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SORCE CODE: THE IMPLICATIONS OF IMPRECATION

Adapted from the writings of Dayan Yitzhak Grossman

R' Yair Hoffman reports:

Every so often there is good news that comes out of the Israeli Court System...

The judge ruled that Ron Kubi is obligated to delete the name of the holy tzaddik Rabbi Dov Kook from the lawsuit and pay a fine to cover the court costs...A hearing was held in the district court in Nazareth regarding the lawsuit of Ron Kubi, the former mayor of Tiberias who continuously harassed the religious and ultra-Orthodox community. He ran in the last mayoral elections and failed miserably against the favored candidate of the tzaddik Rabbi Dov Kook, Yossi Nevea, who won by a huge margin.

Ron Kubi filed a personal lawsuit against the holy tzaddik Rabbi Dov Kook of Israel on the grounds that he rigged the elections by allegedly writing amulets and bewitching the public to vote for Yossi Neve and not for him.

The district court ruled against Ron Kubi in a very firm ruling. The court ordered to delete the name of the holy tzaddik Rabbi Dov Kook

from the lawsuit, stating that he is not related to the elections in any legal way, since he is not a candidate for either the mayorship or the council.

The court ordered Ron Kubi to pay a fine of NIS 3000 in court costs to vindicate Rabbi Kook. Kubi must transfer the funds within one month. Ron Kubi lost in every way and his plot against the tzaddik was discarded completely.

Many of the city's residents saw the fact that the court hearing took place on Purim as a great sign of victory for the Torah and holiness of the city of Tiberias. Upon hearing the good news, the students alluded to the fall of Ron Kubi on this day in the words of the megillah, "אם מזרע היהודים, מרדכי אשר החילות לנפול לפניו לא תוכל לו כי נפול תיפול לפניו". The Torah will always emerge victorious.¹

This report is apparently a translation of a Hebrew one by Dudi Segal for the Israeli news site

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1. R' Yair Hoffman, Torah Victory: Ron Kubi's lawsuit against the tzaddik Rabbi Dov Kook Shlita is overturned. VINews. <https://vinews.com/2024/03/27/torah-victory-ron-kobis-lawsuit-against-the-tzaddik-rabbi-dov-kook-shlita-is-overthrown/>



PARSHAS KORACH

POINT OF ORDER

Excerpted and adapted from a shiur by Rav Moshe Yitzchok Weg

And he drew you near, and all your brethren, the offspring of Levi, with you; yet you seek kehunah as well.

Bemidbar 16:10

The Gemara (Gittin 59b) says that a kohein is called up to the Torah first, followed by a levi and then a Yisrael. If there is no kohein, "nispardah hachavilah (the rope has unraveled)."

The Aruch Hashulchan (O.C. 135:11) presents three explanations of this phrase:

1. Based on Rashi's first explanation: In the absence of a kohein, a levi cannot receive an *aliyah*. The Bach explains that we are afraid people will think the levi is a kohein.
2. Based on Rashi's second explanation, accepted by the Shulchan Aruch (O.C. 135:6): Either a levi or a Yisrael may be called, as the levi has no precedence in the absence of a kohein. The Mishnah Brurah explains that according to this view a levi may receive the first *aliyah* because he is no worse than a Yisrael.
3. From the Rosh: A levi takes precedence over a Yisrael, but if a more prominent Yisrael is present, the *aliyah* goes to him. (This is not the case if a kohein is present.)

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Stepping Up

Q On weekdays, is walking to shul preferable to driving, in order to earn *sechar psios*?

A In several places, Chazal highlight *sechar psios* (the reward for each footstep taken to perform a mitzvah), particularly for going to shul (Sotah 21a, Bava Metzvia 107a). For this reason, the Magein Avraham (90:22, based on Sotah ibid.) rules that if one has a choice, he should choose a more distant shul over a nearby one.

The Ben Ish Chai (Torah Lishmah 40) explains that *sechar psios* is given for the physical

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O&A from the
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Hamechadeish.² As I have been unable to find any reference to such a lawsuit or ruling anywhere else online, I suspect that this may have been a Purim parody rather than an authentic news report.

In this article, we consider the question of halachic liability for crimes committed by supernatural means such as the writing of amulets or bewitchment.

The earliest discussion of this question of which I am aware is a brief *teshuvah* by R' Yisrael Yaakov Chagiz (1620-1674) in his Halachos Ketanos:

What is the halacha about one who kills someone via a mystical name or sorcery?

Perhaps, because he performed an action with his speech, it is similar to one who substitutes (*meimir*, i.e., one who violates the Torah prohibition of substituting another animal for a *korban*,³ who is punished with the lash, despite his sin entailing no physical action)⁴ and to one who shoots an arrow to murder. Upon them it is said: "Their tongue is like a drawn arrow."^{5,6}

This position is endorsed and expanded upon by R' Yehudah (Mahari) Aszod:

Regarding someone who killed...via a mystical name or sorcery, it is obvious that he is liable, as you have cited from the *teshuvah* of the Halachos Ketanos...

And it appears to me that the reason is that the *pasuk* says, "and one who strikes a person shall be put to death."⁷ Because with regard to Moshe Rabeinu *a"h* we find that "he struck with the rod of his mouth, and with his lips he slew the wicked."⁸ According to the statement of Chazal and the explanation of Rashi on the *pasuk* "Do you propose to murder me, as you murdered the Egyptian?"⁹ he killed him with the Explicit Name (*Sheim Hameforash*).¹⁰ And about this incident it is written, "and he struck down the Egyptian."¹¹ If so, such killing is also encompassed by the word "struck" and is included in "and one who strikes a person shall be put to death." Because he performs an action with his speech, that is equivalent to killing him with his hands, and he is liable...¹²

R' Pinchas Epstein (the *ra'avad* of the Eidah Hachareidis several decades ago), in the course of a discussion of the Gemara's assertion that discarding nail clippings can cause a pregnant woman to miscarry,¹³ apparently takes for granted that one who causes a miscarriage in this manner is civilly liable to pay for the fetus (*demei vlados*).¹⁴

In response to a *talmid* chacham who had brought

this comment and the ruling of the Halachos Ketanos to his attention, R' Yaakov Yisrael Kanievsky (the Steipler) penned an intricate analysis of the general topic of causing damage via supernatural means, in which he addresses both the permissibility of doing so to someone who deserves it and our question of liability after the fact. He notes that on the one hand, the Gemara cites various accounts of curses and prayers for the misfortune of another, such as Rava's invocation of a terrible fate upon the dream interpreter Bar Hedyah for the suffering he caused him:

Rava said to Bar Hedyah: Wicked one! The interpretation of my dreams was dependent upon you, and it was you who caused me so much pain! I forgive you for all of this, except for your interpretation predicting the death of my wife, the daughter of Rav Chisda. May it be the will that this man be handed over to a regime that will have no pity on him...

(Bar Hedyah was eventually executed by the Roman government.) They bound together two cedar trees with a rope and tied his one leg to one cedar tree and his other leg to the other cedar tree, and they untied the rope binding the two trees until his head split. Each cedar recoiled until it stood in its original place, and his body split and fell in two pieces.¹⁵

But on the other hand, there is at least one context in which the Gemara indicates that invoking Hashem's wrath upon someone is wrong: The Gemara says that every day, there is a brief moment during which Hashem is angry, and a curse uttered at that precise moment will be effective in invoking His anger upon its target. It notes that this moment arrives during the first three hours of the day, when the sun whitens the comb of the rooster and it stands on one leg. It then recounts the following incident:

There was a certain heretic in the neighborhood of R' Yehoshua ben Levi who would constantly harass him by citing *psukim* (to support his views). One day, R' Yehoshua took a rooster and tied it between the legs of a bed and stared at it intently. He thought: When that moment comes that the rooster's comb pales and it stands on one foot, I will curse him. When that moment came, R' Yehoshua dozed off. He said: One may deduce that it is not proper to do this. It is written, "and His mercies are upon all His creations," and it is written, "Also for the righteous to punish is not good."¹⁶

The Steipler accordingly distinguishes between different supernatural mechanisms:

It would appear that only a prayer or curse of uncertain effectiveness (where only with the agreement of the *bais din shel ma'alah* (Heavenly court) at that moment will the target be punished) is acceptable, for in such cases it is not considered the act of the one who curses but rather the act of the *bais din shel ma'alah*. But

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effort expended in walking, so it is not offered for riding.

R' Betzalel Stern (Betzeil Hachochmah 4:21) posits that one need not opt for walking over driving unless the distance is short, a walk of 18 minutes or less. He



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observes that many people choose to drive, and he justifies their practice on the grounds that if they would take the time to walk, they would be in a rush and race through davening. Occasionally, he says, one should take the time to walk to shul, to demonstrate that he really wishes to do so even though his busy schedule doesn't usually allow it.

If you live just a few minutes from shul and walking doesn't crimp your schedule, you should certainly do it and accumulate enormous *sechar psios* over time.

a curse at the moment of His anger, *kevayachol*, is guaranteed from the beginning of Creation to be effective and is therefore considered the action of the imprecator—he is not considered to have only indirectly caused (*grama*) the *bais din shel ma'alah* to punish the target—and this is improper.

The Steipler concedes that he is uncertain of this and acknowledges that the topic requires much further analysis. He concludes:

It is evident from what we have demonstrated that from all these sources (which indicate that it is acceptable to harm one who is deserving by supernatural means) there is no proof to the case of the Halachos Ketanos of one who kills via a mystical name or sorcery. For in that case, it is already decreed *min hashamayim* that such binding of metaphysical entities by oath (*hashba'ah*) or such sorcery will deterministically kill, so the killing is attributed to the person, and he is considered an actual murderer, as the Halachos Ketanos says. And it is not comparable to the cited cases where the *bais din shel ma'alah* makes the final determination via a verdict and the person who curses is only an indirect cause, as above.¹⁷

2 Dudi Segal. Ron Kubi: Tavo Es Hatzadik R' Dov Kook Vehushlach Mikol Hamadregos. Hamechadeish. https://hm-news.co.il/459563/ For background on the years-long battle between Kubi and Rav Kook, see Yeshiva World News here and here; Mishpacha Magazine; Ami Magazine; and The Times of Israel. 3 Vayikra 27:9-10. 4 Tmurah 4b. 5 Yirmiyah 9:7. 6 Halachos Ketanos cheilek 2 siman 98. 7 Vayikra 24:21. 8 From Yeshayah 11:4. 9 Shmos 21:4. 10 Shmos Rabah 129; Rashi ibid. Cf. Torah Shleimah cheilek 8 (kerech 9) p. 80 #102. 11 Ibid. v. 12. 12 Teshuvos Maharaj/Teshuvos Yehudah Yisaleh O.C. siman 199 s.v. Ve'al dvar mi sheharag. Cf. Am HaTorah me'adun 2 choveress 13 5747 p. 13b. 13 Mo'ed Katan 18a. 14 Shmiras Hanefesh (Auerbach-Yerushalayim 5718 edition) p. 133. 15 Brachos 56a-b. 16 Ibid. 7a. 17 Kehillos Yaakov Bava Kama (12) siman 45 pp. 140-44. Cf. R' Itamar Warhaftig, Mazik Be'emtzus Sgulah, Alon Shvus #73.

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The Mishnah (Horayos 13b) rules (cited in Shulchan Aruch Y.D. 251:9) that a kohein is prioritized over a levi to receive tzedakah, and

a levi over a Yisrael. This can be understood according to the first and third approaches, because *nispardah hachavilah* is limited to *krias haTorah*. According to the second approach, the Eimek

Bracha explains that tzedakah is different, because there is a special mitzvah (Dvarim 12:19) to sustain a levi.

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