

# **JUSTICE, JUDGES, AND JUDGMENT AS DETERMINED BY TORAH LAW**

## **PART I**

- 1) The text describes the process of judgment in a Torah court. It deals with the abuse of the privileges of the court by certain judges, bringing examples of how needy families were overcharged and victimized in an attempt to publicize, and thus bring about the cessation of these practices.
- 2) A collection of Responsa from leading Rabbis of our time touching on the above question.
- 3) The Duty to Admonish and Protest - Quotations from the Talmud, Zohar, and Medrash.
- 4) The text of a bulletin issued by prominent Rabbis concerning the above questions.

by

**Rabbi Sholom Gross,**

**Rabbi of Cong. Magen Shaul of Holmin, Rosh Yeshiva of Yeshiva and Kolel Beth Yeshaiah, Machon l'horaah bishchitho uvdikoth.**

**Author of: Afiath Hamatzos Hashalem (10 parts), Gidulei Yehudah (concerning tzitzith), Responsa Zivchu Zivchei Zedek (concerning shechitah and bedikah), Chinuch Yisrael Sava (guide to education of boys and girls), Madrich Litznus, Mezuzath Sholom (concerning mezuzos), Menuchath Sholom (guide to kashruth), Minchath Yehudah (concerning milk of gentiles and "Similac"), Nefesh Yeshaiah (concerning dietary laws in five parts), Kedushath Yisrael (concerning yichud), and other books.**

**1980 Brooklyn N. Y.**

**“In matters between man and man, like theft, exploitation, damages, pain, shame, deception, even one individual may tell others of such behavior, in order to help the one who has been wronged, to bring out the truth.”**

Shaarei Teshuvah of Rabbenu Yonah The third volume,

**“A person is obligated to defend himself if a gentile exploits, debases, and ridicules him. Furthermore, he has a greater obligation to do so if a Jew exploits, debases, or ridicules him.”**

**“Our words are not intended to be critical of Rabbanim in general, heaven forbid, but rather against those who conduct Din Torahs as a profession like other professions. The Debritziner Rav Shlita felt that it was necessary to speak of this matter in his Shabbos HaGodol address (as well as having written about it in his responsa Baer Moshe, vol. 3, part 5). In this context, we would like to quote the words of the Nodah BeYehudah, Zecher Tzaddik l'brocha - “Whoever saves the property of a Jew is as if he has saved the entire Jewish people.”**

**Note: Today there are two possible ways of conducting a Din Torah: Either the two parties go to an impartial court of three judges or they establish their own court, each one selecting a judge who in turn select the third “neutral” judge. The questions in this publication deal with some of these selected judges who present themselves not as impartial judges, but as lawyers acting for the benefit of their clients. They are referred to as “professional judges” throughout this publication.**

## JUDGES, JUDGMENT, AND JUSTICE IN TORAH LAW

1) Words of introduction	31
2) The Responsa from the Debritziner Rav Shlita	39
3) Quotes from the Talmud, Zohar and Medrash concerning the necessity to rebuke and protest	47
4) Responsa of the Rabbi of Ungvar, shlita	54
5) Clarification of the Halacha concerning contracts, and the law of the nation, etc.	55
6) A collection of bulletins that were circulated throughout the Jewish community	60
7) A Rav's complaints against the manner in which Din Torahs are conducted	60
8) The painful outcry of the Holminer Rav concerning Din Torahs that center on Shalom Bais	63
9) A call and a warning	66
10 ) The founding of the committee to protect the judgment in Israel	68
11) Bulletin of the month of Nisan, 5740	69
12) Bulletin from the great Rabbinical authorities of our age concerning stealing and robbing.	70

★ ★ ★

## CONTENTS

- A) Din Torahs in Williamsburg. There are judges who themselves are landlords. Therefore, they sway the judgment in favor of the landlord 39
- B) There are judges who charge exorbitant fees from couples who seek divorce, causing many to live in separation without the opportunity to remarry, even though early authorities worked to prevent such a situation. 39
- C) There are judges who listen to the claims of one party in the absence of the other party, thus breaking Torah law. 40
- D) These judges have totally taken the side of their clients. 41
- E) It is best not to serve as the third neutral judge. 41
- F) The adage of the Satmar Rebbe, Zecher Tzaddik L'Brocha - "it is impossible to fight against professional judges " 42
- G) The Satmaer Rebbe declared: Anyone who is touched by fear of G-d should steer away from being a selected Judge. The professional judges have little love for truth and righteousness. 42
- H) Even an honest judge should refuse to participate in judgments that deal with landlords and tenants if he himself owns a house. 43
- I) A suggestion to avoid great expenses in connection with divorces. 44
- J) A vicious act which is difficult to believe 44
- K) A story which shows how the judge's greed for money destroyed a couple's relationship. 45
- L) The judges prolong the judgment by calling for more sittings in order in order to charge more money. 46
- M) They will take exorbitant sums even from the poor. 46
- N) The Rabbis of Williamsburg are silent about this. It is their responsibility to protest these. 47

## JUDGES, JUDGMENT AND JUSTICE

### WORDS OF INTRODUCTION

A short time ago, a book (The Eating of Chickens According to Torah Law) was published, which speaks about injecting the birds with needles. If a book is necessary to deal with sticking chickens with needles, surely it is necessary to produce a book about a few individuals who stick needles into men, attacking the income of not only one individual, but of the entire Jewish people. It is proper to devote a book to these unjust practices in regard to Din Torahs, emphasizing the seriousness of the matter. As a preface, it is proper to quote the words of the well-known sage, the Debretziner Rav in the introduction to the fifth volume of his responsa Baer Moshe.

I have written an entire treatise against “professional” judges. Although I knew that there would be many who oppose such a stand, the opposition was greater than I could imagine; it was beyond all estimation. However, in general, public opinion supported my stand. May this be my portion, accepting all pain and heartbreak in order to arouse the public against the growing danger which encompasses the flesh and bones of the Jewish people and put thus an end to their evil deeds.

In this volume, I have written about this bitter subject and revealed many terrible things. I have also spoken about this subject on Shabbos HaGodol noting that our sages declared “all the difficulties that are visited on the Jewish people come about because of the judges of Israel.”

My address was published in many places and accepted by the general community. Some of the bitter events that took place are recorded in volume 7 of my work. Since then, a number of families have turned to me to save them from the clutching nails of the “professional” judges who cause more problems from day to day. Just yesterday, the telephone rang and a family

complained about the problem caused them by these judges' love for money. They came to me explaining how the judges had called for another sitting, costing three hundred dollars per judge.

3. A few weeks ago, a couple came to me, the mother almost fainting from pain and anger because of a court who is forcing their daughter to live in separation, just so they can arrange another sitting and collect a greater fee.

An allusion to this practice can be found in the verse "Take your hands away ... and take." Take your hands away from judgment, so that you may take more money. I called three times to the Rav in Williamsburg who was handling the case but my words had no effect, like a voice calling in the desert.

My intention is not to accuse. However, in view of the terrible events that have taken place in our times, who knows what their deeds have caused! Furthermore, the public has already accepted these practices, not realizing the problems they might bring.

4. May G-d will that my words be heard and the professional judges do Teshuva and themselves cease their practices (to do Teshuva in regard to sins between man and man, one must also placate those whom they wronged.) However, the main burden lies on the community.

5. This very day a group of distinguished men came to me, eight Chassidim from different groups in connection with one young man who was separated from his wife for over a year. His situation is constantly worsening, and there is no one who can save him from his wife's demands. I did more than I could, knowing that the opposite side would place obstacles in my way. I refused to take pity on myself in the place the danger to the young man, may G-d have mercy. Who knows what will happen if the public will not awaken to this problem before it is too late.

6. Another bitter trend has come about. The younger generation have become accustomed to many secret forgeries, deceptions, stealing, and theft. Many have started down paths that will lead to the very depths. We must meditate on the cause for this phenomenon. Perhaps they have learned from the professional judges, thinking that if they can act in such a fashion, how much more so can we! Perhaps there is a fault in their education, or

maybe the food which they eat is not entirely Kosher (either because of Kashrus in the literal sense, or because of Kashrus in a business sense.) Note the holy text Maggid Talumah by the "Bnei Yissachor." May those who are responsible awake before the sun will set. May G-d have mercy upon us and send us the Moshiach who will redeem us speedily.

7. As a seemingly needless addition, we wish to mention that we have seen examples of the above which are worthy of relating.

8. Reading the words of the Debretziner Rav one trembles, for if as great a Rav as the Debretziner, has been terrorized and burned by the brazen of our generation, even though his intention is for the sake of heaven, what will the hyssop growing on the wall, people of normal stature, do. If such a distinguished authority and author of Responsa has been terrorized, something which has never before taken place among Jews, for his stand against these Din Torahs, it is clear that the people we are dealing with are swindlers and thieves, they hide their true selves in Rabbinic and Chassidic garb.

9. These judges teach their clients to give false statements, even though whoever wins a Din Torah because of a false statement is considered a thief. If that isn't successful, they try to manipulate the statements of the other party, bringing them to a point where the party can not himself recognize that he made such statements. If this is not sufficient, they try to bring out a verdict favoring the side which is against Halacha even though one can clearly show them, black on white that the Halacha is otherwise.

10. If there is no side that has a particular interest, the judges will stretch the case out, making sure it takes a number of sittings, so that they can make more money. This does not help clarify the arguments and claims of each side. On the contrary, many participants in law cases tell how even after many sittings, the judges were not fully aware of the claims (there is one case, when both parties saw these types of procedures taking place they forget about the Din Torah and settled between themselves).

11. The only way they arrive at a decision quickly, is if they have another Din Torah at which they think they can make more money. Then, they rush to arrive at a decision, making up a

compromise that has no rhyme or reason. One party at a Din Torah, himself a Rav told how he heard two of the judges speaking between themselves, urging each other to hurry and finish because they have another Din Torah.

12) One Din Torah took place in which 12,000 dollars was claimed from one party by the other. The defendant claimed that the amount was incorrect because that sum represented the total of a number of smaller bills and accounts. He argued that each bill should be considered individually, some he was willing to pay and some he wanted the court to decide upon. The judge which he himself chose got up and protested "How long do you want to drag on this Din Torah?" we can't sit any longer. He asked the neutral judge, who is also a Rebbe, if he wanted to go into details about the 12,000 dollars. the neutral judge replied no. Turning to the defendant, the judge said "you must agree to the figure as it is."

For heaven's sake. Our sages declared that a judgment about a penny must be considered as thoroughly as a judgment concerning a great sum. Surely this applies in regard to a sum as large as 12,000 dollars. This is particularly applying, since the defendant was a poor person and a Talmid Chochom. Yet, he was dealt with in such a cold blooded fashion.

13) This is not all. There are many more frightening practices carried out in cold-blood by these so-called Rabbis.. Knowing they can always hide under the mantle of their position, for who could be believed against them, they perpetuate fraud without the slightest temptation. However, a thief will eventually be hanged. A Rabbi has emerged against them, willing to combat their terrible acts. When the Debriciner came out sharply against them, they were upset, knowing that another Rabbi, particularly as distinguished a personality as the Debriciner would be believed. They threatened him in various ways, to make him keep silent. He himself in his responsa Baer Moshe Vol. 170. He writes as follows:

14) From this we can judge the fraudulent "judges", the professional judges who teach their practice to lie in the Din Torah in order that they may win (though from Torah's



heard that one such judge lost hundreds of thousands of dollars in a bad investment, another 125 thousand, another 100 thousand. Surely, it can be seen that in money earned in this manner, blessing will not be found. Furthermore, these judges proudly wave the banner of Torah. Therefore, it is imperative not to be silent, for in doing so, one becomes guilty of sin. Such a situation reinforces our sages' words, "All the calamities that arise in the world come about only because of the judges in Israel."

17) Surely a reader will find the above hard to believe; however, if such a personality as the Debritziner Rav has made such a statement, surely no question will remain. Therefore, it is necessary to warn the public not to fall into this snare and to use a neutral court, steering free of the practice of selecting judges, for by doing so one "strengthens those who commit sin".

18) After having publicized the problems of Din Torahs in the past, we have received thousands of letters of thanks from different Rabbis asking us to continue our work in the future. Each one has their own story of how "Rabbis" used a "Din Torah" to exploit clients. We had never considered the situation to be as serious as it is.

19) In truth, to list all the instances of exploitation would require a large book. The intent of this publication is to reveal a number of examples that portray the situation, allowing the reader to appreciate the terrible problem that exists.

20) The following stories were told by well-known Rabbinic personalities, who with pain-stricken hearts, asked that the public be told about the state of Din Torahs at present.

a) There are Rabbis who have a standard price list if they are selected as a judge in a Din Torah. One's list begins at 500 dollars. That fee covers a promise to show an interest and involve oneself in the case. When a party asked him to make a commitment to take certain steps, the judge replied, "That will cost a thousand dollars." (These fees are an additional bribe,

heard that one such judge lost hundreds of thousands of dollars in a bad investment, another 125 thousand, another 100 thousand. Surely, it can be seen that in money earned in this manner, blessing will not be found. Furthermore, these judges proudly wave the banner of Torah. Therefore, it is imperative not to be silent, for in doing so, one becomes guilty of sin. Such a situation reinforces our sages' words, "All the calamities that arise in the world come about only because of the judges in Israel."

17) Surely a reader will find the above hard to believe; however, if such a personality as the Debritziner Rav has made such a statement, surely no question will remain. Therefore, it is necessary to warn the public not to fall into this snare and to use a neutral court, steering free of the practice of selecting judges, for by doing so one "strengthens those who commit sin".

18) After having publicized the problems of Din Torahs in the past, we have received thousands of letters of thanks from different Rabbis asking us to continue our work in the future. Each one has their own story of how "Rabbis" used a "Din Torah" to exploit clients. We had never considered the situation to be as serious as it is.

19) In truth, to list all the instances of exploitation would require a large book. The intent of this publication is to reveal a number of examples that portray the situation, allowing the reader to appreciate the terrible problem that exists.

20) The following stories were told by well-known Rabbinic personalities, who with pain-stricken hearts, asked that the public be told about the state of Din Torahs at present.

a) There are Rabbis who have a standard price list if they are selected as a judge in a Din Torah. One's list begins at 500 dollars. That fee covers a promise to show an interest and involve oneself in the case. When a party asked him to make a commitment to take certain steps, the judge replied, "That will cost a thousand dollars." (These fees are an additional bribe,

sages teach, "War comes to the world for the delay of justice, and the perversion of justice."

Many have turned to asking us to try to uproot this problem from its very source. The other day, a fine young Rabbi decided to enter the field of Din Torah. His parents were stricken with grief, fearful that he may learn these swindling tactics.

22) There are judges who distort the claims of the parties. Once a court decision was given on the basis of claim made by one party. The party immediately protested, "I never made such a statement." The judges refused to hear him or change their judgment.

In another case, a question arose about building a Mikvah in a city outside of New York. When the case was not easily resolved, one of the judges turned to his client and told him, "You must take drastic measures. Do something that will have a dramatic effect on the judges. Try to influence them towards the opinion that if you don't build the Mikvah, the city will remain without one." His client listened to his words, and went out and broke the plumbing in the existing Mikva. Were it not for the influence of prominent rabbis and grand rabbis, that city would have been without a kosher mikvah!

23) There are also some who act as judges even though they lack proper rabbinic ordination. Rather than judge according to Shulchan Aruch, they base their arguments on their own cleverness which is expressed by ridiculing the opposing party.

We would like to call the public's attention and the Rabbis' attention to this matter. Also, we would like to appeal to the honest rabbis to accept Din Torahs to whatever degree possible. And in their merit may we witness the fulfillment of the prophecy, "Zion will be redeemed by judgment" ,speedily in our days."

Rabbi Sholom Yehuda Gross  
Head of the court of Holmin

All those who have questions that must be solved by a Din Torah are invited to ask us for references to Rabbis who will give a just and honest decision.

sages teach, "War comes to the world for the delay of justice, and the perversion of justice."

Many have turned to asking us to try to uproot this problem from its very source. The other day, a fine young Rabbi decided to enter the field of Din Torah. His parents were stricken with grief, fearful that he may learn these swindling tactics.

22) There are judges who distort the claims of the parties. Once a court decision was given on the basis of claim made by one party. The party immediately protested, "I never made such a statement." The judges refused to hear him or change their judgment.

In another case, a question arose about building a Mikvah in a city outside of New York. When the case was not easily resolved, one of the judges turned to his client and told him, "You must take drastic measures. Do something that will have a dramatic effect on the judges. Try to influence them towards the opinion that if you don't build the Mikvah, the city will remain without one." His client listened to his words; and went out and broke the plumbing in the existing Mikva. Were it not for the influence of prominent rabbis and grand rabbis, that city would have been without a kosher mikvah!

23) There are also some who act as judges even though they lack proper rabbinic ordination. Rather than judge according to Shulchan Aruch, they base their arguments on their own cleverness which is expressed by ridiculing the opposing party.

We would like to call the public's attention and the Rabbis' attention to this matter. Also, we would like to appeal to the honest rabbis to accept Din Torahs to whatever degree possible. And in their merit may we witness the fulfillment of the prophecy, "Zion will be redeemed by judgment" ,speedily in our days."

Rabbi Sholom Yehuda Gross

Head of the court of Holmin

All those who have questions that must be solved by a Din Torah are invited to ask us for references to Rabbis who will give a just and honest decision.

The following are the fiery words by the great Gaon, and well-known Halachic authority, Rabbi Moshe Stern, the Debritziner Rav, the author of the Seforim Baer Moshe. These texts include seven volumes of Responsa, a treatise on festivals, on the laws of Pesach, on the holiday of Pesach, on the commentary of the Ritvah on the tractate Baba Batra, on the commentary of the tractate Megila, commentary on the tractates of Shavuos, Berachos, and Betza, and Eruvin.

He has had much experience with practical Halachos, and many people have appealed to him to help save them from exploitation.

## CHAPTER I

The following is taken from his responsa Vol. 4 No. 148 - the captions have been added by this author.

**1) Din Torahs in Williamsburg. The judges themselves are landlords. Therefore, they sway the judgment in favor of the landlords.**

Before I finished dealing with this question, a number of Torah scholars, observant and just individuals (mostly from Williamsburg) came to me with their complaint that there are many judges that charge exorbitant fees.

They added that many of these judges are landlords. Whenever there is a dispute between a landlord and a tenant, they side with the landlord. Thus, they have cast out families from their apartments without mercy. Though many have raised their voices in protest, no one has arisen to save them.

**2) There are judges who charge exorbitant fees to couples that seek divorce, causing many to live in separation without the opportunity to remarry, even though in previous generations much effort was made to prevent such a state.**

They also told me that the problems are growing more serious particularly in the area of family disputes. If a couple wants to seek a divorce, each party engages a judge who seeks to advance the case of his client, trying to get the other party to pay thousands of dollars. These young men told me that

they have friends who can no longer live with their wives, and vice versa. In such cases, each side tries to steal the most possible from the others. The judges themselves tell them which arguments to use. What results? The men and women are forced to live apart, without the ability to remarry.

They argued that it is forbidden to remain silent about this matter. Unless changes are made immediately, and an end put to this painful situation, it will be necessary to make a public statement about the matter. Even though they were conscious that doing so would lower the public's respect for Torah, they felt such steps were necessary in view of the situation.

I told them that I would investigate the problem, and give them a reply in the future. I also expressed hope that others would awaken to the severity of this problem and with the support of the public, it would be possible to correct the matter.

My investigation proved the authenticity of their complaint. I found even greater difficulties than were mentioned to me. I know that writing the following will cause me pain and sorrow. However, it is written, "Do not be afraid of any man." No matter what happens to me, I will write what I feel is required in view of the statements of our sages and the Torah authorities throughout the generations.

**3) There are judges who listen to the claims of one party in the absence of the other party, thus breaking Torah law.**

Though our rabbis have praised the judges of our people for their upright character, this praise was directed at those judges whose main source of income was not Din Torahs.

There is a direct prohibition against hearing the complaint of one party in the absence of the other. A judge cannot say that I will listen to my party's arguments, yet I will remain impartial. Torah law states that in such circumstances, a person cannot remain impartial. The behavior of King Solomon, in regard to his many wives, provides a clear example of what happens when one relies on his judgment rather than on Torah law.

May the heavens hear and halt the great evil and plague that

continues to spread from day to day. In the U.S., most of the judges derive the majority of their income from Din Torahs. Therefore, each judge seeks to publicize his skill. Therefore, they invite their clients to tell them the nature of their complaint in order that they will be knowledgeable in the case before hand, and thus be able to allow them to win the case. Then the judges will receive good publicity and attract more clients. They teach their clients what are the best claims to make and which arguments will be acceptable.

**4) These judges have totally taken the side of their clients.**

I state with heaven and earth as my witness that once when I served as the selected judge of one party, I clearly told that party not to mention any details of the case to me beforehand. At the sitting, it appeared to me that the other litigant's words were contradictory, and I asked him a question for which he was unprepared. He replied that he was not able to reply until he asked the judge he had selected for advice. The other member of the court and I were astounded at the reply. "His" judge was also slightly embarrassed, but did not lose his composure. He told him that it is not his position to tell him what to answer. He continued telling him to consider the matter carefully. Perhaps, it was necessary for him to consult the papers he had at home before he could answer. The other party reflected about the question and replied as "his" judge had told him. Everyone understood that at night, "his" judge would counsel him how to reply and negate what he had already said. After this reply, I refused to take part in this "judgment" and took it upon myself never to serve as a selected judge again.

These acts dishonor the torah and cause the public to ridicule the Torah's system of judgment. It is necessary for distinguished elder rabbis of our age to raise their voices and correct the matter. I made these statements twenty years ago.

**5) It is best, not even to serve as the third "neutral" judge.**

With G-d's help, I was able to keep my resolution. From then on, I did not serve as a selected judge. Furthermore, I rarely serve as the "neutral" judge. May heaven be my witness

that in the last years, I have not served in that position either, for I saw that each selected judge tries to advance his client's interests. Many times, I felt that the selected judge overstepped the privileges given to him to defend the interest of his client. I refused to sit on a court with selected judges. If someone comes to me for a Din Torah, I tell them that I will select two other judges to form a neutral court. If they do not desire this, they should seek other options. Many have expressed their thanks to me for this.

**6) The adage of the Satmar Rebbe, Zecher Tzaddik L'Brocha "It is impossible to fight against the professional judges."**

Once, a member of my family had a Din Torah with selected judges. Their profession was Din Torahs, The judge selected by the opposing side was very powerful, and my relative's judge removed himself from the case because he could not defend himself from the fraudulent behavior of the other judge. My relative related his problems to me. When I saw his difficulty, I went to the Satmar Rebbe and asked him for advice. He told me, "It is impossible to fight against professional judges." I looked at him with a pained and despairing face. He continued, "What do you want from me? To argue with everyone? I would do so. However, everyone would argue that he is correct, and I would be forced to sit in on all Din Torahs or conduct them in my home, and that is impossible."

The Rebbe saw that the matter caused me much grief and fulfilled the statement of our sages, "Tzaddikim say little and do much." (In fact, he had not promised to do anything.) Within a short time, the case was settled in a proper manner, and I am certain that it was the Satmar Rebbe's influence that had prevailed. However, regardless of the particulars of this case, we can see the stance which he took in this matter.

**7) The Satmar Rebbe declared, "Anyone who is touched by the fear of G'd should steer away from becoming a selected judge. The professional judges have little love for truth and righteousness."**

I once met a distinguished Rabbi who told the Satmar Rebbe of the honesty of his father who never accepted the position as



a selected judge. The Rebbe replied that indeed, in past years, that was a great sign of honesty, but now, since the professional judges have become so popular, such an act is no sign of special honesty. On the contrary, anyone who is touched by the fear of G-d should steer away from becoming a selected judge. At present, the professional judges have little love for truth and righteousness, and there is no other course than to seek a neutral court.

He also explained to me an interpretation of the verse, "You shall not take a bribe, for the bribe will blind the eyes of the wise and make crooked the words of the just." The word **You** is written in the singular, while wise and just are plural. The verse implies that even if a bribe is given to only one judge, it will have an influence on the others, to the point that it will blind them and make crooked their words.

One of the greatest Rabbis of our generation, the Knesset Yecheskel writes, "It is proper in these times for there to be a neutral court in each city, for it is common for the selected judges...to listen to the claim of their side and to give them advice in order to earn a sizable fee. Therefore, all the great cities throughout the Jewish community have established courts. Even though the Mishna declared that each party should choose a judge, that applies to the situation in their times. The Rambam and Shulchan Aruch write about unjust courts. If that was true in their days, surely it is true in ours." Once the Knesset Yecheskel had made such a statement, we should follow it.

8) If a judge owns a house, he is not disqualified from serving on a court that deals with a dispute between a landlord and a tenant. However, anyone who is familiar with the present situation in the U.S. would say that it is improper.... It is the Chassidim of their own community who feel they are treated unjustly. Though the matter cannot be proven and hence, it is impossible to disqualify these judges, it is proper that they should refrain from judging such cases.

In my humble opinion, those judges should refrain from participating in such cases in order to prevent public disrespect

for the Torah. In the Talmud and the Responsa, similar practices were adopted because of the needs of the hour. Even if they are not obligated to do so, it is a shame and a disgrace that they should force people to accept them as judges against their will.

The Rashdam writes that if, when issuing a judgment, one of the judges intends that this judgment will help him in a related matter, the judge is disqualified. This appears to be the case here, for their judgment in favor of a landlord appears to strengthen their own position. The Aruch Ha Shulchan writes that in a case where it seems that the matter could be decided better by other judges, that alternative should be taken.

Nevertheless, those people who openly criticize and defame respected judges without a solid foundation, should be punished.

**9) A suggestion to avoid large expenses in connection with divorces.**

It is often necessary to pay a large sum in order to persuade a husband to give his wife a get. This payment often destroys the financial status of the poor woman's family. It is the judge's responsibility to stop this means of exploitation. No judge should become involved in such a matter without specifically stating to the husband that he will not support him if he seeks much money. He should warn him that he will not aid him in committing such a sin, that blessing will not be found in such money, and that it is a shame and a disgrace to ask for money for a get.

A judge who tries to elicit such monies will have to account for his behavior and will surely receive endless punishment.

**10) An incredible story of vicious behavior.**

Someone told me that a member of a court of selected judges called one of the litigants on the phone and told him that if he didn't pay the four hundred dollar fee by a certain date, he would change the decision to favor the other party. I refused to believe the story, but I was told that I could check the authenticity by speaking to the parties involved. I did not

do so, because the judge involved is too strong for me to oppose.

**11) A story that shows how the judges' need for money destroyed a couple's relationship.**

A couple less than twenty years old would frequently come to me to answer their questions of Halacha. Generally, they would come together. After a while, they stopped coming. I wondered about the matter. Shortly afterwards, the husband came to tell me of his problems. Choking on his tears, he told me how his wife had left him and returned to her parents' home. He asked me to try to bring peace back to the home. I asked her father to come with his daughter to me - not for a Din Torah, telling him that the husband and his father came to me and assured me that they wanted to work to reestablish the home. He answered me that he had already gone to a judge - one who I recognized as a professional judge - and would have to speak to him first. I pleaded with him not to call his son-in-law to a Din Torah, but he told me he would have to think about the matter. He called me an hour later and told me that "his" judge told him that it would be better to have the matter decided by a court than by one Rabbi, since the decision of the court would be binding. I tried to explain to him that it would be easier to resolve the dispute without a Din Torah, but to no avail. I approached his daughter, who agreed with me, but said she would have to discuss the matter with her father. Later, she told me that her father had spoken with the judge and they agreed that it would be better to deal with the question in a court of law. Four weeks later the couple was divorced. The parents of both sides argued bitterly against each other and peace could not be brought between them, something neither of the parties desired. I don't accuse the judges of wanting the divorce, but it is clear to me that their desire for money caused this divorce. How many other of the many painful divorces that we see today come about because of the judges' efforts to try to extort more money for their clients, thus destroying all grounds for a resolution of the question.

How is it possible to be silent in such a matter? Every Rabbi

must protect that destruction of young people's homes because of their desire for money. This story should also help lead to the establishment of a neutral court.

**12)The judges prolong the judgment, calling for more sittings in order to charge more money.**

The judges charge exorbitant fees, much more than the amount due them for remaining idle. Furthermore, they prolong the judgment asking for a second, third, or fourth sitting in order to charge more money.

**13)They will take exorbitant sums even from the poor.**

They will grab the last penny of a poor man. No protests of the litigants that they cannot pay the fees, will help.

A woman came to me crying that "her" judge wants 300 dollars as payment, the opposing judge 600 dollars, at a time when she doesn't have the money to pay her debts. Her home is empty and her husband lies sick in bed. I asked her not to mention the name of the Rabbis to me, but she could not contain herself, protesting that they were wealthy and told me who they were. I rebuked her for telling me their names. She told me of a Rabbi (who was not involved in the case) who could corroborate her story. When I called him, questioning how a Rabbi could ask for three hundred dollars when she didn't have three cents, he replied that he had spoken to the judge and he had told him: "Let her beg for the money, but she must pay the full amount; this is my livelihood."

I don't want to enter into a matter that has already been dealt with at length; however, it is clear from all Halachic sources that it is forbidden for a judge to take more than the amount lost because he remains idle from work. All sources describe the seriousness of this prohibition, and the great punishment involved.

It has already become customary in this country to take slightly more than the above, but never to such a drastic extent. It is a disgrace which lowers the honor of the Torah and destroys the power of a court.

14) The Rabbis of Williamsburg are silent about this matter. It is their responsibility to protest these practices.

The Rabbis of Williamsburg are silent about this matter and do not fulfill their obligation at all. Hence, the responsibility is theirs, for they have the power to rebuke and do not. May they do Teshuva and correct the wrongs... and may the merit of the judges of Israel who faithfully perform their duty bring about the complete redemption and the coming of Moshiach.

Chodesh Nisan 5733, Brooklyn  
Moshe Stern

★ ★ ★

In accordance with the Debretziner Rav's will to protest and rebuke the above mentioned judges for their practice, it is fitting to include

## CHAPTER II

### The Duty to admonish and Protest - Quotations from Talmud, Zohar, and Midrash

- 1) Anyone who has the ability to protest against the members of his household and does not protest, is seized for the sins of the members of his household, against the people of his city, is seized for the sins of the people of his city, for the entire world, is seized for the sins of the of the entire world (*Shabbos 54b*).
- 2) Since Phinehas should have protested against Hophni, Scripture considers it as though he had sinned (*Shabbos 55b*).
- 3) One who has the ability to protest and does not, the sin is ascribed to him (*Yerushalmi Shabbos ch. 5*).
- 4) Because of four things, the property of householders is given over to the government, (one of which is) because they have the ability to protest and do not do so (*Sukkah 29b*).

5) Since the Rabbis were present and did not protest, this indicates that they agreed (*Gittin 56a*).

6) Abner was punished (by being killed) because he should have protested against Saul, but did not (*Sanhedrin 20a*).

7) Joshua the high priest wore soiled garments because his sons married women unfit for the priesthood, and he did not protest against them (*Sanhedrin 93a*).

8) Concerning Zedekiah it is written:” (II Kings 24:19) And he did what was evil in the eyes of the Lord, ” because he was able to protest and he did not (*Sanhedrin 103a*).

9) If a person learned, taught, observed, (negative commandments), and performed (positive commandments), but did not protest, he is deemed cursed. On the other hand, if a person did not learn, did not perform (positive commandments), did not observe (negative commandments), did not teach others, and did not have the ability to protest, yet he protested, he is deemed blessed (*Vayikra Rabbah 25*).

10) The Holy One, Blessed be He, said (to the Divine Attribute of Justice): “These are completely righteous men, and these are completely wicked ones.” He replied: “It is fully revealed to me that they had the ability to protest, but did not do so.” He said to him: “It is fully known to Me that if they had protested, they would not have heeded them.” He retorted: “If it is fully known to You, is it fully known to them?” They, therefore, should have protested and allowed themselves to be humiliated for the sanctity of Your Name, and to suffer beatings from the Jews (*Tanhuma Tazria 9*).”

11) “(*Num. 25:4*) Take all the heads of the people and hang them.” The sins were attributed to the heads of the people because they did not protest against the people (*Tanhuma Balak 19*).

12) Now who killed them? (i.e. who was responsible for the deaths of all those killed in the civil war against Benjamin because of the killing of the concubine in Gibeah of Benjamin?) Phinehas, because he had the power to protest and did not protest. Now, anyone who has the power to protest and does not protest, to bring the Jews to improve their ways, all blood

that is shed among the Jews, is shed because of him (*Yalkut Judges 68*).

13) The great Sanhedrin should have tied iron ropes around their waists and lifted their cloths above their knees and gone throughout all the cities of Israel, one day to Lachish, one day to Eglon, one day to Hebron, one day to Jerusalem, to teach them proper manners (*ibid*).

14) Jerusalem was destroyed only because they did not admonish one another (*Shabbos 119*).

15) If a Rabbinical scholar is loved by the people of his city, it is not because he is superior, but because he does not admonish them concerning matters of Heaven (*Kethuboth 105b*).

16) When the footsteps of the Massiah will be heard, there will be no admonition (*Sotah 49a*).

17) Because of what did Jeroboam merit the kingdom? Because he castigated Solomon (*Sanhedrin 101b*).

18) One should love admonition, for as long as there is admonition in the world, goodness and blessing come to the world, and evil departs from the world (*Tamid 28a*).

19) Everyone who admonishes his friend for the sake of Heaven, merits the portion of the Holy One, Blessed be He, moreover, a cord of grace is drawn over him (*Tamid 28*).

20) Anyone who knows how to admonish and admonishes the public, brings content to his Creator (*Tana d've Eliyahu Rabba 3*).

21) One who knows that his fellow is wicked, yet he flatters him, he knows that he is full of sins, yet he says to him, "You are righteous," deserves that all the curses in the Torah come upon him. But, one who admonishes his fellow that he repent, takes the blessings of the one who is admonished. If he accepts the admonition and repents, he, too, receives blessings (*Yalkut Devarim 793*).

22) Is there any man who hates his son? But, since he does not admonish him concerning Torah, wisdom, and proper manners, he will eventually hate him. If he admonishes him, however, he will eventually love him (*Yalkut Proverbs 950*).

23) At that time, the Divine Attribute of Justice rose and said

before Him: Even on the righteous among them, You shall write on their foreheads a *Tav* of blood, *Tav* standing for *Tamuth*, you shall die. The Holy One, Blessed be He, replied and said, "Why?" She answered, "Because they did not admonish your children with words of admonition, and they did not instruct them not to sin." The Holy One, replied, "It is revealed before me that if they had admonished them, they would not have listened". The Attribute of Justice replied, "Even though they would not have accepted, nevertheless, the righteous should have rebuked them". The Holy One acceded and proceeded to treat the righteous of that generation in Jerusalem as wrongdoers. Six angels of destruction were dispensed to Jerusalem and they dispensed it (*The Letters of R' Akiva*).

24) Whoever is able to admonish and does not do so is stricken with *tzaraas* (*Zohar Part 3 part 45b*)

25) (The righteous man is conscientious to go to the wrongdoers to help them turn away from their sins. He informs them of the heavenly judgment and the punishment of Gehinom. He does not allow himself to rest day or night until he has rebuked them and brought to full repentance (*Zohar Pg. 20b*.)

26) All Jews are responsible for each other (*Shevuos 39a*).

27) *Even the perfectly righteous are held responsible for the sins of their generation ... for not rebuking the wicked (Midrash Tanchuma Mishpatim).*

28) *Some sins are so great that those who commit them are not afforded Divine assistance to repent. Included among them is one who was able to rebuke others, be it a group or individuals, and did not do so but left them in their backsliding (Rambam Hilchos Tshuva 4:1).*

29) It is a Jew's duty to protest against sinners. Anyone who has the ability to protest, and does not do so, is held responsible for that sin (*Remah Yore Deah 334:48*).

30) (Evil) decrees fall only upon who could have protested and did not (*Yalkut Ruth on the verse, "And Elimelech died ..."*).

31) Anyone who says that Solomon actually sinned is in error. (The sages ask) But it is written, "and Solomon sinned .."? (They answer) because he should have reprimanded his wives



and did not, scripture considers it as if he actually sinned. Rabbi Yehuda says in the name of Shmuel that Solomon would have preferred to be a lackey to a foreign thing rather than have it to be written in Scriptures that he sinned. Rashi explains the Gemorah to mean that he would rather be hired to chop wood and draw water for idol worship. This teaches us how severe the rebuke is for one that could have protested and did not (*Shabbos 50b*).

32) For this the people died in the civil war against Gibeah: Hashem said to them, “For My honor you did not protest!” (*Sanhedrin 103b*).

33) The verse, “and I shall destroy from amongst you the righteous and the wicked,” is referring to the righteous who are imperfect. Since they were able to protest and did not, they are considered imperfect (*Avoda Zara 4a*).

34) Aaron did not protest when Moses hit the rock at Mei Meriva for he considered himself as Moses’ disciple. However, one need not give honor to a teacher when there is a profanation of the Divine Name. Because he did not protest, he was punished in the same way as Moses (*Midrash Tanchuma, Chukas*).

35) From Pinchas one could learn to be zealous for Hashem when there is a profanation of the Divine Name of the Torah. The importance of this is shown by the gratitude and good favor through which Hashem gave the priestly covenant of peace to Pinchas (*Shelah Hakodesh, Ten Praises*).

36) It is written in *Midrash Tanchuma, Re’ei*, that many upright people lived in Noah’s generation but, nevertheless, perished with the others. The reason that those upright people perished is that they did not protest (the wrongdoings of the others), unlike Noah who did protest, as our sages point out in *Breishis Raba* on the verse “They hated the Admonishor in the gate” (*The Chida, Chomas Anach, Parshas Noah*).

37) One who does not oppose those who persist in their evil ways is punished for all their sins. Furthermore, he transgresses the negative command, “You shall not bear his sin ...” It is obligatory upon every G-d fearing and G-d loving person and

those of pure heart to arouse zeal ... (*Sha'arei T'shuvah, Sha'ar 3:59*).

38) *The Remah (Yoreh Deah 334, Choshen Mishpat 12)* quotes the Responsa of the *MaHariv 157* that in our times we do not protest against wrongdoers because of the danger involved. The *Bechor Shor* (quoted in the *Piskei T'shuva*) says that many, basing their actions upon this decision, justify themselves in flattering influential people even though there is no certain danger. This rationalization, which has weakened the Torah, is a blatant mistake, for the words of the *MaHariv* were said only when there is certain danger. Were it not so, then the precept, "Thou shalt not fear a man," is null and void. Certainly this precept was meant for a situation in which there is a reason for fear.

A judge who is appointed to punish wrongdoers and fulfills this precept, will merit the reward of Pinchas, the zealous, and no evil will befall him.

39) *The Zohar part 1 pg. 239b* tells us not to envy wrongdoers, for anyone who sees their actions and does not arouse zeal transgresses three negative commands. For this reason a man should sever relations with them and have a separate way from them.

40) The Angel of Death does not have the same power over a man who is zealous for Hashem as he has over other men (*Zohar 29b*).

41) With anyone who is able to protest and does so, thus avenging Hashem from the wicked of this world, Hashem seals a covenant with him and his seed, just as He did with Pinchas (*Reishis Chochma Sha'ar HaYirah ch. 12*)

42) Even a minor sin receives public and juridical acceptance, this is the product of corruptness, and unpardonable sin, and furthermore, the entire people are held guilty. Forgiveness is possible only after a punishment has been executed upon the entire nation. This was the sin of Sodom (*HaAkeida 20*).

43) Because they did not protest against evildoers, the future generations learned from their bad ways (*Rashi Sotah 41b*).

44) It is clearly derived from both the Oral and Written law that

one who can protest and does not do so, is held responsible for that sin and for neglecting a positive commandment. Furthermore, he is considered in the category of the wicked (*Chinuch Mitzvah 239*).

45) The judges of Israel are responsible for the sins of their people (*Yalkut Yechezkel 341*).

46) *It is written in Yechezkel 3:17*, “Ben Adam: A sentinel have I appointed you for the Family of Israel and you have heard the word of My mouth .. but you did not speak up to warn the wicked one concerning his evil way to save his life. He, the wicked one, shall die for his sin, and I shall demand his blood from you.”

47) It is possible that Moses, assured of the righteousness of his brother Aaron, knew that his intention in making the golden calf was not evil.

However, he accused him for the evil-doing of the people. Since their downfall came through him, he was deserving of rebuke (*Rambam Ki Sisa*).

48) Why do many Torah scholars die young? (The answer given is) that they allow themselves to be disgraced, for they do not avenge like a snake, the words of Torah and the fear of Heaven (*Avos of R' Nasson ch. 29*).

49) There were great men of Israel who saw evil and looked the other way. The Holy One remarked to them, “There will come a time when I will do likewise” (*Midrash Rabbah Lamentations*).

50) In summary, I would like to cite that which R' Chaim Sofer writes in his illustrious work, *Sha'arei Chaim 6a* “Woe to us from the day of Judgment; Woe to us from the Day of Rebuke, when the time comes for Hashem to search through the action of every living being and it will be found written: This righteous man desecrated the Sabbath; this pious man transgressed the prohibition of Niddah; this G-d fearing man transgressed the prohibition against eating non-Kosher food and wearing shaatnes; this holy man is guilty of having realtions with a married woman. All believers will be astonished and wonder, for these men were part of a generation of righteous. But Hashem will reply in wrath, “Behold, it was in your power to

rebuke such and such a wicked man. Why did you not remember him and remind him of his sin?

★ ★ ★

### CHAPTER III

We wish to present here a copy of one of the Halachic Responsa of one of the greatest Gaonim and Halachic authority of our time, HaRav Menashe Klein Shlita. Rav Klein is the author of the Responsa Mishne Halachoth. This Teshuva was written concerning how the misdeeds of a Borer (Din Torah expert) and his "client" caused the death of a fellow Jew. The Gaon also describes how it is a Mitzvoh to call attention to these "experts" and that fines should be levied on the unscrupulous compromisers of Din Torah.

#### RESPONSA MISHNE HALOCHOS Part 6 [315

**QUESTION:** Is a dayon (judge) or a borer (expert), who has caused the death of his fellow man by his unjust actions, in need of forgiveness and absolution?

**ANSWER:** This case is as follows: Reuven had a dispute with Shimon in the case of a common property boundary. Reuven, instead of initiating a Din Torah informed the Building Department of the problem, after which Shimon was promptly fined. After much arguing, both sides decided to settle the matter once and for all at a Din Torah. Each side chose a "Borer" (an expert), a third Dayon was chosen and the Din Torah began. As the Din Torah carried on, Reuven's Borer saw that the case was going against him and advised Reuven to refuse the decision of the Din Torah. Such a thing is unheard of among Jews, yet Reuven, nevertheless, announced his intention of refusing the decision of the Beis Din. Reuven then proceeded to complete the work on the disputed property boundary to the great dismay of Shimon. Shimon, a poor man, without any hope of recourse against such a rich and powerful man as Reuven, took the entire matter to heart.

A few days later, Shimon fell ill, and a short while later died of a heart attack.

The question is now whether the Beis Din and especially the Borers involved in the original Din Torah are in any way responsible for Shimon's death and if they require forgiveness and absolution.

This story is a true glimpse into the terrible injustices currently involved in Din Torahs. That such men could still be called Dayonim is a perversion, and they should be fined heavily. What kind of a Dayon could this be that would advise one to leave a Beis Din and refuse to abide by its decision?

All Scholars and Rabbonim who may sit in judgment at a Din Torah should be advised to avoid these despicable "experts" and refuse to sit in judgment with them! This was, in fact, the advice of the Talmud where it states that Dayonim should only sit in judgment with other Dayonim with whom they are acquainted.

The Shulchan Oruch, Choshen Mishpat relates such a case where a Borer advised a disputant to leave the Bais Din. The full responsibility for such actions rests squarely upon the Borer. (See the Shulchan Oruch for more details.)

## CHAPTER IV

Correspondence to one who complained about the injustice done to him by professional judges. I discovered that hundreds of such incidents take place monthly in such courts and thousands of well-to-do merchants are cheated by them. For the benefit of the public, I present my reply to him.

Greetings to my dear friend, Rabbi Simcha Hershkowitz, shlita.

You inquired of me concerning the case of a man who purchased a large building for approximately \$200,000. He gave a down payment of \$10,000. The balance was made as a loan, and the two parties signed in the presence of their lawyers according to the law of the land. After several weeks, however, the buyer had a change of heart, and decided to back out of the sale. He summoned the seller to a Din Torah, and after hearing the claims of the litigants and the selected judges, the court decided that, as a compromise, the buyer could rescind the sale and that the seller had to return \$5,000 to him. You ask whether a Bais Din has the power to nullify a sale made according to civil law and to coerce the seller to relinquish his

right to the building and to return \$5,000. The answer is as follows: Indeed I never heard that a Jewish Bais Din should become involved in matters executed according to civil law, which the buyer and the seller signed before lawyers, but, nevertheless, since you ask whether the Bais Din has the power or the sanction to nullify the law of the land, I will try, with G-d's help, to study the matter, and what G-d puts into my mouth I will faithfully report.

Concerning the question of whether the law of the land is binding, we learn in **Baba Kama** 113b: Said Sh'muel: "The law of the kingdom is the law." Said Rava, "We have proof, since they cut down trees and make bridges, over which we pass. Now if the law of the kingdom is not the law, why do we cross them?" (I.e. it should be considered that that the kingdom stole the trees from the original owners.) Undoubtedly, this is the halachah, since it is the conclusion of that passage. Moreover, the Talmud questions many statements in the light of Sh'muel's maxim, e.g. in that same chapter 113a, and in **Nedarim** 28a, proving that this, indeed, is the halachah. Furthermore, **Maimonides**, in his code, ch. 5 of **Laws of Robbery and Loss**, states that the law of the kingdom is binding in anything related to government practice, e.g. levying taxes, punishing rebels, and the like, and everything they decree in this field is binding law, for the law of the king is the law. Perhaps this applies only in monetary matters in which the king derives benefit, such as levying taxes or punishing those who rebel against him. In other matters, however, if the king enacts a law contrary to the laws of the Torah, we are surely interdicted from deviating from the law of our holy Torah. In fact, the **Rambam** states explicitly that the king's power is like other rights that one person has over his fellowman, for they are obligated to pay the king taxes and tariffs... for this is the king's right over the people, and one who conceals anything from them steals the king's portion and his due, which he owes him. Likewise, he can levy fines, for he must throw fear over the people, and in the words of Proverbs (29: 4) A king upholds the land through justice. If one causes pain or disgrace

to his neighbor, he is required to make restitution, certainly if he causes pain to his master (the king). See **Responsa Tashbetz** 1:158, which reads as follows: "It appears to me that, according to the **Rambam's** ruling in ch. 27 of the **Laws of Creditors and Debtors**, that documents drawn up in civil courts, that contain no testimony of giving money, e. g. gift documents, are invalid, even though the king desires and decrees throughout his kingdom that they are valid, nevertheless, since the king derives no benefit from them, his law is not binding. **Rambam** derives this ruling from the **Gemara Gittin** 10a, where the mishnah states: All documents drawn up in gentile courts, even though their signers are gentiles, are valid, with the exception of bills of divorcement. The **Gemara** notes that since the mishnah does not differentiate between different types of documents, the implication is that there is no difference between bills of sale and gift documents. It is understandable that bills of sale are valid, since, had he not given the money before them, they would not impair their reputation (by attesting to a false statement), but in the case of gifts, how does he acquire the property? With this document? This document is but a potsherd. (I.e. since no money is given for the property, the transfer is effected by giving over the document to the recipient of the gift. Since the document is not made according to halachah, it cannot accomplish this feat.) Sh'muel answered: The law of the kingdom is the law. (I.e. since the civil authorities validate this document, it serves for transfer of property.) If you wish, you may say: The correct version of the mishnah is: Exclusive of any documents like bills of divorcement. (I.e. any documents that effect an acquisition or transfer of property, and do not serve merely as evidence, if drawn up in gentile courts, are invalid.) **Rambam** feels that these two versions differ. The halachah, therefore, is in accordance with the second version, and only bills of sale drawn up in gentile courts are valid. Gift documents, however, are invalid. Although in general, we follow Sh'muel's maxim, this applies only to taxes and the like, from which the king derives benefit, but things that do not represent any monetary

rights to the king, his law is not a binding law. Because the Talmud rules that way, they found it necessary to reply: Exclusive of any documents like bills of divorcement....

Even though we find that Rambam rules that the law of the kingdom is binding even in matters not pertaining to any monetary rights, as he states in ch. 1 of Laws of Acquisition and Gifts, what the Gemara states in Baba Basra 54b concerning non-Jewish property, that the law of the kingdom is binding, and the king ordered that no transfer can be made except with a bill of sale. Apparently he rules that all monetary laws of the king are binding, and we must judge accordingly, nevertheless, this is true only in matters that are known to us to be laws of the kingdom. Rashbam, too, in chapter Chezkas Habatim, states likewise: The law of the kingdom is binding law, i.e. all taxes and the custom of all laws of the kingdom, as is customary to conduct in their realm, is binding law, about matters that are not of the statutes of the kingdom, but that the king wishes to conduct them on his own, his law is not binding law. They stated that the law of the kingdom is law, not the law of the king.... Rambam, too, in Laws of Robbery and Loss, ch. 5, states: Any law that the king enacts for everyone, not for one person only.... Now we can prove that if the king promulgates a decree regarding a segment of the people in his realm, his laws are not binding. Therefore, it is proper that all documents that are drawn up in gentile courts, even though their signers are gentiles, are valid, since these are statutes of the kingdom. Bills of divorcement, however, that are not a tax matter, and their law does not apply to any nation except the Jews, are invalid if they were drawn up by non-Jews. Similarly, as regards the laws of the Torah, which was given only to the people of Israel, the king has no power to override the law of the Torah and to judge between one Jew and another, and similar matters concerning laws set down by the Torah, and which judge is fit for this. See Choshen Mishpat ch. 3."

In any case, anything executed by civil law and according to civil law, according to all authorities, is binding. Therefore, I cannot fathom how a Bais Din can become involved in a law that was executed according to the law of the country, and to decide



against the seller, since it is explicitly stated in Choshen Mishpat ch. 12 and in Aruch HaShulchan that a judge may not become involved in any litigation upon which a verdict or arbitration has been given, even though one litigant has an excuse e.g. that he was coerced to submit to litigation or the like, one court may not become involved after another court, because one court may not check on another court, otherwise there is no end, in addition to the fact that it causes strife, and no peace will result from such a case. See also Responsa Tumas Yesharim ch. 16, who attempts to say that even if the prince does not enact a law for all nations under his rule, only for the Jews, it is still considered the law of the kingdom. See also Responsa Ri Assad, Choshen Mishpat 233 quoting from Aderes Eliyahu, and in Responsa Divrei Chaim bol. 1, ch. 47, and vol. 2, ch. 30, and Divrei Hageonim, rule 25, and in Responsa Chasam Sofer 44.

Concerning the rent, that someone contracted to pay to a company viz. the sum of \$50,000 a year in which the entire transaction was executed by the director. Since the one who rented, suffered a loss in the first year, he requested a reduction of the rent, to which the director agreed. Now, a stockholder of the company, who owns eight shares, came and demanded of the tenant that he pay the amount written on the first lease, since it does not coincide with the new contract.. He summoned the tenant to a Din Torah. The Bais Din made a compromise and ordered the tenant to pay a certain sum. I cannot fathom how they arrived at such a verdict, because, as I see it, the tenant can claim that the stockholder is not involved with him at all, and he has no connection with this plaintiff. He never rented anything from him, and he never spoke with him concerning the matter, and he has no authorization from the company. The court that gave out this verdict are destined to be held accountable for it, because it is real larceny.

Signed Sivan 18, 5737  
Shalom Yehudah Gross

## CHAPTER V

In order to clarify the gravity of the situation in the field of Din Torahs, we present to our readers the text of a frightening incident which was publicized by an eminent Torah scholar, who was cheated by a perverted verdict promulgated by a Bais Din. Thereby he was deprived of his livelihood, his family became ill, and many other serious troubles befell him as a result of this verdict. May the L-rd protect us!

### A RABBI'S COMPLAINTS AGAINST THE CURRENT METHODS OF CONDUCTING DIN TORAHS.

A rav who has lost a case in Din Torah and has proved that the decision is incorrect, advises the establishment of Botei Din (Rabbinical Courts) who will not accept any monies.

As is well-known, there have always been differences between Jews, but they have always known the Torah is the supreme law for them. Any disagreement could be brought to the Bais Din for a Din Torah, and the decision of the Bais Din would be binding upon all.

Unfortunately, in America the Din Torah has become a business, much like any other business. As in the business world, EXPERTS in the field have risen. Anyone involved in a Din Torah will immediately engage such an expert. This expert will decide upon a third expert to rule in the case. Since many Rabbonim will not rule under such circumstances, there exist near chaotic conditions in the area of Din Torahs. To our painful regret, the situation has regressed so far that when the Deputy Mayor of New York City advised two Chassidic groups to decide their differences in a Din Torah, one of the groups replied that it is difficult to find a Rav that has not been bribed.

I do not wish to enter into details. I plan to do that in a book I am currently preparing. Here I would just like to say that the reasons the Skverrer Rebbi refused to attend any Bais Din other

than that of the Agudas HaRabonim are entirely correct.

As an example, I was myself involved in a Din Torah recently. Two real-estate investors had built a small community and had advertised in my name that I had built there a new synagogue with a large mikva. After I had invested many thousands of dollars, and the area had become greatly improved, these two investors suddenly realized that they could receive much more money by selling the synagogue and mikva to another Rav. Through various underhanded methods they attempted to annul the sale of the land to me. After attempting to go through the courts they finally agreed to come to a Din Torah.

I went to the Din Torah and barely came away with my life!

The Bais Din decided that I was required to beg forgiveness to these two scoundrels. I told them that such a decision would have been news in Sodom! I let the Rabbonim know that I have also learned Torah in my time and composed a booklet of 30 pages expressing my view that the decision had no Halachic foundation. I have not as yet received any answer from the Bais Din. They must be laughing at me.

In the course of the Din Torah, one of the Dayonim was overheard to say to one of the investors that since the decision is in their hands, they would no longer have any problem selling the land to someone else! They fulfilled their word and decided that I must reinquish any claim to the synagogue and mikva as well as the thousands of dollars I had invested. They even went so far as to claim that I had presented false testimony! When I replied that I had the entire Din Torah recorded on a tape, the Dayonim promptly had the tape taken from me and never returned! Their Psak Din left me in debt for thousands of dollars while that bogus investor sold my synagogue and mikva to another Rav for \$30,000.00! I, who had lived, scrimping and saving for years, so that I would not fall into debt, was now left a debtor and a pauper **THROUGH A FALSE DIN TORAH!**

For many people, this story might be hard to believe, especially since it was I who was so affected. However, my many friends and acquaintances know quite well that I would not tell one untrue word, especially when it concerns the honor of Torah and the

honor of Rabbonim. I realize that it is human nature for the loser in a Din Torah to bear a grudge towards the Rav who decided against him. However, in my case, I proved with TEN arguments that my case was correct according to Halacha. I took it further and discussed the facts with seven Rabbonim who are experts in this field who entirely concurred with me. Therefore, I feel it my responsibility to publicly uncover these scandalous goings-on.

Those who claim that the Honor of Torah must be upheld are correct. However, this is true when the honor of Torah exists among the Rabbonim! The Chazal tell us that the Scholar who debases Mitzvos is considered among the lowest of Jews. (Yoreh Deoh 243). This is especially so when he debases the Din Torah, which Pirkei Avos tells us brings bloodshed upon the world, and all troubles of the generations are caused by this.

Therefore, the community must be alerted to this, since it has reached epidemic proportions. The Debretziner Rov, shlito, has also written and spoken at length about these evil practices. In his latest Sefer, Beer Moshe, he has devoted the entire preface to these false Din Torahs and states that they are devouring the Jewish people. Our holy Torah warns the Bais Din: Tzedek Tzedek Tirdof - (WITH JUSTICE SHALT THOU PURSUE JUSTICE), and THOU SHALT NOT FEAR ANY MAN, FOR JUSTICE IS HASHEM'S. Even under the threat of death, a judge must not decide falsely, since a false judgment is the destruction of Judaism for which one must offer his life.

It is well known that the Nodah BeYehuda (Rav Yechezkel Landau) was once pressured by a prince to rule a Din Torah in favor of one of his friends. The Rov refused to hear the case. The prince promptly held a pistol to the Rov and told him he would be shot if he did not decide the case for his friend. The Rov opened his shirt and said "Shoot - for I will not decide a false Din Torah."

We must realize that false Din Torahs are a destruction of our religion and we must be ready to give our lives before allowing them to continue. However, everyone is quiet; nothing is done. When the Debretziner Rov talked about this issue, he was threatened with his life!

Therefore, we turn to the community at large with an appeal to

**WAKE UP!** Immediate steps must be taken to correct this situation. The Torah commands; "Judges and Enforcers shall thou appoint...and they shall judge a just law." In every Jewish community there must be established Rabbinical courts with truly honest Rabbonim, who are unaffiliated with any group, and if possible they should not accept any money for their rulings. Their salaries should be paid by the congregations in that area. What's more, when deciding upon a case, care must be given that both sides' arguments and the Halachic basis for the decisions must be clearly stated. It should then be reviewed by other Rabbonim. In this manner, the Rov will be saved from false judgments, the disputants will be satisfied with the judgments and the honor of Torah will be raised. No one will use the secular courts and the Prophets words will be fulfilled. "And I shall return your judges as in the beginning."

**Rabbi Shlome J. Schweitzer**

These words were written, not against any specific Rabbinical authority of Rabbonim, but rather against those who have made these Din Torahs into a profession from which they extract a lucrative livelihood.

★ ★ ★

## **CHAPTER VI**

### **BULLETIN**

#### **Concerning**

#### **THE DEPLORABLE SITUATION EXISTING IN DIN-TORAHs OF FAMILY CONCERNS**

*from Rabbi S. Y. Gross*

The Prophet Jeremiah proclaimed (Jer. 20, 9) ... and I have said 'I shall no longer recount and shall no longer speak in His name ... and it is as fire burning in my heart ...

I have used the above quote from the prophet as a means of introduction to the heart-breaking painful subject of Din Torahs. The cries of people who have been adversely affected by these Din Torahs have had their cries fall on deaf ears.

Many have complained to me, seeing that I have written and

published many Seforim, and have written many such bulletins concerning various laxities in religious life, why I have never written as yet on this subject.

The truth of the matter is that this practice of "Din Torahs" has been burning within for quite some time. However, since I had begun to express my views, and alarm the Torah-observant community to the tragic practices being employed in the area of Kashruth, I felt I should avoid such a sensitive and trouble-plagued subject, such as Din-Torahs. I proceeded to alert Jews to the failings in the field of Tzitzis, Tefillin, Mezuzos, Yichud, Similac for children, etc.; subjects that would attack no one personally, and where no monetary interests are involved.

Thanks to my endeavors, my offices have become a central gathering point for the many poorly treated Jews. They came to me hoping to find an attentive ear and a helping hand, especially in cases of marital disharmony and possible divorce actions.

I have tried to be an important arbitrator helping to bring "Sholom Bayis" wherever possible, and if G-d forbid not, to a fair and equitable divorce.

However, there have been of late, instances in which that has been accomplished has been undone due to influences of money-hungry individuals who mask themselves in the appearance of "Rabbonim", to whom unfortunate couples must come for their "get" (Halachic divorce).

In most cases, a couple's desire to separate stems from their different characters. Usually one of the spouses is of quiet and modest nature while the other is of a cruder and louder composition.

In other cases, there are medical problems which make continued married life nearly impossible.

When a Din-Torah preceding the "get" becomes necessary, one of the parties will engage a "Borer", a sort of lawyer. This "Borer" will immediately make claims on the second party for astronomical sums of money so as to impress his "client" and enhance his own reputation. Such crookedness goes on all in the name of Torah!

This would be sorry enough should the case be a monetary

one. But here in the case of a divorce, with the lives of two people at stake, this is so much more tragic. One who loses such a case will be financially ruined for life.

When the partners in marriage see that they can no longer live together in harmony, they are required to divorce one another WITH NO CONCERN for money! One who would hold up a "get" for such a reason is no better than any common criminal who would rob at gunpoint! If the family cannot produce the required money for the "get", they are doomed to years of suffering and a veritable state of marital "limbo" where they cannot remarry, etc. The Rabbonim in these cases are required to explain to the couple that they dare not do such a thing, and that the money taken under such circumstances is blood money. Unfortunately, the Rabbonim do quite the opposite and often help in this larceny.

Therefore, I cannot remain passive and silent, since this has touched my heartstrings. I can feel the pain and the hurt of these mistreated and abused people. Although there are no easy answers to this grievous problem, certain advice can be given to someone finding himself facing such a Din Torah:

Before consenting to attend the Din-Torah, one should demand from the attending Rabbonim to express in writing all Halachic proofs and arguments upon which they have decided the case. (Note: This has always been the practice in Israel, even of late, there are over fifteen recent volumes of Halachic decisions to show for it.)

The Rabbonim are required to do this if it is requested. Here are various comments from Responsa illustrating this point: "It is befitting for every G-d fearing judge (Dayon) to write the reason for his decision."

(Responsa Meharach - Or Zorua, 13)

"It is a tradition from my father that a Dayon should give the reasons for his decision even if both cases are satisfied with it."

(Shloh - Mishpotim)

"Even if the Din Torah is decided as a compromise, the reasons should, nevertheless, be stated."

Since there are, as is well-known, many Rabbonim who

refuse to do this, read further the words of the Holy Nodah BeYehuda concerning them:

“Even should there be no reason to doubt the Dayonim, nevertheless, the arguments, decision, and its reasons should be set down in writing. Especially, in our generation, when mistakes occur, I do not doubt that any Dayon would refrain from doing so, if he knows in his heart that he has decided correctly and honestly.”

Here we have in plain language the advice of the Nodah BeYehuda. If this was said two hundred years ago, in the times of great Geonim, what can we say now, today in America, when scandals abound and everyone is suspect?

Should the Bais Din and its Rabbonim refuse to furnish an itemized description of its Halachic proofs for its decisions, the litigants are not required to participate and may indeed leave the Bais Din!

S. J. Gross

These words were written, not against any specific Rabbinical authority or Rabbonim, but rather against those who have made these Din Torahs into a profession from which they extract a lucrative livelihood.

★ ★ ★

## CHAPTER VII

### A CALL TO ALL JEWS WHICH APPEARED THREE YEARS AGO, CONCERNING A SCANDALOUS DIN TORAH

Behold, it is already many years that serious breaches of Halocha have been committed and have not yet ended, among the Rabonim and Dayonim who are engaged in deciding Din Torah. Even worse are the Din Torahs in which each side chooses a Borer (an expert) who, instead of acting as a Dayon, will act as a lawyer trying to convict his client's opponent!

Even when the case involves contracts and documents in which civil laws are involved, and these Dayonim (and Borerim) are entirely ignorant in these affairs, they nevertheless accept and give out perverted judgments. Not enough that they decide



incompetently, but they justify the guilty and they decide arbitrarily, regardless of right or wrong. This is the cause of so much of our troubles and sorrows, the debasement of Torah and the disrespect for Rabbonim who are the standard bearers for Torah.

**“THROUGH THESE ROGUES ARE JUDAISM AND TORAH SHAMED AND DISGRACED AS ARE THE FOUNDATIONS OF THE WORLD”** as is stated in Pirkei Avos that the world exists upon **TRUTH, LAW, AND PEACE**. In such false Din Torahs none of these is present!

It has now been many weeks that a Din Torah has been going on in which the oppressed disputant has called his opponent to Din many times. The latter regrettably refused until after much badgering, when he finally agreed to come. He then chose a Borer (an expert) who in turn chose the third Dayon in the case. These two pre-arranged to decide in favor of the reluctant disputant and made a ridiculous decision finding the guilty party innocent and the innocent guilty! They twisted and perverted the arguments of the innocent party until the entire meaning of the case was unclear. Since the case hung upon the interpretation of legal documents and contracts, the party found guilty showed these papers to six lawyers who decided beyond doubt that he was correct in his dispute. Imagine the shame and disgrace that was then brought upon Torah and Rabbonim!

Therefore, we plead with the Rabbonim and Dayonim to comply with the instructions of the Shulchan Oruch, Chosen Mishpot 8, 2, which reads as follows:

**“...and to be patient and slow when deciding law, to understand fully all arguments and testimonies, as well as in the Halacha itself.”**

And in chapter 10 the Shulchan Oruch states:

**“...and not to pronounce a decision until the Halacha is as clear as the sun...”**

The Aderes Eliyonu states:

**“The Dayon must be extremely knowledgeable in Torah as well as in the ways of the world so that the judgment not be a false one.”**

May it be the will of Hashem, Boruch Hu, that our true Judge should be returned to us.

**The Committee to Safeguard the Judgments of Israel**

The names of these disputants as well as the Rabbonim involved are found in our office.

## CHAPTER VIII

### ANNOUNCEMENT CONCERNING THE ESTABLISHMENT OF "THE COMMITTEE TO SAFEGUARD THE JUDGMENTS OF ISRAEL"

Following our previous announcements that have appeared in the local newspapers, concerning the present situations of Din Torahs, the public response was enormous. Lay people, as well as many Rabbonim, thanked us for our endeavors and encouraged us to strive further to bring a semblance of order in this chaotic area of Jewish life. As a result, we have been reinforced and strengthened in our resolve to help Jews who find themselves in such tragic circumstances, because of these evil practices.

Unfortunately, the entire undertaking of Din Torahs is today like a ship without a captain, drifting over the seas unguided. There is no law and there are no judges! In fact, all Halachos dealing with laws between men have become ignored and almost negated completely! This can be heard in the cases of those who have been robbed (by false Din Torahs), attacked (by slander, etc.), and other forms of quiet terror. Even among the most observant circles such as synagogues and yeshivos, where legal differences would sometimes occur, a Din Torah would always provide a fair and just decision. But today, even these parties no longer resort to the Torah way of settling disputes and resort to less respectable methods. They use instead brute force, propaganda, and even the non-Jewish courts! (Just recently there has been a case between two Yeshivos where such despicable methods have been used!) We have also heard recently of many informants (mosrim) which brings about the greatest Chilul

Hashem and this but one of the by-products of these false Din Torahs.

Therefore, as a result of all the above, we have established a Committee for the Safeguard of Judgments of Israel, whose existence is dedicated to investigating and acting upon these false Din Torahs without any fee. Every possible step will be taken to help any person victimized by a false Din Torah. Anyone with complaints of this nature should please write to:

P.O: Box 331 Brooklyn, N.Y. 11219

### A CALL TO ALL CONGREGATIONS

We plead with all Rabbonim, Rebbes, and Roshei Yeshiva to please establish Botei Din which will adjudge Din Torah without charging a fee. The Dayonim's salaries should be paid by the congregation. In this way the honor of Rabbonim and Torah will once again be returned.

**The Committee to safeguard the judgments of Israel**

## CHAPTER IX

### BULLETIN NISAN, 5740

We have several times cried out about the scandalous conditions existing in the field of Din Torahs and the use of "experts" especially in Marital Din Torahs. Since nothing has been done to correct this deplorable situation we have established the "COMMITTEE TO SAFEGUARD THE JUDGMENTS OF ISRAEL," under the auspices of the "Bais Din Tzedek of Kehal Helmin," whose purpose will be to investigate and publish the bogus activities of these so-called "experts."

As an end to this we have alarmed all Rabbinical organizations to establish Botei Din who will not accept money for judgments!

We take this opportunity to express our thanks and respect to the Holy Satmar Rebbe obm for being the first to institute such a Bais Din through the Hisachdus HaRabonim. At present, they convene only once a week. Soon, may they "hold court" six days a week.

Besides being free from monetary considerations, these Botei Din must also see to free themselves from the presence of the

aforementioned “EXPERTS” who only corrupt justice in their pursuit of larger fees. They stop at nothing to present their clients as “saints” even using the most despicable methods!

What’s more, if these “experts” should receive a call to sit at another Din Torah where more money is involved, they will quickly decide the first case, and go to the second. The disputants in the case can not believe this. When they ask for an explanation, they are told that enough time has been spent on them!

Therefore, all these “experts” are disqualified to sit at a Din Torah and should not be permitted to enter into any true Bais Din!

We would also wish to recommend that a sort of “recording secretary” be present at all Din Torahs to record clearly all arguments and requests of the disputants as well as the P’sak Halacha, the decision, and its Halachic basis.

In this manner we will return a semblance of law and order to our Botei Din and thus raise the honor of Torah and the honor of heaven.

**Committee to Safeguard the Judgments of Israel under the  
auspices of Bais Din Tzedek of Helmin.**

## **CHAPTER X**

### **AN ANNOUNCEMENT**

We are startled to hear that in our midst there have occurred inconceivable actions, that cause disgrace to the name of Hashem, Boruch Hu, in public. Our Holy Torah commands us “Thou shalt not disgrace My Holy Name”/ Our sages in Tractate Yuma teach us “What is considered Chillul Hashem

“One who has learned much Torah and has served Torah Scholars, but does not deal and speak honestly with his fellowman, what do people say of him? Woe unto him who has learned Torah. Woe unto him who has taught him Torah. See how perverted his deeds are; see how disgusting his ways are.”

One who sanctifies His name ensures that the name of Hashem is loved. May our deeds be just and honest, as befitting G-d fearing men and those who respect His Name.

How awe inspiring are the words of Chazal in Yevomos 62:

Rabbi Akiva had 24,000 students, and all died in a short period because they did not show honor to one another. We must take it upon ourselves to increase the honor of Hashem and to decrease the jealousy and hate and fighting. How can we accomplish this?

Therefore, with every expression of request we call to all Rabbonim shlita, as well as all Roshei Yeshovos and teachers, to institute classes in the instruction of the Mitzvos between man and man, to emphasize the fact that these Mitzvos are equal in importance to any of the Mitzvos between Hashem and man. The Rabbis should preach from their pulpits about the severity of Chillul Hashem and its punishments and the terrible sins of stealing, dishonesty, from Jews of non-Jews. Especially here, when we are obligated to obey the law of the land, a great Chillul Hashem can be caused by the non-observance of these Mitzvos.

In the merit of our accepting upon ourselves to correct the sin of hating fellow Jews, (which caused the destruction of the Holy Temple) and to increase the honor of His Holy Name, may Hashem send Moshiach Tzidkenu and fill this world with peace.

Signatures:

חתימות לפי סדר האי"ב

לוי יצחק גרינוואלד  
אב"ד דק"ק ערונת הנשם  
וסגן נשיא התאחדות הרבנים  
עזריאל יודא לעבאוויטש  
אב"ד דק"ק עדת יראים  
ור"מ נחלת יעקב

שלום משה הלוי אונגאר  
אב"ד ור"מ דישיבת נייטרא

יוסף גרינוואלד  
אב"ד דק"ק קהלת יעקב-סאפא

קשה שטערן  
אב"ד דקהל יסודי התורה מדעברעצין

שלמה האלבערשטאם  
אדמו"ר מכאבאוו שליט"א

חיים זנוויל אבראמאוויטש  
אדמו"ר מרוביץ שליט"א

משה צבי ארי' ביק  
אב"ד דק"ק בני משה בבארא פארק

שמואל עהרענפעלד  
אב"ד דק"ק מאטערסדארף  
ור"מ חתן סופר

אליעזר זוסיא פארטוגאל  
אדמו"ר מסקולען שליט"א

משה פיישטיין  
ר"מ תפארת ירושלים  
ונשיא אגודת הרבנים



בעזרת



**Institute for the Publication  
of Jewish Books  
and Material**

Under the Supervision of  
Yeshiva and Kollel  
Bais Yeshaya of Brooklyn, N.Y.

**Institute for the Study of the  
Laws of Ritual Slaughter and Inspection.**  
Under the Direction of Rabbi Sholem Yehuda Gross  
of Holmin, author of numerous Seforim.



**A CATALOGUE**

of the Seforim published by The Institute for the  
Publication of Jewish Books and Materials in  
Hebrew, Yiddish, and English, on the subjects of  
Halacha, Midos, and the foundations of Judaism.

Written, compiled and anthologized by  
Rabbi S.J. Gross  
Helminer Rov, Shlita





**Institute for the Publication  
of Jewish Books  
and Material**

Under the Supervision of  
**Yeshiva and Kollel**  
Bais Yeshaya of Brooklyn, N.Y.

**Institute for the Study of the  
Laws of Ritual Slaughter and Inspection.**

Under the Direction of Rabbi Sholem Yehuda Gross  
of Holmin, author of numerous Seforim.

**A TREASURE IN A JEWISH HOUSE**

<input type="checkbox"/> Nefesh Yeshaye.....	\$9.25
<input type="checkbox"/> Responsa Zivchei Tzedek.....	\$4.50
<input type="checkbox"/> Minchas Yehuda.....	\$5.00
<input type="checkbox"/> Oholei Yisroel—Dvar Moshe.....	\$4.75
<input type="checkbox"/> Afias Hamatzos Hasholem, Vol. 1, 3 parts.....	\$6.00
<input type="checkbox"/> Achilas Matzos B'Yisroel, Vol. 2, 7 parts.....	\$6.00
<input type="checkbox"/> Achilas Hatarnegolim K'Halocho.....	\$6.85
<input type="checkbox"/> Kedushas Yisroel.....	\$5.00
<input type="checkbox"/> Zekan Yisroel Kehilchoso.....	\$1.00
<input type="checkbox"/> Tzeniyus Yisroel Kehilchosa.....	\$1.00
<input type="checkbox"/> Or Hatzeniyus B'Yisroel.....	\$1.00
<input type="checkbox"/> Kol Yaakov.....	\$1.00
<input type="checkbox"/> Mezuzas Yisroel Kehilchoso.....	\$1.00
<input type="checkbox"/> The Halachos of Answering Amen.....	\$1.00
Postage Fee.....	\$1.00

Total Sum \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

COUNTRY \_\_\_\_\_

ZIP CODE \_\_\_\_\_

TELEPHONE \_\_\_\_\_

For more information write or contact:

**Yeshiva and Kollel Bais Yeshaya**  
4711—12th Avenue, Brooklyn, N.Y. 11219  
TEL. 436-8086

## FORWARD

As a service to *Torah Scholars* in Israel and the United States, we have compiled the following catalogue of *Seforim*, written and compiled by the dean of our Kollel, Rabbi Sholom J. Gross, *the Helminer Rov, Shlita*.

The list contains numerous published *Seforim* which have been accepted with great acclaim, esteem, and admiration by all segments of the Torah loving public. Many other *Seforim* described in the following pages have either been recently published or will soon be released. These texts were written with the intent, desire, and design to instruct, inform, educate and enlighten the Jewish community to various breaches in the tradition of Torah which have appeared over recent years, even in the most observant homes.

Special attention has been given to the problems of Kashruth found in meat, fish, milk, bakeries, medicines, worms, and many other problems in daily Jewish life.

To this end a "Kashruth Encyclopedia" is being prepared, listing the various food products in alphabetical order and stating their status (i.e. Kosher (permissible) or Trefe (non-permissible)). Special sections include an illustrated text of the Kosher and non-Kosher fish, and detailed descriptions of the Kashruth problems, ramifications, and procedures of bakeries, restaurants, and caterers; including an illustrated manual on how to search food for worms.

The problems of the *tzeniyus*, modesty, and decency of Jewish women and girls are also treated extensively in various works.

The use of invalid *Mezuzos*, *Tzitzis*, *Tefilin*, and *Torah scrolls*, are discussed in length, as well as the remedy for these terrible sins.

The *Sefer Kedushas Yisroel*, is a tome concerning the halachic concepts of *Yichud*, *Tzeniyus*, and *modest clothing*, etc. which have been culled from the four sections of the *Shulchan Oruch*.

The *Sefer Hilchos Afiyas Hamatzos* (The Baking of Matzos) and the *Sefer Achilas Hamatzos* (The Eating of Matzos) are two all-encompassing works forming an encyclopedia to nearly all the laws of *Pesach* and *Matzos*. These volumes have been accepted in the scholarly world with great regard and acclaim.

Many other *Seforim* are presented in the following pages. The reader in leafing through the pamphlet, will observe the great breadth and depth of intellectual pursuit, scholarship, and erudition presented by the author.

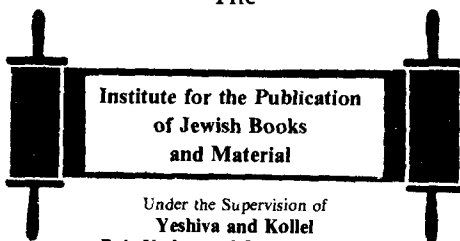
With G-d's help, other books concerning critical and timely topics of Torah interest to every observant Jew, will soon be published.

THE INSTITUTE FOR THE PUBLICATIONS  
OF JEWISH BOOKS AND MATERIALS



# THE FOLLOWING IS A CATALOGUE OF SEFORIM PUBLISHED

by  
The



Under the Supervision of  
Yeshiva and Kollel  
Bais Yeshaya of Brooklyn, N.Y.

## 1) THE BAKING OF MATZOS

An all-encompassing work including the views and decisions of the Poskim (Responsa both past and present) concerning the entire process of the preparation and baking of Matzos for Pesach. Presented in clear and lucid style, with additions never before printed, are thousands of Halochos and Dinim which will give the reader a glimpse into the holy Mitzvah of the proper preparation of Matzos to be used for the Yom Tov of Pesach.



## 2) THE MITZVAH OF MATZOH

A collection of Responsa as well as the teachings of the Baal Shem Tov ZTL and his disciples, concerning the Mitzvah of baking and eating Matzoh during the Chag of Pesach, as well as other topics dealing with the holiday. Those reading this Sefer will no doubt receive a spiritual awakening and strengthening

with regards to many mitzvos involved with the Yom Tov of Pesach as well as a clear insight as to how to perform these Mitzvos with all their Hidurim.



## 3) MATZOH THAT IS SOAKED

A discussion of the subject of "GEBRUKTS" The strictness and lenience involved therein and the difference in its use for the first seven days of the Chag to the last day.



## 4) THE EATING OF MATZOS

A complete rendering of the Halochos and Dinim of eating Matzoh and Afikoman on the two Seder nights, the required amounts and measurments, the times requires for their eating, and other related laws. All the Dinim of the preparation for the Sedorim and the Sedorim themselves are presented in a clear and lucid style.



## 5) THE MITZVAH OF MATZOH

A discussion of the question as to whether there is an obligation to eat Matzos the entire eight days of the holidays or not.



## 6) THE CUSTOMS OF THE TZADIKIM

A description of the holy customs of the Tzadikim of past generations in regards to the Mitzvos of Pesach and Matzos. Many of the practices with regards to the protection against any breach in the ISUR of chametz are brought down in the Sefer showing to what lengths our holy Rabbis went to observe the Mitzvos.



## 7) HAPPINESS OF THE CHAG

A discussion of the practice to eat Matzoh only the first two Seder nights and not on the rest of Yom Tov.



## 8) TALES OF THE TZADIKIM

Miraculous tales of the Tzadikim describing their practices and actions in regard to the Yom Tov of Pesach. These inspiring tales are related in this book to teach us the way of serving Hashem in the same manner of the Tzadikim of past generations.



## 9) FULFILLMENT OF THE MITZVOS

Three sections dealing with problems that arise in preparation for the holiday of Pesach.

1) The fulfillment of the Mitzvos with all their details and intent.

2) Dinim of how to inspect lettuce and cabbage for worms and bugs.

3) A warning about produced foods during Pesach.



## 10) TREASURES OF THE MITZVOS

A work describing the physical and spiritual well-being that come with the fulfillment of the Mitzvah of eating Matzos.



## 11) PEACE AND HEALTH NEAR AND FAR

A Halachic inquiry as to the Kashruth of various drugs and medicines. Consideration is given to their permissibility for use during the year and especially during Pesach.



## 12) NEFESH YESHAYE Part I

A all-encompassing work dealing with the field of Kashruth in today's world. The importance of guarding oneself against forbidden foods.



### 13) NEFESH YESHAYE

#### Part II

A continuation of Part I. Many of the products currently used by the Torah-observant public are discussed as to their Kashruth and permissibility. Letters from the Bais Din Tzedek of Jerusalem as well as many other leading Torah authorities as well as their proclamations on this subject are presented together with letters from the Dept. of Agriculture to help bring to light many of the questionable ingredients used in food produced under Hashgocha.



### 14) MENCHAS SHOLOM

A Sefer dealing further with the subject of Kashruth and forbidden foods. Divided into the following four sections:

- 1) The seriousness of eating forbidden foods, and the harm done by its use.
- 2) Ways to save oneself from the sin of forbidden foods.
- 3) A discussion of the problems of Kashruth that occur daily in factories with their Hashgochas.
- 4) Instructions as to the Chinuch of children in the field of Kashruth so that they will guard themselves as well from the use of questionable products.



### 15) DEVAR MOSHE

A pamphlet describing important Dinim and customs of the Tzadikim and Rabbis of past generations. Written in clear and lucid style, stressing many forgotten Dinim and Minhogim

### 16) ZIVCHU

#### ZIVCHEI TZEDEK

Shaalos and Teshuvos concerning the question of Glatt Kosher and its meaning, and about the need for two Shochtim to be present at the Shechita.



### 17) OHELY YISROEL

Dinim on the subject of summer vacations in the country or in summer camps, the need for kosher Mezuzas, and the problem arising from the treatment of women by male doctors.



### 18) SIMCHAS SHOLOM

#### Part I

A collection of the Dinim and Minhagim of the wedding ceremony.



### 19) MINCHAS YEHUDAH

A discussion of the use of Cholov Akum for children and infants, and especially "Similac."



### 20) KOL YAAKOV

A collection of bulletins which have recently appeared in various periodicals. Subjects dealt with are:

- 1) The kashruth of medicines for Pesach and year around use
- 2) Important guidelines for Pesach.
- 3) The forbidden use of SHATNEZ (wool and linen mixed).



4) A list of places for Bed kas Chametz.

5) The treatment of women by male doctors.

6) The evils of Television

7) Din-Torahs and Sholom Bayis.

8) A warning about Taleisim.



## 21) THE LIGHT OF TZENIUS

This sefer deals with the problems of YICHUD which arise when women are treated by male doctors. The reader is advised how to save his family from this practice as well as the seriousness of this subject. The Dinim of the Yichud of the bride and groom at the wedding as well as the Dinim of Yichud with non-Jews are also explained.



## 22) TZENIUS IN HALOCHA

The P'SAK HALOCHOS and proclamations of the Rabbis and Botay Din im of the past and present in regards to the Isur of Yichud as mentioned in "THE LIGHT OF TZENIUS".



## 23) MADRICH L'TZENIUS



## 24) THE HALOCHOS OF THE BEARD

A comprehensive treatment of the Halochos of the shaving and removal of the beard. Quoting from the earliest Rabbinic sources down to the present

time, the reader is given a clear representation of the ideas of the Gedolim on this subject.



## 25) KEDUSHAS YISROEL

Dealing with the Dinim of Yichud.



## 26) NESUAY YISROEL

Describing the preparations necessary and all dinim involved for a Bridegroom from the Sabbath before the wedding till the end of "Sheva Berachos."



## 27) SHULCHAN YISROEL

Dealing with the Dinim of Hochnosas Orchim-hospitality.



## 28) MEZUZAS YISROEL

Dinim of Mezuzos compiled from Shulchan Oruch and Commentaries.



## 29) ACHILAS HATARNEGOLIM

A work dealing with the various Halachic problems involved with the poultry being used for Kosher consumer use. The Sefer discusses the current practice of innoculating and injecting chickens and turkeys and the Kashruth difficulties they present.



### 30) LETTERS OF ACKNOWLEDGE- MENT

A collection of replies from numerous State and Federal officials acknowledging the fact that nearly 100% of commercial poultry raised in the U.S. are inoculated and vaccinated.



### 32) SHONIM KADMONIYOS

The opinions of the the Holy Rebbe of Satmar, O.b.m. on the subject of the injections of chickens. Also other Halachic opinions of past years.



### 31) HOROAS HAGEONIM

Letters from the Rabbonim of the Bais Din of Jerusalem on the above topic.



The above Seforim are available in limited quantities only. Please place your orders as soon as possible, so as to ensure delivery.

There are several books which are awaiting publication, but are being held back due to a lack of funds. Topics included are Kashruth, Mezuzo, and many other critical and timely subjects of special interest to the Torah observant Jew. Accordingly, anyone interested in assisting us and taking part in this great public service and mitzvah by covering the expenses for this holy undertaking, in memory of a departed relative can arrange to have the title of the sefer have their name.

The Institute is ready to publish, upon request, texts and monograms on any religious subject or *Mitzvah*. Persons desirous of availing themselves of this unique and extraordinary service should please contact the Institute. The initiator of the request need cover only the printing and publishing expenses. In addition, he will be granted the honor, privilege, and zechus of naming the Sefer.

Please call the Institute at  
(212) 436-8086

Book Review

**Rabbi S.J. Gross Issues Warning  
Against Vaccinated Chickens  
Releases New Sefer Concerning the  
Laws Of Eating Chickens (4 Parts)**

The Halminer Rav, Rabbi Sholom Yebuda Gross Shlita, is not a new face in the Torah world: His seforim encompass many areas of Jewish Halacha. This young Scholar is already the author of over 27 works relating to Jewish Law.

We live in a period of great technological discoveries that daily creates new problems in the field of Kashruth and other important areas. In these vital fields, Rabbi Gross is a knowledgeable person.

The Latest sefer of Rabbi Gross concerns the problems of Kosher chickens which are inoculated on the day of their birth with a certain vaccine to protect them against various diseases. Rabbi Gross states that this vaccine, that is injected in the neck of the fowl, has a good chance of puncturing the windpipes thus rendering them non-kosher. In a recent test conducted by the Jerusalem's Beth Din of Eida Hacharedis, they found that the vaccine did penetrate and puncture the windpipes of the chickens. Thousands of G-d fearing Jews in Israel were forced to halt eating poultry for a period of time, until after tremendous effort, other sources were found that did not utilize this vaccine.

Rabbi Gross, however, was not satisfied with the thoroughness of his findings, and he made further inquiries by contacting the Agriculture Departments of the Federal and State Governments and numerous veterinarians. After discussing with them the complex subject of chicken vaccination, he came away more convinced about his strong misgivings about certain producers of poultry who claim that their chicken is strictly Kosher.

In his sefer, Rabbi Gross reveals important letters from the greatest Torah Authorities who concur with the results of his findings, and who make an impassioned plea to all Rabbis and

leaders, especially those who are involved in the area of Kashruth, to unite under one Banner to resolve this grave problem. They particularly appeal to all the poultry producers to be very careful with the use of the words "Glatt Kosher", so as not to deceive religious Jewry.

Rabbi Gross further declares, in his new work, that after making various investigations, he found out that it is possible for producers of Glatt Kosher poultry to arrange a deal with many farmers that they should not inject their chickens with the problem vaccine. As for the Federal Government, it would not be difficult at all to work out such an arrangement, as Rabbi Gross clearly shows in his letter from Washington (Sefer Achilles Hatanagolia p. 31)

The resolutions of this problem would produce two positive results: One in the area of Kashruth; the other in the area of Health.

In the fourth part of his sefer, Rabbi Gross cites a Halachic ruling from the Satmarea Rav Shlita, who wrote about this problem over 25 years ago. The Rav then proclaimed that there could be a problem in Kashruth with chickens that are inoculated with certain vaccines.

Rabbi Gross also brings forth opinions from many scientists and from the "Food and Drug Administration", which the press recently reported, that the hormones which are injected into domestic animals and birds to fatten them contain substances that can cause cancer — G-d Forbid.

This Sefer (Published in Hebrew) is valuable so that one

may know how to purchase meat and the related problems of Kashruth. It may be secured from the author, Rabbi S.J. Gross. 4711-12th Ave. Bklyn, N.Y. 11219