HEI TEVES

DIDAN NOTZACH
THE SEFORIM ARE
TO BE RETURNED

“My father
[the Rebbe Rayatz]
and his *seforim*
belong to the chassidim”

Deposition of the
Rebbetzin Chaya Mushka

Our Sages tell us that throughout Jewish history, there have been as many prophets as there were Jews who left *Mitzrayim.* Yet the number of prophets whose prophecies are recorded are very few since only those prophecies that are relevant to future generations are preserved.

The same is true for events in Jewish history. Only those that have an everlasting message are commemorated each year.

When we commemorate an event, it is not for the purpose of remembering something that happened in the past, but to reenact and take upon ourselves the message and implications of that event in the present.

In order to understand the lesson inherent in *Didan Notzach,* the day that the civil courts decreed that the Rebbe's library belonged to the chassidim, we turn to the Rebbe's *sichos* which he said in connection with *Didan Notzach* of *Hei Teves* 5757 (zWna,-1987).

For those who are unaware of the events leading up to Hei Teves, *we present this brief synopsis:*

After some of the *seforim* of the library were removed for sale by a relative of the *Beis HaRav,* the following was the main argument given to the courts in 5746 (uWna,-1986) to stop the continued sale of the *seforim*:

During his lifetime, the Frierdiker Rebbe amassed, through acquisitions and gifts, a tremendous Judaic library, which included many rare *seforim.* If the library was to be considered personal property, as some claimed many years after his *histalkus*, then its value was merely monetary, and the contents could be sold as one wished.

If, on the other hand, the library has an *intrinsic* value, then none of its contents can be sold, as each and every *sefer* adds purpose to the entire library.

The Rebbe charged Agudas Chassidei Chabad with the task of ensuring the safe return of these *seforim.* Being that the other party would not agree to have the matter settled by

a *beis din* in a *din* Torah, the issue was brought up in Federal Court, as this was the only way to prevent the selling of the *seforim*.[1]

Agudas Chassidei Chabad presented documents (i.e., letters of the Frierdiker Rebbe) that made clear that although the Frierdiker Rebbe was in control of the library, he did so on behalf of Chassidei Chabad, which was the rightful owner.[2] Agudas Chassidei Chabad, as an umbrella organization of Chassidei Chabad, was charged to preserve it.

The litigation extended over a period of time, and on *Hei Teves* 5748 (jWna,-1988), the Federal Court ruled in favor of Chassidei Chabad. This decision was appealed by the defendant, but the appellate division upheld the decision and on *Beis Kislev* 5749 (yWna,-1988), the *seforim* that were held by the defendant were returned.

One of the momentous highlights of this incident was the ruling that the Rebbe would not be cross-examined (which coincides with the *halachah* that a king from *Beis Dovid* is not to be cross-examined). We should also note that it was the Rebbetzin's deposition in which she pronounced that "My father [the Frierdiker Rebbe] and the *seforim* belong to chassidim," which won the case.

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1. Over one hundred *seforim* were sold before the court gave an injunction against the selling of any of the remaining *seforim*. Rabbi Eliezer Katzman, a Judaic dealer, among others, was extremely helpful in finding many of the dealers of those *seforim* that were sold, and having them returned to the library.
2. The Rebbe instructed the lawyers on how they should present the case. The legal team was headed by Mr. N. Lewin and Mr. J. Shestack. He also told members of Agudas Chassidei Chabad that elder Chassidim should attend the court proceedings. The Rebbe then mentioned two chassidim by name, such as: Reb Mendel Futerfas and [tWykch my father] Reb Meir Avtzon.

DIDAN NOTZACH

Four days after the judge's ruling that all the *seforim* would have to be returned to the Lubavitch library, the Rebbe explained the following *midrash*[3] during the Shabbos *farbrengen* on *Tes* (the 9th of) *Teves:*

Once there was a very pious sage by the name of Abba Yosef, from the town of Zaysor. One day as he was sitting and learning by the stream, a spirit that dwelt there revealed itself to him.

Said the spirit, "You should know that I have dwelt here for many years, and whenever the men of the city and their wives pass by here in the morning and evening, [I have seen to it that] they weren't harmed.

"Now be aware that an evil spirit wishes to dwell here in my place, and it damages and harms people."

"What can we [people] do to make sure that it doesn't come here?" asked Rabbi Abba Yosef.

"Go and warn the townspeople," replied the spirit. "Tell them [to prepare themselves quickly and] whoever has a hoe, whoever has a shovel, whoever has a spade, and whoever has a plow should bring them here tomorrow when day breaks.

"You should look out at the waters, and when you see the waters becoming choppy, you should bang your irons together and cry out *'Didan Notzach,'* and don't leave until you see a drop of blood on the water."

Rabbi Abba Yosef immediately went to warn the people of the impending danger and more importantly, to tell them how to protect themselves.

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3. *Vayikra Rabba, Kedoshim,* ch. 24, para 3.

All the townspeople prepared themselves with their metal farming tools and they assembled at the edge of the stream.

As the day broke and they saw the waters become extremely choppy, they immediately smote their iron tools against each other and cried out, "*Didan Notzach, Didan Notzach!*"

Shortly afterwards, they noticed a drop of blood floating on the [now calm] water. The townspeople rejoiced at their salvation.

After relating the *midrash*, the Rebbe explained that blood resembles life, vitality and strength. In this *midrash,* he said, the meaning is clear: after the cry of *Didan Notzach* — victory is ours—the "blood" of the adversary, its strength and power, was defeated and could no longer affect us. The analogue was obvious.

THE ADVERSARY'S CLAIM

After *mincha* on Tuesday, *Hei Teves,* the Rebbe said a *sicha* in which he explained what we (as chassidim) are to learn from the entire episode of the *seforim*:

A Jew, related the Rebbe, is always supposed to look to the Torah for direction, even in the most mundane aspects of his life. And so, we must also look at the lesson we can learn from the return of the *seforim*; *seforim* that were so painstakingly collected by the *Nassi* of our generation.

The Alter Rebbe taught us that a Jew should live with and learn from that day's Torah portion. Today's [Tuesday's] portion of *parshas Vayigash* begins with the words that Yosef told his brothers: "So now, [it was] not your [actions] that sent me here [in *Mitzrayim*]; it was from Hashem.[4]"

This tells us that while it may seem that people cause things to happen, the truth is, they only happen because there

4. *Bereishis* 45:8.

is a Heavenly accusation which causes an accusation to be leveled in the physical world.

The adversary in this case claimed that the library was a *personal* treasure, and as it was obtained and preserved with much self-sacrifice by the Frierdiker Rebbe, it could not be said to be under the trusteeship of Agudas Chassidei Chabad, an umbrella organization of Chabad which, they falsely claimed, was totally inactive.

This means, the Rebbe explained, that this exact accusation had been leveled in the Heavenly court: that the chassidim of the Frierdiker Rebbe were inactive and not fulfilling their mission of spreading Torah and *Yiddishkeit.*

THE RESOLUTION

However, continued the Rebbe, the court's ruling that the library belongs to Chassidei Chabad was a reflection of the Heavenly court's decision that the Rebbe's chassidim are doing what is being required of them.

In the *Yud Tes Kislev* story,[5] the Baal Shem Tov told the Alter Rebbe that once he was vindicated from his temporary concealment, he should continue to spread *Chassidus* but in greater measure. So too, here, since there was a question of whether or not the Frierdiker Rebbe's chassidim were doing their mission, [by being vindicated, it shows that] we should strengthen ourselves and do it with more vigor and in greater measure.

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What occurred that entire week was unprecedented. The Rebbe said a *sicha* every day after *Maariv*.[6] On Monday night, the 11th of *Teves*, the Rebbe emphasized that, "the Rebbe, the *Nassi* of our generation, [the Rebbe Rayatz] proclaimed that

5. See essay on *Yud Tes Kislev* II, p. 116.
6. Wednesday and Thursday nights after *Maariv, Shabbos* at the regular time, Sunday after *Mincha,* and Monday night after *Maariv.*

'We should all be ready to greet Moshiach and all that is needed is to polish our buttons.'

"So now that there are thirty days before the auspicious day of *Yud Shevat* [the *yom hilula* of the Frierdiker Rebbe], there should be an addition every day in learning and in giving *tzedakah.* This applies equally to men, women and children.

"In order that it be done properly, each person should discuss it with his Rav and the Rav should 'test' him every ten days to see if he is fulfilling what is required of him.

"Knowing that you will be 'tested' and that the 'marks' will be sent 'here,' [to me, to be mentioned at the *tzion* of the Rebbe Rayatz] will strengthen your resolve to prepare yourself properly."

LISTENING TO THE *SEFORIM*

In a *sicha* on *Hei Teves (Shabbos Parshas Vayigash),* the following year, the Rebbe said the following:

In most circumstances, when a person has a precious item, he does everything in his power to protect it; that it should retain its beauty and splendor. This is especially so if it was missing for a while and then returned. Then he will definitely take every measure of precaution to protect it.

However, when it comes to *seforim,* the Torah tells us the opposite. One of the positive commandments is that every Jew should write for himself (or participate in) a *Sefer Torah.* The *Rosh* writes in his commentary[7] that nowadays, one fulfills this commandment by writing [or buying] *seforim*.

The purpose of *seforim* is that they should be used for learning. The greatest honor for a *sefer* is that it is used so much for learning that its pages become worn out.

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7. *Halachos Ketanos,* at the beginning of *Hilchos Sefer Torah.*

The lesson to be learned here is that the episode of the *seforim* came to teach us to intensify in our study of Torah.

Indeed, when the *seforim* were actually returned on *Beis* (the second of) *Kislev* 5748 (zWna,-1987), the Rebbe took the *sefer* that was on top, *Shaarei Emunah*, a *sefer* that had not been in print for a hundred years, and took it home. The following morning he brought it back to 770, having divided the longer paragraphs into smaller ones, and had it reprinted the following day.[8]

In addition, when the *bochurim* began dancing in celebration after the appellate division upheld the decision that the *seforim* belong to the chassidim, the Rebbe emphasized that the way of celebrating is by becoming more studious in one's learning.

In subsequent years, the Rebbe spoke about the importance of buying *seforim,* with the prayer that just as these *seforim* were returned, so too, the rest of the Frierdiker Rebbe's library that he had to leave behind should be returned shortly by the Russian government to their rightful place.

The Frierdiker Rebbe requested that every author of Jewish books present a copy of his work to the library. It goes without saying that we should strengthen the library by continuing this practice.

THE ACQUISITION OF THE LIBRARY

All of the Rebbeim took an active interest in acquiring printed *seforim,* and especially manuscripts (*kesuvim*) of the Rebbeim (or their great disciples). This collection was passed along to the next Rebbe.

During the Frierdiker Rebbe's leadership, this acquisition of books reached such great proportion, that through gift or

8. In accordance with the Rebbe's instructions, it was sold at the nominal cost of one dollar.

through purchase, he acquired an additional 40,000 *seforim*. Even when the financial position in the *Beis HaRav* was extremely tight, the Frierdiker Rebbe continued to purchase *seforim*.

The library was of such importance to the Frierdiker Rebbe that when the Communist Regime finally gave him permission to leave Russia in 1927, the Frierdiker Rebbe refused to go unless his *seforim* would accompany him. These negotiations not only delayed the process, but put the entire rescue effort in jeopardy. Throughout his subsequent movements and escape from the perils of WWII, the Frierdiker Rebbe took the *seforim* along.[9]

To demonstrate the bond and importance of even a few *seforim* to the Frierdiker Rebbe, the Rebbe related the following episode:

After my *chassuna*, the Rebbe said, I went over to my saintly father-in-law and asked him for the *seforim* which his father, the Rebbe Rashab, had designated in his will[10] to be given to the husband of his second granddaughter [my wife, Rebbetzin Chaya Mushka]. These *seforim* were the *Biurei Zohar*, the *Tanya* printed in Zhitomer, *Toras Chaim, Shaar Ha'Emunah V'shaar Hayichud Kaful, Pirush Hamilos* and *Kuntres HaHispaylos*.

The Rebbe [Rayatz] listened and smiled, and I never asked for them again.

THE PURPOSE OF THE LIBRARY

Obviously, the Frierdiker Rebbe benefited from having so many *seforim* readily available to him. However, that wasn't the intent of his intensive efforts to enlarge the library to such a great extent.

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9. However, at a certain point, the Frierdiker Rebbe was separated from some of those *seforim*. In 5738 (jWka,-1977), the Polish government returned five crates.
10. The entire library of the Rebbe Rashab was given to his only son, the Rebbe Rayatz, except for certain *seforim* which were to be given to the husbands of his three granddaughters.

A library is a place in which research can be done. Therefore, acting on the directives of the Frierdiker Rebbe, the library accepted and acquired publications which were not only outside of the spirit of *Chassidus,* but were considered to be against the ways of Torah.

Why would the Frierdiker Rebbe acquire the same books that he instructed Jews not to even glance at? The answer is that it wasn't a personal library, but a library for the entire Jewish nation, and therefore, in a research library, even such books are necessary.

Subsequently, when a Jewish scholar comes to the library to do research, the librarians avail themselves to assist him in his research in its entirety.

> *The following are some of the events leading up to the victory of* Hei Teves; *however, one thing has to be understood: No matter how we interpret these events, we cannot say for certain that the Rebbe's actions were connected or a response to the taking of the* seforim. *All we can say is that it happened during the same time period.*

In 5745 (vWna,-1985) it was noticeable that some *seforim* were missing from the library. After identifying who was taking them, there were quiet negotiations for their return. Only after this failed was it publicized when the Rebbe painfully explained at the *Yud Bais Tammuz farbrengen* why he couldn't compromise on the *seforim*.

Shabbos Bereishis 5746 (uWna,-1985) was the last *maamar* that the Rebbe ever said in the usual manner.[11] That winter the Rebbe began going to the *Ohel* very often and for a period of time, went every day.

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11. On *Yud Tes Kislev* of that year, he said a *maamar Chassidus* as a *sicha,* without the traditional *maamar niggun* sung before saying it, and on two other occasions he delivered a *maamar* from his *shtender.*