

BS"D

To: Parsha@YahooGroups.com
From: crshulman@aol.com

INTERNET PARSHA SHEET ON SHOFTIM - 5763

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From: Chaim Shulman <crshulman@aol.com>
Date: Aug 26, 2003
Subject: Finally - A Web Archive of the 8 Years of Internet Parsha Sheets - <http://www.teaneckshuls.org/parsha>

I just uploaded all the Internet Parsha Sheets going back to 1995 at the following address
<http://www.teaneckshuls.org/parsha>

Thanks to <http://www.onlysimchas.com> for hosting the web page (and to [teaneckshuls](http://www.teaneckshuls.org) for the url extension)

Also, I revised my collection of torah links and put them at <http://www.teaneckshuls.org/parsha/links.html>

Make sure to bookmark <http://www.teaneckshuls.org/parsha> (and the links page) for future reference.

From: RABBI YISSOCHER FRAND [ryfrand@torah.org] Sent: August 27, 2003 To: ravfrand@torah.org Subject: Rabbi Frand on Parshas Shoftim "RavFrand" List - Rabbi Frand on Parshas Shoftim

The Link Between An Inappropriate Judge and the Asheira Tree
The beginning of the parsha teaches the mitzvah of establishing a judicial system for the purpose of honestly ruling the people: There shall be judges and policemen throughout our society. One of the rules enumerated is that the judges are not allowed to accept bribes. Bribes have the ability to subvert a person's view. He may be the wisest of men and the greatest of scholars, but if he takes a bribe he may be blinded to the truth. [Devorim 16:19] The prohibition against accepting bribes is immediately followed by the prohibition against planting the idolatrous Asheira tree adjacent to the altar of G-d [16:21]. Reish Lakish derives from this juxtaposition of apparently unrelated pasukim [verses], that one who appoints an inappropriate judge is equivalent to one who planted an Asheira tree in Israel [Avodah Zarah 52a]. Out of all the bad things we might be able to conjure up as an appropriate simile for an inappropriate judge, why does the Torah specifically link it with the planting of an Asheira tree? Many commentaries are bothered by this question. What is the connection?

I saw an answer in the name of Rav Chaim Soloveitchik. Rav Soloveitchik says that a tree is a work of G-d. It has particular charm and particular beauty. A large cedar or oak tree or redwood can take away one's breath. What could be a greater

example of G-d's handiwork? However, it is possible to take that which one would expect to be a pristine example of G-d's handiwork and turn it into an object of idolatry. There is something particularly despicable about that. It perverts that which is fine and inspiring and G-d-like into an abomination. There is a certain blasphemousness about such a perversion.

Who should be appointed a judge? Certainly not the typical man on the street. A judge must be a Talmid Chochom, a Rav, a person who looks and acts the part and has the respect of the people. One who appoints an inappropriate person to that position -- someone who acts with less than full integrity -- is a blasphemous crime. It is akin to taking a tree and making it into an Asheira.

Rabbi Mordechai Kamenetsky cites an incident involving his grandfather, Rav Yaakov Kamenetsky. There was a period when a group of unscrupulous individuals were involved in smuggling forbidden items across international borders. They smuggled the contra-band by putting them inside Tephillin. To make matters worse, they approached unsuspecting Jews and encouraged them to do a 'mitzvah' by taking Tephillin and delivering them to people who needed them in the foreign country. The person thought he was doing a great 'mitzvah'. In fact he was involved in the crime of smuggling.

The United States Custom Service got wind of this scheme. They decided to enlist the help of Orthodox Jewish custom agents to discern the difference between honest people carrying Tephillin and the smugglers. An Orthodox custom agent faced with this assignment came to Rav Yaakov Kamenetsky and solicited his advice. Rav Yaakov advised that the unscrupulous smugglers should be dealt with in the severest of terms.

He said it is bad enough that they are dishonest and committing a crime, but to take one of the holiest items a Jew possesses and use it as a vehicle to commit the crime -- this is the worst perversion. This can be compared, he argued, to waving the white flag in battle only to use it as a trick for follow-up attack. Everyone knows that the white flag is a symbol of surrender. Everyone knows that you can always trust the white flag. When someone abuses the white flag, he causes all of society to lose respect for the white flag. Not one did he commit a crime against the enemy by his duplicity. He has committed a crime against all soldiers in all generations by misusing the international symbol of surrender. Similarly, using the Tephillin for smuggling is taking something holy and perverting it. There is no greater crime. Such people deserve no mercy.

Using a tree, for idolatry is a perversion. Appointing a person who is supposed to represent the ultimate in integrity, to a position where he can be a tool of corruption is a comparable perversion.

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These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #470, May A Convict Escape. Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. learn@torah.org

From: Shema Yisrael Torah Network
[shemalists@shemayisrael.com] August 28, 2003 To: Peninim Parsha
PENINIM ON THE TORAH

BY RABBI A. LEIB SCHEINBAUM

PARSHAS SHOFTIM Judges and officers shall you appoint. (16:18) Whichever translation we choose to apply - judge, leader, rav - the spiritual leader and arbiter of Jewish law has to fulfill certain criteria. Thorough knowledge of the law is only one; it's the beginning of the many attributes he must possess. The Yerushalmi in Meseches Sanhedrin 1:4 details some of the other virtues inherent in a dayan who sits on the Bais Din situated on Har HaBayis: chacham, wise; anav, humble; shafui, defers to those greater than he; ayin tova, good eye; nefesh shefalah, simple spirit; ruach nemuchah, lowly spirit - patient; lev tov, good heart; yetzer tov, always seeks to do good; chelek tov, seeks to have a chelek, portion, in every good activity.

It is understandable that a shofet Yisrael must be a chacham, wise and erudite, but all of these additional attributes do not seem essential for arbitration of Jewish law. Horav Avraham Kilav, Shlita, suggests that there are really only four criteria, as some are duplicates of the others. Shafui and anivus are two forms of humility. The anav is humble in regard to himself. He distances himself from unnecessary honor, always seeking to play himself down. The shayaf is one who simultaneously seeks to glorify others. He "bends," deferring to those who are greater than he. The ayin tova is one who enjoys sharing with and giving to others, while the nefesh shefalah indicates that he feels undeserving of what he possesses, understanding that it is all a gift. The ruach nemuchah, lowly spirit, coupled with the lev tov, defines a personality that is calm, lenient, persevering, who does not succumb to anger or scorn. The yetzer tov is the opposite of the yetzer hora; one who possesses a good inclination always seeks to do good. Together with the trait of the chelek tov, we see an individual who is caring, sharing and perpetually seeking to do good.

Chazal also add that a judge must be compassionate. If he is subject to a condition that might predispose him to having a somewhat cruel nature, he is disqualified from serving as a dayan.

What do we derive from all these criteria? Is the judge not supposed to render Torah law - not his own personal feelings? There is, however, a concept of shikul hadaas, the ability to think something through properly, correctly, without prejudice or preconceived notion. For this type of thought process, the dayan must be the paragon of ethical thought and behavior. While I am specifically referring to the dayan, the idea applies equally to anyone who stands at the spiritual helm of Klal Yisrael.

Rav Kilav comments that the Sanhedrin HaGedolah, which was the primary source from which Jewish law was promulgated throughout the nation, was comprised primarily of Kohanim and Leviim. He suggests this is due to the extreme nature of their personalities. The Kohanim are baalei chesed, purveyors of kindness, as they are the descendants of Aharon HaKohen who exemplified the concept of o'haiv shalom v'rodef shalom, he who loves peace and pursues peace. The Leviim, on the other hand, were stern, adhering to theMiddas ha'Din, strict justice, to the letter of the law. These two extremes worked in consonance with one another, so that halachah would emanate from the Sanhedrin in a manner that reflected both justice and compassion, both integrity and sensitivity.

Judges and officers shall you appoint. (16:18)

Jewish leadership has to be strong - yet flexible. Compassion for, and sensitivity to all Jews are prerequisites for leadership.

Strength of character and fear of no man are just as essential.

The following narratives demonstrate these two inimical qualities which were the hallmarks of two Torah leaders.

Horav Yosef Chaim Sonnenfeld, zl, was a talmid chacham without peer. Yet, he had no problem performing the most menial task if it

would help another Jew - regardless of his age or station in life. Rav Yosef Chaim was once late in returning home from Shacharis. This was an anomaly, since he was a very punctual person. Concerned, his wife sent their daughter in search of Rav Yosef Chaim. She found her father drawing water from a well and pouring it into pitchers, which two little boys - ages six and seven - carried to their nearby home. The boys emptied the water into a large earthenware barrel and quickly returned to the well for more water.

"Father!" his daughter exclaimed. "Have you added water-carrier to your list of positions?"

"No," responded Rav Yosef Chaim, "but as I was returning from shul, I noticed these two little boys bending over the well in an attempt to draw water. What they were doing was dangerous, and I told them so. They replied that they had no alternative, since there was no water at home, and they could not afford to hire a water-carrier. Their mother had recently given birth, and their father - a poor talmid chacham - was laid up in bed with a severe case of the flu. What could I have done? I immediately took off my Tallis and Tefillin and began to draw water for them. I will continue doing so until I fill their water barrel."

"But, father, what will people think when they see a talmid chacham of your stature engaged in such menial activity?" his daughter rejoined.

"I care much more about what they would say in Heaven if I were to sit and eat a leisurely breakfast while Jewish children are putting their lives in danger, so that they can bring a few drops of water to their sick parents," was Rav Yosef Chaim's reply. This was the attitude of a gadol b'Yisrael. His overriding concern was for the welfare of two young boys. This concern overshadowed whatever position he held. The lives of Jewish children were involved. What could have held greater significance? It would serve our own leadership well to digest this story and take heed of Rav Yosef Chaim's reply. How many children do we overlook because of vested interests? How many mothers' complaints fall on deaf ears because we refuse to take a stand? How many children leave the path of Torah because it is below our dignity to help? There are leaders who lead, and there are leaders who are led. It all depends where one places his emphasis.

The second story is really excerpts of a letter written by the Klausenberger Rebbe, zl, to the Jews in free countries, following World War II, pleading with them to fulfill their duty towards their destitute brethren who had survived the Nazi inferno. The letter demonstrates the Rebbe's concern, compassion and strength of character. He saw his brethren perishing before his very eyes, and no one was doing anything about it. He was not subject to petty politics or protocol. Jews were dying, and action had to be taken. This was Torah leadership at its zenith.

"To our Jewish brethren:

"As a result of our sins, we, the Jews of Europe, have suffered years of persecution, in which the evil oppressors have risen against us to wipe out, kill and destroy all the Jews. During all those years, no one rose to share our suffering or to assist us. Those few who survived, did so only through the promise of the Torah, 'I will not cast them away, nor will I abhor them,' (Vayikra 26:44) and by the covenant that the Jewish people will not be destroyed. Yet, though we have been freed from slavery, we have not yet regained our freedom.

"Single family members, remnants going from place to place in search of their lost ones - fathers, mothers, wife, children and relatives - wandering and confused in the land of their enemies. Burning tears stream down our faces, we see our enemies already content and at peace, while we linger in pain and deprivation.

"All the doors have been shut. Even the gates to our Holy Land are closed to us. We are kept in camps in poverty and shame, without clothing or shoes. Some of our people are still wearing their accursed prison uniforms.

"Our supply of kosher food is limited. Thus, many of our fellow Jews are relegated to continue eating non-kosher food. While I am aware that a number of organizations have been founded under a variety of names, they have yet to accomplish anything. Indeed, I can honestly say that to date, nothing of value has reached the camps.

"Is it not your responsibility to care for the remnants of European Jews - especially the thousands who are deathly ill? Our military commander is doing whatever possible to ease our plight, but even his hands are tied.

"Are we to ignore our spiritual obligations? Literally a hundred men grab onto a single Tallis which one person received from a relative. Men wait for hours to don a single pair of Tefillin, so as to recite the first paragraph of Shema. Holy Jews who survived the crematoria crowd together and look from afar at a page of a Siddur. Immeasurable time is wasted from Torah study, because there are no seforim. Even during these holy days we have no one to supply us with kosher Torah scrolls, Tefillin, Mezuzos, Tzitzis, Siddurim, Machzorim, Chumashim, Mishnayos and etc...

"I have been silent too long. I thought that the feelings of mercy would be aroused in my fellow Jews. However, my pain does not permit me to remain silent any longer. I cry out, again and again, to the heads of every committee and organization: Where are you?

"Jewish nation! Have you examined your deeds before your Creator? Have you fulfilled your obligations to your brethren who are withering away from agony, living in the valley of tears, fearful of what the next day will bring? After all the years of suffering, do they deserve this?

"On behalf of all the holy martyrs who were murdered and burned alive, we scream! Please save us! Do not wait any longer! Please see to it that your assistance reaches those in need without interference or politics.

"I sign this with a broken heart with the hope that my pleas will be heard.

Rabbi Yekusiel Yehudah Halberstam"

I am sure that the pain was felt by many, but no one else had the fortitude and resolution to make a public demand. Not everyone wants to be Klal Yisrael's conscience. It takes true leadership.

You shall not accept someone's presence. (16:19)

Everyone must be treated fairly and equally. This idea does not apply exclusively to a court of law. A sickness prevails in a society in which we favor one person over another. In some cases, it is their pedigree; in others, it is their material wealth, or it is simply what we personally have to benefit from them. As a judge should not favor one litigant over another, so, too, should we not treat one Jew differently from another.

Horav David, zl, m'Lelov was once traveling with the Yehudi HaKadosh, zl, m'Peshischa to raise funds for charity. They came to the home of a wealthy Jew. After ushering them in, the man gave to Rav David, whom he recognized, but refused to give a thing to the Yehudi HaKadosh. In fact, he berated him, saying, "I can tell that you are a charlatan. You are not raising money for charity. You are really seeking funds for yourself. I will give you nothing!"

Hearing this gross insolence, Rav David returned his contribution, and they both left the house humiliated. It did not take long for the wealthy man to discover who Rav David's partner was. The man was miserable. He searched all over for the two tzaddikim. After awhile, he was able to locate them.

Approaching the Yehudi Hakadosh, he begged forgiveness. "I did not know who the rav was. I would never have acted so rudely. Please forgive my insolence," the man pleaded with the tzaddik. The Yehudi's response should send a shudder up the spine of anyone who ever treated a meshulach, fundraiser, who came to our door, in a disrespectful manner.

"To forgive you for my kavod, honor, is no problem. I know you had no intentions of insulting me. What about the poor man, however, whom you thought was standing in front of you? I have no right to be mochel, forgive, his kavod. It is not in my power to forgive the hurt and humiliation sustained by another Jew.

"I have only one suggestion for you in order to attain penance for your actions. Whenever a Jew comes to your door for funds - give him gladly, and from each one should you ask mechilah, forgiveness, because of the hurtful words that left your mouth." Perhaps the next time a poor man stands by our door and he does not measure up to our preconceived standard of qualifications, we should remember this story so that we will treat all Jews with equality.

You shall not move a boundary of your fellow. (19:14)

It is forbidden to increase one's property at the expense of one's neighbor. A simple law, which is really common sense. Yet, we find hasogas gvul to be a common malady, whether it is in business or in any other endeavor. For some reason, when one Jew is doing something and doing it well, soon he will have a competitor down the block, doing the same thing. The following story, although it does not condone the inappropriate actions of Jew versus Jew, does offer rationale for the offensive behavior. Horav Yitzchak Elchanan Spektor, zl, the distinguished rav of Kovno, was in St. Petersburg to meet with the leaders of the Jewish community there. Two of the wealthiest Jews in Russia, Baron Hertz Ginzburg and Shmuel Poliakov, made a reception to honor the famous Kovnor Rav and invited members of the Russian parliament to attend. One of the most powerful cabinet members was very impressed with the Rav's brilliance and ability to converse in all areas of intellectual endeavor. One question particularly bothered the cabinet member about the Jewish people: Why is it that the Jewish people are always encroaching upon each other's business? A Jew opens a store, and a few days later someone else opens a store right down the block - or across the street. Indeed, this was a phenomenon found only among the Jews. No other nationality seemed to encounter this problem.

Rav Yitzchak Elchanan gave the following response: "We see among the animal world that members of each individual specie do not attack one another. The lion does not prey on another lion, the bear does not bother another bear, and so on and so forth in regard to all animals. This phenomenon stops when it comes to fish. The fish of the sea prey on each other. Survival of the fittest and the biggest is the rule in the sea. Why is this? The answer is simple. The animal world is vast. They can roam wherever they want in search of sustenance. Since they have no problem finding food among the other species, they have no reason to prey on their own. The fish, however, are restrained to a specific area - the sea. They cannot exist out of the water. Being remanded to one area, they are compelled to fight for their existence even at the expense of each other.

"We Jews are no different. We are not permitted to live in the large cities. We are subject to living in the cramped quarters allotted to us in the small dingy ghettos. Earning a livelihood is almost impossible, since we are constrained wherever we attempt to go. While encroaching on one another is inappropriate, it is regrettably forced upon us by the Russian Government."

The purpose of the above narrative is not to condone the reprehensible behavior of a minority. It is rather to emphasize that their offensive behavior is for the most part due to circumstances. Some can just manage the situation better than others. Sponsored by Rabbi and Mrs. Sroy Levitansky in memory of Mr. Sol Rosenfeld

From: Aish.com [newsletterServer@aish.com] Sent: August 27, 2003 5:26 AM
Subject: LIVELY PARSHA - Shoftim
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This article is online at:
<http://www.aish.com/torahportion/livelyParsha/showArticle.asp>
Parsha: Shoftim (Deuteronomy 16:18-21:9)
LIVELY PARSHA SHOFTIM
BY: RABBI AVI GELLER

"Please purchase a tin of snuff," Rabbi Weiss requested from his attendant. Meanwhile, Ralph and Jake were two litigants waiting in the rabbi's foyer for him to judge their case involving a large sum of money.

Ralph overheard the rabbi's request and whispered to the attendant, "I know of a place to acquire aromatic snuff very cheaply, please allow me to run out and purchase the rabbi's snuff."

When Ralph bought the snuff, he inserted a tiny gold coin beneath the snuff. Since this constituted a bribe and "bribery blinds the eyes of the wise" (Deut. 16:19), the rabbi decided in favor of Ralph - even though he was unaware of the bribe. When Jake, his opponent, appealed the ruling to the other learned judges, they all agreed that Jake was obviously correct and they didn't hesitate to inform Rabbi Weiss of their learned opinions.

That night, the rabbi couldn't fall asleep. "How could it be that all of my colleagues disagree with my legal decision when it seems so clear to me?" He decided to review the sources again, and opened his large volumes of the Talmud and the Code of Jewish Law. He went over the case again, and each time came to the same conclusion. "The others must be mistaken. Ralph is the winner," he said to himself.

As he was concentrating on his studies, he paid little attention to the tin of snuff from which he was constantly sniffing. He finally finished the tin and gave a little tap on the back to get the last drops, when out came flying the gold coin. "Aha!" cried the rabbi, who then realized what had happened and that Jake was right. He had been blinded without even knowing of the bribe!

Parshat Shoftim continues Moses' "law-giving" process, which now focuses on the laws of judges, witnesses, officers and kings.

THE JUDICIAL SYSTEM

Every Jewish community must have a judge, and officers to enforce the verdict. The judge must rule fairly and not take bribes. The rabbis of the Talmud were very sensitive to this matter and disqualified themselves often for what they perceived to be bias. One man who helped a rabbi cross a bridge, a woman whose tears caused an emotional bias, and even the sharecropper who delivered the rabbi's share a day early, all resulted in the rabbi disqualifying himself from the case. (Compare this to many politicians and judges today who claim to be unbiased - in spite of receiving gifts from all sides!)

COGNITIVE DISSONANCE

If someone has a particular bias, even subconsciously, not to believe certain facts, it is very difficult to convince them otherwise. Most people are not aware of this, as it can be very subtle. One college professor told a rabbi who was delivering a lecture: "I

want you to stop speaking right this minute. If you continue I might have to change my lifestyle - and I like my lifestyle!" (heard from Rabbi Yaakov Weinberg)

Aristotle was brilliant, yet he denied monotheism and creation ad nihilo.

Question: How can we expect a young Jewish boy or girl to be greater than Aristotle?

Answer: One need not be Aristotle to perceive the design in the universe. Every human who decides to use his intelligence can easily recognize the Creator!

Question: So why didn't Aristotle perceive this?

Answer: Cognitive dissonance! "Bribery blinds the eyes of the wise." Since believing in a Creator obligates one to live a moral lifestyle, many choose to believe otherwise. Even a man as great as Aristotle was no exception and his bias blinded him. (Rabbi Elchanan Wasserman)

RIGHTEOUSNESS RIGHTEOUSNESS SHALL YOU PURSUE
The Torah's repetition of the word "righteousness" is to impress upon us that even the means to reach righteousness must be decent. In Torah, the ends do not justify the means.

WITNESSES

In biblical times, there were no "squad cars" searching for evildoers to bring to justice. The officers only carried out the verdict of the judiciary. Whose job was it to make sure the masses kept the Torah? Every two adult male Jews, upon witnessing a Jew about to break the Torah, had to duly warn him of the consequences of his foolhardy act. If he proclaimed his intention to do it anyway and did so without delay, they had to bring him to the Jewish court and demand punishment.

If none of the people acted as witnesses, the Almighty blamed the entire nation for their inaction (see Parshat Pinchas).

JUDGES

The Torah commands us to follow the opinion of our judges, "whether they tell us right or left."

In Temple times, the great Sanhedrin (supreme court) had complete jurisdiction in all matters. When a question arose, they would deliberate, and only when the issues involved were "crystal clear" would they come to a vote, which was binding on the entire nation. Today, each group of Jews follow their chosen rabbi, which unfortunately often leads to disagreements among Jews.

"TORAH OPINION"

There is a concept that a great Torah scholar, who has dedicated his life to the study and dissemination of Torah, eventually starts to think in the "thought patterns" of the Torah. Hence his opinion, even on worldly topics like business, medicine and even politics, is highly sought after and valued. This is the reason why religious parties in Israel have a "Council of Torah Sages" who formulate policy for the politicians.

An ignoramus once asked the rabbi: "How do you arrive at a 'Torah opinion'?" His uncharacteristically blunt reply was: "Think through the issue well, and decide what your unlearned mind considers the best possible action - and then do the opposite. This is most likely the 'Torah opinion!'" The rabbi was explaining that without the broad moral perspective of Torah, a person will often conclude what is in the interest of their own personal bias, without seeing the greater moral truth.

THE JEWISH KING

The Torah commands us to appoint a monarch. Unlike most monarchs in history who were mainly concerned with themselves, the Torah considers a benevolent monarchy - concerned with the welfare of the people - to be the best form of government.

(Modern political scientists concur in theory; the problem is that politicians are often too untrustworthy to put the people's needs ahead of their own.)

In spite of this, the Jewish people in biblical times functioned without a king for over 300 years: From Joshua until Saul, the Judges ruled the nation. When the people approached the prophet Samuel and requested a king, he was very saddened, "Isn't G-d your king?" G-d appeared to Samuel and comforted him: "It isn't you they've rejected, but Me!"

Question: What was Samuel so upset about? Doesn't the Torah specifically command us to appoint a king?

Answer: The period of the Judges was characterized by the entire nation functioning by the "honor system." Judges had no police force or army to enforce their decisions. The Book of Judges records two calamities that were a result of the absence of a king to enforce this authority on the nation. However, by any standard, two incidents in 300 years is an excellent track record! What would occur in New York City even one day without a police force? (Or even with a police force!)

G-d was aware that eventually the nation would need a central authority and therefore commanded a king. However, in the times of Samuel, the people could have held out longer. They wanted a king for ceremonial reasons, the pomp and glory of the "changing of the guard." This was considered rejecting G-d. (Rabbi Avigdor Miller)

LIMITATIONS OF THE KING

The purpose of the monarch was to raise the spiritual level of the people. He is commanded to have a small Torah scroll with him constantly and to read from it.

The king also had to display great humility. The Amidah prayer contains four blessings where we bow down. The High Priest had to bow at every one of the 19 blessings. The King would pray the entire prayer prostrating himself. The Torah teaches that the more reason one has to be arrogant, the more he must work to counteract that tendency.

The Torah limits a king in 3 areas: He may not have an abundance of wives, horses, and silver and gold. This is to prevent him from overindulging and seeking only more power. King Solomon had 1,000 wives. His intention was to unite the entire world and teach them morality. What better way to get on the good side of a gentile king, than by marrying his daughter? Solomon assumed that the reason the Torah gives, that "they shall not turn his heart away from the Lord" (Deut. 17:17) if it did not apply to him (since G-d granted him wisdom), it is permitted. The rabbis strongly condemned Solomon's decision, saying that there may be other reasons for a Mitzvah that you don't understand! In the end, one of the wives practiced idolatry in the palace and Solomon was held accountable.

GIFTS TO THE KOHEN

In the days of the Temple, Jews were obligated to give to the Kohen a total of 24 gifts, including:

When a Jew slaughtered an animal he had to donate the arm, cheek and stomach to the Kohen. This symbolized dedicating one's actions, words and enjoyments to G-d. (Rabbi Hirsch)

The "trumah" portion of the grain.

The first fleece of the lambs. The concept is to feel gratitude to G-d for every gift we receive, and to show our gratitude by donating to those who represent Him. The fact that the Kohen and Levi were subject to the generosity of the nation and had no assets of their own, put them in a very precarious position. The Israelite had the choice which Kohen or Levi to donate to, and any individual Kohen or Levi could starve if no one liked him!

It is pointed out that this "selectivity" clause does not make the descendants of Aaron the likely authors of the Bible. Neither would the dynasty of King David - who clearly relates his mistakes more than anyone else! In short, by process of elimination, the only author of the Bible who could be totally objective is the Almighty Himself!

BLACK MAGIC

Besides prophecy, there is a "back door" for obtaining knowledge of the future. The Torah prohibits patronizing fortune tellers, soothsayers, star gazers and palm readers. We are admonished to be "In complete faith with the Lord" (Deut. 18:13). This means trusting in G-d, for better or for worse. We don't always understand His plan, but knowing that enables us to deal with all situations. This awareness raises the Jewish people above all forms of "black magic."

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"Do not move the border markers" (Deut. 19:14). This means don't sneak late at night and move the divider between your field and your neighbor's field - even a little bit. After a few such moves the loss can be substantial. This can be applied to plagiarism in its many forms, as well as copyright laws and all the realms of unfair competition.

FALSE WITNESSES

In a Jewish court, the most reliable form of evidence are two adult male witnesses. If two sets of witnesses contradict each other, they cancel each other out. (See Parshat Shlach concerning the 10 spies against the two.)

However, there is one case where the Torah specifically believes the second pair over the first. Imagine that the first pair testified that they witnessed an act at a certain time in a certain place (e.g. "6 a.m. in Miami"), and the second pair declares, "We know that you didn't see it, because you were with us then in Toronto!" In such a case we believe the second pair, because the first pair cannot testify in their own defense. For just as relatives may not testify for each other, so too an individual is considered related to himself and is self-serving in his own defense.

The Torah decrees that these false witnesses must suffer whatever punishment they intended for the defendant - be it payment, lashes, or even the death penalty! If this cannot be done, they receive lashes for the sin of bearing false witness.

LAWS OF WAR

What follows are 3 laws concerning the Jewish people waging war (excluding a war of liberation of the land). Two of these laws are in this Parsha, followed by one in the next Parsha, and interrupted by the law of the "broken-necked calf."

LAW #1: When the soldiers are assembled to join the battle, they are first asked if anyone had recently gotten married, built a new house, planted a new vineyard, or was afraid of his misdeeds. Those who replied positively were exempted from military duty. The concept is that they would make bad soldiers due to the fact they would always be focused on "who will take my wife, house or vineyard if I don't return?" The sinner has his embarrassment alleviated by grouping him with the others.

LAW #2: When besieging a city, if you must cut down trees to build a platform to attack the city, do not cut down fruit trees. This is environmentalism in the Torah! This is the general prohibition against wasting food or any commodity. (Remember the starving children in Africa and finish your spinach!) The Torah also compares people to trees in the power of growth that they share.

LAW #3: The captive woman is discussed in next week's Parsha.

THE BROKEN-NECKED CALF

A homicide victim was found between two cities with a gaping wound. The murderer didn't even bother hiding his deed. The Sanhedrin from Jerusalem came to measure the closest city, and the elders of that city had to take a young calf that never carried a burden to a valley that was never planted (hinting to the victim who will not have any more offspring), and break its neck. The elders would then wash their hands over the dead calf and proclaim:

"Our hands did not spill this blood, nor have our eyes seen who perpetrated this deed. Have mercy on your people and atone this innocent blood." (Deut. 21:7)

The meaning of this ceremony was to stress the abhorrence at innocent bloodshed. If someone had so little concern for public opinion that he didn't even try to hide his deed, this was a breakdown of the first degree. The elders of the closest city were indirectly responsible for not providing provisions for wayfarers (as we assume this victim was), and more basically, for not educating the population of the horror of bloodshed.

Question: Why is this section inserted in the middle of the laws of warfare?

Answer: Soldiers can get accustomed to bloodshed until it makes little emotional impression on them anymore. The Torah wants us to be sensitive to the horror of killing, even when we have to conduct wars. The entire nation, including its leading body of scholars, must be outraged over the finding of one homicide victim (a dime a dozen in many corners of the world!). Take life seriously, and you won't return from war desensitized to the value of life. (Rabbi Hirsch) This forms the Jewish attitude to this day.

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From: RabbiWein@jewishdestiny.com Sent: August 28, 2003 12:59 AM

Subject: RABBI WEIN'S WEEKLY COLUMNS
Parsha Archive August 29, 2003 SHOFTIM

Competition is an accepted condition in our society. In commerce, sports, government, and the arts and sciences, competition is the fuel for the engine that drives our society forward. Without competition we would be at the mercy of monopolists, cartels and a controlled society that would stifle all progress, efficiency or incentive for personal reward. The Talmud itself speaks highly of competition, at least in educational and scholarly matters, when it states "competition amongst scholars increases wisdom and knowledge." Nevertheless, like all seemingly positive attributes, competition should have its limits. Unrestrained, cutthroat, vicious competition is immoral, wrong, and eventually counter-productive.

This week's Torah reading introduces the prohibition against the concept of "hasagat gvul" - unfair and immoral competition. The Hebrew words "hasagat gvul" literally mean overstepping or illegally encroaching on one's neighbor's border. Just as it is obviously wrong to move one's border fence to gobble up a piece of ground of the neighboring lot, so too is it wrong to engage in unfair competitive practices in order to injure someone's business to benefit one's own enterprise. As naive and altruistic as this may

appear at first glance, there is sound social and economic sense behind this Torah policy. The Torah is interested in creating a fair, just, harmonious and compassionate society. Unfair competitive practices, when practiced regularly, openly and without shame, prevent the achievement of such a society. In the words of Rabbi Abraham ibn Ezra, the great philosopher, poet and biblical commentator of the twelfth century, "for such unfair competition [such as border encroachment] automatically leads to quarrels, violence and even murder." Rapacious economic practices in the eighteenth and nineteenth centuries led to the reactions of socialism, communism and other state-controlled economies in the twentieth century.

The prophecy of ibn Ezra of "quarrels, violence and even murder" was thus fulfilled in front of our horrified eyes. Excess begets excess and greedy, exploitative, unfair competition begets unfair state-controlled, repressive monopoly and tyranny. Thus the Torah frowns on negative remarks regarding competitors' products and personalities. Negative advertising, whether in politics, commercial services or manufactured products, is not allowed and is definitely a form of *loshon harah* - evil speech. One may describe accurately and even boast about the wonderful and unique qualities of one's own products or services, but it is unfair competition to knock the other person's. I know that this sounds strange to twentieth century American consumers, who are bombarded by telemarketing, incessant advertising and a terrible amount of negative competition. But Jews and their Torah understanding of life always were bidden to swim upstream against the current.

I think that the prohibition about "encroaching on the border" affects many areas of life. Following this precept guarantees the sanctity of privacy, the holiness of confidentiality and the civility necessary for a fair, civil and trustworthy marketplace. There is unfair competition in families and institutions for time and attention, for wealth and opportunity, even for love and caring. In fact, it is probably within the family circle, at the very beginnings of life itself that the seeds of destructive competition are planted. A wise parent is aware of the dangers of pitting sibling against sibling, of unfair comparisons of abilities and attainments. It is the individual, unique human being that counts, and though competition in human life is unavoidable, the destructive aspects of competition can and should be controlled and minimized. Shabat Shalom. Rabbi Berel Wein

From: RABBI RISKIN'S SHABBAT SHALOM LIST
[parsha@ohrtorahstone.org.il] Sent: August 27, 2003 2:10 AM
To: Shabbat_Shalom@ohrtorahstone.org.il Subject: Shabbat Shalom: Parshat Shoftim by Rabbi Shlomo Riskin
Shabbat Shalom: Parshat Shoftim (Deuteronomy 16:8-21:9) By Shlomo Riskin

Efrat, Israel - "And it will be, when you come near to warfare, the priest shall step forward and speak to the nation. He shall say to them, 'Hear, Israel, you are coming near this day to warfare against you enemies. Do not be afraid, for it is the Lord your G-d who walks alongside of you to wage battle for you...'" (Deuteronomy 20: 2,3)

The Sages of the Talmud expand on this morale-uplifting message of the priest-Kohen to the soldiers before battle: "The Priest-Kohen anointed for War would speak in the sacred tongue (Hebrew). 'Don't let your heart become faint. The Lord of hosts, the G-d of Israel, it is He who wages war with us, it is He who walks with us to save us in all of our battles. This is because our war is His war, and our victory is His victory'" (B.T. Sotah 42a). There are two problems with this Biblical passage, one textual and the other conceptual. The Bible opens, "And it will be," in

Hebrew v'haya; an equally acceptable Hebrew usage with the same meaning would have been vay'hi (both forms are based on the Hebrew verb "to be"), with our grammatical Sages pointing out that the second form generally connotes a difficult or even tragic situation. The probable reason for this perhaps is vay is the usual expression for woe, whereas the first usage has a more neutral connotation. Given the fact that we are dealing with war, would it not have been more appropriate for the Bible to have begun this passage with "vay'hi" rather than "v'haya"?

Secondly, why does the Bible mandate a special Priest-Kohen anointed for War and not a special king anointed for war or a special Prophet anointed for War? After all, there are three Biblical proto-typical leaders, - the King, the Prophet and the Priest-Kohen - and it seems to me that the least likely functionary to be chosen for the task of morale building in time of war is the priest-Kohen. After all, the Priest-Kohen symbolizes three specific traits or functions necessary for successful nation building: continuity between parents and children, the son inheriting the mantle of priesthood from his father and carrying on his sacred tasks; the preservation of the external structure, of the organizational/institutional forms, as expressed by the specific external garments without which the priest-Kohen could not function; the pursuit of peace, a value inherited from the very first High Priest of Israel, Aaron, who "loved peace, pursued peace, loved all creatures and brought them close to Torah."

War is the very antithesis, indeed the nemesis, of these three priestly vocations. War disrupts the continuity of the generations, causing fathers to bury their sons rather than seeing their progeny continue their work; war destroys and uproots the orderly form of life and prayer, the buildings and the institutions, which characterize a society in times of halcyon normalcy; and war is the opposite of peace, breeding loss of life, limb and dignity. So why have the Kohen-Priest as the one anointed to give courage to those in the front lines of battle? Would not a king or a prophet be a far more fitting choice than a lover of peace?!

I believe that herein lies the profound genius of the Bible. The Mishnah teaches, "An individual may not go out (on the Sabbath) bearing a sword or a spear (because these are implements of war and are considered to be a burden). Rabbi Eliezer (disagrees), declaring that these armaments are ornaments (to be worn, and not burdens to be carried). The Sages maintain, 'they are disgraceful objects for those who wear them, as the Scripture teaches, 'they shall beat their swords into ploughshares and their spears into pruning hooks.'" Obviously the overwhelming view of the majority is that implements of war are not only considered burdens not to be carried on the Sabbath (unless it be for life-saving reasons), but are also seen in a disparaging and demeaning light - a far cry from the opening lines of Virgil's Aeneid, "Of armaments and soldiers do I sing" (arma virumque cano).

But if so, how can we understand the commandment to go to war, clearly detailed in the continuing passage of our Torah reading (Deuteronomy 21:10-18) and referred to in the Mishnah as milhemet mitzvah (a war commanded by the Torah)! This is how the Torah and our Sages characterize the early Biblical wars against the seven indigenous nations of Canaan, the war against Amalek and a war in self-defense.

Apparently the Torah believes that there are some wars which, despite the blatantly negative assessment of war in light of our ultimate goal of world peace, are nevertheless necessary and mandatory. First we must always attempt to make peace and try to convince our enemy to accept the Noahide laws of morality (Maimonides, Laws of King, 6). But if this does not work with the evil and aggressive 'seven nations' and Amalek, if we are attacked by a nation that sets out to destroy us and our morality,

then it becomes incumbent upon us to strike back and secure our freedom as well as the future of a moral civilization.

There are times in life when we must wage war in order to maintain our continuity into the future. There are times in life when we must wage war in order to maintain the forms and institutions of our decalogue-inspired culture. There are times in life when we must wage war in order to preserve a world dedicated to peace. As Seneca taught, "If you wish for peace, you must prepare for war," particularly in a world with evil empires. And in such types of warfare, the best individuals to encourage and inspire our soldiers are our ambassadors of peace, our priest-Kohanim!

Shabbat Shalom.

You can find Rabbi Riskin's parshiot on the web at:

<http://www.ohrtorahstone.org.il/parsha/index.htm>

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From: Ohr Somayach [ohr@ohr.edu] Sent: August 27, 2003 3:02 AM To: weekly@ohr.edu Subject: Torah Weekly - Parshat Shoftim TORAH WEEKLY - For the week ending 30 August 2003 / 2 Elul 5763 - from Ohr Somayach | www.ohr.edu Parshat Shoftim -- <http://ohr.edu/yhiy/article.php/1163>

Pain and Gain
"Who is the man who has built a new house and has not yet inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it." (20:5)

Rashi: "and this thing will pain him"

Rashi's comment on the above verse cannot mean that the thought of someone else inaugurating his new home will be extremely painful to him. For in the painful thoughts department nothing is more painful than the thought of death itself.

The Midrash teaches that when the Romans executed Rabbi Chananya for teaching Torah in public they wrapped him in his Sefer Torah and set it alight. To prolong his agony, they packed water-soaked wool around his chest. Rabbi Chananya said, "The parchment is consumed, but the letters fly up in the air." The Roman executioner was deeply moved by Rabbi Chananya's holiness and asked, "If I remove the wool from around your heart, will I have a share in the World to Come?" Rabbi Chananya promised him that he would. The Roman then removed the wool, added wood to the fire to curtail Rabbi Chananya's agony and jumped into the flames and died. A Heavenly voice proclaimed, "Rabbi Chananya and the executioner are about to enter the World to Come." One thought of teshuva repentance can undo a life of sin.

And one thought of sin can undo a lifetime of teshuva.

The most important moment in a person's life is his last moment. At that moment he has the potential to fix a lifetime's wrongdoing. What a waste to spend that last moment immersed in the cares of this world rather than one's gaze on eternity.

That's what Rashi means when he says "and this thing will pain him." How great will be this man's pain should he spend his last moments thinking about his real estate rather than preparing himself to enter the world of truth.

Written and compiled by RABBI YAAKOV ASHER SINCLAIR
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From: RABBI MENACHEM LEIBTAG [tsc@bezeqint.net] Sent: August 27, 2003 Subject: [Par-reg]Parshat Shoftim - shiur Mazel Tov to Atara Grysman upon her marriage this week to Ilan Barda!

THE TANACH STUDY CENTER [http://www.tanach.org] In
Memory of Rabbi Abraham Leibtag Shiurim in Chumash & Navi by
Menachem Leibtag

PARSHAT SHOFTIM

What is the ideal form of leadership for Am Yisrael: a NAVI [a prophet]; a SHOFET [a judge]; a KOHEN [a priest]; a MELECH [a king]?

As Parshat Shoftim mentions each of these four 'models', in this week's shiur we discuss this important question.

INTRODUCTION It is not by chance that Parshat Shoftim discusses different forms of national leadership. Recall how the main speech of Sefer Devarim (chapters 5-26) contains the mitzvot that Bnei Yisrael must observe upon their entry into the Land. Considering that Parshat Shoftim is part of that speech, it only makes sense that this speech would contain a set of laws relating to the establishment of national leadership. With this in mind, we begin our shiur with an analysis of the progression of topics from Parshat Re'ay to Parshat Shoftim.

FROM A NATIONAL CENTER TO NATIONAL LEADERSHIP Recall from our previous shiurim how Parshat Re'ay began the important "chukim u'mishpatim" section of the main speech (i.e. chapters 12-26). This section contains an assortment of laws that Bnei Yisrael must observe when they enter the Land. In last week's shiur we discussed how this section opened with the topic of "ha'makom asher yivchar Hashem" - the site of the Bet HaMikdash - which was to become the National and Religious Center for G-d's special nation. Afterward, the Torah discussed topics relating to the establishment of other laws that would facilitate the creation of an "am kadosh" [a holy nation], such as special dietary laws, and a unique economic system protecting the 'poor from the rich'. Parshat Shoftim continues this general theme, as it opens by commanding the establishment of a comprehensive judicial system (see 16:18-17:13). That topic, concluding with the establishment of a 'supreme court, is followed by laws relating to the appointment of a king (see 17:14-20); laws relating to shevet Levi (see 18:1-8) and some guidelines relating to proper and improper 'guidance counselors' (see 18:9-22). As all of these mitzvot pertain to the political and religious leadership of the people, we can assume that the Moshe Rabeinu presents these laws at this point in the his speech, as these institutions will facilitate the realization of G-d's goal for Am Yisrael to become His 'model' nation (see Breishit 12:1-3). In this manner, the nation's character will be crystallized not only by the special mitzvot that each individual must follow, but also by its national establishments.

"OR LA'GOYIM" This conclusion is supported not only by our analysis of the progression of these mitzvot, but also by Moshe Rabeinu's own remarks at the conclusion his first speech (i.e. chapters 1-4). In that speech, recall how Moshe had explained WHY Bnei Yisrael should keep all these mitzvot - which he is about to teach them (in the main speech): "See I am teaching you CHUKIM & MISHPATIM...for you to abide in the LAND that you are about to conquer. Observe them faithfully: *For that will be PROOF of your wisdom in the EYES OF THE NATIONS, who will say upon hearing all these laws: Surely, THIS GREAT NATION is a wise people. * For what great nation is there that has GOD SO CLOSE to them... * and what great nation has laws as perfect as THIS TORAH which I set before you today!" (see Devarim 4:5-8).

These psukim inform us that the CHUKIM & MISHPATIM section of Sefer Devarim will contain mitzvot that Bnei Yisrael must keep IN ORDER to achieve this divine goal - to become an "or la'goyim" - a shining light for all nations. This requires the establishment of national institutions to mold its unique character. These institutions are to facilitate not only the spiritual growth of each individual citizen, but also the creation of a 'model nation' that will bring G-d's Name to all mankind.

FROM RE'AY TO SHOFTIM As we mentioned in our introduction, the first commandment of the CHUKIM & MISHPATIM section was the establishment of a National Center - BA'MAKOM ASHER YIVCHAR HASHEM. It is here where Bnei Yisrael will gather on joyous occasions while offering their "korbanot" (see chapter 12), eat their "ma'aser sheni" (see chapter 14), and gather on the "shalosh regalim" (the three pilgrimage holidays/ see chapter 16). However, the establishment of this center is only one of the many mitzvot that will facilitate the formation of G-d's model nation. Recall that Parshat Re'ay contains several other mitzvot that help create this "am kadosh" (holy nation): * the special dietary laws (see 14:2-21); *the laws of the seven year "shmitah" cycle (15:1-18), a national economic policy which helps guarantee social justice; *warnings against 'bad influences' which could thwart the development of G-d's special nation (12:29-13:19).

This theme continues in Parshat Shoftim, which describes several institutions of national LEADERSHIP: 1) the SHOFET - a judicial system 2) the LEVI - religious leadership & civil servants 3) the NAVI - religious guidance & national direction 4) the MELECH - political leadership

Therefore, our shiur will discuss the Torah's presentation of each of these topics:

THE SHOFET Parshat Shoftim opens with the commandment to establish a nationwide judicial system: "You shall appoint Shoftim v'shotrim" (judges and officers) at ALL YOUR GATES (i.e. in every city) that G-d is giving you, and they shall govern the people with due justice... JUSTICE, JUSTICE, you must pursue, IN ORDER that you thrive and inherit the LAND... (16:18-20).

Several psukim later (an explanation of the interim psukim 16:21-17:6 is beyond the scope of the shiur), Parshat Shoftim continues this theme with the commandment to establish a SUPREME COURT at that NATIONAL CENTER: "If there is a case too baffling for you to decide...matters of dispute in your courts - YOU SHALL GO UP to HAMAKOM ASHER YIVCHAR HASHEM, before the KOHANIM, LEVIIM, or SHOFET, and present your case..." (17:8-11).

This institution serves as the HIGHEST authority for both civil disputes and halachic questions. Both TORAH and JUSTICE must emanate specifically from the site of the Temple, the National Center (see also Yeshayahu 2:1-5). Once again, this mitzvah reflects the primary purpose for G-d's choice of a special nation, as G-d had already explained in Sefer Breishit: "For Avraham is to become a great NATION, and the nations of the world shall be blessed by him; for I have designated him IN ORDER that he command his children and his posterity to follow the WAY OF THE LORD by keeping TZDACA & MISHPAT..." (see Breishit 18:17-19 and its context!).

SHEVET LEVI Not only does the Torah require the appointment of judges, it also commissions an entire tribe - SHEVET LEVI - to become 'civil servants' for this very purpose. The Leviim are not only to officiate in the Temple, but they must also serve as judges. Additionally, they are responsible for the teaching of Torah and the instruction of the halacha (Jewish Law). This educational responsibility (even though it is only implicit in Parshat Shoftim /see 17:9), is stated explicitly by Moshe Rabeinu in his final blessing to Shevet Levi: "They shall TEACH Your LAWS to Yaakov and Your TORAH to Yisrael" (Devarim 33:9).

In fact, Parshat Shoftim identifies this tribal obligation as the reason why Shevet Levi does not receive a portion in the land: "The KOHANIM & LEVIIM - the entire tribe of Levi - shall have no territorial portion within Israel. [Instead] they shall receive their portion from G-d's offerings... for G-d is their portion... You shall also give them the first portion of your grain, wine and oil, and the first shearing of your sheep. For G-d has chosen him [Levi] and his descendants from out of all your tribes TO SERVE IN THE NAME OF THE LORD for all time" (see 18:1-5).

Not only does the Torah define their duty as civil servants, but also the details of their 'compensation' for this service (see 18:6-8).

THE NAVI After its short discussion of shevet Levi, the Torah continues with a discussion concerning who [and who not] Bnei Yisrael should turn to for guidance: "When you ENTER THE LAND which G-d is giving you, DO NOT learn to imitate the abhorrent practices of those nations. Let no one become...a soothsayer, a sorcerer, one who casts spells, or one who consults ghosts and spirits, or inquires of the dead. For anyone who does such things is abhorrent to the Lord... [INSTEAD] G-d will raise up for you a NAVI - a Prophet, like myself (Moshe Rabeinu). To HIM you shall listen...I will put My words in his mouth, and he will speak to them all that I command him..." (8:9-22).

These psukim prohibit the consultation of any of a wide variety of popular 'soothsayers,' as was the practice of the nations of Canaan. Bnei Yisrael should rather seek guidance from the NAVI, who is to serve as a national 'advisor' through whom G-d will communicate His message. **SO WHO'S IN CHARGE?** Thus far, we have encountered a court system, judges, the tribe of Levi (the Torah instructors), and the NAVI (who offers spiritual guidance). What about political leadership? In our discussion of leadership thus far, we have not found anyone who would deal with such issues. For example: *Whose responsibility is it to actually oversee the CONSTRUCTION of the Bet HaMikdash, BAMAKOM ASHER YIVCHAR? *Whose duty is it to organize a standing army and lead the nation in battle? * Who will determine foreign and domestic policy? *Who will conduct and supervise the collection of taxes, the building of roads, the minting of coins, etc.? * Basically, who will run the country?

Neither from Parshat Shoftim or anywhere else in Chumash does it appear that these tasks are the responsibility of the kohanim, leviim, or the shoftim. Are they the responsibility of the NAVI - the Prophet? The NAVI may, and probably should, serve as an ADVISOR to the political leadership, representing 'G-d's opinion' on important issues. Nevertheless, Parshat Shoftim clearly does not present him as a political leader. Neither does the "shofet," presented at the beginning of the Parsha, emerge from the psukim as a 'political leader.' Although he must ensure the execution of justice (16:20), he is not portrayed as a political leader. [Note: The use of the name "shofet" in Sefer Shoftim to define the ad-hoc political leadership of that time is a fascinating topic unto itself, but requires independent treatment, beyond the scope of our shiur.]

THE "MELECH" The answer to this question lies in one last category of national leadership discussed in Parshat Shoftim - the "melech" (king): "When you have entered the land... and you will say: 'I want to have a KING, as do all the nations surrounding me,' appoint a KING over yourself, ONE CHOSEN BY GOD... * He must NOT keep too many horses...; * He must NOT have too many wives...; * He must NOT amass too much silver and gold. When he is seated on his royal throne * He must WRITE down this MISHNEH TORAH (the laws of Sefer Devarim) from in front of the Kohanim and Leviim; * He must KEEP IT with him and READ IT every day of his life IN ORDER that he learn to FEAR GOD.... * Thus, he will not act haughtily...or deviate from the Torah...IN ORDER that he and his children may continue to reign over Am Yisrael...(see Devarim 17:14-20).

From the above psukim alone, it is unclear whether the Torah OBLIGATES or merely ALLOWS for the appointment of a king. [See Sanhedrin 20b and all the classic commentaries.] However, it appears from the context of these psukim, especially in their relation to the other types of national leadership presented in Parshat Shoftim, that specifically the king is expected to provide political leadership. After all, who else will 'run the show'? Even though Moshe Rabeinu himself acted as BOTH the "navi" and king (i.e the political leader), it seems that this 'double duty' is the exception rather than the norm. [Later in Jewish History, certain situations may arise [e.g. Shmuel] when the national leader may also serve as NAVI, but this happens as an exception more than as a rule.]

THE MAKING OF A NATION Given G-d's desire that Bnei Yisrael become His 'model nation,' it is quite understandable why some form of central government is necessary. After all, in order to become a prosperous nation, at least some form of political leadership is needed to coordinate and administer its development. One could suggest that when the Torah speaks of a king, it may be referring to any type of political leadership with central authority, regardless of the political system by which he is elected (be it a democracy, a monarchy, theocracy, etc.). The Torah may speak specifically of a 'kingdom,' for at the time of Matan Torah, that form of government was the most common. However, these laws regarding 'the king' could apply equally to the political leader in any system of government.

"K'CHOL HA'GOYIM" This interpretation may help us understand the phrase "melech k'chol ha'goyim" - a king like the other nations (see 17:14 and pirush of the Netziv in Emek Davar). The Torah is not encouraging Bnei Yisrael to request a king who ACTS like the kings of neighboring countries. Rather, they will request a FORM OF GOVERNMENT similar to that of the neighboring countries. This observation may very well relate to the very concept of the singularity the Jewish Nation. Although we must remain different from other nations, we must still be a nation, in the full sense of the term. Hence, Am Yisrael does not need to be different from other nations with regard to the FORM of its political leadership, rather in the MANNER by which its political leaderships acts! Once a specific leader is chosen, the Torah must guarantee that he does not grow too proud of his stature (see 17:16-17,20). Instead, he should use his invested powers to lead Am Yisrael towards becoming an "am kadosh." To this end, he must review the mitzvot of Sefer Devarim - MISHNEH TORAH - on a daily basis (see 17:19!). This is how we can become a 'model nation.' In this manner, the laws regarding the king in Sefer Devarim (17:14-19) set 'guidelines' for the behavior of the political leadership of Am Yisrael - in order that they can fulfill their destiny as G-d's special nation. Whereas this constitutes a primary theme of the main speech of Sefer Devarim, it is only appropriate that Parshat Shoftim deals specifically with this aspect of political leadership.

A CHALLENGE Undoubtedly, an inherent danger exists once political power is invested in a strong central government. But without a stable, authoritative body, a country cannot prosper and develop to its maximum

potential. It is the Torah's challenge to Am Yisrael to become a nation that resembles all other nations with regard to the establishment of a sovereign political entity. However, at the same time, it is the Torah's challenge to Am Yisrael that they be DIFFERENT from all other nations in the manner by which that leadership behaves and governs; for we are to become G-d's 'model nation.' This form of national government will not diminish the Kingdom of Heaven, but will rather promote the universal recognition of G-d's Kingdom and further the glorification and sanctification of His Name.

shabbat shalom,
menachem

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