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From Efraim Goldstein <efraimg@aol.com>

Weekly Internet Parsha Sheet Parshat Shoftim 5765

*Mazal Tov to the Finkel family on Leigh's engagement to Benny
Spiewak & to the Barnett Family on the birth of Tamar Malkah*

Jerusalem Post Sept 09 2005

NATURAL DISASTERS Rabbi Berel Wein

I was in the United States when the disaster of Hurricane Katrina struck New Orleans and its southeast Gulf Coast. It seems that natural disasters are regular events in the lives of millions of human beings. Earthquakes, volcanic eruptions, tsunamis and hurricanes are all regular visitors, if not permanent residents on our planet. The overwhelming forces of nature make mockery of humankind's efforts at taming them. There is much public and political opinion afoot in the United States not to rebuild the city of New Orleans in its present location because of its vulnerability to flooding. In effect, this opinion proposes a twenty-first century surrender to nature and its wrathful and destructive unpredictability. Its admission of defeat is a humbling reminder of how puny humans are in relation to natural disasters. All of our great technological achievements and creations, gifted and wondrous as they are, still cannot overcome the forces of nature implanted by our Creator in our world. There is little room for human pride and hubris in the face of the devastation brought upon us by such a natural disaster as Hurricane Katrina. We stand in mute shock at witnessing the forces of nature beyond our control or even our imagination.

When I was a rabbi in Miami Beach in the late 1960's and early 1970's my family and I experienced three direct hits from hurricanes. Those hurricanes invariably occurred during the month of Elul, the month of introspection and preparation for the High Holy Days and the Days of Judgment. It was and still is customary in the world of the yeshivot to, during that part of the year, deliver mussar schmuessen – lectures on morality, ethics, ritual observance and the importance of serving God in our lives. These talks are powerful in content and delivery and are a wonderful tool in helping one enter into the true solemnity of spirit that mark the High Holy Days. But after my congregation's experiences with the hurricanes, I felt that any words that I might have said or lectures that I might have delivered would have been hollow and unnecessary. A hurricane is a pretty impressive and awesome mussar schmuess all by itself. No human being's words of wisdom can improve upon it. If one is not sufficiently humbled by the power of a hurricane's winds, rains and tides then the most inspiring of speeches will also avail nothing in

conquering the unwarranted arrogance and haughtiness that infects many people.

The main message of Elul and of the High Holy Days is one of humility. The finite is limited and insignificant before the Infinite. The Psalmist states: "What is man that You should care to know him, human beings that You should deem them to be important?" Natural disasters remind us of this fact of mortality, of human failings and weaknesses. But it is only through humility that one can find true spirituality and a connection to God. God is not necessarily in the earthquake and the hurricane itself. God is found in the still small voice of humility and helplessness that comes after the awesome display of His nature's might and fury. Only when hubris and haughtiness are conquered within a person's soul, mind, behavior and outlook, is there then room for the Godly spirit to enter that person's inner self. And in one of the strange but true paradoxes of human nature only the humble can achieve true and lasting spiritual greatness.

Why does God employ natural disasters to inform us of the importance of humility? Why does He allow for such great human suffering for so many seemingly blameless people? I certainly do not know how to answer or even deal with these troubling questions. Man cannot understand or fathom God's methods for dealing with this world. However, because we cannot satisfactorily explain something does not allow us to ignore its obvious lessons. The still, small voice is preceded by hurricanes, volcanoes and earthquakes. If we leave immediately after the display of noise and power and do not stay around to hear the small voice that can emanate within us from witnessing and experiencing such disasters, then it is truly only a random disaster that strikes us. However, if it allows moments of introspection and leads us to an understanding of the necessity of humility and kindness in our lives, then the natural disaster, unwanted and inexplicable as it is, may have value for each of us, especially in this month of Elul. Shabat shalom.

Weekly Parsha SHOFTIM Rabbi Berel Wein

A lawless society is the worst of all curses. The rabbis in Avot cautioned us to pray for the welfare of government for without the presence of its restraints and police powers, "one person would swallow the other person, whole and alive." The current chaos and unspeakable tragedies visiting the people and city of New Orleans, Louisiana, testify to the accuracy of this comment upon human nature by the rabbis of Avot. Tragedies often bring about the revelation of the most exalted and noble of human instincts. But they invariably bring into focus the worst and most base elements of human behavior - looting, price gouging, violence and cruelty. Those who campaign on the platform of no government – anarchists and the like - in times of dire emergency are forced to plead for governmental intervention and help. They and we are witness to the somewhat depressing fact that technology may advance and progress but the dark side of human nature has never really changed over the thousands of years of human civilization. Therefore the opening words of this week's parsha that admonishes the Jewish society to establish an effective and efficient system of police powers and judicial decision is most relevant to our society, as it has been relevant to all previous generations of our people as well. Without effective policing and institutions that defend the rule of law, civilized societal life as we know it would cease to exist. Eventually, Torah and the performance of mitzvot will also disappear in a lawless atmosphere and a society of chaos and anarchy.

However, police and courts also must be restricted in their powers. Mussolini made the trains run on time and there was little non-governmental lawlessness in Hitler's Germany or Stalin's Soviet Union. In fact, all totalitarian regimes are the model of law and order, but unfortunately of an evil type of law and order. The Torah therefore limits the powers of the police, the courts, of government itself, by demanding

that their actions and policies conform to the oft-stated standards of righteousness, compassion, fairness and tolerance that the Torah emphatically espouses. Moral inhibitions are the brake against enslaving others in a totalitarian world of all-powerful police and courts. The rabbis of the Talmud enjoined us to pursue the finding of a fair, equitable, wise, "beautiful" court – *beit din* – before which our disputes should be resolved. The "beautiful" *beit din* is in reality a metaphor for the entire society and its government. The pursuit of righteousness, of fairness and incorruptibility, both in the private and public sectors of Jewish life is a commandment of the Torah. It is a lofty goal to achieve, but the mere attempt to do so already introduces into our society the presence of those moral forces that can inhibit totalitarian behavior by government, police and courts. In the balanced view of life and society that the Torah always provides us with, the necessity for police, courts and government is emphasized. But side-by-side with this, the Torah's moral inhibitions on power and base human nature are clearly spelled out and defined. "For its ways are ways of pleasantness and all its paths lead to peace and harmony." *Shabat shalom*.

Ohr Somayach - Torah Weekly - Parshat Shoftim
For the week ending 10 September 2005 / 6 Elul 5765
by Rabbi Yaakov Asher Sinclair

Overview

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

Insights

As Lovely As a Tree?

"You shall not plant for yourselves an idolatrous tree— any tree — near the Altar of G-d." (16:21)

I think that I shall never see

A poem lovely as a tree.

A tree whose hungry mouth is prest

Against the earth's sweet flowing breast;

A tree that looks at God all day,
And lifts her leafy arms to pray;
A tree that may in Summer wear
A nest of robins in her hair;
Upon whose bosom snow has lain;
Who intimately lives with rain.
Poems are made by fools like me,
But only God can make a tree.

In this week's Torah portion we learn that it is forbidden to plant trees in the *Beit Hamikdash*, the Holy Temple. What is the reason for this prohibition? Wouldn't trees have been a wonderful way to enhance the beauty of the Holy Temple?

At one time, it was the custom of idolaters to plant beautiful trees, called *asheiroi*, at the entrance of their temples.

These trees would be venerated as 'holy'. In the Book of *Shoftim* G-d commanded the Judge *Gidon* to "Destroy the altar of *Ba'al* that belongs to your father, and cut down the *asheira* next to it."

The Torah prohibited the planting of any tree in the *Beit Hamikdash* or its forecourt. The Torah Masters then extended the prohibition to include the entire Temple Mount.

However, apart from the connection to idol worship, there is a more subtle problem here.

Something is very beautiful, it's always a challenge to place that thing in its correct perspective. Whether it's a beautiful person or a beautiful view, or a beautiful tree, the nature of beauty is to say, "Look at me! I'm so beautiful" It's difficult to look beyond the surface of the beauty.

In Hebrew, one of the words for beauty is *shafir*. The name *Shifra* comes from this root, as does the common Jewish surname *Shapiro*. In the Book of *Iyov* it says, "By His breath the Heavens are spread (*shifra*)" (*Iyov* 26:13). *Iyov* describes how G-d's 'breath' spreads aside the cloud cover to reveal the Heavens beyond. The word to 'spread aside,' 'to reveal' is from that same root, *shifra*. In Jewish thought, something is only beautiful to the extent that it reveals what is beyond, what is inside. The part of the body where the personality of a person, his inside, is revealed is the face. In Hebrew the word for 'face' and 'inside' are the same – 'p'nim/panim.'

In Jewish thought, a beauty that reveals nothing more than itself cannot be called beautiful. "Art for Art's sake" has no place in the lexicon of Jewish thought. Jewish beauty is the revelation of the inner.

On Friday night, a Jewish husband sings a song of praise to wife called *Aishet Chayil* – a Woman of Valor. Towards the end of the poem, it says, "Charm is false and beauty empty. A woman who fears G-d, she should be praised." When charm and beauty don't reveal their source, their *p'nim*, then they are false and empty. Charm and beauty by themselves are false and empty, but when they are ennobled and animated by an interior life of holiness and spirituality they radiate the purpose of their gift.

Similarly in the Holy Temple, the beauty of a tree can lead the mind in one of two ways: It can either lead to thoughts of the kindness of the Creator of the tree, how He brought into being such a beautiful thing, or it can stop at the surface: "Wow! That's beautiful!"

Mother Nature is so beautiful that it's easy to forget that Mother Nature has a Father.

Sources: Joyce Kilmer — For Mrs. Henry Mills Alden

Peninim on the Torah by Rabbi A. Leib Scheinbaum
PARSHAS SHOFTIM

For the bribe will blind the eyes of the wise and make just words crooked. (16:20)

Horav Aharon Kotler, zl, notes that the Torah uses two terms to describe the effect of bribery: it blinds and it perverts. One who takes a bribe does

not see the truth, neither in its essence nor in the manner in which it translates itself into halachah. In a similar vein, the Gaon, zl, m'Vilna distinguishes between the admonition against accepting a bribe in Parashas Mishpatim and the one cited here. The Torah teaches us in Shemos 23:8, "For the bribe will blind those who see and corrupt words that are just." Here, the one who is blinded is referred to as a wise man, as opposed to Parashas Mishpatim, in which he is called a pike'ach, one who sees. What is the difference? The Gaon explains that the term pike'ach refers to one who sees the circumstance with a clarity of vision. A chacham, wise man, however, is one who understands the halachah which applies to this situation. Shochad, a bribe, distorts both: the metzius, actual perspective, of the situation; and the individual's understanding of the corresponding halachah.

The damage sustained by a person who is bribed is devastating. A person is no less, meshuchad, bribed, by his yetzer hora, evil-inclination. An individual is already a victim of bribery by virtue of the fact that he is born with innate tendencies toward physical gratification, and a host of other natural proclivities, which emerge when he is about to "sit down" to study Torah. The yetzer hora has done a "real job" on him. The pervasive influence of the environment, coupled with his tendency to be a victim of habit, man is so bribed that making a proper philosophical decision is difficult. We see this all the time: intelligent people who fall prey to the yetzer hora's blandishments. Where are their eyes? What happened to their seichel, common sense? How do people who are, for the most part, halachically erudite seem to misconstrue and even distort, halachah to customize it to fit their own agenda? The answer is that they have taken shochad and, thus, have developed a bad case of spiritual myopia. Whatever arguments we may be able to muster will regrettably fall on deaf ears and unseeing eyes.

If there will be found among you... a man or woman who commits evil in the eyes of Hashem... and you shall destroy the evil from your midst. (17:2,7)

Why is such emphasis placed on b'kirbecha, among you, that the execution must also be carried out in such a manner that the evil is expunged mikirbecha, from your midst? The Maggid, zl, m'Dubno explains that the Torah is teaching us a profound lesson concerning collective responsibility. An individual arising from within a community to rebel against the Almighty does not occur in a vacuum. Everyone has played a role in his infamy. True, the individual is the only one to have committed this insidious act, but he grew up within the community. Clearly, he had been influenced in some way by the collective behavior of members of the community. Yes, he acted alone, but he did not grow up alone. We all played a role in his spiritual downfall. Since we all have shared in his sin, we must all be present when he is punished.

How often do we see someone on the path to spiritual oblivion? It is difficult to watch because, deep down, we quite possibly recognize our contribution to this walking tragedy. Whether our role was active or indirect, we must all share in the onus of guilt.

In his inimitable manner, the Maggid compares this to the individual who, after watching members of his town dressing in fancy clothing, becomes so obsessed with envy that he is compelled to steal money, so that he, too, can purchase such clothing. While he is certainly the perpetrator of the act of theft, the members of the community share in the guilt. They should feel responsible for acting in such a manner that it has catalyzed such a consequence. They must participate in carrying out the punishment. The Torah knows that Klal Yisrael is by its very nature a compassionate people. When they see what they caused, they will share in the perpetrator's pain. It might be too late for him, but it could, conceivably, prevent the next tragedy from occurring.

The first of your grain, wine, and oil, and the first of the shearing of your flock, shall you give him. For him has Hashem chosen from all your tribes, to stand and minister in the name of Hashem. (18:4,5)

The Kohanim, whose lives are devoted to serving in the Bais Hamikdash and to disseminating Torah to the masses, are not granted a portion in Eretz Yisrael. They are to devote themselves totally to their spiritual pursuits. The Torah provides for their livelihood, as they are supported by the special gifts the people are to give them. We wonder why it was necessary that the Kohanim, who devote their lives in the spiritual service of Hashem's People, are relegated to living off the gifts they receive? Is there something wrong with earning a living? Would that not be more befitting men of such stature than going to their congregants to receive their share of the gifts?

The Kesav Sofer explains that this unpleasant way of providing for their families was specifically designed. In fact, it is an essential prerequisite for the fulfillment of the Kohen's function as a member of Klal Yisrael's spiritual leadership. There is a great danger that one who reaches a plateau in leadership might become haughty. The position goes to his head, as he feels the power that accompanies the position. There are even those who might take advantage of their position, using it to control and manipulate those beneath them, those whom they are supposed to serve. The Torah stipulates an antidote to circumvent this problem. On the one hand, they are the spiritual leadership. With regard to their material sustenance, however, they must be dependent on the people. Without the material support of the people, they cannot function. This provides a counterbalance for them, so that their position of leadership does not lead them astray.

This is emphasized by the pasuk when it says that the Kohen has been chosen "to stand and minister in the name of Hashem." They are to serve in Hashem's Name - not their own.

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

We are enjoined to follow Hashem with perfect faith, without feeling a need to know the future. This is what He asks of us: Wholesome faith, complete trust, unequivocal fidelity to the Almighty. Horav Pinchas Koritzer, zl, notes that there are only two mitzvos which we are instructed to carry out im Hashem, "with Hashem": The mitzvah to have wholesome faith; and the mitzvah - presented in the Navi -to Hatznea leches im Hashem Elokecha, "Walk modestly with Hashem, your G-d." We are cautioned to act modestly, not calling attention to ourselves and to our activities. He explains that these are two areas in which it is easy to put on a facade and fool those around us. One can portray himself as a righteous believer, who is faithful to the Almighty, while, in fact, this is not true. Likewise, one can put on a display of false modesty, and no one will see beyond the superficial level.

People do it all of the time. They cloak their arrogance in a veil of modesty. They might succeed in fooling some innocent spectators. They might even succeed in fooling their close associates. They will not fool Hashem. People are trusting. They want to believe in someone. Hashem knows the truth. He knows if the emunah, faith, is wholesome or a facade. He knows if the modesty is for real or for the sake of attention. When we perform these mitzvos, they had better be im Hashem Elokecha.

The individual who stands as the quintessential paradigm of selflessness and modesty is Moshe Rabbeinu. When Hashem asked him to go down to Egypt to lead Klal Yisrael out of bondage, he said, Mi anochi? "Who am I?" Moshe Rabbeinu sincerely felt that he was not suitable for the position of leader. It was this utter lack of arrogance that rendered him deserving of the position. His humility was unparalleled. He did not need the mizrach vont, eastern wall. He did not need accolades and plaques. His self-effacing character was his essence. People who do not look for the position of leadership, who sincerely feel humbled by it, are the ones who are worthy of it - and who succeed in their role.

Rabbi Yissachar Frand, tells a powerful story about Horav Tzvi Pesach Frank, zl. It was the 1930's, and a vacancy had opened up for the position of chief rabbi of Yerushalayim. This is a prestigious position that was filled by a number of distinguished Torah scholars. Many

people felt that Rav Tzvi Pesach Frank was the perfect person for the position. He was a recognized scholar, whose brilliant responsa were accepted throughout the world. He was also a skilled leader who had earned the respect and admiration of many. Hence, a delegation of the rabbinic and lay leadership of Yerushalayim went to Rav Tzvi Pesach's house to offer the position to him.

The delegation did not make their offer immediately. They first expounded on the issues and problems facing Yerushalayim's observant community. Rav Tzvi Pesach listened intently to their rendition with an incredulous look on his face.

Finally, he turned to the delegation and asked, "I do not understand why you are telling me this. I am acutely aware of the challenges that confront the community, and you most certainly know that I know. So, why are you here?"

The head of the delegation replied, "Rebbe, this is specifically what we are looking for: someone who has no clue as to why we are here. We are looking for someone who does not understand why we are coming to him. We want the next Rav of Yerushalayim to be someone who is so self-effacing that he does not realize that we want him to be our next rav. Rebbe, we are looking for someone like you to be the Rav of Yerushalayim."

Rav Tzvi Pesach knew that the position was vacant. A lesser person would have surely thought that they were coming to him because they were offering him the position. Not so, Rav Tzvi Pesach. His incredible humility was like that of Moshe Rabbeinu. *Mi anochi?* "Who am I?" was his catchword. It defined his character. There are those who mouth the words, but do not mean it. Just try giving the position to someone else, and we will see what happens to the "Mi anochi?"

I must add that misplaced humility or modesty at a time when one must - and should - take a stand or believe in himself, despite what he thinks are his shortcomings, is equally wrong. At times, life presents us with a challenge. At first glance, we tell ourselves, I cannot handle it; it is too much for me. Do we ever consider that Hashem believes in us, and He is presenting us with an opportunity for growth, a chance to go to the next level? Perhaps, if we stop to think of the consequences of saying no, of passing up the opportunity, we might take a more affirmative stance. Rabbi Frand has shared a letter from a woman who has been a successful Bais Yaakov teacher, who has inspired hundreds of young women, infusing them with a love for Yiddishkeit, Torah and mitzvos. She writes that originally she had been a medical technician, a fine and honorable profession, but she wanted to achieve a greater plateau, to reach out and inspire others, so she changed vocations. She became a teacher. Putting her heart and soul into this noble endeavor, she had a positive influence on many. Looking back at what motivated her decision, she says it was the notion that one day she would stand before the Heavenly Tribunal and be asked, "Where are all the young women that you could have inspired?" What would she say, "I was too busy as a medical technician"?

Powerful words. We all have opportunities. Some of us are insecure; some of us are victims of misplaced humility; some of us simply wake up too late. When opportunity knocks, it is a message from Hashem. Apparently, He believes in us. Should we not do the same?

When you go out to the battle against your enemy, and you see horse and chariot - a people more numerous than you - you shall not fear them, for Hashem, your G-d, is with you. (20:1)

It is natural to be afraid, especially when one is confronted with an enemy that exhibits great strength and self-confidence. This, in addition to state of the art weaponry and large numbers, can have a humbling effect on one's sense of security. How is a person to shut his eyes and ignore the odds, ignore the vast numbers, ignore the weapons as if they do not exist? Simply, one would suggest that since Hashem says, "Do not be afraid," that we should not be afraid. The pasuk however, does not support this position. Shortly before the soldiers embark on the

battlefield, they make a declaration, "Who built a new house... should return lest he die in the war." The Torah clearly states that there is something to fear - he might die! If so, why are we instructed not "to fear them"?

The Steipler Rav, zl, explains that the answer lies in the pasuk, "And you see horse and chariot - a people more numerous than you." What generates fear? It is not the danger of possible death. Anyone who goes into battle is aware of the danger. People are injured, and even die, in war. This is an accepted reality. The soldier does not fear death. What the soldier fears is the enemy, the weapons that destroy and obliterate. The nature of a person is that he fears the big guns, the bombs, the planes, the powerful soldiers.

The Jewish soldier who goes into battle is to place his trust in Hashem and hope that he will emerge alive and victorious. He should not bury his head in the ground and ignore the danger endemic to the battlefield. War is a dangerous experience. It is wrong, however, for a Jewish soldier to be afraid of the enemy and his armament. Everything is in the hand of Hashem. The mightiest rocket can miss its target, while the small pebble shot from a slingshot can take down a giant. Hashem is in control. He will determine the outcome - not the soldiers and the guns.

Indeed, this applies to everything in life. Everything is in the hand of Hashem. The illness that seems devastating and insurmountable is in Hashem's Hands. The challenge of earning a livelihood is determined by Hashem. Whom and when we will marry is Hashem's decision. We may be the players in the game called life, but it is Hashem Who determines if and when one wins.

Va'ani Tefillah

Korbanos: Sacrifices

The other category of Korbanos is Kodoshim Kalim, those sacrifices which carry a lesser degree of kedushah, holiness. These sacrifices serve to make us aware of the sense of pure, unclouded bliss. The Korban Todah, Offering of Thanksgiving, represents regained joy. The Ayil HaNazir, ram brought by the Nazir, reflects happiness, which will be shortly resumed. The Bechor and Maaser, Firstborn and animal Tithe, as well as the Korban Pesach, are intended to remind us that the welfare of our families and the future prospering of our material possessions are not in our hands, but are dependent upon Hashem, Who is their source. Thus, the Shechitah and Kabbolas hadam may be performed anywhere in the Azarah, since these sacrifices do not signify either one's failure to sanctify his entire conduct to Hashem nor his desire to renew his dedication to this end. These Korbanos represent joy - not sin.

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

YatedUSA - Ani Ledodi V'dodi Li: by Rav Shimshon Pinkus zt"l Starting at the End

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Adapted for print by Yehuda Mayerowitz

As we begin Chodesh Elul, we commence our preparation for the Yomim Noraim and the meaningful days of Sukkos that follow. During Elul, we spend our days begging Hashem for mercy, doing teshuva, and cleansing ourselves from our sins. We prepare ourselves to stand before Hashem on Rosh Hashana, when He sits in judgment. Throughout the Aseres Yemei Teshuva, we strive to imbue ourselves with yiras Shomayim, until finally on Yom Kippur, when we hope to attain the level of malachim.

With the conclusion of Yom Kippur, we begin a new form of avodas Hashem. The days between Yom Kippur and Sukkos are days of ahavah, intense love for Hashem. In fact, Chazal say that these days are so filled with love for Hashem and his mitzvos that we have no time for aveiros. Sukkos is described as "Ki yitzpineini b'sukkah" (Tehillim 27:5). We sit in the tzillah dim'haiminusa, in the Divine presence of Hashem. This is a

heightened level of closeness to Hashem – we go live in His house, similar to a chosson and kallah building their own home. The first six days of Sukkos are a buildup to Hoshana Rabbah, the final and greatest day of Sukkos.

In comparing the four minim to different parts of the human body, the Medrash states: “Aravah domeh l’sfasayim” - aravos are similar to lips. In the tefillah we recite after we beat the aravos on the ground, we say “U’snashikeinu mineshikos picha,” an allusion to the great level of closeness we achieve with Hashem on Hoshana Rabbah.

But our ultimate aspiration when performing the avodah of Elul and Tishrei is to bring ourselves to the bond we feel with our Creator on Shemini Atzeres. Whereas during Sukkos, part of the avodah in the Beis Hamikdosh required sacrificing seventy karbanos to atone for the seventy nations of the world, on Shemini Atzeres Hashem spends time only with us, His beloved Klal Yisroel: “Atzeres tihiye lochem” (Bamidbar 29:35). We have a once-a-year chance to be in total seclusion with Hashem, totally cut off from the world around us, with no outside influences disrupting our relationship with Him.

MOUNTAIN, FIELD OR HOUSE?

The need for an exclusive relationship with Hashem was first recognized by the avos. In describing the ground upon which the Beis Hamikdosh would eventually be built, each of the avos used a different term to express this need.

Avrohom said, “B’har Hashem yeira’eh”. Avrohom thought that a mountain – which is difficult to access – provides enough seclusion from society-at-large. There are no politics on a mountain, no news services providing the latest updates. This should provide enough isolation for us to serve Hashem properly, Avrohom Avinu thought.

About Yitzchok the Torah states, “Vayeitzei Yitzchok lasuach basadeh.” Yitzchok felt that a mountain was not secluded enough. A mountain is public property, accessible to anyone who wishes to enter. Yitzchok thought that the Beis Hamikdosh would be in a sadeh, private property open only to those who belong there.

Yaakov called the area Beis Keil. Yaakov understood that even a field is not private enough. We need to have bayis. A house is not only private property, it is walled off from the world around it.

Yeshayah (2:3) prophesied that in the future the nations of the world will say, “Let us go to the mountain of Hashem, to the house of the G-d of Yaakov.” The Gemara notes “Lo k’Avrohom shekrao har, lo k’Yitzchok shekrao sadeh, elah k’Yaakov shekrao bayis” (Pesachim 88). At that point, all the nations will recognize that the proper avodah is only possible when cut off from the influences of the outside world.

Similarly, on Shemini Atzeres we are able to achieve an extremely close bond with Hashem by closing ourselves off completely from the world around us. Only by achieving this pure and private connection to Hashem can we go on to dance with the Sefer Torah on Simchas Torah – kaveyachol, dancing with Hakadosh Boruch Hu Himself.

Conventional thinking would define the series of events starting in Elul and ending on Shemini Atzeres as a gradual buildup. The only way to attain the great level of ahavah we want to have on Shemini Atzeres is by going through days of yirah in Elul and the Aseres Yemei Teshuvah, feeling lower levels of ahavah on Sukkos and Hoshana Rabbah, until we can finally attain the ultimate unity with Hashem on Shemini Atzeres. However, Chazal tell us that the word Elul is an acronym for “Ani Lidodi V’dodi Li” – I am to Hashem, my beloved, and He is to me. This means that from Rosh Chodesh Elul, when we first begin our process of teshuva, we are already supposed to cut ourselves off from the world around us, and thus attain a special bond to Hashem.

This idea is further portrayed by the astrological sign of Elul: besulah. The Ramban explains that this represents a kallah; the mutual ahavah between Hashem and Klal Yisrael during Elul is comparable to the closeness between a chassan and kallah.

This begs the obvious question: If the months of Elul and Tishrei are indeed a slow buildup towards Shemini Atzeres, how can we possibly attain a closeness to Hashem at the beginning of Elul that can be reached only on Shemini Atzeres?

NA’UTZ SOFO BITCHILASO

The answer lies in a phenomenon somewhat beyond human comprehension. We refer to this in the tefillah of L’cha Dodi as sof ma’aseh b’machshavah techilah: What is destined to happen at the end is all in the original planning of Hashem. Sefer Yetzirah refers to this as “na’utz sofo bitchilaso” – the final result is rooted in the beginning. In observing the way Hashem runs the world, Chazal make two somewhat contradictory statements. On one hand, Chazal state, “Malchusa dirakiah k’ain malchusa d’ara” – the Heavenly Court is governed in a manner similar to that of a human kingdom. On the other hand, Chazal tell us, “Lo kimidas Hakadosh Boruch Hu midas basar vadam” – Hashem’s workings are different than those of flesh and blood. In reality, both are true. Although Hashem is above all nature, He generally runs his world in a manner similar to that of a human kingdom, so that mortal man can have some appreciation for the way Hashem treats us. Occasionally, however, Hashem runs his world in dimensions unfamiliar to mankind.

One of the ways in which Hashem’s ways differs from ours is the concept of na’utz sofo bitchilaso. Humans must take any achievement step-by-step. For instance, if we want to communicate with a satellite orbiting in space, we first have to build a tower one hundred stories high, attach an equally long antenna, and only then can we begin to communicate with the satellite.

Gradual buildup to a goal is entirely unnecessary for Hashem. The concept of time does not exist in the Heavenly sphere. Hashem sees the entire continuum of history – from creation until the end of time – as one entity. Because Hashem knows what the end result is going to be, essentially he could have us achieve the ultimate unity attained on Shemini Atzeres from day one. The reason we need the buildup is because this bond with Hashem is something we must achieve by ourselves. Therefore, we must go through the process step-by-step. Yet even though the goal of our avodah is the ultimate closeness to Hashem that we hope to experience on Shemini Atzeres, Hashem demands that we begin Chodesh Elul with ani l’dodi v’dodi li. Not only that, but we can only succeed in our mission via this route, because attaining the unbelievable closeness to Hashem we hope to have on Shemini Atzeres is only possible with siyata diShmaya. We only merit Hashem’s help by going about our avodah in-sync with the way Hashem runs the world. So only by being na’utz sofo bitchilaso, by attempting to feel ani ledodi v’dodi li on Rosh Chodesh Elul, can we start over and take the step-by-step approach to Atzeres tiheyeh lochem.

Now, if we are going to go through the entire process, gradually developing this special bond with Hashem, why do we have to attempt to start off with it from day one?

Before examining why this is necessary, let us see more examples of na’utz sofo bitchilaso.

When a baby is born, we all understand that although now he knows absolutely nothing, eventually he will grow. He will begin to recognize his surroundings, learn Aleph Beis, then Chumash, followed by Gemara, etc. The ultimate goal for a Yid can be achieved only later on in life, when we hope he will know kol haTorah kulah, and become one of the gedolei hador of Klal Yisroel. Now, however, he is just a baby. Yet, when Iyov said “Mi yitneini kiyarchoi kedem, kiyimei eloka yishmireini” (29:2), Chazal explain that Iyov was referring to the nine months in the womb, when a malach taught him all of the Torah. As the posuk continues, “Behilo neuro alei roshi” - when there was a candle above my head, a special light that enabled vision from one end of the world to another.

Once again we see na'utz sofo bitchilaso. Only after having learnt all of the Torah – and losing all this knowledge as the malach taps him on the lip just before he is born – can a person succeed in the step-by-step approach to becoming a true scholar.

When we look at the sequence of events that occurred just as the world was created we see a similar phenomenon. On Rosh Hashana we say “Hayom haras olam - Today is the day the world was created.” In truth, the world was created six days earlier. Rosh Hashana is actually the day on which Adam Harishon was created. The reason we call Rosh Hashana the birthday of the world is because a world without people is insignificant. As long as there are no humans to appreciate Hashem's greatness, there is no point in having a world.

Thus, the day we call Rosh Hashana was Friday, and the Medrash gives the following account of that day: Adam Harishon was created in the afternoon. Soon after, he ate from the Eitz Hada'as, transgressing the one commandment he had from Hashem. As a prophet, Adam Harishon was able to see that as punishment for this aveirah, death and destruction would be introduced into the world. Upon seeing the awful pain and suffering his progeny would undergo as a consequence of his sin, he was filled with regret and sadness.

Suddenly he saw what he thought was the ultimate tragedy - the sun began to set. Adam had never seen a sunset before and had no way of knowing that this was a daily creation of Hashem. He thought that his sin had been so unforgivable, that Hashem decided to destroy the world. The Medrash states that Adam was so beside himself, that he wept the entire Friday night. When the sun began to rise the next morning, Adam realized that not only wasn't the world destroyed, but that the sunset that he thought was a sign of the worst catastrophe was actually the beginning of Shabbos Kodesh, the holiest day of the week. Upon realizing this wondrous turn of events, Adam immediately began to sing “Mizmor shir l'yom haShabbos.”

Had it been left up to us, we would probably have ordered these events differently. We would have started Adam Harishon off on Sunday with the command not to eat from the Eitz Hada'as. If he passed this test, he would enjoy the reward. If he failed, he would have an entire week to atone for his aveirah, and then go into Shabbos with the purity necessary to appreciate the holiness of Shabbos Kodesh.

We see that Hashem did the opposite - just as Adam had his downfall and sank into misery over the misfortune he had caused, Shabbos began. Once again, we see the wondrous phenomenon of na'utz sofo bitchilaso. Yes, Adam Harishon would have to atone for his aveirah, but first he got to experience the zenith of kedusha, Shabbos Kodesh. Only when Shabbos was over did the time come for him to attempt to purify himself over the week, so that the next Shabbos would be spent in self-achieved kedusha.

We observe that whenever we have to attain great levels in ruchniyus, Hashem starts us off with a supernatural surge first, followed by the natural process of growth. Why does Hashem choose to set up His world this way?

I think that because Hashem knows what the end result will be, he can't wait until we humans make the great strides necessary to achieve greatness. Hashem doesn't want to see a baby as a total am ha'aretz. He doesn't want an entire week to go by before the first man experiences the great kedusha of Shabbos Kodesh. So first Hashem allows us to experience a spiritual surge, as if to allow us to taste what proper avodas Hashem can accomplish. Then we must go and achieve this greatness on our own.

However, this only explains why Hashem runs the world with na'utz sofo bitchilaso. We see that in Elul we must feel ani ledodi. If Hashem usually provides us with this spiritual surge, why is it that in Elul we have to make that effort on our own?

HASHROAS HASHECHINA - WHY IN A CLOUD?

To answer this question, I would like to examine the events that occurred upon the completion of the Beis Hamikdosh, and then tell you my own explanation of the pesukim in Sefer Melochim depicting these events. The novi describes that when the aron was brought into the Kodesh Hakodoshim, the entire Beis Hamikdosh filled up with a cloud. This cloud was so overpowering, that the Kohanim could not stand in the Beis Hamikdosh. Shlomo Hamelech recognized this cloud as a sign that the Shechina had begun to rest on Klal Yisroel, as Hashem had told Moshe, “Ki be'anan eira'eh al hakapores – for in a cloud I will dwell on the cover of the aron.”

Thus, Shlomo exclaimed, “Hashem amar lishkon ba'arafel – Hashem had said that He would rest his presence in a cloud.” “Bano banisi beis z'vul luch, machon leshivticha olamim” – I built a house for you, Hashem, an eternal dwelling place.”

This is the simple understanding of these pesukim, as explained by Rashi.

I would like to explain these pesukim in a totally different light, with a short introduction.

Whenever the Torah mentions the presence of the Shechina, a cloud always accompanies it. We never find hashro'as haShechina without a cloud.

The simple explanation for this phenomenon is that because we are not capable of feeling the full power of the Shechina, Hashem must temper His presence by appearing in a cloud.

While this is definitely a true explanation, I think that there is a very deep message in the cloud. I think that a cloud depicts pain and hardship. Hashem promises us “Es ani unechei ruach eshkon - where there is pain, where there is trouble – that is where I rest My Shechina.”

We can detect an outgrowth of this idea in halacha. There is a dispute in the Rishonim whether a person davening without a minyan can daven in a language other than Lashon Kodesh. When we daven b'tzibbur, Hashem comes to take part in our tefillah, but when we daven alone we rely on malachim to transport our tefillos to Hashem. Since the malachim only understand Lashon Kodesh, some Rishonim maintain that the tefillah of a yochid can only be said in Lashon Kodesh. Even these Rishonim agree, however, that when davening in the presence of a sick person we may daven in any language, because Hashem rests His Presence on a sickbed. In fact, one could say that a hospital is today's version of the Beis Hamikdosh, a place where one can always find hashroas haShechina.

Why must hashroas haShechina always come in moments of pain?

Because when things are going well we do not necessarily concentrate on our avodas Hashem. We turn to external sources of entertainment; we “check out” the beautiful world around us. Only when we sense trouble on the horizon do we turn back to Hashem.

And so, when the time came for Hashem to rest the Shechina in the Beis Hamikdosh, He knew that it would have to come in the form of a bayis, completely cut off from the world outside. Therefore, Hashem wanted to come in a cloud, with pain and suffering, to ensure that our concentration would always be focused on our avodas Hashem.

Similarly, if we want to guarantee that Hashem will rest His presence among us – as we are attempting to do with our gradual buildup towards Shemini Atzeres – we would have to agree to be in a situation of pain and suffering.

Shlomo Hamelech detected a problem with this system, however. Many times we get mixed up. We see a cloud in our lives; we see total pain and darkness. And when this happens, we don't know why we are living life.

We don't know why we get up in the morning, and what we are achieving with our daily schedule. We often don't have the intelligence to know that this darkness actually shows that the Shechina is in our midst. So when this occurs, we resign ourselves to our fate and stop serving Hashem altogether – exactly the opposite of what hashroas haShechina was supposed to bring about.

Shlomo Hamelech wanted to avoid this problem. He saw that when the cloud indicating Hashem's Presence came, "Lo yachlu hakohanim la'amod lishares mipnei he'anan." The kohanim knew that the cloud represented hashroas haShechinah - and yet they resigned. They could not handle the pain and suffering that came with the Shechinah. And Shlomo knew that in the generations to come people wouldn't even recognize this cloud as hashroas haShechinah and would certainly get depressed from the pain and suffering and stop serving Hashem properly. "Az amar Shlomo, Hashem amar lishkon ba'arafel" - Hashem, you said that you would rest in a cloud; you wanted to rest only where there was tragedy. But we see that this cloud is sometimes misleading, and often counterproductive.

Shlomo expressed a desire to try a different approach. "Bano banisi bais z'vul luch, machon leshivticha olamim." I built you a house, not a hospital - a place where Your Shechina can rest without a cloud, without the pain.

In essence, Shlomo was promising Hashem, "You can give us pleasant lives - without the pain and suffering - and we will not ignore our avodas Hashem. You can rest your Shechina in our bayis, in our beautiful, luxurious homes. You don't have to dwell in the hospital, with all the hardship involved. We promise to continue serving You properly, and not turn away from You."

But we see that Shlomo Hamelech was na'utz sofo bitchiloso - he promised to make the Beis Hamikdosh a pleasant dwelling place for the Shechina on the first day of its existence. Had Shlomo said, "I can't build a Beis Hamikdosh overnight - I need time to get rid of my involvement with the secular world," Hashem wouldn't have agreed. Hashem cannot have his Shechina rest in a place that is tainted by outside influences. He needs a pure place to rest His Shechina from day one, and if we can't promise to make him a bayis from the start, then He must come in a cloud.

And this is why Hashem demands that we start with ani l'dodi v'dodi li. Attempting to perform the avodah of Elul and Tishrei by gradually cutting our connection to the secular world around us will not work. Hashem does not want our relationship with Him to be tainted by the society around us, even temporarily. If we try to develop a relationship with Hashem, but keep our relationship with the outside world as well, Hashem says, "I can't have this type of relationship. If this is the way you want to relate to Me, I must come in a cloud. Because if I come in a cloud, I know that you will focus all of your concentration on your relationship with Me."

Therefore, as we begin Elul, we must make a commitment to get the secular values out of our homes. Let us build a house that contains only kedusha and taharah.

Let us choose to educate our children to find beauty in Torah only. They can grow up without meeting all the awful characters that the so-called cultured and enlightened society around us wants to introduce into their lives.

Let us make a strong commitment to a relationship with Hashem of ani ledodi v'dodi li. Let us devote our attention exclusively to our loving Creator, and then we can be zocheh to enjoy beautiful lives, and never have a need for the pain and suffering that comes with the cloud.

**Arutz Sheva - Rabbi Kook on Vegetarianism: Food for Thought
by Chanan Morrison, September 08, 2005**
Gifts of Meat

One of the lesser-known ways that the Torah provides for the support of the kohanim in their holy activities is through gifts of certain parts of slaughtered animals:

"This shall be the priest's due from the people: when any ox, sheep or goat is slaughtered as food, they shall give the priest the foreleg, the jaw and the maw [the last of a cow's four stomachs]." (Deuteronomy 18:3)

Rabbi Hisda's Offer

While this gift belongs to the kohanim, they do not have to eat it themselves. The Talmud recounts that Rabbi Hisda (a fourth-century Babylonian scholar and a kohen) found an original use for his gifts of meat:

"Rabbi Hisda held in his hands two portions of priestly gifts from cattle and said, 'Whoever will come and teach me a new dictum of Rav [preeminent scholar and leader, Rabbi Abba Aricha] - I will give this beef to him.'

"Rava bar Mahsia told him, 'So said Rav: If one makes a gift to his neighbor, he should inform him.' ...And Rabbi Hisda gave him the meat." (Shabbat 10b)

What is the significance of the meat given to the kohanim? And is there some connection between the prize offered by Rabbi Hisda and the dictum quoted by Rava bar Mahsia?

Permission to Eat Meat

To answer these questions, we need to examine the moral dilemma regarding the slaughter of animals for food. We find that the Torah expresses a certain reservation in the matter; its acquiescence to allow meat appears to be a concession to the baser side of human nature. Thus, the Torah adds the superfluous phrase, "When your desire to eat meat asserts itself" (Deuteronomy 12:20), implying that only when you have a strong craving for animal flesh, you need not fight this desire.

Why, then, are we allowed to kill animals for food? The Torah recognizes that, given our current state of weakness, we would be unable to perfect ourselves - both physically and spiritually - if we deny ourselves foods that give us strength.

Merely for the sake of our physical welfare, we would not be justified in taking the life of an animal, but, in time, the advance of humanity will bring about the overall elevation of the universe - including the refinement of the animal world. Therefore, it is fitting that the animals also pay the price for the interim struggle, until the world attains its desired goal.

Meat and Wisdom

With this understanding of the Torah's permission to eat meat, it is clear that this consent is tied in to the intellectual and moral advance of humanity - particularly the development of new knowledge in Torah and holy wisdom, which leads directly towards elevating the world. For this reason, we find the sages counseled, "An ignoramus should not eat meat." (Pesachim 49b) Since an ignoramus does not contribute to the world's spiritual advance, he is not justified in taking an animal's life for his food.

This also explains the purpose of the gifts of meat that the Torah decreed be given to the kohanim. The major source of income for the kohanim are tithes, which by Torah law are only taken from essential foods - grain, oil and wine. Why did the Torah also give cuts of meat to the kohanim? This confirms the idea that the Torah permits meat to strengthen the activities of scholars and holy teachers, so that they may expand their wisdom and help advance the spiritual growth of the world. Therefore, Rabbi Hisda held up his portions of beef as a reward. The sages ascribed properties of increased intellectual powers in particular to beef (see Baba Kama 72a). Rabbi Hisda demonstrated his desire to realize the true purpose of this gift of meat - to gain wisdom and new Torah knowledge: "Whoever will come and teach me a new dictum of Rav - I will give this beef to him."

But why two portions of beef?

Hisda realized his efforts to amass the sayings and wisdom of Rav would be rewarded doubly. First is the benefit that is gained from any word of wisdom. The second benefit comes from collecting together all of the statements of an eminent scholar and leader. By bringing together all of the sparks of light that illuminate each teaching, we can uncover a portrait of the great individual's unique approach, allowing us to follow in his spiritual path.

Private Versus Public Good

Why did Rava bar Mahsia relate to Rabbi Hisda this particular dictum, "If one makes a gift to his neighbor, he should inform him"?

This statement of Rav deals with an interesting moral dilemma. On the one hand, a person who loves doing chesed and helping others prefers his actions go unnoticed. In this way, the beneficiary is not obligated to express his appreciation, and the kindness is performed in a completely altruistic manner.

On the other hand, it is important for the moral development of the world that people develop and deepen their powers of appreciation. The trait of hakarat tova will bring ultimate good to the world, sanctifying life and uplifting our existence. So, which value should prevail – the ethical benefit of the individual, or the moral need of the world?

Rav taught that the overall benefit of the world takes precedence over an individual's feelings of moral discomfort. Thus, when giving a gift, one should inform the recipient.

This teaching neatly corresponds to the moral dilemma regarding eating meat. A sensitive individual will feel moral aversion to the slaughter of animals, even for food. The Talmud teaches that Rabbi Yehuda HaNasi was punished when he failed to show proper sensitivity towards a calf about to be slaughtered, telling it, "Go! For this purpose you were formed." (Baba Metzia 85a) Such a spiritual giant should be appreciative of all ethical sensitivities. Even though the world is not yet ready for vegetarianism, such aspirations should nevertheless be given their due place.

But in the end, as with the case of giving a gift, the spiritual needs of the public come first. The need to permit meat in order to promote mankind's intellectual and spiritual advance takes precedence over any private moral calculations.

[Adapted from Ein Aya vol. III pp.14-15]

YatedUSA - Halacha Talk by Rabbi Yirmiyohu Kaganoff The Spurned Shadchan

The phone rings. Mrs. Weinberg, a shadchan who often calls to ask shaylos, is on the line.

"I suggested that a local girl meet a bachur who is currently learning in Eretz Yisroel," Mrs. Weinberg began. "Both families did their research and agreed that it sounded worth pursuing, but they decided to wait until the summer when the bachur would be visiting his family here."

"When the summer arrived," Mrs. Weinberg continued, "I called the families back to arrange for the young people to meet. However they told me that someone else suggested the shidduch, and that they are following up through the other shadchan. Are they permitted to cut me out of the arrangements? After all, it was my idea first!"

Does Mrs. Weinberg have a claim? If she does, for how much money and against whom?

SHADCHANUS GELT

Before we discuss these issues, we need to establish whether paying a shadchan is indeed a halachic requirement.

I often find that people feel that one is not required to pay a shadchan. However, this is a misconception, since the halachic sources require paying a shadchan a fee, usually called by its Yiddish name, shadchanus gelt (Rama, Choshen Mishpat 264:7). Just as you expect to pay your real estate broker, so too, you should assume you will pay the shadchan. (We should be aware that a shadchan's claim for services rendered has a stronger foundation than a doctor's fee for an office visit, see Shulchan Aruch, Yoreh Deah 336:2), but that is a topic for a different article.) Furthermore, there is nothing wrong with a shadchan requesting payment for services rendered just as an attorney or accountant has every right to demand payment for services.

BROKERAGE FEES

Although it sometimes sounds strange, shadchanus fees are halachically categorized as brokerage fees. Just as one pays a real estate agent for arranging a transaction, so too one pays a shadchan for making the arrangements necessary for the engagement and marriage to transpire. Therefore, we must first explain the halachic sources for brokerage fees. The Gemara (Bava Metzia 63b) mentions the responsibility to pay a broker's fee to the person who arranges the sale of property or merchandise (Shulchan Aruch Choshen Mishpat 185:1; Rama 87:39). This is a standard business practice, similar to paying a commission to a stockbroker, real estate agent, or personnel recruiter (sometimes called a "headhunter").

BUT WHAT IF I DIDN'T ASK HIM?

People easily understand that if you approach a broker or agent, you thereby obligate yourself to pay him for his services. However, some people assume that if you did not solicit the service, are not obligated to pay. Does this distinction have any basis?

According to halacha, you are required to pay for any unsolicited benefit that you would usually pay for. Providing unsolicited benefit is called yored lisoch sdei chaveiro shelo birshus, entering someone else's field without authorization, and the provider of the benefit is referred to simply as the yored (Gemara Bava Metzia 101a).

The case where the Gemara demonstrates this halacha is very instructive: Someone owns a field that he usually plants, but he has not yet planted it this year. Someone else planted the field without asking the owner's permission and now asks the owner to pay him! Is the planter entitled to compensation for his efforts? The Gemara rules that he is entitled to compensation since you benefit from his work.

HOW MUCH DO YOU OWE THE YORED?

You are required to pay the yored as much as you have benefited. If he performed work for you that would normally require you to hire someone, you must pay him the market rate for hiring someone for this work (Gemara Bava Metzia 76a; Sma, Choshen Mishpat 375:1).

WHY MUST ONE PAY THE SHADCHAN?

When a single person or the parent of a single person asks someone if they know of any marriageable prospects, they are asking them to perform a valuable service on their behalf. This service has a market value, just as any other brokerage or recruiting fee has a market value (Rama Choshen Mishpat 264:7).

WHAT IF YOU DID NOT ASK THE SHADCHAN?

Although there are halachic differences whether you approach the shadchan or the shadchan offers his/her service, in either case you are required to pay the shadchan. The basis for this requirement is as follows:

In this latter instance the shadchan is a yored, since you received benefit from him for an unsolicited service that you would normally pay for (Gra, Choshen Mishpat 87:117). As explained above, you must pay him whatever you would have otherwise paid for that service (Gemara Bava Metzia 76a, 101a).

AM I REQUIRED TO PAY SHADCHANUS TO A FAMILY MEMBER OR CLOSE FRIEND?

This shaylah was discussed hundreds of years ago. A professional shadchan contacted Mr. Reuven suggesting a gentleman he thought appropriate for Mr. Reuven's widowed sister-in-law. Mr. Reuven was involved in researching the shidduch and in arranging the couple's meeting. When the couple announced their engagement, Mr. Reuven informed the professional shadchan that he was expecting half the shadchanus gelt, claiming that he was the shadchan who convinced the woman to consider this shidduch. The professional shadchan contended that he was the only shadchan, and that Mr. Reuven was an interested party and not a shadchan. Mr. Reuven countered that the professional had never made direct contact with his sister-in-law but relied exclusively on him to encourage the shidduch. The matter was referred to Rav Yair Chayim Bachrach, known as the Chavos Yair (after one of

the seforim he authored). The rav ruled that Mr. Reuven was indeed a shadchan since he influenced his sister-in-law to pursue the shidduch. He was therefore entitled to half the shadchanus fee even though he was related to one of the principals (Shu't Chut HaShani #3, quoted in Pischei Tshuvah, Even HaEzer 50:16).

WHO MUST PAY THE SHADCHANUS FEE, THE PARENTS OR THE COUPLE?

Usually the parents of an engaged party pay the shadchanus gelt. Are they required to pay this fee, or is it really the responsibility of the young couple that the parents assume? As we will see, there are halachic ramifications to this question.

The poskim debate this question, making razor-thin distinctions that have major ramifications. Some contend that the responsibility falls upon the young couple since they are the ones who benefit, even though the prevalent custom is that the parents pay (Shu't Avnei Nezer, Choshen Mishpat #36). Others contend that since the parents usually pay, the shadchan only expects payment from them and therefore he has no claim against the young couple (Halichos Yisroel #3, quoting Eirech Shai, Choshen Mishpat Chapter 185).

There is a major dispute between these approaches. The first opinion holds that if the shadchan is unable to collect from the parents, he may collect from the couple. According to the second opinion, his only claim is against the parents, and if he cannot collect from the parents, he cannot claim his fee from the young couple.

ARE THERE ANY HALACHIC DIFFERENCES WHETHER YOU ASKED THE SHADCHAN, OR HE APPROACHED YOU WITH THE SUGGESTION?

Since we have learned that one must pay the shadchan whether or not one solicited him initially or not, does it make any difference whether I asked the shadchan or the shadchan approached me first?

There are several differences in halacha that pertain to whether you solicited the shadchan initially or vice versa, including when you are required to pay the shadchan and whether one violates the mitzvah of bal talin if one fails to pay the shadchan on time.

If you approached or telephoned the shadchan initially, then you have hired him or her to perform a job — in this case to find an appropriate shidduch. If he/she succeeds in his/her mission, then you are required to pay when the job is completed, and you must pay the shadchan as soon as the couple becomes engaged (Shu't Halichos Yisroel #1-2).

Furthermore if you do not pay him/her on time and the shadchan demands payment, you will violate a Torah prohibition called bal talin, not paying a worker on time, a mitzvah we will explain shortly.

However, if you did not hire the shadchan, then you do not violate bal talin if you do not pay him/her on time since the shadchan is not your employee.

Another difference in halacha affected by whether the shadchan was solicited or not, is whether you must pay him or her at the time the couple becomes engaged or at the wedding. If the shadchan solicited you, then the time you are required to pay the shadchan depends on minhag- accepted local custom (Rama Choshen Mishpat 185:10). If the local custom is that people do not pay the shadchan until the wedding, then the shadchanus gelt is considered a marriage expense to be paid then, not an engagement expense. However, if you solicited the shadchan then you are required to pay the shadchan when his/her job is completed, which is when the couple becomes engaged (Shu't Halichos Yisroel #4).

BAL TALIN – PAYING WORKERS ON TIME

As explained above, if one hired the shadchan, one must pay him/her on time because of the mitzvah of bal talin.

WHAT IS ON TIME?

There are two deadlines, sunset and daybreak, and one is obligated to pay one's worker before the first deadline after the job is completed. Therefore, if the worker finished his job before the end of the day, I must pay him by sunset. If he completed the work at night, I must pay him

before daybreak (Bava Metzia 111a). (As mentioned above, one violates this prohibition only if the worker demanded payment and the owner refused to pay and there was no understanding or prearrangement of late payment.) According to this approach, if you went to a shadchan who, Baruch Hashem, arranged a successful shidduch, one should make sure to pay him or her immediately after the couple becomes engaged before the next deadline arrives (Shu't Halichos Yisroel #11). Others contend that one need not pay the shadchan until the wedding unless the custom is otherwise (Rav Elyashiv, introduction to Shu't Halichos Yisroel). Still other poskim contend that since the responsibility of paying the shadchan really lies with the marrying couple, there is no violation of bal talin if the shadchan is assuming that the parents are paying his fee since they are technically not required to pay shadchanus gelt.

HOW MUCH MUST I PAY THE SHADCHAN?

One must to pay the shadchan what is the accepted fee in your community for this service (Pischei Teshuvah, Even HaEzer Chapter 50:16).

DIVIDING THE FEE

What happens if two different shadchanim were involved at different stages of encouraging the shidduch? Are they both entitled to be paid? How does one divide the fee? As we can imagine, this is not a recent shaylah.

An early posek, the Shev Yaakov (Choshen Mishpat #13), discusses the following case: Levi recommended that Reuven's son meet Shimon's daughter. After the engagement of the young couple, Gad claimed that he had originally suggested the shidduch to the parties and thus he is entitled to part of the shadchanus.

The Shev Yaakov researched the claims. As it turned out, Gad had indeed originally suggested the shidduch to both parties, but Shimon and his family had no interest in pursuing it. Levi, however, was a more persistent shadchan and convinced Shimon to consider Reuven's son for his daughter.

Shev Yaakov ruled that Gad was not entitled to any part of the shadchanus fee. He contends that a shadchan is only entitled to a fee when he was involved in the part of the discussion that reached fruition. However in this case, Gad's proposal did not accomplish anything and therefore he is not considered to be a shadchan.

By a similar reasoning, a real estate agent who showed a prospective client a house, but was unable to interest them in the house, and then a different agent showed them the same house and succeeded in convincing them to purchase the house, the second agent is entitled to the commission according to halacha. (In these instances, if accepted business practice is different it might affect the halacha, which is a topic for a different time.)

Thus, it seems that Mrs. Weinberg (from the beginning of this article) is not entitled to any shadchanus fee in our situation, since she was not part of the actual introduction that took place.

Notwithstanding that the Shev Yaakov ruled that Gad was not entitled to a share of the fee, there are cases in which the shidduch involves several parties and each is entitled to a part of the fee. If Sarah suggested a shidduch, but then felt that Rivkah would be a better go-between, and eventually Leah was necessary to get involved and was instrumental in the couple subsequently becoming engaged, all three ladies are considered partial shadchanim according to many poskim. The accepted practice in this case is to divide the accepted shadchanus fee and to award 1/3 to each of the ladies. Other poskim contend that only the person who suggested the shidduch and the one who finalized it are considered shadchanim and they split the fee – but that a go-between who neither suggested a shidduch nor finalized it is not viewed as a shadchan (Shu't Avnei Nezer, Choshen Mishpat #36).

SOME INTERESTING SHADCHANUS STORIES

A shadchan unsuccessfully attempted to arrange a shidduch between a daughter of the wealthy Weiss family and the son of the wealthy

Schwartz family. Although the two families did meet and enjoyed one another, the shidduch did not materialize and the Weiss girl subsequently married someone else. Later, other shadchanim suggested a match between a younger Weiss daughter and the widowed Mr. Schwartz, and the couple became engaged. The original shadchan now claimed that he is entitled to a percentage of the shadchanus gelt, claiming that his involvement in the previous unsuccessful shidduch was instrumental in forging the close relationship between the two families that caused the latter shidduch to happen. Does the original shadchan have a claim? The parties referred this shaylah to the Avnei Nezer (Choshen Mishpat #36). In a very complicated ruling he contends that the original shadchan might be entitled to a very small percentage of the shadchanus gelt for his role. He suggests a compromise on this basis, but rules that one could not be certain that he is entitled to any part of the fee.

IF A SHADCHAN ASKS FOR A HIGHER THAN TYPICAL FEE, AM I REQUIRED TO PAY IT?

If the shadchan did not provide any unusual shadchanus service, and the fee for a shadchan in your area is fairly standard, then the shadchan is not entitled to the extra fee. However, if there is no standard shadchanus fee in your area, or the shadchan performed a special service, then one must pay the shadchan's higher fee (see Rama, Choshen Mishpat 335:1 and 264:7; Shach 264:15). Shadchanus is like any other profession where one may not charge significantly above the going rate. However, when there is no fixed accepted amount, then the shadchan is not overcharging since there is no market amount. Similarly, if the shadchan extends him/herself more than is expected, he may command a higher fee since one is paying for the extra service (see Rama 335:1) According to the Midrash, Moshe Rabbeinu was the shadchan between Klal Yisroel and Hashem at the giving of the Torah. Furthermore, Hashem Himself is indeed the ultimate Shadchan of every marriage. Thus, we should respect the wonderful role of the shadchanim in our midst who are involved in a mitzvah that emulates both Hashem and Moshe.

WEEKLY-HALACHA FOR 5765

By Rabbi Doniel Neustadt, Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav SHE'AILOS U'TESHUVOS

QUESTION: In last week's Yated Reader's Write forum, a reader quoted a Medrash Tanchuma that states that is preferable to patronize a Jewish business. What are the specifications of this Halachah?

DISCUSSION: Rashi in Parashas Behar(1) quotes a similar Chazal, in the name of Toras Kohanim, which states that one should patronize a Jew whenever possible. Although this is not recorded as law in the Rambam and Shulchan Aruch, the Chafetz Chayim(2) rules that one should follow this policy. Even if the Jewish-owned business is located a bit farther away and it will take longer to shop there, it is still a mitzvah to give preference to the Jewish-owned establishment.(3)

One must shop at Jewish-owned store, however, only when the price is the same or slightly higher. If the price is much higher, then there is no mitzvah to patronize it. The poskim do not give a precise definition of what is considered "much higher" and what is considered "slightly higher."(4) and it may, therefore, be up to each individual to decide this for himself.

When judging what is considered much higher or slightly higher, the judgment may be based on the total outlay of money, not on the price differences per item. For instance, if shopping at the non-Jewish store will yield an overall savings of twenty dollars, even though the savings per item is only a few cents, twenty dollars may be considered a significant difference and it would be permissible to shop at the non-Jewish store.(5)

The same ruling applies to differences in service. If there is only a slight difference, then it is a mitzvah to support the Jewish businessman. If there is a great disparity, then it is not a mitzvah.

QUESTION: It has recently been announced that this year's Chadash season has begun. Is one required to accept upon himself the prohibition of Chadash? Why are some observant Jews more lenient than others in regard to this mitzvah?

Discussion: Chadash ("new" grain) is grain(6) that was planted after the annual sacrifice of the Omer was brought on the 16th of Nissan. The Torah (7) prohibits eating such grain until the following 16th of Nissan, when the Omer sacrifice was brought once again. Although we have no Korban Omer today, we must still wait until the second day of Pesach(8) of the following year in order to eat grain planted during or after Pesach of the previous year(9).

Thus, in order to avoid the prohibition of chadash, we must ascertain exactly when the grain was planted, since any grain which grew after the 16th day of Nissan is prohibited to eat until the following 16th day of Nissan. There are many people who meticulously observe this mitzvah. The majority of observant Jews, however, follow the centuries-old custom of being lenient in regard to this halachah. Most of the major kashruth organizations in the United States do not require grain to be yashan (old) before certifying a product as kosher. Over the years, various poskim have attempted to explain the laxity in observing this halachah. Let us list some of the explanations which they suggest:

1. It is difficult to ascertain exactly when the grain was planted. Often, there is doubt whether the grain is from this year's crop (thus possibly being prohibited chadash) or last year's (permitted yashan). Additionally, even if the grain is from this year's crop there is still a possibility that it may be yashan - for grain to be considered chadash, the seeds must take root after the 16th of Nissan. Thus there is a "double doubt" (s'feik s'feika) concerning the grain: 1) Is the grain this year's or last year's. 2) Even if it is this year's, it may be that it was planted shortly before the 16th of Nissan which allowed the seeds to take root before the deadline (10), and it would thus be permitted. Generally, one may be lenient when a "double doubt" applies to any given prohibition (even when the prohibition is Biblical in nature)(11). Nowadays, this approach is difficult to rely upon, since it is almost always possible to ascertain the planting dates and growing stages of all grain products(12).

2. Some Rishonim are of the opinion that the Biblical prohibition of chadash applies only in Eretz Yisrael. The Rabbis extended the prohibition to nearby countries only, such as Egypt and Babylonia. Other countries were never included in the Rabbinic decree. Although many other Rishonim disagree(13), the lenient view has become the customary practice(14) since it was difficult in those days to obtain yashan wheat at all times.

3. Some poskim rule that the prohibition of chadash applies only to Jewish-owned grain. Grain products belonging to a gentile were never included in the prohibition(15).

The above leniencies are exactly that - leniencies. Mishnah Berurah(16) rules that those who rely upon them are relying on accepted authorities and one need not object to their practice. He nevertheless recommends that one should be strict and not rely on the above leniencies since there are poskim, notably the Gra, who treat the prohibition of chadash as a Biblical prohibition, even outside of Eretz Yisrael and even if the grain is owned by gentiles(17).

Mishnah Berurah(18) rules that even those who are strict in the observance of chadash may use dishes in which chadash was cooked, provided that 24 hours elapsed since the cooking of the chadash grain. Jewish-owned grain in Eretz Yisrael is prohibited according to all the poskim, since none of the above leniencies apply(19). In fact, however, the entire problem does not really exist in Eretz Yisrael today, since the planting season is in the beginning of the winter and harvesting is generally done after Pesach. In the United States, however, the various

grains are planted and harvested throughout the year, making the problem much more acute.

[Note that in the U.S., in almost all cases, spelt and rye are winter crops (permitted yashan wheat) while barley and oats are almost always spring crops and are subject to the restrictions of chadash. Wheat comes in both winter and spring varieties. High gluten wheat, used mostly in bread, challah and pizza, is generally from chadash spring wheat. Low gluten wheat, generally used for cookies, matzah and pretzels, is almost always from yashan winter crops. Durum, another type of wheat used mainly in pasta, is generally from spring crops(20)].

FOOTNOTES: 1 25:14. It is also quoted as practical halachah in Teshuvos Tashbatz 3:151 and Teshuvos Rama 10. 2 Ahavas Chesed 5:7 and Nesiv ha-Chesed 12. 3 Maharam Shick C.M. 31. 4 See Minchas Yitzchak 3:129, who remains undecided on this issue. 5 See Kol ha-Torah, vol. 42, pg. 305. 6 Wheat, barley, oats, spelt and rye. Corn, rice and other grains, as well as legumes, are not included. 7 Vayikra 23:14. 8 Outside Eretz Yisrael the date is the 17th of Nissan, the third day of Pesach. 9 O.C. 489:10; Y.D. 293:1. 10 The poskim (see Shach, Nekudos ha-Kesef, Dagul Mervavah, Aruch ha-Shulchan Y.D. 293 and Mishnah Berurah 336:33) debate how long it takes for seeds to take root after planting. Some rule that it takes two weeks. Consequently, any grain planted two weeks or less before Pesach may be chadash. Others are more lenient and allow seeds planted up to three days before Pesach to be considered yashan. See also Minchas Yitzchak (6:43). 11 This argument to permit chadash is advanced by the Rama (Y.D. 293). Many other poskim are critical of this approach for various reasons. 12 Mishnah Berurah 489:45. In the U.S. where all grains are dated and encoded, the information needed is easily accessible; see Igros Moshe Y.D. 4:46-4. 13 See Beur ha-Gra (Y.D. 293:2) and Sdei Chemed on Chadash. 14 See Aruch ha-Shulchan (Y.D. 293:6,19) who strongly relies on this. 15 This is the view of the Bach (Y.D. 293). The Ba'al Shem Tov is quoted by his disciples as having ruled like the Bach, which partly explains why many poskim in Eastern Europe ruled leniently regarding chadash. 16 489:45. 17 In addition, some poskim (see Chasam Sofer, Toras Moshe on Parashas Bo; Da'as Torah 453:4) warn against using chadash wheat when baking matzos for Pesach, even for those who are lenient during the rest of the year. 18 Ibid. 48. 19 The status of gentile-owned grain that was shipped to Eretz Yisrael and baked there by Jews is debated by the poskim. Some are strict (Achiezer 2:39) while others are lenient (Har Tzvi 2:70). 20 Information supplied by the Orthodox Union (Daf ha-Kashrus, Jan. 1998). Weekly-Halacha, Copyright © 2005 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118 HaRav Yisroel Grumer, Marah D'Asra.

YatedUSA - Divrei Zikaron

In Memory of Rav Shraga Feivel Mendlowitz zt"l

by Transcribed by Rabbi Pesach G. Siegel

Delivered by Rav Moshe Aharon Stern, zt"l 3 Elul 5748

I am addressing the assembled with the permission of mori v'rabi, shlita (Rav Simcha Wasserman, z"l). I merited to learn by the Rebbe 44 years ago and it is a privilege to find myself together with him at this gathering. I request permission, as well, from achai verayai. One may wonder how I possess the audacity to speak before those who are older than myself and are certainly more proficient in Torah learning and address them as achai verayai. Those who were students of Yeshiva Torah Vodaas and toiled under the guidance and supervision of our rebbe z"l certainly understand.

The Mesivta was a makom Torah which paralleled the great yeshivos of Europe. I recall that when Rav Aharon Kotler arrived in America, he related to the Rebbe that my rebbe, Rav Gedalia Schorr, whom the Rebbe had sent abroad to study in Kletzk, did not fail to measure up to the greatest of talmidim that the European yeshivos produced. In Torah, Bais Medrash Elyon was not lower in stature than the great European yeshivos. I say this based on the testimony of my Rebbe, Rav Reuven Grozovsky z"l. He said then that he sees no difference between the Torah

studied in Kaminetz under Rav Boruch Ber and the Torah of Bais Medrash Elyon. The only difference was that the Torah in Kaminetz was being learned mitoch hadchak and the Torah of Bais Medrash Elyon was being learned mitoch haharchova. He considered the conditions prevailing at the time to be considered slightly mitoch haharchova. But as far as the actual learning was concerned, he saw no difference. A unique spirit prevailed in the Mesivta - the talmidim were brothers. The Rebbe implanted in us a love for one another devoid of any factionalism. It was possible to sit at one table with Rav Simcha Shustal, Rav Don Ungarisher, and Rav Shraga Moshe Kalmanovitz as brothers. We dealt with one another on a first name basis. A brother does not hesitate to call his brother by his first name. A stranger finds the need to honor another by not using his first name. But not a brother. I left Torah Vodaas 42 years ago.

The bond I had while in the yeshiva I feel till this very day. I am left with the very same bond of comradeship with the chaburah that I had then. This is what we had in Torah Vodaas.

Yeshaya Hanovi says, "Vehayu einecha ro'os es morecha." We learned by the rebbe when we were young and we failed to grasp his greatness. Now that we are older and are somewhat more able to understand, he is no longer with us and we can no longer benefit from his presence. The Gemara in Eruvin quotes R' Yehuda Hanasi: "Hai dimechadidna mechavrai dichazisei es R' Meir me'achorav ve'ilu chazisei mil'fonov havi chadidna t'fei."

The possibility exists to view a Rebbe with hindsight, to recall what once was. This gathering serves as a tremendous chizuk for all of us. The Gemara states, "Kol z'man sheShimi ben Gera haya kayam lo nasa Shlomo es bas Pharaoh," not because someone was restraining him, but because when the rebbe is present one doesn't do such a thing.

If we gain from this evening, the Rebbe's yahrtzeit, to remember a little of what he was, in effect the Rebbe is with us. It is a tremendous shemira to have the Rebbe with us.

What was the integral point I learned from the Rebbe? I once heard from Rav Elya Lopian that when the time came for Moshe Rabbeinu to pass from this world, the Torah says, "Vayamas Moshe eved Hashem." It is difficult to understand why the Torah chose this title to describe Moshe. Is there any lack of alternative titles? He was the shliach for Yetzias Mitzrayim, the agent for Kabbolas HaTorah, one who was moser nefesh for Klal Yisroel, aside from being rabban shel Yisroel.

He explained that contained within every country are four groups: tourists, citizens, the military, and slaves. Tourists are not bound to the country. They have a limited code of behavior that they must adhere to, but they are of another place. Upon a citizen, the laws of his country are more incumbent, but his time belongs to himself. This is less true of a soldier who has more obligations than an ordinary citizen, but he also has time to himself. A slave, on the other hand, has nothing, Mah shekanah eved kanah rabo. He has nothing in his own right. Hashem entrusted Moshe Rabbeinu with the keys to the entire creation. He used everything contained within for kevod Shomayim, withholding nothing for himself.

There once was a rosh yeshiva who, in his youth, studied with Rav Simcha Zisel in Kelm. He headed a yeshiva of 200 students. Once, Rav Simcha Zisel arrived in his city and the rosh yeshiva invited him to see his yeshiva. He showed him the sight of 200 bochorim learning diligently. He exclaimed, "See the kevod Hashem, the kavod haTorah." Rav Simcha Zisel responded, "Tell me the truth. If it would be my yeshiva, would you say the same or are you saying it because it is your yeshiva?" A person says kevod Shomayim, but he is really referring to his own kavod.

The above is totally inapplicable to the Rebbe. Only kevod Hashem existed for him. Where else would one find an instance where someone would send his best talmidim away from him in order to strengthen

others? In the past 100 years, this was only paralleled by Rav Nota Hirsh the Alte of Slabodka.

When the yeshiva of Rav Hutner found itself in need of strengthening, he sent a group of talmidim there. He did the same for Rav Eli Meir Bloch. He actually sent one of the finest of the yeshiva, Rav Yitzchok Scheiner, to build up the Telsher Yeshiva, and he did the same when Rav Aharon Kotler was building his yeshiva. I remember that he would send students to attend the lectures of Rav Hutner in order to be mechazek him, despite the fact that the derech of Rav Hutner differed from that of the Mesivta. It wasn't his yeshiva, it was the yeshiva of the Ribono shel Olam. I once davened Maariv at the Kosel Hama'aravi with the minyan of the Zviler Rebbe. After Shemonah Esrei, the chazan waited. The Rebbe wondered why they were waiting. They replied that it is the minhag for the Rebbe to be the one to count sefirah ha'omer. The Rebbe replied, "In my bais hamedrash, the Rebbe counts sefirah. This is the Aibishter's shtibel; here I am a simple Jew. Count sefirah." The Mesivta was not the Rebbe's shtibel.

In practice, the Rebbe dealt with talmidim by way of "z'rok mara b'talmidim." On the other hand, the love he possessed for a talmid was nora nora'os. I saw both sides of the coin.

I was from the group that the Rebbe brought to Spring Valley-Monsey to found Aish Dos and Torah VeNachala. Eventually, it was this group that founded Bais Medrash Elyon. In the yeshiva, it was well known that one went to immerse in a mikvah on Erev Shabbos. As is often the case, the Yetzer Hara creeps in and finds a mitzvah to promote. In this case it was the mitzvah of limud haTorah. There was a group who felt that going to the mikvah amounted to bitul Torah. Ezra Hasofer had nullified the takanah of tevilah. Not that they were so careful with their time the rest of the week, but specifically on Erev Shabbos they were concerned about bitul Torah. The Rebbe learned of this. It was Shabbos Parshas Balak. The Rebbe spoke about Bilaam Harasha. On him it is written: "Im yiten li Balak milo beiso kesef vezahav lo uchal la'avor es pi Hashem." He doesn't respond that it is forbidden for him to transgress the word of Hashem, but that it is beyond his ability. This creates an impression of the greatness of Bilaam. Despite the fact that he possessed chemdas hamamon, he considered this beyond his ability. The Rebbe explained that Bilaam said, "Lo uchal la'avor es pi Hashem." What Hashem withholds from him explicitly is beyond him, but the ratzon of Hashem he is willing to transgress. He is always searching for a loophole, for a side door to enter. When Ezra Hasofer nullified the obligation of tevilah, it left the realm of "pi Hashem," but it remains within the realm of "ratzon Hashem." Those who feel that there is no need to be tovel are mechaveirov shel Bilaam harasha. There was a great Litvishe rosh yeshiva present at the time, and after hearing the words of the Rebbe he approached him and said, "You are right." The next week, even he went to the mikvah on Erev Shabbos.

The Rebbe would take a talmid and make a mentch out of him.

Occasionally, I would arrive late for davening. The Rebbe would accost me, "Where is your backbone? If you make up your mind to come on time then keep to your commitment."

It was my practice to come early to davening, slightly shelo lishma. I had heard that the sight of the Rebbe's preparations before davening was awesome to behold. To see it was to witness greatness. I preceded him to the bais hamedrash and hid under the curtain. The Rebbe entered and thought no one was present. He began to recite Korbanos. He began to say: "Le'olam yehay adam yerei shamayim baseser uvagaluy... ma anu ma chayenu ma chasdeinu..." He said this over and over, perhaps for 15 minutes. He continued: "Halo kol hagiborim ki'ayin lifanecha ve'anshei hashem kelo hayu..." about 10 or 15 times. Then he continued: "Umosar ha'adam min habeheima oiyn..." about 10 or 15 times. I was witnessing the Rebbe learning mussar. I tell you that my approach to tefillah was entirely transformed. Perhaps I was in error for not sharing what I saw with others, but I felt if it would become public knowledge, the Rebbe

would cease his practice of doing it in the bais hamedrash, and I wanted to have the opportunity of seeing it again.

We were actually afraid of him... On the other hand, I was present when he received a phone call regarding a shidduch for a talmid. When I heard how he praised the talmid I checked to see if I was in the right house! The love he had for a talmid was nora nora'os.

In the summers, when we were in Spring Valley-Monsey, we would merit to see a small measure of what the Rebbe was. Rav Isser Zalman Meltzer once told us an awe-inspiring story. For a period of time, he learned by the Chofetz Chaim. The Chofetz Chaim related to the talmidim that when he was young he searched for a Rebbe. He had heard of a great Yid in Horodna, Rav Nochumke. It was said on him that he was a nistar, a tzaddik yesod olam. He traveled there at night and arrived before daybreak. He entered the bais hamedrash and learned until Shacharis. After davening, Rav Nochumke gathered the siddurim, for he was the gabbai. People remained to learn after davening. When all the people cleared out, the Chofetz Chaim hid beneath a bench. Rav Nochumke locked the door of the shul from the inside and took out a Gemara and began to learn. The Chofetz Chaim saw a fire descend from Shomayim and surround Rav Nochumke. He feared that he would be burnt up by the fire, and he only hoped that he would survive until Rav Nochumke finished learning. He regretted that he had come and realized that what he had witnessed was too lofty for him. Rav Isser Zalman said that had he been there, he would have stayed. Why? He wouldn't have seen the fire. The Chofetz Chaim saw the fire.

In a certain measure, we saw the fire of the Rebbe. In Spring Valley-Monsey we saw the "varemkeit." He was accustomed to be tovel immediately after chatzos on Erev Shabbos. In the summer months, six or seven hours remained until Mincha. We then saw the koach of the "mentch." He would sit in a corner of his house and involve himself with thoughts of tiferes habriah. He would sit aside the window and recite over and over for six or seven hours straight "les asar panui mineh." When he would arrive for Kabbolas Shabbos, we grasped with our limited faculties that the Rebbe was elevated to a level meyein hispashtus hagashmius. During the niggun of Lecho Dodi he wasn't himself. For this very reason he took us out of the city to the country. In the city, the skyscrapers cover over the Ribono shel Olam. When Hashem created the briah, he said "Tadsheh ha'aretz deshe." In the country, one sees the world in the form that Hashem created it: the trees, the mountains, and the grass.

In the bais hamedrash, the Rebbe's place was on the left side of the mizrach wall. During his tefillah, he would gaze outside through the window. Once, the laymen who attended the minyan approached him and queried, "Reb Feivel, why do you look outside throughout the davening? You have a siddur." He didn't respond. After davening, he summoned us and said, "Explain to them that I am not looking outwards, I am looking inwards. When one looks in a siddur that's called looking inside and when one gazes at the creation of the Ribono shel Olam that's considered looking outside?"

Once, it was the second night of Rosh Hashana. We were davening in the second building where the bais hamedrash was situated. While we were waiting for Maariv to begin, the Rebbe summoned Rav Don Ungarisher, Rav Simcha Shustal, and other talmidim. He said, "I have toiled throughout the day and I have yet to reach the level of malchius" The avoda of Rosh Hashana is malchius. I would like you to help me reach malchius. Let us begin singing a niggun." We began singing "Ve'al ken nekaveh lecho." We sang for over a half an hour, possibly three quarters of an hour. Rav Yisroel Chaim entered and thought we had gone crazy, that we had taken leave of our senses. Rosh Hashana at night singing and dancing? How can you dance? He had never witnessed such behavior. When we ended our dancing and singing, the Rebbe wished us a yasher koach. He said, "Now I have attained the level of malchius." I'll tell you a secret. We also attained, in a sense, the level of malchius.

Boruch Hashem, I merited to learn by the greatest baalei mussar. I learned by Rav Yisroel Chaim [Kaplan], Rav Elya [Lopian], Rav Chatzkel Levenstein, and by Rav [Eliyohu] Dessler. They were the biggest. But the hisorerus I experienced from that niggun was awe-inspiring. Tears descended down the faces of American bochurim. Not European or Eretz Yisroel' diked bochurim, but American bochurim. At the seudas Purim, one of the prestigious bochurim, the son of the Rosh Yeshiva, Chaim Grozovsky, was selected to be the Purim Rov. He led the seudah with tremendous wit and wisdom. The Rebbi entered and witnessed the Purim levity. Upon seeing the Rebbi, Chaim rose and exclaimed, "Oh, ya'amod moreh moreinu." The Rebbi said, "Do you know what "moreh moreinu" means in Hungary? When you go to purchase a cow and want to be certain that it is good and fat, you slap it on top and say, this is worth a 'moreinu.' Then you slap it from underneath and when you feel it is full of schmaltz you say, this is 'moreh moreinu.' Enough, let us raise ourselves up." He started to sing with us 'Bitoch libi mishkan evneh lahadar zivo ul'korban akviv lo nafshi hayechida.' We sang the niggun for over an hour, and I attest to the fact that you could have washed the floor with the tears that the American bochurim cried on Purim.

The love that each bochur had for the Rebbi was beyond the norm. There was one bochur who we felt was distant from the Rebbi. He learned in the yeshiva but he was not completely accepting of the derech. We thought he wasn't a talmid. On Simchas Torah, he became drunk and approached the Rebbi and started kissing him. We looked upon the scene strangely. Him? The answer lay in the knowledge that each one of us possessed. As much as the Rebbi dealt with us harshly, he loved us. He was an ish emmes. All things connected with falsehood and flattery were utterly distant from him.

Constantly, he spoke about Eretz Yisroel. My uncles attended European yeshivos. This goal was unobtainable for me during the years of World War II. When the war ended, the European yeshivos were no more. I decided to travel to Eretz Yisroel, but the doors were locked by the British. Eventually, the British allocated 32 certificates for the entire America. I asked my uncle, Rav [Chaim Pinchos] Scheinberg, what to do. He told me if that's what you truly want, you'll surely be successful. Biderech she'adam rotzeh lelech molichim oso. A week passed and I met my uncle. He asked me what's doing. I told him I would like to go but I can't. He instructed me to order a passport and pack my luggage in order to be completely ready to travel without the slightest thought of failure. Then I would have done what was incumbent on me and I would rely on the Ribbono shel Olam for what was beyond my power.

The 32 certificates duly arrived. A "fair" division was made. The Zionists took 22 certificates and Mizrahi received 8, which left 2 for Agudas Yisroel. Thus, the certificates were divided "evenly." I enjoyed a close relationship with Melech [Mike] Tress and I approached him to grant me one of the certificates. He told me, "You have to go to the Boss." I went to the Rebbi and he told me, "With one certificate we can send a whole family, why should I send you?" I responded, "The Rebbi is the one who constantly speaks to us about traveling to Eretz Yisroel. Now that I have the opportunity the Rebbi won't let me go." He repeated, "No, why should I send you if I can send a whole family." The certificates were given to two families. The date of departure was May 6. After that date, the certificates were deemed invalid. Two days before departure, one of the wives fell ill and could not make the trip. I returned to Melech [Mike] Tress... He said, "Ask the Boss." The Rebbi told me that he would give the certificate on one condition - that I wouldn't travel in the manner that the Amerikaners travel to Eretz Yisroel. Deep-meaning lied within his words. He explained, "The Amerikaners travel to Eretz Yisroel, they take one whiff and come right back to America. That's not what I want. If you go there with intent to remain, if you will do a shidduch and get married there, then I can consider it as if I sent a family to Eretz Yisroel." I replied, "I don't know where my shidduch

lies, but if matters work out that way, I will, bli neder, remain in Eretz Yisroel." Boruch Hashem, I established a family in Eretz Yisroel. The Rebbi taught us how to act in our each and every step. The Gemara in Bava Basra says, "Kol dimedadi ey chazi lekineih medadi." A bird that is separated from its nest continues to move along as long as it can still see the nest. We must stay in sight of the nest, the source. We should merit to follow in the ways of the Rebbi and to accomplish for the tovas haklal, for this was his wish. Yehi Zichro Boruch.

**Ohr Somayach - TalmuDigest - Daf Yomi
Shabbat 121 - 127**

For the week ending 3 September 2005 / 29 Av 5765

by Rabbi Mendel Weinbach

For the Honor of Shabbat - Shabbat 121a

When a fire broke out on Shabbat in the home of Yosef ben-Simai, the non-Jewish government officials in Tzipori rushed to extinguish it because he was in charge of the king's finances. He did not allow them to do so because of the honor of Shabbat. Then a miracle happened! It suddenly began to rain and the fire went out. When Shabbat was over he sent a generous reward to each of the men who had come to put out the fire and a lavish reward to their leader.

When word of Yosef's refusal to allow the non-Jews to put out the fire came to the attention of the Sages, they said that it had not been necessary for him to prevent them from extinguishing the fire even though it had been forbidden for him to do so himself. They cited the Mishna which states that if a non-Jew comes to extinguish a fire on Shabbat, one must not ask him to do so but neither must he tell him not to do so.

The question arises, however, as to why Yosef insisted on not taking advantage of his right to be passive while the non-Jews put out the fire. The answer, explains Maharsha, lies in the words "because of the honor of Shabbat". No mention is made that his action was prompted by his mistakenly assuming that a violation of Shabbat would occur if he remained silent. What motivated him was his concern that other Jews might suspect that he had actually asked those non-Jews to extinguish the fire.

Even though the halacha does not demand that a Jew be concerned about such a possibility, this did concern our hero because such an impression would be an affront to the honor of Shabbat.

What the Sages Say

"One who judges another favorably will be judged favorably by Heaven."

The Sages in a Beraita

Please address all comments and requests to HAMELAKET@hotmail.com

From Chaim - I'm adding this which came after Efraim sent his collection -

Date: Thu, 8 Sep 2005 20:28:19 -0500 (CDT)
From: TorahWeb.org <torahweb@torahweb.org>
Subject: Rabbi Benjamin Yudin - Group Benefit
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Rabbi Benjamin Yudin
Group Benefits

The last two of the forty-one mitzvos contained in parshas Shoftim concern the mitzvah of eglah arufah. If the corpse of a murder victim is found in the Land of Israel, the elders of the city closest to the corpse participate in a

ritual whereby a cow that has not yet reached its second birthday is brought to a valley whose land is too harsh to have been worked. The cow is killed by someone axing the back of its neck. The elders then recite "ya-deinu lo shofchu ha-dam hazeh – our hands have not spilled this blood" (Devarim 21:7).

The Talmud (Sotah 46b) asks the obvious question: Would we really suspect that the leaders of the Jewish community actually committed the murder, such that our suspicion necessitates this declaration? No. Rather, they declare that they did not allow the murdered individual to leave the community without provisions and without a l'vaya (an escort).

What is the significance of l'vaya? The Maharal in his commentary on the above gemara explains that there are two distinct entities: the individual and the klal (the group). The protection and Divine providence that a klal experiences is much greater than that experienced by an individual. Thus, the act of l'vaya transforms the status of the individual to that of a member of the klal. Hashem notes this change of status and affords additional protection. It is thus understandable that R' Yochanan teaches that when one neglects to escort his guest, it is akin to spilling his blood, as he deprived him of the additional protection.

The following examples demonstrate the superiority of the klal over the individual. Firstly, the Talmud (Brachos 8a) teaches that Hashem does not reject the prayers of the congregation (tefilas ha-tzibur). Their prayer has a different status than that of the individual. It is for this reason that we recite a public mi-sheberachon behalf of the sick, elevating the level of prayer on their behalf to that of communal prayer. Secondly, the kaparah (atonement) that is attained via the sa-ir hamishtaleach – the he-goat to Azazel on Yom Hakippurim, did not relate to any individual members of the nation, but to the klal (the nation as a whole). It is thus understandable that the sacrifice is affective even without teshuva (Rambam, Hil. Teshuva 1:2). If an individual brought an offering without repenting, it is ineffective as "zevach reshaim to'evah – the sacrifice of a wicked man is an abomination" (Proverbs 21:27). The sa-ir is the offering of the klal, and it relates to whoever is part of the klal.

The Tur (Orach Chaim 581) notes the unique behavior of the Jewish nation. Usually one on trial for his life will don black garb, go unshaven, paying no attention to his personal grooming as the uncertainty of the outcome looms over him constantly. Klal Yisroel, in sharp contrast, dons holiday clothes, take haircuts and eat and drink a -yom tov meal on their day of judgment, as they know that Hashem will affect a miracle on their behalf.

The Alter of Kelm explains this Tur in the following way. Each individual must experience fear and trepidation, and dare not rely upon a miracle being performed on their behalf. However, the klal can be assured that the Jewish nation will survive and will reach its ultimate destiny. Therefore he recommends that each individual, to the best of his ability, connect himself to the klal. Commensurate with one's affiliation with the klal will be their assurance and insurance for their personal success. The manner in which one joins the klal may vary from teaching Torah to the not-yet learned, participating in public shiurim, to supporting klal institutions and involvement in klal chessed.

The Maharal's understanding of l'vaya is that the individual attains the additional merit of the klal, thereby affording him greater protection. Perhaps, one can say that in addition the individual becomes part of the klal by yielding his stance – showing flexibility for the benefit of the klal.

This summer with the disengagement of the twenty one communities of Gush Katif we witnessed an additional understanding of ya-deinu lo shafchu ha-dam hazeh – our hands did not spill this blood. With tensions and emotions especially high, the fifty thousand supporters who gathered in Kfar Maimon demonstrated incredible restraint. Instead of physical confrontation and violence, they responded to the twenty thousand soldiers and police officers by singing "chayal-shoter – ani ohaiv oscha – soldier policeman, I love you." The member families of Gush Katif realized that there was a higher goal to be attained, by keeping the integrity of the klal even over their holy rights.

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