

## And these are the judgments that you shall place before them. (21:1)

The previous *parshah* (*Yisro*) concluded with the laws of the *Mizbayach*, Altar. *Rashi* asks why the law of judicial cases are juxtaposed upon the laws of the *Mizbayach*. He explains this teaches that the *Sanhedrin*, supreme court, should have its place near to the *Bais Hamikdash*. [Commentators posit that the reference to the *Mikdash*, Temple, is an error. *Rashi* actually means *Mizbayach*. In any event, the message is clear: The Temple environs are where the *Sanhedrin* is to be placed. *Mizbayach* symbolizes sacrifice, which was a primary function of the Sanctuary.]

The *Mizbayach* represents *mesiras nefesh*, self-sacrifice. *Horav Nosson Gestetner, zl*, derives a powerful principle for this juxtaposition. The *Sanhedrin*, the judge, the *halachic* arbiter [and, I will add, the spiritual leader] should judge and rule with *mesiras nefesh*. In other words, he must be willing, at times, to take an unpopular position, one for which he will be criticized, in order to rule leniently (of course, *halachically*), even if it means that some detractors will stop at nothing to argue their position. They express their demand for stringency to the point that they impugn the spiritual integrity of the *halachic* arbiter who had the temerity to disagree with them.

A distinguished *Rav* and *posek* was confronted with a question regarding an *agunah* (loosely translated as an abandoned wife. The term, however, applies to any woman who may not remarry, either because her husband is recalcitrant and holding her captive, or her husband disappeared and his death has yet to be confirmed.) He was able to cite a lenient ruling vis-à-vis this woman's predicament. Obviously, those who disagreed with him, who had themselves issued a stringent ruling, were unhappy with his ruling. This stance demonstrates his *mesiras nefesh*.

*Horav Ovadia Yosef, zl*, was a preeminent Torah scholar whose encyclopedic knowledge of *halachah* was matched only by his brilliant mind. As a *posek* without peer for over seven decades, he consistently championed the idea that *Chazal's* precept of *koach d'heteira adif*, the power of permitting (allowing for a dispensation), was greater. This concept, as explained by *Rav Ovadia* (quoting *Rashi Beitzah 2b*), is that anyone can rule *l'chumra*, stringently, but only a *Rav* who is certain concerning the rulings transmitted to him by his mentors has the right to rule leniently. This rule came into play numerous times when *Rav Ovadia* was asked to sort out and rule concerning the various questions regarding the *agunos* (in this case, probably widows), who were left in limbo in the aftermath of the *Yom Kippur* war, when the IDF suffered 2,500 soldiers killed in action, of which 1,000 had not been clearly identified. It was up to *Rav Ovadia* to study each case and look for any *halachic* dispensation to allow the wife, who in many instances was a young woman, to have closure and go on with her life.

Each evening, he would sit down with his two *dayanim* to find ways to be *matir*, permit, the wife to remarry. He dealt with these cases both from a technical, *halachic* perspective and from an emotional level, personally feeling the pain of each widow.

One night, after finally finding a *heter* for a certain widow, he immediately summoned his son and asked him to locate the woman's phone number. He did not want to wait all night to deliver his verdict in the morning at the *bais din*. His son said, "But it is late. You might wake her up." "I am sure that she is awake, concerned about what my ruling will be."

By law, *Rav Ovadia* had to issue the ruling at the *bais din*. Yet, he could not bear to have this woman suffer unnecessarily for another night. He called, but did not tell her the exact ruling, only that she could rest assured that it would all work out. She began to weep. So did *Rav Ovadia*.

Fourteen years prior to his *petirah*, passing, *Rav Ovadia* had a heart attack and was rushed to the hospital. The doctors determined that he had a blockage that could be opened with a stent. They wanted to do the procedure immediately. He asked for a three-hour reprieve, during which he would go home. They could not understand the reason for his request. He explained, "I am in the middle of writing a *teshuvah*, *halachic* responsa, to free an *agunah*. If I do not survive the procedure, who will take pity on this *agunah* and free her from her loneliness?" He went home, wrote the *teshuvah* and returned to the hospital. This is the meaning of *mesiras nefesh* for *ruchniyos*.