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BS"D

## INTERNET PARSHA SHEET ON SHOFTIM - 5781

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date: Aug 12, 2021, 12:44 PM

subject: Rav Yissocher Frand - Parshas Shoftim - Discharged from Service for Talking While Donning Tefillin?!

Discharged from Service for Talking While Donning Tefillin?!

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Series on the weekly portion:

#1258 – Brachos on the Tefillin – One or Two Brachos?

Speaking Between Tefillin Shel Yad and Tefillin Shel Rosh – Reason to Return Home from Battle

The Torah in Parshas Shoftim enumerates various situations which entitle—or perhaps require—a Jewish young man to be excused from military service. The final situation mentioned is someone who is “fearful and soft-hearted” (Bamidbar 20:8). The Mishna (Sotah 44a) cites two opinions as to the nature of this fear. Rabbi Akiva says it simply means that he is terrified by the sights and sounds of battle. Rabbi Yossi HaGlili says it refers to someone who is afraid that he will now be punished for sins he has previously committed. The Talmud elaborates on Rabbi Yossi HaGlili's opinion, and says that one who speaks between putting on his hand Tefillin and his head Tefillin has sinned, and it is for such a sin that a person returns home from the battlefield.

In a sefer published many years ago, called Heimah Yenachamuni, the Tolner Rebbe of Yerushalayim asks why this particular infraction was cited as the classic example of a sin the Jewish soldier fears may cause him to fall in battle. There are many “minor sins” out there that the Talmud could have cited. Speaking between donning the Tefillin shel Yad and Tefillin shel Rosh happens to be a very uncommon aveirah. Why did Chazal—out of the thousands of “small aveiros” that a person can do—pick this particular infraction?

The Tolner Rebbe suggests the following: When Jews go to war, they need to go with the assumption that “Hashem will fight for you...” (Shemos

14:14) – that the Ribono shel Olam is fighting our war for us. The thought that “My power and the strength of my hand has brought me this great valor” (Devorim 8:17) (i.e., we have better soldiers, better weapons, better generals, we are smarter, braver, more technologically advanced, etc., etc.) is not a Jewish concept! If the Ribono shel Olam is not on our side, then the greatest army and the greatest set of weaponry will not help us!

On the other hand, the Jewish army as a whole, and every Jewish soldier individually, must undertake legitimate hishtadlus (personal effort). Legitimate hishtadlus means finding the best soldiers, the bravest soldiers, and the most efficient soldiers. We dare not take the attitude that “We don't need an army. We will just go ahead and pull people off the street and tell them, ‘Go fight the war!’” That is not the way it works. Derech ha'teva hishtadlus (‘way of nature’ effort) means preparing a proper army and air force, and all the latest military equipment. We are forbidden to rely on miracles.

The challenge is to create proper balance in the Jewish army: Great soldiers, great equipment, great training, great efficiency – but it should not go to their head that “My power and the strength of my hand has brought me this great valor.” This is the tension that must always exist with Jewish soldiers going out to do battle.

Tefillin shel Yad represents the power of a person. It is placed on his arm – representing his might and his strength. Tefillin shel Rosh corresponds to a person's intellect (mo'ach). Putting on both Tefillin shel Yad and shel Rosh represent the concept of melding the two forces that make up a personality: A person's own strength is represented by the hand Tefillin and a person's spirituality is represented by the head Tefillin that are placed upon one's mo'ach – brain). It is the brain, the intellect, which impresses upon the person the idea that “He is the One who gives you strength to do acts of valor” (Devorim 8:18).

The soldier must thus enter battle with that which is represented by the Tefillin shel Yad (“my strength”) but they also need to go in with the Tefillin shel Rosh, which tells them that it is the Ribono shel Olam that gives them strength.

Thus, says the Tolner Rebbe, someone who interrupts to converse between the Hand Tefillin and the Head Tefillin has sinned grievously. Separating the two – the icon of personal strength and the icon of Divine Assistance, which wins the battle for us, invalidates a Jewish soldier from taking his place on the battle front. That is why Chazal cite “Sach bein Tefilla l'Tefilla” as the prototype sin, which would lead to defeat in war.

The True Story of a Unique Shofet (Judge) For Parshas Shoftim

There was a certain fine Jew in the town of Shklov who had a beautiful daughter. He married her off to one of the young Torah scholars in the city. Two years after they were married, witnesses came and told the husband that his wife was seen secluding herself in a private room with another man. The husband, suspecting his wife of adultery, wanted to divorce her.

He came to the Rav of the city – Rabbi Yehoshua Zeitles (1743-1822), and asked him what he should do in this case, feeling that his wife was a “safek Sotah” and that he could no longer live with her. The woman's father, as well as the woman herself, denied all charges and said that she never secluded herself with another man and never did anything wrong.

The Rav had to travel from Shklov to Peterburg, and he decided that on the way he would stop in Vilna and consult with the Vilna Gaon about this perplexing case. The Gaon told Rabbi Zeitles, “I am not a prophet, nor the son of a prophet. I cannot tell you what to pasken unless I hear with my own ears the words of the witnesses.” Rabbi Yehoshua Zeitles arranged for the husband and the wife and the father and the two witnesses to come before the Vilna Gaon. The woman and her father repeated their denial of the charges. The witnesses repeated their accusation that the woman secluded herself with another man.”

The Gaon, as halacha demands, questioned the witnesses individually. He took one of the witnesses into a side room and asked him to repeat the story. The witness repeated the story to the Gaon. The Gaon then sent him out and

called in the second witness. The second witness repeated his story to the Gaon. The Gaon then came out of the room and screamed “These are false witnesses! (Eidei sheker heim!)”.

If the Vilna Gaon screams at you, “Eidei Sheker...” you had better not contradict him! The witnesses started crying. They confessed that they were indeed false witnesses. They admitted that there was someone in their city who hated the husband, was jealous of him, and paid them to come to the local Beis Din with these trumped-up charges against his wife. The students of the Gaon were amazed. They said, “Ruach HaKodesh!” They felt this was clear proof that the Gaon spoke with Divine Inspiration. How else could he have known—given that their two stories jived completely—that they were false witnesses?

The Gaon repeated, “I am not a prophet, nor am I the son of a prophet. I was not given this insight through Ruach HaKodesh – but I know how to learn a Mishna! The Mishna [Sanhedrin 3:6] states: “How do they check out the witnesses? They bring them into a room and threaten them, and send everyone out of the room leaving only the senior witness. We say to him – tell us on what basis you know that this person is guilty... and afterwards you bring in the second witness and check him out. If their words match (im nimtze’u divreihem mechuvanim)... you can proceed to adjudicate based on this testimony.”

The Gaon said that Rabbi Yehudah HaNassi, the author of the Mishna, did not use one extra word. Why did he write here, “im nimtze’u divreihem mechuvanim”? (If it is found that their words match) Why didn’t the Mishna simply say, “if their words match” (im divreihem mechuvanim)? The Gaon explained: No two people tell the same story exactly the same. We see this all the time with witnesses. They witness the same event and they tell over the story in court. Their stories basically match. But it is not word for word! The Judges hear the story from the first witness and then they here the story from the second witness. If it is found—i.e. through the judges having to fill in the blanks and matching the discrepancies between the two narrations—that the story is true, then they are to be believed.

The Gaon said “With these two witnesses, it was not “nimtze’u” (found to be) the case that the stories match. They verbatim told the same exact story as if they were reading it from a memorized script. This proves that they rehearsed the story together and they were liars!

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This week’s write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand’s Commuter Chavrusah Series on the weekly Torah portion. 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. Rav Frand © 2020 by Torah.org. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org> to get your own free copy of this mailing or subscribe to the series of your choice.

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date: Aug 12, 2021, 10:42 PM

subject: **Rabbi Yisroel Reisman's Weekly Chumash Shiur**

### **A Thought on the Parsha.**

Parshas Shoftim has many lessons that are important for Tanach and I would like to mention one or two of them time permitting. In our Parsha we have the Parsha of the Nevi’a Sheker. In 18:20 (הַנְּבִיאַ אֲשֶׁר יִזְדֶּה לְךָ בְּשִׁמְךָ) The

Navi that speaks falsely in my name is Chayuv Misah. Of course the Navi, there are numerous incidents of Nevi’a Sheker. Not just a kook getting up on the corner on a chair and announcing that he has messianic views or prophetic vision. But people to who it really affected the history of Klal Yisrael.

We find by Tzidkiyahu the last king of Klal Yisrael, that there were Nevi’a Sheker competing with Yirmiya. Nevi’a Sheker all over the place. It is very important to know a Yesod regarding Nevi’a Sheker it is not just an Aggadata Yesod it is a Halacha Yesod.

The Minchas Chinuch brings in Mitzvah Taf Kuf Yud Zayin in Os Ches that a Navi Sheker is not a kook. A Navi Sheker is a good person, a Talmid Chochom. It would be possible for him to be a Navi. But Stam an ordinary fellow who says that he had a vision, it is Narishket, it is silliness. A Navi means somebody who has a certain level of Kedusha, a certain level of Zehirus in Mitzvos, he is a Talmid Chochom. This idea is a concept brought in numerous places.

The Michtav Eliyahu in Cheilek Daled on page 289 explains how does it happen that someone who is Rau’i to be a Navi becomes a Navi Sheker? Why would someone do that? Somebody who is a Talmid Chochom and is Zahir B’mitzvos. The Michtav Eliyahu explains it is when people are caught up in their silliness. They want something so badly that they fool themselves into thinking that it is Nevua. The lack of intellectual honesty. People want something so badly they convince themselves of these types of things. It is a dangerous thing. We have to serve HKB”H the way He taught us to serve Him. Not the way our heart tells us to serve HKB”H.

That idea, that concept, is an important concept not only by Nevi’a Sheker but in serving HKB”H in general. We have to be sure that we don’t come up with our own dreams, our own Chalomos of this or that being Ratzon Hashem, without a source. Just because we heard a story in a story book or because we heard a cute Gematriya that doesn’t make a person know how to behave. It has to be clearly a behavior that is Ratzon Hashem.

Rav Hutner in the Pachad Yitzchok on Pesach says this Yesod as well and I believe that it is in Maimar Pei Bais. With this he answers a Ramban’s Kasha. Listen to this. The Yesod of (פֶּקֶד וְפִקְדוֹת אֱלֹהִים אֲתָהּ) that is found in Parshas Vayechi in 50:24. Klal Yisrael was told that the Navi who comes with the language of (פֶּקֶד וְפִקְדוֹת אֱלֹהִים אֲתָהּ) a language of Pekida he is the redeemer. Freigt the Ramban it is very interesting. It is nice to have a Siman to know who is the real Go’el. But if you are going to advertise the Siman ahead of time, that the Go’el who comes with the Lashon of (פֶּקֶד וְפִקְדוֹת) is the true Go’el what does it help? You want to know if he is fake or not see if he says (פֶּקֶד וְפִקְדוֹת). Well you told him say (פֶּקֶד וְפִקְדוֹת) is the trick so what does it help, what kind of Siman is that?

Answers the Pachad Yitzchok beautifully. He says that a kook who comes and says he is a Go’el won’t fool anybody. Sometimes there are people who are indeed Talmidai Chachamim, they are Mazir people B’teshuva, they do Mitzvos, they teach and they fool themselves into thinking that they are the Moshiach. They fool themselves into thinking that they are the Go’el. So HKB”H promised Klal Yisrael that the Ruach Sheker that will come in people’s minds won’t be with (פֶּקֶד וְפִקְדוֹת). It won’t be with that language. It will be in a different way. Mimeila, we are not talking about people who are conniving to be a Navi Sheker, we are talking about people who fool themselves. So HKB”H promised that the language of (פֶּקֶד וְפִקְדוֹת) won’t be that Lashon. But again the Yesod is important that the Nevi’a Sheker in Tanach are just that they are Nevi’a Sheker who are good people that fool themselves. An important Yesod for Navi.

### **2 – Topic – A Netziv on the beginning of the Parsha.**

One other quick Yesod is a beautiful Netziv in the beginning of Parshas Shoftim. The end of Parshas Re’eh 16:17 (אִישׁ, כְּמִתְּנֵהוּ יְדוּ, כְּבָרְכָהּ יְרֵנָה אֶלְרִיד, ) ends with Bracha. The beginning of Parshas Shoftim is 16:18 (אֲשֶׁר מִן-לֶךְ) (שִׁפְטִים וְשִׁטְרִים, תִּתֶּן-לֶךְ) (שִׁפְטִים וְשִׁטְרִים, תִּתֶּן-לֶךְ) (שִׁפְטִים וְשִׁטְרִים, תִּתֶּן-לֶךְ). Says the Hameik Davar, the Netziv says beautifully (דְּבַרְכָה מְצוּיָה בּוֹמֵן שֶׁמְכַבְּדִין אֶת הַדִּיּוּתִים). In a society in which people show respect to Dayanim, show respect to the rule of the land, show respect to

integrity of financial dealings, such a society has Bracha. A society in which it is the Wild West that people do what they want. They cheat others, the convince themselves that they are allowed to take this money without a clear Psak that it is Muttar. They go and think that they could apply for government benefits to which they are not entitled and they have no source for being allowed to take it. They go and they take money of others or cheat others and they are Melamed Heter on themselves. Such a society is not Bracha Metzuya, doesn't have a Bracha found there. So therefore, (שְׁפָטִים) איש, כְּמִתְּנֵת יְדוֹ, כְּבִרְכַת יְרֵרָה (לְשֹׁרִים, תִּתֶּן-לָהֶם) (אֲלֵרִיד). And he refers back to Parshas Mishpatim (לֹא תִקְלַל; וְיָשִׂיא בְעַמְּךָ, לֹא תִאָּדָר) to show respect for a Nasi, for a Beis Din is right next to the Posuk (מְלֶאכֶתְךָ וְדִמְעָה, לֹא תֵאָסֵר). (מְלֶאכֶתְךָ) means your good crop, your crop that is full.

A third source. The Netziv says (וְהָיָה בְיָמֵי שְׁפָט תִּשְׁפָּטִים, וְהָיָה רָעָב, בְּאֶרֶץ) Rus begins in the days that the judges judged, there was a hunger. Says Rashi, Dor Sheshoftim Es Shoftov. It was a generation that didn't show respect for the Dayanim. They second guessed their Dayanim. Such a place, (וְהָיָה רָעָב, בְּאֶרֶץ) there was a hunger in the land. The point again being that in order to have a society that has Birchas Hashem there must be a society that shows respect for the rule of Bais Din.

With this it explains why in Navi there was a great king YOSHIAHU HAMELECH – Vayikonein Yirmiyahu Al YOSHIAHU when we talk about him in Kinno. He was a great king. He became king at the age of 8. The first thing he did before getting Klal Yisrael to get rid of Avoda Zorah the first thing he did was to straighten out the Batei Dinim, straighten out the places of judgement that there should be Bracha by Klal Yisrael. There has to be integrity and honesty in financial dealings.

We should be Zoche to have that integrity and honesty and IY”H it will bring Bracha and Hatzlacha to all of us. May it be a Gebentched Elul, a Gebentched Elul where we have an Aliyah IY”H. A Gutten Shabbos to one and all!

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date: Aug 11, 2021, 2:17 PM

subject: Learning and Leadership (Shoftim 5781)

Covenant and Conversation

The parsha of Shoftim is the classic source of the three types of leadership in Judaism, called by the Sages the “three crowns”: of priesthood, kingship and Torah.[1] This is the first statement in history of the principle, set out in the eighteenth century by Montesquieu in L’Esprit des Lois (The Spirit of Laws), and later made fundamental to the American constitution, of “the separation of powers.”[2]

Power, in the human arena, is to be divided and distributed, not concentrated in a single person or office. In biblical Israel, there were Kings, Priests and Prophets. Kings had secular or governmental power. Priests were the leaders in the religious domain, presiding over the service in the Temple and other rites, and giving rulings on matters to do with holiness and purity. Prophets were mandated by God to be critical of the corruptions of power and to recall the people to their religious vocation whenever they drifted from it.

Our parsha deals with all three roles. Undoubtedly, though, the most attention-catching is the section on Kings, for many reasons. First, this is the only command in the Torah to carry with it the explanation that this is what other people do: “When you enter the land the Lord your God is giving you and have taken possession of it and settled in it, and you say, ‘Let us set a King over us like all the nations around us...’” (Deut. 17:14). Normally, in the Torah, the Israelites are commanded to be different. The fact that this command is an exception was enough to signal to commentators throughout the ages that there is a certain ambivalence about the idea of monarchy altogether.

Second, the passage is strikingly negative. It tells us what a King must not do, rather than what he should do. He should not “acquire great numbers of horses,” or “take many wives” or “accumulate large amounts of silver and gold” (Deut. 17:16-17). These are the temptations of power, and as we know from the rest of Tanach, even the greatest – King Solomon himself – was vulnerable to them.

Third, consistent with the fundamental Judaic idea that leadership is service, not dominion or power or status or superiority, the King is commanded to be humble: he must constantly read the Torah “so that he may learn to revere the Lord his God ... and not consider himself better than his fellow Israelites” (Deut. 17:19-20). It is not easy to be humble when everyone is bowing down before you and when you have the power of life and death over your subjects.

Hence the extreme variation among the commentators as to whether monarchy is a good institution or a dangerous one. Maimonides holds that the appointment of a king is an obligation, Ibn Ezra that it is a permission, Abarbanel that it is a concession, and Rabbenu Bachya that it is a punishment – an interpretation known, as it happens, to John Milton at one of the most volatile (and anti-monarchical) periods of English history.[3] There is, though, one positive and exceptionally important dimension of royalty. The King is commanded to study constantly:

“...and he is to read it all the days of his life so that he may learn to revere the Lord his God and follow carefully all the words of this law and these decrees and not consider himself better than his fellow Israelites and turn from the law to the right or to the left. Then he and his descendants will reign a long time over his kingdom in Israel. (Deut. 17:19-20)

Later, in the book that bears his name, Moses’ successor Joshua is commanded in very similar terms:

Keep this Book of the Law always on your lips; meditate on it day and night, so that you may be careful to do everything written in it. Then you will be prosperous and successful. (Josh. 1:8)

Leaders learn. That is the principle at stake here. Yes, they have advisors, elders, counsellors, an inner court of Sages and literati. And yes, biblical Kings had Prophets – Samuel to Saul, Nathan to David, Isaiah to Hezekiah and so on – to bring them the word of the Lord. But those on whom the destiny of the nation turns may not delegate away the task of thinking, reading, studying and remembering. They are not entitled to say: I have affairs of state to worry about, so I have no time for books. Leaders must be scholars, Bnei Torah, “Children of the Book,” if they are to direct and lead the people of the Book.

The great statesmen of modern times understood this, at least in secular terms. William Gladstone, four times Prime Minister of Britain, had a library of 32,000 books. We know – because he made a note in his diary every time he finished reading a book – that he read 22,000 of them. Assuming he did so over the course of eighty years (he lived to be 88), this meant that he read on average 275 books a year, or more than five each week for a lifetime. He also wrote many books on a wide variety of topics from politics to religion to Greek literature, and his scholarship was often impressive. For example he was, according to Guy Deutscher in Through the Language Glass,[4] the first person to realise that the ancient Greeks did not have a sense of colour and that Homer’s famous phrase, “the wine-dark sea” referred to texture rather than colour.

Visit David Ben Gurion’s house in Tel Aviv and you will see that, while the ground floor is spartan to the point of austerity, the first floor is a single vast library of papers, periodicals and 20,000 books. He had another 4,000 or so in Sde Boker. Like Gladstone, Ben Gurion was a voracious reader as well as a prolific author. Benjamin Disraeli was a best-selling novelist before he entered politics. Winston Churchill wrote almost 50 books and won the Nobel Prize for Literature. Reading and writing are what separate the statesman from the mere politician.

The two greatest Kings of early Israel, David and Solomon, were both authors, David of Psalms, Solomon (according to tradition) of The Song of

Songs, Proverbs and Kohelet/Ecclesiastes. The key biblical word associated with Kings is chochmah, "wisdom." Solomon in particular was known for his wisdom:

When all Israel heard the verdict the King had given, they held the King in awe, because they saw that he had wisdom from God to administer justice. (I Kings 3:12)

Solomon's wisdom was greater than the wisdom of all the people of the East, and greater than all the wisdom of Egypt ... From all nations people came to listen to Solomon's wisdom, sent by all the Kings of the world, who had heard of his wisdom. (I Kings 5:10-14)

When the Queen of Sheba saw all the wisdom of Solomon... she was overwhelmed. She said to the King, 'The report I heard in my own country about your achievements and your wisdom is true. But I did not believe these things until I came and saw with my own eyes. Indeed, not even half was told to me; in wisdom and wealth you have far exceeded the report I heard...' The whole world sought audience with Solomon to hear the wisdom God had put in his heart. (I Kings 10:4-24)

We should note that chochmah, wisdom, means something slightly different from Torah, which is more commonly associated with Priests and Prophets than Kings. Chochmah includes worldly wisdom, which is a human universal rather a special heritage of Jews and Judaism. A Midrash states "If someone says to you, 'There is wisdom among the nations of the world,' believe it. If they say, 'There is Torah among the nations of the world,' do not believe it." [5] Broadly speaking, in contemporary terms chochmah refers to the sciences and humanities – to whatever allows us to see the universe as the work of God and the human person as the image of God. Torah is the specific moral and spiritual heritage of Israel.

The case of Solomon is particularly poignant because, for all his wisdom, he was not able to avoid the three temptations set out in our parsha: he did acquire great numbers of horses, he did take many wives and he did accumulate great wealth. Wisdom without Torah is not enough to save a leader from the corruptions of power.

Though few of us are destined to be Kings, Presidents or Prime Ministers, there is a general principle at stake. Leaders learn. They read. They study. They take time to familiarise themselves with the world of ideas. Only thus do they gain the perspective to be able to see further and clearer than others. To be a Jewish leader means spending time to study both Torah and chochmah: chochmah to understand the world as it is, Torah to understand the world as it ought to be.

Leaders should never stop learning. That is how they grow and teach others to grow with them.

[1] Mishnah Avot 4:13. Maimonides, Mishneh Torah, Hilchot Talmud Torah, 3:1.

[2] Montesquieu's division, followed in most Western democracies, is between legislature, executive and judiciary. In Judaism, primary legislation comes from God. Kings and the Sages had the power to introduce only secondary legislation, to secure order and "make a fence around the law." Hence in Judaism the King was the executive; the priesthood in biblical times was the judiciary. The "crown of Torah" worn by the Prophets was a unique institution: a Divinely sanctioned form of social criticism – a task assumed in the modern age, not always successfully, by public intellectuals. There is today a shortage of Prophets. Perhaps there always was.

[3] See Eric Nelson, *The Hebrew Republic*, Harvard University Press, 2010, 41-42.

[4] *Through the Language Glass: Why the World Looks Different in Other Languages* (New York: Metropolitan Books/Henry Holt and Co., 2010).

[5] *Eichah Rabbati* 2:13.

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date: Aug 12, 2021, 7:34 PM

subject: Rabbi Mordechai Willig - Rabbinic Error

## Rabbi Mordechai Willig

### Rabbinic Error

I "That they [the Rabbis of the Sanhedrin in Yerushalayim] will teach you and the judgment that they will say to you shall you do. Do not stray from the word that they will tell you, right or left" (Devarim 17:11).

The Ramban, based on Rashi, explains that even if it is obvious to you that the Rabbis are mistaken, you must do as they command; what Hashem commanded is to perform His mitzvos as understood by the Sanhedrin, even if they err in your eyes as one who exchanges right for left. Moreover, you should think that they are correct, as Hashem protects them from mistakes. There is a great need for this mitzvah for otherwise there will be many (unresolved) disputes and many Torahs.

The Chinuch (496) adds that even if they err we should act according to their error. It is better to suffer one error and have everyone subject to their leadership always, than have everyone act according to his own opinion. This would destroy the religion, split the people and undo the nation completely. The Chinuch concludes that we must obey the gedolim in Torah wisdom and our judges in our generation. Earlier (495) he concludes that one who does not follow the advice (atzas) of the gedolim of the generation in Torah wisdom violates this mitzvah. His punishment is great, since this mitzvah is the strong pillar on which the Torah rests.

II "If all of Israel will err, and a matter was hidden from the eyes of the people, and they ruled that a serious Kares violation is permitted, and the people sinned based on their ruling" (Vayikra 4:13 with Rashi). The possibility that the Sanhedrin (the eyes of the people) err is thus acknowledged by the Torah. Since the people properly followed the Sanhedrin, each "sinner" is exempt from the korban chatas required of one who commits such a sin unintentionally. Instead, when the mistake becomes known, a single offering is brought for the entire nation, with the participation of members of the Sanhedrin (4:14-15 with Rashi). This reinforces the ideas expressed by the Ramban and the Chinuch in Parshas Shoftim, regardless of whether such a serious error ever happened or not. The Gemara (Gittin 56a) attributes the destruction of the second Bais Hamikdash to an apparent [1] rabbinic error by R' Zecharya ben Avkulas. He should have allowed a blemished offering to be brought as pikuach nefesh demands, or ordered Bar Kamtza killed (Rashi) as a rodef. Some explain that he was exceedingly humble (anvesanus), and felt he was not qualified to make such a difficult decision (Maharatz Chayos). Others suggest that he was by nature indecisive (as in Tosefta Shabbos 17:4).

The Chasam Sofer defends R' Zecharya by explaining that until that incident it was unthinkable that a Jew would react to a small indignity by actually slandering the Jews with a false accusation that they rebelled against the Roman authorities. In retrospect, Bar Kamtza should not have been embarrassed by another Jew, and R' Zecharya should have recognized that there was in fact real danger to life. Henceforth, one should always fear the consequences of his action or inaction (55b, Tosfos d.h. Ashrei).

The Kovetz He'aros (49:7,8) suggests a halachic error. The Rabbis wanted to offer the blemished animal for the sake of peace with the Roman kingdom, i.e. pikuach nefesh. R' Zecharya responded, "They will say a blemished animal may be offered." If so, a violation will occur when life is not in danger. This halachic argument, however, is incorrect, since causing a sin (lifnei iver) is also set aside for pikuach nefesh.

In sum, R' Zecharya's error may have been halachic, similar to one of Sanhedrin in Parshas Vayikra. Or, it may have been excessive humility, indecisiveness, or a faultless inability to imagine an unprecedented threat to life.

III Later (56b), R' Yochanan ben Zakai (RYB"Z) asks the Roman general Vespasian for Yavne and its scholars, R' Gamliel's family, and a doctor to heal R' Tzadok. R' Akiva criticized RYB"Z, arguing that he should have asked Vespasian to spare Yeushalayim. RYB"Z thought Vespasian would not have agreed to such a great request, and settled for a small salvation (hatzala purta).

R' Akiva invoked the pasuk (Yeshayahu 44:25), "Hashem turns wise men backwards and their thinking foolish." In his view, RYB"Z made a colossal error in judgement, not in halacha. Usually, the advice of gedolei Torah is unerring. One who learns Torah lishma merits many things. From him is the benefit of counsel (eitza) and wisdom (Avos 6:1). Only Hashem's intervention caused RYB"Z to make an unwise decision.

But was it really unwise? Perhaps R' Akiva was wrong, and Vespasian would not have granted a request to spare Yerushalayim! This can never be proven or disproven. On his deathbed, RYB"Z did not know his fate in the afterlife (Brachos 28b). He was still unsure if his momentous decision was correct or not (Rav Soloveitchik, Chamesh Derashos, p. 35).

Errors have been attributed to great rabbanim over the generations, in halacha and in advice. Yet, as the Chinuch writes, we are duty-bound to follow gedolei Torah in every generation in both areas, as the alternative is halachic anarchy and, usually, poorer advice. Major errors are the exception, and, per R' Akiva, result from Divine Intervention. During the past century, such mistakes of great Rabbonim, in the face of unprecedented dangers, may be errors only retrospectively, as the Chasam Sofer explains.

IV Parshas Shofetim concludes with the eglarufah. The elders, i.e. the Sanhedrin (Rashi 21:2), say "Our hands have not spilled this blood (of the victim, 21:1) and our eyes did not see (21:7)." Would you think that the Sanhedrin are murderers? Rather, [they are declaring that ] we did not see him leaving and did not send him off without food and without escort (Rashi, from Sotah 45b).

Sforno (21:4) writes that the killer was unknown to the Sanhedrin. Had they known, they would have eliminated him. They did not spill blood (21:7) means that they did not leave any known murderer in the land.

What if they did not escort the victim, or eliminate a known murderer? R' Chaim Kaniewsky (Nachal Eisan 15:2) rules that in such a situation they cannot say "Our hands etc.," and perhaps cannot perform the eglarufah ritual at all.

In a recent letter (24 Tishrei 5781) R' Asher Weiss wrote: We are ashamed that each day people, including great rabbis, pass away from COVID-19, and we cannot say "Our hands did not spill this blood." This presumably refers to rabbanim who did not take and require precautions in the face of the plague, as their illustrious predecessors, from Talmudic times through the 19th century, did with alacrity. We must be more strict than the government, not less.

Rabbinic error, then, can be responsible for the loss of life r"l. Whatever the reason, we must learn the bitter lesson and be vigilant in the face of the recent uptick in COVID-19 (through the Delta variant). Proper medical and halachic rulings, and advice, must be followed (see Rabbi Mayer Twersky, Do not be Exceedingly Righteous).

The Chinuch applies the mitzvah to obey the Sanhedrin to the rulings and advice of gedolim in Torah wisdom of every generation. While the definition of a gadol b'Torah is not precise, practices not sanctioned by any gadol may not be adopted.

In the absence of the Sanhedrin, there is no majority rule amongst gedolim. One can choose a gadol, or his disciple, as his rav (see Pillars). In communal matters, the greatest gedolim should be our guides, in strictly halacha as well as in halachic policy decisions. Recent gedolim, from the Chazon Ish (Pe'er HaDor vol. 5 p. 52,53) to Rav Soloveitchik, (Yalkut Hamoadim p. 711, Divrei Hagos V'Ha'arach, p.187) have expressed this notion (even though they differ in their reaction to those who only defer to gedolim on strictly halachic matters.)

Notwithstanding rabbinic fallibility, obeying the rulings and advice of one's rav is the better alternative, as the Chinuch teaches. May we learn these lessons and thereby merit the return of the Sanhedrin with the coming of the Mashiach.

[1]See Contemporary Halachic Problems, vol. 3 p. 82.

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from: **Torah Musings** <newsletter@torahmusings.com> via sendingservice.net

date: Aug 12, 2021, 11:04 AM

subject: Torah Musings Daily Digest for 08/12/2021

Shofetim: Building and Defending a Just Society

by **R. Gidon Rothstein**

From its start, Parshat Shofetim turns our attention to the steps needed to develop and sustain the kind of society Gd wants. The first words of the parsha start us off, shofetim ve-shoterim, the obligation to establish judges and enforcers.

Justice in Israel and Out

Ramban points out the verse, 16;18, speaks of such judges be-chol she'arecha, in all your gates. We might have thought the term limited the commandment to Israel, except Bamidbar 35;29 speaks of cities of refuge (also in our parsha, although we will not have the space to discuss them) as a law that applies to all our habitations, implying a functioning legal system outside of Israel.

Makkot 7a instead says the words in this parsha tell us the every city in Israel means must have a court, where outside of Israel, only every region of Jewish habitation must. Ramban adds the obligation is only in full force when judges have the semicha given by Moshe to his students, from there by teacher to student through the generations. Lost in the time of the Talmud, Ramban says the mitzvah of appointing judges will not return fully until that semicha is recovered (he probably meant by the arrival of Eliyahu in the run-up to the Messianic era; Rambam had offered another idea as well).

The Delicacy of Justice

Several of the Torah's comments and warnings to judges show why we would need them to be well-trained. The first verse of the parsha defines their job as to judge mishpat tzedek, a phrase Onkelos renders din de-keshot, true justice. Tzedek would usually mean righteous or proper, Onkelos seems to want to stress the need for reaching the truth.

One way to lose the truth comes when 16;19, the next verse, says bribery blinds the eyes of the discerning, vi-salef divrei tzaddikim. Where translations take it to mean will stop litigants who are correct from presenting their claims well, Onkelos says it destroys words that should have been well-formulated. Even before the judges know where the truth lies, a bribe will stop them from registering well-presented claims as they should have.

Rashi ratifies both of Onkelos' ideas, the concern with allowing for proper presentation of evidence and of avoiding the insidious effects of a bribe. When 16;19 warns lo takir panim, do not favor a litigant, Rashi says treating either litigant better—speaking more softly, allowing him/her to sit—will interfere with the other litigant's ability to present his/her case in the best way.

The same verse says bribes blind the discerning, to Rashi a reminder a bribe will color how the judge sees the evidence, will make it harder if not impossible to see the truth.

Preserving the System with Public Justice

In two cases in the parsha, the Torah makes a point of the importance of the populace at large hearing of the punishment. For a zaken mamrei, 17;13, a Torah scholar who refuses to accept the judgment of the Sanhedrin, and for edim zomemim, 19;20, witnesses put to death for having presented false testimony in a capital case, the Torah tells us to be sure the nation hears about it.

In these instances, at least, punishment comes also to teach a lesson to others. Some of whom, Rashi reads 19;13 to indicate, might think there's no point in the death penalty, especially for a murderer, since it will not bring back the victim.

Justice is worth it even if it seems to cause damage in the short term to build a society where justice reigns.

It's Not All In Our Hands

Humans cannot control all of society's needs, however, such as in knowing the future. After a series of prohibitions of forms of divination, 18;13 commands Jews to be tamim, whole, with Gd. Rashi thinks it urges us to leave the future to Gd, not to work too hard to figure out how it will look, to accept all Gd sends with equanimity.

Ramban focuses the command as a reminder to look only to prophets for predictions, to keep in mind Gd can change even what seems the most certain path of event. As he had said for judges, Ramban thinks the Land of Israel has an advantage in terms of prophets. When 18;15 says Gd will establish a prophet mi-kirbecha, from among you, Ramban says it only happens in Israel. Me-ahacha, from your brethren, means only Jews, non-Jews such as Bil'am in this view more sorcerers than prophets.

Side by side with an assiduous concern with human-administered justice, the Torah limits Jews to prophecy as the only method of accessing information about the future.

#### Gd Helps Us in War

The end of the parsha teaches us about going to war, another human activity where Jews are supposed to keep Gd in mind. The kohen who exhorts the people on their way out reminds them not to be afraid of the battle, because your Gd is "going with you, to fight for you." Onkelos consistently translates le-hillahem, to fight, as le-agaha lechon kerav, to wage war for you, without worrying about the element of physicality he usually avoids. Gd producing victory on our behalf is waging war, however it happens.

Ramban emphasizes the faith element, the confidence Gd can help us win without any casualties, should we merit it. Armed with such certainty, the Jew would engage without any fear, as the kohen adjures.

Some people will not reach that level of certainty about Gd. After the kohen finishes, the shoterim, the law-enforcers, announce exemptions. Most have to do with people in the middle of an important life event (betrothed a woman but not yet married her, for example); 20;8 also has them discharge a man who is afraid.

Ramban records the two views in Sotah 44a, R. Yose HaGlili thinks this man must know of a personal sin that would exclude him from Gd's protection, otherwise the kohen's words should have assuaged his fears. R. Akiva took it more literally, someone who was still afraid, for whatever reason.

The verse ends with an apparent explanation, to avoid him infecting fellow soldiers with fear. Ramban notes Behag took this as a prohibition against staying, the fearful Jew must leave the camp to be sure he not spread his negativity.

The end of the passage, verse nine, brings back the mundane in a most casual way, after the shoterim finish their list of exemptions, they appoint officers for the upcoming war. Ramban emphasizes the point, despite our being obligated to trust Gd will conduct the war for us, we also must act as if we are engaging an ordinary human war, with a chain of command.

It pulls us two ways. If we truly trust Gd, how do we motivate ourselves to ordinary efforts? On the flip side, if we make those efforts and win, how will we remember Gd's role?

#### The Problematic Enemy

Divrei Ha-Yamim II;28;15 tells of a war between the two later Kingdoms of Israel. The Northern Kingdom won this war, then clothed and fed the captives they had taken, brought them to Yeriho, and freed them. Rashi says 20;3 stresses the wars of conquest of the Land will be against oyeveichem, your enemies, to remind us we cannot expect such beneficent treatment. Wars with non-Jews cannot expect such treatment.

Jews also seek to avoid unnecessary killing. Before every war, the Jews would call for peace, 20;10-11, to hold out the option of tribute and servitude (for faraway cities; ones in Israel would also have to commit to relinquishing worship of powers other than Gd). Ramban assumes this option was given to all cities, and the people of Giv'on—who tricked Yehoshu'a into a treaty—either misunderstood, thought their deadline for accepting peace had passed, or were unwilling to accept the terms the Torah

tells Jews to offer. The default, though, is to offer ways to avoid killing and death.

If those do not work, we indeed must kill any members of that society (unless they flee). The Torah, 20;18, says it is that they not teach or lure us to adopt the abominations they did to their gods. For Ramban, the Torah means they will convince us to worship Gd the way they worshipped their gods. One non-Jew would be enough to introduce a form of worship we will find attractive and convince ourselves makes sense to use in serving Gd, he says.

It is that danger that precludes leaving even one such non-Jew around. Start to finish, the parsha lays out ways for Jews to build a successful and successfully Gd-focused society, in law and order within the society and when our society encounters another one, in war.

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From: **Michael Hoenig** <MHoenig@herzfeld-rubin.com>

Date: Tue, Aug 10, 2021, 6:16 PM

Subject: Mitzvah Connection -- Parshas Shoftim -- LEMA'AN TICHYE

The following is a Mitzvah Connection from Parshas Shoftim ( 16:20 ):

LEMA'AN TICHYE ----

Parshas Shoftim opens with Moshe directing B'nai Yisrael to appoint Judges and Officers of the Court " in all your cities " to render (and enforce ) righteous judgments in resolving disputes . ( 16:18 ) (VeShoftu Es HaAm Mishpat Tzedek .) A judgment may not be " perverted " by bribe or other favoritism . ( 16:19 )

Then comes one of the most famous adages in Chumash : " Tzedek ,Tzedek Tirdof , LEMA'AN TICHYE .... " . ( Righteousness ,Righteousness Shall You Pursue, SO THAT YOU WILL LIVE And Possess The Land That Hashem ... Gives You .) ( 16:20 ) What does LEMA'AN TICHYE , SO THAT YOU WILL LIVE, have to do with the pursuit of righteousness within a justice system ? Is there some cause-and-effect relationship between the pursuit of righteousness and the ability to LIVE ? Artscroll's Commentary on Chumash ( Stone ed., Shoftim, 16:20 ) cites the Gemara in Sanhedrin 7a that the " implication is that the judge who perverts justice will die ." It further cites Maharal to explain that " God is very harsh with a judge who knowingly tampers with justice because to deprive someone of his money unjustly can be a matter of life and death, for his life can depend on his livelihood ."

Interestingly, the words, Tzedek, Tzedek ( Righteousness, Righteousness ) are repeated to emphasize that not only must justice be done, it must be achieved in a just way, not through injustices or inappropriate means . " The Torah teaches here the principle that the end does not justify the means ." ( Rav Elie Munk, Kol HaTorah, at 16:20 ) . Artscroll's Chumash commentary attributes to R' Bunam of P'shis'cha the homiletical message that " one should pursue righteousness [only through] righteousness ; it must be done through honest means; the Torah does not condone the pursuit of a holy end through improper means." ( Artscroll Chumash, at 16:20 )

Rav Shamshon Raphael Hirsch explains that the concept of Tzedek ( Right, Justice ) is the "highest unique goal, to be striven for purely for itself, to which all other considerations have to be subordinated ." It forms " all private and public matters IN ACCORDANCE WITH GOD'S TORAH " and is to be kept in the mind of the whole nation . ( 16:20 )

To pursue this goal unceasingly with all devotion is Israel's one task -- LEMA'AN TICHYE VeYarashta -- that Israel has done everything to secure its physical ( TICHYE ) and political ( VeYarashta ) existence .

Rav Hirsch notes too that , in Sanhedrin 32b, the repetition of Tzedek, Tzedek is further explained that " every judicial activity even if it is not to make a decision but only to arrange a compromise must be guided entirely by impartiality " ( Tzedek , Tzedek Tirdof, Echad LeDin VeEchad LePeshara ) . Thus, even in compromise, Peshara , the arrangement of an amicable agreement between the contending parties, the Judge may not favor one party more than another .

Although Sanhedrin 7a links LEMA'AN TICHYE , SO THAT YOU WILL LIVE , to the implication that the perverting judge will die, others suggest a broader view of " life " in this context . Thus, Rashi, quoting Sifre, declares that the appointment of honorable judges is " so important that in itself it is sufficient to KEEP ISRAEL ALIVE and to ensure that they will live upon their Land ." ( Rav Munk, Kol HaTorah, at 16:20, citing Rashi .) Justice is the backbone of the state. Without it, the state cannot survive . ( Ibid.) Rav Hirsch also, as above noted, suggests that LEMA'AN TICHYE relates to Israel's survival, the nation's physical existence . Tzedek forms all private and public matters IN ACCORDANCE WITH GOD'S TORAH . According to these broader views, the LIFE to be sustained by pursuing righteousness is that of Yisrael the nation . The connection between Tzedek and Life and Torah is pervasive .

LEMA'AN TICHYE equals 613 . Mitzvah Number 613 is : VeAtoh Kisvu Lochem Es HaShira HaZos . --- " And Now, Therefore, Write This song For Yourselfes ." It is a Mitzvah for every Jewish male to write a Torah scroll for himself . If one is not skilled to write one himself, he can fulfill this Mitzvah by hiring a qualified Sofer ( scribe ) who can write one for him . Since the main purpose of this Mitzvah is to have every Jew be personally involved and thoroughly familiar with all the Torah's Mitzvos, Chazal teach that those who cannot afford to hire a Sofer to write a Sefer Torah should at least buy Seforim ( sacred religious books ) from which they will study Torah . 613 is also the number of explicit Torah Mitzvos , signifying that our LIVES are to be lived in accord with Torah obligations.

The Torah is the blueprint for all manner of righteous behavior, within the justice system and outside, in our relationships with others and Bein Adom LeMokom . We acknowledge in our prayers that Torah is an EITZ CHAYIM HI LEMACHAZIKIM BOH --- A Tree Of LIFE For Those Who Grasp It . It is a source of and sustainer of LIFE . Torah's relationship to Tzedek, indeed the ultimate form of Tzedek, is reflected in the same Prayer : Hashem Chofetz LeMa'an TZIDKO, Yagdil TORAH VeYa'Adir --- " Hashem Desired For The sake of ITS [ ISRAEL'S ] RIGHTEOUSNESS , That The Torah Be Made Great And Glorious ." In the Prayer when we return the Torah to the Ark, we again recognize the basic and primary linkage between Torah and its nature as a Tree of Life . ( U'Venucha Yomar ) Since the relationship between Tzedek, Torah and a wholesome LIFE is palpable and a core of the nation's existence , the Mitzvah Connection to LEMA'AN TICHYE seems quite strong .

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date: Aug 11, 2021, 7:46 PM

subject: Rabbi Zweig on the Parsha - In The Shadow Of Hashem Parshas Shoftim In The Shadow Of Hashem

"You shall observe the festival of Sukkos...Judges and officers you shall appoint..." (16:13,18)

Although Ezra the Scribe divided the Torah into the weekly portions as we know them, there is another system which is used to divide the Torah, that of "pesuchos"and"stumos", literally "open" and "closed". A pesucha is roughly translated as a new chapter and a stumahas a new paragraph. A pesucha begins as a new line, while a stumah begins on the same line. The section of the laws of judges is a parsha stumah, a new paragraph, but not a new chapter.[1] Therefore, there must be a significant connection between these laws and the laws of Sukkos, which concludes last week's parsha.[2] The judicial system in Israel requires that every city contain a minor Sanhedrin consisting of twenty-three judges. The Talmud teaches that a city must be populated with a minimum of one hundred twenty people to warrant a judicial system. Each judge has two understudies.[3] What is the rationale for requiring a city of one hundred twenty people to have sixty-nine judges? Why the need for so many courts throughout the land?

The function of the Jewish court system is not only to dispense justice and restore order; a judge is the conduit for the word of Hashem and must create a society where Hashem's presence is felt. A Jewish law-abiding citizen must observe the law, not due to a fear of retribution, but a fear of sin. A system which is predicated upon the notion that people will not violate the law due to their fear of the consequences cannot succeed. The reason for this is as follows: If a person perceives the rewards for violating the law to be worth the risk of being caught, he will violate the law. The only effective system is one where a person perceives that it is intrinsically wrong to violate the law. This can only be achieved if people feel the presence of Hashem in their midst. The function of the judge is to create this atmosphere. If the purpose of the judicial system were to create fear of punishment, there would be no need for so many judges. Bolstering the police force would be more effective. Since the purpose of the judge is to create a society where Hashem's presence is tangible, we understand the need for such a large number of judges.

A major theme pertaining to the festival of Sukkos is that we leave our houses in order to go into the "shadow of Hashem".[4] The Sukkah is a place where Hashem's presence manifests itself. Therefore, the connection between the festival of Sukkos and the judicial system is clear. The judicial system serves to create the same atmosphere throughout society, which is found in the Sukkah.

1.Yad Hilchos Sefer Torah 8:1,2 2.16:13-17 3.Yad Hilchos Sanhedrin 1:2

4.See Bnei Yissoschor Maamer Chodesh Tishrei #9

Protection For The Way

"If a corpse will be found on the land..." (21:1)

When a Jew is murdered and the perpetrator is not found, the city closest to the corpse assumes the responsibility of performing the ritual which will bring atonement to Bnei Yisroel for this heinous act. During the procedure, the elders of the city declare, "Our hands have not spilled this blood." [1] The Talmud questions the need for this statement. How could we suspect the elders for culpability in this crime? The Talmud explains that they must declare that if this individual had visited their city he would have received the necessary "hachnasas orchim"- "hosting guests" and would not have departed unescorted and without provisions.[2] Implicit in the Talmud's answer is that if the victim would have been accompanied and supplied with provisions, he would not have been killed.

The Maharal notes that the mitzva of "levaya"- accompanying a guest, only requires accompanying the guest eight feet out of the house, one does not require escorting him to the next city. Additionally, we do not find anywhere that one must be armed when accompanying a wayfarer. Therefore he asks: How would accompanying the guest have helped protect him? [3]

The Rambam in his Yad Hachazaka comments that of all various components of "hachnasas orchim", the "livui" - "the accompanying of the guest" is the greatest part of the mitzva. How can livui be more important than feeding or giving the guest a place to rest?[4]

A visitor to a city or someone who is lost is generally more susceptible to being mugged or robbed than someone who lives in that city. The reason for this is that there is a certain profile which a mugger searches out to identify his "mark". Someone who is unfamiliar with his surroundings tends to project his lack of confidence in the manner by which he carries himself. Thus, he is more prone to being attacked.. When we accompany a guest for even a short distance, we convey the message that we are disappointed that he is leaving us and we wish we could be with him. This gives a person a strong sense of belonging. He feels connected to the community from which he just departed. Such a person walks with an air of confidence which will dissuade most muggers from attacking. In contradistinction, even if we give him to eat but do not accompany him a few steps when he leaves a city, he feels disconnected and emotionally weak. This will be expressed by a gait that projects his lack of confidence, resulting in a greater propensity for a crime to be perpetrated against him.

1.21:7 2.Sotah 45b 3.Chidushei Aggados Sotah 45b 4.Hilochs Avel 14:2

## Body And Soul

“You are children to Hashem, your G-d – you shall not cut yourselves...”(14:1) The Torah juxtaposes the statement “banim atem laHashem” – “you are children to Hashem” to the prohibition “lo sigdodu” – “you shall not lacerate yourselves”. Rashi explains that since we are Hashem’s children we should not deface our bodies.[1] The Talmud teaches that there are three partners in the creation of a human being, the father, the mother and Hashem. Parents supply the child with physical characteristics and Hashem supplies the child with a soul.[2] Why does the verse describe our relationship with Hashem as His children in the context of safeguarding our physical form?

From the expression “lo sigdodu” the Talmud derives the prohibition against separate factions observing divergent Halachic practices within the same community (“aggudos” – “groups”).[3] Since the prohibitions against lacerating ourselves and having separate factions are both derived from the same expression, a unifying thread between them must exist. What do they have in common?

In the first paragraph of the Shema we are commanded to teach our children Torah, “veshinantam levanecha”.[4] Rashi comments that “your children” refers to “your students” for a person’s students are considered as his children. To support this notion Rashi cites our verse in Parshas Re’eh, “banim atem laHashem” – “you are children to Hashem”.[5] How does this verse indicate that a person’s students are his children? It is apparent from Rashi’s comments that he understands that through the study of Hashem’s Torah we become His students, and can therefore be referred to as His children.

The Mishna teaches that a person is obligated to return his teacher’s lost object prior to returning an object lost by his father, for his father provides him with a finite existence while his teacher offers him an infinite existence.[6] The Torah taught by his teacher not only guarantees the soul an infinite existence, but also elevates the body given to him by his father from a physical and finite state to a spiritual and eternal state.

Although Hashem is clearly the source of the soul, Torah study enables the body to be perceived as a product of the same source. This message is punctuated by the commandment against lacerating our bodies because we are Hashem’s children; through Torah study we become His students and thereby His children, body and soul. The reconciliation between body and soul is the ultimate proof that we emanate from one source. Since only the Torah is able to accomplish this reconciliation, it is of the utmost importance that the Torah itself be viewed as emanating from one source. Any action distorting this truth undermines the efficacy of the Torah to unite and reconcile all apparent divergent forces in creation. It is therefore self-evident that separate factions observing divergent Halachic practices within the same community cannot be tolerated.

1.14:1 2.Niddah 31a 3.Yevamos 13b 4.6:7 5.Ibid 6.Bava Metziah 33a  
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<http://peninim.org/2021/08/11/>

### Rabbi A. Leib Scheinbaum

You shall not slaughter for Hashem, your G-d, an ox or a lamb or kid in which there will be a blemish. (17:1)

5781

The animal that is brought up as an offering to Hashem must be without blemish. Chazal (Sifri) detail a variety of disqualifications which invalidate a sacrifice. The shoshon, root, of this mitzvah is quite understandable. A person who brings a korban, sacrifice, is to focus his thoughts towards Hashem. A human being is affected by the strength of his actions. Hence, it is only proper that the sacrifice he offers be without blemish. This reflects the idea that the intentions of a man neither rest – nor become focused – upon a lesser sacrifice as they would upon a more important sacrifice. The distinguished and perfect in its species arouse and inspire hearts. In other words, one who offers the korban will be inspired to a greater extent by an

unblemished animal, because, in his mind, it has greater value. Furthermore, it demonstrates greater reverence for the Temple and its service when the subject of the sacrifice is unblemished.

The concept of baal mum, blemished, does not apply exclusively to the animal species. Human beings can also be categorized as blemished. I do not refer to physical impediments, but rather, the character defects brought on by a lack of refinement. Chazal (Megillah 29a) state: One who is conceited is a “blemished person.” Our sages view conceit in a human being as a failing on par with a blemish. Why is arrogance viewed as a blemish? How does conceit compare to a physical impediment?

Horav Yitzchak Zilberstein, Shlita, explains that the most significant shortcoming of one who has a physical impediment is manifest primarily in his ability to move about, to locomote with ease and comfort. One whose limbs do not permit him to go where he pleases and do what he wants is impeded. When we consider the “affliction” of arrogance from a practical point of view, we note that an arrogant person has, due to his conceit, impeded himself from serving Hashem properly. He refuses to ask someone for help in understanding a Torah passage, because this would be an indication that his Torah knowledge is deficient. Likewise, he would rather daven in the seclusion of his own home than go to shul where he will not be granted the honor that he feels he deserves. The conceited person limits where he goes, functions that he attends, because he has convinced himself that they are below his standard. If it does not match up to his preconceived demands, then he sits in seclusion. Without kavod, honor, it is just not worth going out. There is no greater encumbrance than one who suppresses himself. Such a pitiful person is truly blemished.

No more “perfect” person exists than one who adheres to the strictures of humility. Indeed, the less one thinks of himself, the less that can go wrong and the less that can be pointed out concerning him. He has diminished himself to the point that no one focuses on his purported deficiencies. On the other hand, one who positions himself in the centerpiece of another fellow’s scrutiny is asking for trouble. The anav, humble person, is out of sight, while the arrogant person is looking for attention which may not always be positive.

Rav Zilberstein relates that Horav Shmuel Rozovsky, zl, represents humility at its apex. He was the premier maggid shiur, lecturer in Talmud, not only in Ponovezh, but throughout Eretz Yisrael. The Brisker Rav, zl, referred to him as the Rosh Roshei Yeshivos, the head (premier) of the Roshei Yeshivah. When Ponovezh had just opened its doors the yeshivah had no operating fund, because it had no money. The student body was small, numbering about fifty students. Due to the lack of funds, it was impossible to secure the services of someone to maintain the sanitary conditions of the yeshivah. The Ponovezher Rav, zl, traveled throughout the globe fundraising for the yeshivah, and Rav Shmuel was left to assume the responsibility of providing for the spiritual sustenance of the young men. It is difficult to focus on learning when the environmental conditions are far from appealing. Thus, during this period, Rav Shmuel would come to the bais hamedrash early in the morning, lock the doors and pull down the shades, take out a broom and dustpan, and sweep the floors. He would take a mop and water and wash the floor. When the students entered the study hall for morning davening, the room was spotless. No one had the faintest idea of the identity of the new maintenance crew.

When Rav Shmuel lay on his deathbed surrounded by his family, he cried out in pain and said, “With what am I ascending to the Heavenly Throne?” (He was intimating that he was unworthy of any spiritual reward.) This was a question posed by the preeminent Rosh Yeshivah, whose lectures served as the lodestar for navigating the difficult subjects of Talmud. Finally he said that perhaps the merit earned by maintaining the cleanliness of the bais hamedrash would serve on his behalf.

Horav Aharon Leib Shteinman, zl, was asked concerning a choice of surgeon for a major procedure. One surgeon was highly-skilled but he had an arrogant bedside manner that left much to be desired. The other surgeon was

skilled, but not in the same league as his colleague. His character was impeccable, however, manifesting unparalleled humility and warmth both to the patient and his family. Does skill trump character refinement? Rav Shteinman replied that concerning the surgeon who was arrogant, Hashem says, "I and he cannot live together." Hashem does not tolerate arrogance. Why would anyone choose a surgeon who does not have Hashem's support? On the other hand, while the second surgeon may be less skilled, having Hashem at his back will grant him a successful outcome."

And he shall not have too many wives. (17:17)

Shlomo Hamelech thought that his superior wisdom would protect him from the pitfalls which the Torah specifies await the king who transgresses its limitations on horses, wives and wealth. Chazal (Midrash Rabbah Shemos 6:1) teach that when Shlomo violated the mitzvah of Lo yarbeh lo nashim, "He shall not have too many wives," the letter yud of the word yarbeh (too many) came before the Almighty, bowed and said, "Ribon HaOlomim, Master of the Universe, Did You not say that no letter of the Torah will ever be abrogated? Yet Shlomo stands here and has nullified me. Perhaps today he is nullifying only one mitzvah, but tomorrow he might decide to do likewise with another mitzvah until, Heaven forbid, he will nullify the entire Torah!" Hashem replied, "Shlomo and thousands like him will be nullified (come and go), but not one point of you will ever be nullified." (The yud will never be abrogated.)

The commentators ask the obvious question: Yarbeh is comprised of four letters. Why was the yud the one letter that took a stand? The Chida, zl, offers an insightful explanation which is as brilliant as it is simple. The sole reason that Hashem permitted David Hamelech and his son, Shlomo, to gain entry into Klal Yisrael was the yud. When Rus married Boaz, some protested that the Torah prohibits a convert from Moav from being accepted into the Jewish fold. Lo yavo Amoni u' Moavi b'k'hal Hashem; "An Amoni or Moavi shall not enter the congregation of Hashem" (Devarim 23:4). Chazal (Yevamos 76b) expound that this prohibition applies only to the males, and not to the women: Amoni v'lo Amonis; Moavi v'lo Moavis. Had it not been for the yud at the end of each word, which designates only the male converts as unacceptable, David and Shlomo would not have been permitted into the fold. Thus, it was for good reason that the yud claimed its honor. After all, it was the reason that Shlomo achieved status as a Jew.

The Lev Simchah observes (based on a commentary of the Sfas Emes) that one who sins annuls his letter in the Torah. This is based on the Sifrei Chassidus, which note that the Torah contains 600,000 letters, just as Klal Yisrael contains 600,000 neshamos. Thus, each Jew has his personal letter designated in the Torah, from which he receives spiritual sustenance. Shlomo Hamelech was endangering his letter yud by ignoring the Torah's prohibition.

The Chafetz Chaim, zl, explains this further, asserting that even if one Jew were to violate or ignore one of the 613 mitzvos, it would not be negated because someone else would perform the mitzvah. The mitzvos that apply to the melech Yisrael pertain to one – and only one – person: the melech. Thus, if Shlomo would not fulfill the mitzvah, no one else could step in and save the day. If Shlomo ignored the prohibition, the mitzvah would be vacated, and, with it, a letter of the Torah.

Who is the man who is fearful and fainthearted? Let him go and return to his house. (20:8)

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Weekly Parsha SHOFTIM 5781

### **Rabbi Wein's Weekly Blog**

This week's Torah reading envisions for us an efficient, organized system of law and order, justice, and fairness. The Torah set a very high bar regarding the selection of judges and police. They are to be free of prejudice, bias and personally held agendas and social ideals. They are literally to be blind, without knowledge as to the nature and personalities of the litigants who appear before them and whose cases they must decide. The judges must be free of any form of corruption, from open graft to simple courtesy.

The Talmud records for us that the great Mar Shmuel, the head of the Academy of third century, Nehardea in Babylonia, was walking across a narrow bridge when the person coming towards him honorably made way so that the Rabbi could pass. Later in the day, this very same person appeared as a litigant before Mar Shmuel in a case before his court. Afraid of being influenced by the courtesy extended to him by this person, by allowing him to pass first on the narrow bridge, Mar Shmuel disqualified himself from judging the matter.

While such standards of justice that are outlined in this week's reading are almost impossible for human beings to achieve, we all are influenced by great and small things that occur to us, and by previous prejudices that have been instilled into us by events and societies. Though justice may be blind, the justices themselves rarely, if ever, are able to obtain the necessary level of fairness that the Torah seems to demand. Yet, we are aware that the Torah was not granted to angels, but rather, to human beings, and human beings are never perfect and always have, within themselves, prejudices and preconceived ideas regarding policies and judgments.

The Torah set standards for us to try and achieve. It never demands the impossible from human beings. So, the requirements set forth in this week's reading are the goals that we must try to achieve. We must pick the best, wisest, least prejudice, most honest people of integrity, that we can find in our midst, and appoint them as judges and police. Yet, the Torah reminds us that ultimate justice belongs to the Lord.

Mistakes that we make here on earth, in the long run of time and eternity, are always rectified by Heaven. We should be comforted by this. The Talmud teaches that a judge can only judge what he sees and understands, with the human condition appearing before him. Heaven, however, has the ability to see everything, in terms of eternity, in terms of ultimate justice and fairness to all. It is without limited knowledge, therefore, that we are to do our best, and realize that ultimate justice is not done here on earth, but, rather, subject to the guidelines of Heaven. We can only attempt to create the best system of justice that is possible, within the constraints of human behavior and society.

Shabbat shalom Rabbi Berel Wein