

Rabbi Eliezer Hirsch Nitzavim 22 “Leeway”

Gut Shabbos. Shabbat Shalom. This week, we mourned the passing of Rabbi Dov Aharon Brisman zt”l, who served as Av Beit Din of the Philadelphia Beit Din and Rabbi Emeritus of Young Israel in Elkins Park. Rabbi Brisman played a significant role in helping to build Center City Jewish life, including his longtime service as the Rav Hamachshir of the Center City Eruv. May the entire Brisman family be comforted among the mourners of Zion and Jerusalem.

We read Parshat Nitzavim every year before Rosh Hashana, and this year I think the parsha’s connection to Rosh Hashana is also a fitting tribute to Rabbi Brisman. The parsha begins with a little-understood reference to the holiday. *Atem nitzavim hayom, You are standing today*. According to the Zohar, the word *hayom*, in various contexts throughout Tanach, is a word that refers to Rosh Hashana. Even though we observe Rosh Hashana for 2 calendar days both in Israel and in the diaspora, the Torah specifies that Rosh Hashana is a one-day holiday, and the Rishonim in Mesechet Beitzta 17a explain that these 2 days are in effect combined into one long day, a Yoma Arichta, so *hayom, the day*, is still an appropriate reference to Rosh Hashana.

We learn from Rashi that Moshe was reminding the Jewish people that even after all their hardships in the desert, they were Netzavim, *still standing*, as the expression goes; in other words, they survived. So going forward, they should feel confident they will be able to handle the curses referred to in the Tochecha/Admonition we spoke about in last week’s parsha. But on the face of it, I’ve always thought Moshe’s reassurance sounds a bit glib. After all, the Jewish people knew full well that what they suffered in the desert wasn’t nearly as dire as what would befall them in exile, so how was Moshe’s message comforting?

In the past, I’ve given several answers. One idea is based on the Sages’ interpretation that *standing* also refers to a court of law, because when you appear in court, you are said to *stand before the judge*. And this image evokes Rosh Hashana, when we stand in judgment before God. The Tochecha is the prelude to God’s judgment, because of the concept that a judge should consider extenuating factors when he makes a decision. Moshe was pointing out to the Jewish people that God knew the trials they have already endured, and so He had mercy when he judged them.

Moshe was saying that the same would hold true in the future when the Tochecha unfolds. Because of the pain and suffering we endure, God will make sure to have mercy on us and enable us to remain standing in our lives as well.

This idea about mercy in judgment was my experience with Rabbi Brisman zt”l: he was a judge who carried out his responsibilities with heart, an aspect of his story that is not often told. He was a prominent rabbinical leader, who had studied with some of the greatest Torah scholars of his time. Whenever I met with him, he would recall that we had the same elementary school Rebbe, Rabbi Shimonovitz. When he lived in Los Angeles, he studied at the Ohr Elchonon Yeshiva, under Rabbi Simcha Wasserman, who was the son of the European Torah giant and tzadik Rav Elchonon Wasserman. He later studied at my alma mater, Yeshivas Ner Yisrael in Baltimore, and under Rav Chaim Shmuelevitz and Rav Nachum Persovitz at another alma mater of mine, the Mir Yeshiva in Jerusalem. He received smicha from Rav Schneur Kotler at Beth Medrash Govoha in Lakewood. Rabbi Brisman became a rabbi of tremendous stature, and he was respected by the entire Torah world.

But one little-known reflection of his stature was that he had the broad shoulders it takes to allow leniencies. It is often necessary to be more learned and respected when you are ruling that way. When I interacted with him to discuss halachic issues that arose within the community, he had the heart and wisdom to consider extenuating circumstances. In so many instances, including the eruv, conversion, and kashrut, he agreed with lenient reasoning in specific cases and was willing to back us up.

That is one reason he could be the Rav Hamachshir of our urban eruv. In some cities, if the more religious factions disapprove, there can be no eruv in certain neighborhoods; in many places they won't even allow an eruv in an area that crosses over a large street. For the Center City Jewish community in Philadelphia to thrive, we needed someone with stature who was more open to giving us leeway. Rabbi Brisman helped our community considerably by supporting some crucial decisions we made in the city. He will be dearly missed, and his impact on our Center City Jewish community will surely be a lasting legacy.

In that spirit, if we enter the High Holiday period with the awareness that God will judge us with mercy, then we will be *Nitzavim hayom*, we will stand tall on Rosh Hashana and celebrate our opportunity to create a life full of meaning and success in the year ahead. Shabbat shalom and shana tova!