



Parashat Mishpatim 5770

Ask Rav Aviner: mororly@bezeqint.net

Prepared by Rabbi Mordechai Tzion (Friedfertig)

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Avri in the Desert

B"H we are planning to publish the third in a series of HEBREW children's books about Avri, who left Egypt, experienced the giving of the Torah on Mt. Sinai and is now wandering in the desert. The journey of this young boy is the journey of our Nation seen through his eyes and experiences. You can be a partner by dedicating the whole book or part of the book in memory or in honor of someone

(any amount is appreciated and payment can be made over time).

Please be in touch with Rav Aviner (052-365-3028) or me if you are interested.

On the Parashah

"His wife leaves with him" (Shemot 21:3)

Q: If a woman was married to two different men during her lifetime who will she be with after the Resurrection of the Dead?

A: There is an answer to this question in the book "Piskei Teshuvah" of Ha-Rav Avraham Pitrovsky (#124). He quoted the book "Shut Matzav Ha-Yashar" on the Zohar that there was a young woman who was married a wonderful man and he died at a relatively young age. The young women did not want to marry again. She said, "Why should I get married to someone else? During the Resurrection of the Dead I will be married to my second husband, and my first husband is dearer to me than anything. I prefer to remain a widow all of my life and then be married to my true soul-mate." There is a similar question in the book "Ha-Techiya Ve-Ha-Pedut" (question #6) of Ha-Rav Sa'adia Gaon: how will I find my wife during the

Resurrection of the Dead? Ha-Rav Sa'adia did not want to answer since it is forbidden to answer a halachic question before someone who is greater than him in wisdom. Since this is a question of the Resurrection of the Dead, Moshe Rabbenu will be there and it is therefore forbidden for me to answer. If there are questions that arise now - what can we do? We have to answer them. Questions that have to do with the future, however, we leave for Moshe Rabbenu and the other prophets. It therefore seems that the question in "Shut Matzav Ha-Yashar" cannot be answered, but this was before the Zohar, which contains an answer, was revealed. Regarding a Jewish servant, the verse says, "If he arrives by himself, he leaves by himself; if he is the husband of a woman, his wife leaves with him" (Shemot 21:3). This means that he will experience the Resurrection of the Dead with his wife – his first wife. There are commentators who explain that the meaning of the Zohar is that she will return to her true spouse, i.e. the most successful marriage (see note in Piskei Teshuvah). Thus, she will return to the marriage which was filled with the most love, fraternity, peace, and friendship.

Rav Aviner on...

Minority and Majority Opinion

[Sefer Am Ve-Artzo vol. 1, #11]

Question: The Torah scholars and great authorities of Israel who support the position of Gush Emunim (the movement to settle all of the historical Land of Israel) are the minority of Rabbis in contrast to those who are opposed. If so, shouldn't we follow the general principle of Jewish Law that majority rules?

Answer: I will deal with the essence of the question without discussing whether it is in fact the reality. After all, our Rabbi, Ha-Rav Tzvi Yehudah, was well known for his declaration that the majority of the world's Torah giants did not oppose Zionism. Once, one of the students at the Yeshivah said that he would not dare make such a statement in the vicinity of the Holy Ark. The student's words made their way to the ears of our Rabbi. Our Rabbi immediately ran to the Yeshiva, opened up the Holy Ark containing the Torah Scrolls and said, "Whoever says that the majority of Torah

giants opposed Zionism is a liar. The truth should be told that Zionism was a new movement, and most of the leading Rabbis were uncertain as to how to relate to it. Most of those who did take a stand were actually in favor of Zionism."

The halachic authorities have written that the principle that we follow the majority only applies if all authorities sit together and there is give-and-take between them, and not if each one of them states his opinion on his own and we count up their opinions. Since perhaps, if the majority heard the opinion of the minority and had give-and-take with them, they would be convinced (Shut Ha-Rashba quoted in Beit Yosef, Choshen Mishpat, end of chap. 13). "Because we do not say majority rules except when a majority of them argue face-to-face" (Sedei Chemed, vol. 3, pg. 149), "When all of the judges are gathered together in one place like the Sanhedrin" (Get Pashut, kelali, klal #1, and see Shut She'eilat David in Makor Beit Av - ma'amar #2, Mishnat Hora'ah by Mahartz Chayot chap. 4-5, Sdei Chemed - kelalim ma'arechet yud klal #35, Minchat Chinuch, mitzvah 78 #1 and Chazon Ish - Kilayim siman 1).

Despite this idea, the authorities mention the issue of deciding based on "the majority of wisdom" (i.e. greater knowledge and expertise in a particular area of Halachah), and there are even those who say that we follow a "majority of wisdom" over a "majority of number" (Likutei Ha-Ramban, Sanhedrin chap. 4 in the name of the Rahag). One must distinguish between "the majority of wisdom" for each authority based on his area of expertise: there are Rabbis whose expertise is monetary laws, and there are Rabbis whose expertise is in Kashrut, etc... Maran Ha-Rav Avraham Yitzhak Ha-Cohain Kook's expertise was in the area of the workings of Klal Yisrael relating the rebuilding of our Nation and our Land, the beginning of the Redemption and in understanding the Master of the Universe's direction of our history. He investigated, clarified, arranged, and constructed a complete method of understanding, whose scope and depth is far above all of the Sages of the generation of Acharonim (later authorities).

For example, Ha-Rav Joseph Soloveitchik, with all of his brilliance, did not construct an all-compassing method of understanding, and all of his teachings were, in essence, about the phenomenon of the religious individual. He did not present a philosophy of communal faith: The Rav only discussed the religious experience of the

individual as opposed to the communal religious experience which includes understanding Hashem's role in guiding the history of the Nation of Israel.

All that was said above is equally applicable in relation to students who did not sufficiently learn Torah, and came to create all sorts of lies about Maran Ha-Rav Kook. They forged documents in his name, and placed in his mouth the opposite of what he said. The proper way to understand his teachings is through his son, our Rabbi, Ha-Rav Tzvi Yehudah, who even in his youth, his father said of him, "...with gratitude of G-d, he is nearly one with me, he who is accustomed to remain faithful to my opinion and hears the conversation of my soul (Igrot Ha-Re'eyah vol. 1, p. 121).

Based on the decisions of Rabbi Akiva, in matter of the Messianism of Bar Kochba, the Rambam ruled, "He and all the Sages of his generation considered him to be the Messianic King" (Rambam, Hilchot Melachim 11:3), even though we find Sages who disagreed with his position (Sanhedrin 93b and see Jerusalem Talmud Ta'anit 4:5, Eichah Rabbah 2:2). How then did the Rambam write: "Rabbi Akiva and all the Sages of his generation"? Rather it was clear to him, that in all matters pertaining to the vision of Redemption and the resurrection of Israel and its Land, Rabbi Akiva was the expert; that is, he possessed "the majority of wisdom." Therefore, even though the majority disagreed with him, he was defined by Halachah as "all the Sages of his generation" (see Rambam, Hilchot Ta'anit 5:3 where there is a similar understanding.

Stories of Rabbenu – Our Rabbi, Ha-Rav Tzvi Yehudah Ha-Cohain Kook

Tzitzit

Our Rabbi would encourage his students to wear their tzitzit with the tzitzit hanging outside of their clothing, and he made no distinction between Sephardic and Ashkenazic Jews. One of our Rabbi's leading students, Ha-Rav David Chai HaCohen, once asked if this ruling to wear tzitzit outside of one's garments applied to him as well, for his family's custom was to wear tzitzit tucked in (Ha-Rav HaCohen's uncle was an important Torah scholar and a faithful follower of the Ben Ish Chai). Ha-Rav HaCohen said that he would abide by whatever ruling our Rabbi gave. Our Rabbi told him that he did not have to wear his tzitzit outside of his clothing. (From

the article "The Appearance of a Meticulously Observant Jew" by Ha-Rav Eliezer Melamed)

Our Rabbi would often emphasize the words of the Magen Avraham (Orach Chaim 8:13) that the essence is that the tzitzit be seen outside of one's clothing. (Gadol Shimusha p. 71)

A newly observant Jew asked our Rabbi for the source for wearing a kippah. He answered that according to the opinion of the Vilna Gaon (Orach Chaim 8:2), there is no ancient source for a kippah, but wearing tzitzit outside of one's clothing is from the Torah. The newly-observant Jew immediately bought long tzitzit, and obviously also wore a kippah. (Gadol Shimusha p. 70)

Tzitzit at night

Our Rabbi would wear his tzitzit during the day as well as sleep with them at night. (Ha-Rav Yechezkel Greenwald)

Wearing Tzitzit Out

Our Rabbi would say that one should wear his tzitzit hanging outside of his clothing. A student asked: And what about the Arizal (who said that one should wear the tzitzit inside – although there is a dispute regarding the meaning of his words)? Our Rabbi responded with a smile: I know the Arizal. And he added: And do you perform everything that the Arizal says? (see Shulchan Aruch, Orach Chaim 8:11, Magen Avraham ibid., Mishnah Berurah ibid. Ha-Rav Yosef Bedichi)

Jewish Clothing

Our Rabbi would teach that one should wear his tzitzit out, and that Jewish clothing is not necessarily a kippah, but tzitzit and tefillin. Regarding a kippah, he would quote the words of the Vilna Gaon that wearing a kippah is an act of righteousness (Biur Ha-Gra, Orach Chaim 8). (Ha-Rav Yechezkel Greenwald)

Family Matters - Ha-Rav writes weekly for
the parashah sheet "Rosh Yehudi" on family relationships

A New Woman

I heard that it is written in the Torah that when one gets married his wife is defined as a "new woman" and the husband therefore does not go to the army during the first year in order to make her happy (Dev. 24:2) and in order that they can become accustomed to one another (Torah Temimah). I however did go to the army, the reserves and war. They did not exempt me. And even if they would have exempted me, I would have gone because how could my friends go to war while I sit at home?! But after many years of marriage I still feel like I have a "new woman", and I find out new things about her every day: her emotions, thoughts, desires, and even her imagination. It appears that every person is like that but they do not interest me, only she is important to me. It is interesting that that these things seem new, as they were always before my eyes. But it seems that I never paid attention. It seems that I looked at them but did not see, I heard but did not listen. I suddenly realize. Thank you, you are new to me each day.

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Yeshivat Ateret Yerushalayim P.O.B. 1076 Jerusalem 91009 Tel.02-6284101 Fax.02-6261528

www.ateret.org.il To subscribe, send e-mail to: mororly@bezeqint.net

