



Tishrei Torah 5782

Rabbi Ariel Rackovsky

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Dear Shaare Family,

Thank you all for being a part of a truly uplifting season of chaggim. It is learning, singing and spending time together as a community that make the Yamim Tovim at Shaare so special, and I hope that my words of Torah contributed to that in some way. I am pleased to share with you the sermons I delivered over Rosh Hashanah, Shabbat Shuvah, Yom Kippur, Sukkot and Shemini Atzeret. I hope you found them meaningful if you heard them already, and that you will find them meaningful if you are reading them for the first time. My special thanks to my *chavrusos* in sermon preparation, Rabbi Shaanan Gelman of Kehillat Choveveo Tzion in Skokie, Illinois, and Rabbi Ben Skydell, of Congregation Orach Chaim in Manhattan, with whom I worked on these sermons.

Wishing you and your families a wonderful fall and winter, in good health and happiness!

Sincerely,

A handwritten signature in black ink, appearing to read 'Ariel Rackovsky', with a stylized flourish at the end.

Rabbi Ariel Rackovsky

## A Blast From The Past?

Rosh Hashanah 5782

“Young, energetic, athletic, studious, kind, patient”...these are the terms friends and family used to describe Zaki Anwari, a 17 year old rising star on the Afghan National Youth Football Team. He came from a low income family, and worked tirelessly for a better life. His ticket, he felt, was to use his considerable athletic prowess to join the national team, and he achieved this goal alongside academic excellence. In a normal world, a young man like this would have his life in front of him, but his world was not a normal one. In a few short weeks, his hopes were dashed, and the place he once called home was rapidly eviscerated by war and chaos. With the advance of the Taliban on Kabul, Zaki sensed that his prospects had evaporated and began to feel a sense of desperation. As throngs charged the airport, attempting to escape, many dragging suitcases, food supplies and even newborn infants, Zaki felt he would not get on any plane in a conventional way. In a moment of desperation, he mounted the wing of a US military plane as it began to glide down the tarmac. Tragically, the rest of his story is known to the world. Instead of roaring crowds cheering his every move, instead of viral videos of his highlight reels, he will be remembered for a different sort of viral video. Shot from several hundred feet below an ascending airplane, it is the one that gave him the tragic title of the “falling man of Afghanistan.”

This is just one image, one story, of the many horrific ones emerging from so many areas torn by conflict. It helps to have one name, one story to focus on when we read the words ועל יום זה יבוא היום הזה, on this day, it will be declared which nations will

experience peace or, God forbid, upheaval, which ones will experience plenty and which ones will suffer famine. How do we deal with a world that has changed so dramatically? What would it be like if the place we called home was no longer safe? If the assumptions we made about our lives, our income, our close relationships were suddenly proved false? Today is the day that all of this is on our minds as we pray, and the soundtrack to that prayer is provided by the piercing blasts of the shofar.

Indeed, if you ask anyone what the primary mitzvah of Rosh Hashanah is, they will undoubtedly tell you that it is the Shofar. Yet, if you look at the text of the mussaf, another musical instrument occupies pride of place: the trumpets - or the *חצוצרות*.

The Torah commands us to fashion two golden trumpets, the purpose of which is to rally the troops in times of war and to be sounded on joyous days and festivals. While the Torah uses a familiar word to describe their sound- a *teruah*- the trumpets are not the shofar and have nothing to do with Rosh Hashanah. Why, then, are they mentioned over and over again in our *amida*?

What makes these trumpets so important? They are considered to be among the holy vessels of the Beit HaMikdash, along with the *menorah*, the *shulchan*. But there is one peculiarity about them. The Talmud in tractate Menachot tells us that all the vessels forged by Moshe would be suitable for use forever, should you be fortunate enough to have access to them. However, the trumpets had to be fashioned anew in every generation:

## תלמוד בבלי מסכת מנחות דף כח עמוד א-ב

תנו רבנן: כל הכלים שעשה משה, כשרים לו וכשרים לדורות, חצוצרות - כשרות לו ופסולות לדורות. חצוצרות מ"ט?  
אילימא דאמר קרא: עשה לך, לך - ולא לדורות, אלא מעתה, ועשית לך ארון עץ, הכי נמי דלך - ולא לדורות! אלא, אי  
למאן דאמר: לך - משלך, אי למ"ד: כביכול, בשלך אני רוצה יותר משלהם

No matter what kind of heirloom trumpet it was, it could not be bequeathed to the next generation.

The great Dayan and Rosh Yeshiva Rav Yechezkel Abramsky (1886-1976), one of the legendary Torah personalities of the 19th and 20th centuries, asserts that, since the purpose of the trumpets was to rally the people together and call them to travel (**לְמַקְרָא הָעָדָה וּלְמַסֵּעַ**), it would be ineffective to do so with an instrument that was outdated. Every generation has its own challenges, language and modes of communication. I am told that if you use Facebook as your “trumpet,” you are more or less eliminating anyone under 35 from hearing your message; if you use twitter, you are communicating (angrily) with twentysomethings; If you want to speak to 18-25 year olds, Instagram is your friend, but adolescents and teens will connect through TikTok. Some voices will sway a generation, and others will go unheard. This is what happens when attitudes and values change from one generation to the next- the challenges of each generation, and the timeless messages we wish to impart, require ingenuity, creativity and flexibility- the capacity to pivot.

On Rosh Hashanah, the day which symbolizes reinvention, adaptation and renewal, our instrument of choice is not only the shofar, which rouses us from our slumber, but also the *chatzotzrot*, the symbol of change and reinvention. As circumstances shift, our friendships do too, tested by geography, politics, money and personal status. A married couple understands that their marriage evolves, and their relationship has to change to withstand the vicissitudes of life- whether as newlyweds, parents or empty nesters. Those who are widowed or divorced tap into a previously unknown capacity for change. Anyone navigating challenges in fertility, mental health or anything else suddenly requires specialists- whether medical or halachic- to help them on a journey they never understood but will know intimately soon. It is the ability to pivot that ensures success.

So many things in the world around us are changing- political alliances and officeholders; social issues that inflame passions and are rarely addressed with nuance; a shocking uptick in anti-Semitism; the extreme heat, flooding, devastating tropical storms, forest fires and the other rapid and dangerous changes to our environment (don't forget a Texas winter storm thrown in for good measure) and of course, a global pandemic that continues to run amok. Indeed, it is COVID itself that is one of the most powerful examples of adaptation. Just when we think we've triumphed over one variant, breathing a maskless sigh of relief, we find out we celebrated too soon.

But if a disease can adapt to stay alive, why can't we do the same? We certainly have done this *in response* to the pandemic, in our community and our schools. Our shul has adapted

measures to allow us to stay open, to still learn Torah, to provide multiple minyanim and to re-engage our children, who remain the most important investment of all. We have pivoted on a dime to respond to the winter storm, turning our shul into a place of literal and spiritual warmth, serving hot food to people who had no other source of it. We have had outdoor minyanim, we've reconfigured our sanctuaries, we have modified davening at different times, all in order to ensure that shul remains a part of our lives- and we have done it while contending with passionate opinions on all sides of every issue related to this. Our challenge is not just keeping up with a pandemic. It is finding new ways to maintain our focus and commitment, and to transmit resonant and relevant messages no matter what God sends our way, in a world in which the rules and facts seem to change all the time. Remember that we are the heirs of those who pivoted at the most cataclysmic times in Jewish history- Yehoshua Ben Gamla who noticed that Jewish children needed a structured educational system, Rabban Yochanan ben Zakkai who saved the Sanhedrin by moving it out of Jerusalem, the Jews in Spain who lit Shabbos candles during the inquisition, Sara Schenirer, who saved a generation by educating its women or the inmates in concentration camps who found a way to sound the shofar or conduct Yom Kippur davening from memory.

If you think about it, the ability to pivot is exactly the theme of the year we have just begun, because in Israel, 5782 is a Shemittah year, in which all produce within a field suddenly became *hefker*, ownerless. If your livelihood depends upon the agricultural cycle, shemittah represents an enormous challenge to your faith and poses serious questions about your future.



Seven years ago Doron and Ilana Toweg<sup>1</sup> were the owners of a vegetable farm on Moshav Azaria, about a half an hour from Jerusalem. One of their primary sources of income was a lucrative contract with Thuva to grow eggplants, worth a quarter of a million shekel per year. Sometime before shemittah, Doron met some rabbis who convinced him that he had a rare opportunity, as one of a small percentage of the Israeli population who were farmers, of observing all the laws of shemittah in accordance with *halachah*. Of course, there are other *halachic* options that permit farms to stay open, but there is no disputing that completely letting the lands lie fallow is the way the Torah intended for shemittah to be observed.

Doron came home and discussed it with Ilana, and they came to the conclusion that simply observing Shemittah completely would be financially ruinous. They decided to observe *shemittah* in his field, but were unprepared to do so in his greenhouses in which his precious eggplants grew; after all, they had a contract to honor. A few days after Rosh Hashanah, he planted the eggplants in his tree house, but it didn't feel right. During davening on Yom Kippur, however, they each decided independently that if they were going to commit to observance of shemittah, they ought to go all in, so they cut the water supply to the eggplants. The problem was that during the *shemittah* year, all produce is ownerless, yet the eggplants in his greenhouse were prohibited, because they were planted during *shemittah*. Furthermore, the eggplants kept growing despite the lack of water supply! In order to

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<sup>1</sup> Rabbi Paysach Krohn, Illuminations of the Maggid, p. 189

prevent people from transgressing a prohibition, Doron did the hardest thing he had ever done: he sprayed a chemical throughout the greenhouse, thus destroying his entire crop.

Shortly thereafter, word of their incredible sacrifice got around. The Talmud relates that those who observe *shemittah* properly are called גבורי כח, people of valor who possess unusual spiritual powers. Indeed, Rav Chaim Kanievsky instructed those who sought *his* blessings to go instead to these *giborei koach* for their brachot. At first it was two young chassidic reporters, both single women, who were covering the story about Doron and Ilana. They themselves sought her blessing to find their marriage partners and amazingly, within weeks, both were engaged; Doron and Ilana attended both their weddings. Soon, people from all over began to come to Ilana for blessings, sharing their greatest challenges and most intimate struggles with her. Each time someone came for a blessing, she took down their Hebrew names, and promised that she would daven for them when she lit Shabbos candles. Ultimately, Ilana amassed a list of thousands of names, and candle lighting took her two hours every week. Years later, many accounts exist of her blessings coming to fruition. Their faith in God allowed them the courage to pivot after the Shemittah year, and open a vegetable market selling direct from farmers to customers, one that has seen great success, beyond their wildest expectations. Recently, they announced that they will be observing Shemittah again, and once again, the business they worked so assiduously to cultivate will have to be shuttered. The heroes of shemittah are called mighty, because of the strength of character it takes to willfully reinvent themselves every seven years- which every one of us can do as well.

Many of us cannot fathom such a large pivot, but we can take significant steps to change the trajectory of our lives- not just in response to a changing world, but because we realize our world needs changing. If your home looks like mine and everyone is obsessed with some kind of screen, maybe this is the opportunity to show that we are the bosses of our technology, and not the other way around, by seriously curbing our own and everyone else's consumption. You will reap the rewards in a home that is less anxious and superficial, and more connected to one another. As a community, as a shul, isn't it time for a massive reinvention of our davening experience? I don't mean in terms of length- our davening is about two hours every Shabbos and sometimes less, certainly on the "lean" side. I mean that we need to inject our davening with spirit. It can't be that the most exciting place to be in shul is in the hallway! Our davening needs to be soulful, tuneful and meaningful. The words need to resonate with the worshippers and the text needs to be understood by beginners and veterans alike, so that people look forward to coming *in* to shul, not just coming *to* shul. We are now blessed with more opportunities than ever for learning. I don't know if you've noticed, though- everyone who learns, does so on their own. This is great, of course, and I highly recommend listening to Torah podcasts. In fact, I am happy to give you references for great Jewish podcasts for your commute, your run and in general, for your education as a Jew. We certainly have learners in our community, but are we a *community of learners*? If we want to become one, we need to do so together. Why not find another person- regardless of background- and ask to study something together, even if just for 15 minutes a week? I have spoken about being a learning community in the past, and people have told me, "Rabbi,

you are wasting your time; this is not where the membership of Shaare is at. If people want to grow spiritually, they go to Ohr.” Well, I don’t buy it, because this year, I have seen people make this change and transform their lives as a result. I look out here and see the potential for a Modern Orthodox Torah community if we want the positive change this reinvention will bring. As we hear the shofar, remember as well the triumphant sounds of the trumpets. May they remind us of our ability to change, and inspire us to make it happen.

## **The Traitors Among Us: Kapos, Informants and Other (Seemingly) Unforgivable Offenses**

**Rabbi Ariel Rackovsky**

**Shabbat Shuvah 5782**

I begin once again with much thanks to my partner in crime and preparation, Rabbi Ben Skydell. Rabbi Skydell's hard work, his vast knowledge base and his sagacious insights are extraordinarily helpful and always entertaining. Given the state of the world, I thank God for the opportunity to have been able to prepare much of this material in person on Monday, August 9, when I traveled to New York for Ori and Alissa Guttman's wedding. On Motzei Rosh Hashanah, Rabbi Skydell called me up and told me that after he announced the topic of this derashah in shul, a congregant came over to him and informed him that she wrote her senior thesis in Barnard, in 2016, on the subject of the State of Israel's treatment of Kapos; we didn't know about this when we decided on the topic, but she sent it to him, and he forwarded it to me to read. Immediately, my jaw dropped. The congregant, and the author, was none other than Dallas's own Leigh Bonner Levine; the acknowledgements on the paper thank Rabbi Sabo for his help in translating essential documents, and the entire thesis is dedicated to Max Glauken, he should live and be well!

Camp number 5, known as Wald Lager, was a brutally vicious labor camp that specialized in the construction of underground bunkers. Work on these structures proceeded around the clock, in a location known as the Haubtbaustehle, the central building location. Reb Aharon Roth was a young Hungarian who was among the laborers, and recounted that, some time

during the backbreaking labor that killed countless people, the Klausenberger Rebbe arrived. Aharon perceived that the Rebbe was surrounded by a devoted cohort that took great care to shield him from the most severe privations. In particular, they strove mightily to conceal him during the “Appel,” the roll call that took place twice daily. It was then that the inmates were counted to investigate their condition, and their numbers. The Rebbe was always placed in the last rows, amongst others, so as to render him inconspicuous and save him from the crosshairs of the evil Nazis.

On one particular bitterly cold morning, the Rebbe’s luck ran out. Heavy snow enveloped the camp, and as the lineup commenced, the Rebbe was ordered to stand in the front row. A young Polish Jewish Kapo named Moishele inspected the lineup, and something about the way the Rebbe stood triggered him- and he slapped the Rebbe across his face with brutal force, while also uttering a Russian expletive. Roth was a witness to this event, and was certain that the Kapo knew whom he was slapping. That a Kapo would commit violence against another Jew was not news; it happened daily in the camps. But there was something about a Jew deliberately slapping a Rebbe that engraved itself on his memory.

Aharon survived the camps and, a few years later, merited to make aliyah. He served as a district commander in Tzefat, and lived in Tiveria at the time. One day, he boarded a municipal bus and scanned the aisles to find an open seat. Who did he see sitting there on the bus, right in front of him? It was none other than Moishele, the kapo who slapped the holy Rebbe’s face. There was no question it was him; it was only a few years since the

incident. Aharon felt, in his soul, that Moishele must have recognized him as well. At the next station, Moishele got off the bus, and Aharon followed him. He called after him by his name, but there was no answer. Walking quicker, Aharon caught up with him and placed his hand on Moishele's shoulder, once again saying his name.

"Is it you who, in Waldlager 5, served as a kapo?"

Moishele confirmed that it was.

"Do you remember that you slapped the Klausenberger Rebbe across the face? I have no claim about whatever you did to me, but I cannot forgive what you did to the Rebbe. I am going to turn you in at the nearest police station."

Moishele, who was so powerful and violent just a few years earlier, began to cry like a baby, begging Aharon to leave him alone. "You don't understand," he said. "I left my home as a child and for five years, I was sent from one concentration camp to another. I tasted death that surrounded me at all times, and I have now repented. I am living on a religious kibbutz- please don't ruin the new life I've built for myself, by the grace of God."

Aharon faced an awful dilemma. Should he turn Moishele in to the authorities to face whatever punishment he deserved under the law, or allow him to repent in peace? The decision was excruciating. Aharon let him go, but followed him to where he was staying, so

he would be able to find him again. The next day he saw Moishele again, this time in shul. Overcome with compassion, he left him alone, and did not report him.

For forty years, Aharon Roth kept this story a secret, until he had a meeting on a matter of communal importance with the Klausenberger Rebbe. After the meeting, Aharon asked for a few moments alone with the Rebbe. He reminded the Rebbe of the kapo who slapped him across the face; the Rebbe needed no reminder. He then related the entire sequence of events, and closed with a painful question. “Rebbe, did I do the right thing?”

### **The Dilemma**

Aharon Roth’s moral dilemma was not unique. It was the subject of moral, political and legal debate in the State of Israel, as kapos survived the war and attempted to restart their lives quietly, a dilemma discussed in Dan Porat’s magisterial work *“Bitter Reckoning: Israel Tries Holocaust Survivors As War Criminals.”* After the war, tribunals were established in the DP camps to administer punishment against Jews who turned on their own and collaborated with the enemy. With the founding of the State of Israel, a judicial avenue now existed to try these individuals and punish them for their traitorous actions. In 1950, the Nazi and Nazi Collaborators Law was passed, the law under which Adolf Eichmann was tried and sentenced to death. Before him, though, the State used it to bring Kapos for their day of legal reckoning. While the state wrestled with the implications of Kapos moving to Israel to start anew, the Jewish communities into which they tried to integrate, the victims dealing with



their trauma and the Halachic authorities who led them all wrestled with the same issue. Even today, echoes of this discussion still linger; *kapo* is still considered one of the worst insults one Jew can use against another.

### **The Background**

In discussing the halachic issue of Jews who collaborated with the enemy, it is important to understand what category of offense is being violated. Certainly it might fall under general guidelines concerning physical assault or even murder. The added wrinkle here is that the Jew is not simply an aggressor or a murderer; he is an agent of a bloodthirsty and anti-Semitic state. Jews who handed over other Jews- or Jewish money- to the authorities, or who acted on behalf of the state to hurt other Jews, were grouped in a particularly reviled category called *mosrim*, or informants.

The Talmud in Masechet Bava Kamma relates an incident concerning an individual who wished to reveal the whereabouts of another Jew's straw to the gentile authorities, who would certainly seize it. He went before the sage Rav to tell him about it, and Rav categorically forbade him from doing so. The man replied, honestly, that he was going to do it anyway, at which point Rav Kahana, appalled by this man's brazen disrespect, broke his neck and killed him instantly. Rav expressed his approval for this action, because bloodthirsty gentile authorities rarely stop at confiscating money; usually, they continue on

to murder. In killing this informant, Rav Kahana, in Rav's estimation, was certainly saving the life of another Jew.

### **Talmud Bavli Masechet Bava Kamma 117a**

ההוא גברא דהוה בעי אחוויי אתיבנא דחבריה אתא לקמיה דרב א"ל לא תחוי ולא תחוי א"ל מחוינא ומחוינא יתיב רב כהנא קמיה דרב שמטיה לקועיה מיניה קרי רב עילויה (ישעיהו נא, כ) בניך עולפו שכבו בראש כל חוצות כתוא מכמר מה תוא זה כיון שנפל במכמר אין מרחמין עליו אף ממון של ישראל כיון שנפל ביד עובדי כוכבים אין מרחמין עליו

*The Gemara relates another incident: There was a certain man who desired to show another individual's straw to the gentile authorities, who would seize it. He came before Rav, who said to him: Do not show it and do not show it, i.e., you are absolutely prohibited from showing it. The man said to him: I will show it and I will show it, i.e., I will certainly show it. Rav Kahana was sitting before Rav, and, hearing the man's disrespectful response, he dislodged the man's neck from him, i.e., he broke his neck and killed him. Seeing Rav Kahana's action, Rav read the following verse about him: "Your sons have fainted, they lie at the head of all the streets, as an antelope in a net" (Isaiah 51:20). Just as with regard to this antelope, once it falls into the net, the hunter does not have mercy upon it, so too with regard to the money of a Jew, once it falls into the hand of gentiles, they do not have mercy upon him, i.e., the Jew. Since gentiles who seek a Jew's money will kill him in order to seize the property, Rav Kahana acted appropriately when he broke the miscreant's neck, as he protected the Jew's property and, by extension, the Jew himself.*

The Rambam codifies this in two different places- first, in the laws of damages to a person or to property:

### **Mishneh Torah Hilchot Chovel U'Mazik Chapter 8 Halachot 9-10**

אסור למסור האדם ביד עובד כוכבים בין בגופו בין בממונו. ואפילו היה רשע ובעל עבירות ואפילו היה מיצר לו ומצער. וכל המוסרו ביד עובד כוכבים בין בגופו בין בממונו אין לו חלק לעולם הבא.

It is forbidden to turn a Jew over into the hands of a heathen, whether physically or financially, even if he happens to be wicked and sinful, and even if he is the cause of one's distress and pain. Anyone who hands a Jew over into the hands of heathen, whether physically or financially, has no share in the world to come.

מותר להרוג המוסר בכל מקום ואפילו בזמן הזה שאין דנין דיני נפשות. ומותר להרגו קודם שימסור אלא כשאמר הריני מוסר פלוני בגופו או בממונו. ואפילו ממון קל התיר עצמו למיתה. ומתירין לו ואומרים לו אל תמסור. אם העיז פניו ואמר לא כי אלא אמסרנו מצוה להרגו וכל הקודם להרגו זכה.

An informer may be slain anywhere, even at the present time when Jewish courts do not try capital cases. It is permissible to slay him before he has informed. As soon as he says that he is about to inform against an individual or his property, even a small amount of money, he has surrendered himself to death [as an outlaw]. He must be warned and told: "Do not inform." If he has acted impudently, replying: "Not so, I will inform against him," it is a religious duty to slay him ; whoever hastens to kill him attains merit.

Indeed, this is stated in the Shulchan Aruch as well-

### **שו"ע חו"מ שפ"ח:טו**

מי שמוחזק ששלשה פעמים מסר ישראל או ממונם ביד עכו"ם מבקשים עצה ותחבולה לבערו מהעולם:

הגה ע"י גרמא אע"פ שאסור להורגו [ בידים]

מי שמדבר בפני קהל ועדה דברי מסירות ועי"ז נשמע לשר וגרם היזק אע"פ שאין לו דין מסור מ"מ מענישין אותו לפי ראות עיני הדיינים (ריב"ש סי' רל"ט ותשו' רמב"ן סי' ר"מ) :

### **Shulchan Aruch Choshen Mishpat 388:15**

*When a person is known to have handed over Jews, or Jewish money, to idolaters three times, advice and a strategy should be sought to remove such a person from the world.*

*Addendum: This can be done indirectly; even though it is prohibited to kill a person actively.*

*A person who speaks works in public that incriminate Jews, and an officer hears this and causes damage, should be punished according to the judgement of a Rabbinical court*

The second place the Rambam discusses this subject is in his laws of Repentance, where he discusses who has a share in the world to come- and who doesn't. Chief among those denied a share in eternity are two kinds of informants- one who hands over a Jew physically to gentile authorities, and one who hands over Jewish money to gentile authorities, or bandits.

Throughout history, these laws have not been of theoretical concern; Jewish communities have dealt with the dangerous ramifications of *mosrim* for millenia. Indeed, there is a

blessing in the Shemoneh Esrei that was instituted by the sage Shmuel HaKattan to pray that those with nefarious designs against the Jewish people fail in their endeavors. It is the prayer of ולמלשינים. So dangerous are informants that Rabbi Yehuda ben Asher, the son of the great Tosafist Rabbi Asher ben Yechiel, asserts in his responsa that anyone who has the ability to kill an informant yet refrains from doing so will ultimately be held accountable for any offenses perpetrated by the one whose life he saved. He then relates that he heard tell of Rabbi Yosef ibn Migash of Lucena, who ordered the stoning of an informant *on Yom Kippur that fell on Shabbat...during Ne'ilah.*

#### **שו"ת זכרון יהודה סימן עה**

ובכל שעתא ושעתא חשבינן לי' כרודף אחריו להרגו אפי' ביה"כ שחל להיות בשבת ולא עוד אלא מי שיכולת בידו להרגו ואינו הורגו נענש על כל מה שיעשה כאילו עשאו הוא וכן שמענו שסקל ר"י הלוי בן מיגש למסור אחד באליסנה ביוה"כ שחל להיות בשבת בשעת נעילה

#### **Rabbi Yehuda ben Asher**

*Every moment, he is considered like a pursuer, whom it is permitted to kill even on Yom Kippur that coincides with Shabbat. Furthermore, anyone who has the ability to kill such a person and does not do so is punished for whatever the person does, as if he did it himself. We heard that Rabbi Joseph ibn Migash stoned an informant on Yom Kippur that fell on Shabbat, during the Neilah service.*

There is no time in this presentation to discuss whether informing on other Jews applies in places like the United States or Israel. Suffice it to say that many halachic authorities rule that this prohibition does not apply under democratically elected governments, where Jews enjoy the protection of the law. The Rambam's rulings, and the Shulchan Aruch's

codification, are best understood in the context of vicious and brutal regimes like Stalinist Russia and Nazi Germany. Indeed, any time the Jews are a small minority who just want to mind their own business, yet their wellbeing is subject to the capricious whims of anti-semitic governments, would fall under this definition. Nevertheless, the stigma in certain communities against *mesirah* of any kind continues to persist to this very day. It is so strong that it led to a tragically fascinating question posed to Rabbi Yisroel Veltz (1886-1973), who was the head of the Rabbinical Court of pre-war Budapest, and then, after the Holocaust, was a *posek* in Jerusalem. It was posed by his friend and colleague Rav Avraham Meir Izrael (1912-1995), a Rabbi in Hungary, Vienna and Brooklyn, who had been asked about it by the person involved, a God fearing individual who was a survivor of Buchenwald. The commander of this man's work detail was a particularly vicious kapo, who performed his duties with relish. One day, the kapo beat him particularly savagely, and the next day, the man was too weak, too bruised, to report for duty. When the SS officer came to inspect the barracks and found the man there, he asked the man why he wasn't at work. The injured man showed the SS officer that he had bruises and wounds over his entire body, and the officer became furious. Rather than beating the inmate, though, he immediately arrested the kapo, and beat him to death in prison. It had been many years since this incident, but the man's conscience gave him no rest. He was convinced that he would be held culpable for causing the death of another Jew, and he wanted to know how to atone for it.

Rav Veltz answered Rav Izrael that this kapo deserved no mercy from his victim. First, he was a regular aggressor against Jews who acted with such impunity and frequency that he viewed

his actions as permissible, even obligatory. Furthermore, the Jew who had been hit by the kapo could not be a *moser*, because the definition of an informant is when one hands over Jews and Jewish money to antisemitic authorities ***to hurt the Jew, not to save themselves***. In this case, the victim revealed his condition because he knew that he would suffer an even worse fate at the hands of the SS if he didn't. It was the kapo's actions, his initial beating, that sealed his own fate, rendering him a *rodef*- a pursuer who poses a clear and present danger to the life of another, and whom it is permitted to kill .

It is interesting that Rav Veltz used this leniency- that the man was acting to save his life, not to injure a fellow Jew- as a defense for the victim, and not for the kapo himself, who may have also felt he was acting to save his own life. Nevertheless, Rav Veltz's view of the kapos as vicious criminals is one that was popular and implemented in the ad hoc courts established in DP camps to deal with the traitors in their midst, and also, initially, in the courts of the State of Israel. In essence, the kapos were treated as no different than the Nazis themselves, for whom they were enthusiastic agents.

**Dan Porat, Bitter Reckoning-Israel Tries Holocaust Survivors As Nazi Collaborators**  
**pgs. 21, 77, 85, 198-199**

*The courts and their different punishments were a means of dissipating, in an orderly and civilized manner, the tensions and violence surrounding alleged collaborators in the survivor community. Violence was channelled through acceptable social institutions. These courts were instrumental in calming social tensions among*

survivors and also served a retributive function, punishing those who had contributed to the disruption of social order during the war. Furthermore, the courts helped to rebuild the community of survivors in the DP camps into a healthy society, cleansed of members who had acted immorally. The trials and punishments constructed a society that viewed itself as having dealt with its turncoats. In examining its members for disloyalty, the community of survivors followed a path similar to that taken by European states, where the postwar authorities established courts to cleanse their societies of traitors.

While the legislators agreed on specifying the unique offense of crimes against the Jewish people, which portrayed the Jews as victims, the majority refused to differentiate between a Jewish offender and a Nazi offender. The law speaks only of an offender as “a person,” making no distinction between a Nazi SS man and a Jewish kapo. **Wilkenfeld explained this choice by asking how one could legally distinguish collaborators from Nazis: “If there was a Nazi in the concentration camp who beat the people in the camp, and at the camp there was a Jewish kapo who did the exact same thing, how could we apply a different clause to each of them?” One should consider the act itself, not the person committing the act, he insisted in the face of criticism.** The principle of equal justice under the law demanded that one should not allow the distinguishing of one group from another, he held—a position that disregarded the different historical status of Germans and Jews in the context of Nazi rule, and the fact that Jewish lives were illegal within Nazi Germany.

### Mitigating Circumstances

With time, a more nuanced view of kapos evolved among Israeli ethicists, legal minds and even, to some degree, the general Israeli populace. Of course, their actions were inexcusable, but there was a context for them. Dan Porat describes the defense two kapos offered- to wit, that it was essential to cultivate a reputation for brutality to enable them to more effectively assist inmates in secret.

*“A common defense was that functionaries had been attempting to ensure equitable distribution of resources such as food. An Auschwitz kapo, Elsa Trenk, said that when hungry inmates attempted to get a second portion of food, those who hadn’t yet received any food fought for their share. To keep order, she beat those who had taken a second helping and so ensured that all received some food. ‘I was forced sometimes to raise my hand and hit,’ trenk stated.”*

*“In Auschwitz Birkenau, it was essential for Hanes to have a reputation for being callous and harsh, Gross told the judge. She recounted that in the camp a friend of Gross’s had fallen gravely ill, and that night Hanes sneaked into a hospital barracks and fetched medication. But “she prohibited me from telling this,” Gross added, because it was dangerous for her if the Germans heard she has a good character. But if the prisoners said she was cruel, it would be okay.”*



Indeed, this more nuanced position is reflected in the writings of other halachic authorities, who invoke a different concept to explain, if not exonerate, the actions of the kapo. The concept is called *oneis*, connoting coercion or the presence of other circumstances beyond a person's control. The original context of this exemption is used by our sages to explain why a woman who is, God forbid, raped or otherwise violated does not suffer any kind of punishment for what happened to her- not death, not a required sacrifice, not lashes.

### **Sifrei Devarim 243**

ולנערה לא תעשה דבר. מלמד שפטרה הכתוב מן המיתה. מנין אף מן הקרבן? ת"ל חטא. מנין אף מן המכות? ת"ל מות. מלמד (שכל) [שמכל] עונשים שבתורה (פטורים) [פטורה].  
*(Devarim 22:26) "But to the maiden you shall not do a thing. The maiden does not have a sin of death": We are hereby taught that Scripture exempts her from the death penalty. Whence is it derived that it exempts her from an offering as well? From "a sin (of death)". Whence is it derived that she is exempt from stripes as well? From "a sin of death," (stripes being in place of death.) We are hereby taught that she is exempt from all the punishments in the Torah.*

The concept of *oneis* is invoked in somewhat more benign circumstances as well. The Talmud (Nedarim 27a) relates a story about a man who was involved in a court case, and sought an extension to allow him more time to identify documents that would support his claim. The other litigant was skeptical that he would actually return to court, so the first man deposited his documents with the court saying that if he didn't return within that time frame, he would renounce any connection to any documents that supported his case. As it happened, he did not return by the agreed upon date, and Rav Huna wished to hold him to account. Rava felt, however, that the man was held back due to circumstances beyond his control and should not be penalized.

### **Talmud Bavli Masechet Nedarim 27a**

גמ' הווא גברא דאָתפּיס זָכוּתא בְּבִי דִינא וְאָמַר אִי לֹא אָתִינא עַד תִּלְתִּין יוֹמִין לִיבְטֹלוֹן הָנִי זָכוּתאִי אִיתְנִיס וְלֹא אָתֹא אָמַר רַב הוּנָא בְּטִיל זָכוּתִיהָ אָמַר לִיה רַבָּא אָנוּס הוּא וְאָנוּס רַחֲמָנָא פְּטָרִיה דְּכִתְיב וְלִנְעָרָה לֹא תַעֲשֶׂה דָּבָר...

*GEMARA: The Gemara relates that there was a certain man who had a dispute in court with another individual and wanted to postpone the trial to a later time in order to search for more evidence. Meanwhile, he deposited his documents for a favorable verdict, i.e., that supported his claim, in court, and since the other litigant did not believe that he would return, the man said: If I do not come back within thirty days, these documents for a favorable verdict will be void. He was impeded by circumstances beyond his control and did not come back. Rav Huna said: His documents for a favorable verdict are void since he did not return by the specified time. Rava said to him: He is a victim of circumstances beyond his control and the halakha is that the Merciful One exempted a victim of circumstances beyond his control from responsibility for his actions, as it is written concerning a young woman who was raped: "But unto the damsel you shall do nothing; there is in the damsel no sin worthy of death" (Deuteronomy 22:26)...*

It seems that the aforementioned Rav Izrael asked his question, about the man who felt guilty for causing the death of a kapo, to several of his Rabbinic colleagues. Aside from Rav Yisroel Veltz, he asked Rav Yitzchak Yaakov Weiss (1902-1989), the Av Beis Din of the Eidah HaChareidis in Jerusalem, for his view on the matter. Rav Weiss offered several halachic reasons why this man could quiet his conscience, as he was not halachically considered a *moser*. However, he parted company with Rav Veltz on one important point: this man, Dayan Weiss felt, needed to do some kind of penance for being a proximal factor in ending the kapo's life- penance that should be undertaken with proper spiritual guidance. The kapo himself was at least partially in the category of *oneis*, someone may have acted out of some degree of volition but ultimately felt compelled to act as he did by the threats of the vicious Nazis.

**מ"מ יש לדון דלמא ה' אונס מאת הרשעים ימ"ש לזה, כנודע דרכם הרשעה, אומרים לזה לך הך והרוג, ואח"כ הרגו את ההורגים, ויש לקבל עליו איזה תשובה כפי שיורהו גדול וצדיק מפורסם,**

## Total Victims

As time passed, Israeli judges, thought leaders and the general public began to shift their view on kapos. No longer were they villains who would kill their own to save themselves, or heartless functionaries who occasionally displayed glimpses of humanity. In the trial of one kapo named Hirsch Barenblat, defense attorney David Libai portrayed his client as a victim who was coerced into the behavior of which he was accused.

*On the eve of Yom Kippur in 1963, the defense rested its case, and the sides turned to their summations. Libai opened his two day summation with the question “Who was Mr. Barenblat from Bedzin, what were his actions and how should we assess them?”...Libai said, “My view is that no one at that time was completely black or completely white...I do not argue that he assisted in the annihilation but only in handing over Jews to an enemy administration. I do not accuse the defendant of wishing to annihilate Jews, or of lending a hand in their annihilation, but only of handing them over...Even those among the Jews who were given various jobs in the police or council did not act because of zeal like the Nazi’s zeal, but rather because of the same condition of persecution and duress under which all the Jews lived.”*

Yes, there was no denying what the kapos did- but they were acting under the same kind of pressure and duress that all other Jews did. The decisions they made, the actions they took, should be viewed in that light.

This was the attitude taken by none other than the Klausenberger Rebbe, in the conclusion of the story with which we opened this derashah. Recall that Reb Aharon Roth decided not to turn the admitted kapo Moishelah, the one who slapped the Klausenberger Rebbe in the face, over to the police, because it seemed he had changed his life and was attempting to live an honorable existence. However, he was also wracked with guilt over his failure to avenge the brazen disrespect shown to the Klausenberger Rebbe so many years earlier. When he asked the Rebbe whether he had acted appropriately, the Rebbe comforted him. “You did the right thing by letting him get on with his life. During those years, all of us were controlled by our animal instincts- especially those who were in the camps for a long time. None of us were human...” Reb Aharon Roth reported a feeling of immense relief after the Rebbe told him this, and he never followed up on the whereabouts of this man again. Of course, it is possible that the Rebbe merely said this in order to make the man feel better. After all, what was done was done and there is no way to change the past. Yet the Rebbe could have found other ways to comfort Reb Aharon, and he chose this one.

As Leigh Bonner wrote in her thesis,

**Bonner, Leigh- Prosecuting the Persecuted: The Kapo Trials and the Creation of the ‘Gray Zone’ in Israel, 1950-1963. Barnard College, April 2016**

*Unable to subject the Jewish defendants to binary legal categorizations – guilty and innocent, perpetrator and victim, truth and lie – the very inconclusiveness of these trials ultimately enabled the creation of the “gray zone” in modern Israeli society, whereby*

*“privileged” Holocaust survivors were finally free to exist in a new historical space, a space for the persecuted, apart from the Nazi persecutors.*

Allowing Kapos to resume their lives was a decision the Israeli legal system took, by and large judging the perpetrators to fall under the category of *oneis*- a similar judgement to the one made by the Klausenberger Rebbe. This would be an obvious and logical stopping point for this presentation. However, I’d like to share with you a story, a responsum- and another viewpoint.

I heard of a community that, some years ago, interviewed a promising candidate for a Rabbinic position. The *probbeh* Shabbat went exceptionally well, and then, at Seudah Shlishit, the candidate decided to share his family’s story. His mother was Jewish, but his father was not. His parents were both German, and met because they were both ardent Communists. His non-Jewish father’s father was an unrepentant Nazi who proudly served in the SS; until his dying breath, he yearned for the Third Reich and wished for a *judenrein* world, cursing the fact that the Nazis lost World War II. As an act of rebellion, this candidate’s father married a Jewish woman- the most egregious slap in the face to a Nazi father. The home they built together was, in the finest Communist tradition, completely devoid of religion. And in the finest tradition of teenagers, the candidate rebelled, embracing his Jewish heritage, becoming observant and ultimately, becoming ordained as a Rabbi. The entire congregation that was present was in awe of the story, one that is almost too remarkable to be true. But shortly after Shabbat, the search committee met with him and

told him that he would not be hired for the position. There were too many survivors in the community, they said, and there was no way that they would connect with the grandson of an unrepentant SS officer. I think we can all agree that this is extraordinarily unfair; a promising young Rabbi was being punished for the sins of his ancestors that were no fault of his own. But go back 60 years, and ask yourself- what if a kapo himself had been a Rabbinic candidate?

It is a question quite similar to this that Rav Ephraim Oshry (1914-2003), the legendary Rabbi of the Kovno Ghetto, addressed. Rav Oshry was a Lithuanian Holocaust survivor who recorded his responses to Halachic questions on small sheets of paper, and hid them under a bunker which he then retrieved after the war. All his sources were from memory- he had only his voluminous knowledge to draw upon as he had no access to any sefarim. These responsa were later called *Mima'amakim*. The salient question concerned a former *kapo* who deeply regretted his past, and now was trying to rebuild his life. Blessed with a sweet voice, he wished to be appointed a Chazzan in a community, but the congregation was aware of what he had done during the war years. Aside from any questions regarding the culpability of the kapo himself, there were other factors to be taken into account. What are the requirements for being a chazzan? If I conducted a survey, I'd imagine the responses would mostly indicate that the person should possess a pleasant voice, whose davening doesn't shlep and who encourages congregational singing. In fact, there are several other essential requirements, beyond basic knowledge of nussach, the musical modes of prayer that interpret the text. Rabbi Yehuda, in the Talmud in Masechet Taanit, describes these:

## **Talmud Bavli Masechet Taanit 16a**

...וּפְּרָקוֹ נָאָה וְשָׁפֵל בָּרַךְ וּמְרוּצָה לָעַם וְיֵשׁ לוֹ נְעִימָה וְקוֹלוֹ עָרֵב וּבָקִי לְקִרְוֹת בִּתְוֶרָה וּבִנְבִיאִים וּבִכְתוּבִים  
וְלִשְׁנוֹת בְּמִדְרָשׁ בְּהִלְכוֹת וּבִאֲגָדוֹת וּבָקִי בְּכָל הַבְּרָכוֹת כּוֹלֵן וְיִהְיֶה בֵּיהֶם רַבֵּן עֵינִיָּהּ בְּרַב יִצְחָק בַּר אָמִי הֵיִינוּ  
מְטוּפָל וְאִין לוֹ הֵיִינוּ בֵּיתוֹ רִיקָם אָמַר רַב חֲסִידָא זֶהוּ שְׂבִיתוֹ רִיקָם מִן הָעֲבִירָה וּפְרָקוֹ נָאָה אָמַר אֲבִי זֶה  
שָׁלָא יֵצֵא עָלָיו שֵׁם רַע בְּיָלְדוּתוֹ

*Rabbi Yehuda continues with his depiction of the worthy prayer leader. And his youth was becoming, and he is humble and accepted by the people, as he is likable. And furthermore, he must be familiar with songs and his voice pleasant, and he is expert in reading the Torah, the Prophets, and the Writings, and he knows how to study midrash, halakha, and aggada. And finally, he must be expert in all of the blessings. Clearly, it is hard to find someone with all these qualities. And the Gemara relates that when this worthy person was described, those Sages present turned their eyes toward Rav Yitzhak bar Ami, who possessed all of these virtues. The Gemara asks a question concerning the explanation of Rabbi Yehuda: One who has dependent children and does not have anything with which to support them is apparently the same as one whose house is empty. Why does Rabbi Yehuda list both descriptions? Rav Hisda said: This expression means that his house is empty of transgression. And Rabbi Yehuda further said that the prayer leader must be one whose youth was becoming. In explanation of this phrase, Abaye said: This is one who did not have a bad reputation at any time during his youth.*

Some of these may be familiar to those who pay attention during the *Hineni* prayer the Chazzan sings before Mussaf, which paraphrases many of these requirements. A chazzan should, of course, have a lovely voice and be proficient in Hebrew. He should be learned, and of humble disposition. Finally, he should enjoy a stellar reputation, without any kind of negative rumors circulating regarding his youth.

Rav Oshry ruled that a person who did something the community would find deeply objectionable cannot serve as a *shaliach tzibbur*, because a chazzan must be above reproach. How can a person intercede before God, on behalf of a community and the Jewish people, when he spent years oppressing Jews? Even if he *did* repent, and even if his repentance is sincere, he must own his own actions, and cannot serve as the Chazzan in a community.

## Application

In so many of these cases, the kapos were young at the time that they served in this role. Whether they were acting under duress or of their own volition, they tried to claim that the actions of their misbegotten youth, which they now truly and deeply regret, should not prevent them from living an honorable adulthood. The Talmud at the end of Masechet Sukkah, which we just completed in the Daf Yomi, relates a dictum that Hillel the Elder used to proclaim during the joyous Sukkos celebrations in the Beit HaMikdash, the *simchat beit hashoevah*. He used to say, “Fortunate is the person whose youth is not an embarrassment to his old age.” There is a compelling case to be made that youthful indiscretions (of which serving as a kapo would admittedly be an extreme example) should not cancel a meaningful adulthood, particularly in the face of a *zeitgeist* that advocates for pitiless, public and permanent punishment for any such offenses. It seems that every few days, someone- whether a Supreme Court nominee, a host of Jeopardy or a basketball player- or is called to task in public for things they said or did in their youth. To those who advocate such ruthless cancellation, the words of the Klausenberger Rebbe to Reb Aharon Roth should reverberate. The kapo should be left alone because no one, he said, was a human in those days. How can we hold decisions against him that he made when feeling extreme duress? Can we say for certain that we would have behaved differently? And that is the kind of grace he extended to a *kapo*... Punishing others for the decisions they made when their prefrontal cortex was not as well developed, when they exercised poor choices, when they didn’t know as much as they do now and when the world was different could be an act of extreme virtue signaling and moral narcissism.



There is, however, another lesson for us to learn. Rav Oshry's words must reverberate as well. The actions of a callow youth do not exempt one from the consequences of serious moral failings even many decades into the future, and there is no social, physical or mental excuse that will erase the past. In just a few short days, we will stand before God and apologize for the sins we committed באונס וברצון - under duress and willfully. Why would we need to repent for sins we didn't intend to commit, that we were forced to or that were beyond our control? Rav Soloveitchik, in his talmudic discourses on Masechet Shevuot, explains this on the basis of a unique halachah. If a person takes a vow not to sleep for three days, and then is forced to do so against his will or for reasons beyond his control, his vow is still valid, and he is bound by its terms. As such, he is culpable for violating the vow, even if he didn't do so intentionally. Rav Soloveitchik quoted his grandfather, Rav Chaim Soloveitchik, quoted this prayer as proof. When we ask God for forgiveness for sins we committed unintentionally, it is a sign that they are still sins! Maybe we are technically exempt from consequences, but we are still *morally culpable* for when we did under duress.

A few weeks ago, in my speech on the *Zichronot* section of the Rosh Hashanah mussaf, I voiced an impassioned plea to be more patient with others in these stressful times. After all, it is at this time that we hope God doesn't remember us at our worst, yet often, that is how we remember other people. I still stand by that plea. For the functioning of our society, for the betterment of our community, this is essential. But being compassionate is not a contradiction to being discerning. During stressful times (including, and especially, the ones

we are in now), people express themselves in childish, insensitive and entitled ways, and while there may be an *excuse* for this kind of behavior, but an excuse is not an exoneration. As the American novelist James Lane Allen once wrote, adversity does not build character; it *reveals* it. Or, as a friend of mine once said (in a less sanitized form), “Just because there’s a *reason* someone is a piece of garbage, doesn’t make them any less of one.” Of course, there are real situations of *oneis* which are beyond our control or where our actions are coerced. In general, though, the choices we make and the way we act under duress might be deserving of context, and perhaps of understanding- but not of indulgence. Of course, none of us are *kapos*, God forbid- but Rav Oshry’s lesson about them is instructive for us. There are (or should be) consequences, even severe ones, for actions we take even when we feel there’s no choice, even if there are no technical ramifications. Rabbi Skydell told me of another congregant of his who grew up in a chassidic home, who related that his mother would always complain bitterly about all the *kapos* living in Boro Park who were able to secure wonderful matches for their children...Maybe these actions and choices that we take under duress are not, in fact, a perverted version of a wonderful person. Maybe, just maybe, they might be **the truest essence of who we are**. If we won’t hold others to account, at the very least, we need to be self aware enough to realize when *we* are the bad actors.

On Yom Kippur, we will stand before God and beseech him for a wonderful year ahead- presenting him with a humble, deferential and penitent version of ourselves. May the coming year be one free from duress, and certainly free from the most extreme forms of it. In

it, may we make the best choices, so that who we are this Thursday, when God showers us with undeserved mercy, is who we really are. Gmar Chatimah Tovah.

## A Balancing Act

### Yom Kippur 5782

It took months of meticulous planning, but on August 7, 1974, Phillippe Petit, a tightrope artist, snuck into the Twin Towers with hundreds of pounds of cable in tow. Using a bow and arrow, he launched a wire  $\frac{1}{4}$  of a mile in length between roofs of the two buildings. Gingerly alighting the wire, he proceeded to walk back and forth on the wire between the two buildings no fewer than ***eight times***. The towers were designed to flex in the wind, which meant he had to work even harder to maintain his balance. While doing so, he had to contend with the fear imposed by the height, seagulls soaring past his head, and the certainty that he would be arrested the moment he finished, as evidenced by the police presence on both towers. Petit went on to perform other magnificent feats of tightrope walking, like crossing the Grand Canyon, or the Sydney Harbor Bridge, but this stunt was certainly his most famous<sup>2</sup>.

I've been thinking about this, not just because we have just commemorated the 20th anniversary of the destruction of those very towers, but because the image of a man attempting to walk a tightrope above a gaping abyss is strongly evocative of one of the most central prayers of the High Holiday season.

Shortly, we will be reciting the *Unetaneh Tokef* prayer. Its haunting imagery has captured the imagination of Chazzanim, baalei tefillah and singers, from Yossele Rosenblatt to

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<sup>2</sup> <https://www.biography.com/news/the-walk-philippe-petit-movie>

Leonard Cohen. There is one line in the first paragraph of the prayer which is rather difficult to understand “כל באי עולם עוברין לפניו כבני מרון” that, on this day, we pass before God like בני מרון.

Who are these mysterious בני מרון? The Talmud (Rosh Hashanah 18a) offers several explanations. Perhaps the best known is that we are like sheep passing under the staff of the shepherd as he takes inventory. Another explanation the Talmud presents is that these are the חיילות של בית דוד - the soldiers of the fearsome army of King David, waging one victorious battle after another. I would venture to guess that most people, at this time of year, view themselves in one of these two categories. Either we are confident warriors who are entering a battle, emboldened by the collective voices of our congregation, all donning our dress whites, as the uplifting melodies are belted out in unison. Alternatively, we see ourselves like a flock of sheep, passing under the staff, vulnerable and under scrutiny as we are judged. But there is third explanation which is more difficult to understand - כמעלות בית מירון - like the narrow bridge of Meiron. Perhaps, this year, after the tragic events that took place in a narrow corridor in Meiron, this explanation might take on added resonance. One has to wonder, though, what the intention was ages ago in selecting this explanation? Rashi expands upon the imagery in describing a narrow bridge which only one person can traverse at a time, with a gaping and cavernous void on each side:

**רש"י ר"ה ית.**

כמעלות בית מרון - הדרך קצר ואין שנים יכולין לילך זה בצד זה שהעמק עמוק משני צידי הדרך:

Why did our Sages call our attention to such an image during this time of year? Is it meant to suggest that on the High Holidays, we are spiritual tightrope walkers who can fall off at any moment?

I'd like to share with you a novel idea suggested by Rav Yossi Stern, the Rosh Yeshiva of the Hesder Yeshiva in Akko, in a pre- High Holiday *sicha* he delivered at the Yeshiva. The idea of a thin corridor or a narrow bridge represents the fact that most of the decisions we make on a typical day take place within a fairly narrow margin of choice, and many of those choices are not particularly extreme in nature. They are not big choices- they are what City College of New York philosopher Joshua Halberstam describes as “everyday ethics<sup>3</sup>,” moral and ethical quandaries that play out in mundane scenarios. Your friend is on her way out the door for a significant date and asks whether you like her blouse. Do you tell her the truth- that you think it's hideous? You have been given credit at work for something you didn't do. Do you remain quiet and bask in unearned glory, or give credit where it is due?

Sometimes, we are forced to walk a path that is even narrower, in which the choices are not between good and bad, righteousness and evil. Many decisions we make in life are actually between good and *better*. This, too, says Rav Stern, is a moral decision for which we must be held to account. Whom do I invite to my house- someone who could use an invitation, or someone who needs a secretary to handle their social calendar? Both are acts of kindness and *hachnasat orchim*. One is good, one is even better. Someone I am not particularly close with suffers a bereavement. In the context of our relationship, it would be perfectly acceptable to send a comforting text message, and perhaps join in with a group of friends to send a meal.

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<sup>3</sup> [https://greatergood.berkeley.edu/article/item/right\\_and\\_wrong\\_in\\_the\\_real\\_world](https://greatergood.berkeley.edu/article/item/right_and_wrong_in_the_real_world)

Alternatively, I can *still* join in the meal, but I can also clear an hour of my schedule and pay a shiva call in person. Again, one is good, the other even more so. It is the decisions we make in this liminal space that are assessed and atoned for today.

Sometimes, the point of distinction is so subtle, it is hard to tell the two choices apart- or that a moment of choice has even arrived. Rav Ahron Soloveichik zt”l noted that *Avodat Yom HaKippurim* hinges on one such subtlety. The Jewish people are instructed to supply two goats- one of which will be sacrificed to God, one which will be sent off a cliff in the Judean desert, a fate determined by a ceremonial lottery. Two gold tags are inscribed with the fateful words- *LaHashem* and *La’azazel*, and with great fanfare, they were placed in a ballot box. The Kohein would declare in full voice that he was deciding the fate of one goat, and then pull out the tag, telling everyone what the fate of the goat would be. If these two goats must be identical in every way then **why do we manufacture an entire ceremony revolving around the selection of lots?**

Rav Aharon noted that some decisions initially seem to be inconsequential - much ado about nothing - but once those lots are cast, the goats head in dramatically different directions; One of them is slaughtered in the Beit Hamikdash while the other is pushed off a cliff into oblivion. The real question is, where did you choose to spill your blood? We have a finite amount of energy, passion, compassion, financial wherewithal and time- how did we use it? The Talmud (Berachot 61b) relates the story of Rabbi Akiva, about whose martyrdom we read on Yom Kippur. Despite the threat of death by the Roman occupiers for doing so, Rabbi Akiva continued teaching Torah. Someone named Pappos came to him and tried to

discourage him from this dangerous practice, but Rabbi Akiva would have none of it. When Rabbi Akiva was finally arrested, his cellmate was none other than Pappos. In a heartfelt confession, Pappos recognized the enormity of Rabbi Akiva's sacrifice, and told him אשרך שנתפסת בדברי תורה - how fortunate you are that you were captured for teaching Torah; I was captured for frivolity. From the outside, these two men were the same; they shared the same cell and met the same fate. But how many kids do we know named Pappos?

In evaluating our choices, it is the two goats that provide us with the best barometer for evaluating our everyday ethics, and our daily decisions- even when faced with two apparently good options. Always, we must ask ourselves: where will the best of our energy be spent? Will you expend your primary energy, your every waking hour, in a cubicle or office, or will you spend it on relationships with those who matter most? Will the best of you go to your community and your people, or someone else's? Do you lose sleep over your children's Torah education, or over which college they will gain admission? And when we consider our passion, do we spend it on our honor, or someone else's? Is our anger about principled matters, or small minded pettiness? If we have influence, money or connections, in what service did we expend them?

My teacher and friend Rabbi Aryeh Lebowitz, the director of the Semicha Program at RIETS and Rabbi of the Beis Knesses of North Woodmere, recently shared a remarkable story, one he says he has difficulty telling without choking up. A few weeks ago, he looked at his phone and saw about eight missed calls from the same congregant, in a short period of time. Usually, when a Rabbi sees this many missed calls from the same number in rapid



succession, it means there is terrible news about to be shared. With some trepidation he called the congregant back, who shared with him a pressing halachic question. Apparently, he had been working on a certain deal for several years, and it was about to be finalized. It was a make or break moment in his career; if he closed the deal, it meant that he would advance in his firm. Otherwise, it would be time for him to look elsewhere. All he had to do was present himself in the conference room of a hotel in London and answer “yes” to about 20 questions that would be directed to him by a team of attorneys. The meeting at which this would transpire was to take place on Shabbos. Could he go? No actual *chillul Shabbos* would have to take place.

Rabbi Lebowitz was in a quandary. On the one hand, *of course* he couldn’t go on Shabbos. Transacting business of any kind on Shabbos is prohibited! Yet he also didn’t want to be the one to end his congregant’s career prospects, or be blamed for the congregant’s inability to advance professionally. He asked several of his colleagues for advice, and they all suggested that he supply the congregant with the number of a recognized *posek*. The *posek* would, of course, prohibit it but it would be easier to accept- and then Rabbi Lebowitz would not be blamed. Rabbi Lebowitz did just that, and asked the congregant to update him on what the *posek* ruled.

A few days later, the congregant called back. “Rabbi, you’ll never believe this. I asked the *posek* what to do, and he said it was completely fine for me to appear in that conference room. He told me to order Shabbos food to the hotel and go to shul, and then go to the meeting and answer all the questions.” But then he paused, and said, “But I won’t do it.”

Rabbi Lebowitz was stunned. “You have your *heter*, your permission. You can go to the meeting with a clear conscience!” The man responded, “You don’t understand. I grew up on stories of my grandfather, who would be fired every Monday from jobs he refused to show up for on Shabbos. When have I ever given anything up for Shabbos? What legends will my grandchildren share about me?”

This man had two choices- one that was good in the eyes of halacha, and one that was better. He thought about it, and asked himself where he wants his legacy to be- and in what area of his life would he be exceptional.

Yom Kippur challenges us to ask these important questions.. How will we spend our time? Where will we use our capital? What excites our passion? Let us use the answers to rise above what is good, and always do what is better.

## Worth It

### Sukkot Day I

Rav Yitzchak Shkop was a young Kollel student in Jerusalem in the 1970s, living on an extremely tight budget, yet in honor of Sukkot, he splurged on a beautiful etrog. As many people did, he took his Etrog for inspection to the acknowledged expert in Yerushalayim at the time, the great Dayan Rav Sholom Eisen. In front of him in line was another Kollel student who was in a similar position, having purchased an equally beautiful and expensive etrog. They were both certain that Rav Eisen would praise their purchases and extol the virtues of the etrog they now merited to own. Rav Eisen looked at the etrog, and looked at the other Kollel student.

“This is, indeed, a beautiful etrog. But דאס איז פסול פאר דיר This *etrog* is *passul* for you.”<sup>4</sup>

The student was shocked. “What did the Rav find in my etrog that makes it *passul*?”

Rav Eisen replied, “How much do you earn a month?”

“300 Liot.”

“And how much did you spend on the etrog?”

“100 Liot.”

Rav Eisen let out a sigh. “So I suspected...this is why the etrog is *passul*. It’s one of the most beautiful I’ve ever seen! Tell me- האסט דו געקויפט דיין וייב א קליידל- Did you buy your wife a dress for Yom Tov? קינדער פאר די שיכאלאך האסט דו געקויפט שיכאלאך פאר די קינדער- Did you buy shoes for the children?”

“No,” answered the student. “I am a Kollel student on a limited budget.”

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מאיש לרעהו 3-5 pp

Rav Eisen gave him a withering look. “Sell this one back and buy an etrog for 15 lirot, and go get something nice for Yom Tov for your family.”

While Rav Eisen was putting the young *avreich* in his place, teaching him a vital lesson about interpersonal mitzvot and our priorities, it would be dishonest to think that this young man was the only one ever to spend beyond his means, in an exorbitant way, on an etrog. In fact, there is an entire genre of Chassidic tales about the Rebbe, or the poor man, who spent everything to fulfill this mitzvah. However, the first time this kind of story was told appears in the Talmud. It involved Rabban Gamliel, Rabbi Akiva and Rabbi Elazar ben Azaria, who were on a boat together as the holiday of Sukkot set in. The only one who had a set of Arba Minim was Rabban Gamliel. The Talmud (Sukkah 41b) relates a seemingly superfluous detail - that Rabban Gamliel had obtained his set for the astronomical sum of 1,000 zuzim. The Talmud continues to make its central point that each of the esteemed rabbis aboard the boat took turns shaking the lulav to fulfil his obligation - each of them being “gifted” the set as a conditional present - מתנה על מנת להחזיר. Ostensibly, the purpose of relating this anecdote is to teach us that this is a valid way of performing the mitzvah. The Talmud further questions why we need to be informed that Rabban Gamliel spent so much money on his lulav; didn't he know what Rav Eisen knew, millenia later- that a simple one is just as kosher? The Talmud answers that this is included to show the importance they attached to mitzvot.

Rav Yaakov Ettlinger, in his commentary on the Talmud titled *Aruch La'ner*, raised a simple question. How can we learn anything from this story about how Rabbi Akiva and Rabbi

Elazar ben Azarya felt about mitzvot? In this story, they were freeloaders! All we know is that Rabban Gamliel was willing to spend a great deal of money, and the other Rabbis borrowed from him, yet the Talmud says that mitzvot were precious to **them!** He answered that these were all wealthy people, who engaged in a bidding war that Rabban Gamliel ultimately won, but the winner could very well have been any of them. Their desire to fulfill the mitzvah had artificially inflated the market value; as I've said before, there's no such thing as a \$200 etrog-only \$200 customers. Had it not been for their love of mitzvot, the price would have been considerably lower. And this is why the Gemara states *להודיעך כמה מצות חביבות עליהן* - *to teach us how beloved mitzvot were to them*.

Remember that these men are not fools, and they are not men who didn't care for their wives (despite their absence in the story). The story of Rabbi Akiva and his wife Rachel is the stuff of legend, one of the most fully developed and poignant love stories in all of Talmudic literature. Rabbi Elazar ben Azarya, who doubted his own role and his own potential to serve as the *nassi* when he was only 18 years old, found the courage to succeed due to his wife's loving support. So how could any of them even consider spending this kind of money on a set of Arba Minim? The answer is that we need to know that people are prepared to spend that kind of money on an etrog.

When we hear stories like the one with which we opened, about the *yungerman* who put his service of God above his own family, we may nod in assent with Rav Eisen as he dressed this young man down. But I suspect that part of the reason we nod has little to do with our love

for our family. I suspect it's because we don't think an etrog is worth that kind of money. We cynically consider the way experts stare at an etrog, looking for black dots, bumps, *gartelach* and so on, and make snide remarks about how God doesn't care about all that, or about how the same person will inspect an etrog for an hour to use for 7 days, but will sit in the same room with a woman for 15 minutes before deciding to marry her for a lifetime. We think the assignment of categories and gradations for etrogim is yet another way to rip us off, and that the people who spend this kind of money on an etrog, or spend \$40 per pound on matzah, or \$2000 on a pair of Tefillin, are either suckers or *shvitzers*, who perpetuate this cycle of religious conspicuous consumption. To be sure, there *is* such a thing as conspicuous consumption dressed up as religion. But let's be frank for a moment. Are we as critical of the person who spends \$400 on a Macallan 18, or adds an extra \$2000 to the purchase price of their car so that it includes a wireless charger for their phone? The same "principled" person who refuses to spend more than \$40 on an etrog will think nothing of dropping \$1000 or more on Super Bowl tickets.

Our Sages interpret the words זה אלי ואנוהו - *this is my God, and shall glorify Him* - with an important lesson, one which has particular resonance on the holiday of Sukkos. In our approach to mitzvos, we have to beautify them by constructing a stunning Sukkah and purchasing a lovely Lulav.

**שבת קל"ג ב:ה' י'**

דתניא זה אלי ואנוהו התנאה לפניו במצות עשה לפניו סוכה נאה ולולב נאה ושופר נאה ציצית נאה ספר תורה נאה

This is not a statement about how to spend our money; it says, instead, that in deciding how to spend our money, we should be willing to do so on Hashem as well. Indeed, this is how Seforno explains this verse. Your *willingness* to spend indicates that you are a dedicated servant of Hashem. Each of the Rabbis aboard the boat was *willing* to spend that kind of money, and therefore, they got credit for doing so. If you see *mitzvot* as a ripoff, as a pointless exercise, you are not glorifying God in your thoughts, because you don't think He is worth it. You don't even have to spend this kind of *actual* money- but never think that money spent on mitzvot is a waste. To even consider whether a Torah education is worth it, whether a Jewish lifestyle is what God wants, is not just a question about the very real financial crunches facing our community, and about the real *cheshbon hanefesh* we need to take about the cost of Orthodox life. It is, rather, a question about our *identity*- how we think about our priorities and the values we transmit.

When we consider *mitzvos* and the lifestyle we lead, let us know in our hearts that it is truly worth it. If we can do so, and develop that kind of attitude, in two or three generations from now, our children and grandchildren will feel the same way.

## Sleepless in Jerusalem

### Sukkot Day II - 5782

Many decades ago, a group of young students at Jerusalem's venerable Mir Yeshiva faced a thorny interpersonal and halachic dilemma. They had each contributed toward the cost of a Sukkah, which they constructed on the roof of the yeshiva, and all was going well until bedtime on the first night of Sukkot. Apparently, one of them- we will call him Reuven- snored like a buzzsaw. The other young men told him that he had to leave; his snoring was disturbing all of them, and prevented them from fulfilling the mitzvah of sleeping in the Sukkah. Reuven would not budge. He felt that, as an equal contributor, he had as much right to be in the Sukkah as anyone else. What would you decide?

Together they decided to seek the halachic guidance of the revered *posek* and Rosh Yeshiva, Rav Shlomo Zalman Auerbach (1910-1995), each side presenting their claim. Reuven claimed that, since his friends were disturbed by his snoring, they had the status of *mitzta'er*, someone who experiences discomfort in the Sukkah and is therefore exempt. By this logic, he was *the only one* of the group obligated in the mitzvah of Sukkah! Rav Shlomo Zalman was impressed with the creativity of this logic, and pointed out to the other side that this was a valid claim. But then he noted that there was a hole in Reuven's logic. You see, a person who is asleep is exempt from mitzvot. So while one might be obligated to *fall asleep* in the Sukkah, being asleep does not mean you are fulfilling the mitzvah. As such, perhaps the



logical course of action might be to allow Reuven to fall asleep, and then for his friends to carry him out so that they, too, could fall asleep.

I don't know what Rav Shlomo Zalman's final ruling was, but the entire discussion is fascinating on a conceptual level- and baffling on a historical level. Halachah places great emphasis on the importance of conducting our lives in the Sukkah for a week, including sleeping. Indeed, the Rema seems to think that sleeping in the Sukkah is the most important fulfillment, even more so than eating. But the focus on the technicalities of sleeping in the Sukkah- or not being able to sleep in the Sukkah- are more recent. In the times of the Beit Hamikdash, it seems that, despite the halachic imperative, we did *everything but* sleep in the Sukkah. The Talmud in Masechet Sukkah (53a) records a statement of Rabbi Yehoshua ben Chanania, who was a Levite himself, describing what life was like for the Leviim during the holiday of Sukkot in the Beit Hamikdash. Consider the order of the day on Sukkot. Every night, the raucous partying of the Simchat Beit Hashoeivah would carry on until day break. The lamps in the Beit Hamikdash cast a glow over the entire city, trumpets were joyously blasted, and then, when the sun rose, they would proceed down to the Siloam pool to draw water for the water pouring ritual. They would bring the water up, pour it, and then offer the morning sacrifice. Then they would daven, and offer the additional sacrifices for the Yom Tov and daven Mussaf. Then, they would repair to the Beit Midrash and study Torah, and return home to a festive meal. After which they returned to the Beit Hamikdash and offered the afternoon sacrifices, and began the *Simchat Beit Hashoeivah* all over again. This schedule sounds grueling, and perhaps relatable to anyone who is doing what we're supposed to

during this season. Starting from before Rosh Hashanah (and all the way back to Elul for our Sephardic brethren) we've been praying, waking up early and spending extended time in shul. If only we could sustain the same level of energy and excitement in our religious lives! But then the Gemara shares one last detail, one that may not seem particularly important, but I think merits exploration.

איני? והאמר רבי יוחנן: שבועה שלא אישן שלשה ימים - מלקין אותו וישן לאלתר! - אלא הכי קאמר: לא טעמנו טעם שינה, דהוּוּ מנמנמי אכתפא דהדדי.

The Leviim did not sleep *for the entire Chag*. The Talmud debates how such a thing is possible; After all, everyone needs to sleep! Three days, according to the Talmud, is the upper limit for any human.

What is the Gemara telling us? That those who performed the exalted services on Sukkot were sleep deprived? Think of all the partying going on during that time. I'm sure *everyone* in Yerushalayim was sleep deprived! In fact, these days, everyone is sleep deprived, period. According to the CDC, more than one in three Americans gets fewer than the recommended seven hours of sleep for adults, one in 20 Americans has fallen asleep at the wheel in the last month<sup>5</sup> and one in two attendees of this shul have fallen asleep during my sermons.

But what resonates with me especially is the imagery at the end- that when people reached the point of total exhaustion, they dozed off on each other's shoulders.

דהוּוּ מנמנמי אכתפא דהדדי

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<sup>5</sup> [https://www.cdc.gov/sleep/data\\_statistics.html](https://www.cdc.gov/sleep/data_statistics.html)

There is something so powerful about this image, specifically at the end of the Yom Tov cycle. The net result of all we have been through together is that we have been brought together; we have a shoulder to fall asleep on, someone to support us when we are about to collapse. Moreover, knowing that you can lean on any of their shoulders is a great source of comfort. Think about what happens on an airplane: if your elbow extends even one millimeter past the median point between your seat and the next, a fight could break out, delaying the plane and going viral when someone a few seats away films the altercation.

When the pandemic began, Americans had demonstrated a united spirit. There was a palpable sense that we were all in this together, and prepared to sacrifice our comfort and convenience for others. Sadly, that was short lived; the longer something difficult goes on, the more fatigued we get and the less we care about whether other people have somewhere to lean their heads. At peak exhaustion, the Jewish mandate is to turn outward and support others, even and especially if it means inconveniencing ourselves.

There is, however, another message here. Nowadays, it seems that everyone is exhausted, but it is often because of fights- fights about national politics, about shul or school issues or about bruised egos; We are exhausted from our children, our families, our work; We are exhausted because we stay up too late streaming Netflix or Hulu, or scrolling through Facebook, and Instagram...

But when was the last time you were exhausted because the simcha had overloaded your senses? When was the last time that you went to bed with a smile on your face? When the

first word out of our mouths when we wake up is not “Oy...” - when we look forward to every waking hour and the only thing that gets us to sleep is that we have hit the wall. In Channukah of 2019, we traveled to Chicago for Jessica’s cousin’s wedding. After the main course, I took the younger kids up to our hotel room and put them- and myself- to bed. Jessica stayed, and Shaya and my nephew Gavi did too, continuing to dance, in the center of the circle, for another two hours. They were both completely exhausted at the end, but even today, when we look at the videos, Shaya smiles wide, recalling a magical evening. This is what Shlomo HaMelech described as being חולת אהבה, “sick with love.” Let’s try to find a way to experience this kind of exhaustion again. May we be kept up not by someone’s snoring, someone’s elbow, or any type of gripe or angst that plagues us, but rather, because life is so good. And next year, may we be Sleepless in Jerusalem.

## **The Day After**

### **Shemini Atzeret 5782**

Attending an all-Jewish undergraduate school, I was fortunate enough to escape the kind of anti-Semitism that is becoming more and more common on today's college campuses. It wasn't until a month and a half into my brief Dental School experience in Buffalo that I encountered what could be considered an anti-Semitic remark. That year contained a series of three-day Yamim Tovim, and, of course, I missed many days of class. This would have been a considerable challenge on its own, but it was compounded by the fact that our Gross Anatomy class worked in groups; if one person missed a day, it meant more work for everyone else. Our instructor, the aptly named Professor Robert Hard, expressed concern that I was missing too much school on account of my Jewish holidays. To his credit, when I told him that his opinion wasn't going to get me to stop observing my holidays, he helped me work out a plan to ease the burden on my classmates. I would come in early to the lab for several days, and do some work in advance to make things easier for my tablemates.

Everyone was exceptionally accommodating and understanding- or so I thought. A week or so after the Chaggim ended, we were in the lab, and a member of my group- we will call her Erica, because that was her name- was not wearing the scrubs strictly mandated by the anatomy lab. I was surprised, and asked her, in what I thought was an innocuous way, "I didn't realize that we were allowed to wear aprons now instead of scrubs." What I meant was that I was hoping that we don't have to wear scrubs anymore, though in retrospect, I can see

how this might have been interpreted as an attack, because she then responded, “I didn’t realize you’re entitled to take so many days off for *your* holidays.”

It’s the almost annual issue we deal with- trying to explain what these holidays are to your colleagues and coworkers, and why you aren’t in for them. Perhaps even more complicated, though, is explaining it to ourselves. Why, indeed, are we here? Have we not had enough shul, enough davening, enough holiday meals? By all accounts, the final day to have our fates decided upon was Hoshana Rabba. What is Shemini Atzeret? In a well-known analogy, the Medrash Rabba likens Shemini Atzeret to a king who tells his trusted advisor to arrange a small party for just the two of them after a lavish state occasion. God, in essence, is asking us to stay a little longer, for an after party. I ask you, though: Is that how I should have explained this holiday, for example, to Professor Hard? If we can’t explain these days to ourselves, how do we expect others to respect our vacation days?

Rav Alexander Ziskind of Horodna, in his magnum opus *Yesod VeShoresh Ha’avodah*, writes that Shemini Atzeret is actually a pivotal day.

אע"פ שנמסרו ה'פתקין' ביום הושענא רבה, עדיין לא ניתן רשות להשליחם לפעול דבר עד שמיני עצרת

Even though the final verdict is handed in on Hoshana Rabba, it is not actualized until Shemini Atzeret. Or, to extend the metaphor, the verdict was handed in on Rosh Hashanah, finalized on Yom Kippur, and ratified on Hoshana Rabbah, but the letter has still not gone out in the mail.

While this colorful imagery provides us with a way to relate to this rather inscrutable holiday, it raises more questions than it resolves. If, indeed, the fates are sealed, and the verdict cannot be changed past Hoshana Rabbah, of what significance is it that the letter has not yet been delivered? At what point do we simply accept what is in store for us?

This is an issue that faces us, but we are not the only ones. After repeated entreaties and attempts to change God's mind, Moshe was ordered to drop the subject of his entry into the land of Israel. He was permanently barred from entry, and there was nothing he could do to change that. Yet at the end of the Torah, Moshe is described as retaining his essential vitality, retaining all his faculties and never sapped of energy. Of all the praises to heap upon the fearless leader of the Jewish people, this one seems to be the least significant. A man of God, the loyal shepherd, a servant of Hashem- but is someone having energy really the best way to praise him?

The great Yerushalmi *darshan* Rav Meylech Biderman explains that it is precisely in his indefatigability that we find his greatness. Even after his prayers had been summarily rejected with no option of appeal, he continued to pray, never tiring of beseeching God on behalf of his people. Shemini Atzeret is the day after our verdict is sent out, yet we still show up and pray. Like Moshe, we declare by coming here today that **no matter what He has in store for me, I am with Him and have him by my side, even if I know I can't change what happens with me.**

This profound concept has bearing not only on our relationship with Hashem, but also for the way in which we conduct our interpersonal relationships. Human beings have such a need to be helpful, and we are infinitely resourceful in our ability to ameliorate the situations of others. What do we do, though, when there is nothing left to do- whether because the problem has been resolved, or because it is intractable? When we can't lend money, do we find help for someone who needs it through local resources or social services? Do we still remain friends with them when all their options have dried up?

One of the questions I get asked the most about the laws of mourning is about the technicalities of the walk people take when they conclude shiva. Do they walk around the block? How far should they go? Should they be wearing their torn garments during the walk or should they change first? Should they wear their cloth shoes, or change back into leather ones? Well, guess what. This practice is not described *anywhere* in mainstream Halachic sources. Somehow, the practice developed and a mythology was constructed around it that this is the most important part of the shiva experience. The real question, though, is not how far they walk and what they are wearing, but whether they walk alone. I think the reason people attach such significance to it is that leaving the shiva is such a lonely experience, and walking a few steps with the mourners is a sign that we are still with them, even when there is nothing we can do to change what happened to them- and there is nothing else we can do for them *right now*. Shiva is over, the meals are done, and their relatives are still not among the living. What can we do to be with them still? How can we extend the comfort that has been provided by the halachic rituals and customs of mourning, even when they're not



required of us? Do we have the equivalent of a Shemini Atzeret in our interpersonal relationships- an opportunity just to be together, even if that is all we can do?

Rav Aharon Yehuda Leib Steinman, the legendary Rosh Yeshiva and leader of Israeli Lithuanian Chareidi Jewry until his death a few years ago at age 104, was once visited by a Rosh Yeshiva who was seeking his advice. A young man in the Rosh Yeshiva's institution had committed a series of serious infractions. It got to the point that, in order to preserve the educational environment in the Yeshiva, this boy had to be expelled. It was not a decision to be taken lightly and the Rosh Yeshiva needed Rav Steinman's advice. After hearing the facts, the elderly sage said, "It does sound like your only recourse is to expel this boy. Tell me, what is his full name- his and his mother's?" The Rosh Yeshiva replied that he didn't know. "You mean to tell me," Rav Steinman asked, "That you want to expel a boy from your yeshiva and you never even davened for him?"

Rav Steinman wasn't saying that this boy didn't need to be expelled. It was clear that his time at this yeshiva had come to an end. But even when there was nothing left for him in this Yeshiva, he was still worthy of the Rosh Yeshiva's tears.

As we stand before Yizkor, there could be no more fitting message. Yes, there is nothing left for us to do for our loved ones who are no longer in the "lands of the living." But that doesn't mean that our relationship with them ends. That's why we need Yizkor again, right now- just 12 days after we recited it on Yom Kippur. **Today is the Yizkor of the "day after"**- when we

commit to telling the stories of our loved ones who are no longer here; we commit to living our lives in accordance with their values; we commit to living with their memory and accept them, even if we failed to do so during their lifetimes.

We are about to return to uninterrupted work weeks...next week. Normally, the Rabbi will charge the congregation with keeping the momentum going, and with extending the inspiration from these days. That is essential, of course. But the real challenge is how to stay with God even if we have no momentum ourselves, even when the band has gone home, even when there appears to be nothing urgent to daven for. That will shape the character of our year more than anything else.