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Dedicated to the speedy recovery of Mordechai ben Chaya

Parshas Shoftim

"I Should Accept Him As My Rabbi?"

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #1214 – The Danger of Cutting Down a Fruit Tree. Good Shabbos!
"I Should Accept Him As My Rabbi?"

In Parshas Shoftim, the pasuk says: "If a matter of judgment will be hidden from you, between blood and blood, between verdict and verdict, or between afflictions and affliction, matters of dispute in your cities – you shall rise and ascend to the place that Hashem, your G-d, 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." [Devorim 17:8-9]. The Gemara [Rosh HaShannah 25b] makes a famous comment on the words "that will be in those days": The Gemara asks "Would I think that I should go to a judge who was no longer alive?" The Gemara derives a very important lesson from this precise terminology: "You have no judge other than the one who is present in your days." You need to go to the Gadol and Posek of your generation. Even though every generation that is farther removed from Sinai experiences Yeridas HaDoros (spiritual descent of the generations), nevertheless we have no choice but to go to the judges present in our own times.

As we get older, many of us here remember Gedolim of yesteryear. The Siyum HaShas is an incredible, wonderful event. But every Siyum HaShas — which happens every seven and a half years — there is a nostalgic feeling when looking upon the dais and thinking "I remember when..." I remember when Rav Moshe Feinstein and Rav Yaakov Kamenetsky and Rav Ruderman and Rav Hutner and the list goes on and on. Today we go to the Siyum HaShas and to Conventions and we see that those Gedolim are already not amongst us. There is this understandable feeling of "I should go to him?" "I should ask my Shaylos of him?" "I remember when he was running around playing stick ball!"

That is what the pasuk is telling us. You have no judges other than those in your own day. You have to respect them and accept their ruling. These are the Shoftim and the Gedolim that HaKadosh Baruch Hu has provided for our particular generation.

Rabbi Abraham Twerski cites the following idea in one of his sefarim: The Torah speaks of the "souls that Avram made in Charan." The Rambam describes in the beginning of Hilchos Avoda Zarah that Avraham Avinu brought thousands of people under the wings of the Divine Presence. And yet what happened to those thousands of people? We really find only one person who is a true spiritual descendant of Avraham Avinu and that is his son, Yitzchak. What happened to all the Nefesh asher asa b'Charan? Some of the meforshim speculate that after Avraham died and Yitzchak took over, the converts made by Avraham said "I should go to Yitzchak? I remember when Yitzchak was just a toddler!" Therefore, they did not accept his authority.

I was in Europe this past summer (2016). We went to the Kever of the Chasam Sofer (Rabbi Moshe Schreiber [1762-1839]). As part of the preparation for this tour, I did a lot of research about the Chasam Sofer, his Yeshiva, his life, etc., etc. The Chasam Sofer was niftar when he was 76 years old. When he died, his son the Kesav Sofer (Rabbi Avraham Shmuel Binyamin Schreiber [1815-1871]), was only in his twenties. It is incredible to imagine the impact the Chasam Sofer had. He was THE Gadol Hador! Here it is, his son, who was in his twenties was taking over the Yeshiva and taking over the city.

At the Chasam Sofer's levaya, the Dayan of Pressburg (which is today Bratislava) got up and announced to the Kesav Sofer "I accept you as my Rav (Rabbinic authority), Mazal Tov! The entire Tzibbur — there were thousands of people there — were crying! The Chasam Sofer was gone and they all yelled out "Mazal Tov!"

Have you ever been at a funeral where everyone yells "Mazal Tov"? The Dayan was doing something that was very wise. The Chasam Sofer was a man in his seventies. He had been the Rosh Yeshiva and Rav of Pressburg for decades. And now a twenty-year-old was going to take over? This was the problem of the thousands of converts made by Avraham Avinu. They could not live with the fact that their new Gadol was going to be Yitzchak Avinu.

Rav Chaim Shmulevitz once mentioned a similar concept in a Shmooz. The Gemara [Sanhedrin 11a] relates that Rabbeinu HaKadosh was giving a shiur and someone had eaten garlic. The smell was offensive and Rabbeinu HaKadosh said "The person who ate garlic should leave the room." The Gemara says that the great Rabbi Chiya got up and left, after which everyone got up and left the room (so as not to embarrass Rabbi Chiya).

Now we can be assured that Rabbi Chiya was not the one who ate the garlic, but he wanted to prevent the person who had eaten the garlic from being humiliated. Reb Shimon, son of Rabbi, found Rav Chiya the next day and said "Are you the one who caused my father pain?" Rav Chiya responded, "Heaven forbid that it was I" (but he walked out nevertheless to spare the other embarrassment). The Gemara asks — from where did Rav Chiya learn to do such a thing? The Gemara answers he learned this idea — that it is better to bring humiliation on oneself than to have it fall upon someone else — from Rabbi Meir.

Rabbi Meir was an earlier Tanna. What was the story with Rabbi Meir? It was taught: There was an incident with a certain woman who came to the Beis Medrash and told Rabbi Meir — "One of the students in this Yeshiva betrothed me through biyah" (this means he performed the act of Kiddushin upon me not with the traditional ring, but with the marital act). [Although this was a recognized mode of Kiddushin in the Mishna (Kidushin 1:1), it is now considered to be a brazen act which is not appropriate as a means of establishing Kiddushin.] The Talmud says that in response to this woman's charge, Rabbi Meir arose and wrote her a divorce document. Following that, all the students arose and wrote her their own divorce documents.

The Gemara then asks — from where did Rabbi Meir learn this idea from and goes on to say that he learned it from an earlier Tanna — Shmuel haKatan.

The Gemara then says that Shmuel haKatan learned this concept from Shachnaya ben Yechezkel [Ezra 10:2] and Shachnaya ben Yechezkel learned it from Yehoshua and Yehoshua got it from Moshe Rabbeinu (each time citing incidents where a great person saved another from embarrassment by taking blame for something he did not do).

Rav Chaim Shmulevitz asks “If this lesson was ultimately learned from Moshe Rabbeinu” so then why when the Gemara started this whole chain of derivations, did it not say that Rav Chiya got it directly from Moshe Rabbeinu? Why insert all these “middle-men” in the chain of derivation of this lesson? Rav Chaim Shmulevitz answers – it is because Rav Chiya could not get it from Moshe Rabbeinu! Moshe Rabbeinu was not the Rebbe of Rav Chiya. He was not his Dayan, he was not his Posek. A person can only take his Torah paradigms from someone of his own generation. Granted, Rabbi Meir was not Moshe Rabbeinu and he was not even Yehoshua. It does not matter. Yiftach in his generation was equivalent to Shmuel in his generation. One must go to the Shofet who is present in his own generation.

No One Is Above the Law

Later in the parsha we read the laws of appointing a king. “You shall surely set over yourself a king whom Hashem, your G-d, shall choose; from among your brethren shall you set a king over yourself; you cannot place over yourself a foreign man, who is not your brother.” [Devorim 17:15].

The Torah warns that the king may not have too many horses; he may not have too many wives; he should not have unlimited wealth. In all these limitations, the Torah is concerned “Lest his heart stray” (after non-essential material possessions.) We know what can happen if a person has too many wives, as we see with the case of Shlomo HaMelech.

Chazal say that Shlomo was over-confident and said about himself “I will be able to exceed the limit without having my heart stray.” He felt that these Torah laws applied to everybody else, but that he would be able to control himself. “I am not going to let it happen to me. I can have many wives. (He had 1,000 wives!) It is not going to affect me.”

The Medrash says in Shir HaShirim that when Shlomo HaMelech said “I can have many and I will not stray” the letter Yud of Lo Yarbeh lo Nashim (He shall not have too many wives) came to the Ribono shel Olam and said “Look, he is not listening to this pasuk.” The Medrash has very strong language here: “Let Shlomo HaMelech and a thousand like him become nullified (batel) but a Yud in the Torah will never be discarded.”

The Sefer Koheles Yitzchak asks a simple question: Why was it specifically the letter Yud that came to complain? Shlomo’s act of ignoring this law affected the letter Reish also and the letter Beis also of the word “lo YaRBeh lo nashim.” He shares a beautiful thought. The letter in Hebrew which grammatically turns something from the past or the present into the future is the letter Yud. Ro’eh means ‘to see’. Yireh (with a Yud in front of the Ro’eh) means WILL see. Ochel means eat; Y’Ochal means ‘to eat’ in the future.

The Yud is a letter which always makes something into the future. Shlomo HaMelech was right. He was capable of theoretically having a thousand wives and not having it affect him. But not everybody is capable of that. A person must worry about the future. Not everyone is a Shlomo HaMelech. The reason the Ribono shel Olam let this happen and let this affect Shlomo HaMelech is to prove this very point – that no one is above the law and no one can say “It does not apply to me.” For with such an attitude, everything can be discarded.

Therefore, it was the Yud which represented the future which precisely formulated the problem: Maybe you, Shlomo, can get away with it – but we are talking about Kings of Israel for generations to come. They will not be able to do it.

A similar thought is found in the Gemara [Shabbos 12b]. The Sages said a person may not read by an oil-burning candle. The concern was that a person would become preoccupied with his studies and absent-mindedly tip the candle (thereby violating the prohibition of kindling or extinguishing fire on Shabbos). The Tanna Rav Yishmael learned by a candle and said “I am

confident that I will not come to tip the candle.” Unfortunately, he became so absorbed in his studies that he did tip the candle. He then said, “How wise are the Sages who forbade a person to read on Shabbos by candlelight.” No one can say “This doesn’t apply to me.”

When the author of the Minchas Chinuch (Rav Yosef Babad [1800-1874]), was already an old man, a woman came in to ask him a Shaylah and she closed the door behind her. The door locked. Here he was together with a woman in a situation of Yichud. He was an old man, beyond the stage of Tayvas Nashim (strong sexual desire). He could have very easily rationalized, “I do not need to worry about this Yichud prohibition. It does not apply to me in my stage of life.” What did he do? He jumped out the window! He was so afraid of the Issur Yichud, he ran for the quickest exit which was the window.

No one is above the law. This is the lesson of Lo Yarbeh lo nashim and the misplaced confidence of Shlomo HaMelech that it did not apply to him.

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This week’s write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand’s Commuter Chavrusah Series on the weekly Torah portion. A listing of the halachic portions for Parshas Shoftim is provided below:

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subject: Rabbi Mordechai Willig - Rosh Hashanah 5781

Rabbi Mordechai Willig

Rosh Hashanah 5781

The Coronavirus presents a serious ongoing danger. Doctors have warned that public gatherings can spread the virus unless proper precautions are taken. They recommend outdoor gatherings, if possible, and require masks and social distancing. As a result many questions have arisen concerning Rosh Hashanah 5781. Each shul should follow the psakim of its own rav. What follows are merely my suggestions which may be implemented in our own shul, depending on the facts the facts on the ground come Rosh Hashana.

The main issue is the need to shorten the davening Rosh Hashanah morning in order to reduce the risk. In addition, it is difficult for many to keep masks on for a long period of time. Furthermore, for the outdoor minyanim, it is hard, and for some even dangerous, to remain in a potentially very hot tent for an extended Tefilla. Finally, it may be necessary to have two consecutive minyanim in shul, since it may not be filled to capacity as usual for health and/or legal reasons. For example, in our shul davening on Rosh Hashanah typically lasts for six hours. How can it be reduced to three hours?

It is critical to preserve the primary ingredients of the Rosh Hashanah experience that the tzibur is accustomed to and anticipates. The Rama (Orach Chaim 619:1) states: one may not change the custom of the city, even the tunes sung and piyutim that they say there. The Mishna Berurah (619:9) explains that changes confuse the kahal. If we omit a tune or a devotional piyut, the kahal may be confused and/or disappointed.

The lesser of the evils would be to omit the piyutim accompanied neither by tunes nor by tears. These literary masterpieces, primarily authored by R' Elazar HaKalir (day one) and by R. Shimon ben Yitzchok HaGadol (Shacharis day two), should be studied and even recited at home during the course of Rosh Hashanah.

As such in Shacharis, only Ata Hu Elokeinu and L' Keil Orech Din, and their brief introductions and conclusions will be, respectively, sung and recited. In Mussaf, only Melech Elyon (on day one) and Un'saneh Tokef will precede Kedusha. From Kedusha and on, we will daven as usual, but, if necessary, at a somewhat faster pace.

The lengthy Mi Shebarach's will be omitted, and Lamenatze'ach before shofar will be recited only once, not seven times as usual.

The beginning of Shachris will be recited individually, in shul or at home. At the appointed time, the Chazan will begin at Nishmas, which is the beginning of the beracha which ends with Yishtabach (Mishna Berurah 52:5. See the pask of Harav Hershel Shachter shlit"a, 20 Tamuz 5780). Even those coming from home should not speak in the middle of p'sukei d'zimra. Even though from the perspective of hefsek it would be better to start after Yishtabach (Orach Chaim 54:3, Mishna Berurah 54:6), it is more desirable that the ba'al Shachris begin with the traditional, haunting chant of Hamelech.

The custom of one hundred shofar blasts is not recorded in the Shulchan Aruch; the Mishna Berurah (596:2) quotes it from the Shelah. If necessary, the last forty blasts can be omitted. Alternatively, they can be sounded outside of shul after Musaf concludes. As mentioned, doctors agree that risk is reduced outdoors and many are davening outside as well.

Some doctors are concerned with aerosols from the shofar. To allay these fears, the shofar can be blown near a door, if feasible, so the air goes outside. Some have suggested covering the wide end of the shofar with a mask. However, if this changes the sound of the shofar the mitzva is not fulfilled (Orach Chaim 586:16). It is reported that a very tight fit, such as a rubber band, changes the sound. Therefore, a loose fit must be used, and it must be tested in advance to make sure that the mask does not change the sound of the shofar.

In case consecutive minyanim are held, Harav Hershel Shachter shlit"a ruled (17 Menachem Av 5780) that Chazaras HaShatz may be led by a Chazan two times, as seen in Mishna Berurah (124:5). The Rivevos Ephraim (Greenblatt, 2:83, 4:254) agrees. The Divrei Yaakov (Adas, Berachos 21a,7) asked many poskim and they said it is obviously permitted. Therefore, while the Mishna Berurah is not conclusive (it may refer to one who davened at the first minyan but was not the Chazan), it is nonetheless permissible.

Some wish to use the Tzomet microphone for outdoor minyanim. This device has not been accepted by American poskim. Tzomet has developed an infra-red thermometer based on their notion of grama. This, too, is not universally accepted. Therefore, if there is a need (many doctors question its accuracy when entering a building), a non-Jew should use a thermometer as a shvus d'shvus which is permissible in a case of need.

In the merit of our strict adherence halacha and our strict adherence to responsible medical guidelines may we all merit a K'siva V'Chasima Tova.

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More divrei Torah about Rosh Hashana

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subject: Hamaayan - Opening Gates

Parshas Shoftim Opening Gates

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Sponsored by Faith Ginsburg in memory of her uncle, Benjamin Lavin (Binyamin Beinish ben Raphael a"h), her sister, Ann Rita Schwartz (Chana Rus bat Naftali Hertz a"h), and her father-in-law, Maurice Ginsburg (Yisrael Moshe ben Yosef a"h)

Our parashah, which is always read in the month of Elul preceding the Days of Judgment, begins: "Judges and officers you shall appoint at all your gates—which Hashem, your Elokim, gives you—for your tribes; and they shall judge the people with righteous judgment." R' Levi Yitzchak of Berditchev z"l (1740-1809; early Chassidic Rebbe) writes that this verse is offering us a recipe for a successful judgment on Rosh Hashanah. Hashem wants to judge us mercifully, but we must allow Him to do so. When we behave with kindness and judge our fellow Jews favorably, we awaken Hashem's kindness, so that He can judge us the same way. Through such behavior, we open the "gates" of Heavenly kindness, allowing blessing to flow to all of the Jewish People.

This, writes R' Levi Yitzchak, is the lesson of our verse: You will appoint the judges and officers who determine your fate on Rosh Hashanah by choosing your gates, i.e., choosing which gates you will open. How? By judging all of the people with righteous judgment, i.e., by always seeing the righteousness of others and judging them favorably. (Kedushat Levi)

A related thought from the anonymous 13th century work Sefer Ha'chinuch (Mitzvah 171): Our Sages teach that man is measured by his own measuring stick. However, the author continues, this teaching is misunderstood. It does not mean that Hashem looks at how man behaves and responds accordingly. That is a human trait. Rather, through his own actions, man makes himself into a receptacle to receive reward or punishment.

"You shall arise and ascend to the place that Hashem, your G-d, shall choose." (17:8)

Rashi quotes a Midrash: "This [the word 'ascend'] teaches that the Temple was situated higher than all other places."

R' Elya Meir Bloch z"l (1894-1955; founder and Rosh Yeshiva of Telshe in Cleveland) observes: Of course, we know that there are taller mountains than Har Ha'moriah, where the Temple stood. What the Midrash means is that because the earth is a sphere, any point can be designated as "the highest point." Har Ha'moriah deserves that designation because it is the holiest point in the world, and it is the place to which all people ascend to experience spiritual growth. (Peninei Da'at)

"You shall do to him as he conspired to do to his fellow, and you shall destroy the evil from your midst." (19:19)

This verse speaks of an Eid Zomeim / a person who testifies falsely in Bet Din that he witnessed an event when, in fact, there are witnesses that he was somewhere else at the time of the event. The Halachah regarding such a person is that the punishment or consequence that he tried to impose on the defendant is imposed on him instead, but only if the defendant's sentence was not yet carried out.

R' Chaim Friedlander z"l (1923-1986; Mashgiach Ruchani of the Ponovezh Yeshiva) writes: Commentaries note that this is counter-intuitive. We would have thought that a false witness who successfully caused another person to be harmed should be punished more severely than one whose plans did not succeed!

R' Friedlander explains, based on the writings of R' Yehuda Loewe z"l (Maharal of Prague; died 1609) that the Torah is teaching us the power of a person's thoughts. When a false witness has a thought that someone should receive the punishment of lashes, for example, that thought must be fulfilled somehow. When it is not fulfilled against the intended victim, it is fulfilled against the false witness himself. We find this idea in Megilat Esther (9:25), "When she [Esther] appeared before the King, he commanded by means of letters that the wicked scheme, which [Haman] had devised against the Jews, should recoil on his own head; and they hanged him and his sons on the gallows." On the other hand, once the thought has been fulfilled, i.e., if the false testimony succeeded, the original thought no longer exists. [Of course, Hashem has other ways of punishing the false witness.] The lesson for us, however, is that a person's thoughts are very powerful. Therefore, in addition to controlling one's deeds and one's word, one is required to control his thoughts as well. (Sifte Chaim: Mo'adim III p.7)

"And who is the man who has planted a vineyard and not redeemed it? Let him go and return to his house, lest he die in the war and another man will redeem it." (20:6)

The classical Aramaic translation Targum Yonatan interprets: "Let him go home from war lest the sin of not redeeming the vineyard cause him to be killed in battle."

[During the first three years after a tree or vine is planted, the fruits are Orlah, and no benefit may be derived from them. In the fourth year, the fruit is called Revai, and it may be eaten only in Yerushalayim. If there are too many fruits to transport, one redeems them and takes the money to

Yerushalayim to buy food there.] R' Yosef Shalom Elyashiv z"l (1910-2012; Yerushalayim) observes: We would have thought that redeeming the fruits of a four-year old vineyard is optional. If one wants to eat the fruit, that is the procedure he must follow; if not, he can let the fruits rot on the vine. However, Targum Yonatan is teaching us that this is not the case. Rather, redeeming the fruits is itself a Mitzvah, and a person who neglects that Mitzvah is liable to be punished; even to die in battle.

What is the purpose of such a Mitzvah? R' Elyashiv explains: The Gemara notes the similarity between the Hebrew word for redeeming the fruits ("Chillul") and the Hebrew word for "praise" ("Hallel"). The message for us is that a person who plants a vineyard should see the act of Chillul as a time for Hallel – giving praise to Hashem for the vineyard and its produce. Thus, one who fails to perform Chillul has squandered a valuable religious opportunity, and it is understandable that he would be in danger. (Shiurei Maran Ha'Grish Elyashiv: Berachot 35a [p. 364])

"The voice of your lookouts, they have raised a voice, together shall they sing glad song, for every eye shall see when Hashem returns to Zion." (From the Haftarah – Yeshayah 52:8)

The Gemara (Berachot 12b) teaches that the Exodus must be remembered every day and that, even after Mashiach has come, we still will remember the Exodus. R' Yitzchak Isaac Chaver z"l (1789-1852; rabbi of Suwalk, Lithuania) explains: The Exodus is the foundation of our Emunah, for it was then that the Chosen Nation was imbued with the spiritual attributes that are passed down from generation to generation. Even in times of exile, some "impression" from that influence can be seen.

In particular, at the time of the Exodus we became a nation with which Hashem interacts directly, outside of the laws of nature. This relationship is, for the most part, hidden now, but, at the time of the future redemption, it will be obvious; "for every eye shall see when Hashem returns to Zion." (Haggadah Shel Pesach Yad Mitzrayim: Potei'ach Yad)

Elul: An Auspicious Time for Teshuvah

R' Ehud Rakovski-Avitzedek shlita (Yerushalayim) writes: The month of Elul and the Ten Days of Repentance are auspicious times set aside for Teshuvah. This requires explanation, however, for our Sages teach (Pesachim 54a; Mesilat Yesharim ch.4) that the possibility of Teshuvah is a necessary prerequisite for the Creation and continued existence of the world. And, we know that G-d's Will is unchanging! As such, what does it mean that there is a special time for repentance?

R' Rakovski answers: Hashem does not become more receptive to our repentance during this season. Rather, as beings who are subject to time, we need a special time when we are more open to receiving the flow of goodness, the blessing of repentance, that flows from Hashem at all times. As finite beings, we cannot relate to something that is infinite.

Why Elul? R' Rakovski explains: A Ba'al Teshuvah / person who has repented is a new person. In the words of the prophet Yechezkel (33:26), he has a "new heart and a new spirit." Similarly, R' Moshe ben Maimon z"l (Rambam; 1135-1204; Spain and Egypt) writes that a penitent must change his ways so that he can say, "I am not the same person who did those things." And, Rabbeinu Yonah Gerondi z"l (Spain; died 1263) writes: "He should cast off all of his sins and make himself as if he was born today."

R' Rakovski continues: We say in the Rosh Hashanah prayers: "This day is the beginning of Your handiwork," i.e., of Creation. If Rosh Hashanah is the anniversary of Creation, then Elul, which precedes Rosh Hashanah, is the period before Creation. Hashem, so-to-speak, planned Creation during Elul. And, say our Sages, "Teshuvah was created before Creation." Since Hashem created man with a propensity to sin, the world could not exist if the possibility of repentance did not also exist. Thus, Teshuvah was created during Elul, before the world was created, and that is when we are receptive to it. Man's renewal belongs in the time period when the world itself became new. (Da'at Mo'ed)

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date: Aug 20, 2020, 2:12 PM

subject: Meshivas Nafesh - Who Was to Blame?

Meshivas Nafesh

By Rabbi Yitzchok Adlerstein

Dedicated to the speedy recovery of Mordechai ben Chaya Parshas Shoftim Who Was to Blame?

Atone for Your people Israel that You have redeemed.[2]

Chazal[3] parse this pasuk, and see separate references to two groups. "Your people Israel," they say, refers to the living; "That you have redeemed," to the dead. We must ask why the living require atonement? Moreover, the dead, we would think, require neither atonement nor redemption.

We can explain in two different ways, one examining the plain sense of the text, and the other taking into account a deeper, more hidden level of understanding it.

First, according to the plain meaning, our parshah speaks of the great value of levaya/accompanying a person for a while on his journey. Chazal[4] imply that such accompaniment provides protection from danger for both the traveler and his companion. Had someone accompanied the murder victim out of the city, he would have not met any harm.

Who was to blame? It might have been the dead, i.e. the victim himself! Had he not kept his plans to himself, someone would have come forward to accompany him. By not announcing his intentions, he caused his own death – and requires atonement for the shedding of his own blood! (His death is called "redemption," because death releases a person from the constant struggle with the yetzer hora.)

It might be the case, however, that it never even occurred to the victim that he should have sought levaya. He might have been completely unaware of its protective nature. Perhaps the rabbanim of the city had failed to teach and to emphasize its importance. If that was the case, then the living – the inhabitants of the city – require kapparah for not properly educating everyone about this important practice.

Alternatively, we can detect a second approach to our parshah by noting its juxtaposition to what precedes it: "When you besiege a city for many days to wage war against it...do not destroy its trees." [5] The city might be an allusion to the individual, in the same manner as the "small city, and few people in it, and a great king comes against it." [6] This is interpreted as an allusion to the constant besieging of a person by the yetzer hora. Similarly, here in our section of Devarim, the city may represent an individual taking strong measures against his own impulses. Wishing to rid himself of his weakness for comfort and pleasure, he besieges his own being. He attempts for long periods of time to deaden parts of himself through constant fasts, privation, and self-denial.

To such a person the Torah speaks, "Do not destroy its trees." [7] Don't damage the body. "Only a tree that know is not a food tree, it you may destroy." [8] Only those things that are completely non-essential – things that are luxuries – you may rid yourself of.

You might counter that the gemara relates several stories about individuals who, as part of their repentance, practiced self-denial to the point of death. We should not learn from them; this is not the best way to go. Possibly, those individuals knew enough about themselves that there was no way back from their sin other than in extreme measures against the body. They do not serve as a general model.

This is the other message of our section. "If a corpse will be found...[and] it was not known who smote him." [9] No one knows why he died. No one killed him! He died through his own ill-advised practice of abusing himself. Tragically, he was not aware of better ways to live. The townspeople had not broadcast proper conduct and behavior to the masses. They must all gather and perform the mitzvah of the decapitated heifer. They all need atonement – the living, and the one who died through his own actions. The living declare that their hands did not shed his blood – at least not directly. That, however, does not acquit them. "Our eyes did not see." [10] They must

say that they were unaware of the way he was treating himself. Had they known, they would have intervened and reasoned with him. Furthermore, they were not aware of such conduct in general. If they had been, they would have taken steps to properly educate the community to stay away from practices of mortifying the flesh.

Even if that declaration is true, they still require atonement. People are obligated to learn – and to anticipate crucial needs of the community, even when they have no personal experience with them!

1 Based on Meshivas Nafesh by R. Yochanan Luria (15th century)
2 Devarim 21:8 3 Sifrei #210 4 See Sotah 46b and Bava Metzia 86b
5 Devarim 20:19 6 Koheles 9:14 7 Devarim 20:19 8 Devarim 20:20
9 Devarim 21:1 10 Devarim 21:7

from: Rabbi Sacks <info@rabbisacks.org>

date: Aug 19, 2020, 3:17 PM

A Sage is Greater than a Prophet (Shoftim 5780)

Rabbi Jonathan Sacks

In Shoftim, Moses speaks about the great institutions of Judaism: courts, judges, officers, Kings, Priests, Levites and Prophets. In the case of the Prophet, Moses says in the name of God:

I will raise up a Prophet for them from among their own people, like yourself: I will put My words in his mouth, and he will speak to them all that I command him. (Deut. 18:18)

The phrase “a Prophet ... like yourself” cannot be meant literally. In the quality and clarity of his communications with God, Moses was unique. He was unique in the miracles he performed. Most importantly, only he was authorised to proclaim Torah: he was Israel’s sole legislator. The King and Sanhedrin both had powers to make temporary enactments for the sake of social order. Prophets were given the authority to command specific, time-bound acts. But no one could add to or subtract from the 613 commandments given by God through Moses.

This, therefore, is how Rambam explains our passage:

Why is it said in the Torah: “I will raise up a Prophet for them from among their own people, like yourself” (Deut. 18:18)? He will come not to establish a religion, but to command them to keep the words of the Torah, warning the people not to transgress them, as the last among them said: “Remember the Torah of Moses My servant” (Mal. 3:22).[1]

In other words, the Prophets who followed Moses, from Elijah to Malachi, were not revolutionaries. They did not intend to create something new but to restore something old. Their task was to recall people to the mission Moses taught them: to stay faithful to God, and to create a just and compassionate society.

Eventually, during or after the Second Temple period, most of these institutions came to an end. There were no Kings because Israel had no sovereignty. There were no Priests because it had no Temple. But there were also no Prophets. How important was this? And what happened to prophecy?

The Talmud gives two radically opposite opinions. The first:

Rabbi Yochanan said: From the day that the Temple was destroyed, prophecy was taken from the Prophets and given to fools and children.[2]

We can’t be sure what Rabbi Yochanan meant. He may have meant that children and fools sometimes see what others don’t (as Hans Christian Anderson illustrated in the famous story of The Emperor’s New Clothes). He may, though, have meant the opposite, that prophecy deteriorated during the late Second Temple period. There were many false prophets, soothsayers, doomsayers, mystics, announcers of the apocalypse, and messianic movements, all confidently predicting the end of history and the birth of a new order of things. There were religious sectarians. There were Essenes expecting the arrival of the Teacher of Righteousness. There were rebels against Rome who believed that their military hero would bring freedom, even the messianic age. It was a fevered, destructive time, and Rabbi Yochanan may have wanted to discredit, as far as possible, any dependence on supposedly divine certainty about the future. Prophecy is the chattering of children or the rambling of fools.

However the Talmud also cites a quite different opinion:

Rabbi Avdimi from Haifa says: From the day that the Temple was destroyed prophecy was taken from the Prophets and given to the Sages ... Ameimar said: And a Sage is greater than a Prophet, as it is stated: “A Prophet has a heart of wisdom” (Ps. 90:12). Who is compared to whom? You must say that the lesser is compared to the greater.[3] (Since a Prophet must have a heart of wisdom, the Sage, who is wisdom personified, must be greater still).

This is seriously interesting. The early Judges in Israel were Kohanim.[4] When Moses blessed the people at the end of his life he said of the tribe of Levi, “They shall teach Your laws to Jacob and Your instructions to Israel” (Deut. 33:10). When Ezra taught Torah to the Israelites, he positioned Levites among the people to explain what was being said. All this suggests that when the Sages – teachers and masters of Jewish law – traced their intellectual-spiritual lineage, they should have done so by seeing themselves as heirs of the Kohanim and Levi’im. But they did not do so. We see this from the famous Mishnah that opens Pirkei Avot:

Moses received the Torah at Sinai and handed it onto Joshua, Joshua to the elders, and the elders to the Prophets, and the Prophets to the Men of the Great Assembly.

The Sages saw themselves as heirs to the Prophets. But in what sense? And how did they come to see themselves not just as heirs to, but as greater than the Prophets. What is more, the proof-text they cite means nothing of the kind. The verse in Psalm 90 says, “Teach us to number our days, that we may gain a heart of wisdom.” The Talmud is playing on the fact that two quite different words sound alike: נָתַן (we may gain) and נָבִיא (a Prophet). In other words, only by suspending our critical faculties is the proof-text a proof.

Something very strange is happening here. The Sages, who valued humility, who knew that prophecy had come to an end in the days of Haggai, Zechariah and Malachi five centuries before the destruction of the Second Temple, who believed that the most one could hear from heaven was a bat kol, a distant echo, are here saying that not only are they Prophets, but they are superior to Prophets.

All this to teach us that the Sages took the ideals of the Prophets and turned them into practical programmes. Here is one example. Remonstrating with the people, administering rebuke, was fundamental to the prophetic task.

This is how Ezekiel understood the task:

God said: “Son of man, I am sending you to the Israelites, to a rebellious nation that has rebelled against Me ... Say to them, ‘This is what the Sovereign Lord says.’ And whether they listen or fail to listen—for they are a rebellious people—they will know that a Prophet has been among them. (Ez. 2:3-5)

Ezekiel must take a public stand. Once he has done that, he has fulfilled his duty. The people will have been warned, and if they fail to listen, it will be their fault.

The Sages had a completely different approach. First, they understood the task of remonstrating as belonging to everyone, not just Prophets. That is how they understood the verse, “You shall surely rebuke your neighbour so you will not share in his guilt” (Lev. 19:17). Second, they held that it should be done not once but up to a hundred times if necessary.[5] In fact you should keep reprimanding a wrongdoer until they hit you or curse you or scold you.[6] All of this, though, applies only if there is a reasonable chance of making the situation better. If not, then we apply the rule: “Just as it is a mitzvah to say something that will be heeded, so it is a mitzvah not to say something that will not be heeded.”[7]

Note the difference between the two approaches. The Prophet takes a heroic stand but does not take responsibility for whether the people listen or not. The Rabbis do not take a heroic stand. In fact, they democratise the responsibility for rebuke so that it applies to everyone. But they are ultra-sensitive to whether it is effective or not. If there is a chance of changing someone for the better, then you must try a hundred times, but if there is no chance at all, better be silent. This is not only a wise approach; it is a highly effective one.

Now consider peace. No finer visions of a world at peace have ever been given than by Israel's Prophets. This is just one:

The wolf will live with the lamb, the leopard will lie down with the goat, the calf and the lion and the yearling together; and a little child will lead them ...

They will neither harm nor destroy on all My holy mountain, for the earth will be filled with the knowledge of the Lord as the waters cover the sea. (Isaiah 11:6-9)

Now consider rabbinic teachings:

"For the sake of peace, the poor of the heathens should not be prevented from gathering gleanings, forgotten sheaves, and corners of the field ... Our masters taught: for the sake of peace, the poor of the heathens should be supported as we support the poor of Israel, the sick of the heathens should be visited as we visit the sick of Israel, and the dead of the heathens should be buried as we bury the dead of Israel." [8]

Once again, the difference is glaring. What for the Prophets was a dazzling vision of a distant future was, for the Sages, a practical programme of good community relations, a way of sustaining peaceful coexistence between the Jewish community and its Gentile neighbours. It was imaginative, gracious and workable.

There are many other examples. The Sages achieved something extraordinary. Throughout the biblical era, the Israelites were constantly tempted by idolatry and foreign ways. The Prophets were often driven close to despair. During the rabbinic era, Jews became a people defined by religion, commandments, learning and prayer, sustained voluntarily and maintained tenaciously against all pressures to convert to the majority faith. That is because the Rabbis did not focus on distant visions. They devised practical programmes. These may have lacked drama, but they worked. The Sages, perhaps to their surprise, realised this: where the Prophets failed, they succeeded. I believe that institutions like prophecy survive when they are translated from utopian ideals into practical policies. The greatness of the Sages, still not fully appreciated by the world, is that guided by the visions of the Prophets, they gave us the instructions for how to get from here to there. Shabbat Shalom

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Home Weekly Parsha SHOFTIM 5780

Rabbi Wein's Weekly Blog

It can be said that the Torah is in favor of law and order. In this week's reading, the Torah prescribes a system of judges, courts, and police. The Torah apparently takes it for granted that no society can really function without these institutions of law and protection. The Torah warns us that these institutions must be ones of righteousness, fairness, and even altruism, but they must exist for society to function.

Amongst the ideological foes of Jewish life and values, the idea of anarchy – no government, no police, no courts – ranks as one of the most pernicious and evil of enemies. The nature of people is to be contentious, protective, and zealous of one's own property, personal rights, and privileges. Since, by nature, human beings always encounter other human beings which is the basis for all commerce and social interaction, disputes will certainly arise when one's rights butt up against the perceived rights of others. How are these matters to be settled?

In a lawless society, brute strength and violent behavior would always prevail. But the Torah constantly reminds us that we are to protect and enhance the rights of the poor and defenseless, the widow and the stranger, those that are, somehow disadvantaged by the process of general society. And it becomes the task of the legal system that is established in Jewish society, to protect these individuals. Judges and police, courts and bailiffs are not only necessary for society, but are also the agents of Godly intent.

All human history has shown us that all legal systems established by human beings are inherently flawed and subject to manipulation. We read in the book of Psalms of the complaint that evil can be easily constructed by legal means. Even a cursory study of the prophets of Israel will reveal the extent of their condemnation of the perverse practices and corruption of the court systems and the judges of their generations.

It is hard, if not well-nigh impossible to find people who are completely incorruptible. All of us have human weaknesses that can be exploited by others and manipulated by any form of legal system that we will devise. Our great teacher and leader, Moshe, could not find, even in his generation, judges and tribal leaders that would meet all the requirements that were set for them by Yitro and confirmed by heaven itself. He, so to speak, had to settle for what was available to him in Jewish society at that time.

There is a lesson in this for us - that we should not allow our search for perfection to disqualify people who otherwise could serve as competent and efficient judges and administrators of Torah law. That is what the Talmud meant when it said that Yiftach in his generation was the equal of Samuel in his generation. We can only deal with what exists before us. The Torah cautions us that the only judge that you have is the judge that exists in your generation. Thus, the basis of all legal systems is practicality, and the Torah is the most practical of all disciplines.

Shabbat shalom

Rabbi Berel Wein

In My Opinion SPIRITUAL FALLOUT

Rabbi Wein's Weekly Blog

The current Corona epidemic has created many types of victims in its wake. Tragically, it is estimated that hundreds of thousands of people worldwide have died from the effects of the virus, out of the millions of others, really tens if not hundreds of millions of others, who contracted the disease. Thank God, over 90% of those who were sick have recovered and even though there is some anecdotal evidence that residue symptoms exist in those that were seemingly cured of the disease, in the main it must be said that we consider ourselves relatively fortunate as far as the clinical aspects of the pandemic are concerned. However, there has been enormous collateral damage done to the societies of the world from this bitter plague that has been visited upon us.

We are all aware of the fallout that has destroyed the world's economies and has left tens of millions of people unemployed and practically destitute. Even though there are signs of a recovery in certain economies of the world such as the United States, the economic situation here in Israel remains uncertain at best and bleak at worst. And let no one at any time minimize the effects of economic woes, unemployment, financial insecurity and losses of home and businesses on the human psyche and condition. There are relatively few happy and contented people present amongst us. The pandemic has taken an economic and psychological toll that is enormous and weighs heavily upon the functions of our society. My friends, a plague is a plague is a plague!

Aside from the physical and economic havoc wrought by the Corona pandemic, I have sensed a spiritual fallout as well. Naturally, the inability to have live, personal, face-to-face Torah study has, in many ways, crippled us. With all of the wonders of Zoom and all of the gratitude that we should have that this technology allowed for Torah study during this most trying period of time, it is apparent that such study is much more difficult and less rewarding than the good old-fashioned way of listening to a live lecture or learning one-on-one with a study partner.

The results are still out as to the success of Zoom use in the schools.

Anecdotally, I observed both in the United States and here in Israel that it places far more stress on the teacher and in one way or another that stress must be communicated to the student no matter how comfortable and welcoming the virtual classroom may be. Anyone who is tempted to think that when, God willing, the pandemic finally runs its course and schooling can be continued on a permanent basis, choosing only Zoom and the virtual classrooms is sadly mistaken. Even the most rabid fan of homeschooling and technical learning must admit that the social interaction between fellow

students and live instructors is a very necessary part of the overall education and social makeup of students at all levels of schooling. How this gap in the education of the next generation will be redressed is one of the great problems that faces our society.

And, you all know that I am very opinionated when it comes to the question of attendance at synagogue worship services. To me, all the outdoor minyanim that take place, of necessity during this pandemic, are nevertheless inferior spiritually to attending services at a synagogue, even if that synagogue service is limited only to 10 men. These ad hoc minyanim have bred descent, disagreements, personal hurts and are often devoid of content and meaning to the prayers being offered.

I realize that we have no choice in this matter and that these minyanim must perforce continue to operate. I also have no doubt from my experience of being a rabbi for over 60 years that even when the pandemic ends many of these ad hoc minyanim will continue. Attending the synagogue always is somewhat of an inconvenience and after all, we go to great lengths to escape inconveniences in our lives. But I think we should all recognize that there is a spiritual price to be paid for the absence from regular attendance at our synagogue. We will have to work hard to redress that loss when the situation will change for the better, and we pray that it will do so speedily and completely.

Shabbat shalom

All blessings, Berel Wein

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subject: Rabbi Riskin on the Weekly Torah Portion

Shabbat Shalom: Shoftim (Deuteronomy 16:18-21:9)

Rabbi Shlomo Riskin

Efrat, Israel – “The Levitic kohanim, the entire tribe of Levi, shall have no portion or inheritance with Israel; the Lord’s fire offerings and His inheritance they shall eat. But he shall have no inheritance among his brothers; the Lord is his inheritance, as He spoke to him.” (Deut. 18:1-2)

What is the essence of the exalted Hebrew month of Elul, the auspicious 30-day period of time prior to the Days of Awe in which, according to Hasidic philosophy, “The King is in the Field,” when God is, as it were, more accessible to us than throughout the year?

How might we best prepare ourselves to meet the King while He is “in the field”? I believe that the story of Velvel, a Soviet refusenik I met in Riga, Latvia in the month of Elul 5730 (1970), offers an answer to this question.

Due to my intensive involvement on behalf of Soviet Jewry in the late 1960’s, I was summoned to a meeting in Crown Heights (Brooklyn, NY) with the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson of blessed memory. The Rebbe, z”l, asked me to be his shaliach (emissary) to establish centers of Torah learning in several cities in the Soviet Union, Moscow, Leningrad, Riga and Vilna, a mission that I felt honored to accept. I filled my luggage with siddurim (prayer books), tallitot (prayer shawls), tefillin, and other holy objects for the Jews suffering behind the Iron Curtain, and flew, via Vienna, to the lion’s den. During my two-week mission, I surreptitiously distributed these holy items to Jews in Moscow and Leningrad, before arriving in Riga, where I spent Shabbat.

On Friday night, I met a gentleman named Velvel in the city’s main synagogue.* During a long conversation after dinner, Velvel told me with deep sincerity that there was nothing in the world he wanted more than a new tallit, since the tallit that he had received when he turned Bar Mitzvah was in tatters. Armed with my remaining supply of Judaica, I gave one to him discreetly, which brought an ear-to-ear smile to his otherwise forlorn face. The next day, during Shabbat morning services at the synagogue, Velvel entered the sanctuary proud as a peacock in his brand-new, sparkling blue and white tallit. I was mortified, as the KGB agents who had accompanied

me to the synagogue would surely surmise that I, the outside agitator, was the source of this tallit.

As the cantor led the Torah processional through the cavernous, mostly empty sanctuary, Velvel drew near, and lifted the tzitzit (ritual fringes) of the tallit, in order to touch them to the Torah scroll and then kiss them.

The cantor, seeing Velvel, dramatically stopped the procession. A frosty silence overcame the sanctuary. Time seemed to freeze. Velvel’s arm, outstretched in the direction of the Torah scroll, hung in mid-air suspended. The cantor stared at Velvel with disdain. Velvel reciprocated, keeping his arm extended in the direction of the Torah scroll.

The minute-long staring match went on for what seemed forever, with neither the cantor (who it turns out was also a KGB agent) nor Velvel giving an inch. Abruptly, Velvel screamed at the cantor in Yiddish:

“Ich hob nit kein moyreh!” (I am not afraid!) You’ve already taken everything that you can take away from me! When I began to come to shul and I lost my job as a result, my wife left me and she took the children with her. I have no job; I have no family. The only thing I have is my Jewish tradition. The only thing I have is this tallit. Ich hob nit kein moyreh. I am not afraid!”

The cantor, lowering his eyes in acknowledgment of Velvel’s sacrificial position, resumed the procession. Slowly and triumphantly, Velvel touched the Torah with the tzitzit and delicately kissed them. He had made a profound statement to everyone present: ultimately, we have nothing in life except for God, His Torah, and His commandments. Nothing else truly matters.

This unforgettable, chilling story provides an invaluable insight into an enigmatic law of the Torah found in this week’s reading. Shoftim stipulates that the Levites are to have no share in the inheritance of the Land of Israel. This seems rather unjust! In fact, Maimonides (Hilchot Shmittah v’ Yovel, 13:12) asks and answers why this should be the case:

Why did the Levites not receive a portion in the inheritance of Eretz Yisrael...like their brethren? Because they were set aside to serve God and minister unto Him and to instruct people at large in His just paths and righteous judgments...He provides for them, as [Num. 18:20] states: “I am your portion and your inheritance.”

This is the main lesson taught by my friend Velvel and the fundamental lesson of the month of Elul. This splendid time comes to remind us of our true purpose on this earth, to live a life dedicated to God. In the final analysis, nothing else matters. This does not require that we adopt an ascetic lifestyle alone on a mountaintop; on the contrary, a true life of holiness involves interacting with and relating to others.

Nevertheless, as Velvel demonstrated in Elul 5730 (1970), and as Maimonides wrote, to live a life dedicated to God is to acknowledge that ultimately, all we have is God, His Torah, and His commandments.

Everything else is transitory and illusory. It is no wonder that it is precisely during this season that people are more prepared than usual to internalize this message. Perhaps this is because, indeed, “The King is in the Field.” Let us go out to greet Him.

* A full account of the incident involving Velvel and the tallit in Riga can be found in my book, *Listening to God (Maggid)* pp 249-251.

Shabbat Shalom!

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Yeshivat Ateret Yerushalayim

From the teachings of the Rosh Yeshiva

Ha-Rav Shlomo Aviner Shlit"ta

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Ask Rav Aviner

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

Guest in Seat at Shul

Q: A guest was sitting in my seat at Shul. The Halachah says that one should Daven in a fixed place. If I ask him to move, he might be insulted. What should I do?

A: It is preferable not to insult him. Either sit within 4 Amot (6 feet) of your seat or sit elsewhere (Piskei Teshuvot 9:25).

Dividing the Sheva Berachot to Honor a Great Rabbi

Q: If a family has a Minhag not to divide up the Sheva Berachot, but rather have one person recite them all, and a great Rabbi attends the wedding, what should they do?

A: They should certainly divide them up! It is the honor of Torah! (Ha-Admor Imrei Sofer of Eralu bemoaned that when his son was married he did not divide up the Sheva Berachot, as was the Hungarian custom, even though Ha-Rav Shlomo Zalman Auerbach attend the Chupa. He said that for the honor of Torah, he should have acted otherwise and called him up for the Sheva Berachot. In the book "Be-Mechitzat Zekeini", p. 259-260).

Asking Forgiveness

Q: I yelled at someone at work. People do not customarily apologize here, and he won't understand what I want if I apologize. What should I do?

A: It is extremely problematic that people do not ask for forgiveness. You should do so.

Kabbalat Shabbat With Minyan

Q: Does Kabbalat Shabbat have to be recited with a Minyan, as there is no Kaddish or Barechu? Or can I Daven by myself with greater passion?

A: You should Daven with a Minyan on account of honoring Shabbat (Piskei Teshuvot 267:3).

Learning Torah While Donating Blood

Q: Is it permissible to listen to a Torah class while donating blood?

A: Certainly.

Shidduch who Does Not Want Continue

Q: I went on a Shidduch and wanted to meet the young woman again, but she is not interested. It is very hurtful and now I feel a lack of self-confidence.

A: Ha-Rav Pinchas Hirschprung, Av Beit Din of Montreal, said in a similar situation: The Torah is no less valuable even though the non-Jews did not want to receive it... (In the book "Be-Didi Hevei Uvda", p. 405).

Drinking to Get Rid of Hiccups

Q: Do I recite a blessing if I drink water to get rid of the hiccups?

A: Yes, since you are benefiting from the water.

Non-Chalav Yisrael Milk

Q: We have a little Kiosk in our Yeshiva. Is it permissible to sell food which contains non-Chalav Yisrael?

A: You have to ask your Rosh Yeshiva. As Ha-Rav Moshe Feinstein would say: "The Rabbi from Minsk should not interfere in a question for the Rabbi from Pinsk" (Meged Givot Olam Volume 1, p. 55. Volume 2, pp. 31-32).

Blessing over Rain Drops

Q: If I catch rain drops in my mouth, do I recite the blessing of "She-Ha-Kol"?

A: Yes, if you swallow them.

Denigrating Tzahal Soldiers

Q: I am a soldier. I Davened in a Shul in Meah Shearim while wearing my uniform and some people denigrated me. This is Torah?! What can we do?!

A: They are confused. Patience. They will heal.

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subject: [Rav Kook Torah]

Shoftim: The Jerusalem Police Officer

Rav Kook Torah

"Appoint judges and police in all of your cities..." (Deut. 16:18)

Rav Kook was overjoyed with the good news: David Tidhar, a Jewish officer serving in the British Mandatory police force, had announced that he was engaged to be married. The rabbi insisted that the wedding be held in his

own residence and that he would provide the wedding meal. Rav Kook even invited students from the yeshiva to join in the festivities.

Many people were surprised. Why was Rav Kook so fond of this particular policeman?

Rav Kook explained that David Tidhar had zekhut avot - ancestral merits.

His father, Reb Moshe Betzalel Todrosovich, was a wealthy Jaffa philanthropist who had been instrumental in bringing Rav Kook to serve as rabbi of Jaffa. Reb Moshe Betzalel supported numerous religious projects in Jaffa, especially anything related to Jewish education and assisting those in need. This fine man, Rav Kook declared, is certainly deserving of our thanks and gratitude.

The Run-Away Husband

Jewish policemen during the British Mandate (PikiWiki)

But Rav Kook's appreciation of David Tidhar was also based on his appreciation for the young man's own character and deeds. Their close ties took on greater importance when Tidhar became an officer in the Jerusalem police force. The Chief Rabbi would often turn to him for assistance in releasing a prisoner or to ameliorate a prisoner's conditions in jail.

On one unusual occasion, however, Rav Kook requested Tidhar's help in placing a man under arrest.

A certain resident of Jerusalem had decided to abandon his family, intending on leaving his wife without a proper divorce. Lacking an official bill of divorce (a get), the poor woman would become an agunah, trapped in her marriage and unable to remarry.

The scoundrel intended to flee Jerusalem on the early morning train. Legally, there was no way to stop him. The request to detain him had been submitted to the regional court, but the order could only be approved after the judge arrived at ten o'clock mid-morning.

Hearing of the situation, Rav Kook turned to Tidhar. The resourceful police officer came up with an unconventional solution to deal with the case. He dispatched an undercover detective to the train station. The detective found an excuse to start a fight with the man. The altercation began with harsh words and quickly progressed to fisticuffs.

Policemen instantly appeared and arrested the two brawlers, hauling them into the Me'ah She'arim police station. At that point, Tidhar arrived at the station. He detained the man until Rav Kook sent word that the court order had been obtained. He was then able to officially place the man under arrest.

The Would-Be Expulsion

In another incident, Tidhar sought to prevent the deportation of Jewish immigrants - a deportation that he himself had been detailed to carry out. The British passport office sent Tidhar a long list of illegal immigrants. The list included many details: names, addresses, ages, and so on. Tidhar was astounded. How had the British obtained so much information about the immigrants?

The answer was not long in coming. British immigration officials had posed as Jewish aid workers, going from house to house in the Jerusalem neighborhoods. Using this ploy, they tricked the immigrants into divulging their identifying details.

As police commander, Tidhar was the officer ordered to expel forty hapless families - on the day before Yom Kippur! It would have been a heart-breaking sight. Tidhar met with the Jewish city council. He requested that the refugees be provided with food and clothing, and he gave them a twelve-hour reprieve before executing the deportation.

The council's immigration department agreed. They provided for the immigrants' immediate needs and secretly transferred them to distant neighborhoods, thus forestalling the deportation orders.

In order to assist the refugees, Tidhar needed to work on Yom Kippur. Following Rav Kook's advice, he dressed as an Arab. This way, the Jewish immigrants would not be disturbed by the sight of a Jew desecrating the holiest day of the year - even if his labors were for their own benefit.

"There are two men," Rav Kook would say, "who assist me in maintaining order in religious affairs in Jerusalem. The first is the British High

Commissioner, Herbert Samuel. And the second is police officer David Tidhar.”

“However, there is a difference between the two,” the rabbi observed. “The commissioner always confers first with his legal advisor, so his assistance is often delayed. Officer Tidhar, on the other hand, is diligent and energetic. He does whatever he promises, quickly overcoming all obstacles.”

David Tidhar admitted, “The British officers thought that they were my commanding officers. But my true commanding officer was Rav Kook. For me, any request of the rabbi was an order, which I tried to discharge to the best of my ability. I considered it a great privilege to fulfill the Chief Rabbi’s wishes.”

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Ohr Somayach :: Torah Weekly :: Parsha Insights
For the week ending 22 August 2020 / 2 Elul 5780

Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

The Cause of Pain

"Who is the man who has built a new house and has not yet inaugurated it? Let him go and return to his house, lest he will die in the war and another man will inaugurate it." (20:5)

Rashi: "and this thing will pain him."

Rashi’s comment on the above verse cannot mean that the thought of someone else inaugurating his new home will be extremely painful to him. For, in the painful thoughts department, nothing is more painful than the thought of death itself.

The Midrash teaches that when the Romans executed Rabbi Chananya for teaching Torah in public, they wrapped him in his Sefer Torah and set it alight. To prolong his agony, they packed water-soaked wool around his chest. Rabbi Chananya said, "The parchment is consumed, but the letters fly up in the air." The Roman executioner was deeply moved by Rabbi Chananya’s holiness and asked, "If I remove the wool from around your heart, will I have a share in the World to Come?" Rabbi Chananya promised him that he would. The Roman then removed the wool, added wood to the fire to curtail Rabbi Chananya’s agony, and jumped into the flames and died. A Heavenly voice proclaimed, "Rabbi Chananya and the executioner are about to enter the World to Come." One thought of teshuva (repentance) can undo a lifetime of sin.

And one thought of sin can undo a lifetime of teshuva.

Arguably, the most important moment in a person’s life is his last moment. At that moment he has the potential to fix a lifetime’s wrongdoing. What a waste to spend that last moment immersed in the cares of this world, rather than one’s gaze on eternity!

This is what Rashi means when he says, "and this thing will pain him." How great will this man’s pain be if he spends his last moments thinking about his real estate rather than preparing himself to enter the World of Truth!

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subject: Weekly Torah Message From Rabbi Ephraim Z. Buchwald
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Rabbi Buchwald’s Weekly Torah Message - Shoftim 5780-2020
“Security for Citizens and Caring for Guests”

(updated and revised from parashat Shoftim 5761-2001)

In this week’s parasha, parashat Shoftim, we encounter the ritual of the עֲרֹפָה —Eglah Arufah, the ceremony of the heifer that is put to death.

In Deuteronomy 21, the Torah states, that if a corpse of a murdered person is found outside a city, and it is not known who the murderer was or which city the victim came from, the members of the Sanhedrin (High Court) in Jerusalem must determine the closest city, and the elders or leaders of that city are required to bring a heifer to nachal eitan, a strong valley with running water. At that location, the elders wash their hands over the heifer, symbolizing washing away of the community’s guilt. The elders then

say (Deuteronomy 21:7), וְעֵינֵינוּ לֹא רָאוּ, “Our hands have not shed this blood, neither have our eyes seen it.” The elders ask for forgiveness from G-d for not safeguarding the roads and for not providing adequate security for the travelers.

The Talmud, Sotah 46a, explains that the Eglah Arufah ceremony is purposely centered about a young heifer—an animal that has never produced fruit [offspring], and has never done any work. This incomplete animal is symbolically atone for the death of the man who died prematurely without producing “fruit.” According to Rambam, Guide of the Perplexed 3:40, the purpose of the ritual was to publicize the killing in the hope of finding the murderer.

I’ve always been fascinated by the Eglah Arufah ritual.

Not everyone remembers that New York City was, not so long ago, a crime ridden city on the verge of anarchy. It was Rudy Giuliani, who as mayor of New York, restored law and order to a city. After being elected Mayor in 1993, Giuliani reduced the rate of murder in the city by 65%. Since then, the murder rate has declined even further. In 1993 there were almost 2,000 murders in the city, and by 2019, the number of murders was remarkably reduced to 219. In fact, despite the recent rise in homicides, New York City is still ranked as the safest large city in America.

So, we pat ourselves on our backs as if to say what a wonderful achievement. But, is it justified?

Consider the fact that the entire country of Japan, with a total population of 126 million citizens had 950 murders in 2019. New York City, with a population of 8.4 million people should hardly rejoice over 219 murders. To the contrary, we should all be jumping out of our skins in grief and dismay that even 10 innocent people, or even one innocent person, was murdered. I’ve often wondered what it would be like if the mayor or leaders of any city in the world had to go out twice or three times a week to perform the Eglah Arufah ritual whenever a dead person was found. I feel quite certain that a much more concerted effort would be made to prevent murders if government officials were required to attend these horrible rituals. It is well known that the bottom line of Judaism and of all Jewish life is the “sanctity of human life.” So, it should come as no surprise that Judaism has this unprecedented ritual known as Eglah Arufah to underscore the community leaders’ responsibilities to protect human life.

As important as that lesson might be, we learn additionally from the ritual of Eglah Arufah that not only city officials, but even local (civillain) hosts, have a responsibility of escorting visitors, to make certain that every visitor can travel safely from one city to another. This ritual clearly demonstrates that hosts who fail to provide security are held morally responsible.

The law of escorting visitors from city to city and providing security is actually part of the customs of Hachnasat Orchim, the Jewish practice of welcoming guests in to one’s home. According to Jewish law, it is proper for hosts to escort visitors from their home, and even from their places of business, and walk with them approximately 4 cubits, that is about 8 feet, outside the front door. This is not done in order to “show guests the door,” but rather to provide guests with a sense of security.

Rabbi Aryeh Ben David in his helpful book Around the Shabbat Table, cites Maimonides, who insists that escorting guests when they leave is a greater mitzvah than inviting them in. This is rather surprising given all the hard work that is required to serve guests in one’s home.

Ben David points out that once a guest leaves the home, the guest feels quite vulnerable and alone. Escorting the guest out of the home shows that the host doesn’t really want the visitor to leave, and is in effect saying, “I’m willing to leave the comfort of my own home to help you on your way. I am accompanying you because I wish to extend this visit, if but for a few minutes, to allow me to be with you a bit longer because of my affection and affinity for you.”

Once again, we see that the ancient rituals of Judaism have wondrous contemporary implications.

May all your journeys be safe.

May you be blessed.

Shema Yisrael Torah Network
Peninim on the Torah - Parshas Shoftim
פרשת שופטים תש"פ
צדק צדק תרדף

Righteousness, righteousness shall you pursue. (16:20)

If we know of one imperative that hardly requires an injunction concerning its primacy, it is the pursuit of righteousness. Nonetheless, the Torah not only feels the need to mention it, but to mention it twice; *tzedek, tzedek*, "righteousness, righteousness." Everyone is involved in *mitzvah* performance (or so they claim), but even the execution of the most significant *mitzvah* must be carried with spiritual and moral integrity. A *mitzvah* should not be carried out at the expense of others. To appropriate funds for the needy – funds that have been "earned" in a less than reputable manner – is not a *mitzvah*, but actually angers Hashem. I say "less than reputable," because it is a term that applies to "gray" areas in which the inappropriateness of an activity/action might not be dark black or bright white, but a little grayish. It is tempting to cross the line, because, after all, we are doing this to help someone. It is like speeding to get to the hospital – even though if, *chas v'shalom*, Heaven forbid, we cause an accident, we have no excuse. Gray areas. "Tzedek, tzedek," explains the saintly *Horav Bunim, zl, m'Peshischa*, "You" must pursue righteousness with righteousness. No excuses – the end does not justify the means."

Furthermore, *tzedek, tzedek* – continuously, persistently. Just because one has begun the endeavor with *tzedek* as his lodestar does not permit him to change gears along the journey and implement "other" methods for completing the endeavor. The *yetzer hora*, evil inclination, is crafty. If at first it is unsuccessful in tarnishing the "means," it waits until, at some point, it notices a weakness in the individual's mettle. It seeks an area where it can exacerbate this weakness and "convince" the person to alter his means – of course, for the greater good. Hashem demands consistent *tzedek* from us.

A community was confronted with choosing between two candidates for the position of *rav*. While one was far more erudite, charismatic and people-oriented, the other candidate was a *b'nan shel Kedoshim*, heir to an extraordinary lineage of forebears who were all illustrious Torah giants. Due to their obvious obtuseness, the community leaders gravitated towards *yichus*, pedigree, over quality. They sought the advice of a Torah luminary, who was appalled by their line of thinking: "It would be an insult to this candidate's ancestors if he were to be chosen solely in their merit – rather than on his own. The Torah requires the position of *rav* to be occupied by one who is eminently qualified – not one whose ancestors preceding him were qualified. *Yichus* is wonderful, an added benefit, once everything else is in place."

Tzedek must be pursued with *tzedek*.

בללתו רום לבבו מאחיו ולבלתי סור מן המצוה ימין ושמאל

So that his heart not become haughty over his brethren. And not turn from the commandment right or left. (17:20)

The Torah demands that the Jewish king maintain a sense of humility, shying away from anything that might present him as pretentious and vain. The fact that he is king neither gives him license to act haughty, nor does it allow him to feel that he is better than anyone. With his position comes enormous responsibilities, as well as temptation to accede to a *yetzer hora*, evil inclination, that will play with his subconscious, encouraging him to act pompously and to use his office for personal gain. Monarchy, as with all leadership positions, is not a free pass. It creates tremendous opportunity, but equally formidable responsibility. One does not come without the other.

Horav Shimshon Pincus, zl, compares this to businessmen who go to the business show to purchase wares and products for resale. Some spend more than others, thus returning home with a greater amount of merchandise. While the one who purchased much is overjoyed with his full load of merchandise, he also understands that he must sell it all in order to realize the enormous profit he expects to make. He is also aware that selling the wares is only half-way home – it is securing payment from the buyer that ensures his profit. It is fortuitous to have a great deal of merchandise to sell, but only if he sells it, receives payment, and no misfortune occurs in its delivery. If it

is stolen and he has no insurance, it could prove disastrous – especially for the businessman who has the most to lose.

This is what the Torah implies when it writes, *L'vilti room levavo mei'echav*. Veritably, why should the king not be inclined toward haughtiness? After all, he is the nation's powerful monarch. With the position comes the pomp and power, wealth and honor. What we conveniently fail to acknowledge are the numerous obligations that are part and parcel of this position. Indeed, the more he has, the greater is his debt to the Almighty for selecting him for this honor.

Veritably, this idea applies to each and every one of us, whether he is blessed with wealth, acumen, an abundance of common sense or physical and emotional strength. Whoever has more than his fellow must never forget that he has been bequeathed a Heavenly gift which he must appreciate and for which he must be grateful. With this gift come enormous added responsibilities and obligations. The more we receive – the greater is our debt to Hashem. He granted us with this gift for a reason, for a purpose. Only an ingrate would ignore the significance of this gift; only a fool would be oblivious to its implicit message.

תמים תהיה עם ד' אלקיך

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

Rashi explains this to mean that one should follow Hashem with perfect faith, not being concerned about what will occur in the future (as was the custom in those days to seek out the counsel of diviners and astrologers). This means accepting whatever befalls a person with wholeheartedness and absolute conviction, recognizing it as the will of Hashem. Once, during the Middle Ages (as quoted by *Horav Eli Munk, zl*, in *The Call of the Torah*), a holy man gave a *kemeiah*, amulet, to someone who was anxious about the future. He warned him not to open it for an entire year. Imagine the surprise of the person when, after a year had passed, he opened it to discover, not *Kabbalistic* inscriptions (as was usually the case), but *Rashi's* comment to the above *pasuk*!

Temimus is defined as whole/perfect, which intimates that the individual is one hundred percent on board, wholly-committed, no questions asked. After all, whole/perfect implies black and white – not gray. *Horav Yissachar Shlomo Teichtal, zl*, derives from *Chazal* that while it is certainly enviable to achieve *temimus*, a whole-hearted/perfect absolute "black-white" connection with Hashem, if one maintains a more tenuous relationship, even if it might be somewhat "gray," he has hope that he will ultimately find spiritual healing and full connection with Hashem.

The *Talmud Chullin* 11a, discusses the concept of *Acharei ha'rabim l'hatos*, "we follow the majority", and its source in the Torah. Among the proofs is the law of offering an *alyah temimah*, the entire/whole fat tail of a lamb as part of a *Korban Shelamim*, Peace-Offering. This requires that the tail remain intact and not be cut. What about the concern that the segment of the *chut ha'shedrah*, spinal column, in the tail might have been severed prior to the *shechitah*, slaughter, of the lamb – thereby invalidating it (since the animal is now *treif* and unfit for a sacrifice)? This indicates that since the majority of animals do not have this problem, we follow the rule of *rov*, the majority. The *Talmud* suggests that the person split the tail and examine the spinal column. The problem with this is that, once it is cut, the tail is no longer *temimah*, whole. The *Talmud* replies, *heicha d'layif*, as long as the sides of the tail remained joined (the tail is not cut completely in half), there is no problem.

Having said this, *Rav Teichtal* derives that *tamim* applies as long as one has not entirely severed his connection with Hashem. We can still hope that he will return and become "whole" – entirely whole. Perhaps we may add with another form of connection to this idea. The previous generations were rooted in *emunah peshutah*, simple, pure faith in the Almighty. They did not articulate their questions, which I am sure some of them had. They understood their insignificance and, as a result, did not make demands upon the Almighty. They accepted their challenges, lived with adversity and triumphed over the obstacles to their faith – because they were simple and

whole. Unfortunately, with changes wrought by modernity and affluence, we have lost sight of the idyllic faith of the past. Those who have maintained somewhat of a connection – still have a chance for return. They are still considered whole.

I heard a powerful thought attributed to the *Sefas Emes*, which is apropos to the concept of *temimus* with regard to faith in Hashem. We have two *mitzvos* with regard to one's relationship vis-à-vis parents: *Kibbud*, honor; and *yiraa*, fear. *Chazal* distinguish between these two in that *kavod*, honor, applies to positive acts of respect, i.e. serving a parent. *Yiraa* focuses on the prohibitive, i.e. *al teishev binkomo*; do not sit in your father's seat. *Es Hashem Elokecha tira*, we are admonished to fear Hashem. This means, says the *Sefas Emes*, *al teishev binkomo*; do not sit in His place; do not think that you can question Him, examine His decisions with misgiving. We are puny servants – here today only by virtue of Hashem's kindness. At any moment we may become a scant remembrance. *Al teishev binkomo*. A Jew who fears Hashem understands what this means.

Shlomo Hamelech says, *Holeich ba'tom yeilech betach*, "He who walks in innocence (*temimus*) will walk securely" (*Mishlei* 10:9). He is not naïve – he is innocent. There is a difference. *Horav Chizkiyah Mishkovsky, Shlita*, related the following incident (which he heard from *Horav Greineman*). Prior to *Succos*, everyone turns to the *Esrog* vendor to search for a beautiful set of *Arba Minim*, Four Species. Veritably, not everyone is *halachically* proficient in walking through the many issues concerning *hiddur*, beauty, of the *Arba Minim*. The community of Bnei Brak arranged for thousands of sets to be made available at a reasonable price. While these were not the most beautiful, they were definitely kosher and *mehudar*. There were four *talmidei chachamim*, Torah scholars, assigned to the large kiosk who were prepared to answer the most difficult questions concerning the beauty of the species.

A Russian (obvious from his visage and clothing) Jew approached one of the *rabbanim* and asked, "*Kavod Horav*. I apologize for burdening his honor with my elementary questions. I am, however, new to this endeavor.

Growing up in Russia, religion was non-existent. The government did not allow us to practice our religious observance. Thus, I was unable to learn about and practice any aspect of Judaism. When I arrived in *Eretz Yisrael*, I decided that I would make up for lost time. I have covered much ground in the last three years since my arrival, but the concept of the four species is beyond me. I selected three sets – for myself and my two sons. Could I impose on the *rav* to examine them for their *kashrus* and beauty?"

The *rav* examined the first *esrog*, the accompanying *lulav*, *hadassim* and *aravos*, and was amazed by their unparalleled beauty. This man had really struck gold. His first set was exceptional. His amazement was magnified when the second set that he examined paralleled the first in its unsurpassed beauty. One can only imagine the *rav's* disbelief when the third set that he examined was unrivaled in splendor. How was it possible, he wondered to himself, that this Russian immigrant who conceded that he knew absolutely nothing about the Four Species would pick out the most beautiful sets in the bunch? There was only one way to find out. Ask! He queried the man, "How were you able to pick out such exceptional sets?"

The man's reply should stimulate us to greater devotion and service. "I live with Hashem," the man began. "Prior to coming to the *shuk*, market, I spoke to Him. I said, 'Hashem! You know that I love You. You know the challenges I had to surmount, the adversity over which I had to triumph, before I was able to emigrate to *Eretz Yisrael*. I was not permitted to know who You are! They did not allow me to learn from You. Had they let me, I would have clung to You with all of my heart. I arrived in *Eretz Yisrael* and I have tried – very much – to learn, to know, to cling to You. Sadly, I know very little. I cannot even select the appropriate *Arba Minim*. I ask You, Hashem, to please select for me the *Arba Minim*.'"

Rav Mishkovsky summed up this story: "We have absolutely no idea how much *Hashem Yisborach* loves each and every Jew. That Jew's *temimus* was so pure and strong, that, as a result, "He" selected the perfect sets of *Arba Minim*.

כפר לעמך ישראל אשר כדית

Atone for Your People Yisrael that You have redeemed. (21:8)

The *Midrash Tanchuma (Haazinu)* quotes the *Toras Kohanim* concerning the above *pasuk*: *Kapeir l'amcha Yisrael*, "Atone for Your People Yisrael." This applies to the living; *asher padisa*; "that You have redeemed," refers to the departed. This teaches that the living redeem the deceased. Therefore, it is our custom to memorialize the memory of the departed on *Yom Kippur* by praying for them, setting aside *tzedakah*, charity, in their behalf. I might think that *tzedakah* has no effect once a person passes on from this world. Thus, we learn from *asher padisa*, through the medium of *tzedakah*. The *Midrash* continues describing the transformative effect that *tzedakah* has on the soul of one who has left this world.

The following story, related by *Rav Yitzchak David Bamberger* (Quoted by *Horav Yitzchak Zilberstein, Shlita*), a distinguished Torah leader of the Manchester, England, Jewish community, concerns a Jew by the name of *Ephraim Aronson, zl. Reb Ephraim* was a *talmid chacham*, Torah scholar, who survived the Holocaust and emigrated to England from his native Poland. He spent most of his time engrossed in Torah study and became close with a number of *rabbanim* in Manchester. Sadly, *Reb Ephraim* and his wife were not blessed with progeny. When he passed away, she attempted to memorialize his soul by bringing cake and a check to *Rav Bamberger* to distribute among the members of his *Kollel* on the day of *Reb Ephraim's yahrzeit*.

This practice continued annually for a number of years. One day, the widow presented herself to *Rav Bamberger*, completely distraught. Apparently, her husband (his soul) appeared to her in a dream and asked, "Why did you forget me?" She woke up suddenly and realized that her late husband's *yahrzeit* had passed the previous week. She was shocked, but, somehow, she had lost track of time and forgotten his *yahrzeit*. *Rav Bamberger* realized that he, too, had forgotten the *yahrzeit*, and he immediately set about to correct the lapse in memory.

The above incident is just one of many which underscore the *z'chus*, merit, one can create for the souls of the departed. This is especially true when it is a son who provides the *z'chus*. Not only is he providing *nachas*, spiritual satisfaction, for his parent, he is also being *mekayeim*, fulfilling, the *mitzvah* of *Kibbud Av v'Eim*, honoring parents, which does not end with the parent's demise. Every *mitzvah* that one executes in this world in honor of the deceased catalyzes incredible merit for the *neshamah*, soul, in *Olam Habba*, the World to Come.

The *Maharsham, zl (Berzhoner Rav)*, was an unusual *talmid chacham*, Torah scholar, whose level of Torah erudition was peerless. Following his wedding, he continued his work with a small cattle business. He spent most of his time engrossed in study, but he would go in every now and then to earn some money to support himself. One of his suppliers was a trusted businessman who provided him with wood. The man went daily to the forest and returned in the evening with a load of wood, for which he was immediately reimbursed. This went on for years until the man passed away. After the *shivah*, seven-day-mourning period, was concluded, the man (soul) appeared to the *Maharsham* in a dream. The man said that he would continue providing wood for the *Mararasham*, as he had in the past. The *Maharsham* told him, "But you are no longer here. Go to your eternal rest." This went on for a number of nights, with the same vision and dialogue. Every morning after he experienced this dream, the *Maharsham* would light a candle in memory of this man's *neshamah*. He followed this with the study of *Mishnayos*, also in the man's memory.

After a while, the man appeared to the *Maharsham* and said, "I am here to inform you that I will no longer be 'visiting' you. I have come in the past because, until now, I have been unable to ascend from the world of *tohu*, emptiness, so that I could reach my final rest. I suffered greatly in this transitional stage, feeling as if I was alive, but knowing that I was not. Every time that you lit a candle, studied *Mishnayos* or gave charity to benefit my soul, "they" granted me a respite for a few days. After a few days, I was awakened and sent back to endure the pain. I would escape and run to your house to be spared from my ordeal. My term has ended, and I am now

permitted to move on to my resting place. I offer you my eternal gratitude for what you had done for me. It meant so much and was so beneficial for my *neshamah*.”

We suggest an alternative understanding of “this applies to the living; this applies to the departed.” According to the *Tanchuma*, the message is: the living have an obligation to redeem, to bring merit for those who no longer can do so themselves. Perhaps *Chazal* are teaching us that the living should learn from the dead, take heed, and alter their lifestyle. The *Ponovezher Rav*, *zl*, taught, concerning the *halachah*, that one does not return from the cemetery on the same path/road that he originally entered. He should take a different way out. (It is not always possible.) The *Rav* explained that one should not leave the cemetery in the same manner, with the same attitude, that he had when he entered. When one leaves the presence of death, when he sees before his very eyes that nothing is forever and that a hole in the ground is what one may expect (if he is lucky), it should spur him to change: his *davening*; his learning; acts of *chesed*. He should not be the same person upon leaving the gravesite as he was when he arrived.

The living atone for the departed by changing their own lives as a result of the lessons they have derived from coming in contact with the departed. What greater *z'chus*, merit, can a *neshamah* have than the merit of catalyzing the spiritual/moral alteration of a fellow Jew?

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שלמה בן צבי ז"ל נפ' ו' אלול תשמ"ה - הענא בת בנימין מנחם ע"ה נפ' ב' אב תשע"א

Mr. & Mrs. Sol Rosenfeld

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prepared and edited by Rabbi L. Scheinbaum

Semicha and Sanhedrin Controversies of the 16th and 21st Centuries

Rabbi Yirmiyohu Kaganoff

This article will be devoted to an explanation of the various halachic underpinnings of the Sanhedrin, including:

What are the roles and responsibilities of the Sanhedrin?

What exactly is semicha, and why is it such a central factor in the creation of the Sanhedrin?

What attempts have been made in the last hundreds of years to reconvene a Sanhedrin and reestablish semicha?

WHAT IS THE SANHEDRIN?

The Sanhedrin, also called the Beis Din Hagadol, is the final authority on all matters of halacha. Their interpretation of Torah she'be'al peh is authoritative.

Any halachic issue that is questionable and disputed by lower batei din is referred to the Beis Din Hagadol for a binding decision.

The Sanhedrin also fulfills several vital political and administrative roles. It appoints the Jewish king, as well as the judges who serve on the courts of the shevatim and the cities. Each shevet and each city was required to have a Beis Din of 23 that the Sanhedrin appoints. Thus, the Sanhedrin is not only the supreme halacha authority, but it is also, quite literally, the “power behind the throne,” “the power behind the courts,” – and, at the same time, the court of final appeal. It has the final say in all matters, both temporal and spiritual.

There are several other halachos that require the participation or agreement of the Sanhedrin, including a decision to wage war and expanding the halachic boundaries of the Beis HaMikdash or of Yerushalayim (Rambam, Hilchos Sanhedrin 5:1). (We are permitted to eat many holy items, including certain korbanos and maaser sheni, only in halachic Yerushalayim, which has nothing to do with its current municipal boundaries. Expanding the city requires a special procedure that includes participation of the Sanhedrin.)

In addition, several types of adjudication require the participation of the Sanhedrin, including prosecuting a false prophet, and the law of *zakein mamrei*, an elder who ruled against the Torah she'be'al peh (both taught in parshas Shoftim), the law of a city that went astray (*ir hanidachas*), the procedure of the *and* that of *eglah arufah* (Rambam, Hilchos Sanhedrin 5:1).

The Sanhedrin is also in charge of supervising the Jewish calendar through the appointing of a specially-designated committee. (In the absence of a Sanhedrin or Beis Din Hagadol, Hillel Hanasi established a permanent calendar over 1500 years ago, so that the calendar can continue to exist even though we no longer have a Sanhedrin.)

WHERE AND WHEN DOES THE SANHEDRIN MEET?

The Sanhedrin was open daily in its main headquarters inside the Beis HaMikdash, called the *lishkas hagazis*. When they are involved in litigation, the entire Sanhedrin, consisting of 71 members, is present. When not in session, there must still always be 23 members of the Sanhedrin in the *lishkah*.

WHO QUALIFIES TO BE IN THE SANHEDRIN?

There are many technical requirements that all members must meet, but as a basic requirement they must all be superior talmidei chachamim and yirei shamayim (G-d fearing individuals). In addition, all members of the Sanhedrin -- and indeed, of all the lower courts -- must also receive the special semicha that Moshe bestowed upon Yehoshua, authorizing him to rule on all areas of Jewish law.

DOESN'T EVERY RABBI HAVE SEMICHA?

There are several levels of semicha. The most basic semicha, called *yoreh yoreh*, authorizes the recipient to rule on matters of *kashrus* and similar areas. A more advanced level of semicha, called *yodin yodin*, authorizes its recipient to rule as a *dayan* on financial matters. A still higher level, no longer obtainable today, is called *yatir bechoros*, which authorizes its recipient to rule on whether a first-born animal is blemished and therefore inappropriate to offer as a *korban* (see Sanhedrin 5a). This semicha permits the firstborn animal to be slaughtered and eaten.

There was also a qualitatively different type of semicha that could be obtained from the time of Moshe Rabbeinu until the time of the Gemara. This semicha authorized the recipient to rule on capital and corporal cases (*chayavei misas Beis Din* and *malkus*) and to judge *kenasos*, penalties set by the Torah. Only a Beis Din consisting exclusively of *dayanim* ordained with this semicha may judge whether a person receives lashes or the death penalty for his actions.

In earlier days, each city and shevet had its own Beis Din of 23 judges, all of whom were possessors of the highest level of semicha. In addition, all 71 members of the Sanhedrin must have this form of semicha.

HOW MANY DAYANIM GIVE OUT SEMICHA?

A single judge who is himself a *musmach* may grant semicha to as many qualified people as he chooses, although the grantor must be accompanied by two other people, who need not be *musmachim* themselves. Dovid HaMelech (himself an expert judge and tremendous *talmid chacham*) once granted 30,000 semichos in one day (Rambam, Hilchos Sanhedrin, 4:7)!! Semicha that was granted to someone who is not an expert in all areas of halacha is not valid (Meiri, Sanhedrin 14a).

This special semicha must be issued within Eretz Yisroel. Thus, even if a *talmid chacham* is highly qualified, he may not receive semicha unless the grantor of the semicha and the recipient are both in Eretz Yisroel (Sanhedrin 14a). For this reason, most of the *Amora'im*, the great talmidei chachamim of the times of the Gemara, never received this semicha, because they lived in Bavel, not in Eretz Yisroel.

THE STORY OF RAV YEHUDA BEN BAVA

The Gemara (Sanhedrin 13b) tells us the following fascinating story which took place during the extreme persecutions that followed the failure of the Bar Cochva revolt: The Roman Empire once decreed that issuing semicha was a serious crime, punishable by death for both the grantor and the recipient. Furthermore, they ruled that the town in which the semicha was issued would be destroyed, and the areas near it would be razed.

After the execution of Rabbi Akiva, Rabbi Yehudah ben Bava realized that he was one of the last *musmachim* (recipients of this special semicha) still alive. If he failed to grant semicha to some young scholars, the semicha would terminate with his own death. He therefore endangered himself and granted semicha to five surviving disciples of Rabbi Akiva: Rabbi Meir, Rabbi Shimon bar Yochai, Rabbi Yehudah ben Ila'i, Rabbi Yosi ben Chalafita, and Rabbi Elazar ben Shamua – basically, to an entire generation of Torah leadership. In order not to endanger anyone else, Rabbi Yehuda ben Bava brought them to a place that was midway between two major cities and between two mountains. Thus, for the Romans to fulfill their decree they would need to level two mountains.

Rabbi Yehudah ben Bava succeeded in his mission, although he paid for it with his life. Because of his supreme sacrifice, the semicha continued among the Jewish people for several more generations.

With the increased persecution of the Jews by the Romans, the Jewish population of Eretz Yisroel dwindled, and with time, ordination through this semicha ended. Thus, no one received the semicha that qualifies someone to judge capital, corporal, or *kenasos* cases, and this aspect of halachic life came to an end.

CAN SEMICHA BE REINSTITUTED?

The Rambam writes: “It appears to me that if all the *chachamim* in Eretz Yisroel agree to appoint *dayanim* and grant them semicha, they have the law of *musmachim*, and they can judge penalty cases and are authorized to grant semicha to others... a person who received semicha from someone who already has semicha does not require authorization from all of them – he may judge penalty cases for everyone, since he received semicha from Beis Din. However, this matter requires a final decision” (Rambam, Hilchos Sanhedrin 4:11).

Thus, the Rambam suggested a method whereby the semicha can be re-created. However, several issues need to be clarified before this project can be implemented:

1. Did the Rambam conclude that this is the halacha, or is it merely a suggestion he is conjecturing? Don't his final words, “However, this matter requires a final decision,”

imply that he was uncertain about his suggestion and that he deferred making a final decision regarding this issue?

2. Assuming, unlike our previous sentence, that the Rambam ruled definitely that semicha can be reinstated, did he require, literally, all of the Chachamim in Eretz Yisroel to agree, or does a majority suffice? Must the rabbonim be assembled all in one place, or is it sufficient if they are aware of the process and grant their approval?

3. Is the Rambam's opinion on this subject universally held? And if not, do we rule like him?

THE 16th CENTURY CONTROVERSY-- REINTRODUCING SEMICHA

After the Spanish expulsion, many Jews remained in Spain, practicing their Judaism in secret, while publicly appearing to be Christians. Thousands of these Marrano Jews, also often called by the Spanish term conversos or the Hebrew word, anusim, eventually escaped to areas where they could return to the religion of their fathers, yet they were haunted by the transgressions they had committed on Spanish soil. Many were concerned that they would never escape the specter of their more serious aveiros, many of which carried the punishment of kareis. Although they had become true ba'alei teshuvah, they lived in fear of their ultimate day of judgment, when they would have to provide a reckoning for their actions and face the serious consequences.

THE SOLUTION

The Mahari Beirav, Rav of Tzefas in the early sixteenth century, came up with a solution to the problem of these ba'alei teshuvah. He proposed the creation of batei din that could carry out the punishment of malkos, lashes, which releases a person from the punishment of kareis (Mishnah Makos 23a).

There was one serious problem with this proposal. In order to create batei din that can administer these punishments, one must have dayanim who have received a special semicha that can be traced to Moshe Rabbeinu. Since this semicha had terminated over a thousand years before, the Mahari Beirav needed a method of reintroducing the semicha.

TZEFAS, 5298 (1538)

In 5298 (1538), 25 gedolim of Tzefas, at the time the largest Torah community in Eretz Yisroel, granted semicha to the Mahari Beirav, based on the writings of the Rambam (Peirush Hamishnayos, Sanhedrin 1:3; Hilchos Sanhedrin 4:11). He then ordained four people with the new semicha, including Rav Yosef Karo, who had already written his monumental works Kesef Mishneh and Beis Yosef, and later authored the Shulchan Aruch, and Rav Moshe diTrani, the author of several major halacha works, including Beis Elokim, Kiryas Sefer, and Shu't Mabit. Mahari Beirav also sent a semicha to the Rav of Yerushalayim, Rav Levi ibn Chaviv, known as the Maharalbach, who he assumed would be delighted to receive such a wonderful gift! The Maharalbach was not happy with the gift and refused to accept the semicha. He took strong issue with their granting semicha, for the following several reasons:

1. The Rambam's closing words, "This matter requires a final decision," shows that he was not fully decided on this halacha, and therefore it cannot be relied upon.
2. The Ramban (Sefer Hamitzvos, Aseh 153) disagrees with the Rambam, contending that semicha can not be reinstated until Moshiach arrives. Thus, since the Rambam was uncertain about this halacha, and the Ramban was certain that there is no such thing, the halacha follows the Ramban.
3. Even if we assume that the Rambam meant this ruling to be definitive, the Tzefas rabbonim had not fulfilled the procedure correctly, since all the gedolim of Eretz Yisroel must be together in one synod. (This opinion is actually mentioned earlier by the Meiri, Sanhedrin 14a.)

Furthermore, the Maharalbach insisted that all the scholars must be involved in the active debate and that all must agree. He also contended that even if someone holds that a majority of gedolim is sufficient, the minority must be aware of the debate and participate in it. He further contended that creating such a synod after the fact would not help, since, once the Tzefas rabbonim had ordained the Mahari Beirav, they now have a bias in their ruling (noge'a bedin), which invalidates their opinion on the subject.

The Maharalbach proved his opinion, that the Rambam's suggestion was not accepted as normative halacha, from the fact that there had been numerous opportunities for gedolei Yisroel to create semicha, and yet, they refrained from doing so. The Maharalbach concludes that semicha will not exist again until the arrival of Moshiach.

WHAT ABOUT THE MARRANOS?

As for the ba'alei teshuvah that would be left without release from their kareis, the Maharalbach pointed out that if they performed sincere teshuvah, they would be forgiven for their sins, no matter how severe they were. Although it is possible that they may suffer somewhat in this world for these aveiros, despite their teshuvah, they would receive no punishment for their aveiros in the next world (Makos 13b).

On the other hand, the Maharalbach pointed out that he did not understand how semicha could accomplish what Mahari Beirav wanted, anyway, since Beis Din cannot punish someone for violating the Torah, unless several requirements are met, including:

The sinner must receive a warning, immediately prior to his violating the commandment, telling him that he is sinning, explaining to him that what he is planning to do is wrong, and informing him what punishment he will receive if he sins. The sinner must acknowledge that he heard and understood the warning, and then perform the sin, anyway. Furthermore, Beis Din does not punish a sinner unless two adult male Jews witness the entire procedure and then testify in front of Beis Din. Clearly, none of these Marranos had received warning prior to performing the aveiros, and, therefore, they were not punishable with malkus in Beis Din. Thus, how would these ba'alei teshuvah receive the malkus they desire, even if dayanim musmachim exist?

We will continue this article next week.