



פרשת שופטים  
אלול תשפ"ג  
שנת הקהל



## HAKHEL IN THE PARSHA

The Mishna refers to the Hakhel reading as the Parsha of the king. In his commentary on the Gemara, Rashi writes that the requirement for the king to read the Torah is derived in the Sifri on Parshas Shoftim.

Parshas Shoftim contains the Mitzvah of appointing a king and the Mitzvos that applied to him, including the Mitzvah to write a Sefer Torah. The Posuk says "he shall write this Mishneh Hatorah".

Mishneh Torah refers to the Book of Devarim, but the king had to have a complete Torah scroll. So why is it called Mishneh Hatorah?

In the second answer, the Sifri explains that it is because all of the Parshios read at Hakhel came from the Book of Devarim - Mishneh Torah.

We derive the requirement for the king to read at Hakhel from the Torah alluding to the reading of Hakhel in the Mitzvah of the king to write a Sefer Torah. According to some, the king would read from the Sefer Torah that he was instructed to write.

This would explain why the Parsha of the king in Parshas Shoftim was selected as one of the Parshios to be read at Hakhel.



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## Defund the Police - A Sign of Moshiach?

In recent years, a social movement has started in the United States of America, rallying under the banner "Defund the Police".

The Baal Shem Tov taught that we must find a lesson in our service of Hashem from everything that we see or hear. This teaching is based on the premise that everything that happens is with Hashgacha Pratis, by Hashem's Divine Will and plan, or in the words of Pirkei Avos, "everything that Hashem created in the world, He created only for His honour."

This idea is more accentuated in our times, after the Rebbe called on us to open our eyes and to see the Geulah. This means to see not only how... is a lesson in our service of Hashem, but how this is a sign of or a part of the preparation for Moshiach and the unfolding of the Geulah.

This applies not only to the physical creations and happenings in the world, but also to ideologies. It also, by definition apply to things in the secular world and even things which appear negative and anti-ethical to goodness and holiness.

One example would be the rise of the Feminist Movement. On one hand the Rebbe decried their misguided and corrupted message that a woman's ultimate and only fulfilment is to be like a man. At the same time, the Rebbe saw in the rise of feminism a sign of Moshiach.

The Rebbe harnessed this to encourage more intense Torah study by women and having women active as partners at the forefront of the Shlichus to make a Dirah Betachtonim. Their involvement is critical in preparation for the time of Moshiach which according to Kabbalah, is marked by the elevation of Feminine G-dly energy.

Already towards to end of Golus, as we approach the Geulah, the energies of the Geulah and Moshiach begin to percolate into our reality and we can tap into them. But since we are still in Golus, these energies are not yet openly revealed and can be misunderstood, misapplied or corrupted.

So back to the "Defund the Police" movement. As we are still in Golus, where crime and violence still exist, there is certainly a need for law enforcement and we

still very much need the Police. Cities that have reduced funding to law enforcement have witnessed surges in crime.

At the same time, we need to see what spark of Geulah are they tuning into? Where is the Moshiach message in their slogan and ideology?

Parshas Shoftim begins with a command to install Shoftim (judges) and Shotrim (law enforcement) in all of your gates. The role of a judge is to determine and rule what the law is. After the law is legislated, law enforcement is necessary to ensure that law is followed. The sages teach that if there is no Shoter (police), there is no Shofet (judge), because what is the point of law if it will not be enforced?

In our weekday Shemoneh Esrei, we ask Hashem "restore our judges as in former times and our advisors as of yore." This request is based on the Messianic prophesy of Yishayahu (1:26) where Hashem says "I will restore your judges as in former times and your advisors as of yore."

The Rebbe points out that this prophesy mentions judges but does not mention law enforcement.

The need for law enforcement only applies during Golus, when the Yetzer Hara can lead a person to ignore or disobey the laws and rulings of the judges. In these circumstances, it is necessary to have law enforcement to force and impose adherence of the law. When Moshiach comes and the "spirit of impurity" and 'kingdom of evil' is removed from the world - including the Yetzer Hara, there will no longer be a need for law enforcement.

The Rambam teaches that the false Messiahs of the past were a preparation for the world to be able to embrace the concept of Moshiach and to be ready to accept the true Moshiach when he arrives.

Perhaps the same is true with the Messianic quality lying hidden within the "Defund the Police" movement. Whilst our reality is not quite ready for this to be realised and the spark is being misapplied, it is another step taking the world a step closer and preparing us for a time when the Police will become redundant because they are no longer needed.

## The Weekly Halacha Analysis

# Who Blows Shofar on the Second Day?

Rabbi Yonason Johnson

In Orach Chaim Siman 581, the Shulchan Aruch discusses who should serve as the Shaliach Tzibbur or Baal Tokea during the Yomim Noraim. It also discusses what qualities one should look for in a Chazzan or Baal Tokea.

### Chazakos

One of the Halachic discussions raised on this Siman is the issue of Chazakos – precedent and entitlements to the position. This is a serious issue and it can unfortunately be the source of Machlokes and even Dinei Torah.

The Magen Avraham<sup>1</sup> writes that it is the Minhag that if a person served as the Shaliach Tzibbur or Baal Tokea for the Yomim Noraim, we do not give the Mitzvah to any other person. This applies to the Shaliach Tzibbur for any of the Tefillos.

In addition, Sefer Chassidim<sup>2</sup> writes that any Mitzvah that a person is accustomed to performing, if he does not perform it, he is liable for punishment.

Chazaka only applies when the person was appointed, not when they took the Mitzvah by themselves<sup>3</sup>. If the Chazzan served for many years and no one protested, there is a presumptive Chazaka<sup>4</sup>.

Pri Megadim writes that this Chazaka only applies if they have served in that capacity and fulfilled the Mitzvah 3 times<sup>5</sup>. However, other Poskim rule that in regards to Mitzvos, even 1 time is sufficient to establish a Chazaka<sup>6</sup>.

Some Poskim<sup>7</sup> make the following distinction; if the person was appointed by the community, the Chazaka is established from even 1 occasion. If they took the position themselves or without Reshus, if they served 3 times, it will create a Chazaka.

To illustrate how seriously the issue of Chazaka is treated, Ketzev Hamateh<sup>8</sup> records a Machlokes that arose in a particular community. The Baal Tokea who had a Chazaka did not follow the custom of the Mahari"l, as brought by the Ram"o<sup>9</sup>, to position the mouth of the Shofar upwards. Even though the proposed replacement was a Talmid Chochom who was medakdek beMitzvos, it is questionable whether one could remove the first Baal Tokea<sup>10</sup>.

A Chazaka is not inherited unless it is the express custom of the community<sup>11</sup>. It is the right of the community to select the replacement, although, if the son of the deceased is qualified, preference should be given to them.

Some Poskim write that Chazaka only applies if the Baal Tokea or Shaliach Tzibbur is not paid. If they receive payment, there is no Chazaka<sup>12</sup>. The rationale is that the Mitzvah belongs to the one who is paying for it, not the one who fulfills it. However other Poskim disagree and apply Chazaka even when they are paid positions<sup>13</sup>.

If a person sees that the community do not want them to serve in the position and insisting on the Chazaka would lead to Machlokes, it is advisable for the Shaliach Tzibbur to stand aside<sup>14</sup>.

These are some of the main points discussed by the Poskim. They also discuss what happens if the Shaliach Tzibbur becomes an Avel, or if they are unable to serve one year due to illness or other circumstances.

### When Rosh Hashona falls on Shabbos

In a community where there is a different Baal Tokea for each of the days of Rosh Hashana, what happens when Rosh Hashana falls on Shabbos and there are no Tekiyos on the first day?

Are the Tekiyos of the second day blown by the 'first day' Baal Tokea or by the usual 'second day' Baal Tokea?

The Pnei Mordechai connects this Shaalah and its resolution to that of a similar question;

Many Ashkenazi Kehillos insert Maaravis (piyyutim) in Maariv of the Yomim Tovim. There is a different Maaravis for each of the 2 nights of Yomtov. When the first night of Sukkos falls on Shabbos and Maaravis is not recited, the Magen Avraham<sup>15</sup> rules that the Maaravis of the first night is recited on the second night. He brings a proof from the Gemara that it is always the 'second' that is deferred.

Even though other Poskim<sup>16</sup> disagree and rule that the Maaravis is recited on its usual night, since the Minhag follows the Magen Avraham, the same applies here.

Shaarei Teshuvah writes that these 2 cases are not comparable. When the Maaravis of the first night was instituted, the takana may have been that when the first night would fall on Shabbos, this Maaravis would be read on the second night instead.

In our case however, we are discussing 2 individuals and a claim of Chazaka in Mitzvos, with each having a claim to their specific day. Unless we say that the community appointed the Baal Tokea to blow on the second day only if the Baal Tokea of the first day fulfills his Mitzvah (on the first day).

But we cannot assume that the community prefer the first Baal Tokea and do not want him to lose

their Tekiyos. One could argue with the reverse logic as well; perhaps it is because they prefer the second Baal Tokea that they appointed him for the second day of Rosh Hashana so that he will blow every year as the second day cannot fall out on Shabbos.

Teshuvos Or Neelam writes that the Baal Tokea of the first day blows the Shofar on the second day. This is because the Baal Tokea of the first day has the Chazaka on the Shehechyanu<sup>17</sup>.

Parshas Mordechai<sup>18</sup> rules that in this case, both Baalei Tokea have equal claim of precedence. This is because each day has a unique advantage. The advantage of the Tekiyos of the first day is that they are Biblical. But the second day has an advantage that it never falls on Shabbos. Therefore, each of the Baal Tokea have a claim to be given the second day and we cannot defer one in place of the other.

Therefore, the community should choose the more fitting Baal Tokea. If they are both of equal standing or if this will result in Machlokes, it is advisable to share the Tekiyos, having one blow the Tekiyos before Musaf and the other blow the Tekiyos during Musaf<sup>19</sup>.

In all matters concerning Chazakos, the two most important points of consideration are; 1. The pre-existing Minhag of the community trumps everything. 2. The importance of preserving Shalom and the avoidance of Machlokes.

1. OC 581:6
2. Siman 529. Quoted by Ta"z 581:3
3. See Mishna Berura 153:22.
4. Based on Radbaz 4:11
5. Eshel Avraham 6
6. Shaarei Teshuvah 7 quoting the Siddur of Rav Yaakov Emden and his Teshuvah 2:69
7. Ketzev Hamateh
8. On Mateh Efraim 581:30
9. OC 585:2
10. In this case, there was also a question on the Kashrus of the Tekiyos as well. This is certainly grounds to replace the Baal Tokea even against the Chazaah.
11. Beis Yosef OC 153 in the name of the Mordechai. Birkei Yosef quotes Kneses Hagedolah as writing that a Chazaka for a Mitzvah is inherited.
12. Toras Chaim, Machaneh Chaim Mahadura Tinyana siman 35
13. Teshuras Shai Mahadura Kama siman 453 based on Teshuvos Harashba 1:283
14. Machatzis Hashekel 581:6
15. OC 641:1
16. Levush – minhag Posna
17. Whether we recite Shehechyanu on the second day of Rosh Hashana is a Machlokes between the Mechaber and Ram"o. Sefardim do not recite Shehechyanu. Asheknazim recite Shehechyanu on the second day, although it is preferable for the Baal Tokea to wear a new garment and have this in mind.
18. OC siman 53
19. See Ketzev Hamateh on Mateh Efraim 581:30