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FRIDAY NIGHT WILL BE THE 18TH DAY OF THE OMER

from: **Rabbi YY Jacobson** rabiyy@theyeshiva.net
date: May 9, 2024, 9:49 PM

The University Crisis Provides a Historic Opportunity The Danger When My Comfort Zones and Fears Become My God

Rabbi YY Jacobson

Class Summary:

When God Becomes an Excuse for Fear: The Danger of Confusing Transcendence with Habit

In honor of our dear cousins, Yaakov and Elisheva Kirschenbaum (Washington Heights, NY). By David and Eda Schottenstein

Dedicated by Menachem and Batya Abrams in honor of their children Mazal Yishau, Ayala, Rafael Tzemach, and David Gavriel

Every evening, I turn my worries over to God. He's going to be up all night anyway. -- Mary C. Crowley

God loved the birds and invented trees. Man loved the birds and invented cages. -- Jacques Deval

The University Protests

Our universities have been a source of longing for countless American Jewish families. Jewish immigrant parents labored tirelessly to send their children to higher education institutions, where they would become integrated into the larger society and build successful futures.

The chaos we are observing in the universities today, with protesters, including many Jews, calling for the death of their own people, the destruction of their homeland, and the country that has given them so much freedom, is horrific and tragic beyond words.

Still, like every crisis, it contains a historic opportunity for rebirth.

The present moral confusion of so many students and their academic leaders will teach a whole generation how twisted the human mind can become when divorced from truth; how when we strip G-d from all reality and are left to figure things out with our brilliance alone, Hitler, Stalin, and Bin Laden can become tzaddikim. "The genesis of all wisdom is the awe of G-d," we read in the Psalms (Ch. 111). Without respect for G-d, without the recognition that there is something called Reality, there is a truth in the universe, enlightened academics can align themselves with murderers, rapists, and genocidal terrorists.

Just as Allah, without any logic and reason, can produce Islamist monsters, so too logic without G-d, without respect for absolute truth, produce liberal monsters, calling for the death and rape of 6 million Jews. The protesters at the universities have turned their views and perspectives into a god, and are stuck in a new form of idol worship, not open to challenging themselves in any real way. This dogma creates the death of ideas and all emotional, intellectual, and spiritual growth.

This is our historic opportunity. We can, at last, say goodbye to the idol we created entitled "higher secular education." It is corrupt, sinister, and a breeding ground for Nazi supporters. We can educate a new generation of Jews with the timeless, eternal values of Torah and Mitzvos, which teach us sanity, decency, honesty, and the sanctity of life. This will allow all of our children to distinguish between good and evil, death and life, and truly celebrate the sanctity of life.

Metal Gods?

"Do not make yourselves gods out of cast metal [1]," the Torah instructs us in the portion of Kedoshim.

How could any intelligent person believe a piece of metal is a god? We could perhaps appreciate how ancient pagan societies attributed divine qualities to powerful, transcendent forces of nature, like the Zodiac signs, the sun, the moon, the galaxies, the wind, fire, water, etc. But why

would a thoughtful human believe god could be fashioned out of cast metal?

Even if we can explain how such an idea could have been entertained seriously in the ancient, pagan world, how does this commandment in Torah—a timeless blueprint for human life—apply to our lives today?

I once encountered a beautiful interpretation of these words [2]. This biblical verse—"Do not make yourselves gods out of cast metal"—tells us not to construct a god of a lifestyle and a weltanschauung that has become like "cast metal;" one that is cast and solidified in a fixed mold.

A natural human tendency is to worship what we have become comfortable with. We worship our habits, patterns, attitudes, routines, and inclinations because we have accustomed ourselves to them, and they are now part of our lives. We worship the icons, culture, perspective, and emotions we have been raised with; we surrender to what has become the norm in our communities, schools, and homes. People love that which does not surprise them; we want to enjoy a god that suits our philosophical and emotional paradigms and comfort zones. We tend to embrace a fixed and molten god.

This is true for religious and secular people, for believers and self-proclaimed atheists or agnostics. "Don't rock my neural pathways" is the call of our psyche. "I already have an established god; do not threaten it... I have my own patterns of thought and life systems, which I am used to. Do not challenge it. If you do, I will have no choice but to dismiss you as a heretic or a boor. "

Sometimes, a religious person invests his or her entire life into constructing a particular image of G-d, of truth, of ultimate reality. To let go of that is simply too painful. To even entertain the idea that my entire religion may be man-made in so many ways is profoundly challenging.

If you speak to so many people today who call themselves secular, scientific, free from dogma and indoctrination, you can notice how they too often create secular gods, which one may never challenge or question. It is appalling how, in the name of openness and tolerance, people can become so vengeful and supportive of pure evil.

Raw Truth

Comes the Torah and declares: Do not turn your pre-established mold into your G-d. Do not turn your habits, natural patterns of thought, fears, inclinations, or addictions into a deity. Allow yourself to search for the truth. The real truth—naked, raw, and authentic, even if painful. Life is about challenge, not conformity. Allow your soul to be enchanted by mystery.

Never say, "This is the way I am; this is how I do things; I cannot change." Never think, "This is the worldview I am comfortable with; any other way must be wrong." Rather, muster the courage to challenge every instinct, temptation,

and convention; question every dogma, including dogmas that speak in the name of open-mindedness and are embraced simply because you fall back on that which you have been taught again and again. Let your life not become enslaved to a particular pattern just because it has been that way for many years or decades.

G-d, the real G-d, is not defined by any conventions; let your soul, too, not be confined by any external conventions. Experience the freedom of your Creator.

Often, we fall prey to a certain image of what our lives are supposed to look like; what our marriages or children are supposed to look like; what our mission is supposed to look like. But this is another way of fashioning our god with the tools of our understanding. There comes a point I need to open myself up to the possibility that perhaps my purpose in life is completely different than what I imagined; I need to stop asking what I want from G-d and start asking what G-d wants from me.

It is a serious paradigm shift. But it sets you free.

Judaism never articulated who G-d is and what G-d looks like. It taught us what G-d does NOT look like: G-d ought never to be defined by any image we attribute to Him, hewn by the instruments of our conscious or subconscious needs, fears, and aspirations. In Jewish philosophy, never mind in Kabbalah and Chassidic thought, we never speak of what G-d is; only of what He is not: G-d is not an extension of my being or imagination[3].

The common Yiddish term for G-d used by some of the greatest Jewish mystics, thinkers, and holy men and women is "Oybershter," which means "higher." Not Creator, not Master, not All-Powerful, but "Higher." What this term represents is this idea: I do not know what He is; all I know is that whatever my definition of truth and reality, whatever my definition for G-d -- He is "higher" than that. All I know is that I do not know[4].

To be open to the G-d of the Torah means to be open to never-ending mystery, infinite grandeur, limitless sublimity, and possibility; it is the profound readiness at every moment of life to open ourselves to transcendence. And what was transcendent yesterday -- can become a form of exile today. Transcendence itself must also be transcendent, for it too can become a trap.

And that which remains of your ambitions and desires after you have faced all of your fears and challenged your defenses is where your will meets G-d's will[5]. At that point of complete humility and sincerity, you become truly one with yourself, one with the inner core of reality.

In the words of the Zohar[6], "No thought, no idea, can grasp Him; yet He can be grasped with the pure desire of the heart."

[1] Leviticus 19:4. [2] Mei Hasheluach by Rabbi Mordechai Yosef Leiner, Parshas Kedoshim, p. 118. The author was a

brilliant and creative 19th-century Chassidic thinker and master, and is known as the Rebbe of Ishbitz. He passed away in 1854. [3] This is a common theme in the writings of Maimonides in his "Guide to the Perplexed." See at length Likkutei Torah Parshas Pekudei and references noted there. [4] I heard this insight from the Lubavitcher Rebbe, Sichas Shabbas Parshas Toldos 5751 (1991). [5] See at length Mei Hasheluach ibid. [6] See Zohar Vol. 3 p. 289b. Hemshech 5666 (by the Rebbe Rashab, Rabbi Sholom Dovber of Lubavitch) p. 57.

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Rabbi Wein's Weekly Blog

The Torah's definition of holiness and sanctity, of dignity of self and others, of respect to one's body and that of others, is in the ability to channel and control one's physical desires. The Torah explicitly does not condone celibacy nor does it demand from human beings any degree of self-mortification or masochism. It does most certainly demand from us responsible and balanced human behavior. It outlines a necessary and omnipresent nuance in our lives - in our mental and physical behavior. The rabbis have taught us that humans willingly sin only because a manner of distorted thinking - a type of insanity if you will - enters one's mind and being.

Judaism has always fought the lonely and mainly unpopular battle against sexual immorality and flagrantly wanton behavior. From the Canaanites through the Greeks and the Romans, the debauchery of much of the Medieval Age and the current unchecked and unrestrained attitudes of modern society, traditional Judaism has decried lewdness and wanton self-gratification in sexual matters.

It has demanded that people be kdoshim - separated from immoral behavior and forbidden liaisons. It demands self-control, the avoidance of compromising and dangerous situations and a realization that ultimate good sense should triumph over momentary gratification.

Judaism imposes on us an unpopular stance, especially so in our current modern society. And yet over the long history of human society, it has proven to be the only correct guide for a healthy, happy family life and a more harmonious social compact between people.

Many people, Jews included, mock the protective measures enjoined by Jewish tradition to insure a society that aspires to be one of kdoshim. The mingling of the sexes in synagogue worship in the non-Orthodox world has not brought any great degree of comfort to those people who sit

together. It has rather led to a drastic decline in synagogue attendance and participation in those groups.

The whole concept of modesty in dress, speech and behavior is unfortunately completely absent and alien in most of modern society. Not a day passes when we are not made aware of the presence of sexual misconduct among those that seemingly should know better.

Judaism preaches defensive behavior and the avoidance of situations that could lead to problematic circumstances. Such defensive measures are mocked and scorned by the progressives of the current world. Yet we are witness to the tragic personal and national consequences that results in life when such defensive measures are absent or ignored.

Mental health experts have told me that pornography, especially on the internet, is the newest serious addiction in our schools, making drugs old hat and no longer cool. Protected by the noble ideal of free speech, it ravages our society and creates a dangerously dysfunctional generation and society.

The entertainment industry in all of its facets has been polluted beyond recognition by its pandering to the basest animalistic desires of humans. Nevertheless, the Torah does not waver in its demand to us to be kdoshim, to swim against the tide and persevere in our age-long quest to be a holy and dedicated people.

Shabbat shalom.

Rabbi Berel Wein

from: The Rabbi Sacks Legacy Trust
<info@rabbisacks.org>
subject: Covenant and Conversation
COVENANT & CONVERSATION
Lord Rabbi Jonathan Sacks zt"l

Judaism's Three Voices
KEDOSHIM

Rabbi Jonathan Sacks

The nineteenth chapter of Vayikra, with which our parsha begins, is one of the supreme statements of the ethics of the Torah. It's about the right, the good and the holy, and it contains some of Judaism's greatest moral commands: "You shall love your neighbour as yourself," and "Let the stranger who lives among you be like your native-born. Love him as yourself, for you were strangers in Egypt." But the chapter is also surpassingly strange. It contains what looks like a random jumble of commands, many of which have nothing whatever to do with ethics and only the most tenuous connection with holiness:

Do not mate different kinds of animals.

Do not plant your field with two kinds of seed.

Do not wear clothing woven of two kinds of material.

Vayikra 19:19

Do not eat any meat with the blood still in it.
Do not practise divination or sorcery.
Do not cut the hair at the sides of your head or clip off the edges of your beard.

Vayikra 19:26-28

And so the list goes on. What have these to do with the right, the good, and the holy?

To understand this we have to engage in an enormous leap of insight into the unique moral/social/spiritual vision of the Torah, so unlike anything we find elsewhere.

The West has had many attempts at defining a moral system. Some focused on rationality, others on emotions like sympathy and empathy. For some the central principle was service to the state, for others moral duty, for yet others the greatest happiness of the greatest number. These are all forms of moral simplicity.

Judaism insists on the opposite: moral complexity. The moral life isn't easy. Sometimes duties or loyalties clash. Sometimes reason says one thing, emotion another. More fundamentally, Judaism identified three distinct moral sensibilities each of which has its own voice and vocabulary. They are [1] the ethics of the king, [2] the ethics of the priest and fundamentally, [3] the ethics of the prophet.

Jeremiah and Ezekiel talk about their distinctive sensibilities:

For the teaching of the law [Torah] by the priest will not cease,

nor will counsel [etzah] from the wise [chacham],
nor the word [davar] from the prophets.

Jer. 18:18

They will go searching for a vision [chazon] from the prophet, priestly instruction in the law [Torah] will cease, the counsel [etzah] of the elders will come to an end.

Ez. 7:26

Priests think in terms of Torah. Prophets have "the Word" or "a vision." Elders and the wise have "etzah". What does this mean?

Kings and their courts are associated in Judaism with wisdom – chochmah, etzah and their synonyms. Several books of Tanach, most conspicuously Proverbs and Ecclesiastes (Mishlei and Kohelet), are books of "wisdom" of which the supreme exemplar was King Solomon.

Wisdom in Judaism is the most universal form of knowledge, and the Wisdom literature is the closest the Hebrew Bible comes to the other literature of the ancient Near East, as well as the Hellenistic Sages. It is practical, pragmatic, based on experience and observation; it is judicious, prudent. It is a prescription for a life that is safe and sound, without excess or extremes, but hardly dramatic or transformative. That is the voice of wisdom, the virtue of kings.

The prophetic voice is quite different, impassioned, vivid, radical in its critique of the misuse of power and the exploitative pursuit of wealth. The prophet speaks on behalf of the people, the poor, the downtrodden, the abused. He or she thinks of the moral life in terms of relationships: between God and humanity and between human beings themselves. The key terms for the prophet are tzedek (distributive justice), mishpat (retributive justice), chessed (loving kindness) and rachamim (mercy, compassion). The prophet has emotional intelligence, sympathy and empathy, and feels the plight of the lonely and oppressed. Prophecy is never abstract. It doesn't think in terms of universals. It responds to the here and now of time and place. The priest hears the word of God for all time. The prophet hears the word of God for this time.

The ethic of the priest, and of holiness generally, is different again. The key activities of the priest are lehavdil – to discriminate, distinguish and divide – and lehorot – to instruct people in the law, both generally as teachers and in specific instances as judges. The key words of the priest are kodesh and chol (holy and secular), tamei and tahor (impure and pure).

The single most important passage in the Torah that speaks in the priestly voice is Chapter 1 of Bereishit, the narrative of creation. Here too a key verb is lehavdil, to divide, which appears five times. God divides between light and dark, the upper and lower waters, and day and night. Other key words are "bless" – God blesses the animals, humankind, and the seventh day; and "sanctify" (kadesh) – at the end of creation God sanctifies the Shabbat. Overwhelmingly elsewhere in the Torah the verb lehavdil and the root kadosh occur in a priestly context; and it is the priests who bless the people. The task of the priest, like God at creation, is to bring order out of chaos. The priest establishes boundaries in both time and space. There are holy times and holy places, and each time and place has its own integrity, its own setting in the total scheme of things. The kohen's protest is against the blurring of boundaries so common in pagan religions – between gods and humans, between life and death, between the sexes and so on. A sin, for the kohen, is an act in the wrong place, and its punishment is exile, being cast out of your rightful place. A good society, for the kohen, is one in which everything is in its proper place, and the kohen has special sensitivity toward the stranger, the person who has no place of his or her own.

The strange collection of commands in Kedoshim thus turns out not to be strange at all. The holiness code sees love and justice as part of a total vision of an ordered universe in which each thing, person and act has their rightful place, and it is this order that is threatened when the boundary between different kinds of animals, grain, fabrics is

breached; when the human body is lacerated; or when people eat blood, the sign of death, in order to feed life. In the secular West we are familiar with the voice of wisdom. It is common ground between the books of Proverbs and Ecclesiastes and the great sages from Aristotle to Marcus Aurelius to Montaigne. We know, too, the prophetic voice and what Einstein called its “almost fanatical love of justice.” We are far less familiar with the priestly idea that just as there is a scientific order to nature, so there is a moral order, and it consists in keeping separate the things that are separate, and maintaining the boundaries that respect the integrity of the world God created and seven times pronounced good.

The priestly voice is not marginal to Judaism. It is central, essential. It is the voice of the Torah’s first chapter. It is the voice that defined the Jewish vocation as “a kingdom of priests and a holy nation.” It dominates Vayikra, the central book of the Torah. And whereas the prophetic spirit lives on in aggadah, the priestly voice prevails in halachah. And the very name Torah – from the verb lehorot – is a priestly word.

Perhaps the idea of ecology, one of the key discoveries of modern times, will allow us to understand better the priestly vision and its code of holiness, both of which see ethics not just as practical wisdom or prophetic justice but also as honouring the deep structure – the sacred ontology – of being. An ordered universe is a moral universe, a world at peace with its Creator and itself.

from: **Rabbi Yissocher Frand** <ryfrand@torah.org>

to: ravfrand@torah.org

date: May 9, 2024, 2:32 PM

subject: Rav Frand - **The Power of Speech—Rather Than Hurt Feelings—Is the Lesson of "Lo Sekalel Cheresh"**

The pasuk in Parshas Kedoshim says, “You shall not curse a deaf person, you shall not place a stumbling block before a blind person, you shall fear your G-d, I am Hashem.”

(Vayikra 19:14). The vernacular expression “to curse someone out” is not the Torah prohibition of “Lo sekalel”. The halachic definition of “klala” does not coincide with what someone might do to another driver when he cuts him off in traffic. Without getting into the specific Torah definition of “Lo sekalel,” it is forbidden to do it to a deaf person.

There is a question regarding this mitzvah. It would seem that the last person in the world whom we need to be concerned about “cursing out” (however that is to be defined) is a person who cannot hear. Why does the Torah specifically legislate this prohibition of cursing vis a vis a deaf person?

The Rishonim address this question. Rashi quotes a Sifrei: “I learn from here only that one cannot curse a deaf person.

How do I know I cannot do so to any person? For that we have another pasuk: “...In your nation you shall not curse.” (Shemos 22:27) which implies that it is forbidden to curse any Jew. If so, why does the pasuk here in Parshas Kedoshim specify a deaf person? The Torah qualifies the more general pasuk to teach that just as a deaf person is alive, so too, the general prohibition applies only to live people, to the exclusion of those who are dead.” In other words, if someone goes to the grave of a dead person and utters a halachic curse against him, that is not included in the prohibition.

The Ramban also asks this question and quotes Rashi, as he normally does. However, the Ramban takes a different approach: The above-cited pasuk in Mishpatim, which reads in full: “Do not curse a judge, and a prince in your nation you shall not curse” is speaking about cursing the elite of society – judges and princes. The pasuk here in Kedoshim refers to cursing the lower echelons of society. The Torah wants to warn us against cursing the entire range of society, from the highest man on the totem pole to the least fortunate members of our nation. From this end-to-end prohibition, we can infer that it is prohibited to curse anyone in between these two extremes as well.

The Ramban says further that the deaf person was singled out in this area to teach us a kal v’chomer: If it is even forbidden to curse a cheresh who cannot hear what we say about him, and is neither embarrassed nor hurt by what we say, it is certainly forbidden to curse someone who can hear and be offended by what we are saying.

The Sefer haChinuch (Mitzvah 231) has yet a different take on the entire prohibition: Even though we don’t really understand how the utterance of a curse affects the object of that curse, we realize that inevitably, people fear being cursed. The universal assumption is that words do have a power. This apprehension of being cursed applies equally to both Jews and non-Jews. The reason then for this mitzvah is that we are warned not to harm people with our words just like we are warned not to harm them with our deeds.

This is not necessarily about making a person feel bad. The Torah is teaching us the power of speech: It is an aveira (sin) if I give a klala to someone – even if he may not be insulted, embarrassed, or even hear what I said (as in the case of a cheresh) because words have power – however that works. That is why the Torah picked the deaf person. Had the Torah picked a person who hears, our assumption would be that the aveira is making someone feel badly. However, that is not the rationale of this mitzvah, so that is why the Torah picks a cheresh.

The Chinuch continues with an attempt to explain how this all works: Speech is a gift from G-d. It is a “chelek elyoni” – “higher power” because it comes, as it were, from the Almighty. We see this from the pasuk in Bereshis (2:7)

“And He blew into his nostrils nishmas chaim (literally, the soul of life).” The famous Targum Onkelos on this pasuk interprets the words nishmas chaim to be ruach memalela – a spirit that speaks. The koach hadibur (power of speech) comes directly from the Ribono shel Olam. Man was granted great strength to speak, even matters outside his own being.

This, says the Chinuch, is why people go to tzadikim, to rebbes, and to holy people to receive brochos. The closer a person is to the Ribono shel Olam, the stronger his power of speech is. The rationale for going to someone for a bracha is that words count. Even the bracha of a simple person (hedyot) is not to be treated lightly. When a simple Jew gives you a bracha, you should respond with a resounding “Amen!”

The power of speech is not to be underestimated. That is the lesson of Lo sekalel chersh.

A Grammatical Insight Into the Mitzvah of Giving Rebuke
The sefer HaKesav v’Hakabbalah is a Chumash commentary with a forte (like that of the Malbim and Rav Samson Raphael Hirsch) of analysis of nuances of the Hebrew language.

The pasuk in Parshas Kedoshim says: “Do not hate your brother in your heart, you shall reprove your fellow and do not bear a sin because of him.” (Vayikra 19:17) There are times when someone needs to give rebuke because someone who is doing something wrong needs to be chastised. We have spoken in the past about when and how this is to be done, whether it applies in our time, and whether we still know how to give proper halachic chastisement. That is not the subject for tonight.

The Kesav v’HaKabbalah wonders about the grammatical use of the term “es” in the phrase “Hochayach tochiach es amisecha.” Based on the rules of Dikduk (Hebrew grammar) the pasuk should read “Hochayach tochiach l’amisecha.” The Kesav v’HaKabbalah explains the difference: Had it said “Hochayach tochiach l’amisecha,” it would mean that the rebuke is being directed to the person. However, “Hochayach tochiach es amisecha” implies that there is an OBJECT over here, not a SUBJECT. The OBJECT is the aveira. The Torah is saying to discuss with this person the ACT which he did.

This means that you should go over to the person and say something like “You know, I don’t know whether that is permissible.” Leave him out of it. Don’t attack him personally. That, says the Kesav v’Hakabbalah is how it is possible to reach people. Attacking a person directly (that which is called an ad hominem attack in Latin) is counter-productive. Human beings outright reject personal attacks. A person’s defense mechanism is immediately activated when he is personally criticized. However, when someone discusses the impersonal act that was done, rather than the

person who did the act, the recipient of the “chastisement” lets his defenses down. At that point, it is possible to have a reasonable and constructive discussion with him.

In our day and age, we do not generally give tochacha. In fact, the Chazon Ish writes in Hilchos Shechita that “We do not know how to rebuke.” However, there are two exceptions to this rule. There are two categories of people who need to give tochacha: (1) Rabbis and Rebbeim; (2) Parents.

Consequently, the Kesav v’Hakabbalah is giving us a lesson in how we need to chastise our students and our children: Do not attack the person. Do not attack the child. Do not say “How could YOU do that?” Once “YOU” is involved, there will be resistance. It is much more effective to talk about the act – “Is THAT nice?” or “Is THAT right?” or “How would you feel if someone did THAT to you?” Take whatever approach might seem appropriate, but do not start with the person. That is how to achieve success with the mitzvah of tochacha, if and when it applies today.

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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 complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information Rav Frand © 2023 by Torah.org.

from Ira Zlotowitz <Iraz@klalgovoah.org>

Tidbits in memory of Rav Meir Zlotowitz ZTL

Date: May 9, 2024, 7:01 PM

subject Tidbits for Parashas Kedoshim

The first opportunity for Kiddush Levana is this Motzaei Shabbos, May 11th. The final opportunity is Wednesday May 22nd at 11:42 PM Eastern Time.

Sefirah: On Friday night we count the 18th day of the omer.

Pirkei Avos: Perek 2 Daf Yomi Shabbos- Bavli: Bava Metzia 73

Pesach Sheini is on Wednesday, May 22nd.

Lag Ba’omer is on Sunday, May 26th.

Shavuos is on Wednesday and Thursday, June 12th-13th.
For Shabbos Table

“Say to them “you shall be holy” (Vayikra 19:2)

The parashah begins by stating the importance of a Jew living a life of holiness. Yet, the parashah continues and discusses many mitzvos that, perhaps, would seem to be

intuitive in any ethical society such as honoring parents and the prohibitions against thievery and falsehood. Why are these mitzvos considered to be those of holiness?

Rav Moshe Feinstein zt"l explains that a mitzvah is a tzivui, a command, and a Jew performs a mitzvah not because he perceives it as moral and correct but rather because that is what he was commanded by Hashem. Even mitzvos between man and his fellow man, that seem ethical and necessary for society, must not be followed out of goodness and fairness but rather because this is Hashem's will and we exist to serve Him. (Kol Ram)

Summary of Parsha

KEDOSHIM: Be holy • Korban of Asham Shifcha Charufa • Do not profane your child and defile the land • Love the Ger • Punishment for Molech worshipers and for silent bystanders • Forbidden relations • Our holiness and the resulting higher standard to which we are held • See Taryag Weekly for the various mitzvos.

Haftarah: The Navi Yechezkel (20:2-20) speaks of the lofty nature of the nation and how they were chosen by Hashem. [It also includes a specific warning not to lend on interest.] This obligates us to hold ourselves to a higher standard and adhere to the dictates befitting the Kedoshim that we are.

This haftarah is notable because it is leined on average once every 17 years (next time will be in 2041)! The Levush quotes the Match Moshe, who explains that this is based on a Gemara (Megillah 25b) which tells of a talmid of R' Eliezer who leined as a random haftarah a certain (other) Navi section that focused on the lowly sins of Yerushalayim. R' Eliezer was unhappy with his choice, and he exclaimed, "Before you speak about the lowly sins of Yerushalayim, let's investigate the sins of your own mother!" They indeed investigated that talmid's genealogy, and they found that his mother had transgressed severely. Thus, when Parshiyos Acharei Mos and Kedoshim are leined together (as in most other years), we choose to lein the 'less accusatory' haftarah of Parshas Acharei Mos. Thus, this haftarah is leined only when Acharei Mos and Kedoshim are separate, and even then when no other haftarah (such as those related to Rosh Chodesh) supersedes it.

This Match Moshe teaches yet another important lesson in bein adam l'chaveiro: don't be too quick to point out another person's shortcomings!

<https://www.5tjt.com/yom-haatzmaut-in-the-shadow-of-october-7th/>

Yom HaAtzmaut in the Shadow of October 7th

May 7, 2024

Rabbi Moshe Taragin

This will be a very different Yom HaAtzmaut from previous years. We are in the midst of a war and our nation is still

suffering from the barbaric attack of October 7th. There are manifold layers of grief to contend with. Over one hundred hostages are still being held in the shadowy tunnels of Gaza by homicidal maniacs. Thousands of Israeli families are mourning heartbreaking losses. Thousands of our soldiers are recovering physically and healing emotionally from their war wounds. Tens of thousands are still displaced from their homes with no clear date for a return. We face military aggression as well as a wave of rabid antisemitism. Our future feels uncertain. Celebrating Israeli Independence while ignoring or even temporarily setting aside our anguish and grief would be insensitive and callous. This year, our celebrations must be muted and low-keyed.

Not only must the festivities be restrained, our attitude and emotional mindset must be calibrated to the current situation. We cannot completely ignore this day since it represents everything we are currently fighting and struggling for. How can we approach Independence Day during a period of such mourning, hardship, and uncertainty? Perhaps, instead of joyous celebrations, this year's Yom HaAtzmaut should be a day of historical reflection, pondering Jewish sovereignty, and contemplating how the war has altered our collective identity.

This year we savor Jewish sovereignty more deeply than in the past, when we may have taken it for granted. October 7th demonstrated how vulnerable we are and how vital Israel is to our security and survival. Jew hatred isn't going anywhere, and in the long term, no Jew is safe without a Jewish state. If anything, October 7th infuses this year's Yom HaAtzmaut with more profound meaning.

October 7th was the first pogrom in history to be followed by a war. In the hours after the initial attack, soldiers, police, security teams, and ordinary citizens rallied to defend the country and prevent a potentially catastrophic outcome. In the months since, we have courageously waged a just and moral war to dismantle the murderous machinery of our enemies. We have doggedly persisted, even though much of the world cannot see through the smokescreen of hatred and antisemitism. Despite the swirling uncertainty, we remain strong and resilient. We will defend our country. We will dismantle terror and eliminate the subhuman murderers who burned, raped, and mutilated. With Hashem's help, we will build a brighter future. On Yom HaAtzmaut, we will affirm Jewish sovereignty and our future.

Where was Hashem?

Religiously, we continue to struggle with many vexing questions. How did this happen? How could Hashem allow a sadistic attack on our people in our homeland? Weren't these grisly and horrific scenes relics of our tortured past in exile? How could our enemies weaponize both the day of Shabbat and the day of Simchat Torah against our people?

Intervals in which the hand of Hashem is not evident in confusing and troubling times is called *hester panim*. In exile we endured thousands of years of the obscuring of Hashem. We have just lived through six months of this murky obscurity.

Yet, our current period of divine concealment feels very different from the past. Despite the darkness, we have periodically seen Hashem's guiding hand. This tragedy could have been much worse had the genocidal plans of our enemies succeeded. Despite their attempts to ignite a regional war and despite ongoing tensions in the North, we are not entangled in a potentially more deadly and dangerous multi-front war.

On the eve of October 7th, our society was badly fractured by a year of nasty and venomous social discord. Had this attack occurred a few months later would we have been too badly splintered to mount a united defense?

A month ago, we faced a deadly barrage of Iranian ballistic missiles. After a night of fear and anxiety, we awoke safely to a quiet morning, grateful that Hashem intervened and we possessed the technology to save thousands of lives.

Sometimes Hashem's presence is visible in the big picture. Sometimes the larger calculus doesn't make sense, but we can still discern His presence in the smaller details.

Moderating Expectations

There is profound religious and historical meaning to our return to Israel. Never before has an entire nation migrated from across the globe, returning to their ancient homeland. This extraordinary voyage is exactly what our enemies cannot comprehend. Their only reference point is the alleged exploitative "colonialism" of the past. Our national pilgrimage back to Israel is a fulfillment of a divine promise delivered thousands of years ago. It is our historical destiny. Viewing our return as a religious and historical destiny, though, has triggered unrealistic and simplistic expectations. We haven't been warmly embraced by our neighbors and local populations aren't just disappearing. We must still convince much of our world of our need for a Jewish homeland.

The past six months have reminded us that our epic historical project may be slower and more complicated than we expected. This historical undertaking will take much longer than anticipated and will not conform to our simplistic expectations.

Discovery

The war has also affirmed or uncovered much about the nature of our people. This should provide optimism for our future.

The war has convincingly answered pressing questions about the current generation. How would a Tik Tok generation respond to adversity? How would a start-up nation of prosperity react to hardship and sacrifice? Could

our children match the courage and dedication of previous *chalutzim*? The war has proven that love for our people and sacrifice for our land is woven into our national DNA regardless of ethnic, religious, or political divides. Our future is in good hands.

Restoration of Our Story

October 7th thrust unity upon us. Fighting for survival, we were forced to band together to stem the initial wave of violence and launch our counterattack. We were united by the immediate crisis. Long-term, durable unity, though, requires a common story.

During the initial decades of our state, we shared a powerful and captivating common story. Our nation was chosen to inspire humanity by living a moral and religious lifestyle. Our failures cast us into exile. After two thousand years of roaming the wastelands of history, we suffered the worst crime ever perpetrated against humanity. In the wake of this national horror, we returned home, cobbled together a robust nation, crafted a free market economy, and absorbed Jews from all over the world while facing unending violence.

As we became successful, our story began to fade. The memory of the Holocaust gradually dimmed and our success caused us to forget our story.

This war has resurrected our common story. We may have forgotten our story, but our enemies certainly haven't and they never fail to remind us. This war has reopened the book of Jewish history. We are living through a crucial chapter in that book.

An International Community

The war has also strengthened the bonds of our international family. Fanatical antisemitism has reminded Jews around the world just how critical Israel is to our survival. The international Jewish community provided our people with billions of shekels in aid, loving emotional support, and crucial political backing.

This is not the time for festive celebrations. This Yom HaAtzmaut will be a somber but meaningful day of gratitude, introspection, and hope.

Rabbi Moshe Taragin is a rabbi at Yeshivat Har Etzion/Gush, a hesder yeshiva. He has semicha and a B.A. in computer science from Yeshiva University, as well as an M.A. in English Literature from City University of New York. He is the author of "Dark Clouds .

Prisoner Exchanges

Revivim Rabbi Eliezer Melamed

When paying an exorbitant price for prisoners, it endangers the entire public * This is what happened to us following the reckless deal for Gilad Shalit * If the families of the captives and their supporters had refrained from

demonstrations and any media expression, the IDF would have already been more successful in breaking the enemy's spirit * Despite great sensitivity towards the families of the captives, during war, we must gird ourselves with courage, until victory

How right our Sages were in prohibiting the redemption of captives for more than their value, even though redeeming captives is a great mitzvah that takes precedence over other forms of charity because the captive suffers from hunger, thirst and lack of clothing, and in addition, his life is in danger (Bava Batra 8b). However, when paying an exorbitant price for them, it endangers the entire public, as stated in the Mishnah:

“We do not redeem captives for more than their value, for the betterment of the world” (Gittin 45a).

For once the kidnappers see that we are willing to pay almost any price for them, they will strive harder to capture more of our captives (Shulchan Aruch Yoreh De'ah 252:4). And if this applies to ordinary kidnappers, how much more so when dealing with a bitter enemy, waging a war of destruction against Israel.

And this is what happened to us following the reckless deal for the release of Gilad Shalit in exchange for 1,027 terrorists. The terrorists released then initiated the murderous attack on Simchat Torah, in which more than a thousand Jews were murdered, and more than 300 were abducted.

Regrettably, Prime Minister Benjamin Netanyahu did not express regret over that deal, and there is concern that he is about to make another deal as serious as that one, or perhaps, more so. About 16 years ago (2008), the Shamgar Commission was established, which set rules and red lines for reckless deals, but with criminal negligence, the governments of Israel did not publish or adopt its conclusions.

Caution of Supporting the Enemy

Victory in battle depends on the courage of our soldiers, as well as the courage of the entire public. By God's kindness, our soldiers defeat our enemies, while risking their lives.

Even on Simchat Torah when the enemy surprised and attacked civilians, and the IDF's senior command was in a terrible state of disarray, thanks to the courage of thousands of reserve soldiers who threw themselves into battle without order or planning – we overcame the enemy. At the end of the day of battle, we had 1,145 dead and about 253 captives, mostly civilians, and our soldiers killed about 1,500 terrorists in Israel, and about 200 of them were captured.

However, to be victorious also requires a spirit of courage, and as long as the enemy believes that it is succeeding in breaking our spirit, as it hears from the demonstrations and the media, it will continue fighting and harming us. It appears that if the families of the captives and their

supporters had refrained from demonstrations and any media expression, the IDF would have already succeeded in breaking the enemy's spirit. Many more would have surrendered, and many more captives would have been released. Thus, unintentionally, the demonstrators and media figures echoing the demand to release all captives at any cost, are providing support for the enemy, endangering the lives of our soldiers, and causing many more civilians and soldiers to be killed and abducted in the future.

Crying in Private

The families of the captives and the demonstrators on their behalf, should consider the families of the heroes who fell in battle defending the people and the land. These families sacrificed what was most precious to them. Public pressure by families of the captives and demonstrators on their behalf, harms the war, for which their sons sacrificed their lives.

It is difficult to express the magnitude of the sorrow caused by many broadcasters in the media, to the many families of soldiers killed in sanctification of God's Name in their war against Hamas, and to the families of soldiers now facing further combat. When they pressure the leaders of the state to accept Hamas' demands, even if motivated by the positive goal of releasing the captives, they ignore the terrible sacrifice of hundreds of soldiers who fell in the war, and of the tens of thousands of soldiers fighting to defend the people and the land, and their families.

Of course, the grief of the families of the captives is terrible and tormenting. Nevertheless, the crying should be done in private, as in the lamentation of King David after the fall of Saul and Yonatan in battle against the Philistines:

“Tell it not in Gath, publish it not in the streets of Ashkelon; lest the daughters of the Philistines rejoice, lest the daughters of the uncircumcised triumph” (2 Samuel 1:20).

Despite the great sensitivity that must be shown towards the families of the captives, they must also be told that outwardly, during wartime, they must gird themselves with courage, until victory.

The Soldiers of Religious Zionism

In these days, when many members of the Religious Zionists are risking their lives to defend the people and the land, the wish sometimes arises that the entire public will recognize their full contribution, and respect their religious-national positions. Indeed, the traditional and national public recognizes this. However, if the hope is that the secular and leftist public which still controls the media and many power centers will cease relating to the National-Religious public and its positions with hostility, it is probably a vain hope.

Regardless of the war, and regardless of the sacrifices of heroism, we must strive for more mutual understanding, which will somewhat heal the wounds of controversy, and

benefit Israeli society in progressing together. However, the recognition of the value of the sanctity and self-sacrifice of our soldiers must be drawn from within ourselves, from the deep belief that every soldier who risks his life in defense of the people and the land, rises to the highest level of the sanctity of Clal Yisrael (all Israel), and the fulfillment of the Torah and commandments. There is no greater recognition than this, and any attempt to seek further recognition only detracts from the sanctity and courage of the soldiers. Naturally, the more the heroism and sacrifice stem from inner faith, the more the heroes, their families, and friends who honor their memory, will be empowered to reveal the personal talent of each and every one, and will be able to act more for the sake of Clal Yisrael, in a way that leads to the redemption of the People and the Land, and Tikkun Olam. For there is nothing like self-sacrifice for the sake of Heaven, to elevate a person and all of his family and friends.

The Son of Hur

Similarly, we have learned about the self-sacrifice of Hur, which influenced his grandson, Bezalel. Many were involved in the work of the Tabernacle, and all were filled with a divine spirit due to this, as our Sages said: “Whoever was involved in the work of the Tabernacle, God instilled in him wisdom, understanding and knowledge... and none was as renowned as Bezalel, as it is stated: ‘The Lord called Bezalel by name’” (Shemot Rabbah 48:3). And in the Midrash, beforehand, our Sages explained by virtue of what he rose to the sublime level of understanding the word of God, with wisdom and craftsmanship, to the point where he reached the level of one capable of erecting a Tabernacle for the Divine Presence. And their words, are moving, and instructive.

Our Sages said:

“See, ‘The Lord called Bezalel the son of Uri, the son of Hur.’ Why did it mention Hur here? Rather, at the time when Israel sought to worship idols (the sin of the Golden Calf), Hur risked his life for the sake of the Lord, and did not allow them (to make the calf). They rose up and killed him. The Lord said to him: ‘By your life, I will reward you (give you a great reward for this).’ It is comparable to a king whose legions rebelled against him, and his general stood up and fought against them. He said to them: ‘It is against the king that you are rebelling!’ They rose up and killed him. The king said: ‘If he had given me money, would I not have needed to repay him? How much more so since he gave his life for me! What shall I do for him? Rather, any sons that descend from him, I will appoint as dukes and governors. Similarly, at the time when the Israelites made the Golden Calf, Hur stood up and risked his life for the sake of the Lord, and did not allow them to make it. They rose up and killed him. The Lord said to him: ‘By

your life’ (and there is a hint here: you did not die, but live), ‘any sons that descend from you, I will grant them a good name in the world, as it is stated: ‘See, the Lord has called by name Bezalel...and He has filled him with the Divine spirit’” (Shemot Rabbah 48:3).

Is It Proper for the Cantor to Stand on a High Platform?

Q: Since our Sages said it is forbidden to pray in a high place, is it permissible for the cantor to stand on an elevated platform in the middle of the synagogue?

A: Our Sages instructed:

“A person should not stand and pray, not on a chair, not on a stool, and not in a high place, for there is no arrogance before the Omnipresent, as it is stated: ‘Out of the depths I called You, O Lord’” (Berachot 10b).

However, when the high place stands independently, such as if it is larger than four cubits by four cubits (about two meters by two meters), it is permissible to pray there, since it is not measured in relation to the other places, but is considered a place unto itself. Even when the platform is smaller than four cubits, if it is surrounded by partitions, it is then a place unto itself, and it is permissible to pray there (according to the Ben Ish Chai, partitions on three sides are required, while according to the Aruch HaShulchan, partitions on two sides suffice).

True, it is told about Rabbi Yonah, who was known as a righteous person whose prayers were answered, that when they came to ask him to pray for rain, he went to a deep and low place, and prayed there, until he was answered, and rain fell (Taanit 23b). For this reason, in some places it became customary to lower the place of the cantor, and therefore the prayer leader is called the “yoreid lifnei ha’tevah” (one who descends before the ark). However, when the synagogue is large, it is initially permissible to build a central platform on which the cantor will stand, so that his voice will be heard by all the worshippers. And even though they do not strictly observe having the cantor descend before the ark, they are strict about the honor of the prayer, that the cantor’s voice should be heard well (see Peninei Halakha: Prayer 3:4).

Those Praying Near the Entrance of the Synagogue or in the Vestibule

Q: There are worshippers who have the practice of praying near the entrance of the synagogue, or in its vestibule. Is this correct according to Jewish law?

A: One should not pray near the entrance, because entering the synagogue expresses the worshipper’s desire to stand before God and draw close to Him, and one who remains near the entrance appears as if the prayer is a burden upon him. This is what our Sages said:

“A person should always enter the synagogue to the distance of two entranceways, and then pray” (Berachot 8a, Rashi). However, if his fixed place is near the entrance, it is permissible for him to pray there, for everyone knows that

he stands there because that is his place (Talmidei Rabbeinu Yonah, Shulchan Aruch Orach Chaim 90:20).

According to this, it is clear that initially, one should not pray in the vestibule before the entrance of the synagogue, for if they said not to pray inside the synagogue near the entrance, it is all the more so that one should not pray in the vestibule before it. This article appears in the 'Besheva' newspaper and was translated from Hebrew.

Rabbi Eliezer Melamed

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from: Ohr Torah Stone <ohrtorahstone@otsny.org>

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subject: Rabbi Riskin on the Weekly Torah Portion Parshat Kedoshim: Marriage as a Loving Friendship in Sanctified Purity

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

“And you shall not let any of your seed pass through (the fire) to Moloch, neither shall you profane the name of your God, I am the Lord.” (Leviticus 18:21)

The great Talmudic sage Rav Yehuda (in the name of Rav) applies the commandment “love your neighbor as [you love] yourself” to the relationship of husband and wife, the closest and most proximate of neighbors. Indeed, one of the seven blessings under the nuptial canopy even refers to the couple as “re'im ahuvim” or “beloved (loving) friends.” But the marriage ceremony itself, one of the most exalted and simplistically stunning in our liturgy, raises a number of problematic issues. The initial blessing of betrothal declares:

“Blessed are You, Lord our God, Sovereign of the Universe, Who has sanctified us with His commandments, commanded us regarding forbidden sexual relationships, prohibited us from sexual relations with our fiancé and has permitted us those to whom we are married by means of the nuptial canopy and the betrothal sanctification. Blessed are You Who sanctifies His nation Israel by means of the nuptial canopy and betrothal sanctification.”

What makes this formulation so strikingly different from every other blessing over a commandment is that it mentions what is forbidden as a prelude to what it permitted. Why? Would it not have been sufficient for the blessing to have spoken only about the positive, without mentioning the negative?

Moreover, there are an additional seven blessings recited under the nuptial canopy which go far beyond the loving relationship of the couple about to be wed; one blessing brings us all the way back to Adam and Eve in the Garden of Eden (“cause these loving [and beloved] friends to joyfully rejoice just as You caused Your creations to rejoice

in the Garden of Eden”), and the final blessing brings us forward to the future period of redemption (“May there soon be heard in the Cities of Judea and in the broad spaces of Jerusalem the sound of rejoicing and the sound of happiness, the sound of grooms and the sound of brides.”) What has a marriage ceremony to do with a national history spanning incalculable centuries from ancient past to anticipated future?

The answer is to be found in the seemingly problematic structure of the three main chapters in the Torah portion of Kedoshim and part of the previous portion of Acharei Mot. Chapter 18 of the book of Leviticus (the concluding chapter of Acharei Mot) deals with forbidden sexual relationships, beginning with incest and concluding with sacrificing one's child to the idol, Moloch, and the prohibition against homosexuality; chapter 19, which opens the portion of Kedoshim, starts with the commandment to revere one's parents and then catalogues scores of laws dealing with interpersonal relationships, including loving one's neighbor as one loves oneself. And then, in chapter 20, the Bible returns to the catalogue of forbidden sexual relationships, beginning with the prohibition of sacrificing one's child to the idol, Moloch. Why not have all the forbidden sexual relationships in one place? Why the seeming interruption with chapter 19?

What is equally strange and disturbing is that the initial introduction to the laws of forbidden sexual relationships (at the beginning of chapter 18) is the verse: “You shall observe My decrees and My statutes which a human being shall do and live by them...” (Lev. 18:5). Our Talmudic sages deduce from the command “You shall...live by them” that when push comes to shove, the Jew must generally transgress a commandment rather than forfeit his life; the value of a human life stands above the commands of the Torah (Yoma 85a, b). However, the sole exceptions to this rule are the three most stringent prohibitions of idolatry, sexual immorality and murder. Hence, if a Jew is ordered to commit an act of incest or adultery or else he will be murdered, he may not invoke the usual “You shall...live by them” and commit the forbidden act, but rather he must choose to die rather than to transgress. If this is the case, then how can we understand the command “You shall...live by them” placed as the introduction to the laws of sexual immorality? These are specifically the prohibitions for which a person must be willing to lay down his life. Rashi explains that this injunction “You shall live by them” refers to the world to come, because if you will suggest that it refers to this world, eventually (everyone in this world) dies (Rashi, Lev. 18:5). If I might alter Rashi's words a little without removing his fundamental idea, I would suggest that it refers to life in its historical dimension, to the ability of the individual Jew to participate as a link in the great and

eternal chain of Jewish historic being. The family is the bedrock of the nation, and it is specifically the laws of sexual morality which guarantee Jewish preservation and continuity physically as well as spiritually. An individual destroys his seeds of continuity if he sacrifices his child to Moloch, or if he defies the familial faithfulness by adultery. In the most profound sense, Judaism will only continue to live eternally if the laws of sexual immorality are seen as so sacrosanct that they even stand above the value of preserving a human life. Therefore, the laws of interpersonal human relationships, the necessary bedrock of a well-ordered and continuing society, must be preceded and followed by the stringent rules against sexual immorality; only then will we truly live as an eternal historic nation.

Thus the Bible, in its very chapter sequence, expresses one of the essential and amazing paradoxes of Jewish life. If the Jewish nation wishes to live as a distinct historical entity whose mission is to perfect society and redeem the world, they must first and foremost conform to the laws of family sanctity and the prohibition of sexual immorality – and this is Leviticus, chapter 18. Then come the fundamental principles of interhuman relationships, beginning with proper reverence for parents and including the love one must feel for one's spouse, not forgetting the prohibitions against jealousy and the commandments concerning tithes and charity for those who do not have their own property or means of livelihood – and this is chapter 19. The Bible then finds it necessary to return to the laws of sexual morality, the very actions which cause us to lose the succeeding generations, if not physically then certainly spiritually (as certain as giving our children over to Moloch), but this time including the capital punishments, the very antithesis of the introductory "You shall live by them," for those who actually transgress – and this is chapter 20.

The structure and lesson of the biblical form is exquisitely maintained in the precise formulation of the marital blessings, the couple (and eventual family) representing the fundamental key to Jewish survival and eternity. The Almighty has forbidden certain sexual relationships; only if and when we maintain these prohibitions shall we have earned the unique honor of having been sanctified by means of the nuptial canopy and betrothal sanctification. And the reward for living such a sanctified life is that it enables us to live eternally as a link in the golden chain of the Jewish historical continuum – with memories which go back to the Garden of Eden and visions of anticipation which go forward to the ultimate redemption. The marriage canopy bears both the responsibility and the glory of Jewish eternity, past and future.

Shabbat Shalom

fw from allen.klein@gmail.com
www.matzav.com or www.torah.org/learning/drasha
Parsha Parables By Rabbi Mordechai Kamenetzky

Drasha

By Rabbi Mordechai Kamenetzky

Parshas Kedoshim

Motherhood & Shabbos Pie

"One must revere his mother and father and observe my Shabbos, I am Hashem your L-rd" (Leviticus 19:3)

By combining the mitzvos of respecting parents, the Torah begins the first of the myriad commands between both man and his fellow man, and man and his Creator, that fill Parshas Kedoshim.

Rashi notes this curious combination of Shabbos observance and parental respect. It interprets the juxtaposition to mean that Shabbos observance is so important that it overrides parental request for its desecration.

But in addition to the halachic directive inferred by the proximity of the two laws, perhaps there is a moral lesson, too.

Dr. James David Weiss had been attending Rabbi Berel Wein's classes for a while, and though he was not committed to Yiddishkeit in all its aspects, he was truly fascinated by the amazing insights and the spiritual impact that Torah study had made on his life. In fact although he was a shiur regular, and his wife was committed to Torah observance as prescribed by the Shulchan Oruch, the doctor had not yet made the commitment to observe Shabbos. Towards the summer, Dr. Weiss mentioned to Rabbi Wein that shortly he would be visiting Israel. The doctor had heard Rabbi Wein's stories of his experiences, as the Rabbi of Miami Beach, having chauffeured Rabbi Yosef Kahanamen, the Ponovezer Rav on his fund-raising missions in the United States. In many of his lectures, Rabbi Wein had related his close relationship with Rav Kahanamen, and Dr. Weiss excitedly told Rabbi Wein that he would soon visit the Ponovez Yeshiva. Dr. Weiss did not know that the Rav had passed away a decade earlier, so he enthusiastically offered to send Rabbi Wein's regards to the Ponovezer Rav. Not trying to discourage the visit, Rabbi Wein smiled and said, "you could try."

Dr. Weiss arrived at the Ponovez Yeshiva and after marveling at the beauty of its gilded Aron Kodesh and nearly 1000 swaying Talmudists, he asked a boy to direct him to the Ponovezer Rav. Since the Rav had passed away a decade earlier, they directed him to the Rosh Yeshiva, Rabbi Eliezer Menachem Shach. Dr. Weiss waited for the sage to lift his head from the large tome. The old sage looked up and greeted the doctor. Dr. Weiss stuck out his

hand, and with the remnants of the Yiddish he had salvaged from his youth, he addressed Rav Shach.

“Sholom Aleichem! My name is Dr. Weiss I study with Rabbi Wein and I come from America with warmest regards from him.”

Rav Shach looked at him quizzically. “I don’t know a Rabbi Wein.”

“Don’t you remember?” asked Dr. Weiss in shock. “Rabbi Berel Wein,” he repeated. “He would often drive you when you visited Miami on behalf of the Yeshiva.”

Rav Shach smiled.

“I don’t know Rabbi Wein, and I have never been to Miami. My name is Shach. I think you meant to see Rav Kahanamen, but unfortunately he has passed away.”

Dr. Weiss looked embarrassed.

But Rav Shach quickly dissolved the discomfort by holding the doctor’s hand and blessing him warmly.

“Dr. Weiss, you are a good Jew and you should be a gebenchta (a blessed) Jew. But remember, Shabbos observance is an integral part of Yiddishkeit. Do not forsake the Shabbos!”

Dr. Weiss was astonished. How did Rav Shach know about his wavering about commitment to Torah-observance?

It did not make much of a difference, because from that day on Dr. Weiss affirmed his committed to Shabbos with the same intensity that he had always committed to his fellow man

Perhaps the Torah juxtaposed the most basic tenet of any society with the highest form of our spiritual expression to teach us that the two are inseparable.

Many people feel that Judaism entails all that is mom and apple pie. But there is more to Yiddishkeit than what we, as Americans, Europeans, Asians, Africans, and even Israelis feel good about or think is morally correct. Judaism entails the essence of our spirituality that is encompassed and represented by Shabbos observance. Judaism is more than Mom and Apple Pie; it entails Motherhood and Shabbos rest.

Good Shabbos

Rabbi Mordechai Kamenetzky

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to: kaganoff-a@googlegroups.com

date: May 8, 2024, 2:49 PM

subject: Geneivas Da’as

Geneivas Da’as

By Rabbi Yirmiyohu Kaganoff

Question #1: “Stealing” Minds

How do you “steal someone’s mind?” Is that like borrowing his brains?

Question #2: Potential Guests

May I invite someone for a meal, knowing that he always declines invitations?

Question #3: Mistaken Identity

Someone donated money to our organization, but it is clear that she did not realize what we do. Must I bring this to her attention?

Question #4: Permission to Deceive

Am I ever permitted to be deceptive?

Introduction:

When someone deceives his fellowman, he may violate two different prohibitions of the Torah. The first is called ona’ah, cheating or taking unfair advantage. Selling something that is definitely worth less than the money received qualifies as ona’ah that the Torah forbids. This includes selling merchandise that is defective in a non-obvious way, or engaging in a transaction on the basis of insider information. It also includes over-presenting a product or disguising its blemishes.

In most circumstances, if ona’ah was violated, the cheated party has a halachic right to get his money back or to be compensated the difference in value. There are many more details concerning the prohibition of ona’ah, which I discussed in a previous article

How Much May I Charge. (This article can be located on the website RabbiKaganoff.com using the word onaah.

Geneivas da’as

This article will deal with a different form of deception called geneivas da’as, literally “stealing a mind.” This means that a person misleads someone else concerning a matter or item. This is prohibited, even when the deceived party does not lose money or value as a result. It applies even in non-financial matters; intentionally misleading someone is prohibited as geneivas da’as.

There are several halachic differences between ona’ah and geneivas da’as. As I mentioned above, if a situation violates ona’ah, the cheated party may be entitled to invalidate the entire sale, or to receive back the amount of the deception. (In some instances when the amount of deception is small relative to the value of the sale, halacha does not require restitution. I refer you to the above-referenced article.) On the other hand, geneivas da’as does not require restitution, since there was no direct financial benefit as a result of the deception that occurred.

Here are a few examples of geneivas da’as:

Deception without cheating

1. The deceiver convinces his customer that the item has a benefit that it does not have. This is forbidden, even though the feature does not increase the item’s sale value.
2. Misleading a customer to think that he is getting a bargain, when he is buying something at its correct price, is geneivas da’as. In other words, it is prohibited to tell someone that the item is being sold at a discount, when the

purchaser is paying the actual worth of the merchandise. There is deception going on, even though there is no cheating. Notwithstanding that the buyer is not losing any money, he is still being deceived, and this is a violation of geneivas da'as.

A purchaser may also violate geneivas da'as, if he attempts to convince the seller that the item is worth less than it really is. Also, note that there might be a prohibition of ona'ah if your customer assumes the product to be higher quality than it is, and therefore, agrees to a price that is inappropriately high.

Donations

3. Here is another instance that involves geneivas da'as: someone donated money to tzedakah, specifically requesting that the money be used for a particular cause, but the money is instead diverted to a different purpose. For example, taking funds earmarked to help destitute Torah scholars and using the money for people who are not scholars or not even observant of mitzvos involves geneivas da'as (Orach Meisharim 24:7). Since this is a violation of geneivas da'as, it applies equally if the donor is non-Jewish. However, if the use is included in the term the donor expressed when he made his donation, it is not geneivas da'as. For this reason, we can explain the famous, although possibly apocryphal, anecdote attributed to the Ponevitzer Rav. A person who was not observant made a large donation to the Rav, specifying that the money be used for Torah study by students who would not be wearing yarmulkas. The Rav used the money to fund a Beis Yaakov, which certainly met the requirements as expressed by the donor, although it may not have been what he intended. Similarly, it is said that the Klausenberger Rav, who did not accept donations for his Torah mosados from individuals who were not Shomrei Shabbos, accepted donations from non-observant individuals for his "institutions," and used the funds for Laniado Hospital.

Mezuzah for a gentile

Rav Moshe Feinstein rules that the following case is an example of geneivas da'as: A gentile asked his Jewish landlord to place a mezuzah on the gentile's door. Rav Moshe prohibits placing an invalid mezuzah on the door, because of geneivas da'as (Shu"t Igros Moshe, Yoreh Deah 1:184).

Giddin and gentiles

In parshas Vayishlach, the Torah teaches us the mitzvah of gid hanasheh, the prohibition of eating the sciatic nerve, which runs along and over the thigh bone. The Mishnah (Chullin 93b) states that it is permitted to send the leg portion of a shechted animal to a non-Jew with the gid hanasheh intact, because it is obvious that it is there. The Gemara is highly curious as to what the Mishnah is trying to teach. There is nothing wrong with a non-Jew eating gid

hanasheh, since this is not one of the mitzvos which he is commanded. If the concern is that the non-Jew may sell the meat to a Jew who does not realize that the gid hanasheh is still there, why would a Jew be purchasing unmarked meat from a non-Jew?

After the Gemara presents several attempts to explain the Mishnah, the Gemara concludes that the Mishnah is teaching us about geneivas da'as. It is prohibited to mislead the non-Jew into thinking that you are selling him a portion of meat in which the gid hanasheh has already been removed, notwithstanding that this piece of information is basically irrelevant to him. Although the removal of the gid does not create any greater value to the non-Jew, he should not be given the impression that you sold him a product that had greater value to the Jewish seller than it really did. Although this level of deception is not considered ona'ah (because it makes no financial difference to the purchaser), it is still prohibited as geneivas da'as, because the purchaser feels a small level of obligation, thinking that he received a product that had more value to the seller than to him, when indeed this was not true. In some future matter, he might decide to give you something to which you are not entitled, because he feels an unjustified sense of obligation to you.

Shemuel's crossing

Once, the great amora, Shemuel, while traveling, crossed a river on a ferryboat. He asked his attendant to pay the ferry master for their fares. The attendant bartered with the ferry master, and gave him a slaughtered chicken as payment, implying that this chicken was kosher, when it was not. This act on the part of his attendant irked Shemuel, since this was an act of geneivas da'as. Notwithstanding that, to the non-Jewish ferry master, kosher and non-kosher chicken have the identical value, leading him to think that the chicken was properly kosher when it was not implies that you are giving the non-Jew something more valuable (from your perspective) than it was.

Thus, we see that giving someone an impression that you are doing him a bigger favor than you actually are violates geneivas da'as. However, we should note that most authorities contend that you violate geneivas da'as only when you say or do something that misleads the other person, but if you acted as you typically would, and there is no reason for him to think that you are misleading him, you are not in any violation.

Therefore, if the other person deceives himself, there is no violation of geneivas da'as. An example of this is when a person assumes that you attended an event specifically in his honor, but you work in that neighborhood where the event took place. Since you never said or implied that you made the trip especially for him, this is not geneivas da'as. Geneivas da'as is only if you say or do something that might lead him to such a self-deception. Therefore, it is

forbidden to imply to someone that you made a special trip to attend his simcha, when, in fact, you had to be in that area anyway.

Two concerns

Geneivas da'as involves two concerns, one for the deceived party and the other for the deceiver.

It is also damaging to the individual who does the deceiving because he habituates himself to live with untruth. Of course, this affects his neshamah, and a person must train himself to live with truth.

This might be a reason why the Rambam discusses the laws of geneivas da'as in two different places: in Hilchos Dei'os (2:6), where he usually discusses how we are to develop our personalities in a Torah way, and in Hilchos Mechirah (18:1), where he discusses the laws of business honesty and ona'ah.

Non-business

The Gemara mentions several instances of geneivas da'as that have nothing to do with financial matters. An example of this is begging someone repeatedly to join you for a meal, when you do not really want him to come, and you are inviting him because you know that he will turn down the invitation (Chullin 94a). This is prohibited because the invited party feels some level of obligation to reciprocate this false invitation, and it also trains the inviter to act falsely, pretending that he wants to have this guest when he does not. Similarly, it is forbidden to send someone gifts repeatedly knowing that he does not accept them. The giver wants the intended recipient to feel indebted to him, without it costing the giver anything.

At this point, let us discuss the second of our opening questions: "May I invite someone for a meal, knowing that he always declines invitations?"

If I truly want him to visit me, there is no violation of geneivas da'as. If I don't necessarily want him to visit, I may invite him a few times to show my respect for him. However, once he has made it clear that he does not want to accept the invitation, I should invite him only if I truly want him to come. We will also see, shortly, that if I feel that people are not showing him proper respect, I may continue to invite him (even if I don't really want him to come), if I feel that this may influence others to respect him.

The charlatan

Here are a few more examples of geneivas da'as: Someone who acts as a big tzadik in front of people, but is, in private, not halachically meticulous (Tosafos, Bechoros 31a s.v. vechulan and s.v. ika). This display of righteousness is a form of deception (see Sotah 21b; 22b). Implying to someone that you did something special for him when you didn't.

Acting as if you are someone's best buddy, but your intention is for something else. You are misleading him to

think that you are his friend. In other words, where someone is *אָהָד בַּפֶּה וְאֶחָד בַּלֵּב*, his actions or verbal statements imply one goal, but his heart has a different goal, he is in violation of geneivas da'as (Orach Meisharim).

Why is it called geneivas da'as?

Geneivas da'as, literally, "stealing a mind," means creating a false impression – that is, deluding a person, i.e., giving him a false perception of reality. The Gemara (Chullin 94a) rules *asur lignov da'as ha'beriyos*, "it is prohibited to steal someone's mind."

At this point, we can address the opening question: How do you 'steal someone's mind'? Is that like borrowing his brains?

No, it is not. Geneivas da'as, which can literally be translated as "stealing his mind," means to mislead or deceive him, even when the misled party is not losing anything material as a result. Simply leaving him with a wrong impression violates the prohibition.

Mistaken identity

At this point, we can begin discussing the third of our opening questions: "Someone donated money to our organization, but it is clear that she did not realize what we do. Must I bring this to her attention?"

I was once faced with this type of situation. Let me present what happened: A school that I taught in asked me to visit a gentleman who had, a few years before, made a very generous donation. After a bit of work locating him and being able to schedule an appointment with him, it was quite clear to me that he was confusing me with someone else, and that he might have been confusing the school's program with that of another institution. In other words, there seemed to be a case of mistaken identity. Was I required to call this to his attention?

Anyone who has this question should address it to his own rav or posek. I can tell you what I did under the circumstances, which was a split-second decision without any opportunity either to research the shaylah or to discuss it with anyone.

First of all, I had not tried to deceive the potential donor. I had been supplied with accurate information that he had made a few very large donations, and that the school had tried to be in touch with him several times, unsuccessfully, in recent years. None of this involved any deception. I presented to him many of the special, and perhaps unique, features of our institution and emphasized aspects that I thought would attract him to make another substantive donation to our cause. None of this involved any deception. At some point in the conversation, it became clear to me that he was confusing me with someone else whom he had met previously. To this day, I do not know with whom he was confusing me, but I certainly made no attempt to create any deception.

I neither denied nor sustained his assumption that we had met before. I simply noted that he had made very significant donations in the past, and that we were hoping he would be interested in continuing the relationship.

In short, I think I handled the situation in a way that was completely honorable from a halachic perspective.

I am sure that our readers want to know if the organization actually did receive the hoped-for donation. Unfortunately, it did not.

Permission to deceive

At this point, let us discuss the last of our opening questions: “Am I ever permitted to be deceptive?”

Notwithstanding that geneivas da’as is forbidden, and it appears that most rishonim prohibit it min haTorah, there are a few instances that may appear as if they are geneivas da’as, but are permitted halachically. In other words, although they appear to be geneivas da’as, they are not. One situation is when you do something that otherwise would be geneivas da’as, such as, you tell people that a person is a greater Torah scholar than he really is, because your goal is that others will treat him with the respect that he deserves.

Dealing in kind

There is another instance in which halacha permits someone to overlook the geneivas da’as that will result. When dealing with someone dishonest, it is permitted to act deceitfully, if it is necessary to protect yourself. For this reason, it was permitted for Shimon and Levi to deal deceitfully with Shechem.

Conclusion:

The Gemara tells us that the great tanna, Rabbi Yehoshua, the rebbe of Rabbi Akiva, was asked: “What is the best means to become wealthy?” Rabbi Yehoshua advised that, aside from being very careful in one’s business dealings, the most important factor is to daven to He Who owns all wealth (Niddah 70b). A Jew must realize that Hashem’s Torah and His awareness and supervision of our fate is all-encompassing. Making this realization an integral part of our thinking is the true benchmark of how His kedusha influences our lives.

The true believer in Hashem and His Torah understands that every aspect of his life is directed by Hashem, and that the only procedures we follow in any part of our lives are those that the Torah sanctions.

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Rabbi Yochanan Zweig

This week’s Insights is dedicated in loving memory of Barry Ross, Binyomin Yitzchak ben Meir.

Holier Than Thou?

And Hashem spoke to Moshe saying: Speak to all the congregation of Bnei Yisroel, and say to them, become holy; for I Hashem your God, am holy. Everyone should revere their mother and father, and you should keep my Sabbaths, I am Hashem your God (19:1-3).

Parshas Kedoshim begins with Hashem exhorting Bnei Yisroel to become kadosh for Hashem is kadosh. The word kadosh is commonly translated as “holy.” The meaning of the word holy is generally understood as “connected to God or religion.” In other words, we generally measure holiness vis-à-vis a person’s relationship with God.

A simple review of the verse shows that we cannot understand the word kadosh to mean “holy.” After all, Hashem cannot be “connected” to Himself. So we are left with a fairly serious question; what is kedushah and how does one strive to achieve it? In addition, how is the next verse, which commands reverence for one’s parents, connected to this idea of being kadosh?

The word kodesh actually means to set aside or separate. When a man designates a woman to be his wife, she is “mekudeshes” to him. We say in davening that Hashem was mekadesh the Shabbos, meaning that he designated a day for us to commune with Him. Similarly, Hashem was mekadesh the Jewish people – it doesn’t mean that He made us holy; rather He separated us from all the other nations, to be His alone.

So what exactly does it mean that Hashem is kadosh?

Perhaps it is easier to understand what kadosh means as it relates to something we, as humans, are striving for. A baby is born very self-centered; everything is about satisfying its own needs and desires. This is only natural as a baby only senses itself. As a child matures, hopefully, it begins to recognize the outside world and its place within a broader perspective. This process of becoming less and less self-centered is the process of removing yourself from your egocentricity.

In other words, Hashem is asking us to separate ourselves from our self-centered desires and to focus outwardly. The perfect example of such a separation is Hashem Himself. Hashem is perfect with no needs or desires. All of His actions in creating the world had nothing to do with any perceived need; rather it is all a function of His wish to bestow the ultimate good on humanity. When it comes to Hashem, there are no self-serving actions, only actions directed for others. Therefore, Hashem is kadosh because His actions are separate from Himself.

We are therefore commanded to become kadosh like him. Rashi (ad loc) explains that this means separating from forbidden intimate relationships. As we explained last week, this is why this parsha follows the list of forbidden relationships. A person’s strongest desire is in this area

because it is so self-serving. Controlling ourselves is the key to separating from our egocentricity.

Many, if not most, children view their mother as their chef, chauffeur, butler, maid, and personal shopper, while their father is the ATM machine that makes it all possible. In other words, the world revolves around an “it’s all about me” attitude. This is very dangerous to our children’s emotional wellbeing and of course, to their future relationships in life. The most important lesson that we must teach our children is that we do everything for them out of love – not because the world revolves around them. The antidote, therefore, is to have great reverence for our parents. We owe our parents because nothing is “coming” to us. We have to break the sense of self and learn to focus outwardly, just like Hashem. Then we will be kadosh like Him.

Kindness is a Shame

And if a man shall take his sister, his father’s daughter, or his mother’s daughter, and see her nakedness, and she see his nakedness; it is a shameful thing [...] (20:17).

The Torah’s description of this act is termed “chessed.”

Rashi (ad loc) explains that the Torah is using an Aramaic word here that means “shame.” Remarkably, the same word in Hebrew is actually associated with only positive implications; the word “chessed” means “kindness.” How is it possible that the same word can have two seemingly disparate meanings?

The explanation is fairly simple. Both of these words are describing the same act; that of giving to others. The difference in the meaning is based on one’s perspective. The giver feels good in that he is doing an act of kindness. On the other hand, the person who is receiving is generally feeling some level of shame in that he is reliant on others to support himself.

Aramaic is the language of understanding another person’s perspective. That is why the heavenly angels are unable to understand Aramaic, they are linear beings. It is also for this reason that the Talmud Bavli (written in Aramaic) was chosen over the Talmud Yerushalmi (written in Hebrew) and accepted as the authoritative source of halacha, for we can only properly understand what Hashem wants from us when we can accurately evaluate another person’s view.

This allows us to see beyond our own perspective and eventually reach the truth.

When Right is Wrong

You shall not take revenge [...] you shall love your friend as yourself [...] (19:18).

Rashi (ad loc) describes what the Torah’s definition of revenge is (updated for a 21st century audience): Reuven asks his friend Shimon to borrow his lawnmower and Shimon refuses. The next day Shimon asks Reuven to borrow his hedge clippers and Reuven responds, “Just as

you didn’t lend me your lawnmower, I am refusing to lend you my hedge clippers.” This is the definition of taking revenge.

Let us examine this. When Shimon refuses to lend his lawnmower to Reuven, he “only” transgresses a positive commandment – that of loving your friend as yourself. Yet when Reuven refuses to lend his clippers to Shimon, he is transgressing both a positive commandment and a negative commandment – that of “not taking revenge.” This seems unfair. After all, on the face of it, Reuven seems perfectly justified in refusing to lend his clippers to Shimon; why shouldn’t he treat him the same way and let Shimon learn how painful it feels to be refused? In fact, Reuven can even feel justified in that he is teaching Shimon a lesson in how to treat a fellow Jew. Why is Reuven now subject to an additional transgression?

Reuven gets an additional transgression for exactly this reason. In his mind, Reuven is justifying why it is right to do a wrong thing. Shimon is, at worst, an unkind person. On the other hand, Reuven is feeling justified in his mistreatment of Shimon, he is making his refusal to Shimon a “mitzvah.” Justifying a wrong is far more severe than missing an opportunity to do something right.

from: Esplanade Capital <jeisenstadt@esplanadecap.com

date: May 9, 2024, 10:55 PM

subject: Rabbi Reisman's Weekly Chumash Shiur

Topic – A Choshen Mishpat Shaila – Ketzos and Igros Moshe

This week’s Parsha has in 19:11 (לֹא, תִּגְנוֹב) the Aveira of stealing and cheating people. Let’s be Dan a Choshen Mishpat Shaila. Two friends are walking and Rachmana Litzlon, G-d forbid it should happen but it happened, and a thief with a gun comes upon them and says give me your money. So there are two friends Reuven and Shimon, Reuven quickly takes out a \$100 bill and says Shimon I borrowed \$100 from you yesterday here it is and he sticks it into Shimon’s pocket. Now of course the thief with the gun quickly takes away the \$100. The question is if in Halacha was Reuven Mekayeim his obligation of paying back the Chov or not? What is the Din?

At first glance it depends on the following question. The question is, how do you estimate the value of something, \$100 is worth \$100. \$100 bill in the pocket of someone who has a thief ready to take it is worth \$0. Do we say that this \$100 bill is worth \$100 and he paid him, or do we say he gave him something worth \$0? How do you estimate the value of an item? This is a general Choshen Mishpat question.

On this there is a Kasha in the Ketzos Hachoshen. It is in Siman Shin Pei Vav, S’if Kotton Yud, and the Ketzos asks a contradiction a Sira between two Gemaras which are

probably familiar to you. The Gemara in Bava Kamma 11a talks about an animal that fell into a Bor (pit) and died there. The carcass of the animal has a certain value. The Gemara says (דבבירא שויה זויה ואגודא שויה ארבע). When the carcass of the animal was on the bottom of the Bor and you needed to get someone to pull it out, you got to get a machine to pull it out because it is heavy, then it is worth one Zuz. Once it is pulled out if it is on ground level it is worth four Zuz.

Forgetting the context of the Gemara, the words of the Gemara are very clear. The same exact carcass of an animal which is good for dog food (we can't eat it because it is Neva'ila), so that same animal if it is in the bottom of the Bor it is worth one Zuz, if it is pulled up it is worth four. We see value goes by the place, it is in the same city whether it is in the bottom of the Bor or the top of the Bor. The market value is the same. But you see that depending on circumstances the value changes. Okay, the Ketzos says that we have a Gemara that says it depends on where it is. Asks the Ketzos Hachoshen, in Bava Kamma 98a that there is a Mechudash'dika Gemara. The Gemara says (הזורק מטבע (של חבירו לים הגדול פטור). If somebody takes someone else's coin and he throws it into the sea, and you can see it on the bottom of the sea, the Gemara says you need a diver to go and get it, so the Halacha is that he is Patur. He says Harei Shel'cha Lefanecha, your coin there it is. The water is still and you can see that it is sitting there in the bottom. Asks the Ketzos, it is an open contradiction. Why don't you say the coin on the boat was worth x and down at the bottom of the sea it is worth a fraction of what it is worth because you have to get divers to go and get it. Why by the carcass of the animal you say one thing and by the coin you say something else.

In the Igros Moshe in Yor'e Dai'a Cheilek Beis, Teshuva Kuf Yud Daled, answers the question of the Ketzos with an essential Yesod in all laws of Choshen Mishpat. Rav Moshe is applying it to cases. I will share with you the Yesod. Rav Moshe's Yesod is the following. He says if you have a society in which you have goods that fluctuate in value, how do you determine the value?

For example, someone stole someone's bushel of apples in 1962. A bushel of apples then costed \$1. He is coming now in 2024 to pay for what he took 62 years ago, he says I owe you \$1 as that was the value of the bushel of apples. He says what? You owe me a bushel of apples. Today a bushel of apples is much more than \$1. The Gemara in Perek Hazav says, society has something called Kiba. Kiba is currency. All value is pegged to currency. It is fair, it is not fair, it doesn't matter. Society works with a stable currency. Everything else fluctuates. It could be that apples went from \$1 to \$100 that would be 100 times as much.

What about an electric calculator which was \$20 in 1962? Today it is worthless. You broke his calculator or you stole his calculator in 1962. What does he owe him? He owes him \$20. This is because everything is pegged to Kiba. Kiba is currency and Peira is merchandise, is goods. It is a law in Choshen Mishpat that everything is pegged to the constant. The constant is Kiba.

Therefore, says Rav Moshe, when a coin is in the bottom of the Bor it doesn't matter where it is. A coin is Kiba, it always has a constant value. With the carcass of an animal, it is goods and goods fluctuates depending on circumstances. This is the rule for all Choshen Mishpat. All of Choshen Mishpat is pegged to Kiba. If you borrowed \$100 from someone, you tell him I will pay you back in 10 years but I will pay you, no Ribbis just the inflation rate the amount that it goes up. Nothing doing, that is Ribbis. Kiba is constant. Currency is constant in the eyes of Halacha and that is the rule.

Now we come back to our original Shaila. A thief is standing there pointing a gun. Reuven owes Shimon \$100. It depends, if Reuven tells Shimon I owe you \$100. Here is a gold bracelet that is worth \$100. I am paying you back and he puts it in his pocket. He hasn't paid him back anything. He gave him a gold bracelet that is worth \$0 because there is a Ganaf standing right here. However, if he gives him \$100 bill that is Kiba. \$100 bill is always worth \$100. So then he has paid him back. He is Yotzei paying him back and Sholom Al Yisrael. This would seem to be the Halacha. I know there is room to Mefakfeik for other reasons perhaps, but the Pashtus this seems to be the rule. So it would come out that technically he got away with it as he paid him \$100. He gave it to him and he put it in his pocket. He was Kon'e it. Of course when I said two friends were walking in the street they were friends in the beginning and at the end they won't be friends. He used a loophole. He found a loophole in Halacha and he got away with it he gave \$100. Is it the right thing to do? No. it is not the right thing to do. Nobody would say that it is the right thing to do, however, we deal with Choshen Mishpat and this is the way it would come out.

Besides telling you the rule of Kiba and Peiri, I want to tell you something else. Not every time is a Heter in Halacha do you have to use it. Rav Belsky told me in regards to a certain Shaila that Rav Moshe told him, Nisht Aleh Heteirim Darf Mir Nuttin. Not every Heter has to be used. Now you have to know, you can't abolish Choshen Mishpat in Shulchan Aruch, there are Heteirim in Chazal. There are Heteirim in the Torah. But people who live a life of trying to keep the Torah and using every loophole no. It is not the way it is supposed to be. A person has to deal in the Torah with a proper Yir'as Shamayim, a proper attitude, a proper sense. That Rabbosai is the second lesson that comes from a

Choshen Mishpat deal that we are talking about. (קדושים תהיה) keep the Torah the way it is supposed to be kept. That is the lesson of the Parhsa.

I want to wish one and all an absolutely wonderful, fantastic, extraordinary Shabbos where no doubt you are all going to look up the Ketzos which of course you want to see in Shin Pei Vav, S'if Kotton Yud. The Igros Moshe which you want to see in Yor'e Dai'a, Cheilek Beis, Kuf Yud Daled. Agav you will see a tremendous Chiddush, a Kula in Hilchos Maisros. You will have a very Geshmake Shabbos because you will be Tumuling and everybody will tell me why the fellow who paid \$100 at the point of a gun still owes him the money. Maybe for other reasons. A Gutten Shabbos to one and all!