) by Rav Yudel Rosenberg, author of the famed Yados Nedarim. He was also known for translating the Zohar into Hebrew, and later served the Av Beis Din of Montreal, Canada. For more on this topic see Prof. Shneur Zalman Leiman's excellent "R Yudel Rosenberg and the Golem of Prague", (Tradition vol. 36, 1 - 2002). There is a famous related quote attributed to Rav M. Arik (originally printed in Zer Zahav (Tziernbaum; published in 5693), and later cited in the introduction to Machon Yerushalayim's recent Chiddushei Maharal M'Prague on Bava Metzia (pg. 14, footnote 1) that "it is unknown whether the Maharal actually created a Golem. However, to have 'created' a talmid of the stature of the Tosafos Yom Tov, is certainly a greater wonder!" Disclaimer: This is not a competent Halachic guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority. L'Iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda, and l'zechus for Shira Yaffa bas Rochel Miriam and her children for a yeshua teikef u'miyad!*