



# Congregation Ahavat Shalom

The ACHDUS  
NEWSLETTER  
www.ahavatshalomteaneck.com

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Parshat Shoftim

Volume: 18, Issue: 4 | August 25-26, 2017

Elul 4, 5777

Rabbi Yehuda Halpert

## Shabbat Times



Friday, August 25	
Mincha/Maariv:	7:15 PM
Candle Lighting:	7:22 PM
Shabbat, August 26	
Shacharit:	8:45 AM
Kriyat Shema:	9:37 AM
Mincha / Shalosh Seudot:	7:10 PM
Shkiya:	7:38 PM
Maariv:	8:16 PM
Shabbat Ends:	8:21 PM
Next Friday, September 1	
Mincha/Maariv:	7:15 PM
Candle Lighting:	7:11 PM

## Rabbi Halpert's Availability

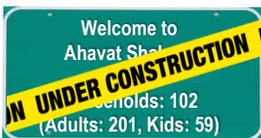
Rabbi Yehuda Halpert will be here on:  
9:2, 9:9, 9:16.  
He can be reached via email at  
RabbiYehudaHalpert@gmail.com, or  
phone in the evenings at 201-836-3828. In  
the event of an emergency, Rabbi Halpert  
can also be reached at 212-909-6951.

## Yeshivat Noam Youth Groups

Groups for children ages 2-4 are located  
in the room across the Shul from 9:30am -  
10:45am. Morah Yael will supervise. Toys  
and books will be provided by Yeshivat  
Noam. We ask parents to please send your  
child(ren) with a snack. Signup is on the  
website.

## Chesed Committee

If you or anyone you know has moved in  
recently or knows somebody moving in,  
let Moty Raven or Yael Stromer know!  
Check out  
ahavatshalomteaneck.com/movingin for  
more information.



**President:** Ben Wine **Vice Presidents:** Alex Daitch | Ariel Kirshenbaum | Moty Raven | Evan Rottenstreich **Secretary:** Eli Baum **Treasurer:** Yonatan Isser  
**Sisterhood:** Melissa Kirshenbaum | Sam Locke **Gabbaim:** Sam Lightstone | Ezra Blain | Steven Lowinger | Dani Weinberger

We welcome your input! Please send your newsletter announcements by Wednesday.

board@teaneckapartments.com | president@teaneckapartments.com | rabbiyehudahalpert@gmail.com

**Welcome** to Mariah and David Moallem who recently moved in to the community, Mark Kirsch who recently moved into Terrace Circle and Eliana and Josh Hanau who finally moved into Terrace Circle!

**Mazel Tov** to Sara, Dani (and Becca!) Resnick on the birth of a baby boy! The Shalom Zachor will take place this Friday night at 9:00 p.m. at the Kaszovitz home (714 Wendel Place, Teaneck). The Bris will be, IY"Y, this Monday (8/28) at 7:00 a.m. at Congregation B'nai Yeshurun (641 West Englewood Ave, Teaneck). Bris and breakfast to follow davening. The entire Ahavat Shalom community wishes you a huge Mazel Tov!

**Thank you** to the following Celebration Kiddush sponsors:

Russi, Jason & Jakey Shor in honor of Jason's & Jakey's birthdays  
Melissa & Yaakov Kolb in honor of the yahrtzeit of Yaakov's mother, Libby Kolb  
Ora Weinbach & Yaacov Weiner to thank the community for 2 wonderful years  
Melissa & Ariel Kirshenbaum in honor of their anniversary  
The 2017-2018 Board to thank the 2016-2017 Board for its accomplishments



## Weather Report

Friday night: Partly Cloudy, 59°      Shabbat day: Sunny, 78°/59°

**Member Spotlight** - Meet the Baum's! Eliana and Eli moved to the community in December, 2014, and their son Yaakov joined them last September. Eliana is a Teacher and Eli is a Recruiter (though we aren't exactly sure who he recruits, and for what exactly...). Though their sports team allegiances are highly questionable, they are truly a staple in our community!

**Looking to Volunteer?** - The Chesed Committee (Moty Raven), Sisterhood (Melissa Kirshenbaum & Sam Locke), Religious Committee (Ariel Kirshenbaum) and Fundraising Committee (Alex Daitch & Evan Rottenstreich) are looking for volunteers to lend a helping hand.

**ReMembership Your Dues...** The new membership year begins on September 1st. Early Bird Specials of \$150/person or \$300/household will be available until Rosh Hashanah. As soon you dip your apples in honey the price changes to \$165/person and \$330/household. Kiddushim for the year can be sponsored for an additional \$25.

**Rosh Hashanah & Yom Kippur** - Interest has been expressed in holding Minyanim at Ahavat Shalom for Rosh Hashanah and Yom Kippur. In order for us to do so we need commitments from families to be here for the Yom Tovim. Please inform the Board or Religious Committee **by Friday, August 25th** if you plan to be here and if you are able to help out with davening. Follow the links in the e-blast to sign up.

**Brand New for 2017-18** - Move over family photos on the fridge! Ahavat Shalom will be rolling out a calendar to every household for the first time ever! Reach out to the Fundrasing Committee at board@teaneckapartments.com about exciting sponsorship and advertising opportunities.

**Torah in the Community** - This Shabbat, August 26, at 6:15 p.m., at Congregation Beth Aaron, Rabbi Neil Lauer will present a shiur, "Night Segula?: A Touch of Wine with Havdalah." The shiur commemorates the fifth yahrtzeit of his father, Herb Lauer, Tzvi Hersh ben Yehezkiel Shraga z"l.

**More Torah** - On Monday, September 4, TorahWeb will hold an event at Congregation Beth Aaron. At 8:00 p.m., Rav Mayer Twersky will discuss "Yiras Shomayim: Balancing Love and Fear in a Feel-Good Society," and at 8:45 p.m., Rav Hershel Schachter will speak on "Torah Learning after the Year in Israel: Prioritizing Torah and Secular Education in College." Sessions are open to both men and women.

**Save the Date** - NJ Friendship Walk: Sunday, September 17 @ Votee Park, Teaneck. 10:00 Registration, 11:00 Walk and 11:30 Walk Celebration. Check out www.NJFriendshipWalk.com for more details!

## Congregation Ahavat Shalom Board Members 2016-2017

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*Eilu V'Eilu*

The Talmud, as well as later rabbinical literature, is replete with halachic disputes. The *halacha* has had to decide which opinion should be followed. Should we assume that the rejected view was mistaken and simply incorrect? The *Gemara* (*Erubin* 13b) states regarding the many disputes between *Beis Shamai* and *Beis Hillel* that, "*eilu v'eilu divrei Elokim Chaim* - both opinions are the words of the Living G-d." although in the overwhelming majority of cases we have not accepted the views of *Beis Shamai*, this does not mean that they were wrong; one who spends time learning the views of *Beis Shamai* is in fulfillment of the *mitzvah* of *Talmud Torah*. *Beis Shamai* were also basing their opinions on *middos she'ha'Torah nidreshes bohein*; they were following the principles and the rules of the *Torah She'b'al Peh*, just that they came to a different conclusion than *Beis Hillel*. Therefore learning their opinions would also constitute a proper fulfillment of the *mitzvah* of *Talmud Torah*. To use the terminology of Rav Soloveitchik, their views also constitute a *cheftza shel Torah*.

The Ritva (*ibid*) explains as follows: when Moshe *Rabbeinu* was on *Har Sinai* and received the *Torah* from Hashem, he asked the *Ribbono Shel Olam* what the *din* would be in various cases, and in some Hashem told him the *din* is *assur*, in some He told Moshe *muttar*, and in some Hashem told him that the case had elements of *issur* and elements of *hetter* and He leaves the matter up to the *Torah* scholars of each generation to determine whether - according to their perspective - the elements of *issur* outweigh the elements of *hetter*, or the reverse; and since different people can each have different perspectives even though they are looking at the same thing, more than one can be correct. This is the meaning of the idea that, "*eilu v'eilu divrei Elokim Chaim*."

This concept does not always apply in all cases. Rashi and Tosafos (*Kesubos* 57a) point out that sometimes we must assume that one of the opinions is clearly incorrect. Sometimes we see a dispute among the later rabbinic authorities where one of the opinions imply overlooked a passage in the Talmud, or sometimes even an explicit *passuk* in the *Chumash*. In such a case we clearly will not apply the idea of *eilu v'eilu*.

Even when we do apply "*eilu v'eilu divrei Elokim Chaim*" it does not mean that *halacha l'ma'aseh* one has the right to follow either opinion. The original statement in the *gemara* regarding *eilu v'eilu* was with respect to the many disputes between *Beis Shamai* and *Beis Hillel* and nonetheless the *gemara* (*Berachos* 36b) states that, "*Beis Shamai b'makom Beis Hillel ein Mishna*", i.e. we totally ignore the opinions of *Beis Shamai* with respect to *psak Halacha*, and unlike other minority views that were also not accepted, we don't even consider the views of *Beis Shamai* as creating even the slightest *safeik* (*safeik kol-d'hu*.) Regarding *Hilchos Aveilus* and *Orla b'chutza la'aretz*, even when dealing with a *d'oraysa* issue, the *halacha* says that in the presence of any slight *safeik* we go *l'hakeil*, even if the probability of the doubt is nowhere near 50%. A minority opinion which was not accepted constitutes a slight *safeik*. But because the views of *Beis Shamai* were outvoted by *Beis Hillel* when they met together and debated their issues, their opinions are totally ignored *halacha l'ma'aseh*.

Likewise the *poskim* assume that when you have a *shitah y'chida'ah*, a lone opinion among *poskim* not shared by others, this view also does not constitute a slight *safeik*. The *Beis Shmuel* (*Shulchan Aruch, Even HoEzer* 80) thinks that even if the Rambam agrees with the *Ri Migash* on a position not agreed upon by other *poskim*, this view should be totally ignored, since the Rambam was so taken by the genius of the *Ri Migash* (his father's rebbe), and would naturally be inclined to accept his opinion without even thinking twice (even though in several instances the Rambam does reject his opinion), this *psak* would be considered a *shitah y'chida'ah* and should be totally ignored.

It was recently reported that a certain "*beis din*" permitted a married woman to remarry without a *get*, because it was ascertained that her husband was not Sabbath observant at the time he married her, and the *halacha* considers one who is *mechalel Shabbos b'farhesia* to be like a non-Jew. And, they reasoned, we all know that if a non-Jew marries a Jewish woman the marriage does not take effect. This ruling is absolutely scandalous. First of all, the consensus of recent *poskim* has been that the concept of *mechalel Shabbos b'farhesia* doesn't apply today since so many Jews are not *shomer Shabbos* and the term "*b'farhesia*" has the connotation that this individual is breaking the discipline in the community (Chazon Ish and Binyan Tzion.) The members of this "*beis din*" would most certainly have been the first to say that such a Jew would not cause wine he touched to become prohibited because he is not considered to be like a non-Jew. More importantly, the view that a Jew who is treated as a non-Jew because he is *mechalel Shabbos b'farhesia* can't effectively marry a Jewish woman is totally ignored, because it is against an explicit *gemara* (*Yevamos* 47b) that states that even if a Jew converts to another religion and marries a Jewish woman the marriage does in fact take effect. We can't apply the concept of *eilu v'eilu* to this view; it is simply incorrect.

Even in an instance where we do apply *eilu v'eilu*, for example regarding the views of *Beis Shamai*, one may not follow their opinion. *Eilu v'eilu* means that one who spends time delving into the understanding of the views of *Beis Shamai* is fulfilling the *mitzvah* of *Talmud Torah*, but it does not mean that it has ramifications *halacha l'ma'aseh*.

There are rules and regulations regarding *psak halacha*; this discipline is not *hefker* (is not a free for all.) The *parsha* tells us that the halachic positions of the *Beis Din Hagadol* are binding on all Jews. The Sanhedrin was a group of *Torah* scholars who were clearly head and shoulders above all of their contemporaries. They were the *gedolei hador* (the *Torah* giants of their generation), and the *gedolei hador* have the status of *rabo muvhak* for their entire generation, even for those who never even met them (see Tosafos on *Berachos* 31b and *Shulchan Aruch, Yoreh Deah* 244:10.) The halachic positions of one's *rebbe muvhak* are binding on him, and the halachic views of the *gedolei hador* (who are clearly head and shoulders above the other *Torah* scholars of their generation) may not be ignored. None of the members of the aforementioned "*beis din*" are recognized by anyone as belonging to the category of *gedolei hador*, and even if it had been a case where we would apply *eilu v'eilu*, since the *gedolei hador* have unanimously rejected it for generations, no one today who is not in the category of *gedolei hador* has the right to go against this rejection!

Rabbinic leaders throughout the generations are always concerned with the plight of *agunos*, but coming up with non-halachic solutions is not the Orthodox way. The *Talmud Yerushalmi* seems to hold that the concept of *pikuach nefesh* doesn't only apply when one's life is in danger, but also if one's life will be made extremely miserable this too falls under the category of *pikuach nefesh*, which allows one to violate *Torah* laws. The *Yerushalmi* (quoted by Rav Yosef Engle in *Teshuvos Aguna*) says that we would have allowed every *agunah* to violate the prohibition of adultery if not for the fact that we are dealing with *gilui arayos* (forbidden marriages) where the *halacha* does not permit one to violate the *mitzvah* even in a case of *literal pikuach nefesh* - even to save one's life.

The aforementioned "*beis din*" is doing a disservice to the Orthodox Jewish community at large, and specifically to these poor *agunos*, by misleading them with absolutely scandalously fallacious *piskei halacha*. Let the public beware! To permit a married woman to get remarried without a *get* a *beis din* must be of the caliber of Rav Chaim Ozer Grodzinski in his generation or Rav Moshe Feinstein in the past generation.

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