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בענין איסור ביטול תורה והסיח הדעת במלך

הרמב"ם (פרק ג' הלכה ה' מהלכות מלכים) וז"ל: המלך אסור לשתות דרך שכרות שנא' אל למלכים שתו יין, אלא יהיה עוסק בתורה ובצרכי ישראל ביום ובלילה שנא' והיתה עמו וקרא בו כל ימי חייו, וכן לא יהיה שטוף בנשים אפילו לא היתה לו אלא אחת לא יהיה לא יהיה מצוי אצלה תמיד כשאר הטיפשים שנא' אל תתן לנשים חילך על הסרת ליבו הקפידה תורה שנא' ולא יסור לבבו שלבו הוא לב כל קהל ישראל לפיכך דבקו הכתוב בתורה יותר משאר העם שנא' כל ימי חייו עב"ל הזהב.

והקשה הגר' איסור זלמן מלצר זצוק"ל בספרו אבן האזל ממה שהרמב"ם בהלכות תלמוד תורה פרק א' הלכה י' וז"ל: "עד אימתי חייב ללמוד תורה עד יום מותו שנא' "ופן יסור מלבבך כל ימי חיך" אשר מבואר שזהו דין כללי בכל איש מישאל ומלך בכללם, וא"כ יש להבין מהו שפירט וייחד שוב בהלכות מלכים עוד דין מיוחד שדבקו הכתוב יותר משאר העם וכן חייב לעסוק בתורה יותר משאר העם, ומה מיוחד במלך יותר משאר העם?

וכתב הגר' איסור זלמן וז"ל: ונראה דכאן אנו דנין באיסור באיסור המלך לשתות אף שרוצה להתענג בשתיה, וכן בהלכה ו' שרוצה להיות מצוי אצל אשתו וזה אינו אלא במלך, אבל הדיוט מותר לו להתענג אף שזה יגרום לו לבטול תורה בהכרח על ידי השיכרות או בעילות נשים, ולהדיוט אינו אסור אלא לבטל תורה בלי כל סיבה שאז אם הוא מסיר לבו מהתורה עובר על ופן יסורו מלבבך כל ימי חיך עכ"ל.

והמעייין יפלא בגדר איסור ביטול תורה רק בלי כל סיבה, ויש להבין מהו ההבנה של זה הדבר.

והנה מספר אור ישראל לרבינו רשכבה"ג ר' ישראל מסלנט זיע"א כתב לחלק בין גדר הדין של והגית בו יומם ולילה והדין ושננתם לבניך, וכתב שיש שני ענינים במצות תלמוד תורה א. מצות לימוד ויגיעה בתורה ב. מצות ידיעת התורה, וזה שיש חיוב על איש מישאל להיות בקי בכל התורה כולה, וכלול בזה במצות ידיעת התורה וכן שיהיו דברי תורה מחודדין בפין, וזה מכריח שיהיה בישוב דעתו דשמעתתא בעי צילותא מגילה כז: וכן מצינו שביטולה היא יסודה מנחות צט: וזהו בכדי שיהיו דברי תורה מחודדין בפין, וזהו ממילא בהדיוט שלבו הוא לב עצמו, אבל חידש ר' איסור זלמן זיע"א מלך שלבו הוא כל קהל ישראל אסור לו להסיח דעתו אפילו לרגע אחד כמימריה.

מחמת כל החידוש של רבינו ר' איסור זלמן נמנתי מלהאריך ויש להרחיב הרבה בענין ואכמ"ל.

שבת שלום ומבורך
דוד יהודה פייסרסון
יורה דעה



RABBI COREN

SHOFTIM - ELUL

AND THE SEVEN CONDITIONS OF BITACHON

The Arizal explains that there are seven gates which have been positioned in our body to stand judgement over our physical and spiritual well-being. These openings are our two eyes, two ears, two nostrils and our mouth. These apertures are very powerful sources that can either cause great harm or wonderful positive spiritual effects in the world. And therefore just like physical gates which we use to guard our cities, we need judges that make decisions as to what is right and wrong. In addition, there is a need for a responsible person to ensure that each decision and judgement is upheld.

These concepts apply to our spiritual gates as well which embrace many important choices in our lives: What we are permitted or forbidden to say; how we can improve our prayers to make them powerful and piercing; what we should be listening to; which odors are acceptable to smell and of course what we should allow our eyes to see and what should be avoided.

The Arizal's words are a powerful introduction to Chodesh Elul which usually coincides with Parshat Shoftim. Elul is a very serious time and many mussar sefarim try to inspire us to work hard to fulfill the mitzvah of Teshuva. However, there is a very important step which must be taken that precedes our efforts to "return." We must ask ourselves, "Why should I care so much? Is it because I fear being punished and suffering for eternity?" While that way of thinking can certainly motivate a person and can have positive results, it obviously is not the correct way to reflect.

We find the true significance in the word Elul which stands for Ani Ledodi Vedodi Li. A dear talmid of mine, Shlomo Rosenfeld, told me a beautiful thought about this acronym - The Midrash says about the pasuk "Hashivienu Hashem Elecha Venashuva." The Jewish people inform Hashem, "Look, we want to return to you but you make the first move." Hashem, however, says the opposite: "Shuva Yisrael - you return

first, Klal Yisrael." The text doesn't seem to tell us who won the argument. Maybe Elul is the answer. We realize that we need to make the first step. Hashem shows us his love after Tisha B'av starting with Shabbas Nachamu. Then we in turn agree to take the first step. And this is the deeper message of Ani Ledodi—I am to my beloved; I realize how important and worthwhile it is to take the first step. This interpretation gave me a better appreciation of the word Elul.

We should add that the goal of Elul—and essentially all of Judaism—is to get closer to Hashem and have a true relationship with Him. It is admirable to accept a subconscious idea that there is 'Hashem' but it's a whole different world when we work at this belief and take actions that reflect our deep desire to create this relationship.

This idea connects perfectly to the seven conditions of Bitachon which are beautifully expanded on in the famous work of Chovos Halevavos and in Rav Avigdor Miller's book on the Gates of Bitachon which is a must for every Jew working on his or her relationship with Hashem.

The more I think about it the more I realize the extent to which the seven conditions play a major role in the process of Teshuva. The explanation is extensive and is too lengthy for this article but we can discuss briefly the first and second of the seven conditions-- Hashem loves us. Without accepting this premise, it is very difficult to step forward and do Teshuva. Who would want to 'return' to someone that doesn't really love them? The second condition is that He listens to every word we say; He knows exactly what we need. Indeed, if I know that He loves me, is paying attention to my actions and even looks forward to my prayers than wow it make me want to return to Him.

These examples illustrate how vital the seven conditions are and will give you a good starting lift of inspiration to send you on your way to return to Hashem.

Good Shabbos

SHOFTIM

Points in the Parsha



PARSHA
SNAPSHOT

LAZER SCHEINER

Moshe details the most important characteristics of a Judge: the ability to remain objective and the strength to refuse bribery. The singular focus of the Shofet must be to carry out the will of G-d as detailed in the Halacha. Nothing must deter him in carrying out his mission of justice.

Idolrous practices must be eradicated and punished. Idol worship represents the greatest perversion of justice by replacing divine justice with human failings and desires.

The Sanhedrin is our direct link with divine intent, and as stated in Pasuk 17:11, we view the rulings and interpretations of the Supreme Court as G-dly directives.

Our Monarch must be selected for his unyielding commitment to G-d, Torah, and the people. This is why he must write his own Sefer Torah and carry it with him at all times. He must be first and foremost a Shofet, a Judge.

Moshe again addressed the place of the tribe of Levi, reemphasizing the care and attention due to them by the rest of the nation. They are our teachers. Without their instruction we will neither understand or be able to properly apply justice.

For justice to exist, it must be accepted as a divine ruling. Only G-d's justice can be trusted to take into account all variables and possibilities. Moshe instructed his nation regarding the true Navi – prophet and the false prophet. No other forms of divination can be used to ascertain G-d's justice, and all false prophets and methods of divination must be destroyed. The value of human life is determined by our system of justice, and Moshe reviewed the laws of the unintentional killing in contrast with the intentional murder.

The end of Parshas Shoftim discusses both proper and false witnesses, as well as the Torah's approach to warfare. It may be that the judicial quality of a nation can be ultimately assessed by its behavior during war, more so than during times of peace.

The Parsha concludes with the unique mitzvah of the Eglah Arufa and the process through which the community takes responsibility for the unsolved murders. This ceremony, which reflects the priceless value of life, might be the most eloquent expression of G-d's judicial system.

Haftorah : Yishayahu , 51:12-52:12

The Haftorah begins with Yishayahu's words "Anochi, Anochi Hu Menachemchem" "It is I, the one who comforts you." Yishayahu prophesizes that Hashem will comfort B'nai Yisroel ,after he conquers all their enemies.

The Haftorah concludes with the fact that the Jewish people will never have to leave Yerusalaim in a rush, or to fight a war again because Hashem is protecting Bnei Yisroel both from the front and the rear.

SUKKOS IN THE BAIS HAMIKDOSH



RABBI BERACH
STEINFELD

Posuk chof aleph in Perek Tes Zayin in Chumash Devarim tells us that one may not plant a tree next to the Mizbeach of Hashem. Rashi explains that this teaches us that one may not plant a tree or build a house on Har HaBayis. The Chinuch in Mitzva taf tza-dik bais argues with this and says the issur applies just to the azarah.

The Yalkut Shimoni says that the posuk includes the issur of building a Sukkah next to the Mizbeach of Hashem. The Panim Yafos explains that this would include a Sukka for Sukkos in which the Kohanim would eat the Lechem Hapanim as well as the leftover menachos that should have also been eaten in the Sukkah; but was eaten in the azarah due to the fact that it was prohibited to build a Sukkah there. Since one may not build a Sukkah in the azarah, they are rendered pattur from Sukkah. The Yalkut Shimoni teaches us that one has a chiyuv to make a Sukkah for himself and for hek-desh as it says make a Sukkah for yourself and it also says make a Sukkah seven days for Hashem? If we just stated that building a Sukkah is prohibited, it seems to contradict that premise! The Panim Yafos clarifies this by saying that making a Sukkah for Hashem is referring to eating the breads of the Toda, which is eaten within the boundaries of Yerushalayim. That would require a Sukkah and one would be allowed to build it since it is outside the boundaries of the Bais Hamikdash.

We find that the Sifri says that one may build a Sukkah even in the azarah. How do we reconcile this with the above Yalkut that says there is no Sukkah in the BaisHamikdash? One way of answering is that it would depend if we hold like Reb Yehuda that a Sukkah is a diras keva. If we do, then it would not be allowed in the azarah. However, if you hold like the Chachamim that a Sukkah is a diras arei then it would be permissible to build it in the Bais Hamikdash. Some want to argue and say that the minute the Sukkah is built for the Mitzvah it is considered a keva similar to the halacha in Tefilin that the keshet does not need be a keshet shel kayoma; nevertheless, one may not make this keshet on Shabbos because the mitzva makes it into a keva, additionally, we could answer that really for Sukkos one is allowed to build a Sukkah for the purpose of eating Kodshim. The issur they bring down of building a Sukkah applies to the rest of the year where there is no mitzva in Sukkah. This would fit in with the posuk in Sefer Nechemya, Perek Ches that says they built Sukkos each person on their respective roof and in the courtyard of the Bais Hamikdash. We see from this that one may build a Sukkah in the Bais Hamikdash.

May we be zocheh to see the Bais Hamikdash be rebuilt and we will find out whether or not there will be a Sukkah in the Bais Hamikdash during Sukkos.

SHIRT PLACE

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RABBI NACHUM SCHEINER

ROSH KOLLEL

THE SOURCE FOR BLOWING 60 AND 100 SOUNDS

We previously discussed the reason for 30 blasts of the shofar – either to fulfill all of the different options of shevarim or for unification purposes. This is all to fulfill the Mitzvah of the Torah of blowing nine sounds.

However, the chachamim came along and added a rabbinical mandate that one should blow the shofar during the recital of the shemon'e esrei, at the end of malchios, zichronos, and shofros, respectively.

The Gemara also mentions that we blow, both before shemon'e esrei and during shemon'e esrei, in order to confuse the Satan. Rashi explains that when the Satan sees our devotion to mitzvos, he is rendered speechless.

Tosfos, on that daf, raises a famous question: how can we blow more than the required amount? Is that not a violation of bal tosif, adding on to the mitzvos? Tosfos proposes that the only time there is a concern of bal tosif is when one adds more to a mitzvah, e.g., five species with the lulav, five parshios in tefillin, etc., but there is no violation of bal tosif when one does the same mitzvah again.

That is why, for example, Tosfos explains, a kohen can duchen twice, because he is merely doing the same mitzvah again. Similarly, blowing the shofar again is not an issue of bal tosif.

The Rashba answers this question of Tosfos: the extra blowing is something mandated by the chachamim during the recital of malchios, zichronos, and shofros and is therefore not an issue of bal tosif, just as one may sit in a sukah on the 8th day, which in Eretz Yisroel is considered a possible violation of bal tosif.

This seems to be so obvious that one wonders why Tosfos did not like that answer. Rav Chaim Soloveitchik zt"l answers that Tosfos may be of the opinion that the extra blowing is not considered a fulfillment of the mandate of the chachamim per se. Although they required one to blow during the recital of malchios, zichronos, and shofros, that can be accomplished by blowing the 30 blows during the chazaras hashatz and there would have been no need to add to the Torah. However, we blow, both before and during chazaras hashatz, to fulfill the Scriptural commandment and the mandate of the chachamin each at its own time, to show how beloved the mitzvos are, thus rendering the Satan speechless. That, Tosfos suggests, should be a violation of bal tosif and therefore Tosfos gives a different solution to answer

the question.

THE SOURCE FOR 100 BLOWS



We have thus far shown the source for the 9 blows, the 30, and the 60. How do we reach 100?

Tosfos in Rosh Hashanah 33b quotes the Aruch who bases this on the Midrash that describes the 100 cries of the mother of Sisra.

Tosfos then spells out that this is accomplished by blowing another 30 during the tefilah b'lachash.

This is indeed the minhag of many Chasidim, based on the Arizal. The Mishna Berura quotes this custom and states that one should only do so if that is his custom, otherwise it can be a great source of confusion. The Avnei Nezer also takes strong issue with this custom of blowing during the tefilah b'lachash, stating that it is only for those steeped in the works

of Kabbalah. However, the Minchas Elazar responds to the critique of the Avnei Neizer and sanctions the minhag.

If one is in the middle of shemo'ne esrei and they are starting to blow, both the Mateh Efraim and Rav Moshe Feinstein rule that one can stop and listen to the shofar blowing. The Mateh Efraim adds that one should then continue davening where he is up to and when finished the brocha, one can recite, at that point, the "hayom haras olam."

In summary, the scriptural mitzvah of shofar is 9 blows. The chachamim instituted blowing all of the various crying sounds which brings us up to 30. Additionally, they stipulated that the blowing be done during the recital of malchios, zichronos, and shofros, besides the blowing before shemo'ne esrei, bringing the number to 60. Finally, Tosfos quotes the minhag of blowing as many times as Sisra's mother cried, bringing the total to 100 blows.

Wishing you a Wonderful Shabbos,

Rabbi Nachum Scheiner

HAVE WE BECOME TOO TRIBAL?

TRUE RELIGION MUST EMBRACE DIVERSITY



RABBI YY JACOBSON

FIRST ANECDOTE:

A man goes out with a woman on their first date. For the first three hours he talks only about himself, his history, accomplishments and interests. Finally, he turns to her and says: "Enough of me speaking about myself; let me hear what you have to say about me."

SECOND ANECDOTE:

The rabbi was hospitalized recovering from a heart attack when the president of the congregation visited him. He said: "Rabbi, I have good news and bad news." "First the good news" the rabbi said. "On behalf of the board of directors I am here to wish you a speedy recovery."

"That's wonderful" said the rabbi, "and what's the bad news?" "The vote was 7 to 6."

DESPISING SINGLE STONES

This week's Torah portion, Shoftim, communicates the following commandment:

"You shall not erect for yourself a pillar. This is something which the Lord your G-d despises."

The biblical commentator, Rashi, explains this as a prohibition against erecting an altar of a single stone, even if the intent was to use this altar as a place where offerings were presented to G-d.

Though the Torah elsewhere clearly allows the existence of altars made of stone in the Holy Temple in Jerusalem and in the Tabernacle in the desert, Rashi explains that this is only true of altars made of many stones, not of a single stone. Yet one wonders about the logic of distinguishing between an altar built of many stones that is deemed desirable by G-d vs. an altar built of a single stone which the Torah defines as an object of G-d's hate.

Does it really make a difference whether you present an offering on an altar of one stone or of many stones? Rashi explains that the difference is not intrinsic but historical. In the times of the Patriarchs, Rashi writes, they would build single stone pillars for the sake of presenting offerings to G-d, and "it was beloved by G-d." However, once the Canaanites adopted this practice and began

building single-stone altars for idolatrous offerings, G-d rejected them.

Yet the question remains, why did the Canaanite idol worshippers embrace the single-stone altar? Logically, the converse should have occurred: An altar of many diverse stones seems consistent with the polytheistic approach—worshipping many diverse gods—while an altar made of one piece is more reflective of the monotheistic Jewish faith that insists all worship must be directed to a single, universal G-d.

Why did history dictate that the pagan polytheists embraced the single-stone model?

SHUNNING DIVERSITY

What this prohibition against the single-stone pillar may be teaching us is that though there is one G-d, the altars constructed by man to serve Him need not—Indeed should not—be of one stone, of one color, or one dimension, shape and quality.

Perhaps the greatest challenges facing humanity today is the ingrained belief by many a Muslim that those of us who do not embrace Islam as a faith and a lifestyle are infidels who need to be converted or killed. Many Muslim leaders are laying the groundwork for a grand war between Islam and the West (and of course Israel), in order to restore the world to its appropriate equilibrium, a world dominated by Islam.

On another level, and in a far more subtle and fine way, one of the challenges facing many Jewish communities today (a challenge that has pervaded the history of all religion from the beginning of time), is a sense of tribalism that found a nest among many devout Jews. This is the feeling that my way of serving G-d is the only true way, and if you have a different path, you are on the "wrong team."

Many of us feel that in the construction of the "altars," the structures in which we serve G-d, there is room for only a single stone, a single path, a particular flavor and style, to the exclusion of anything else that does not fit our religious imagination or upbringing. Yet, paradoxically, it is precisely the path of paganism and polytheism that invite a singular altar, made of one stone, while the monotheistic path of a singular G-d welcomes the diverse altar, made of many distinct stones. Why?

EMBRACING DIVERSITY

Paganism is founded on the notion that a human being creates god in his own individual image. When G-d is a product of my image, that G-d is inevitably defined by the properties of that image. Since no two human images are identical, it follows that your god, the god of your image, cannot serve as my god as well. My god must be worshiped in my way, based on my perception of who he is and what he stands for. Therefore, my altar must be constructed of one stone: my own.

The faith of Israel – the progenitor of Christi-

anity and Islam – on the other hand, declares the oneness of G-d and the plurality of man. The transcendental G-d of Judaism is the G-d, who not only transcends the natural universe, but also the spiritual universe articulated in every single heart, and who imparts fragments of His truth into every human spirit. The challenge set forth by Judaism is to see G-d's image in one who is not in my image. Judaism teaches that every person knows and feels something no one else does.

None of us knows all the truth and each of us knows some of it. Like a symphony composed of many notes, each of us constitutes an individual note in the divine symphony, and together we complete the music. If G-d wanted you and me to experience Him and serve Him in the same way, one of us would be superfluous.

Diversity within religion is not only a factor we must reluctantly accept; it is a cause for genuine celebration. It grants us the opportunity to encounter G-d, since it is only in the face of the other that we can discover the part of G-d that we lack in our own face. The result of a relationship with a transcendental G-d is a growing appreciation of people's differences, not merely as tolerable, but as the essence of a rich and rewarding human and religious experience.

"Diversity is the one true thing we all have in common, celebrate it every day," a wise man once said. There is a profound truth to this: Diversity is the trace of an undefined G-d on the human species.

DIVERSE MODELS OF WORSHIP

This may be the reason the Torah teaches us that the altar to worship G-d must be constructed from many different stones. This represents the Jewish vision that the structures constructed by man to serve G-d ought to be diverse and individualistic.

This does not mean that G-d condones every act done in His name. The G-d of the Bible created absolute universal standards of morality and ethics that bind us all. At times, people allow evil choices to totally eclipse the trace of G-d within them. To the Jewish people, G-d presented an absolute system of Torah and mitzvos.

Yet within this framework, every human possesses his or her unique path to Truth. One of the great masters put it this way:

"The concrete laws of Torah are the same for us all, but the spiritual experience of Torah, the feelings of love and awe, contain infinite pathways, one for each person, according to his individual identity."

We may compare it to the 88 keys of the piano that lend themselves to infinite combinations. Authentic religion must welcome, not fear, diversity and individualistic expression. When you truly cultivate a relationship with G-d, you know that in the presence of other-ness, you can encounter a fragment of truth that you could never access within your own framework.



PARSHAS SHOFTIM

COMPLETE FAITH IN HASHEM

שופטים ושוטרים וגו'.. למען תחיה.

Remember to guard yourself against sinning .. but (L'maan Tichye) do so in the context of a healthy life.

It's true that some parts of our religion tend to mimic or come dangerously close to obsessive compulsive behavior if taken too far.

For example- cleaning our homes for Pesach.. how clean is clean? Even davening, before we get into pronouncing the words of Krias Shma correctly (should we repeat them until we get it right?), what is the goal of prayer, to say every word regardless of how fast or how accurate- or is it better to say less with more kavanah. And if we don't daven fully (following path number two) does guilt creep in?

We should always strive to do our best and not shirk our obligations, but in the end how hard should we be on ourselves, realizing we are only human?

Going over the top religiously is especially

poignant in this season of teshuvah. Since the Parsha of Shoftim usually ushers in the month of Elul, it is telling that the very words quoted above hint at a healthy and functional approach to guarding ourselves from sinning. Yes, guard yourselves well- but after all the guarding.. If we feel a sense of inadequacy, if we feel that we have failed, if we feel broken, we have followed the wrong guidebook. We should not approach the days of reckoning with an attitude of "I will never be excused, I have committed to change so many times.. but once again, I have not. G-d will not be happy with me."

This is not the right path. We should rather strengthen ourselves knowing that the One above is watching over our actions with love and understanding, applauding our every effort to grow. A question that comes to mind this time of year, illustrates this point.

Our behavior on Rosh Hashanah is somewhat puzzling. Why do we sit down to a celebratory holiday meal replete with zemiros, delicious fish and meat dishes and fine wine.. the night before we are to be judged for the next year. We are facing a possible harsh decree (who will live and who will die) and we celebrate this way?

Which sane person facing a trial the next morning acts in this manner the night before? Perhaps the following parable can explain

our behavior and shed a new light on our individual spiritual journey.

A young child sits on a large dock waving his hands, waiting for the huge ocean liner to pass by.

"Don't worry" he told the people standing alongside him. "The captain himself will notice my movements and wave to me as he passes by."

Poor child they thought..this will never happen.

You will never be noticed.

"I am 100% sure that he will notice me."

And indeed, as the large boat passed, the captain blew his horn and stepped out onto his private deck, waving back at this child.

"How were you so sure?" they asked him.

The captain is my father...he said.

And so it is with us.. We say Avinu Malkeinu.

We pray to our King.. but He is also our

caring Father.

The Omnipotent and all powerful Creator is concerned with our struggles as well as our victories. In our path to repentance we must always feel this love as our guiding light. Yes we will have a trial, but the judge is our loving Father, and a fathers love overrides all.. Our celebration reflects this confidence that we will surely be inscribed for a good sweet year! Good Shabbos!



JUMPING TO CONCLUSIONS

Rabbi Yissocher Frand

"You shall place judges and policemen in all your gates, and they shall judge the people justly [Devorim 16:18]. This is a positive Biblical command to establish a judicial system. The first pasukim [verses] of the parsha — which warn against judicial corruption, bribe taking, etc. — are actually commands directed at the Beis Din [the Jewish Court]. That being the case, the grammatical structure of the narration is peculiar.

The Torah begins by saying that you (the nation) should appoint judges. We would expect the continuation to be "They (the appointed judges) should not show favoritism, take bribes, etc." Instead the Torah continues to use the second person throughout: "You should not show favoritism, you should not take bribes, etc."

Rav Nissan Alpert suggests a homiletic interpretation. We tend to think that there are unique laws that apply to judges, just like there are — for example — unique laws that apply to Kohanim (priests). Our inclination is to believe that just as the laws of the priesthood only apply to Kohanim and not to others, so too, the judicial laws only apply to judges and not to others.

This is incorrect. Everyone in life is a judge. We are almost constantly judging. When we meet someone, the first thing that we do is to judge him. We are confident — based on the way a person looks or dresses — that we are 100% accurate in our judgement. We have him pegged perfectly. We check the Yarmulka — is it black, is it velvet, is it knitted, is it this, is it that. We check the kind of clothes he is wearing. We judge people right away. People do things and we jump to immediate conclusions.

The Torah is acknowledging this phenomenon and telling us "You — all of you — are inevitably going to judge; but just like judges have an obligation to judge fairly and not take bribes or be influenced by outside events — every Jew has that obligation. "YOU should not turn aside justice." The Torah is not talking to HIM (the judge); the Torah is talking to YOU!

A friend does something wrong. We should really tell him about it, but we do not. Why not? Because we have taken a bribe. We have taken his friendship; we have received favors from him; we have established a relationship; we are now afraid to hurt the relationship. That is a bribe. The Torah tells us "You shall not take a bribe" — do not let this bribe, which you have already accepted, influence you.

Every person is a judge and every person has the obligation to judge fairly. We learn in Pirkei Avos [Ethics of the Fathers 1:1] "Be deliberate in judgement". Here too, we are tempted to dismiss these teachings as being directed solely at the judges. No. It is written for all of us. We are all judges charged with being fair, equitable and deliberate and not jumping to conclusions. We are inevitably going to be judges and we must act like judges.

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Sparks from an Ancient Scroll

Shlomo Horwitz

Rabbi Hershel Schacter was a prominent American Rabbi with a distinguished career in the rabbinate and in public Jewish life. During World War II, he was a chaplain in the Third Army's VIII Corps and was the first US Army Chaplain to enter and participate in the liberation of the Buchenwald concentration camp shortly after it had been liberated by Gen. George Patton's troops on April 11, 1945.

Rabbi Schacter was appalled at the sights that he encountered when entering Buchenwald. He was so shocked that he decided to stay there until he could make a more substantial contribution to the survivors. While other American personnel begged to leave Buchenwald due to the unbearable stench, Rabbi Schacter stayed for months, tending to survivors and leading religious services. Never once did he ever mention any bad odor to anyone. His tremendous devotion to his fellow Jews and their religious needs was his supreme goal; everything else was trivial.

Yechezkel* was a young man from a Polish Chasidic family. Rabbi Schacter found him charming and took a special liking to the boy. Yechezkel had lost his entire family during the war and had completely renounced his faith in G-d. Yechezkel defiantly told the rabbi about his plans to totally assimilate and live the rest of his life in post-war Germany, without even a trace of Judaism. Rabbi Schacter listened sympathetically and tried to offer his moral support. They talked often.

Some time after his arrival in Buchenwald, Rabbi Schacter organized a train transport for 200 boys to Switzerland. Each boy was issued a special ticket from the Swiss government, and Rabbi Schacter was responsible for distributing them to the boys. He also knew that this was a desperate time for these survivors, and they needed to get more than 200 of these boys into Switzerland. So he invited another survivor who was an expert artist to create additional tickets. His craftsmanship was such that you could not tell the difference between the original and the copy. Rabbi Schacter distrib-

uted the copies, so nearly 400 boys were planning to make the special trip. Rabbi Schacter offered Yechezkel a ticket, but the boy absolutely refused. He wanted no part of restarting a Jewish life again, and reminded the rabbi that he planned to resettle in Germany.

The day came when the train for Switzerland arrived at Buchenwald. Rabbi Schacter told Yechezkel, "Look, even if you don't come with us to Switzerland, at least come to see us off when we board the trains." Yechezkel reluctantly agreed.

A young mother and her small son were desperate to get out of Buchenwald, but babies were not allowed on this transport. She approached the rabbi in tears.

"Don't worry, we'll get you out" Rabbi Schacter said. "Get on the train, and hide in one of the lavatories. Under no circumstances shall you get out of the door unless I call you personally."

He locked them in after giving them some food to tide them over.

The 400 boys made their way onto the train. Rabbi Schacter was rushing to and fro, making sure each boy was accounted for. All the while, Rabbi Schacter was scanning the crowd, wondering if Yechezkel would show up.

As the train was ready to depart, Yechezkel came up to shake the rabbi's hand. "Yechezkel, it's so nice of you to come and say goodbye!" And with that, he grabbed the boy's hand and with a burst of strength that surprised both of them, he hauled Yechezkel onto the train in a smooth motion, just as it was starting to pull out of the station!

Yechezkel was shocked and furious, and Rabbi Schacter told him he just did it on impulse, but to please not be so angry. It didn't help. Yechezkel was steaming!

Finally, the train made its way to Switzerland; an adventure in itself. The Swiss protested that there was double the number of boys they expected.

Rabbi Schacter coolly threatened to call a press conference to tell the world that Switzerland is refusing entry to destitute war orphans. He meant it. The Swiss quickly backed down. The mother and child also made it safely without incident.

Some time after their arrival Rabbi Schacter attempted to put together a minyan on Shabbat. There was no problem for Shacharit but there was for Mincha. He could only find nine men, including himself.

He did not give up. He remember Yechezkel. Rabbi Schacter quickly found the young man, who was still cursing his lot at having been kidnapped.

"Yechezkel, I need you for a minyan."

"Are you crazy? Absolutely not!"

"But we only have nine. We need a minyan in order to daven and lein."

"Oh really? Well, *you* need a minyan. I do not!" And with that, he lit up a cigarette.

Rabbi Schacter would not stop now.

"Yechezkel, I'm begging you. Just come in to the tent – we'll daven quickly".

In a huff, Yechezkel replied, "Fine! Just this once!" He entered the makeshift shul with a scowl.

They started Ashrei, and said Uva L'Tziyon, followed by Kaddish. All the while, Yechezkel made sure everyone knew how unhappy he was. Rabbi Schacter then took out the precious Sefer Torah, rolled it to the correct parasha, and asked if any of the men knew how to lein. They all shook their heads, and Yechezkel was looking longingly outside the tent, apparently distracted. "What now?" thought Rabbi Schacter.

Suddenly, he remembered something.

"Yechezkel!"

"What do you want," the boy replied, icily.

"Didn't you tell me you were a *ba'al koresh* before the war?"

"Maybe. So what?"

"So you're the only one of us who →



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knows how to lein. We need to hear *Krias HaTorah*."

"There you go again with your 'We Need To....' **You** might need to. I certainly don't!"

"Yechezkel, please! This is the first chance in years for people to hear the leining after being denied the chance for so many years. I'm begging you. I know you can do this!"

With extreme reluctance, Yechezkel threw his cigarette outside, and approached the table. He cast an expert glance at the unrolled Sefer Torah and immediately found the starting point. "Okay," he sighed. "Let's get on with it."

Another man was called to the Torah and made the blessing. "...*who has chosen us from all other nations and given us the Torah....*"

"Amen," Yechezkel found himself saying automatically. It came back so easily. Yechezkel began to read the sacred text.

Something unexpected happened. The holy letters of the scroll seemed to jump off the page and hit him in the face with full force. He felt as if he was literally being struck with the powerful black letters. They seared his soul.

Yechezkel's angry veneer had been shattered. He broke down crying like a baby, and barely got through the Torah reading.

When he had begun, it had been someone else's Torah. Now he had reclaimed it. And it had reclaimed him.

Yechezkel was forever changed by that *Krias HaTorah*. He remained Torah-observant for the rest of his life, and built a beautiful Jewish family in Australia. Yechezkel championed Torah causes in his city, and he stayed a devoted friend to the Schacter family for many decades.



Going to a Secular Court (Part 3)

In the previous article we quoted the Shulchan Aruch (C" M 26:1) that tells us that a Jew is forbidden to take his dispute to a secular court system (אפילו אם בית דין לא ידע לדין). Even if the court would issue the same ruling as a Bais Din. The SM'A explains that by going to a secular court one is demonstrating that the Halachic guidance of Torah's Moshe isn't the absolute truth. The Chazon Ish, Steipler, Satmar Rav all ruled that for an entire community or society to decide to adjudicate all disputes in accordance with secular law, is also a violation of this principle of Halacha.

There is however, a Halachic ruling which at first glance does not concur with this Halacha. The Minchas Yitzchok (Vol. 9:119) and many other Poskim rule, if two individuals stipulate in an agreement between themselves that Bais Din should rule their agreement in accordance with secular law as long as this condition is not to violate any

Torah prohibitions (e.g. Ribbis etc.) it is permitted, and Bais Din may rule accordingly. For example, if a client wants to stipulate a service providers' liability as per NY State Law, even though such a stipulation may hold parties responsible beyond the responsibility Halacha demands regarding indirect damages (which is only a Grama D'nezakin) he may do so.

The question arises why doesn't stipulating in an agreement that Bais Din should rule their agreement in accordance with secular law constitute as demonstrating that the Halachic guidance of Torah's Moshe isn't the absolute truth? Why is this case any different than going to a secular court of law?

To answer this apparent contradiction, one must begin by in the previous article we quoted the Minchas Yitzchok that one may dictate in an agreement between two individuals that Bais Din should govern their agreement in accordance with secular law as long as this condition is not to violate any Torah prohibitions (e.g. Ribbis etc.)

This Weeks article will detail what conditions may or may not be stipulated in a contractual agreement. We mentioned an example of Ribbis that if one stipulates in an agreement that a loan should be allowed to accrue interest not in accordance with the Torah that is obviously forbidden. Additionally, the Avnei Nezer (C" M:23) tells us that Bais Din may not make a Peshara (settlement) between two disputing parties regarding Ribbis related money. Since even a partial award would infringe upon the Ribbis Prohibition. However, Rav Osher Kabel (Shar Osher chapter:9) rules if one were to stipulate at the initiation of an agreement a specific ruling (when there is a difference of opinion amongst the Poskim whether such a deal is considered Ribbis) regarding Ribbis that Bais Din must adhere to such a condition is permitted and Bais Din will rule accordingly.

To understand this Halacha, we first need to understand the difference between a personal Halacha question and a Halacha question regarding a monetary dispute. When you have a Halachic question of Issur V'Heter (e.g. questions of kashrus etc.) and you ask a Rav he will tell you the Posek (Halachic authority) you should follow. However, when you have a monetary dispute (e.g. you believe someone owes you money) even if your Rav rules like a Posek that holds your opponent responsible to pay you, your opponent may still not be responsible. There is a Halachic term called "Kim Li" (Shulchan Aruch C.M. 68:1 the scope and particulars of this topic are too vast to be detailed in this article, we will IY" H discuss it in a separate article later on) which means if someone tries to collect money from a muchzak (money is in his possession) although there may be a Posek who rules that the collector is in the right, if there is a Posek who disagrees, the muchzak may say I hold like the other Posek and would therefore not have to pay. Halacha dictates that when trying to collect money from a muchzak the rule is Hamotzie mechavero alav haraya it would therefore be the collectors' responsibility to prove that the Halacha is like his Posek. Even if prior to the agreement both parties asked a shaila and agreed to the agreement based off a certain Poseks ruling there would be nothing holding the muchzak from changing his mind later on. However, if both parties explicitly state in an agreement that they both agree to be governed by a particular Poseks ruling and they forfeit their muchzakos rights then according to most Poskim they would both be Halachically bound to fulfil their agreement and Bais Din must rule accordingly.

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JOKES

This Lawyer Is Thorough...

The attorney tells the accused, "I have some good news and some bad news."

"What's the bad news?" asks the accused.

"The bad news is, your blood

is all over the crime scene, and the DNA tests prove conclusively that you did it."

"What's the good news?"

"Your cholesterol is 130."

Bank Robber

The bank was robbed 3 times by the same bandit in the space of 2 months. After the 3rd raid, a senior detective was brought in to question the bank teller. "Have you noticed anything distinctive about the robber?" he asked. "There is one thing," replied the teller. "Each time he shows up, he's better dressed."

Justice Prevailed

A new lawyer had just been hired as a Junior Associate in a big firm. He was assigned to handle the trial of a certain murder case, where his firm represented the alleged murderer. The young lawyer, wanting desperately to have his client acquitted, spent hours in the office trying to find a good defense. He filed numerous pleadings and appeared in numerous court hearings to defend his client. After the long trial was over, the judge issued a verdict. The young lawyer's client was acquitted. Elated and overwhelmed with joy, he texted he immediately texted his Senior Partner:

"Sir, justice prevailed."

The Senior Partner replied:

"OMG!!! APPEAL IMMEDIATELY!!!"

Me?

At the height of a political corruption trial, the prosecuting attorney attacked a witness.

"Isn't it true," he roared, "that you accepted five thousand dollars to compromise this case?"

The witness stared out the window as though he hadn't heard the

UFARTAZTA Shalom Ber Munitz

After the war, when I made it out of the Pocking DP camp in Germany and together with my wife and two children came to America, I made a point of going to visit all Chasidic Rebbes who had immigrated to New York to get blessings from them. I went to the Rebbes of Klausenberg, Skver and Satmar. Imagine my surprise when I came to see the Lubavitcher Rebbe. Unlike the others who were older men with long white beards wearing Rebbishe attire, he was a plainly dressed young man, with piercing blue eyes. And unlike them he decline to bless me. He said he would pray for me at the grave side of his father-in-law (The Rebbe Rayyatz, 6th Chabad Rebbe).

I refused to accept this. I tried to trick him in to blessing me by blessing him, so that he would return the favor. He told me that my problem was that I don't believe in Hashem enough: I believed in the blessing of Rebbes, as he explained to me, I have just listened to you tell me the story of your life, how you survived during the war through many miracles, but not once did I hear THANK G-d. He acknowledged the fact that when I was in the Russian army it may have been dangerous to mention G-d. But now this may have become a habit with me and

needed to change that, he said. He continued, you need to strengthen your faith, and I recommend you begin by learning "Chovos Halevovos."

Then, the Rebbe explained to me the purpose of miracles.

It is possible for a person to get so caught up in the physical world that he forgets about the creator of it all. A miracle is Hashem's way of reminding that person that he has been there all along. == Rebbe to Moshe Mendel Feiner (my encounter)



Editor's note: Moshe Mendel Feiner was zocheh to witness open miracles in his life. He got a Brachah from the belzer rebbe to live through the war, being in the Russian army, he saw open miracles and came to America with his family. Here in America he witnessed divine intervention from Hashem in health business by following the Rebbe's advice. He became the Rebbe's a Chasid and sent his children to Lubavitcher Yeshivos in California.

question.

"Isn't it true that you accepted five thousand dollars to compromise this case!?" the lawyer repeated.

Still, the witness did not respond.

Finally, the judge leaned over and said, "Sir, please answer the question."

"Oh," the startled witness said, "I thought he was talking to you."

Testimony

An Amish man named Smith was injured when he and his horse was struck by a car at an intersection.

Smith sued the driver.

In court, he was cross-examined by the driver's lawyer:

Lawyer: "Mr. Smith, you've told us here at the trial all about your injuries. But according to the accident report, you told the investigating officer at the scene that you were not injured at all?"

Smith: Well, let me explain. When the officer arrived at the scene, he first looked at my horse. He said 'Looks like he has a broken leg,' and then he took out his gun and shot the horse. He then came up to me and asked me how I was doing. I of course immediately said "I'm fine!"


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~Night Kolloel~

RABBI NACHUM SCHEINER

SHAATNEZ IN THE SUKAH WALLS OR DECORATIONS

As we wrap up the topic of shaatnez – that was learned in the Night Kolloel this past zman – I would like to discuss one more facet of these halachos, which is connected to the upcoming yom tov season.

What is the halacha regarding the curtains of a sukah or the sukah decorations: Can they be made from shaatnez material? The Darkei Moshe writes that one should not make the curtains out of shaatnez. The reason, as we saw earlier, is that there is a concern that one might make use of the curtains, by wrapping them around his hands on a chilly day, and transgress the issur of shaatnez.

He adds that if the curtains are high up and out of reach then there will be no such concern. There are various opinions in the poskim as to how high it needs to be: 1) higher than one's shoulders, 2) higher than one's head, 3) beyond arm's reach.

The Beis Hillel (Y" D 301) adds that this is not only for a concern in a sukah; the same restriction would apply to the drapes in one's home.

The Toras Ha'shatnez asks: why is the fact that it is out of reach a reason to allow it? In other halachos we find that Chazal did not allow it across the board and being out of reach does not take away the prohibition. For example, Chazal said that one may not read by candle light on Friday night because of the concern that he will adjust the candle. Chazal enacted this issur across the board, even if the candle is out of reach and there is no concern that he will tilt the candle. That being the case, why is the fact that the shaatnez is out of reach – making it impossible to use – enough of a reason to allow it?

His answer is that we find that we are more concerned when it comes to items that are sometimes allowed and sometimes forbidden. This is because a person can unwittingly do this action, since it is sometimes allowed. For example, there is much stringency that Chazal instituted when it comes to chometz because these items are around throughout the year. Shaatnez, on the other hand, is something that people know to stay away from, and placing the item out of reach is a sufficient safeguard.

The Kaf Hachaim, in the name of the Panim Me'iros, adds that if the curtains are tied up to the wall, then there is no concern that one will wrap them around his arms, and it will not be a problem. However from the other poskim – including the Chayei Adam, the Shulchan Aruch Harav, and the Mishna Berura – it seems that they hold that it is always forbidden unless it is out of reach.

PURIM

There is another question in regards to Purim costumes. There are some earlier poskim who allowed wearing shaatnez which is only of a rabbinical level. The Darkei Moshe explains that since the person is doing it for the sake of simchas Purim and does not have any intention to derive benefit, there is no issur min Hatorah. This is similar to the Mishna which allows one to wear shaatnez for the sake of avoiding the tax collector, since the intention is not to derive enjoyment from the garment.

However, as explained in an earlier shiur, this heter would only be true according to the Rosh. According to the Rambam, one cannot wear a garment of shaatnez, even if he has other reasons for donning the garment. That may be why the Rama only allows this practice for donning shaatnez of a rabbinic level. The later poskim, however – including the Mishna Berura, in the name of the Shelah, and the

Aruch Hashulchan – reject this heter entirely and do not allow one to wear any form of shaatnez on Purim

IN CONCLUSION

Sukah walls or decorations should not be made from shaatnez unless it is placed higher up. If it is attached it is a machlokes.

On Purim, one should stay away from wearing shaatnez.

COMMUNITY KOLLEL NEWS:

As the shofar starts to blow and we herald in the month of Elul, both The Kolloel Boker and the Night Kolloel are back in full swing. As we have done in the past, both The Kolloel Boker and the Night Kolloel will once again be learning inyana d'yoma during this Elul. The Kolloel Boker will be learning hilchos shofar, which is especially appropriate, as they finish their trek through Meseches Rosh Hasanah. The Night Kolloel will be learning hilchos lulav.

Now is the perfect opportunity to come and get clarity in these important subjects. Feel free to contact me and we will try to set you up with the best chavrusa.

The Night Kolloel just finished hilchos shaatnez and a kuntres of the shiurim that were given will b'ezras Hashem be available shortly. And as always, these shiurim are available on the shul's website, 18Forshay.com, on MP3 in the shul, and on Torahanytime.

Wishing you a Wonderful Shabbos,

RABBI NACHUM SCHEINER



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