

DIVREI TORAH FROM INTERNET  
ON PARSHAS SHOFTIM - 5756

B'S'D'

parents and children were killed on the same day?"

In other words, the Medrash Eicha is asking "How did a Tisha B'Av happen?"; "How did a Spanish Inquisition happen?"; "How did the decrees of Tach v'Tat (5408-5409; 1648-1649) happen?"; "How did the pogroms happen?"; "How did the Holocaust happen?". These types of questions were posed to G-d in the Medrash.

The Ar"i, z"l, says that this dialogue is hinted at in our verse. "When there will be a Heavenly Judgment (mishpat) that is a Pliyah -- it causes you wonderment! The wonderment will be 'between blood and blood' -- exactly as the Medrash states "Why will the blood of the chicken be buried and the blood of Jews not be buried?".

"Between verdict and verdict (bein din l'din)". Exactly as the Medrash says -- there was wonderment at the dichotomy between the Din (law) in the Torah that states one is not allowed to slaughter the offspring with the mother on the same day and the fact that G-d, as it were, slaughtered Jewish parents and children on the same day.

"Between plague and plague (nega l'nega)". There is a law in the Torah that when one has a plague of Tsora'as in the house, one must empty out the house... and G-d allowed his Beis HaMikdash to be taken apart and taken out like a house that has Tsora'as.

This is the meaning of the verse "When something will escape you" -- it will be so incredulous, that it defies every type of rhyme and reason. What is the continuation of the verse? The continuation of the verse gives the answer to this wonderment: "Matters of dispute in your cities". These things come about from machlokes.

The Talmud says in Yoma 9bX that the first Temple was destroyed because of the three cardinal sins of Murder, Idolatry, and Incest; while the second Temple was destroyed because of baseless hatred. "Which sin was worse?" The Talmud responds "Look at the Sanctuary for proof". The fact that a second Temple was built, a relatively short time after the destruction of the first Temple, while the second Temple has still not been rebuilt proves that the later sins were worse than the former sins.

The difference is that in the time of the First Temple, even though there were these terrible sins, but at least there was no Machlokes. However, where there is baseless hatred, where there is machlokes, we lose our greatest asset.

Our greatest asset is Klal Yisroel. We are a Tzibur. G-d treats a Tzibur differently. When there is dissension and divisiveness, we lose that strength.

The Medrash Rabbah Devorim 5,6X says that the generation of the wicked King Achav used to be victorious in war despite the fact that Idolatry was rampant in the land, while in the generation of King David they used to go out to war and suffer defeats, despite his righteousness. Our Sages say the reason was that in Achav's time, despite the Idolatry there was Unity among Klal Yisroel; whereas in David's time there were slanderers and machlokes. This, the Ari z"l says, is the cause for the historical events which cause us wonderment at our own misfortune -- "matters of disputes in your cities".

The cure, he goes on to explain, is the next part of the verse: "You shall rise up and ascend to the place that Hashem, your G-d shall choose." The place that G-d shall choose is Yerushalayim, which can be translated as "The City of Shalom - Peace". This is the cure.

This is the kabbalistic interpretation of this pasuk, according to the Ar"i, z"l.

The Difference Between Mao Tse Tung and R. Chaim Soloveichik

At the end of the parsha, we have the chapter of the Eglah Arufa (decapitated calf). Devorim 21: 1-9X The law, simply stated, is that if one finds a dead body in an open field and they do not know who the murderer is, the elders of the nearest city have to go out and say "we have done our duty; we were not derelict in treating this person wrongly; our hands did not spill this innocent blood; we were not aware of it". They have to bring an atonement, a special offering, known as the Eglah Arufa.

The juxtaposition of this parsha is strange. Immediately preceding this parsha is that of "When you go out to war against your enemy..." 20:1X.

Immediately following this parsha is also "When you go out to war against your enemy..." 21:10X

What is the parsha of Eglah Arufa doing in the middle of these two parshios

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"RavFrاند" List - Rabbi Frاند on Parshas Shoftim

Matters of Dispute in Your Cities

The verse says, "If a matter of judgment is hidden from you, between blood and blood, between verdict and verdict, between plague and plague, matters of dispute in your cities -- you shall rise up and ascend to the place that Hashem, your G-d shall choose." Devorim 17:8X. The simple interpretation of the verse is that if one has a halachic question that he is not able to resolve in any monetary or ritual matter, then he should bring the question up to the Sanhedrin in Jerusalem.

I would like to share, however, a different interpretation of this verse from the Ar"i HaKodosh. The Ar"i HaKodosh was a Master of Kabbalah who lived in the city of Tzfas and was well versed in the Secrets of the Universe (Sodos haOlam). The Holy Ar"i gives a Kabbalistic interpretation of this verse.

"If a matter is hidden from you..." (ki yiPaleh mimcha). The Ar"i says that the expression yiPaleh is derived from the expression 'pliyah' -- an amazing wonderment. The Ar"i says the expression kabbalistically means "When you will have a wonderment in understanding Jewish history..."

There is a Medrash in Medrash Eicha where the Ministering Angels have a conversation with G-d. They ask Him, "It says in your Torah 'You shall not take the mother bird with the offspring' Devorim 22:6X, but there were periods in Jewish history when mothers and children were snatched up for destruction on the very same day. How could You let that happen, when You Yourself wrote that it is forbidden?"

The Medrash continues, "It says in your Torah when you spill the blood of a chicken, that blood needs to be covered. Vayikra 17:13X But here, the blood of your children has been spilt like water and no one buries it. You, G-d, are worried about the blood of a chicken, but what happened to all that Jewish blood that never got buried?"

"It says in your Torah 'An ox or sheep, it together with its child shall not be slaughtered on the same day' Vayikra 22:28X, but how many Jewish

of going out to war? I once heard from the Rosh Yeshiva, zt"l, (Rav Yaakov Yitchak Ruderman) that the Torah is teaching us a lesson by placing the parsha of Eglah Arufah in that places.

In times of war, life becomes incredibly cheap. In times of war all types of people are dying, left and right: men, women, children, soldiers, non-soldiers. Life becomes less important.

The Torah is saying, regardless of what type of situation one finds oneself in, never, ever, minimize the importance of even a single human being. There can be war occurring all around, but there still remains unbelievable importance to even one human life. Even one human life requires an atonement from an entire city, even if they were not directly involved. That is why the Torah places Eglah Arufa in between the portions of going out to war: Regardless of what swirls around you, never take lightly a single human life.

The Shemen HaTov suggests that this idea is hinted by the Chaza"l that tell us that this is the last parsha that Yaakov was learning with Yosef before he was taken down to Egypt. Perhaps Yaakov knew through Divine Inspiration (Ruach haKodesh) or perhaps his soul intuitively felt that Yosef had to know the parsha of Eglah Arufa. Yosef was going to become the leader of a huge and powerful nation. Rulers who are in charge of nations of millions and millions of people have to be taught the lesson of the importance of a single human life.

Legend has it that before Mao-Tse-Tung brought the revolution to China and installed the Communist system, he was warned that millions of Chinese could starve until they got things working properly. To which Mao responded, "If I have to lose 100 million Chinese peasants for the revolution, then it's worth it."

Whether he said those exact words is immaterial, but that characterizes one type of national leader -- one who can lose 100 million people, as long as he gets his goals accomplished.

Contrast that, if you may, with a true incident with R. Chaim Soloveichik, zt"l, which I heard in the name of Rav Aharon Soloveichik:

A young boy was arrested by the Czarist government. The boy was not a Yeshiva student, not a religious Jew, but a maskil -- from the irreligious population of Brisk. R. Chaim told his community, "There is a mitzvah of Pidyon Shevuyim (ransoming captives) -- raise the money." An exorbitant sum was demanded and the community felt, perhaps, it was improper to raise so much money for one who never came to shul. Reb Chaim said, "I'm not going to come to shul on Yom Kippur until you raise the money."

Yom Kippur came. It was time for Kol Nidre and Reb Chaim, the Rabbi of the city, did not come to shul. The elders of the community came to him and he said, "I told you. I'm not coming until you raise the money. It doesn't matter religious or non-religious -- a Jewish soul is a Jewish soul!". The community raised the money to ransom the boy.

Transcribed by David Twersky; Seattle, Washington twerskyd@scn.org  
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Torah Weekly - Shoftim Ohr Somayach\* TORAH WEEKLY \*  
Parshas Shoftim For the week ending 2 Elul 5756 16 & 17 August 1996

Summary Moshe tells the Bnei Yisrael to appoint judges and officers in their cities. A bribe of even an insignificant sum is forbidden. Trees are not to be planted near Hashem's altar as was the way of idolaters. Blemishes in animals designated for offerings and other points of disqualification are listed. The Great Sanhedrin is to make binding decisions on new situations according to Torah criteria to prevent the fragmentation of the Torah. A very learned scholar who refuses to accept the Halachic decisions of the Sanhedrin incurs the death penalty. A Jewish king may only have possessions and symbols of power commensurate with the honor of his office, but not for self-aggrandizement. He is to write for himself two Sifrei Torah, one to be kept with him wherever he goes, so that he doesn't become haughty. Neither the Kohanim nor the Levites are to inherit land in the Land of Israel, rather they are to be supported by the community, by a

system of tithes. All divination is prohibited. Hashem promises the Jewish People that He will send them prophets to guide them, and Moshe explains how a genuine prophet may be distinguished from a false one. Cities of refuge are to be provided for someone who kills accidentally, in order to escape the blood-avenger from the family of the deceased. However someone who kills with malice is to be handed over to the blood-avenger who may exact his revenge. Moshe cautions the Bnei Yisrael not to move boundary markers to increase their property. Two witnesses who conspire to "frame" a third are to be punished with that same punishment that they conspired to bring upon the innocent party. A Kohen is to be anointed specifically for when Israel goes to war, to instill trust in Hashem. Amongst those who are disqualified from going to war is anyone who has built a new house, but not lived in it yet, or anyone who is fearful or fainthearted. An enemy must be given chance to make peace, but if they refuse, all the males are to be killed. Fruit trees are to be preserved and not cut down during the siege. If a corpse is found between cities, the elders of the nearest city must take a heifer, slaughter it, and wash their hands over it, saying that they are not guilty of the death.

Commentaries A Packet of Cookies "One who will strike his fellow without knowledge...he shall flee to one of these cities (of refuge) and live." (19:4,6) If a person accidentally killed someone, the Torah provides for him to flee to a 'city of refuge.' There he had to stay until the Kohen Gadol passed away. However, if the fugitive emerged before the death of the Kohen Gadol, he risked being killed by the slain person's 'blood avenger.' It could well be that the Kohen would be a young man, and so the fugitive could be cooped many long years, not able to go home. Thus, he had a vested interest in the Kohen's early demise. To stop him from praying for the the Kohen's premature death, the Kohen's mother would send the fugitive regular "care packages" so that he shouldn't pray for her son to die. But how could a mere 'packet of cookies' compete with the longing to return to his home and his family? Did the Kohen Gadol's mother really think that a little gastronomic bribery would stand up to the homesickness of the fugitive? We can see from this a powerful idea: If we want our prayers to be answered we must pray with every last ounce of conviction. In davening, 99% is not enough. Just a packet of cookies was all that was needed to 'knock the gloss' off the prayers of the fugitive, and ensure a healthy, and long, life for the Kohen Gadol... (Heard from Ephraim Hodes at his vort, in the name of Rabbi Eisenblatt) Status Symbol "...he (the king) shall write for himself two copies of this Torah in a book... It shall be with him and he shall read from it all the days of his life, so that he will learn to fear Hashem, his G-d..." (17:18,19) During the Amidah -- the standing prayer -- a person bows four times. The Kohen Gadol (high priest), however, has to bow at the end of every bracha - - 19 times. And a Jewish king has to bow at the beginning and the end of each and every bracha -- 38 times! Another opinion holds that the Kohen Gadol has to bow at the beginning and the end of every bracha, and a king bows once at the beginning of the prayer and stays bent over during the entire prayer. The greater a person is the more he must humble himself before Hashem because the more Hashem has given him. Also, the greater the person, the greater is the temptation to think that his greatness is of his own making. For this reason, a king has two sifrei Torah, one of which he must keep with him the whole time. He needs a constant reminder that he is the servant of The Law, a servant of the Almighty, and all his power and status is only given to him to serve Hashem. (Talmud Berachos 34, Rashi, heard from Rabbi Yehoshua Bertram)

Living Links "And you will come to the priests, the Leviim, and the judge who will be in those days." (17:9) Rabbi Yehuda HaNasi was extremely sensitive to the smell of garlic and could not tolerate its odor. Once, he was teaching a group of students. He paused, the smell of garlic reaching his nose... "Would the student who ate garlic, kindly leave the room?" he asked. Not just one, but many students left. One of them was Rabbi Chiya. The next day, Rabbi Shimon (Rabbi Yehuda's son) chided Rabbi Chiya for his lack of consideration in eating garlic before attending the lecture. Rabbi

Chiya replied "I didn't eat any garlic. The reason I left was so that the offender should not have to be embarrassed by revealing his identity." Where did Rabbi Chiya learn the need for this sensitivity to the feelings of others? The Talmud teaches us that Rabbi Chiya learned this behavior from seeing Rabbi Meir conduct himself in a similar way. And from whom did Rabbi Meir learn it? From Shmuel HaKatan. And Shmuel? From Schania in the Book of Ezra. And Schania learned it from Yehoshua, who learned from Moshe Rabbeinu. Why didn't the Talmud skip all those generations and just get to the point? Why didn't it just say "Rabbi Chiya learned his sensitivity and noble behavior from Moshe Rabbeinu?" We stand at the end of an unbroken chain of generations. A chain of generations that stretches back ultimately to Moshe Rabbeinu and a moment of supreme contact with Hashem on Sinai. But our contact with that moment is with the great sages of our own generation. There are no "missing links" in the chain of the Torah. Every rebbe is a talmid of his rebbe. When we seek wisdom and direction, we need look no further than our own living links to the past. (Based on Rabbi Chaim Shmulevitz zt"l)

Haftorah: Isaiah 51:12-52:12 Throughout the long night of exile, it is only the promise that Hashem will one day redeem us and bring us consolation for all the tragedies which have befallen us that sustains the Jewish People. We know that Hashem is close at hand, and even when the darkness threatens to overwhelm us, we take strength from the words of the Prophet, "It is I, It is I, Who comforts you..."

Sing, My Soul! Insights into the Zemiro sung at the Shabbos table throughout the generations.

Baruch Keil Elyon - "Blessed is G-d..."

Whoever observes the Shabbos Will find Hashem's favor like a meal-offering... hashomer shabbos haben im habas lakel yeratzu k'mincha al machvas The shomer Shabbos is compared to one who offers a mincha -- a meal offering -- on the altar of the Beis Hamikdash. Our Sages (Menachos 104b) explain that the Torah uses the term "nefesh" (life) in describing the one who voluntarily offers a mincha because it is the poor man, without the means to offer a sacrifice of animal or bird, who usually offers a mincha. It is as if Hashem declares that He will consider such a humble offering as if the poor man offered his very life. Observance of the Shabbos may also be viewed as a form of sacrifice for the shomer Shabbos gives up the opportunity to increase his wealth by engaging in his worldly affairs. Although the poor man's sacrifice is considerably less than that of the prosperous one it is considered by Hashem as if he gave up his very life for the honor of the Day of Rest.

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HALACHA FOR 5756 COPYRIGHT 1996  
SELECTED HALACHOS RELATING TO PARSHAS SHOFTIM  
By Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

Before lighting Shabbos candles we recite... that he has commanded us... But where did he command us? Because it says (17:11) 'According to the judgment that they will say to you...' (Rambam Brachos 11:5).

#### ELECTRIC SHABBOS CANDLES

QUESTION: How has electrical lightning affected the traditional way of lighting Shabbos candles?

DISCUSSION: The universal use of electric lights has had a twofold effect on the Mitzvah of Shabbos candles. On the one hand, it has made it easier to perform. On the other hand, it has introduced several Halachic questions. Let

us explain:

At the time that electricity became commonplace, the Poskim debated whether the Mitzvah of Hadlokas Neiros could be fulfilled by turning on electric lights. There were three different rulings: 1) It is permissible to use electricity for Shabbos candles and the proper Bracha may be recited(1); 2) It is not proper to use electric lights for this Mitzvah(2); 3) It is permissible to use electrical lights, but the Bracha should not be recited over them(3). Since there is no final and definitive ruling on this issue, we must look at the prevailing custom, which - upon reflection - is a compromise among the three views:

Although the Bracha is recited over the traditional candles or oil-based lights that are lit in the area where the Friday night meal will be eaten, we nevertheless rely on electricity for the other part of the Mitzvah of Shabbos candles. The Halacha clearly states that one is obligated to have light in any room that will be used on Friday night(4). Chazal instituted this so that household members would be able to safely navigate in the house without fear of injury and thus disrupt the harmony of Shabbos. Today, most homes rely on some electrical source (night-light, bathroom-light, etc.) to illuminate the areas in which they will find themselves on Friday night. Thus, they fulfill this part of the Mitzvah.

The proper procedure, then, is as follows. When the wife is ready to light candles in the dining room, all the electrical lights which will be used on Friday night should be shut off. The lights which are going to be used on Shabbos should then be turned on, with the intention that they are being turned on for the sake of the Mitzvah of Hadlokas Neiros. The candles should then be lit and the Bracha recited over all the lights in the house, both electrical and otherwise. In this manner, one fulfills the Mitzvah according to all views.

In a situation where using candles would be difficult or dangerous, such as in a hospital, the Poskim agree that one should rely on the electric lights for Shabbos candles. They should be turned off and then turned on again for the sake of the Mitzvah(5). Whether a Bracha is recited, depends on views 1 and 3 quoted above(6). No clear-cut custom exists and one should follow his Rov's guidance.

Students residing in a dormitory or guests staying at a hotel are obligated in the Mitzvah of Shabbos candles. Even if they light candles in the dining hall, they are still required to light in the area where they sleep. Since it is considered unsafe, however, to allow candles to burn in a dormitory or in a hotel room, we must rely on the electric lights to fulfill that part of the Mitzvah. A small light should, therefore, be turned off and on Li'chvod Shabbos before the arrival of the Shabbos. A Bracha, however, should not be said, since the Bracha is said over the candles which are lit in the main dining room.

Shabbos guests staying at another person's home can technically fulfill the Mitzvah with the Hadlokas Neiros of their hosts. Even though they do not need to light a special candle of their own, it has nevertheless become customary that everyone lights their own candles. Since the guests are required to have some light in their sleeping area, however, the proper procedure for them is as follows: Light an electric light in or near their sleeping quarters, proceed quickly to the dining room and light candles, and allow the Bracha to apply to both acts of lighting(7).

An additional issue concerning electricity and Shabbos candles is the concern that some Poskim(8) have if it is permitted to light candles with a Bracha when the electric lights are on, since in reality one is not adding any light to the room. Although some Poskim defend our practice(9), it is best to shut off the lights in the room before the candles are lit. They should then be turned on by the husband after the candles have been lit by the wife but before she recites the Bracha(10). Alternatively, the wife can do both, but she must turn the lights on first and then light the candles(11).

HALACHA is published L'zchus Hayaed Doniel Meir ben Hinda.

FOOTNOTES: 1 Shu"t Beis Yitzchok YD 120; Shu"t Machzei Avraham 41;

Shu"t Melamed L'ohel 47; Harav Y.Y. Henkin (Eidus L'yisroel).

2 Shu"t Levushei Mordechai 3 OC 59; Shu"t Mahrshag 2 107; Shu"t Pekudas Elozer 22; Tchebiner Rov (quoted in Shu"t Shraga Hameir 5:11).

3 Har Tzvi 2 114 quoting the Rogotchever; Mishpatei Uziel 1 Oc 7: Harav

M. Feinstien (oral ruling quoted in The Radiance of Shabbos 2: fn 26); Harav S.Z. Auerbach (quoted in Shemiras Shabbos K'hilchasa 43: fn22. According to his opinion, a Bracha could be made over a flashlight). There are various reasons given for this ruling.

4 Mishnah Berurah 263:2,29,31.

5 Rama OC 263:4 concerning candles; Harav M. Feinstein (quoted in Teshuvos V'hanagos 2:157) concerning electricity.

6 Harav Aharon Kotler (quoted in Shu"t Kochvei Yitzchak 1:2) ruled that a woman who gave birth in the hospital may light electric candles with a Bracha. Harav Moshe Feinstien (ibid) rules that no Bracha should be recited.

7 Harav Y. Kamenetsky recommended this procedure for hotel guests as well - see Ko Somar Lbayis Yaakov pg. 50.

8 Az Nidberu 1:79;3:12; Harav S.Z. Auerbach (SSK 43: fn 166,171;).

9 See responsum of the Kloizenburger Rebbe in Pnei Shabbos 263.

10 Custom at the home of Harav Y. Kamentsky (ibid).

11 Custom at the home of Harav M. Feinstien (Radiance of Shabbos pg. 20).

#### YESHIVAT HAR ETZION VIRTUAL BEIT MIDRASH PROJECT PARSHAT HASHAVUA PARSHAT SHOFTIM

by Menachem Leibtag

Mazal tov to Rav Moshe and Michal Lichtenstein, on the birth of a baby girl.

Mazal tov also to the grandparents, HaRav Aharon and Tova Lichtenstein, and Mr. and Mrs. Yisrael Minzer.

Please include tefillot for Rafael Shimon Shlomo Ben Sarah, and Ruchama Rivka bat Temima Fruma.

What is the Torah's vision of the ideal form of government? Should Am Yisrael have a MELECH (king), or is the NAVI (prophet), KOHEN (priest), or SHOFET (judge) preferable?

As Parshat Shoftim discusses these various forms of national leadership, this week's shiur will focus on this very fundamental topic.

#### INTRODUCTION

In Sefer Breishit, God had promised Avraham Avinu that his offspring would become a great nation; a blessing for all nations (see Breishit 12:1-3).

Towards that purpose, God set aside a special land.

Nonetheless, the founding of a nation encompasses far more than receiving a parcel of land to conquer and settle, even more so the creation of God's special nation!

What will characterize this nation? Who will be its leaders? What national institutions will be established? How, according to Chumash, is this Divine goal to be realized?

Sefer Dvarim should provide an answer for it records the commandments which God instructed Bnei Yisrael at Har Sinai - prior to, and IN ANTICIPATION OF - entering the Land.

#### WHY A NATION?

Towards the conclusion of the introductory speech (Dvarim chapters 1->4), Moshe explains to Bnei Yisrael the primary purpose for these "Chukim & Mishpatim" which he is about to teach them in the main speech (chapters 5->26):

"See I am teaching you CHUKIM & MISHPATIM... for you to abide in the LAND that you are about to conquer. Observe them faithfully:

\* For that will be PROOF of your wisdom in the EYES OF THE NATIONS, who upon hearing of all these laws will say:

Surely, THIS GREAT NATION is a wise people.

\* For what great nation is there that has GOD SO CLOSE to them...

\* and, what great nation has laws as perfect as THIS TORAH which I set before you today." (Dvarim 4:5-8)

#### "OR LA'GOYIM"

These psukim inform us that the CHUKIM & MISHPATIM section of Sefer Dvarim will contain mitzvot that Bnei Yisrael must keep IN ORDER to achieve this Divine goal. God has high hopes for Am Yisrael's role as a

MODEL nation; just as he had originally promised Avraham Avinu in Sefer Breishit.

Becoming this "or la'goyim" - a shining light for all nations - encompasses much more than becoming simply a society of holy INDIVIDUALS.

Becoming a "am kadosh" - a holy NATION - requires the establishment of NATIONAL INSTITUTIONS which will mold its special character. These institutions are to facilitate not only the spiritual growth of each individual citizen, but also the creation of a 'model nation', which will bring God's Name to all mankind.

#### THE NATIONAL INSTITUTIONS IN PARSHAT RE'AY

Parshat Re'ay began the detailed discussion of the specific CHUKIM & MISHPATIM which Bnei Yisrael are to keep upon entering the land (see 12:1). [Recall that this began the second section of the main speech in Sefer Dvarim (chapters 12->26) / see last week's shiur.]

The first commandment was to establish a National Center - BA'MAKOM ASHER YIVCHAR HASHEM - where Bnei Yisrael are to offer their "korbanot" etc. (chapter 12), eat their "ma'aser sheni" (chapter 14), and gather on the "shalosh regalim" (the three pilgrimage holidays/ chapter 16).

The establishment of this CENTER, is only one of the many mitzvot which are to facilitate the formation of God's model nation. Parshat Reay contains several other mitzvot which help create this "am kadosh" (holy nation): \* the special dietary laws (see 14:2-21); \* the laws of the seven year "shmitah" cycle (15:1-18),

constituting a national economic policy which helps guarantee social justice; \* warnings against 'bad influences' who may thwart the proper

development of God's special nation (12:29-13:19).

#### NATIONAL INSTITUTIONS OF LEADERSHIP IN PARSHAT SHOFTIM

This theme continues in Parshat Shoftim, at it describes institutions of national LEADERSHIP. The first example is establishment of a nation-wide judicial system:

"Shoftim v'shotrim" (judges and officers) must be appointed at ALL YOUR GATES (i.e. in every city) that God is giving you, and they shall govern the people with due justice...

JUSTICE, JUSTICE, you must pursue, IN ORDER that you thrive and inherit the LAND... (16:18-20).

Several psukim later, Parshat Shoftim continues with the commandment to establish a SUPREME COURT at the NATIONAL CENTER:

"If there is a case too baffling for you to decide... - matters

of dispute in your courts - YOU SHALL GO UP to HAMAKOM ASHER YIVCHAR HASHEM, before the KOHANIM, LEVIIM, or SHOFET, and present your case..." (17:8-11).

This institution serves as the HIGHEST authority for both civil disputes and halachik questions. Both TORAH and JUSTICE must emanate from site of the Temple, the National Center.

Not only does the Torah require the appointment of judges, it also commissions an entire tribe - SHEVET LEVI - to become 'civil servants' for this purpose. The Leviim are expected not only to officiate in the Temple, but they must also serve as judges. They are also responsible for the teaching that Torah and the instruction of the halacha (Jewish Law). [ This 'tribal responsibility', only alluded to in Parsha Shoftim (see 17:9), is stated specifically in Moshe's blessing to Shevet Levi:

"They shall TEACH Your LAWS to Yaakov, and your TORAH to Yisrael" (Dvarim 33:9).

Their 'compensation' for this service is detailed later in

Parshat Shoftim (see 18:1-8).]

#### WHO'S IN CHARGE?

Thus far, we have found the commandment to establish a court system, appoint judges, and set aside the tribe of Levi to serve as officiants at the Bet Ha'Mikdash and teach Torah.

Are these leaders also expected to provide political leadership? \* Whose responsibility is it to actually carry out the

CONSTRUCTION of the Bet Ha'Mikdash BAMAKOM ASHER

YIVCHAR? \* Whose duty is it to organize a standing army; to lead the

nation in battle? \* Who will determine foreign and domestic policy? \* Who will organize the collection of taxes, the building of roads, the minting of coins, etc.?

Neither from Parshat Shoftim, nor from anywhere else in Chumash, does it appear that these tasks are the responsibility of the kohanim, leviim, or the shoftim.

Are they the responsibility of the NAVI - the Prophet? The position of the NAVI is also detailed in Parshat Shoftim, immediately upon the conclusion of its presentation of responsibilities and rights of Shevet Levi:

"When you ENTER THE LAND which God is giving you, DO NOT learn to imitate the abhorrent practices of those nations. Let no one become... a soothsayer, a sorcerer, one who cast spells, or one who consults ghosts and spirits, or inquires of the dead. For anyone who does such things is abhorrent to the Lord...

[INSTEAD] - God will raise up for you a NAVI - a Prophet, like myself (Moshe Rabeinu), HIM you shall listen to... I will put My words in his mouth, and he will speak to them all that I command him..." (8:9-22)

These psukim, from their context, imply that Bnei Yisrael MUST NOT seek guidance from any of a wide range of popular 'soothsayers', as was the practice of nations of Canaan. RATHER they should seek guidance from the NAVI, who is to serve as a national 'advisor' through whom God will communicate His message. This Navi may, and probably should, serve as an ADVISOR to the political leadership, representing 'God's opinion' on important issues. Nevertheless, he is not presented as a political leader. Likewise, the "shofet", presented at the beginning of Parshat Shoftim, does not appear to be the 'political leader'. Even though he must ensure that justice is carried out (16:20), the Torah does not portray the "shofet" as a political leader.

[Note: The use of the name "shofet" in Sefer Shoftim for the ad-hoc political leadership of that time period is an interesting topic for a separate shiur.]

#### THE "MELECH"

Parshat Shoftim discusses one last category of national leadership - the "melech" (king): "When you have entered the land... and you will say: 'I want to have a KING, as do all the nations surrounding me'. Appoint a KING over yourself, ONE CHOSEN BY GOD...

- \* He must NOT keep too many horses...;
- \* He must NOT have too many wives...;
- \* He must NOT amass too much silver and gold.

When he is seated on his royal throne

- \* He must WRITE down this MISHNEH TORAH (the laws of Sefer Dvarim) from in front of the Kohanim and Leviim;
- \* He must KEEP IT with him and READ IT every day of his life IN ORDER that he learn to FEAR GOD....
- \* Thus, he will not act haughtily... nor deviate from the Torah... IN ORDER that he and his children may continue to reign over Am Yisrael... (17:14-20)

From the above psukim (better known as "parshat ha'melech"), it is not clear whether the Torah OBLIGATES Bnei Yisrael to have a king ("mitzva"), or if the this type of leadership is only an OPTION ("rshut"). [See Sanhedrin 20b. A major controversy exists among the commentaries on this issue /See Ramban, Ibn Ezra, Sforno, & Ntziiv (Ha'amek Davar).]

Nonetheless, it appears from the CONTEXT of these psukim, especially in their relation to the other types of national leadership presented in Parshat Shoftim, that it is specifically the king who is expected to provide political leadership. His appointment is almost inevitable, for who else will 'run the show'.

Even though, Moshe Rabeinu himself acted as BOTH navi (religious leader) and king (i.e political leader), and this special leadership position was passed on to Yehoshua (see Bamidbar 27:15-22), it seems that this 'double position' is the exception rather than the norm. [Certain situations may arise when the national leader may also be a NAVI, but it is not a requirement.]

In order to become a nation, it is only inevitable that a king, or at least some

form of central government, will arise. After all, without political leadership, how will a country develop?

One could suggest that when the Torah speaks of King, it may be referring to any type of political leadership with central authority, regardless of the political system by which he is elected (be it a democracy, a monarchy, or theocracy, etc).

#### K'CHOL HA'GOYIM/ "CHEFTZA" OR "GAVRA"

This interpretation may help us understand the phrase "melech k'chol ha'goyim" - a king like the other nations (see 17:14). The Torah is not stating that Bnei Yisrael will request a king who ACTS like the king of neighboring countries, rather they will request a FORM OF GOVERNMENT similar to that of the neighboring countries.

Am Yisrael is not to be different than other nations in the FORM of its political leadership, rather in the MANNER by which its political leader acts. Once this specific person is chosen and authorized to take charge, the Torah must guarantee that he does not become too haughty (17:16-17,20). At the same time, to assure that he will lead Am Yisrael towards becoming an "am kadosh", he must constantly review the mitzvot of Sefer Dvarim - MISHNEH TORAH - on a daily basis (17:19).

Basically, the Torah is setting 'guidelines' for the behavior of the political leader of Am Yisrael, IN ORDER that they become a model nation. As this is a primary theme in main speech of Sefer Dvarim, it is only appropriate that Parshat Shoftim deals specifically with this aspect of political leadership! A CHALLENGE

Undoubtedly, an inherent danger exists once political power is invested to the leaders of a strong central government. Yet without investing this power, it is difficult for a country to develop and prosper.

It is the Torah's challenge to Am Yisrael, to become a nation, LIKE any other nation, in regard to the establishment of a sovereign political entity. However, at the same time it is the Torah's challenge to Am Yisrael to be DIFFERENT than any other nation, in the manner by which that leadership behaves and governs; for we are to become God's 'model nation'.

This form of national government will not diminish the kingdom of Heaven, rather it will help glorify it.

shabbat shalom,  
menachem

#### FOR FURTHER IYUN

1. Based on Parshat Ha'Melech, would you define this ideal monarchy as constitutional or divine? See Kings II- 11:17
2. Was Moshe Rabeinu a melech or navi, or both?  
What was Yehoshua? [See Rambam Hilchot M'lachim chapter I.]  
What was Shmuel? (was he an exception, or the ideal?) Is a dynasty required in order to be considered king? How does this question relate to the above shiur?
3. Read Rambam Hilchot Trumot I:1-3.  
What type of melech is the Rambam referring to?  
Refer also to the Rambam in Hilchot M'lachim perek aleph.
4. Which of the 'shoftim' in Sefer Shoftim, are actually referred to as "shoftim". Why?  
In what way is Gideon different than all the other Shoftim (in relation to his leadership /see Shoftim 8:22-25)
5. Later in the Parsha, the "Kohen" speaks before the army prior to battle (20:1-4). Here his primary function is to boost the moral, promising God's support against our enemies.  
Does it appear from the Torah that it is also the Kohen's task to lead the army in battle?
6. Based on this week's shiur, explain the difference between Shaul, David, and Shlomo, in relation to the "shoftim".
  - a. Who formed the first standing army?
  - b. Who first decides to construct the Bet HaMikdash?
  - c. Who is the first to levy taxes?
  - D. Who establishes a strong central government?
7. FOR THIS WEEK AND NEXT -  
From Parshat Re'ay through Parshat Ki-teytze, attempt to group

the "chukim u'mishpatim" into common topics. See if you can relate these topics to the order of the Ten Commandments.

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"rmk@yoss.org" "drasha@torah.org" DRASHA PARSHAS SHOFTIM:  
LEFT, RIGHT & THE POLITICS OF MISCONSTRUCTION 8/16/96

In an era when political opinions are so clearly aggrandized -- one is pigeonholed as liberal or conservative, a rightist or leftist -- this week's portion shines a new perspective on right and wrong, and even left and right. In describing the importance of following the advice of our sages, the Torah uses an interesting expression. "Do not stray from the path of their counsel, neither to the left or to the right." The Talmud espouses the faith we are to have in the wisdom of the sages by explaining: "Even if they tell you that left is right and right is left, and surely when they tell you that right is right and left is left."

I was always puzzled by the interpretation. Theological insights into events are subject to interpretations as varied as the eye-colors of the viewers. Even rabbinical conjectures can be objectively understood from varied perspectives and lifestyles. But direction? How can we misconstrue directional accuracy? Either something is right or it is left.

Back in the old country, a notorious miser was castigated by members of his community for his lack of involvement in charitable endeavors. He was urged to begin inviting the poor to his home. He was even advised of how good the mitzvah would make him feel.

Reluctantly, the next Friday afternoon he gave his son a few coins and told him to buy the cheapest piece of fish. He warned him not to spend more than an amount that would buy the lowest quality fish. He also cautioned him to buy it just before the shop was to close for the Sabbath when the price was sure to be at its lowest. He was not to worry about freshness or appearance, just size and price. The son did exactly as he was told and brought back an excellent bargain: a large fish, thoroughly rancid.

Pleased with his purchase, the miser went to synagogue that evening and was proud to invite a pauper to his home. For the first time in memory he had a stranger actually eat with him. True to what he had been told, he really did feel wonderful. The beggar didn't. His weak stomach could not take the putrid fish and he became seriously ill.

That Monday, the miser went with his son to visit the ailing beggar in the community ward of the local hospital. When the poor soul died of food poisoning, he proudly attended the funeral. He even paid his respects to the relatives who sat shiva at their hovel.

Upon leaving the home of the mourners, the miser remarked proudly to his son, "Isn't it wonderful that we got involved with this beggar? Look how many mitzvos we have already performed. And it didn't even cost us more than a few pennies!"

Often, perceptions of right and wrong are discerned, formulated, and executed according to a warped sense of justice. Personal perspectives, attitudes, and experiences greatly influence our Torah-values and attitudes. Political correctness often hampers proper rebuke. Is it that we would not want to offend an overt transgressor or do we just not want to get involved? Does overzealous rebuke stem from our concern for the word of Hashem? Or are we just upset at the individual because we have a debt to settle with him? When we see a definitive right and left, perhaps we are looking from the wrong angle. It may very well be that our right is the Torah's left, and the same is true of the reverse.

When we are told to follow our sages whether they tell us that right is left and left is right. In a confusing world, they may be the only ones who really know which way is east.

Dedicated in memory of Jesse Chatzinoff by Mr. and Mrs. Peter Chatzinoff  
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OU Torah Insights for Shabbat Parashat Shoftim 5756

It is appropriate that the parsha of Shoftim, the parsha of Jewish leadership, is read during the month of Elul, the month of teshuva. An understanding and appreciation of the roles and responsibilities of leadership enhances our desire to come closer to Hashem and empowers us to rededicate ourselves to His service.

The parshah begins with the command to establish a judicial system and "tzedek, tzedek tirdof," to "pursue perfect honesty," in the words of Rav Aryeh Kaplan, zt"l. It is not enough to rely on the rulings of a judicial system; the whole nation must be involved in the pursuit of justice for society to function correctly.

We as a people have been blessed throughout our history with leaders who have had vision, determination and compassion, whose concern for fellow Jews set an example for their fellow Jews and brought the nation closer to G-d and His Torah.

The Torah then describes for us the laws and purpose of the monarchy. What is the king's role?

As soon as the land of Israel was conquered and settled, the Jewish people were responsible to fulfill the command, "Appoint over yourselves a king whom the L-rd your G-d will choose." "Over yourselves," the Talmud explains, denotes "that his fear shall be upon you."

The Jews have a responsibility to show honor and respect for their king and his position, for he keeps the nation from being "a flock without a shepherd." Nevertheless, the Torah warns, he may not overindulge himself with too many possessions or too many wives, "so that they will not turn his heart away" from his Divine mission. The king's position makes him the supreme role model for the Jewish people, a role he and they have to safeguard.

For this reason, the king is also commanded to write for himself two sifrei Torah, one which he carried with him at all times and one which he kept in his treasury. "And he will read from [the Torah] all the days of his life in order that he will learn to fear the L-rd his G-d, to guard all the words of this Torah...to do them." This verse, says the Sifri, informs us that study leads to fear of G-d, which in turn leads to service and performance of mitzvot.

By continually reviewing the Torah, the king reminds himself daily that he does not possess supreme power, but serves at the pleasure of the Divine King of Kings. He thus sets an example for the entire nation.

In our time, one need not be a king to follow the Torah and serve as a role model. Jewish leadership requires individuals who live a proper Torah lifestyle, who pursue perfect honesty, and who can transmit our sacred values to those who do not yet possess them. Such individuals are especially needed in our times when American Jewish leadership is challenged by the tremendous inroads that assimilation and intermarriage have made within our community.

The concern that our ancestors had, that the Jewish people would have a king just like the nations that surrounded them, echoes once again in Jewish history. We have the benefit of the experiences of those who came before us and we must utilize their examples to ensure that all our actions and motives are directed by Hashem's Torah.

In doing so, we will create in the years ahead Jewish leaders who will be able to bring about the final redemption of our people.

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

"Righteousness, righteousness shall you pursue." (16:20)

The only virtue which the Torah demands that we pursue is righteousness - the equivalent of emes, truth. On the other hand, sheker, falsehood, is the only negative quality from which the Torah admonishes us to distance ourselves. The Torah in Shemos 23:7 says, ejr, rea rcsn, "From a false word you shall distance yourselves." The Chidushei Ha'Rim infers a profound lesson regarding the compelling importance in our lives of turning away from falsehood and turning toward truth. The signature of Hashem is emes. Thus, every Jew should strive to be like G-d - by shirking away from any endeavor that has even the slightest vestige of deceit surrounding it.

What is the meaning of "pursuing truth"? We suggest that to pursue truth is to confirm it. We must be vigilant regarding every activity we undertake, every endeavor in which we involve ourselves, with whomever we have dealings, that the truth shines forth with clarity. We must confirm that it is true. To distance oneself from falsehood is to remove oneself from any questionable endeavor. The instant that an "ambiguity" arises regarding the veracity of a given undertaking, or the integrity of the individual involved, we should become extremely cautious regarding maintaining a continued relationship with that particular endeavor or individual. First we must remain distant so that we can examine the situation - either in order to confirm or to reject the evidence.

This does not mean that we should accept every rumor which impugns the integrity of a person, organization or endeavor. If the truthfulness of a person or endeavor comes into serious question, we should distance ourselves from it/him. The power of falsehood is remarkable. Indeed, the longer we stay attached to a questionable person or situation, the harder it becomes for us to perceive the reality.

"You shall be wholehearted with Hashem your G-d." (18:15)

Rashi interprets the pasuk as an admonishment against going to the pagans to discover the future. One should follow Hashem with simplicity, accepting His decree without question. The Piazener Rebbe, zl, offers two approaches towards understanding this pasuk. Every individual accepts upon himself the resolution to do the right thing and live the proper way - in the future. "Tomorrow we will be good" is a popular aphorism among those who choose to defer their responsibility for the moment or simply to gloss over their current errors. The yetzer hora, evil inclination, attempts to persuade us to disregard the present, while focusing upon the future. In this manner, we indulge in the present as we place all of our "hope" in the future. The Torah responds to this incorrect attitude, "do not concern yourself with the future," while permitting the present to waste away. One who attempts to mitigate his capricious behavior by saying he will be better the next day, probably will not.

The Rebbe offers a second insight, one that is consistent with his perspective and the situation in which he was living as he wrote this explanation. Confined to a concentration camp, he hid his writings on Chumash which were later printed as a sefer. He explains that when an individual is confronted with an eis tzarah, a situation of extreme affliction -- be it persecution or serious illness -- it is obviously easier to face the situation if one maintains hope that things will "work out" in the future. When all avenues for salvation have virtually collapsed, when the doctors have given up, when the enemy seems to be successful despite every attempt to vanquish him, then one tends to give up hope. Depression sets in when one feels that he has no escape, nothing for which to hope, nowhere to turn, no one who can or will help.

The Torah encourages us not to fall prey to the ominous threat of "no future". Do not lose hope because you do not see anything for which to hope. Do not give up because the prospects for success are not real. Remember that Hashem is with you in every affliction; He shares your torment; He commiserates in your misery; He will bring about your salvation and He will deliver you from your pain. Do not concern yourself when you sense a bleak future, for Hashem's redemption can come about within the blink of an eye. Place your wholehearted trust in Him, and He will respond to you.

"He (the unintentional murderer) shall flee to one of these cities (of refuge) and live." (19:5) The importance of, "he shall live," is underscored by the Rambam in Hilchos Rotze'ach 7:1 where he states, "A student who is exiled to the cities of refuge, his Torah teacher is exiled with him, as it says in the Torah, "He shall live; make it for him that he shall live." For those who are wise and who seek wisdom (of Torah), the inability to learn Torah properly (without their rebbe) would be like death. This same halachah is applicable in the event a Torah teacher is exiled; his students are exiled with him. Conversely, when addressing the needs of the eved Canaani, the gentile slave who was exiled, the Rambam states that the master is not subject to supporting him. This is based upon the Talmud in Gittin 12a which derives from, "he shall live," that it is sufficient simply to provide for the slave. This can be accomplished through the slave's labor in the city of refuge.

We have before us two disparate interpretations of the word, "he shall live". In regard to a rebbe and talmid, we are to go to the limit to provide for them so that they shall "live". Concerning the slave, however, as long as he has enough to "live," it is sufficient. Do not these variant interpretations represent some sort of double standard?

Horav Boruch Ber Leibowitz, zl, presents a distinction between material and spiritual needs as the rationale supporting these two interpretations. When we provide material needs, it is sufficient for one to have only the bare necessities of food and shelter. When man's spiritual dimension is the subject of our concern, when his Torah study is in question, no limitations apply. The Torah is Toras Chaim, the Torah of life. It is one's essence, and, consequently, we can never view it as a luxury. After all, is air a luxury?

"Our hands have not spilled this blood." (21:7) Chazal question how anyone could imagine that the elders of Klal Yisrael could be murderers. When they say, "Our hands have not spilled this blood," they disclaim responsibility for not addressing the needs of the victim as he was leaving town. The Torah demands that leadership respond to the needs of every Jew.

How far does this responsibility extend? At what point are the elders not held culpable for their lack of "sensitivity"? The Yerushalmi in the Talmud Sotah makes an interpretation of this pasuk which carries with it remarkable ramifications. They posit that "this blood" is a reference to the killer himself!

The Yerushalmi is speaking of a unique situation in which a man who is completely alone and in abject poverty could stoop to the level that he attacks another Jew out of desperation. The elders of that city must declare that in their city they would never permit one to remain in such poverty that he would resort to perform a criminal act.

The words of Chazal are absolutely mind-boggling! They express a demand for the concern of our fellow man that goes beyond the code of any civilized religion. We are, after all, not just any religion. We are Klal Yisrael, and our standard for chesed, kindness, is on a unique plateau. Imagine that someone in our community lacks the fortitude or self-esteem so that he would resort to a life of crime simply because he has no legitimate means of earning a livelihood. If this is the case, it is the collective fault of the entire Jewish community if he capitulates and gives in to his weakness. This should be a lesson for every Jew. Let us look around our communities; are there Jews in dire economic need? Are there people who have become so seriously depressed that they might resort to anything? If we do not heed this lesson, the onus of guilt for this unfortunate individual's actions will be on our heads.

We must endeavor to understand the rationale behind the eglah arufah ritual. The Torah demands that the elders take a heifer with which no work had been done, who had not pulled a yoke, and axe the back of its neck. This procedure is not consistent with the majority of korbanos we were accustomed to offer.

It also does not follow the usual patterns for atonement offerings. Furthermore, what is signified by brining an animal that has never worked or had a yoke put on it? Chopping off the heifer's head is a procedure which is uncommonly rare; what is its significance in this situation?

Rav Elchanan Sorotzkin, zl, sses these questions and offers an insightful response. The ritual of the eglah arufah acknowledges the problem of a lack

of sensitivity on the part of communal leadership to the plight of the individual Jew. Whether as a result of indifference or indolence, the elders failed to share in the "yoke" with the Jew who was down and out -- or simply all alone. They did not use their heads to recognize the problem. Because of their lack of interest, a man lays dead. Had they not been impervious to the needs of a fellow Jew, another Jew might still be alive.

Everyone concerns himself with himself, his family and his immediate friends. Had the people been more sympathetic, this Jew might well be alive. They must, therefore, take a heifer which never carried a yoke and axe its head. The head that did not think about another Jew, the head that did not carry together in the heavy yoke of anxiety that rested upon the shoulders of his fellow man. The elders must step forward and declare that they are not responsible for this man's death. They were concerned about every Jew. They thought about ways to help the Jew in need. Such elders have the privilege of declaring, "Our hands have not spilled this blood."

#### THOUGHTS ON THE HAFTORAH YESHAYA 51:12 - 52:2

In a stark contrast between suffering and joy, the Navi alternates between graphic descriptions of affliction and prophecies of joy and comfort. After all, is this not the essence of life for the Jew? Regardless of the situation, however bleak the future, our faith demands that we believe in Hashem's salvation and the advent of Moshiach Tzidkeinu. The fact that we believe in a better tomorrow, our hope for the redemption when life will be filled with joy and comfort, gives us the capacity to transcend the pain and sorrow that are so much a part of galus, exile. Indeed, the knowledge that our suffering comes directly from Hashem -- and that He is in control waiting for us to turn to Him -- has always been our greatest source of comfort and hope.

"When I placed My words in your mouth... to plant heaven and to give the earth a firm foundation..." (51:16) Horav Mendel Hirsch, zl, posits that with the words "to plant heaven and give the earth a firm foundation," the Navi condenses the essence of Jewish perspective. Judaism does not believe that heavenly and earthly matters, divine and human, and spiritual and material, are areas that are irreconcilable. Nowhere is it stated that he who wants to excel in spiritual matters must completely renounce the material. Human happiness does not reside only in renunciation, but rather in permeating the earth with the Divine, infusing the material with the spiritual. Hashem wants us to bring Heaven down to earth. To master the physical is to imbue it with holiness. To triumph over the material is to infuse it with spirituality by dedicating it towards a higher goal - service of Hashem.

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Outlooks & Insights on the Weekly Torah Portion by Rabbi Zev Leff Parshas Shoftim

#### The Rebellious Son and the Fundamentals of Education

When you go out to war against your enemy and you see horses and chariots, an army greater than you, do not fear them, for Hashem your G-d, Who took you out of Egypt, is with you. (Devarim 20:1).

How can we possibly expect to achieve such a high level that we do not fear when we go into battle? Even Moshe fled in terror when his rod was transformed into a snake. Yet if the Torah commands us not to fear the impending battle, it must be something within the capability of every Jew. The Gemara (Berachos 60a) raises a seeming contradiction between the verse, **A**Fear in Zion, you sinners@ (Yeshayahu 33:14), which implies that far is a sin, and the verse, **A**Fortunate is the one who fears constantly@ (Mishlei 28:14). The Gemara resolves the apparent contradiction: fear of losing one=s Torah learning or mitzvah observance is positive; all other fear is negative.

A careful consideration of the mitzvos of our sedrah provides important clues as to how we can attain the proper fear and avoid all other fear. The unifying thread running throughout is the necessity to pursue perfection. The sedrah begins with the command to appoint judges and enforcers of the law to ensure tzedek **C** complete and perfect righteousness. Our right to occupy Eretz Yisrael, the land of perfection, depends on our pursuing this goal

diligently. Life **C** meaning an attachment to Hashem **C** is possible only where that quest for righteousness is in progress. For this we require judges to discern what is right. And they must be given the means to enforce that judgment.

The Alter of Kelm explains that judges and enforces parallel chachmah and mussar on the individual level. Chachmah is the ability to discern what actions and thoughts are an expression of G-d=s will; mussar is the ability to translate that knowledge into action.

The Torah continues with three prohibitions that put our quest for perfection into perspective. First we are told not to plant an asheirah (a tree) near the altar. The message is that one is not to be misled, by that which is attractive or fruitful **C** such as an asheirah, from the path of total subjugation to Hashem. The cold, unattractive stones of the mizbe=ach represent total devotion to Hashem. And it is the sacrifices, which appear to involve the destruction of an aspect of the physical world, that in reality preserve and give sustenance. For this reason we are commanded to salt the portions of the sacrifices that are to be burnt on the altar. Salt is a preservative. We salt the portions about to be consumed on the altar to show that they are in fact being preserved eternally by being offered to Hashem.

Next the Torah enjoins us not to set up a matzeivah, a monolith, but rather a mizbe=ach. Sforno explains that a single stone represents a person standing perfect before Hashem. A mizbe=ach of many stones, by contrast, represents the quest for perfection of a yet imperfect individual. If a Jew deludes himself into thinking he has reached perfection, disaster is sure to follow.

The next prohibition against offering a blemished animal teaches us, says Sforno, that our goal is perfection and quality, not quantity.

If one deviates even slightly from following G-d=s will, the quest for perfection cannot succeed. **A**Justice, justice pursue@ **C** righteousness is a result of righteousness; it can never result from unrighteousness.

R= Yisrael Salanter relates the following mashal. King A bet King B a million rubles that he could convince King B =s prime minister to disrobe publicly. King B could give his prime minister any instruction he wanted as long as he did not reveal the wager. King B called in his prime minister and informed him that he was being sent to King A =s country, where he could do whatever he pleased with one exception **C** under no circumstances was he to disrobe publicly.

After a few days, King A called in the prime minister and asked him how he had become a hunchback. The prime minister responded that he was not a hunchback. King A countered that he most certainly was a hunchback, and he was willing to wager a half of million rubles to that fact. To establish who was right, the prime minister was to disrobe in front of the royal court.

The prime minister eagerly accepted the wager, despite the king=s orders. He reasoned that the bet was a sure thing, and he would split the profits with King B. The prime minister disrobed. The royal court unanimously concurred that he was not a hunchback, and the king gleefully gave him his half of million rubles.

Upon returning home, the prime minister told King B his windfall and offered to split it with the King. But instead of being delighted, the King was enraged. **A**You think you won me 250,000 rubles, you fool. You cost me a million rubles because you failed to heed my command,@ King B shouted. So, too, says R= Yisrael, do all those who attempt to reach Hashem in non-prescribed ways deceive themselves. Theirs is the path of idolatry, the next subject in the sedrah.

Only by obeying the Torah leaders of the generation can one be assured that his path leads to perfection, and not its opposite. Thus the need for such obedience is the next topic in the sedrah.

When the quest for perfection is the driving force in a person =s life, the fear that he is deluding himself or is failing to achieve this perfection is always with him. He can be compared to someone who is afraid of mice and finds himself in a burning building with a mouse standing at the only exit. That person will quickly forget his fear of mice. So, too, will every other fear pale for the one who seeks above all to draw close to Hashem **C** besides the fear of losing his closeness to Hashem: **A**G-d is my light and salvation, from whom should I fear; Hashem is my life =s strength, from whom should I dread?...If

an army encamps against me,...in this do I trust...that I will dwell in Hashem=s home all the days of my life, that I will see the pleasantness of Hashem and visit in His inner sanctum@ (Tehillim 27:1-4). When such a person goes into battle to fight the enemies of Israel and Hashem, the only thing that concerns him is the strengthening of G-d=s rule that will result from victory.

In this vein, Sefer Hachinuch (Mitzvah 525) explains the foundation of the mitzvah not to fear the enemy in battle:

Every individual Jew should put his trust in Hashem and not fear fro his own personal life in a situation where he can give honor to Hashem and his people. He should not think about his wife or children or property, but rather divert his mind from everything and concentrate only on the battle. And further he should ponder that the lives of the entire nation depend upon him...One who fights with all his heart, with the intention of sanctifying G-d=s Name, is assured not to be harmed and will merit for himself and his children a faithful home in Israel and eternal life in the World to Come.

Because his only fear in battle lies in not achieving the kiddush Hashem of victory, he does not fear the enemy because he is thinking only of his own awesome responsibilities.

It is not fear which is prohibited but fearing **Athem.**@ The fear of the enemy pales into nothingness next to the fear of the chillul Hashem of being vanquished in battle.

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Shabbat-B'Shabbato -- Parshat Shoftim

No 609; 2 Elul 5756 (17 August 1996)

SHABBAT-ZOMET is an extract from SHABBAT-B'SHABBATO

## COMPLETENESS -- WITH THE ALMIGHTY

by Rabbi Yehudah Shaviv

The Torah demands: "Be complete, with the Lord your G-d" [Devarim 18:13]. What is the meaning of this requirement? According to the Sifri, the passage is not a demand but a statement of fact: "When you are whole, you are together with G-d." But the meaning of being whole or complete is not clear. The Sifri continues, "If you perform all that is incumbent on you, then you are complete with G-d." This would seem to be the basis of Rashi's commentary: "Go before Him in simplicity and wait for Him, but do not look for predictions of the future; accept everything that comes your way in simplicity, and you will then be with Him." This interpretation of the root "tamim" is similar to the meaning of the Simple Son of the Hagadah of Pesach: he is one who does not speculate or wonder too much.

But the meaning of the word "tam" is completeness, without a fault. This is what Onkolus implies: "Be whole ['shalem'] in your approach to G-d." Is this what we can call one who does not look into the future? The Rashbam explains the passage in terms of the surrounding text, which discuss the Gentiles, who turn to magicians and sorcerers, and to the dead. Thus, this passage means to say, "Be whole, and be in contact with the Almighty, not with the dead." A similar interpretation is given by Sforno: "Be whole with Him -- in looking to foretell the future, do not look to any other source but a prophet or the holy Urim V'Tumim."

Yisrael is told not to turn to evil spirits: "G-d will choose a prophet like me, from within your midst" [Devarim 18:15]. However, the usual role of our prophets is not to foretell the future but to demand teshuvah, a return to the righteous path.

Thus, prophecy is not a replacement for fortune telling but an expression that is uniquely Jewish. The Gentile world sees itself as subject to a predestined fate, and it tries to determine what this destiny is by consulting sorcerers and spirits. However, the man of Yisrael recognizes that his fate is not sealed in advance but can be influenced by his own actions. Therefore, instead of one who foretells the future, the Jew turns to G-d, through a prophet, to know what is required of him in order to shape and improve his future. The fact that the future is unknown widens the horizons of the Jew and gives him the ability to join with G-d in shaping his life in the present and in the future. The completeness of man is thus intimately linked to the uncertainty of the future, when all options are open and his own actions will influence what happens. As was written by Rabbi A.Y. Kook: "The main principle of completeness is the constant desire and striving for being whole. And this desire is the basic component of teshuvah." [Orot Hateshuvah 5:6].

SHABBAT SHALOM: Serve God, not yourself

By Rabbi Shlomo Riskin

Serve God, not yourself" For these nations, which you shall dispossess, listen to astrologers and diviners. But as for you, the Lord your God has not permitted you to do so." (Deut. 18:14)

(August 15) The Jerusalem Post is one of the few Israeli papers which hasn't succumbed to publishing a horoscope page. The future is a major enterprise, and all kinds of ways are employed to penetrate the unknown - coffee grounds, tea leaves, tarot cards.

This week's portion of Shoftim, with no less than six different commandments covering a broad range of idolatrous and magical practices, does not look upon such practices as amusing; on the contrary, attempting to "divine" the future is a clear violation of the Torah.

One thing should be understood, however: our Torah portion is not necessarily claiming that knowledge derived from astrology is misleading or deceptive. For our present intent and purpose, the veracity of the prediction is irrelevant. Even if we were to believe that there is some accuracy in astrological predictions, the Torah strictly forbids us from utilizing that form of "futurology."

The basic reason for the prohibition, and even a positive commandment in its own right, is the verse: "You shall be wholehearted [tamim] with the Lord your God." (Deut. 18:14) This verse follows the negative commandments prohibiting stick divination, omens, witchcraft and incantations. Why does the concept of wholeheartedness appear after a long list of forbidden divinations?

Nahmanides lists "wholeheartedness" as the eighth positive commandment.

This he defines as "placing into our hearts only the truth, that we should not believe in heavenly signs at all, such as astrology."

The implication is not necessarily that astrology is false, but that God is above science and nature - and our faith must only reside in Him.

The Talmud accords a dialogue between Abraham and the Almighty in which the first Jew complains that he has gazed into the stars and learned that he is not destined to have a son. God answers that Abraham must remove himself from the domain of astrology; the nation of Israel is not ruled by the stars, but only by God.

Here the subtlety involved in Nahmanides' wholeheartedness is illuminated. Even though there may be a genuine value to astrological calculations, a Jew must realize that his relationship toward his future is to be found only through God and His Torah. All other systems that aspire to define a person's destiny must be shunned by a Jew who walks "wholeheartedly" with God.

Human events are always open to development depending upon the actions of the individual and the will of the Almighty. Every other discipline which purports to determine or foretell is a distraction at best and a prohibition at worst.

Maimonides takes this idea of wholeheartedness one step further. It is forbidden to foretell the future (lenahesh), Maimonides begins, insisting that soothsaying and astrology and the like are all illusions devoid of the truth. He

proscribes the individual from allowing a happenstance event, such as a black cat crossing his path, to determine whether he will or will not sign a contract or embark on a journey. And then, in a startling statement, Maimonides concludes his list of prohibitions in this context with the following: "[A person may not say] if such and such will happen, I will do this, and if not, I won't, like Eliezer, the servant of Abraham." Abraham's servant, Eliezer, had been sent by his master to find a wife for Isaac. Eliezer stands at the crossroads near a well and prays: "Lord God of my master Abraham, cause please an important occurrence to befall me today. The young woman... who will say, 'drink and also give water to your camels....' You shall have proven her [worthy] of your servant Isaac [Gen. 24: 12-14]."

The commentators find Maimonides' exception to Eliezer difficult to understand, since Eliezer's action was not only not forbidden, but was admirable. I believe that Maimonides is communicating a most profound, albeit difficult, axiom of Judaism in his condemnation of Eliezer, and is at the same time extending the concept of what it means to be wholehearted with God.

It is not only important that we not subject ourselves and the vision of our future to any system other than God and Torah; it is equally important that we not subject God to our individual needs and to the determination of our future desires.

To be wholehearted with God means to serve Him wholly and completely. We must engage ourselves in His service; we dare not engage Him on our service. The difficulty with Eliezer was not in the criterion he established for a suitable wife for Isaac; it was rather in that he was utilizing God for his ends, he wanted God to act in accordance with his plan.

The highest prayer is gratitude for whatever we have received at the hand of the Almighty, unconditional acceptance of the will of the Almighty, and the request for the strength and ability to further the plan of the Almighty. Shabbat Shalom

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TORAH-FORUM #48-62

Date: Tue, 4 Jun 1996 06:44:26 -0400 (EDT)  
From: Micha Berger <aishdas@haven.ios.com>  
Subject: Proof of the Mesorah

To answer to Eli Turkel, I don't think solid incontrovertible proof of G-d's existence would have much impact on free will. People have the amazing power of ignoring facts, or believing that "there must be a flaw somewhere", or just plain acting irrationally. (A cynic would say that we do this far more often than acting on information.) Particularly when there is a huge emotional investment in believing otherwise.

Either way, I have a problem with the Kuzari's proof based on history. Didn't the Romans have a form of their history, based on Romulus and Remus, the intervention of various gods, etc... that they all believed truly happened to their ancestors? Clearly legends can be introduced, and over the course of time be accepted as true historical fact by a large number of people.

Lulei dimitztafinan hayisi omer (loosely: I'm nervous about the chances of being correct when arguing with someone like the Rihal, lit: were I not scared I would have said) that the Rihal overlooked slow transitions. If something is a legend for a number of generations, it can then become "some people believe", and then "we believe". There will be no period of "How can you tell me something new that happened to my ancestors that I didn't here from my grandparents?" because the confidence in the story slowly increased over time. The first generation to believe the story had heard it many times already.

Obviously I agree with the proof's conclusions, I just don't think that the proof itself works.

Micha Berger 201 916-0287 AishDas@haven.ios.com

Date: Tue, 4 Jun 1996 11:11:12 -0700

From: hayim@platsol.com (Hayim Hendeles)

Subject: Proof of the Mesorah

Eli Turkel wrote:

>IMHO any rock solid proof of G-d's existence would negate free will and hence would be impossible.

IMHO, this statement is clearly false. After all, the Jews who left Egypt saw G-d with their own 2 eyes, and directly witnessed G-d's mastery of Nature --- certainly a far better proof than any logisitic argument.

And yet they still had plenty of free will to build a Golden Calf etc. etc. etc. So if you want to come up with a rock solid proof of G-d's existence, go right ahead and do so, and don't worry about depriving people of free will. They will find a way to do what they want, despite your wonderful proofs.

Hayim Hendeles

Date: Wed, 5 Jun 96 14:42:59 -0700

From: yrice@linex.com (Yisrael Rice) Subject: Free Will

Eli Turkel writes:

>IMHO any rock solid proof of G-d's existence would negate free will and >hence would be impossible.

Proof of G-d's existence and free will are two very separate issues.

Did the Jews in the desert doubt the existence of G-d? Certainly not. But knowing that He exists and doing His will are, unfortunately, not dependant upon each other. For example, one may know that doing certain activities are unhealthy. He may even be a doctor. But he still has the free will to act accordingly or give in to his negative inclination.

Yisrael Rice

Date: Wed, 17 Jul 1996 17:14:51 -0400 (EDT)

From: Mordechai Perlman <aw004@freenet.toronto.on.ca>

Subject: Proof of the Mesorah

On Mon, 3 Jun 1996, Eli Turkel wrote:

> Marc Furman writes >> I once heard the Kuzari used to provide a solid proof as to the validity >> of the Mesorah ?the "chain of tradition," reaching from Sinai to our dayX. >> The rabbi presenting this had a Ph.d in philosophy and said he was convinced >> this was a rock-solid, incontrovertable proof in the Mesorah's correctness >> and hence of HaShem's existence > > IMHO any rock solid proof of G-d's existence would negate free will and > hence would be impossible.

IMHO this is not necessarily so. One can be totally convinced that something is true, yet ignore it completely in action. First of all, the definition of sinning for spite, is knowing that Hashem is watching, that He punishes for sins, yet the person sins to spite G-d. Secondly, we mention the verse thrice daily that really sums up the difference between knowledge and action in Aleinu where we say "You are to know this day and take to your heart that ..." One can possess the conviction in G-d's mastery over His universe, yet one's heart, his emotions may rule him and he will thus sin. Therefore, possessing solid proof of G-d's existence does not necessarily negate free will.

Mordechai Perlman

Date: Thu, 18 Jul 1996 17:38:32 -0200

From: SUBAR@ohr.israel.net (Reuven Subar)

Subject: Proof of the Mesorah

eli turkel <turkel@math.tau.ac.il> wrote: > IMHO any rock solid proof of G-d's existence would negate free > will and hence would be impossible.

This argument is based on an assumption, namely that belief in 'G-d's existence' is a challenge -- the only challenge -- to free will.

IMHO, belief in G-d is hardly an issue. Free will starts when you already know Hashem exists. Then you decide how much you're going to internalize and act out that knowledge.

Reuven Subar Ohr Somayach Computer Dept.

Date: Thu, 8 Aug 1996 16:21:59 -0400 (EDT)

From: Yaakov Menken <menken@torah.org>

Subject: Proof of the Mesorah

Concerning the debate over whether "rock solid proof of G-d's existence" could or could not exist: I believe that both sides are partially correct. Eli Turkel is correct, because rock-solid proof of anything is impossible. Everything is probability. Does China exist? I've never seen it, but every possible source seems to mention it, and I've never heard anyone deny it. Is it possible that I'm a victim of a fantastic hoax? It's possible - but I'd be a fool to believe it.

Hayim Hendeles is correct, because the same standards of proof that we use to live our lives can be applied to analyze evidence of G-d's existence. For example, we take plane flights despite occasional crashes, bombs, etc. Why? Because although crashes are possible, they are not probable - they are extremely rare. We accept that certain probabilities are sufficient to render any alternative an irrational conclusion, and live our lives accordingly - we hop on the plane and say Tehillim ?PsalmsX during takeoff.

The famous "Codes of the Torah" that Aish HaTorah's Discovery seminar talks about were published in Statistical Science magazine, because the studies were demonstrated to be valid. The phenomenon under study was a mathematical method by which the names of famous Rabbis from the current millenium - long after the Torah was written, according to any opinion - were found to be encoded in the Torah, "close" (in terms studied) to the dates of their deaths.

Is it possible that this phenomenon showed up by chance? Yes, absolutely. But the probability is quite similar to that of taking three consecutive plane flights, having them all crash, and surviving each crash.

Even if there were another Revelation at Sinai, we could walk around afterwards looking for Stephen Spielberg (or perhaps Allan Funt). That doesn't mean we would be reaching a rational conclusion - it would merely demonstrate the great skill with which the human mind can grasp at straws. Yaakov Menken

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Date: Wed, 31 Jul 1996 02:07:11 -0700

From: mshulman@ix.netcom.com (Moshe Shulman)

Subject: Proof of the Mesorah

hayim@platsol.com (Hayim Hendeles) wrote:

>Eli Turkel wrote:

>>IMHO any rock solid proof of G-d's existence would negate free

>>will and hence would be impossible.

>IMHO, this statement is clearly false. After all, the Jews who left Egypt

>saw G-d with their own 2 eyes, and directly witnessed G-d's mastery of

>Nature --- certainly a far better proof than any logisitic argument.

I would point out to you that at the Yom suf - Red Sea, when it split - we see that there was a wind, and the ramban (?) said this was to give a natural explanation for those who would err.

>And yet they still had plenty of free will to build a Golden Calf etc.

>etc. etc.

This was because they thought Moshe would not return.

>So if you want to come up with a rock solid proof of G-d's existence,

>go right ahead and do so, and don't worry about depriving people of

>free will. They will find a way to do what they want, despite your

>wonderful proofs.

The question is could there ever be one? I don't think so. That is why emunah - belief - is always higher then chikerah - analysis.

Moshe Shulman

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Date: Fri, 2 Aug 1996 15:18:30 -0400 (EDT) From: Mark Cohen

<mmcohen@escape.com> Subject: Proof of the Mesorah

This is in response to Hayim and all the others regarding "Proof of the Mesorah". It could very well be that absolute proof of G-d's existence will \*not\* negate free will. Except in regard to one Mitzvha, the one that we must believe in G-d's omnipotent existence (Anochi Hashem...)

Once we have an absolute proof of G-d's existence we can no longer have the free will to deny Hashem ( Ch"V). I think (meaning I'm not sure) that even

the Kuzari writes that the sin of the Golden Calf was only a transgression of having \*other\* gods and intermediaries and graven images (Lo Yihiyeh), but not that they denied Hashem's existence (Anochi Hashem...). So, there will be some sort of negation of free will, at least in this respect.

Also, regarding other mitzvot, it may become harder to transgress them once knowing G-d exists. The Ramchal writes in Derech Hashem 1:3:1)"Man's inclinations are therefore balanced between good and evil, and he is not compelled toward either of them." So there may also be a negtion of free will on this level. (This may be why G-d "hardened" Pharoh's heart, so that he may have the strength to go against G-d, despite the miracles.)

Mordechai Mordechai Mark Cohen Flushing,NY mmcohen@escape.com  
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Date: Thu, 23 May 1996 04:33:35 +0200 (IST) From: orchos Inetmedia.co.il (R. Yitzchak Schwartz) Subject: Defining religion

Harold Segal asked:

>"If one emulates G-d, as pointed out in the Talmud, he is a godly >(religious) person regardless of how careful he is to observe all of the >ritual laws." >If this is the case, and I fail to observe the ritual laws, should I >consider myself as religious a Jew as the the individual who is wholly >observant? After all R.Akiba, R.Nehemiah and Miamonides all stated that the >observance of even one mitzva is sufficient to attain the status of a full >Jew.

The quotation marks in the opening statement of Harold's submission indicates a source other than his own opinion. Where does this statement come from? It certainly does not appear in the Talmud.

The Talmud does state that one who emulates the revealed attributes of G-d fulfills the commandment to 'go in the ways of G-d' as is prescribed in the book of Deuteronomy 10:12. Nowhere in the Talmud does it say that 612 commandments are optional and that this is the only obligatory one. Even a superficial reading of the Torah will show the unbiased reader that all of the commandments are just that, commandments. There is no evidence that the obligation of the commandment ?mitzvaX to emulate G-d is set apart from the other 612. In fact the verses in Deuteronomy 10:12-13 state clearly and unequivocally that along with 'going in all of G-d's' ways, we must keep His commandments ?mitzvotX.

As to the opinion of Maimonides, he is probably the most misinterpreted of all of our great sages. The true meaning of his statement (see his commentary on the last mishna in the tractate Makot) is that even if one would receive no credit for the fulfillment of all of the commandments that he performed in his lifetime ?due to improper observance or intentX, nevertheless, if he performed even one commandment with absolute love for G-d and with scrupulous observance, that would be enough to secure a portion in the World to Come. In no way does Maimonides indicate an exemption from any of the other 612 mitzvot. In fact every student of Maimonides knows his ruling that even if a person would reject one word of the Torah he is considered a heretic ?see Maimonides' commentary on chapter 9 of tractate Sanhedrin, and the Yad Hachazaka Hilchot Mamrim chapter 1-3X.

The Or Hachaim hakadosh, in his commentary to Deuteronomy 10:12, recalls the above mentioned passage from Maimonides. He explains it with the following parable: The servants of a great king brought gifts to their ruler. One of the servants constantly angered the king with his rebellious behavior. He brought the king a great gift. But the king had no pleasure from his offering because of his rebellious conduct. Another one of his servants faithfully and loyally served the king his entire life. Unfortunately the latter could bring only a small and relatively insignificant gift to the king. The king rejoiced over his gift. The analogy is clear. Although a person may perform many mitzvot in his life time their merit may be diminished due to frequent violations of G-d's will. On the other hand there are people who have not had the opportunity to fulfill many mitzvot in their life time due to a lack of knowledge, sudden death, or other circumstances beyond their control. Nevertheless, when they do have the opportunity to fulfill a mitzva they do it wholeheartedly and with exquisite love for G-d. That type of mitzva, by itself, can secure a portion in the world to-come. This is the true meaning of the

opinion of Maimonides.

Respectfully, Rabbi Yitzchak Schwartz Rosh Hayeshiva Orchos Chaim

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Date: Wed, 22 May 96 11:44:01 EDT From: Yosey Goldstein

<JOE-GIVM.VIPS.COM> Subject: Defining religion

It is true the Gemmorah/Talmud says that one must emulate G-D. However, nowhere is it stated that if one emulates G-d and does not uphold the responsibility placed upon him by G-D through His Torah can he be considered truly religious. A person who is kind but does not adhere to Kashrus laws, for example, is not doing what G-D wants. Therefore when he acts kindly he may not be emulating G-D, but may again be doing what he wants! To emulate G-d, one must keep his commandments. Through those actions, one shows that he wants to do what G-D wants him to do and he shows his love for G-d. THEN when he acts with kindness he shows his desire to emulate G-d and be as much like his Creator as is humanly possible. As far as the statement: "After all R.Akiba, R.Nehemiah and Miamonides all stated that the observance of even one mitzva is sufficient to attain the status of a full Jew." I do not know what statement of Reb Akiva or Reb Nehemiah He is referring to. However, there is a statment of Maimonides that if one does fulfill even one commandment properly then that person will merit a place in the world to come. What he means by that statement is that even if a person's adherence does not meet the ultimate goal of quality observance, nonetheless...

If a person does the commandments because that was his upbringing or he does it because G-d has told him to do them, but the quality of the action falls short, (Most of us Daven/Pray but we all know that our concentration is not always 100% perfect) ?this is a problem.X But out of all the Mitzvos we have we must have done one mitzvah WITH the proper concentration and with the proper intentions and THAT SINGLE Mitzvah will be our key to Gan Eden, The world to come. He does not mean to say that a person who says "I feel no obligation to do anything else, but just in case I will do this one commandment" will also merit a place in the world to come. I hope this clears up the matter. Yosey

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Date: Tue, 7 May 1996 18:15:27 -0400 (EDT) From: Mordechai Perlman

<aw004Ifreenet.toronto.on.ca> Subject: Re: Kashering an oven

Earlier, we discussed a p'sak (halachic ruling) from R' Frankel about kashering (making kosher) a continuous clean oven. I had doubts as to the validity of the p'sak and was told that Rav Dovid Feinstein paskened this way many times. To recap, the questioner was told to heat the oven to the highest degree that this oven (not a self-clean oven) could go and then to place a boiling pot of water within for a half-hour and then to do this twice more. I discussed this with a number of learned individuals and a posek (halachic authority) and they also did not understand this ruling. One Rabbi of mine suggested that I call Rav Dovid Feinstein and find out the truth. I did and this is what he said.

He said that this, first of all, will apply to any oven which is not self-clean, not necessarily continuous clean. As everyone knows the inside of ovens are usually ceramic. Ceramic is earthenware. We have a rule that to kasher something we must apply the same kind of heat that was applied that caused the item to absorb the substance, in order to remove the absorbed substance (K'bol-o Cach Polto). E.G., a dairy spoon that was put in a hot chicken soup will need to put into boiling water to remove the absorbed meat flavour.

However, something which was used with fire, such as an oven, must be burned with fire until it is red hot; boiling water is not sufficient.

However, earthenware has a problem. If we burn it with fire, it is liable to crack. Therefore, in a case of an oven, which if we were to burn it might cost us a big loss when it breaks, and we left the oven clean and unused for 24 hours rendering any absorption therein only unkosher by Rabbinic decree (because any remaining "flavor" has gone rancid - nosen ta'am lifgam), we rely on the views of some authorities that earthenware can be kashered using boiling temperatures 3 times. That is, boiling it or putting boiling water vapour on it by boiling a pot of water therein for a half hour. Rav Feinstein

did not tell me about heating the oven to its highest temperature, just high enough to maintain the water in a boiling state.

Also, this will only work in the case which was presented on the forum where the two foods were cooked uncovered, and we are worried about vapour alone. For this the kashering via water vapour three times works. This will also work if one acquired a new oven and one doubts its kashrus. This is because, based on a responsum of Rav Moshe Feinstein zt"l, since we generally only cook together within pots, not directly on the surface of the oven, therefore, we are only concerned here with the unkosherness of the vapours which were absorbed into the oven.

However, this is not true if one had actual meat and milk sizzling on the surface of the oven. Let's say one was roasting meat and making grilled cheese at the same time, and some meat fell down and cheese as well and were sizzling on the bottom of the oven together (although one does not have to worry about this if one did not see this occur, because it generally does not occur), nevertheless if it actually did happen in one's experience, one would have to burn the interior surfaces of the oven with fire and the worry of the oven breaking would not help. Mind you, someone quoted a number of eminent authorities, Rav Yaakov Kaminetsky zt"l and the Steipler Rav zt"l, who held that one need only burn it at the same temperature that it was absorbed in at, and therefore, one could merely heat the oven to its highest temperature; but this Rav Moshe Feinstein zt"l did not permit.

Whether Rav Dovid Feinstein would permit it or not I don't know, because I forgot to ask him that.

Yours, Mordechai Perlman

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Date: Wed, 5 Jun 1996 10:49:54 +0400 From: npms@inter.net.il

Subject: Kosher Milk

Although it may be the case, I have never heard of any English Rov of any standing publish a heter (Halachic permission) to drink non-supervised milk, although this is quite common in England. Rav Moshe's heter was given for the particular circumstances that prevailed at the time it was given in the USA, and cannot, I respectfully suggest, be applied to the UK.

So far as milk powder is concerned, it is vital for everyone who eats Israeli products and who is strict about supervised milk to check the kashrus certification carefully. All the 'haredi' kashrus agencies only permit supervised milk and its by-products. However many items are produced here with imported, non-supervised, milk. They have other kashrus certification which usually notes that the milk powder is cholov akum ("gentile milk"), but not always. Caveat emptor! Neil Peterman

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Date: Thu, 18 Jul 1996 15:18:45 +1000 (EST) From: Benjamin Altman

<altmanbs@yoyo.cc.monash.edu.au> Subject: Kosher Milk

There seems to be some confusion with respect to cholov akum ("gentile milk"). No one - \*\* NOT EVEN \*\* R' Moshe - permits milk with the status of 'chaluv akum'. I believe he says so in the first portion, Siman 42 of Yoreh Deah. R' Moshe says that the 'ordinary' milk in America referred to as chalav stam has the status of JEWISH milk according to his heter, which apparently he says elsewhere that a 'baal nefesh' (one who is stringent) should not rely on. He even told a school in dire straits not to save money by buying chalav stam and relying on his heter. I heard this from a Rabbi Frand tape.

Binyomin Altman

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Date: Sat, 20 Jul 1996 06:34:22 +0300 (IDT) From: Robert Klein

<hamoreh@netvision.net.il> Subject: Kosher Milk

Some more thoughts on Chalav Yisrael (supervised milk)...

>Regarding the original teshuva ?responsumX from Rav Moshe, the question came >from a Rabbi Dich, who lived in Spring Valley New York. There was Cholov >Yisrael ?supervised milkX available in Brooklyn but not there. The yeshiva >students used to go to a local dairy at milking time (4 to 5 AM) to watch >and therefore their milk was OK. If the student slept late or the dairy >started a run early, they had NO MILK. Therefore Rav Moshe permitted the >non-Jewish milk...

Why would this situation require a special heter if the Ramah in Yoreh Deah 115 gives this exact case and clearly rules that the milk is mutar (permitted) unless the Jew arrived after the completion of all the milking?

>The use of the phrase "baal nefesh... is in all cases used to instruct a >higher, albeit voluntary, standard of behavior for all to whom the baal >nefesh appellation is one to be sought. A review of the way Rav Moshe zt"l >phrased it repeatedly gives, the way I read it, a clear view of what he >feels people should, rather than may, do.

I agree with this assessment, but I'm not at all sure that when Rav Moshe wrote the original p'sak the standards of inspection were what they are today.

I personally spoke with a non-Jewish woman who told me that her father used to buy only "Jewish milk" for the family because he feared contamination with non-bovine milk. I doubt that happens today.

The problem with the whole issue of Chalav Yisrael is that there is no clear g'zeirah (decree) against milk that is obtained from non-Jews. If there were, the Shulchan Aruch could not have given all sorts of exceptions regarding cases where no Jew actually saw the milking process. In point of fact, the use of a Jewish overseer is a heter for drinking chalav akum. Such a heter would be impossible if there were an issur (prohibition) on chalav akum itself.

What can be surmised is that there is an injunction to take certain precautions against the possibility of non-kosher milk being added to milk which is purchased from a non-Jew. It was, I think, with this understanding that Rav Moshe ruled that "chalav ha'companies" is permissible, for he felt it fell within the bounds of confidence demanded by the various halachot regarding milk. It is entirely possible that the Rav would have said that a ba'al nefesh should also avoid using the heter given in the gemara and Shulchan Aruch in the case of a Jewish overseer who doesn't actually watch the milking process but is confident that there are no tamei animals around, or if there are, is sitting in such a way that if he were to stand up he could see the milking process. It is also possible that given today's standards, the Rav would have ruled that a ba'al nefesh may indeed feel comfortable with USDA milk, though I doubt this because the wording of the original mishna prohibits milk which was milked without a Jew watching, no exceptions.

What I would like to know is how do we go from that original mishna (Avodah Zara 2:6,7) to the gemara (A.Z. 35b,39b)? Did the mishna simply leave out exceptions that were in the original g'zeirah, or is this an unusual case where the reason behind the g'zeirah is used to make reasonable exceptions?

Robert Klein

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Date: Tue, 4 Jun 1996 12:19:49 +0000

From: yhaber@ou.org (Yaacov Haber)

Subject: The Omer and Middos

JCMKC@aol.com wrote: >Does anyone have any references, in Hebrew or English, of books that detail >which middah (personality character trait) is referred to for each of the >permutations of the "sefirot" that we count for the 49 days of the Omer?

Rabbi Jacobson of Chabad has a beautiful little spiral booklet that goes through all the middos of the sefirot. Very down to earth and well done.

YH Rabbi Yaacov Haber National Director of Jewish Education, Orthodox Union email yhaber@ou.org

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Shoftim

Selected, translated and arranged by Rabbi Dov Rabinowitz

"And it will be told to you, and you shall hear, and you shall investigate thoroughly . . ." (17,4)

Rav Moshe Alshich (Toras Moshe) notes that (the commentators) have said that "and you shall hear" is superfluous, for who does not know that if "it will be told to" him, he will hear from the one who tells him. However, it teaches wisdom to the nation, for even if it is told to a person that someone is evil, he should not accept (pay attention to) it immediately, for maybe it is (only) loшон hora (slandorous talk), until he hears the matter twice; for then he (should) suspect that a lie will not be (related) twice. Thus (the Torah says) "And it will be told to you," and after this "and you shall hear" from (someone) other than the first one who reported it, and then (you must) still "investigate thoroughly."

An alternative (explanation why) it says "And it will be told to you" is because the Torah is speaking to the Beis Din (Rabbinical Court), and thus it is instructing that if the person who reports it had told (someone) other than yourselves (the judges), it would be proper for (this person) not to hear from him, for maybe it is loшон hora, and this person is speaking slander.

However, once it is told to you, the Beis Din, it is correct that you should hear and investigate, as the Torah says "and you shall hear, and you shall investigate." For a person who speaks to the Beis Din, will not utter slander deliberately, . . . therefore it is fitting to suspect and hear and investigate.

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"The Cohanim the Levites, the whole tribe of Levi, will not have a portion and an inheritance with Yisroel." (18,1)

The Chofets Chaim explains that since the tribe of Levi had no inheritance in the land, we were commanded to give them the Trumos and Ma'asros (tithes). (We) have to give back to the tribe of Levi their portion which is due to them, in return for their service (in the Beis HaMikdash - temple) which they which they perform on behalf of (the rest of) Yisroel. Today, those who study Torah fill the place of the Cohanim and Levi'im of previous times, and (we) have to give them what they used to give to the Cohanim and Levi'im, so that they should be able to study with peace of mind. . .

"Wisdom built her dwelling." (Mishlei 9,1) This (refers to) the Torah. "This comes to teach you that everyone who acquires for himself Torah knowledge, acquires for himself a dwelling place in the World to Come" (Midrash Mishlei). It does not say "learns," but rather "acquires," to teach you that everyone who supports Torah scholars has a portion in their learning.

There are individuals who build their own home, and there are those who hire artisans who build them houses and mansions. This is (also) the way with the study of Torah and supporting it. If the person who supports Torah wishes to have an equal portion in the World to Come with the person who studies Torah, he must take care that the one who studies will have an equal portion in his possessions, in order that he will be able to study with tranquility and honor.

- -

"The first of your grain and your wine and your oil, and the first of the shearing of your flocks, you shall give to him." (18,4)

Rav Yehonasan Eibeshitz (Tiferes Yehonasan) elaborates that the taste of the Mann (manna) had the virtue that whatever a person chose to desire (it would have this taste), whether it was grain or wine or oil. This was because it had all (possible) tastes.

And it is (well) known that the Mann descended because (of the merit) of Moshe, (who was from the tribe of Levi), and therefore the Torah instituted to (give to) the Levite the first of your grain . . .

(Rav Yehonasan Eibeshitz interprets "the first of your grain" etc. to refer to Ma'aser Rishon, which was given to the Levites. However, Rash"i and most

of the other commentators understand that it refers to Trumah Gedolah, which

was given to the Cohanim. Our Sages relate the concept of "first" - superior, best - with both Trumah Gedolah and Ma'aser Rishon DR.)

"And the first of the shearing of your flocks, you shall give to him." For

our Sages said that "your garment did not wear out" (8,4) because the pillar of cloud would launder their clothing. And the pillar of cloud came because (of the merit) of Aharon. Thus it says "and the first of the shearing of your flocks, you shall give to him" ( - the Cohen, who is descended from Aharon DR).

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"kollel@mcs.com" "haftorah@torah.org"  
Message from the Haftorah Parshas Shoftim  
Yeshaya 51:12

This week's haftorah reveals to us another impressive dimension of our final redemption. In the name of Hashem, the prophet Yeshaya informed the Jewish people, "I Myself am your consoler. Why do you, so dignified, fear a mortal being? You have forgotten Hashem your creator who spreads the heavens and establishes the land." (51:12) The Jewish people were told that Hashem will personally bring them comfort and console. Yeshaya continues and says, "And I am your Hashem....who protects you in exile to firmly establish you and say to the inhabitants of Zion, 'You are My people.'" These statements indicate that there is some hesitation on the part of the Jewish nation regarding their return to Zion. There seems to be an insecurity in the minds of the Jewish people concerning the permanence of their return. The Jewish people have already gone through the process of exile and return but their return was short-lived. They therefore turned to Hashem and requested a guarantee that, this time, their return would be a permanent one. Hashem responded that He would personally bring them back to Zion and that there was no basis for their fears.

The Midrash (Yalkut Shimoni 474) explains this dialogue with the following parable. Rav Abba in the name of Reish Lakish told that this is likened to a king who became enraged with his queen. He was so disturbed over her behavior that he totally rejected her and sent her away from his palace. After a period of time he reconsidered and desired to reunite with her. He informed her of his intentions and she responded to him that she would consent to return only if he doubled the amount of her kesubah (marriage financial agreement). In this same manner we can appreciate the Jewish people's predicament. Hashem's initial relationship was established through the ten commandments wherein Hashem said, "I am your Hashem." This relationship proved, from the Jewish people's side, to be an imperfect one and after they severely strayed from the proper path Hashem rejected them and exiled them from Zion. Now that Hashem requested their return He found it appropriate to double His relationship and announced, "I Myself will console you." In response to this, the Jewish people readily accept Hashem's offer and will finally consent to return to Zion.

The indescribable dimensions of Hashem's offer are presented to us at the closing of the haftorah. Yeshaya says, "How beautiful is the sight on the mountain of the announcer projecting peace; announcing goodness; announcing salvation and saying to Zion, "Your Hashem has come to reign .... the sound of your onlookers raising their voice in unison and singing, for with perfect vision they will behold Hashem's return to Zion." The Yalkut Shimoni (428) explains these passages and tells us that in our days it is virtually impossible to "view" Hashem's presence with perfect vision. Even when one merits the unique experience of "viewing" Hashem's presence it is with heavy ramifications and one is severely weakened by it. The Baal Haturim (Bamidbar 14:14) cites this understanding in reference to the Jewish nation's experience at Mount Sinai. Although they did merit to directly "view" Hashem's presence when He said, "I am your Hashem" their experience was overwhelming and required that they be miraculously revived after passing out. (see Shabbos 88b) However, in the era of Mashiach the Jewish people's spiritual capacity will be greatly increased and they will be capable of viewing Hashem's presence with total clarity and even merit through it eternal life. The Yalkut explains that this is what Yeshaya meant when he said, "For with perfect vision they will behold Hashem's return to Zion." Hashem's involvement during His return will be such a tangible experience that the Jewish people will actually merit to "view"

His presence with perfect clarity. In Yeshaya's actual words this is described in the following manner, "They will view Hashem 'eye to eye'."

We now return to the parable of Raish Lakish and gain true insight into the era of Mashiach. In the past, the Jewish people experienced a very elevated relationship with Hashem and merited to directly "view" His presence when He said, "I am your Hashem" However this revelation was far beyond their spiritual capacity and it did not produce everlasting results. Although they "saw" Hashem with clarity they strayed from His mitzvos and followed strange ideals and false deities. They therefore responded, "What will guarantee that they will not repeat their failings again?" Hashem answered, "I Myself will redeem you." This time the Jewish people will merit a perfect relationship with Hashem. In response to their concern Hashem promised to double their spiritual capacity thereby enabling them to truly "view" His presence without difficulty. Now that they will "see" Hashem "eye to eye" they will merit to establish a perfect relationship with Him and continue from there into the world of eternity. Oh! May we merit to see that day!

by Rabbi Dovid Siegel, Rosh Kollel (Dean), Kollel Toras Chesed  
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Rafael Salasnik <rafi@brijnet.org>

Subject: daf-hashavua Shoftim 5756/1996

U N I T E D S Y N A G O G U E - L O N D O N ( O )

Shabbat ends in London at 21:12

SHOFTIM - First or Second Pair? by Rabbi Daniel Roselaar, Watford Synagogue, Herts.

The final verses of Chapter 19 in this week's Sidra deals with the rules regarding false witnesses. In particular, they relate to the concept of eidim zomemim, witnesses whose testimony has been disproved on the grounds that they were known to have been elsewhere at the time of the alleged act. A series of rules and regulations for such cases is deduced from the text and forms the basis of the Talmudic tractate Makkot. According to the Talmud, the concept and laws of eidim zomemim are a chidush, or anomaly. Essentially, it is the witnesses rather than the specific accuracy of the testimony which is being challenged. The basic rules regarding eidim zomemim state that evidence may be discredited if additional witnesses testify that they were together with the original witnesses elsewhere at the time relevant to the original testimony. If this latest testimony is accepted by the court, the false witnesses are sentenced to the same punishment that would have been given to the original defendant. However, somewhat surprisingly, if the original defendant has already been executed, the false witnesses are not punished.

The rationale behind two issues in particular has occupied the writings of several of the major biblical commentators. First, why should the second set of witnesses be thought to be any more trustworthy than the first. Ultimately the judges are facing a dispute of two against two, so what lends greater credence to one side against the other? Secondly, a logical inference may have been drawn which would have reached the opposite conclusion to the stated halachah. False witnesses may be sentenced for what they intended to do someone else, even if the punishment has not yet been carried out. Why then are they not punished if the sentence has already been carried out? In a twelfth-century commentary, Rabbi Yosef Bechor Shor addressed these questions from a rational perspective. In answer to the first question, he wrote that the second witnesses were always regarded as being more trustworthy than the first in order to discourage perversions of justice. Once people knew that they could be discredited with relative ease, they would be less likely to present false testimony. A second set of witnesses

were with them, unless their claim was true. Otherwise the first witnesses might be able to bring other evidence to prove they were where they claimed to be. Regarding the second question, he explained that the Torah was concerned about relatives posthumously. In order that people would be unable

to hire witnesses to discredit the testimony of anyone responsible for the execution of their relatives, once the sentence was carried out the case was to be regarded closed. After the courts had executed their sentence, no further aspersions were permitted to be cast on their procedures. Periodically, society at large debates the issue of whether capital punishment should be re-introduced. The arguments of its opponents may be, roughly divided into two categories, principle arguments and practical arguments. Even a cursory examination of the Torah indicates that there is no objection in principle to the idea of society executing wrongdoers. Further evidence for this position is abundant in the Talmud and subsequent codes. However, amongst the arguments presented by opponents are claims regarding the fallibility of the judiciary. Miscarriages of justice have happened in the past and they claim that nobody should be put to death in case further and vindicating evidence should surface. Does the Torah relate to this issue of genuine concern?

Nachmanides, and other commentators of his school, saw these verses as rebuttal to those who oppose on practical grounds. They explained that the two issues dealt with by Bechor Shor are actually demonstration of the confidence that must exist in the judicial system. They claim that the very testimony of the second pair of witnesses testifies to the innocence of the accused. Had he been guilty, G-d would not have allowed him to be acquitted. Similarly, if the accused has already been put to death. Nachmanides believed that this is proof that he must have been guilty. (Some commentators note that even if he was not guilty of this particular crime he must have been guilty of another capital offence.) G-d would never allow an innocent person to be executed by the courts. Accordingly, these commentators are of the opinion that the judiciary is unwritten and guaranteed by G-d and consequently must be infallible.

Did Nachmanides really believe in the total infallibility of the judiciary or was he perhaps suggesting, as the Abarbanel has done, merely that confidence in the system must not be undermined? An examination of the verses in context demonstrates that he was certainly not writing unreservedly. Verse 7 instructs that the case must be brought before G-d and before the priests and the judges. Verse 9 states that the purpose of the entire exercise must be to remove evil from amongst the people. The roles of eidim, zomemim and false testimony can only be applied in their purest sense on condition that all the clauses are upheld. The Torah has compared the priests and the judges with G-d. The judiciary must be composed of G-d-fearing people whose moral integrity is unimpeachable. Additionally, the aim of the judiciary must be to safeguard society from evil. The judges must regard the rules not merely as matters of legal procedure and expediency but also as a matter of objective right and wrong.

Accordingly, a G-d-fearing society and judiciary need not fear perversions of justice. If they are possessed of the fear of G-d and are committed to the removal of evil from society, they may be legitimately confident in the righteousness of their decisions. Under the circumstances they may be assured by the words of the psalmist, *b'k'rev elokim yishpot*, that G-d judges in the midst of mortal judges.

B"H Torah Studies Adaptation of Likutei Sichos

by Rabbi Dr. Jonathan Sacks Chief Rabbi of Great Britain

Based on the teachings and talks of the Lubavitcher Rebbe

Rabbi Menachem M. Schneerson on the weekly Torah Portion

#### SHOFTIM

In our Sidra we read of the cities of refuge, to which a man who had killed accidentally could flee, find sanctuary and atone. The month of Elul, in which this Sidra is always read, is, in time, what the cities of refuge were in space. It is a month of sanctuary and

repentance, a protected time in which a man can turn from the shortcomings of his past and dedicate himself to a new and sanctified future.

The Rebbe analyzes an important feature of the cities; they were only to be found in the land of Israel, even though the judges and officers who executed Torah law were to be appointed wherever Jews live. Why does the law extend everywhere, while refuge belongs to the Holy Land? And what does this imply for the month of Elul, our place of spiritual refuge in the calendar of the Jewish year?

#### THE JUDGES AND THE REFUGE

The month of Elul, in a well-known Chassidic comparison, is like a city of refuge.

The Sifri interprets the opening verse of our Sidra, "You shall set judges and officers in all your gates" to apply to "all your dwelling-places," even those outside Israel. It then continues: One might think that cities of refuge were also to exist outside the land of Israel. Therefore the Torah uses the restrictive term "these are the cities of refuge" to indicate that they were to be provided only within Israel. Nonetheless, the Sifri says that someone who committed accidental homicide outside the land of Israel and who fled to one of the cities of refuge would be granted sanctuary there. It was the cities themselves, not the people they protected, that were confined to the land of Israel.

The fact that the Sifri initiates a comparison between the "judges and officers" and the cities of refuge, indicates that they have a relationship to one another.

It is this: The judges who applied the law and the officers who executed the sentences, did not aim at retribution, but at the refinement of the guilty. And the aim of the cities of refuge was to impose on the fugitive an atoning exile - atonement in the sense of a remorse which effaces the crime until he regains his original closeness to G-d's will.

We might then have thought that if this safeguard, this place of atonement, was available in the holy environment of the land of Israel, it would be all the more necessary outside its borders where it was easier to fall into wrongdoing. And yet only judges and officers were to be provided beyond the land of Israel's borders - only the agents of the law, not its refuge.

#### PAST AND FUTURE

There are two phases in teshuvah, or repentance. There is remorse over what has been done, and commitment to act differently in the future.

These are inextricably connected. For the only test of sincere remorse is the subsequent commitment to a better way of life.

To be contrite about the past without changing one's behavior is a hollow gesture. This is why refuge was found only in Israel. For a man could not atone while clinging to the environment which led him to sin. He might feel remorse. But he would not have taken the decisive step away from his past. For this, he had to escape to the land of Israel, i.e., to holiness. There, on its sanctified earth, his commitment to a better future could have substance.

Judges, however, could be appointed outside the land of Israel. For it is written in Pirkei Avot, "Do not judge your fellow-man until you come to his place." A court which sits in the land of Israel cannot

know the trials and temptations which exist outside, or the difficulties of being loyal to one's faith in a place of exile. The land of Israel is a land where "the eyes of the Lord your G-d are always upon it, from the beginning of the year to the end of the year." It is a land of Divine grace. One cannot judge a man by its standards if that man lives outside its protection. So judges had to be drawn from the same environment as their defendants. They had not only to know what he had done; they had to experience for themselves the environment which brought him to it.

The Mittlerer Rebbe (the second Chabad Rebbe) was once giving private audiences, when he interrupted for some time before continuing. It

transpired that a man who had had an audience wanted the Rebbe's help in setting right a particularly degrading act he had done. The Rebbe explained that one must discover some analogous quality in oneself - on however refined a level - before one can help someone to remedy his sin. His interruption of the audiences had been to attempt to find in himself this point from which he could identify with the sinner. It was this principle that lay behind G-d's command to Moses when the Israelites had made the golden calf: "Go, get thee down, for thy people have dealt corruptly." For at that moment, Moses was inhabiting the spiritual heights of Mt. Sinai, neither eating nor drinking, divorced from the world. The Israelites were degraded through their sin. But by saying "thy people" G-d created a bond between Moses and the people, on the basis of which Moses was able to plead on their behalf.

#### THE REFUGE AND THE SIN

Although all the cities of refuge were to be in the land of Israel, they were not all in the same territory. There were the three in the land of Israel proper - the Holy Land. Three were in trans-Jordan, where "manslaughter was common." And, in the Time to Come "the L-rd your G-d will enlarge your borders" three more will be provided, in the newly occupied land.

This means that every level of spirituality has its own refuge, from the relatively lawless trans-Jordan to the Holy Land, and even in the Time to Come. And this is true spiritually as well as geographically. At every stage of a man's religious life there is the possibility of some shortcoming for which there must be refuge and atonement. Even if he never disobeys G-d's will, he may still not have done all within his power to draw close to G-d. This is the task of the month of Elul. It is a time of self-examination when each person must ask himself whether what he has achieved was all he could have achieved. And if not, he must repent, and strive towards a more fulfilled future. Businessman and scholar, he who has lived in the world and he who has spent his days under the canopy of the Torah - both must make Elul a time of self-reckoning and refuge.

It is the way of the Western world to make Elul - the month of high summer - a time for vacation from study. The opposite should be the case. It is above all the time for self-examination, a time to change one's life. And the place for this is the city of refuge, in the Holy Land, which means for us, in a place of Torah.

Each Jew should set aside Elul, or at least from the 18th onwards (the last 12 days, a day for each month of the year), or at any rate the days when Selichot are said, and make his refuge in a place of Torah. A refuge is a place to which one flees: That is, where one lays aside one's past and makes a new home.

Elul is the burial of the past for the sake of a better future. And it is the necessary preparation for the blessings of Rosh Hashanah, the promise of plenty and fulfillment in the year to come.

(Source: Likkutei Sichot, Vol. II, pp. 380-384.)

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NCYI Weekly Divrei Torah Parshat Shoftim  
Parshat Shoftim 2 Elul 5756 Saturday, August 17, 1996

Guest Rabbi: Rabbi Pesach Lerner Executive Vice President, National Council of Young Israel

"It shall be that when he sits on the throne of his Kingdom, he shall write for himself another copy of this Torah in a book, from before the Kohanim, the Levites. It shall be with him, and he shall read from it all the days of his life, so that he will learn to fear HaShem, his G-d, to observe all the words of this Torah and these decrees, to perform them (D'vorim 17:18-19)." There are questions that need to be asked with regard to these two Torah sentences. Why is the king required to write a second

Torah in addition to the one each individual Jew is obligated to write (see Rashi on these p'sukim)? Why is there, seemingly, a special emphasis placed on "Yirat HaShem" - fear of HaShem; "Limud HaTorah" - Torah learning; and "Shmirat HaMitzvot" - fulfilling of G-d's commandments; when the king is involved, again above and beyond that of every Jew?

To better help us understand these special obligations of the king, allow me to share a beautiful thought from HaRav Zalman Sorotzkin, ZT"L, from his introduction to Sefer D'vorim in his work Oznam LaTorah.

The book of D'vorim is called "Sefer HaYashar" - the book of Righteousness (Tractate Avodah Zara 25). Numerous reasons have been given for this title. HaRav Sorotzkin suggests one more reason. The book of D'vorim includes - in our Parshah - specific details and special mitzvot of the king.

A king of Israel must be feared by his subjects. In fact he is allowed, if circumstances warrant it, to give a sentence of capital punishment without witnesses and advance warnings; even, perhaps, with only circumstantial evidence. Why? To guarantee the fear of the king so that he will be in a position to carry out and enforce the laws of the Torah.

Having given him all this power, we are concerned that the king will turn into someone who lacks merit, is full of ego and is not concerned for the individual needs of his nation. As a counterweight to this potential character flaw - created by the need to instill fear in the monarchy - the Torah instructs the king to go B'Derech Hayashar - "above and beyond the call of duty" when interacting with individual Jews.

In fact, we find said about Dovid HaMelech, "And it was that Dovid did justice and charity (Shmuel II, chapter 8)"; and our Sages explain that when Dovid HaMelech, in a financial dispute between a rich individual and a poor individual, decided in favor of the rich individual, he would pay the poor man's stipulated costs out of his own pocket. This was more than what was expected; Dovid HaMelech, the judge, was not involved in the actual case at all and, yet, he paid. This was purely an act of chesed, of charity on behalf of the poor person.

This trait, "doing righteousness and good in the eyes of G-d" became the motto of the monarchy. Future descendants of Dovid HaMelech were categorized as good or evil based on their "righteousness in the eyes of G-d", righteousness here referring to their relationship to their fellow man, not specifically their relationship to G-d (it does not say they did G-d's mitzvot and kept His Torah; it says righteousness).

All this, to counter the characteristics a king has to have to instill fear in his subjects. This emphasis on righteousness and its importance, categorizes the entire book of D'vorim.

Returning to our initial inquiry - as explained by the Sefer HaChinuch (Mitzvah 503), the king is basically "on his own". He is not responsible to any person, he has ultimate power and can make decrees, as he sees fit, to instill a fear of the monarchy into the nation. It is most important that such power be controlled, be put into perspective and that the king direct all his thoughts and actions toward his Creator... thus the special emphasis placed on the king's Yirat Shamayim, Limud HaTorah and Shmirat HaMitzvot.

In addition, as king, he must write a special Sefer Torah, above and beyond the one he wrote as a simple Jew, to constantly remind him of his obligations and responsibilities to the Al-Mighty, His Torah and Mitzvot.

For your information:

The "Mishna Torah" referred to in p'sukim 17:18 is

a) A complete Torah scroll (Rashi 17:18, Rambam Hilchos Sefer Torah 7:1-3).

- b) The Ten Commandments (Tosfot on the Chumash, also see Rashash Sandhedrin 22, and Radak and Ralbag Joshua 8:32).
  - c) The book of D'vorim (Sifrei).
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"... and you shall not take bribery, for bribery blinds the eyes of the wise, and twists the words of the righteous." ?16:19X

In order for us to understand the true impact of bribery, the Chofetz Chaim, Rabbi Yisroel Mayer Kagan, offers a parable:

If Reuven tells us that Shimon is a rich man, then in order to know Shimon's true wealth, we must first know the financial status of Reuven himself. If Reuven is poor, then perhaps Shimon is merely a member of the "middle class;" but if Reuven is actually Bill Gates, then we know that Shimon's estate may be larger than Rhode Island.

So too with regards to wisdom. If Reuven tells us that Shimon is wise, then we first need to assess Reuven's own wisdom. If the Chofetz Chaim himself were to tell us that someone were wise, we would know that this person was a source of truly valuable advice. All the more so if the speaker were the Vilna Gaon, the famed genius Rabbi Eliyahu Kramer. What if the speaker were

none other than King Solomon, whom the Bible calls "wiser than all men?"

We can barely consider what level of wisdom might be required for G-d Himself to call someone "wise." Would we not be dealing with someone not far

from Solomon's level?

If so, now we can return to the verse, and see the lesson that it offers.

The verse says that "bribery blinds the eyes of the wise" - and who is the verse talking about? The verse isn't describing merely someone that we would call wise, but someone whom G-d himself would consider fit for that title. And it is about him that the verse testifies: bribery blinds him.

Bribery need not be merely an issue of money. Bribery is an attempt to keep us from concentrating on the main issues, and it can come up in many areas. One of my teachers (speaking to a group of young men) described a potential spouse's beauty as bribery. Why? Because beauty says nothing of the sort of relationship you will have, or what sort of wife and mother she will be. So in all parts of our lives, we must be alert for anything that might ask us to lose ourselves in side details, preventing us from concentrating on the important issues. No matter how wise we might claim to be, bribery can still blind us to the truth.

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RAMCHAL: The Ramchal class is about to begin the study of how to acquire "zeal," or alacrity - the desire to quickly perform Mitzvos. To subscribe, please send the message "subscribe ramchal" to majordomo@torah.org .  
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DVARTORAH notice: Mazel Tov to Rabbi Dovid Green, moderator of our DvarTorah mailing list, upon his move from South Bend, IN to Monsey, NY - thus ensuring that one faculty member of Project Genesis is in Rockland County (as you recall, we moved from Spring Valley, NY in June). Because of his move, there will be no DvarTorah mailing this week, but he hopes to resume immediately.

Good Shabbos, Rabbi Yaakov Menken  
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