

BS"D

shock us into introspection and self examination. Yet Klal Yisroel starts sounding the alarm and ledovid today and will soon begin the selichos. Apparently only the soul well prepared through the month of Ellul will let the shofar through, allowing its message to make a lasting to impact.

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## INTERNET PARSHA SHEET ON SHOFTIM - 5764

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From: RABBI YISSOCHER FRAND  
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"RavFrand" List - Rabbi Frand on Parshas Shoftim

### The Double Language: Tzedek Tzedek Tirdof

At the beginning of the parsha, the Torah teaches us regarding how scrupulous judges must be in upholding the laws. The Torah expresses a redundancy in the commandment: "Righteousness, righteousness you shall pursue so that you will live and take possession of the land that Hashem, your G-d, gives you." [Devorim 16:20]. All the commentaries are bothered by this redundancy of "Tzedek Tzedek tirdof".

Rav Elya Meir Bloch gives an interesting insight that we have mentioned many times, but is worth repeating. Rav Elya Meir interprets that "the pursuit OF righteousness must also be pursued WITH righteousness". We are not merely being taught to run AFTER justice. We are told to run AFTER justice WITH justice.

Many times we pursue that which is righteous and fair. Our goal is to ensure that what is right prevails. We are often tempted to let the ends justify the means. We may overlook the fact that we have to step on a few laws here and there as long as in the end "righteousness will prevail".

We know unfortunately how many times throughout history the pursuit of justice was carried on with unjust ways. This has caused terrible destruction. The message of our pasuk [verse] is that we may not overlook unscrupulous methods to achieve lofty goals. Righteousness must be pursued WITH righteousness. Achieving Tzedek in any other way is not Tzedek.

### The Double Torah: Mishneh Torah

In connection with the Jewish King, we are taught: "And it shall be that when he sits on the throne of his kingdom, he shall write for himself two copies of this Torah (Mishneh Torah) in a scroll, from before the Kohanim, the Levites" [Devorim 17:18].

Rashi interprets the phrase Mishneh Torah as referring to two Torah scrolls -- one which he places in his treasury and one that enters and goes forth with him. Rav Elya Meir Bloch states that the reason why a king needs two Torah scrolls is because a monarch must always be sensitive to what his generation can accept.

We would never suggest that Torah should be corrupted and halacha should be compromised to be palatable to the lowest common denominator in society. But it is important to know that sometimes a particular generation may not be able to accept all of Torah all at once. The king must be aware that he cannot overload the people with a burden that surpasses their spiritual capabilities at that moment.

Rav Elya Meir Bloch cites a pasuk from Prophets that suggests this same idea: "My L-rd, Hashem/Elokim, has granted me a tongue for teaching, to understand the need of the times in conveying matters to those who thirst (for knowledge)" [Yeshaya 50:4]. The prophet or king or Jewish leader must realize that there are certain situations when he must strengthen the people and he might need to do it in a way in which he does not do it all at once. The masses do not always operate at the level at which it will be productive to demand the maximum of them in every instance.



[http://www.torahweb.org/torah/2003/parsha/rneu\\_s\\_hoftim.html](http://www.torahweb.org/torah/2003/parsha/rneu_s_hoftim.html)

Torahweb.org [from last year]  
RABBI YAAKOV NEUBURGER  
THE REDEMPTIVE PROCESS

Seemingly slow and at a pace which would appear to be disappointing, the redemptive process of which we pray we are a part moves along. Thus is it not quite comforting to be assured in this week's "edition" of the seven weeks of comfort following the three weeks, that we are in fact on course, as planned. The words of Yeshaya rise to a climax as we close (52:12), "You will not leave in a rush nor will you go in flight for Hashem will go before you and Hahsem will gather you in."

It is almost as if Yeshaya warns us not to expect a replay of Yetzias Mitzrayim, described at the end of last week's Parsha (16:3) and whose rushed exodus we are all asked to remember. Though it is not clear, and subject to discussion who was doing the rushing, it will not happen this time around. The Americans won't push us as the Mitzrayim did when they were finally brought to their knees; nor will we run in fear of a window of opportunity that may close; nor will Hashem push us in fear of us falling into the lowest level of tuma .

How different then is the description of Malachi (3:1) of what we believe to be the same period, "Suddenly The L-rd whom you seek will come to his Sanctuary".

Are we to take comfort in the words of Yeshaya and see ourselves well in the geulah process or continue to wait for the ball of fire to come? Is it going to be "lo bechipazon" or "pis'om"? Are we to watch the zig zag course with many ups and downs or train ourselves to patiently yearn for something indescribable and convincing beyond question?

Apparently the words of Yeshaya and Malachi will both become fulfilled. Perhaps we will witness geulah move with all its spurts and stops only to be fully realized with a sudden climactic revelation?

Indeed this makes much sense in light of a comment of Rav Yaakov Moshe Charlop. He suggests in his comments to Bamidbar, that our lapses in those years were all because we moved at a pace that was faster than humans are able to absorb. There he opines in a manner reserved for our greatest souls, that having being pushed out of mitzrayim our sense of independence and responsibility had not matured. We were physically free but emotionally all too ready to head back at the smell of trouble.

The gradual step by step geula will prepare our hearts and our minds while the spectacular will leave us no room to question what has happened. It will be sudden and fantastic but we will be a people ready to grow spiritually even as we will relish our freedom to govern and to direct our destiny.

I don't think this paradox should come as a surprise. Klal Yisroel lives this apparent contradiction every Ellul. The sounding of the shofar on Rosh Hashana is according, to Rambam, to stir the sleeping souls and

The king must have a special Torah that goes out with him and comes in with him. This must be the scroll he uses when he preaches to the nation. This is the scroll that teaches him what should be said and what should not be said. But then the king needs also a pristine Torah scroll that never leaves the ivory tower of his treasury house. This is the "master copy" that he must always look back at as a reference point. He must always have in mind the "gold standard" of Torah in his treasury house, despite the fact that he may be preaching from a different Torah scroll when he goes out amidst the masses.

The real perception of Torah must be the king's reference point that can never be totally pushed aside.

There was a recent wire service report concerning 'The Kilogram' in Paris. 'The Kilogram' in Paris is a calibrated weight by which all other kilograms in the entire world are measured. It is kept in triple layered glass casing to ensure that it is in no way influenced by the elements. Unfortunately, scientists are afraid that this standard kilogram has been losing some mass over the years. This -- at least theoretically -- has ramifications for all types of commerce throughout the world! The pure kilogram standard must never become corrupted!

The Sefer Torah of the Jewish King that remained in his treasure house is our pristine standard by which all other Sefrei Torah in the world -- including the Sefer Torah that goes out and in with him -- are measured.

#### No Double Standard In Evaluating The Worth Of A Jewish Life

This past summer, I came across a volume entitled *Toras Chaim* containing incidents and stories from the life of Rav Chaim Soloveitchik. I found therein the following dramatic story:

In the year 1905 when Rav Chaim was the Rav in Brisk, there was a young Jewish Bundist. In that period of history there were many different philosophies and movements that were swirling around. Bundism was one of them. This fellow was a heretic who rejected everything relating to Judaism. He used to go out of his way to light up a cigarette on Shabbos whenever he would see Rav Chaim pass him in the street.

The fellow was also an anarchist. He took a picture of Czar Nicholas and shot a bullet through the picture. Czarist Russia did not know from the ACLU or from the idea of freedom of expression. The young man was arrested, brought to the local governor and was sentenced to execution for anarchy and sedition. The arrest took place right before Rosh HaShannah and the execution was scheduled to take place on Erev Succoth.

The governor of the area let it be known that if the Jews would ransom this anarchist for 5000 rubles, the charge would be dropped.

Rav Chaim gathered the people of Brisk and told them they were obligated to raise the money to save this Jewish boy. The members of the community were aghast. They told their Rabbi that it states explicitly in the Torah in Parshas Shoftim exactly the opposite of what he is advising them to do. They quoted him the pasuk "And you shall eradicate the evil from your midst" [Devorim 17:7]. What could be a bigger fulfillment of this Biblical command, they asked, then letting this Bundist be killed?

Rav Chaim told them that they misinterpreted the pasuk. The context of the pasuk is crucial. Immediately prior to this sentence we read "By the word of two witnesses or three witnesses shall the condemned person be put to death; he shall not be put to death by the word of a single witness" [17:6]. The Torah requires process. There must be testimony by witnesses. There must be deliberation and ruling by a Jewish court. Only then are we commanded to eradicate the evil from our midst.

To take the words "eradicate evil from your midst" as a carte blanche to say that we can get rid of every undesirable character in the city is an incorrect application of Torah law. He insisted that the community raise the money to free the young man.

This happened right before Rosh HaShannah. The community did not raise the money. Erev Yom Kippur came. As is the universal custom, on Erev Yom Kippur the community davens Mincha early and then goes home for the meal before the fast (seudah hamafsekes).

After Mincha on Erev Yom Kippur, Rav Chaim announced that the Gabbai was instructed not to open the shul for Kol Nidre until the full amount of the ransom was raised. Furthermore, no one would be allowed into shul on all of Yom Kippur until the money was raised. The saving of Jewish life -- even the life of a Bundist -- is important enough to violate Yom Kippur, Rav Chaim ruled.

The community had no choice. They went and raised the money, presented the funds to the governor and freed the individual one half hour before sunset on Erev Yom Kippur. Rav Chaim and the other people involved in this effort did not have time to have their seudah hamafsekes that year. They went straight from the governor's office to Kol Nidre.

This is a significant story. It teaches us the importance of every single soul in Israel. It does not matter if he is a Bundist or a Communist, whether he is Orthodox, Conservative, or Reform. A Jew is a Jew. The Brisker dynasty are known for their zealotry (Kanaus), but nevertheless their biggest zealotry was for the Rabbinic teaching that "whoever saves a single Jewish soul is as if he saved the whole world" [Bava Basra 11a].

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These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #514, Can a Ger be a Rosh Yeshiva?

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Covenant & Conversation

Thoughts on the Weekly Parsha from

RABBI DR. JONATHAN SACKS

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From last year]

30 August 2003 Shofim

"When you enter the land the Lord your G-d is giving you and have taken possession of it, and settled in it, and you say, "Let us set a king over us like all the nations around us", be sure to appoint over you the king the Lord your G-d chooses."

THERE IS NO SUBJECT ON WHICH THE TORAH IS MORE AMBIVALENT than the issue of monarchy in particular, and politics in general. The starting point of any discussion of the subject is in today's sedra:

When you enter the land the Lord your G-d is giving you and have taken possession of it, and settled in it, and you say, "Let us set a king over us like all the nations around us", be sure to appoint over you the king the Lord your G-d chooses. 1

This apparently simple instruction led to an extraordinary difference of opinion between the medieval Torah commentators. Maimonides understood it as a command. Ibn Ezra read it as a permission. Abarbanel -- who lived closer to the heart of politics than any other Jew of the Middle Ages -- regarded it as a mere concession to human weakness.

Abarbanel had an extraordinarily eventful career, holding high diplomatic office in Portugal, Castile, Naples and Venice. In 1483 he was falsely accused of conspiracy; in 1492 he tried, but failed, to have the Spanish expulsion decree revoked. Having lived through the intrigues and duplicities of several royal courts he was convinced that political enterprise was corrupting. He argued in favour of democratically elected councils, but was at heart a utopian anarchist. In an ideal world, he believed, there would be no rulers and no ruled. The passage relating to a king was therefore no more than the Torah's sad acknowledgement that humanity was not yet ready to liberate itself from the necessity of politics.

The tone of unease is evident in the very wording of the biblical passage, in three ways. First is the unique prologue which foresees that the Israelites would ask for a king in order to be "like all the nations around us" – as indeed they did in the days of Samuel (I Samuel 8:5) 2. Elsewhere the purpose of the commands is to make Israel different, distinctive, "holy". There is more than a hint here that politics is ultimately alien to the spirit of the Torah. Indeed, Israel's first system of governance (heads of thousands, hundreds, fifties and tens; Exodus 18) was suggested not by G-d but by Moses' father-in-law, the Midianite high priest Yitro.

Second is the list of caveats with which the king is to be charged: not to multiply horses, or wives, or wealth (Dev. 17: 16-17) 3. As we know, it was precisely these cautions that King Solomon ignored, and it led to his downfall. In an exceptionally pointed passage the Talmud states:

"Why were the reasons of the Torah's laws not revealed? Because in two cases reasons were revealed, and they caused the greatest man in the world (Solomon) to stumble. It is written, He shall not take many wives lest his heart be led astray. Solomon said, I will take many wives but my heart will not be led astray. Yet we read, When Solomon was old, his wives turned his heart astray (I Kings 11:4). Again it is written, He must not acquire great numbers of horses for himself lest he make the people return to Egypt. Solomon said, I will acquire many horses but I will not make the people return to Egypt. Yet we read, They imported a chariot from Egypt for six hundred shekels (I Kings 10: 29)."

Solomon thought himself incorruptible. His life proved otherwise.

Third is the strange fact that when the Israelites did eventually ask for a king, Samuel was greatly distressed, feeling that they had rejected him. G-d tells him that their offence is far worse:

The Lord told him: "Listen to all that the people are saying to you. It is not you they have rejected as their king, but Me." In what sense did their request for a king – mandated by the Torah itself – constitute a rejection of G-d? For Maimonides, for whom monarchy was a positive command, their offence was that they asked improperly. What was wrong was not the request itself but the manner in which they made it. From a different perspective, however, there is a deeper concern.

Nowhere is this more poignantly spelled out than in the Book of Judges, which spans the period between the death of Joshua and the inception of monarchy. The "judges" referred to were not mere judges in the contemporary sense. They were military leaders who emerged from time to time when the Israelites – then a loose confederation of tribes rather than a nation – came under attack from enemy forces. One of the most successful was Gideon, who led the people to victory against the Midianites. So impressive was his campaign that the people asked him to become their king. He replied, in words that go to the heart of the matter, "I will not rule over you, nor will my son rule over you. The Lord will rule over you" (Judges 8: 23).

That is what is at stake in the Torah's reservations about monarchy, and politics generally. It is not merely that, as Lord Acton famously said, "Power tends to corrupt, and absolute power corrupts absolutely." It is rather that Judaism is a sustained meditation about freedom and what it implies in terms of sovereignty and political structures.

More than any other religious literature the Torah is predicated on human choice, freedom and moral responsibility. Almost at the outset of the human story, G-d tells Cain, "If you do what is right, will you not be accepted? But if you do not do what is right, sin is crouching at the door. It desires to have you, but you must master it." 7 We are free. There may be many influences on our conduct – genetic, environmental, cultural, economic – but nothing that forces us to act one way rather than another. Viktor Frankl, the remarkable man who survived Auschwitz and went on to found a new school of psychotherapy, Logotherapy, on the basis of his experiences, built his whole system on the discovery he made, that when every other freedom has been taken away, one remains: the freedom to decide how to react. It is this more than anything else that constitutes our unique human dignity as the "image and likeness" of G-d himself.

Individual freedom, though, is one thing; a free society, another. In virtually every society known to history, the strong have attempted to use their power against the weak. The biblical paradigm for this was ancient Egypt, which turned the Israelites into slaves. It is no coincidence that the formative experience of Israel was that of G-d, the supreme power, rescuing the powerless and leading them across the desert to freedom. The task he set them was to create a society built on the rule of law, together with social welfare and practical compassion, in which no one's freedom would be purchased at the cost of others being reduced to servitude or humiliating poverty and dependence.

The ideal society, as the Torah conceives it, is one in which no one rules or exercises power over anyone else, other than G-d himself. To be sure, that could not be achieved overnight. The struggle has taken over three thousand years and is not over yet. Its closest approximation is Shabbat – a world experienced one day in seven in which no one can force anyone else (not a servant or an employee or even a domestic animal) to work for them. The idea of one human being ruling over another is anathema to the Jewish mind. Only one being is entitled to sovereign powers, and that is G-d. That is what Gideon means when he says, "I will not rule over you, nor will my son rule over you. The Lord will rule over you."

However, the Book of Judges also faithfully records the countervailing pressures of reality. Time and again it states: "In those days Israel had no king. Everyone did what was right in his own eyes." In a less than perfect world, the absence of government spells anarchy: the breakdown of law and order, the inability of a people to defend itself, and lapses into idolatry which individuals are powerless to prevent.

In the end, the Israelites discovered that a confederation of tribes led by ad hoc "judges" was not strong enough to meet the pressures of sustaining a society surrounded by enemies without, and riven by factionalism within. That is when G-d told Samuel that the people were within their rights to ask for a king, so long as they knew in advance the dangers – namely that they would be handing away many of their liberties. The king would seize people for his army and court, and would confiscate their property to maintain the various royal offices.

The tension between Gideon's "I will not rule over you . . . The Lord will rule over you" on the one hand, and "In those days Israel had no king; everyone did what was right in his own eyes" is the defining problem of Jewish politics. Every form of politics is, to a greater or lesser degree, a compromise of Israel's ideal that G-d alone would rule over them (this is not, incidentally, "theocracy" in the modern sense, i.e. rule by clerics; it isn't a form of rule at all). Yet in the real world, Israel discovered that conflict can only be resolved by the use of power; and the organised, principled use of power can only occur within a political system. The Jewish people has experienced many forms of self-government – by elders, judges, kings, scribes, sages, town councils, and since 1948, representative democracy. The biblical ideal – in ancient times and in the messianic future – is constitutional monarchy: hence the command in this week's sedra. But even the greatest king is less than the direct rule of G-d.

The results of this tension were, however, extraordinary. The first was the coming into being of a new type of religious personality, the prophet, who heard the call of G-d in history and who continually challenged the corruptions of power on the one hand, and of the people on the other. The prophets were the world's first and greatest social critics. They owe their very existence to the fact that though G-d was willing to delegate some of his sovereignty to a human king, he is never willing to compromise on his demands of mankind, namely, justice and the rule of law, compassion and the demands of welfare.

Second, the Torah devotes extraordinary attention to the non-political aspects of society-formation and maintenance. It speaks of education, of tzedakah, and the duty to give part of the nation's produce to the poor. It ordains laws, courts and the administration of justice. It talks of the virtues and self-restraints to be practiced by every Jew. It has a different political philosophy to any other nation yet conceived. The entire focus of politics in the West since Plato and Aristotle has been on the state. In Judaism, the interest in the state (brought into being when Samuel appointed Saul as Israel's first king) is secondary. Its primary interest is in society (brought into being at Mount Sinai by the giving of the Torah). As I put it in one of my books, *The Politics of Hope*, what makes Judaism unique is its dual theory of social contract (which creates a state) and social covenant (which creates a society). It sees more clearly than any other system known to me, that politics – the principled use of power – is only part, and a relatively small part, of what creates a gracious society dedicated to the common good.

Thirdly, the cumulative effect of these principles led to a phenomenon unique in history, whose extraordinariness is still not fully appreciated. The Jewish people, having suffered defeat and exile, was able to sustain itself for two thousand years as a society (or series of communities) without a state. This would have been impossible if statehood, power and kingship were at the heart of Jewish values. Those who thought otherwise (the Sadducees in Second Temple times) simply disappeared. Judaism survived the loss of power because it did not, and does not, believe in the ultimate value of power. The symbol and reality of power in biblical times was the king. Maimonides is therefore right to see the appointment of a king as a command, but Abarbanel is no less right to see it as a concession to a less-than-perfect world.

These principles are intensely relevant to the State of Israel today, for the rebirth of the state was, among other things, a return to the conditions of existence Israel had in biblical times. Israel now, as then, faces many external enemies. Now as then, it pursues peace but often fails to find it. Jews, having been politically powerless for two millennia, find themselves once again confronting the dilemmas of power.

But one of its most important challenges has been not external but internal. How does one create a society of justice and compassion, freedom and moral purpose, sustained by a vision of the dignity of all under the sovereignty of G-d? Israel has achieved great things in the brief years of its existence – more surely than any other country of comparable age and size. It has created an open and democratic society, with free speech, a free press and an independent judiciary, in a region where these things have been almost unknown, and under stresses of war and terror that might have defeated any other nation. It has integrated immigrants from more than a hundred countries and given new life to Israel as a people.

It is a secular state, but as a society it has been deeply influenced by the values of Torah – values engraved by four thousand years of history into the Jewish heart. The building of a body politic is, the Torah warns, fraught with conflict, but out of this conflict great things come. The command to appoint a king tells us that power is much but not all. You need it to create a state. You need something else altogether to build a society that honours the image of G-d that is mankind. That is Israel's ongoing task – and we are privileged to have witnessed the ancient story come to life again in our time.

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<http://www.vbm-torah.org/archive/salt-devarim/48-4shoftim.htm>

## PARASHAT SHOFTIM

by RABBI DAVID SILVERBERG

[From several years ago]

Moshe urges us in Parashat Shoftim, "Tzedek tzedek tirdof" - "you shall pursue justice." For some reason, Moshe sees fit to repeat the word "tzedek" in the verse. What did he mean to convey through the repetition? Did he add an extra word merely for emphasis?

The Ibn Ezra offers three explanations. First, he explains that the verse here demands honesty whether it serves to the benefit or detriment of the individual. Specifically in the courtroom setting, litigants presenting their case must speak the truth, whether it will help them or work against them in the course of the proceedings. Secondly, Ibn Ezra suggests that the Torah teaches through this repetition that no matter how many times one must appear in court, he must tell the truth each and every time. Finally, he suggests that the extra "tzedek" comes merely for the purpose of emphasis.

The Ramban, by contrast, explains that the two words refer to two different parties - the judges and the litigants. The pursuit of "tzedek" by the judges refers of course to truthful adjudication and sentencing. Regarding the litigants, pursuing justice entails ensuring honest litigation by seeking a reputable court known for its commitment to truth. The Ramban then proceeds to offer a Kabbalistic interpretation from the Midrash of Rav Nechunya Ben Hakaneh.

A different approach is taken many years later by Rav Simcha Bunim of Pashischa. He suggests that Moshe here calls for not merely truth, but genuine truth. Meaning, very often an individual can "prove" the authenticity of his legal or religious distortions from our sources. He can justify his corrupt ideas by finding some flimsy basis somewhere within tradition. We are bidden to pursue absolute truth, to probe the ancient texts objectively in search of the correct path without preconceived notions or a priori ideas which we seek to substantiate. We must pursue not only "tzedek" - truth itself, but "tzedek tzedek" - sincere and genuine truth.

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Towards the end of Parashat Shoftim and into the beginning of Parashat Ki-Tetze, the Torah discusses various halakhot relevant to warfare. Chapter 20 begins with the kohen's monologue to the soldiers before battle and continues with the guidelines of taking booty and the prohibition of cutting fruit trees while mounting a siege. Next week's parasha, Ki-Tetze, begins with the special permission granted to take a female fugitive as a wife.

Amidst these sections appears one portion that appears to have little, if anything, to do with warfare. Parashat Shoftim ends with the intriguing halakha of "egla arufa." Should a corpse be found between two cities, the leaders of the closer city are to conduct a procedure by which they affirm their innocence from the crime and offer a sacrifice to atone for the murder. Why would the Torah interrupt the discussion of wartime guidelines with this procedure of "egla arufa"?

An insightful explanation is cited in the name of Rav Yaakov Ruderman zt"l. Warfare often desensitizes those involved to the supreme value of human life. When soldiers are trained to kill, the danger arises that they will lose proper perspective regarding the sanctity of every human soul. Therefore, amidst its discussion of wartime procedures, the Torah saw fit to insert the halakha of "egla arufa," by which the elders of the city reaffirm their awareness of the immense loss suffered when even a single John Doe is found dead.

A similar approach is advanced to explain Chazal's association of this halakha with Yosef. The Midrash relates that just prior to his fateful departure to check on his brothers, Yosef studied the laws of "egla arufa" with his father, Yaakov. Some have suggested that the relevance of this

halakha to Yosef's farewell to his father involves leadership. However unknowingly, Yosef left his father on his way to becoming viceroy of the largest empire of the world at that time. It is only befitting, then, that the final words of Torah heard from his saintly father spoke of the halakha of "egla arufa," the inherent value and sacred quality of every individual. Leaders often fall into the trap of overlooking the needs of individuals, preoccupied they are with issues concerning broad segments of their constituency's population that they can easily ignore the cries of the widow, the wails of the ill and the frustrations of the poor. Yosef overcame these challenges even upon his ascent to power, because he always carried with him the eternal lesson of the "egla arufa."

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Among the halakhot established in Parashat Shoftim regarding the Jewish king is that he must be just that - a Jewish king. Benei Yisrael are warned not to appoint a king of a different ethnicity. Even proper converts to Judaism may not assume the throne. The Gemara in Kiddushin 76b and elsewhere expands this rule to other positions of religious leadership; they are open only to those born to Jewish parents. From the Torah's double expression, "som tasim" in the context of the appointment of a Jewish king, Chazal derive that the rule forbidding kings of gentile ethnicity applies not only to the kingship, but to other religious appointments, as well. The Gemara then cites Rav Yosef's comment that one born to a gentile father may be appointed to positions of leadership, so long as his mother was Jewish. The implication of the Gemara, therefore, is that a Jewish king requires a Jewish mother, but not a necessarily a Jewish father.

Tosafot (Sota 41b), however, rule otherwise. Surprisingly, they claim that the allowance for the appointment of one with a gentile father applies only to general leadership positions. The Jewish king, however, must be born to two Jewish parents. (Tosafot's position is based upon the Gemara there in Sota.)

Some Acharonim have questioned Tosafot's view based on the Tanakh. In Melakhim I, Rechavam inherits the throne from his father, Shlomo, despite the fact that his mother was Na'ama the Amonite (obviously not a Jewess)!

The Chatam Sofer (Shut, O.C. 12) answers based on the halakha providing for a son's inheritance of the throne from his father. The Chatam Sofer claims that the prohibition of appointing a king of non-Jewish origins applies only to the actual appointment of such a king, but not to the king's reign itself. Therefore, if someone becomes king automatically, without a formal appointment - such as in a case of an heir-apparent - no prohibition exists. The Jewish people were instructed that when they select an individual to begin a royal dynasty, he must be born to Jewish parents. However, should a Jewish king marry a convert - as Shlomo did - his son from this marriage may nevertheless inherit the throne whereas he requires no formal appointment from the people. Once Shlomo passed away, the scepter passed automatically to his son, Rechavam, without a formal appointment. Since the Torah's prohibition outlaws only the appointment of a king from gentile ethnicity, but not the reign itself of such a king, no violation was involved in Rechavam's ascent to the throne.

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The widespread custom throughout Am Yisrael is to blow the shofar daily throughout the month of Elul. The Tur (O.C. 581) mentions two reasons for this practice. Firstly, the shofar blast (hopefully) stirs our hearts to teshuva in anticipation of the Days of Awe. Secondly, we seek to "confuse" the Satan by blowing even before the onset of the obligation of shofar. (See Masekhet Rosh Hashanah, top of 16b.) Unlike our practice today, the Tur mentions that the prevalent custom amongst Ashkenazic communities was to blow the shofar twice each day during Elul - by morning and by night. Rav Moshe Feinstein (Iggerot Moshe, O.C. vol. 4, 21), however, redefines the word "erev" (evening) in the Tur. Given Chazal's assertion that during the nighttime hours (until

midnight) G-d's attribute of justice, rather than mercy, is in force, it cannot be that communities blew the shofar at night. Rav Moshe speculates that "erev" here refers to late afternoon, after the mincha prayers, rather than evening. He cites the Chayei Adam 138:1 who similarly understands "erev" in this context as a reference to mincha-time.

One could question Rav Moshe's assumption that shofar could not be blown at night since these hours are not suitable for appeasing the Almighty. According to the first reason for the practice mentioned in the Tur, that the shofar blast stirs people's souls and moves them towards repentance, then there appears to be no reason to distinguish between day and night. The shofar blowing serves not as a direct petition to the Almighty (as it perhaps does on Rosh Hashanah itself), but rather as a mechanism by which the congregants will hopefully be inspired to repent. According to the second reason, too, the basis for not blowing at nighttime is less than obvious. Rashi in Masekhet Rosh Hashanah 16b explains the "confusion" of the Satan as referring to our love of the mitzvah. Chazal instituted additional shofar blowing beyond the minimum requirement so that we demonstrate our zeal and passion for G-d's mitzvot, thereby silencing the prosecution against us in the Heavenly Tribunal. If this is indeed the reason for blowing during Elul, then clearly the blowing does not serve as a form of supplication but rather as a manifestation of our love towards the commandments. As such, it would appear, there would be no reason not to blow at night, as well.

In any event, communities today generally blow the shofar only once a day during Elul, after the shacharit services. Rav Moshe suggests two possible reasons why the custom developed to blow specifically at shacharit, rather than mincha. Firstly, far more people come to the synagogue for shacharit in the morning than for mincha in the afternoon. In order to ensure the maximum-size audience for the blowing, the custom emerged to blow specifically after shacharit. Secondly, he suggests that the sounding of the shofar serves a far more critical need in the morning, just before people leave for work. The hope is that they will be inspired to scrutinize their behavior, and this inspiration will impact their conduct as they go about their business throughout the day. Therefore, blowing the shofar in the morning is more important than blowing in the late-afternoon or evening.

Although we do not blow the shofar in the afternoon, the original custom recorded by the Tur does yield practical halakhic ramifications even today. Rav Moshe rules that should a synagogue for whatever reason neglect to blow shofar one morning during Elul, they should blow that same day after mincha. Although the original custom of blowing twice daily is no longer followed, it nevertheless remains as a "backup plan," if you will, should the congregation miss shofar blowing in the morning.

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From: Rafael Salasnik [rafi@brijnet.org] Sent: August 18, 2004 To: daf-hashavua@shamash.org Subject: daf-hashavua Shoftim 5764/2004

  
U N I T E D S Y N A G O G U E - L O N D O N ( O )  
Shoftim Shabbat ends in London at 9.02pm  
BRIJNET - British Jewish Network - UK branch of Shamash

- Creates awareness of the internet in the community - Helps organisations & individuals to participate in the Jewish internet - Creates/maintains a useful quality communal electronic information database

Sidra Lite \* Provision must be made for a fair and equitable system of justice. \* A Supreme Court will be established at the Central Sanctuary. \* Laws concerning a king of Israel, the Kohanim, Leviim and Prophets. \* Cities of Refuge to be established for cases of homicide. \* Laws of warfare presented. \* \*The expiation of a mysterious murder.

## SIDRA INSIGHTS

Rabbi Barry Lerer, Watford Synagogue WHAT IS G-DLINESS?

At the end of our Sidra, the Torah relates two unique and mysterious mitzvot.

These mitzvot are the prohibition against the destruction of fruit trees and the Eglu Arufa - the Axed Heifer.

In Chapter 20 Verse 19, the Torah states,

"When you shall besiege a city... You shall not destroy its trees by wielding an axe against them, for you may eat of them but you shall not cut them down..."

In the very next passage in Chapter 21: 1-9, the Torah says

"If one be found slain... lying in the field and it is not known who killed him... the elders of the city closest to the slain man should take a heifer, which has not been worked, which has not yet pulled a yoke. And the elders of that city shall bring down that heifer to a rough valley which may neither be plowed nor sown, and they should break the heifer's neck..."

The mitzvah of Eglu Arufa seems to leave many questions unanswered. Firstly, why must they bring specifically a heifer that has not yet performed any work? Moreover, why bring it to a place that has no potential to be worked? And, finally, why break its neck? Surely this is an act of utter waste and destruction?

Similarly, we must ask questions about the prohibition on cutting down fruit trees. What is the rationale underlying this mitzvah? What is wrong with cutting down fruit trees?

The Kli Yakar states that what concerns the Torah is not merely the loss of the fruits that are currently on the tree. Rather, the Torah cares about all the fruit that this tree could potentially produce. Each fruit contains seeds which ultimately could create more trees, and untold amounts of future fruits. By cutting down such a tree you are effectively obliterating all of that potential with the stroke of an axe. Therefore, it is forbidden to cut it down, for the Torah abhors wasted potential.

If this can be said regarding a tree whose sole purpose is to serve man, how much more is it true regarding man himself. This is Eglu Arufa. A person, in the prime of life, cut down, destroyed, with any future achievements gone to waste. His potential is destroyed forever.

Therefore, it is understandable why they bring a heifer that has not done any work to a place where no work can be done. Rashi comments: "G-d says, Bring a one-year-old heifer which hasn't produced any fruit, and break her neck in a place that can produce no fruit, to atone for the killing of this person who was not allowed to produce fruit." The Eglu Arufa is therefore the symbol for wasted potential.

With the advent of Rosh Chodesh Ellul, this past week has seen us usher in the Teshuva period. As we approach the New Year let us remember the opportunities and potential available to us. Let us not waste anything. Rather, let us strive to fully achieve our potential.

## A Halachic Guide to Life Cycle Events

By Rabbi Daniel Roselaar, Belmont United Synagogue

### The Wedding Ring

According to the Mishnah, a marriage can be effected either by the groom giving the bride an object of intrinsic value, or by formulating the terms of the marriage in a document that he presents to her, or by

engaging in intimate relations with her for the purpose of getting married. In practice, all three of these methods are utilised in order to consecrate a Jewish marriage.

Traditionally, the groom presents a ring to the bride as an article of intrinsic value. Before placing it on her finger he makes a declaration of intent that he is doing so in order that she should be designated specifically as his wife, to the exclusion of her becoming married to anyone else, in accordance with Jewish law (kedat Moshe V'Yisrael). Though the ring must have a minimum value of at least one perutah (the smallest monetary value in Talmudic times), the custom is that it should be made out of gold. Also, it should not be set with any precious stones or gems so that there should be less possibility of confusion about its real value.

Whilst there is no halachic objection to a man wearing a wedding ring, R' Moshe Feinstein addressed the issue of whether the bride may give it to him under the chuppah. He prohibited such a practice on the grounds of chukkat hagoy, regarding it as an attempt to ape gentile practices. He was also concerned that people might come to regard it as an essential part of the ceremony and that they would believe that the couple are not married unless the bride gives a ring in the same way that groom does (which could even invalidate the giving of the ring by the groom).

## Hameforshim - The Commentators

Rabbi Dr Michael Harris, Hampstead Synagogue.

### RABBI JOSEPH B. SOLOVEITCHIK

Rabbi Joseph Ber Soloveitchik was born in 1903 in Pruzhan, Poland, into a famous Lithuanian Rabbinical family. His father, Rabbi Moshe, was an important scholar and his grandfather was the great Rabbi Chaim Soloveitchik, who had pioneered a new method of Talmudic study.

Until his early twenties, Rav Soloveitchik's studies focused almost exclusively on Talmud and Halakhah. At the age of 22 he entered the University of Berlin, concentrating on philosophy, and in 1931 attained his doctorate for a thesis on the neo-Kantian philosopher Hermann Cohen.

In the same year Rav Soloveitchik married Dr. Tonya Lewitt. In 1932 they emigrated to the United States, settling in Boston, the city which remained their home. Rav Soloveitchik founded the Maimonides Jewish day school in Boston, and in 1941 succeeded his father as Professor of Talmud at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University. For many years, he also served as Professor of Jewish Philosophy at Yeshiva University.

At Yeshiva University, Rabbi Soloveitchik became immensely influential as the spiritual guide of many American-trained Rabbis. Throughout North America and far beyond, he was acknowledged as the leader of Modern Orthodoxy and was popularly known simply as "The Rav".

His shiurim and public discourses were highly influential, in particular the annual discourse which he delivered at Yeshiva University on his father's Yahrzeit, which attracted thousands of listeners. His published writings - among them Halakhic Man and his famous article "The Lonely Man of Faith" - also had a major impact on the Jewish world. He died in 1994.

IT HAPPENED TODAY by Rabbi Yisroel Fine, Cockfosters & N.Southgate Synagogue  
4th Ellul

When in 1492 many of the Jews expelled from Aragon embarked from Barcelona on their way abroad, the events had found their roots a century earlier. It was on this day, corresponding to August 5th 1391, that four hundred members of the Jewish community of Barcelona were massacred and the remainder converted following a series of convulsive riots that had spread throughout Spain over a period of three months, beginning in Seville in June 1391.

When the disturbance had spent its force, Spanish Jewry was left in a helpless and impoverished state. The first proposal for the introduction of an Inquisition into Spain was made on the seventieth anniversary of the massacre.

Tracing its origins to the time of Amram Gaon (9th century CE), who sent his prayer book to "the scholars of Barcelona", the community boasted Spain's finest scholars amongst its citizens, including Nahmanides, Rabbi Isaac Ben Sheshet and Rabbi Hasdai Crescas.

It was in Barcelona that the famous religious disputation between the apostate Jew Pablo Christiani and Nahmanides was convened by King James I of Aragon in July 1263.

The debate, reproduced verbatim by Nahmanides in his writings, has served as a classical Jewish defence against distorted misinterpretation of the Talmud and of the Jewish Bible. Guaranteed complete freedom of speech, Nahmanides took full advantage of the opportunity, and soundly trounced his protagonist resulting in the proceedings being prematurely ended. The King himself attended the Synagogue in state and gave an address, an event without medieval precedent.

Jews returned to Barcelona at the beginning of the last century and today the city has the largest concentration of Jews in Spain (roughly four to five thousand), two functioning Synagogues and with the reopening of the mediaeval Synagogue to sightseers in 2002, Barcelona has reclaimed a long forgotten piece of its history.

#### RIDDLE OF THE WEEK

by Rabbi Ephraim Mirvis

Last week's questions:

1) Explain: You may eat a melody, but you may not eat the sunrise. (The answer can be found in last week's Sidra).

Answer: In the laws of kashrut, one of the permissible animals is a zemer, which means both mountain-sheep and melody (Devarim 14:5). One of the forbidden birds is a netz, which means both hawk and sunrise (Devarim 14:15).

2) EXTRA CHALLENGE Devarim 12:17, which appears in last week's Sidra of Re'eh, is a remarkable verse unmatched (not even closely) by any other verse in the Torah. What is so special about it?

Answer: This verse has 8 of the 613 mitzvot in it!

This week's question:

1) Prove: We recite Ein Kamocha in Shul in the morning services on Shabbat, Yomtov, Mondays and Thursdays.

2) EXTRA CHALLENGE set by Jerome Cohen of Wembley.

Most people do it half of the time on the right and half on the left.

Some do it always on the left.

All are correct.

What is it?

Would you like to pose a riddle? Please email the Editor.

Produced by the Rabbinical Council of the United Synagogue. Editor: Rabbi Ephraim Mirvis <mailto:editordaf@brijnet.org> Address: Finchley Synagogue, Kinloss Gardens, London N3 3DU Editorial Board: Rabbi Yisroel Fine, Rabbi Philip Ginsbury, Mr Simon Goulden, Rabbi Dr Michael Harris, Rabbi Emanuel Levy, Rebbetzin Sarah Robinson, Rabbi Meir Salasnik, Rabbi Dr Julian Shindler To sponsor Daf Hashavua please contact Anthony Cummings <mailto:Anthony.Cummings@unitedsynagogue.org.uk> Copyright 2004 United Synagogue Publications Ltd.



From: Jeffrey Gross [[jgross@torah.org](mailto:jgross@torah.org)]  
Sent: Wednesday, August 18, 2004 5:06

PM To: [weekly-halacha@torah.org](mailto:weekly-halacha@torah.org) Subject: Weekly Halacha - Parshas Shoftim WEEKLY-HALACHA FOR 5764

By RABBI DONIEL NEUSTADT Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav

#### DO DESSERTS REQUIRE A BLESSING?

The blessing of ha-motzi, recited over bread at the beginning of the meal, includes anything in the meal that is normally eaten with bread - even though it is not actually being eaten with bread at this particular moment. Even if these foods are never actually eaten together with bread, but if they are "meal-type foods," i.e., they are main components of a meal which are served to satisfy one's hunger, they are included in the ha-motzi blessing. Meat, fish, eggs, pasta, rice, vegetables, cheese, most beverages and all other foods eaten to satisfy one's hunger are included in the ha-motzi blessing. Dessert, on the other hand, is not normally eaten with bread, nor is it served to satisfy one's hunger. In most cases dessert is served after one is already full, either as a finishing touch to a meal or to satisfy one's craving for sweets. It is considered a separate food at the end of the meal and therefore requires its own blessing. This basic principle is agreed upon by all of the

early authorities and is recorded in the Shulchan Aruch. Let us review the halachos of some common desserts:

1. Raw fruit (apples, grapes, etc.): The correct blessing is recited.(1)

2. Cooked fruit: The basic halachah follows the opinion of most poskim who hold that a blessing is recited,(2)since the cooked fruit is being served as dessert and is considered a "dessert type food". A minority opinion suggests that no blessing is recited(3)since a cooked fruit, even though it is being eaten at the end of the meal, may still be considered as one of the courses of the meal. One who wants to avoid a questionable situation should eat cooked fruit only with bread(4)or recite a blessing over a raw fruit before eating the cooked fruit.(5)

3. Popcorn: The correct blessing (ha-adamah) is recited.

4. Peanuts: The correct blessing (ha-adamah) is recited.

5. Chocolate: The correct blessing (shehakol) is recited.

6. Coffee and tea: There are conflicting opinions. Some hold that beverages, no matter when they are served, are considered as part of the meal and no blessing is recited. They reason that the coffee or tea is served for satiation and is part of the meal. Others maintain that coffee or tea should be treated as dessert and that a shehakol is recited. In their opinion, these beverages are served to aid digestion and are not an intrinsic part of the meal. To avoid a questionable situation, it is best to recite a shehakol on another food which is definitely dessert, and thus exempt the coffee or tea. If another shehakol item is not available, no blessing is recited.(6)

7. Ice Cream and sherbet: The correct blessing is recited.(7)

#### CAKE

The basic rule quoted above, that a "dessert-type food" requires a separate blessing when eaten at the end of the meal, applies to cake as well. It should follow that cake eaten at the end of the meal as a dessert requires a mezonos. In actual practice, however, this is not the case. In order to explain why not, we must present some background information concerning pas haba'ah b'kisin, commonly known as cake, and what its proper blessing is.(8)

One thing is clear: Normally, people are koveia seudah ("base" their meal) on pas, bread. The proper blessing over pas is, therefore, ha-motzi. The proper blessing over pas haba'ah b'kisin, which has bread-like properties but yet is not bread, is mezonos, since people are not usually koveia seudah on it. But how exactly is pas different from pas haba'ah b'kisin? What distinguishes the two foods: is it the ingredients or is it the texture?

There are three opinions among the Rishonim as to the definition of pas haba'ah b'kisin and the main characteristic that distinguishes it from pas:

1. Some hold that pas haba'ah b'kisin is what most people today call cake. Cake batter consists of many ingredients beyond flour and water; it contains significant amounts of sugar, cocoa, chocolate, oil, honey, etc. According to this view, the blessing over pretzels or fruit-filled pies would be ha-motzi, since their basic ingredients are flour and water, just like bread.

2. Others hold that pas haba'ah b'kisin is a hard, crunchy substance such as a pretzel or a cracker. According to this view, the blessing over most cakes and pies would be ha-motzi.

3. Others hold that pas haba'ah b'kisin is a fruit- or nut- filled pie. According to this view, the blessing over most cakes and pretzels and crackers would be ha-motzi.

What is the practical halachah?

As a rule, whenever doubts arise concerning the proper blessing to recite, we follow the basic principle of safeik berachos lhakail, i.e., we tend to rule leniently. Accordingly, whenever any one of these foods is eaten [not during the meal] the blessing is mezonos, since requiring one to wash and recite Birkas ha-Mazon over them would be a stringency.(9)

But when these foods are eaten as a dessert during the meal, the halachah should be the reverse. Since there is a doubt as to whether these foods are classified as pas, bread, or pas haba'ah b'kisin, we ought to be lenient and not require a mezonos to be recited, since they may very well be bread, and a ha-motzi was already recited at the beginning of the meal.

In practice, however, various poskim have issued numerous, somewhat contradictory, rulings. This issue is so confusing that some G-d-fearing people do not eat cake for dessert at all; rather, they recite Birkas ha-Mazon and eat the dessert cake afterwards.(10) Another solution suggested by some poskim is to have express intent while reciting ha-motzi at the beginning of the meal to include any cake eaten for dessert.(11)

But if neither option is practical, there are various opinions among contemporary poskim about how one should conduct himself:

1. Mishnah Berurah states that only fruit-filled pies are considered "real" pas haba'ah b'kisin, and a mezonos is recited over them when served for dessert. Most

other cakes(12) are too similar to bread and are covered by the original ha-motzi blessing.(13)

2. Harav M. Feinstein ruled that as long as flour and water are not the majority ingredients, which holds true for most cakes today, a mezonos is recited over them when served as dessert.(14)

One should follow his custom or the opinion of his rabbi. One who has no custom should not recite a mezonos unless the cake is clearly a pas haba'ah b'kisinin.(15)

A notable exception to all of the above is when cake is eaten when one is still hungry, i.e., the main course was not filling and the dessert is being eaten to satisfy one's hunger. In that case, clearly, no blessing is recited on the cake since it now becomes an essential part of the meal covered by the original ha-motzi blessing.(16)

Another point to remember is that our discussion applies to cake only. Waffles, pancakes, kugels and all other mezonos items which do not have bread-like properties are considered mezonos items according to all views and would require a separate blessing when eaten for dessert and not for satiation.

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FOOTNOTES: 1 O.C. 177:1. 2 Mishnah Berurah 177:4; Chazon Ish (Dinim v'Hanhagos 6:7); Orchos Rabbeinu 66; Yechaveh Da'as 5:19; Harav Y.S. Elyashiv (quoted in Vezos ha-Berachah, pg. 78 and Vesein Berachah, pg. 87).

3 Several sources report that the Chafetz Chayim eventually changed his ruling and exempted cooked fruits served as dessert from a blessing; see Orchos Rabbeinu 66 and Vezos ha-Berachah, pg. 78. [Others dispute that the Chafetz Chayim changed his ruling.] Reportedly, Harav A. Kotler ruled that no blessing is recited over cooked fruit. See also Sdei Chemed (Berachos 1:26), who quotes Sefer Zochreinu l'Chayim that no blessing is recited over cooked dessert, but the Sdei Chemed himself disagrees. 4 Custom of the Brisker Rav (quoted in Teshuvos v'Hanhagos 1:177). 5 Harav A. Kotler (reported by several disciples); Harav Y.S. Elyashiv (quoted in Vezos ha-Berachah, pg. 78). 6 See the various opinions in Chayei Adam 43:11, Mishnah Berurah 174:39; and Aruch ha-Shulchan 174:14 (who distinguishes between coffee and tea). See also Vezos ha-Berachah, pg. 73. 7 Harav S.Z. Auerbach (Vesein Berachah, pg. 87); Harav Y.S. Elyashiv (Vezos ha-Berachah, pg. 74); Shevet ha-Levi 1:205; Harav C.P. Scheinberg (Vezos ha-Berachah, pg. 76). There are some who quote Harav M. Feinstein as ruling that certain types of ice creams or ices are considered beverages which do not require their own blessing. But this is difficult to confirm or understand. 8 Our discussion covers mezonos cake only. Cake made out of potato starch and served for dessert requires a shehakol (Avnei Yashfei 3:17). 9 O.C. 168:7. 10 This was the custom of the Chida, quoted in Sefer Minhagei Yerushalayim. See also Ohr L'Tziyon 12:10, who suggests this approach. 11 Chayei Adam 43:7 (quoted by Beir Halachah 168:8); Kaf ha-Chayim 168:49; Harav Y.Y. Fisher (quoted in Vezos ha-Berachah, pg. 75.) 12 A wafer may be an exception, since it may be classified as pas haba'ah b'kisinin according to all three opinions. 13 Beir Halachah 168:8. 14 Oral ruling quoted in Rivevos Efrayim 5:153. See also Igros Moshe O.C. 3:33, where this is clearly explained. This is also the opinion of Harav S.Z. Auerbach (quoted in Vezos ha-Berachah, pg. 229 and in Vesein Berachah, vol. 2, Hebrew section, pg. 9). 15 Harav Y.S. Elyashiv (quoted in Avnei Yashfei 3:16). 16 Mishnah Berurah 168:41. Another case where no blessing is recited over cake eaten as dessert is when a large amount - enough to be considered kevius seudah - is eaten; *ibid*.

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From: Daily Halacha [[info@dailyhalacha.com](mailto:info@dailyhalacha.com)] Sent: August 18, 2004 To: [members@dailyhalacha.com](mailto:members@dailyhalacha.com) Subject: Is A Woman Obligate To Repeat Birkat HaMazon if She Is In Doubt She Said It Before

Halacha of the Day (8/18/2004) By RABBI ELI MANSOUR

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Description: Is A Woman Obligate To Repeat Birkat HaMazon if She Is In Doubt She Said It Before

We discuss today some laws on Birkat HaMazon. Maran writes in Shulchan Aruch, siman 186, that ladies are also obligated in Birkat HaMazon, once they ate the proper Shiur (minimum amount). For example, if they ate a Kezayit of bread, they as well have to make Birkat HaMazon.

There is a question in the Gemara that asks if the lady's obligation of Birkat HaMazon is from the Torah (Di'Orita), or is it from the Rabbis (Di' Rabanan)? So to answer this question, we look at what explanation there is as to why it is not from the Torah. The Mishna Berura brings down 2 reasons. The first reason is

based on the source pasuk of Birkat HaMazon which has in it the words "Al Ha'Aretz HaTova", which is a mention of the land of Israel, and since ladies do not have a portion of the land of Israel, so therefore maybe they don't have the same obligation as men. Secondly, we mention in Birkat HaMazon; 'Brit ViTorah.'" Of course ladies have no connection to 'Brit' which is circumcision, and so seemingly, ladies are not obligated like the men. It's for these two reasons, that some want to say that the obligation on ladies to make Birkat HaMazon is only from the Rabbinata.

Why are we discussing this question? Why are we concerned about the root of the obligation on ladies to make Birkat HaMazon? The bottom line is that they have to make Birkat HaMazon. So what is the significance if it is Di'Orita or Di'Rabanan?

There is a major difference. Let's analyze why.

Let's say a lady ate bread and other foods and she was satiated, and now she does not know if she made Birkat HaMazon or not. She forgot. She was busy serving back and forth in the kitchen, and she asks herself after if she said Birkat HaMazon or not. If that would happen to a man, Halacha says if he ate and was satiated from the meal, so since his Birkat HaMazon is Di'Orita, he would therefore have to repeat Birkat HaMazon. Repeating the Birkat HaMazon for him is based on the rule 'Safek Di'Orita Lichumra', meaning when in doubt, be sure and repeat. But in the same case where a lady is in doubt if she said the Birkat HaMazon or not, she would NOT repeat the Birkat HaMazon. She does not say the Birkat HaMazon if in doubt, since her obligation is only from the Rabbis and as such we follow the rules of 'Safek Di'Rabanan Likola' and 'Safek Berachot Lihakhel'. Meaning, when in doubt of a Beracha from the Rabbinata we do not repeat. So we see here that there is in fact a major difference between a man and a lady in a case of Safek (doubt).

Let's discuss one further point on this topic. There may be an instance where a man, after he ate until he was satiated, would want his wife to say the Birkat HaMazon for him. She ate as well until she was satiated, and the man for whatever reason could not say the Birkat HaMazon. She can NOT say the Birkat HaMazon for him, because her obligation is only from the Rabbinata and his obligation is from the Torah, and since they are on unequal footing she would not be able to fulfill the obligation of her husband. However, if the husband just ate a small amount and he was not satiated by it, so then they are on equal footing, and since his obligation for Beracha Acharona is likewise from the Rabbis, so she can fulfill for husband on his obligation.

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