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from: **Rabbi Yissocher Frand** <ryfrand@torah.org> reply-to: do-not-reply@torah.org to: ravfrand@torah.org date: Thu, Sep 8, 2016 at 3:49 PM
subject: Rav Frand - **Listening to the Torah and the Rabbis**

Shlomo Knew That the Law Prohibiting Bribes Applied To Him As Well Parshas Shoftim contains the mitzvah of appointing a king. The Torah sets certain restrictions for the Jewish monarch. One of these restrictions is that he may not accumulate too many horses. In those days, the supply of horses came from Egypt and a king who acquired "too many horses" would have to engage in extensive commercial relationships with Egypt. The Torah wanted to avoid that. [Devarim 17:16]

A second restriction prohibited the accumulation of too many wives. A king was forbidden to take more than eighteen wives "lest they make his heart turn astray" [Devarim 17:17]. The Talmud teaches [Sanhedrin 21b] that King Shlomo violated both these prohibitions. He accumulated many horses and many wives. In fact, he took 1000 wives. Disastrous results ensued. Scripture tells us that at the end of his life, his wives had a deleterious effect on his righteousness.

Why did King Shlomo knowingly violate these commandments? He argued "These laws do not apply to someone with my wisdom. I can take many horses and wives without sinning. I can handle it. The multitude of wives and horses will not affect me."

The Talmud observes that there are two places where the Torah tells us the reason for a prohibition. The Torah says (1) do not have too many horses because it will bring you back to Egypt and (2) do not have too many wives because they will make you stray. In these two cases, the Torah uncharacteristically writes the rationale for a negative commandment. Look what happened. The wisest of all men felt it did not apply to him. He considered the reasons given and with self-confidence decided that the reasons did not apply to him. In the end he sinned, with grievous consequences.

However, there appears to be a glaring contradiction — right in our parsha — to this rule that "in only two places the Torah stated a reason for a prohibition". At the beginning of Shoftim, the Torah says "Judges and officers shall you appoint in all your cities..." In the context of that instruction, the Torah says, "Do not take a bribe, for the bribe will blind the

eyes of the wise and make crooked the words of the righteous." [Devarim 16:18-19]. So what does the Gemara mean that it only states the reasons for prohibitions in two places (regarding too many horses and too many wives)?

The Torah also gives a reason regarding the prohibition against taking bribes: "For the bribe will blind the eyes of the wise and make crooked the words of the righteous!" Thus, there appears to be a third place where the Torah gives a reason for a prohibition, and it is in our very parsha!

Furthermore, why was it that Shlomo's self-confidence only allowed him to violate the prohibition against acquiring too many horses and too many wives? Why did not he say, "I'm going to take bribes" as well? Why did not he feel "the fear that bribes will blind a person does not apply to me"?

The Chidushei HaRim addresses this question. He answers that the pasuk [verse] states specifically "for the bribe will blind the eyes of the WISE and make crooked the words of the righteous." Shlomo's argument why he thought he was immune from the prohibition of having too many horses and too many wives was "I am the wisest of all men. These laws were made for kings of average intelligence." However he knew that the Torah specifically warned that the prohibition to take bribes was aimed even at the wise ("for bribes blind the eyes of the wise"). This warning stopped even King Shlomo in his tracks.

Listening To The Words Of The Rabbis

The Torah teaches "You shall come to the Kohanim, the Levites, and to the judge who will be in those days; and you shall inquire and they will tell you the word of judgment. You shall do according to the word that they will tell you, from that place that Hashem will choose, and you shall be careful to do according to everything that they will teach you." [Devarim 17:9-10] The Torah here strongly warns future generations to follow the words of the Sages of their respective eras. We are exhorted "...You shall not turn from the word that they will tell you, right or left." [Devarim 17:11]. We must listen to them in all situations.

There is an interesting dispute between the Vilna Gaon and earlier authorities as to whether or not the rulings of the rabbis of earlier generations apply for all future generations:

A Mishna teaches: "Three beverages are prohibited if they are left uncovered (for fear a poisonous snake left some venom in the liquid while drinking therefrom): water, wine, and milk" [Mishnayos Terumos 8:4]. The Shulchan Aruch [Yoreh Deah 116:1] rules that nowadays when poisonous snakes are not found amongst us, this fear of drinking exposed liquids does not apply and it is permitted to drink uncovered beverages. This is an exception to the rule. Usually rabbinic decrees are immutable, however here the Shulchan Aruch itself rules that the law does not apply today because we do not have poisonous snakes in our vicinities.

The Vilna Gaon, however, was particular NOT to drink uncovered water! In spite of what the Shulchan Aruch ruled and in spite of what earlier authorities (Tosfos in Tractate Beizah) had ruled, he was not prepared to say that the Mishnaic ruling was no longer in effect. The Gaon felt that when the Sages stated a prohibition — even when they told us a reason and the reason no longer applies — many times there were additional hidden reasons for the laws the Sages introduced.

This same issue comes up in Chapter 19 of Tractate Shabbos [Rav Eliezer d'Milah]. The Talmud mentions that after a circumcision, the mohel is supposed to do "metziza" [sucking] to extract residual blood from the place of the wound, for the health and safety of the child. There are those who suggest that today the medical facts have changed and therefore the practice of "metziza" mentioned in the Talmud no longer needs to be done today because the concerns of the Gemara — swelling or whatever it was — no longer apply today.

When analyzing this discussion, we mentioned the idea that many times the words of the Sages have various reasons behind them. Some of the reasons are mystical and based on Kabbalistic ideas. Even though the practical reason may no longer apply, the mystical reason may still exist. Therefore, the Gaon argued that even though based on "revealed Torah" (Toras haNigleh)

the prohibition against drinking uncovered beverages was because of poisonous snakes and we no longer have poisonous snakes however the words of the Sages are so profound and so deep with so much behind them that we may not understand. That is why the Gaon was not prepared to say they have become inapplicable.

I saw an interesting observation in the sefer Bei Chiyah. The Talmud teaches [Eiruvim 47a] that the halacha follows Rav Meir in his decrees (b'gezeiros). Even though we do not pasken like Rav Meir regarding halachos (for example – in a machlokes between Rav Meir and Rav Yehudah we follow Rav Yehudah's opinion), but if Rav Meir promulgated a gezeira [decree], we follow his ruling. What is the reason for this dichotomy?

The Bei Chiyah answers that early in Tractate Eiruvim [13b] we learn "Rav Acha bar Chanina taught: It is revealed and known before the One who spoke and the world came into existence [i.e. – G-d] that there was no one in Rav Meir's generation who was his peer. Why then did they not establish the halacha in accordance with his opinion? It is because his companions could not follow the depth of his analysis (she'lo yachlu chaveirov l'amod al sof da'ato)." He was so great that his friends did not grasp his "lomdus" [Talmudic analysis]. They could not grasp his arguments.

Since they did not grasp Rav Meir's logic, they argued with him. There is a rule in halacha that when the many argue with an individual the majority opinion prevails. However, this dynamic only applied to his halachos. We accept his decrees (gezeiros) because we do not need to know the reasons. They are edicts. Rav Meir has his reasons for these edicts and we accept them even if we do not understand them. Halacha must be logical. It needs to work. It must emerge from the consensus of the group of scholars. A decree is an edict, which does not need to be logical.

The lesson in this to all of us is that perhaps there are times when we do not understand the depth of the words of the Sages. There are things we learn in the Talmud that do not make sense to us. Nonetheless, we need to have this abiding faith in the words of the Sages. This was the attitude of the Gaon. G-d willing, if we listen to the words of Chazal, no harm will come our way.

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Peninim on the Torah by Rabbi A. Leib Scheinbaum - Parshas Shoftim

He shall flee to one of these cities and live. (19:5)

The purpose of the city of refuge was to protect the inadvertent murderer from the wrath of the goel ha'dam, redeemer/close relative, who seeks to avenge the death of his relative. The word v'chai, "and live," has a powerful connotation. Chazal teach (Makkos 10b), "If a student goes into exile, his rebbe goes with him; if a rebbe goes into exile, his yeshiva goes with him. Avid lei midi d'thevei lei chiyussa, "Provide him with arrangements that will enable him to live."

Apparently, another rebbe would not suffice. The inadvertent murderer requires his personal rebbe from whom he had been learning until the tragedy which exiled him took place. A rebbe is everything to a Torah student. Torah is life, and to study Torah from someone other than his rebbe means diminished life. The Torah says that he must maintain the same quality of life that he has had until now. Furthermore, when the rebbe joins the student in exile, he does not go alone. His other students in the yeshiva will follow him, since he is the source of their life. This is a tall order and much to demand from both the rebbe and his students. This is the degree of

relationship that (should) exist(s) between a talmid, student, and his rebbe. It is his life.

Clearly, not all of us have such a relationship with our rebbeim - but we should. The Torah sees this as a required relationship in order to achieve true success in Torah. When Torah is one's source of life, and his rebbe serves as the lifeline to that source, his learning is tantamount to breathing. Horav Aharon Leib Shteinman, Shlita, relates that he heard from Horav Simchah Zelig Riger, zl, who claimed that the following incident was an accepted tradition attributed to Horav Chaim Volozhiner, zl, primary disciple of the Gaon, zl, m'Vilna. When the Gaon died, there was within the body of one of the Vilna's Jews a gilgul, transmigrated soul, who suddenly began to shriek that he must leave. Apparently, there was too much kedushah, holiness, in the "air," since all of the Tannaim, Amoraim, Gaonim and Rishonim, whose works and commentary the Gaon had spent his life studying, had come to accompany his soul to Gan Eden. Such was the Gaon's relationship with the Torah that he learned.

On a more recent note, Horav Yehoshua Shiff, zl, student of Horav Shlomo Heyman, zl, Rosh Yeshiva of Torah Vodaath, who had first served as Rosh Yeshiva, Rameilles, Vilna, related that he was in the room shortly before his rebbe's holy soul returned to its Heavenly source. An hour before his passing, the Rosh Yeshiva declared, "Bring a chair. Rav Akiva Eiger has arrived." A few moments went by and he said, "Bring another chair, Rav Chaim Ozer Grodzenski has come." The Rosh Yeshiva, who moments earlier was so close to death, perked up, and his eyes began to shine. His rebbeim had come to escort him "Home." (While Rav Akiva Eiger was not his rebbe, the Rosh Yeshiva had spent much of his Torah career studying and elucidating the words of Rav Akiva Eiger. Rav Chaim Ozer was the Nasi, President, of the Rameilles Yeshiva and had handpicked Rav Shlomo to be its Rosh Yeshiva.)

Horav Baruch Sorotzkin, zl, feels that had the rebbe been more conscientious in his nurturing of the student/inadvertent murderer, the tragedy might have been averted, and he would thus not have to join him in exile. Chazal explain that nothing occurs in a vacuum, and an inadvertent act is actually a repeat performance of something that occurred at an earlier time, but without witnesses to see the unintentional act. Furthermore, the victim was someone who had earlier premeditated killing someone covertly. In order that these two covert perpetrators receive their due, Hashem manipulated circumstances such that the unintentional murderer, whose act had heretofore been enshrouded, kills the intentional murderer by accident, in the presence of witnesses. One goes to exile; the other is executed. Having said this, we observe that the "student" has a history, a pathology that predisposes him to commit the unthinkable under a cloak of ambiguity. Does anybody know for certain that it was an accident? Only Hashem knows man's true motivation and intention. There are varied degrees of unintentional, ranging from pure accident to surreptitious negligence. One who values life is meticulous in his concern for it and vigilant that he do nothing to shorten the life of another human being.

This student must have exhibited "tendencies" at an early age, a proclivity for not respecting the welfare of another. As a student with shortcomings, the rebbe should have been more astute in inculcating in him proper values. Apparently, he did not. Thus, he accompanies his student into exile, because he played somewhat of a secondary role in this tragic episode. Perhaps this is why the rest of the yeshiva is also exiled. The other students were aware that one of their own was having a problem. They should have helped him. Apparently, they did not at that time. Now, they will have to help.

They shall speak up and say, "Our hands have not spilled this blood, and our eyes did not see." (21:7)

Obviously, no one suspects the elders of participating in the murder of the individual whose corpse was found in the field. Rashi explains that they mean to say that they were unaware of this traveler and had no part in allowing him to go on his way, lonely, without food or escort. We derive

from this statement that had they been aware of his presence and need, they would have been guilty of neglecting another Jew, so that there would be blood on their hands. This is the extent of responsibility demanded of a leader. Maharal m'Prague observes that the declaration implies that the murder might not have occurred had the victim been escorted as required. While there is no mitzvah to accompany a visitor to the next city, when a host takes the trouble to escort a stranger part of the way, he demonstrates his unanimity with a fellow Jew. When Jews display their comradeship with one another, when there is caring and concern within the Jewish community, Hashem responds with an extra measure of protection. In other words, when we care - Hashem cares.

Horav Meir Shapiro, zl, adds a practical insight to the idea of escorting the traveler and how it could have prevented him from becoming a victim of murder. When an individual comes to a community and is received by its leadership in an honorable manner, it leaves an impression. The guest feels relevant, appreciated, respected. This feeling of good-will engenders within him a sense of nobility, a feeling of strength and self-confidence. On the other hand, if a person is ignored when he comes to visit, because he is not "important enough" for the leadership to give him the time of day, he will feel unwanted, dejected, irrelevant. This will only make him harbor greater feelings of self-neglect and a lack of self-confidence.

Now, let us see how these disparate feelings play out as the fellow leaves town, when he is traveling on a lonely road and held up by a thief bent on getting what he wants, regardless of what he must do to obtain it. The traveler who feels good about himself will put up a fight, or he will run. One thing is for certain, he will not lay down and wait for the bullet. The individual who is already depressed, who was shown by the community that "no one really cares about you" will give up and quite probably wait for the thief to do something to him. He does not care about himself, because, sadly, no one seems to care about him.

The Lubliner Rav quotes a well-known Yiddish maxim, "Gelt farloiren - garnisht farloiren; Courage farloiren - ales farloiren "Money lost - nothing is lost (one can always either accrue more money, or live without it). Courage lost - everything is lost." One cannot live without self-confidence, tenacity, and a will to survive.

The elders are acutely aware that every person wants to feel relevant. To visit a community, shul, school, club and be ignored, because the powers that be have not deemed him to be important enough for their time, to be shunned into non-existence, can be a devastating experience. This is especially true when one sees who it is that is considered important. Some people have been able to elevate their ability to sycophant to "art" level. Others would rather be ignored than bend. It is the member of the third group, the one who does not know how to sycophant, yet is unable to stand up for himself - but does seek relevance of some sort - about whom we should be concerned. He falls between the cracks, lives an angry, dysfunctional life, and sadly transmits his feelings of ineptitude and lack of self-worth to his children. No one wants to have blood on his hands, but, unless he thinks of those around us, he will.

The true measure of greatness is how much of a role does another Jew's feelings play in one's life. The greater the scholar, the more noble his position in Torah and leadership, the greater will be his personal humility and concern for the welfare and feelings of all Jews. There is no dearth of stories which portray this refinement of character. I was especially moved by the following story, because I know how easily in the course of writing one can forget a name, or ignore a source.

Horav Isser Zalmen Meltzer, zl, was a giant among giants of Torah. The senior Rosh Yeshivah in Eretz Yisrael at the time, he was the uncle of the three Roshei Yeshivah of Chevron: Horav Moshe Chevroni; Horav Aharon Kohen; Horav Yechezkel Sarna. When Rav Isser Zalmen passed away, Horav Moshe Chevroni gave a riveting eulogy. Among his many observations, he related the following story: During the British occupation, a secret war was going on between the Haganah and the British army. The

British placed a curfew on the city, prohibiting its residents from being outside from six in the evening until six in the morning. It was two o'clock in the morning and Rav Chevroni was learning, when he heard urgent knocking at his door. Frightened that it was the British, but knowing what it would mean not to open the door, he answered only to discover that his venerable uncle, Rav Isser Zalmen, was there.

"Why is the uncle here in the middle of the night?" he asked. "It is dangerous to go out after curfew."

"I was sitting at home learning when I came across a Rambam which perturbed me. I just could not go on until my question on the Rambam was resolved. I knew that you would still be awake, learning, so I came here." Rav Moshe stood in awe at the ahavas, love, of Torah exemplified by Rav Isser Zalmen. They sat down to discuss the Rambam, during which time Rav Moshe rendered a brilliant answer. Rav Isser Zalmen was excited and prepared to leave.

"Uncle, sleep here tonight. It is dangerous to go out." Rav Moshe begged. "No, I must write down the answer." Rav Isser Zalmen said. "But the uncle can write it here. Why go home?" "I must write it down in my notebook," he said as he left.

Rav Moshe underscored Rav Isser Zalmen's love of Torah, explaining that this was the reason for his extraordinary success as a Torah leader. (The fact that Rav Isser Zalmen had an unusual mind and was consummately diligent should not be ignored.)

When Rav Moshe visited his aunt during the Shivah, seven-day mourning period, she told him the "rest of the story," "My late husband was everything that you said he was, but there is an addendum to this story which reveals his true greatness. Rav Isser Zalmen yearned to see his chiddushim, novellae (Even Ha'Azal), in print. I wanted it even more than he did. Due to the war and other issues, the printer worked by a strict schedule, and the earliest date for the printing of the Even Ha'Azal was set for five years from now. We were broken-hearted. Who knew what would be in five years?"

"The day that Rav Isser Zalmen visited, we received a notice from the printer that he had a cancellation. A spot had opened up for the next morning. If we did not avail ourselves of this opportunity, it would be five more years before the Even Ha'Azal would see the light of day.

"Rav Isser Zalmen blunted the good news when he interjected that he was not ready to go to print. I asked him why. He said, 'I have in my sefer a chiddush from Rav Aharon Kohen and Rav Yechezkel Sarna. I have nothing from Rav Moshe Chevroni. For me to put my sefer out without including a chiddush of his would be a terrible slight to him. I would rather wait five years!'

"Do you think that Rav Moshe would be offended? He is so humble.'

"Nonetheless, I will not print my sefer without including a chiddush from each of my nephews.'

Now you know why Rav Isser Zalmen came to your house in the middle of the night. He sought your answer to his question on the Rambam. This is why he went home immediately after obtaining your answer. He erased his answer and inserted yours. Yes, my husband was a great masmid, diligent in his devotion to Torah. His love for the Torah was consummate. He was also a caring individual who placed the feelings of another Jew before and above everything."

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The Greatness of Humility

Britain's Former Chief Rabbi Lord Jonathan Sacks

At a dinner to celebrate the work of a communal leader, the guest speaker paid tribute to his many qualities: his dedication, hard work and foresight. As he sat down the leader leaned over and said, "You forget to mention one

thing.” “What was that?” asked the speaker. The leader replied, “My humility.”

Quite so. Great leaders have many qualities, but humility is usually not one of them. With rare exceptions they tend to be ambitious, with a high measure of self regard. They expect to be obeyed, honoured, respected, even feared. They may wear their superiority effortlessly – Eleanor Roosevelt called this “wearing an invisible crown” – but there is a difference between this and humility.

This makes one provision in our parsha unexpected and powerful. The Torah is speaking about a king. Knowing, as Lord Acton put it, that power tends to corrupt and absolute power corrupts absolutely, it specifies three temptations to which a king in ancient times was exposed. A king, it says, should not accumulate many horses or wives or wealth – the three traps into which, centuries later, King Solomon eventually fell.

Then it adds:

When [the king] is established on his royal throne, he is to write for himself on a scroll a copy of this Torah ... It is to be with him, and he is to read it all the days of his life so that he may learn to be in awe of the Lord his G-d and follow carefully all the words of this law and these decrees and not feel superior to his brethren or turn from the law to the right or to the left. Then he and his descendants will reign a long time in the midst of Israel. (Deut. 17:18-20)

If a king, whom all are bound to honour, is commanded to be humble – “not feel superior to his brethren” – how much more so the rest of us. Moses, the greatest leader the Jewish people ever had, was “very humble, more so than anyone on the face of the earth” (Num. 12:3). Was it that he was great because he was humble, or humble because he was great? Either way, as R. Johanan said of G-d himself, “Wherever you find his greatness there you find his humility.”¹

This is one of the genuine revolutions Judaism brought about in the history of spirituality. The idea that a king in the ancient world should be humble would have seemed farcical. We can still today see, in the ruins and relics of Mesopotamia and Egypt, an almost endless series of vanity projects created by rulers in honour of themselves. Ramses II had four statues of himself and two of Queen Nefertiti placed on the front of the Temple at Abu Simbel. At 33 feet high, they are almost twice the height of Lincoln’s statue in Washington.

Aristotle would not have understood the idea that humility is a virtue. For him the megalopsychos, the great-souled man, was an aristocrat, conscious of his superiority to the mass of humankind. Humility, along with obedience, servitude and self-abasement, was for the lower orders, those who had been born not to rule but to be ruled. The idea that a king should be humble was a radically new idea introduced by Judaism and later adopted by Christianity.

This is a clear example of how spirituality makes a difference to the way we act, feel and think. Believing that there is a G-d in whose presence we stand means that we are not the centre of our world. G-d is. “I am dust and ashes,” said Abraham, the father of faith. “Who am I?” said Moses, the greatest of the prophets. This did not render them servile or sycophantic. It was precisely at the moment Abraham called himself dust and ashes that he challenged G-d on the justice of His proposed punishment of Sodom and the cities of the plain. It was Moses, the humblest of men, who urged G-d to forgive the people, and if not, “Blot me out of the book You have written.” These were among the boldest spirits humanity has ever produced.

There is a fundamental difference between two words in Hebrew: anivut, “humility”, and shiflut, “self-abasement”. So different are they that Maimonides defined humility as the middle path between shiflut and pride.² Humility is not low self-regard. That is shiflut. Humility means that you are secure enough not to need to be reassured by others. It means that you don’t feel you have to prove yourself by showing that you are cleverer, smarter, more gifted or successful than others. You are secure because you live in G-d’s love. He has faith in you even if you do not. You do not need to compare

yourself to others. You have your task, they have theirs, and that leads you to co-operate, not compete.

This means that you can see other people and value them for what they are. They are not just a series of mirrors at which you look only to see your own reflection. Secure in yourself you can value others. Confident in your identity you can value the people not like you. Humility is the self turned outward. It is the understanding that “It’s not about you.”

Already in 1979 the late Christopher Lasch published a book entitled *The Culture of Narcissism*, subtitled, *American life in an age of diminished expectations*. It was a prophetic work. In it he argued that the breakdown of family, community and faith had left us fundamentally insecure, deprived of the traditional supports of identity and worth. He did not live to see the age of the selfie, the Facebook profile, designer labels worn on the outside, and the many other forms of “advertisements for myself”, but he would not have been surprised. Narcissism, he argued, is a form of insecurity, needing constant reassurance and regular injections of self-esteem. It is, quite simply, not the best way to live.

I sometimes think that narcissism and the loss of religious faith go hand in hand. When we lose faith in G-d, what is left at the centre of consciousness is the self. It is no coincidence that the greatest of modern atheists, Nietzsche, was the man who saw humility as a vice, not a virtue. He described it as the revenge of the weak against the strong. Nor is it accidental that one of his last works was entitled, “Why I am So Clever.”³ Shortly after writing it he descended into the madness that enveloped him for the last eleven years of his life.

You do not have to be religious to understand the importance of humility. In 2014 the Harvard Business Review published the results of a survey that showed that “The best leaders are humble leaders.”⁴ They learn from criticism. They are confident enough to empower others and praise their contributions. They take personal risks for the sake of the greater good. They inspire loyalty and strong team spirit. And what applies to leaders applies to each of us as marriage partners, parents, fellow-workers, members of communities and friends.

One of the most humble people I ever met was the late Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson. There was nothing self-abasing about him. He carried himself with quiet dignity. He was self-confident and had an almost regal bearing. But when you were alone with him, he made you feel you were the most important person in the room. It was an extraordinary gift. It was “royalty without a crown.” It was “greatness in plain clothes.” It taught me that humility is not thinking you are small. It is thinking that other people have greatness within them.

Ezra Taft Benson said that “pride is concerned with who is right; humility is concerned with what is right.” To serve G-d in love, said Maimonides, is to do what is truly right because it is truly right and for no other reason.⁵ Love is selfless. Forgiveness is selfless. So is altruism. When we place the self at the centre of our universe, we eventually turn everyone and everything into a means to our ends. That diminishes them, which diminishes us. Humility means living by the light of that-which-is-greater-than-me. When G-d is at the centre of our lives, we open ourselves up to the glory of creation and the beauty of other people. The smaller the self, the wider the radius of our world.

1 Pesikta Zutrata, Ekev.

2 Maimonides, Eight Chapters, ch. 4; Commentary to Avot, 4:4. In *Hilkhot Teshuvah* 9:1, he defines shiflut as the opposite of malkhut, sovereignty.

3 Part of the work published as *Ecce Homo*.

4 Jeanine Prime and Elizabeth Salib, ‘The Best Leaders are Humble Leaders’, *Harvard Business Review*, 12 May 2014.

5 Maimonides, *Hilkhot Teshuva* 10:2.

The Value of an Individual

Summarized by Darren Lauber

Parshat Shoftim concludes with the fascinating ritual of the "egla arufa," the decapitated heifer. The Rishonim differ widely in their understanding of this extraordinary ceremony, which is practiced when a murder victim is found in the field and the perpetrator is unknown. Rambam in Moreh Nevuchim perceives the episode of egla arufa as a pragmatic exercise. The publicity engendered by the event (involving the Kohanim and Elders of the city) would greatly arouse the people, causing eye-witness testimony or other relevant information to emerge.

Ramban, on the other hand, views egla arufa as a chok, a law seemingly without rational explanation, placing it in the same category as the red heifer and the scapegoat. It is a procedure on the border of kodshim and chullin (sacred and profane), apparently designed to attain atonement on some level.

Ibn Ezra is more specific, explaining egla arufa as a procedure designed to achieve atonement not so much for the murder, as for the sins of the townspeople which, metaphysically, allowed a murder to take place in their vicinity.

Perhaps we can offer another understanding of the ritual of egla arufa. The Gemara in Yevamot states that despite the debate as to whether to expound juxtapositions in the rest of the Torah, it is generally agreed that we do expound juxtapositions in Sefer Devarim. The question that we must therefore ask ourselves is why the topic of egla arufa appears in the middle of the laws of war (sandwiched between the laws of siege and the laws of the captive woman).

A war scenario is an extreme and trying situation in which certain perspectives can change. The unit of war is the nation, army, or battalion. In such circumstances, it is possible for the individual soldier to lose his sense of identity, personal worth and contribution. The individual becomes subsumed to the collective and loses his significance. Another danger is the development of a militant and aggressive character. It is imperative that these consequences do not emerge.

Inevitably, war entails the loss of many lives. Such bloodshed often leads to insensitivity to the value of human life. This is the reason for the placement of parashat egla arufa within the laws of war. A single corpse lies solitary in a field. The corpse is anonymous, the murderer is unknown, there are no known relatives or friends of the victim. Almost certainly, the solitary wanderer came from the lower strata of society. According to the Sfat Emet, it is not even known whether the corpse is that of a Jew or a non-Jew.

Despite all these facts, the Torah mandates the whole procedure of the "egla arufa" - where the most senior and prominent members of the city closest to the corpse profess their innocence and pray for atonement.

In contrast to the tendency in wartime to denigrate the value of the individual and of human life in general, the parasha of egla arufa stands out to remind us of the exceptional value that Judaism places upon human life, and of the significance of each individual in the eyes of the Lord. (Originally delivered on leil Shabbat Parashat Shoftim 5755 [1995].)

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googlegroups.com to: rav-kook-list@googlegroups.com date: Wed, Sep 7,
2016 at 7:10 AM subject: [Rav Kook Torah] Shoftim: The High Court in
Jerusalem

Rav Kook Torah

The Jurisdiction of the Sanhedrin

What happens if a local court is unable to decide a case? In such situations, the Torah gives ultimate authority to the Sanhedrin, the High Court of 71 elders in Jerusalem:

"If you are unable to reach a decision in a case... then you should set out and ascend to the place that G-d will choose. You must approach the Levitical

priest and the judge... and you must do as they tell you. You must keep the Torah as they interpret it for you, and follow the laws that they legislate for you." (Deut. 17:8-11) In what areas did the High Court have jurisdiction? Was it only in legal/Halachic matters, or also in matters of faith?

In other words: does Judaism permit intellectual freedom in thought and beliefs, as long as one follows the codes of Halachic conduct? Or are there principles of faith which all must accept?

The Clarity of the Torah of Eretz Yisrael

The Babylonian and Jerusalem Talmuds appear to disagree over this issue. The Babylonian Talmud in Sanhedrin 87a states that the cases brought to the High Court were legal in nature. It explains that the term davar ('matter' or 'case') mentioned in the verse refers to a Halachic dispute. The Jerusalem Talmud, on the other hand, holds that davar also includes Aggadah or non-legal disputes. What is the crux of this disagreement?

Rav Kook explained that this dispute is a result of the essential difference between the Torah of Eretz Yisrael, as represented by the Jerusalem Talmud, and the Torah from outside the Land of Israel, as represented by the Babylonian Talmud.

The different approaches of the two Talmuds originate in the limitation of prophecy to the Land of Israel. The Torah of Eretz Yisrael benefits from prophetic influence, and this affects its style and fundamental nature.

Since the Torah of the Land of Israel is rooted in prophetic knowledge and insight, elaborate discussions are superfluous. The scholars of Eretz Yisrael arrive at legal decisions through an intuitive insight into the underlying principles. This explains the terse style of the Jerusalem Talmud, where subtle hints are often sufficient in order to reach the final Halachic decision.

The Babylonian Talmud, however, lacked this prophetic input. The Babylonian scholars engaged in intricate discussions, using complex legal reasoning to clarify the Halachah. Thus, unlike the expression commonly found in the Jerusalem Talmud, "Ta chazi" or "Ta chami" ("Come and see"), the Babylonian Talmud uses the expression "Ta shema" ("Come and hear"). "Ta shema" indicates a greater distance from the source, analogous to the difference between the clarity of that which is seen as opposed to that which is only heard.

Halachah and Aggadah

The difference between the two Talmuds is not limited to style. The author of Chovot HaLevavot 2 wrote in his introduction that matters of faith and belief, which are the foundations of Aggadic material, do not fall under the jurisdiction of the High Court. This, he explained, is because these teachings are not a matter of received traditions, but rather the fruit of our intellectual efforts.

This position, however, is not universal. Other scholars, such as Rav Hai Gaon,³ held that also Aggadic teachings are binding.

The opinion of the Chovot HaLevavot is suitable to the Torah as it manifests itself outside the Land of Israel. There, without prophetic influence, beliefs are based solely on our powers of logic and reason. Since interpretation of Torah principles is a matter of intellectual effort, it is natural to distinguish between the detailed study of Halachah, which requires meticulous legal analysis, and the less rigorous study of Aggadah. For this reason the Babylonian Talmud distinguishes between Aggadah and Halachah, ruling that the prohibition of "Lo Tasur" (defying the rulings of the High Court) only applies to legal matters.

In Eretz Yisrael, however, where Torah is rooted in prophecy, the legal and non-legal areas of Torah share a common foundation. Beliefs, just as much as practical deeds, are grounded in received tradition and prophetic inspiration. Therefore the Jerusalem Talmud rules that the High Court's authority also extends to Aggadah.

The Kohen and the Judge

This distinction allows us to understand the Torah's command, "You must approach the Levitical priest and the judge who will be at that time." Why mention both the kohen and the judge?

These two officials represent two forms of Torah authority. The kohen represents Torah that utilizes prophetic means in order to ascertain the Halachah. The kohen's Torah comes from his position as G-d's emissary: "From the kohen's lips they will guard knowledge... because he is an angel of the G-d of Hosts" (Malachi 2:7). This is particularly true of the High Priest, who required Divine inspiration in order to consult with the Urim and Thummim (Yoma 73).

The judge, on the other hand, represents Torah adjudicated according to logic and legal reasoning. By mentioning both the kohen and the judge, the Torah indicates that both approaches are valid, and both are binding. If the Torah had only mentioned the kohen, one might think that only Torah based on prophetic inspiration would retain this authority. And if the Torah had only mentioned the judge, one might have thought that there is no place for Divine inspiration in the Halachic process, as might be understood from the verse, "[The Torah] is not in Heaven" (Deut. 30:12).⁴

The Future Unity of Aggadah and Halachah

It is natural to differentiate between the expansive study of Aggadah and the technical mindset required for intricate Halachic analysis. In the depths of the soul, however, there lies an inner aspiration to unite these two areas.

With the illuminating light of the era of redemption, the differences between these two areas of Torah will become less clear-cut. The esoteric part of Torah will become more revealed, and the exoteric part of Torah will become more transcendent and closer to the mystical side. The Zohar expresses the special connection of the Torah of Eretz Yisrael to the Messianic Era by characterizing the Babylonian Talmud as the temurah, the "substitute," while the Jerusalem Talmud is the geulah - the redemption itself (Zohar Chadash, Ruth).

(Sapphire from the Land of Israel. Adapted from Igrot HaRe'iyah vol. I pp. 123-124, letter 103 (Tevet 5668); Orot pp. 89-90)

1 See Mo'ed Katan 25a; Kuzari II:14. 2 Rabbi Bahya ibn Paquda, eleventh-century scholar and philosopher.

3 The head of the Talmudic academy at Pumbedita in Babylonia (modern-day Iraq) (939-1038).

4 The Talmud in Baba Metzia 59b records a disagreement regarding the status of an oven made from coils of clay (tanur akhnai). Rabbi Eliezer supported his position with miracles and even a Heavenly Voice (Bat Kol). But the Sages still ruled against Rabbi Eliezer, insisting that decisions are reached by majority rule; miracles and Heavenly Voices are not part of the decision process, as "The Torah is not in Heaven."

from: torahweb@torahweb.org to: weeklydt@torahweb.org date: Thu, Sep 8, 2016 at 10:46 AM subject: Rabbi Benjamin Yudin - Open for Change

Rabbi Benjamin Yudin

Open for Change

Man resists change! Starting with the first man the Torah teaches (Bereshis 2:15), "Hashem took a man and placed him in the Garden of Eden to work it and guard it." Rashi comments that as in many other places in the Torah, the word "took - vayikach" is not simply to move an individual, but to persuade an individual, as is the case in Bereshis 12:5 and Bamidbar 16:1. Adam was instinctively unwilling to move from where he was created and needed Hashem's persuasion to do so. Similarly, to exit the Garden, the Torah teaches (Bereshis 3:23), "Hashem politely asked man to leave the Garden" again resisting change. Hashem then expels him from the Garden as is seen in the next verse. Many of the mussar teachers, including the late Rav Yaakov Lessin z"tl of Yeshivas Rabbeinu Yitzchack Elchanan quote the teaching of Reb Yisroel Salanter z"tl that it is easier to finish studying the entire Talmud, than to change one of our character traits.

Rav Dr. Avraham Twersky (Addictive Thinking, page 23) mentions the following noteworthy experiment: fold your hands across your chest and observe the position of your hands. Some people fold their left hand over their right, while others do the reverse. After noting how you do it, unfold

your hands. Now fold them again, but this time in the opposite way, i.e. if you normally put right over left, put left over right. You will probably notice how awkward this feels. The old way is normal and relaxing, the new way may seem strange and you may feel you could never relax in this position. If a simple change in hand positions is uncomfortable, just think how uncomfortable it is to change part of your behavior or lifestyle.

Rav Eliyahu Schlesinger (in Eileh Hadevarim) gives several powerful examples of great individuals who resisted change. Our Rabbis (Eruvin 19b) teach that evildoers even at the brink of gehennom (hell) do not change and repent. Case in point: after the city of Jericho was burnt and destroyed, Yehoshua imposed a curse on whoever would attempt to rebuild that city - (6:16) "with his oldest child he will lay its foundation, and with his youngest he will set up its gates." Though a most frightening curse that one would lose each of his sons during the construction was in effect, five centuries later (during the reign of Achov) Chiel of Beth-El defied the admonition of Yehoshua and suffered that exact outcome: "Chiel the Bethelite built up Jericho, with the death of Abirom, his firstborn, he laid its foundations, and with the death of Segud, his youngest, he installed its doors, like the word of Hashem that He had spoken through Yehoshua son of Nun" (I Kings 16:34.) Ask yourself how it is possible that after the passing of his oldest, which occurred with the laying of the foundation, and the subsequent passing of his sons, he could continue to defy the word and will of Hashem? The above teaching of (Eruvin 19b) doesn't explain how, but does give us a glimpse of man's resistance to change.

Moreover, the Yalkut Shimoni (I Kings 18) relates that when Eliyahu haNavi challenged the 450 prophets of Baal to bring down the fire from heaven, this same Chiel agreed to risk his life under the altar they had constructed and was to ignite a fire from beneath the altar giving the impression that Baal had indeed responded to their request, only to be bitten and killed by a snake sent from Hashem.

A second example: In the days of Yirmiyahu there was a false prophet named Chananya ben Azor, who tried to influence the Jewish nation against Yirmiyahu and against returning to Hashem. Yirmiyahu prophesized that the false prophet would die that year. Chananya died as taught in (Yirmiyahu 28:17) and Rashi teaches that his last will and testament to his children was to please bury him after Rosh Hashana to show that the word of Yirmiyahu was not actualized. Once again, at the opening of gehennom the wicked do not repent!

Finally, Yeravam ben Novot, while offering incense to idolatry, is confronted by Ido the navi and is told that the very altar Yeravam is serving on will split and its ashes spilled. Yeravam stretched out his arm and proclaimed "seize him". At that point his arm became paralyzed (I Kings 13:4) and he could not withdraw his arm. The altar broke, its ashes spilled, and Yeravam asked the prophet to pray to Hashem that his arm be healed. The prophet prayed and the verse continues, "and the king was able to draw his arm back, vatehi k'varishona - and it was as before." The literal understanding of the last phrase is that is said regarding his arm, but the Medrash Tanchuma (Parshas Ki Sisa) understands it to refer to the king - he was like before, namely he returned to his idolatry.

The three examples cited above show how entrenched one can be in one's ways and how difficult it is to change. Hopefully the issues we each grapple with are not as extreme in terms of fundamentals and belief; but the cited examples still clearly demonstrate how man's addiction can consume his mind and actions.

Given the difficulty to change, I believe the first step is for everyone to pray for siyata diShmaya, Divine assistance, in the process. The first bracha in the second section of the daily Shemoneh Esrei is for binah - intelligence, understanding, and proper perspective. What follows immediately is the bracha for teshuva - repentance. We beseech Hashem to grant us the wisdom and ability to be open to change.

Secondly, an important component regarding the challenge of change is to heed the teaching (Avos 1:16), "get yourself a teacher" - a mentor who, by

virtue of one's association, serves as a positive inspiration for growth and personal accountability.

Finally, the Shaloh and the B'nei Yissaschar (in Agra d'Kallah) understand the opening verse of Parshas Shoftim, which speaks of the appointment of judges and officers in all your gates, to refer not only literally to your communities, but also to the seven openings of the head: two eyes, two ears, two nostrils and the mouth. These gates are to be in your control, meaning to be on guard to create for yourself a positive, nurturing environment open for growth.

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**War is not for Me
by Rabbi Yaakov Blau**

This week's Parashah, Parashat Shofetim, devotes a full Perek (Devarim 20:1-20) to describing the preparations that the Jewish army must undergo prior to making battle. To begin preparing for war, a Kohein entreats the people to not be afraid, reminding them that they have Divine aid on their side. The Torah then lists three types of people exempted from fighting: one who has built a house but has not yet lived in it, one who has planted a vineyard but has not yet partaken of its produce, and one who is engaged but not yet married. Why are these people exempt from fighting with the rest of Bnei Yisrael on the battlefield?

Rashi (20:5 s.v. Velsh Acheir Yachnechenu) believes that the aim of the exemptions is to prevent the particularly tragic outcome that such a person might die without ever having lived in his new house, enjoyed the fruit of his vineyard or lived a married life. Ibn Ezra and Rashbam present a more pragmatic rationale. They believe that a person in one of these situations will not fight wholeheartedly but rather will be thinking of what he left behind. As such, he will be quick to flee, which will lower the overall morale of the army. Each approach can find support in different parts of the text. Rashi's approach seems to be the most straightforward reading of the Pesukim describing the three exemptions (20:5-7), as the reasoning given for each one is "lest they die and not..." However, the context in which these Pesukim are found favors the approach of Ibn Ezra and Rashbam. The preceding Pesukim (20:3-5) have the Kohein telling the people to not be afraid, and the subsequent Pasuk (20:8) informs us that anyone afraid of battle is also urged to leave and not undermine the war effort. If the rationale for the exemption of those who are afraid is that they might flee the battlefield and thereby "undermine the war effort," then it would follow that the three special exemptions address the same issue.

The allowance of those who are scared of battle to return home is itself subject to debate. Rashi (20:8) quotes a Machloket from the Gemara (Sotah 44a) as to whom the Torah refers when exempting those who are afraid. Rabi Akiva takes the Pesukim at face value, reasoning that it is not helpful to have members of the army who cannot stomach fighting. However, Rabi Yossi HaGelili understands the fear to be that of the sins that the individuals had previously committed. Interestingly, he further believes that the three aforementioned exemptions are merely meant as a cover for those who have sinned, so that it will not be obvious as to why they are returning from the war. This would seem to be a third approach in explaining the necessity of the three exemptions, namely that they are necessary as a means to prevent embarrassment. Ramban quotes a fascinating Yerushalmi which contends that anyone exempted must prove that he is deserving of being released, except for Rabi Akiva's opinion of those who are afraid, since their fear is self-evident.

The Chizkuni argues that the three categories – one who has built a house, planted a vineyard, or became engaged – serve an additional purpose. Since all three appear as part of Moshe's Tochachah in Parashat Ki Tavo, namely

that Hashem will punish us by having others live in the houses that we have built, eat from vineyards that we have planted and marry the engaged women (Devarim 28:30), hearing those three images will serve as an impetus to repent before battle.

The various approaches to the exemptions are quite relevant to modern applications of when it is necessary to use force to address a national need, or even a more local or personal need. On the one hand, Ibn Ezra's and Rashbam's concern for what will pragmatically help one accomplish whatever it is that needs to be done via force has to be a primary consideration. At the same time, we must not sacrifice our religious beliefs and values to accomplish those goals, à la Rabi Yossi HaGelili's concern for the sinner. Lastly, Rashi's approach reminds us to always be sensitive to the needs of the individual and to the harm that can be inflicted on him. While that concern may not always be feasible as the primary consideration, we should never allow ourselves to become so hardened that we stop taking the suffering of the individual into account. May we be Zocheh to be able to achieve all of our needs and goals in a peaceful manner.

from: Kol Torah Webmaster <webmaster@koltorah.org> to: Kol Torah <koltorah@koltorah.org> date: Thu, Sep 8, 2016 at 9:04 PM subject: Kol Torah Parashat Shofetim 2016

**An Irritating Name in a Get - Rav Melech Schachter's zt"l Resolution of a Tense Situation
by Rabbi Chaim Jachter**

Introduction - The tense situation

It was a tense situation. A couple came to Rav Melech Schachter (who proudly described himself as the father of Rav Hershel Schachter Shlita), a leading Mesadeir Gittin (Get administrator) from 1950 to 2005, to administer a Get. Rav Melech, as is customary, reviewed the couple's names and nicknames, following the enactment of Rabban Gamliel HaZakein (Gittin 34b and Shulchan Aruch Even HaEzer 129:1) to record the names and nicknames of the husband and wife (and that of their respective fathers) in a Get.

A typical Get would record a couple's names as in the following typical (but fictional) situation: "Re'uvein Chaim, known as Robert son of Gedaliah, known as George, and Chavah Sarah, known as Charlene daughter of Shmuel, known as Sam." In our case, the husband supplied the name that he used when called to the Torah, "Natan Yisrael," [1] and the name by which he is commonly known, "Natan." At that point, Rav Schachter asked if he had an English name. His wife responded "Yes" and mentioned that a number of people referred to him by his English name [2].

At that point, the husband became very agitated. He insisted that his English name not be included in the Get. He took pride in the fact that when he became observant he used his Hebrew name. He insisted that everyone call him by that name. He even changed his legal name to his Hebrew name.

What could be done in this situation? One the one hand, the Halachah insists that all names and nicknames be included in a Get. On the other hand, the husband refused to participate in the Get if his English name would appear in the Get. Rav Schachter stopped the proceedings and spent a few minutes poring over the Shulchan Aruch to find a solution. After a few minutes, he announced that he would yield to the husband and omit his English name from the Get. The Get proceeded and concluded smoothly.

The Basis for Rav Schachter's Ruling

I witnessed this incident during the years I trained to become a Get administrator. In addition to earning Yadin Yadin Semichah from Yeshiva University, I watched the administration of more than three hundred Gittin by a variety of leading Mesadrei Gittin, including Rav Melech, both in the United States and Israel. I am eternally grateful to all of these Rabbanim who generously provided their time and expertise and patiently answered all of my many questions. After the Get was completed and the couple had left, I asked Rav Schachter for the basis of his decision. He responded that one

does not include in the Get a name that the individual finds irksome. Indeed, the Rama (E.H. 129:16) rules that derogatory nicknames should not be included in a Get. Rav Schachter extended the Rama's ruling from insulting names to names that the people involved find irksome. There is ample evidence and logic to support Rav Schachter's ruling.

Three Reasons for the Omission of an Insulting Name

The reasons for omitting insulting names apply equally to names that one finds irritating. The most compelling explanation of the Rama is that the reason for Rabban Gamliel HaZakein's enactment to write nicknames is to avoid, as Rashi (Gittin 34b s.v. Mipenei Tikkun Olam) notes, anyone calling into question the validity of the Get. If a name is omitted, then people will say that the proper individual was not divorced since his name does not appear in the Get. For example, in a situation where some know the husband as "Ray" and others call him "Jay," and only the name "Ray" is included in the Get, then when the wife presents the Get to those who know her husband as "Jay," they will say that she was not divorced since her husband's name does not appear in the Get.

Rabban Gamliel HaZakein's concern does not apply to an insulting name. It is apparent to all in such a case why that name was omitted from the Get. The same applies to a situation such as ours, where it is well known that the husband finds a certain name to be irritating, even if it is not insulting.

Indeed, this would appear to be the basis for Rabbeinu Tam's ruling[3] to forbid including in a Get a name assumed by an apostate during his conversion to another faith (for example, the name Pablo Christiani). We see from this ruling that the obligation to include all names and nicknames in a Get is not absolute. When it is apparent why the name is omitted, Rabban Gamliel HaZakein's enactment does not apply.

The Aruch HaShulchan (E.H. 129:62) offers another reason for the omission of an offensive nickname. He applies the Pasuk (Mishlei 3:17), "Deracheha Darchei No'am," "the Torah's ways are the ways of pleasantness," to this situation. The source for applying this Pasuk in this manner is the Gemara (Sukkah 32b) that supports the traditional identification of "Anaf Eitz Avot" (VaYikra 23:40) with Hadasim. The Gemara rejects the possibility of the taking of a bitter plant with stinging leaves called oleander based on "Deracheha Darchei No'am," even though this plant meets the technical description of "Anaf Eitz Avot." The Gemara utilizes this Pasuk to teach that it is inconceivable that the Torah would demand from us to perform an unpleasant action. Thus, including an insulting name in a Get runs counter to this Pasuk as well.

Based on the Aruch HaShulchan, the Rama's ruling applies equally to an irritating name as to an insulting name. Including an irritating name does not fit with the Torah's pleasant ways just as including a derogatory name is not in keeping with Mishlei's teaching of "Deracheha Darchei No'am."

The Kav Naki (Seder Get Rishon VeSheini number 89; the Kav Naki is a widely accepted guidebook for administration of Gittin in accordance with Ashkenazic practice) adds another reason for omitting a derogatory name. He notes that the concluding line of every Get states "KeDat Moshe VeYisrael," that all is in accordance with the religion of Moshe and Yisrael. Kav Naki notes that mentioning an insulting name is hardly in keeping with "Dat Moshe VeYisrael" in light of the Gemara (Bava Metzia 58b) which states that one who calls his friend with an insulting nickname is punished severely.

Similarly, calling someone by a name he finds irritating, even if objectively it is not an insulting name, is not in keeping with "Dat Moshe VeYisrael." A most elementary Torah principle is, as Hillel summarized the Torah while standing on one foot (Shabbat 31a), to refrain doing to others what one would not want done to himself. This principle clearly prohibits us from referring to someone with a name with which he very adamantly does not wish to be identified. This is a matter of basic respect that every person must give his fellow human being. Thus, Rav Melech Schachter most appropriately omitted the husband's original English name from the Get.

English/Secular Names in a Get

It is important to note in this context that although it has been accepted for at least a century to include secular names in a Get, not all classical Posekim subscribed to this view. Rav Shlomo Kluger (Chidushei Anshei Sheim, number 142) argues that secular names should not be included in a Get just as Rabbeinu Tam did not permit the inclusion of a name acquired during conversion to another religion in a Get. Just as such a name is not in keeping with "Dat Moshe VeYisrael," so too is adopting a secular name. It is well known that the Jews in Mitzrayim were redeemed in part due to the merit of their not changing their names to non-Jewish names. Thus, Rav Shlomo Kluger did not permit these names to be listed in a Get. The Get Mesudar (page 99) notes that Rav Kluger's ruling was the accepted practice in sections of Poland.

This approach of Rav Shlomo Kluger was rejected by virtually all of the great nineteenth century Posekim, led by Teshuvot Chatam Sofer (E.H. 2:38) and the Aruch HaShulchan[4] (at the very end of E.H. 129). Nonetheless, his approach can serve as additional support to Rav Melech Schachter's ruling, since according to Rav Shlomo Kluger a non-Jewish name should never be included in a Get.

Conclusion

Rav Yirmiyahu Benyowitz, the highly regarded Mesadeir Gittin of the Baltimore area, concurs with Rav Schachter's ruling. He writes (in his work on Hilchot Gittin entitled Kovetz Al Yad, page 162) that in his opinion, based on the aforementioned Rama, one should not include in a Get a name that one finds irritating. He writes that he believes that this is the accepted practice.

Rav Melech Schachter was a wise Rav whose kindness and wisdom benefitted and supported thousands. May this essay serve to honor his memory and serve LeLlui Nishmato.

The gentleman involved in this story also communicates an important message to those of us who regularly use their secular name even amongst friends and family. We all should take great pride and embrace our Hebrew names. We should certainly respect the wishes of those who wish to grow in their Judaism and identify themselves by their Hebrew names, as difficult as it is sometimes for us to accept such a change.

[1] The names have been changed to protect the privacy of the people involved.

[2] Get administrators commonly follow the ruling of the Teshuvot Beit Yitzchak, cited by the Get Mesudar (page 75), to include a name in a Get if at least three people refer to him using that name. The Get Mesudar is a widely accepted guidebook for administration of Gittin when the husband is Ashkenazic.

[3] Cited in Tosafot Gittin (34b s.v. VeChol Shum) and codified in the Shulchan Aruch E.H. 129:5.

[4] It is important to note that the Aruch HaShulchan decries the practice of Jews who allow themselves to be called by non-Jewish names in the strongest of terms. He describes this phenomenon as "blindness" and "deafness" to Jewish tradition and values.

from: Mordechai Tzion toratravaviner@yahoo.com to: ravaviner@yahoogroups.com
date: Tue, Sep 6, 2016 subject: [ravaviner] Ha-Rav Shear Yashuv Ha-Cohain Ha-Gadol ztz"l

Yeshivat Ateret Yerushalayim From the teachings of the Rosh Yeshiva Ha-Rav Shlomo Aviner Shlit"a Prepared by Rabbi Mordechai Tzion

Visit our blog: www.ravaviner.com **Ha-Rav Shear Yashuv Ha-Cohain** Ha-Gadol ztz"l

A great Talmid Chacham, Ha-Rav Elyahou Yosef Shear Yashuv Cohain has ascended on high. He is the third Cohain Ha-Gadol, after his father, the Nazir – Ha-Rav David Cohain and after Maran Ha-Rav Kook, who also ascended on high on the 3rd of Elul. He himself merited learning Torah from Maran Ha-Rav Kook as a child, and spent much time in his home. He was 7 years old when Rav Kook passed away. We, the lowly, are unable to understand the level of a person who merited to meet Maran Ha-Rav Kook and to be perfumed by his holiness.

He also merited learning much from Rabbenu Ha-Rav Tzvi Yehudah, hours upon hours of private conversations.

Ha-Rav Shear Yashuv was a great and loyal student of his Rabbis, and connected deeply to the great vision of the "revival of the Nation in its Land according to its Torah".

His father decided that he would also be a Nazir from the time of his birth, but allowed him to cease being a Nazir when he so desired. When Ha-Rav Shear Yashuv turned 16, he decided to cut his hair but continued to refrain from drinking wine. He also had additional customs, such as refraining from meat and fish, and only wearing canvas shoes, until he was wounded during the War of Independence.

And here we turn from the Torah learner, the Shikdan, to the soldier. He was among the members of the underground group "Brit Chashmonaim" who fought against the British rule, and was among the founders of the "Fighting Yeshiva": 8 hours of Torah learning, 8 hours of guard duty and 8 hours for one's physical needs.

Ha-Rav Shear Yashuv related that during the War of Independence there was a major dispute between Rabbis – including within Yeshivat Mercaz Ha-Rav – about whether Yeshiva students should be drafted into the military. The students followed the path of our Rabbi and the Nazir and were active in the Haganah, Etzel and Lechi. During the waiting period, after the UN votes and before the end of the British Mandate, Ha-Rav Shear Yashuv would learn in the Yeshiva. One day he left the Yeshiva and saw a broadside with the huge title that Maran Ha-Rav Kook opposed drafting Yeshiva students into the army. It included harsh quotes from one of Rav Kook's letters regarding this issue. He was unsure what to do and was deep in thought when he bumped into our Rabbi. Our Rabbi immediately noted his distress and said: "Shear Yashuv, what happened? Why are you so upset and pale?" He told him what he had seen and pointed to the broadside. Our Rabbi roared over and over: "This is a distortion! This is a total distortion!"

After he calmed down, he explained that these quotes were taken from a letter of Maran Ha-Rav Kook to Rav Dr. Hertz, Chief Rabbi of England, regarding being drafted into the British army, which the latter presented to the government. Yeshiva students who arrived in London from Russia and Poland as refugees of World War One and were learning Torah were left off the list of those exempt from military service (for example, priests, who were exempted). Maran Ha-Rav Kook admonished him, and said that this has nothing to do with the war for Jerusalem (Igrot Ha-Re'eiyah vol. 3, letter #810). Rav Shear Yashuv encouraged and helped our Rabbi to publish a booklet clarifying this issue (see Le-Hilchot Tzibur #1).

During the difficult battle for the Old City in Jerusalem, the Jewish community was defeated and Rav Shear Yashuv, who was badly wounded on his leg, was taken into Jordanian captivity along with other surviving fighters. He thus did not merit seeing the publication of the booklet he initiated. After approximately eight months and the establishment of the State, Rav Shear Yashuv was released and taken to Zichron Yaakov for rehabilitation. Within a day, at a time when buses were rare, our Rabbi appeared outside his window. He entered the room, hugged and kissed him and burst out crying. He removed a small booklet from his pocket and gave it to him. It was the first booklet printed, and was dedicated to Rav Shear Yashuv (The booklet was printed in Le-Netivot Yisrael vol. 1 #23).

When Ha-Rav Shear Yashuv was serving as a Rabbi in the Army, he came to his own wedding in Yerushalayim dressed in his Tzahal officers' uniform. Some people from the Yishuv Ha-Yashan did not look upon this positively. Rabbenu Ha-Rav Tzvi Yehudah was surprised by their reactions, "Wearing the clothing of a Russian nobleman - this is appropriate?! But wearing the uniform of Tzeva Haganah Le-Yisrael - the Israel Defense Force - this is not appropriate?!" (Sichot Ha-Rav Tzvi Yehudah – Eretz Yisrael p. 268. Tal Chermon – Moadim, p. 135).

Rav Shear Yashuv was an accomplished person. It is difficult to believe how much he did, and with such calmness and love: he was the head of Torah institutions, earned a law degree, was a researcher of Mishpat Ivri, an assistant mayor of Yerushalayim, and much more.

And finally, he became the Chief Rabbi of the Holy City of Haifa. In this position, it pained him that Ashkenazim in the Galil and Northern Israel did not recite Birkat Cohanim every day. He wrote a Teshuvah to reestablish this practice (see Shai Cohain #1).

When I served in Kibbutz Lavi in the Lower Galil, I asked him about this practice. I obviously was not brazen enough to make such an important change, I therefore said that in addition Shabbat, we should also Duchan on days on which we recite Musaf. Later, when I served in Moshav Keshet in the Golan, I instituted Duchaning everyday according to his path, since it was a new place.

Ha-Rav Shear Yashuv was once invited as an honored guest to Kibbutz Lavi, and he was gracious enough to visit my home. When he saw that I was wearing a simple shirt and pants like all of the other Kibbutznikim, while he was wearing a long coat and hat, he looked at me, and said humbly while rubbing his clothing: "These are my uniform", i.e. I shouldn't suspect that he was craving any honor.

And he was a truly humble person. He loved everyone from every stream and everyone loved him. This is how he always was, beginning in Jordanian captivity and ending in the Holy City of "Red" Haifa, as people once called it on account of its lack of Torah.

He was a man of Torah and peace. He was truly a student of Aharon Ha-Cohain, as the Mishnah described: loving peace and pursuing peace, loving people and bringing them closer to Torah" (Avot 1:12).

May his soul be bound up with the bonds of the living with all of the Tzadikim.

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Parshat Shoftim: Poetry or Practicality

Excerpted from **Rabbi Shmuel Goldin's** 'Unlocking The Torah Text: An In-Depth Journey Into The Weekly Parsha- Devarim', co-published by OU Press and Gefen Publishers

We have previously noted and discussed the tension created by the multilayered character of the book of Devarim (see Devarim 1). On the one hand, as we have noted, Devarim chronicles the poignant human drama of Moshe's farewell to his people. Within his public addresses, this great leader waxes eloquent as he searches for words that will remain with his "flock" long after he is gone. On the other hand, Devarim is an integral part of G-d's eternal law. As such, this text is bound by the rules that govern the interpretation of the entire Torah. Every word is essential; each phrase is divinely chosen to convey a particular eternal message to the reader. While this dual unfolding is felt throughout the book of Devarim, there are times when it rises more clearly to the surface, complicating the nature of specific imperatives appearing in the text. Two powerful examples of such commandments are found in Parshat Shoftim:

Tzedek tzdek tirdof, "Justice, justice shall you pursue, so that you will live and possess the land that the Lord your G-d gives to you."

Tamim tihiyeh im Hashem Elokecha, "Wholehearted shall you be with the Lord your G-d."

Questions

How are we meant to view commandments such as those quoted above? Are they general, spontaneous products of Moshe's passion as he strives to penetrate the hearts of a listening people? Or are they mitzvot, or elements of mitzvot, divinely fashioned, like all other Torah imperatives, to convey specific behavioral requirements across the ages? If the latter is true, what are those concrete requirements?

Approaches

The first and most important answer to our questions is clearly "all of the above." As we often have noted before, the Torah text unfolds on multiple levels simultaneously.

The narrative in the book of Bereishit, for example, chronicles the birth of a nation through the stories of individual families. The national saga coursing beneath the surface of these personal tales does not in any way diminish the poignant private journeys described therein.

Similarly, any halachic requirements conveyed by Moshe's imperatives to the nation in the book of Devarim should not blind us to the dramatic passion reflected in his words. To fully appreciate this book of the Torah, we must always keep the scene of its unfolding before our eyes. An aged, powerful leader bids farewell to the people that he has shepherded from slavery to freedom. Powerful sentiments course through each sentence as Moshe shares his personal regrets with the nation over his inability to join in entering the land; desperately tries to teach final, critical lessons before his death; and delivers, one last time, words of encouragement, warning, support, remonstrance and so much more. Clearly Moshe's eloquent choice of words mirrors a myriad of personal emotions.

At the same time, however, these are words of Torah text and, as such, transcend the moments of their delivery. Concrete, eternal instructions are contained within the commandments shared by Moshe throughout the book of Devarim. Every phrase uttered by this great leader, no matter how dramatic, is therefore fair game for halachic analysis by scholars across the ages. The two phrases before us provide telling examples of the varied rabbinic approaches to Moshe's dramatic words in Sefer Devarim.

I. Tzedek tzdek tirdof

A

The phrase Tzedek tzdek tirdof..., "Justice, justice shall you pursue, so that you will live and possess the land that the Lord your G-d gives to you," appears at the end of the short opening passage of Parshat Shoftim. Serving as an introduction to the entire parsha, this three-sentence passage conveys the general admonition to establish a righteous system of governance upon entering the land.

B

While the scholars of the Talmud do not derive an independent mitzva from the words tzdek, tzdek tirdof, they do view this phrase as potentially broadening the Torah's demand for justice in multiple ways. A number of interpretations in this vein are suggested in the tractate of Sanhedrin.

The rabbis open the Talmudic discussion by questioning the demands presented by two separate biblical verses. In the book of Vayikra, the Torah commands, “with justice shall you judge your fellow,”⁶ while the text in Devarim demands, “Justice, justice shall you pursue...” Perceiving seemingly contrasting requirements emerging from these verses, the rabbis ask: In which cases does “judging with justice” suffice? And in which cases must we “pursue justice, justice” with extra vigor?

Answering their own question, the scholars explain that through the use of these variations, the text challenges judges to follow their own instincts. In straightforward situations, where the facts match the judges’ internal perceptions; “judging with justice” will suffice. When the judges suspect deceit, however, they must dig deeper, moving past the apparent facts before them, as they “pursue justice” with further force. A judge cannot fulfill his task in *pro forma* fashion. He must always invest his full capacities as G-d’s agent in the administration of the law.

C

Rabbi Ashi demurs, negating the textual question raised by his colleagues. The two Torah passages are not in conflict, this sage argues, as the repetitive language in the phrase “Justice, justice shall you pursue” does not reflect a call for extraordinary effort in specific cases. At all times, a judge must apply himself fully towards the rendering of a just verdict. Instead, the reiteration “Justice, justice...” references the legitimacy of two distinct judicial paths: justice and compromise. Based upon the circumstances and the judgment of the bench, either of these paths can be followed.

Rabbi Ashi’s acceptance of compromise as a legitimate judicial path is carried one step further by another Talmudic scholar, Rabbi Yehoshua ben Korcha, earlier in this same tractate, Sanhedrin. Rabbi Yehoshua maintains that, when possible, a judge is obligated to negotiate or arbitrate a compromise between two disputants. To buttress his position, this scholar quotes the pronouncement of the prophet Zecharia, “Truth and a judgment of peace shall you execute in your gates.”

How, Rabbi Yehoshua asks, is a “justice of peace” attainable? One could argue that these two terms are mutually exclusive. Is it not true that when a decision is determined through strict justice, peace has not been achieved? One of the disputants will inevitably be dissatisfied the verdict.

What, then, is the “judgment of peace” to which the prophet refers? Obviously, answers Rabbi Yehoshua, the prophet is referencing the path of compromise.

Rabbi Yehoshua’s embrace of compromise as the preferred legal path, however, is not without controversy. In the same passage of Talmud, Rabbi Eliezer the son of Rabbi Yossi the Galilean maintains that a judge is absolutely forbidden to arbitrate a compromise. While disputants can certainly find a middle ground between themselves, Rabbi Eliezer maintains, once they approach a court for a ruling, strict justice must rule the day.

Strangely enough, Rabbi Eliezer’s position prohibiting courtroom compromise would seem to find support from the very sentence that Rabbi Yehoshua quotes to buttress his own position in support of such compromise: “Truth and a judgment of peace shall you execute in your gates.” For while conciliation satisfies the need for both “peace” and “judgment,” it does not satisfy the third component cited by the prophet, “truth.” If a judge arbitrates a compromise between two litigants, he does not arrive at the truth. He creates, in effect, a legal fiction through which neither of the parties completely loses. Such a fiction is an acceptable settlement, Rabbi Eliezer argues, only before the court becomes involved. Once the legal process is engaged, a judge can only choose one path. He is obligated to strive for the truth through the strict application of Torah law.

In spite of Rabbi Eliezer’s compelling argument against judicial negotiation, however, the halacha, as codified both in the Rambam’s *Mishneh Torah* and in Rabbi Yosef Caro’s *Shulchan Aruch*,¹¹ adopts Rabbi Yehoshua’s embrace of compromise as the preferred courtroom path.

In the words of the Rambam,

It is a mitzva [for a judge] to ask the litigants, at the onset of the legal process, “Do you wish a legal ruling or a compromise?” If they desire to compromise, [the court] should effect a compromise between them. And any court that consistently effects compromise is a laudatory court about which [the prophet] states: “Truth and a judgment of peace shall you execute in your gates.” What justice is accompanied by peace? Let us say that it is [the justice of] compromise. The halachic support of judicial compromise, even at the expense of the truth, mirrors the powerful priority placed upon *shalom*, interpersonal peace, in countless other scholarly texts. Most telling, perhaps, is the rabbinic decision to close the entire Mishna and, arguably, the two most important prayers in Jewish liturgy, the *Amida* and the *Kaddish*, with paragraphs focusing on the theme of peace. Furthermore, in the fashioning of these prayers, the rabbis apparently take their cue from G-d Himself. The divinely authored Priestly Blessing, pronounced daily by the Kohanim over the nation at G-d’s command, culminates with the prayer “May the Lord turn His countenance towards you and grant you peace.”

Halacha thus mandates that peace, the greatest of G-d’s blessings, must be aggressively pursued by G-d’s judicial agents in this world, even when that peace comes at the expense of truth.

D

Finally, yet another explanation for the phrase *Tzedek tzedek tirdof* is offered by the rabbis in the same Talmudic passage, based on the recognition that judges do not bear sole responsibility for the creation of a just society. As understood by the rabbis, the phrase *Tzedek tzedek tirdof* can be seen as the last in a series of directives issued by Moshe in *Sefer Devarim* concerning the essential reciprocal relationship between a society and its judges.

Moshe opens his very first farewell address, recorded at the beginning of the book of *Devarim*, by recalling instructions he had previously given both to the nation and its judges concerning the establishment of a just society: As we left Sinai, he reminds the people, I instructed you to choose appropriate judges. And I admonished those judges to apply the law with justice. Now, as Moshe returns to the theme of governance at the beginning of *Parshat Shoftim*, he again sounds the call for respectful reciprocity:

“Judges and officers shall you set for yourselves in all your gates.... And they will judge the nation with just judgment.” You, as a people, must do your part in creating a society built upon the administration of justice, while those whom you choose as leaders must administer that justice justly. He then continues by admonishing the judges directly: “You shall not pervert judgment, you shall not show favoritism and you shall not accept a bribe, for a bribe will blind the eyes of the wise and make the words of the righteous twisted.” Moshe closes with the declaration *Tzedek tzedek tirdof*, “Justice, justice shall you pursue, so that you will live and possess the land that the Lord your G-d gives to you.” This last sentence, the Talmud suggests, is not directed towards the judges at all. Instead, with the phrase *Tzedek tzedek tirdof*, Moshe turns his attention back to the nation by raising the concept of societal judicial responsibility to a new level. For, at this point, Moshe addresses potential litigants. *Tzedek tzedek tirdof*, “seek out an exemplary court.” Do not twist the process of jurisprudence to meet your own personal ends. Do not search for a court that is clearly predisposed to your point of view. There is more at stake here than your own personal concerns. Pursue justice; seek out an unbiased, exemplary court. Even as litigants, you play a pivotal role in maintaining the seriousness with which the law is taken and ensuring the proper administration of justice throughout the land.

E

Building upon these Talmudic suggestions, numerous other legal interpretations of the phrase *Tzedek tzedek tirdof* are suggested by commentaries across the ages.

It remains, however, for the eighteenth-century German scholar Rabbi Shimshon Raphael Hirsch to remind us not to lose sight of the forest for the trees. For while Hirsch himself quotes a number of the legal Talmudic references cited above, he also interprets Moshe’s passionate charge to the nation as a general directive meant to define the moral character of his people’s society:

“Justice, justice shall you pursue, so that you will live and possess the land that the Lord your G-d gives to you.” As the highest unique goal, to be striven for purely for itself, to which all other considerations have to be subordinated, the concept, “*Tzedek, Right, Justice,*” ... is to be kept in the mind of the whole nation. To pursue this goal unceasingly and with all devotion is Israel’s one task; with that it has done everything to secure its physical and political existence. A loyal halachist, Rabbi Shimshon Raphael Hirsch would be the first to acknowledge the importance of each legal detail gleaned by the Talmud from the verse *Tzedek tzedek tirdof*. At the same time, however, this visionary leader warns the reader not to overlook the power of Moshe’s words as a broad exhortation towards the overall establishment of a just society.

II. *Tamim tihyeh im Hashem Elokecha*

A The second of the verses before us, *Tamim tihyeh im Hashem Elokecha*, “Wholehearted shall you be with the Lord your G-d,” appears in the middle of a paragraph in *Parshat Shoftim* prohibiting the practices of sorcery and divination.

Here the rabbinic divide becomes starker. For, as indicated above, although the rabbis debate the practical significance of the phrase *tzedek, tzedek tirdof*, they are united on one point. This dramatic statement does not constitute a new, unique mitzva. Moshe’s eloquent words convey, instead, an expansion on existing law.

When it comes to Moshe’s declaration *Tamim tihyeh im Hashem Elokecha*, however, no such agreement exists. Instead, two fundamentally disparate approaches emerge from rabbinic literature.

B

At one end of the spectrum stand those authorities, such as the Ramban, who count the imperative *Tamim tihyeh im Hashem Elokecha* as an independent positive mitzva, a separate one of the 613 commandments. This mitzva, these scholars maintain, obligates each Jew to recognize G-d’s sole awareness of and power over future events.

The approach of these authorities is based on consideration of the verse *Tamim tihyeh im Hashem Elokecha* in context, as a positive iteration of the surrounding prohibitions

against sorcery and divination. Through this declaration, the Ramban thus maintains, G-d commands the nation “to direct their hearts exclusively to Him; to believe that He, alone, is the Doer of all; that He knows the truth regarding the future; and from Him [alone] we should ask about that which is to come, from His prophets and pious ones.”

To buttress his approach, the Ramban cites biblical, Midrashic and Talmudic sources. Particularly telling is the parallel this sage draws between the verse before us and the opening imperative in a covenant between G-d and the patriarch Avraham at the dawn of Jewish history: Hit’halech l’fanai v’heyei tamim, “Walk before me and be wholehearted.” Here, too, G-d commands Avraham to remain steadfast in his rejection of the superstitious mores of the surrounding cultures. Be complete with Me, Avraham; recognize that I, and I alone, guide and control all that you see...

Puzzled by the Rambam’s omission of this obligation from his list of the mitzvot in Sefer Hamitzvot, the Ramban posits, “Perhaps the master [the Rambam] perceives this mandate as a general exhortation to perform the commandments and walk in the ways of the Torah...and therefore did not include it in his enumeration.”

“As is evident from the words of our sages, however,” the Ramban concludes, “the approach we have outlined [viewing this imperative as an independent commandment] is the correct one.”

C

At the other end of the spectrum can be found scholars such as Rabbeinu Bachya Ibn Pakuda who openly interpret the verse Tamim tihyeh im Hashem Elokecha in general terms. In his introduction to his famous ethical work Chovot Halevavot (Duties of the Heart), Rabbeinu Bachya explains this biblical verse not as a unique mitzva, but as an overarching exhortation on Moshe’s part towards uniform ethical behavior throughout the life of each Jew: “And you should know that the intent and purpose of the precepts of the heart is to cultivate a complete harmony between our inner and outward actions in the service of the Lord.”

From Rabbeinu Bachya’s perspective, the imperative to be tamim (wholehearted) is a general one, mandating consistency between a person’s thoughts and actions. An individual whose words are at variance with his deeds, Bachya maintains, is not trusted by those around him. Similarly, if an individual’s service of G-d is marked by inconsistency and insincerity, if the intentions of his heart are contradicted by his words, if his inner convictions do not match his outward actions, his service of G-d will not be perfect.

Once again, we are reminded by a great luminary not to allow the details, important as they are, to blind us to the overarching power and passion of Moshe’s words. On a global level, Bachya argues, Moshe’s proclamation Tamim tihyeh conveys a truth that courses through the entire Torah. An individual must be “wholehearted with G-d,” simply because G-d will reject insincerity.

Poetry or practicality? Passionate proclamations on the part of an aged leader, or concrete commandments to a people across time? Moshe’s eloquent declarations are both at the same time – text meant to be studied and taught on multiple levels at once. When we recognize this truth, the full beauty of the book of Devarim is revealed.