

# Kehillah

#55



## THE PERTINENT PARASHA

### Are We a Traditional Society?

Rabbi Yehoshua Pfeffer | Rav of Kehillat Ohr Chadash, Ramot, Jerusalem

One way of dividing up nations and groups is by the question of what stands at the center of our society. One possibility is tradition: following the path of our fathers is the ultimate achievement. A second possibility is values: the ultimate purpose of society is to realize a set of values that define our basic essence.

How do we define Jewish society? Is our ultimate aim to follow the path of our great ancestors, or are we a value-centered society that seeks to realize Jewish values?

The answer to this question was already given in the choosing of Avraham Avinu: "For I know him, that he shall instruct his household and his offspring after him, and they shall guard the path of Hashem, to perform righteousness and justice."

This is why Avraham Avinu was chosen. And this is our mission for eternity.

This means that we need to combine the two. On the one hand, our mission is to realize the Jewish values of kindness, righteousness, and justice. On the other hand, we expect that these values and the method of realizing them will be handed down from generation to generation, so that we learn them from our fathers.

But sometimes this is not the case. When Yirmeyahu admonishes the people during the destruction, he informs them that they erred in following their fathers: "Because of their forsaking My Torah... They followed the vision of their heart and the Baalim, as their fathers taught them" (Yirmeyahu 9:12-13).





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Sometimes it is incumbent upon us to not follow the example of our fathers. Tradition is important as a tool but not as a goal. Our aim is to live a life of elevation and G-dliness, irrespective of tradition.

Indeed, there are times when the tradition needs to be updated to accommodate changes in circumstances – changes that require new methods and new tools with which to realize our national purpose.

Of many changes, one momentous shift that comes to mind is Torah study for women: the Chofetz Chaim decided that the ways of old, in which women were educated in a home-based mimetic tradition, simply didn't suit the new reality of human society. The value was the same: upholding the Torah and its core values. The tools needed to change.

We emerged from Egypt as a newborn nation for the purpose of realizing these values. "And He took us out of there in order to bring us to perform all these decrees, to fear Hashem, our G-d, for our good, all the days, to give us life, as this very day" (*Devarim* 6:24).

Hashem took us out from Egypt for our good – to live a life of goodness, of closeness to Hashem, of kindness, righteousness, and justice – values with which the above-mentioned chapter in *Yirmeyahu* concludes. We have a wonderful tradition from our great fathers, developed and honed over many centuries. Simultaneously, we are duty bound to always look to core values and ensure they are fully realized.

Though simple, I sense that these principles require deep internalization today. We continue to live through tumultuous times. Ultimately, we will be called to rethink the place of Torah Judaism within the broader social contract of the State of Israel.

Some will doubtless play the tradition card. This is what we've done in the past, and so much of what we do today. Yet, while tradition has a place of great respect in Judaism, we need to ensure that the card of realizing our core values is also on the table.

Only with both can we reach the purpose for which we came out from Egypt.



### The Great Divide

Rabbi Yaacov Haber – Rav of Kehillas Shivtei Yeshurun, Ramat Beit Shemesh

I was once a proud member of the Boy Scouts of America. We had a pack of *frum* boys who met in a local shul. The troop was run by my father. Once he announced that we were going to learn about “the great divide.” I had no idea what he was talking about but guessed it was to be something about a geographical feature of some kind. I was wrong.

He got us to stand in two lines with one facing away from the other at about arm’s length. The person in the front line had to fall straight backward and be caught by the person behind. Of course, despite knowing that the person behind wouldn’t let anyone fall, the fallers mostly couldn’t bring themselves to let themselves go. I certainly couldn’t. Then my father said, “Watch this.” He came and stood behind me and told me to fall backward. I had no problem falling straight backward into his arms.

The “great divide,” he told us, was between the mind and the heart. Despite what the mind knows, the

emotions often don’t let us act in accordance with that knowledge. When my father stood behind me – since I fully trusted him on an emotional level and not just an intellectual level – I could fall with ease.

**Despite what the mind knows, the emotions often don’t let us act in accordance with that knowledge.**

The Torah tells us that Moshe reasoned: If the Jewish people weren’t listening to him, how could he possibly expect Pharaoh to listen to him? Rashi comments, based on *Chazal*, that this is one of the ten *kal vachomers* in the Torah (*a priori* form of deductive Talmudic logic).





## Hashkafically Speaking



The question is, what exactly is the logic here?

The Torah says that the reason the Jewish people didn't listen to Moshe was *mikotzer ruach u'me'avoda kasha* – shortness of breath from hard labor. If physical suffering was responsible for the

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people not being able to take on board Moshe's message, then there is a logical problem with the *kal vachomer*, since Pharaoh was not suffering any oppression, and so there the *a priori* argument falls.

A better translation, however, is

that *kotzer ruach* refers not to a physical symptom but to their spiritual well-being. They were in a state such that they could not emotionally take on board what their mind understood. The great divide.

So the logic is clear. Pharaoh was the ultimate example of the great divide. He knew full well that Egypt would be destroyed. He believed Moshe, yet time and again, he acted otherwise.

When we put on our tefillin, we are performing a symbolic act of connecting our minds to our hearts. After doing so, we then wind it down to action.

In our lives, we so often find that we actually know what is the right thing to do and the right way to live. But the great divide results in our choosing otherwise. May we be blessed with both the strength and the wisdom to break through the divide.







## Validity of Agency with Transgression

Rabbi Asher Meir | Torah and Policy Researcher

The Gemara (*Kiddushin* 41b–42a) provides us with a number of Torah verses which all teach us that a person is able to fulfill some obligation or agreement through an agent; each verse teaches some unique aspect of the halachic concept of agency (*shelichus*). The first such verse in the Torah is from our *parasha*, where Hashem commands that “all the members of the community of Israel must slaughter [the Pesach sacrifice] at twilight” (*Shemos* 12:6). The Gemara points out that it is clearly impossible for every single Jew to slaughter a lamb. It must be that slaughtering through an agent is a valid fulfillment of the mitzva. The group, or *chabura*, which offers a single lamb, designates one person to take care of the *shechita*.

The *Rishonim* discuss at length a detail of this particular *shelichus*, which also bears on monetary law. The Torah forbids slaughtering the Pesach sacrifice when a person still has *chametz* in his possession (*Shemos* 23:18).

If one member of the *chabura* does possess *chametz* at the time of the

*shechita*, who transgresses this prohibition?

The Rambam in *Sefer Hamitzvos* (prohibition 115) and the *Chinukh* (89) state that any *chabura* member possessing *chametz* at the time of *shechita* is liable to receive lashes. Rashi (*Pesachim* 63a, s.v. *ad sheyeheh*) says that all members of

**Even if one explicitly commands his agent to commit a transgression, the agent alone is liable.**

the *chabura* transgress; he refers there also to the validity of the *hasraa*, warning for liability, so many understand that Rashi also considers the *chabura* members liable for punishment. The *Tosefos Rid*, however, states that only the *shochet* can be liable; the *chabura* members are exempt because of the halachic principal that agency is invalid in cases of forbidden actions – *ein shaliach ledevar aveira*. Even if a person explicitly commands his agent to commit a transgression, the agent alone is liable.



The *Acharonim* suggested a variety of reasons why other *Rishonim* disagree with the *Tosefos Rid*.

One view is that in this case, nullifying the *shelichus* doesn't save the *chabura* members from transgression, since possession is forbidden anyway; another is that this is one of the few prohibitions where the Torah exceptionally does recognize agency for a transgression.

The Noda BiYehuda (*Even Ha'ezer* I:80:22, II:112:5) explains that we don't say *ein shaliach ledevar aveira* when the transgression is not inherent in carrying out the mission. He gives the example of a *shochet* hired to slaughter an animal, and he does so on Shabbos. The Shabbos transgression is incidental to his job. Likewise, the mission of the *shochet* on Pesach is to slaughter the lamb for the sacrifice; the fact that there happens to *chametz* around at that time is equally incidental.

We find a similar idea in a monetary law context in the *Machaneh Efrayim* (*Sheluchin* 9). Reuven swore not to betroth Leah, but later *did* betroth her through his agent Shimon. After a lengthy discussion, the *Machaneh Efrayim* concludes that the agency is not nullified and the betrothal is valid.

The reason that the principal *ein shaliach ledevar aveira* does not nullify the agency is that Reuven is not per se forbidden to betroth Leah; he is only forbidden to break his oath. It is only incidental that the oath is broken by the betrothal. (The context of this example is marital law, but the underlying topic is the validity of the *kinyan*, which is a monetary law issue.)

The commandment mentioned in *Kiddushin* does not directly state that we can fulfill our obligations through agency. On the contrary, the verse commands that every Jew must slaughter a Pesach lamb himself! But since this is impossible, we can infer that the Torah means that we must avail ourselves of our fellow Jews to fulfill this obligation and others. Note also that the mitzvos of the Pesach sacrifice in Egypt are the foundation of commandments of the entire Torah; the first Rashi in the Torah implies that if the Torah were solely a book of instruction, it would have begun with this revelation. It seems that Hashem wants to emphasize that it is impossible for any one individual to encompass the entire Torah; Hashem's commandments and His will can only be realized through trust, cooperation, and sharing of responsibility.



## The Prohibition of *Se'a Bese'a*

Rabbi Shloimy Muller

Talmid of Rav Pinchas Vind *shlita*, founder of the Beis Horaah L'Inyanei Ribbis

Last week we began discussing the prohibition against lending items that may rise in value. The term *Chazal* give in describing this prohibition is *se'a bese'a*, meaning "a measure for a measure," i.e., lending a certain measure of grain and expecting to receive the same measure back, despite the rise in value. This prohibition is commonly relevant when it comes to lending a foreign currency (for example, lending dollars in Eretz Yisrael).

We explained last week that money doesn't rise or fall in value because it's the constant against which all else is measured. However, this applies only to the local official currency; a foreign currency, though, is deemed an item that can be purchased and sold for the local currency. Therefore, its value in a foreign country is subject to change and falls under the umbrella of *se'a bese'a*.

One residing in Eretz Yisrael must be careful neither to lend nor borrow dollars, euros, or any other foreign currency, unless certain conditions are met. These will be discussed in the future.

Not only is this prohibition an issue at

the time of the loan, but it will present a problem at the time of payment as well. For example, say someone in Eretz Yisrael lent another person \$1,000 when the dollar was valued at 3.5 shekel, and by the time the borrower wants to return it, the dollar is valued at 3.75 shekel. Since the dollar isn't the currency of the land, it is considered (according to almost all *poskim*) an item whose value appreciates and depreciates. Therefore, it turns out that the borrower has borrowed items priced at 3,500 shekel and now wishes to return 3,750 shekel.

This is prohibited, as the borrower will be returning more than he borrowed. He may only repay \$933.33 (or the shekel equivalent), which is now valued at 3,500 shekel.

In this case, the lender will lose almost \$70, and although the borrower feels terribly guilty, there is no way he can pay the *ribbis*. Therefore, it's important to know the leniencies that permit such a loan and consequently its full repayment, despite the appreciation of the foreign currency during the interim of the loan. We will discuss these in detail in the coming weeks, *be'ezras Hashem*.



### The Chasam Sofer

Rabbi Dov Loketch – Rabbi of Agudas Yisrael Mogen Avraham, Detroit

*Last week we described what the Chasam Sofer did to prevent the Reform movement from gaining a foothold in the Jewish community, along with his views in support of settling Eretz Yisrael. This week we'll focus on a devar Torah he gave about the latter.*

#### Longing for Eretz Yisrael

Two years ago, I participated in a tour of Europe led by Rabbi Daniel Glatstein, and we visited the grave of the Chasam Sofer's rebbe, Rav Noson Adler, in Frankfurt.

Rabbi Glatstein shared an insight of the Chasam Sofer into the famous prophecy of Yirmeyahu (*Yirmeyahu* 31:14–16) describing Rachel's cries to *Hakadosh Baruch Hu* as her descendants were led into exile, and *Hakadosh Baruch Hu's* promise that *veshavu vanim ligvulam*, her children would return to their homeland (*Yirmeyahu* 31:16).

Why, the Chasam Sofer asked, is this prophecy so special? Haven't all the patriarchs and matriarchs, and the prophets, been praying for their descendants for centuries? And hasn't *Hakadosh Baruch Hu* assured them, too, that the redemption would come? Why is it specifically the promise to Rachel that has been memorialized in one of the books of the prophets?

The Chasam Sofer answered that the others were indeed assured

that *Hakadosh Baruch Hu* would bring Mashiach and redeem His nation, but to Rachel, He made a special promise. Because of her unique merit, *Hakadosh Baruch Hu* promised her, *veshavu vanim ligvulam*, that even before Mashiach's arrival, her descendants would return to and resettle Eretz Yisrael. She was promised that Am Yisrael would have the privilege of returning to their homeland, and there would be a miraculous ingathering of the exiles, even before the final redemption.

This was the Chasam Sofer's view on the return to Eretz Yisrael. He maintained that there was a mitzva, and that it is a profound privilege, to return to Eretz Yisrael and participate in rebuilding it, even in our times, before Mashiach.

Pining for aliya In the second *beracha* of *Birkas Hamazon*, we express our gratitude to *Hakadosh Baruch Hu* for a number of kindnesses He has performed for us, beginning with the great blessing of Eretz Yisrael.





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We then proceed to express gratitude for *yetzias Mitzrayim*, followed by *bris mila*, the Torah, and our livelihood.

The Chasam Sofer raises the question of why we begin this *beracha* by mentioning Eretz Yisrael, even before mentioning *yetzias Mitzrayim*. After all, *yetzias Mitzrayim* came first. We left Egypt forty years before we entered Eretz Yisrael. Why, then, do we thank *Hakadosh Baruch Hu* first for Eretz Yisrael, and then for *yetzias Mitzrayim*?

The Chasam Sofer answers this question based on a perplexing comment of the *Sifrei* in the beginning of *Parashas Ki Savo*. Discussing the mitzva of *bikkurim* (bringing one's first fruits to the Beis Hamikdash and giving them to a *Kohen*), the *Sifrei* states that it was in the merit of this mitzva that Bnei Yisrael were deserving of entering Eretz Yisrael.

The Chasam Sofer cites the *Haflaa*, who asks how this was possible, given that the mitzva of *bikkurim* did not take effect until after Bnei Yisrael entered the land. How could they have earned the privilege of entering the land through the mitzva of *bikkurim* if they did not observe this mitzva until they settled the land?

Evidently, the Chasam Sofer

answers, the intention and desire to bring *bikkurim* was tantamount to actually performing the mitzva. The *Sifrei* teaches that Bnei Yisrael earned the privilege of settling Eretz Yisrael in the merit of their desire to enter the land and fulfill the mitzva of *bikkurim*.

Similarly, the Chasam Sofer explains, in Egypt, Bnei Yisrael already longed to reside in their homeland. They had heard about Eretz Yisrael from their forebears, and they yearned to experience the *kedusha* of the land. This pining for Eretz Yisrael was a source of merit through which they earned the miracles of *yetzias Mitzrayim*. Appropriately, then, we mention in *Birkas Hamazon* first the precious gift of Eretz Yisrael, and only then the great miracle of *yetzias Mitzrayim*, which unfolded in the merit of the nation's longing for Eretz Yisrael.

There are valid reasons why some of us are not now living in Eretz Yisrael. However, we must, like our ancestors in Egypt, experience a desperate longing and desire for the land, recognizing its unique holiness and special importance.

In the merit of our yearning for Eretz Yisrael, may we merit the full ingathering of the exiles that we are witnessing today, and the speedy arrival of *Mashiach Tzidkeinu*.



## Communicate to Reduce Stress

Rebbetzin Ilana Cowland

Relationships Coach and author of *The Moderately Anxious Everybody*

Have you ever had a fever and dosed yourself up with loads of medication because you had to get through your day? And while you may have managed, you eventually find yourself even more unwell because you pushed through when you actually needed to take care of yourself? Our bodies are well-designed mechanisms. Incredibly well designed. When the body is displaying something like a fever, it doesn't usually mean, "Hey, I was in the mood for some Tylenol, and I just wanted to let you know that."

It's usually saying, "There's something wrong, and I wanted to signal that so you can take care of the issue. It's the classic case of addressing the problem, not the symptom. Sometimes the fever is flagging an infection; sometimes it's flagging exhaustion. Either way, the body would love for you to pay attention to it.

We do the same with our emotions. When they rear their heads, they're often trying to call our attention to something.

When we continue to ignore persistent feelings by suppressing them, they enter our systems and, like an infection, they fester. If we go on ignoring them, they can reach a point that really compromises our well-being.

**If we learn new habits (and teach our children these new habits) we can address issues before they attack our very core.**

What a terrible pattern we've got ourselves into. We don't know how to handle our emotions, so we suppress them. That suppression enters our nervous system until our very body is experiencing extreme stress or anxiety. And then, finally, we medicate the anxiety. This can work in the short term. But for many people, it works wonders at the beginning and then the anxiety



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increases itself so it can make another attempt to attract our attention – so we raise the doses. And when that stops working, we switch to using something stronger. Over the counter and legal, mind you, until that stops working. Then we just use whatever works. Many people currently fighting addictions to very dangerous substances started with an innocuous prescription for a medical solution to an emotional problem that was never addressed.

For many, anxiety is not the underlying issue. It's the symptom. I am not suggesting serious addictions are curable by simply talking out feelings. That would be disrespectful, dismissive, and untrue. I am suggesting that we have gotten into the habit of turning our backs on the underlying issues. If we learn new habits (and teach our children these new habits), we can address issues before they attack our very core.

### **Dealing with Emotions**

When I am dealing with an emotion, perhaps I'm feeling misunderstood, misjudged, or frustrated. If I let it fester, it will not be resolved. It will go underground, ever-increasing,

until it finds its way into my nervous system. I may not have even connected the dots, but the pent-up anger at my friend, family member, or colleague may be the reason for my increased stress and anxiety.

What if I had the tools to identify my feelings and share them with the person I needed to share them with? What if, as children, we had been taught to express, "It hurt my

**Communication allows us to understand the discontent that, if untreated, will be noticed as physical stress in our bodies.**

feelings that you didn't include me in your game. Would it be possible to invite me next time?" Or, "I worked hard for that assignment and am feeling very undervalued by the low score that I received for it." Or, "I'm having a hard time making friends. Would you be able to help me understand what I may be doing wrong?"

Communication allows us to



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understand the discontent that, if untreated, will be noticed as physical stress in our bodies. We could continue to ignore a relationship problem that is hurting us and then, when the anxiety gets out of hand, medicate it. But this is not the only recourse. We can also ask ourselves, what is the feeling that I'm experiencing? With whom should I discuss this feeling so I can resolve the issue?

**Were we to learn to identify our feelings and effectively communicate them, we would feel more connected.**

That takes self-awareness, skill, and courage. But look at what it leads to. The very interaction that has caused me negativity, (whether it's between another party and myself, or just an inner dialogue) is now being addressed and the necessary communication not only prevents the buildup of stress and anxiety that is bound to follow but also increases my well-being and the quality of my relationships. Were we to learn to identify our feelings and effectively communicate them, we would feel more connected. And through that connected feeling, we would experience more meaning and avoid unnecessary stress and anxiety.

*This article is an excerpt from The Moderately Anxious Everybody.*





## PARASHA HALACHA FOR THE SHABBOS TABLE

### Tefillin

Josh and Tammy Kruger

#### The Story

Ariel quickly ran into the school's *beis midrash* and began looking for his tefillin. He had slept late accidentally that morning and had been rushing since he woke up. Fortunately, he arrived before *Shacharis* had begun.

"Oh, no! My tefillin aren't in my bag! I forgot to pack them this morning."

"Maybe there's a solution," said his friend Yaakov. "There's a tefillin bag sitting on that bookshelf."

Yaakov was right. But whose tefillin could it be? There was no name on the bag, and none of the other students recognized it.

"Go ahead and use them," said Yaakov. "I'm sure the owner won't mind."

Ariel wasn't sure what to do.

#### Discussion

**Q:** What is the connection between our story and the *parasha*?

**A:** The words of the seventh *aliya* are half of the text found in each tefillin box! The other half are the

words of *Shema* and *vehaya im shamo'a* from *sefer Devarim*.

**Q:** In general, are we allowed to borrow someone's property – a ruler, for example – without his permission?

**A:** No (*Shulchan Aruch, Choshen Mishpat* 359:5). We might be tempted to tell ourselves: "What harm will it do? After all, the owner does not need it now, and I'm only using it for a very short time. The owner will probably never even notice that it was gone." This manner of thinking is very wrong. According to many opinions, someone who borrows without permission is considered a thief (*Bava Basra* 88a).

**Q:** What should Ariel do?

**A:** Although we are not usually allowed to borrow someone's property without permission, there is an exception in the case of objects that are used for mitzvos such as tallis and tefillin.

This is because we believe that a Jew wants his belongings used by other people to perform mitzvos (*Pesachim* 4b). However, there are



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certain conditions that must be met:

1. If the owner is available, then we must still ask permission (*Mishna Berura* 14:13).
2. The tefillin must be used in the same place (*Mishna Berura* 25:53). If the tefillin had been in the school cafeteria, then Ariel would not be allowed to bring them to the *beis midrash*.
3. The borrower must make sure to wrap them up and put them back in the same place (*Mishna Berura* 25:53).
4. Borrowing the person's tefillin without asking cannot be done on a regular basis (*Mishna Berura* 14:13).
5. If the owner of the tefillin has made it previously known that he

does not want others to use his tefillin, his wishes must be respected (*Aruch Hashulchan* 14:11,12)



### Back to Our Story

After learning the halacha, Ariel used the tefillin.

He prayed in a seat next to the bookshelf, in case the owner came looking for them.

After *Shacharis*, he carefully wrapped them and placed them back in the bag on the bookshelf.

He also left a note beside the bag that read: "Hello. I forgot my tefillin today and used your tefillin. Thank you, whoever you are."

Sincerely, Ariel."

Written by Josh and Tammy Kruger, in collaboration with Rabbi Yehoshua Pfeffer, based on the writings of Rabbi Shimon Eider in his book *Halachos of Tefillin*. Le'ilui nishmas Frumit bat Yosef, Edith Nusbaum, a"h.



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