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**Britain's Former Chief Rabbi Lord Jonathan Sacks**

***Learning and Leadership***

The parsha of Shoftim is the classic source of the three types of leadership in Judaism, called by the sages the "three crowns": of priesthood, kingship and Torah.[1] This is the first statement in history of the principle, set out in the eighteenth century by Montesquieu in *L'Esprit des Lois*, and later made fundamental to the American constitution, of "the separation of powers." [2] Power, in the human arena, is to be divided and distributed, not concentrated in a single person or office. So, in biblical Israel, there were kings, priests and prophets. Kings had secular or governmental power. Priests were the leaders in the religious domain, presiding over the service in the Temple and other rites, and giving rulings on matters to do with holiness and purity. Prophets were mandated by God to be critical of the corruptions of power and to recall the people to their religious vocation whenever they drifted from it.

Our parsha deals with all three roles. Undoubtedly, though, the most attention-catching is the section on kings, for many reasons. First, this is the only command in the Torah to carry with it the explanation that this is what other people do: "When you enter the land the Lord your God is giving you and have taken possession of it and settled in it, and you say, 'Let us set a king over us like all the nations around us ...'" (Deut. 17: 14). Normally, in the Torah, the Israelites are commanded to be different. The fact that this command is an exception was enough to signal to commentators throughout the ages that there is a certain ambivalence about the idea of monarchy altogether.

Second, the passage is strikingly negative. It tells us what a king must not do, rather than what he should do. He should not "acquire great numbers of horses," or "take many wives" or "accumulate large amounts of silver and gold" (17: 16-17). These are the temptations of power, and as we know from the rest of Tanakh, even the greatest – King Solomon himself – was vulnerable to them.

Third, consistent with the fundamental Judaic idea that leadership is service, not dominion or power or status or superiority, the king is commanded to be

humble: he must constantly read the Torah "so that he may learn to revere the Lord his God ... and not consider himself better than his fellow Israelites" (17: 19-20). It is not easy to be humble when everyone is bowing down before you and when you have the power of life and death over your subjects.

Hence the extreme variation among the commentators as to whether monarchy is a good institution or a dangerous one. Maimonides holds that the appointment of a king is an obligation, Ibn Ezra that it is a permission, Abarbanel that it is a concession, and Rabbenu Bachya that it is a punishment – an interpretation known, as it happens, to John Milton at one of the most volatile (and anti-monarchical) periods of English history.[3] There is, though, one positive and exceptionally important dimension of royalty. The king is commanded to study constantly:

When he takes the throne of his kingdom, he is to write for himself on a scroll a copy of this law, taken from that of the Levitical priests. It is to be with him, and he is to read it all the days of his life so that he may learn to revere the Lord his God and follow carefully all the words of this law and these decrees and not consider himself better than his fellow Israelites and turn from the law to the right or to the left. Then he and his descendants will reign a long time over his kingdom in Israel. (Deut. 17: 18-20)  
Later, in the book that bears his name, Moses' successor Joshua is commanded in very similar terms:

Keep this Book of the Law always on your lips; meditate on it day and night, so that you may be careful to do everything written in it. Then you will be prosperous and successful. (Josh. 1: 8)

Leaders learn. That is the principle at stake here. Yes, they have advisors, elders, counsellors, an inner court of sages and literati. And yes, biblical kings had prophets – Samuel to Saul, Nathan to David, Isaiah to Hezekiah and so on – to bring them the word of the Lord. But those on whom the destiny of the nation turns may not delegate away the task of thinking, reading, studying and remembering. They are not entitled to say: I have affairs of state to worry about. I have no time for books. Leaders must be scholars, bnei Torah, "children of the Book," if they are to direct and lead the people of the Book.

The great statesmen of modern times understood this, at least in secular terms. Gladstone, four times Prime Minister of Britain, had a library of 32,000 books. We know – because he made a note in his diary every time he finished reading a book – that he read 22,000 of them. Assuming he did so over the course of eighty years (he lived to be 88), this meant that he read on average 275 books a year, or more than five each week for a lifetime. He also wrote many books on a wide variety of topics from politics to religion to Greek literature, and his scholarship was often impressive. For example he was, according to Guy Deutscher in *Through the Language Glass*, the first person to realise that the ancient Greeks did not have a sense of colour and that Homer's famous phrase, "the wine-dark sea" referred to texture rather than colour.

Visit David Ben Gurion's house in Tel Aviv and you will see that, while the ground floor is spartan to the point of austerity, the first floor is a single vast library of papers, periodicals and 20,000 books. He had another 4,000 or so in Sde Boker. Like Gladstone, Ben Gurion was a voracious reader as well as a prolific author. Disraeli was a best-selling novelist before he entered politics. Winston Churchill wrote almost fifty books and won the Nobel Prize for Literature. Reading and writing are what separate the statesman from the mere politician.

The two greatest kings of early Israel, David and Solomon, were both authors, David of Psalms, Solomon (according to tradition) of *The Song of Songs*, *Proverbs* and *Kohelet/Ecclesiastes*. The key biblical word associated with kings is *chokhmah*, "wisdom." Solomon in particular was known for his wisdom:

When all Israel heard the verdict the king had given, they held the king in awe, because they saw that he had wisdom from God to administer justice. (1 Kings 3: 12)

Solomon's wisdom was greater than the wisdom of all the people of the East, and greater than all the wisdom of Egypt ... From all nations people came to listen to Solomon's wisdom, sent by all the kings of the world, who had heard of his wisdom. (1 Kings 5: 10-14)

When the queen of Sheba saw all the wisdom of Solomon... she was overwhelmed. She said to the king, 'The report I heard in my own country about your achievements and your wisdom is true. But I did not believe these things until I came and saw with my own eyes. Indeed, not even half was told me; in wisdom and wealth you have far exceeded the report I heard' ... The whole world sought audience with Solomon to hear the wisdom God had put in his heart. (1 Kings 10: 4-24)

We should note that chokhmah, wisdom, means something slightly different from Torah, which is more commonly associated with priests and prophets than kings. Chokhmah includes worldly wisdom, which is a human universal rather a special heritage of Jews and Judaism. A midrash states "If someone says to you, 'There is wisdom among the nations of the world,' believe it. If they say, 'There is Torah among the nations of the world,' do not believe it."<sup>[4]</sup> Broadly speaking, in contemporary terms chokhmah refers to the sciences and humanities – to whatever allows us to see the universe as the work of God and the human person as the image of God. Torah is the specific moral and spiritual heritage of Israel.

The case of Solomon is particularly poignant because, for all his wisdom, he was not able to avoid the three temptations set out in our parsha: he did acquire great numbers of horses, he did take many wives and he did accumulate great wealth. Wisdom without Torah is not enough to save a leader from the corruptions of power.

Though few of us are destined to be kings, presidents or prime ministers, there is a general principle at stake. Leaders learn. They read. They study. They take time to familiarise themselves with the world of ideas. Only thus do they gain the perspective to be able to see further and clearer than others. To be a Jewish leader means spending time to study both Torah and chokhmah: chokhmah to understand the world as it is, Torah to understand the world as it ought to be.

Leaders should never stop learning. That is how they grow and teach others to grow with them.

[1] Mishnah Avot 4: 13. Maimonides, Talmud Torah, 3: 1.

[2] Montesquieu's division, followed in most Western democracies, is between legislature, executive and judiciary. In Judaism, primary legislation comes from God. Kings and the sages had the power to introduce only secondary legislation, to secure order and "make a fence around the law." Hence in Judaism the king was the executive; the priesthood in biblical times was the judiciary. The "crown of Torah" worn by the prophets was a unique institution: a Divinely sanctioned form of social criticism – a task assumed in the modern age, not always successfully, by public intellectuals. There is today a shortage of prophets. Perhaps there always was.

[3] See Eric Nelson, *The Hebrew Republic*, Harvard University Press, 2010, 41-42.

[4] Eichah Rabbati 2: 13.

Rabbi Lord Jonathan Sacks is a global religious leader, philosopher, the author of more than 25 books, and moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks or to subscribe to his mailing list, please visit [www.rabbisacks.org](http://www.rabbisacks.org).

### The Wake Up Call!

Parshas Shoftim/Chodesh Elul

#### *Rabbi Yosef Elefant*

This week, we started to blow the shofar. The Rambam says that the whole inyan of tekias shofar is עורר ישיבים משנתכם. The shofar is a call to teshuvah, and it's specifically a call for teshuvah of farshluffenkeit.

Let's examine the connection between the shofar and teshuvah, particularly

as it relates to waking up from slumber, as the Rambam teaches. We lead very active lives - we're busy, we're doing things, we're accomplishing. What does it mean that we are sleeping? And how exactly does the shofar wake us up?

So when we were little kids, we understood that the shofar is some sort of alarm clock that wakes a guy up from his sleep. But as we get older, we have to understand what it means that we're sleeping, and what it means that the shofar wakes us up from our so-called sleep.

Perhaps we can suggest an explanation that can be a gateway to the avodah of teshuvah of Chodesh Elul.

The pesukim in Parshas Nitzavim say the following:

כי המצוה הזאת אשר אנכי מצוה היום לא נקלאת הוא ממך ולא רחקה הוא. לא בשמים הוא לאמר מי יעלה לנו השמימה ויחסה לנו וישמענו אתה ונעשה. ולא מעבר לים הוא לאמר מי יעבר לנו אל עבר הים ויחסה לנו וישמענו אתה ונעשה. כי קרוב אליך הדבר מאד בפיו ובלבבך לעשותו.

The מצוה הזאת, according to the Ramban, is the mitzvah of teshuvah.

Which seems very strange. We look at teshuvah as something so far away, so difficult, and yet the Torah says that this mitzvah is not in the heavens or across the sea - it's very close to us. If so, why does teshuvah seem so distant?

In truth, if we examine the words carefully, the Torah doesn't say that teshuvah is easy or simple; all it says that it's close. What makes teshuvah so close?

The Atzeil's Excuses

The Midrash on these pesukim says that Shlomo Hamelech discussed seven levels of an atzeil, a lazy person:

They came to a guy and told him, "Your rebbi is in the city, at the other end of town. Go hear Torah from him."

The lazy person responds, "There's a lion outside, it's dangerous in the streets, who knows what's going to happen there?" That's the first level.

Next, they tell him, "Your rebbi's not only in the same town, he's in your neighborhood, down the block."

"It's raining outside," says the lazy person. "I don't have koach."

"Your rebbi's across the street," they answer. To that, he has another excuse.

Then - "Your rebbi's in the same room! He's sitting here next to you." But the lazy person comes up with another excuse.

As the Midrash goes through the seven levels of the atzeil, the rebbi - who is a metaphor for chochmah and ruchniyus - gets closer and closer, and the lazy person comes up with endless excuses for why he can't access the ruchniyus that's available to him.

But what Moshe Rabbeinu says, continues the Midrash, surpasses all of this. Moshe Rabbeinu said בפיו ובלבבך לעשותו - you don't even have to stick your fork into the food in front of you, because it's in your mouth. What does this passuk have to do with atzlus, laziness?

Rav Wolbe explains in Alei Shur that what's happening in this Midrash is as follows. The rebbi in the Midrash represents opportunities for spiritual growth: your rebbi's in the city, he's down the block, he's in front of you, he's in the room with you, he's on the table, he's in the plate in front of you. But the atzeil keeps saying, "I can't, I can't, I can't." Why can't he? Because the atzeil looks at ruchniyus as something outside of himself, not as part of who his intrinsic self. "It's not me," he says. That's why he doesn't have the kochos to access it.

But Moshe Rabbeinu came along and said to the lazy person: Your whole approach is wrong. It's בפיו ובלבבך לעשותו - it's you! It's inside of you!

#### **Internal vs. External**

Why should ruchniyus being internal instead of external make a difference to an atzeil? Because the root of atzlus, explains Rav Wolbe, is that a person looks at himself as a fundamentally physical being, rather than a spiritual being. He views spirituality as something external to himself, and therefore doesn't have the kochos to reach out to it. No matter how close it's brought to him, it's still outside of him.

Atzlus is the total shlitah of the guf over a person. When a person sees

himself as a guf, then the yesod he'afar takes control of him, preventing him from accessing any opportunities for ruchniyus. We would think that to win the battle against atzlus, you have to get out of bed and exercise your muscles. But the Midrash proposes a different strategy: Recognize that the ruchniyus is part of you, that you don't need to reach outside of yourself at all, and then you'll be able to access it. As long as you see the ruchniyus as being external, your guf has to make an effort to attain and reach out to it, and then you don't have kochos. If a person would live with the recognition that he himself is inherently a spiritual being, then the guf would not have power to paralyze him spiritually.

Rav Wolbe cites the Gemara in Pesachim about the father who says that he's slaughtering the korban Pesach for whoever arrives first in Yerushalayim. His daughters arrived before his sons, and the Gemara describes the daughters as zerizim and the boys as shefeilim, lowly. Why does it describe them as lowly, rather than lazy, which is seemingly the opposite of zerizim? Because the lack of zerizus is rooted in lack of recognition of what a person really is, and what kind of kochos he has within him. A person who's unaware of his kochis is a shafeil, a lowly person.

Appreciating the idea of *לעשותו* ובקרבך *לעשותו* is not only an antidote to atzlus, it's also a gateway to teshuvah.

When a person is asleep, he is completely dominated by the guf; none of his spiritual faculties are operating. In the spiritual sense, sleep is akin to death, and indeed, when we sleep, the neshamah departs partially.

The key to teshuvah is acknowledging that we ARE ruchniyus. When the Torah tells us that teshuvah is so close to us, it's because teshuvah is essentially a return to our natural state, the state of *היא* בי טהורה *היא*. A person is inherently pure - he just has to shake off the dust he gathered throughout the year.

A person falls into a spiritual slumber happens when he believes that his guf is his essence. How does the shofar negate that?

The passuk in Parashas Balak says: *לא הביט און בנעקב ולא ראה עמל בנישראל* - Hakadosh Baruch Hu doesn't see Klal Yisrael's sins. Why? Because the sins don't adhere to them or become part of them. Why not? Because *ה'* אלקיו עמו *ה'* ותרועת מלך בו.

The Vilna Gaon explains that these words reflect two levels of Hashem's closeness. *ה'* אלקיו עמו - Hashem is with us, that's one level. But a higher level is *ה'* ותרועת מלך בו - Hashem is actually inside us, part of every person. The Midrash says that the words *ה'* ותרועת מלך בו refer to the shofar, and the Targum Yonasan actually renders the words *ה'* ותרועת מלך בו as *משיחא מייבבא ביניהון* - the sounds of the shofar of the Melech HaMoshiach cries among them.

### Finding Our Voice

The Zohar HaKadosh says that the passuk says *די עשו* קול יעקב והימים *די עשו* is a reference to the shofar. That means that even when a person's hands are camouflaged, he's dressed up like Eisav, his penimius will always be the kol Yaakov, the shofar, which is *ה'* ותרועת מלך בו - inside the person. The true person is not the gorilla costume of Eisav that he wears outwardly, but rather the pure sound of the neshamah, represented by the kol Yaakov and the shofar. The shofar gives voice to the bawling of the neshamah of a Yid. In fact, in the halachos of the shofar, we find them described as neshimos, breaths, coming from the neshamah itself. In this sense, the shofar is the sound of the neshamah that Hashem blew into the person: *ויפח באפיו נשמת ה'.* When a person blows the shofar, he blows from the very neshamah that was blown into him. (This concept is from a longer discussion from Pachad Yitzchak that we're not getting into in depth here.)

Over the course of the year, a person sinks into the slumber of the domination of the guf to the point that he starts to believe that his guf is the ikar, and he forgets that he has a neshamah and that his true existence is one of ruchniyus. The shofar reminds us that *ה'* ותרועת מלך בו - even if on the outside we look like Eisav, talk like Eisav, feel like Eisav, and dress like Eisav, our penimius is still the kol Yaaakov.

Before a person can do teshuvah and "return," he has to know where he's

going back to. That's the purpose of tekias shofar: to wake a person up from the sleep of the atzeilim, of those who don't realize that *לעשותו* ובקרבך, that a person is constantly connected to Hashem.

The shofar reminds us that all we have to do is access the spirituality that is already inside us. That's the concept of *לעשותו* ובקרבך *לעשותו*. Sometimes, Hakadosh Baruch Hu actively makes a person move spiritually - *לעשותו* ובקרבך *לעשותו* - but at this time of the year, we have to make the first move, reaching deep within ourselves and reminding ourselves that we are inherently spiritual beings who are connected to Hashem.

### Returning to the Original State

I'd like to conclude with an explanation of the Maharal in Parashas Ki Seitzei. Why, asks the Maharal in Gur Aryeh, does the passuk say that a person gets 40 lashes, if he actually only gets 39?

The 40 lashes, explains the Maharal, correspond to the 40 days of the formation of the embryo. Those 40 days are composed of two parts: 39 days for the guf and one day for the neshamah. When the guf and the neshamah are together, the neshamah bears responsibility for the sins of the guf, and therefore the person deserves 40 lashes - 39 for the guf and one for the neshamah. But the minute the guf gets its 39 lashes, the neshamah reverts to its original state purity: *נשמה שנקנתה בי טהורה היא*. Although originally the person deserved 40 lashes, as soon he receives 39 and the guf is cleansed, he no longer needs the fortieth. That's the natural state of a Yid: *לעשותו* ובקרבך *לעשותו*.

*A gutten Chodesh Elul to everyone.*

### Rabbi Boruch Adler

#### Shoftim

Shabbos Question: How does Halacha develop?

Answer: According to the teaching that they will teach you and according to the judgement that they will say to you, are you to act; do not turn from the word they will tell you, neither right nor left (*Devarim* 17:11). *Rashi* (ibid.) explains that the *Sanhedrin* are to be followed implicitly, even if they proclaim, "about right that it is left, and about left that it is right." *Rashi* implies that even if *Sanhedrin* would profess that something traditionally permitted is forbidden, or the reverse, something traditionally forbidden is permitted, their ruling must be adhered to (*Sifri* ibid.; *Yerushalmi, Horios* 1:1).

The *Ramban* (ibid.) elaborates on this by explaining that even if it seems clear to you that the Rabbis are in error, nevertheless you must follow their ruling. One may not say, for example, "How can I execute this man who I believe to be innocent?" Rather, the ruling of *Bais Din* must stand as law.

*Rashi* (*Berachos* 19b) exclaims that utilizing this principle of permitting what might have been previously forbidden, the Rabbis were able to permit the use of lavatory "cleansing stones" on *Shabbos* (*Shabbos* 62b); or if someone's *tzitzes* become dysfunctional on *Shabbos* in a "marked off plot in a public thoroughfare," that individual is not required to remove his garment in the street, but is permitted to proceed to his home (*Menachos* 38a). Similarly, the Rabbis were permitted to establish the new holiday of *Chanukah* and instituted a new *berocha* in celebrating the *Chanukah* lights (*Shabbos* 23a).

The Gemorra (*Pesachim* 30b; *Yoma* 31a; *Yevomus* 11a, etc.) propounds that any ruling (*tikun*) by the Sages carries the weight of a *d'oraisa* (Torah ruling). The *Rambam* (*Yad Hachazaka, Hilchos Mamrim* 2:9) elaborates as follows: *Bais Din* is empowered to prohibit the once permitted, and additionally, their ruling stands for all generations. Similarly, the Rabbis can permit what the Torah has forbidden, in the spirit that all rulings are to be formulated according to the needs of the times. The *Rambam* then asks, if this is indeed the case, what about the Torah's injunction against adding new laws to the Torah (*Baal Toisif*)? How is it that *Chazal* are allowed to

formulate new laws? The *Rambam* answers that what is actually forbidden, as *Baal Toisif*, is if the *Rabbanan* were to disingenuously attempt to convince the masses that their new proclamation is actually from the Torah. For instance, the Torah forbids the cooking of animal meat in milk, but the Torah does not actually forbid the cooking of fowl in milk. The injunction against cooking fowl in milk is only Rabbinically ordained. Hence, if the Rabbis were to announce that the cooking of fowl in milk was included in the Torah's injunction against mixing meat and milk, then they would be guilty of *Baal Toisif*. The Rabbis are required to state that this new injunction is Rabbinic in origin. What the Rabbis must state is that fowl is permitted to be cooked in milk according to Torah law, but the Rabbis elected to forbid it; thereby it will become known to the masses that the prohibition is Rabbinic in nature. What is accomplished is that the Rabbis are permitted to construct Rabbinic 'gates' around the laws of the Torah, in order to enhance the observance of Torah laws. However, those Rabbinic 'gates' must be properly represented as being Rabbinically derived. The *Ra'aved* (ibid.) argues against the *Rambam* on this matter, and claims that any Rabbinic proclamation or injunction made to protect and enhance Torah observance is not liable to *Baal Toisif*. Hence, even if the Rabbis make it seem as if their decree is actually derived from the Torah, that is okay and there is no requirement to enlighten the masses to the contrary.

The power of the Rabbis of all generations to ordain laws is derived from a *posuk*:

And G-d spoke all these words, saying (*Shemos* 20:1). The *Gemorra* (*Chagigah* 3b) interprets this as follows: "We must understand the words of those who pronounce unclean and the words of those who pronounce clean; the words of those who prohibit and the words of those who permit; the words of those who disqualify and the words of those who declare fit." The *Gemorra* understands this from the superfluous word *kol* (all) in the above mentioned *posuk*. The *posuk* could have read, "And G-d spoke these words saying." The additional word "all" comes to teach the above novel idea, that the Torah grants the *Rabbonim* of all generations the power to ordain laws. The *Gemorra* (ibid.) advises the Torah student to "make your ear like a hopper, and to have a perceptive heart." The hopper is a funnel-shaped receptacle, into which a greater volume enters the tank, while a smaller volume leaves it. Similarly, one is instructed to hear all views, and then to sift them, and finally to search for what he perceives to be the truth. The *Maharsha* (ibid.) explains that not everything is black and white; there are grey areas in *Halacha* too. The *Maharsha* further elucidates that *Halacha* can be broken down to several possibilities, some leaning toward *tumah*, some leaning toward *tahara*. Hence, it is up to the Sages of each generation to define precisely what the *Halacha* is. *Chazal* can be found saying the following over and over again:

These [conflicting words] and these [conflicting words] are the words of the Living G-d. (*Eruvin* 13b, *Gitten* 6b, etc.) *Rashi* (*Kesubos* 57a) explains that there are circumstances when the *Halacha* can be interpreted in one direction, and then there are circumstances when the *Halacha* can take the opposite direction. It is the Sages of each generation who are required to make the appropriate determination. The Torah provides for a certain plasticity within the framework of *Halacha* in order to create a living, breathing vibrant entity (see *T'shuvos Chavos Yair* 192; *Derashos HaRan* 7, 11).

The ability of the Rabbis of each generation to determine the *Halacha* for their particular generational needs must conform to a *Talmudic* dictum presented by *Chazal*:

A *Bais Din* may not annul the ruling of a previous *Bais Din*, unless it is greater in wisdom and number (*Megillah* 2a; *Moad Koton* 3b, etc.). However, there is the proviso that the above dictum only applies if the previous *Bais Din*'s edict became a widespread practice among the people, and that the masses can comfortably abide by it (*Ediyos* 1:5). Interestingly, the *Rambam* (*Yad Hachazaka, Hilchos Mamrim* 2:1) quotes a *Yerushalmi* to define and limit this dictum. The *Rambam* explains that it is generally not

permitted for a later *Bais Din* to repeal an earlier *Bais Din*'s *gezairah* unless the new *Bais Din* meets the aforementioned criteria. However, if the later *Bais Din*'s intention is not merely an issue of repealing an earlier enactment, but rather a genuine clarification of *Halacha*, then the later *Bais Din* is permitted to rule as it sees fit without any regard for the previous *Bais Din*'s ruling. If they feel that the earlier *Bais Din* committed an error, the later *Bais Din* has every right to announce its own ruling (see *Yoma* 69b).

*Tosfos* (*Beitzta* 6a) proposes an additional limiting proviso. Any Rabbinical decree which was designed to avert a potentially dangerous situation, will become null and void when the dangerous situation no longer exists. For example: the *Gemorra* (ibid.) discusses whether it is permissible for a Jew to busy himself with a corpse on the second day of *Yom Tov*. The Rabbis prohibited this type of activity during the latter period of the Sassanid rule which was marked by the persecution of Jews, particularly by the Guebers, a fanatical sect of Persian fireworshippers. The Jews had to render to the Guebers compulsory service (which was a form of anti-Jewish persecution); however on Jewish Festivals, as a concession to *Klal Yisroel*, the Guebers allowed an exemption from this work. Now, if the Jews would be permitted to bury their dead on the second day of a Festival, the Guebers might regard that day as an ordinary work day, and therefore compel the Jews to work in compulsory service. Therefore, the Rabbis decreed that even on the second day of a *Yom Tov*, burial of the dead should be forbidden, in order to lull the Guebers into passivity. *Tosfos* suggests that once the Gueber threat abided, the corresponding Rabbinical decree should also be nullified.

*Tosfos* (ibid.) provides an additional example. Water exposed to the elements overnight is forbidden to be drunk, because perhaps a snake drank from it and poisoned it. However, in our times, according to *Tosfos*, when snakes are not prevalent in our communities, this Rabbinical decree is automatically nullified. Hence, it is evident that once the anxiety-provoking situation passes, then the corresponding Rabbinical decree also passes.

*Chazal* explain the authority for Rabbinic interpretation. The Torah states: And you shall come unto the priests, the Levites, and unto the judges that shall be in those days, and inquire; and they shall show you the sentence of judgement (*Devarim* 17:9). The *Gemorra* (*Rosh Hashana* 25b) asks: is it possible to go to an earlier *Bais Din*, one who's members have already passed on from this world? Obviously, we have no option but to go to a current *Bais Din*! The *Gemorra* then concludes: Do not say that the earlier courts were superior, for you must follow the Sages of your generation (*Tosfos* ibid.).

Precedence does not necessarily dictate the law in the realm of *Halacha*. Each *posaik* (judge) of his particular generation must examine the entire gamut of *Halacha*, within his understanding of *Kol HaTorah Kulah* (the Torah in its entirety). A *posaik* who does not fall within this "Kol HaTorah Kulah" standard, is ineligible to undertake this type of an Halachic review. If he feels that the earlier generations were in error or that the *Halacha* must be interpreted differently for his generation, it is his responsibility to rectify it. His understanding of truth is paramount. Of course, in writing *Responsa*, reference is made to earlier *poskim*, but that is for identification purposes only, and not necessarily for legal precedence (see *Rambam*'s Introduction to *Mishna* Torah).

This aforementioned concept is explicitly stated by the *Rama* in *Shulchan Aruch* (*Choshen Mishpat* 25:1): "If it appears to a judge, and his contemporaries, through solid reasoning, that the law is not in accordance with earlier judges, then he is permitted to dispute with them." In order to clarify this, *Rebbe Chaim* Valozhoner (in his introduction to the *Vilna Gaon*'s *Be'er HaGra* on *Choshen Mishpat*) explains that there are different epochs in the study of Torah *sh'baal peh*. The first era is from *Moshe Rabbeinu* through the period of *Ravina* and *Rav Ashi*, which consisted of a *mesorah* (tradition) of oral transmission of laws (see *Rambam*'s introduction to *Yad Hachazaka*).

Subsequent to the period of *Ravina* and *Rav Ashi*, there emerged a new form of Torah *sh'baal peh* transmission. Torah *sh'baal peh* was recorded in text

form, and that marked a new but inferior form of *mesorah*. In addition, the *Rambam* (ibid.) points out that after the *Ravina / Rav Ashi* period, *Klal Yisroel* was no longer together as a physical and judicial unit, but was scattered and dispersed throughout the globe. Hence, the nation was no longer tangibly unified, but was now fragmented into many schools and courts. It was therefore necessary to promulgate new ground rules for Torah transmission. It was then declared that only members of the first era may Halachically challenge and debate each other in an unrestricted fashion, even *Amora'im* against *Tana'im*; however, members of the second era, the post-*Ravina / Rav Ashi* era, may not dispute a master of the first era. Today we are still considered to be members of the second era, a lower level of *mesorah* than the first era, and therefore we may not contradict Sages of the first era. However, members of the second era are free to dissent with each other, even with a *posaik* from an earlier generation.

*Rebbe Chaim* Valozhoner, in his *sefer Chut Hamishulush* (simon 9) quotes his *Rebbe*, the *Vilna Gaon*, as stating that within the second era there exist no restrictions on *psak* as a result of precedence in *Halacha*. In fact, he says, if a *posaik* of a later generation is convinced that the *Halacha* is different from the way it was explained in previous generations, he is free to argue with any previous *posaik* of that bygone era. This view is reiterated by *Rav Elchonon Wasserman* (*Kovaitz Haoros, Yevamos 175; Kovaitz Shiurim, Bava Basra 633*; but, see *Kovaitz Igeress, Chazon Ish 24*).

The *Taz* (*Rabbi Dovid Halevi*), in his preface to *Yoreh Deah*, stresses the obligation of current generations to defend and interpret the views of the earlier Sages. However, he adds, when the object is to arrive at an accurate ruling of *Halacha*, one must temper the above-mentioned obligation with a genuine regard for the truth. Hence, if necessary, the views of the earlier Sages may sometimes have to be disregarded in the final *Halachic* ruling. Honest diversity of opinion is not challenging to Torah, but on the contrary, it is part of the multi-faceted face of Torah. \_\_\_\_\_

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Shoftim Rabbi Mayer Twersky - Spiritual Frailty of Man (2013)  
TorahWeb.org

### **Rabbi Mayer Twersky Spiritual Frailty of Man**

This week's krias haTorah offers a remarkable testament to man's spiritual frailty and the vulnerability of even giants of spirit to sin.

At the beginning of the parsha the Torah speaks of the *zakein momray*, rebellious elder, who defies the ruling of the *sanhedrin hagadol*. The Torah prescribes capital punishment for him. *Ramban*, in his glosses to *Sefer Hamitzvos*, even classifies the *zakein momray* as a *Karaite*, because in his defiance of the *Sanhedrin* eo ipso he denies part of Torah she'b'al peh. Clearly his defiance constitutes an egregious sin. Remarkably, *Chazal* tell us, that only one who is ordained and otherwise authorized to *pasken* becomes a *zaken momray* and is liable for the death penalty. [Any commoner violates a Torah prohibition in defying the *Sanhedrin*; only a *musmach* is liable for capital punishment.]

To receive the original ordination and become part of the unbroken chain going back to *Moseh rabbeinu* one had to be *ra'oy l'ho'ros b'chol haTorah kula* - qualified to rule in every area of *halacha*. In other words, only the greatest of scholars can become a *zakein momray*. More pointedly, even the greatest of scholars is susceptible to sinning so egregiously.

The same sobering message appears later in the parsha as well. The Torah speaks of the *navi sheker*, the false prophet, whose falsehood is exposed when his alleged prophetic predictions do not materialize. As *Rambam* (see introduction to *Peirush Hamishnayos*) comments, the Torah is speaking of someone whose claim to prophecy was otherwise credible. He is someone who by virtue of his absolute self-discipline, profound Torah knowledge and complete absorption in spiritual matters is a candidate for prophecy. See *Rambam Yesodei HaTorah 7:1*. Otherwise his claim to *nevu'ah* would be obviously patently false even before any prediction was falsified.

The *navi sheker* is incredibly an extremely holy individual and yet he too, like the *zakein momray*, falls prey to sin. How extraordinary!

The Torah boldly underscores the frailty of our Spiritual attainments. Our vulnerability is not only physical, but spiritual as well. This sobering perspective invites spiritual self-vigilance. It is perennially worthy of reflection, especially during *chodesh Elul*.

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**Thanks to hamelaket@gmail.com for collecting the following items:**

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**Weekly Blog :: Rabbi Berel Wein**

### ***Bitter Lessons***

The past has many bitter lessons for the present. Many times the lessons themselves unfortunately provide no answer to current dilemmas since they provided no clear answer to the past dilemmas either. That is what makes these types of historical lessons such bitter ones. It presents the problem in clear perspective but denies us any clear solution to it.

One hundred years ago at the beginning of World War I the Western front became deadlocked after a few months of bitter and bloody fighting. Trench warfare and a war of attrition ensued that would continue for the next four years causing millions of casualties on both sides. That the front was stalemated was now obvious to both Germany and the Allied powers. Yet the losses of the first few months of the war were so enormous that neither of the adversaries could emotionally or politically afford to come to an armistice then and there.

The losses engendered by both sides at the beginning of the conflict precluded any chance of reaching a settlement then since no settlement or armistice would justify the horrendous cost that the war had already caused. By looking backwards at the costs already incurred and by not seeing the greater costs that the next four years of war would bring, both sides committed themselves to continuing horror and slaughter.

The First World War ended indecisively, almost guaranteeing a second greater conflict – the Second World War. In order to avoid such a result in the Second World War, the Allies demanded and obtained unconditional surrenders from Germany and Japan. It was the only way they felt that somehow all of the millions of deaths and untold destruction of Europe and Asia could be justified in the long run of history.

We are facing a somewhat similar problem in the eighth week of our current war against Hamas. Hamas looks back at the grievous losses it has already sustained and any agreement, cease-fire, or settlement has to be to their advantage, and sufficient enough to justify the losses that it has already sustained.

Understandably, Israel is loath to give Hamas any gains in a war that it unjustly initiated and that has caused over seventy Israeli deaths, hundreds of wounded and significant property and social damage. I think that looking back at what the war has cost, it is hard to see how anything less than unconditional surrender can justify its costs.

Yet, to achieve the unconditional surrender of Hamas – which is just a euphemism for its complete eradication – a far greater cost undoubtedly will be exacted from Israel in terms of human life and social turbulence. Because of this, the dilemma facing the Israeli government as to how to proceed and avoid a long war of attrition has become starkly clear to all.

The government will undoubtedly be punished politically and in the realm of public relations by whatever course it will now choose to pursue. Hamas has no choice but to look back, for under the present circumstances it has no future. And by looking back and assessing what it has already lost, even in desperation, it cannot bring itself to admit its failure.

Because of this, the future of the Gaza conflict is very murky. The Jewish farmers and citizens in the land bordering Gaza have sustained enormous social, financial as well as physical pain and damage. They will have to

rebuild and be rehabilitated. Gaza itself has, in many places, been reduced to shambles and ruins. It now has three hundred thousands refugees and displaced persons, many of them permanently homeless.

But if Gaza is to be rebuilt it cannot once again be a terrorist stronghold endangering the life and limb of the citizens of Israel. How to accomplish this diplomatically and practically is no easy matter. A temporary cease-fire that will only guarantee another round of conflict and death is no longer an acceptable answer to the dilemma.

It is no longer sufficient to say that quiet will be met by quiet. For if quiet gives Hamas the ability to rearm and to once again dig tunnels into Israel, then it will be very hard to justify in historical terms the costs already paid by Israel in this Gaza struggle.

Hopefully, the international community realizes all of this and is prepared to finally take positive steps to pacify Gaza and give its inhabitants a chance for a better life. Hamas is in no way interested in a better life for the Gazans. It is only interested in a worse life for the Israelis. It will be a long time before that mindset is changed and therefore the entire issue of Gaza and its future remains clouded and dangerous.

Shabat shalom

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from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>  
subject: Weekly Parsha from Rabbi Berel Wein

**Weekly Parsha Blog:: Rabbi Berel Wein  
Shoftim**

Law and order are the hallmarks of a functioning democratic society. The concept that one can receive fair redress for damages and hurts through an equitable system of established justice is central to the concept of a free society that provides individual rights to its citizens. However, dictatorships also provide law and order for those who live under their rule - a little too much law and order. And therein lay the eternal contest between an ordered and properly functioning society and an individual's inherent freedoms and rights.

There is a great deal of space and latitude between anarchy and dictatorial rule. The Torah speaks to this issue but allows for a great deal of human and national choice in the matter. The general tenor of Jewish tradition is to be wary of big and powerful government. Avot teaches us not to be known to government and that the nature of government is to demand, albeit apparently lovingly, much from the individual when it is for its own benefit but to be unavailable to help the individual when one is hard pressed and in need of outside help.

Yet Avot also stresses the necessity for government and the requirement to pray for its success and welfare, for otherwise society would be unlivable. As in all matters of human existence, the Torah here demands from us a good sense of proportion, wisdom and sophistication in dealing with government and society. The Torah does not deal with us in absolute specific terms but rather establishes general parameters of righteous judicial systems and equitable standards of law enforcement.

The Torah is clear in its condemnation of corruption and bias, especially in judicial and legal matters. The poor and the wealthy, the scholar and the unlettered, the well-connected and the unknown, all are to be equal before the eyes of judges and the law. The Torah defines true justice as being the pursuit of righteousness and fairness by just and righteous means. No unjust means can be condoned even in the pursuit of apparently just and righteous causes.

The Torah abhors corruption and all of its forms and methods. The premise of the Torah is that corruption is a natural state of being for humans. We are all somehow corrupted by our past experiences and our preset worldviews. It is interesting to note that, for example, the results of many cases and issues brought before the United States Supreme Court are almost always predictable because of the previous strongly held views of the individual justices.

They are certainly not corrupt in the criminal sense of the word, but in the world of the Torah they are certainly not freed from the taint of corruption. The Torah demands an open mind, a listening ear, flexibility of thought and an understanding of human nature and of the ways of the world from those who would serve as judges of other humans.

These qualities are not found in abundance but they are to be searched for and treasured and respected in Jewish life and law. True and absolute justice may be unattainable in this world. But the concept itself of true justice must always be present in all matters of Jewish law and society.

Shabat shalom

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from: Shema Yisrael Torah Network <shemalist@shemayisrael.com>  
to: Peninim <peninim@shemayisrael.com>  
subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum

**Peninim on the Torah by Rabbi A. Leib Scheinbaum  
Parshas Shoftim**

***You shall come to the Kohanim, the Leviim, and to the judge who will be in those days... and they will tell you the word of judgment. (17:9)***

We believe that the leaders of each and every generation are specifically suited for that generation. Therefore, we do not second guess our gedolim, Torah leadership. They are Hashem's choice. To impugn the integrity of their leadership is to question Hashem's decision. The leader of each individual generation is the last word in Torah ruling. We do not compare him to the leaders of earlier generations. He is our leader - not the leader of a previous generation.

Horav Shimshon Pincus, zl, relates an amazing story that occurred concerning the Gaon, zl, m'Vilna, which underscores this idea. We must remember that the Gaon was not only the greatest luminary of his generation, but he exceeded the scholarly and spiritual plateau of many leaders before him. Nonetheless, even the great Gaon deferred to the contemporary leadership of his time.

The story is told that one Erev Shabbos, the tailor whose house abutted the home of the Gaon, had a shailah, halachic question, concerning a chicken. In those days, every chicken was personally checked for any traifos, invalidations which would render it unkosher. Today, with quality control, very few issues arise, and, when they do, they are immediately addressed. The tailor was a G-d-fearing man, so he immediately dispatched his son to the Gaon's home with the question concerning the chicken. The Gaon paskened, ruled, that the chicken was treif, unkosher.

Meanwhile, unbeknownst to the tailor, his wife had sent someone to the Rav of Vilna, Horav Shmuel ben R' Avigdor, who ruled that the chicken was, in fact, kosher. They now had a problem: two rabbanim had ruled on the chicken - one kosher; one not kosher. This was a serious halachic dilemma.

The Rav represented the rabbinic leadership of the city of Vilna. Officially, he had the final word. The Gaon was the undisputed gadol hador, pre-eminent Torah leader of the generation. Would a "tug of war" ensue? When the Rav heard that the Gaon had ruled against him, he immediately proceeded to the Gaon's home. The Rav explained that, while there was no doubt that the Gaon was many times his superior in Torah knowledge, nonetheless, if his word were not to be respected and heeded, he would lose his standing in the community, and his halachic rulings would be rendered deficient.

The only choice available was for both of them to go together to the tailor's house and both eat from the chicken. The Gaon agreed! The Gaon, who personally held the chicken to be unkosher, was prepared to eat from it! He understood that the viability of Torah ruling was at risk. To uphold the Torah, he would be compelled to eat a piece of chicken he held was treif.

By the way, when the two rabbanim arrived at the tailor's home, the oil lamp on the table had fallen, spilling some of the unkosher fat used as fuel on the chicken, thus rendering it unquestionably treif. The Gaon did what he had to do; Hashem did what He wanted to do.

***Do not deviate from the word that they will tell you, right or left. (17:11)***

Rashi explains that one may not deviate from the halachah as expounded by the sages, even if they tell you concerning "right," that it is "left" and, concerning "left" that it is "right." The question is obvious: if I know that something is definitely "right" or that something is clearly "left," a thousand sages are unable to change this reality. Does the Torah demand that I commit a falsehood, that I act out a lie? Obviously, this is not what the Torah wants of us. What is the meaning of Lo sassur, "Do not deviate," and what does Rashi mean when he says that we must follow Chazal, the sages, even when they are clearly contradicting reality?

Horav Yaakov Galinsky, zl, explains this pragmatically. The Torah does not say that we should listen to our sages when they say that "east" is "west" or vice versa - or, concerning night, that it is day. These are absolutes. Night is always night; day is always day; the directions east and west are unalterable entities. The problem occurs when the rav/sage/spiritual leader instructs you to go right, while simultaneously motioning with his finger to the north. The man who stands opposite him is obstinate. His right side points to the south, and the rav had insisted that he go right.

Understandably, this is only an analogy, but it is one that delivers a powerful message. The reason that we do not see eye to eye with Chazal is that we stand opposite them - not together with them, facing the other direction. If we are not on the same page as they are, then our "right" points to a different direction than their "right." Thus, when they are "right," we feel that they are wrong. We simply do not have their vantage point, which clouds our perspective.

Rav Galinsky concludes with an interchange that took place between the Chelkas Yoav and his Rebbe, the Avnei Nezer. The Chelkas Yoav wrote a chiddush, novel thought, and sent it to his Rebbe to solicit his approval. The Avnei Nezer did not agree with his student's exposition and consequently, rebuffed it. When the Chelkas Yoav next visited the Avnei Nezer, Rebbe asked the student, "Nu?" which was his way of intimating, "Do you accept my ruling?"

The Chelkas Yoav replied, "I accept my Rebbe's ruling." The Rebbe asked, "But what do you feel in your heart?" The talmid replied, "In my heart, I feel justified in my ruling, but..."

Hearing this, the Avnei Nezer stood up and became emotional, "Is this the meaning of, 'The fear (awe) (that one has) for his Rebbe should be similar to the fear one has of Heaven'? If the Rebbe says the opposite of you - then you must alter your opinion." "Accepting" is insufficient, since accepting means that I have a valid opinion - my Rebbe has a valid opinion; I must accept his opinion because he is the Rebbe. Otherwise, this is not what the Torah teaches us. There is only one reliable opinion - that of the Rebbe.

***And the man that will act with willfulness... that man shall die, and if you shall destroy the evil from among Yisrael. The entire nation shall listen and fear, and they shall not act willfully anymore. (17:12,13)***

How often - upon confronting a young Jewish boy or girl and inquiring why he or she has suddenly opted for living a life of spiritual risk, or of turning off completely to religious observance - will the response be, "I was turned off by the lack of truth, the dearth of intellectual honesty, the improper behavior such as chillul Hashem and hypocrisy"? Veritably, the response that we receive has a ring of truth to it. The system is perfect; the people, however, are human, and human beings err - some by not thinking, while others are simply dishonest. In our parsha, we confront an entirely new dimension to the meaning of truth. While this has very little to do with our opening question, it does go to the core of the truth as seen through the eyes of gedolei Yisrael, Torah leadership. Thus, while truth is considered the absolute only path to follow - this might not necessarily be objectively "true." The Torah addresses the episode of the zakein mamre, rebellious elder. He is an acknowledged ordained sage, who is qualified to sit on the Sanhedrin - yet defies their ruling and encourages others to follow suit. The Torah teaches us that such defiance may not be countenanced, thus mandating that this elder be put to death during the most public venue, such as the next Festival, when throngs of Jews visit Yerushalayim. This is done so that the nation will "hear and listen" and refrain from emulating such mutinous behavior.

Let us attempt to analyze this incident, so that we are able to judge it in its true perspective. The Sanhedrin has ruled. This sage is no spiritual slouch. He is a Torah scholar of the same caliber as the members of the Sanhedrin. He feels that the ruling Judicial body grievously erred in rendering their decision. What should he do? Ignore the truth? If anybody is guilty of sheker, falsehood, it should be the Sanhedrin! This is what the rebellious elder feels, and he is prepared to stake his reputation, even risk his life, to stand by the truth - as he sees it. Yes, I added, "as he sees it." He might be right; he might be sincere. What he says might even be true. Halachah, however, follows the Sanhedrin's ruling - even if they are wrong! They are right, simply because they are the Sanhedrin.

The rebellious elder screams, "I am the truth - you are false." He is put to death. Here is a case when "too much truth" is false! He may be greater than they are; he may see the error of their decision. He must still accept the Sanhedrin's ruling. Otherwise, he will die for his commitment to the truth "as he sees it"!

What does this teach us? How are we to understand this episode, which, for all intents and purposes, can rock the faith of a young person whose conviction is one of rote, habit, religious upbringing, without much time spent on explaining the beauty and truth of Judaism? Horav Yeruchem Levovitz, zl, derives an important principle herein:

Everything has good and bad within it. The greatest, most loftiest attribute, has good - and bad. Tzedakah, charity, is clearly a wonderful attribute. Yet, our sages admonish us

not to give all of our wealth away. Chazal provide parameters to follow in the tzedakah process. This idea applies across the board, in every area of human endeavor. The most refined middah, character trait, has good and bad within it. Eating is important. One must receive nourishment, or else he will become ill and die. On the other hand, many illnesses are the result of what we eat. Does that mean we should stop eating? Why do we eat, if it might prove dangerous to our health?

The answer, explains the Mashgiach, is that, while it is true that eating can prove dangerous, not eating can be even more dangerous! Therefore, one must follow what is more likely to be beneficial for him. We weigh everything, crunch the numbers, and then compare the averages. We follow the numbers and go with the majority. Certain medications are, by their very nature, dangerous, but, for people with life-threatening illnesses, the option of not taking these medications presents a greater risk of death. In other words, there is "true" and there is "true." It is all a matter of perspective.

When an individual confronts a situation, the correct and true approach is in accordance with the variables involved; he must assess which option presents the greater good. "True" is determined by "good." Therefore, the zakein mamre might feel that he is acting for the benefit of the truth, even if it goes against the principles established by the Sanhedrin; even if he feels that they are wrong, the definition of what is true changes. They might be wrong this one time, and he might be right this one time; nonetheless, their ruling is what the Torah says we should follow. Thus, they are right and true; the zakein mamrei is wrong and false. Truth is most often to be found by the majority, the Sanhedrin. They might err once in a great while, but since they are right most of the time, they represent the truth. Whoever defies their ruling is a rebellious elder and must be expunged.

Rav Yeruchem derives a life lesson from here. An individual who has occasion to look into an endeavor - and notices what one would consider an infringement of the truth - should learn a lesson from the rebellious elder. Truth gravitates to the majority. If something is true most of the time, or if most of the leadership is comprised of honest, upstanding, decent Torah Jews, then the endeavor is true. The few rotten apples do not define the endeavor. One should not judge Judaism by the actions of a few people, who, by their nefarious activities, impugn the integrity of religious observance. There will always be those sick, selfish, despotic individuals who present a picture of righteousness, while simultaneously ripping off the community. These individuals are sick. Why should the rest of us be blamed for - and suffer as a result of - the actions of a few?

***Who is the man who built a new house... and who is the man who has planted a vineyard... and who is the man who had betrothed a woman... who is the man who is fearful and fainthearted? Let him go and return to his house. (20:5,6,7,8)***

The Torah's sensitivity toward all Jews - regardless of background, personal status, or self-imposed emotional baggage - is evidenced in this parsha. Prior to the nation's leaving for battle, the Kohen Gadol Mashuach Milchamah, High Priest anointed specifically for the purpose of leading the people in battle and serving as their spiritual advisor during this stressful time, made a declaration telling the troops that anyone who was not emotionally fit for fighting in a war should return home from the battlefield. The emotional toll on a person during such a period of adversity is enormous. If a soldier's mind begins to wander to his new home, vineyard or bride, his mind is not focused on the battlefield. This could prove a danger to both him and his fellow soldiers. A lack of enthusiasm on the part of one soldier can have a devastating effect on the morale of an entire unit.

The Torah addresses four individual types who leave the battlefield, three of them having recently experienced a new milestone in their lives. The thought of not being there to share in its fruition - or knowing that someone else will - can preoccupy a soldier's mind, so that he is mentally not in a fighting state. Rashi teaches that, actually the first three are sort of a cover up to allow the fourth soldier, the yarei v'rach ha'leivav, the one who is fearful and fainthearted, to make an easy exit without calling much attention to his self-generated incapacitation.

Concerning the definition of he who is fearful and fainthearted, the Talmud Sotah 44a presents a dispute. Rabbi Akiva feels this is in reference to the truly fainthearted, cowardly person, who, due to his diffidence, will generate a sense of fear in the unit. Someone who lacks faith in Hashem's ability to deliver him from trouble has no business on the battlefield. He will adversely influence others. Rabbi Yosi HaGalili contends that fearful and fainthearted refers to one who has sinned and fears the negative implications of his behavior. Such a person feels himself unworthy of Hashem's favor. In order to protect the dignity of the fainthearted, the Torah also freed the three others, so that when the sinner or the coward went home, people would assume that he was one of the "good guys," one of those fellows who had just betrothed his wife, built a home, or planted a vineyard.

Without saying more, we now have an idea concerning to what lengths the Torah will go to protect the feelings of a person who is either a coward or a sinner. Neither of them

is very worthy, but the emotions of each are to be considered nonetheless. Imagine, if that year had been a boon year for real estate, enabling more people to build new homes. The agricultural system was in its prime, and more and more people were planting vineyards. The Shidduchim crisis for some reason seemed to ease up on families, extorting fewer demands in order to allow their children to get married. Thus, if so many people had left the ranks of the army to cover up for the few fainthearted individuals, it would have left a large deficit in the armed forces. Yet, the Torah says that a person's feelings take precedence. He must be protected. If it means allowing a few thousand soldiers to leave, so that a few cowards or even sinners should not be embarrassed, then, so be it. We are different than the rest of the world. Our Torah does not deal in numbers of soldiers, but in sensitivity to each and every individual Jew. Horav Chaim Zaitchik, zl, explains this further. The Sifri rules that the one who fears for his sins should return from the battlefield lest, due to his lack of merit, he might become a casualty of the war. If he does not return, it may be because his sense of shame over having committed a sin is so intense that he is willing to chance being killed in battle, rather than to confess to his sinful behavior! Hashem wants the Jewish soldier to know and to feel the frustration and pain, the shame and remorse, that overwhelm one who has sinned. He feels terrible; he is all broken up, but he is still not willing to let anyone know what he did. This is why others must leave, in order to provide a cover-up for the sinner.

Rav Zaitchik supports his claim that the fainthearted sinner is willing to die rather than confess his sin. Concerning the first three soldiers to return from the field, the Torah gives a reason: *pen yamus ba'milchamah*, "lest he die in battle." It does not write this concerning the sinner. Why? Because he is not afraid of death! He would rather die than be embarrassed!

We now have somewhat of an idea regarding the extent of sensitivity we must demonstrate towards others. The Manchester Rosh Yeshivah, Horav Yehudah Zev Segal, zl, was a gaon in mussar, brilliant ethicist; he was also a gaon in kindness. Reading his biography exposes the reader to the true meaning of *nosei b'ol im chaveiro*, "Sharing his fellow's burden." The Teshuvos Chasam Sofer, Orach Chaim 166, writes: "When a tzaddik worries and turns and feels compassion towards his fellow, he turns his full attention to his suffering; the tzaddik's anguish is so great that it is literally like the anguish of the person himself. Due to this phenomenon, Hashem relieves that person of his suffering, for He demonstrates mercy towards the suffering of the tzaddik." In other words, Hashem heals the sick person, because He does not want to cause undue pain to the tzaddik.

Sensitivity towards another person's pain and joy was one of the hallmarks of the Rosh Yeshivah. Many people care and are sensitive, but they do not always act with thoughtfulness. He thought about everything. Every moment of his life was brilliantly and meticulously thought out, so that, whatever he did for others was wholesome and without blemish. For instance, he was once attending a sheva brachos dinner in honor of a young couple with whom he was close. It was a festive meal accompanied by much singing and music. During the meal, his host received a call from a single woman who had endured many unsuccessful years of dating, to no avail. She was single and miserable. She put on a lovely show, but it was all show. Inside, she was falling apart. The host asked if the Rosh Yeshivah would mind speaking with her. Apparently, she was a close family friend of the host, and he cared deeply for her plight.

The Rosh Yeshivah readily agreed to speak with her, but insisted on speaking by extension phone from another room. He was concerned lest the young woman be aggravated by the sounds of wedding music accompanied with lively singing. The host cared and the Rosh Yeshivah cared, but the Rosh Yeshivah thought about every single aspect of the girl's feelings.

I conclude with a letter sent to the Rosh Yeshivah's family shortly after he passed away. It is not an unusual letter, but it does convey a specific message concerning the unique needs of those who are less fortunate than others. The letter was written by a woman who had been widowed for many years. "I have been a widow for twenty-one years. Most people do not realize that what is missing most for a person who is alone is the warmth and caring of another human being. This is where the Rosh Yeshivah excelled. His genuine warmth and concern were comforting. His initial, 'How are you?' and his inquiry about my health, livelihood and other pertinent matters in my life always engendered within me a feeling that someone cared about me. It also enabled me to have the strength to continue carrying my burden. His readiness to listen to my problems at any time and to give them his utmost attention was quite unique.

"His brachos, blessings, were an inspiration. When I would call him before Yom Kippur, he always took time from his busy schedule to offer his blessings. My eyes were never dry after hearing his heartfelt brachos. It gave me strength for all of Yom Tov. I cannot express in words the emotions I experienced at that moment. "I do not know how I could have managed without his emotional support and guidance all of these difficult years. Though my life is, Baruch Hashem, easier now, I still find it hard to continue without his help."

When people are alone, they just want to know that someone cares about them. Is it too much to ask each of us to be that someone?

Who is the man who built a new house... and who is the man who has planted a vineyard... and who is the man who had betrothed a woman... Let him go and return to his house. (20:5,6,7,8)

The Torah exempts the fellow who has recently built a home, planted a vineyard, or betrothed a young woman from going into battle. These people will not be good soldiers, since their minds are preoccupied with what they have left at home.

Interestingly, if someone owns a huge estate, has many orchards, or has a wife and seven children - he does not go home. Why? Does one who has great wealth and familial responsibilities have less on his mind than the poor fellow who has one small home, brand new vineyard, or has just become united with a woman? Apparently, the one who has much does not worry as much. Why?

Horav Yosef Shalom Eliyashiv, zl, explains that one who has amassed great wealth or has a large family is not preoccupied with it. During battle, he will concentrate on what is in front of him. He will fight. On the other hand, one who has just built a house, planted a small vineyard, or has betrothed a woman is finally at the edge of getting something of his own. Such a person cannot stop thinking about his achievement - an achievement that might have eluded him for years. The Torah recognizes the frail mindset of those who have yet to actualize their dreams, who are "almost" there. They will be concerned with only one thing: themselves. Such a person cannot be a soldier. *Sponsored by Rabbi & Mrs. Sroy Levitansky In memory of her parents Mr. & Mrs. Sol Rosenfeld Shlomo ben Zvi z"l niftar 7 Ellul 5735 Henna bas Binyomin Menachem a"h niftar 2 Av 5771*

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Drasha Parables By Rabbi Mordechai Kamenetzky

**Drasha Parshas Shoftim**

**Rabbi Mordechai Kamenetzky**

***The Gates of Justice***

Parshas Shoftim begins with the command to appoint judges in all the cities of Israel. The Torah states: Judges and officers shall you appoint in all your cities -- which Hashem, your God, gives you -- for your tribes; and they shall judge the people with righteous judgment (Deuteronomy 17:18). The issue is that actually the Torah does not say to appoint judges and officers in all the cities rather it uses a different Hebrew term all your gates. It is a strange expression. After all, the Torah is not referring to appointing officers to serve as border guards. Therefore the verse is translated as the gates of the cities, meaning, of course, all your cities. But why say the word gates instead of the word cities? Actually, the use of the word gates is analyzed by many commentaries, some that interpret the word gates as a reference to the personal gates of the human body the seven orifices which are a conduit to four of the five senses i.e. two ears, two eyes, two nostrils and a mouth. The Shalah (Shnei Luchos HaBris) explains that those bodily gates of entry need both officers and judges who are constantly on guard to ensure that only the right matter is absorbed. However, I'd like to present a simpler approach.

Often the readers of Faxhomily and Drasha send in stories from anthologies or personal reminiscences that I might be able to use in future faxes. Here is one that I received not long ago, though, unfortunately, I do not have the name of the author. He related the following revealing story:

I remember my wife's grandfather of blessed memory. He was a shochet (butcher), a Litvishe Yid (Lithuanian Jew). He was a very sincere and honest Jew. He lived in Kentucky, and later in life he moved to Cincinnati. In his old age he came to New York, and that is where he saw Chassidim for the first time. There were not too many Chasidim in Kentucky and Cincinnati. Once he went to a heart doctor in New York. While he was waiting, the door opened and a distinguished Chasidic Rebbe walked in accompanied by his gabbai (personal assistant). It seems that the Rebbe had a very urgent matter to discuss with the doctor, who probably told him to come straight into the office. The gabbai walked straight to the door and ushered the Rebbe in to see the doctor. Before going in, the Rebbe saw my grandfather waiting there. The Rebbe went over to my grandfather and said, "I want to ask you a favor. I am going to be with the doctor just one minute, if it's okay with you. If it's not okay with you, I won't go in. One minute is all I need."



My wife's grandfather said okay, and the Rebbe went inside. He was in there for a minute or so, and then he came back out. The gabbai was ready to march straight out the door, but the Rebbe walked over to him again, and said, "Was it okay with you? I tried hard to make it short. I think it was just a minute or two that I was there. Thank you so much. I really appreciate it." Later my wife's grandfather said to me, "I don't know much about Chassidim and Rebbes, but there's one Rebbe that I could tell you is okay." Perhaps the Torah is telling us that those who adjudicate and lead are not only responsible to the people while they are in the court of justice. They are responsible even in their entries and exits as well. By telling us that judges must be appointed at the gates, the Torah may be telling us that the demeanor of the court officers and judges does not merely begin when the judges are performing official judicious acts in courts. Our leaders have a tremendous impact wherever they may be even at an entrance into the gates of justice. Good Shabbos Rabbi Mordechai Kamenetzky is the Rosh Yeshiva of Yeshiva Toras Chaim at South Shore and the author of the Parsha Parables series. Project Genesis- Torah.org

**R' Michael Weingarten**

**RIT - YIH**

כי יפלא ממך דבר בין דם לדם בין דין לדין בין נגע לנגע דברי ריבת בשעריך וקמת ועלית אל המקום אשר יבחר יהוה אלהיך בו. ובאת אל הפתחים הלויים ואל השפט אשר יהיה בימים ההם ודרשת והגידו לך את דבר המשפט

"If a matter of judgment is hidden from you, between blood and blood, between verdict and verdict, between plague and plague, matters of dispute in your cities- you shall rise up and ascend to the place that Hashem, your God, shall choose. You shall come to the Kohanim, the Levites, and to the judge who will be in those days; you shall inquire and they will tell you the word of judgment." – Devarim 17:8-9

In his Sefer, Aderes Eliyahu, the Vilna Gaon notes that our verse divides Halacha into the three distinct categories. "דם" is a reference to the laws of issur v'heter, "דין" connotes issues related to monetary law, and "נגע" is an allusion to the laws of tumah v'taharah. The Gaon writes that these three areas of Halacha are unrelated to each other and as such, any leniencies and stringencies found in one area cannot be applied to another.

Although the pasuk provides clear directions to those seeking a resolution of their dispute, regardless of its nature, at first glance, the pasuk does not offer overarching guidance to those tasked with adjudicating cases in these three divergent areas of Halacha. What central ethos should the judges strive to incorporate into their formulation of the verdict? Should they judge with mercy, allowing their hearts to influence their minds, or should they render a decision bereft of emotion, one that relies purely on logic and the evidence at hand?

Perhaps if we look closely, we can find in the pasuk a response to the aforementioned questions. Traditionally, the words "בין דם" are read as "between blood". However, the phrase can also be read as "בין" "ד" and "ם" i.e. the difference between "ד" and "ם". The gematria value of "ד" is 4 and "ם" is 40. As such, the numerical difference between ("בין") them is 36. If we read the next phrase of the pasuk, בין דין, in a similar manner, we find that the numerical difference between ("בין") the letters in the word דין is 46 (The gematria value of "ד" is 4 and the gematria value of "י" is 10 leading to a difference between them of 6. The gematria value of "י" is 10 and the gematria value of "ן" is 50, their difference being 40). Finally if we read the third phrase of the pasuk, "בין נגע", in the same fashion, we find that the numerical difference between ("בין") the letters in the word "נגע" is 114. The pasuk is therefore providing the judges with the following instructions: "although you will be required to pass judgment in three distinct areas of halacha, your overarching outlook must be the same throughout. Whether the dispute be regarding issur v'heter (בין דם), or a monetary one (בין דין), or an issue in tumah v'taharah (בין נגע), your approach must not be overly focused,

concentrating on the minute details while losing sight of the broader picture. Rather, you must render judgment in each distinct area of halacha while taking into consideration the Torah and its purpose as a whole, combining the knowledge gleaned from דם (36) + דין (46) + נגע (114) into one overarching perspective in order that your ruling be 196 i.e. בצדק. Only after a judge has recognized that his overall outlook בין דין, בין דין, and בין נגע must be בצדק is he fit to rule on issues pertaining to "לדם" or "לדין" or "לנגע" i.e. to focus on a specific area of Halacha.

As we enter Elul and the days leading up to the Yomim Noraim, may we be zocheh to fulfill the pasuk of בצדק תשפט עמיתך. For if we are able to judge others with righteousness, granting them the benefit of the doubt, we are assured by our Sages that Hashem will also focus on the broader picture, viewing our questionable actions in a favorable light. As the Gemara writes in Shabbos (151b) "whoever is merciful to others is granted mercy from heaven"...

*"As the effort, so is the reward" - Pirkei Avot*

*"That which is unpleasant to you, do not do unto your neighbor. This is the entire Torah and the rest but it's exposition. - Hillel*

*"It is our choices, Harry, that show what we truly are, far more than our abilities." - Albus Dumbledore*

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**Rabbi Yissocher Frand - Parshas Shoftim**

### ***One Corrupt Judge May Blind Two Wise and Righteous Judges***

The beginning of the parsha contains the positive commandment: "Judges and officers shall you appoint in all your cities – which Hashem, your G-d gives you – for your tribes; and they shall judge the people with righteous judgment." [Devarim 16:18]. The positive commandment to appoint judges is immediately followed by the negative commandments associated with perverting judgment, showing favoritism to one of the disputants in a court case, and taking bribes. The Torah warns that bribery has the ability to blind a person and render his judgments subjective, unfair, and illegal. I saw an insight quoted in the name of a disciple of Rav Chaim Vital (himself a disciple of the Ari z"l). The disciple questions the grammatical structure of the Torah's prohibition against taking bribes: "...And you shall not take a bribe (which is written in the singular) for the bribe will blind the eyes of the wise (Chachamim - plural) and pervert the words of the righteous (Tzadikim – also plural). [Devarim 16:19] Rav Chaim Vital asks why the pasuk switches in mid-sentence from the singular form to the plural form. Typically, in the Jewish system of justice, a court case will have more than a single judge. Either there will be 3 judges (e.g. – in most monetary cases) or there will be 23 judges (e.g. -- in capital cases) or there will be a full Sanhedrin of 71 judges (See Mishna Sanhedrin 1:1 for examples). We would rarely have a case involving just one judge. Given this judicial structure, if one judge takes a bribe, we really should not need to worry about corruption, because he will in any case be over-ruled by at least two other judges who have not been tainted by receiving a payoff. The principle of "majority rules" should provide a fail-safe system to protect us from individual corrupt judges!

The Torah is teaching us that this is not the case. The power of subjectivity is such that this one partial judge, who is so bent on throwing the case on behalf of the person who paid him off, will use his powers of persuasion to influence the other judges as well. The Torah is telling us: "You shall not take a bribe lest your corrosive influence will blind the eyes and pervert the words of your fellow judges, who may themselves be wise and righteous." This explains why the prohibition to take a bribe is formulated in the singular while the phrase "for the bribe will blind the eyes of the wise and pervert the words of the righteous" is expressed in the plural.

### **Words of the Holy Ari Which Need No Further Elucidation**

Having just quoted an insight from a second generation disciple of the Ari z"l, I would now like to share an idea from the Ari Hakadosh himself. A pasuk in our parsha teaches: "If a matter of judgment will be hidden from you, between blood and blood, between verdict and verdict, or between affliction and affliction, matters of dispute in your cities – then you shall rise and ascend to the place that Hashem, your G-d shall choose." [Devarim 17:8] On a straight-forward level, this pasuk is teaching that when a court is confronted with a matter – whether of ritual or civil or criminal nature – that is beyond their ability and judicial competence to resolve, they should take it to the Sanhedrin, the Jewish High Court, which resides in proximity to the Temple in Jerusalem.

This is the simple interpretation ("p'shuto shel Mikra"). But, as we all know, Torah can be interpreted and studied on many different levels. The Ari z"l, in his Likutei Torah on Pars has Sho'fetim, says there is an allusion ("remez") in this pasuk as well. He quotes an idea found in the Zohar.

The Heavenly Angels asked the Almighty at the time of the Destruction of the Temple, "Master of the Universe, You wrote in Your Torah (in connection with the slaughter of a kosher wild animal or bird) 'And you shall spill his blood and cover it with dirt' [Vayikra 17:13]. How is it that You were so compassionate even regarding the blood of a slaughtered chicken, insisting that it must be covered, whereas here (regarding the Temple destruction) Your people are being slaughtered with no compassion as it is written 'Their blood was spilled like water around Jerusalem and there was no one to bury.' [Tehillim 79:3]?"

I recently heard a story of someone who took his mother back to Hungary. As they were crossing a bridge, he saw his mother begin to shake. He asked her what was wrong. She said she was reminded that the Nazis, may their name be blotted out, used to want to save on bullets. They would tie people together, put them on the bank of the river, and shoot one or two of them, causing them all to drown. The mother told her son she remembered how the river – at exactly the point they were now crossing – had turned red from the blood of the Jews.

This is the question the Heavenly Angels asked the Almighty: You are particular about the blood of a chicken and so (apparently) callous when it comes to the blood of Your people. Why is that?

The Zohar continues with the Angels' queries to the Almighty: "You have written in Your Torah 'An ox or lamb and its offspring you shall not slaughter in a single day' [Vayikra 22:28]. You are so compassionate that you prohibit the slaughter of a mother and its offspring on the same day and yet at the time of the Destruction (Churban) mothers and children were slaughtered together!

You have written in your Torah "...and they shall empty out the house..." [Vayikra 14:36]. You were so particular for the loss of Jewish property that You commanded that the Kohen instruct that the house be emptied of valuables before proclaiming the house and its contents to be impure as a result of a 'Nega' on the walls of the house, and yet look at the loss of Jewish property at the time of the Churban! How could You, who were so worried about the blood of a chicken, the feelings of an animal, and the loss of Jewish property in the situation of 'Negaim' on houses be so callous regarding these same matters at the time of the Destruction? How could You let this happen?

The Master of the World answered: "You question why all these things are happening? It is because there is no peace and if people do not live at peace with one another, there is nothing."

The Ari z"l writes that this whole dialog is hinted at in this very pasuk [Devarim 17:8]: When you are perplexed by a matter of judgment, when you don't understand the distinction between one blood (that of a chicken which must be covered) and another (that of the Jewish people which is flowing like water); between one judgment (that of the 'mother and its offspring' when it comes to livestock) and another judgment (against the Jewish people where mother and children are slaughtered together on the same day);

between one house which has a 'nega' (where we save as much property as possible) and another house with a 'nega' (the Beis HaMikdash which had to be totally destroyed), to find the answer to these perplexing questions – writes the Ari z"l – go to the end of the pasuk which explains it all: "matters of dispute in your cities". It is because of the disputes and lack of peace that exists in your society that all these punishments and apparent lack of Divine compassion has come upon you.

The remedy is – as the pasuk continues – "to go up to the place that Hashem your G-d shall choose." Jerusalem, the place of G-d's choice, will ideally be the city of peace and unity, as it is written "The built-up Jerusalem is like a city that is united together." [Tehillim 122:3]. In the built-up Jerusalem, writes Ari z"l, all Jews will be united in comradeship. Through Torah they will become unified, and peace will reign amongst them.

These words of the Holy Ari need no further elucidation.

### **Why Did The King Need Two Sifrei Torah?**

The Torah commands that a King have two personal copies of the Torah: "And it shall be that when he sits on the throne of his kingdom, he shall write for himself two copies of this Torah in a scroll, from before the Kohanim, the Levites." [Devarim 17:18]

Every Jew has an individual commandment to write a Sefer Torah. The King must write two Sifrei Torah, one that accompanies him wherever he goes and a second one that he keeps privately in his treasure house. Of the first we are taught: "It shall be with him, and he shall read from it all the days of his life, so that he will learn to fear Hashem, his G-d, to observe all the words of this Torah and these decrees, to perform them." [Devarim 17:19] Many discuss the need for the second Sefer Torah. Why was it necessary? No one ever got smarter because he had two Sifrei Torah or two Shas Bavlis or duplicates of any other work of Torah literature! Obviously, the requirement for the king to have two Sifrei Torah is teaching some kind of message. I saw an interesting explanation from Rav Uziel Mulevsky, z"l. Rav Mulevsky writes that normally we are supposed to conduct ourselves based on the principle of "tocho k'Baro" – acting outwardly the same way we feel inwardly [Brachos 28a; Yoma 72b]. Simply stated, people who interact with us should be guaranteed that "what you see is what you get". A person should not have one type of behavior for the public and then act in a different way privately. He should not be a hypocrite. However, there is one person within the Jewish nation where this "what you see is what you get" rule of thumb should not be strictly applied. That is in case of the king. A king must act outwardly with a certain amount of haughtiness and prestige, pomp and ceremony. However, this must all merely be an act. Privately, he must be humble. This is a great challenge. In front of the people, a king must constantly act as a leader in charge and in full control. A king is literally allowed to kill someone on the spot for rebellious insubordination ("more'd b'malchus"). Putting on such a show of force on a constant basis is not for the spiritually faint hearted. Scripture attributes failure to live up to this necessary personality trait as one of the fatal character flaws of King Saul. He was such a modest person that he could not be assertive enough towards the people. He was too humble. A king needs this dual personality – a prestige driven personality outwardly and a humble personality inwardly. For this reason, a king needs two Sifrei Torah. One goes out with him and must teach him how to be the assertive person who is the leader of the Jewish people and one which must stay with him privately to teach him how to be the modest and humble person that he must remain on the inside. The second Sefer Torah reminds him "You are just a human being and you put on your pants one leg at a time just as everyone else does." This is an inherent dilemma of leadership. It is very easy to become corrupted. As a Gentile philosopher once said, "Power corrupts and absolute power corrupts absolutely". A Jewish king must always be afraid of this. The antidote which the Torah offers to this dilemma is the two Sifrei Torah – one that goes out with him and one that is hidden away in his personal treasury.

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

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### **Rav Kook List**

#### **Rav Kook on the Torah Portion**

##### ***Third of Elul: Stay in the Land!***

##### ***This coming Friday is the 3rd of Elul, the date that Rav Kook ZT"L passed away in 1935.***

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

Prof. Zondek was an early victim of the rise of Nazism in Germany. In 1933, while treating patients in his Berlin hospital, he was called to his office.

There an SS officer informed Zondek that he was dismissed from his position as director of the Berlin City Hospital - effective immediately. His service during World War I as a military physician, his highly-respected medical research, and his well-placed patients, which included German chancellors - these all counted for naught.

That very night, Zondek fled Germany. He later commented, "It was only after I left Germany that I realized that, until 1933, the Jews were living in a fool's paradise."

#### **Final Request**

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

Zondek recalled:

"In his final hour, he was in severe pain. The room was full of people; and his colleague-student Rabbi Yaakov Moshe Charlap sat by his bed.

"About half an hour before his death, the rabbi took my hand in his. With great emotion, he told me,

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

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

(Adapted from Shivchei HaRe'iyah, p. 304.)

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[http://ohr.edu/this\\_week/insights\\_into\\_halacha/](http://ohr.edu/this_week/insights_into_halacha/).

### **Insights into Halacha**

**For the week ending 30 August 2014 / 4 Elul 5774**

***Of Elul, L'David, and Golems***

***by Rabbi Yehuda Spitz***

There is near universal Ashkenazic custom during the month of Elul to recite the Chapter of Tehillim (27) "L'Dovid Hashem Ori" during davening, both every morning and evening, and all the way up to Shmini Atzeres[1], as preparation for the Yomim Noraim. This custom is based on the Midrash Shochar Tov[2] that elucidates that various phrases of this chapter contain allusions to the holidays of the repentance period - Rosh Hashana, Yom Kippur, and Sukkos, as well as to the month of Elul itself[3].

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

Where's the source?

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

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

Who's Who?

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

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

A Golem as a Tzenter?

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

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

The Mishna Berura does not actually rule, but rather addresses the issue and concludes that it is a safeik; which is actually the main thrust of the Chacham Tzvi's teshuva - that he personally was undecided as to the proper halacha. Although the majority consensus is that a Golem would not count for a

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

What is lesser known (and actually seemingly unknown to many later authorities, including the Mishna Berura) is that posthumously, another son of the Chacham Tzvi, Rav Meshulem Ashkenazi, in his responsa, appended and printed a later teshuva from his father (Shu"t Divrei HaRav Meshulem vol. 1, 10 s.v. shayach); in it the Chacham Tzvi actually retracted his original position and ruled strictly as well. Either way, and regardless of what one might want to assume about his fellow mispalleim, the vast majority of poskim rule conclusively that a Golem cannot be counted for a minyan[13].

The Second Rav Eliyahu

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

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

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

Much of this article is based on Rabbi Eliezer Brodt's fascinating sefer Likutei Eliezer - Ch. 1.

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

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

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

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

[5]See the Mishna Berura's introduction to Orach Chaim 581.

[6]For long list of recent works addressing this see Rabbi Eliezer Brodt's Likutei Eliezer (pg. 1, footnote 2).

[7]See, for example Katzeh HaMatteh (Glosses on the Matteh Efraim 581, 13) and Likutei Eliezer (pg. 4).

[8]Cited in Likutei Eliezer (pg. 7).

[9]Likutei Eliezer ibid.

[10]For more on this topic see Yeshurun (vol. 17, pg. 665 - 666), in the article by Rabbi M.D. Chichik about Rav Eliyahu Baal Shem from Chelm. In fact, the story of Rav Eliyahu and his Golem was recently adapted as a hardcover comic book entitled "The Golem of Chelm - Hayah V'Nivra".

[11]Shem Gedolim (vol. 1, Ma'areches Gedolim - Ma'areches Alef, 166).

[12]Although the majority consensus is that a Golem would not count for a minyan (as detailed in the next footnote), there were several other authorities who defended the Chacham Tzvi's tzad that a Golem would be able to count for a minyan, including Rav Yosef Engel (Gilyonei HaShas, Sanhedrin 19b s.v. sham maaleh alav) and the Likutei Chaver Ben Chaim (vol. 5, pg. 64a, comments on Chacham Tzvi 93), who dismisses one of the Chid"ra's counter-arguments, explaining that even a Golem should need to be 13 years old from the day he was created to count for a minyan! See also Shu"t B'tzeil HaChochma (vol. 6, 99 s.v. uvmch"t) who explains that the very fact that the Chacham Tzvi was originally mesupak whether a Golem can be included as part of Bnei Yisrael and count for a minyan (and although not the halacha l'maaseh) shows that he held that a Golem is mechuyev b'mitzvos; otherwise, there is no hava amina to count him for a minyan! However, it is important to note that although it was apparently not known to the Mishna Berura nor these authorities, the Chacham Tzvi actually later retracted his position!

[13]Including the Chid"ra (Birkei Yosef, Orach Chaim 55, 4 s.v. u'lmai, Machazik Bracha ad loc, Tzavarei Shalal to Parshas Va'eschanan, Midbar Kedmos - Maareches Yud, 27, and sefer Maris HaAyin on Sanhedrin 65; also quoting the Chessed L'Alafim), the Ikrei HaDat (Ikrei Dinim, Orach Chaim 3, 15), the Rogatchover Gaon (Shu"t Tzafnas Paneach vol. 2, 7), the Kaf HaChaim (Orach Chaim 55, 12), the Rivevos Efraim (Shu"t vol. 7, 385; in a teshuva from Rav Yosef Binyamin Tzarfati of Antwerp), and the Minchas Asher (Parshas Noach, 12, 2). Similarly, Rav Tzadok HaKohen M'Lublin, in his sefer written on Torah topics that occurred to him while dreaming (Kuntress Divrei Chalomos, 6; appended to his sefer Resisei Laylah; cited in Rabbi Mordechai Zev Trenk's "Treasures" pg. 44 - 45), as well, argues that the Ya'avetz's psak that a Golem cannot be counted for a minyan is the correct ruling. Interestingly, the Mahar"i Assad (Shu"t Yehuda Ya'aleh vol. 1, 26 s.v. v'da), ties this machlokes to the machlokes whether someone sleeping can count for a minyan [Orach Chaim 55, 6; the Taz and Pri Chadash take an opposing viewpoint to the Shulchan Aruch and Magen Avraham].

[14]Although legends about the Maharal's Golem have been in print since 1837, the well known stories that captivated the popular imagination were actually first published in the early 20th century (Niflaos HaMaharal) by Rav Yudel Rosenberg, author of the famed Yados Nedarim. He was also known for translating the Zohar into Hebrew, and later served the Av Beis Din of Montreal, Canada. For more on this topic see Prof. Shneur Zalman Leiman's excellent "R Yudel Rosenberg and the Golem of Prague", (Tradition vol. 36, 1 - 2002). There is a famous related quote attributed to Rav M. Arik [originally printed in Zer Zahav (Tzitzernbaum; published in 5693), and later cited in the introduction to Machon Yerushalayim's recent Chiddushei Maharal M'Prague on Bava Metzia (pg. 14, footnote 1)] that "it is unknown whether the Maharal actually created a Golem. However, to have 'created' a talmid of the stature of the Tosafos Yom Tov, is certainly a greater wonder!"

*Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.*

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By Rabbi Yirmiyohu Kaganoff

Because *parshas Shoftim* discusses giving the *kohain* wine of *terumah*, it provides an opportunity to discuss some laws about the *brachos* germane to drinking wine and the making of *Kiddush*.

### Women, Kiddush and Bracha Acharonah

By Rabbi Yirmiyohu Kaganoff

This week's article is dedicated in memory of Esther Raizel bat Yechiel Michel HaLevi Epstein, whose first *Yahrtzeit* is on 3 Elul. By her son Paul Epstein

Arriving in my *shul* office one day, I check my schedule to see what the day's activities will bring. The schedule notifies me that Leah Greenberg (not her real name) has an 11 o'clock appointment. I am curious what issues she plans to bring me today. Leah is highly intelligent and usually has interesting questions to discuss.

An 11:05 knock on my door announces her arrival. After she seats herself in my office, I ask her what has brought her this morning.

"As you know, I do not come from an observant background," she begins. "Although I have been observant now for many years, I always feel that I am missing information in areas of *halacha* that I need to know. Instead of asking you these questions over the phone, I wanted to discuss all the questions I have on one subject matter, in person, at one time. - I thought that this way, you could perhaps explain to me the *halachos* and the issues involved."

It would be nice to spend a few moments doing what I enjoy most, teaching Torah. I encouraged Leah to read me her list.

"My first two questions have to do with *kiddush* Shabbos morning. I believe I was told years ago that I should make *kiddush* before I eat Shabbos morning. Recently, someone told me that this was not necessary. What should I do?"

"Many prominent *poskim* rule that a married woman does not need to recite *kiddush* until her husband has finished *davening* (*Shu't Igros Moshe, Orach Chayim* 4:101:2). In their opinion, there is no requirement to recite *kiddush* until it is time to eat the Shabbos meal, which, for a married woman, is when her husband is also ready. Others contend that she should recite *kiddush* before she eats (*Shu't Minchas Yitzchok* 4:28:3; *Shmiras Shabbos Kehilchasah* 2:153)."

"Not questioning what you have told me, which is what I intend to do, I know very religious women who do not recite *kiddush* until the Shabbos meal. Some of them are not married, so the reason you told me above would not apply to them."

"In some places, there is a custom that women who eat on Shabbos morning before the meal do not recite *kiddush*, and, therefore, you should not say anything to women who follow this practice (*Daas Torah* 289). But what you are doing is definitely preferable."

"My next question has to do with a mistake I made last week. Last Shabbos morning, after I made *kiddush* and ate *mezonos* to fulfill the *kiddush* properly, I recited the after *bracha* on the cake, but forgot to include *al hagafen* for the wine I drank. I didn't know whether I was supposed to recite the *bracha acharonah* again, in order to say the *al hagafen*, or whether I should do nothing."

"What did you end up doing?" I inquired, curious to see how she had resolved the predicament.

"Well, I didn't have anyone to ask, so I waited until my son came home from *hashkama minyan* and made *kiddush*, and then I had him be *motzi* me in the *bracha acharonah*."

"That was a very clever approach. You actually did what is optimally the best thing to do, provided that you have not waited too long for the *bracha acharonah*. But let me ask you first: Why were you uncertain what to do?"

"Well, I know that after eating cake and drinking wine or grape juice we recite the long after *bracha* beginning and ending with both *al hamichyah* (for the food you have provided us) and *al hagafen* (for the wine and its fruits). I had recited this *bracha*, but I left out the parts referring to wine. So, I was uncertain whether I had fulfilled the mitzvah with regard to the wine, since I had only mentioned *al hamichyah*, which refers only to the cake."

"Your analysis of the question is very accurate," I responded. "I hope that you do not mind that I am going to answer a question with a question. What happens if you only drank wine and ate nothing at all, and then afterwards recited *al hamichyah* and did not mention *al hagafen* at all? Or for that matter, what happens if you recited the full *bensching* after drinking wine. Did you fulfill your responsibility?"

"I would think that you did not fulfill the mitzvah, since you did not recite *al hagafen*," Leah responded. "But, because of the way you asked the question, I guess I am wrong. I told you that I don't have the strongest *halacha* background."

What a beautiful *neshamah*! Leah was always eager to learn more about *Yiddishkeit* and *halacha*, and she always felt humble. This is how we should always feel before the Almighty. In truth, she was usually far more knowledgeable than most people who take their *Yiddishkeit* for granted.

I return to our conversation.

"I presented you with two cases. If someone *bensched* a full *bircas hamazon* after drinking wine but not eating anything, we *paskin* that he should not recite a new *bracha acharonah*, since wine does provide satisfaction (*Shulchan Aruch, Orach Chayim* 208:17). However, many other foods, such as most fruit, are not satisfying enough to be to be included in *bensching*. Therefore, the *bracha* of *bensching* is inappropriate for them, and one must recite the correct *bracha acharonah*.

"In the case of someone who recited *al hamichyah* instead of *al hagafen*, there is a dispute whether he must recite *al hagafen* or not. Most *poskim* contend that one has fulfilled the mitzvah and should not recite a new *bracha*" (*Levush* 208:17; *Elyah Rabbah* 208:26; cf., however, *Maadanei Yom Tov* and *Pri Megadim* [*Mishbetzos Zahav* 208:16] who disagree and rule that one must recite *al hagafen*.)

"Then it would seem that I should not have recited *al hagafen*, and I did not have to wait for my son to come home. Why did you say that I did what was optimally correct?" "Actually, your case is a bit more complicated than the ones I just presented."

"How so?"

"In the two cases I mentioned, reciting full *bensching* or *al hamichyah* after wine, one did not eat anything at all that would require *bensching* or *al hamichyah*, so the *bracha* can have referred to the wine only. The *halachic* question in this case is whether this *bracha* can ever refer to wine or not. If the *bracha* can never refer to wine, then it has the status of a *bracha levatalah*, a *bracha* recited in vain.

"However, when you drank wine and ate cake, you were required to include two different themes, one for the wine and the other for the cake, but you included only one. Here our question is whether one theme will fulfill both *bracha* requirements."

"I find this rather confusing. Either the *bracha al hamichyah* works for wine or it does not. How can it sometimes work and sometimes not?"

"Let me give you a different example that will be more familiar. What happens if you recite the *bracha* of *borei pri ha'adamah* on an apple?"

"I have been told that one isn't supposed to do this, but if you did, one should not recite a new *bracha*."

"That is exactly correct. Now, let me ask you another question. What happens if you plan to eat an apple and a tomato, and you recited *borei pri ha'adamah* on the tomato? Do you now recite a *borei pri ha'eitz* on the apple, or is it covered with the *borei pri ha'adamah* that you recited on the tomato?"

"I understand," replied Leah. "One is not supposed to recite *ha'adamah* on an apple, but if one did, he fulfilled his requirement. However, if one is eating an apple and a tomato, and recited *ha'adamah* and then ate the tomato, he still must recite *ha'eitz* on the apple."

"Precisely."

"But why is this?"

"The *ha'adamah* does not usually apply to the apple, which does not grow directly from the ground. However, when there is nothing else for the *ha'adamah* to refer to, it does apply to the apple, since it grows on a tree which grows from the ground. Therefore, when one recites *ha'adamah* on an apple, one does not recite a new *bracha*. But when one recited the *ha'adamah* on a tomato, the *bracha* does not include the apple."

"Are there any other examples of this rule?"

"There are many. Here's one. As you know, the correct *bracha* after eating grapes is *al ha'eitz ve'al pri ha'eitz* (for the land and for the fruits of the land), not *al hagafen ve'al pri hagafen* (for the vine and for the fruits of the vine), which refers specifically to wine. However, if one recited *al hagafen* after eating grapes, one should not recite a new *bracha*, since the literal wording of the *bracha* includes all fruits of the vine, which also includes grapes (*Shulchan Aruch, Orach Chayim* 208:15). But, what happens if someone finished a snack in which he ate grapes and drank wine?"

"I believe he is supposed to recite *al hapeiros ve'al hagafen*," Leah interposed.

"Correct. But what happens if he recited just *al hagafen* and forgot to say *al hapeiros*? Must he now recite a *bracha* of *al hapeiros*, because of the grapes, or was he *yotzei* with the *al hagafen* that he recited?"

"Based on the direction that you are leading me, it would seem that he must recite *al hapeiros*, since the *bracha* of *al hagafen* referred only to the wine he drank, just like the *ha'adamah* referred only to the tomato and not to the apple (*Shulchan Aruch, Orach Chayim* 208:14)."

"Excellent."

"May I conclude that someone who recited *al hamichyah* on wine fulfilled his requirement if he drank only wine, but did not fulfill the requirement to recite a *bracha acharonah* on the wine, if he also ate cake?"

"Some *poskim* reach exactly this conclusion (*Shu't Har Tzvi, Orach Chayim* #105). However, others rule that one has fulfilled the requirement of a *bracha acharonah* on the wine, also, and should not recite *al hagafen*. They reason that *al hamichyah* includes any food that satisfies, even while eating another food (*Kaf Hachayim* 208:76). That is why I told you that having someone be *motzi* you in the *bracha acharonah* is the best option, since it covers all bases."

“This whole discussion is very fascinating, and I think it leads into the next question I want to ask. I know that the correct *bracha* after eating grapes is *al ha'eitz ve'al pri ha'eitz*, but the correct *bracha* after eating most fruit is *borei nefashos*. What do you do if you eat both grapes and apples as a snack? Somehow it does not sound correct that you make two *brachos*.”

“You are absolutely correct. Although the *bracha* after eating an apple is *borei nefashos*, when one recites *al ha'eitz ve'al pri ha'eitz* anyway, that *bracha* also covers the apples or other fruit that one ate (*Shulchan Aruch, Orach Chayim* 208:13).”

“What happens if I ate an apple and drank some grape juice at the same time? Do I recite one *bracha* or two afterwards?”

“This a really good question – Rav Moshe Feinstein actually has a *teshuvah* devoted exactly to this question. But before presenting his discussion, we first need to discuss a different *shaylah*.” I paused for a few seconds before I continued.

“What is the closing of the *bracha* we recite after drinking wine?”

“All I know is what it says in the *siddurim* and the *benschers*. There it says to recite “*al ha'aretz ve'al pri hagafen*.”

“We follow this version (*Taz, Orach Chayim* 208:14), but actually there is another text to the *bracha* that is also acceptable.”

“What is that?”

“Some *poskim* rule that one should close with *al ha'aretz ve'al hapeiros*, meaning that the closing of the *bracha* on wine is the same as it is on grapes, dates, or olives.

According to this opinion, the *bracha* after drinking wine begins with *al ha'aretz ve'al pri hagafen* and ends with *al ha'aretz ve'al hapeiros* (*Rambam*). Although I have never seen this text printed in any *benscher* or *siddur*, *poskim* quote it as a perfectly acceptable version (*Shulchan Aruch, Orach Chayim* 208:11). However, according to both opinions one begins the *bracha* with the words *al hagafen ve'al pri hagafen*.”

“May I ask you something at this point,” Leah interjected. “You told me before that if someone ate grapes and apples he recites just one *bracha al ha'eitz ve'al pri ha'eitz* for both the grapes and the apples. Could one recite only one *bracha* after drinking wine and eating apples? Even according to the opinion that after drinking wine one concludes by mentioning fruit, the *bracha* begins with the words *al hagafen ve'al pri hagafen* and does not mention fruit until its end. Can one recite one *bracha* that mentions both *al hagefen* and *al hapeiros* after consuming wine and an apple?”

I must admit that I was astounded by the pure brilliance of her analysis. Leah was unaware that she had just unraveled the core issue in Rav Moshe Feinstein’s *teshuvah* (*Shu't Igros Moshe, Orach Chayim* #72) on the subject, and that she had zeroed in on a dispute among the *poskim* whether an after *bracha* that begins with a reference to grapes and ends with a *bracha* on fruits suffices to fulfill the requirement after one drank wine and ate a fruit other than grapes.

“Now I can explain the *shaylah* you asked whether someone who ate an apple and drank grape juice at the same time makes one *bracha* or two. Rav Moshe says that it depends which *bracha* he recites at the end of the *bracha* after drinking the grape juice. If he recites *al ha'aretz ve'al pri hagafen*, then he should recite a *borei nefashos* afterwards, because neither part of the *bracha* referred to fruit, only to grapes. However, if he concludes with *al ha'aretz ve'al hapeiros*, there is a dispute what to do and one should not recite a *borei nefashos*.

“May I ask one last question?”

“Feel free to ask as many as you like. My greatest pleasure in life is answering questions about Torah.”

“I know that when we eat fruit that grew in *Eretz Yisroel*, we modify the end of the *bracha acharonah* to reflect this fact. Do we do the same thing if we drink wine produced in *Eretz Yisroel*?”

“After drinking wine or grape juice produced from grapes that grew in *Eretz Yisroel*, one should recite *al ha'aretz ve'al pri gafnah*, for the land and for the fruit of its vine, or *al ha'aretz ve'al peiroseha*, for the land and for its fruit, thus praising *Hashem* for our benefiting from the produce of the special land He has given us.

“What *bracha* do we recite after eating cake or crackers made from flour that grew in *Eretz Yisroel*?”

“Some *poskim* contend that one should recite “*al michyasah*” on its produce, after eating flour items that grew in *Eretz Yisroel* (*Birkei Yosef* 208:10; *Shu't Har Tzvi* #108). However, the prevalent practice is to recite “*al hamichyah*” and not “*al michyasah*” after eating pastry or pasta items, even if they are made from flour that grew in *Eretz Yisroel* (*Birkei Yosef* 208:10).”

“Why is there a difference between flour and wine?”

“When eating fruit and drinking wine, the different nature of the source country is very identifiable. Therefore, these *brachos* should reflect a special praise of *Eretz Yisroel*. However, when one makes a product from flour, the source of the flour is not obvious in the finished product. Thus, praising *Hashem* for the special grain His land produces is inappropriate.”

“I have really enjoyed this conversation, and if possible would like to continue it at a different time with other questions.”

“It will be my pleasure.”

Leah left with a big smile on her face, having now mastered a new area of *halacha*.

Although I was technically the teacher of the meeting, I learned a tremendous amount from her in terms of enthusiasm for *mitzvos* and humility in serving *Hashem*.