

**Rabbi Wein's Weekly Blog**  
**WHAT HAPPENED?**

The Talmud records for us that the great scholar Choni Hamgael slumbered for a period of seventy years. When he awoke he looked around and saw an entirely new and different world than the one that he knew before his sleep. Society had changed drastically, and he realized that somehow, he was unable to adjust to the new world that surrounded it. As a result, he asked that the Lord take him from this world since it was impossible for him to live in it.

I have studied the events and society of the 20th century extensively and in fact I have written a book of history on this subject. And, I am constantly amazed by the enormous changes to the Jewish world and to human civilization generally that occurred during that pivotal century.

At the beginning of the century, Great Britain was the dominant power in the world and, as it says, 'the sun never set on the Union Jack.' It governed almost 1/3 of the human population of the earth and one quarter of the Earth's surface belonged to its empire. Even though there had been substantial Jewish immigration to North America in the latter years of the 19th century, Europe and especially Eastern Europe remained the heartland of Jews living in the world at the time.

The Jewish presence in the land of Israel was relatively miniscule and the entire area was dominated by Arab tribes and clans all under the rule of the Ottoman Turks. However, Jewish immigration to North America continued and the anti-Semitism, coupled with the poverty of Eastern European society, certainly was driving millions of Jews to leave the areas controlled by the Czar to look for a new beginning for themselves and their families.

The world was then dominated by European empires. As mentioned above, Great Britain was the principal empire in the world. However, France, Germany, Belgium, Portugal, Russia, Turkey, Austria and even to a lesser extent the United States of America all were Imperial powers. Many of these empires were relatively new to the world scene while others, such as Austria and Russia, had existed for many centuries.

Empires sometimes fall suddenly and dramatically, as was the case in our time of the demise of the Soviet Union. History records that sometimes empires decline over long periods of time until they finally collapse of their own internal sins and contradictions. Apparently, all the great European empires that began the 20th century already possessed within themselves the seeds of their collapse and destruction at the beginning of the century.

But, no one really noticed that, and we are only able to assess that this was happening because of the perfection of hindsight that we possess. The 20th century would produce the two greatest and most gruesome wars that human civilization had ever known. The consequences of those wars destroyed the empires that then existed. Both the winners and losers in Europe of those wars were equally exhausted and financially ruined. There could no longer be any reasonable form of empire and of past grandeur. The world that began the 20th century had vanished completely by the middle of that century.

Out of this wreckage there emerged an event so unlikely that even hardened historians observed it with incredulity. That event naturally is the creation of the state of Israel and the restoration of Jewish sovereignty in the land of Israel after almost two millennia of exile and persecution. Great rabbis observing the wreckage of Eastern Europe after World War I, already opined that there must be a redeeming purpose for the slaughter and wreckage that the war inflicted on the world.

Though it is impossible for us to attempt to read the minds of Heaven, so to speak, it is undeniable that the two great world wars served as the catalyst for the emergence of the Jewish state in the land of Israel. So, someone who was familiar with the world and particularly the Jewish world at the beginning of the 20th century, awakening at the end of that century, would certainly have been amazed, confused and would have asked in wonder, "What happened?"

We live by the news of the day and always concentrate on the small things that often prove to be so worthless in the long run. We are hard put to really understand the great pattern and picture that surrounds us. Maybe that is what the Psalmist alluded to when he said that at the time of the restoration of Zion we would all be as dreamers, awaking from a deep sleep and wondering what in the world happened that we did not notice.

Shabbat shalom  
Berel Wein

**Rabbi Wein's Weekly Blog**  
**SHOFTIM**

The Torah deals with human realities and not with imaginary paradises and utopian societies. As such, the Torah pre-supposes that there will be disagreements and altercations between human beings even in the Jewish society that allegedly should be protected from these untoward events by simply observing the values and ordinances of the Torah.

Human beings are contentious creatures and their disagreements are recorded for us vividly and accurately in the Torah. As such, it should be self-evident and understood that human society requires systems of law and order, judges, police and arbiters. So many times in life we are disappointed because we expect a perfect society or perfect behavior from those who aspire to religious spirituality or social equality. Since this expectation is by its very nature unrealistic, we are doomed to disappointment and even frustration at the true state of affairs regarding human beings and human society.

The Torah does not guarantee a perfect system of law, order and justice. For once again, judges, police and other persons of authority are human and none is above error or mistake. The Talmud devotes an entire highly intricate tractate to questions of law and order, of judges and police and as to how these ideals should be carried out in a practical and often times contentious world.

We are to strive for ultimate justice and to be as fair and wise in rendering decisions as is humanly possible. Nevertheless, we are to realize that ultimate justice is most times beyond our abilities. We can only do the best that we can.

In our current generation there is a great deal of negative comment and frustration regarding our civil and religious judicial systems, our judges and courts. Though there is always room for constructive and accurate criticism, it is apparent to me that most of the criticism that is actually leveled against our judicial systems is based on the frustration that we feel that somehow they are not perfect and that their decisions many times may be erroneous and unfair.

Part of this situation stems from the fact that the judicial systems have themselves cloaked their very being with hubris, of assumed superiority, of status and wisdom. It is as though they see perfection in themselves and their decisions, and all criticism is deemed invalid and politically motivated.

The Talmud phrased it well, as it always does, when it says that a judge can only judge by what his eyes allow him to see. He is not perfect nor does he have prophetic powers. He is a human being performing a very difficult task and attempting to come to a correct solution to problems that contain many conflicting values and uncertain evidence. The pursuit of correct and righteous judgment is never-ending. Even though the goal of perfection may be beyond us, the pursuit of that goal is always incumbent upon our society and on each of us.

Shabbat shalom  
Rabbi Berel Wein

**To Lead is to Serve (Shoftim 5778)**  
**Covenant & Conversation**  
**Judaism & Torah**  
**Lord Rabbi Jonathan Sacks**

Our parsha talks about monarchy: "When you enter the land that the Lord your God is giving you, and have taken possession of it and settled in it, and you say, "I will set a king over me, like all the surrounding nations," set over you a king whom the Lord your God chooses" (Deut. 17:14-15). So it should be relatively easy to answer the question: From a Jewish perspective, is having a king a good thing or a bad thing? It turns out, however, to be almost unanswerable.

On the one hand, the parsha does say, "set over you a king." This is a positive command. Maimonides counts it among the 613. On the other hand, of no other command anywhere does it say that that it is to be acted on when the people say that they want to be "like all the surrounding nations." The Torah doesn't tell us to be like everyone else. The word kadosh, "holy", means, roughly, to be set apart, singular, distinctive, unique. Jews are supposed to have the courage to be different, to be in but not entirely of the surrounding world.

Matters are made no clearer when we turn to the famous episode in which the Israelites did actually ask for a king, in the days of Samuel (1 Samuel 8). Samuel is upset. He thinks the people are rejecting him. Not so, says God, the people are rejecting Me (1 Sam. 8:7). Yet God does not command Samuel to resist the request. To the contrary, He says, in effect, tell them what monarchy will cost, what the people stand to lose. Then, if they still want a king, give them a king.

So the ambivalence remains. If having a king is a good thing, why does God say that it means that the people are rejecting Him? If it is a

bad thing, why does God tell Samuel to give the people what they want even if it is not what God would wish them to want?

Nor does the historical record resolve the issue. There were many bad kings in Jewish history. Of many, perhaps most, Tanakh says “He did evil in the eyes of God.” But then there were also good kings: David who united the nation, Solomon who built the Temple, Hezekiah and Josiah who led religious revivals. It would be easy to say that, on the whole, monarchy was a bad thing because there were more bad kings than good ones. But one could equally argue that without David and Solomon, Jewish history would never have risen to the heights.

Even within individual lives, the picture is fraught with ambivalence. David was a military hero, a political genius and a religious poet without equal in history. But this is also the man who committed a grievous sin with another man’s wife. With Solomon the record is even more chequered. He was the man whose name was synonymous with wisdom, author of Song of Songs, Proverbs and Kohelet. At the same time he was the king who broke all three of the Torah’s caveats about monarchy, mentioned in this week’s parsha, namely he should not have too many wives, or too many horses, or too much money (Deut. 17:16-17). Solomon – as the Talmud says[1] – thought he could break all the rules and stay uncorrupted. Despite all his wisdom, he was wrong.

Even stepping back and seeing matters on the basis of abstract principle, we have as close as Judaism comes to a contradiction. On the one hand, “We have no king but You,” as we say in Avinu Malkeinu.[2] On the other hand, the closing sentence of the book of Judges (21:25) reads: “In those days, there was no king in Israel. Everyone did what was right in his own eyes.” In short: without monarchy, anarchy.

So, in answer to the question: Is having a king a good thing or a bad one, the answer is an unequivocal yes-and-no. And as we would expect, the great commentators run the entire spectrum of interpretation. For Maimonides, having a king was a good thing and a positive command. For Ibn Ezra it was a permission, not an obligation. For Abarbanel it was a concession to human weakness. For Rabbenu Bachya, it was its own punishment. Why then is the Torah so ambivalent about this central element of its political programme?

The simplest answer was given by the outsider who saw most clearly that the Hebrew Bible was the world’s first tutorial in freedom: Lord Acton. He is the man who wrote: “Thus the example of the Hebrew nation laid down the parallel lines on which all freedom has been won ... the principle that all political authorities must be tested and reformed according to a code which was not made by man.”[3] But he is also the originator of the classic statement: “All power tends to corrupt, and absolute power corrupts absolutely.”

Almost without exception, history has been about what Hobbes described as “a general inclination of all mankind: a perpetual and restless desire of power after power, that ceaseth only in death.”[4] Power is dangerous. It corrupts. It also diminishes. If I have power over you, then I stand as a limit to your freedom. I can force you to do what you don’t want to do. Or as the Athenians said to the Melians: The strong do what they want, and the weak suffer what they must.

The Torah is a sustained exploration of the question: to what extent can a society be organised not on the basis of power? Individuals are different. Michelangelo, Shakespeare and Rembrandt needed no power to achieve creative genius. But can a society? We all have desires. Those desires conflict. Conflict eventually leads to violence. The result is the world before the flood, when God regretted that He had made man on earth. Hence there is a need for a central power to ensure the rule of law and the defence of the realm.

Judaism is not an argument for powerlessness. The briefest glance at two thousand years of Jewish history in the Diaspora tells us that there is nothing dignified in powerlessness, and after the Holocaust it is unthinkable. Daily we should thank God, and all His helpers down here on earth, for the existence of the State of Israel and the restoration to the Jewish people of the power of self-defence, itself a necessary condition of the collective right to life.

Instead, Judaism is an argument for the limitation, secularisation and transformation of power.

Limitation: Israel’s kings were the only rulers in the ancient world without the power to legislate.[5] For us, the laws that matter come from God, not from human beings. To be sure, in Jewish law, kings

may issue temporary regulations for the better ordering of society, but so may rabbis, courts, or local councils (the shiva tuvei ha-ir).

Secularisation: in Judaism, kings were not high priests and high priests were not kings. Jews were the first people to create a “separation of powers,” a doctrine normally attributed to Montesquieu in the eighteenth century. When some of the Hasmonean rulers sought to combine the two offices, the Talmud records the objection of the sages: “Let the royal crown be sufficient for you; leave the priestly crown to the descendants of Aaron.”[6]

Transformation: fundamental to Judaism is the idea of servant leadership. There is a wonderful statement of it in our parsha. The king must have his own sefer Torah, “and he shall read from it all the days of his life ... not considering himself superior to his kinsfolk, or straying from the commandments to the right or to the left” (Dt. 17:19-20). Humility is the essence of royalty, because to lead is to serve.

Failure to remember this caused what, in retrospect, can be seen as the single most disastrous political decision in Jewish history. After the death of Solomon, the people came to Rehoboam, his son, asking him to lighten the load that Solomon’s projects had imposed on the people. The king asked his father’s advisers what he should do. They told him to accede to their request: “If today you will be a servant to these people and serve them and give them a favourable answer, they will always be your servants” (1 Kings 12:7). Note the threefold appearance of the word “serve” in this verse. Rehoboam ignored their advice. The kingdom split and the nation never fully recovered.

The radical nature of this transformation can be seen by recalling the two great architectural symbols of the world’s first empires: the Mesopotamians built ziggurats, the Egyptians built pyramids. Both are monumental statements in stone of a hierarchical society, broad at the base, narrow at the top. The people are there to support the leader. The great Jewish symbol, the menorah, inverts the triangle. It is broad at the top, narrow at the base. The leader is there to support the people.

In contemporary terms, Jim Collins in his book *From Good to Great*[7] tells us on the basis of extensive research that the great organisations are those with what he calls ‘Level 5 leaders,’ people who are personally modest but fiercely ambitious for the team. They seek, not their own success, but the success of those they lead.

This is counterintuitive. We think of leaders as people hungry for power. Many are. But power corrupts. That is why most political careers end in failure. Even Solomon’s wisdom could not save him from temptation.

Hence the life-changing idea: To lead is to serve. The greater your success, the harder you have to work to remember that you are there to serve others; they are not there to serve you.

Rabbi Jonathan Sacks

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### **Parshat Shoftim (Deuteronomy 16:18–21:9)**

#### **Rabbi Shlomo Riskin**

Efrat, Israel – Judges and Executors of Justice shall you establish for yourselves in all of your gates.... Justice, justice shall you pursue in order that you may live and inherit the land which the Lord your God is giving to you. (Deuteronomy 16:18–20)

In this opening passage of our weekly portion, the Bible conditions our ability to remain as inhabitants of the Land of Israel upon the appointment of righteous judges, who will not prevent justice, or show favoritism before the law or take bribes of any kind (Deut. 16:19). The Bible also reiterates, “Justice, justice shall you pursue,” a commandment with a number of important interpretations. First of all, seek or appoint another judicial court if the local court is not deemed adequate for the needs of the litigants (Rashi, ad loc.). Secondly, in the words of Rabbi Menaḥem Mendel of Kotzk, make certain that you pursue justice by means of justice, that your goals as well as your means are just. I would add to this the stipulation that the “administration” aspect of court-room management be just: begin on time without keeping the litigants waiting, conclude each case with as much dispatch as possible, and listen sympathetically to the claims of each party, so that everyone feels that he/she has received a fair hearing.

Further on in our portion, the Bible adds another critical criterion for true justice: “When there will arise a matter for judgment, which is

hidden from you [a case which is not cut-and-dry, which involves changing conditions and therefore requires extra consideration on the part of the judges]...you shall come to...the judge who shall be in those days" (Deut. 17:8-9). Rashi makes it clear, basing himself on the words of our talmudic sages, that we must rely on the Sages of the particular era of the problem for the judgment at hand, that "Yiftah in his generation is as good as Samuel in his generation." This notion is further elucidated by Rabbi Levi Yitzhak of Berditchev in his masterful Kedushat Levi, under the rubric "teiku,": t-y-k-u – Tishbi Yetaretz Kushyot Veba'abayot, or "Elijah the Prophet will answer questions and ponderings" in the Messianic Age. "Why Elijah?" asks Rabbi Levi Yitzhak. After all, there will be a resurrection of the dead in the Messianic Age, wherein Moses will be resurrected; since Moses was a greater halakhic authority than Elijah, since Moses studied directly with God Himself, why not have him answer the questions rather than Elijah?

Rabbi Levi Yitzhak answers his seemingly naïve question with a most sophisticated response. Moses died close to four thousand years ago; Elijah, according to the biblical account, was "translated" live into heaven, and says the midrash regularly returns to earth, appearing at important moments to help certain individuals as well as at every circumcision and at every Passover Seder. And since Elijah will be involved with people and will therefore understand the travail and the angst, the hopes and the complexities, of the generation of the redemption, only he can answer the questions for that generation; a judge must be sensitive to the specific needs and cries of his particular generation!

Then what are the most important criteria for a righteous judge? We have seen that he must clearly be a scholar in Jewish legal literature and must be an aware, intelligent, and sensitive observer of the times and places in which he lives, a judge of and for the period and place of adjudication.

But there is more. In the book of Exodus, when Yitro, the Midianite priest, first suggests to his son-in-law Moses that he set up a judicial court system of district judges, we find more qualifications for our judges: "You shall choose from the entire nation men of valor (hayil), God fearers, men of probity who hate dishonest profit" (Ex. 18:21).

Our great twelfth-century legalist-theologian, Maimonides, defines men of valor (hayil), a Hebrew word which connotes the courage of a soldier in battle as follows:

"Men of valor" refers to those who are valiantly mighty with regard to the commandments, punctilious in their own observance.... And under the rubric of "men and valor" is the stipulation that they have a courageous heart to rescue the oppressed from the hands of the oppressor, as in the matter of which it is scripturally written, "And Moses rose up, and saved [the shepherdesses] from the hands of the more powerful shepherds".... And just as Moses was humble, so must every judge be humble. (Mishneh Torah, Laws of Sanhedrin 2:7)

Rabbi Shlomo Daichovsky, one of the most learned and incisive judges who ever occupied a seat on the Religious High Court in Jerusalem queries (in an "Epistle to my Fellow Judges," dated 25 Shevat 5768, and published in Tehumin, Winter 5768) as to how it is possible for a judge to be a valiant fighter on behalf of the oppressed, which requires the recognition of one's power to exercise one's strength against the guilty party, and at the same time for him to be humble, which requires self-abnegation and nullification before every person? These seem to be two conflicting and contrasting characteristics!

Rabbi Daichovsky concludes that humility is an important characteristic only when the judge is not sitting in judgment; when the judge is seated on the throne of judgment, he must be a valiant and self-conscious fighter, fearlessly struggling against injustice as though "a sword is resting against his neck and hell is opened up under his feet" (Sanhedrin 7). "The Judge must be ready to enter Gehenna and to face a murderous sword in defense of his legal decision.... He must take responsibility and take risks, just like a soldier at war, who dare not worry about saving his own skin" (Maimonides, Mishneh Torah, Laws of Sanhedrin 23:8). The chief concern of a judge must be for the justice and well-being of the litigants before him and not for his own security and reputation in walking on the "safe" (and more stringent) halakhic ground.  
Shabbat Shalom

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### **Hilchos Chodesh Elul**

8045. We begin blowing the Shofar each day after Shachris from the 2nd day of Rosh Chodesh Elul to awaken people to do Teshuvah, (Some communities begin blowing the 1st day of Rosh Chodesh), and we also begin to say Tehillim Ch. 27 "L'Dovid Hashem Ori" twice each day (and continue until Shemini Atzeres). Shulchan Aruch w/Mishnah Brurah 581:1

8046. The source for the minhag to blow Shofar is brought by The Tur, citing the Pirkei D'Rebbi Eliezer; Moshe Rabbeinu went up to Shomayim to receive the 2nd set of Luchos on Rosh Chodesh Elul and remained there for 40 days, until Yom Kippur. On the day he went up the shofar was blown in the entire Jewish encampment. Tur 581:1

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### **Rav Shlomo Aviner Shlit" a**

Does a Person Complete His Mission in Life and then Die?

Question: When a person dies does it mean that he has completed his mission in this world?

Answer: No. There are also wicked people who do the exact opposite of their missions and they nonetheless die. The essence is therefore for a person to utilize every moment of his life to do good. See in the Siddur of Maran Ha-Rav Kook Volume 2, p. 364 on the Davening for Yom Kippur.

Once during the Yom Ha-Atzmaut or Yom Yerushalayim celebration in Yeshivat Mercaz Ha-Rav, they also celebrated the 80th birthday of Rabbenu Ha-Rav Tzvi Yehudah. Everyone praised Rabbenu and all of his life's achievements. Ha-Gaon Ha-Rav Shlomo Yosef Zevin stood up and said: I do not agree with all of these praises. He related that people once came to the Kotzker Rebbe with a sick child and requested that he pray for their precious and wonderful child, and they recounted all of his sterling qualities. The Kotzker responded that the child had not done a thing. Everyone was shocked! Instead of arousing merit for the child, he denounced him. The child nonetheless recovered. The Kotzker Rebbe said that the Gemara in Kiddushin (31b) tells that Rebbe Tarfon's mother came to the Beit Midrash and said: Pray for my son who is a great Tzadik. The Rabbis asked: In what way is he a great Tzadik? She said: I once lost my shoe and he placed his hand under my foot the entire way home. They said to her: This is nothing! Even if he did 100 times this, he still would not fulfill half of the Mitzvah of honoring one's parent. The Kotzker asked: Why did the Rabbis belittle Rabbi Tarfon? He explained that what Rabbi Tarfon did was indeed great, but they did not want to ascribe it too much importance for fear that it would mean that he had completed his role in the world. Our Sages therefore acknowledged that what Rabbi Tarfon did was indeed positive, but it was incomplete, just as the Kotzker Rebbe suggested about the child. In the same vein, Ha-Rav Zevin said about Rabbenu Ha-Rav Tzvi Yehudah: "He hasn't done anything". Rabbenu smiled, and Rav Zevin said: "He still has lots and lots to do". And he did! This principle of the Kotzker Rebbe, however, does not have a source. Although the Kotzker Rebbe himself is a source, there is no source for his idea in the Torah, Mishnah, Gemara, Rishonim and Acharonim. It is not written in any place that when a person finishes his task in life, he dies.

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### **Shoftim: The Murderer's Admission**

#### **Rav Kook Torah**

We all live a double life. There is our external world: our relationships with friends and family, our jobs, our place in society. And we have our inner world: our private thoughts and emotions, our introspections and contemplations. We are influenced by both spheres, and we need them both.

One of the positive aspects of the outside world is the sense of worth and respect that society bestows to the individual. The Sages placed great value on human dignity, even waiving rabbinical prohibitions when one's dignity is at stake (Berachot 19b).

Honoring Criminals

What about criminals? Do they also deserve respect and honor?

The Talmud (Makkot 12b) raises an interesting question regarding people who have killed unintentionally. Accidental manslaughters are penalized with exile to one of the designated cities of refuge. What if the people in the city of refuge wish to honor the murderer in some way, perhaps with a public position - may he accept? Or would doing so negate the very purpose of exile? After all, one of the principal aspects of this punishment is loss of recognition and place in society. To what extent must the murderer suffer public disgrace in order to atone for his criminal negligence?

#### Accepting Responsibility

The Talmud answers that the murderer must state clearly, "I am a murderer." His inner truth must be public knowledge. He may not hide from the heinous crime he committed, albeit unintentionally. He cannot pretend as if the murder never took place.

The Sages derived the need for the criminal to openly admit his crime from the verse, "This is the word of the murderer" (Deut. 19:4). His response to the offers of society must be as one who has committed manslaughter.

The murderer must not let social honors distract him from the private soul-searching which he must undertake. He needs to attend to his inner world of emotions and introspection, and avoid being caught up in the rush of public life. He should reject social honors by announcing, "I am a murderer."

If the people choose to accept him despite his past, then he is permitted to accept the honor. Respect from the community is a positive value that should not be denied, even to criminals. This respect should not be allowed to cover up the terrible truth of manslaughter. It should not negate or desensitize the murderer's inner sense of justice. But if he demonstrates responsibility for his actions, and his moral sensibilities are strong and healthy, then the external influence of social acceptance and respect will be a positive factor in his ultimate rehabilitation.

(Gold from the Land of Israel (now available in paperback), pp. 322-323. Adapted from Ein Eyah vol. II, p. 404)

See also: Shoftim: The King's Torah Scroll

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#### Hilchos Chodesh Elul

8049. The minhag of Sefardim is to say Selichos early in the morning during the entire month of Elul, while the minhag Ashkenazim is to begin on the Motz'ei Shabbos/Sunday before Rosh Hashanah that provides a minimum of four days of Selichos before Yom Tov. Shulchan Aruch w/Mishnah Brurah 581:1

8050. The posuk in Shir Hashirim 6:3 "Ani L'Dodi V'Dodi Li" (I am to my beloved and my beloved is to me) - the first letters of which spell "Elul" and the last letters equal 40 - hints to the special relationship between Klal Yisroel and Hashem during the 40 days from Rosh Chodesh Elul to Yom Kippur when the time is most favorable to do Teshuva, and for Teshuva to be accepted. Shulchan Aruch w/Mishnah Brurah 581:1

#### Can a Sheitel be Prohibited Because of Avodah Zarah?

##### A Background Discussion of the Halachic Issues Involved in the Use of Indian Hair

By Rabbi Yirmiyohu Kaganoff

*I wrote this article originally several years ago when this topic was very hot in the news. I have revised it, based on currently available information. The purpose of this article is not to give a final decision on the topic, but to present some background of the issues.*

Introduction to the Laws of Avodah Zarah

In addition to the cardinal prohibition against worshipping idols, the Torah distanced us from any involvement with or benefit from avodah zarah. Furthermore, the money received in payment for the avodah zarah is also tainted with the stigma of avodah zarah and may not be used. As will be described later, this money must be destroyed in a way that no one will ever be able to use it.

Chazal prohibited benefit even from the wages earned for transporting an item used in idol worship. Thus, the wages of a person who hired himself to transport wine used in idol worship are prohibited (Mishnah, Avodah Zarah 62a). He is required to destroy whatever he received as payment, and he must destroy it in a way that no one else can use it. The Gemara rules that if he received coins as payment, he

must grind up the coins and then scatter the dust to the wind, to guarantee that no one benefit from idolatry.

In this context, the Gemara recounts the following story: A man who had rented his boat to transport wine owned by idolaters was paid with a quantity of wheat. Since the wheat may not be used, the question was asked from Rav Chisda what to do with it. He ruled that the wheat should be burnt, and then the ashes should be buried. The Gemara asks why not scatter the ashes, rather than burn them? The Gemara responds that we do not permit this out of concern that the ashes will fertilize the ground where they fall. Thus, we see how concerned Chazal were that we not gain any benefit from idols, even so indirectly.

Takroves Avodah Zarah – An Item Used to Worship an Idol

One of the laws relating to idol worship is the prohibition against using takroves avodah zarah, that is, not to benefit from an item that was used to worship avodah zarah. According to the accepted halachic opinion, the prohibition against using takroves avodah zarah is min hatorah (Rambam, Hilchos Avodah Zarah 7:2; cf. Tosafos, Bava Kama 72b s.v. de'ei, who rules that the prohibition is only miderabbanan).

It should be noted that one is permitted to use items that are donated to avodah zarah, provided these items are not used for worship. Thus, gold, jewelry, and other valuables donated to a Hindu temple may be used.

Mitzvos Pertaining to Avodah Zarah

There are several mitzvos of the Torah pertaining to avodah zarah, all of which convey the Torah's concerns that we be distanced extensively from avodah zarah. For example, the Torah forbids having an avodah zarah in one's house (Avodah Zarah 15a). This is based on the verse, *velo sovie so'eivah el beisecha*, "you shall not bring an abomination into your house" (Devarim 7:26). Furthermore, we are prohibited from providing benefit to the avodah zarah (Avodah Zarah 13a). Thus, it is prohibited to make a donation if a neighbor or business contact solicits a contribution for his church.

There is also a positive mitzvah to destroy avodah zarah. This is mentioned in the verse, *abeid te'abdu es kol hamekomos asher ovdu shom hagoyim ... es eloheihem*, "you shall completely destroy all the places where the nations worshipped their gods" (Devarim 12:2). According to Rambam, the mitzvah min hatorah applies only to destroy the avodah zarah itself and that which decorates and serves it. There is no Torah requirement to destroy items used in the worship of avodah zarah (Hilchos Avodah Zarah 7:1-2, as proved by Kehillas Yaakov, Bava Kamma end of #3). However, as mentioned above, one is required, miderabbanan, to destroy anything that is prohibited to use, to make sure that no one benefits from the avodah zarah items (see Avodah Zarah 51b; Rambam, Hilchos Avodah Zarah 8:6).

Some Background Facts in the Contemporary Shaylah About Indian Hair

The Indian sub-continent is the home of the largest population of Hindus in the world. Hinduism is a religion that falls under the category of avodah zarah.

Most Hindu sects do not cut their hair as part of any worship ceremony. However, there is one large sect whose members sometimes shave their hair as an acknowledgement of thanks to one of their deities. This practice is performed by thousands of Hindu men, women, and children daily at their temple in Tirupati, India. The temple then collects the hair shavings and sells the women's hair for wig manufacture. Although the majority of human hair used in wig manufacture does not come from India, a significant percentage of hair in the international wig market comes from Indian idol worshippers.

A very important halachic issue is whether the hair shaving procedure that takes place in this Hindu Temple constitutes an act of idol worship, or whether the hair is simply donated for the use of the idol. This question is both a practical question, that is, what exactly do they do, and a halachic issue, whether what they do renders the hair takroves avodah zarah, which is prohibited to use min haTorah. As mentioned above, it is permitted to use an item that was donated to an avodah zarah. Such an item does not carry the halachic status of takroves avodah zarah, which is prohibited to use. However, if the shaving is an act of idol worship, then the hairs may not be used.

The Earlier Ruling

Many years ago, Rav Elyashiv ruled that there is no halachic problem with using hair from the Indian temples. This responsa is printed in Kovetz Teshuvos (1:77). The person who asked Rav Elyashiv the shaylah provided him with information based on the opinion of a university professor familiar with Hinduism. According to the professor, the Hindus who cut their hair did so only as a donation to the temple, just as they also donate gold, jewelry and other valuables to the temple. Although there is presumably still a prohibition in purchasing the hair from the temple (because of the prohibition against providing benefit to an idol), Rav Elyashiv ruled that, based on the information provided, there is no halachic prohibition to use this hair.

However, Rav Elyashiv and several other prominent gedolim later ruled that the hair sold by this Hindu temple is prohibited for use, because of takroves avodah zarah.

What changed?

The critical difference is that, although this professor did not consider the haircutting to be an act of idol worship, not all Hindus necessarily agree with his opinion about their religion. Although it may seem strange to quote the story of an idolater, I think this small quotation reflects how at least one Hindu views this ceremony of shaving hair:

Rathamma has made the two-day journey to India's largest Hindu temple with her family and friends to fulfill a pledge to her god. Provide us with a good rice crop, she had prayed, and I'll sacrifice my hair and surrender my beauty.

This quotation implies that this woman was not coming to make a donation of a present to her god, but that this is a method of worship. Of course, it could very well be that the author of these words is taking very liberal license with what Rathamma believes and does.

It should be noted that Rav Moshe Shternbuch, shlit" a, currently Rosh Av Beis Din of the Eidah HaChareidis in Yerushalayim, published a teshuvah on the question about the Indian hairs about the same time that Rav Elyashiv published his original ruling. Rav Shternbuch concluded that it is prohibited to use any sheitel produced with Indian hair, because of takroves avodah zarah.

Bitul -- Nullifying the Prohibited Hair

What happens if the Hindu hair is mixed in with other hair? This is a very common case, since Indian hair is less expensive than European hair and, at the same time, is not readily discernible in a European sheitel. (As a matter of fact, it has been discovered that some manufacturers add Indian hair on a regular basis into their expensive "100% European hair sheitlach.")

Assuming that hair shorn in the Hindu temple is prohibited because of takroves avodah zarah, does that mean that a sheitel that includes any Indian hair is prohibited to be used? What about the concept of bitul, whereby a prohibited substance that is mixed into other substances in a manner that it can no longer be identified is permitted?

The answer is that the concept of bitul does not apply in most cases when avodah zarah items became mixed into permitted items. Chazal restricted the concept of bitul as applied to avodah zarah because of the seriousness of the prohibition. Therefore, if a sheitel contains hair from different sources, such as hair made of European hair with some Hindu hair added, the sheitel should be treated as an Indian hair sheitel. Thus, according to Rav Elyashiv, this sheitel should be destroyed in a way that no one may end up using it. It is not necessary to burn the sheitel. It would be satisfactory to cut it up in a way that it cannot be used, and then place it in the trash.

However, there is some halachic lenience in this question. Since the concept that avodah zarah is not boteil is a rabbinic injunction and not a Torah law, one may be lenient, when it is uncertain that there is a prohibition. This is based on the halachic principle safek derabbanan lekulah, that one may be lenient in regard to a doubt involving a rabbinic prohibition.

Thus, in a situation where a sheitel is manufactured from predominantly synthetic material, European hair, or horse hair (this is actually quite common), and there is a question whether some prohibited hair might have been added, the halacha is that the sheitel may be worn.

It should be noted, that when attempting to determine the composition of a sheitel, one cannot rely on the information provided by a non-Jewish or non-frum manufacturer. In general, halacha accepts

testimony from these sources only when certain requirements are fulfilled, which are not met in this instance.

Many synthetic sheitlach contain some natural hairs to strengthen the sheitel. In this instance, there is an interesting side-shaylah. One can determine whether there are human hairs in these sheitlach by checking the hairs of the sheitel under a microscope. The human hairs will look different from the synthetic material. However, there is no way that this can tell us the country of origin of the human hairs, and it certainly cannot tell us whether the hairs were involved in any worship. Is one required to check the hairs of a synthetic sheitel under a microscope to determine whether there are any human hairs? All the poskim I have heard from have ruled leniently about this issue – one is not required to have the sheitel checked.

Color of Sheitel

I have heard people say that there should be no halachic problem with blond- and red-headed sheitlach, since Indian women have dark hair. Unfortunately, based on my conversations with sheitel machers, there does not seem to be any basis for this assumption. In most instances, the hair used in sheitlach is bleached, removing all color, and then (much later in the process) dyed to a specific color. Thus, there is no reason to assume that simply because a sheitel is a fair color that it cannot have originated in a Hindu temple.

Who could imagine that in the modern world, shaylos about the laws of avodah zarah would affect virtually every frum household. It goes to show us how ayn kol chodosh tachas hashemesh, there is nothing new under the sun (Koheles 1:9).

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## Parenting

### Soul of Parenting: Will Your Child be a Plant or a Robot? Dr. Jay Goldmintz

While it's wonderful to say that we should be recognizing individual differences in children and adolescents' religious character and genetic sensitivities and predispositions, the truth of the matter is that this is easier said than done, if only because Judaism demands that everyone conform to the same minimum standards regardless of their individual sensitivities and predilections.

We previously cited a verse from Mishlei (Proverbs) 22:6 – chanokh l'na'ar al pi darko. This is often translated as "educate the child according to his own needs." But the ambiguity of the Hebrew phrase points to some alternative translations and explanations. "Darko" is literally translated as "his way" as in, educate the child according to "his way" or his needs. But it could just as easily be understood as educate the child according to "HIS way" meaning, teach your child God's way or what God wants of him — and perhaps forget about the child's own needs. Or, as one parent wrote to me, "Isn't the implicit message of organized religion that one size does indeed fit all?" And herein lies some of the tension in religious parenting and teaching – how do we balance the child's individual needs versus the demands of a Torah life? "I'm too tired to go to shul" versus the mitzvah of davening with a tzibbur or congregation; "I'm too tired to come to the Shabbat table" versus the mitzvah of eating a meal on Friday night and the value of doing so with family. "I hate wearing a kippah on my head" versus the commitment that such a kippah can represent and engender. The list goes on and on and on – just ask some teens.

But just as in so many other areas of parenting the trick lies not in the science but in the art, the art of insisting on norms of behavior but also knowing how to taper those demands for the individual needs of the child or the particular situation. Rav Shlomo Wolbe (1914-2005) in a fascinating little volume translated into English as *Planting and Building: Raising a Jewish Child*, speaks to the fact that every child is like an individual plant who has a need to grow the way that it wants. (After all, the word "kindergarten," coined around 1840, refers to a "children's garden;" hence the Hebrew gan yeladim.) At the same time, one wants to build or shape a child into a particular kind of person, with certain values and behaviors. And so if we allow the child the freedom to grow as he wants without trying to build his character, then that child will become a wild man. However, if we try to mechanically and forcibly "build" the child without acknowledging the natural seed which tries to grow from within, then we will be left with a robot. In other words, we need to build children in relationship to their natural tendencies.

What is true of raising children in general is no less true with regard to religious life. A parent who once said to me: "if that child wants to live in my house then he is going to have to wear tzitzit!" was trying to build a religious robot who would eventually turn on his Master. The parent who once said to me "I don't really care if he wears tzitzit or not – he thinks they're too uncomfortable" was asking for a child who would eventually throw away much more than his tzitzit.

Viewed in this light, raising religiously committed children is not so much about nature, than about the way we nurture – when we are planters and when we are builders. In this effort there are not a lot of hard and fast rules but only some guidelines that we as parents and educators should continue to share and wrestle with together. For the more we talk about these issues, the more likely we may be to "train the child according to his/His way."

Please share any comments, stories or questions at [soulofparenting@gmail.com](mailto:soulofparenting@gmail.com)

Rabbi Dr. Jay Goldmintz has been a day school educator and administrator for more than 35 years who currently teaches full time at Ma'ayanot Yeshiva High School. He is Educational Director of the Legacy 613 Foundation, runs tefillah education workshops for teachers and has served as an adjunct at Azrieli Graduate School. He is author of the Koren Ani Tefilla Siddur series, winner of the 2014 National Jewish Book Award.

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**Insights**

As Lovely as a Tree?

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

*I think that I shall never see*

*A poem lovely as a tree.*

*A tree whose hungry mouth is prest*

*Against the earth's sweet flowing breast;*

*A tree that looks at G-d all day,*

*And lifts her leafy arms to pray;*

*A tree that may in Summer wear*

*A nest of robins in her hair;*

*Upon whose bosom snow has lain;*

*Who intimately lives with rain.*

*Poems are made by fools like me,*

*But only G-d can make a tree.*

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

Historically, it was the custom of idolaters to plant beautiful trees, called asheerot, at the entrance to their temples.

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

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

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

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

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

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

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

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

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

Source: Joyce Kilmer for Mrs. Henry Mills Alden

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**OU Torah**

**Rabbi Dr. Tzvi Hersh Weinreb**

**Shoftim: Tree-like**

I love metaphors. An apt metaphor can help stimulate boundless creativity and can lead to a deeper and richer understanding of the concept being studied.

Take, for example, the metaphor of a tree as representing a human being. We find this metaphor in this week's Torah portion, Shoftim, in the following verse:

"When you besiege a city for many days to wage war against it, to seize it; do not destroy its trees, by swinging an ax against it; for from it you will eat, and you shall not cut it down; because man is a tree of the field, to come against you in a siege." (Deuteronomy 20:19)

I am aware that there are alternative translations of the phrase under consideration, and that some render it as a question, "Is a tree of the field like a man?" But the literal meaning of the phrase is declarative. Man is like a tree of the field.

How? Let us count the ways.

For starters, King David himself in the very first chapter of Psalms compares the righteous person to a tree. "He is like a tree planted beside streams of water, which yields its fruit in season, whose foliage never fades, and whatever he does prospers." Of all the metaphors available to the psalmist to paint the picture of the good man, the tree is the one he finds most fitting.

The rabbis also use the metaphor of the tree to capture the essence of one aspect of humanity. Thus, Rabbi Elazar ben Azariah would say, "He whose wisdom exceeds his deeds, to what can he be compared? To a tree whose branches are many but whose roots are few, so that any wind can come and uproot it and turn it over on its face... But he whose deeds exceed his wisdom, to what can he be compared? To a tree whose branches are few but whose roots are many, so that even if all the winds of the worlds beset him, they cannot move him from his place..." (Avot 3:22)

The righteous person is like a tree beside a stream. The ethical man of action who puts his wisdom into practice has deep roots which give him confidence and security.

There are so many other ways in which we resemble the tree. The tree regenerates, and the wind carries its seeds to great distances. So too, mankind is perpetuated over the generations, and sometimes our descendants take root in corners of the earth that are far removed from us.

When I close my eyes and try to imagine the tree, two different images compete for my mind's attention. One is the tree standing alone in the field, with long and drooping overhanging branches, providing shade for those who sit under it. So too, I can imagine human beings in my own life and in the history of humanity who stood apart and were misunderstood, yet provided physical or spiritual shelter to so many others.

The other image I have is of one tree, not alone, but together with many others constituting an impenetrable and mysterious forest. And so too, human beings band together into social groups which contain their own idiosyncrasies, which seem impenetrable to the outsider.

There is a lesson in the metaphor of the tree for that most important human process: education. This lesson is so well-expressed in the lines of the poet, Alexander Pope:

“‘Tis education forms the common mind:

Just as the twig is bent, the tree’s inclin’d.”

Trees left to their own devices grow wildly. Proper cultivation can direct their growth positively and productively. So too, humans benefit from proper “bending,” discipline and training.

And then there is the sad, but ultimate, connection between the tree and the human being. Trees wither, and trees die. They are subject to the forces of nature: fire, wind, deterioration and decay. Yes, we know of trees that have endured for centuries, but even those lengthy life spans eventually come to an end.

I would like to end this brief contemplation of the many analogies between mankind and the trees with a passage from the ancient Greek poet, Aristophanes, which is so reminiscent of more than one passage in our High Holiday liturgy:

“Mankind, fleet of life, like tree leaves, weak creatures of clay, unsubstantial as shadows, wingless, ephemeral, wretched, mortal and dreamlike.”

But there is a happier connection between people and trees, and that is through the Torah, which is itself compared to a tree, the tree of life; “eitiz chaim hi.”

Indeed, “Man is like the tree of the field,” withering or able to thrive, depending on one’s own life circumstances.ago!

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***Drasha - Parshas Shoftim  
Rabbi Mordechai Kamenetzky  
Roadsigns to Eternity***

The Torah not only tells us how to live our lives and where to go, this week it tells us how to get there as well! First the Torah tells us about a man who was negligent and accidentally killed someone. We are to establish cities of refuge where he can flee and live until he can return home. “You shall separate three cities for yourselves in the midst of your Land, which Hashem, your G-d, gives you to possess it” (Deuteronomy 19:2). But the Torah does more than tell us to build cities of refuge. In an unprecedented command, it establishes a highway commission, telling us, “Prepare the way for yourself, ... and it shall be for any murderer to flee there (ibid v.3)

Rashi quotes the Talmud in Makos that there were signs posted at each crossroad pointing and declaring, “Refuge! Refuge!” each pointing the way to the nearest refuge city.

But, why? If road signs should be erected, shouldn’t they be for Jerusalem, guiding the thousands of tri-annual travelers from the north and south who journeyed there for the shalosh regalim? Why should cities that house manslaughter offenders, get guideposts while the holiest city of Israel doesn’t?

Rav Meir Shapiro, established one of Europe’s most prestigious Yeshivos of its era. The Yeshiva Chachmei Lublin, not only housed a magnificent Bais Medrash, it had a spacious dormitory and dining hall. Its fine accommodations would spare Yeshiva boys the embarrassment of having to eat teg, virtually begging for meals in the homes of wealthier business people.

But in order for the students not to plead, Rabbi Shapiro did. And so he traveled around the globe, crossing the ocean to the US and Canada, to raise funds for the beautiful Yeshiva. In fact, he even served as a cantor in a prestigious North American congregation in lieu of a one thousand dollar gift to the Yeshiva.

On a visit to the office of a prominent businessman, one who had strayed from the path paved in Europe by his parents and grandparents, Rabbi Shapiro was asked an unusual question.

“Rabbi,” the industrialist proposed, “why is it that you have to see so many Jews to accomplish your goal? If Hashem wanted your Yeshiva to flourish, why didn’t He arrange that you meet just one philanthropist who will undertake the entire project, by adding a few zeros to the amount of his check? After all,” continued the magnate. There are plenty of modern institutions in the US that have been established by one benefactor!”

Rabbi Shapiro smiled. “Let me explain: Hashem not only wants that the Yeshivas Chachmei Lublin should thrive, he wants as many people in America as possible to know what is happening there as

well! Had one man given me a check, and I would have taken the next boat back, I never would be talking to you about Yiddishkeit, about your heritage, your past, and your future! Now however, I meet hundreds of Jews who have heard about the tremendous love for Torah that our students have. They have heard the beauty of their mission and their devotion to the cause of learning Torah. They know what Tractate we are studying and how we apply Torah to everyday life.

Some ask about the size of the building and all about the Sifrei Torah that will be place in the Aron Kodesh.

When someone with a single check endows a music hall, nobody else gets involved in its development and its intricate details become the obsession of individuals, not the shared responsibility of a community! So there is no excitement, no involvement, no buzz! You can’t build enthusiasm in that manner.

Imagine the scene: A man kills accidentally; he has to flee to the city of refuge. He does not know where the city is. He knocks on a door. “Hello,” he exclaims to the startled homeowner, “I just killed someone, um... accidentally. Do you know where the Ir Miklat (city of refuge) is?”

Anxiety, depression and even despair is fostered. The buzz is bad. There are murderers loose. And when they inform the public, often enough of their misdeeds, it sets an apathetic tone, where reckless manslaughter becomes the norm. The shock of death is dulled, and it becomes part of the repertoire of the urban experience. And wanton disregard becomes contagious. And the virus of sin spreads rapidly. And so the signs are set and the directions are clear and the murderers flee taking refuge in clearly marked cities, no questions asked, at least until the situation is adjudicated.

On the other hand, take the trip to Jerusalem: The city with no directional advisories. Imagine: There is a crossroad. There is no sign. One must knock on a door. “Excuse me, do you know how to get to Jerusalem?”

“Oh! You are going to Yerushalayim?” the person declares and asks in unison. “Maybe you can wait, I’ll come along!” “Perhaps you can shlep this small package for my son in Yeshiva there!” (Some things never change!) Oh! You are going to Jerusalem! When is Yom Tov? It is time for me to make my preparations as well! When people have to share the good queries there is excitement, tumult, even spirituality in the air! And it becomes contagious for the good!

*Good Shabbos*

*Dedicated by the Martz Family in memory of Nettie Martz & Florence Martz  
Best Wishes to Congregation Ohav Zedek and Rabbi Meir Rosenberg of Wilkes Barre, PA*

*The author is the Dean of the Yeshiva of South Shore.*

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***Rabbi Yaakov Neuburger***

***Valuing Each Jew as Hashem Does***

Whereas for others it is a potter’s field story, for our people it becomes a public call for introspection and prayer. That is the remarkable ritual of eglarufa, through which the lone Jewish murder victim found in an unpopulated area becomes the catalyst for national hand wringing and stocktaking. The ritual itself of killing an unharnessed calf dramatically assigns value to every single soul and demands of local leadership to accept responsibility for their safekeeping. It may very well be that this parsha has been unusually impactful and has singularly seared into Jewish consciousness the absolute preciousness of every life. This truth is tested time again on the battlefield, in the war rooms in Israel, and in the philanthropy-seeking pitches of countless organizations.

That is why the culminating prayer (21:5) offered by leadership, “forgive the nation that you have redeemed”, with its seemingly unnecessary reference to our redemption of old, needs greater study. Why is a parsha focused on the value of life and on the systemic flaws that failed that creed connecting us to our redemptions and particularly to our redemption from Egypt?

Even more surprising is that Chazal (Sifri, Horiyos 6a, Kerisus 26a), in answer to this question, interpret that this prayer asks for atonement for the generation of Jews who experienced that exodus. That is to say that the present-day leadership while admirably taking responsibility

for a murder on their watch are instructed to deflect it as well. Truth be told it sounds frighteningly similar to contemporary spinning or some legal defense!

Rav Meir Simcha of Dvinsk (in his sefer *Meshech Chochma*), with his trademark creativity, suggests that we are asking to be pardoned for this crime as if it had taken place prior to our entry into Israel. Those generations were not yet charged with the mitzvah of arvus; that is, they were not held responsible for the flaws of their contemporaries. Thus, for some unrecorded reason we are asking to be judged by their standard. Yet I think that this is one of those solutions that speaks to the textual difficulty at hand. After all, the simple reading suggests that when we fail the safety of another Jew we assuage our shame and hold our ancestors, who experienced the miraculous, responsible.

I believe there is a lesson here that should resonate with us, as our generations are also witness to the miraculous. Let me explain.

The hard truth that Chazal are expressing is pointed out by Rav Moshe Shternbuch, head of the Eidah Chareidis of Yerushalayim in his sefer *Ta'am Voda'as*. Incredible as it is, the Torah wants us to appreciate that the failure to value the safekeeping of every Jew stems from the failure to successfully transmit the miraculous narrative of our people. I do not know whether it was the safety provided to the Jews during certain plagues, or the protection that every family received in the intimacy of their homes (the miracle of *shivtei ko*), or simply the invitation to every Jew to be a part of the story through participation in the korban Pesach, or merely the miracles performed for the delivery of every worthy Jew. Whatever it was, Chazal understood that we would never fail the concerns for the safety of a Jew had we successfully imbibed the mesora of the miracles that occurred. Apparently, a people richly endowed with transmitted testimony of the appreciation that Hashem has for all our people would inescapably design a society that offers utmost protection to every soul.

In addition to the good textual fit of Rav Shternbuch's comment, I find that the responsibility that it places on generations that witness miracles to be powerfully instructive. We are such a generation.

We are witness to the miracle of the rebirth of our people growing year after year. We should be keenly aware of the protection that we have received from on High from tunnels, fire laden kites and knife wielding terrorist, even as we have suffered terribly from them. With any trip to Israel we cannot miss seeing the beginning of the prophesized incoming of far flung Jews. During visits to Israel and to the local grocer we are witness to the fulfillment of the words of Yechezkel hanavi (36:8), "...you, the mountains of Israel, give out your branches and carry your fruit for my people Israel for their coming is drawing close." Our embrace of this mandate that we thankfully shoulder will help us strengthen our faith and that of our children and merit the life lessons and blessings that come with it.

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## The Times of Israel

The Blogs :: Ben-Tzion Spitz

### Shoftim: Flushing out a murderer

Murder is unique in that it abolishes the party it injures, so that society has to take the place of the victim and on his behalf demand atonement or grant forgiveness; it is the one crime in which society has a direct interest. -W. H. Auden

The Torah prescribes a bizarre-seeming ritual in the case on an unsolved murder. The elders of the town nearest to where the body is found go to a nearby river and upon untilled land on the riverbank they kill a heifer, wash their hands over the body of the heifer, and state that they didn't kill the man nor saw it done, and beg God for forgiveness.

The ritual, while symbolic, doesn't appear to do much in terms of finding the murderer nor achieving any sense of justice.

Rabbeinu Bechaye, however, on Deuteronomy 21:1 (Shoftim) explains that in fact, the ritual, in a backhanded way, does flush out and identify the hidden murderer.

In an agrarian, pre-industrial age, before detectives, forensic evidence or social media, it was no mean feat to apprehend a murderer who wished to keep a low profile.

Rabbeinu Bechaye quotes Maimonides who describes that the highest probability is that the murderer is from the closest town. When the elders get involved and start measuring the distance from the victim's

corpse to the nearby towns to determine which town is closest, this causes everyone in the area to talk about the murder.

When the elders of the closest town then take the heifer to be killed at the riverbank, it gets even more people to talk about the murder, which will eventually cause the murderer's identity to be discovered.

If the murderer is still not revealed and the elders in front of all the townspeople vow that they don't know who the murderer is, it will cause an even greater embarrassment and eventually someone who knows something, who has some hint as to who the murderer may be, will come forward.

Part of the ritual is that the untilled riverbank land where the heifer is killed can never be worked again. Such a major economic blow to the community will create an even bigger commotion, will be greatly distressful and lead to more discussion and remembrance of the murder case which will never be forgotten.

In the natural course of social dynamics, with the unworkable land as a significant, public and constant reminder as to the open murder case, the murderer will be found, and the court, the king or the blood redeemer will see that justice is done.

It is interesting that what at first glance seems like a non-sensical ritual is in reality a sophisticated social and communal prescription for flushing out a murderer.

I wonder how many other rituals we have that are as deep, as sophisticated and as powerful, which we don't realize or appreciate?

*Shabbat Shalom*

Dedication - To Umberto Eco, whose excellent *The Name of the Rose* novel, captured some of the challenges of pre-industrial sleuthing.

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## Shema Yisrael Torah Network

### Peninim on the Torah - Parshas Shoftim

פרשת שופטים תשע"ח

על פי שנים עדים או שלשה עדים יומת המת

**By the testimony of two or three witnesses shall the condemned person be put to death. (17:6)**

The word *shnayim* connotes two. Yet, later in this *parsha* (19:15), the Torah uses the word *shnei* (*eidim*) to specify two witnesses. Why does the text change from one *pasuk* to the other? *Horav David Cohen, Shlita*, quotes the *Gaon, zl, m'Vilna*, who distinguishes between *shnayim* and *shnei* (although both words mean "two"). *Shnayim* refers to two people (or objects) which come together or meld together as one unit, while *shnei* refers to two individuals, separate and/or disparate, who just happen to be together. In other words, *shnayim* is a "two" which maintains a stronger sense of unity.

With the *Gaon's chiddush*, novel interpretation, in mind, the *Rosh Yeshivah* cites *Rashi (Kesubos 20a, v'nafka minah)* who writes that with regard to money matters, when two witnesses testify, each one achieves half of the judgment. This means that if the defendant is found guilty (based upon the testimony of two witnesses) of owing one hundred dollars, each witness is obliged him to pay fifty dollars. *Horav Chaim Soloveitchik, zl*, contends that this is true only with regard to monetary matters. Concerning matters of life and death (capital punishment), however, both witnesses together act as one unit to bring about a guilty verdict. One without the other is of no value.

We now understand the difference between the two terms used to express different meanings in our *parsha*. The beginning of the *parsha* addresses the requirement of the testimony of valid witnesses in a case of capital punishment. The Torah uses the word *shnayim*, because – with regard to capital punishment – both witnesses are effective only as a unit of two. Each one individually is of no consequence. On the other hand, when the Torah addresses the laws of monetary claims, it uses the word *shnei*, since each individual witness accomplishes fifty percent of judgment.

תמים תהיה עם ד' אלקיך

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

*Temimus*, simple faith, is not so simple. It takes a special person, whose faith in Hashem is unequivocal, to achieve *temimus*. It requires one: to live a life of acquiescence; to ask no questions; to believe that everything is for the good; to maintain wholesome belief in Hashem that everything that occurs in one's life is Divinely orchestrated. The *tamim* lives only in the moment. The future is



completely in the hands of Hashem. *Horav Pinchas Koritzer, zl*, teaches that only two *mitzvos* or observances are to be carried out with Hashem: *temimus*, wholehearted faith; and *tznius*, modesty. (*Hatznea leches im Elokecha*, “And to walk humbly with your G-d” *Michah* 6:8). In regard to these two religious/ethical attributes, it is easy to deceive our fellow human being (and, by extension, ourselves). It is easy to appear to be wholehearted in one’s belief. It is easy to put on a show that one is modest. In both cases, the individual acts faithfully and modestly, although, behind closed doors, it could not be further from the truth.

“I want no *kavod*, honor; no accolades; I lead a simple life; everything I do is purely *l’shem Shomayim*, for the sake of Heaven, etc.” We have all heard it, and, at first glance, we might even fall for the deceit, until that time that we listen to the person and do not give him the *kavod* that he so passionately relishes and upon which he thrives.

It is easy to appear wholehearted and to act modestly, but only Hashem knows the truth about the person. Therefore, to truly be a wholehearted man of faith, to be modest (not just act modestly), it must be with Hashem – because He knows who you really are. What greater litmus test than interaction with Hashem?

A true *tamim* believes – under all circumstances. In *Yeshivas Ponevez*, there worked a cook who was a Romanian immigrant. His name was *Reb Zalmen*. His life was the *yeshivah*. Day and night, *Shabbos* and *Yom Tov* – he never left his “post” in the kitchen, the dining room. He stood there and relished with extreme satisfaction when the *bachurim*, students, would line up to get their portions. He was serving *talmidei chachamim*. He was playing a role in their spiritual growth. Suddenly, one day, *Reb Zalmen* did not show up for work. This went on for two months, until one day, just as suddenly as he had disappeared, he appeared once again, ready to return to work.

“*Reb Zalmen* – where have you been? We missed you.” “I appreciate your concern,” *Reb Zalmen* began. “There is a reason why I was gone, and there is a reason why I have returned. You know that my life revolves around the *yeshivah*. My domain might be the kitchen, but my life is the *yeshivah*. My wife, *Shoshanah*, became ill and, after undergoing a battery of tests, the doctors said to me, ‘*Zalmen* – *Shoshanah* is gone. Well – not gone yet, but our advice to you is not to give treatment, because it will cause her extreme pain and will not alter the inevitable. You have to get used to the fact that *Shoshanah* is not long for this world.’

“What does one do upon hearing such terrible earth-shattering news? I went to *Rav Shach* (reference to *Horav Elazar M. Shach, zl, Rosh Yeshivas Ponevez*). I asked him, ‘*Rebbe*, I have a question on the way Hashem “runs things.”’ The *Rosh Yeshivah* looked at me with sort of a smile on his lips and a twinkle in his eyes. *Rav Shach* is quite aware that I am devoted to my job. I am trustworthy; I take no vacation. Indeed, I go nowhere, because my first and foremost *achrayos*, responsibility, is to the *yeshivah*. We prepare the food, so that the *bachurim* can study Torah. We want them to be healthy students of Torah, so we do everything to see to it that their meals are tasty, nourishing and satisfying. Now, the doctors have informed me that my *Shoshanah* will soon die. Is this right? Where is the *koach*, power, of Torah? This is the least that the *yeshivah* owes me. I do not care about money. I go nowhere. I only need for my wife to be healthy. Is that so much to ask?”

“The *Rosh Yeshivah* closed his eyes. After a few minutes, it seemed to me that he had fallen asleep. So, I said, ‘Fine, I have my answer. I need nothing from the *yeshivah*. I will make it on my own’, and I prepared to leave. As soon as I said this, the *Rosh Yeshivah* opened his eyes and said to me, ‘*Reb Zalmen*, where are you going? Sit down. Tell me, will you continue to work for the *yeshivah*?’ I replied, ‘*Rebbe*, I have nothing else in my life other than the *yeshivah*. The *bachurim* study Torah in the *Bais Hamedrash*, and *Zalmen* and *Shoshanah* work in the kitchen. This is the way it has always been.’ ‘If this is the case,’ *Rav Shach* continued, ‘why worry? Do you think that Hashem will hold back the reward you rightfully deserve for your total devotion to the *yeshivah*? Your wife will be healthy!’

“I became a bit angry, and I asked, ‘How will she be healthy, if the doctors have already despaired for her recovery?’ The *Rosh Yeshivah* said, ‘This is no problem. Take her immediately to the

*Kupat Cholim* and turn to the first doctor that you meet. Whatever medication he gives her will work, and she will be healed!’

“This is exactly what happened. Now I and *Shoshanah* have returned to the only life that we know – the *yeshivah*.”

*Reb Zalmen* is an example of a person whose wholehearted faith in Hashem was unequivocal. He was not a great scholar, but he certainly was not a “simple” Jew. His faith was *peshutah*, simple, but that was the only thing about him that was simple.

כי ימצא חלל באדמה

#### If a corpse will be found on the land. (21:1)

The Torah relates the *halachah* of *eglah arufah*, the axed heifer, which is used to atone for the murder of a Jew whose death came about possibly due to communal neglect or indifference. A public ritual is performed, during which the elders of the community closest to where the corpse is discovered declare their innocence and non-culpability in this incident. They then pray for forgiveness for the Jewish People. *Baal HaTurim* notes that the laws of *eglah arufah* are placed between “two wars”, the *parsha* of going out to war which is in *Parashas Shoftim*; and the war at the beginning of *Parashas Ki Seitzei*.

*Horav Elchanan Sorotzkin, zl*, offers a practical reason for this placement. During times of strife and war, the lone individual does not play an eminent role. Under normal circumstances, the concerns of the communal leadership are focused on the collective community. The fellow who is all alone, who has personal issues with which he is dealing, does not make it to the top of their wish list. It is not that they do not care; it is just that there are more important and greater issues to address. The little guy, the lonely fellow, the kid at risk, the family at risk, just get lost in the shuffle for the greater good.

The Torah teaches us that despite the many casualties of war, we are exhorted not to forget the individual. His death is of equal importance – even though he was not a soldier. If we could somehow have prevented his death – and we did not – then we are culpable.

Hashem is unlike a mortal king of flesh and blood. As *Rashi* states (commentary to *Shemos* 15:3), *Hashem ish milchamah, Hashem Shemo*, “Hashem is Master of war – His Name is Hashem.” This is unlike a king of flesh and blood whose primary concern during a time of war is the battlefield. The individual citizen plays no role when the king is otherwise occupied with the war effort. Hashem, however, is Master of war, but He is also Hashem, the Name reserved for the Attribute of Mercy. He still “makes time” for His creations, to feed and nurture them.

Much has been written about the perils of indifference. It is a lack of emotion whereby the individual demonstrates neither hate nor anger, but simply a lack of caring, a lack of acknowledgment. When one is indifferent to another’s plight he is implying, “your suffering is not even worth my consideration. You are nothing to me.” With this in mind, imagine a poor fellow, down and out, no friends, a mind filled with troubles (some self-induced; others, the result of hard luck) comes to town, and everyone ignores him. They look right through him. It is only after a tragedy occurs that we wake up that “he” was the fellow that was sitting in the back of *shul*, to whom no one gave the time of day – not because they did not like him, but rather, because they did not care.

We see signs along the side streets, “Drive as if your children live here.” I am sure it serves as a speeding deterrent the first time one notices it. After that? Indifference. In a conversation with the superintendent at a state correctional facility, where some of the guards and staff act in a denigrating, almost hateful manner to those interned under their care, I suggested placing a sign at the entrance to the guards locker room stating: “Make believe it was your own son or daughter that was incarcerated here.” The response was incredulity and mirth. Nobody cares.

We are different. *Klal Yisrael* cares about the individual. Regardless of how much is on our plate, we always make room to help someone in need. This is what *eglah arufah* teaches us. The following story is special, because it demonstrates the empathy manifest by a young girl for a friend. While some might have been indifferent, out of fear of the unknown, something which they could not understand, this girl considered the feelings of her friend and took action.

A family decided to switch to a totally vegan diet. It all went well until the mother began to experiment with the many recipes that she had obtained. One day, she prepared a dish made from broccoli. Everyone ate, except for their twelve-year-old daughter, who absolutely refused to touch it. The mother attempted to convince her – to no avail. She would not eat.

Suddenly, the girl said, “I will do what you ask of me – on one condition: that you allow me to do something that I want to do.” The parents figured, what could a young girl want anyway? So, we will allow her the one thing that she asks, and, in return, she will listen to us. The parents agreed – until they heard her request. “I want to shave the hair off my head!” she declared. The reader can very well imagine what went through the parents’ minds. “You have such beautiful hair. Why would you do this to yourself?” they asked. She was adamant, unwilling to change her mind. This is what she wanted. The parents realized that if they refused her request, she would lose her trust in them. Reluctantly, they deferred to her request and allowed her to have her head shaved.

The next morning was a school day, and the young girl put on a cap to cover her bald head. Her father took one look and said, “I will accompany you to school today.” He knew that his daughter would be subject to stares and possibly, ridicule. He wanted to be there for her. As they pulled up to the school, another young girl, obviously a child who had gone through a round of chemotherapy, pulled up at the school and entered the building accompanied by her father. The man looked at the father of the first girl and said, “Your daughter is a *tzadeikes*, righteous. She has been visiting my daughter every day since she was diagnosed. She brings her homework from school and works with her. Now that, *Baruch Hashem*, the treatment has ended, my daughter was ready to return to school, but ashamed because of her bald head. Your daughter offered to have her hair shorn, so that my daughter should not be the only one in school who looked different.”

This young girl was prepared to suffer personal humiliation, so that she could in some way ease the pain that her friend was experiencing. This action, which bespeaks the meaning of *nosei b’ol im chaveiro*, carrying the yoke together with one’s friend, stands in contrast to the indifference of those who turn their collective heads away, so that they should not be compelled to see the misery of their fellow – and impugn their sensibilities.

ידינו לא שפכה את הדם הזה

“Our hands have not spilled this blood.” (21:7)

*Chazal* (*Sotah* 45b) ask: “Did anyone suspect the elders of committing murder?” They mean to say that they did not see the traveler (deceased) and had no part in allowing him to go on his way – alone, without food or escort. If the elders would have been guilty of this neglect, they would be considered as having (his) blood on their hands. The elders/leaders of a community have an enormous responsibility. When they renege their responsibility, and, as a result, someone is hurt – they have blood on their hands.

The commentators debate whose blood the elders are atoning. *Rashi* writes that this is about the *neherag*, deceased. Perhaps because we did not give him a proper welcome – no food, no drink – he was compelled to steal. In the course of his violating the community he was killed. [*Rashi* is teaching us that if someone resorts to theft/violence and worse – it is our fault. If someone falls into depression and acts in a manner unbecoming to himself, because no one reached out to him, it is the fault of those who should have opened up their hearts to him.]

The *Yerushalmi* contends that the blood refers to the murderer. Apparently, this man had a record and, due to the indolence of the judges, the verdict was not carried out. As a result, this murderer attempted to victimize another Jew. Only this time, he ended up on the receiving end, and he became the victim. Whether the deceased is a man who was ignored and had to resort to violence in order to obtain food for himself, or he was the murderer who ended up being killed in a holdup gone wrong, all due to the uncaring laziness of the judges, the leaders require atonement. It is their fault that a Jew met a violent death. The atonement must be a heifer that had never worked, never had a yoke over its neck. It is axed, rather than slaughtered. This ritual occurs only twice in the Torah – *eglah arufah*; and *peter chamor*, when a firstborn donkey is redeemed from its

holiness by exchanging it for a sheep. If the donkey’s owner refuses to have his animal redeemed, it too is killed via the medium of *areifah*, axing. Obviously, the choice of ritual to effect atonement in these two isolated instances begs elucidation.

*Horav Elchanan Sorotzkin*, *zl*, illuminates these *dinim* pragmatically. The *eglah arufah* atones for indolence and indifference on the part of the rabbinical leadership of a community, which resulted in the loss of life. This applies regardless whether the victim was himself a murderer who was still around because the judges were lax in carrying out the verdict; or whether he was a poor, depressed person about whom no one seemed to care, who succumbed to his frustration and attempted to rob someone. He robbed the wrong person, and he was killed for his efforts. The identity of the deceased not withstanding, if he met his sorry end because of the indifference of the nearest town’s communal leadership, they are at fault. This is the lesson of *eglah arufah*. An *ol* is a yoke; it symbolizes a sense of responsibility. One who carries the *ol* of a community is a person who does not live only for himself – he lives for the community. He is *nosei b’ol*, carries the yoke of *achrayos*, responsibility, for his fellow.

Can we say that the blame rests solely upon the leadership? Certainly not. When leaders are indolent, when leaders do not seem to care, it is a reflection on the community. This is a community that is obsessed with itself. It does not bother turning its head to look at the next fellow: Is something wrong? Is something bothering him? Is it financial, emotional, social, familial? “It is not my problem” had become the motto in this town. As atonement, the neck the heifer, who had never carried a yoke, is axed. Its head represents the community whose leadership and members did not bother turning their collective heads to see what is wrong, how can they help. When the *zekeinim*, elders, declare *yadeinu lo shafchah es ha’dam hazeh*, “It was not our hands that shed this blood;” they imply, “It was not us that committed this outrage.” Despite our sensitivity and care, this tragedy occurred. Tragedies happen; it is not necessarily someone’s fault. Nonetheless, Hashem sends a message that something is not right.

A similar idea applies to *peter chamor*, redemption of the firstborn donkey. Under normal circumstances, the donkey is exchanged for a sheep, which, in turn, is given as a gift to the *Kohanim*. Apparently, the owner of this donkey sees no reason to support the *Kohanim*, since the only reason they are in “power” is because the *bechorim*, first born, sinned with the Golden Calf. Such a person maintains a strong resemblance to a donkey; his spiritual cognition is flawed. He should respect and support our spiritual leaders. Doing so would alter his own spiritual persona. If he is not learning, he should at least support those who do.

Thus, the Torah writes that if the owner refuses to exchange his donkey, to support the *Kohanim*, to be included among those who are spiritually ascendant – his donkey will be his representative. He – who refused to share in the *ol*, yoke, of Torah – is less than a donkey, a beast of burden that is naturally predisposed to carrying the yoke. By having the donkey’s head axed at the neck, he demonstrates that he is doing this to himself. He refuses to support, to carry the yoke. What happens to the firstborn donkey is actually what its owner is doing to himself. The Torah reveals his true character. In fact, his own donkey is, by nature, better than him.

*Va’ani Tefillah*

וכל המינים כרגע יאבדו

*V’chol ha’minim k’regu yoveidu. And may all the heretics perish in an instant.*

*Horav Shimon Schwab*, *zl*, notes that according to *minhag* Frankfurt, (various cities in Germany/Ashkenaz had their own customs, that were transmitted through the years. Frankfurt Am Mein was noted for its *minhagim*) the above version, which petitions Hashem to rid us of the heretics/*minim*, is retained. *Nusach Sfard* also uses it. The more commonly used phrase (*nusach Ashkenaz*), *v’chol osei rishah*, all who do evil (seemingly innocuous, something that did not insult the church fathers), was not instituted. Veritably, *osei rishah* is a veiled reference to *minim*. Nonetheless, *minhag* Frankfurt felt the *v’chol osei rishah* was too harsh, because it asked that anyone who ever did anything wrong should perish instantly. We do not want that. *Teshuvah*, repentance, is always available. It is the heretics who undermine and attempt to sway the uninitiated from the only true religion of whom we want to be rid.

The term *oyivei amcha*, *oyivecha*, applies to our enemies among whom we have lived – and who held no shame concerning their animus towards us. The “all-inclusive” *v’chulam*, and all of them, applies obviously to

all of our enemies – both from a religious and social standpoint. We must remember that the various levels of hatred the nations manifest towards us is irrational. We are no threat – unless the truth is threatening. We are a peace-loving nation who lift arms only to defend ourselves. It would be nice, however, to not have to pray for removal of our enemies. It would be nicer not to have enemies.

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*שלמה בן צבי ז"ל נפ' ו' אלול תשל"א*

*הננת אב בנימין מנחם ז"ה נפ' ב' אב תשל"א*

*Mr. & Mrs. Sol Rosenfeld*

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**Let's get the good news out!**

**Chief Rabbi Ephraim Mirvis**

*On the importance of sharing good and positive news.*

Signposts were erected to save lives. We learn this from Parashat Shoftim, where the Torah presents us with the details of the 'Arei Miklat' – Cities of Refuge. Three to the east of the River Jordan and three to the west.

The Torah tells us "Tachin Lecha Haderech – Prepare the way for yourselves." Which means, according to Rashi, to put up signposts at every intersection showing the way to the City of Refuge.

In the event that somebody was guilty of manslaughter and there was a danger that members of the family of the person who had died, would wish to carry out acts of revenge, then the perpetrator could run to a 'City of Refuge'.

What I find fascinating is that there is no instruction anywhere in our tradition that signposts were to be put up to Jerusalem. After all, just about everyone went to Jerusalem at least once, probably many times, in their lives – perhaps for the Pilgrim Festivals or to offer various sacrifices. Everybody needed to know how to get to Jerusalem but there were no signposts. Yet for the rare occasion on which a few people might need to go to a City of Refuge, signposts were to be put up at every intersection?

I think the reason is obvious. A person who is running for their life wouldn't wish to admit to anybody else that they needed to go to the City of Refuge. They needed the signposts.

When it came to Jerusalem however, according to our tradition it was important for people to share the news. To ask for directions and to engage in conversation. People would say, "Why do you need to go Jerusalem?" They would have a chat and one would explain, "I am going for a Pilgrim Festival" or perhaps "Something incredible has happened in my life and I am going to offer a Sacrifice of Thanksgiving" and so on.

You see, it was considered so important for people to hear good news and to be inspired by what others are saying.

This presents us with an important message for our times. Unfortunately, events which are newsworthy are usually, by definition, 'the exception to the rule'. That means that we often hear all about the negative features of our society. It is so important for people to hear about the positive side.

In the spirit of what happened in ancient times with regard to Jerusalem, we should be spreading positive messages. We should be sharing details of the incredible aspects of life. Parents should be raising their children with stories, with anecdotes, with teachings about everything that is great and glorious. As a result, people will grow up to appreciate how wonderful Hashem's world actually is.

Let's get that good news out. There may not have been signposts to Jerusalem but that didn't stop people talking about it.

*Rabbi Mirvis is the Chief Rabbi of the United Kingdom. He was formerly Chief Rabbi of Ireland.*

**חדשות ערוין 7**

**Ohr Somayach :: Insights Into Halacha**

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

**For the week ending 23 September 2017 / 3 Tishri 5778**

**Rabbi Yehuda Spitz**

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

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

Where's the source?

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

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

Who's Who?

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

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

A Golem as a Tzenter?

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

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

The Mishna Berura does not actually rule, but rather addresses the issue and concludes that it is a safeik; which is actually the main thrust of the Chacham Tzvi's teshuvah – that he personally was undecided as to the proper halacha. Although the majority consensus is that a Golem would not count for a minyan, there were several other authorities who defended the Chacham Tzvi's logical allowing a Golem to count for a minyan.

The Chazon Ish, conversely, concluded, akin to the Ya'avetz's position, that a Golem would undeniably not be able to count for a minyan, as it not only would be excluded from the rights and privileges of a Jew, but even from those of a human being. One of Rav Yaakov Emden's main proofs to this is that we find that in order to be considered having a neshama, a creation needs to have the potential for speech [see, for example the Ramban's commentary to Parshas Bereishis (Ch. 2, verse 7; based on Targum Onkelus ad loc.)], an ability a Golem sorely lacks[13].

What is lesser known (and actually seemingly unknown to many later authorities, including the Mishna Berura) is that, posthumously, another son of the Chacham Tzvi, Rav Meshulem Ashkenazi, in his responsa, appended and printed a later teshuva from his father (Shu"t Divrei HaRav Meshulem vol. 1, 10 s.v. shayach); in it the Chacham Tzvi actually retracted his original position and ruled strictly as well. Either way, and regardless of what one might want to assume about his fellow mispallelim, the vast majority of poskim rule conclusively that a Golem cannot be counted for a minyan[14].

The Second Rav Eliyahu

Back to figuring out who originated the recital of "L'Dovid" in Elul. The other Rav Eliyahu Baal Shem was Rav Eliyahu Luentz, known as a master Kabbalist in the 17th century. He authored a seminal volume on the Zohar titled "Aderes Eliyahu", and was a disciple of my ancestor and namesake, the renowned Maharal M'Prague, (who, as an interesting side point, and incredible Torah works aside, is regrettably nowadays best 'known' for having also created a Golem[15]).

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

Postscript: There are a few communities, including many of Germanic origin, and the Chassidic communities of Sanz, Bobov, and Kamarna, however, who do not recite “L’Dovid” during Elul[16]. The Kamarna Rebbe of Yerushalayim recently told this author that although in his shul “L’Dovid” is recited, as most of his congregants are not Kamarna Chassidim and nearly everyone’s custom is to recite it, nevertheless, he personally does not. It is also known that the Vilna Gaon and the Maharsha did not approve of this addition to davening as it possibly constitutes ‘tircha d’tzibura’[17]. The general Sefardi minhag as well is not necessarily to recite “L’Dovid” specifically during Elul, but many nonetheless recite it all year long as an addition after Shacharis, with many Moroccans reciting it instead daily before Ma’ariv[18]. There are other variations of reciting “L’Dovid” during ‘Yemei HaRachamin V’HaSelichos’ as well, with some communities doing so only after Shacharis (including Halez and KAJ), while most communities additionally recite it either at the end of Mincha (generally Nusach Sefard) or Maariv (generally Nusach Ashkenaz). Much of this article is based on Rabbi Eliezer Brod’s fascinating sefer *Likutei Eliezer* - Ch. 1.

[1] See *Matteh Ephraim* (581, 6; and *Katzeh HaMatteh ad loc.*), *Shulchan Aruch HaRav* (*Siddur, Hilchos Krias Shma U’Tefillah*), *Kitzur Shulchan Aruch* (128, 2), *Mishna Berura* (581, 2), *Rav Yosef Eliyahu Henkin’s Shu”t Gevuros Eliyahu* (*Orach Chaim* 155, 1; based on his annual *Ezras Torah Luach, Ikrei Dinei Chodesh Elul*), *Rav Yechiel Michel Tukachinsky’s annual Luach Eretz Yisrael* (*Rosh Chodesh Elul*), *Shu”t Shevet Halvi* (vol. 10, 87, 1), *Chazon Ovadia* (*Yomim Noraim* pg. 24), and *Yalkut Yosef* (*Kitzur Shulchan Aruch, Orach Chaim* 581, Ode B’hilchos Chodesh Elul 2). See also *Emes L’Yaakov* (on *Tur & Shulchan Aruch, Orach Chaim* 581, 1 and footnote 535) for an explanation why ‘*Borchi Nafshi*’ is nevertheless recited prior to ‘L’Dovid’ on Rosh Chodesh Elul, even though ‘L’Dovid’, as an addition to davening, is recited more often.

[2] *Midrash Shochar Tov* (*Tehillim* Ch. 27), which famously elucidates that “Ori” refers to Rosh Hashana, “Yishi” to Yom Kippur, and “Yitzpineini B’Sukkoh” on Sukkos.

[3] See *Panim Yafos* (*Parshas Acharei Mos*, Ch. 16: 29 s.v. v’keivan), as well as *Rabbi Elchanan Shoff’s V’ani BaHashem Atzapeh* (pg. 71, footnote 13), quoting *Rav Chaim Palag’i*. These explanations include that “Lulei” is referring to Elul (which has the same letters re-arranged) and that the 13 times Hashem’s name is mentioned in this *Kapital* is referencing the 13 Middos of Hashem, essential during the *Yomim Noraim*. Additionally, the combined *Gematria* of *Zikaron* and *Kippurim* (the proper names of Rosh Hashana and Yom Kippur, respectively) add up to 639, the same value of the words “Hashem Ori V’Yishi”.

[4] *Malbin* (introduction to *Tehillim* Chapter 27); quoted in *Rabbi Simcha Groffman’s* “*Awesome Days*” (pg. 31).

[5] See the *Mishna Berura’s* introduction to *Orach Chaim* 581. For more on the various connections between Elul and “L’Dovid”, see *Rav Asher Weiss’ Minchas Asher* (*Sichos on Moadim, Elul*). For more on the various themes hidden in L’Dovid, see *Rabbi Elchanan Shoff’s* recent excellent book titled “*Lord, Get Me High!*”.

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

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

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

[9] *Likutei Eliezer* *ibid.*

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

[11] *Shem Gedolim* (vol. 1, *Ma’areches Gedolim - Ma’areches Alef*, 166). See also *Rav Yitzchok Zilberstein’s* *Chashukei Chemed* (*Sanhedrin* 65b) at length, for a list of historical *Golems* created, as well as many potential halachic inyanim related to *Golems*.

[12] Although the majority consensus is that a *Golem* would not count for a *minyan* (as detailed in footnote 14), there were several other authorities who defended the *Chacham Tzvi’s* original rationale that a *Golem* would be able to count for a *minyan*, including *Rav Yosef Engel* (*Gilyonei HaShas, Sanhedrin* 19b s.v. *sham maaleh alav*) and the *Likutei Chaver Ben Chaim* (vol. 5, pg. 64a, comments on *Chacham Tzvi* 93), who dismisses one of the *Chid”a’s* counter-arguments, explaining that even a *Golem* should need to be 13 years old from the day he was created to count for a *minyan*! [On the other hand, *Rav Menashe Klein* (*Shu”t Mishna Halachos* (vol. 15, 27) counters that that would only hold true for an actual Jew, whose status changes as he increases in age and intelligence; a *Golem*, who does not gain intelligence as he ages would not.] See also *Shu”t B’tzeil HaChochma* (vol. 6, 99 s.v. *umch”t*) who explains that the very fact that the *Chacham Tzvi* was originally undecided whether a *Golem* can be included as part of *Bnei Yisrael* and count for a *minyan* (and although not the *halacha l’maaseh*) shows that he held that a *Golem* is *mechuyev b’mitzvos*; otherwise, there is no *hava amina* to count him for a *minyan*. [Conversely, *Rav Dovid Sperber* (*Shu”t Afraksta D’Anyah* vol. 4, 388 s.v. *v’hadavar*) and the *Matteh Reuven* (16) counter that that was not the *Chacham Tzvi’s* intent, but rather that since a *Golem* would have been created via ‘*maaseh tzaddikim*’, it is feasible that his status might be somewhat elevated than a non-Jew’s; and that was the crux of the *Chacham Tzvi’s* dilemma whether or not he may be included in a *minyan*.] However, it is important to note that although it was apparently not known to the *Mishna Berura* nor these authorities, the *Chacham Tzvi* actually later retracted his position! See footnote 14.

[13] See also *Maharsha* (*Sanhedrin* 65b, *Chiddushei Aggados* s.v. *v’lo*), *Shu”t Yehuda Ya’aleh* (vol. 1, *Orach Chaim* 26), *Shu”t Afraksta D’Anyah* (vol. 4, 388 s.v. *puk*), and the *Radzhiner Rebbe’s* *Seder Taharos on Masseches Ohalos* (pg. 5a, *Pirush Ha’aruch*). Accordingly, in *layman’s* terms, a *Golem* is technically considered ‘an animal in human form’ as it lacks the power of speech.

[14] Including the *Chid”a* (*Birkei Yosef, Orach Chaim* 55, 4 s.v. *u’lmai* - also quoting *Rav Yosef Leib Katz*, son of the *Shaar Efraim*, although he personally does not agree to his proofs; *Machazik Bracha* ad loc; *Tzavarei Shalal* to *Parshas Va’eschanan*; *Midbar Kedmos - Maareches Yud*, 27; and *sefer Maris HaAyin* on *Sanhedrin* 65; also quoting his ancestor, the *Chessed L’Avrohom*), *Ikrei HaDat* (*Ikrei Dinim, Orach Chaim* 3, 15), *Baruch Taam* (*Ha’aros on Chacham Tzvi*, 93), *Sidrei Taharos* (*Oheles* 4b), *Ben Ish Chai* (*Binayahu, Sanhedrin* 65b), the *Rogatchover Gaon* (*Shu”t Tzafnas Paneach* vol. 2, 7), *Afraksta D’Anyah* (*Shu”t* vol. 4, 388), *Pardes Yosef* (*Hashalem* - new print; *Parshas Vayeishev* 4, s.v. *v’ayen ode*), *Kaf Hachaim* (*Orach Chaim* 55, 12), *Rivevos Efraim* (*Shu”t* vol. 7, 385; in a *teshuva* from *Rav Yosef Binyamin Tzarfati* of *Antwerp*), *Mishna Halachos* (*Shu”t* vol. 15, 27), and *Minchas Asher* (*Parshas Noach*, 12, 2). Similarly, *Rav Tzadok HaKohen M’Lublin*, in his sefer written on Torah topics that occurred to him while dreaming (*Kuntress Divrei Chalomos*, 6; appended to his sefer *Resievei Laylah*; cited in *Rabbi Mordechai Zev Trenk’s* ‘*Treasures: Illuminating Insights on Esoteric Torah Topics*’, pg. 44 - 45; second edition pg. 48 - 50), as well, argues that the *Ya’avetz’s* *psak* that a *Golem* cannot be counted for a *minyan* is the correct ruling. Interestingly, the *Mahar”i* *Assad* (*Shu”t Yehuda Ya’aleh* vol. 1, *Orach Chaim* 26 s.v. *v’da*), ties this *machlokes* to the *machlokes* whether someone sleeping can count for a *minyan* [see *Orach Chaim* 55, 6; with the *Taz* and *Pri Chodosh* taking an opposing viewpoint to the *Shulchan Aruch* and *Magen Avraham*].

[15] Although legends about the *Maharal’s Golem* have been in print since 1837, the well known stories that captivated the public’s imagination were actually first published in the early 20th century (*Niflaos HaMaharal*) by *Rav Yudel Rosenberg*, author of the famed *Yados Nedarim*. He was also known for translating the *Zohar* into Hebrew, and later served as the *Av Beis Din* of *Montreal, Canada*. For more on this topic see *Prof. Shneur Zalman Leiman’s* excellent “*R Yudel Rosenberg and the Golem of Prague*”, (*Tradition* vol. 36, 1 - 2002). There is a famous related quote attributed to the renowned author of the *Shu”t Imrei Yosher, Rav Meir Arik z”l*, [originally printed in *Zer Zahav* (*Tzitembaum*; published in 5693), and later cited in the introduction to *Machon Yerushalayim’s* recent *Chiddushei Maharal M’Prague* on *Bava Metzria* (pg. 14, footnote 1)] that “it is unknown whether the *Maharal* actually created a *Golem*. However, to have ‘created’ a *talmid* of the stature of the *Tosafos Yom Tov*, is certainly a greater wonder!”

[16] See *Shu”t Divrei Yatziv* (vol. *Lekutum*, 52), *Shu”t Divrei Moshe* (34), *sefer Minhagei Kamarna*, (printed in the back of *Shulchan HaTahor; Elul*, 381), as well as *Likutei Eliezer* (pg. 5, footnotes 30 - 31).

[17] See the recent *Weinreb* edition of *Maaseh Rav* (53; 5771), with the accompanying comment (*Kovetz Mefarshim ad loc.* 30) gleaned from the *Aderes’* *Tefillas Dovid*.

[18] See *Rav Mordechai Eliyahu’s* *Darchei Halacha* glosses to the *Kitzur Shulchan Aruch* (128, footnote 4). On the other hand, see *Rav Ovadiah Yosef’s* *Chazon Ovadia* (*Yomim Noraim* pg. 24), and his son, *Rav Yitzchak Yosef’s* *Yalkut Yosef* (*Kitzur Shulchan Aruch, Orach Chaim* 581, *Ode B’hilchos Chodesh Elul* 2), citing precedent mainly from *Ashkenazic* authorities, and maintaining that nonetheless, it is a ‘*minhag yafeh*’ to recite “L’Dovid” after *Shacharis*, throughout *Elul* until *Hoshana Rabba*. *Rav Yaakov Hillel’s* *Ahavat Shalom Luach* (5777 English edition; *Laws of the Month of Elul*, 30 Av) writes simply “Some say *L’David Hashem Ori V’yishi*’ (*T’hillim* 27) every day after *Shaharit*, and say *Kaddish* afterwards.” Interestingly, both divergent *Sefardic* *minhagim* can possibly be traced back to the *Chida* (*Avodas Hakodesh*, end *Kuntress Sansan L’Yair*; and similarly in *Moreh B’etzba* 2, 37) who approvingly cites the *minhag* of reciting “L’Dovid” during *Elul* until *Motzai Yom Kippur*, as well as on *Hoshana Rabba*, adding that it is the *minhag* in *Chevron* as well, yet concludes “*u’mah tov l’omro Kol Hashana achar HaTefillah*”. The *Ben Ish Chai* (*Year 1, Parshas Pekudei* end 6), citing a letter from *Rav Eliyahu Mani*, *Av Beis Din* of *Chevron*, also attests to reciting “L’Dovid” from *Rosh Chodesh Elul* until *Shemini Atzeres* as the *Minhag Chevron*. The *Ahavat Shalom Luach* (*ibid.* footnote 7) notes that history has since proven that in the full text of *Rav Mani’s* aforementioned letter to the *Ben Ish Chai* (printed in *Kovetz Min Hagnazim* vol. 7, pg. 295) he added that in his *Beis Midrash – Beis Yaakov*, as well as in *Yeshivas Beit E-I* (for *Mekubalim*) the *minhag* is not to recite “L’Dovid” during *Eul*, as it is not mentioned in the *Arizal’s* writings. As such, the *Luach* asserts that “one should take note” that the *Ben Ish Chai* mentioned only the first half of the *responsum* (the *minhag* to recite “L’Dovid”), whereas he did not quote the second half of the *responsum* (the *minhag* not to recite it), which, in their words, “is unusual for him”, but does imply his preference to reciting it.

For any questions, comments or for the full *Mareh Mekomos* / sources, please email the author: [yspitz@ohr.edu](mailto:yspitz@ohr.edu).

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

*Shiluy Nishmas* the *Rosh HaYeshiva* - *Rav Chonoh Menachem Mendel ben R’ Yechezkel Shraga, Rav Yaakov Yeshaya ben R’ Boruch Yehuda*, and *l’zchus* for *Shira Yaffa* bas *Rochele Miriam* and her children for a *yeshua teikef u’miyad!*

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