

Shabbat Shalom from Torah MiTzion

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Rabbi Avi Goldberg, Rosh Kollel Memphis

It is here, so close and so simple. Lets do it!

There is a saying, mentioned sometimes in the Yeshivot, that goes as following:

"If you really want to know the weekly news, look it up in the weekly parsha!" (In Memphis we can add also the Torah Mit Zion Parsha Sheet). This saying expresses the idea that learning the Parsha could be more meaningful and appropriate than reading only the newspapers on Shabbat. I don't want to focus on that topic, but on the amazing idea that our weekly portion fits the cycle of the year and matches our daily life. Initially the order of the weekly readings was not designed to match the annual calendar except for designated portions that were established to be read at specific times of the year. Last week, for example, we read "parshat Ki – Tavo" which included the Rebuke. I assume that many don't even recognize that reading the Rebuke last week was based on a special decree by Ezra the Scribe (approx. 450 B.C.E.) to read the Rebuke just before the end of the year to signify "ending the year will end the curses of that year, starting the year will also start the blessings of that year" (Tractate Ta'anit 31 b).

Yet many times it seems that the weekly portion somehow fits so accurately into the yearly circle. For instance we read "Breshit" – the beginning – at the beginning of the year, and in the same way we read the end of the Torah at the end of the year (it didn't have to be this way, our reading could have ended other times also, for instance on Shavuot), as if we are intended to connect the concept of ending the Torah to the end of the year.

Similarly we read the only reference to the word "Eicha" (איכה) always on the Shabbat before Tish'a Be'av. We also read the only reference to "Sefirat Ha'omer" in the midst of "Sefirat Ha'omer". We could continue with such examples, but what for? The point is that somehow the division of the weekly portions fit well with our yearly cycle.

This week our portion, fittingly, includes the concept of "Teshuva" – repentance. The Torah said:

"...and you will return unto Hashem, your G-d, and listen to his voice, according to everything that I command you today, you and your children with all your heart and all your soul... you shall return and listen to the voice of Hashem, and perform all the commandments that I command you today." (Deuteronomy 30, 2, 8)

These verses seem to be the only place in which the Torah introduces the concept of Teshuvah. The rabbis argued whether the process of Teshuvah (repentance) described in these verses is considered one of the 613 Mitzvot or whether it is just a good behavior model and

a promise of reward that G-d gave to the Jewish people. The Ramban – Nachmanides writes in his commentary on these verses that this is a positive commandment for a sinner to repent and not just a promise of reward for future days. The Ramban proves his opinion from the verses which follow those quoted above:

"For this commandment, which I command you today, is not too difficult for you, nor is it beyond your reach. It is not in heaven . . . nor is it across the sea. . . . Rather, it is very close to you, in your mouth and in your heart, so you can do it (Deuteronomy 30:11-14).

The Ramban explains the words "For this commandment" as speaking about Teshuvah, and not just a general saying about all the Mitzvot of the Torah. The last part of the verse that it is "in your mouth and in your heart" is talking about the physical action of Teshuvah which is the confession ("Vidui"). The real practical action of Teshuvah is Vidui which is a confession that has to be articulated verbally with sincere intention of the heart.

The Rambam, Maimonides, holds a slightly different opinion. According to the Rambam (Hilchot Teshuvah, chapter 7, Halacha 5) the verses mentioned above that introduce the concept of Teshuvah, are a promise for future days. The words "For this commandment..." in verse 11 are explained by the Rambam in his famous letter to Yemenite Jewry ("Iggeret Teiman") as a guidance from G-d to not listen to a prophet who claims to have received a prophecy of new permanent commandments, or claims to bring a whole new Torah. The words "For this commandment" are understood by the Rambam as talking about the entire Torah, and come to teach us that the Torah is no longer up in the heavens but was given in its entirety to Moses, and there will be no other permanent Mitzvot.

Some later authorities (such as the "Meshech Chochma" – R. Meir Simcha Ha'cohen from Devinsk) explain that there is no specific source for Teshuvah in the Torah, rather it is a general concept derived from each and every commandment. The notion is that if G-d commanded us to do something and we didn't fulfill that commandment then we should improve our ways and try to fix the situation and fulfill that commandment as much as we can.

We could also say that really the Rambam himself also holds that Teshuvah is a Mitzvah, but that the main part of it is the Vidui (confession). Confession is mentioned several times in the Torah, mostly as part of the ritual of bringing a sacrifice for atonement over a sin. It seems that the Rambam holds that the Mitzvah of Teshuvah

Kollel news:

- We are expecting the fourth "Bachur" - Dvir, to come in this week. His arrival will complete a great team.
- The Kollel is currently learning Masechet Sukah with Rashi and Tosafot, and starting to learn Hilchot Shabbat.
- The Kollel joined Kabalt Shabbat in the "Solomon Schechter School" for the first time of this year. This is a continuation of a great project from previous years, especially succeeding last year.
- Our Chavrutah program is filling up. If you are looking for a one-on-one learning hurry and e-mail us.

Shabbat Times

	Local	Jerusalem
In	6:53	18:15
Out	7:49	19:27

1175 DAYS

Please daven for

Gilad Shalit
[Gilad ben Aviva]

And for the safety of
all Am Yisrael.

For a special Tfila,
please see our site

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Din Torah: Requesting Forgiveness After Paying Compensation

Courtesy of: Mishpetey Eretz Institute, Ofra. www.dintora.org

Question

A person took me to a *Din Torah* at the *Beit Din*. I was found guilty by the *Beit Din* and ordered to pay a large sum of money within a month. After two weeks, I paid my entire debt to the plaintiff. At the time of payment, I requested forgiveness from the plaintiff on account of the anguish that I had caused him, but he refused to forgive me, arguing that he had sustained great pain and anguish. I responded that he had pleaded this claim in the *Beit Din* and had claimed compensation in respect to this head, and the amount that I was obligated to pay included compensation for pain and anguish. However, he refuses to forgive me, claiming that this amount does not compensate me for everything that he has suffered, and he is therefore demanding that I pay him a further large sum of money (thousands of shekels) on account of pain and anguish in return for his complete forgiveness. Please enlighten me as to what the *Halacha* says on this matter.

Answer

In discussing the *Halacha* that applies in a case where a person injures his fellow, the *Mishnah* in *Bava Kamma* 8:7 states as follows:

"Although the assailant gives his victim compensation, the assailant is not pardoned until he requests forgiveness from the victim, as it says in regard to Avimelech and Avraham: 'But now, return the man's wife etc' (*Bereshit* 20:7) And from where do we know that if the victim does not forgive him that the victim is considered cruel? For it states [in the same passage]: 'Avraham prayed to God and God healed Avimelech etc.'"

In other words, it is not sufficient that the assailant pays compensation; he must also appease the victim.

The *Rambam* in *Hilchot Teshuva* (Chapter 2, *halacha* 9) clarifies that the above principle applies in the following cases: "for example, where one assails his fellow, or curses his fellow, or steals from him etc."

In contrast, the *Rambam* elsewhere (*Hilchot Chovel u'Mazik*, chapter 5, *halacha* 9) distinguishes between an assailant who injures a person's body, who is required to appease the victim, and a person who damages another's property, in which case, as soon as he has returned what he has stolen he has atoned for his sin and he is not obligated to appease his fellow.

The *Lechem Mishneh* (*ibid.*) explains the difference between one who damages another person's property and a thief. The thief derives benefit from the actual sin that he commits, whereas the damager does not

derive benefit from the sin itself. In addition, the thief causes great pain to the victim whose money he has misappropriated against his will, in contrast to the case of the damager where there is also a degree of pain inflicted, although this element is not as prevalent.

In a similar vein, *Sefer Tosefet Yom HaKippurim* (on *Masechet Yoma*, attributed to *Maharam Haviu*) writes that if one caused damage to one's fellow property intentionally, he must seek his forgiveness, but if the damage was not inflicted willfully, the compensation paid for the damage is sufficient.

A further distinction could be made between appeasement in the case of bodily damage which forms part of the victim's payment obligation in respect to his damage, almost a monetary obligation, as opposed to appeasement in the case of other damages which do not have the same payment obligation but are similar to the case of any other person who has pained his fellow (see "*Eikev Anava*" of Rav A. Y. Kilav, on *Hilchot Teshuva* of the *Rambam*, who expands on this explanation).

The *Shulchan Aruch*, *Orach Chaim* (606:1) rules as follows:

"Even if one only angered his fellow with words is required to placate him; and if he is not entreated on the first occasion, he is required to go back a second and third time, and each time he should take with him three people, and if he is not appeased on the third occasion, he is not required to appease him any further."

You did not mention the nature of the damage that you caused to your fellow, but, as explained above, if we are dealing with damage to property that was caused unintentionally, the important thing is to compensate the victim for the damage. According to the strict letter of the law, it is not necessary to seek his forgiveness at all, although it is clearly a good thing to apologize for the pain and anguish which he sustained. In addition to such an apology, nothing further is required on your part.

In contrast, if you caused physical injury to the other person, you are indeed obligated to appease him and to seek his forgiveness, and you need to understand and convey to your fellow that you acted towards him in an unbecoming manner and injured him, and that you now ask that he take pity on you and forgive you; and so long as he does not forgive you, even though he may be acting cruelly, you are not forgiven (*Responsa, Shte Ha'Lechem*, cited in *Pitchtei Choshen, Nezikin*, p. 326). If you have asked him three times, then in terms of the basic *Halacha* you are exempt. And, in any event, you are not required to pay any more than what the *Beit Din* has ruled.



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could not be separated from confession, and that confession without Teshuvah is meaningless (*Sefer Hamitzvot* - positive, 73; *Hilchot Teshuvah*, 1, 1).

One way or another, however we choose to understand these verses, we reach a similar conclusion. Teshuvah is an amazing promise and benefit for us, and it is also a Mitzvah (direct or via the Mitzvah of confession).

Many writers about Teshuvah, over the generations, have expressed a similar idea. Teshuvah is an amazing ability that was given to us by G-d, and that it does not go according to the usual rules and ways of humans (*Sha'arei Teshuvah* part A, 1; *Rambam, Hilchot Teshuvah* 7, 5; *Maharal of Prague "Netiv Hateshuvah"* beginning of chapter 1; Rav Kook in the introduction to "*Orot Ha'teshuvah*").

A Midrash of Chaza"l describes a question that was presented to different beings in the world. At first Wisdom was asked – "A sinner – what would his punishment be?" and the answer was

"He will be chased by evil". Later Prophecy was asked the same question, and his answer was that death might atone for a sinner. So the Midrash continues to present the question to other beings, until at last the question is turned to G-d. Only then was the ability of repentance mentioned as a possibility for atonement. The Maharal of Prague explains that the concept of Teshuvah is beyond our understanding, it is not comprehensible. Why should it make sense that a human being will have the ability to "go back" and fix his bad ways? What logic could explain a process that allows a sinner to be forgiven for his sins, and to erase his punishments? (Think of it in our justice systems...)

Teshuvah seems to be above our world. Any entity that is other than G-d himself can't suggest repentance because it doesn't make sense, because it is higher and above our understanding. It is purely an amazing gift that comes directly from the Creator to his people!

May we all take this amazing opportunity we have, and utilize it, especially during these days which are designated more than other times for Teshuvah.

Shabbat Shalom



Rav Meir Yehudah Getz: Rav of the Kotel

Written by his son, Nuriel Getz of Maale Adumim

Rav Meir Yehudah (Gez) Getz was born on 15 Av 5684 (1924), to his parents, Rav Tzemach and Simchah-Masa'ouda Gez, in Manzel, a small town in northwestern Tunisia.

World War II broke out when he was 16 years old. When the Germans and their Italian allies captured Tunisia, Tunisian Jewry – including the Getz family – lived in fear. Although the Tunisian king initially showed mercy towards his Jewish subjects, he eventually succumbed to German pressure and issued harsh and draconian decrees against the Jews. The young people – including Meir Yehudah – were sent to forced labor camps, and the community suffered greatly before Tunisia was finally liberated from German hands.

Meir Yehudah, who had married Esther in the meantime, received *semichah* (rabbinic ordination) and began to study law. The young couple moved to Esther's hometown, where Rav Meir Yehudah worked as a storekeeper. In his free time, he learned Torah and was involved in public and Zionist activities.

At age 22, he was appointed Rav of Souq el-Arba, a city in northwestern Tunisia. He served as Rav, *chazan*, *mohel*, and *shochet*. Also, Rav Getz devoted much of his time to the community's young people and Torah and Zionist pursuits.

In 5709 (1949), the family made *aliyah* to *Eretz Yisrael*. Initially, they settled in Kiryat Shmuel near Haifa, but Rav Getz wanted to move closer to the *kever* (grave) of R' Shimon bar Yochai. Thus, when he was offered a position as Rav of Kerem Ben Zimra, a small community in the Upper Galil, he felt that two of his dreams had come true. He would be able to work as a Torah-learning farmer while living near the great Tana's *kever*.

Rav Getz's arrival had a significant effect on the residents. He immediately sensed their low morale and despair, and his first project was the establishment of a school. Also, he supported and encouraged the *olim* (immigrants); provided them with material sustenance; brought them to the attention of the proper authorities; and helped them overcome numerous difficulties. Within a short while, groups of *olim* arrived from Italy, Libya, Germany, Poland, and Hungary. The *moshav* was then – and perhaps even now – the only community to be comprised of *olim* from every corner of the Diaspora. Rav Getz spoke to each and every *oleh* in his or her own language and thus eased their *klitah* (absorption into Israeli society). He focused on education, security, economics, and religious and social activities and established a united *beit kneset* where everyone prayed together.

When Rav Getz discovered that the *moshav* was located near the Tana R' Yosi ben Zimra's burial spot, he decided to change the name to Kerem Ben Zimra (literally, "Ben Zimra's Vineyard").

His son Nuriel writes:

"This exalted existence could have continued. However, to our great sorrow and distress, disaster befell our family, when our holy brother, Avner Shimon *hy"d*, was killed during the Six Day War, during the difficult battle over Yerushalayim and the Kotel. As a result, we left the farm and moved to Yerushalayim, due to our upbringing and faith in the Creator that this was a Heavenly decree and that the Holy City's potency would help us overcome our pain.

"Shortly thereafter, on Friday, 9 Tamuz 5728 (1968), my father was appointed Rav of the Kotel and the holy places. He remained in this position for twenty-eight years, and throughout those years, he kept a journal and filled twelve thick volumes, which tell the Kotel's story, day-by-day and hour-by-hour.

"My father's primary duty was the Kotel, but he yearned with his whole being for the *Beit HaMikdash* to be rebuilt. Under his auspices, the Kotel excavations were centered on the place which led one under *Har HaBayit* (the Temple Mount). He had spent years studying the sources in order to learn about the *Mikdash's* structure, and it was to this spot that he directed the Kotel excavations.

"Every night, while reciting *Tikkun Chatzot* (a mystical prayer recited at midnight), he would don sackcloth, put ashes on his forehead, face the direction of the *Kodesh HaKodashim* (the site of the *Beit HaMikdash's* inner sanctum), and cry over the destruction of the *Beit HaMikdash*. My father did not sleep much. Within a twenty-four hour span, he slept only about five fours – and not continuously. Every night, at eleven thirty, the Kotel attendant would call our home to wake him up, in order that he could recite *Tikkun Chatzot* while facing the *Kodesh HaKodashim*.

"My father longed to discover the *Klei HaMikdash* (the utensils and implements used in the *Mikdash*). After receiving permission from Israeli governmental officials, he started to dig in the direction of *Har HaBayit* in order to find the *keilim*. However, the Arabs learned of his efforts and rioted. Rav

Getz's life was in danger, and the Israeli government was forced to close the area."

In addition to serving as Rav of the Kotel, Rav Getz was a *magid shiur* (loosely, instructor) at Yeshivat Beit El, Yerushalayim's famed Kabbalistic yeshiva, together with his revered teacher, Rav Ovadiah Hedayah. After Rav Hedayah passed away and one of the yeshiva building's walls collapsed, the regular learning sessions were suspended. However, on 24 Shvat 5734 (1974), the anniversary of Rav Ovadiah Hedayah's death, the yeshiva was reestablished at the original location, and Rav Getz became the new Rosh Yeshiva. Thus, another link was added to the golden chain.

Rav Meir Yehudah Getz died on 23 Elul 5755 (1995).



Jerusalem Corner: Children Arising for Slichot

Elyada Bar Shaul

"At 2am they all began to wake up. Lights appeared in the windows. The shamashim of the synagogues went about calling their communities "to arise to serve the Creator". They beat with their sticks on the doors of the "courtyards", urging those still dozing to wake up for Slichot. Some simply stood at the corners of the alleyways and shouted: "Se-li-chot! Se-li-chot!"

Returning to the synagogues, the shamashim began heating the kettles and arranging the small benches so as to be able to offer the worshippers a hot drink after the recitation of Slichot, before the regular morning service. The women who came to hear Slichot gave a hand in the preparations.

Vendors of bourekas and other baked goods waited outside, their trays resting on small coal fires. These delicacies were highly popular among the Jerusalemites – Ashkenazim and Sefardim alike. They usually consumed them in the early morning together with hard-boiled eggs – "haminados" – with salt and black pepper sprinkled on them. (A bourekas was worth nothing if not accompanied by a hard-boiled egg...)

All of this baking extravaganza was centered around the synagogues, for the benefit of the worshippers who had awoken early and left their houses without eating anything.

From inside the synagogues the voices of the cantors could be heard: Hakham Pizanti, Hakham Burla, Hakham Mimran, Hakham Mizrahi, and others; all recited the Slichot with heartfelt cantorial song that elevated the hearts of the worshippers.

As for us, the children - our studies in the Talmud Torah ended on the 15th of Elul. By then, we already knew the liturgical poems and suppli-

cations by heart, for we had practiced them well from the beginning of the month. Now we would repeat them from time to time during the day, thereby adding our own contribution to introducing the atmosphere of the Days of Awe into our homes.

The most significant experience for us was getting up for Slichot. It was by this criterion that we were judged; this gave us added esteem in the eyes of our friends. Anyone who failed to attend Slichot was considered less grown-up. Many children begged their parents to wake them for Slichot so as not to be considered inferior.



In the synagogue we maintained a festive atmosphere. Our role in the recitation of Slichot was no less important than that of the cantor. After "ben adam mah lekha nirdam", we "took the stage" for the poem, "lekha hashem ha-tzedaka ve-lanu boshet ha-panim". The cantor would recite a verse, then we would recite the next. Then we readied ourselves for the next supplication – our favorite. This accompanied us and were it not for this I'm not sure we would have regarded our prayers as worthwhile.

The prayer began, "el melekh yoshev al kisei rahamim", and continued, "va-ya'avur hashem al panav va-yikra...". As we said "va-ya'avur" we would drop our heads, as fitting for righteous saints, but we would secretly be smiling at one another, sometimes even punching one of our friends in the back. Straightening up, we would look quite innocent, as though nothing had happened. If the blow caused the victim to cry out, our roaring chorus, "hashem hashem el rahum ve-hanun, erekh apayim ve-rav hesed ve-emet" would drown him out..."

(Yaakov Yehoshua's recollections from old Jerusalem)



Save the date!

5th Semi- Annual Community- Wide Learning Night

Everyone is welcome to the community-wide learning night with the Rabbis of the local shuls. (thank you!)

**Tuesday Sep. 22th at 7:30 p.m., at the Belz Beit
Midrash 5255 Meadowcrest ln.**

This is an opportunity you can't miss

Funding options are available

“ותשובה ותפילה וצדקה”

“Repentance Prayer & Charity”

**Music, Tefillah and Torah stories
as preparation for the High Holi-
days.**

**All are welcome to the home of the
Goldbergs at 5514 Laurie Lane,
the 8th of Tishrei (Sep 26th) at 9:00 pm**

Funding options are available