

## Shoftim

### by Rabbi Berel Wein

We are all in favor of equality and justice. The goal of all democratic societies is to have, as far as humanly possible, an incorruptible and fair judicial system. Since, however, judges are only human – no matter how knowledgeable and altruistic they may be, the perfect judicial system has never yet been achieved.

Nevertheless, in order to make society livable, we are bidden to obey the decisions of the court. As the Talmud itself points out, "even if they proclaim to you that left is right and right is left, you want to listen to them." The Talmud acknowledges that judicial error is a facet of life....for after all, left is never right and right is never left. So, how are judicial errors ever to be corrected?

The answer to that question usually comes with the passage of time and with the application of common sense to the realities of life. The famous dictum in Jewish life has always been "what wisdom cannot accomplish, time will." Heaven, so to speak, also takes a hand over time in adjusting erroneous judicial decisions and somehow making things come out right in the end.

Yet, the Torah emphasizes to us that even though judicial error is possible if not even probable, we are to follow the decisions of our judges for otherwise anarchy will reign and society will dissolve. The decisions of judges may be analyzed and even disagreed with, but judges are to be respected and their judgments eventually are to be fulfilled. Ultimate justice is relegated to the provinces of Heavenly guidance.

Jewish tradition ascribes judicial decisions not merely to book knowledge and even to precedent, but also to common sense and an intuition of fairness and equity. The great Rabbi Israel Lipkin of Salant often pointed out that Heaven alone can take into account all of the facets, consequences and results of judgment, reward and punishment. The human judge is limited in perspective and foresight.

We are all aware of the law of unintended consequences, which dog all legislation and judicial decision. It is because of this that the Talmud ruefully has God, so to speak, busy undoing many of the decisions and actions of leaders and ordinary people in order to achieve the Divine will and purpose in the actions and decisions of humans.

All judicial systems contain a process of review and appeal from decisions made by lower courts. This is an inherent realization the judicial error is present and likely in all human affairs. It is of little wonder then that the phrase "trial and error" is so well known in the English language. The judicial system always attempts to correct and analyze itself. However, even in so doing, it is always subject to bias, preconceived notions and erroneous logic and decisions. Nevertheless the Torah emphasizes that judicial systems are mandatory for society to function. It is one of the basic seven laws of Noachide tradition. So, as in every other facet of life, the Torah bids us to do the best that we can but to be aware of our human limitations.

Shabbat shalom

Rabbi Berel Wein

## Drasha

### By Rabbi Mordechai Kamenetzky Parshas Shoftim

#### Just Justice

The pursuit of justice is a tenet of any wholesome society. The Torah defines that principal in a clear and unambiguous way. "Tzedek, tzedek tirdof righteousness, righteousness thou shall pursue" (Deuteronomy 16:20) The Torah tells us not only to seek righteousness but to pursue it. It seems to tell us to chase justice with vigilance and fervor, but the words of the verse amplify the pursuit of righteousness more than righteousness itself.

The Torah repeats the word righteousness. It does not repeat the word pursue. Would it not have been more appropriate to stress the word pursue rather than the word righteousness? Second, what does

"righteousness, righteousness" mean? Isn't one righteousness enough? What is double righteousness?

Further, shouldn't we double our efforts in its pursuit? Shouldn't the Torah have said, "Pursue, Oh pursue, righteousness" instead of telling us "Righteousness, righteousness though shall pursue"? Isn't the pursuit of righteousness the main goal? Doesn't the Torah want to stress the passionate pursuit of righteousness? Obviously the double expression, "righteousness, righteousness" contains a poignant message.

Veteran news reporter David Brinkley surveyed the Washington scene back in September of 1992 and reported a very interesting event.

Washington, DC derives a great portion of revenue from traffic tickets. In fact, \$50 million a year is raised from tickets for moving violations, expired inspection stickers, overdue registrations and of course the inescapable plethora of expired parking meters.

A traffic officer was on a Washington curb writing a ticket for an illegally parked car. As he was writing the ticket, a thief had the audacity to come by with a screwdriver and steal the car's license plate.

The officer did not stop him. He just waited until he finished. Then he gave the car another ticket for parking on a public street with no plates.

Sometimes justice is overwhelmed by the pursuit of it. The Torah tells us what type of righteousness to pursue not just plain righteousness but rather — righteous righteousness. There is just justice and there is a system of laws that often goes out of control. The Torah exhorts us not only to seek justice but to pursue a just justice.

It is said that during the 1930s, when the saintly Rabbi Yisroel Meir haCohen of Radin, better known as the Chofetz Chaim, was in his 90s, he wanted to live the last years of his life in Eretz Israel. However, he was unable to obtain a Polish passport because the Polish government required him to produce either an official birth certificate, or bring forward two witnesses who were there at his birth! All of that was in pursuit of an unjust code of law. The Torah tells us this week to be vigilant in the pursuit of righteousness, but it also tells us to be righteous in its pursuit as well!

Mazel Tov to Dov & Danniella Teitz upon their marriage this past Monday from all your Chaveirim of Mesivta Ateres Yaakov

Good Shabbos

Rabbi Mordechai Kamenetzky

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## Greatness is Humility

### Shoftim

#### Rabbi Jonathan Sacks

There is a fascinating detail in the passage about the king in this week's Parsha. The text says:

"As he presides upon his royal throne, he must inscribe a copy of this Torah for himself upon a scroll, in the presences of the Levitical priests. It must always be with him, and he shall read from it all the days of his life, so that he may learn to revere the Lord his God, taking care to keep all the words of this commandment and these decrees, not considering himself superior to his people, or straying from the commandments to the right or to the left. Then he and his descendants will reign long in the midst of Israel."

Deut. 17:18-20

He must "read it all the days of his life" so that he will be God-fearing and never break Torah law. But there is another reason also: so that he will "not begin to feel superior to his brethren" (Kaplan translation), "so that his heart be not haughty over his brothers" (Robert Alter). The king had to have humility. The highest in the land should not feel himself to be the highest in the land.

This is hugely significant in terms of the Jewish understanding of political leadership. There are other commands directed specifically to the king of Israel. He must not accumulate horses so as not to establish trading links with Egypt. He should not have too many wives for "they will lead his heart astray." He should not accumulate wealth. These were all standing temptations to a king. As we know, and as the Sages pointed out, it was these three prohibitions that Solomon, wisest of men, broke,

marking the beginning of the long slow slide into corruption that marked much of the history of the monarchy in ancient Israel. It led, after his death, to the division of the kingdom.

But these were symptoms, not the cause. The cause was the feeling on the part of the king that, since he is above the people he is above the law. As the rabbis said, Solomon justified his breach of these prohibitions by saying:

The only reason that a king may not accumulate wives is that they will lead his heart astray, so I will marry many wives and not let my heart be led astray. And since the only reason not to have many horses is not to establish links with Egypt, I will have many horses but not do business with Egypt.

Sanhedrin 21b

In both cases he fell into the trap of which the Torah had warned. Solomon's wives did lead his heart astray (1 Kings 11:3), and his horses were imported from Egypt (I Kings 10:28-29). The arrogance of power is its downfall. Hubris leads to nemesis.

Hence the Torah's insistence on humility, not as a mere nicety, a good thing to have, but as essential to the role. The king was to be treated with the highest honour. In Jewish law, only a king may not renounce the honour due to his role. A parent may do so, so may a rav, so may even a nasi, but not a king (Kiddushin 32a-b). Yet there is to be a complete contrast between the external trappings of the king and his inward emotions.

Maimonides is eloquent on the subject:

Just as the Torah grants him [the king] great honour and obliges everyone to revere him, so it commands him to be lowly and empty at heart, as it says, 'My heart is empty within me' (Ps. 109:22). Nor should he treat Israel with overbearing haughtiness, for it says, "So that his heart be not haughty over his brothers" (Deut. 17:20). He should be gracious and merciful to the small and the great, involving himself in their good and welfare. He should protect the honour of even the humblest of men. When he speaks to the people as a community, he should speak gently, as it says, "Listen my brothers and my people...." (I Chronicles 28:2), and similarly, "If today you will be a servant to these people..." (I Kings 12:7). He should always conduct himself with great humility. There was none greater than Moses, our teacher. Yet he said: "What are we? Your complaints are not against us" (Ex. 16:8). He should bear the nation's difficulties, burdens, complaints and anger as a nurse carries an infant.

Maimonides, Laws of Kings 2:6

The role-model is Moses, described in the Torah as "very humble, more so than any person on the face of the earth" (Num. 12:3). "Humble" here does not mean diffident, meek, self-abasing, timid, bashful, demure, or lacking in self-confidence. Moses was none of these. It means honouring others and regarding them as important, no less important than you are. It does not mean holding yourself low; it means holding other people high. It means roughly what Ben Zoma meant when he said (Avot 4:1), "Who is honoured? One who honours others."

This led to one of the great rabbinic teachings, contained in the siddur and said on Motzei Shabbat:

Rabbi Yochanan said, "Wherever you find the greatness of the Holy One, blessed be He, there you find His humility."

This is written in the Torah, repeated in the Prophets, and stated a third time in the Writings. It is written in the Torah:

"For the Lord your God is God of gods and Lord of lords, the great, mighty and aweinspiring God, who shows no favouritism and accepts no bribe.

Deut. 10:17

Immediately afterwards, as Megillah (31a) notes, we read that God, "upholds the cause of the orphan and widow, and loves the stranger, giving him food and clothing..." (Deuteronomy 10:18). God cares for all regardless of rank, and so must we, even a king, especially a king. Greatness is humility.

In the context of the Diamond Jubilee of Queen Elizabeth II, there is a story worth telling. It happened in St James' Palace on 27 January 2005. As Chief Rabbi, I was invited to join a group of Holocaust

survivors, and together we marked the sixtieth anniversary of the liberation of Auschwitz. Punctuality, said Louis XVIII of France, is the politeness of kings. Royalty arrives on time and leaves on time. So it is with the Queen, but not on this occasion. When the time came for her to leave, she stayed. And stayed. One of her attendants said he had never known her to linger so long after her scheduled departure time.

[1] This essay was written by Rabbi Sacks in the summer of 2012, at the time of the Queen's Diamond Jubilee.

The Queen gave each survivor – it was a large group – her focussed, unhurried attention. She stood with each until they had finished telling their personal story. One after another, the survivors were coming to me in a kind of trance, saying, "Sixty years ago I did not know whether I would be alive tomorrow, and here I am today talking to the Queen." It lacerated lives. Sixty years earlier they had been treated, in Germany, Austria, Poland, in fact in most brought a kind of blessed closure into deeply of Europe, as subhuman, yet now the Queen was treating them as if each were a visiting Head of State. That was humility: not holding yourself low but holding others high. And where you find humility, there you find greatness.

It is a lesson for each of us. Rabbi Shlomo of Karlin said, Der grester yester hora is az mir fargest az mi is ein ben melech, "The greatest source of sin is to forget we are children of the king." We say Avinu Malkeinu, "Our Father, our King." It follows that we are all members of a royal family and must act as if we are. And the mark of royalty is humility.

The real honour is not the honour we receive but the honour we give.

[1] This essay was written by Rabbi Sacks in the summer of 2012, at the time of the Queen's Diamond Jubilee.

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## **Tzitzit and Tefillin for Women**

### **Revivim**

#### **Rabbi Eliezer Melamed**

The commandment of tzitzit applies only during the day, therefore women are exempt from it \* From the translation of Yonatan ben Uziel it appears that there is a prohibition for women to wrap themselves in a tallit due to "lo yilbash" \* Women are also exempt from the commandment of tefillin, since it too is a positive commandment that is time-bound \* Most of the later authorities wrote that one should protest against women who want to put on tefillin \* In practice, women who want to wrap themselves in a tallit in private are permitted to do so \* It is not proper to protest against women who disregard various commandments and wrap themselves in a tallit and put on tefillin publicly in a demonstrative manner, but rather to criticize in a useful way

Q: Why don't women practice the commandments of tzitzit and tefillin? After all, the exemption of women from these commandments is because they are time-bound commandments, and if so, the rule is that women have no obligation to fulfill them, but if they do fulfill them, it would be a mitzvah for them, like the commandments of hearing the shofar on Rosh Hashanah and taking the lulav on Sukkot? And what should be the attitude toward women who want to fulfill the commandments of tzitzit and tefillin?

Additional Question: How is it proper to relate to women who demonstratively wrap themselves in tzitzit and put on tefillin, and it appears that they do this with chutzpah and defiance against what is accepted among Torah and commandment observers?

A: I will clarify this issue extensively, in order.

The Dispute and the Halakha Whether Women are Obligated in Tzitzit The Tannaim (rabbinic Sages from approximately 10–220 CE) disagreed regarding the obligation of women in tzitzit (Menachot 43a-b). According to the first Tanna, women are obligated in tzitzit, since in his opinion the commandment of tzitzit is not dependent on time but applies day and night, and therefore women are obligated in it. And so practiced Rav Amram Hasida, who placed tzitzit on the garments of the women in his house (Sukkah 11b). While according to Rabbi Shimon, women are exempt from tzitzit, because it is a commandment that applies during the

day and not at night, and therefore it is a time-bound mitzvah, and women are exempt from it.

#### Women Who Wrap Themselves in Tzitzit Fulfill a Commandment

According to halakha, it was decided that the commandment of tzitzit applies only during the day (Shulchan Aruch Orach Chaim 18:1), and consequently, women are exempt from the commandment of tzitzit. In other words, women who wear a four-cornered garment are not obligated to place tzitzit on it, but if they do place tzitzit on it, it would be a mitzvah for them. And according to the custom of the Shulchan Aruch, they would not bless on the tzitzit, but according to the custom of the Rema, they would even recite a blessing on the tzitzit.

And so it is written in the Shulchan Aruch regarding the commandment of tzitzit: “Women and slaves are exempt, because it is a positive commandment that is time-bound” (Orach Chaim 17:2). The Rema added: “And in any case, if they wish to wrap themselves and bless on it, it is up to them to do so as with all time-dependent commandments. However, it looks as if they are doing it to appear more observant than others, therefore, they should not wear tzitzit, as it is not a commandment of the person [rather of the object].” However, there were women who practiced the commandment of tzitzit, as brought in the Maharil. Similarly, Rabbi Yosef Mashash (from Morocco and Algeria) testified about righteous women who would wrap themselves in tzitzit, and put on tefillin (Nachalat Avot part 5, p. 268).

#### The Custom that Women Don't Wrap Themselves in Tzitzit and its Reasons

In practice, the vast majority of women did not practice wrapping themselves in tzitzit. The Maharil (Rabbi Yaakov Levi Molin, New Responsa §7), who was one of the later early authorities in Ashkenaz (1363-1427), wrote that women should not wrap themselves in a talit, mentioning several reasons, such as that we are concerned about forbidden fabric mixtures (sha'atnez), carrying on Shabbat, presumptuous customs, and yihora (arrogance). He also mentions an esoteric reason. In Minhagei Maharil (Tzitzit 4), he writes that there were women who wrapped themselves in tzitzit, including the wife of Mahari Bruna. Even though he was not pleased with this practice, he did not object. He was asked: Why doesn't he protest against Rabbanit Bruna, who lived in his city, and always wore a tallit katan. And he replied, that perhaps she doesn't listen to me, and about such a case, it is said, better they be shogagim (sin unintentionally), and not be meizidim (sin deliberately).”

However, most of the reasons he brought are only distant concerns, but the main reason written in his name by the author of the Agur (Laws of Tzitzit 27) is because of arrogance: “And Maharil Molin was asked, and he replied that women who wear tzitzit is foolishness, and appears like arrogance.” The author of the Agur is Rabbi Yaakov Baruch Landa, whose father was a student of Maharil.

As mentioned, so wrote the Rema, that wrapping in tzitzit for women “appears like arrogance, and therefore they should not wear tzitzit, as it is not a commandment of the person [rather of the object].” That is, unlike the commandments of reading Shema, shofar, and lulav, in which men are obligated, and therefore, there is value that women fulfill them. In the commandment of tzitzit, men are not obligated as long as they don't possess a four-cornered garment, and only if they wrap themselves in a four-cornered garment, they would have a commandment to place tzitzit on the garment (Aruch HaShulchan 17:2-3).

#### Is There a Concern of “Lo Yilbash”

From the translation of Yonatan ben Uziel (Deuteronomy 22:5) it appears that there is a prohibition for women to wrap themselves in a tallit due to “lo yilbash,” (the prohibition against cross-dressing), and so should be the law regarding tefillin. And there are some of the Achronim (later authorities) who mentioned this concern, including Ben Ish Chai (Lech Lecha 13). However, all the Rishonim (early authorities) and the vast majority of Achronim did not mention this problem. And Maharam Schick explained (Yoreh Deah 173), according to the Taz (182:4), that the prohibition of “lo yilbash” is when wearing a garment for the sake of beauty, but when wearing it for the sake of a mitzvah, there is no prohibition of “lo yilbash.” In any case, if they add colors to the garment

as is customary in women's garments, even according to the stringent poskim, there would be no prohibition of “lo yilbash.”

#### Women and Tefillin

The Mishnah in Tractate Berachot (20a-b) says that women are exempt from the commandment of tefillin. Our Sages explained that the reason for this is that tefillin is a positive commandment that is time-bound, since on Sabbaths and holidays one does not put on tefillin. In the Babylonian Talmud (Eruvin 96a) it is told about Michal bat (the daughter of) Shaul, who would put on tefillin, and the Sages did not protest against her. In contrast, in the Jerusalem Talmud (Berachot 2:3), they said that the Sages did protest against Michal bat Shaul for putting on tefillin.

#### Dispute of the Rishonim

Some poskim say that the halakha is as explained in the Yerushalmi, and one should protest against a woman who wishes to put on tefillin. So wrote the Raavad, Riaz, Kolbo (section 21) in the name of Ram from Rothenburg, Tashbetz Katan (section 270).

However, on the other hand, there are those who hold that the halakha is as explained in the Babylonian Talmud, that one should not protest against a woman who wants to put on tefillin. So wrote in Sefer HaChinuch (421), the Meiri (Eruvin 96a), and so it appears from the Rambam (Laws of Tzitzit 3:9), and the Rashba (1:123). And similarly, it's possible to learn from other Rishonim who included the commandment of tefillin with other positive commandments that are time-bound without any distinction, and they are: Bahag, Rif, Ran and Ritva. They also noted several righteous women from the times of the Rishonim and Achronim who practiced putting on tefillin, including the daughters of Rashi, and the wife of Rabbi Chaim ben Attar.

#### The Opinion of Most Achronim That Women Should Not Put on Tefillin

However, the majority of Achronim wrote that one should protest against women who wish to put on tefillin. So wrote Rema (38:3): “And if the women want to be stringent upon themselves, we protest against them (Kol Bo).” And so wrote many poskim, including: Yam Shel Shlomo; Maharikash, Levush 3; Magen Avraham 3; Birchei Yosef 38:1; Pri Megadim Eshel Avraham 3; Yafeh LaLev 2; Mishnah Berurah 2:13.

#### The Reason One Should Protest according to the Achronim

The Achronim explained that the reason of those who hold that one should protest against women putting on tefillin, is because one must be careful when putting on tefillin that one's body be clean, and not pass gas while wearing them. And one must also be careful not to be distracted, and women are not diligent to be careful about this, and instead of a mitzvah, it would become a transgression for them (Tosafot Eruvin 96a s.v. “Michal,” Raavad, Ran and Ritva).

However, it is known that there are women who know how to be careful properly in everything necessary when putting on tefillin. And the more women know how to read and learn, the more women will be able to be careful about this. Therefore, the Achronim explained that if women were obligated in tefillin, the concern about an unclean body and distraction would not exempt them from the commandment. But since they are exempt, and there is a concern about cleanliness – they ruled that they should not put them on (Magen Avraham 38:3). For even men, in principle, should have put on tefillin throughout the entire day, and our Sages decreed that they should not put them on at night, lest they fall asleep and pass gas while wearing them, and disgrace them. And the Rishonim added and ruled not to put them on even during the day, because our Sages said (Shabbat 49a) that tefillin require a clean body, like “Elisha the Master of Wings”. And if they put them on all day, it's likely that many will sin, and disgrace them. But since men are obligated to put them on once a day, they ruled to put them on during the morning prayer, when men are concentrated on holy matters, and the concern they won't maintain a clean body lessens. But women who are not obligated in this, why should they risk harming the honor of the tefillin (Magen Avraham 38:3; Aruch HaShulchan 38:6).

However, even among the Achronim, there are those who hold that a woman who knows how to keep her body and mind clean, is permitted to put on tefillin (Olat Tamid 38:3, the testimony of Rabbi Yosef Mashash, above).

## The Practical Halakha

Women who wish to wrap themselves in a tallit in private are permitted to do so. And this is because the main reason they ruled not to wrap themselves is because of arrogance, that they should not boast about it over the custom of all the righteous women who do not practice wrapping themselves in tzitzit; but in private, there is no concern of arrogance, and it is permitted. According to the custom of Ashkenazi women, they recite a blessing on the tzitzit, and according to the custom of Sephardic women, they do not bless (Peninei Halakha: Women's Prayer 2:8). And if many women practice this in private for the sake of Heaven, over time, even if they fulfill it publicly, it would no longer be considered arrogance. However, regarding tefillin, the ruling for women is that they should not put them on. And a woman who despite this years and wishes to put them on in private, she has whom to rely on.

## The Meaning of Protest and Criticism

The opinion that holds that our Sages protested against Michal bat Shaul who put on tefillin, the intention is that they pointed out to her that it's not proper to practice this way. And presumably, they did this only because she put them on publicly. But the intention is not that they made demonstrations against her, or insulted her, because after, all she is fulfilling a commandment.

## The Words of Rabbi Feinstein ztz"l

However, Rabbi Feinstein (Igrot Moshe Orach Chaim 4:49) wrote regarding feminist women who want to wrap themselves in tzitzit, that if their intention is for the sake of Heaven, it is a mitzvah for them. But when their intention is from their resentment against the Torah that doesn't equate between men and women, "this is not a mitzvah act at all, but on the contrary, a forbidden act" – the prohibition of heresy, thinking that it's possible to change the Torah.

## How to Relate to Religious Feminism

In practice, it appears that it's not proper to mix the struggle with the negative sides of the feminist movement, in order to criticize those who wish to fulfill mitzvot out of identification with the positive sides of the feminist movement. And as Maran Rabbi Kook explained, that one should not reject any movement that seeks to add good, because in all of them, there are divine sparks, and in rejecting them, there is a flaw in faith that causes crises and suffering; rather, the tikun (correction) is to increase upon them light from the Source of Israel, so that they indeed add goodness and blessing ("Yisurim Mamrikim," Zeronim, Orot). And even toward women who disregard various commandments and wrap themselves in a tallit and put on tefillin publicly in a demonstrative manner, it is not proper to protest, but rather, to criticize in a useful way what is worthy of criticism, and to respect what is worthy of respect.

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## Parshat Shoftim: Righteousness vs. Idolatry – What is the Connection?

### Rabbi Dr. Shlomo Riskin is the Founder and Rosh HaYeshiva of Ohr Torah Stone

"You shall appoint judges...[who] will not pervert justice.... Justice, justice shall you pursue..."

"You shall not plant for yourselves an Asheira [tree used for purposes of idolatry according to Rashi and Ibn Ezra] near the altar of the Lord your God."

(Deuteronomy 16:18–21)

The juxtaposition of these verses – the demand for honorable and righteous judges, the concern for an impartial legal system which is a "no bribe zone," immediately followed by the prohibition of idolatry – seems to mix two completely different areas of religious concern. It combines the moral and ethical laws of interpersonal conduct together with the ritual laws of divine service. Each of these two realms holds a respected place in the Bible, but why group them so closely together without any kind of segue between them?

Second, which of these two crimes is more grievous? Is it a corrupt judicial system which undermines the very infrastructure of an ethical society? Or is it a mistaken religious notion which calls for the worship of a tree instead of the worship of the Creator of the tree? Certainly the

injurious implications emanating from the first seem far more damaging than those emanating from the second.

Indeed, the Bible itself adds a rider to the command to pursue justice: "in order that you may live and inherit the land which the Lord your God gives you." A just society is a necessary prerequisite for the continued life of historic Israel and for Israel's ability to retain sovereignty over her homeland. No such caveats or conditions appear pursuant to the prohibition of the Asheira.

Moreover, the Bible has already expressed its displeasure at those who worship trees or stones, which can neither see nor hear nor eat nor smell (Deut. 4:28). Why prohibit worshipping the Asheira tree specifically if it is planted near the sacrificial altar? Is it not equally forbidden to serve a free-standing Asheira tree even if it is nowhere near the sanctuary (Mishkan) or Temple?

The Talmud (Avoda Zara 52a) makes a startling comparison, which begins to provide the solution to our questions:

"Resh Lakish said, 'Anyone who appoints an unworthy judge is considered like someone who plants an Asheira tree in Israel, as it is written: "You shall appoint judges and executors in all your gates" and it is written right next to it, "You shall not plant for yourselves an Asheira tree."' And R. Ashi added, 'And if it is in a place where pious scholars are found, it is as if he planted the Asheira next to the sacrificial altar.'"

What I believe the sages are deriving from this juxtaposition of the biblical verses is that the real sin of idolatry lies in the perversion of justice perpetrated by the idolaters. This was found in their lack of morality and ethical conscience, in the orgiastic Dionysian rites, which included eating the limbs and drinking the blood of living animals and in the drunken trysts with temple prostitutes. Idolaters paid no heed to "Thou shalt not murder" when they sacrificed innocent children to Molekh! And worst of all was when the immorality of idolatry invaded the hallowed gates of the Holy Temple. At that point, the entire reason for Israel's nationhood ceased to exist, so that God was forced to leave His House and see to it that it be destroyed.

The truth is that almost every time the Bible forbids idolatry, it is within the context of the immoral behavior which characterized it:

"Do not bow down to their gods, do not worship them and do not act according to their practices." (Ex. 23:24)

"Guard yourself lest you seek out their gods.... They burn their sons and daughters in fire to their gods." (Deut. 12:30–31)

"You shall destroy the Hittites...in order that they not teach you to act according to all their abominations." (Deut. 20:17–18)

Remember that God chose Abraham because he was committed to compassionate righteousness and moral justice (Gen 18:18–19); on Tisha B'Av, the memorial day of our Temples' destruction, we read publicly the verse, "But let him who glories glory in this: Understand and know Me, that I am God who exercises loving-kindness, moral justice, and righteous compassion on the earth, for in these things do I delight," says the Lord" (Jer. 9:23).

Although Maimonides consistently defines idolatry in pure and absolute theological and metaphysical terms, Rabbi Menachem HaMeiri (thirteenth and fourteenth century, Provence) defined idolatry in terms of the "disgusting immoral acts of the idolaters," whose paganism prevented them from accepting the universal moral laws of the Noahide Covenant. For the Meiri, anyone who was moral was ipso facto not to be considered an idolater. In the final analysis, he understood that to know God is to pursue justice and righteousness; idolatry is not so much a sin of correct theological opinions as it is a sin of social corruption and immorality.

Shabbat Shalom

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## FROM LAST WEEK

### Rabbi YY Jacobson

### Before You "Slaughter" Another Jew Make Sure This Is What G-d Wants

A Strange Talmudic Insight into a Biblical Verse Captures the Sense of Jewish Unity

No Gashes

There is a fascinating verse in this week's Torah portion, Reah:

You are children of the Lord, your G-d. You shall neither cut yourselves nor make any baldness between your eyes, for the dead. (Deut. 14:1)

The custom of many pagans was to cut themselves in demonstration of grief over the death of a loved one. To vent their agony, they would make incisions in their flesh, pull out their hair, and flay their skin. The Torah prohibits this behavior. [1] There must be limits to grief. This is the meaning of the Hebrew word "sisgodedu," to scrape off the flesh.

The Talmud, however, adds a second meaning to this commandment:

The Torah is saying: Do not splinter yourself into separate groups. [2] ("Sisgodedu," from the root word "agud" or "agudah," means groups.)

This is a prohibition against the Jewish people becoming divided. Practically, this is a prohibition against one Jewish court dividing into two and guiding the community in a conflicting fashion, [3] creating division and conflict. [4]

One practical example would be this. If a synagogue has a certain tradition of how to pray, one may not come and begin praying in a different tradition without the consent of the community. [5]

But there is something strange here, and the question was first pointed out by the 16th century Jewish sage and leader, Rabbi Yehuda Loew (1512-1607), known as the Maharal, [6] chief Rabbi of Prague (who one of the most influential Jewish personalities of his time, and author of major works on Jewish thought.) The Talmud and the Midrash often present various interpretations for one biblical term or verse; but nowhere do we find two interpretations that are completely disconnected. On the simple level, "sisgodedu" means scraping off your skin. Now the Talmud tells us that it also means, "don't split up into separate groups." How do these two divergent instructions come together in a single word? Why would the Torah communicate such two disparate ideas in one word-lacerating your body and dividing a community?

Or to put it more poignantly and humorously, the sages, it seems, by imposing this second meaning, are "violating" the very injunction they are trying to convey. They take a simple word in the verse and they "splinter" its meaning to connote divergent interpretations that seem to lack any common streak?

In the words of the Maharal: [7] "Every man of wisdom and understanding will be amazed at the relationship of their [the sages'] words with the simple meaning of the text, at a truly awesome depth. Yet, the man who is a stranger to this wisdom will wonder at their unlikely reading of the verse, their words seeming implausible to him."

One Organism

Yet it is here that we can once again gain insight into the depth of Torah wisdom. [8]

The truth is, that the two interpretations are not only not divergent, they are actually one and the same. They both represent the same truth-one on a concrete, physical level; the other on a deeper, spiritual level.

The Torah prohibits us from cutting our skin as a sign of bereavement. Our bodies are sacred; our organism is integrated, precious and holy; we must never harm it. We must not separate even a bit of skin from our flesh. Even difficult moments of grief don't allow us to give up on our life and on the sacredness and beauty [9] of our bodies. [10]

But that is exactly what we are doing when we allow our people to become splintered. The entire Jewish nation is essentially one single organism. [11] We may number 15 million people, and come from different walks of life, profess extremely different opinions, and behave in opposite ways, but we are essentially like one "super organism." When I cut off a certain Jew from my life, when I cut myself off from a certain Jewish community, I am in truth cutting off part of my own flesh.

When I cut my skin, I am lacerating my body. When I cut you off from me, I am lacerating my soul. Because our souls are one.

Only G-d

I once read the following powerful story.

In the late 18th century, in Eastern Europe, there was a terrible conflict between the Chassidim and their opponents, the Misnagdim, who suspected the Chassidim of heresy and blasphemy. The chief opponent

was the Vilna Gaon, the famed Rabbi Elijah (1720-1797), from the Lithuanian city Vilnius, who issued a ban (cherem) against Chassidim. He excommunicated them from the Jewish community. It was a terrible division which continued for decades.

The Misnagdim came to one of the greatest students of the Vilna Gaon, Rabbi Refael Hakohen Katz, the Rabbi of Hamburg and author of Toras Yekusiel (1722-1803), and asked him to sign the ban. He refused. They said: "But your own Rebbe, the Vilna Gaon, signed it, and your Rebbe is like an angel of G-d!" [12]

This was his response:

There is a famous question on the story of the Akeida, the binding of Isaac, in Genesis. G-d instructs Abraham to bring up his son Isaac as an offering. Abraham complies. At the last moment, as he is about to slaughter Isaac, The Torah states: "And a heavenly angel of G-d called out to him, and said: Abraham! Abraham!... And he said: 'Do not stretch out your hand against the lad, nor do anything to him.'" At the last moment, Isaac is saved.

There is something strange about this story. The instruction to bring Isaac as an offering came directly from G-d. [13] G-d Himself told Abraham to offer his son to Him. Why did the reverse stop-order come from an angel and not from G-d?

The answer, said Reb Refael, is this. If G-d wants to tell you not to touch a Jewish child, sending an angel will suffice. But if He wants you to "slaughter" another Jew, an angel can't suffice! G-d Himself needs to come and tell you to do it. If you are going to "slaughter" another Jew, make sure you hear it from G-d Himself.

To let Isaac live, the instruction could be communicated via an angel. To let Isaac die, G-d needed to show up Himself.

"My Rebbe is an angel of G-d," Reb Refael said. "But I will not sign a ban against another Jew," even when an angel tells me to do so. To "slaughter" a Jew I need to hear it from G-d Himself.

[The source of the above story is in the book "Toras Yechiel" by Rabbi Akiva Yosef Schlezinger (1837-1922), Parshas Vayeira. The story is also found in a book "Chut Hameshulash" (by Rabbi Shlomo Sofer (1853-1930), a biography of three generations: Reb Akiva Eiger, the Chasam Sofer, and the Kesav Sofer), page 27. In the latter, the name of the student of the Vilna Gaon is given as Reb Zalman of Valazhin, one of the most beloved students of the Vilna Gaon. There, he also adds that when the Vilna Gaon heard this response, he abstained from any further action against the Chassidim!]

It is also interesting to note that, according to many sources, the famed Chafetz Chaim, Rabbi Yisroel Meir Kagan, who dedicated his life to increasing Jewish unity, and his works spread among all Jews, was a grandson of Reb Refael of Hamburg.]

Be Careful

Sometimes we get into fights with people over idealistic reasons. We "slaughter" people with our words or actions, and we feel that we are acting on behalf of an angel. We feel angelic about our actions.

Be wary, says the Torah! If you are going to cut someone off from your life, you want to hear it from G-d Himself. If not, let it go.

In the name of "holy" reasons, parents stop speaking with children, or children cut off their parents, and complete families get shattered in the fighting. It is an absolute and painful disaster, one that the people might regret for decades to come.

Of course, sometimes we need healthy boundaries between ourselves and others to protect our sanity and life-energy. But before you are about to "slaughter" a fellow Jew, through words, actions, or even a comment, make sure you are 100 percent sure this is what G-d wants from you. Make sure you are aligned with your deepest Divine, regulated core, before you make the next move.

[1] What is the connection between the opening of the verse about our being the children of G-d and the prohibition of gouging ourselves over the death of a loved one?

The Ohr Hachaim explains that the Torah is teaching us that death has another dimension to it. It can be compared to a person who sent his son to a faraway land to start a business there. The son settled in that place and over time, became very close to many fine people there. After many

years, the father summoned the son to return home, and the son acceded to his wishes. The son is not lost. Those who had grown to know and love him are no longer able to see him, but the son is not lost. On the contrary, the son is returning home to his father. The thought of those friends going ahead and gouging themselves over the agony of the son's departure is unjust. Sadness and a melancholy feeling are in order. Gouging is out. Because "Banim a'tem laHashem Elokaichem," You are children of Hashem your G-d." At death, the person is returning to the Father. The duration of that person's visit to this transient world has come to a close. The time has come to return home. Therefore, "Lo tigo'd'du," do not gouge yourselves over a death. Reacting in such a way really contradicts our beliefs.

The Chizkuni explains that the basis for the command not to gouge ourselves is that we are the children of Hashem--we are mere children. Do we have an understanding of why we live and why we die? Can we fathom the Divine decisions which determine these occurrences? Do we appreciate the meaning of life? Do we comprehend why a person is born or why they die? A child does not comprehend the decisions that a mature father makes-and we too are children. Thus, "Lo tigo'd'du {do not gouge yourselves}." Cf. Ibn Ezra, Ramban, Daas Zekenim, Seforno and Klei Yakar for their explanations in the juxtaposition.

[2] Yevamos 13b

[3] רמב"ם הלכות עבודה זרה יב, יג-יד: גדידה ושריטה, אחת היא... על המט, בין שרט בידו בין שרט בכלי, לוקה... ובכלל אזהרה זו, שלא יהו שני בתי דינין בעיר אחת, זה נוהג במנהג, וזה נוהג במנהג אחר, שדבר זה גורם למחלוקת גדולה, וכתוב לא תתגודדו, לא תיעשו אגודות אגודות.

[4] The Talmud in Yevamos 13b and 14a discusses the nature of this prohibition. Abaye maintains that Lo Sigsodedu applies when two different batei dinim (courts) in one city issue conflicting rulings. This makes the one Torah that was received at Sinai appear as "two Torahs" (Rashi ibid.) and causes confusion and discord (Rambam). Rava, however, does not object to different batei dinim, even in the same city, issuing contradictory rulings, since it is within the very nature of the Torah that different rulings will be rendered by different schools of thought, as Beis Shamai and Beis Hillel did for many years. In Rava's opinion, the prohibition of Lo Sigsodedu is meant to discourage one beis din from rendering a split decision.

See Kesef Mishnah to Rambam ibid who amends the text so that the Rambam agrees with Rava not Abaya, as is usually the standard in Halacha.

It is interesting to note, that Rabbi Ovadiah Yosef maintains that regarding any halachic issue about which it is well known that there is a difference of opinion, there is no problem of "lo sigsodedu." However, many halachik authorities disagree. A case in point: Everyone knows that many Jews wear tefillin on Chol ha-Moed and many do not. Nevertheless, the Mishnah Berurah quotes from the Artsos HaChaim that you should not allow these two groups to pray together in the same shul; they should pray in different rooms. Otherwise, he notes, it looks like there are "shtei Toros" (two Torahs).

[5] See here for the entire discussion: <http://olamot.net/sites/default/files/pdf/68.pdf>

[6] In his commentary of Gur Aryeh to this verse, Deut. 14:1

[7] Beer HaGolah p. 44

[8] I heard this insight from Rabbi Yosef Chesser (Montreal), who heard it from Rabbi Schneur Kotler, the famed dean of the Lakewood Yeshiva, when he once visited Montreal. It was during a Friday night gathering, and on the table was the question if Ashkenazic Jews should support a struggling Sephardic school in Montreal.

[9] That is how Rashi explains the reason for the prohibition. Rashi Deut. 14:1

[10] Symbolically, perhaps, the scraping of the skin demonstrates a lack of sensitivity that our flesh is part of "us," it is part of our soul. We may not separate the body from its internal soul. When we realize the body is part of the soul, and that the soul never dies, it alters our perception of death. When we gash our bodies after death, it demonstrates a lack of this awareness.

[11] See Talmud Yerushalmi Nedarim 9:4. Cf. Tanya chapter 32. Derech Mitzvosecha Mitzvas Ahavas Yisroel and references noted there.

[12] See Talmud Chagigah 13b that a real Rebbe is like an angel.

[13] Genesis 22:2.

## People

### An "Author" in History

#### David Olivestone

This article was originally published in the Summer 2021 issue of Jewish Action.

Rabbi Berel Wein's Extraordinary Contributions to Jewish Life and Learning

Communal rabbis are by definition leaders. Some lead one congregation with great loyalty and dedication for many years. Others share their talents and learning with a succession of communities as they move from pulpit to pulpit. Over the course of their careers, some speak to and influence hundreds, others thousands.

But there are a few who speak to hundreds of thousands, and some even to millions. These are the special individuals for whom the precincts of the synagogue and the ambit of the community are too confining. Blessed with extra doses of intellect, eloquence, creativity, personality and above all vision, they found organizations, create schools and launch movements. Each in his own way, these entrepreneurs of the Torah world make an impact which reaches far beyond their points of origin.

Such an individual is Rabbi Berel Wein.

Born in Chicago in 1934, he did not set out to be a rabbi, although he did stem from a rabbinical family. In 1955, the year he was married, he obtained semichah from the Hebrew Theological College, then on Chicago's West Side and later in Skokie. But his father, who was the rabbi of a prestigious Chicago synagogue, told him sadly that he did not see much of a future for the Orthodox rabbinate in America and encouraged him to go to law school. Becoming proficient in real estate law, he soon opened his own law offices together with a partner, and also began investing in real estate.<sup>1</sup>

His material success did not distract him from his own learning and his involvement in the yeshivah world. Soon he was asked to serve as the part-time rabbi of the congregation to which he belonged and began giving numerous shiurim. "Even then," he says, "I thought of myself more as a rabbi than as a lawyer."

When another business venture turned sour, he was very open to a suggestion made to him by the rabbi of a congregation in Florida who was leaving for another pulpit. With the enthusiastic recommendation of Rabbi Chaim Kreiswirth, the head of the Chicago yeshivah, Rabbi Wein was invited to fill the position.

When he arrived at Congregation Beth Israel in Miami Beach in 1964, it was hardly a flourishing institution. One of the new rabbi's first tasks was to raise enough money to cover his own "pretty measly" salary. But within a year his popularity grew and the membership multiplied rapidly. In addition, many winter visitors to Florida helped fill the shul, and before long, a spacious new building was dedicated.

Among the winter visitors were prominent roshei yeshivah, rabbanim and communal leaders from all sectors of Jewish life and from all over America, who helped broadcast Rabbi Wein's burgeoning reputation. As his stature rose, he began to be approached with offers of significant positions with major organizations, and in 1972 he accepted the post of executive vice president of the Orthodox Union, and the family moved to Monsey, New York.

He did not enjoy the job. The OU was understaffed and financially strapped, and his time was spent in administrative matters and meetings. He felt he was accomplishing little for Torah and the Jewish people, but he had signed a five-year contract, and was "grimly determined to honor it." When Rabbi Alexander Rosenberg, the legendary head of OU Kosher, passed away in the autumn of 1972, Rabbi Wein replaced him and filled out the remainder of his contract in that position. But he had concluded that organized Jewish life was not for him, and says that he then "chose other ways of trying to help the Jewish people."

Rabbi Wein's hope, of course, which is a hallmark of all his teaching, is that by studying the patterns in our history, we will not repeat the mistakes of the past.

Soon after moving to Monsey, Rabbi Wein had begun giving Torah classes in his neighborhood, and once again his eloquence and his teaching skills resulted in his being invited to serve as the rabbi of a new local shul, to be known as Congregation Bais Torah. Starting with just forty families, it grew into one of the leading synagogues in the Monsey area.

He led Bais Torah successfully for twenty-four years, but that was far from his only involvement with the Monsey community. In 1977 he added the title of rosh yeshivah when he founded a yeshivah high school with a bet midrash program that gave semichah recognized by the Rabbinical Council of America as well as by the Israel Chief Rabbinate. He called the yeshivah Shaarei Torah, which had been the name of a yeshivah founded by his grandfather, whom he revered and whom he has sought to emulate throughout his life. In the twenty years that he led it, Rabbi Wein and a dedicated team of rebbeim and secular teaching staff educated hundreds of young men, many of whom went on to become distinguished rabbis and communal leaders.

Although Rabbi Wein needed to spend much of his time on fundraising, the second largest source of income for the yeshivah (after tuition) turned out to be a by-product of his great interest in Jewish history. This interest stemmed from his teenage days in the Chicago yeshivah. As he recalls it, "The yeshivah had a wonderful library with over 30,000 volumes, and it even had a professional librarian. We had an hour off for lunch which I would spend in the library. I had always wondered who the Ba'alei Tosafot were, who was Rabbeinu Tam and who was the Rosh. So one day, after a long halachic shiur on the Rosh, the librarian found a book on him for me and I was hooked."

Rabbi Wein could hardly have realized how significant a moment it was when in the late 1970s he began teaching a Jewish history class for women in his shul. Soon enough, several of the men asked for a class on the same topic. Since a number of them were unable to attend regularly, they asked for the class to be recorded. As he puts it, "Thus was born Rabbi Wein's history tape series." Once sets of the tapes were put on sale, word spread rapidly of how fascinating they were, and orders began pouring in. All the income from the tapes went directly to the yeshivah. Eventually, his more than 700 audio tapes on Jewish personalities and Jewish history would sell over a million copies worldwide.

The taped classes demonstrate his masterful ability to make history come alive, as he recounts the dramatic, often sad events of the long Jewish story in an authoritative yet relaxed manner. His engaging style, his enthusiasm and his dry humor are contagious. But more significantly, evident in every lecture is his ability to interpolate pertinent references from Tanach, Talmud, midrashim, Chazal, mefarshim and Jewish tradition in general. And he misses no opportunity to bring the lessons of history home, drawing parallels between the historical events he is chronicling and current events in Israel or in the Jewish world at large.

The various series, now available to download, contain as many as thirty lectures in a set.<sup>2</sup> They address events both chronologically—for example, the Biblical, ancient, medieval and modern eras—and topically—such as "The Golden Age of Sephardic Jewry," "The Destruction of European Jewry," "Judaism and the Majority Culture," "The Lost Communities"—as well as biographies, the holidays, and on and on. "Jewish history," he notes, "covers not only vast tracts of time, but huge areas. The Jews have penetrated almost all societies and left their mark on them. Writing a history of the Jews is like writing a history of the world." To this he adds a postscript that characterizes his whole approach: "The effort to grasp history as it appears to the Jews produces illuminating insights."

These insights suffuse the entire corpus of his teaching. A favorite theme is to trace what he calls patterns in Jewish history, which became the title of one of his books.<sup>3</sup> "Even a cursory view of Jewish history," he writes, "will reveal definite patterns that rise and fall regularly in the

story of the Eternal People." Among the patterns he identifies are acculturation and assimilation, messianism and mysticism, persecution and legends, fantasies and falsifications. His hope, of course, which is a hallmark of all his teaching, is that by studying the patterns in our history, we will not repeat the mistakes of the past. "G-d," Rabbi Wein tells us, "says, 'Let's see what you're made of.'"

The sheer volume and variety of his output are hard to grasp.

Rabbi Wein had already published two rabbinic works, so the transition from oral history to the written word was not hard. His first history book, *Triumph of Survival*, covering Ashkenazi Jewish history from 1648 on, appeared in 1990 and has been reprinted many times. This was followed by *Herald of Destiny* (1993), in which he dealt with the medieval period, *Faith and Fate* (2001), the story of the Jewish people in the twentieth century, and *Echoes of Glory* (2014), covering the period from the end of the First Temple Era to the times of the Geonim, as well as many other works.

The unique quality that characterizes these handsomely produced books, as opposed to so many other histories of the Jewish people, is that they are Jewish histories. "The irony of most Jewish history texts," Rabbi Wein writes, "is that they have been written with condescension, if not hostility, to the basic beliefs and true heroes of Jewry over the centuries." Unlike histories written by secular authors, Rabbi Wein points to an "Author" in history, "... Who guides Israel to its destiny."<sup>4</sup> The sheer volume and variety of his output are hard to grasp.<sup>5</sup> Having pioneered the use of audio tapes in Jewish education in the 1970s, he created the Destiny Foundation in the new century to take advantage of new media. With a team of filmmakers, he produced animated videos on the lives of Rashi and the Rambam, as well as a series of documentaries on the events of the twentieth century, and other topics. For many years, Rabbi Wein wrote a weekly column in the *Jerusalem Post*, and he continues to send newsletters, a weekly blog and a podcast to thousands of subscribers. Many of these opinion pieces were collected in his book, *In My Opinion* (Destiny Foundation, 2020).

In 1997, Rabbi Wein and his wife made aliyah and set up home in Jerusalem. Predictably, he was soon asked to give shiurim in the nearby Beit Knesset Hanassi, a well-known synagogue in the Rechavia neighborhood with many Anglo members. And unsurprisingly, history repeated itself yet again in 2002 when he was invited to become the shul's mara d'atra, a position he continues to occupy today.

In his upper eighties, and despite impaired vision, Rabbi Wein still speaks and publishes on a myriad of topics, drawing on his formidable mind and memory to quote at will from Tanach, Shas and posekim. Long may he continue to inspire his congregation and his many thousands of admirers around the world.

Editor's note:

On August 16, 2025, Rabbi Berel Wein, zt"l, passed away at the age of ninety-one. Rabbi Wein, the world-renowned rav, educator and communal leader who served as former OU executive vice president and contributing editor of *Jewish Action*, had a profound influence on generations of Orthodox Jewry. Until the end, he continued to be a prolific writer and teacher of Torah whose books and columns were read by thousands and whose insight and wisdom were sought out and treasured.

Notes

1. Berel Wein, *Teach Them Diligently* (Jerusalem, 2014), p. 28. Rabbi Wein writes about his life experiences in this delightful autobiography.

2. [rabiwein.com](http://rabiwein.com).

3. *Patterns in Jewish History* (Jerusalem, 2011).

4. *Triumph of Survival* (Brooklyn, NY, 1990), p. xi.

5. His many other books include a Haggadah, an English commentary on *Pirkei Avot*, and illustrated histories of the Mishnah and the Talmud. Visit [rabiwein.com](http://rabiwein.com) for a complete listing.

David Olivestone is a contributing editor of *Jewish Action*.

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## It's for the Birds part II

By Rabbi Yirmiyohu Kaganoff

Question #1: The Chicken or the Egg?

Which came first, the chicken or the egg? In other words, may I eat a bird relying that the egg it lays has a kosher shaped shell?

#### Question #2: Mom and Pop Shop

Can a non-kosher species of bird and a kosher species of bird produce viable offspring together?

#### Foreword:

In the first part of this article, we learned that Hashem taught Noah the halachos of how to identify kosher animals, so that he could fulfill: “From each of the kosher animals you shall take seven, male and female, and from the non-kosher animals two, male and female. Also, from the birds of the heavens you shall take seven, male and female” (Bereishis 7:2-3). We also learned that the Torah teaches which varieties of birds are non-kosher (Vayikra 11:13- 19; Devarim 14:11- 19). We also learned that Chazal figured out some simanim of the kosher birds, but that we rely only on mesorah to know which birds are kosher.

#### Walking on egg shells

At this point, I have a different question. There seems to be a simpler criterion by which we can prove whether a bird is kosher or not. The Gemara mentions that the eggs of kosher species have a definitive appearance. They possess an elliptical shape: the eggs are oval on opposite ends, but one end is considerably wider than the other. Eggs that are either pointed on both ends or wide on both ends are all laid by non-kosher species. Why don't we use the shape of the egg, often called an “egg shape,” as a siman that the bird mom who laid these eggs is kosher?

The answer is that, in addition to all kosher birds, there are also non-kosher bird species that produce egg-shaped eggs (Shulchan Aruch, Yoreh Deah 86:1). Therefore, the shape of the egg cannot be used as a sign that the egg is kosher, only that it is non-kosher if it is the “wrong” shape.

#### Mom and pop shop

Regarding mammalian species, the Gemara (Bechoros 7a) rules that a kosher species and a non-kosher species cannot reproduce together. Therefore, even if we cannot determine whether a specific animal chews its cud or has split hooves (for example, we find an animal that chews its cud but its feet are damaged in a way that we cannot determine if it has split hooves) but we know that it reproduced with a kosher species, we can conclude that the unknown species is also kosher. Logically, this same concept should hold true regarding avian species – if a variety of bird for which we have no mesorah crossbreeds with a kosher bird, the new variety has been determined to be kosher.

However, the Chasam Sofer is uncertain whether this rule is true germane to birds. In other words, it is possible that a kosher species of bird and a non-kosher species of bird can produce viable young together. Although the Chasam Sofer is inclined to the view that this should determine that the unknown species is kosher, he is wary to conclude that way halachically. However, the Sochachover concludes that the rule that a kosher and a non-kosher animal will not produce viable young together applies to birds also. In his opinion, if we are certain that two varieties of bird produce a viable offspring together, and we know that one variety is kosher, we can assume that the other, heretofore unknown species is also kosher (Shu't Avnei Neizer, Yoreh Deah #75).

In this context, there is a very interesting responsum written by the Maharam Shick, one of the most renowned disciples of the Chasam Sofer, in answer to a question posed by the Chasam Sofer's oldest son and successor as rav and rosh yeshiva in Pressburg (today Bratislava, Slovakia), the Kesav Sofer. The Kesav Sofer asked about birds that have no mesorah as to their kashrus but are now crossbreeding with regular chicken hens and producing both eggs and chicks that are being raised for meat. Can one consume these eggs and the new crossbred birds?

The Maharam Shick divides the question into four shaylos:

1. May one eat a new bird variety of unknown kashrus once it has crossbred with a regular domestic chicken?
2. May one eat a crossbred offspring whose father is of a new variety and whose mother is a domestic chicken?
3. May one eat a crossbred offspring whose father is a domestic rooster and whose mother is of a new variety?

4. May one eat the eggs of this crossbreed? (Shu't Maharam Shick, Yoreh Deah #100. I rearranged his order of questions to present his answers more clearly.)

The Maharam Shick concludes:

1. Since the Chasam Sofer ruled that crossbreeding a kosher species with a non-kosher variety does not prove that the other parent is kosher, we cannot permit the newly available bird variety. The Maharam Shick adds additional considerations to this aspect of the question, based on the fact that Ashkenazim follow the approach of Rashi that we eat birds only when we have a mesorah that they are kosher.

2. A crossbred offspring whose mother is a domestic chicken is permitted, a ruling that requires an explanation. Here are some of the reasons why the offspring may be permitted even if its father is not:

Ein choshashin le'zera ha'av

A. The early tanna'im, Chananyah and the Sages, dispute whether halacha is concerned about paternal lineage of an animal, called choshashin le'zera ha'av (Chullin 79a), which is the position of Chananyah, or ein choshashin le'zera ha'av, we can ignore the paternal lineage. The halachic conclusion is that it is a safek whether we are concerned. Therefore, when the issue relates to a rabbinic prohibition, we may rule leniently that ein choshashin le'zera ha'av, whereas when it relates to an issue that is min haTorah we rule choshashin le'zera ha'av and are strict. However, even when the prohibition is min haTorah, we can be lenient when there is another safek so that we now have a sefek sefeika, two different possibilities why something is permitted.

In our current shaylah, we know that Mom's side of the family is kosher, but we are uncertain whether Dad's family is a kosher breed. Indeed Dad's breed might be kosher and we also have another halachic reason – ein choshashin le'zera ha'av – that allows us to ignore Dad's family. This makes the newly developed breed permitted because of sefek sefeika, perhaps the father's breed is permitted, and even if it is not, we can ignore it because of the rule of ein choshashin le'zera ha'av.

Zeh ve'zeh goreim

B. Food or other benefits produced by two contributing factors, one forbidden and the other permitted, are called zeh ve'zeh gorem. The tanna'im dispute whether zeh ve'zeh gorem is permitted or not. The halachic conclusion is that we are not permitted to create a product that is zeh ve'zeh gorem, but, bedei'evid, the item is permitted. (However, see Shu't Tuv Taam Vada'as, Yoreh Deah #151.) Thus, even if the newly developed breed's father was prohibited, it can be permitted because of the mother.

3. Although both explanations I just provided are reasons why one may eat a crossbred offspring whose mother is a domestic chicken, in shaylah #3 of the Maharam Shick, in which father is a domestic rooster and mother is of a new variety, the first reason I provided, ein choshashin le'zera ha'av, does not apply because mother's side, the more important side, is from the unknown new variety. However, the second reason, zeh ve'zeh gorem, is a basis to rule leniently.

Egg decomposition

Here is another reason why we might be able to permit these cases: The Gemara (Temurah 31a) states that there is a halachic difference between the development of birds' eggs into chicks and the development of mammals. During the development of an egg into a chick, the living material decomposes and, as a result, is no longer a kashrus issue. According to some authorities, this means that we are not concerned with the species of the parents of a new breed, but simply examine whether the bird that emerges from the shell appears similar enough to a breed that we already know to be kosher. According to this approach, in all cases of crossbreeding bird species, the only consideration might be to what extent the new crossbreed looks like the previously known species.

4. At this point, we should address the fourth of the Maharam Shick's shaylos: May one eat the eggs that are created from this crossbreed?

If we know that the hen that laid the egg is a domestic chicken, this egg is permitted. If we find an egg and do not know which hen laid it, the halacha is that if the egg appears with a typical egg shape, we may consume the egg (Shu't Chasam Sofer, Yoreh Deah #74; Shu't



Maharam Shick, Yoreh Deah #100; Shu't Tuv Taam Vada'as, Yoreh Deah #151).

Conclusion: turkey vs. eagle

Did Benjamin Franklin really want the turkey to be the symbol of the United States of America? Well, this is what he wrote in a letter:

"For my own part I wish the bald eagle had not been chosen the representative of our country. He is a bird of bad moral character. He does not get his living honestly... He is therefore by no means a proper emblem for the brave and honest... The turkey is in comparison a much more respectable bird, and withal a true original native of America... He is... a bird of courage and would not hesitate to attack a grenadier of the British Guards who should presume to invade his farm yard with a red coat."

To reinforce good old Ben's argument, we note that whereas the turkey has all four simanim of a kosher bird, the eagle has none. The Ramban explains that the Torah forbade the non-kosher birds because the Torah wants us to avoid the bad midos that they exhibit. One could assume that the kosher species may exhibit admirable traits that the Torah wants us to emulate. Certainly, the courage to observe mitzvos in times of adversity is a tremendous virtue worth thinking about the next time we eat turkey.

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### **The Real You: Overcoming Imposter Syndrome This Elul**

**By Rabbi Efrem Goldberg**

Have you ever felt like a fraud—as though you're just making it up as you go, and one day the world will discover you aren't as capable as they thought? This feeling can appear in professional life, family life, religious life—or in all three.

I'll admit something personal. For several years after I graduated, I had a recurring nightmare: the registrar's office called to demand my diploma back because I hadn't really earned it. Even now, after more than twenty years serving as a rav, I catch myself thinking, "Who am I to give this derasha, officiate at this wedding, answer that halachic question, or give that shiur?"

If you've ever felt this way, you are not alone. Studies show that as many as 70% of people experience what psychologists Pauline Clance and Suzanne Imes in 1978 coined "imposter syndrome." It's the conviction that your accomplishments aren't truly earned—that success comes from luck, timing, or having somehow fooled others into thinking you're competent. A feeling of faking it on the outside while imprisoned by a gnawing feeling of unworthiness on the inside. Doctors feel it. Lawyers feel it. Parents feel it. Rabbis feel it.

And our greatest leaders felt it too.

When Aharon was called to serve in the Mishkan on its opening day, the Torah describes him hesitating. Rashi explains that Aharon felt unworthy, like a fraud. Moshe, who once resisted his own calling by insisting he wasn't a speaker or a leader, reassured him: "Why are you ashamed? You were chosen for this." That moment reframes imposter syndrome. It is not weakness—it is part of the human experience, even for the greatest among us.

We have begun the month of Elul, the countdown to Rosh Hashanah and the start of a new year, a new beginning. The Talmud teaches that Rosh Hashanah not only marks the creation of humanity, but also the day Yosef HaTzadik was released from prison. Why highlight that event? Because Yosef's liberation mirrors the opportunity given to each of us. New beginnings, a fresh start, begin with being freed like Yosef—freed from prisons of self-doubt, from the false narratives we tell ourselves, from the limitations we impose on who we can be.

That is why the Navi Amos calls us "she'eiris Yosef"—the remnant of Yosef. This time of year, we too are invited to walk out of our prisons, to prepare for our new beginning.

A couple of years ago, I met with a tzaddik in Beit Shemesh, Rav Avraham Zvi Kluger, who gave me a total paradigm shift in how to experience this time of year. He explained that Elul and Rosh Hashanah are not about our failures but our potential. Hashem sees not only where we fall short, but He knows the best version of ourselves—the moments when we rose above, when we were patient, loving, disciplined, and

strong. He knows that is our true self, the real us. The slip-ups and shortcomings, the failures, are the aberrations, not the other way around. We mistakenly think the real us is the one who loses our cool with our spouse or children, the one who looks at the wrong things when nobody is looking or indulges the urge to say the wrong thing to curry favor with the listener. We mistakenly think that when we show up despite our shortcomings, when we occasionally get it right, that makes us imposters.

But that is wrong! The truth is that when we are able to stay calm and be patient with those we love, when we have the discipline to do the right thing despite being tempted to follow our urge, that is who we really are, that is the true us, it is who we really are.

When the shofar sounds each morning of this month and on Rosh Hashanah, it doesn't call us to wallow in guilt. The Rambam writes that it awakens us to look into our souls, to remember who we really are and what we are capable of. Rosh Hashanah's teshuvah is not about confession—that comes on Yom Kippur. Rosh Hashanah's teshuvah is about recognition: remembering our best selves and realigning with them.

As Rav Kook wrote in Oros HaTeshuvah, "The primary role of teshuvah is to return to one's true self, to the root of one's soul."

We are defined by our strength, not our weaknesses; we are our best moments, not our worst. While we have to take ownership and responsibility for our failures, we deserve the success and achievements we have earned.

In 1977, Laura Schultz, 63, was in the kitchen of her home in Tallahassee, Florida, when she heard her 6-year-old grandson screaming from the driveway outside. Schultz ran to the door to find her grandson pinned beneath the rear tire of a full-size Buick. Giving no consideration to limitations or barriers, Schultz ran to the car, used one hand to lift the rear of the vehicle, and used the other hand to drag her grandson to safety.

For years, Schultz refused to speak about the incident. After finally agreeing to an interview with peak performance coach Dr. Charles Garfield, Schultz was asked why she had remained silent about her miracle. Schultz revealed that the incident had scared her and reminded her that she had wasted most of her life living far beneath her true potential. If she had that strength inside her all along, why hadn't she realized it or utilized it more often or more fully?

With a little coaching from Garfield, Schultz returned to college, earned her degree, and went on, at nearly 70 years of age, to fulfill her long-held dream of becoming a college professor.

Like Schultz, we often dismiss our best moments as exceptions, flukes, or lucky breaks. But those moments are the real us. They reveal what Hashem already knows—that we carry extraordinary potential inside. Don't ignore the strength that is inside you. Your best moment as a mother or father, as a husband or wife, as an eved Hashem—that is the real you. Believe it, embrace it, nurture it, repeat it, and grow it.

Spend Elul overcoming your imposter syndrome and seeing and believing in the real you. This year, instead of just limiting our challenges, let's challenge our limits.

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### **Rav Yochanan Zweig**

**...and Justice for All**

You shall not pervert judgement, you shall not show favoritism, and you shall not take a bribe because bribery blinds the eyes of the wise and makes righteous words crooked (16:19).

This week's parsha exhorts judges to repudiate bribes. One must ask; for whom exactly was this prohibition written? It would seem kind of pointless to tell a crooked judge, "by the way you shouldn't take bribes." Obviously, an honest judge innately understands that taking a bribe undermines the whole justice system, while a crooked judge has made his choice and chosen to ignore the moral issues. So to whom is this prohibition directed?

Rashi (ad loc) makes a curious comment: A judge is forbidden to take a bribe "even to adjudicate the case honestly." What exactly is the case Rashi is referring to? If he is judging the case properly, what precisely is

the issue? Perhaps even more puzzling: Why would someone even want to pay a judge to rule properly? What would be a compelling reason to offer a judge money in such a situation?

Rashi is actually alluding to a remarkable, and fairly tempting, situation. Imagine if one of the litigants approached the judge with the following argument: "Your honor, I am an honest person and I want you to adjudicate this case properly. I feel that I am in the right and I am entitled to monies from the other party. But, I fully recognize that I may be biased and that my claim may be wrong. In such a situation I would NEVER want the other party's money."

He continues, "I know that you have a lot of stress in your life, and that you need to make more money in order to make ends meet. I know you drive Uber shifts at night to earn extra cash. My concern is that you might be tired from all those extra hours working and it is likely that you may not have the peace of mind to give this case the proper attention it deserves. Under no circumstances would I, heaven forbid, want money that didn't belong to me. So please allow me to give you enough money so that you can solely focus on this case and not have to take on another job. But I am reiterating that I am only doing this so that you can give it the proper attention and adjudicate this properly."

Well, you can probably see where this is going. The reason it's such a sinister form of bribery is because it is so cleverly subtle, and a desperate judge might actually consider such an offer. It almost seems on the up and up. The reason it is so deceptive is that even if the judge turns it down, in reality the litigant has already accomplished proving to the judge what a good guy he is and that his heart is in the right place. That alone can affect the outcome of the case.

We can also learn a valuable life lesson here: treachery sometimes appears as an illusion of an honest person with an outstretched hand offering help.

Judge and Executioner

You shall appoint judges and policemen in all your gates that Hashem your Lord has given you, and they will judge the nation justly (16:18).

Rashi (ad loc) quotes the Midrash Tanchuma and defines the role of the officers: "They are the ones that enforce on the people the verdict of the judge, through hitting and restraining them." Rashi seems to be bothered by a remarkable omission in the possuk. The verse starts out saying that we must appoint judges and officers, yet only seems to describe the job of the judges; "and they will judge the nation justly." There is no independent mention of the role of the policemen. Rashi, therefore, concludes that their role was merely to support the judges, in other words, they are part of the system of courts.

This is a fascinating departure from the American system of jurisprudence. In American law, the judges are in the judicial branch of government, but all the enforcement of the law falls under the executive branch. In other words, policemen, sheriffs, and other law enforcement personnel work for the local, state, or national municipality; whether it is the mayor, governor, or president. This is because under the American system the judges bear no responsibility for the practical application of law, just the determination of it.

Under the Jewish system of law, the judges are required to not only adjudicate issues that come before them but to also oversee the application and enforcement of the laws. The police force is the enforcement arm of the judicial system. In other words, the American system of jurisprudence simply charges the judges with determining the law while our system makes them fully responsible for the law; charging them with the responsibility of maintaining the integrity of the law as well.

Rambam (Yad Hilchos Sanhedrin 1:1) takes this one step further and explains that the officers not only enforced the laws and administered the punishments for those who violated the laws, they were also responsible for maintaining a moral and honest society. The police were responsible for monitoring the markets to make sure there was no price collusion or gouging and that all the weights and measures used in the marketplace were accurate and honest.

In the American system there is a basic understanding that you can do what you want as long as you aren't hurting anyone. In our system of law, we are not just concerned with maintaining law and order. Our laws aren't in place just to make sure society doesn't devolve into anarchy; our primary concern is maintaining a moral society that reflects the values of our Torah.

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### Office of the Chief Rabbi Mirvis

#### Shoftim

Until the last hostage

For as long as a single hostage, alive or dead, remains in Gaza, the Jewish people will be incomplete.

We learn this from the Parsha of Shoftim in which Hashem tells us "Tamim tihiyeh im Hashem elokecha"- you the Jewish people must be tamim, which translates as whole, complete, perfect with the Lord, your God."

Fascinatingly, in Psalm nineteen, verse eight, we read 'Torat Hashem temima', the Torah of Hashem is temima. It's that same word, 'complete', whole, perfect. Rabbi Yitzchak Elchanan of Kovno beautifully said that from here we learn 'Yisrael v'oraita chad hu'- the Jewish people and the Torah are one, because the same term is used in order to describe both.

But what's the message of it? Rabbi Yitzchak Elchanan went on to say, in the same way that if one single letter of the Torah is pasul, if it's rendered unfit, then an entire scroll becomes unfit to be read. So too, if one single Jewish person is suffering, then we as a nation are incomplete.

The Lubavitcher Rebbe explains this on a deeper level, introducing the Talmudic concept of 'kvil mukaf'. What does this mean in regard to writing a Sefer Torah?

In a Torah scroll there needs to be spaces between the words, but in addition, there need to be tiny spaces between the letters of each word. If a single letter is joined with ink to the letter before it or after it, it's pasul and the Torah is pasul.

So, what we therefore see in a Torah scroll is that each letter is independent of others and therefore stands as itself, and at the same time, it is an indivisible part of the word which it is part of.

So too, the Rebbe said, each one of us lives as individuals but at the same time we are part of our great nation. With broken hearts, we continue to lament the awful situation of the hostages in Gaza. And it is because of their plight, and so many others who are suffering, that we as a nation are currently incomplete.

Our focus is on them, our prayers are for them. May Hakadosh Baruch Hu bless them to come home swiftly and safely, may peace reign and may we, the Jewish people, speedily be complete once again.

Shabbat Shalom.

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ביילא בת (אריה) לייב ע"ה  
אנא מלכה בת ישראל