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from: torahweb@torahweb.org to: weeklydt@torahweb.org date: Sep 5, 2019, 3:08 PM subject: Rabbi Hershel Schachter

Rabbi Hershel Schachter
Selective Observance

The posuk in Parshas Shoftim uses three different phrases to describe a disagreement about halachah - "bein dama l'dam, bein din l'din, bein negah l'negah" (17:8). The Vilna Gaon is quoted in the Sefer Aderes Eliyahu as having commented that this language indicates that all the dinim of the Torah are classified into three distinct categories: issur v'heter, dinei mamonus, and tuma v'tahara. The parsha states that if in any one of these three areas there is a machlokes among the chachomim in town which is ripping apart the community, the issue must be presented to the Sanhedrin in Yerushalayim which should give the psak that will be binding on all of Klal Yisroel. The implication is that were it not for the fact that the machlokes among the rabbonim is causing friction and ripping apart the community, each group would follow their own poseik.

The Tosefta (Sanhedrin 7:5) tells us that all the laws of the Torah are interconnected and fall into one big pattern to comprise one big mosaic. The Gemarah will, therefore, often learn out the details of one mitzvah from another mitzvah. Nonetheless, the Gemarah does put limitations upon this concept of all of Torah fitting into a single pattern. The Gemarah says that issur v'heter cannot be learned out neither from tumah v'taharah (Yevamos 103b) nor from dinei mamonus (Berachos 19b). These sources seem to be implying that each one of the three areas of halacha makes up its own pattern; all of dinei mamonus fit into one pattern, all of the laws of issur v'heter fall into a separate pattern, etc. (see Sefer Eretz Hatzvi siman 2).

When we are in doubt as to what the facts of a case are, the halacha has a different way of resolving the safeik depending on which category of dinim the case at hand belongs to. Regarding issur v'heter, we assume that any

safeik regarding a din min ha'Torah must be resolved l'chumrah. However, when we have a safeik in the area of dinei mamonus the psak will be in favor of the muchzok (possession is nine-tenths of the law) which is l'kula. Finally, when the safeik is in the area of tumah v'tahara, whether the psak will be l'hachmir or l'hokeil will depend on the location where the safeik arose - in a reshus ha'yochid or in a reshus ha'rabim.

In addition to these three areas of halacha, the Gemarah tells us that there are another three areas that are treated differently. With respect to dinei n'fosos the Torah tells us "V'he'tzulu ha'aida" (Bamidbar 35:25), i.e. we should always bend over backwards to try to acquit the person being judged, and this applies even with respect to the way we darshan the halachos by reading in between the lines (Sanhedrin 69a). In the area of avoda zara the Torah tells us "shakeitz t'shaktzenu", etc., which implies that we should always bend over backwards to go l'chumrah when darshening the pessukim, and in the area of kodshim, the Gemarah (Zevachim 49-50) discusses at length the fact that the middos she'haTorah nidreshes bohem apply differently to kodshim from how they apply to the rest of the Torah regarding lomeid min ha'lomeid (learning out C from B where B itself was derived from A).

Reb Yehuda Ha'Nasi edited the mishnayos and divided everything into six sections. The sedorim of Nezikin, Kodshim and Taharos constitute three separate areas of halacha.

Some are only careful in observing those mitzvos which are bein adam laMakom and not that meticulous in nezikin (bein adam lachaveiro). Others are only extremely careful in observing those mitzvos which are bein adam lachaveiro while not being that meticulous in observing those mitzvos in the area of issur v'heter (bein adam laMakom). An Orthodox Jew is one who is equally meticulous in all areas.

It is quoted in the name of the Vilna Gaon that many divide all mitzvos into two categories: bein adam laMakom and bein adam lachaveiro. In reality, there is a third category: bein adam l'atzmo. We have the mitzva of V'holachto b'derachav - to preserve the tzelem ELokim that was implanted within us at birth by developing our middos. The Gemarah (Bava Kamma 30a) tells us that one who wishes to become a chassid should be meticulous in three areas of halacha - avos, nezikin, and berachos. These three represent the three areas of mitzvos - bein adam laMakom, bein adam lachaveiro, and bein adam l'atzmo.

Unfortunately many people are only selectively observant. Listed among the various mumim (wounds or blemishes) that invalidate a kohein from being markiv korbanos in the Beis Hamikdash is saru'ah, one whose limbs are not symmetrical (e.g. one arm is noticeably longer than the other, one eye is noticeably larger than the other.) I remember Rav Nissan Alpert's hesped at the funeral of Hagaon Rav Moshe Feinstein wherein he mentioned that he met many gedolim in his lifetime whom he felt that suffered, in a certain sense, from the mum of saru'ah. Some were very meticulous in one area of halacha, but not to the same extent in other areas. And some were especially strong in learning in one area of Torah (psak halacha, Kodshim, Nashim & Nezikin, etc.) but not equally as strong in all other areas of Torah. The one and only gadol b'Torah he knew who seemed to be equally strong in all areas of Torah and equally meticulous in all areas of mitzvos at the same time was his rebbe - Hagaon Rav Moshe Feinstein.

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From: **Rabbi Yissocher Frand** <ryfrand@torah.org> to:
ravfrand@torah.org date: Sep 5, 2019, 11:00 PM subject: Rav Frand - And It Shall Be When He Sits (K'Shivto)

Rav Frand

Dedicated to the speedy recovery of Mordechai ben Chaya Parshas Shoftim

And It Shall Be When He Sits (K'Shivto)

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #1170 – The Electric Blanket and the Power of Chachomim in Our Days. Good Shabbos!

And It Shall Be When He Sits (K'Shivto)

In Parshas Shoftim, the Torah introduces us to the concept of a Jewish Monarchy. "When you come to the land that Hashem your G-d gives you, and possess it and settle in it, and you will say 'I will set a king over myself, like all the nations that are around me.'" [Devorim 17:14]. The Torah says, "Yes you are allowed to establish a monarchy. It is a mitzvah to have a king." However, there are restrictions: He may not have an excessive number of wives. He may not have too many horses. He should not take too much silver and gold for himself. And there are also positive commandments: "And it shall be when he sits on the throne of his kingdom, he shall write for himself two copies of this Torah in a scroll from before the Kohanim, the Levites" [Devorim 17:18]. Every Jew must write a Sefer Torah. The king needs to write a second Sefer Torah which he keeps with himself at all times.

The Torah introduces the mitzvah to write this (second) Sefer Torah with the expression "And it shall be when he sits (k'Shivto) on the throne of his kingdom." The Medrash in Esther Rabbah makes a very interesting comment. There are two ways of saying "And when he will sit on his throne." It could say "v'haya k'Shivto" or it could say "v'haya b'Shivto." The Medrash makes a distinction regarding the implications of each term. By the nations of the world, the pasuk says, "k'sheves haMelech Achashverosh al kisei malchuso..." [Esther 1:2] using a letter "Chaf" as the prefix. However, when we speak about Jewish kings in the Book of Shoftim [11:26], the pasuk says "b'sheves Yisrael..." using the letter "Beis" as the prefix. The Gemara explains the distinction: By the nations of the world, the "Chaf" is used because their monarchies are not permanent. By kings of the Jewish nation, as long as there was a Klal Yisrael, the monarchy remained. Therefore, the prefix "Beis" is used, which has a connotation of a permanent monarchy.

If that is the case, this pasuk in our parsha presents a problem. It is speaking about a Jewish king and yet it uses the prefix "Chof" – v'haya k'Shivto al kisei mamlachto! This seems to violate the rule mentioned in Esther Rabbah.

I saw a thought in the name of the Gerer Rebbe, the Chidushei HaRi"m, and I saw a similar thought in the name of the Techeiles Mordechai from Rav Sholom Mordechai haKohen Schwadron (the Brizhaner Rav). The reason the Torah uses the expression "And it will be k'shivto..." here is because the Torah is speaking about the initial ascension of the Jewish king onto his throne. Normally, when a king first assumes his throne, he is all inspired and "pumped" to do good for the people. He wants to make sure the people are taken care of. He wants to make sure to improve the economy. He wants to make sure that human rights are preserved in his country. All the sincere and idealistic ideas of good government are always present when one starts something. Every president starts his administration with these grand ideas and grand plans to provide "a chicken in every pot and two cars in every garage and universal health care" etc., etc., etc.

Those plans are made "v'haya k'shivto..." (when he first ascends the throne). But we all know that with the passage of time, it rapidly becomes "same old, same old." People become jaded; they become turned off; they get cynical. People sort of devolve into a run of the mill, go-through-the-motions type of administration.

The challenge always is for a king to maintain throughout his monarchy that same feeling of freshness, enthusiasm, and humility that he had the day he sat on the throne for the first time. This is what the Torah wants to hint at here, says the Brizhaner Rav. All the plans and good intentions that a king has when he assumes the throne (k'shivto al kisei malchuso) should remain with him for the rest of his reign.

This idea is a very beautiful vort to say at a Sheva Brochos. At a Sheva Brochos, the Chassan and Kallah are in their first week of marriage. They are

so sensitive and so caring and so loving towards each other. They each have the greatest of intentions to make this a perfect marriage. But unfortunately, as we know, like with everything else in life – things do not remain the way they were at the start of an endeavor. Honeymoons are called honeymoons because they only last for a certain amount of time, unfortunately.

A groom is compared to a king. This is a wonderful homiletic lesson from the pasuk in our parsha. That enthusiasm and that idealism and that commitment to be a good husband and to take care of the spouse and to respect and honor her should remain constant throughout the marriage as it was "k'shivto..." when he first ascended to the role of a groom (who is compared to a king)."

Rav Pam once offered a beautiful thought. We say "V'Erastich lee l'olam" [Hoshea 2:21] (And I will betroth you to me forever). Eirusin [betrothal] is a temporary stage. It is the period between Kiddushin [halachic engagement] and Nisuin [halachic marriage]. In Talmudic times, it lasted for 6 to 12 months, but it was always meant to be a temporary situation. So what then, asked Rav Pam, does the pasuk mean when it says, "I will betroth you to me forever"? If it is forever it is not Eirusin and if it is Eirusin it is not forever?

Rav Pam said the same type of concept. When someone goes ahead and makes Eirusin, he has all the good intentions and the love and compassion in the world, but it is only "Eirusin" – a temporary stage. However, that type of "I will betroth you to me" should really be forever.

Even if someone is not planning to speak at a Sheva Brochos this week, this vort still has relevance. If your son is starting in a new Yeshiva or it is the first zman of a new year in his old Yeshiva, this insight still has relevance. I am always amazed. I have been teaching now for over 40 years. The final zman [semester] of the previous school year ended four or five weeks ago. By then, not everybody was taking notes; people were dozing off in shiur, etc. A scant five weeks later, everybody has their new notebooks, everybody is taking notes and everybody is sitting at the edge of their chairs to hear my pearls of wisdom. Everybody is enthused. But with the passage of time, we know what happens.

That is the trick. It should be "v'haya k'shivto". Every day they should be in your eyes as if it were a new experience. It is a challenge. But if we had that enthusiasm, if we were able to channel it into our learning, into our marriages, and into our lives, then in fact, we would be much more successful in all areas of life.

The Torah Provides "Cover" To Protect From Embarrassment

The Torah talks about going to battle, spelling out the laws of war. "When you go out to battle against your enemy, and you see horse and chariot – a people more numerous than you – you shall not fear them, for Hashem, your G-d is with you... It shall be that when you draw near to the war, the Kohen shall approach and he shall speak to the people." [Devarim 20:1-2].

There was a Kohen who had the special title "The Priest Anointed for Battle" (Kohen Mashuach Milchama). Before the people went out to war, he gave them a spiritual pep talk. He also gave them instructions. He announced that anyone who built a new house but had not yet made a "Chanukas HaBayis" [inaugurating the new home] was exempt from battle. Likewise, a person who planted a new vineyard but had not yet had the opportunity to consume the wine therefrom (restricted by the Torah's agricultural laws) was exempt from battle. Similarly, a person who was betrothed to a woman but had not yet married her was given a deferment from going to war.

Finally, the Kohen Mashuach Milchama added that anyone who was fearful and faint of heart was allowed to return home so that he not "melt the hearts of his brethren" in the heat of battle (by running away from the scene of the fighting).

There is a Talmudic dispute [Sotah 44a] as to the true meaning of the one who was "fearful and faint of heart". Rabbi Akiva interprets the phrase literally – a person who would panic as a result of hearing and seeing the sounds and sights of war. Just seeing a drawn sword would scare him and make him incapable of fighting. Rabbi Yossi of Galilee interprets the phrase to refer to someone who is afraid of his own spiritual shortcomings (literally

— afraid of the sins that are in his hands). They fear not the sights and sounds of battle; they fear that they are undeserving of the Divine Protection that a soldier requires in battle because of previous spiritual lapses on their part.

Battles were won based on zechusim [merits]. Therefore, generals needed and wanted to have righteous soldiers on their side. If a soldier lacked merit, and even deserved perhaps punishment, it would be better for the army to have such a soldier leave the site of battle before the fighting begins.

Rabbi Yossi explains that getting these unworthy soldiers off the battle field was the Torah's primary concern and that the entire issuance of deferments for people with new houses, vineyards, or brides was merely a "cover" to allow those people who recognized themselves as being spiritually undeserving to leave the ranks of the other soldiers without suffering public embarrassment.

The Tolner Rebbe once spoke out the following idea in the name of Reb Yechezkel Kuzmir ([1755-1856], founder of the Modzitz Chassidic dynasty): Come and see how particular the Torah is to protect another person from embarrassment. The Torah is willing to exempt all these people (the new homeowner, the new vineyard owner, the new husband) who are most likely young and would be prime candidates for being good soldiers, just in order to not embarrass that poor soul who feels faint of heart because of sins he has committed. He uses this idea to explain a Talmudic passage in a totally different context.

There is a famous dispute in a Mishna in Tractate Gittin [90a] in terms of permissible halachic grounds for divorcing one's wife. Beis Shammai's opinion is that the only ground for divorcing one's wife is promiscuity on her part. Unless one's wife is unfaithful, one is not allowed to divorce her. Beis Hillel allows one to divorce his wife "even if she burns his supper."

This seems to be an anomalous position for the School of Hillel to take. Normally Beis Hillel is seen as being more tolerant and perhaps more supportive of attempts to strengthen the bonds of marriage. Here it seems that they allow any husband to get rid of his wife on a whim, even for a minor momentary lapse on her part.

Reb Yechezkel Kuzmir says "no." It is the same concept. Really, Beis Hillel does not want you to divorce your wife unless there are serious grounds to do so – something akin to what Beis Shammai indicates. However, if the only way one was allowed to divorce his wife was if she was unfaithful to him, then everybody would know that this woman was being sent away from her husband for reasons of infidelity. She would never be able to get married again because she would be known to be promiscuous. This woman's case would be fixed for the rest of her life! Therefore, Beis Hillel advance their position that a man can divorce his wife for any reason. This way, when a person divorces his wife, the rest of the world will not assume that she cheated on him. They will be able to give her the benefit of the doubt and suspect that perhaps she only burnt the chulent.

This is the same concept as expressed by Rav Yossi HaGalili in terms of the draft deferments: The Torah goes out of its way to save someone (be it the soldier or the wife) from shame and embarrassment, lest people jump to the wrong conclusions. That is the source of Beis Hillel's opinion.

An Incident Which Illustrates the Genius of the Satmar Rebbe

The pasuk states, "A prophet from your midst, from your brothers, like me, shall Hashem your G-d establish for you – to him shall you listen." [Devorim 18:15] This is one of the fundamental beliefs of our religion – the Almighty gives prophecy to certain individuals, and we are commanded to listen to such people.

There was a Jew named Reb Shmuel Paperman, who wrote a biography of the Maharil Diskin, Reb Yehoshua Leib Diskin [1818-1898]. Reb Yehoshua Leib was a Rav in the famous town of Brisk (Brest-Litovsk). Reb Shmuel Paperman writes in the book that the Beis HaLevi, Rav Yosef Dov HaLevi Soloveitchik [1820-1892], was so in awe of the Maharil Diskin that he applied to himself the Biblical commandment about listening to a prophet.

Whatever the Maharil Diskin ruled, he followed, as if in fulfillment of the pasuk "to him you shall listen."

This author, Reb Paperman, brought the biography he wrote to the Beis HaLevi's grandson – Rav Yitzchak Ze'ev Soloveitchik ("the Brisker Rav") [1886-1959] – and asked him for an approbation. The Brisker Rav said "It is a very nice book, but I would like you to remove that one line that the Beis HaLevi said about the Maharil Diskin "to him you shall listen." The Brisker Rav felt that this language is unique and reserved for speaking about a prophet. Concerning no other person can you give a blanket endorsement: "to him you must listen."

They told this incident to the Satmar Rebbe (Rav Yoel Teitelbaum [1887-1979]). The Satmar Rebbe heard this and he said "And what about Rabbi Akiva Eiger?"

The person then asked the Rebbe what he meant by that question. The Satmar Rebbe explained: I was referring to the Rabbi Akiva Eiger in Shulchan Aruch Orach Chaim Siman 125. The Shulchan Aruch rules that when reciting Kedusha, only the Chazan says "Nakdishach..." or "Nekadesh..." and the rest of the congregation is silent. Only at "Kadosh, Kadosh, Kadosh" does everybody chime in. This is the opinion of Rav Yosef Karo (the "Mechaber"). Rabbi Akiva Eiger writes in his glosses to the Shulchan Aruch that the Ari, z"l, disagrees and says that everyone should also repeat the opening pasuk (either "Nakdishach" or "Nekadesh") and Rabbi Akiva Eiger concludes, "to him you must listen."

This was the on the spot response of the Satmar Rebbe to the report that the Brisker Rav objected to the idea that his grandfather would have applied the pasuk "to him you must listen" to the Maharil Diskin. This incident speaks to the incredible bekius (encyclopedic mastery) of the Satmar Rebbe. True genius!

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From: Shlomo Katz <skatz@torah.org> to: hamaayan@torah.org date: Sep 5, 2019, 11:35 PM subject: Hamaayan - Tzedek, Truth, and Charity

Hamaayan

By Shlomo Katz

Dedicated to the speedy recovery of Mordechai ben Chaya

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Parshas Shoftim Tzedek, Truth, and Charity print BS"D Volume 33, No.47 7 Elul 5779 September 7, 2019

R' Moshe Schwab z"l (1918-1979) writes: With the arrival of the month of Elul, we are faced with the question, "What is Elul?" How is this month different from every other month?

R' Yisrael Salanter z"l said, "Every month should be Elul, but Elul is Elul." R' Schwab explains: All year long, a person should act the way we try to act during Elul. At least, when Elul arrives, one should be aware that his life, both the material and spiritual aspects, hangs in the balance. This is true of oneself, of one's family, and of every member of the Jewish People.

Elul is the time to prepare for Rosh Hashanah and Yom Kippur, the days on which, we believe with perfect faith, we will be judged. We understand that everything that will happen, whether on a personal or communal level, depends on those days. Yet, one cannot "leap" into Rosh Hashanah. One must prepare for it. To the degree that one prepares himself, to that extent he will experience Rosh Hashanah. Conversely, to the degree that one is lax in

preparing for Rosh Hashanah, to that extent he will miss out when Rosh Hashanah comes.

A person who knows that he has a court date in the distant future does not let his life be overshadowed by that upcoming event. However, as that date looms near, the litigant begins to fixate on it. So should we be when Elul approaches. All year long, we know that Rosh Hashanah is in the distant future, and we ignore it. When Elul comes, it is time to start focusing on our upcoming court date. Chazal say that on Rosh Hashanah, “Every living creature passes before Hashem.” This really means, “Every living creature.” There are no exceptions. (Ma’archei Lev Vol. I, p. 57)

“Tzedek, Tzedek you shall pursue . . .” (16:20)

Targum Onkelos interprets: “Truth, truth you shall pursue.”

R’ Dov Yaffe z”l (1928-2017; Mashgiach Ruchani of Yeshivat Knesset Chizkiyahu in Rechasim, Israel) writes: From here we learn how great is a person’s obligation to seek the truth. We read similarly (Mishlei 3:3), “Let kindness and truth not depart from you . . .”

R’ Yaffe continues: In several places in the Talmud, we read that there was a Halachic dispute between Bet Hillel and Bet Shammai, but, then, “Bet Hillel changed their minds and ruled like Bet Shammai.” Since everyone now agrees what the Halachah is in those cases, why mention at all that Bet Hillel once argued? asks R’ Yaffe. Rambam z”l explains that the purpose is to teach us the trait of truth-seeking. When the scholars of Bet Hillel heard the opposing view and recognized it as more correct, they did not hesitate to change their position.

R’ Yaffe concludes: When a person pursues truth, his life is a different life. Pursuing truth is pursuing G-d, for, we are taught, His seal is truth. (Shma Bni)

“So that his heart does not become haughty over his brethren and not turn from the commandment right or left, so that he will prolong years over his kingdom, he and his sons amid Yisrael.” (17:20)

R’ Hillel Lichtenstein z”l (rabbi of Kolomea, Galicia) writes: We learn in Pirkei Avot, “If his fear of Heaven precedes his wisdom, his wisdom will persist.” Fear of Heaven is the foundation for remembering one’s Torah studies.

This may be alluded to in our verse, R’ Lichtenstein writes. Our Sages say that if one is haughty, his wisdom will be forgotten. And, there is an expression in the Gemara, “Who are royalty? Torah scholars!” Thus, our verse could be read: If one is not haughty and one does not deviate right or left from the mitzvot, i.e., he has fear of Heaven, then he and his descendants will remain royalty, i.e., Torah scholars. (Shiyarei Maskil 1:4)

“According to all that you asked of Hashem, your Elokim, in Chorev on the day of the assembly, saying, ‘I can no longer hear the voice of Hashem, my Elokim, and this great Eish / fire I can longer see, so that I shall not die.’” (18:16)

R’ Yosef Gikatilla z”l (1248-1310; Spain) writes: Based on our verse, we can understand the statement in the Pesach Haggadah, “‘With great awe’ (Devarim 26:8) — this alludes to the revelation of the Shechinah.” If the revelation at Har Sinai was so frightening to that holy and pure generation, surely when Hashem reveals Himself to ordinary people it will cause great awe, dread and trembling. (Haggadah Shel Pesach Tzofnat Paneach)

“The officers shall continue speaking to the people and say, ‘Who is the man who is fearful and fainthearted? Let him go and return to his house . . .’” (20:8)

The Midrash Sifrei teaches: “‘Who is the man who is fearful and fainthearted?’—Rabbi Yosé Ha’Gelili says, ‘This refers to a person who is 40 years old.’” [Until here from the Midrash]

R’ Zvi Binyamin Auerbach z”l (1808-1872; rabbi of Halberstadt, Germany) notes that this Midrash appears to contradict the Gemara (Sotah 43a), which

attributes to the same Sage, Rabbi Yosé Ha’Gelili, a different explanation of our verse: “This refers to a person who is afraid of his sins.” Some say that, indeed, there were different traditions about what Rabbi Yosé Ha’Gelili actually said.

However, R’ Auerbach writes in the name of his teacher, R’ Yehuda Leib Karlbarg z”l (Germany; died 1835), the two explanations can be reconciled. We are taught that Teshuvah / repentance is complete when a person finds himself in the same situation in which he previously sinned and he does not sin again. Once a person turns forty, however, the hotheadedness and wildness of youth have largely worn off; therefore, a forty year old can never experience the same challenges that he experienced as a youth, and his repentance for the sins of his youth will be less than complete. In this light, the two statements of Rabbi Yosé Ha’Gelili are one and the same: “Who is the man who is fearful and fainthearted?” Rabbi Yosé Ha’Gelili says, “This refers to a person who is 40 years old” and, therefore, “is afraid of his sins.” Nevertheless, R’ Auerbach adds, King David already prayed that Hashem should accept such a person’s Teshuvah in any event. This is the meaning of the verse (Tehilim 79:8, recited as part of the weekday Tachanun prayer), “May Your mercies meet us swiftly, for we have become exceedingly impoverished,” i.e., lacking strength with which to sin and, therefore, unable to repent completely. (Cheil Ha’tzava p.109)

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

These words were said by the elders of a city in proximity to which a corpse was found. Our Sages ask: Would we think for a moment that the elders murdered a hapless traveler? Rather, the elders are saying: We did not see this traveler. Had we seen him, we would have given him provisions for the road, which might have saved his life.

R’ Chaim Yosef David Azulai z”l (Chida; died 1806) quotes a certain R’ Ephraim who notes that the Hebrew words “Lo Shafchu” are an acronym for “Levayah / accompaniment, Achilah / food, Shetiyah / drink, Parnassat Kol Ha’derech / provisions for the whole way.” (Nachal Kedumim)

from: Chanan Morrison <ravkooklist@gmail.com> reply-to: rav-kook-list+owners@googlegroups.com to: Rav Kook List <Rav-Kook-List@googlegroups.com> date: Sep 4, 2019, 1:01 AM subject: [Rav Kook Torah] Shoftim: The Sorcerer and the Gidufi

Shoftim: The Sorcerer and the Gidufi

?Shoftim: The Sorcerer and the Gidufi

sorcerer Which is worse: a sorcerer or an idolatrous heretic?

Theoretical Knowledge

Concerning sorcery, the Torah warns:

“When you come into the land that God is giving you, do not learn to do the repulsive practices of those nations.” (Deut. 18:9) What are these “repulsive practices”? The Torah enumerates divination, witchcraft, incantations, communicating with the dead, and so on. These forms of sorcery were an integral part of the idolatrous culture of the Canaanites.

Yet the Sages read this verse with care. The Torah text does not say, “Do not learn their repulsive practices,” but “Do not learn to do them.” Study - with the intent of practicing sorcery - is forbidden. But one is permitted to study witchcraft “in order to understand and judge,” i.e., to correctly determine who is a sorcerer and should be punished accordingly (Shabbat 75a).

However, the Torah’s sanction to acquire theoretical knowledge of sorcery is not a blanket authorization. The Talmud contrasts the sorcerer with a far worse category: the Gidufi. A Gidufi is a fervent believer in idolatry who constantly proselytizes for his idol worship. “One who learns even one thing from a Gidufi is punishable by death.” Unlike the sorcerer, this fanatical heretic has nothing to teach us.

Why is the idolatrous Gidufi so much worse than the sorcerer?

Sorcery - Penetrating Evil

Rav Kook explained that the sorcerer's motivation is an attempt to reconcile the fundamental conflict between the animalistic and Divine aspects of the human soul. The sorcerer's solution to this constant struggle is to suppress the Divine nature of the soul. This frees the base instincts to rule over the individual, and society in general.

The means and techniques by which the sorcerer achieves his goal are complex. Some aspects of his knowledge may also be utilized for the good. Recognition of evil means awareness of the negative side of creation, which can grant deeper understanding of the positive side.

Heresy - Rejecting Truth

The sorcerer gains his knowledge by focusing his mental powers on the essence of evil. But the idolatrous Gidufi is much worse. His methods do not reveal any hidden knowledge, not even with regard to the realm of evil. The Gidufi simply rejects good and truth. He offers us no new understanding. His path is based on stubbornness, to fill the heart with doubts and intoxication.

Deeper awareness of evil, of hidden aspirations to promote evil in the world, entails spiritual dangers. But it has the potential to prepare the soul, and all of society, to define and refine evil, and to purify it from its baseness.

(Adapted from Ein Eyah vol. IV, pp. 138-139)

See also: Shoftim: The Murderer's Admission'

From: Project Genesis <genesis@torah.org> to: weekly-halacha@torah.org
date: Sep 3, 2019, 3:55 PM subject: Weekly Halacha - Is It Ever Permitted To Lie?

Weekly Halacha By **Rabbi Doniel Neustadt** Dedicated to the speedy recovery of Mordechai ben Chaya To Dedicate an Article [click here](#)

Parshas Shoftim Is It Ever Permitted To Lie?

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

Yaakov Avinu was the amud ha-emes, the Pillar of Truth. Indeed, according to the Talmud(1), the greatest fear that Yaakov Avinu had was that he might encounter life situations where he would be forced to lie. When Rivkah commanded Yaakov to falsely present himself to his blind father as Eisav, he protested, for our Sages(2) compare lying to idol worship. It was only when Rivkah told him that it was the will of Heaven that he be the one to receive the blessings from his father Yitzchak, that Yaakov relented and allowed his mother to disguise him to appear as Eisav.

What is the definition of lying? Rabbeinu Yonah(3) lists nine different categories of lies. In order of severity, they are:

People who cheat in business, causing others financial loss; People who exploit others after gaining their trust through deception; People whose lies cause others to lose out on some gain or benefit that was coming to them; People who fabricate stories merely for the sake of lying; People who hold out the promise of giving another person material goods while never intending to follow up on their promise; People who intend to keep a promise but do not honor their commitment; People who claim that they did a favor or a good deed for another when in fact they have not; People who praise themselves for virtues that they do not possess; People who change minor details when retelling an episode. A careful analysis of these nine categories shows that all of the lies are told either for the purpose of cheating another person, or for self-glorification, etc. R' Yonah, however, does not list those who lie for a "good" purpose or for a "good" reason. Thus, we may ask, is it ever permitted to lie?

Throughout Talmudic literature, we find stories about our Sages veering from the truth for "good" reasons(4). Obviously, however, only the poskim can draw practical conclusions from such cases, since these very episodes can be understood on various levels. Moreover, not everything quoted in the Talmud is applied in practical Halachah, as we often rule differently from an opinion stated in the Talmud. The following, however, are some real-life situations with which the poskim deal:

If one is asked information about a matter that is supposed to remain secret, he may answer, "I don't know"(5). Similarly, although one is not allowed to lie in order to avoid telling bad news(6), it is permitted to say, "I don't know"(7).

During an appeal for funds, one is not allowed to announce a donation in an amount greater than he is planning to give, even if the aim is to spur others to commit themselves to larger donations(8).

A wealthy man is permitted to lie about his wealth if he fears "the evil eye" (ayin ha-ra) or if he does not want to arouse jealousy(9). When collecting funds for a poor Torah scholar, one may say that he is collecting for hachnasas kallah, marrying off a bride, if he thinks that people will be more receptive to that cause(10). It is also permitted to raise funds for hachnasas kallah even when the collection is primarily for the benefit of the groom(11).

It is prohibited to lie for the sake of financial gain, even when no stealing is involved(12).

If one fears that a package will be mishandled, it is permitted to write "glass" on it, even though it does not contain any glass(13). If one sees that his wife will be late for Shabbos, he is permitted to tell her that the hour is later than it really is. This is permitted only when it is clear that she is procrastinating. If, however, she is rushing and harried and telling her that the hour is later than it really is will only pressure her further, it is forbidden to do so(14).

If, by refusing to receive a visitor, the visitor's feelings will be hurt, one is permitted to leave instructions saying that he is not home(15). One should not, however, instruct a minor to lie about his parents' whereabouts, since that teaches the child to lie.

FOOTNOTES: 1 Makkos 24a. 2 Sanhedrin 92a. 3 Sha'arei Teshuvah 3:178-186. 4 See, for example, Berachos (43b) – episode with R' Papa; Pesachim (112a) -attributing a statement to a fabricated source so that it will be readily accepted; Sukkah (34b) – quoting Shemuel's threat to the haddasim merchants; Yevamos (65b) – lying for the sake of peace; Bava Metzia (23b) – departing from the truth for the sake of humility, modesty or discretion; Bava Metzia (30a) -episode with R' Yishmael. There are many other such examples. 5 Harav S.Z. Auerbach and Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 76. 6 Y.D. 402:12. 7 Harav S.Z. Auerbach, Harav S.Y. Elyashiv and Harav Y.Y. Fisher quoted in Titen Emes l'Yaakov pg. 89. See also Metzudos David, II Shemuel 18:29. 8 Minchas Yitzchak 3:97, based on Maharsha, Sukkah 29a. 9 Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 78. 10 Teshuvos Mishneh Sachir (end of vol. 1) quoting a story with the Chasam Sofer. Part of the ruling is based on the Midrash Rabbah (Ki-Sisa) that compares a talmid chacham to a kallah. In that story the Chasam Sofer allowed a tzedakah fund intended for hachnasas kallah to support a well-known talmid chacham. 11 Harav S.Z. Auerbach quoted in Titen Emes l'Yaakov, pg. 55. 12 R' Yonah (Sha'arei Teshuvah 180,186); Rashes'h (Shabbos 140b) and Sdei Chemed (vol. 4, pg. 87) opposing the Maharsha (Shabbos 140) who implies that it is permissible; Chafetz Chayim (Sefas Tamim 2). 13 Harav S.Y. Elyashiv, Harav Y.Y. Fisher and Harav C. Kanievsky, quoted in Titen Emes l'Yaakov, pg. 66. 14 Harav S.Y. Elyashiv quoted in Titen Emes l'Yaakov, pg. 86. 15 Harav S.Z. Auerbach and Harav S.Y. Elyashiv quoted in Titen Emes l'yaakov, pg. 76. See also Machatzis ha-Shekel O.C. 156 which states that if one has no time to answer a question about a particular subject, he may say that he is not learning that subject now and cannot answer the question. Weekly-Halacha, Copyright © 2000 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. Rabbi Neustadt is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Hayeled Doniel Meir ben Hinda. Weekly sponsorships are available—please send email to the moderator, Dr. Jeffrey Gross jgross@torah.org. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118—HaRav Yisroel Grumer, Marah D'Asra

From: Shabbat Shalom <shabbatshalom@ounetwork.org> date: Sep 5, 2019, 11:32 PM

Posted on August 22, 2017

Parshat Shoftim: A King in Israel

Excerpted from **Rabbi Dr. Norman J. Lamm's** Derashot Ledorot: A Commentary for the Ages – Deuteronomy, co-published by OU Press and Maggid Books

A King in Israel*

The Torah's concept of a limited monarchy, with a king subservient to the law and to God, is first outlined in this morning's sidra: "When you reach the Promised Land, and you will say, 'I wish to set over myself a king like all the other nations that are about me,' then you shall set over yourself a king whom the Lord your God will choose" (Deuteronomy 17:14-15).

Now the Rabbis faced a basic question in approaching this biblical passage. Is this declaration of the Torah to be considered an obligation, namely, that upon arriving in the Promised Land the people of Israel must establish a strong central leadership? Or is it to be understood as a grant of permission, i.e. that in the event that the leaders of the people will decide upon a monarchy and request it, that the Torah does not object to such a strong government?

This question was an issue between Rabbi Judah and Rabbi Nehorai (Sanhedrin 20b). Rabbi Judah considered this a positive commandment, an obligation, while Rabbi Nehorai regarded the statement as permission, but not an absolute obligation. Most of our medieval commentators, the Rishonim, are of divided opinion as to the verdict of the Halakha; but the majority seems to favor the opinion of Rabbi Judah who considers the passage concerning the king as an obligation.

Now, if indeed we consider the statement of the Torah as obligatory, this raises a serious and perplexing historical problem. For we read in the Prophets (I Samuel, chapter 8) that when the Children of Israel finally did request a monarchy, the prophet Samuel was furious, and God Himself was highly displeased. The elders approached Samuel, and said to him, "Now that you are old and we can find no worthy successor to you from amongst your children, therefore set for us a king to judge us, like all the other nations." The prophet was incensed and he prayed to God, who answered him, saying: "You are right, the people have committed a wrong in requesting a king. Nevertheless, let them have their king, for they have rejected not you, but Me."

Is there not a bold contradiction between the passage in today's sidra, indicating that it is an obligation to appoint a king, and the chapter in Samuel which clearly implies that it was wrong for the Children of Israel to request a king?

A number of answers have been offered in an attempt to resolve this problem. Permit me to commend to your attention some of them, which are both significant in their own right and also shed light upon contemporary life.

The first of these solutions, chronologically, was offered already in the days of the Mishna. It seeks to differentiate between the request itself, which is considered legitimate, and the reason for the request, which is not. Thus the Talmud (ibid.) relates:

Rabbi Eliezer says, "The wise elders of that generation presented a most proper request: they said, 'Give us a king to judge us.' Certainly there was nothing wrong with this. But the ordinary people, the ignoramuses amongst them, were the ones who erred when they gave as the reason for their request the wish to be like all other nations about them."

There is nothing wrong with the desire for a strong centralized leadership. The mistake lies in the motivation for the request – the urge towards assimilation and imitation. When a nation assimilates, as when an individual abandons his own individuality in order to conform to social pressure, moral

principle is violated. In both cases we have an abdication of selfhood, a sudden and irreparable damage to self-respect.

Our sidra anticipated this moral weakness. The Torah divides the problem into two parts: If you will say "I desire a king," and explain it by the desire to imitate other peoples, then the answer is that your request for a king is granted. It is a proper request. However, I reject the reasons for your demand – assimilation and imitation; instead, you must choose a king not because other people have one, but "a king whom the Lord your God will choose." Not assimilation to the mores and manners of other people, but obedience to the will of God must dictate the choice of a Jewish leader.

The second answer is one offered by the great medieval scholar, Rabbenu Nissim. He maintains that Samuel's contemporaries erred in seeking to merge two incompatible functions. They asked for one individual who would combine within himself the features of king – secular- executive government, and judge – the spiritual-legislative office: "Give us a king to judge us," one person who will be both king and judge.

This was the crux of their error. Our sidra keeps these functions strictly apart. First it tells us the laws that relate to the judge, and then a separate chapter is assigned to the qualifications of the king. When we confuse the two roles, we leave the way open to royal and judicial corruption. The two offices must have a relationship, but they are not interchangeable.

Such indeed is the case with religion and state. There is a clear and positive relation between them. To speak of an "absolute wall of separation" between Church and State is to ignore the evidence of history. Nevertheless, they must never be identical. Politicians ought not to offer verdicts on religious questions; and rabbis ought not to become politicians and run for political office. When prime ministers of Israel try to pronounce on matters of Halakha, they are both dangerously adventurous and downright silly. And when rabbis in the United States venture into city politics they jeopardize their vocation and appear hopelessly naïve, as babes in the woods, and they thus constitute a source of embarrassment to the faith and the people they represent. The two functions of king and of judge are two separate concepts! Never ought they to be mistaken one for the other. God Himself is incensed when they overlap.

The third and last answer I wish to comment to you is offered by the author of the Keli Yakar, who bases his remarks upon a subtle but forceful distinction between two Hebrew prepositions. It is a solution which yields valuable lessons on the philosophy of leadership and especially spiritual leadership.

This commentator tells us that the Torah, in articulating the obligation to form a kingdom, utilizes the preposition "al" which literally means "on" or "upon"; whereas Samuel's elders utilized the preposition "le," in its contracted form "lanu," which means "to" or "for." Thus the Torah has the Israelites saying, "I want to set upon myself, or over myself, a king"; and the commandment in response is "you shall set over yourself, or upon yourself a king." However, the elders of Samuel's days said to the prophet, "Now set for us a king," and "give for us, or to us, a king to judge us."

What is the difference? The very nature of leadership! Al, when applied to leadership, means that the leader has certain inherent and intrinsic qualities which mark that individual as a person of unusual foresight, strength, and courage. He must be able to inspire his followers, who must be willing to follow their leader. Once these followers have indicated their confidence in that person as their leader, they should be willing to submit to his discretion. The Torah does not believe in an absolute monarchy or in blind obedience by the king's subjects; that is why the Torah in today's sidra severely limits the king's rights. But he must not be a milquetoast. A leader, especially in a spiritual sense, must not be merely a broker of popular opinion. A leader must lead – he must be al, one who is beyond the people and can take them along with him to new horizons. However, Samuel's contemporaries wanted a king lanu, for us, they wanted someone who will carry out our wishes, and do our bidding. They wanted a royal messenger-boy, not a leader whom they could trust and follow.

There is no doubt that a lanu leader is more popular than the al leader. But in the long run the truth must come out. Rule by consensus alone, leading merely where the public opinion polls indicate the public wants to go, is not an exercise of leadership or commitment or orientation. It is merely a specialized craft, a talent, a technique. A community is not enlightened, and humanity does not make strides, when its leaders merely pamper its talent for prejudices.

This is true of the leadership of government, and is also true of mass movements. Zionism, for instance, was blessed with great leaders who achieved great successes. But, especially in its later years, its leadership experienced failures as well. They emphasized only the political dimensions and goals of Zionism, the founding of a viable, independent state. But they were not able to bring their people along to the awareness that Zionism had, and should have had, cultural, educational, and religious goals as well. It turned into a lanu rather than an al kind of leadership.

There must be reciprocity and interplay between leader and followers. The leader must not be too far ahead of his people; but never must he abdicate his pedagogic and educative function.

And what we have said of human leadership as a mortal king is equally and even more so true of divine leadership, the immortal King of kings. We fulfill a great mitzva if we accept God as a king "upon" us. We commit a major spiritual crime if we expect Him to be a little God "for" us who does our bidding.

Let it be clear: For Judaism, God is not an Executive Vice President of the Cosmos in charge of Human Happiness. A truly religious person does not wake up in the morning and say to God, "What have You done for me recently?" God is not looking for our votes in an election or popularity contest. He is not interested in our approval.

An authentic religion does not cater to what people want and think they need. It teaches them to want what they really need. It leads them to aspire to higher deeds and more sublime ideals.

If Judaism may, as indeed its "modernist" versions have averred, be cut and truncated and transformed and reformed to conform to the latest ephemeral intellectual currents and fads of fashion and tastes, then it reveals that at the bottom there is an immature conception of God as a kind of divine Servant or at best a divine Insurance Agent who will provide for our happiness and convenience. God is not a King for us; He is a King over us: "You shall set over yourself a King." That is the essence of Torah and the meaning of Halakha.

Indeed, this is what God told Samuel when Samuel complained to Him about the people's request. Samuel, God said, the failing of the people is not political but fundamentally religious. "They have not rejected you, they have rejected Me." Their political immaturity reflects a fundamental religious bankruptcy. The real Jew, the authentic Godfearing person, does not regard God as Servant of mankind but mankind as the ambassador of God.

This, indeed, is the proper way to prepare for Rosh HaShana, that holiday on which we emphasize the malkhut theme, the sovereignty and Kingship of God. It is an illustration and expression of fundamental Jewishness to declare then, as we declare every day in our prayers, "And the Lord shall be King over all the earth."

Bayom hahu, on that day, when He is accepted as King over all the earth, shall the Lord be One and His Name be One

From: **Rabbi Eliezer Parkoff** <rabbi.e.parkoff@gmail.com> date: Sep 4, 2019, 9:10 AM subject: Rabbi Parkoff's Chizuk Letter
Parshas Shoftim

Elul – Does Anything Need Fixing?

You shall set up shoftim (judges) and shotrim (law enforcement officials) for yourself in all your gates. (Devorim 16:18)

The simple reading of this possuk describes the mitzvah to set up a legal system in every city. Rav Moshe Feinstein zt"l (Dorash Moshe) points out,

however, that the word: "lecho (for yourself)," seems superfluous and disjointed. This 'society-type' commandment could have simply stated "appoint judges and officers." Why did the Torah add the word: "lecho – for yourself"?

He explains that the Torah is teaching us a very fundamental concept. In addition to the need for society at large to have these shoftim and shotrim, each individual must be both a judge and police officer over himself. "Lecho - for you." Over you. You must constantly oversee your own actions like a judge and making sure that they are what they should be. Secondly, you must also be a policeman to give yourself a ticket when you overstep your bounds.

Where should these judges sit? "B'chol sh'a'recha (in all of your gates)." The Shla"h Hakodesh writes that a person has seven gates: two eyes, two ears, two nostrils and a mouth which are the gates between the person and all that surrounds him. You should "appoint judges" on "all your gates," that all your senses should be led by the "judges" of your soul, the intellect of the G-dly soul with which one learns Torah. The Torah should control the functioning of one's sensory powers.

The way that these gates are used will either build or destroy the person. A person must appoint shoftim and shotrim to control the flow through these gates. י י י

This parsha of Shoftim is an excellent introduction to the month of Elul, the month in which we do teshuva in preparation for Rosh Hashanah and Yom Kippur.

Rebbe Yaakov Yosef HaCohen (the Toldos) was standing together with the Baal Shem Tov discussing various thoughts in Torah (according to this version of the story, there are other versions involving other personalities). The Baal Shem expressed the belief that everything that happens and you notice it, is a message relevant to you. If something occurs in the world, and you become aware of it, that means that you are being sent a message from Heaven. The Baal Shem Tov added that this is true even if it seems to be very insignificant, and even if it seems entirely natural, still, since everything that happens in the world is ordained by Hashem, even your becoming aware of this event is also ordained by Hashem, so it means that it contains some message.

As they were discussing this concept, a gentile fixit man passed by and peeked through the open window and said, "Good Morning Rebbe, is there anything that needs fixing today?" He was looking for a job.

"No, not today; everything seems to be in order," the Baal Shem replied.

The workman could not accept the answer, he needed work. So he blurted out, "Rebbe, if you look hard enough you'll always find something that needs repair."

The Baal Shem turned to Rav Yaakov Yosef and said, "Do you realize that we have just been sent a message from the Ribono Shel Olam. If you look hard enough, you can always find something that can be fixed up. Never think you're perfect."

Rav Yaakov Yosef was not ready to accept this idea. "If Hashem has such a lofty message, is He going to send it through a goyishe laborer? I can't accept that."

The Baal Shem Tov looked at him and retorted, "You can, you just don't want to."

v Yaakov Yosef left the Baal Shem Tov's house, reflecting upon the conversation. As he was standing there, a goyishe farmer passed by with a wagon load of hay. (Other versions relate this story happening to Rav Zusha.) As he drives by, a few bales of hay become loose and fall off the wagon. The goy stops his wagon and gets off and looks at Rav Yaakov Yosef and asks, "Can you help me lift these bales of hay back on the wagon? They're too heavy for me to lift."

Rav Yaakov Yosef replied, "I'm sorry, but they're too heavy for me too."

The goy looked at him and said, "You can. You just don't want to!"

That did it. He was convinced. A Heavenly message can come even through a goyishe wagon driver.

During Elul, after Shacharis we blow the shofar. When we hear the shofar we should realize that it is not just a musical instrument. It is not just a nice minhag. Hashem is talking to us, it's a personal message from Heaven, "Yidden, do Teshuvah!"

Gut Shabbos!

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Rabbi Parkoff is author of "Chizuk!" and "Trust Me!" (Feldheim Publishers), and "Mission Possible!" (Israel Book Shop - Lakewood).

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From: Shabbat Shalom <shabbatshalom@ounetwork.org> date: Sep 5, 2019, 11:32 PM

The Ecological Imperative

Britain's Former Chief Rabbi Lord Jonathan Sacks

In the course of setting out the laws of war, the Torah adds a seemingly minor detail that became the basis of a much wider field of human responsibility, and is of major consequence today. The passage concerns a military campaign that involves laying siege to a city:

When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an axe to them, because you can eat their fruit. Do not cut them down. Are the trees people, that you should besiege them? However, you may cut down trees that you know are not fruit trees and use them to build siege works until the city at war with you falls. (Deut. 20:19–20)

War is, the Torah implies, inevitably destructive. That is why Judaism's highest value is peace. Nonetheless, there is a difference between necessary and needless destruction. Trees are a source of wood for siege works. But some trees, those that bear fruit, are also a source of food. Therefore, do not destroy them. Do not needlessly deprive yourself and others of a productive resource. Do not engage in a "scorched earth" tactic in the course of war.

The Sages, though, saw in this command something more than a detail in the laws of war. They saw it as a *binyan av*, a specific example of a more general principle. They called this the rule of *bal tashchit*, the prohibition against needless destruction of any kind. This is how Maimonides summarises it: "Not only does this apply to trees, but also whoever breaks vessels or tears garments, destroys a building, blocks a wellspring of water, or destructively wastes food, transgresses the command of *bal tashchit*." [1] This is the halachic basis of an ethic of ecological responsibility.

What determines whether a biblical command is to be taken restrictively or expansively? Why did the Sages take this seemingly minor law to build out a wide halachic field? What led the Sages in the direction they took?

The simplest answer lies in the word "Torah". It means law. But it also means: teaching, instruction, direction, guidance. The Torah is a lawbook like no other, because it includes not only laws but also narratives, genealogies, history, and song. Law as the Torah conceives it is embedded in a larger universe of meanings. Those meanings help us understand the context and purpose of any given law.

So it is here. First and foremost is the fact that the earth is not ours. It belongs to its Creator, to God Himself. That is the point of the first chapter of the Torah: "In the beginning, God created..." He made it; therefore He is entitled to lay down the conditions within which we live in it as His guests.

The logic of this is immediately played out in the story of the very first humans. In Genesis 1 God commands humanity: "Fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground" (Gen. 1:28). "Subdue" and "rule" are verbs of dominance. In Genesis 2, however, the text uses two quite different verbs. God placed the first man in the Garden "to serve it [le'ovdah] and

guard it [leshomrah]" (Gen. 2:15). These belong to the language of responsibility. The first term, *le'ovdah*, tells us that humanity is not just the master but also the servant of nature. The second, *leshomrah*, is the term used in later biblical legislation to specify the responsibilities of one who undertakes to guard something that is not their own.

How are we to understand this tension between the two opening chapters? Quite simply: Genesis 1 tells us about creation and nature, the reality mapped by the natural sciences. It speaks about humanity as the biological species, *Homo sapiens*. What is distinctive about humans as a species is precisely our godlike powers of dominating nature and exercising control of the forces that shape the physical world. This is a matter of fact, not value, and it has increased exponentially throughout the relatively short period of human civilisation. As John F. Kennedy put it in his inaugural presidential address: "Man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life." [2] Power is morally neutral. It can be used to heal or wound, build or destroy.

Genesis 2, by contrast, is about morality and responsibility. It tells us about the moral limits of power. Not everything we can do may we do. We have the power but not the permission; we have the ability but not the right. The earth is not ours. It belongs to God who made it. Therefore we are not the owners of nature but its custodians. We are here to serve it and care for it.

This explains the story that immediately follows, about Adam, Eve, the serpent, and the forbidden fruit. What the fruit was, why the serpent spoke, and what was the nature of the first sin – all these are secondary. The primary point the Torah is making is that, even in paradise, there are limits. There is forbidden fruit. Not everything we can do may we do.

Few moral principles have been forgotten more often and more disastrously. The record of human intervention in the natural order is marked by devastation on a massive scale. [3] Within a thousand years, the first human inhabitants of America had travelled from the Arctic north to the southernmost tip of Patagonia, making their way through two continents and, on the way, destroying most of the large mammal species then extant, among them mammoths, mastodons, tapirs, camels, horses, lions, cheetahs, and bears.

When the first British colonists arrived in New Zealand in the early nineteenth century, bats were the only native land mammals they found. They discovered, however, traces of a large, ostrich-like bird the Maoris called "moa." Eventually skeletons of a dozen species of this animal came to light, ranging from three to ten feet high. The remains of some twenty-eight other species have been found, among them flightless ducks, coots, and geese together with pelicans, swans, ravens, and eagles. Animals that have not had to face human predators before are easy game, and the Maoris must have found them a relatively effortless source of food.

A similar pattern can be traced almost everywhere human beings have set foot. They have consistently been more mindful of the ability to "subdue" and "rule" than of the responsibility to "serve" and "guard." An ancient Midrash sums this up, in a way that deeply resonates with contemporary ecological awareness: When God made Adam, He showed him the panoply of creation and said to him: "See all My works, how beautiful they are. All I have made, I have made for you. Take care, therefore, that you do not destroy My world, for if you do, there will be no one left to mend what you have destroyed." [4]

Environmental responsibility seems to be one of the principles underlying the three great commands of periodic rest: Shabbat, the Sabbatical year, and the Jubilee year. On Shabbat all agricultural work is forbidden, "so that your ox and your donkey may rest" (Ex. 23:12). It sets a limit to our intervention in nature and the pursuit of economic growth. We remind ourselves that we are creations, not just creators. For six days the earth is handed over to us and our labours, but on the seventh we may perform no "work," namely, any act that alters the state of something for human purposes. Shabbat is thus a weekly reminder of the integrity of nature and the limits of human striving.

What Shabbat does for humans and animals, the Sabbatical and Jubilee years do for the land. The earth too is entitled to its periodic rest. The Torah warns that if the Israelites do not respect this, they will suffer exile: “Then shall the land make up for its Sabbatical years throughout the time that it is desolate and you are in the land of your enemies; then shall the land rest and make up for its Sabbath years” (Lev. 26:34). Behind this are two concerns. One is environmental. As Maimonides points out, land which is overexploited eventually erodes and loses its fertility. The Israelites were therefore commanded to conserve the soil by giving it periodic fallow years, not pursuing short-term gain at the cost of long-term desolation.[5] The second, no less significant, is theological: “The land,” says God, “is Mine; you are but strangers and temporary residents with Me” (Lev. 25:23). We are guests on earth.

Another set of commands is directed against over-interference with nature. The Torah forbids crossbreeding livestock, planting a field with mixed seeds, and wearing a garment of mixed wool and linen. These rules are called *chukim* or “statutes.” Samson Raphael Hirsch (Germany, 1808–1888) in the nineteenth century, like Nachmanides six centuries earlier, understood *chukim* to be laws that respect the integrity of nature. They represent the principle that “the same regard which you show to man you must also demonstrate to every lower creature, to the earth which bears and sustains all, and to the world of plants and animals.” They are a kind of social justice applied to the natural world: “They ask you to regard all living things as God’s property. Destroy none; abuse none; waste nothing; employ all things wisely.... Look upon all creatures as servants in the household of creation.”[6]

So it was no accident that Jewish law interpreted the prohibition against cutting down fruit-bearing trees in the course of war as an instance of a more general prohibition against needless destruction, and more generally still, against acts that deplete earth’s non-renewable resources, or damage the ecosystem, or lead to the extinction of species.

Václav Havel made a fundamental point in *The Art of the Impossible*: “I believe that we have little chance of averting an environmental catastrophe unless we recognise that we are not the masters of Being, but only a part of Being.”[7] That is why a religious vision is so important, reminding us that we are not owners of our resources. They belong not to us but to the Eternal and eternity. Hence we may not needlessly destroy. If that applies even in war, how much more so in times of peace. “The earth is the Lord’s and all that is in it” (Ps. 24:1). We are its guardians, on behalf of its Creator, for the sake of future generations.

Shabbat Shalom

[1] Maimonides, *Mishneh Torah*, *Hilchot Melachim* 6:10. [2] Washington, DC, January 20, 1961. [3] Jared Diamond’s *Guns, Germs, and Steel* (New York: W. W. Norton, 1997) and *Collapse: How Societies Choose to Fail or Succeed* (New York: Viking Penguin, 2005) are classic texts on the subject. [4] *Ecclesiastes Rabbah* 7:13. [5] Maimonides, *Guide for the Perplexed*, III:39. [6] Samson Raphael Hirsch, *The Nineteen Letters*, letter 11. [7] Václav Havel, *The Art of the Impossible* (New York: Knopf, 1997), 79.

from: **Rabbi Dovid Rosenfeld** <dar@torah.org> to: mlife@torah.org date: Sep 5, 2019, 12:44 PM subject: Maimonides on Life - Chapter 3, Law 2 - Who Will Live and Who Will Die **Maimonides on Life**
By Rabbi Dovid Rosenfeld

Dedicated to the speedy recovery of Mordechai ben Chaya
Chapter 3, Law 2 - Who Will Live and Who Will Die

A person whose sins are more numerous than his merits dies immediately in his wickedness, as it is stated, ‘for your many sins’ (or: ‘for the majority of your sins’) (Jeremiah 30:14). So too a country whose sins are more numerous immediately perishes, as it is stated, ‘The cry of Sodom and Gomorrah is great’ (or: ‘in the majority’) (Genesis 18:20). So too if the entire world’s sins are greater, it is immediately destroyed, as it is stated,

‘And G-d saw that much (or: ‘more numerous’) was the evil of man on the land’ (Genesis 6:5).

This weighing [of merit versus wickedness] is not according to the number of merits and sins but according to their magnitude. There is a merit which is equal to many sins, as it is stated, ‘for there was found in him a good matter’ (I Kings 14:13). And there is a sin equal to many merits, as it is stated, ‘and a single sinner will destroy much good’ (Ecclesiastes 9:18). The weighing is solely according to the understanding of the G-d of understanding. He is the one who knows how merits are measured against sins.

In this law the Rambam continues the basic theme of the previous law. The Rambam previously stated that G-d judges man based on a simple majority of his deeds. One who is 50.1% good is deemed a *tzaddik* (“righteous individual”), whereas one 49.9% good is “wicked”. We explained that the issue under discussion was not G-d’s ultimate justice in the World to Come — in which man’s every deed is carefully weighed and judged, but in this world. If someone is a slightly positive force in the world, he deserves life. He is bringing the world in the right direction. He is far from perfect, but G-d has reason to keep him around. If he is even slightly negative, he is a liability. He deserves no existence in this world.

This week the Rambam continues the same thought, writing more explicitly that the issue at stake is existence in this world. If a person, nation or the world is considered righteous he or it will continue to exist. If not, destruction is visited upon him or it — totally and immediately.

There is an extremely obvious question on this week’s law, one which virtually all the early commentators to the Talmud ask. (The Talmud (*Rosh Hashanah* 16b) makes a very similar statement to the Rambam, discussing the judgment of *Rosh Hashanah*.) We do not have to look very far to realize that there are many wicked people doing quite well in the world today. They most certainly do not immediately self-destruct as the Rambam here writes. Likewise, righteous people die all the time, many living far shorter lifespans than their wicked counterparts.

The simplest answer — which really seems the intent of the Rambam — is that G-d’s method of measuring merit versus liability is impossible for us to fathom. The world may seem a pretty awful place today, but perhaps most of its inhabitants do not truly know who G-d is and what He wants of them. They perhaps are not truly “guilty” — just ignorant. By contrast, the generation of the Exodus, which virtually saw G-d and certainly did know better, were several times on the brink of Divine annihilation for much smaller infractions — had not Moses intervened on their behalf.

Thus, goodness and wickedness as they appear to us may be little indication of how worthy or unworthy a person is on the Divine scale. As I always point out, the simple Jew who was not blessed with a religious upbringing but who brings himself to order fish rather than pork at a not-kosher restaurant may well be more precious to G-d than the fully-observant Jew (who would never dream of entering a MacDonald’s) who is really not doing his job very well — at least not up to the potential to which he is capable.

So too, the Rambam concludes this law by stating we cannot possibly know G-d’s criteria for measuring good versus evil. What appears to us one way may be something entirely different on the Divine scales. Thus, although the Sages share with us the basic parameters of G-d’s justice, there is very little practically we may conclude from it. As always, G-d’s ways are not really ours to judge — nor question. (And just as well for us, since we would think of the world as much more guilty than G-d, in His infinite wisdom, has determined.)

There is another basic approach to this question. I don’t believe it is the intention of the Rambam, but it provides us a very important practical guide for understanding G-d’s relationship with mankind.

As I wrote above, the Talmud makes a similar statement to the Rambam — although it is referring more specifically to the judgment of the High Holidays. To it, the commentary *Tosafos* poses the same basic question we raised above. (“*Tosafos*” (lit., “additions”) is a commentary on the Talmud authored by schools of scholars who resided primarily in 12th-13th Century

France (though there were German and British ones as well). Several of the most prominent were relatives and descendants of the great Bible and Talmud commentator Rashi (R. Shlomo Yitzchaki).

When the Talmud states that every year on Rosh Hashanah the righteous are decreed for life and the wicked for death, Tosafos asks the obvious: there are many undeniably righteous individuals who die every year and wicked who live. Tosafos notes further that elsewhere the Talmud states quite clearly that G-d often deals very mildly with the wicked (and harshly with the righteous) in order to truly do them justice in the next world.

Tosafos answers this question very cryptically — an answer which merely begs further questions: When the Talmud states that the wicked are destined for destruction and the righteous for life, it is only in the World to Come. God is not determining who will physically live and die for the next 12 months, but who will — after 120 — receive a share in the Hereafter.

The difficulty with this too is obvious. Why would G-d judge a person right now, in this world, regarding his share in the World to Come? After 120, when he goes upstairs, they can decide what to do with him! What relevance is there to deciding today where it looks like he will go after his death?

When the time comes, let them decide! Being that according to Tosafos a person is not being judged regarding life and death in this world, he will quite likely live many more years — and much will change during that time. So seemingly, nothing is achieved with this advance decision regarding his ultimate fate.

My teacher R. Moshe Eisemann of Ner Israel Rabbinical College (Baltimore, MD) explained as follows. There is great relevance to deciding today if a person deserves the World to Come. If a person does deserve the Hereafter, G-d will deal with him entirely differently even today. He's one of us! He cares about G-d and wants a relationship with Him. He's heading in the right direction. And G-d in turn will want a relationship with him. He will be more attentive to such a person's prayers, look more closely after his needs, and prod him towards the good with much more finely-tuned Divine providence. Such a person is alive with G-d, and G-d will have a much more living and dynamic relationship with him.

G-d does not judge us entirely in this world; far from it. He seems to permit much injustice, saving the true Judgment for the Next one. But one thing — which the Talmud refers to as life versus death — is determined right here and now: will each of us have a living relationship with his Creator, or as far as G-d is concerned, is he already dead.

To be honest, I do not believe this is the intention of the Rambam (although I've heard people try to read this basic approach into his writings as well). If you'll notice, the Rambam here quotes supporting verses which all discuss actual death in this world. The Rambam appears to take the Talmud more literally, merely concluding that we cannot possibly know the particulars of G-d's inscrutable justice.

Regardless, the message of Tosafos' approach is so critical a life lesson for us. On the High Holidays (and truly all year) G-d judges us — not necessarily regarding life versus death: we know too well that the good do not live forever and the wicked often prosper — but regarding true Life versus Death. Will we be alive with G-d this year? Will we have a living, caring relationship with Him? If yes, then we can and will see G-d involved in every aspect of our lives. He will help us, carry us through our difficult times, and gently cajole us to be better. If we slip, He will warn us, perhaps punish us, and help us rise up again. And if we grow, He too will be there with us, continually providing us more opportunities for growth and fulfillment. If, however, we live without G-d, we will be left in darkness, in the emptiness of a cruel and apathetic world, ignored by G-d and left to the mercy of nature's uncaring elements.

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from: **Rabbi Berel Wein** <genesis@torah.org> to: rabbiwein@torah.org
date: Sep 4, 2019, 4:42 PM subject: Rabbi Wein - Curbing Corruption

Rabbi Wein

By Rabbi Berel Wein

Curbing Corruption print The reading of this week deals with a basic human temptation and almost universal failing – corruption. Though the Torah speaks of actual physical and financial graft it certainly implies a broader message to not only to those in the judiciary but to others in positions of power. The Torah recognizes that human beings, by their very nature, have biases and prejudices. Some of these seem to be almost inborn while others are acquired because of life experiences, educational instruction and societal norms.

Students of human nature have long debated which traits are inborn, such as hatreds and prejudices, and which are learned and acquired in life. As you can imagine, there is no consensus on this issue and on many other questions regarding human behavior. It is obvious that the Torah recognizes the presence of prejudice and corruption, both willingly and unknowingly within all of us. Even the greatest of us, who possess Godly wisdom and holiness in behavior and speech, is also subject to being corrupted. Wisdom can be perverted, and speech can be twisted because of our innate susceptibility to corruption.

We are not provided with any magic method to avoid this problem. We only know that it exists and that it is universal and omnipresent. As such, perhaps simply being aware of its existence eventually leads human beings individually and human society generally to a willingness to deal with the matter and to correct it to the extent that human beings are able.

We are all aware that that when it comes to physical health and mental well-being, the first act is to identify and be aware of the problem that is involved. The same thing is true in all human emotional and spiritual difficulties.

People tend to believe that, somehow, they are immune to corruption if they do not actually take money offered to influence their opinions and judgments. However, that is a very simplistic view of corruption. Since people feel that they are balanced and fair in their opinions and viewpoints, this is exactly what leads to prejudices, intolerance of others and a closed mind when it comes to deciding on important issues and personal matters.

One of the reasons the Talmud insisted that at least three people be present to judge in a Jewish court of law is that when you have three people you will automatically hear different points of view and a fairer result will emerge. There are exceptional cases where even one judge – and that judge must be a true expert on the law and facts involved – will suffice, but the practice in Jewish courts throughout the ages has been to have more than one judge – at least three – involved in arriving at judicial decisions. The Torah demanded that we pursue justice and fairness at all costs. It does not guarantee that we will always be able to achieve that goal, but it does demand that we constantly pursue it.

Shabbat shalom Rabbi Berel Wein

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from: **Rabbi Yochanan Zweig** <genesis@torah.org> to:
rabbizweig@torah.org date: Sep 5, 2019, 12:11 PM subject: Rabbi Zweig
on the Parsha - In The Shadow Of Hashem

Rabbi Zweig on the Parsha By Rabbi Yochanan Zweig Dedicated to the
speedy recovery of Mordechai ben Chaya To Dedicate an Article [click here](#)

Parshas Shoftim In The Shadow Of Hashem print “You shall observe
the festival of Sukkos...Judges and officers you shall appoint...” (16:13,18)
Although Ezra the Scribe divided the Torah into the weekly portions as we
know them, there is another system which is used to divide the Torah, that of
“pesuchos”and”stumos”, literally “open” and “closed”. A pesucha is roughly
translated as a new chapter and a stumahas a new paragraph. A pesucha
begins as a new line, while a stumah begins on the same line. The section of
the laws of judges is a parsha stumah, a new paragraph, but not a new

chapter.[1] Therefore, there must be a significant connection between these laws and the laws of Sukkos, which concludes last week's parsha.[2]

The judicial system in Israel requires that every city contain a minor Sanhedrin consisting of twenty-three judges. The Talmud teaches that a city must be populated with a minimum of one hundred twenty people to warrant a judicial system. Each judge has two understudies.[3] What is the rationale for requiring a city of one hundred twenty people to have sixty-nine judges? Why the need for so many courts throughout the land?

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

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

1.Yad Hilchos Sefer Torah 8:1,2 2.16:13-17 3.Yad Hilchos Sanhedrin 1:2 4.See Bnei Yissoschor Maamer Chodesh Tishrei #9
Protection For The Way

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

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

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

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

A visitor to a city or someone who is lost is generally more susceptible to being mugged or robbed than someone who lives in that city. The reason for this is that there is a certain profile which a mugger searches out to identify his "mark". Someone who is unfamiliar with his surroundings tends to project his lack of confidence in the manner by which he carries himself. Thus, he is more prone to being attacked.. When we accompany a guest for even a short distance, we convey the message that we are disappointed that he is leaving us and we wish we could be with him. This gives a person a

strong sense of belonging. He feels connected to the community from which he just departed. Such a person walks with an air of confidence which will dissuade most muggers from attacking. In contradistinction, even if we give him to eat but do not accompany him a few steps when he leaves a city, he feels disconnected and emotionally weak. This will be expressed by a gait that projects his lack of confidence, resulting in a greater propensity for a crime to be perpetrated against him.

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

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

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

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

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

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

1.14:1 2.Niddah 31a 3.Yevamos 13b 4.6:7 5.Ibid 6.Bava Metziah 33a