

## Parshas Shoftim

### פרשת שופטים

לא ימצא ברך מעביר בנו ובתו באש, קסם קסמים, מעונן ומנחש ומכשף.....  
תמים תהיה אם ה' אלוהיך.

"It shall not be found amongst you anyone who passes his children through fire, nor one who uses divination, a "M'onein", one who uses superstitions, or a sorcerer..... You shall be wholehearted with Hashem your G-d."

As Klal Yisrael prepares to enter Eretz Yisrael, a final warning is given. "The nations of Canaan are being banished from their land, because of their use of sorcery and magic. Do not imitate their sins." Be wholehearted and sincere with Hashem. There is no need to predict the future or use other forms of sorcery. One only needs to place his trust in Hashem and everything is taken care of.

Included in this commandment of being "wholehearted", are several different practices:

- 1) One should not rely on superstitions, or decide his actions based on them. For example, if a black cat crosses his way, one should not decide not to proceed with a business venture.<sup>1</sup>
- 2) One should not use signs to predict the future. For example, to throw a stick and say, "If it lands to the right, I will go on my trip, and if to the left I won't."<sup>2</sup> Similarly, to cast lots for this decision would also be forbidden.<sup>3</sup>
- 3) To predict the future through stargazing, palm reading, crystal balls etc. are also included in this prohibition, as well as to counsel with those who utilize such practices.<sup>4</sup>
- 4) One is also not allowed to heal himself in ways that are classified as "Darchei Ha'Emori". These are various cures that use charms, or other supernatural means.<sup>5</sup>
- 5) It is also forbidden to predict the outcome of ones actions based on a certain time or season. For example, one would not be allowed to begin a business venture on a specific day, because of the "good luck" of that day.<sup>6</sup>

Although these prohibitions are seemingly straightforward, in fact, many times in Chazal and the Rishonim, we find statements that would seemingly be in conflict with these rules. Some of these cases are delineated below:

The Shulchan Aruch paskens, that the fitting time for a wedding is in the first half of the lunar cycle, when the moon is in its waxing stage. This is a good sign for a successful marriage.<sup>7</sup> Yeshivos worldwide begin each

<sup>1</sup> סנהדרין דף ס"ה ע"ב, שו"ע יו"ד ס' קע"ט ס"ג

<sup>2</sup> ספרי פיסקא קע"א

<sup>3</sup> תוס' שבת קנ"ו בשם הספרי, סמ"ג לאוין נ"ב וכו' פ' בשו"ע שם ס"א

<sup>4</sup> שם, והרבה פוסקים כתבו דלשאלו מהחוזים אינו איסור גמור, ולשון הרמ"א או"ח תרס"ד הוא דאינו ראוי לעשות, ע' ספר חסידים תר"ה ובשו"ת רמב"ן רפ"ב, וע"ע מש"כ בתשובות והנהגות ס' תנ"ד. אמנם מהב"י ומהש"ך משמע דהוה עכ"פ איסור עשה דתמים

תהיה

<sup>5</sup> ע' שבת ס"ז ע"ב ושם ברש"י כתב דאסור משום ובחוקותיהם לא תלכו, אמנם הרמב"ם הל' ע"ז פ"א ה"ד כתב דאסור משום לא

תנחשו, וע' שו"ע שם סי"ב

<sup>6</sup> בכלל איסור מעונן לדעת ר"ע בסנהדרין ס"ה, ואכתוב עוד בזה בע"ה לקמן

<sup>7</sup> שו"ע שם סי"ב ואה"ע ס' ס"ד ס"ג בשם הר"ן. והרבה אחרונים כתבו דהאידיגא אין נזהרין בזה, ה"ה המהר"י אסאד ס' כ"ד, ערוה"ש אה"ע שם, תשובה מאהבה ח"ג יו"ד ס' שנה, וכו' מהמקנה שם ס"ג. ובמהר"ל חדשות ס' צ"ב וכן בשו"ת בנין ציון ס' קמ"א כתבו

דאין למחות למי שאין נזהרין

"zman" on Rosh Chodesh, since this is a propitious time to begin learning.<sup>8</sup> On Rosh Hashana, it is customary to eat "Simanim" (i.e. apple in honey, pomegranate, etc.), these foods are supposed to be a favorable sign for the coming year.<sup>9</sup> Furthermore, there are many Gemoros that describe various cures to ailments, that cannot be explained in a scientific manner. Only a select few are forbidden as "Darchei Emori"<sup>10</sup>.

From all this, we clearly see that not all "superstitions" are forbidden. Although we are forbidden from heeding to signs, omens and the like, these things, and many others are permissible. The Poskim give several explanations of the guidelines as to what is included and what is not:

The Rambam<sup>11</sup> explains, that all sorcery and magic that people believe in, are baseless fantasies that do not have any real effect. Nevertheless, the Torah forbade them, since practicing them will bring some people to believe in these fallacies. Any cure or "superstition" that indeed does have an effect (for some natural reason), is obviously permissible.

Many Rishonim ardently disagree with this approach, for the simple reason that there are multitudes of places in the Gemoro where sorcery and the like are cited as having been used. It is clear that sorcery is a real entity that can be performed in real life, and is nonetheless forbidden<sup>12</sup>.

Therefore they conclude, that what is forbidden by the Torah, is even signs and omens that may have realistic significance. Nonetheless, it is forbidden to rely or base ones actions upon them. One is commanded to place his trust in Hashem and not rely on omens. However, this does not mean that these signs should be disregarded completely. One may beware of what the stars or other signs imply regarding the future, insomuch as he is aware that everything is in the hands of Hashem and only He can really decide what will be<sup>13</sup>.

II. Mentioned in the above Pasuk is another item, called Me'onein. The definition of this, is a Machlokes in the Gemara<sup>14</sup>. According to R' Akiva, this refers to using times and seasons as a sign for success or failure. According to the Chachomim, this refers to one who is אוחז העינים - literally "grabbing the eyes". This refers to the performance of supernatural feats, in which the audience is led to believe that the magician has indeed done something transcendental, when in fact, it is merely a "hand quicker than the eye" maneuver. The Poskim explain that in fact, the two opinions are in agreement, and both are included in the Issur of Me'onein<sup>15</sup>.

Due to this, many Poskim are fiercely opposed to the performance of modern day "magic tricks", in which the "magician" performs various supernatural acts by using "sleight of hand", as this is included in the Issur of Me'onein<sup>16</sup>. However, R' Moshe Feinstein ZT"L and others say, that if the audience is made aware that in reality no real magic is taking place (as most people nowadays do realize), then such performances are permissible. The only act that is forbidden, is one that the audience believes they are witnessing true witchcraft, even if in reality nothing was done<sup>17</sup>.

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<sup>8</sup>רמ"א ס' קע"ט ס"ב בשם הסמ"ק  
<sup>9</sup>רמ"א או"ח תקפ"ג ס"א, וע' הוריות י"ב וכריתות דף ו' עוד סימנים גבי מימרא דאביי סימנא מילתא היא, וכן בכתובות ה' נושאי אלמנה ביום ד' משום ברכה דדיגים. וע' בהג' הגר"א אות ו'  
<sup>10</sup>ע' שבת שם מימרא דר' חייא בר אבין, ובגיטין פרק מי שאחזו ועוד מקומות  
<sup>11</sup>מורה נבוכים ח"ג פרק ל"ז ובסה"מ ל"ת ל"ב ובהל' ע"ז שם הט"ז, וכן בשמונה פרקים ריש פ"ח, וכן הר"ן בסנהדרין שם בשם רבינו דוד ובדף נ"ב מעצמו  
<sup>12</sup>שו"ת הרשב"א ח"א ס' תי"ג באריכות וכן בשו"ת הרמב"ן שם, דרשות הר"ן סוף דרוש ד' ודרוש י"ב ד"ה ודעת, וב"י שם, וע' הג' הגר"א אות י"ג דכל הבאים אחריו חלקו עליו  
<sup>13</sup>רשב"א ורמב"ן שם, וע' דרשות הר"ן דרוש י"ב, ובפיה"מ להרמב"ם פסחים פ"ד מ"י  
<sup>14</sup>סנהדרין שם וספרי שם  
<sup>15</sup>כ"פ הרמב"ם שם ה"ח וט', סמ"ג לאוין נ"ג, חינוך מצוה ר"ג, ליקוטי הלכות מהחפ"ח. ויש שגם פסקו כר"ש שם, ה"ה: הראב"ד בספרא פ"ג פ"ו ויראים ס' של"ד ושל"ה  
<sup>16</sup>חכ"א כלל פ"ט ס"ו צוח כי כרוכיא ע"ז שעושין כן הבדחנים לשמח ח"כ, וכן משמע מהחינוך שם ובמצוה תקי"א דאסור מה"ת וברב"ז ח"ג תקפ"ה דאסור מדבריהם, וכן אסרו הקש"ע והמהר"ם שיק בסה"מ שלו ס' רנ"א, וכ"פ בשבט הלוי ח"ה ס' קכ"ט דהוה איסור גמור  
<sup>17</sup>באג"מ בחלק האחרון יו"ד ס' קכ"ז נוטה להתיר מטעם זה, אבל כתב דרך כ"כ דרך לימוד, ומקורו מדברי המהרש"ל שהובא בשו"ת הרמ"א ס' ס"ז. וכן הובא בשו"ת יביע אומר ח"ה יו"ד ס' י"ד בשם ס' יבין דעת להתיר בכה"ג, וכ"פ הגר"מ שטרנבוך שליט"א בתשו"ה ח"א ס' תנ"ה, אבל סיים דמ"מ יש להחמיר

III. We mentioned earlier, that to cast lots as a way of making a decision is included in the Issur of מנחש. However, not all lotteries are forbidden. If one is only using them as a method of choosing one way over another, and not as a form of divination, it is permissible. In other words, the Torah only forbade one from attempting to predict future events by way of casting lots. If one is only using them to make a random choice, it is not considered Menacheish<sup>18</sup>.

Furthermore, there is well known procedure known as גורל הגר"א. This refers to a sort of lottery that has been used by many Gedolim at times of uncertainty. The procedure consists (with some variations) of randomly opening a Chumash or Tanach and reading the first verse encountered. This Pasuk is used as an implication towards the correct decision.

Prior to World War II, R' Aharon Kotler ZT"L (who was still in Europe at the time), was offered by R' Moshe Feinstein ZT"L to immigrate to America. R' Moshe had already arranged an affidavit for him to come. R' Aharon was unsure if to take the offer, or to immigrate to Eretz Yisrael instead. To resolve this question, he performed a גורל הגר"א, which came out on the Pasuk - לקראת משה המדברה - "And Hashem told Aharon, Go towards Moshe in the desert" (referring to the spiritual wasteland that America was at the time). The end of the story is well known. R' Aharon traveled to America, and founded Bais Medrash Govoha in Lakewood, NJ - the largest yeshiva in America and the foundation for multitudes of other yeshivos, transforming the "desert" into a flourishing garden<sup>19</sup>.

The גורל הגר"א, has been used many times throughout the ages (even before the times of the Gr"a)<sup>20</sup>, and became even more widespread within the last century. The Poskim speak out, that this form of lottery is permitted, unlike casting lots, which is forbidden. The reason for this is based on a Pasuk in Tehillim - בפיקודיך - אשיחה, and is permitted since the Torah is our lifeblood, and basis for all decisions big and small<sup>21</sup>. However, the Brisker Rov related that he once attempted to utilize the גורל הגר"א, and was answered with the Pasuk - תמים תהיה עם ה' אלוקיך, the verse forbidding the use of divination and the like<sup>22</sup>. Certainly only a person of great caliber, who has a level of רוח הקודש, should attempt to use the גורל הגר"א.<sup>23</sup>

IV. R' S. R. Hirsch ZT"L in Chorev (פ"ו) explains the essence of this Mitzva. A person at each and every moment of his life is required to make a judgment if his present actions are in accordance with Hashem's will or not. It is for this reason, that we are commanded not to pry into our future to determine the success of our endeavors. If at this moment in time my actions are, with my means and understanding, in line with Hashem's will, then the success or failure of this action is irrelevant. The ultimate outcome of my actions are determined by Hashem, and need not concern me. With this outlook on life, one can calmly place his complete trust in the Master of the world, knowing that he is being fully cared for.  
ברוך הגבר אשר יבטח בה' והיה ה' מבטחו

Good Shabbos.

מאיר הלוי הלמן  
פעיה"ק תובב"א

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<sup>18</sup> האלף לך שלמה או"ח תס"ב, חו"י ס' ס"א, ובתשו"ה שם בשם החזו"א

<sup>19</sup> מעשה מפורסמת והובא בס' הגאון ח"ג עמ' 1118

<sup>20</sup> כמבואר בברכ"י בשם המהרי"ק בסמוך

<sup>21</sup> ברכי יוסף בשם המהרי"ק ובעל שבט המוסר, ע"פ דברי הילקוט משלי רמז תתק"ס וכעין זה עשה יאשיהו בד"ה ב' פרק ל"ד

<sup>22</sup> הובא בפרדס יוסף החדש פ' שופטים

<sup>23</sup> כ"כ בס' דרך שיחה שנמ"ח עמ' י' בשם הסטייפלער, ושלא ראה אצלו או אצל החזו"א שהשתמשו בה כלל, וע"ש מעשה מעונינת בענין זה