



Compliments of the Institute of Jewish Studies (founded by [Yankel Rosenbaum](#) HY"D) First Published Adar 5761 Vol 24.32  
 Printing in part sponsored by **NLZ Imports, D&A Werdiger, Weis Printing**  
 (In memory of Moshe Yehuda ben Avrohom Yaakov, Mala Mindel bas Meir, Moshe Tzvi ben Yitzchok Aharon, Gittel bas Sinai,  
 Nechemia ben Menachem Mendel, Yaakov ben Menachem Mendel)

# Acharei-Kedoshim 5785

## RENEWABLE ENERGY IN THE TORAH

CHAYA SHUCHAT (Chabad.org)

It has long been recognized that relying on fossil fuels as a power source is not sustainable in the long run. The earth's natural resources are becoming depleted, and burning coal and gas contributes to pollution and global warming. Solar power is one of the best sources of renewable energy, especially in hot desert areas. There, the intense sunlight is a potent form of energy that in most cases merely bakes the earth but is not harnessed for productive ends.

The world's largest solar power plant has recently opened in the Mojave Desert, consisting of rows upon rows of bright mirrors spread across nearly five square miles of the desert floor. The mirrors focus the desert's intense sunlight onto boilers, which heat water into steam. The steam then turns a turbine to generate energy. The plant produces enough energy to power 144,000 homes. The site of the power plant has virtually uninterrupted sunshine all year round, and is situated near power lines, making it an ideal setting for converting sunlight into usable energy.

No form of energy is of any use unless there is a way to channel and harness it. Otherwise, the energy simply dissipates. We find a similar concept in Jewish thought. There are certain times of the year when special spiritual energy is generated—such as on Shabbat, holidays, or Rosh Chodesh (the new moon). We must find a way to capture the energy and use it to drive our continuing development as human beings, to energize us in the fulfillment of mitzvahs.

We find an example of poorly channeled energy in this week's Torah portion, when Nadav and Avihu, two sons of Aaron, entered the Mishkan (Tabernacle) and brought a "strange fire" to G-d. They were so enthusiastic about the building of the Mishkan and the prospect of becoming close to G-d that they offered a sacrifice at a time that was not appropriate for them. As a result, their souls simply flew out of their bodies in an effort to cleave to G-d. Had they not been so overeager, they could have used this intense spiritual power to bring about real change and elevation in the world. However, their spiritual zeal was focused only on rising to G-d, but not on channeling the energy here on earth. Therefore, they did not survive.

Over the course of exile, we have been charged with the task of building "mirrors in the desert," harnessing the intense divine radiation that is beaming down upon us. The "mirrors" are our mitzvahs, and the "sunlight" is the divine light that is drawn down to the world through our actions. When Moshiach comes, the construction project will be complete, and we will be able to derive the full benefit of the work we have done over so many generations. Then, G-d will "take the sun out of its shield," and the night will shine like the day.

## THE STUFF OF LIFE

RABBI YISSOCHER FRAND (Aish.com)

Martyrdom is demanded of a person only rarely. He must allow himself to be killed rather than cause a chillul Hashem, a desecration of the holy Name. He must also be prepared to die rather than commit one of the three cardinal sins ¼ idolatry, illicit relations and bloodshed. Otherwise, he is allowed to violate any prohibition in the Torah in order to save his life.

The Talmud (Sanhedrin 74a) derives these guidelines from the verse, "And you shall keep My decrees and My laws, that a person shall do them, and he

shall live by them, I am G-d." The Torah wants the Jew to "vechai bahem, live by them," not to die by them. If you have to eat chametz on Pesach in order to survive, do so. If you have to desecrate the Sabbath to save your life, do so. If you have to eat nonkosher food to avoid starvation, do so. Your first priority is to "live by them," not to die.

There is a general misconception about this passage in the Talmud. At a cursory glance, the Talmud seems to be saying that life is a higher value than the fulfillment of the mitzvahs. But what does this mean? How does one define the life that is so precious even though it is devoid of mitzvahs? What makes it so precious? Watching the sunrise on the beach? Reading a good book? Sipping a cup of heavenly coffee?

This is not what the Talmud is saying. Onkelos translates the words vechai bahem as "he will live forever [in the World to Come]." Rashi also follows that translation, pointing out that "it cannot mean in this world, because he will eventually die."

Accordingly, Rav Moshe Feinstein in Igros Moshe sees the Talmud as telling us something totally different. On the contrary, the most precious thing in life is mitzvahs because we "live by them"; they bring us to the World to Come, to eternal life. Therefore, in case of danger it is better to violate a prohibition of the Torah if by doing so one will survive to fulfill many more mitzvahs for years to come. The Talmud tells us (Yoma 85b), "Desecrate Shabbos for him once in order that he should observe Shabbos many times." For the Jewish people, mitzvahs are the stuff of life.

The Gerrer Rebbe offers a chassidishe interpretation of this phrase, "vechai bahem, that you shall live by them." What do we call "living by them"?

In the yeshivah world, one often hears the question, "Where do you get your chius?" Literally, this means, "Where do you get your life?" The question touches on a profound issue. Where do you find the spark of life? What brightens up your day when you get out of bed in the morning? What excites you? What gives you the zest for life? For some people, it is the prospect of learning Torah. For others, it is the opportunity to do some good work in Jewish outreach. And for yet others, it is the prospect of a good steak or a good game of baseball.

This, says the Gerrer Rebbe, is what the Torah is telling us. A person should "live by the mitzvahs." His chius, his zest for life, should derive from the prospect of doing mitzvahs. These should be the entire raison d'être for his existence in this fleeting material world.

Before you turn around, your life in this world is over, even if you were blessed with a ripe old age. It is all a dream, an illusion. You cannot look for the meaning of life in this world, only in the eternal World of Truth, and only mitzvahs will bring you there. Only mitzvahs will give you an everlasting, meaningful life.

You should never seek to accumulate money for its own sake. What will it get you? A little extra pleasure in this world? Is that life? Is that where you are expecting to find your chius? You should work as much as you have to in order to provide a livelihood for your family, but you should seek your chius from doing mitzvahs and chessed with your wife and children, your family, your community, all the Jewish people. You should seek your chius, your lifeforce, in the Torah. You should seek your chius in building a close relationship with the Master of the Universe. That is the key to eternal life.

## THE LAND OF ISRAEL WILL FLOW WITH MILK AND HONEY

RABBI LABEL LAM (Torah.org)

For the people of the land who preceded you, did all of these abominations, and the land became defiled. And let the land not vomit you out for having defiled it, as it vomited out the nation that preceded you. (Vayikra 18:24-25)

And let the land not vomit you out: This can be compared to a prince who was fed noxious food, which could not stay in his intestines; So, he vomited it out. Likewise, the Land of Israel cannot retain transgressors and thus, it vomits them out- Rashi

What is this peculiar relationship between Eretz Yisrael and its inhabitants? This cannot be mere personification and poetics at play. The Torah tells us explicitly that the land vomits out those who it finds distasteful, literally. When the notorious spies came back with their discouraging report, much of what they said contained kernels of deep truth. One description they gave was, “It’s a land that consumes (literally eats) its inhabitants!”

They were reacting, according to Rashi, to the many funerals that were taking place during their visit, which were really orchestrated by HASHEM to distract the peoples of the land so the spies could navigate undetected. They, however, interpreted it negatively, assuming wrongly, that this was evidence that it is an unhealthy and dangerous place to live.

Reb Tzadok HaKohen writes that it is true, in fact, that Eretz Yisrael literally eats its inhabitants. When somebody eats any food, the tongue is on the front line of defense to determine if what is about to be consumed is safe. Even if it is swallowed, if the stomach finds it putrid then the body knows how to eliminate what it ate. Eretz Yisrael is a discerning land. It is spiritually sensitive. If people misbehave and are morally corrupt, the land will reject them and eject them over time.

For that reason, the seven nations lost their lease and so did the Jewish People for quite a long period of time, till now. The land is particularly welcoming and also responsive, as a moral barometer for the Jewish People. How is it that land can feel so and be reactive to human behaviors and attitudes?

When Adam was responding to HASHEM’s cosmic question, “Ayecha?” – “Where are you?”, he uttered a word that signaled he was in a world of trouble. He said, “I heard Your voice in the garden, and (ANOCHI) I was afraid because I am naked, so I hid.” (Breishis 3:10) He used the term ANOCHI, capital “I” in reference to himself, as if declaring himself independent from HASHEM. The Midrash saw in that single statement a subtext of arrogance, that Adam was saying to HASHEM, “I did it and I’ll do it again!” The Baalei Mussar understood that he was actually expressing helplessness. “I did it and I cannot stop myself from doing it again!”

If this is the case that ANOCHI is a signal of rebelliousness, then why is Avraham not chastised when in defense of Sodom he entreats HASHEM with the words, “ANOCHI AFAR V’EIFER” – “I am dust and ashes!” Does he not also employ the capital “I” in reference to himself? Sure, he is declaring himself dust and ashes but is that contradicted by his identifying himself as ANOCHI?! Avraham is moving in the opposite direction. Adam was running from HASHEM and Avraham was merging with HASHEM. He wasn’t even referring to himself as ANOCHI. He was rather declaring that my “ANOCHI”, my ego is nothingness!

What are dust and ashes? Why the combination of the two? “Dust” – earth is nothing till now but it can produce in the future. Ashes was something in the past but it is toast now. “Dust and ashes” – declares that this “I” was, is, and will be essentially nothing.

Someone with farming experience alerted me recently that dust and ashes together are actually a profoundly rich mixture for productive growth. When a forest burns down the ashes and the earth combine to form fertile ground for new trees.

Avraham is saying that I am ready to express YOUR will HASHEM, to be a vehicle through which YOUR “Endless Light” shines into this world. The land of Israel mirrors our attitude. If we are filled with ourselves and moving away from HASHEM then even the sweat of our collective brow will barely produce enough bread. If we are dust and ashes, then the Land of Israel will flow with milk and honey.

## FINDING TIME

RABBI LAZER GURKOW (Chabad.org)

Ever heard the quote “The more I learn about people, the more I like my dog”? It may not be the nicest thing to say, but the thought is all too common. Let’s face it, not all people are pleasant. Some people leave us wondering if we should continue making time for them or focus on things we enjoy.

The Torah (19:2) tells us to be holy, as G-d is holy.<sup>1</sup> Our sages (Tosafot, Kiddushin 2b) explained that to be holy means to be separated.<sup>2</sup> But separate from what? Does the Torah want us to become recluses, separated from all annoying acquaintances and time-consuming distractions, or does the Torah want us to distance ourselves from our own feelings of annoyance that are rooted in selfishness?

The answer can be found in the way the Torah introduces this injunction. G-d instructs Moshe to convey this directive to all the children of Israel—and our sages infer that it was to be delivered in the presence of the

entire nation, men, women and children (Rashi ibid., quoting Vayikrah Rabbah 24:5).

It would be ironic if Moshe were told to gather the nation just to tell them to disperse and separate themselves from each other. The gathering implies that G-d wants his children to integrate and interact with each other and with the world. Still, He doesn’t want us to become too invested in the whims of society, too caught up in meaningless folly. We must be holy, as G-d is holy—He is intimately involved in the workings of the world, but at the same time remains above it. And so must we be in the world, but not of the world.<sup>4</sup>

## FINDING TIME

Reb Abba Ginzburg, a wealthy chassid from Minsk, complained to his Rebbe, Reb Shmuel, the fourth Rebbe of Lubavitch, that his vast business concerns left him with little time or headspace to pray properly and study Torah.

The Rebbe replied, “Abba, you are a smart man. Is this the proper way to thank G-d for giving you the trials of the wealthy, who worry about growing richer, instead of the trials of the poor, who worry about putting bread on the table?”

Reb Abba left Rebbe’s room a broken man. Here he was, the wealthy owner of banks, real estate, factories and forests, and what did it all amount to if he couldn’t even appreciate the gift? He realized at once that if he could be so ungrateful, he was far from wealthy. In character, he was terribly poor. He, a man of flesh and blood, who was here today and would be gone tomorrow, couldn’t find time to thank the Creator and study His Torah!

Several days later, Reb Abba shared with the Rebbe that he had decided to dissolve his business, hire a teacher and devote himself to Torah study. To atone for his past ingratitude, he would leave half his wealth to charity in his will.

The Rebbe agreed with only part of his plan. Hiring a teacher and studying Torah every day was a great idea. Giving half his wealth to charity was also a good idea. But the Rebbe disagreed with the other two parts of the plan. “Don’t wait till after you die to give your money to charity,” the Rebbe advised. “Enjoy your mitzvah while you are still alive. And don’t throw away your business.”

Reb Abba argued that if he should resume his business, he would revert to his old ways. He wouldn’t find time to pray properly and would be too distracted to study Torah. The Rebbe replied, “There will be plenty of time. The time you spend with your business partners in idle chatter unrelated to actual business can be devoted to Torah and prayer.”

Reb Abba returned to Minsk and began to follow the Rebbe’s advice. He cut back on the idle chatter and long business lunches and found plenty of time for Torah. Several months later, Reb Abba brought half his wealth to the Rebbe, who distributed it to charity on his behalf. (see Igrot Kodesh Rayatz, vol. 8, pg. 5)

## SEPARATE, NOT SEPARATED

There is no need to separate ourselves from this world to be close to G-d. You find that you are too engrossed in gossip or deceit? Don’t throw away your business or reject your friends. Just control your impulses. You find that you have no energy or time to attend minyan (prayer services) in the morning? Cut out the late-night television and get to bed early. You find that you are too distracted to study Torah? Utilize the time that you otherwise waste.

These days, you can download the entire Torah to a smartphone. When you’re on line at the supermarket, in the waiting room before an appointment or in transit on the plane, you can pull out the phone and study Torah. You can listen to Torah lectures while driving. Finding time is no longer a challenge. Today, it is just an excuse.

You can be in the world and not of the world—close to people and G-d at the same time. If you feel that people are pulling you away from G-d, look inside. Are you blaming these friendships for your own resistance to Torah learning? What could you do to bring more Torah into your relationships? Our solutions are rarely other-based. They are almost always self-based.

The only things that separate us from G-d are our choices. We can choose to distance ourselves from G-d, but the Torah instructs us to choose differently. G-d focuses on our needs. It is only fitting and proper that we do the same in return.

## MOTHERHOOD & SHABBOS PIE

RABBI MORDECHAI KAMENETZKY (Torah.org)

“One must revere his mother and father and observe my Shabbos, I am Hashem your L-rd” (19:3)

By combining the mitzvot of respecting parents, the Torah begins the first of the myriad commands between both man and his fellow man, and man and his Creator, that fill Parshas Kedoshim.

Rashi notes this curious combination of Shabbos observance and parental

respect. It interprets the juxtaposition to mean that Shabbos observance is so important that it overrides parental request for its desecration.

But in addition to the halachic directive inferred by the proximity of the two laws, perhaps there is a moral lesson, too.

*Dr. James David Weiss had been attending Rabbi Berel Wein's classes for a while, and though he was not committed to Yiddishkeit in all its aspects, he was truly fascinated by the amazing insights and the spiritual impact that Torah study had made on his life. In fact although he was a shiur regular, and his wife was committed to Torah observance as prescribed by the Shulchan Oruch, the doctor had not yet made the commitment to observe Shabbos.*

*Towards the summer, Dr. Weiss mentioned to Rabbi Wein that shortly he would be visiting Israel. The doctor had heard Rabbi Wein's stories of his experiences, as the Rabbi of Miami Beach, having chauffeured Rabbi Yosef Kahanamen, the Ponovezer Rav on his fund-raising missions in the United States. In many of his lectures, Rabbi Wein had related his close relationship with Rav Kahanamen, and Dr. Weiss excitedly told Rabbi Wein that he would soon visit the Ponovez Yeshiva. Dr. Weiss did not know that the Rav had passed away a decade earlier, so he enthusiastically offered to send Rabbi Wein's regards to the Ponovezer Rav. Not trying to discourage the visit, Rabbi Wein smiled and said, "you could try."*

*Dr. Weiss arrived at the Ponovez Yeshiva and after marveling at the beauty of its gilded Aron Kodesh and nearly 1000 swaying Talmudists, he asked a boy to direct him to the Ponovezer Rav. Since the Rav had passed away a decade earlier, they directed him to the Rosh Yeshiva.. Dr. Weiss waited for the sage to lift his head from the large tome. The old sage looked up and greeted the doctor. Dr. Weiss stuck out his hand, and with the remnants of the Yiddish he had salvaged from his youth, he addressed the Rav.*

*"Sholom Aleichem! My name is Dr. Weiss I study with Rabbi Wein and I come from America with warmest regards from him."*

*The Rav looked at him quizzically. "I don't know a Rabbi Wein."*

*"Don't you remember?" asked Dr. Weiss in shock. "Rabbi Berel Wein," he repeated. "He would often drive you when you visited Miami on behalf of the Yeshiva."*

*The Rav smiled.*

*"I don't know Rabbi Wein, and I have never been to Miami. I think you meant to see Rav Kahanamen, but unfortunately he has passed away."*

*Dr. Weiss looked embarrassed.*

*But the Rav quickly dissolved the discomfort by holding the doctor's hand and blessing him warmly.*

*"Dr. Weiss, you are a good Jew and you should be a gebenchta (a blessed) Jew. But remember, Shabbos observance is an integral part of Yiddishkeit. Do not forsake the Shabbos!"*

*Dr. Weiss was astonished. How did the Rav know about his wavering about commitment to Torah-observance?*

*It did not make much of a difference, because from that day on Dr. Weiss affirmed his committed to Shabbos with the same intensity that he had always committed to his fellow man*

Perhaps the Torah juxtaposed the most basic tenet of any society with the highest form of our spiritual expression to teach us that the two are inseparable.

Many people feel that Judaism entails all that is mom and apple pie. But there is more to Yiddishkeit than what we, as Americans, Europeans, Asians, Africans, and even Israelis feel good about or think is morally correct. Judaism entails the essence of our spirituality that is encompassed and represented by Shabbos observance. Judaism is more than Mom and Apple Pie; it entails Motherhood and Shabbos rest.

## A CRITICAL DIFFERENCE

RABBI NAFTALI REICH (Torah.org)

Why do we cringe when our flaws and shortcomings are pointed out to us?

Why do we find criticism such a bitter pill to swallow? Logic would seem to dictate the exact opposite. We all want to be the very best we can possibly be, to reach our full potential. Therefore, it is important that we know our flaws in order to correct them, and we should be happy to have them pointed out to us. Why then do we cringe? Why do we feel humiliated?

Furthermore, the Torah in this week's portion commands us, "Do not hate your brother in your heart. Rebuke your friend, and do not bear sin upon him." There seems to be a contradiction here. On the one hand, the Torah requires us to rebuke others. Yet the Sages tell us that "people who accuse others of shortcomings are themselves guilty of the same flaws," clearly implying that we should refrain from offering rebuke.

The answer lies in a closer reading of the Torah's commandment. "Rebuke your friend." Make sure your rebuke is delivered in a spirit of friendship. "Do not bear sin upon him." Separate the person from the sin. Rebuke the deed, not the person. People who judge and condemn, the Sages add, are generally guilty of the very crimes of which they accuse others. People who

are righteous and free of guilt, however, offer constructive criticism in a spirit of friendship.

Criticism itself does not humiliate. After all, very few people consider themselves absolutely perfect. Rather, it is the manner in which the criticism is delivered that humiliates. Very often, unfortunately, it is delivered in a mean-spirited, malicious manner, whereby the critic demeans us in order to make himself appear "holier than thou." It is a put-down, and we instinctively recoil.

Constructive criticism, however, delivered in a pure spirit of love and compassion, is always welcome. Indeed, it is one of the primary catalysts of personal growth.

In a certain district of Jerusalem, all the storekeepers agreed to close down their stores for Shabbos – except for one grocer. No matter how much pressure was brought on him, he refused to budge.

One Friday, one of the prominent Jerusalem sages dressed in his best Shabbos finery and entered the grocery store. He stationed himself on a chair in the back of the store and proceeded to stay there for the entire day, watching the busy hustle and bustle of the grocery shoppers. As evening drew near, the grocer approached the sage and asked, "Is everything all right, rabbi? Do you need anything? Is there anything I can do to help you?"

"No," said the sage. "I have come here because I wanted to understand why you refuse to close your store on Shabbos. Now, it is clear to me. You have such a busy store that it would be a tremendous ordeal for you to close it, even for one day."

The grocer burst into tears. "You are the first one to try to see it from my side," he managed to say between sobs. "Everyone scolded and berated me, but before you, no one tried to understand me." After that day, it did not take long before the grocer agreed to close his store on Shabbos. A few kind words had been effective where threats and invective had failed.

In our own lives, we often feel a need to criticize others. Before we do so, however, we should ask ourselves: Are we doing it for their good rather than our own? Are our motives pure and compassionate? If the answer is yes, and if we deliver the criticism in a kind and gentle manner, it will undoubtedly be effective. The difference is critical.

## THE THINGS YOU SEE

RABBI YANKI TAUBER (Chabad.org)

The things you see:

A single shoe in the middle of the road.

A flicker of fear on a child's face.

A frayed cuff on an otherwise well-dressed man.

A door ajar, a stifled cry, a pleading look...

Walking down a crowded downtown sidewalk (for example), tens of thousands of objects will enter and exit your field of vision every second. Some of them you'll see; the vast majority you won't. The things you see, I won't notice. And vice versa. It's not that your vision is better than mine, or that I'm more perceptive. It's simply that from the millions of stimuli competing for your attention every minute, a certain few will snag on the fibers of your consciousness, while the rest flits by like a school of tiny fish passing through a loosely-woven net.

Why do you see the things that you see? Is it all just a swirling galaxy of chance? Or is there something deeper at play here?

"DO NOT STAND UPON YOUR FELLOW'S BLOOD" commands the Torah (in Vayikra 19:16). Quoting the sages of the Talmud, Rashi adds the following words of explanation: "to see his demise and you can save him."

The simple meaning of this statement is clear. The Sages are telling us that the meaning of the Torah's instruction, "Do not stand upon your fellow's blood," is that it is forbidden to stand by and watch your fellow die if you can save him.

But there is a deeper meaning to the Sages' words.

In his teachings, the founder of Chassidism, Rabbi Israel Baal Shem Tov, greatly emphasized the doctrine of Hashgachah Peratit, "Specific Divine Providence." Specific divine providence means that not only did G-d create the world for a purpose, but every event in G-d's world, and every detail and aspect of every event, is specifically ordained and to serve a particular function within that purpose. Everything that happens is for a reason, and every aspect of every thing that happens—where it happened, when it happened, who saw it happen, how that person was affected by seeing it happen, etc., etc.—is also purposeful.

So if you see something, not only is what you saw significant, but also the fact that you saw it. Indeed, you could just as easily not have noticed. The fact that you did means that you can do something about it.

"To see his demise and you can save him."

If you see a fellow human being in mortal danger; if you see suffering or need; if you hear a cry for help that others fail to notice, that doesn't mean that you are more "sensitive" than they are. In fact, it stands to reason that

there is an equal number of things which someone else will sense and you will not. It simply means that each person is shown and made aware of things in which he or she is meant to take a part.

In this world that G-d made, there are no tourists—just local residents. There are no fans in the bleachers—only players on the field. No audience—just actors.

The things you see—the very fact that you saw them means that you can, and must, help in some way.

## CORRECT MOTIVATION

AVROHOM YAAKOV

A number of years ago, a non-Jewish acquaintance was struggling to understand what Kosher food was all about.

“I try to eat ‘organic’ foods but if I can’t find the organic version, I will buy the ‘non organic’ product if I need it.”

“Kosher is not like that,” I explained. “Non kosher is an allergen to Kosher consumers. If someone is allergic to nuts or lactose or gluten then they won’t buy the product that contains even traces of these substances. A kosher consumer will only buy that which is Kosher. If it is not kosher, then we just do without.”

At the end of this week’s parsha, Rashi (20:25) quotes Rabbi Eliezer ben Azariah who said, “Where do we know that one should not say, ‘My soul loathes swine’s flesh’, or, ‘I have no desire to wear clothes which are a mixture of wool and linen (shatnez)’, but one should say, ‘I would, indeed, like them, but what can I do since my Father in heaven has imposed these decrees upon me?’”

We don’t fulfill commands because it fits with our ethos or lifestyle. We do mitzvos because despite the inconvenience, this is what we are commanded to do.

Our society is governed by what is convenient, what fits current trends, what maximises the ability of people and politicians to virtue signal. It is not based on following G-d’s laws and G-d’s rules.

# News & Views

## AFTER PRESSURE FROM TRUMP, CROATIA POSTS POLICE AT CHABAD HOUSE

Mike Wagenheim (JNS.org 1-5-25)

Rabbi Pinchas Zaklas, of the Chabad of Croatia in Zagreb, walked just steps behind Andrej Plenković, the Balkan state’s prime minister, at a Holocaust remembrance ceremony last week at the site of the former Jasenovac concentration camp site. The two being in lockstep is relatively new to Chabad’s relationship with the country and has the Trump administration to thank, per text messages that JNS reviewed.

Since April 15—during Passover—a marked police car has been posted around the clock outside the Chabad building. The Chabad rabbi told JNS that he had long sought such protection for this community from the state, but was stonewalled.

JNS viewed text messages, in which Pete Hegseth, the U.S. defense secretary, and Christopher Landau, the deputy U.S. secretary of state, responded to requests for help from the Croatian Chabad, as did Rep. Chris Smith (R-N.J.), a member of the House Foreign Affairs Committee. (JNS sought comment from the two Trump administration officials and from the congressman.)

“The United States government is a strong advocate for religious freedom for all,” the embassy’s public diplomacy section told JNS. “The U.S. embassy in Zagreb is aware of the Chabad community’s request for registration, and we have urged the government of Croatia to evaluate and respond to that request in line with Croatian law.”

Zaklas told JNS that Sara Lustig, Plenković’s special advisor for Holocaust issues and combating antisemitism, called him on April 15, during Passover’s intermediate days, to inform him that police protection would start that evening. (JNS sought comment from Lustig, a former co-president of the International Holocaust Remembrance Alliance, which penned the widely-used working definition of Jew-hatred.)

The rabbi doesn’t think that Jew-hatred is to blame for having long been denied police protection.

Jews enjoy relative safety in the Catholic-majority country compared with other European countries, although the border of Muslim-majority Bosnia, which is reportedly accepting Gaza refugees, is less than a three-hour drive from Zagreb.

“There are 1,700 Jews in Croatia’s small but highly active Jewish community,” per the World Jewish Congress. “Fighting antisemitism and other harmful ideologies has proven difficult in the nation, especially in light of the historical revisionist efforts to absolve the fascist Ustaše Movement

of its responsibility for the mass murder of Jews and Serbs during World War II.”

“Despite this, Croatian Jews are supported by the government and have full and equal rights,” per the congress. It adds that Croatia and Israel have full diplomatic relations.

Zaklas told JNS that a community needs to qualify as “minority” under Croatian law to qualify for police protection. The state recognizes the longer-established Jewish community as such, but hasn’t done so with Chabad.

The Chabad rabbi told JNS that an intra-Jewish conflict is at play, with the World Jewish Congress, which has long been entrenched in European Jewish life, loath to cede its role representing Croatian Jews. He thinks that Croatian Jewish communities generally got along until he filed for official government recognition.

“They’re all the time fighting against us, all the time, from the first day, whatever we do,” Zaklas told JNS, of the congress. He said that he has heard that representatives of the congress badmouth Chabad. “I’m not a conflict guy. I’m not that type,” he told JNS. “What I’m doing now, I don’t have a choice, because it’s a question of life. But they always push against us.”

ERNEST HERZOG, executive director for operations and head of combating antisemitism, intelligence and security at World Jewish Congress, told JNS that the congress “deeply values Chabad’s contributions to global Jewish life and acknowledges its unwavering commitment to Jewish education, outreach and spiritual service.”

Herzog told JNS that the congress encouraged Zaklas to request security for his community and “welcomed the recent decision to enhance protective measures at the Chabad House and fully support it.”

“At the same time, it is regrettable that such heightened security remains a necessity for Jewish life to thrive safely in today’s world,” he said.

Michal Brandl, associate professor and chair of Jewish and Holocaust studies at the University of Zagreb, told JNS that rivalry in Croatia’s Jewish community is between the recognized, secular Jewish community and Chabad, rather than between the World Jewish Congress and the latter.

“Chabad is the only place in Croatia where you can find a minyan,” Brandl said. “Some in the recognized, secular community, I believe, see Chabad as an encroachment on their views of how Judaism should fit into Croatian society.”

Herzog told JNS that Chabad’s requests must be done by the book. “World Jewish Congress has consistently and publicly advocated for robust security for all Jewish institutions across Croatia, including the Chabad House in Zagreb,” he said.

Zagreb CroatiaA public menorah placed by Chabad-Lubavitch stands in Zagreb, Croatia, Jan. 1, 2025. Credit: Chabad.org.

In the experience of the World Jewish Congress, the national Croatian police and other government authorities “have approached their responsibilities with professionalism and seriousness, making determinations based on objective risk assessments and the evolving security environment,” Herzog told JNS.

He added that under the law, there is a minimum registration period for associations and there must be a certain number of adherents to qualify for recognition.

Chabad hosts between 100 and 150 guests regularly on Friday nights, according to Zaklas. He thinks his community faces a catch-22, in which it needs to demonstrate numbers to receive security, but many Jews, who would otherwise attend events at the Chabad center, are afraid to do so without police protection in the aftermath of Oct. 7.

“These are matters of legal procedure, not communal preference or political influence,” Herzog told JNS. “As such, the question of recognition is entirely within the competence of the Croatian government and its legal framework.”

The Croatian census notes 500 Jews in the country, but Zaklas thinks there are some 3,000 in his community and another 2,000 throughout Croatia, including in Palmotićevo, which has a synagogue and Jewish community center.

The rabbi told JNS that his former secretary comes from a Jewish family, but she was never a member of the official Jewish community. Under a Nazi puppet regime during the Holocaust, the Croatian government got a list of registered Jews that belonged to a rabbi in Zagreb.

“Because of what happened here, her mother told her, ‘don’t ever register anywhere,’” Zaklas said of his former secretary. “Some people, if they need to be registered, they will not come.”

Since he filed the application for recognition about a year-and-a-half ago, Zaklas said that he has received neither approval nor denial.

The rabbi managed to reach the Trump administration with help from Duvi Honig, of the Orthodox Jewish Chamber of Commerce in New York. The

two spent weeks contacting administration officials.

"They understand that they cannot just ignore me anymore, although they ignored us for many years," Zaklas said, of Croatian officials. "It just shows you the pressure is working."

Plenković's staff evidently thinks differently. In an email to Zaklas from the prime minister's office, the posting of the police officer was attributed to a "recommendation by Croatia's intelligence agencies and the Ministry of the Interior," after "a recent anti-Zionist rally" organized in front of the Ministry of Foreign and European Affairs.

The Interior Ministry "has the resources to provide long-term, 24/7 security for Chabad House, and the Croatian government supports this assessment," the prime minister's office wrote, adding that "we are glad to ensure permanent safety," Zaklas told JNS.

To Zaklas, nothing will be permanent until his community achieves official state recognition, particularly with the future of European Union funding in doubt.

"This is why it's so important to be recognized as a community, because this is the law," he told JNS. "The law obligates the government, and then no one can change it."

## WHAT ARE PALESTINIANS REALLY INTERESTED IN?

BASSAM TAWIL (GateStoneliInstitute.org 5-5-25)

As fires raged in central Israel in late April, many Palestinians celebrated, brazenly demanded more fires, and called for Israeli homes to be reduced to "ashes."

All this happened on the day Israelis commemorated fallen soldiers and victims of terrorism and prepared to celebrate Independence Day.

"We ask G-d to protect our people and land. May these fires confuse the [Israeli] occupiers and their embattled settlers," wrote Palestinian social media user Hana Barghouti.

"In the name of Allah," another user, Umm Ibrahim, who posted images from of the blazes, wrote: "the Avenger, the Almighty."

Israeli authorities said that several Palestinians had been arrested on suspicion of setting the giant wildfires. This deliberate "ecocide" against nature on the land they claim to be fighting for shows that the Palestinians never truly cared about the land; they just want to seize it and kill as many Jews as possible. Will "green" groups denounce the Palestinians for this crime against nature? Do not hold your breath.

The Iran-backed Palestinian terrorist group Hamas praised the fires, called them "a soldier from G-d," and urged Palestinians to start more fires around Israel, writing on Telegram social media:

"Burn whatever you can of groves, forests, and settler homes. [Palestinian] Youth of the West Bank, youth of Jerusalem, and those inside Israel, set their cars ablaze."

A Palestinian group, Jenin News Network, called on Palestinians to "burn the groves near the settlements." The group posted a photo of a masked man setting fire to a field as a block of wood burned in the background. "Settlers' homes," ran the text, "will be reduced to ashes under the feet of the revolutionaries."

Another Palestinian media group, Jenin News, posted:

"Heroes of the West Bank and Jerusalem, today is your day. Take advantage of these fires and make them spread further. Gasoline and a spark are enough to turn the [Israeli] entity into a hellfire. Its settlements and forests are your target. Say 'Allahu Akbar!' (G-d is greatest), men of G-d, across all parts of the land."

Many Palestinians describe Jews living in Israel as "settlers." They do not distinguish between a Jew living in Israel and a Jew living in a settlement in the West Bank. For these Palestinians, Israel is one big settlement that needs to be exterminated.

Palestinian social media influencer Khaled Safi wrote to his 322,000 followers on X:

"Fires have devoured 19,000 dunams of land near Jerusalem, which increased my confidence that the [Israeli] entity's demise is much easier than we think."

In another post on X, Safi posted a photo of Israelis fleeing the wildfire:

"For your safety, it is recommended that you head west to Haifa, then to the port, and then to your home countries!"

Palestinian human rights activist Bassem Eid accused Palestinians of starting the fires intentionally:

"As Israel is battling major fires throughout the country, some of which were started intentionally, Palestinian terrorists are posting on social media celebrating and calling for people to set fires to Israeli towns, forests, and vehicles. These fires put both Israelis and Palestinians at risk and are causing severe damage to the land these terrorists claim to be fighting for. These people are not pro-Palestinians; they are pro-terrorism against Jews."

These are the same Palestinians who earlier this year celebrated and

gloated as the Los Angeles fires raged. As far as many Palestinians are concerned, the US is also their enemy based on its longtime support for Israel.

Every time Israel faces a disaster or a Jew is murdered in a terror attack, Palestinians have a custom of celebrating.

In April 2024, as Iran launched 180 ballistic missiles at Israel, Palestinians poured out into the streets to celebrate. Even though some of the missiles fell in Palestinian areas in the West Bank, the celebrations did not even slow down.

The largest celebration took place on October 7, 2023, when, accompanied by 5,000 rockets and missiles launched into Israel, approximately 6,000 Hamas terrorists and "ordinary" Palestinians invaded Israel from the Gaza Strip and murdered more than 1,200 Israelis. Thousands of Palestinians turned out onto the streets of the Gaza Strip to celebrate the massacre and spit on the kidnapped Israeli men and women as they were being dragged to captivity in Gaza's tunnels.

When Palestinian terrorists carried out suicide bombings and stabbing attacks in Israel over the past three decades, similar celebrations always took place.

The Palestinians' celebrations of the recent wildfires in Israel are yet another indication of their intense loathing of Israel and Jews.

Decades of anti-Israel propaganda by Palestinian leaders and media outlets are directly responsible for this hatred. For that reason, any talk about a peace process with the Palestinians has unfortunately become noting but a sick joke.

Palestinians are far more interested in murdering Jews and setting Israel on fire than they are in "coexisting." They do not want Israel "coexisting" on even one millimeter of the Jews' own historical homeland.

The world needs to realize that the Palestinians have raised a whole generation that worships destruction and death for the Jews -- and even for themselves -- far more than a better and prosperous life.

## EUROPE'S ILLEGAL LAND-GRAB

KARYS RHEA (GateStoneliInstitute.org 2-5-25)

In 1967, Israel fought a monumental six-day war against neighboring Egypt, Syria and Jordan, who attacked the small country with the declared goal of wiping the Jewish state off the map. To the amazement of the international community, Israel unexpectedly emerged victorious, gaining control over multiple territories, including the West Bank. Historically known as "Judea and Samaria," and before 1948 home to a thriving Jewish population, the West Bank was illegally occupied by the Hashemite Kingdom of Jordan without international recognition from 1948 to 1967. In that time, Jordan ethnically cleansed the Jewish residents and destroyed dozens of synagogues. It re-named the region the "West Bank," meaning "west of the Jordan River," to sever any Jewish connection to the land in an attempt to legitimize its occupation of territory that was never part of its internationally recognized borders.

When Israel wrested control of the West Bank from Jordan in 1967, it refrained from annexing the territory, immediately offering to exchange land for peace. This unprecedented overture was met with the resounding "Three No's" at the infamous 1967 Arab League Summit in Khartoum: "No peace with Israel. No negotiation with Israel. No recognition of Israel." Consequently, the West Bank came under Israeli military rule.

"For reasons I can't begin to explain, Israel thought it could make everyone happy. That's how this whole monster was created," says Naomi Kahn, International Director of Regavim, an NGO "dedicated to the protection of Israel's national lands and resources." The monster Kahn is referring to is the Coordinator of Government Activities in the Territories (COGAT) and its Civil Administration of Judea and Samaria. COGAT is a unit of the Ministry of Defense, and the Civil Administration is responsible for governing the West Bank's "Area C" (the parts that are not governed by the Palestinian Authority) and managing all issues there pertaining to civilians, both Jews and Arabs.

Instead of extending Israeli law to the territory liberated in 1967, Israel's leaders chose to "temporarily" maintain the existing legal framework until a negotiated solution with the Arabs could be reached. To this day, the IDF's Commander of the Central Region, rather than elected representatives, retains the ability to legislate and administer Area C. According to Kahn:

"I am personally living under military rule. It's not only inefficient, but also ridiculous. It's a massive bureaucracy that seems to be doing very little. The army -- any army -- is simply incapable of replacing the government. That's not what armies are meant to do."

While COGAT technically receives orders from the minister of defense, on a day-to-day basis it operates with autonomy. Israeli laws mandate that attempts to trespass and commandeer land must be intercepted, but COGAT commanders are wary of action and weary of global condemnation.



The staff have learned to expect international headlines, along with formal complaints, threats and lawsuits from the European Union, when they so much as remove a corrugated roof from an illegal structure – which the EU will likely rebuild anyway.

For every razed structure, five new ones take its place. That Palestinians are legally permitted to bring grievances against COGAT and the Civil Administration to Israel's Supreme Court further undermines enforcement. Both foreign and Israeli NGOs receive millions of euros every year to "protect" the Palestinians in the court system, which is backed up with appeals. In the meantime, the Palestinians build and build, engaging in a strategy of setting Israel's own system against itself.

While COGAT officers hold a diverse array of personal views about the Arab-Israel conflict, the IDF tends to be conformist and technically oriented, concerned with tactical training, readiness and counterterrorism, and focused on immediate, critical threats from Lebanon, Syria, Gaza and Iran. The defense establishment views the West Bank as a political dispute, as opposed to a national security issue.

But COGAT is well aware of the scope of the hostile takeover in Area C and is choosing not to enforce its legal mandate. Due to intense pressure from the EU, COGAT officers routinely speak with Palestinian Authority officials and work out agreements to refrain from demolishing specific infrastructure built under former PA Prime Minister Salman Fayyad's master plan. While COGAT does occasionally destroy unauthorized structures deemed to be dangerous from a security or safety point of view, such as those built close to IDF training or firing zones, abutting major traffic arteries, or those that were used as launching pads for terrorist attacks, these demolitions are exceedingly rare, and almost always receive massive international media coverage and condemnation.

Through a Supreme Court case, Regavim succeeded in forcing COGAT to reveal its list of established enforcement priorities. At the top of the list was prevention of Jewish construction on privately-owned or state land, while at the very bottom of the list were PA-EU orchestrated takeovers. In other words, Israel's Ministry of Defense was forced to admit by court order that its enforcement guidelines for land-use policy were tilted against Jews and in favor of Arabs. "They let the Palestinians do things they'd never think about allowing Jewish people to do," alleges Dr. Yishai Spivak, an investigative researcher with Ad Kan, an Israeli non-profit organization.

In addition, the PA never reports deaths in, or emigration from, Area C, and pads its population statistics with people who have never set foot in the Middle East — for instance, children who were actually born and raised abroad but had parents who once lived in the region. This serves the goal of portraying the area as flooded with Arabs. A far more serious problem, however, may be that the PA actively and publicly encourages residents of Areas A and B to move into Area C, an act possibly in violation of the Geneva Convention.

The Civil Administration, meanwhile, does nothing to protect Israeli national interests in this regard. It does not keep population figures, thereby enabling itself to conveniently claim that it serves an enormous number of residents, and purportedly justifying its budget. If a conversation about squandered Israeli and international resources and the needs of the current and future population is to begin, the first step is a census of the population.

Regavim and others have called to disband COGAT entirely. They demand a zero-tolerance policy towards illegal construction, regardless of EU funding and lawsuits, and have called on the Israeli government to initiate a long-overdue diplomatic effort that will make it clear to the EU that it has established red lines that will be enforced. "Israeli leadership as a whole is failing to behave like a sovereign government with a backbone that enforces the law and protects the security and national interests of the people," argues Kahn.

During Naftali Bennett's six-month tenure as Defense Minister in 2019-2020, he began referring to Area C as a battleground and PA mass illegal land use as a strategic military threat. With an uptick in enforcement, mild progress was made. Still, it was always a matter of scale. A shed would be knocked down, while the illicit electricity and water connections would be ignored because of the humanitarian issues to which the EU would draw attention. Avigdor Lieberman who served as Defense Minister in 2016-2018, similarly spoke out, but encountered uninterested bureaucrats and pushback from many Europeans, who have a direct line to their political counterparts in the Israeli government. Although the Ministry of Intelligence published a full report in June 2021 that presented a comprehensive analysis of the Palestinian illegal land grabs and demographic saturation of Area C, little has changed since the publication's report.

Ultimately, there has thus far been little political will in Israel to counter Palestinian illegal construction in Area C. Also for lack of political will, Israeli authorities allow illegal weapons to proliferate throughout Arab-Israeli

communities, and Bedouin clans to establish illegal villages in the Negev Desert.

The government does not give definitive enforceable orders to COGAT — it wants to avoid negative press or a more violent confrontation with the Palestinians in the future. Israeli officials therefore approach the problem with local, Band-Aid solutions rather than a full-frontal assault. According to Brigadier General Amir Avivi (res.), founder of the Israel Defense and Security Forum:

"They are not treating this as a war, and it is a war. It's actually more dangerous than other wars. At the moment, the Palestinians are winning this war. In 20 or 30 years, this will be an existential threat. We need to wake up."

Spivak concurs, adding that there are two kinds of wars that Israel is fighting with the Palestinians. One is the terror war, in which Palestinians use physical violence to harm citizens of the State of Israel. The other is the non-violent, or civilian war, in which Palestinians attempt to delegitimize Israel via various channels, such as the UN, social media, or the global BDS movement.

Another reason Israeli leadership fails to treat the issue with the seriousness it deserves is because its ministers are generally in power for a short time and may be dismissed within their party in short order. For the one to two years they generally serve, they are primarily concerned with building their reputation, desperate to be internationally accepted. Put simply, the political system bolsters the bureaucrats. They know that to tackle a problem of this nature and magnitude, they would have to take extreme actions against the EU, the PA, and COGAT. With the painful, precarious status Israel has on the geopolitical landscape, it is unlikely that any foreseeable coalition will set the precedent and shift the pattern.

Even leaders of Jewish communities in Judea and Samaria have failed to respond to this encroachment as an existential threat. In the town of Efrat, for instance, when Israelis complain to the mayor of about illegal Arab structures popping up around their neighborhoods, the most he will do, if anything, is to make a phone call to the Civil Administration, and then quickly forget about the matter.

Many of the elected Jewish leaders in the West Bank focus on addressing the needs of their small communities on a day-to-day basis. Their effectiveness is severely compromised because they are beholden to multiple government ministries for favors, including the transportation, defense, finance and interior ministries, who do not exercise direct jurisdiction over the "green line." These mayors have a limited number of asks and it is generally counterproductive to demand that structures be removed, especially when they will likely be rebuilt in a few weeks. For many leaders in Jewish towns and villages, as long as there is no peace process, the status quo is all they have to work with.

Nonetheless, Finance Minister Bezalel Smotrich has taken several punitive measures against the PA and has leveled harsh words at the EU, pledging to block their aggressive activity, which he called "contrary to international law and incompatible with basic rules of diplomacy in relations between states." In a joint letter, dozens of Knesset members denounced the EU's confidential June 2022 document as a severe breach of the EU-Israel relationship whose gravity cannot be overstated, writing:

"Under the thin veneer of the EU's civility and manners and the concern for human rights, the same old blood libels can be found, along with the same flames of primitive hatred that seek this time to persecute – not the individual Jew, but the tiny Jewish state."

It may even be that right-wingers such as Smotrich and others have risen to power precisely because of growing Israeli frustration over fundamental threats such as this one having long gone ignored.

## THE DESTRUCTION OF HISTORY FOR A LIE THAT NO ONE BELIEVES

SETH MANDEL (Commentary.org 6-5-25)

There is a war on history so ruthless and pervasive that I should say up front that there is, believe it or not, a silver lining. Two, actually.

But first, the bleak part.

When it comes to Jewish historical sites in the holy land, even your most “moderate” academic seems to turn into ISIS—a destructive force seeking a new and permanent dark age.

But because academic archaeological journals aren't exactly the stuff of ratings, we don't hear about it very much unless we go looking for it. So credit to journalist Amelie Botbol, who has been following an important story playing out in obscure places.

At Fox News, the Tel Aviv-based Botbol highlights recent stories from an Israeli news service that deserve attention.

In late April, the Press Service of Israel (TPS) covered the blacklisting of researchers who study ancient sites in Judea and Samaria, because the area is over the “green line” and thus considered occupied territory by the UN.

Now, one might suggest that, occupied or not, the preservation and exploration of history is pretty important.

And it is—which is why those who undertake it get blacklisted if their areas of study encompass Jewish historical sites.

“This boycott is very clever,” Moshe Gutman, head of a preservation nonprofit, told the news service. “After having publications rejected repeatedly, archaeologists learn to avoid Judea and Samaria entirely. The scientific community is effectively driven away from the area.”

Indeed, the story is full of examples of academics and researchers losing their standing, access, and career paths for the crime of even participating in studies of ancient Israel. The idea is simple, if diabolical: Even if a few archaeologists defy the ban, they’ll have nowhere to publish their findings.

The culprits aren’t shy about the coordination. A few days after TPS’s first report, the service got on-the-record confirmation from the top editor of a leading archaeological journal based in London that covers the Levant. “Publication in [Palestine Exploration Quarterly] is guided by the PEF’s ethical policy,” the editor told TPS. “The main aspect of this is international law, by which many academic institutions and publications, including PEQ, are bound.”

There is one way to publish results from Judea and Samaria in the journal, however: if the authors “have cooperated with the relevant Palestinian authorities to do so.”

In other words, get permission from the Palestinian bureaucrats who are in charge of destroying evidence of Jewish history. And here’s where the other side of the boycott comes in: “There is no cooperation with the Palestinian Authority in the field of archaeology in Judea and Samaria, but not because the Israelis don’t want it,” an archaeologist at Bar-Ilan University said. “I would love to conduct a joint research with my Palestinian colleagues.... But it’s impossible because they are afraid to cooperate with Israelis. They would be treated as traitors for this.”

It’s pure academic segregation, in other words. Botbol notes that the United Nations and other international forums play a key role in the denial of history because they have “automatic anti-Israel majorities” for any votes. Those same authorities turn a blind eye when Jewish sites are violated, as happened in Jericho. “The burial grounds of Hasmonian kings—the largest necropolis in the Middle East from the Second Temple period—have been plowed and used for farming and construction,” an Israeli think tank director told Botbol. “In one case, we found human bones scattered in the fields. The Israeli Civil Administration had to collect and rebury them.”

So what are the silver linings? Well, this may come off as cold comfort, but the most important lesson from all this is that the entire world knows that Jews are indigenous to the land and that this history is well-established fact. That includes Palestinians and their advocates—no one in the world argues in good faith for the “colonialist” interpretation of Zionism.

This is the anti-Semitism version of flat-earth theory. It exists outside the very idea of knowledge. That is what is so threatening to the academic world: Their defensiveness is a tacit acknowledgement that the Palestinian-fueled anti-Zionist narrative of the land is universally regarded as a made-up story.

If there’s a second silver lining, it’s in the form of a lesson learned the hard way. Israel is the only trustworthy steward of the region’s history. Those dark ages the academic world is working so hard to bring about? The state of Israel is what stands in their way, and it isn’t going anywhere.

# 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](mailto:info@kosher.org.au) or visit [www.kosher.org.au](http://www.kosher.org.au)

## THE PRACTICAL LAWS OF ORLAH

RABBI MOSHE BLOOM ([torahland.org.il](http://torahland.org.il))

*"When you enter the land and plant any tree for food, you shall regard its fruit as forbidden. Three years it shall be forbidden for you, not to be eaten."* (19:23).

While the Torah clearly prohibits eating fruit of trees in their first three years, Chazal extend this prohibition to benefiting from such fruit.

For this reason, it is forbidden to feed orlah fruit to animals (wild animals included), sell or give it to a non-Jew, or use it for compost. It is also forbidden to smell orlah fruit, light candles from orlah oil, use orlah-produced cosmetics, paint with orlah dyes, or even use orlah fruit as sukkah decorations. However, it is permissible to enjoy looking at orlah fruit

not used for decoration (fruit hanging on a tree, for instance).

It is prohibited to benefit from seeds of orla fruit. If planted, though, it is permissible to benefit from the fruit of the resulting tree (after orla years are up, of course). Post-facto we are lenient, employing the halachic principle of *ze va ze gorem* (both factors contribute); that is, the soil also helps the tree grow.

Some prohibit performing scientific studies on orla fruit. Others permit this, since direct benefit is not derived from the fruit.

The orlah prohibition relates only to fruit trees, not to trees that do not bear fruit worthy for human consumption. The prohibition relates only to the fruit itself; branches, leaves, and flowers of orlah trees are all permitted.

The botanic definition of "fruit" is the seed responsible for the continued propagation of the species; halacha, though, defines "fruit" as the part of the plant that is eaten. For this reason, in the case of nopales (the sabra cactus stems), cultivated as edible leaves, the leaves are also considered fruit and are prohibited for consumption. In this case the (sabra) fruit is also edible, so both fruit and leaves are prohibited during the orlah period.

Grape leaves on orlah vines, on the other hand, are permissible for consumption since they are of secondary importance to the grapes, so they are not considered fruit.

Peels and seeds of orlah fruit are also prohibited, so it is forbidden to plant orlah seeds and candied orlah orange peels are off-limits.

Bushes grown for their leaves used as herbs and for tea, where the leaves are thrown away after giving off flavor, are not subject to orlah laws. Examples include: laurel, lemon verbena, and rose petals. This is despite the fact that these plants are considered trees (perennials that renew from the root). Note that Rav Mordechai Eliyahu is stringent with regard to herbs.

In contrast, plants whose leaves are used as an herb but are eaten (with the dish or salad) are subject to orlah. One such example is the caper bush; here both the unopened buds (capers) and the fruit (caperberries) are subject to orlah (today caperberries are generally pickled). In contrast, their soft shoots are not halachically considered fruit, even though they are also eaten. This is because capers are grown primarily for the fruit. Some are also stringent with regard to the shoots.

Khat (gat in Hebrew) is traditionally chewed as a stimulant (primarily by Jews of Yemenite origin, who can chew it for several hours like gum). Since the leaves are chewed and then discarded, and not actually eaten, orlah does not apply.

Some of the Land-related mitzvot are only effective today as a rabbinic prohibition for various reasons (the second sanctification of the Land of Israel was nullified; a majority of world Jewry does not yet live in Israel, we don't have a Temple or altar, etc.). Orlah, however, is different: it is a Biblical obligation even today.

Orlah is a Biblical prohibition even in the boundaries of *olei Mitzrayim*. In practice, Israel's Chief Rabbinate rules that orlah applies to the entire State of Israel.

Fruit from a non-Jew's orchard is subject to orlah, in the same way the prohibition applies to Jewishly-own orchards.

## WHAT DO WE DO WITH ORLA FRUIT?

The Mishna (Ma'aser Sheni 5:1) instructs us to mark vineyards as orla with burnt clay so others will avoid eating or benefitting from the grapes; Rabbi Shimon ben Gamliel limits this to shemita years. The Rambam explains that marking is necessary during shemita years since the fruit is ownerless, so anyone might rightfully partake of it. During other years, however, this would constitute stealing. If a thief does steal orla fruit, this is his problem (based on the halachic principle of *hal'itehu larasha vayamot*; lit. "feed the wicked man and he will die").

Nevertheless, it seems that one should pick the orla fruit from one's tree so that no one ends up using it accidentally (family, friends, neighbors, or other Jews). The fruit can be either buried, burned, or thrown away in the garbage.

From an agronomic perspective, it is recommended to clip the flowers during orla years to prevent fruit from developing. This avoids wasting the tree's energy and encourages a better harvest during permissible years. Of course, this is only if the tree is ours; we have no right to touch a neighbor's tree to "help him out" by throwing away all of his orla fruit!

## ORLA FRUIT IS FORBIDDEN OUTSIDE OF ISRAEL TOO!

What an oxymoron: orla is a mitzvah tied to the Land of Israel, so how could it apply abroad?!

The Mishna (Kidushin 1:9) states that orla is an exception: "All mitzvot tied to the Land of Israel apply only in the Land ... except for orla and kilei hakerem [which also apply abroad]."

The Gemara (Kidushin 39a) goes so far as to state:

"Whoever says that orla does not apply outside the Land of Israel will have neither child nor grandchild "who casts line for the lot in the congregation of Hashem" (Micha 2:5) ... orla outside the Land of Israel is a precept

transmitted to Moshe at Sinai."

Orla in the Land of Israel is a biblical prohibition, while abroad it is a halacha leMoshe miSinai (closer to de'oraita severity than derabanan). Both Rambam and Shulchan Aruch rule accordingly.

However, there is a major difference inside and outside the Land of Israel when it comes to safek orla: if orla status is in doubt outside of Israel, it is permitted (Mishna Orla 3:9, also Shulchan Aruch §294:9).

Abroad, as long as I don't actually see the fruit being harvested from an orla tree, I may eat it. While I may not eat fruit from my tree during its orla years, outside Israel if someone gives me fruit from their tree—even if it might be orla—it is still permissible to eat. And if I buy fruit from a store, I can eat it even if I know that the vast majority of fruit is orla.

There aren't many Jewish farmers living outside Israel, and many Jews live in apartment buildings and don't have gardens with trees. This is why, I believe, most observant Jews are not aware of the prohibition, although it definitely applies abroad.

#### IMPORTED AND EXPORTED FRUIT

Fruit grown abroad and imported to Israel is halachically considered fruit from outside of Israel. For this reason, all industrial goods such as jams and juices are permissible to use in Israel, although they include fruit that might possibly be orla, when the raw materials are imported. For this reason, even those who hold that the passionfruit vine is a tree (and therefore orla laws would apply) can drink passionfruit juice in Israel: since the fruit concentrate is imported and it is considered a safek orla, it is permissible.

Orla fruit grown in Israel and exported retains its forbidden status.

When I served as a community rabbi in Warsaw, we saw avocado imported from Israel in the market. I told my wife that I was concerned it was orla, which wasn't marketable in Israel so it was exported abroad. Several months ago I did extensive research on the matter, contacting officials in Israel's chief rabbinate, and it turns out that I was needlessly stringent.

Fruit exported abroad generally goes through big packaging houses, which are under the Chief Rabbinate's close supervision.

Moreover, farmers who want to receive kashrut certification for the fruit they sell in Israel may not export their orla fruit, or their kashrut certification will be rendered void; the rabbinate developed sophisticated and efficient methods to enforce this. Those who export produce abroad are big farmers who also sell to the local kosher market in Israel, so the chance that they would endanger their ability to market their produce locally is very small. Note that with regard to terumot and ma'aserot for exported goods, the situated is different (we'll cover that another time).

In conclusion: not only is it possible, but laudable to buy fruit from Israel and you don't have to worry about orla.

#### CALCULATING ORLAH YEARS FOR NEW AND MATURE TREES

*Q: We moved into our new home and planted young saplings on Kislev 5776. Can we eat from the fruit now (kislev 5779)? If not now, when?*

*My uncle planted more mature trees. Do the same laws apply in this instance?*

A: The prohibition of orlah applies to fruit growing in a tree's first three years. In the fourth year, the fruit is considered neta revay. If you planted the tree on Kislev 5776, the fruit that bloomed after Tu B'Shevat 5779 are neta revay; that is, the fruits that are ripe at the spring of 5779 have neta revay status.

In the case on buying a mature tree from a nursery, there are cases when the years in the nursery can be included in the orlah count, but with several provisos:

a: The tree's planter is perforated with a hole of at least 2.5 cm diameter at the bottom of the planter/bag.

b: During the entire time that the tree was in the nursery, the planter/bag was placed directly on the soil, and not on a surface that separates the soil from the planter (like a plastic sheet).

c: The clod of soil surrounding the tree did not fall off when transferred.

Because Orlah is basically deorayta, only if you are absolutely certain that all the above conditions were fully met, can you include years in the nursery in the orlah count.

If not (and that is usually the case), orlah years should be calculated from the time the tree is replanted in the garden.

#### ORLAH AND UNPERFORATED POTS

Growing trees indoors – are trees grown indoors, in unperforated pots, subject to orlah laws?

Note: definitions and laws pertaining to indoor plants and unperforated pots often differ vis-à-vis orlah, terumot and ma'aserot, shemita, and kila' The Yerushalmi (orla 1,2) states: "A tree planted in an unperforated pot is subject to orlah." Rabbi Yose explains that this is because the roots penetrate through the pot and receive nourishment this way. The Rambam (Hilchot ma'aser sheni 10:8) explains: "A tree planted in an unperforated pot is subject to orlah; while the pot is not 'land' for seeds, it is considered 'land' for trees." The Shulchan Aruch rules likewise (YD 294:26).

Poskim deliberate regarding metal pots, which serve as a complete barrier between the pot and the ground; perhaps according to the Yerushalmi's reasoning these would be exempt from orlah (this is not brought down as halacha, though). While some poskim hold that unperforated pots are subject to orlah mideoraita, others maintain that they are completely exempt. The accepted ruling is that such trees are subject to orlah miderabanan.

#### Orlah indoors

As we wrote, the Yerushalmi states (ibid.): "A tree planted in the house is subject to orlah." The Rambam (ibid.) rules accordingly. Penei Moshe explains that in reference to orlah, the Torah does not write "sadeh," field; rather "aretz," land ("When you come to the land and you plant trees"); so planting indoors also qualifies as "in the land."

#### Orlah indoors in unperforated pots

Trees growing indoors in unperforated pots are subject to orlah miderabanan (they are considered disconnected from the ground; here the barrier is twofold: the tree is in a pot, and there are tiles on the floor).

After orlah years are up, it is possible to partake of the fruit. However, if the unperforated pot is brought outside to the garden or transplanted into the ground, orlah years need to be recounted, since the tree is now subject to orlah mideoraita!

#### ORLAH AND HYDROPONICS

*Q: I want to grow a blueberry bush in my house hydroponically, using water and fertilizer. The bush produces fruit by its second year. Does orlah apply to trees grown hydroponically?*

A: This is a new question that is hardly mentioned in halachic responsa, since hydroponic tree cultivation is a novelty.

Since the verse discussing orlah states "When you come to the land" (Devarim 26:1), it would seem that water media are not considered "land." On the other hand, Rabbi Yaakov Kanievsky (Kehilot Yaakov Gitin 6) holds that the verse refers to the time of entering the Land, but doesn't exclude plants not grown in soil. For this reason, orlah would apply to any means of planting, even if not in soil.

The poskim discuss hydroponic cultivation during shemita in terms of the prohibition of planting and the beracha on vegetables. The Rambam (Hilchot Shabbat 8:2) writes soaking wheat in water on Shabbat violates the prohibition of zore'a (sowing), so it seems that water is equivalent to soil. The poskim also discuss hydroponics vis-à-vis terumot and ma'aserot.

The book Nechpa Bakesef (1, YD, 5) writes that if one puts a bit of soil in the water, it is forbidden to use the mixture as a medium during shemita. All hydroponic media have fertilizers added to the water; certain mixtures could be considered "soil," and thus orlah would apply.

Rabbi Shaul Yisraeli (Hatorah VeHa'aretz 1, 5759) deliberates whether orlah applies to unperforated pots; while inclined to exempt hydroponically grown trees, he writes that he nevertheless did not rule this way in practice. The only posek I found who writes explicitly about orlah and hydroponics is Chief Rabbi Yitzchak Yosef (Yalkut Yosef, mitzvot hateluyut ba'aretz, vol. 2-3 p. 161), who states that orlah applies to such trees.

In practice: the rabbis of the Torah VeHa'aretz Institute rule that orlah applies to hydroponically grown trees.

#### ORLAH AND AEROPONICS

*Q: I want to grow a blueberry bush at home. Last week you wrote that orlah applies to hydroponically grown trees. What about aeroponics?*

A: The poskim discuss the question of terumot and ma'aserot when growing sprouts employing misting/spraying. Rabbi Yaakov Ariel and his son, Rabbi Azriel Ariel exempt such sprouts from terumot and ma'aserot (Torah VeHa'aretz 4, 5762); while Rabbi Mordechai Eliyahu does not (Torah VeHa'aretz 3, 5761). The lenient opinions rely on the phrase "tevu'at zarecha," "the produce of what you sow" (Devarim 14:22). Sowing is in soil; even those who liken water media to soil may not necessarily view air as such. Moreover, the Yerushalmi exempts produce grown indoors from terumot and ma'aserot, since a house is not a "field." Even if we obligate produce grown indoors in light of produce grown in the field, no such gezeira of Chazal applies to aeroponics.

Orlah laws work differently: the term "aretz" "land" is used, and not "sadeh," "field" (as we explained previously); thus orlah applies even to trees grown indoors and in unperforated pots.

Rabbi Shlomo Amar and Rabbi Yehuda Amichai discuss orlah and aeroponics for pitaya trees; both agree that orlah applies (Techumin 26, 5766). Aeroponics has since become a standard cultivation technique throughout the world.

In practice: As I wrote previously, aeroponic cultivation is new and I haven't found any poskim who relate to it outright. I was asked this question by a Gush Etzion resident and the rabbis of Torah VeHa'aretz Institute discussed it in Tevet 5779.

Rabbi Yehuda Amichay, head of Torah VeHa'aretz Institute, rules that



aeroponics are to be treated like hydroponics, and therefore such trees are subject to orlah miderabanan—at least for private cultivation. But, further investigation should be done on this new subject.

How wonderful when new questions arise in light of global technology and living in Israel!

#### IS PASSIONFRUIT SUBJECT TO ORLAH?

Trees are subject to orlah laws, not vegetables. What, then, is the definition of a “tree”?

According to halacha, perennial plants that grow from a trunk are considered trees. This is why bananas are considered vegetables: while they are perennial, they grow from the root. There are, however, several species that are considered borderline in terms of fruit/vegetable status (such as eggplant, papaya, babaco, pineapple, pitaya, and passionfruit), so some poskim laid down additional criteria for plants to be considered vegetables:

(1) Plants with a hollow trunk; (2) Plants that die before they reach three years (the Chazon Ish orla 12,3 explains that it doesn't make sense that the Torah would prohibit a tree altogether so we could never benefit from its fruit); (3) Plants whose quantity and quality of fruit diminish from year to year.

In practice, if conditions (2) and (3) are met, the plant is considered a vegetable, like is the case with eggplant. Some authorities add another condition (4): that if the plant bears fruit within the year, it is also considered a vegetable; most Sephardi poskim rule accordingly.

The passionfruit plant bears fruit within its first year and its fruit diminishes in quantity and quality from year to year—but this is due to poor growing conditions, and is not an inherent characteristic of the plant. The trunk also has a very small hole in the center, the size of a needle.

In practice, the poskim dispute whether passionfruit is subject to the laws of orlah. Most Ashkenazi poskim are stringent, while the Sephardi poskim are traditionally lenient.

Note that if one plants passionfruit as a living fence, it is possible to be lenient and eat its fruit without counting orlah years, even if the original intent was also to eat the fruit (see Hilchot Ha'aretz, p. 134).

**Candles (Melb) Friday 9 May 2025, 12 Iyar 5785 5.07p/6.05p**