בס"ד

גבורן יצחק

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(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)

Behar Bechukosai 5785

BECAUSE IT IS THERE

RABBI YANKI TAUBER (Chabad.org)

According to Encyclopaedia Britannica, the sport of mountain-climbing was born in 1760, when a young Genevan scientist, Horace-Bénédict de Saussure, offered prize money for the first person or persons to reach the summit of Mount Blanc, Europe's tallest peak at 15,777 feet.

I suspect that it's been going on for much longer than that. Something tells me that for as long as there have been humans and mountains, humans have been climbing mountains. Not just for some "useful" purpose, but also for sport, for the challenge it poses, for no other reason—as one famous mountaineer put it—than "because it is there." Or rather, because we are here, down below, and we want to be someplace higher than here.

Consider the case of Moshe. Granted, Mount Sinai was no Everest. Remember, however, that Moshe was 80 years old at the time. Remember, also, that he was doing it on behalf of 600,000 people. (600,000 Jews, that is, which means that he had to contend with 600,000 opinions on which route to take, what equipment to use, etc.; indeed, Moshe had to build a fence around the mountain to hold them back from having a go at it themselves.)

Now, you might say that Moshe's climb wasn't just for the challenge, but for a specific purpose: to receive the Torah. Yet G-d was coming down from the heavens—an infinite number of light-years away. He certainly could have descended another few thousand feet, instead of making an octogenarian sage climb a mountainside. As, indeed, He could have programmed the Torah right into our brains, together with all the other stuff we're born knowing, instead of chiseling it into two stone tablets for us to study and decipher.

But G-d was telling us: Yes, you are so far down below, and I am so high up, that you'll never get here on your own. The only way that there can be anything eternal, infinite or true in your lives is if I come down to you. But if I came all the way down, whatever I might give you will be meaningless to you—as meaningless to you as your own existence, to which you are oblivious because you were born into it and did not struggle to achieve it.

So, says G-d, I am going to make these mountains. Mountains that will try your skills, that will consume every iota of your energy and determination. Mountains so high that they will require a superhuman effort on your part to attain their peaks.

And when you reach the summit, I'll be there waiting for you.

A HEAVENLY LAND

RABBI LABEL LAM (Torah.org)

HASHEM spoke to Moshe on Mount Sinai, saying: Speak to the Children of Israel and say to them: When you come into the land that I give you, the land shall observe a Shabbos rest for HASHEM. For six years you may sow your field and for six years you may prune your vineyard and you may gather in its crop, but the seventh year shall be a complete rest for the land, a Shabbos for HASHEM… (Vayikra 25:1-4)

What is the relationship between the "Sabbatical Year" and "Mount Sinai"? Just as the details of the Sabbatical were given on Mount Sinai so all the other Mitzvos and their particulars were given on Mount Sinai. (Rashi)

Rashi launches a question, here, that continues to invite answers; "What is the relationship between the "Sabbatical Year" and "Mount Sinai"?" What is the connection?

During the Sabbatical Year, "Shmitta", the farmers yield their control over the fields that they have been working and managing. They are thereby acknowledging what the verse proclaims in the persona of HASHEM, "Ki Li HaAretz" – "Because the Land is Mine!" (Vayikra 25:23) Simply by being obedient to the Law of Shmitta, the farmer, himself is declaring, in action, that the Land of Israel is not his own, but rather it belongs to HASHEM. Now, what does that have to do with Mount Sinai? Everything, literally everything!

Who owns this world? The Zohar tells us that HASHEM looked into the Torah and created the world. The Torah is the blueprint of creation. Everything in this world is a manifestation of that "looking into the Torah". All that exists is made of the Ratzon, the deepest "desire" of HASHEM. Therefore, any phenomena large or small, global or local, cosmic or microscopic has its roots in Torah and is an expression of HASHEM.

Dovid HaMelech declares in wonderment (Tehillim 104:24), "How manifold are YOUR works HASHEM; YOU have made all of them with wisdom; the world is full of YOUR possessions." There can be no doubt that everything in this universe belongs to HASHEM.

The Talmud in Tractate Brochos points out a clash between two verses, both statements of King David. In one it is written, "The heavens are the heavens of HASHEM and the earth is given over to man". The verse from Tehillim states, "The earth and everything in it is HASHEM's".

Which is it? What is the story with the earth? Does it belong to HASHEM or is it man's domain? The Talmud resolves the conflict with a saying, "This is before the blessing and this is after a blessing."

The standard way to understand this is that before a blessing the bounty and good of this world is HASHEM's. It's like strolling in a grocery store. One cannot just eat along the way. Everything there belongs to the grocer. Once one passes the cash register and swipes a credit card acknowledging that it belonged to the grocer, then the customer takes possession. Once we make a blessing acknowledging HASHEM then we have permission to enjoy that piece of goodness. That is the classic approach.

I once heard in the name of Rabbi Yosef Ber Solovetchik zl. that the Talmud does not delineate which is before and which is after. It can be learned in reverse. When I am holding, for example, an apple, it is mine. It is an ordinary piece of fruit.

When I make a Brocho, in appreciation of the fact that this red beauty is the handwork of HASHEM, then its status is elevated and that plain old pedestrian apple is converted into HASHEM's. It becomes a completely spiritual entity, a heavenly apple.

Here's a question that I am often asked in different ways, "Rabbi, what's wrong with this lifestyle and why can't I do that?" The assumption of the question is that this is an abandoned universe, a wild west, and we can do whatever we want and then the Torah and the Rabbis come along and arbitrarily ruin the party by forbidding this and that and guilting us up.

The real absolute truth and fact of life is, "The earth and everything in it is HASHEM's". I would not walk into your house and open the refrigerator and start taking stuff.

The real question is not, "Why can't I?" but "May I", "Thank You" and "Please!". This is how one behaves as a guest in another's home. We are in

This document contains words of Torah and should be treated with respect. See Shulchan Aruch Orach Chaim 85:2

HASHEM's home. The Land of Israel is HASHEM's. Now, we only know this with certainty because of the presentation of the Torah, that happened 3,336 years ago at Mount Sinai.

Shmitta is intimately linked to and only made possible by Mount Sinai and our understanding of how HASHEM and the Torah are connected to and the actual source of everything. By actively acknowledging that it belongs to HASHEM, the land is made ours, and is also heralded as a heavenly land.

THE ENGINE AND THE STEERING WHEEL

RABBI MENACHEM FELDMAN (Chabad.org)

Much of the struggle and tension within a human being can be boiled down to the natural tension between the mind and the heart—between that which the mind knows to be right and that which the heart desires.

The mind and the heart have trouble communicating simply because they don't speak the same language, and they don't respond to the same stimuli. The job of the heart is to answer a simple question: "Is this good for me?" The heart does not respond to objective truths. The heart is not concerned about the greater good. The heart's job is to be subjective, to make sure that the self is happy and pampered. On the other hand, when functioning properly, the mind is supposed to be objective. The mind is the tool that allows the human being to transcend the self. The mind has the ability to ponder the abstract, to ask, not, "Is this good for me," but rather, "Is this good?" The healthy mind will be attracted to that which it understands to be objectively good, while the heart will reject it if it is inconsistent with what it perceives to be good for itself.

With the mind and the heart pulling in different directions, which one should the person follow? Which one should rule the person?

Western society is unequivocal: "Follow your heart." Parents and teachers, songwriters and poets keep telling us that "your heart knows best."

It does not take much thought to see the flaw in the "follow the heart" formula. What if one wakes up in the morning and his heart tells him to rob a bank. Should he do what his mother always taught him to do and follow his heart?

Both the emotion and intellect are critical to a healthy life. Both are necessary. On the journey of our lives, the heart is the engine and the mind is the steering wheel. A person without emotion is a person without an engine, without passion, without the strength to smash through the obstacles and achieve, without the fire to overcome rivers of separation and connect to another. But an engine without a steering wheel will end up stuck in a ditch at the side of the road.

The heart is the stuff of life, but when the mind turns on the "check engine" light, we must stop, lift up the hood and examine the emotions.

In fact, we "check the engine" every year during the forty-nine days between the holidays of Passover and Shavuot. Kabbalah teaches that there are seven emotions, each emotion including the full spectrum of emotions within it. On each day of the forty-nine days, we examine one of our emotions. We scrutinize the emotion and direct it to the proper road.

We cannot live a healthy life without love, awe, compassion and commitment. But we must ensure that our emotions are guided by our objective mind to lead us to healthy relationships. Unrefined emotion can lead a person to self-centered, destructive, narcissistic behavior.

This 49-day pattern of refining our emotions is reflected in the commandment of the Jubilee, which we read about in this week's Torah portion:

You shall count for yourself seven sabbatical years, seven years seven times. The days of these seven sabbatical years shall amount to forty nine years for you… You shall sanctify the fiftieth year, and proclaim freedom [for slaves] throughout the land for all who live on it. It shall be a Jubilee for you, and you shall return, each man to his property, and you shall return, each man to his family. (25:8-10)

We count seven years seven times. Each of the forty-nine years represents the refinement of one character trait. On the fiftieth year, we "proclaim freedom throughout the land." On the fifteenth year we are refined, free of the negative impulses of the emotions. On the fiftieth year we can enjoy the freedom of objectivity, the freedom to see the perspectives of our loved ones, the freedom to unshackle ourselves from the grasp of our ego, the freedom to apologize, the freedom to improve.

The freedom to use our inner engine, not to self destruct, but to imbue us with the drive and passion to achieve that which we know we want to achieve.

THE PERFECT ANTIDOTE

RABBI YISSOCHER FRAND (Aish.com)

When you sell to your friend or buy from your friend, do not cheat each other. (25:14)

Smack in the middle of its instructions regarding Shemitah, the Torah inserts the singular prohibition of onaah. "Do not cheat each other." Why does it belong here? Furthermore, the laws of Shemitah apply to the usage of the land, requiring that it lay fallow for the entire seventh year. It is essentially real-estate law. But the law of onaah does not apply to real estate, since the dynamics of land prices are different. Why then does this law, which applies to movable property, appear in the midst of the Shemitah laws that apply to the land?

The Beis Av explains that the underlying concept of the Shemitah year is to impress on people that, in the final analysis, everything we have comes from Hashem. Do not think that the more you toil the more you earn. Here you will see that you can leave your land fallow for an entire year, and your livelihood will not suffer.

This concept very much negates the rationale for cheating. A person may think he can beat the game. He may think that his underhanded methods will bring him additional money that he would not have had otherwise. But if he honestly believes that everything comes from Hashem, he certainly cannot expect to outsmart Him. He may gain a few dollars by cheating, but then his air conditioner will break or his car will need a new transmission, costing him the same amount of money he thought he had gained. In the end, the bottom line will be what Hashem wants it to be.

If a person keeps the mitzvah of Shemitah, if he absorbs its message, he will understand that cheating is not only wrong. It is futile.

Let us follow this reasoning one step further. We have identified the connection between Shemitah and cheating. But onaah also includes onaas devarim, which forbids snide and scathing remarks to other people. What is the connection between Shemitah and this type of onaah? What do such remarks have to do with business dealings and livelihoods?

I once heard from my Rosh Yeshivah, Rav Yaakov Weinberg that the root cause of all putdowns is an underlying attitude of rejection. It is as if we were saying, "He does not belong. He should not be getting so much honor. I am smarter and better than he is." And then we cut him down to size.

Looking more closely, we notice that the motivation behind the snide remark is really a lack of satisfaction with one's own portion in life. It reflects an insufficient trust and faith in Hashem. Verbal abuse, therefore, stems from a lack of belief that the Master of the Universe is fully in charge. Therefore, the mitzvah of Shemitah is the perfect antidote.

MISTREATING SLAVES

AVROHOM YAAKOV

According to Wikipedia, the term 'Red Tape' is believed to have originated with the Spanish administration of Charles V, King of Spain and Holy Roman Emperor, in the early 16th century. Red tape was used to bind the most important administrative dossiers that required immediate discussion by the Council of State and separate them from issues that were treated in an ordinary administrative way, which were bound with ordinary string.

'Red tape' nowadays refers to regulations or conformity to formal rules or standards which are claimed to be excessive, rigid or redundant, or to bureaucracy claimed to hinder or prevent action or decision-making.

IN REVIEWING THE LAWS OF SLAVERY, the Torah sets the following limitation.

"You shall not enslave him with rigor, and you shall fear your G-d." (25:43)

What does "you shall not enslave him through rigor" mean? Rashi explains that this refers to unnecessary jobs, that have no purpose, designed to antagonise the slave.

The Netziv in HaEmek Davar explains that such actions are designed to crush the will of the slave and to remind him that he is not free.

The Malbim adds a second category of this useless 'work' – a task that is never ending.

People can tolerate most work when there is an ending in sight. Having a defined conclusion also provides an achievement that makes the pain worthwhile.

The Torah prohibits tasks without an end as they are soul destroying.

But it is interesting that most contemporary work undertaken by society falls into both prohibited categories. It is 'make work' and never-ending. How much of our time is working on 'red tape' tasks that go on and on and on and on?

Is it any wonder that much of society suffers from lack of direction or long term goals, when people are beaten down daily? We wouldn't even treat our slaves that way!

TOIL TROUBLE

RABBI MORDECHAI KAMENETZKY (Torah.org)

The portion of Bechukosai begins quite simply. Hashem tells us: "If you will walk in My ordinances and observe My commandments and perform them. Then I will provide your rains in their time, and the land will give its produce and the tree of the field will give its fruit" (26:3-4)

Rashi the premier commentary on the Torah, has a mission to define the simple explanation of the verse. He rarely deviates from the simple pshat (explanation), unless he prefaces his remarks by stating his intention to do so. In this instance Rashi explains the concept of "walking in My ordinances" not as mitzvah observance or following in the Ways of the Almighty. Rather, Rashi explains walking in G-d's ways as toiling in Torah study. Rashi explains his commentary: One might think that this [verse] denotes the fulfillment of the commandments; but when Scripture follows by stating and you shall keep My commandments and do them, it is plain that in this passage there is mentioned the fulfillment of the commands. How then must I explain 'Im Bechukosai Teleichu?'" As an admonition that you should study the Torah laboriously.

Clearly when Rashi translates the words, he seems to deviate from the simple meaning. Instead of explaining, "If you go in my path, he states, If you will toil in Torah." Walking in Hashem's path may mean many things. Surely many of them can be simply understood from those words. But toiling in Torah does not seem to be one of them.

In a very popular day school, the Morah was reviewing the meaning of the prayers with her young charges. "Children," she asked in her melodious voice, "Who knows what Shema Yisrael means?"

The hands shot up and waved frantically. "I know! I know!" came muffled shouts from the youngsters who each had their siddurim opened to the proper pages. "It means 'Hear O Israel!'"

"Wonderful!" responded the young teacher. "And who knows what Baruch Atah Hashem means?"

Again the students raised their hands in excitement. "It means 'blessed are You Hashem!'"

"Good," she exclaimed. "Good. Now for a hard one. Who knows the meaning of Amen?"

There was a moment of silence and then little Joey raised his hand! "That's simple every time it says Amen in the Siddur the translation appears right next to it!"

"It is," asked the Morah.

"Sure," said Joey. "Everyone knows that Amen means Cong."*

I learned the Rashi and learned a lesson. Sometimes we read words and we translate from Hebrew to English. We nod our heads as if it makes sense, and we don?t give pause to think about the true meaning of what we have just said. Often, however, even in the simplest form the mere translation of words does not constitute the actual meaning of a verse. Indeed the Hebrew Im Bchukosai Talaichu translates word by word as "If you will walk in My ordinances" but when learning Torah we must do more than merely look at the words and then translate. We must delve deeper. We must analyze seemingly redundant phrases. We must get to the depth of the true meaning of the words. Indeed, we must toil in Torah!

AN OPENED BOOK

RABBI JARED VIDERS (Aish.com)

The office staff ushers you into the CFO's impressive, expansive office. The sky-line view. The mahogany desk. The walls prominently display rare mementos and signed memorabilia.

Your eyes catch hold of a mounted, framed, yellowed-with-age antique letter of some sort. When Mr. CFO arrives, you exchange pleasantries and as a conversation-starter you inquire as to the nature of this mysterious artifact.

"It's a handwritten letter from Napoleon to Thomas Jefferson dating back to the turn of the 19th century. Only a handful are known to exist. I don't have to tell you, it fetched a pretty-penny at auction."

"Wow. That's quite a piece of history you have there. So, what does the letter say?"

"You know, I've always wondered that myself."

"Wait a second," the visitor inquired incredulously, "you mean you paid a small fortune for this rare, one-of-a-kind relic and you have no idea what it says...."

"Well," CFO responded sheepishly, "I don't understand French..."

"IF YOU GO IN MY STATUTES and observe My commandments and perform them; then I will provide your rains in their time, and the land will give produce and the tree of the field will give its fruit." (26:3-4).

Rashi: What is meant by "if you will go in My statutes? That you should be laboring in the Torah."

In his classic list of the 30 ideas that a Jew should consistently contemplate, the Duties of the Heart writes (no. 5), "One should make a personal accounting of one's delay in coming to understand G-d's Torah and of one's contentedness with not grasping its contents."

"One would not act this way in regard to a book that came from a human king. In the event he was not sure of its meaning, for example, because of incomprehensible handwriting or diction ... or its rhetorical style. Rather, one would focus his mind and concentrate all this thoughts in order to understand its meaning ..."

"Now, if one would go to such lengths to understand the book of a human being, weak and mortal like himself, how much greater is it one's obligation to go far and beyond this in order to understand G-d's Book ..."

Let's face it. Certain information we simply have to have. When we're not sure if the pharmacists' instructions are to take 5mg or 50mg, we don't just wing it and hope for the best, we're on the phone ASAP with CVS to resolve our confusion. When your son's new wheel-barrow comes in 52 parts and the completely un-helpful instruction manual (in German no less) simply ain't getting the job done, you're on that company's web-site ASAP to get some much needed customer service.

When it comes to other bodies of knowledge, however, we are more content to live with our own ignorance and are quick to endorse readily-available excuses. "I don't understand Hebrew" [despite the fact that quality English translations on virtually every facet of Judaism are (usually) just a few double-clicks away]. "I don't have time." [Despite the fact that we manage to find time for so many other things of lesser significance.] "I don't find it interesting." "It's not relevant." "I'm too ____ (fill in the blank - old, dumb, stressed-out or ADD)."

Admittedly, our "request" for perception and understanding (the very first request in the Shemoneh Esrei) may never approach the urgency of our "request" for livelihood.

That being said, with Shavous approaching on the horizon we have our "annual check-up," our opportunity to re-assess our personal commitment to understanding the Torah and the vast scope of knowledge It encompasses.

To what degree can we upgrade our personal approach to the study of Torah? How can we make it more sincere? More clear? More interesting? How can we snuff out inherent laziness and deleterious complacency? How can we gain clarity vis-à-vis those questions that have eluded us for so many years? Whether it be macro-questions about the purpose of life or micro-questions about whether your porch needs a mezuzah? Where can we find answers to all those unanswered inquiries percolating in our heart, mind and soul? How can we capitalize on the abundant resources - e.g., human resources (teachers, Rabbis), books, translations, CD's etc., etc. - that can manifest our sincere desire to become more knowledgeable Jews?

When we roll up our sleeves, get off the couch, brush the dust off the Jewish books on our shelf (or awaiting us in our Amazon in-box), find a class, ask a Rabbi and find some pro-active expression of our true desire to know, understand and embrace the Torah that has sustained us for generations, we will have taken significant strides towards achieving the pinnacle and purpose of Shavous - a heightened awareness, appreciation and love for G-d's Torah and a dogged determination to understand It to the best of our personal ability.

ONE STORY, TWO MESSAGES (AT LEAST)

RABBI YAAKOV ASHER SINCLAIR (Ohr.edu)

"I will provide peace in your Land, and you will lie down with none to frighten you…" (26:6)

In this week's Torah portion, we read the 'Tochacha' in which Hashem repeatedly sends the Jewish People 'messages' to repent, and the dire consequences of ignoring those messages.

In fact, Hashem is sending us messages all the time. But often the message can be understood differently by different people.

Case in point: My wife and I were sitting on a plane waiting to take off on a flight out of Tel Aviv Airport. The departure time came and went. The captain announced: "Ladies and Gentlemen, I'm sorry but we have to change one of our tires. It's going to take an hour."

About half-an-hour later, a middle-aged fellow made his way to the front of the plane, and started to complain to the Chief Stewardess: "I've been looking out of the side of our plane, and there's another plane just sitting

there. Look! There it is! Why don't we all just go over to that plane, take all the bags and off we go? Why are we wasting time just sitting here!"
She tried to explain to him, but he became very insistent. "Why are we just sitting here? No one is using that plane. All we need to do is take the bags and we can be on our way! I don't understand your problem." He seemed a little ingenuous. Maybe this was the first time he had flown?
By this time, the Chief Stewardess was doing a good job hiding her laughter, which several passengers around us were not managing to do. I thought at first that he was joking, but I soon realized he was absolutely serious.
Both myself and my wife make videos. She, for South American ladies, and I, for Ohr Somayach, so we're always looking for parables to turn into lessons, and she asked me what I learned from this episode. I said, quoting a statement of our Sages in Yoma 38b:
"No one can touch what is prepared for another, even by a hairbreadth."
That plane is for them. And this plane is for us. What is for me is for me, and what is for you is for you. To think otherwise is the mistake of all jealousy. A jealous person thinks to himself, "If it weren't for that guy being in the world, I could have what he has. "Hey buddy! You're driving my car! You're married to my wife! You're breathing my air!" The truth is that if 'buddy' didn't deserve that car, it would never have rolled off the assembly line in Detroit, (or more probably nowadays, Guangzhou, in China.) His wife may never have been born, and the total volume of air in the world would have been proportionately smaller.
My wife said, "I think the message is that we should always ask Hashem for things, even if they seem impossible for us, for if we approach Hashem with simplicity and total faith, sometimes the unlikely can become likely and the impossible, possible.
Hashem sends us messages every day. We just have to hear them.

SUFFERING ACTUARIES

RABBI ELISHA GREENBAUM (Chabad.org)
Two of the seemingly least-related concepts in the Bible are found side by side in this week's Torah reading.
First comes the tochachah (rebuke): 32 verses of pure fear, which detail the punishments and pain that await the Jewish people if we deviate from G-d's way. Every time we read the tochachah, I am struck anew with the sheer inventiveness of the threats described, and the range and scope of the consequences. The only thing more terrifying than reading the text is reflecting on the fact that all this suffering and more has actually happened to the Jews over time.
Right after the tochachah is the section dealing with erchin (valuations). Were a Jew to pledge the value of another person as a donation to the Temple, there is a sliding scale, almost like an actuarial table, by which that value could be calculated. It's a relatively obscure topic, and seems somewhat lacking in human interest.
But perhaps the Torah is teaching us a crucial lesson by placing these seemingly disparate topics in such close proximity.
One could imagine that after experiencing a tochachah, a period of pain and suffering, the weary survivor could be left wondering about his value in the greater scheme of life, and whether G-d really cares about him at all.
Many crime victims or survivors of natural disasters find it difficult to restart their lives, because their entire sense of self-worth, as well as their sense of place in the world, has been subsumed in the suffering they have just been through. They find it difficult to go on, because they are no longer confident in who they are.
By placing the section of erchin directly after the tochachah, the Torah is reassuring us that no matter what we have been through, we still count. Every person has an innate value, every person is intrinsically valuable, and G-d cherishes and appreciates us all.

News & Views

ANTII-ISRAEL POLLSTER PUBLISHES SKEWED STATS ON TRUMP AND NETANYAHU

MORTON A. KLEIN & ELIZABETH A. BERNEY (JNS.org 19-5-25)
A few days ago, multiple news publications reported on the results of a poll by Jim Gerstein's GBAO Strategies for a newly formed, supposedly "nonpartisan" outfit: the Jewish Voters Resource Center. The final tally suggested that half of Jewish Americans believe that U.S. President Donald Trump is antisemitic, in addition to other left-wing results.
Unfortunately, the mostly identical news articles in The Forward, The Times of Israel, Israel Hayom, The Hill and Arutz Sheva failed to mention the poll's dishonest phrasing of its questions to elicit far-left results, the poll's skewed polling sample or the fact that Gerstein was J Street's former vice president and biased pollster.
But many active in the American Jewish community suspected that the poll results were not believable and simply wrong. It did not seem possible that a legitimate poll would find "half of American Jewish voters believe Trump is antisemitic"; that 62% supposedly believe that Israeli Prime Minister Benjamin "Netanyahu resumed the war in Gaza in March for personal political considerations as opposed to Israel's national security"; or that significant numbers of American Jews believe that Trump's efforts to end campus antisemitism causes more hatred.
So what's going on? First, pollster Gerstein has a history of conducting deceptive polls to promote J Street's agenda. Commissioning Gerstein's polls through the new "Jewish Voters Resource Center" outfit seems to have been an effort to obscure that these are still misleading polls designed to promote the same anti-Israel J Street agenda.
Second, the polling sample was heavily skewed to overrepresent Jews who voted against Trump and to underrepresent Republicans and Orthodox Jews. Only 26% of Gerstein's polling sample voted for Trump, and 16% were Republicans. An AP/Fox News analysis exit poll showed that 33% of American Jews voted for Trump. The exit poll numbers for Trump were also much higher in states with large Jewish populations (45% in New York, 43% in Florida and 41% in Pennsylvania).
Exit polls are not as reliable as actual results and likely understated Jewish voters for Trump: A Tablet study of actual precinct-level results found that in New York and other areas, "Nearly every neighborhood with a notable density of Jewish-specific businesses and institutions … voted heavily Republican or saw a rise in Trump's performance." For instance, Trump received 62% in a heavily Syrian Jewish area of Brooklyn, N.Y., and between 75% to 90% of the votes in the borough's heavily Russian-Jewish area.
Gerstein's "poll" was, apparently, a case of "Let's ask people who voted against Trump what they think of him now."
Third, questions exist as to whether all of Gerstein's sample consisted solely of Jews and whether certain ethnic Jews were omitted. Gerstein said he selected his poll sample from a voter database, choosing people with Jewish-sounding first or last names, a standard under which a voter named Mohammed Goldstein would qualify. He then asked potential respondents if they "self-identified" as Jewish. However, "identifying" as something is not the same as being something. Further, is Gerstein aware of the names used by American Jews hailing from Syria, Russia, Ukraine, Persia, Greece and elsewhere? What about surnames like "Hakimi," used by both Persian Jews and Persian Muslims? Failing to include such Jews, who tend to favor Trump and Netanyahu, would also have skewed Gerstein's sample.
Fourth, and extremely significantly, Gerstein's questions amounted to a "push poll," designed to elicit the answers he wanted. For instance, the poll stated: "Below are some actions that Trump has taken or may take as president," it then asked whether the poll respondents approved of actions on the list (all designed to be adverse) such as "Cutting funds for USAID which provides funds for vaccinations and food deliveries in developing countries." Given the way that the question was phrased, 76% disapproved of cutting funding to USAID, the U.S. Agency of International Development. After all, who would support denying food to presumably poor developing countries?
If the poll respondents had been asked whether they supported "Cutting funds to USAID, which was shown in congressional hearings to have granted or diverted billions of dollars of U.S. taxpayer funds to Al-Qaeda, Hezbollah and Hamas affiliates," the response might have been very different.
Notably, every item on the list of "Trump actions" was designed to elicit dislike or hatred of Trump and his actions. No positive actions were listed. The poll also included a list of negatively-phrased "Trump actions" on antisemitism in an attempt to elicit the absurd belief that Trump is antisemitic. There wasn't a single item on the list phrased in a positive or even neutral manner.
For instance, the poll's antisemitism list asked respondents whether the following caused antisemitism to increase or decrease: "The Trump administration arresting and deporting pro-Palestinian protesters who are legal residents of the United States." Some 61% of respondents answered that this would increase antisemitism. If the question had been phrased: "The Trump administration arresting and deporting Hamas-affiliated foreigners who violently attack Jewish students and demand the murder of

every Jew on campuses," the result would most likely have favored Trump's efforts to combat antisemitism.

Similarly, the funding cuts question claimed that funding was cut to universities that the Trump administration merely "said" were not doing enough to combat antisemitism. This question implied that U.S. colleges are doing enough to combat antisemitism and that Trump was using antisemitism as an excuse to cut funding; 49% of people responded to this loaded question by saying that Trump's actions increased antisemitism.

If the question had been phrased to explain that these universities were not combating Jew-hatred after decades of efforts to have them do so—and that the universities were enabling a campus climate in which Jewish students were violently attacked and blocked from attending classes—then few of the poll respondents would have answered that Trump's action increased antisemitism.

Unfortunately, the news reports on the poll results failed to explain that the questions were embedded falsehoods about Trump's laudable actions to curb campus antisemitism.

In 2018, ZOA published an eye-opening, book-length special report, "J Street Sides With Israel's Enemies & Works to Destroy Support for Israel," detailing J Street's multiple insidious methods of assaulting Israel and Israel's friends. Chapter 21, pages 115-118, delved into how J Street, via its then-vice president Gerstein and his polling company, conducted deceptive polls and misrepresented polling data to create the false impression that American Jews supported J Street's agenda.

For instance, Gerstein conducted a poll asking American Jews whether they would support a hypothetical Iran nuclear deal with gradual, limited sanctions relief when, and if, benchmarks were met; severe restrictions on Iran; and intrusive inspections. J Street then deceptively used the results of this hypothetical Iran-deal poll to claim that American Jews overwhelmingly supported the catastrophic Iran deal.

The 2015 Iran nuclear deal, or Joint Comprehensive Plan of Action, was nothing like J Street's hypothetical. The actual deal gave hundreds of billions of dollars of sanctions relief and economic windfalls to Iran near the agreement's outset, not "gradually." It allowed enrichment above the amount needed for civilian use and made it virtually impossible to inspect Iran's undeclared nuclear activities. Reliable polls showed that two-thirds of American Jews and 80% of young Jews opposed the deal.

J Street also misrepresented the results of others' polls: For instance, J Street falsely claimed that Israelis favored a "settlement freeze" when in fact Israelis favored growth in Judea-Samaria by two to one.

Anti-Israel radicals are now engaging in the same deceptive polling via their new "nonpartisan" organization. The press needs to investigate these deceptive polls far more carefully when reporting on them.

OCTOBER 7 SPARKED A NEW GENERATION OF ZIONISTS

YONI KEMPINSKI (Israelnn.com 18-5-25)

Speaking at an Israel Heritage Foundation and Arutz Sheva Summit, aspiring US politician Debra Lea passionately shared her personal journey and reflections on Jewish identity, Zionism, and post-October 7th Jewish awakening.

Opening her remarks with candor, Lea said, "This is a little impromptu, but I'll do what an aspiring politician does best—speak from the heart." Born and raised in Manhattan, Lea recounted her formative years in Jewish day schools and her gap year spent studying at Bar Ilan University in Tel Aviv.

It was during that year that her campus experienced two direct rocket strikes from Gaza. "It was the first time rockets had reached that deep into Tel Aviv," she noted. "We spent the night in the bomb shelter. As an American, that was my first time really experiencing direct rocket hits."

Lea recalled her reaction at the time: "Donald Trump is my president in the USA, and if a rocket fell in a random field in Oklahoma or Kansas, whoever sent it would cease to exist on the map within minutes. But why was Israeli sovereignty always a question?" That moment, she said, was a turning point. "I was determined to come back to the US and get involved politically so that one day, God willing, I would be in a position to help Israel. So far, so good."

Now working closely with the Trump administration, Lea described her mission as pushing pro-Israel values within the media and among the younger generation. Reflecting on the impact of the October 7th massacre, she offered a message of resilience: "If there's any positive silver lining, it's that a new generation has awakened to what it means to be Jewish."

She emphasized that for many in her generation, the connection to the Holocaust had been fading. "Many survivors never shared their stories. My friends used to skip Shabbat dinners and had little interest in Jewish traditions," she said. "But after October 7th, something changed. Those same friends are now asking to join Shabbat meals. They've begun to understand the calling and what it means to be Jewish."

Lea recounted meeting with two survivors of the October 7th Hamas attack, Ben and Gali, shortly after the massacre. "They're now recovering and planning their wedding. I told them when they need babysitting, I'll be there."

She concluded with a powerful statement of hope: "October 7th created a whole new generation of survivors of the Hamas Holocaust, who will go on to teach their children about the importance of Zionism. The love for Holocaust re-education may have faltered, but Zionism succeeded. That's our main goal, Baruch Hashem. Hopefully we all make aliyah soon."

OPERATION GIDEON'S CHARIOTS: A POWERFUL NAME FOR A GAZA OP

MICAH HALPERN (Jpost.com 20-5-25)

It began as Operation Swords of Iron. And now, over a year and a half later, since Hamas's invasion of Israel and massacre of 1,200 people on October 7, 2023, the operation beginning anew in Gaza is called Operation Gideon's Chariots. It's a powerful name.

A symbolic name, as are many of the monikers given to Israeli operations over the years. A name chosen for its historical reference. A name intended to inspire the soldiers and reservists called to duty in defense of the Jewish homeland.

Israeli leadership tends to name their military operations using profound terms, literary symbols, and oftentimes biblical images. Exactly how these operational names are chosen is a bit of a mystery.

The Mossad, we are told, is responsible for naming its own operations. Conventional wisdom has it that the names of IDF operations are chosen by a committee. Of late, I hear, a computer spits out naming options.

Operation Wrath of God was given to an operation conducted by the Mossad between 1972 and 1979. During this operation, agents were charged with finding and then assassinating those terrorists, enemies of Israel, responsible for the massacre of Israeli athletes in Munich during the 1972 Olympic Games. The name says it all. Three words that summon up the sentiments of all Israelis after the massacre of Israeli stars at an international sports event that symbolized unity.

Operation Shevet Achim (literally, Brothers Dwell Together in Unity), was officially translated by Israel as Operation Brother's Keeper. The operation began as Yad Le'achim (Give Your Brother a Hand). The operation, which involved the dismantling of Jewish Gaza, turning it over to Palestinian rule, extended from August 17 to September 12, 2005. This was the Israeli pullout from the Gaza Strip, a military operation conducted by the IDF.

Operation Swords of Iron. The name alone evokes strength. The IDF loves the image of the sword. That explains why many of the symbols of IDF's units utilize the sword, an ancient symbol of strength. Now, many months later, the operation has exchanged a sword for a chariot and uses a different metaphorical message.

BIBLICAL ROOTS OF GIDEON

Operation Gideon's Chariots is a name that resonates, with its roots in the Bible. This operation invokes imagery of the great biblical warrior Gideon, whom God enlisted to defeat the brutal and powerful Midianites. We read in the Book of Judges that Gideon trounced the Midianites with just 300 men.

Using Gideon's name in this Gaza operation is significant. Gideon did not defeat the Midianites with thousands of warriors; he defeated them with strategy, tactics, skill, and ingenuity. He had them turn on one another and then tapped into their fears. They fled in fear for their lives.

In the beginning, Gideon had 25,000 soldiers. He whittled them down to 300, using two separate tests. First, he spoke to them, saying: If you are afraid, leave, go home. Then 15,000 potential warriors left, leaving him with the remaining 10,000 recruits.

He told the recruits to drink water from a local water source. All those who knelt and lapped up the water with their faces or their tongues in the water were released and sent home. Those who cupped the water with their hands passed his final test.

This was not an issue of polite behavior or proper etiquette. Those who squatted down and drank, putting their heads and tongues to the water, were left defenseless and vulnerable. Those who cupped the water in their hands were still able to observe their surroundings while drinking.

Those 300 brave and faithful soldiers executed a plan. They surrounded the Midianite camp at night. Each soldier was armed with a shofar, a clay pot, and a torch. In unison, they blasted the shofars, broke the pitchers, and lit their torches, giving the Midianites the impression that they were

surrounded by a huge army. The Midianites panicked and fled.
Operation Gideon's Chariots is a fitting name for what we all hope to be the final stage of the war in Gaza against Hamas. The IDF is using Gideon and his men as role models. His force displayed bravery, planning, strategy, and tactics in the face of daunting odds. And Gideon's army had faith in God.
It might be surprising to learn that there were no actual chariots in Gideon's battle, as described in the early chapters of Judges. That was the entire point of the story. The Midianites had far superior weapons and soldiers. What they lacked was what Gideon and his soldiers had: bravery, wisdom, a very good plan, and faith in God. They were fighting for the right cause.
Today, like Gideon, the IDF is fighting for that same cause – they are fighting evil in Gaza.

IS PEACE WITH THE ENTIRE MIDDLE EAST ON THE TABLE NOW?

DANIEL M ROSEN (Israelnn.com 20-5-25)
In recent months, the Middle East has felt like a page turning book —not knowing what lies ahead on the next page. Alliances, threats, and declarations changing with dizzying speed. From Gaza and Tehran to Riyadh and Doha, from Washington to Jerusalem, the headlines come fast and furious.
But underneath the noise, and sometimes hidden from the general public, a larger, more connected strategy is emerging. A potential realignment of the Middle East, one in which Israel's security may be quietly benefiting from what seems, on the surface, like American contradiction.
On the surface an anxiety-ridden scene unfolds where it is hard to interpret the age old question: "is this good or bad for the Jews". The U.S. has lavished praise on Qatar — a nation that bankrolls Hamas, shelters its leadership, and funds American universities that have become hotbeds of anti-Israel sentiment. The same Qatar that owns Al Jazeera, a media empire hostile to Israel and often to the West.
Unimaginably, Syria is being offered sanctions relief and the new leader, formerly wanted terrorist Ahmed Al Shara, was bestowed the honor of meeting President Trump. AL Shara. Not 10 months ago he had a US bounty of $10 million on his head.
One can reasonably ask whether we are witnessing American naïveté — or something else entirely. From one lens it may seem like President Trump is consorting with the enemy, but from a different lens a deeper strategy is at play — one Israel could never pull off alone.
As people try to make sense of his continued praise for Gulf autocrats or dictators like Putin —they may be missing the point, which is to create relationships which in turn create leverage. President Trump praises flawed leaders, not because he's blind to their records, but because he knows honey attracts more flies than vinegar. Charm is the currency he uses to build relationships — and, crucially, to secure interconnectivity. It is easy to say no to an enemy and very hard to say no to a friend.
Trump's efforts may be creating the very conditions Israel needs to ultimately achieve peace. If Arab nations are brought into alignment with the U.S. — through deals, flattery, and economic incentives — they will inevitably find themselves closer to Israel either through shared interests or simply as a by-product. Peace with Syria, Lebanon, and the Gulf States isn't just a pipe dream in this framework; it's a likely outcome.
Trump is doing what is good for human society in promoting peace, and by doing so, he benefits Israel as well. He is creating a "what's good for you is good for me" ecosystem in which cooperation with the U.S. means, by default, cooperation with Israel — now or in the near future.
Such a shift would isolate the Palestinian Arab leadership — not through military action, but through a lack of places to draw support to continue their "resistance". Resistance only works when someone funds it and legitimizes it. Imagine a world where Jordan, Egypt, Syria, Lebanon, Saudi Arabia United Arab Emirates, Qatar, Morocco, Oman, Sudan Libya, Bahrain, and more are all at peace with Israel.
While all this may sound too good to be true, it is not a dream but rather a realistic aspiration based on events as they are unfolding today. The world has witnessed the decimation of the Iranian Shia axis of resistance concurrently with the conciliatory ascension of the rest of the Arab world.
To be fair to this conversation and fair to President Donald Trump's efforts, he has a track record of results and deserves the benefit of the doubt. His previous administration orchestrated the Abraham Accords, brokered normalization agreements between Israel and Arab nations, relocated the U.S. embassy to Jerusalem, recognized Israeli sovereignty over the Golan Heights, and withdrew from the Iran nuclear deal while launching a maximum pressure campaign on Tehran. These were not symbolic overtures; they were substantive achievements. He upended the conventional wisdom and did things that "could not be done".
It is no doubt difficult to watch President Trump embrace certain characters and speak highly of them but the bigger picture must be considered. As President Reagan once said, "Trust, but verify."
If the strategy succeeds, it could remake the region and change the rules of the game for generations to come.

ACCOMPLISHING NOTHING?!

HILLEL FULD (X.com 18-5-25)
"This war has accomplished nothing besides blood shed. Israel has to stop the war!"
Accomplished nothing, huh?

- ✔ 80% of the hostages have been returned.
- ✔ Rocket fire from Gaza is down by over 99%.
- ✔ Around 20,000, I think 30,000 Hamas terrorists eliminated.
- ✔ Most of Hamas senior leadership has been eliminated.
- ✔ The US is backing a plan to evacuate Gaza.
- ✔ Thousands of Hezbollah terrorists eliminated.
- ✔ 80% of Hezbollah's capabilities destroyed.
- ✔ Hezbollah's leaders leadership has been eliminated.
- ✔ Hezbollah won't fire anything. Although we we kick them every day and kill, they will not fire.
- ✔ The Iranian axis has been fractured.
- ✔ Iran pushed out of Syria, militias dismantled.
- ✔ The Syrian army capabilities crushed. IDF controls Mount Hermon in Southern Syria.
- ✔ Iraqi militias have pulled out of the Israel war.No more. That's it. They're gone.
- ✔ Houthis are taking unprecedented strikes.
- ✔ Many of Iran's air defense dismantled.
- ✔ Iran's economy is in historic collapse.
- ✔ About 1,000 terrorists eliminated in Judea and Samaria, thousands and more arrested, and tens of thousands evacuated from terror zones in Judea in Samaria.

If that's considered nothing, I pray we continue to accomplish "Nothing".
Israel has never started a war. Israel has also never lost a war. And this one is no different.
Israel's military achievements in this war might go down in history as the most daring and successful in history.
Yes, we still have work to do. Yes, we need all the hostages back. Yes, we need to obliterate Hamas.
That doesn't mean we should not celebrate everything we've achieved so far. We should.
Thank you, IDF, and thank you, Hashem!

SCIENTISTS ISOLATE UNIQUE PALESTINIAN GENE FOR PERMANENT REFUGEE STATUS

DAVE SWIDLER (PreOccupiedTerritory.com 15-5-25)
Researchers at Trinity College in the Irish capital of Dublin, made a major breakthrough last month: according to the British Journal of Medicine, a team from TC have identified a sequence of DNA that occurs in Palestinian males that codes for the production of proteins of perpetual statelessness,

which no other population has ever exhibited.
The BMJ article, due out in two weeks, describes a process by which scientists took genetic samples from Palestinian men registered with the United National Relief and Works Agency for Palestine Refugees, a group uniquely able to transmit "refugee" status to successive generations. All other people displaced by conflict in human history have never been able to sustain refugee status that others will accept, and have been forced to establish new lives and build themselves up instead of depending on the perpetual largesse of others while nursing generational grievances and living in a world of myth and blamelessness.
Lead researcher and article author Begindak Westin stated in a telephone interview and e-mail correspondence that the biochemical process identified can now help explain other phenomena, and, with proper follow-up, can lead to better understanding of other Palestinian genetic anomalies, such as the acquisition and transmission to the next generation of "native" status immediately, which no other population has ever been documented as achieving, as opposed to Jews, who were never considered "native" anywhere they lived until they attempted to return to the land where they originated, at which point they faced accusations of "colonialism," "invasion," and "occupation."
"Normally, refugees are handled by the UN High Commissioner for Refugees," Westin explained. "That agency does great work – they work to resettle people displaced from their countries by conflict or whatever, and they always find where to set them up again in a new life. But that's not the lot of the Palestine Refugee. The Palestine Refugee has a different genetic makeup that makes resettlement not an option: the only thing viable for the Palestine Refugee is 'returning' to a land most of them never knew, and living out a revenge fantasy instead of building a new life – and then, through the father, passing on Palestine Refugee status in perpetuity, something that refugees handled by UNHCR can rarely, if ever, do. We have now identified the genetic mutation responsible for it."
As a follow-up project, Westin's team will examine by what mechanism, if any, free will and a sense of morality is transmitted to one's offspring, since Palestinians have never been expected to cultivate either one. (Satire)

10 YIDDISH CURSES YOU WOULDN'T WISH ON YOUR WORST ENEMY

RUCHAMA FEUERMAN (Aish.com)
I speak Yiddish the way Chuck Schumer did in his 2022 campaign ad, dropping a kvetch here, a kvell there, a sprinkling of mishugaas, and of course some good old nachas.
Fran Drescher let loose this Yiddish phrase, "a leck mit a schmeck," a lick and a sniff, which basically means a whole lot of nothing. Just saying that phrase out loud makes my vocal cords thrum with pleasure. A leck mit a schmeck. Try it.
We all use Yiddish words, whether we realize it or not. Tell me you've never said chutzpah, dybukk, golem, meshuggah, klutz, bupkis, blintzes, kishkes, shpiel, nudnik, shmaltz, gefilte fish, glitch, kibbitz, plotz, nosh, mench, maven, shmooze, yenta, or my favorite: feh.
Or how about these pejoratives which oddly all begin with a sh sound: shicker, shlepper, shmutz, shmo, shlump, shmendrik, shlemazl, shlump, shonda, shnook, shmattah, and many more.
Other random Yiddish trivia:
Did you know the iconic actor James Cagney spoke Yiddish fluently?
I.B. Singer said, when he won the Nobel Prize in Literature: "Ghosts love Yiddish and as far as I know, they all speak it."
How did Yiddish get to be so juicy? Here's a theory: Throughout the millennia, Jews had no agency or power, and certainly no armies. Their money, possessions and very lives could be yanked away in a second, and often were. What couldn't be taken away were their thoughts and words. Many Jews used their very lack of power to develop a moral genius and a different kind of power. Instead of conquering other lands, they conquered pages of the Talmud and tried to vanquish their character flaws to become more giving, compassionate human beings.
And sometimes Jews got a little tired of being persecuted and being so good, so they packed all their frustration, wit, humor, pettiness and fury into the spoken word, and voila – you got Yiddish.
These proverbs are meant to be enjoyed and not employed against other people. And if you have any juicy (and unfoul) ones of your own to offer, please do in the comment section below.
1. May you be so rich your widow's new husband will never have to work another day.
Zolst du zayn azoy raykh, az dayn almunahs man zol darf keynmol nisht arbetn a tog.
2. You should be turned into a blintze, and a cat should eat you.
Vern zol fun dir a blintshik un di kats zol dikh kayn.
3. May your wife eat matzah in bed and may you roll in the crumbs.
Zol dayn vayb essen matzos in bet, un du vet zich valgeren in di breklach.
4. May your husband's father marry three times, so that you have not one, but three mothers-in-law.
Zol dayn man's tatte khasunah hoben dray mol, un du vest hoben nisht eyn, nor dray shviggers.
5. May the lice in your shirt marry the bedbugs in your mattress, and may their offspring set up residence in your underwear.
Zoln di lise in dayn hemd khasunah hoben mit di vantzen in dayn matras, aun zeyer zoymen zoln zikh aynshteln in dayne untervesh.
6. May you make a fortune and afford your medical bills.
Zol ir makhn a mazl genug tzu batzolen dayn meditsinish bills.
7. May you be reincarnated as a lamp: hang by day, burn by night, and be snuffed out in the morning.
Migulgl zolstu vern in a henglaykhter, by tog zolstu hengen, un bay nakht zolstu brenen un morgen zayt oyslesht.
8. Go to hell and bake bagels!
Gey tsu gehennum un bak beygels!
9. Stay healthy because you can kill yourself later.
Blaybt gezunt vayl ir kenst teytn zikh shpeter.
10. May all your teeth fall out but one, and may that one give you a toothache.
Ale tseyn zoln dir aroysfaln, nor eyner zol dir blaybn af tseynveytik
As a reward for anyone who reached this far, here are few classic lines that aren't curses:
Sleep faster, we need the pillows.
Shlof gikher, me darft di kishn.
If everyone brought their bundle of troubles to sell in the market, each person would quickly take back his own.
Oyb alemen gebrakht zeyer pekl fun kopdreyenish tsu farkoyfn in di mark, yeder mentsh volt geshvind tsurikgenumen zeyn eygene.
Dress up a broom, and it will look nice too.
Az men putz ois sheyn a bezem, iz er oykh sheyn.
I care like a cat cares if it's Wednesday.
Ikh zorg vi a kats zorgt oyb es iz mitvokh.

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

MATTERS OF INTEREST

RABBI DONIEL NEUSTADT (Torah.org)
The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.
INTEREST (RIBBIS) WITH A CORPORATION
QUESTION: Although it is explicitly forbidden for an individual to charge or pay ribbis, does the prohibition of ribbis apply also to corporations? There is some misunderstanding regarding this halachah. A lenient ruling by Harav M. Feinstein (1) holds that a corporation may pay ribbis for deposits, loans, or credits which it receives, even if the corporation is totally owned by Jews. The reason for the leniency is that a "borrower" is halachically defined as someone who has personal responsibility to pay a loan. When a bank or another corporation is the "borrower", the loan is guaranteed by the company's assets, but not by any individual. Thus there are no Jewish "borrowers" and ribbis may be paid by the bank or the corporation.
This ruling of Harav Feinstein has been accepted by some poskim and rejected by others (2). Obviously, if possible, a proper heter iska (3) should be made before drawing interest from a Jewish-owned bank. If it is difficult to do so, there are poskim who allow taking the interest, as per Harav Feinstein's ruling. [Note that a heter iska does not allow a Jewish-owned bank to offer free gifts to depositors if the gift is chosen and delivered at the time of deposit, since such gifts are a form of ribbis (4).]
Under no circumstances, however, is it permitted to borrow money from a

Jewish-owned bank or corporation. Since the borrower is an individual who accepts personal responsibility to repay the loan, the above leniency does not apply (5).

Similarly, lending money to a Jewish-owned corporation with the personal guarantee of repayment by the owners would be prohibited even according to Harav Feinstein's lenient opinion.

For the above reason it is prohibited to buy shares in a publicly traded bank which has a majority of Jewish owners and does not use a proper heter iska when borrowing money from Jews (6). A company in which most of the shareholders are not Jewish but the Jewish minority has significant enough holdings that their opinion carries weight in management decisions, is also considered a Jewish company according to the opinion of many poskim (7).

HETER ISKA

We have previously mentioned the concept of heter iska. While it be would be almost impossible to explain the logic behind this very complicated transaction, suffice it to say that heter iska is a tool–debated, revised, and perfected over many centuries– with which a lender may lend money to a borrower and be halachically permitted to collect interest on the loan. It is a legal document which transforms the loan [or part of it] into an investment, with a remote chance of loss of principal to the lender. Since ribbis is only forbidden when a fully guaranteed loan takes place, this tool allows the lender to earn "profits" from his "investment" as opposed to "interest" from a "loan", and it is therefore permitted. Heter iska transactions are very common today and, when done under the auspices of an expert in these matters, are used in many business dealings in a permissible manner.

We must, however, point out an important reminder. According to the opinion of most poskim, including the foremost poskim of our generation (8), a heter iska is valid only if the money is being borrowed to invest in a business or in a property, or if the money being borrowed will free other money to be used for a business transaction. A person who borrows money to pay for his daughter's wedding, for instance, or for any other ongoing expenses, and does not have any profit-generating holdings or assets, may not use a heter iska to borrow money (9).

Many people are not aware of this limitation and are constantly borrowing money, or over-drafting their bank accounts from Jewish-owned banks, relying on a heter iska which is unacceptable according to most views. Certainly, one who is scrupulous and is generally not lax when it comes to other mitzvos of the Torah, should be aware that this transaction is not valid according to the majority opinion, and that it may be Biblically prohibited (10). When this situation arises, an expert rav should be consulted, since there are methods that can be utilized in order to make this transaction valid according to most poskim (11).

NEIGHBORS BORROWING GOODS

QUESTION: Does the prohibition of ribbis apply to neighbors borrowing goods from each other? The prohibition of ribbis applies to goods borrowed between neighbors. A neighbor who borrows two challos may return only two challos to the lender (12). If a 5 lb. bag of sugar is borrowed, only that amount may be returned. There are, however, several notable exceptions to this prohibition:

If the difference between the item borrowed and the item returned is insignificant to the degree which people generally do not care about, the prohibition does not apply; a slightly bigger challah, therefore, may be returned (13).

When neighbors have a type of relationship where they are in the habit of borrowing from each other without being careful to return everything they borrow, then the prohibition of ribbis does not apply. This is because the neighbors are not "borrowing" from each other; they are giving each other gifts (14). [Note that many neighbors do not have such a relationship.]

When the borrower is uncertain of the precise amount he borrowed, he may return an amount which is great enough to assure that the loan is paid up (15).

A neighbor who borrows an item from his friend may return that item exactly as borrowed, even if the price of the item has gone up in the interval. This is permitted because prices tend to fluctuate by small amounts and neighbors generally are not particular about such a small difference (16).

FOOTNOTES

1 Igros Moshe Y.D. 2:63.

2 See the various views in Har Tzvi Y.D. 126; Harav Y.E. Henkin in Eidus l'Yisrael, pg. 170; Minchas Yitzchak 1:3;4:16-17; Chelkas Yaakov 3:190; Minchas Shelomo 28; Bris Yehudah 7, note 66.

3 One must investigate the validity of the heter iska before dealing with a Jewish-owned bank. See Kol ha-Torah # 40 for a review of the recently discovered halachic problems with the heter iska of Israel's banks. Note that many Israeli banks have branches abroad.

4 Bris Yehudah 38 note 10.

5 Igros Moshe Y.D. 2:63.

6 Bris Yehudah 40 note 21

7 Harav M. Feinstein and Harav Y. Roth (quoted in Mishnas Ribbis 2, note 7).

8 Igros Moshe Y.D. 2:62; Harav S.Z. Auerbach and Harav S. Wosner (quoted in Kitzur Dinei Ribbis, Kuntres Acharon 13:3); Harav S.Y. Elyashiv (quoted in Toras Ribbis 16, note 85).

9 Stocks, certificate of deposits, pension plans, or other saving accounts which generate a profit, are considered like a business; Toras Ribbis 16:15. The amount of money lent must be no greater than the amount of money which is generating the profit; Harav S.Z. Auerbach, ibid.

10 Note that there are lenient views, based on the ruling of the Sho'el u'Meishiv (1:3-160); see Darkei Teshuvah 177:41; Chelkas Yaakov 3:199; Bris Yehudah 38, note 18.

11 See Kol ha-Torah, # 43, pg. 250-259 for a lengthy explanation of this issue.

12 Y.D. 160:17.

13 Bris Yehudah 17, note 6; Mishnas Ribbis 6, note 5. See also L'horos Nosson 6:76.

14 The Laws of Interest, pg. 35.

15 Minchas Yitzchak 9:88.

16 Mishnah Berurah 450:2 based on Rama Y.D. 162:1. See Sha'ar ha-Tziyun, ibid.

KINYAN ON THE INTERNET

MEIR GELFENSTEIN (KolTorah.org)

I would like to discuss a very current topic which is relevant to those who shop on the Internet. Rabbi Yechiel Wasserman (Techumin 18: 248-251) discusses whether one can make a Halachically valid Kinyan on the Internet. There are a few Kinyanim that we need to explore in order to arrive at a legitimate conclusion.

THE BASIC KINYAN

The Mishna in Kiddushin (1:5) states that one can make a Kinyan on property that has security (real estate) with the following three devices: money, a document, or a Chazaka (demonstrating ownership by effecting a change on the property). On properties without security (/)-)-*o - movable property), acquisition is accomplished through Meshicha. There are three elements of Meshicha (see Ritva, Kiddushin 25b s.v. V'havi). The first and preferred method is %#"%%, where the owner lifts the desired object as a symbol of acquisition. Meshicha, which literally means pulling the object, is quite common because there are many objects which cannot be lifted, so it is the best "substitute." Mesirah, which means handing over the object, is done when the other two methods are not feasible. In addition, Hagbahah is effective anywhere, unlike Meshicha and Mesira, which are effective only in certain places. There are a few conditions that apply to Kinyanei Meshichah: a) there must be a set price affixed to the item b) the presence of the item is required and c) the item must pass from the owner to the purchaser. All Kinyanim also require knowledge and intention of acquisition.

A MODIFIED KINYAN

In Vayikra (25:14), the Torah describes selling or purchasing an item from the hand of his friend. The Gemara (Bava Metzia 47b) cites Reish Lakish, who argues which acquisition is passed from hand to hand - Kinyan Meshicha! Rabbi Yochanan, on the other hand, argues that Kinyan Meshicha is merely a rabbinic law. Kinyan Meshicha is the basic acquisition device, but there are other methods that differ from Meshicha. Kinyan Chalifin is one such technique, where the two parties participate in a barter transaction and it is only necessary for one party to do an acquisition in order for both to own their respective desired items. Kinyan Sudar is possibly an extension of Kinyan Chalifin. Here one need not even have the object present in order to acquire it - the purchaser hands a symbolic utensil, such as a handkerchief or a pen, to the seller to effect the transaction. The text in Megilat Rut (4:7) serves as the biblical source of the Sudar, as displayed by Boaz acquiring an item by removing his shoe and handing it to the #&!-. Kinyan Sudar became very popular because of its rudimentary process and in the times of the Gemara was simply referred to as "Kinyan."

AN INVENTIVE KINYAN?

The final Kinyan that we will discuss is very controversial and there are various interpretations regarding its meaning and use. It is called a Kinyan Setumtah. The Gemara in Bava Metzia (74a) first makes note of it in analyzing a dispute between Rav Chaviva and the Rabbanan. Rav Chaviva views Setumtah as a valid Kinyan, while the Rabbanan are of the opinion that it only allows for a "Mi Shepara" a censure meted out by the Rabbis in order to prevent broken verbal or non-Halachically binding agreements). Rashi defines the Setumtah as a signature (mark) by the wholesaler after acquiring a large shipment in order to identify his merchandise. Rashi

explains that this procedure renders a complete Kinyan and in fact many merchants did use this method as a means of acquisition. The Ritva, on the other hand, claims that this "Setumtah" was really a token symbolizing the purchaser's acquisition of the item. He argues that this only serves to effect a censure. Rashi believes that since the merchants accepted "Setumtah" as a device for Kinyan, it is valid. Rashi agrees with the Rashba (ad loc. s.v. Ub'duchta), who concludes that a Setumtah is effective since a Minhag can override a Halacha. Ritva, though, disagrees with both Rashi and Rashba and therefore voids all acquisitions made by a Setumtah. Rambam confers with Rashi and states in Hilchot Mechira (7:6-7) that if it is the custom to acquire merchandise via a mark, it is acceptable as a Kinyan because a Minhag can override a Halacha. One may explain that since Setumtah is in the family of Meshicha the same guidlines apply - there must be a set price and the item must be present. The Shulchan Aruch (C.M 201:2), though, indicates that Setumtah is similar to Kinyan Sudar, and consequently the presence of the desired item is not required.

One should note that the Teshuvot Dvar Avraham (1:1) understands Kinyan Setumtah differently than Rav Wasserman. The Dvar Avraham argues that the Teshuvat Chatam Sofer (cited by the Pitchei Teshuva 201:1) correctly asserts that Kinyan Setumtah is valid on a Torah level. The Dvar Avraham explains that Kinyan Setumtah is rooted in Kinyan Sudar. He marshals sources that demonstrate that Kinyan Sudar is effective because society accepts it as a Kinyan and not because the Torah mandates it. The Dvar Avraham believes that Kinyan Sudar is a manifestation of a Torah principle that whenever society accepts a particular act to be one which seals a deal, Halacha recognizes that act as a legitimate Kinyan. Thus, the Shulchan Aruch's ruling that the desired item need not be present for Kinyan Setumtah to be effective, similar to Kinyan Sudar, is readily understandable in light of the Dvar Avraham's assertion.

CONCLUSION

Obviously, these different views are vital in determining whether or not one can make a Kinyan on the Internet. Everyone agrees that knowledge and intent are required to effect the Kinyan and this requirement appears to be satisfied on the Internet. An action (clicking on the mouse) is performed to make the purchase, thus satisfying those opinions who require an action for Setumtah to be effective (see Piskei Din Rabbaniyim 4:289). The Ketzot Hachoshen (C.M. 201:1) and the Chatam Sofer, cited in Pitchei Teshuva 201:1, argue, however, whether one can make a Kinyan on an object which has not been created yet, which often is relevant to Internet purchases. A Posek must very careful when analyzing this situation because once we commit to accepting the Kinyan on the Internet we cannot turn back on this decision. Moreover, Rav Uri Dasberg wrote (in 1998 Techumin 18:251, note 2) that Internet purchases have only recently started and do not yet qualify as a Kinyan Setumtah. Once it has been tested in courts and accepted on a communal level, it can be regarded as a Kinyan Sudar. Rav Dasberg argues that until this happens, clicking on the Internet is regarded as a contractual undertaking, which is less binding than a Kinyan.

POSTSCRIPT BY RABBI CHAIM JACHTER

A serious issue that is often raised today is whether one may maintain one's website to conduct business transactions on Shabbat. Although this author is unaware of Teshuvot written on this topic, two important discussions serve as a basis for discussion of website operation on Shabbat. Dayan Yitzchak Weisz (Teshuvot Minchat Yitzchak 3:34) discusses the permissibility of maintaining a vending machine in a public area that operates on Shabbat. He notes many authorities (including Rav Akiva Eiger) that forbid taking title to items on Shabbat even if the transaction took place during the weekday. To avoid this problem Dayan Weisz suggests that the owner declare that he does not take title to the money deposited in the machine until after Shabbat and that the purchasers acquire title prior to Shabbat to the items that they will take from the machine on Shabbat. Prominent rabbis have expressed serious reservations about the validity of this solution to this author.

Rav Uri Dasberg (Techumin 19:349-363) discusses whether a bank may allow its automatic teller machines to operate on Shabbat. Among his suggestions is arranging that the machine display a message urging customers not to use the machine on Shabbat. Prominent rabbis have expressed serious reservations about this suggestion as well. Indeed, Rav Dasberg notes that the late Rav Shlomo Goren forbade Bank Hamizrachi to keep its ATMs in operation on Shabbat. Accordingly, one should ask his Rav for a Halachic ruling regarding this serious Halachic issue.

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