

INTERNET PARSHA SHEET
ON SHOFTIM - 5759

B'S'D'

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"RavFrand" List - Rabbi Frand on Parshas Shoftim -
This week's shiur is sponsored by <http://www.jewishbusiness.com> ...

The Torah is not talking to HIM; the Torah is talking to YOU "You shall place judges and policemen in all your gates, and they shall judge the people justly [Devorim 16:18]. This is a positive Biblical command to establish a judicial system. The first pasukim [verses] of the parsha -- which warn against judicial corruption, bribe taking, etc. -- are actually commands directed at the Beis Din [the Jewish Court]. That being the case, the grammatical structure of the narration is peculiar. The Torah begins by saying that you (the nation) should appoint judges. We would expect the continuation to be "They (the appointed judges) should not show favoritism, take bribes, etc." Instead the Torah continues to use the second person throughout: "You should not show favoritism, you should not take bribes, etc."

Rav Nissan Alpert suggests a homiletic interpretation. We tend to think that there are unique laws that apply to judges, just like there are -- for example -- unique laws that apply to Kohanim (priests). Our inclination is to believe that just as the laws of the priesthood only apply to Kohanim and not to others, so too, the judicial laws only apply to judges and not to others. This is incorrect. Everyone in life is a judge. We are almost constantly judging. When we meet someone, the first thing that we do is to judge him. We are confident -- based on the way a person looks or dresses -- that we are 100% accurate in our judgement. We have him pegged perfectly. We check the Yarmulka -- is it black, is it velvet, is it knitted, is it this, is it that. We check the kind of clothes he is wearing. We judge people right away. People do things and we jump to immediate conclusions.

The Torah is acknowledging this phenomenon and telling us "You -- all of you -- are inevitably going to judge; but just like judges have an obligation to judge fairly and not take bribes or be influenced by outside events -- every Jew has that obligation. "YOU should not turn aside justice." The Torah is not talking to HIM (the judge); the Torah is talking to YOU! A friend does something wrong. We should really tell him about it, but we do not. Why not? Because we have taken a bribe. We have taken his friendship; we have received favors from him; we have established a relationship; we are now afraid to hurt the relationship. That is a bribe. The Torah tells us "You shall not take a bribe" -- do not let this bribe, which you have already accepted, influence you.

Every person is a judge and every person has the obligation to judge fairly. We learn in Pirkei Avos [Ethics of the Fathers 1:1] "Be deliberate in judgement". Here too, we are tempted to dismiss these teachings as being directed solely at the judges. No. It is written for all of us. We are all judges charged with being fair, equitable and deliberate and not jumping to conclusions. We are inevitably going to be judges and we must act like judges.

"Today's Leaders?" -- Borrowing the Yetzer Horah's Rhetoric Another pasuk [verse] at the beginning of the parsha teaches us, "And you will come to the Priests and the Levites and to the Judge who will be there in those days" [Bamidbar 17:9]. Rash"i presents his very famous insight that it is inconceivable for a person to bring his Din Torah [Judgement] to a Judge who lived in different era! Of course the person will bring the case in front of a judge who is there during that period of time! Rather, the Torah is telling us that even if the Judge does not measure up to the Judges of prior

times, one must abide by the rulings of the contemporary judges. Rash"i was speaking prophetically. I assume that every generation suffers from this, but in our generation the problem is particularly acute. Some people, who had the merit to see the Gedolei Yisroel [Great (Sages) of Israel] from the past generation, often say, "Now that, was a great person!" But people often bemoan the fact that "there are no more Gedolim (Great Rabbis) any more". Rash"i's insight addresses this attitude. Every generation is given its leaders and judges, and these are the ones to whom the generation must turn for guidance.

Rav Pam offers a beautiful insight in his sefer [book]. In the beginning of Iyov [1:7], G-d said to the Yetzer Horah [Soton/evil inclination], "From where have you come?" The Soton answered, "From wandering and walking about the earth." Based on the Midrashic interpretation, the Yetzer Horah told G-d that he searched the deeds of mankind from the beginning of time and found no one more righteous than Avraham. This seems out of character for the Yetzer Horah, to be saying something good about someone! Then G-d asked the Yetzer Horah. "Did you take note of My servant Iyov, for there is no one like him on earth, a wholesome and upright man who fears G-d and shuns evil" [1:8]. The Yetzer Horah responded, "Is it for nothing that Job fears G-d...?" [1:9] Rav Pam says that this is an example of comparing "today's Gedolim" with those of years gone by. The only reason why the Yetzer Horah said something good about Avrohom was in order to mock Iyov's piety -- since compared to Avrohom -- who was the Gadol of a previous generation -- Iyov was nothing! Rav Pam says that whenever we hear someone speak like that -- "Today's leaders? Who are they?" -- that in reality the Yetzer Horah is speaking. This is his language and those are his expressions! Every generation is tested. Every generation thinks, "who are our leaders today compared to those of yesteryear?"

I recently read a Torah Journal in which Rav Hershel Schachter reminisces about Rav Yosef Dov Soloveitchik, zt"l. Rav Schachter writes of an incident that Rav Soloveitchik related involving his grandfather, the famous Rav Chaim Soloveitchik. When Rav Chaim Soloveitchik started saying shiurim (Torah discourses) in the Volozhin Yeshiva, the students complained that Rav Chaim was unworthy of teaching in that Yeshiva. Who is this "Rav Chaim", anyway? They believed that he only received the position because he married the granddaughter of the Rosh Yeshiva (Rav Naftali Tzvi Yehudah Berlin, the Netziv). This was a classic case of "Who are today's leaders?" The end of the story is in itself a great ethical lesson. The resolution of this "complaint" was that the yeshiva brought in three "great men of the generation" to rule whether Rav Chaim was worthy to say a shiur in Volozhin. (Rav Schachter writes that he believes that one of these great men was Rav Yitzchak Elchanan). Rav Chaim began a shiur on the subject of Aylonis (an adult woman without the signs of maturity) in Tractate Yevomos and was in the middle of reconciling a difficult passage of Rambam in his Yad HaChazakah. Rav Chaim suddenly remembered that in the Rambam's commentary to the Mishneh, the Rambam advances a position that was inconsistent with the whole approach that Rav Chaim was trying to develop. In front of the three Gedolim, Rav Chaim gave a bang on his lectern and said, "The shiur that I had prepared is not True. My hypothesis was wrong, the Rambam says otherwise in his Mishneh Commentary." Rav Chaim then sat down. The three great rabbis concluded, "He is worthy to be a Rosh Yeshiva in Volozhin." Any person who cares about the truth so much that he is willing to suffer the embarrassment of having to admit his own mistake for the sake of truth, is definitely worthy to be a Rosh Yeshiva in Volozhin.

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This week's write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#292). The corresponding halachic portion for this tape is: Polygraph in Halacha. Tapes or a complete catalogue can be ordered from

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From: Aish HaTorah[SMTP:aishlist@mail.netvision.net.il] Subject: Shabbat Shalom! Shoftim shof9 AISH HATORAH'S Shabbat Shalom Weekly...
DVAR TORAH: based on Growth Through Torah
by Rabbi Zelig Pliskin

In the section discussing Prophecy, the Torah states, "You shall (trust) wholeheartedly in the Almighty, your G-d" (Deuteronomy 18:13). We are enjoined to trust in G-d, but to what degree do we have an obligation to make a normal human effort and what is considered a lack of trust in G-d?

The question arises regarding testing people before marriage for being carriers of Tay-Sachs disease. Some people wonder whether such testing is not contrary to the trust we are required to have in Divine Providence -- why search for problems when in all probability none exist?

Rabbi Moshe Feinstein, of blessed memory, (who was the foremost authority on Jewish law) clarified this point: "Although the percentage of infants born with this disease is small and one might be apt to apply the verse: 'You shall trust wholeheartedly in the Almighty,' (which Rashi interprets as meaning that one should not delve into the future) in light of the fact that a simple test has been developed for this, one who does not make use of it is like one who shuts his eyes to what can clearly be seen ... and since the birth of such a child, G-d forbid, causes great anguish ... it is prudent for all who are considering marriage to undergo this test." (cited in The Jewish Observer, May, 1986)

Having trust in the Almighty will give a person peace of mind and serenity. However, one should never use a claim of trust in the Almighty to condone laziness or rash behavior. There is a thin line between the virtue of trusting in G-d and the fault of carelessness and lack of taking responsibility.

There is the story of a man who lived by a river. A policeman warns him to evacuate because of a flood warning. The man rejects the offer and says, "I have perfect trust in the Almighty to save me." As the water rises, a person in a boat offers to take him to safety. The man again replies with his proclamation of trust and refuses the ride. Finally, as the man is sitting on his roof, a helicopter comes to rescue him; again the man proclaims his trust and refuses the rescue. The water rises, the man drowns and is finally standing in judgment before the Almighty. "G-d, I had perfect trust in you -- how could you let me down?" The Almighty replies, "But, my son, I sent the policeman, the boat and the helicopter!"

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From: Rabbi Riskin's Shabbat Shalom List[SMTP:parsha@ohrtorahstone.org.il]

Shabbat Shalom: Shoftim by Shlomo Riskin

Efrat, Israel To a certain degree, the right and the left in Israel are divided by the messianists and the non-messianists, those who believe we are headed in the direction of redemption and those who decry any talk of salvation as fanaticism. It is fascinating that the arch rationalist of Jewish philosophy, Moses Maimonides, concludes his magnum opus on Jewish law, Mishneh Torah, with a description of the millennium or the messianic age, and he declares that anyone who does not believe in him (the messiah) or does not anxiously await his coming denies not only the teachings of the prophets but also those of the Torah and Moses our teacher." [Laws of

Kings, Ch. 11, Hal. 1]

This is strong medicine. To be sure, Maimonides' brand of messianism is natural, evolutionary and normative, insisting that neither before or during the period of peace, the natural order of things will remain the same. What is most remarkable, however is how this seminal thinker formulated the necessity of our not only believing but also anxiously expecting (mehakeh). Is not belief sufficient? And exactly how one anticipates an event is largely an individual matter: one person might sit at the window facing Jerusalem, even if she's homebound in Pasaic, another may keep his passport always up to date so that he won't get stuck on long lines when the day finally arrives and a third may sign up for the I.D.F.. Tales abound of hassidic masters abound with holy men whose suitcases were packed and waiting. But the real question is, why should anxious expectation be such an important part of the commandment?

I'd like to suggest that this week's portion of Shoftim, which includes the commandment to anoint a king over Israel, gives us a hint as to why it's absolutely necessary to incorporate the notion of waiting, of yearning and hoping, into a belief system, particularly if it involves the loftiest goal of all, the very climax of human history, the restoration of the house of David.

Our Bible provides for the possibility of a King, but any resemblance to neighboring kings is at best coincidental: "The king must not accumulate too many horses...He also must not have many wives so that they not make his heart go astray. He shall also not accumulate much silver and gold." [Deut. 17:16-17] Even more importantly, our King must be a representative of the King of all Kings, the recorder and transmitter of His Torah: "And it shall be as he ascends upon the throne of his kingdom, that he shall write him a copy of this Torah in a book..." [17:18]

Long before Plato, the Jewish model for the monarchy is the philosopher-king. The Bible he must write is not to serve as a mere ritual object *ôfor show*: "And it (the Torah) shall be with him and he shall read therein all the days of his life, that he may learn to fear the Eternal his G-d, to keep all the words of this Torah and these statutes, to do them. This is so that his heart may not be exalted above his brethren, and that he depart not from the commandment, to the right or to the left..." [17:19] The simple meaning of the words is that the king writes his own Torah Scroll. Undoubtedly, anointment of the new king thrust him into a whirlwind of national obligations and responsibilities, whatever is necessary to protect and provide for the population. So how much time is there left for the king to write his own Sefer Torah?

Therefore common sense would have it that the writing of the Torah was carried out over a period of time, the king fitting it into his tight schedule. But if this is so, why does the Torah choose the word 'k'shivto' which means *ôas he ascends the throne* and not 'b'shivto' which would suggest the entire time period, or at least during the time, that he is slated on the throne.

Indeed evidence for the different meanings of these two words are to be found in Proverbs and in the Book of Kings.

In the midst of the chronicles of various kings of Israel, we read how Ela the son of Basha began to reign in Tirza, and that after two years his servant Zimri conspired against him. "And it came to pass when he [Zimri] began to reign, as soon as he sat down [k'shivto] on his throne that he slew all the house of Ba'asha." [1 Kings 16:11]

Other than our portion of Shoftim, this is only time that the word 'k'shivto' appears and it's clear that the usurper Zimri didn't wait until he was settled into his throne, but acted immediately --k'shivto, as soon as he assumed the Kingship. Indeed, had he not acted immediately, he probably would never have become King!

In contrast, the single appearance of the word 'b'shivto' in the Bible confirms that its meaning suggests sitting over a period of time. Every Friday night we sing Eshet Chayil, the ode to the Women of Valor, in which one verse reads: " Her husband is known in the gates whilst he sits among the elders of the land." [Proverbs 31:23]

Therefore we must conclude that despite the extraordinary responsibilities of a newly anointed king, the Bible insists that he recite the

Torah contemporaneous with his initial assumption of the throne. I would suggest a very human and understandable reason for the Bible's haste. The Scripture wants to capture and to extend as much as possible in writing all of the exalted feelings and anticipations, the lofty plans and preparations, which characterizes the immediate period prior to the assumption of a new stage of life or the elevation to an important position. This is especially necessary because, all too often, history demonstrates that an exalted kingship could descend into wanton greed and corruption. The spark of divinity which provided aspiring princes with the best of intentions often turns into an almost bestial hunger for accumulating private wealth and sensuous pleasures. The tyrannies of the 20th century can rest their laurels on a long 'honor roll' of dictators whose initial thrust was to revolutionize the injustices of the time, only to turn themselves into caricatures of evil, mimicking their former enemies on a scale beyond imagination. No Russian czar comes close to Stalin's mass murders. The 'reign of terror' of the French Revolution was a mockery of the previous century's imperial excesses, turning the idealistic justification of Fraternity and equality into a cruel joke.

Indeed, we celebrate the festival of the victory of the Maccabean revolution for the eight days of Chanukah because of a small cruse of Menorah oil enough for one day which miraculously lasted for seven. The miracle was therefore only a seven-day miracle, so why do we rejoice for eight? One of the answers I am fond of giving is because the Jewish freedom fighters almost 2000 years ago remembered the Holy Temple ideal of purity even after they won their battle a very rare phenomenon for revolutions in general.

Why does Maimonides codify a law requiring us to look forward to the restoration of the kingdom of David? Because in certain ways, preparing for his coming is more significant than the actual arrival. The Festival of the giving of the Torah is called *Shavuot* (Shevuot) because of the Israelite anticipation of and preparation for the Divine Revelation at Sinai while they were in the desert; once they received the Torah they hardly made good use of it, worshipping the golden calf only forty days later. If only we could maintain the bliss of the moments before we stood under the nuptial canopy, the idealism of the first moments we assumed a new position of stature!

Perhaps our finest hours are those spent in anxious anticipation and preparation for the Messiah, just as the King's most important task is to incorporate the ideals of his ascension to the throne into the much longer period of his reign. It is pre-Zionism and not post Zionism which must guide our steps.

Shabbat Shalom

You can find Rabbi Riskin's parshiot on the web at:
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From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash [SMTP:yhe@vbm-torah.org] Yeshivat har etzion israel koschitzky virtual beit midrash (vbm) Parashat hashavua Parashat shoftim
THE IMAGE OF THE JEWISH KING ACCORDING TO THE TORAH
By Rav Elyakim Krumbein

Dedicated in memory of a beloved father, grandfather and great-grandfather, Robert Salit z"l, Reuven ben Chaim Pesach, whose *yahrzeit* is the 4th of Elul. When conceiving the function of the king, one would expect that his primary function would be to tend to issues of national concern. The Rambam presents the Jewish monarch's job description thus: "From the outset, a king is crowned only to carry out justice and war, as it states, 'Let our king serve as judge over us and go out at our head and fight our battles' (Shemuel I 8:20)." (Hilkhot Melakhim, end of chapter 4) Earlier in Hilkhot Melakhim (3:4), however, the Rambam offers a different illustration of the life of the king: "It is forbidden for a king to drink in an intoxicating manner, as it states, 'Wine is not for kings to drink' (Mishlei 31:4). Rather, he should be occupied with Torah and the needs of Israel day and night, as it states, 'Let it [the Torah scroll] remain with him and

let him read in it all his life' (Devarim 17:19)." Here the Rambam introduces an additional element of the king's role to study Torah. Although the king is appointed to deal with national concerns, diligent Torah study must accompany his work on behalf of the country. Despite the vastness of his responsibilities towards the people, the weight of the entire nation resting upon his shoulders, he must nevertheless ensure the ongoing cultivation of his inner, spiritual self, maintain the purity of his heart, and engage in serious Torah study. Remarkably, the Torah mentions nothing of national responsibility throughout its legislation regarding the Jewish monarchy in our parasha. Instead, the Torah stresses the king's responsibility to maintain strict spiritual standards. At the conclusion of this section, the Torah presents the rationale for a series of laws regulating the king's conduct (i.e. the prohibitions against excessive wealth and an excessive number of wives, as well as the king's obligation to read the Torah regularly): "Thus he will not act haughtily" (17:20). The Torah seems to pay particular attention to the king's obligation to write a Torah scroll and to study it throughout his life. Are we to understand this *mitzva* simply as a means to avoid the moral corruption endemic to positions of authority? If this were the underlying purpose of these regulations, then it would be sufficient for the king to possess and make use of an old Torah scroll, perhaps one inherited from his predecessors. But Chazal insist that the king must write his own scroll, a requirement codified by the Rambam (Hil. Melakhim 3:1). Apparently, the Torah demands more than mere resistance to the temptation of royal corruption. The king must invest creative energy into his spiritual life.

Imagine if a high-ranking public official today would take out time from his schedule, on a regular basis, to spend hours in the Temple engrossed in religious contemplation. For several hours, he would ignore the burning issues and dire problems facing his constituency and focus on his own spirituality. Undoubtedly, such a politician would be scorned and accused of indifference and insensitivity to the public. A truly responsible leader would never bring himself to "waste time" in such a manner.

The Rambam, however, reacts differently to such a statesman: "The Torah was insistent with regard to his heart turning away, as it states, 'Lest his heart go astray,' for his heart is the heart of the entire congregation of Israel. Therefore, the verse attached him to Torah more so than the rest of the nation, as it states, '[Let him read in it] all his life.'" (Ibid. 3:6)

Thus, the strict standards demanded of the king evolve not only out of the Torah's concern for the likelihood of arrogance on the king's part. Rather, these guidelines relate to the Torah's view of the king's soul as equivalent to that of the entire people. He is devoted to the concerns of the nation at large and focuses on his obligations in this regard. Specifically due to his stature as leader, he must serve as a shining example of a life of faith. The foundation of such a life is the recognition that the resolutions to life's crises certainly require effort and exertion on the practical level, but when all is said and done, everything depends on absolute moral rectitude. The king may not give the mistaken impression that the generation's problems can be addressed adequately without concern for ethical standards and service of God.

Not coincidentally, the ideal image of the Jewish monarch is that of King David. He was unparalleled in the number of enemies who threatened him and crises from which he suffered; but he was also unmatched in his keen, vibrant and constant spiritual awareness. Moreover, he possessed a supreme sense of the existential relationship between the two - the link between crisis and faith.

In this sense, the parasha of the Jewish king bears a critical message for every Jew. Like the king in Parashat Shoftim, each of us must remember that even in times of distress and challenge, ethical standards remain the central problem in life. One's primary concern must be, as King David put it so poignantly (in *mizmor* 27, which we begin to recite this week), "One thing I ask of the Lord, only that do I seek: to live in the

house of the Lord all the days of my life," engrossed in Torah, service of God and acts of kindness. But regarding other problems that arise, after the appropriate effort is exerted, one must sense that, "The Lord is my light and my help û whom shall I fear?"

(Translated by David Silverberg) Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash is on the world wide web at <http://www.vbm-torah.org>

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High Holidays with Aish.Edu
<http://www.aish.edu/calendar/highholy/elul.htm>
"THE LAWS & CUSTOMS OF ELUL" Based on research by Rabbi Moshe Lazerus

On Rosh Hashana, each individual is judged on the merit of his deeds. Whether he will live out the year or not; whether he will have financial success or ruin; whether he will be healthy or ill. All of these are determined on Rosh Hashana. Elul - the month preceding Rosh Hashana - begins a period of intensive introspection, clarification of life's goals and coming closer to G-d. It is a time for realizing purpose in life - rather than perfunctorily going through the motions of living by amassing money and seeking gratification. It is a time when we step back and look at ourselves critically and honestly, as Jews have from time immemorial, with the intention of improving. We must be aware of the gravity of the situation. The quality of our lives is at stake.

ADDITIONS TO THE SERVICES Beginning the second day of Rosh Chodesh Elul, it is the Ashkenazi custom to blow the Shofar after morning prayers, in order to arouse us to prepare for the approaching Day of Judgement. We add say Psalm 27 to the morning and evening services, starting with Rosh Chodesh Elul, up until Hoshana Raba (the 6th day of Sukkot). In this Psalm, King David exclaims: "One thing I ask... is to dwell in the house of G-d all the days of my life."

SLICHOS Beginning with Saturday night before Rosh Hashana, we recite Slichos, special prayers that invoke G-d's mercy. (If Rosh Hashana falls at the beginning of the week, then we begin Slichos on the Saturday night of the previous week.) Slichos are recited every day up until Erev Yom Kippur. (Sefardim begin saying Slichos on Rosh Chodesh Elul.) Slichos should be said with a minyan. If this is not possible, then Slichos should still be said alone, omitting the parts in Aramaic and the Thirteen Divine Attributes of Mercy.

<http://www.aish.edu/learning/maillists/lists.htm>

From: Shlomo Katz[SMTP:skatz@torah.org] Hamaayan/The Torah Spring edited by Shlomo Katz Shoftim First appeared: 2 Elul 5756, August 17, 1996

Sponsored by Dr. and Mrs. Robert Klein in memory of father Dr. Ernst Shlomo Kaplowitz a"h

The verses and commentaries on this page relate to the chapter of Tehilim associated with our parashah (see page 1). "Give ear to my prayer from lips without deceit. May my judgment be dismissed from before You, Your eyes behold directly." (17:1) Rav Mendel Hager (the "Vishuva Rav") z"l explains: Chazal teach (Megillah 29a) that shuls and batei midrash/study halls in the diaspora will one day be transplanted to the Land of Israel. Chazal also teach that our prayers ascend to Heaven through Eretz Yisrael. It follows, therefore, that one who prays in a synagogue will have his prayers accepted more readily than one who does not, for the former is in a place which has some connection (even now) to the Holy Land. However, Rav Hager continues, this is true only if one does not engage in idle conversation in shul. Otherwise, he is like those about whom Chazal said (Ketubot 110b), "One who lives in the diaspora is like a godless person." This means: "One who lives in the diaspora -- even when he is in shul -- is like a godless person." This was David's prayer: Let my prayer

come from lips without deceit, i.e., that are not engaged in other activities in the middle of prayer. Then, at the time when You judge me, may my judgment be dismissed from before You, because Your eyes will behold me directly, as if I had prayed in Eretz Yisrael. (She'erit Menachem)

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From: Yated USA[SMTP:yated-usa@ttec.com]
Peninim Ahl HaTorah: Parshas Shoftim by Rabbi A. Leib Scheinbaum
Hebrew Academy of Cleveland
Justice, justice shall you pursue, that you may live and inherit the land. (16:20) Emes, truth, is one of the most essential human character traits. Indeed, the Torah tells us to pursue truth. Hashem's seal is emes. An individual who desires to be close and cling to Hashem must cleave to the attribute of truth. One who merits to be the paragon of integrity, to have emes permeate his entire essence, is already close to Hashem. Interestingly, we do not find a fence placed around any other middah, character trait, to the extent that we see occurring with sheker, falsehood. The Torah admonishes us, "Midvar sheker tirchak"- "Distance yourself from falsehood." (Shemos 23,7) The danger of sheker is so threatening that one must distance himself from it, so that he does not risk falling into it. In fact, the Sefas Emes writes that the only way that one can truly protect himself from falsehood is by following the prescription of the pasuk in our parsha, "Tzedek, tzedek tirdof." "Righteousness, righteousness shall you pursue." Only by pursuing righteousness, truth and justice will one be assured of not falling into the clutches of sheker. The Sefas Emes adds that in this world one can never attain consummate truth. This world is called the "almah d'shikra"-world of falsehood. The Olam Ha'Emes, World To Come, will be the place in which we ultimately achieve our goal. This will occur, however, only after we have pursued truth in this world. Then we will "inherit the land" -Olam Ha'bah. The great tzaddikim of old were determined never to utter an untruth-even one that might be "acceptable" in light of the circumstances. Indeed, they were willing to give up their lives for this goal. The story is told about a Jew who sinned against the government. Since the individual in question refused to confess his sin, the government ruled that he would be put to death. If, however, two distinguished rabbis would swear affirming to the Jew's innocence, he would be exonerated. Two great tzaddikim, Rav Rafael and Rav Moshe Tzvi, who was a distinguished student of Horav Pinchas Koritzer,z"l, were selected by the judges as being individuals of exemplary integrity who would attest to the defendant's innocence. Rav Moshe Tzvi immediately came forth and affirmed the defendant's innocence, asserting that pikuach nefesh, saving a life, transcended the entire Torah. In this instance, a life was hanging in the balance. He would have to swear falsely. Rav Refael asserted that since he had been raised in the presence of Horav Pinchas Koritzer he simply could not tell a lie. He could in no way impugn his integrity by stating a falsehood. Understandably, the family of the defendant implored Rav Rafael to "relax" his standard for the sake of their father. Everyday they came to his home, weeping, pleading with him to swear on behalf of the condemned man. He did not want a Jew to die, but he simply could not lie. The night before the scheduled execution, Rav Rafael could not sleep. He tossed and turned not knowing what to do. Here was a person who had never done anything that did not reflect the height of veracity. The tzaddik began to cry bitter tears. He implored Hashem, "Ribbono Shel Olam! Take my soul, so that I will not be compelled to utter a false statement!" This scene continued all night until the tzaddik's neshamah ascended to its Maker, untainted by any vestige of sheker. The next morning, when they came to notify him that the defendant had confessed, they found Rav Rafael's body slumped over his shtender. He was

no longer in this world. While some might argue the halachik accuracy of Rav Rafael's decision not to swear falsely, others might even view his behavior in a negative light. Most of us fail to realize that he actually prayed for his own death so that he would not be forced to swear falsely! How far removed are we from such a level of integrity! It is reassuring to know that at one time people were so discerning about truthfulness and the integrity of the image which they projected.

Kortz un Sharf-Short and Sweet Parsha Vertlach by Shaya Gottlieb
"Shoftim V'shotrim Titayn Lecho. ¶Asher Hashem Elokecho Nosein Loch" You shall appoint judges, the ones that Hashem gives you 16:18 Klal Yisroel should appoint the type of judges who will impart to them "Hashem Elokecho"; emuna, ahavo and yiras Hashem, and bring kedusha to Klal Yisroel. -Butzena D'nhora

The Torah speaks to those parnossim and community leaders who hire the Rabbonim. 'Titayn Lecho': They, too should obey the Rabbonim's rulings, and only then will the leaders be able to judge Klal Yisroel with a 'mishpot tzedek', following the lead of the parnossim. -Kli Chemdo

Shoftim V'shotrim Titayn Lecho-this alludes to the judge who must first judge himself, and behave appropriately. Only then will he be qualified to judge the nation. -Kli Yokor

Titayn Lecho-this possuk warns the judges that they should expect the same standards of themselves as they do of others, and not expect the nation to be more frum than they. -Toldos Yaakov Yosef

The existence of several Rabbonim in one town or city can cause friction, but it can also provide many advantages. Every Rav will be a shofeit and judge for his peer; thus pitfalls can be avoided. Thanks to the abundance of shoftim, the nation will be judged righteously. -Rav Yosef Shaul Nathanson

"V'lo Sakir Ponim" And you shall not show favoritism 16:19 When the Sanzer Rav assumed his rabbinical duties in Sanz, one of the wealthy baalei batim, Rav Yudel Orlander, wanted to test him. He sent a friend to the Rav to request a din Torah with Rav Yudel. The Sanzer Rav called Rav Yudel to din Torah, and when he stubbornly refused, the Rav threatened to excommunicate him. Only then did Rav Yudel show up, smiling, and explained that it was only a test to see if the Rav would cave into pressure.

In the Bais Din of Rav Shmelke of Nikolsburg, there hung a sack and a walking stick, to remind baalei din that the Rav was not afraid of them. If they would refuse to listen to him, he was prepared to leave the town by foot in an instant.

From:TorahFax[SMTP:torahfax@netaxis.qc.ca]

bs"d. Tuesday, Av 28, 5759 / August 10, 1999 This week's Parsha, Shoftim, speaks of the importance of passing correct judgment and the prohibition for a judge to accept any bribe. The conclusion of the first chapter of Pirkei Avot also teaches us this important lesson: "Rabbi Shimon ben Gamliel says: The world endures on three things - justice, truth and peace." Thus, passing true and just judgment is not only for the sake of the parties involved but also for the entire universe; its existence depends on justice, truth and peace. To enforce the prohibition of accepting a bribe, the Torah tells us, "for a bribe blinds the eyes of the wise and perverts the words of the righteous". Q. What does the Torah mean by the phrase, "perverts the words of the righteous"? How could one who accepts a bribe be called "righteous"? A. Rabbi Avraham Yehoshua Heshel, who served as Rabbi of Apt, explains this with a personal experience. Two merchants once came before him to judge a case in which there was a dispute over a large sum of money. After listening to their arguments, the rabbi had an intuitive feeling that one of the litigants was trying to cheat the other. The man realized that things were not going in his favor. In desperation, he decided to bribe the rabbi. Knowing that the righteous rabbi would never accept a bribe, he thought of an idea. He excused himself for a few minutes and went into the other room where the rabbi's coat was hanging. He placed a sum of money

into the rabbi's coat pocket and returned to the courtroom. A few minutes later, the Rabbi of Apt realized that he was beginning to reverse his verdict. Although it seemed to him like a very clear case before, he now was beginning to think otherwise. This disturbed the rabbi very much so he decided to take a recess to rethink the situation. He put on his coat and walked outside. As he was strolling, he placed his hands in the coat pocket and found the money. It didn't take the rabbi long to figure out who placed it there. Immediately, he went back to the courtroom and exclaimed, "How great is the power of bribery to pervert the truth. Although I had no idea that I was bribed, the bribery had its effect!" "Now," exclaimed Rabbi Avraham Yehoshua Heshel, "I understand the words of the Torah that bribery "perverts the words of the righteous." For even when the judge is righteous and has no idea that he is bribed, the bribery will have the effect of twisting and distorting the truth."

On the lighter side: A Rabbi and gentile judge were once discussing the difference between Torah law and the civil legal system. "Our system is better than yours," said the judge. "Our law prohibits a person from giving the bribe as well as the judge from taking one. In your system, the Torah only prohibits the judge from accepting bribes but there is no prohibition against someone who gives it." "Our Torah law is far better and more practical," answered the rabbi. "In your system, a judge will not be afraid to take a bribe because the one who gave it committed a crime and surely won't tell, because he will indict himself, as well as the judge. But according to Torah law, since the one who gave the bribe didn't commit a sin, the judge will be afraid to accept the bribe, for fear that the giver might eventually boast of influencing the judge!"

From:TorahFax[SMTP:torahfax@netaxis.qc.ca] Subject: Personal request for your prayers

bs"d. Monday, Av 27 - August 9th. Dear friend - Shalom. Many times in the past I asked you to say a prayer and if possible, have the Mi Shebeirach recited in your synagogue for the complete recovery of individuals in need of our prayers. Today I want to ask you for a personal favor. Please say a prayer and Mi Shebeirach for our son, Leibi. Leibi, who is 18, was diagnosed three weeks ago with Lymphoma and is being treated at the Montreal Jewish General Hospital. His Hebrew name for the Mi Shebeirach is: "Yehudah Leib ben Chaya Sarah". Leibi has a special feeling for and is of great help to me with the publication and distribution of TorahFax. We have lots of "Bitachon" - belief and full confidence in Hashem - that our son "Yehudah Leib ben Chaya Sarah" will have a Refuah Shleimah and be completely healed in the very near future. Thank G-d the doctors are very optimistic and with your prayers we are certain that his Refuah Shleimah will be very soon. I thank you in advance for all your prayers and support. May Hashem bless you and your loved ones with only the best of health and Nachas. Zalmen- Due to the above - please excuse me if the TorahFax is - temporarily - not published regularly at this time. I'm sure you will understand. Mailing address: TorahFax Box 373 Station Snowdon Montreal, Quebec. H3X 3T6 Canada TorahFax Web Page at: <http://www.netaxis.qc.ca/torahfax> Refuah Shleimah page at: <http://www.netaxis.qc.ca/torahfax/refuah.html>

From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il]

Subject: Insights to the Daf: Rosh Hashanah 29-30
INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>
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Rosh Hashanah 29 HALACHAH: DO MITZVOS NEED KAVANAH
OPINIONS: The Gemara earlier (28b) quotes Rava who says that "Mitzvos

do not need Kavanah." That is, one does not need specific intent to fulfill the Mitzvah while performing the act of the Mitzvah. Therefore, says Rava, if one was forced against his will to eat Matzah on Pesach night, he fulfills the Mitzvah. The Gemara here (29a), though, relates that Rabbi Zeira told his assistant to have Kavanah to be Motzi him when blowing the Shofar. Rabbi Zeira clearly seems to be arguing with Rava. According to Rava, who holds that Mitzvos do not need Kavanah, the only time one does not fulfill the Mitzvah is when the Shofar is being blown with short, barking sounds, and not with the proper sounds of the Shofar. But if one blows the Shofar properly, and the person listening knows that it is the Shofar that he is hearing, then he fulfills the Mitzvah and neither the blower nor the listener need Kavanah to fulfill the Mitzvah. Since Rabbi Zeira and Rava seem to argue whether or not Mitzvos need Kavanah, whom does the Halachah follow?

(a) The ROSH and BEHAG (and as implied by the words of the RIF) rule that the Halachah follows Rabbi Zeira... (b) The MAHARITZ GE'AS (cited by the TUR OC 569), RABEINU CHANANEL here and the BA'AL HA'ME'OR rule like Rava, that Mitzvos do not need Kavanah.... (c) RAV SHERIRA GA'ON and the RAN here (cited by the DARCHEI MOSHE 475:6) maintain that l'Chatchilah, one must have Kavanah, as can be seen from Rabbi Zeira's statement. However, b'Dieved one fulfills the Mitzvah without Kavanah, as can be seen from Rava's statement.... (d) The BA'AL HA'ME'OR quotes "Yesh Mefarshim" who explain that Rabbi Zeira and Rava are not arguing at all. They both hold that Mitzvos do not need Kavanah. Rabbi Zeira merely requires that one have Kavanah that he is blowing the Shofar and *letting the other person hear* the Shofar, but not that he has to have Kavanah to fulfill the Mitzvah. This might be the opinion of the RAMBAM who cites both statements of Rava and Rabbi Zeira as the Halachah. (e) The RAN understands the RAMBAM differently. He says that the Rambam holds that Mitzvos require Kavanah and that is why the Rambam says that the listener and the blower must have Kavanah to fulfill the Mitzvah (Hilchos Shofar 2:4). Why, though, does the Rambam (Hilchos Chametz u'Matzah 6:3) write that one fulfills the Mitzvah of eating Matzah when he was forced against his will to eat it? Because the Rambam holds that a Mitzvah of eating, Achilah, is different than all other Mitzvos, and one fulfills the Mitzvah even though he does not have Kavanah. Since one's body gets pleasure out of the eating even when he does not intend to, he fulfills the Mitzvah the same way that he transgresses an Aveirah when he is forced to eat something that is forbidden. (This is in accordance with the logic that Rashi suggested logic at the bottom of Daf 28a.)

HALACHAH: (1) The SHULCHAN ARUCH (OC 60:4) records the first two opinions, and concludes that the Halachah follows the ROSH and BEHAG, that Mitzvos need Kavanah. Therefore, if one performed an act of a Mitzvah and did not have Kavanah to fulfill the Mitzvah, he must repeat the Mitzvah. However, he may not recite a Berachah when he repeats the Mitzvah, because there are opinions that say that Mitzvos do not need Kavanah. (MISHNAH BERURAH 60:9) The MAGEN AVRAHAM, citing the RADBAZ, says that this applies only to Mitzvos d'Oraisa, but for Mitzvos d'Rabanan one does not need have to repeat the Mitzvah. The VILNA GA'ON (OC 489) argues, though, and says that Mitzvos d'Rabanan need Kavanah as well. When it comes to a Mitzvah that is eaten, such as Matzah or eating in a Sukah, the Poskim are more lenient, since the Rambam (according to the Ran, above (e)) makes this an exception and says that one fulfills such a Mitzvah even without Kavanah. (BI'UR HALACHAH ibid. DH v'Yesh Omrim) (2) However, the BI'UR HALACHAH (based on the Milchamos) writes in a case where a person was Mis'asek in the performance of a Mitzvah, and had not idea that what he was doing was an act of a Mitzvah, he is not Yotzei the Mitzvah according to any of the above opinions (and therefore must recite a Berachah when he performs it again). For instance, if a person picks up a Lulav on the first day of Sukos thinking that today is *not* Sukos at all, or thinking that the Lulav is not a valid Lulav, or if he eats Matzah thinking that it is not Pesach or that this is not a Matzah, he has certainly not fulfilled the Mitzvah. Another case

in which he certainly has not fulfilled the Mitzvah because of lack of intent, is when a person specifically has in mind that he does *not* want to fulfill the Mitzvah with this act. (MISHNAH BERURAH 60:9, based on Rabeinu Yonah in Berachos and others) The opposite is true -- that is, there is no question that one *does* fulfill the Mitzvah -- if he did the action *in the context of the performance of a Mitzvah*, but he merely did not have specific intent that he was doing so for the purpose of the fulfillment of Hashem's will (CHAYEI ADAM #68, based on Tosfos in Sukah, cited by the MISHNAH BERURAH (60:10). In this case it is considered as though he had Kavanah, since the context of his action shows that it was done for the sake of the Mitzvah. (For this reason, it is not necessary to recite "l'Shem Yichud" in order to fulfill the Mitzvah.) (3) The BI'UR HALACHAH adds that the rule "Mitzvos Tzerichos Kavanah" applies even to Mitzvos that are not obligatory, such as Tzitzis (if one does not wear a four cornered garment, he has no obligation to wear Tzitzis) and Sukah (if one does not want to eat, he has no obligation to sit in a Sukah -- other than the first night). If one puts on Tzitzis without intending to fulfill the Mitzvah of Tzitzis, not only has he not fulfilled the Mitzvah, but he has *violated* the Mitzvas Aseh by wearing a four- cornered garment without Tzitzis! Because people normally find it difficult to bear in mind that they are fulfilling a Mitzvah while they are rapidly doning a Talis for an Aliyah la'Torah, the Mishnah Berurah recommends using a Talis borrowed from a friend, rather than the synagogue's public Talis, since a borrowed garment is exempt from Tzitzis.

(It might be pointed out that this does not seem to be agreed upon by all. The MINCHAS CHINUCH writes (Mitzvah 386) that if one sits in a Sukah that has stolen Sechach, although it is a Mitzvah ha'Ba'ah b'Aveirah and one does not receive credit for fulfilling the Mitzvah of Sukah, nevertheless, he also has not transgressed the Aseh of not eating outside of a Sukah -- since he is, after all, sitting inside of a Sukah. According to the Minchas Chinuch, apparently one has not transgressed the Mitzvah of Sukah or Tzitzis unless he *physically* is not sitting inside of a Sukah and does not have strings of Tzitis on his garment. Not fulfilling the Mitzvah properly does not necessarily entail a violation of the Mitzvas Aseh.)

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