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Toldos 5785

PAST AND PRESENT LOVE

RABBI YISSOCHER FRAND (Aish.com)

"And Yitzchak loved Eisav, for the game he put in his mouth, but Rivkah loves Yaakov" (25:28).

Even people not normally attuned to grammar are struck by the Torah's strange use of tenses to describe the relationship of Yitzchak and Rivkah with their children. Yitzchak "loved" Eisav, in the past tense, while Rivkah "loves" Yaakov, in the present tense. What is this meant to teach us?

The Dubno Maggid suggests a solution based on a keen observation of the world. In non-Jewish society, people define themselves and are defined by others according to what they do. In Jewish society, people are defined by what they are.

Eisav represented non-Jewish values. He defined himself and expected other to define him by what he did. He wanted to be seen as the athlete, the warrior, the storied hunter. The basis for the admiration and love of other people was what he had accomplished in the past. Should he cease to be a hunter, the admiration would cease as well. Therefore, Yitzchak "loved" Eisav, in the past tense, "for the game he put in his mouth," the things he had done in the past. But Yaakov represented Jewish values. He was defined by what he was rather than by what he did. Therefore, Rivkah "loves" Yaakov, in the present tense, a love that continues uninterrupted and is not dependent on his latest feat and achievement.

This is particularly true in our own times. Ask a non-Jewish child what he wants to be when he grows up and he will inevitably tell you he wants to be a doctor or a lawyer or a Silicon Valley entrepreneur or perhaps a rock star. Ask a Jewish child, and hopefully he will tell you he wants to be a tzaddik (righteous person), a talmid chacham (Torah scholar), a baal chessed (kind), and oved Hashem (servant of G-d). Hopefully.

The Jewish child answers the question directly. He tells you what he wants to "be." The non-Jewish child, however, is not giving a direct answer to the question. He is telling what he will "do" rather than what he will "be." He has been conditioned to believe that a person's entire value is dependent on his profession or vocation. If he is a doctor he is important. If he is a mailman he is not important.

A columnist here in Baltimore recently wrote a piece decrying this tendency in society. Whenever he meets someone new at a function or party, it takes no more than fifteen seconds before he is asked, "So what do you do?" Sometimes, he is so annoyed he identifies himself as an auditor for the Internal Revenue Service, which is a guaranteed conversation stopper. Obviously, he concludes, in America "you are what you do," and what you really are - your character, your interests, your thoughts, your feelings, your opinions - do not really matter that much.

In America, you are measured by your performance, by what you do. Therefore, you may be idolized and adored one day and despised the next. If the level of your performance falls off, if you go through a stretch when you strike out instead of hitting, your fickle admirers will turn on you. After all, it was not what you are that they never admired but what you do, and when you no longer do it, there is no longer any basis for the admiration.

This is not the perspective of Judaism. In fact, it is the exact opposite. Judaism values all people for what they are, for their tzelem Elokim, for their character, their integrity, their goodness, their ethical standards, their menschlichkeit, their spiritual accomplishments. What they do for a living or for professional fulfillment is only secondary.

A DOSE OF HOLINESS

And he inhaled the scent of his garments, and he blessed him. (27:27)

Yitzchak lost his sight in his old age, but his sense of smell was just fine. Yaakov was counting on that. He put on Eisav's garments, brought Yitzchak delicacies and asked for the blessing. Yitzchak "inhaled the scent of his garments" and gave him the blessing. And the rest is history.

The Midrash offers a completely different homiletic interpretation of these words. The word used here for "his garments" is begadav. With alternate vowelization, it can be read as bogdav, which means his renegades. In other words, when Yitzchak "inhaled the scent of his renegades," when he sensed prophetically the descendants of Yaakov who would become renegades to the Jewish people, he was inspired to give him the blessings. What exactly does this mean?

Let us consider the renegade the Midrash holds up as an example. His name was Yosef Meshisa, and he was an awful Jew. When the Romans mounted their assault on the Beis Hamikdash, the Holy Temple, this Yosef Meshisa served as their native guide. As a reward, the Roman officer gave him permission to take for himself any of the valuables he wanted. He went into the Heichal and took the golden menorah, but the Roman decided it was too extravagant a treasure for a mere commoner.

"Go back and take something else," the Roman told him.

"I cannot go back in," Yosef Meshisa replied.

"No, you must go back," said the Roman.

"But I simply cannot," said Yosef Meshisa. "Isn't it enough that I defiled the Lord's Temple once? Must I do it again?"

"Aha! What have we here all of a sudden?" said the Roman. "A pious man, no less. Well, I absolutely insist that you go back in."

But Yosef Meshisa would not budge from his resolution. The Roman beat and tortured him mercilessly, but still he refused to go back into the Heichal. In his agony, he cried out, "Woe is me, for I have angered my Creator!" Finally, he died.

What had transformed this renegade Jew into a holy martyr in a matter of minutes? One minute, he was prepared to loot the Beis Hamikdash and carry off the golden menorah, and the next, he allows himself to be tortured to death rather than violate the sanctity of the Heichal. What, asks the Ponovezher Rav, brought about this amazing change?

The answer is simple, says the Ponovezher Rav. Stepping into a holy place transformed him. He may have entered the Heichal with the worst of motives. But once there, he was exposed to the aura of holiness, and he emerged a changed man.

This, according to the Midrash, is what Yitzchak saw in Yaakov's future that convinced him to give him the blessings. He saw that even the lowest of the low among Yaakov's descendants, even the most despicable renegades such as Yosef Meshisa, would have such strong spiritual fortitude that they could be turned around by exposure to holiness. As low as they would fall, they would be one mere step from transformation into righteous people willing to die al kiddush Hashem. This was the lineage that was truly deserving of the blessings.

History has shown us that these kinds of transformations are not limited to the Inner Sanctum of the Beis Hamikdash. In the early 20th century, a Jew named Franz Rosenzweig told his story in a book entitled *The Star of Redemption*.

Franz was a successful author, a respected philosopher and a totally secular Jew. At one point, he was engaged to a gentile woman and was seriously considering baptism. It was during the First World War, and he served as a captain of cavalry in the German army on the Eastern front.

On the night of Yom Kippur, he found himself stationed in a small Polish town. As he made his rounds, he saw the light in the shul and heard the voices of the congregants, and out of curiosity, he stopped in to see what was going on. When he walked out a little while later, he writes, he was a religious Jew, a sincere baal teshuvah. He broke off his engagement to the gentile woman and led a life of observance from that point on.

In Germany of 1915, the idea of a baal teshuvah was virtually unheard of, unlike today when it such a common phenomenon. What brought about his incredible transformation? One thing: exposure to holiness. When he stepped into the shul and experienced the aura of Yom Kippur, he became a different person.

Such is the power of holiness, not just the holiness of the Shechinah in the Beis Hamikdash, but the holiness of just a handful of sincere Jews praying together in a small village shul. They too have the power to change a man forever.

JEWS VS. PIGS

RABBI ELISHA GREENBAUM (Chabad.org)

Of all non-kosher animals, the pig is far and away the most reviled. Even among Jews who unfortunately do not yet adhere to all the kosher laws, many avoid pork. In fact, of all the pungent insults and curses with which the Yiddish language is so blessed, one that stands out for malignancy of expression is to be called a chazer fissel (pig's foot).

There are two identifiers of a kosher animal: cud-chewing and split hooves. The pig, alone of all animals in G-d's barnyard, has split hooves while not being a ruminant. Have you ever seen a pig sleep? Splayed out in the mud with an idiotic grin plastered on its snout, it stretches out its trotters as if calling on all to witness its inherent kashrus. And you know what? Pious pretensions to the contrary, it still remains a pig.

We read this week of the impious actions of Yitzchak's eldest son, Esav. Some people are just plain wicked; they make no affectation of virtue, reveling in evil for its own sake. Esav, however, was a crafty conniver. He went to great pains to present himself to his father as truly righteous, revealing his true character only in his dealings with his younger brother, Yaakov.

In many ways, dealing with and defeating evil incarnate is easier than challenging those who assume a patina of purity. A flagrant terrorist may cause more death and destruction in the short term than one who exchanges battle fatigues for a veneer of respectability, but the moral clarity of being able to expose and denounce malevolence is obstructed. When the Esavs and Arafats (may his name and memory be blotted out) make a great play of declaring themselves on the side of the angels while simultaneously sowing the same wanton wickedness and moral turpitude but in a surreptitious manner, then even well-meaning people can be fooled, and the price paid to eventually defeat them is far higher.

The present exile which Jews have been suffering for the last two millennia is referred to in rabbinic lore as the Exile of Edom (Edom being a synonym for Esav). When presented with outright, undisguised evil, one knows what one must do: take a stand, commit to the battle and enter into the fray with the certain knowledge that decency will ultimately triumph. The reason why this current battle has been so prolonged is because our enemies have so deeply embedded themselves in their charade that identifying evil as such is its own challenge.

Terrorist organisations run their own "benevolent funds" and "charity" outlets. They have their tame spruikers in the BBC, and profess to repudiate violence. It is only when men of conscience will be willing to look beyond this fake front and reveal the inherent corruption, vacuousness and viciousness that those who hate us really represent that the chazer fissions will be revealed as the pigs they really are, "the peace of the brave" will have been earned, and a true era of redemption will be allowed to dawn.

YOUR LAST DAY

AVROHOM YAAKOV

While Yaakov prepared the mourner's meal for his parents, Esav was working hard at his favourite activities – hunting animals, murdering people and abducting and molesting women.

Tired from a day of vigorous activity, Esav returns and is famished. He asks his brother for food who agrees to feed him only if Esav sells his firstborn birthright to his brother.

Esav responds (25:32), "Here I am about to die, what [good] is this birthright to me."

Commentators explain the meaning behind Esav's words.

As Esav was a hunter and involved in a dangerous profession, in all likelihood he would die young. As the birthright is only activated on the passing of his father, Esav didn't believe that he would outlive his father.

Taking Esav's words in the narrow sense, the Chofetz Chaim notes that if someone is about to die, a more normal response would be to put one's

affairs in order, examine one's deeds and prepare oneself for the next phase of existence.

And yet Esav used his impending demise for justification of his perverted behaviour.

If you had only one day left, how would you spend it?

NO BONES OF CONTENTION

RABBI NAFTALI REICH (Torah.org)

In this week's Torah portion, we read of the interaction between Yitzchok and the Philistine king, Avimelech. After abducting Rivka, Avimelech and his entire household were stricken with Divine retribution in the form of a painful illness. Avimelech reacted by immediately restoring Rivka to Yitzchok, while proclaiming his innocence and issuing them a royal decree of protection. The declaration was of little lasting value as the Philistine people grew jealous of Yitzchok's financial success and retaliated by plugging up the wells his servants had dug, and driving him out of the land. Yitzchok resettled in the neighboring land of Canaan and flourished, while the Pelishtim experienced one setback after another. With their wells drying up and their trees becoming barren, they began to suspect a connection between these misfortunes and their persecution of Yitzchok. In desperation, Avimelech came to reestablish the old pact of friendship that he had made with Avrohom.

Upon his arrival, Yitzchak asked him, "Why have you come to me? You hate me. You've driven me out of your midst!" Avimelech responds with unabashed impudence: "What do you mean? Just as we have not molested you and have in fact treated you well and sent you away in peace, you ought now to respond likewise and give us Hashem's blessing!"

How could Avimelech be so shameless as to contend that he had acted graciously with Yitzchok when, with his approval, his servants had stopped up Yitzchok's wells and chased him from their land?

The persecution of Yitzchok and his expulsion, followed by Avimelech's renewing a pact of friendship with him, is a narrative that has echoed and re-echoed throughout Jewish history. Jews have been expelled from one country after another by hostile and jealous populations only to be invited back decades later, when the host country needed Jewish financial and entrepreneurial skills to give their economy a boost.

The Midrash, in highlighting the self-serving nature of Avimelech's solicitation of friendship, offers a beautiful parable (chapter 64/10).

The lion, the king of the beasts, pawed the floor of his forest lair in pain and frustration. The bone of an animal that he had devoured had become firmly lodged in his throat. Unable to speak, he beckoned to the animals of the forest to help him, intimating that whoever could extract the bone would be honored with lavish gifts.

Cautiously, a stork approached. The lion opened its mouth wide while the stork inserted his long beak inside and gently and carefully extracted the bone. The stork then stood by, waiting for her just reward. The lion glared at the stork and barked, "Your reward is that after putting your beak in my throat, you have emerged unscathed. What living thing could expect to keep its head after sticking it in a lion's mouth?"

It is startling to see how history continually repeats itself. Israel is surrounded by Arab governments that would benefit greatly by recognizing the Jewish state and establishing a peace treaty with it. Yet the level of hatred and jealousy toward Israel is so great that it blocks all efforts to achieve peace. The most Israel has been able to win from its enemies are short-lived "truces." As for real peace and the recognition of Israel's statehood? Sadly (but predictably), the message is, "Be grateful that we haven't shoved you into the ocean-yet."

How does one respond to this skewed thinking? Let us consider Yitzchok's response to Avimelech's audacious behavior. Yitzchok listens to Avimelech's rant and instead of retorting, prepares a feast for the king's entourage. Without challenging Avimelech's assertions, he establishes the pact the king proposed and sends him away in peace.

Yitzchok recognized that negotiating and rationalizing with someone committed to a warped philosophy is futile. He understood, as we must, that in exile one must be grateful for whatever good one can obtain-even if it falls short of true justice and fairness.

This is an important message. Instead of asserting our rights and maintaining a dominant profile, we need to recognize that we are in galus and should be grateful that we can maintain our tradition in a benevolent environment. We need to be thankful for the liberties and freedoms that are extended to us. In the face of growing anti-Semitism and anti-Jewish sentiments worldwide, our response need not be to champion our rights and demonstrate our superior virtue. We should rather maintain a low profile and appreciate that the wrath of our enemies is directed more at our "wells" and wealth, than against us in person.

THE SEARCH FOR BLESSINGS

RABBI MORDECHAI KAMENETZKY (Torah.org)

This week's parsha begins the saga of the long, almost endless struggle between Yaakov and Esav. Yaakov buys the birthright from a hungry Esav and then, coached by his mother, Rivka, he dresses like Esav and receives blessings from his father Yitzchak.

I have received numerous letters throughout the years pondering those actions. Indeed, Yaakov himself is wary of acting in a seemingly devious manner and is reassured by his righteous mother who accepts full responsibility for his actions.

When Esav arrives for the blessings, his father tells him that his younger brother cleverly took all the blessings, but Esav, despondent as he may be declares to his father, "He (Yaakov) took away my birthright and see, now he took away my blessing!" He adds, "Have you not reserved a blessing for me? Yitzchak answered, and said to Esav, "Behold, a lord have I made him over you, and all his kin have I given him as servants; with grain and wine have I supported him, and for you, where — what can I do, my son?". And Esav said to his father, "Have you but one blessing, Father? Bless me too, Father!" And Esav raised his voice and wept. (Genesis 27:36-38).

I often wondered about the lesson of this repartee. Esav, clearly angered by Yaakov's cunning, still has clarity of mind to ask for a blessing. Yitzchak seems to demur, inferring that there is nothing left. But Esav prevails by pleading, even crying for a blessing. And only then does his father acquiesce and bless him as well.

Was there a blessing left or not? Can pleading with the saintly patriarch produce a previously non-extant blessing? Maybe Esav's tears taught a lesson even for the children of Yaakov?

In the summer of 2001 30,000 Boy Scouts joined together in Virginia for a national Boy Scout Jamboree. Among the myriad groups of scouts who attend this event that occurs every four years are many Jewish Scouts as well. Mike Paretsky, a Vice Chairman of the GNYC Jewish Committee on scouting, was the kosher food liaison to the jamboree. Special food was ordered from O'Fishel caterers of Baltimore, so that the Jewish scouts would be able to nourish their bodies as well.

One of the scoutmasters, a Jewish man caught a glimpse of the kosher offerings. He had never eaten a kosher meal in his life, yet when he saw the special meals, something stirred. He and his troops were being served pork-this and bacon-that for breakfast, lunch and supper, and all of a sudden this man decided he was sick of the monotonous treif stuff. He wanted to eat kosher. Scoutmaster Paretsky gladly let him partake in a meal, but that was not enough for the fellow. The man decided to keep kosher during the entire jamboree!

Mr. Paretsky agreed to accommodate the neophyte kosherphile, but a skeptic approached him. "Mike," he said, "why are you wasting your kosher food on this fellow? He is not going to eat kosher after this is over, and he observes absolutely nothing! Why waste the food on him?"

Mike answered with an amazing story of the Chofetz Chaim. When Russian soldiers entered the town of Radin, Jewish townfolk prepared kosher meals for the Jewish soldiers in the Czar's army. Soon their acts of charity seemed to fly in their face as they saw the soldiers devour the food and then stand on line to receive the forbidden Russian rations.

When they complained to the Chofetz Chaim and threatened to stop preparing kosher food, he reflected with an insight that must be passed on to generations.

"Every mitzvah that a Jew does, every good deed and every bit of kosher that he eats is not a fleeting act. It is an eternity. No matter what precedes or ensues, we must cherish each proper action of a Jew."

The wayward son, Esav is at first told by his father that there are no blessings. But he cries bitterly and cannot fathom that fact. "Is there nothing left?" He asks. It cannot be. And he was right. There is always some blessing left to be found. No matter how far one has strayed, no matter how bleak a situation looks. There is always blessing. We must pursue it, even cry for it, and when we receive the tiniest blessing it may seem trivial, even fleeting, but it is with us for eternity.

THE LAST LAUGH OF HISTORY

RABBI LABEL LAM (Torah.org)

And he (Essav) said, "Is he not rightly called Yaakov? Since he has gone behind me these two times, he took my birthright and see now he took away my blessing..." (Breishis 27:36)

This is a lightning bolt from the deep past. Essav for the first time betrays his woefully mistaken impression of the sale of the birthright that had occurred fifty years earlier. Sure, Yaakov under executive orders from his mother had just usurped his blessing. Rivka had observed his lack of readiness for those blessings. Why had his character stagnated and even worsened over the next five decades? Who was to blame for that? Let us

appreciate the relevance of that false accusation he launched at his brother in his hour of disappointment.

The verse openly testifies that after the sale of the birthright Yaakov had given him not only the beans, he so desperately requested but bread and apparently some drink too because it is written, "And he ate and he drank and he got up and he left and he despised the birthright!" (Breishis 25:34)

If it is true that Yaakov had taken advantage of him in a vulnerable state and not that he was tricked into forfeiting the birthright then he should have protested then and there when his stomach was full. Why should he leave the scene of the crime silently? That proved how little he valued the birthright. After fifty years Essav is telling himself the story that he was a victim of deception. For fifty years he tricked himself, playing the blame game.

Essav is caught here not just telling a lie but living a lie. He is couching himself as a victim of something he did and he openly agreed to. It would be enough if it lasted a year or even a lifetime but this anger towards Yaakov has lasted thousands of years. Essav thinks Yaakov is the cause of his problems. He refuses to face the reality that he is the author and sole owner of his problems. His hatred is based on faulty thinking. Eliminating Yaakov won't make him happier or more worthy of blessing.

The 2nd Chapter of Tehillim, our sages tell us, is a foretelling of the times when Moshiach's arrival is imminent. It certainly feels like that now. The verse states, "Why are the nations in commotion, and why do the peoples speculate in vain. Kings of the earth rise up and rulers together have set themselves principles against HASHEM and His anointed (His Moshiach) We wish to tear their bands asunder and cast away their cords from us. He Who sits in Heaven laughs; My master mocks them."

Rav Hirsch writes poetically and almost prophetically: "They all, consciously or unconsciously, have one common goal; namely to emancipate themselves from the sovereignty of the one supreme principle, that of dutiful obedience to the moral Law of G-d, which came to their awareness through the historical fact of the existence of His people and of His anointed. Only to His law did G-d promise His aid and furtherance. Upon this law did G-d build His world order and only through the observance of this law can nations attain enduring peace in their domestic and foreign relationships.

The refusal to swear allegiance to this moral law because of considerations of personal interest, power, fame, and wealth is the reason for the unhealthy internal and external relationships in the lives of the nations. Instead of seeking a cure for this state of affairs upon the only path that leads to the true goal, all the leaders of the lives and the activities of the nations are perversely engaged in a fight against the sole principle of salvation. The cure actually lies precisely there where they think that they can find the cause for their troubles, while they seek a cure in that which only aggravates the lingering evil."

This gigantic struggle persists until this very day. Our best consolation is the Talmudic statement, "Truth endures and falsehood is ultimately unsustainable." Time will tell, and hopefully we shall see who has the last laugh of history.

News, Views & Opinion

CHABAD RABBI MURDERED IN THE UAE

ELDER OF ZIYON (Elderofziyon.blogspot.com 24-11-24)

Zvi Kogan, the Chabad rabbi in the UAE who has been missing since Thursday was found murdered, in his car, with signs of a struggle. The Mossad confirmed that he was attacked by three Uzbek nationals, acting on behalf of Iran, who then fled to Turkey.

There have been a string of Iranian terror plots against Jews worldwide, and they have been accelerating. Their preferred method is to hire local criminals to give them plausible deniability.

The Mossad says that they have helped thwart some 50 plots against Jews and Israelis worldwide, half of them since October 7 2023.

Here are some of these plots:

Last week it was revealed that there was an Iranian assassination plot against Jewish human rights expert Irwin Cotler in Canada.

Earlier this month, the US Justice Department issued charges against an IRGC asset named Farhad Shakeri who directed multiple plots against Jews and other Americans, including Donald Trump. He said he was offered \$500,000 to assassinate either of two Jewish Americans.

Greek authorities foiled an Iranian plot against a Jewish center and kosher restaurant in Athens this year that was intended to kill as many people as possible.

Also this year, German and French authorities uncovered an assassination plot against a Jewish lawyer in Berlin, and at least a half dozen other Jews and Israelis.

In June 2023, Cypriot authorities foiled a plot from northern Cyprus to attack Jews and Israelis.

In February 2023, the UK announced that Iran is hiring criminal gangs in the United Kingdom to spy on Jews in preparation for a potential assassination campaign.

In 2022, Germany charged a man with an Iranian plot to firebomb a synagogue.

In 2018, US authorities arrested two Iranians who collected information on Jewish targets in Chicago.

In October 2014, a Hezbollah operative was caught in Peru before his attempts to carry out attacks against Israeli and Jewish targets.

Iran was behind the 1994 bombing of the AMIA Jewish center in Argentina, which killed 85 people.

In December 1986, Iranian backed Hezbollah abducted and killed three Lebanese Jews.

These are only the ones I could find that were public. I am not even beginning to list the many Iranian plots against Israeli embassies or prominent individuals throughout Europe and elsewhere. I'm only listing the plots and attacks against Jews themselves.

Sadly, people still believe the fiction that Iran is not antisemitic, but merely anti-Israel.

UNRWA CHIEF HAILED ‘SPIRIT OF PARTNERSHIP’ IN MEETING WITH TERRORISTS

JEWISH NEWS SYNDICATE (Nov. 25, 2024 / JNS)

Former United Nations Relief and Works Agency (UNRWA) Commissioner-General Pierre Krähenbühl repeatedly met with senior members of Hamas and other Palestinian terror groups, expressing the U.N. agency's willingness to work together in the “spirit of partnership,” Geneva-based watchdog group U.N. Watch revealed over the weekend.

Krähenbühl, who led the controversial U.N. agency until his resignation over misconduct allegations in 2019, attended a gathering of Palestinian terrorist leaders in Beirut on Feb. 12, 2017, according to the watchdog.

The former UNRWA boss, as well as the agency's former Lebanon chief of staff, Hakam Shahwan, who similarly resigned following allegations of corruption, posed for a picture with senior terrorist members of Hamas, Islamic Jihad and the Popular Front for the Liberation of Palestine....

Krähenbühl was said to have told the gathering of terrorists, “Regarding the principle of partnership you mentioned, and the necessity of being proactive so that we remain cooperative and not caught off guard, I completely agree with you and strongly support this perspective. I also have a request: that the spirit of partnership be mutual.”

He continued, “If you have any criticisms, observations, concerns, or issues you are dissatisfied with regarding UNRWA, let us come back and meet in similar gatherings—even if we meet a thousand times.

“Challenge our decisions, tell us, ‘We do not agree with this decision, and we criticize it.’ We might change it or even entirely tear it up. But we want the spirit of partnership to prevail in our meetings,” he stated.

According to the former UNRWA chief, “We prefer these discussions not to be public, as that could challenge our credibility. More importantly, it could lead to a loss of trust between donor countries and UNRWA, which might result in reduced or even halted funding.”

Krähenbühl reportedly concluded his remarks by reiterating that “if we can achieve this, it means we are united, and no one can separate us.”

U.N. Watch said that UNRWA has continued to meet covertly with terror operatives after Philippe Lazzarini took over when Krähenbühl left the agency to lead the International Committee of the Red Cross in 2019.

ICC ARREST WARRANTS AGAINST ISRAEL COULD CUT BOTH WAYS

CANAAN LIDOR (JNS.org 22-11-24)

In issuing an international arrest warrant for Israeli Prime Minister Benjamin Netanyahu, the International Criminal Court has wielded a double-edged sword.

The move on Thursday landed a major public relations blow against Israel. It also opened up the already controversial tribunal to fresh allegations of politicization, antisemitism and malpractice, including by countries that recognize its jurisdiction.

And it placed the ICC on a collision course with President-elect Donald Trump's administration. Senator Lindsey Graham (R-SC) on Saturday warned “any U.S. ally — Canada, Britain, Germany, France — if you try to help the ICC, we're going to sanction you.”

For many, “the ruling will confirm anti-Israel sentiments,” Natan Sharansky, chairman of the Institute for the Study of Global Antisemitism and Policy (ISGAP), a former Israeli Cabinet member and a longtime statesman, told JNS on Friday. “But at the same time, many people will recognize the blatant antisemitism behind this decision, which erodes its credibility and now especially could invite a painful American retaliation.”

Despite the sweeping U.S. rejection of the ICC's warrants for Netanyahu and his former defense minister, Yoav Gallant, several Western democracies confirmed that they plan to honor them, including Canada, France, Italy, the Netherlands and the United Kingdom.

The warrants were the first that the court ever issued against a leader of a Western democracy, placing Netanyahu in the same category as Russian President Vladimir Putin, former Sudanese leader Omar al-Bashir and Lord's Resistance Army terrorist organization leader Joseph Kony of Uganda.

Yet occurring amid a conservative renaissance worldwide and a reassessment of the powers of unelected international bodies, the warrants could invite noncompliance and serious countermeasures on the part of the Trump administration.

Mike Waltz, the administration's nominated national security advisor, dismissed the warrants and promised a “strong response to the antisemitic bias of the ICC & UN come January,” when the new administration is sworn in.

Sen. Tom Cotton (R-Ark.) called the tribunal “a kangaroo court” and its chief prosecutor Karim Khan “a deranged fanatic. Woe to him and anyone who tries to enforce these outlaw warrants,” the senator said.

Karine Jean-Pierre, the press secretary of the White House under U.S. President Joe Biden, told reporters that her country “fundamentally rejects” the ICC action and remains “deeply concerned” by the “troubling process errors” that led to the decision to seek arrest warrants.

Trump imposed sanctions on the ICC in 2020 for its plans to go after U.S. military personnel. Biden reversed those sanctions. The ICC has not pursued its plans to prosecute Americans.

‘Utterly incomprehensible’

Eugene Kontorovich, who heads the international law department at the Kohelet Policy Forum, an Israeli think tank, called on the incoming Congress and Trump administration to “pass the Illegitimate Court Counteraction Act, and aggressively sanction all senior staff at the body until no one wants to work there.”

In four years, Kontorovich wrote on X, “the ICC will be remembered as yet another institution that wrecked itself on the shoals of anti-Israel politics.”

Austria is among the countries where the ICC has jurisdiction that have come out against the decision to issue arrest warrants for Netanyahu and Gallant.

It is “utterly incomprehensible. It is absurd to create an equivalence between members of a democratically elected government and the leader of a terrorist organization,” Austria's Federal Chancellery said in a statement. The mention of equivalence was a reference to the fact that the ICC also issued an arrest warrant for Mohammed Deif, a Hamas commander whom Israel has said (and Hamas confirmed) it killed in July.

Hungarian Prime Minister Viktor Orbán said that he would ignore the warrants and invite Netanyahu to Budapest. The warrants were “outrageously impudent” and “cynical,” Orbán said.

A desire to defend Israel may be only a part of the reason for the harsh language by the United States and some of its allies. The ICC's move on Israel may mean greater willingness on its part to also target U.S. and other Western officials for alleged war crimes.

Graham, the senator from South Carolina, explained this during his Fox News interview. Asked about the penalty for U.S. allies that aid the ICC, he said: “We should crush your economy. Because we're next.”

Hungarian Prime Minister Viktor Orbán tours the Yad Vashem Holocaust Memorial Museum in Jerusalem on July 19, 2018. Photo by Hadas Parush/Flash90.

Israel, the United States, China, Russia, India and Turkey are among the countries that have not ratified the Rome Statute and are therefore not under the court's jurisdiction.

The ICC was established in 2002 on the basis of the statute, agreed upon by more than 120 countries. Those countries, which include all European Union member states, have agreed to subject themselves to the jurisdiction of the ICC, which tries individuals accused of crimes against humanity, including genocide.

The arrest warrants against the Israelis owe to “reasonable grounds to believe that both individuals intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, including food, water, and medicine and medical supplies, as well as fuel and electricity,” the ICC has said.

In practical terms, the warrants could make it impossible or complicated for Netanyahu to visit Europe and many other places and could be used to bolster the case for weapons embargoes against Israel. In the court of public opinion, they could confirm the image, which is being promoted in many Western media, of Israel as a rogue state committing genocide against Palestinians.

Israel has been fighting Hamas in Gaza since Oct. 7, 2023, when about 6,000

Hamas-led terrorists invaded Israel, murdered some 1,200 people and abducted another 251, plunging the region into an ongoing war.

Israel is also facing legal action at the United Nations, to which the ICC does not belong. South Africa and several other countries—including E.U. member states Spain, Belgium and Ireland—have launched a lawsuit accusing Israel of “genocide” in Gaza at the International Court of Justice, or ICJ, which is a U.N. tribunal. Both the ICC and ICJ are based in the Dutch city of The Hague.

Israel has rejected allegations that it targets civilians, stressing its consistent and robust efforts to spare civilian lives in Gaza and beyond.

Beyond the international response to Israel’s defensive actions, the ICC warrants are an escalation in a broader struggle for sovereignty waged between democracies led by elected leaders and global institutions with unelected or unrepresentative leaderships, said Andrew Tucker, director of The Hague Initiative for International Cooperation, or thinc.

“We’ve seen an incredible reliance on this global legal system to achieve world peace and security. But the problem is that Western states hold themselves to the highest legal standards, while terror groups and many non-Western states remain unaccountable. The court’s approach will have a chilling effect that threatens the security of Western states. With these Israeli arrest warrants, every Western state faces now the question: Are we going to continue to put our faith and trust in these global institutions,” said Tucker, whose Netherlands-based research institution focuses on exposing and educating on international lawfare.

In Tucker’s view, the warrants are an expression of a desire by the court and its prosecutor Karim Khan to go after Israel. But in so doing, Tucker said, this legal action is threatening to disarm other democracies of counter-terrorism tools.

“Europe is going to face potentially a wave of terrorist activities and attacks,” he said. “What are they allowed to do under international law to defend themselves against terror? If this is the direction that the court is taking, then Western countries are held to an extremely high standard while the enemy is completely unaccountable.”

Sharansky opined that the ICC move against Netanyahu could expose court officials to punitive action by the United States under Trump, and that the ICJ one could cost the United Nations billions of dollars in U.S. funding.

Ultimately, however, Israelis need to assess the arrest warrants in the context of their country’s war against Iran and its proxies, Sharansky argued. “The PR is of secondary importance. Right now, Hamas is on the ropes and so is Hezbollah. The warrants give our enemies new hope, and that’s their main damage. I’m concerned by it,” he said.

Yair GolanThen-Israeli Deputy Economy Minister Yair Golan speaks during a conference organized by Commanders for Israel’s Security in Herzliya on Oct. 2, 2022. Photo by Avshalom Sassoni/Flash90.

But Sharansky is also encouraged by some of what followed the arrest warrants. One encouraging effect, he said, has been the united condemnation of the warrants by all Zionist parties, including the ones harshly critical of Netanyahu, among them the left-wing The Democrats party under former IDF Deputy Chief of Staff Maj. Gen. (res.) Yair Golan.

The ICC warrants are based “on an antisemitic blood libel,” Sharansky said, “but there’s an important difference with previous blood libels.” Amid a resurgence of pro-Israel voices and movements in Europe and throughout the West, he said, “Jews do not stand alone in seeing and calling out the mendacious blood libel.

“A significant part of the world stands with us. And we just need to stand firm until enough people recognize these blood libels so that they’re no longer possible,” Sharansky said.

THE INTERNATIONAL SYSTEM IS BROKEN BEYOND REPAIR

CAROLINE B. GLICK (JNS.org 22-11-24)

The announcement by the International Criminal Court on Thursday that it is issuing international arrest warrants against Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant indicates that the bottom has fallen out of the international system. The institutions formed in the wake of World War II to create and preserve a liberal, international rules-based order never worked the way they were supposed to work. But today, they are no longer simply feckless, corrupt and dysfunctional. They are malign and dangerous. Rather than advance freedom, human rights and life, they serve tyranny, terror and murder. The system is beyond repair.

In the immediate aftermath of Oct. 7, 2023, Israelis and Jews around the world were stunned to see the international response to the atrocities of the day. They expected the nations of the world to stand with Israel in revulsion and rejection of the Palestinian’s quest to annihilate the Jews. Instead, millions took to the streets of the West’s major cities marching in support of the Palestinian murderers, rapists and kidnappers who tortured, raped mutilated, immolated and murdered 1,200 Israelis that day and

kidnapped 251 more.

After a couple of weeks of crocodile tears and declarations of solidarity with Israel, Western leaders began warning Israel not to commit war crimes, and demanding that it feed and care for the very people who had just committed a one-day Holocaust.

Jews from Tel Aviv to Berkeley to Sydney wondered aloud, “How have things come to this?”

On the face of things, it made no sense. But if we had paid closer attention in the decades leading up to Oct. 7, we would have recognized the pattern. Palestinians massacre as many Jews as they can get their hands on because the more Jews they murder, the more richly the international system rewards them.

Most observers choose Nov. 10, 1975, as the date the worldwide system began its decline from mere fecklessness to malignity. That day, the U.N. General Assembly passed Resolution 3379 that designated Zionism—the Jewish national liberation movement, and the foundation of Jewish peoplehood and Judaism for the past 4,000 years—a form of racism. It didn’t happen in a vacuum though. It was the culmination of a years-long process that saw Palestinian murderousness reach what was until then unprecedented depths of depravity, followed by the beginning of the U.N. system’s embrace of the Palestinians, and their goal of annihilating the Jewish state and its citizens.

Following the PLO’s massacres of children in Kiryat Shmona and Ma’alot in 1974, the U.N. General Assembly passed a resolution legitimizing Palestinian terrorism. It then invited PLO terror chief Yasser Arafat to address the body. During his infamous “Gun and Olive Branch” speech in November 1974, Arafat threatened to continue his terror onslaught if the worldwide community failed to embrace his goal of destroying Israel. Shortly thereafter, the General Assembly passed a resolution giving the PLO observer status to the United Nations.

The following year, the PLO carried out two more sensational terrorist attacks. The U.N. General Assembly responded by passing Resolution 3379, and so declared Israel and its people illegitimate.

Far from being a deviation from the norm, the international system’s decision to stand with Hamas and the Palestinians following Oct. 7 followed a half-century of precedent. The more Jews the Palestinians murder—and the more gruesomely they murder the Jews—the more support the Palestinians receive from the international system.

Arafat, his henchmen, heirs and state sponsors all understood two basic things. First, they understood that Europeans were tired of feeling guilty about their history of genocidal Jew-hatred. The Palestinians tapped into a deep-seated European desire for expiation for the crimes the continent committed against the Jews both during the Holocaust, as well as in the centuries of organized European persecution and murder of Jews that preceded it.

By accusing the Jews and their state of committing the crimes the Europeans had committed against the Jews (and that the Palestinians sought to continue committing against the Jews), the Palestinians permitted the Europeans to feel comfortable—even good—about their murderous past.

The second thing the Palestinians and their Soviet state sponsors realized was that by making Jew-hatred socially acceptable again, they would tear apart the West. The European embrace of the Palestinians against the Jews would drive a wedge between Europe and the United States. And that, in turn, would force the United States onto the defensive for its support for the Jewish state and its people.

In The Arc of a Covenant: The United States, Israel, and the Fate of the Jewish People, Walter Russell Mead documented how American support for the Jewish state preceded the establishment of the modern-day state of Israel by nearly 200 years. It was borne of the founding fathers’ desire to form a New Jerusalem. The “Liberty” in which the United States was “conceived” was the liberty of the laws of Moses that mandated the establishment of limited government of man ruled by G-d’s Divine laws.

For those Americans, the re-establishment of the Jewish commonwealth in the Promised Land would be a fulfillment not only of G-d’s promise to the Jewish people but proof of the justness of the United States of America, which was modeled on that commonwealth.

The Soviets were convinced that by laundering Palestinian terrorist propaganda through the U.N. system, the Palestinian cause would weaken and divide the Western alliance. Under pressure from Europeans and European-influenced American elite, anti-Zionism would undo America’s sense of its own morality and weaken its social cohesion to the point where Americans would be driven apart. Some would internalize the anti-Americanism at the heart of the anti-Zionism, and others would refuse to do so.

In short, Palestinian terrorism and its concomitant propaganda and political

warfare made Jew-hatred socially acceptable again for Europeans; it engendered anti-Americanism in Europe and among the Eurocentric American elite, splitting American society apart.

From 1974 when the Palestinians were first rewarded for massacring Jews with observer status at the United Nations until 2024, when Israel's war for survival against Palestinian mass murderers was declared a war crime and a crime against humanity by the ICC, the Palestinian cause of genocide gradually took over the U.N. system, and its associated agencies and satellite organizations like the U.N. Human Rights Council and the ICC. The only thing blocking its complete takeover and attendant moral and strategic destruction of the post-war system was America's refusal to join in the fracas. In other words, the international system was perpetually just one change in U.S. policy away from being devoured completely by Jew-hatred. Enter the Biden administration.

Since Oct. 7, the outgoing Biden administration has been playing a game of footsie with the U.N. system. While paying lip service to Israel's right to self-defense, President Joe Biden and his advisers have enabled and emboldened the world body and its agencies to side with Hamas by refusing at every turn to take any action against agencies siding with or aiding and abetting Hamas.

Consider UNRWA. On Oct. 7, UNRWA employees in Gaza participated in the atrocities. As the weeks and months passed, it became apparent that UNRWA was Hamas's diplomatic and welfare arm. Its infrastructure was enmeshed in Hamas's terror infrastructure. Its personnel were Hamas personnel. And this was by design.

UN Watch revealed this week that in 2017, then UNRWA head Pierre Krähenbühl met with Hamas and Islamic Jihad terror commanders in Beirut and pledged to work with them in full partnership. Krähenbühl, who now heads the International Committee for the Red Cross, emphasizes the "spirit of partnership" between UNRWA and the terrorist organizations. He urged them to keep the cooperation private to avoid angering UNRWA's donors and endangering its funding.

Although the administration cut off funding to UNRWA after its employees' involvement in the Oct. 7 atrocities was exposed, the U.S. State Department has repeatedly extolled UNRWA, promised to restore funding and threatened Israel with arms embargoes if it cuts off the U.N.'s in-house terror group. So the administration's actual policy is to support UNRWA even as its terrorist activities have become undeniable.

Then there is the International Court of Justice. Two months after Oct. 7, the ICJ began to adjudicate South Africa's allegation that Israel is committing genocide in Gaza. Despite the fact that there is no evidence whatsoever to support the scandalous allegation, the ICJ agreed to hear the case. So today, Israel is on trial for the crimes Hamas and its supporters carried out against the State of Israel.

While decrying the trial, the Biden administration did nothing to intervene on Israel's behalf with the ICJ. It placed no pressure on South Africa to withdraw its case.

By taking no action against the ICJ or South Africa, the Biden administration indirectly but clearly supported their decision to place Israel on the dock.

Last week, the Institute for the Study of Global Antisemitism and Policy (ISGAP) revealed that the South African government and African National Congress (ANC) governing party are bankrolled by Hamas, and its state sponsors Iran and Qatar. So in effect, South Africa is acting as their agent. The actual party accusing Israel of genocide is Hamas, which actually continues its war of genocide still today.

Finally, we come to the International Criminal Court. For the past 15 years, the ICC has been working with Palestinian terrorists to build a legal fiction where Israel, which is not a member of the ICC and over whom the ICC has no jurisdiction is a terrorist organization; and the terror-infused, PLO-controlled, and Hamas aligned-Palestinian Authority is a sovereign state empowered to give the ICC jurisdiction over Israel.

Recognizing the threat the ICC posed not only to Israel but to the United States itself, during his first term, President-elect Donald Trump issued an Executive Order that required sanctions be imposed on ICC staff in the event the institution issued arrest warrants against U.S. military personnel or U.S. allies, including Israel.

Upon entering office, Biden canceled the Executive Order. He refused to reissue it following ICC chief prosecutor Karim Khan's announcement last May that he intended to issue arrest warrants against Netanyahu and Gallant. When the U.S. House of Representatives passed a bill legislating the sanctions that appeared in Trump's executive order, Senate Majority Leader Charles Schumer (D-N.Y.) blocked it from being launched in the Senate.

Through its actions, the administration actively protected the ICC—and indirectly encouraged the ICC in its hostile, unlawful acts against Israel. And, just to be clear, the act in question is kidnapping. Netanyahu and Gallant have committed no war crimes and no atrocities. The ICC is acting without

legal authority, outside the bounds of international law, with no evidence of any crime save claims from terrorists who are themselves war criminals. Its decision to issue international arrest warrants under the circumstances renders the ICC nothing more than a kidnapping ring. And every ICC member nation that agrees to execute the warrants is a member of the ring.

By enabling the international system to escalate its war against Israel and its people, the Biden administration completed the process initiated 50 years ago at the United Nations. Although Biden and U.S. Secretary of State Anthony Blinken have repeatedly protested their commitment to protecting the liberal world order, their actions in office have transformed the U.N.-based system into a mechanism for the advancement of the genocide of Jews and the destruction of the Judeo-Christian civilization.

These institutions are now beyond repair. They cannot be reformed, only dismantled. To this end, Israel, the Jews and the world are lucky that Trump has the courage to clean up the mess his predecessor is leaving and dismantle the now-broken international system that is Biden's legacy.

DID IRAN AND QATAR PAY ANC TO PROSECUTE ISRAEL AT THE ICJ?

ROLENE MARKS (JNS.org 24-11-24)

Headlined "South Africa, Hamas, Iran and Qatar—the Hijacking of the ANC and the International Court of Justice," an American think tank has published an exposé of South Africa's decision to charge Israel with genocide at the International Court of Justice in The Hague.

The report by the Institute for the Study of Global Antisemitism and Policy (ISGAP) takes an in-depth look at the motives and strategic alliances of the ANC government to bring the case against Israel.

The exposé examines South Africa's bilateral ties with Qatar and Iran, Russia's funding of the African National Congress and the worrying ties between members of the South African legal team and various extremist groups and organizations.

It focuses specifically on the ANC, the majority party in power.

Shortly after the Oct. 7, 2023, Hamas-led onslaught on the northwestern Negev, South Africa released a statement inferring that Israel was responsible for the massacre. The former minister of international relations, Naledi Pandor, spoke to the then-leader of Hamas, Ismail Haniyeh, reiterating South Africa's solidarity with the Palestinians.

Shortly after that, Pandor visited Tehran. On Dec. 29, 2023, South Africa filed a formal application against Israel at the International Court of Justice.

Dr. Charles Asher Small, executive director of ISGAP, told JNS, "The ANC's relationship with terror-linked states and their military proxies demands scrutiny. By bringing a case to the ICJ and enabling financial networks that funnel resources to organizations like Hamas, the ANC has positioned South Africa as a link in the global web of terror financing.

"When the ANC accuses Israel of being an apartheid state, like Iran, Hamas and other brutal terror-supporting entities and states, it calls for the elimination of the existence of Israel," he said.

"What is even more pathetic is that the ANC is doing this in the aftermath of the Oct. 7 pogrom, the most brutal massacre of Jews since the Holocaust, in which the ideology and policies of Hamas were transparent for all to witness with clarity.

"For the ANC leadership to align itself with Hamas especially now, for money, is repugnant and an insult to the people of South Africa," Small said. The ANC campaign budget?

One area of particular interest is the financing of the ANC's election campaign. The ANC was in substantial debt ahead of the May 2024 general election. The report states: "In 2022, for example, the party considered selling off assets to pay off a reported 500 million rand (roughly \$27.7 million) in debt.

"Curiously, in early January 2024, S.A. President Cyril Ramaphosa announced that the ANC had mysteriously managed to stabilize its finances, pay off its staggering debt, and recover from the verge of bankruptcy, without providing any specifics on how this had occurred.

"Crucially, this money appeared in the ANC's coffers without explanation, mere days after the South African government brought its case against Israel at the ICJ," the report notes.

The South African Zionist Federation spokesperson, in a statement, said, "The report makes serious claims that require thorough verification.

"These include alleged connections between members of South Africa's legal team and terror groups such as the PFLP, as well as the purported involvement of anti-Israel NGOs in shaping this case.

"Of particular concern are allegations in the report regarding a substantial, unexplained cash injection allegedly received by the ANC shortly after initiating the ICJ lawsuit.

"If verified, these claims would raise serious questions about whether foreign entities committed to delegitimizing Israel have influenced the

ANC's actions, rather than the democratic will of South African citizens. "The timing of the ICJ case, coinciding with South Africa's 2024 election campaign, adds to concerns about potential misuse of government resources," the spokesperson said.

The SAZF called for an independent investigation into the alleged funding sources behind the ICJ case, full transparency from the ANC regarding these allegations and a formal response from Minister of Justice Thambi Simelane outlining steps to investigate these claims.

The ISGAP report is making waves in the South African media. News24, the country's largest online publication, ran the story with the headline "Iran behind S.A.'s ICJ case, claims Israel-linked institute with clout among U.S. lawmakers," and Independent Online had "S.A.'s genocide case against Israel branded political exploitation amid growing Gaza war backlash."

There has been no comment from the South African government or the ANC about the allegations made in the report.

AUSTRALIA, NZ, AND ISRAEL: ELECTIONS HAVE (GOOD AND BAD) CONSEQUENCES

ELLIOTT ABRAMS (CFR.org 22-11-24)

This past week has shown once again that elections have consequences—not least in the Antipodes, and not least for Jews and for Israel.

Take New Zealand, whose trendy progressive government under Jacinda Ardern came to an end when she resigned in January 2023. In the October 2023 general election, her Labor Party suffered the widest defeat of a sitting government in several decades: there was a 23 point swing against Labor.

Lo and behold, the new National Party government announced in February of this year that it was designating Hamas in its entirety as a terrorist organization, dispensing with the fiction that there is a Hamas "political wing" uninvolved in terrorism. Then this week it designated Hezbollah in its entirety as a terrorist organization, again junking the ridiculous notion of a "political wing." New Zealand also designated the Houthis as a terrorist organization this week.

But Australia has moved in the other direction, increasingly anti-Israel since the Labor Party won the 2022 general election. The previous (conservative) government had been a reliable friend of Israel, and Australia's votes in the United Nations more and more frequently sided with the United States on Israel-related matters. Those days are gone.

This past week, that Labor government refused to allow former Justice Minister Ayelet Shaked to enter Australia. She was to attend a conference sponsored by AIJAC, the Australia/Israel Jewish Affairs Council, which is Australia's AIPAC. This was apparently just too dangerous for the current government in Canberra to permit; it said she might "incite discord." So much for freedom of speech; so much for allowing Australians to hear a defense of Israel from an official of its previous multi-party, centrist government. To what other democratic country has this approach been applied? It seems the answer is none; this is just one piece of the Albanese government's hostility to Israel and its catering to anti-Israel extremist opinion.

The other pieces have been evident since Albanese came to power. After the Hamas attacks, President Biden was just one of the many world leaders (including the French president and UK prime minister) who visited Israel in a show of solidarity. Prime Minister Albanese visited Washington in October 2023, but rejected suggestions that he stop in Israel on the way. Nor has he been there since.

There's more. For more than 20 years Australia had voted against or abstained on the perennial U.N. resolution claiming that the Palestinian Authority had sovereignty over natural resources in the West Bank and Gaza. Not any more: Australia supported that resolution in the General Assembly's Second Committee in November 2024. This resolution comes under the UN's Sustainable Development goals. Israel is the only country that the UN condemned under this agenda – ever.

What Australia now supports is described by the UN this way:

By its terms, the Assembly would demand that Israel, the occupying Power, cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.

Further to the draft, it would recognize the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, and Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem....

Again, there's more: In 2018, Australia under Prime Minister Scott Morrison recognized West Jerusalem as Israel's capital. In 2022, Prime Minister Albanese reversed that and started using "Occupied Palestinian Territories" to refer to the West Bank, Gaza—and of course Jerusalem.

Nor did any of that change after October 7, 2023. As AIJAC put it this month, "Since the October 7 atrocities led to an Israel-Hamas war, at almost every opportunity, the Government seems to have chosen to strain, instead of consolidate, our relationship with Israel." The AIJAC statement continued: *One festering sore for Jewish communities worldwide is the appalling double standards the UN and its agencies apply to Israel. Israel is generally censured there as often as all other countries combined, with permanent agenda items in UN bodies devoted to condemning Israel. UN double standards regarding the Jewish state are seen as antisemitism playing out on the international stage.*

For Australian Jews, there was a measure of pride that our country was not part of this farce. Alas, no more. Australia's UN voting record has regressed to abstentions or even affirmatives when there should be noes....

We voted in May for a resolution supporting recognition of a still non-existent Palestinian state – breaking not only with the US, which opposed the resolution, but also Canada, the UK and Germany, which abstained. The motion also gave "Palestine" greater powers in the UN.

The statement concluded with these words: "The effect of the Government's shift in Middle East policies has been to increase the isolation felt by Australia's Jewish community, suffering its worst-ever wave of antisemitism. Indeed, it may even have inadvertently contributed to the intensity of the unprecedented antisemitic wave afflicting Australia over the past year."

Australia has "evolved." Once one of the few countries that joined the United States, Canada, and occasionally a European nation in solidarity with Israel, it has now joined the jackals at the U.N. For the Albanese government, this is either a cynical domestic political move or it is an ideological commitment that places solidarity with the Left over solidarity with a fellow democracy fighting for its life against Iran and against three terrorist groups, Hezbollah, Hamas, and the Houthis. Either way it is a sad turn for a country that used to know better.

Ayelet Shaked's reaction to the despicable, cowardly decision to refuse her permission to visit Australia was to promise that she would visit "in better days." Friends of Australia must hope they come soon.

OCTOBER 7 FALLOUT: SOME SUPERMARKETS CLOSING THEIR KOSHER SECTIONS

ELDER OF ZIYON (Elderofziyon.blogspot.com 25-11-24)

I heard secondhand about a high end supermarket in Seattle closing its kosher section after October 7 2023. So I looked up whether there were any reports about this, and I found a Reddit discussion on this very topic from last June.

A woman from Maryland wrote about her local Wegman's:

*My local grocery store used to have a well-marked kosher section in the middle of their store. It wasn't big, but you could find it pretty easily. My husband went out to the store this evening and said it's completely disappeared, with the kosher section now having been moved discreetly to a smaller section in the baked goods area, almost entirely hidden behind another display- like they're *** embarrassed to be making kosher food available. We're living in a *** twilight zone, you guys*

Others chimed in, including from Seattle:

The kosher section of two stores I've been to in my area have disappeared. I'm in Seattle and when I went to QFC it was just gone. I asked where it was because the aisle it used to be in changed the whole row so thought maybe it had just been shifted. The workers seemed evasive and said "maybe it's with the other things" from the old aisle. It wasn't. I found the remains of the section on the clearance rack. It's just gone.

Another said:

The kosher sections have disappeared from a Fred Meyer and my QFC in Seattle. I was heartbroken.

This does not feel like a widespread problem, yet. The Seattle QFC being discussed appears to be in an area that is heavily "progressive," other QFCs in the Seattle area have full kosher sections including meats and sushi.

Nevertheless, it is definitely concerning that some stores either want to boycott kosher products themselves - or feel that making kosher products visible would result in their being attacked.

Needless to say, this is antisemitism, not "anti-Zionism." And it shows how the wave of protests affects the daily lives of ordinary Jews.

YOU ARE A JEW: CHABAD AND THE ANTISEMITES

RABBI MOSHER HAUER

Everyone has their favourite Chabad story. Here is mine.

A friend once approached a Chabad shaliach (emissary) who would stand at the entrance to the subway station each and every Friday morning, asking people if they were Jewish and offering to help them lay tefillin. It was exceptionally rare for anyone to stop and accept his offer and my friend wanted to understand how the shaliach kept at it week after week, despite his

repeated failure. The shaliach's response was quintessentially Chabad: "My success rate is 100%. Every Jew that walks by me is reminded that he or she is a Jew."

Chabad's dedicated emissaries can be found in every corner of the globe, creating Jewish presence and outposts of Jewish life and caring, reminding Jews of who they are. According to Pew, an astounding 37% of American Jews engage with Chabad from rarely to often.

Two years ago, a group of us from the Orthodox Union had the privilege of attending the dinner event at Chabad's annual conference of shlichim (emissaries). We went to demonstrate appreciation for their lifesaving work delivering aid and support under fire to the Jews in Russia and Ukraine. As they went through the jaw-dropping roll call of their emissaries throughout the globe, the big screen showed Russia — 222. I leaned over and whispered to a colleague. "Do you see that? We struggle to find a few people to spend a couple of years of their lives teaching Torah in communities without a kosher pizza store, while Chabad has 222 people who at around the age of 22 decided to go alone to remote corners of Russia where they will care materially and spiritually for Jews, raise their own families, and remain until they die or the Messiah arrives."

That is what the angels of Chabad do everywhere in the world and that was the mission of Rabbi Zvi Kogan in the UAE. No movement or group even remotely approaches Chabad's relentless dedication to mission and its reach and success in reminding Jews — wherever they may be — of who they are.

No one, that is, other than the antisemites.

The vicious murder of Rabbi Zvi Kogan painfully reminded every Jew everywhere that he or she is a Jew. It was not an isolated reminder. The tidal wave of antisemitism that has engulfed the world since October 7 has reminded countless Jews of who they are and moved them to try to find their way home to Jewish tradition and community. Much as the Talmud notes how the empowerment of Haman stimulated more of a resurgence of Jewishness than the positive guidance of generations of prophets, we can observe how hateful antisemitism has outdone the ahavat Yisrael of Chabad in bringing Jews home.

Our hearts are broken for Rabbi Kogan's family and for the entire Chabad community as they grieve over this devastating blow. We in the Jewish community would do well to pause and make note of the debt we owe them for their steadfast commitment to all of us, for the Jewish infrastructure they have created and maintain throughout the world, and for reminding us of who we are and the values we stand for.

The world would also do well to pause and learn from Chabad's remarkable army of men and women who never hide or shirk their identity and values but choose instead to work fearlessly anywhere and everywhere to bring light to a darkened world. Their strength should inspire the many who continue to display weakness in their epic failure to act with moral clarity and courage and confront evil and who have chosen instead to bow to popular opinion and tie the hands of Israel. What has been done and said in recent days by the ICC, the UN, the Vatican, and by some in the United States Congress has added wind to the sails of Iran, Hamas, and Hezbollah, further fueled global antisemitism, and empowered the enemies of the Jewish people. If only they had the moral courage of a Chabad shaliach.

The vicious murder of Rabbi Kogan reminds us Jews of who we are. The life of Rabbi Kogan and of his fellow shlichim should remind all people of good conscience to act with discernment and moral clarity, standing up fearlessly to evil and lovingly offering their support for the good.

Sincerely,
Rabbi Moshe Hauer
Executive Vice President, OU

Kosher & Halacha Korner

The following article may be at variance to local Kashrus Agencies. When in doubt, contact your local reputable Agency. In Australia, direct any questions to info@kosher.org.au or visit www.kosher.org.au

TRIPLE WASHED LETTUCE WITHOUT KOSHER CERTIFICATION

RABBI CHAIM JACHTER (KolTorah.org)

With Rav Mordechai Willig's agreement, Rav Asher Bush (Teshuvot Sho'el BiShlomo 2:63) permits high-quality, non-organic, triple-washed lettuce from a major North American company. Yet, the major Kashrut organizations do not agree due to concern for insect infestation. Let us try to understand this dispute.

INSECT INSPECTION BASICS – ROV, MI'UT HAMATZU'I, AND MI'UT SHE'EINO MATZU'I: There is much at stake when inspecting lettuce for bugs. Any insect visible to the naked eye is not nullified even in a one thousand times greater amount of food (Shulchan Aruch Y.D. 100). Nullification implies insignificance, which is not the case for an intact

macroscopic organism, even the size of an ant.

However, the Shulchan Aruch (Y.D. 84:8 and Shach Y.D. 84:28) only require inspections of typically infested produce. How common must the infestation be?

On a Torah level, it suffices to rely on a Rov, majority of cases (Chullin 11b-12a). In the case of insect inspection, if a majority of the produce does not contain bugs, there is no need to inspect them (MiDoraita). However, Rashi (Chullin 12a s.v. Pesach) and Ramban (Milchamot Hashem, Chullin 3b in the pages of the Rif) say there is a rabbinic obligation to inspect for Torah prohibitions if there is a Mi'ut HaMatzu'i, a significant minority, of problem situations. Rashi and Ramban are codified as authoritative (Shulchan Aruch and Ramah Y.D. 84:8 and Shach Y.D. 84:28).

These Rov, Mi'ut HaMatzu'i categories, and Mi'ut She'eino Matzu'i are relevant in many other areas of Halacha, including Treifot inspection and Sha'atnez review.

The widely accepted definition of a Mi'ut HaMatzu'i is that a problem exists in ten percent or more cases, following Teshuvot Mishkenot Yaakov (number 17). The Darkei Teshuva (39:3) and Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:63: 1) present this ruling as authoritative.

Perhaps this approach of the ten percent benchmark is also appealing because it avoids the extreme of the other views. On one end of the spectrum, the Rivash (Teshuvot number 191; note that the Rivash is the only Rishon to address this question) sets the bar at thirty-three percent. Rav Yitzchak Yosef (Yalkut Yosef, Y.D. 84:12) presents this as the primary view. At the other end of the spectrum, Rav Yosef Shalom Eliashiv (Halichot Sadeh, 143:7), Rav Shmuel Vosner (Teshuvot Sheivet Halevi 4:81), and Rav Asher Weiss (Minchat Asher, Shemot 42:5) place the number between four to five percent.

Rav Bush follows Rav Hershel Schachter and Rav Mordechai Willig, who accept the ten percent standard. The OU follows this standard as well (<https://outorah.org/p/109245/>). As Rav Ovadia Yosef notes in several Teshuvot, normative Halachah prefers the middle opinions.

Of great relevance to the issue at hand, contemporary Poskim debate the unit one uses to gauge the percentage of insect infestation. Four opinions have emerged. According to Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:63:2), a natural unit is used. For example, a head of lettuce constitutes a unit. Rav Eliashiv (cited in Bedikat Mazon KaHalacha 1:4:4) defines a unit as the amount a consumer typically purchases. Rav Vosner (ad. loc.) and Rav Schachter say it is a portion of the food one eats in a meal (I have heard that Rav Zalman Nechemia Goldberg agrees). Finally, Rav Willig argues the unit is the amount one places in his mouth. In our case, Rav Shlomo Zalman and Rav Eliashiv would agree on the "unit," and the amount typically purchased is one bag/package.

If it is established that there is a Mi'ut She'eino Matzu'i of infestation, the Rashba (Teshuvot 1:274) rules that random produce samples do not suffice. Rather, we must review each piece. The Ramah (Y.D. 84:8) codifies the Rashba, and no one disagrees.

APPLICATION TO TRIPLE-WASHED LETTUCE; Rav Bush permits the use of non-organic triple-washed lettuce from major American companies without further examination. He writes that we typically do not find even a Mi'ut She'eino Matzu'i of insects in such triple-washed produce. A large, respected company has a business reputation it zealously seeks to uphold. Thus we may trust them due to the Halachic assumption of Uman Lo Mar'ei Anafshei; a professional does not work against his best interest (e.g., Menachot 43a and Shulchan Aruch and Ramah Y.D. 114:5). This is especially so in this situation where a misrepresentation is easily detected (Milta D'avid L'geluyei, e.g., Bechorot 36a and Taz E.H. 120:12).

CRITICISM OF RAV BUSH'S RULING; Many disagree despite the cogency and straightforward nature of Rav Bush's ruling. For example, the CRC posts, "triple washed lettuce without a reliable Hechsher has been proven many times over to be infested." Similarly, Rav Yisroel Belsky (Shulchan HaLevi, English, page 94-95) makes a similar claim even about produce with Kosher certification. The OU (Daf HaKashrut, February 2006) adopts the same stance. How do we account for the wide disparity between Rav Willig and the major Kashrut organizations?

The disagreements might stem from various points. One possibility is that the critics adopt a stricter definition of a Mi'ut She'eino Matzu'i or inspection unit. Another option is that they adopt a non-mathematical approach to determining a Mi'ut HaMatzu'i – whether one would be surprised to find a bug. Finally, they might agree with Rav Moshe Vaye's assertion (Bedikat HaMazon KaHalacha 1:10:1) that once produce is infested at a rate of a Mi'ut HaMatzu'i, it must be cleaned completely and not merely reduced to the Mi'ut She'eino Matzu'i standard.

Rav Bush responds to Rav Vaye's point, arguing that Halacha judges an item based on what is presented before the consumer. Inspecting is unnecessary since the produce enters one's domain below the Mi'ut She'eino Matzu'i

threshold. However, Rav Vaye might invoke the Ramah (Y.D. 98:4) that even if a forbidden item is Bateil BeShishim, one must exert every effort to remove it. The Gilyon Maharsha (ad. loc.) notes a Torah-level obligation to do so.

However, Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:63:3) appears to agree with Rav Bush, and Rav Yitzchak Yosef (Yalkut Yosef, Issur V'Heteir, page 318) explicitly concurs. They could say that the Ramah speaks of food in which one is certain forbidden food has fallen. Even more so, in the case of Bittul, we know it is still there, but it fails to reach the Halachically meaningful threshold. In our case, the bugs have likely been removed completely.

S'NIFIM L'HAKEL: Several secondary ways support Rav Willig and Rav Bush's ruling. First, the Aruch HaShulchan (Y.D. 100:13-18 and 103:11) rules that foul-tasting bugs mixed in produce do not pose a Halachic problem. Despite Pri Chadash 103:5 and Kaf HaChaim 103:5 disagreeing with the Aruch HaShulchan, the latter is defending the prevailing practice of most Jews of his time. The Aruch HaShulchan records that most Jews did not thoroughly clean their produce from insects, except for the Medakdikim, the scrupulously observant.

Although Rav Schachter rejects this Aruch HaShulchan, I heard from Rav Ahron Soloveichik that he agrees.

Another S'nif L'hakel is the opinion that one unaware of the tiny insects on the vegetables he consumes does not violate Halacha because he is Mitaseik. Teshuvot Shivat Tzion (number 28) and Teshuvot Tzofnat Pa'anei'ach (Ma'achalot Asurot 2:15) subscribe to this idea, and Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 1:6 s.v. v'ayein) and Rav Asher Weiss (Teshuvot Minchat Asher 3:52) regard it as a possibility.

Finally, Halacha possibly does not prohibit tiny aphids and thrips on produce that are very difficult to detect. Tiny bugs might be similar to the Mishna Brura's rulings that minute disqualifications of a Sefer Torah (32:122 and Bi'ur Halacha s.v. Ot Achat) and an Etrog (648:46 and Sha'ar HaTziyun 648:49) do not apply when one can detect them only by a close examination.

Rav Moshe Feinstein is quoted as presenting such a possibility. Rav Moshe is cited as saying that this was the practice of prior generations, and it is forbidden to question the Halachic practices of our forebearers.

This approach fits with the Mishna Berura not referencing a bug problem when discussing the Bracha on raspberries (203:1). Moreover, the Aruch HaShulchan (Y.D. 100:13-18) writes that most Jews (except for the exceptionally scrupulous) were only concerned if the bug was easily discernible.

Although we do not typically follow these approaches, they secondarily support a lenient ruling in case of doubt.

THE CHOCHMAT ADAM'S RECOMMENDATION: Perhaps the best way to appreciate this stringent approach is likely based on the words of the Chochmat Adam (38:20), who wrote (long before the advent of pesticides), "It is proper for a person to look at what they are eating, and through this, he will be saved from eating many bugs; I testify about myself that many, many times I was saved through this, thank G-d."

RESPONSE FROM OU KOSHER: OU Kosher's insect inspection expert responded that we must consider several practical factors. Firstly, infestation levels vary from region to region, field to field, and season to season within the same region. Secondly, washing systems are not uniform, and neither is their effectiveness. There have been instances when triple-washed lettuce has been checked and found to be Mi'ut HaMatzu'i. The OU Kosher expert clarified that their testing sample is an eight-ounce bag and that ten percent is the threshold they use for a Mi'ut HaMatzu'i. They also confirm that they conducted their tests on North American, high-quality, and non-organic produce from a large and reputable company.

CONCLUSION – COMMUNITY VS. INDIVIDUAL: My experience accords with Rav Bush's, and other learned Jews agree. How are we to resolve this matter? First, the ten percent threshold is not met if the unit standard is a mouthful or even a portion. Second, perhaps we should distinguish between individual homes and the community. Individuals may rely on Rav Willig and Rav Bush, but communal organizations (including individual synagogues) should follow the OU standard.

The Aruch HaShulchan records that most Jews did not thoroughly clean their produce from insects, except for the Medakdikim, the scrupulously observant. Thus, the community upholds the tradition of the most conscientious Jews, and individuals may choose to honor the practices of the broader community.

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